LCP REPORT CARD

On La Bahia Plan

53 INSTANCES OF THE
~~PROPOSED HIGHRISE PROJECT'S~~
NON-COMPLIANCE WITH THE
LOCAL COASTAL PLAN

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California Coastal Commission
Central Coast Area

Report By
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Santa Cruz Historic Preservation Commissioner

Exhibit M
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LCP-3

◆◆◆ OVERVIEW ◆◆◆
11 LA BAHIA ISSUES FOR THE THE COASTAL COMMISSION

From HPC Commissioner
Ross Eric Gibson

1. SPOT ZONING

Shall 135 rules be set aside to allow for Spot Zoning on a single waterfront block?

The proposed highrise La Bahia has 53 documented instances of non-compliance with Local Coastal Program ***Landmark and Landscape*** policies, as designated in the *LCP*, the Certified *Santa Cruz General Plan*, and the Certified portion of the *B/SOL Guidelines*. {LCP Report Card}. There are also 82 documented instances of non-compliance with ***Replacement Design*** policies in the *LCP*, *ARG La Bahia Guidelines*, the *B/SOL Plan*, the certified *B/ SOL Guidelines*, local *Zoning laws*, *Secretary of the Interiors Standards for Rehabilitation*, *National Register guidelines, and CEQA*. {IV. Official La Bahia Guidelines-report card}. A Coastal Commission decision to void 53 LCP *Landmark and Landscape* policies on the La Bahia block, will automatically void an additional 82 *Replacement Design* policies, resulting in at least 135 policies sacrificed due to a developers massive non-compliance with Compatibility Guidelines. (P.9 defines Spot Zoning).

2. NO PRESERVATION ALTERNATIVES

Where is the evidence a successful project incorporating preservation cannot be developed under existing guidelines?

National guidelines allow for landmark preservation to include Restoration of existing fabric, and/or Reconstruction in new materials. {Sec. of Interior Standards for Rehabilitation, pp.63-66, etc.}. Preservationists follow CEQA in *not* allowing replacement of important landmarks when a similar project can be done involving preservation-and/or-reconstruction, under existing laws. {Public Resources Code §21002, §21061.1, & §21081 sections 21001, 21002 & 21002.1; interpreted in The La Bahia Report, p.V-2}. The **Coastal Commission** chose the La Bahia as its prime example of the state's Spanish Colonial Revival style to emulate. {California Resource Guide, 1987, p.72}. City-hired consultants declared the landmark eligible for the National Register of Historic Places (an NR2), and thus deserving a greater effort for preservation. The City hired ARG consultants to make site-specific guidelines for a successful development that preserves-and/or-replicates the majority of the La Bahia. Washington DC-based Phipps Group consultants regarded La Bahia a Signature Landmark of the waterfront, and a "major historic promotional asset" after the Boardwalk and Wharf. Phipps Group incorporated ARG's La Bahia recommendations into the Beach/South of Laurel Plan (B/SOL), giving examples of a successful preservation project on the site. Their second B/SOL report {certified LCP} even generalized these La Bahia recommendations as Guidelines for all Beachfront construction, citing the La Bahia as a model for future development. Barry Swenson-Builder completed a proposed project for this site that followed the guidelines to his own satisfaction, which was approved by the Santa Cruz Historic Preservation Commission (HPC), the Planning Commission, the City Council, and the Coastal Commission in 2003. All of the City's hired consultants and the developer's previous project, prove a project featuring preservation is possible and feasible, following the existing rules.

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3. THE "NO RULES" PRECEDENT

Is it a good precedent to allow local governments to virtually advise developers "Assume total-demolition of the landmark and *design as if there are no rules,* because we'll claim Over-riding Economic Benefit to get clearance for whatever you propose at the Coastal Commission."

Over-riding Economic Benefit is a CEQA policy being misinterpreted to mean any civic need for project revenues, or any developer expense in preservation, are enough to exempt a project from existing rules and guidelines. In fact, CEQA says projects *cannot be approved when feasible alternatives* (in this case preservation alternatives) *exist.* {see Alternatives V-2}. Believing "Over-riding Economic Benefit" is a get-out-of-regulations trump card, the developer has proposed taking some of the bonus's usually awarded for preservation efforts, and discarded the preservation: such as the prohibition of condominium-development on the La Bahia site except in support of preservation; or allow redistribution of structural-volumes to protect the scale of site landmarks; granting flexibility for development that favors preservation, etc. It seems rather elitist to allow no rules for *incompatible* big developers, while all owners of *compatible* structures around them are ordered to be in full compliance with restrictions.

4. LOSS OF A NATIONAL REGISTER-QUALITY LANDMARK

Shall the Coastal Commission remove its 3-dozen protections from the La Bahia --a protected NR2 National Register-eligible landmark in a hillside garden setting-- and permit its demolition-and-replacement with a high-density skyscraper behemoth, regarded as such a jumbled distortion of the site's character-defining features that the landmark must be delisted?

This Signature Landmark of the Waterfront is an NR2 National Register-eligible landmark {LE III-3}. The 1928 La Bahia is a rare example of Mediterranean Hill-Village architecture in America, a spontaneous maze of cloistered gardens, intimate courtyards and passageways. It was designed by master architect and landscaper Wm. Hays, the founder of the U.C. Berkeley School of Architecture {see bio., LE III-6}, with ironwork, lanterns and neon signs by Russian-settler John Otar, a leading California metal craftsman known by his studio's brand-name *"Otar the Lampmaker."* {see bio., Handbook II-10}. Professor Hays taught the importance of architectural layout, expressing the topography of the landscape, the merging of nature and architecture to create pedestrian-oriented garden settings that nestle into the landscape. His courtyards are like outdoor rooms, noted for their human scale, and superb natural lighting throughout the day. In every instance, the proposed replacement project offers inferior parodies of the features of this national landmark-quality gem, sacrificing the simple grace with jumbled confusion, the sunny courtyards with deep-dark pits, the pedestrian-oriented gardens and passageways with auto-oriented expansive hardscape, the tree-line backdrop with a wall-like highrise backdrop not permitted under LCP policy L3.5.1. (quoted p.18 of this paper).

5. HEIGHT IMPACTS

Shall the Coastal Commission abandon its height limits on this site, to allow a skyscraper out-of-scale with the neighborhood, and out-of-proportion with the vista-of-landmarks it comprises?

The Santa Cruz City Council has a consistent record on forcing projects to comply with height limits, until now (see p.7 for details). The EIR originally said just removing one floor from the proposed highrise (alternative #3) still leaves the proposal a *Major Unmitigated Negative Impact.* Yet in the last EIR revision, it said removing one floor (alternative #3A) has reduced the *Major Unmitigated Negative Impact* to a *Less Than Significant Impact.* So Kathy Bolger asked the City Council "When is a Significant Impact no longer a Significant Impact? It's when the EIR says it is!" {March 31, 2009 hearing}. The EIR also originally identified the proposed skyscraper's height impacts on the surrounding historic neighborhood as a Major Unmitigated Negative Impact. Yet the solution that satisfied them (#3A), is ironically the very Wall-Of-Buildings effect specifically prohibited by the LCP. {Policy L 3.5.1, in Santa Cruz General Plan, p.I-126¶6}.

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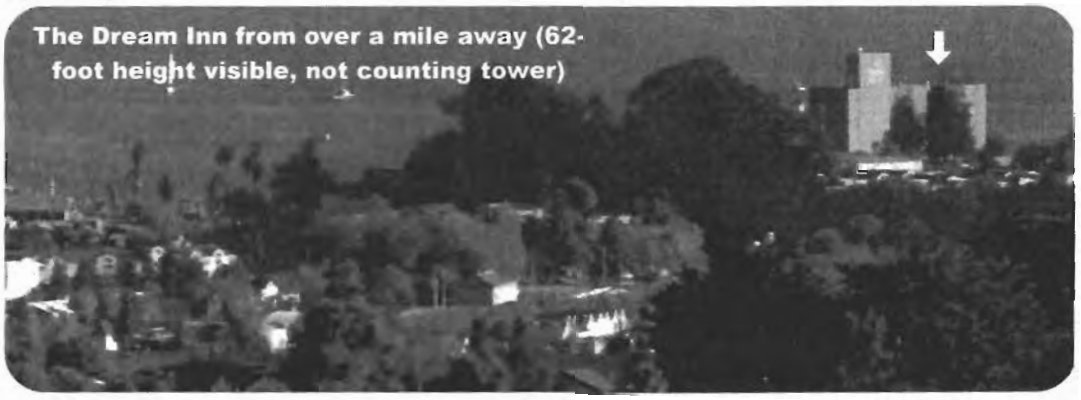
6. VISTA IMPACTS

If demolishing a landmark for spot development on a single waterfront block is allowed, should coastal protections also be removed from landmarks on neighboring properties, so that a vista protected for its current compatibility of scale, may host one taller than the rest?

CEQA says a project is a significant impact when it's "...incompatible with the scale or visual character of the surrounding area...." {DEIR p.4-19} The La Bahia is noted as a continuation of the scale, massing, and architectural style, of the Casa Blanca landmark to the west. These two, with the Boardwalk Casino, form a trio of prominent landmarks on the waterfront, yet none taller than the proposed skyscraper. CEQA prohibits impacts on surrounding historic landmarks that would diminish or impair its integrity as a landmark or historic resource. {Section 15064.5(a)}. (Further details p.10). The EIR claims by reducing the 8-story height of the proposed highrise to 7-stories, it is now below the distant mountain skyline, and no longer a *Major Unmitigated Negative Impact*. What they means is, it's below the distant mountain skyline in their picture, and would be in real life if you *only* viewed it from a long distance standing where the photographer stood. This claim is not only ***not*** a measurable reality, it is not true from other vantage-points where the height ***will*** be above the distant mountain skyline. The 10-story Dream Inn is only 7-stories on its inland West Cliff Drive facade (or 62-feet tall, the height of the proposed La Bahia highrise above Westbrook and First streets). Yet the Dream Inn is the one thing that can be seen clearly from University Hill a mile-or-two away. This is looking down a hill, ***so the Dream Inn is below the skyline.*** But close-up, it overwhelms the human-scale and vista, towering in the sky. Why would the same height repeated on the La Bahia not produce similar results?



7. DREAM INN AS MODEL FOR NEW DEVELOPMENT

Shall the controversial Dream Inn skyscraper now be used as a model for the massing of new waterfront development?

The 1972 Dream Inn skyscraper (10-stories, or 7-stories above West Cliff Drive) caused Santa Cruz to develop height limits and compatibility guidelines to make sure it never happens again. The proposed La Bahia is virtually a Dream Inn with Spanish overtones, the development team even including a former Dream Inn-staffer as their consultant. Rather than avoiding the Miami Beach effect, this model for future skyscraper development would encourage it.

8. PROTECTED COASTAL BLUFF

Shall the radical transformation of a protected coastal bluff with documented Spanish-era history (and possibly a Native American site) be allowed, on the developer's EIR-assurance that the bluff is not natural, has no known history, and work will stop if something is found?

As detailed {see p.19, 20}, the bluff is little-changed from its natural configuration, its history is documented in the City's own reports, and not doing an archaeological study unless something is found after construction begins, violates Coastal Commission policy.

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9. ILLEGAL TRAFFIC IMPACTS

Shall the Coastal Commission remove laws aimed at reducing traffic congestion and pedestrian/vehicle interface, to allow two driveways to cross a busy sidewalk, directly onto a congested two-lane road, and active railroad tracks?

The certified B/SOL Guidelines stipulate that driveways should not open-out on a major busy street {B/SOL Guide IV-111¶3}, but should open onto side or back streets. {Ibid. III-24¶4, III-29¶8, III-28¶1}. Yet here, a sidewalk intended to encourage more pedestrian activities, is interrupted twice by new driveways opening onto a busy street and railroad tracks. In the first Planning Commission meeting (8/7/08), commissioners worried during peak traffic, this would create a traffic trap for cars trying to get in-and-out, and snarl already congested car and train traffic.

10. REAL ALTERNATIVES NOT CONSIDERED

Were sufficient models for *compatible development in compliance with the policies*, not made available in in the General Plan, the Beach/ South of Laurel Plan, the ARG Report, and HPC Commission studies?

The EIR authors manufactured their own alternatives, before arguing they were unrealistic. These included 1. "No Project," "2. Previous Project," "3. One Story Shorter," and "4. Within Height Limits." *SInce the developers assumed total landmark demolition from the start,* no real preservation options were considered except 1. No Project and 2. Previous Project. The EIR authors dismissed the six pre-existing official alternatives that included preservation, and HPC's request for preservation alternatives showing greater compliance with site guidelines. The EIR authors said they had satisfied the minimum requirements for consideration of alternatives under the law. Then, fearing they'd be stuck with one of these bogus alternatives if the 8-story highrise proposal was rejected, the developer quickly inserted alternative "3A. Wall-Like Skyscraper." Yet alternatives cannot be straw-men built to be knocked down, as CEQA requires *feasible* and realistic alternatives. Since the EIR authors were in open contempt of the opinions and requirements of the HPC, our Commission "approved the EIR with Prejudice" (meaning under protest, and without agreeing with it), because we were required to approve the EIR if we wanted to vote against the proposed project.

11. LEGALIZING **INCOMPATIBLE** DEVELOPMENT

If all these rule and guidelines were "designed to produce *compatible* development," wouldn't removing the policies be an admission that the Coastal Commission can accept *incompatible* development as well?

All the guidelines, General Plan, and Local Coastal Plan, protections for historic neighborhoods and landmarks, etc., state they are designed to make new development compatible with existing communities and cultural areas. The developer's own EIR has described the proposed hotel as a *Major Unmitigated Negative Impact* on the NR2 Landmark it will destroy, a *Major Unmitigated Negative Impact* on the vista of waterfront landmarks it will now overwhelm, a *Major Unmitigated Negative Impact* on its height above the horizon treeline, a *Major Unmitigated Negative Impact* on the scale of its surrounding historic neighborhood. These are examples of major incompatibility, and why the developer wishes to be rid of compatibility policies. Yet if compatibility is not always the goal, then these are "Potemkin Policies," which (like a Potemkin village) are mere false-fronts intended to stifle criticism by appearing to exist, until we find they never had any substance when they're truly needed for preserving compatibility. ■

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◈ ◈ ◈ BACKGROUND ◈ ◈ ◈
ENFORCED HEIGHT LIMITS

CEQA regards a project "...incompatible with the scale or visual character of the surrounding area..." a significant impact, and the City has been quite firm about enforcing the height limits it has established. After the 1989 earthquake, the downtown lost its National Historic District *status, but the City pledged in its post-quake architectural guidelines that all remaining landmarks would be preserved to the greatest extent possible. I was the historian documenting condemned landmarks, and saw that most were not beyond repair, or could have at least had their already-reinforced exterior walls saved. I served on the Downtown Architectural Guidelines committee, and the committee said the City needed to compensate for the loss of 65% of the downtown's landmarks, that had been the basis of Pacific Avenue's tourist identity, in competition with more popular Waterfront attractions.*

DREAM INN: When Dream Inn built its 1972 skyscraper (102-feet above the beach, 62-feet above West Cliff Dr.), the City adopted height limits to prevent any more highrises on the waterfront.

PALOMAR HOTEL: After the 1989 quake, the owners of the landmark 1928 Palomar Hotel downtown claimed it required too much reinforcement to save, and planned to demolish it and build a new hotel in its place. But the City wouldn't let them rebuild to its existing non-conforming height under the new lower maximum height limits, and the property owners suddenly discovered it was more cost effective to repair and retrofit the landmark than to build a new shorter one.

NEW COOPER HOUSE: The interior of downtown's iconic 1895 Cooper House landmark had collapsed in the 1989 earthquake due to the illegal removal of the arched supports in the basement "to create more headroom for the lower floor." In spite of the fact the sculptural facades had been steal-reinforced and were stable, the building was demolished because the owner wanted to build to the maximum height of the lot. After the 5-story modern replacement building was constructed, roof-top utilities were concealed behind a wall, which mayor Keith Sugar called unsightly, and asked that the wall be hidden behind the slope of a roof. Instead, the building owner asked that he be allowed to build a hipped roof on top of the rooftop wall. The City Council felt the wall and a roof on top of that were adding height to height, and would not grant an exemption to go above the height limits. In retaliation, the owner refused to hide his rooftop wall.

BOARDWALK'S DOUBLE SHOT: The Boardwalk applied for a permit to add a vertical-drop ride next to the Boardwalk Casino in 2005. While spires are legal under local design guidelines, the City Council felt concerned enough about "towering elements on the historic waterfront" to bring the matter before themselves, and required a lower tower instead of the higher one the Boardwalk proposed.

WEST CLIFF DRIVE HEIGHT LIMITS: The City Council was so concerned that the height limits they imposed after the 1972 Dream Inn tower was constructed were not enough to prevent West Cliff Drive from becoming a row of tall buildings, that they initiated and approved guidelines to limit construction on West Cliff Drive to 25-feet maximum.

DREAM INN/COAST HOTEL: While it has been suggested since the 1970s to conceal the top floors of the Dream Inn skyscraper in a roof-element, in 2002 the Coast Hotel owners requested placing a hipped roof above the existing highrise, and the City Council would not approve the added height.

DREAM INN REPLACEMENT HOTEL: The proposed lower replacement for the Dream Inn/ Coast Hotel was approved by the City Council in 2005 (in spite of its similar design), in part because it was within the height limits, while the hotel's existing skyscraper exceeds them by about 20-feet on the inland West CLiff Drive facade. (The controversial design was withdrawn when placed on the ballot).

LA BAHIA HIGHRISE: Through some average, the developers claim their proposed highrise is only 12-feet above the maximum height limits of 45-feet. This doesn't take into account measurements on Westbrook Street that rise to 62-feet near First Street, with 64-foot eves on the mid-Westbrook facade (or 67-feet to mid-roof). This is about 20-feet above the maximum height limits. If the new maximum height limits are to be equal to the 62-feet facade of the Dream Inn's West Cliff Drive facade, then much of the Westbrook Street facade is even out of compliance with the generous new height limits. ■

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HPC DISENFRANCHISED

The City may have instructed the developer (in effect) to ignor HPC. But since HPC's mission is to apply the existing General Plan/Local Coastal policies, it is the General Plan/Local Coastal Plan being ignored. *(This will be shown in the section "Quoted Policies," detailing the non-application of the General Plan, B/SOL, & LCP.)*

JURISDICTION: The Historic Preservation Commission has jurisdiction over *all listed landmarks* {1974 SC Historic Preservation Plan of the Gen. Plan [defined in this paper]; SC Historic Bldg. Survey; SC Historic Preservation Ordinance 24.12.440}, especially landmarks identified as having state-or-national importance {Gen./LCP, ☙CR2.3, p.☙-137¶5; CR2.1.3.1, p.I-170¶6}, plus over Historic Areas, Districts, and Neighborhoods {Preservation Ordinance Part 2, Chapt. 24.06, Section 24.12.450, & Part 22, Chapt. 24.08; Gen./LCP ☙CR2.2, p.I-371¶}, and new development bordering landmarks or Historic Areas/Districts/Neighborhoods {Preservation Ordinance; Gen./LCP ☙CR2.2.2, p.I-371¶3; B/SOL Guide/LCP ☙III-33¶7}. As a *Certified Local Government,* HPC is required to implement local, state, and national Policies and Procedures for the La Bahia landmark {Certified Local Gov. Program; Gen./ LCP CR2.3.5, p.I-371¶10; ☙CR2.3, p.I-371¶5}. Historic issues may be resolved at HPC hearings, or may be forwarded to the Planning Commission and/or City Council for additional considerations or oversight, either as a matter-of-course for development projects with a broader scope, or on appeal. Some HPC Commissioners attended the developer's Focus Group meetings with the public, and couldn't understand why repeated HPC explanations of historic requirements and procedures for approval went unheeded. HPC felt the longer the developer refused to meet with our Commission, the further into error the project was falling. When the developer finally made a formal presentation to HPC a year later, our Commission was furious at how far beyond the scope of approval the developer's project had gone.

SUBCOMMITTEE: What HPC didn't realize was that, after the developer withdrew the *approved* La Bahia restoration in 2006, the City had given him *cart blanch* to pursue total demolition, and invent his own procedures, which was the equivalent of saying he could ignore HPC requirements and existing City General Plan/LCP Policy. The HPC was not supposed to be part of the process, but hadn't been informed that its jurisdiction over one of our most important landmarks had been disallowed for this case (except in our official ordinances), so we forced ourselves into the process to meet with the developer. But the meetings showed the developer not only unwilling to follow City/LCP Policy, but was confident that he was the final judge of the process. After three cordial subcommittee meetings, the developer called a fourth, and HPC's David Subocz asked if the facade elevations had been changed to reflect any of HPC's suggestions. When told this was the same unchanged design we'd advised on in the last three meetings, David said, "We need to schedule the next meeting when you can show that progress has been made." The developer scheduled no further Subcommittee meetings.

HPC was eventually informed by staff that, only for this one project, "HPC has no jurisdiction over the La Bahia landmark, because it is just an *advisory commission.* HPC *can't* approve a replacement project, but could only approve a delisting, and demolition permit," although by law our demolition permit must be based on whether

the *replacement project* is historically appropriate and in compliance with City Policy. By limiting HPC to only negative actions, seemed to be dictating the only responses we were allowed to make: to demolish and delist. During the formation of the HPC in 1974, the City declined to create a Design Review Board, instead splitting the duties of such a board between the Planning Commission (for modern projects) and the Preservation Commission (for historic projects). The city urges developers to submit their plans early at the conceptual stage, to help shepherd the development of successful projects. With HPC always the first to review any project with an historic component, commissioners not only give advise at their meetings, but may provide a subcommittee to guide a more complicated project, with scenarios for how a developer might achieve his stated goals within the scope of the established guidelines.

So under normal procedures, HPC has the power to negotiate with a developer over how he may best comply with current policy, and **offer trade-offs triggered by the degree of historic benefits or mitigations the developer has offered in his project.** This process most always results in an HPC approval of the project, with the approval of the Lowrise La Bahia project in 2003 a case-in-point. When normal procedures are allowed to operate, even if a project gets a different recommendation from the Planning Commission, or is over-turned at the City Council, the required mitigations have usually worked their way into the final project so that HPC's involvement hasn't been totally useless. **THIS** is how HPC is an advisory commission to the City Council. By stating that for this one landmark, HPC is "*ONLY* an advisory commission *without* jurisdiction over important landmarks," in practice means ***we are no longer an advisory commission to the City Council,* but to the Developer,** because the developer has been permitted to substitute for HPC as the City's interpreter of National Preservation and LCP policies, to overrule HPC, and make sure our recommendations do not reach the City Council as part of the project.

INEVITABILITY: Removing the ability of the HPC to protect the landmark, meant the City agency ***most impacted by the project*** would have the least influence. This made the highrise a pre-ordained out-come, and **virtually a pre-approved concept *no matter how it turned out.*** With the developer now virtually the HPC's boss, A *sense of inevitability* has pervaded this project. A couple members of the HPC who are opposed to total demolition and delisting, shifted focus to attempt to make the replacement project ***less objectionable,*** since making it *acceptable to HPC* is not an option the developer is willing to allow the City to consider. At its first review of the project in Aug. 2008, the Planning Commissioners spoke of their concerns about the proposed Highrise, its impacts on the neighborhood, view-corridors, traffic, the pedestrian experience, pedestrian safety, and the aesthetic drawbacks of the design. One planner tried to redirect the Planning Commissions focus by saying, "***There are plenty of reasons to reject this project,*** but our job here tonight is to ***find a reason to approve it!"*** {La Bahia Report VII-3}. Then in March of 2009 --before the final commission hearings were held to decide the matter-- the Planning Commission and HPC took a tour of the La Bahia site, and were informed the landmark was already scheduled to be demolished in 2010, so certain was City Council approval of the project. ■

SPOT ZONING PROBLEMATIC

PROTECT: The Coastal Commission is holding in Public Trust **natural, historic, cultural,** and **recreational** resources that belong to us all, and few State Commissions have the power to stand-up for these important **environmental quality-of-life elements**. Economic interests have their place: But this shouldn't overlook that communities rely on the protection of these natural/cultural resources to support the broader local economy, through **tourism, recreation, education, cultural appreciation, and ecological awareness**. LCP policies protect the things communities cherish, and **require Compatibility** with the best of our coastal natural and cultural resources. So one should be careful about developments that require ***eliminating Protections and overturning Compatibility requirements***.

DEFINITION: ***"Spot Zoning"* creates a site with its own height limits, development rules, exemption from resource protections, and other privileges not available to anyone outside its property line.**

WHEN IT WORKS**:** Spot Zoning should be the *rarest of exceptions* for the Coastal Commission, but it may have its use. For instance, reconstructing a landmark that is non-complying with current limits, but is important, or uniquely suited to its site, and would be an interpretive tool of that historic or cultural element. This kind of Spot Zoning *supports* LCP policies, and enhances their environmental quality-of-life intent.

WHEN IT DOESN'T: However, Spot Zoning should *not* be allowed simply to maximize a developer's profits with an overblown project, or because a developer doesn't want to preserve a landmark, or because a municipality thinks LCP policies to get jobs, taxes, and Master Plan goals *with* a landmark, should be discarded to get them *without* a landmark. Spot Zoning should *not* be a vehicle for **demolishing a top-rated landmark**, nor allowing a project that would bring ***Major Unmitigated Negative Impacts*** to the **natural setting**, to an **oceanfront bluff**, to a possible **archaeological site**, to an **historic resource**, to an **historic neighborhood**, to a **protected coastal vista**, to a **popular recreational area**, and to a **congested transportation corridor**. This kind of Spot Zoning is money-generated, and *ignores* the LCP's environmental quality-of-life intent, even making LCP policies seem practically voluntary (only wanted until it's inconvenient). Removing all rules and guidelines from a site may create a developer's fantasyland, but that doesn't mean it won't produce ***real impacts***.

CONSEQUENCES: Spot Zoning should be avoided when it's intent is to make a hole in the LCP jurisdiction, creating in this case a one-block Twilight Zone into which at least 135 rules and protections everyone else follows don't exist. It's like an Embassy in a foreign country, existing as an autonomous island with diplomatic immunity that sets it above-the-law. Those who propose this kind of Spot Zoning assume the site shall remain legally isolated, not effecting anything around it, nor being effected by anything around it. But Spot Zoning could turn out to be a Black Hole, where the one skyscraper allowed in the 2-to-3-story neighborhood, ends up

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sucking the rest of the waterfront into the Skyscraper Zone, just as the Dream Inn is starting to do. Then again, it could be that no amount of Spot Zoning can make this block immune from the over-riding rules governing the surrounding areas.

THE CASA BLANCA SCENARIO

OVER-RIDING RULES: Should the Coastal Commission decide to overturn Landmark protections and permit the destruction of the La Bahia to make way for highrise development, the next question is what impact the neighboring Casa Blanca Inn will have on the project. The Casa Blanca is not only rated excellent on the *Santa Cruz Historic Building Survey* {Vol. 1, p.26}, it is one of only 11 Designated City Landmarks (along with the La Bahia), and is also listed with the State in the *SHPO Directory of Historic California Properties* {B/SOL Master Plan report, Existing Condition & Constraints Analysis, July 1996, David J. Powers & Asso. Inc., p.38}. CEQA holds that landmarks which qualify for the *State Register*, are automatically eligible for the *National Register* as well {ibid p.39§4}. But at the least, the Casa Blanca is an NR3 possible- (as opposed to NR2 determined-) National Register-eligible landmark under criterion "C".

QUALIFICATIONS: When the first-class Sea Beach Hotel burned in 1912, San Francisco Judge Marcel Cerf bought the terraced site --with its famous Sea Beach *Pelargonium Gardens* and retaining walls-- and built his private vacation home there in 1916. It was designed by noted architect George McCrae, who also designed the Rispin Mansion in Capitola in a similar Italian Hill Villa style. Like La Bahia-architect Wm. Hays, McCrae was among the San Francisco architects influenced by simple, nature-oriented medieval-inspired craftsmanship. The Cerf's frequent guests included Hollywood friends such as Bette Davis, and the comedy duo of Stan Laurel and Oliver Hardy, Stan always staying in the back cottage. During World War II, The Casa Del Ray and La Bahia were a Naval Convalescent Hospital, with the Cerf Mansion housing solders. Terrace Court, Cerf Mansion & La Bahia were briefly unified as an inn, then went separate ways, with Cerf Mansion dubbed "Casa Blanca Inn" in 1944-45. It hosted Hillary Rodham Clinton in the 1990s during her husband's presidential campaign. This gives the landmark *site significance, structural significance, a master architect, notable guests,* and *a role in national and international historic events.*

BACK-LASH: The cumulative provenance makes the Casa Blanca important to the HPC, and likewise under the protection of the LCP. Spot Zoning to benefit the La Bahia developer, doesn't disqualify efforts to protect the Casa Blanca landmark from *Significant Unmitigated Negative Impacts*. The Casa Blanca, La Bahia, and boardwalk Casino, form a trio of landmarks that define the waterfront. The Casa Blanca and the La Bahia are both Italian Hill Village-influenced structures custom-made for their coastal bluff, with a continuous low-rise cluster-massing expressive of the topography. The modern Sea Beach Apartments were built at the rear of the Casa Blanca lot as a faithful continuation of the La Bahia-inspired style and massing. Should the La Bahia be demolished and break-up this continuity, even the ***vacant*** La Bahia site would then be subject to rules for properties *adjacent* to important historic landmarks, and CEQA rules governing compatibility, to ensure new development doesn't destroy a landmark's prominence, relationship to its surroundings, and doesn't diminish the integrity of its landmark status and eligibility for a national listing. ■

Exhibit M

QUOTED POLICIES

1. *CERTIFIED* BEACH/SOUTH OF LAUREL GUIDELINES-LOCAL COASTAL PROGRAM

LANDMARKS POLICY

2-page gloss from 140-page report, with comments.
*✖: Indicates **18-instances of non-compliance** of the Highrise La Bahia Proposal with the Certified B/SOL Guidelines-LCP Landmarks Policy.*
☯: City General Plan specified LCP requirements.

B/SOL OBJECTIVES

ACHIEVE B/SOL PLAN OBJECTIVES: "The entire Beach[/South of Laurel] Planning Area is located within the Coastal Zone." {Guide/LCP p.I-3¶3}. The ***B/SOL Design Guidelines*** are both "...an *appendix* to the ***Beach/South of Laurel Area Plan,*** and [are] the General Design section of the ***General Plan/Local Coastal Plan."*** {Guide/LCP p.I-1¶1}. The B/SOL Guidelines are intended "...to ensure that the objectives of the ***Beach/South of Laurel Plan*** are met {✖},***[...with] a higher degree of design-review oversight*** than provided in the zoning district regulations." {✖ Guide/LCP p.I-2¶4}. "☯[General Plan Land Use] Guideline...#6: ***Area plans***...or other more detailed plans that have been adopted as part of the General Plan, ***take precedence over the land use descriptions*** in the [General Plan] Land Use Diagram." {✖ ☯Gen./LCP p.I-135¶6}. Thus, while the B/SOL Area Plan wasn't certified as part of the Local Coastal Program (LCP), both the B/SOL Guidelines and the City General Plan *are,* which seem to require the LCP "to ensure that" B/SOL Area Plan objectives "take precedence" over the General Plan and "are met." (This is backwards, as it makes the B/SOL Plan a subservient appendix to its own so-called "Appendix," the Guidelines).

GREATER DESIGN-REVIEW: *As mentioned, the Guidelines/LCP also requires a higher degree of design-review oversight in the Beach/South of Laurel area.* {Guide/LCP p.I-2¶4}. *So instead of disenfranchising the HPC from its normal jurisdiction, HPC should have at least been allowed its usual authority in the so-called La Bahia Subcommittee Negotiations with the developer, to uphold City/LCP Policy and trade concessions for benefits; as well as its usual authority in the EIR review/approval process, which was turned into a useless formality since no HPC-required changes of prejudicial language were made. (Ironically, none of this would be a* **higher** *degree of design review oversight that the guidelines recommend, but just the* **normal** *review oversight, which was removed from this project.) Instead, the developer was told HPC had no jurisdiction over a National Register-eligible landmark (according to staff's explanation to HPC), effectively rendering the developer the Final Authority in interpretation of Landmark Requirements and Development Policies (subject to the City Council's approval of substituting the developer in place of the HPC).*

Exhibit M

LANDMARKS

LANDMARKS POLICY: ***"Renovations to historic buildings shall follow established guidelines for*** **historic preservation."** {✖ Guide/LCP p.IV-99¶1}. ***"Additions or remodeling to*** buildings that exhibit a distinct ***historic*** architectural style shall adhere to the guidelines for *Conservation Districts* in Section III G." {✖ Guide/LCP III-33¶6}. ***"New buildings located adjacent to*** buildings that exhibit a distinct ***historic*** architectural style shall adhere to the guidelines for new construction in *Conservation Districts* in Section III G." {✖ Guide/LCP III-33¶7}. ***The B/SOL Guidelines/LCP support preservation for landmarks,*** *requiring historic buildings and new development next to historic buildings to follow Conservation District guidelines whether in such a district or not.*

HISTORIC DISTRICTS: "Until an *Historic Preservation District* is formed [for a nominated area like Beach Hill], the design guidelines for *Conservation Districts* shall be applied ***to enhance the setting of historic structures and to preserve neighborhood character."*** {✖ Guide/LCP p.IV-97¶3}. "...***Development on the perimeter of the [Beach Hill] Conservation Area*** are recommended...to be a particular style to ensure compatibility with nearby buildings that exhibit distinct historical styles." {✖ Guide/LCP p.IV-99¶1}. *Development within or next-to historic areas like Beach Hill, must comply with Conservation District guidelines whether in such a district or not.*

DEVELOPMENT GOALS: The guidelines are "...intended to achieve orderly and attractive development, ***to protect and enhance the city's unique character and assets"*** {✖ Guide/LCP p.I-1¶1}, and "...promote development which ***respects the physical and environmental characteristics of the community and site...."*** {✖ Guide/LCP p.I-1¶2}, in addition to requirements to meet B/SOL Plan goals, such as ***a restoration development project on the La Bahia site*** {✖ Guide p.I-1¶1}.

LA BAHIA

LA BAHIA LCP GUIDELINES: There's been some confusion in interpreting the B/SOL Guidelines, regarding the difference between upgrading older hotel stock, and restoration of landmarks in older hotel stock. But the Guidelines are clear: "Most of the [waterfront] hotels and motels were built in the ***postwar*** years [after 1945] and do not exhibit distinctive architectural styles, [having] parking lots, signs, and limited landscaping..." in stark contrast to the character of the historic areas around them. Therefore, "in order to improve the design cohesiveness of [the area], new and remodeled hotel and motel developments...may be required [to reflect historic genres] depending on the project's proximity to nearby buildings that exhibit distinct architectural styles." {✖ Guide/LCP p.IV-100¶1}. "New buildings shall emulate the finest architecture of the community," {✖ Guide/LCP p.III-33}, such as the "fine examples of [Spanish Colonial Revival style] evident in the nearby La Bahia Apartments and Casa Blanca Hotel." {✖ Guide/LCP p.IV-88¶3}. "New development in proximity to the La Bahia Apartments and Casa Blanca Hotel shall be derived from Spanish Colonial Revival style architecture...

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and are encouraged to **recreate the historic scale {✖}, architectural quality {✖} and distinction** {✖} of the Beach Area at the turn-of-the-century." {Guide/LCP p.IV-109¶1}. **"Renovations to *historic buildings* shall follow established guidelines for *historic preservation.*"** {✖ Guide/LCP p.IV-99¶1}.

*This shows it is the postwar hotel/motel facilities that are to be subject to redesign or replacement, to create better compatibility with nearby landmarks **like the La Bahia Apartments!** It also demonstrates that over-and-over again, the La Bahia is cited as the prime example of Spanish Colonial style to emulate in new construction.* {Guide/LCP p.III-36, illus.#3; p.III-80, illus.; p.IV-88¶3; IV-109¶1; etc.}. *How ironic **it has not been emulated** in proposed new construction on the La Bahia site itself!*

THE LA BAHIA
CONDOMINIUM CONTROVERSY

During the two years of monthly public hearings to develop the Beach/South of Laurel Master Plan (1997-98), it was clear neither the public nor the City Council wanted the La Bahia converted into Condominiums, which would tie-up rooms in private uses and limit availability during conferences. However, it was eventually stipulated that --while not preferred-- it could be permitted, on condition it was a strategy that helped facilitate *Restoration of the La Bahia Landmark.* So the City Council approved the following Land Use Policy to read:

*"The La Bahia shall be redeveloped as a visitor accommodation-use available to the general public. If La Bahia is converted to visitor-serving condominiums **in order to fund the renovation project,** restrict use of the condominiums by individual owners to no more than 45 days per year."* {B/SOL Plan, Land Use Policy 2.16}.

SInce condominium-conversion was only a perk granted to a La Bahia *Preservationist,* the anti-preservation Developer wanted the policy amended to say the opposite (with ~~strikethroughs~~ for eliminations, and [CAPS] for additions):

"The La Bahia shall be redeveloped as a visitor accommodation-use available to the general public. If [THE] La Bahia [SITE] is ~~converted~~ [REDEVELOPED] to visitor-serving condominiums in order to fund the ~~renovation~~ project, restrict use of the condominiums by individual owners to no more than 45 days per year." {Draft City Council Resolution #NS-28,038, HPC agenda 3/4/09, p.1-27¶3; City Council Agenda 4/14/09, p.3¶5}.

It was unusual when this paragraph appeared in a pre-made 29-page *anti-preservation* Draft Resolution in the HPC agenda packet, and presented to us by staff as "...suggested language should the [Preservation] commission choose to approve delisting and demolition." Staff acknowledged HPC's past opposition to the project, yet there was no pre-made wording for what staff said they assumed was HPC's actual position. The HPC resented "...having the words of this anti-preservation resolution offered to be placed in our mouths, as if dictating to us what we are supposed to say!" HPC stated it rejected the Historic Demolition Permit "...which is only issued when an appropriate replacement project is approved." {HPC agenda 4/15/09, draft minutes of 3/4/09 meeting, p.3¶2}. ■

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2. *CERTIFIED* GENERAL PLAN/ LOCAL COASTAL PROGRAM

LANDMARKS POLICY

5-page gloss from 443-page Volume I Gen.Plan/LCP, with comments.
*✖: Indicates **28-instances of non-compliance** of the Highrise La Bahia Proposal with Certified Gen.Plan/Local Coastal Program Landmarks Policy.*
: Specific LCP requirements. : A similar Gen./LCP policy, or from B/SOL-LCP.

GENERAL PLAN OBJECTIVES

CITY CHARACTER: "Much of Santa Cruz' character and appeal stems from its...variety of people and cultural resources that are part of Santa Cruz life. Archaeologic and historic resources provide a cultural link to the past, ...educate the community about its history, and, in the case of historic buildings and landmarks, are a major influence in how the City looks." {Gen./LCP p.I-361¶1}. "As one of California's oldest settlements, founded in 1791, Santa Cruz is fortunate that this rich heritage has been partially preserved in the...historic and architecturally significant structures and areas throughout the City. Today, the ***resident and visitor to Santa Cruz experiences the City's past through the National, State and local Landmarks*** throughout the City and especially in the Downtown and Beach areas.... With some care, these resources will continue to influence the City's character." {✖ Gen./LCP I-366¶4}.

PRESERVATION POLICIES: "In 1974, the City adopted an *Historic Preservation Plan* to protect the City's unique historic and architectural resources. The plan established an *Historic Preservation Commission* [HPC] and *Historic Preservation Ordinance* to initiate and oversee preservation activities and ***assure that the City's architectural resources would not fall prey to development."*** {✖ Gen./LCP p.I-367¶6, quoting SC Historic Bldg. Survey p.I-3¶2}. "The *Historic Preservation Ordinance* sets forth procedures regulating the construction of new buildings in historic districts and the alteration or demolition of historically significant structures. It also enables the City to identify and give special protection to structures, districts, lands and neighborhoods designated as having particular historic, architectural or engineering significance." {✖ Gen./LCP p.I-367¶8, quoting SC Historic Preservation Ordinance}.

BUILDING SURVEY: "In 1976 and 1987, the City commissioned an *Historic Building Survey* to assess historic and architecturally significant ***structures deserving protection.*** These inventories identified, analyzed and evaluated approximately [1,000] structures possessing attributes that were significant to the City's cultural fabric." {Gen./LCP p.I-367¶6, Bldg. Survey I-17¶1; II-I¶5}. Of the 660 buildings ultimately listed as historic resources in the City's *Historic Building Survey* (Volumes I & II), 26 were designated ***Local Landmarks*** (by 1992 after earthquake losses were delisted), and only 11 were named ***National Register Landmarks.*** {Gen./LCP p.I-368, map p.I-369; Bldg. Survey I-17¶1; II-I¶5}. These top 37 landmarks deserve greater efforts at preservation, just as ***the dozen National Register and National Register-eligible landmarks require the ultimate protection and compatibility requirements.***

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PRESERVATION POLICIES

PROTECT AND RESTORE LANDMARKS: ***"Cultural Resources...Goal CR2: Designate,* protect** *and enhance those structures and* **landmarks** ***contributing to the cultural, historic and architectural character of Santa Cruz."*** {Gen./LCP p.I-361¶4; p.I-370¶1}. "[CR]2.1: **Protect and encourage restoration and rehabilitation of historic and architecturally-significant buildings and landmarks.** (See policies under CD 3.5.)" {Gen./LCP p.I-370¶2}. "[CD]3.5.3: **Encourage rehabilitation and adaptive reuse** ***of historic and architecturally significant buildings*** **rather than demolition.** (See policy CR 2.1.2)." {Gen./LCP p.I-89¶1}.

Restoration or adaptive reuse was not only **not** *encouraged in this highrise proposal, the City advised the developer HPC had no jurisdiction over the landmark, whose advice could be disregarded as the developer saw fit. {✖ Gen./LCP p.I-361¶4; p.I-370¶1; p.I-370¶2; p.I-89¶1}.*

USE CERTIFIED LOCAL GOV. PROTECTIONS: "[CR]2.3.5: Apply for the Certified Local Government Preservation Program." {Gen./LCP p.I-371¶10; p.I-371¶5}.

The Santa Cruz City Historic Preservation Commission (HPC) became a Certified Local Government in 1995. {Draft Gen./LCP p.20¶3}. *But this has been no advantage, in attempts to further National preservation goals for an NR2 National Register-eligible landmark such as the La Bahia, which is the obligation of a Certified Local Government. {✖* Gen./LCP p.I-371¶10; p.I-371¶5*}.*

CONDUCT ACTUAL PRESERVATION: "[CR]2.3: ***Ensure that City administrative and review procedures* effectively** ***recognize and protect historic and architectural resources*** and coordinate preservation activities with local, State and Federal agencies." {Gen./LCP p.I-371¶5}.

The City violated this requirement by disenfranchising the Historic Preservation Commission from any effective role in the process, which not only made the application of local policies impossible {✖ Gen./LCP p.I-371¶5}, but cut-off local representation of State and National preservation requirements {✖✖ Gen./LCP p.I-371¶5}, ruled-out a required professional Preservation Consultant to guide site development in keeping with B/SOL policies {B/SOL Plan p.130¶3; ✖ Gen./LCP p.I-371¶5}, and virtually guaranteed the developer's landmark demolition agenda would become the "only viable option" {EIR non-preservation alternatives; ✖ Gen./LCP p.I-371¶5}. It would seem the City tells the State what it wants to hear in its General Plan/Local Coastal Plan, then ***discards*** *what appear to be* ***protections and guidelines*** *as soon as a developer wants the opposite of everything on the books. This is the equivalent of an Insurance Company retroactively canceling your policy the moment you need it.*

STRATEGIES FOR PRESERVATION: "[CR]2.1.1: Use the provisions of the State Historic Building Code to assist in the renovation of qualified historic buildings and explore funding sources, tax incentives, mutual covenants, protection covenants, building, fire, health and City code modifications and any other methods to help to preserve historic resources." {Gen./LCP p.I-370¶3; p.I-371¶5}.

The developer rejected the Historic Building Code as incompatible with his "lawsuit-prone Condominium development" {ReEIR, appendix H, p.5¶6; HPC Agenda 3/4/09 p.1-5}, even though city policy rejects condominium development on the La Bahia site ***unless it advances landmark restoration.*** *{4/14/09 City Council Resolution #NS-28,038, p.3¶5; ✖Gen./LCP p.I-370¶3; p.I-137¶5}. The developer rejected hiring a City-required Historic Preservation Consultant to guide how restoration and the developer's goals could be combine; the developer has offered to hire a Preservation Consultant* ***after the building is demolished*** *to sign-off on his bastardization of the landmark. {FEIR pp.2-64 to 2-65; final Highrise proposal; ✖ B/SOL Plan p.130¶3, p.I-137¶5}. The developer rejected all historic funding sources as too much trouble to manage, and used his lack of historic funding as an argument that Preservation*

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is too expensive. {Planning Commission hearing 3/5/09}. The General Plan offers code modifications ***as a tool for historic restoration,*** *but the developer is using code modifications for the opposite purposes, as a means to demolish the landmark. {✖Gen./LCP p.I-370¶3; ☺p.I-137¶5}*

☺BE FLEXIBLE IN FAVOR OF PRESERVATION: "[CR]2.3.1: Consider historic preservation in development and **enforcement of land-use, building codes, environmental review, and other regulations,** and ***ensure that regulations are flexible to maintain the viability of preserving historic and architecturally significant buildings.*** (See policy CR 2.1.2)." {Gen./LCP p.I-371¶6}. "☺[L]3.3.1: Utilize Planned Development and other techniques that allow clustering to ***protect [natural & historic] resources and views*** and allow for siting that is sensitive to adjacent uses." {Gen./LCP ☺p.I-124¶7}. "Planned Developments ***allow flexibility to preserve*** particular natural or built features and resources of a site, such as ***topography, trees, watercourses,*** or **historical structures.** Where environmental constraints are evident, planned developments ***can cluster or concentrate development on one part of a site to preserve other areas.*** Planned developments allow innovative and creative site planning to pursue public objectives more fully than under conventional zoning regulations." {Gen./LCP p.I-137¶8}.

HPC was not allowed to enforce these very policies {✖ Gen./LCP p.I-371¶6; ☺p.I-124¶7; p.I-137¶8}. The option of concentrating development on a section of the site to preserve other parts, is employed without preserving anything! {✖ Gen./LCP ☺p.I-124¶7; p.I-137¶8}. ***The City has granted the developer flexibility against preservation,*** *contrary to their General Plan/Local Coastal Policy assurances to the state. If* ***La Bahia preservation*** *--formerly approved by the City and Coastal Commission in 2003-- is no longer viable (as the developer claims), this is proof* ***the flexibility to preserve*** *has been improperly removed from the process. {✖ Gen./LCP p.I-371¶6; ☺p.I-124¶7; p.I-137¶8}.*

☺SAVE LANDMARK'S CHIEF FACADES: "[CR]2.1.2: In retrofitting historic structures, endeavor to preserve original exterior appearance and architecture, and if it is not feasible to retain the entire building, encourage or require ***preservation of the facade*** of historic buildings. (See policies under ☺CD 3.5, S 2.3, S. 2.4)." {Gen./LCP p.I-370¶4; ☺p.I-88¶5"CD3.5"}.

Preservation of the Beach Street facade *was required in the ARG Report {p.6¶1}, the B/SOL Plan {p.130-131}, the B/SOL Guidelines {☺p.III-71¶5}, in the 2007 HPC Position Statement, {HPC statement 4/18/07 in La Bahia Report III-2¶10#5}, and in the 2009 HPC historic features to save resolution {HPC 3/4/09}; but this is not present in the design before the Coastal Commission. {✖ Gen./LCP p.I-370¶4}.*
Preservation of the Courtyard Facades *was required in the ARG Report {p.6¶1&2}; the B/SOL Plan {p. 131¶1}; the B/SOL Guidelines {☺p.IV-113¶5; ☺p.III-23-all; ☺p.III-24¶2; ☺p.IV-117¶2,¶3,¶4}; the Local Coastal Plan {☺LCP policy 6.2.2b}, the 2007 HPC Position Statement {HPC statement 4/18/07 in La Bahia Report III-2¶10#1&4}, and as "reconstruct as much as possible" in the 2009 HPC historic features to save resolution {3/4/09}; but this is not present in the design before the Coastal Commission. {✖ Gen./LCP p.I-370¶4; ☺p.I-88¶5 "CD3.5"}.*

☺DESIGN PROJECTS TO PROTECT LANDMARKS: "☺[CR]2.3.2: ***Ensure the*** identification and **protection *of historic*** and archaeological ***resources affected by redevelopment*** and public works projects, ***and*** **design projects in a manner that will protect *the quality of these resources.*"** {Gen./LCP ☺p.I-371¶7}.

Not even considered in this total-demolition Highrise Proposal. {✖ Gen./LCP ☺p.I-371¶7}.

☺PROTECT HISTORIC AREAS/NEIGHBORHOODS: "☺[CR]2.2: Recognize and protect the City's historic areas, districts, and neighborhoods to ***enhance the character and quality-of-life in those area."*** {Gen./LCP ☺p.I-371¶1}. "☺[CR]2.2.2: ***Encourage compatible development*** [both] within historic districts and ***on sites outside but immediately adjacent to those boundaries [of historic districts].*** (See policies CD 3.5.4, ED 5.3.1)." {Gen./LCP ☺p.I-371¶3}. "[CD]4.2: ***Preserve...landmarks giving definition to individual neighborhoods."*** {Gen./LCP p.I-91¶4}. "[CR]2.2.3: Establish additional historic districts in areas containing

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clusters of historic buildings, including but not limited to...***Beach Hill and South-of-Laurel neighborhoods."*** {Gen./LCP p.I-371¶4}.

Historic preservation, and recognition of historic areas/neighborhoods and their periphery, encourages compatible development as a means to sustain-or-improve the "quality-of-llife." The Beach/South of Laurel area is a prime historic location for both local-and-tourist interest, and the B/ SOL Plan and Guidelines were created to fulfill this General Plan objective of protecting and upgrading the area's landmarks and historic neighborhoods. A developer avoiding compliance with ***Compatibility Laws*** *can only be an admission that their project is* ***not*** *compatible. {✖ Gen./LCP ☯p.I-371¶1; ☯p.I-371¶3; p.I-91¶4; p.I-371¶4; ☯p.I-124¶7}.*

☯PROTECT PROMINENCE OF LANDMARKS: "☯[CD]3.5.2: Maintain the ***visual prominence of important City landmarks*** and destinations (such as...the Boardwalk) as viewed from major circulation routes and public viewpoints. (See Map CD-5)." {Gen./LCP p.I-88¶7}. "☯[CD]3.5: ***New or renovated development shall add to, not detract from City-identified landmarks, historic areas and buildings, and established architectural character worthy of preservation.*** (See Maps CD-4 and CD-5, policies under goal CR 1, L 4.3, S 2.3.1, S 2.4, and the Santa Cruz Historic Building Survey.)" {Gen./LCP p.I-88¶5}.

See "Protect Scale of Landmarks" for combined comments. (⬇).

☯PROTECT SCALE OF LANDMARKS: Historic buildings and neighborhoods are built to compliment the pedestrian scale. "GOAL CD 3: ***Maintain and enhance the City's*** **unique built character** and emphasize a human/pedestrian scale to development." {Gen./LCP p.I-86¶5}. "☯[CD]2.2: ***Preserve important public views and viewsheds*** by ensuring that the scale, bulk and setback of new development does not impede or disrupt them." {Gen./LCP ☯p.I-85¶8}. "☯[CD]2.2.1: Develop siting, scale, landscaping and other design guidelines to protect visually sensitive areas and ***ensure that development is compatible with the character of the area...."*** {Gen./LCP ☯p.I-85¶9; Gen./LCP p.I-86¶5}.

The change in scale of the proposed La Bahia highrise in its historic setting, was ruled by the EIR as a ***major unmitigated negative impact,*** *disrupting the visual relationship of the Waterfront's chief landmarks {ReEIR Impact 4.2-1, & Impact 4.2-2, p.2-2&2-3; p.5-1¶2&3}. By making the La Bahia taller than the Boardwalk Casino, and bulkier than the articulated hillside massing of the Casa Blanca (formerly a continuation of the La Bahia landmark's massing), the highrise La Bahia would be out-of-scale with its surroundings.* {ReEIR Impact 4.2-2, p.2-3; ✖ Gen./LCP ☯p.I-85¶9; Gen./LCP p.I-86¶5; Gen./LCP ☯p.I-85¶8}. *Further, an oversized La Bahia would have reduced the prominence of the Casa Blanca, and possibly impacted the Boardwalk Casino's appearance, whose visual prominence is specifically protected in the policy's text.* {ReEIR Impact 4.2-1, p.2-2; ✖ Gen./LCP p.I-88¶7; ✖ Gen./LCP p.I-88¶5}.

☯AVOID A WATERFRONT WALL-OF-BUILDINGS: "☯[L]3.5.1: Protect coastal bluffs and beaches...and ***require new development or remodeling*** to be sited and designed so as ***to avoid a 'wall' of buildings."*** {Gen./LCP ☯p.I-126¶6}.

Other than the designated height limits, this is the policy to specifically prevent any more Dream Inns along the waterfront, and avoid the Miami Beach effect. The proposed 8-story La Bahia highrise produced two towers, rising 62-feet and 72-feet above First Street, with a 3-story view-slot in-between. The final proposed 7-story La Bahia highrise creates a more wall-like skyscraper, with a continuous highrise facade, measuring 50-feet at First & Main, with a 62-foot parapet near Main & Westbrook, and is 64-feet at mid-Westbrook St. This is comperable to the Dream Inn's skyscraper (minus the elevator tower), whose wall-like facade rises 62-feet (7-stories) above West Cliff Drive sidewalks. But the Dream Inn skyscraper is only 140-feet long, as opposed to the 220-foot length of the proposed 7-story La Bahia highrise facade along First Street. {✖ Gen./LCP ☯p.I-126¶6}

IDENTIFY LANDMARKS WORTH PRESERVING: "[CR]2.1.3: Identify and designate structures or sites that are landmarks or historic buildings with historic, architectural and/or archaeological significance and worthy of preservation, and update the Historic Building Survey and local landmark designations." {Gen./LCP p.I-370¶5}.

Every time the La Bahia is reassessed, it has risen in ranking, until now it is an NR2 rated National Register-eligible landmark. Most people who want to tear down a Santa Cruz landmark, say it's not very historic ***because it's only a local landmark that doesn't rise to the level of a National Register landmark.*** *The proposed Highrise La Bahia's second EIR tried to cast doubt, suggesting the landmark's California Register and National Register status had not been verified {ReEIR p.5-1¶4; ✖ Gen./LCP p.I-370¶5}. When that didn't fly, they merely presented the demolition of the NR2 landmark as a foregone conclusion, which, once acknowledged in the EIR as a Significant Unmitigated Negative Impact, stated they were under no legal obligation to consider the issue any further. {FEIR p.2-35, §5-4¶1&2}.*

PLACE LANDMARKS ON NATIONAL REGISTER: "[CR]2.1.3.1: Encourage and assist property owners to submit applications to qualify appropriate properties and buildings for the National Register of Historic Places and/or the State Landmark Program." {Gen./LCP p.I-370¶6; p.I-371¶5}.

The Seaside Company-owners of the La Bahia have known since they purchased the site in 1985 that it was the highest rated local landmark {John Gilchrist Report, p.33¶5}, and since 1996 knew it was an NR2 rated National Register-eligible landmark {David Powers Report p.41¶6; Ward Hill Report for B/SOL Plan}. The Seaside Company obtained State Monument status for their 1907 Boardwalk/Casino, 1911 Merry-Go-Round, and 1924 Giant Dipper Roller Coaster. But in 1994 they refused the County History Museum's wish to award the La Bahia its County Landmark "Blue Plaque," even though the award is only symbolic, and carries no legal requirements or protections for the landmark. The Seaside Company has wanted to develop the La Bahia site with anything-but-the-landmark ever since 1985 {see development proposals, La Bahia Report I-40 to 1-50, and III-10 to III-11}, and wants no landmark status, or honorary recognition of historic significance, that might hinder demolition. So when did City Hall encourage the developer to place their National Register-eligible property on the National Register, as recommended in the certified General Plan/LCP? {✖ Gen./LCP p.I-370¶6; p.I-371¶5}.

CREATE HISTORIC GUIDELINES: "[CR]2.3.4: Develop design review guidelines for historic landmarks, districts and sites and incorporate these guidelines into the City's Design Review Manuel. (See policy CD 3.1.)" {Gen./LCP p.I-371¶9}.

The B/SOL Plan and its appendices the B/SOL Guidelines & ARG Report for Development of the La Bahia Site, fulfill this guideline. But the developer has been allowed to design without recourse to these documents, and then plug-in those policies with which he is accidentally in compliance, and request everything else be rewritten to suit his plan {ReEIR p.2-1; ✖ Gen./LCP p.I-371¶9*}. This aborts the numerous community meetings in which these policies were hashed-out over a two-year period, and replaces it with a more imperial policy-making process by the rich and privileged. The developer claims he held community meetings of his own, but the goal was to end up with the same highrise concept he had at the start of the process, with the supposed public-input limited to choosing the shade of "lipstick" to put on this giant "pig."*

PROMOTE LOCAL HERITAGE: "[CR]2.4: Increase public awareness of the City's historic and architectural resources. (See policy ED 1.6.7, ED 5.5, ED 5.6.6, CF 5.2.6.2, PR 3.6, 3.7, 3.7.1)." {Gen./LCP I-371¶11}. "[CR]2.4.1: Publicize tours, workshops, speaking engagements, interpretive displays and programs, festivals, and conferences to educate and ***promote Santa Cruz' unique heritage on a year-round basis."*** {Gen./LCP I-371¶12}. "[CR]2.4.2: Consult with the Historic Preservation Commission on the preparation of interpretive displays and programs for historic resources in City parks, facilities and streets, and maintain and review displays at kiosks on the Municipal Wharf, Downtown and other areas throughout the City." {Gen./LCP I-371 to I-372}.

The La Bahia was designed by a master architect-and-landscaper, to be an historic tourist attraction back in 1928 when it was new. When La Bahia gained the distinction of a National Register-quality attraction, guidelines were established in 1997 to rehabilitate the landmark as a tourist hotel. Yet the La Bahia is now proposed to be replaced with a modernized motel-style caricature of the landmark, so devoid of its architectural integrity that it must be delisted as a landmark. ***Santa Cruz cannot promote its heritage by demolishing and delisting its top tourist landmarks.*** *{✖ Gen./LCP I-371¶11}.* ■

Exhibit M

3. GENERAL PLAN/LCP, B/SOL GUIDELINES-LCP, & HISTORIC PRESERVATION ORDINANCE/LCP

NATURAL RESOURCES POLICY

5-pages about the IMPACTS ON NATURE *policies, with comments.*
✖: Indicates 7-instances of non-compliance of the Highrise La Bahia Proposal with General Plan/LCP & B/SOL Guidelines-LCP Natural Resources Policy.

TOPOGRAPHY REQUIREMENTS

PRIORITIZE SITE PRESERVATION: "[CR]1.2.3.2: ***Site preservation*** [for archaeological, natural, or historic resources] ***should be given the highest feasible priority."*** {✖ Gen./LCP, p.I-365¶4}.

MITIGATE SITE IMPACTS: "[CR]1.2.3.1: ***All reasonable and feasible... mitigation...should be...provided by the environmental review process. Mitigation techniques might include*** site preservation via ***relocation of project impacts*** (***redesign of project***), site preservation via burial of the site [resources undisturbed]; ***salvage*** [of removable or reusable site resources]; site supervision during grading and utility trenching." {✖ Gen./LCP, p.I-365¶3}.

NO PLAN APPROVAL WITHOUT MITIGATIONS: "[CR]1.2.3 & [CR]1.2.5: ***Develop a mitigation plan*** for proper site disposition ***prior to approval of*** **any project** ***that*** **may** ***adversely impact an archaeological...or paleontological site."*** {✖ Gen./LCP, p.I-365¶2&8}.

1. UNDERGROUND NATURAL & ARCHAEOLOGICAL RESOURCES

AVOIDANCE: *The developer assumes since the La Bahia site is 250-feet outside the designated* Beach Hill Sensitive Archaeological Area, *that it isn't an archaeologically-sensitive site, and therefore doesn't need consideration.* {✖ Gen./LCP, map CR-2, p.I-363}. *So their plan is for total demolition of the hillside, being the most radical and irreversible form of land-transformation.* {✖ Gen./LCP CR1.2.3.2, p.I-365¶4}. *However, a location* ***this close*** *to a protected* Archaeologically Sensitive Area, *with documentation of certain on-site features dating at least to Spanish times if not before, warrants some form of study, or detailed justification for* ***not*** *studying this element.* {✖ Gen./LCP CR1.2.3.1, p.I-365¶3; CR1.2.3 & CR1.2.5, p.I-365¶2&8}.

UNDOCUMENTED: *If one doesn't have to do the study by saying they'll stop excavation if anything's found, and invite Native American Observers or Archaeologists on the site at that point, then why should* ***anyone*** *do a study until a project is underway and an area is disturbed? We have seen from the EIR process, that the developer believes mitigation of possible environmental impacts don't need to be in an Environmental Impact Report, if they have already stated the loss of historic materials is an* Unavoidable Unmitigated Significant Negative Impact

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that cannot be mitigated to a less-than-significant level. {ReEIR} *And they don't need to respond to concerns from the local Preservation agency if their jurisdiction and accompanying protection policies have been deemed expendable by the Planning Department.*

NO TIME SAVER: *The reason for rushing ahead with the project is to save time, with the unspoken assumption one can cite "the expenses of putting work-crews on stand-by" as a reason to limit the time archaeologists can work on a site once a project is underway. Yet the General Plan/LCP states that underground resources discovered* after *a project's approval, requires* "...work must halt on a project and a mitigation plan be developed to determine the extent and value of the site and its proper disposition, prior to resumption of the project." {Gen./LCP, p.1-366, ☙CR1.3.1; ☙CR1.3; ☙CR1.3.2}. *Depending on who gets to decide the site's future, and whether finding significant resources returns it to the Coastal Commission for reevaluation, the project could conceivably be shut down indefinitely, due to lack of foresight in the Environmental Impact Report.*

2. WESTBROOK CREEK

"...In the days of the Ohlones the water table was much closer to the surface, and indeed the first settlers who dug wells here regularly struck clear, fresh water within a few feet. ...The explorers suffered far more from mosquitoes, spongy earth, and hard-to-ford rivers than they did from thurst--even in the heat of summer. Places that are now dry were described as having springs, brooks, ponds--even fairly large lakes...." {Malcolm Margolin, *"The Ohlone Way,"* p.8¶5&6}.

SPRING: The history of the Westbrook Spring is well documented, used during the Spanish era as a water-source by passing ships {John Gilchrist Report p.35g, quoting the Boardwalk's staff historian Warren Skip Littlefield}. The spring is alleged to have survived into the 20th Century as the source for one of the fountains or ponds at the La Bahia. (The La Bahia had three water features. The still-active coy pond in the Court of the Mariners, a fountain at mid Court of the Laurels, and a water basin at the top of the Court of the Laurels steps, the latter two sitting on the course of the former Westbrook Creek-bed. It is unknown which of these may have been spring-fed, or if an ornamental La Bahia water feature was only symbolically designated spring-fed in order to depict the colorful site-history for the guests).

CREEK: Westbrook Street was named after a brook, whose riverbed was still visible at the start of the 20th Century {La Bahia Report: 1919 ariel photo, I-29; 1907 photo IV-35}. Site topographical maps, and information from site neighbor Don Webber (who was the first to ever build on a vacant lot at the First and Main street corner), are able to trace the groove of a brook that once ran parallel to upper Main Street, down from the north-west corner to the south-east corner of the La Bahia lot {La Bahia Report: IV-35 map, from I-43 map}.

ARCHEOLOGICAL: Thus, there is evidence that a spring may still exist here, if not on the site, then under it. The fact that a waterfront spring dates back at least to the Spanish era, may indicate it predated the Spanish as well. Documentation that Ohlone Indians had a village near the San Lorenzo rivermouth and a burial site on Beach Hill, suggests that a fresh-water spring could possibly have been used by them, and therefore be a site prone to both Indian and Spanish-era artifacts. ***"The City's archaeological resources are unique and non-renewable.*** Once abundant, ***much of this resource has been destroyed as a result of land development.*** However, remaining sites provide the community with a rich and vital link to its Native American, Spanish and Anglo-American heritage, and often have a deep spiritual significance to Native Americans." {Gen./LCP p.I-361¶6}.

OVERLAY ZONE: The General Plan Archaeological Resources map {Gen./LCP p.I-363, Map ☙CR-2}, shows most of Beach Hill as an archaeologically sensitive area, including the burial site

of the Ohlone village of *Aulinta,* but oddly, not the rivermouth site of Aulinta itself, nor the Beach Hill site of the Westbrook creek and spring. The map also doesn't include the site of the Spanish supply depot for trade with visiting ships, nor one of the state's earliest ship-building yards. This doesn't mean the information wasn't available, for evidence already existed by that time, but it hadn't been catalogued in the General Plan/LCP map. We can surmise that the La Bahia site being ***only*** 250-feet from the Beach Hill Archaeologically Sensitive Zone, is still within the proper margin of that overlay zone (more so than a site located far from any of these zones), and given the total proposed demolition of the hillside landscape, should be assessed for potential natural/ archaeological resources.

3. NATURAL LANDFORMS

NATURAL HILLSIDE: In the City Council's La Bahia Highrise Approval Resolution #28,038, It is ***said the site includes no natural landforms,*** thus freeing the developer of both hillside-preservation requirements or hillside-loss mitigations. Yet pre-development photos show the site was in pristine condition, having known no development prior to the 1928 La Bahia Apartments. This is unusual for property on such a heavily used tourist waterfront, even up-to the 1920s. After construction of the nearby 1911 Casa Del Rey Hotel, the unbuilt La Bahia site was designated part of the two-block *Royal Gardens Park,* but not only were its landscaping plans never installed on the La Bahia block, this block consisted of nothing but turf and some random volunteer shrubs, and a natural drainage channel (believed to be the former Westbrook riverbed) which formed the only footpath through the property. The 1928 apartments were built to fit the topography of the site, so it has not radically changed the natural setting, beyond perhaps some minor squaring-up of the Court of the Laurels terraces, consistent with William Hays philosophy to custom-design a building to ***fit the existing contours of the site.***

HILLSIDE CHANGES: The heritage trees the developer cut down in 2007 were in a canyon-like area, a slope that backs up to the entire rear section of the landmark. But this "canyon" is actually part of the historic hillside slope. Above this, the historic mid-block terrace was deforested and paved in the 1960s, but the only part that was leveled was where the parking lot meets the corner hillock, to create a right-angle where there was once a curved rise. The Northwest Corner "Hill" --which is the steepest part of the site-- remains as it has always been, with a small terrace at it's summit, used for occasional overflow parking in the late 1950s, then a swimming pool in the 1960s, which was filled-in by the Seaside Company in the 1980s. The topographical maps give further evidence that **these hillside slopes are not artificial constructs,** but that about a third of the site retains its original natural landform, and the remaining ⅔rds were only slightly modified natural terrain occupied by the landmark.

HILLSIDE WATERSHED: The La Bahia site is a designated bluff and hillside. Further, its topography is sufficiently sloped that the "EQ-6: Soil Erosion Potential" Map rates ***the entire La Bahia block as a "High and Very High Erosion Potential" zone,*** which isn't a designation given to a flat or artificially-contoured slope. {Gen./LCP p.I-52}. "[EQ]2.3.1: ***Design site development to minimize lot coverage and impervious surfaces,*** to limit post-development runoff to predevelopment volumes...[etc.]" {Gen./LCP p.I-46¶2}.

PROTECT BLUFFS & FOOTHILLS: "GOAL CD 2: Protect and enhance the City's ***natural setting and scenic resources."*** {Gen./LCP p.I-85¶1}. "Bluffs and foothills are...important natural features and scenic resources highly valued by residents and visitors alike." {Gen./LCP I-82¶5}. "[CD]2.1: ***Preserve natural features*** providing visual definition to an area within the City." {Gen./LCP p.I-85¶2}. "[CD]2.1.1: Prohibit land divisions that could degrade distinctive natural features." {Gen./LCP p.I-85¶3}. "[CD]2.1.2: ***Minimize the impact of*** grading and ***development on*** important natural features such as ***bluffs and foothills."*** {Gen./LCP p.I-85¶4}.

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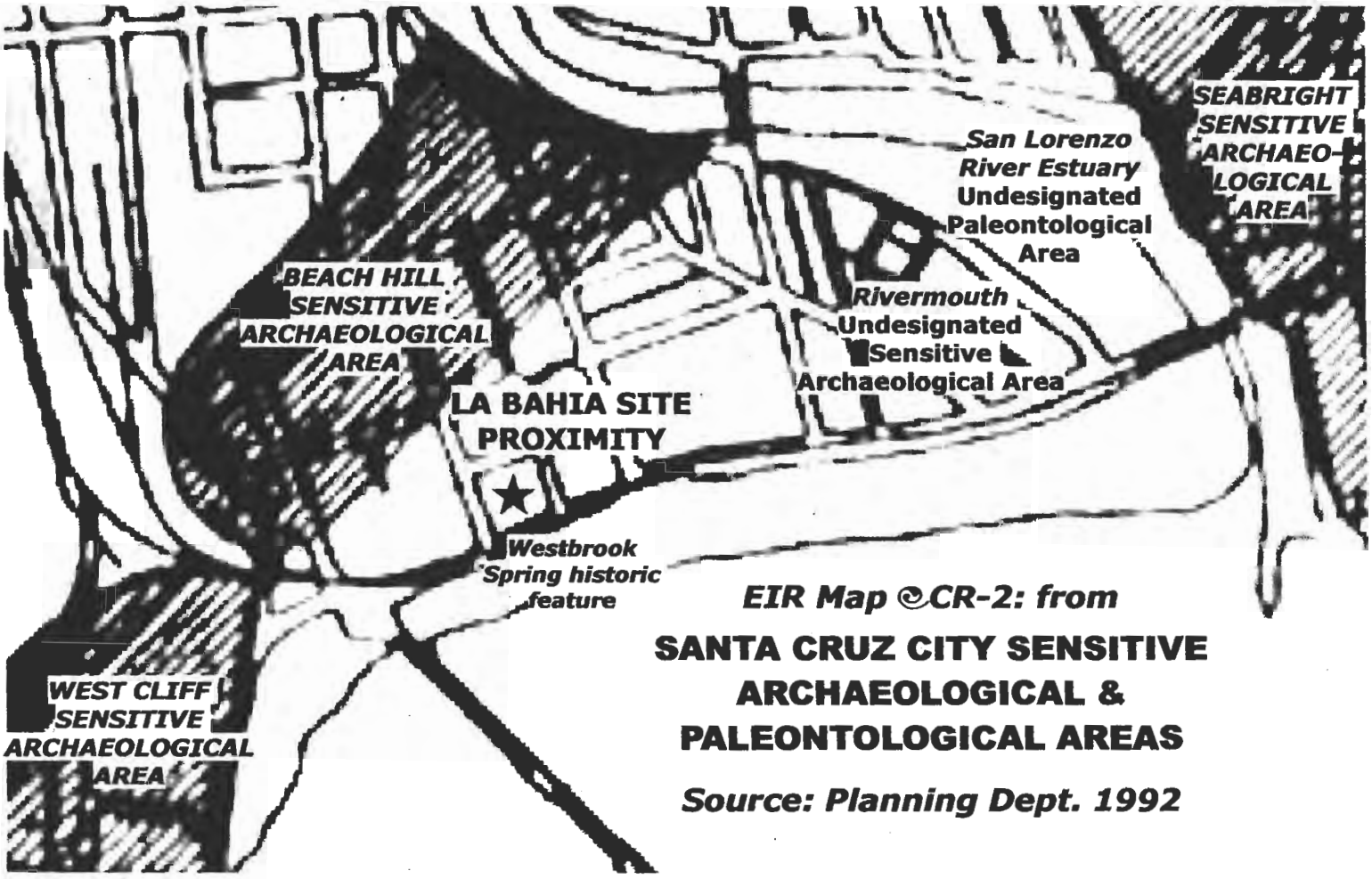
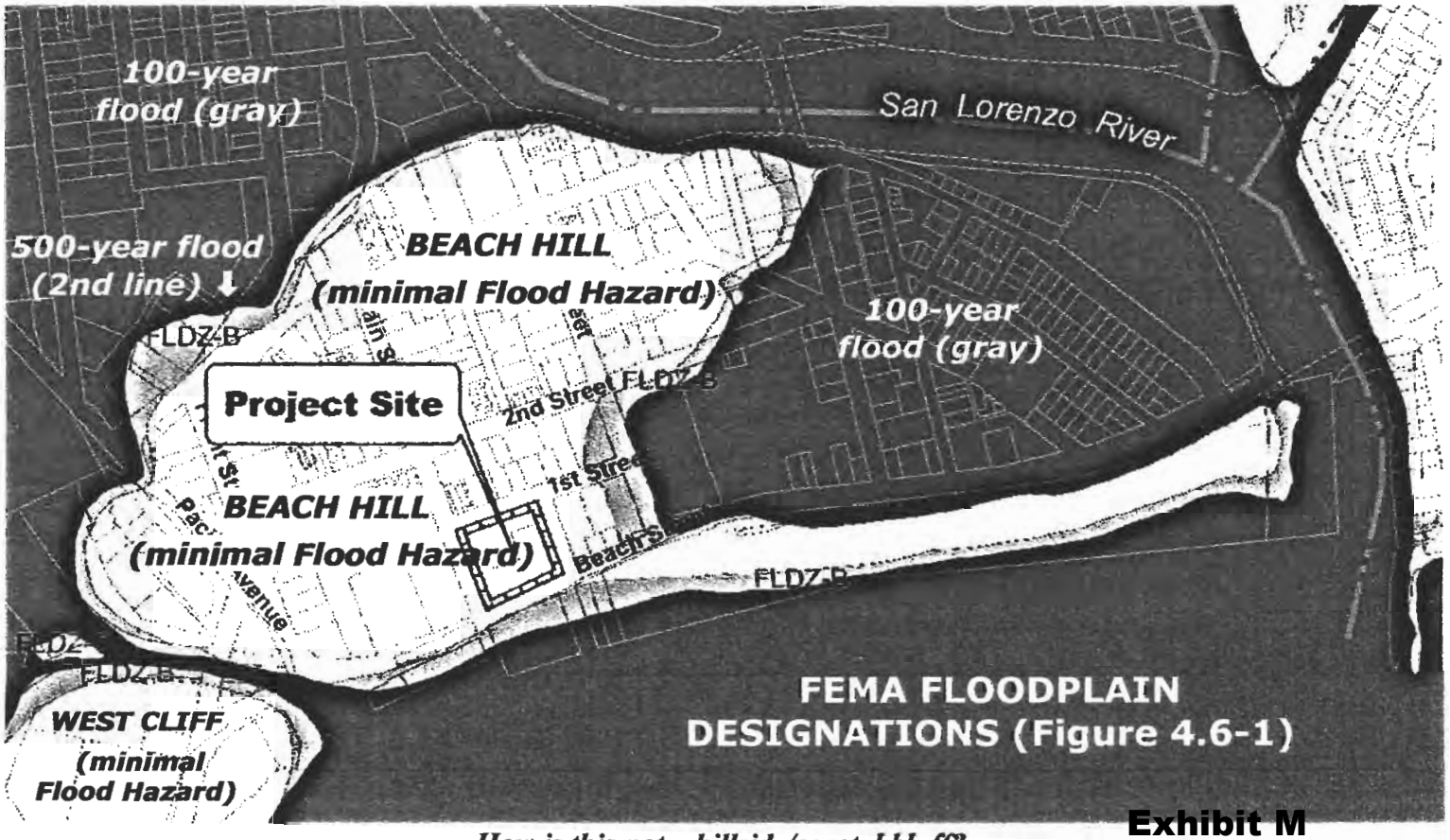


EIR Map ©CR-2: from

SANTA CRUZ CITY SENSITIVE ARCHAEOLOGICAL & PALEONTOLOGICAL AREAS

Source: Planning Dept. 1992



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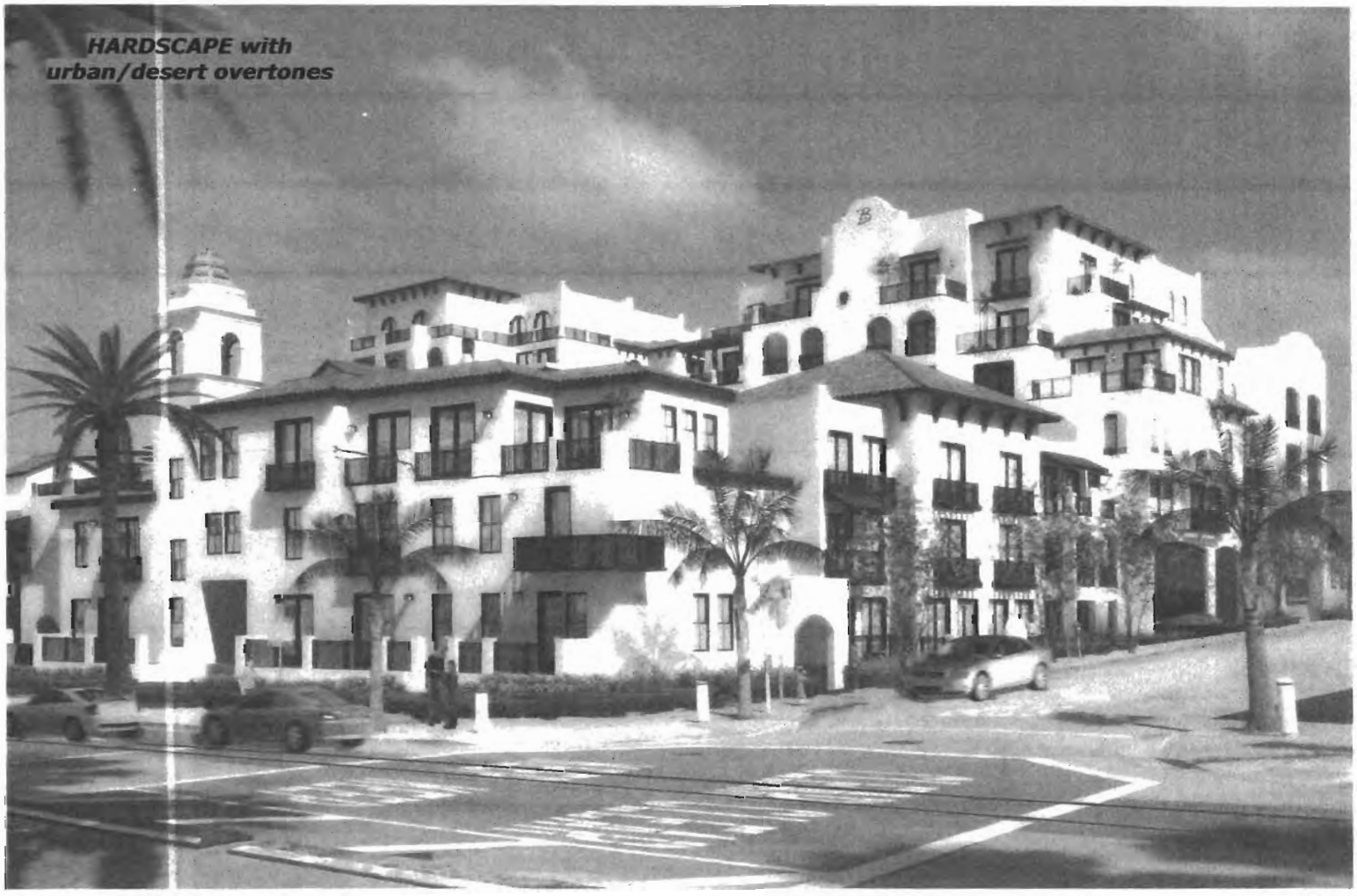
How is this not a hillside/coastal bluff?

Landscaping Ethos

FORESTED GROUNDS with Monterey Bay overtones

Hand-made looking structures in a human scale, with hidden cloisters, nestled in Monterey Bay landscaping of Monterey Cypress and California Bay/Laurels, adjacent to dune plants, creating an evocative historic Northern California feeling that glorifies its natural setting. It expresses architect & college founder Wm. C. Hays' "build-with-nature" philosophy, regaining relevance in our Eco-Tourism era.



HARDSCAPE with urban/desert overtones

Although claiming fidelity to the La Bahia's appearance, the developer freely admits his highrise version retains so little of the character and cultural ethos that makes it a NR2 National Register Eligible landmark, that the replacement could never keep its historic rating. The overbuilt structure with its modern signage, car-culture centerpiece, and contemporary feel, is almost entirely hardscape, with the palms (not lush enough to be tropical) more evocative of urban L.A. or desert regions, than the stunning wild beauty of the Monterey Bay [illegible] was named.

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PROTECT BEACH HILL BLUFF: ***"...Areas to be protected [as described above] include: open-space land uses, foothills, bluffs, scenic coastal areas, [and]*** **Beach Hill,** [etc.]....(See policies CD 1.4, CD 3.5.4)." {Gen./LCP p.I-85¶9}. "[CD]3.5.4: ***Maintain the prominence of*** **Beach Hill** and Mission Hill, ***when development is proposed on or near them."*** {Gen./LCP p.I-89¶2}. "Several of [the City's]...distinct areas and residential neighborhoods...have Area Plans or Specific Plans prepared for them [to better detail development parameters]. They include the ***Beach Area Plan (1980, 1986)..."*** updated and expanded as the ***Beach/South of Laurel Plan (1998).*** {Gen./LCP p.I-86¶3}.

4. HERITAGE TREES

ORIGINAL CANOPY TREES: Architect William Hays designed the La Bahia block to be a pedestrian-only setting of garden-courts and a forested hillside. As this is the Monterey Bay, his primarily choice for trees were over 50 Monterey Cypress, and a dense backdrop grove of over 25 Laurels. The cypress appeared in three forms: as ***Globe-or-Box Cypress Bushes*** (under windows), as tall tear-drop shaped ***Italian Cypress Whips*** (in the formal garden and flanking doors), and as ***Wind-Blown Monterey Cypress*** (at front east corner and west corner, at the Troubadour's entrance, at the mid-Main Street entrance, at the base of corner hillock, and along First Street at the head of Court of the Laurels).

WHAT ARE LAURELS?: The Laurel variety popular in ancient Greece is the Bay-Laurel *(Laurus nobilis),* whose groves were regarded as sacred shrines, the branch used a symbol of a truce or respite from hostilities, and the laurel-wreath awarded as a victory crown. It is used in cooking and medicine, and is notable for its hardwood. Our native California Bay-Laurel (or Myrtle) is a native relative of the eucalyptus tree, and is noted for its rich balsam scent. Oddly, the La Bahia's featured laurel trees were identified in the 1st EIR as "non-native acacia." {Appx.A p.20¶5}. However, the "acacia" is native to North America, introduced into England from America around 1601 by Jean Robin, for whom it was first named the Robinia. But Americans called it the Laurel, and Europeans called it the Acacia (confusing it with the African thorn tree and Arabic gum tree), so its botanical name became *Robinia pseudoacacia,* for "Robinia the false-Acacia." The American, African, and Arabic varieties are all part of the *Leguminosae* (pea and bean) family.

NATIVE LAURELS: The *Robinia pseudoacacia* laurel is a genus of about 10 species native to North American and Mexico. It's known as Acacia, Laurel, or Locust, with varieties variously called the Black Laurel (or locust), Mexican Locust, New Mexican or Southwestern Locust, Shipmast Laurel, Rose Acacia/Red Laurel, False or Bastard Acacia, etc. Even the hardwood *Black Acacia* (believed to be the *gopherwood* of Noah's Ark) is a relative of the native *American Koa* tree of Hawaiian, and is distributed along the San Francisco and Monterey bays, and Southern California coast. La Bahia architect/landscaper William Hays, founder of the UC Berkeley School of Architecture and Landscaping, featured "Laurel" groves, as evidence by the name *Patio de los Mirtos,* translated *Court of the Laurels* ("mirtos" meaning *Myrtles/Bay Laurels*). The tree was widely used locally, with *Laurel Grove* a popular park at Pacific and Laurel Street, where some of the boardwalk's Miss California events were first staged in the 1920s. Laurel trees also lined part of the name-sake Laurel Street, a boundary street referenced in the *Beach/ South of Laurel Plan.*

LANDMARK LANDSCAPING: The backdrop grove of cypress and laurels were partly removed in the mid-1960s to make way for an on-site parking lot, when the La Bahia was updated into modern luxury apartments. The 1998 B/SOL Guidelines restated a General Plan policy: ***"Heritage trees***...make a significant contribution to the historic character of the

neighborhood. ***Preservation of historic landscapes*** is an important goal...." covering both historic trees and shrubs. {Guide/LCP IV-101¶1; Gen./LCP I-97℮¶2 "℮CD6.1," &¶3 "℮CD6.1.1"}. During the 2002 arborist review for the lowrise La Bahia Renovation Plan, HPC was told that ***at least 15*** of the 19 surviving trees were "heritage trees" {2002 EIR; 2006 report in 1st EIR, Appx.A p. 20¶5}. I informed them at the Commission hearing that these were the remnants of the historic landscaping by a renowned master architect & landscaper, and their girth alone should not be the criteria for their value to the landmark site as all of them qualify as *Heritage Landscaping.* {Gen. Plan/LCP, p.I-97℮¶2, ℮¶3}. In both 2002 & 2006, the site included a heritage rubber tree and jacaranda tree, two cypress, and 13 heritage acacia (laurels?) considered by the City's Urban Forester to meet the definition of a *Heritage Grove.* {2002 EIR; 2006 report in 1st EIR, Appx.A p.20¶5}.

TREE REPLACEMENT: The 1st EIR stated in 2007 that "The proposed project will result in removal of all onsite trees, ***at least 15*** of which are considered heritage trees" {Ibid.}, with the "...removal of heritage trees...***[regarded as a] significant impact***...." {1st EIR, p.1-2¶1; appx.A p. 20¶8}. While requested at the HPC hearing, neither the developer's heritage tree-removal application nor the 1st EIR included the required "site plan...location of all [heritage] trees if greater than 14-inches in diameter measured 2-feet above grade," which is "...general information required on all [B/SOL-area project] applications...," and helps document the historic arboreal canopy. {Guide/LCP p.1-4#1•5}. The 2006 report states "The B/SOL Plan EIR [tree] mitigation measure requires *incorporation of trees into project landscaping plans and replacement* consistent with City regulations, if removal cannot be avoided. City Resolution NS-21.436 sets forth the tree replacement/mitigation requirements for [each] heritage tree removed, to include replanting ***3*** 15-gallon trees or ***1*** 24-inch size specimen...[so] it appears that ***15*** 24-inch trees or ***45*** 15-gallon trees would be required for replacement of 2 heritage trees and 13 acacia [laurel?] trees within a [designated ***heritage] grove***." The "recommended **condition of approval** (B/SOL Area Plan EIR): Require replacement of removed heritage trees at the required ratio" of "...two-for-one or more...." {City of Santa Cruz Resolution No. NS-21.436; 1st EIR p.2-7§2; appx.A, p.21¶3; Gen./LCP I-97¶4 "℮CD6.1.2"}.

MISSING MITIGATIONS: "Approval of a heritage tree removal permit automatically requires replacement trees as indicated above..." and only if this happens would the project be considered mitigated to a less-than-significant impact for lost trees. {1st EIR, p.1-2¶1; Appx.A, p. 21¶2}. Yet once the site was completely deforested with a heritage tree-removal permit in 2007, they discarded the 1st EIR entirely, and never mentioned the heritage tree removal impacts or mitigations again. The proposed landscaping plan seems utterly inadequate to mitigation this "significant impact," and if it's trying to do so at all, seems to be relying on substitutions that barely meet the definition of "trees." Given the importance of the cypress and laurels (or acacia) to the landmark for a lush Monterey-cum-Italian aesthetic, bushes grown into "topiary trees" in deck pots are not a mitigation for real heritage trees. And street-side palm trees are not a mitigation for on-site heritage ***canopy trees.***

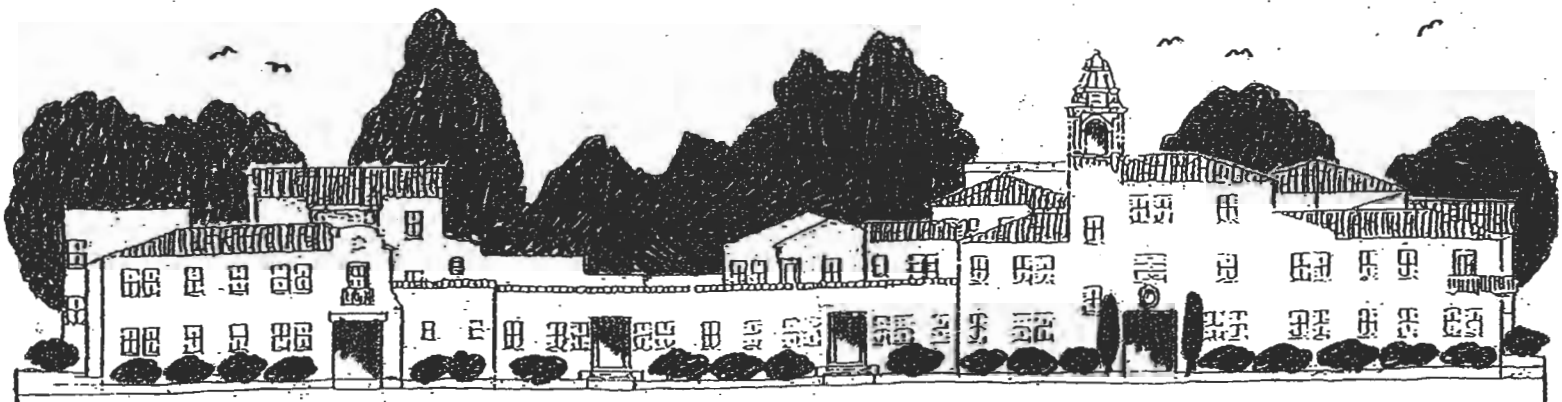
NEW NON-NATIVES: The proposed curbside sidewalk trees (of which the landmark had none) will be 11 non-native palms, 6 non-native olives, 4 non-native plums, and 4 non-native goldenrain-or-goldenchain trees. But wasn't "non-native" the reason they gave to remove the significant heritage trees? For the more important *on-site* trees, the landscape plan proposes that the heritage jacaranda will be either saved or replaced, as well as 4 cypress trees to replace the last 2 heritage cypress, 8 planted topiaries and 6 potted topiaries (privet or conifer). But the large Heritage Grove of 13-to-15 laurels (or acacia), by far the biggest botanical feature of the site, namesake of what the developer regards as the most important courtyard, and whose removal was deemed a "significant impact," are *not* to be replaced on-site or curbside by a single example, not in any of the laurel varieties, nor myrtles, bays or locusts, nor even "non-native acacias." The "Court of the Laurels" will retain its name, but not a single laurel. ■

Exhibit M

16-page Briefing Paper for La Bahia preservation-lawyer Susan Brandt Hawley

Developing A Preservation Option

By
Ross Eric Gibson
Historic Architectural Consultant



The Santa Cruz City Historic Preservation Commission (HPC) is a Certified Local Government, required to conserve landmarks with local, state, and national standards for preservation. These are often overlapping regulations --a redundancy of intent-- which means invalidating a law on the local level, doesn't automatically invalidate the overlapping regulation on the state or Federal level. In the end, it always comes down to three principles:

Conservation (conserving or restoring/reconstructing historic resources)
Compatibility (compatibility of new additions to the landmark, the neighborhood, and the setting-or-vista)
Compliance (compliance with local, state, and national policies, only trading bonuses and exemptions based on percentage of compliance & restoration)

The City made the mistake of letting the Developer define Preservation laws, Preservation terms, and what constitutes Compliance, all at odds with HPC's repeated explanation of existing policy.

In a brief review, this report will

1. Define Relevant Terms
2. Define What Constitutes a Preservation Option
3. Recommend hiring the Required Preservation Expert
4. Review the Pre-Existing Approaches (comparing the 4 EIR Options with 8 Pre-Existing Approaches that comply with existing policies)

Feb. 20, 2010, by Ross Eric Gibson

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OPT-2

DEFINING OUR TERMS

NR2 LANDMARK: In 1996, the La Bahia was officially rated an ***NR2 "National Register eligible" landmark*** by City-hired preservation expert Ward Hill, meaning it has the nation's second-highest landmark rating, and is eligible for the highest American landmark rating, with the permission of the landowner. {HE p.III-11¶3}. The landmark was built by the boardwalk's Seaside Company in 1928 as luxury apartments for their nearby hotel, sold for use in the 1960s as "luxury apartments," then repurchased in 1985. At that time, the Santa Cruz County Historic Trust awarded the La Bahia a landmark history plaque, which was only honorary and carried no protections or restrictions, but the Seaside Company refused to accept it. {Co. History Plaques list--Judy Steen; HE p.III-10¶7}. The B/SOL Plan identified La Bahia as the 3rd most important Signature Landmark on the waterfront, deserving greater protection. {B/SOL Plan pp.130,287, Guide p.IV-5¶3}.

POLICY FOR SITE-PROJECT: Local policies all define development on the La Bahia site as ***restoration of the landmark in front, with a new addition in the back.*** {Plan, pp.130¶3, 131¶3; ARG}. These are two different concepts: a restoration project, and a new rear-addition in a compatible style. Preservation is required as part of the total project, but this isn't designated as "partial preservation."

PRESERVATION: According to National Standards, preservation may be accomplished through a combination of *restoration* and/or *reconstruction*. "***Restoration***" means restoring what is there, "***Reconstruction***" means replacing a deteriorated or missing section with new in-kind construction. "***Modified Reconstruction***" alters the original facade to suit current needs, while retaining as much of the look and feel of the original, including the scale, detail, style, and integrity of the structure. When done correctly, these three approaches will retain the landmark's listing. "***Partial Preservation***" applies to the *landmark*, meaning a mix of restoration and reconstruction/modified reconstruction, or minor losses of lesser elements. City policies describe that the minimum requirements for La Bahia is saving the landmarks primary street and courtyard facades and gardens. {ARG; B/SOL Plan pp.130, 131; B/SOL Guide, La Bahia Report Card}

NEW ADDITIONS: ***New additions on landmark sites*** are required to be in the rear, and not overwhelm --nor visually compete with-- the landmark. {B/SOL Guide, pp.III-71¶6, ¶5, III-72¶1}. Additions are to be "...compatible with [the landmark's] massing, size, scale and architectural features, to protect the historic integrity of the property and its [setting and surroundings]..." while differentiated in some subtle way to designate its later addition. {Sec. of Interior Standards, #9}. These rules are mandatory for National Register landmarks, and only guidelines for other landmarks. (La Bahia's NR2 "National Register-eligible" rating means not-yet mandatory). Differentiation is not intended to draw attention to itself or dominate the look of the addition {B/ SOL Guide p.III-80¶1}, as that would conflict with requirements for fidelity with the style of the landmark. {"Award-Winning Design Solutions--Exemplary [Restoration] Projects," California Preservation Foundation seminars, 1995, 2001}. Suggested differentiation features are: 1. course-grained stucco or trowel-work variation for the addition, to contrast with trowel-work stucco patterns on the landmark {ARG,

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pp.12, 13}; 2. different window mullions on the addition {LB Guidelines, p.IV-28¶2-3}. The La Bahia is the perfect model for this differentiated approach, as it was designed to look like it was built over time with incremental additions, exhibited in three wings sporting three kinds of trowel-work, and three-tints of stucco. {Seaside Co. history book-2007, p.69}.

HISTORIC ARCHITECTURAL MITIGATIONS are ***anything that mitigates the loss of the landmark to a less-than-significant level***. This would be preserving-or-reconstructing enough of the landmark in a manner that maintains its integrity, and is faithful to the design of the landmark, so that it could retain its landmark listing. However, documenting the landmark, installing a historic exhibit, placing a "Site of..." plaque on the modern replacement, even saving just the tower, are in no way architectural mitigations, instead being mere *conditions of approval* that do not at all compensate the actual loss of the landmark.

FAITHFUL TO THE DESIGN: This landmark is nationally recognized for its significance as a rare example of the cloistered Mediterranean Hill Village style in America, by a prominent and influential architect. Therefore, a project faithful to the design is ***one that retains its historic listing***. It does *not* mean redesigning the landmark as a modern skyscraper with Spanish overtones to look like a single building, so out-of-keeping with its style it must be delisted.

SKYSCRAPER: The 7-story Palomar Hotel of 1928 was described as "the City's first skyscraper." {"The Sidewalk Companion to Santa Cruz Architecture," p.158}. In 1972, City Hall called the Dream's Inns addition a "skyscraper," being 7-stories above West Cliff Drive and 10-stories above the beach. They also remarked on the 7-story Hilton Hotel "skyscrapers" being proposed for Lighthouse field that year. The La Bahia highrise was originally called 7-to-8 stories, until the developer stopped counting parking levels to make it sound lower.

DISNEYLANDISH: The developer said he can't *Reconstruct* the La Bahia, because that would make it a fake "Disneylandish copy." Yet this conflicts with how National Standards define "reconstruction." For Preservationists, a "Disneylandish copy" refers to the Las Vegas effect: a fake copy of someone else's iconic landmark without local context, often with distorted scale and details, at worse rendering an incompetent "roadside attraction" parody of the landmark. By that definition, the developer's proposed highrise ***is*** a Disneylandish version of the existing La Bahia, because it is an incompetent parody of the original landmark in elephantine scale. So, is a structure only an *Artifact*, valued for the age of its materials?; or a *Cultural Resource* (as many are listed), valued for its iconic imagery, or depiction of a style, time, or place? Most structures depict the style popular when they were built. But the La Bahia represents a Mediterranean Hill Village depicting medieval craftsmanship, to give tourists an exotic experience they wouldn't find at home. Instead of saying La Bahia is false to the Art Deco modernism of its times, this *Resort Exoticism* is granted National Register-eligible status, for its master architect, Humanistic craftsmanship, Build-with-Nature philosophy, and custom hillside design. Europe's lost landmarks (the Venetian campanile, Dresden, the Hermitage, etc.), have been recently replaced with --not "Disneylandish copies"-- but legitimate *reconstructions* of the cultural treasures of signature architecture. ■

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REQUIREMENTS FOR CREATING

A PRESERVATION OPTION

1. PRESERVATION EXPERT: Hire the B/SOL-required Preservation Expert to analyze the landmark, and guide the Restoration Alternative (see below).

2. REALISTIC PROPOSAL: Must be a realistic aesthetic alternative, not just a laundry-list of requirements jumbled into an unworkable non-design.

3. NO DELISTING: Since this is a top-rated signature landmark determined to belong on the National Register of Historic Places, a greater effort should be made to retain its landmark listing.

4. TRADE-OFFS: Policy requires all construction bonuses and variances to be rewards for preservation, and be tied to the amount of restoration-or-reconstruction of the landmark offered by the developer.

5. OTHER OPTIONS: Option 5 was suggested by the Planning Commission as a better solution not yet supplied featuring preservation {8/7/08}. They also advised re-doing Option 4 to follow existing policy and include a Preservation Component; and/or using Option 2 The Previous Project as a basis for a more realistic lowrise project. {La Bahia Report, p.V-14¶6; VII-3}. Re-doing options 2 & 4 would better satisfy CEQA requirements, while option 5 is already required by the guidelines (p.4,5).

HIRE A PRESERVATION EXPERT

No evidence of the structural integrity and restoration potential of the building has been presented, except by the developer's hand-picked non-preservationist. The fact a Preservation Expert is actually required for the main proposal and not an alternative option is irrelevant at this stage in the process, as the developer sidestepped the rules to choose total landmark demolition and no realistic preservation options (by the developer's definition of Option 2). The developer previously convinced the City that La Bahia's restoration is *possible, and now claims La Bahia preservation is* impossible. *The developer cannot cite his personal experience, as he chose not to do La Bahia preservation, and is not a credentialed preservation expert that works only on preservation solutions.*

DEFINITION OF AN EXPERT

A PRESERVATION EXPERT IS a person who makes his living restoring historic landmarks, and analyzing structures with preservation in mind. He may also have expertise in structuring restoration financing to facilitate success.

A PRESERVATION EXPERT *IS NOT* a general contractor employed outside the restoration field, even if he's worked occasionally on one-or-more restoration projects, but doesn't seek a restoration solution in every instance. A preservation expert cannot lack expertise in what makes an historic style authentic, and in what constitutes a modernized parody that must be delisted for lack of fidelity.

GOALS OF AN EXPERT

1. Analyze the structural integrity of the landmark and its preservation potential.

2. Show or guide potential expansion options complying with existing policies, with exemptions only in exchange for retaining its historic listing.

3. Show business models of successful restoration projects such as other bed-and-breakfasts, hotels, and boutique resorts.

4. May also define funding options and solutions available for preservation. ■

Exhibit M

INADEQUACY OF EIR OPTIONS

PRESERVATION?

OPTION 1: NO PROJECT

DOING NOTHING is not restoration, but the continuation of neglect. A Preservationist is not just anyone who *doesn't* demolish a landmark, but one who preserves them, for "to preserve" is active, not passive. While not-demolishing the building *retains* the landmark, it cannot be considered a Preservation option.

PRESERVATION?

OPTION 2: PREVIOUS PROJECT

APPROVED PROJECT: The 2003-approved plan was described by the developer as a two-phase project, with ***Phase 1*** restoring most of the front landmark, and running it as a hotel; and ***Phase 2*** occurring later, after plans for the new rear-addition were fine-tuned and reviewed by the Historic Preservation Commission (HPC). HPC appreciated this, having wondered why the first version of the rear portion was in Neo-Classical style (later corrected). While the HPC was dubious about parts of the developers business plan, the developer assured HPC it *had* to be this way because the project was already pre-sold to investors. HPC felt the developer had followed all the correct procedures: saving *most* of the landmark, remaining receptive to aesthetic improvements, keeping the addition a low-profile low-impact on the Historic Neighborhood, and fully vetting the project with investors. On this basis, HPC approved the project.

WHY IT FAILED: There are three versions of why the project fell apart. ***A- Investors Bolted***: At HPC, Planning, & other public hearings, the developer said his investors backed-out because they wouldn't support a restoration project. {HPC hearing 10/5/05, reiterated as their attorney's reason}. Their claims restoration is unaffordable make no sense, since *total landmark reconstruction costs the same as a new design on the same footprint*. ***B- Wanted to be Dream Inn***: The coincidental appearance of the La Bahia highrise plan after the 2005 failure of the Coast Hotel's convention center plans for the Dream Inn site, made HPC suspect the developer thought everything the two-block Coast Hotel plan offered could be squeezed onto the one-block La Bahia site. {HPC hearing 10/5/05}. The developer hired a Dream Inn consultant to guide the La Bahia highrise proposal, stating "We don't want to repeat the Coast Hotel's mistakes." {Ibid.}. ***C- Not Profitable Enough***: The developer told the Planning Commission a third version, that the approved project *did not fail*, but was withdrawn by the Seaside Company and Barry Swenson Builder for not being profitable enough. {Planning Commission 8/7/08}. Their Development Rationale stated the developer couldn't make their *condominium concept* work with preservation. {ReEIR Appendix G, 2/24/06, 3/31/08}.

MAKE WORKABLE: By denouncing their own approved project, Barry Swenson Builder was arguing (in effect) that Barry Swenson Builder's incompetency at La Bahia restoration proved the only thing Barry Swenson Builder could make successful was a La Bahia project without restoration. This however means that they submitted an option (option 2) that they kept telling everyone was unworkable, therefore a violation of CEQA's requirement that all options must be viable. *If Options 1 and 2 were the Preservation options, this*

means there was no preservation option considered at all! The remedy, as the Planning Commission suggested, is to simply alter #2 into a legitimate option. {Planning Com. 8/7/08: "Use the previous project as a starting point for a simple, low-rise, preservation option."}

TOTAL-DEMOLITION

OPTION 3: REMOVING ONE STORY

The developer told the Historic Preservation Commission's La Bahia Subcommittee at one of three meetings at Barry Swenson Builder offices, not to worry about his highrise proposal being packed with so many rooms, because he was testing the waters to see how much the City would consider acceptable, before he cut it back to a lower number. {Also stated at Planning Comm. hearing 3/5/09}. In the first subcommittee meeting, he said they needed little more than the 118 rooms of the original project, and he assumed the current project would get whittled back without effecting profitability. {Subcommittee 1/5/06}. At the second meeting, the developer had second thoughts about his position, and told the Subcommittee that he absolutely had to have all 125 rooms for the project to be profitable. {Subcommittee 2/2/06}. During the Civic Auditorium hearing, some of Swenson's supporters said if the project failed, we would never see another. So City Councilman Tony Madrigal asked the developer what he would do if his project was rejected at the Coastal Commission for neglecting their rules? Jesse Nichol replied that they'd redesign the project to meet the requirements. Madrigal asked if they'd abandon the project if denied a highrise, and Nichol said "no."

So members of the HPC subcommittee regarded the 7-story Option 3 to be the real proposal all along, and that the overblown 8-story project was just to test the waters in hopes the City Council's insecurities would drive them to a total sell-out of the City's existing policies. The real question was: ***How does adding 7 rooms to the approved lowrise plan, turn the La Bahia into a highrise?*** When Option 3 was not brought to a vote by the Planning Commission as a desirable alternative having only one supporter {8/7/08}, the developer suddenly produced Option 3A, seeming to want 3 or 3A to be the only realistic total-demolition option. {See Alternatives Report, p.V-14}.

TOTAL-DEMOLITION

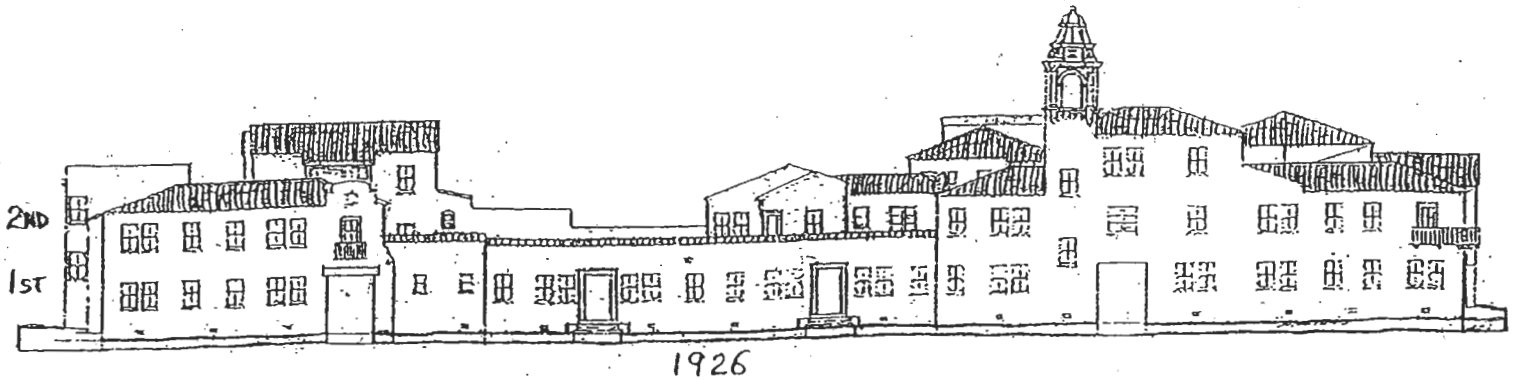
OPTION 4: WITHIN HEIGHT LIMITS

This option merely beheads the proposed project, then says it is unrealistic as it produces too few rooms to be as profitable as the proposed project. Yet when the developer wants an option to work, he invents Option 3A to redistribute the rooms, whereas Option 4 merely chops the project in two, as if that is the only thing that can be built within the guidelines. The stated EIR issue for Option 4 is building within the height limits, yet as presented, the option has more to do with ***reducing the room count but* not *reducing the parking count.*** It is obvious this option was intended not to work and be dismissed as "unrealistic" (as they describe it), which is a violation of CEQA requirements that only realistic options be considered.

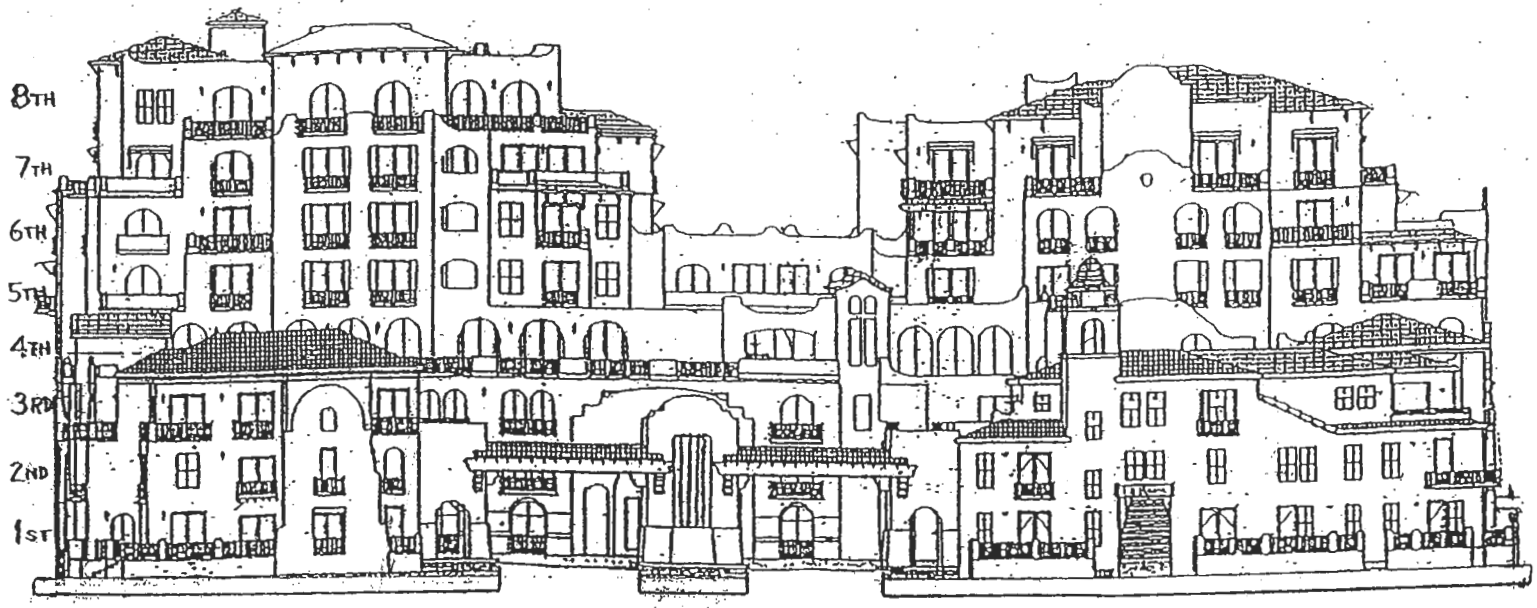
Three members of the Planning Commission said they would be more likely to vote for either an Option 4 with a Preservation Component, or an as-yet unsubmitted Option 5 with a Restoration Component. {Planning Commission meeting 8/7/08}. This contradicts the defense attorney's notion that no-one was calling for a Preservation Component other than the HPC. ■

Exhibit M

VISUAL COMPARISONS



1926
THE PROTECTED LANDMARK



2006
THE PROPOSED HIGHRISE

2009
THE WALL-LIKE HIGHRISE

Exhibit M

8 PRE-EXISTING APPROACHES THAT COMPLY WITH POLICIES

The EIR claimed that --by declaring this project "total landmark demolition"-- all existing contradictory laws no longer applied. Even so, in creating their list of options, the EIR authors told HPC no preservation models for La Bahia development existed that they needed to consider in the EIR, other than their own distorted inventions. Yet HPC reports kept enumerating all the acceptable pre-existing options and precedents. The 58-page "La Bahia Handbook" in February 2006, was a step-by-step guidebook to designing a La Bahia project in compliance with stated policies and models. The 2007 Landmark Evaluation Report (LE) showed the accepted low-profile formats {pp.III-4,III-5}. Then a list of pre-existing and EIR alternatives was cataloged in a short one-page gloss in April 2008 {Alternatives Report, p.V-3}.

Prior to the 1999-completion of the Beach/South of Laurel Plan (B/SOL), ***the only requirements for the La Bahia site were Historic Preservation,*** *ever since La Bahia's first listing as a landmark in 1976. So the four* National Register Options *are first in consideration.* ***The B/SOL Plan acknowledged these over-riding Preservation requirements,*** *by making the four* B/SOL Options *all Landmark Preservation proposals, in consultation with City-hired Preservation experts. To only acknowledge non-B/SOL, non-Preservation options invented in the past three years, is to ignore the reality of any laws actually governing the site, with state and national laws the least subject to over-turning. This list illustrates the kind of project that is acceptable under each set of guidelines.*

Exhibit M

4 NATIONAL REGISTER OPTIONS

★ NR OPTION 1 ★

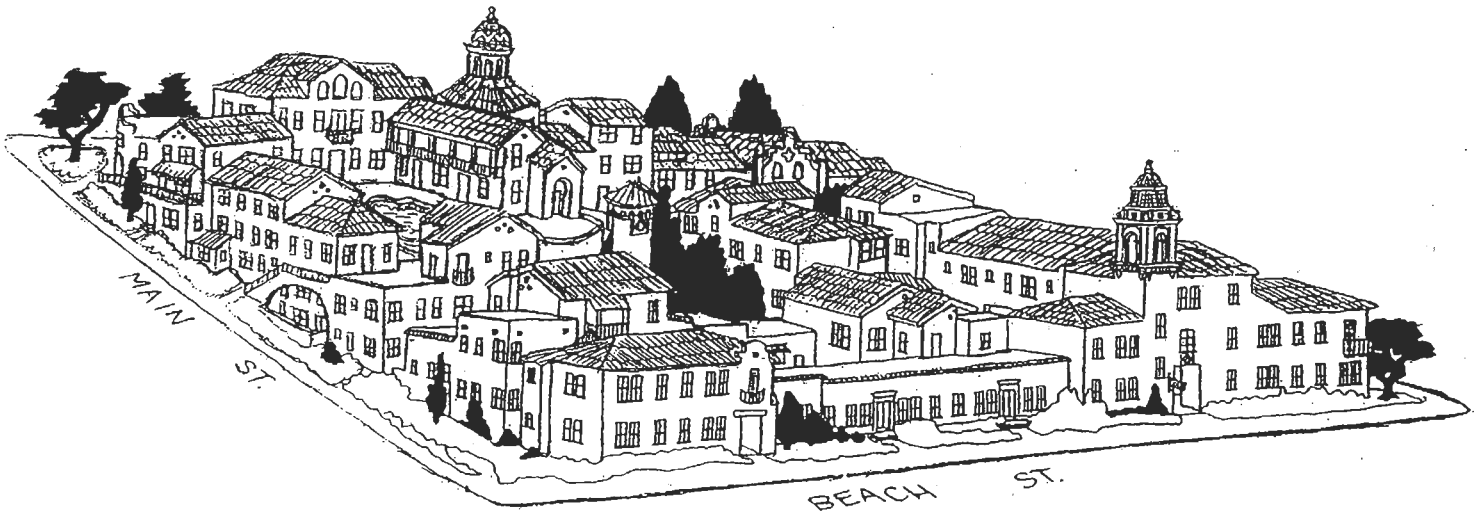
RESTORE AS-IS INTO
BOUTIQUE LUXURY HOTEL

*This is the preferred option for **existing restoration** of a National Register-quality landmark.*

The La Bahia was built to be luxury apartments separate from its nearby hotel, and were lavishly praised by the Seaside Company in its own 2007 published history of the beachfront as "fit for a king." {p.69}. In the 1960s, the apartments were updated into what the newspapers called "one of the city's most elegant and exclusive luxury hotels." There is no evidence that restoration and upgrading of the existing buildings alone as landmark tourist accommodations would be unsuccessful, or a lesser destination than the Dream Inn. In fact, some would prefer the La Bahia's intimate charm, historic ambiance, and garden settings, to the Dream Inn's sterile cinderblock *kitch*. Proof of this is the success of Barry Swenson Builder's historic West Cliff Inn at the old 1877 Lynch Mansion, a boutique hotel described by them as having the *"highest average daily rate and highest occupancy rate than any hotel in Santa Cruz County"* from the moment it opened. {City Council Hearing 3/31/09, p.VII-12¶3}. And this is *with* preservation, *without* a highrise wing, with most rooms *lacking* ocean views, and *without* condo/time-shares (which they now say a La Bahia highrise can't succeed without). As the Lynch House was in similar condition to the La Bahia, similar restoration could be utilized to restore and upgrade the La Bahia, as Barry Swenson Builder has already outlined in their approved Previous Project.

This would produce from 44-to-50 apartments; or if reconfigured as bedroom/bathroom only, up to 80 hotel units. Parking could be part on-site, or all off-site.

Exhibit M



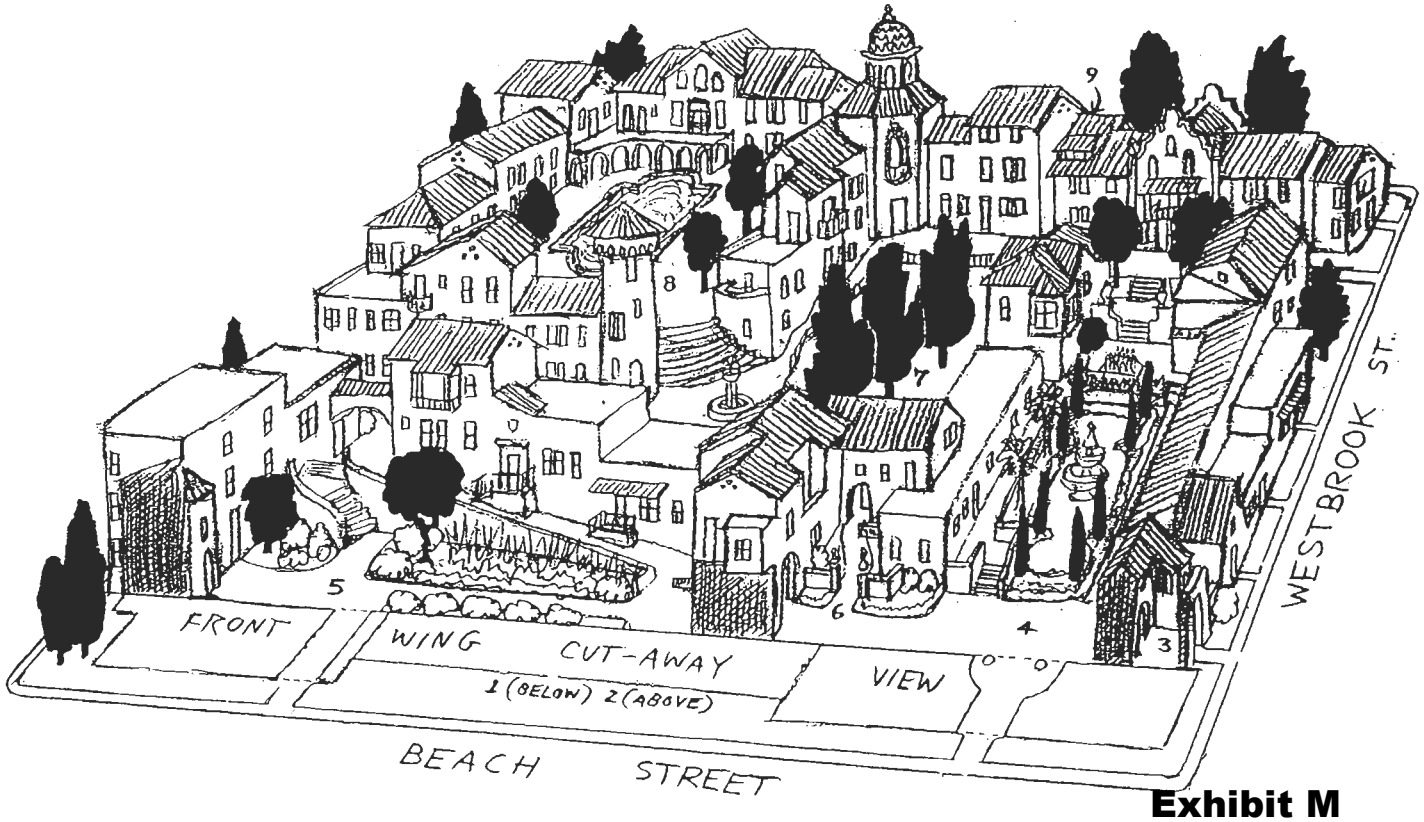
★ NR OPTION 2 ★

EXPANDED RESTORATION INTO
HILL-VILLAGE GARDEN RESORT

*This is the preferred option for **expanded restoration** of a National Register-quality landmark.*

This approach restores and expands the landmark in a low-rise manner, without destroying the garden setting or hillside terrain, which become featured attractions. This option emphasizes the hill-village qualities unique to the facility, through winding paths, covered walkways, intimate courtyards, and terraces.

This would produce from 75-105 apartments, or 125-150 bed/bath hotel units. Off-site parking.



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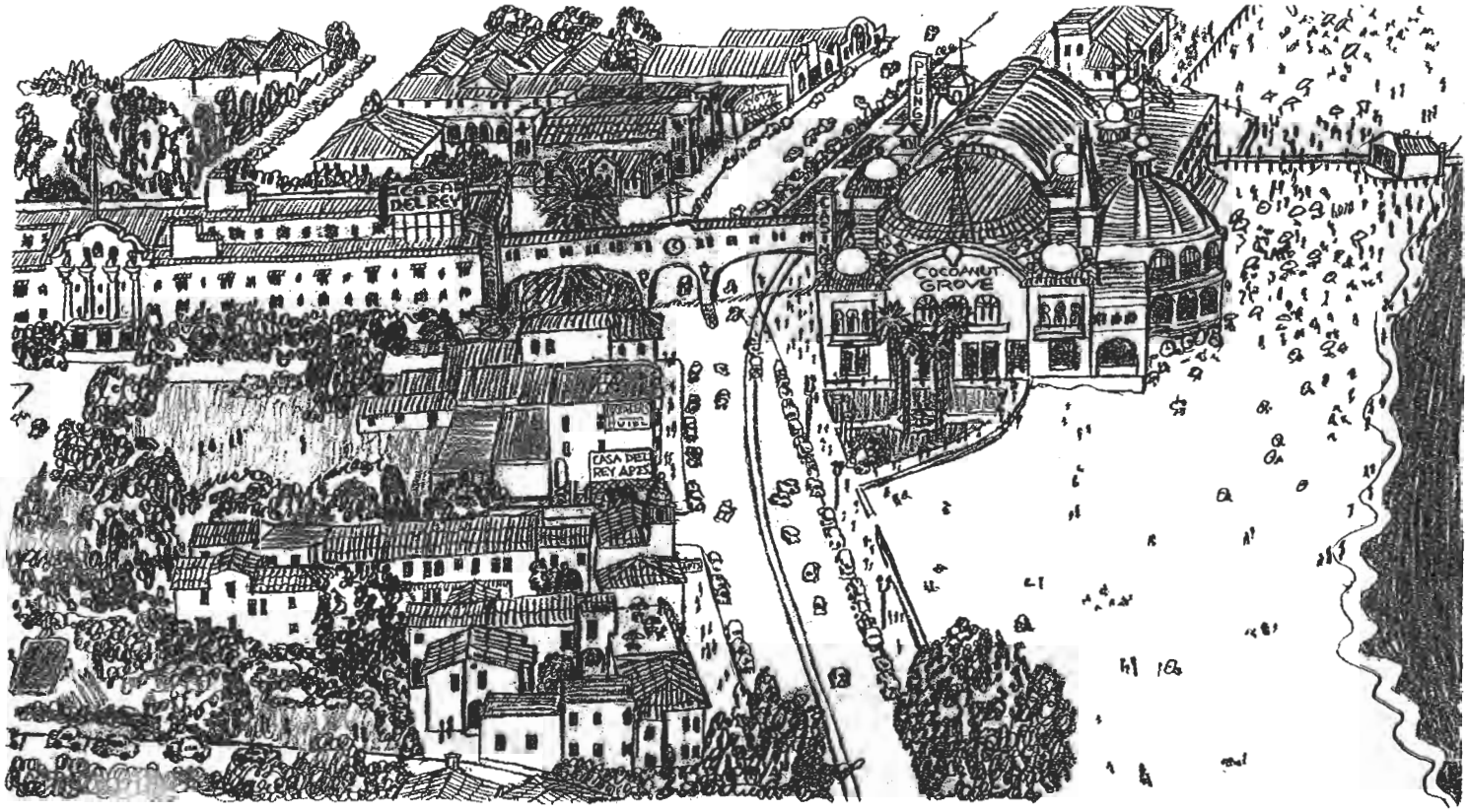


★ NR OPTION 3 ★

FULL RESTORATION AS PART OF ORIGINAL
CASA DEL RAY HOTEL COMPLEX

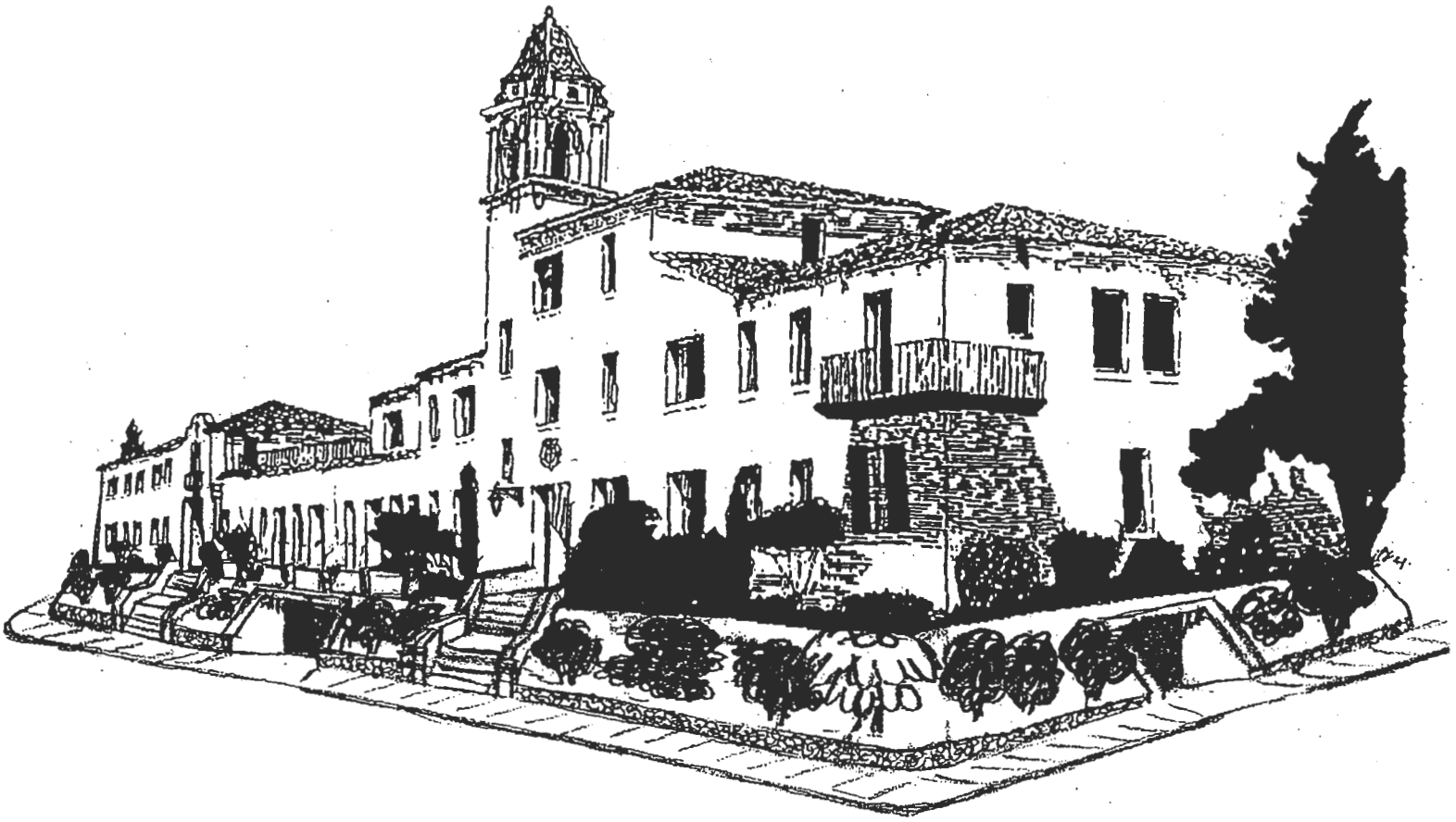
*This is the preferred option for **total-complex restoration** of a National Register-quality landmark, restoring its context within a larger landmark facility.*

If room count is the chief reason to remove restrictions and overbuild the site, why ruin the charm of a desirable landmark and get less than is supposedly needed? There has been much support in the community expressed at various meetings by city officials and members of the public, for rebuilding the three-story Casa Del Rey Hotel as an adjunct to restoring the La Bahia Apartments.

The B/SOL Plan already proposes rebuilding on the footprint of the Casa Del Rey Hotel, including the hotel's Spanish Arches, a connecting link over Beach Street into the Cocoanut Grove. {B/ SOL Plan p.141} The Seaside Company suggested it might be an Outlet Mall, but withdrew the idea when it proved highly unpopular with the public at the B/SOL planning meetings. At these meetings, people kept suggesting if the Casa Del Rey site is already proposed to be rebuilt, it could just as easily be the original 300-room hotel, instead of trying to get that hotel elephant to do handstands elsewhere on a postage-stamp lot. (In the past few years, the City approved a new 150-unit Marriott conference hotel 4-blocks away near the Boardwalk, and a new 100-unit Holiday Inn at the north entrance to town, reducing the pressure to replace the 300-unit Casa Del Rey down to only 50 units).

This would create a 300-room main structure, with 50-to-105 apartments, totaling over 400 rooms. La Bahia parking would be on Casa Del Rey site, and/or former La Bahia Parking on blocks between the two.

Exhibit M

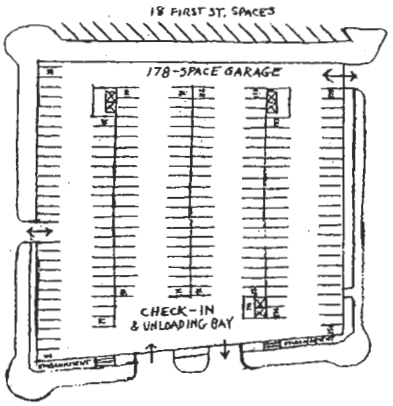


★ NR OPTION 4 ★

RAISE LANDMARK ON PODIUM
EXTENSIVE ON-SITE PARKING

*This is the preferred option for **moving landmark a short-distance** on same site, as permitted for saving a National Register-quality landmark from extensive remodeling.*

Suggested in 2006 in HPC Subcommittee {La Bahia Handbook, p.52,53}, as a way to prevent the imposition of on-site parking from eliminating the back wings of the landmark, shortening the Court of the Laurels, and turning the Court of the Mariners into a driveway. Raises the entire landmark up one-story to place up-to 196-spaces of parking under the landmark, hidden behind a planted embankment resembling the hillside. Can be used for any of the above 3 NR Options to maintain scale and hillside articulation.



196-SPACE PARKING
WITH PLANTED EMBANKMENT PODIUM

Exhibit M

4 B/SOL OPTIONS

★ B/SOL OPTION 1 ★

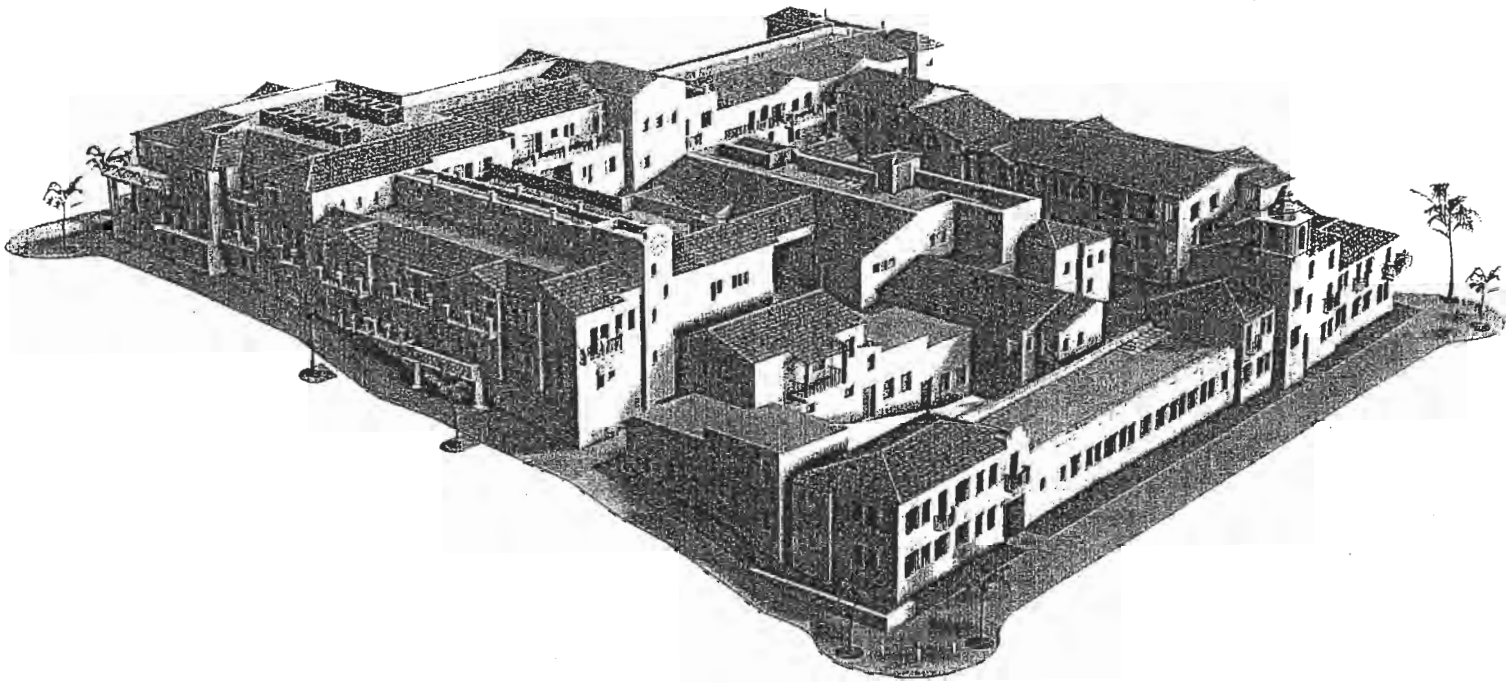
SINGLE BLOCK PLAN
LOWRISE PROJECT

*A **single-block La Bahia restoration** is one suggested B/SOL Plan option.*

As embodied in Barry Swenson Builder's "Previous Project," this fits the scale and massing of the surrounding Historic Neighborhood, and is compatible with vistas and surrounding landmarks. It was approved by the HPC, Planning Commission, City Council, and Coastal Commission. Even so, HPC and Barry Swenson Builder have both stated it could use improvements, and the Planning Commission said it should be the starting point for a better Option 2.

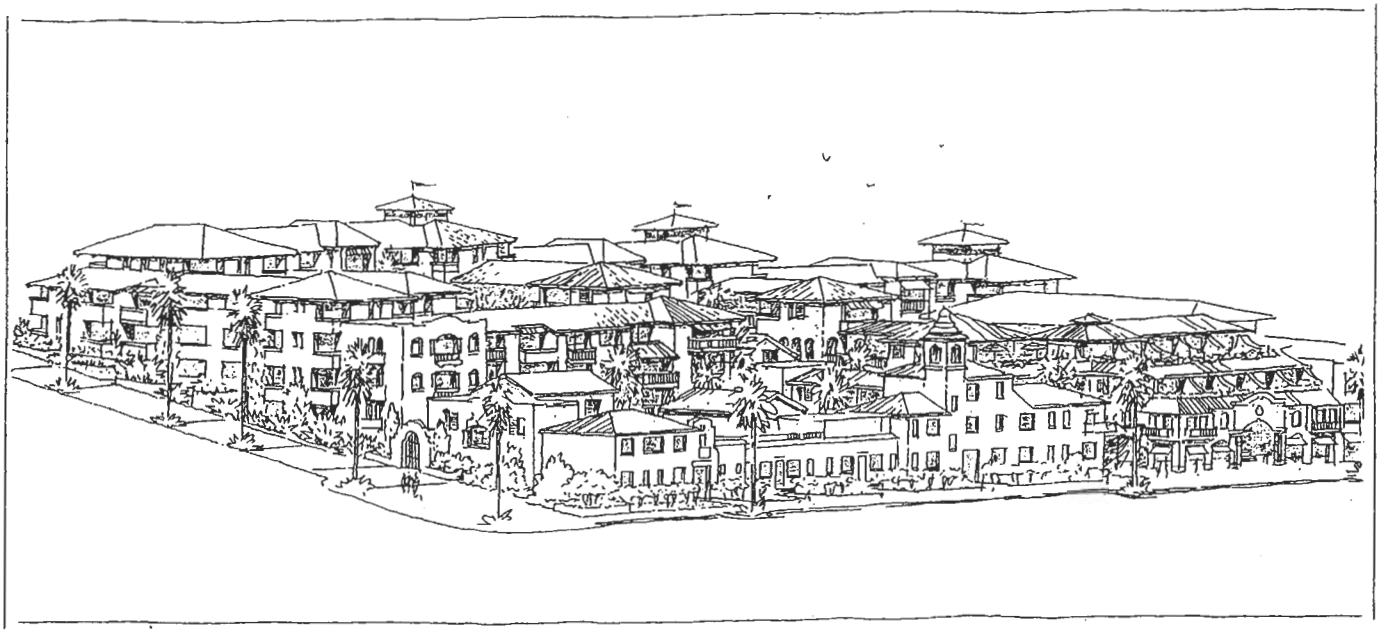
This creates a 118-room low-rise hotel with 144-space on-site parking, and a near-fully restored La Bahia landmark.

APPROVED LA BAHIA



- *DATE APPROVED: MIDDLE OF 2003*
- *NUMBER OF ROOMS: **118***
- *PARKING PROVIDED: **144** SPACES (86 LIFTS AND VALET)*
- *MEETING SPACE: 4,280 s.f.*

Exhibit M



★ B/SOL OPTION 2 ★

ELIMINATING WESTBROOK ST.
HIGH-DENSITY SUPERBLOCK PLAN

Expanded-site La Bahia restoration *is another suggested B/SOL Plan option.*

In 1996, the City hired consultants to explore how to:

1. Restore the* historic La Bahia *back into luxury hotel units.

***2. Utilize the* historic Cocoanut Grove *ballroom as its conference facility, to add economic life to the* historic Boardwalk.**

3. Try to replace most of the 300 rooms that were lost with the demolition of the* historic Casa Del Rey Hotel, *within a lowrise addition.

I questioned whether it was logical to try to squeeze the 3-story tall Casa Del Rey --measuring 325-feet long by 175-feet wide on a flat lot-- onto the La Bahia's hillside block measuring only 225 by 250 feet, while retaining the La Bahia landmark and hillside contours. Isn't rebuilding the Casa Del Rey at its vacant original site the answer to replacing the loses of the Casa Del Rey? {See NR Option 3}. The City Council said they wanted to find out "if it was possible."

The B/SOL consultants (Architectural Resources Group--ARG) said with most parking off-site, it was possible to create a lowrise high-density development around a fully restored La Bahia landmark. Yet they stated in the B/SOL Plan that the results would be "bulky and unattractive," and recommended reducing the room count to a more appropriate density for the expanded Superblock.

The goals all revolve around the economic benefits of reviving three historic landmarks: La Bahia, the Boardwalk's Cocoanut Grove, and the missing Casa Del Rey.

The High-Density Superblock is ***not recommended*** *as presented in this illustration, which HPC complained contradicted the requirements of the text.* {See Handbook p33}. *B/SOL Options 3 & 4 show two other ways to meet this B/SOL expanded-site goal.*

Exhibit M

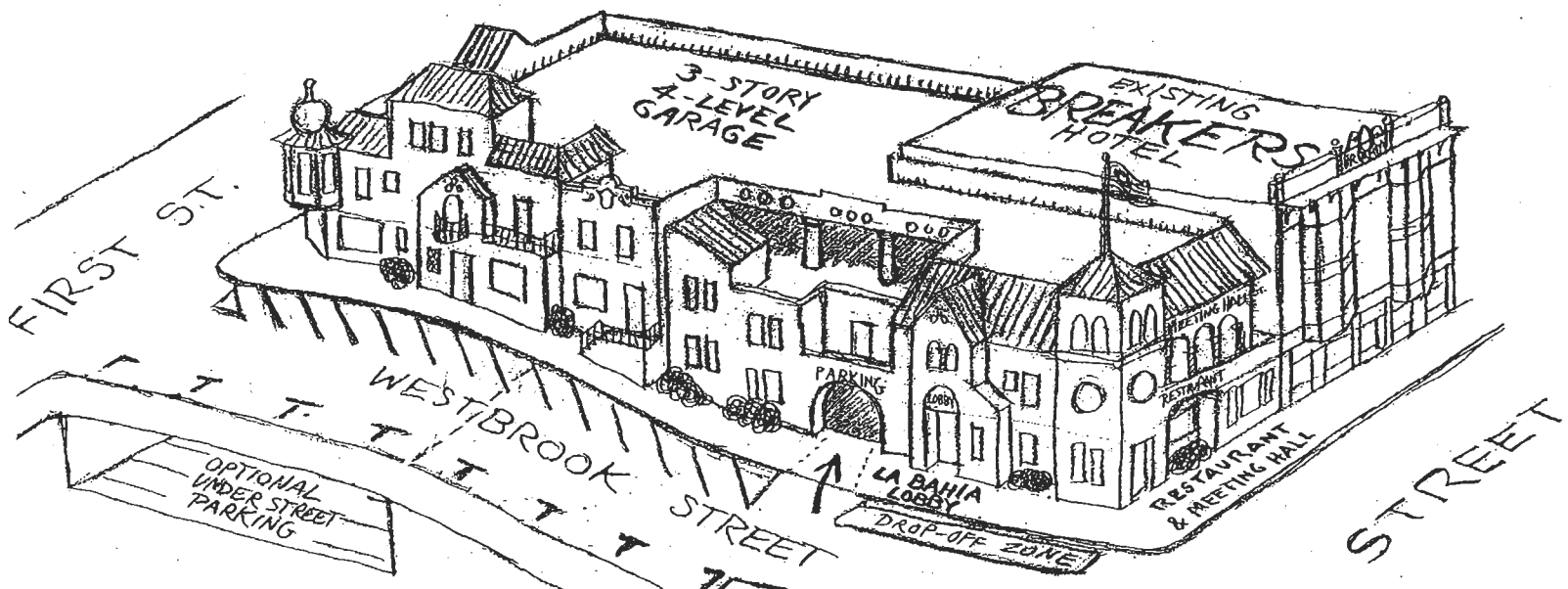
★ B/SOL OPTION 3 ★

BLOCK-&-½ PLAN
WESTBROOK PARKING GARAGE

*This is the B/SOL **expanded-site La Bahia restoration**, without eliminating Westbrook Street, **concentrating parking off La Bahia block**.*

The B/SOL Plan calls for the majority of parking to be off-site. {B/SOL Plan p. 133¶1}. The B/SOL superblock proposal calls for the development of both the La Bahia and its former parking lot across Westbrook Street from the landmark. Since the original La Bahia block was pedestrian only, with Westbrook the drop-off street, building a parking garage on the flat Coastview Motel lot would concentrate all parking off-site across the street. This simplifies development by keeping Westbrook Street, and eliminating the need to excavating the La Bahia site. The parking garage can include a lobby-office, conference hall and restaurant. The Westbrook Garage plan can be used with NR Options 1, 2, or 3 for the La Bahia block, that leaves the topography intact; or with NR Option 4, or B/SOL Option 1, to produce excess parking.

Provides 20-space Westbrook St. car-&-bus parking, separate drop-off space, a 200-space garage with a lobby/restaurant, and two-story ocean-view meeting hall (about 50-feet by 100-feet). {See Alternatives p.V-5}.



LA BAHIA SITE CUT-AWAY VIEW

WESTBROOK GARAGE PROFILE, LOOKING EAST

Exhibit M

★ B/SOL OPTION 4 ★

TWO BLOCK PLAN

WESTBROOK/CLIFF ST. HOTEL

This is the B/SOL ***two-block La Bahia Restoration****, without eliminating Westbrook Street,* ***concentrating bulk of hotel off La Bahia block.***
The B/SOL Plan shows one layout concept in which the bulk of the hotel is placed on the eastern block, leaving the western block for landmark restoration and a low rise addition. This concept would work on either all of two blocks, or all of La Bahia block and part-of the eastern block. {See Alternatives pp.V-7 to V-13}.

250-to-300 units. The Westbrook-Cliff St. block could have 204-hotel units (or, without Coastview Inn site, 132 units), plus 50-to-105 La Bahia-site apartments, for a 300-or-so unit total. It would have two small meeting rooms, a lecture hall, a ballroom, and a large events terrace. It would have basement parking, and sits across the street from the Boardwalk Main Parking lot.■

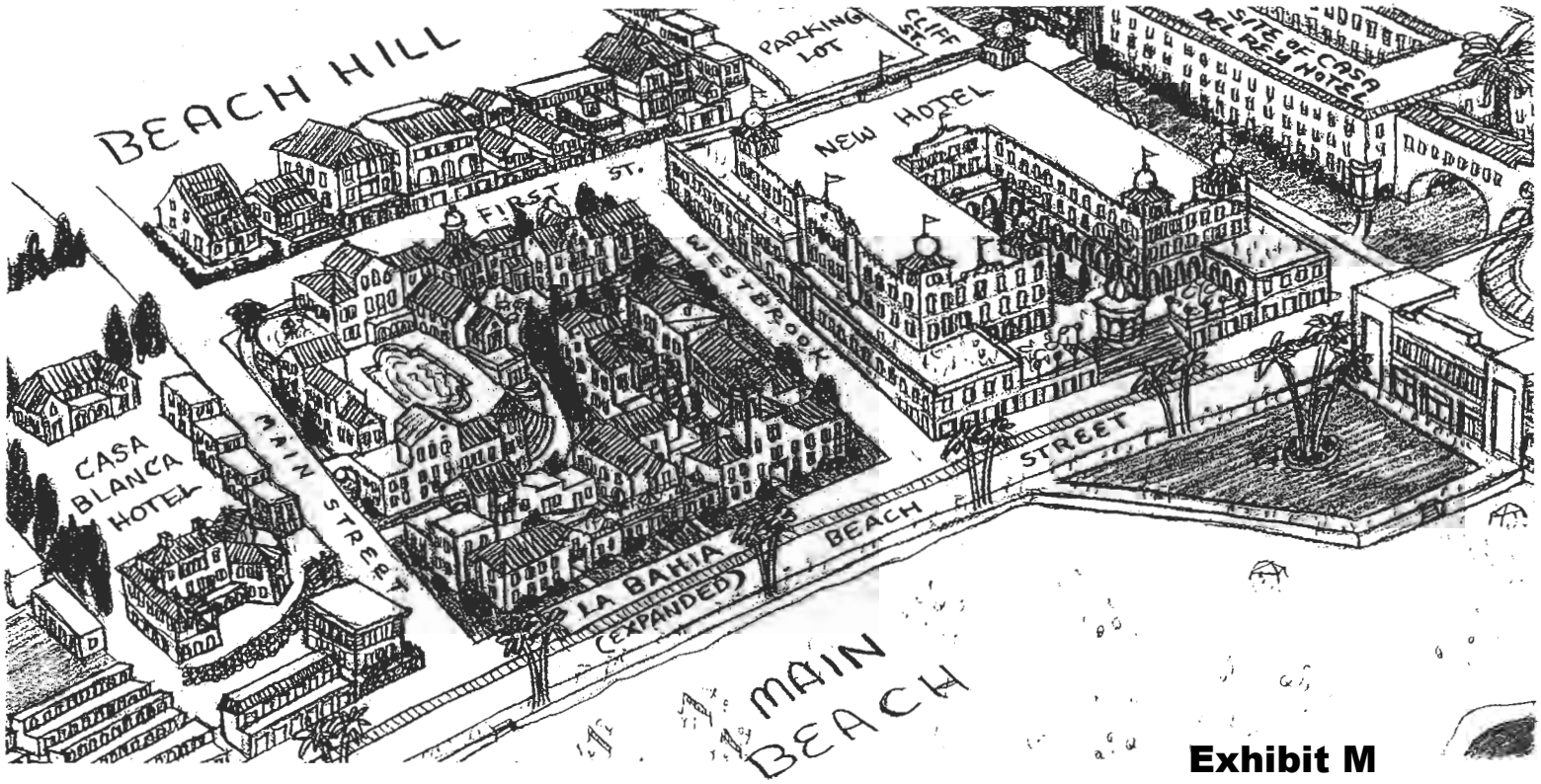


Exhibit M

TIMELINE OF THE
DEVELOPER'S DELAYS

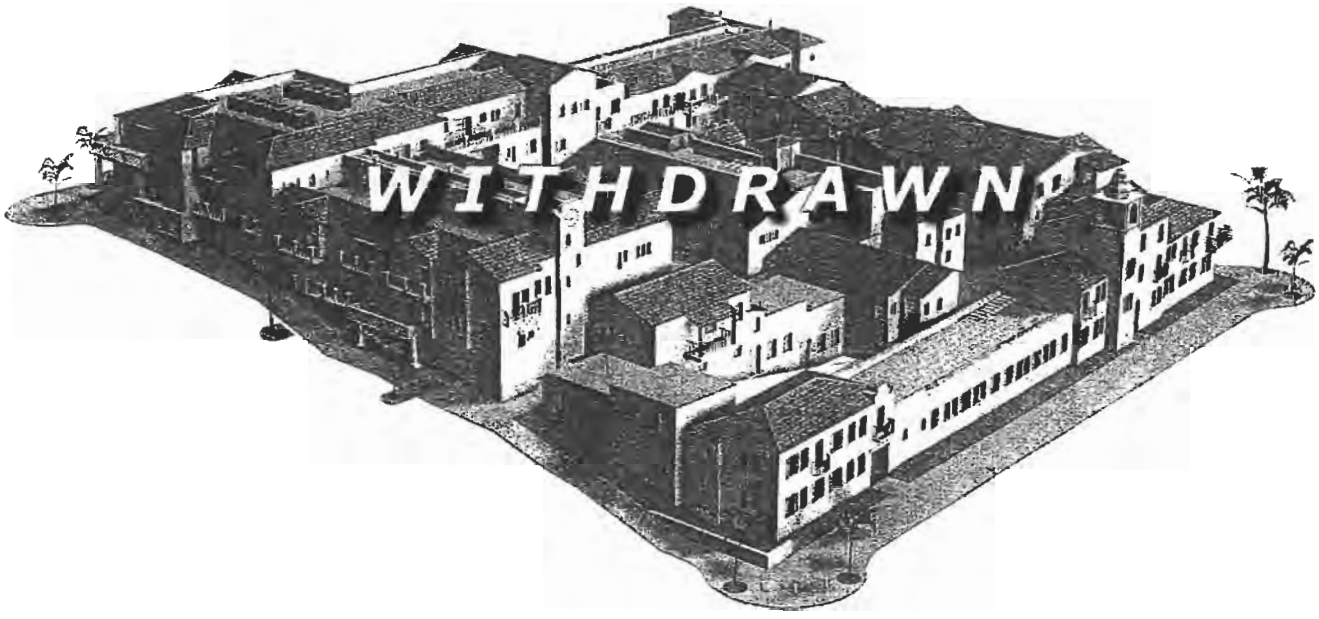
Each Delay an Admission their Project is Not Legal

The E.I.R. is supposed to be a document assessing the project in terms of the laws that need to be followed, and the environmental impacts of the project on the surroundings. Instead, it has been turned against the people it was intended to protect, alleging that the Neighbors and the wider Preservation community form an unreasonable opposition. The developer claims that Neighbors and Preservationists "would object *anyway*," and since the loss of the landmark and the loss of views-and-sunlight are "inevitable and impossible to mitigate," they don't need to be mitigated, or can be pseudo-mitigated through paperwork and double-talk.

With this mindset to misrepresent the laws Preservationists require to be followed and impacts the Neighbors require to be mitigated, the developers' four E.I.R.s have ignored existing required alternatives, and have made-up pseudo-alternatives designed not to work, to be their evidence of a lack of reasonable alternatives. The Developer and City Council had insisted the La Bahia Highrise be on the Coastal Commission agenda when it met in Santa Cruz in March of 2011. The developer arranged ahead of time for the editors of the Santa Cruz Sentinel newspaper and the Santa Cruz Good Times tabloid, to mount a publicity campaign for the highrise, to emphasize ***the following falsehoods:***

1. Neighbors & Preservationists and their supporters are delaying the project.
2. There are no reasonable alternatives to total-demolition, or building a highrise condominium.
3. Citing the magic words "*Community Economic Benefit*" eliminates preservation requirements.

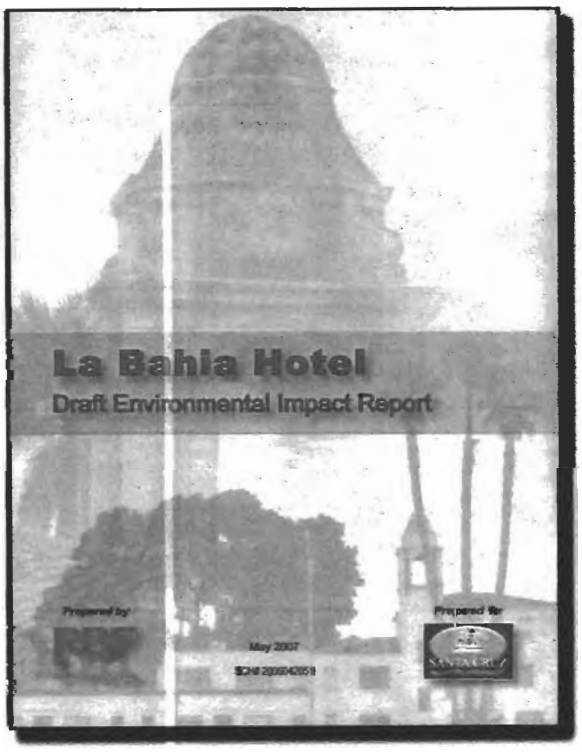
This newspaper campaign happened despite the fact the developer once-again changed his mind and requested the project be delayed. And that is the real story. ***Every delay has been at the request of the developer, and each of the developer's delays are an admission their project is illegal, and needs more tweaking and rationalizing.*** Yet the project has grown into such a **La Behemoth**, that mere tweaks and word-play cannot overcome the documented ***massive non-compliance*** of the proposed highrise.



