
III. RESPONSES TO COMMENTS ON THE DRAFT EIR

A. INTRODUCTION

During and after the 90-day public comment period for the Draft EIR, the City of Los Angeles Department of City Planning received a total of 107 comment letters on the Draft EIR, not including attachments. Each comment letter has been assigned a corresponding letter and number. Comment letters were divided into two categories; those submitted by public agencies were assigned the letter “A” and those submitted by private agencies, companies, and individuals were assigned the letter “B.” Comment letters in each category were numbered according to the date they were received by the City of Los Angeles Department of City Planning. Individual comments within each comment letter were also numbered. Thus, for example, the comment letter from the Native American Heritage Commission is numbered “A-3” and individual comments in that letter are numbered “A3-1”, “A3-2”, “A3-3”, etc.

Some of the comments in the letters pertained to environmental issues regarding the Project. The responses provided in this Final EIR respond to these issues as required by CEQA Guidelines Section 15088(a). Other comments in the letters express the views and/or opinions of the commenter regarding the Project and/or its potential approval by the City of Los Angeles, and are not directed to the analysis of the EIR. The responses to such comments acknowledge their receipt, and indicate that they will be forwarded, as part of the Final EIR, to decision-making bodies reviewing the Project. All comments contained in the Final EIR, including without limitation those containing views and/or opinions regarding the Project and/or its potential approval by the City of Los Angeles, will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

As noted in Section I of this Final EIR, all comments received on the Draft EIR were made in reference to the environmental analysis of the Original Project. Accordingly, the responses in this section address each comment in the context of the Original Project proposal for 2,300 units. For an overview of the changes made to the Original Project since circulation of the Draft EIR (i.e., reduction in total number of units, increase in percentage of senior housing, herein referred to as the “Revised Project”), refer to Section I and Section IV of this Final EIR. To the extent that any responses would change in light of the Revised Project, the reader is referred to Section IV, which provides a supplementary analysis of the environmental impacts occurring under the Revised Project. As discussed therein, the Revised Project would result in less development than studied in the Draft EIR for the Original Project, and as such, would not result in new significant environmental impacts which were not identified in the Draft EIR or a substantial increase in the severity of impacts previously identified in the Draft EIR.

During and after the public review period, the following organizations/persons provided written comments on the Draft EIR to the City of Los Angeles Department of City Planning:

**Table FEIR-1
Inventory of Comment Letters Received on the Draft EIR**

Correspondence Alpha	Date of Correspondence	Commenter
Public Agencies		
A1	November 1, 2006	City of Los Angeles (copy of SCH NOC)
A2	November 2, 2006	City of Los Angeles (copy of NOC)
A3	November 9, 2006	Native American Heritage Commission (Singleton, Dave)
A4	November 13, 2006	State of California State Clearinghouse and Planning Unit (Morgan, Scott)
A5	December 7, 2006	County Sanitation Districts of Los Angeles County (Frazen, Ruth)
A6	January 11, 2007	City of Los Angeles Department of Transportation (Bagheri, Mike)
A7	January 23, 2007	City of Los Angeles Department of Water and Power (Porras, Jose)
A8	January 23, 2007	City of Rancho Palos Verdes Planning, Building, & Code Enforcement (Fox, Kit)
A9	January 25, 2007	City of Los Angeles Bureau of Sanitation (Lau, Rowena)
A10	January 29, 2007	Northwest San Pedro Neighborhood Council (Nave, Diana)
A11	January 30, 2007	City of Los Angeles Department of City Planning (Olivo, David)
A12	January 30, 2007	County of Los Angeles Department of Public Works (Chong, Suk)
A13	January 30, 2007	Los Angeles Unified School District (Schanen, Pat)
A14	January 30, 2007	Southern California Association of Governments (Egerman, Jill)
A15	January 31, 2007	City of Lomita (Sugano, Gary Y.)
A16	January 31, 2007	Coastal San Pedro Neighborhood Council (Epperhart, Douglas)
A17	February 5, 2007	Department of Transportation District 7 Office of Public Transportation and Regional Planning (Powell, Cheryl J.)
A18	February 6, 2007	City of Rolling Hills Estates (Wahba, David)
A19	February 13, 2007	State of California State Clearinghouse and Planning Unit (Roberts, Terry)
A20	February 13, 2007	State of California State Clearinghouse and Planning Unit (Roberts, Terry)
A21	February 27, 2007	City of Los Angeles Department of Recreation and Parks (Mukri, Jon Kirk and Shull, Michael A.)
Private Agencies, Companies, and Individuals		
B1	No Date	Begovich, Mark
B2	No Date	Decker, Jackie
B3	November 5, 2006	Strehlke, Sally
B4	November 6, 2006	Kane, Anthony
B5	November 6, 2006	Kane, Michelle
B6	November 11, 2006	Cognitive Behavior Therapy Center of Southern California (Boone, Rodney & Kyle)
B7	November 13, 2006	Hertzog, Donna
B8	November 13, 2006	Kowalski, Eva
B9	November 13, 2006	Micallef, Michael

Table FEIR-1 (Continued)
Inventory of Comment Letters Received on the Draft EIR

Correspondence Alpha	Date of Correspondence	Commenter
B10	November 20, 2006	Behjan, Zoya
B11	November 20, 2006	Ceman, Richard and Jill
B12	November 21, 2006	Micallef, Kathy
B13	November 21, 2006	Wells, Mark
B14	November 30, 2006	Hees-Braun, Gisela
B15	December 7, 2006	Koch, Cindy
B16	December 7, 2006	Sweida, Thomas
B17	December 7, 2006	Winkler, John
B18	December 7, 2006	Witz-Hancsak, Liliana
B19	January 2, 2007	Ritzke, Jeanne S. and Raymond E.
B20	January 5, 2007	Dyer, Dennis
B21	January 9, 2007	Yoshida, Teruo and Nina
B22	January 11, 2007	Masse, Sarah and Hadley, Larry
B23	January 21, 2007	Wells, Mark
B24	January 22, 2007	Pentcheff, N. Dean
B25	January 23, 2007	Always Travel & Tours International (Chaparro, Maria & Joseph Cigliano, Giuseppina)
B26	January 23, 2007	Ferrin, Ray & Joann
B27	January 23, 2007	Grajcha, Lupe
B28	January 23, 2007	Limberg, Ed
B29	January 23, 2007	Wheeler, Paul
B30	January 25, 2007	Akins, Frank and Patricia
B31	January 25, 2007	Boldt, W.
B32	January 25, 2007	Brunner, Richard J.
B33	January 25, 2007	Limberg, Kelly
B34	January 25, 2007	Marshall, John D.
B35	January 25, 2007	Martin, Elsie J.
B36	January 25, 2007	Priority One (Herb Zimmer)
B37	January 25, 2007	San Pedro Peninsula Chamber of Commerce (Anthony Santich and Camilla Townsend)
B38	January 25, 2007	Stephenson, Norbert
B39	January 25, 2007	Yoshida, Nina S.
B40	January 26, 2007	Bergman, Teresa
B41	January 27, 2006	Grant, Ginger G.
B42	January 28, 2007	Madison, Martha
B43	January 28, 2007	Ogle, John E. and Lois J.
B44	January 29, 2007	California Water Service Company (Lynne P. McGhee)
B45	January 29, 2007	DeLuca, John
B46	January 29, 2007	Henseler, David
B47	January 29, 2007	Hildebrand, Barry J., PE
B48	January 29, 2007	Nave, Jonathon P.
B49	January 29, 2007	San Pedro Peninsula Homeowners United, Inc. (Chuck Hart)
B50	January 30, 2007	Castiglione, Nancy
B51	January 30, 2007	Cordero, Anthony P.
B52	January 30, 2007	Cornell, Glenn
B53	January 30, 2007	Eppherhart, Douglas

Table FEIR-1 (Continued)
Inventory of Comment Letters Received on the Draft EIR

Correspondence Alpha	Date of Correspondence	Commenter
B54	January 30, 2007	Irell & Manella, LLP (Allan J. Abshez)
B54a ¹	November 9, 2006	Linscott, Law & Greenspan, Engineers (prepared for the Ponte Vista Working Group)
B54b ²	January 2007	Priority Engineering Inc. (prepared for the Northwest San Pedro, Coastal San Pedro, and Harbor City Neighborhood Councils)
B55	January 30, 2007	Weston, Benshoof, Rochefort, Rubalcava, MacCuish, LLP (Barbara J. Higgins)
B56	January 31, 2007	Antoinette, Tracy
B57	January 31, 2007	Balov, Lucey
B58	January 31, 2007	Balov, Sam
B59	January 31, 2007	Galvan, Leslie
B60	January 31, 2007	Hart, Sylvia
B61	January 31, 2007	Hart, Sylvia
B62	January 31, 2007	Heffernan, L.G.
B63	January 31, 2007	Kordich, Mathew
B64	January 31, 2007	Kordich, Thelma
B65	January 31, 2007	Kordich, Vince
B66	January 31, 2007	Kuryama, Jerry
B67	January 31, 2007	Kuriyama, Roya
B68	January 31, 2007	LaPine, Kerry
B69	January 31, 2007	LaPine, Steven
B70	January 31, 2007	Mah, Evelyn
B71	January 31, 2007	Manfrass, Lorraine
B72	January 31, 2007	McCarty-Marple, Meg and Marple, David
B73	January 31, 2007	Metzler, Roger
B74	January 31, 2007	Mira Vista Homeowners Association (Steve LaPine and Mark R. Wells)
B75	January 31, 2007	New Environmental Engineering (John S. Lang)
B76	January 31, 2007	Reher, Vincent
B77	January 31, 2007	Robberstad, Martha
B78	January 31, 2007	Scholton, Suzanne
B79	January 31, 2007	Shreve, Melanie F.
B80	January 31, 2007	Smith, David
B81	January 31, 2007	Wells, Mark
B82	January 31, 2007	Wells, Theresa A.
B83	January 31, 2007	Williamson, Gayle A.
B84	January 31, 2007	Winkler, John
B85	February 2, 2007	Pingel, Steven R.
B86	February 5, 2007	Luse, Andrea A.

¹ Comment Letter B54a is included in the form of an attachment to Comment Letter B54.

² Comment Letter B54b is included in the form of an attachment to Comment Letter B54.

B. TOPICAL RESPONSES

Certain topics were raised repeatedly, albeit in slightly different forms, in comments on the Draft EIR. In order to minimize duplication and to provide a more comprehensive discussion, “Topical Responses” have been prepared for some of these issues, and responses to individual comments reference these topical responses as appropriate. Each topical response is intended to provide a general response to several comments on the given subject. A particular topical response may provide more information than requested by any individual comment. Conversely, the topical response may not provide a complete response to a given comment, and additional information may be contained in the individual response to that comment.

Topical responses in this Final EIR address the following issues:

1. Standards for Responses to Comments and Focus of Review of Commenters
2. Recirculation
3. South Region High School #14
4. Aesthetics
5. Air Quality – Construction
6. Air Quality – Operation
7. Impacts of Age-Restricted Units
8. Population and Housing
9. Estimated Unit Pricing
10. School Impacts
11. Traffic
12. Related Projects and Cumulative Impacts
13. Emergency Response and Evacuation

Topical Response 1: Standards for Responses to Comments and Focus of Review of Commenters

Various comments request additional analysis, mitigation measures, or revisions that are not provided in the Final EIR for reasons more specifically addressed in the individual comments. Section 15204(a) of

the State CEQA Guidelines³ (“CEQA Guidelines”) (Focus of Review) provides basic guidance regarding this issue.

Section 15204(a) states:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

Section 15003 also explains the emphasis of CEQA upon good-faith efforts at full disclosure rather than technical perfection:

(i) CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR’s environmental conclusions, but only determines if the EIR is sufficient as an informational document. (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692).

(j) CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. (Laurel Heights Improvement Assoc. v. Regents of U.C. (1993) 6 Cal.4th 1112 and Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553).

Sections 15204(a) and 15003 reflect judicial interpretation of CEQA. Reviewers are encouraged to focus on the sufficiency of the environmental document’s analysis, mitigation measures, and project alternatives. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. CEQA requires that lead agencies need

³ California Code of Regulations Title 14, Chapter 3, Sections 15000-15387.

only respond to significant environmental issues, and do not need to provide all information requested by reviewers, so long as a good faith effort at full disclosure is made in the EIR.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the CEQA Guidelines states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” In addition, various comments assert or request that impacts should be considered significant or that significance conclusions of the EIR should be revised but fail to provide substantial evidence in support of their assertion. Section 21080(e) of CEQA defines the type of evidence required to support a conclusion of significant effect on the environment. It provides that:

(1) For the purposes of this section and this division, substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact. (2) Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.

Section 15204(c) of the CEQA Guidelines advises reviewers that comments should be accompanied by factual support:

Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Finally, various comments request that the EIR analyze the potential impacts of scenarios that require significant speculation. CEQA does not require such analysis. CEQA Guidelines Section 15145 provides that:

If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

Topical Response 2: Recirculation

Various comments request that the Draft EIR be revised and recirculated. CEQA Guidelines Section 15088.5 provides guidance regarding the circumstances in which an EIR must be recirculated prior to certification:

A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation include, for example, a disclosure showing that:

- (1) A new significant environmental impact that was not discussed in the draft EIR would result from the project or from a new mitigation measure proposed to be implemented.*
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.*
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.*

CEQA Guidelines Section 15088.5 (b) provides that:

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications to an adequate EIR.

CEQA does not approve recirculation as a means to delay or obstruct a project. As Section 15003(j) of the CEQA Guidelines states:

(j) CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. (Laurel Heights Improvement Assoc. v. Regents of U.C. (1993) 6 Cal.4th 1112 and Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553)

Based upon an analysis of the comments received during the public review period, it is concluded that there is not significant new information within the meaning of CEQA Guidelines Section 15088.5 requiring recirculation of the Draft EIR.

Consistent with CEQA Guidelines Section 15088.5(b), in response to various comments, the Final EIR includes corrections and additions, maps or other graphical material to clarify or amplify the EIR analysis.

Topical Response 3: South Region High School #14

Various comments have requested analysis of the South Region High School #14 project proposed by LAUSD as an alternative to the Project, or a related project, or analysis of the impacts of the Project upon the South Region High School #14 project. This issue was addressed in several places in the Draft EIR. In addition, as discussed below, the status of LAUSD's project and its project proposal have significantly changed.

Section I (Introduction/Summary), Section IV.I.3 (Schools), and Section VI (Alternatives to the Project) of the Draft EIR described the Los Angeles Unified School District (LAUSD) Board of Education's adoption of a resolution on December 13, 2005, designating the entirety of the Project site as the preferred site for the planned South Region High School #14, a potential public high school serving 2,025 students. LAUSD subsequently stated that approximately 24 acres would be required for such a project. This designation authorized LAUSD staff to study the Project site as the potential site for South Region High School #14 for planning and feasibility purposes only, and directed staff to prepare an EIR for the Board of Education's review as lead agency for the South Region High School #14 project. The Board, however, did not approve or authorize the acquisition of the Project site by LAUSD, or the development of South Region High School #14 at the Project site or at any other site. LAUSD's competing proposal for the Project site presented a unique circumstance. As discussed in Section I (Introduction/Summary), Section IV.I.3 (Schools), and Section VI (Alternatives to the Project) of the Draft EIR, the development of South Region High School #14 at the Project site would have physically conflicted with the Project, and both projects could not have been concurrently developed there. The applicant's Project entails all of the Project site's approximately 61.5 acres. LAUSD's potential project (as originally proposed) required approximately 24 acres (almost 40 percent of the Project site). If LAUSD had acquired 24 acres of the Project site for a high school, the applicant would not have proceeded with its Project as proposed. Because there was no possible scenario in which the Project, as proposed, would have shared the same site with South Region High School #14, the Draft EIR evaluated the potential environmental impacts of the applicant's Project assuming that South Region High School #14 would not be constructed on the Project site. For the same reason, South Region High School #14 was not included as a related project or a sensitive receptor in relation to the applicant's Project. For the same reasons, in this Final EIR, LAUSD's South Region High School #14 project is not considered as a related project for project impact or cumulative impact purposes.

Some comments suggest that because LAUSD has the power of eminent domain and was proceeding with the study of the Project site for SRHS #14 at the time of the Draft EIR, the applicant should have assumed that the District would acquire up to 24 acres of the Project site and should have limited its project to the remaining 37.5 acres. However, the applicant is not pursuing a project on part of its property but is seeking entitlements to develop all of its property for its purposes as it is entitled to do as a private property owner. As the lead agency, the City is obligated to process CEQA review for the project the

applicant has proposed and cannot force the applicant to implement LAUSD's plans (which, as discussed below, have since been withdrawn). In Section VI (Alternatives to the Project), at page VI-6, the Draft EIR explains why the South Region High School #14 was not analyzed as an alternative in the Draft EIR. Section 15126.6(a) of the CEQA Guidelines states, "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly *attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project* [emphasis added]..." Section 15126.6(b) provides that "the discussion of alternatives shall focus on alternatives to the project or its location which are capable of *avoiding or substantially lessening any significant effects of the project* [emphasis added]. . . ." LAUSD's South Region High School #14 project (a major campus hosting 2,025 students) was not an alternative that would have been identified for the purpose of mitigating the applicant's housing project pursuant to CEQA Guidelines 15126.6(b). No substantial evidence has been presented that the South Region High School #14 project would avoid or substantially lessen any significant effects of the Project. Rather, LAUSD's South Region High School #14 project represented a wholly independent potential project by another public agency (LAUSD) that would further LAUSD's independent objectives.

Had LAUSD proceeded with SRHS #14, it would have prepared an EIR and, pursuant to Section 15126.6(a) of the CEQA Guidelines, the EIR would have considered alternatives to the South Region High School #14 project and to the location of such project. LAUSD's EIR would have also addressed the environmental impacts of its project along with all related projects, potential environmental impacts and mitigation measures, and potential alternatives capable of mitigating or avoiding environmental impacts of that project.

Finally, on December 5, 2007, LAUSD informed the project applicant that it would no longer pursue building a high school of any size on the project site, and that it will suspend all further feasibility studies that would otherwise be conducted. As the reason for retracting its proposal, LAUSD stated that funding issues have caused the Board to give priority to new school projects that will allow the District to achieve the goal of having all schools operate on a two-semester calendar. According to LAUSD, current demographic projections indicate that Narbonne High School will be able to remain on a two-semester calendar without building additional seating capacity. Thus, LAUSD is no longer seeking to construct South Region High School #14 on the project site. As such, and for the reasons stated above, analysis of South Region High School #14 as a related project, sensitive receptor, or project alternative in the EIR is not warranted.

Topical Response 4: Aesthetics

Prior to the preparation of the Draft EIR, an Initial Study was prepared to identify whether an environmental impact report was necessary and to focus the content of the environmental impact report. See CEQA Guidelines Section 15063(c) (initial study intended to focus the EIR on effect determined to be significant, identify the effects determined not to be significant, and explain the reasons for determining that potentially significant effects would not be significant); and CEQA Guidelines Section

15084(a) (scoping useful in identifying effects to be analyzed in depth in an EIR and eliminating from detailed study issues found not to be important).

