

ATTACHMENT 8
Applicant's Response to
Comments from the Appellant

Allen Matkins

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Via Electronic Mail

May 6, 2020

Mayor Robert S. Joe
Mayor Pro Tem Diana Mahmud
Councilmember Michael A. Cacciotti
Councilmember Marina Khubesian, M.D.
Councilmember Richard D. Schneider, M.D.
c/o City Clerk
City of South Pasadena
1414 Mission Street
South Pasadena, CA 91030

Re: Appeal of Project No. 2034-CUP/DRX/COA/VTPM/VAR – Mission Bell Mixed-Use Project

Dear Mayor Joe and Members of the City Council:

Allen Matkins is counsel for Mission Bell Properties, LLC ("Mission Bell") with regard to the proposed 45,653 square-foot mixed-use project located at 1101-1115 Mission Street (the "Project") in the City of South Pasadena (the "City"). On February 11, 2020, the City of South Pasadena Planning Commission certified an Environmental Impact Report and approved applications for the following entitlements required for the Project: a Conditional Use Permit; Design Review Permit; Certificate of Appropriateness; Variance; and a Vesting Tentative Parcel Map. Mr. Mitchell M. Tsai, on behalf of the Southwest Regional Council of Carpenters, timely filed an appeal of the Planning Commission approvals; that appeal is set to be heard by the South Pasadena City Council on May 20, 2020.

In a letter submitted March 30, 2020 in support of his appeal, Mr. Tsai alleges that the City failed to provide adequate notice of the availability of the Final Environmental Impact Report ("EIR") and of the Planning Commission meeting under the California Environmental Quality Act ("CEQA") (Public Resources Code ("PRC"), §§ 21000 *et seq.*) and the Planning and Zoning Law (Gov. Code, §§ 65000 *et seq.*), and that the Final EIR, certified in connection with the Project's approval, was inadequate because the City failed to adequately describe the Project, analyze the Project's impact on historical resources, and address inconsistencies with the General Plan. As set forth below, these assertions represent a misstatement of the facts and the law. Because these

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assertions are without merit, Mission Bell respectfully requests the City Council deny the present appeal.

I. The Request for Notice Was Invalid and Any Failure to Notice Was Not Prejudicial

Mr. Tsai alleges that the City of South Pasadena, as Lead Agency, failed to provide him notice of "the availability of the Final EIR" and notice of the Planning Commission's hearing, despite his request for such "special notice" under relevant California laws. (*See* Gov. Code, § 65092; PRC, §§ 21092.2, 21167(f).)

A. The Request for Special Notice Under CEQA Was Invalid

1. *The Request Failed to Follow the Procedures Outlined by Statute*

To request special notice under CEQA: (i) the request must be a "written request" for notice under one or more of the CEQA provisions requiring public notice; and (ii) the request must be "filed" with either the clerk of the governing body or, if there is no governing body, the director of the agency, or with any other person designated by the governing body or director to receive such requests. (PRC, §§ 21092.2, 21167(f).)

First, there exists no statutory requirement that a lead agency provide an individual "notice of the availability of a Final EIR," whether such notice was requested or not. (*See* PRC, § 21092.2 [providing for special notice of a Notice of Preparation, scoping meeting, Notice of Availability of a Draft EIR, or a Notice of Completion]; PRC, § 21167(f) [providing for special notice of a Notice of Determination five days after an agency's action]; PRC, § 21092.5 [providing for notice to *public agencies* that provided comments on a Draft EIR 10-days prior to certification of a Final EIR].)

Second, even if such a CEQA provision existed, Mr. Tsai failed to properly follow the procedures set forth for requesting special notice under CEQA. Case law on this issue is sparse, however, in a recent unpublished opinion, a California trial court suggested, in dicta, that a request for special notice was insufficient where the request was ambiguous; did not refer to the request for notice in the opening paragraph or subject line; and was not "filed" with the clerk of the governing body, or any officer thereof, or person designated by it to receive requests for special notice, even though it was delivered to the person identified as the person to whom comments on a Draft EIR might be directed to. (*Carson Harbor Vill. v. Bd. of Trs. of Cal. State Univ.*, 2008 Cal. App. Unpub. LEXIS 3098, *39, 2008 WL 1704400.) Here, where Mr. Tsai's initial request for special notice appeared in the body of comments submitted in response to the Project's Draft EIR and was submitted to the City's interim Director of Planning and Building, he did not satisfy the requirements of the statute and his request for notice was deficient.