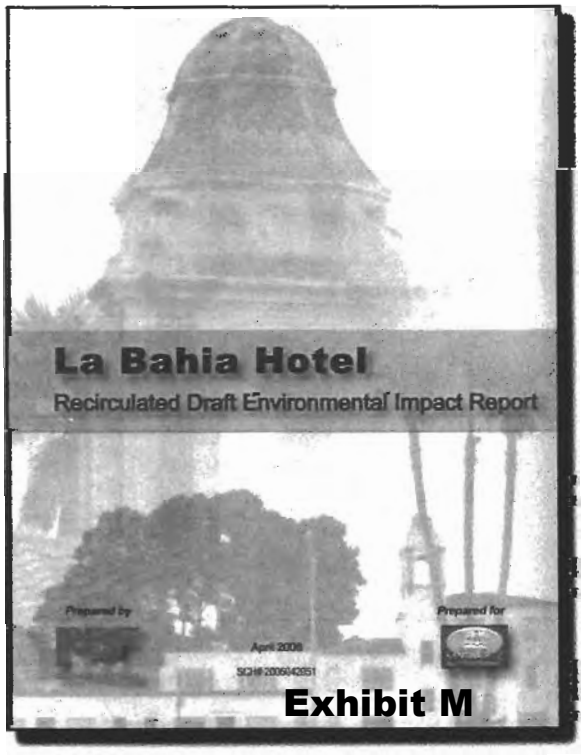
1st Delay. LOWRISE PROJECT, 2003: A landmark preservation project with a low-rise addition was approved by the Preservation Commission, the City Council, and the Coastal Commission. The developer insisted not only that Preservation works, but their layout was unalterable, because he had investors lined up. The project would be built in two stages: a Phase 1 Preservation Boutique Hotel, and a Phase 2 rear addition if the front part proved profitable. But the developer delayed construction, and later explained they didn't go forward because the project "wasn't profitable enough." Especially when considering the following highrise plan.

Exhibit M

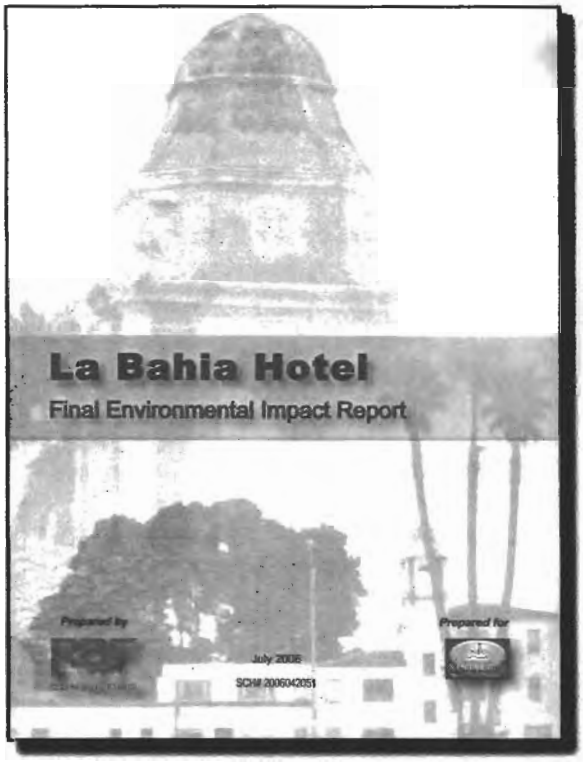
2nd Delay. COAST HOTEL FAILURE, 2005: The Coast Hotel (today's Dream Inn, not associated with Swenson Builders at the time) was planning an upgrade, but Redevelopment persuaded them to pursue a tear-down makeover to replace their ugly 1960s building. Instead they proposed a similar modern replacement that didn't follow compatibility guidelines, and given their inflexibility gained reluctant support, but was withdrawn when it was placed on the ballot for a public vote. Barry Swenson Builder dumped plans to do a low-rise La Bahia, and said they'd do a highrise La Bahia to add the benefits the controversial Coast Hotel project would have provided, "while avoiding their mistakes." This meant delaying any progress in order to gamble on crafting an 8-story highrise La Bahia as a second "Dream Inn." The booming economy was cited as an urgent need to build a luxury condo-hotel for America's disposable vacation dollars.



3rd Delay. FIRST EIR, May 2007: This EIR was so far out of line with what compliance constituted, it was overwhelmed with submissions of opposition. The developer withdrew it, along with all the negative comments originally submitted by the preservation commission and the public. This effectively eliminated evidence of the scale of opposition, unless items were individually resubmitted to the next EIR as a matter of record. The developer delayed the project to start over again at finding some way to make his highrise proposal pass legal muster.



4th Delay. SECOND EIR, April 2008: The Recirculated EIR presented the same project with little change to the design, but more attention to which laws needed to be eliminated. The developer now promoted the project as a panacea to the Great Recession, now suggesting a luxury condo-hotel would create tax substantial revenues for the City's financial shortages (even as the city's new downtown luxury condos were going unsold, and a second was left unbuilt).



5th Delay. THIRD EIR, July 2008: When the developer saw even the Planning Commission had problems with his 8-story Highrise, and the developer might get stuck with one of their fake alternatives, they quickly invented the 7-story wall-like highrise as Alternative 3A. Using double talk, they stopped calling it 7-stories, but started calling it 4-stories over parking, and some were confused into believing they now had a 4-story building. This alternative was denounced in the previous EIR as *removing one story was not enough to gain compliance*, and the "wall-like effect" of the proposal is specifically discouraged in the Local Coastal Program policy L3.5.1.

NOTE: There is only one 3rd floor apartment in the existing La Bahia, which is mostly 1-to-2 story wings. So claiming 7-stories is smaller than 8-stories is not a reduction, as it is still *adding* 5-to-6 stories above most of the existing lowrise roofline.

6th Delay. FOURTH EIR, Feb. 2009: An unprecedented 4th E.I.R. (or an E.I.R. supplement amending its conclusions) was submitted, in response to --but never addressing-- the issues raised by the Historic Preservation Commission. When HPC commissioners insisted the developer still hadn't produced a convincing justification for ignoring Local Coastal Program requirements, they were told Swenson had been in negotiations with the Coastal Commission behind the scenes to work out these issues, and had "gotten the Coastal Commission on board with the project."

EIR4 came to the unusual conclusion that what it had previously called unmitigated conditions, were now entirely mitigated, even though nothing had been done to change-or-mitigate these conditions in the meantime. This led to Debbie Bolger's statement at the City Council hearing, "When is an impact no longer an impact? When the EIR says so!" The Historic Preservation Commission voted unanimously against the total demo & highrise, but the 7-member City Council voted 5-to-1 in favor of the demo & highrise.

I.

Developer's Request for Continuance

7th Delay. REQUEST FOR 12 MONTH EXTENSION, Oct. 7, 2009: The project was submitted to the Coastal Commission July 16, 2009. Yet even having the City Council majority-vote and the Coastal Commission supposedly already "on board," the developer requested a 12-month continuance on Oct. 7, delaying the project.

LAWSUIT, March, 2010: A lawsuit was filed by the "Build A Better La Bahia Coalition" claiming the project violated CEQA requirements to show realistic alternatives to the project. The judge said Swenson did violated CEQA, then a week later he said they did not, prompting an appeal yet to be heard in a San Jose appeals court. Yet that in no way prevents the Coastal Commission from making a decision on whether the proposed La Bahia Highrise has mitigated *any* of its "major unmitigated impacts," or whether Spot Zoning is an acceptable way to eliminate LCP rules. So this does not constitute a delay by opponants.

II.

Developer's Withdrawl & Resubmission

8th Delay. WITHDRAWAL AND RESUBMISSION, Sept. 30, 2010: The developer delayed their project so long, they ran out of time to bring it to the Coastal Commission. So the City withdrew it, and resubmitted it in Jan. 26, 2011, *completely unaltered,* to restart the clock. Requests were made to schedule the La Bahia hearing for the next time they met in-or-near Santa Cruz.

III.

Developer's Request for Continuance

9th Delay. REQUEST FOR CONTINUANCE, March 11, 2011: The Coastal Commission gave the developer their wish, meeting in Santa Cruz in March, 2011, and stepping briefly into one of the La Bahia's courts, during a whirlwind three hour tour of county sites from Santa Cruz to Capitola. Yet even with the developer's newspaper spin-campaign underway at the Sentinel Newspaper and Good Times tabloid, still the developer got cold feet, and asked for more time to try to justify dumping LCP requirements.

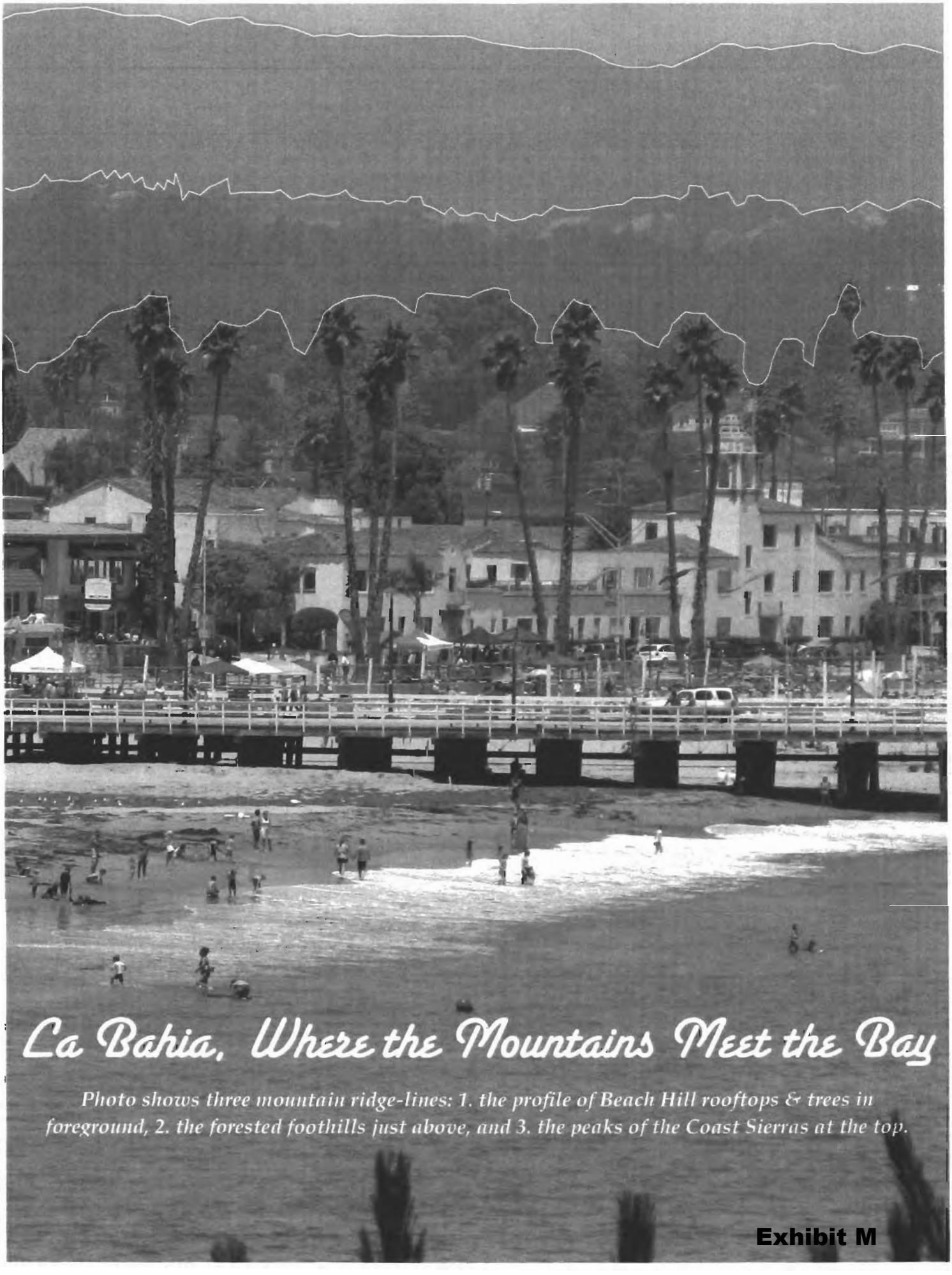
IV.

Developer's Request for Continuance

10th Delay. REQUEST FOR MORE TIME, April 14, 2011. The developer requested Time Limit extensions, possibly because a number of Commissioners were leaving, thus preferring to take his chances with a slate of newly seated Commissioners. *Good Times* editor Tom Honig called the process "grindingly slow" (July 19, 2011) --ignoring the fact that all the delays were at the request of the developer-- and was bewildered that sacrificing the public's heritage (the landmark) and natural features (removing the hillside) isn't regarded as worthwhile for a high-enough profit. On the other hand, Preservation Commissioners long ago lost patience with a developer who since 2003 insists on forcing his square peg skyscraper in a round hole, allowing only cosmetic changes that address none of the impacts. What were any of the delays for, if the major unmitigated impacts remain the same to this day? ***Do you dare upset the project's supporters by granting any request for further "delays?"*** ■

Exhibit M

PH-1



La Bahia, Where the Mountains Meet the Bay

Photo shows three mountain ridge-lines: 1. the profile of Beach Hill rooftops & trees in foreground, 2. the forested foothills just above, and 3. the peaks of the Coast Sierras at the top.

Exhibit M

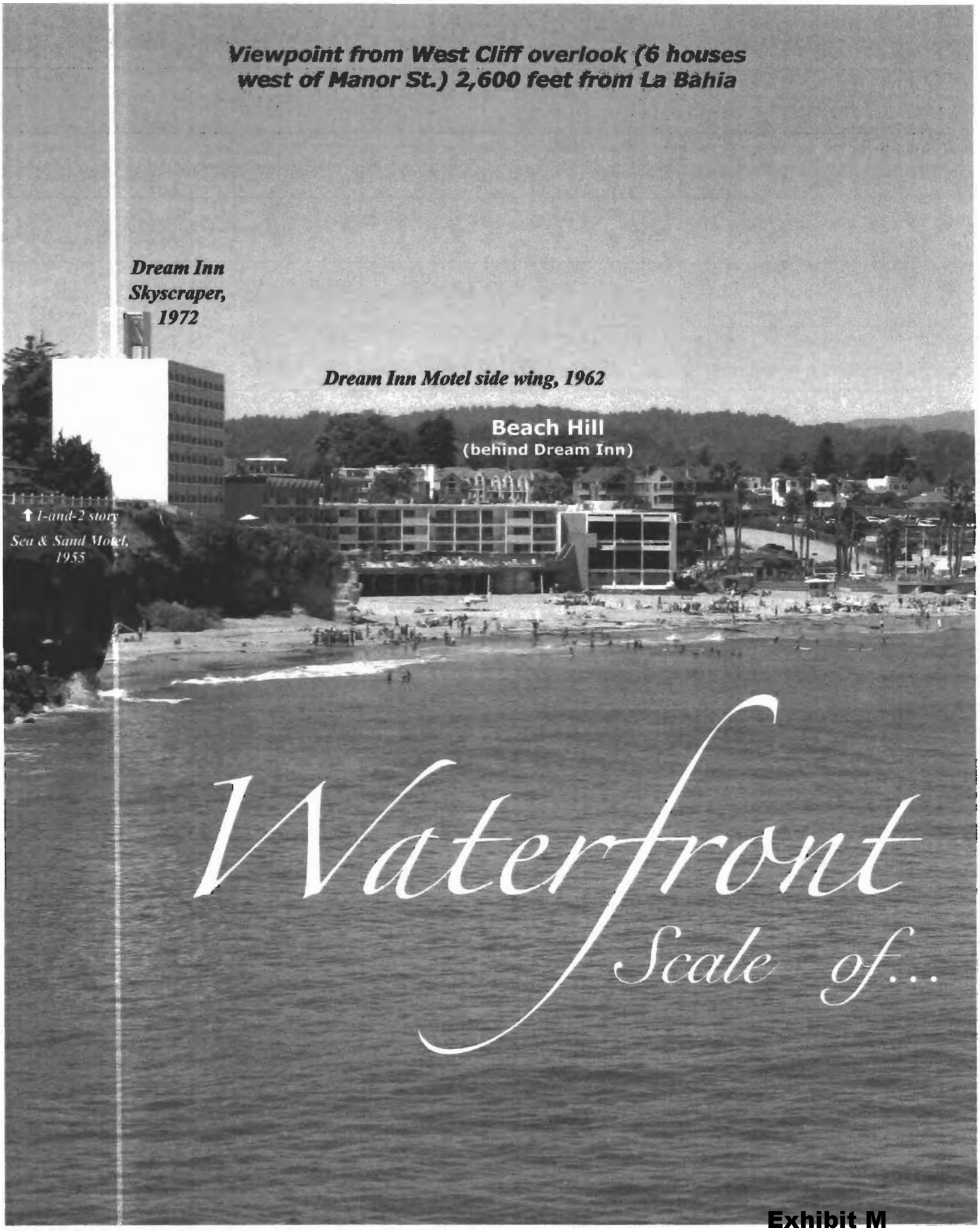

Viewpoint from West Cliff overlook (6 houses west of Manor St.) 2,600 feet from La Bahia
Dream Inn Skyscraper, 1972
Dream Inn Motel side wing, 1962
Beach Hill
(behind Dream Inn)
1-and-2 story
Sea & Sand Motel, 1955
Waterfront
Scale of...

Exhibit M

PH-3

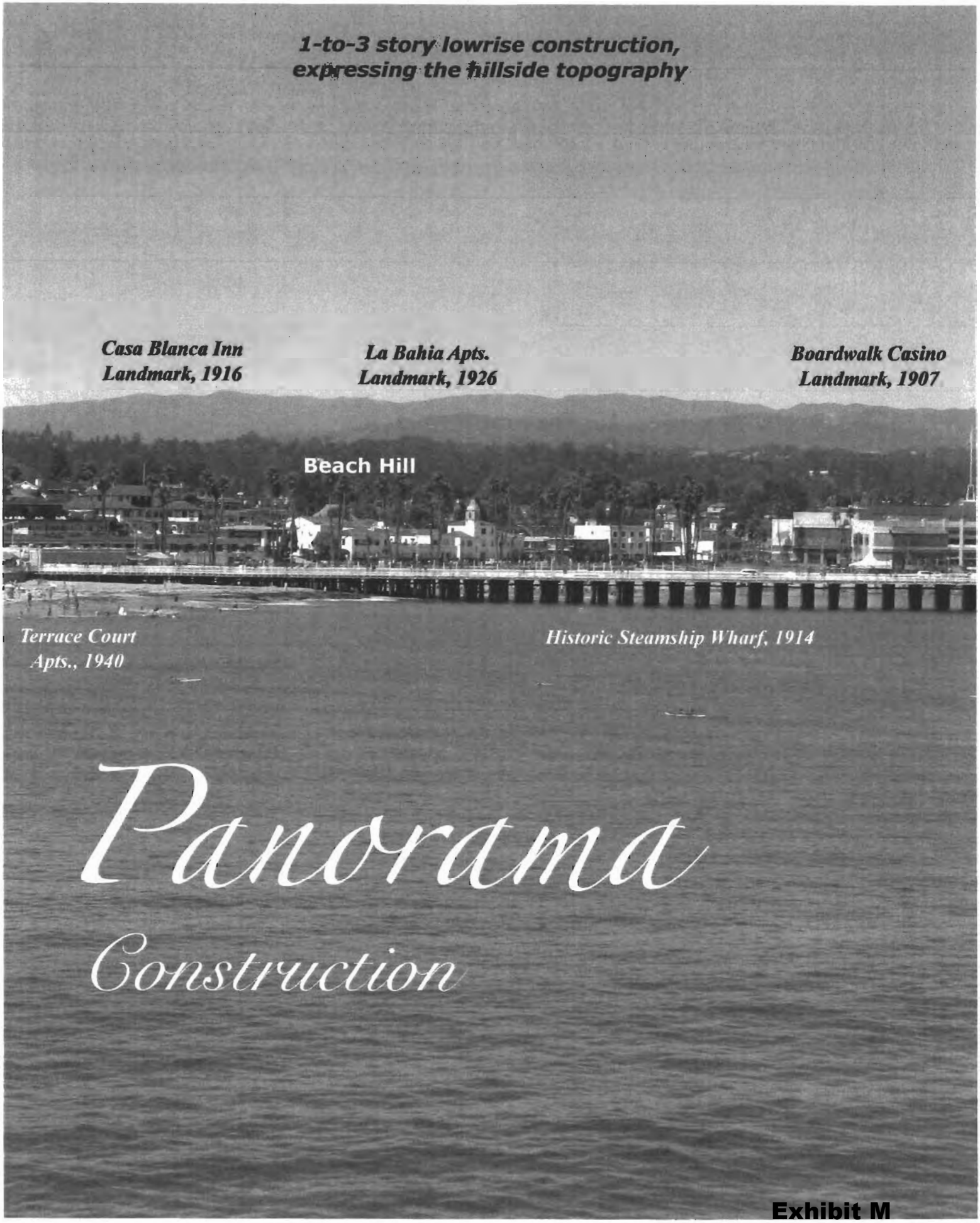
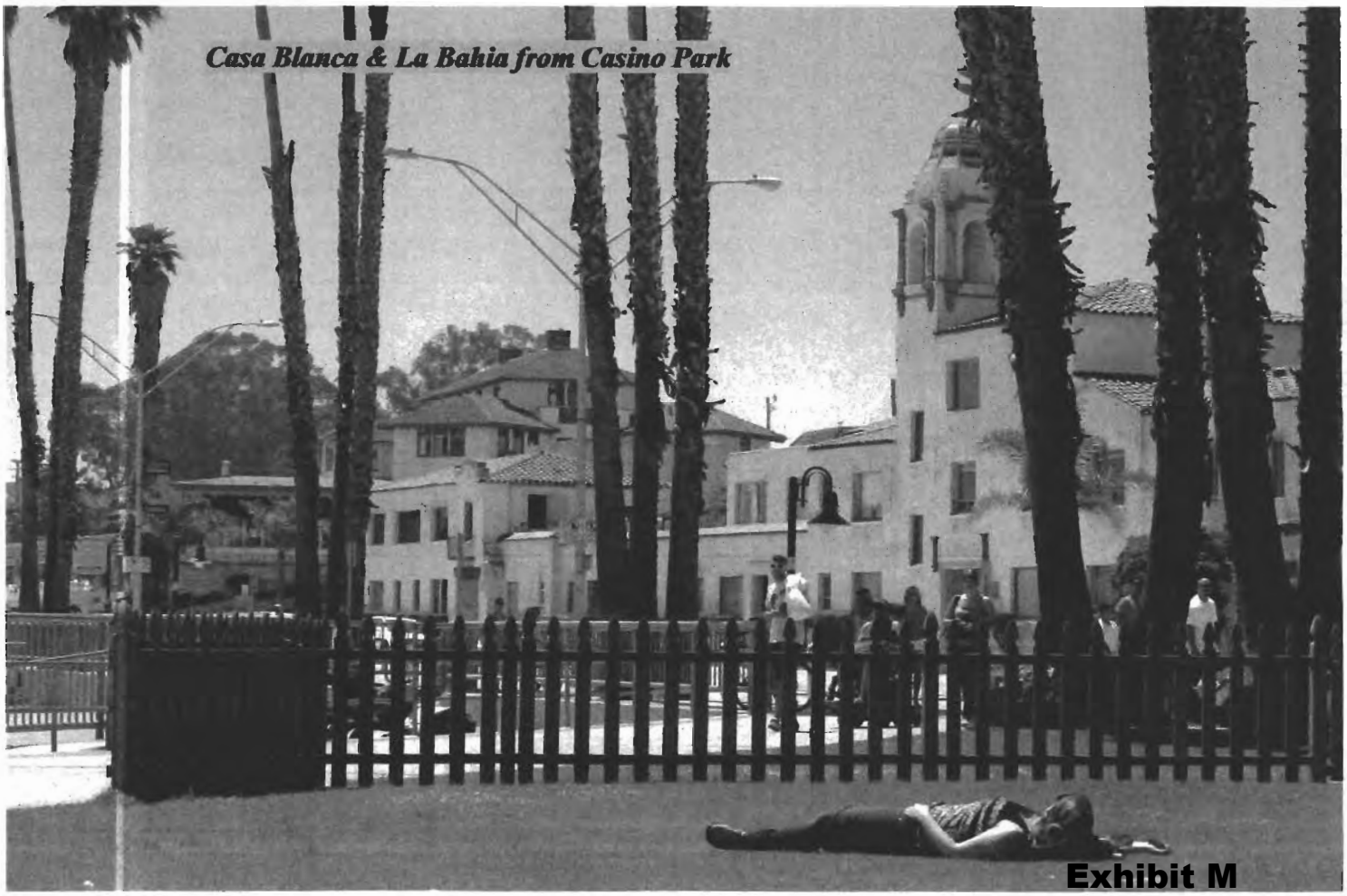


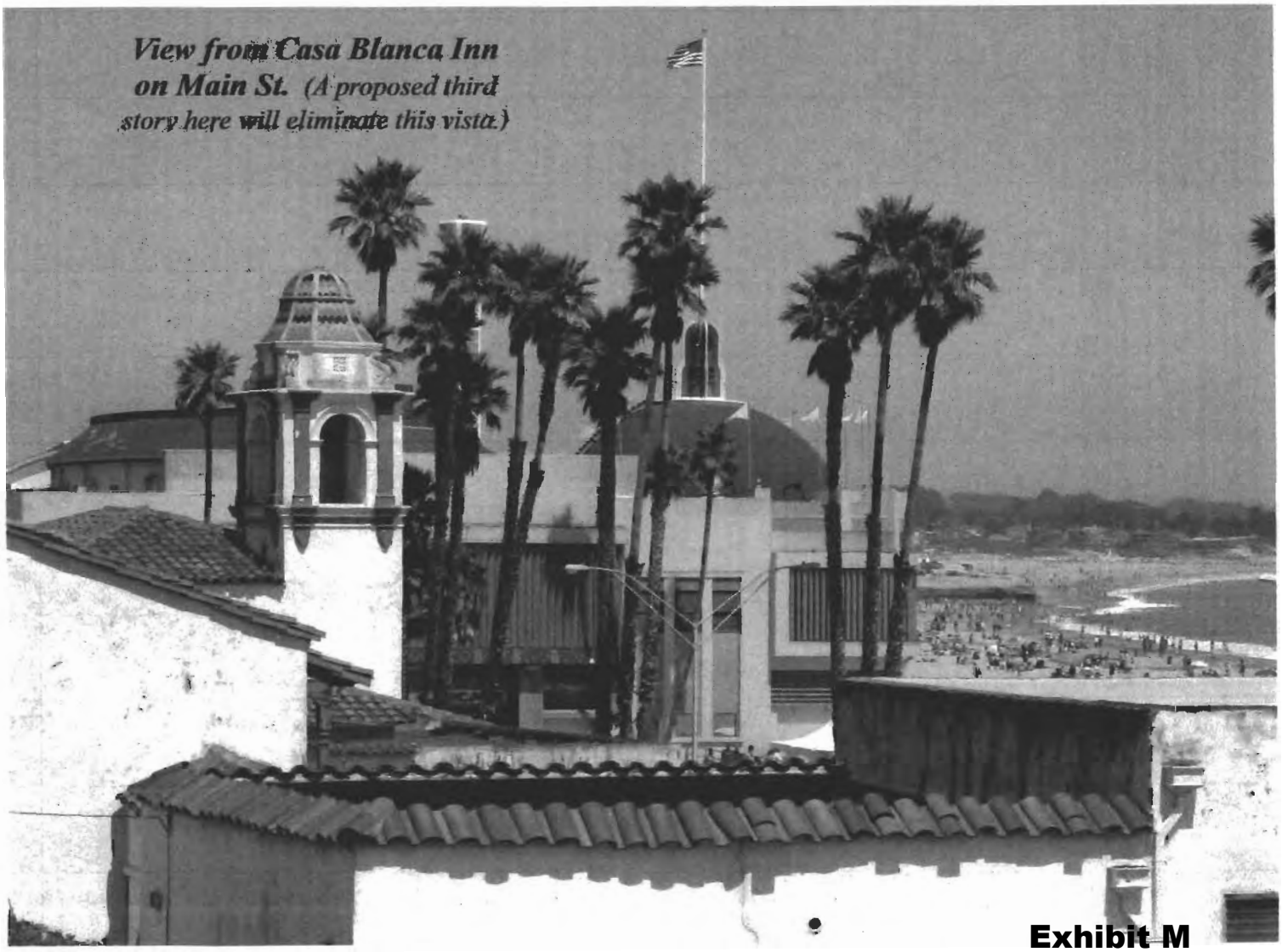
Exhibit M

Casa Blanca & La Bahia from Beach


Casa Blanca & La Bahia from Casino Park
Exhibit M

PH-5

View from First and Main at top of Beach Hill



View from Casa Blanca Inn on Main St. (A proposed third story here will eliminate this vista.)

Exhibit M

PH-6

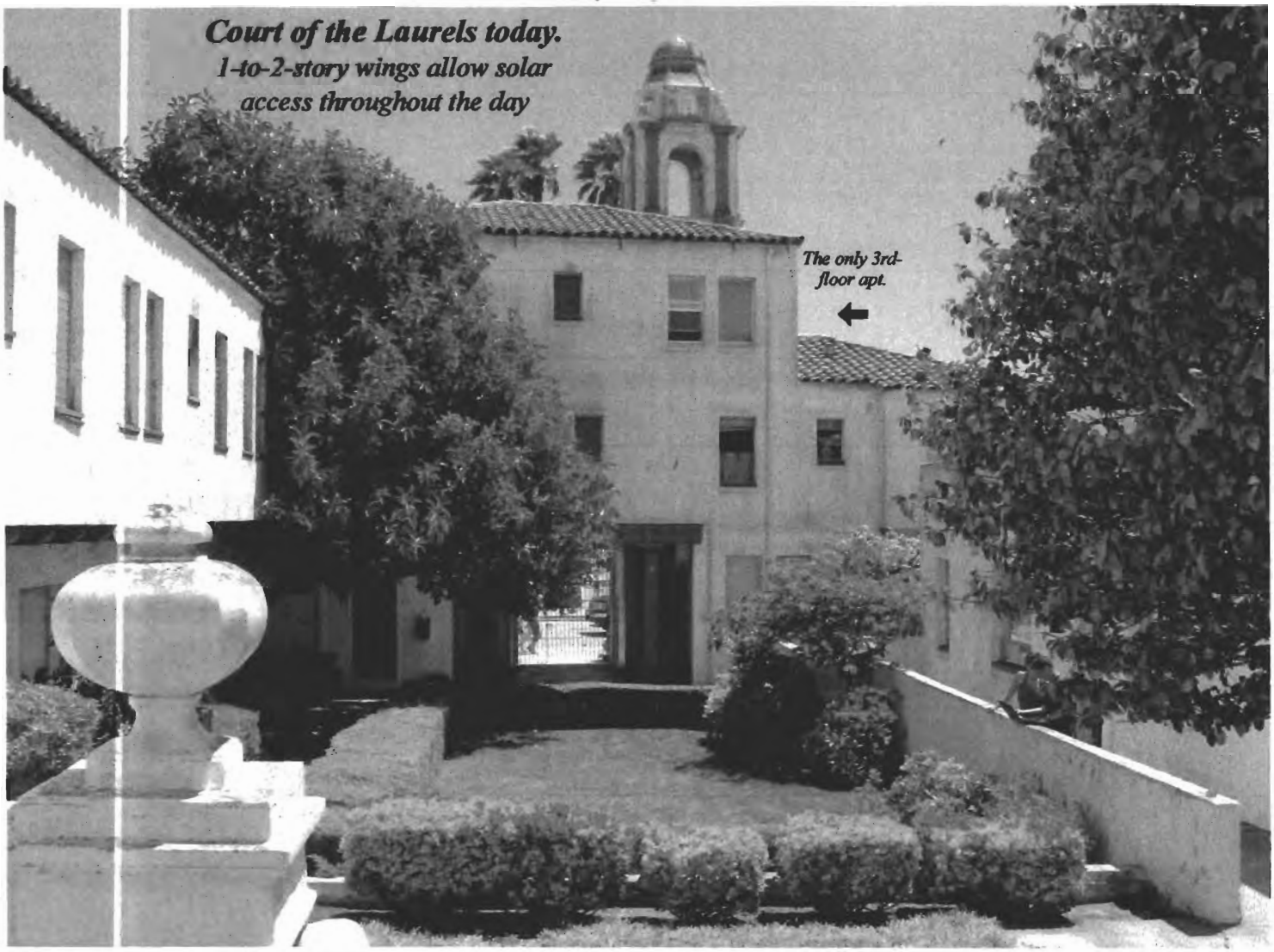
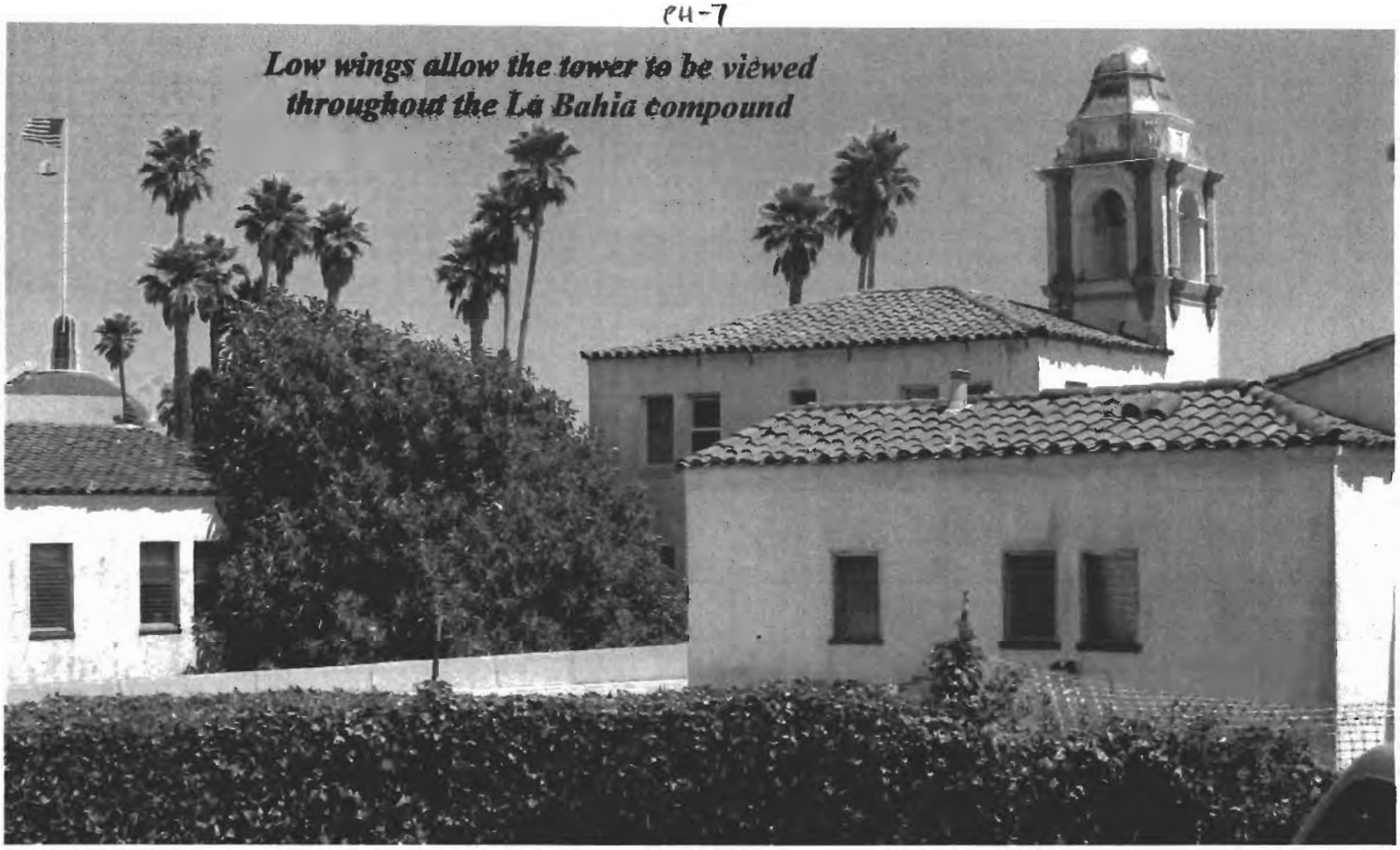


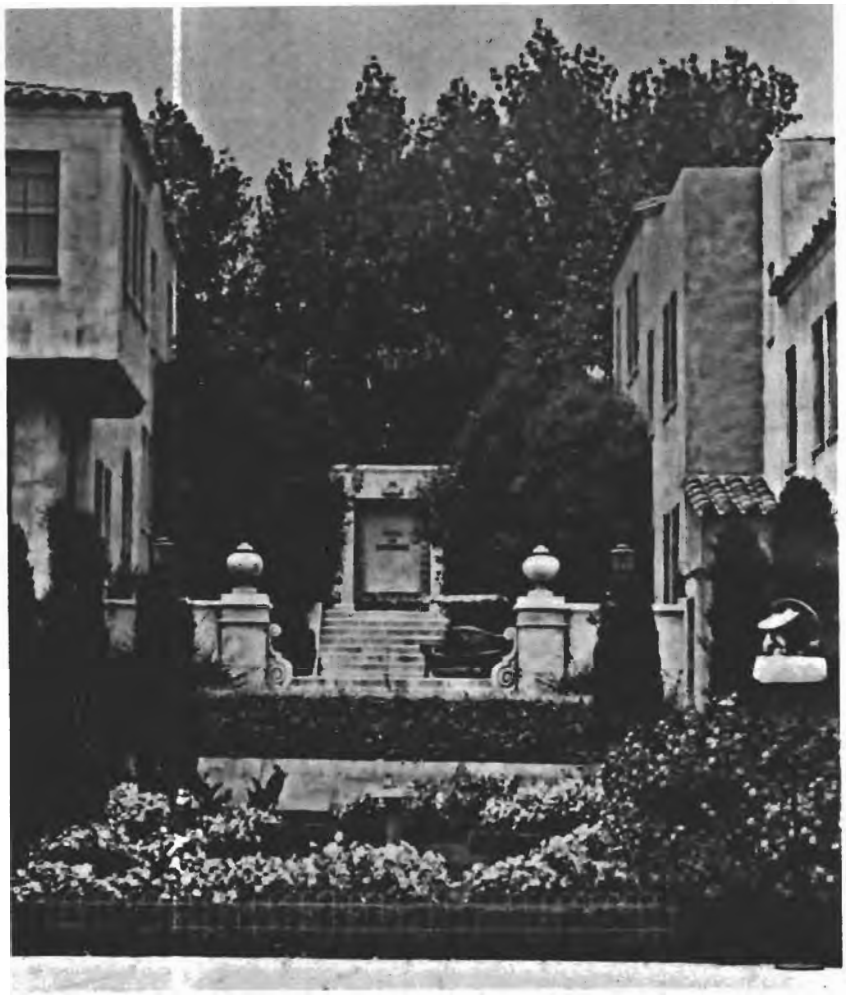
Exhibit M

PH-7



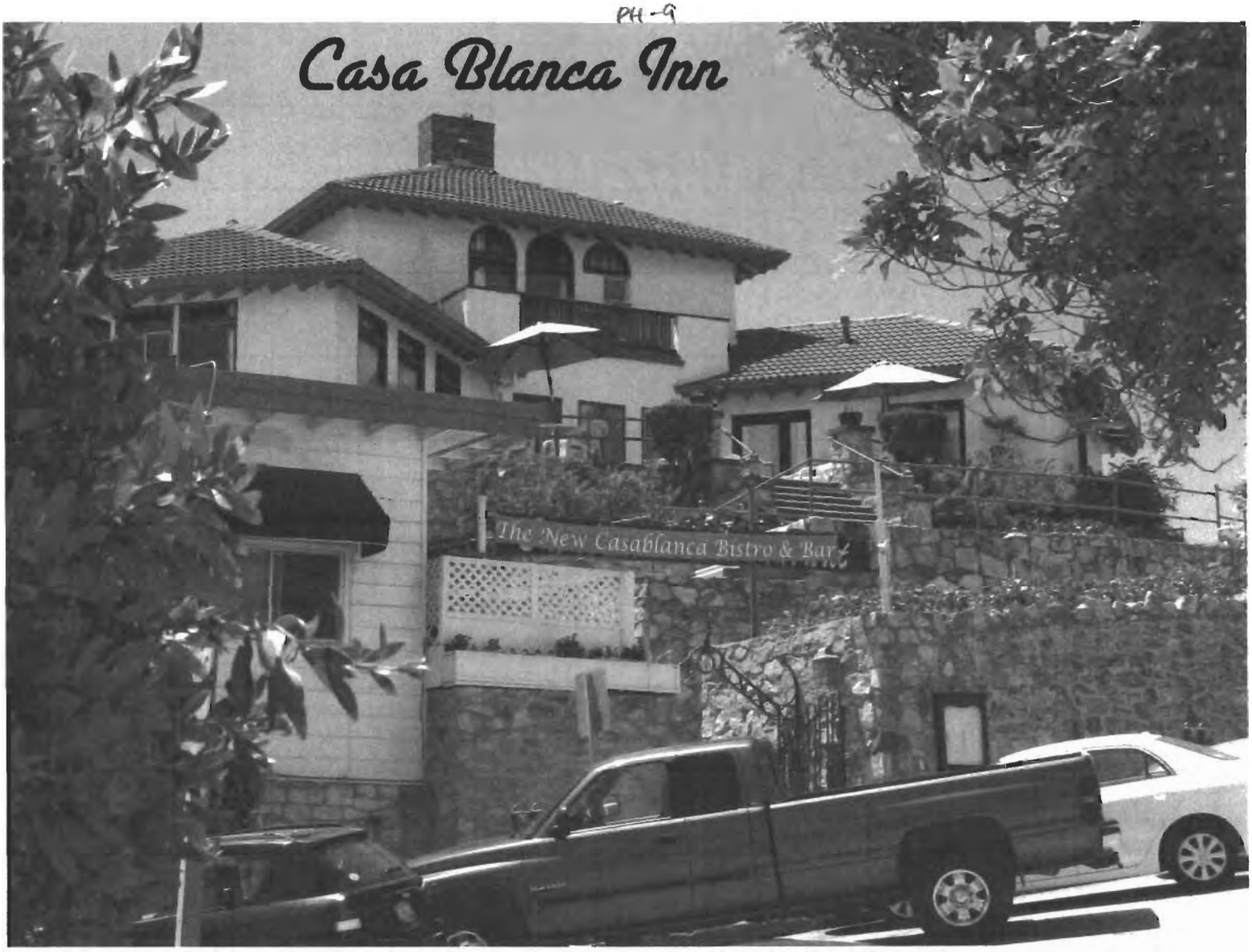
Low wings allow the tower to be viewed throughout the La Bahia compound

Exhibit M



La Bahia's ornamental stairs

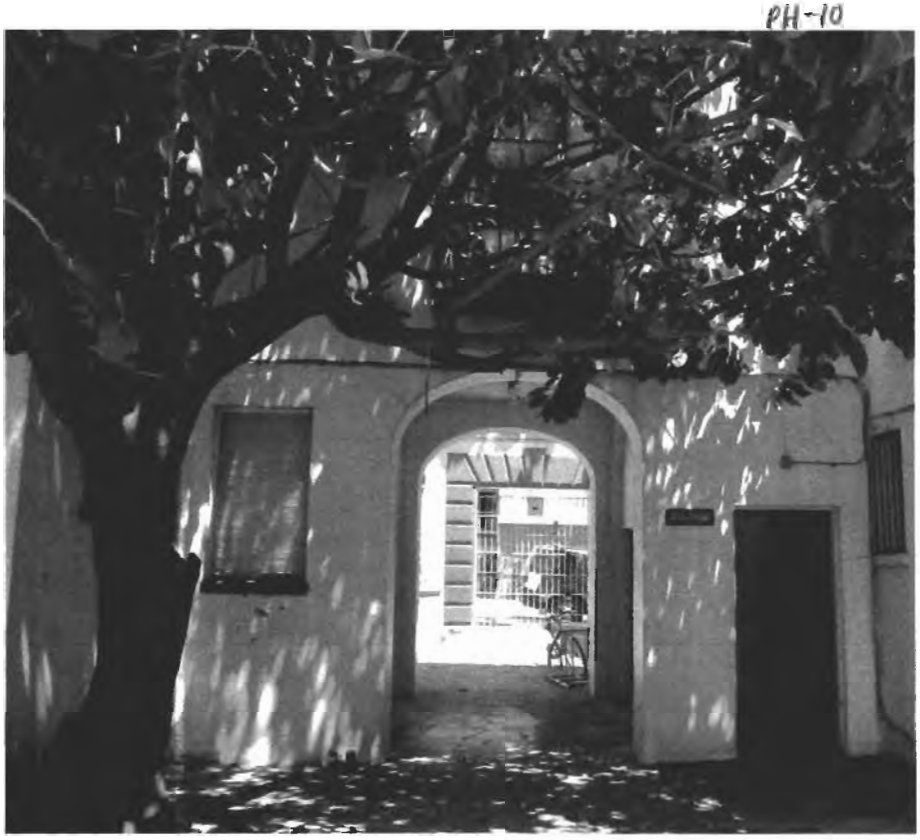
Exhibit M



While the La Bahia developer complains about small ornamental stairs and ramps as bad for business, the Casa Blanca right next door across Main St. is all stairs and ramps, yet runs a popular inn and restaurant. The main building is three stories, yet through numerous step-backs, there is not a single three-story sheer wall on the site.

Exhibit M

PH-10



Passageways frame the various "Secret Garden" enclaves within the La Bahia's cloistered courtyards. The La Bahia forms an oasis of calm in the midst of a bustling waterfront.

Exhibit M

PH-11

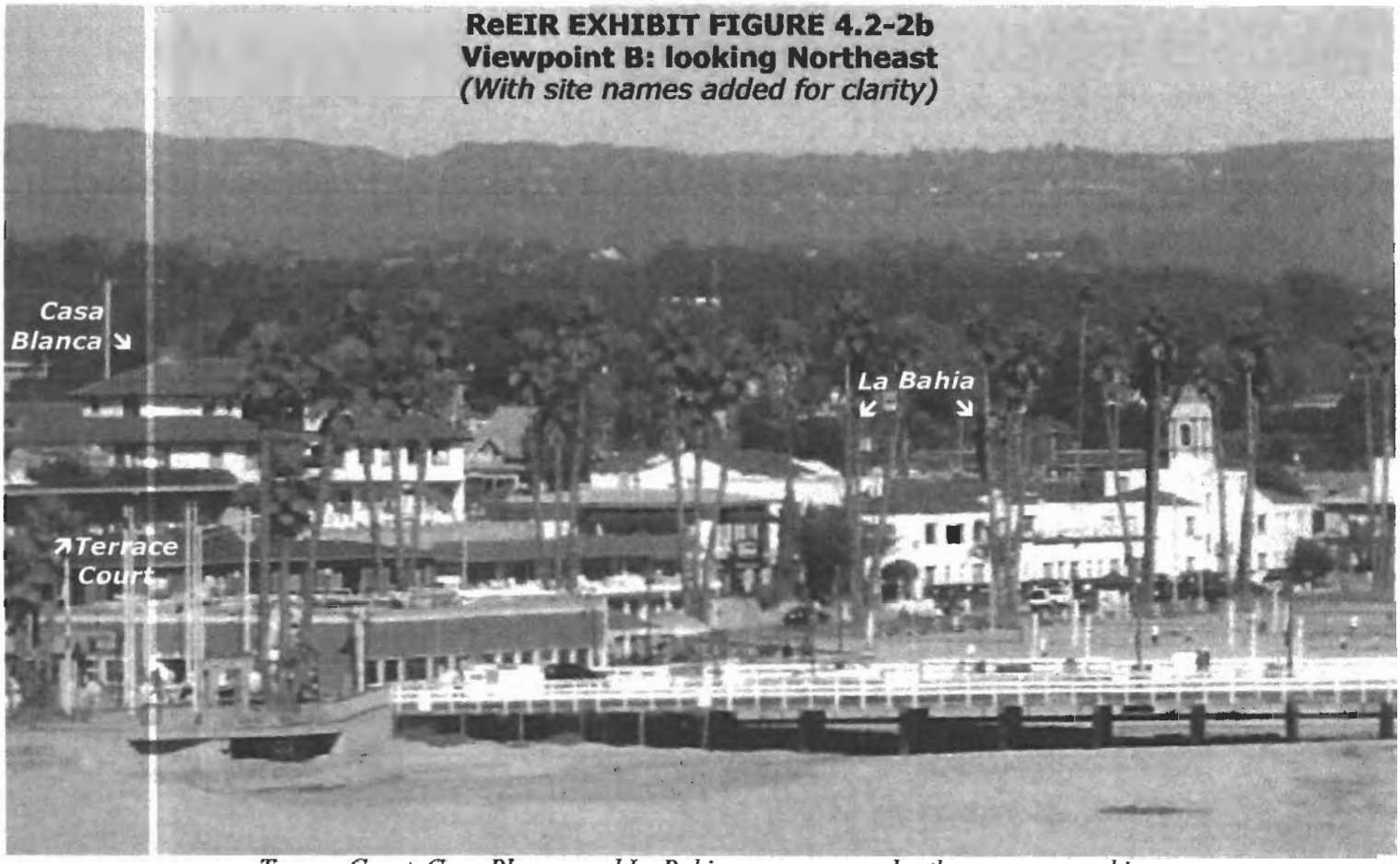
The La Bahia (1926) was the heart of the waterfront, showing the Casa Blanca (1916) above Terrace Court (1940), with the Spanish Arches at the end of Beach Street connecting the Casa Del Rey Hotel (1911) with the Boardwalk Casino (1907)

The Suntan Special excursion train served the waterfront from 1927-to-19

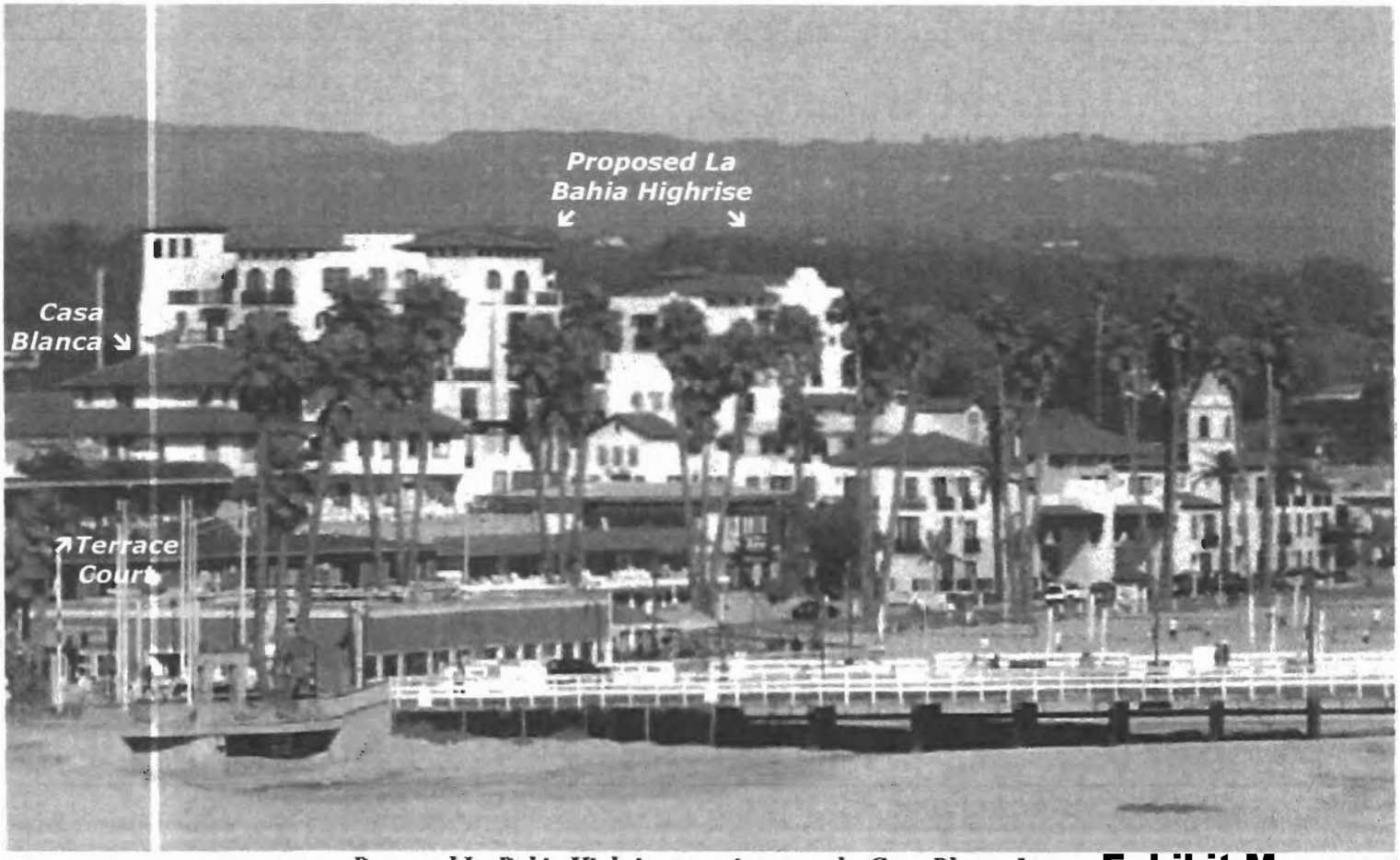
Exhibit M

PH-12

ReEIR EXHIBIT FIGURE 4.2-2b
Viewpoint B: looking Northeast
(With site names added for clarity)



Terrace Court, Casa Blanca, and La Bahia, were once under the same ownership

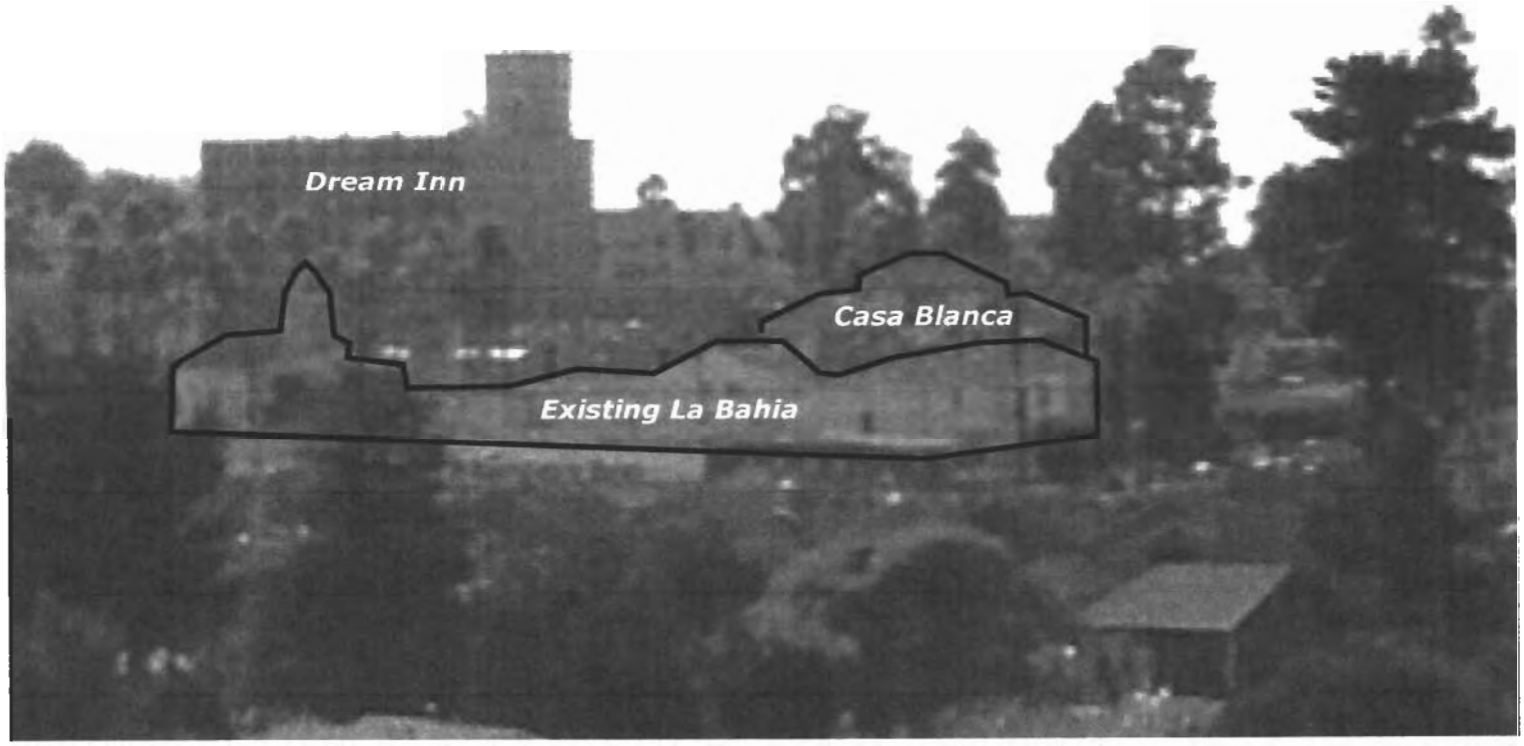


Proposed La Bahia Highrise towering over the Casa Blanca Inn

Exhibit M

P4-13

ReEIR EXHIBIT FIGURE 4.2-2c
Viewpoint C: 3000-feet away
looking Southwest *(With outlines and site names added for clarity by Gibson)*



PROJECT SITE

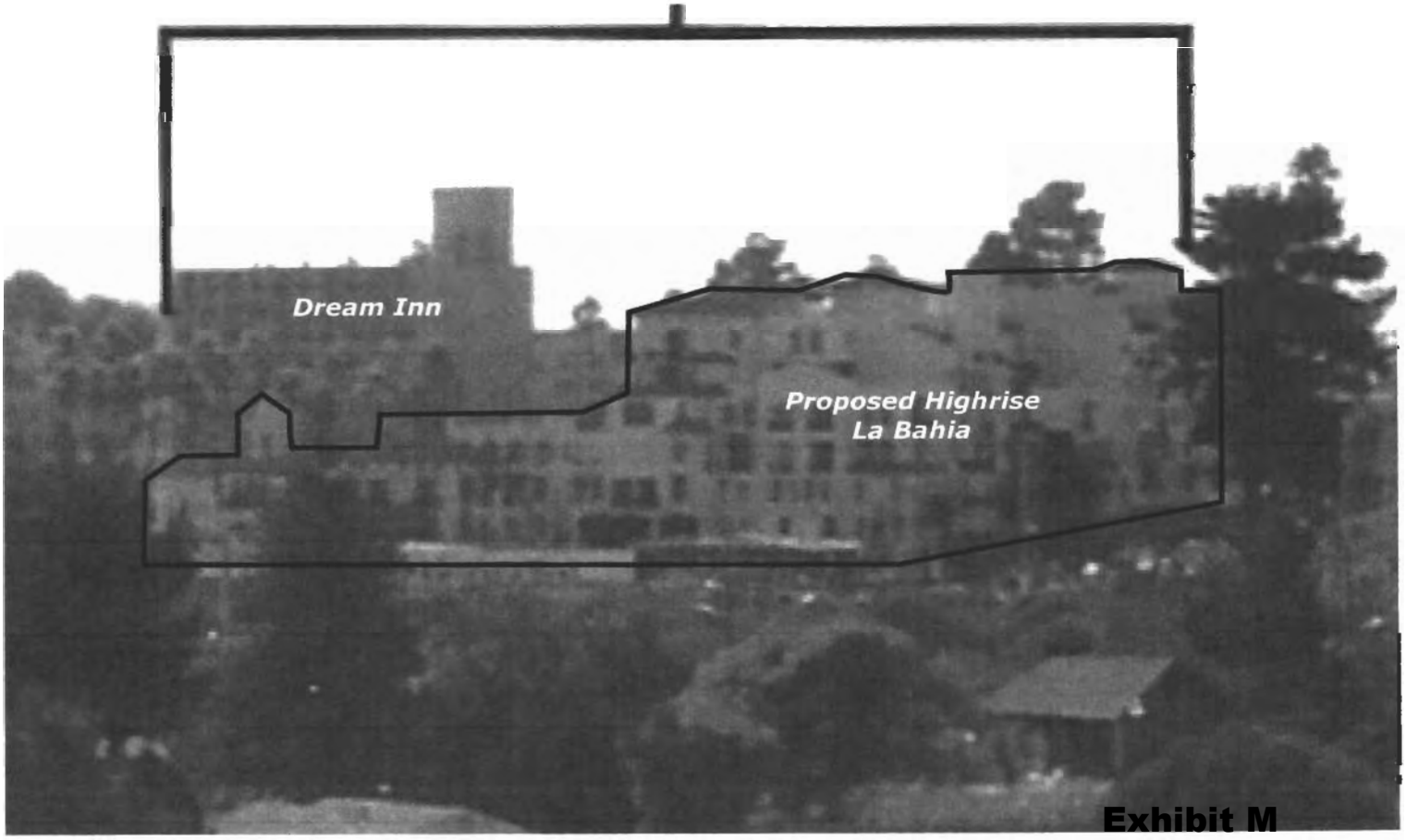
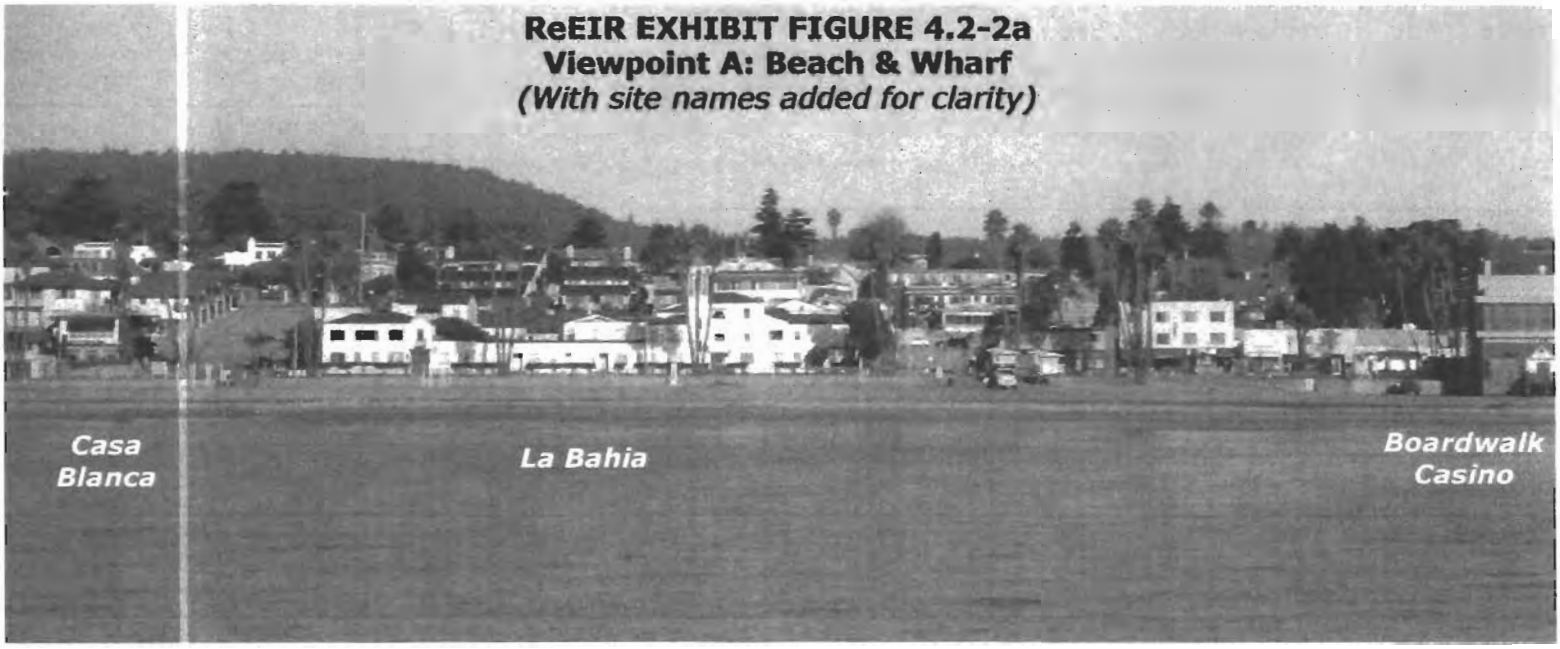
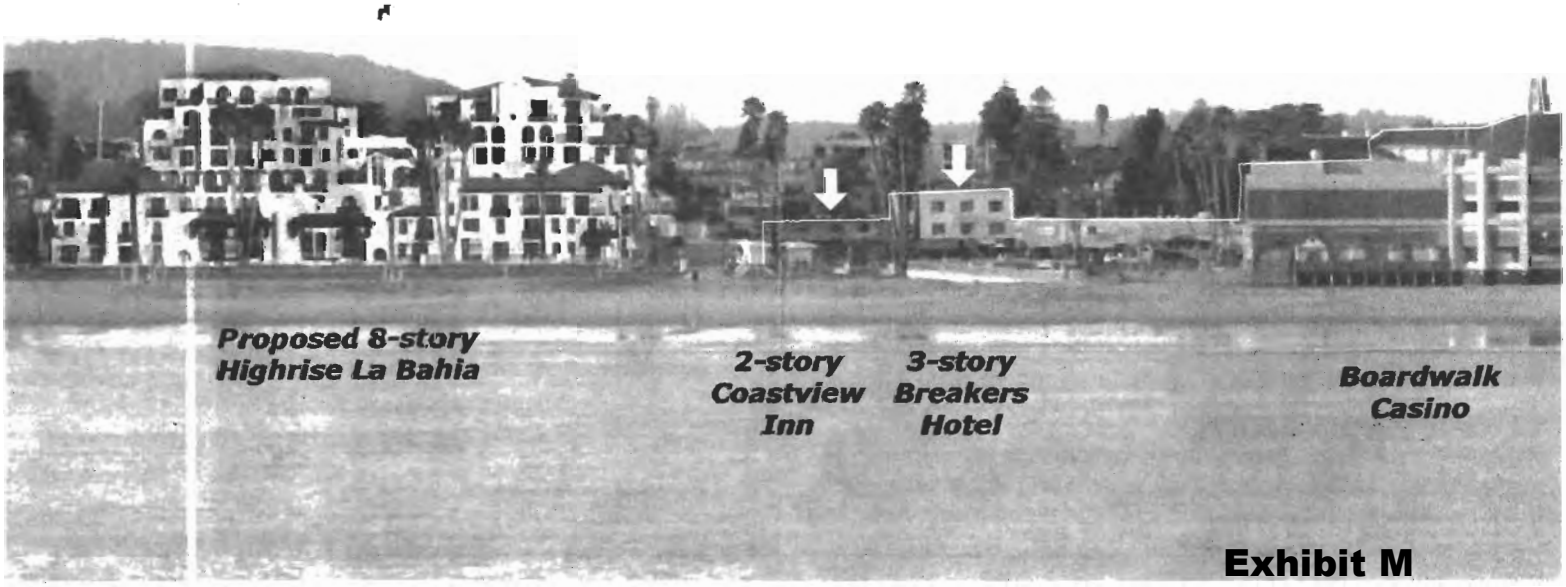


Exhibit M

PH-14

ReEIR EXHIBIT FIGURE 4.2-2a
Viewpoint A: Beach & Wharf
(With site names added for clarity)





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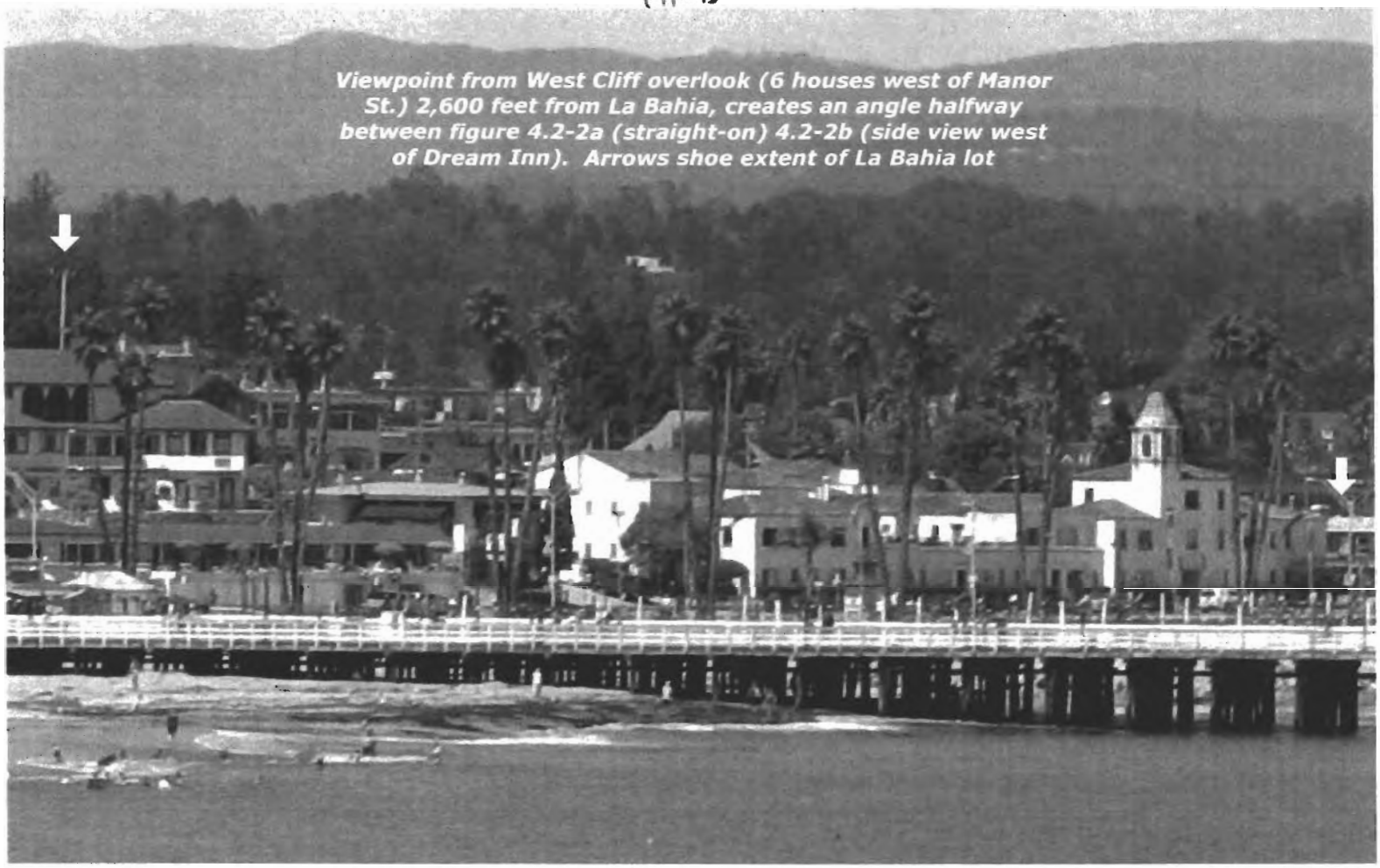

Viewpoint from West Cliff overlook (6 houses west of Manor St.) 2,600 feet from La Bahia, creates an angle halfway between figure 4.2-2a (straight-on) 4.2-2b (side view west of Dream Inn). Arrows shoe extent of La Bahia lot

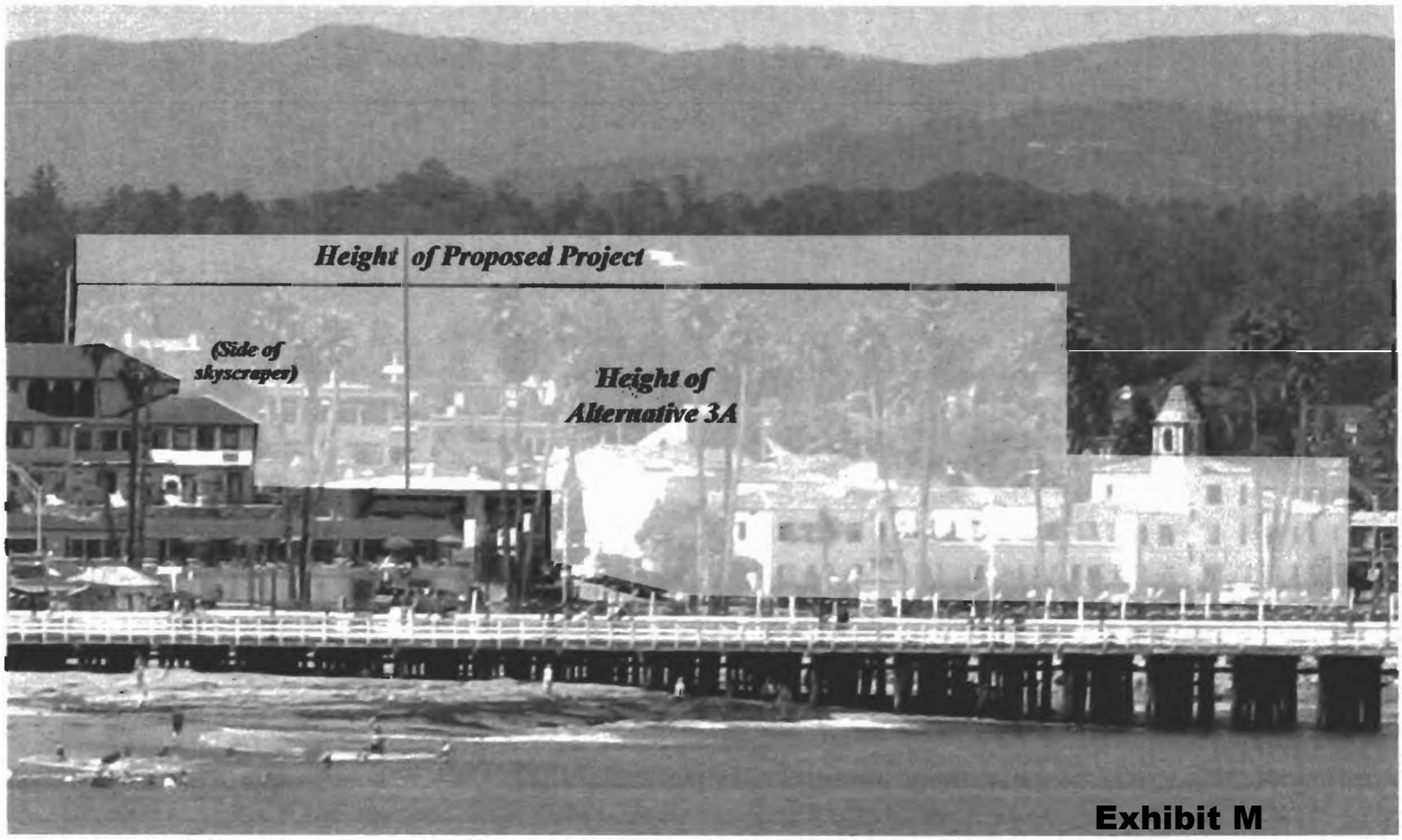
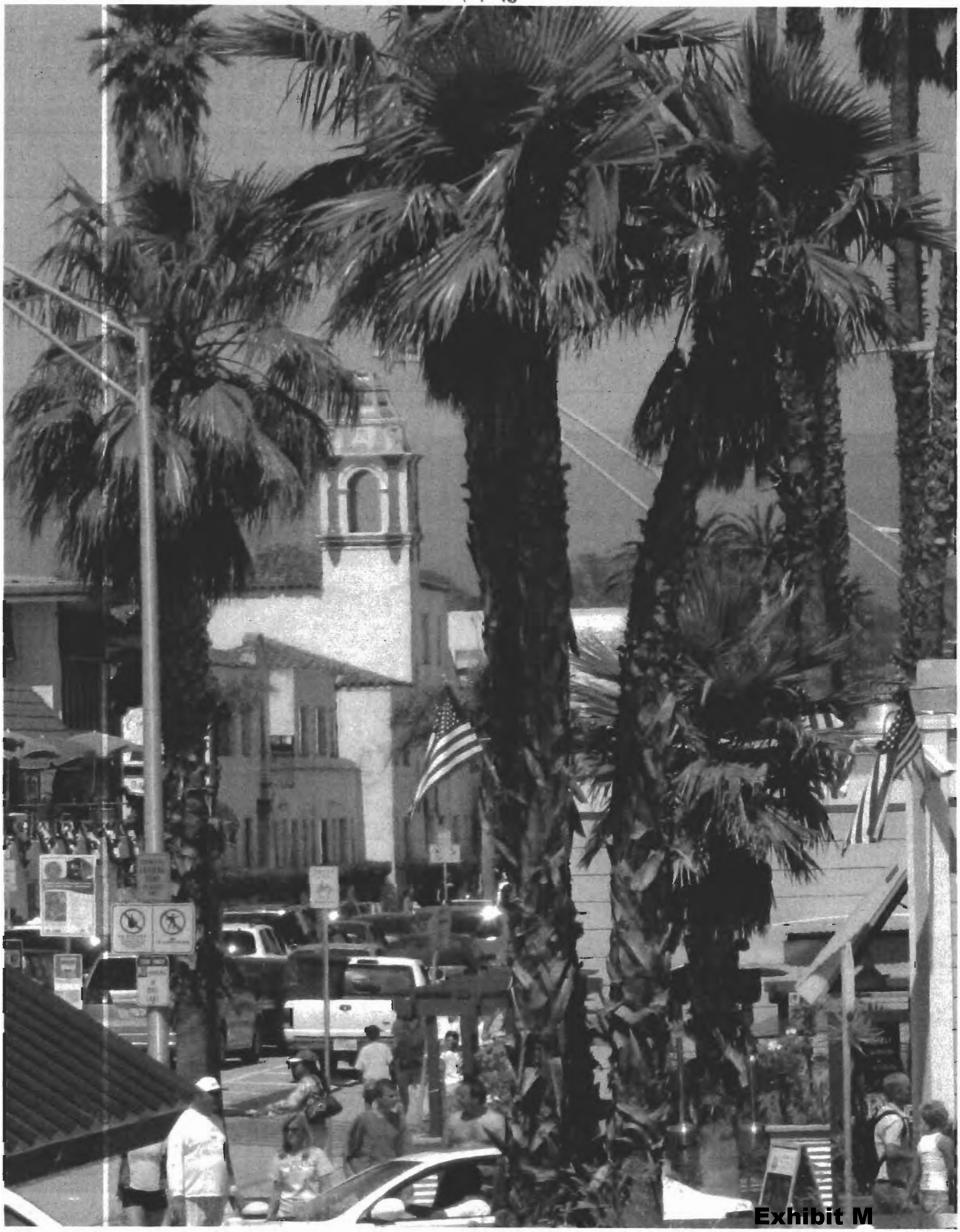

Height of Proposed Project
(Side of skyscraper)
Height of Alternative 3A

Exhibit M

PH-16



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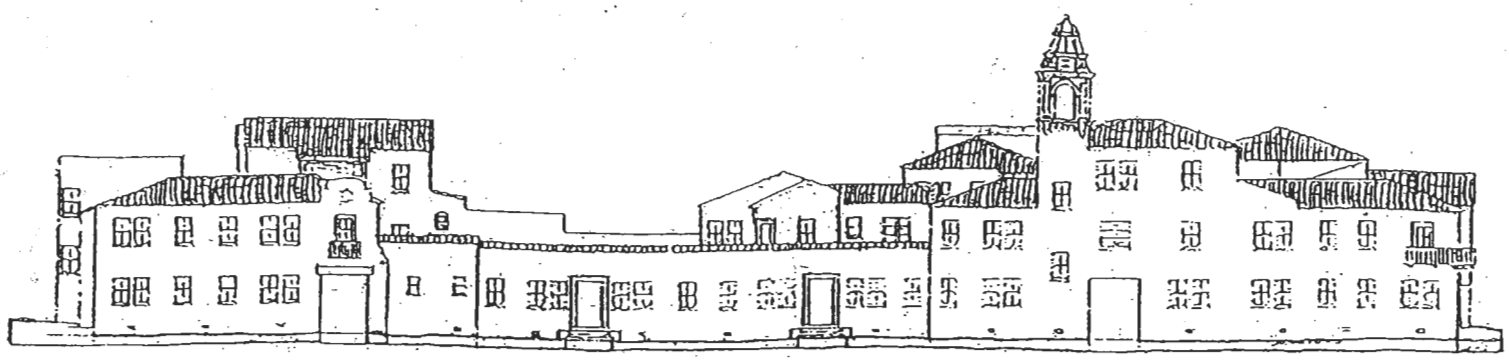
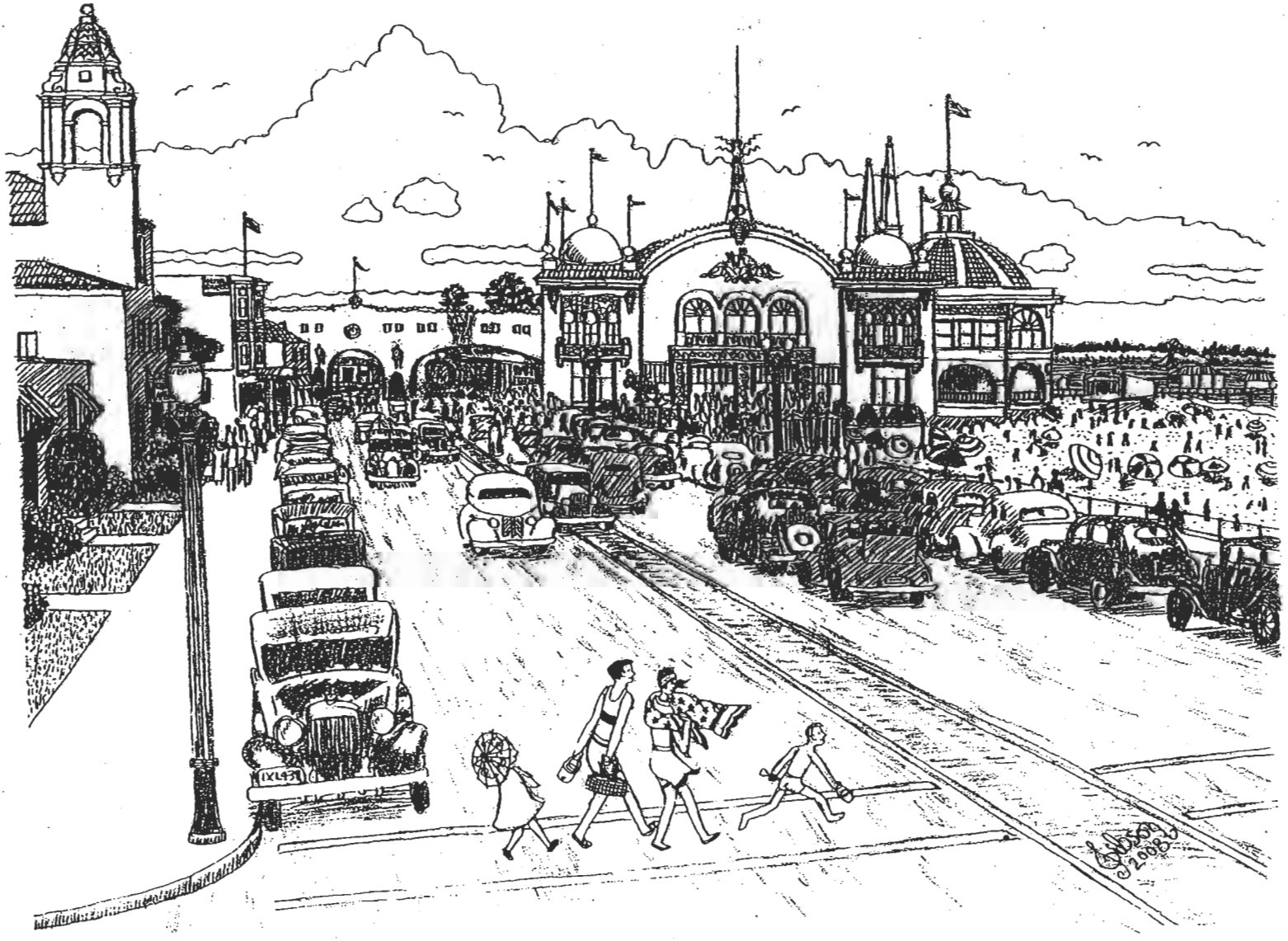
— PREVIOUS SUBMISSIONS —



THE LA BAHIA REPORT

In 7 Volumes

History, Planning & Analysis



By Historic Preservation Commissioner
ROSS ERIC GIBSON

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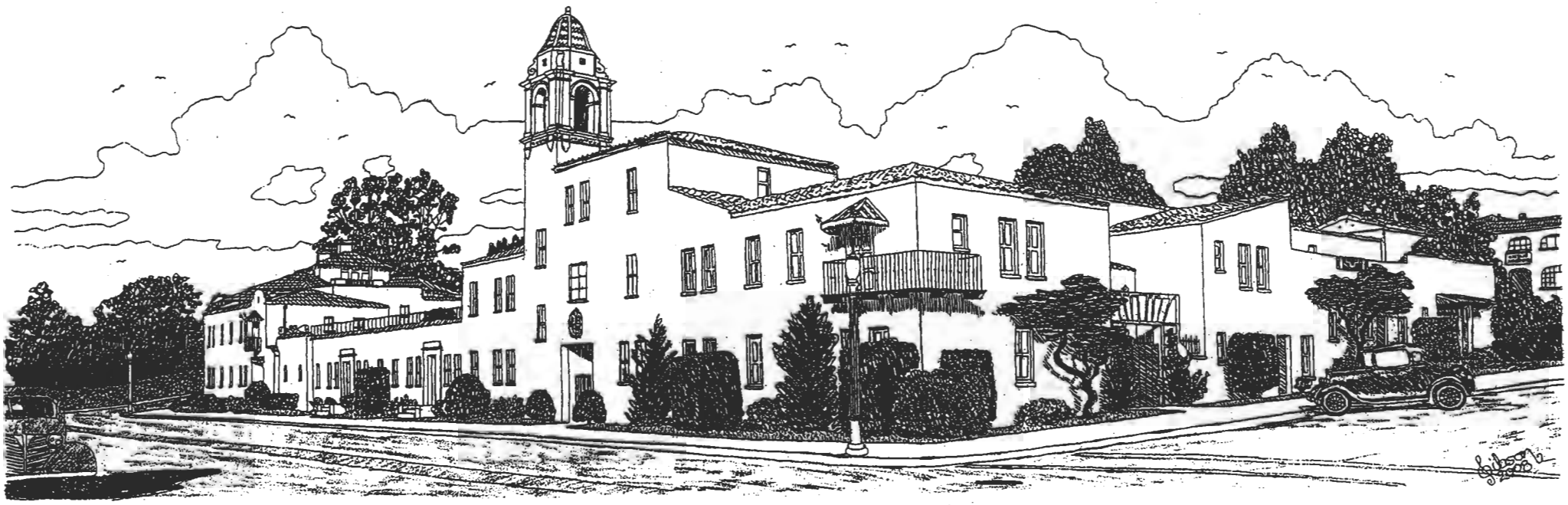

ABOUT THE AUTHOR: Ross Eric Gibson is an Historic Architectural Consultant, who was the *historian-of-record* in documenting the majority of condemned Santa Cruz landmarks after the 1989 earthquake, and served as the history-representative on a number of City committees creating area guidelines. Commissioner Gibson is the longest serving member of the Santa Cruz City Historic Preservation Commission (HPC), appointed in 1991 (with a 2-year absence when termed-out after 8-years). In addition to writing hundreds of history and city-planning reports, he has authored several books and plays on local history, and had Santa Cruz History columns in the San Jose Mercury News and Santa Cruz Sentinel from 1993-to-2000. He gives history classes, lectures, shows, tours and exhibits. He was awarded a California Preservation Foundation design award in 2003 for his consulting work in restoring the town's Del Mar movie palace, and won a contest to design the 1989 Santa Cruz Earthquake Memorial monument. In 1964, he was the youngest essayist awarded the George Washington Honor Medal from Gen. Dwight D. Eisenhower. In 1971 he received a Santa Rosa Press Democrat Press Conference award for newspaper cartooning and illustration from "Peanuts" creator Charles M. Schultz, and an award for poster-design from Schultz the following year.

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Ross Eric Gibson's

THE LA BAHIA REPORT

IN 7 VOLUMES

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History of the Casa Del Rey/La Bahia Hotel

Volume II

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How to Design in Hill-Village style

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LA BAHIA LANDMARK EVALUATION

What Makes It a Landmark (EIR Comments)

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Report Card on Project Policy Compliance

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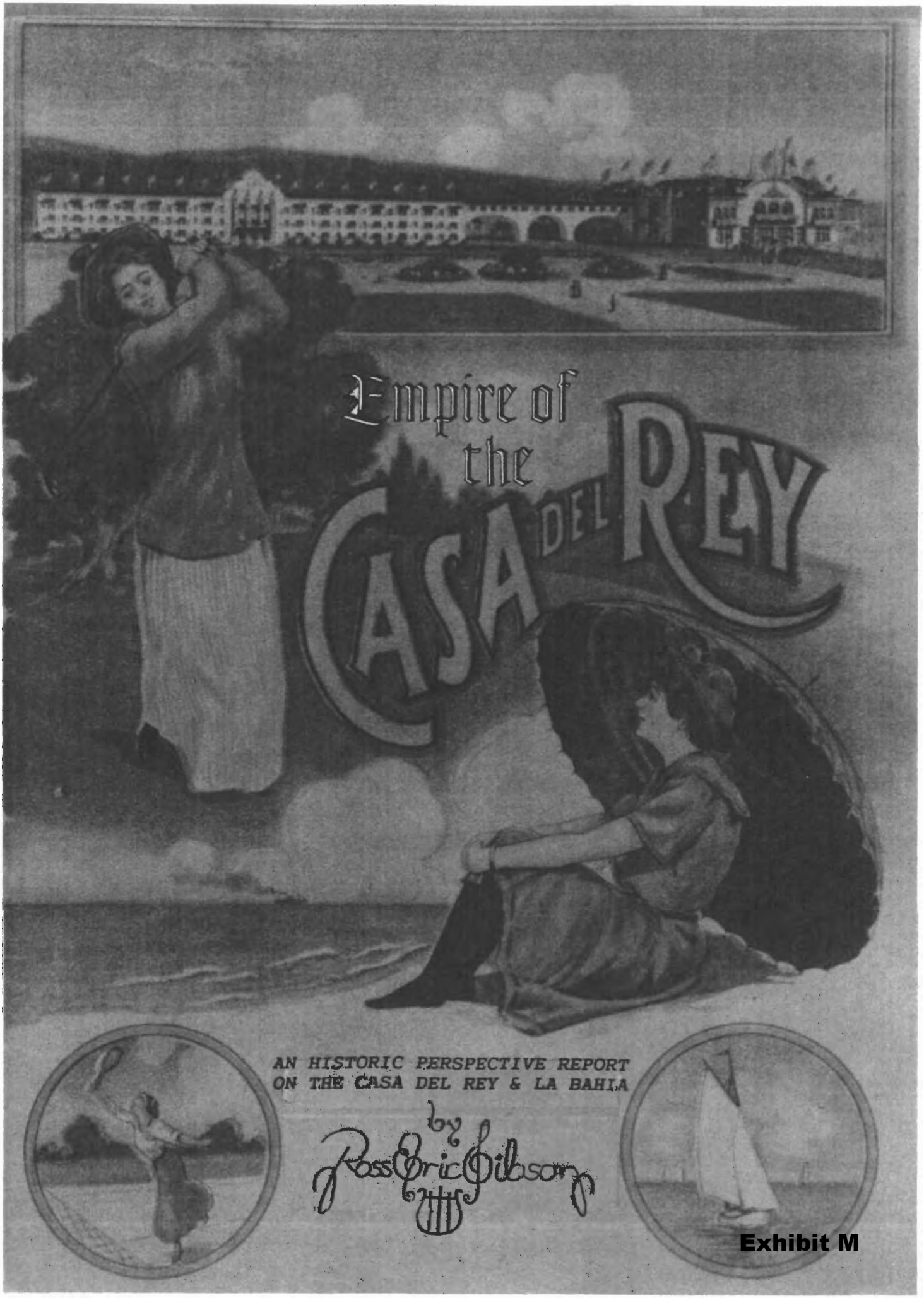
Empire of the
CASA DEL REY
AN HISTORIC PERSPECTIVE REPORT
ON THE CASA DEL REY & LA BAHIA
by
Ross Eric Gibson

Exhibit M

PHOTO CREDITS

All photos are from the Gibson Collection, except the following from UCSC Special Collections: 7 bottom; 14 upper two; 19 top; 23 "shells"; 25 bottom; 33 top right; 37-38.

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Exhibit M

ROYAL GARDENS

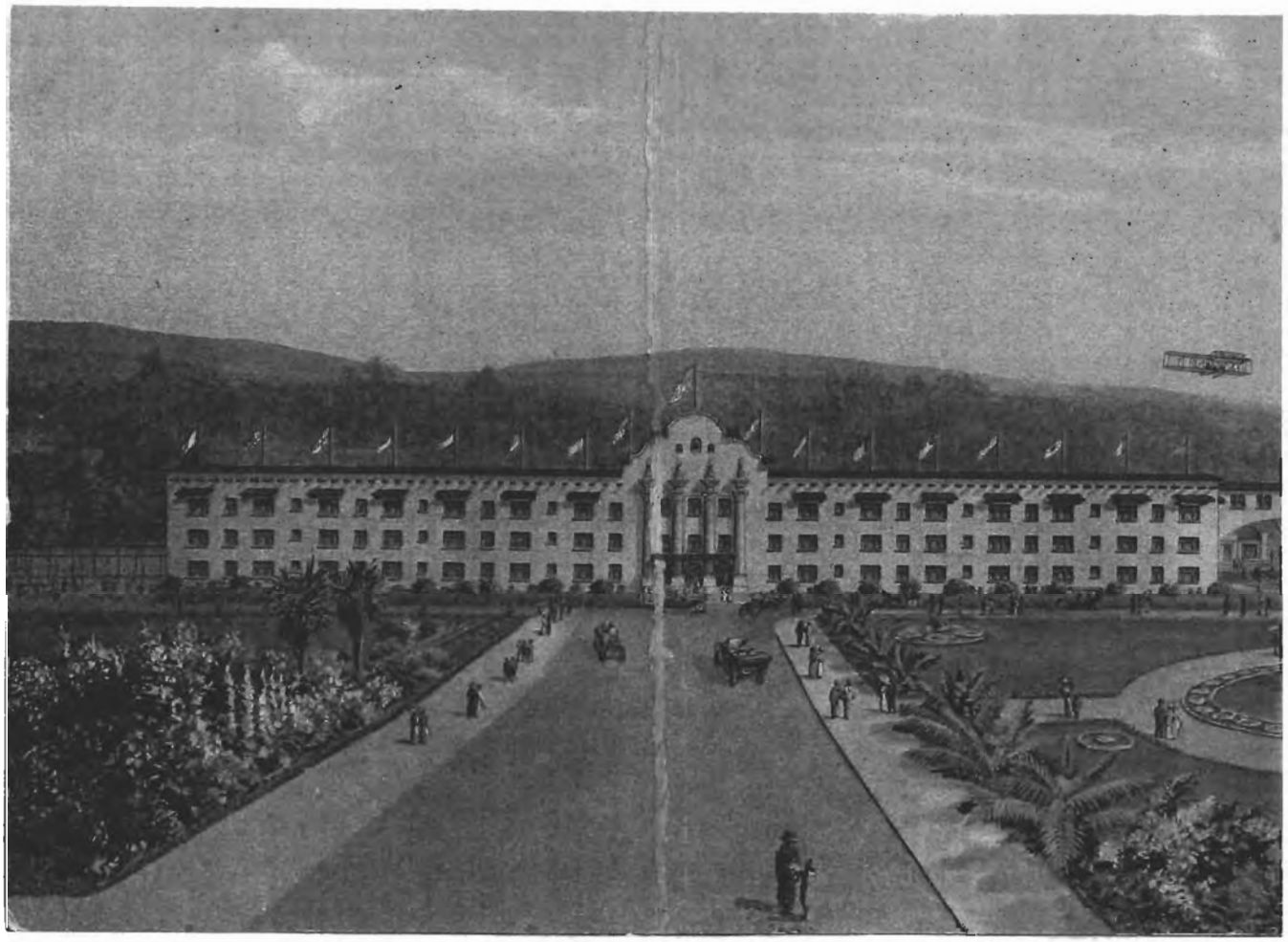


Exhibit M

TENT CITY & COTTAGE CITY

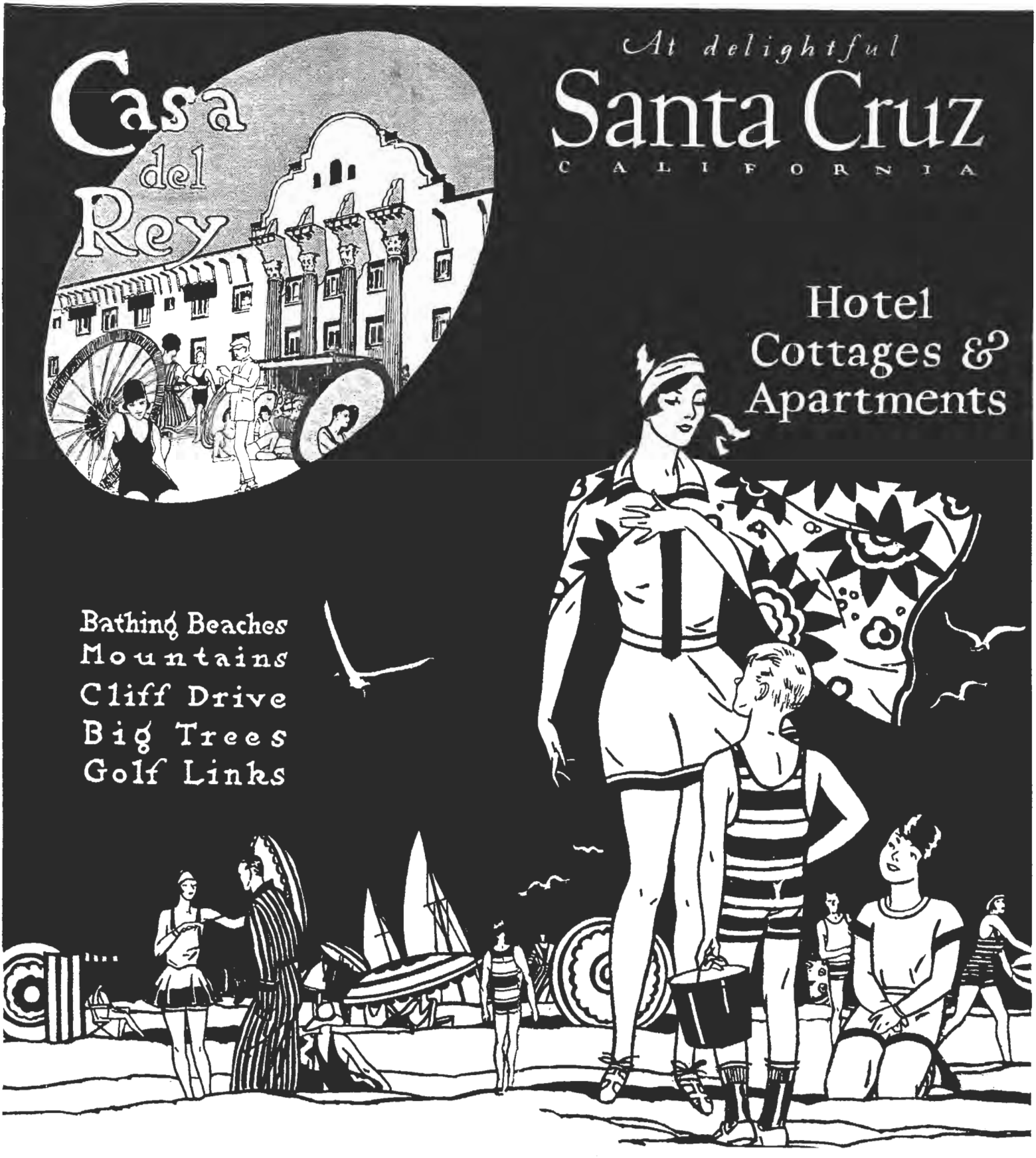
EMPIRE OF THE CASA DEL REY
By
Ross Eric Gibson

The world-famous Casa Del Rey hotel in the seaside resort of Santa Cruz, California, had the facilities to rival the major first-class hotels of San Francisco and Monterey. The hotel boasted proximity to an ocean beach, boardwalk and harbor, prime fishing and boating river. It included a major convention hall/ballroom, night club, and hot salt-water plunge, with a library, gardens and tennis courts on the grounds. Its Country Club near the famous Big Trees Grove afforded golf, polo and horseback riding. And its grounds included 300 rooms, plus 200 budget-rate cottage rooms in a palm grove, and the 44 La Bahia luxury suites. Its demise as a hotel in the 1960s removed Santa Cruz from the roll of world-class destinations.

During Teddy Roosevelt's 1903 visit to Santa Cruz, there wasn't a vacancy in the city, so Fred Swanton housed the overflow in a Tent City at Dolphin Ball Park on Beach Flats. He regreted that the waterfront had no imposing architecture and landscaping to match its magnificent ocean, river and mountain views. So he errected a grand Moorish Casino as the cornerstone of his 1904 Board-walk and Tent City. His plans included building a first class hotel, but it was delayed when the Casino and Plunge burned in 1906, in order to fund their replacements in 1907. Tent City became Cottage City, resembling Lawnway in Capitola.

Then in 1908, the visit of Teddy Roosevelt's "Great White Fleet" caused another city-wide lodging shortage. The cost of post-fire improvements

Exhibit M



Copyright 1997 by Ross Eric Gibson

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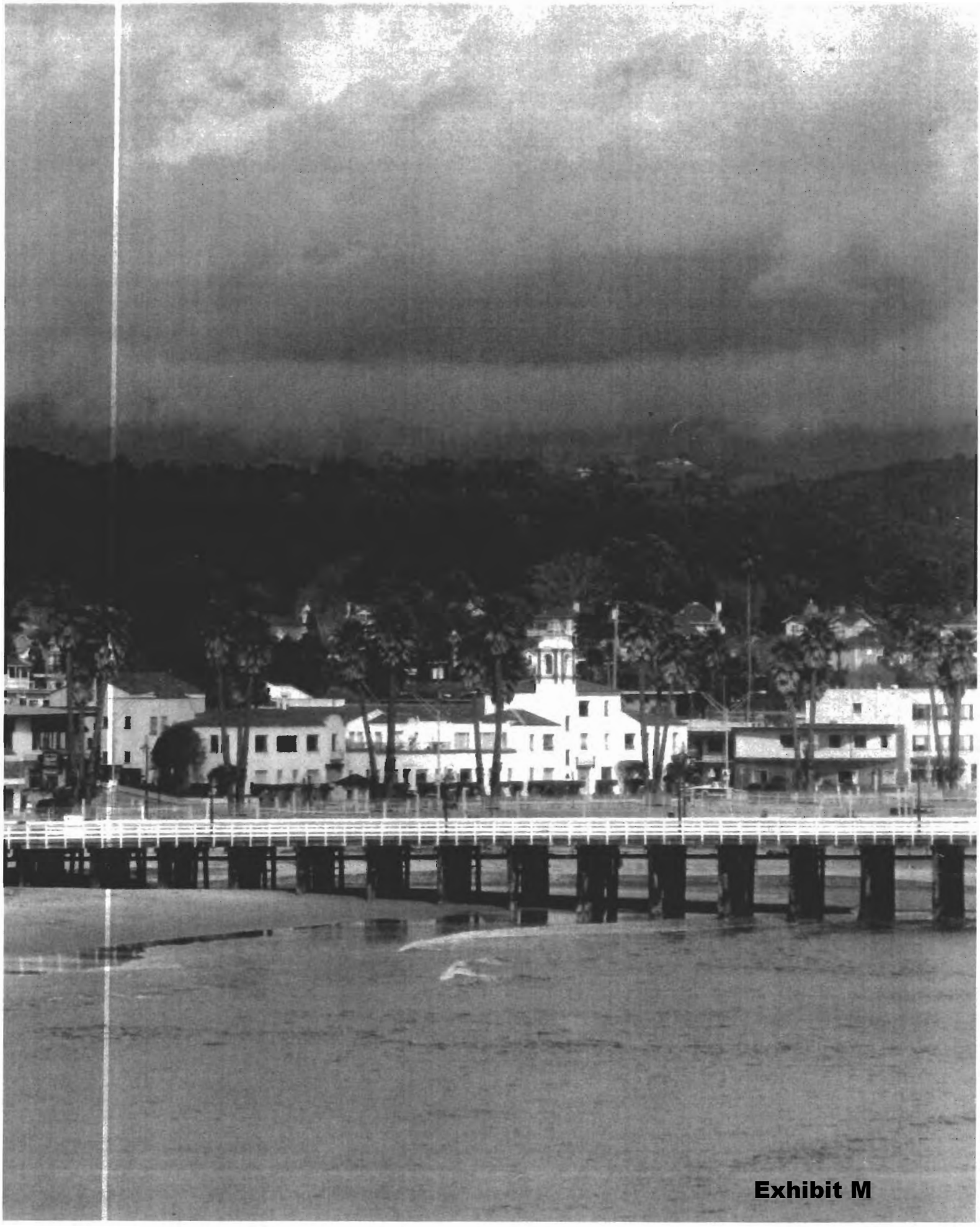

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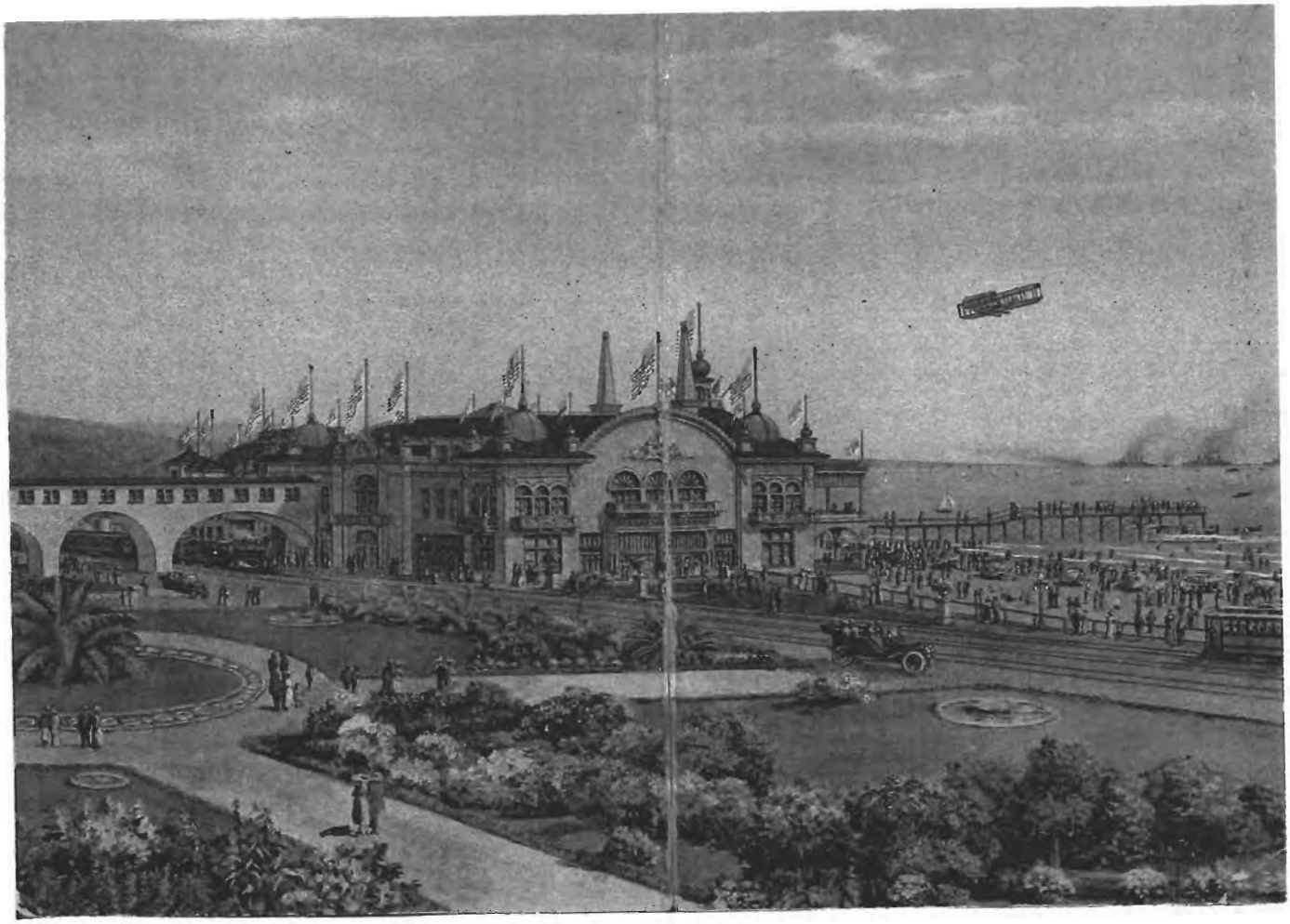


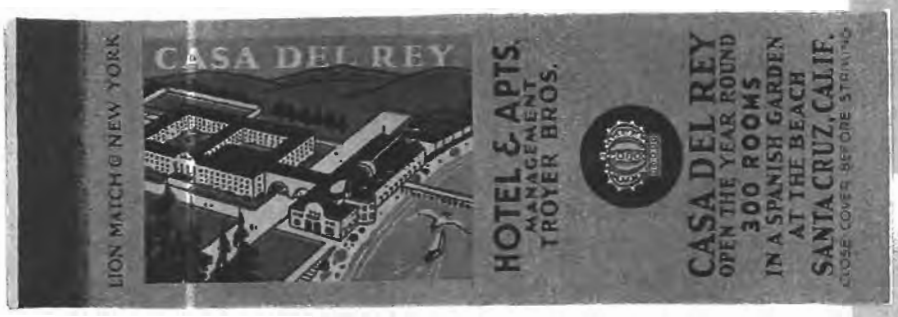
had left the boardwalk short of funds. But in 1910, Swanton learned Southern Pacific railroad was looking for tourist destinations it could promote, to compete with a Santa Fe railroad campeign, promoting places in the Southwest one could visit by rail. With the boardwalk a major attraction, Swanton convinced "S.P." to finance construction of his new hotel, which he named "Casa Del Rey" ("house of the king"). Built of solid cement and iron, it was called "The most fireproof and earthquake-proof hotel in California."

To accommedate all price ranges, Swanton located the 300-room hotel at Beach & Cliff streets, west of his Cottage City of 200 budget-rate cabins in a palm grove. George Applegarth designed the hotel like a Spanish palace, borrowing features from the San Francisco mansion he'd designed for Claus Spreckels'. The hotel's garden courts were laid-out by Golden Gate Park's designer. It's manager, clerk and chef were from San Francisco's leading hotel, the St. Francis, including Mission-Craftsman furnishings from the St. Francis' supplier. Three arches over Beach Street supporting an elevated

Architects sketch of the Casa Del Rey, Spanish Arches, and Casino, with the elegant Royal Gardens park in the fourground. Bottom: the first class Sea Beach Hotel at the other end of Royal Gardens park. The park was later the La Bahia site.

Exhibit M

CASA DEL REY



hallway were called "The Spanish Arches", resembling a Roman aquiduct. This linked the hotel to the Casino's ballroom and banquet hall, keeping them in constant use. Under one arch was the station for convention trains, and the trolley stopped at the hotel's front door. The elegant parking garage for automobiles was also opposite the hotel's front door, and a near-copy of architect William Weeks' Beach Street power plant, with tile roof and corner tower.

Like its grand depots, railroad hotels were designed to instantly evoke regional flavor. An art-tile fireplace adorned the Del Rey's two-story lounge, flanked with walls of French doors opening into garden courts on both sides. The south court

Exhibit M

was soon converted into the glass-roofed Garden Ballroom. This later became the Trocadero Night Club, with the slogan "Meet me under the Spanish Arches" (the club's entrance). Behind the hotel was the rose garden, greenhouse, and tennis courts seating 1,200 spectators, plus a putting green under one of the Spanish Arches. The hotel had its own golf and country club north of town, later called Pogonip.

Bell nooks topped the Casa Del Rey entrance, facing First Street. At the opposite end of First was the elegant Sea-Beach Hotel. The area between First and Beach Street was the Del Rey's "Royal Gardens", intended to become a festival plaza surrounded by hotels.

Exhibit M

GRAND LOBBY

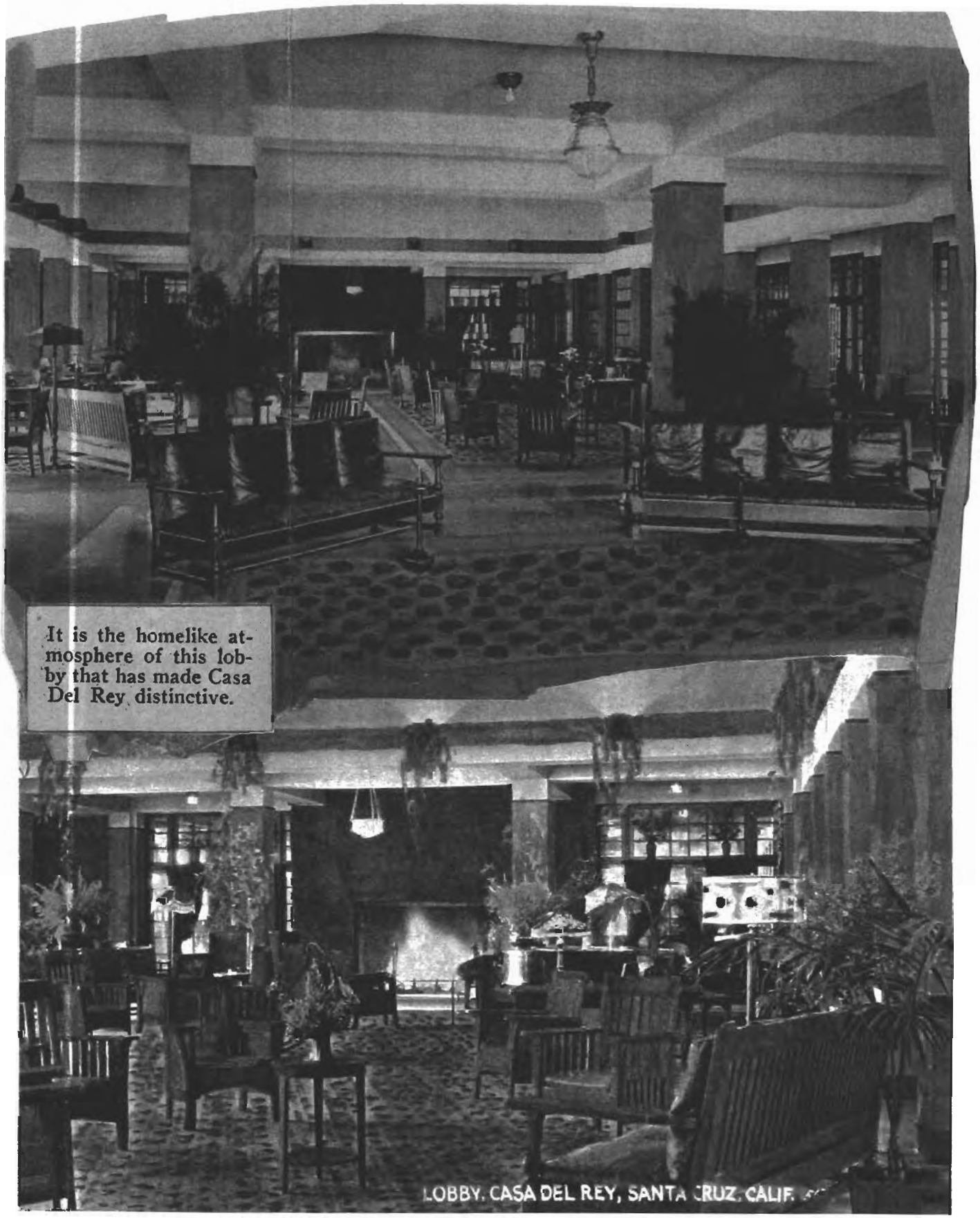


Exhibit M

Grand two-story lobby had a turquoise "sky-dome" near the fireplace area, and banks of french doors looking out on gardens on three sides.

Exhibit M

ROOMS WITH VIEWS

Each of the 300 Casa del Rey guest rooms is an outside room, light and airy. Many enjoy the delightful view overlooking the gardens. All are furnished comfortably and in excellent taste.

The Clubroom—a comfortable get-together spot for Commercial Travelers.

Exhibit M

GARDEN COURTS

The garden courtyards, showing top: the view from the grand lobby; and bottom: the view looking towards the grand lobby.

Exhibit M

GARDEN ROOM/TROCADERO

A glass-roofed dining room pavilion was later built in the south court, with banks of windows on three sides looking out on gardens. It was later remodeled as the Garden Room with flowering vines (top right), then renamed the Trocadero Club, featuring top named bands.

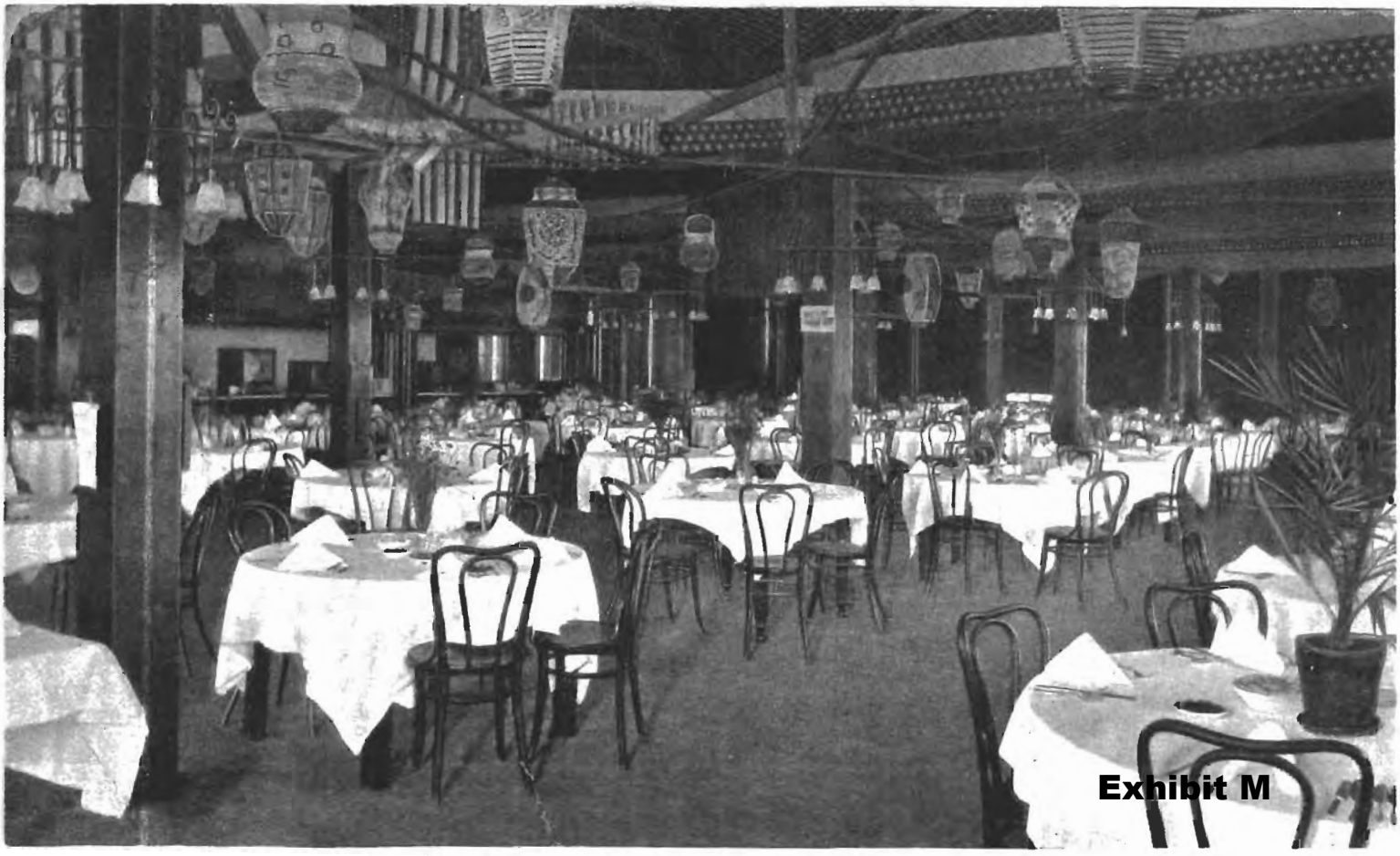


Exhibit M

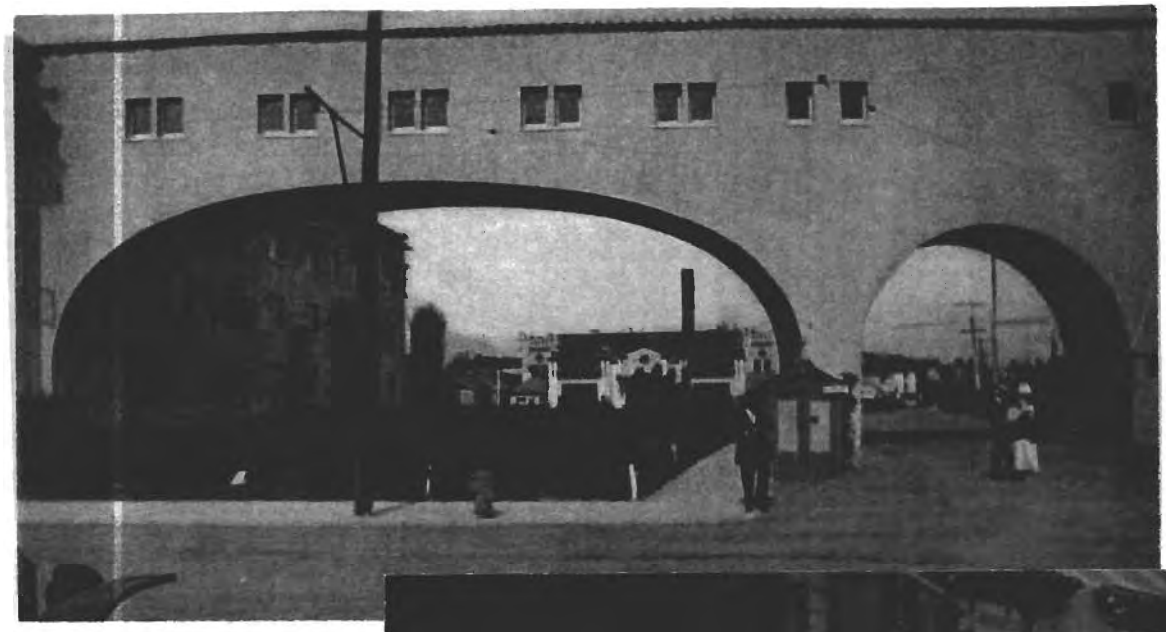
STAGE BACKDROP OF SANTA CRUZ COAST FROM SAN FRANCISCO'S 1939 & 1940 WORLD'S FAIR

INTIMATE COCKTAIL LOUNGE

FAMED CHEF ALFRED J. BOHN AND HIS KITCHEN

Exhibit M

PUTTING GREEN



The putting green was under the Spanish Arches, where golfers could practice between trips to Pogonip.

A Perfect Stance! On the Putting Green at the Hotel.

The boardwalk's electric needs overwhelmed existing utilities, so it built its own power plant east of cottage city. Its Spanish design was also reflected in the hotel garage.

Exhibit M

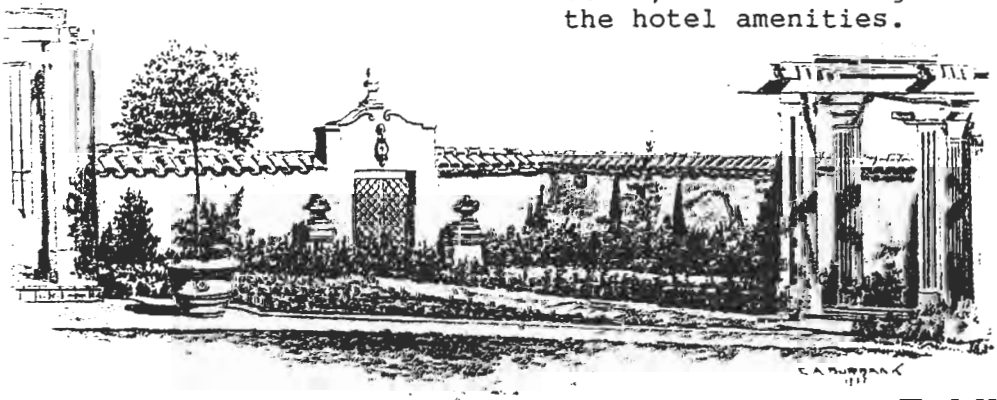
COTTAGE CITY

Cottage City was a popular collection of cottages in a palm grove setting. It was later demolished and replaced with two parking lots (bottom).

Exhibit M

SPANISH GARDENS

The long pergola had a cardroom pavilion at one end, and an elegant Spanish gate to Cottage City at the other, so the cottagers could share the hotel amenities.



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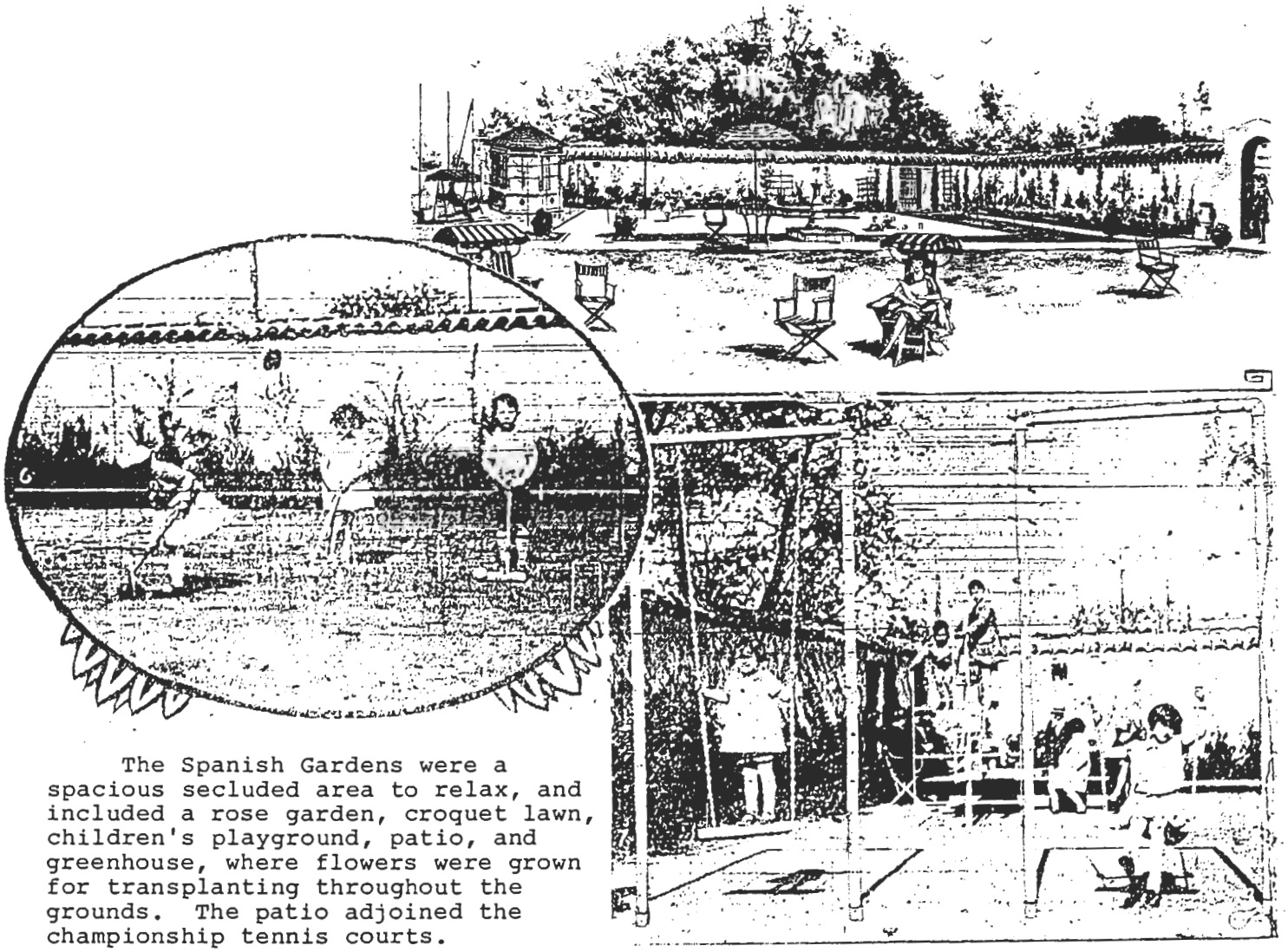
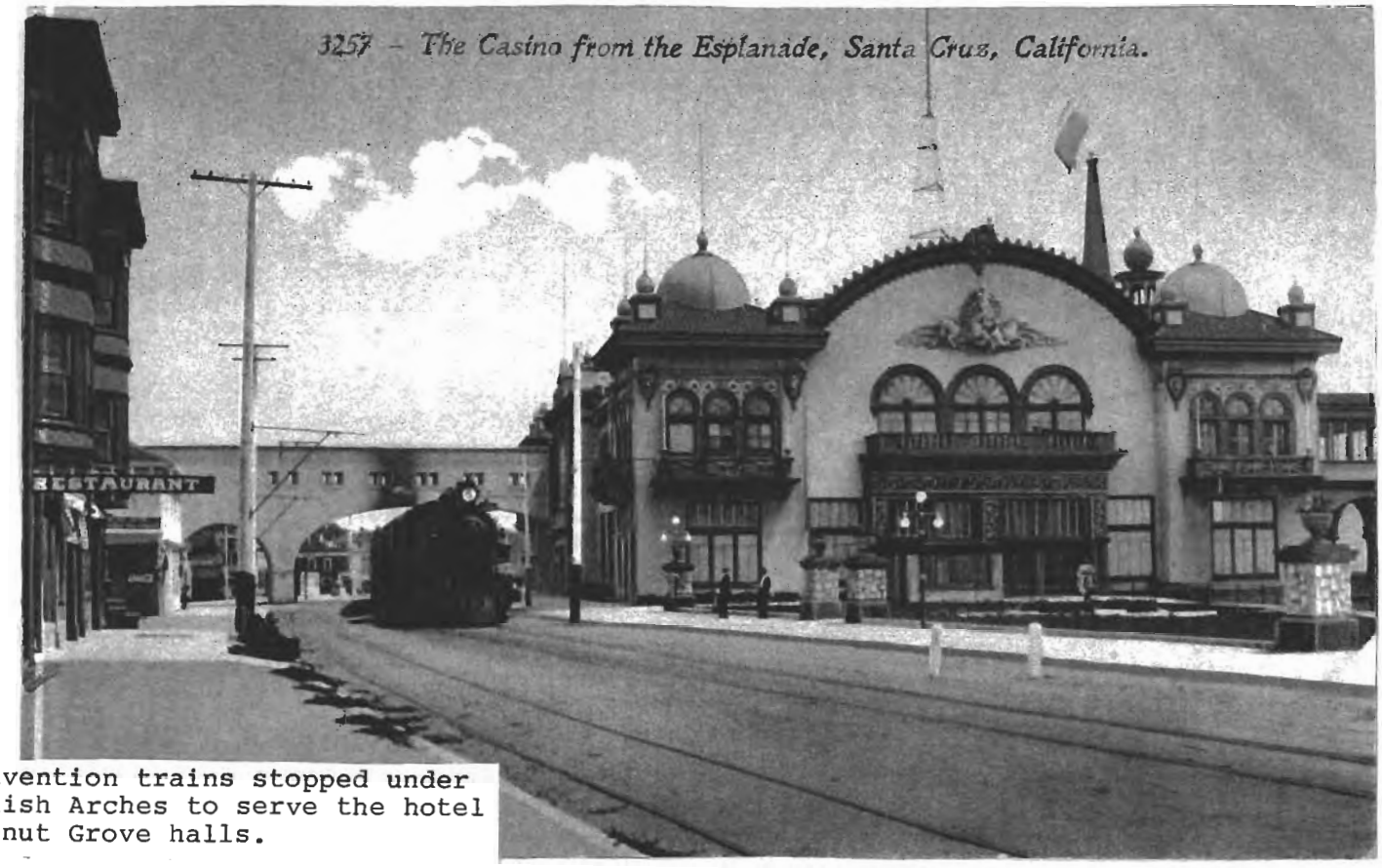


The Spanish Gardens were a spacious secluded area to relax, and included a rose garden, croquet lawn, children's playground, patio, and greenhouse, where flowers were grown for transplanting throughout the grounds. The patio adjoined the championship tennis courts.

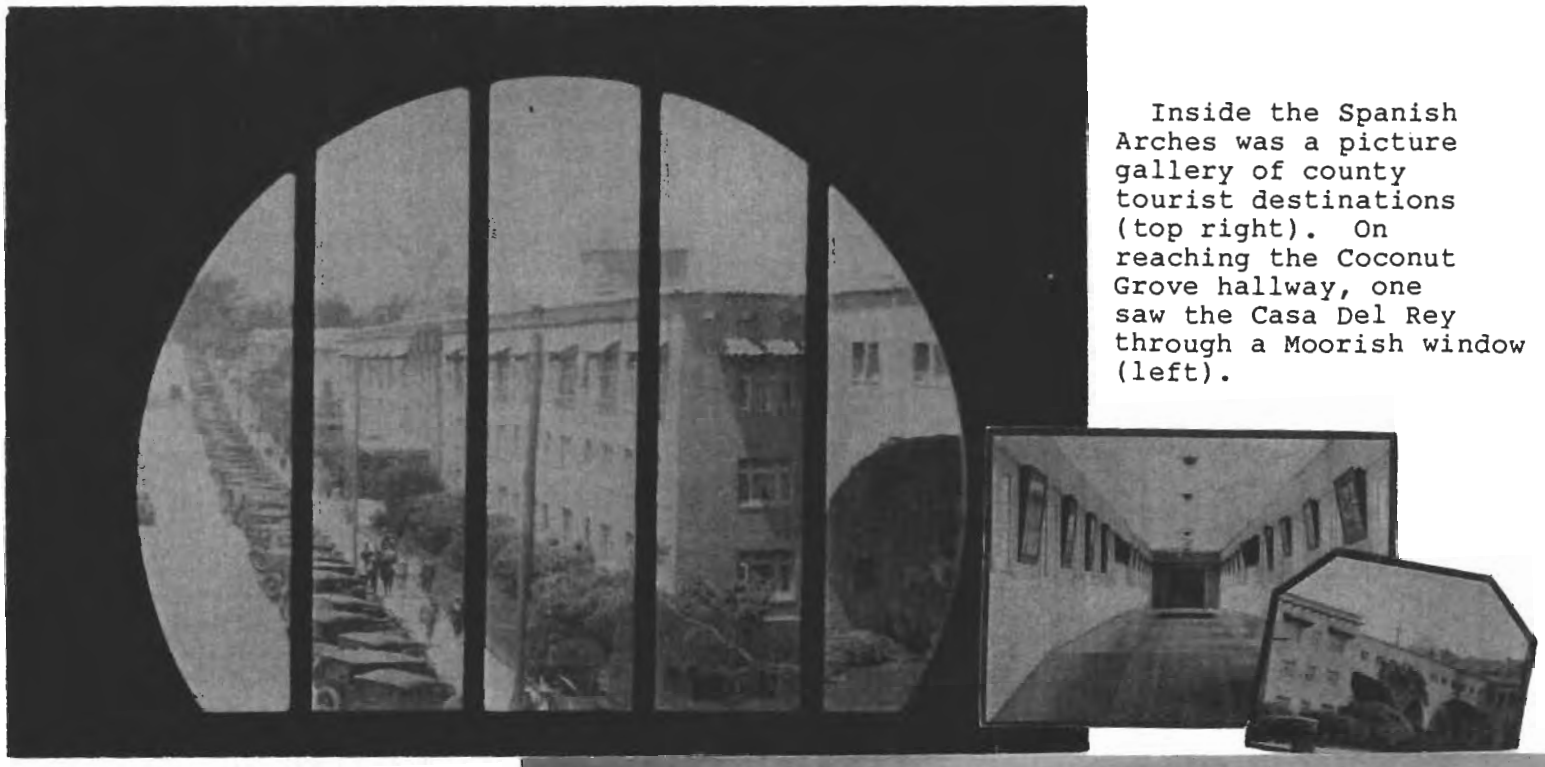
Exhibit M

THE SPANISH ARCHES



Convention trains stopped under the Spanish Arches to serve the hotel and Coconut Grove halls.

Exhibit M 2080



Inside the Spanish Arches was a picture gallery of county tourist destinations (top right). On reaching the Coconut Grove hallway, one saw the Casa Del Rey through a Moorish window (left).

Two of the Spanish Arches handled a car-lane apiece, slowing traffic and creating a grand entrance to the boardwalk and Beach Street hotels, shops and night clubs.

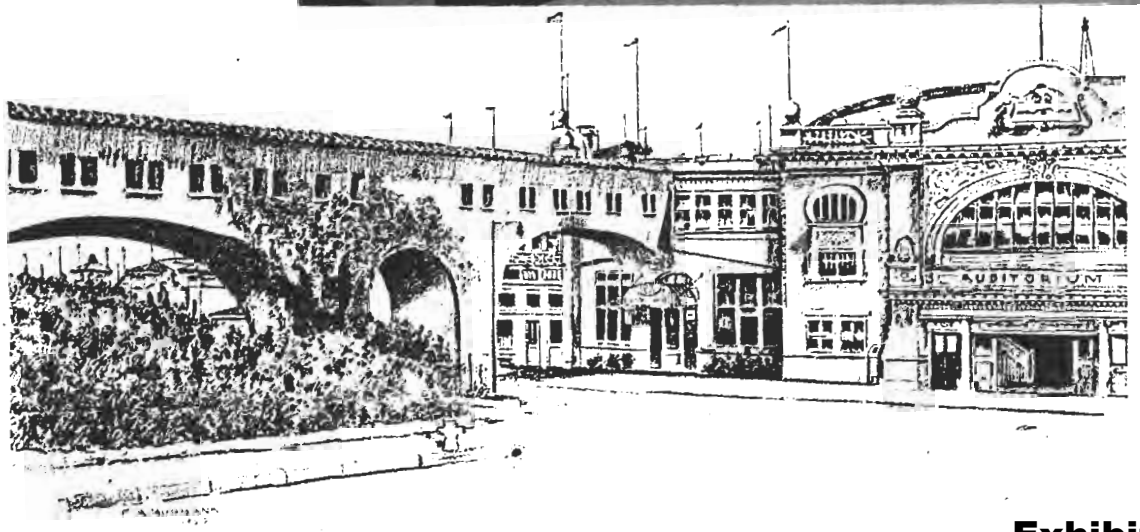
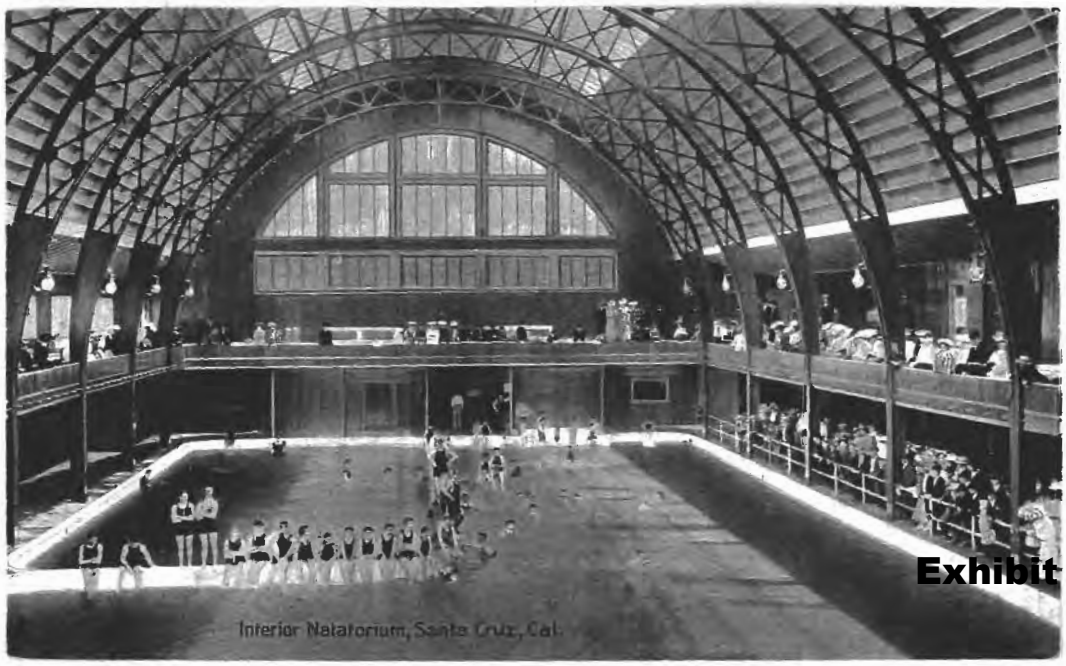


Exhibit M

Auditorium at the Beach, Santa Cruz, California, Scene of Many Conventions, Connected With Casa del Rey Hotel by Covered Bridge.

CASINO FACILITIES

The Casino provided the hotel with the Coconut Grove Ballroom (top), the Penny Arcade, library and soda fountain (center), the Hot Salt Water Plunge (bottom), and the Bay View banquet room in the rotunda (right).



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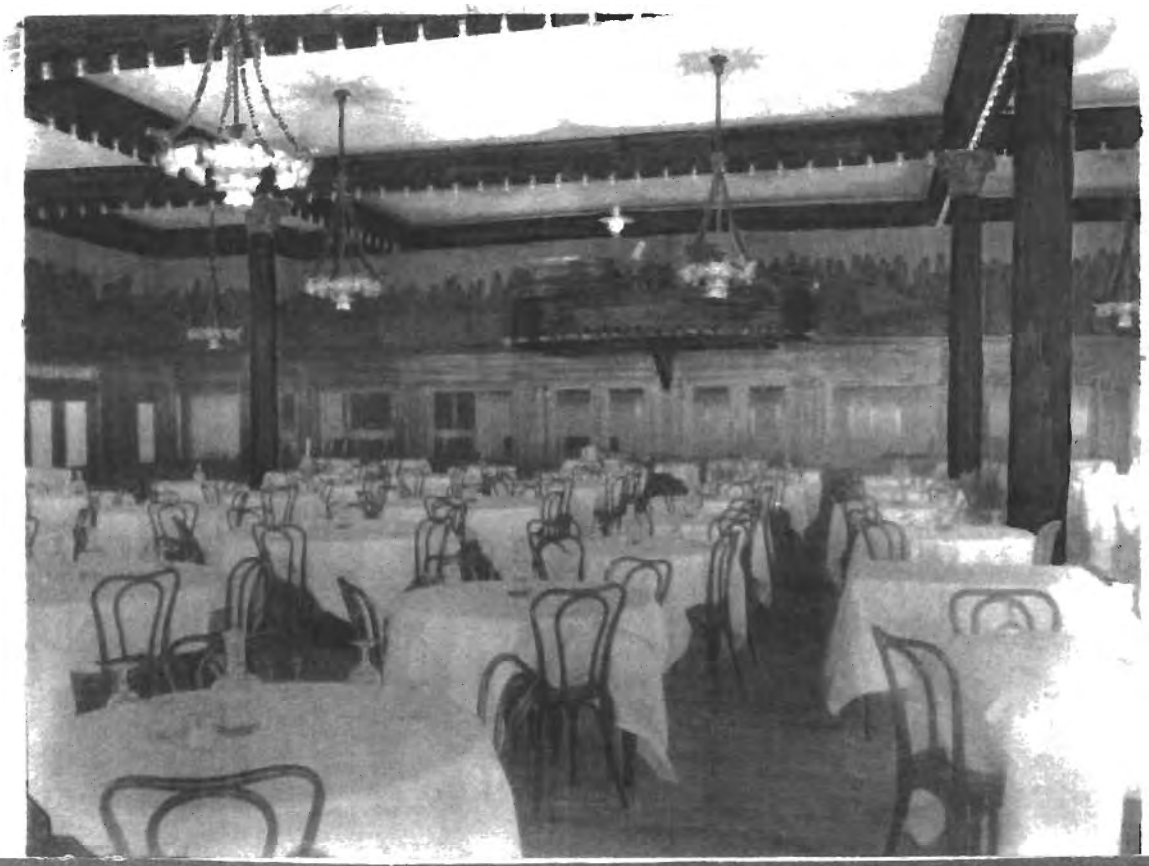


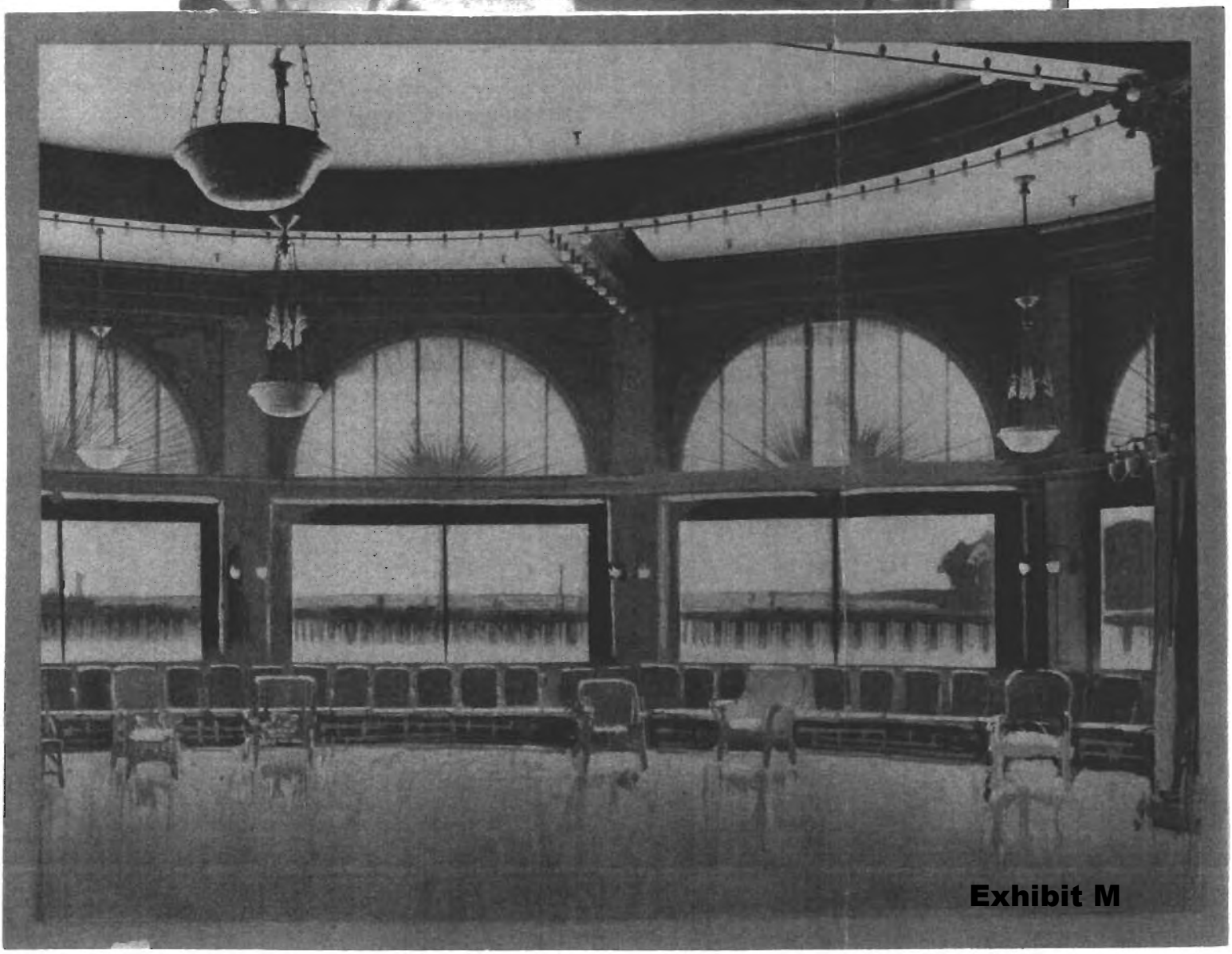


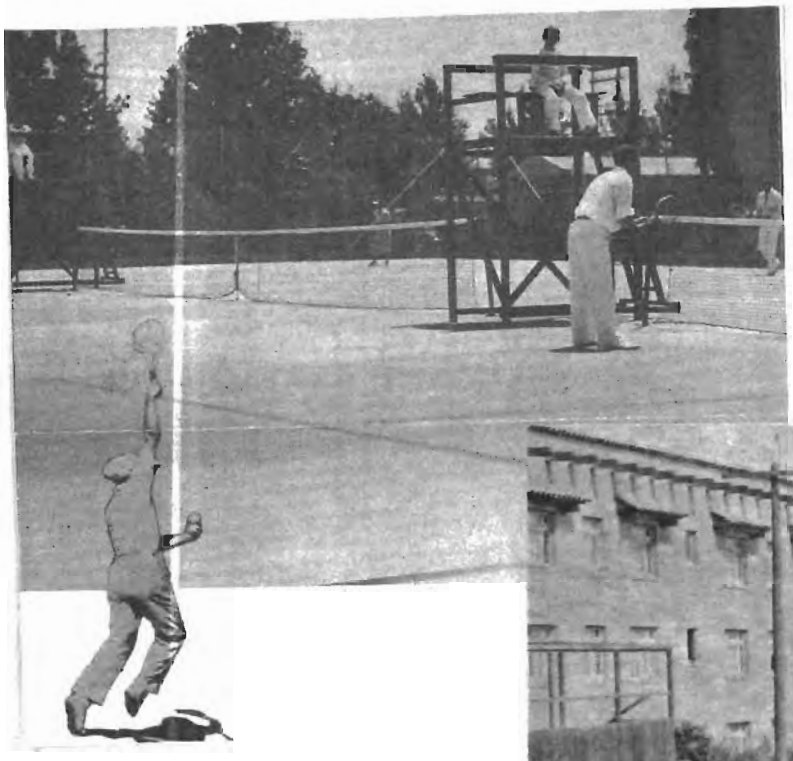
Exhibit M

Exhibit M

Famous visitors to the hotel included movie stars like Mary Pickford (while making five movies in the county, and during her honeymoon with her second husband); Douglas Fairbanks, Fred McMurray and Cary Grant. Bert Tracy (far left) made a movie at the Casa Del Rey, called "His Weak End". The Miss California contests were partly housed here starting in 1924 (right page), and top bands performed at the hotel and Coconut Grove (bottom left).

Exhibit M

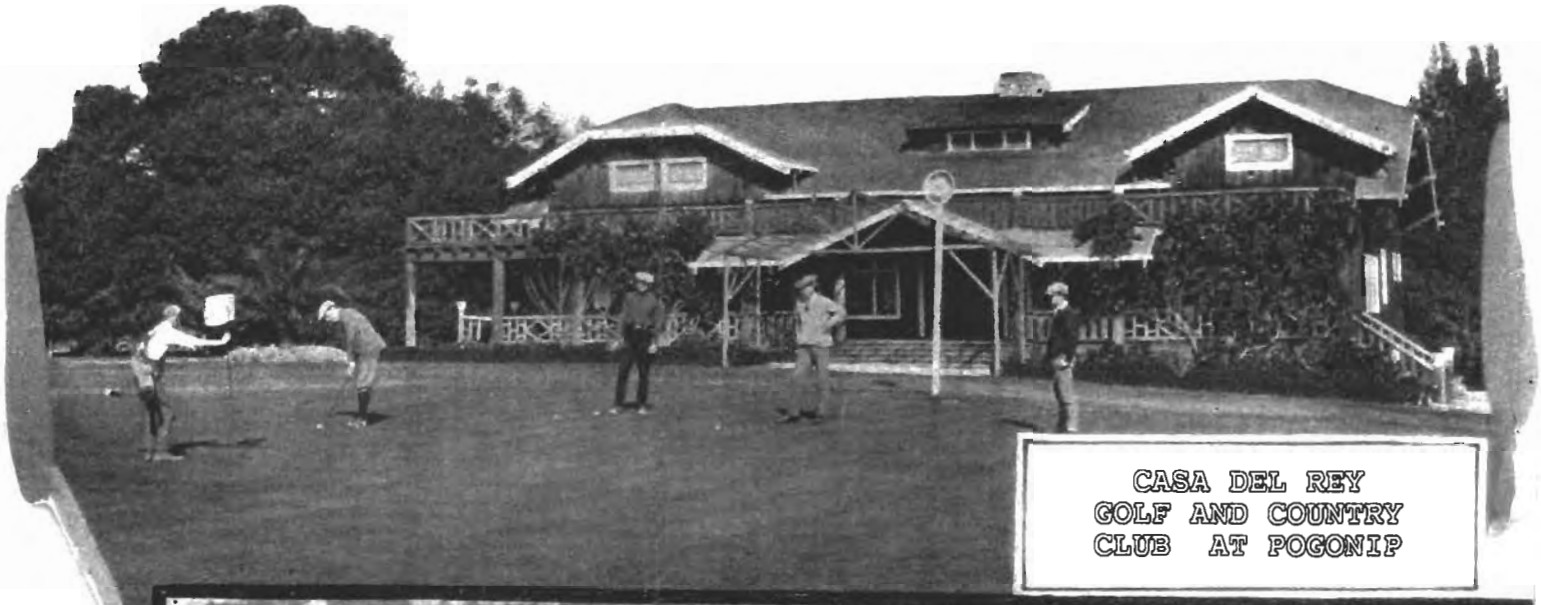
TENNIS



When the Casa Del Rey first opened, Second Street did not go through; the area was used for their Championship Tennis Courts, where leading tennis stars gave matches to crowds in 1,200 seat bleachers. These bleachers could be seen from the front of the hotel (middle and bottom photos). At the Casa Del Rey Golf and Country Club (later Pogonip), provided golf, polo, or horseback riding in a hillside park setting featuring famous herds of elk.