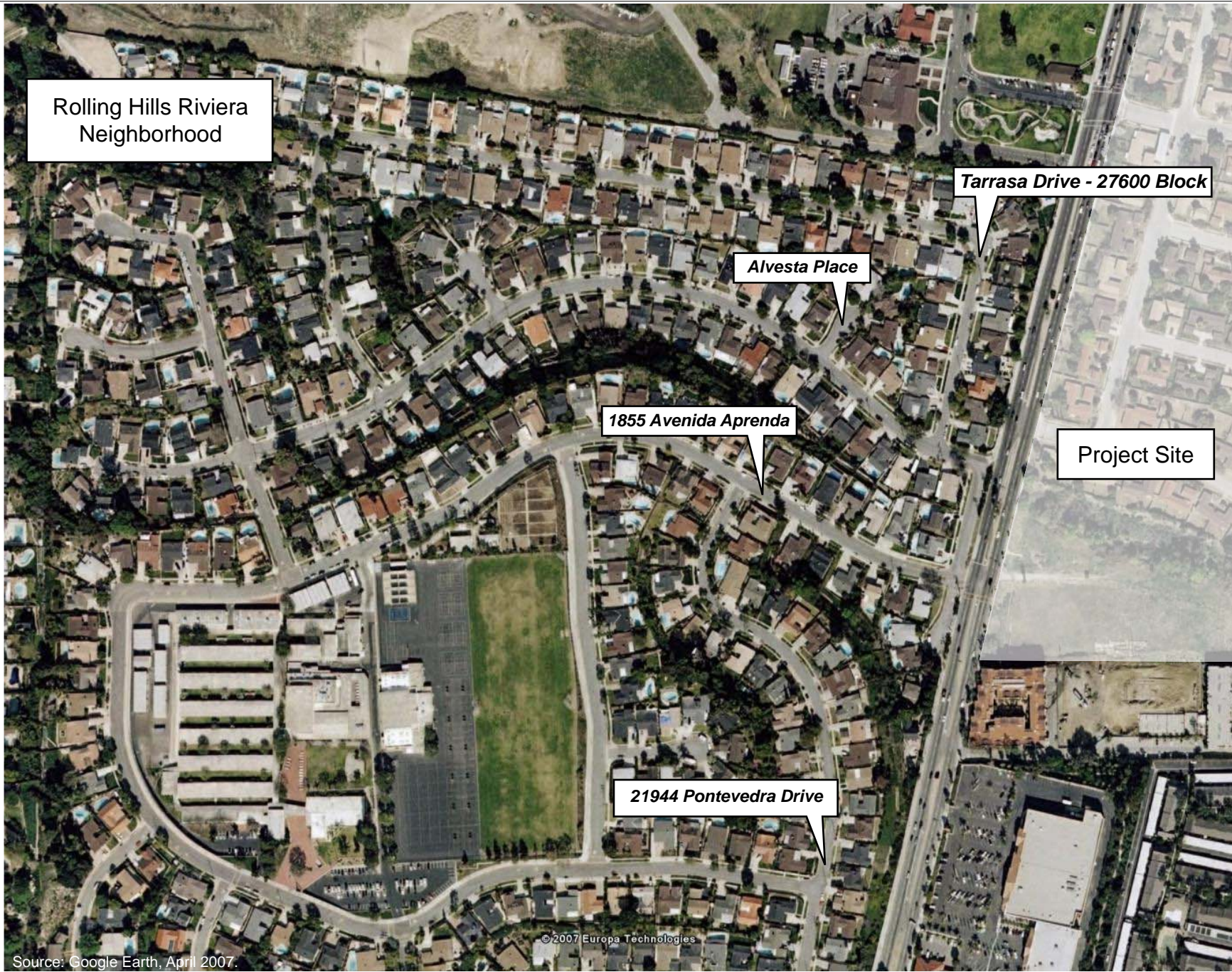
In conformance with Sections 15063 and 15084 of the CEQA Guidelines, the Initial Study contains a discussion of aesthetics. The Initial Study concluded that impacts related to aesthetics, including scenic vista impacts, would be less than significant, and that further analysis in the Draft EIR was not required (Initial Study, pp. 14-16). This analysis is stated on pages IV.A-1 through IV.A-3 in Section IV.A (Impacts Found to be Less than Significant) of the Draft EIR. Potential scenic vistas in the Project area include views of the harbor area features, such as the Vincent Thomas Bridge. The information described the existing quality of public harbor views from Western Avenue adjacent to the site and from public streets within the single-family residential neighborhood west of the site in the City of Rancho Palos Verdes (i.e., Rolling Hills Riviera). The Draft EIR also discussed views towards the harbor area from the Green Hills Memorial Park Cemetery. The Draft EIR concluded that scenic vistas of the harbor area and Vincent Thomas Bridge from such locations would not be significantly impacted by the Project, and that no further analysis was necessary.

Though the foregoing analysis is well-documented and supported, commenters have raised questions about views from the Rolling Hills Riviera subdivision, and private views held by individual single family homeowners within such subdivision. Neither the City of Los Angeles nor CEQA protect private views from private property. However, in response to comments received on the Draft EIR, the EIR preparers conducted an additional reconnaissance of the neighborhood (refer to Comment A8-8 from the City of Rancho Palos Verdes Planning Department). The reconnaissance focused on a list of recommended locations provided by the Rancho Palos Verdes Planning Department subsequent to the receipt of the City of Rancho Palos Verdes' comment letter on the Draft EIR.

An aerial photograph of the Rolling Hills Riviera subdivision and the Project site is provided in Figure FEIR-1. The aerial photograph shows the orientation of streets and lots in relation to the Project site. The photograph shows the reconnaissance locations discussed below. A second aerial photograph is provided in Figure FEIR-2 that shows the relative position of the Rolling Hills Riviera subdivision, the Project site, and harbor facilities, including the Vincent Thomas Bridge. Figure FEIR-1 and Figure FEIR-2 substantiate that because of the relative position of the Rolling Hills Riviera subdivision, the Project site, and harbor features, scenic vistas of the harbor site from the Rolling Hills Riviera subdivision would not be potentially impacted.

The following is a discussion of each location recommended to be reviewed by the Rancho Palos Verdes Planning Department:

- **27600-27654 Tarrasa Drive.** Tarrasa Drive is located off Redondela Drive and runs parallel to Western Avenue. The elevation of Tarrasa Drive is slightly higher than that of Western Avenue. The vast majority of homes, if not all, are single story. The homes on the east side of Tarrasa Drive are oriented such that their backyards abut Western Avenue. The backyards are buffered from Western Avenue by an approximately 5-foot-tall masonry wall topped by higher wooden



Source: Google Earth, April 2007.



CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

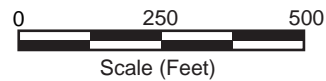
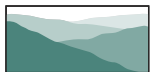


Figure FEIR-1
Aerial Photo of Rolling Hills Riviera



Source: Google Earth, April 2007.

© 2007 Europa Technologies



CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

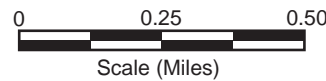


Figure FEIR-2
Aerial Photo of the Project Site and
Harbor Area

fencing and landscaping (see Figure FEIR-3). Views of the Project site from the Tarrasa Drive right-of-way are blocked by the one-story Tarrasa Drive homes, and views from the backyards of these homes are blocked by the wall and landscaping. As noted in the Initial Study, existing structures and vegetation on the Project site generally block views across the site from the grade of Western Avenue. There is no potential for scenic view obstruction from Tarrasa Drive.

- **27600-27604 Alvesta Place.** Alvesta Place is a cul-de-sac located off Redondela Drive west of and parallel to Tarrasa Drive. Similar to Tarrasa Drive, the elevation of Alvesta Place is slightly higher than that of Western Avenue. The vast majority of homes, if not all, are single story. The difference in elevation from Western Avenue to Alvesta Place is not substantial enough to yield views of the Project site. Rather, views towards the site from Alvesta Place are blocked by the homes along Tarrasa Drive. There is no potential for scenic view obstruction from Alvesta Place.
- **27900 block of Pontevedra Drive.** Pontevedra Drive is located off Aveninda Aprenda west of the Project site and runs parallel to Western Avenue. The elevation at this block of Pontevedra Drive is approximately 50 feet above grade from Western Avenue. The vast majority of homes, if not all, are single story. Long range views from Pontevedra Drive are blocked by homes. The 27900 block of Pontevedra Drive is located west of the southern boundary of the Project site, and private views over the Project site may be available from private backyards that are oriented in a northeast direction towards the Project site. Northeast-facing backyard views across the site also become available as the viewer heads south on Pontevedra Drive. However, northeast-facing views over the Project site are not of harbor area features because such features are located southeast of the Project site as depicted in Figure FEIR-4, which was shot from a residential backyard at 21944 Pontevedra Drive, and as demonstrated in the aerial photographs contained in Figure FEIR-1 and Figure FEIR-2. Due to the relative location of Pontevedra Drive, the Project site, and the harbor area, the Project site generally appears just north of the viewshed towards the harbor area from the homes along this right-of-way. Furthermore, Pontevedra homes that are closer to the southern portion of the Project site, such as those at the 27900 block, would overlook the public park portion of the Project, which would not be developed with any structures other than a single-story ancillary ballfield structure. Therefore, the Project would have no impact on private scenic vistas views from this location.
- **Mar Vista Neighborhood at Western and Crestwood.** This neighborhood is located approximately one mile south of the Project site. Due to widespread intervening development, the Project site is not visible from this neighborhood. Therefore, the Project would have no impact on potential scenic vistas from this location.

The EIR preparers conducted additional reconnaissance of the Rolling Hills Riviera neighborhood to determine if any other locations provide views of the harbor area overlooking the site, and ascertained that the 1800-1900 block of Avenida Aprenda provides some of the best available views towards the harbor available from private homes within the Rolling Hills Riviera neighborhood. As discussed earlier, and as shown on Figure FEIR-1 and Figure FEIR-2, lots in this area are oriented in a northeasterly direction, while harbor features are towards the southeast. Neither the City of Los Angeles nor CEQA



Views of the masonry wall that separates homes along Tarrasa Drive from Western Avenue.





Panoramic view overlooking Western Avenue from a private residential backyard located at 21944 Pontevedra Drive. The Project site is visible to the left while Harbor features, including the Vincent Thomas Bridge, are visible to the right. As shown, the Project site is outside the viewshed of Harbor features from this location.



protects personal views from private property. As noted on page II-47 of the Conservation Element in the City of Los Angeles General Plan (adopted in September 2001): “Scenic views or vistas are the panoramic public view access to natural features, including views of the ocean, striking or unusual natural terrain, or unique urban or historic features. Public access to these views is from park lands, private and publicly owned sites and public rights-of-way.” Nevertheless, for informational purposes a simulation illustrating the proposed height and bulk of proposed Project buildings, as viewed from a residential backyard located at 1855 Avenida Aprenda, is provided in Figure FEIR-5. Since the lot, like others in the area, is oriented in a northeasterly direction, the photo had to be taken over the sideyard property line across a neighbor’s backyard (and pool house) to take in harbor features.

The simulation is not intended to provide any architectural or design detail but instead is intended to provide information on the height and massing envelope of potential Project structures. Project buildings would fall within the limits of the “wire frame” box shown on Figure FEIR-5. Looking towards the southeast, the Vincent Thomas Bridge appears above the new six story Seaport Homes project located on Fitness Drive. Harbor crane features and tanks located at the Amerigas facility appear above Project buildings that will be located deeper within the Project site. Though not part of the harbor, features of the ConocoPhillips refinery appear above Project buildings fronting Western Avenue. Though not protected by CEQA, private scenic vistas of harbor features will not be impacted by the Project.

The results of the additional Rolling Hills Riviera neighborhood reconnaissance confirm and amplify the conclusions of no potential impact contained in the Initial Study and Draft EIR.

Topical Response 5: Air Quality – Construction

CEQA Section 15004 provides that EIRs and negative declarations should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment. The Initial Study identified potential construction air emissions for the Project as potentially significant and required that they be addressed in the environmental impact report and that potential mitigation measures be identified.

At the time the Draft EIR was prepared, detailed construction planning had not been undertaken by the applicant. Accordingly, general assumptions were employed in the analysis contained within Section IV.B, Air Quality, of the Draft EIR. It was assumed that development of the Project site would occur in three separate and distinct site-wide activities (demolition, excavation and grading, and construction) with each site-wide activity having been completed prior to commencement of the next activity consistent with general practices for similarly scaled projects. The final development activity, construction, however, was assumed to occur in several phases with the development of approximately 500 units being completed and sold before commencing construction on the next set of 500 units.

Based on this information, the Draft EIR provided construction air emissions analysis, concluded that construction air emissions were potentially significant, and recommended mitigation measures. The Draft EIR concluded that, even with the application of mitigation measures, the temporary ROG and NO_x



View of Project Site from private residential backyard at 1855 Avenida Aprenda.

This conceptual figure is intended to illustrate the Project's potential impact to area viewsheds only, and does not represent proposed architecture, landscaping, and improvements along Western Avenue.

Source: MVE & Partners, Inc., Christopher A Joseph & Associates, 2007



CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

Figure FEIR-5
View of Wireframe Project Massing
from 1855 Avenida Aprenda

emissions would exceed SCAQMD thresholds and would remain significant and unavoidable both for the Project and for each of the alternatives.

Since publication of the Draft EIR, Project planning has been advanced to a point where more detailed information regarding Project construction equipment and a preliminary approximate construction schedule has been formulated and made available for review. Therefore, the following information, which provides a more detailed analysis of the pollutant emissions associated with site development, is added to clarify and supplement the analysis of the Draft EIR. Mitigation measures have also been reviewed, revised and augmented. As discussed in more detail below, such updated analysis indicates that during the period of peak daily construction, emissions of ROG and NO_x will be higher than analyzed in the Draft EIR, and that notwithstanding feasible mitigation, they will exceed SCAQMD threshold levels resulting in a temporarily significant and unavoidable impact. As discussed above, the Draft EIR also concluded that temporary ROG and NO_x construction emissions would be significant and unavoidable.

Further, in addition to the URBEMIS model of emissions utilized in the Draft EIR, a Localized Significance Threshold (LST) air pollutant dispersion analysis was conducted. As discussed in more detail below, the LST dispersion analysis indicates that with mitigation, temporary CO, NO_x, PM₁₀, and PM_{2.5} emissions associated with Project construction would not exceed the SCAQMD's localized significance thresholds at any existing off-site sensitive receptor or at any future on-site sensitive receptor. Therefore, the Project's localized emission impacts would be less than significant.

Updated URBEMIS Model

As discussed on page II-1 in Section II, Project Description, of the Draft EIR, the Project site is currently improved with abandoned residential duplexes, a community center, and a retail facility. According to the applicant's construction management advisor, construction phases would be as follows:

- The first development activity would include the demolition and removal of all of the existing on-site improvements as well as preliminary earth-work and would take approximately four months (or approximately 70 work days). In addition, the first development activity would include the crushing of concrete and rock material to provide materials for on-site use. A Pioneer rock crusher may be employed during the last month of this demolition phase over an approximately 17-day period.
- Once these site-wide activities are completed, the site would be divided into three development Phases and a more detailed earth-work plan would be implemented for each Phase, starting with Phase I.
- Each of the three development Phases would undergo a series of approximately seven steps to complete the grading activity required for such phase. Approximately 50 work days would be required for this grading at the start of work on each of the three development Phases.

- Once the grading activity for the Phase I site is completed, construction of the residential units and supporting infrastructure on the Phase I site would begin and would continue for approximately 12 months. It has not been determined exactly when grading would start on the Phase II site, but it would most likely occur once approximately 50 percent of the residential units on the Phase I site have been sold. Units in this type of development are generally sold before they are completely finished. Therefore, earth-work activities at the Phase II site would not occur until the later portion of construction of Phase I. Earth-work activities at the Phase II site would not overlap with earth-work at the Phase I site, nor would earth-work at the Phase III site overlap with earth-work at the Phase II site.

In addition, in response to comments, and based on more detailed information provided by the applicant's construction management advisor, a more comprehensive construction equipment list has also been prepared. The equipment list for the *Demolition Phase*, which would extend for approximately four months (or 70 work days) (two months less than assumed in the Draft EIR) includes the following:

- Twelve (12) CAT 325 BL Excavators @ 275 HP each;
- Four (4) CAT 973 Trackloaders @ 300 HP each;
- Two (2) On-site Trucks @ 300 HP each;
- Two (2) Off-site Trucks @ 300 HP each; and
- One (1) Pioneer Rock Crusher @ 510 HP.

Based on the estimates of the applicant's construction management advisor, it was also assumed that these pieces of equipment would run for a maximum of 7.2 hours per day during the demolition phase.

The second activity, excavation/site grading of the Phase I site, would extend for approximately three months (or three months less than assumed in the Draft EIR), coinciding with the final 50 work days of the site-wide demolition phase. Therefore, the equipment listed above under demolition was assumed to be operating at the same time as the equipment listed below during each of the following sub-phases.

The equipment list for the *Excavation Sub-Phase* includes the following:

- Four (4) CAT 637 Scraper @ 950 HP each;
- Four (4) CAT 623 Scraper @ 330 HP (listed as other equipment in Appendix B);
- One (1) CAT D-8 Dozer @ 310 HP each;
- One (1) 4,000 Gallon Water Truck @ 300 HP each; and
- One (1) CAT 824 Dozer @ 315 HP each.

The equipment list for the *Over-Excavation Sub-Phase* includes the following:

- Four (4) CAT 637 Scraper @ 950 HP each;
- Four (4) CAT 623 Scraper @ 330 HP (listed as "other equipment" in Appendix B);
- One (1) CAT D-8 Dozer @ 310 HP each;

- One (1) 4,000 Gallon Water Truck @ 300 HP each; and
- One (1) CAT 824 Dozer # 315 HP each.

The equipment list for the *Pad-Finish Sub-Phase* includes the following:

- One (1) CAT 623 Scraper @ 950 HP each;
- One (1) 4,000 Gallon Water Truck @ 300 HP each (listed as “other equipment” in Appendix B); and
- One (1) CAT 140 Blade @ 165 HP each.

The equipment list for the *Site Rough Finish Sub-Phase* includes the following:

- One (1) CAT 623 Scraper @ 330 HP each;
- One (1) 4,000 Gallon Water Truck @ 300 HP each (listed as “other equipment” in Appendix B);
- One (1) CAT 140 Blade @ 165 HP each; and
- One (1) Pioneer Rock Crusher @ 510 HP.

The equipment list for the *Curb & Gutter Sub-Phase* includes the following:

- One (1) CAT 140 Blade @ 165 HP each
- One (1) 4,000 Gallon Water Truck @ 300 HP each (listed as “other equipment” in Appendix B);
- One (1) CAT Roller @ 200 HP each;
- One (1) Skip Loader @ 90 HP each; and
- One (1) Pioneer Rock Crusher @ 510 HP.

The equipment list for the *Street Sub-Grade Sub-Phase* includes the following:

- One (1) CAT 623 Scraper @ 330 HP each;
- One (1) 4,000 Gallon Water Truck @ 300 HP each (listed as “other equipment” in Appendix B);
- One (1) CAT 140 Blade @ 165 HP each
- One (1) CAT Roller @ 200 HP each;
- One (1) Skip Loader @ 90 HP each, and
- One (1) Pioneer Rock Crusher @ 510 HP.

The equipment list for the *Berms Sub-Phase* includes the following:

- One (1) CAT 623 Scraper @ 330 HP each;

- One (1) 4,000 Gallon Water Truck @ 300 HP each (listed as “other equipment” in Appendix B);
- One (1) CAT 140 Blade @ 165 HP each; One (1) CAT Roller @ 200 HP each;
- One (1) Skip Loader @ 90 HP each, and
- One (1) Pioneer Rock Crusher @ 510 HP.

It was also assumed that these pieces of equipment would run for a maximum of 7.2 hours per day.

The third activity, construction, would extend in discrete phases over approximately six years (the same duration assumed in the Draft EIR). The equipment listed for the *Residential Construction Phase* includes the following:

- One (1) Crane @ 190 HP each;
- One (1) Grader @ 174 HP each;
- One (1) Asphalt Paver @ 132 HP each;
- One (1) CAT Roller @ 114 HP each;
- Two (2) Rough Terrain Forklift @ 94 HP each;
- One (1) Rubber Tired Loaders @ 165 HP each, and
- One (1) Skip Loader @ 79 HP each.

Based upon this updated and expanded information regarding construction, a detailed multi-phase URBEMIS emissions model analysis has been prepared for the Project. The text on pages IV.B-36 through IV.B-37 of the Draft EIR has been revised to reflect the results of this updated URBEMIS modeling (see Corrections and Additions). The Draft EIR construction emission analysis concluded that construction emissions would be potentially significant. Specifically, that ROG, PM10, and NOx emissions would temporarily exceed SCAQMD thresholds, but that CO and SOx emissions would not exceed SCAQMD thresholds. As shown in the Corrections and Additions, the updated URBEMIS analysis results in the same conclusions but also indicates that, during two specific sub-phases of construction activity at the site, CO would also temporarily exceed the applicable SCAQMD threshold.

As discussed previously, excavation/grading activities at the Phase II site would likely occur near the end of construction activities at the Phase I site. Individual activities associated with the excavation and grading of the Phase II site are anticipated to be similar to those of Phase I. However, it has not yet been determined which excavation/grading activity of Phase II would overlap the construction activity of Phase I. For worst-case analysis purposes, the modeling conducted as part of the updated more detailed analysis combines each individual excavation/grading “sub-activity” of the Phase II site with the construction activity of Phase I. The results of this modeling are presented in revised Table IV.B-4 (included in Corrections and Additions). It was determined that the period with the highest, unmitigated emissions would occur when Phase II over-excavation overlaps with Phase I construction (even considering phases during which rock crushing would occur; refer to data sheets in Appendix B to this Final EIR). Using this

worst-case phasing scenario, construction ROG, NO_x, CO, and PM₁₀ emissions would exceed SCAQMD thresholds in the absence of mitigation, and mitigation measures have been identified.

The mitigation measures pertain to the type and operation of construction equipment to be utilized at the Project site and serve to reduce the emissions of all criteria pollutants (see page IV.B-52 through IV.B-54 of the Draft EIR). Some mitigation measures pertaining to the use of various types of fuel and fuel conveyance systems for construction equipment that were included in Appendix IV.B-2 and were accounted for in Table IV.B-11 on page IV.B-55 of the Draft EIR were inadvertently omitted from the text of Section IV.B, Air Quality, of the Draft EIR, and have been added in Corrections and Additions (see also Response to Comment A10-196). In response to public review and comment on the Draft EIR, proposed mitigations have also been reviewed and revised, and new mitigation measures have been identified. Information regarding the feasibility of all final proposed mitigation measures has been obtained from construction management firms consulting to the applicant.