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2. *The Alleged Failure to Notice Did Not Result in a Prejudicial Abuse of Discretion*

An EIR may be held inadequate by a court, and related project approvals set aside, if the lead agency, in certifying it, has prejudicially abused its discretion by failing to proceed in the manner required by law. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 426-27, 435.) An agency abuses its discretion by failing to proceed in the manner required by law if its action or decision does not substantially comply with the requirements of CEQA. (PRC, § 21168; *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal. 3d 376, 392.) This test applies when the petitioner claims that the agency failed to comply with CEQA's procedural requirements. (*Save Tara v. City of W. Hollywood* (2008) 45 Cal. 4th 116, 131.)

However, in applying this standard courts are instructed "to follow the established principle that there is no presumption that error is prejudicial." (PRC, § 21005(b).) This provision has generally been interpreted to mean a determination of prejudice depends on whether legal error hindered accomplishment of CEQA's objectives, rather than whether the error might have affected the outcome of the process; focusing on whether the violation of CEQA prevented informed decision making or public participation. (See *Neighbors for Smart Rail v. Exposition Metro Line Constr. Auth.* (2013) 57 Cal. 4th 439, 463 (plurality opinion); *Environmental Protection Info. Ctr. v. Department of Forestry & Fire Protection* (2008) 44 Cal. 4th 459, 485; *Schenck v. County of Sonoma* (2011) 198 Cal. App. 4th 949, 959-60 [holding failure to give required notice to interested agency was not prejudicial error because information gathering and presentation mechanisms of CEQA were not compromised].)

Thus, whether the procedural defect alleged by Mr. Tsai resulted in a "prejudicial abuse of discretion" rests on the degree to which it "prevented informed decision making or public participation." Here, where the Lead Agency otherwise provided all notices required by law; where the hearing before the Planning Commission was properly noticed; where Mr. Tsai was aware of the environmental review process, having previously submitted comments on the Draft EIR; and where he appealed the Planning Commission's approval of the Project and will be heard by the City Council; there has been no disruption to informed decision making or public participation.

B. The Request for Special Notice Under the Planning & Zoning Law Was Also Invalid

1. *The Request Failed to Follow the Procedures Outlined by Statute*

To request notice under the Planning and Zoning Code: (i) the request must be a "written request" for notice otherwise required under the Planning and Zoning Law, as in the case of a variance or conditional use permit; and (ii) the request must be "filed" with either the clerk of the governing body or with "any other designated person." (Gov. Code, §§ 65092, 65905 [requiring

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notice and hearing for quasi-judicial actions].) Here, where as above, the request was communicated to the Interim Planning Director in the body of comments submitted in response to a Draft EIR – Mr. Tsai failed to properly follow the required procedures and the request for notice was invalid.

2. *The Alleged Failure to Notice Did Not Result in "Substantial Injury" Nor Would the Outcome Have Changed If Notice Had Occurred*

Furthermore, a procedural error, including failure of notice, is only fatal to a land-use approval governed by the Planning and Zoning Law if (i) the party complaining suffered "substantial injury," and (ii) "a different result would have been probable if such error had not occurred or existed." (Gov. Code, § 65010(b).) Here, where Mr. Tsai will be heard before the City Council; has submitted comments in response to the Final EIR; and was able to participate in prior rounds of public comment; he has not suffered "substantial injury." Furthermore, there are no facts to suggest that had Mr. Tsai been present at the Planning Commission's hearing a different outcome would have resulted.

II. An EIR's Project Description Need Not Address Unit Type Nor Cost When Such Details Have No Environmental Impact

Mr. Tsai argues that the EIR failed to adequately describe the Project by neglecting to specify (i) whether the Project's residential component would be comprised of condominiums or apartments; and (ii) the approximate sale or rent price of each unit.