Tennis on our own championship courts

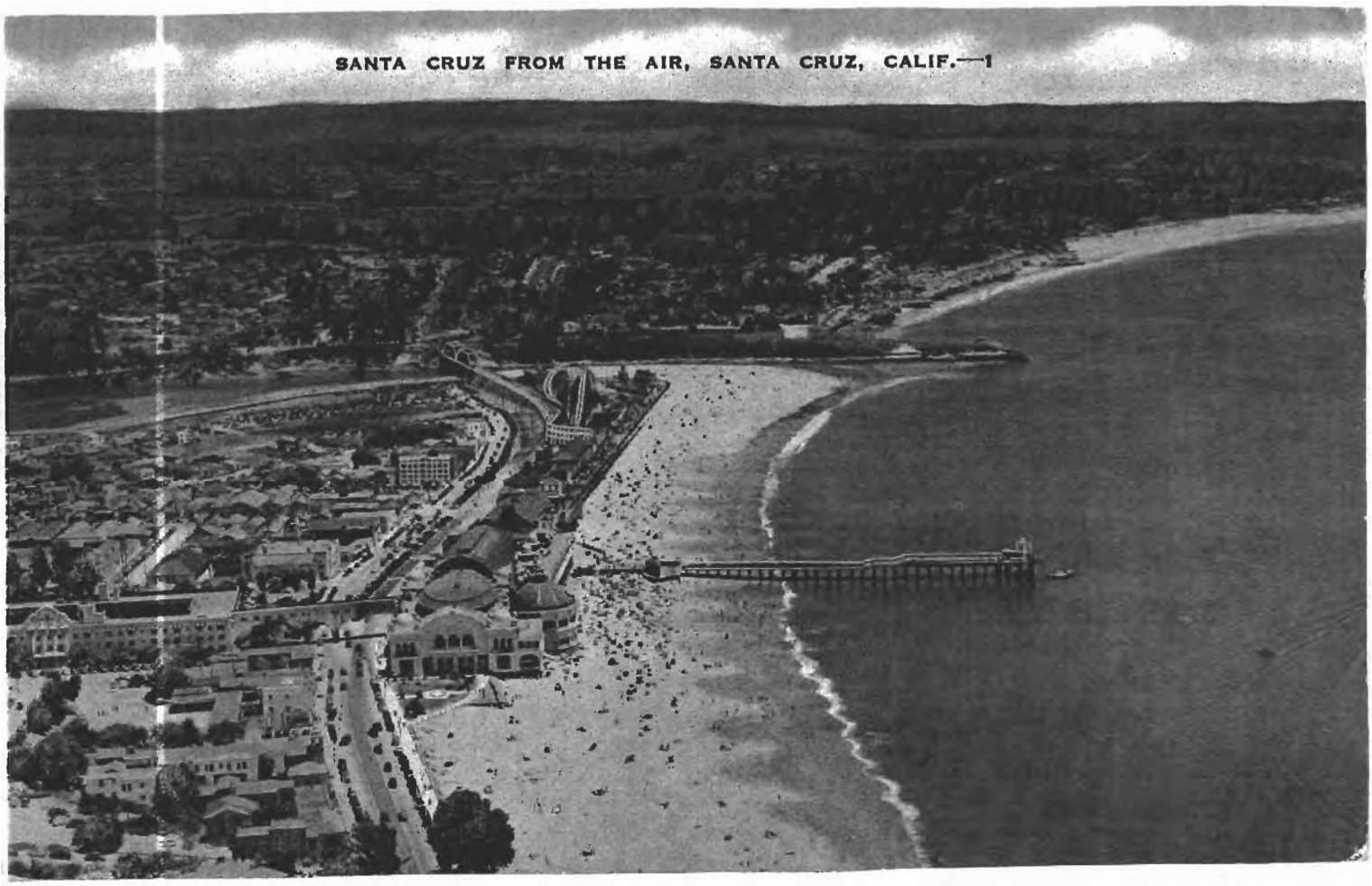
Exhibit M



CASA DEL REY
GOLF AND COUNTRY
CLUB AT POGONIP

Exhibit M

CASA DEL REY SUITES
LA BAHIA APARTMENTS



Swanton's financial troubles in 1912 led to his selling his hotel and boardwalk. But after he did, the Sea-Beach Hotel burned down, giving Casa Del Rey windfall business as the only first-class waterfront hotel. It became a favorite of Hollywood stars such as Mary Pickford, Douglas Fairbanks, and others. Downtown's first-class hotels, which once enjoyed a monopoly, now suffered while the Casa Del Rey and Cottage City were bursting at the seams. The downtown St. George Hotel was renamed the St. George Mission Inn, following a 1922 Spanish-style enlargement to 150 rooms.

Because the city hadn't made Royal Gardens a public park, the Seaside Company built a garage on its center-east section, then in 1926 built the $250,000 Casa Del Rey Suites, later called La Bahia Apartments. Designed by William C. Hays, they provided rooms for extended visits of a week or a month, including a number of luxury suites. The rambling series of wings and garden courts was intended to resemble a coastal Spanish hillside village (reminiscent of Mexico's Puerto Vallarta). Like a world's fair exhibit, it concentrated the essence of an exotic place into a small space, screaning out the modern world. Arched passageways drew you into a world of its own, leading to a "mercado square" below the "castle's" tilework tower, with quaint side allies, outdoor stair cases, a roof garden, "Juliet balconies", and a townhall dining room (unbuilt), all set against a backdrop of trees. The architecture was as much created to suit courtyard vists, compensating rooms that lacked an ocean view.

When the La Bahia was built, one newspaper wrote: "Castles in Spain were never erected all at one time, but units were added through the years and as the mud dried each time the color differed. And so each unit

Exhibit M

of the Casa del Ray apartments differed slightly in shade from its neighbor." Each court was tinted a different shade with a mottled "antique adobe" finish. The main court was named "Patio de los Mirtos" (popularly called Court of the Laurels), with a laurel grove at one end, and a central fountain built on a natural spring. The ocean-view court was named "Fuente de los Mirineros" (or Court of the Mariners), and had a roof-garden like the deck of a ship. A third court was planned, but in the 1960s a swimming pool was installed instead, along with a winding ramp to the roof garden in the Court of the Mariners, narrowing the court considerably. After the remodel, the La Bahia was called a "motel".

In 1931, the Casa Del Rey, St. George and Palomar hotels were united under one management, making it easier to book any size convention into Santa Cruz. The Trocadero and Cocoanut Grove hosted many of the headline bands of their day. The Casa Del Rey and La Bahia served as a Naval Hospital during World War II, with moral-boosting visits from movie stars. The Trocadero's glass ceiling was roofed for blackout conditions. When restored to hotel service, a Santa Cruz waterfront mural from the 1939-40 World's Fair on Treasure Island, became a backdrop for the night club's stage.

The La Bahia is similar to the Spanish Village from San Diego's 1935 Cal. Pac. Inter. Expo. in Balboa park.

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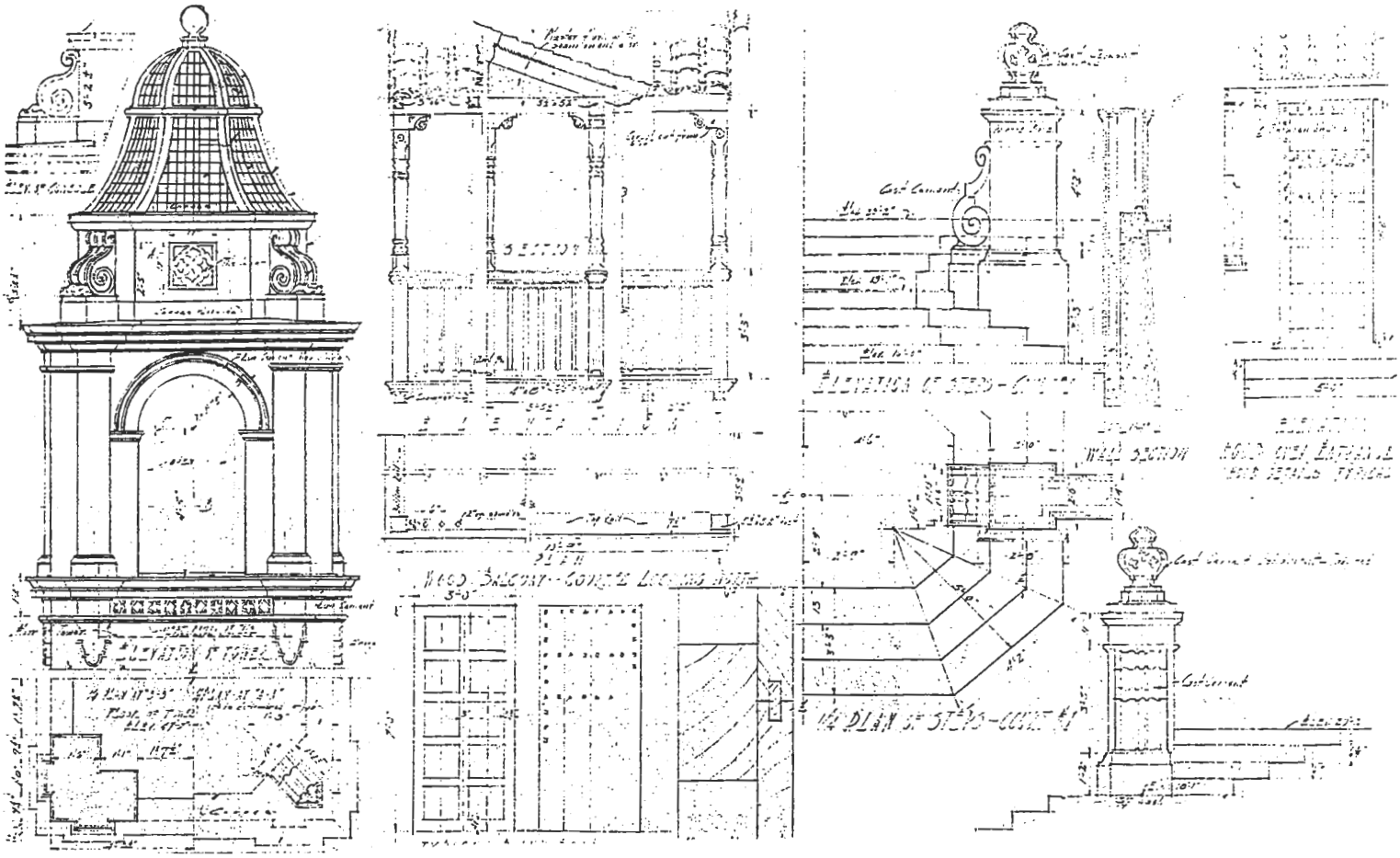
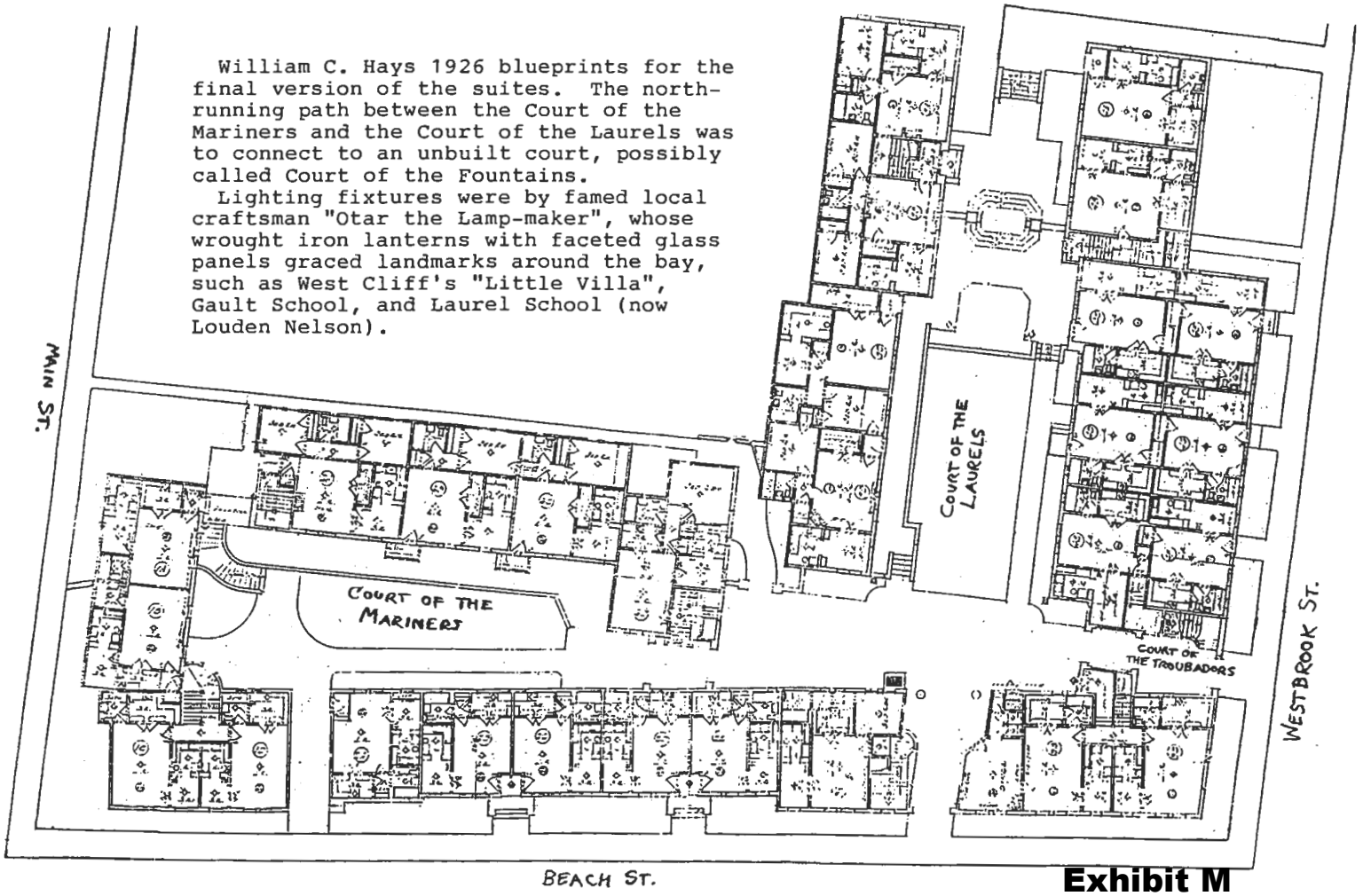


William C. Hays 1926 blueprints for the final version of the suites. The north-running path between the Court of the Mariners and the Court of the Laurels was to connect to an unbuilt court, possibly called Court of the Fountains.

Lighting fixtures were by famed local craftsman "Otar the Lamp-maker", whose wrought iron lanterns with faceted glass panels graced landmarks around the bay, such as West Cliff's "Little Villa", Gault School, and Laurel School (now Louden Nelson).



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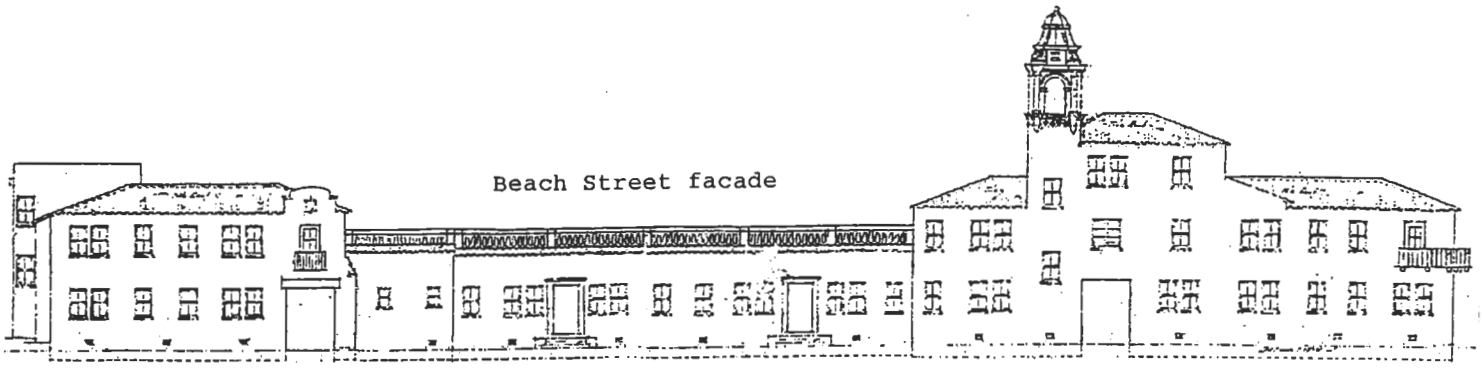
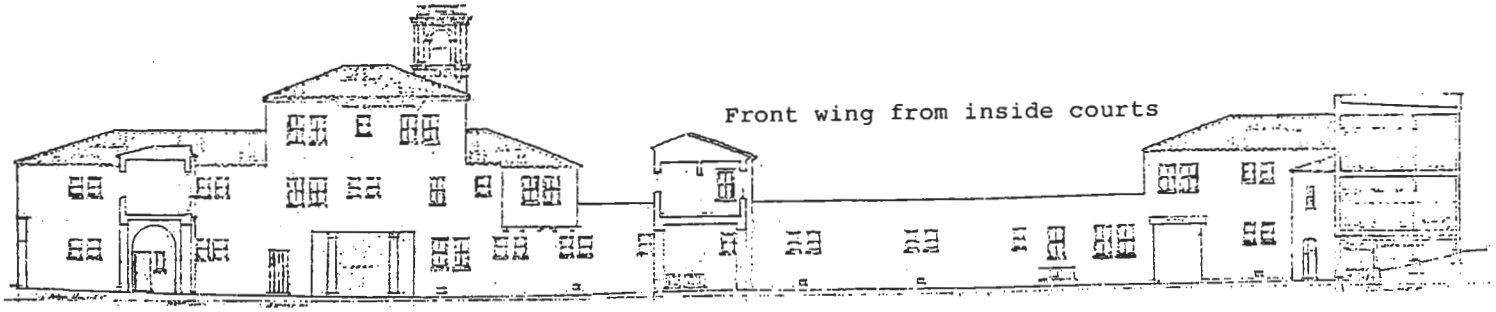
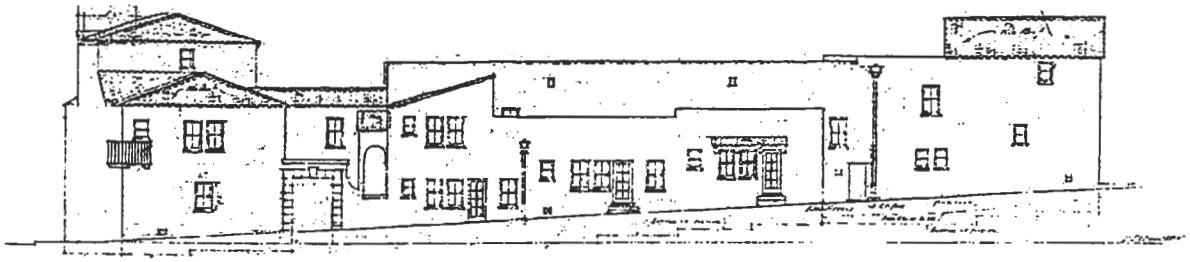


Beach Street facade

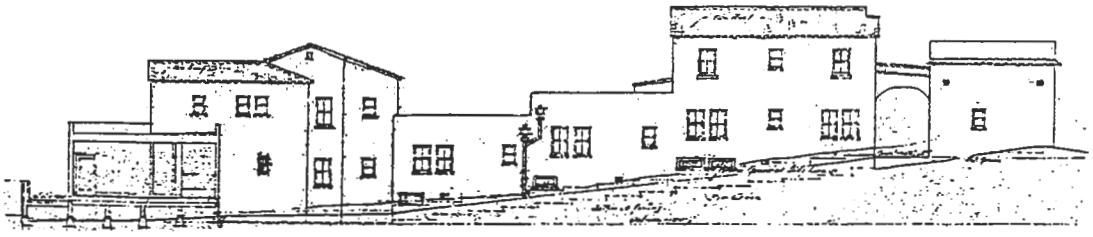


Front wing from inside courts

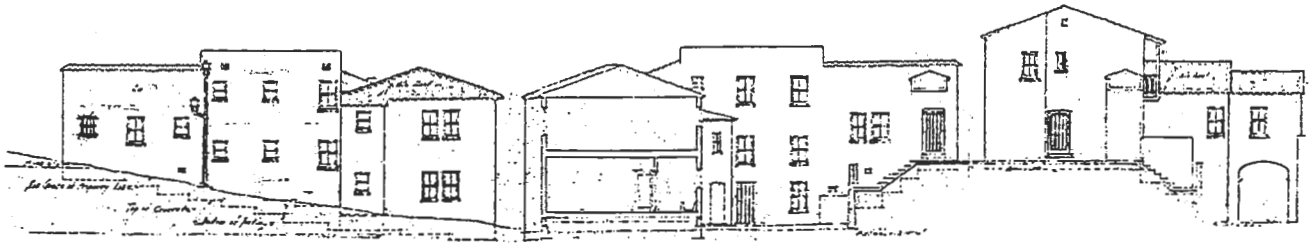
North view from inside courts



Westbrook facade



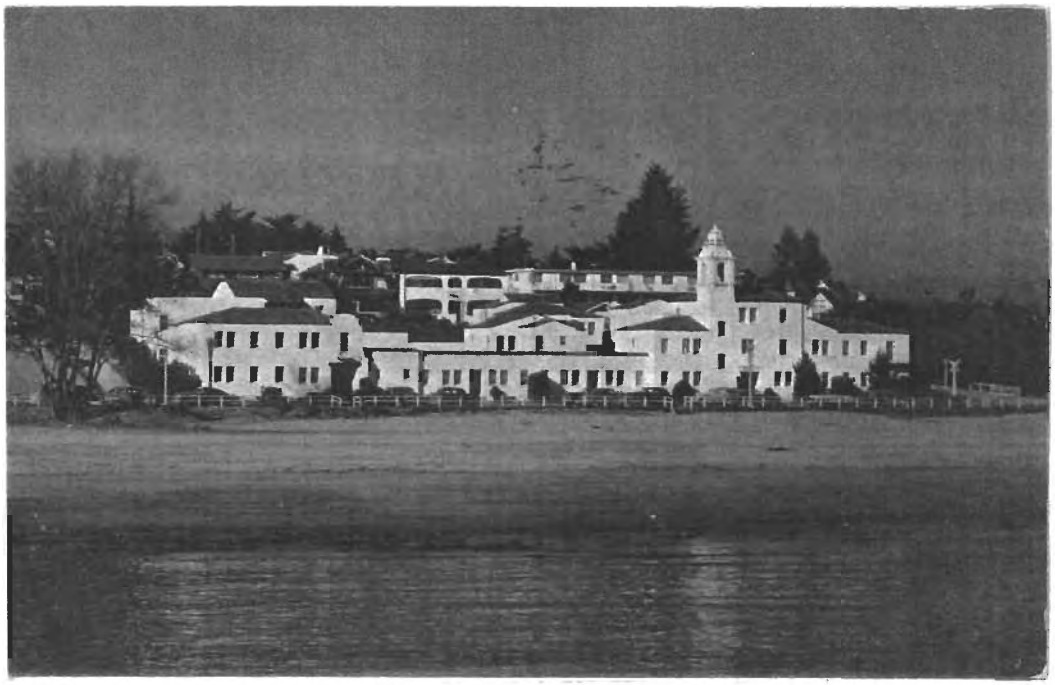
Rear section of Court of the Mariners



Main St. facade / West and East views of Court of the Mariners

Exhibit M

THE PUERTO VALLARTA OF CALIFORNIA



Top: architects' sketch. Middle: after La Bahia was painted white in the 1940s. Bottom: It's 1960s conversion to a motel included enlarging windows, adding a swimming pool, and a ramp in the Court of the Mariners.

Exhibit M

Above, two views of Puerto Vallarta

Exhibit M

COURT OF THE LAURELS

The courts offered a dozen different vistas from various angles, as here in the Court of the Laurels.

Quaint, Artistic Entrances to the Casa del Rey Apartments and Colorful Courts Add Charm to This Structure of Spanish-Italian Architecture at Santa Cruz, California.

Exhibit M

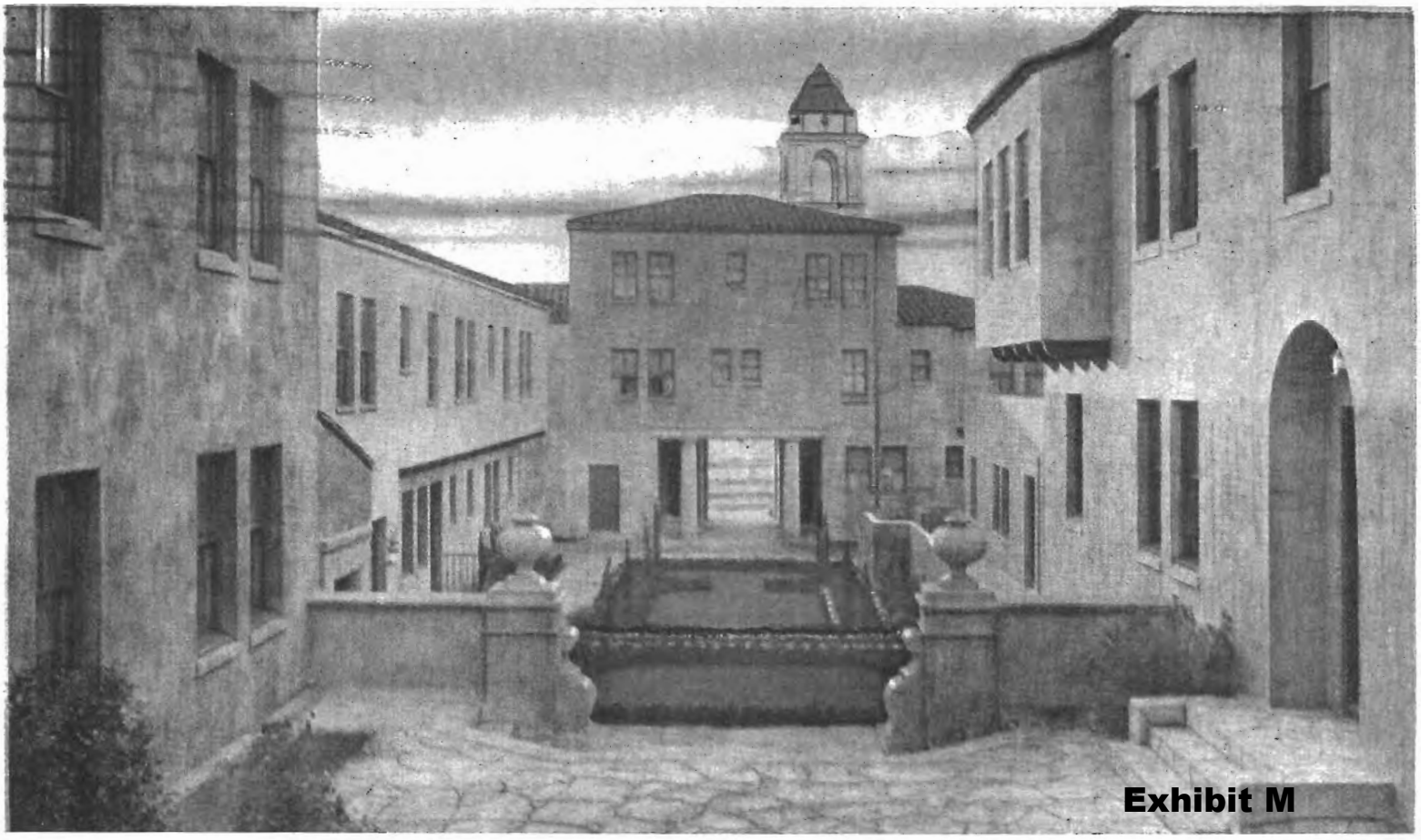
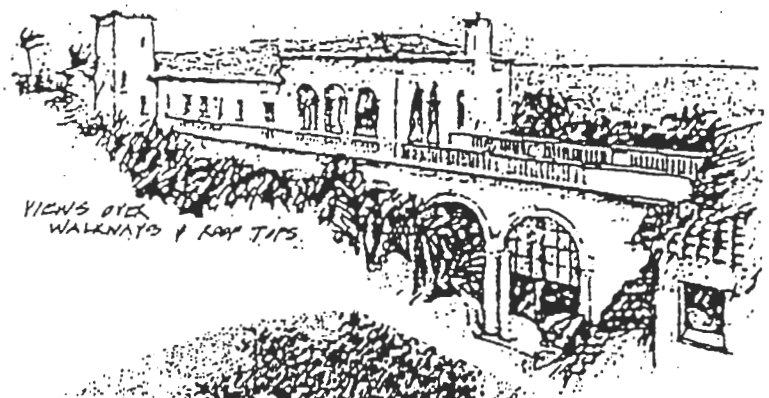


Exhibit M

COURT OF THE MARINERS

The Court of the Mariners included a roof garden like the deck of a ship, seen here modernized in the 1940s. Thatcher/Thompson sketches show remodeling suggestions in a more picturesque vein.



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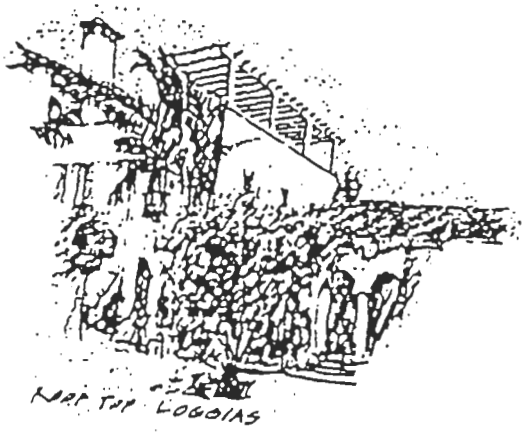
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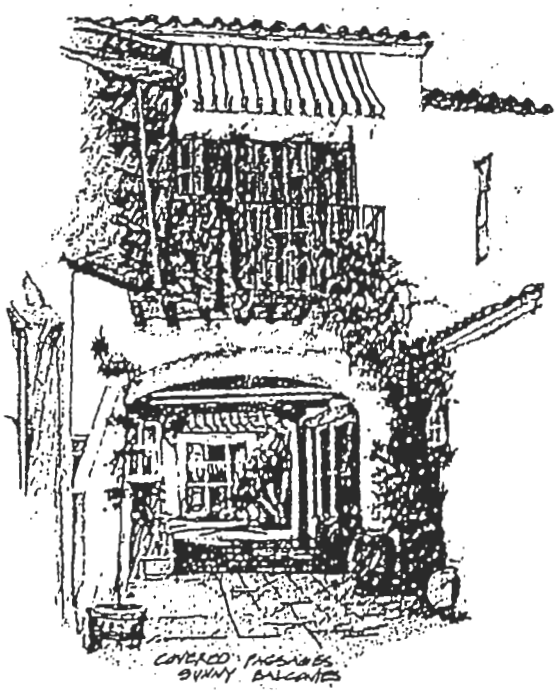

COVERED PASSAGES
SUNNY BALCONIES

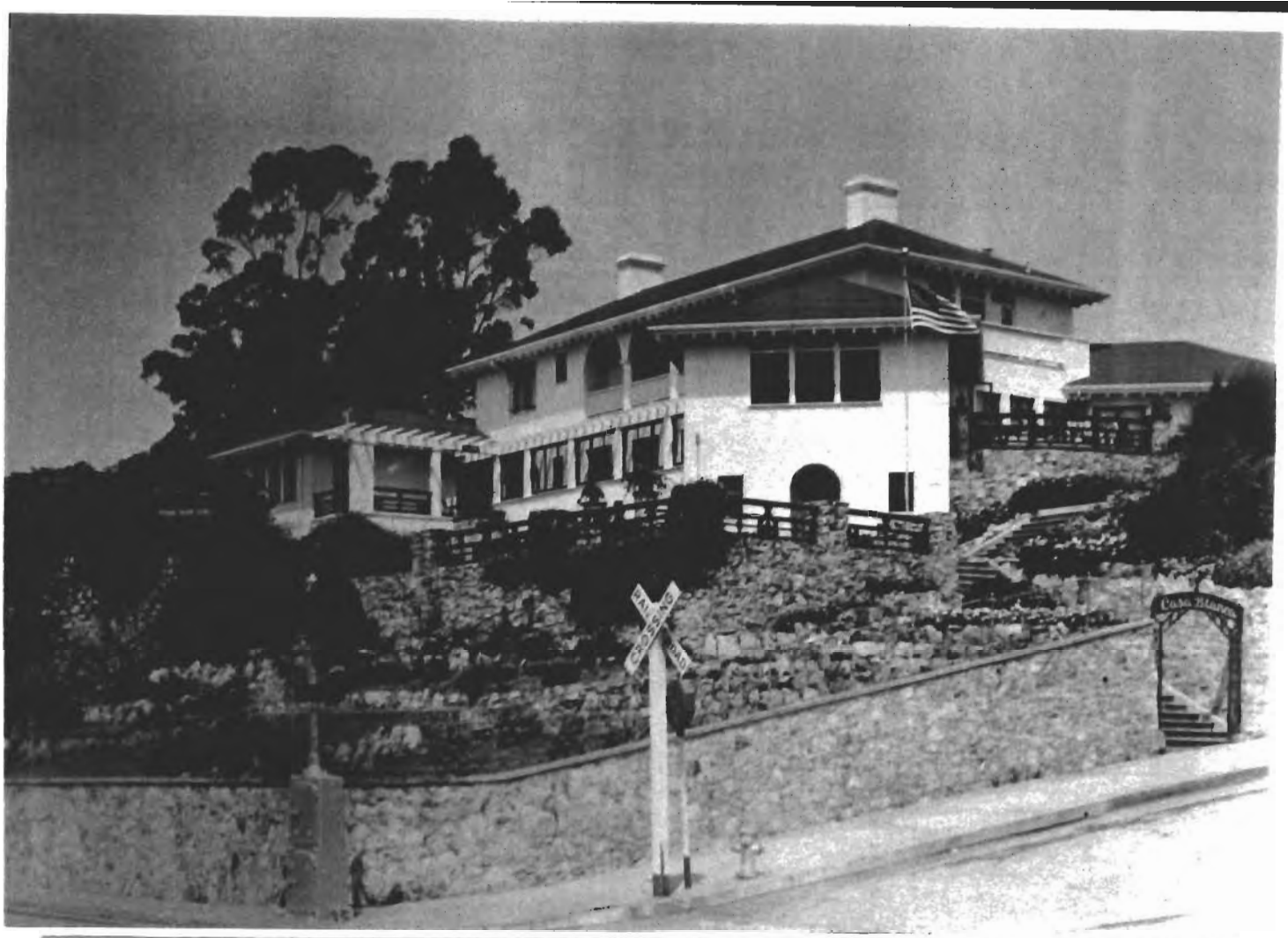
TILE ROOF
INTERLOCKING
MANSARD

OPEN STAIRS

Exhibit M

BEACHFRONT IN THE 1940s

Exhibit M



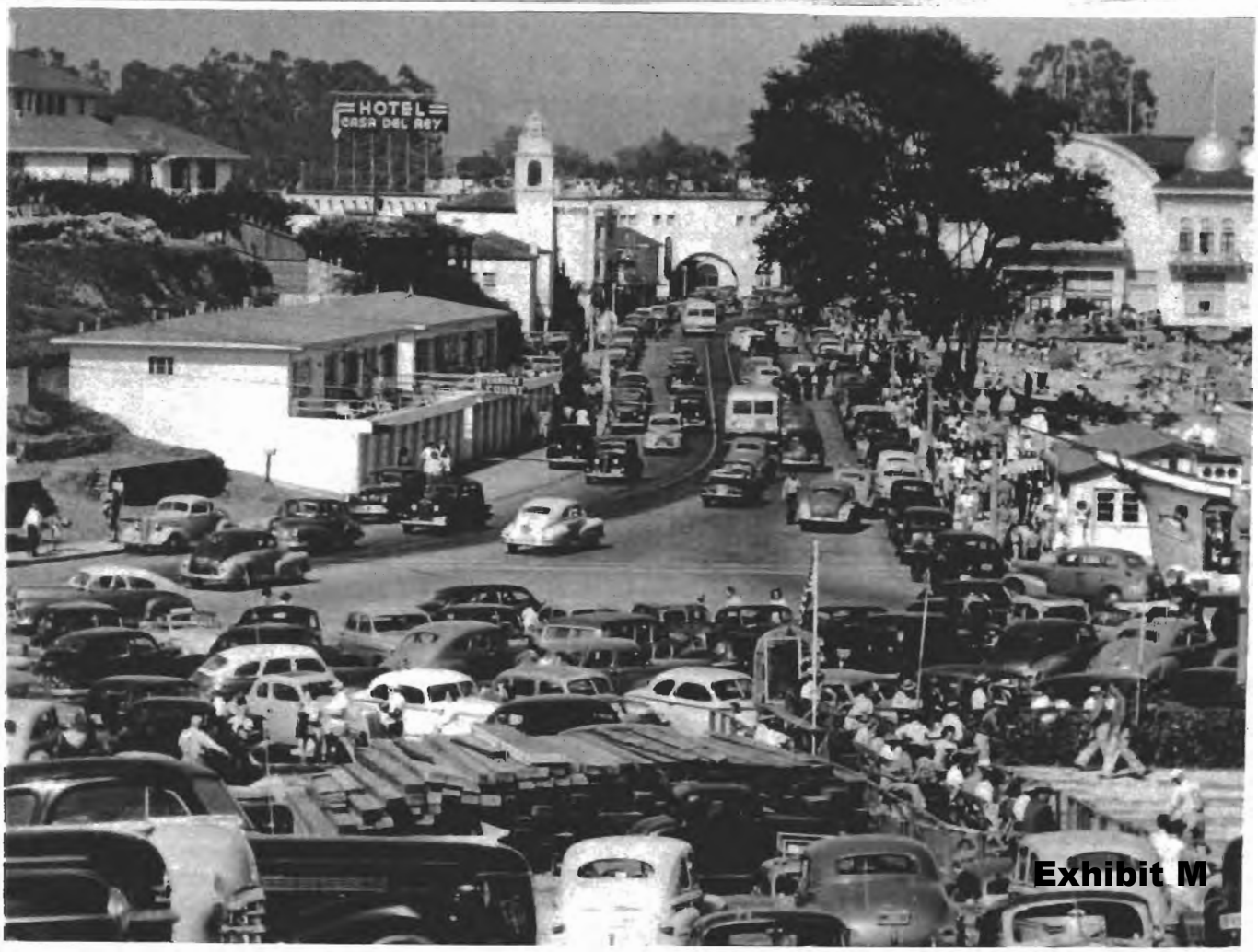


Exhibit M

In 1952, the boardwalk and hotel severed their relationship, and demolished the Spanish Arches.

Conventions were a sustaining basis of the Santa Cruz economy, with two-to-three conventions in town weekly, year-round. The summer season was still the main bread-winner, but the opening of fishing season May 1st was second in importance. The San Lorenzo River was rated in Sacramento as "the most fished river in California". Downtown and beach-front hotels and downtown and Beach Flats campgrounds and cottages were booked solid, as they were within easy walking distance of the river.

Then a restaurantuers strike in 1953 temporarily halted the convention trade, and just as it began returning, the flood of 1955 helped kill the local economy. The Army Corps of Engineers stripped the forests from the banks of the San Lorenzo to install dikes, turning the San Lorenzo into a drainage ditch. It destroyed the ecology of the river, reducing shady places for fish to gather, and created an unpleasant place to fish. In the name of "Freeway-Centric City Planning", all services once concentrated downtown were decentralized away from Pacific Avenue, removing government, tourist amenities and staple-goods stores, until mostly non-essentials shops remained. Two years later, the downtown suffered the first 63% vacancy-rate in its history.

The dikes further devalued all adjacent property, as Beach Flats bungalows that once had a river view and forest setting, now sat in a view-less dike-walled pit, like a drained bathtub. What had once been a Capitola-like bungalow colony was turned into the town's first slum. Likewise, the once garden-like Riverside neighborhood became a depressed drug-haven, and River Street campgrounds became trailor parks.

The problems caused by the dikes were blamed as the total failure of the tourist industry, and an anti-tourism political sentiment directed the town to industrialize, using the then-booming Detroit as the model of Santa Cruz's new future. All the town's first-class hotels were converted into retirement homes, or "flop-houses" contracted to house parolees.

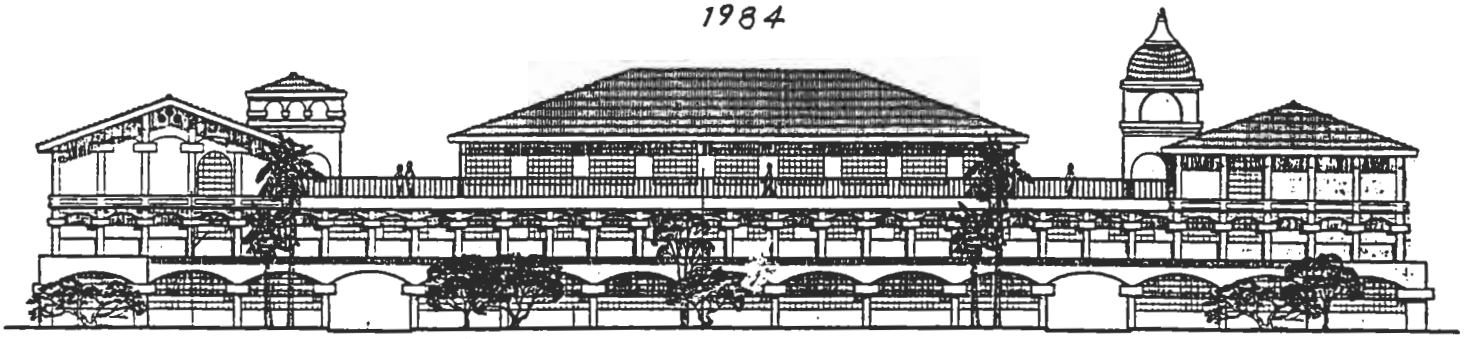
The interests of the Historic Community are not to obstruct the goal of first-class convention facilities, but to overcome the limited imagination of anti-historic budget-rate planning during the last 30 years. In that time, first-rate landmarks were discarded to promoted second-rate high-rise motels, hardly business or tourist draws in themselves, whose only beauty was their view, which they ruined for everyone else with the sight of their cinderblock shafts. With new interest in reviving our historic convention industry, we must also revive the concept of picturesque historic facilities that have proven promotional power in themselves.

SITES CONSIDERED

In the 1960s and '70s, Hilton Hotel made two proposals for an enormous convention center on Lighthouse Field, consisting of 11-story skyscrapers, with half the field turned into a parking lot. This became a major controversy, as West Cliff Drive would be enlarged to a four-lane freeway, and its remoteness was criticized as not supporting the existing downtown and beachfront business centers. The

HILTON REPLACEMENT DESIGN

1984



Underly's Beach Street facade

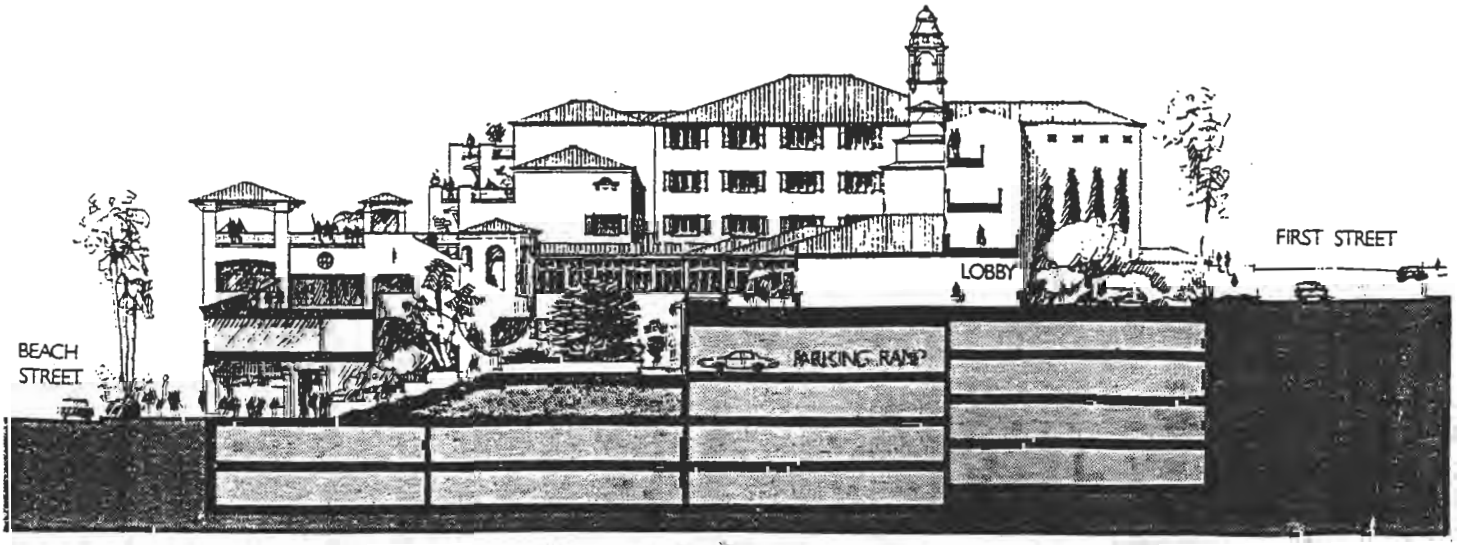
issue became moot when Lighthouse Field became a state park in 1978.

In 1978, the alternate site for a "conference/arts center" was the paved block of mostly car-dealerships bounded by Sycamore, Pacific Avenue Extension, and Center Street. A facility at this site would act as a hub connecting downtown and beachfront business centers, and could be used in conjunction with a revived railway station/transit center. A second site was what is today's Ford's lot; but both were ultimately rejected for having no ocean view. Yet somehow this wasn't a drawback when the Holiday Inn was built on Ocean Street, and functioned as a defacto conference center without ocean views.

In the city's 1976 Historic Building Survey, planning department criteria for rating landmarks designated the La Bahia's historic significance as "excellent". It is one of a limited number of town structures eligible for the National Register of Historic Places. Ironically, Beach Street sites not worth saving, such as Terrace Court Apartments, or the block between Westbrook and Cliff streets, are never considered for redevelopment while the landmark La Bahia is.

Up until 1980 (wrote Sam Mitchell in the "Santa Cruz Express"), the La Bahia was "one of our city's most elegant and exclusive luxury hotels." Then in 1979 Harry Stutz sold it to a group of four investers whose "lax management led to weekly and then monthly permanent occupancy," according to 1985 planning commissioner and city Zoning Board member Richard Rahders. This was against the Santa Cruz General Plan's guidelines for the waterfront. Zero maintenance, rampant vandalism, rising rents, drug dealing problems, plus one of the owners jailed for trying to sink his yacht to collect the insurance, led to public characterizations that they were "slum lords" and "this former showplace a flop house." One resident complained in 1985 that "after letting the place go to hell for so many years...[the owners] have worked hard to make sure it <u>can't</u> be renovated." Former owner Stutz agreed only to the extent that the people he sold it to were investing in the site, not the landmark.

In 1984 developer Thomas Underly, through the Texas RJS Development Co., proposed replacing the La Bahia



Cross-section of Thacher Thompson design

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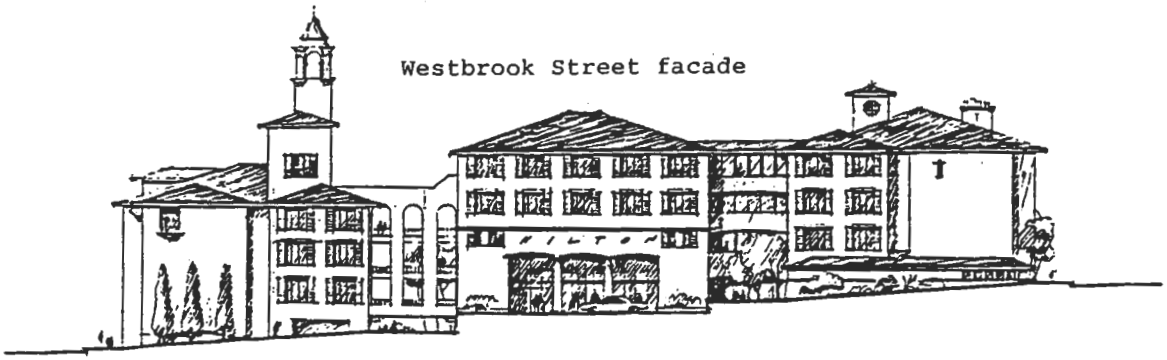
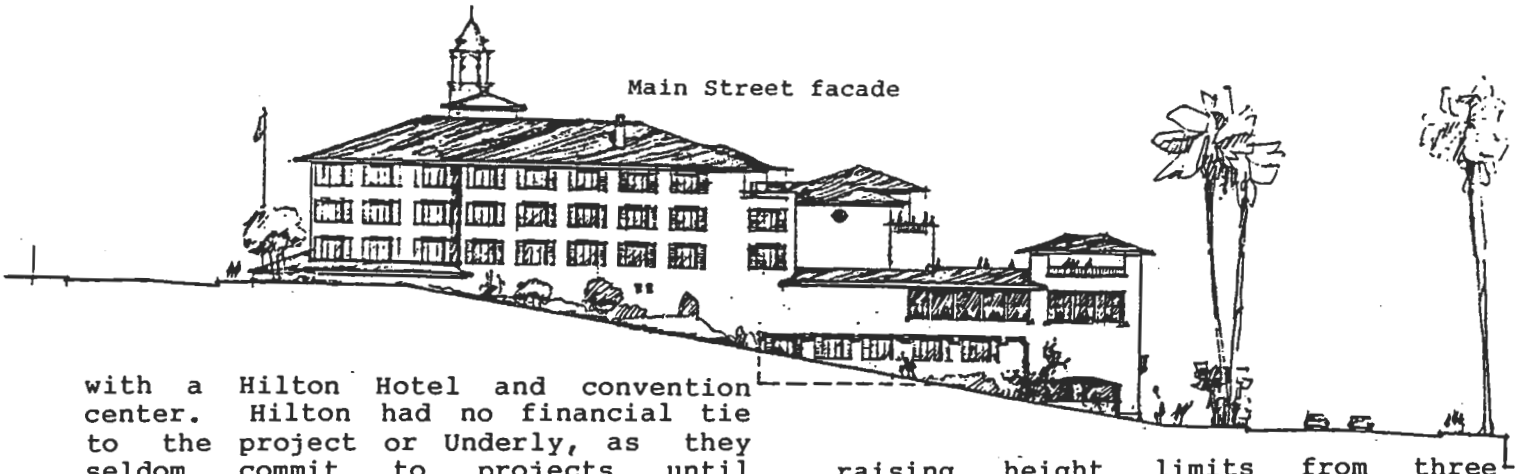


Westbrook Street facade

Beach Street facade



Main Street facade

with a Hilton Hotel and convention center. Hilton had no financial tie to the project or Underly, as they seldom commit to projects until construction commences. But through "a good deal of contact" with Underly they were "very interested", and the project was promoted as the "Hilton Plan". The $20 million, 230-unit four-story building with a 350-space underground garage, was later changed to 200-210 units, three-to-four stories, with a 400-space garage.

It face the problems of needing the site rezoned for augmented height and density, a required amendment to the state coastal plan, review by the City Historic Preservation Commission, and relocation of now-permanent La Bahia residents. The city council was divided, accepting the concept, but balking at four stories. Underly unsuccessfully applied to have the beachfront area including the Casa Blanca, some Second Street apartments, the Surf Bowl block, Casa Del Rey and boardwalk, given the down-town's "community commercial" zoning, raising height limits from three stories to five, and loosening density restrictions.

While Underly promised to recycled features of the original landmark, his original sketches showed a freeway-vernacular parody of the historic architecture, with clunky post-modern features. But after hiring local architects Thacher and Thompson, their replacement design showed a more interesting reuse of La Bahia features. Matthew Thompson said he wanted to use "a lot of the things that people like about the La Bahia -- cool courtyards, fountains, waterfalls, terraces and swimming pools", plus its photogenic composition.

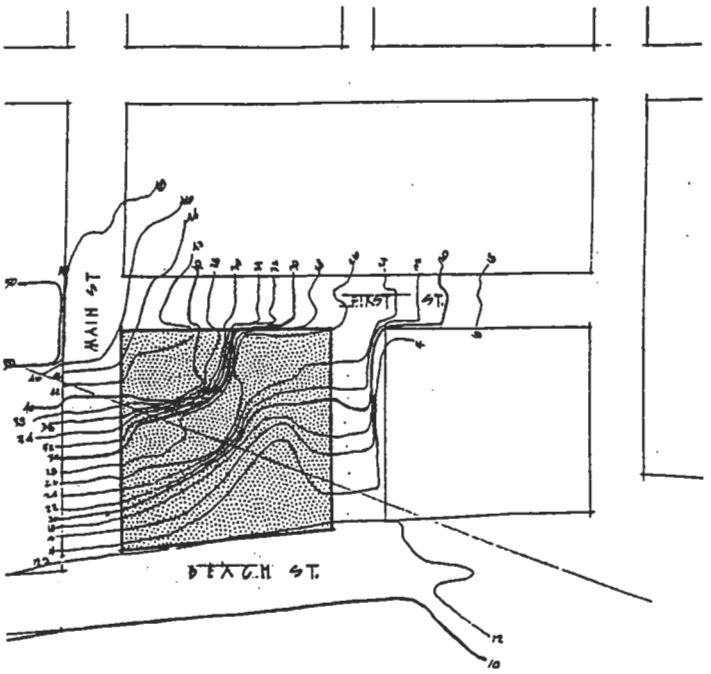
But controversy surrounded the height of the proposed structure, displacement of La Bahia residents, and loss of a beloved landmark. Archaeological Consulting and Research Services, Inc., were [illegible] provide

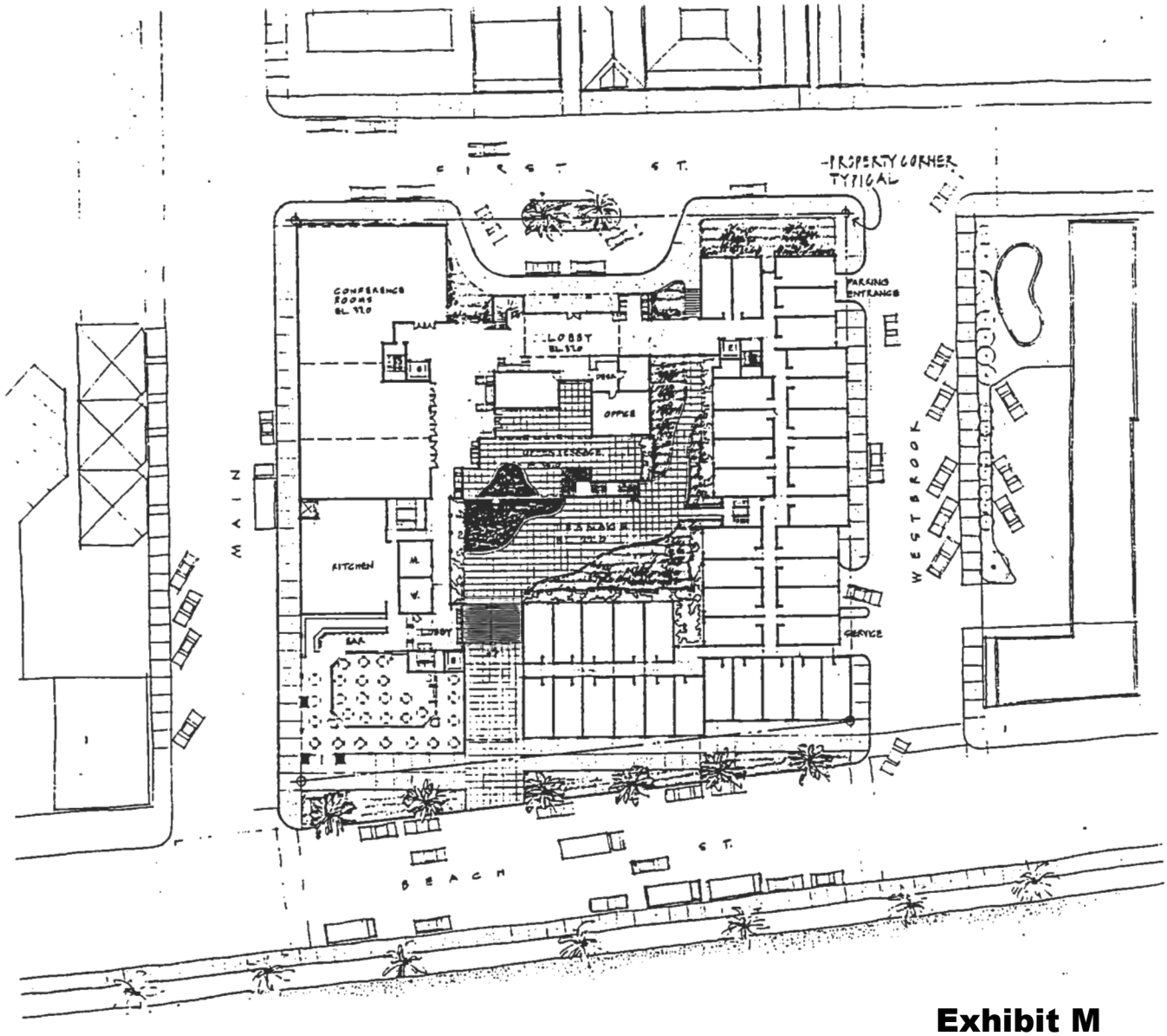
Exhibit M

an historical overview to John Gilchrist and Associates, project environmental planners, preparatory to review of the proposed Hilton development by the planning dept. It was conducted in August and September 1984 by Mary Ellen Ryan, who reaffirmed the landmarks' historic significance.

The boardwalk's Seaside Company had in the previous 30 years divested itself of many of its Beach Flats and Beach Street boarding facilities, only to see them disintegrate into a setting bad for beachfront business. So in 1983 the Seaside Company bought back the Casa Del Rey; and in 1985 when Underly faced two lawsuits for over $100,000 in local unpaid bills, the Seaside Company repurchased the La Bahia, ending Underly's plans for that site.

In 1988, Thacher Thompson Architects through Barry Swenson Builder, proposed to the Seaside





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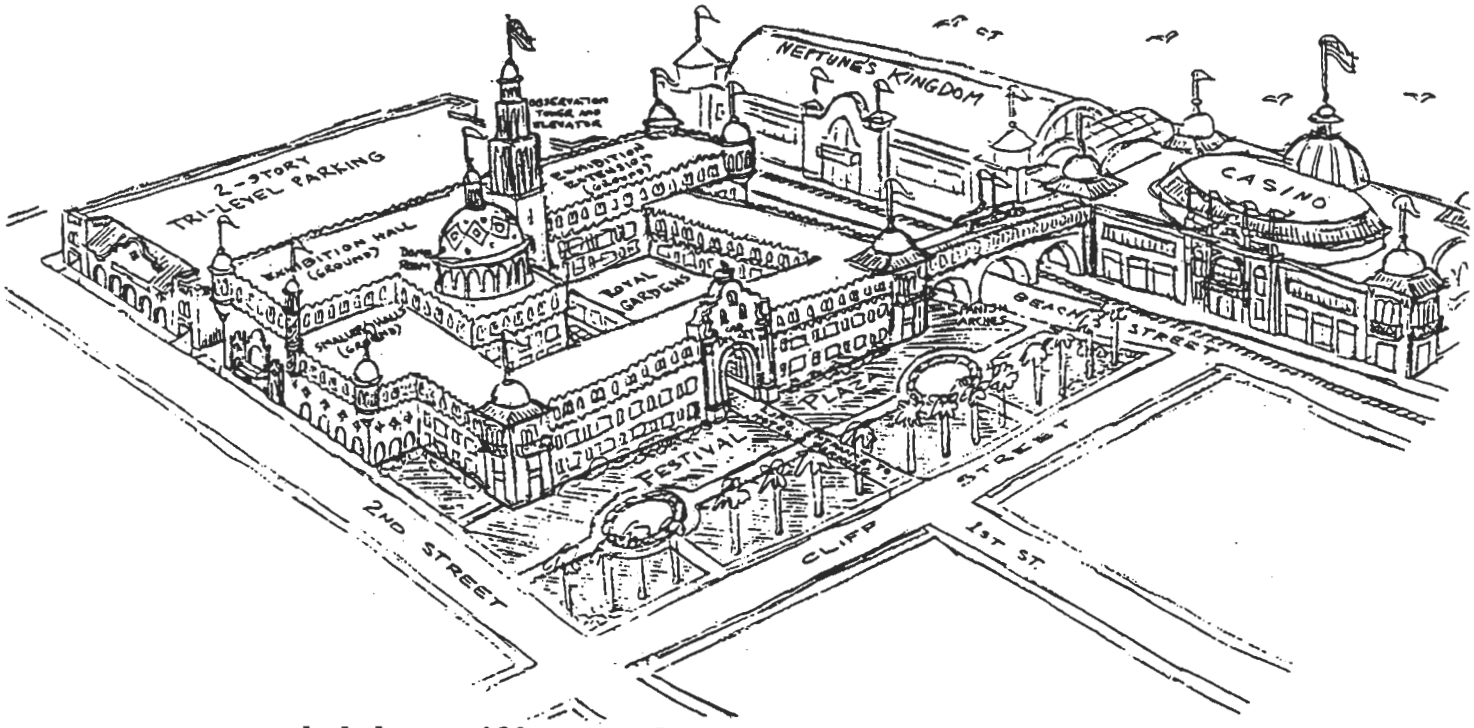
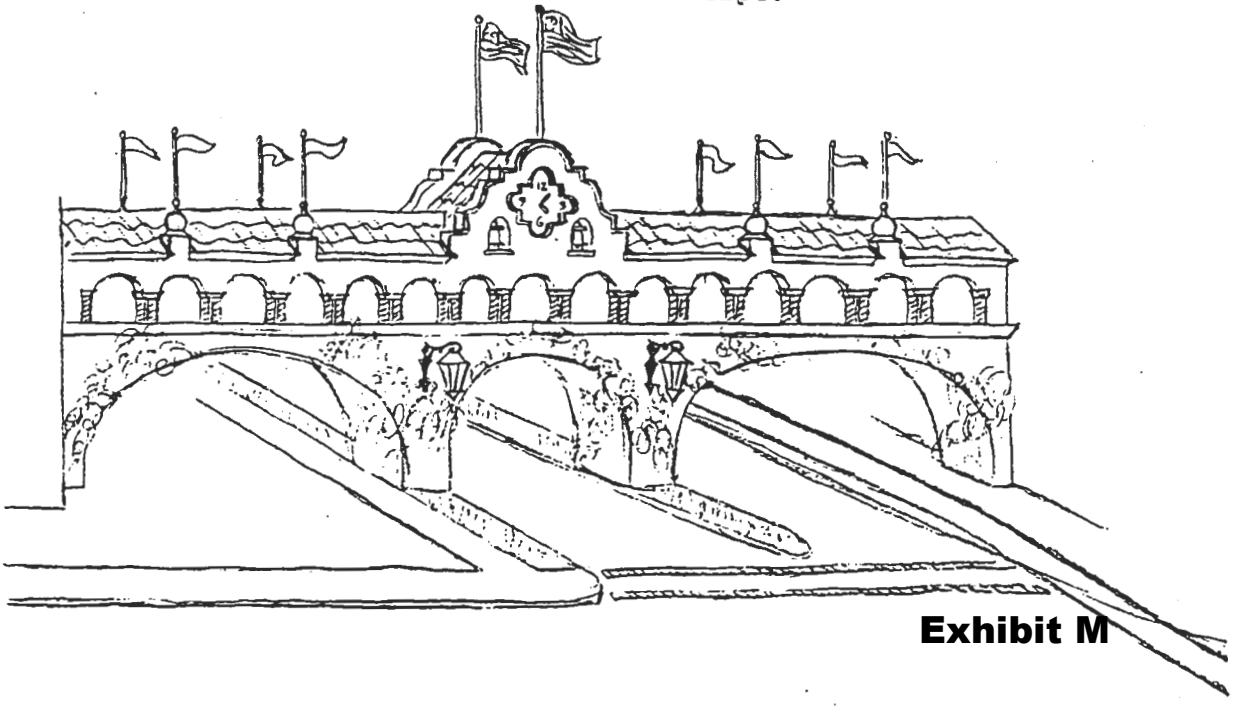


Company a scaled-down 120-room La Bahia, saving the courtyards and most of the Beach Street/Westbrook landmark, with new units in the northwest corner, and a lobby in the northeast corner. "This may have been where its 1926 lobby was intended to go," Thompson speculated, "as its vista and cascading stairs draw one down into the main courtyard, and out to the beach." The proposal was not accepted, one reason mentioned that the landmark was on too many levels with too many stairs, to provide room service with wheeled carts."

Following the 1989 Loma Prieta quake, the demolition of the damaged Casa Del Rey was the ironic end for what was once called the "most fireproof and earthquake-proof hotel on the Pacific Coast". Vision Santa Cruz and Beach Area workshops were conducted in 1994 to propose the kind of redevelopment the community felt appropriate to this area.

Based on one groups suggestions, a new Casa Del Rey convention hotel was visualized to include a Festival Lawn (similar to the original Royal Gardens), as a plaza for outdoor events such as the Beach Street Revival's classic car displays. A new Spanish Arches would tie the hotels convention halls to the boardwalk's. First street would extend into the hotel's garden court's with a private limousine entrance, leading into the hotel passed its convention halls to a three-level parking garage attached to the hotel. A rooftop banquet hall and observation tower would provide aerial views of the landscape.



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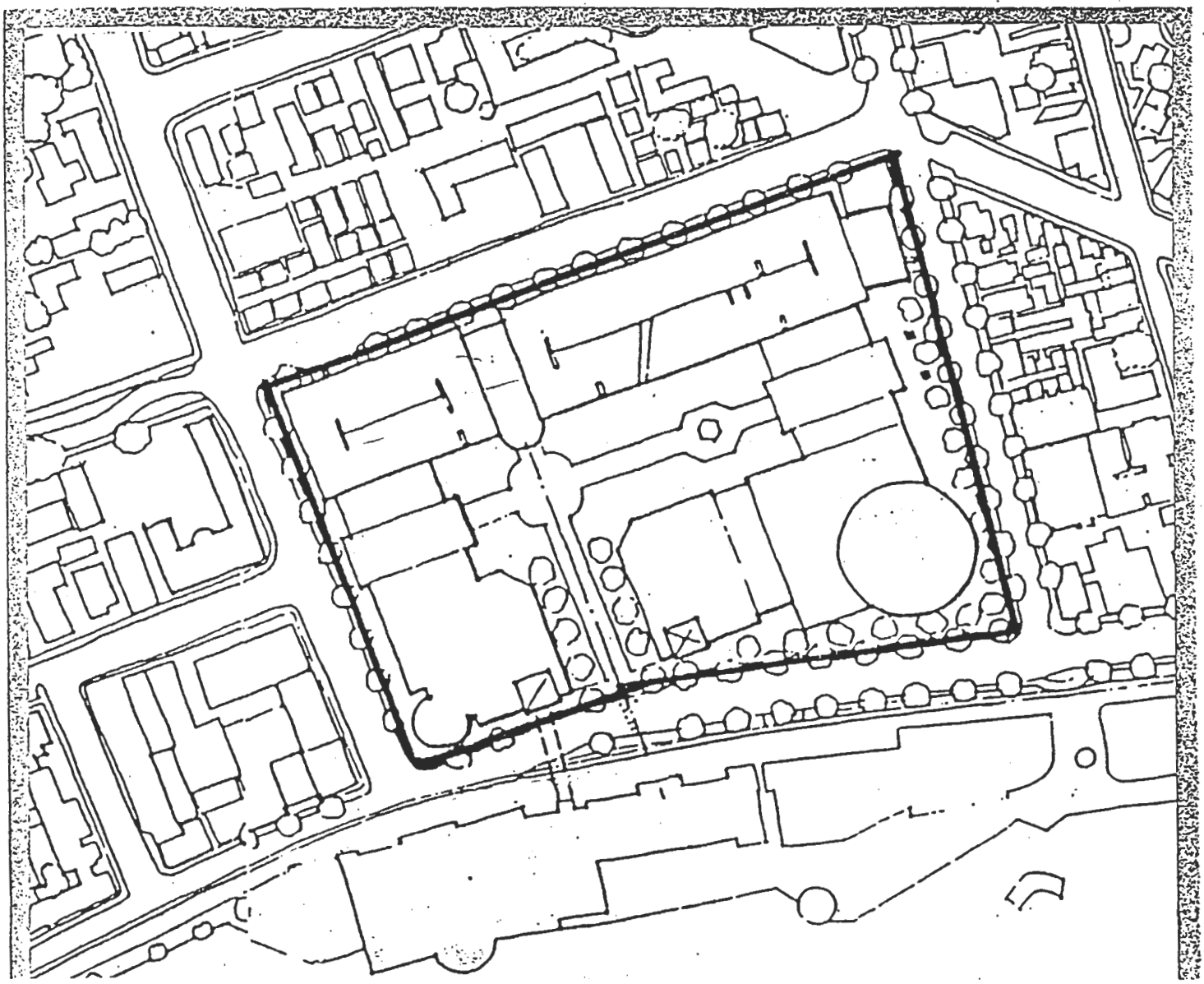


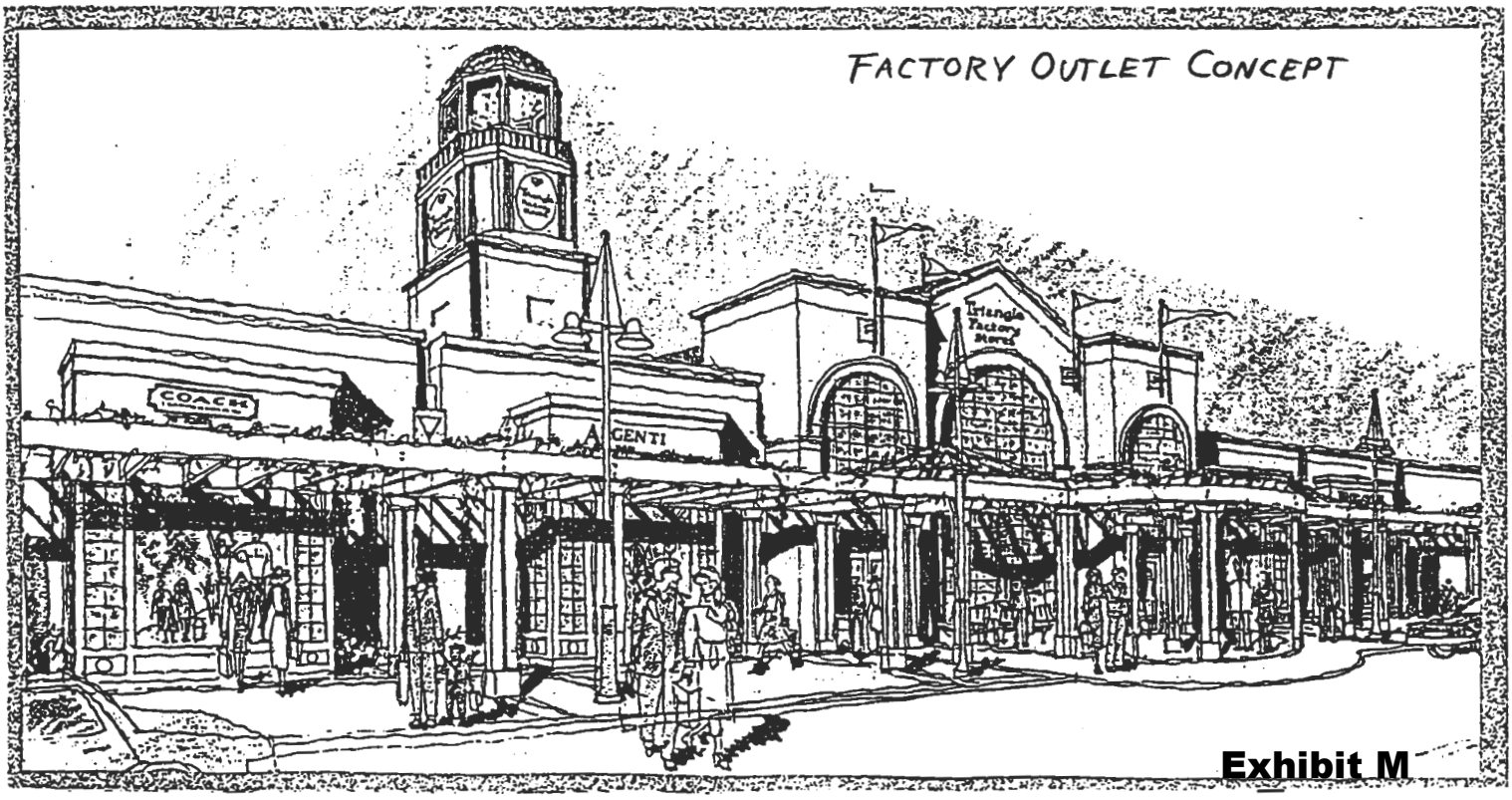
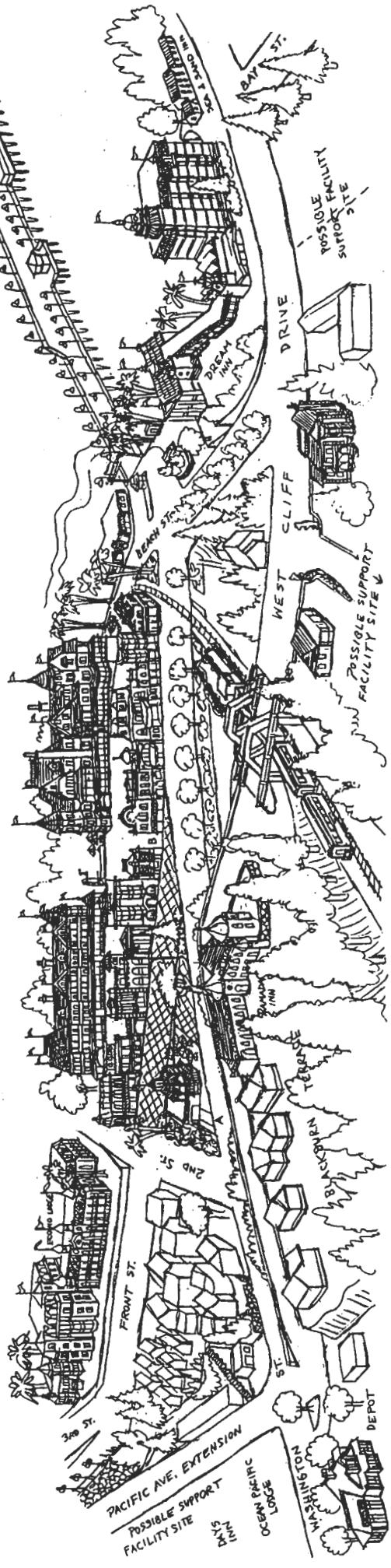

FACTORY OUTLET CONCEPT
COACH
AGENTI
Triangle Factory Stores

Exhibit M

Exhibit M

EMBARCADERO SLOT DEVELOPMENT



But developers discouraged the idea of building a new Casa Del Rey on a site lacking ocean views, preferring something on the order of a factory outlet store there instead. While convention facilities were considered at the Dream Inn, or the vacant Driftway lot on Beach Hill (between Second and Beach streets), the La Bahia site was favored due to its proximity to the boardwalk's major ballroom and banquet hall.

DRIFTWAY LOT STUDY

A convention hotel on the Drifway lot could be built in conjunction with reviving the Embarcadero Slot area near the corner of Washington and Beach Streets. This was a once-thriving shopping area which bridged the gap between the steamship depot at the wharf and the train depot. The Washington Street block between Second and Beach streets had a row of shops, restaurants, hotels and meeting halls, all of which looked out on Fleet Park (now the old "Otto's" parking lot).

Fleet Park was constructed by the Chamber of Commerce for the 1908 visit of Teddy Roosevelt's "Great White Fleet": the first armada to circumnavigate the globe. A series of rowboats painted white and planted with flowers depicted the fleet in this parklike setting. The park originally included the triangle lot and another lot flanking the entrance to Second Street.

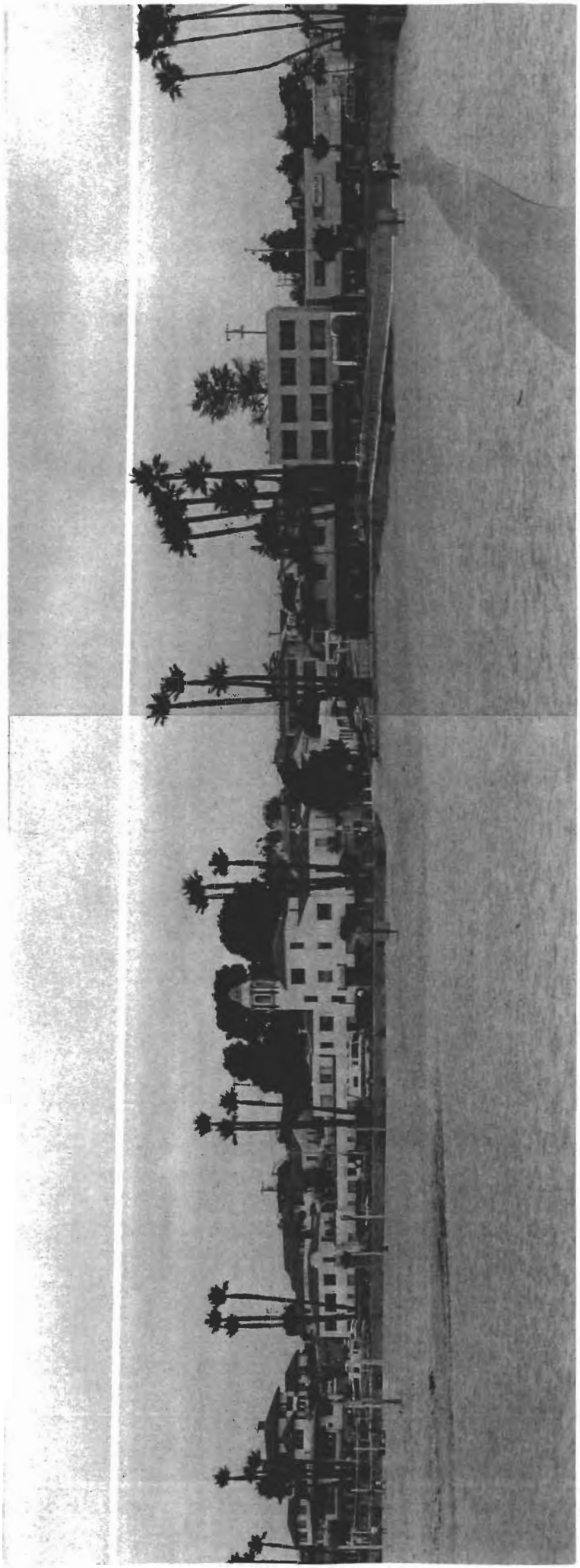
The Driftway lot could be excavated for underground parking topped with two Queen Anne wings reminiscent of the famous Sea Beach Hotel that once stood at the east end of the block. Like the Sea Beach, its main hall could emerge from the hillside under the hotel, with a wall of windows facing the ocean.

Additional rooms could be situated atop a series of mostly-new Italianate storefronts along Washington Street. One of these could house a theater, with a sideways lobby connecting both to the street, and to the hotel ballroom. Thus it could be used either for public events, or hotel-related conventions. The proximity to surrounding lodgings makes it possible to book larger conventions, and share rooms and meeting halls with the Dream Inn. By using fancy pavers on lower Front Street and the triangular parking area, a plaza-like setting can be created to unify this block of shops.

LA BAHIA SITE STUDY

The 1995 space-study for a 275 room replacement to the La Bahia, while not an actual proposal, none-

Exhibit M



the-less demonstrates the fallacy of concentrating all the facility's needs on a single site. The schematics show Beach Street narrowed to two-lanes and no street-parking, one lane of which must be the railroad tracks leaving a single lane for traffic.

The shape conceived was a four-story sheer-wall donut, with a box-courtyard for a pool. If concentrating all rooming, parking and meeting needs on this site is to take advantage of the ocean view, the model shows only 84 rooms out of 275 will have this ocean view (30%). 191 rooms have no view other than a side street, or shaft courtyard. To update this model, we must pack 25 more rooms into the site (to meet a 300-room goal), and if the boardwalk withdraws its facilities from hotel use, add another Coconut Grove and Bayview Room on the site.

This dumptruck approach to packing every use possible on a single site ignores what made the Casa Del Rey great in its day. It built an empire on facilities spread over several sites. When the La Bahia was constructed as an annex to the Casa Del Rey, the main hotel was two blocks away. The first parking garage was located at First and Cliff streets, a handsome Moorish-style structure with a corner tower.

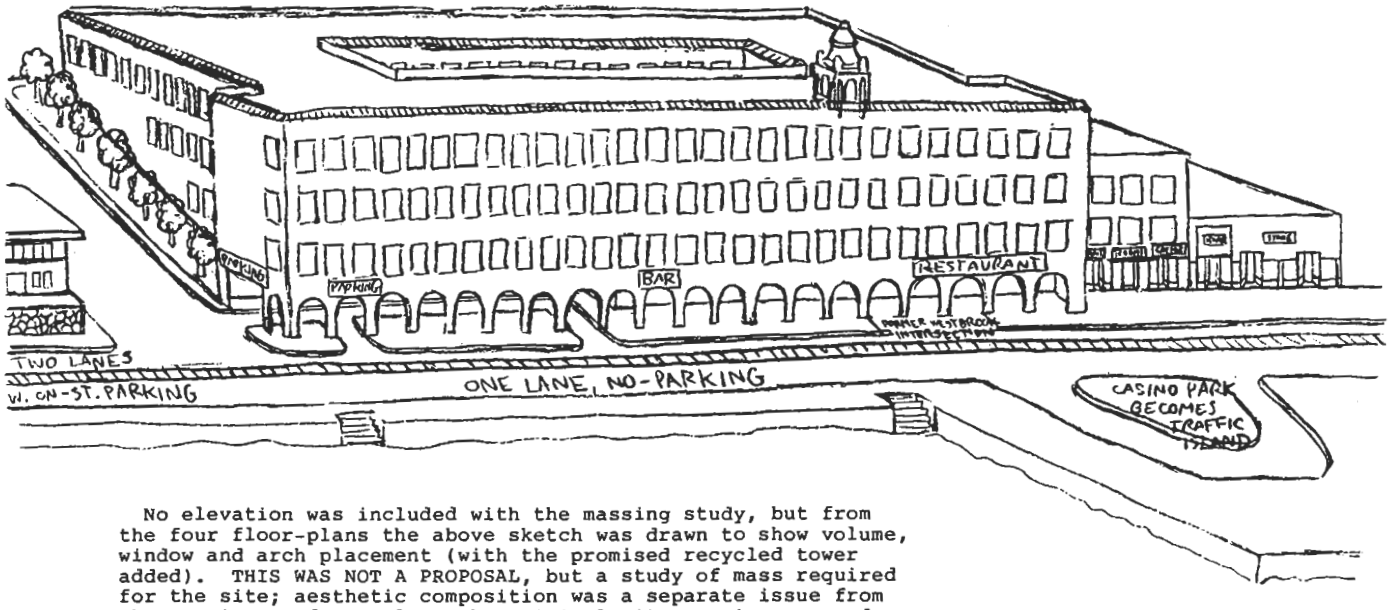
Today's project must entertain the option of allowing facilities to be spread over a wider area. Even if a factory outlet is built on the Casa Del Rey site, the single-story structure would have space for one or two floors of hotel rooms above it (since 70% of rooms at La Bahia would have no ocean view anyway). Here could even be additional convention halls tied to the Coconut Grove by a new Spanish Arches, to give the boardwalk more freedom to continue their own booking schedule.

Ideally, development of the La Bahia site should include all the land from Westbrook to Cliff Street. This would take pressure off compacting so many services on a small lot, and would help tie the hotel to the board-walk's convention hall, and central parking sites.

The La Bahia's significant features are more that this tower, and that archway. It is unique in world hotel architecture that it sought to capture the essence of a Spanish Village in the style of the stage-set exhibits found in world's fairs. The architecture conforms more to the exterior spaces of the courtyards, creating picturesque vistas and the

Exhibit M

275 ROOM MASSING STUDY



No elevation was included with the massing study, but from the four floor-plans the above sketch was drawn to show volume, window and arch placement (with the promised recycled tower added). THIS WAS NOT A PROPOSAL, but a study of mass required for the site; aesthetic composition was a separate issue from the massing study. Below: the original site map is compared with one floor of the massing study plan on an enlarged lot.

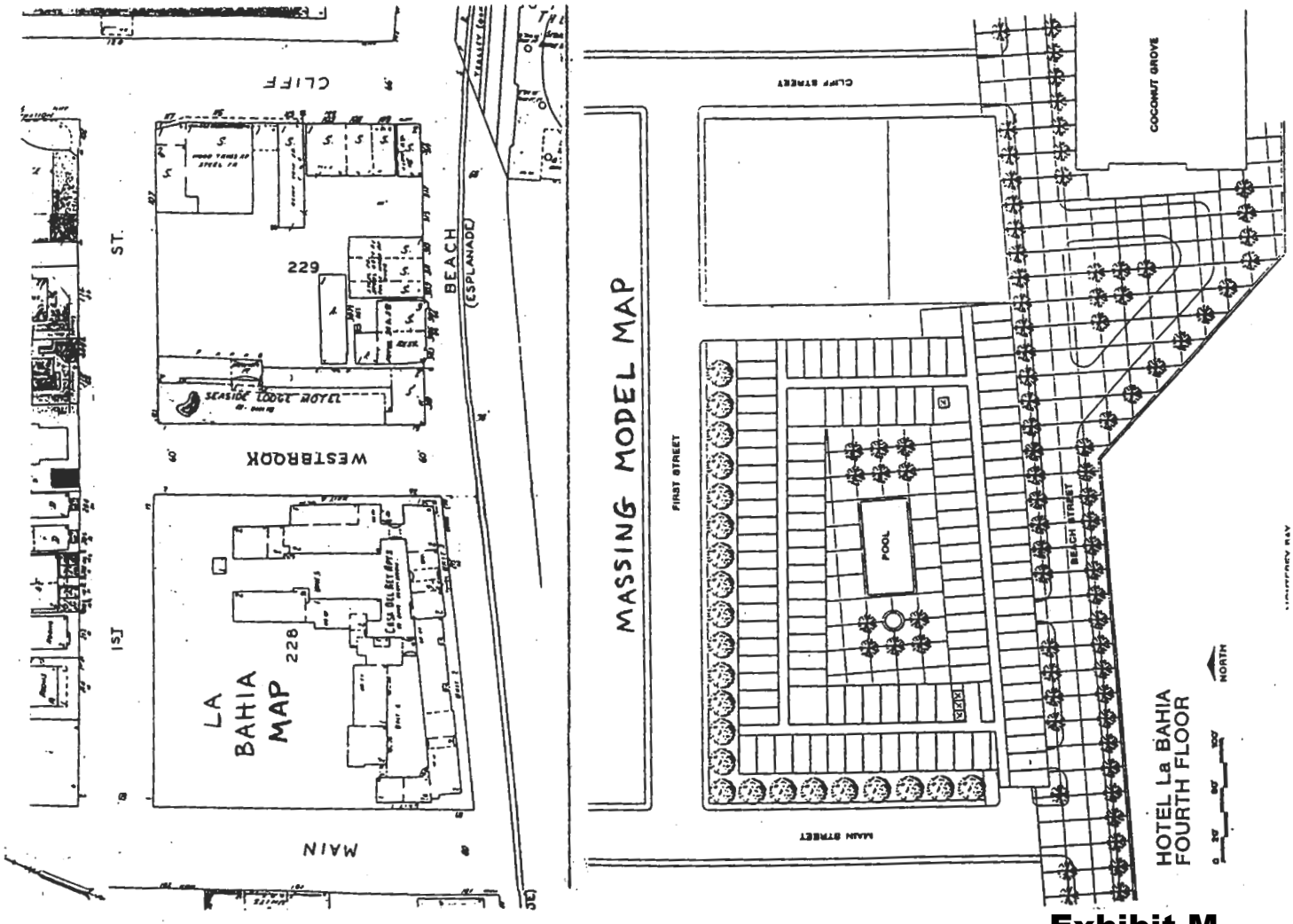


Exhibit M

illusion of the compacted dwellings of a village beyond. It likewise walls out the modern world to create a total experience of an exotic place.

La Bahia was intended to include a third addition in the northwest corner, for which a view corridor was left open over the single-story rooftops of units two and six. The option of part-preservation part-expansion should be included among any future proposals on this site. But should the landmark be sacrificed for new construction, it is hoped the replacement design captures the design ethic and attention to detail that makes the La Bahia so notable.

The purpose of historic preservation is to conserve excellence in a community, especially that which modern construction cannot or will not build. For no community advances when it moves from first-class to second-rate. Thus, the only thing that can replace a landmark, is a landmark.

EXPANSION-STYLE LA BAHIA DEVELOPMENT

Exhibit M

Volume II
LA BAHIA HANDBOOK

Sourcebook for Hill-Village Style

Exhibit M

La Bahia
HANDBOOK
OF DETAILS, EXAMPLES, & CONCEPTS
by
Ross Eric Gibson

Exhibit M

Volume II

LA BAHIA HANDBOOK–Of Details, Examples & Concepts

How to Design in Hill-Village style

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Exhibit M

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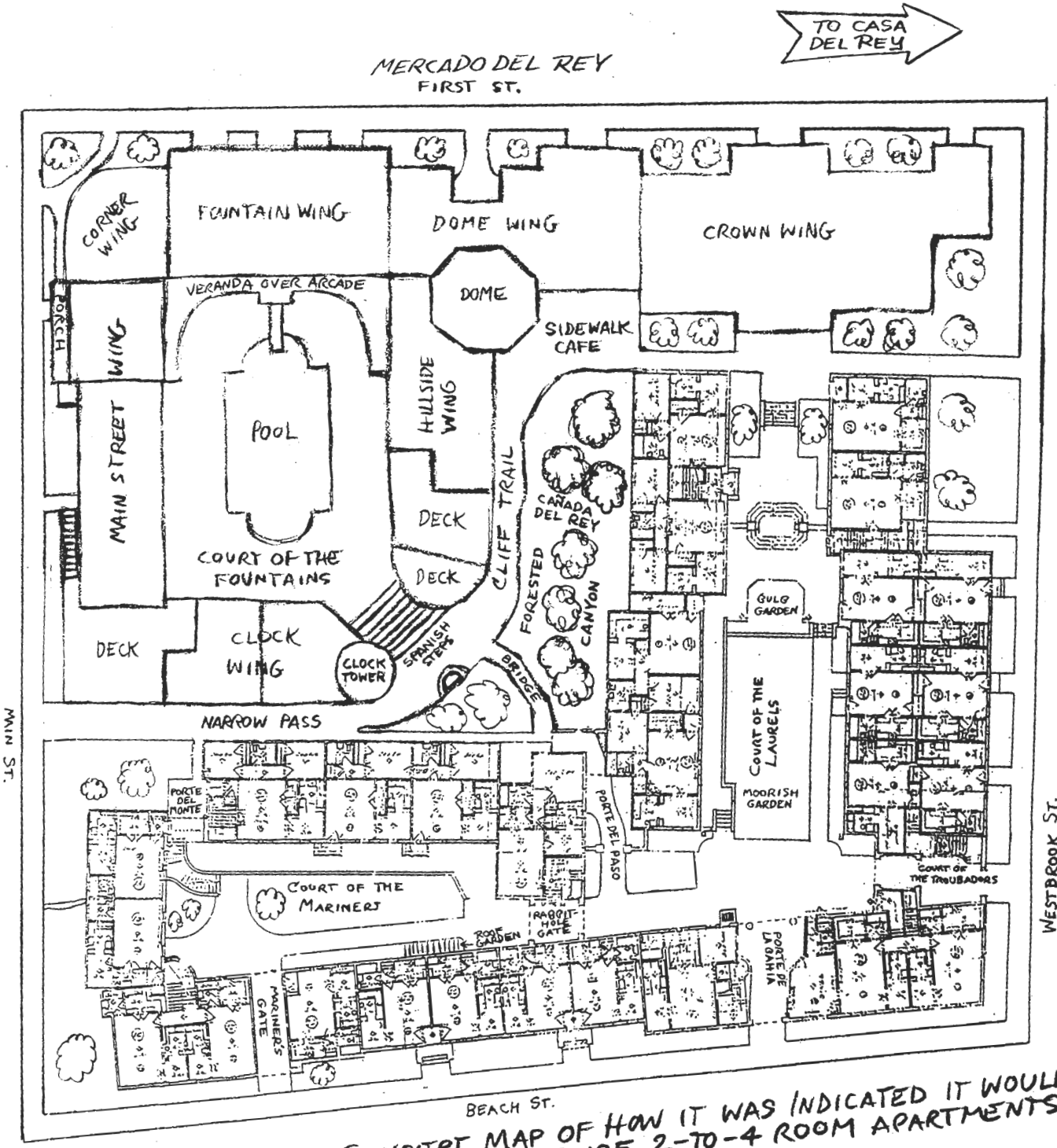
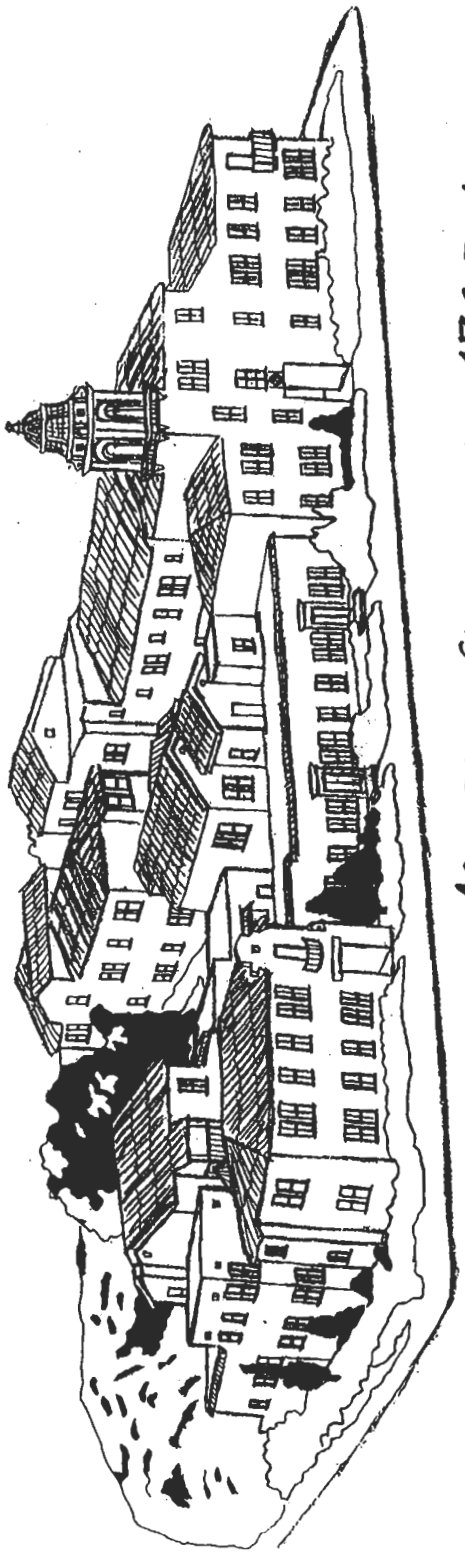
CASA BLANCA PELARGONIUM GARDENS

Exhibit M

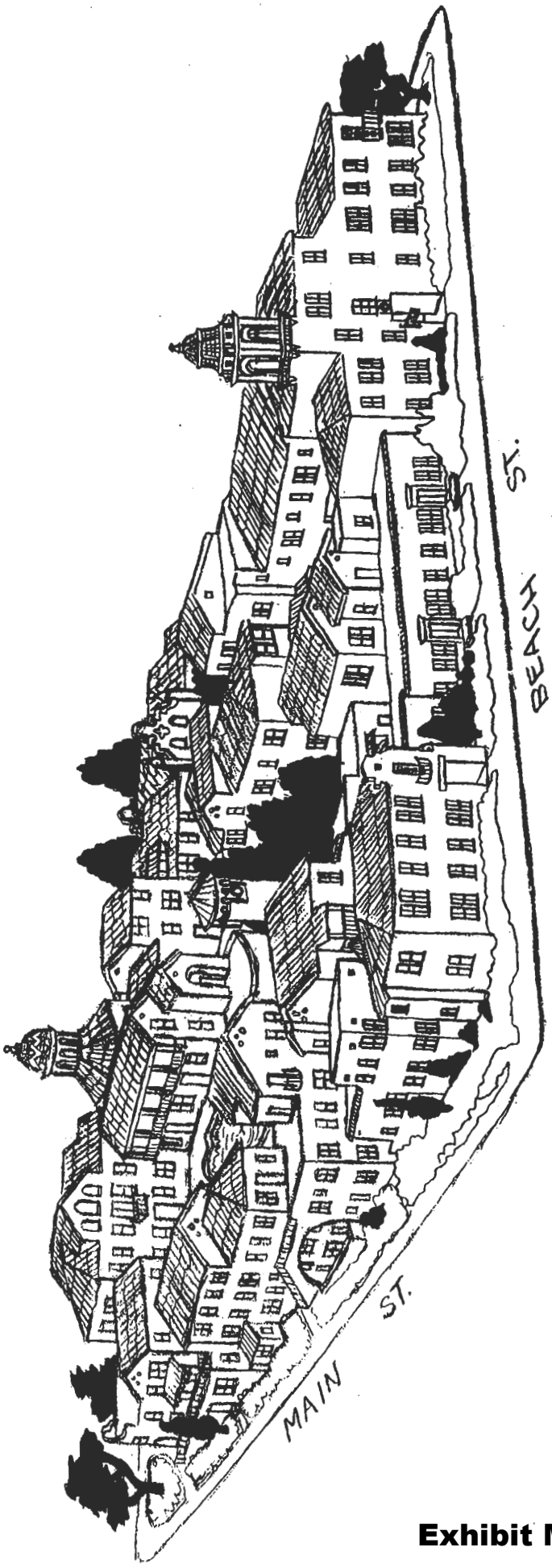


PARKING for CASA DEL REY APTS.

CONCEPT MAP OF HOW IT WAS INDICATED IT WOULD BE FINISHED AS 105 2-TO-4 ROOM APARTMENTS



ARCHITECTS SKETCH OF HIS 47 2-TO-4 ROOM APARTMENTS



CONCEPT SKETCH OF HOW IT WAS INDICATED IT WOULD BE FINISHED AS 105 2-TO-4 ROOM APARTMENTS

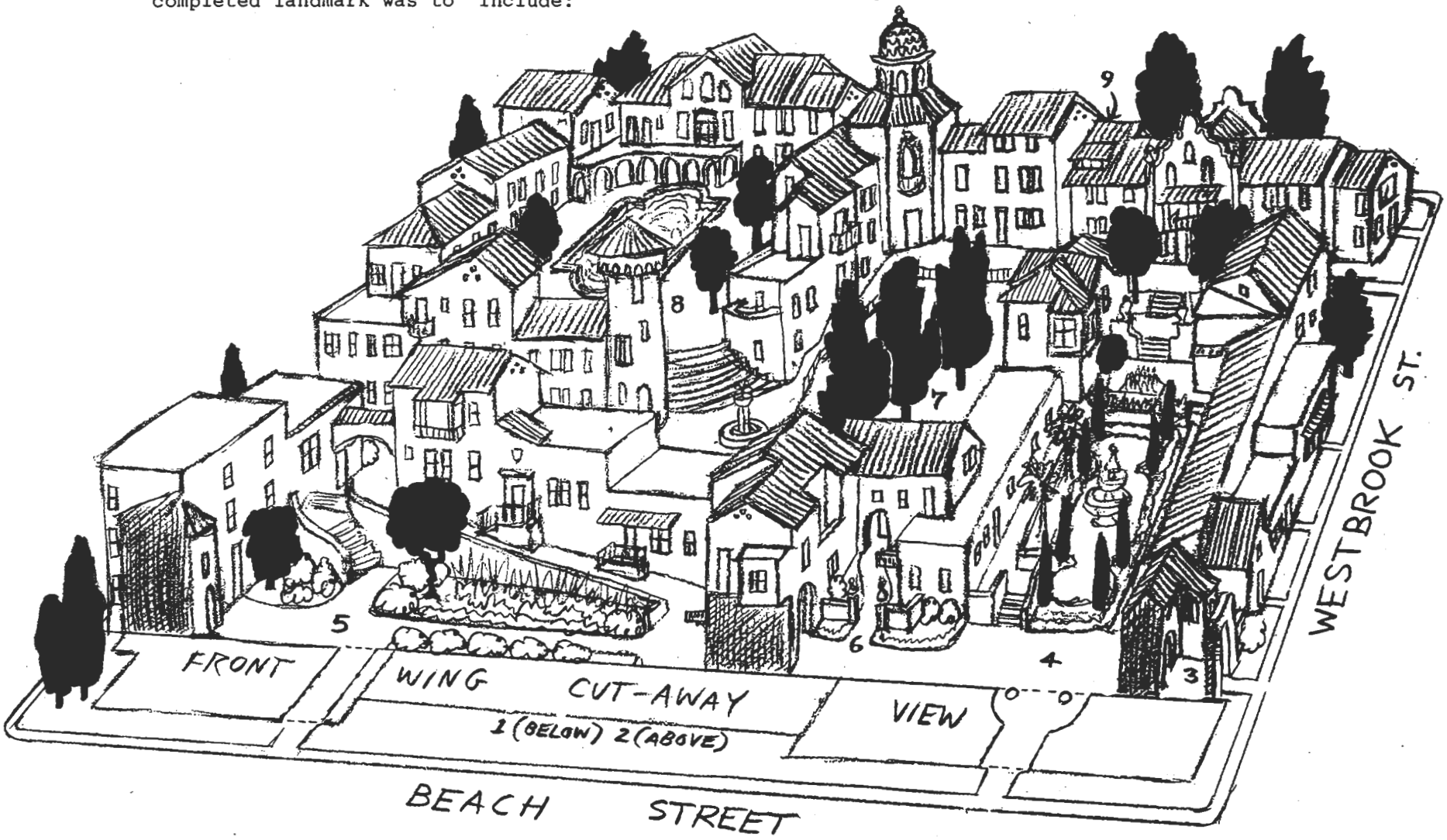
For clarity, this report uses the more popular name "La Bahia" to refer to the apartments, even describing periods when they were known by their original name of "Casa Del Rey Apartments." They were built as part of the Casa Del Rey Hotel a block to the east, and "Casa Del Rey" will mean the hotel.

Exhibit M

UNFINISHED LANDMARK: The second phase of La Bahia constructed was said to include a third court and a row of shops, but funding problems left them unbuilt. The proposed shops were to turn First Street into a Spanish-style marketplace, linking the back of the La Bahia to the front door of the Casa Del Rey.

This is a concept drawing of how the La Bahia was to be finished. It was virtually an amusement park of vistas and spaces, linked with winding trails through a series of stairs, bridges, and archways. The completed landmark was to include:

1. BEACHFRONT APARTMENTS
2. THE "SUN DECK" ROOF GARDEN
3. A HILL-VILLAGE STREET WARREN (Court of the Troubedors)
4. A MOORISH GARDEN (Court of the Laurels)
5. A MEDITERANEAN HILL GARDEN (Court of the Mariners)
6. A GATED GARDEN PASSAGE (Porte Del Paso)
7. A FOREST CANYON (Canada Del Rey)
8. A COURTYARD PLUNGE (Court of the Fountains)
9. THE FIRST STREET MARKETPLACE (Mercado Del Rey).



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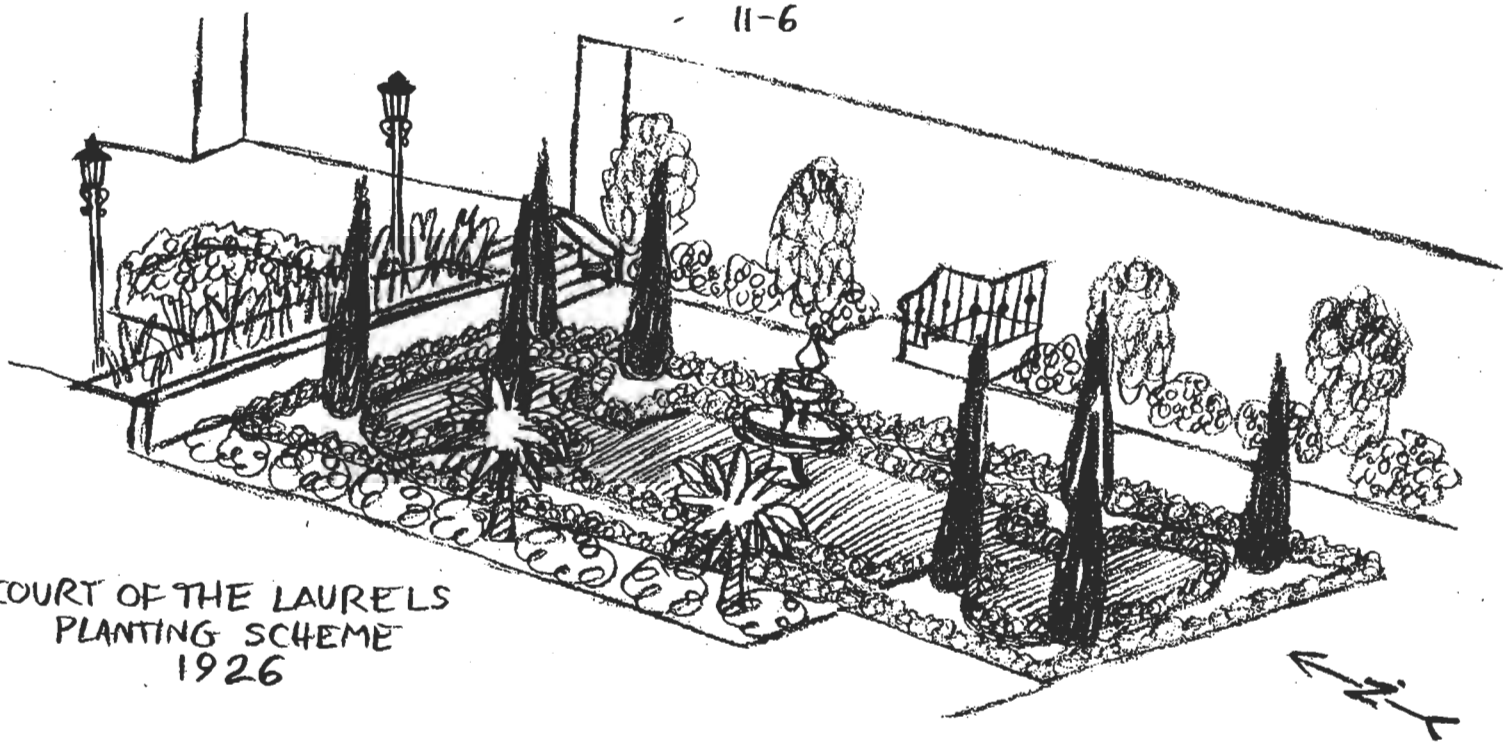
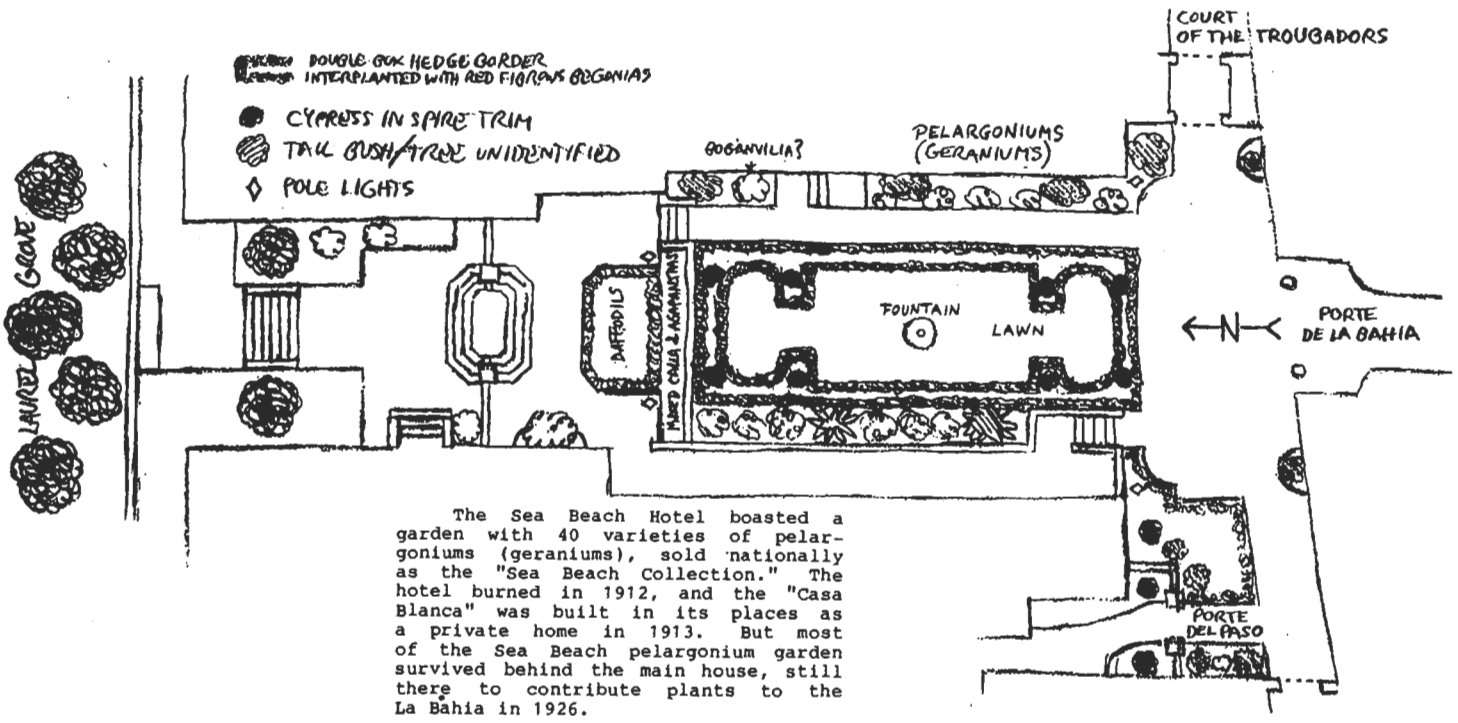


COURTYARDS

The two courtyards are character-defining features of the landmark, created as outdoor rooms, and designed as dramatic stage sets. These are Secret Gardens, to provide visitors with privacy and refuge in the middle of a crowded tourist area.

The Court of the Laurels is the more formal of the two gardens, a cascade of stairs and terraces down from a grove of laurels into a lush Moorish flower garden. It's the jewel of the landmark, and of highest historic significance (according to the Architectural Resources Group which evaluated the landmark for the city).

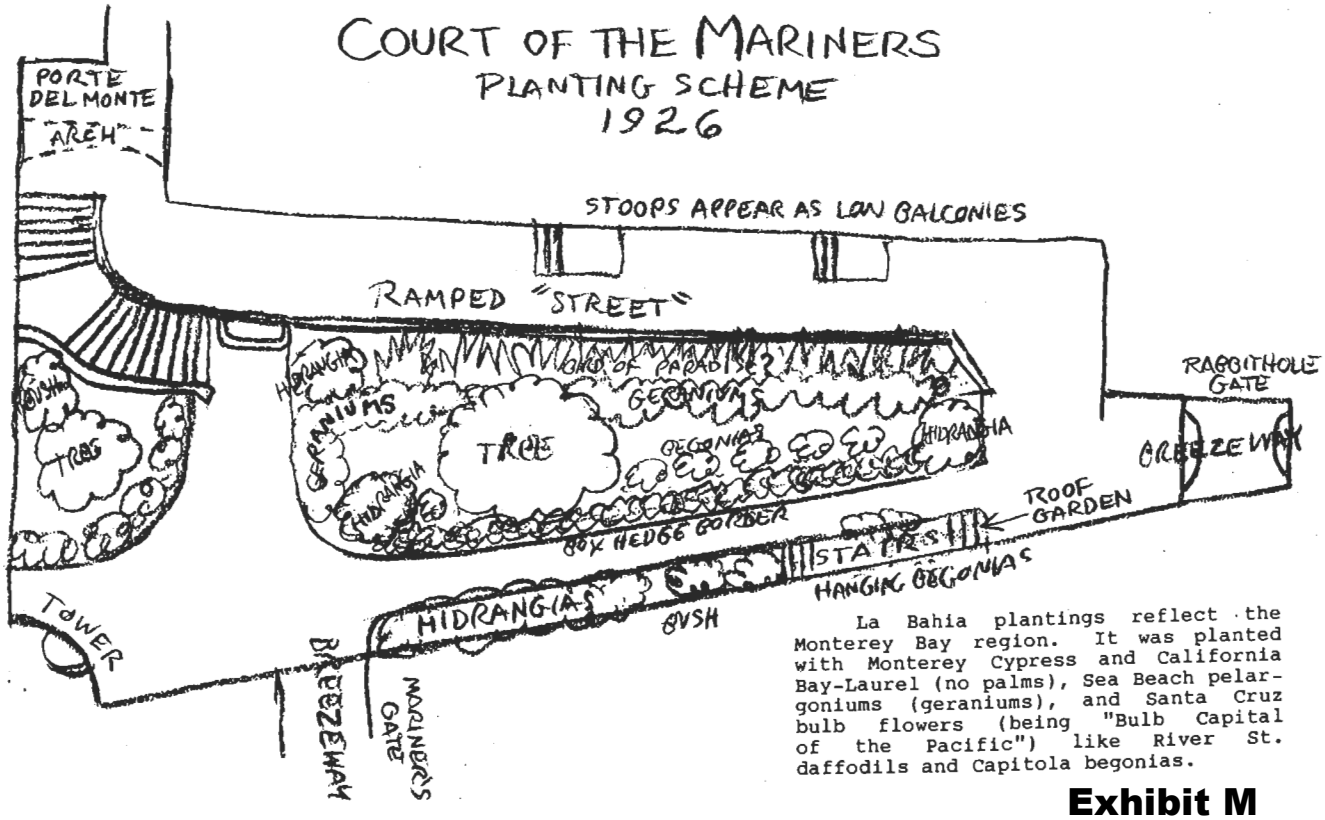
They also described the Court of the Mariners as "...nearly as significant..." being "...more intimate and informal with more trees, [and] an asymmetrical design...." The Court of the Mariners consists of a roof garden on one side that's reminiscent of the deck of a ship, and a ramped "street" with a row of buildings climbing the hillside towards an arched pass-through.



The Sea Beach Hotel boasted a garden with 40 varieties of pelargoniums (geraniums), sold nationally as the "Sea Beach Collection." The hotel burned in 1912, and the "Casa Blanca" was built in its places as a private home in 1913. But most of the Sea Beach pelargonium garden survived behind the main house, still there to contribute plants to the La Bahia in 1926.

Exhibit M

COURT OF THE MARINERS
PLANTING SCHEME
1926



La Bahia plantings reflect the Monterey Bay region. It was planted with Monterey Cypress and California Bay-Laurel (no palms), Sea Beach pelargoniums (geraniums), and Santa Cruz bulb flowers (being "Bulb Capital of the Pacific") like River St. daffodils and Capitola begonias.

Exhibit M

This catalog of details forms the visual vocabulary of the La Bahia. The fairly simple features of this peasant style are combined for dramatic impact. These image sheets were compiled to document, but not limit, the detailing of compatible additions to the landmark.

LA BAHIA WINDOWS & DOORWAYS

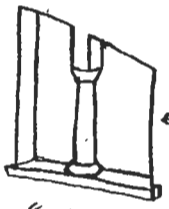
CREST RELIEF
OVER MAIN TUNNEL
PAINTED IN FULL COLOR

TRIFOIL

QUATRAFOIL

STAIRWAY WINDOWS

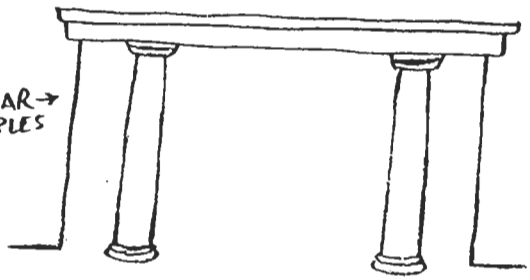
WINDOW GRILL
MID-SOUTHERN STAIRWELL
(& MARINERS TOWER?)

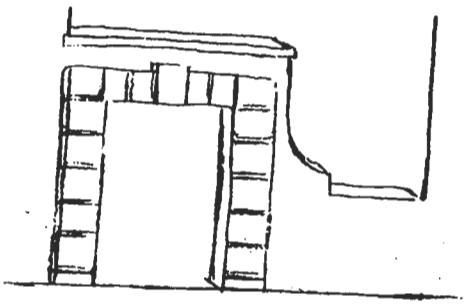


"JULIET WINDOW"
SOUTHEAST STAIRWELL

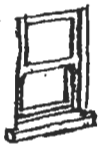
MAIN ARCHWAYS

← PILLAR → EXAMPLES





UNFRAMED INSET WINDOWS

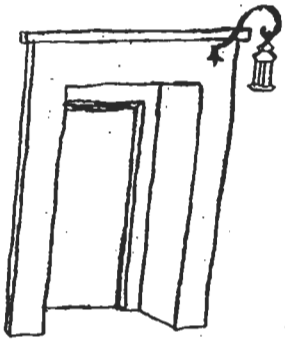


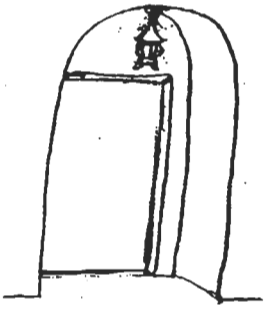
2-OVER-2 DIVIDED LIGHTS

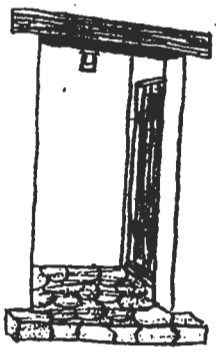
DOUBLE-HUNGS

3-BESIDE-3 DIVIDED LIGHTS

DOUBLE CASEMENT

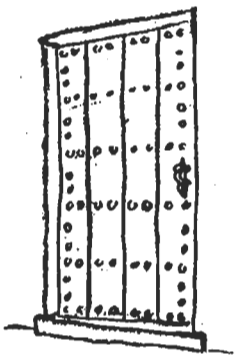




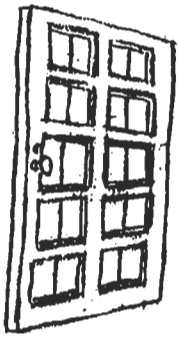


DOOR ENTRY SURROUNDS

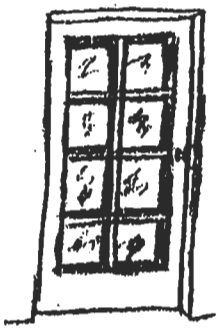
UNFRAMED INSET DOORWAYS



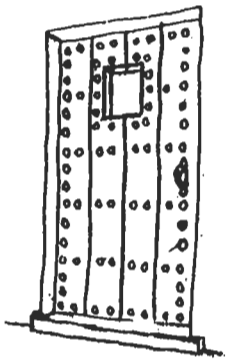
FOUR PLANK HOGNAILED OUTSIDE FINISH

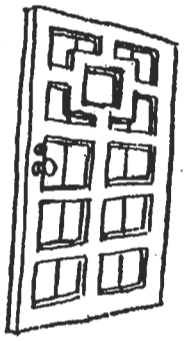


TEN PANEL INSIDE FINISH



FRENCH DOOR(S) ON BALCONIES
4-BESIDE-4 LIGHTS

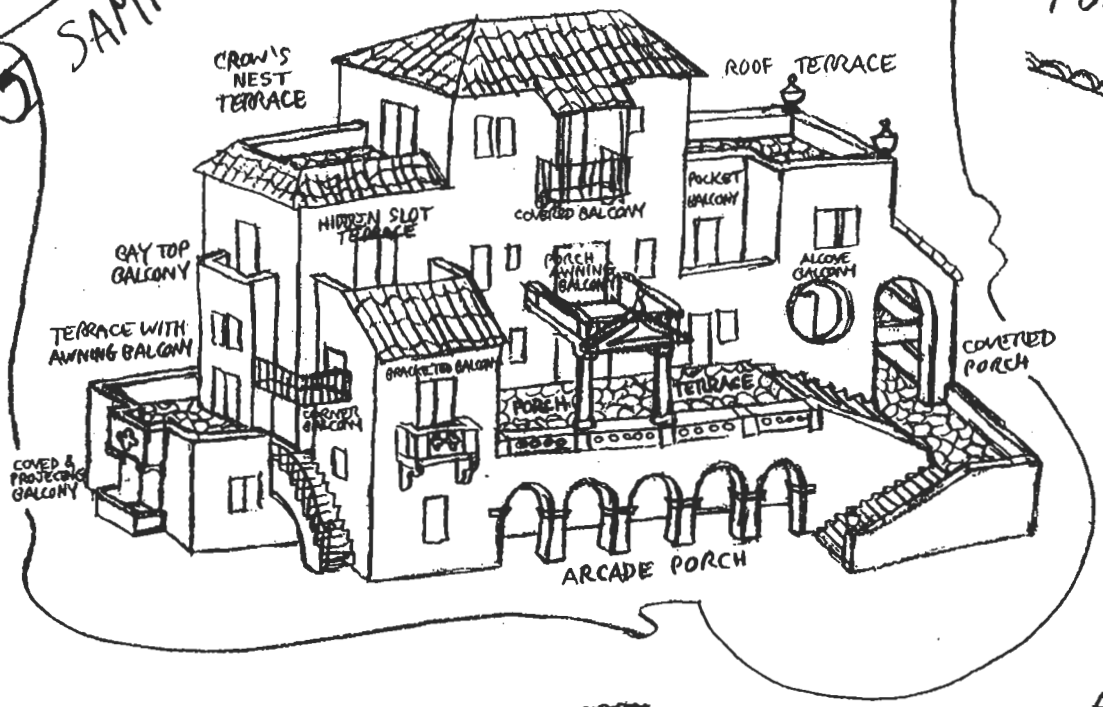




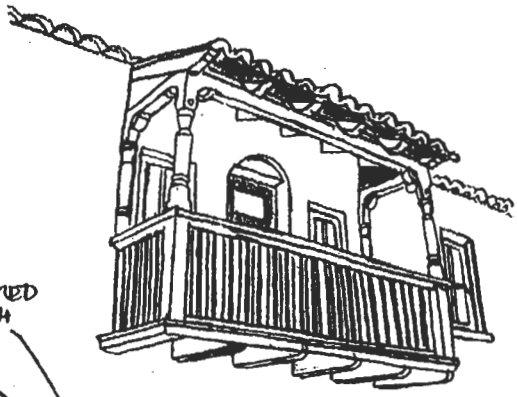
DOOR WITH PEEP WINDOW

Exhibit M

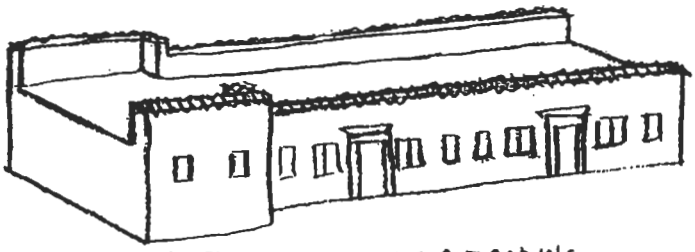
SAMPLER OF PORCH & BALCONY TYPES



LA BAHIA PORCHES & BALCONIES

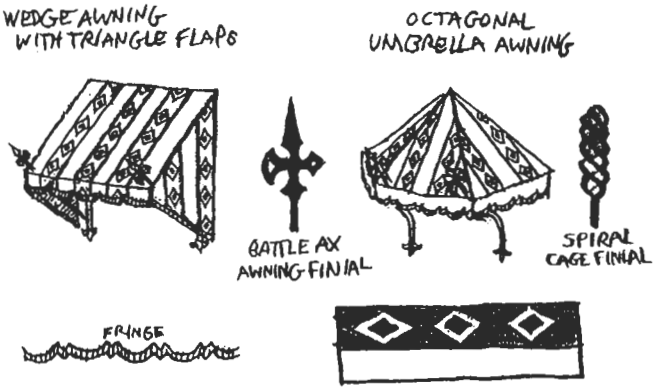


MARINER'S BALCONY

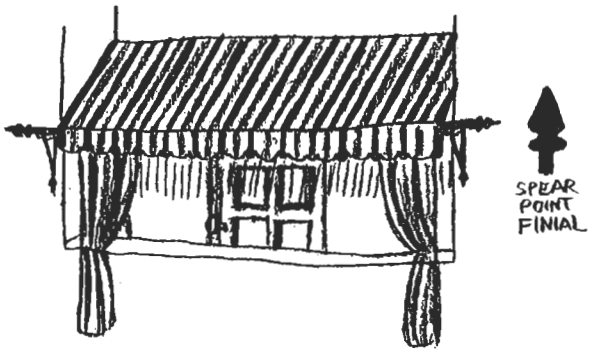


TWO LEVELS OF THE SAME PARAPET RAILING GIVE THE SENSE OF DIFFERENT HEIGHTS OF BUILDINGS, WHILE ROOF TERRACE IS ON SAME PLAIN

AWNINGS

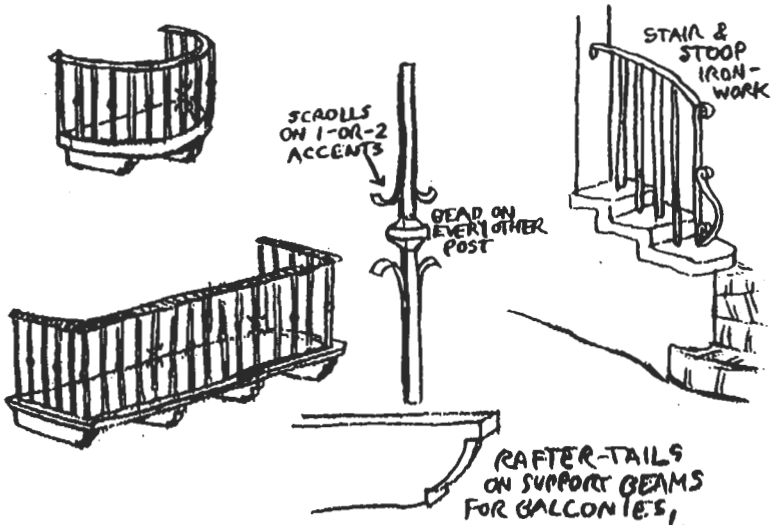


FRINGED AWNING WITH DIAMOND-STRIPED CANVAS AND SPEAR-POINT SUPPORT BRACKETS



VENETIAN-STRIPED SHED AWNING ON INSET BALCONY, WITH DOUBLE-SPEAR ROD ON SUPPORT BRACKETS, AND DRAW-CURTAINS WITH TIES

IRONWORK RAILINGS



SQUARE & CRESCENT IRON BALCONIES WITH BEAD ACCENTS & WOODEN BEAMS

Exhibit M

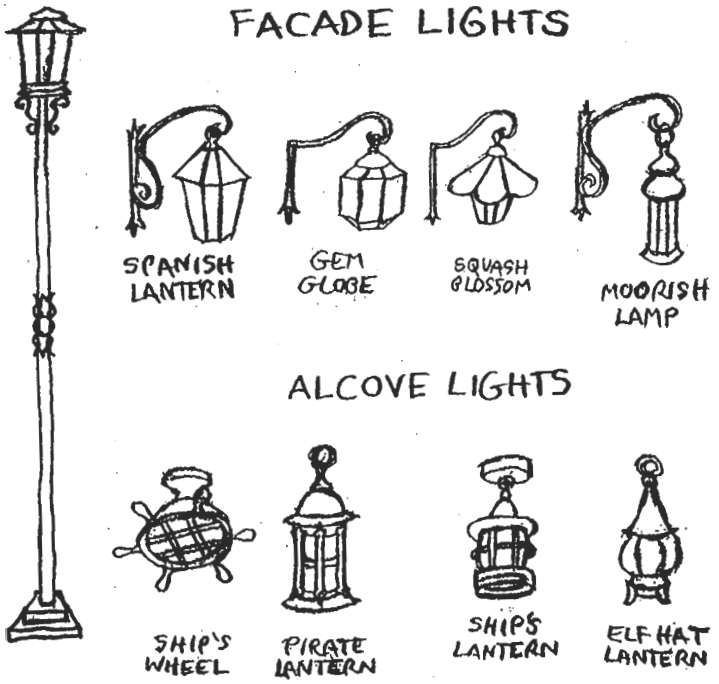
OTAR THE LAMPMAKER

One of the state's leading artcraft manufacturers in the 1920s and 1930s was Santa Cruz's John N. Otar. He was know professionally as "Otar the Lampmaker," a craftsman brand-name as familiar in his day as Stickley and Roycroft. Famous for --but not limited to-- lighting fixtures, he also produced household crafts of fine woods or wrought metal, parchment and mica shades and screens, and architectural hardware. He had ties with most of the coast's leading architects and builders from San Francisco to Los Angeles, as well as the occasional commission from the east coast.

He'd come to Santa Cruz from Boston during the winter of 1920, to recuperate at the Hotel St. George from crippling chill blains. The world traveler found the Santa Cruz climate, setting, and art scene unsurpassed, and established his studio here. His reputation grew so fast, that in 1922 he received lucrative offers to relocate to the prestigious craftsman centers of Los Angeles or the San Francisco Bay area. But with the help of the Santa Cruz Chamber of Commerce, he found ideal quarters on Pacific Avenue, hired a team of craftsmen and designers, and ran a major artcraft manufacturing studio out of the heart of downtown Santa Cruz.

The business was in the second floor of a building where Del Williams Jewelers is today with the factory in back. He designed chiefly in Colonial, Spanish, California Craftsman, Alpine, and Art Deco styles. His showrooms were a big draw for locals and tourists, who could either buy a product from the displays, use his design books to order a piece made, have a piece designed, or made to one's own specifications. He even replicated antiques at a fraction of their collector's prices.

Some of his known local commissions were fixtures designed for the 1924 Brookdale Lodge, 30 lanterns and garden pole-lights for Capitola's 1924 "Hawaiian Gardens" ballroom, fixtures for the 1926 Casa Del Rey Apartments (La Bahia), the lighting for three 1928 schools of Gault, Mission Hill, and Laurel (now Lauden Nelson Center), the Joe Hutchings Building in Soquel, 1924 homes for Frank Wilson and W.O. Kerrick, the 1926 "Hideaway-By-The-Sea" at 106 Manor and West Cliff, and numerous other homes and buildings. Examples of his work are also found in San Francisco, Oakland, Berkeley, Alameda, San Jose, Salinas, Monterey, Carmel (through Herbert Herron's famous Seven Arts Studio), Los Angeles, the 1926 reconstruction of earthquake-damaged Santa Barbara, and so forth.



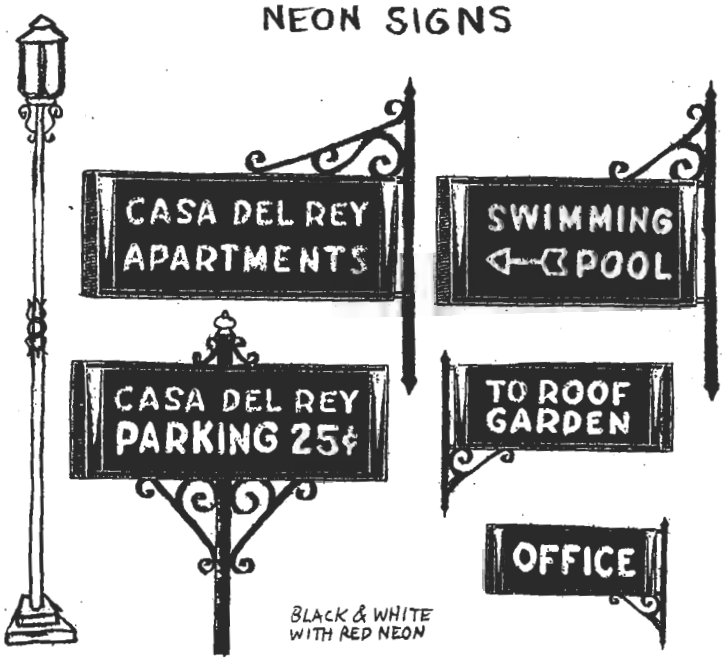
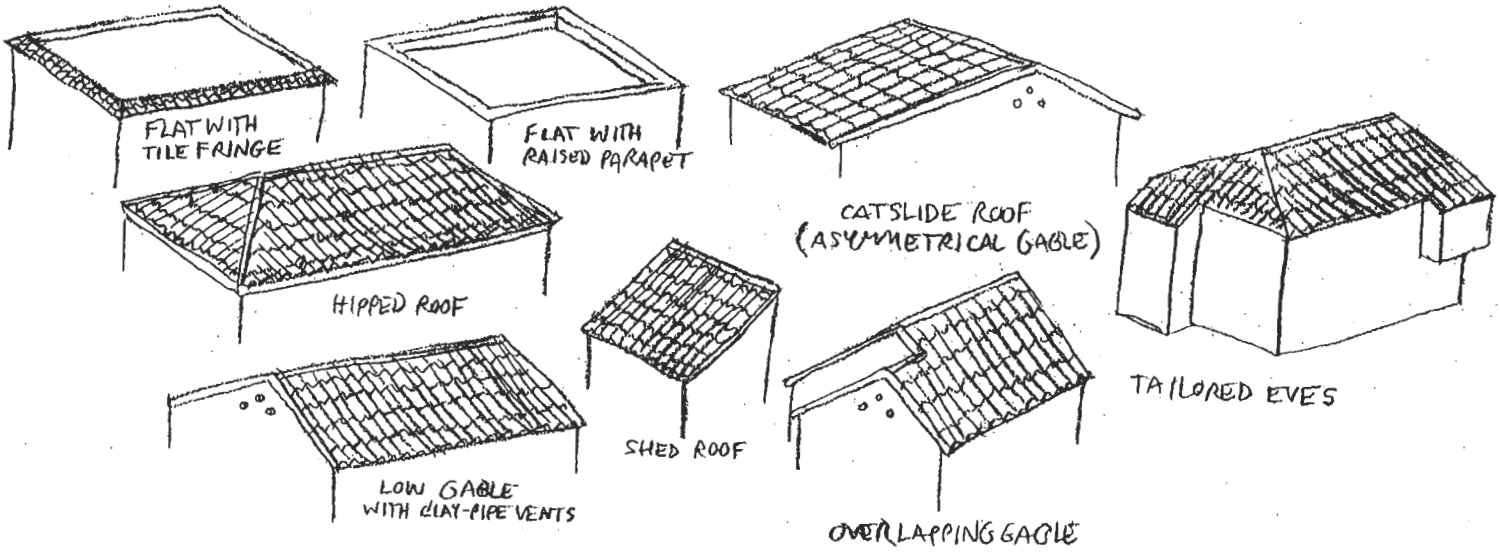


Exhibit M

LA BAHIA ROOF TYPES



"HILL VILLAGE" BUNGALOWS: Berkeley architect Wm. C. Hayes helped develop the California Mediterranean school as a synthesis of Mission Adobe, Spanish Colonial and Mediterranean elements. But rarely was the clustered Mediterranean Hill Village built in the U.S. outside of World's Fairs. A "Spanish Village" was constructed for the 1935 San Diego Exposition in Balboa Park, and is today an art center. But with few other exceptions, the La Bahia is a scarce example of its kind in the state. It is well suited to a beach resort, sitting beside a boardwalk casino and plunge fashioned after world's fair pavilions.

MEDITERRANEAN ORIGINALS: Even with automobiles in the streets, the original Mediterranean Hill Villages are pedestrian-oriented spaces. Yet a study in the 1990s showed even in the Mediterranean, many of these hill villages have been threatened or lost to automobile widenings and cut-throughs, modernizations or tract housing infill, as they become bedroom communities to nearby metropolitan areas. Italy designated several of their unchanged hill villages as National Parks, to preserve both the places, and the tourist dollars they generate. So examples of the clustered Mediterranean hill village are not only rare in the U.S., but endangered in the Mediterranea.

SPANISH-ITALIAN: Architect William C. Hayes described the La Bahia as a Spanish-Italian Mediterranean style. The following pages show Spanish and Italian examples to give some idea of his sources. Some of these are less appropriate than others, but include details like city profiles or cluster configurations that may help inform the process.

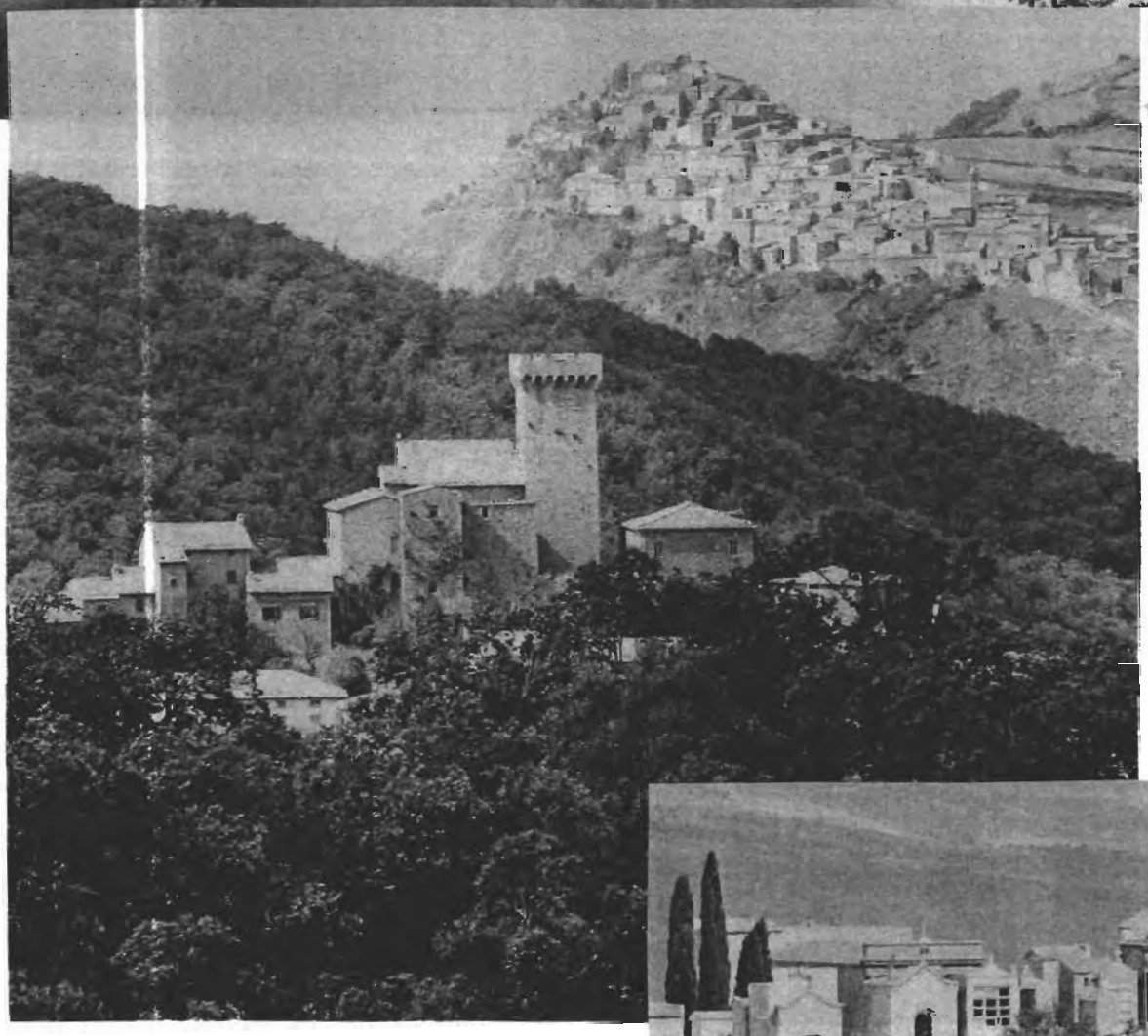
ROOFS: Roof forms indicate if these are northern latitude villages with wet winters (all pitched roofs), southern with mild winters (Greek island villages can be nearly all flat roofs), or, like Santa Cruz, somewhere in between (showing a mixture of flat and pitched roofs). Flat roofs can double as terraces, as one finds in old Jerusalem, the Greek isles, and the Hopi cliff-dwelling pueblos of the American southwest.

WALL HEIGHT: The terrain is often expressed in the height of the walls. In areas where the terrain is rolling hills (like Beach Hill), buildings are mostly one to two stories. This is ideal in Mediterranean sun-worshipping areas for maximum solar access, and allows frequent house painting. In areas where the terrain is precipitous cliffs and knife-edged peaks, walls may be up to four and five stories (unreinforced buildings seldom rise higher), and the plaster or stone is left a natural color due to dangerous house painting conditions. But to achieve this height, the lower rooms must have thicker walls and minimal floorspace, and are often little more than podium shafts below street level to support the two-to-three stories of usable rooms above street level.

GREENERY: The Spanish coast, and the French and Italian Riviera, include trees and lush gardens within their hill village clusters.