To evaluate the effectiveness of these mitigations, standard emission reductions approved by the SCAQMD were applied to the results of the more detailed URBEMIS modeling described above and presented in revised Table IV.B-4 (see Corrections and Additions). The resulting conclusions regarding the ability of the revised mitigation measures to reduce construction emissions associated with the Project to below applicable SCAQMD thresholds are shown in revised Table IV.B-11 (see Corrections and Additions). This analysis addresses the worst-case scenario of Project construction and indicates that, with the application of mitigation measures, construction emissions will remain significant and unavoidable. Specifically, during the period of peak daily construction emissions, ROG and NO_x will exceed SCAQMD threshold levels, with estimated emission concentrations higher than indicated in the Draft EIR. Such construction emissions will be significant and unavoidable. The Draft EIR's URBEMIS analysis also identified temporary ROG and NO_x emissions as significant and unavoidable.

Localized Significance Threshold (LST) Modeling

In order to more closely evaluate the higher emission concentrations projected by the updated URBEMIS modeling, a more detailed localized significance threshold (LST) modeling effort was undertaken in response to public review and comment on the Draft EIR. As indicated on page 1-1 of SCAQMD's Final Localized Significance Threshold Methodology document, the use of LSTs by local governments is voluntary. The thresholds of significance and methodologies adopted by the Governing Board of the SCAQMD are not "required" for any lead agency in the South Coast Air Basin with the exception of the SCAQMD. While not required by CEQA or the City of Los Angeles, this LST analysis supplements the analysis of construction emissions and provides further information. The full text of the LST analysis is provided in Appendix C to this Final EIR.

The SCAQMD published its Localized Significance Threshold Methodology in June 2003. The LSTs discussed in the SCAQMD's LST Methodology apply to projects that are five acres or less in size and can be used to determine projected concentrations of CO, NO_x, and PM₁₀ resulting from project construction activities at nearby sensitive receptors. For projects that are greater than five acres, such as the Ponte Vista Project, the SCAQMD recommends that site-specific air pollutant dispersion modeling should be

conducted for construction activities. This type of modeling allows for a better analysis of potential emission concentrations at specific locations both on and in the vicinity of the Project site.

The LST analysis indicates that, with mitigation, temporary CO, NO_x, PM₁₀, and PM_{2.5} emissions associated with Project construction would not exceed the SCAQMD's localized significance thresholds at any existing off-site sensitive receptor or at any future on-site sensitive receptor. Therefore, the Project's localized emission impacts would be less than significant.

Topical Response 6: Air Quality – Operation

Various comments have stated that the air quality effects resulting from the Project's operations should be considered significantly adverse and unavoidable because the Project will generate emissions in excess of the significance thresholds recommended by SCAQMD in the 1993 SCAQMD CEQA Air Quality Handbook (the "1993 SCAQMD Handbook"). Essentially, these comments argue that *whenever* a project generates emissions in excess of the significance thresholds recommended in the 1993 SCAQMD Handbook, not only must an EIR be prepared, but also the air quality effects of the project must be found *per se* to be significant and unavoidable requiring the adoption of a statement of overriding considerations by the lead agency.

However, under Sections 15064 and 15064.7 of the CEQA Guidelines, the City of Los Angeles (and each lead agency) is charged with determining the significance of the environmental impacts of a project. Moreover, at page 6-2 of the 1993 SCAQMD Handbook, SCAQMD expressly acknowledges that lead agencies are not mandated to utilize its recommended thresholds in reaching a final determination of significance, and that "the final determination of whether a project is significant is within the purview of the lead agency pursuant to Section 15064(b) of the CEQA Guidelines." The Draft EIR fully disclosed that the Project (and all alternatives to the Project) would generate operational emissions that exceed certain operational emissions thresholds set forth in SCAQMD's CEQA Handbook. Thus, the objection expressed in these comments reflects a disagreement with the Draft EIR's recommendation regarding what finding should be made about such effect. Under Section 20182.2(e) of CEQA, "[s]tatements in an environmental impact report and comments with respect to an environmental impact report shall not be deemed determinative of whether the project may have a significant effect on the environment." Rather, under CEQA the determination of whether a particular effect should be considered significant or less than significant is reserved for the lead agency. *See Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692, 732 (Cal. Ct. App. 1990) ("[T]he decisionmaking body, not the report's preparer, is ultimately responsible for determining whether the proposed project will have a significant impact upon the local environment.")

Although a *per se* finding of significant and unavoidable air quality effects is not mandated by CEQA simply because SCAQMD operational emissions thresholds are exceeded, and while, as discussed below, a conclusion that the *per se* exceedance of such thresholds should not be considered a significant and unavoidable impact would be equally supportable by the City of Los Angeles as the lead agency, based on comments received regarding this issue this Final EIR recommends that such effects (specifically ROG, NO_x, and CO emissions in excess of the thresholds set forth in the 1993 SCAQMD Handbook) be treated

as significant and unavoidable. Because this potential effect was fully disclosed in the Draft EIR, recirculation is not required should the decision-makers adopt this conclusion. See *Environmental Council of Sacramento v. Board of Supervisors*, 135 Cal. App. 3d 428, 437-38 (Cal. Ct. App. 1982) (“As ultimate decision-maker, the Board had the power to change the findings in the EIR prepared by its staff... That the Board reached an environmental conclusion different than that of its staff did not vitiate the process of review, public comment, and consultation required under CEQA.”).

The 1993 South Coast Air Quality Management District CEQA Air Quality Handbook and Role of SCAQMD’s Recommended Significance Thresholds

As noted previously, although several comments have argued that the air quality effects of a project that exceed the thresholds recommended by the SCAQMD in the 1993 SCAQMD Handbook must be considered *per se* significant and unavoidable requiring the adoption of a statement of overriding considerations, this result is not compelled by CEQA.

SCAQMD’s significance thresholds are contained in Chapter 6 of the 1993 SCAQMD Handbook. In the Handbook, the SCAQMD expressly states that the significance thresholds and other guidance provided in the Handbook are not mandatory. Rather, at page 6-2, SCAQMD expressly acknowledges that lead agencies are not mandated to utilize its recommended thresholds, and that “the final determination of whether a project is significant is within the purview of the lead agency pursuant to Section 15064(b) of the CEQA Guidelines.” At page iii of the Handbook, the SCAQMD states, “[t]his handbook is an advisory tool and it is hoped that over time, voluntary use will lead to a standardized format for the preparation of air quality analysis in environmental documents for new development and a proactive procedure for mitigating potential air quality impacts from new projects.”

Moreover, since 1998, the SCAQMD has been in the process of reviewing and revising the 1993 SCAQMD Handbook, and the SCAQMD has announced that it is in the process of developing an Air Quality Analysis Handbook to replace the 1993 SCAQMD Handbook.⁴

Chapter 6 of the 1993 SCAQMD Handbook pertains to the preparation of Initial Studies and the decision as to whether to prepare an EIR for a project. In Chapter 6, the SCAQMD recommends that projects in the South Coast Air Basin with daily operation-related emissions that exceed its thresholds should be considered significant. Specifically, at page 6-6, the SCAQMD recommends that an Environmental Impact Report be prepared if the Initial Study indicates that “[t]he construction or operation of the project may result in the emissions thresholds being exceeded even with the application of all possible mitigation measures.”

Chapter 7 of the 1993 SCAQMD Handbook, however, pertains to the preparation of Environmental Impact Reports. In Chapter 7 at page 7-3, SCAQMD recommends that in addition to emission thresholds, an EIR evaluate the other applicable indicators of potential air quality impacts identified in Chapter 6, and

⁴ See www.aqmd.gov/ceqa/oldhdbk.html.

that “these comparisons will provide the basis for a determination of significance.” This statement indicates that the SCAQMD acknowledged that factors in addition to the thresholds should be taken into account in a lead agency making a final determination of overall Project significance with respect to air quality impacts. These additional factors include a Project’s potential violation of federal or state ambient air quality standards, Project-caused population increases in excess of that projected in the AQMP, CO “hot spots” created by Project-generated vehicle trips, and the consistency of a Project with the AQMP and other applicable regional plans.

In addition, as discussed in the Draft EIR, SCAQMD’s operational emission significance thresholds do not account for the size of the Project site, the density of the Project, or the consistency or inconsistency of the Project with applicable adopted regional, federal, and State air quality planning policies.

For example, in the 1993 SCAQMD Handbook, the SCAQMD provided a screening table of land use projects whose operational emissions would ordinarily be considered in excess of the SCAQMD thresholds. In this Table (Table 6-2), the 1993 SCAQMD Handbook indicates that any of the following typical urban projects would exceed the SCAQMD’s significance thresholds:

- 166 units (or more) of Single Family Housing
- 261 units (or more) of Apartments
- 297 units (or more) of Condominiums
- a 12,500-sf supermarket
- a 22,000-sf shopping center

Thus, utilizing the SCAQMD’s operational pollutant emission thresholds as the sole criterion, any project at or larger than the above sizes will automatically be considered to have a significant air quality impact, while multiple smaller projects that collectively exceed these sizes would each be considered to have a less than significant air quality impact.

The Draft EIR’s Air Quality Analysis

The Draft EIR presented a comprehensive analysis and good faith disclosure of the Project’s air quality effects, and addressed the consistency of the Project with the official policies of the various agencies responsible for promulgating and enforcing applicable regional, State, and federal air quality policies, including the officially adopted policies of the SCAQMD.

The Draft EIR acknowledged that the Project would exceed SCAQMD operational significance thresholds for ROG, NO_x and CO, but that it would not exceed them for SO_x and PM₁₀. However, the Draft EIR concluded that because the Project is consistent with the AQMP and related plans and programs to bring about attainment of federal and State ambient air quality standards (including the population growth assumptions and land use strategies designed to bring about a reduction in overall

regional vehicle miles traveled and related criteria pollutant emissions), the Project's operational air quality effects, including its cumulative effects, should be considered less than significant.

The Draft EIR follows the approach recommended by the 1993 SCAQMD Handbook. The Initial Study for the Project (Draft EIR Appendix I-1) expressly acknowledged the potential for the Project's operational emissions to conflict with applicable air quality plans, violate, or contribute to the violation of air quality standards, and result in cumulatively considerable increase of criteria pollutants. Accordingly, the Draft EIR included a detailed air quality analysis.

At Table IV.B-5 on page IV.B-38, the Draft EIR presented an analysis of the Project's daily operational emissions, and compared them against the SCAQMD significance thresholds. The Draft EIR expressly acknowledged that the Project would exceed SCAQMD operational significance thresholds for ROG, NO_x and CO, but that it would not exceed them for SO_x and PM₁₀. Further, at pages IV.B-7 through IV.B-10 and at pages IV.B-41 through IV.B-42, the Draft EIR discussed that ROG, NO_x, and CO emissions could contribute to adverse health effects, and that ROG and NO_x are generally considered on a regional basis because these two pollutants are converted into ground level O₃ (ozone) in the presence of sunlight causing adverse health effects (although NO_x are also considered to have local impacts). The Draft EIR also discussed that NO₂ is a portion of NO_x emissions, and that NO₂ can result in adverse health effects.

As recommended by the 1993 SCAQMD Handbook, the Draft EIR did not terminate its analysis of the Project's operational emissions with consideration of the SCAQMD thresholds alone. Rather, the Draft EIR provided further analysis. The Draft EIR provided a localized Carbon Monoxide (CO) impact analysis of the Project's operational emissions. The CO analysis indicates that within the context of future conditions (year 2012), the Project would not contribute to a violation of either State or federal CO standards at any of the 52 receptor locations analyzed. Thus, the Project would not generate a CO hot spot.

In addition, as recommended by Chapter 7 of the 1993 SCAQMD Handbook, the Draft EIR analyzed the Project's operational consistency with the Air Quality Management Plan. The AQMP is designed to bring the South Coast Air Basin into compliance with State and federal ambient air quality standards. The 2003 AQMP projects that the Basin will be in compliance with federal and State standards for all pollutants except the state ozone and PM₁₀ standards by the year 2010. The Draft EIR also analyzed the Project's consistency with the applicable air quality policies of the Regional Comprehensive Plan and Guide (RCPG), the Regional Housing Needs Assessment, the Regional Transportation Plan (RTP), and the City of Los Angeles' General Plan.

The Draft EIR concluded that the Project would not result in population increases which would be in excess of that projected in the AQMP, with the Project's estimated population representing 2.6 percent of SCAG's households and population forecast for the Subregion between 2005 and 2012, and that a significant unmet need for housing for the forecast population would likely continue even if the Project were constructed. *See generally* Draft EIR at pages IV.B-1 through IV.B-7; pages IV.B-22 through IV.B-33. The Draft EIR also found that the Project was consistent with, and would further, applicable policies

that are intended to improve air quality through reductions in total regional vehicle miles traveled and attendant emissions through such features as providing housing proximate to major job centers, providing housing proximate to public transit , by providing on-site services to meet the convenience retail needs of residents, and exploring the extension of the existing DASH public shuttle route on Western Avenue to serve the Project site.

As recommended by Chapter 7 of the 1993 SCAQMD Handbook, the Draft EIR took all of these indicators into account (including the fact that the Project would exceed SCAQMD operational significance thresholds for ROG, NO_x and CO, but that it would not exceed them for SO_x and PM₁₀), and concluded that the Project would not result in significant unavoidable air quality impacts from its operations.

Supplemental 1993 SCAQMD Handbook Chapter 9 Cumulative Analysis

In Section 9.5 of Chapter 9 of the 1993 SCAQMD Handbook, an approach is provided which was developed by District staff as a possible means to determine the cumulative significance of a land use project from a cumulative air quality perspective. Section 9.5 states that “[t]his approach is consistent with the AQMP which contains performance standards and emission reduction targets necessary to attain the federal and state air quality standards. This approach is not mandatory under CEQA...”

In response to the comments received, the approach set forth in Chapter 9 has been analyzed to amplify and clarify the analysis of the Draft EIR. Chapter 9 of the 1993 SCAQMD Handbook provides that:

According to ARB’s transportation performance standards, the rate of growth in vehicle miles traveled (VMT) and trips should be held to the rate of population or household growth. Compliance with this performance standard for residential projects, General Plan amendments, and Specific Plans is assessed by determining the population for the projected build-out year of the project. Planners should use population, VT, and VMT projections disaggregated to the local jurisdiction by SCAG that were contained in the AQMP. The population increase from the project should then be divided by the population projection for the build-out year. This gives the acceptable rate of growth in VMT and trips. To determine the number of VMTs a project can generate, determine VMT and trips projection for the build-out year for the local jurisdiction (after consultation with SCAG), and divide by the acceptable rate of VMT and trip growth projection.

If the analysis shows that the project complies with the above assumptions, the project’s cumulative impact could be considered insignificant. If the analysis shows that the project does not comply with the above assumptions, then cumulative impacts are considered to be significant, unless there is other pertinent information to the contrary.

In accordance with Chapter 9, a VMT growth analysis has been prepared.⁵

Table FEIR-2
VMT Growth Analysis

Daily Vehicle Miles Traveled for Project Population	47,192 ⁶
Daily Vehicle Miles Traveled Countywide-Population	207,107,373 ⁷
Daily Vehicle Miles Traveled Ratio	0.00023
Project Population	4,313 ⁸
Countywide Population	10,876,313 ⁹
Population Ratio	0.00040
Significance Test – Daily Vehicle Miles Traveled Ratio Greater Than Population Ratio	NO
Daily Vehicle Miles Traveled for Project Employment	290 ¹⁰
Daily Vehicle Miles Traveled Countywide-Employment	207,390,472 ¹¹
Daily Vehicle Miles Traveled Ratio	0.0000014
Project Employment	29 ⁸
Countywide Employment	5,375,263 ⁹
Employment Ratio	0.0000054
Significance Test – Daily Vehicle Miles Traveled Ratio Greater Than Employment Ratio	NO

⁵ The 1993 SCAQMD Handbook is currently undergoing revision. The SCAQMD Handbook website (www.aqmd.gov/ceqa/oldhdbk.html) states that “While the Handbook is under revision, it is recommended that the lead agency follow the calculation methodologies in Chapter 9 and the Appendix to Chapter 9 in the Handbook.”

⁶ Increase of vehicle miles traveled as a result of the Project (47,482, Draft EIR Appendix IV.B-2) minus increase of vehicle miles traveled as a result of Project employment (290). Data obtained from URBEMIS 2002.

⁷ Air Resources Board Website: www.arb.ca.gov/mei/onroad/downloads/revisions/Web_VMTSCAG2.doc, EMFAC Modeling Change Technical Memo, Jeff Long, 2002. Values for 2012 were extrapolated using a straight line assumption of growth between 2010 and 2020 for countywide population related trips. The VMT growth analysis, as set forth in Chapter 9 of the 1993 SCAQMD Handbook, uses Countywide assumptions rather than Citywide assumptions.

⁸ Section IV.H, Population and Housing, of the Draft EIR.

⁹ SCAG Regional Transportation Plan/Growth Vision: Socio-Economic Forecast Report 2004. Values for 2012 were extrapolated using a straight line assumption of growth 2010 and 2015 for countywide work related trips.

¹⁰ Increase of vehicle miles traveled as a result of Project employment. Data obtained from URBEMIS 2002. URBEMIS assumes an average of 5 miles per work and non-work related one-way trips in Los Angeles County (i.e., 10-mile round trip). By way of comparison, Table A9-5-D on page A9-24 of the SCAQMD CEQA Handbook forecasts that the average vehicle miles traveled per employee in Los Angeles County in 2010 will be 10.8 miles.

¹¹ Appendix 9, Page A9-126, Table A9-14 of the SCAQMD CEQA handbook. Values for Los Angeles County were only provided through 2009. Therefore, a growth factor of 3% was calculated based on the forecasted growth from 2007 to 2008, and a 3% increase in VMT per year was added to each subsequent year through 2012.

The Chapter 9 analysis indicates that the daily vehicle miles traveled ratio for the Project's residents will be less than that for the countywide population. The Chapter 9 analysis also indicates that the daily vehicle miles traveled ratio for the Project's employees will also be less than that for the countywide employment. The guidance in Chapter 9 indicates that in such circumstances, the Project's cumulative impacts could be considered insignificant. The analysis provided in the Chapter 9 model supplements and reinforces the analysis of the Draft EIR that, as an infill residential project close to the region's most significant employment center (the combined Ports of Los Angeles and Long Beach and nearby related businesses), the Project would reduce Countywide VMT (and associated air emissions), is consistent with and would further AQMP programs and policies, and would therefore result in less than significant cumulative air quality effects.

Air Quality Agency Comment on the Draft EIR

The Draft EIR was made available to SCAQMD, the Southern California Association of Governments (SCAG), and other public agencies for review and comment. SCAG has a statutory responsibility for determining conformity of projects, plans, and programs to the State's implementation plan adopted pursuant to the Federal Clean Air Act (*see* 42 U.S.C. § 7506), and per Executive Order 12372. SCAG is also responsible for the development of *demographic projections* plus the integrated land use, housing, employment, transportation programs, measures, and strategies portions of the South Coast Air Quality Management Plan. SCAG commented on the Draft EIR. SCAQMD did not comment on the Draft EIR.

In its comment letter in review of the Air Quality and Land Use Chapters of the Draft EIR, SCAG concurred, among other things, with the Draft EIR's assessment that:

“The Project thus addresses currently unmet housing needs that are contributing to urban sprawl and associated automobile trip emissions, and provides housing closer to jobs at densities that are consistent with the VMT reduction strategies of the RCPG [Regional Comprehensive and Guide] and AQMP [Air Quality Management Plan]. The Project would also likely reduce vehicle trips, VMT, and related emissions by including convenience retail services for future residents. The Project is consistent with and would implement relevant AQMP, RCPG, and RTP [Regional Transportation Plan] strategies to attain and maintain compliance with federal and State ambient air quality standards,” and concludes that “the project would be consistent with this RTP Goal [Protect the environment, improve air quality and promote energy efficiency]”

In conclusion, SCAG also commented that:

- “1. As noted in the staff comments, the proposed DEIR for the Ponte Vista Project - SCAG No. I 20060735 is consistent with or support [sic] many of the core and ancillary policies in the RCPG.
2. All feasible measures needed to mitigate any potentially negative regional impacts associated with the proposed project should be implemented and monitored, as required by CEQA.”

(Refer to Comments A14-51 and A14-52)

Conclusions

The Draft EIR analyzes and discloses the Project's potentially significant air quality effects, including but not limited to the fact that the Project's operational emissions would exceed SCAQMD operational significance thresholds for ROG, NO_x and CO, but that it would not exceed them for SO_x and PM₁₀. The Draft EIR also analyzes and discloses other emissions analysis as well as analysis pertaining to the Project's consistency with applicable air quality policies. Taking all of these factors into account the Draft EIR did not recommend that the Project's air quality effects be considered significant and unavoidable. The additional Chapter 9 cumulative effects analysis provided above supplements and reinforces this conclusion.

However, in recognition of the fact that public comment on the Draft EIR has requested that the Project's exceedance of certain SCAQMD air emission significance thresholds be treated as significant unavoidable impacts, this Final EIR adopts a conservative approach and recommends that the Project's operational air quality impacts be treated as significant and unavoidable. Resulting corrections to the Draft EIR are shown in Section II, Corrections and Additions, of this Final EIR. As noted above, because this potential effect was fully disclosed in the Draft EIR, recirculation is not required should the decision-makers adopt this conclusion.