A. CEQA Does Not Require Inclusion of Information Regarding Unit Type and Cost in a Project Description

Courts generally reject arguments that an EIR requires additional information beyond the specific requirements outlined in CEQA and the CEQA Guidelines (14 Cal. Code Regs., §§ 15000 *et seq.*). (See *Maintain Our Desert Env't v. Town of Apple Valley* (2004) 124 Cal. App. 4th 430, 441; PRC, § 21083.1.) While a project description must contain a "general description of the project's technical, economic, and environmental characteristics," (CEQA Guidelines, §15124(c)), seeking information regarding the type of unit in a multi-family building, and the rate or cost, certainly falls beyond the "general description" or a project's technical or economic characteristics. Indeed, given there is no requirement that such economic information be included and given the relevant standard of review, a court would not find fault with an EIR for not including unit type and cost.

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B. Unit Type and Cost Need Not be Included in the Project Description as They Have No Impact on the Physical Environment

An EIR is an informational document meant "to provide ... detailed information about the effect ... a proposed project is likely to have on the environment." (PRC, § 21061; *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal. 3d 376, 391.) The project description is therefore essential to achieving this central goal of providing information about a project's environmental impacts. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 192-93, 197-98.) On the other hand, social, economic, and business concerns, like those raised by Mr. Tsai, are irrelevant unless such concerns bring about a "physical change" in the environment. (CEQA Guidelines, §§ 15064(f)(6), (e), 15382; *Waste Management of Alameda County, Inc. v. County of Alameda* (2000) 79 Cal. App. 4th 1223, 1229, 1235.)

Indeed, in the analogous context of retail businesses, courts have held that a project description need not identify the expected tenant or end user unless such information has unique or additional environmental impacts. (See *Maintain Our Desert Env't v. Town of Apple Valley* (2004) 124 Cal. App. 4th 430, 445; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal. App. 4th 1184, 1206.) Here, where Mr. Tsai has not, and cannot, allege the failure to specify whether the type of units provided or their approximate cost will have any environmental impact, such disclosure is not required.

III. The City's Findings Regarding Historical Resources are Adequate and Supported by Substantial Evidence

Mr. Tsai's arguments regarding the City's conclusion that the project will not have a significant impact on historical resources are addressed in depth in the response provided by ESA. Under CEQA, the City must support its findings with "substantial evidence." Substantial evidence is defined as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." (CEQA Guidelines, § 15384(a); *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal. 3d 376, 393, 409.) Here, not one, but two, expert consultants provide opinions in the record on the adherence to the Secretary's Standards and the Draft EIR includes a detailed fact-based analysis of how the changes to the historic structure at 1115 Mission Street adhere to the Secretary's Standards. Accordingly, the City has satisfied this "highly deferential" standard of review. (*California Native Plant Soc'y v. City of Santa Cruz* (2009) 177 Cal. App. 4th 957, 984.)

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IV. The Project is Consistent With the General Plan

A. The City's Consistency Determination Was Reasonable and Supported by Substantial Evidence

A city's determination that a project is consistent with the relevant general plan carries a strong presumption of regularity, which can be overcome only by a showing of abuse of discretion. (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal. App. 4th 807, 816; citing *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal. App. 4th 704, 717.) Thus, a city's consistency determination can only be reversed if it was based on evidence from which no reasonable person could have reached the same conclusion. (*Pfeiffer v. City of Sunnyvale* (2011) 200 Cal. App. 4th 1552, 1563.)

In his comments, Mr. Tsai argues the Project is inconsistent with Goal 3, Policy 3.1, governing the promotion of mixed-use and affordable housing, and Goals 7 and 9, governing the preservation of historic resources. However, he does little to show the City was unreasonable in its consistency determination. Indeed, Table 4.4-2 of the Draft EIR contains an in-depth consistency analysis, assessing each applicable provision of the General Plan, and providing specific and detailed examples of compliance. A consistency determination by the City based on this "substantial evidence" in the Draft EIR is "objectively reasonable" and would not amount to an abuse of discretion.