Exhibit M

MEDITERANEAN HILL VILLAGES
ARCHITECTURAL SOURCES



SIMPLE YET ELEGANT PARAPET HEADERS

Exhibit M

THE CONTOUR OF THE LAND EXPRESSED IN ARCHITECTURE

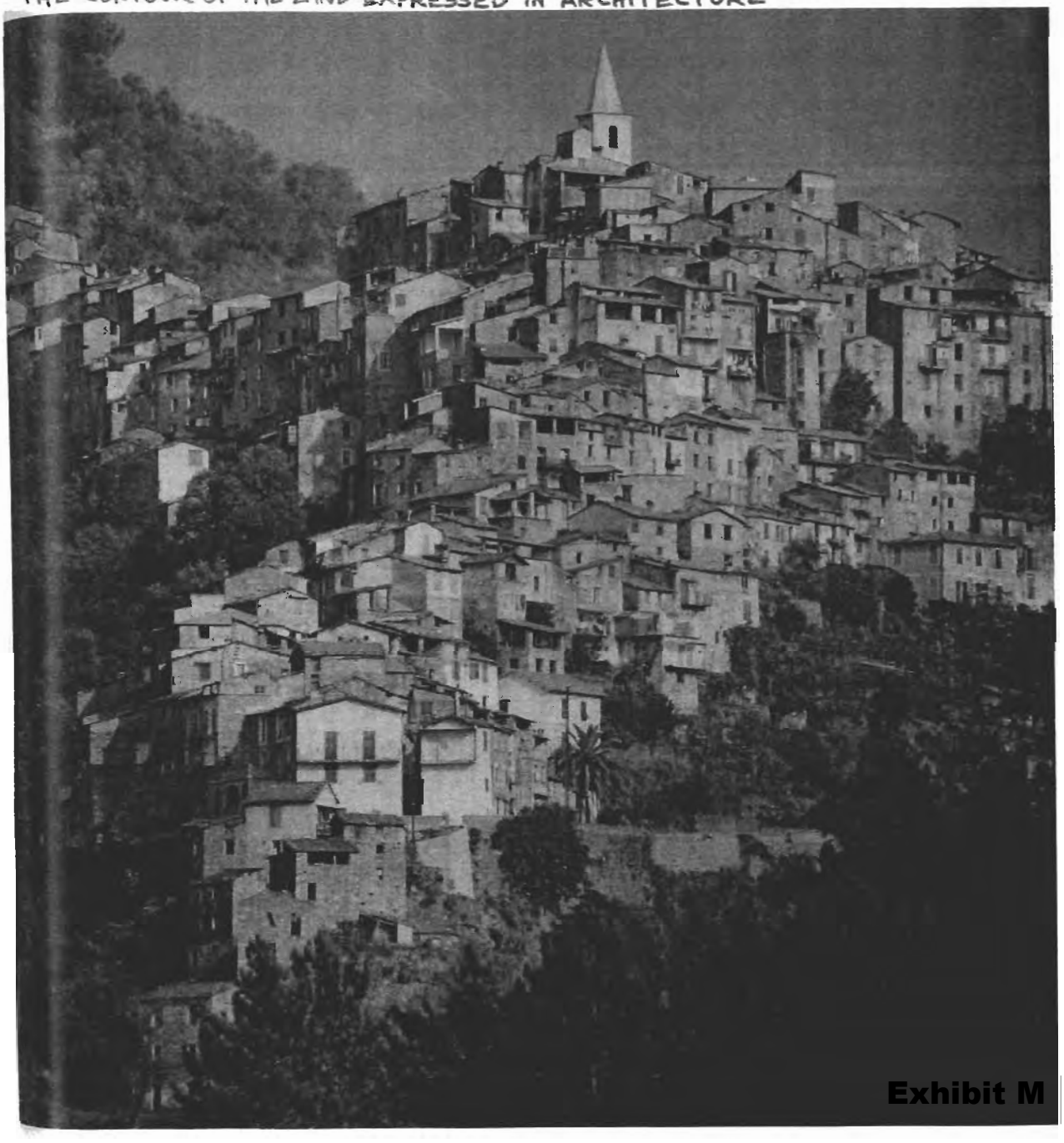


Exhibit M

TWO VIEWS OF SAME VILLAGE
ON A VERY STEEP SLOPE

Exhibit M

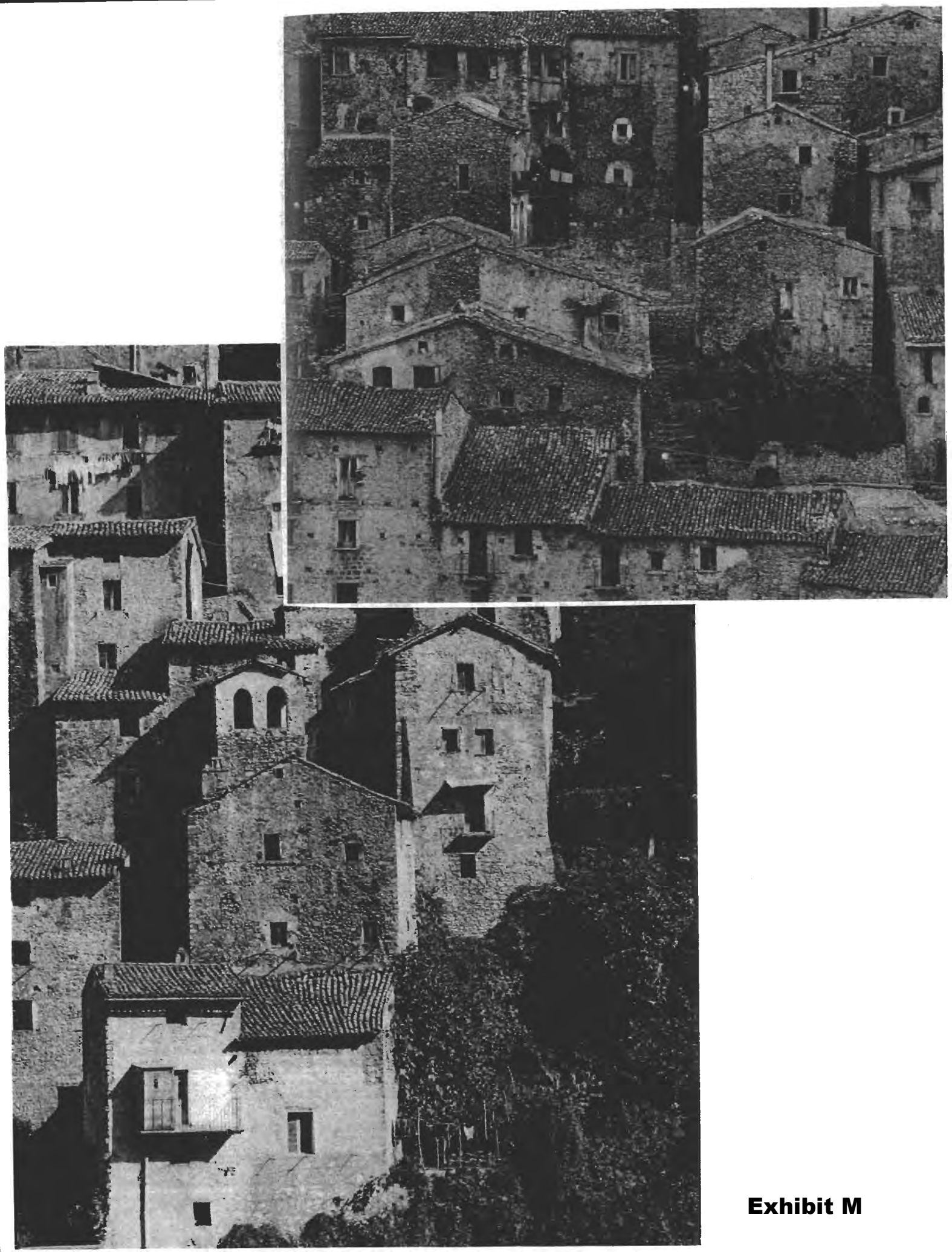


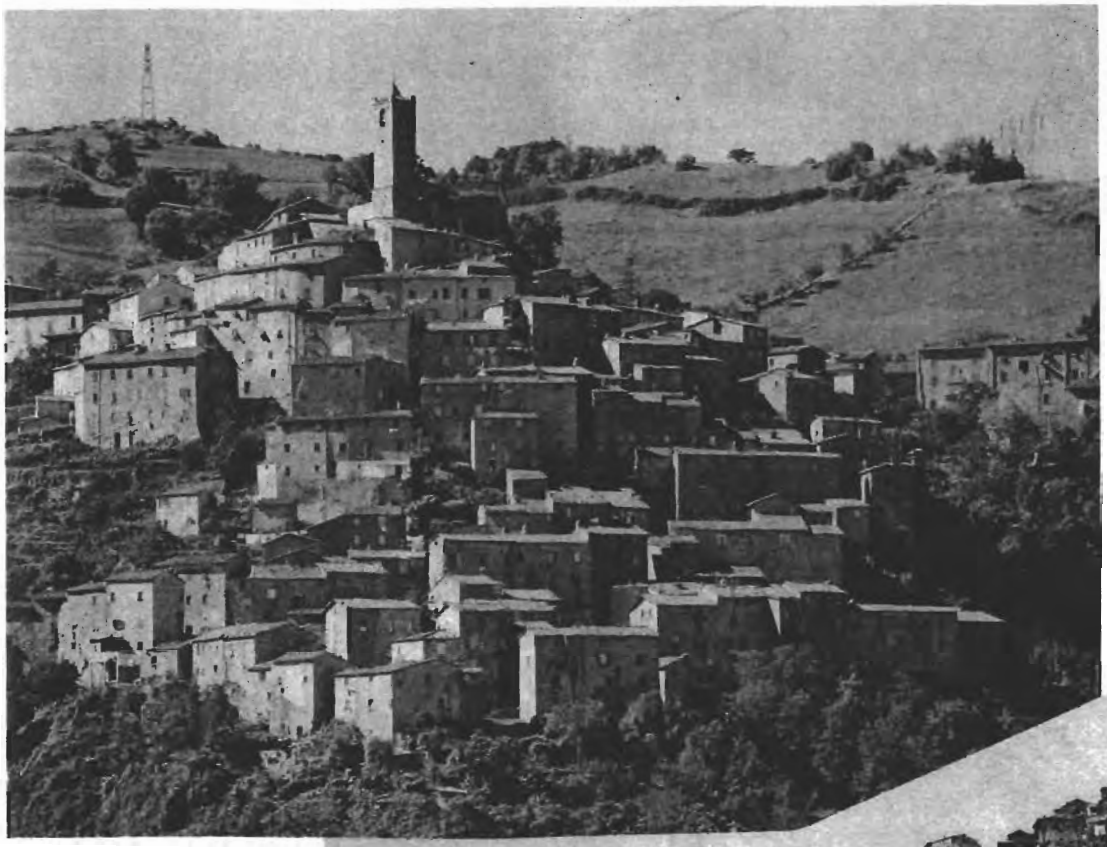
Exhibit M

SAN GIMIGNANO THE "NEW YORK" SKYLINE OF THE RENAISSANCE

VITORCHIANO, ITALY. THE HOMES & TOWERS RISE AS AN EXTENSION OF THE CRAGGY CLIFFS

STURDY CAMPANILES IN THE BEE-HIVE LIKE TOWN OF VALLO DI NERA

Exhibit M



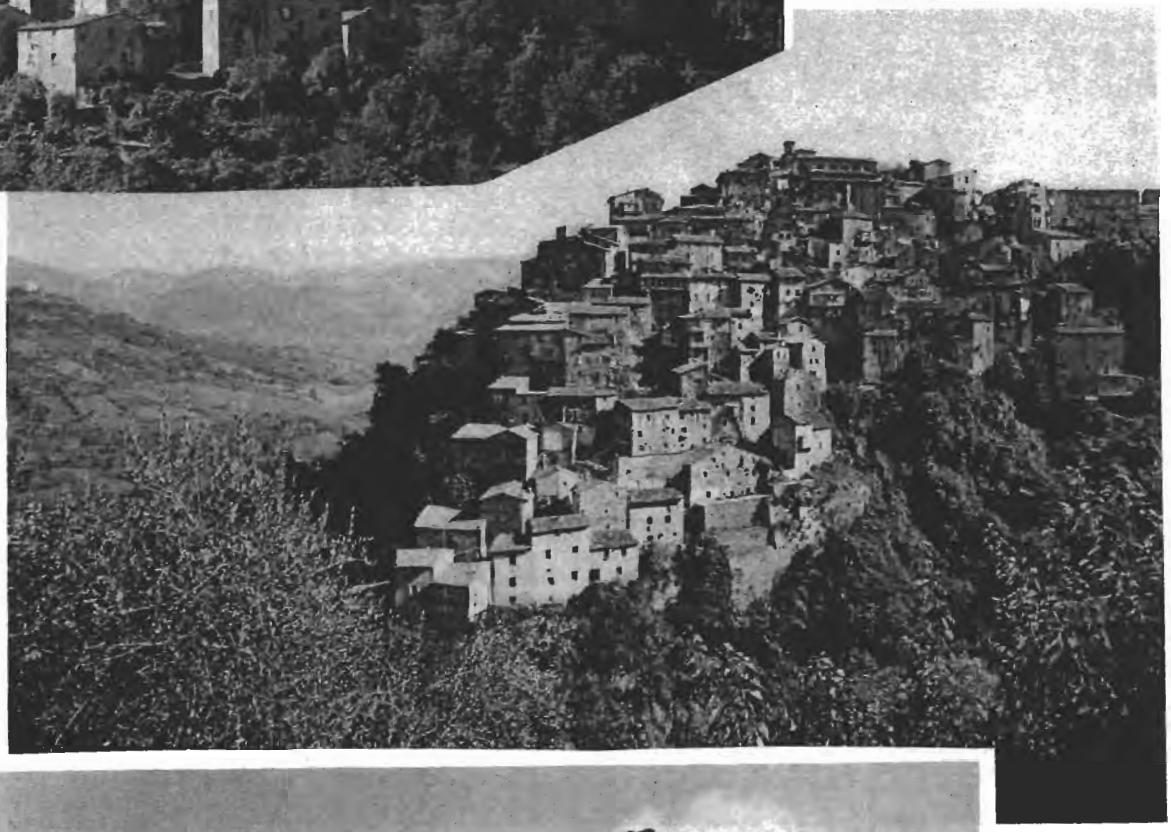


Exhibit M

Exhibit M

A SOUTHERN CITY (WHITE WITH DOME & MANY FINIALS) CONTRASTED WITH NORTH ITALY CITIES

Exhibit M

TILE DOME, ODD-ANGLED WALLS, EVEN OCTAGONAL CORNERS. ROOFLINES VEAR OUT IN EVERY DIRECTION AND EVERY KIND: HIPS, GABLES, SHEDS, FLAT, TAILORED, FANNED

AQUIDUCT-TYPE BRIDGE CROSSES A MOAT-LIKE CANYON INTO TOWN

TREES & ROCKY OUT-CROPPING FILL TOWNSCAPE

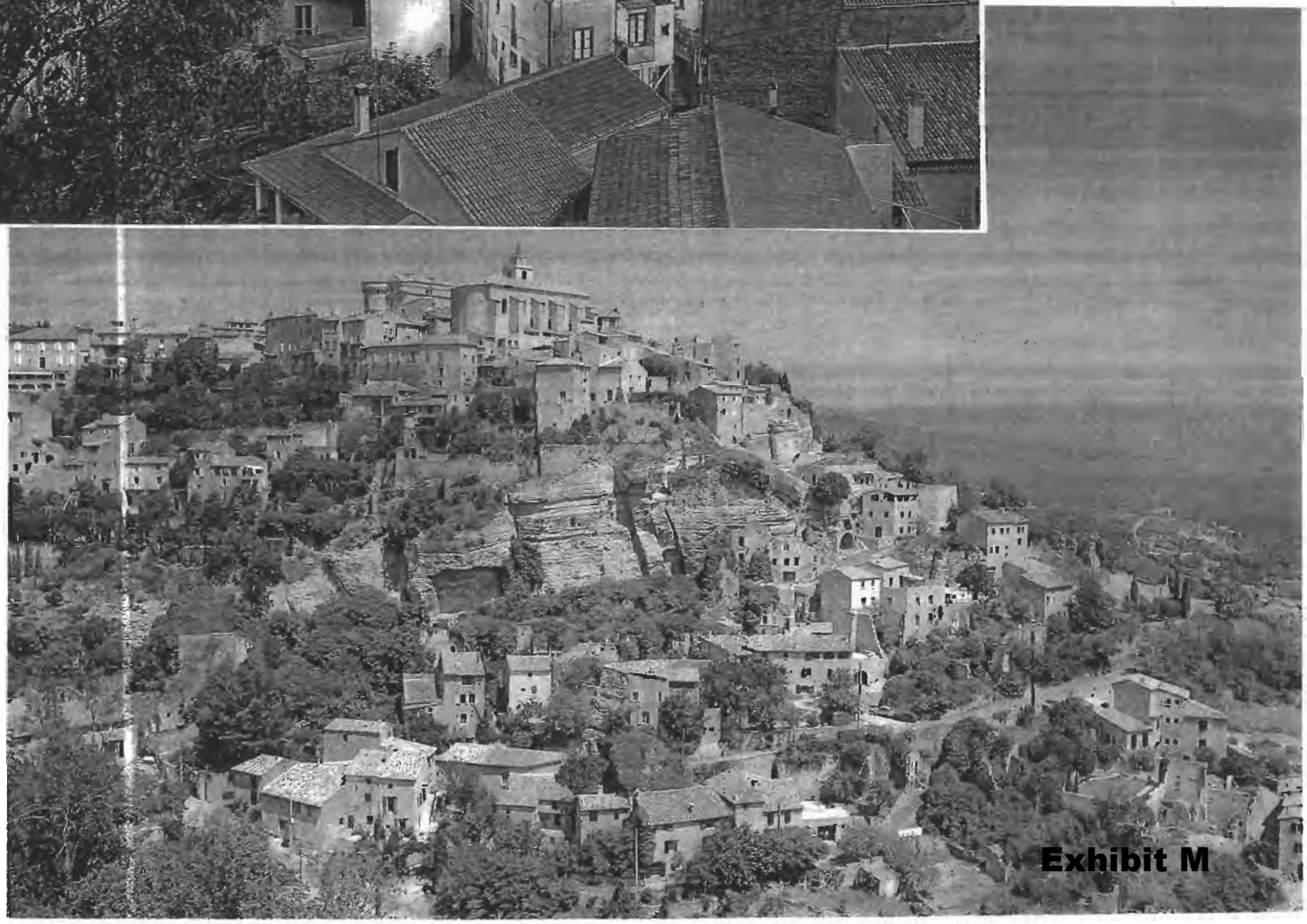
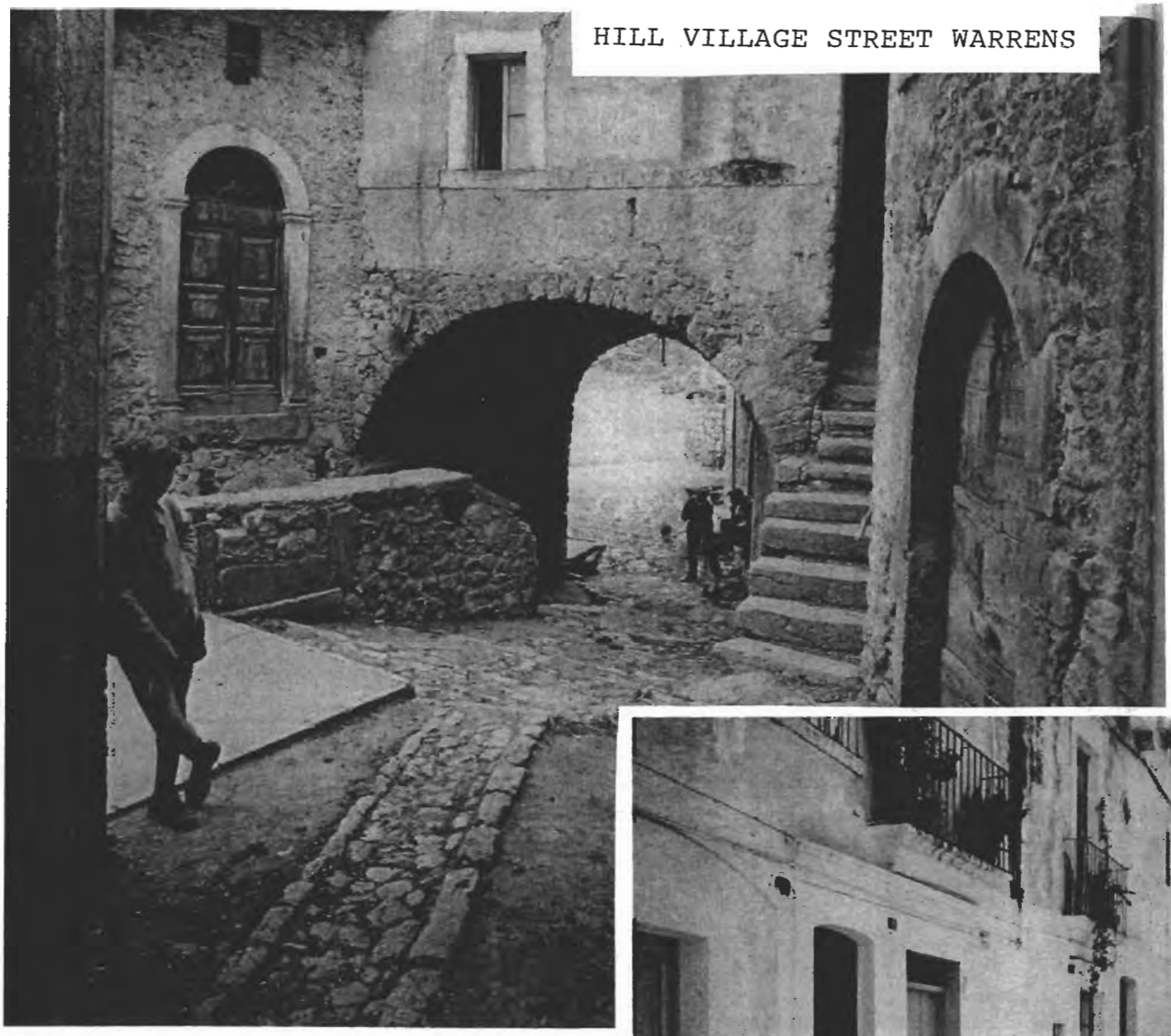


Exhibit M

CURVING STREETS OF SPANISH TOWN ABOVE; BELOW, RICHLY PLANTED IN CYPRESS & PALMS

Exhibit M

HILL VILLAGE STREET WARRENS

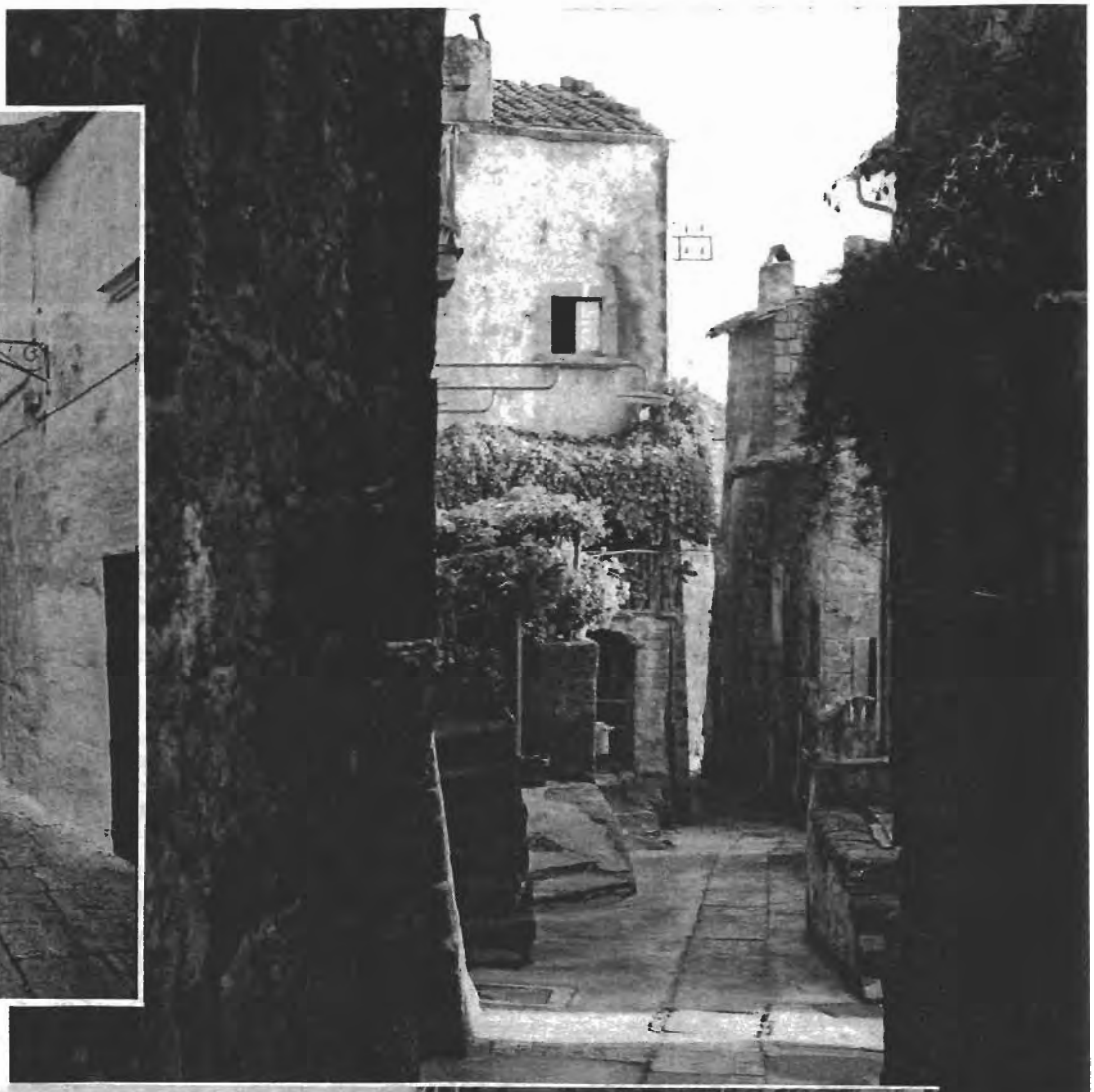


HILLCITY STREETS ARE LIKE INDOOR SPACES WITHOUT ROOFS. CASCADING STAIRS, PATHS AND ARCHWAYS CHANGE LEVELS WITHOUT NOTICE

Exhibit M

GREENERY SOFTENS HARDSCAPE →

BRACKET STREET LIGHTS ↓



RAMPS & BRIDGES MAKE A FLUID NON-LINIER LANDSCAPE ↘

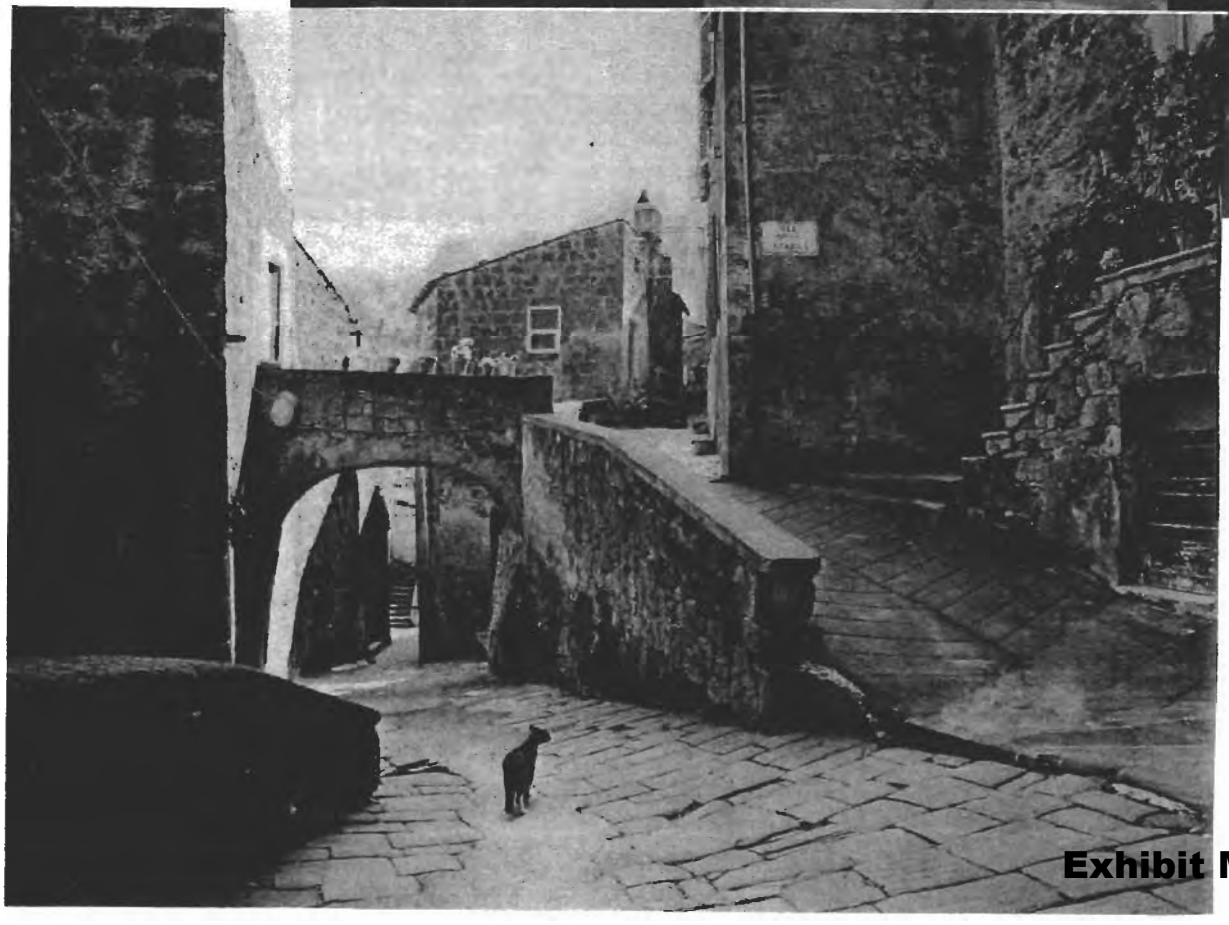


Exhibit M

HILL VILLAGE STREET WARRENS

The charm of the Mediterranean Hill Villages is their street warrens. They meander in mazes through a village, going from narrow passageways to wide courtyards, in and out of breezeway tunnels, up ramped streets, over bridges, and down staircases, with vistas from balconies and cascading terraces. Nothing is flat about a Hill Village streetscape.

The La Bahia incorporates many of these elements. It has six breezeway tunnels, that create a separation of the spaces, act as open gateways, framing a view inside, or an outside vista. These breezeways are:

1. PORTE DE LA BAHIA: The main entry contains the office, with a vista of the Court of the Laurels, or of the bay looking out.

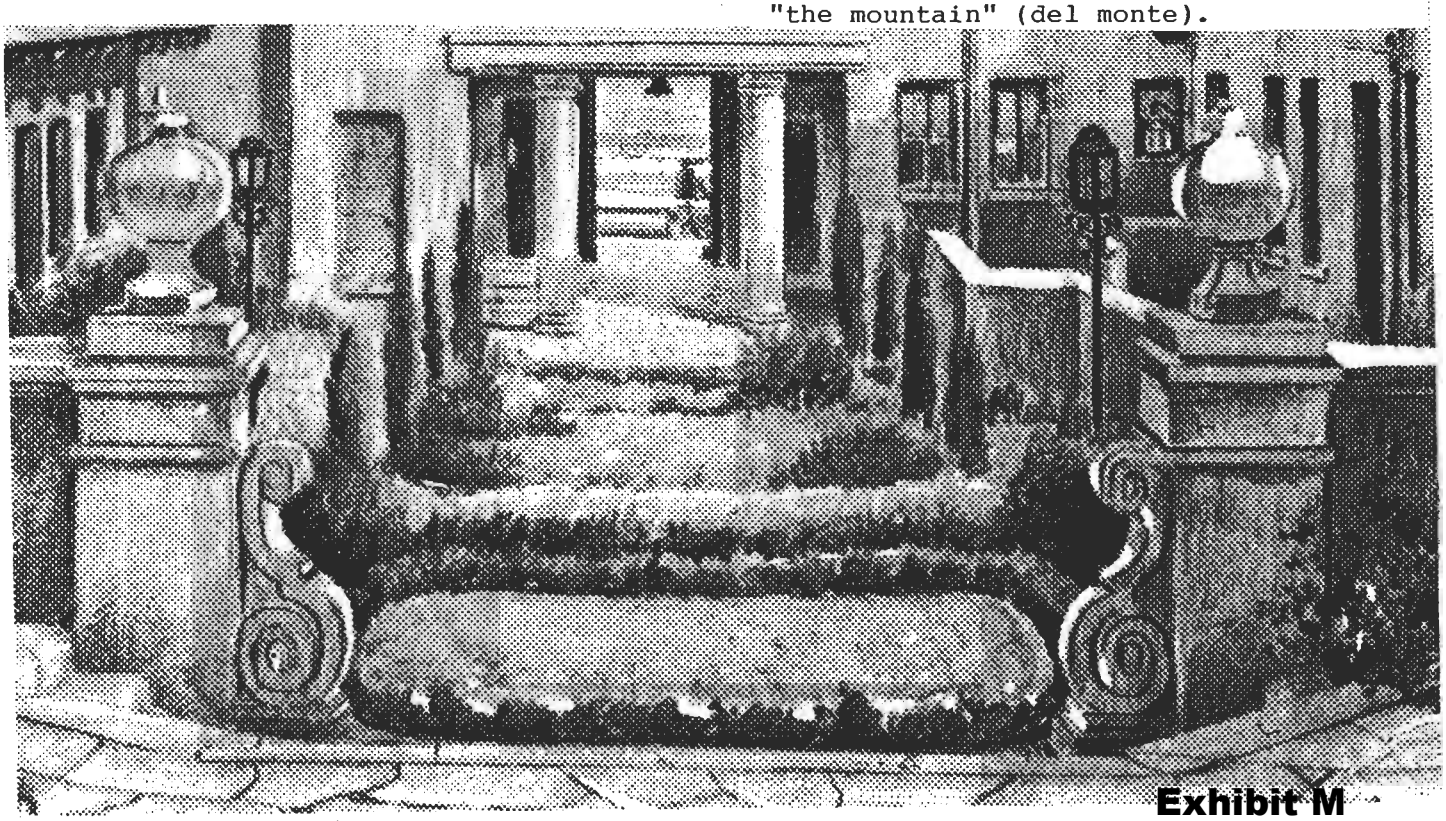
2. COURT OF THE TROUBADORS. This has its own warren-like courtyard, with a staircase and pillared window, and square entry arch. It look in to another breezeway.

3. THE RABBIT HOLE. This breezeway connects two garden courts.

4. PORTE DEL PASO. A gated garden leads to a breezeway that turns the corner into the forested canyon, with what was to be a bridge linked to a Cliff Trail pass.

5. MARINER'S GATE. This breezeway connects Beach Street to the Court of the Mariners.

6. PORTE DEL MONTE. The highest entry passes under an arch, exiting the Court of the Mariners north up "the mountain" (del monte).



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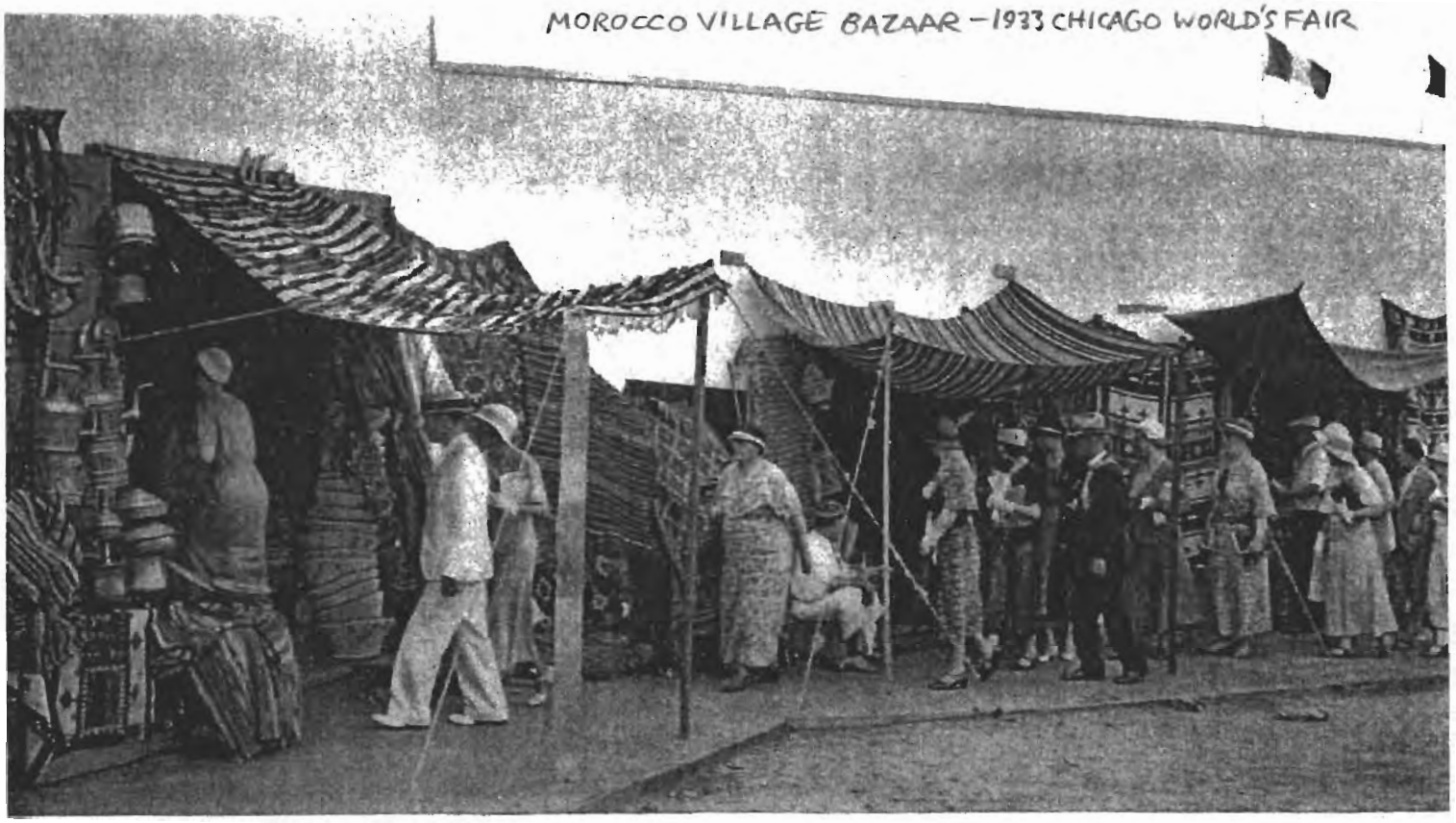


MERCADO DEL REY

Casa Del Rey management was reportedly considering a "mercado" along the First Street facade of the La Bahia, inspired by one on Olivera Street in Los Angeles. It was hoped a marketplace extending from the entrance of the Hotel to the Casa Blanca, would tie the two parts of the Casa Del Rey together with a bustle of activity. Otherwise, a First Street wing of the La Bahia would be used for additional apartments.

Exhibit M

WORLD'S FAIR INFLUENCE

WORLD'S FAIR VILLAGES: At World's Fairs, the Ethnic Village was developed as a walk-in exhibit, intended to wall-out the rest of the fair so one stepped into another world, even another time. These were stage sets, tightly clustered with plazas and meandering streets, hilly sections, stairs, bridge overpasses and tunnel pass-throughs. The warren of passage-ways and hidden spaces fostered the enchantment of exploration and discovery. As in theater or the Holly-wood backlot, tricks of perspective helped make the buildings appear full scale, the distances farther, or a larger village implied beyond the visible horizon.

PERSPECTIVE TRICKS

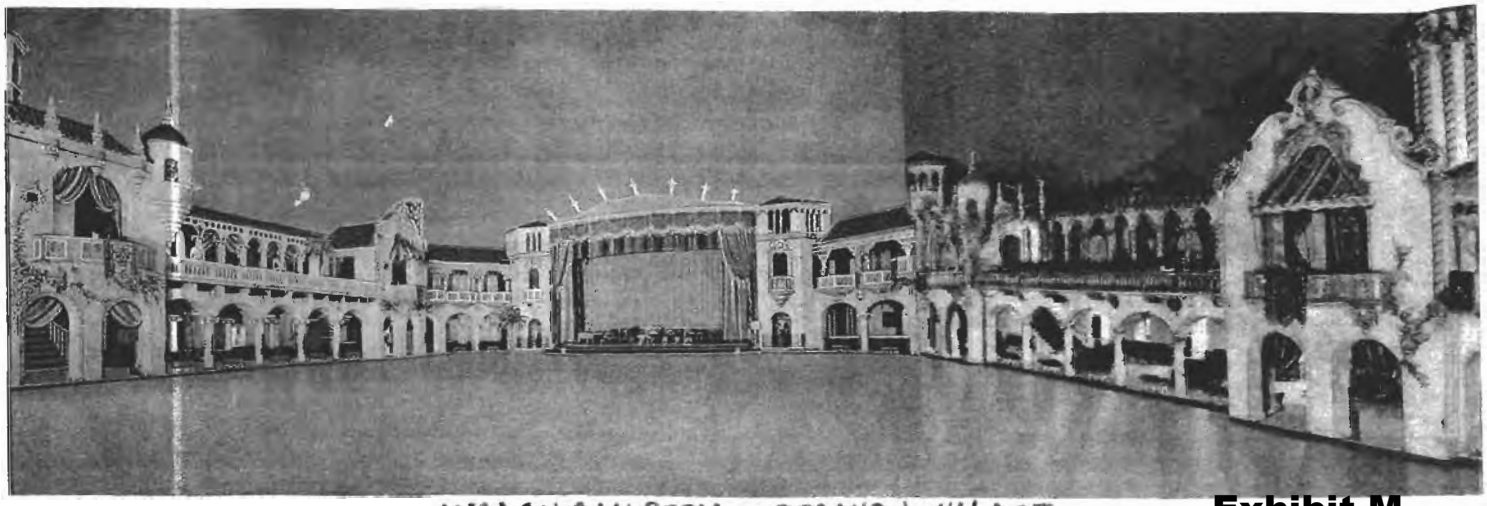
LENGTHENED VISTA: When a corridor narrows, it implies greater distance, as we assume it is the same width from one end to the other. The Court of the Laurels narrows as it climbs the hill, by bringing the building wings closer together.

REDUCED SCALE: Reducing the scale of a building tricks the mind into thinking it is full-scale but seen from a distance. This gives the La Bahia a sense of expanse on a confined lot.

MINIATURE LANDSCAPING: This also works in the Japanese Tea Garden, where miniaturized landscaping in a crowded city lot, gives the Japanese a sense of space, with half-scale to a quarter-scale trees implying distance. In the Court of the Laurels, the Italian cypress trees were kept pruned into small spires, implying full scale cypresses at a distance.

MASKED BOUNDARIES: Streets that curve so you can't see to the other end, or that turn the corner into a blind street, imply more beyond. The La Bahia uses six passageways to separate the various outdoor spaces, and seem to frame them as living dioramas.

STEPBACKS: Likewise, deep upper stepbacks create rooflines that peek over lower buildings, implying some broader village or complex beyond, while not obstructing natural light.



AVALON BALLROOM – SPANISH VILLAGE

Exhibit M

BELGIAN VILLAGE
FROM 1933
CHICAGO WORLD'S
FAIR

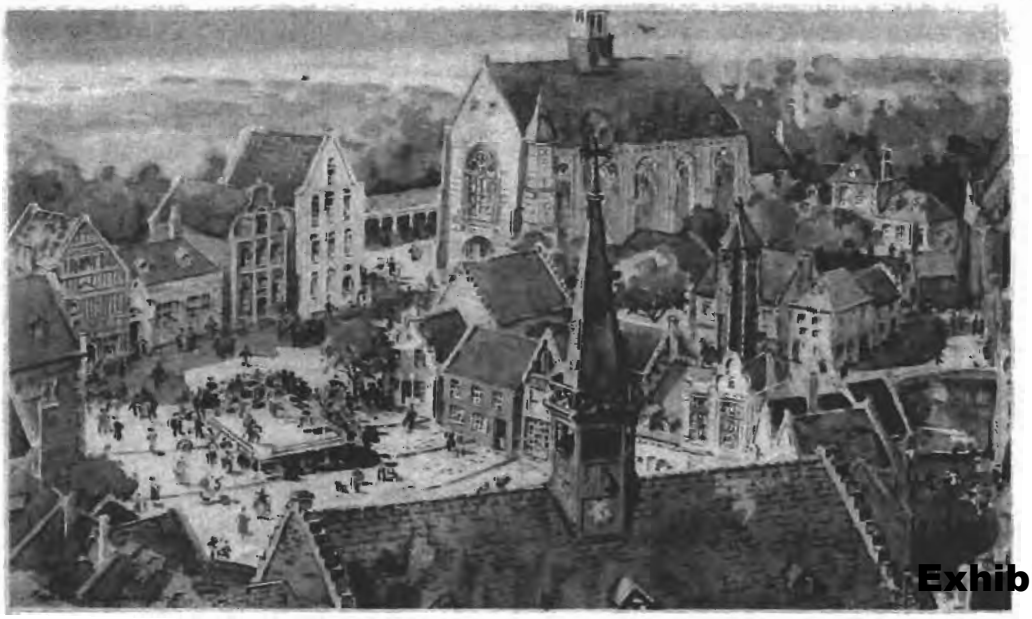
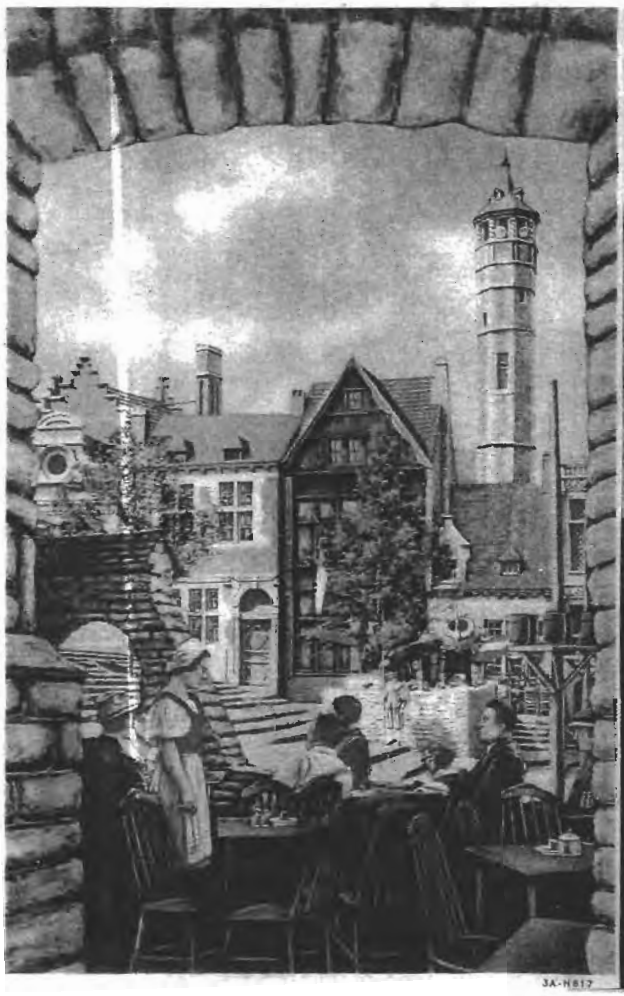


Exhibit M

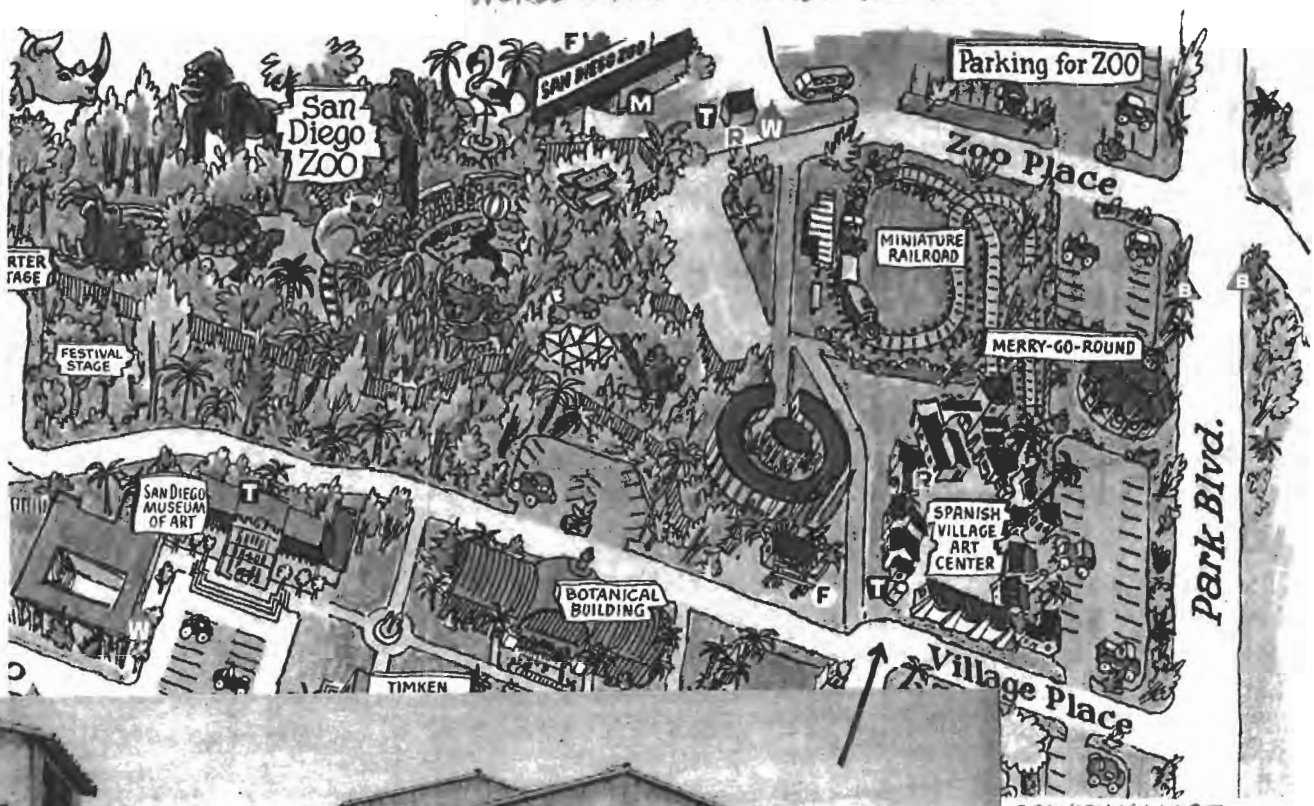
Scenes from the
BELGIAN VILLAGE



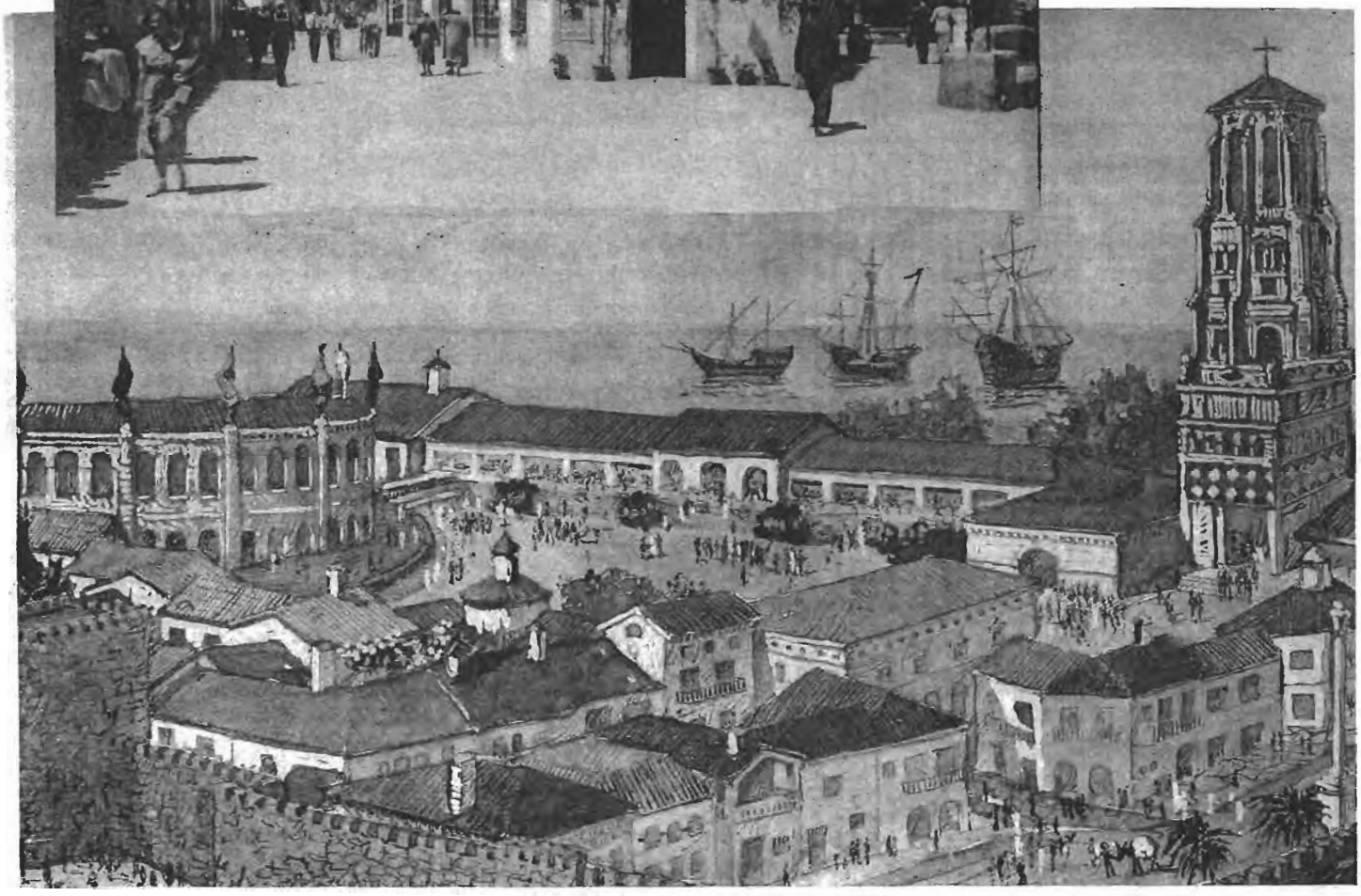
JA-H817

Exhibit M

WORLD'S FAIR SPANISH VILLAGES



SPANISH VILLAGE FROM 1935 EXPO IN BALBOA PARK



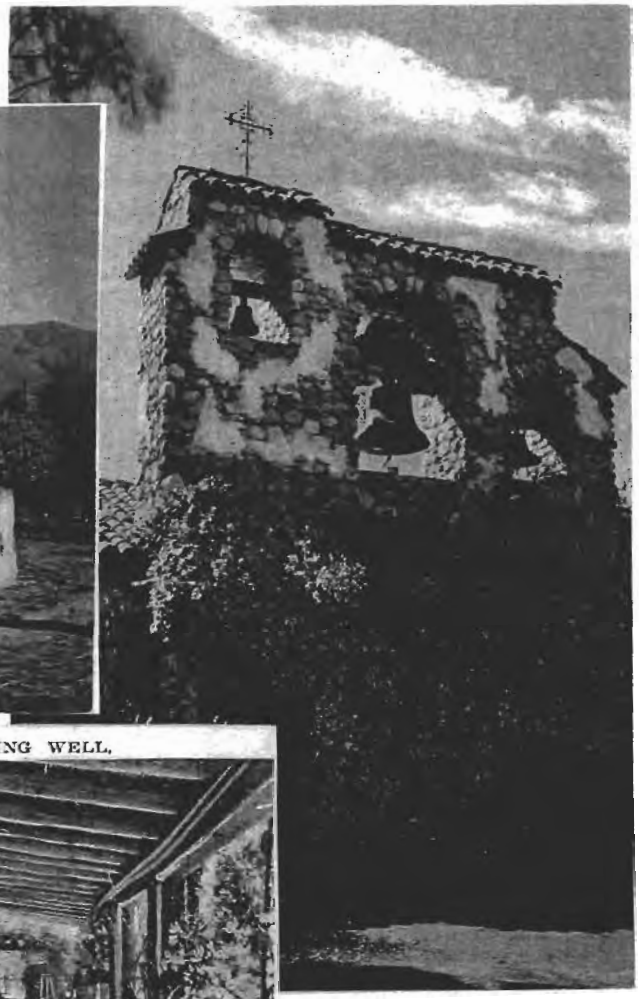
SPANISH VILLAGE
1933 CHICAGO WORLD'S FAIR

● The charm of old Spain with its castles and historical shrines and cathedrals. Bright costumes of dark-eyed senoritas, music, dancing and gaiety create a characteristically Castilian atmosphere.

Exhibit M

CALIFORNIA CLOISTERED EXAMPLES

NEW FOUNTAIN BASIN AND BELL ESPADAÑA AT MISSION SAN MIGUEL, FALSELY DELAPIDATED TO MATCH THE THE ANCIENT MISSION



26:—CORRIDOR LOOKING TOWARDS ARBOR OF WISHING WELL.

RAMONA'S MARRIAGE PLACE, SAN DIEGO, CALIF.

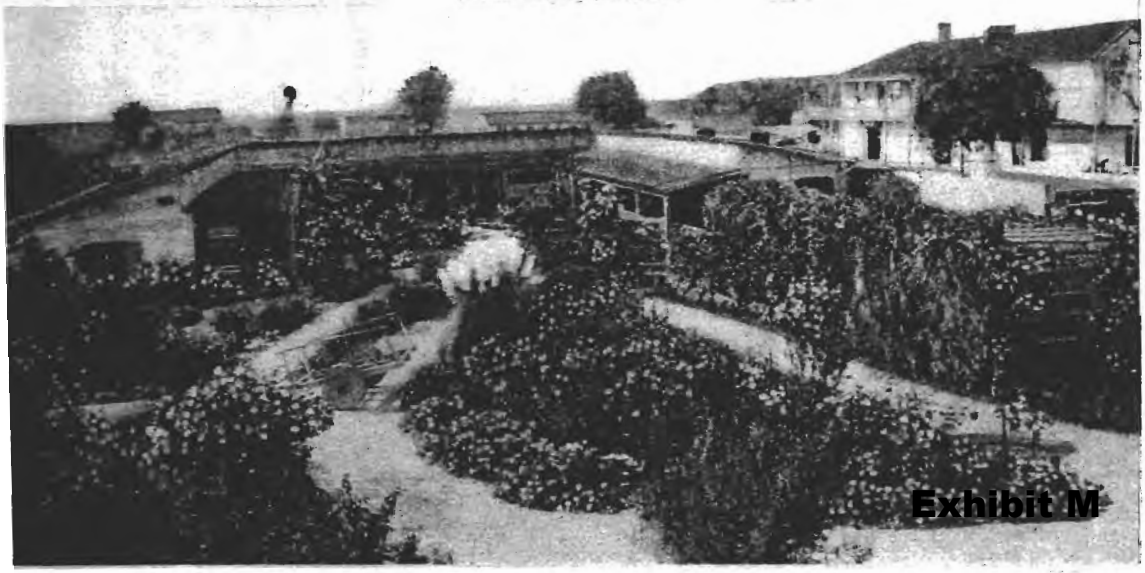


Exhibit M

SANTA BARBARA'S COURT HOUSE

THREE VIEWS OF SANTA BARBARA'S "EL PASEO DE LA GUERRA" SHOPS & RESTAURANTS

Exhibit M

La Arcada

LA ARCADA →
SANTA BARBARA

BAZAAR DEL MUNDO
SAN DIEGO ↓

State Street

YARN AND YARDAGE SHOP
Yarns, fabrics, beads and crafts accessories from around the world, and crafts classes in various media.

THE GUATEMALA SHOP
Folk art, crafts, hand-woven textiles and apparel from Guatemala and South America.

THE GALLERY
Handcrafted jewelry, crafts, graphics, original paintings, Indian jewelry, folk art and antiquities.

TREASURES
A marvelous selection of gifts and crafts from exotic lands.

DESIGN CENTER ACCESSORIES
Home accessories, glassware, china and gourmet cookware

LIBROS
Unusual books and beautiful cards, plus postcards and film.

THE GIFTED HAND
Distinctive imported and domestic hand-crafted gifts and decoratives.

ARTES DE MEXICO
Collector quality folk art, crafts and clothing from Mexico.

GALLERITA
14K gold and sterling silver je
featuring opal, semi preciou
charms, and many one-of-
crafted designs.

LINO'S Restaurant
Italian pasta and entrees. Li
pizza, sandwiches, salads, d
and cocktails.

MAIN ENTRANCE

GEPPETTO'S, A CHILD'S FANTASY
International children's toys and clothing.

LA PANADERIA
Mexican breads, pastries, coffee, hot chocolate and the famous churros.

EDIBLES
Delectables, quick
cream, sodas, cof

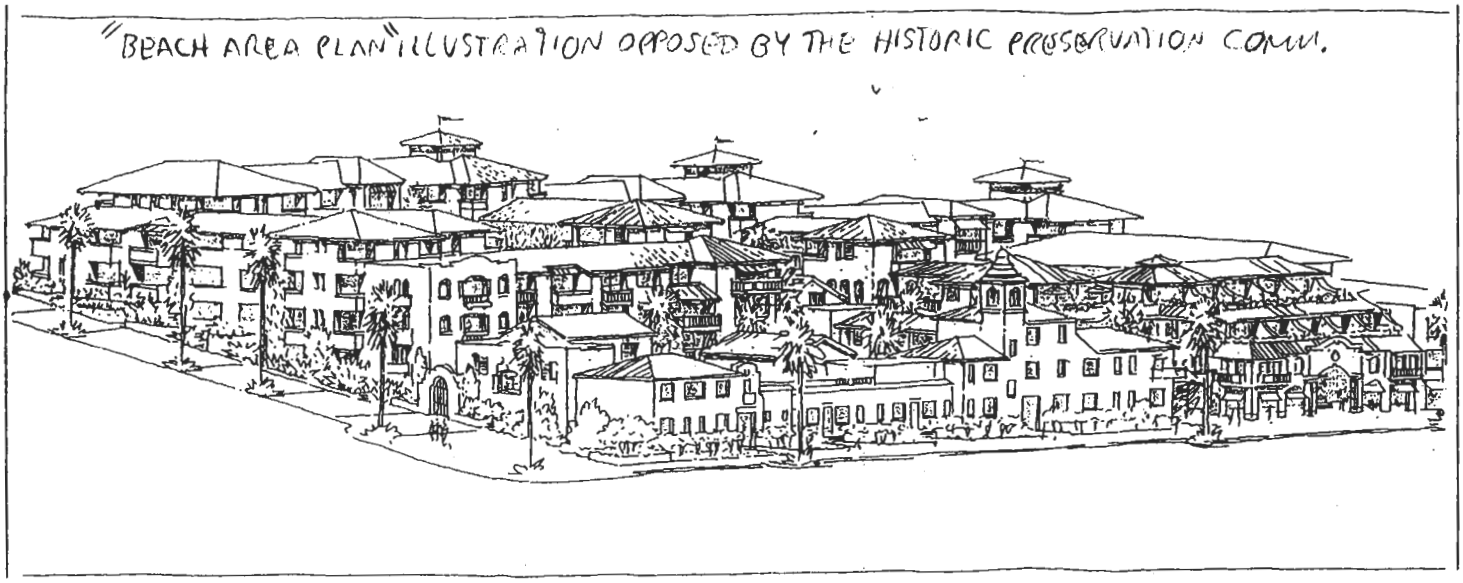
PUBLIC RESTR

¡HAMBURGUESA! & CANTINA Restaurant
Fantastic hamburgers, steaks, Mexican food, salads, desserts. Plus Old Town's lively & most beautiful cantina.

BAZAAR INTERNATIONAL S
On Juan Street by the Old Town Plaza in Old T
Telephone 296-3161 Casa de Pico 296-3267

Exhibit M

= THE EXPANSION PROCESS =



During the comment period for the draft Beach Area Plan in 1997, HPC commended the guidelines, but complained that the illustration for a possible La Bahia Expansion misinterpret these guidelines, with elements contrary to what HPC could approve. It was requested that the illustration not be included as an example of what is acceptable, because it is not acceptable.

HPC specifically noted the long flat horizonline with minor interruptions contradict guideline 3.6 (three bullet six) against a monotonous flattened skyline.

The La Bahia's massing is articulated to make each wing look like a cluster of small adjoined village buildings. The illustration's expansion units made a stark contrast in the boxy profile of rectangular wings despite minor articulations. This contradicted guideline 3.4, that articulation is to reduce the visual impact of large buildings through varying heights of its skyline's profile, etc.

The mass-produced repeated units on First Street contradict guideline 3.9 against chain-type uniformity, so contrary to what is character-defining about the La Bahia's massing.

The illustration's Main Street facades looked like tic-tac-toe grids, due to modern cut-out walls of corner balconies around centered windows. This and other details were interpreted in the modern chain motel style, instead of the Mission/Mediterranean style, contradicting guideline 2.8 to use the historic landmarks as a guide to new construction.

HPC feared that leaving this illustration as an example of the application of the guidelines, would only require repeating the same objections when a project finally reached the HPC. But the spokesman for the Architectural Resources Group said they weren't going to remove it or redraw it, believing the planning director would already have headed off any of these problems by the time a project reaches us.

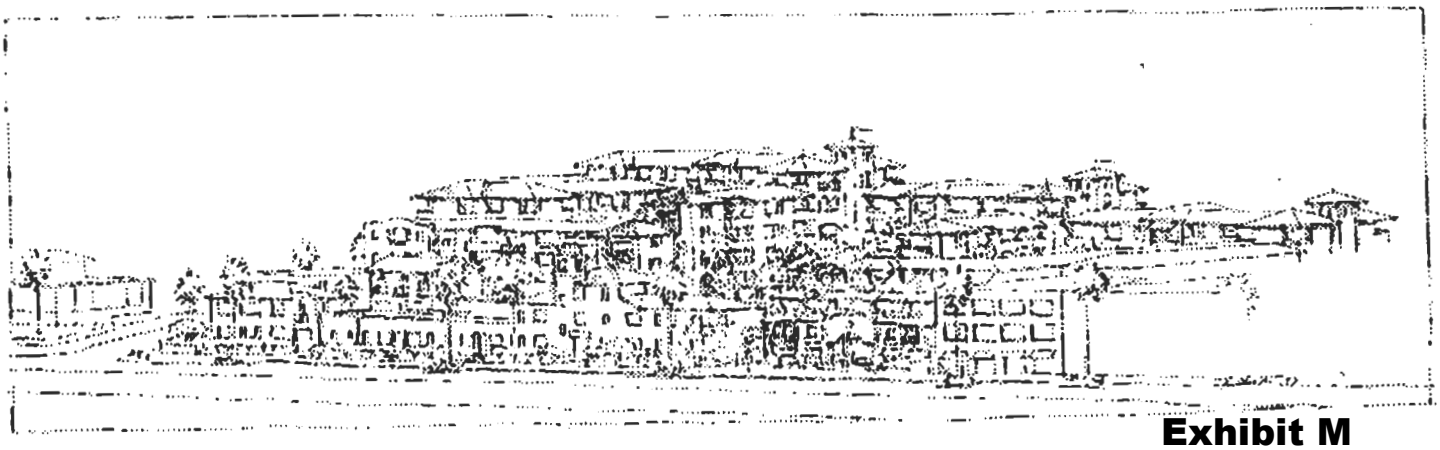
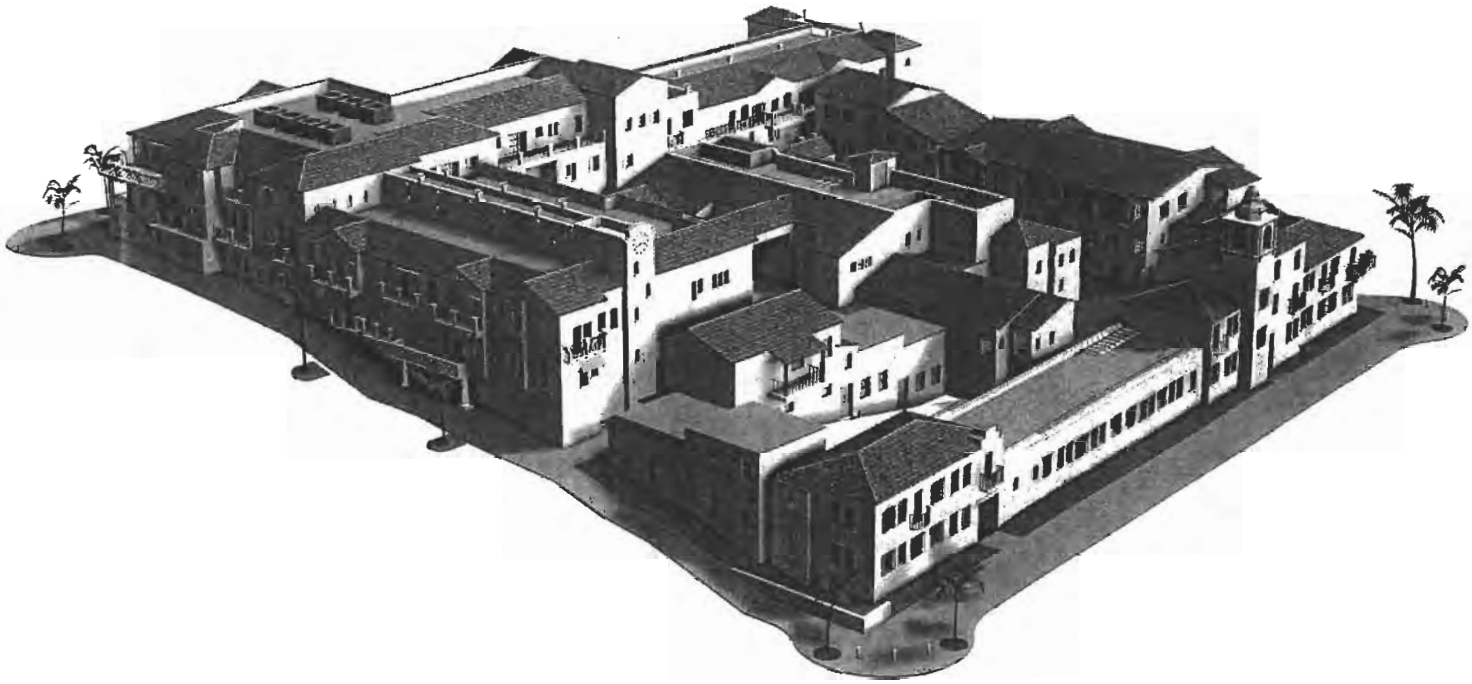


Exhibit M

APPROVED LA BAHIA



- *DATE APPROVED: MIDDLE OF 2003*
- *NUMBER OF ROOMS: **118***
- *PARKING PROVIDED: **144** SPACES (86 LIFTS AND VALET)*
- *MEETING SPACE: 4,280 s.f.*

SEVEN HPC CONCERNS OVER THE FIRST APPROVED DESIGN

The City Historic Preservation Commission (HPC) was happy with Barry Swenson Builder's first proposal, which combined preservation with additional wings in a compatible scale. The builder told HPC that the landmark was part of the first phase of construction, so even if the project failed, we'd at least get a restored landmark out of the deal. But while the commission was inclined to be lenient with the proposal, it expressed seven areas of concern. It then "approved the project with conditions," requiring that certain issued (listed here as 3-thru-7) be resolved later with Barry Swenson Builder through the Commission's subcommittee. The City Council also approved the project with these conditions.

(The following exchange is between the City Historic Preservation Commission or "HPC," and representatives of Barry Swenson Builder or "BLDR." The essential points are drawn from longer conversations on each issue, and compiled from views expressed by various members of the commission and the developer. Each text is a mixture of direct quotes and free paraphrasing, in the approved manner of "Action Minutes.")

1. PARKING EXCAVATION

HPC: The Sea-Beach Hotel had excavated the hillside for an enormous basement-level ballroom, convention, and banquet halls with a kitchen serving 150. Wouldn't a similar hillside-excavation solution help hide parking and ground level amenities where views aren't needed?

BLDR: We're already at height-limit build-out for the site, so there's little wiggle room, even underground. Besides, underground parking is too expensive, and we prefer the more cost-effective Stacking Elevators system.

Exhibit M

2. HEIGHT VARIANCE

HPC: Guidelines allow discretion for ornamental spires up to 20-feet wide to extend above the height limits. And our commission can support a broader height variance if it results in a more compatible addition to a listed landmark.

BLDR: We're committed to working within the existing height limits and city regulations, and want to see if its possible without resorting to a variance.

3. FLAT SKYLINE

HPC: Compared to the articulated skyline and setbacks of the landmark, the flattened horizonline and steep walls of the addition are too fortresslike. Break-up the roof top skyline with high and low areas. It would look better and give more solar access.

BLDR: We can only build straight across for rolling cart access.

HPC: Because this violates Beach Area Plan guideline 3.6 against a monotonous flattened roofline, we would condition the approval that the roofline must be properly articulated.

4. DEVELOP SIDE WINGS

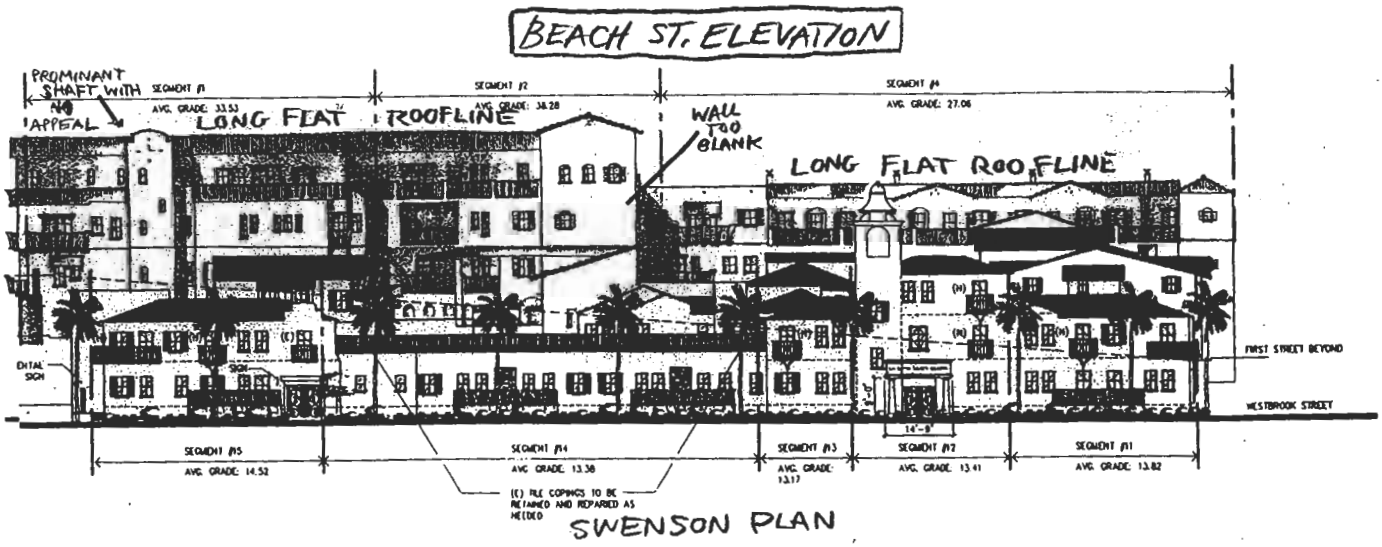
HPC: If you redistribute some of the rooms along side wings, you wouldn't create such a static flat-roofed backdrop to the landmark along First Street.

BLDR: We need to maximize ocean views by facing rooms straight out.

HPC: Nearly all the rooms in the first class Sea-Beach Hotel and Casa Del Rey faced out from the side, in order to get coastal views of the ocean, showing the boardwalk and Pleasure Point to the east, and the wharf and Lighthouse Point to the west. These side-angled hotels also minimized obstruction of coastal views from inland sites.

5. TOO MUCH BLANK WALL

HPC: The arrangement of the windows on the new building leaves too much cold blank wall, giving the



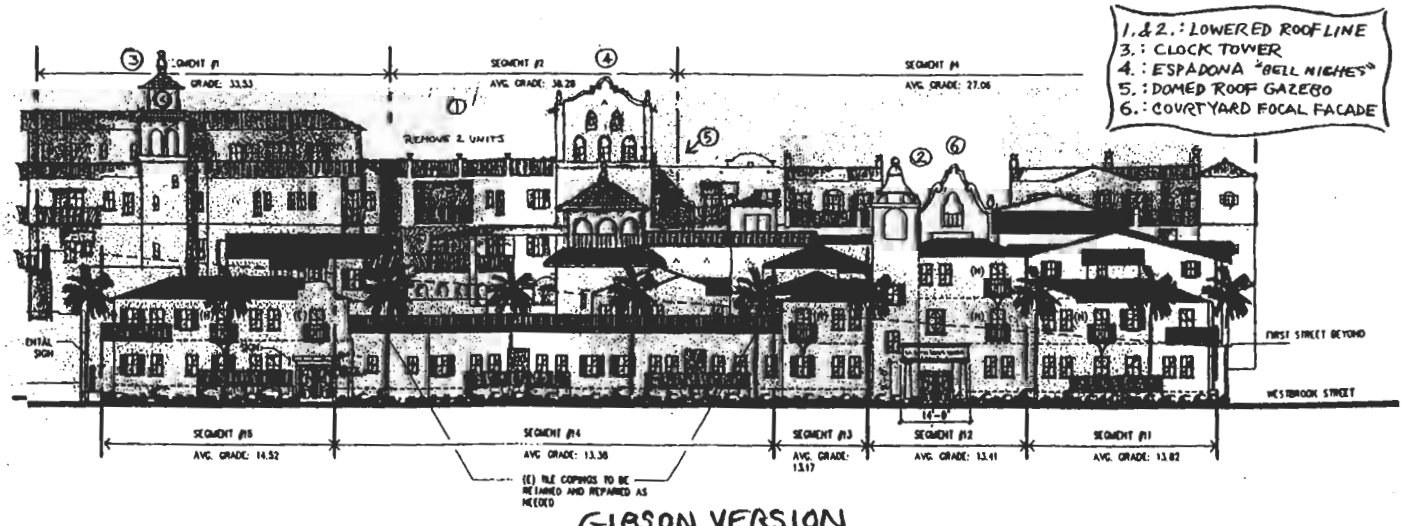


Exhibit M

impression of a place of confinement. Add more windows and/or some larger window clusters into the mix.

BLDR: We like the windows as they are, and don't plan to make any changes.

6. DRESS UP UTILITY SHAFT

HPC: Why not make the elevator shaft into a clock tower. Dress it up, so it isn't so stark.

BLDR: We may put a clock on it, but we don't want anything competing with the historic tower.

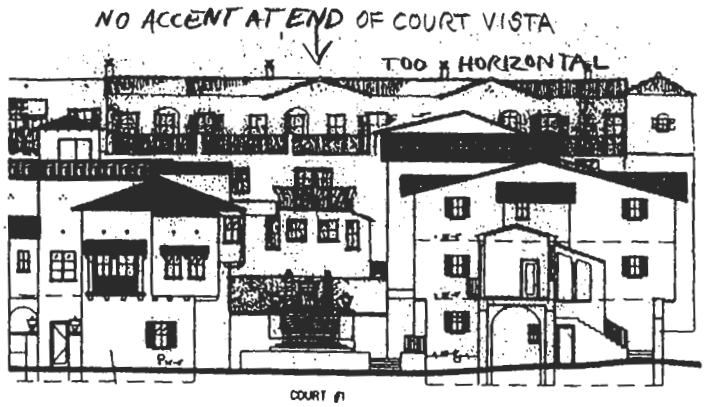
7. VISTA ANCHOR

HPC: Downtown design guidelines require corner lots and lots at the head of a street be designed as a visual accent or anchor for street vistas. Yet the building proposed at the head of the Court of the Laurels towards which all the stairs and terraces are leading, doesn't seem to terminate in any visual anchor or accent. It used to look up to Laurel Grove after which the court was named, but only the tilework monument bearing the name of the court was saved when the grove gave way to parking. The horizontal rooflines and veranda-lines of the proposed building for this spot makes it look more like a passing train, than a focal point for the vista.

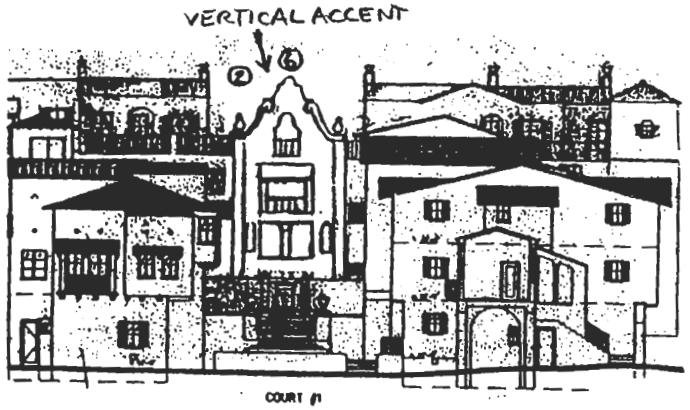
BLDR: We think the centered balcony inserted on the building is enough, but are willing to listen to suggestions.

HPC: We will condition the approval to require coming up with a better solution for this vista point.

INTERIOR OF COURT OF THE LAURELS



SWENSON PLAN



GIBSON VERSION

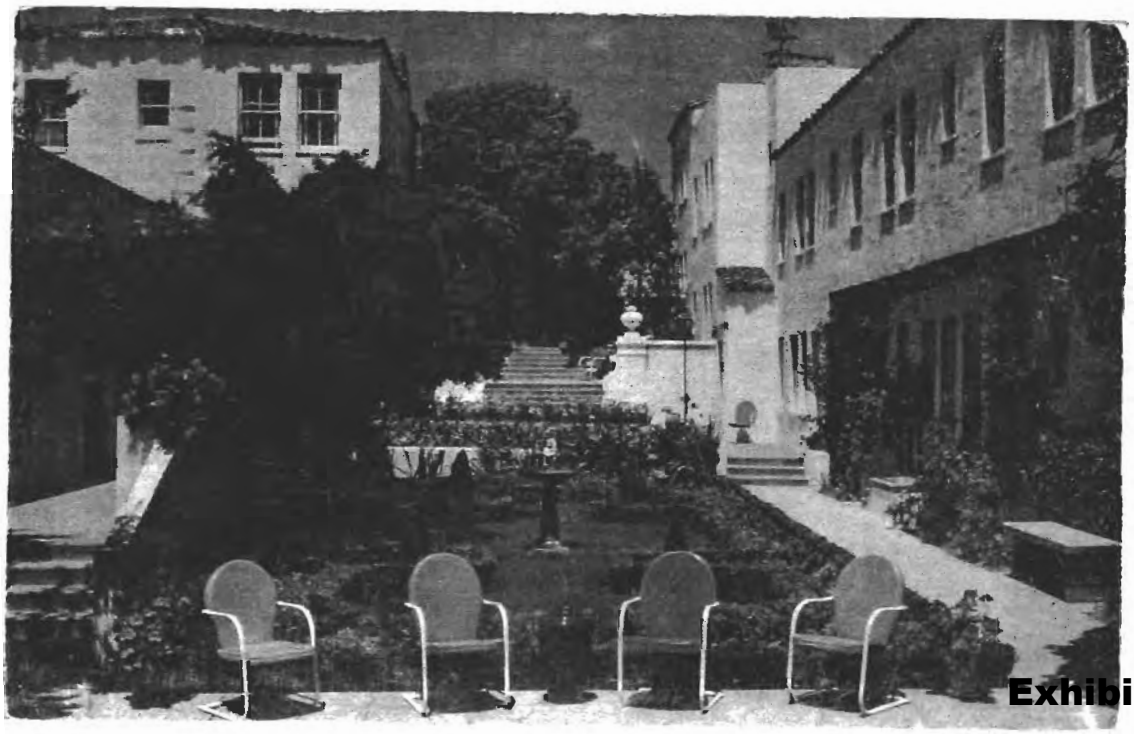
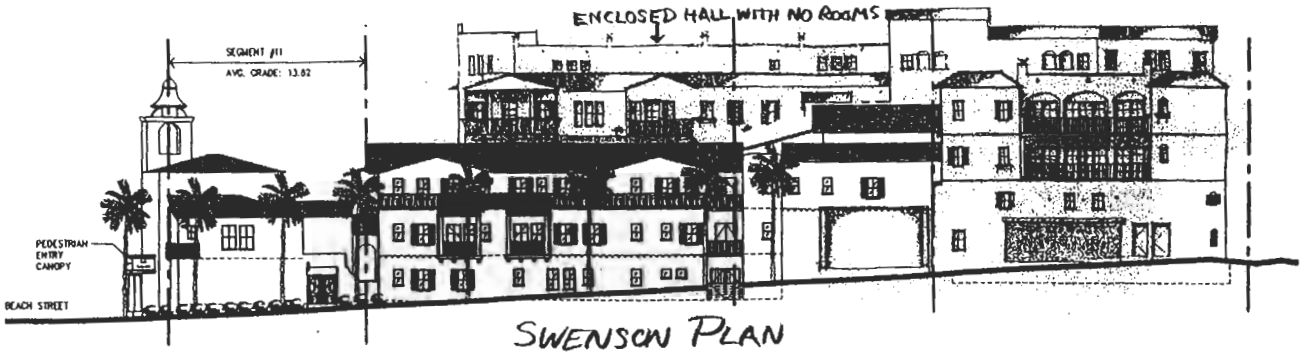


Exhibit M

WESTBROOK ELEVATION

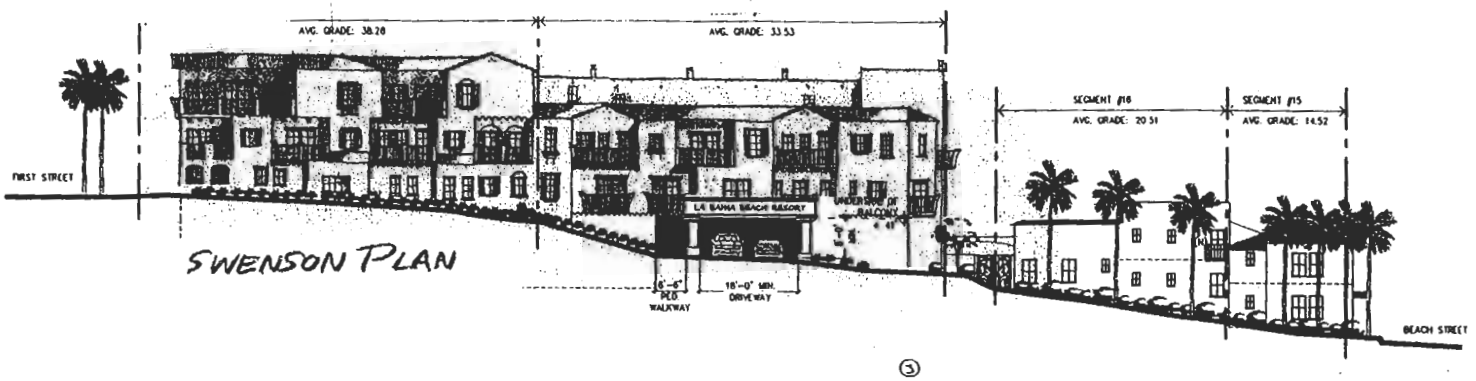


SWENSON PLAN

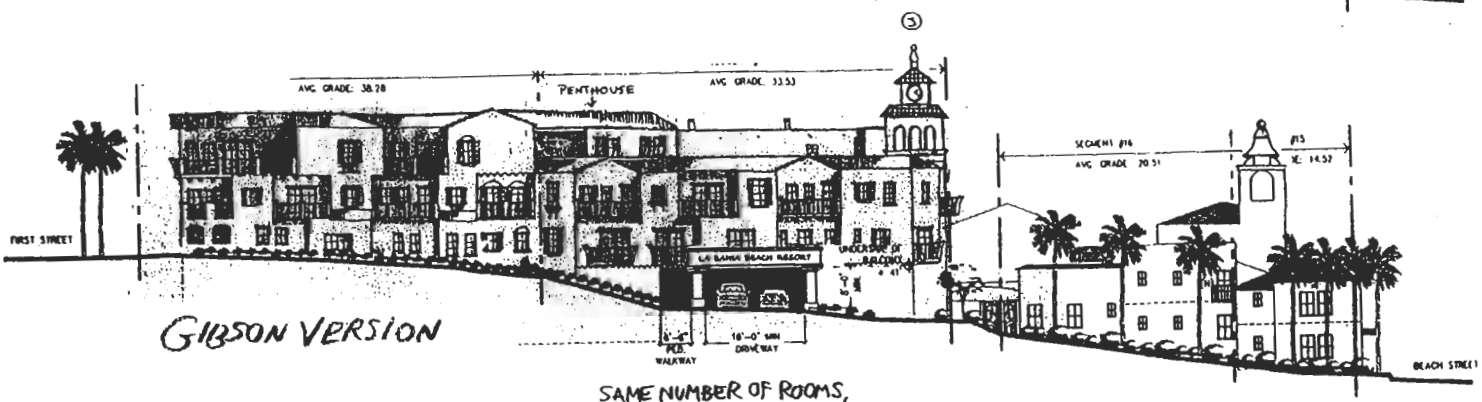
GIBSON VERSION

1.&2.: LOWERED ROOFLINE
3.: CLOCK TOWER
4.: ESPADONA "BELL NICHES"
5.: DOMED ROOF GAZEBO
6.: COURTYARD FOCAL FACADE

MAIN ST. ELEVATION



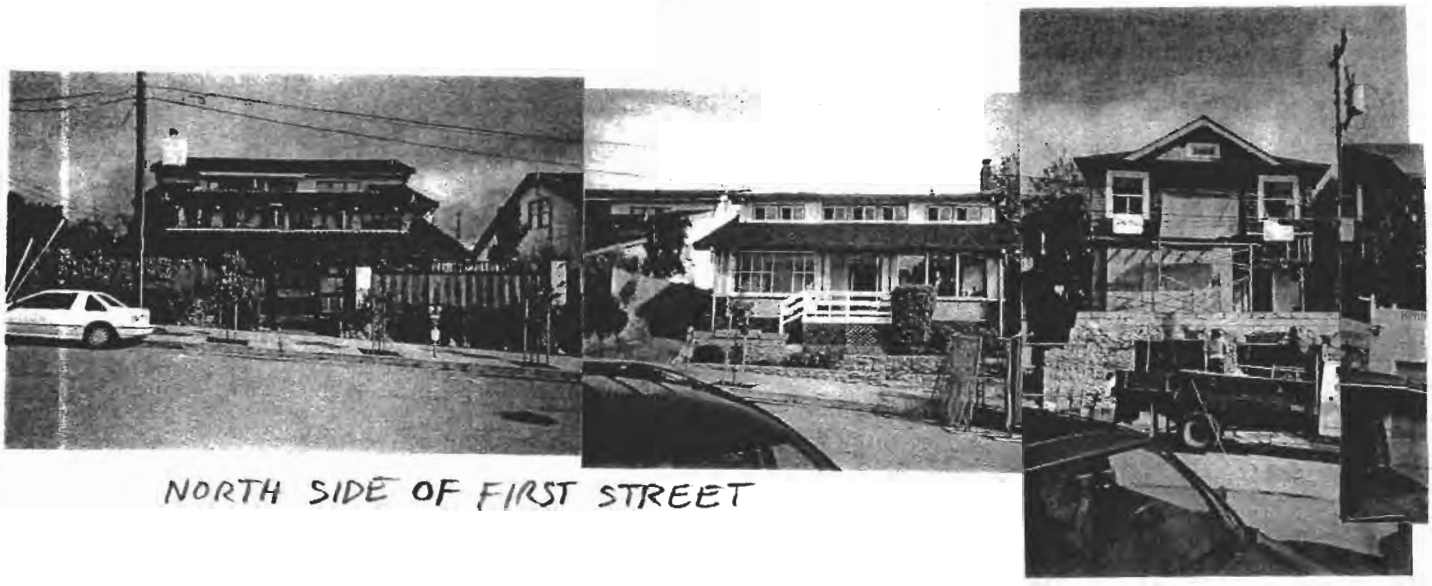
SWENSON PLAN



GIBSON VERSION

SAME NUMBER OF ROOMS, BUT MASS REARRANGED FOR BETTER "VILLAGE" LOOK

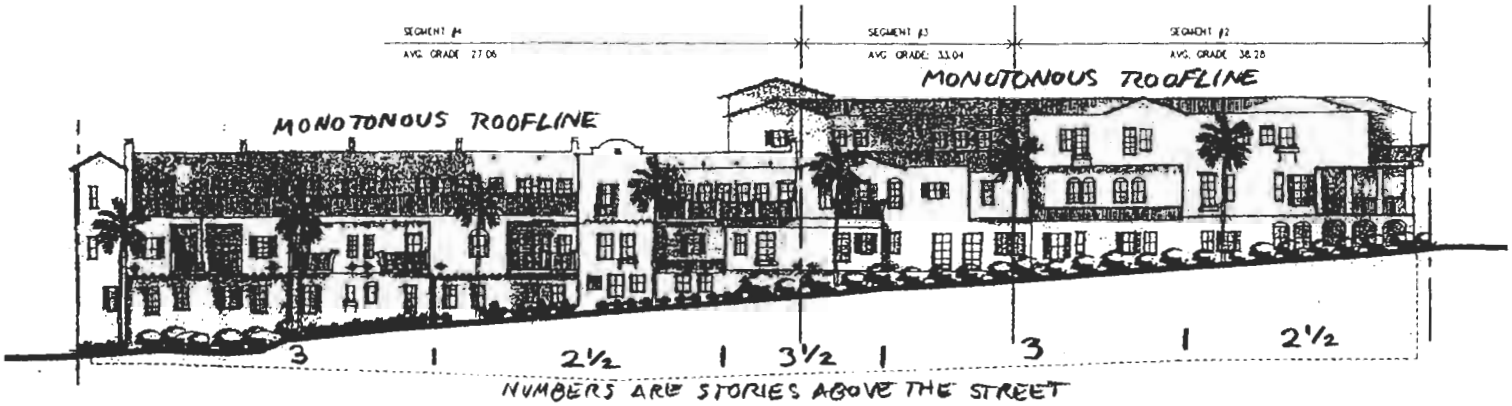
Exhibit M



NORTH SIDE OF FIRST STREET

SOUTH SIDE OF FIRST STREET

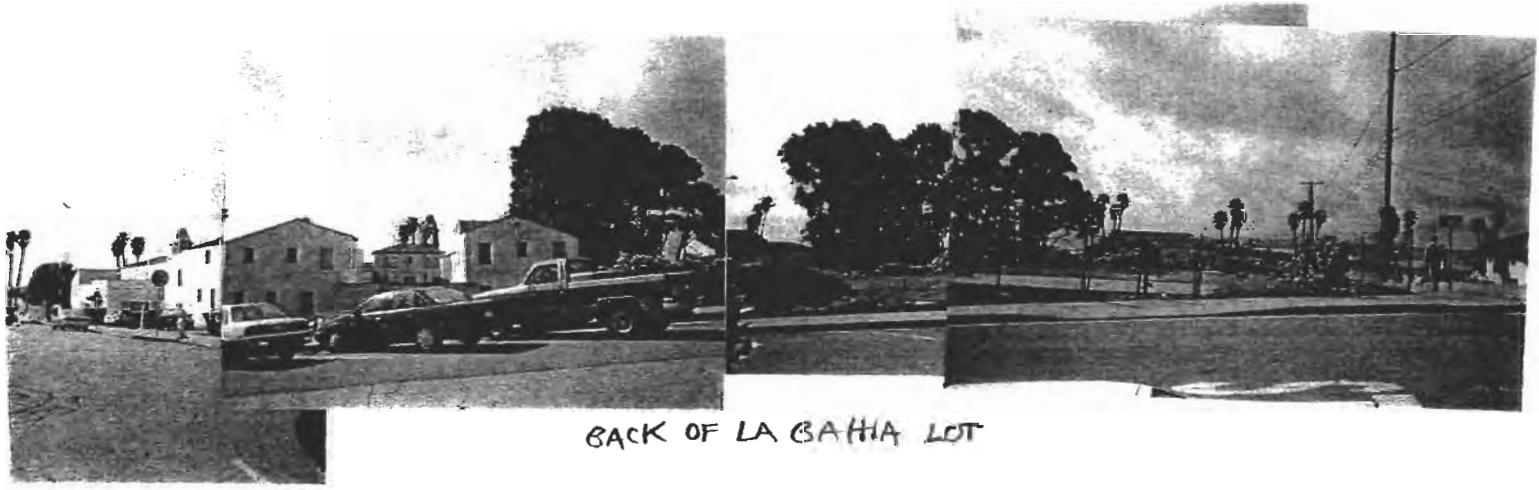
FIRST ST. ELEVATION



NUMBERS ARE STORIES ABOVE THE STREET

SWENSON PLAN

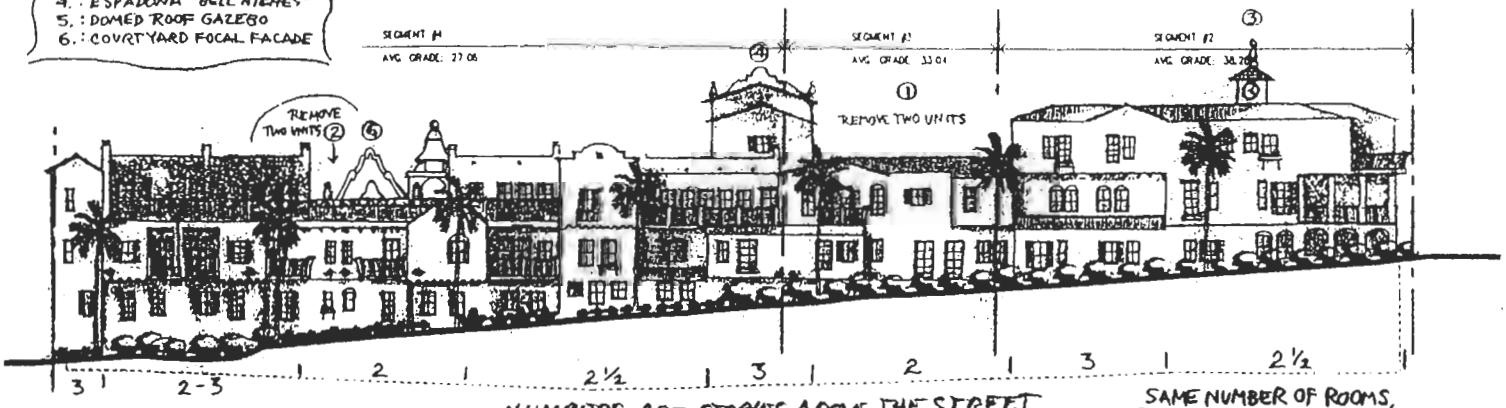
Exhibit M



BACK OF LA BAHIA LOT

1. & 2. : LOWERED ROOFLINE
3. : CLOCK TOWER
4. : ESPADONA "BELL NICHES"
5. : DOMED ROOF GAZEBO
6. : COURTYARD FOCAL FACADE

FIRST ST. ELEVATION



NUMBERS ARE STORIES ABOVE THE STREET
GIBSON VERSION

SAME NUMBER OF ROOMS, BUT MASS REARRANGED FOR BETTER "VILLAGE" LOOK

Exhibit M

PROPOSED LA BAHIA

- *NUMBER OF ROOMS:* ***120***
- *PARKING PROVIDED:* **172** *SPACES (INCLUDING 36 VALET)*
- *MEETING SPACE: 5,000 S.F. PLUS*
- *PUBLIC RESTAURANT*

Exhibit M

LA BAHIA CHARACTER-DEFINING FEATURES, & COMMENTS
By
Ross Eric Gibson

WHY IT'S HISTORIC: The La Bahia Apts. were built in 1926 as the Casa Del Rey Apartments, a part of the Casa Del Rey Hotel. The 47-unit complex featured an historic Mission-era spring, and a grove of bay-laurels. The complex was designed by William C. Hays, an influential advocate of the emerging California Mediterranean and medieval styles while teaching at UC Berkeley's New School of Design. This is the only example of his work in Santa Cruz, is unique for its village-style design (mostly found in World's Fairs), courtyards as outdoor "rooms," and --with new apartments rare in the 1920s-'30s-- is "...one of the few large apartment complexes of this era still intact" ("Historic Evaluation of La Bahia Apts.," Dale Hensbee, 1999).

It was rated "Excellent" in the 1976 Santa Cruz City Historic Buildings Survey, and the Architectural Resources Group for the 1998 Beach Area Plan agreed, adding it was eligible for National Register and California Register as well.

The La Bahia character-defining features of the are:

1. VILLAGE: Uniquely designed to look like a Mediterranean hillside village, so instead of appearing as a single mass, it appears articulated as a cluster of separate buildings and added wings.

2. VARIETY: The casual layout reflects variety vs. uniformity, asymmetrical composition vs. inkblot symmetry. This is reinforced in its use of three kinds of stucco trowel finish, and (originally) three tints of whitewash applied in a aged, mottled patina.

3. CLOISTERED: The most notable feature is how the complex is designed around garden courtyards as outdoor rooms. These cloistered areas create an escape into exotic stagesets that block out the modern world, creating a restful oasis in the middle of an urban area. One is built around the site of a Mission-era spring, where ships could stop for fresh water.

4. TERRAIN: The La Bahia expresses its hillside terrain in an array of stairstep rooflines that climb from east to west. The Beach Master Plan notes the need to maintain this characteristic.

5. LIGHTING: All courtyard lanterns were by famed local iron craftsman Otar the Lampmaker. As at city hall, all signage and one clock were neon, in the fashion of 1920s and 1930s Southwest adobes. These read "CASA DEL REY APTS.," "OFFICE," "COURT OF THE LAURELS (arrow)," "COURT OF THE MARINERS (arrow)," "PARKING," "DECK" and "POOL."

COMMENTS ON NEW DESIGN

SWIMMING POOL: The swimming pool area looks better in this design.

VILLAGE CONCEPT COMPROMISED: In places (like the rear elevation), the proposal has designed the structure to look like one large building, instead of a cluster of small ones. This loses the rare Village Complex characteristic.

ASYMMETRY LOST: Rear elevation and identical paired skyscrapers are designed with ink-blot symmetry, losing the sense of spontaneous construction. The King Builders' proposal was criticized for mass-producing rows of identical wings like modern tract housing units.

TERRAIN LOST: Two looming identical towers both the same size, do not express the hillside terrain.

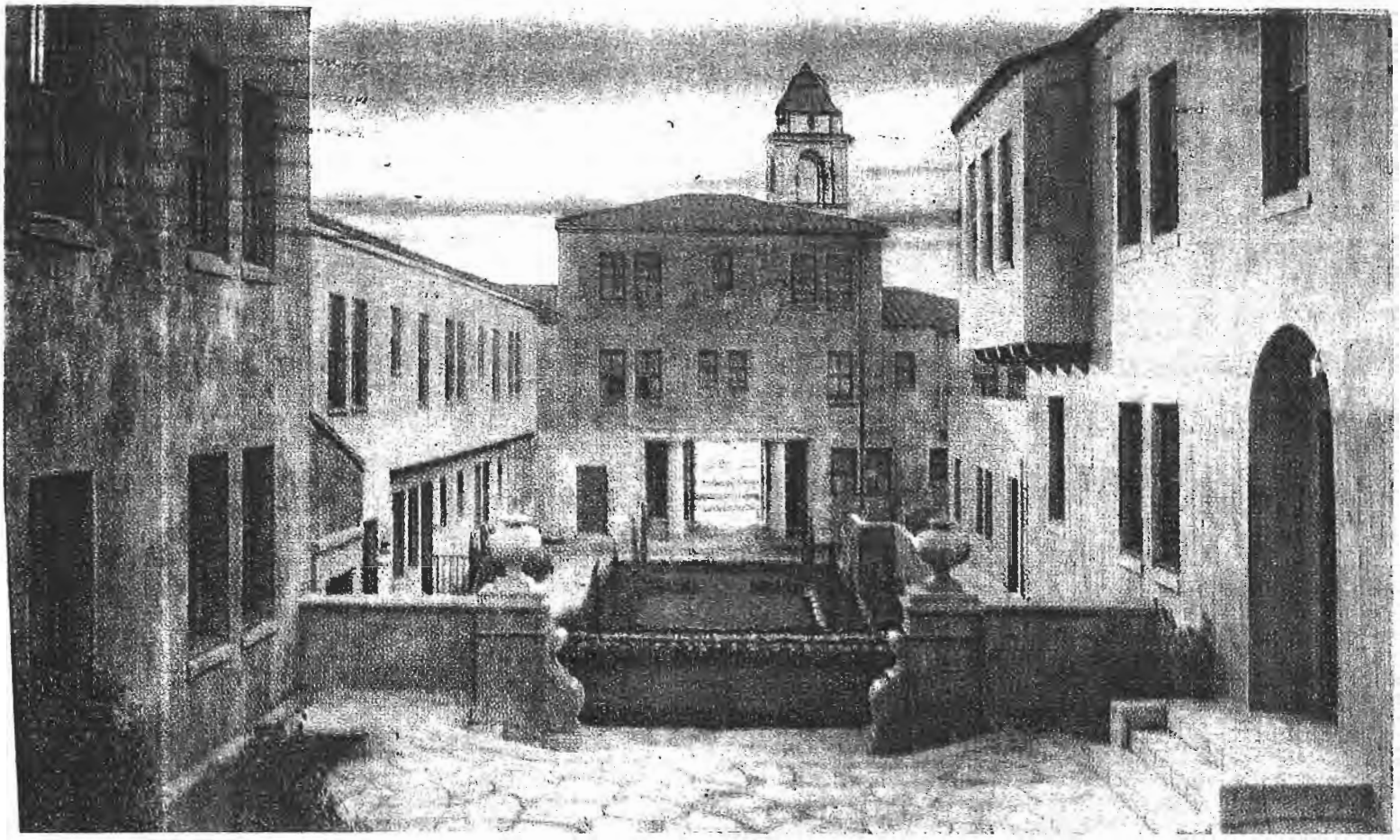
TOWERING ELEMENTS: During the previous Swenson design negotiations, I proposed a clock tower to break-up the flat monotonous roofline, and was told it would distract from the historic tower. How are the double skyscrapers less of a distraction?

ENTRY COURT: Opening the Court of the Mariners to the street as a driveway lops off a wing that gives the towered facade a Mission-like profile, and loses the cloistered effect of a pedestrian oasis away from cars. If an auto use is deemed acceptable, an arcade wing should be added to preserve the front profile and sense of enclosure. I preferred the side entrance to the underground garage.

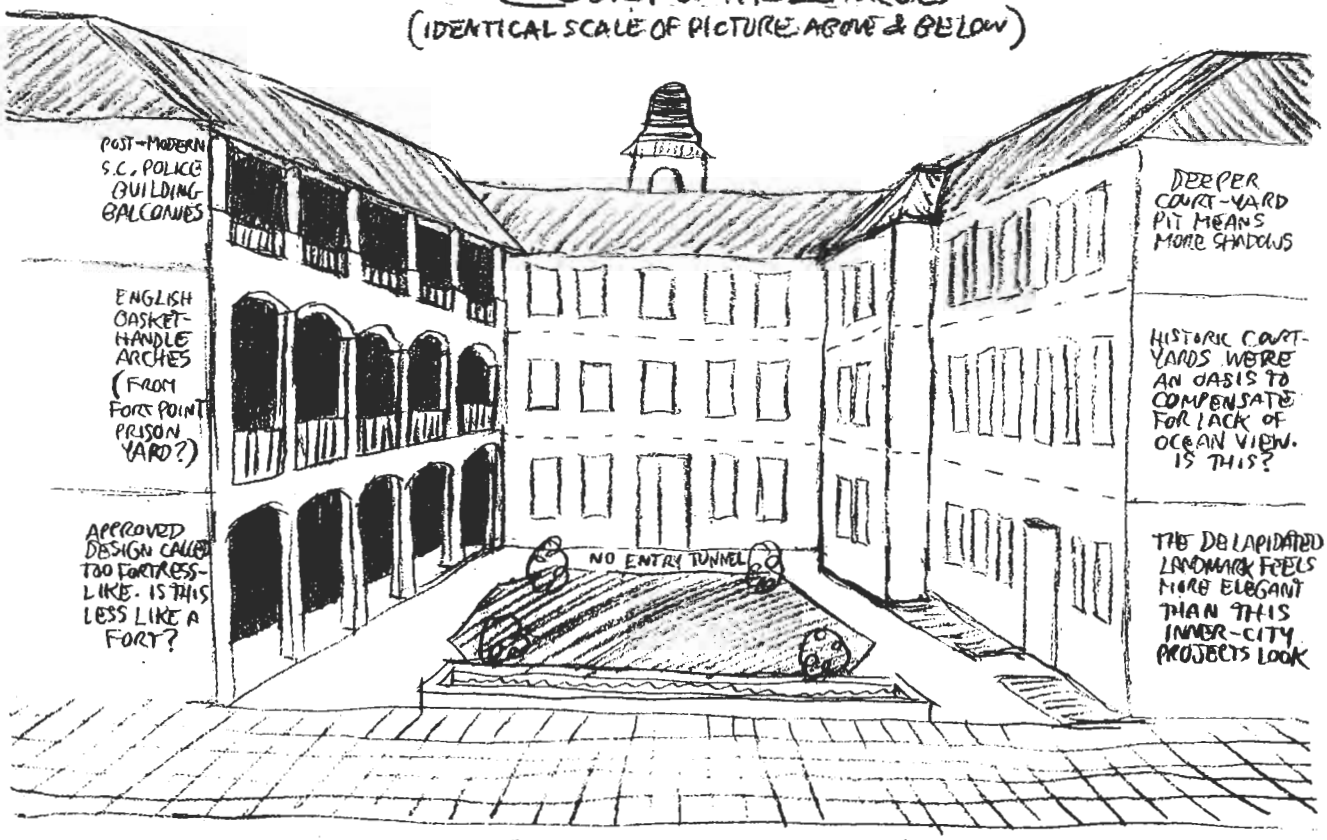
SCALE: After all the complaining the neighbors did in the last design, they seemed resigned when faced with an even greater impact on their views, and even supportive. Nothing you do on First Street will totally please them, and this attempt to grant one person a peep-hole by building taller is an unappreciated gesture, while causing greater impact to the main landmark. Design more aesthetically in scale with the existing landmark.

2005

Exhibit M



COURT OF THE LAURELS
(IDENTICAL SCALE OF PICTURE ABOVE & BELOW)

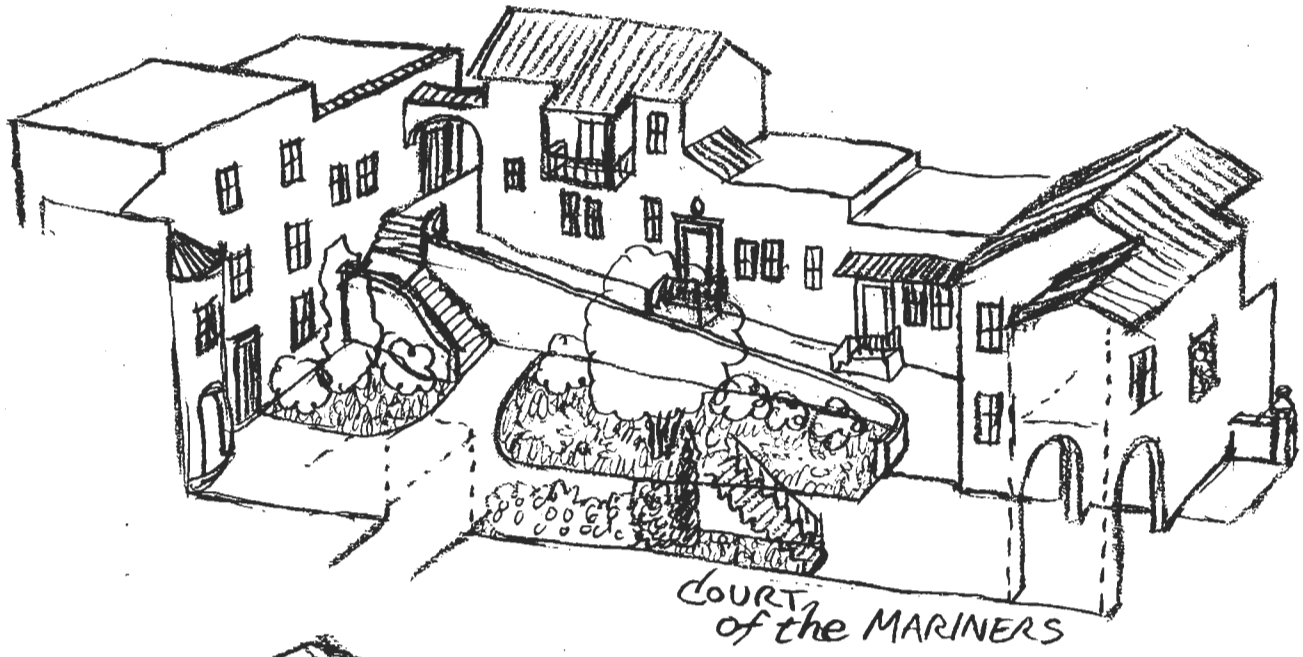


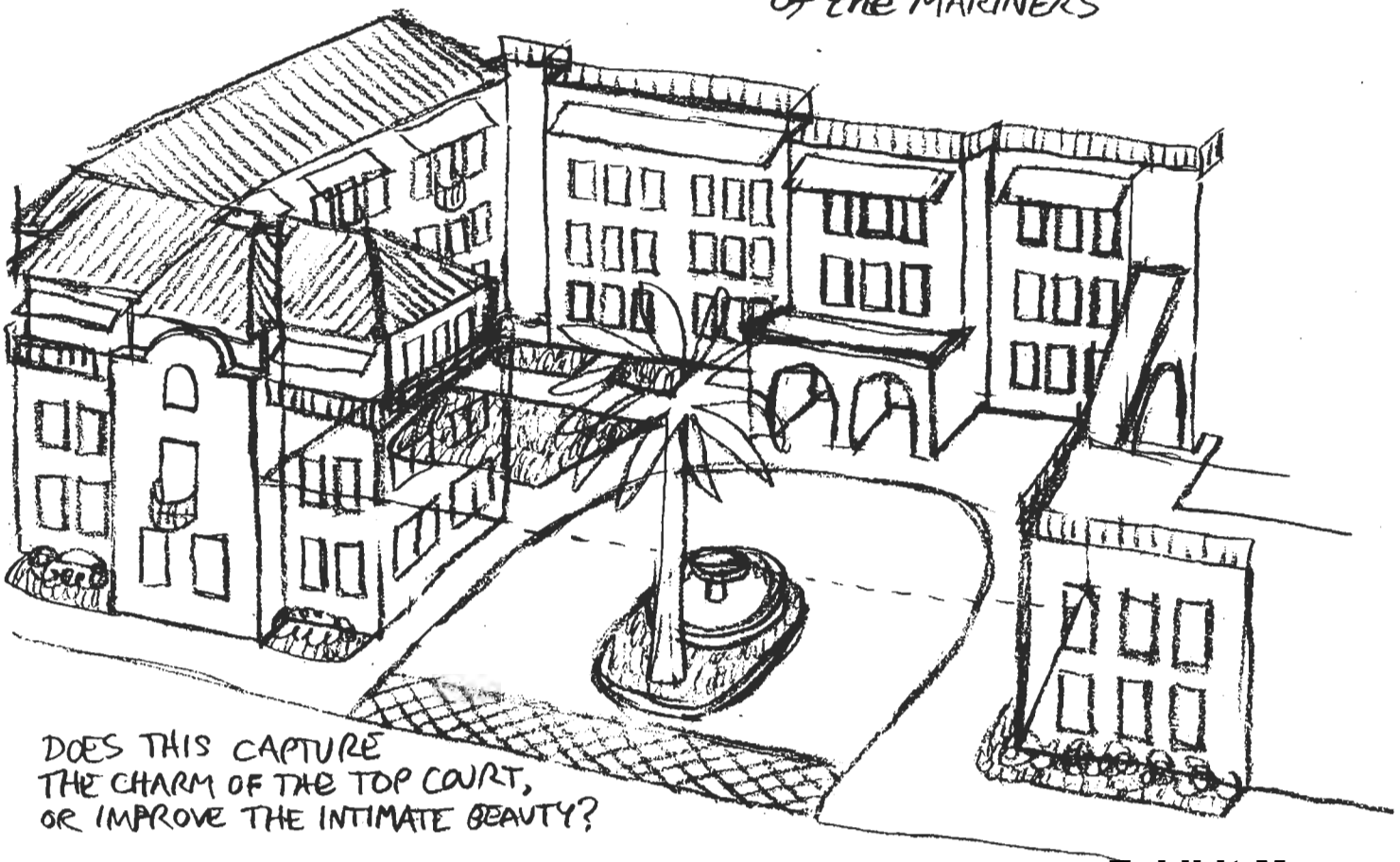
NEW "COURT OF THE LAURELS"
SHORTER LENGTH, TALLER, & WITHOUT TERRACES.

Exhibit M

"One of the most significant features of the La Bahia Apartments is...the outdoor spaces created by the arrangement of the buildings. The two existing courtyards are an integral design element of the Apartments and contribute very much to what makes La Bahia special." (ARG 1998, p. 14.)

"New courtyards...should have a sense of enclosure through building elements or walls.... They should have at least one-to-two stories of building around much of the court, have landscaping as a major element of the design [etc.] ...The new courtyards should not become deep wells or canyons buried within the new development, [and use] step-backs ...[to] allow more light and air into the courtyards." (ARG 1998, p. 15.)





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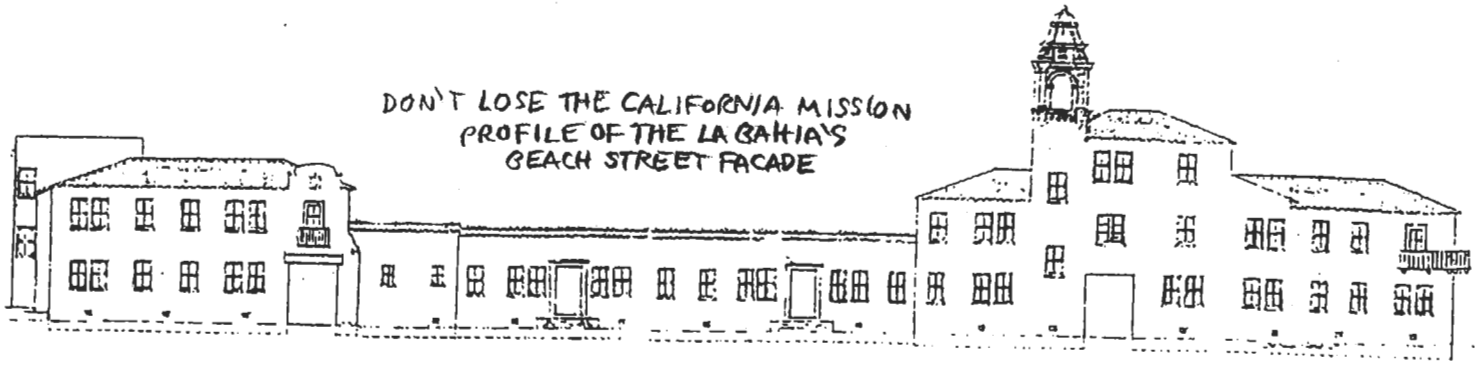
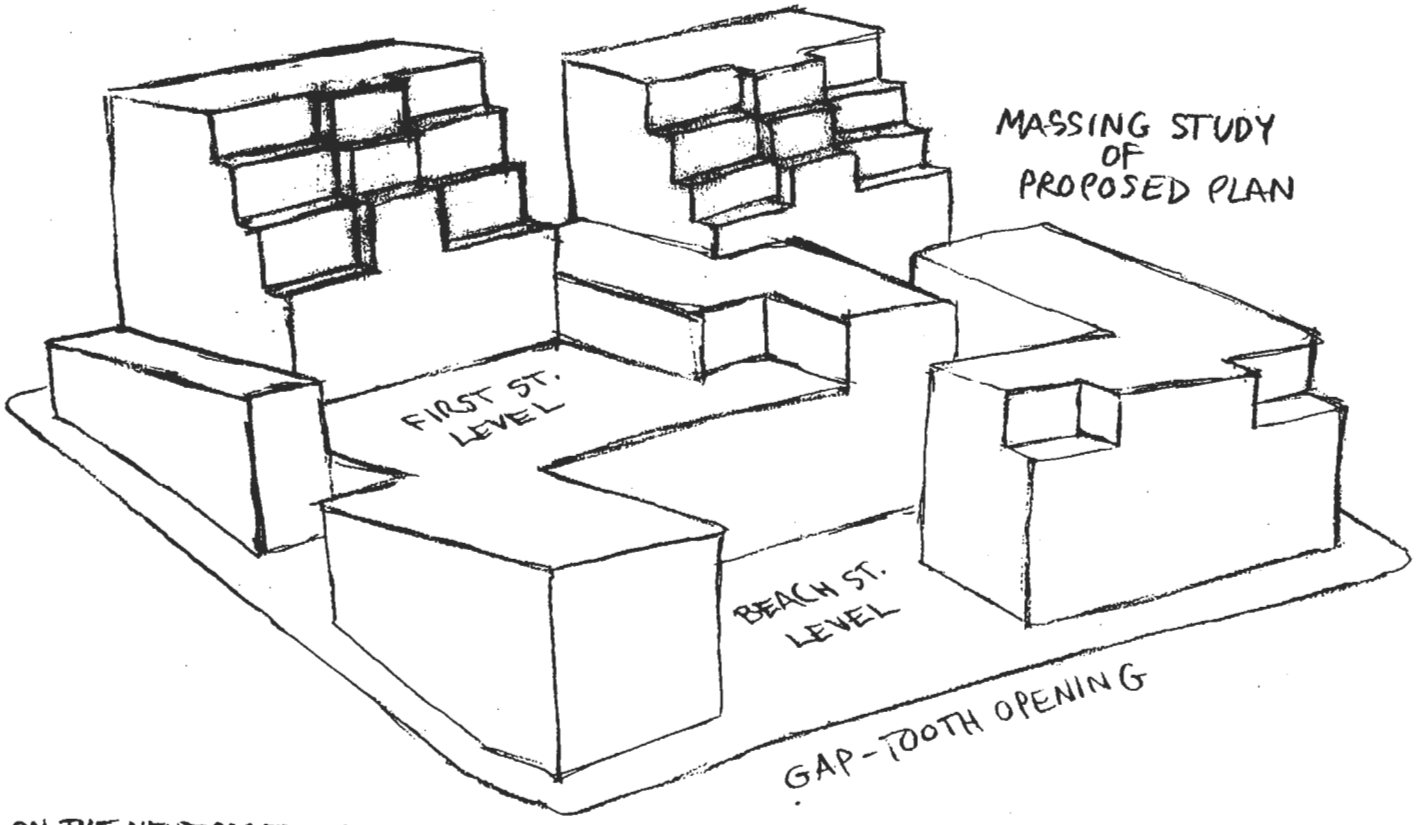
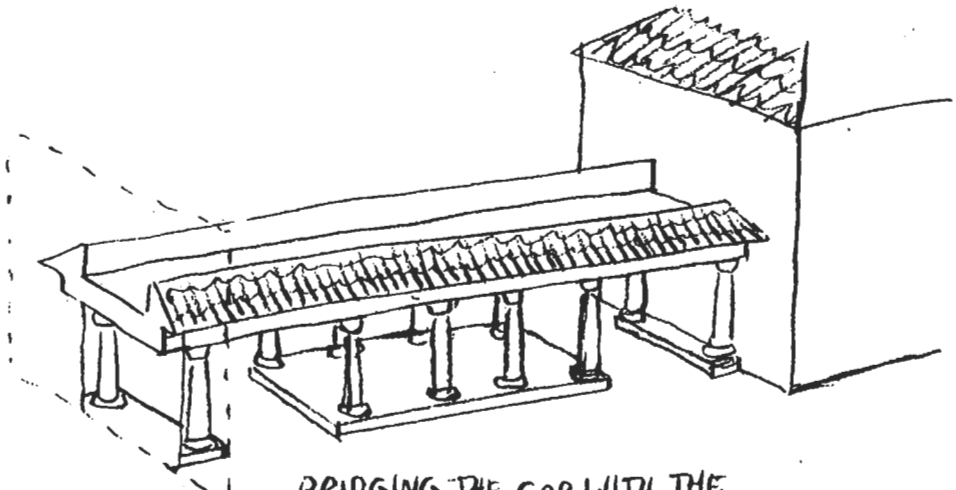




ON THE NEXT PAGE IS A VISUAL RECORD OF THE CALIFORNIA MISSIONS AND THEIR SIDE WINGS. IN THE PROPOSE PLAN, REMOVING THIS ELEMENT CAUSES THE FACADE'S ORIGINAL PRESENCE TO DISINTEGRATE, MAKING THE TWO ENDS APPEAR AS TWO LESSER BUILDINGS A BLOCK APART. IF THE MARINERS COURT MUST BE USED FOR TRAFFIC, AT LEAST UNIFY THE FACADE WITH A COVERED COLONADE, EITHER WITH ARCHES, STONE PILLARS, OR COLUMNS (AS SHOWN AT RIGHT).



BRIDGING THE GAP WITH THE MONTEREY-COLONIAL STYLE PILLARS FROM BOTH THE ENTRY TUNNEL, & S.C. CITY HALL

Exhibit M

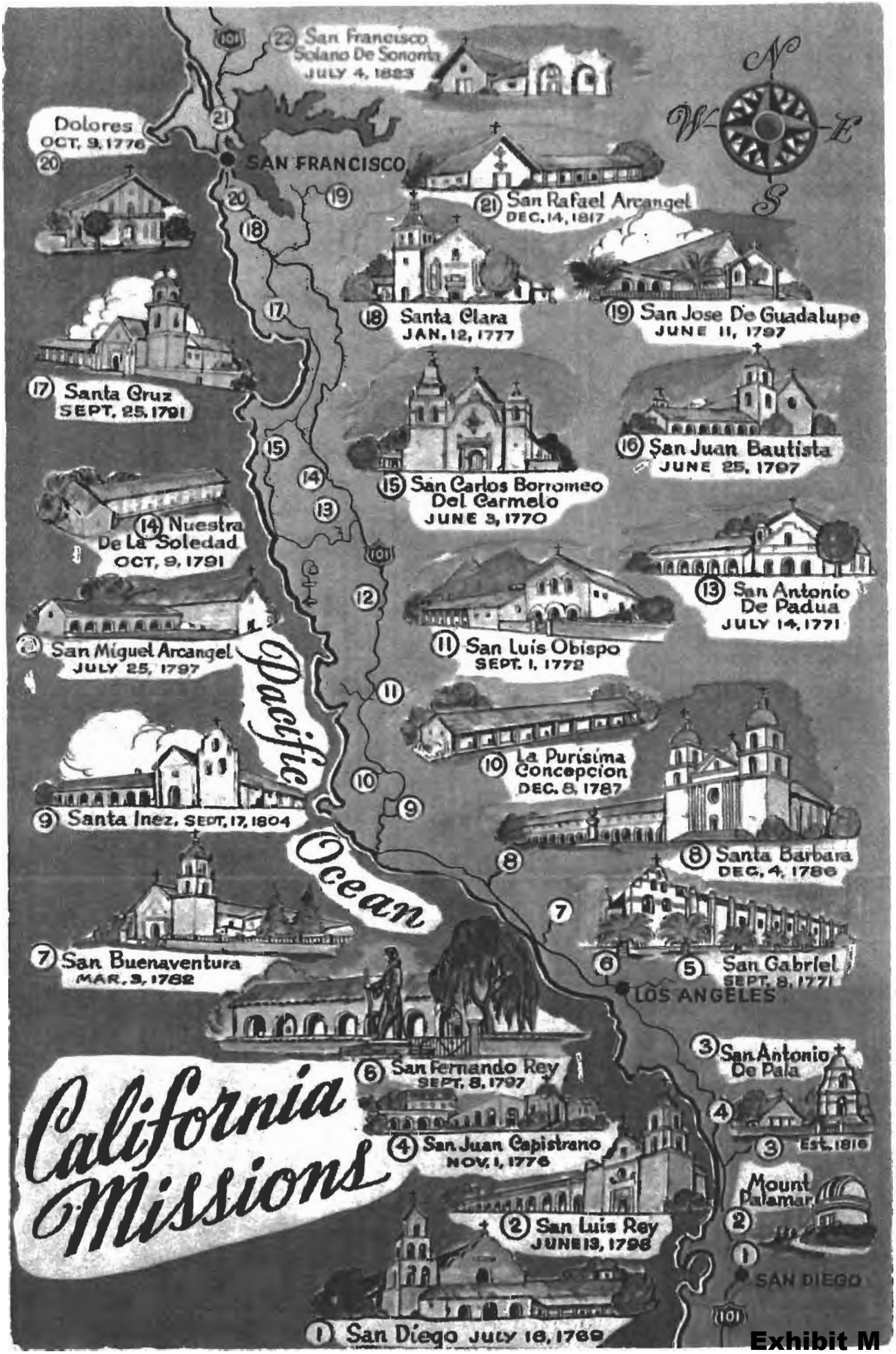
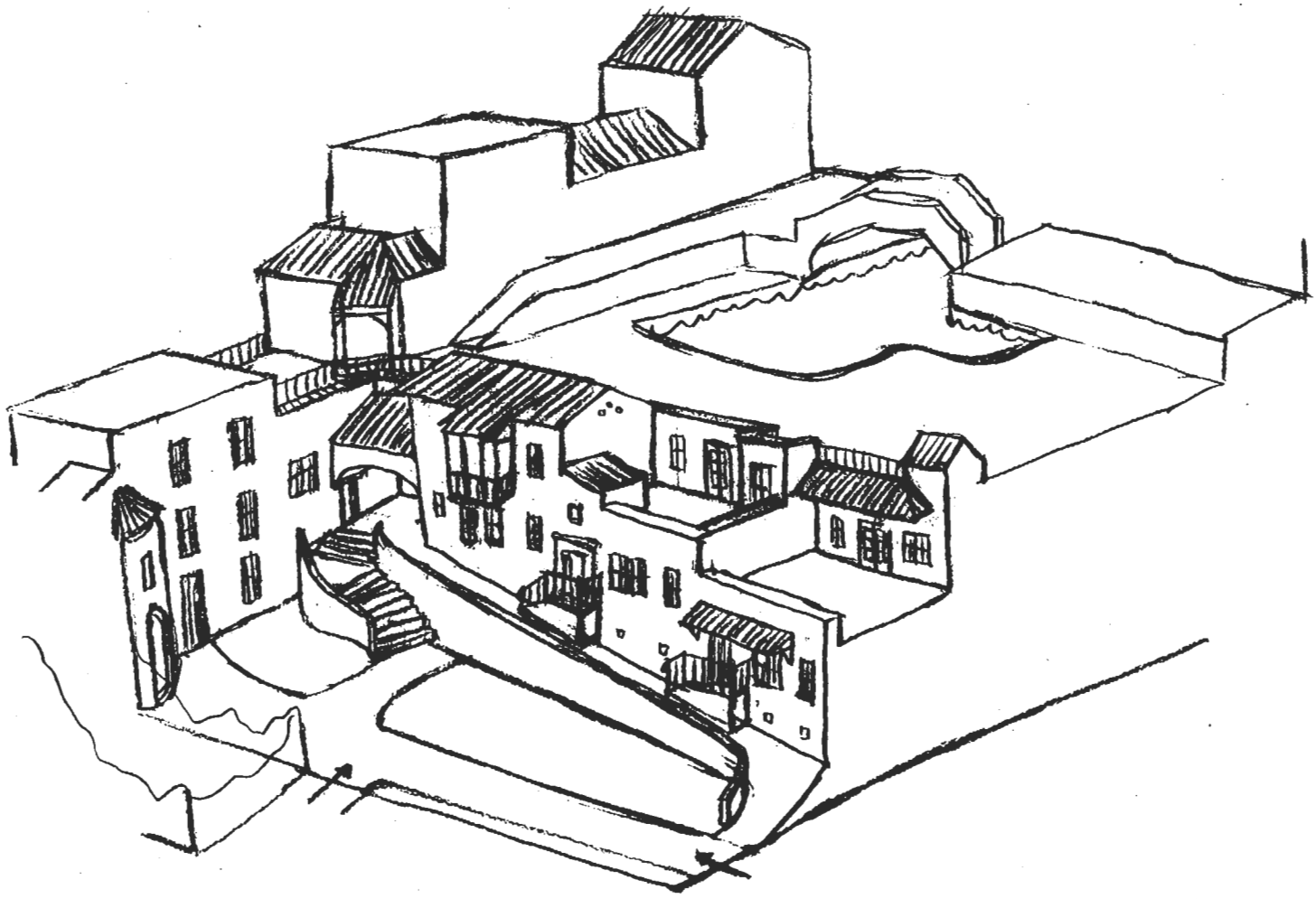

California Missions
Pacific Ocean
N
W
E
S
101
22 San Francisco Solano De Sonoma
JULY 4, 1823
Dolores
OCT. 9, 1776
21
20
SAN FRANCISCO
19
18
21 San Rafael Arcangel
DEC. 14, 1817
18 Santa Clara
JAN. 12, 1777
19 San Jose De Guadalupe
JUNE 11, 1797
17
17 Santa Cruz
SEPT. 25, 1791
16 San Juan Bautista
JUNE 25, 1797
15
14
13
15 San Carlos Borromeo
Del Carmelo
JUNE 3, 1770
14 Nuestra
De La Soledad
OCT. 9, 1791
101
12
13 San Antonio
De Padua
JULY 14, 1771
11 San Luis Obispo
SEPT. 1, 1772
San Miguel Arcangel
JULY 25, 1797
11
10 La Purisima
Concepcion
DEC. 8, 1787
10
9
9 Santa Inez, SEPT. 17, 1804
8
8 Santa Barbara
DEC. 4, 1786
7
7 San Buenaventura
MAR. 3, 1782
6
5 San Gabriel
SEPT. 8, 1771
LOS ANGELES
3 San Antonio
De Pala
6 San Fernando Rey
SEPT. 8, 1797
4
3 Est. 1816
4 San Juan Capistrano
NOV. 1, 1776
Mount
Palamar
2
2 San Luis Rey
JUNE 13, 1798
1
SAN DIEGO
101
1 San Diego JULY 16, 1769

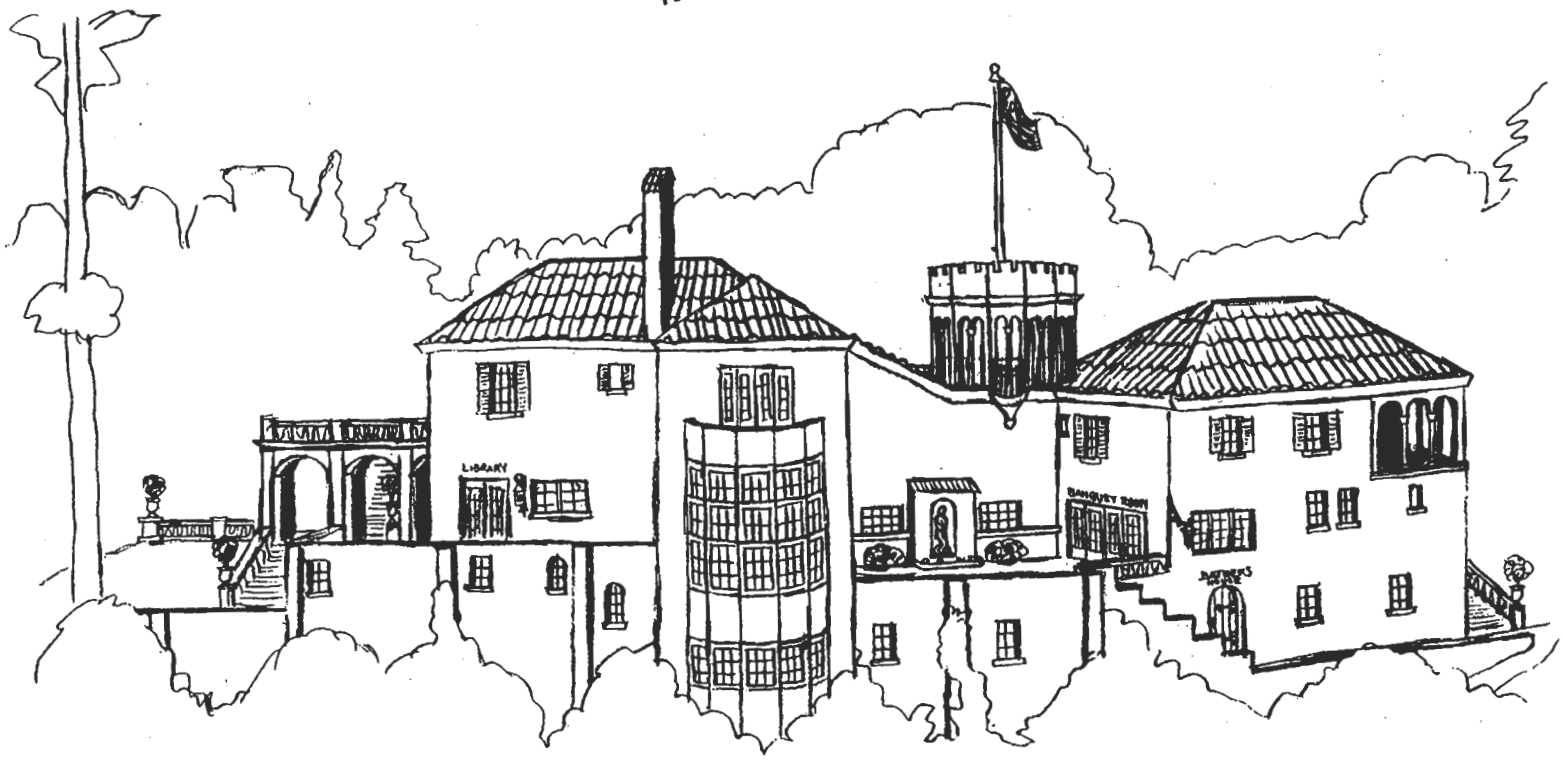
Exhibit M



TRANSITIONING FROM A HILLSIDE LOOK TO A HIGH TERRACE AREA USING STEP-BACKS.

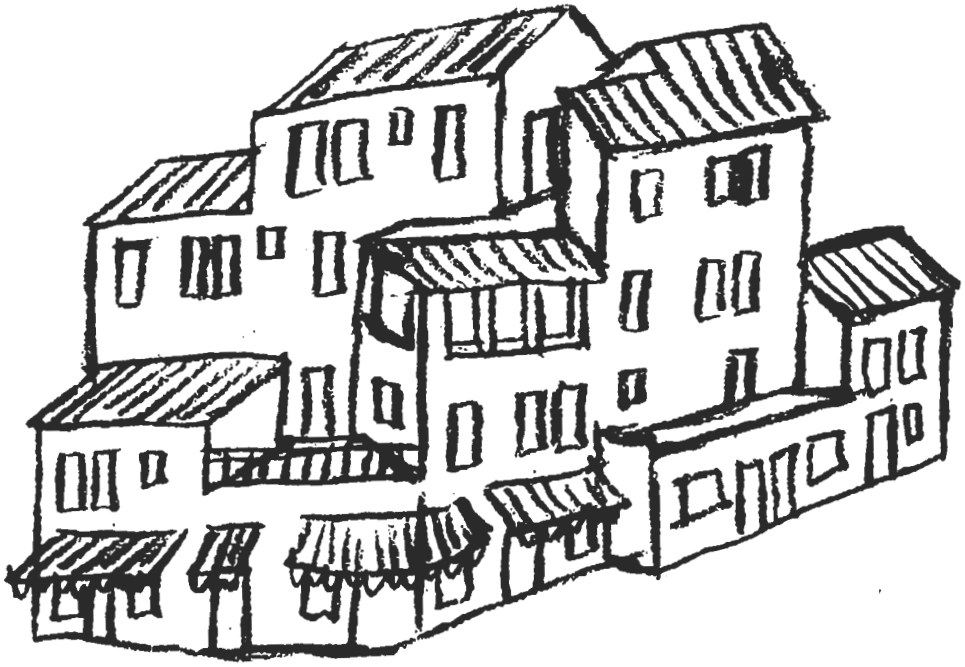
THE ILLUSION OF ROOMS CLIMBING THE HILLSIDE, YET ARE ON THREE EQUIL LEVELS

Exhibit M



RISPIN MANSION

Capitola's Rispin Mansion is Mediterranean Villa style, and while not Hill Village style (which is the peasant's art), it shares some elements due to its hillside terrain. Only two stories face the street, but on the riverfront hillside, we see three stories. Yet even here, the wing on the left sits on a terrace-topped podium, and while there are windows in the podium, it reads as a retaining wall, with only a two-story building on top. The various levels of the hillside are emphasized with staircases and terraces, that rise and fall from one end to the other with pathways and separate patios.



HERE IS A FOUR STORY STRUCTURE, YET WALL PLAINS MEASURE ONLY ONE-TO-THREE STORIES FROM ROOFLINE TO GROUND OR DEEP STEPBACK.

ODD ANGLES (INSTEAD OF SQUARE) CONFUSE THE SCALE, SO IT APPEARS TO BE CONFORMING TO A HILLSIDE TERRAIN.

Exhibit M

THE HEAD OF A VISTA CORRIDOR OF STAIRS, TERRACES & GARDENS NEEDS TO RESOLVE IN A VISUAL STATEMENT OR ACCENT

Exhibit M

CASINO AT SAN REMO TOPS PALM-LINED FLIGHT OF STAIRS

CHIANCIANO TERME STREET CLIMBS TO TWO-STORY ARCHWAY ENTRY GATE

Exhibit M

LIGHTED CLOCK FACE TOWER HEADS STREET IN PUERTO VIARTA

NEON CLOCK TOWER A LANDMARK FOR VISALIA, CALIFORNIA

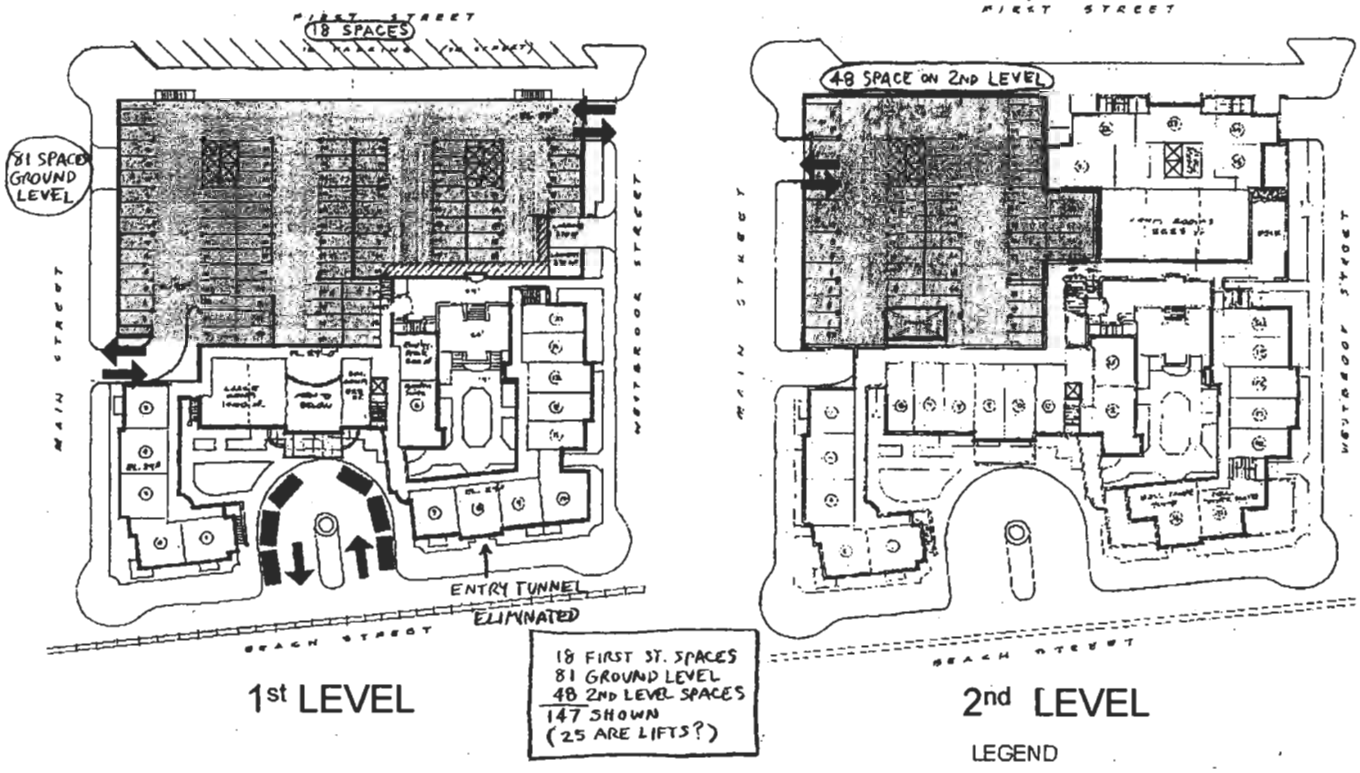
TOWER & MASSING DONE RIGHT AT NEWPORT BEACH, CAL. MERRIOTT

Exhibit M

Here's an example of a new wing creating a vista accent at the end of the Court of the Laurels. It uses the tile monument wall as a terrace podium, then steps back a 2-to-3 story building on top. A columned awning provides some balance for the formal garden elements, while the off-center roof emphasizes the slope of the hill. Potted trees and hanging vines create the look of a hillside.

Exhibit M

PROPOSED GARAGE / ENTRY PLAN



- *SELF PARKING AND VALET (NO LIFTS)*
- *ALL PARKING PROVIDED ON-SITE*
- *172 TOTAL SPACES*

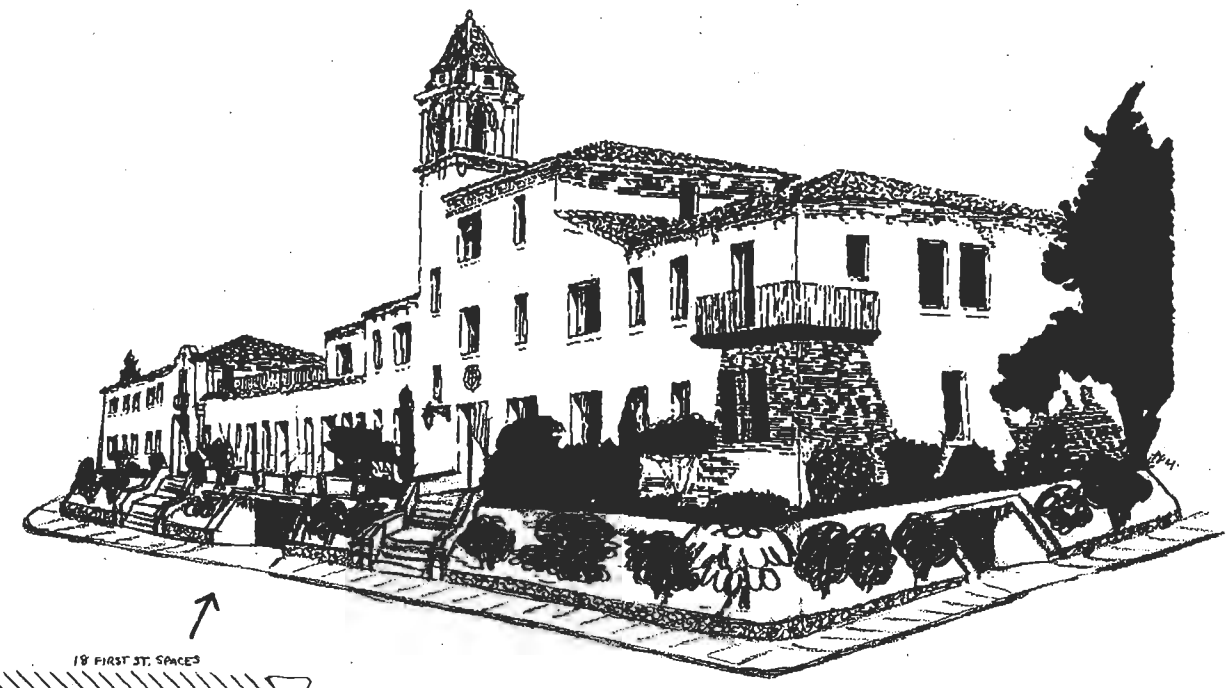
SCALE: The La Bahia is primarily one-to-two story buildings on low foundations, with the occasional three-story section of limited length. This is very human scale, and does much with limited space. Using theatrical perspective tricks, one courtyard seems longer, and the stepped back skyline suggests an entire village beyond. All low wings are so-placed as view-corridors for apartment wings intended to be built behind.

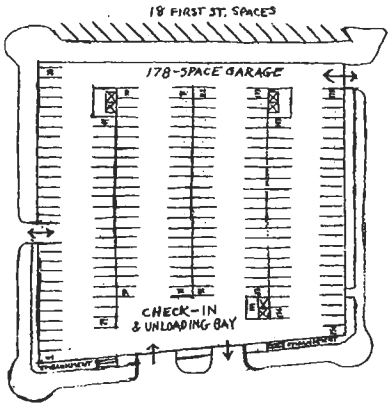
VISUAL MEASURE: Because this is a hillside lot, heights are not visually measured by how high rooflines rise above Beach Street, but above ground-level at any point on the hillside. So even as buildings rise higher toward the back of the lot, the impression these are mostly one-to-three story structures should persist, even when this may be a trick of perspective. One way to achieve this effect is to create one-to-two story podiums that appear to be terraces for buildings above it. Another method is to make sure no wall is more than two (or occasionally three) stories between step-backs.

PODIUM PARKING: One of the difficulties of the parking schematic currently being considered, is how much of the court of the Laurels would have to be shortened, and the Court of the Mariners given over to automobiles. By placing all the parking ground-level with Beach Street, the entire landmark is raised up on a one story podium, with a landscaped embankment in front to look like part of the hillside. The benefits of this approach are numerous.

1. MORE PARKING: The 172 spaces squeezed into two levels in the current plan, are increased in the Podium Plan to 196 spaces on one level. (It's essentially the Cedar and Walnut St. garage, with sloping embankments). If 172 spaces are preferred, the Podium Plan allows the area of 24 extra spaces and adjoining driveway for utilities, or garbage, or storage, etc.; or the

Exhibit M

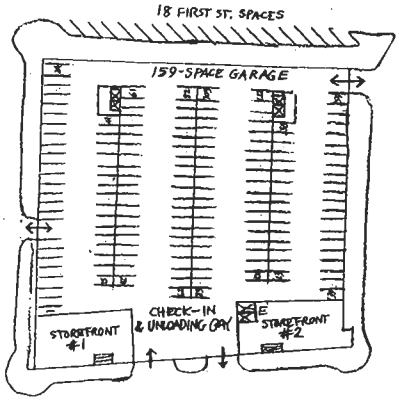




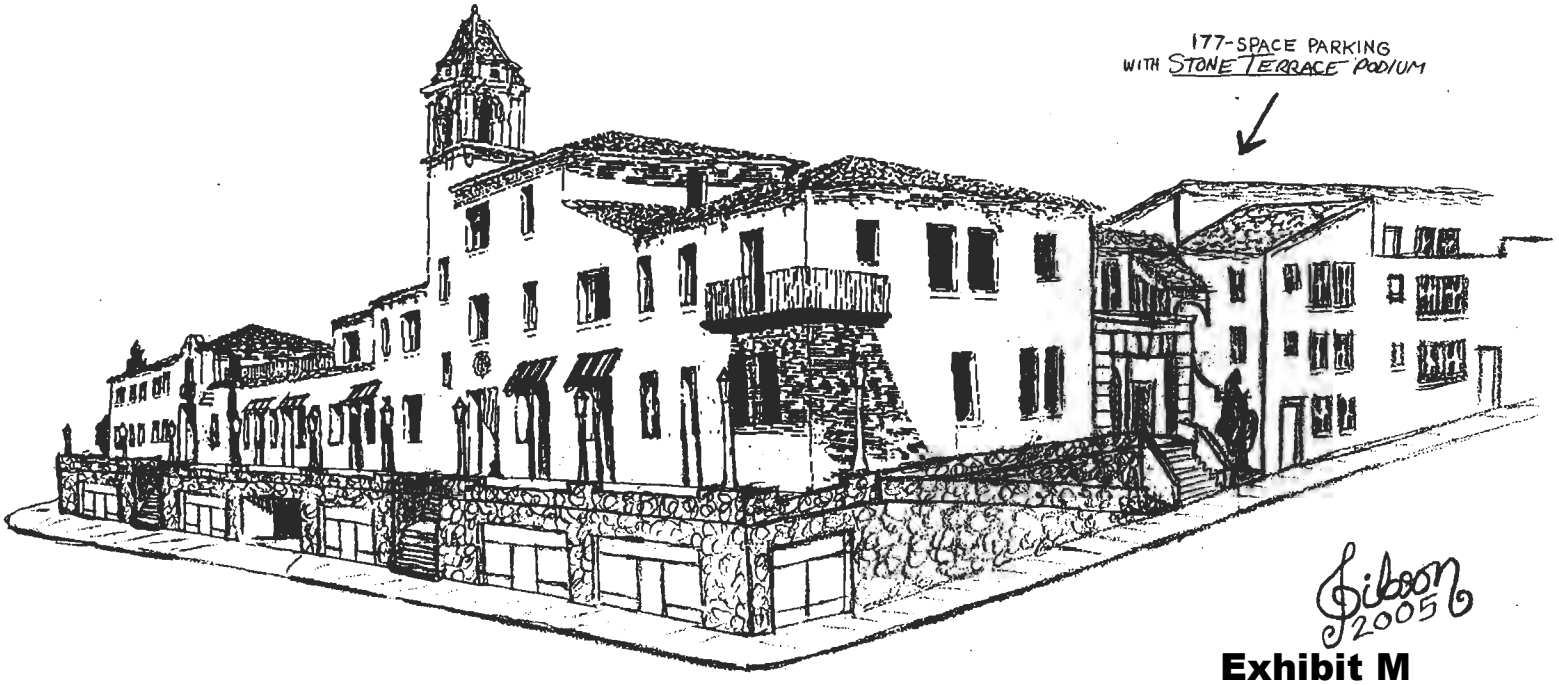
196-SPACE PARKING
WITH PLANTED EMBANKMENT PODIUM

PODIUM PARKING

JUST AS THE CASA BLANCA SITS ON A HILLSIDE PODIUM, RAISING THE LA BAHIA PROJECT ON A PODIUM TO CONCENTRATE ALL PARKING ON THE GROUND LEVEL, PRESERVES THE PROPORTIONS OF THE LANDMARK (OR A SIMILAR REPLACEMENT PROJECT), AND FREES UP SPACE FOR AT LEAST 12 TO 16 ROOMS, WHICH CAN BE REDISTRIBUTED INTO A LESS IMPOSING MASS.



177-SPACE PARKING
WITH STONE TERRACE PODIUM



Gibson 2005

Exhibit M

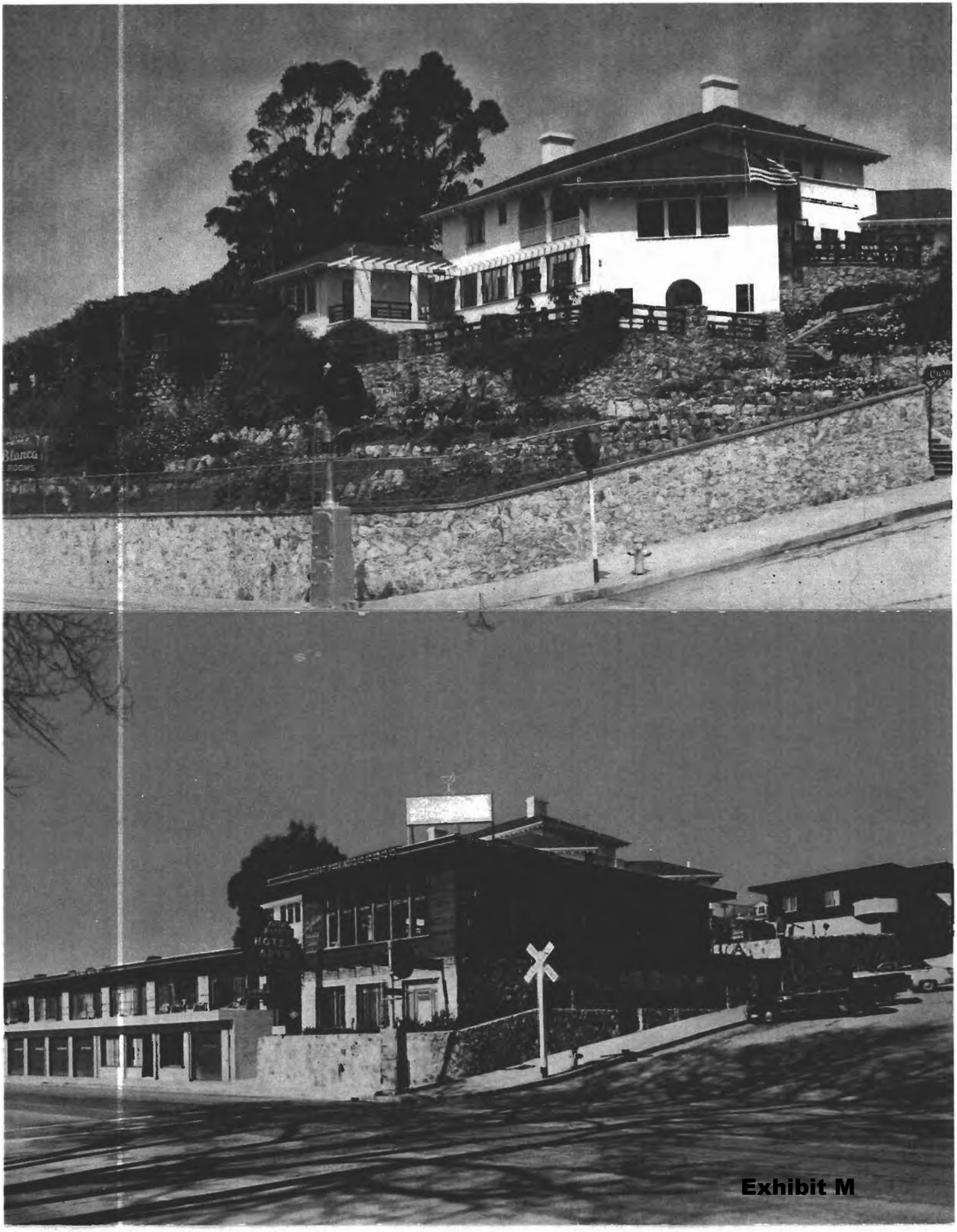


Exhibit M

area can remain unexcavated.

2. CHECK-IN COURT: The front driveway with a skylit check-in court in the current proposal is included in the Podium Plan, but one level down. It would be designed to be part of the Court of the Mariners. This won't feel like a pit, because the current proposal has turned the Court of the Mariners into a three story canyon, and the Podium Plan makes check-in court only two stories deep.

3. LANDMARK DESIGN SAVED: The entire landmark is then relocated/ recreated one story above street level, without having to sacrifice room to parking. Even if some reconfiguring is worked in to improve its modern uses, both the chief features of the landmark, its scale, and the full length of the Court of the Laurels, are saved.

4. LOWER APPEARANCE: The space given over to the current plan's two levels of parking, is free under the Podium Plan to be better utilized as hotel rooms, etc. This instantly eliminates the top floors of the Current Proposal, and makes reconfiguring the rooms easier to keep in human scale. While the project may still need the height variance, it will appear lower, because hillside structures are measured from their ground level (the top of the podium) instead of from the street. Thus five stories on the Current Proposal would appear four stories on the Podium Plan.

5. HILLSIDE TERRAIN: While the La Bahia formerly aligned with the street-level block to the east, it would now be a continuation of the planted hillside block to the west, on which the Casa Blanca Restaurant sits. The top floor of the Casa Blanca building is five stories above Beach Street (one story above the La Bahia tower). Yet no one calls the Casa Blanca a five story structure, or even towering, because a hillside building is measured not by how high above the street it is, but how high above ground level. Many have called the Casa Blanca a two story building, because its stepped-back side wings make it appear no section is more than two stories above the ground. Its stonework podium further blends into the hillside, appearing more as landscaping than architecture.

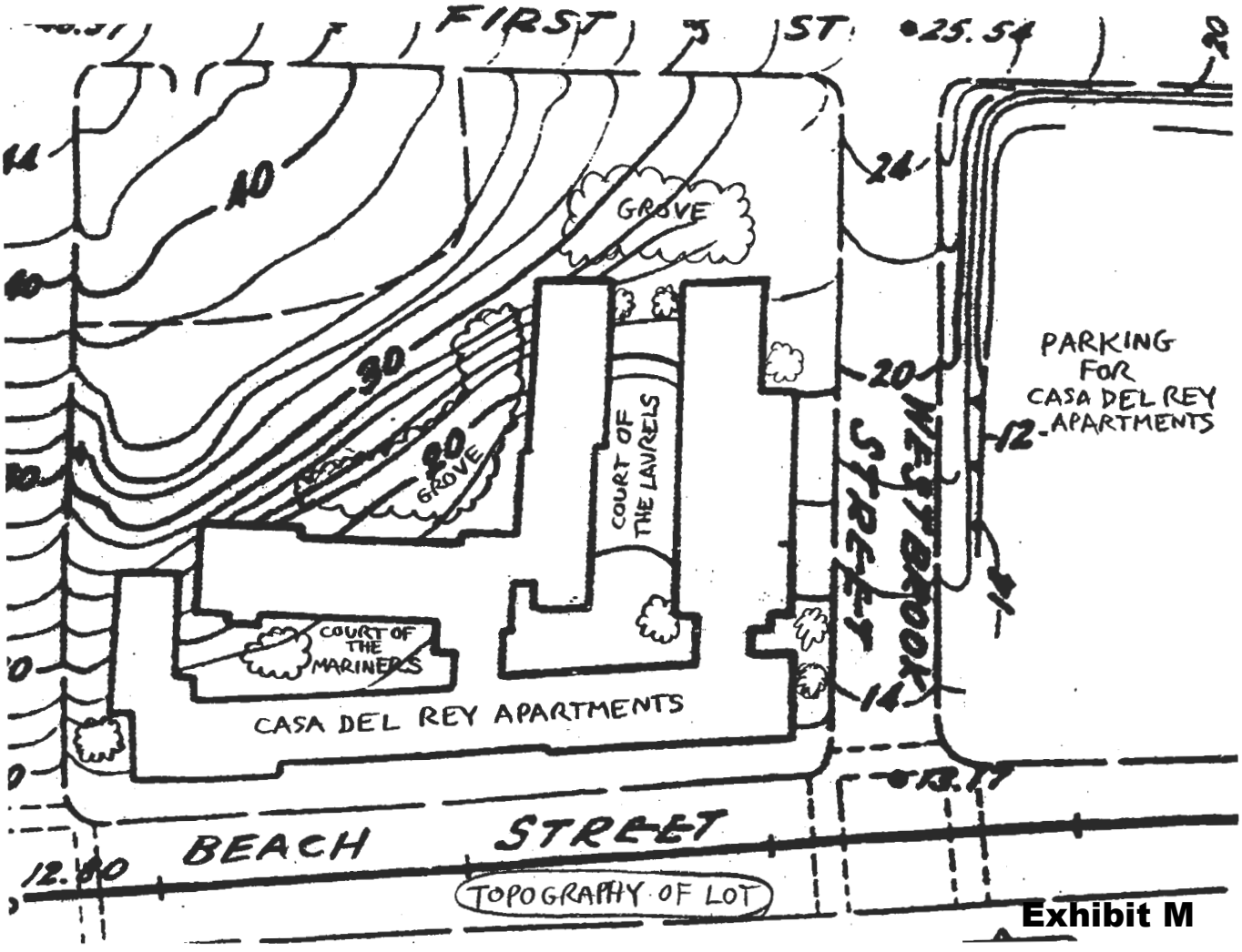
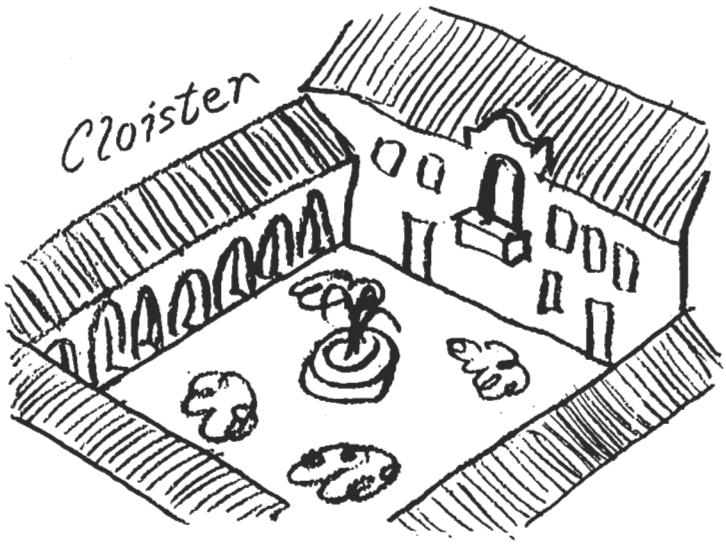


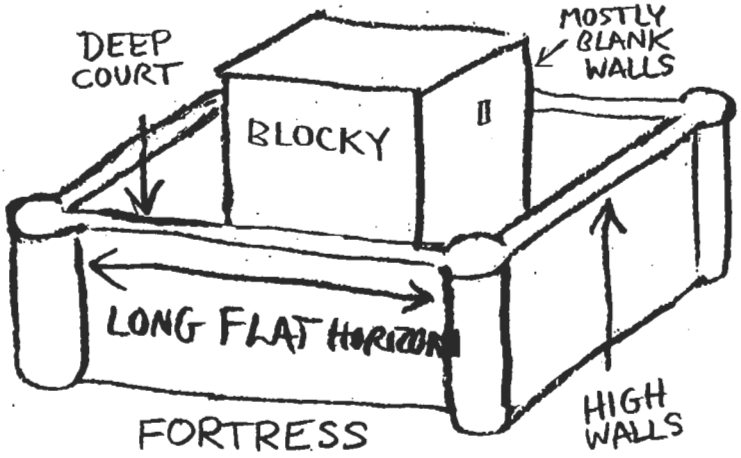
Exhibit M

DEFINITIONS

"Cloistered," "fortress-like," and "prison-yard" are not the same thing.

CLOISTER: A cloister is an intimate, private outdoor enclosure; a garden of quiet, nature-focused reflection, without modern distractions. It may be accented with birdsong, trickling water, fish ponds, and scented plants. Since it's usually one of the chief sources of sunshine in sealed monastic colonies and is full of plants, rooflines often step down into the courtyard as lightwells for solar access. This produces very human scale architecture and well-lit spaces.





FORTRESS: A fortress has a long flat horizon, steep walls, deep courts, and heavy, boxy buildings. Even when dressed-up in the aesthetics of a castle, it's still a fortress castle of interior spendor, barricaded against outsiders. The fortress effect may occur when a courtyard is taller than it is wide; and/or when rooflines on all sides of a courtyard are the same height (usually a minimum of three stories); and/or there are large sections of blank wall; and/or the extensive wall plains (both high and wide) are flat and monotonous in their repetition of openings and relief.