Cumulative Air Quality Impacts

The Draft EIR includes an analysis of cumulative air quality impacts on pages IV.B-54 and IV.B-55. As discussed in the Draft EIR, regional air quality planning takes place through the AQMP and its implementation. The current AQMP establishes a comprehensive regional air pollution control program leading to the attainment of State and federal air quality standards in the SCAB area. In addition to setting minimum acceptable exposure standards for specified pollutants, the AQMP incorporates SCAG's growth management strategies that can be used to reduce vehicle trips and VMT, and hence air pollution. These include, for example, co-location of employment and housing, and mixed-use land patterns that allow the integration of residential and non-residential uses.

The 2003 AQMP is based on population growth through the year 2025 developed by each of the cities and counties in the region and incorporated by SCAG into the regional growth projections that are the basis of the AQMP emissions projections. The AQMP assumes that in addition to existing emissions, all growth and development projects in the region will contribute to regional air pollution by generating operational emissions. Therefore, anticipated emissions (including emissions from growth and development projects) are modeled by the SCAQMD to determine future air quality without additional controls. If pollutant concentrations are shown by the model to exceed State or federal ambient air standards, the SCAQMD, SCAG, and CARB develop additional control strategies to offset emissions and reduce concentrations to below the standards. The Project is located in the City of Los Angeles Subregion. SCAG has developed growth projections through the year 2025 in the 2003 AQMP. SCAG has determined that as long as the new population accommodated by an individual project is within the total population forecast for the subregion for the buildout year, the individual project is consistent with the AQMP, and potential cumulative impacts are mitigated by the AQMP. AQMP and SCAG policies

discourage growth that is inconsistent with relevant air quality policies, but recognize that some growth will occur that is not consistent with those policies.

The Project is consistent with the population growth envisioned by the AQMP and provides growth at an infill location close to jobs consistent with AQMP VMT reduction strategies (see Section IV.H [Population and Housing] of the Draft EIR).

As discussed earlier, in its 1993 SCAQMD Handbook, the SCAQMD provides a screening table of land use projects whose operational emissions would ordinarily be considered in excess of the SCAQMD thresholds, including many typical urban area projects such as:

- 166 units (or more) of Single Family Housing;
- 261 units (or more) of Apartments;
- 297 units (or more) of Condominiums;
- a 12,500-sf supermarket; and
- a 22,000-sf shopping center.

Because the SCAQMD thresholds are project-specific, low, and intended primarily to encourage further project-by-project review of emissions and potential controls, it is likely that many of the 174 related projects analyzed in the Draft EIR will likely exceed these same SCAQMD thresholds. However, as discussed earlier, to the extent that such projects are consistent with the total population forecast in the AQMP, such projects would be consistent with the AQMP and would not impede attainment of regional air quality goals.

As stated in the Draft EIR at pg. IV-B-55, evaluation of each of the 174 related projects for consistency of individual related projects with regional air quality planning policies is beyond the scope of the Draft EIR, and is required to be considered in all CEQA evaluations of discretionary projects in order to identify and mitigate potential CEQA land use impacts.

SCAG focuses its individual evaluations on general plan and zoning changes and projects of regional significance. The largest related project in the area, the Bridge to Breakwater project, is a project of regional significance that will be evaluated by SCAG. For all of these reasons, the Draft EIR concluded that cumulative emissions growth will primarily conform to regional air quality strategies in the future and that cumulative air quality impacts associated with the consistency of the proposed and related projects with applicable policies designed to bring about attainment of federal and State ambient air quality standards would be less than significant.

To supplement the analysis of cumulative air quality impacts in the Draft EIR, an analysis of the Project's contribution to greenhouse gas emissions and global climate change has been prepared and is presented in Section VI of this Final EIR.

Topical Response 7: Impacts of Age-Restricted Units

Some comments have requested more information regarding the Project's senior citizens component, which is comprised of 575 units, and have expressed concern that the age-restricted units will be occupied by households that have population, public school student generation, or other impacts that are no different from the unrestricted townhomes and condominiums because the Project's seniors component has been defined as applying to households with a member who is age 55 or older, rather than an older minimum age, for example, age 62 or older.

These comments appear to be based on a misunderstanding that senior citizen housing developments are typically restricted to occupancy by persons aged 62 or older. In 1985, the California Legislature adopted Civil Code Section 51.3, in which it found and declared that "...this section is essential to establish and preserve specially designed accessible housing for senior citizens. There are senior citizens who need special living environments and services, and . . . there is an inadequate supply of this type of housing in the state." Section 51.3 defines a senior citizen housing development as a development containing at least 35 units which is developed for senior citizens and restricted to occupancy by persons **55 years or older** (with limited exceptions) consistent with California Civil Code Section 51.3. These are the age restriction requirements that apply to California's well-known senior housing developments, such as Leisure World in Seal Beach, California.

The Project's senior units will be a "senior citizen housing development" consistent with the requirements of Civil Code Section 51.3 and, by way of comparison, with age-related occupancy requirements at least as restrictive as those of Leisure World in Seal Beach.¹² To confirm this commitment, the applicant has indicated that as a condition of Project approval it is willing to enter into a covenant recorded against the property in favor of the City providing that the Project's 575 age-restricted units will meet the requirements of Civil Code Section 51.3 and that such covenant cannot be released without prior environmental review having been conducted in accordance with the requirements of CEQA.

California law not only restricts residency in senior citizen housing developments, it also requires that the development accommodate its unique population with special features. Civil Code Section 51.2 provides that senior citizen housing developments must be specifically designed to meet the physical and social needs of senior citizens, which may include the following features as provided in Section 51.3:

- (1) Entryways, walkways, and hallways in the common areas of the development, and doorways and paths of access to and within the housing units, shall be as wide as required by current laws applicable to new multifamily housing construction for provision of access to persons using a standard-width wheelchair.

¹² In accordance with Section 51.3 of the Civil Code, effective January 1, 1985, at least one person occupying each of Leisure World's units must be 55 years of age to qualify for occupancy. Co-occupants must be at least 45 years old, except if a spouse, medical or financial care provider. See www.lwsb.com.

- (2) Walkways and hallways in the common areas of the development shall be equipped with standard height railings or grab bars to assist persons who have difficulty with walking.
- (3) Walkways and hallways in the common areas shall have lighting conditions which are of sufficient brightness to assist persons who have difficulty seeing.
- (4) Access to all common areas and housing units within the development shall be provided without use of stairs, either by means of an elevator or sloped walking ramps.
- (5) The development shall be designed to encourage social contact by providing at least one common room and at least some common open space.
- (6) Refuse collection shall be provided in a manner that requires a minimum of physical exertion by residents.
- (7) The development shall comply with all other applicable requirements for access and design imposed by law, including, but not limited to, the Fair Housing Act (42 U.S.C. Sec. 3601 et seq.), the Americans with Disabilities Act (42 U.S.C. Sec. 12101 et seq.), and the regulations promulgated at Title 24 of the California Code of Regulations that relate to access for persons with disabilities or handicaps. Nothing in this section shall be construed to limit or reduce any right or obligation applicable under those laws.

The demographic profiles of senior citizen housing developments, such as Leisure World, are very different from the demographic profile of typical townhomes and condominiums. These communities are developed specifically for senior citizens, and target as their residents persons who are seeking a community with age restrictions, floor plans, amenities and features most suited to their need for a “special living environment and services,” as acknowledged by the California Legislature in enacting Civil Code Section 51.3. The household sizes in these developments are smaller due to the residency restrictions. The percentage of retired persons is higher than for the more general community. These developments are subject to covenants, conditions and restrictions which impose residency restrictions upon resale.

The Draft EIR’s population estimate for the Project’s 575 senior citizen housing units was based on the fact that average household sizes for seniors is generally smaller than for non-age-restricted units. For example, analysis of Public Use Microdata Sample (PUMS) data from the 2000 U.S. Census, shows that for all owner-occupied units in the City of Los Angeles with 20 or more units per building, and constructed since 1990, the average household size was 1.86 persons per unit. But for such housing with a household member age 55+, the average household size was 1.00 person per unit. These data are summarized in Table FEIR-3.

Table FEIR-3
Average Household Sizes for Owned Housing in the City of Los Angeles,
by Selected Housing Types and Household Types, 2000

Housing Type	All Owned Housing & All Householder Ages	Owned Housing Built 1990+ and All Householder Ages	Owned Housing Built 1990+ and Households With a Senior Only
Single-family detached	2.61	2.70	2.14
Single-Family attached	3.09	2.88	2.63
Multi-family 2-19 units/bldg.	2.20	2.43	1.69
Multi-family 20+ units/bldg.	1.86	1.86	1.00

Sources: 2000 U.S. Census PUMS data analyzed by HR&A, Inc.

Although applicable census data would have supported an average household size of 1 person per unit, the Draft EIR used a more conservative factor of 1.5 persons per household to estimate the population associated with the Project's senior citizen units.

Several comments have also been made regarding the selection of the trip rates used in the Traffic Study to forecast vehicle trips to be generated by the age-restricted component of the Project. These comments are addressed in Topical Response 11, Traffic.

In its school impact fee studies, the Los Angeles Unified School District acknowledges that senior citizen housing developments generate significantly fewer students than other housing that is not age-restricted. The analysis on which the development impact fee for school facilities is based explicitly excludes such housing because very few students are associated with the households that occupy it.¹³ For this reason, LAUSD imposes the lower fee associated with commercial development (\$0.34/s.f.) on privately developed senior housing with 150 or more units¹⁴, rather than the rate for non-age-restricted housing (\$3.60/s.f.) Such fee is less than 1/10th the fee charged for non-senior housing.

The applicant indicates that sales prices for units in the age-restricted homes will be comparable to those of the same size and product type in the non-age restricted portion of the Project. As discussed in Topical Response 9, approximately 35% of the Project's senior units are estimated to be priced between \$330,000 and \$467,000, *see* Topical Response 9, Estimated Unit Pricing, which was well below the median price for existing single family homes in the area as of the circulation of the Draft EIR, which is \$585,000 and \$681,000.¹⁵ It should be noted that as of December 2007, median home prices in Los Angeles County experienced double-digit declines since hitting a peak in August of that year (i.e., -10.5% for new homes

¹³ David Taussig & Associates, Inc., *School Facilities Needs Analysis for Consideration of Alternative School Facilities Fees*, prepared for LAUSD, Sept. 9, 2005, Attachment 1: Residential Market Report, at p. 2.

¹⁴ LAUSD, "Developer Fee Policy," Board of Education Report No. 431-04/05, June 14, 2005, Section 6.2(2).

¹⁵ 2006 annual averages for existing single-family homes in ZIP Codes 90731 and 90732. Source: "Year-end sales totals in Los Angeles County," *Los Angeles Times*, January 21, 2007, Section K, p. K11.

and -16.5% for existing homes¹⁶), due to a combination of the sub-prime mortgage and foreclosure crisis and related effects on credit markets. These factors, plus rising inflation, have contributed to a reduction in consumer confidence and sluggish economic growth, which also dampen home buying. However, due to existing unmet demand and continuing household and population growth, combined with the underlying strengths of the Los Angeles County economy, area home prices could stabilize and begin rising again along with the recovery in the general economy that is expected during 2009.¹⁷

Topical Response 8: Population and Housing

Several comments raise concerns regarding the population that would be generated by the Project and the assumptions that were used to derive this estimate. This Topical Response is intended to provide a general response to many of these comments, while additional responses to certain comments are contained in the letter-by-letter responses that follow.

As noted above, the analysis in Section IV.H, Population and Housing, of the Draft EIR concludes that the Project would generate a total population of 4,313 persons. Prior to the preparation of the Draft EIR, an Initial Study was prepared and circulated with the Notice of Preparation (NOP) on September 15, 2005. The NOP and Initial Study are included as Appendix I-1 to the Draft EIR. The NOP states that the Project would introduce approximately 7,343 new permanent residents to the Project site. The 7,343 population estimate in the NOP was not based on demographic analysis, but rather was calculated by assuming the average of 3.59 persons per household for the Wilmington-Harbor City Community Plan area for the non-age restricted units, and 2.0 persons per unit for the seniors units (see footnote 15 on page 37 of the Initial Study). The 3.59 persons per household assumption is not relevant to the Project, however, because it includes data for single-family homes, which have a larger household size than condominiums, which is what the Project will include. Therefore, the NOP's preliminary population estimate was modified in the Draft EIR after analysis based on actual U.S. census data for comparable buildings was conducted as discussed below.

The Draft EIR's Project population estimate of 4,313 persons is based on an average household size of 2.0 persons for the non-age-restricted units and 1.5 persons for the senior units (see also Topical Response 7, Impacts of Age-Restricted Units). These average household sizes are consistent with actual U.S. census data for owner-occupied housing in buildings with multiple units per building in the Project vicinity, as shown in the following table. Note that average household size tends to *decrease* as the number of units in a building increases, with persons/unit ranging between 1.64 and 1.72 in owner-occupied buildings with more than 20 units. It may be noted that the 1.88 weighted average household size for the entire Project, which is based on 1.5 persons for seniors units and 2.0 persons for non-age-

¹⁶ *Real Estate Research Council of Southern California, Real Estate and Construction Report, 4th Quarter 2007, pp. 81 and 83 (based on Dataquick analysis of and statistical adjustments to sales data from County Assessor files).*

¹⁷ *See generally, UCLA Anderson School of Management, UCLA Anderson Forecast for the Nation and California, 4th Quarter 2007-Fourth Quarter 2009.*

restricted units,¹⁸ is consistent to the overall average of 1.89 persons per household for existing ownership housing in multi-unit buildings in the same general area of the Project.

Table FEIR-4
Derivation of Average Household Size for Owner-Occupied Units in Multi-Unit Buildings
Zip Codes 90732 and 90731

Units/Bldg.	# Units	Population	Persons/Unit
2	176	422	2.40
3 or 4	536	1,252	2.34
5 to 9	526	862	1.64
10 to 19	239	384	1.61
20 to 49	297	488	1.64
50+	298	514	1.72
Total	2,072	3,922	1.89

Source: Census 2000 Summary File 3, Table H32 and H33 (available at: <http://factfinder.census.gov>).

Topical Response 9: Estimated Unit Pricing

Several comments request clarification regarding the cost and affordability of the Project's proposed housing units. Some comments specifically question whether the Project units would be affordable to persons who work in the surrounding area, including the Ports of Los Angeles and Long Beach as well as other related South Bay businesses. While the issues of housing prices and "affordability" are economic and social, not directly environmental, this Topical Response was developed to provide supplementary information that may be of interest to the public and City decision makers. In addition, as stated throughout the Draft EIR, current regional planning policies designed to reduce environmental impacts are based on the assumption that if housing opportunities are located closer to employment centers, commuting distances (and VMT) will tend to be reduced and urban sprawl will tend to be discouraged. The Project's "affordability" is one of many criteria that ultimately determine its ability to further such policies and subsequently have a greater potential to reduce environmental impacts. Additional responses to certain comments are contained in the letter-by-letter responses that follow.

As discussed in the Draft EIR, the applicant has committed to provide a range of housing opportunities including entry-level housing, work force housing, and move-up housing. Actual sales prices can only be estimated at this time because the final composition and requirements for the Project have not been established by the City of Los Angeles, and because actual construction costs are unknown. However, the applicant has provided more detailed estimated pricing information than was available at the time the Draft EIR was prepared. Table FEIR-5 contains the information provided by the applicant and describes the number, size, type and illustrative price ranges for the Project's 2,300 units. The applicant indicates

¹⁸ $(575 \text{ senior units} \times 1.5 \text{ persons/household}) + (1,725 \text{ non-age-restricted} \times 2.0 \text{ persons/household}) = (863 + 3,450 \text{ persons}) = 4,313 \text{ total project population. } 4,313 \text{ persons}/2,300 \text{ units} = 1.88 \text{ persons per household.}$

that the estimates are intended as approximations based on current construction cost estimates and therefore cannot be considered as a guarantee of final pricing.

**Table FEIR-5
Estimated Unit Sizes and Price Ranges**

No. of Units	Square Footage	Product Type	Estimated Price/SF	Estimated Purchase Price (Low)	Estimated Purchase Price (High)
Non-Age Restricted					
325	600-850	Studios, lofts, 1bd/1ba, 2bd/2ba	\$450-550	\$330,000	\$467,500
475	800-1,100	Lofts, 1bd/1ba, 2bd/2ba, 3bd/3ba	\$450-550	\$440,000	\$605,000
475	1,100-1,500	2bd/2ba, 3bd/3ba	\$450-550	\$550,000	\$825,000
225	1,500-1,800	2bd/2ba/Den, 3bd/3ba, Lofts	\$450-550	\$675,000	\$990,000
225	1,800-2,400	3bd/2ba, 4bd/3ba (flats and townhomes)	\$450	\$810,000	\$1,080,000
55 and Older Age-Restricted					
200	600-850	1bd/1ba, 2bd/2ba	\$450-550	\$330,000	\$467,000
125	800-1,100	1bd/1ba, 2bd/2ba, 3bd/3ba	\$450-550	\$440,000	\$605,000
125	1,100-1,500	2bd/2ba, 3bd/3ba	\$450-550	\$550,000	\$825,000
125	1,500-2,000	2bd/2ba/Den, 3bd/3ba	\$450-550	\$675,000	\$1,100,000
<u>Pricing Contingencies:</u>					
1. All figures are approximations (+/-5%) based on the applicant's estimates and are not intended as guarantees.					
2. All dollar estimates by the applicant are based on current construction costs.					
3. All estimates assume the project will be comprised of 2,300 units as described in the Draft EIR.					
<i>Source: Bisno Development Co., 2007.</i>					

As noted above, the Project's "affordability" is one of many criteria that ultimately determine its ability to further regional planning policies aimed at reducing environmental impacts. To assist in response to comments regarding the Draft EIR, information has also been developed regarding the "affordability" of the Project's units based upon the foregoing illustrative price schedule. It should be noted that "affordability" is a subjective term. What it denotes varies with each household's individual financial circumstances, the kind of housing desired, the availability and price of such housing in the market, the willingness of lenders to undertake the risk of making a purchase money loan to finance the purchase desired by the household, and the proportion of income that an individual household is willing to commit

to housing costs to effectuate its housing desire. Although there are some public agency standards that recommend the upper limit of incomes that households “should” pay for housing to make it “affordable,”¹⁹ the evidence indicates that many households spend considerably more in order to obtain the housing that they want.²⁰

Table FEIR-6 illustrates one way to describe the anticipated “affordability” of the Project’s units by calculating the household income necessary to qualify for financing for units in each price range in Table FEIR-5. Because residential mortgage lending is a highly competitive private industry, the necessary household incomes have been calculated with more than one set of assumptions. The first set of assumptions provides a more conservative approach, consistent with generalized underwriting practices at the time the Draft EIR was prepared.²¹ The second set of assumptions reflects the current lending practices of one national residential lender that is active in the Los Angeles market, and identifies lower household income levels that may qualify for funding in the current (April 2008) home mortgage market.

As shown in Table FEIR-6, assuming more conservative underwriting practices, 525 Project units (i.e., 325 non-age restricted units and 200 age-restricted units) are expected to be within a range affordable to households with incomes starting at \$73,649. Under current lending programs, households with incomes starting at \$71,882 may also qualify for financing for these units. An additional 600 units (i.e., 475 non-age restricted units and 125 age-restricted units) would be within a range affordable for households with incomes starting at \$90,907 (assuming traditional underwriting practices) or \$91,119 (under current lending programs).

These household incomes are within the range of salaries for many “workforce” occupations. The definition of the term “workforce” is not precisely established, and is often used to refer to various demographic segments of employees. Often it is utilized in reference to the salaries of public employees, such as those in law enforcement and education. It is also often used to refer to persons working in health care and union labor positions. Thus, for example, based on published LAPD salary information for fiscal year 2007-2008, many police officers, if they are the only wage earner in their household, would be expected to be eligible for financing of Project units.²² Similarly, published 2007-2008 salary information

¹⁹ For example, many State and Federal housing payment and financing assistance programs utilize 30% of household income for rent and utility costs, and 35% of household income for ownership housing costs (i.e., mortgage principal and interest, taxes, insurance, and in the case of condominiums, Homeowners Association dues). Prior to the emergence of so-called sub-prime lending practices, established residential lenders typically allowed up to 38% of household income for housing costs, and up to 42% for total household debt.

²⁰ For example, in ZIP Code 90732, 27 percent of all households with a mortgage paid more than 34% of their incomes for housing costs, according to the 2000 U.S. Census. In ZIP code 90731, 34% paid more than 34% of household income.

²¹ These assumptions are also consistent with those used to estimate household income in the Economic and Fiscal Impacts Technical Report (Appendix IV.F-1 to the Draft EIR).