B. The Project is Consistent with Goal 3, Policy 3.1; Goal 7; and Goal 9 of the General Plan

"A project is consistent with a general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." (*Sierra Club v. County of Napa* (2004) 121 Cal. App. 4th 1490, 1509.) State law does not require perfect conformity between a proposed project and the applicable general plan. (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal. App. 4th 807, 817.) Rather, since "it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan ... [i]t is enough that the proposed project will be compatible with the objectives, policies, general land uses, and programs specified in the applicable plan." (*Sierra Club v. County of Napa* (2004) 121 Cal. App. 4th 1490, 1509.)

Thus, perfect conformity between the text of the General Plan and the City's conclusions is not required. Rather, the Project must be compatible with the goals and policies outlined in the General Plan. Here, the Project's planned restoration of the existing building at 1115 Mission Street and the City's efforts to encourage Mission Bell to avail itself of affordable housing incentives achieves the required standards of consistency.

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

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IV. Conclusion

As set forth above, Mr. Tsai's assertions represent a misstatement of fact and law. As his comments, submitted in support of his appeal of the Project, are without merit, they should be disregarded, and Mission Bell respectfully requests the City Council deny the present appeal.

Very truly yours,

/s/ Emily L. Murray

Emily L. Murray

ELM:em

May 6, 2020

Ms. Kanika Kith, Planning Manager
Planning and Building Department
City of South Pasadena
1414 Mission Street
South Pasadena, CA 91030

Subject: Response to Comments from Mitchell M. Tsai on Mission Bell Mixed-Use Project (the "Project")
Final Environmental Impact Report (FEIR)

Dear Ms. Kith:

ESA was commissioned by the Applicant to prepare a written response to the letter by Mr. Mitchell M. Tsai, Attorney At Law, *Comments on Final Environmental Impact Report (SCH No. 2019011007) for the Mission Bell Mixed-Use Project (Project No. 2034-CUP, DRX, COA, VTPM) and Appeal of Planning Commission's Approval to the City Council (March 30, 2020)*, to Ms. Kanika Kith, Planning Manager, City of South Pasadena. ESA previously prepared a *Historic Resources Assessment and Impacts Analysis* report for the Project, which was included as an Appendix in the EIR. I have over 30 years of experience in professional practice and my qualifications meet and exceed the Secretary of Interior's Professional Qualifications Standards (Code of Federal Regulations, 36 CFR Part 61) in History and Architectural History. My resume is provided in Exhibit A. I am writing to respond to Mr. Tsai's comments on historical resources.

In part I., section D. of his letter, it is Mr. Tsai's assertion that "The FEIR Inaccurately and Improperly Concluded that the Project Will Not Have Significant Impacts to Historical Resources." While he correctly states that 1115 Mission Street on the Project Site was included in the City's list of historic structures in the 1996 Mission Street Specific Plan, and the building was also included in a 2003 reconnaissance level City-wide historical survey, and the 2015/16 City of South Pasadena Historic Resources Survey, he appears to be confused about the property's current status as an ineligible historical resource with a City-assigned status code of 6L ("Determined ineligible for local listing or designation through local government review process; may warrant special consideration in local planning"). A copy of the California Historical Resources Status Codes is provided in Exhibit B for your reference.

To be clear, the subject property is ineligible as a historical resource and therefore no further consideration of the building is required under CEQA. As indicated by the 6L Status Code, the City has the authority to decide if the property should receive special consideration in local planning, but this consideration is not required under CEQA because the building is not a historical resource. In this case, the City decided to use its discretion to include 1115 Mission Street in the planning process for the Project because the building is located in the historic core of the City. However, this was a discretionary decision by the City and does not in any way change the building's status as an ineligible historical resource, which was confirmed in the City's 2015/16 Citywide Survey and documented in detail in ESA's report.