PRISONYARD: A prison yard has the same deep courtyards, but without hiding places or aesthetics. The echoy hardscape and cold shadows bespeak a lonely emptiness in its poverty of design. Brutality dictates its form, where delicate things are banned, as everything must be brawny and vandal-proof to prevent being dismantled into a weapon. Its lack of human scale dwarfs the individual to insignificance in a belittling ambiance of punishment and confinement.

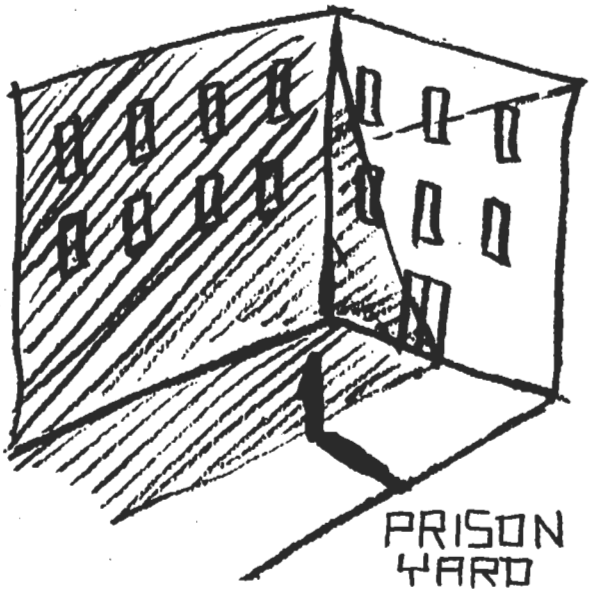


Exhibit M

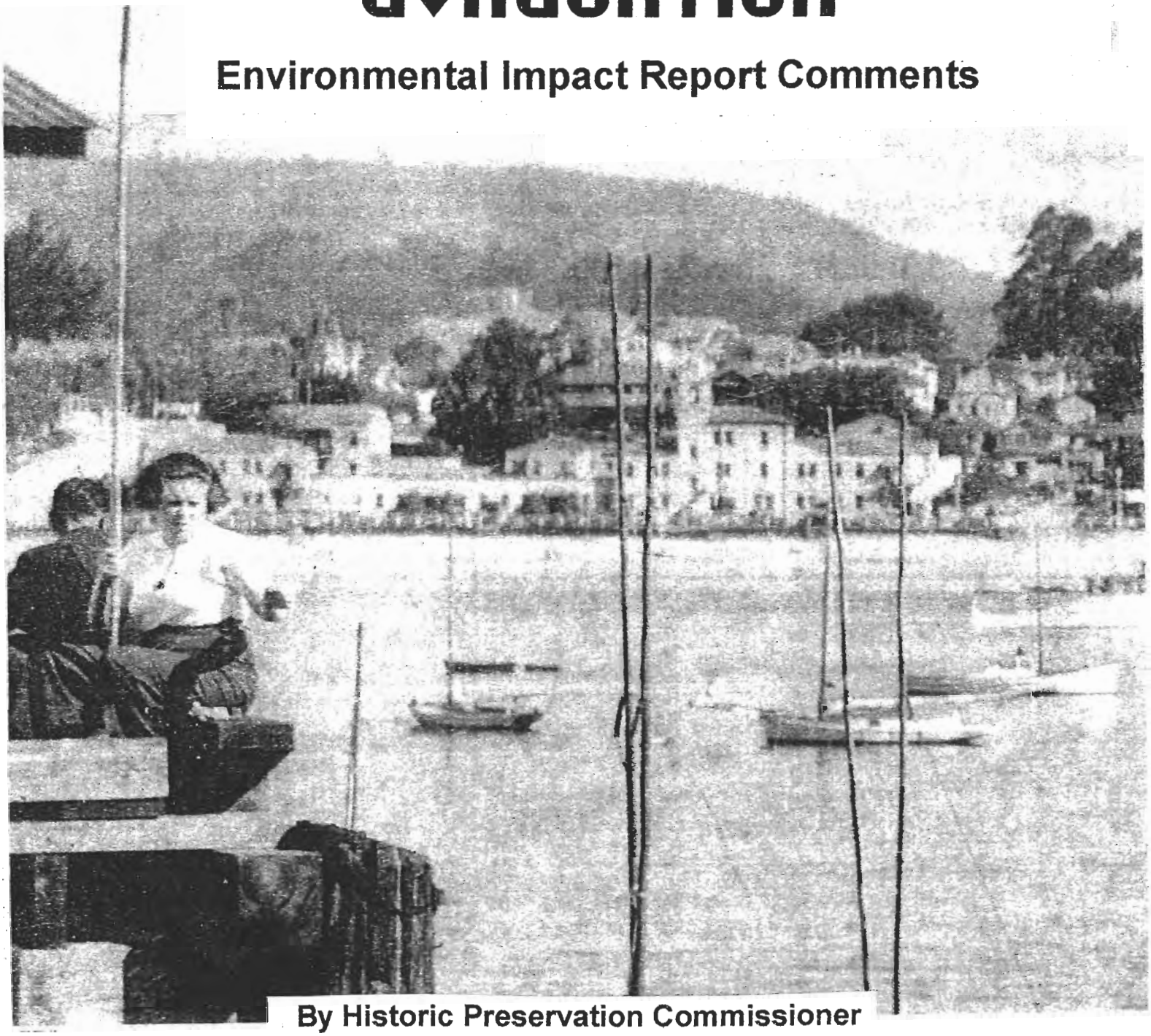
Volume III
LANDMARK ANALYSIS

What makes it a National Landmark

Exhibit M

LA BAHIA LANDMARK EVALUATION

Environmental Impact Report Comments



By Historic Preservation Commissioner
ROSS ERIC GIBSON

Exhibit M

THREE LA BAHIA REPORTS

Submitted to the Environmental Impact Report process

By

ROSS ERIC GIBSON
Historic Preservation Commissioner

The proposed project is to completely demolish a National Trust-eligible signature landmark (NR-2) without identifying what makes it historic. It avoids national standards of restoration that combine preservation and reconstruction, and uses replacement standards for an NR-5 landmark (of local interest only) to retain so little of the character of the landmark that it must be delisted. The proposed project is not legal without changing or overcoming laws and guidelines for the site in ten areas. While the EIR identifies its two leading *significant unmitigated negative impacts* as the loss of the landmark and excessive height:

➤The EIR is deficient in not identifying what makes the landmark historic, giving no indication of the project-review criteria for a Landmark of National Register stature nor the true B/SOL historic requirements, ignores the value of what we are supposed to lose, or the proper level of mitigation to compensate for the value identified.

➤The EIR is deficient in its vague description of the landmark's historic context, as the specifics of the impacted neighboring properties must be judged as to proper scale and historic character if we are to understand what is the appropriate level of compatibility or mitigation they are due.

➤The EIR identifies minor *conditions of approval* as being "mitigations," and while admitting the loss of the landmark is *unmitigated as the project is designed,* it should better define what constitutes a true mitigation.

To assist in correcting these and other oversights, the following reports were generated in three planning cycles for the La Bahia, telling its history, significance, and guidelines for development. These were also submitted to the 1st & 2nd Draft EIR:

LA BAHIA EVALUATION, Environmental Impact Report Comments (2007)

EMPIRE OF THE CASA DEL REY, History report on Casa Del Rey & La Bahia (1997, for Beach Area Planning process)

LA BAHIA HANDBOOK, Critique & Guide for retaining historic character (2006, for La Bahia Subcommittee to assist developers)

Exhibit M

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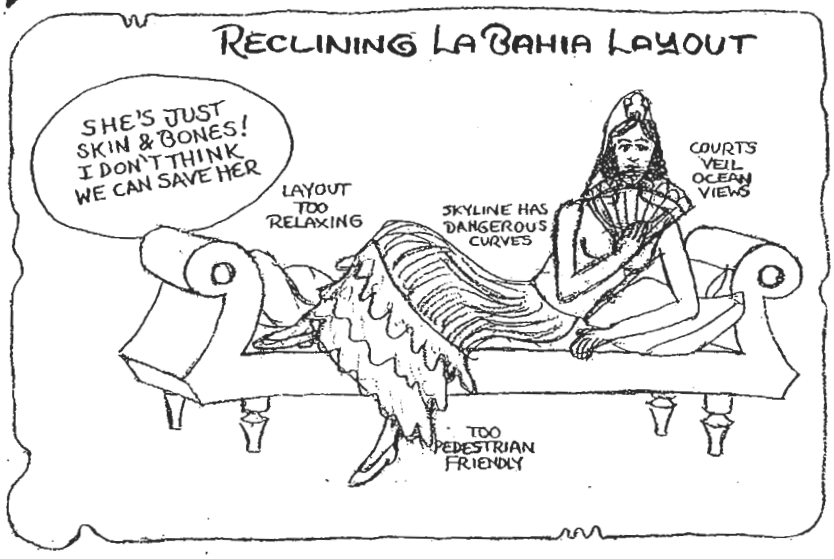
EXTREME MAKE-OVER for LADY LA BAHIA



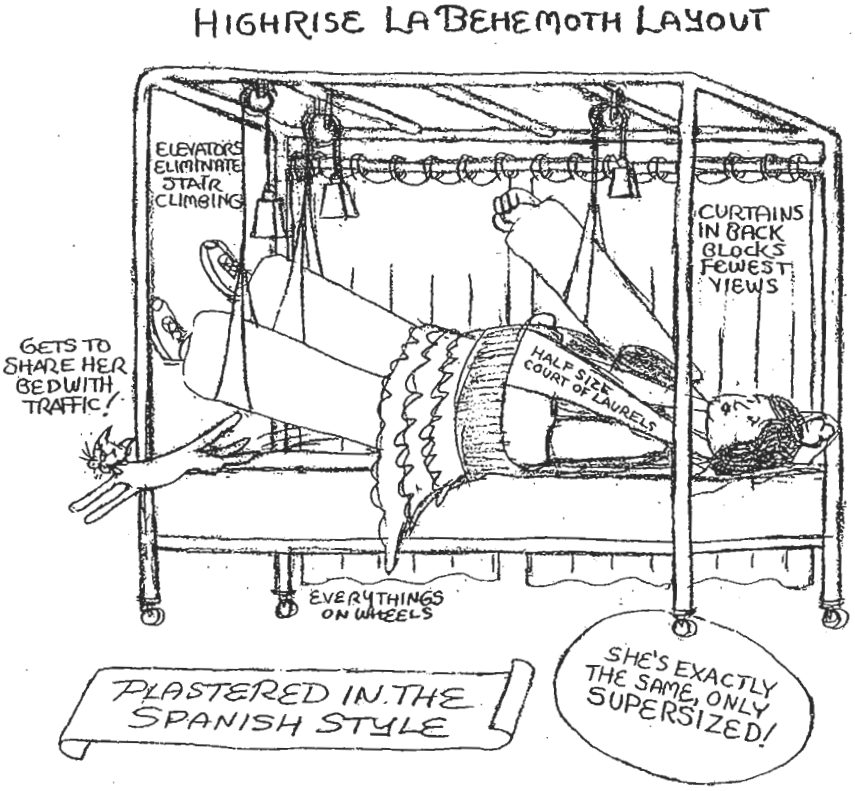


Exhibit M

The EIR shouldn't excerpt from the HPC position statement to dismiss our core principles, but print in its entirety, as the statement was made because HPC felt it wasn't getting its message across

CITY OF SANTA CRUZ
HISTORIC PRESERVATION COMMISSION
LA BAHIA POSITION STATEMENT
Adopted 4/18/07

The La Bahia is a listed landmark, rated "excellent" in our City Historic Building Survey, and experts called it eligible for a State or National landmark listing.

So the City Historic Preservation Commission's (HPC) preferred approach (as we have already approved for La Bahia) has always been total preservation, or part preservation with some reconstruction in-kind.

For the expansion element, our preferred approach (as has already been approved) is a low-rise "Hill Village Ambiance" in keeping with the unique concept of the existing landmark.

A total demolition is *not* the course we choose or want. If we are to even consider such a proposal, we would require a higher level of detail and fidelity to the look and spirit of the existing landmark, to mitigate the overwhelming loss of a protected signature landmark.

At the very least, the HPC would insist on the following requirements (especially if total demolition is proposed):

1. ***Retain the Hill-Village ambiance*** of intimate courtyards, cozy passageways, and the appearance of small building clusters, which is the defining characteristic that makes this landmark unique.

2. Any high-rise portion must demonstrate ***compatible scale*** with the low-rise historic section in front, and have pedestrian-friendly dimensions along First Street.

3. ***The southeast corner*** with the bell tower wing and Westbrook stair-court entry, should be (if replaced) exact or indistinguishable from what is there now.

4. ***The Court of the Laurels*** and facades fronting this court must be (if replaced) as close to the scale and detail of the existing court as possible.

5. ***The stepped profile*** of the Beach Street façade must be maintained, and not flattened into a less-articulated horizon.

6. The architecture must exhibit ***a spontaneous hand-made finish,*** with undulating surfaces, blunted (rounded) corners, and various trowel patterns as on the existing landmark.

Exhibit M

LA BAHIA'S QUALIFICATIONS
AS A *NATIONAL REGISTER* LANDMARK

Most landmarks can cite only one or two elements of importance,
but La Bahia has *seven areas of importance*

Q1. TOP RATED LANDMARK: This is a listed landmark on the city's *Historic Building Survey,* where it was rated "Excellent" for its architectural merits (Q4 & Q6). Even with some historic windows replaced, the survey said La Bahia retains its historic integrity. In 1984, John Gilchrist upgraded its rating to "Exceptional" when factoring in historic significance (Q2, Q3 & Q5). It exceeded Historic Resource status as one of three public buildings (with the Octagon Building and Pogonip Clubhouse) out of 20 designated *City Landmarks.* In 1996, it was officially designated as eligible for a coveted National Register listing (NR2), one of only 11 listed in Santa Cruz, which also makes it eligible for a State listing.

Q2. SIGNATURE LANDMARK: The La Bahia is a major element of its historic context. As seen from the wharf, West Cliff Drive, the Main Beach, and the Bay, the Santa Cruz Waterfront is composed of a row of three landmarks: the *Casa Blanca Inn* (1916, a city #2. Aesthetic landmark rated Excellent), next door to the *La Bahia* (1926, city #1. Signature Landmark rated Exceptional), and the *Boardwalk Casino* (1907, a city #1. Signature Landmark rated Excellent, a State Historic Monument, and a National Register-eligible landmark). After the boardwalk Casino, the La Bahia is *the most recognizable landmark defining the Santa Cruz waterfront,* making it a Signature Landmark, which is the highest and rarest kind. The B/SOL Plan lists the La Bahia as *the Waterfront's third most important historic economic asset.* **{p.287¶6}.**

Q3. ASSOCIATION WITH IMPORTANT CRAFTSMEN: La Bahia is the only identified local example of the work of noted architect William C. Hays, a member of the distinguished Berkeley school of folk architects that included Bernard Maybeck, Julia Morgan, and C.J. Ryland. As a leading architectural theoretician lecturing beside Frank Lloyd Wright, Hays became the first teacher at UC Berkeley's school of architecture, where he influenced generations of architects in a half-century-plus teaching career, and designed college structures in Philadelphia, and UC Berkeley, Davis, and San Francisco. The La Bahia lighting fixtures and neon signs were all designed by internationally famed metalwork craftsman *Otar the Lampmaker.* That was the trademark name for John N. Otar, a Russian-native who settled in Santa Cruz, and sold his uniquely styled metalwork at his studio and craftsman stores across the state, and did noted commissions for often major architectural projects, mostly on the west coast. His La Bahia fixtures still exist, and others are fully documented.

Q4. UNIQUE ARCHITECTURAL DESIGN: The architecture of William Hays was influenced by cloistered gardens and the intimate courtyards and passageways of Mediterranean hill villages. La Bahia is a beautiful example of an old world village-style complex rarely seen outside of world's fairs. It creates an oasis of calm in the midst of a bustling tourist area, and obscures the modern world when one enters the complex. The courtyards are designed as outdoor rooms, twisted like stage sets to fool the eye as to scale, and create dramatic vistas. The architecture was designed to be viewed from four sides, adding to any vista of Beach Hill, or looking from Beach Hill over the waterfront. This is the only identified example of Hays work in Santa Cruz.

Q5. CULTURAL LANDMARK: These apartments represent the last piece of the historic Casa Del Rey tourist hotel, a sprawling complex that once included a 300-room main hotel building, a 200-unit Cottage City, the 49-unit Casa Del Rey Apartments (now La Bahia), its own trolley terminal, a railway station under the Spanish Arches, a night club, convention facilities in the Boardwalk Casino, park-like gardens, Championship Tennis Courts, a putting green, and a Golf and Country Club at Pogonip. The apartments were part of this complex at the heart of the pre-war Golden Age of Santa Cruz Tourism. With new apartments rare in the 1920s and '30s, the La Bahia is "...one of the few large apartment complexes of this era still intact" **{Hensbee report, p.3¶4, 1999; Gilchrist report, p.34/1b, 1984}.** The "Sidewalk Companion to Santa Cruz Architecture" called the apartments "...unquestionably the most successful courtyard development in Santa Cruz." The complex was also used as a Naval Convalescent Hospital during WWII, with visits from celebrities, Hollywood stars, and Big Band personalities.

Q6. HISTORIC LANDSCAPING: The La Bahia was isolated on an entirely landscaped block of forests and gardens, as a pedestrian-oriented oasis of natural beauty. Its parking was kept separate on the east side of Westbrook Street. This kind of sequestered landscaping pockets was typical of what locals long called *Rus en Urbe* ("rustic in urban"), creating a country retreat within a busy urban area. It also typified architect William Hay's strong belief that architecture and landscaping must be combined disciplines. **The courts and groves were also noise buffers,** adding to the quieting sense of solitude. The La Bahia was built when Santa Cruz was known as the Flower Bulb Capital of the Pacific (or Holland of the West), and examples of the local flower industry and local hybrids could be found throughout the gardens. Across Main Street from La Bahia, the Casa Blanca gardens were the center of Pelargonium production with its 40 local varieties.

Q7. ARCHEOLOGICAL FEATURE: An historic Mission-era spring was once located in the vicinity of the Court of the Laurels, which supplied Spanish galleons and trading schooners with fresh water **{Skip Littlefield–Boardwalk hGilchrist report, p.35g, 1984}.** Westbrook Street was named after the spring. When it opened, the Casa Del Rey Apartments were reported to contain a spring-fed water-feature in the garden to represent this mission-era history to visitors, and this tie-in may have influenced the mission profile of the La Bahia's Beach Street facade.■

Exhibit M

PREFERRED OPTIONS
THAT KEEP THE LANDMARK LISTED

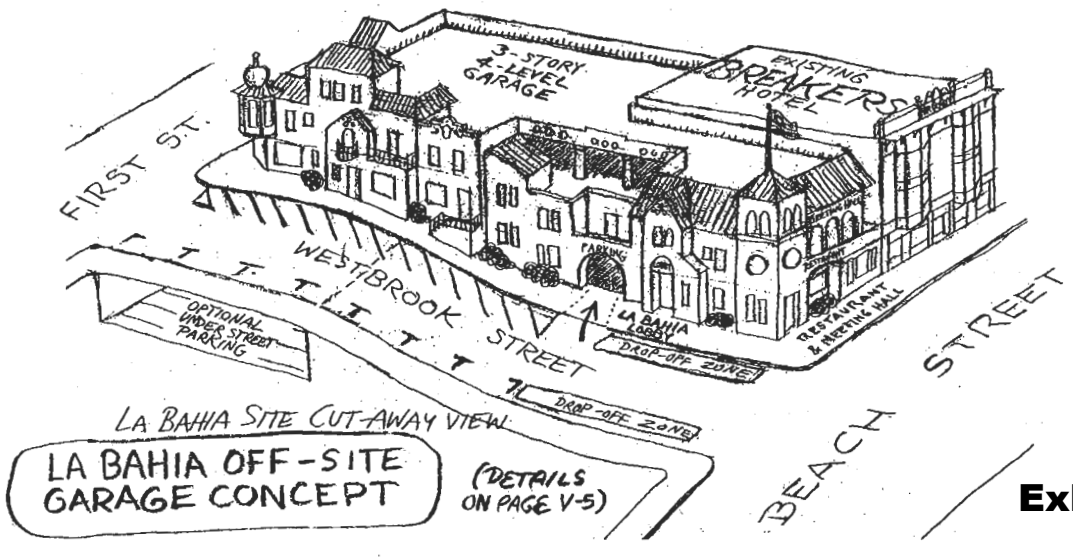
SCENARIOS OF PRESERVATION FOR A NATIONAL REGISTER LANDMARK

HPC made clear from the inception of the highrise project that there were preferred options for development associated with a National Register eligible landmark, detailed in the B/SOL and ARG reports. The following options are for use with either the City Council preferred B/SOL DOUBLE LOT (La Bahia Block combined with the Seaside [Coastview] Motel lot, and/or Bowling Alley lot, as promoted in the B/SOL Area Plan); or the B/SOL rejected SINGLE BLOCK LOT (La Bahia Block only). The B/SOL DOUBLE LOT (without eliminating Westbrook St.) was part of the historic La Bahia property, with all parking kept east of Westbrook St., and this would be the preference for a National Register landmark. The approved Lowrise La Bahia Plan (called Alternative #2) is down at Option #3, while a highrise version is outside the preferred approaches, since additions of overwhelming scale that may detract from the landmark are not recommended in either state or national historic guidelines, and specifically rejected in the B/SOL Plan and ARG Report.

1. SAVE OR COMPLETE UNFINISHED 1926 PLAN: If restored as it is, 50 apartments or (reduced to a bedroom and bathroom) 80 smaller hotel rooms. With a rear lowrise addition, at least 105 apartments, or 135 smaller hotel rooms with a two-level restaurant and conference hall (both about 30'x90'), and six shops (which could be converted to 12 additional hotel rooms for 147 total). Saving the existing landmark can be accomplished through either "Part Restoration/ Reconstruction" or "Near-total Reconstruction-In-Kind." The ideal would be the B/SOL Double-Lot, replacing on-site parking with the revival of La Bahia's original parking area east of Westbrook St. (Seaside [Coastview] Motel and/or Bowling Alley). Westbrook Street should be retained, as the streets frames the garden-block of La Bahia, keeps it separate from parking, and Westbrook provides a drop-off area just off of busy Beach Street. Option 1 would be first choice for a National Register landmark, because it saves all of the original design in the spirit of the architects' vision.

2. RAISE THE LANDMARK UP A STORY ON A HILLSIDE PODIUM: Can be used with options 1 or 3, providing up to a 196-space underground garage (or used in part for underground conference rooms, commercial space, etc.,) all hidden behind a planted hillside slope. This keeps the back of the landmark from being shortened by a parking garage (particularly the Court of the Laurels), it doesn't require two levels of parking (leaving more space for rooms on the second level), and matches the hillside elevation of the neighboring Casa Blanca. Three-stories rising from a planted podium would appear shorter than four stories rising from ground level (even though they'd rise to the same height), because a building is visually measured from where it meets the ground, which on a planted podium would already be one story up. Option 2 would be second choice for a National Register landmark, because it saves all of the original design in its historic context, with only a small adjustment to accommodate parking away from public view.

3. A MORE AMBITIOUS LOW-RISE ADDITION: A compatibly-designed addition coupled with either a total La Bahia restoration/reconstruction (3a), or reconfiguring of a portion of the historic landmark but retaining the majority of its character-defining elements (3b). The La Bahia developer now considers their approved 2003 low-rise proposal as poorly designed, and HPC approved it with conditions to achieve better B/SOL compliance. With this kind of agreement, there must be some middle ground that would produce a project better suited to the landmark, the neighborhood, and the developers. The version of Option 3 that preserves the design of the landmark (3a) would be third choice for a National Register landmark. Versions of option 3 that lose parts of the landmark's design (3b) should make *keeping the landmark listed* as the goal, and depending on how its done, the project *could fit the guidelines* for remodeling a National Register landmark.



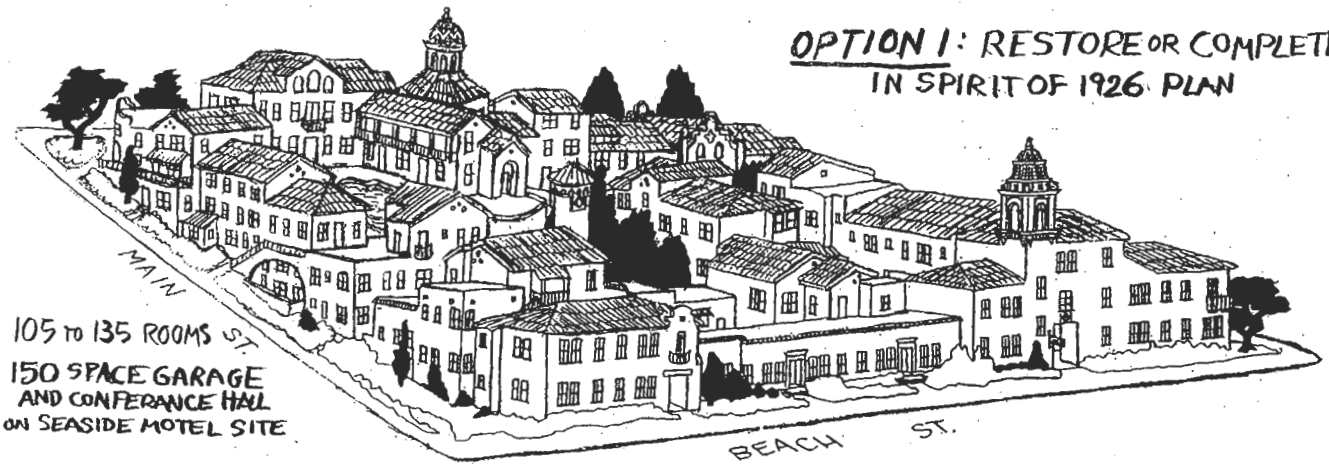
LA BAHIA SITE CUT-AWAY VIEW

LA BAHIA OFF-SITE GARAGE CONCEPT

(DETAILS ON PAGE V-5)

Exhibit M

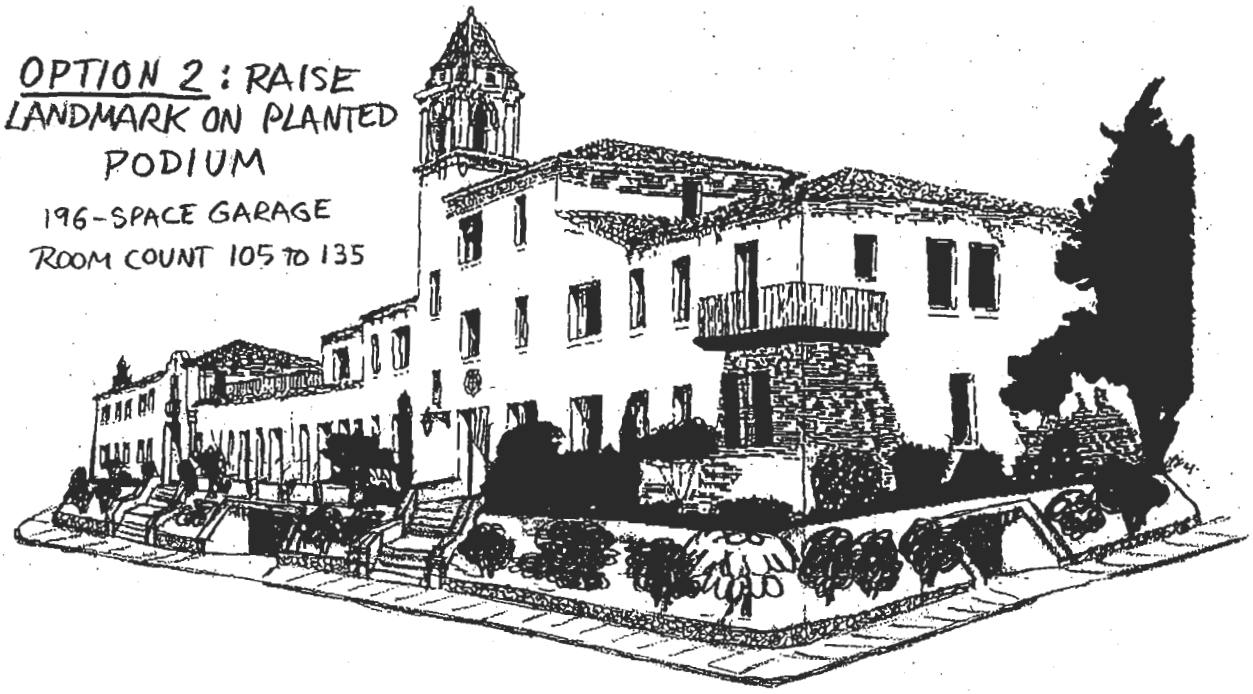
PREFERRED OPTIONS



OPTION 1: RESTORE OR COMPLETE IN SPIRIT OF 1926 PLAN

105 TO 135 ROOMS

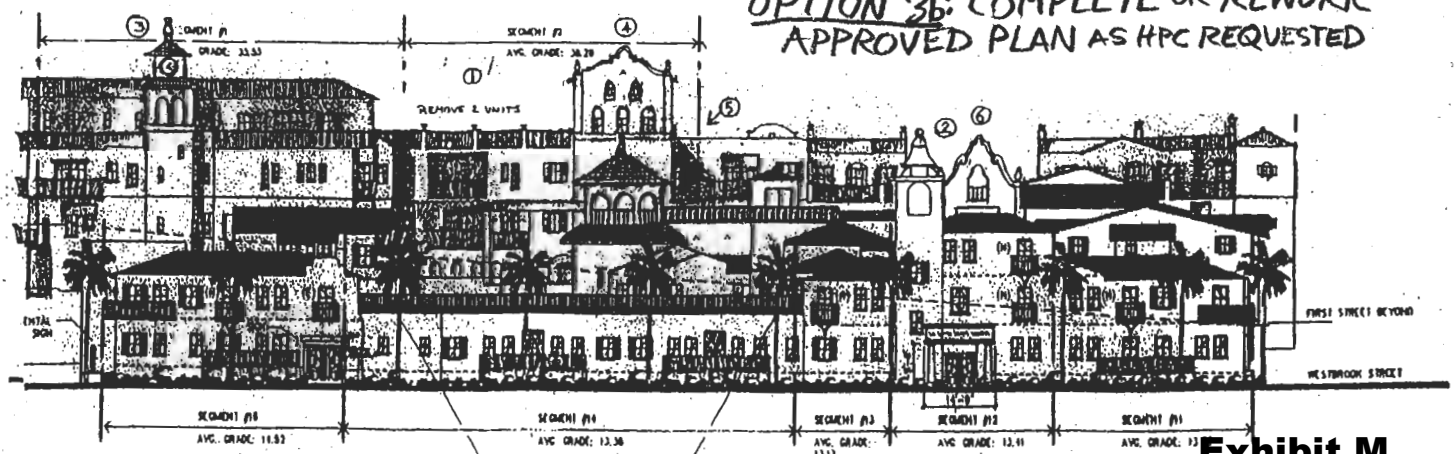
150 SPACE GARAGE AND CONFERANCE HALL ON SEASIDE MOTEL SITE



OPTION 2: RAISE LANDMARK ON PLANTED PODIUM

196-SPACE GARAGE

ROOM COUNT 105 TO 135



OPTION 3b: COMPLETE OR REWORK APPROVED PLAN AS HPC REQUESTED

118 ROOMS

144 SPACE GARAGE

Exhibit M

WILLIAM C. HAYS
Architect & Educator
1873-1963

EDUCATION: William C. Hays was educated in the University of Pennsylvania's new architectural school, and won design awards in 1896 and 1898 to study at Rome's American University, and the L'Ecole des Beaux-Arts in Paris. Hays' 1896 entry was awarded first prize by Charles McKim (of McKim, Meade and White), and built as Houston Hall, the nation's first student union. Hays toured Europe, and bicycled 1,200 miles across England studying its architecture. As part of the Arts & Crafts movement and its emphasis on rustic and rural design, Hays developed an early interest in Medieval architecture, expressive of the terrain, with its cloistered gardens and intimate hill-village passageways.

LIGHT: Back in Philadelphia, one of his earliest collaborations was remodeling a church interior for Louis Comfort Tiffany. Hays became sensitive to designing buildings with plenty of natural light, orienting windows for greatest effect, and he studied the lighting conditions and climate needs of different regions. Hays opposed skylights, as they created bands of light across the room that made reading difficult. Instead, he raised ceiling heights to bring natural light deeper into large buildings. His Philadelphia offices were designing structures from Maine to Florida.

WRIGHT: At a 1901 Chicago convention for the American League of Architects, Hays was the morning speaker, and Frank Lloyd Wright was the afternoon speaker. The convention selected as its slogan "Form Follows Function," from a book by Wright's mentor Louis Sullivan. Hays went to Oak Park to see Wright's latest houses. Wright was using long tan bricks like Hays had for the Student Union, emphasizing the horizontal lines of the landscape. For one house, Wright used a roundabout path to the front door, changing elevations along the way. Hays loved it, quoting Izaak Walton, "The object of a journey is not only to arrive at the destination, but also to take pleasure by the way."

HOWARD: Hays became friends with Philadelphia architect John Galen Howard, a man who'd won almost every medal at the L'Ecole des Beaux-Arts, working first for McKim, Meade & White (America's foremost neo-classicists), then for H.H. Richardson (inventor of Richardsonian Romanesque style, Queen Anne style, and Shingle style). Howard moved to San Francisco in 1902, and Hays joined him in 1904.

COLLEAGUES: Hays was friends with the Bay Area's leading architects, Albert Pissis (Emporium, Flood Bldg.), the Reid Bros. (Piedmont Hotel, Del Coronado Hotel, the New Santa Cruz Theater), the Newsom Bros. (invented Eastlake Eclectic), Willis Polk and Ernest Coxhead (both First Bay Traditional style). Hays commuted by ferry from Berkeley, being friends of east bay architects Bernard Maybeck (Palace of Fine Arts, Mount Hermon cabins), Julia Morgan (Hearst Castle, C.C. Moore House on High St., Scotts Valley Polo Barn), C.J. Ryland (Carmel Mission restoration, Santa Cruz Mission Replica, City Hall, Abrams Bldg.), and his sometime collaborator Bob Evans. Berkeley had mostly the Bay Traditional folk architects, expressing a hand-made nature oriented aesthetic in Thatchite, California Craftsman, Berkeley Brown-Shingle, and Spanish genres.

SCHOOL OF ARCHITECTURE: In addition to their architectural firm, Howard and Hays helped found Berkeley's School of Architecture, defining the three fields of environmental design as Architecture, Landscape Design, and City & Regional Planning. Hays was adamant that *architecture cannot be viewed apart from the landscape,* and insisted students in these separate fields take their first two years together. Howard taught the history of architecture, then turned it over to Hays, who made it one of the school's most popular courses. Hays also designed a number of university buildings, neo-classical for UC Berkeley, and Tyrolean rural for the UC Davis agricultural college.

BOHEMIAN GROVE: Hays and Howard loved vacations to the nearby mountains and seashore. And with fellow architects, clients and collegians fond of attending the Bohemian Grove retreats, Hays finally went, and over the years ended up writing and staging events, and designing stagesets. Hays also designed a number of the grove's buildings to blend in with the rustic setting, and also laid out camps to create "staged" natural vistas and panoramas. It was here that he developed a sense for the theatricality of architecture and landscape.

EARTHQUAKE: When the 1906 earthquake devastated San Francisco, Daniel Bernham (head of the Chicago School of Design) sent his associate Edward H. Bennett, who worked with Hays to revise the Bernham Plan for San Francisco. Howard and Hays were the first architect to return to downtown San Francisco after the quake, working in a windy, windowless building. Granite was the preferred building material, since all Portland Cement had to be imported from Germany. But Hays and his structural engineer John Galloway had experts test local Davenport cement and Cowell cement, and proved it was just as good. In 1908, Howard's firm went to work

for the Seattle world's fair, Galloway creating the layouts, and Hays designing the pavilion facades

MEDICAL WORKS: In 1908, Hays left Howard to open his own architectural office. Hays worked hard, saying years later "...Nothing went out of my office in which my hand wasn't in from beginning to end." After an appendix operation in 1912, his surgeon invited Hays to draw up plans for a UC San Francisco Medical School and Hospital. The first building later constructed was designed by the son-in-law of the donor, but Hays designed the second, feeling a good designer can always find a way to relate the new to the old (or the 1917 to the 1918). Hays wing received international praise. He also designed their dental school and teaching hospital.

HOUSING: Hays married distinguished sculptress Ella Hale, and designed their 1921 Berkeley home on Derby St., where they raised two children. The house is now a National Trust landmark. UC Berkeley was subject to the city's planning department and zoning restrictions, but the university had ignored adequate student housing far too long, feeling the town was already full of boarding houses and frat houses (many designed by Hays). Bourgeoning enrollment led Hays to write a well-received report for standardized housing at UC's Berkeley, LA, Davis, San Francisco, and Santa Barbara. He wanted accommodations to be pleasant, not a monk's cell, and versatile enough for different arrangements of the furniture.

CAMPUS PLAN: The debate over how the UC Berkeley campus was laid out, had Classicists who wanted everything symmetrically arranged. Hays criticized the idea of dividing everything into four quarters, by quoting Beaux-Arts professor Julien Guadet, "That isn't symmetry, that's nonsense." Hays preferred Earnest Coxhead's proposal of laying out the campus on a series of terraces, emphasizing the natural terrain. Some wanted a view of the bay's Golden Gate as the focus of every part of campus, but Hays believed in creating a variety of settings with their own focal points, mixing intimate spaces with outward looking spaces.

PHILOSOPHY: In any architecture, Hays believed it was the *layouts*, not the facades or details, which established the architectural ambiance. It was important to have a sense of focus to unify a structure or structures into a cohesive whole. Sometimes the individual parts may be rather modest, but seen together, they add up to a picturesque composition. As in music, a building's parts represent major and minor themes intertwined. Detail should accent a structure, not overwhelm it. Yet restraint should not result in a frigid composition, as enrichments are intended to add interest to the uninteresting, and human scale to the out-of-scale.

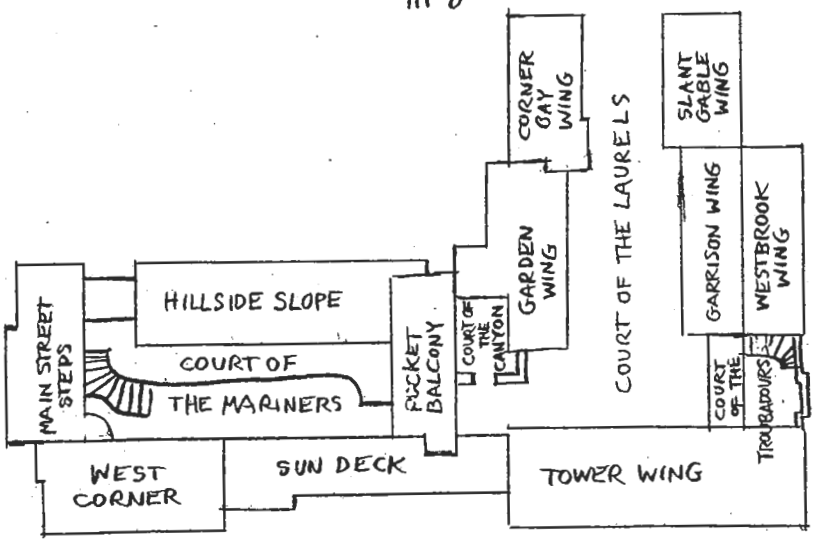
WWII: Hays was chairman of the campus Orientation and Topography Committee from 1941-1945. Berkeley intellect led to the Los Alimos atomic break-throughs. Hays watched the idea of a cultural and pedestrian-oriented campus plan be replaced with a military perspective, favoring science and technology over humanism, and a machine aesthetic that foreshadowed the birth of the Car Culture. Hays retired after over a half-century teaching generations of architects, and died in 1963.

CONCLUSION

LA BAHIA: In Hay's 1926 Casa Del Rey Apartments (La Bahia), we see the culmination of a lifetime's development in architectural theory. The wings are humble with accents of ornament, yet their layout is what makes them cohesive as a unit, with a stepped skyline leading the eye to the focal tower. Wings reflect major and minor themes designed to work together, and are arranged in high and low elements for optimum natural lighting conditions. The complex is laid out to express the topography and nature (uniting architecture and landscaping); has deceptive scale to make small spaces feel more spacious (a stagecraft technique), with consciously staged views and vistas (learned at the Bohemian Grove). It expresses his love of medieval cloistered gardens and intimate Mediterranean hill village corridors, whose meandering paths, stairs and levels agreed with Frank Lloyd Wright "...to take pleasure by the way." To enter this complex is to step back in time for a vacation in the romantic past (his love of history), in an oasis of calm in a bustling waterfront. Hays avoided a four-square layout for a more spontaneous arrangement, creating each space with a different focus. He was known for his simple yet comfortable accommodations, so even the apartments are a significant interpretive feature; and we know this wasn't the work of an assistant, for he had his hand in every project from beginning to end.

LOCAL GIANTS: Santa Cruz has architectural examples designed by the leading Berkeley folk-craftsmen. Bernard Maybeck did several cabins in the Santa Cruz Mountains, Julia Morgan did C.C. Moore's High Street estate, the Scotts Valley Polo Barn, and a couple others; and C.J. Ryland designed city hall, the mission replica, and a number of streamline buildings in Santa Cruz and Soquel. But La Bahia is *the only known work by Wm. Hays in Santa Cruz,* a "Signature Landmark" for the Santa Cruz waterfront, and eligible for the National Trust Register of Historic Place.

Exhibit M



INVENTORY OF 12
LA BAHIA BUILDINGS

There are 12 structures that make up the La Bahia complex. The B/SOL Plan & ARG Report grouped them into six units, but I prefer listing them as 12 buildings with the following names for easier reference. The B/SOL Plan uses a Primary and Secondary rating system, but I've cataloged them according to A. Of Stand-Alone Importance as a Feature; B. A Secondary Element; and C. An Ambient Feature whose importance is in context with the whole.

1. THE TOWER WING (A): This is the key character-defining element of the entire complex, whose main breezeway frames the chief vista of the Court of the Laurels.

2. THE SUN DECK WING (C): While a minimal element in itself, it parallels the California Mission Arcade as essential to its oceanfront profile (according to the Architectural Resources Group evaluation). It shows off the Hillside Slope facade from Beach St., and gives a two-level feeling to the Court of the Mariners with its popular Roof Garden patio, like the deck of a ship.

3. THE WEST CORNER (B): A bookend to the Tower Wing, with an Espadana, balcony, and breezeway into the Court of the Mariners

4. MAIN STREET STEPS (C/A): From Main Street, the profile combines with the West Corner to climb the hill in a variety of level changes, a facade rating a C. Yet their most interesting features are inside the Court of the Mariners, with its round tower and serpentine stairs, rating an A.

5. THE HILLSIDE SLOPE (A): This could have been treated as a level group of rooms, but the cluster of hill cottages climbing a ramp best exemplify the landscape, and is an authentic reflection of the Mediterranean hill village. This is only second in importance to the Tower Wing, because it peaks over the Sun Deck Wing as a set-back of the primary facade vista, introducing depth and an implied village skyline behind.

6. THE POCKET BALCONY WING (B): This features a prominent balcony, and includes the Rabbit Hole breezeway stairwell with its Spanish screen. From the Court of the Laurels, the Pocket Balcony Wing appears as a separate enclosure, made by the Tower Wing with its overhanging box-bay window, and the Garden Wing with its garden gate into the Porte del Paso.

7. THE GARDEN WING (C): Like the Sun Deck Wing, this low minimally designed building is both a light-well to this courtyard, and a view corridor to the unbuilt "Court of the Fountains." The Garden Wing includes a breezeway to the unbuilt court (used as a garden and parking lot). The Court of the Laurels is a vista of cascading stairs and terraces, and the Garden Wing mirrors this in the skyline, being low enough to show-off the court's most important structure, the Corner Bay Wing.

8. THE CORNER BAY WING (A): This is the prominent architectural feature in the Court of the Laurels, with its corner bay window floating like a lantern over the garden.

9. THE SLANT GABLE WING (B): This structure has a flat roof leading up to a gable, but the gable is placed at an angle so it can be seen from the garden entrance. This is one of the tricks in perspective that turns a garden vista into a stageset for dramatic effect. The Court of the Laurels narrows as it climbs the hill, making it appear (when it ended in a forest) to disappear into the distance, and buildings are subtly downscaled, appearing full size, yet making these small spaces appear roomer.

10. THE GARRISON WING (B): This wing is garrison-style with a projecting second floor. It mirrors the corner bay window's overhang on the other side of the Court of the Laurels, and creates light and shadow that add dimension to the space. One can't tell that the Garrison Wing has a shed-roof, which slopes in towards the courtyard, creating optimum natural lighting, and receding horizonlines.

11. THE WESTBROOK WING (C): This simple wing has a variety of rooflines, all creating a sense of the landscape along Westbrook Street rising as it heads toward First Street.

12. THE TROUBADOURS STAIRWELL (A): This is one of those hidden gems that is both a pocket courtyard and a stairwell. It combines an entry gate, Juliet balcony, and breezeway into the Court of the Laurels.

While this evaluation rates the La Bahia wings in terms of foreground, secondary, and background elements, one should not think that removing all the lower-rated structures won't adversely effect the composition. As the Architectural Resources Group stated in their 1998 La Bahia analysis (italics added): Character defining features *might not be significant when judged alone,* but when viewed together these elements contribute to the overall character of the resource. When single features are removed the integrity of a resource as a whole is affected. Hays said that, like a symphony, architecture needs major and minor themes working together.

This is seen best when assessing the three courtyards featured in the complex. These courtyards

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were designed as outdoor rooms, arranged to create certain vistas. So appraising wings as individual structures can overlook that in context they were designed as a unit to frame these courtyards, with the relationship of the wings arranged to show-off each element to its best, to frame some vistas in breezeway arches, and provide lighting and shade for the gardens. The Architectural Resources Group identified *all* the wings around the courtyards as character-defining elements to be saved.

INVENTORY OF THE 4 COURTS

COURT OF THE LAURELS (A): This is framed by the Tower Wing (A), the Pocket Balcony Wing (B); Garden Wing (C), Corner Bay Wing (A), Slant Bay Wing (B); the Garrison Wing (B); and the Troubadours Stairwell (A). The Court of the Laurels has four terraces. The lower one is a Moorish Garden, with a lawn surrounded by Italian Cypress and a central water basin, recalling the historic Mission-era spring that supplied mariners. The garden is bordered by a low path and a high path reflecting the slope to the northwest. The next level is the Bulb Garden terrace, with its central flowerbed. An octagonal stairway through elegant gate posts leads to the Patio Terrace. Two trees flank another stairway leading to the Laurel Terrace at the top of the garden. This has a tile-framed monument, and once led to a laurel grove garden beyond.

COURT OF THE MARINERS (A): This court is regarded as "...nearly as significant..." or "...only slightly less significant..." as the Court of the Laurels. It is framed by The Sun Deck Wing (C), the West Corner (B), the Main Street Steps (C/A), the Hillside Slope (A), and the Pocket Balcony Wing (B). The Court is best seen framed in the Rabbit's Hole gate. Entering from the Porte Del Monte, one catches glimpses of the ocean, a view that slowly changes as one walks down the slope into the garden. From the Sun Deck, one has a sweeping view of the waterfront, or a view of activities in the Court of the Mariners from above.

COURT OF THE TROUBADOURS (A): This passage is a true delight, framing a scene out of Romeo and Juliet, and enjoying filtered light through the nearby cypress and pine trees. This is the ultimate in stageset architecture, and shows the genius of Hays in making what others would regard as small, throw-away spaces, into a magnificent and evocative delight.

COURT OF THE CANYON (B): This is a semi-open garden court leading to the canyon.

INVENTORY OF FEATURES
40 Important Elements

THE 12 WINGS

1. The Tower Wing
2. The Sun Deck Wing
3. The West Corner
4. The Main Street Steps
5. The Hillside Slope
6. The Pocket Balcony Wing
7. The Garden Wing
8. The Corner Bay Wing
9. The Slant Gable Wing
10. The Garrison Wing
11. The Westbrook Wing
12. The Troubadours Stairwell

THE 4 COURTYARDS

1. The Court of the Laurels
2. The Court of the Mariners
3. The Court of the Troubadours
4. The Court of the Canyon

THE 7 PASSTHROUGHS

1. Porte de La Bahia or Tower Breezeway
2. Mariners Gate/Mariners Breezeway
3. Porte Del Monte (Main St. entrance)
4. Rabbit's Hole Breezeway (Laurels/Mariners)
5. Porte Del Paso (Canyon Breezeway)
6. Tunnel of the Troubadours
7. Arch of the Troubadours (not a breezeway)

THE 4 GARDEN STAIRS

1. Court of the Laurels Terrace Steps
2. Juliet Staircase (Troubadours)
3. Mariners Staircase & Ramp
4. Sundeck Stairs

THE 5 BALCONIES

1. Tower Corner Balcony
2. Mariners Gate Lunar Balcony
3. Mariners Turned-Posts Balcony
4. Pocket Balcony
5. Juliet Balcony (Troubadours)

ACCENTS

1. Cupola Tower
2. Pillars (Porte de la Bahia)
2. Espadana (Mariners Gate header)
3. Mariners Fish Pond
4. Gateposts (Court of the Laurels)
5. Gateposts & adobe fence (Porte del Paso)
6. Monument (head of Court of the Laurels)
7. Grillwork Screen (Pocket Balcony Wing)
8. Box Bay Window (back of Tower Wing)

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LA BAHIA DEVELOPMENT TIMELINE

ROYAL GARDENS: The Casa Del Rey Hotel was built in 1911, and the site of the La Bahia was planned as a parked called Royal Gardens, bookended by two first class hotels: the Casa Del Rey on the east and Sea Beach Hotel on the west, with a row of tourist rooming and apartment houses on the north. By World War I, a one-story 200-car garage was built along First Street from Westbrook almost to Cliff Street, and the park-space became the one block area west of Westbrook. When the city failed to buy the land, the luxury Casa Del Rey Apartments (La Bahia) were built in 1926. They turning the former parksite into a pedestrian-only block of garden courts and picnic groves, with one-to-two story buildings surrounding a central three-story tower wing. The complex made a park-like space designed to be seen from four sides, with hidden courts that created a secluded setting in the center of the action. All parking was east of Westbrook Street.

CASA DEL REY ERA: The third court of the apartments was never built when the Great Depression commenced. In 1931 the Troyer Brothers placed the Casa Del Rey, Palomar and St. George Hotels under one management, and for the next 30 years dominated the local convention trade, with the Apartments popular for extended stays, honeymooners, and special guests. The Casa Del Rey Apartments became the centerpiece of an apartment district. The Westbrook garage was demolished for a tree-lined turf-covered parking lot, used alternately for gatherings and events.

NAVAL CONVALESCENT HOSPITAL: During WWII (mostly 1943-44), the Casa Del Rey Hotel and Casa Del Rey Apartments were both used for the war effort as a military convalescent hospital. Celebrities, Hollywood stars and Swing Band musicians, visited the soldiers,or performed there for their entertainment.

LA BAHIA LUXURY ERA: The complex was called the Casa Del Rey Apartments up until the 1960s, when it was renamed La Bahia, and upgraded into what journalist Sam Mitchell called "...one of our city's most elegant and exclusive luxury hotels." In spite of the installation of modern windows, when the City Historic Building Survey was compiled in 1976 by Charles, Hall, Page & Asso. (SF), the landmark scored "Excellent" for retaining its historic integrity and character, but would have ranked "Exceptional" if evaluated as a national landmark.

CRIMINAL OWNERS: Then in 1979 owner Harry Stutz sold the property to a group of investors whom Stutz said *bought it for the land, not the landmark*. Their tenancy was marked with zoning violations, zero maintenance, vandalism, on-site drug dealing, and one owner jailed for insurance fraud. In 1985 a resident complained these owners "...have worked hard to make sure [La Bahia] *can't* be renovated."

CRIMINAL DEVELOPERS: In 1984, Thomas Underly, through Texas RJS Development Co., proposed replacing the La Bahia with a Hilton Convention Center Hotel, at first to be four stories, 230-units with a 350-space underground garage with a zoning height and density variance. The city council liked the concept, *but balked at four stories,* so the project was reduced to 200-210 units, 3-to-4 stories, with a 400-space garage. The proposed modern motel design also turned people off, so a more articulated modern Spanish design was offered to reuse a few of the historic features. But a required historic overview by Mary Ellen Ryan for John Gilchrist and Asso. reaffirmed the landmark's historic significance. And when two lawsuits for $100,000 in unpaid debts were launched against the developer, the Seaside Company bought the La Bahia in 1985.

1ST PRESERVATION PROPOSAL: A grateful Santa Cruz County Historical Trust offered to award La Bahia a blue heritage plaque, but the Seaside Company refused it. In 1988, Barry Swenson Builder tried to interest the Seaside Company in a scaled-down 120-room La Bahia, saving the courtyards and most of the existing landmark with new construction in the northwest corner, and a lobby at First and Westbrook streets, heading the Court of the Laurels. The project was not accepted, citing too many stairs to provide room service with wheeled carts.

ARTS COOPERATIVE: A year later, the 1989 earthquake occurred, causing extensive damage in low-lying areas of the city such as Downtown and the Waterfront. The La Bahia suffered mostly cosmetic damage, and continued to be occupied. To develop post-quake recovery guidelines, a panel of 36 people representing local government, business and citizen interests was created and named *Vision Santa Cruz*. Its workshops identified the Cooper House as the Heart of Santa Cruz, being our 1895 Richardsonian Romanesque courthouse, used as a cooperative of

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shops and restaurants highlighting local arts, crafts, foods, music, and hard-to-get items. When it was hastily demolished nine days later, Vision Santa Cruz proponents suggested that the La Bahia be fixed up as a new Cooper House-style arts cooperative.

BIG BOX STUDY: In 1995, Scott Hospitality Consultants conducted a space-study for replacing La Bahia with a 275-room hotel and 15,000 sf. of meeting space, restaurant, pool and spa, saving only the La Bahia cupola. However their model showed that to get this high-density required a four story Walmart-style concrete box with a central pool court . Deciding this was too much density for the site, in June 1996, the City Council adopted the Plan Strategy to consider two formats: The *One Block La Bahia*, with 120-200 rooms; and the *Double-Lot La Bahia* (abandoning Westbrook St. and adding the Seaside Motel, which was the original La Bahia parking lot) with up to 300-rooms. In January 1997, the City Council endorsed the *Double-Lot La Bahia* as the preferred approach.

NATIONAL TRUST-ELIGIBLE: In 1996, Ward Hill, the city's hired historic consultant for Beachfront guidelines, determined that the La Bahia qualified for the National Register (NR) under criterion "C," which refers to resources "that embody the distinctive characteristics of a type, period, or method of construction, or that represent a significant and distinguishable entity whose components may lack individual distinction." This raised the La Bahia from an NR-5 landmark (of local interest only) to an NR-2 (determined eligible for the National Register of Historic Places).

BEACH AREA PLAN: In 1997-98, the Beach/South of Laurel Plan (called the B/SOL Plan) was being assembled. It called for 36 foot height-limits (43-feet on the La Bahia site), third-floor setbacks, construction that expresses the topography, roof articulation, use of balconies, terraces, courtyards and plazas, and architecture suitable to the existing style and scale of the area's historic buildings. When the *Double-Lot La Bahia* approach was incorporated into the plan, the report determined that while 300-rooms were possible, *a high-density approach "...might prove to be bulky and unattractive."* In January, 1997, the City Council endorsed guidelines for a *Double-Lot La Bahia*, with compatible Spanish Colonial style additions, *a commitment to keep the landmark and retain its chief features,* use the Cocoanut grove for meeting space, with most parking off-site (offering Main & Second, or the Surf Bowl as possible sites).

HISTORIC FEATURES: In Sept. 1997, the Architectural Resource Group identified La Bahia's important features for the B/SOL Plan. These were described as *the entire Beach Street facade,* all the buildings comprising the Court of the Laurels, but with the Court of the Mariners *nearly as significant.* In addition, "...the building elevations surrounding the courtyards, the passages into the courts, as well as the scale, massing and buildings' details *are all character-defining elements* that contribute to the significance of the La Bahia complex."

KING VENTURES PROPOSAL: In 1999, a San Luis Obispo firm proposed a high-density lowrise facility, but contrary to B/SOL used Spanish modern design, with unattractive rows of identical repeated features like a mass-produced housing development, and long flat horizonlines. It was not pursued.

SWENSON PRESERVATION PLAN: In 2002, a preservation project was proposed for a 118-unit hotel with a 144 space underground parking facility. It was a two-phase plan, in which much of the existing landmark would be restored or rebuilt in the first phase, "so if the project fails, at least you'll get a restored landmark out of the deal," Swenson representative Jesse Nichol said. Every building was to be restored/reconstructed exactly, except the Court of the Laurels wings 7, 8, 9 & 10, which had a third story added. In the second phase, a new wing would be built on the rest of the lot reaching only 38-feet (5-feet below maximum height limits), with surface parking replaced with a stacking system for underground on-site parking. To keep the project on its timetable, the HPC approved it, with the condition the second phase would not be built until the Swenson Co. worked with an HPC subcommittee to iron out some of the unacceptable features. These included flat horizonlines, large blank walls, deepened Court-yards, and designing a more compatible facade to head the Court of the Laurels, etc. The project and its conditions were approved by the City Council in 2003.

SWENSON HIGHRISE PLAN: The business model Barry Swenson Builder thought had been pre-sold, was rejected when the company went to finance the approved project. This was followed by the failure of the controversial Coast Hotel project in 2005 (not a Swenson project), which flouted local architectural guidelines and height limits with an unpopular modern design, then withdrew it when the issue was put on the ballot for the voters to decide. Barry Swenson Builder decided a highrise La Bahia might incorporate some of the Coast Hotel's proposed features.

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EVOLUTION OF THE
LA BAHIA HIGHRISE PLAN
A Personal Perspective
By
Ross Eric Gibson

CONVENTION HOTEL: My family owned a business that relied on the Santa Cruz convention industry during its golden age, an industry which provided year-round customers for once-seasonal hotels, auditoriums, shops and attractions. The economy crashed after the 1955 flood when all first class hotels were turned into retirement homes, and were substituted only by new highrise motels in their gas-station aesthetic. This room shortage gave even the cheapest-built motels over-priced rooms. I have long promoted restoring the convention trade with first class facilities. But such a project shouldn't sacrifice the very attractions that draw people here, such as our natural setting, or historic landmarks.

COAST HOTEL: There's an impression that development in Santa Cruz is difficult, based on a series of failed projects that were the subject of much controversy. Yet the truth is, Santa Cruz has *very specific and well-articulated expectations and guidelines*, forged in the fires of public meetings to help developers avoid these flashpoints. Projects fail when a developer tries to circumvent them, or disenfranchise public demands to *follow* these guidelines. Case in point is the Coast Hotel (former Dream Inn). It's an ugly highrise motel that has never fit into its historic neighborhood, the romantic waterfront, or its natural setting, and its excessive scale led to the creation of city height limits in 1973. There was overwhelming public support for the idea of replacing this eyesore, and enthusiasm for constructing a first-class conference hotel. Yet the proposal to replace the modern structure with yet another modern project was considered out-of-keeping with the stated General Plan-B/SOL architectural guidelines and height limits for the site. And by dismissing all suggestions of how to alter the modern design in a way that would bring it in keeping with existing guidelines, the project alienated much of the community, and its remaining supporters were luke-warm. The hotel assumed it would win on the city's desperate need for first class conference hotel facilities and revenues. But ignoring community demands led to a ballot initiative to let the public decide the hotel's fate, and the hotel withdrew the project in 2005 citing bad public relations.

NEAR-TOTAL DEMOLITION: When Barry Swenson Builder abandoned their approved La Bahia restoration project in 2005, they told HPC they were exploring a near-total demolition, and wanted our reaction. Commissioners said it was not a preferred direction, as we are a *preservation* commission. But if it retains its historic integrity and follows historic guidelines for reconstruction, we would *consider* it; but this was not an endorsement, and some felt the highrise massing couldn't be approved as originally presented. The developer may have left this meeting with the impression HPC had signed-off on demolition (as newspapers reported in 2007), and must have assumed historic guideline's no longer applied, leaving them free to build whatever they wanted so long as it had vague impressions of the La Bahia.

PUBLIC MEETINGS: I attended the public meetings to see what plan was being developed for the protected landmark. The slide show presented a three-story box terrace with a swimming pool on top, the Court of the Mariners opened up as a traffic alley, and two highrise towers at the back of the lot. Two scenarios showed the towers as either both 5-stories or 7-stories above Beach Street, being either 3-stories or 5-stories above First Street. I looked for any character-defining features of the La Bahia in the proposal, but the Court of the Laurels was turned into a three-story pit and even the historic cupola was completely different, indicating this was a complete teardown without a single reconstructed element. During the public comments period, I said (the exchange paraphrased):

GIBSON: This doesn't appear to be an acceptable approach for a landmark, to get an Historic Demolition permit. Why didn't you start by finding out what criteria HPC required in this kind of replacement project?

BUILDER: We already know the parameters from the previous La Bahia project.

GIBSON:: But the approved plan was a *preservation* project. This is totally different as a *complete teardown* without any historic mitigations.

BUILDER: We did the St. George Hotel replacement the same way. With La Bahia, we tried preservation, and it didn't work. So now we're only using overtones of La Bahia on a modern building.

GIBSON: When you say preservation didn't work and made the approved plan impractical, you make it sound like the approved plan was something impractical *forced* on you by the HPC. But that was how *you* designed it, and *we* were the ones with concerns about parts of the project. But we were lenient and let you get what *you* requested because of the amount of preservation you had committed to. And when you were unwilling to resolve several design concerns we had, and requested we make a quick decision to fit your funding timetable, we *approved it with conditions* that these issues be resolved before the modern element was built.

BUILDER: I apologize if we implied the Preservation Plan failed because it involved preservation, because that isn't the case at all. We thought we had our business model pre-sold, but our investors wouldn't fund it. Our company has done numerous preservation projects, and

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we are committed to preservation whenever possible. We didn't want to make the mistake of the Coast Hotel by not talking to the neighbors first.

GIBSON: The Coast Hotel failed by not following the General Plan and B/SOL guildelines for fitting into the neighborhood. I think you're taking a big risk by ignoring HPC in the project's formative stages.

BUILDER: Nothing is written in stone yet, and it's still early enough for anyone to influence how to improve this highrise concept.

RENDERINGS: Several First Street neighbors of the project said they were losing their views whether the low-rise version or the high-rise version was built, yet they felt the 5-story version was an improvement over the approved low-rise design, whose renderings were shown side-by-side projected on a screen. I wasn't sure if they were truly responding to the design, or to the fact the approved low-rise design was painted in drab colors, dark shadows, and scant landscaping; and the high-rise version was painted in bright, fresh colors, minimal shadows, and prominent landscaping. There were a few who preferred the original landmark to be unaltered, but everyone who mentioned it disliked the 7-story version. Later meetings were advertised as updating the design to reflect the public input, but when the exact same illustrations were shown, some complained nothing had changed, to which the developer replied the updates were being made verbally, and that the 7-story version had been discarded.

TRACKING THE PROGRESS: I attended all the public La Bahia meetings, even though they were often the same presentation, just to hear what different groups of neighbors or business leaders had to say. Business and labor groups were generally more interested in the financial aspects, some blaming those advocating for a better design as holding up local prosperity. Each month, HPC placed the La Bahia on our agenda as a discussion item, to update the developments coming out of each meeting, and to hold-open a slot in case representatives from the developer ever wanted accept our repeated invitations to show up and talk to us.

DESIRE TO HELP: I told the developers our commission was anxious to be briefed before the project solidified, to be sure it avoided any items our guidelines couldn't support. The longer they stayed away at this crucial time in the project's evolution, the more one wondered if they were trying to gain public support for a plan unacceptable to HPC, to make commissioners look like obstructionists. Instead, they said they were on a timetable to have seven meetings with the public first for almost a year, before having their first meeting with a department of city government like the HPC. I explained HPC was formed out of neighborhood protection groups, so our duty is representing the public interest in quality-of-life issues regarding community heritage. My anxiety was due in part to the fact I truly like and respect this firm, and didn't want them to head down a blind alley, creating some *taxidermy oddity* out of the corpse of our landmark.

INITIAL RESPONSE: When HPC was finally granted a formal presentation, a lot of pent-up criticism was expressed at the historic deficiencies, even from those who liked the design. Two commissioners said it was a better concept, two were non-committal, and three felt it was inappropriate and not historically mitigated. The replacement project must have *something* that convinces HPC to demolish an important landmark. The same subcommittee formed to guide the approved low-rise project to completion in 2002, was invited to meet with the developer's in-house architects to offer suggestions on how to make the high-rise project better. Yet there was never a change from the two highrise concepts introduced from the beginning. The project remained a total demolition of the landmark, two high-rise structures at the back of the lot, the Court of the Mariners redesigned as a traffic alley, and the cupola saved to recall the landmark.

SUBCOMMITTEE: The subcommittee was grateful to have some input, and we enjoyed cordial and lively discussions, and felt they paid close attention to many of our points. The subcommittee reminded the developer that when HPC feels a project is doing all the right things for the landmark, HPC can advocate for greater flexibility with site regulations to meet these goals. I was sincere and diligent in my efforts to make the project work, and provided several reports on what character-defining features were important, and how Hill-Village style is designed. We said our goal was to have a project that didn't need to be delisted. At each meeting, David brought up that BSB hadn't considered the practicality of preserving the most important wing, but was always dismissed with one excuse or another. To which I would respond that national standards for preservation also allow for historic reconstruction. This we were told was faking history (although the National Standards didn't agree), and once demolished, they were obliged to do something modern.

MINOR IMPACT: After three or four meetings, BSB ended our sessions. In the end, BSB only permitted cosmetic changes to the highrise project, and never included an opportunity for the subcommittee to seriously discuss alternative layouts better suited to the General Plan and historic

Exhibit M

guidelines. I didn't want my reports used only to adorn and justify what was done wrong, but to help do it right. The subcommittee wanted the roofline stepbacks in both courtyards preserved (as recommended in the B/SOL Plan) to retain articulation of the wings and the garden's natural lighting conditions, but BSB preferred flat three-story wings.

POSITION STATEMENT: We learned later our inability to make headway on many of our historic issues was due to what the developers termed their *non-negotiable* goals, such as *a Beach Street traffic courtyard, a giant pool deck, and eliminating obstacles to rolling-cart and wheelchair access for all rooms, uniform rooms with ocean views, and all parking on-site.* To the very end of the subcommittee meetings with the developer, we reiterated that *they had yet to insert historic mitigations* that would justify losing the landmark. We listed what these would be *if* this highrise were an approach we could consider; and because these were *not* included in their design proposal, we made them into our commission's formal La Bahia Position Statement.

NEIGHBORS: Meanwhile, Beach Hill neighbors began discussing the project at their own neighborhood meetings, and some who supported it, now found its height unacceptable. Part of this was due to the confusion over the height, as some said they had supported a 5-story version thinking the 7-story version noone wanted was dropped, only to realize the developer meant 5-stories above First Street, which was 8-stories above Beach Street. Neighbors began circulating a petition against the project, and submitted it to the EIR process.

DEVELOPER'S
NON-NEGOTIABLE AGENDA

1. 100% PARKING ON SITE, so the hotel can be sold as a stand-alone property.
2. UNIFORMITY IN ROOMS, so every condominium-owner will get the same number of rentals.
3. ALL OCEAN VIEW ROOMS.
4. 100% FLAT ACCESSIBILITY to all rooms for service carts and wheelchairs.
5. 100% ENCLOSED HALL ACCESS to all rooms for service carts.
6. A LARGE POOL DECK.
7. A GREEN PROJECT.
8. MOTORIST ACCESS FROM BEACH ST.
9. 100% MODERN BUILDING CODE, to prevent lawsuits [from willful exposure to history?]
10. 100% LANDMARK DEMOLITION & DELISTING (later adding to save only the cupola).

BEACH AREA DESIGN GUIDELINES

...Design Guidelines [for] ...the Beach Commercial [Zone between Beach St. and Second St., first adopted July, 1980, p.71. Headings added for emphasis]:

▪THE CLUSTER LOOK: New development and extensive renovation... should feature variations in height and orientation of roof planes, *so that a single building will appear to be a cluster of smaller structures....*

▪HISTORIC CONTEXT: Development...should reflect the character of the best architectural examples in the immediate vicinity.

▪PEDESTRIAN FRIENDLY: The number of curb cuts and driveways into specific sites should be minimized as much as possible....

▪PEDESTRIAN SCALE: Stark, blank walls facing the street should be avoided, and architectural features should be incorporated *which create a human scale at pedestrian level.*

▪NO MONOLITHS: Development or major renovation here should be of a height and width as to be seen as part of the total scene, and avoid appearing as an individual monument with no relationship to the overall image of the street....

LOCAL COASTAL PROGRAM

BACKGROUND B. SPECIAL COMMUNITIES. [States in part]:

❖ What are the characteristics that make this area distinctive?

❖... Are there facilities for pedestrians...?

❖ Does the area have focal points? Landmarks?

❖ What are the visual problems (such as confusion/chaos, out-of-scale buildings, overhead wires, uninterrupted asphalt, etc.)?

SCENIC CORRIDORS B. NEW DEVELOPMENT:

❖ Regulate building height and setback to protect the field of vision in the scenic corridor

❖ Require development to be low-profile on hillsides; hilltop development is to blend with the surrounding public viewshed to the maximum extent possible

❖ Require all new development to meet adopted County Design Criteria administered through zoning, subdivision, and building permit procedures.

❖ Require new development to be sited, designed, and landscaped so as to be visually compatible and integrated with the character of surrounding areas. (policy 6.2.2)

❖ Require mitigation of obstructions to the field of vision in Scenic Corridors through site design or screening

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HPC'S ROLE IN THE PROCESS

DECISION MAKERS: Of the three agencies required to decide on the La Bahia Highrise proposal, the Re-EIR makes the Historic Preservation Commission (HPC) seem a minor player, since the Planning Commission is the "lead agency," and the City Council makes the final decision. But the Historic Preservation Commission is the *first* of those three agencies to offer their verdict, because there is a National Register-eligible Signature Landmark on the site which the City Historic Building Survey and the B/SOL Plan require preserving. (B/SOL: Beach South-of-Laurel Plan).

HISTORIC DEMOLITION: HPC is the only agency than can issue an Historic Demolition Permit, based on HPC's approval of the replacement project (SC Municipal Code section 24.08.1000, Re-EIR, p.3-14, para.5). The easiest HPC approval is for a project that applies an appropriate addition, restoration and/or reconstruction to an historic landmark, retaining its historic listing. The most difficult approval is for total landmark demolition and delisting, requiring the developer to provide the HPC with something that justifies obliterating a National Register-eligible Signature Landmark.

BAD IMPRESSION: There is an impression in the Re-EIR that an Historic Demolition Permit and Delisting the Landmark are somehow automatic, and HPC approval is not essential to the success of this project. This impression is based on how little effort is made to include an historic preservation component in the proposal, half-hearted attempts to supposedly "mitigate" the loss of the landmark through paperwork and a salvaged fragment, incompetent efforts to represent character-defining features of the landmark in the new structure, and a dismissive tone that condition problems and a happy planning staff free the developers from the B/SOL historic element, national reconstruction requirements and HPC approval or oversight.

NATIONAL STANDARDS: Yet the HPC is the city's sole agency appointed to interpret national preservation standards for this community. We are charged with the protection of our listed historic landmarks for the Citizens of Santa Cruz, and cannot issue our Historic Demolition Permit based on the decision of another body not empowered to make historic findings. (CEQA, sections 21002 & 21002.1, quoted in Re-EIR p.1-3, para.4). HPC must be able to justify through our guidelines that we have acted in the best interest of the landmark and the local-state-&-national community for which it is held in trust.

MINOR LANDMARKS: Not all land-marks have equal protection. An appropriate replacement project is easier for HPC to approve when the landmark is an NR-5/NR-6 vernacular example that simply contributes to the cohesiveness of an Historic District or area. It may have only minor qualifications, or be one of a number of generic copies in the community. Or the proposed replacement project may provide a similar or superior cohesiveness to the surrounding historic properties, as the vernacular landmark had done.

HIGHEST RATING: During the Beach Area Planning process, La Bahia started out as an NR-5 landmark (National Register category 5, of local importance only). But in 1996, a City-hired consultant concluded that La Bahia was actually an NR-2 landmark, meaning it is eligible for a listing on the National Register of Historic Places, the highest rating for a landmark in the U.S. Both an NR-2/NR-1 listing makes the La Bahia a *National Landmark.* This is a rare honor in Santa Cruz, because only 11 of our hundreds of city landmarks are on the National Register. This obviously requires evaluating a project associated with this site according to the highest standards. To that end, the City Council hired a consultant to spell this out in the B/SOL Plan. (See B/SOL HISTORIC CRITERIA on next page).

IMPACTS: The Re-EIR identified *Total Loss of an Historic Landmark,* and *Excessive Height* as the two *Significant Unmitigated Adverse Impacts.* But instead of giving this greater focus, it dismisses them as "Unavoidable," and, while stating some B/SOL historic criteria, misrepresents the project as being in almost full compliance. HPC has been saying from the beginning that these are *not* "unavoidable" impacts, and an Environmental Impact Report charged with mitigating environmental impacts, should be expressing workable alternatives.

APPROVABLE PLANS: Far from attempting to block progress, HPC has long been an advocate for the restoration of our historic convention and visitor-serving infrastructure. HPC already *approved* the 2004 La Bahia project for this same developer, and showed them flexibility in response to their commitment to an important preservation component. Yet we approved it with conditions, that the developer resolve certain architectural elements in conflict with requirements of both HPC and the B/SOL Plan. Our criteria and top three approvable scenarios have been shared with the developer from the start, and were submitted to the 1st EIR and Re-EIR.

Exhibit M

LA BAHIA HISTORIC CRITERIA
IN B/SOL PLAN & ARG REPORT
(The Beach/South-of-Laurel Plan, & Architectural Resources Group Report)

CONFERENCE HOTEL: A 1994-95 study identified the 163-room Dream Inn (1962) and the 44-room La Bahia (1926) as the two sites having the greatest potential for *conversion* to a conference facility, utilizing the Cocoanut Grove Ballroom. This was just after the 1989 earthquake, so the recently-demolished Casa Del Rey Hotel was not included as a candidate, because *only surviving already existing structures were under consideration.* A goal of up-to 300 rooms was targeted, based on the 300 rooms lost when the Casa Del Rey was demolished. Both Dream Inn and La Bahia were identified as having unsurpassed ocean views and beach access. But La Bahia was seen as a more centrally located Beachfront attraction, closer to the Cocoanut Grove Ballroom to use it as a convention hall, which would make it a catalyst for peripheral beachfront improvements serving La Bahia. All amenities were not to be piled on one lot.

SITES NOT INCLUDED: In the meetings, there was an attempt to extend the list of opportunity sites to several prominent lots either mostly vacant or with minor structures. That would include the Casa Del Rey Hotel site, where those sought-after 300 rooms would have less impact on anything around it than the 125 rooms now proposed on the La Bahia site, and the Casa Del Rey could be connected directly to the Cocoanut Grove Ballroom as it had once been. Likewise, the Driftway Motel lot stretching from Second Street to Beach Street east of Terrace Court Apartments, is an opportunity site rated better than the Dream Inn for its proximity to Beachfront attractions. Everything said about the La Bahia is even truer for the block east of it, where Coastview Inn and the Boardwalk Bowling Alley are now located (B/SOL Plan p.121). That lot has superior ocean views, better proximity to the Cocoanut Grove, is nearly the same size but flatter than the La Bahia site, with no preservation requirements, whose two historic buildings (the 1908 Breaker's Hotel and the 1906 Tent City Restaurant on the corner) are not listed landmarks. While a case could be made to restore these landmarks, they would be sacrificed first to save a National Register Signature Landmark like La Bahia.

MISUSE: The post-quake recovery rationale has blurred over time, forgetting that only ready conversion of existing structures was being considered, and proximity to the Cocoanut Grove Ballroom was a strong asset at the time. Yet citing the B/SOL Plan is irrelevant if a total tear-down is proposed, the replacement is so off-base with ARG guidelines as to need delisting, the Cocoanut Grove Ballroom is not part of the plan, and off-site parking (which all the scenarios required) is no longer an option. The Re-EIR has confused the B/SOL criteria by saying the City Council favored a 300 room hotel on the site, but *not* saying the favored project was spread-out over two sites with mostly off-site parking. And the City's 1997 consultant said even on an expanded site, 300 rooms might be too bulky and unattractive. All on-site parking and lacking the Cocoanut Grove tie-in complicates this project, but even accepting that, it doesn't change the nature of how the B/SOL & ARG guidelines are to be applied. The Re-EIR cannot suggest merely including stucco, tiles, and vague impressions of the landmark's features is *full compliance*.

WING ANALYSIS: A map in the B/SOL Plan analyzing the La Bahia's wings, has been misinterpreted to mean the major wings are historically important, and the minor wings are expendable. Architect William Hayes believed major and minor elements are an essential compliment to each other, and the look of individual simple structures was not as important as the cumulative impact of the layout, and the natural lighting this layout provides. The 1996 Ward Hill consultant agreed, noting the La Bahia was qualified as a National Register Landmark under criterion "C," which says in part that the La Bahia "...represent[s] a significant and distinguishable entity whose components may lack individual distinction." And when coupled with the paragraph above the B/SOL map, we learn all the wings are part of some feature worth keeping (B/SOL p.131). ARG said replacement wings should be in the same scale, height, character and footprint as the existing building (ARG p.7).

HISTORIC COMPONENT: The City Council directed that an historic evaluation study be conducted, which concluded La Bahia was an NR-2 National Register-Eligible Landmark. The City Council made clear they wanted the La Bahia either saved, or that its chief character-defining features be incorporated into the new structure. Character-defining feature means an architectural element *"...essential to the perception or understanding of the historic resource; without them the uniqueness of the strucure is lost."* (ARG p.3, Re-EIR p.4-49).

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Incorporation means either saved, reconstructed, or modified without destroying the integrity of the character-defining features. The City Council hired the Architectural Resources Group to identify the most essential character-defining features to be saved. ARG concluded they were:

- THE ENTIRE BEACH STREET FACADE
- BOTH COURTYARDS & THE BUILDINGS THAT ENCLOSE THEM
- THE COURT OF THE TROUBADOURS
- ALL 6 BREEZEWAYS INTO THE COURTS
- THE HUMAN SCALE OF THE LANDMARK
- THE HILL-VILLAGE MASSING
- THE CRAFTSMANSHIP DETAILS
- THE TERRACED TOPOGRAPHY OF THE LANDSCAPE

✔RECONSTRUCTION: ARG said if buildings around the courtyards couldn't be saved, they should be reconstructed exactly the same. If modified, they should be in the same scale and configuration, and retain the historic integrity of the larger composition.

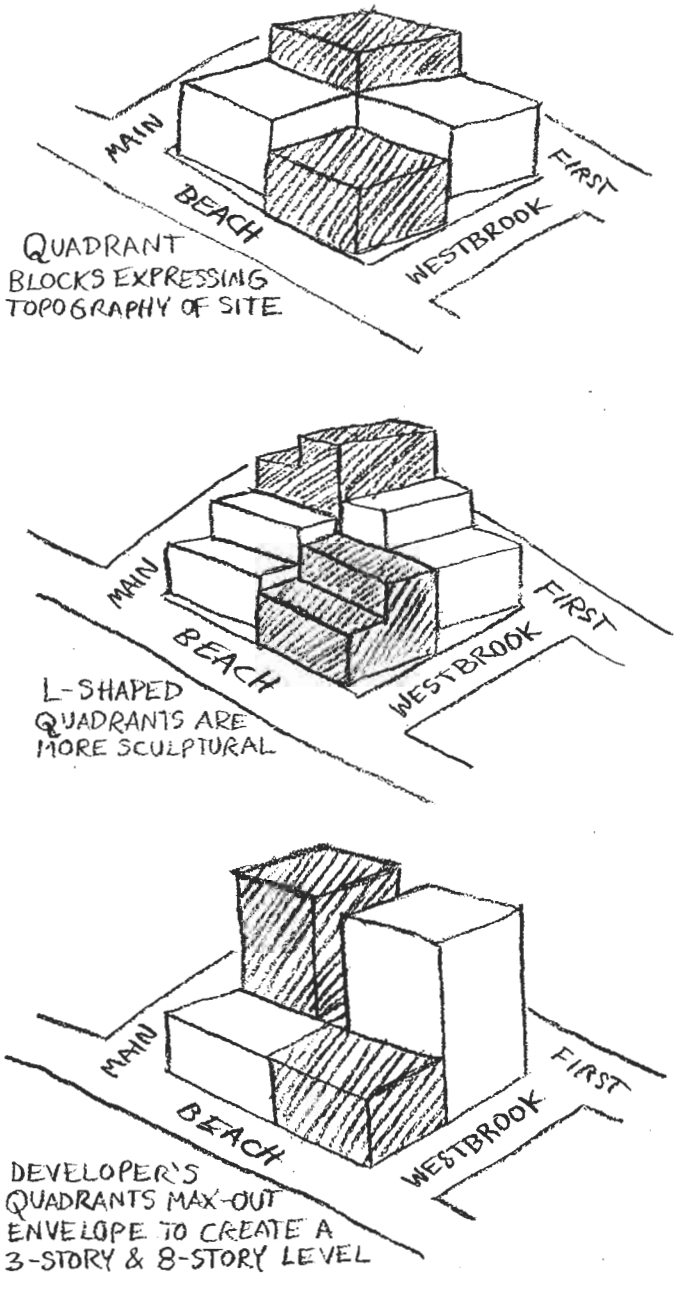
✔COURTYARDS: The courtyards serve as well-lighted outdoor rooms, and are thus key to the character of the La Bahia. New construction should include similar courtyards with individual personalities or themes, that have a sense of enclosure by at least one-to-two story buildings (stepped back after the second floor), should have prominent landscaping, and not be uniformly flat. The new courtyards should not be deep wells or canyons.

✔FOURTH STORY: A fourth story may be permitted on the side and back streets, but only as a setback one-half the distance it rises above a neighboring third story (subject to review).

✔QUADRANTS: ARG said dividing the site into quadrants with separate height limits above grade would help the project step-up the hill, to express the natural topography. Everything 40 feet back from Beach Street would be no more than two-stories in height, then may rise to three stories with occasional 4th floor setbacks where it climbs the hill on Main and First streets, but never more than three stories facing the side streets. Ornamental spires & features would be exempted from height limits.

✔VARIETY: Because the landmark expresses variety of forms, avoid standardized and repetitive design elements in new construction that lend a mass-produced quality. Walls should extend horizontally no more than 25 feet before showing some shift in plain, or articulated feature.

QUADRANT MASSING CONCEPT



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HPC POSITION: Since the developer has been using the B/SOL-ARG plan as their rationale for not saving anything, HPC has been insistent that these B/SOL-ARG features be incorporated into the project as directed. HPC had no luck in two years of direct and indirect meetings and negotiations with the BSB, because the developer's Non-Negotiable Agenda was at odds with this aspect of the B/SOL Plan. So HPC issued a position statement in 2007 to spell it out in our own words, fearing if it wasn't in writing, we might leave the impression we neglected to tell them, or did so only as a last-minute ploy.

NON-COMPLYING: Our position statement grew out of HPC concern over the non-compliant aspects of the Highrise La Bahia Proposal. These are (in the same order as the B/SOL list above):

▪The entire Beach Street facade with its Mission profile, is not retained. The highrise proposal squares off the Beach & Westbrook corner into three-story blocks that compromise its multi-leveled skyline. Eliminating the sun-deck wing for a double driveway breeches the facade, and the Beach & Main St. corner is modernized.

▪Only the footprint of the Court of the Laurels is partly saved, but not the buildings that enclose them, most wings being made three stories, one four, and one seven, which in a narrow space turns the courtyards into deep dark pits contrary to ARG guidelines. The Court of the Mariners has lost its architectural integrity by its transformation into a driveway, and replacing the hillside slope with a very Spanish modern hotel entrance on a flat facade with an unarticulated skyline eliminates the ARG required articulation.

▪The Court of the Troubadours is obliterated in the Highrise proposal.

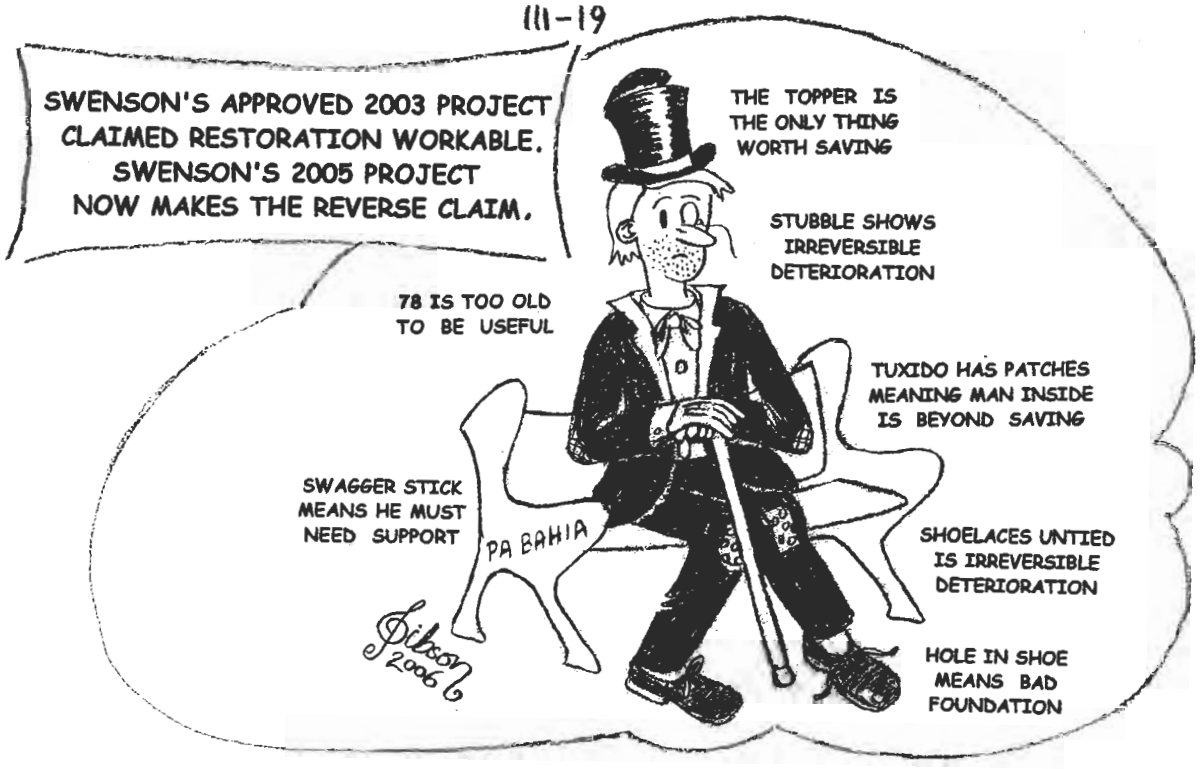
▪Only one of six breezeways into the courtyards is to be kept (the one under the tower), and the high arch placed between the two courtyards is not a breezeway.

▪The one-and-two-story scale of the landmark has been entirely lost, with three-story wings providing the minimum height. The twin-skyscraper backdrop is not done in a compatible scale with the Beach Street portion of the landmark, nor in keeping with ARG guidelines.

▪The architects show no understanding of what hill-village style and layout are, even criticizing the landmark's warrens, breezeways and enclosed courtyards as drawbacks. The new wings are designed so the entire complex looks like a single building, rather than a cluster of buildings. This contradicts a Beach Area policy first approved in 1980, "New development and extensive renovation...should feature variations in height and orientation of roof planes, *so that a single building will appear to be a cluster of smaller structures...."* (p.71). The multi-level topography is reduced to only two levels, a three-story base level with seven and eight story towers behind it. The fact modern architects won't do hill-village style is why preservation of such unique elements is essential.

▪ The cupola is probably saved (Re-EIR says it both ways as *kept* or *might be kept*). The landmark was designed to look old, but some proposed new details are in a Spanish Modern style, while other details are arranged in neo-classical inkblot symmetry contrary to the asymmetrical rustic spontaneity of the landmark. The landmark used three stucco finishes to appear added onto over the years, while the highrise proposal finishes the structure as if it were a single building. Otar the Lampmaker was once a famous local craftsman who worked on major projects throughout California. He and Hayes are the important craftsmen associated with the project that make's the structure a national landmark, but the Highrise La Bahia proposes off-the-shelf lighting.

Exhibit M



SO-CALLED "HARDSHIPS"

HARDSHIP #1
Condition

The developer is citing three hardship factors as the reason to demolish the landmark and build above the height limits. The condition of the landmark is one, but pointing out how far they've allowed it to deteriorate is hardly a point of sympathy for HPC, which has been requesting the owners in hearings and letters to stop the deterioration, or at least paint the main facade to reduce the visual blight. The developer explained they didn't want to put money into it until funds came through on their approved project (which they abandoned); then they didn't want to waste money on a landmark their highrise proposal was planning to demolish. However this condition is called *"demolition by neglect,"* a legal term for bad stewardship of a landmark. It is not an act of God, but a self-imposed hardship.

HARDSHIP #2
Historic Layout

In *Demolition Rational Memorandum* (Feb. 24, 2006), the developers writes "...the current structures cannot facilitate our project goals....The old buildings are not conducive to the intended use as a hotel...approved to place a condominium map on the property." The same developer has an approved La Bahia plan that made the landmark work, was ADA compliant, like their Lynch House project which met ADA requirements without eliminating stairs. But their highrise project uses a different criteria rendering nearly every character-defining feature incompatible. This isn't the fault of the landmark, which was a successful hostelry as late as the 1970s. This is simply an ambitious agenda with no attempt to utilize the existing landmark. Historic guidelines don't regard exceeding the carrying capacity of the building as a legitimate reason to demolish a landmark. An incompatible agenda is only a self-imposed hardship.

HARDSHIP #3
Preservation

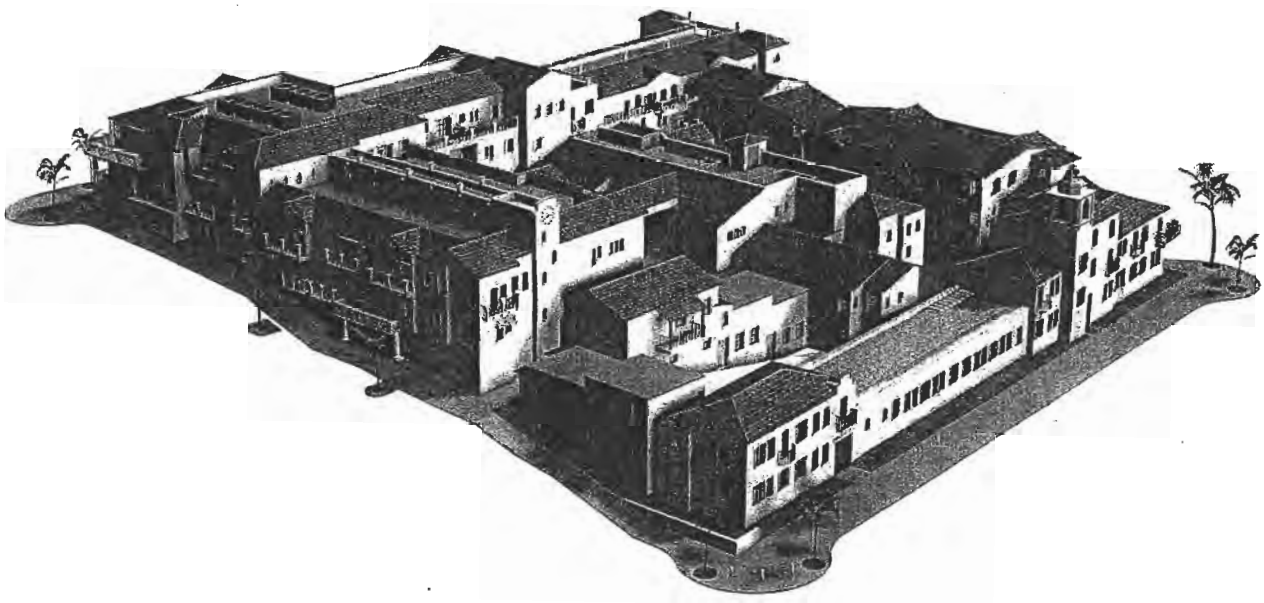
The third hardship cited is preservation itself. As the developers have said, "We tried preservation [in the approved project] and it didn't work. So now they're trying something else." The statement and abandonment of preservation makes it sound like preservation sunk the project. However, the defects in their approved project were as evident to the HPC at the time as they later became to the developers, and those problems had nothing to do with the preservation aspect of the development. HPC questioned the wisdom of stacking elevators for parking cars, vast areas of blank walls in the modern section destroying scale and diminishing views, and long barracks-like wings so unlike the clustered small units of La Bahia. The flat horizonlines that produced a wall-like effect as opposed to an articulated skyline, were created by insisting all new corridors had to be fully enclosed (unlike Dream Inn with indoor-outdoor corridors). The developers admitted preservation was not to blame. But in abandoning preservation and disparaging national standards for historic reconstruction as inappropriate, HPC may have difficulty in finding grounds to approve the requested demolition and delisting. Working outside the parameters of so many rules and guidelines is not a conspiracy against the developer, but a self-imposed hardship.

Exhibit M

LOW-RISE LA BAHIA (Approved 2003)	HIGH-RISE LA BAHIA (Proposed 2005)
118 units, 144-space underground parking	125-units, 172-space underground parking
Restoration/reconstruction of nine of the 12 La Bahia buildings. It restores or rebuilds the tower wing, sun deck, west corner, Main St. stairs, hillside slope, pocket balcony wing, slant gable wing, garrison wing, and Troubadors stairwell. Only the garden wing, corner bay wing, and Westbrook wing are lost.	A total tear-down, destroying all 12 La Bahia buildings and replaces none of them. It saves only the tower, but places it on a highly altered tower building, and incorporates impressions of La Bahia in a new way.
Retains its historic landmark status	Requires delisting the landmark
Being 38 feet at its highest point (5 feet below the 43 foot height limits), it fits neighborhood scale. Loses historic grove of trees back drop, but scale of the addition is in scale with the landmark	Being 72½ feet at its highest point, it is 30 feet above the height limits. The 8-story highrise sits back from the landmark, but replaces its historic backdrop trees with a masonry skyline, out-of-scale with the neighborhood, and disrupting view corridors (EIR)
Rare Hill-Village style	Spanish Colonial style
Retains multi-level hill-village layout of terraces reflecting the topography	Becomes only two levels: Beach St., with the Pool level three stories up
Retains the mission-profile of front facade, and its articulated	Loses the mission-profile of the front facade with the auto court opening and the evening-out of the articulated roofline into a flat horizonline
Retains articulated horizonline, except in the addition which shows long flat wings. This was to be corrected as a condition of approval.	In creating exact stories, we lose the contours of the hillside, and see stratified lines from Main St. to Westbrook St. This flattens the articulated horizonline on the landmark and the addition.
Shortens the 150 foot Court of the Laurels by 6 feet, and preserves the Court of the Mariners	Truncates Court of the Laurels by 44 feet, and Court of the Mariners replace with a traffic alley
Automobile alley is secluded (only viewed by 8-10 units), with the two pedestrian-oriented garden courts the centerpiece of all ocean views	Automobile alley is the centerpiece of all ocean views, saving only half of one pedestrian-oriented court
Saves all character-defining stairs, ramps, and 7 pass-throughs	Part of stairs in the Court of the Laurels will be saved; plus the pass-through under the tower. 4 character-defining stairs, one ramp, and 5 pass-throughs will be lost
Requires removing all heritage plantings and trees from the site, requiring a Heritage Tree Removal Permit. Garden restoration in both courts	Requires removing all heritage plantings and trees from the site, requiring a Heritage Tree Removal Permit. Garden restoration in lower Court of Laurels
Lighting by internationally famed Santa Cruz craftsman *Otar the Lampmaker*	Off-the-shelf lighting
Feels like stepping into the past	The Spanish modern loses illusion of antiquity

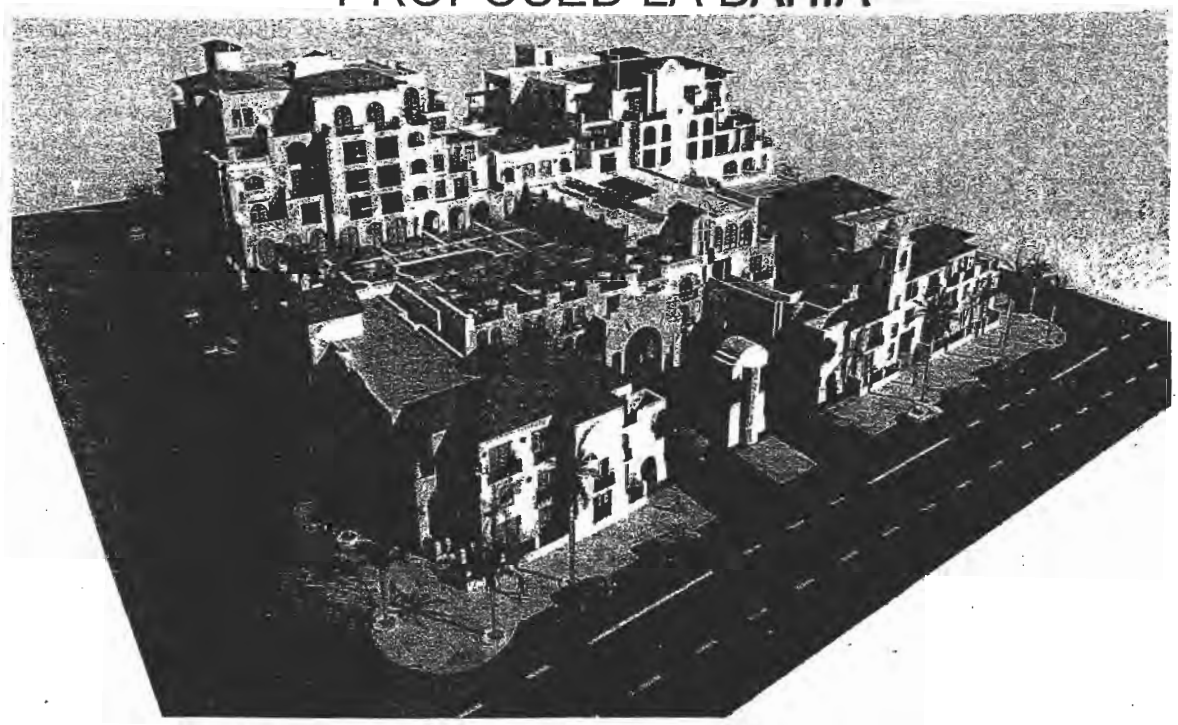
Exhibit M

APPROVED LA BAHIA



- *DATE APPROVED: MIDDLE OF 2003*
- *NUMBER OF ROOMS: **118***
- *PARKING PROVIDED: **144** SPACES (86 LIFTS AND VALET)*
- *MEETING SPACE: 4,280 s.f.*

PROPOSED LA BAHIA



- *NUMBER OF ROOMS: **125***
- *PARKING PROVIDED: **172** SPACES (INCLUDING 36 VALET)*
- *MEETING SPACE: 5,000 S.F. PLUS*
- *PUBLIC RESTAURANT*

Exhibit M

LOSING THE COURT OF THE MARINERS

TRAFFIC: To discredit their own approved 2002 La Bahia Plan, the developer now feels traffic on Beach Street would be too loud for the 9 front-facing ground floor rooms, and the plan's traffic courtyard they'd designed off Main Street they said was probably too noisy for the 11 overlooking rooms. If this is true, then what is the wisdom in the 2006 proposed highrise design for removing a front noise-buffer wing, and bringing the traffic into the heart of the hotel in a courtyard overlooked by 22 rooms? The loss of the Court of the Mariners that was an escape from the automobile age, is one of the most distressing features of this plan, both on aesthetic and functional grounds. It would make this traffic courtyard the centerpiece of nearly every hotel view of the ocean. 12 of the ***features to preserve*** in the B/SOL Plan are destroyed by this traffic courtyard, being 5 buildings and a courtyard garden (called "nearly as significant" as the Court of the Laurels), the historic staircase and rampway, three historic breezeway tunnels, with twin driveways bisecting the Beach Street Facade, which the B/SOL Plan recommended be kept entire for its mission-profile.

NOT PEDESTRIAN FRIENDLY: As far back as 1980, the Beach Area Plan adopted the policy calling for "...a much more pedestrian-oriented street...." (p. 67). The trouble with the proposed new alley into the Court of the Mariners, is it introduces two more road crossings for pedestrians using the north side of Beach Street. Tourists usually don't have to look-out for traffic at mid-block, much less have to do it twice. This violates the Beach Commercial zone design guideline that states, "The number of curb cuts and driveways into specific sites should be minimized as much as possible...." (P.71) Worse, the alley is impractical. The proposal is for a 25 foot wide driveway turning on a radius 30 feet deep in the Court of the Mariners. Four 16 foot-long vehicles are shown sitting bumper to bumper about the size of compact cars. The tight radius of the curving driveway would make the alley difficult-to-use for some cars, and unable to accommodate a hotel shuttle bus (or a small one if the driveway is empty).

PARKING: If the front of the building has to be used for drop-offs, then eliminate street parking, and use the curb. However, Westbrook Street was, and should still be, the drop-off and parking center for the hotel (whether or not the Coastview Inn is part of the la Bahia project). Westbrook is off a busy street, would not interfere with traffic, and is semi-private, as it serves only two facilities. Casa Blanca already has a sign saying turn left on Main Street for parking, and a similar arrangement directing La Bahia traffic onto Westbrook Street would not be the confusing unproven idea that some have claimed. Westbrook is straight, and can accommodate any length of vehicle, as well as several in a row, without

maneuver problems. Lets leave traffic in the street, rather in the Pedestrian spaces, especially now that gas prices are marking the sunset of car-centered planning.

DRAMA: La Bahia could be a Hollywood backlot set for some swashbuckler or romance starring Douglas Fairbanks (both Jr. and Sr. Fairbanks visited the Casa Del Rey), since different corners recall *Zorro, The Three Musketeers,* or *Romeo & Juliet.* Placing automobiles in the Court of the Mariners breaks the spell that these *gardens of enchantment* tend to cast. The historic La Bahia provided a variety of different settings and vistas. But ***you cannot have variety unless you have more than one of something.*** Building a new taller version of half of the Court of the Laurels can hardly represent the genius of what Hays was doing with these spaces, any more than saving only the first act of a two act play is enough to convey a drama.

PEDESTRIAN DESIGN: Santa Cruz attracts a very athletic set. Many contests are staged mostly around the Beachfront area. These include beach volleyball, surfing, swimming, junior lifeguard training, triathelons, foot races, bicycle races, joggers and walkers. The La Bahia is represented frequently on the Wharf to Wharf promotions. "Outside Magazine" rated Santa Cruz the best small town for its lifestyle combining sports and culture. That's what the La Bahia is: a cultural attraction designed in a maze-like layout to be explored. The La Bahia was arranged on a number of terraces to express the hillside terrain and a multi-dimensional layout geared to pedestrians. Why in a time of renewed interest in health, where offices are installing stairs to stimulate lethargic employees; that most of the stairs, terraces and ramps are to be eliminated from La Bahia to level it out in the name of rolling carts (or recently for total wheel chair access), as if there is no market for physical fitness tourism. Would you condemn playground equipment on the same basis? Redesigning La Bahia as a Car-centered Miami Beach retirement home and getting rid of this pioneering pedestrian design, would be just another sign of Santa Cruz having no sense of the value of its heritage to teach the future.

Exhibit M

NEIGHBORHOOD IMPACTS

✪: Listed landmark
★: Eligible to be listed
☆: May be considered
✖: Not eligible

Shadow impacts, vista impacts, scale impacts, and impacts on nearby listed landmarks and unlisted historic resources, directly effect the properties on three sides of this project, including the north slope's two levels of buildings between First and Second streets. Yet the EIR makes its comments on high unmitigated impacts on surrounding properties without defining the effected properties and their histories, or making them an equal entity of the report. If mitigations are due to neighboring properties in general, and due to historic properties in particular, they should be identified to assess the levels of impact posed. This survey covers thirteen effected properties on four surrounding streets, including the entire slope between First and Second streets. The Casa Blanca and Beach Hill Court are protected landmarks, and the Edrick granite wall is a listed Historic Streetscape Feature. Two First Street and three Second Street structures are eligible for a high-element historic listing, and three others qualify for consideration as low-element landmarks. Even unlisted, planning issues on some of these properties could (or have) come before our commission in an advisory capacity, when questions of age or notable features have triggered an historic review.

==BEACH STREET==

✪1916, CASA BLANCA INN (135 Beach St. & 101-201 Main St.): 3-story Mediterranean Villa style with Craftsman features, two 1½-story cottages; 2-story rock-&-redwood sided streamline restaurant; two 2-story streamline style apartment wings on Beach and Main streets. The Queen Anne-style Sea Beach Hotel and gardens were built here in 1890, until the 180-room structure burned in a 1912 fire, sparing the back ballroom and art gallery. In 1916, the granite Sea Beach retaining wall and walkways, and its famous gardens, became the centerpiece of San Francisco judge Marcel Cerf's private home. The K-shaped house was designed by Capitola's Rispin Mansion architect George McCrea, using a similar style and landscaping. Stairs, terraces and walkways add interest to the hillside gardens, noted since Sea Beach days for its 50 local hybrid varieties of pelargoniums, some 15-feet tall. At the top of the hill, a couple of private guest cottages of the same vintage (101 and 201 Main St.) were frequented by Cerf's Hollywood friends, such as Bette Davis, Stan Laurel and Oliver Hardy. After housing servicemen during World War II, it became the Casa Blanca Inn, with a stone-&-redwood sided restaurant built on the Main and Beach Street corner.

✖ 1956, SEASIDE LODGE (301 Beach St. at Westbrook St.): 2-story Freeway-Vernacular modern, a brick Beach Street restaurant with a motel wing behind, now called Coastview Inn. This site was originally the one-story Casa Del Rey 200-car parking garage, erected by World War I. It ran along First Street from Westbrook almost to Cliff, where the 1911 Casa Del Rey 80-car parking garage was built north of First. The 200-car garage was used for the Casa Del Rey Apts. (La Bahia) in 1926, charging 25¢. During the convention boom of the 1930s, the 200-space garage was demolished and replaced with a turf-covered parking lot surrounded by trees along First Street, whose park-like setting was sometimes used for outdoor events. The Seaside Motel was built in the 1960s, and may have been named for the boardwalk's Seaside Company that originally owned the site.

==FIRST STREET==

✖, 1981, BEACH HILL APTS.: 2½-story Bay Traditional III/Spanish style. This is a modern apartment building, designed as a Spanish version of the two-story Wilson Bungalow next door, has two levels of long pocket balconies hidden in the roof. It gives the impression of a 1½-story building from First Street, as its upper levels sculpt back nicely to maintain the scale of this neighborhood.

☆1920, MARY'S BEAUTY SPOT (214 First): 2-story California Craftsman style bungalow. The building has a gable roof running broadside to the street, with a long shed-dormer. This was built by painter Adelbert P. Wilson, and kept in the Wilson family for several decades. After World War II, R.L. Roberts bought the house, then died, leaving it to his widow, Mary (Black) Roberts. In 1924, Mary had been crowned the first Miss Santa Cruz at the boardwalk's original Miss California Pageant. Her friend, boardwalk plunge manager and historian Skip Littlefield, is said to have teased the titled bathing beauty about her "Beauty Spot," meaning her Beach Hill bungalow with the beautiful views. Mary ran a day nursery at the house from 1957-1975. This house may qualify as mid-range landmark.

Exhibit M

★1908, SEAHAVEN (212 First): 2½-story with underground garage, Queen Anne Shingle style. This was the third building on First Street, and constructed as part of the post-1906 earthquake boom to match the Queen Anne style Sea Beach Hotel. The original lot included everything northwest of Westbrook Street, and around the corner to Main and Second street (todays Beach Hill Court). The main facade originally had twin castellated towers, until the roof caught fire and the sides were singed by the 1912 burning of the Sea Beach Hotel. The roof was rebuilt without the towers. It has a second-story balcony, a first story box-bay window, and once had a slant bay window on the east facade until the Ainslie Apartments were built completely blocking its light. The interior includes stained redwood ornamental millwork. The house was originally occupied by widow Bertha Miles, a music teacher, whose sister Lula taught at Laurel School, and the daughter of flower-grower Morgan Miles. After the fire (if not before), it became room rentals. The current owners have lovingly and meticulously restored Seahaven at great expense (minus the towers). As one of the original trio of Victorians on First Street, this building qualifies as a #2-element Aesthetic Landmark

☆1923, AINSLIE APTS. (208 First): 2-story with underground garage, simple folk-stucco style. Seahaven sold its east lot, and the Ainslie Apartments were constructed, opening in 1923. They consisted of a main building, and a pair of cottages to the east, sold in 1924. The main building has a gambrel roof placed broadside to the street, and once had a different facade. An additional cottage was constructed in back in 1925, which contained the manager's residence. The Ainslie Apts. may qualify as a #4-element Ambient landmark.

☆1923, NESTLE INN APTS. (206 First): Pair of 1-story front cottages on underground garage, with a 2-story back cottage; Craftsman cottage style. Built in 1923 as part of Ainslie Apartments, they were sold in 1924 and became Griffin Apartments, renamed Driskell Apartments in 1928; and the Nestle Inn in 1934. These cottages may qualify as a #4-element Ambient landmark.

½✪1926, SANDCASTLE APTS. (124 First): 1-story front wing with 2-story back wing, and underground garage on side; a Bay Traditional I folk craftsman, remodeled in streamline style after WWII. Constructed in 1926 by T.E. and T.S. Montgomery as a private home, it was originally a redwood-sided building with a gable roof, box-bay windows on either side, and a broad covered front porch with wooden posts. The granite retaining wall with dragons-teeth cresting, arches over the garage door in a castle-like manner. The lot originally extended back to Second Street, with tent-cottages and campsite, until the back lot was sold to build Modern Manor Apts. (now Anchor Apts.) In a 1948-49 streamline make-over, a two-story back wing was constructed, and the front gable was removed to create a second floor deck with a roof gazebo. It was called the Vaughn Apts. until 1970, when it was renamed the Edric after its new owners, Ed and Rick. The apartments are not listed, but the retaining wall is listed as an Historic Streetscape Feature (1994).

★1893, WALSH MANOR (118 First): There was no First Street in 1892, so 1893 must have been when it was laid out. Walsh Manor is the oldest building on First Street, built by realtor John M. Walsh in 1893 for his wife and (eventually) 12 children. It was an Eastlake-Queen Anne style house, with a pierced gable roof, and front Elizabethan gable wing (projecting story over slant bay window), with a corner front porch. It became the Kathryn Apts. in 1930, the Sea View Apts. in 1934, and the Chateau Victorian Apts. in 1980. As the first and oldest Victorian on First Street, this qualifies as a #2-element Aesthetic Landmark.

==SECOND STREET==

✪ 1933, BEACH HILL COURT (413-417 Second): 1-story Spanish Art Deco style bungalow court. Twelve apartments in a ten cottage W-layout, built in 1933 by Fred and Minnie Hihn. What could have been regimental rows of boxes is given interest in the layering of overlapping gateway and portico arches. Like the La Bahia, Beach Hill Court demonstrates how the bungalow court is designed to be a pedestrian-space in a garden setting, in contrast to the motel, which is car-oriented in a parking-lot setting with gas-station architecture. John Chase (in his "Sidewalk Companion to Santa Cruz Architecture") found Beach Hill Court evocative of a Raymond Chandler detective novel, from its art deco neon sign to its intimate bungalow gardens.

★1928, CASA LOMA APTS. (409 Second): 2-story Spanish-style, with original garage. J.M. Brody built the Casa Loma apartment house in 1928-29, replacing two Victorian cottages from the 1860s. This was built two years after the La Bahia, and a number a details are identical, suggesting it could also have been designed by William C. Hays. Its front wooden balcony is identical to La Bahia's Court of the Mariners, the companion balcony once had a canvas awning, and its iron-work balcony rail and indoor banister are identical to La Bahia. The use of light-wells, roof deck, and the functional and aesthetic arrangement of small spaces are Hays-like, and even

the hand-crafted lighting fixtures appear to be by La Bahia craftsman "Otar the Lampmaker" (trademark of Russian-born Santa Cruzan Johnny Otar). Even the garage is designed to be compatible, with bell niches in twin raised gables. The complex qualifies as a #2-element Asthetic landmark.

★Ca.1864, GEMVIEW (405 Second): 1½-story Greek vernacular cottage, a style popular chiefly from the 1850s to the 1870s. This house appears in an 1876 ariel sketch, and an 1888 Sanborn map. The house was three-doors east of the 1863 Powderworks warehouse and its Second and Main St. wharf, and the house may have been built ca. 1864 to serve that business. This was the only gunpowder works in the west, built to defend the Pacific Coast from a Confederate invasion. The warehouse and wharf were torn down in 1888. The clapboard-sided house has a rear slant bay window shown on the 1888 map, and a front slant bay window added soon after. The gable roof has long shed-dormers on both sides. Its best-known resident was Charles J. Klein, who had a jewelry and optician store downtown, plus a quality souvenir shop at the boardwalk featuring his own designs of sterling spoons, German porcelain, cut glass, silver items, and Jewelry. When the first Casino containing his beach store opened in 1904, Klein bought the house overlooking the boardwalk, and lived there with his family and his store clerk Robert C. Skein. Klein said the house reminded him of the "Gemviews" he sold: a tiny ivory charm with a panoramic slide of the waterfront hidden inside. His store became the well-known Klein & Trumbly Jewelers in 1914. Julia Edmans bought the house in 1923, and turned it into Surfside Apts. in 1925, renamed Lanern Apts. after she left in 1929. This would qualify as a #3-element Significant landmark for its age and associations.

★1946, ANCHOR APTS. (Second): 2-story Streamline Art Deco style, designed to look like an ocean liner. It was built in 1946 by Ray Mallett as the Modern Manor Apts. Its art deco neon sign facing the ocean was a well-known waterfront beacon for years, until it was renamed Anchor Apts. For about 40 years, the streamline style was popular locally for its coastal shipboard ambiance, and this is one of the best surviving examples on the waterfront, eligible as a #2-element Aesthetic landmark.

ANALYSIS

Of the thirteen properties adjacent La Bahia, only six were built as private homes (all prior to 1920), but all thirteen became rental apartments, reinforcing the La Bahia Apts. as the centerpiece and focal-point of this tourist apartment district. The district has worked as a unit, creating a tourist neighborhood of lowrise medium density, producing moderate traffic patterns, overlooking –but not within– the Beach Street bustle.

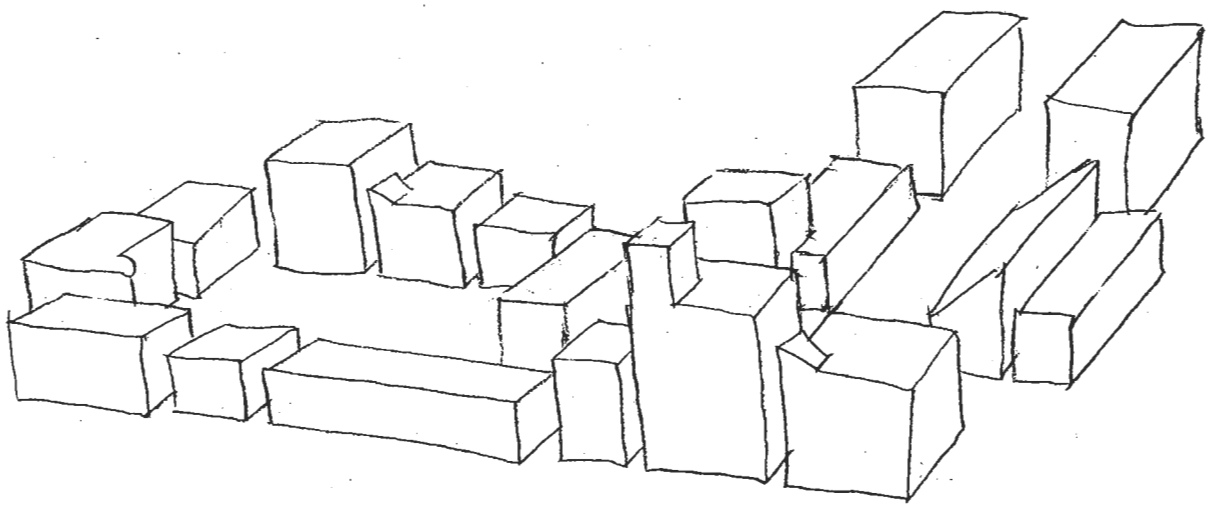
This survey shows that building heights adjacent to La Bahia are: two 3-story buildings, two 2½-story buildings, nine 2-story buildings, six 1½-story buildings, and fourteen 1-story buildings. This ratio roughly matches that of the La Bahia landmark, which has one 3-story section, nine 2-story sections, and four 1-story sections. It doesn't match the highrise plan, which consists of seven 3-story sections, and two 5-to-6-story sections.

In the highrise plan, all three-story sections are opposite two-story existing buildings on Main and Westbrook streets, which is in keeping with local scale fluctuations. But when measured from First Street, all 5-to-6-story sections of the proposed highrise are opposite 1-to-3-story structures, which is double or more the existing height. If measured in feet, the 10-to-12-foot ceilings of the proposed highrise contrast to the 8-to-9-foot ceilings of the existing buildings, placing 35-to-72 feet of proposed height (measured from First Street) beside the 20-to-36 foot tall existing buildings.

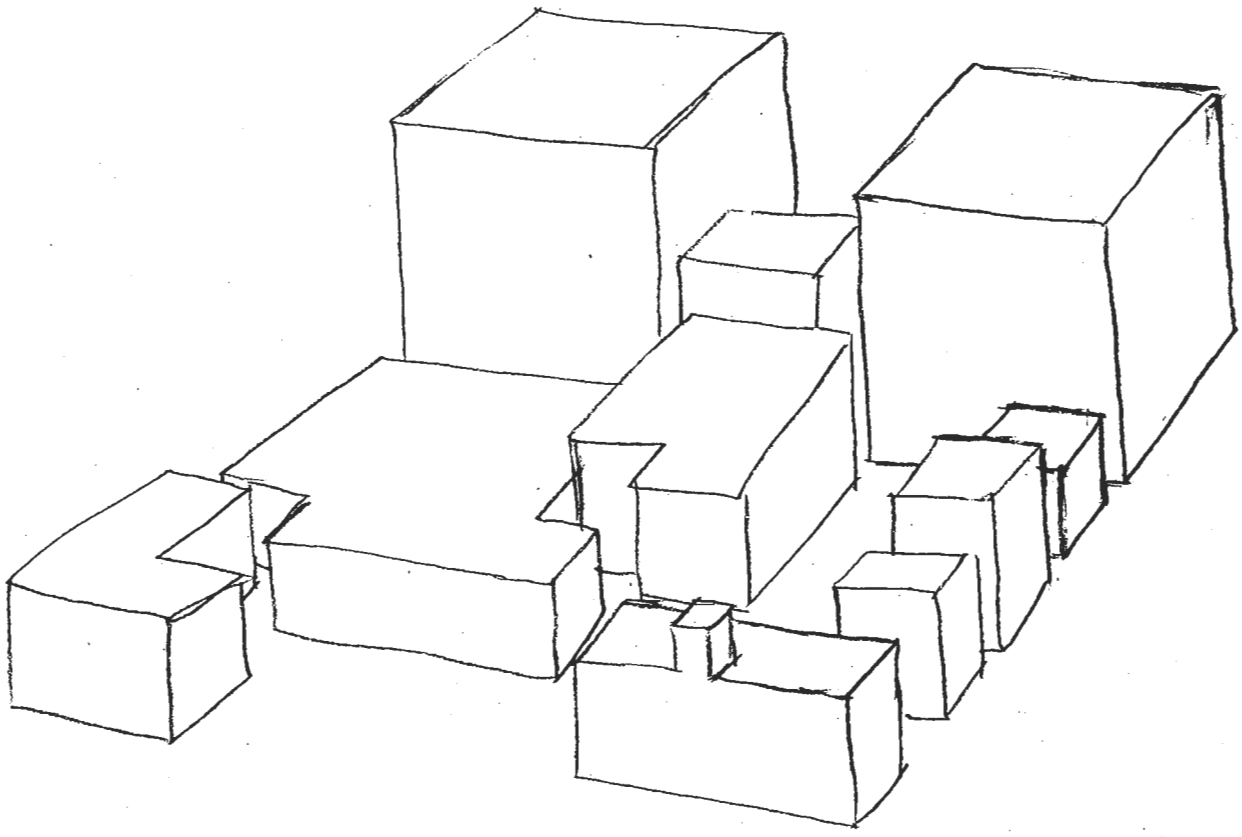
A First Street property owner was denied a request to raise his house nine feet above the 36 foot height limits because *45 feet would be out-of-scale with the neighborhood.* Across First Street, the proposed La Bahia highrise wants to go 30-feet above their existing 43-foot limits for the site, to 73 feet above First Street. How then are we defining what is in scale with the neighborhood?

When the developer told the planning commission June 21st 2007 that the highrise proposal wasn't so tall if neighboring properties built up to their height limits, they didn't mean First Street, as most are already within their 36-foot limits. They meant the Casa Blanca Inn and the Seaside Lodge (Coastview Inn), although these are next to the proposed 3-story sections of the La Bahia, to which they should be scaled; and building taller next to the 3-story Casa Blanca would trigger a CEQA *impacts on historic landmarks* review at HPC. So there's little reason to expect the scale of the neighborhood is going to be anything different than it is now.

Exhibit M



HISTORIC MASSING USES SMALL HILL-VILLAGE CLUSTERS (SEPARATED TO SHOW COMPONENTS)



PROPOSED MASSING USES LARGE BLOCK WITH FACADE ARTICULATION

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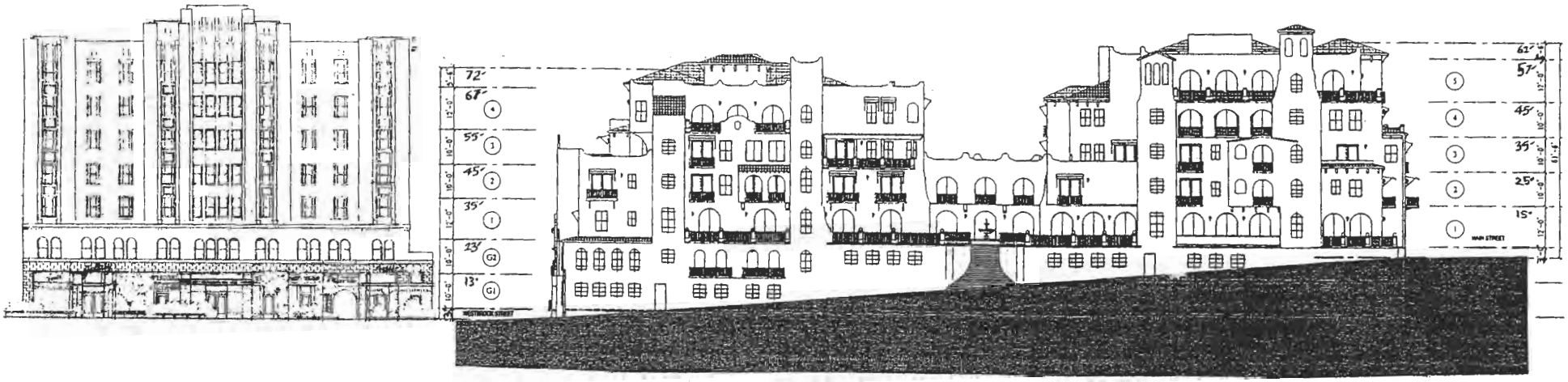
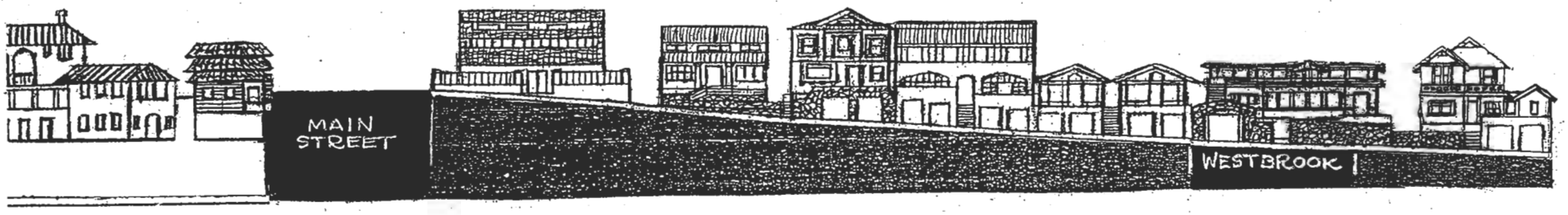


FIRST STREET LOOKING SOUTH AT PROPOSED HIGHRISE
Height of Palomar shown for relative scale

SIMULATED REAR-VIEW OF FRONT STREET BUILDINGS
LOOKING SOUTH AT PROPOSED HIGHRISE, FOR HEIGHT COMPARISON

Exhibit M

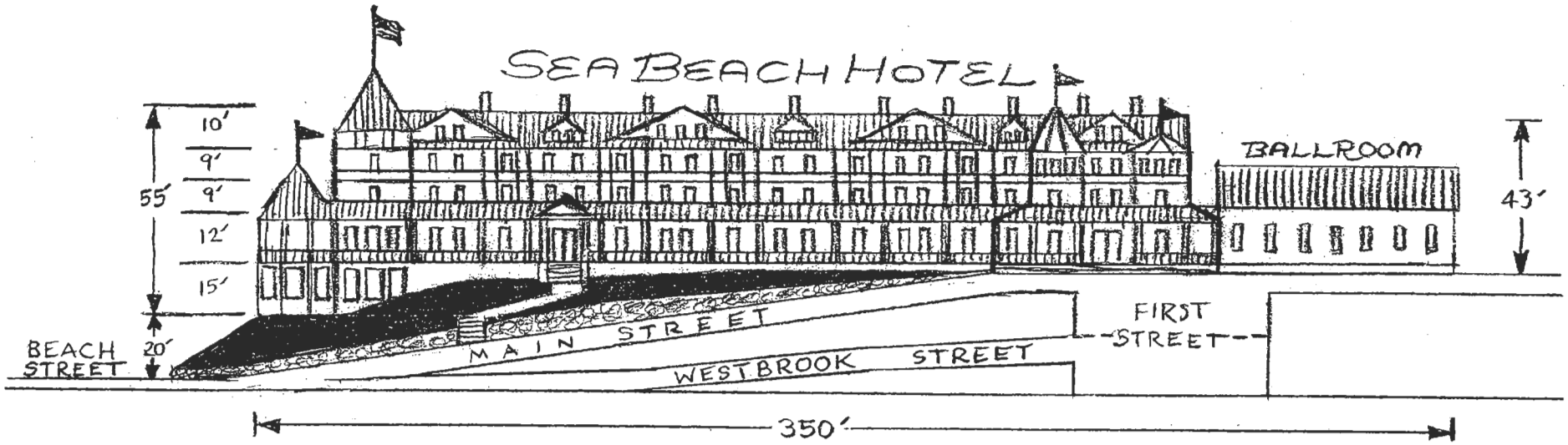


FIRST STREET BUILDINGS LOOKING NORTH

FIRST STREET BUILDINGS AS SEEN BEHIND EXISTING BEACH ST. BUILDINGS

FIRST STREET BUILDINGS AS SEEN BEHIND PROPOSED HIGHRISE

Exhibit W

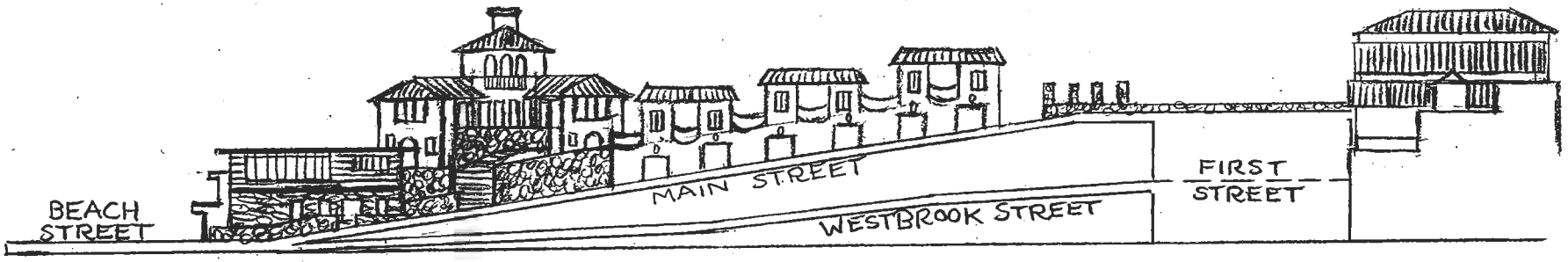


The Sea Beach Hotel was cited as an example of a similar five story building on Beach Hill. However from the top of the hill, the Sea Beach was never higher than 3½-stories above the bluff, and its 5-story end facing Beach Street had a 10-foot setback at the 2nd-story level. All the Beach Street hostelries placed their narrow end towards the hilltop, blocking the least views and light. By comparison, the proposed highrise is six-stories above the hilltop, and placed broadside to the bluff for the greatest impact on views and light.

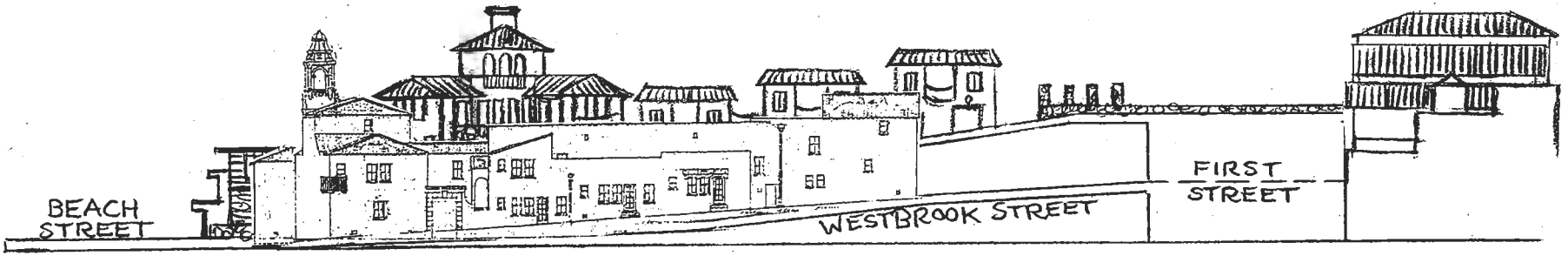
PHOTO OF BEACH ST. FACADE

CASA BLANCA ON SAME SITE TODAY

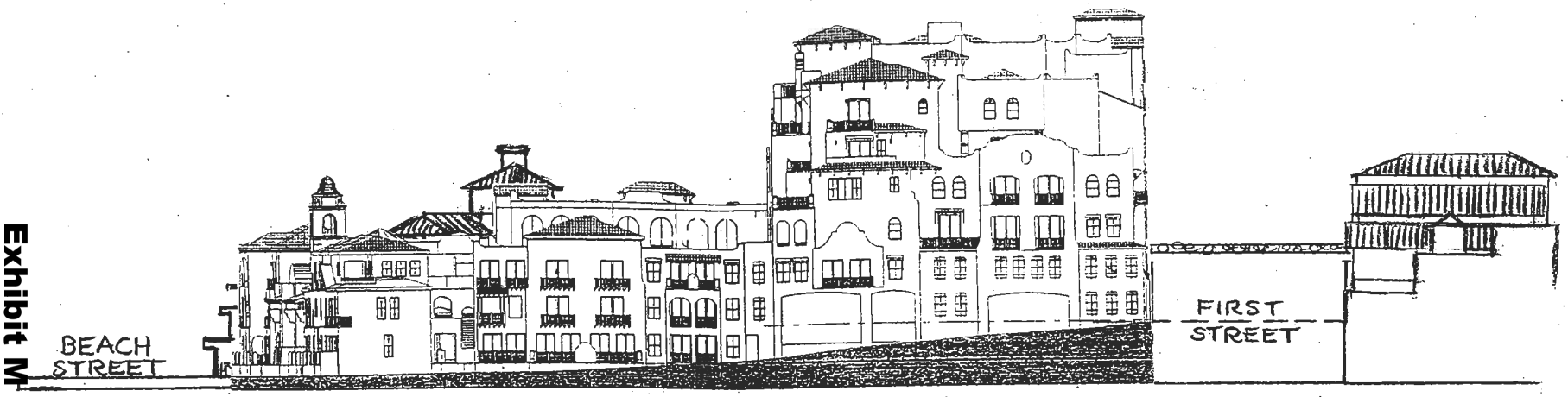
Exhibit M



MAIN STREET BUILDINGS LOOKING WEST



MAIN STREET BUILDINGS AS SEEN BEHIND LA BAHIA



MAIN STREET BUILDINGS AS SEEN BEHIND PROPOSED HIGHRISE

Exhibit M

CHANGE RULES TO APPROVE PROJECT

According to the EIR (p.2-1 with additions), an Historic Preservation Commission approval for the Highrise La Bahia project, would also require consent for:

1. Approval of an **Historic Demolition Permit**.

2. Approval to remove the landmark from the protection of a **Santa Cruz Historic Building Survey** listing, so any changes made to the project will not go through HPC.

3. Recommendation to change the **General Plan** to allow a project the EIR deemed "...inconsistent with historic preservation policies" (p. 2-1 of 1st EIR), making it allowable if it includes a vague impression of character defining elements and saves the cupola (4.6; & *vague required* so La Bahia must be delisted).

4. Recommendation to ignore **HPC Position Statement** and **the B/SOL Plan** list it was based on, and the **Architectural Resources Group Guidelines Report** from which the list was excerpted, of character defining features required to retain the architectural integrity of the structure as a listed landmark.

5. Recommendation to disregard the **Secretary of the Interior's Standards** for historic restoration and reconstruction of a **National Register-Eligible Landmark.**

6. Recommendation to change the **Local Coastal Program Plan** concerning protected vistas, major alteration of natural landforms, compatibility with the character of the surrounding area, protection of neighborhoods & their character, and avoiding "out-of-scale buildings" (Coastal Act Policy, section 30251 & 30253, p. 6-1, 6-3 B.).

7. Recommendation to change the **zoning on this site** to exceed the 43-foot height limits by 30 feet (*73 feet total*), *since a 30-foot variance is* unprecedented, and may look excessive before the Coastal Commission.

8. Recommendation for a **Heritage Tree Removal Permit** from the Parks & Recreation Commission to eliminate the historic landscaping.

So the Historic Preservation Commission *alone* must accept changing-or-ignoring 10 sets of guidelines and protections in order to permit this project to go forward.

EIR SPIN

The Re-EIR has included reference to the criteria HPC will use to judge the Highrise proposal, yet their PROJECT CONSISTENCY ANALYSIS (4.1.3), and the accompanying PROJECT CONSISTENCY chart (table 4.1-1) shows they have *a completely different reading of the issues. This compliance analysis* seems to white wash the environmental impacts, spinning non-compliance into seeming compliance, spinning prohibited things into permitted things. even spinning HPC concerns and *opposition into seeming resignation and support.*

The planning staff is quoted as saying the project complies with all local guidelines, when what they mean is the project complies with *no* local guidelines, but *would* if the guidelines were all rewritten to make an exception for this project (p.4-6). So it is not the *developer* who is non-compliant with the guidelines, but the *guidelines* that are non-compliant with the developer! It's one thing to apply for a normal variance, but it's another to need to *extensively rewrite or overcome so many sets of* guidelines and requirements.

The Re-EIR stated, "Because the policy language found in any City's general plan is often susceptible to varying interpretations, it is often difficult to determine, in a draft EIR, whether a proposed project is consistent or inconsistent with such policies." (p.4-7, para.5). If a General Plan policy (which includes the B/SOL Plan) can mean both Protect and Don't Protect views and landmarks, and a 36-foot height limit is a limit that can be doubled, then the General Plan means nothing, and we've wasted our money and emotional investment in creating such a document. The purpose of a General Plan is to set goals and find a level of consensus with the community, to help developers avoid flashpoint issues. State senator Gloria Romero scolded the UC regents for not following their own policies in saying, "The policy is the policy, and after too many exceptions, its not a policy anymore." (Sentinel, May 21, 2008, A-4.)

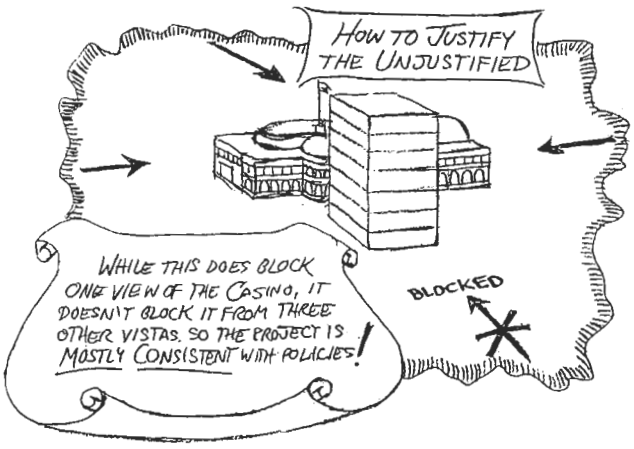
The Re-EIR is allergic to saying INCONSISTENT in the chart of "Project Consistency With the General Plan, Local Coastal Plan, and Beach Area Plan." HPC has been trying to get the developer to conform to the B/SOL Plan historic guidelines for several years, so to see that everything is CONSISTENT or PARTIALLY INCONSISTENT is more than the benefit of the doubt.

The policy *to preserve viewsheds with compatible scale* is <u>not</u> made partly consistent by the project's three story section on Beach Street, because the only views it is preserving are for the portion of the project that violates this policy and exceeds the *neighborhood height limits by double*. Plus, the B/SOL-ARG guidelines call for two-stories along

Exhibit M

Beach street, three stories max along sides streets, and fourth stories only as set-backs.

On page 4-7 para.2, the Re-EIR states: "The project as proposed would be partially inconsistent with policies that seek to preserve important public views. As discussed in Section 4.2, the project would partially disrupt views from the Municipal Wharf and West Cliff Drive, and thus, would be considered to be partially inconsistent with this policy. However, views of the project from two other public viewpoints were found less disruptive. On balance, the project is generally consistent with viewshed protection policies." Or generally inconsistent! 2 views disrupted (count 2) while 2 other views partially disrupted (count ½+½= 1] equals 3 out of 4 views disrupted, which the Re-EIR counts as "generally consistent with viewshed protection policies"? What kind of math is that? Based on what? If we put a 7 story building on the beach in front of the Boardwalk Casino, it would block views of the landmark Casino from the ocean, but from three other sides the casino is visible, so the blockage is "generally consistent with viewshed protection policies," according to this twisted logic!



The two policies to *encourage rehabilitation and adaptive reuse of landmarks rather than demolition* (policies 3.5.3 & 2.1), are not made partly consistent by saving a cupola, and using Spanish style in the replacement project. The cupola is not the landmark, *total demolition is not preservation*, and a replacement project that must delist the landmark, is not adaptive reuse.

The policy *retain the character of unique & historic areas within the city* is not partly consistent, because the project doesn't meet the minimum standards listed in the HPC statement & ARG Report, and produces a project that must be delisted for not retaining the features that made it eligible for the National Register for Historic Places.

The next outrage is where the list finds total compliance. The policy *new construction must add-to, not detract from City Identified Landmarks*, is not totally consistent, because the project is not adding onto the listed La Bahia landmark, but is totally demolishing it. There are so many ways the project is in violation with the B/SOL Plan Design Guidelines, the only way to say they are totally consistent with them is to rewrite them!

The policy *encourage use of pedestrian scale and pedestrian amenities* is not made totally consisted by the cited automobile driveway to replace a pedestrian garden, any more than a gas station is pedestrian for replacing a park. Auto-serving amenities are not the definition of encouraging pedestrian activities, and highrise buildings dwarfing neighborhood homes is not totally consistent with encouraging pedestrian scale.

The neighboring Casa Blanca is described as a four story building from Beach Street, meaning either it rises four stories above Beach Street, or a separate two-story modern motel wing is being counted as part of the building. If we are using setback heights above Beach Street as a reference tool now, be sure to describe the Highrise La Bahia Proposal as eight stories measured from Beach Street. It originally was, but public reaction against an eight story building here led to counting stories above First Street, then not counting above-ground parking levels as stories, so 6½-to-7 stories above First & Westbrook became 4½-to-5 stories. Lately its been changed to feet above sea-level, which is lower than Beach Street, and therefore harder to untangle.

Yet in spite of redundant spin and advocacy for the project in the Re-EIR, when HPC issues a statement to address true environmental impacts, the EIR cannot find the space to quote the HPC in its entirety in the body of the report, even though it quotes the HPC in its entirety buried in the appendix. In the body of the report, the EIR paraphrases HPC's statement so that the line "*If we are* to even consider such a proposal, we would *require* a higher level of detail and fidelity;" becomes "the commission considered a total demolition proposal and provided a list of recommendations which would provide a higher level of detail and fidelity." When *we don't consider total demolition* becomes *the commission considered total demolition*, and *we would require* becomes *they made some suggestions*, it makes it appears HPC is resigned to total demolition and is encouraging the project with ways to dress-up the towers. With so much redundancy in the EIR boosting the project, it is hoped the EIR can spare some space in the body of the text for the full text of HPC's requirements, which differs from the Re-EIR's definition of compliance with the B/SOL Plan and ARG Report.

Exhibit M

MITIGATIONS

CEQA policy (sections 21001 & 21002.1) states that any project identified in an EIR as having one-or-more *significant negative impacts* cannot be approved by any public agency, unless:

- ◆ The impacts are mitigated satisfactorily
- ◆ The responsible agency makes the finding that the impacts are appropriately mitigated
- ◆ The mitigation proposed in the EIR is ruled infeasible

As Lead Agency, the City Planning Department identified *significant negative impacts which cannot be mitigated with the project as proposed.* The two areas of concern to the Historic Preservation Commission are listed below.

1. LOSS OF LANDMARK: Under *Cultural Resources,* the EIR states that the project would completely demolish a National Trust-eligible landmark except for the tower cupola (Impact 4.3-1). CEQA Guidelines section 215064.5 defines "*substantial adverse change*" as:

- ◆ Physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.
- ◆ Demolition or material alteration in an adverse manner of those physical characteristics of an historical resource which convey its historical significance and justify [or thus preclude] its inclusion in or eligibility for inclusion in the California Register of Historic Resources, inclusion in a local register, or identification in a historical resources survey.

WRONG TERM: The EIR proposed "mitigations" that are inconsistent with the B/SOL Plan and ARG Report, from which they were drawn. The 2007 EIR suggests using Spanish Colonial Revival style architecture, reusing character-defining features of the landmark (Mitgn. 4.3-1a); document the landmark prior to demolition in a report to be deposited in four libraries (Mitgn. 4.3-1b); and place an interpretive exhibit of the lost landmark in the lobby of the new hotel (Mitgn. 4.3-1c). Even though the EIR believes these steps "...would ensure the future buildings on the site *would maintain the architectural integrity of the original [landmark]*" and provide documentation, it concludes the loss of the landmark is still *a significant and unavoidable adverse impact.*

NOT MITIGATIONS: Yet none of the steps proposed are mitigations, but rather *conditions of approval*; and even when a *condition* might be desirable, it is not in the same category as a true mitigation. The City Council and B/SOL Plan were committed to saving the landmark (through preservation/ reconstruction), with character-defining features saved or replicated (4-32). The Spanish Colonial Revival Style was to be used in *any new additions* to make them complimentary to the landmark, so it's a *condition of approval* for restoring the landmark, not a mitigation for eliminating the landmark. A report to document a condemned landmark is required anyway, so this doesn't qualify either. And mere gestures such as a lobby display of questionable permanence, a plaque, or retaining the historic name, are no substitute for a standing landmark, and set a bad precedent for how little a developer is permitted to give to demolish a protected landmark.

TRUE MITIGATIONS: A mitigation is that which compensates the loss of something, in this case the intent to demolish and not replace a protected landmark. The closer this compensation is to being of equal or greater value, the closer it is to being a true mitigation. The EIR describes the loss of

the landmark as a signifiant unavoidable negative impact which is not mitigated in the project as proposed. Yet CEQA requires that anything with one or more significant negative impacts *cannot be approved* unless the impact(s) are judged mitigated. This makes it clear that the object of mitigations are *to reduce a significant impact to a less than significant level,* and "...ensure the future buildings on the site *would maintain the architectural integrity of the original [landmark]."* Saving the tower cupola is a mitigation, but the cupola alone is not a true mitigation. The B/SOL Plan and ARG Report describes a list of character-defining elements of the La Bahia to be reused. Keeping the landmark listed (even as a completely reconstructed landmark) provides the guidelines to correctly reuse its character-defining features and maintain its architectural integrity as a landmark.

DENSITY NOT RECOMMENDED: Further, the B/SOL Plan recommends the Double Lot setting at the La Bahia site for this density of development (adding the Coastview Inn lot that formerly was the La Bahia's historic parking lot), with parking off-site, and conference uses located at the Cocoanut Grove. While we will consider a single-block development with on-site parking and conference facilities, the City Council recommended against it in 1996. Therefore its drawbacks require that it be handled in a manner that doesn't compromise integrity of the landmark, the pedestrian experience of the area, or the neighborhood setting.

2. OVERWHELMS HISTORIC SETTING: Under *Aesthetics,* the 2007 EIR says the project would substantially alter scenic views (Impact 4.2-1), and the project's height and scale would negatively effect the visual character of the surrounding area, altering the La Bahia's relationship with its historic context (Impact 4.2-2). CEQA requires consideration of the impacts on adjacent landmarks. The view of the Beachfront is composed of a row of three landmarks: Casa Blanca, La Bahia, and the Boardwalk Casino, visible from West Cliff, the Wharf, the Main Beach, and the Bay. The change in scale in this trio is considered a significant unavoidable adverse impact. There are no listed landmarks on First Street, although two buildings may be eligible as a local #2. Aesthetic landmark, and three others as local #4. Ambiant landmarks.

ROOFTOP VIEW: The views of private property owners cannot be protected, but we shouldn't overlook that *La Bahia was designed to be viewed from four angles.* The view from Beach Hill over the La Bahia rooftops to the bay and beach is not a private view, but a public vista of the landmark. This downhill view of the landmark would be altered in even in a lowrise addition from First Street, but would survive as a hotel view from the La Bahia lowrise addition, or from the back of Second Street properties. (How faithful this rooftop view is revived in the highrise version is a matter of debate). The EIR states that both view and scale impacts could *only* be mitigated by reducing the building height, so without a project redesign, this must be considered a *significant and unavoidable adverse impact.*

DECISION: It isn't HPC's task to determine *which* way to accommodate the project's room count, parking count, and convention space onto the site. The decision is whether a project has been designed in the best interest of the landmark, or has met the B/SOL Plan and ARG Report guidelines, Historic Landmark standards, and SEQA conditions for historic mitigation.

HPC EVALUATION QUESTIONS

STANDARDS FOR EVALUATION

IS DELISTING THE LANDMARK AN APPROACH HPC IS WILLING TO CONSIDER? The City Council and the B/SOL plan have stated they were committed to keeping the landmark (EIR 4-32), and HPC has felt the landmark can be kept through a combination of preservation and reconstruction. Delisting the landmark was not a stated goal of the highrise project until the 2007 Draft EIR was issued.

IS HPC WILLING TO CONSIDER A REPLACEMENT DESIGN THAT REDUCES LA BAHIA FROM A 1ST CLASS TO A 3RD CLASS LANDMARK? If the choice is to keep the landmark listed, which level of status is one willing to protect: First Class NR2 National Register-eligible status of national importance, or demote it to a Third Class NR5 landmark of local importance only.

UNDER WHAT STANDARDS DO WE JUDGE A NATIONAL REGISTER-ELIGIBLE "SIGNATURE LANDMARK?" The La Bahia is a designated first rate Signature Landmark, and a National Register-eligible landmark. Yet all of the replacement proposals over the years have treated La Bahia as a Third Class landmark of importance only on the local level. Yet in 1996, the ARG consultants declared the La Bahia *eligible for the National Register (NR),* which moved it from an NR5 rating (of local importance only), to an NR2 (determined eligible by a formal process). This is a higher level of protection, ranking only one degree away from an NR1 (*listed* on the National Register). The City of Santa Cruz has only 11 National Register Landmarks. Should HPC continue allowing the minimal mitigation for an NR5 Third Class landmark, or use the National Register protections afforded to an NR2 First Class landmark?

HOW LITTLE OF THE LANDMARK CAN BE REFERENCED & STILL BE LISTED? The developer isn't interested in a continued listing, so subcommittee members were offered these options as to which *minimum of historic mitigation* would gain HPC's approval? Maybe the La Bahia's footprint? The footprint and cupola? The footprint and most of the cupola wing? The footprint, cupola wing, and Court of the Laurels gateposts?

DOES THE HIGHRISE LA BAHIA STILL QUALIFY AS A "SIGNATURE LANDMARK?" One must differentiate between a merely prominent building like the Dream Inn that detracts from the area, and a Signature Landmark with which surrounding properties choose to identify.

WHAT ARE THE CONSEQUENCES OF CHANGING ALL THE RULES FOR AN HISTORIC LANDMARK? The B/SOL Plan reflected a public desire to save the La Bahia. But the EIR proposes changing the B/SOL Plan to make special rules for La Bahia incompatible with historic goals and guidelines (2007 EIR 3.5.2). If the highrise project is approved then abandoned, another developer would be required to demolished La Bahia even if he wanted to save it. Is this a good precedent for getting protected landmarks demolished?

ARCHITECTURAL EVALUATION

DOES THE HIGHRISE PROPOSAL SAVE THE LA BAHIA'S CHARACTER-DEFINING FEATURES AS REQUIRED IN THE B/SOL PLAN?: In 1997, the City Council approved having new development save the character-defining features of the La Bahia, and these were defined by the consultant in the B/SOL Plan as: the entire Beach Street facade; all the buildings comprising the Court of the Laurels, with the Court of the Mariners nearly as significant. In addition, "...the building elevations surrounding the courtyards, the passages into the courts, as well as the scale, massing and buildings' details are all character-defining elements that contribute to the significance of the La Bahia complex."

DOES THE HIGHRISE LA BAHIA CONVEY THE GENIUS OF WM. HAYS AND OTAR THE LAMPMAKER? Since this is the third element qualifying the landmark for National Register status, do we see it reflected in the so-called historic wings, or in the highrise sections, or does it only reflect the work of the developer's contemporary in-house architects?

WHERE IS THE HILL-VILLAGE ARCHITECTURE RETAINED IN THE HIGHRISE PROPOSAL? This is the fourth element qualifying the landmark for National Register status, yet none of the 12 buildings comprising the La Bahia are replicated in the highrise proposal. Further, do the massings of *any* of the new wings represent the landmark's Hill-Village style?

ARE THE MULTI-LEVEL TERRACES, STAIRS, RAMPS AND BREEZEWAYS EXPENDABLE? The Hill-Village style is also noted for its three-dimensional layout, where nothing is flat or level, and stairs, corridors and terraces wind maze-like through various settings. These were identified as character-defining elements to be saved in the B/SOL Plan and ARG Report. Even if accommodations must be made for service carts and wheel chairs, does this require eliminating all these character-defining elements of pedestrian-oriented architecture?

ARE THE COURTS WORTH SAVING?: The courts are also under the fourth element qualifying the landmark for National Register status. The B/SOL Plan and ARG Report identified both courts as character-defining features designed as outdoor

Exhibit M

rooms scaled to make small spaces appear larger. Can they still work if Court of the Laurels is foreshortened, and deepened as a three-story pit, and the Court of the Mariners has no features and is opened to traffic?

EVALUATING SCALE & SETTING

DO STANDARDS FOR THE B/SOL DOUBLE-LOT PLAN WORK FOR A SINGLE BLOCK PLAN? Since the B/SOL plan recommended using the Double-Lot with off-site parking and conference facilities at the Cocoanut grove, does combining these elements onto a block less than 1½ acres preserve the character-defining ambiance of the landmark? The La Bahia block is the same size as the historic City Hall lot from the horseshoe wing to Center Street, only divided into three courtyards instead of one.

DOES THE DECEPTIVE STAGESET SCALE OF THE ARCHITECTURE WORK WHEN ENLARGED? The highrise plan proposes three-story wings in the historic section to replace one-to-two story wings. What impact does that have on the character-defining jewel-box dimensions, where the small scale has been expertly crafted to fool the eye, and make small areas feel more spacious, small buildings seem grander, and vistas appear to trail off in the distance?

DOES THE LANDMARK STILL FIT THE NEIGHBORHOOD? Exceeding the height limits is a reward for creating a more compatible project. Yet the EIR identifies this as a major negative impact unmitigated in the project as proposed. Is the highrise proposal better than the approved lowrise layout? Is it better than the historic layout? Is it in scale with the trio of landmarks (Casa Blanca and the Boardwalk Casino) that characterize the waterfront vista? Does this proposal enhance the environment around the project site?

IS THE REPLACEMENT OF ITS ORGANIC SETTING WITH A HARDSCAPE SETTING, IN CHARACTER WITH BEACH HILL OR SANTA CRUZ? The landscaped setting has been the one element the HPC has felt in the past was an unfortunate but necessary sacrifice to save the landmark. But since this is element 6 in what qualifies it for National Register status, it should be formally considered. Is it appropriate to replace its northern latitude plants of cypress and laurel with tropical plants? Is the loss of a green treelined horizon a worthwhile sacrifice in the name of Green Building?

IS THE HIGHRISE PLAN MORE COMPLEMENTARY TO THE LANDMARK THAN THE APPROVED LOW-RISE CONFIGURATION? Compare what HPC approved for the La Bahia, to what the highrise version offers the landmark.

IS THIS LANDMARK MORE IN NEED OF REDEVELOPMENT THAN NEARBY WATERFRONT EYE-SORES? When there's nothing of distinction one block east, and the west part of the block to the west, what makes this landmark the only waterfront structure worth demolition? A B/SOL option suggests higher density on the Westbrook-to-Cliff-Street block.