²² City of Los Angeles Personnel Department, LAPD Annual Salaries – July 2007 to June 2008, available online at http://www.lacity.org/per/psb/lapd_salary.htm.

for LAUSD teachers indicates that some teachers, were they the only wage earner in their household, would be expected to qualify for financing as single-income households, and many more LAUSD teachers would be expected to qualify as dual-income households.²³ In addition, average 2007 salaries for Los Angeles and Long Beach terminal operation workers show that most longshore workers, if they were the only wage earner in their household, would be expected to qualify for many Project units.²⁴ Since most households include more than one wage earner,²⁵ even more households with an employee in a “workforce” occupation should be able to “afford” to reside at the Project.²⁶

Table FEIR-6
Estimated Buyer Household Incomes

Purchase Price	Household Income¹ (Traditional Underwriting)	Household Income² (Current Mortgage Market)
\$330,000	\$73,649	\$71,882
\$440,000	\$90,907	\$91,119
\$467,500	\$95,222	\$95,928
\$550,000	\$108,165	\$110,355
\$605,000	\$116,794	\$119,973
\$675,000	\$127,777	\$132,214
\$810,000	\$148,957	\$155,822
\$825,000	\$151,310	\$158,446
\$990,000	\$177,198	\$187,300
\$1,080,000	\$191,318	\$203,039
\$1,100,000	\$194,456	\$206,536

¹ Per HR&A Fiscal Report, which assumed:
Total annual housing costs = 35% x gross household income
Mortgage = 90%, interest only, 5.25% rate, 30-year term
Property taxes = 1.25 x (sale price - \$7,000 homeowner's exemption)
Homeowner Association Dues = \$450/month
Property insurance = \$250/month

² Per Wells Fargo Bank 90% Loan Terms, which assumes:
Total annual housing costs = 45% x gross household income
Mortgage = 90%, interest only, 6.94% blended rate for 1st & 2nd T.D., 30-year term
Property taxes = 1.25 x (sale price - \$7,000 homeowner's exemption)
Homeowner Association Dues = 0.1% x unit price
Property insurance = \$250/month

Source: HR&A, 2008.

²³ Los Angeles Unified School District 2007-2008 Salaries for Teachers with Regular Credentials, C Basis (as of 7/1/07), available online at <http://www.teachinla.com/Research/documents/salarytables/ttableannual.pdf>.

²⁴ 2007 Pacific Maritime Association Annual Report, Statistical Information (pp. 56 to 80), available online at <http://www.pmanet.org/pubs/AnnualReports/2007/PMA%202007%20Annual%20Report,%20pages%2056-81.pdf>.

²⁵ On average, households in the City of Los Angeles include 1.46 workers, according to the 2000 U.S. Census (see <http://factfinder.census.gov>).

²⁶ See footnotes 4 – 6 above.

Based on the foregoing information, a significant number of units in the Project are estimated to be affordable to workforce households. There will be approximately 525 units in the Project's lowest price tier, which will include Studios, Lofts, 1 bedroom/1 bathroom, and 2 bedroom/2 bathroom units with square footages ranging between 600 and 850 square feet. The Project will also include higher priced units. The Project does not propose to include any units that are restricted to occupancy by persons by "very low-," "low-" or "moderate income" levels defined by Government Code Section 65915.

The environmental impact analysis of the Draft EIR does not make assumptions about particular locations where Project residents would in fact be employed. Rather, the Draft EIR states that the Project is consistent with City and regional planning policy objectives to add housing to locations with employment opportunities, and that the general vicinity of the Project, including the Ports of Los Angeles and Long Beach, is one of the region's major job centers. See Draft EIR, p. IV.H-21. The Southern California Association of Governments, which is responsible for preparing the Regional Comprehensive Plan and Guide concurred in this conclusion in its comments on the Project and Draft EIR. Current regional planning policies, including but not limited to air quality planning, are based on the assumption that if housing opportunities are located closer to employment centers, commuting distances (and vehicle miles traveled) will tend to be reduced and urban sprawl will tend to be discouraged. As discussed in the Draft EIR at pages IV.H-10 and IV.H-11, while the South Bay area is one of the region's most significant and growing employment centers, very little new housing has been added to the Wilmington/Harbor City/San Pedro area in the past several years. As discussed in the Draft EIR, by providing 2,300 new dwelling units for seniors, families, and individuals across a spectrum of prices and unit configurations on an infill site that is close to transit and some of the region's major job centers (refer to Table IV.J-1 in the Draft EIR for a list of transit routes that serve the site and their frequency of service; see also Topical Response 11, Traffic, below), the Project provides opportunities for residents and local employees to avoid long-distance commutes to other locations and is consistent with widely accepted local and regional planning policies designed to encourage more efficient growth patterns. As discussed above, the Project would provide a diverse range of housing options, including units affordable to workforce households.

Topical Response 10: School Impacts

Several comments raise concerns regarding the Project's impacts on local public schools. Some comments question the student generation rates used by the Draft EIR. Others suggest that the Draft EIR should have used "actual" enrollment data rather than "eligible" enrollment data to calculate the number of available seats in schools that would serve the Project. This Topical Response is intended to provide a general response to many of these comments, while additional responses to certain comments are contained in the letter-by-letter responses that follow.

With respect to student generation rates, consistent with standard practice for EIR preparation, the Draft EIR used the current student generation rates promulgated by the agency responsible for assessing impacts on area schools – the Los Angeles Unified School District (LAUSD). The student generation rates used in the Draft EIR analysis were obtained from LAUSD's adopted 2005 School Facilities Needs Analysis, which is a study required by State law (Government Code Section 65995.6) to determine the

need for facilities for unhoused pupils that are attributable to projected enrollment growth from development. Pursuant to California law, LAUSD itself uses these rates to identify development-related impacts on school capacity, the need for new facilities, and the school fees to be paid by development projects to mitigate those impacts.

With respect to school enrollment and capacity, the Draft EIR calculated the number of available seats consistent with the school planning methodology utilized by LAUSD as well as explicit direction provided by LAUSD to the EIR preparers.

LAUSD provided then-current student capacity and enrollment data for use in the Ponte Vista Draft EIR analysis in a letter dated November 2, 2005. LAUSD's letter is included in Appendix IV.I-1 to the Draft EIR. "Eligible" enrollment is a term of art employed by LAUSD to identify the number of students who reside within each school's attendance boundaries. "Eligible" enrollment represents the number of students who reside within each school's attendance boundaries, as distinguished from "actual" enrollment, which represents the number of students who attend each school due to a variety of circumstances, including multi-track year-round school year calendars and students transferred from other schools that are overcrowded. As indicated in its letter, LAUSD's uses "eligible" enrollment in determining projected school enrollment and future school capacity. LAUSD's methodology for calculating a school's current seating overage/shortage is to subtract the eligible enrollment from the current seating capacity of the school in question. "Actual" enrollment is not used by LAUSD for school planning purposes. Subsequent to the receipt of LAUSD's November 2, 2005 letter, the EIR preparers again contacted LAUSD's Master Planning Department, which confirmed that the correct method for calculating a school's current seating overage/shortage is to subtract the eligible enrollment from the current capacity.²⁷

LAUSD's November 2, 2005 letter contains a table that expressly states that Taper Elementary School, Dodson Middle School, and Narbonne High School are not presently overcrowded. In addition, in the future year scenario analyzed in the table, only Narbonne High School is projected to be overcrowded. This information is accurately reflected in the Draft EIR.

Topical Response 11: Traffic

Several comments raise concerns regarding the traffic that would be generated by the Project and the assumptions that were employed in the traffic analysis in Section IV.J (Transportation and Traffic) of the Draft EIR. This Topical Response is intended to provide a general response to many of these comments, while additional responses to certain comments are contained in the letter-by-letter responses that follow.

²⁷ *Email correspondence between Mary Prichard, LAUSD Senior Boundary Coordinator, and Heidi McWhorter, Christopher A. Joseph & Associates, March 7, 2006.*

Traffic Study Methodology

The traffic analysis in Section IV.J (Transportation and Traffic) of the Draft EIR is based on the Traffic Study included as Appendix IV.J-1 to the Draft EIR, which was prepared under the supervision of the City of Los Angeles Department of Transportation (LADOT), in accordance with LADOT's adopted policies, procedures, and standards as outlined in the LADOT *Traffic Study Policies and Procedures Manual*. In connection with the preparation of environmental impact reports by the City of Los Angeles, LADOT is responsible for the identification of potential traffic impacts of the project and recommended traffic mitigation measures. The analysis and findings of the Traffic Study contained in the Draft EIR, including the identification of potentially significant traffic impacts associated with the Project and the corresponding measures to mitigate the impacts to levels of insignificance, were also affirmed in LADOT letters dated January 11, 2007 (see Comment Letter A6, p. 1) and February 21, 2007 (see Appendix D to this Final EIR, p. 2).

The Traffic Study provides a comprehensive analysis of the potential traffic impacts associated with the Project. As noted in Section 15151, Standards for Adequacy of an EIR in the CEQA Guidelines: "An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure."

Study Intersections

The Traffic Study utilizes a number of methodologies for evaluating potential traffic and transportation impacts in accordance with LADOT's *Policies and Procedures Manual*. The principle methodology is to evaluate traffic impacts based on a review of intersection impacts. LADOT's methodology focuses on intersections because they are the points in the City's street network where congestion is most likely to occur and, therefore, are where the additional traffic generated by the project would have its greatest potential to cause adverse effects.

Following consultation with LADOT and based on input received during the public scoping process, 52 area intersections were designated for study (Draft EIR, pp. IV.J-4 – IV.J-6). The study intersections cover a wide geographic region and include intersections located in the City of Los Angeles, the City of Rancho Palos Verdes, the City of Lomita and other nearby communities. A map of the study intersections is included as Figure IV.J-1 on page IV.J-2 of the Draft EIR.

Each of the 52 study intersections was examined using the traffic analysis procedures and significant impact thresholds adopted by the City of Los Angeles. In addition, although not required by LADOT policy or CEQA, for those intersections located outside the City of Los Angeles, the Traffic Study supplements the City's analysis with analysis based on the procedures and methodologies utilized by the

city in which the intersection is located. Thus, for example, intersections in the City of Rancho Palos Verdes were examined using the traffic impact analysis methodologies of both the City of Los Angeles and Rancho Palos Verdes.

Some comments requested analysis of additional intersections that were not included as study intersections in the Traffic Study. These intersections include:

- Western Avenue and Peninsula Verde Drive. LADOT's practice is to evaluate the project effects at signalized intersections because signalized intersections are the locations where motorists typically encounter delay (i.e., are required to slow down or stop). Accordingly, signalized intersections are where the additional traffic attributed to a development project causes the potential for increased delay as the amount of allotted traffic signal green time to specific movements may not be sufficient to accommodate the additional traffic, or the available green time within the intersection may need to be shifted to handle the additional traffic. By contrast, at a non-signalized intersection along arterials, nearly all traffic traveling past the intersection does so in a "free-flow" manner. The addition of project-related traffic does not affect the character of the "free-flow" traffic. Therefore, unless a project is adding traffic to the street connecting into the "free flowing" arterial, such an intersection is usually not studied.

Peninsula Verde Drive is a local street in the City of Rancho Palos Verdes that provides access to Western Avenue for approximately 60 homes located on Peninsula Verde Drive, Lunada Circle, and Circle Verde Drive. Western Avenue is a free flowing arterial at its intersection with Peninsula Verde Drive. Access to Western Avenue from Peninsula Verde Drive is stop sign controlled.

As with many side street entry conditions to an urban arterial, motorists make left and right-turns to and from Peninsula Verde Drive based on available gaps in traffic on Western Avenue. This is a common condition in urban areas, including San Pedro. In addition to gaps in the natural flow of traffic, gaps are also created by the signals operating at Palos Verdes Drive North to the north and Green Hills Drive to the south. The Project will not add traffic to Peninsula Verde Drive. Because traffic is relatively free-flowing on this stretch of Western Avenue, frequent gaps permitting turns are available. This is an existing condition, which will continue when the Project is completed notwithstanding increased traffic volumes from the Project and cumulative growth. Like motorists entering arterials elsewhere throughout Los Angeles, motorists who do not wish to attempt a left-turn from Peninsula Verde Drive during busy traffic periods, currently have the option of beginning their travel along the arterial by making a relatively easier right-turn from Peninsula Verde Drive, and making a U-turn at the next signalized intersection to the south (i.e., Green Hills Drive approximately one-quarter mile to the south). These motorists will continue to have this same option after the Project is constructed. As the number of exiting Peninsula Verde Drive motorists who currently choose or may choose this maneuver is relatively small (compared to those who may elect to continue making left hand turns during traffic gaps), and since the signalized Green Hills Drive intersection is available to facilitate northerly travel along Western

Avenue, the Project would not be considered to result in significant adverse impacts to the Peninsula Verde Drive intersection.

Residents of Peninsula Verde subdivision have expressed dissatisfaction with stop sign controlled access to their street, and have requested the addition of a traffic signal. Although the Project will not result in a traffic impact at Peninsula Verde Drive, the Project applicant has offered, as a community benefit of the Project, to fund the installation of a traffic signal at the intersection in the event the signal is acceptable to Caltrans and other applicable reviewing agencies (see Appendix E to this Final EIR). Caltrans has also indicated²⁸ that it would allow the installation of a traffic signal at the intersection of Western Avenue and Peninsula Verde Drive.

- Western Avenue and Fitness Drive. Similar to the discussion above regarding the Western Avenue/Peninsula Verde Drive intersection, the intersection of Western Avenue and Fitness Drive, located immediately south of the Western Avenue/Avenida Aprenda intersection, was also not evaluated in the Traffic Study because it is a stop-sign controlled intersection along a free-flowing arterial.

Recently, the City of Los Angeles approved the development of 140 multi-family dwelling units on Fitness Drive and adopted a mitigated Negative Declaration finding that such project would have a less than significant impact on traffic. The construction of such development (Related Project #14 in Table III-2 of the Draft EIR) completes the build-out of Fitness Drive. The City's discretionary review of such project took place after the Ponte Vista Project was publicly announced. A traffic signal at Fitness Drive and Western Avenue was not required during the discretionary review of Fitness Drive. Project-related traffic would not change the free-flow nature of traffic flow on Western Avenue, which constitutes the primary flow of traffic through the intersection. Motorists on Fitness Drive will continue to make left-turns and right-turns based on available gaps in traffic on Western Avenue. In addition to gaps in the natural flow of traffic, gaps are also created by the signals located at Avenida Aprenda to the north and Westmont Drive to the south. Motorists who do not wish to attempt a left-turn from Fitness Drive through gaps in traffic during "busy" traffic periods currently have the option to make a relatively easier right-turn from Fitness Drive and make a U-turn at the next signalized intersection to the north (Avenida Aprenda) which is located only a few hundred feet to the north, and will continue to have this option after the Project is constructed. The Project will not add traffic to Fitness Drive. As the number of exiting Fitness Drive motorists who currently choose, or may choose, this maneuver is relatively small (compared to those who may elect to continue making left hand turns during traffic gaps), and since the signalized Avenida Aprenda intersection is available to facilitate southerly travel along Western Avenue, the Project would not be considered to result in significant adverse impacts to the Fitness Drive intersection.

²⁸ Telephone conversation with Yunus Ghausi, February 15, 2007.

Traffic Counts

Traffic congestion is at its greatest levels during what is known as the “peak” hour of traffic, i.e., the one-hour segment when the most people are commuting to and from work. Because these periods represent the highest potential for significant traffic impacts caused by new development, potential project impacts to intersections are analyzed at the weekday morning and evening “peak” hour of traffic.

In order to identify the morning and evening “peak” hour for each intersection, traffic counts were taken at the 52 study intersections during the weekday morning and afternoon commuter peak hours (7:00 to 10:00 AM and 3:00 to 6:00 PM). Additional counts were taken at intersections along Western Avenue during a Saturday midday peak period (12:00 to 3:00 PM). The peak one-hour segment (e.g., 7:30-8:30 AM) was determined for each study intersection for both AM and PM. Traffic counts were conducted in 2005 while local schools were in session.

Section 15125 of the CEQA Guidelines states, in relevant part: “An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” CEQA Guidelines Section 15126.2 also provides that: “An EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced.” The notice of preparation for the Project was published in September 2005 and the traffic counts for the Traffic Study occurred in April, May, June, September, and November 2005 (depending upon the individual intersection). Thus, the traffic count data was collected for the appropriate baseline period in accordance with CEQA’s Guidelines.

At page IV.J-11, the Draft EIR disclosed that during 2005 when the traffic counts were being conducted, periodic travel lane closures occurred along Western Avenue at Summerland Drive and Westmont Drive due to Caltrans street repair for sinkholes. Occasionally, this repair work caused the need to reduce the number of available travel lanes on Western Avenue from two lanes to one lane in one or both directions. However, as noted on page IV.J-11 of the Draft EIR, two travel lanes in each direction on Western Avenue were available to motorists during the days when the traffic counts were conducted.

Notwithstanding the fact that two travel lanes in each direction were available on Western Avenue when traffic counts were conducted, several comments claim that traffic counts taken during this time period are not representative of “normal” traffic conditions in the area since motorists may have used alternate routes to avoid the local area. In addition, some comments question whether peak hour traffic counts taken on a single day accurately represent peak hour traffic conditions throughout the entire year.

Daily traffic counts on urban roadways such as Western Avenue are highly variable and can be highly influenced by recurring and intermittent events such as school traffic, roadway construction, diversion of traffic from nearby arterials due to construction or accidents, special events, economic trends, weather, etc. Because of the number and variety of variables and resulting day-to-day changes in traffic volumes at a given point, it is not possible to identify a “normal” traffic count for any specific intersection. The traffic counts used for the preparation of the Draft EIR traffic analysis represent a reasonable definition of the physical environment at the study intersections as it existed at the time of the notice of preparation.

At the request of the Council office, LADOT conducted independent traffic counts at intersections along Western Avenue to address whether the 2005 construction produced significant disruptions in travel patterns in the vicinity affected by the repair work.²⁹ Specifically, LADOT conducted its own traffic counts in March 2007 at the following intersections: Western Avenue/Palos Verdes Drive North, Western Avenue/Avenida Aprenda, and Western Avenue/Weymouth Avenue. The following table provides a summary and comparison of the traffic counts collected by LADOT.

Table FEIR-7
Comparison of 2005 Traffic Study and 2007 LADOT Traffic Counts

Intersection	2005 Traffic Study Intersection Counts		2007 LADOT Intersection Counts		Difference	
	AM	PM	AM	PM	AM	PM
Western Avenue/ Palos Verdes Drive North	5,369	5,014	4,769	4,820	-600 (-11%)	-194 (-4%)
Western Avenue/ Avenida Aprenda	2,779	2,560	2,750	2,878	-29 (-1%)	+318 (+12%)
Western Avenue/ Weymouth Avenue	2,406	2,703	2,806	3,147	+400 (+17%)	+444 (+16%)

Source: LADOT, 2007.

At the Western Avenue/Palos Verdes Drive North intersection, the 2005 traffic counts used in the Traffic Study were 4-11% higher than the more recent counts by LADOT in March 2007. At the Western Avenue/Weymouth Avenue intersection, the 2007 counts were approximately 16-17% higher than the 2005 counts. In conclusion, traffic counts in 2007 were not consistently higher than the traffic counts in 2005, and fall within the range of variability expected at intersections in urban areas.

The variations between the counts underscore that due to constantly changing variables and day-to-day changes in traffic volumes at a given point, it is not possible to designate a “normal” condition for traffic measurement. Change in volumes at a given point could be attributed to one or a combination of factors such as sinkhole or other street-related construction in 2005 that caused some traffic to divert away from this intersection, growth in local traffic between 2005 and 2007, additional traffic in 2007 due to a nearby

²⁹ Letter signed by Councilwoman Janice Hahn to Gail Goldberg and Gloria Jeff dated March 5, 2007.

school or a commercial event or activity, etc. In general, such occurrences are part of the day-to-day variables that cause traffic to change from one day to the next. As such, the 2005 traffic counts used for the Traffic Study provided a reasonable representation of traffic volume conditions on Western Avenue and the other study streets at the time of publication of the EIR's notice of preparation, and did not represent a substantially atypical condition.

LADOT also conducted a review of the potential traffic impacts of the Project utilizing the March 2007 traffic counts. LADOT concluded that using the March 2007 traffic counts (instead of the 2005 traffic counts) did not yield any different conclusions relative to the potential traffic impacts or effectiveness of the recommended traffic mitigation measures associated with the Project. Therefore, no additional/updated traffic count data is required and no further analysis is required.

Trip Generation Rate

Various comments have questioned the trip generation rate employed in the Project's Traffic Study. The Traffic Study's forecast of Project traffic is based on rates recommended in the *Trip Generation* manual published by the Institute of Transportation Engineers (ITE). The ITE developed these trip rates based on traffic counts conducted at existing development sites throughout the country (e.g., existing condominium complexes, existing senior residential facilities, etc.). ITE reviews the information submitted and determines the appropriate land use category to assign the data.