The status of the 1115 Mission Street building as an ineligible resource makes Mr. Tsai's assertion moot, since the Project will not have any significant impacts to historical resources because there are no eligible or designated historical resources on the Project Site, pursuant to CEQA. Furthermore, since the 1115 Mission Street building is

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not an eligible or designated historical resource, the proposed changes to the building would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines 15064.5.

Ineligible historical resources are assigned a 6L status code when they do not possess sufficient integrity or significance to meet the eligibility threshold established by the California Register of Historical Resources or the local preservation ordinance (in this case, the South Pasadena Cultural Heritage Ordinance). Properties assigned a 6L status code do not have enough integrity or significance to be eligible historical resources, but they may still possess residual architectural or historic character that may be considered valuable for consideration in the planning process by a City for community identity value. As noted in the comments, Mission Street was identified by the City as possessing a unique small-town atmosphere and sense of identity through the historic fabric of the structures along it.

As summarized in the FEIR and explained in detail in the ESA report, the Project would retain the remaining historic architectural materials and features of the structure as it relates to Mission Street, as viewed from the public right-of-way, including the remaining historic fabric, materials and features of the store front and the parts of the building that are visible from the public right-of-way in the context of Mission Street. Although the storefront is altered and the building does not retain sufficient integrity to convey significance as a historical resource pursuant to CEQA, the existing storefront and limited portions of the side elevations that are visible from Mission Street, provide historic context for the City's historic core. The majority of the building would be retained and rehabilitated under the Project, including all portions visible from Mission Street, following the guidelines for historic preservation as established by the National Park Service codified in the *Secretary of the Interior's Standards for Rehabilitation* (36 CFR 67) (the "Standards"). In this case, the Standards were and are used to guide the preservation process for the retention of appropriate historic character and were not utilized as a significance threshold. Furthermore, a comprehensive character-defining features analysis of the building is provided in the *Historic Resources Assessment and Impacts Analysis* report in Appendix F. This analysis was conducted to inform the Project's design development so that the historic character of the building would be retained under the Project. Those features that are identified as "primary" are the most important and were recommended by ESA for retention under the Project, while those identified as "contributing" are afforded more flexibility, and the greatest flexibility is afforded to "non-contributing" features. As stated in the ESA report:

The overall primary features include the Subject Property's rectangular-shaped footprint; two-part massing with one-story at the rear, two-stories at the front; flat roof; and brick material. The commercial block features would be considered primary including the glazed brick wall surface at the front facade, storefront windows, the single-door opening, and the decorative brick course between the first and second stories. Additional primary elements include the second-story windows, the recessed sign area, the cornice, frieze, and angled sills. The majority of these features, other than the massing, are concentrated on the primary (north) façade. On the secondary (east) facade, the brick exterior, door opening, two window openings, and the stepped brick transition between the two and one-story sections are primary character-defining features. On the interior, the partition wall separating front and back rooms and the back room's vaulted ceiling and piers are primary features.¹

¹ Environmental Science Associates, *1101-1115 Mission Street, South Pasadena, California, Historic Resources Assessment and Impacts Analysis*, January 2020, page 44.

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The Project as proposed would retain and preserve the primary features of the Subject Property and the majority of the contributing features as well and therefore would not adversely affect the historic character or community identity of Mission Street because, after project completion, the 1115 Mission Street building would be retained and rehabilitated following the Standards and its 6L status would be unchanged; and because the historic context of the Mission West Historic Business District would be preserved since the 1115 Mission Street would not be demolished.