CONCLUSIONS

DO ECONOMIC CONCERNS OUTWEIGH THE VALUE OF THE LANDMARK TO THE COMMUNITY? The impression is often given that there *is no* economic value in landmarks for a tourist economy, and only look-alike modern hotel rooms can draw business. Was the potential for historic tourism adequately explored in this development's proposal, or were the character-defining features of the landmark treated as stumbling blocks for the developer's agenda separate from B/SOL Plan findings?

ARE COMMUNITY SENTIMENTS FOR THE LANDMARK BEST SERVED IN THIS PROPOSAL? The HPC was established out of neighborhood protection groups concerned with losing their character, scale, and identity. The developer avoided communicating with HPC when formulating this project "to avoid the mistakes of the Coast Hotel" and work directly with neighbors. So does this project have neighborhood support and/or community support? Are the wishes of the people being expressed in approving this project?

IS THE DEVELOPER'S AGENDA A GOOD FIT FOR THIS LANDMARK? In *Demolition Rational Memorandum* (Feb. 24, 2006), the developer writes "...the current structures cannot facilitate our project goals....The old buildings are not conducive to the intended use as a hotel...approved to place a condominium map on the property." If the developer's requirements are the opposite of every character-defining feature for which the landmark is noted (see comparisons), is this a good fit for the landmark? If the same developer has an approved plan that made the landmark work, then would that make his current incompatibility with the landmark only a *self-imposed hardship* due to an agenda for more intensive use?

ARE THE "SIGNIFICANT NEGATIVE IMPACTS" OF THE HIGHRISE EITHER MITIGATED OR ACCEPTABLE? The two worst impacts identified by the 2007 Draft EIR are its *destruction of a National Register-eligible signature landmark,* and *the impact of the proposed height* on Important Vistas, Adjacent Landmarks, Shadows on Neighbors; and historic guidelines would also consider the Imposing Scale As a Backdrop to the La Bahia. The 2007 Draft EIR proposes the *only* mitigation on the height impact is to lower the building, either by removing the top floors (alternative 3), or by lowering the building to the 43-foot height limits (alternative 4).

IS THE HIGHRISE PROJECT IN THE BEST INTEREST OF THE LANDMARK?

Exhibit M

CORRECTIONS
***{Italics}*: remove text**
[Underlined]: replacement text

P 1-1 :" ...With a maximum building height of 45 feet" [actually 43 feet].

3-1 (paragraph 4): "The Final EIR for the project was certified by the City Council, however, *{due to}* [when] a citizen-led initiative to stop the project [was placed on the ballot to let the voters decide], the applicant subsequently withdrew their application for development.

P 3-2 (paragraph 1): La Bahia Apartments (La Bahia) were constructed in 1926 originally under the name of Casa Del Rey [Apartments]....

The EIR tends to use *affect* (to pretend) when it wants effect (to impact). Re. 4-22, etc.

4-29 (bottom parag.): The buildings are primarily two stories with the exception of the bell tower [wing], which is three stories high.

4-31: Character-defining features list, should read: "-White stucco walls [with variety of trowelwork]"

4-32 (paragraph 3): ends "...would be considered a less *{that}* [than] significant impact...

4-35: (4th paragraph): A [1960s] bridge ramp and one of the [1926] wood[en] balconies had to be removed due to safety concerns.

1-35 (paragraph 7): This paragraph says how impossible it would be to replace the roof, yet this was supposedly *already solved* in the Approved Lowrise La Bahia Plan.

4-36, paragraph 2: This summarization of the HPC's position paper says preservation or part-preservation is preferred, but makes it sound like we're ready to say yes when our six issues are inserted in the plan. Yet the missing opening paragraphs of the statement says that we support the approved project, and "...*if* we are even to consider such a proposal, we would require a higher level of detail and fidelity to the look and spirit of the existing landmark, to mitigate the overwhelming loss of a protected Signature Landmark." Since the statement is short enough and demonstrates the complexities of gaining an Historic Demolition Permit, it would be better to reproduce the entire statement

Figure 4.4-1 thru. 3: Maps show only half of First Street, implying no other traffic patterns exists. Either correct the map, or *(if you have other information)* explain that part of First Street is being abandoned

Avoid terms that downplay the importance of the historic elements. Generally use the word *landmark* in place of "historical structures" or "historical buildings." These other terms seem to underplay that it *is* a landmark, making it sound merely old.

Use historic landscaping in place of "*non-native plantings*"). P 3-3 (bottom paragraph) "...13 are *{non-native}* acacia trees." The term *non-native* is being used to make the landmark's historic landscaping sound like weeds and invaders, while the new hotel's plan to install Queen Palms are not termed non-native. Stop using this term for political purposes.

P 3-8: Everything about the historic Court of the Mariners is to be demolished and not replicated. I object to the characterization of a small patch of garden being described as a reduced-sized version of the Court of the Mariners. The traffic alley and its proposed new undistinguished facades have only the footprint of the historic court in common, but none of the features. Only the Court of the Laurels is to be a reduced size version.

Figure 4.2-4: Coastview Inn is shown two-stories above First St., but sits at Beach St. level with its second floor level with First St.

4.3-1: The loss of the landmark is described as a significant unavoidable negative impact, which is not mitigated in the project as proposed. Yet CEQA requires that anything with one or more negative impacts cannot be approved unless the impact is judged mitigated. Mitigation(s) are intended to reduce the negative impact to less than a significant level. Therefore the report should distinguish between a true mitigation, and a condition of approval, for even when that condition may be desirable, it is not in the same category as a true mitigation. A mitigation is that which compensates the loss of something, in this case the intent to demolish and not replace a protected historic landmark. The closer this compensation is to being of equal or greater value, the closer it is to being a true mitigation. A report to document a condemned landmark is required anyway, so it doesn't qualify. And mere gestures such as a lobby display of questionable permanence, a plaque, or retaining the historic name, are no substitute for a standing landmark, and set a bad precedent for how little a developer is permitted to give to demolish a protected landmark. Saving the tower is a mitigation, but the tower alone is not a true mitigation. The B/SOL Plan describes a list of character-defining elements of the La Bahia, that it says are to reused.

4-6 (bottom paragraph): "The proposed project, including demolition of a[n] historic *{building}* [landmark], would be inconsistent with historic preservation policies [in the General Plan and Local Coastal Program], but would be [made] consistent [by changing the] General Plan/LCP [with an] amendment, in which construction within a new building would be permitted if the design included "character-defining elements" as found in the existing La Bahia with preservation of the tower."

4-31 (written "that that"): In a 1996 historic background report prepared for the B/SOL Area Plan, historian Ward Hill found that the La Bahia qualified for the National Register under criterion "C," which refers to resources *{that}* that embody the distinctive characteristics of a type, period, or method of construction, or that represent a significant and distinguishable entity whose components may lack individual distinction."

Under historic guidelines, restoration can include both preservation and reconstruction.

Exhibit M

12 LEGAL COMMENTS ON DRAFT EIR

By M.R. Wolfe & Assoc., Attorneys-at-law

(24-page Carpenter's Union letter from 2007, excerpted by Commissioner Ross Gibson with highlighting & headings added)

2ND EIR REQUIRED: ...An agency may not tier from a previous EIR for a project that is not consistent with its general plan or zoning ordinance or where changes or new information require a subsequent EIR. The proposed Project is not consistent with the General Plan or zoning ordinance, as is evident from the need for amendments to both. Numerous changes in the Project and its circumstances and new information trigger the need for a subsequent EIR. (Wolfe, pp.2-3).

ADAPTIVE REUSE: The B/SOL Area Plan did not include – and specifically rejected – the demolition of the La Bahia Apartments. (Wolfe, p.10). ...The City should not lightly accept the developer's assertions that demolition is necessary. There is no substantial evidence that adaptive reuse of the historic La Bahia Apartments is not feasible. Nor is there any evidence that adaptive reuse will not meet the Project objectives. (Wolfe, p.3).

PROJECT NONCOMPLYING:...The EIR's assertion that the project is "consistent with the overall land use intent for the site as specified in the B/SOL Area Plan" is belied by the need to amend the Area Plan. D-EIR, p. 4-6. In fact, the Project is a development alternative that was specifically *rejected* by the City when it adopted the B/SOL Plan. B/SOL EIR, p.230. ...The Project is clearly inconsistent with Community Design Policy 3.5.3 to encourage rehabilitation and adaptive reuse of historic and architecturally significant buildings rather than demolition, and Cultural Resources Policy 2.1 to protect and encourage rehabilitation of such buildings. The D-EIR can only find the Project consistent by noting that the "demolition would be allowed *with the proposed General Plan/LCP amendment.*" D-EIR, p. 4-11, emphasis added. (Wolfe, p.4).

IMPROPER STREAMLINED REVIEW:...The streamlined CEQA review procedures under Public Resources Code section 21083.3 also require that a project be consistent with the applicable general plan and zoning. CEQA Guidelines § 15183(d). The streamlined review procedures applicable for review under a Program EIR are not applicable because a general plan EIR is not a Program EIR. *Al Larson Boar Shop Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 741. (Wolfe, p.5). ...There is no authority for issuing a mitigated negative declaration on some issues while providing an EIR as to others. (Wolfe, p.7).

DEMOLITION TOXICITY:...The Initial Study does not disclose that the California Air Resources Board designated the area including Santa Cruz as a nonattainment area for ozone and PM10 in 2006. ...The Draft EIR incorrectly states that air quality impacts under Alternative 2 would be similar to the proposed Project. This is simply not the case. Mr. [Peter] Christensen demonstrated that PM10 emissions from demolition of the entirety of the La Bahia Apartments *would* be significant, but that the minimal demolition under Alternative 2 would *not* be significant. (Wolfe, p.8). ...The Initial Study proposes mitigation that is so vague as to be unenforceable and ineffective. (Wolfe, p.9). The one sentence consistency assertion that the Project is consistent with the *current* 2004 Air Quality Management Plan is entirely unsupported. As Mr. Christensen demonstrated, the consistency determination made for the B/SOL Area Plan EIR in 1998 is not relevant. (Wolfe, p10).

SOILS:: The Initial Study references a geological study conducted by Steven Raas & Associates in 2001. However, this study was an evaluation of the previously approved project to adaptively reuse the existing structure and to build only 65 new units, at most 38 feet high. The 2001 geotechnical study was not an evaluation of the current plans to build an entirely new hotel with 125 rooms and two towers ranging up to 72 feet high. The Initial Study references a three paragraph letter from Pacific Crest Engineering Inc. dated February 21, 2006. ...However, the cursory review in this letter was *not* based on the current proposed plans. The letter states that..."[t]he remainder of the project will consist of *remodeling the existing buildings* (located on the southern portion of the project site)..." [which can only be the 2001 project]. The 2001 geotechnical study also fails to provide and use the current seismic hazard map prepared by the California Geological Survey.... While the 1997 UBC may have been applicable to the 2001 project, *entitlements for that project have now expired,* and the current Project is seeking new entitlements based on a new application. Mr. [James] Hengesh...demonstrated that the Steven Raas & Associates Inc. recommendations for rehabilitation of existing foundations are now irrelevant, and the recommendations for new construction were based on a much smaller structure and are likely to be inadequate for the current Project. (Wolfe, p.11-14).

WATER:...The Santa Cruz Storm Water Management Plan ("SWMP") requirements postdate the 1998 B/SOL EIR. ...The demolition of the existing structures and the construction of an entirely new structure on the 1.4-acre site is a substantial change

Exhibit M

in the Project that triggers the application of these regulatory requirements. Thus, a subsequent EIR is required under Public Resources Code Section 21166. CEQA Guidelines, § 15162. (Wolfe, p.15).

FEASIBLE ALTERNATIVES: CEQA requires that all feasible alternatives and mitigation be considered before an agency approves a project that impacts a historic resource such as La Bahia Apartments. *Upholding Our Heritage v. Woodside* (2007) 147 Ca.App.4th 587, 597. A statement of overriding considerations *requires that an agency find that there are no feasible alternatives or mitigation, and such a statement is invalid if the record does not* support such a finding. *Id.* at 597, 603. ..."The fact that the alternative is more expensive or less profitable is not sufficient to show that the alternative is financially infeasible...." *Id.* at 599. The fact that the applicant previously...received a permit for a project that would have adaptively reused the existing structure...belies any contention that adaptive reuse is not physically possible. D-EIR, p.3-2 to 3-3; Architectural Resources Group, CEQA Historic Resources Evaluation – La Bahia, January 26, 2003. (Wolfe, p.19).

BURDEN ON CITY:...An agency cannot rely on an applicant's statement alone in determining whether an alternative is feasible; it must investigate the matter itself and then provide the facts and analysis to support its conclusions in the EIR.... An agency must explain to the public why it finds an alternative infeasible [and not resort to] conclusory statements, [as] "[a]n EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404-405.

STANDARDIZED ROOMS:...There is no evidence that condominium units could not be sufficiently standardized so that the purported "differences between all of the rooms (accessibility to the disabled, size, quality, etc.)" would not "hinder the management company's ability to meet the standards of that [fairness] test." D-EIR, p. 4-35. Clearly the fact that some small fraction of potential visitors might be disabled and not be able to access second floor units would not in itself prohibit viable hotel use....No information is provided to demonstrate that adaptive reuse could not resolve any such problem through interior renovations that sufficiently standardize accommodations to reasonably facilitate a "fairness test." [There are no historic restrictions at all on interiors, as was evident in the approved plan's interiors.]...The 118-unit hotel project [was to turn] the existing 44-unit apartment building [into] 53 guest rooms and a lounge. ...Furthermore, the adaptive reuse would...account for fewer than half of the units of the proposed 118 or 125 unit hotel. The other units would be newly constructed in any event, and would obviously be susceptible to standardization. (Wolfe, p.21).

PRESERVATION AVERSION NOT A DEFENSE: Reuse is not infeasible legally. While it is clear that the applicant does not *want* to rehabilitate the structure, there is no suggestion here that the City is legally required to permit demolition. As the Court observed in *Uphold Our Heritage*, an applicant's refusal to proceed with an alternative project cannot constitute the basis of an infeasibility finding. *Uphold Our Heritage, supra,* 147 Cal.App.4th at 602. (Wolfe, p. 22). ...[T]he Project objectives have improperly been designed to be unduly narrow in order to foreclose any alternatives. "The stated goal of a project necessarily dictates the range of 'reasonable' alternatives and *an agency cannot define its objectives in unreasonably narrow terms.*" *Carmel-by-the-Sea v. US Dept. of Transp.* (9th Cir. 1997) 123 F.3d 1142, 1155, emphasis added. (Wolfe, p.23). ...If the previously proposed 118-unit project does not meet such Project objectives as provision of bike rentals, meeting space standards, and adequately standardized rooms, the City should evaluate an alternative that *does* meet these objectives. ...The applicant's preferences for a particular project are not controlling as to the alternatives to be considered "...Otherwise, CEQA's mandate to consider alternatives would be meaningless." *Kings County Farm Bureau, supra,* 221 Cal.App.3d at 736-737. ..."Environmentally superior alternatives must be examined whether or not they would impede to some degree the attainment of project objectives." *Id.* at 737. (Wolfe, p.24).

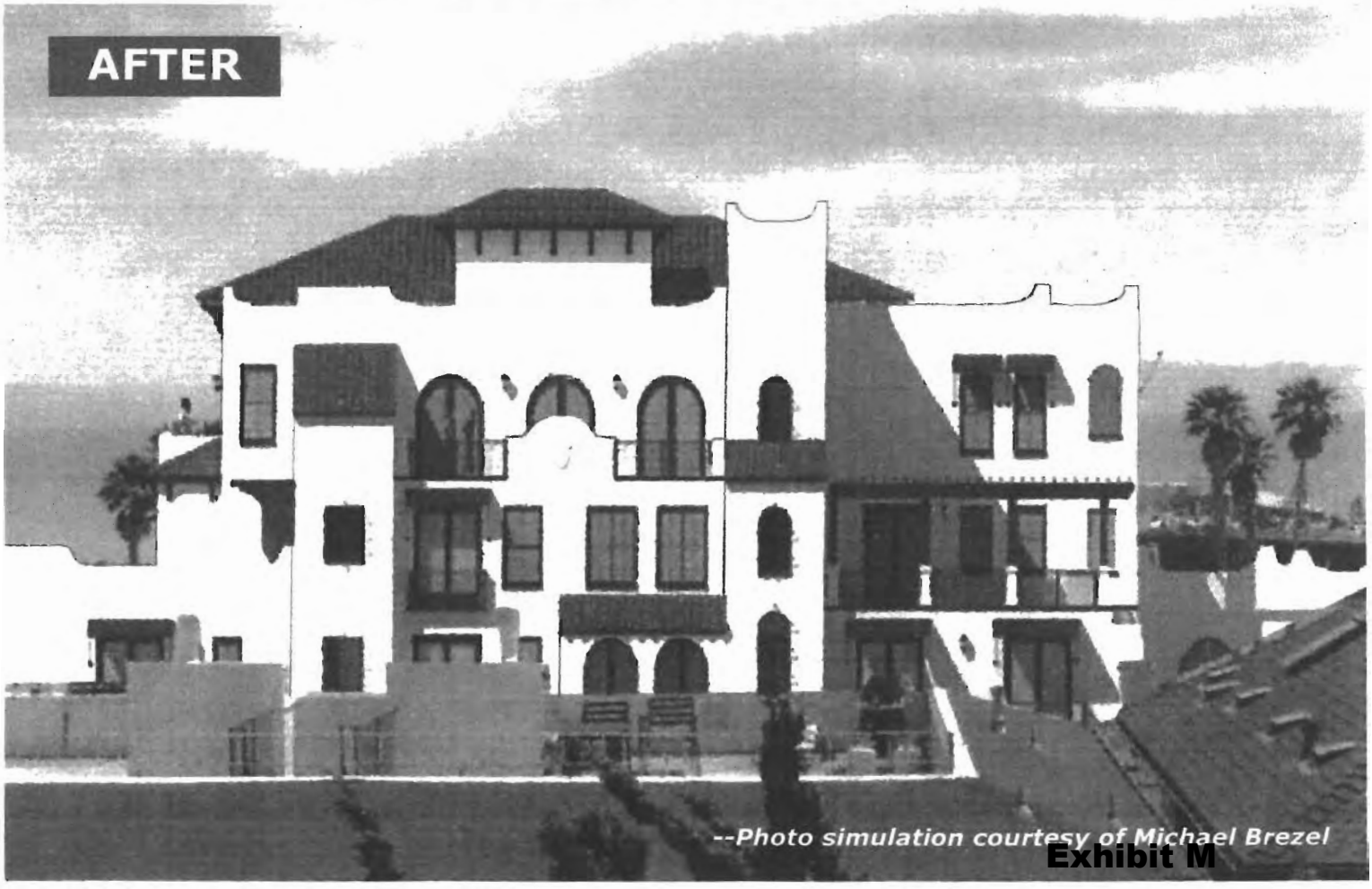
RECIRCULATE: The Draft EIR Must Be Revised And Recirculated. ...The purpose of recirculation is to subject substantive revisions to the same "critical evaluation that occurs in the draft stage," and to give the public "an opportunity to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom." *Sutter Sensible Planning Inc. v. Board of Supervisors* (1981) 122 Cal.App.3d 813, 822. An EIR is invalid when significant new information is added to the record late in an EIR process with "no opportunity for meaningful public comment and response." *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 128-134.

Exhibit M

Before & after views from Anchor Apts. (formerly Modern Manor), several stories above the top of Beach Hill on Second Street

BEFORE

AFTER



--Photo simulation courtesy of Michael Brezel

Exhibit M

Tower as seen in 1926 photographs

Tower traced from
Barry Swenson Builder simulation

The La Bahia Hotel

A Landmark Hotel
Bringing Back the Elegance
of Santa Cruz

PROJECT LOGO

Exhibit M

Volume IV
OFFICIAL LA BAHIA GUIDELINES

Why project doesn't meet City Policy

Exhibit M

Report Written April, 2008; Updated Sept. 2008;
With Conclusion Updated Nov. 2008 for 7-Story Proposal

A Brief Consolidated Overview of the OFFICIAL LA BAHIA GUIDELINES

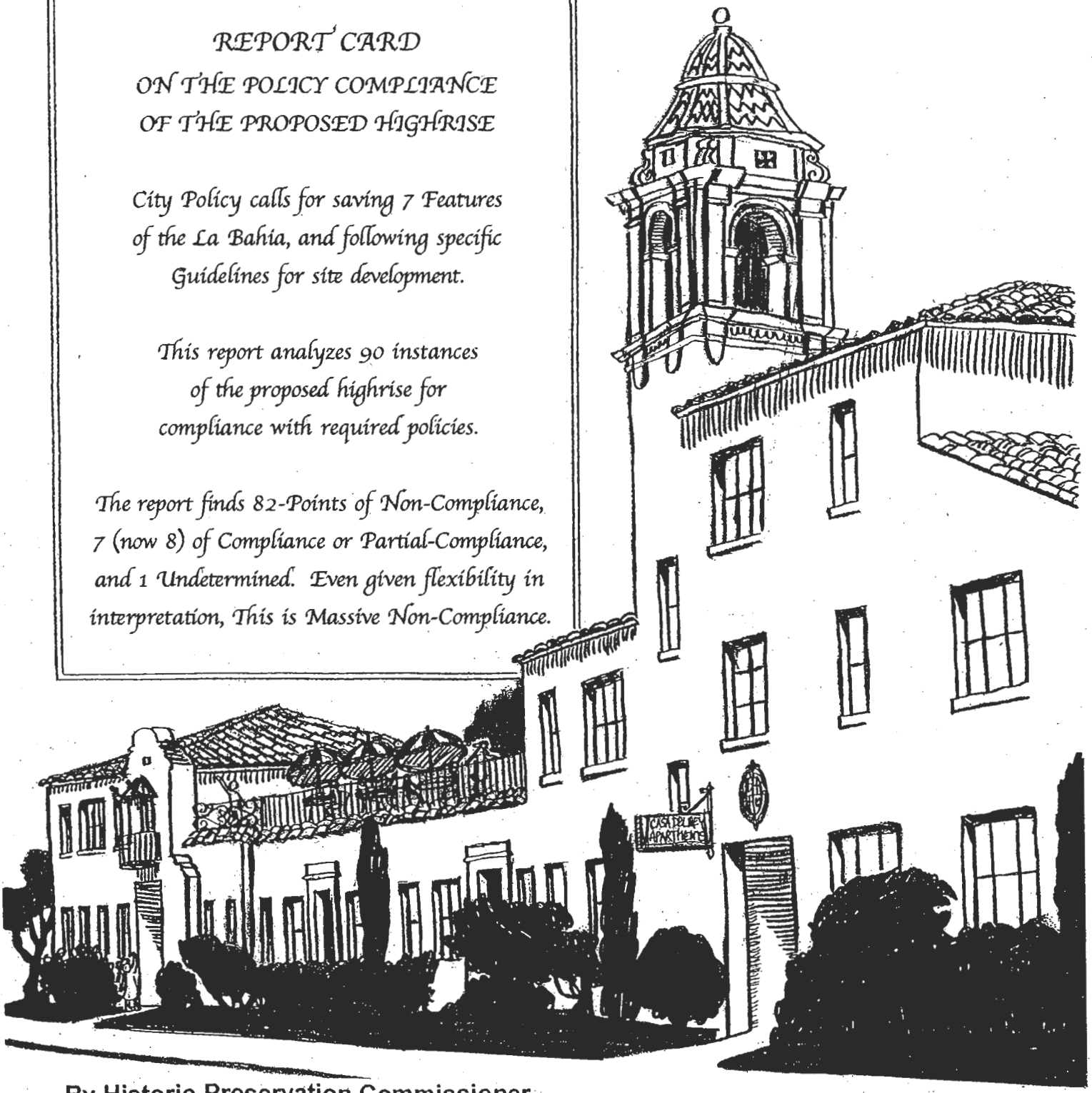
From the B/SOL Plan, B/SOL Guidelines, ARG Report, & Related Policy Works

REPORT CARD
ON THE POLICY COMPLIANCE
OF THE PROPOSED HIGHRISE

City Policy calls for saving 7 Features of the La Bahia, and following specific Guidelines for site development.

This report analyzes 90 instances of the proposed highrise for compliance with required policies.

The report finds 82-Points of Non-Compliance, 7 (now 8) of Compliance or Partial-Compliance, and 1 Undetermined. Even given flexibility in interpretation, This is Massive Non-Compliance.



By Historic Preservation Commissioner
ROSS ERIC GIBSON

Exhibit M

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CHIEF DOCUMENTS

Source abbreviations used in this report indicate the following documents

B/SOL REPORTS

B/SOL Plan: CITY OF SANTA CRUZ– BEACH & SOUTH OF LAUREL COMPREHENSIVE AREA PLAN, Part I, General Plan. Prepared by the Phipps Group (Wash. DC) for the Department of Planning & Community Development–Dec. 1997

B/SOL Guide: CITY OF SANTA CRUZ– BEACH & SOUTH OF LAUREL COMPREHENSIVE AREA PLAN, Part II, Design Guidelines. Prepared by the Phipps Group (Wash. DC) for the Department of Planning & Community Development–Dec. 1997

ARG Report: LA BAHIA APARTMENTS, ARCHITECTURAL ANALYSIS & RECOMMENDATIONS FOR NEW DEVELOPMENT, Full report (excerpted in B/SOL Plan) prepared by the Architectural Resources Group (SF) for the B/SOL Plan 1997, final publication April 6, 1998

Casa Del Rey: EMPIRE OF THE CASA DEL REY–AN HISTORIC PERSPECTIVE REPORT ON THE CASA DEL REY & LA BAHIA, prepared by Historic Preservation Commissioner Ross Eric Gibson at the request of the Phipps Group, for the B/SOL Plan, 1997

Waterfront: HISTORY & FUTURE OF THE SANTA CRUZ WATERFRONT–*An Historic Perspective Study of the Beach/South of Laurel Area (B/SOL),* prepared by Historic Preservation Commissioner Ross Eric Gibson at the request of the Phipps Group for the B/SOL Plan, April 1997

B. Flats: COTTAGE CITY COMPANION TO BEACH FLATS–*A Survey & Study for an Historic Conservation District* (with an overview & lot-by-lot analysis), prepared by Historic Preservation Commissioner Ross Eric Gibson at the request of the Phipps Group, for the B/SOL Plan, 1997

Ren. Plan: WATERFRONT RENAISSANCE, *A Cultural Redevelopment Master Plan–Concept Model for Historic Tourism,* prepared by Historic Preservation Commissioner Ross Eric Gibson at the request of the Phipps Group for the B/SOL Plan, 1997

Powers: EXISTING CONDITIONS & CONSTRAINTS ANALYSIS for the Beach Area/South of Laurel (BA/SOLA) Master Plan Area, prepared for the Redevelopment Agency by David J. Powers & Assoc. Inc., July 1996

Chat: BEACH AREA OUTLOOK CONFERENCE–COMMUNITY CHAUTAUQUA, Focus Group Report, Jan. 24, 1994, updated May 21, 1994

OTHER AUTHORITIES

LCP: SANTA CRUZ COUNTY LOCAL COASTAL PROGRAM–LAND USE PLAN, prepared by Supervisors' chair Gary Patton, Planning Commission chair Celia Scott, the SC Planning Dept., etc., funded by Nat. Oceanic & Atmospheric Admin., & Coastal Comm., Jan. 1981

Beach Area Plan: CITY OF SANTA CRUZ BEACH AREA PLAN, prepared by the City of Santa Cruz to help implement the General Plan, adopted July, 1980

National Standards-1: THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION, *and Guidelines for Rehabilitating Historic Buildings,* written by W. Brown Morton III & Gary L. Hume, Washington DC, 1976, with updates

National Standards-2: THE SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES, *with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*, written by Kay D. Weeks & Anne E. Grimmer for the US Dept. of the Interior, National Park Service, Washington DC, 1995

NR: NATIONAL REGISTER BULLETIN 16A–*How to Complete the National Register Registration Form*, prepared by Linda F. McClelland for the National Register Branch of the National Park Service, US Dept. of the Interior, Washington DC, 1991

Pres. Plan: SANTA CRUZ HISTORIC PRESERVATION PLAN OF THE GENERAL PLAN, Prepared by the City Planning Department, July, 1974

Bldg. Survey: SANTA CRUZ HISTORIC BUILDING SURVEY, prepare by Charles Hall Page & Associates Inc. (SF) for the City of Santa Cruz, first adopted 1976, with current updates

Gilchrist: HISTORICAL OVERVIEW–LA BAHIA (OLD CASA DEL REY) APARTMENTS, prepared by Archaeological Consulting & Research Services Inc., for John Gilchrist & Associates Environmental Analysis & Planning, Oct. 1, 1984

HE: HISTORIC EVALUATION OF THE LA BAHIA APARTMENTS, a landmark eligibility study prepared by Historic Preservation Commissioner Dale Hendsbee, April 20, 1999

Handbook: LA BAHIA HANDBOOK OF DETAILS, EXAMPLES, & CONCEPTS, prepared by Historic Preservation Commissioner Ross Eric Gibson to assist *Barry Swenson Builder* architects understand what constitutes Hill Village style, and what would be impediments to the Historic Preservation Commission's approval. 2006.

LE: LA BAHIA LANDMARK EVALUATION Report documenting National Register Historic Significance, prepared by Historic Preservation Commissioner Ross Eric Gibson for the first highrise La Bahia Draft Environmental Impact Report, 2007; updated for the Re-EIR May 2008.

Seaside Co. book: THE SANTA CRUZ BEACH BOARDWALK–A Century by the Sea," by the Seaside Company (owners of the Boardwalk/La Bahia), 2007.

Docu.: "100 YEARS, Millions of Memories–SC Beach Boardwalk," documentary by the Seaside Co.& Tam Communications, with historians Ross Eric Gibson & Sandy Lydon, boardwalk archivist Bonnie Minford, etc.; DVD release 2007, shown on PBS 2008

Downtown Guidelines: CITY OF SANTA CRUZ DOWNTOWN RECOVERY PLAN (currently used as downtown development guidelines), prepared by the Streetscape Task Force (with Ross Eric Gibson as Historic Representative/Advisor), the subcommittee was appointed by Vision Santa Cruz–the Technical Advisory Group (TAG), with input from Vision Santa Cruz, their public workshops, the Planning Commission, Downtown Commission, City Council, and the public. Adopted Sept. 1991; amended Oct. 2001

Exhibit M

1950s-60s LOST OR THREATENED LANDMARKS

These were the issues of concern that gave birth to local Historic Preservation

✖=Demolished before the survey
◘=Gutted with facade restoration
✪=National Register Landmark
★=NR-2/NR-3 (Nat. Reg. Eligible)
■=NR-6 from modernized facade

BEACH HILL

✖1887 MARCH MANSION
✖★RENNIE MANSION
★1924 GIANT DIPPER ROLLER COASTER, Boardwalk

DOWNTOWN

★1895 COOPER ST. COURTHOUSE
✪1882 THE OCTAGON BUILDING
■1873 ODDFELLOWS BUILDING
✖★1886 McHUGH & BIANCHI BLDG.
✖★1865 PACIFIC OCEAN HOUSE
■1866 BALDWIN BLDG. (Lulu Carpenters),
◘1920 NEW SANTA CRUZ THEATER
★1940 CIVIC AUDITORIUM
✖★1904 CARNEGIE LIBRARY
✖★BRET HART HONEYMOON COTTAGE
✖★1912 METHODIST CHURCH
✖★CONGREGATIONAL CHURCH

MISSION HILL

✪1824 SCHOOL ST. ADOBE
✖★GARDENER ADOBE
★1856 LESLIE BRICK BUILDING
✖★FAGAN MANSION
✖PHELAN MANSIONS, Lighthouse Field
✖★1908 BAYVIEW SCHOOL–William Weeks

SEABRIGHT

✖★1928 SCHOLL MARR CASTLE, Castle Beach, Seabright
✖ARTS & CRAFTS MUSEUM, Tilden Park, Seabright

The La Bahia is not just a recognized NR2 National Register landmark, the California Coastal Commission also made it the prime example given of California's "Spanish Colonial Revival" style, in the "California Resource Guide" {p.72, first printed 1987}.

SANTA CRUZ
Walking Tour

Beach Hill

This tour brochure was produced by the City of Santa Cruz Planning Department and community volunteers.

1989 EARTHQUAKE LANDMARKS

✖=Demolished
✱=Saved, but lost to arson
◘=Gutted with facade restoration
▼=Redtagged but saved
✪=National Register Landmark
★=NR-2/NR3 (Nat. Reg. Eligible)
■=NR-6 from modernized facade

✖★1859 FLATIRON BUILDING
✖■ 1865 PHOENIX BUILDING (Pacific Coffee Roasting)
✖1899 WILLIAMSON GARRETT BLDG. (Old Bookshop Santa Cruz)
▼1965 COMPASS ROSE BLDG.
✖■ 1856 WELLS FARGO EXPRESS OFFICE
✱★1895 ST. GEORGE HOTEL
▼1866 HARDY HOUSE
◘✪1895 COUNTY BANK
✖★1895 COOPER HOUSE
✖■ 1873 ODDFELLOWS BUILDING
✖ 1895 STAFFLER BUILDING
▼★1895 LEONARD BUILDING
✖■ 1906 LEASK'S DEPT. STORE
✖■ 1873 HEATH'S CORNER
✖1875 RITTENHOUSE BUILDING
✖★KLEIN-TRUMBLEY JEWELERS
✖ROBERTS SHOES
▼★1926 PALOMAR HOTEL
✖★1887 MASONIC BLDG.–Wm. Weeks
✖★1911 ELKS BUILDING
✱★1911 TRUST BUILDING
◘★1926 BANK OF ITALY BUILDING
✖★1885 HIHN CORNER
✖★EFFY BUILDING
✖VIRGINIA HOTEL (Logos)
✖✪1908 HOTEL METRAPOLE (Plaza Books)
✖★1908 HEARD BUILDING
✖★1908 GOODTIMES BLDG.
✖ 1941 FORD'S BLDG.–Wm. Wuster
✖SPODICKS FURNITURE
✖FRONT ST. STORE
✖ATLANTIS FANTASYWORLD
✖FRENCH STEAM LAUNDRY
✱UNION ICE COMPANY
▼★1885 HOLY CROSS CHURCH
✱MISSION ST. BUSINESS
✖★1911 CASA DEL RAY HOTEL

Exhibit M

A Brief Consolidated Overview of

THE OFFICIAL LA BAHIA GUIDELINES

From the B/SOL Plan, B/SOL Guidelines, ARG Report, & related policy works

Plans Developed & Approved by
THE SANTA CRUZ CITY COUNCIL,
THE PLANNING & PRESERVATION COMMISSIONS
Excerpted & Interpreted by
HPC Commissioner Ross Eric Gibson

INTRODUCTION

HISTORIC DEMOLITION: In the 1960s, anonymous utilitarian structures, freeways, and suburban sprawl threatened-or-replaced major historic landmarks that the Chamber of Commerce and neighborhood protection groups said defined the character of Santa Cruz for visitors and residents alike (see list ←p.4). Chuck Abbott started the neighborhood revitalization group PROD. Donald C. Biggs, director of the California Historical Society in San Francisco, urged the Santa Cruz Board of Supervisors not to demolish the Octagon "Hall of Records" Building, so in 1968 the County restored it instead. Abbott helped the City establish the Pacific Garden Mall in 1968 as a *National Historic District*, designating the McHugh & Bianchi Building at the head of Pacific Avenue as a Signature Landmark and "Gateway Feature." Though listed in the 1973 *Santa Cruz Heritage Survey,* the landmark was torn down in 1974 over City Council objections, while the Council was negotiating with the developer to save the building.

HPC: The City realized without a formal Preservation Plan and Preservation Commission, they had few legal options against rogue developers. With community input, the Planning Commission wrote the "Preservation Plan" in 1974, which became a model for other communities. The City Council established the Santa Cruz Historic Preservation Commission that year, and together with the Planning Department, they commissioned Charles Hall Page & Assoc. to conduct the 1976 "Santa Cruz Historic Building Survey," to serve as the Commission's mandate for preservation. After a series of public meetings, the final survey was approved by the City Council. **{Building Survey, Mayor John Mahaney–p.III, forward–p.3, etc.}**.

LA BAHIA TOP-RATED: In the 1976 survey, Charles Hall Page & Assoc. rated the La Bahia "excellent" based on its *architectural significance* alone **{Building Survey p.26}**. But in 1984, a John Gilchrist & Assoc. study based on "meticulous research" by the boardwalk's historian Warren "Skip" Littlefield, said that factoring-in *historic significance* raised La Bahia's rating to the highest category of "Exceptional."**{Gilchrist p.33¶5}**, and found accounts of possible archeological resources in the form of a Spanish-era spring on the site **{Gilchrist p.35g}**. The 1989 earthquake destroyed so many prominent city landmarks, that it eliminated the Downtown as a *National Historic District*. With a strong desire to prevent further loses, the Beach/South of Laurel Planning process was initiated. The City Council now felt the La Bahia deserved special attention, and had the B/SOL Plan designate La Bahia *a signature landmark so important to the waterfront, it should be preserved and converted into a first class facility as the focal point for a waterfront revival.* **{B/SOL Plan, pp.130, 287}**. Its importance was emphasized when the Beach/South of Laurel area's major historic economic assets (promotional features) were listed as: 1. Boardwalk Attractions, 2. the Wharf, *3. La Bahia*, 4. the Depot, and 5. Historic Beach Hill. The first three are Beachfront attractions, associated with the popular Main Beach. "The *sensitive expansion and reuse* of the La Bahia..." was to be accomplished through "...zoning, architectural guidelines and development standards..." that would "...reinforce [all] the historic underpinnings of the Beach area." **{B/SOL Plan, pp.286-287}**.

B/SOL GOALS: The B/SOL Plan & Guidelines were established to capitalize on Waterfront Heritage, promote compatible scale and architecture, and prevent any more wall-like Dream Inn highrises. The B/SOL goals are "...to create *safe and livable neighborhoods*;...economic stimulus through the *conversion of the La Bahia* into a quality conference hotel," "...recapture Santa Cruz's unique historic Ocean Resort style by stimulating significant upgrading and redevelopment of the older lodging facilities;" "...reposition Santa Cruz as an ocean resort destination, creating an environment which *encourages extended stay, reduces reliance upon the automobile* and expands the season." **{B/SOL Plan pp.ii¶9-10, iii¶1, 125¶3, B/SOL Guidelines p.II-7, IV-111}**. In addition to the B/SOL Plan, a separate document called "the B/SOL Design Guidelines" provides ***general compatibility*** guidance to waterfront development, in sympathy with the more specific guidelines for individual landmarks.

NATIONAL LANDMARK PROTECTIONS: The City hired David J. Powers Associates in 1996, who used the National Register Criterion "C" as his authority

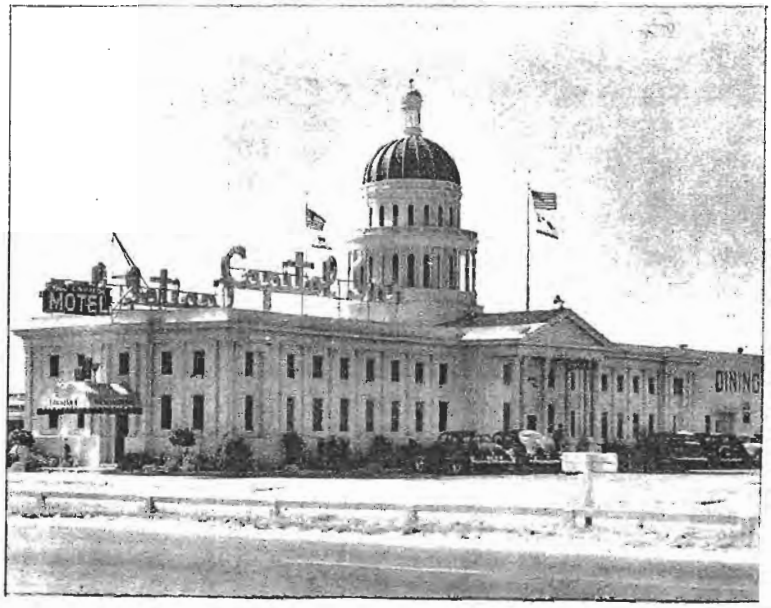
to upgrade the La Bahia from an NR5 Landmark (of Local Interest Only) to an NR3 (Possible National Register Landmark pending further study) **{Powers p.41¶6; National Register Bulletin 16a, p.35-51}**. The city hired Ward Hill as their B/SOL historic consultant, who confirmed the La Bahia is definitely an NR2 Landmark (National Register-Eligible) **{Ward Hill for the B/SOL Plan, 1996}**. This ranking makes it *a protected structure of national importance.* Recent research has shown it fits seven areas of National Register qualification, further cementing its national importance and value for protection. **{See *La Bahia Landmark Evaluation* report (LE) for list of La Bahia's National Register Qualifications p.3, William Hays bio. p.6-7, & Historic Timeline, p.10-11, Nat. Reg. Bulletin 16a, p.35-51}**. This is a rare honor, as only 11 of Santa Cruz's hundreds of local landmarks have been awarded National Register status.

GUIDELINES: To make sure not to lose those character-defining qualities that make the La Bahia landmark important to the waterfront, the City Council hired the Architectural Resources Group (ARG) to create B/SOL guidelines consistent with the Secretary of the Interior Standards for Historic Preservation (National Standards), which govern the restoration/ reconstruction of a National Register Eligible Landmark. Their goal is "...to ensure [the] compatibility of scale and architectural style...." **{ReEIR Appendix C¶6 proposes removing this line}.**

ACCEPTABLE PLAN: The City Council at first favored a two-block La Bahia concept of around 300 rooms with off-site parking, until ARG showed the result would be too boxy and massive. The approved two-block version requires retaining the La Bahia, "break[ing] up the building mass" of new construction in the manner of the landmark, *with a lowered room count* of 250-to-275 rooms, and possibly an occasional 4th floor **{B/SOL Plan pp.129, 131; ARG p.9}**. While the City Council rejected developing the La Bahia block alone with 120-200 rooms and off-site parking **{B/SOL Plan p.129}**, this has been used in the developer's 2003 and 2006 proposal with the addition of full on-site parking. Three B/SOL Plan alternatives will be studied in another chapter, being a hotel on the La Bahia-block alone; on La Bahia plus Coastview Inn; and on La Bahia plus parts of the Westbrook-to-Cliff St. block (➞p.29). The developer was even provided with several National Register alternatives (➞p.18, 32-33), demonstrating what the ideal project might look like, in compliance with the B/SOL Plan, ARG Report, National Standards and the Local Coastal Plan, with the least trouble gaining the approval of HPC and the Coastal Commission, and creating a successful development. **{Handbook pp.3, 52-55; LE pp. 4-5}**.

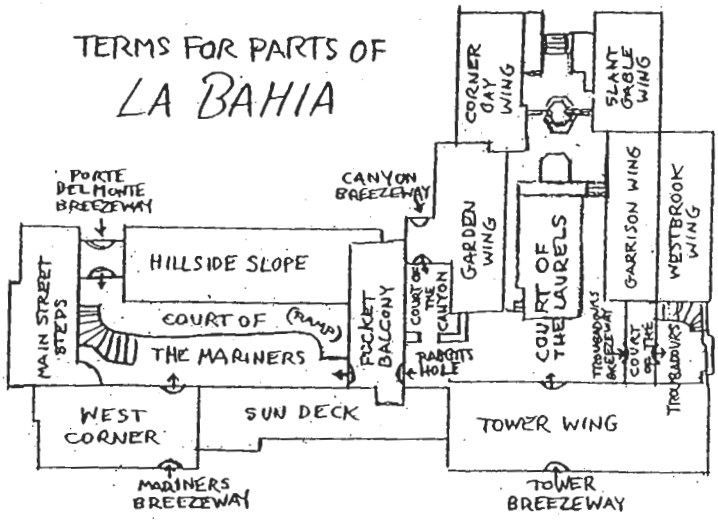
COASTAL COMMISSION: Based on the Local Coastal Plan, the Coastal Commission has shown similar concerns and requirements to the HPC, for preservation of neighborhood scale, integration with the landscape, preserving quality viewsheds, and compliance with the B/SOL Plan. A Coastal Commission letter to the ReEIR recommends at the very least to pursue a project based on the approved 2003 118-room La Bahia design (EIR alternative #2), or a new 89-room design within the height limits (EIR alternative #4). **{Coastal Commission EIR response, Susan Craig, May 28, 2008, p.2}**. Making rules to disregard the B/SOL Plan are not a scenario either HPC or the Coastal Commission want to pursue. **{2007 HPC Position Statement; & Coastal Commission ReEIR response, 2008}**. ■

The B/SOL guidelines are written to save the La Bahia, with the provision that where this couldn't be done, the damaged wings would be replicated following National Standards for reconstruction. The guidelines do not suggest there is a second-rate level of compliance allowing a developer to compromise the integrity of the landmark to such an extent it must be delisted.



In these photos, the design of the Tower of Pisa was refashioned into a fast food joint, while the grand architecture of the California State Capital has been simplified into a motel. These structures have the minimum features of the landmarks but not the architectural integrity, and in no way are an appropriate substitute for those landmarks.

Exhibit M



CHARACTER-DEFINING FEATURES

The City Council made clear they wanted the La Bahia either saved, or that its chief character-defining features be incorporated into the new structure. **{B/SOL Plan p.130}**.

CHARACTER-DEFINING FEATURES: "The overall historic character of a property is the sum of all visual aspects, features, materials and spaces associated with a property's history. *Character-defining features are those elements of a structure that are essential to the perception or understanding of this historic resource.* The character-defining features contribute to the special quality of the resource; without them the uniqueness of the structure is lost. Each element together as a group contribute to the character of the whole. All elements that are *eliminated* compromises the character and significance of the whole. **{ARG p.3¶3; ReEIR p.4-49}**.

SAVED & INCORPORATED: According to the National Standards for Preservation, *saving character-defining features* is accomplished either through restoration of the existing features, or reconstruction of those features. *Reconstruction* is the term for replacing a deteriorated or missing historic detail or structure. **{Sec. of Interior Standards, Guidelines for Rehabilitating Historic Buildings, pp. 63-66, etc.}**. *Incorporated* means "included" either saved, or reconstructed, or modified without destroying the integrity of the character-defining feature.

The character-defining features of the La Bahia were listed in the B/SOL Plan **{p.131, etc.}** and ARG Report **{p.8, etc.}** as the following categories:

- ◆THE ENTIRE BEACH STREET FACADE
- ◆BOTH COURTYARDS & THE BUILDINGS THAT ENCLOSE THEM
- ◆THE COURT OF THE TROUBADOURS
- ◆ALL 6 BREEZEWAYS INTO THE COURTS
- ◆THE HUMAN SCALE OF THE LANDMARK
- ◆THE HILL-VILLAGE MASSING
- ◆THE CRAFTSMANSHIP DETAILS
- ◆THE TERRACED TOPOGRAPHY OF THE LANDSCAPE

How these features are to be used is explicitly articulated in the B/SOL Plan and ARG Report, which will be detailed in the following pages, reinforced by those and other policy sources.

LIST OF SPECIFIC LA BAHIA CHARACTER-DEFINING FEATURES
{ARG pp.3-5}

MASSING

OVERALL MASSING, CONFIGURATION & VOLUMES
VILLAGE-STYLE SETTING
OFFSETS & OVERHANGS
VARYING ROOF HEIGHTS
COURTYARDS
TOWER & CUPOLA

DETAILS

SPANISH COLONIAL STYLE & DETAILING
RED TILE ROOFS
WHITE STUCCO WALLS
BALCONIES THROUGHOUT WITH WOOD AND METAL RAILINGS
TOWER & CUPOLA
FOUNTAIN IN COURT
PLASTER ORNAMENTATION. GATEPOST FINIALS
TILEWORK
GRILLEWORK
SIGNAGE MONUMENT AT HEAD OF COURT OF THE LAURELS

COURTYARDS

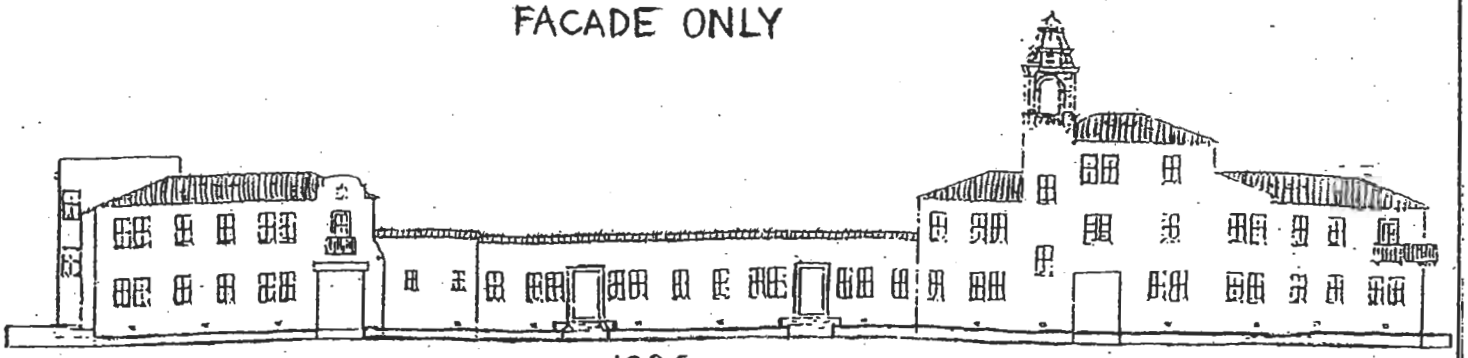
ARCHED PLASTER OPENINGS & PASSAGEWAY ACCESS TO THE COURTYARDS
COURTYARD ENTRANCES TO INDIVIDUAL UNITS
OPEN AIR HALLWAYS & STAIRWAYS
PAVING AND STEPS
LANDSCAPING AND SITE FURNISHINGS

INTERIOR

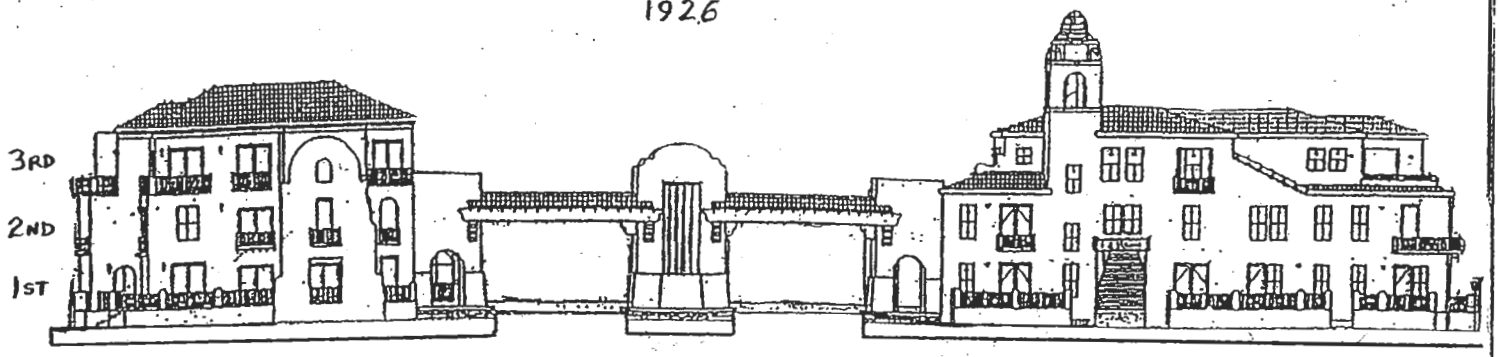
BUILDINGS OVERALL MASSING, CONFIGURATIONS AND VOLUMES
ORIGINAL EXTENT & CONFIGURATION OF EACH UNIT
SPANISH COLONIAL STYLE AND DETAILING
ORIGINAL DOORS & WINDOWS
LIGHT FIXTURES
BUILT-IN FURNITURE
UNCASED ARCHED PLASTER OPENINGS AND PASSAGEWAYS

Exhibit M

FACADE ONLY

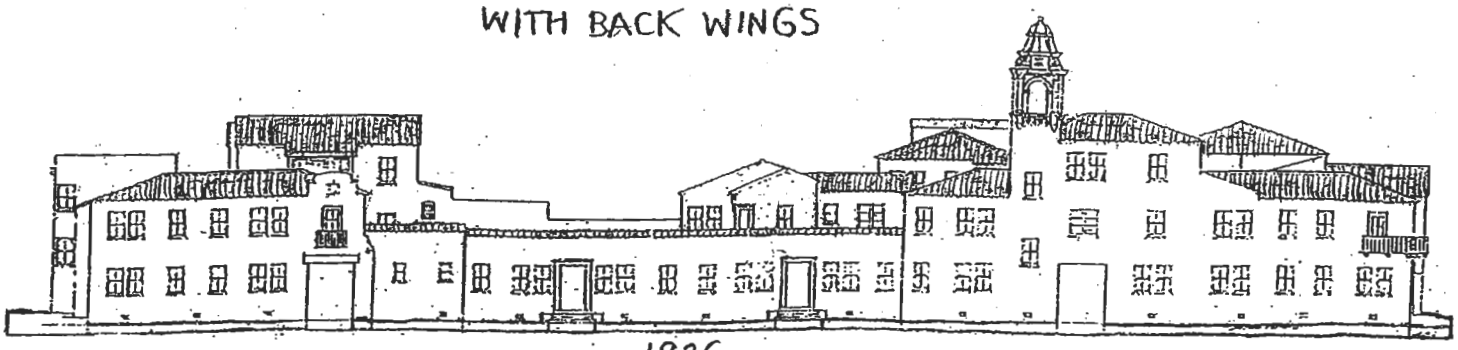


1926

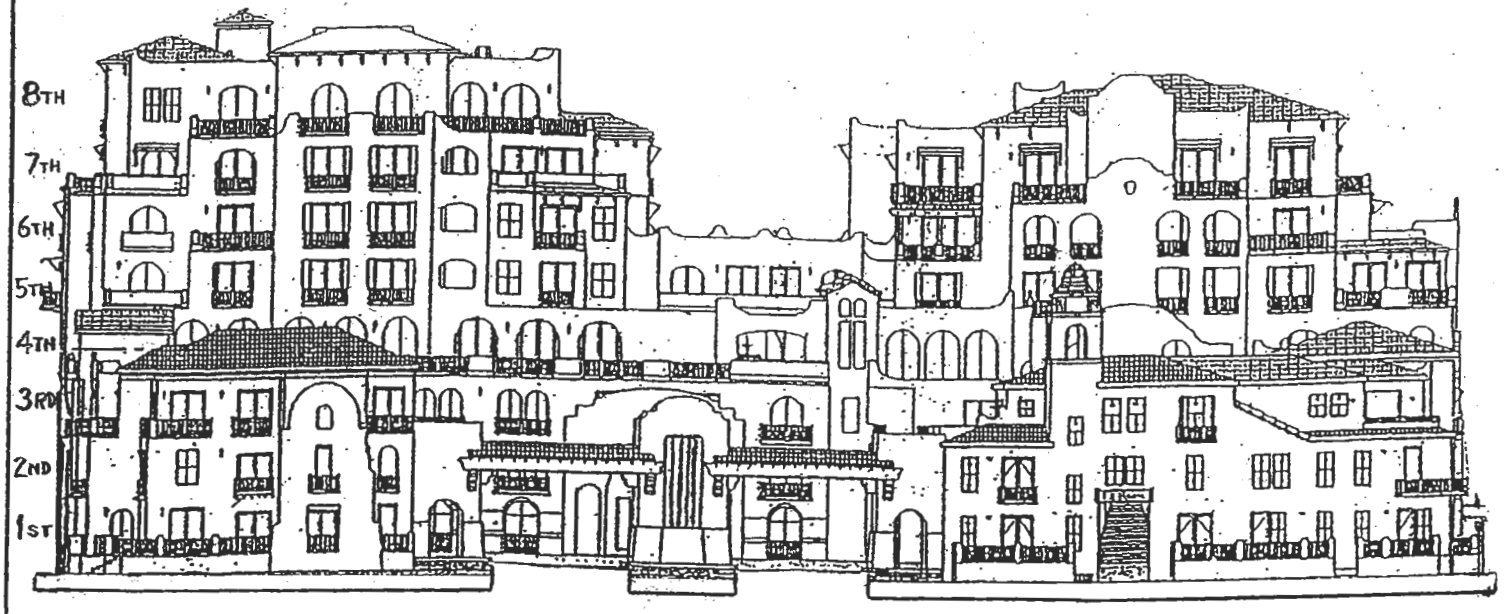


2006

WITH BACK WINGS



1926



2006

Exhibit M

Excerpts from guidelines will be followed by an analysis of how the Highrise La Bahia proposal applies these guidelines in the segment termed "Application." It will include a ✔ for each compliance, an ✘ for each non-compliance, and a ? for unconfirmed compliance. Emphasis (under-lining, Italics, etc.) has been added to source statements by this report to underscore a point.

1. ARG RECOMMENDS: SAVE THE ENTIRE BEACH STREET FACADE

THREE WINGS: The first "major contributing element" is the entire Beach Street facade, which consists of the West Corner wing (ARG #1), the Sun Deck wing (#2), and the Tower wing (#3). **{ARG p.6¶1, B/SOL Plan pp.130-131}**. "As designed, the La Bahia Apts. were intended to be seen from Beach Street, and the primary design elements are found on the exterior of this facade. The West Corner anchors that [Beach & Main St.] corner." **{ARG p.9¶5}**. It is comprised of both the West Corner Wing and the Main St. Steps Wing. "The large tower near the main entrance may be seen from a great distance and helps to identify both the building in the Beach Commercial area and the location of the main entrance. These features [the West Corner/Main St. Steps and Tower Wing] should be retained in any future development of the site." **{ARG pp.9-10}**. "Additions or alterations [to the La Bahia] shall not change the street view of the building's distinguishing architectural features or overall character." **{B/SOL Guide p.III-71¶5}**. To respect the scale of the landmark, new facades "...should also step up the hill so that within 40 feet of Beach Street, they are no more than two stories in height." **{ARG. p.11¶7}**. The La Bahia's only three story wing is the center of the Tower Wing, which would obviously be "grandfathered-in," rather than reduced to two stories to fit this guideline, as the goal is to preserve or reconstruct the Beach Street facade as it is. **{ARG p.9¶4}**.

THE DESIGN STANDARD: The La Bahia's prominence defines Beach Street, as the B/SOL Guidelines state: "Spanish Colonial Revival architecture shall be used to establish the Beach Commercial design character in proximity to the La Bahia Apartments and Casa Blanca Hotel. ...The Beach Area [also] includes a mix...of Mission Revival and Mediterranean architecture, resulting in a general 'Spanish Resort" style.'" **{IV-113¶4}**. The list of B/SOL design guidelines for Spanish Colonial Revival on the Waterfront, are nearly identical to the guidelines developed for the La Bahia. **{B/SOL Guide III-36¶9, all III-41, III-80(art) IV-113¶4+}**.

TOWER WING: The tower wing is the most significant defining element of the entire landmark, and the entire wing should be restored or reconstructed to its original design. "Should new construction be built over Westbrook Street, it should be designed in a manner which emphasizes and features this important southeast corner, [leaving it unobstructed to] ensure that it may be seen from along Beach Street." **{ARG p.12¶2}**. As the only three-story section, it makes the tower the highest point, seen from every direction.

SUNDECK WING: "The weakest portion of the Beach Street facade is the central one-story section [the Sundeck wing] that is architecturally less significant than the other portions of the facade." **{ARG p.10¶2}**. This means, it would not be listed as a stand-alone landmark, since it is a long flat box with monotonous window and door placement. Yet under National Register Criterion "C," although lacking individual distinction, its importance is its contribution to the composition as a whole, and ARG concludes *all three wings that make-up the Beach Street facade are important to be saved* **{ARG p.6¶1}**. In context with the rest of the landmark the Sundeck Wing serves several important functions. It provides a long section similar to the side-wings of a California mission. The "mission profile" would be ruined if the "chapel" were kept and the side-wing demolished. Second, La Bahia's *roofline articulation* is a listed Character-Defining Feature **{ARG p.3¶4, B/SOL Guide p.III-36}**, but the high shoulder-wings of the Beach St. facade would not be seen as "mountains" in the skyline if there were no contrast with a low "plateau." Further, the low wing creates depth by revealing the taller interior facades behind, with their stair-step expression of the hillside slope. The Sundeck wing grants views to the apartments in the Court of the Mariners, and provides the only roof-top patio for viewing both the ocean and the activity in the Court of the Mariners. Far from allowing it to be eliminated, the ARG states "A section of Block #2 [the low portion called the Sundeck Wing] (...shaded [on the map]) could be replaced with a duplication of the existing building

[rather than being restored]." {ARG p.8¶1}.

APPLICATION: The West Corner Wing and Tower Wing are supposed to be retained or reconstructed as Hays designed them {✗ ARG p.9-10, B/SOL Guide p.III-71¶5}. The developer wants three-stories on both, flattening the facade profile, contrary to instructions for *one and two-story wings within 40 feet of Beach Street* {✗ ARG p.11¶7; B/SOL Guide IV-117¶2}, and not to obstruct the Beach & Westbrook corner {✗ ARG p.12¶2}. While some detail modification may be possible on the Sundeck wing, the *skyline profile* of the Beach St. facade cannot be changed {✗ ARG p.3¶4; B/SOL Guide III-36; Beach Area Plan p.71¶3}. The first version of the highrise proposal eliminated the Sundeck wing, to turning the Court of the Mariners into an open frontyard driveway. This would be a mistake, compromising the integrity of the facade, creating a major disruption in the rhythm of the facade, and introducing a "broken tooth" gap out-of-keeping with maintaining a consistent setback of street facades {Downtown Design Guidelines, p53¶4; 59¶G1c; S.C. Historic Pres. Plan, p.23}. The HPC suggested *if* the intrusive driveway must be inserted, at least install a roof to preserve the Sundeck profile. Yet to give access to motor vehicles, the developer raised the level of this Sundeck roofline from the 10-foot to the 20-foot level, which significantly flattens out the facade's required "varying roof heights" to be retained, by reducing them to only two heights: a three-story facade with a two-story element. {✗ ARG p.3¶4, B/SOL Guidelines p.III-36}. Eliminating the Sundeck wing without reconstructing it is contrary to the guidelines {✗ ARG p.8¶1}.

ENTRY ACCENTS: The cupola and espedaña (ornamental fan-shaped falsefront gable) are historically located to visually demark the location of a main entrance, as in this case both facade breezeway entrances. This architectural language is lost in the highrise proposal, as the first highrise version eliminated both the Tower breezeway and the West Corner breezeway, while the current highrise proposal eliminates the West Corner breezeway. The espedaña no longer says anything as an architectural element {✗ ARG 9-10}. (The cupola itself is examined on ➜ p.25).

GROUND HUGGING: The Beach St. facade is a sprawling series of levels with a ground-hugging reclining layout. The historic cupola and espedaña grow out of the skyline in a way that does not disrupt the horizontal emphasis of the Beach St. facade. Yet the highrise plan adds a vertical oversized phone-booth-like tower in the middle of the driveway with a topless oversized Greek column glued to the front like a post-modern version of a neo-classical pilaster, which further disrupts the horizontal flow needed in the Sundeck wing area to tie the facade together, rather than further segment it.

In the highrise plan, the espedaña in the historic West Corner wing has been "popped out" to create a three-dimensional vertical feature. This might be acceptable if the corner were a stand-alone structure not part of the La Bahia, but it detracts from the horizontal ground-hugging quality of the Beach St. facade, and seems a 1970s "pasteboard modern" application. The first highrise version even "popped out" the La Bahia cupola into a shaft tower, which utterly destroyed the "signature landmark" presence of the chief wing of the Beach St. facade, misunderstood the hill-village architectural style it was supposedly depicting, and produced another vertical element in this horizontal composition. (The current highrise proposal doesn't add a shaft to the cupola). These imposed vertical elements in a horizontal composition violates the 1974 Santa Cruz Historic Preservation Plan guideline on "Directional Expression of Front Elevations" {✗ Pres. Plan p.25}. ■

Exhibit M

2. ARG RECOMMENDS: SAVE ALL COURTYARDS & THE BUILDINGS THAT ENCLOSE THEM

The second "major contributing elements" of the La Bahia are the Court of the Laurels (courtyard #1) and The Court of the Mariners (courtyard #2). {ARG p.6¶1}. In addition to these major features, the Court of the Troubadours at the southeast corner is a compact feature that "...should be maintained and incorporated into [the] new development." {ARG p.6¶2}. These three courts include all the buildings that enclose them, "the [breezeway] passages into the courtyards, as well as the scale, massing character and detail of all the buildings." {ARG p.6¶1, 8¶2; B/SOL Plan p.131¶1}. ("The [breezeway] passages into the courtyards" will be studied separately ➜ p.17).

ELEMENTS OF THE COURTYARDS

SPACE AS PLACE: "One of the most significant features of the La Bahia Apartments is not the complex of buildings but the outdoor spaces created by the arrangement of the buildings. The two existing courtyards are an integral design element of the Apartments and contribute very much to what makes La Bahia special." {ARG p.13¶5}. This analysis is in keeping with the belief of La Bahia architect William Hays that the layout is of prime importance, wherein humble structures become significant. {LE, p.7¶5}.

DIFFERENT: "The two existing courtyards are quite different from each other, and give an indication how additional courtyards might be created in the new hotel development. They are both generally rectilinear in plan, have vertical walls that vary in height around the perimeter, have ground planes that are *not uniformly flat....* They are *not identical and each has their own character.* The main court, [the Court of the Laurels,] is more formal with an axial plan that steps up from Beach Street to the rear of the site. The western court, [the Court of the Mariners,] is more intimate and informal with more trees, an asymmetrical design, and a vertical feeling due to the narrow width of the court and the two-to-three-story enclosing buildings." {ARG p.13-14}.

GARDENS: "Both courtyards are seen as large outside rooms. The exterior walls of the buildings surrounding them make up the walls of the room and the sky forms the ceiling. There is a definite sense of containment that is a result of the width of the courtyards and the height of the surrounding buildings." {ARG p.6¶3}. "They provide an interior focus for the buildings and serve as a natural foil to the white stucco walls of the surrounding buildings. They each have extensive landscaping (including grass, shrubs, flowers and trees), water features, stucco, wood and metal railings, and ornamental features, such as urns and decorative tiles, as well as paving. *These all contribute to their unique character."* {ARG p.13¶6}.

SAVED: "Both [major] courtyards should be retained and restored. The [existing] buildings surrounding them could be altered, or, if necessary, replicated to retain the feeling of the courtyards. If the courtyards must be modified, the feeling and sense of the existing spaces *must be retained.* This includes the ground planes, the water features, plantings, etc. [The Court of the Laurels] is *slightly* more significant that [the Court of the Mariners], but *they both are primary defining elements* of the La Bahia Apts." {ARG p.10¶3}.

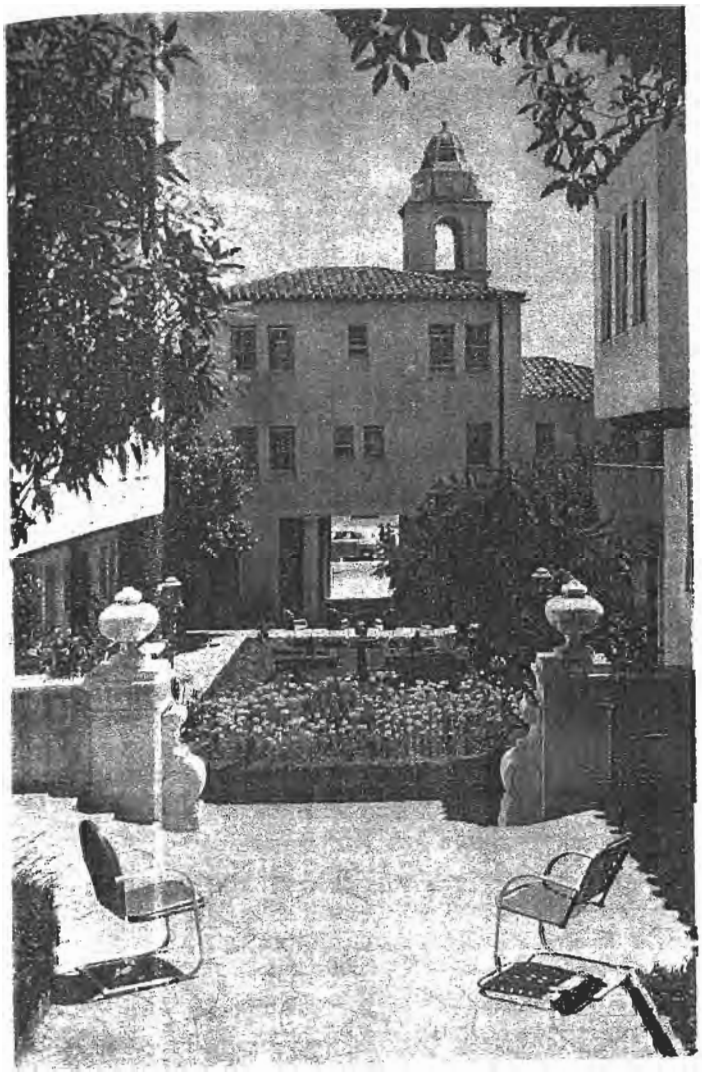
COURTYARD FACADES: "The blocks that surround [both] courtyards are significant, and in addition to defining the courtyard walls, they have the *majority of defining architectural elements* that contribute to the character of the Apartments. These include the smooth stucco wall finishes; openings that seem to be punched out of a solid masonry wall where the openings are quite small in comparison to the wall surface; stained wood trim and detailing that reflects the Spanish Colonial Revival style; traditional terra cotta tile roofs; and ornamental glazed ceramic tiles. All of these elements contribute to the character of the La Bahia Apartments complex and should be retained, if feasible, or replicated." {ARG p.10-11}.

SOLAR ACCESS STEP-BACKS: "[Hillside hotel] buildings shall be stepped or terraced...to provide *solar access."* {B/SOL Guide IV-117¶3}. New courtyards and their enclosing facades should be designed "in a manner similar to the existing La Bahia courtyards...[which] have landscaping as a major element of the design." {ARG p.13¶7, 14¶3}. "Care should be used to ensure that the new development rising up above adjacent to the courtyards *does not overwhelm or dominate them."* {ARG p.14¶3; LCP policy 6.2.2b; B/SOL Guide all III-23}. To maintain a sense of enclosure, courtyards "...should have at least one-to-two stories of building around much of the court. ...After rising up

Exhibit M

COURT OF THE MARINERS

COURT OF THE TROUBADOURS



COURT OF THE LAURELS, looking south

COURT OF THE LAURELS

two stories above a courtyard, the courtyard walls above should step-back [at the third and fourth floor] allowing more light and air into the courtyard." {ARG p.14¶3; B/SOL Guide III-24¶2, IV-117¶2-4}. "This step-back should be a minimum of 4-feet for each floor above the second floor." {ARG p.14¶3}. Read cumulatively, it would mean a 4-foot minimum step-back for the third floor, and 8-foot minimum for the fourth floor (though this cumulative interpretation will not be counted in this compliance analysis). When not facing a courtyard, the minimum step-back is 5-to-six feet above the third floor. {ARG p.11¶4}. (reviewed ➔p.17).

A. COURT OF THE LAURELS

"[The Court of the Laurels] is a major contributing element to the character and significance of the complex. This courtyard should be maintained [exactly as it is]. The plantings, paving, steps, fountain and the north wall [monument with its tilework inscription], all are significant features of the court and should be maintained as well. The building elevations surrounding this court are *essential to the character and significance* of the court." They consist of the Tower Wing on the south, Pocket Balcony wing between the Laurels & Mariners courts, the Garden wing and Corner Bay wing on the west, and the Slant Gable wing and Garrison wing on the east, along with the Troubadours Breezeway. "If the buildings are replaced, they should be replaced with buildings of the same scale, height, character, courtside footprint, offsets, overhangs, and details as the existing building, basically duplicating what is there." {ARG p.6-7}.

The Court of the Laurels "...is more formal," yet within an irregular layout, which forms "...an axial plan that steps up from Beach Street to the rear of the site."{ARG p.14¶1}. The court was named after a grove of Laurel trees (*Bay* or *Robinia*) that once stood at the head of the court. This garden grove was removed for parking in the 1960s. The courtyard is wide at the south end where one enters, and narrows like a funnel to the north. This is a stageset trick to create the impression the corridor is disappearing into the distance. From the top of the courtyard, the opposite effect occurs, where the vista widens into the valley, with glimpses of the beach and ocean through the front Breezeway and over the rooftops. The building scale is slightly reduced, making the structures appear further away. For better visibility from the courtyard, gables aren't centered on the Corner Bay and Slant Gable wings, the latter also having its south gable-end angled into the courtyard. High and low wings serve both as an access to natural light, and for overlapping views from upper sections. {LE p.6-7; Handbook p.26}

APPLICATION: The highrise proposal wants to cut the Court of the Laurels in half, so instead of disappearing into the distance, it ends abruptly. The developer's interpretation of the Quadrant system is to max-out the height envelope upon reaching the north-east quadrant, which is mid-Court of the Laurels. This regimented interpretation of the quadrant system conflicts with the guidelines call for this chief character-defining courtyard of the complex to be saved in total. {✗ ARG p.10¶3-4, p.6-7}. The Craftsman-style *irregular formality* of the asymmetrical garden layout, is proposed to be more formalized with a repeating notched-corner garden grid more in-keeping with Neo-Classical symmetry. {✗ ARG p.14¶1}. The cascading garden has been mostly flattened, with a few stairs leading nowhere inserted for looks. This is out-of-keeping with the courts' defined character as "...not uniformly flat...." {✗ ARG p.14¶1}.

DEEP: Adding to the problem of lowering the garden level, is raising low buildings to 3-stories on the east and south, 4-stories on the west, and 7 on the north, thus deepening the courtyard. The ARG notes the existing courtyards are the perfect scale for their small dimensions and the best natural lighting. The "...sense of containment...is a result of the [narrow] width of the courtyards and the [low] heights of the surrounding buildings." By contrast, the proposed three-story version engulfs the scale and limits hours of natural light. {✗ ARG p.6¶3, 14¶1}. This violates the guideline to save all the enclosing facades and their existing scale {✗ ARG p.10¶4, 6-7}, prevent new development from overwhelming and dominating the courtyards {✗ ARG p.14¶3, LCP policy

dominating the courtyards {✗ ARG p.14¶3, LCP policy 6.2.2b}, and to avoid turning the courtyards into "deep wells or canyons" {✗ ARG P.14¶3}. It doesn't comply with "there should be no more than four stories around any courtyard" {✗ ARG p.P.14¶3}, and while the occasional 4th story must step back elsewhere, courtyard facades need to step back after *two stories* {✗ ARG p.P.14¶3; B/SOL Guide IV-117¶2-3} "allowing more light and air into the courtyard" so they don't become deep dark pits. The court is narrow to create a corridor vista. Cutting it in half kills the vista, and deepening it creates a dark pit because it's so narrow. Before it was demolished, author John Chase called the Casa Del Rey's only courtyard *memorably peculiar*, whose shadowy three-story shaft dwarfed the Spartan landscaping like the "...exercise yard of a...sanatorium where one is unlikely to recover." {Sidewalk Companion, p.36}.

B. COURT OF THE MARINERS

"[The Court of the Mariners] is more intimate and informal with more trees, an asymmetrical design, and a vertical feeling due to the narrow width of the court and the two-to-three-story enclosing buildings." {ARG p.14¶1}. "[The Court of the Mariners] is nearly as significant as [The Court of the Laurels], but could possibly be modified or replicated without destroying the character of the entire complex. The buildings encompassing [the Court of the Mariners] could be replaced [with replicas for the Sun Deck wing, Main Street Steps wing, and the Hillside Slope wing]. The scale and configuration of this courtyard should be maintained." {ARG p.7¶2}. "[The Court of the Laurels] is *slightly* more significant than [the Court of the Mariners], but *they both are primary defining elements of the La Bahia Apartments*....[thus] both courtyards should be retained and *restored.*" {ARG p.10¶3}.

THE HILLSIDE SLOPE WING: The statement that three wings *could* be replaced has been misinterpreted as meaning these three wings are not contributing features to the courtyard. In fact, the Hillside Slope wing is *the absolute defining feature of the entire courtyard,* and the ARG report captions a picture of this wing with "Note landscaping, ramp leading up [the] side of courtyard and architectural features that help define this space." {ARG p.7¶3}. If this courtyard is "nearly as significant" as the Court of the Laurels, then it is these very features "that help define this space." The stair-step row of buildings, the ramp, and the serpentine cascading stairway are all expressive of the topography in the Court of the Mariners, just as the steps and terraces vanishing into the distance are expressive of the Court of the Laurels.

SUNDECK WING: The Sundeck wing (which seems so insignificant in itself) becomes highly significant from within by creating one of the *three levels in this courtyard:* garden-level, ramp level, and Sundeck level. So what seems like a small courtyard on the basis of its garden footprint, is suddenly twice its size in function. The sundeck is like the mezzanine in the Del Mar Theater, created to double the size of the lobby. Far from allowing it to be eliminated, the ARG states "...The [Sundeck Wing] could be replaced with a duplication of the existing building." {ARG p.8¶1}.

MAIN ST. STEPS WING: The Main St. Steps wing may be only two conjoined stucco cubes climbing the side of the hill, but that was all the design a Pueblo Revival structure needed to be made a landmark. From the courtyard, the stair-step effect of the Hillside Slope wing turns the corner and continues in the Main St. Steps wing. There is no other configuration than this that works in its visual embrace of the garden court, nor in creating good lighting effects for the courtyard. Other features in the courtyard are a corner drum-tower connecting the West Corner wing to the Main St. Steps wing, a lily pond, a marvelous Otar the Lampmaker lamp, and a now-lost Otar neon sign directing people to the Sundeck. ARG regards the Main St. Steps wing as part of the West Corner wing, the two referred to as a vital facade element called "Block #1" anchoring this corner {ARG p.6¶1, 9¶5, map p.7; B/SOL Plan map p.131}.

APPLICATION: The highrise proposal replaces everything with 3-story wings of flat skyline profile, except the Sundeck replaced with a two-story roofline. The drum-tower and portions of the West Corner wing would be incorporated into a new West Corner wing, lacking the character of the original wing. In place of the Hillside Slope would be a Wallmart facade, with a *Pasteboard-Modern* pop-out

Exhibit M

supports, scribbled with a modern "B." The contrast between the historic courtyard expressing the topography of the hillside, and the proposed three-story driveway pit with flattened skyline-and-topography, is the difference between a pedestrian-oriented garden vs. a car-oriented gas station. All character-defining features of the courtyard are lost except for the southwest corner drum-tower. This plan violates *save or replicate Court of the Mariners* {✘ **ARG pp.3-4, 6-8, 10¶3**}, *save character-defining features* {✘ **ARG pp.3¶4, 8-9**}, *maintain articulated skyline* as opposed to flat monotonous levels that do not visually step up the hill {✘ **ARG p.3¶4, 14¶4-5; B/SOL Guide III-36, IV-112¶5, IV-117¶5; Beach Area Plan p.71**}, *preserve scale and massing* {✘ **ARG pp.3¶4, 6¶1, 8¶2, 11¶4+; B/SOL Guide p.III-33¶3**}, *express the topography of the site* instead of flatten the three levels of the courtyard into a single level {✘ **ARG p.11¶5, 14¶1; B/SOL Guide IV-112¶2, IV-117¶3**}; nor *maintains one-to-two-stories within 40 feet of Beach Street* {✘ **ARG p.11¶7**}, or *step-back floors above the second floor that face a courtyard* {✘ **ARG p.14, IV-117**}.

VARIETY: For there to be variety, there must be more than one of something. ARG describes the La Bahia's variety of courtyards, being "quite different from each other" in mood, expressing the variety typical in Spanish Colonial Revival buildings {**ARG pp.13¶8, 12¶5**}. The Court of the Mariners is described as intimate and informal, while the Court of the Laurels has irregular formality and a vista of terraces. {**ARG p.14¶1**}. Yet, because only the Court of the Laurels is allegedly "saved" (or half of it, with new architecture replacing the historic), the "variety" of pedestrian courtyards is reduced to one, unless you count a post-modern driveway as a pedestrian setting. In the existing landmark, one is transported to another era in a unique maze-like setting, while in the proposed structure, one is always confronted with the contemporary Car-Culture. {✘ **ARG p.12¶5, 13¶8, 14¶1**}.

AUTO COURT: "...[Hotel] open space shall...where possible, be sheltered from the noise of traffic or other incompatible uses with walls or other screening." {✘ **B/SOL Guide p.IV-117¶4**}. "[Outdoor] parking shall *not* be the dominant visual element of the site.... Views of parked cars and head-lights must be screened from the public right-of-way and from adjacent structures, with walls and landscaping" to "...[minimize] the visual impact of driveways...." {✘ **B/SOL Guide p.III-28¶2, III-48¶3, III-27¶1**}. "Separate vehicular and pedestrian circulation wherever possible...," and "...provide adequate areas for [vehicular] maneuvering...[that] avoid conflicts between vehicles and pedestrians...." This conflicts with La Bahia's proposed Beach Street **double driveways crossing sidewalks onto railroad tracks** {✘ **B/SOL Guide p.III-32, III-27¶2, IV-113¶3**}. The driveway's tight radius shows only 16-foot long compact cars parked there. Proposed turning scenarios for longer vehicles seem to indicates an empty driveway. But this would certainly be problematic for emergency vehicles at peek traffic, entering and exiting over active railroad tracks {✘ **Swenson blueprints p.A2.A; B/SOL Guide p.III-27¶2, IV-113¶3**}. "Design [outdoor] parking so that *pedestrians walk parallel to moving cars* and reduce the need for pedestrians to cross parking aisles [driveways]..." {✘ **B/SOL Guide III-29¶2**}. "Parking...areas [should not be located]...*on major streets.*" {✘ **B/SOL Guide IV-111¶13; IV-113¶3**}. Outdoor parking should be located in the rear, or a streetfront "landscaped parking court [should be] accessed from [a] side street." {✘ **B/SOL Guide III-24¶4, III-29¶8, III-28¶1**}. *"Vehicular access from an alley [like Westbrook, instead of from a driveway] is preferred. The number of [vehicular] site access points [driveways] shall be minimized and located adequate distances from intersections."* {✘ **B/SOL Guide p.III-27¶4, IV-113¶3; Beach Area Plan**

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p.71¶7; LE pp.22-23}.

C. COURT OF THE TROUBADOURS

"The stairs on the south end of this portion of the complex is a significant feature and should be maintained and incorporated into [the] new development." **{ARG p.6¶2}**. Basically the Court of the Troubadours is an open stairwell, entered from Westbrook Street through a gateway arch, where a staircase leads up to a "Juliet Window" like a balcony, and into the top of what on the ground level is a breezeway into the Court of the Laurels. This modest bit of functional architecture is one of the most picturesque corners of the landmark.

APPLICATION: The highrise proposal eliminates The Court of the Troubadours, and all stair elements not conducive to service carts. This violates the guidelines to preserve this stair court **{✗ ARG p.6¶2}**.

D. NEW COURTYARD & DEVELOPMENT

"New construction around the La Bahia Apartments should be developed around new courtyards in a manner similar to the existing La Bahia courtyards." **(ARG p.13¶7)**. "New courtyards should be created that each have their own character and feeling. [The new courtyards] should not try to [make duplicates of existing] La Bahia courtyards. They should have some of the general feeling and give a recall of the existing courtyards, but should each have their own individual identity. They should have *a sense of enclosure* through the use of building elements around much of the court. ...Care should be used to ensure that the new development rising up above adjacent to the courtyards *does not overwhelm or dominate them.*" **{ARG p.14¶2-3; LCP policy 6.2.2 b., p.6-13}**.

ORGANIC: The courts should "...*have landscaping as a major element* of the design, and have paving and ornamental features that contribute to the design. They should also be directly accessible to people, not closed-off only to be viewed [like a pit or lightwell]. They may have water features, such as pools, sculpture or other ornamental elements. If several courtyards are developed, each one might have [a] theme or focus such as *fragrant flowers, native plants, roses, etc.*" All suggestions are organic themes that reinforce the "extensive landscaping" character of the landmark's park-like setting. **{ARG p.13¶6, 14¶2-3}**. In upgrading the landmark's rating in 1984,John Gilchrist noted La Bahia was the only Beach Street hotel retaining its organic setting, while "...both the Terrace Court and Casa Blanca eliminated landscaped green spaces by filling in with additional rental units, [etc]." **{Gilchrist p.35¶1}**.

APPLICATION: The pool area is directly accessible to people rather than closed off, with the conference hall opening onto it **{✔ ARG p.14¶3}**. Yet while the pool area has its own identity in not duplicating the other courts, neither does it recall them, nor seem to have the required "similarities" or "general feeling" of the historic courts **{✗ ARG pp.13-14}**. The formal grid-paving doesn't appear to be something the folk craftsman of a rustic hill village would have spontaneously produced, and in some respects this could be viewed as a post-modern design element. The pool area is lacking a "sense of enclosure," having a one-story colonnade on the east, nothing on the south where it overlooks the driveway court, there's an open pergola on the west, and five-stories on the north. The pergola is a good attempt to seem to close-in an overlook, but the overall effect is the court seems insufficiently enclosed in a hill village manner. **{✗ ARG p.14¶3}**.

HARDSCAPE VS. LANDSCAPING: It is expected that there will be less landscaped area with any rear addition, but "extensive landscaping" has been noted as one of the character-defining features of the landmark, giving the sense of a hill village in a rural (or at least organic) setting **{ARG p.13¶6; B/SOL Guide III-50¶1-2}**. The landmark La Bahia was noted for its park-like grounds. But the highrise proposal would replace a largely landscaped site with almost solid hardscape. The landmark was designed to nestle into an organic natural Beach Hill bluff, with a landscaped hill in the northwest corner, a forested canyon north of the Canyon Breezeway, and a grove of Laurels (Bay or Robinia) at the head of the Court of the

Exhibit M

Laurels. This created a wooded backdrop to the landmark, although the developer stated the landmark and the trees were merely *blocking the view* from First St. {**ReEIR Revised Initial Study, appendix A, p.16**}. In 2006 the developer eliminated the last grove (15 of 19 heritage trees), an action described in the 1st EIR as *a significant impact* that could be mitigated to a less-than significant level with "...replacement of heritage trees at the required ratio." {**1st EIR, pp.1-2, 2-7**}. However this seem to have been eliminated from the ReEIR, along with any mitigations for the lost trees. This unmitigated eradication violates City of Santa Cruz Resolution #NS-21.436 {✘ **1st EIR p.2-7**}, and Local Coastal Plan policy 6.2.3a: "Prohibit the removal of tree masses which destroy the silhouette of the ridgeline form" {✘ **LCP policy 6.2.3a, 6-14; B/SOL Guide p.II-7b§7**}. The treeline is proposed to be replaced with tall skyscrapers, against restrictions "*...to minimize [architectural] projection above the ridgeline.*" {**LCP policy 6.2.3b, p.6-14**} (see ➡ p.15). The unvarying flat plain of the Pool area and its lack of landscaping is what makes it appear *not* to be an expression of the hillside topography or the natural setting. This is contrary to new courtyard guidelines to "have landscaping *as a major element*...." {✘ **ARG p.14¶3, B/SOL Guide III-50¶1**}, and the B/SOL hotel requirement "Landscaping shall be lush" {✘ **B/SOL Guide IV-118¶9**}.

NOT GREEN: The proposed minimal planting schematic is deceptive, for it breaks down to almost no canopy trees (spindly street palms don't count) and more low-growing bed plants, creating less impact on softening the hardscape elements. The landmark was framed in foliage along the street, but the more generous historic planting margins are reduced to about 1½-feet on Main Street, 2-feet on First Street, 3-feet on Westbrook St., with Beach Street almost entirely hardscape. The Court of the Mariners garden is replaced with roadway and sidewalk, with just a small corner planting bed left as an afterthought. Hydraulically, hardscape reduces absorption, and increases runoff or the need to channel runoff (with a new driveway alley creating toxic runoff). Botanically, the loss of an arboreal canopy, and replacement of landscaping with hardscape increases the heat-island effect common to cities, which is not a Green direction for a supposedly Green project. The B/SOL Guidelines oppose large hot expanses of pavement, stating "Provide trees in parking lots to shade [both] cars and pavement to reduce heat and glare, to enhance the comfort of pedestrians." {✘ **B/SOL Guide III-28¶6, III-48¶1**}.

SOLAR ACCESS: ARG requires a minimum of one-to-two stories around courtyards for a sense of enclosure. The pool area has two one-story side wings, but nothing to the south, and five-stories to the north. The five-story facade has a central portion that rises four stories as a sheer wall-plain, then steps back its fifth story 4-feet. Courtyard facades are required to step-back each story above the second. (From First Street, the fifth floor is actually the sixth floor, and from Beach Street the five stories above the pool area are actually the fourth-through-eighth floors). HPC might allow some flexibility in reaching these goals for a project following most of the guidelines, but for a developer so far out of compliance and unwilling to grant any *quid pro quo* or mitigations of any of their *significant negative impacts*, this is merely noncompliance. {✘ **ARG p.14¶3**}.■

3. ARG RECOMMENDS: SAVE ALL 6 BREEZEWAYS INTO THE COURTS

"Arched plaster openings and passageway access to the courtyards...[are] character-defining features [to be preserved]." {**ARG pp.4¶2-3, 6¶1-2, 8¶2**}. "The [5] passageways between the exterior of the complex into the courtyards and the one

between the two courtyards are significant and help heighten the experience of moving from outside into the wonderful environment created by the courtyards. They are narrow, have low ceilings, and are dark in comparison to the areas they connect. They also contribute to the character of the complex." {ARG p.11¶2}.

"Connections between the street and the courtyards and between the courtyards in the La Bahia Apartments are made through small arched openings or passageways that give a sense of enclosure and transition between one area and another. This type of constrained passage between different exterior areas of the new construction should take advantage of this feature and utilize passageways to heighten the connection between them. Passageways such as these can be designed to create a sense of unfolding discovery, providing guests both calm [and] seclusion [away] from the activity of the street, while transitioning into lush and private courtyards." {ARG p.15-16}.

The main entrance is by a breezeway tunnel under the tower wing, like an Alice in Wonderland rabbithole taking you into the past. This unfolds into a vista up the Court of the Laurels, or from the other end of the courtyard, is a window out onto the Beachfront. To the east of the Tower Breezeway, is the Court of the Troubadours Breezeway, a fancy stairwell once serving drop-offs, or people parked across Westbrook at the 1926 La Bahia Parking Lot. To the west of the Tower Breezeway is an enclosed garden called the Court of the Canyon, with a Canyon Breezeway leading up the hill to where an unbuilt court was intended. The Rabbit's Hole Breezeway in the Pocket Balcony wing connects the Court of the Laurels to the Court of the Mariners. A secondary Beach Street entrance is the Mariners Gate Breezeway into the Court of the Mariners through the West Corner wing. At the top of the steps or hillside slope in the Court of the Mariners is the Porte Del Monte breezeway, leading to the hill.

APPLICATION: All breezeways are to be eliminated, except the one under the tower (added after an HPC complaint concerning the original Highrise version); and the proposed high arch connecting the Court of the Laurels to the Court of the Mariners is *not* a breezeway. {XXXXX ARG pp.4¶2-3, 6¶1-2, 8¶2, 11¶2, 15-16}.■

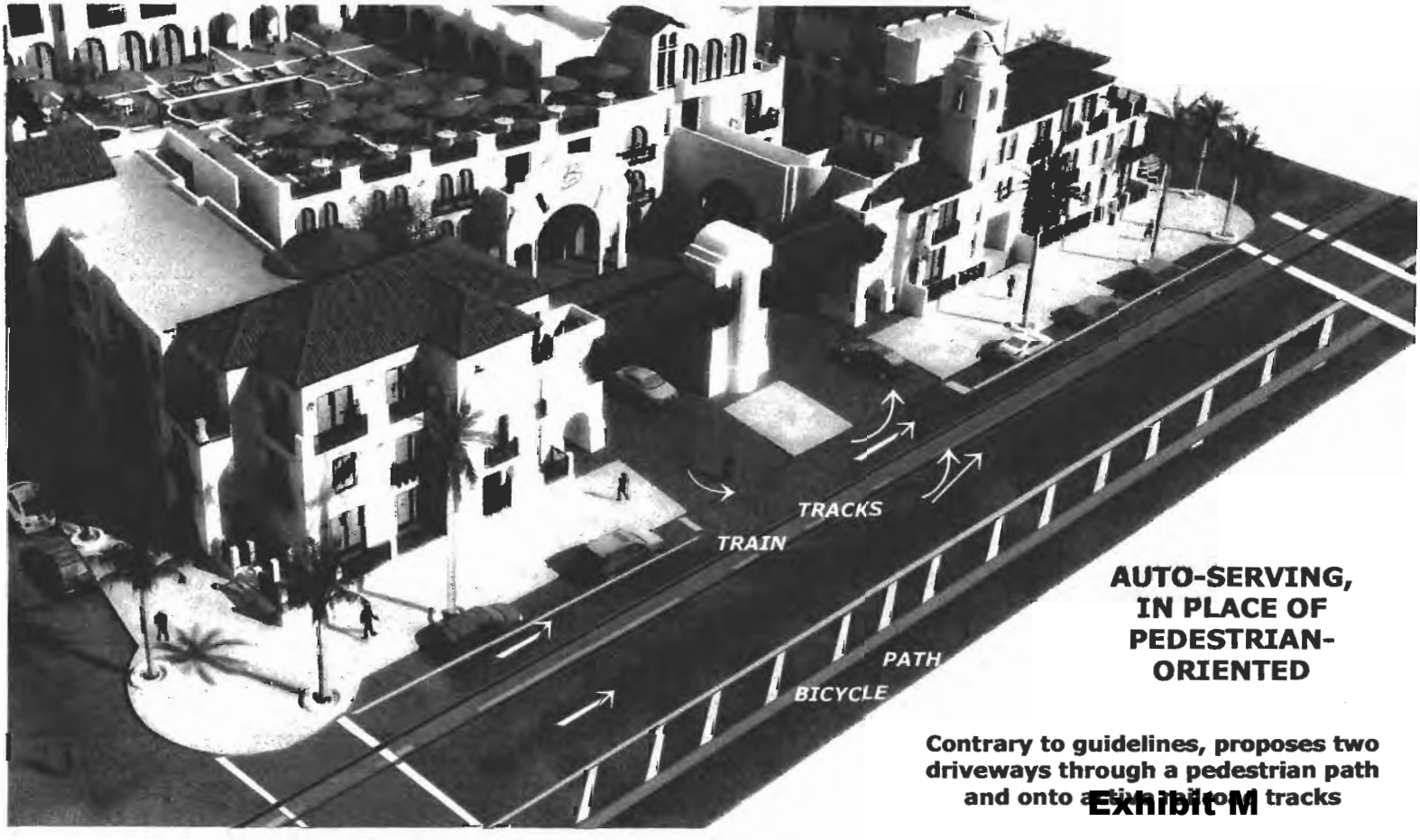
4. ARG RECOMMENDS: SAVE THE HUMAN SCALE OF THE LANDMARK

The landmark is a triumph of deceptive scale, that gives small areas the illusion of expanded space, using reduced scale to simulate objects at a distance. These stageset effects reinforce the human scale of the setting, becoming a very *Intimate* space that enfolds you in what –as revealed through the frame of a breezeway– could be called peep-scene dioramas out of an Easter Egg. {LE pp.6-7; Handbook p.26}. *When plans for a waterfront park were abandoned, the La Bahia was built on the same site as a park-like complex.* Before the 1960s, the entire block was exclusively a pedestrian space, with the La Bahia parking lot across Westbrook Street, and check-in east of that at the Casa Del Rey. The landmark was designed to be viewed from all four sides, and as such, blends in comfortably with the scale of the surrounding neighborhood. "New construction should have a scale and massing similar to that of the La Bahia Apartments. Where three stories are permitted, a fourth story may be permitted... provided it is set back *one-half the distance that it rises above the third floor....*" {ARG p.11¶4}. For example, this would be either a 5-foot minimum step-back for a 10-foot wall, or 6½-feet for a 10-foot wall and 3-foot roof-rise. "This may be permitted along Main, First and Westbrook Streets...." {ARG p.11¶4}. Facades facing courtyards must step-back after the second story {ARG p.14¶3}. Any La Bahia developer is "...required to work with *a[n] historic preservationist* retained by the City, in meeting the proposed Design Guidelines, *to ensure compatibility of scale* and architectural style, and be required to conform to the City's design review process." {Gen. Plan/LCP, quoted in ReEIR Appendix C¶6}.

ADDITIONS: The City's general architectural guidelines for additions to historic buildings, or development adjacent to historic buildings {B/SOL Guide III-71¶1}, mandate respect for the existing scale of the site and/or of surrounding landmarks. "Encourage building forms [in new development] which are similar in scale, form and massing to neighboring historic structures." {B/SOL

FIRST STREET LOOKING SOUTH AT PROPOSED HIGHRISE
Height of Palomar shown for relative scale

SIMULATED REAR-VIEW OF FRONT STREET BUILDINGS
LOOKING SOUTH AT PROPOSED HIGHRISE, FOR HEIGHT COMPARISON



AUTO-SERVING, IN PLACE OF PEDESTRIAN-ORIENTED

Contrary to guidelines, proposes two driveways through a pedestrian path and onto active railroad tracks

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Guide III-77¶3}. *"Avoid incompatible building scale and architecture that distracts from or diminishes the unique features of landmark buildings."* **{B/SOL Guide p.III-80¶1}.** "Building additions shall be located to the rear of existing structures whenever possible and/or desirable," so as not to dominate the view of the landmark. **{B/SOL Guide III-7¶6}.** "Additions to existing buildings shall employ the same scale, proportions, openings and materials as the original." **{B/SOL Guide III-72¶2}.** "If the addition is larger than the original structure, it may be appropriate to *provide visual separation*, such as a breezeway or hall between the existing and new buildings." **{B/SOL Guide III-72¶1}.**

PEDESTRIAN EXPERIENCE: The pedestrian-oriented La Bahia grounds represent an oasis of seclusion in the heart of the tourist action. Preserving the Human Scale protects the Pedestrian Experience, both within the park-like hotel grounds and the interaction with a pedestrian-oriented street life. Beach Street was once the second commercial Main Street for Santa Cruz, lined with restaurants, concession stands, night clubs, room rentals, beach rentals, and shops selling souvenirs, film, food, clothing, and tourist gear. While much of this is gone today, the same tide of pedestrians heading towards the Boardwalk passes by without being catered to. The B/SOL Guidelines require creating a more pedestrian-oriented interface along Beach Street, and keeping automotive services to the rear of properties. **{B/SOL Guide II-8¶6, III-13¶2, IV-107¶2, III-24¶4, III-25¶7, IV-111¶13}.**

BEACHFRONT VISTA: The B/SOL Plan designates the waterfront's "major historic assets" (promotional features) as: *1. Boardwalk Attractions* (the 1907 Casino/Plunge, a city Signature Landmark rated excellent, which with the 1911 Carousel and 1924 Roller Coaster are three State Landmarks), *2. the Wharf* (a 1914 City Maritime Landmark, rated excellent), *3. La Bahia* (a Signature Landmark highest-rated as exceptional, and an NR2 National Register landmark), *4. the Depot* (an Historic Alternative Transportation Hub, dating to the 1893 Passenger Depot, with 1911 Freight Depot and 1918 Howe Truss RR Bridge landmarks), and *5. Historic Beach Hill* (with 33 Building Survey landmarks that include the Casa Blanca). **{B/SOL Plan pp.286-287; Building Survey, Vol. 1-3; Powers pp.33-38}.** Of these, the Wharf (#2), Casa Blanca (#5), La Bahia (#3), and Boardwalk (#1) are Beachfront attractions forming a single vista.

SCENIC CORRIDOR: The Local Coastal Plan designates the La Bahia site as part of a protected "Scenic Corridor" because it is within a major Beach Viewshed. **{LCP policy 6.1.2, p.6-13}.** Mandating that Focal Points in the scenic corridor be integrated into the landscape helps maintain the human scale. Aldo Giacchino of Santa Cruzans for Responsible Planning, notes: "The [EIR] analysis discusses the adverse visual impacts on [distant] views from the Wharf and from West Cliff Drive, but omits any evaluation of the impact from the Beach [across the street], where the largest concentration of visitors congregates. The Project...would extend to 89 feet above sea level. This would be equivalent to the height above sea level of the existing Dream Inn at West Cliff Drive. The visual impact of the Dream Inn at the beach level is overwhelming, and should not be repeated at La Bahia." **{Letter #3 to ReEIR}.** In fact, preventing another incompatible Dream Inn has been the reason for creating most of the city's policies all aimed at producing *compatibility*.

ADJACENCY: The B/SOL architectural guidelines require that: "The height of new development shall 'transition' from the height of *adjacent development*." **{B/SOL Guide III-34¶2}.** This agrees with the Local Coastal Program (LCP) which requires all "...new development to be sited, designed and landscaped so as to be visually compatible and integrated with the character of surrounding areas." **{LCP policy 6.2.2, p.6-13}.** LCP further requires "...development to be low-profile on hillsides; hilltop development is to blend with the surrounding public viewshed to the maximum extent possible" **{LCP III.B-2§6, p.6-4}**, and should avoid "out-of-scale buildings" **{LCP II-B¶13 p.6-3}** by "*restrict[ing] the height* and placement of buildings and structures *to minimize their projection above the ridgeline.*" **{LCP policy 6.2.3-B, p.6-14}.** To meet this goal, the B/SOL Guidelines require: "...Ensure that development blends into rather than dominat[es] the neighborhood." **{III-23¶2}.** "...Multiple story developments shall minimize scale through upper story setbacks, modular building units, [etc.]," with "...large structures requir[ing] more setback area for balance of scale and so as not to impose on neighboring uses." **{III-23¶5, IV-112¶4, LCP 6.2.2-C., p.6-13}.** "Building articulation shall be used to create

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interest and reduce the visual impact of large buildings." **{IV-112¶4, III-34¶3}.** "Building volumes shall be reduced through wall offsets or projections." **{III-35¶3, IV-112¶4}.** "Building envelope design shall adhere to the allowable height, size, projections, setbacks, etc., defined by the city zoning ordinances...."**{III-35¶1; LCP 6.2.2-C, p.6-13}.**

HISTORIC NEIGHBORHOOD: The hotel's largest *"adjacent development"* is the historic Beach Hill Neighborhood, an area of mostly one-to-three story buildings, with the La Bahia serving as a centerpiece for a rental apartment district of nearby surrounding properties. As mentioned, the B/SOL Plan designated this neighborhood the fifth most important *protected economic asset* of the waterfront. **{B/SOL Plan pp.286-287}.** The B/SOL Plan recommended it be designated the Beach Hill Historic District, and/or that it could be made part of a Waterfront "Heritage Area," and since it is a *Maritime Heritage Interpretive site* of the Monterey Bay National Marine Sanctuary, the city could pursue Maritime Heritage Funding. **{B/SOL Plan pp.286-288}.** This funding would support development of a "...Heritage Tourism marketing strategy ...particularly [for] Beach Hill and Downtown neighborhoods...[with] walking tours...develop[ed] in conjunction with [the] Historic Preservation Commission...[emphasizing] tie-in[s] with bed-and-breakfasts..." historic attractions, restaurant promotions, and heritage transportation. **{B/SOL Plan p.288}.** The City Planning Department produced an Historic Beach Hill Walking Tour brochure, with the tower of the La Bahia used as the symbol for Beach Hill. (←p.4).

APPLICATION: The ARG Report said that massing studies to try to squeeze 300 rooms on the double-block site, "...resulted in two very boxy and massive additions which nearly covered the existing site...." This was ARG's criticism for exceeding the carrying capacity of the site, even with off-site parking. Who knew the current 125 room highrise proposal could *also* result "...in two very boxy and massive additions which nearly covered the existing site...." **{✗ ARG p.9¶3}.** Both of the proposed skyscrapers rise from a square footprint, instead of a rectangle, making the facade seem twice as wide in three dimensions, than it appears in a single-sideview elevation sketch. The skyscrapers should at least have a zigzag stair-step roofline of high and low sections. Instead, the developer proposes only a one-story difference in height between the seven-story and eight-story skyscraper, which is not enough to suggest stepping up the hill, as the skyscrapers appear to be the same height from a number of angles. The ARG guidelines assumed nothing would rise above four stories, so a step-back ratio for street facades of "one-half the distance that it rises above the third floor" would mean a six-story facade that is 32-feet above the third floor (or 36½-feet to mid-roof), should step-back 16-feet above the third floor. (This won't be counted in the compliance analysis). **{ARG 11¶4; B/SOL Guide III-23¶5}.** The developer is required to work with a preservationist to ensure *compatibility of scale and architectural style* **{✗ ReEIR Appendix C¶6}.**

NON-PEDESTRIAN: Redesigning the entire facility for wheeled vehicles (cars, chairs and rolling carts) has eliminated much of the pedestrian amenities. As the Beach Area Plan states: "The number of curb cuts and driveways into specific sites should be minimized as much as possible...stark blank walls facing the street should be avoided, and architectural features should be incorporated *which create a human scale at pedestrian level.*" **{✗ Beach Area Plan, p.71¶6; B/SOL Guide p.IV-113¶3, II-8¶6, III-13¶2, III-27¶2, IV-117¶6}.** The highrise proposal overwhelms the pedestrian scale on First Street, lacks a transition to neighborhood scale, has double driveway cuts into the La Bahia's Beach Street sidewalk, deepens the one-to-two story courtyards into three-story pits, replacing pedestrians with cars in the Court of the Mariners, *shrinking the Court of the Laurels while having more rooms with more people using that same space,* eliminating most ornamental stairs, ramps, levels and breezeways, all shows

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the human scale elements of the landmark are abandoned, and that the landmark's character-defining pedestrian experience has been lost or seriously compromised. {✗ ARG pp.7-9, 11}.

NEIGHBORS: CEQA prohibits negative impacts on a project's surrounding historic resources that *would substantially diminished/ impair eligibility for listing as a landmark in the National Register, the California Register, or in a local register of historic resources* {✗ **CEQA Guidelines section 15064.5(a); ReEIR pp.4-20, 4-29**}. The Historic Beach Hill Neighborhood doesn't have to be a formal historic district to receive protection, since it's already designated one of the Waterfront's *top five historic economic assets* {**B/SOL Plan pp.286-287**}. Nor does Beach Commercial Development trump Residential/ Rental development, since the goal for the *Beach Commercial* area is development which also *"...revitalizes and protects neighborhood integrity while stimulating appropriate economic development...."* {✗ **B/SOL Plan p.126¶8**}. The proposed seven and eight story skyscrapers would tower over a one-to-three story historic neighborhood by three stories, exceeding the maximum height limits by 30-feet {✗ **EIR Impact 4.2-2, etc.; B/SOL Guide III-35¶1; LCP 6.2.2-C, p.6-13**}. This follows neither the ARG requirement that facades along First Street "should be no higher than three stories," with a fourth-story only permitted if stepped back by half its height above three stories. {✗ **ARG Report pp.11-12**}, nor the directive that "the height of new development shall 'transition' from the height of adjacent development." {✗ **B/SOL Guide III-34**}. The *Local Coastal Program* agrees, requiring development "...to be visually compatible with the character of surrounding areas," {**Section 30251, p.6-1**}, and to further, "where appropriate, protect Special Communities and *Neighborhoods which,* because of their unique characteristics, *are popular visitor destination points* for recreational uses," like First Street's tourist rentals {✗ **Section 30253, p.6-1**}. Since the historic neighborhood is listed as one of the five important historic economic assets of the waterfront in the B/SOL Plan, and the excessive height of the proposed highrise La Bahia is listed in the EIR as one of the three *Significant Unmitigated Negative Impacts* {**EIR Impact 4.2-2, pp.2-3, 5–1**}, this project does not comply with CEQA. {✗ **CEQA Guidelines section 15064.5(a)**}. Further, as four of the B/SOL historic economic assets form a beachfront vista with the La Bahia, scale impacts are a significant disruption of the relationship between major protected landmarks and economic assets. {✗ **LCP policy 6.1.2, 6.2.2, p.6-13; B/SOL Guide III-23¶2**}. ■

5. ARG RECOMMENDS: SAVE THE HILL-VILLAGE MASSING

"Castles in Spain were never erected all at one time, but units were added through the years." {**1926 La Bahia article**}. The Mediterranean hill-village is a cluster of small structures packed shoulder-to-shoulder *on uneven ground,* whose warren of enclosed plazas, narrow passageways, breeze-ways, stairs, ramps and terraces create a pedestrian-oriented labyrinth one is compelled to explore. It expresses the result of incremental development over a long period, a spontaneous, unplanned layout that grows out of the natural topography like a human hive or honeycomb. Even though its component structures are packed together into a greater mass, its appearance as a cluster of structures articulates its overall mass into a less imposing whole. Were its layout replaced with unarticulated wings, the mass would be far more imposing. In 1980, the city first noted this effect in its guideline: "New development in the [Beach Commercial Zone] should feature variations in height and orientation of roof planes, so that a single building will appear to be a cluster of smaller structures." {**Beach Area Plan, p.71¶3;Guide IV-112¶4; FEIR p.2-65**}.

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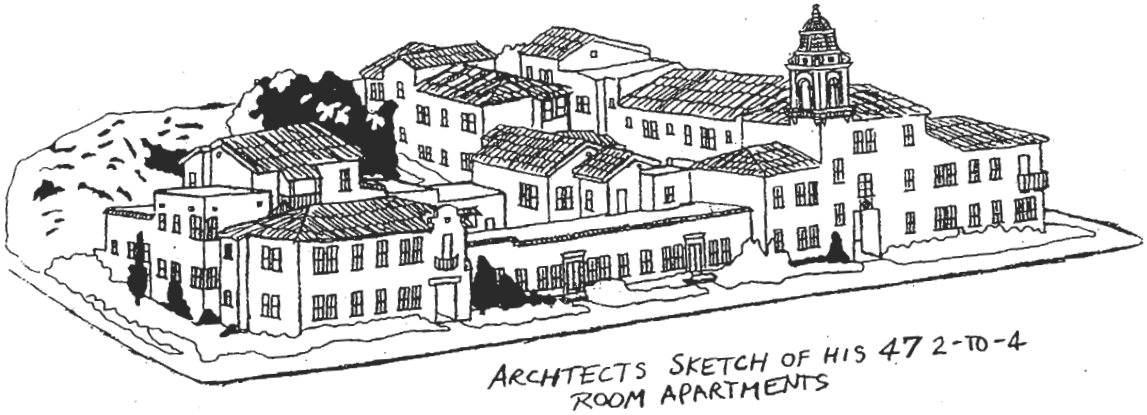
A MEDITERRANIAN HILL VILLAGE



ARCHITECTS SKETCH OF HIS 47 2-TO-4 ROOM APARTMENTS

CONCEPT SKETCH OF HOW IT WAS INDICATED IT WOULD BE FINISHED AS 105 2-TO-4 ROOM APARTMENTS

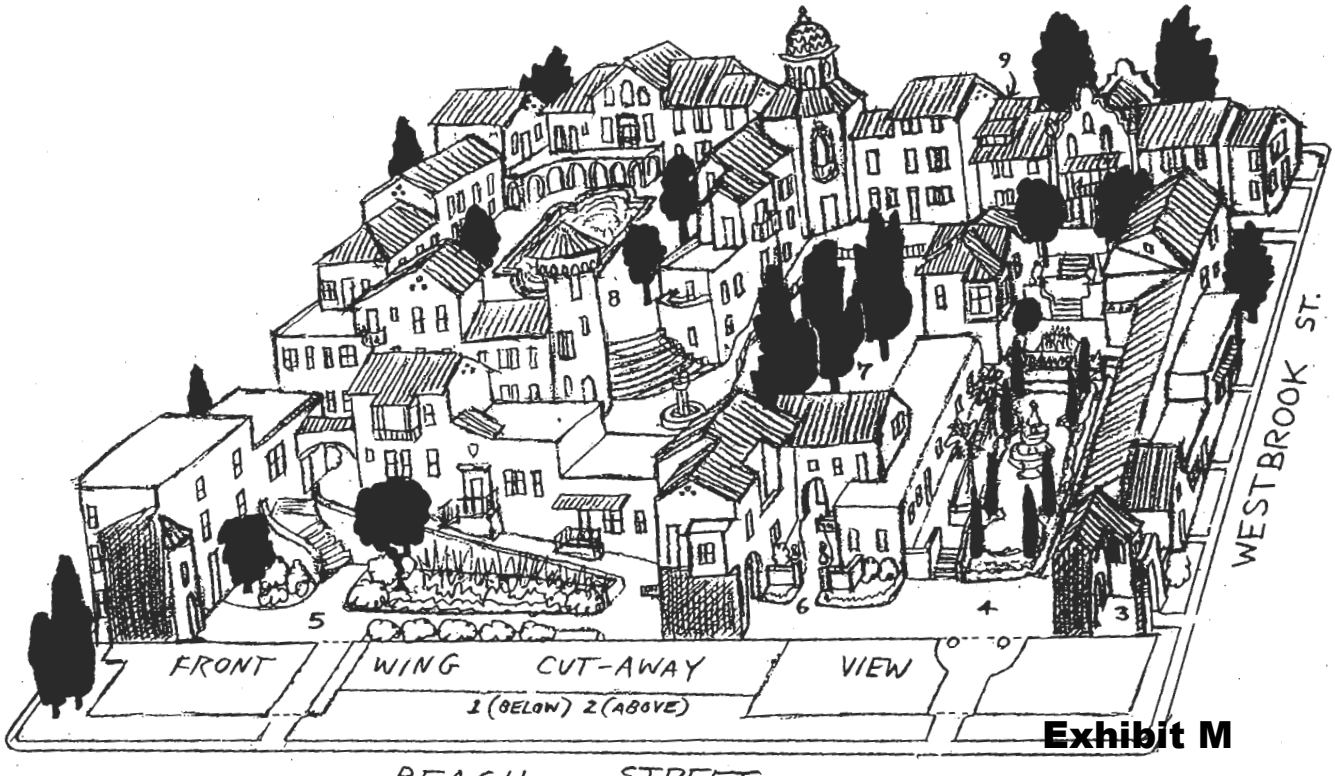


Exhibit M

VARIETY: The ARG report attempted to capture the highly articulating Hill-Village massings as follows: "The La Bahia Apartments, and other Spanish Colonial Revival buildings, are notable for the *variety of building forms developed.* The wall planes step back and forward to break up the length and apparent mass of walls. Recesses and projections are also used to add interest and character to the complex. *Standardized and repetitive balcony treatments should be avoided* in any new development." **{ARG p.12¶5}.**

"New construction [in back of the historic wings] should utilize these elements...to create new walls [with compatible variations of the La Bahia walls] that will complement what currently exists. Walls should extend horizontally no more than 25 feet before there is some change in wall plane horizontally, in or out, at least six inches. As an alternative, a balcony extending outward beyond the wall plane a minimum of four feet, or a recessed balcony projecting inward a minimum of four feet, may be used to create this change in the wall plane. The balconies must be at least six feet in length along the wall plane," **{ARG p.12¶6-7; B/SOL Guide III-35¶3}.** This statement is a *guideline.*

APPLICATION: It's impossible to reduce genius to a mathematical equation, as taking a purely mechanical approach to this formula will not result in a compatible design in itself. The statement is intended as an analysis of the spacial composition of the La Bahia facades to produce a Hill-Village effect. But the developer must also have an understanding of *what* Hays' La Bahia is saying architecturally (a stageset composed to form picturesque vistas), *why* he is saying it (details to guide the experience of the facility), and *how* he is saying it (deceptive scale, layouts in the hill-village style expressive of the topography). Yet the developer has simply maxed-out each quadrant's volume limits, then wall-papered over the surfaces with Spanish details and articulation, but not producing carefully staged vistas, no architectural cues to the language of the features, nor *anything* in a hill-village style or expressive of the topography.

SINGLE-BUILDING LOOK: The entire Highrise proposal looks like it was built all at once as a single building. There is no sense of incremental additions added on over time, and even the original landmark is recast in neo-classical touches that lose the folk craftsman quality of the Hill-Village style. The sense of a village setting is entirely lost. **{✗ ARG p.3¶4}.**

FOOTPRINT: The footprint of the La Bahia is a guide to its massing and layout. But this wasn't intended to be saved to the exclusion of the structures that produced that footprint. "If the buildings are replaced, they should be replaced with buildings of the same scale, character, *courtside footprint*, offsets, overhangs, and details as the existing building, basically, duplicating what is there." **{ARG pp.6-7}.**

APPLICATION: Keeping the footprint of the landmark seems a selective concession, made irrelevant by not keeping the facades that formed this footprint, nor anything similar. The new facades rising from the old footprint do not convey the integrity of the landmark's design. The Hillside Slope wing had a stepped parapet, yet the developer's supposed retention of its straight line has substituted a big-box facade, making retention of the footprint unnecessary. An indent is retained into the (to be lost) Porte Del Monte Breezeway, but it is turned into an unimpressive alley, without aesthetic appeal or logic in the new design. The footprint of the Court of the Mariners means nothing when the hillside slope and Sundeck are gone, and the garden turned into a driveway. And the Garrison Wing's footprint in the Court of the Laurels is there, but its character-defining feature is the *Garrison Form* (a projecting second story) which is replaced with a colonnade.

Worse, the supposed retention of the footprint is also selective, as the impression is given that it is generally there, but in fact, the footprint is mostly missing. Out of 15 elements,

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the footprint of only one (the Tower Wing) is actually retained as it is. The footprint is ***not*** preserved on Main Street (Main Street Steps except for the Mariners drum-tower in the courtyard), nor Westbrook Street, or Beach Street's West Corner Wing, or the Sundeck Wing, even the Hillside Slope footprint in the Court of the Mariners now has a new pop-out projection. In the supposedly "saved" Court of the Laurels, the footprint of 7-out-of-8 structures is missing: the Rabbit-hole Breezeway, the Court of the Canyon, the Garden Wing, the Corner Bay Wing, the Slant Gable Wing, and the Court of the Troubadours. Even the Garrison Wing is rearranged, in an attempt to miniaturize the footprint of the court, but a straight line with a bump in it means nothing as an attempt to convey anything of the original composition. {✘ **ARG pp.6-7**}.

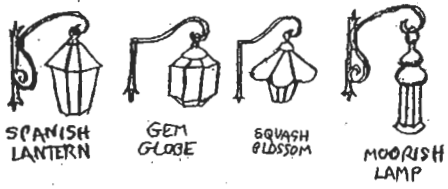
RELATIONSHIP OF LANDMARKS: The third significant unmitigated negative impact of the Highrise proposal, is altering of designated view areas, in a building that rises above the mountain horizonline. {**Impact 4.2-1, ReEIR p.4-22**}. But for the HPC this is not just a disrupted view, but a disruption of La Bahia's historic relationship with the Waterfront's chief signature landmarks. The La Bahia was designed to nestle into the natural setting in a Hill Village massing; the highrise La Bahia proposal eliminates the natural setting for mostly hardscape, backed with seven and eight-story skyscrapers. The neighboring Casa Blanca landmark is similar in massing and setting to the La Bahia, but would lose this comparison with the highrise proposal, *constituting a negative impact on a listed adjacent historic property.* {✘ **CEQA Guidelines section 15064.5(a); ReEIR pp.4-20, 4-29**}. The Waterfront vista is composed of a trio of landmarks in a row {**LE p.3¶2, NR Qualification #2**}. The highrise proposal would make the La Bahia the most dominant feature on the waterfront {**ReEIR, figure 4.2-3**}, overwhelming the Hill Village scale of the Casa Blanca, and even being taller than the city's iconic Boardwalk Casino. This is a violation of the Local Coastal Program, which recommends against "...visual problems such as... out-of-scale buildings..." {✘ **LCP Visual Resources II-B.p.6-3¶13**}; and "require development to be low-profile on hillsides; hilltop development is to blend with the surrounding public viewshed to the maximum extent possible" {**LCP p.6-4b.**}, and "require new development to be...visually compatible and integrated with the character of surrounding areas" {✘ **LCP policy 6.2.2., p.6-13; Guide III-9¶3-4, III-23¶2-5, III-33¶1, 6-7, III-34¶1-4**}.■

6. ARG RECOMMENDS: SAVE THE CRAFTSMANSHIP DETAILS

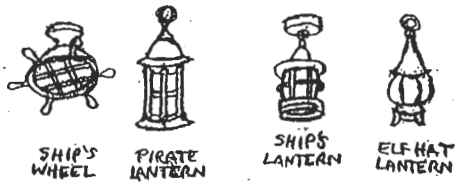
CUPOLA: The most important single feature of the landmark is the cupola tower, with its colorful tilework dome and detail. It is the focal apex of the structures highest point, visible from all sides, but would be lost without the "hills and valleys" of the architectural skyline giving it this prominence. The ARG Report notes: "The large tower...may be seen from a great distance and helps to identify both the building in the Beach Commercial area, *and the location of the main entrance.* [This feature] should be retained in any future development of the site." {**ARG pp.3¶4, 9-10**}. While it contains no bell or watchman, the cupola none-the-less is one of the designated Signature symbols of the waterfront, easily recognized, and frequently appearing in brochures, ads, postcards, and other promotional materials.

APPLICATION: In the first highrise proposal, the tower cupola was originally going to be reinvented in a highly simplified modern design, but in the negotiations with HPC, the developer made a *tentative* commitment to save it, or if it cannot be save, recreate it {**Demolition Rational Letter, March 31, 2008, ReEIR Appendix G**}. If saved, the cupola amounts to the highrise project's only preservation element, and if the building is demolished, the tower is the only (all-be-it insufficient) item of historic mitigation

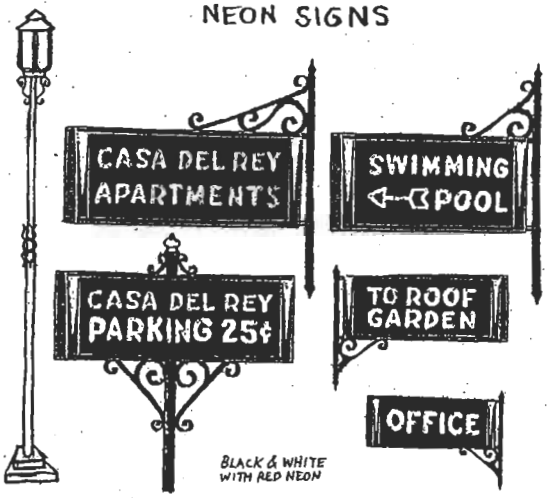
OTAR
FACADE LIGHTS



ALCOVE LIGHTS

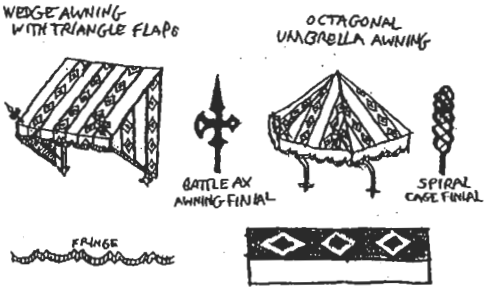


OTAR
NEON SIGNS



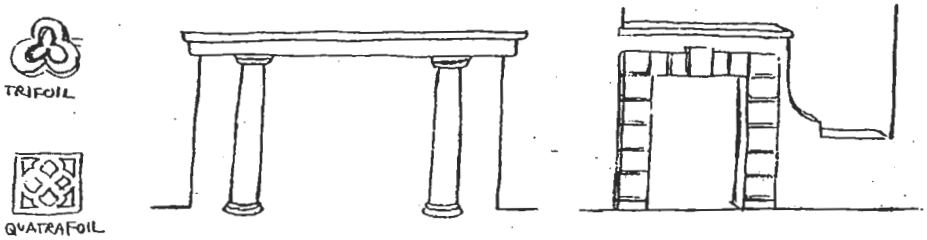
MARINER'S BALCONY

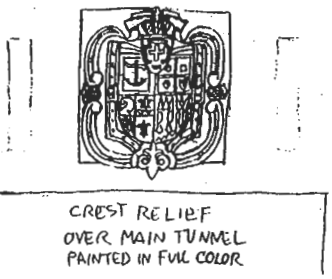
AWNINGS



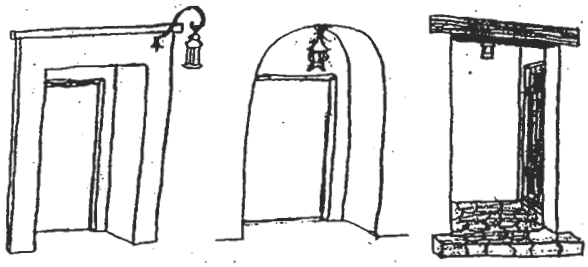
FRINGED AWNING WITH DIAMOND-STRIPED CANVAS AND SPEAR-POINT SUPPORT BRACKETS

MAIN ARCHWAYS

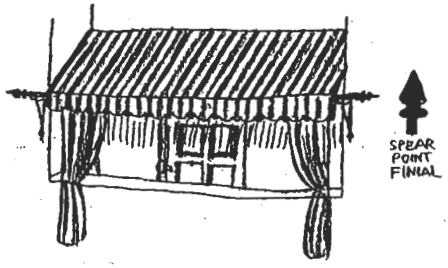




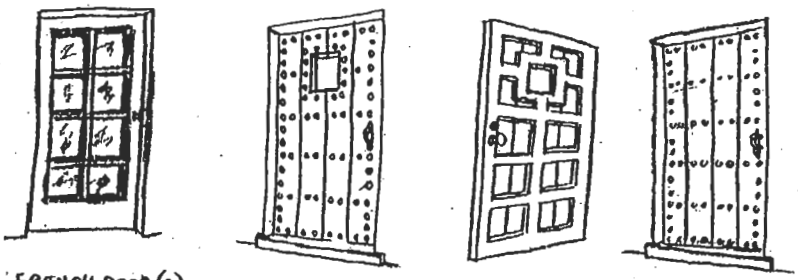
CREST RELIEF OVER MAIN TUNNEL PAINTED IN FULL COLOR



DOOR ENTRY SURROUNDS



VENETIAN-STRIPED SHED AWNING ON INSET BALCONY, WITH DOUBLE-SPEAR ROD ON SUPPORT BRACKETS, AND DRAW-CURTAINS WITH TIES

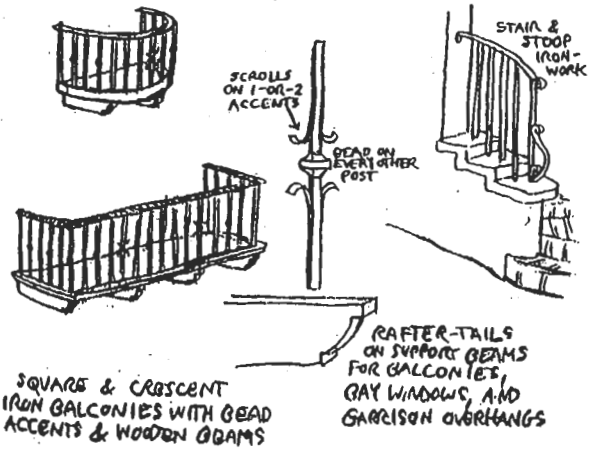


FRENCH DOOR(S) ON BALCONIES 4-BESIDE-4 LIGHTS

DOOR WITH PEEP WINDOW

FOUR PLANK HOGNAILED OUTSIDE FINISH

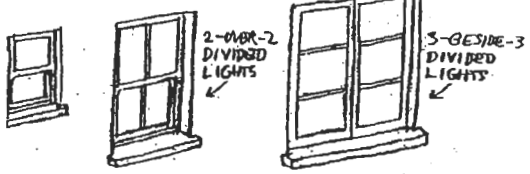
IRONWORK RAILINGS



SQUARE & CRESCENT IRON BALCONIES WITH BEAD ACCENTS & WOODEN BEAMS

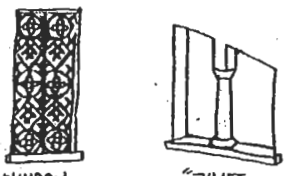
RAFTER-TAILS ON SUPPORT BEAMS FOR BALCONIES, BAY WINDOWS, AND GARRISON OVERHANGS

STAIRWAY WINDOWS



DOUBLE-HUNGS

DOUBLE CASEMENT



WINDOW GRILL MID-SOUTHERN STAIRWELL (& MARINERS TOWER?)

"JULIET WINDOW" SOUTHEAST STAIRWELL

Exhibit M

offered. But if it can't be save, how close a recreation of the tower will be made isn't certain. Barry Swenson blueprints (revised March 18, 2008), computer simulations (revised March 27, 2008) and official La Bahia logo (still in use Nov. 2008), still show a modern version of the cupola {sheets A1.0, A4.1, A4.2, & A5.2}. So this can only be termed as *tentative* compliance from someone committed to total landmark demolition {✔? ARG p.3¶4, 9-10}. But with the tower no longer on the *only* three-story wing, it wouldn't be visible from side and back streets over the new three story front wings {✘ ARG 9-10}. (See illustration ← p.8).

LIGHTS: Russian-born Johnny Otar set up shop in Santa Cruz after World War I, and became famous as *Otar the Lampmaker*, a well-known brand name on the California coast. Often commissioned to design lighting for major California projects, Otar designed the La Bahia's bracket lamps, pole lamps for the gardens, porch lights, and neon signs to direct people through the courtyards at night. He also produced ironwork elements such as ornamental awning frames and iron railings. Otar's best works should be restored or replicated as specific features, while in other cases fixtures similar to his works may be found to recapture the best effects of his works. {ARG p.5}.

APPLICATION: The Highrise proposal will restore or replicate none of the Otar the Lampmaker lights or neon signs. {✘ ARG p.5}.

STUCCO FINISH/COLOR: The La Bahia stucco has been applied in three different patterns of trowelwork, to make it appear added onto over the years. ARG notes "...exterior walls [are] finished with a fairly flat finish..." in contrast to the granular sand-paper finish common today. This modern finish, or some other stucco variation, could be used to differentiate the restored or reconstructed wings from the rear additions. {ARG pp. 12-13}. "...As one newspaper explained it, 'Castles in Spain were never erected all at one time, but units were added through the years and, as the mud dried each time, the color differed.' Similarly, at the Casa Del Rey each apartment [block] varied slightly in shade from its neighbor. Walls of the courts were tinted in different colors, but all were finished using a mottled 'antique adobe' stain." {Seaside Co. book, p.69}. 1926 articles describe three tints used in various parts of the complex. Color options acceptable to the historic record would thus be all-white/off-white, stippled, or lightly tinted. {ARG p.3¶5; B/SOL Guide p.III-37¶5, III-41¶4}.

APPLICATION: The Highrise proposal appears not to provide multiple finishes, and makes no contrast between restored and new wings, because there are no restored wings. {✘ ARG p. 3, 11, 12-13}. White color appears to conform to the available options. {✔ ARG p.3¶5, 15¶1-4; B/SOL Guide p.III-37¶5, III-41¶4}.

WOOD: "Wood trim and structural beams ...should be stained or painted a dark brown." {ARG p.13¶3, 11¶1; B/SOL Guide p.III-37¶5, III-41¶10}.

APPLICATION: Possible compliance. {✔? ARG p.11¶1, 13¶3, 15¶1-4; B/SOL Guide p.III-37¶5, III-41¶10}.

OPENINGS: "Exterior openings, doors and windows, in the [Landmark] read as punched openings in a solid wall rather than as an expensive openings such as a glazed wall. The walls themselves appear as massive thick masonry walls with small openings set into them. This appearance should be continued in any new construction. Openings are relatively small in comparison to the area of the surrounding wall surface." {ARG p.15¶5, 11¶1}. "Building forms shall suggest thick masonry reminiscent of Spanish Colonial Revival architecture and incorporate features such as recessed doors and windows." {B/SOL Guide III-41¶3}.

APPLICATION: The issues would thus be 1. depth of reveal for inset doors and windows, 2. ratio between wall-space and openings, and 3. impression of plaster-wall thickness. In the Highrise Proposal, the openings appear to be simple punched elements, although there is no indication if the door and window reveals are deeply recessed so walls read as thick and massive, or if doors and windows are to the surface of the outer walls with little reveal, so

walls read as thin and *pasteboard-modern*. Depth of insets are an easy condition to make, so we will assume compliance {✔B/SOL Guide III-41¶3}. However, it would appear in most of the proposed structure that wall surface is now small in comparison to the surrounding windows, the opposite of ARG instructions. Adobe or rubble construction relies on greater wall surface than openings as a means of structural integrity, especially when constructed above three stories, where the weight of heavier materials becomes problematic, requiring heavier-thicker base construction for support. This is why the Hill-Village style is defined as "ground hugging" (not highrise), densely-packed uneven units (no flat skyline), "expressive of the topography" (not a flat-graded site). While this is not actual adobe or rubble construction, its landmark status is based on its accurate depiction of the rare hill-village style. Window-to-wall ratios might be a point of flexibility in a restoration/reconstruction scenario, but in a total tear-down and modernization it is simply non-compliance. {✘ ARG p.15¶5; B/SOL Guide III-41¶3}. Where wall-thickness is shown, such as the Court of the Mariners' proposed covered entry, the spindly non-structural "adobe" supports are in conflict with the structural requirements of the supposed adobe medium, to the point of defying gravity. {✘ ARG p.15¶5; B/SOL Guide III-41¶3}.

WINDOWS: "Windows vary in size and are generally casement or double-hung windows." {ARG p.15¶6}. The La Bahia has double hung windows with 2 over 2 divided lights, and double casement windows with 3-beside-3 divided lights. Local HPC policy prefers wood sash windows, unless factory sash divided-light windows (or some other type) are found to be original to the landmark. {ARG p.13¶2}. "...The [La Bahia's window] proportions are generally vertical with many windows being twice as tall as they are wide. While not all window openings in new construction need to be similar in proportion and size to those found in the La Bahia Apartments, the majority of them should be similar to those found in the Apartments. ...Standardized and repetitive exterior window and door treatments should be avoided in any new development." {ARG p.15¶6; B/SOL Guide p.111-38}.

APPLICATION: In the Highrise proposal, the style of some windows appear to comply; in other cases we see plate glass balcony doors without adequate Spanish-style framing or divided lights, or modern split-arch doors in place of square doors under a fanlight transom. Simplicity is an element of the style, but plate glass doors with thin frames do not seem to be a characteristic of a rustic hill village, especially when used on the supposedly "historic" facades. Either use heavier frames, or some degree of divided lights (even if minor). {✘ ARG p.15¶6}.

PAVING: The paving is both red and gray concrete with a rustic flagstone pattern. The red is a fine accent against the gray concrete, white stucco walls and red tile roof. If paving is replaced, one could use stained concrete with pressed stone pattern, or actual rustic flagstone, or red paving. (ARG p.4¶2).

APPLICATION: While less rustic, the redbrick herring-bone pavers in the developer's simulations are an acceptable option. {✔ARG p.4¶2}.

STEPS & RAMPS: The character defining feature of Hill-Village Architecture is the transition from one terrace or level to another. In the Court of the Laurels, there is one manager's stoop (in tower breezeway), one apartment stoop, one patio stoop, and one formal garden stoop, all a distinctive style. A grand octagonal staircase in two sections is framed by ornamental gate posts, and a straight staircase rises to the top level. In the Court of the Mariners, a serpentine staircase comes down from the Hillside Slope ramp, upon which two apartment stoops rise, and a staircase leads to the Sun Deck. In the Court of the Troubadours, the turning staircase is the main feature around which all other elements coalesce. {ARG pp.4¶2, 6-7, 11¶5}. "Original architectural elements such as porches, steps, railings, and decorative detail shall not be removed. Necessary replacements shall be similar in design and

material to the original." {B/SOL Guide III-72¶3}.

APPLICATION: Of the one ramp, seven stoops and four grand stairs, the Highrise Proposal shows two stairs at the head of the Court of the Laurels, neither resembling the octagonal stairs. The historic ornamental gateposts surrounding the octagonal steps do not appear in the final blueprints, but are a major character-defining element, being a centerpiece detail no less. {✗ ARG pp.4¶2, 6-8, 13, B/SOL Guide p.III-72¶3}. While the loss of stoops will not be counted, the main stair losses are non-compliance, with only a slight attempt. {✗✗✗✗✗ ARG pp.4¶2, 6-7, 11¶5}.

TILEWORK: The fountain in the Court of the Mariners was covered in "ornamental glazed ceramic" Spanish tiles, along with the cupola, serpentine staircases (Mariners & Troubadours), Court of the Laurels monument-wall, and ornamental touches in other places. These are regarded as character-defining features listed to keep {ARG p.4¶1, 11¶1}.

APPLICATION: The tile-domed cupola is supposedly saved, and the developer said he would create a fountain in the Court of the Mariners, although no details are available. There may be other touches, but they aren't documented. Compliance unknown. {? ARG p.4¶1, 11¶1}.

RED TILE ROOFS: Just as the landmark is "...notable for the variety of building forms developed," {ARG p.12¶5}, so too does it have a variety of roof-types, such as gable, overlapping gable, hipped, catslide, shed, tailored, and flat. {Handbook p.11}. "Red tile roofs" on "varying roof heights" are a "character-defining feature" of the La Bahia to retain. {ARG p.3¶5, 11¶1}.

"Building roof lines make a profile against the sky and the design of the profile helps define community character. Roof line design shall be consistent with existing...patterns...." "Roof design shall be an integral part of the overall building design. It shall be of a scale and proportion so as not to appear as an afterthought or appendage." "[An] undesirable roof line is flat and monotonous." {B/SOL Guide III-36¶1-2, 7, III-37¶5, III-41¶6-9}.

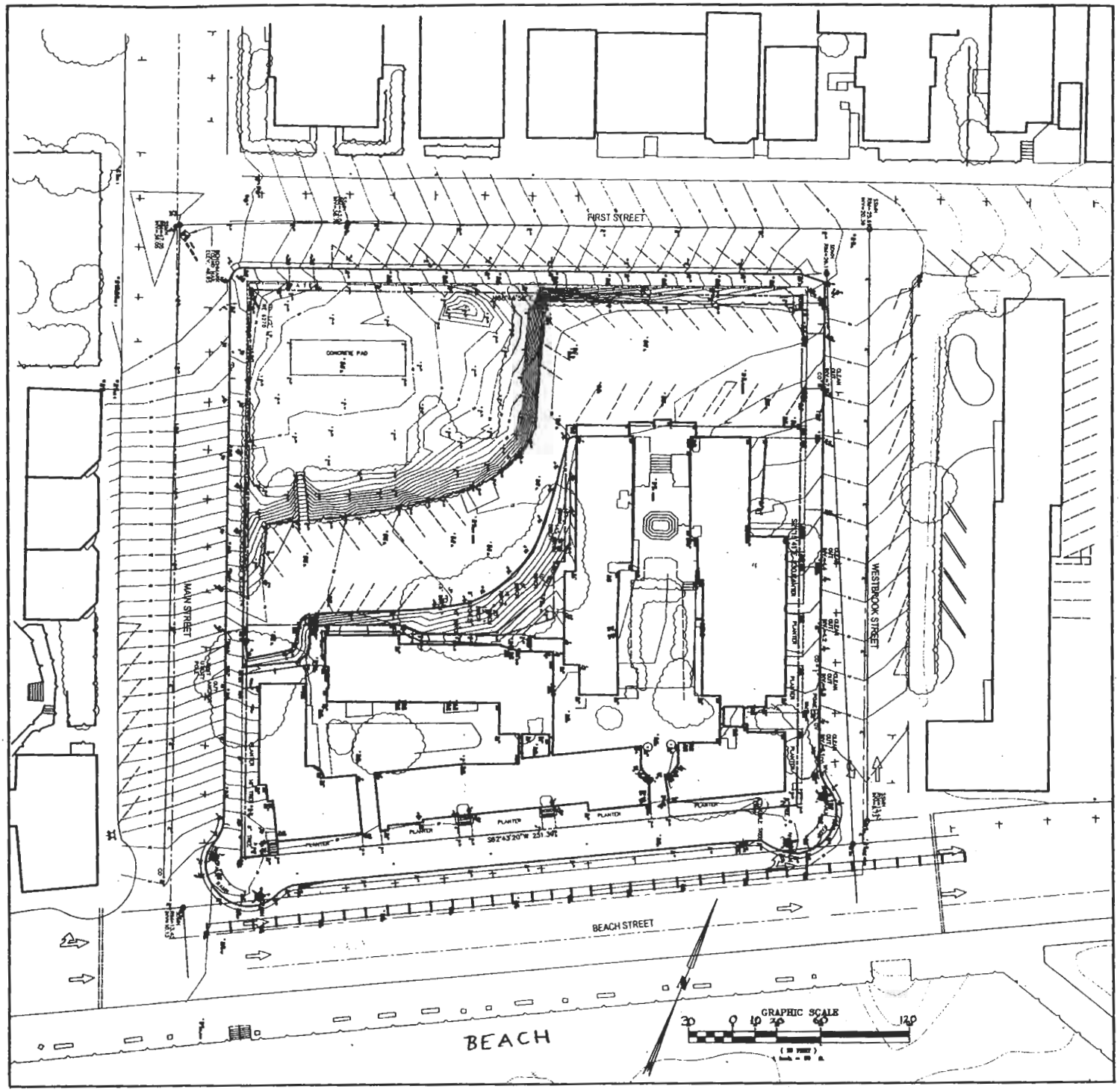
APPLICATION: Project uses red tile roofs. {✔ ARG p.3¶5, 11¶1}.

GRILLWORK: The grillwork in windows overlooking the courtyards are fancy Spanish grills, listed for keeping. {ARG p.4¶1; B/SOL Guide III-41¶2, III-42¶3-right}.

APPLICATION: The Highrise Proposal has placed iron bars on the garage window openings. This is a clever way to enclose ventilated garage openings in a Spanish manner, although some neighbors said too much of it can look prison-like. The ornamental grillwork elements appear to be missing since none of the protected design survives in this project. {✗ ARG p.4¶1; B/SOL Guide III-41¶2, III-42¶3-right}.

BALCONIES: There are "Spanish Colonial balconies throughout [the La Bahia] with wood and metal railings." {ARG p.3¶5}.The La Bahia has five balconies, each of which is unique, and acts as a feature that defines its space. An iron balcony wraps around the corner of the Beach and Westbrook St. tower wing, helping a square element *turn the corner* so to speak. A second Beach St. facade feature is a crescent-shaped metal Lunar Balcony above the breezeway into the Court of the Mariners. The wooden Court of the Mariners balcony is the most elaborate, with turned posts and tile roof. The ARG Report describes it as "...A wood balcony in [the Court of the Mariners] showing how the projection of the balcony reduces the scale of the wall and contributes to the scale of the courtyard." {ARG p.3¶6}. In the Court of the Laurels, on the breezeway wall into the Court of the Mariners, a pocket balcony is indented into the wall, made of stucco. In the Court of the Troubadours is a balcony-like window in the stairwell called the Juliet Balcony.

The ARG recommends that in the rear addition to the La Bahia: "Walls should extend horizontally no more than 25 feet before there is some change in wall plane horizontally, in or out, at least six inches. As an alternative, a balcony extending outward beyond the wall plane a



NOTES

1. THE TOPOGRAPHIC SURVEY SHOWN HEREON WAS PREPARED BY DUNBAR & CRAIG LAND SURVEYS, 1011 CEDAR STREET, SANTA CRUZ, CA 95060. TEL: 831.426.7533. SURVEY DATED SEPTEMBER 2001.

2. UNDERGROUND UTILITY LOCATIONS HAVE BEEN DETERMINED FROM SURFACE EVIDENCE AND FROM MAPS PROVIDED BY THE VARIOUS UTILITY COMPANIES AND THE CITY OF SANTA CRUZ. UTILITY LOCATIONS SHOULD BE VERIFIED BY USA MARKING AND THE UTILITY OWNER PRIOR TO ANY CONSTRUCTION IN THIS AREA.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE CITY OF SANTA CRUZ MONUMENTATION PRESERVATION AND CONTROL MONUMENTS DT-12 AND DT 26 = S 82°20'40" W AS SHOWN ON THE RECORD OF SURVEY 86-M-81. TO ROTATE TO THE LOCAL BEARING BASE ADD 1°00'30" IN THE NW AND SE QUADRANTS AND SUBTRACT IN THE NE AND SW QUADRANTS.

BENCHMARK

THE BENCHMARK USE FOR THE TOPOGRAPHIC SURVEY SHOWN HEREON IS A FOUND NAIL APPROXIMATELY 7.3 FT DISTANT FROM THE INTERSECTION OF THE APPROXIMATE CENTERLINES OF MAIN STREET AND FIRST STREET. ASSUMED ELEVATION 46.95 FT.

TOPOGRAPHIC SURVEY SHOWS NATURAL LANDFORMS AND ARBORIAL CANOPY

~Barry Swenson Builder Map~

Exhibit M

minimum of four feet, or a recessed balcony projecting inward a minimum of four feet, may be used to create this change in the wall plane. The balconies must be at least six feet in length along the wall plane. ...Standardized and repetitive balcony treatments should be avoided in any new development." {ARG p.12¶5-7}.

AWNINGS: The landmark historically coupled most of its balconies with canvas awnings supported by spear-headed ironwork by Otar the Lampmaker. It helped soften the architectural features, and add some animation as canvas fluttered in the breeze. While this is certainly not a requirement of the developer, having removed so much landscaping and tree canopy make the highrise proposal mostly hardscape and hard-edges, and could use some softening elements.

APPLICATION: In the Highrise proposal, only one of the five original balconies is replicated (the Beach/Westbrook corner balcony). But the modernization of the historic Beach Street facade tends to lose the balcony as a *feature* amid numerous far-less beautiful balconies; and the location of the rounded Lunar Balcony is retained, but replaced with a flat balcony. The developer's self-imposed requirement to give a balcony or terrace to every room, means balconies do not appear for aesthetic reasons, but are forced into the design. This contrasts with the landmark's simpler design, and is probably the developer's substitution for destroying or reducing the garden courtyards, which were the private outdoors spaces for the original apartments. Some balconies on the skyscrapers work within their design, yet this is undercut by other groupings that appear to violate the directive to avoid standardized and repetitive balcony treatments {✗ ARG p.12¶5-7}. The fenced-yard balconies on the street are inelegantly done, so as to appear more as clutter than architectural detail. But the loss of most of the far more distinctive historic balconies would have to account for non-compliance with the guidelines. {✗✗✗✗ ARG p.3¶5-6}.

INTERIORS: The Seaside Company, which owns the La Bahia, described the La Bahia in their 2007 book as "Apartments Fit For a King." They noted, "When the architect's renderings were shown in the spring of 1926, such elegant apartment features as fireplaces, built-ins, electric heat, and cooking gas were described." {Seaside Co. book p.69}. Interior character-defining features are the "building's overall massing, configurations, and volumes. [ARG recommends saving the] original extent and configuration of each unit, [its] Spanish Colonial style and detailing, [such as the] original doors and windows, original light fixtures, original built-in furniture, [and] uncased arched plaster openings and passageways." {ARG p.5¶1}.

APPLICATION: While retaining the 1920s Spanish feel of the apartment interiors is a plus, this has been a point of flexibility with the HPC if necessary in exchange for preserving the facades and courtyards. Yet without an exchange of values, loss of identified interior features is non-compliance {✗ ARG p.5¶1}.■

7. *ARG RECOMMENDS:* KEEP TERRACED TOPOGRAPHY OF THE LANDSCAPE

ARCHITECT: As a founder of the Berkeley School of Architecture, La Bahia architect William Hays "...was adamant that architecture cannot be viewed apart from the landscape." {LE p.6¶6}. "Hays criticized the [Classicist] idea of dividing everything into four quarters, by quoting Beaux-Arts professor Julien Gadet, 'That isn't symmetry, that's nonsense.' Hays preferred Earnest Coxhead's proposal of laying out the [Berkeley] campus on a series of terraces, emphasizing the natural terrain. Some wanted a view of the bay's Golden Gate as the focus of every part of campus, but Hays believed in creating a variety of settings with their own focal points, mixing intimate spaces with out-ward looking spaces" {LE p.7¶4}. Hays complimented friend Frank Lloyd Wright for a winding path up a series of terraces to a home's front door, by saying, "The object of a journey is not only to arrive at the destination, but also to take pleasure by the way." {LE p.6¶3}.

TERRAIN: The existing La Bahia landmark expresses the topography of the landscape,

Exhibit M

becoming one with the natural setting, rather than conquering the landscape with unnatural leveling and grading into large geometric plains of hardscape. The neighboring Casa Blanca landmark is also "...an excellent example of an elegant...building designed to fit the site topography." **{B/SOL Guide IV-112¶9}.** "Because the site of the La Bahia Apartments could be developed to fill the entire block...it is important to develop a project that is terraced to recognize and take advantage of the significant grade changes on the site." **{ARG p.11¶5}**. While the La Bahia expresses this characteristic more than most, it is not exclusively conditioned to this landmark. The general guidelines also state: "Development shall *utilize the natural topography* to create stepped and terraced multi-level buildings and openspaces and optimize view potential." **{B/SOL Guide IV-112¶2}**. "When located on sloping topography, multiple level [hotel] buildings shall be stepped or terraced for site compatibility and to provide solar access." **{B/SOL Guide IV-117¶3}.** "Roof design shall consider the natural topography, and potential views of roof[top]s from higher elevations...." **{B/SOL Guide IV-117¶5; ARG 3¶4, 14¶4-5}.** The cupola sits atop the only three story wing. As one and two-story wings climb the hill, some may sit on the same level as the third-story of the Tower Wing, but never higher than it. In this way, the cupola remains the highest point and can be seen from nearly every direction.

QUADRANT HEIGHT LIMITS: "Existing Planned Development (PC) zoning regulations and the City's definition of building height, allow large sites to be divided into quadrants where the maximum allowable building heights are determined using average grade calculations for each quadrant. This would result in a building that would step up the hill." **{ARG p.11¶6}**. "To respect the scale of the existing buildings, new facades facing onto Main Street going up the hill from Beach Street should also step up the hill so that within 40 feet of Beach St., they are no more than two stories in height. As facades continue up Main St., they may rise to three or four stories in height while remaining below the permitted height limit. ...Along First Street, the facades at the property line should be no higher than three stories, with a fourth story permitted...providing it is set back one-half the distance that it rises above the third floor...." **{ARG pp.11-12}**.

APPLICATION: The developer has minimized or eliminated the varying levels of topography such as terraces and stairs {✗ ARG p.11}, citing the self-imposed requirement to make the structure 100% handicapped accessibility, claiming in the EIR that the approved 2003 project partly-met or did not meet these standards (a disputable conclusion). Yet his highrise proposal provides only 4 handicapped parking spaces out of 95 total spaces, one less than legally required{✗ **City Code Section 24.12.270(3)**}. This indicates the 100% accessible rooms are not for *wheelchairs* but *service carts*, and that the four-maximum handicapped visitors could just as easily have been accommodated in a restored low-rise landmark, as in this highrise proposal.

The developer misunderstands the intent of the quadrant system, merely maxing out the height limits envelope, and instead of expressing the topography by stepping up the hill, has reduced the La Bahia to two levels: a 3-story terrace, and an 8-story section in an L-shaped Dream Inn massing. Even with modern additions, the Casa Blanca, and Terrace Court Apartments just west of it are more expressive of the hillside terrain and massing without destroying views for any of its neighbors, nor impacting protected vistas. {✗ **ARG. pp. 11-12; B/SOL Guide IV-112¶9**}. The highrise plan's proposed pool area and its west sky-scraper would replace the hill portion of the La Bahia site. Instead of giving the sense that the Pool area is built on a hill, or expressive of the topographic grade changes that a hill-village was less likely to eliminate, it instead emphasizes the flat roof of a three-story square building entered from Beach Street. Where does it climb the hill?

The developer's agenda for maximum ocean views is at odds with architect Hays, who designed La Bahia as a series of both intimate

Exhibit M

inward-looking gardens and outward-looking settings that wound through a circuitous path of discovery. Are views that don't show the ocean, not views? {✗ **LE pp.6-7; ReEIR Impact 4.2-1;**

The highrise proposal is laid bare, seen at a glance, and lacking mystique, hidden corners, or a rustic setting. The lack of gradual topographical fluctuation in the proposed highrise would utterly removed the new La Bahia from the natural context for which it was designed. The Local Coastal Plan requires that "Permitted development shall be sited and designed...to minimize the alteration of natural land forms." {✗ **LCP, Section 30251, p.6-1}.** *As a Federally designated Public Resource,* total demolition of the La Bahia landmark and elimination of its topographic setting, violates the first goal of the Coastal Act, to "Protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and man-made resources." {✗ **Public Resources Code, Section 30001.5a, 1976; LCP, 1981, p.0-1}.**■

CONCLUSION:

TURNING ASSETS INTO DRAWBACKS

The B/SOL Plan designated preservation and/or new reconstruction of the La Bahia, through specific guidelines in the ARG report, and supporting general policies in the B/SOL Guidelines and Local Coastal Program.

The fidelity of the highrise proposal to the established guidelines and policies for the La Bahia, was examined in 90 instances. As shown in this report, ***the results found 82 points of non-compliance, 7 of compliance or partial-compliance, and 1 undetermined.*** Even given some flexibility in interpretation, the conclusion is that *there is massive non-compliance with most established guidelines and policies.*

This developer has shown no manner of consistency in picking to comply with parts of one guideline (like save the footprint of the building), but not an accompanying one (save or reconstruct all elevations enclosing courts, etc.), claims to follow some guidelines, and requests to eliminate all other guidelines. The guidelines were established to save the best of the landmark as a successful part of the waterfront. The result of the highrise proposal is a project not intended at any point in the B/SOL Plan, ARG Report, or B/SOL Guidelines, creating out of an NR2 National Register *Signature Landmark*, a monster building that must be delisted for massive non-compliance.