As noted in Table IV.J-7 in the Draft EIR, the following ITE trip generation rates were employed in the Traffic Study: ITE Land Use Code 232 (High-Rise Residential Condominium/Townhouse) for the non-age restricted units, ITE Land Use Code 252 (Senior Adult Housing – Attached) for the age-restricted units, and ITE Land Use Code 488 (Soccer Complex) for the potential Little League baseball fields. As explained below, the trip generation rates provide an appropriate and conservative forecast of the trips to be generated by the Project.

The *Trip Generation Handbook*, 2nd Edition published by ITE provides instructions to traffic engineers for the appropriate use of the *Trip Generation* manual. As discussed in Chapter 3 of the *Trip Generation Handbook* (pages 7 through 13), two of the critical steps in preparing a trip generation forecast for a project forecast are: 1) Determination of the appropriate ITE land use code that is consistent with the development under consideration, and 2) Application of either the regression equation³⁰ or weighted average rate provided within the ITE Land Use Code.³¹

³⁰ From Volume 1 of the ITE Trip Generation manual, page 20: "Regression analysis provides a tool for developing an equation that defines the line that 'fits best' through the data points. Use of the regression equation allows a direct forecasting of trip ends on the independent variable of the proposed development, thus eliminating differences of opinion arising from interpolating a lot of individual data points. Unlike the weighted average rate, the plotted equation does not necessarily pass through the origin, nor does the relationship have to be linear. The correlation coefficient (R) is a measure of the degree of association or closeness between variables. The coefficient of determination (R^2) is the percent of variance in the number of the trips associated with the variance in the size of the independent variable. Thus, an R value of 0.8 results in

For ITE Land Use Code 232, the description provided on page 399 in the *Trip Generation* manual is as follows: “High-rise residential condominiums/townhouses are units located in buildings that have three or more levels (floors). Both condominiums and townhouses are included in this land use.” This description matches the characteristics of the non-age restricted portion of the Project in terms of residential type (i.e., residential condominiums/townhouses) and building characteristics (i.e., three or more levels). Therefore, the selection of Land Use Code 232 was the appropriate choice in the trip generation forecast process.

The next step in the trip generation forecasting process after selection of the Land Use Code is to determine whether to use the weighted average rate or regression equation provided by ITE for the weekday AM and PM peak hours (as well as on a 24-hour daily basis). For each land use category, ITE evaluates the data based on a weighted average and a fitted curve regression equation. With respect to Land Use Code 232, the independent variable applied to the weighted average and fitted curve regression equation for purposes of forecasting vehicle trips is the number of residential units (e.g., for office buildings, the independent variable would be building floor area). The fitted curve regression equation (which is typically non-linear) is provided by ITE to reflect the fact that larger developments are consistently observed to have a *lower* effective trip generation rate (i.e., trips per dwelling unit for residential projects, trips per 1,000 square of building floor area for shopping centers, etc.) than smaller developments within the same land use category.

The *Trip Generation Handbook* (page 9) advises the user to use the fitted curve regression equation when the data plot has at least 20 data points or when the R^2 value is greater than or equal to 0.75. As shown on pages 401 and 402 in the *Trip Generation* manual in ITE Land Use Code 232, for the AM peak hour, there are four data points that yield a calculated R^2 value of 0.98. Likewise, for the PM peak hour, there are five data points that yield a calculated R^2 value of 0.99.³² Because the calculated R^2 values relating to the fitted curve regression equations for the AM and PM peak hours exceed 0.75, it would have been appropriate for the Traffic Study to utilize the fitted curve regression equation in forecasting trips associated with the Project. However, the weighted average rate for ITE Land Use Code 232 was

an R^2 of 0.64, which is to say that 64 percent of the variance in the number of trips is accounted for by the variance in the size of the independent variable. The closer the R^2 value is to 1.0, the better the relationship between the number of trips and the size of the independent variable.”

³¹ *The ITE trip rates are derived from actual studies of existing developments within the land use category. The data received by ITE are plotted and summarized in the Trip Generation manual by both a weighted average and a fitted curve regression equation. The purpose of the fitted curve regression equation is to capture the trip generation characteristic of most land uses such that as the size of the development increases, the effective trip rate declines (e.g., a 500,000 square foot office building generates fewer trips per square foot as compared to a 50,000 square foot office building).*

³² *For the trip rates developed for the AM and PM peak hour of the generator, which may occur outside of the peak hour of adjacent street traffic, there are seven data points for the morning period and six data points for the evening period. The weighted average rates for the peak hour of the generator are exactly the same as the corresponding rates for the peak hour of adjacent street traffic (0.34 trips in the AM peak hour and 0.38 trips in the PM peak hour).*

selected instead due to the relatively small number of data points. As discussed in a following paragraph, use of the weighted average trip rates for the AM and PM peak hours results in a higher (i.e., more conservative) forecast of trips to be generated by the Project as compared to the result that would have been provided if the regression equations were utilized.

For Land Use Code 232, the weekday weighted average trip rates recommended in the *Trip Generation* manual are as follows: 4.18 trips per unit over a 24-hour (daily) basis, 0.34 trips per unit for a one hour peak during the morning commuter period, and 0.38 trips per unit for a one hour peak during the afternoon commuter period. Some comments argue that an individual residential unit must generate higher daily trips. However, the ITE data represents an aggregation of the overall vehicular trip generation characteristics occurring at a residential development. The ITE rates are not intended to estimate trip generation on a unit-by-unit basis. Thus, on any given day the trip generation characteristics vary considerably among different households. For example, one household may be a working couple with school-aged children. Another household may be an individual that works from home. One household may conduct its errands on the way to and from work. Another household may make separate trips. The ITE rates aggregate all of these, and other, behaviors. Similarly, on a peak hour basis, the trip generation characteristics will vary widely between units. For example, one neighbor may arrive home from work at 4:00 PM, a second neighbor may arrive home from work at 5:30 PM, while a third neighbor may arrive home from work at 7:00 PM. While each of these neighbors believes that they are driving home in “rush hour” traffic, in fact only one of the three neighbors is part of the actual *peak hour* of traffic evaluated in the Traffic Study. Thus, by evaluating traffic impacts for the one hour period of highest traffic at the study intersections (e.g., for the 5:30 PM commuter), the corresponding traffic impacts and mitigation (if required) are sufficiently evaluated in the Traffic Study for the periods of slightly less traffic (e.g., for the 4:00 PM and 7:00 PM commuters). Each of these variations in daily and peak hour trip generation behavior is accounted for in the ITE trip rates for the overall residential development. More importantly, the ITE trip rates are based on empirical data obtained through actual traffic counts, and not theory or speculation.

Some comments have expressed concern that the projects reflected in the ITE rates are located in high-density urban centers where residents walk or use public transit as their predominant mode of travel. However, ITE requires data submissions of sites to be freestanding in nature. That is, as stated on page 17 in the *Trip Generation Handbook*, the sites evaluated for potential inclusion in the *Trip Generation* manual should have limited access to public transit services, as well as walk-in trips from adjacent parcels. Thus, as stated on page 399 of the ITE *Trip Generation* manual, the ITE database sites for Land Use Code 232 were located in the vicinities of Richmond, Virginia, Washington, D.C., Minneapolis, Minnesota, and Vancouver, Canada, but were not located in downtown, “Manhattan”-type settings as suggested in some of the comments. For all these reasons, it is reasonable to conclude that the database established by ITE for Land Use Code 232 is comprised of existing residential developments where nearly all travel is made by private vehicle.

The Project site is located along a State Highway and is directly served by a number of bus lines (see Table IV.J-1, Existing Public Transit Routes, and Figure IV.J-3, Existing Public Transit Routes in the

Draft EIR). Currently 14 buses per hour serve the greater Project vicinity during the AM peak hour and 18 buses per hour serve the greater Project vicinity site during the PM peak hour. In addition to providing service to downtown San Pedro, the Port area, and downtown Long Beach, these bus lines connect the Project site to the nearby MTA transit center at Pacific Coast Highway and the 110 Freeway. From this transit center, express bus service is available to downtown Los Angeles (Union Station) and to other MTA rail and bus links via Express Bus Line 445, which runs on 30 minute intervals during peak hour. Thus, the Project is linked to the greater MTA transit network and to surrounding employment and shopping locations by accessible rapid transit. There are also commercial, educational, and recreational uses located within walking distance to the Project. However, it should be noted that in order to provide a conservative assessment of the potential traffic impacts associated with the Project, no reductions or discounts were made to the Traffic Study's Project trip generation forecast (which is based on the ITE trip rates assuming nearly all trips by private vehicle) to provide credit for these public transit or walking trips that are likely to replace some trips that would otherwise be made by a private vehicle.

Some comments stated that ITE Land Use Code 230 should have been used instead of ITE Land Use Code 232. The description for ITE Land Use Code 230 (page 366 of the *ITE Trip Generation* manual) is as follows: "Residential condominiums/townhouses are defined as ownership units that have at least one other owned unit within the same building structure. Both condominiums and townhouses are included in this land uses." Thus, while the description for this land use generally describes the uses in the Project, it is not the "best fit" as there is no distinction between low-rise or high-rise developments in the Land Use Code 230 data set. ITE provides distinct trip rates for low-rise and high-rise condominium/townhouse developments (Land Use Code 231 is for low-rise, Land Use Code 232 is for high-rise), which enables a better fit for analysis purposes. In generally comparing the weighted average trip rates, the estimated trips per unit are higher for a low-rise development than a high-rise project, indicating that a high-rise project produces a lower trip rate due to its higher density.

While the trip generation methodology utilized in the Traffic Study followed LADOT and ITE requirements and is supported by substantial evidence, for informational purposes, the table below provides a summary of the AM and PM peak hour trip forecast for the non-age restricted component of the Project using: (1) the weighted average trip rate used in the Traffic Study; (2) the regression equation provided in ITE Land Use Code 232; and (3) the regression equation provided in Land Use Code 230 (Residential Condominium/Townhouse).³³

As shown in the above comparison, use of the ITE Land Use Code 232 weighted average trip rate used in the Traffic Study actually results in a conservative (i.e., "worst case") forecast of the potential trips to be generated by the non-age restricted residential component of the Project. Such rates are higher than rates that would be arrived at using other rates provided in the *Trip Generation* manual (including ITE Land

³³ For ITE Land Use Code 230 (Residential Condominium/Townhouse) the fitted curve regression equation is utilized, as the data sets for the AM and PM peak hours are greater than 20 points and the R^2 is greater than 0.75. Therefore, use of the weighted average rates for Land Use Code 230 would have been incorrect per the directions provided in the *ITE Trip Generation Handbook*.

Use Code 230 applying the regression equation). Therefore, the trip rate employed in the Traffic Study was conservative and appropriate, and no revisions to the trip generation forecast provided in the Traffic Study are required.

Table FEIR-8
Alternate AM/PM Peak Hour Trip Forecasts

Trip Rate	AM Peak Hour		PM Peak Hour	
	Effective Rate	Trips	Effective Rate	Trips
Traffic Study Forecast – ITE Land Use Code 232 Weighted Average Rate	0.34 trips/unit	587	0.38 trips/unit	656
Alternate Forecast – ITE Land Use Code 232 Regression Equation ³⁴	0.31 trips/unit	529	0.35 trips/unit	602
Alternate Forecast – ITE Land Use Code 230 Regression Equation ³⁵	0.29/trips/unit	504	0.36 trips/unit	621

Source: ITE "Trip Generation", 7th Edition, 2003; LLG Engineers, 2007.

Several comments suggested that “local data” should be collected related to the trip generation characteristics of other residential developments as the ITE Land Use Code 232 trip generation rates are based on four data points for the daily and AM peak hour rates, and five data points for the PM peak hour rates. The *Trip Generation* manual does include a statement of “Caution – Use Carefully – Small Sample Size.” However, this advisory is provided by ITE for all data sets consisting of five or fewer data points, and local data is not required based on the procedures set forth by ITE.

In the expert opinion of LADOT and the traffic consultant, collection of additional data is not necessary for the following reasons:

- The extremely high statistical correlation of the data in ITE Land Use Code 232 suggests that it is reasonable to conclude that any additional data points would fall within close proximity to the best fit line;
- For the ITE Land Use Code 232, there are six to seven data points provided for the AM and PM peak hour of generator trip rates (pages 403 and 404 of the ITE *Trip Generation* manual). The

³⁴ ITE Land Use Code 232 (High-Rise Residential Condominium/Townhouse), $T = \text{trips}$, $X = \text{units}$:
 AM Peak Hour: $T = 0.29(X) + 28.86$
 PM Peak Hour: $T = 0.34(X) + 15.47$

³⁵ ITE Land Use Code 230 (Residential Condominium/Townhouse), $T = \text{trips}$, $X = \text{units}$:
 AM Peak Hour: $\ln(T) = 0.80(X) + 0.26$
 PM Peak Hour: $\ln(T) = 0.82(X) + 0.32$

weighted average trip rates developed for the AM and PM peak hour of the generator are exactly the same as the trip rates for the peak hour of on-street traffic. In accordance with ITE procedures, there are no “caution” messages associated with the generator trip rates.³⁶

- Related Land Use Code 230 category provides additional data points for development projects with a relatively high number of units. For example, a development of approximately 1,250 units in Land Use Code 230 was counted to generate approximately 4,300 daily trips, or a rate of 3.44 trips per unit, which is less than the 4.18 trips per unit used to forecast daily trips for the Project in the Traffic Study.
- Based on the highly statistically correlated regression equations provided in the Land Use Code 232 category (which results in a lower effective trip rate as the number of units in the development increases), it is reasonable to foresee that additional traffic counts of other residential projects of similar size to the Project would yield an effective trip rate that would be equivalent to or less than the weighted average trip rate relied upon for preparing the Project trip generation forecast.

In summary, sufficient data points are readily available in the *Trip Generation* manual to conclude that the weighted average trip rates in Land Use Code 232 provide an adequately conservative forecast of trips associated with the Project. Further, based on the high correlation of data collected, it is reasonable to conclude that additional data points would not yield any meaningfully new information regarding the trip generation characteristics of Land Use Code 232 (i.e., multi-family residential projects constructed at three or more levels).

Urban planners also concur that higher density development result in lower trip generation rates. For example, in its 2003 publication, The Case for Multifamily Housing, the Urban Land Institute described why trip generation tends to decrease with increased density (see Appendix F to this Final EIR). The ULI cited ITE’s trip generation factors with approval (including a rate of 4 trips per day for high rise apartments) and explained that single family homes produce the highest trip generation rate (10 trips per day). The ULI explained:

“Higher-density housing developments located near transit corridors, or infill sites or in mixed-use centers, allows more people pedestrian or transit access to employment, shopping, services, and leisure activities, thus reducing dependence on the automobile. With higher densities, the

³⁶ For many land uses, the ITE Trip Generation manual provides trip rates for the weekday peak hours of adjacent street traffic (i.e., one hour between 7:00 – 9:00 AM and one hour between 4:00 – 6:00 PM). For the Traffic Study, these “peak hour of adjacent street traffic” trip rates provided on pages 401 and 402 of the manual were utilized. In addition, for some land uses, the ITE Trip Generation manual also provides trip rates for the peak hour of the generator for the morning period and afternoon period which may not coincide with the peak period of adjacent street traffic (for example, the morning peak period may be from 6:30 -7:30 AM and the afternoon peak period may be from 3:00 – 4:00 PM). These “peak hour of generator” rates for Land Use Code 232 are provided in the manual on pages 403 and 404.

developer can find it economically feasible to provide common facilities and recreational amenities. The range of amenities – which can include swimming pools, playgrounds, tennis courts, health facilities, and on-site convenience stores and services – is not typical of low-density single-family neighborhoods, with the exception of master-planned communities. The availability of such facilities within the development reduces the need for auto trips as most residents can walk to these popular amenities.”

As the Draft EIR indicates, the Project will include extensive recreational and social amenities, as well as retail and convenience services, which will eliminate the need for many automobile trips off-site that would otherwise be required.

Finally, several comments have also been made regarding the selection of the trip rates used in the Traffic Study to forecast vehicle trips to be generated by the age-restricted (55 and over) component of the Project. The Traffic Study utilizes Land Use Code 252 (Senior Adult Housing-Attached) for the age-restricted component. It was suggested in some of the comments that the trip rates in Land Use Code 252 would not be applicable to this component of the Project as persons aged 55 should not be considered “senior.” As discussed in Topical Response 7, Impacts of Age-Restricted Units, the Project’s age-restricted units will comply with the occupancy restrictions in Section 51.3 of the Civil Code for “senior citizen housing developments” and, by way of comparison, will have occupancy restrictions at least as restrictive as well known area senior citizen developments such as Leisure World in Seal Beach. Under Civil Code Section 51.3, senior citizen housing developments (such as Leisure World) typically require that one permanent occupant be at least 55 years old. Thus, the assumption on which such comments are based (that senior citizen developments typically restrict occupancy to persons older than 55) is incorrect.

For ITE Land Use Code 252, the description provided in the *Trip Generation* manual is as follows: “These facilities are similar to those described in Land Use Code 251³⁷, except they contain apartment-like residential units. Attached senior adult housing may include limited social or recreational services, but typically lacks centralized dining or medical facilities. Residents in these communities live independently, are typically active (requiring little to no medical supervision) and may or may not be retired.” In keeping with the instructions provided in the *Trip Generation Handbook*, the ITE Land Use Code 252 was selected as it most closely matches the land use description of the proposed age-restricted component of the Project. It is important to note that the land use description provided in the *Trip Generation* manual describes the age-restricted and lifestyle aspects of the developments studied by ITE, but does not prescribe an age “cut-off” or otherwise define a “senior” in terms of age. This is due to the

³⁷ *The applicable portions of ITE Land Use Code 251 (Senior Adult Housing-Detached) are as follows: “Senior adult housing consists of detached independent living developments, including retirement communities, age-restricted housing and active adult communities. These developments may include amenities such as golf courses, swimming pools, 24-hour security, transportation and common recreational facilities. However, they generally lack centralized dining and on-site health facilities. Detached senior adult housing communities may or may not be gated. Residents in these communities are typically active (requiring little to no medical supervision). The percentage of retired residents varies by development.*

fact that ITE recognizes that the trip generation characteristics of the developments in the land use category, such as Leisure World and similar senior citizen housing developments, are best defined by the residents' lifestyle, and not their birthdays. Accordingly, the selection of trip rates from the Land Use Code 252 (Senior Adult Housing-Attached) related to the age-restricted component of the Project is appropriate for the Draft EIR Traffic Study.

Finally, it is noted that in addition to review and acceptance of the Traffic Study by LADOT, including the trip generation forecast for the Project contained therein, a review of the Traffic Study was conducted by an independent traffic engineering company, Priority Engineering, Inc., retained by the three Neighborhood Councils in the area of the Project. Priority Engineering subsequently issued two documents detailing their findings and recommendations.³⁸ Priority Engineering confirmed that the trip generation forecast contained in the Traffic Study was done correctly in accordance with procedures set forth by ITE and LADOT. In the January 2007 review, Priority Engineering noted the following on page 4: *"The classification of the condominiums as high rise condominiums and the senior housing as senior housing attached is accurate and correct as the proposed development type falls within the description of those classifications."*

Additionally, on page 7 of the February 2007 document, Priority Engineering states the following: *"It is important to understand that the LADOT's requirement that ITE rates be utilized is an accepted industry standard and is appropriate. Furthermore, review of other Traffic Studies and EIR's indicates that LADOT consistently requires all project proponents and developers to utilize ITE Trip Generation Rates. There is some variance within which ITE rate is utilized in regards to condominiums. Some projects utilize ITE classification 230, whereas others utilize ITE classification 232. It is unclear why the different rates are utilized other than the assumption that the project description best fits each particular classification. Requiring the developer to utilize a different rate than that which best fits the project description would be inconsistent with LADOT's standard policy and might be an imposition of a special requirement on this developer which is generally prohibited."*

Further, at page 13 of its January 2007 review, Priority Engineering concluded that *"[a]dditionally, if other trip generation numbers which result in more trips are utilized, it's likely that the greater impacts would be offset by the proposed mitigations. The Neighborhood Councils could expect limited success in challenging these portions of the traffic study as a means to challenge the project..."* The January 2007 review further noted at page 11 that *"[i]nstallation of the ATSC/ATCS system will be great for the area residents as they will receive the benefit of a 24/7 system that will continually adjust signal operations to*

³⁸ *Traffic Study Review, Ponte Vista Development Project, January 2007, prepared by Priority Engineering, Inc. ("January 2007 Review") (Comment Letter B54b) and Final Traffic Study Review, Ponte Vista Development Project, February 2007, prepared by Priority Engineering, Inc. ("February 2007 Review") (attached as Appendix O to the Final EIR). After Priority Engineering, Inc.'s January 2007 Review was submitted to City Staff, the three Neighborhood Councils instructed Priority Engineering to further investigate and address the issues of traffic counts and trip generation. See February 2007 Review, p. 1. Although the February 2007 Review includes additional edits, considerations and observations, its conclusions are generally consistent with the January 2007 Review.*

provide for the maximum efficient traffic flow especially in times of heavy traffic or unexpected congestion.”