Additionally, from Mr. Tsai's comments, he appears to be confused about the significance thresholds under CEQA and seems to imply that conformance with the Standards is required under CEQA, when in fact this is not true. The Standards were developed as a means to evaluate and approve work for federal grants for historic buildings and then for the federal rehabilitation tax credit (see 36 Code of Federal Regulations [CFR] Section 67.7). While a project that conforms with the Standards is considered to have a less than significant impact under CEQA (Section 15065.5 (b)(3)), project conformance with the Standards is not, in fact, the threshold of significance under CEQA for historical resources as codified under Section 15064.5 (b). As discussed in detail in the ESA report, the thresholds for determining the significance of environmental effects on historical resources are derived from the CEQA Guidelines as defined in §15064.5. Pursuant to this guidance, a project that would physically detract, either directly or indirectly, from the integrity and significance of the historical resource such that its eligibility for listing in the National Register, California Register or as a local register would no longer be maintained, is considered a project that would result in a significant impact on the historical resource. Adverse impacts, that may or may not rise to a level of significance, result when one or more of the following occurs to a historical resource: demolition, relocation, conversion, rehabilitation, or alteration, or new construction on the site or in the vicinity. According to the State *CEQA Guidelines*, Section 15064.5(b) a project involves a "substantial adverse change" in the significance of the resource when one or more of the following occurs:

- (1) Substantial adverse change in the significance of an historical resource means 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.
- (2) The significance of a historical resource is materially impaired when a project:
 - A. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register of Historical Resources; or
 - B. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the PRC or its identification in a historical resources survey meeting the requirements of Section 5024.1(g) of the PRC, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
 - C. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

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Under CEQA, a proposed development must be evaluated to determine how it may impact the potential eligibility of a structure(s) or a site for designation as a historic resource. In this case, since the 1115 Mission Street building is not an eligible historical resource under CEQA, the Project would not result in any adverse impacts to historical resources; therefore, no recirculation of the EIR is required.

To reiterate, the ESA report described in detail the historic status of the 1115 Mission Street building based upon previous surveys, and even reevaluated the building to further ascertain the potential eligibility of the building as a historical resource. The 1115 Mission Street building has been assigned a status code of 6L by the City in acknowledgement of its historic character as part of the context of the historic core of South Pasadena. However, a status code of 6L means the building is ineligible as a historical resource under CEQA. After intensive-level survey and research, ESA also concluded that the building does not meet the applicable eligibility thresholds for designation under the City's Cultural Heritage Ordinance or the California Register, and concurred with the previous Citywide Survey, finding that the building is not eligible as a historical resource pursuant to CEQA.

To address any misunderstanding, I want to be clear that the purpose of the character-defining features analysis conducted by ESA was to determine the remaining historic features of the building to inform design development of the Project to ensure that the historic character of 1115 Mission Street would be retained under the Project as desired by the City, whose discretion it was and is to consider 1115 Mission Street in the planning process as indicated by the 6L status code. To this end, ESA recommended the Project be designed to follow the Standards for Rehabilitation to ensure the Project would retain the historic character of the building as far as feasible and its 6L status; our recommendation was that the proposed rehabilitation and adaptive-reuse of the building should follow established industry standards for historic preservation as codified in the Standards.

While the Project as designed does follow the Standards in large part, as we stated in our report and as stated in the FEIR, the Project does not fully conform with the Standards because of the removal of 2/3rds of the warehouse portion at the rear of the building. However, the character-defining features of the warehouse, including its brick construction and truss roof, are utilitarian and repetitive. The warehouse located at the rear of the building is minimally visible from the public right-of-way, and furthermore, the warehouse is an altered utilitarian brick structure. Nonetheless, approximately 1/3 of the warehouse portion of the building would be retained under the Project, which would preserve examples of the utilitarian brick construction and truss roof, and would also preserve the distinctive profile and transition between the two-story front portion of the building and the one-story warehouse, which we felt were important to the building's historic character. However, all of the important distinctive materials and features of the building's primary façade would be retained by the Project, therefore preserving its historic character when viewed from Mission Street. In fact, the Mission Bell Project will enhance the historic appearance of the existing building which has been substantially altered and is in dire need of preservation. Under the Project, the building will be rehabilitated and upgraded for adaptive reuse, ensuring its continued preservation on the Mission Street corridor. The proposed rear additions to the building have been designed to be compatible with the historic character of the building, in accordance with Standards 9 and 10, as discussed in detail in the ESA report.

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For all of the reasons outlined above which are described in greater detail in the ESA report, the Mission Bell Project would have no adverse impact to historical resources pursuant to CEQA, and no recirculation of the EIR is required to address Mr. Tsai's concerns with regard to historical resources.