Even should the developer manage to rid himself from guidelines and protections for a national historic landmark, he would have to demolish the Casa Blanca landmark as well in order to rid himself of guidelines for structures next to historic landmarks, which under national standards and B/SOL Guidelines, must be compatible with the landmarks. *Compatibility* is the reason for the guidelines and policies, and **the only result of abolishing these compatibility standards is to permit an incompatible project.**

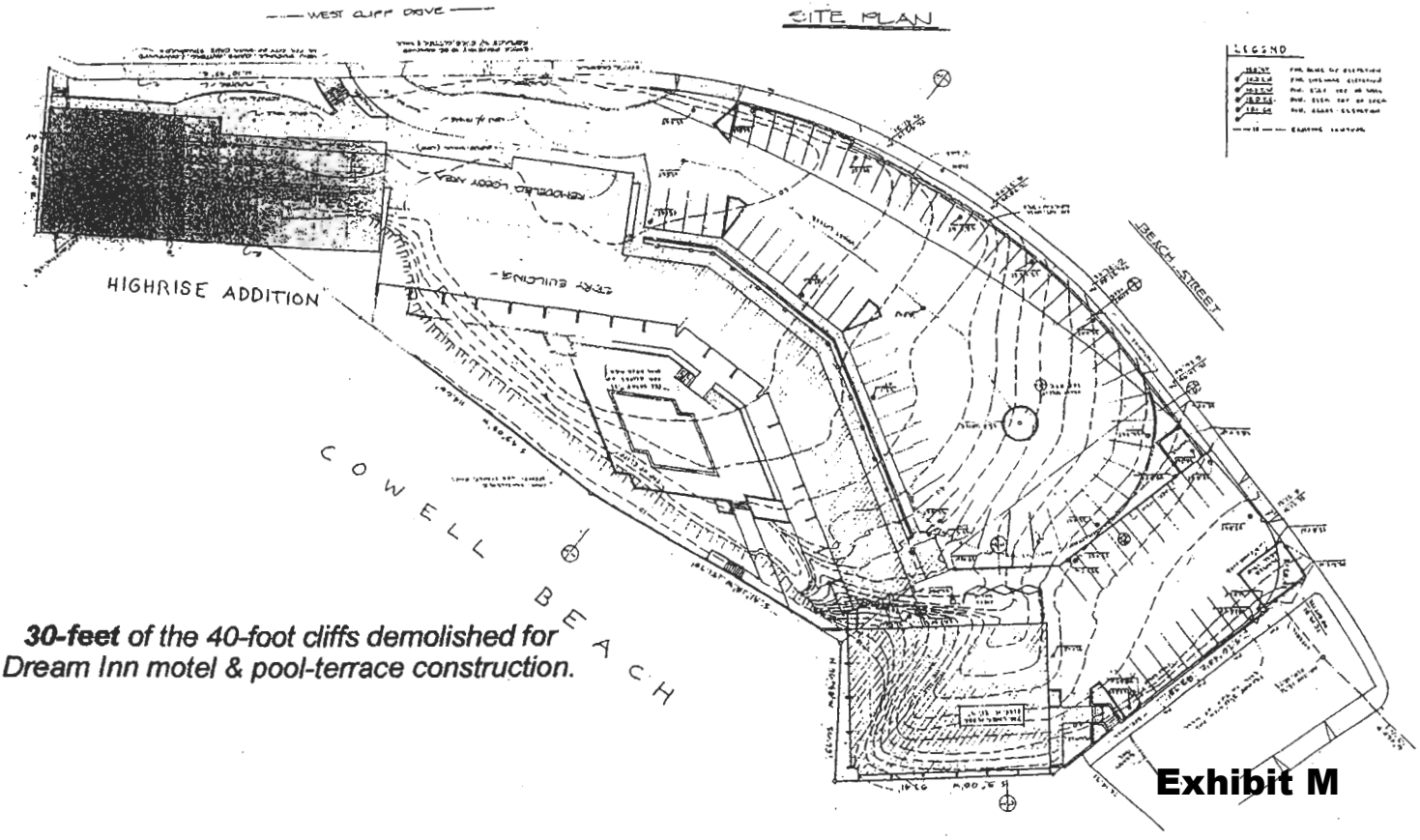
The developer further proposes that surrounding buildings should comply with his scale by building bigger, rather than the other way around. Every aspect of this project and its hardball procedures is against the spirit of the B/SOL Plan, and the ethics for which this city supposedly stands: *Green Building* that respects nature more than hardscape; *Pedestrian-Friendly Development* favoring aerobic layouts over Car Culture Development; *Community Values*, that respect neighborhoods and cultural destinations; and an *Egalitarian Business Ethics* over Special Privileges for the Elite.

The right developer would use the uniqueness of the landmark as its chief asset and selling point. The wrong developer would use this uniqueness as a drawback in trying to shoe-horn the landmark into a more standard hotel/motel uniformity.■

UPDATE: The latest Proposal #3A removes the 8th-story for a 7-story 82-foot tall skyscraper, and fills in the space between the towers to create a more solid wall (which the Planning Commission called "A worse impact" than the 8-story version). The one bright spot is saving the dimensions of the southeast corner {✔ ARG p.12¶2}, but this hardly balances out 1. the loss of the Court of the Mariners to automobiles, 2. eliminating the Court of the Troubadours, and 3. turning the courtyards into three-story dark pits with the same number of rooms as currently in the sunny historic courtyards.

Exhibit M

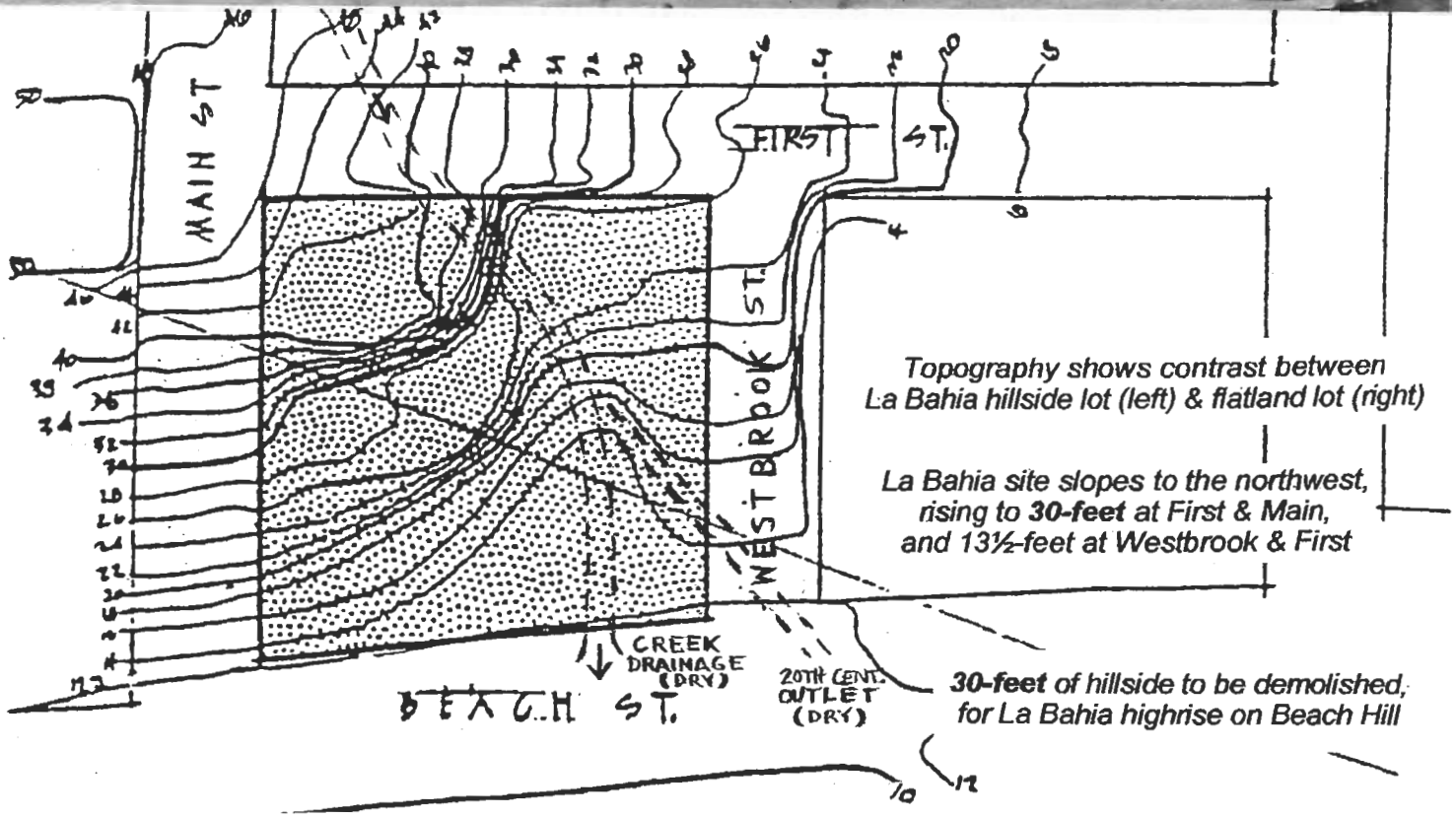
HILLSIDE REMOVAL



***30-feet** of the 40-foot cliffs demolished for Dream Inn motel & pool-terrace construction.*

Exhibit M

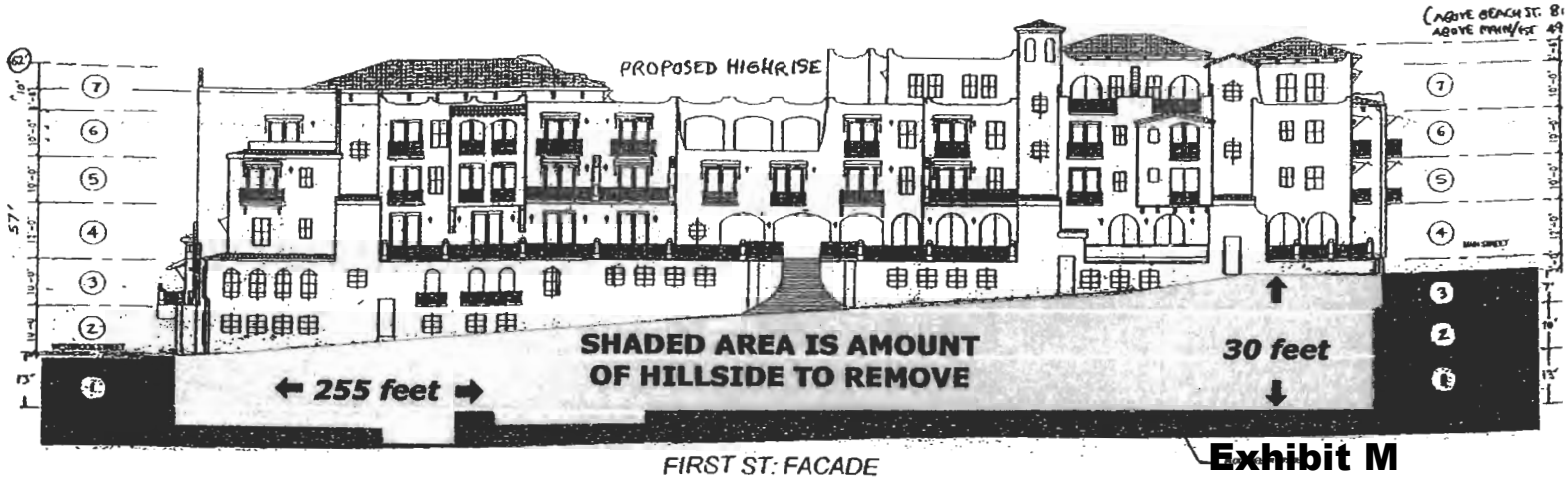
La Bahia site was originally an open park-area on the Beach Hill bluff



Topography shows contrast between La Bahia hillside lot (left) & flatland lot (right)

*La Bahia site slopes to the northwest, rising to **30-feet** at First & Main, and 13½-feet at Westbrook & First*

***30-feet** of hillside to be demolished, for La Bahia highrise on Beach Hill*

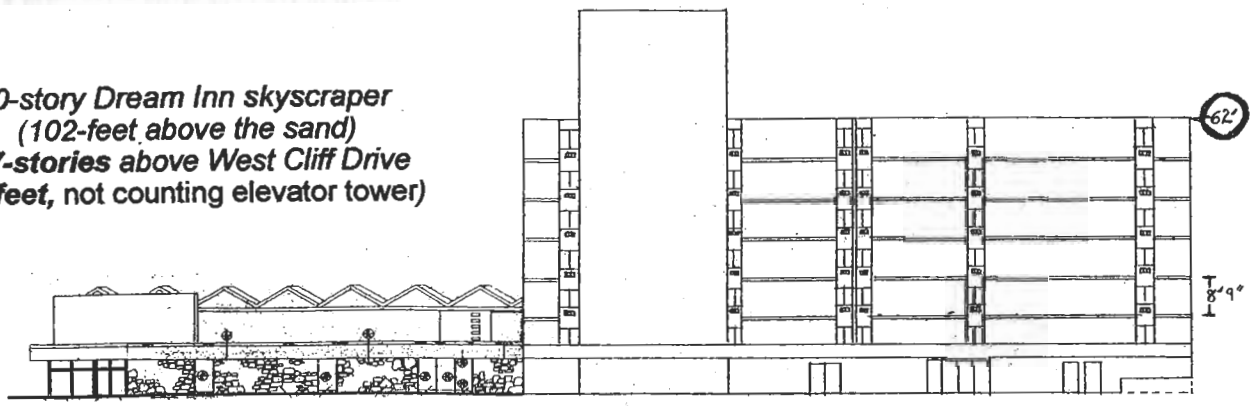


FIRST ST: FACADE

Exhibit M

HEIGHT COMPARISONS

10-story Dream Inn skyscraper
(102-feet above the sand)
*is **7-stories** above West Cliff Drive*
*(**62-feet,** not counting elevator tower)*



WEST CLIFF DRIVE FACADE

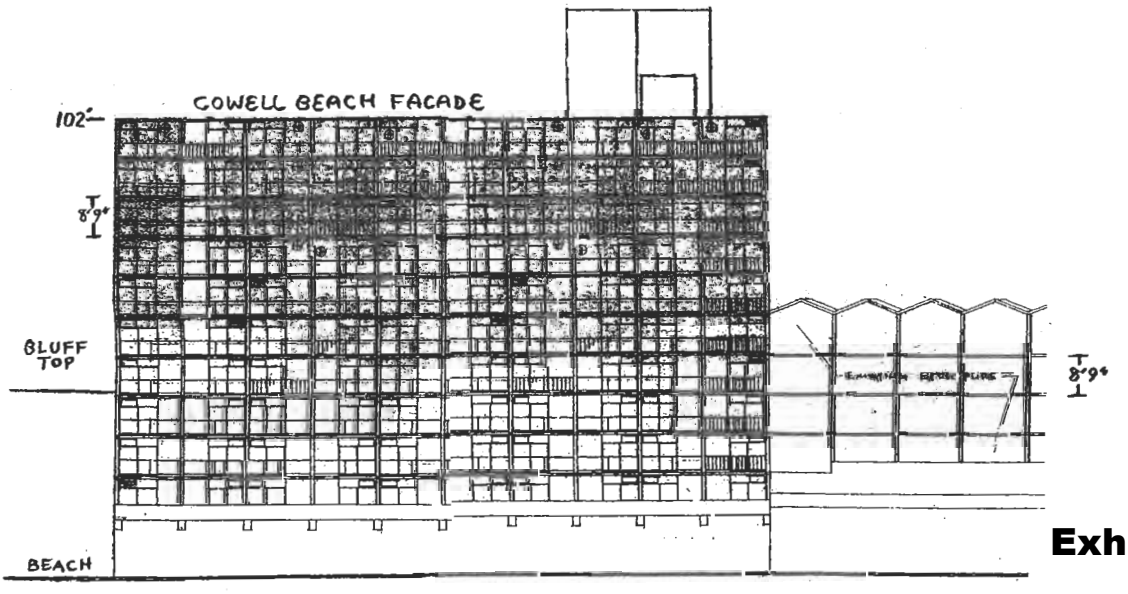
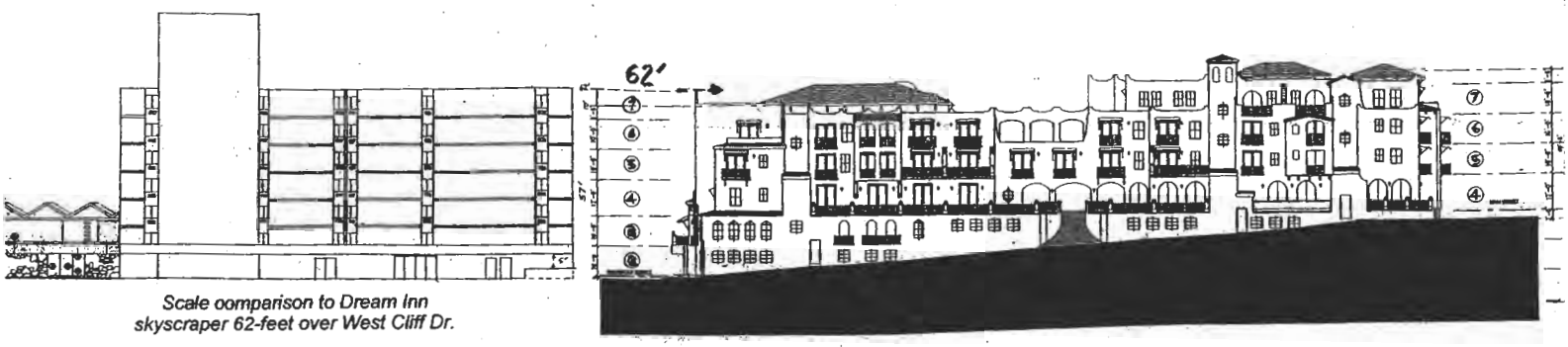


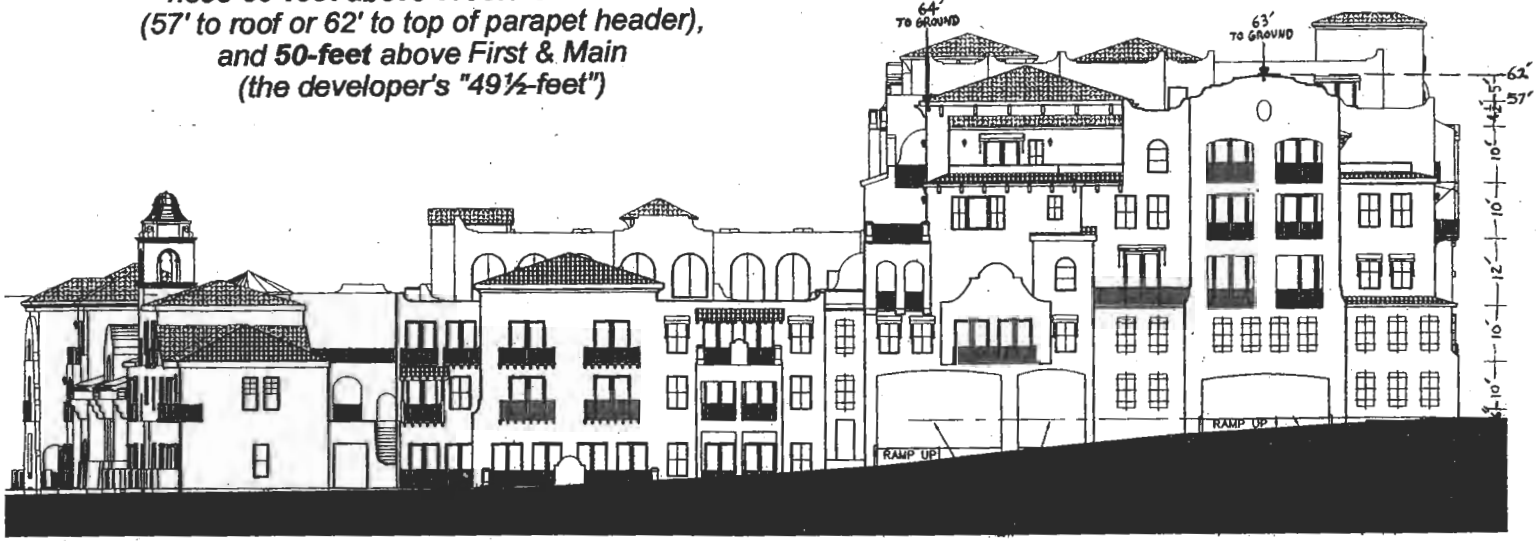
Exhibit M



Scale comparison to Dream Inn skyscraper 62-feet over West Cliff Dr.

FIRST ST: FACADE

*Proposed **7-story** La Bahia highrise*
*(**80' total** height, not counting elevator tower)*
*rises **60-feet** above Westbrook & First*
(57' to roof or 62' to top of parapet header),
*and **50-feet** above First & Main*
(the developer's "49½-feet")



WESTBROOK FACADE

BEACH STREET FACADE

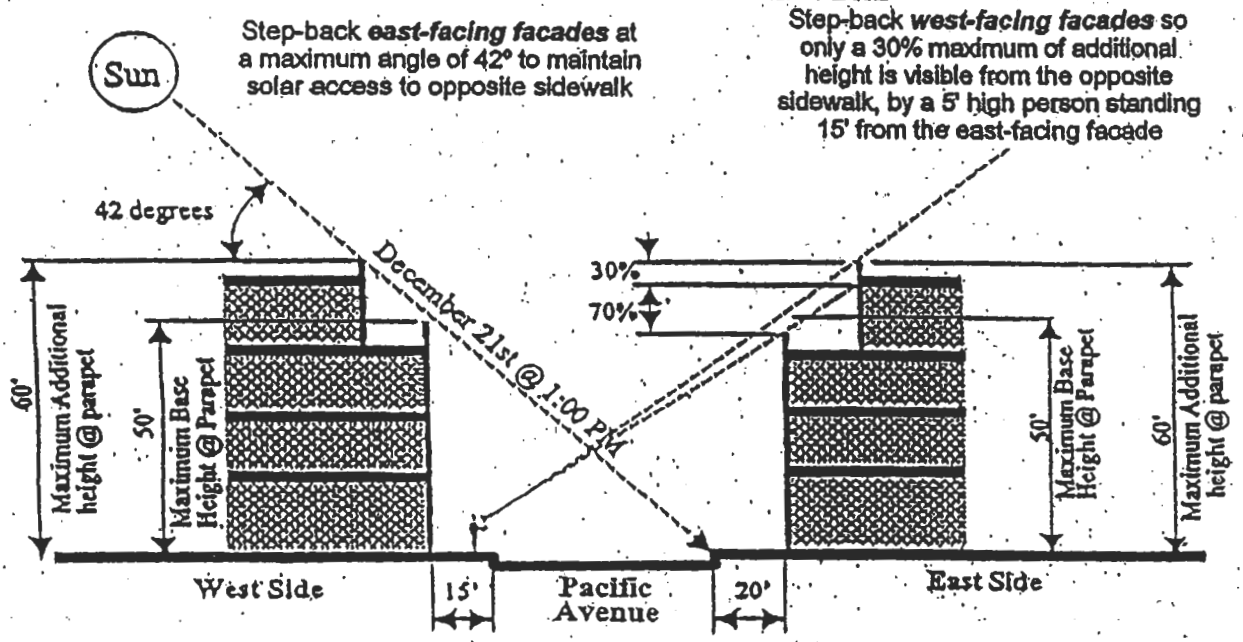
Exhibit M

SOLAR ACCESS REQUIREMENTS

For DPR Increased-Height Bonuses

ADDITIONAL HEIGHT STANDARDS
ZONE B--PACIFIC AVE. RETAIL DISTRICT

PACIFIC AVENUE
DEC. 21ST SOLAR MEASURE



DOWNTOWN EAST/WEST STREETS
MARCH 21ST SOLAR MEASURE

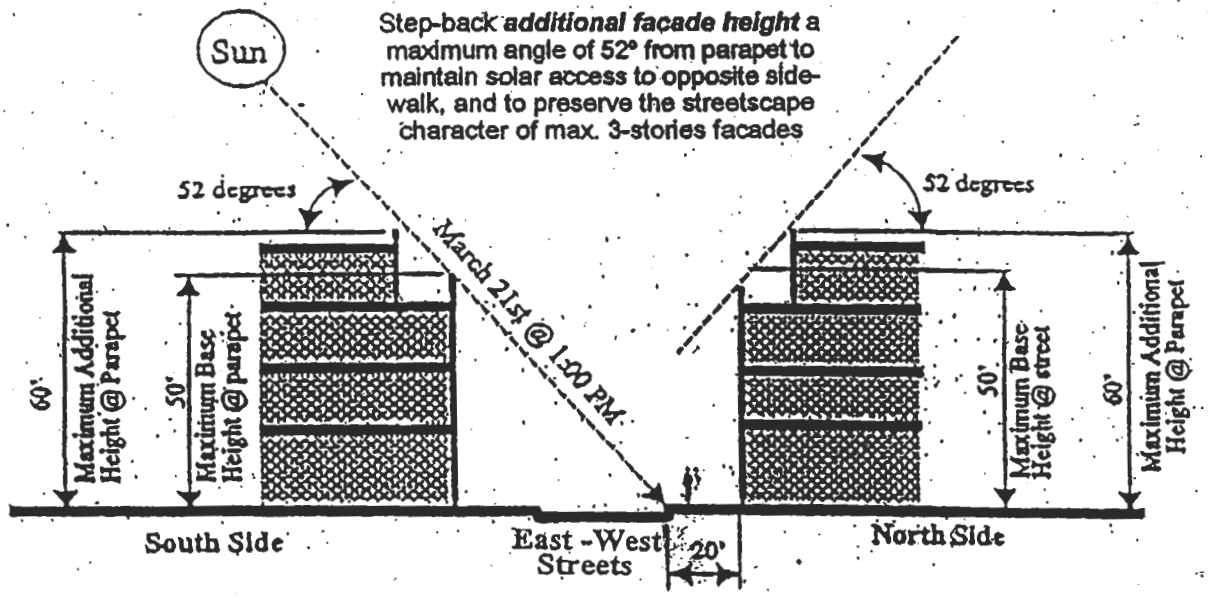


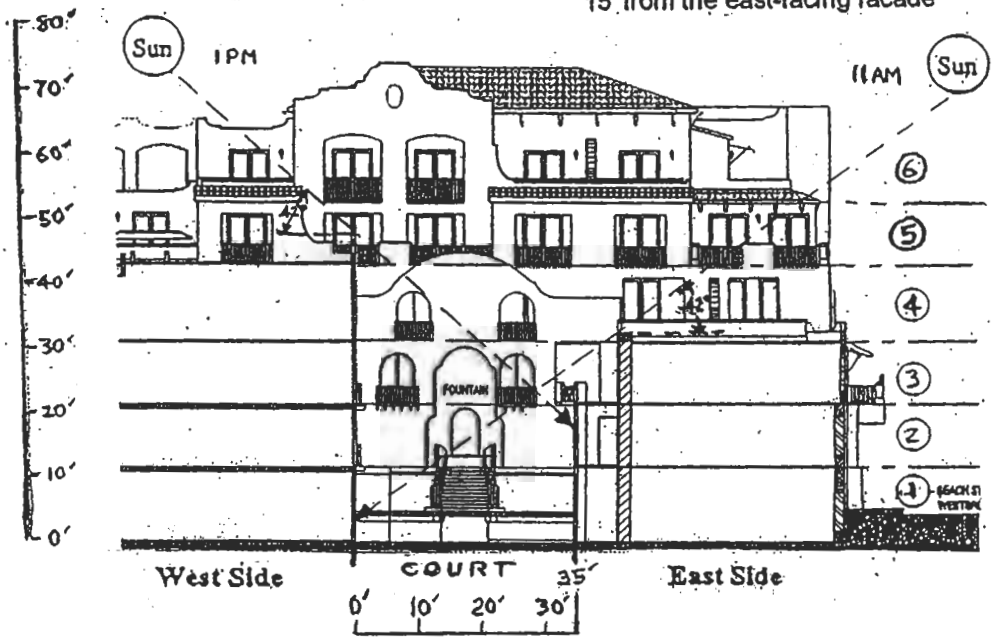
Exhibit M

PROPOSED LA BAHIA HIGHRISE
DPR STEP-BACK REQUIREMENTS LIKE B/SOL

COURT OF THE LAURELS
DEC. 21ST SOLAR MEASURE

Step-back ***east-facing facades*** at a maximum angle of 42° to maintain solar access to opposite sidewalk

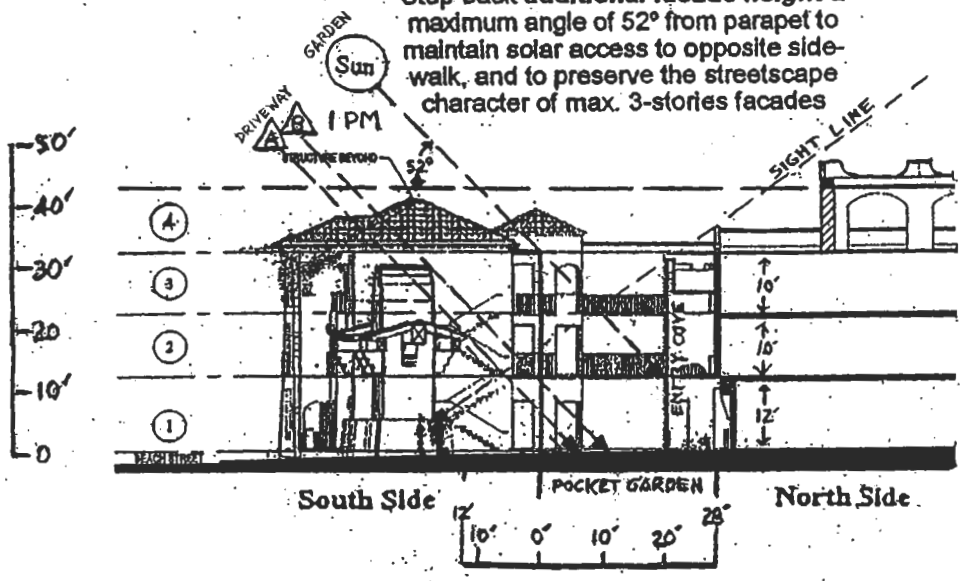
Step-back ***west-facing facades*** so only a 30% maximum of additional height is visible from the opposite sidewalk, by a 5' high person standing 15' from the east-facing facade



Shows that at 11 PM, sun has not yet reached courtyard surface over 3-story wing. By 1PM, no sunlight will reach the courtyard over a non-stepped-back 4-story wing. This reduces courtyard sunlight from most of the day currently, to about 1½ hours.

COURT OF THE MARINERS
MARCH 21ST SOLAR MEASURE

Step-back ***additional facade height*** a maximum angle of 52° from parapet to maintain solar access to opposite sidewalk, and to preserve the streetscape character of max. 3-stories facades

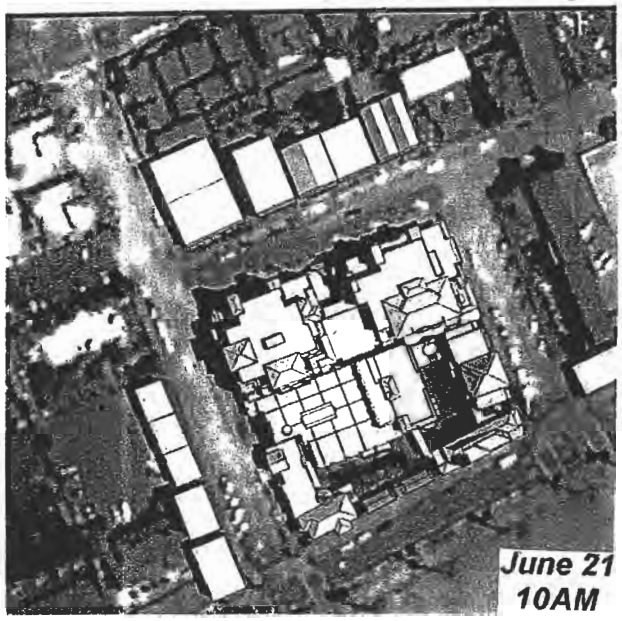


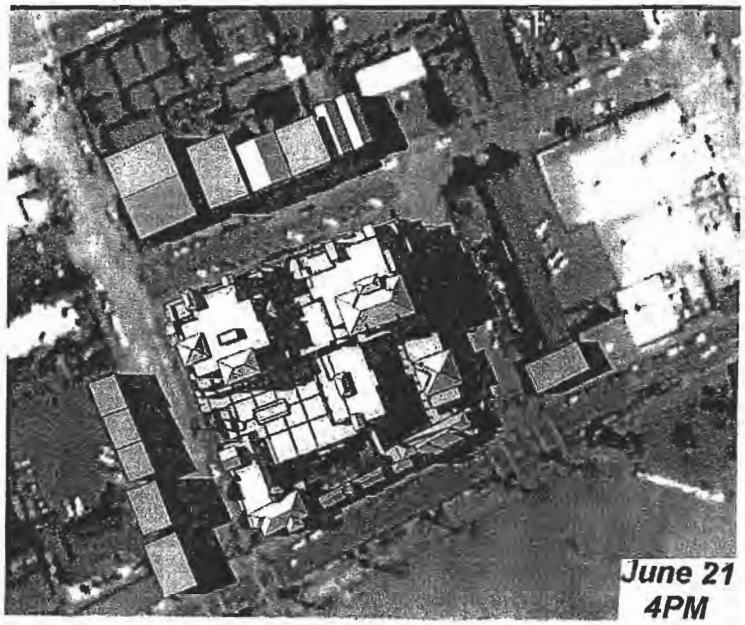
The A & B solar access lines only prove 10-feet of 1 AM sun on the two driveways. The pocket garden in the 3-story west corner doesn't not receive sun at 1 AM. This reduces pocket garden sunlight from most of the day currently, to scant.

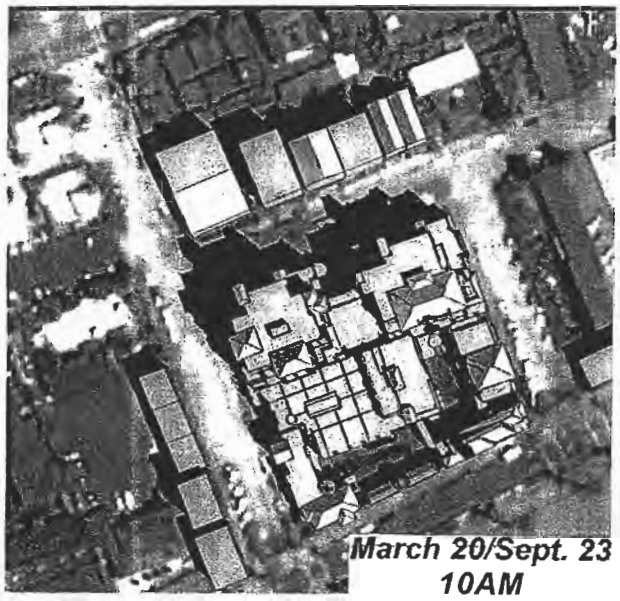
Exhibit M

DES SHADOW IMPACTS STUDY

As printed in the EIRs, one could chiefly discern shadow impacts on the streets, but the gray-on-gray tone made the courtyards harder to see







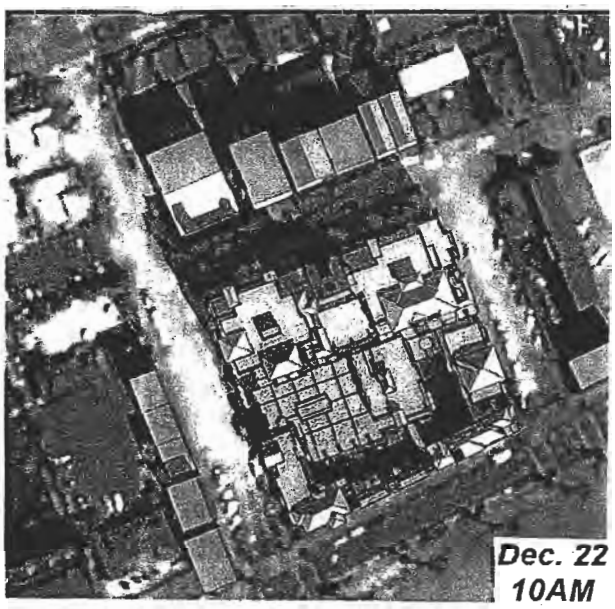
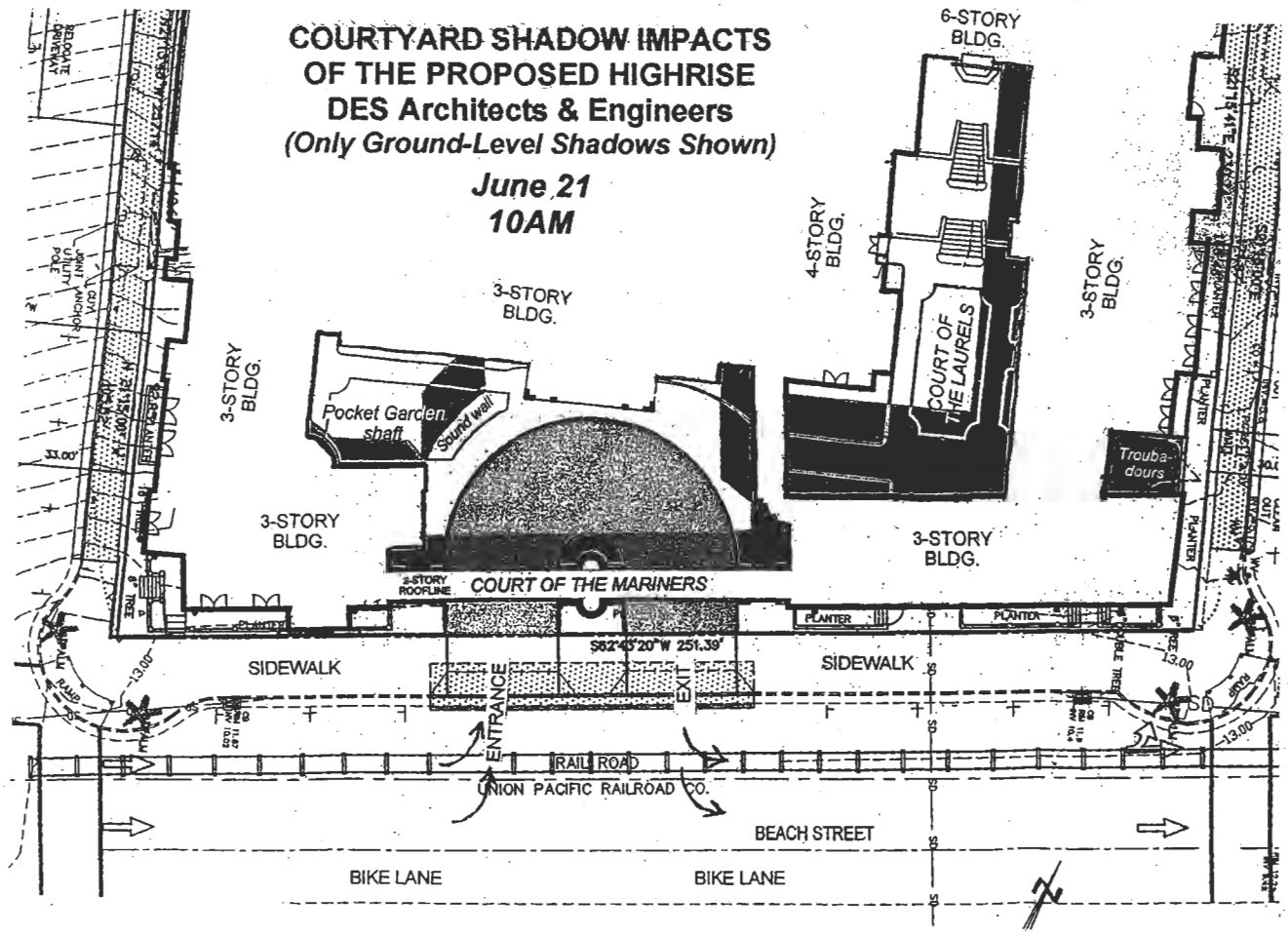


Exhibit M


COURTYARD SHADOW IMPACTS
OF THE PROPOSED HIGHRISE
DES Architects & Engineers
(Only Ground-Level Shadows Shown)
June 21
10AM
6-STORY BLDG.
4-STORY BLDG.
3-STORY BLDG.
3-STORY BLDG.
3-STORY BLDG.
3-STORY BLDG.
3-STORY BLDG.
COURT OF THE LAURELS
Pocket Garden shaft
Sound wall
Trouba-dours
COURT OF THE MARINERS
3-STORY ROOFLINE
PLANTER
PLANTER
S62°45'20"W 251.39'
SIDEWALK
SIDEWALK
ENTRANCE
EXIT
RAILROAD
UNION PACIFIC RAILROAD CO.
BEACH STREET
BIKE LANE
BIKE LANE

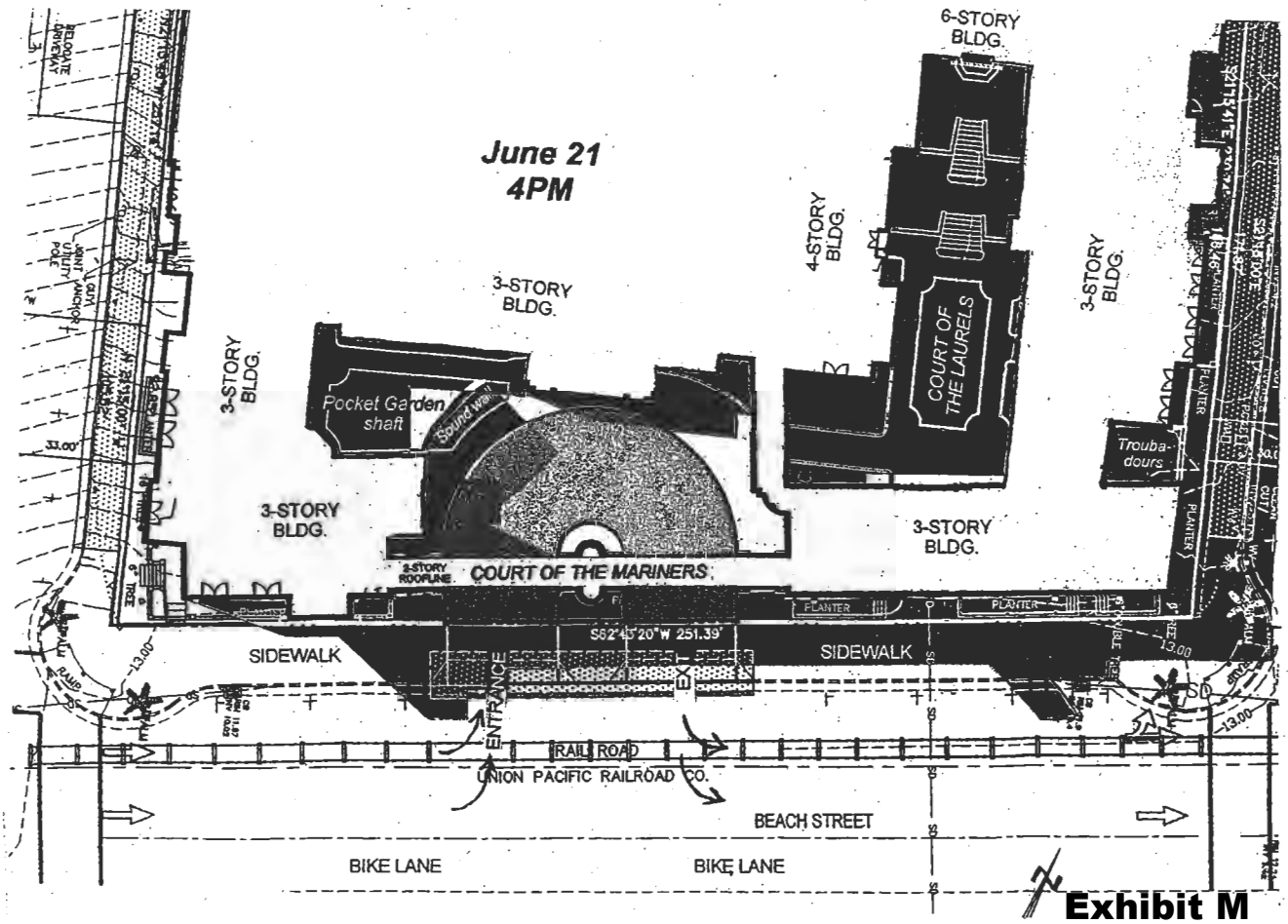
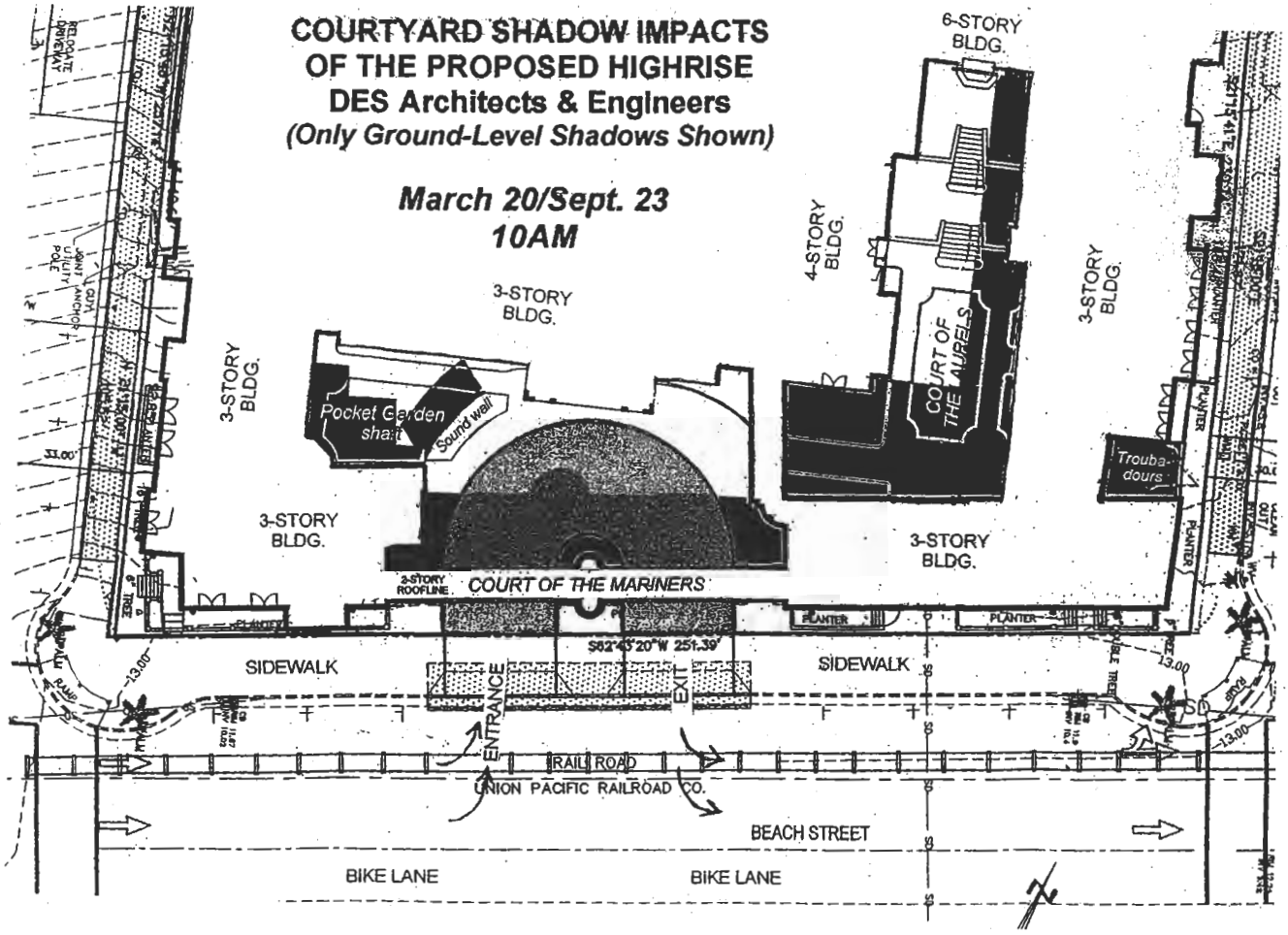
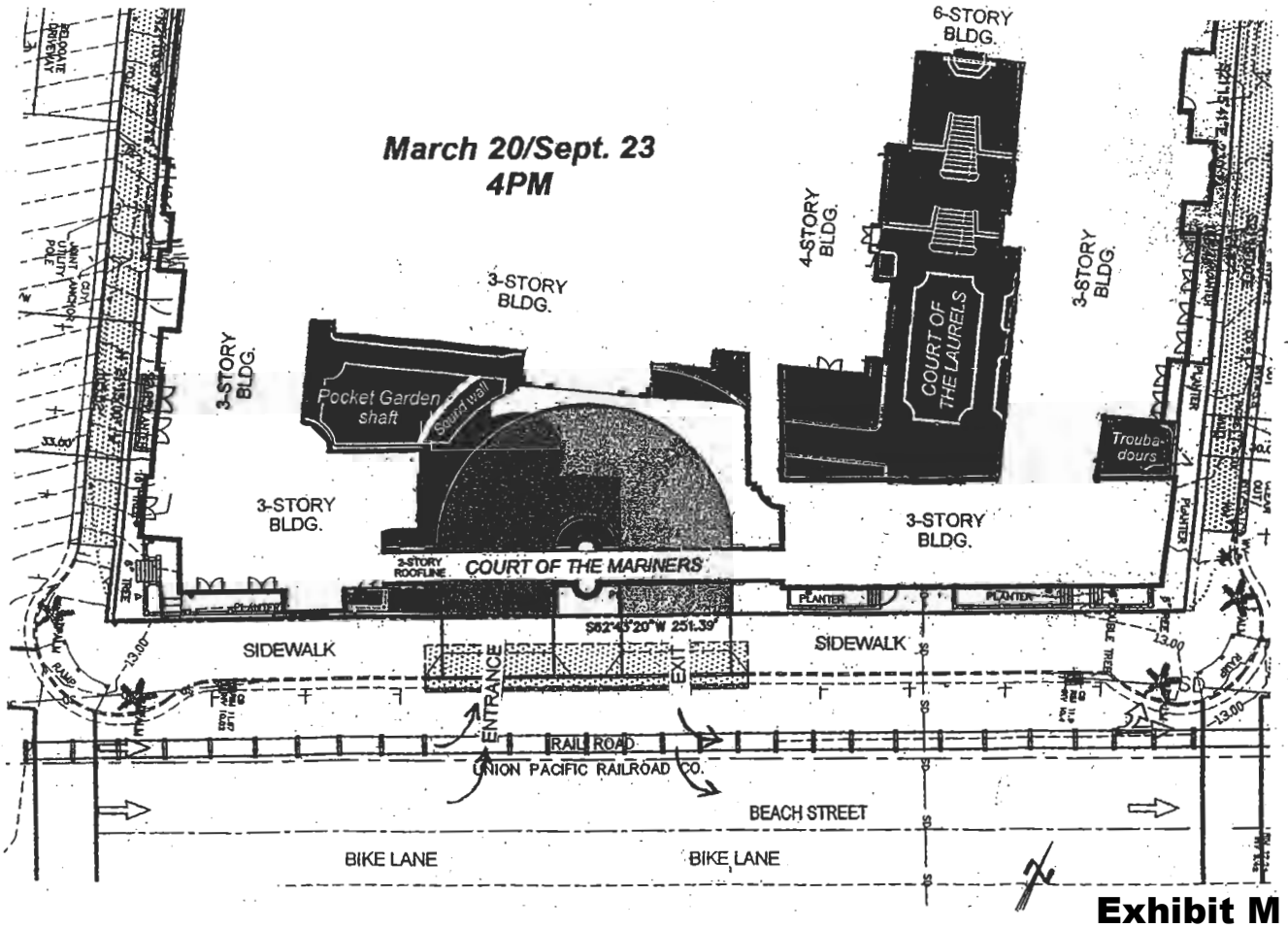

June 21
4PM
6-STORY BLDG.
4-STORY BLDG.
3-STORY BLDG.
3-STORY BLDG.
3-STORY BLDG.
3-STORY BLDG.
3-STORY BLDG.
COURT OF THE LAURELS
Pocket Garden shaft
Sound wall
Trouba-dours
COURT OF THE MARINERS
3-STORY ROOFLINE
PLANTER
PLANTER
S62°45'20"W 251.39'
SIDEWALK
SIDEWALK
ENTRANCE
EXIT
RAILROAD
UNION PACIFIC RAILROAD CO.
BEACH STREET
BIKE LANE
BIKE LANE

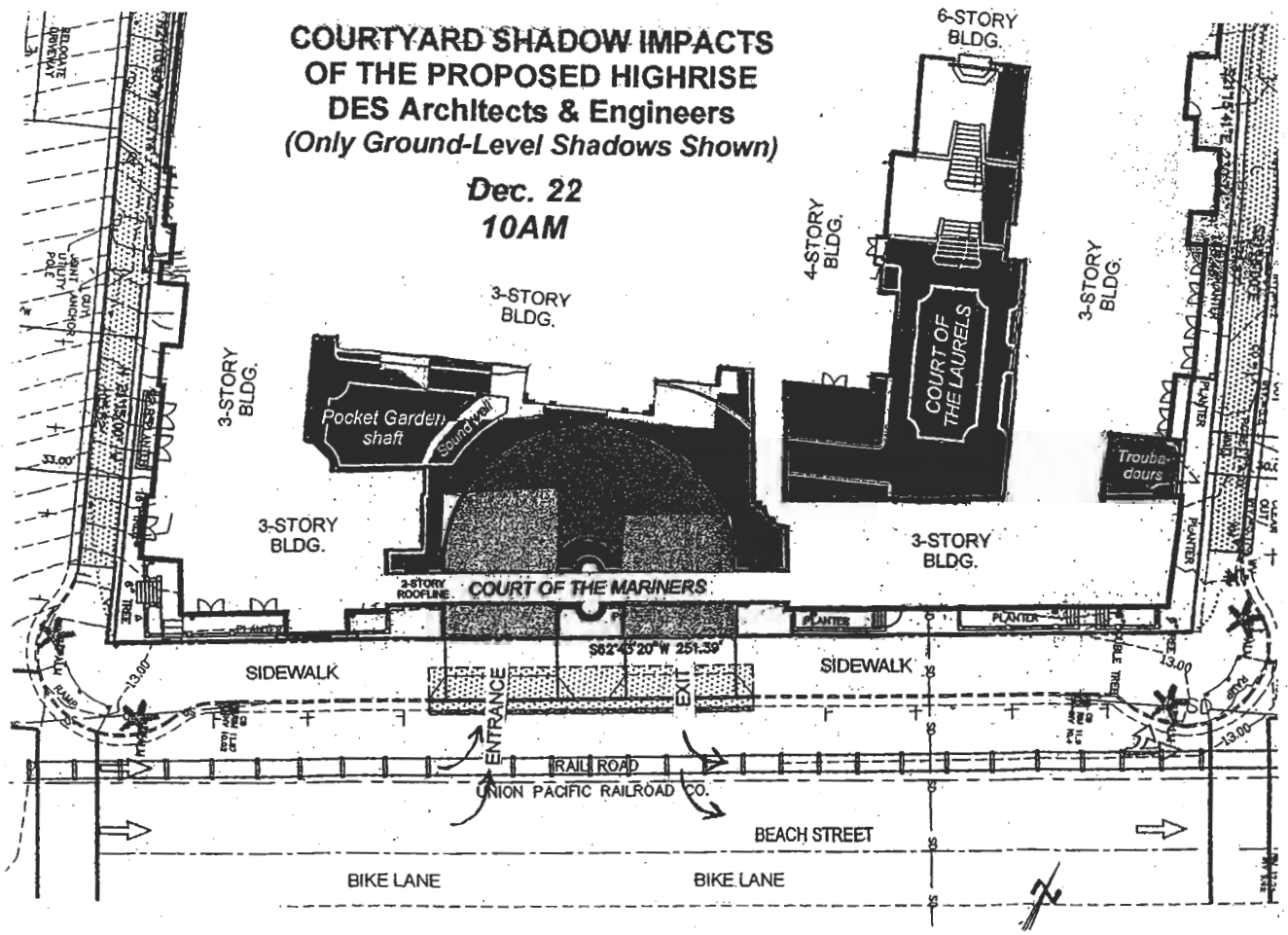
Exhibit M





R.E. GIBSON GRAPHIC

Exhibit M


COURTYARD SHADOW IMPACTS
OF THE PROPOSED HIGHRISE
DES Architects & Engineers
(Only Ground-Level Shadows Shown)
Dec. 22
10AM
6-STORY BLDG.
4-STORY BLDG.
3-STORY BLDG.
3-STORY BLDG.
3-STORY BLDG.
3-STORY BLDG.
COURT OF THE LAURELS
Pocket Garden shaft
Sound wall
Troubadours
2-STORY ROOFLINE
COURT OF THE MARINERS
S62°45'20"W 251.39'
SIDEWALK
SIDEWALK
ENTRANCE
EXIT
RAILROAD
UNION PACIFIC RAILROAD CO.
BEACH STREET
BIKE LANE
BIKE LANE

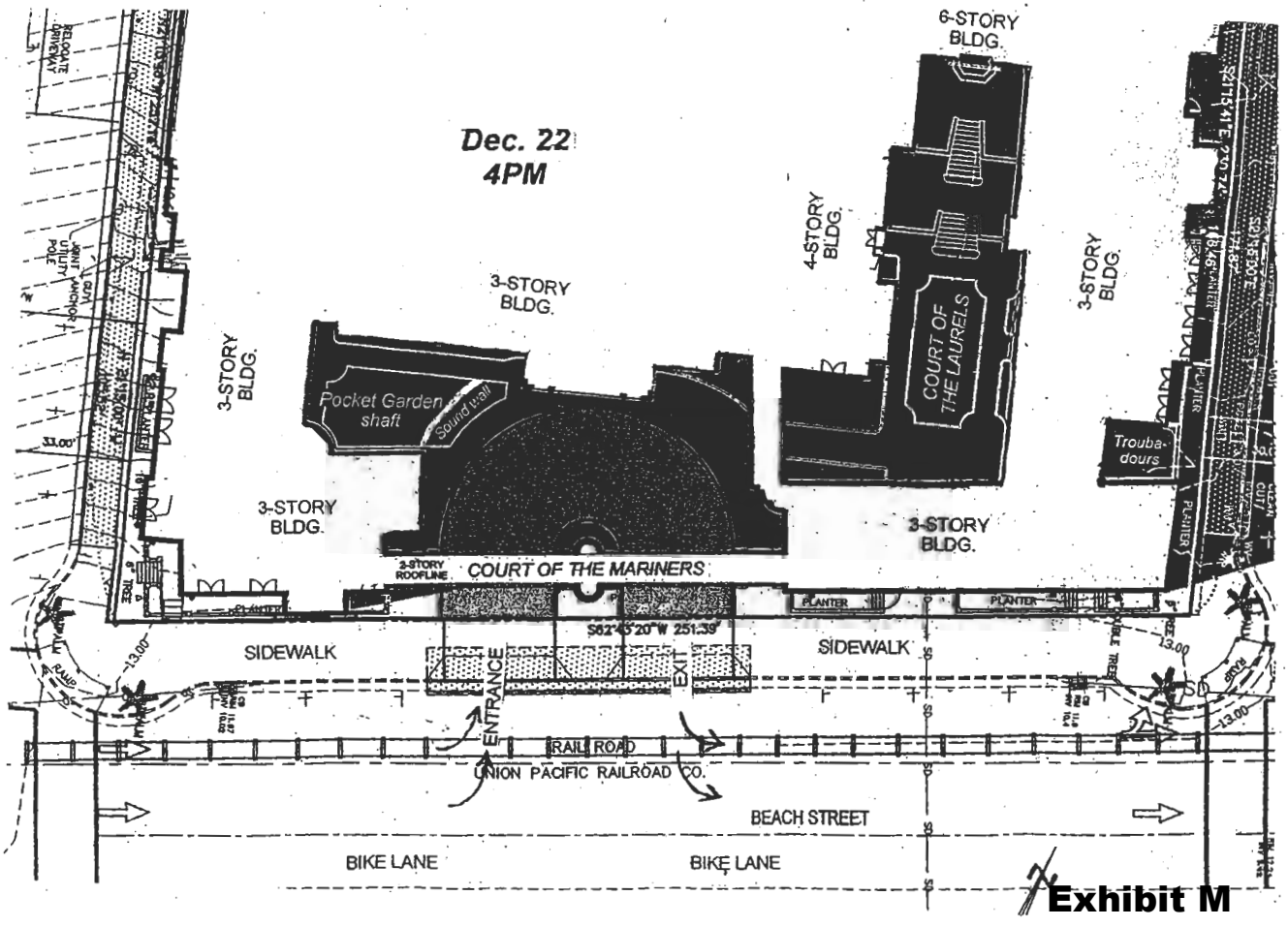

Dec. 22
4PM
6-STORY BLDG.
4-STORY BLDG.
3-STORY BLDG.
3-STORY BLDG.
3-STORY BLDG.
3-STORY BLDG.
COURT OF THE LAURELS
Pocket Garden shaft
Sound wall
Troubadours
2-STORY ROOFLINE
COURT OF THE MARINERS
S62°45'20"W 251.39'
SIDEWALK
SIDEWALK
ENTRANCE
EXIT
RAILROAD
UNION PACIFIC RAILROAD CO.
BEACH STREET
BIKE LANE
BIKE LANE

Exhibit M

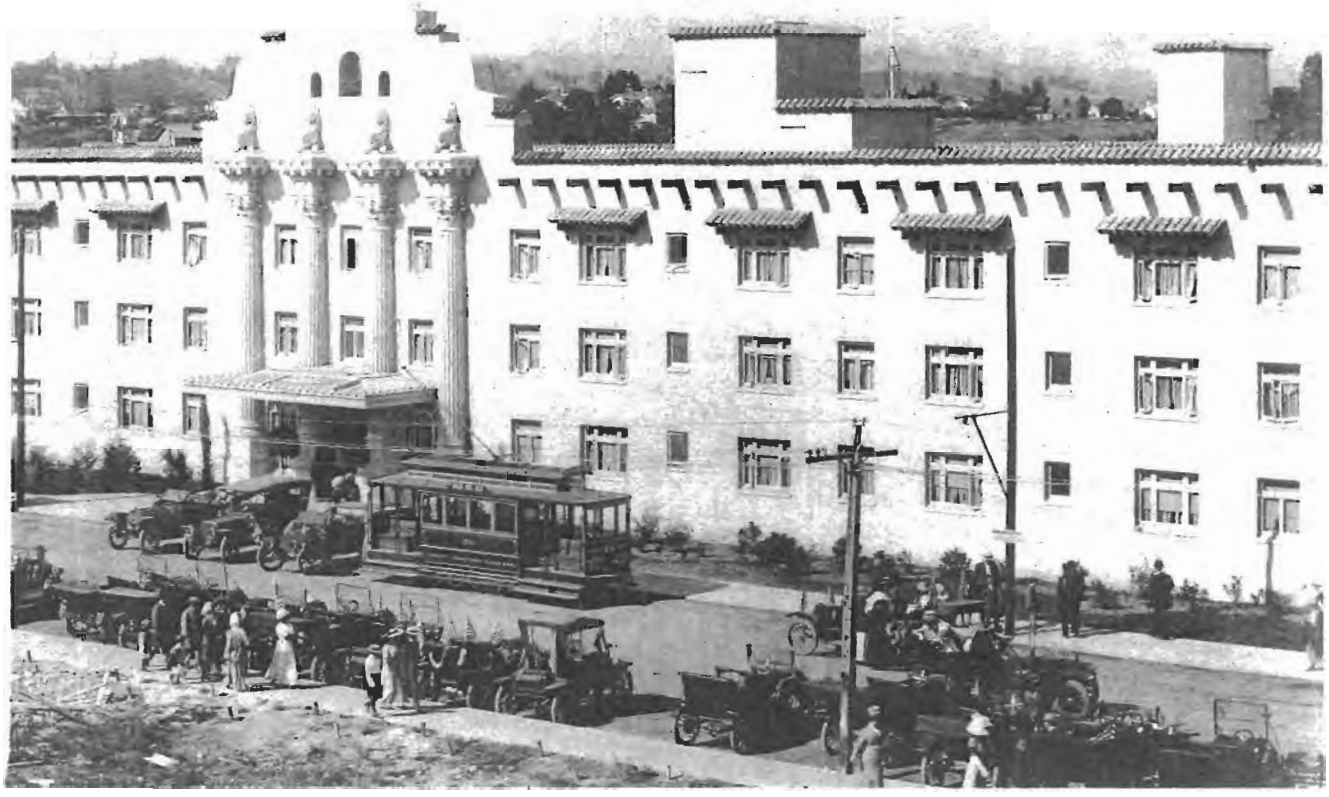
Dan Coyro/Sentinel

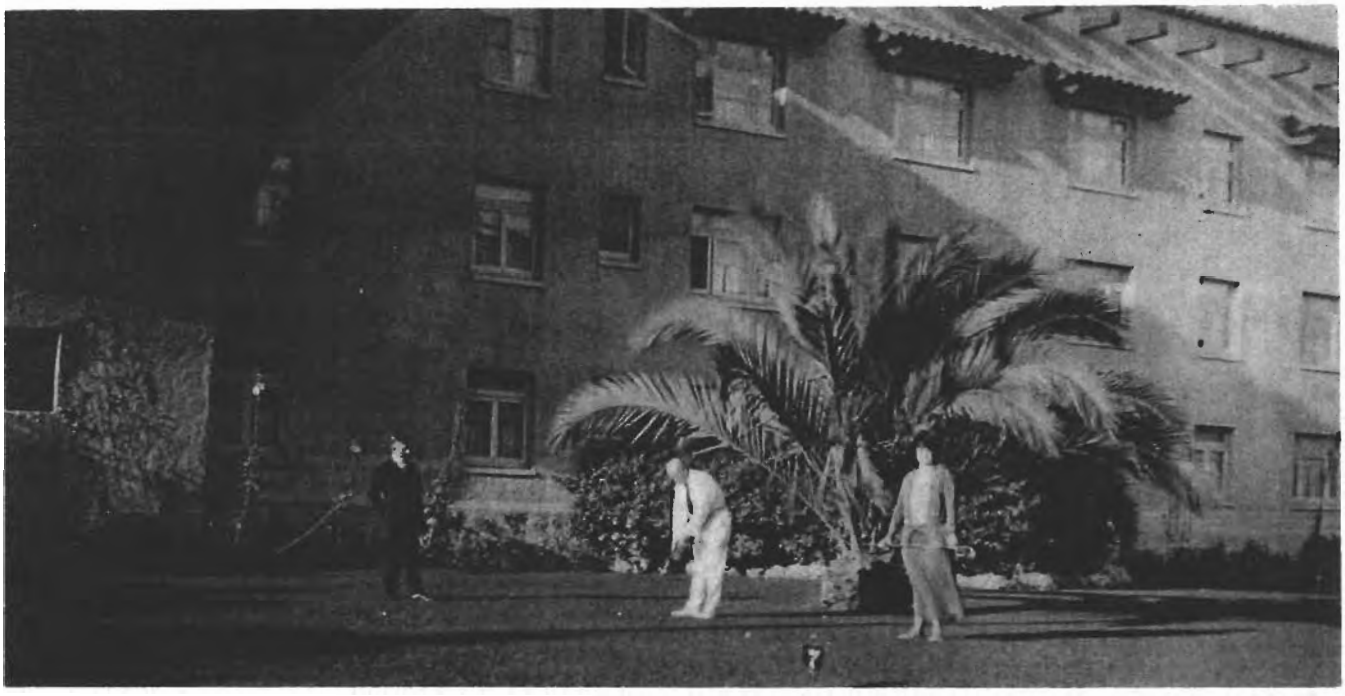
SCALE EXAMPLES OF THREE-STORY COURTYARD FACADES

"PIT STOPS:" To insert the controversial double driveway in the Court of the Mariners, the Highrise proposal must rearrange about the same number of rooms in the "historic portion" into three story courtyard pits. Because of the narrowness of these courtyards, the pit-like effect is going to be severe. The only thing standing in the way of retaining this landmark's National Register status are efforts to accommodate the double driveway at odds with General Plan guidelines.

DARK HOLES: Because a four-story wing is on the westside of the Court of the Laurels, and a three-story mass is on the westside of the Court of the Mariners, both courts are going to be in shadow just after noon, even though earthquake recovery studies said 11 AM-to-8 PM are the prime hours of business, and the most important period in which to preserve solar access in the business areas. {DRP}.

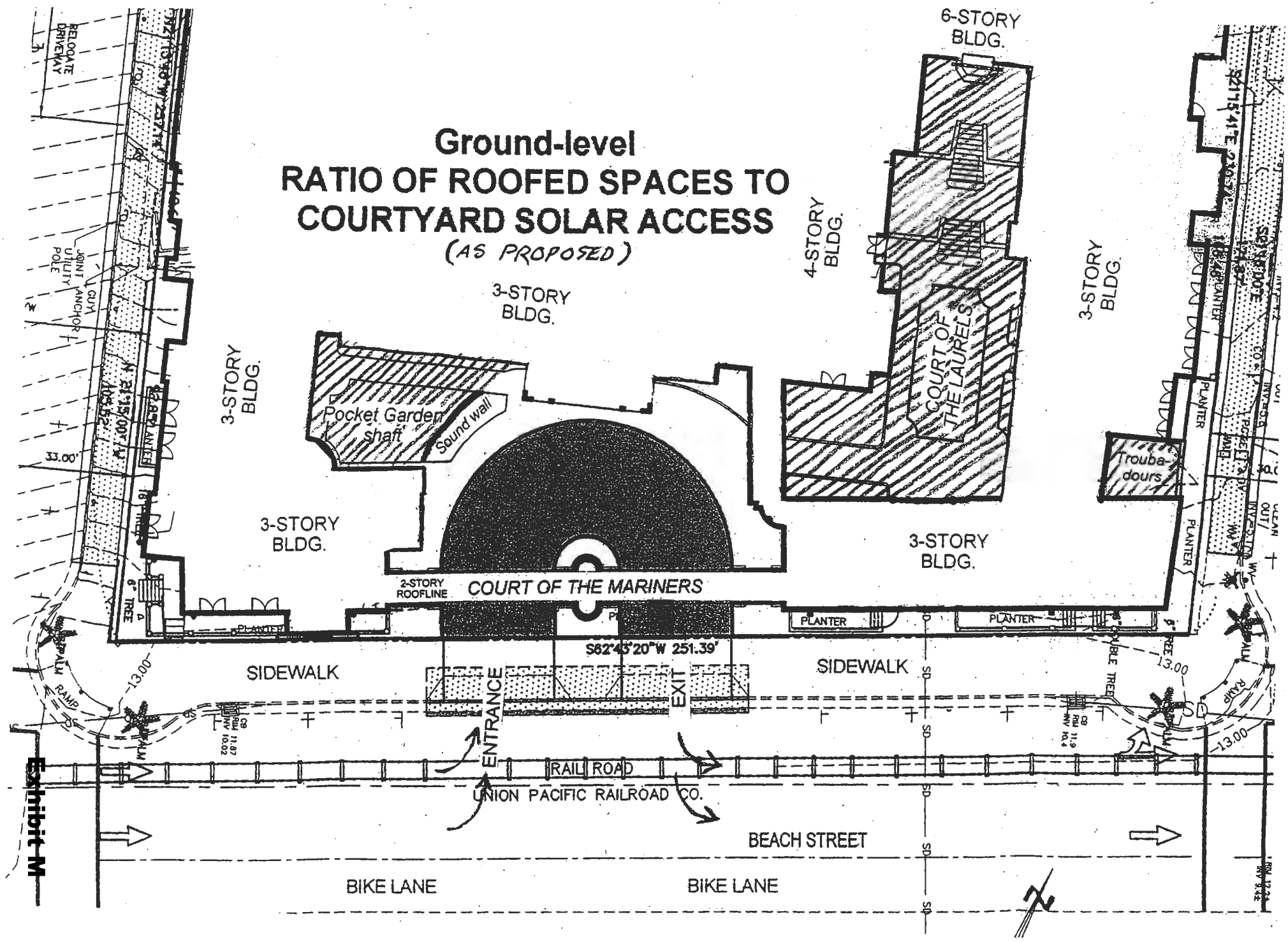
Exhibit M



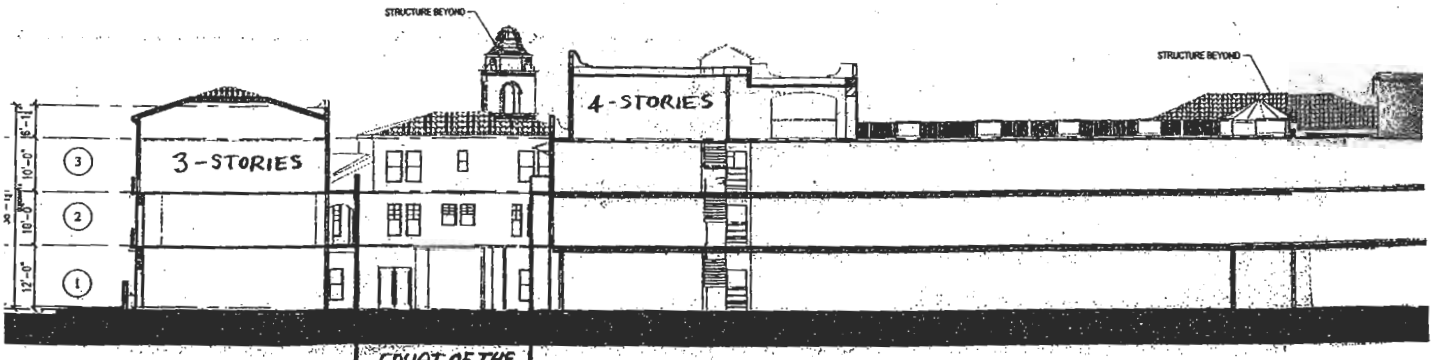


HOW DEEP A THREE-STORY COURTYARD IS

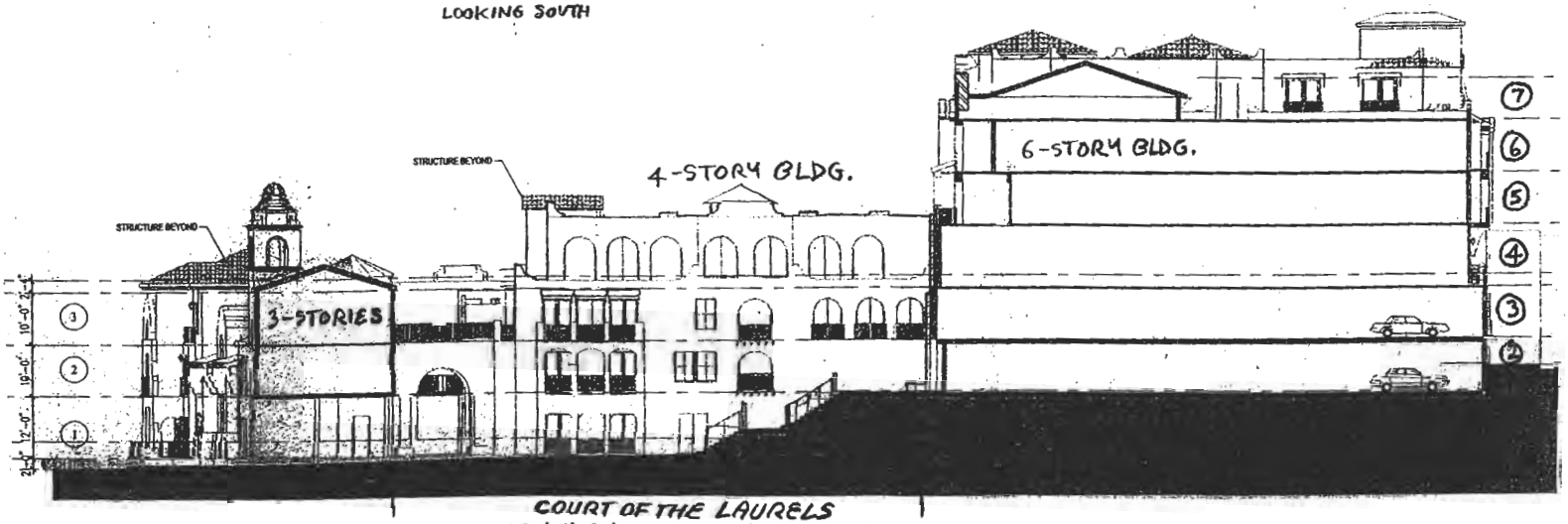
Exhibit M


Ground-level
RATIO OF ROOFED SPACES TO COURTYARD SOLAR ACCESS
(AS PROPOSED)
6-STORY BLDG.
4-STORY BLDG.
3-STORY BLDG.
3-STORY BLDG.
3-STORY BLDG.
3-STORY BLDG.
COURT OF THE LAUREL'S
Pocket Garden shaft
Sound wall
Trouba-dours
2-STORY ROOFLINE
COURT OF THE MARINERS
PLANTER
PLANTER
PLANTER
PLANTER
PLANTER
S62°43'20"W 251.39'
SIDEWALK
SIDEWALK
ENTRANCE
EXIT
RAMP
RAMP
13.00
13.00
13.00
RELOCATE DRIVEWAY
JOINT UTILITY POLE
GUY ANCHOR
N 21°15'00"W 105.52'
33.00'
18" TREE
6" TREE
8" DOUBLE TREE
RAIL ROAD
UNION PACIFIC RAILROAD CO.
BEACH STREET
BIKE LANE
BIKE LANE
SD
SD
SD
SD
Exhibit M

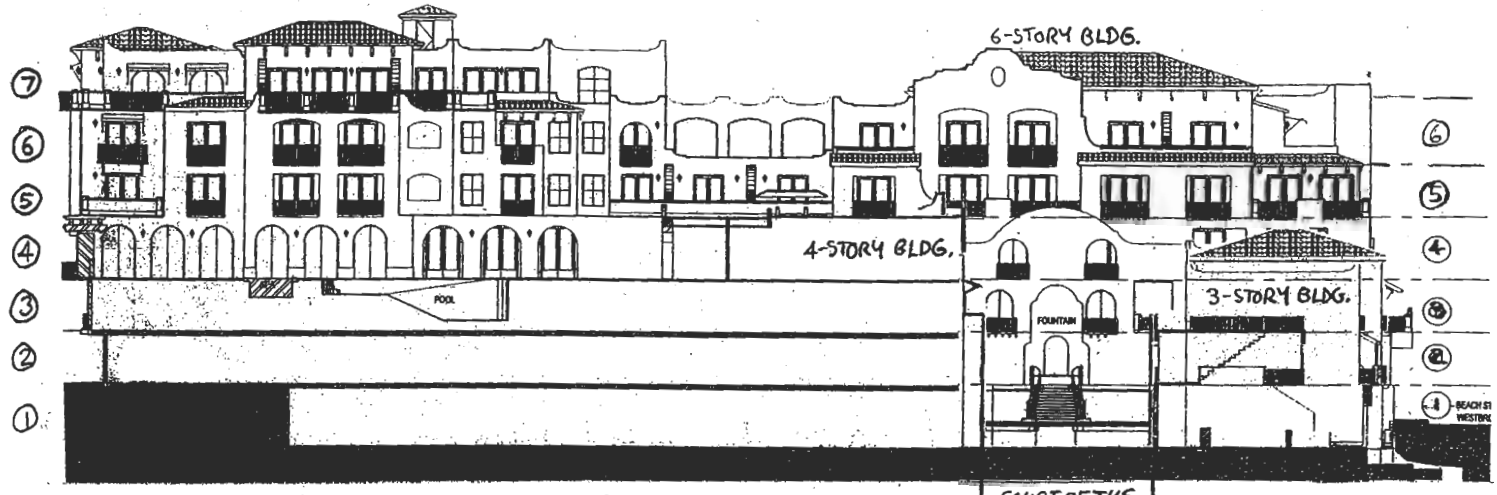
= PROPOSED COURTYARD FACADES =



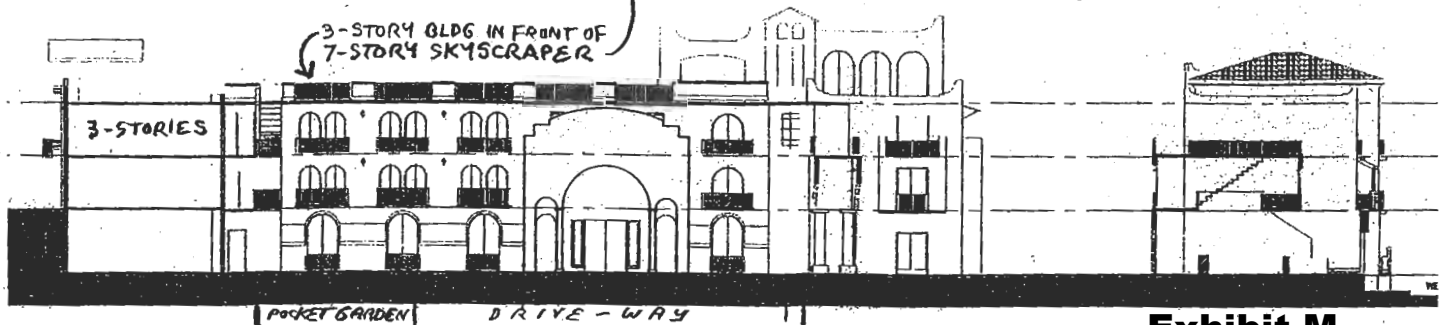
COURT OF THE LAURELS
LOOKING SOUTH



COURT OF THE LAURELS
LOOKING WEST - BOXY 4-STORY WALL



COURT OF THE LAURELS
LOOKING NORTH



POCKET GARDEN | DRIVE-WAY

COURT OF THE MARINERS
LOOKING NORTH - BOXY 3-STORY WALL

Exhibit M

JULY 4, 1947

TOWER VIEWS: The landmark was designed to allow the tower to be seen over the rooftops of the various wings of the La Bahia. By raising the courtyards to a minimum of three-stories, the tower loses its prominence, and can only be viewed from Beach Street in front of the structure, set against a backdrop of the highrise wings.

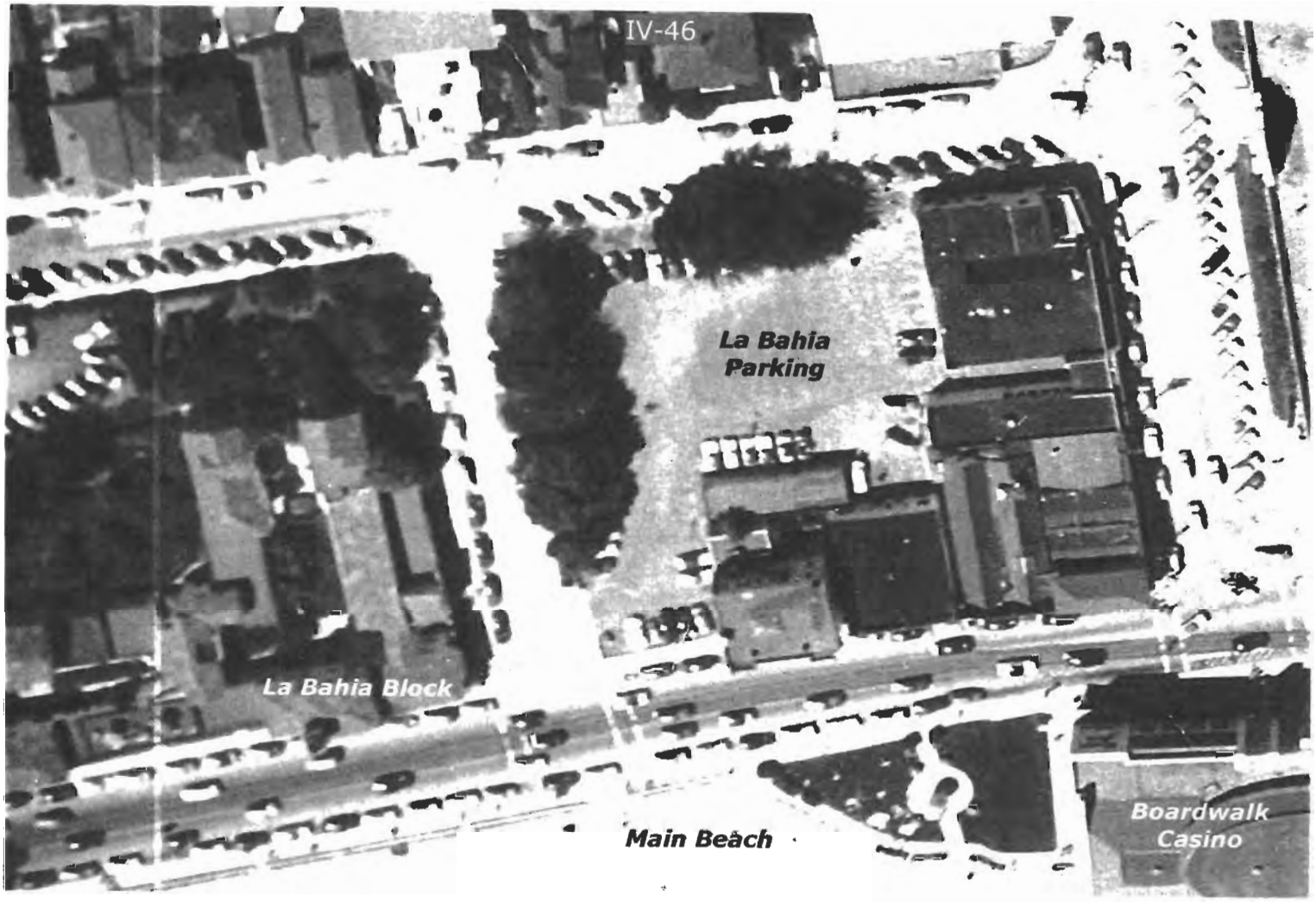
1966 - REAR VIEW AFTER LAURELS REMOVED

Exhibit M

REAR VIEW - 1926

LA BAHIA LOOKING EAST FROM CASA BLANCA. The developer doesn't regard sideways views as "ocean views," complaining the trees and buildings block the view. The tower was placed on the only three story wing, to be the highest point in the vista so it would remain visible from all sides. The 1984 Gilchrist report said the La Bahia was designed to harmonize with the Moorish style of the Casino, whose vista it shares. This view would be lost if a minimum of three story wings replaces the existing layout of the La Bahia courtyards.

Exhibit M



Historic La Bahia Tree Canopy, 1953

Exhibit M

Volume V
OFFICIAL LA BAHIA ALTERNATIVES

Sufficient Alternatives Exist

Exhibit M

OFFICIAL LA BAHIA ALTERNATIVES
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April, 2008 by Ross Eric Gibson
Revised Sept. & Nov. 2008

Exhibit M

THE OFFICIAL LA BAHIA ALTERNATIVES

From the Beach/ South-Of-Laurel Plan & B/SOL Guidelines

by Ross Eric Gibson

Historic Preservation Commissioner

Exhibit M

DOCTRINE OF OVERRIDING ECONOMIC BENEFIT

CAN ONLY BE CITED IF THE SAME BENEFITS AREN'T AVAILABLE WITH A PRESERVATION/RECONSTRUCTION PROJECT; OR THERE ARE NO REASONABLE ALTERNATIVES

CEQA POLICY

ALTERNATIVES & MITIGATIONS

Public Resources Code §21002, states CEQA procedures are intended to identify the *significant impacts* of a proposed project, and the feasible *alternatives* or *mitigations* to avoid-or-substantially-lessen the significant impacts. It cautions that **Public Agencies should not approve unmitigated projects when feasible alternatives or mitigations are available that avoid-or-substantially-lessen the significant impacts.** A project *may* be approved in spite of one-or-more significant impacts, if certain overriding benefits render the alternatives or mitigations *infeasible,* meaning "...[not] capable of being accomplished in a successful manner" **{Public Resources Code §21061.1}.**

CONDITIONS FOR APPROVAL WHERE SIGNIFICANT IMPACTS OCCUR

Public Resources Code §21081, sections 21001, 21002 & 21002.1, states that any project identified in an EIR as having one-or-more significant negative impacts cannot be approved by any public agency, unless:

- ◆ Project changes are made that satisfactorily mitigate-or-avoid the impacts.
- ◆ The impacts fall within the jurisdiction and responsibility of another public agency, which finds that project changes have appropriately mitigated-or-avoided the impacts.
- ◆ Overriding benefits that are **not possible in a mitigated project or a project alternative**, render the alternatives or mitigations infeasible.

OVERRIDING ECONOMIC BENEFIT: What has come to be called a condition of *overriding economic benefits* is based on a CEQA policy where special economic (or other) conditions may allow the approval of a project with one-or-more significant negative impacts. Yet as CEQA policy shows, this is *not* meant to automatically dismiss all laws for *any* project with a public benefit. *Equality under the law* is the reason for the law in the first place. The phrase is qualified in CEQA that it can be invoked *only if there are no feasible alternatives* **{Public Resources Code §21002, See *Uphold Our Heritage v. Woodside [2007] 147 Ca.App.4th 587, 597, 603*}**, and only in the case where ***these same benefits*** **are not possible in a mitigated project or a project alternative {Public Resources Code §21081, sections 21001, 21002 & 21002.1}.**

PROOFS: In the case of the La Bahia, you can't just prove an historic building is old and has been poorly maintained, otherwise *no* historic building could *ever* be saved. You can't just prove it would be cheaper to build a modern structure, because under the National Register guidelines, preservation is coupled with reconstruction, and if most of the building cannot be saved, then most of the building *can* undergo new reconstruction and still retain its landmark status. You can't just prove a modern project would be a public benefit, if the same project in a rehabilitated landmark would *also* be a public benefit, because the rehabilitated version has the additional public benefit of *not losing* a Nationally designated Signature Landmark and "economic asset" for the waterfront, which is the *environmentally superior alternative* offering the least damage to the natural landscape, and the least impacts on adjacent historic landmarks and historic neighborhoods.

ALTERNATIVES: The developer previously offered such a preservation/ reconstruction project, which the EIR still regards as both environmentally superior, and perfectly feasible, since it's being offered as Alternative 2. (It is illegal to offer alternatives that are *not* feasible, just to manipulate the process into only being able to chose the proposed project). **{See *Save the Biobara River Assoc. Inc. v. Andrus [D. Neb. 1977] 483 F. Supp. 844;* and *Kings County Farm Bureau v. City of Hanford [1990] 221 Ca.App.3rd 692, 735-737*}**. Just because the EIR deliberately excludes six *official* alternatives involving landmark rehabilitation, doesn't mean those alternatives no longer exist, but rather that the developer and EIR authors were deficient in having no Historic Rehabilitation Expert explore rehabilitation. This is not a mere oversite, because the B/SOL Plan describes this as a project to rehabilitate the landmark **{B/SOL Plan p.287¶7}**, requiring the developer work with a preservationist **{Gen. Plan/Local Coastal Plan, in ReEIR appendix C¶6}**. This proposal is an intent to seek total exemption from the preexisting realities of this site, and produce a project with less public benefit than any of the rehabilitation scenarios, which lack the *numerous significant unmitigated negative impacts* of the highrise proposal. ■

Exhibit M

TEN OFFICIAL LA BAHIA OPTIONS

While the EIR produces only four options, this ignores the six other options that predated the La Bahia highrise proposal. As an NR2 national landmark, the three National Registers options are the first consideration. With the General Plan declaring La Bahia a Signature Landmark for the waterfront and its Third most important Economic Asset, the B/SOL Plan becomes the next most important set of options and guidelines. The EIR options exclude rehabilitation and mitigations, except for the failed 2003 plan, in order to prejudice any choice of a B/SOL or National Register option.

NATIONAL REGISTER

NR OPTION 1: RESTORE AS-IS. The most obvious project to comply with its National Register status is to restore the landmark just as William Hays designed and built it. This would create a project of from 44-to-50 apartments, although the indoors could be reconfigured to create more rooms.

NR OPTION 2: EXPANDED RESTORATION. The second option is to expand the unfinished La Bahia landmark on the back of the lot, in a manner compatible with Hays' hill-village concept. This would create a project ideally of from 75-to-105 apartments. Could include a 4-level parking garage on the Coastview Inn lot --perhaps with a convention hall and restaurant in front-- using Westbrook St. for valet drop-off.

NR OPTION 3: RESTORE CASA DEL REY. One of the most logical options is to restore the La Bahia as part of a rebuilt Casa Del Rey Hotel complex, restoring the La Bahia's original context as part of the hotel. This would produce a 344-to-400 unit project (or 600-units if the Casa Del Rey's 200-room Cottage City is also rebuilt).

B/SOL COMBINATION BLOCKS

B/SOL OPTION 1: BLOCK-&-A-HALF PLAN. This proposes combining the La Bahia Block with either the Coastview Inn lot (for 150-to-200 total units), or the Bowling Alley properties (182-to-232 units), or the Casa Del Rey lot (350-to-400 units, NR op.#3). Closing Westbrook complicates traffic and drop-off patterns, and is *not* advised.

B/SOL OPTION 2: TWO-BLOCK PLAN. Use most-or-all of the Westbrook/Cliff St. block for a higher-density 150-to-204 unit hotel, across Westbrook St. from a restored 50-to-100 unit La Bahia, for a total of 200-to-304 rooms. (Add a 300-unit Casa Del Rey Hotel for a total of 604 units).

B/SOL OPTION 3: SINGLE-BLOCK PLAN. Although an option rejected in the B/SOL plan, this would be a larger version of the 105-unit maximum National Register Option #2, producing a 118-to-125 unit project, with off-site parking. (Given how massive 125 units with on-site parking has prove, the Planning Commission recommended against higher room-counts for the block). This non-option was used as the basis of the 2003 118-unit project, which is now EIR Option #2, although its approval was conditioned that it must better comply with the B/SOL Plan.

ENVIRONMENTAL IMPACT REPORT

EIR OPTION 1: NO PROJECT. <u>*No Project* is better than *No Landmark*</u>, but not an option HPC wanted. Yet it is certainly the default for being permitted to waste six years pursuing a highrise project in massive non-compliance with B/SOL policies.

EIR OPTION 2: PREVIOUS PROJECT. This is called the *environmentally superior alternative*. The previous 118-unit project with the major restoration component was once the strongly held vision of Barry Swenson Builder, and was approved by Historic, Planning, City Council, and the Coastal Commission. It was approved with conditions, so the actual plan would still be in flux. Having expired as a project, HPC agrees with the Coastal Commission recommendation that a 118-unit project with a large preservation component <u>is only a starting point</u>, and better application of the B/SOL Plan guidelines is also needed.

EIR OPTION 3: REMOVE ONE FLOOR: This option proposes 116-units by reducing the sky-scrapers from 7-and-8 stories to 6-and-7 stories. But by filling in the space between the two towers to retain 125-units (op.#3A), it produces a more massive wall-effect, called a worse impact than the two towers **{Planning Commissioners 8/7/08}.** This is not a realistic option. It does absolutely *nothing* to mitigate any of the unmitigated negative impacts of the project. it is still too tall with no preservation element, and requires the complete disregard of the B/SOL Plan, and other policies and guidelines.

EIR OPTION 4: NEW PROJECT WITHIN HEIGHT LIMITS: An 89-unit project. Instead of merely decapitating the skyscrapers, this should be a new project mitigating the height *and* historic impacts, by following the B/SOL Plan and *retaining its Landmark status.* Options that rule out *Landmark rehabilitation* are in violation of B/SOL, CEQA, LCP, & the National Register. ■

Exhibit M

STUDY OF B/SOL ALTERNATIVES

A LUXURY CONVENTION HOTEL

The 300-room Casa Del Rey luxury hotel was built in 1911 *to utilize the Casino Ballroom as a year-round convention hall* by directly connecting the hotel to the Casino with a walkway over Beach Street. The hotel's bungalow court in back had 200 affordable 2-to-4-room "honeymoon cottages," giving the hotel 500-rooms in all **{Sentinel, May 4, 1911}**. The Troyer Brothers. later managed the town's three leading hotels –Casa Del Rey, Palomar, and St. George– making it easier to book any size convention, turning Santa Cruz into one of the state's top three convention cities. They renamed the ballroom "The Cocoanut Grove" after the famed ballroom at the Ambassador Hotel in Los Angeles, with the Casino the one venue for Big Bands between L.A. and San Francisco **{Seaside Co. book p.84, & film docu.}**.

LUXURY: The most exclusive accommodations at the Ambassador were the Private Bungalows, where movie stars and politicians found privacy in a sequestered garden enclave. The concept was embodied in the Casa Del Rey Apartments (now La Bahia) as semi-private luxury suites for special guests and extended-stay visitors in a garden compound. But the setting was designed to be a desirable tourist attraction uniquely different than anything found in the United States. It was not only successful, but earned the nation's top honors as an NR2 National Trust Landmark. The Seaside Co. owners of the La Bahia, said in their 2007 book these are "Apartments fit for a King." They wrote, "At first the apartments attracted the [elite] carriage trade, then becoming residences for upwardly mobile locals..." when it was renamed La Bahia in 1964. **{p.69; Gilchrist p.11¶3, 34-1d}**. This upgrade created what journalist Sam Mitchell called "...one of our city's ***most elegant and exclusive luxury hotels.***" In 1977, four of the six buildings became exclusively vacation rentals. **{Seaside p.69; Gilchrist p.13¶3}**.

BSB told the HPC they *can* save the landmark, but it wouldn't work as a luxury hotel **{7/28/08}**. The idea the La Bahia's luxury suites won't be successful if restored –believing the only reason to stay at the La Bahia is to have a front carport, no stairs, standardized rooms and giant skyscrapers breathing down your neck– is not a reasonable argument. The city's luxury accommodations *were* at a deficit, but a remodeled Dream Inn, and approved B/SOL-compliant Marriott Hotel, may have already solved that problem, rendering a super-sized La Bahia irrelevant, and a bad trade to get only 81 new units for major negative impacts. The Dream Inn and proposed Marriott would sit at the east and west entrance to the Waterfront, equal-distant from the La Bahia, thus able to utilize it for the luxury suites that the La Bahia was designed to be, with conference and spa facilities added in a low-rise garden setting.■

HOW B/SOL ROOM-COUNT EVOLVED

The B/SOL Plan calls for a 250-275 room hotel project that connects the La Bahia block to the Coastview Inn lot, which includes First St. space behind the Breakers Hotel **{"B/SOL Block-&-½ Option," B/SOL Plan p.129¶3; ARG p.10fig.3; ownership maps}**. Waterfront parking garages were to be located inside or behind hotels, or "off-site," as was specified for the La Bahia project **{B/SOL Guide p.IV-115¶1; B/SOL Plan p.133¶1}**, and large garages *must be fronted with shops or hotel rooms* along major streets. **{B/SOL Guide p.III-30¶1}**. B/SOL listed the possible off-site parking sites as: the Boardwalk's Main Parking Lot, the Bowling Alley site, Second & Main Street (now Beach Hill Apartments), or the large Depot site parking lot (now a soccer field) **{B/SOL Plan p133¶1}**. The Bowling Alley property was one of the B/SOL's proposed parking or rooms-over-parking sites **{B/SOL Plan p.133¶1}**, showing the Blighted Block between Westbrook and Cliff streets siting the majority of the hotel, with the La Bahia kept lowrise. **{The "B/SOL 2-Block Option," B/SOL Plan, pp.121, 133, 301}**.

B/SOL BLOCK-&-½ OPTION: To evenly disburse 300 rooms requires 100 rooms for each half of the La Bahia block, and for the Westbrook/Coastview Inn site. This provides approx. 30,000 sq. feet of footprint per 100 rooms, arranged in three floors of 33 units per floor (with off-site parking). However, this concept only works for the formal urban-block hotel-wing massings like Dream Inn or the Palomar Hotel, but open-space gets squeezed-in, losing the rambling rural layout. ARG proved 300 rooms were possible, but would be too boxy and unattractive **{B/SOL Plan pp.131-132, ARG Report p.9¶3}**. So the approved "Block-&-½ Option" requires retaining the La Bahia, "break[ing] up the building mass" of new construction in the manner of the landmark, *with a lowered room count* to 250-275 rooms, and possibly an occasional 4th floor, with off-site parking. **{B/SOL Plan pp.129¶3, 131¶3, ARG p.9¶3}**.

B/SOL SINGLE BLOCK OPTION: B/SOL Plan Alt. #2 suggested between 120-200 rooms were possible if the La Bahia block alone was used, with all parking off-site. The high of 200 rooms is carried over from the old 300 rooms dividing the site into thirds. The 120 room low, figures 60 rooms per half-block. Hays indicated the existing landmark without additions, already averages 44-to-48 2-to-4 room apartments per half-block (or 88-to-95 rooms for the whole block). Smaller 2-room hotel units would number more. With the 2003 Swenson Plan already approved for 118 rooms (59 per half-block) with on-site parking displacing additional rooms **{ReEIR Option #2}**, we have proof there is ample space for a more sympathetic arrangement of rooms on the La Bahia block, and even more with the B/SOL preferred off-site parking.■

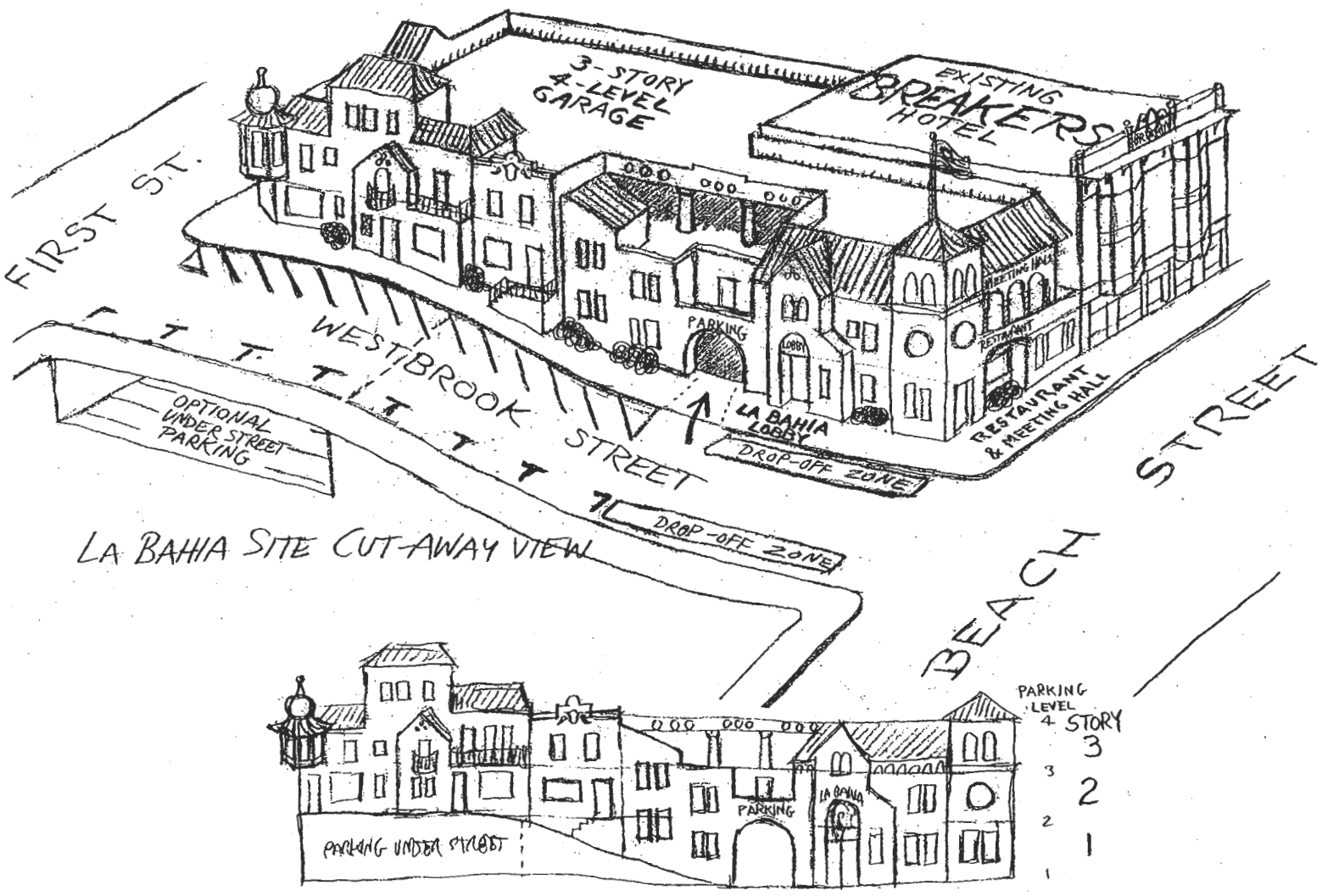
Exhibit M

GARAGE ON COASTVIEW INN SITE

PLAN: One of the B/SOL Plan options is to combine the La Bahia block with the Coastview Inn. And since the B/SOL Plan recommends the La Bahia site be left pedestrian-only (giving restoration a better chance) with most-or-all parking off-site, the La Bahia parking could be put back across Westbrook Street where it originally was in 1926. The site could house a three-story four-level garage, given the Hill-Village style and articulation of the La Bahia. The portion fronting Beach Street could be a combination lobby and restaurant on the ground floor, and two-story convention hall (about 50'x100') on the second floor. The garage would contain conservatively 200 spaces (50-per floor), serving both the hotel, restaurant, and convention hall.

STAGING AREA: Westbrook would be the vehicular staging area. The east side of the street would have 13 public parking stalls, a loading-unloading zone in front of the lobby/restaurant/convention hall, and an entrance to a mostly self-serve garage. The west side of Westbrook would have 9 nose-to-nose valet parking spaces, where cars waiting to be picked-up are stored. The developer's scenario requires 100% valet parking, which becomes a problem trying to service hundreds of people leaving a special even with only four spaces in the front turn-around, and the possibility of Beach Street gridlock blocking exit from the turn-around. A Coastview garage allows self-service for most of the garage, with an entire block of spaces for requested valet cars to line up on Westbrook Street. In addition, while the turn-around driveway can't accommodate normal-size touring buses, Westbrook is straight, and the western valet side, or eastern drop-off area, can be used by one or several large buses. Flow also works better with a Coastview garage, as the garage entrance would be on Westbrook behind the lobby entrance, and the exit would be on First Street, leading towards Cliff St.

HALLS: Placing the lobby, restaurant, and convention hall across Westbrook Street from the La Bahia, isolates public activities and noise away from the secluded garden apartments, and closer to the Cocoanut Grove. NR op.#2 shows meeting space in the the "Crown Wing" at the head of the Court of the Laurels, which could be supplemental, or replaced with 14 more guest rooms. The garage facade could even be developed as an additional 10-to-30 guest rooms.■



LA BAHIA SITE CUT-AWAY VIEW

WESTBROOK GARAGE PROFILE, LOOKING EAST

Exhibit M

NATIONAL REGISTER OPTIONS

LOWRISE PLAN: A study to expand the La Bahia in the spirit of the landmark was made by an HPC commissioner to demonstrate how to fully comply with the B/SOL Plan guidelines, National Standards, and the Local Coastal Plan. The study produced a model facility of either 105 2-to-4 room apartments (or hotel suites, or condos), or up-to 135 smaller hotel rooms. The plan included space for a two-level restaurant and conference hall, both about 30-feet by 90-feet. This format can be used with off-site parking as the B/SOL Plan preferred, or with a 196-space enclosed parking garage on site. A portion of the parking spaces could be replaced with commercial or conference space if preferred. **{Handbook, pp.3, 52-55, LE pp. 4-5}**. Some version of this format would have the least trouble gaining the approval of the HPC or the Coastal Commission, and would create a desirable, quality facility giving the visitor a unique Santa Cruz experience. (←See p.19).■

UNRESOLVED HPC ISSUES & CONCERNS WITH 2003 LA BAHIA PROJECT

The HPC approved the 2003 La Bahia project with conditions, not a normal action, but to allow the developer to pursue funding. The conditions were that areas in conflict with the B/SOL Plan needed to be reviewed by HPC and resolved before the Second Phase Modern Addition went forward. We should revisit these issues, given that the 2003 project is now Option #2 in the EIR.

STACKING ELEVATORS: A cumbersome solution, that would work better with the off-site parking required in the B/SOL Plan **{p.113 ¶1}**.

HEIGHT VARIANCE: Ornamental spires and features above height limits, and a forth floor variance permitted in the ARG Guidelines might help rearrange the massing in manner more expressive of the hill-village style. **{ARG p.11; Guide IV-112¶4}**.

FLAT SKYLINE: The varying roof heights is a character-defining feature to preserve and continue in the rear addition **{ARG pp.3, 11, 14}**. Five of the new wings are long, flat walls. The developer said the reason is to create indoor hallways for rolling cart access to maids. In one case, an entire flat wing is just a view-blocking hallway connecting a back wing to a front elevator. Yet this violates not only ARG requirements to create highly articulated rooflines, but also general B/SOL Design Guidelines that say the"undesirable roof line is flat and monotonous." **{B/SOL Guide III-36}**, and "Long monotonous access balconies and corridors...are not allowed." **{B/SOL Guide IV-118 ¶2}**. It's as if the developer took the wing with the least individual significance, The Sundeck Wing, and multiplied it five times in the rear. **{ARG p.9}**.

DEVELOP SIDE WINGS: When you face rear wings parallel to Beach Street, they contribute to the wall-like effect. If more wings were at a right angles to Beach Street, the way the large Casa Del Rey and Seabeach hotels were, we see their narrow profile from the beach or hilltop, making the massing feel less crowded. This is the *Venetian Blinds* effect: wide wings close the view, sideways wings opens the view. The developer said only views straight out at the water were desirable, and all sideways views that showed Lighthouse Point and wharf to the west, or Boardwalk and Pleasure Point to the east, were undesirable.

TOO MUCH BLANK WALL: Blank walls compromise the human scale and create a sense of vacancy and glare. The ARG Report goes into detail about "...create walls that have some of the same character of the walls of the La Bahia Apts." "The wall planes step back and forward to break up the length and apparent mass of walls." **{ARG p.12}**. Likewise, the general architectural guidelines for the waterfront say: "Monotonous, uninterrupted expanses of wall shall be avoided. ...Blank walls shall not exceed 10 feet of lineal frontage along a street." **{B/SOL Guide III-37}**.

DRESS UP UTILITY SHAFT: A utility shaft that was largely blank, drew attention to itself in contrast to the rest of the complex through its lack of detail. Dressing it up to fit the style of the complex would help.

VISTA ANCHOR: In a number of cases, structures are not assembled to create vistas, but come together in accidental combinations based on maximizing construction. The language of the Hill-Village medium keeps being misunderstood by the developer in favor of controlled symmetrical neo-classicism, the opposite of spontaneous Folk Craftsmanship. So at the head of the Court of the Laurels, a long unarticulated roofline would flatten the horizon in violation with B/SOL and ARG guidelines **{ARG pp.3, 11, 14}**, where the head of the garden would demand a focal point to anchor the vista. **{Handbook 5, 36, 48-51}**.■

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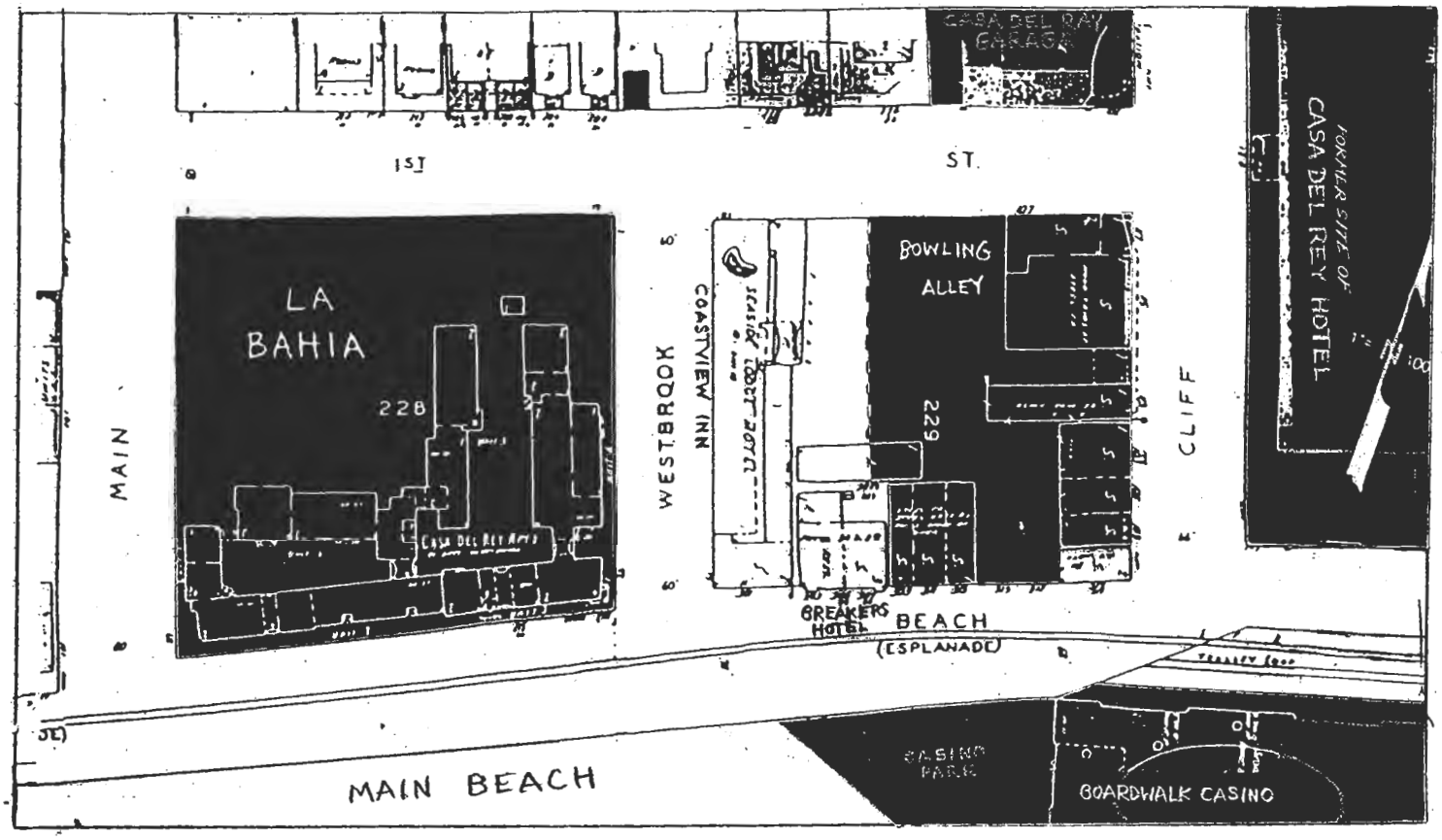
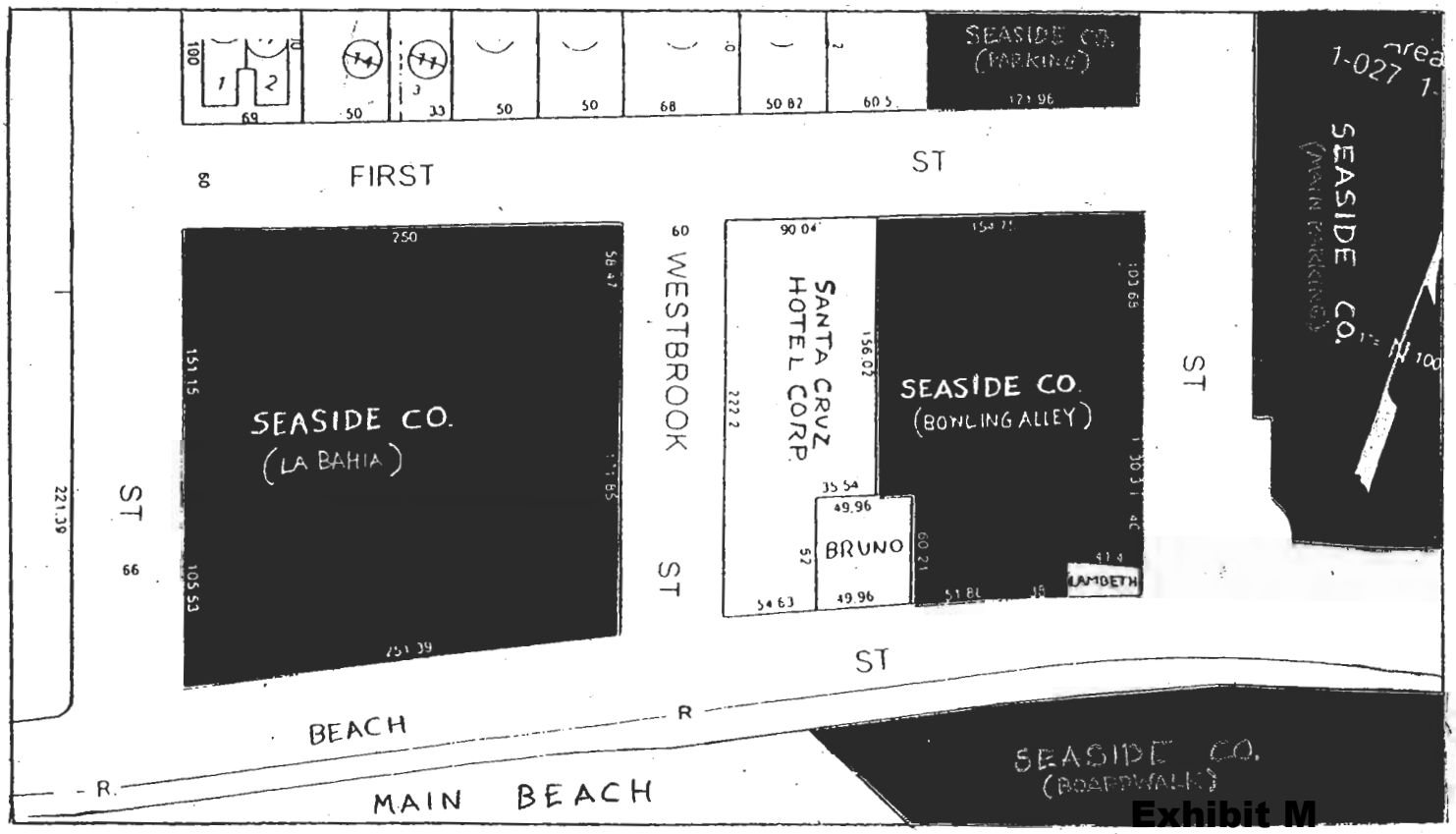
BUILDINGS



PROPERTY OWNERS



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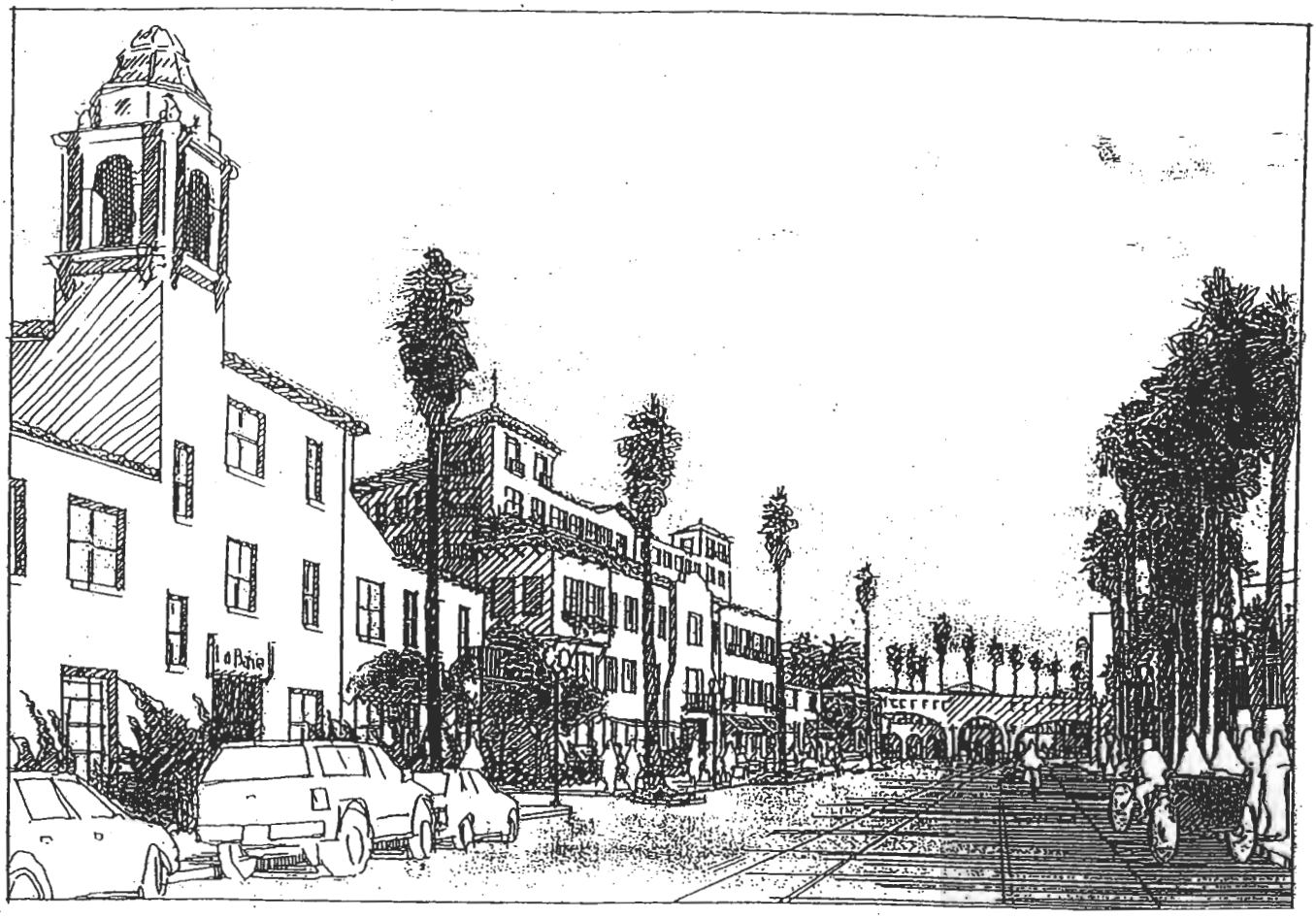

WESTBROOK/CLIFF HOTEL

B/SOL 2-BLOCK OPTION: The area covered by Westrbrook and the Coastview Inn would be the equivalent of developing 2/3rds of the blighted Westbrook-to-Cliff St. block. Thus, one B/SOL scenario of the 2-block La Bahia couples it with the Coastview Inn and Bowling Alley lots. An illustration shows the La Bahia restored according to B/SOL guidelines to retain its landmark integrity and listing, with an accompanying 4-story building on most of the block between Westbrook and Cliff streets. **{B/SOL Plan pp.121, 133¶1, 301}**. The version shown here leaves Westbrook Street open to keep all traffic off the La Bahia landmark site. Following B/SOL Plan and ARG Report guidelines, the Westbrook/Cliff hotel is depicted rising no more than 3-stories from any street, then steps back 10-feet to gain a 4th-story, with its cupolas and upper gable legally exceeding the height limits as ornamental features **{ARG p.11-12}**.

LAYOUT: The 300 hotel rooms of the three-story Casa Del Rey *could* be arranged on the entire Westbrook/Cliff block, giving 150 rooms an ocean view (more than the 95 ocean view rooms for the highrise La Bahia proposal's 125 rooms). Yet it's more likely a 200 room layout is indicated for this block to add space for meeting rooms, dining room, storefronts and parking. In either case, a Westbrook/Cliff hotel would sit across the street from the Boardwalk's main parking lot, which can be used for hotel parking; or if ground–level parking is added to the Westbrook/Cliff site, the Boardwalk's main lot would site the convention overflow parking required within 300-feet of the hotel. **{Coastal Commission letter to Re-EIR, p.3}**.

MEETS ALL GOALS: This site better suits the developer's condominium-hotel criteria for rolling carts and identical rooms than the La Bahia site. On separate blocks, full compatibility is no longer required. The Westbrook/Cliff hotel can be a stand-alone facility, or coupled with the La Bahia to restore it as a garden court of luxury suites, with a new courtyard (and swimming pool?) added in back, and no on-site parking to destroy the extensive permeable garden surfaces and park-like setting. With a 200-room Westbrook/Cliff hotel, and a minimum 50-to-75-room lowrise La Bahia luxury suites, <u>all the goals of the B/SOL Plan are met for the city as well as the developer</u>. The Westbrook/Cliff hotel option depicted in the B/SOL Plan better meets the City Council's goals for a *major* hotel.

COASTVIEW INN: While either purchasing or partnering with the owners of the Coastview Inn is ideal, the developer has reported no success. But with the B/SOL Plan's Westbrook/Cliff hotel concept, 2/3rds of the block is already owned by parties associated with the developer, that a Westbrook/Cliff hotel can be accomplished with or without the Coastview Inn, and indeed with-or-without the La Bahia. A detailed study follows.■

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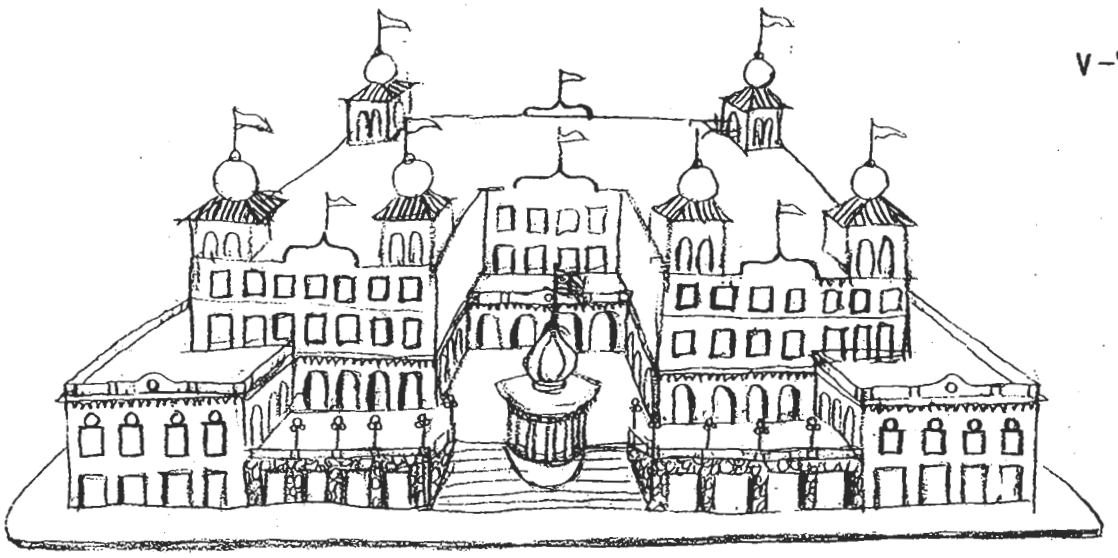
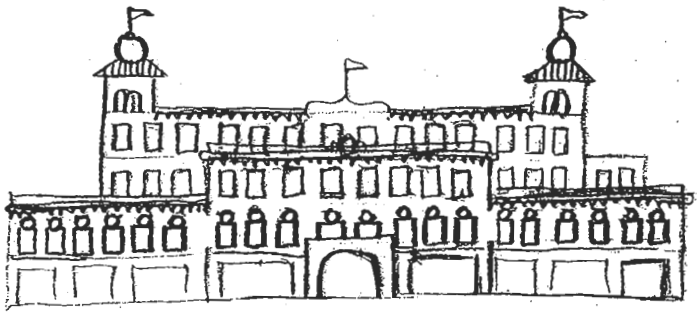
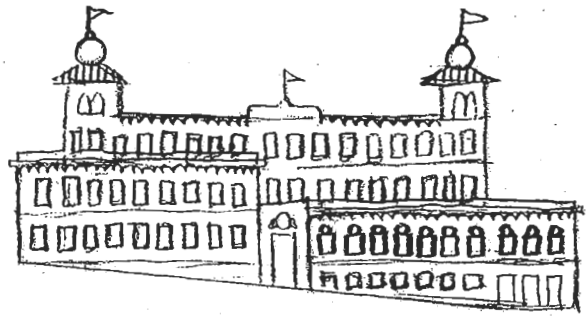


BEACH ST. FACADE



CLIFF ST. FACADE



WESTBROOK FACADE

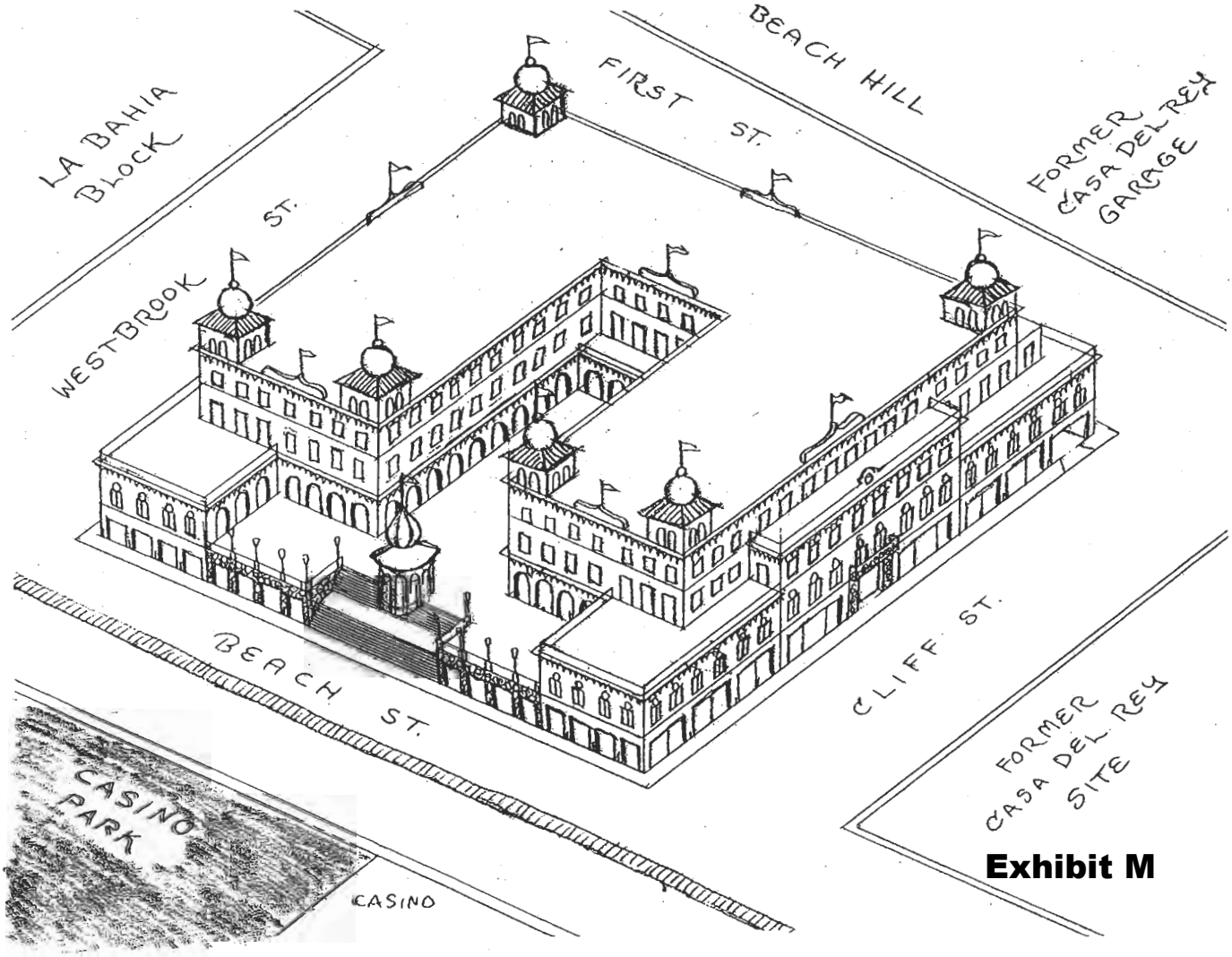


Exhibit M

THE BLIGHTED *WESTBROOK-TO-CLIFF ST.* BLOCK

LA BAHIA plus COASTVIEW INN, BOWLING ALLEY, BREAKERS HOTEL, & COTTAGE CITY CAFÉ LOTS

B/SOL Project with More Benefits, Lower Costs, & No Negative Impacts

BEACH STREET MASSINGS: Westbrook Street is the dividing line between two types of architecture along Beach Street. West of Westbrook, all businesses are on the coastal bluff of Beach Hill, and all structures exhibit a massing that articulates the hillside topography. However, Beach Street shifts from Hillside to Flatland east of Westbrook Street, and its architecture shifted to more blocky and urban commercial row buildings. This starts east of Westbrook with the Italianate "Breakers Hotel" that is part of a row of Italianate businesses and hotels that once lined most of Beach Street to the east, including the major landmarks of the Boardwalk Casino, Plunge, and former Casa Del Rey. This is why it's been such a problem to convert the La Bahia, with its rambling topographical layout, into a more blocky urban hotel, which is the opposite architectural ethic of the La Bahia, and requires converting a *hillside lot* into a *flatland lot.*

B/SOL OPTIONS: One goal of the B/SOL Plan is to replace blight. Yet while the La Bahia is a neglected building, the visual blight is the block between Westbrook and Cliff streets containing a jumble of drab modern buildings or modernizations, and connecting La Bahia improvements to this site would address the larger issue. While the B/SOL Option combining the Coastview Hotel with the La Bahia block has gotten the most attention **{B/SOL Plan p.129}**, a second option of constructing the majority of the hotel on the blighted Westbrook-to-Cliff-Street block was illustrated in the B/SOL Plan as a way to retain a lowrise La Bahia hotel restoration **{B/SOL Plan pp.121, 133¶1, 301; B/SOL Guide p.IV-115¶1, p.III-30¶1}.** By not closing Westbrook Street, the La Bahia is set-off as distinctly separate, retaining its park-like pedestrian-oriented sense of oasis, and allows the rest of the hotel not to have to match this massing style, but to transition to the Flatland style with which this developer is more expert.

MASSING: To further understand the particulars of this concept, I have used the B/SOL illustration as a departure point, to produce a massing model with which we can further study this project's possibilities. While the La Bahia is a rambling Hill-Village style of unique and pedestrian-oriented elements, I have chosen to contrast it with a symmetrical, higher-density urban style hotel building. In this way, the project can better meet the developer's objectives for standardized hotel rooms, and the more formal architectural style his staff is familiar with designing. I also borrowed the developer's own standard 8x16-foot room layout proposed for his La Bahia Highrise project as the basic minimum hotel room in this study.

SCALE TRICKS: Instead of stepping-back the fourth floor, I stepped back the second floor so the hotel appears to be a three-story structure sitting on a raised podium or terrace. The second-floor step-back creates a terrace plaza, and the grand staircase up from the sidewalk to the terrace, makes the second-floor appear to be the ground floor. At street level is one and two-story commercial facades, with underground parking behind. The terrace shows a bandstand based on the 1904 Boardwalk Casino, and can have café tables overlooking the beach and bay, with a 72x44-foot Ballroom/Banquet Hall opening onto the terrace. The hotel's sidewalk-level shops, terrace-level dining space, and third-level observation terraces, give three-levels of activities animating this section of Beach Street.

FACADES: Each hotel facade emphasizes its specific requirements. The structure has a horse-shoe layout, with two long wings facing the ocean, for maximum view-rooms. Westbrook Street has a gradual full-story grade-rise between Beach Street and First Street. Therefore the hotel massing on that side steps-up the hill with several two-story stair-step facades, with the castle-like body of the hotel stepped-back behind an 8-foot terrace. As the Westbrook elevation faces the La Bahia, it likewise reflects its facade articulation in stepping-up the hill, and a *view of the La Bahia* would be a promoteable feature. The Cliff Street facade has level frontage, and can be seen from some distance west on Beach Street and across the Boardwalk's Main Parking Lot. This facade is arranged more symmetrically, with garage entrances mixed in with shopfronts. Here a two-story street facade with a central three-story element and grand entrance arch for drop-off & loading, front the sidewalk, with the bulk of the

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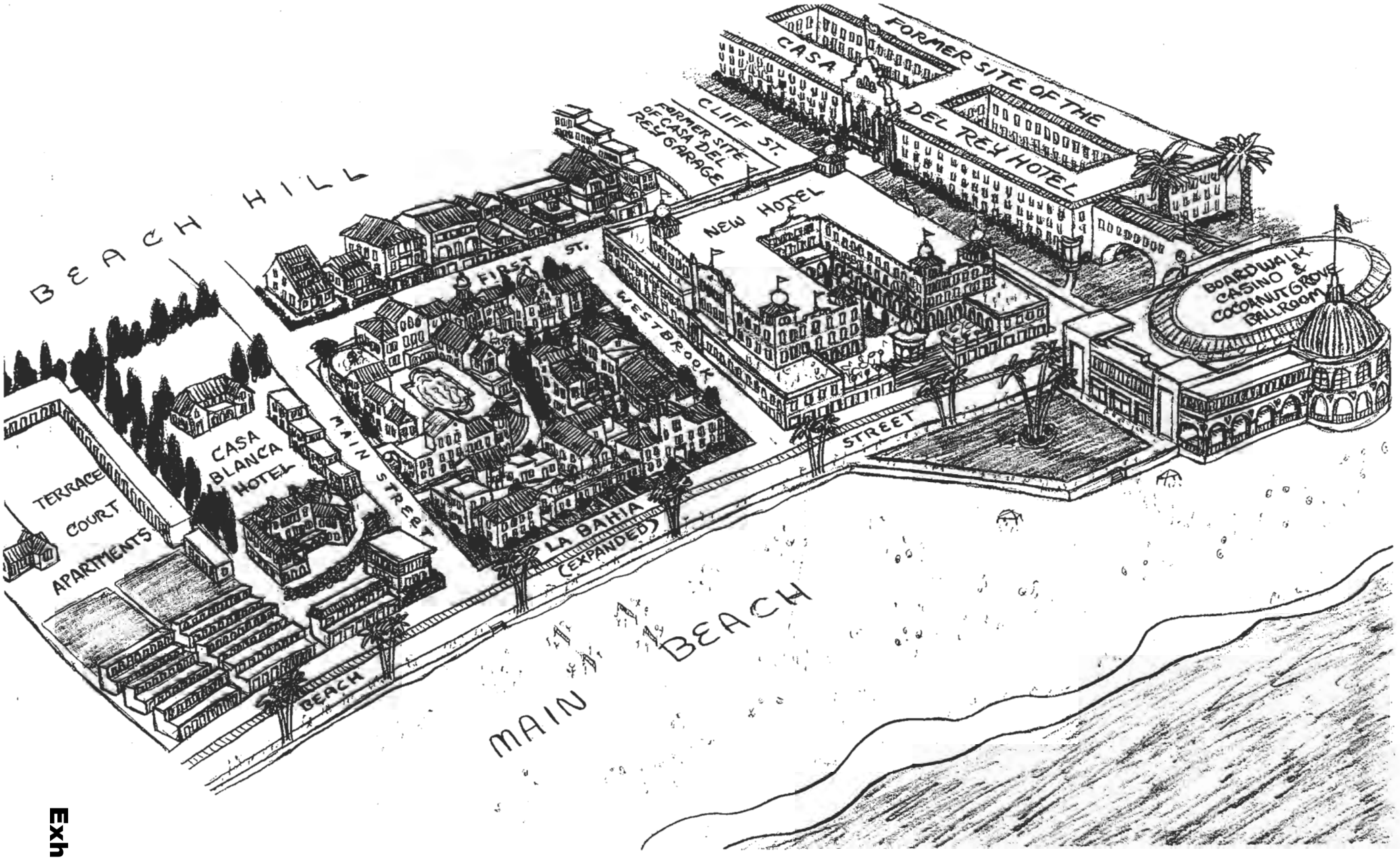
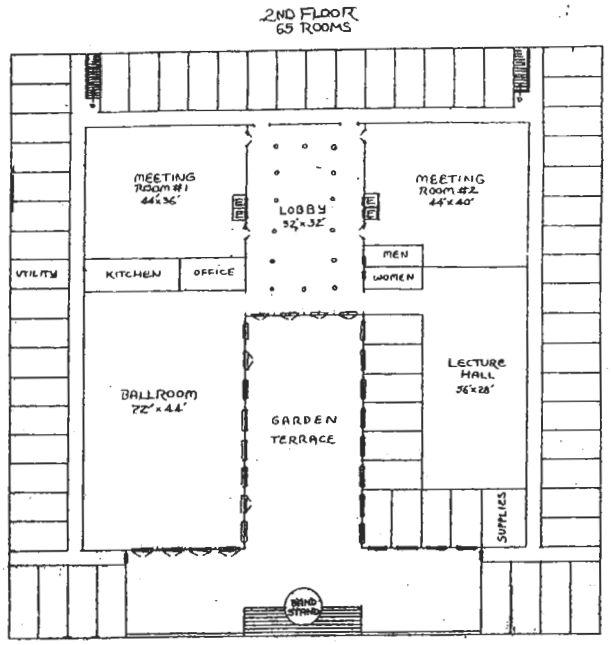
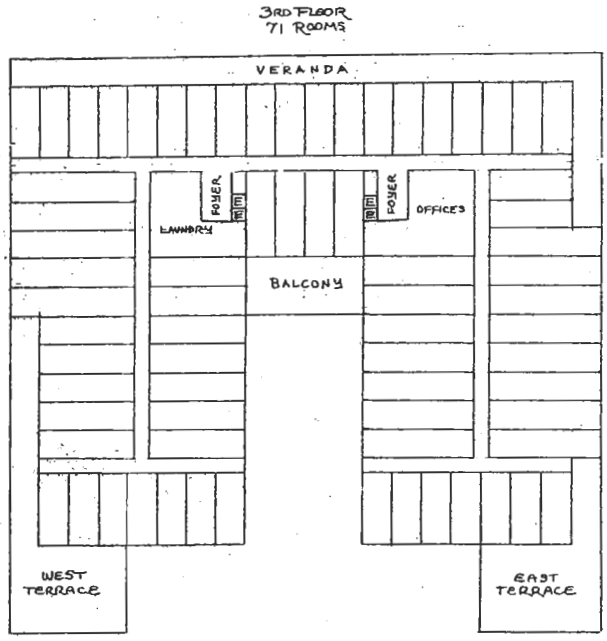


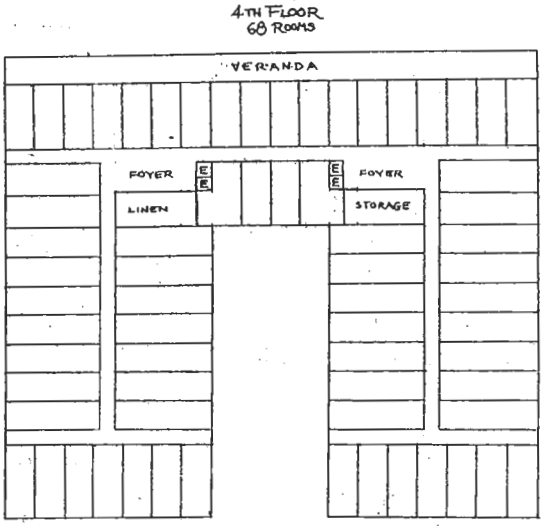
BEACH STREET FRONTAGE MASSING TRENDS

Blocks west of Westbrook are on Beach Hiil, and exhibit hillside massing articulation, while East of Westbrook is the Beach flatlands, showing more boxy urban styles. Trying to transform La Bahia from a hillside massing to a boxy flatland massing, loses compatibility with its hillside location, and is too tall even for nearby flatland examples.

Exhibit M







landmark stepped back behind it eight feet. In back, the First Street facade steps-back at the second and third floors, for compatibility with the lowrise Beach Hill neighborhood.

MEETINGS: The hotel is entered via the front staircase across the garden terrace to the grand lobby. A ground-level entrance from the front or side entrances, provide access for wheel chairs or those not using stairs. The lobby opens onto two meeting rooms (44'x36' & 44'x40'), a lecture hall (56'x28'), and a ballroom/banquet room (72'x44'). The Garden Terrace (96'x24' with a courtyard panhandle 64'x32') can also be used as part of exhibits or meetings, accessible to the ballroom. The hotel is directly across the street from the Cocoanut Grove, which has three giant halls available for conference use **{as required in the B/SOL Plan p.130¶1§3}.**

DETAILS: For this simulation, I chose details from the 1904 Hispano-Mooresque style Casino Building. This is still a Spanish-Mediterranean genre, so it is both compatible with the La Bahia, while being distinct from it, ties in with the present 1907 Moorish Casino building, and rescues details from the Waterfront's first important landmark (lost in 1906). These details shown in the simulation include a row of "keyhole" windows, a lotus-on-lilypad topped bandstand, and a sawtooth repeated-arch cornice with Cupids-bow headers. Some rooms in the simulation are deep enough to include similar ogee-arched balconies. The cupola's shown in the B/SOL illustration have been orb-topped in the simulation, after the cupola's that once graced the 1907 Boardwalk Casino. (Another option would be to use onion-domes instead, as on the 1904 Casino). The roof-top can be either flat, as typical of Italianate structures, or with a low hipped roof with barrel-tile shingles. The result is a cross between the Alhambra and the Hanging Gardens.

ROOM-COUNT: I mostly wanted to see how many guest units could fit comfortably on the site, if aiming for a maximum room-count, and not using the ground floor. Using the Swenson 8x16-foot unit as a minimum, the result for this configuration was 204 guest rooms (65 for the 2nd floor, 71 for the 3rd floor, and 68 for the 4th floor). Only 57 second floor units matched the minimum 8x16-foot unit, with 147 much larger. About eight units could be removed to convert the ballroom into a full-time restaurant. But this shows that the La Bahia could be restored as-is to 46 units for a 250-unit total, or even just add 21 units and have a total count of 275 as the B/SOL preferred maximum. Yet if the La Bahia was given

Elevations for a full Westbrook/Cliff St. Block Hotel

Exhibit M

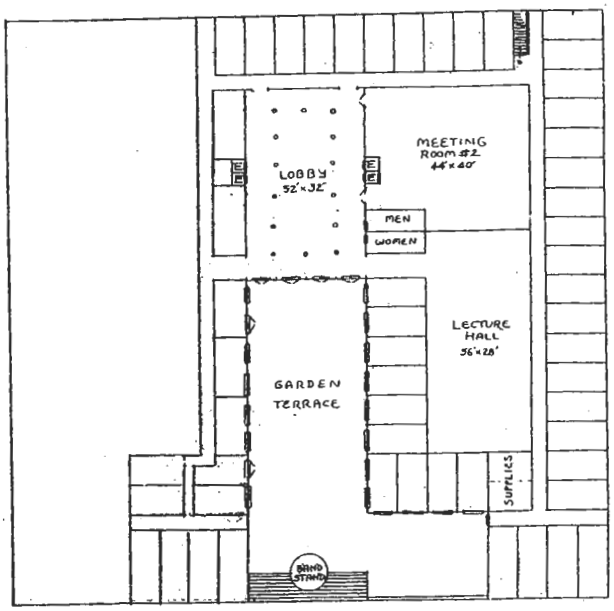
a lowrise garden layout of 96 units on the block, the entire two-block hotel would be 300 units, *yet still have no negative impacts.*

COSTS: The developer's Highrise Proposal has a number of costs associated with it, such as demolition of the Landmark, massive excavation of the hillside and spring, and constructing foundations in *sandy soil prone to liquifaction* to support heavy 7-and-8 story skyscrapers **{ReEIR Appendix G; FEIR errata p.4¶7}.** This doesn't include hurdles such as over-coming numerous local and state laws and policies against excess height and **negative impacts on historic, recreational, and natural resources.** By contrast, the Blighted Block is already level, with removal of buildings not controversial, the massing less-extensively articulated, and the foundations less costly for a structure that is four-stories lower than what Swenson proposed. <u>There's no cost difference between completely reconstructing the historic landmark, or replacing it with new wings on the same footprint.</u> Not demolishing most of the La Bahia is a cost savings and a green solution, leaving a far simpler renovation project that *can* include an expansion in back, but wouldn't require it, since the room-count would have already been met (or far exceeded, in contrast to the 125-unit Extreme Negative Impact behemoth proposed.)

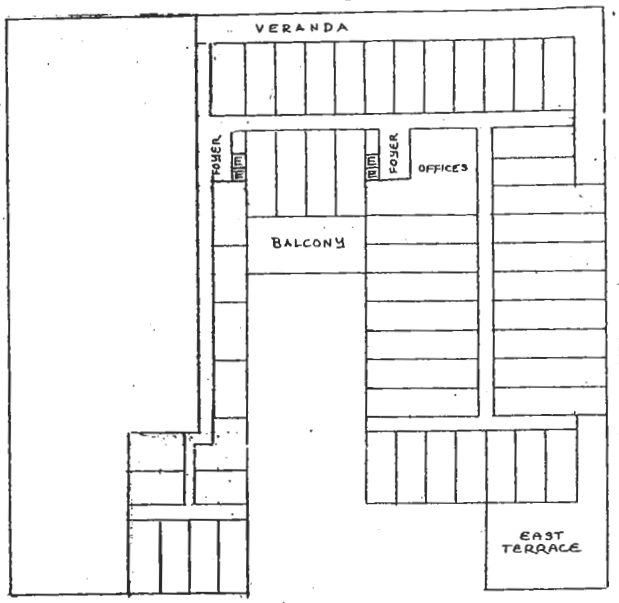
2/3RDS BLOCK: Should the Coastview Inn, Breakers Hotel, and 1906 Cottage City Café sites be unavailable, the Seaside Company's so-called "Bowling Alley properties" still comprise 2/3^{rds} of the Breakers Block. An abbreviated hotel on just those lots would be 132 units, which is seven more than the highrise La Bahia's proposed room-count (but without the Unmitigated Negative Impacts). Add to it the old Breakers Hotel and Cottage City Café sites (owned by Bruno and Lambeth), and you have 10-to-18 more units, or 142-to-150 total. Add to it a restored 50-unit La Bahia gives you a 200-unit hotel, or with a lowrise La Bahia expansion in back, 250-units total. Thus, even without the Coastview Inn, the project far exceeds the highrise project's goals, without the unmitigated negative impacts. Even without restoring the La Bahia, 132 units can be obtained on just the Bowling Alley properties.

SEPARATE IDENTITIES: Another option is to deliberately establish two distinctly separate identities (the La Bahia Gardens, and the Hanging Gardens Hotel), even if operated under the same management. This would add to the variety of attractions available on the Waterfront, and help the La Bahia Landmark to retain its unique distinction. ■

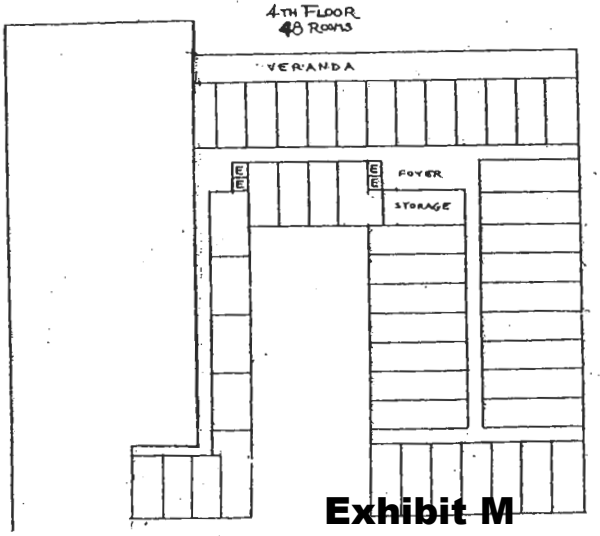
2nd FLOOR
54 ROOMS



3RD FLOOR
52 ROOMS



4TH FLOOR
48 ROOMS



Westbrook/Cliff St. Block Hotel without Coastview Inn lot

Exhibit M

ANALYSIS OF THE *HPC &* *PLANNING COMMISSION* RULINGS

STRATEGY: The two years of the developer's so-called "Neighborhood Workshops" appeared to be more "Focus Group Marketing," presenting his plan to various groups, but studying public reactions more than suggestions. When people didn't like the 8-story version, it was repackaged as a so-called "5-story" version (measuring 6-stories above one of the street levels but without counting parking stories, yet still called 8-stories total in the blueprints). In this way the developer could learn how to counter any public opposition later, whiling saying the public helped develop the project. It was the same with their non-negotiations with the HPC subcommittee, taking HPC perks the subcommittee said would be offered a developer who follows site policies, then discarding the policies and the HPC, while saying HPC helped develop the project.

HARD TIMES: There's been a strong impression among some, that the prospect of tax revenues would force our cash-strapped City into accepting *anything* proposed, no matter how inappropriate by B/SOL, Coastal Plan, and National Register standards. And while the developer has seemingly backed the City into a corner by being allowed to waste four years pursuing a non-compliant project, he's also backed himself into the same corner by gambling that hard times will make all the laws and policies go away. But to cite CEQA's "Over-riding economic benefit," one must prove compliance doesn't work, and that the laws must be relinquished to force an incompatible square peg into a scenic round hole. But the City's approved Marriott project on September 9, 2008, shows ***compliance produces a better project.***

IN TROUBLE: By March of 2008, while unable to publicly acknowledge his project was in trouble, the developer apparently realized he was headed towards accepting one of the EIR alternatives, and that was the problem. The alternatives had been devised to be undesirable, so the 8-story highrise would appear to be the only "realistic" option. But while laws might be thrown-out at the local level, the state laws on which they were based would remain, and were less prone to spot-development deletion. So in the May 28, 2008 FEIR, the developer inserted an unaesthetically rearranged version of alternative #3, called "#3A" **{said EIR consultant M. Barker}**, and BSB made it clear at the HPC and Planning meetings that it was the only acceptable alternative because it kept the 125-room count.

HPC: At the July 30, 2008 HPC meeting, City Staff took the unusual step of making no recommendation on the project. The Historic Preservation Commission unanimously voted against the proposed highrise project, seeing little to chose from among the alternatives offered. None of the alternatives to "No Project" offered an historic preservation component, except #2 the Previous Project, which had unresolved B/SOL-compliance issues.

PLANNING: At the August 7, 2008 meeting, the Planning Commission didn't have the four-vote majority needed to approve the highrise project, nor any of its offered alternatives. But as three-votes will suffice for a *recommendation to the City Council,* the Planning Commission suggested a highly conditioned version of the highrise project. A "technical majority" amounts to a rather unenthusiastic recommendation, succeeding only due to the technicality it wasn't a true *approval,* but only a *recommendation.* The Planning Commissioners brought none of the Alternatives to a vote. Only M. Tustin liked #3A, while others said its wall-like effect was a worse impact than 8-stories. D. Foster & J. Warner supported #3; Vice chair R. Quartararo & L. Kasparowitz supported preservation & the height limits, either #2, #4 with preservation, or a better unsubmitted plan. M. Tustin said she liked #2, or might reluctantly support #3 with conditions.

PLOY: The developer appears to have hoped at least one of the Commissions would have chosen #3A, at least as a second-choice to the 8-story highrise, so the Swenson Company would look like they'd been cooperative and compromised, to give the illusion the City was running the process instead of the developer. If this ploy had succeeded, the developer could always say a 7-story skyscraper was shorter than the original 8-story proposal, and that it was the City's own idea. This was a better spin than admitting even a 7-story skyscraper is 4-stories taller than the original structure, and 3-stories

above state and local maximum height limits.