LADOT issued a supplemental letter to the Department of City Planning dated March 14, 2008 regarding the Revised Project (see Appendix T to this Final EIR). As discussed in such memo, LADOT reaffirmed that Land Use Code 232 trip rates were correctly applied to the non-age restricted residential units for the trip generation forecast of the Original Project. For the Revised Project, because the 100 townhome units and 1,000 condominium units are proposed in 3-4 story buildings, Land Use Code 230 (Residential Condominium/Townhouse) was selected by LADOT as the best fit for purposes of forecasting the number of vehicles trips that may be generated by the townhome and condominium components of the Revised Project.

Future Pre-Project Conditions

At the time the Project is completed and occupied, it is likely that additional traffic may be added to the street network from sources such as other projects and job growth. Therefore, the Traffic Study estimates future pre-project traffic conditions in accordance with LADOT policies and procedures to provide a baseline against which the Project’s traffic impacts can be assessed. The Traffic Study uses 2012, the year the Project would be expected to be built out, as the future baseline date.

To forecast year 2012 pre-project conditions, the Traffic Study utilizes two separate, though overlapping, techniques in accordance with LADOT practices and policy. First, the Traffic Study assumes that traffic will grow by a factor of 1% each year until 2012 when the Project is completed. The source of the 1% annual growth factor is the Metropolitan Transportation Authority (MTA), through its computer traffic modeling efforts prepared for subregions of Los Angeles County, including the South Bay/Harbor area. As discussed in the Draft EIR at page IV.J-56, while the 1% factor is intended to account for all reasonably foreseeable traffic growth, in addition to the 1% annual growth factor, the Traffic Study also assumes the build-out of all identified “related” development projects proposed in Los Angeles and other nearby communities in the vicinity of the Ponte Vista Project. As a result of the scoping process, 175 related projects are considered in the Traffic Study. See Table IV.J-9 in the Draft EIR for a list of the related projects. See also Topical Response 12, Related Projects and Cumulative Impacts. Finally, in accordance with LADOT practice and policy, the Traffic Study assumes that the related projects will not be accompanied by any traffic mitigation measures. In actuality, however, most major projects are accompanied by traffic mitigation because of the requirements of CEQA. The intention of this methodology is to provide a “worst case” scenario against which to assess potential traffic impacts and identify mitigation measures. As discussed in the Traffic Study and Draft EIR, this methodology is likely to significantly overstate future traffic conditions in the vicinity of the Project.

Traffic Mitigation

Finally, several comments suggest that the future pre-project condition should reflect the operation of ATSAC/ATCS in the study area because LADOT is currently pursuing and accepting funding from other local and regional sources for an ATSAC system in the San Pedro/Wilmington-Harbor City area.

The Traffic Study outlines recommended measures to mitigate the potentially significant traffic impacts associated with the Project to levels of insignificance. The LADOT letters of January 11, 2007 and February 21, 2007 affirm the findings of the Traffic Study relative to the potentially significant traffic impacts and corresponding mitigation measures.

An important element of the traffic mitigation strategy is the funding and installation of the LADOT Automated Traffic Surveillance and Control (ATSAC) and Adaptive Traffic Control System (ATCS) at many of the intersections in the San Pedro and Wilmington areas adversely affected by the Project. In addition, as noted in the LADOT January 11 letter, the Project applicant has offered to voluntarily fund the installation of ATSAC/ATCS at five additional intersections on Western Avenue that are part of the LADOT San Pedro ATSAC/ATCS System for which the Project's potential effects were found in the Traffic Study to be less than significant.

Several comments have questioned whether the funding of ATSAC/ATCS by the Project applicant is an appropriate traffic mitigation measure. Some comments have noted that the developer funding does not guarantee that the ATSAC/ATCS system will be functional at the time the Project is developed while other comments suggest that since LADOT has already planned an ATSAC/ATCS system for the San Pedro and Wilmington areas, it should be considered in the "pre-project" condition of the traffic analysis, and not available as a measure to mitigate the Project's potentially significant traffic impacts.

The LADOT February 21, 2007, letter affirms the City's policies with respect to the acceptance of funds for ATSAC/ATCS installation for purposes of mitigating significant traffic impacts. The letter states: "As stated in the *LADOT Traffic Study Policies and Procedures* manual: 'ATSAC is available as a mitigation measure only where ATSAC has not been constructed and a fully-funded contract has not been awarded for ATSAC construction. ATSAC may be accepted as a mitigation measure prior to the completion of the ATSAC project's final funding report (Final Report) at the sole option of LADOT.' LADOT has, by policy and practice, recommended that development projects contribute proportionate share funding of ATSAC/ATCS projects throughout the City (when an appropriate nexus has been determined between the development projects and potentially significant traffic impacts), even as it pursues and accepts funding from other local and regional sources."

In accordance with LADOT's adopted policies and procedures, it would not be appropriate to include the beneficial effects to traffic operations associated with ATSAC/ATCS in the pre-project conditions as suggested in some of the comments, as the LADOT February 21, 2007 letter outlines the current funding deficits associated with the San Pedro and Wilmington ATSAC/ATCS systems³⁹. Based on these current deficits, there is no reasonable assurance that the City will obtain the necessary funding to implement, or begin to implement, ATSAC/ATCS at the time the Project is developed. Therefore, the Traffic Study

³⁹ For example, the LADOT February 21, 2007 letter states that the San Pedro and Wilmington ATSAC/ATCS systems (127 intersections) would cost approximately \$19,107,200 to design and construct. At the date of the LADOT letter, the City had received funding comments from the MTA and other sources of \$9,452,000, resulting in a current funding deficit of \$9,655,200.

appropriately does not consider the San Pedro and Wilmington ATSAC/ATCS systems in the future pre-project condition. Further, based on the LADOT policy, the fact that ATSAC/ATCS systems have not been constructed and a fully-funded contract has not been awarded for ATSAC/ATCS construction makes the intersections in the system eligible for proportionate share funding by development projects for traffic mitigation purposes.

CEQA and corresponding case law allow development projects to provide proportionate share funding to programs administered by the lead (or other) agency for purposes of mitigating significant impacts. Excerpts from 15126.4, Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects, from the CEQA Guidelines include the following relevant sections: “The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.” And, “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments.” The ATSAC/ATCS program is administered by the lead agency (the City of Los Angeles) and the LADOT January 11, 2007 letter requires the developer to provide the funding for its proportionate share prior to receipt of a building permit for the Project.

While CEQA does not require the mitigation be in place prior to the opening of the Project, the applicant has indicated, as discussed in the Draft EIR at page II-7, that it will fund all off-site traffic mitigation measures before the construction of the first residential building in the Project is undertaken. In addition, the Project will be constructed in phases to account for market absorption. Therefore, although the buildout of the Project is anticipated to occur over an approximate five year period, it is anticipated that Project traffic mitigation will be in place before the Project is completed.

Finally, on November 20, 2007, LADOT issued a city-wide policy statement stating that the reimbursement/funding of the costs of installing ATSAC/ATCS at intersections would no longer be available as an option to mitigate the potential significant traffic impacts of development projects. However, LADOT stated that ATSAC/ATCS reimbursement/funding would continue as mitigation for projects with traffic assessment letters issued prior to November, 11, 2007 and/or if the project is already entitled and such requirement is part of City’s conditions of approval.

This policy statement was issued in response to an announcement by the Mayor in October 2007 that the City of Los Angeles was scheduled to receive \$150 million in transportation bond funds (as a result of Proposition 1B passed by California voters in November 2006), which – combined with other funds that the City expects to receive from local agencies and developer fees – would be utilized to install ATSAC/ATCS at signalized intersections where such installations are not currently provided. Whether Proposition 1B funds will be sufficient to fully implement ATSAC/ATCS throughout the City of Los Angeles is not yet known and will depend upon the ultimate costs of construction. The LADOT Assessment Letter for the Project, which includes a recommendation that the Project provide both required and voluntary funds to LADOT for purposes of implementing ATSAC/ATCS at intersections

within the San Pedro and Wilmington ATSAC systems, was issued on January 11, 2007, and its recommendations for traffic mitigation, including reimbursement and funding of ATSAC/ATCS, were reaffirmed by LADOT in its March 14, 2008 memorandum to the Department of City Planning (see Appendix T to this Final EIR).

Topical Response 12: Related Projects and Cumulative Impacts

Various comments identify individual projects that the comments assert were not, or in fact were not, included as related projects in the Project's Draft EIR. As discussed in Section III.B of the Draft EIR (Related Projects; at page III-15), the CEQA Guidelines indicate that lead agencies may use two alternative means of identifying the universe of past, present, and probable future projects in assessing the significance of cumulative impacts:

- *A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency; or*
- *A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact.*

(CEQA Guidelines §15130(b)).

Because projects are constantly being proposed, abandoned, and modified, CEQA also encourages the use of a cut-off date for identifying related projects in a Draft EIR. CEQA Guidelines §15126.2 states that “[i]n assessing the impact of a proposed project on the environment, the Lead Agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation [NOP] is published[.]”. See also *San Franciscans for Reasonable Growth v. City and County of San Francisco*, 151 Cal. App. 3d 61, 75 n.14 (Cal. Ct. App. 1984) (“Projects are constantly being fed into the environmental review process. The problem of where to draw the line on ‘projects under review’ that must be included in the cumulative impact analysis of a particular project could be solved by the use of a reasonable cutoff date which could be set for every project according to a standard procedure.”).

In accordance with the CEQA Guidelines, the Draft EIR identified related projects that were probable and foreseeable, using the Project's NOP date as a cut-off date. The NOP for the Project was circulated between September 15, 2005 and November 30, 2005.

To obtain a list of related projects, the preparers of the Draft EIR compiled information publicly available from the City of Los Angeles Departments of Planning and Transportation, City of Rancho Palos Verdes, City of Rolling Hills Estates, City of Carson, City of Long Beach, City of Torrance, City of Lomita, and the County of Los Angeles. Related projects were also identified through public comments received during the NOP and scoping process for the Draft EIR. All projects identified through this manner were included in Table IV.J-9 of the Draft EIR, except where specifically noted and discussed in the Draft EIR.

Thus, the Draft EIR presented a comprehensive list of related development projects at the time of the NOP based on the best information from responsible jurisdictions. Table IV.J-9 of the Draft EIR contains 174 related projects.

With respect to potential traffic, air quality, and noise effects, the analysis of the Draft EIR went beyond the minimum requirements of Section 15130 of the CEQA Guidelines to prepare a worst-case cumulative impact scenario as discussed in the Draft EIR at page IV.J-56. Specifically, to forecast future pre-project conditions, the Draft EIR assumed that traffic will grow by a factor of 1% each year until 2012 when the Project is completed. The source of the 1% annual growth factor is the Metropolitan Transportation Authority (MTA), through its computer traffic modeling efforts prepared for subregions of Los Angeles County, including the South Bay/Harbor area. In addition, although the 1% annual growth factor is intended to account for all traffic growth from development and other sources, the Draft EIR also assumed the build-out of all identified “related” development projects proposed in Los Angeles and other nearby communities in the vicinity of the Ponte Vista project. Thus, the Draft EIR’s cumulative traffic, air quality, and noise analyses significantly overstate future pre-project conditions resulting in a worst-case condition against which the Project’s potential impacts are assessed. Finally, as discussed in the Draft EIR, Appendix IV.J-1 at page 43, in accordance with LADOT practice and policy, the Traffic Study assumes that the related projects will not be accompanied by any traffic mitigation measures. In actuality, however, most major projects are accompanied by traffic mitigation because of the requirements of CEQA.

Individual responses addressing each project newly identified during the Draft EIR comment period are provided in individual responses to comments in the Final EIR. Some projects that comments thought to have been overlooked were verified to have been included in the Draft EIR. Others were proposed or modified after the NOP period cut-off date. A small number of projects had been proposed at the time of the NOP period cut-off date, but the agencies having jurisdiction failed to identify them to the EIR preparers or in comments during the NOP scoping period.

After reviewing the comments received, it is concluded that the related projects list and cumulative approach of the Draft EIR is adequate for CEQA purposes. As discussed earlier, the traffic, air quality, and noise cumulative analyses of the Draft EIR were prepared so as to significantly overstate the potential cumulative effects of the Project and cumulative projects. As noted in Section 15151, Standards for Adequacy of an EIR, in the CEQA Guidelines:

“An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.”

As discussed in the Draft EIR at pages I-4 to I-5, in addition to quantitative cumulative impact analysis, the Draft EIR also evaluated the cumulative effects of the Project and cumulative growth by reviewing the consistency of the Project with relevant regional planning and public policy initiatives. While much of this analysis is contained in Section IV.F (Land Use and Planning), elements are threaded throughout the Draft EIR as they relate to other impact areas. The regional planning policies and initiatives examined in this analysis included the following:

- *Regional Comprehensive Plan and Guide (RCPG)*
- *Southern California Compass Growth Vision*
- *Regional Housing Needs Assessment (RHNA)*
- *Regional Transportation Plan (RTP)*
- *Air Quality Management Plan (AQMP)*
- *Los Angeles County Congestion Management Program (CMP)*
- *City of Los Angeles General Plan (“General Plan”) Elements*
- *City of Los Angeles General Plan Framework Element (“General Plan Framework,” “Framework”)*
- *Wilmington-Harbor City Community Plan (“Community Plan”)*
- *San Pedro Community Plan*
- *2000 Los Angeles Housing Crisis Task Force Report (“Task Force Report”)*

Finally, although analysis of an updated related projects list is not required by CEQA, for informational purposes, the traffic model for the Project’s impacts was run incorporating the information concerning the additional or modified projects identified in comments to the Draft EIR (see Appendix G to this Final EIR). Table FEIR-9 provides a listing of these additional and modified projects that have been included in the traffic model discussed in this Topical Response.

A review of Table FEIR-9 indicates that using such information, traffic volumes in the vicinity of the Project generally decrease, while the potential traffic impacts and mitigation measures of the Project remain the same intersections with the exception of Intersection #37: Gaffey Street/Capitol Drive. Intersection #37: Gaffey Street/Capitol Drive is no longer impacted during the PM peak hour under this analysis.

**Table FEIR-9
Index of Projects Raised in Comments¹**

Map No. ²	Comment No. Reference	Applicant/Location/ Project Description	Land Use	Size	Status
City of Los Angeles³					
16	A10-113	Rolling Hills Preparatory Private School South of Palos Verdes between Western and Anaheim Street ⁴	<u>New:</u> School Renovate Existing Housing Demolish Existing Housing <u>Old:</u> School	<u>New:</u> 900 Students 62 DU (76 DU) <u>Old:</u> (700 Students)	Approved
19	A10-114 A10-115	San Pedro Waterfront (Bridge to Breakwater) ⁴	<u>New:</u> Retail Museum Service Yard Cruise Ship New Marina Demolish Marina <u>Old:</u> Retail Office Cruise Ship Retail Office Conference Center Yacht Club Aquatic Center	<u>New:</u> 37,500 SF 6,700 SF 20,000 SF 200,000 SF 4.66 Acres (2.20 Acres) <u>Old:</u> 591,500 SF 100,000 SF 200,000 SF 131,104 SF 12,500 SF 75,000 SF 10,000 SF 30,000 SF	Proposed
175	A10-99	China Shipping Line – Phases II and III Berths 97-109	Marine Terminal	67 Acres	Proposed
176	A10-100	TRAPAC Container Expansion Berths 136-149	Marine Terminal	251 Acres	Proposed
177	A10-101	Fire/Paramedic Station 36 1005 N. Gaffey Street	Fire Station	8,000 SF	Under Construction
178	A10-102	Expanded LAPD Harbor Station 2175 S. John S. Gibson Boulevard	Police Station Detention Center Auto Maintenance	52,000 SF 18,000 SF 10,000 SF	Under Construction
179	A10-103	Harbor Animal Service Center	Animal Shelter Kennel	25,000 SF 15,000 SF	Under Construction
180	B26-3	26378 S. Vermont Avenue	Condominium	44 DU	Under Construction
181	A10-111	Starbucks/T-Mobile 422 S. Gaffey Street	Coffee House Retail	1,800 SF 200 SF	Proposed
182	A10-112	366 W. 8 th Street	Condominium	20 DU	Proposed
183	A10-112	327 N. Harbor Boulevard	Condominium	54 DU	Proposed
184	A10-112	407 N. Harbor Boulevard	Condominium	40 DU	Proposed
185	A10-112	Habitat for Humanity L Street and Lecouvreur Street	Single-Family	8 DU	Proposed
186	A10-112	534 Eubank Avenue	Retail	20,000 SF	Proposed

**Table FEIR-9 (Continued)
Index of Projects Raised in Comments¹**

Map No. ²	Comment No. Reference	Applicant/Location/ Project Description	Land Use	Size	Status
187	A10-112	1160 W. 11 th Street	Single-Family	13 DU	Proposed
188	A10-112	Union Ice Cold Storage Expansion 910 E. E Street	Warehouse	80,000 SF	Proposed
189	A10-112	Truck Parking and Dispatch Facility 525 E. E Street	Office Warehouse	1,440 SF 1,926 SF	Proposed
190	A10-112	Potential Industries 701 E. E Street	Industrial	40,000 SF	Proposed
191	A10-112	Electronic Balancing Expansion 600 E. D Street	Industrial	24,000 SF	Proposed
City of Rancho Palos Verdes⁵					
55	A10-81 A10-112	Marymount College Facilities Expansion 30800 Palos Verdes Drive East ⁴	<u>New:</u> Gymnasium Residence Hall Library Maintenance Building Additions Demolish Building <u>Old:</u> Gymnasium Residence Hall	<u>New:</u> 33,243 SF 250 Students 26,710 SF 1,975 SF 14,916 SF (18,022 SF) <u>Old:</u> 144,110 SF 270 Students	Proposed
192	A10-110	Green Hills Memorial Park Master Plan 27501 S. Western Avenue	Cemetery	27.3 acres	Proposed
City of Rolling Hills Estates⁶					
193	A18-2 A18-3	Peninsula Village Overlay Zone Silver Spur Road and Deep Valley Drive	Condominium Retail	900 DU 183,263 SF	Proposed
194	A18-4	Chandler Quarry and Rolling Hills Country Club 26311 and 27000 Palos Verdes Drive East	Single-Family Golf Course Club House/Fitness Center	111 DU 18 Holes 55,000 SF	Proposed

DU – Dwelling units
SF – Square feet

¹ Does not include projects determined to be nonexistent, projects that do not constitute a “project” pursuant to Section 15378 of the CEQA Guidelines, or projects that were included in the original related projects list and not modified.
² Refer to Table III-2, Related Projects, beginning on page III-17 of the Draft EIR.
³ Source: City of Los Angeles Department of City Planning and Department of Transportation.
⁴ Included in the Draft EIR related projects list but has since been modified. For these projects, modifications raised in comments are listed as “new” land uses, while land uses analyzed in the Draft EIR are listed as “old.”
⁵ Source: City of Rancho Palos Verdes.
⁶ Source: City of Rolling Hills Estates.

Source: Linscott, Law & Greenspan, Engineers (LLG), 2007 (see Appendix G to this Final EIR).

One of the principal reasons for this change is that the former “Bridge to Breakwater” project along the San Pedro waterfront (identified in the Draft EIR as Related Project 19) was modified in January 2007 to

eliminate the majority of commercial development associated with the previous project. Additionally, construction of this related project's improvements is intended to occur over an approximately 5-year timeframe, as opposed to the 30-year build-out originally proposed. Thus, nearly 500,000 square feet of retail and office development has been eliminated from this project, which is now titled the "San Pedro Waterfront Project." Whereas the Draft EIR's Traffic Study estimated the Bridge to Breakwater project would generate approximately 883 trips during the weekday AM peak hour and 2,743 trips during the weekday PM peak hour, the modified San Pedro Waterfront Project is expected to generate approximately 193 trips during the weekday AM peak hour and 319 trips during the PM peak hour (see Appendix G to this Final EIR). Because traffic volumes in the Project vicinity decrease under the updated analysis, the potential air quality and noise effects of the Project in combination with related projects (determined to be less than significant in the Draft EIR) would also be expected to decrease.

The consideration of the additional identified projects considered in this analysis would not change the conclusion in the Draft EIR that cumulative hazardous materials and risk of upset impacts would be less than significant. Site contamination and remediation issues are site-specific issues, and projects vary with respect to their involvement of hazardous materials as part of construction and/or operation. Each project is required to comply with local, State, and federal laws regarding hazardous materials and other hazards, which ordinarily would reduce potential impacts to a less-than-significant level. In addition, discretionary review of each project would provide the opportunity for individual evaluation of potential threats to public health and safety posed by such project, if any, in the event that the same are not mitigated by compliance with applicable laws and regulations.