Sincerely,



Margarita Jerabek, Ph.D.
Director of Historic Resources

Attachments

Exhibit A – Professional Qualifications

Exhibit B – California Historical Resource Status Codes



Margarita Jerabek, PhD

Historic Resources Director

EDUCATION

Ph.D., Art History,
University of California,
Los Angeles

M.A., Architectural
History, School of
Architecture, University
of Virginia

Certificate of Historic
Preservation, School of
Architecture, University
of Virginia

B.A., Art History,
Oberlin College

30 YEARS EXPERIENCE

AWARDS

2014 Preservation
Award, The Dunbar
Hotel, L.A. Conservancy

2014 Westside Prize,
The Dunbar Hotel,
Westside Urban Forum

2014 Design Award:
Tongva Park & Ken
Genser Square,
Westside Urban Forum

Preservation Design
Awards, RMS Queen
Mary Conservation Plan
2012; and Restoration
and Exhibit Design for
Home Savings,
Montebello, 2016,
California Preservation
Foundation

PROFESSIONAL AFFILIATIONS

California Preservation
Foundation

Santa Monica
Conservancy

Society of Architectural
Historians, Life Member

American Institute of
Architects (AIA),
National Allied Member

Margarita Jerabek has 30 years of professional practice in the United States with an extensive background in historic preservation, architectural history, art history and decorative arts, and historical archaeology. She specializes in Visual Art and Culture, 19th-20th Century American Architecture, Modern and Contemporary Architecture, Architectural Theory and Criticism, Urbanism, and Cultural Landscape, and is a regional expert on Southern California architecture. Her qualifications and experience meet and exceed the Secretary of the Interior's Professional Qualification Standards in History, Archaeology, and Architectural History. Margarita has managed and conducted a wide range of technical studies in support of environmental compliance projects, developed preservation and conservation plans, and implemented preservation treatment projects for public and private clients in California and throughout the United States.

Relevant Experience

Margarita has prepared a broad range of environmental documentation and conducted preservation projects throughout the Los Angeles metropolitan area and Southern California. She provides expert assistance to public agencies and private clients in environmental review, from due diligence through planning/design review and permitting and when necessary, implements mitigation and preservation treatment measures on behalf of her clients. As primary investigator and author of hundreds of technical reports, plan review documents, preservation and conservation plans, HABS/HAER/HALS reports, construction monitoring reports, salvage reports and relocation plans, she is a highly experienced practitioner and expert in addressing historical resources issues while supporting and balancing project goals.

She is an expert in the evaluation, management and treatment of historic properties for compliance with Sections 106 and 110 of the NHPA, NEPA, Section 4(f) of the Department of Transportation Act, CEQA, and local ordinances and planning requirements. Margarita regularly performs assessments to ensure conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, and assists clients with adaptive reuse/rehabilitation projects by providing preservation design and treatment consultation, agency coordination, legally defensible documentation, construction monitoring and conservation treatment.

Margarita is a regional expert on Southern California architecture. She has prepared a broad range of environmental documentation and conducted preservation projects throughout the Los Angeles metropolitan area as well as in Ventura, Orange, Riverside, San Bernardino and San Diego counties. Beyond her technical skill, she is a highly experienced project manager with broad national experience throughout the United States. She currently manages ESA's on-call historic preservation services with the City of Santa Monica, and Los Angeles Unified School District.

California Historical Resource Status Codes

1 Properties listed in the National Register (NR) or the California Register (CR)

- 1D Contributor to a district or multiple resource property listed in NR by the Keeper. Listed in the CR.
- 1S Individual property listed in NR by the Keeper. Listed in the CR.

- 1CD Listed in the CR as a contributor to a district or multiple resource property by the SHRC
- 1CS Listed in the CR as individual property by the SHRC.
- 1CL Automatically listed in the California Register – Includes State Historical Landmarks 770 and above and Points of Historical Interest nominated after December 1997 and recommended for listing by the SHRC.