NO APPROVAL: But having failed to maneuver the HPC or Planning Commission in this direction, the developer decided to end the charade, and on September 16, 2008 replaced his 8-story proposal with the 7-story version (formerly #3A). However, by reducing the project from 8- to 7-stories, we now have a situation where the Planning Commission didn't recommend the option, and hasn't voted on it, because at least two felt the wall-like mass of #3A was "a worse impact than the two towers." Thus, staff declined to recommend the project, HPC unanimously opposed it, and the Planning Commission didn't select this as an option, and was only luke-warm about the only option now off-the-table (8-stories), meaning so far **all city agencies on record have failed to support the project as now proposed.**

BAD FAITH: La Bahia is a landmark that was first covered only by National Register Landmark Guidelines and Local Coastal Program policies, to which the City added General Plan objectives for this building, and hired experts to merge the three elements into a B/SOL La Bahia plan. At the July 30, 2008 HPC hearing, I asked the representatives from Barry Swenson Builder if they'd chosen to disregard all applicable policies and guidelines through some advice from City Hall, and they said, no, it was all their idea. So unless someone can show some evidence that this was a City directive not to follow *any* guidelines, what we're dealing with is *bad faith development.* With three tiers of requirements on this site, letting a developer decide to become a law unto himself and dismiss the primary Commission's oversight on landmarks, is a bad precedent on a special opportunity site with extremely specific preconditions.

INCOMPETENCE: Although capable of great design elsewhere, the developer's incompetence at the *Hill-Village Style* was proven both with the previous plan for the site (which he now admits was a poorly designed failure) and with the current skyscrapers. But incompetence is no rationale to let a developer avoid following compatibility policies, and in fact, his failures on this site should be a red flag that the developer is capable of doing far greater damage to the environmental Quality of Life. If by ignoring all the rules he could come up with a masterpiece, there would be little opposition. However, a masterpiece would be obvious by how well it fits the site, and instead of over-turning the reason that *compatibility policies* were created in the first place, such **a masterpiece would be the definition of compatibility,** thus lacking major unmitigated negative impacts. But the B/SOL Plan foresaw a potential for serious problems on this site given the proposed requirements, and created guidelines to head-off the very problems that are facing us today with this proposal.

BACKWARD DEVELOPMENT: The developer shows the same blind faith in this design, as he did in his 2002 design that he now admits is terrible. **But his commitment is *not* to the design's aesthetics, but to the room-count,** as evident in his redesign of the highrise version, into a massive *Great Wall of La Bahia* to squeeze in 125 rooms. The 8-story design is not amenable to deconstruction, as each proposed alteration is merely a more-and-more truncated skyscraper of less-and-less aesthetic value. At this point, we're no longer dealing with a finished designed proposal, but a "concept" that becomes more theoretical and imprecise with each lowered deconstruction alternative. It isn't the Highrise proposal that's worth saving in some form, but the *original landmark* to which City policy requires including a sympathetic addition. **Stop doing this work backwards.** The B/SOL Plan and Guidelines are a step-by-step manual to produce an excellent new hotel. With any of the proposed alternatives, the City would be settling for less benefits than required, at the cost of negative impacts to our Quality of Life.

EXTRAS & GOALS: Don't be fooled by so-called "extras" attached to the project, like free bicycle use, funds for the Beach Flats Community Center, affordability offset fees directed to the Santa Cruz Hostel, etc. Nor by goals for financial benefits to the City and community. These items are in no way exclusive to approval of this highrise project, but are transferrable to ANY project on this site, including projects with the required Historic Preservation component. In fact, the City's hired experts created these goals specifically for a La Bahia *rehabilitation* project. There is no evidence what-so-ever that these goals and extras can only be achieved by throwing out the B/SOL guidelines for La Bahia. There's nothing innately beneficial in the highrise design, that rules out B/SOL-compliance and preservation, nor requires tremendous negative impacts on the environment to succeed.■

Exhibit M

WHAT IS THE *REAL* ***ROOM-COUNT*** FOR THE HISTORIC & PROPOSED LA BAHIA?

WHY THREE STORIES?

HIDDEN ROOM COUNT: This project is presented as a 125-unit highrise proposal replacing a 44-unit historic apartment complex **{ReEIR p.2-1¶2}**. But closer examination shows the Historic La Bahia was *reduced* from 50 to 44 units, and the Highrise Proposal doesn't admit to its full 139 room-count (detailed further-on). We are given the impression that by adding three stories to the front area of one-and-two-story historic wings, we are substantially increasing the number of rooms there, *but this isn't true.* And if destroying the ambiance of the historic courtyards is not justified by raising the room-count, then the whole premise for not rebuilding the historic lowrise landmark is lost.

ROOM REPLACEMENT: The need to turn the entire one-and-two story intimate landmark into a massive three-story deep pit appears more of an illusion than a necessity. If we look at the buildings comprising the Beach St. Facade (Tower Wing, Sundeck Wing, West Corner, & Main St. Steps), the historic lowrise facade provided 22 apartments, while the proposed three-story facade shows only 21 units. (HPC has always said the indoors can be rearranged any way the developer needs it.) On the east side of the Court of the Laurels, *both* the lowrise historic wings (Garrison, Westbrook, & Slant Gable wings) and the proposed three-story version, have 15 units. On the west side of the Court of the Laurels, *both* the one-and-two-story historic wings (Garden, and Corner-Bay) and the proposed four-story version have 7 units. The north side of the Court of the Mariners (Hillside Slope & Pocket Balcony wings) has 6 apartments, while the proposed three-story version has 9 units. In every case, the difference between the historic room-count and the proposed room-count is not substantial, and doesn't demonstrate any advantage to turning the low-rise historic portion into a three-story wall.

COMPARISON: The historic portion had 50 apartments in a park-like intimate setting, while the three-story version proposes 52 units in the same area that are crowded, dark, and traffic-centered. In fact, *this is a reduction in rooms* from the approved 2003 plan for 53 units on the historic portion (with 65 new units behind) **{ReEIR p.3-3}**. The main reason the developer needs massive three-story wings is to make room for an exposed driveway and drop-off parking area in front, contrary to B/SOL General Guidelines for new construction in the Waterfront (see "Auto Court" for list of policies with which this is incompatible, ←p.IV-15¶3).

HIGHRISE ROOM COUNT

The developer's blueprint elevations show numbered and unnumbered rooms. Unnumbered units with restrooms appear to be hotel units, and are in the historic Cupola Wing. Unnumbered rooms without restrooms could be offices (they are unlabeled), but are situated so they could be converted into guest units.

The proposed highrise room-count is as follows:

1st Floor: 9 numbered units (+3 Cupola Wing units, 3 convertible rooms, 2 suites); **2nd Floor:** 14 units (+4 Cupola units, 1 suite); **3rd Floor:** 24 units (+2 Cupola units, 2 suites); **4th Floor:** 9 units; **5th Floor:** 27 units; **6th Floor:** 19 units; **7th Floor:** 11 units; **8th Floor:** 4 units **{Swenson blueprints}**

This comes to 117 numbered units, and 9 un-numbered units under the Cupola, for a total of 126 units, which the developer claims is 125 units. Then there are 3 rooms that could be converted to units, making 129 units. (An unlabeled room on the Court of the Laurels, plus a windowless "wine cellar" and "storage area" that oddly face onto Main Street near Beach Street with a potential ocean view. This is an unusual location for non-view rooms, from a developer who says view rooms are a priority & the reason not to save the landmark.) Then there are 5 suites in the historic wing that could be rented as 10 separate units (a 5-unit gain), which would make 134 units or potential units. Then, if the developer didn't destroy the Court of the Mariners with a driveway and rebuilt the Sundeck wing, there would be 4 more ocean-view units (or 5 if replacing the second-floor unit as well). This brings the total to 139 possible units.

With this kind of potential, it feels like the 125 room-count is a smoke screen disguising the actual final count, able to make a sacrifice of 14 units without losing the final figure of 125 units. The developer's preferred alternative was #3 (until he invented #3A). Option #3 removes the top floor of each skyscraper, sacrificing 9 units, and lowering the presumed room-count to 116, but in fact only reducing the potential 134 units to 125 units. This could be raised to 130 units by eliminating the driveway to gain 5 more units. Option #3A retains the 134 potential room-count, or 139 units by converting the driveway, but #3A creates a highrise wall even supporters called a worse impact than the taller double highrise **{Planning Commission comments concerning FEIR alternatives, Aug. 7, 2008 meeting}.**

Again and again we find evidence that the developer's supposed requirements have no justifiable need to destroy-and-not-rebuild the historic wings, nor replace them with unmitigated negative impacts. Everything hinges on a driveway the B/SOL policies don't allow due to creating conflicts with pedestrians, emergency vehicles, trains and motor vehicles, and traffic on a busy primary street. *It sacrifices pedestrian uses for a driveway redundant to curbside drop-off.*■

Exhibit M

PROBLEMS WITH THE
PARKING GARAGE DYNAMICS

THE REAL PARKING COUNT

STALLS: The proposed hotel garage creates only 133 legitimate auto parking stalls (four of which are two-cars deep, but legitimate stalls), plus 4 bus stalls in a garage with a separate entrance, for a total of 137 enclosed stalls. If the project were scaled to this capacity, the garage could be self-serve instead of 100% valet service.

DOUBLE-PARKED: But to increase the capacity, Swenson blueprints show 118 of the Stalls are *blocked* to create 62 Double-Parked (even Quadruple-Parked) spaces in the aisles (euphemistically termed "Valet spaces" by the developer, although *all spaces are valet service).* These Double-Park spaces narrow the aisles, with a single row of Double-Parked cars making the 24-foot-wide aisles (level 2/North, 2/West, & part of 3/N) 15½-feet wide, and the 20-foot-wide aisle (2/Middle) 12-feet wide. An aisle with two rows of Double Parking makes the 24-foot-wide aisles (3/N, 3/W) 7-feet wide, and the 22-foot-wide aisles (2/E, 3/E) become 4½-feet wide. So at full capacity, this leaves only 40 vehicles (15 Stalls and 25 Double-Park Spaces) unblocked and easily accessible. 22 additional Double-Park Spaces require skilled driving down narrow aisles to retrieve a car, without moving other vehicles or scratching the paint-job. Maneuvering a wide car for 170-feet (at most) down a 7-foot wide aisle provides minimal clearance, as anyone knows trying to open their car door in an 8-foot wide parking stall next to a parked SUV.

CAR SUFFLE: An average of 3-to-4 cars must be moved to extract a car down a 35-to-70 foot long aisle. When multiplied by numerous valet requests (such as at the end of a banquet or convention), a dozen-or-so unneeded cars will be set in motion to retrieve double-, triple-, and quadruple-parked cars (with shuffled unneeded cars required at times to circle the hotel to re-enter the garage), creating service delays, and adding auto-exhaust pollutants into the air in the shuffle process. THIS IS NOT GREEN! At their Aug. 7, 2008 La Bahia hearing, the Planning Commission was concerned with Valet Parking efficiency during peek Beach Street traffic congestion, of trying to get cars from the garage, into the front courtyard turn-about, and back out onto a busy Beach Street again, with Planners foreseeing gridlock in the crowded front driveway turn-about. Longer delays mean idling motors spewing auto-exhaust pollutants into the air. THIS IS NOT GREEN! Neither the over-packed garage, nor the backed-up front turn-about, are accessible to emergency vehicles, and *safety laws are not as easily wished-away as Compatibility and Quality-of-Life policies.*

OFF-SITE PARKING: The valet service was required in the B/SOL Plan to allow for a majority of off-site parking. The developer's 2003 project rejected City Policy, stating he wanted to meet *all* parking needs on-site, so the hotel could be sold as a stand-alone unit. But with their 2006 plan, they're now dealing with a 45-space deficit, which will have to be met off-site, and now once-rejected off-site areas are being suggested by the developer to make-up their massive overages. At this point, a-little-or-a-lot of off-site parking makes no difference, and works better than the potential for massive back-ups and delays, and polluting valet *shuffle-go-rounds* of unneeded cars.

INOPERABLE: While Double/Quadruple-Parking creates a total of 195 on-site spaces on paper, this theoretical full-capacity is so impractical, that the top-50 cars expected to leave a major event first, may need an hour to maneuver them into exit position. And if extracted in advance, they would probably be sent to the Boardwalk's Main Lot for easier retrieval. With the streets and front turn-about full of exit traffic, it's unlikely hundreds of cars will cue-up through the four-car front turn-about, and would probably line up along the curb, or double park in the busy street. The developer's parking scenario makes this whole charade of on-site parking a farce, and the ease of using a remote lot will over time probably trump the impracticality of double-parking cars on-site for the operator. *The developer seems to acknowledge this problem, and instead of claiming the 62 Double-Park Spaces shown in the blueprins, only claims 34 (or a total of 167 total on-site spaces), producing a 45-car deficit that must be met off-site.* Once again, the City's hired consultants who developed the B/SOL Plan standards, anticipated the problems, and crafted the B/SOL Plan as the superior solution.■

Exhibit M

	MARRIOTT PROJECT	LA BAHIA PROJECT
SIZE:	1.35 Acre	1.4 Acre
LOTS:	4 lots on one block (3 motels, & triangle lot)	2 lots on one block (a landmark, & hillside lot)
COST:	2008: $25 Million	2002 lowrise: $21 Million 2006 highrise: $30 Million
DEMOLISHING:	1964 Peter Pan Motel 1953 Villa Del Mar Mo. 1946 El Patio Motel	1926 Casa Del Rey Apts. (La Bahia)
HISTORIC:	El Patio–hist. resource (qualifies, for C.J. Ryland–arch.) Demo. not contested	NR2 National Landmark (confirmed Nat. Register-eligible) Demo. contested by HPC
REPLACING:	64 Motel units	44 Apartment suites
ROOM-COUNT:	150 units (87-unit gain) ($165,000 per unit)	125 units (81-unit gain) ($240,000 per unit)
ROOM TYPES:	hotel rooms	condo/time-share hotel
NEW RATES:	$150-to-$200 a night (similar to current rates)	$200-to-$300 a night (formerly $1200-a-month)
HEIGHT:	41-feet	72.5-feet
STORIES:	5-stories max.	8-stories max.
REAR SETBACK:	4-stories setback 18-ft.	6-stories setback 2-ft.
REAR IMPACT:	Rear faces back of Salt Air Motel	Rear faces facades of homes & tourist rentals
BORDERS:	A boxy motel district	An historic neighborhood, sea-beach, & Boardwalk
B/SOL COMPLIANCE:	Follows the B/SOL guidelines	82 out of 90 instances of non-compliance
IMPACTS:	None	3 significant impacts (all unmitigated)
ADJACENT OPINIONS:	No neighbors objected	Most neighbors objected
PARKING:	197-stall parking garage	133-stall parking garage 62-blocking spaces 45 space deficit (off-site)
DEVELOPMENT AGREEMENT:	Normal 3-year timeframe	Special 5-year timeframe, due to *difficulty funding*

Exhibit M

Volume VI
DEFICIENCIES OF THE FINAL-EIR

An Anti-Heritage Blueprint

Exhibit M

Volume VI
DEFICIENCIES OF THE FINAL EIR
An Anti-Heritage Blueprint

REFUTING THE DEMOLITION RATIONALE	VI-1
EXCERPTS FROM EIR LETTERS	VI-2
EXTRA HEIGHT FROM *DOWNTOWN PLAN?*	VI-7
WHAT IS EXTRAORDINARY DESIGN?	VI-14
THE *FEIR* & LOATHING SCHEME FOR DIS-INHERITAGE	VI-15

Exhibit M

REFUTING STATEMENTS IN THE DEMOLITION RATIONALE LETTER

Barry Swenson Builder
ReEIR appendix G

"...Current structures cannot facilitate our project goals for the redevelopment of the property." One B/SOL Plan goal is saving the landmark, so creating separate development goals that do not meet that criteria makes no sense in what is supposed to be a restoration/reconstruction project with additions.

"...A condominium...concept is impossible, if [we] restore and renovate the old buildings." If it is impossible, then why propose it on what is supposed to be a restoration/reconstruction project with additions?

"...Several features of the existing structures were not conducive to the operation of a hotel facility. The entrance needed to be on Beach Street...." This phrasing was repeated several times in the letter. However, the entrance of the landmark *is* on Beach Street. But for a car-centered development the only entrance of importance is the one for cars.

"...The parking arrangement [with the existing landmark] was functionally challenging, if not impossible." That's why the City Council *rejected* on-site parking in the B/SOL Plan, requiring off-site parking. It was the developer who chose to disregard this, and crafted what he once insisted was a successful parking plan in the approved 2003 La Bahia project.

"California energy efficiency regulations and our desire to create an energy efficient building will not allow un-insulated walls." No one has required that the landmark must have uninsulated walls.

"Once we add insulation we need to also add waterproofing. This means that we will need to remove all of the exterior stucco from the buildings [to do this]." In the approved 2003 La Bahia project, the developer said he was protecting the exterior stucco by removing interior walls to install insulation and stabilization, and later in the current letter he says *"These improvement would require the removal of the interior or exterior stucco in these areas."* The threat to destroy all exterior surfaces is designed to make preservation look like a problem, and was obviously proposed without consultation with any restoration experts.

"The existing bridge ramp approximately at the corner of Beach and Main Street was deteriorated to the extent that it was dangerous and so has been completely removed." Forgot to mention this was not part of the original development, was added in the 1960s as a cheap wheel-chair accessible ramp to the Sundeck.

"All of the damaged and deteriorating materials will need to be fully removed and replaced including balconies, trim, railings, window, etc." The B/SOL Plan preservation consultant said this was a restoration/reconstruction project, and replacement is part of the plan. To make the above claim as a reason to demolish the landmark, is to say no landmarks with replacement needs can be saved. Obviously not a statement generated by a restoration professional.

"The existing buildings are not ADA accessible, thus not meeting current codes." The approved 2003 project was ADA accessible, but the developer is now calling for total ADA accessibility, as a means of rendering a structure designed for pedestrians impossible to save. To say the pedestrian experience has no validity as an historic characteristic is mere double talk. Swenson has produced projects, both modern and historic, with limited ADA accessibility, so the complaint is invalid.

"The historically significant exterior light fixtures are deteriorated beyond all hope of restoration." HPC chairman & restoration expert David Subocz, is quoted in the FEIR, "I have inspected the Otar lamps and having restored light fixtures from the historic Del Mar theatre, I can tell you that the Otar lamps can be easily restored. The applicant simply states that they cannot."

The ReEIR appendix does not include any evaluation from a Restoration Expert on what is supposed to be a restoration project. Having dismissed the landmark and the B/SOL Plan as incompatible with the developers desire for a vacant lot, it appears restoration was not intended to be an option.

Exhibit M

COMMENTS ON THE EIR
Excerpts from 239 pages submitted from 19 groups and individuals

CALIFORNIA COASTAL COMMISSION REQUESTS COMPLIANCE WITH B/SOL PLAN GUIDELINES
By Susan Craig–Coastal Planner
Central Coast District Office
May 28, 2008

...It is possible that the [Coastal] Commission may modify [Swenson's] proposed [Local Coastal Plan] amendments [calling for 70 foot towers], in a manner that would require changes to the proposed [highrise La Bahia] project [and] limit the allowable height.... Given the potential for modification, we suggest that the City pursue a project that is consistent with the existing [Local Coastal Plan].

ADVERSE IMPACT: The D[raft] EIR states that the proposed project will have significant and unavoidable adverse aesthetic impacts...substantially alter[ing] scenic views from designated view areas...[and] affect the visual character of the immediately surrounding area due to height and scale (the visual simulations provided in the D-EIR confirm this). This conflicts with Beach South of Laurel (BSOL) Plan Community Design Policy 1.1, as well as with the certified BSOL Plan Design Guidelines that *require that the siting and design of structures blend into, rather than dominate, the neighborhood.* Also, [Local Coastal Plan] Land Use policy 1.6 requires development along the ocean and in scenic coastal areas to be visually compatible with the character of the surrounding area. In short, the proposed project's scale appears overly ambitious for the site and would lead to public viewshed degradation. Although we are generally supportive of a visitor-serving project at this site, the project needs to be scaled down to better conform to Coastal Act and Local Coastal Program (LCP) requirements for such development located in a visually significant area.

B/SOL HEIGHT LIMITS: Coastal Act Section 30251 requires protection of the scenic and visual qualities of coastal areas...and that development be visually compatible with the character of the surrounding area. In addition, Coastal Act Section 30253 protects popular visitor destinations, such as the Beach Area, *from inappropriate development*. Coastal Act Section 30240(b) similarly protects adjacent recreational areas (such as Beach Street and the Main Beach). ...To be approved...the proposed [Land Use Plan] amendments [would have to be found] consistent with these Coastal Act policies. It is not clear that this would be possible, and we strongly urge the City to limit...development height...to no more than that allowed by the currently certified [Land Use Plan]...[including] design articulation that serves to limit perceived scale, e.g., stepping the design of the building up the hill, varied projections and offsets, etc.

ALTERNATIVE PLANS: Alternative #3 (Modified Design Alternative), which would remove one story from the proposed development, would appear to be insufficient in this regard. Appropriate starting points in this respect would appear to be Alternative #2 (118 Unit Hotel–Previous Project) and Alternative #4 (New Design within the Height Limit).

AFFORDABLE ROOMS LOST:...Coastal Act Section 30213 requires that lower cost visitor-serving and recreational facilities be protected, encouraged, and where feasible, provided. ...The proposed project appears to be development that will provide relatively expensive hotel rooms....

PARKING DEFICIT:...The proposed project will result in a 45-space parking deficit during conference events that take place during peak periods. The proposed mitigation would require the applicant to provide proof of an agreement for the provision of 45 offsite parking spaces within 300 feet of the boundary of the project....

...The following General Plan policies are also [Local Coastal Plan] policies: Community Design Policy 2.1.3; Cultural Resources Policies 1.2, 1.2.2, and 2.1....

P. 5-32: "The City did not consider off-site locations, as the Beach/South of Laurel Area Plan process reviewed alternative sites for different uses, and a major hotel/conference center was identified for the La Bahia site." This statement is false, for the hotel to be place on the La Bahia site was to have primarily off-site parking. The Main Lot is said to have no ocean views, yet this was where the Casa Del Rey Hotel was located, which had ocean views, so again the statement is false.

Page 5-45 of the EIR states that Alternative 4 only partially meets or does not meet the objective of acting "as a major catalyst for future beach improvement. With 89 rooms, the hotel would not act as a major catalyst in the beach area." This is a conclusory statement. ...What number of units become significant enough to become a catalyst? How was it determined...?

May 28, 2008
BUILD A BETTER LA BAHIA COALITION
WITTWER & PARKIN
By William P. Parkin, LLP

Page 2-10 of the EIR states...that because the majority of the housing units at the La Bahia are currently rented by UCSC students and seasonal workers that there is "no displacement of permanent residents as a result of the project." This is a ruse. The UCSC student population and housing is a problem within the City and one of the reasons that housing is in short supply....

How does the Project exhibit an extraordinary design?

Please explain which provisions are susceptible to varying interpretations....

The EIR at page 4-7 cites *Sequoyah Hills Homesowners Ass'n v. City of Oakland ("Sequoyah Hills")* (1993) 23 Ca. App. 4th 704, for the proposition that courts look to whether the project complies with a general plan as a whole. However, in *Sequoyah Hills*, the court upheld the consistency determination because none of the policies...were mandatory. ...Where policies are mandatory, *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Ca. App. 4th 777 is controlling. "A project is inconsistent if it conflicts with a general plan policy that is fundamental, mandatory, and clear."

Page 4-8.... The City council does not have discretion to disregard a General Plan policy.

Page 4-9.... Please explain the City's position on relaxing height restrictions on other properties in the vicinity, and if the City has no position, explain the likelihood that other applicants will seek similar concessions.

The City must independently review whether any project is economically infeasible while retaining the historic structure.

...It may be less expensive to renovate and preserve the existing structure than to build a new [larger one]. (See *Preservation Action Council v. City of San Jose* (2006) 141 Cal. App. 4th 1336.

The EIR on page 4-57 cites the applicant's concern that because the project includes "for sale" residential units, that there is a high risk for future litigation, making retrofit of the existing building unattractive. Has the applicant then considered building a conventional hotel without for sale units?

Why has a summer traffic count not been done for comparison [to Oct/Nov & Mar/Apr. 2006].

Appendix C contains the language for the amendment of the City's General Plan/[Local Coastal Plan], B/SOL Area Plan and Zoning Ordinance. Why is the applicant no longer required to work with a historic preservationist to meet the Design Guidelines to ensure compatibility of scale and architectural style and be required to conform to the City's design review process? On page 4-19 the EIR uses the phrase in quotes of "character defining elements." What are "character defining elements?" Who will determine whether the "character defining elements" are included if the development is no longer subject to using a historic preservationist in creating the design?

The EIR concludes on page 4-56 that improvements to the walkways would significantly alter the look and feel of the current courtyards if the La Bahia is not demolished.

How much impervious surface covers the site under current conditions?

Page 3-4 of the EIR narrowly tailors the Project objectives. When agencies have excluded consideration of, or dismissed a project alternative on the basis of such a narrow project description, the courts have found such a position untenable. See, for instance, *Save the Biobara River Assoc. Inc. v. Andrus* (D. Neb. 1977) 483 F.Supp. 844, where an agency attempted to rely on a narrow project description for "irrigation" to exclude consideration of an alternative that included water conservation. *See also, King County Farm Bureau v. City of Hanford* (1990) 221 Ca.App.3rd 692, 735-737 [respondent agency could not be freed of obligation to prepare

a detailed analysis of an alternative using natural gas as a power plant fuel simply because the applicant, prior to commencing CEQA review, contracted with the utility to generate power with coal]. By narrowly defining the Project objectives, instead of simply defining the Project as a Hotel and Conference Center with certain amenities, the EIR has ensured that only the proposed Project would fit the criteria outlined in the EIR. For instance, the applicant's desire for ocean view rooms ensures that *only obscenely tall buildings would meet this criteria.* Accordingly, the Project Objectives and Alternatives Sections of the EIR must be revised.

SANTA CRUZANS FOR RESPONSIBLE PLANNING
By Aldo Giacchino

ANOTHER DREAM INN:...The analysis discusses the adverse visual impacts on view from the Wharf and from West Cliff Drive, but glaringly omits an evaluation of the impact from the beach, where the largest concentration of visitors congregates. The Project...would extend to 89 feet above sea level. This would be equivalent to the height above sea level of the existing Dream Inn, at West Cliff Drive. The visual impact of the Dream Inn at the beach level is overwhelming, and should not be repeated at La Bahia.

BILL MALONE

REDESIGN: The EIR conclusions that the Project's Significant Unavoidable Adverse Impacts (Impact 4.2-1: View Blockage and Impact 4.2-2 Visual Character) cannot be mitigated because they would require "project redesign" is a bogus, disingenuous argument. ...The project certainly can be redesigned, and in fact, it already has been redesigned, and can be again!

HEIGHT: *Page 4.2 The B/SOL Area Plan amendment also allows an increased height up to 72.5 feet tall, subject to approval of the City Council with required visual analysis and findings.* Comment: The original B/SOL did NOT allow these heights. The B/SOL height is being raised specifically for this project–43 feet was the original height limit. ...[Likewise,] the "finding" or "opinion" of "Extraordinary Design" cannot be used to justify additional building heights!

SUSAN & RON DELL'OSSO
Beach Hill homeowners
in the Sea Beach Apts.
241 Main St.

PHYSICALLY DIVIDING A COMMUNITY: (July 3, 2007):...Aesthetic Impacts–The new proposal significantly increases building heights and overall density and seems completely out of proportion to the neighborhood. According to Section 2.4.4, the City did not find an impact associated with "Physically Dividing an Established Community (Land Use and Planning)." We disagree. Due to the sheer size of the proposed structure, the entire residential community along Second Street would be divided from its existing relationship with Beach Street. [July 3, 2007 letter].

RESIDENTIAL EASEMENT:...Section 24.08.430 of the Santa Cruz Municipal Code states, "where a nonresidential use abuts or is in close proximity to a residential use, the effect of the site plan should maintain the residential quality of adjacent or nearby areas." The EIR does not adequately address this impact and therefore, could not provide the necessary CEQA coverage for this specific design permit finding. ...Section 24.08.430 of the SC Municipal Code clearly states that, "location of structures should take into account maintenance of view." [May 28, 2008 letter].

NOT HISTORIC MITIGATION:...The proposed mitigations to provide pictures and plaques in the lobby of the new hotel are insulting to the public and do absolutely nothing to mitigate the historic impacts identified. The Historic Preservation [Commission] has stated their preference to restore the existing building; we believe that this "preference" should become a requirement. [May 28, 2008 letter]. *[Comment: In the B/SOL Plan, saving the La Bahia is a requirement. –REG]*

OFF-SITE PARKING REQUIRED:...The EIR states that the proposal will need off-site parking to meet the minimum standards of he Santa Cruz zoning code. [May 28, 2008 letter].

CLARKE L. SHULTES
HPC Commissioner

Exhibit M

[While stating how best to alter the highrise proposal, Shultes concludes]: ...As an individual I feel that the [proposed] building is out-of-scale with the surrounding neighborhood and will create a hardship as a result of its cast shadow and massive towers, and I personally don't think this is a justifiable replacement structure for approval of an historic demolition permit. ...I agree with Planning Commissioner Chairman Bill Schultz, we need to have a luxury hotel in the Beach Area. It wasn't the Coast Hotel, [which] was massive and architecturally inappropriate.

DAVID SUBOCZ
HPC Chairman

WATERPROOFING AND EXTERIOR FINISHES: Sound and weather-tight construction [is] possible with sprayed polyurethane foam and well tested restoration techniques applied to [the] interior of [the] structure. In addition, the use of spray foam has been evaluated in labs to add to the strength of the wall assembly tested by as much as 300% above a non-insulated structure.

OTAR LAMPS: I have inspected the Otar lamps and having restored lighting fixtures from the historic Del Mar Theatre, I can tell you that the Otar lamps can be easily restored. The applicant simply states that they cannot.

ADDITIONAL EIR COMMENTS
By Ross Eric Gibson

CASINO HEIGHT: The height of the Boardwalk Casino is being used clumsily to suggest the La Bahia highrise is not very tall. But to what part of the Casino are we measuring? Is it to the level of the parapet, which was the same height as the adjoining three-story Casa Del Rey Hotel? Or are they including the set-back oval clearstory on the roof; and if roof features are included, then why not the top of the Casino dome; or the spire on the dome? But the fact is, the Boardwalk Casino doesn't sit on Beach Hill, and the project's own simulations show the La Bahia highrise would tower above the Boardwalk Casino. The proposed highrise is 4½ stories higher than the Casino parapet, 3½ stories above the Casino clearstory, 2½ stories higher than the dome, and ½-a-story above the dome's spire. Since the dome and spire are not a continuation of the Casino's facade wall, they are not read as a massing element, and thus the impression is that the proposed highrise La Bahia is 4½ stories taller than the Casino.

HISTORIC CLERIFICATION: 4.4.1. The EIR quotes the ARG (1998) as saying highway 17 was paved in 1921, which caused long-term vacationers to be replaced with one-day visits. And this new flood of day-trippers created a poor tourist economy, so much so, that five years after the highway was paved, the La Bahia was built for long-term stay. As you might gather, this garble the facts, making it sound like La Bahia was a failure from the start, with the implication being restoration would only burden the developer with an already failed project.

The Glenwood Highway (now highway 17) was paved in 1920-21, and an increase in day-trippers came to Santa Cruz. But even back then the highway was bumper to bumper, so a number of those day trippers came by train. The Casa Del Rey had its own train station, and even with 300 hotel rooms, and 150 bungalows, it needed special accommodations for extended stay guests, and built the Casa Del Rey Apts. (now La Bahia) in 1926. The boardwalk doubled in size that year. While the onset of the Great Depression stopped the building of an additional court at the Apts., in 1931 the Troyer Brothers united the Casa Del Rey, Palomar, and St. George hotels under one management, which made booking any size convention into Santa Cruz easier, and Santa Cruz became one of California's leading convention cities for the next three decades.

Boardwalk-founder Fred Swanton was also the founder of Coast Counties Gas & Electric Company, which became an independent subsidiary of PG&E to fund boardwalk expansion. Therefore, The presidents of the local Coast Counties Gas & Electric Company were also president of the Seaside Company which ran the boardwalk and Casa Del Rey. So they reserved the La Bahia as the luxury and private accommodations not only for special guests of the Boardwalk or the electric company, but also for distinguished visitors to the city. The Great Depression kept Bay Area and Central Valley vacationers close to home, creating a boom time for Santa Cruz.

Exhibit M

TRAFFIC COMMENTS TO THE EIR

RON POMERANTZ
215 Gharkey St.

PARKING ISSUES:...To be a "green project" non-automobile solutions are imperative. ...Table 4.7-4 says there are currently 7 parking spaces on Beach Street and 3 will remain after construction is completed. ...How is the City compensated for the loss of parking meters? Table 4.7.3 does not include parking for employees. Doesn't this more than double the calculated 39 on-site parking space deficiency? Page 4-105 says the 39-space deficiency is already considered a "significant impact."

H. REED SEARLE &
NANCY C. KNUDEGARD

REARRANGING TRAFFIC PROBLEMS: ...Please explain how payment of a Traffic Impact Fee as a mitigation measure reduces any congestion on Beach St. ...Apparently payment of a TIF will be used to signalize or install a roundabout at Pacific & Beach (4-99 and 4-100). But other intersections, notably Bay/West Cliff are adversely impacted by project traffic. Is it that this intersection is to be improved at the expense of other projects? ...Since loss of public on-street parking for private development is considered a significant impact (p.4-105), how and where are these lost public parking spaces being replenished?

SANTA CRUZ REGIONAL
TRANSPORTATION COMMISSION

TRAFFIC MITIGATIONS:...Commit to funding the Beach Shuttle during peak periods as part of the proposed project plan. ...Reduce the number of single-occupant vehicle (SOV) trips made by employees to the proposed project site by replacing SOV trips with transportation alternatives including, but not limited to, carpooling, transit, bicycling, walking and telecommuting....

ED DAVIDSON

WRONG PARKING SPACE COUNT: ...The Beach Area is deficient in on-and-off-street parking. The total number of required spaces was halved between [the] B/SOL Plan approval and [the] LCP [Local Coastal Plan] certification; many of the spaces are in the South of Laurel area. Since certification, spaces have been lost along Beach Street, the Fun Spot, and Depot site. A reanalysis of parking supply and demand must accompany the proposed LCP amendment.

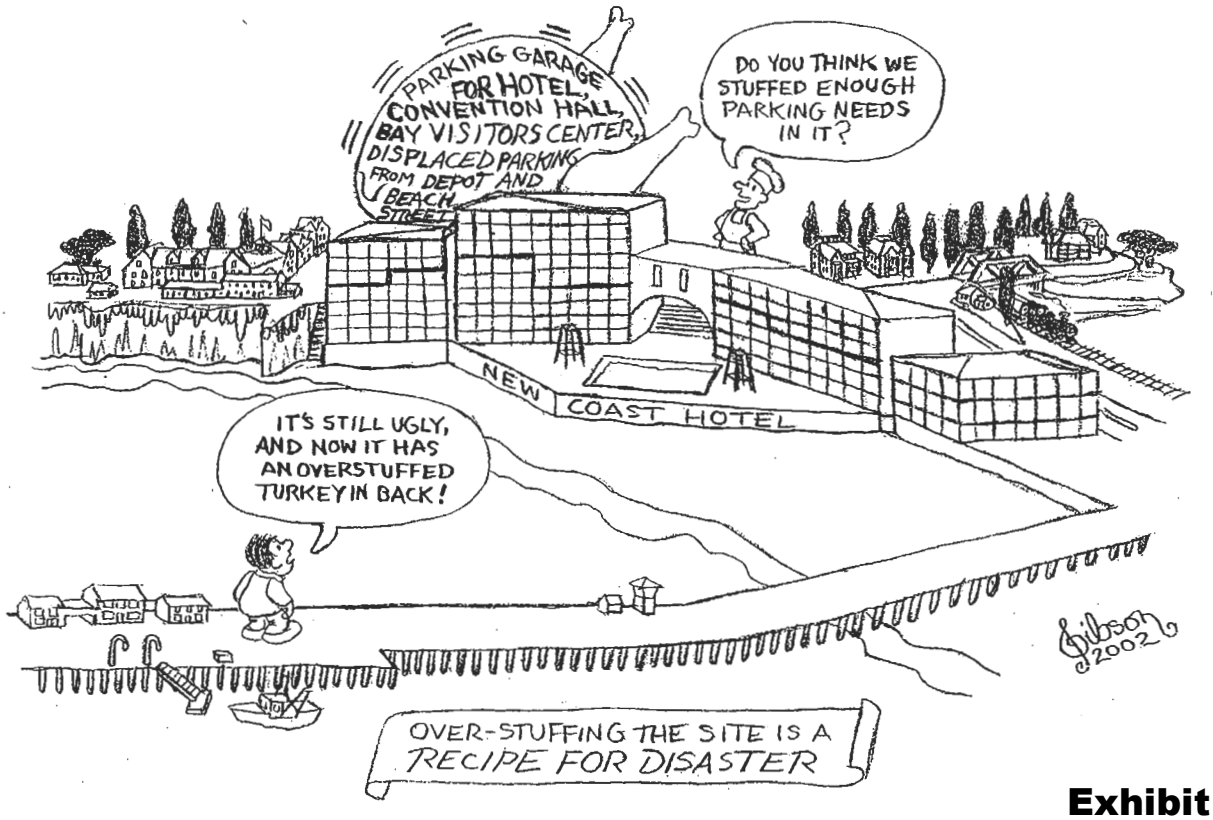


Exhibit M

DOWNTOWN RECOVERY PLAN

(Downtown Design Guidelines)

The developer is pretending that a finding of "Extraordinary Design" to provide extra height on a building, is either a requirement for waterfront development, or can be transferred from the Downtown Recovery Plan. Because the Beach/South of Laurel Plan was begun after the Downtown Recovery Plan was approved, we can see that a number of the same development requirements were incorporated for the beach area, but "Extraordinary Design" is not one of them. The Downtown is a high-density urban business center north of the Coastal Zone, while the waterfront is a low-rise tourist area oriented to Coastal scenic and recreational open-space. None-the-less, if the developer is attempting to avoid the majority of the guidelines for the Beach/South of Laurel area (where the La Bahia is located), and instead claiming compliance with the Downtown Recovery Plan's area (a separate district to the north), we should have an overview of the chief features of this document, as well as the context for "Extraordinary Design." As the Historic representative on the Downtown Design Guidelines Subcommittee, I can offer some insight as to the origin of some of these policies. (Emphasis has been added to highlight points in the guidelines).

HISTORIC PEDESTRIAN-ORIENTED CHARACTER

The downtown's objectives are listed briefly below.

LAND USE & URBAN DESIGN

1. Revive Downtown as a Leading Commercial Center.
2. Create New Housing above commercial buildings for an all-hours Residential presence.
3. Concentrated Office Development.
4. Preserve and Enhance the Distinctive Pedestrian Scale & *Historic Character*. {DRP, p.17-19}.

CIRCULATION & PARKING

1. Improve Vehicular Circulation Patterns to Reinforce Pedestrian Character.
2. Easier Parking Opportunities.
3. Reduce Auto Impacts with Improved Transit & Pedestrian Environment.
4. Maintain & Expand Bike Routes.
5. Strengthen Pedestrian Access. {DRP, p.19-21}.

STREETSCAPE & OPENSPACE

1. Make Pacific Avenue a Major Pedestrian Gathering & Retail Center.
2. Create Open Space Opportunities.
3. Improve Streetscape Design for *Historic Cohesiveness & Sense-of-Place*. {DRP, p.21-23}.

This list shows the need for downtown commercial and office development with increased parking, transit and bike access. Yet beyond these fundamentals, the downtown's allure and promotional elements are in preserving the Historic Character and the Pedestrian scale, which informed the development of architectural design guidelines, and enhancing the pedestrian experience with gathering spaces, public amenities, and incentives for more of an upper-floor *residential* presence in the commercial district.

HISTORIC DISTRICT: "The most devastating effect of the Loma Prieta earthquake of 1989 can be seen within the Pacific Avenue Retail District; in 15 seconds, the earthquake destroyed the commercial and social heart of the community, a place that had evolved over more than a century, [being protected in 1972 as a National Historic District]. In guiding the

Exhibit M

redevelopment of private properties along Pacific Avenue, it will be important to *preserve* the unique qualities that occurred within the district: its *human scale;* the *incremental and rich pattern of development;* the *architectural diversity and interest* of many of the buildings; and the continuity of active *public-oriented uses* along the street. ***Historic structures should be preserved to the maximum extent possible."*** {DRP, p.24¶5}.

CHARACTER OF BUILDINGS: "Much of the character of downtown Santa Cruz has come from its incremental development, and the individual stylistic expressions that have occurred over an extended period of time. As a result of the earthquake, much of downtown will be rebuilt in a single generation. This puts a particular burden on the Recovery Plan and its design guidelines to maintain the unique townscape character and to ***avoid the creation of monolithic 'projects' that destroy the human scale and pedestrian quality of the downtown.*** The design guidelines call for buildings that respect the incremental pattern of development in the downtown and that are reflective of the charm and lifestyle of Santa Cruz: buildings that have a unique rhythm and variation created by elements including balconies, loggias, trellises, and bay windows; buildings that extend and enhance the pedestrian realm with courtyards, setbacks, extension areas, and passages; and *buildings that are not hermetically sealed, but* ***reflect the environment....*** [Because of the downtown's architectural diversity], the Plan does not recommend any single architectural style as a predominant theme, but rather emphasizes a *humanistic* scale and warmth that provides a common vocabulary." {DRP, p.12¶2}.

The La Bahia was designed to appear the product of incremental development, a feature lost in the "designed-as-one-building" look of the proposed highrise. The important architectural features described are also mentioned in the ARG report and B/SOL Guidelines. HPC has also disputed with the developer over his insistence on turning this nature-oriented outdoor courtyard complex into a hermetically sealed indoor structure, which the developer explained was to prevent maid service from ever going outside in bad weather. But HPC felt people don't come to Santa Cruz for the bad weather, but for the outdoor living, so this seems to ***sacrifice a major feature of the landmark to serve a minor condition of the off-season.***

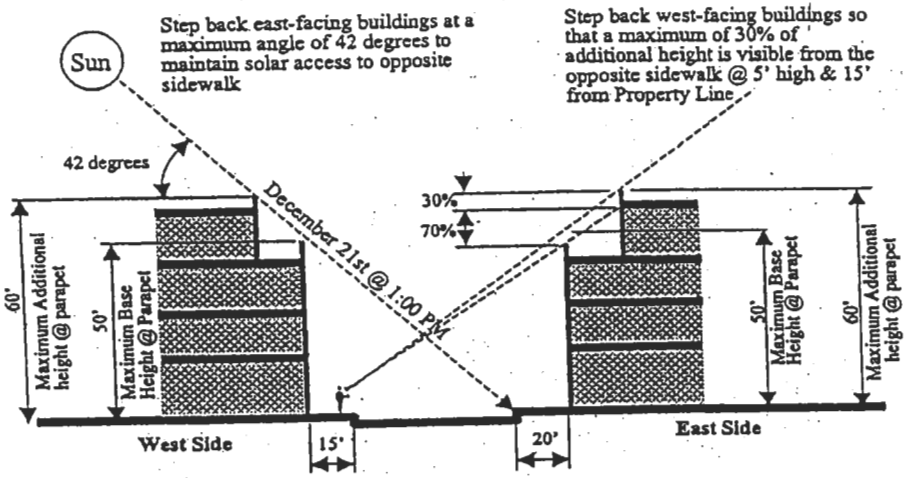
DOWNTOWN SOLAR ACCESS

NARROW STREETS: The downtown core is a densely-packed commercial area, consisting largely of 2-to-3 story buildings along Pacific Avenue, and 1-to-2 story buildings along surrounding streets {DRP p.2¶5}. Yet the section of Pacific Avenue between Mission and Cathcart is unusually narrow, since it began in 1848 as a back street serving Front Street businesses, before becoming the chief business street in 1870. The narrowness of Pacific Avenue limits the opportunities for tall buildings, if one wishes to avoid overwhelming the human scale of the streets; no building heights are supportable that make the street-level approach to businesses unpleasant for strolling shoppers.

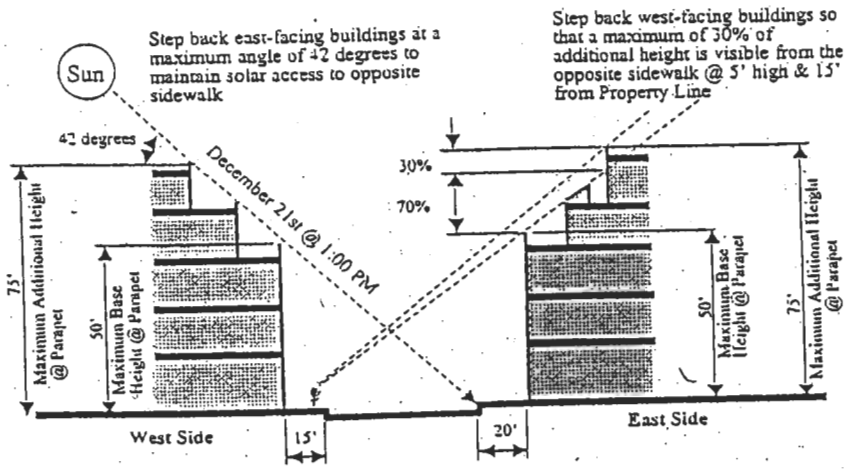
AFTERNOON SUNSHINE: With little parking on Pacific Avenue itself, most people park on parallel streets, then walk into Pacific Avenue, and down this street some ways to their destinations. This provides non-destination stores access to lots of walk-by traffic, but strolling on Pacific Avenue will not often be repeated if the way to these businesses becomes dark and dreary. Most downtown shops don't open until 11 AM, meaning solar access to the streets is more important in the afternoon than in the morning. Almost all sidewalk cafes are on the east-side of the Avenue which is sunny in the afternoon, while those few on the afternoon-shaded west-side are in low buildings (The 1-story *Hoffbrau [*now *Starbucks],* and the *2-story Lulu Carpenters*). Therefore, the City has determined that tall buildings should be built primarily on the east-side of Pacific Avenue {DRP, p.50¶C}, and tall buildings on the west-side of the Avenue should sculpt back the higher they go {DRP, p.50-53}, so as not to darken the streets at the height of prime daylight shopping hours (11 AM-to-7 PM). Shaded streets are

Exhibit M

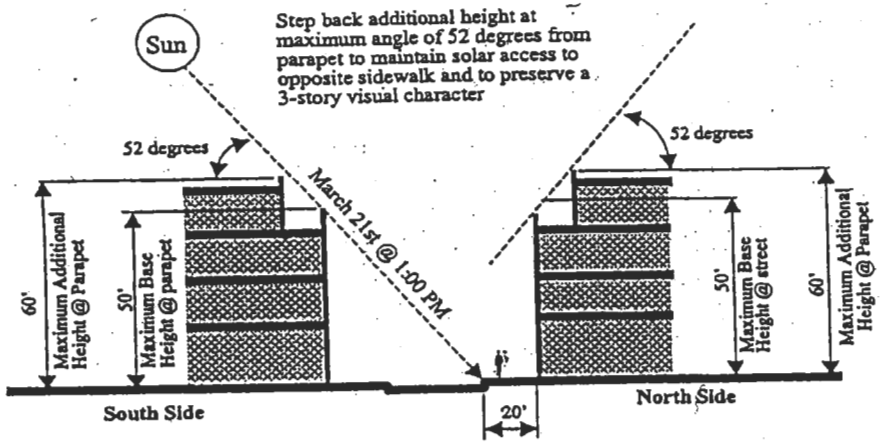
SOLAR ACCESS



Pacific Avenue

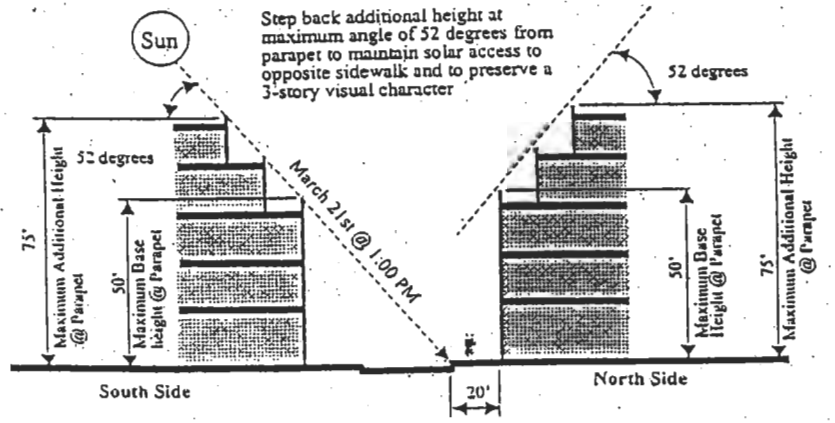


Pacific Avenue



East -West Streets

Zone B - Additional Height Standards
Pacific Avenue Retail District



East -West Streets

Zone A - Additional Height Standards
Pacific Avenue Retail District

V1-9

Exhibit M

a greater drawback in winter, making streets colder at one of the most crucial holiday shopping times of the year. San Francisco's modern financial district is a place where solar access has been ignored, and is so dreary in places that street lights stay on day and night, paying in utility bills for the banishment of sunshine.

OPPORTUNITY SITES: Because of this, the guidelines don't want all Pacific Avenue sites building to their maximum limits, as the downtown benefits from the predominantly 2-to-3 story humanscale of its structures {DRP, p.46¶1; p.47¶2}. Guidelines were created for builders that wish to apply for extra height, conditional to their ability to preserve solar access {DRP, p.12¶3}. To keep tall buildings from concentrating into dark urban canyons, the guidelines further designated seven specific tall building "opportunity sites," plus two parking garages where upper story residential could be added. These sites had demonstrated that afternoon shadows landed chiefly on rooftops or parking lots, and less on streets, courtyards, plazas, and gathering points. The five opportunity sites on the sunny East-side of Pacific Ave. are: the *old Cooper House* site, *New Leaf parking lot* (still unbuilt), *n/e Pacific & Cathcart*, *the Grayhound Station* (still unbuilt), and *the Wilson Property* at North Pacific & Bulkhead. The two opportunity sites on the shaded West-side of Pacific Ave. are: *the Ford's Dept. Store* site, and *the Rittenhouse* site {DRP, p.15¶2}.

DOWNTOWN BASIN: The downtown is in a flat river flood-plain basin surrounded by 30-to-40 foot bluffs, so buildings are viewed as much from the bluffs and hillsides as from the street. Downtown buildings kept within the height limits of the bluffs are more proportionate to the setting than tall buildings that look down on the bluffs and rise above the distant mountain skyline. Preserving the human scale of the downtown's panorama will better serve as a selling point of the downtown as a scenic visitor attraction. There are different guidelines and considerations for architecture located on a flatland lot as opposed to a hillside lot, and the Downtown Guidelines exclusively cover flatland architecture, even when "as viewed from hillsides" is an added factor {LCP, section 30251, p.6-1; LCP III.B-2¶6,p.6-4; LCP policy 6.2.3-B, p.6-14; ARG p.11¶5; B/SOL Guide IV-112¶2; LB Report, pp.IV-31 to 33; V-10.}

PEDESTRIAN STREETS: Pacific Avenue and its side-streets are narrow, creating basically slow-speed pedestrian-oriented driveways, whose chief automobile use is pick-up and drop-off, handicapped access, minimum on-street parking, and cut-through traffic to parking garages on Cedar or Front streets. Pedestrian jay-walking is permitted as both sides of the street are lined with rows of commercial destinations. Pacific Avenue is periodically closed for public events. Thus downtown solar access is important, because, far more than just a passageway, Pacific Avenue is a gathering place, whose pedestrian qualities are protected and encouraged in the Downtown Guidelines under "The Streets as Open Space" {DRP, p.7-8¶4}. *Tourists also crowd the sidewalks on Beach Street, but this is usually on-the-way to the Boardwalk, Wharf, or Main Beach on the ocean-side, with mostly hotel/motels on the inland side of the street. Beach Street is a main automobile/train/bicycle thoroughfare, traffic that usually travels faster than on Pacific Avenue, so crossing Beach Street at cross-walks is preferable, with fewer intermittent destinations to tempt jay-walking. Beach Street is wide, and generally never closed for public events (except the Wharf-to-Wharf Footrace). An aspect of Downtown's "Streets as Open Space" similar to the B/SOL Plan was expanding the pedestrian experience through greater sidewalk space, plantings, amenities, and storefronts, and fewer driveway cut-throughs disrupting the pedestrian experience on Beach Street.* {DRP, p.7-8¶4; p.11¶2; p.13¶5}.

HEIGHT LIMITS: "Two- to three-story buildings should maintain the scale and character of the existing downtown, with explicit criteria for additional height up to five stories, and provisions to ensure that buildings do not shade key public open spaces." {DRP p. 2¶5}. "...All buildings [from Mission-to-Laurel, Cedar-to-the-River] must conform to the Base

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Height requirements [of under 50-feet], except for provisions for additional height within the 'Additional Height Zone A' [under 75-feet on Pacific Ave. from Mission to Cathcart] or 'Additional Height Zone B' [under 60-feet on Pacific Ave. from Cathcart to Elm]. ...The intent of the standards is *not to create a five-story downtown*, but rather to preserve the overall character and scale of ***the historic core*** while allowing some intensification and increased height *on larger parcels where it can best transition to the predominantly two-to-three story structures* [of Pacific Avenue and its sidestreets]" {DRP, p.46¶1; p.47¶2; map p.49}, "...and to ensure solar access to Pacific Avenue throughout the year." {DRP, p.12¶3}. "...[This is] to ensure that a sensitive transition is made between taller development and existing buildings *of historic or architectural value*." {DRP, p.25¶3}

TRAFFIC ABATEMENT: These taller buildings are defined as up-to 4-floors of commercial (or 5 north of Cathcart), or up-to 3-floors of residential or hotel (4 north of Cathcart) over ground-floor commercial. {DRP, p.12¶3}. The intent was to produce a permanent *residential* presence downtown, to remedy commuter traffic density, create more pedestrian activity such as walking to work and businesses, and to keep downtown from being abandoned after business hours. {DRP, p.12¶4}. "...It is recommended that residential projects be dispersed throughout the downtown district in increments of less than 60 units in size" {DRP, p. 25¶2} "...to avoid the creation of a single district that will dominate other critical activities within the area." {DRP, p.13¶4}.

RESIDENTIAL DENSITY BONUSES: "In Nov. of 1990, the City Council... provided density bonuses amounting to an additional 2.0 FAR for *residential development* within commercial mixed-use projects. This...makes residential development a principally permitted use within the [downtown] Zone. The [Downtown Recovery] Plan reinforces this provision...." {DRP, p.31¶4}.

PACIFIC AVE. DEVELOPMENT GUIDELINES

ONLY 5-FEET HIGHER THAN NEIGHBORS: "A cornice or parapet line shall be established *no more than 5-feet above the parapet line of an adjoining building of architectural or historic value*, or at the 50-feet [limit], whichever is lower." {DRP, p.50¶a}.

REDUCE STREET VIEW OF ROOFTOP STEPBACKS: "[On the] east side of Pacific Avenue, [the] stepbacks from this cornice line shall be made so that *no more than 30% of additional height is visible from the opposite sidewalk* (assuming eye level at 5'-6" and the reference point 15 feet from the property line, [see] diagram). From this viewpoint, the visible portion of the additional height should include distinctive roof treatment (e.g. sloping roof, cornice detailing) that creates a well-proportioned top of the building, and an attractive silhouette against the sky." {DRP, p.50¶b}.

SIDEWALK SOLAR ACCESS: "[On the] west side of Pacific Avenue, [the] stepbacks should ensure that solar access on December 21 between 11 AM and 1 PM results in a minimum of 20 feet of sun on the surface of the west-facing sidewalks along Pacific Avenue to promote the comfort of pedestrians and the diversity of activities along the street. To achieve this, all buildings along the west-side of Pacific Avenue eligible for additional height must step back in a way that does not penetrate a 42° plane projected back from the established cornice line (see...diagram)." {DRP, p.50¶c}. *ARG and B/SOL both used the same upper-story stepbacks to preserve solar access in the La Bahia courtyards. If BSB wishes to cite DRP standards, then the definition of solar access is 20 feet of sun on the surface of a facade's west-facing courtyard between 11 AM and 1 PM. (This would be difficult with a proposed 4-story wall on the west-side of the Court of the Laurels, and a 3-story wall on the east-side.) One can also judge whether the proposed First and Westbrook corner meets these*

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standards.

LOWER SIDE-STREET PARAPETS: "...[Side-street] stepbacks should...maintain the visual impression of a 2-to-3 story street wall along the east/west streets, and ensure that solar access on March 21 results in a minimum of 20 feet of sun on the surface of south-facing sidewalks. To achieve this, all buildings along east/west streets shall step back from the established parapet line in a way that does not penetrate a 52° plane projected back from the established cornice line (see...diagram)." {DRP, p.50¶d}. *The La Bahia's east/west street that is not a primary street is First Street, requiring 2-to-3 story facade heights with each floor stepped-back above that. This is the same requirement as the B/SOL & ARG guidelines, except the DRP requires more severe concealment step-backs from the sidewalk view, and when applied to Beach Hill, may require a* greater *upper-floor recess as viewed from a sloping hillside street.*

LOW-PROFILE ALLEY FACADES: "Step-backs shall maintain the visual impression of a 2-to-3 story wall along the north/south alleys or in locations where the rear wall of a building abuts a north/south property line. All buildings backing to an alley (or a north/south property line) [that are] eligible for additional height, must stepback in a way that does not penetrate a 42° plane projected back from the established cornice line (see... diagram)." {DRP, p.50¶e}. *Even downtown alleys require step-backs, and courtyards more-so.*

AESTHETIC ROOFTOPS: "Due to Santa Cruz's varying topography in the vicinity of the Downtown, the design of roof tops is an important aesthetic consideration" as much from the street as from nearby bluff-top viewsheds. "The arrangement of rooftop equipment, elevator penthouses, mechanical penthouses and enclosures, safety rails, inside faces of parapets, roofing surfaces, architectural elements, and other mechanical or electrical equipment, including telecommunications equipment, shall be designed, installed and painted to be visually unobtrusive and to create a unified coherent whole." {DRP, p.50¶f}.

10'-STEPBACKS ABOVE 50': "All other building facades not subject to the above provisions but exceeding the Base Height shall step back by *a minimum of 10 feet above the Base Height of 50 feet.* Sidewalls for additional floors above the Base Height shall have windows and be architecturally treated in a similar manner as the front-facing facade." {DRP, p. 50¶g}.

EXCEPTIONAL FEATURE TRADE-OFFS: "Within the above height and stepback requirements, certain exceptions may be considered where the resulting design would add significantly to achieving the Downtown Recovery Plan [aesthetic] goals." {DRP, p.50¶h}. Outstanding design features will still be judged for impacts, but elements that improve the overall look of the building and/or its context, need not be eliminated on the discretion of the Planning Director and/or City Council.

ORNAMENTAL SPIRES: "Towers, cupolas, chimneys, dormers, spires, flag poles, and other architectural elements, will be allowed on a conditional basis, if they...occur at...key [visual points like] corners, street termini, downtown gateways; ...[are well] integrated within the building design; ...do not significantly affect solar access; ...[and] do not add habitable space above the prescribed height limits...." {DRP, p.55¶a-d}.

FACADE ARTICULATION: "Building facades should [reflect] the character and composition of historic commercial buildings along Pacific Avenue...with 3 clearly distinct zones: the storefront [podium]; the upper two-to-three stories [body] of the facade to the...parapet height; and the roof and cornice treatment.... This...is consistent with the historic building facades along Pacific Avenue, as well as the desire to reinforce the pedestrian realm and ***avoid the creation of monolithic vertical walls along the street edge.*** A separation of treatment should be clearly established between the ground-level storefront and the upper building levels, utilizing a strong belt course or architectural line, and through the

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specific storefront treatment described below. Similarly, a strong cornice line or roof treatment is encouraged to promote variety and a distinctive silhouette along the street." {DRP, p.55¶7}. *The proposed highrise La Bahia's wall-like First Street facade has produced a monolithic vertical wall along the street inconsistent with adjacent historic buildings facades.*

STREETSCAPE COMPATIBLE: "The composition of building facades should also be considered *in relation to adjacent buildings of historic or architectural value*. While it is not the intent to maintain a consistent treatment along the street edge, the composition of new development should seek to be harmonious and compatible with elements of adjacent structures, such as window proportions, the design of horizontal belt courses and cornice treatments, building materials and architectural elements." {DRP, p.55¶8}. "...Introduce diversity and variety that will enhance the visual interest and comfort of the pedestrian." {DRP, p.55¶a-d}.

DOWNTOWN REQUIREMENTS FOR ADDED HEIGHT

Only Downtown properties located in Pacific Avenue's Zone A or B, are eligible to apply for one-to-two extra stories under the following conditions:

FLOOR USE LIMITS: "Within the Additional Height Zone A [(Pacific from Mission-to-Cathcart)], no more than 4-stories of commercial uses...or 5-stories of residential or hotel uses shall be permitted above the ground level retail space." {DRP, p.47¶5}. "[For Zone B (Pacific from Cathcart-to-Elm)], no more than 3-stories of commercial uses...or 4-stories of residential or hotel uses...shall be permitted...above ground-level retail space."{DRP, p.48¶3}. *The La Bahia site's 36-foot height limits match the 35-foot height limits of the out-lying areas of Downtown, in which case* it would not be eligible for extra height. *Even with the 42-foot maximum allowed for larger waterfront lots, this is still short of the 50-foot ceiling for Zones A or B, thus* ***it would not be eligible for extra height under this DRP standard.***

LARGE PARCEL: "The parcel is greater in size than 20,000 square feet." {DRP, p.47¶3.1}.

LONG FRONTAGE: "The frontage along Pacific Avenue is greater than 150 feet, or 100 feet with 150 feet frontage along an east-west [side]street." {DRP, p.47¶3.2}.

HIGH NEIGHBORS: "The parcel is located between adjacent structures of four-or-more floors in height." {DRP, p.47¶3.3}. *The La Bahia's neighboring properties on Beach Hill are at build-out to their 36-foot height limits. There are no four-story buildings around the La Bahia site.*

VIEWSHED STUDY: "...Proposals for additional height above 50 feet must prepare a detailed visual analysis of the proposed building to determine the visual impact of the development. The visual impact analysis must consider the views from key locations within the City, the view from Pacific Avenue and from the east-west [side]streets." {DRP, p.47¶4; p.48¶2}.

EXTRAORDINARY DESIGN: "Building heights above 60 feet requires the recommendation of the Director of Planning to the City Council, with a finding that the proposed building provides an extraordinary contribution to the aesthetic goals of the Downtown Recovery Plan" such as compatibility with the historic context in style, pedestrian scale, solar access to streets and courtyards, etc. {DRP, p.47¶2&4; p.48¶2}. (See next page).

PUBLIC BENEFIT: "In addition to the finding of Extraordinary Design, further consideration for the additional building height may be given for a public benefit [such as] the provision of housing." {DRP, p.47¶4; p.48¶2}.

UTILITY LOFTS: "Uninhabited mechanical penthouses will be permitted to project 5-feet above the approved additional height of building, provided that such penthouses are set back a minimum of 25-feet from any exposed face of the building and are out of the pedestrian's view."{DRP, p.48¶1&4}.

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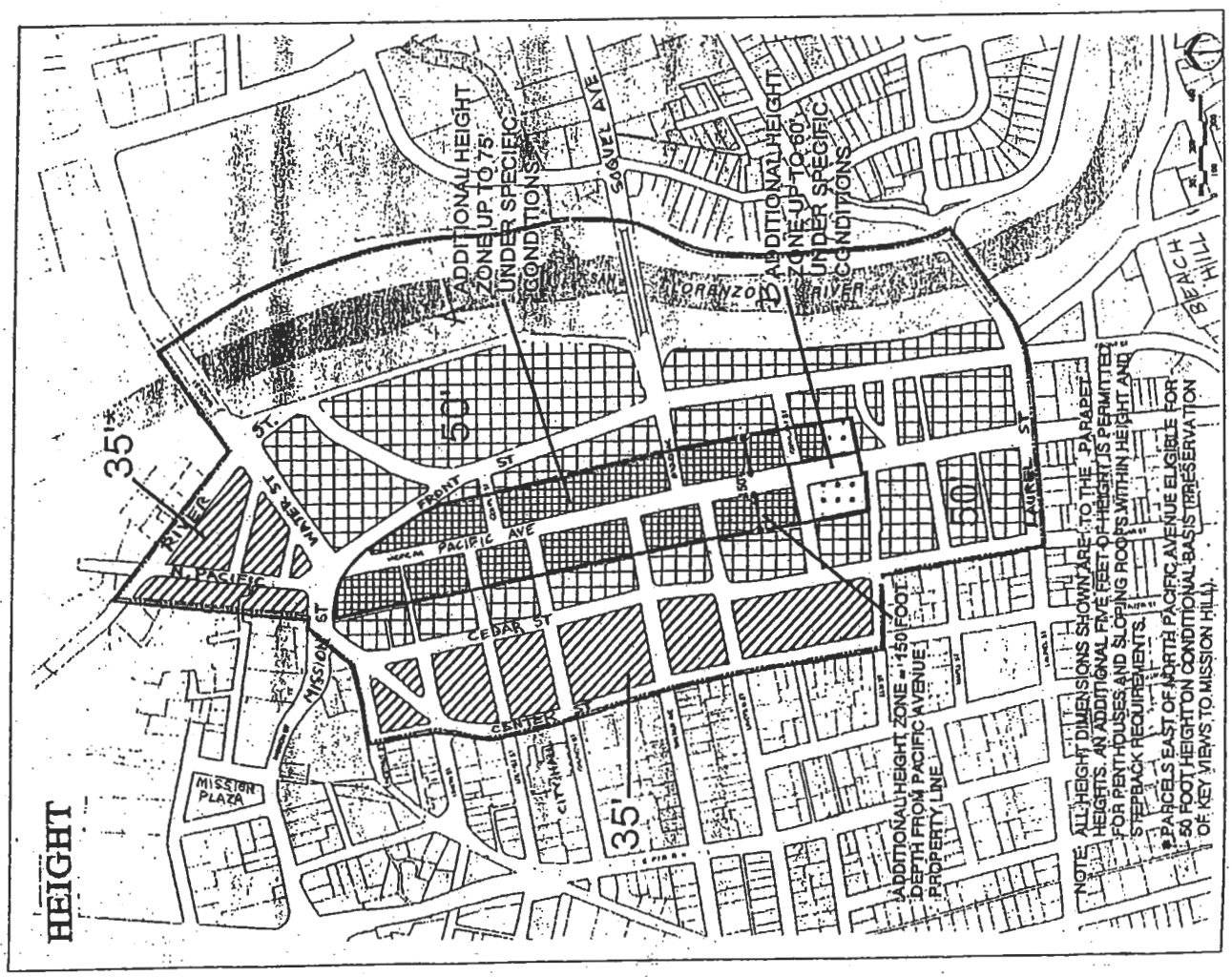
WHAT IS EXTRAORDINARY DESIGN?

The DRP requires sheer-wall facades up-to a three-story maximum, with added stories required to recess at every floor up-to 4-stories (zone B) or 5-stories (zone A). Under special conditions, one or two extra stories may be granted above Pacific Avenue's 50-foot height limits. A finding of "Extraordinary Design" must be determined through assessing its Context Compatibility, Livability Impacts, and Public Benefits {DPR, p.51-52}. ***Added stories produce a taller building with higher visibility.*** Therefore, ***"Extraordinary Design"*** is a higher standard of artistic details that elevate the integrity of a structure to a landmark. This standard was an attempt to remedy the rise of high profile characterless architecture, the impoverished details of a generic low-budget bigbox, or amateurish designs that fail to meet established local or national standards. ***Context Impacts*** are how the structure transitions from the surrounding scale, and whether it diminishes the integrity or prominence of nearby historic landmarks {DRP, p.25¶3}. ***Livability Impacts*** are things such as Solar Access {DRP, p.12¶3}, addressing how a tall building's shadow impacts the surroundings, and the possible "wind-scoop effect" of tall walls pulling stronger upper-level winds down into streets and courtyards.. ***Public Benefits*** would be such things as *on-site housing* {DRP, p.47¶4; p.48¶2}, *surplus parking* (beyond what the building itself would need) to reduce downtown parking demands, *public spaces* (pocket parks, plazas, terraces, roof gardens) {DRP, p.7-8¶4}, and *design elements* that could become a downtown promotional feature (towers, clocks, sculptural finials or reliefs), etc. {DRP, p.50¶h; p.55¶a-d}



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THE *FEIR* & LOATHING SCHEME FOR WATERFRONT DISIN-HERITAGE

Reaction to the Final EIR Responses,
By Historic Preservation Commissioner
Ross Eric Gibson
Quoted excerpts in Italics; Comments in standard type
Emphasis-elements added to highlight points

DUPED: At the beginning of this process, I told the City Council we wanted to work with this developer, because we had worked well in the past. The developer then refused to meet with Commission for nearly a year. When they finally did, the HPC subcommittee thought we were in negotiations with the developer, and provided them with a number of procedural strategies and advise to increase compatibility, although also cautioning them on HPC requirements needed in a replacement project to obtain an Historic Demolition Permit. But in the end, we discovered the developer had a non-negotiable agenda, and these were not negotiations, but a publicity stunt to say they had met with the HPC, thus implying we were responsible for what resulted, and were supposedly in agreement. We discovered all the strategies we provided ended up being used against the HPC. We found the developer's entire agenda was to use every method possible to exclude HPC jurisdiction, B/SOL Plan guidelines and policies, and precede on the assumption *their* desire to demolish the landmark was enough to exclude any further historic considerations or mitigations.

EIR: The Final Environmental Impact Report (FEIR) identifies the three Unmitigated Significant Negative Impacts of this highrise project as falling greatest on designated Historic Resources. The project would cause the total demolition-without-reconstruction of an NR2 National Register Landmark; excess height impacts on an Historic Neighborhood; and disrupting the Historic Relationship between major waterfront landmarks in an Historic View Corridor. Yet once identified, there is no serious attempt in the EIR to mitigate these impacts.

HIDDEN AGENDA: An Environmental Impact Report (EIR) is supposed to examine the Impacts to the Environment. But this EIR seems to support the developer's notoriously opposite values. It isn't the landmark receiving the negative impacts, but rather the Highrise Project that is negatively impacted by the presence of the Landmark. It isn't the owner's negligent lack-of-maintenance, but the landmark being too-old to save at 82. It isn't the Historic Neighborhood being over-whelmed by the project's excessive height, but rather the neighborhood that has failed to overbuild to the proposed scale of the highrise. And it isn't the highrise project that is non-compliant with the established policies and guidelines, but rather the policies and guidelines that are in non-compliance with the developer's agenda. It felt like HPC had become the applicant, begging for scraps of the landmark from the developer, who is deciding the matter.

REVERSE VALUES: With the developer's reverse problem subtly identified, the FEIR then devotes itself to guiding the highrise project through the process of rewriting all the laws with which it is in non-compliance {ReEIR p.2-1}; disenfranchising the jurisdiction of the Historic Preservation Commission, just in case they don't vote the developer's way {FEIR p.2-59}, minimizing the landmark's designation with qualifiers casting doubt (*is likely eligible, appears eligible)* {ReEIR p.5-1 ¶4}, and downgrading the Historic Beach Hill Neighborhood to not-historic and not-a-neighborhood (because its visitor-serving), to eliminate any need for compatibility with neighborhood scale {FEIR Table 4.1-1}.

EIR LETTERS: Nearly all letters to the first and second EIR (except the developer's and 1or-2 others) were against the non-compliance of the project, though not against having a project on the site as officially designated in the B/SOL Plan. Nearly every letter was focused-on or mentioned

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the impacts to Historic resources as a big concern. These letters came from City & State Agencies and Organizations, individual Historic Preservation Commissioners, Lawyers, and private individuals. They were so effective in their criticism, that the original Draft EIR had to be scrapped entirely, and completely rewritten to such an extent, that none of the letters from the original Draft EIR were included in the ReEIR unless resubmitted. Because so many of these letters were from people with political and legal expertise or understanding, the FEIR's responses to these letters proved most instructive.

FEIR BIAS?: On the most part, nothing anyone had to say seemed to make an impact on altering the FEIR, not even in the most minor way. The FEIR made the unusual statement that *"Nothing in the language at issue shows undue applicant influence or undermines the conclusions and legal validity of the EIR"* {FEIR p.2-62}. Yet in rejecting what appears to be all opinions but the developer's, the FEIR responses defended the developer's position, and made FEIR amendments to help strengthen the developer's case. These FEIR responses sound like they came from the *developer's attorney*, and not from an independent analyst.

CATEGORIES: While the FEIR excerpts of most interest are distributed within a number of letters and general responses, I have organized the comments into seven categories: 1. IGNORING AN HISTORIC COMPONENT, 2. LACK OF MITIGATIONS, 3. NON-COMPLIANCE WITH POLICIES, 4. LACK OF HISTORIC ALTERNATIVES, 5. LACK OF OFF-SITE USES, 6. OVERRIDING ECONOMIC CONSIDERATIONS, and 7. EIR APPROVAL.

IGNORING HISTORIC COMPONENT

EXISTING REQUIREMENTS: The FEIR briefly covers existing requirements {FEIR p.2-65}: *"Because the proposed project is located within the planning area [of the] B/SOL Area Plan, it would be subject to the B/SOL Area Plan Design Guidelines (Guidelines). According to the Guidelines, future development in the Beach Commercial area should be subject to strongest design standards and design review as a prerequisite for a building permit, and the design guidelines be adopted which seek to recapture the historic Ocean Resort style characterized by:*

- *Building articulation and breaking up of building mass into smaller units;*
- *Spanish Colonial Revival or Victorian styles;*
- *Roof articulation consistent with architectural style;*
- *Terracing to follow topography;*
- *Encouragement of balconies, terraces, courtyards and plazas;*
- *Pedestrian access from main streets; and*
- *Encouragement of architectural elements in buildings and rooftop design.*

"Pursuant to Section 24.08.400 of the Santa Cruz Municipal Code, the proposed project would also require a Design Permit to provide comprehensive design approval for the overall project layout; maximum building square footage; building footprint; building scale, form, and massing; building elevations; building architecture; building compatibility with the surrounding neighborhood; conceptual landscaping, lighting, circulation plan, and construction phasing.

The Design Permit review is performed by the Planning Commission and City Council. During the review process, the City also consults with an architect. In addition, the City Council may require that the HPC provide supplementary review of the plans and provide additional design recommendations."

NO PRESERVATION COMPONENT: However the purpose of the EIR is to overturn these laws, especially anything regarding Historic Rehabilitation. As the EIR confirms {FEIR §11-1 ¶2}: *"The proposed project does not include a preservation component."* Why? {FEIR p.2-35}: *"Historic Preservation was discussed as an alternative to the project in Alternative 2... [However] additional consideration of historic preservation is not required under CEQA...."* This admits that Historic Preservation has received the minimum consideration required by law, before being dismissed as an issue requiring mitigation.

SEISMIC HAZARDS: In his Demolition Rationale Letter {ReEIR appendix G}, the developer says *"...concrete foundations... constructed on sandy soil does not bode well,"* as a reason to demolish the building. Yet as the highrise proposal and alternatives 3-&-3A are described in the FEIR {errata p.4}: *"The project site would continue to be subject to seismic hazards, including liquefaction...similar to the proposed project."* The La Bahia rode-out the 1989 quake, and is still used as worker & UCSC housing. It seems a low-lying historic structure lacking maintenance has a better chance of riding

out a quake than a highrise building that is admittedly *subject to seismic hazards and liquefaction.*

BENEFITS OF PRESERVATION: In their responses to comments at the May 15 Planning Commission meeting, the FIER writes {p.2-36}: While *"...the economic benefits of...rehabilitating historic properties...have potential in many instances, the scope of CEQA need only address the economic effect of a project as it relates to physical impacts associated with the development, such as impacts to traffic and air quality. Therefore, the market viability of any such rehabilitation project is not considered to have... effects on the environment."* However it was the developer who raised the marketability issue by dismissing rehabilitation as "financially infeasible."

PRESERVATION GRANTS {FEIR p.2-36}: *"...The use of government subsidies is discussed in the structural report prepared by Biggs Cardosa Associates (BCA) (see Appendix H of the RDEIR). ...[Their] experience suggested that a large number of projects involving historic building retrofit included substantial financial help in the form of government subsidies. As the proposed project did not include preservation of the historic La Bahia, the applicant did not apply for any governmental subsidies...."*

REQUIRED PRESERVATIONIST ELIMINATED: Why eliminate use of a required historic preservationist? FEIR comments on Appendix C amendments language {FEIR pp.2-64 to 2-65} *"...The [proposed] deleted General Plan/LCP amendment language was in reference to the B/SOL Area Plan preferred development scheme of the La Bahia site, which included preservation and construction of new components, for a 250 to 275 room hotel conference facility. A consultation with an Historic Preservationist was included in that scheme to ensure that the preserved portion of the La Bahia was restored in accordance with the applicable standards and the new construction was compatible with the preserved structure. The language was [proposed to be] removed due to the fact that the proposed project would result in a complete demolition of the historic La Bahia, with the exception of the bell tower."*

ARG GUIDELINES PRESERVED: The FEIR continues {2-65} *"The proposed amendment, however, would still require that the proposed project follow the recommendations of the Architectural Resources Group [ARG] historic report in respect to new construction."* And yet, as the "Official La Bahia Guidelines" report shows in detail, the highrise proposal is not even following those guidelines in the manner laid down by the ARG Report.

ELIMINATING HISTORIC PROTECTIONS: Again and again the EIR responses make clear the whole purpose of this project is to steal a Nationally recognized landmark from the public, and what procedures are needed to get around Historic Preservation requirements. FEIR {p.2-59}: *"The procedure for removal from the History Building Survey is identified in §2(a), which states that the City Council may amend the History Building Survey by resolution by adding...or deleting buildings or properties from the survey. This shall be done following a recommendation by the HPC...[as] listed in Section 24.12.440(c). Since the building is also designated as a Landmark, deletion...would concurrently follow the same procedure in...Section 24.12.420. In addition, Section 24.08.1012 describes procedure and Section 24.08.1014 defines findings necessary for demolition of buildings listed in the History Building Survey."* While this statement makes it look like the City Council may make a preemptive action against an NR2 National Register Landmark, the actual law states this can only follow a recommendation to do so by the HPC, with the required findings of danger, hardship, or lack of "reasonable alternatives." The HPC exists as a board of people with the expertise to deliberate on the fate of historic resources. Preemptive action, or disenfranchising the HPC from its own process, is not in the best interest of the City, nor the local state & national policies the HPC is charged with upholding.

NOT JUST ADVISORY: HPC serves the City Council as an *Advisory Commission,* but our sole duty isn't thinking how to advise the City Council (who call on us infrequently). As part of the Planning Department, we deliberate on the compatibility of alterations, restoration, or new development effecting historic resources, impacts to on-site or adjacent resources, or replacement

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projects for historic resources to be demolished. Some of these projects reach the City Council with our findings. As with other Commissions, our work is subject to Council oversight.

DISTORTING HPC POSITION: Because we were having trouble getting the developer to acknowledge the B/SOL Plan requirements mandated by the City for the site (and HPC receiving no instructions from the City that these were no longer to be considered lawful), HPC issued a position statement, only to see it excerpted in such a way as to make it look like we only had a few suggestions on how to pretty-up the highrise replacement design. The ReEIR removed the opening phrase that these were requirements in the event of demolition, and when HPC complained, the FEIR responded {p.2-45}: *"The Historic Preservation Commission (HPC) provided its position statement...[which] doesn't contain mitigation measures, rather recommendations for the design of a replacement project in the event of demolition La Bahia." (sic).* What the FEIR author fails to grasp, is THESE ARE CONDITIONS FOR AN HISTORIC DEMOLITION PERMIT, not idle suggestions that can be discarded with the landmark. The FEIR further declined to print the unedited statement in the body of the text, insisting he was within the law to merely paraphrase as he saw fit, and relegate the full text to an appendix.

NON-COMPLIANCE

FAKE CONSISTENCY: Bill Malone's letter to the ReEIR {FEIR p.2¶4} quotes the ReEIR page 4.2, which states: *"'The B/SOL Area Plan amendment also allows an increased height up to 72.5 feet tall, subject to approval of the City Council with required visual analyses and findings.'"* Malone observed: *"The original B/SOL did NOT allow these heights. The B/SOL height is being raised specifically for this project...."* The ReEIR statement leaves the impression the amendment was already made, instead of that it is the developer's proposed amendment that is yet to happen. This has been a problem in a number of instances, where the ReEIR confuses existing law for the law after it has been rewritten. In the new *Project Consistency* chart (Table 4.1.1 FEIR, p.3-4), the project claims compliance with a requirement for converting the La Bahia into condominiums (policy 2.16♦). This is the developer's proposed amendment, not existing policy (B/SOL rejected condos), and shouldn't be offered as an instance of compliance.

CONSISTENCY CLAIMS: The FIER states {§11-14}: *"The Draft EIR does not misrepresent the project as being in almost full compliance...."* However, the ReEIR states {4.1.3 ¶2}: *"City staff has preliminarily determined that, in its view, the proposed project is consistent with General Plan policies, or would be rendered consistent with implementation of mitigation measures and recommended conditions of approval."* In the 2007 chart "Project Consistency" with the Gen. Plan, LCP and B/SOL policies {4.1-1}, the ReEIR determined out of 90 instances, the highrise project was Completely Consistent in 82 instances, and Partly-Inconsistent in five. Yet B/SOL calls for rehabilitation of the La Bahia, and the ReEIR describes total-demolition-without-reconstruction as only "Partly Inconsistent" with historic preservation. The three instances of Unmitigated Significant Negative Impacts out of 48 full-or-partial consistencies sounds like the project is mostly consistent.

REVISED CONSISTENCY: However their rather dubious claims were challenged, and have been revised downward in the FEIR to 26 instances examined, of which there are 9 instances of Consistency (like 2.1.3♦ where the highrise proposal actually protects views of the ocean, 1.13♦ it's Pedestrian friendly, and 2.16♦ where they're consistent with a policy they just made-up about converting the La Bahia into condominiums), two instances of Partial-Inconsistency (like 2.1♦ *"Protect & encourage restoration and rehabilitation of historic and architecturally significant buildings and landmarks"*), and 13 instances that were Not Applicable (such as no need for Neighborhood Compatibility in 1.5♦, 1.6♦, 2.2♦, 2.5♦, 2.9♦). Yet the FEIR admits {p.2-60}: *"The proposed project was determined to be aesthetically 'out-of-character' with the surrounding area (see ReEIR Aesthetic section, pp.4-17 through 4-29)."* And in the 90 instances in B/SOL, ARG, LCP, & CEQA,

examined by the HPC, the project was inconsistent in 82, consistent-or-partly-consistent in 6, with one undetermined. (See "The Official La Bahia Guidelines.")

OFFICIALLY HISTORIC: The FEIR makes it clear it has no obligations to the Historic Beach Hill Neighborhood, on the basis it wasn't designated an Historic District (although B/SOL designated it the fifth most important historic asset of the waterfront). This concern for official historic designation is touching, since the La Bahia *is* officially sanctioned to be an NR2 National Register Landmark, hence our concern.

EXTRAORDINARY DESIGN {FEIR p.2-90}: *"Findings for the increase in height...would require that the City [declare] the proposed project...an extraordinary contribution to the aesthetic goals of the B/SOL Area Plan. ...The 'extraordinary design' language was patterned on similar language in the Downtown Recovery Plan."* While the FEIR seems to revere the B/SOL Plan when it suits their purpose, this "extraordinary design" language is not in it, and is an innovation by the developer to introduce unacceptable heights into the waterfront. Downtown Santa Cruz is a high density urban commercial center with a vertical building pattern north of Cathcart St., where in certain designated opportunity sites, additional height is allowed for housing and/or on the basis of creating landmark-quality focal points. This same concept was *never* intended for the Waterfront, whose high-density usages are none-the-less part of an unenclosed low-lying development pattern, dependent on vistas and open-space, that is not conducive to highrise construction. If the developer wants to make *"...an extraordinary contribution to the aesthetic goals of the B/SOL Area Plan,"* **why not follow the design guidelines that are in the B/SOL Plan**, rather than propose that they be changed?

CASA BLANCA COMPARISON {FEIR p.2-21 & errata p.3}: *"The tallest portion of the Casa Blanca Inn rises four stories (approximately 44 feet) above the sidewalk level."* This is deceptive, as four-stories above the Main Street sidewalk is not the same as four-stories above the ground. There is a one-story stone retaining wall before reaching ground level on the hillside bluff, where the three-story Casa Blanca historic landmark is set-back some 30-to-50 feet from the street. One-and-two story buildings line the sidewalk, so the Casa Blanca is hardly four-stories up from the sidewalk, nor has any four-story walls at all.

COMPATABLE WITH OTHER B/SOL PROJECTS {FEIR p.2-21 & errata p.3}: *"...The design...is compatible with the recently developed Spanish style residential development located on the southwest corner of Main and Second Streets (which is three-story with tower elements above)."* Three-story with tower elements and a Spanish style is what the B/SOL Plan calls for, and what the developer wants to avoid. **If he wants to be compatible with an *adjacent* B/SOL-compliant project, then follow the B/SOL Plan!**

CAN'T GAUGE NON-COMPLIANCE: The FEIR writes {p.2-90}: *"As stated on page 4-7 of the RDEIR, because the policy language found in any City's General Plan is often susceptible to varying interpretations, it is often difficult to determine whether a proposed project is consistent or inconsistent with such policies."* That is why the General Plan is supplemented with more specific Area Plans for implementing the General Plan, such as the B/SOL Plan, the B/SOL Guidelines, and the ARG Report for the La Bahia Site. They so lack ambiguity, that this developer is *quite certain* with which policies he wishes to be in non-compliance.

NO MITIGATIONS

MITIGATIONS: *"City staff has preliminarily determined that, in its view, the proposed project is consistent with General Plan policies, or would be rendered consistent with implementation of mitigation measures and recommended conditions of approval."* {ReEIR 4.1.3 ¶2}:

BELL TOWER: There has been dispute as to what the ReEIR is calling a mitigation and what the HPC calls a mitigation. HPC believes while saving the bell tower is a true mitigation {FEIR §11-19}, it is not an adequate mitigation for total demolition of the landmark. In fact, the developer told the subcommittee the tower may collapse in the process of lifting it, and they weren't sure if they would rebuilt it exactly if it was

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destroyed. They have never depicted the historic bell tower in any of their elevations, simulations, or even the new La Bahia logo they designed, it only depicts a modernized version of the tower. This then would *not* be a mitigation.

NOT REAL MITIGATIONS: When I challenged their interpretation of paperwork as a mitigation, the FEIR responded {§11-4 ¶1}: *"...Documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, is considered a mitigation measure even though IT WILL NOT MITIGATE THE EFFECTS OF DEMOLITION...."* Which is the point of my statement, this is a condition of approval, not a true mitigation of the impacts.

WON'T TOTALLY MITIGATE: In discussing alternatives to the highrise proposal, FEIR states {p.2-20}: *"Other potential alternatives which do not preserve the majority of the buildings and existing courtyards would not reduce the cultural impact to an insignificant level. For example, an alternative which would preserve the eastern portion of the building, from the tower over to Westbrook [Street], would not retain the two courtyards...[and thus] not reduce the cultural impact to an insignificant level."* If the developer won't offer mitigations unless it can totally mitigate the project, then what are Alternatives #3-&-3A? They may be *slightly* lower, but would still constitute a SIGNIFICANT UNMITIGATED NEGATIVE IMPACT.

SHADOWS {FEIR errata p.4}: *"Shadow impacts associated with...Alternative [#3-&-3A] would be reduced as compared to the proposed project...."* But only by 10-feet. This does not mitigate the impact. The shadow impacts of a B/SOL-compliant project would be nearly zero.

TREE REMOVALS: The FEIR writes *"The reference to [historic landscaping as] 'non-native plantings' was removed in the RDEIR"* {§11-65}. It seems mention of tree removal was also removed. The 1st EIR stated this was a *significant negative impact* {p.1-2}, to be mitigated with tree replacement {p.2-7}. The trees were all removed in the meantime, without known mitigations. Couple this with the introduction of nearly total hardscape. The highrise proposal *"...would increase impervious surfaces by approximately 10,000 square feet, as discussed on page 4-80 of the RDEIR"* {FEIR to Coastal Commission, p.2-26}. This sounds like nearly 95% hardscape, which beyond just managing run-off, might also need mitigations in the reduction in historic greenspace coverage.

REJECTING FEASIBLE MITIGATIONS {Barry Swenson Builder letter FEIR p.1}: *"While the City Historic Preservation Commission mitigations are set out...there must be a discussion of why 'feasible' mitigation measures are rejected."* This is an important statement, as the developer admits both that the mitigation measures are feasible, and that they are rejected.

ALTERNATIVES

HISTORIC ALTERNATIVES: If all three project impacts mainly fall on historic issues, then how can the range of alternatives intended to mitigate the impacts, not include preservation, except the Previously Proposed Project, Alternative #2? If the developer now calls their previously proposed project a poorly-designed failure, then it seems the intent is to sink all Historic Rehabilitation mitigations by lumping them into a failed project. FEIR responds {p. 2-69}: *"The City believes that the level of analysis [of alternatives] as required under CEQA is adequate and that no change is warrented."* Thus, the minimum requirements have been met to consider historic mitigations or alternatives.

CAN'T CONSIDER EVERYTHING {FEIR p.2-20}: *"...CEQA Guidelines section 15126.6(a) [states] an EIR need not consider every conceivable alternative to a project."* So the FEIR considers the developer's failed project as a precedent, claims B/SOL Plan compliance for the highrise proposal in some areas, and B/SOL Plan protection from hotel uses on the Main Lot, and claims (non-existing) Extraordinary Design status for expressing the goals of the B/SOL Plan, yet *doesn't* consider official B/SOL Plan requirements for the La Bahia site even as alternatives? The official B/SOL and National Register development scenarios are *not* "every conceivable alternative," but what are supposedly the *only* alternatives.

MORE ROOMS/LESS IMPACT?: Wittwer & Parkin LLP, dispute the EIR claim that the B/SOL Plan's two-block La Bahia of 250-to-275

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rooms would create more significant impacts than the 125-room highrise proposal, because a two-block plan would be lowrise and protect the historic structure. FEIR responds *{FEIR p.2-69} "...Greater impacts due to the project's larger size, particularly for traffic, air quality, and water supply, would likely occur."* A high-density highrise has less impact than a lowrise facility spread-out over two blocks? If 200 rooms were on the Westbrook/Cliff lot as shown in B/SOL Plan and B/SOL Guidelines, then only 50-to-75 rooms would be on the La Bahia lot, which would be the ideal density for La Bahia, and retain its park-like garden setting.

LOTS OWNED BY APPLICANT: *{FEIR p.2-69}: "Additionally, the Coastview Inn is not currently owned by the project applicant."* But the Bowling Alley & adjoining lots are, and so is the Main Lot, both proposed La Bahia hotel combination sites in the B/SOL Plan. So if the Coastview Inn is only rejected because it isn't owned by the project applicant, then the other B/SOL options on lots that *are* owned by the applicant should *not* be rejected for consideration.

FEASIBILITY OF ALTERNATIVES {FEIR p.2-15}: *"...The City Council will ultimately have to determine whether any of these alternatives is both feasible within the meaning of CEQA, and environmentally superior to the...significant unavoidable effects of the project as proposed. By including an alternative within the formal 'reasonable range' set forth in an EIR, City staff has only determined that the alternative is 'potentially feasible.' (CEQA Guidelines § 15126.6 subd.(a)." ...In the staff's view, the Demolition Rationale and other evidence already in the administrative record could support the conclusion that one or more of the alternatives in the RDEIR are economically infeasible...." [In] Sierra Club v. County of Napa (2004) 121 Ca.App.4th 1490 15-6-1509...decision-makers [were successful in] findings of infeasibility [relying] in large part on the applicant's project objectives and other evidence submitted by applicants...." {FEIR p.2-16}: "As the administrative record remained open at the time this Final EIR was published, it is premature for City Staff to try to make a definitive recommendation regarding the economic feasibility of alternatives."* So after telling us the alternatives are feasible, and none of the B/SOL & National Register alternatives are acceptable, the alternatives are only potentially feasible, and possibly economically infeasible.

FEASIBLELY INFEASIBLE: *"Another [CEQA] category [is]...'policy infeasibility.' [The City Council may] reject alternatives as 'infeasible'...[if] undesirable from a policy standpoint" {FEIR p.2-16}.* But B/SOL *is* the City Policy with which the project must be feasible. Yet rather than add an historic component to Alternative #4 in order to make it an Environmentally Superior Alternative, the FEIR states {FEIR p.2-20}*"...The Council may conclude...that Alternatives 2 and 4 are infeasible from an economic or policy standpoint, or both."* This is the best explanation as to why these alternatives were included and none of the B/SOL or National Register alternatives, as the FEIR alternatives appear to be merely straw men to be rejected as infeasible.

OFF-SITE LOTS

REJECTED ALTERNATIVES {FEIR §11-22}: *"...The applicant has proposed providing a porte-cochere (valet drop-off) accessed from Beach Street."* In the B/SOL Plan, the valet service was intended to make the mostly off-site parking easily accessible. However {FEIR §11-80}*: "the alternatives which were considered but deemed infeasible, include the off-site location (Main Beach Parking Lot), and redevelopment as recommended in the B/SOL Area Plan..."* with the Coastview Inn, or Bowling Alley site, etc.

"ILLEGAL" TO REBUILD CASA DEL REY *{FEIR p.2-69}: "Relocating the proposed [La Bahia] project to the Main Lot [where the Casa Del Rey once stood] would be inconsistent with the B/SOL Area Plan recommendations for both the La Bahia and Main Lot sites."* This is not true. The B/SOL Plan linked the La Bahia and Main Lot as one of the possible two-lot hotel scenarios, where parking, or rooms-over-parking, would be possible at the former Casa Del Rey site. It in no way excludes other proposed venues on the rest of the Main Lot. This is also National Register option #3, to rebuild most-or-all of the Casa Del Rey complex, in order to restore the La Bahia in context with its broader hotel campus. It also seems hypocritical to claim *the B/SOL Plan as inviolate* in supposedly excluding the Main Lot, but not when applied to the La Bahia lot. The

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developer's pattern of *ignoring* established guidelines, leaves no impediment now to considering hotel options at the Boardwalk's Main Lot parking area.

"SURPLUS" PARKING: Ed Davidson {letter #14} feared since B/SOL was certified, its listed parking spaces were greatly reduced and needed resurveying. FEIR responded {p.2-19}: *"The city currently has a supply of 4,211 public parking spaces in the [B/SOL] area....The existing Coastal Commission public parking requirement is 3,690 spaces [in the B/SOL area]. Therefore, there is a surplus of approximately 521 public parking spaces in the B/SOL Plan area. ...An analysis of the on-street parking demand in relation to the proposed project, would not be necessary. ...45 off-site parking spaces [can be found] within 300 [feet] of the boundary of the project site."* Public parking spaces do not include the Boardwalk's privately-owned Bowling Alley lot, its Main Lot or it's Rivermouth Lot. In fact, besides on-street parking, the only B/SOL area *Public* Parking Lots are very small ones in the Wharf-mouth area and at Depot Park. Anyone trying to find a *public* parking space during any waterfront event, knows it will be no-where near the La Bahia site, with availability often up to a half-mile from that site, either in the West Cliff neighborhood or in the Lower Downtown area. The conjuring of so-called "surplus Beachfront Public Parking" to meet the hotel's 45 space events-parking deficit, is a slight of hand trick, confusing public lots with private lots, and using the gap between required Coastal Commission public spaces and the actual number of public spaces to invent this so-called "surplus."

BOARDWALK-OWNED PARKING {FEIR p.2-19}: *"The [Boardwalk's privately owned] 'Surf Bowl' parking lot is within 300 feet of the project site; the main Boardwalk parking lot is 370-400 feet from the project site [to supply these 45 spaces]."* It's odd that these lots are now under consideration, for when asked to couple them with the hotel project as required in the B/SOL Plan, we were told no off-site spaces would be considered for rooms or parking. If this is a *change* in the developer's self-imposed limitations, then include the actual B/SOL Plan alternatives to lessen the impact of the development's mass, a great portion of which is due to insisting on all-parking-on-site.

CERTIFYING THE FEIR

The EIR is a document designed to be used against Historic interests, and as such, finding a way for HPC certify it, so we can get on with deliberating on the project itself is problematic. Does our certification mean we agree the landmark should be demolished, and replaced with a project without any reconstructed B/SOL Plan elements? The EIR is a guide to getting around our Commission's oversight. It ignored all our concerns, changing nothing, and holds a low opinion of our part in the process. Its like asking someone to strap-on a time bomb in order to protest how harmful this project is. The bomb is only designed to blow-up with you along with it, but the act of wearing it makes you an agent in the landmark's destruction.

APPROVAL EQUALS AGREEMENT? {FEIR p.4-8}: *"The public should recognize that the opinions expressed...are in no way binding on the City Council, and may be contrary to the position ultimately adopted by the City Council in the exercise of discretion."* FEIR elaborates {p.2.62}: *"...The City Council [doesn't have to agree] with each and every one of [an EIR's] conclusions [to]...certify the EIR. ...The requirement...that the document "reflects the* lead agency's *independent judgment and analysis" (CEQA Guidelines §15090, subd. (a)(3)) does not require that the document reflect the decision-making body's analysis in all respects. ...[But] that the document reflects the judgment and analysis of the agency, which...includes not only elected decision-makers but also unelected staff.... (See CEQA Guidelines §15025, subd. (a)(3).) ...Decision-makers are not bound by impact characterizations in EIRs (Pub. Resources Code, §21082.2, subd. (e)) reveals that decision-makers may differ from staff on some points while still accepting an EIR as a legally adequate information document."*

MOTION: So if certified elsewhere, HPC should make clear this EIR is not acceptable, and we approve it under protest with wording like:

"WE CERTIFY THE EIR WITH PREJUDICE, for while applicable to a single site, it creates a destabilizing precedent. It is essentially a blueprint for ending *all* non-voluntary landmark protections, providing mechanisms to subvert our Preservation Ordinances, and eliminate our ability to function as anything but a symbolic entity."

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Volume VII
CONCLUSIONS

Why project must be Rejected

Exhibit M

UNDERSTANDING HPC'S FINAL VOTE

March 4, 2009 hearing

The HPC is unanimously opposed to total demolition and delisting. A minority of two HPC members voted for the 7-story replacement project *but not the delisting,* hoping their suggested design adjustments would still allow the landmark to retain its national landmark status. However, the developer successfully convinced the majority of the Preservation Commission that ***he would not cooperate to keep the landmark's listing.*** Some Commissioners fear negotiations are useless, as the highrise proposal lacks the integrity that made La Bahia a landmark. The proposal discards its distinctive Hill-Village style, to redesign it as a single building out-of-scale with the area, featuring automotive services in place of pedestrian amenities, with deep courtyard pits, and fails to meet the City's minimum requirements for the site. Yet concern that the plan was going to be approved over HPC objections, the Commission also made a list of items that should be included in the replacement project. Discussions showed retaining the entire Beach Street facade is preferred, but the language conceded the low-wing if the rest of the facade design were kept. Yet incorporating these items would ***not*** automatically win HPC approval, ***unless*** it helped retain its landmark status. ■

SHIFTING CRITERIA AT PLANNING COMMISSION ON LA BAHIA ISSUES

FUNCTIONAL CONCERNS

Aug. 7, 2008 hearing

At the first Highrise La Bahia hearing before the Planning Commission, the commissioners showed great concern over the impracticality of the front double driveway, believing it would result in gridlock during peek traffic conditions, and be a ***circulation trap*** for cars trying to turn-in or get out. The driveways were criticized for interfering with both traffic activity and pedestrian safety. Several Planning Commissioners were not particularly enamored of the design of the proposed highrise, saying it was too cluttered in comparison to the elegant simplicity of the existing landmark. They voted to remove the room-count from the guidelines fearing it forced a number into the project that didn't exactly suit the carrying capacity of the site or the garage.

The presiding chairman tried to redirect the Planning Commissions focus by saying, "***There are plenty of reasons to reject this project,*** but our job here tonight is to ***find a reason to approve it!"*** So they recommended-only (but hadn't enough votes to approve) the 8-story version. In their subsequent discussion of which alternatives they might also recommend, Rod Quartararo and Larry Kasparowitz said they would prefer a plan with a preservation component in it, such as alternative #2 (the previously approved project) used as a starting point for a low-rise protect; alternative #4 with a preservation component added; or an as-yet unsubmitted alternative 5 featuring a preservation component. These three suggestions had at least the same number of votes as the 8-story version (though, on staff's recommendation, they were never brought to a vote). However, when Mari Tustin proposed recommending #3A as an alternative, she withdrew her proposal, saying she could see she was the lone vote in favor of it. Other commissioners explained they thought filling in the gap between the two towers and emphasizing the wall-like effect of the highrise was a worse impact than the 8-story version.

ECONOMIC CONCERNS

March 5, 2009 hearing

For the March 5, 2009 Planning hearing, I included a traffic study in my "La Bahia Non-Compliance Report Card," plus other comments specifically to respond to Planning Commissioner's stated concerns. The Planning Commission angrily asked staff why this

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submission was not in their packet, and were told "staff felt it was over 100 pages and mostly Historic Preservation issues" {see LB Report III-1 to VII-10}. While HPC never expected the Planning Commission to reject the proposed Highrise (given the statement they must find a reason to approve it), I felt it was important that more than just the developer's views be available to them, because the Planning Commission has been helpful in the past in addressing some HPC concerns in their recommendations to City Council.

The focus of the March 5, Planning hearing was on the economic importance of the Highrise La Bahia to the City in these desperate times, forgetting entirely their former objections concerning traffic, or the least popular Alternative #3A. Some spoke of the charm and elegance of the existing landmark and the courtyard's natural lighting, hoping those qualities would somehow make it into the new project (over the HPC's majority belief that they would not). "The design certainly isn't perfect, and could use improvements to be more visually cohesive," the chairman said, "but I think this is the best we're going to get, and some people will never be satisfied." (Assuming HPC can't be satisfied is just an excuse not to try.) In their unanimous approval of #3A, the Planning Commission did recommend that *if* several suggestions offered by the HPC *didn't interfere in the project's functions* they should be allowed, and conditioned their approval to having the developer work with a subcommittee of one HPC, Planning, & Council member to fine-tune any details that don't eliminate the highrise, courtyard pits, or driveway, plus hire the city-required Preservation Expert to advise on the project *after* the building is condemned and delisted. This seemed more like window dressing, carrying no force of law, and in fact ***abusing the intent of landmark protections by having policies masquerade as mitigations at the point they can no longer serve a purpose in restoration or reconstruction, and merely give the* appearance *of compliance with City policies.***

AESTHETIC CONCERNS

Aug. 6, 2009

COMPARISON: However five months later, when not under pressure from City Hall to "find a reason to approve" a hotel project, the same Planning Commission *unanimously rejected* a proposed new hotel on the freeway at the west entrance to town. The Developer thought he had met all the city's requirements and style guidelines. But the Planning Commission said they were concerned the 3-story, 50-foot tall freeway hotel would impact resident's views, and wouldn't fit into the adjoining hillside neighborhood. Planning Commissioner Scott Daly complained it was just a big stucco box, and that the developer was uncooperative by not redesigning the structure. {SC Sentinel, Aug. 7, 2009, pB1}.

This is surprising, since in the La Bahia debate, HPC had been told that we were standing in the way of the city gaining ***urgently needed tax revenues*** for the City's financial crisis. Yet the Westside hotel is a project that could be built within a year-or-so, while the La Bahia is a project that might not be finished until 2018 (given its five year expanded building period, plus a year extension on all building projects impacted by the recession, plus a year before final design approval to let the new subcommittee hash out their issues, all after a year to get on the Coastal Commission agenda). The Planning Commission now regards a 50-foot-tall 3-story Westside hotel on a bluff to be a neighborhood impact, while approving an 80-foot-tall 6-stories La Bahia highrise was "mitigated to a less-than-significant impact on the neighborhood." The Planning Commission regards the Westside hotel developer who followed City Guidelines to be "uncooperative," while the La Bahia developer who wants all the laws changed just for him without meeting HPC even half-way, to be "cooperative." The Planning Commission regards a 3-story stucco box unattractive in the Westside development, but a six-story highrise stucco-box a good design in the La Bahia. *(HPC is not involved in the Westside hotel project. But note that the Planning Commission's comments on the Westside hotel echoed the concerns HPC presented to the Planning Commission concerning the La Bahia project's non-compliance.)* ■

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WHAT IS THE DEVELOPER TELLING US?

THE LANDMARK CAN BE SAVED

At the Aug. 7, 2008 Planning Commission meeting, the developer said he knew the HPC was "unhappy that the landmark *couldn't* be saved." However at the hearing 8 days earlier on July 30th, he told the HPC he wanted to make clear that the he'd never suggested that the landmark *couldn't* be saved (referring to his approved 2003 restoration project), but that **"the partners" had decided a landmark hotel wouldn't be as successful as a modern hotel.**

Likewise, at the Aug. 7, 2008 meeting, Planning Commissioners questioned why the previous project had failed, with Rod Quatararo and David Foster saying the developer had told them it was back-of-house issues, and things mostly on the operational end. BSB responded that this was true, but also cited the expense of "preservation" (though never mentioning the inexpense of historic reconstruction), and left the impression with Planning and HPC that their operators had objected and backed out of the deal.

Far from clearing up the issue, the Planning Commissioners returned to this subject at their March 5, 2009 meeting, saying the approved restoration project failed because BSB couldn't convince operators to run a landmark hotel. But Jesse Nickell responded that *operators are easy to get,* because they skim the cream off a project. **He said it was Barry Swenson Builders and the Seaside Company that decided not to go ahead with the project.**

This is evidence that the Landmark can be saved, and the preservation project didn't fail but was killed by the developer.

CONDEMNATION RATIONALE WRONG

The developer said Biggs Cardosa Associates (BCA) studied the landmark, and concluded that insurance requirements for *Condominiums* would require upgrades –not to the lenient historic building code– but to the more stringent modern building code, to avoid the lawsuits common in Condominium sales; and also said "most historic retrofits...often need government subsidies." {BCA report as rewritten in the staff report, HPC Agenda 3/4/09, p.1-5}. The developer presented this as the reason Preservation was considered "not cost-effective" and therefore not possible. Yet if *"most historic retrofits"* are not cost effective, then it appears they're saying most historic buildings that need retrofitting cannot be restored. And if Condominium standards cannot be applied to historic buildings, then the city policy was right to forbid Condominium conversion for the La Bahia *except in the case it furthered restoration.* (Biggs Cardosa didn't mention "Condominiums," their actual words were "...a for sale residential building...is considered...at a high risk for future litigation," {BCA Nov. 2007, p.5¶6, EIR appendix H}, while the developer has insisted a 45-day limit Condo-share hotel is *not* residential {Planning hearing 3/5/09}, thus are having it both ways by legally defining it as a Condominium.)

Further, while this assesses a landmark against modern buildings standards (in order to function as a Condominium) this is not a rationale for demolition, as this list of problems were represented as being *solved or solvable* by BSB in their approved 2003 restoration project. One can't simply say it needs a new foundation, earthquake retrofits, and repair of possible termite and dryrot damage, because even modern buildings built in the last 40 years along the coast are subject to this combination of problems *without* requiring total demolition. The developer cites the removal of an elevated walkway as evidence of the landmark's deterioration, forgetting that the walkway was *a modern addition* built in the mid-1960s, and wasn't part of the historic landmark! If this landmark were structurally beyond saving and beyond modern code compliance, *it would not be occupied today as a modern functioning apartment complex charging around $1200 a unit.*

CONDO-SHARE FORMAT PROBLEMATIC

In 1997-98, the B/SOL planning group called for converting the La Bahia into a hotel, and specifically rejected condominium conversion, except as a last resort to serve *as a tool for*

restoring the La Bahia. In 2002, the developer originally told the HPC that the La Bahia Restoration would use a Condominium Subdivision but without permanent residency, run as a *45-day-limit* Timeshare-like hotel, but with only a single owner of each Condominium unit. But after the project was approved in 2003, the developer abandoned restoration in 2006, proposing a modern Highrise La Bahia instead. Their "Demolition Rationale" letter, stating "...the current structures cannot facilitate our project goals for the development of the property...[as] a condominium...concept is impossible if [we] restore and renovate the old buildings." {ReEIR Appendix G, 2/24/06, 3/31/08}. The developer said he couldn't make the Condo-Share Hotel concept work on a restoration project, because Condominiums are subject to such a high likelihood of lawsuits, their insurance requires building to the modern building code (though not in itself a bar to restoration). But the developer felt restoration was too much bother, and the landmark's *individuality of rooms types* defied the uniform room standardization required in the Condo-Share market.

However, a Condo format that doesn't benefit restoration is not allowed under the B/SOL guidelines, and policy language must be changed to permit Condominiums *without* saving the landmark {HPC Agenda 3/4/09; appearing in 4/14/09 City Council Resolution No. NS-28,038, p.3¶5}. When pointing out recently that the Condominium and Time-Share markets were both utterly dead in this economy and the least desirable realty investment, the developer reiterated that his Condo-Share Hotel was not a Time Share {Planning hearing, 3/5/09}. Yet speculators over-built condominiums for an investment boom that went bust, leaving the industry in a "death spiral" of bankrupt builders with unsold condos {SC Sentinel, 3/21/09 p.B1}. Even Donald Trump's Pacific coastal resort condominium plan just south of the border died before being built, leaving a giant pit in the ground, and investors with little hope of recovering their money {Sentinel, 3/7/09 p.A4}.

Likewise, Santa Cruz developers announced abandoning their approved Condominium plans: "I won't even touch a condo project," said Michael Bethke of Slatter Construction {Sentinel 1/29/09 p.A1}. Completed "highly desirable" condos face problems too: such as the new Westlake condo-townhouse project near UCSC that developer Bill Brooks says won't make money, giving investors only 75¢ on the dollar {Sentinel 1/29/09 p.A1}; or the Luxury Condominiums near the downtown clock tower, facing lawsuits by its contractors who want to be paid {SC Sentinel, 3/7/09 p.A1}. Neighbors said the downtown facility must pay to heat the entire empty complex to get heat to the dozen occupied condos, which isn't the "green solutions" one expected. This nearly-empty condo complex has put on hold construction of an approved 7-story condo-highrise a block away. Condos will be harder to sell or invest in, due to recent condo-loans that can't be obtained until 70% of a facility's newly-constructed units are sold or under contract {Sentinel, 3/21/09 p.B1}. This is to prevent the failure of highrises, even in prime New York locations, to find tenants. {Sentinel, 5/21/09 p.A9]. BSB said their Highrise La Bahia doesn't have to be operated as a Condo-Share Hotel, but added they want the option there to appeal to operators, ***in case the hotel needs to be sold-off room-by-room to rescue the project*** {Planning hearing, 3/5/09}.

MAINTAINING ARCHITECTURAL INTEGRITY

If only the developer were as concerned with rescuing the landmark. The developer keeps citing his preservation credentials like a kid saying "I've been good up to now!", as if he's done enough preservation to let him demolish-and-delist a National Register-quality landmark over the objects of *all* Preservation groups. The loss of historic resources is not forbidden, but the policies and guidelines are directed to make sure the replacement project is of *equal or greater integrity than the landmark.* Because the HPC must follow the highly specific National Standards in identifying what gives a structure the integrity of a landmark, it is also *qualified and required* to judge (even in only an advisory capacity) whether the replacement project lives up to that level of integrity. Likewise, city General Plan policies have prefaced their guidelines by recalling the tremendous loss of landmarks in the 1989 Quake, and urging preservation of as many of the remaining landmarks as possible {DRP p.24¶5}. It mades clear that the La Bahia was not only one of the most important surviving landmarks that needed to be saved {B/SOL Plan pp.130, 287}, but **La Bahia is the *third most important economic asset on the waterfront*** after the wharf and

boardwalk {B/SOL Plan, pp.286-287}.

While the developer acknowledges the Highrise must be delisted for not retaining its architectural integrity, he also thinks his Highrise Concept can be rescued with the right kind of facade wallpapering, and believes his staff of in-house amateur architects (at least in this rare Hill-Village style) will produce a new "landmark" he thinks is better than what a visionary like William Hays produced. Yet Hays created deliberately crafted vistas of the landmark from every angle, while BSB has produced a chaos of details that lack interrelationship or coherence when viewed as a whole {HPC comments, 7/30/08 & 3/4/09 hearings, & Planning comments 8/7/08 & 3/5/09}. Hays' design grew out of the hillside topography, while BSB is forcing flatland architecture onto a hillside setting {LB Report, V-10}. Hays produced optimal lighting effects in a lush garden environment, while BSB designed a largely hardscaped facility, with its courtyards shadowed in the afternoon hours, contrary to City policies aimed at optimal solar access in the hours of peek daytime business activity, requiring a minimum of 20-feet of sun on walks at the base of west-facing facades between 11 AM & 1 PM {DRP p.50¶c}.

CAN BUT WON'T

Just the money BSB has wasted on plans for a non-compliant La Bahia, could have at least spruced-up the existing landmark into a bed-and-breakfast resort years ago. The La Bahia was well built by a master architect, and is currently occupied. A restored landmark was the stated BSB Phase 1 goal of their approved 2003 project, saying they wanted *something up and running* if-or-until they finalized the rear addition as Phase 2. But the developer confessed he's squeezed as many rooms as he could into the current La Bahia highrise proposal, and made the building as tall as he could get away with {Planning hearing 3/5/09; Subcommittee meetings 2006}.

Bill Brooks successfully utilized the La Bahia massing and style as the inspiration for his new Beach Hill Apartments at Second and Main Street, providing another example BSB architects have failed to emulate in their proposed highrise. In 2006, Capitola's *Rispin Mansion* (by George McCrea, architect of La Bahia's neighboring *Casa Blanca* landmark), was offered as another example of a rambling hillside massing, to inspire the developer to produce a more articulated La Bahia-type layout {LB Report p.II-47}. Oddly, the same firm of Barry Swenson Builder is restoring the Rispin Mansion into a bed-and-breakfast, without subjecting it to the radical overbuilding of the La Bahia, *proof they know how to do it right with the La Bahia, but won't.* (Update: The Rispin Mansion burned in 2010).

DESTROYING ALL LANDMARK PROTECTIONS

Due process has been thrown out the window, and HPC has watched with alarm as City government was turned over to one developer, who alone has overturned City procedures, rewritten numerous hard-won policies, and pretended his newly invented regulations override all existing policies and procedures. It's easy to comply with the law if you wrote the law yourself. In the past, the HPC has given this developer the benefit of the doubt, and offered far-greater flexibility in his projects than other developers. Yet the developer now feels this project is so personally lucrative he can risk damaging his credibility with the HPC, partly because he won't need the HPC hereafter in his efforts to destroy this Commission's ability to enforce any of the City's preservation policies.

The General Plan is being reduced to a *"Potemkin Village,"* a stage set designed to look like we have safeguards and protections until the HPC attempts to enforce them. Under the BSB Strategy (which will become precedent for other developers if it succeeds), General Plan policies only apply until a developer decides they don't apply. The way to demolish a National Register-quality landmark, is for a developer to decide it's inconvenient to save the landmark, which he believes leaves the HPC with no jurisdiction because the landmark in his eyes is as-good-as-gone. The sleazy EIR could only be "approved with prejudice" by the HPC, because it is an unprecedented tool for dismantling all preservation efforts in the City. (If HPC refused to certify the EIR, the Commission couldn't vote to oppose the project; and the EIR authors refused to make changes based on HPC recommendations). ■

Exhibit M

HPC meeting, July 30, 2008

PROPOSED LANGUAGE FOR DENYING THE LA BAHIA HIGHRISE PROPOSAL

FINDINGS

WE DENY THE PROJECT, and make the following recommendations:

WE CERTIFY THE EIR WITH PREJUDICE, for while applicable to a single site, it creates a destabilizing precedent. It is essentially a blueprint for ending *all* non-voluntary landmark protections, providing mechanisms to subvert our Preservation Ordinances, and eliminate our ability to function as anything but a symbolic entity.

WE RECOMMEND AGAINST changing the policies and guidelines embodied in the General Plan/Local Coastal Plan and zoning amendments, because we believe in those policies, and have not been convinced these changes honor the spirit of the guidelines. They would instead be a disastrous precedent for non-compliant projects to overcome established policies and guidelines of any kind, and resist compatibility with historic resources, neighboring sites, and protected vistas.

WE DO NOT APPROVE an Historic Demolition Permit, which is only issued when an appropriate replacement project has been approved; and therefore

WE DO NOT APPROVE delisting of this NR2 National Register Landmark.

WE RECOMMEND AGAINST approval of the Highrise La Bahia Plan, which would demolish a protected NR2 National Register landmark and Signature Landmark of the waterfront, providing no meaningful mitigations, and produce a replacement project that is a gross distortion of the landmark's documented integrity, fully out of compliance with the B/SOL Plan and other guidelines and policies. The Highrise Project would create *significant unmitigated negative impacts* on the Historic Beach Hill Neighborhood, which is a listed economic asset that requires compatibility. And it would destroy the documented relationship between major historic landmarks along the waterfront, and the protected view corridors of which they are a part. Alternatives 3 & 3A do not mitigate the Significant Negative Impacts on the La Bahia, the Historic Neighborhood, the relationship of major waterfront landmarks, and the protected view corridor of which they are a part. Alternative 4 has no historic component, and would retain this project's long list of non-compliance with the B/SOL Plan and other guidelines and policies. Alternative 2 mitigates height and historic issues, but is only a starting point, as our previous approval included conditions the project resolve B/SOL Plan compliance issues. Our preference has always been the three National Register alternatives, as well as the B/SOL Plan alternatives, which is City and Federal policy, whether-or-not this developer or EIR considers them as alternatives.

Exhibit M

HPC CRITERIA

CEQA: The chief significant negative impacts of the proposed Highrise Project are the proposed loss of a protected NR2 National Register Landmark (impact 4.2.2), the disruption of the relationship between the waterfront's designated Signature Landmarks (impact. 4.2-1) and the excessive height & scale impacts on an Historic Neighborhood (impact 4.2-2). All these are major negative impacts on designated important Historic Resources, with the Historic Preservation Commission the one responsible agency empowered to oversee historic issues. HPC must exercise its expertise on the subject, so that the City Council may have the most informed opinion possible on a matters pertaining to Historic Preservation issues. CEQA requires that in a replacement project with one-or-more significant negative impacts, it must be determined if these impacts are appropriately mitigated, which fall within the jurisdiction and responsibility of our Commission. **{Public Resources Code §21081, sections 21001, 21002 & 21002.1}.**

B/SOL: To evaluate this project, the City Council hired consultants to designate the La Bahia an NR2 National Register-Eligible landmark, and then to set down guidelines consistent with the Secretary of the Interior Standards for Historic Preservation, by which to assure the La Bahia's architectural integrity is protected in developing the site for a hotel. With so many landmarks demolished after the 1989 earthquake, the City Council designated in the B/SOL Plan that La Bahia would be saved as a Signature Landmark and centerpiece of a waterfront revival. The long, painful Beach/South of Laurel planning process was designed to create community consensus, and help future developers avoid reopening the conflicts and disparities that were settled in the B/SOL Plan, which is part of the General Plan and Local Coastal Plan.

SPOT DEVELOPMENT: HPC believes strongly in the criteria the City Council ordered be developed to evaluate projects planned on the La Bahia site. No alternate nor lesser criteria has ever been established to legally review this project in a different light. Changing a law for spot development must be proportional to the mitigations offered to satisfy CEQA standards on negative impacts. Changing up to ten sets of guidelines and policies for an *unmitigated* project amounts to nothing more than ignoring all established laws and significant negative impacts on the landmark and the neighborhood, for one developer and not another.

DUE DILLIGENCE: HPC has done its due diligence, providing free advice and reports to assist the project's development, forming a subcommittee to work directly with the developer to show what would and would-not satisfy the legal requirements for the site, and even providing advice on minimal levels of compliance. When this produced little results, the HPC even issued a position statement to guide the process towards compliance with the B/SOL Plan and ARG Report. HPC demonstrated sincerity and flexibility towards producing a successful project. Any project that meets HPC's standards has in the past been successful at the Planning Commission, City Council, and Coastal Commission, because of our adherence to the B/SOL Plan/General Plan and Local Coastal Plan. HPC already approved the developer's 2003 plan for the site. HPC's lack of progress with the developer this time, seems based on the developer's impression that citing "over-riding economic benefit" will avoid most compatibility issues. This is why the developer wants to *remove* General Plan/Local Coastal Plan requirements the City negotiate a development agreement, the developer work with a preservationist, and conform to the City's design review process **{ReEIR Appendix C¶5-6}.** Yet pursuing a non-complying project has seriously set-back the timely approval of a project on the La Bahia site.

Exhibit M

DELIBERATIONS

LOSS OF LANDMARK: Out of 88 B/SOL, ARG & LCP instances examined for the La Bahia, the highrise proposal showed 81 points of non-compliance, 6 of compliance/partial compliance, and 1 undetermined. The developer designed his own project programing against HPC advice, to be at odds with the requirements of the B/SOL Plan. This produced a project of such massive non-compliance and lack of appropriate mitigations, that by their own admission, the La Bahia would have to be stricken from the historic inventory for lacking the integrity of any of the numerous features that made this a National Register-Eligible Landmark (except for the tower). A structure of National Register caliber recommended in the General Plan to be renovated as a landmark hotel through preservation/reconstruction, are not conditions subject to a third option of delisting in any official documents

IMPACT ON HISTORIC NEIGHBORHOOD: While moving some of the mass of new construction away from the La Bahia's historic Beach Street wings is a good idea; the concept loses its validity when the historic La Bahia structures are all demolished and delisted, and the set-back mass is turned into seven and eight story skyscrapers. The height is three-to-four stories above the *tallest* First Street structures, which are part of an historic neighborhood. The waterfront's five most important historic economic assets are 1. Boardwalk Attractions, 2. the Wharf, *3. the La Bahia,* 4. the Depot, and *5. the Historic Beach Hill Neighborhood.* We should not encourage a project that eliminates the third most important waterfront feature, and significantly impacts the fifth. This violates CEQA ruling against impacts on historic resources **{CEQA Guidelines section 15064.5 [a], Re-EIR pp.4-20, 4-29}.**

RELATIONSHIP OF SIGNATURE LANDMARKS: The third significant unmitigated negative impact of the highrise proposal, is the altering of designated view areas, which disrupts the relationship between the three signature landmarks that define the Waterfront. (Impact 4.2–1). These landmarks are the La Bahia, it's neighboring Casa Blanca, which has a similar Hill Village massing as the La Bahia, and the iconic Boardwalk Casino. To make a highrise La Bahia the most dominant structure on the waterfront –and no longer comparable to its companion Casa Blanca, and taller than the Casino-- violates Local Coastal Plan guidelines **{LCP policy 6.2.3 b. pp.6-14, 6-3, 6-4; B/SOL Guidelines III-34}.**

NON-COMPLIANCE: The impacts of the highrise project are not just to the landmark, an historic neighborhood, and protected vistas, but also to ten established policy documents and guidelines. **1.** Must be deleted from Santa Cruz Historic Building Survey for non-compliance of replacement project with established replacement requirements; **2.** Requires changing the General Plan to allow a project the DEIR deemed "...inconsistent with historic preservation policies **{DEIR p.2-1}**; **3.** In non-compliance with HPC Position Statement; **4.** In non-compliance with the B/SOL Area Plan; **5.** In non-compliance with the ARG Report; **6.** In non-compliance with the B/SOL Guidelines; **7.** In non-compliance with the Federal "Secretary of the Interior's Standards" for an NR2 National Register-Eligible Landmark; **8.** In non-compliance with the Local Coastal Program plan (LCP) concerning protected vistas, natural and man-made features, compatibility with the surrounding area, bluff construction and avoiding "out-of-scale buildings;" **9.** In non-compliance with CEQA standards to avoid impacts to on-site and adjacent historic resources; **10.** In non-compliance with site zoning. (See "The Official La Bahia Guidelines" appended for 81 out of 88 specific instances of non-compliance with site guidelines). ***The laws are to create COMPATIBILITY with the existing setting.***

Exhibit M

LAWS: When a project proposes disregarding ten sets of requirements for a single lot, it makes a mockery of the laws for an elite exempted from following them. The developer claims surrounding properties *would* be compatible by building higher, thus predicting the project will trigger similar highrise development just to compensate for the inequities in scale, which is a consequence of corrupting the standards. The EIR states these privileges are for this site alone, but concedes other may choose to follow a similar procedure to gain privileges that do not currently comply with existing laws. Yet even if this project can rid the B/SOL Plan of many of its guidelines, those guidelines that are a part of the underlying Local Coastal Program template still remain active through a different jurisdiction. Even if you *can* change most of the laws on this site, it doesn't change the impacts, and the CEQA requirements for mitigation.

UNMITIGATED: Self-imposed "hardships" are not legitimate reasons to demolish a National Register-status landmark, and impose unmitigated significant negative impacts. Pursuant to CEQA policy {**sections 21001 & 21002.1**}: The impacts are obviously not satisfactorily mitigated nor appropriately mitigated, or the height would comply with neighborhood transitions and height limits, and the landmark would not be demolished, nor the replacement treated in a way that it cannot retain its Landmark Listing. Including a satisfactory historic element in the project as outlined in the B/SOL Plan is in no way infeasible, either. The HPC Position Statement outlines the minimum elements needed to satisfy these requirements.

OVERRIDING BENEFITS: The purpose of the phrase "over-riding economic benefit" is not meant to automatically dismiss all laws for *any* project with a public benefit. *Equality under the law* is the reason for the law in the first place. The phrase is qualified in CEQA that it can be invoked *only if there are no reasonable alternatives.* In the case of the La Bahia, you can't just prove an historic building is old and has been poorly maintained, otherwise *no* historic building could *ever* be saved. You can't just prove it would be cheaper to build a modern structure, because under the National Register, preservation is coupled with reconstruction, and if most of the building cannot be saved, then most of the building *can* be reconstructed and still retain its landmark status. You can't just prove a modern project would be a public benefit, if the same project in a rehabilitated landmark would *also* be a public benefit, because the rehabilitated version has the additional public benefit of *not losing* a Nationally designated Signature Landmark and "economic asset" for the waterfront, which is the *environmentally superior alternative* offering the least damage to the natural landscape, and the least impacts on adjacent historic landmarks and historic neighborhoods.

ALTERNATIVES: The developer previously offered such a project, which the EIR still regards as perfectly realistic as EIR Alternative #2. (It is illegal to offer alternatives that are not realistic, just to manipulate the process into only being able to chose the proposed project). Just because the EIR deliberately excludes <u>six *official* alternatives involving landmark rehabilitation</u>, doesn't mean those alternatives no longer exist, but rather that the developer and EIR authors were deficient in having no Historic Rehabilitation Expert explore rehabilitation. This is not a mere oversight, because the Gen. Plan/LCP describes this as a project to rehabilitate the landmark and hire a preservationist. This is an intent to seek total exemption from the preexisting realities of this site, and produce a project with less public benefit than any of the rehabilitation scenarios, which lack the *numerous significant unmitigated negative impacts* of the highrise proposal.

MAINTENANCE: The developer is under the mistaken assumption that "intent to demolish" frees him from appropriate maintenance of an NR2 National Landmark. Lack of maintenance is not a legitimate excuse to demolish the landmark, so much as it is evidence of the owners neglect. We urge, as we have been, proper maintenance and upkeep of this facility.

Exhibit M

ZONING/PERMIT PROCESSING
831/420-5100 • FAX 831/420-5101
INSPECTION SERVICES
831/420-5120 • FAX 831/420-5101

COMPREHENSIVE PLANNING,
HOUSING AND
COMMUNITY DEVELOPMENT
831/420-6250 • FAX 831/420-6458

809 Center Street • Room 206 • Santa Cruz, CA 95060 • cityplan@ci.santa-cruz.ca.us
GREG LARSON, PLANNING DIRECTOR

August 9, 2006

Santa Cruz Seaside Company
400 Beach Street
Santa Cruz, CA 95060

SUBJECT: REPAINTING OF LA BAHIA BUILDING, 215 BEACH STREET

Dear Seaside Company:

Our Commission, though hesitant, feels compelled to write this letter concerning stewardship of the beachfront La Bahia building. We have noticed with great concern the increasingly poor condition of the building over the years since the 1998 Beach Area Plan was adopted. We realize Barry Swenson Builders and the Seaside Company obtained approval for the rehabilitation of the building and construction of a larger hotel behind it. Further, we realize your partnership has a current application pending which involves demolition of the historic hotel and construction of a new hotel in the Spanish Mediterranean style. The City Council will make the final decision on that application after review and recommendation by the Planning and Historic Commission.

With that being said, the building badly needs a new paint job. The existing paint is faded and peeling and this condition presents an image of deterioration to building tenants, City residents and beach visitors. A new paint job will greatly improve the area the same way such improvements help other "down on their luck" streets. The new image will help the beach area and most likely last three years or more even if new construction takes place. Please respond to this letter within 15 days.

Sincerely,

Gerald Greenleaf, Chair
Historic Preservation Commission

Attachments: June 2006 Photographs of Building

P:_Public\0staffmembers\DONL\letters\2006\La Bahia Paint HPC 8-06.doc

Exhibit M

THE DEVELOPER AND CITY GOVERNMENT

Issues Raised at City Council Hearing
March 31, 2009

CITY POLICY: HPC unanimously opposes demolition and delisting, and rejected the replacement project. Some are saying HPC has an anti-business agenda foreign to city policy, when in fact ***we're the only City body as yet actually following City policy to promote the economics of landmark tourism.***

GOOD PROJECTS: The Historic Preservation Commission, Barry Swenson Builder (BSB), and the Seaside Company are decent, highly professional bodies who have always stated our sometimes passionate opposing views with civility and courtesy. HPC offered to advocate for Swenson if they followed policy requirements, but they declined. I warned them that if these policy issues were not resolved prior to the release of the EIR, I would pull no punches defending the requirements in public hearings, and treat them as any other developer hostile to preservation. At our hearing {7/30/08}, they bluntly turned down our chairman's pleas for even sub-minimal compliance, regarding us as irrelevant. So while the Swenson company chose this hardball approach --even stating they're not surprised at HPC's reactions-- their Civic Auditorium testimony showed hurt feelings. I'm friends with members of the Swenson and Seaside companies, having worked well with them in the past, and gladly supported many of their works (whether involved in those projects or not). The Swenson Company can justly boast about many of its preservation accomplishments, and I will continue to support them whenever they decide to ***return*** to restoration/reconstruction projects.

BAD PROJECTS: However, they've also created bad projects. After the 1989 quake, "A Pattern Language" author Christopher Alexander, ***professor at the school founded by La Bahia architect William Hays,*** said Swenson's "Galleria" (Front & Cooper junction) was the kind of looney modern-hybred historicism he feared would be repeated all along the heavily damaged Downtown Historic District, if guidelines weren't created. The 1991 Downtown Design Guidelines sought to avoid the Galleria's mistakes. As the example to avoid, the Swenson Company rallied to reverse that reputation locally by reconstructing parts of the St. George Hotel to its 3-story profile, helping HPC's quest to preserve the Del Mar Theater, and other projects. At the Civic hearing, Corbett Wright mentioned that his ***high-end hotel in the Swenson-restored Lynch Mansion has the "highest average daily rate and highest occupancy rate than any hotel in Santa Cruz County"*** from the moment it opened. (This was supposed to prove a Swenson project will succeed, but instead proved that ***a B/SOL-complying landmark-restoration project will succeed wildly without going up 7-stories, even with direct ocean views blocked by the Dream Inn!)*** Thus, while the suddenly short-sighted Swenson Company is looking less-and-less like the right developers for the La Bahia project, it's not because HPC opposes the Swenson Company, but because we know they are capable of doing things right, and should be required to live up to their own potential and higher standards.

BAD CONCEPT: In this case, the Swenson Company is not merely the developers of the La Bahia but actually "partners" with the Seaside Company owners. Thus their perspective on what's right for the landmark and within legal requirements, has been overtake by their speculation of *what's possible if the landmark and height limits* ***weren't there?*** The trouble with this approach, is they've fallen in love with a concept and not a design, and trying to squeeze their ballooning concept into the too-small jacket of requirements would be comic, if City leaders weren't actually telling them the tight fit is possible.

Exhibit M

BEGGERS: In the past, City leaders tend to assume a beggar's role with big developers, trying to exempt them from requirements all other property owners must follow, as if Santa Cruz has nothing else to offer as a setting, popular brand, or dependable tourist draw. In the Hilton highrise Lighthouse Field project (1972) and the Coast Hotel *[Dream Inn]* replacement project (2005), etc., developers were allowed to sabotage potentially successful projects with some glaring non-compliant element(s), yet claiming compliance through legal contortions. The inability to successfully shepherd major hotel projects through the process, gets blamed on the Santa Cruz public, whose calls to abide by our own guidelines is mischaracterized as "this town is good at killing projects," and "Santa Cruz is bad for business." The truth is, the Marriott Hotel followed the guidelines, was improved by the process, and was approved without controversy. Using the controversial Dream Inn as a ***model*** for a new hotel, as the developer and his Dream Inn consultant has done, is one more backward step away from the values our city is known for: pedestrian-oriented designs in harmony with the natural landscape. These over-reaching projects have been allowed to waste our time for decades, when ***simply following the guidelines would have given us a decent hotel and conference center 37-years ago.***

HEIGHT: The developer added only 7-units to the approved lowrise 118-unit project, yet has gone up 7-stories to do it. While setting the mass back from Beach Street is a good idea required in B/SOL, towering above the landmark is against local and national guidelines. The EIR now thinks reducing the skyscraper one-story to the above-street size of the Dream Inn's West Cliff facade (62-feet), makes it blend into the landscape (if judged from a mile away), thereby no longer an impact on the Beach Hill scale. This contradicts the EIR's own alternatives statement that removing one story ***would not eliminate the significant unmitigated negative impact*** of the height on the setting or nearby landmarks. Since the EIR authors have refused to make any changes based on HPC concerns, all we could do is approve the EIR with prejudice.

CARS: Height aside, it is accommodations for the front double-driveway that requires landmark delisting. The developer has made a false issue out of the so-called absence of a "front entrance" to the La Bahia. In the first place, the entrance ***is*** in front, directly under the tower, and is obvious at first glance. But the developer's anti-pedestrian concept only counts the *automobile entrance,* and has rearranged the same number of rooms in the historic section into dark 3-story pits to accommodate a double driveway, contrary to B/SOL-Local Coastal guidelines. Not only is this the wrong way to provide for on-site motor vehicles under the guidelines, the B/SOL plan calls for the majority of La Bahia valet parking to be off-site, which in itself would drop the height of the buildings by two floors. And contrary to the developer's claim, ***the automobile entrance is already on Beach Street,*** since the one-block Westbrook Street once only served the La Bahia, with the apartments on its west side and La Bahia parking on its east side (now the Coastview Inn motel). By ***not*** sacrificing a pedestrian-oriented courtyard to redundant automobile service, the same number of rooms in the historic section can remain in their low-rise William Hays configuration, ***and the landmark can retain its historic listing.*** This could even happen with a large on-site parking component, which would not be "hard to find" (as the developer thinks) if the Westbrook signpost included a "La Bahia Parking" sign (as it originally did), or if *an iron La Bahia entry arch were place over Westbrook Street.* No one's confused about the well-marked rear parking at the neighboring Casa Blanca off Main Street, so why destroy pedestrian amenities for a temporary drop-off point? ■

Exhibit M

CITY COUNCIL HEARING AT THE CIVIC
March 31, 2009

SUPPORTERS: In my discussions with the project's supporters, we found we shared the exact same goals for the site and impatience to restore the historic convention industry, which was once a sustaining basis of the Santa Cruz economy, and around which much of our visitor infrastructure was fashioned. I couldn't find anyone who disliked the landmark (beyond its condition), and most would have supported a preservation project with the same benefits, though I was informed since the developer was risking his money, he obviously knew what was best for us financially. My reference to the "highrise plan" drew a correction, since the developer termed the project "only four stories above underground parking" (instead of 6-to-7 stories high as he originally called it in the EIR). Other Swenson supporters wanted the Miami Beach look, thinking the arrangement of the waterfront is wasted in its lowrise configuration.

DELAYS: Most supporters expressed their frustration for the amount of time the project's taken to plan, though seeming to blame the City for not approving it (when in fact the City approved it in 2003), thinking the developer has been delayed by City officials piling-on demands which the developer has been bravely accommodating. But it's the developer who is to blame for the delays, resisting constant demands to follow City requirements and guidelines, killing the approved project in 2005, withdrawing the first EIR because the project was in such non-compliance it was embarrassing, needing two more EIR revisions to even appear in compliance, then finally abandoning the 8-story double skyscraper version when they found only luke-warm City support, substituting a 7-story skyscraper-wall as a supposed "compromise." And it was the Seaside Company owner who closed the waterfront's first class Casa Del Rey/La Bahia Hotel, turning the hotel into a retirement home, while the La Bahia was sold to become luxury apartments. It was the Seaside Company who bought La Bahia back and turned it into employee housing for 25 years, and demolished the Casa Del Rey (and perhaps now also the La Bahia).

WHO IS THE PUBLIC?: The hearing where the City Council and Developer wanted to "solicit public input," was held in the Civic Auditorium to accommodate the larger crowds. The staff and developer's introduction was an-hour-and-a-half, and oddly Swenson employees and project managers also spoke as members of the public, with public speakers' time cut from 2-minutes to a-minute-and-a-half so everyone could be heard. I would have thought Swenson company employees were "the applicant" with their own block of time, and "the public" was everyone else reacting to the applicant's project. The developer said they had "partnered" with the Beach Flats Community Center and La Familia Center who would benefit from the project, and both organizations spoke in support. Meanwhile, a letter on Swenson stationary to the Santa Cruz Hostel Society was circulated at the meeting, revealing that the Swenson company had offered the hostel $200,000 under the condition they publicly speak in support of the project, send a minimum of 5 members to speak at the City Council and Coastal Commission hearings, lobby the Coastal Commission, and not appeal the project to the Coastal Commission.

LETTER

SUPPORT REQUIRED: A hostel board-member who said he didn't know who had circulated the letter, explained that the hostel board had not taken a position on the project. (Another board-member told me that, at the hostel meeting in which the developer proposed this, the hostel responded with a counter-offer of conditions under which they could accept a Swenson donation without an endorsement, and the developer withdrew the offer.) When Councilman Tony Madrigal asked for an explanation, the developer said he only wanted to give money to groups that supported his project. While there are certainly sincere supporters of this project, the revelation caused audience members to speculate among themselves which organizations and supporters had been required to speak that night, in order to receive payments or incentives. It's one thing to rally the troops for your cause (which is the democratic process), it's yet another thing to manufacture the appearance of support for a controversial project. If preservation is so unaffordable for the Swenson/ Seaside Company partnership, where is this extra money coming from? The approved La Bahia preservation project was actually cheaper than the highrise. The developer said his condo/share highrise was too risky to include preservation, and as of March 31, 2009, told the City Council the partners still aren't sure how the project will be financed. ■

Exhibit M

BARRY SWENSON BUILDER
5300 SOQUEL AVE., SUITE 103 • SANTA CRUZ, CALIFORNIA 95062 • (831) 475-7100 • FAX (831) 475-4544
CONTRACTORS LIC. 342751

September 25, 2008

AT THE MARCH 31, 2009 CITY COUNCIL MEETING, IT WAS QUESTIONED WHETHER THIS LETTER WAS INFLUENCE-PEDDLING (SEE VII-14)

Santa Cruz Hostel Society Board of Directors
HI-Santa Cruz Hostel
at the Carmelita Cottages
Santa Cruz, CA 95060

RE: Letter of Intent

Dear Board;

Please acknowledge this as a Letter of Intent, as it will be incorporated as an appendix in our Development Agreement for La Bahia Hotel with the City of Santa Cruz. The project, if approved, and built, will contribute coastal commission in-lieu fees to the Santa Cruz Hostel-Carmilita Cottages to renovate the last cottage. The La Bahia project will commit to the following:

- Perform as the General Contractor to provide and donate up to $200,000 in donated trade work for the renovation of the last cottage as per the specifications. It is understood that an additional $200,000 has already been raised and is set aside to complete the renovation, for a total project cost of $400,000.
- Work with your architect to accomplish the historical preservation goals and stay within the established budget
- Pull the building permits as close to the same time as when the Hotel project permits are pulled

Carmilita Cottages will provide:

- Active and vocal support of the hotel project
- Have a minimum of 5 Board members or employees of Santa Cruz Hostel at both the City Council hearing and the Coastal Commission hearing speaking in support of the hotel project
- A letter written from the Board of Santa Cruz Hostel to the Coastal staff and the Coastal Commission endorsing and advocating support for the hotel project
- Guarantee that any current or past Board Member will not appeal to the Coastal Commission the local governing body decision

We appreciate the Hostels support of the project and along with your advocacy we hope you can share success stories with individual Council members and Commissioners.

Sincerely,

Chris Ferrante
Barry Swenson Builder

President
Santa Cruz Hostel-Board of Director

Exhibit M

7 CORRECTABLE FAULTS

INFERIOR CONCEPT: The La Bahia is a one-of-a-kind landmark awarded NR2 National Register status. Replacing it with a run-of-the-mill standardized hotel, noted only for three significant unmitigated negative impacts on the environment, *is not a step up, but a step down.*

NO ARCHITECTURAL INTEGRITY: The La Bahia is celebrated as an outstanding example of architectural integrity by an influential acclaimed national architect. The inability of Swenson's in-house architects to depict hill-village style, producing only a mish-mash of conflicting or hybridized architectural elements from different styles, is evidence this is not "Extraordinary Design," and doesn't not qualify as "architectural integrity" by either historic or modern standards. In fact, it is not even a "design" (a specific architectural form produced to compliment the setting and the pedestrian experience), but a "concept" (an over-packed agenda wallpapered with constantly mutating Spanishesque details).

NO REQUIRED HISTORIC CONSULTANT: The proposed highrise was devised not to capitalize on a National Landmark's tourist potential, but to shoe-horn in a set of incompatible priorities, and downgrade it's "architecturally exceptional" rating with chain-store standardization. The required Historic Consultant would have guided them in how to exploit the advantages of being a one-of-a-kind National Landmark and pedestrian enclave, as did the Phipps Group consultants (B/SOL Guidelines) and ARG consultants (La Bahia Guidelines) before them.

BUILDING TOO TALL: Proposed height not only violates guidelines and policies at the local {GENERAL PLAN, B/SOL, ARG, ZONING}, state {COASTAL COMMISSION, SEQA, CHPO}, and national {NATIONAL REGISTER, SECRETARY OF THE INTERIOR STANDARDS} levels, but both the 7- and 8-story versions are officially designated a Significant Unmitigated Negative Impact on the Environment {EIR}. It repeats the sins of the Dream Inn highrise that prompted our original height limits, to make sure we built no more Dream Inns.

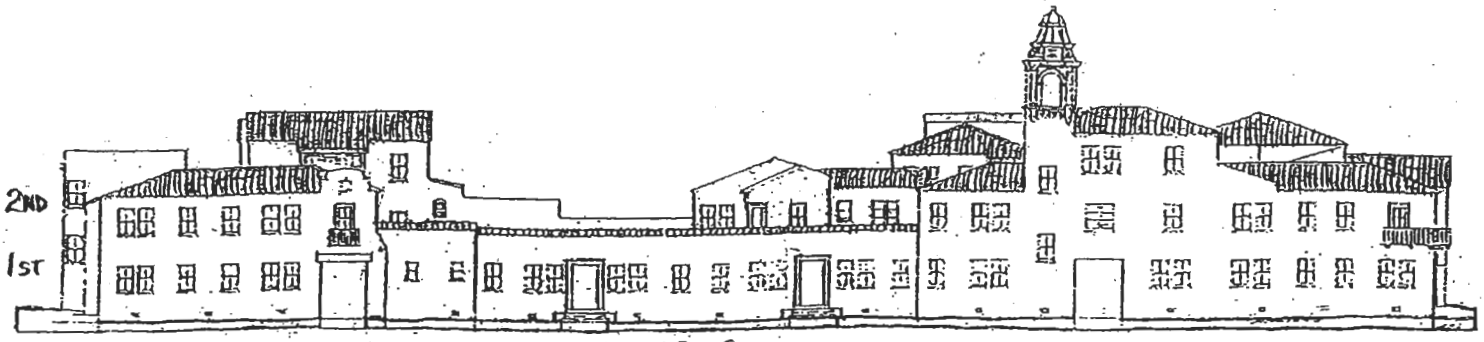
3-STORY PITS: The new stories in the front "Historic" section that turn the courtyards into 3-story deep pits, do not increase the number of rooms in this section, but rearrange them in order to accommodate the illegal front driveway loop. The pedestrian experience of staying here is sacrificed for a momentary drop-off spot featured as the centerpiece of the hotel. Since the rooms in the deep pit area are the same number as what is there now, there is no reason *not* to preserve the historic courtyard wings.

ILLEGAL DRIVEWAY LOOP: The front driveway loop, imposed on one of the most historic part of the hotel, adds nothing to the convenience of the hotel, and the Planning Commission is concerned it will cause gridlock during peak Beach Street traffic. It violates the policy to preserve pedestrian sidewalk space without numerous mid-block curb-cuts, not to have a driveway on a busy main street (and opening onto railroad tracks), but in back or on side streets. The real drop-off "Courtyard" is Westbrook Street, which is convenient, off the busy street, straight for any size of emergency vehicles or tour buses (unlike the front loop), and open at both ends.

NO DETAIL PRESERVATION: The reason something is preserved, is because it cannot (as least according to this developer) be replicated on today's market. The disappearance of details listed as features to save in ARG, B/SOL, etc., should be saved. (The Court of the Laurel's octagonal stairs and gateposts, Otar the Lamp-maker lights, the profile of the Beach Street Facade, the courtyards, etc.)

Exhibit M

VISUAL COMPARISONS



1926
THE PROTECTED LANDMARK

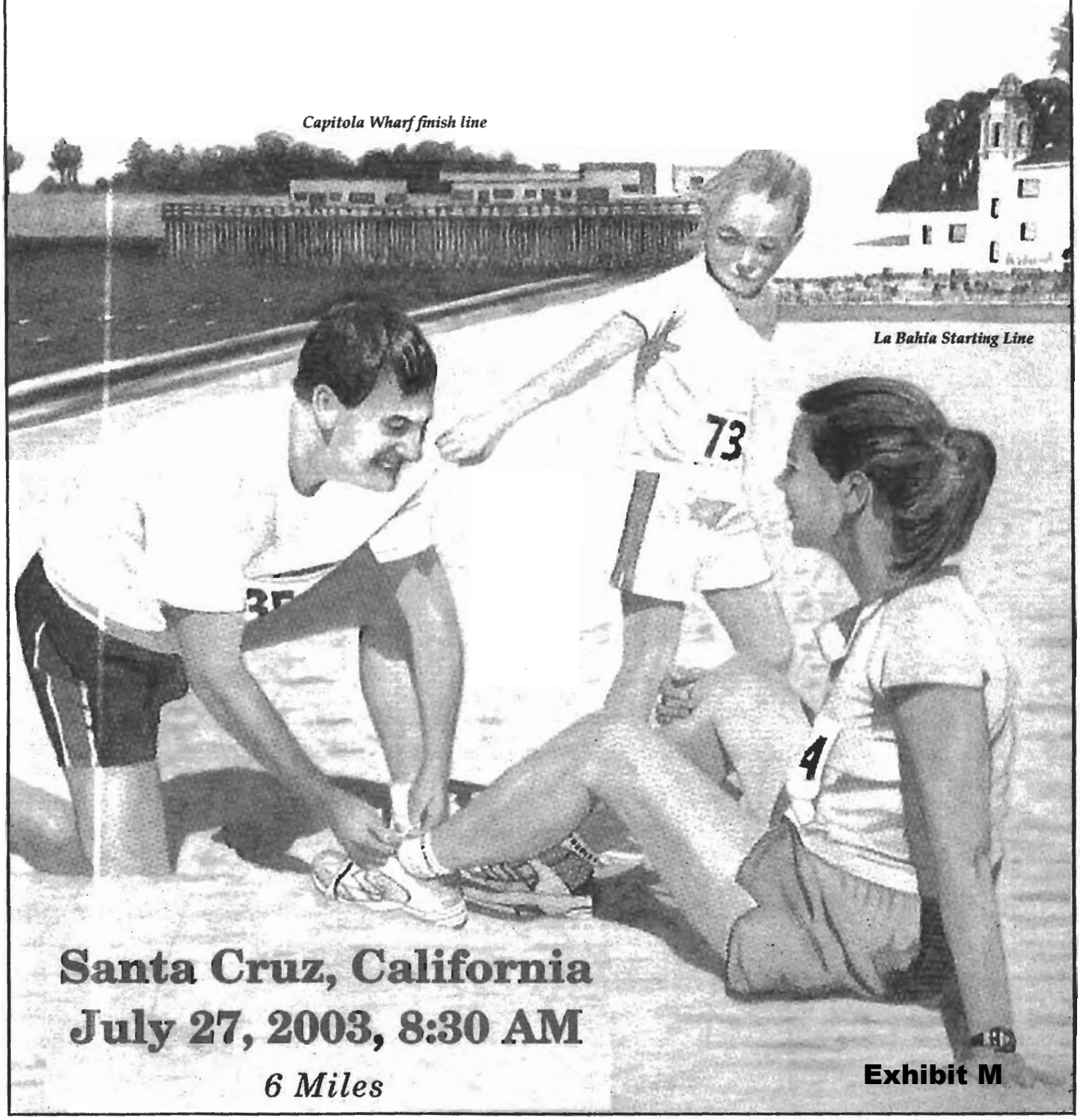
2006
THE PROPOSED HIGHRISE

2009
THE WALL-LIKE HIGHRISE

Exhibit M

31st Annual

Wharf to Wharf Race



Santa Cruz, California

July 27, 2003, 8:30 AM

6 Miles

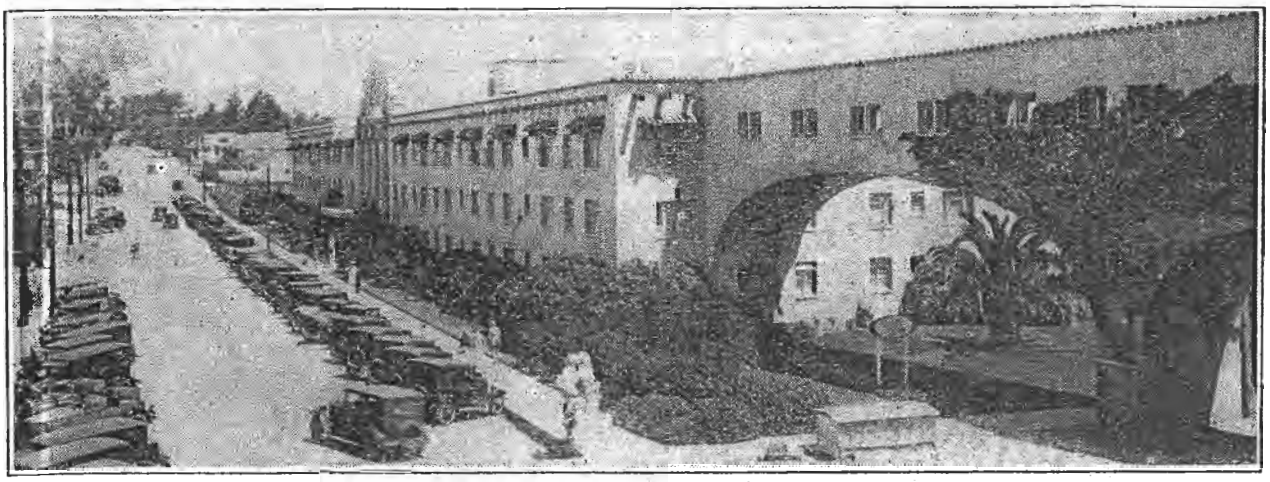
Exhibit M

Photo: John Hilmer

Exhibit M

COMFORT AND RECREATION THE YEAR AROUND

1928



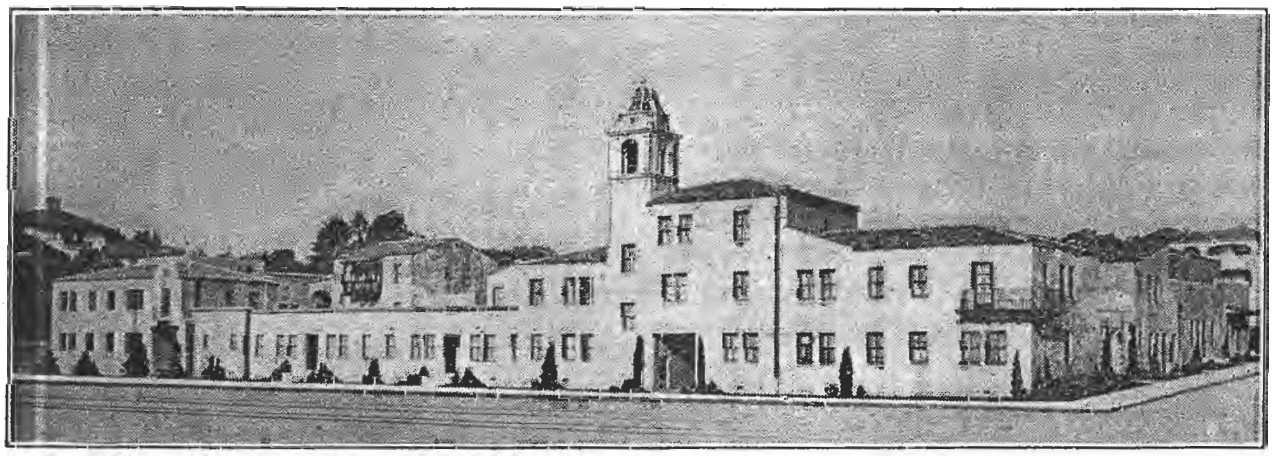
Casa Del Rey Hotel

SANTA CRUZ, CALIFORNIA

In the Hotel, Apartments and Cottage City every facility is provided for the transient guest, the week-end visitor or the vacationist. Available sports and recreations are golf, river, surf and plunge swimming, horseback riding, scenic drives, fishing for trout or deep-sea fishing in Monterey Bay, tennis, hiking, dancing, yachting, boating and canoeing, and practically every form of outdoor enjoyment.

For Rates, Write:

Management, CASA DEL REY, Santa Cruz, California



Casa Del Rey Apartments, Directly Across from Beach
Santa Cruz, California

R. E. GIBSON COLLECTION

Descriptive matter and reservations without charge at Peck-Judah Travel Bureaus.
Please mention Peck-Judah when writing this Resort.

Exhibit M