2 Properties determined eligible for listing in the National Register (NR) or the California Register (CR)

- 2B Determined eligible for NR as an individual property and as a contributor to an eligible district in a federal regulatory process. Listed in the CR.
- 2D Contributor to a district determined eligible for NR by the Keeper. Listed in the CR.
- 2D2 Contributor to a district determined eligible for NR by consensus through Section 106 process. Listed in the CR.
- 2D3 Contributor to a district determined eligible for NR by Part I Tax Certification. Listed in the CR.
- 2D4 Contributor to a district determined eligible for NR pursuant to Section 106 without review by SHPO. Listed in the CR.
- 2S Individual property determined eligible for NR by the Keeper. Listed in the CR.
- 2S2 Individual property determined eligible for NR by a consensus through Section 106 process. Listed in the CR.
- 2S3 Individual property determined eligible for NR by Part I Tax Certification. Listed in the CR.
- 2S4 Individual property determined eligible for NR pursuant to Section 106 without review by SHPO. Listed in the CR.

- 2CB Determined eligible for CR as an individual property and as a contributor to an eligible district by the SHRC.
- 2CD Contributor to a district determined eligible for listing in the CR by the SHRC.
- 2CS Individual property determined eligible for listing in the CR by the SHRC.

3 Appears eligible for National Register (NR) or California Register (CR) through Survey Evaluation

- 3B Appears eligible for NR both individually and as a contributor to a NR eligible district through survey evaluation.
- 3D Appears eligible for NR as a contributor to a NR eligible district through survey evaluation.
- 3S Appears eligible for NR as an individual property through survey evaluation.

- 3CB Appears eligible for CR both individually and as a contributor to a CR eligible district through a survey evaluation.
- 3CD Appears eligible for CR as a contributor to a CR eligible district through a survey evaluation.
- 3CS Appears eligible for CR as an individual property through survey evaluation.

4 Appears eligible for National Register (NR) or California Register (CR) through other evaluation

- 4CM Master List - State Owned Properties – PRC §5024.

5 Properties Recognized as Historically Significant by Local Government

- 5D1 Contributor to a district that is listed or designated locally.
- 5D2 Contributor to a district that is eligible for local listing or designation.
- 5D3 Appears to be a contributor to a district that appears eligible for local listing or designation through survey evaluation.

- 5S1 Individual property that is listed or designated locally.
- 5S2 Individual property that is eligible for local listing or designation.
- 5S3 Appears to be individually eligible for local listing or designation through survey evaluation.

- 5B Locally significant both individually (listed, eligible, or appears eligible) and as a contributor to a district that is locally listed, designated, determined eligible or appears eligible through survey evaluation.

6 Not Eligible for Listing or Designation as specified

- 6C Determined ineligible for or removed from California Register by SHRC.
- 6J Landmarks or Points of Interest found ineligible for designation by SHRC.
- 6L Determined ineligible for local listing or designation through local government review process; may warrant special consideration in local planning.
- 6T Determined ineligible for NR through Part I Tax Certification process.
- 6U Determined ineligible for NR pursuant to Section 106 without review by SHPO.
- 6W Removed from NR by the Keeper.
- 6X Determined ineligible for the NR by SHRC or Keeper.
- 6Y Determined ineligible for NR by consensus through Section 106 process – Not evaluated for CR or Local Listing.
- 6Z Found ineligible for NR, CR or Local designation through survey evaluation.

7 Not Evaluated for National Register (NR) or California Register (CR) or Needs Reevaluation

- 7J Received by OHP for evaluation or action but not yet evaluated.
- 7K Resubmitted to OHP for action but not reevaluated.
- 7L State Historical Landmarks 1-769 and Points of Historical Interest designated prior to January 1998 – Needs to be reevaluated using current standards.
- 7M Submitted to OHP but not evaluated - referred to NPS.
- 7N Needs to be reevaluated (Formerly NR Status Code 4)
- 7N1 Needs to be reevaluated (Formerly NR SC4) – may become eligible for NR w/restoration or when meets other specific conditions.
- 7R Identified in Reconnaissance Level Survey: Not evaluated.
- 7W Submitted to OHP for action – withdrawn.