The consideration of additional identified projects would not change the conclusion in the Draft EIR that cumulative population and housing impacts would be less than significant. Six of the projects considered in this analysis include residential developments within the Wilmington-Harbor City and San Pedro CPAs (map numbers 180, 182-85, and 187), totaling 179 dwelling units that would accommodate a population of 369 persons. When combined with the Project and the related projects identified in the Draft EIR, cumulative residential development in the CPAs would amount to 4,342 units and 8,489 persons. Development of the Project in conjunction with the related projects and the projects considered in this analysis would account for approximately 44 percent of the General Plan Framework's forecasted growth of 9,771 units for the combined CPAs by 2010, and approximately five percent of SCAG's forecasted growth for the City of Los Angeles Subregion. The cumulative population generation would account for approximately 39 percent of the Framework's forecasted growth of 21,918 persons for the two CPAs, and approximately five percent of SCAG's population forecast for the City of Los Angeles Subregion.

The consideration of additional identified projects considered in this analysis would not change the conclusion in the Draft EIR that cumulative schools impacts would be less than significant. Only the projects located within the jurisdictional boundaries of these schools would have the potential to combine with the Project and the related projects identified in the Draft EIR and potentially result in cumulative impacts to LAUSD schools. None of the additional identified projects fall within the jurisdictional

boundaries of Taper Avenue Elementary School or Narbonne High School. Three fall within the jurisdictional boundary of Dodson Middle School (map numbers 177-179).⁴⁰ Based on the LAUSD's student generation rates (see Table IV.I-8 in the Draft EIR), these three projects would generate one additional middle school student. Dodson Middle School is currently operating under capacity by 578 students. The addition of the projects considered in this analysis, in combination with the Project and the related projects identified in the Draft EIR, would cause Dodson Middle School to operate under capacity by 505 students. In addition, the added projects would be required to pay school facilities fees pursuant to SB 50.

Consideration of the additional identified projects would not change the conclusion in the Draft EIR that cumulative wastewater impacts would be less than significant. The Project's wastewater flow is proposed to be split between two systems: the City of Los Angeles Bureau of Sanitation System and the County Sanitation Districts system. The projects considered in this analysis which are located within the City of Los Angeles (map numbers 16, 19, and 175-191) would increase the Project and related projects' flow of 946,385 gpd to City infrastructure and the TITP by approximately 250,161 gpd, using Bureau of Sanitation generation rates. The TITP has a remaining capacity of 3 mgd and would therefore have the capacity to serve the cumulative development including the projects considered in this analysis. The projects considered in this analysis which are located within the Cities of Rancho Palos Verdes and Rolling Hills Estates (map numbers 55 and 192-194) would increase the Project and related projects' flow of 946,385 gpd to Sanitation Districts' infrastructure and the JWPCP by approximately 117,371 gpd, using Sanitation Districts' generation rates. The JWPCP has a remaining capacity of 67.6 mgd.

Topical Response 13: Emergency Response and Evacuation

Several comments raise concerns regarding the potential effect of the Project on emergency response and evacuation efforts in the event of a major emergency, either natural or manmade, in the San Pedro area; a situation that requires response beyond routinely occurring periodic police, fire, and ambulance response events. This Topical Response is intended to provide additional information in response to these comments, while additional responses to certain comments are contained in the letter-by-letter responses that follow.

The Safety Element of the General Plan is the governing policy document of the City of Los Angeles pertaining to response to disaster events. Most recently updated in 1996, it replaced three previously adopted elements of the City's General Plan: the Safety Element, Fire Protection and Prevention Element, and Seismic Safety Element. As part of the General Plan, the Safety Element anticipates population and employment growth in the City of Los Angeles. Specifically, the Safety Element states that "[t]he 1995 General Plan "Framework" element estimated that the population of Los Angeles City would be increased by approximately 820,000 people to 4,306,564 and that employment would be increased by an estimated

⁴⁰ Sources: Jurisdictional boundaries for Taper Elementary, Dodson Middle, and Narbonne High Schools, provided by LAUSD (see Appendix IV.I-1 to the Draft EIR), and LAUSD School Finder, website: <http://search.lausd.k12.ca.us/cgi-bin/fccgi.exe?w3exec=schfinder0>, April 14, 2007.

390,000 jobs by the year 2010.”⁴¹ As discussed in the Draft EIR, the Project will provide 23.5 percent of the additional housing units forecast for the Wilmington-Harbor City and San Pedro Community Plan Areas by 2010. It is thus consistent with the Safety Element’s population and employment growth assumptions, and will not interfere with implementation of the Safety Element.

Contrary to the assumptions of several comments, the City maintains and continuously updates and upgrades its emergency response plans and resources. In 1980, the City adopted the Emergency Operations Ordinance (Ordinance No. 153,772), which established a multi-agency Emergency Operations Organization (EOO) under the direction of the Mayor and the administration of an Emergency Operations Board (EOB). The EOO is the City agency that implements the Safety Element. After every significant emergency, City personnel evaluate the effectiveness of response, ways to improve response, and how to reduce potential loss of life, injury, and property damage in future similar events.

Natural disasters within the City, as well as disasters in other parts of the world, have added to existing knowledge about disaster preparedness. In the wake of the 1992 Los Angeles riots, the issue of slow and inadequate EOO planning and training was again raised. The recommended solution was a full-time, seven member EOO Planning and Training Cadre consisting of newly funded positions from five City departments (Police, Fire, General Services, Public Works Engineering, and Water and Power). The Mayor and City Council approved the EOO Planning and Training Cadre as part of the adopted City Budget, effective July 1, 1993.

The EOO Cadre did not achieve full staffing until after the January 1994 Northridge earthquake. The approved positions included a Police lieutenant, two Fire captains, one senior management analyst, one senior engineer, one management analyst, and a clerk typist. Concurrently, the CAO had a minimum of four full-time staff devoted to EOO coordination activities. Additionally, the Police Department had a full-time sergeant assigned to ensure operation center readiness and training. On July 1, 1994, the Mayor and City Council authorized two new Information Technology Agency (ITA) systems positions to support EOC automation, for a total of 14 full-time EOO-support positions assigned to seven separate departments and working for four separate chains-of-commands.

In 1995, at the direction of Mayor Richard Riordan, a high-level task force was established to develop recommendations on how to better organize EOO staff responsible for the City’s emergency preparedness. The result was that, with the adoption of the City’s FY 1996-97 Budget, the ten full-time positions from Police, Fire, General Services, Public Works Engineering, Water and Power, and ITA were consolidated with the four existing CAO positions to establish a new CAO Emergency Preparedness Division. A fifteenth position was provided for a new Assistant CAO (ACAO) to manage the new division.

⁴¹ *Safety Element, City of Los Angeles General Plan, adopted November 26, 1996.*

In 1999, Los Angeles adopted a new Charter that, among many things, gave the Mayor direct authority over the City's emergency preparedness. Because of this, the City Council joined with the Mayor, and after the new City Charter became effective, on July 2, 2000, established the new Emergency Preparedness Department (EPD). Staffing and facilities for the new EPD remained the same as when it was a part of the CAO. On recommendation of the Mayor, Ellis M. Stanley, Sr., the incumbent ACAO, was confirmed by the City Council as the department's first general manager and EOO Coordinator in November 2000.

The City also has adopted an "Emergency Operations Master Plan and Procedures". This Plan performs the following functions: (1) it describes the authority, responsibilities, functions, and operations of civil government during local emergencies, states of emergency and war emergencies; (2) it provides a basis for the conduct and coordination of operations and the management of critical resources during emergencies; and (3) it provides a basis for incorporating into the City Emergency Operations Organization (EOO) non-governmental agencies and organizations with required emergency resources.

The EOO is a "department without walls" which is comprised of all agencies of the City's government. It is a chain of command and protocols which integrate the City's emergency operations into a single operation. It centralizes command and information coordination so as to enable the chain of command to operate efficiently and effectively in deploying resources.

The Mayor, in time of emergency, directs the 13 operational divisions of the EOO. Each division is responsible for carrying out specific tasks for coordinating emergency actions which are essential in abating the impacts and limiting the scope of a catastrophe; responding to life threatening situations and safety needs of the population; maintaining and reestablishing essential services, transportation and communication networks; aiding dislocated people; and planning for recovery. Various City agencies are responsible for coordinating the activities of their assigned divisions.

The EOO ordinance specifies that the Transportation Division is under the responsibility of the general manager of the City Department of Transportation and is responsible for developing plans "for the maintenance of traffic control devices, emergency travel routes to be used in the event of an emergency, placement of barricades as necessary or as directed by the chiefs of the Police and Fire Suppression and Rescue Divisions, direction and control of traffic, and coordination with all other agencies supplying common carrier services."⁴²

An Emergency Management Committee (EMC) provides staff to support the EOB. Over two dozen City agencies, other governmental agencies, and private organizations participate in activities of the EMC. The EMC develops plans and programs and conducts training exercises to promote integrated disaster planning, response and mitigation efforts.

⁴² *Ibid.*

An Emergency Operations Center (EOC) of the EOO provides a centralized coordination facility for emergency response activities. The EOC is located four floors underground and is equipped with vital communications and backup power, food and other supplies necessary to provide for the needs of the EOO emergency response coordinating team for approximately two weeks. A mobile EOC unit is available in the event the primary center is inaccessible or to provide additional disaster response coordination capability. It is comprised of a fleet of vehicles which contain portable offices, communications, self-sustaining power, rest rooms and other resources to enable the mobile EOC unit to operate at any location to which it is sent.

To enhance communications and provide additional communications back-up, the City, as a member of the Operational Area Satellite Information System (OASIS), through the EOO is linked to the Governor's Office of Emergency Services (OES) by satellite. OASIS interconnects all of the counties within the State to the OES which in turn is linked to national communications systems.

Individual division emergency plans are maintained by the Airports Division, Animal Regulation Division, Building and Safety Division, Fire Suppression and Rescue Division, General Services Division, Harbor Division, Information Technology Agency, Personnel and Recruitment Division, Police Division, Public Welfare and Shelter Division, Public Works Division, Recovery and Reconstruction, Transportation Division, and Utilities Division. The Emergency Response Master Plan also contains individual protocols and procedures (entitled "Annexes") to deal with particular types of emergencies, including civil disturbances, earthquakes, hazardous materials releases, major aircraft accidents, major fires, non-declared emergencies, and storms.

Interagency agreements, both formal and informal, enable the closest available unit to respond to an emergency incident. Inter-jurisdictional assistance to assure public safety, protection and other assistance services today generally are in the form of "mutual aid" agreements. Mutual aid and other agreements provide for voluntary cooperative efforts and for provision or receipt of services and aid to or from other agencies or jurisdictions when local capabilities are exceeded by an emergency event. Through mutual aid agreements, the EOO and individual City agencies coordinate emergency response planning with adjacent cities, the County of Los Angeles, the State, federal agencies and other public and private organizations, such as the Los Angeles Unified School District and the American Red Cross. In addition, they share information so as to improve hazard mitigation efforts and coordinate resources for disaster response and recovery.

The Harbor Division's emergency preparedness plan addresses various contingencies, including the potential that, in the event of a major disaster, the possibility exists that the Harbor would be geographically severed from the City making it impossible for other divisions to move equipment and personnel into the area. For this purpose the Harbor Division maintains interagency cooperation agreements with the Port of Long Beach, U.S. Navy and the U.S. Coast Guard. The Harbor Department also maintains current lists of Harbor Department construction equipment, vehicles, vessels and radio equipment, and also a list of equipment in the area operated by private industry. The Harbor Division has contacted numerous private companies and solicited cooperation in the event of a disaster based on fair

value redemption. Among its other emergency response capabilities, the Harbor Department maintains fireboats for ocean vessel and pier firefighting as well as self-contained underwater breathing apparatus equipment, which enables a more effective response to underwater fires, spills and other emergency incidents in the Port. In general, the San Pedro/Harbor area is considered to have the most advanced, well-developed set of emergency response and emergency evacuation procedures in the City of Los Angeles, as well as in the greater Los Angeles region.⁴³

The Office of Emergency Services (OES) is designated by law to provide coordination and State resources to regions or local areas that are declared disaster areas by the Governor. The Federal Emergency Management Agency (FEMA) is designated by federal law to coordinate and provide Federal resources to state and local government relative to disasters declared by the President.

As indicated by the foregoing summary, the City is constantly planning and working to respond to emergency contingencies in the best manner possible. The response to any given emergency depends on the particular emergency event that has occurred, the timing and location of the emergency event, and the scope of the emergency event. Given the numerous permutations of possible events and circumstances, discussion of a hypothetical event is beyond the scope of this EIR.

When an emergency occurs, the first step is for a “state of emergency” to be declared. In the event of a disaster or emergency, the Mayor assumes emergency powers, as defined by law. City agencies follow procedures contained in their emergency plans, under the direction of the Mayor and Chief of Police, pursuant to EOO protocols set forth in the EOO ordinance and plans.

In accordance with the Safety Element and Emergency Response Manual, in a state of emergency, the EOO assumes command and control and responds with maximum feasible speed. The EOO informs the public as to the steps that should be taken to protect themselves, and directs responding resources. As persons become aware of the state of emergency, ordinary public activities, such as persons engaged in shopping or work, are temporarily suspended. Public cooperation is assumed and public agencies assume control of public streets and facilities that are necessary to allow efficient emergency response, and where relevant, evacuation activities.

While emergency preparedness is intended to be flexible to respond to unknown contingencies, the Safety Element designates disaster routes, which for planning purposes are intended to function as primary thoroughfares for movement of emergency response traffic and access to critical facilities.⁴⁴ Immediate emergency debris clearance and road/bridge repairs for short-term emergency operations will be emphasized along these routes. The selected disaster routes also provide a plan for inter-jurisdictional road reconstruction and rebuilding following a major disaster.

⁴³ Joan McNamara, Commanding Officer-Harbor Area, Los Angeles Police Department; personal communication, April 18, 2007.

⁴⁴ City of Los Angeles, General Plan Safety Element; Exhibit H (Critical Facilities and Lifeline Systems).

Within the vicinity of the Project, the Safety Element does not designate Western Avenue as a designated disaster route. The north-south disaster routes include Western Avenue south of West Summerland Avenue, Gaffey Street, Pacific Avenue, and Harbor Boulevard. East-west disaster routes include 25th Street, 9th Street, West Summerland Avenue east of Western Avenue, Palos Verdes Drive North, Anaheim Street, Pacific Coast Highway, and Lomita Boulevard. Interstate 110 is the major north-south freeway route in the vicinity. The Harbor Area and San Pedro are also adjacent to surrounding cities and their disaster routes. Western Avenue would not be used as an evacuation route in the event of an incident occurring at the Port of Los Angeles because it is located too far to the west.⁴⁵ The City of Rancho Palos Verdes, as well, has not designated Western Avenue as a disaster evacuation route.⁴⁶

Various comments posit a situation in which mass evacuation of the entire San Pedro/Harbor area would be necessary. This is a remote and speculative scenario. Foreseeable emergency situations such as explosions or hazardous material releases that would require evacuation as the best possible response are likely to be far more localized in terms of size and seriousness of the event, the geographic diversity and size of the surrounding area, the length of event, and influence of climactic conditions. A mass evacuation would be the response of last resort because a mass evacuation removes evacuees from their most ready shelter and supplies (their homes) and subjects them to the risks of travel in an emergency situation. Localized evacuations would be preferred, and would be for as short a duration as possible. Specific evacuation methods have been developed for evacuations and inter-agency communication and coordination protocols, as well as public communication methods and protocols, have been identified so that evacuation procedures are implemented effectively and consistently among local agencies.⁴⁷

In the event of a localized emergency, normal traffic patterns would cease as the public becomes aware of the situation and as emergency personnel take control of streets. Traffic patterns along routes in the Project vicinity would be controlled. The availability of centrally controlled automated traffic signals, towards which the Project will contribute, would significantly improve emergency response preparedness in the area. For localized emergencies to which evacuation is the required response, the public would be instructed in accordance with a localized evacuation plan. Traffic would be carefully managed and emergency personnel would have the ability to direct traffic to flow in only one direction. For example, using the base traffic lane capacity assumed in the traffic analysis of 1,500 vehicles per lane per hour, Western Avenue could accommodate approximately 3,000 vehicles per hour in a two-way street scenario (i.e., two lanes northbound leaving San Pedro), and up to 6,000 vehicles per hour in a one-way street scenario (i.e., four lanes northbound leaving San Pedro).

⁴⁵ Dave Malin, Harbor Department Emergency Preparedness Coordinator II, personal communication, March 15, 2007.

⁴⁶ City of Rancho Palos Verdes, General Plan; Figure 39 (Disaster Routes).

⁴⁷ Joan McNamara, Commanding Officer-Harbor Area, Los Angeles Police Department; personal communication, April 18, 2007.

As stated previously, for most emergency situations, emergency preparedness and shelter-in-place is the preferred approach to be implemented. In these situations, the emergency response plans focus on public awareness, education and communication methods and protocols designed to provide accurate, timely, and consistent information to the public. In addition, the plans include inter-agency communication and coordination protocols for shelter-in-place emergency situations.⁴⁸ In hazardous materials releases and other emergencies, the danger is most often avoided or minimized by staying in place and indoors. In the event of a major catastrophe, damage and confusion and hazards may be widespread, making it difficult, and potentially more perilous, to travel. Sheltering-in-place also enables emergency response personnel to gain control and stability more quickly and thoroughly by reducing panicked activity and interference in emergency response activities.

The Project itself would be subject to the Mitigation Measures in the Hazardous Materials and Public Services chapters of the Draft EIR. These measures help implement the City's emergency response plan policies (described earlier in this Topical Response). An emergency access, evacuation and shelter-in-place plan for the Project is required to be approved by the Fire Department under Mitigation Measure D-6 of the Draft EIR. Project access and design is already planned to conform to the requirements of LADOT, which has reviewed and approved preliminarily-proposed Project circulation and access routes, as well as the requirements of the Fire Department (under Mitigation Measure D-6 described above). In addition, the Project would fund physical traffic capacity improvements to address Project and cumulative growth and would provide an access to Western Avenue for Mary Star of the Sea High School. The Project would also fund traffic control improvements that will assist in the centralized control and operation of traffic signals, resulting in more rapid and effective emergency response. Municipal revenue from the Project (estimated at approximately \$8.3 million per year) would contribute, in part, towards City disaster preparedness and response. Except in the event of a localized emergency of continuing duration, the reasonably foreseeable scenario is that Project residents and their immediate neighbors would be instructed to abide by the same measures as other area residents, avoid unnecessary travel, and remain inside their homes.⁴⁹

The Project's emergency response plan (required under Mitigation Measure D-6 in the Draft EIR) will address the occupancy, number, location, and design of the structures approved for the Project at the conclusion of the entitlement process. It will require mapping of emergency exits, evacuation routes for vehicles and pedestrians within and from the Project site, and location of nearest hospitals and fire departments (discussed in the Public Services chapter of the Draft EIR). The applicant must also consult with neighboring land uses, including but not limited to the DFSP and the Conoco-Phillips Refinery. The plan must be completed and approved based on final building plans before building permits for the Project's structures are issued. Once completed and approved by the Fire Department, this required plan would be integrated with the regional emergency response plans described above by the LAPD and LAFD and the other agencies responsible for emergency response measures. All of these requirements,

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

policies, and mitigation measures provide a mechanism for developing an integrated emergency response plan for the Project and the surrounding community.

Emergency response plans for the San Pedro/Harbor area are being continually reviewed and updated in response to changing land uses and population characteristics within the target area. Because land use and population patterns are dynamic, this updating of emergency response plans is an ongoing process led by the Los Angeles Police Department (LAPD) with involvement from the other agencies involved in implementing the plans, from the LAFD to the California Highway Patrol. Whenever new development occurs, emergency response plans are evaluated and, if necessary, revised to reflect the new development.⁵⁰

With respect to non-state-of-emergency situations, as discussed in the Draft EIR at pp. IV.J-30 to IV.J-32, with the implementation of mitigation measures, the Project in conjunction with cumulative growth would not “[r]esult in inadequate emergency access” (CEQA, Appendix G, X/V Transportation/Traffic (e)). Emergency access to the Project site (police, fire, and ambulance) would be provided by the three ingress/egress points off Western Avenue that would provide general site access. In addition, a reciprocal emergency access arrangement exists between Mary Star of the Sea High School and the Project that would allow for emergency access from Mary Star and Taper Avenue to Western Avenue. The Project-specific and cumulative impacts to emergency response times (police, fire and ambulance) would be less than significant (see Draft EIR, p. IV.J-32). The Project site is not identified in any existing emergency response plan as a physical evacuee location or other location of public congregation or equipment/personnel mobilization.

C. RESPONSES TO COMMENTS

COMMENT LETTER A1

City of Los Angeles
(copy of SCH NOC)
PO Box 3044
Sacramento, CA 95812-3044

Comment A1-1

[Comment is attached as Appendix A to this Final EIR.]

⁵⁰ *Ibid.*

Response to Comment A1-1

This comment letter is a copy of the State Clearinghouse Notice of Completion & Environmental Document Transmittal. This comment letter has been added to the Draft EIR Appendices for the record. In response to this comment, the title of Appendix I-1 has been revised as follows:

“Notice of Preparation (NOP), ~~and~~ Initial Study, and Notice of Completion (NOC).”

COMMENT LETTER A2

Jonathan Riker
City of Los Angeles
(copy of NOC)
200 N. Spring Street, Room 525
Los Angeles, CA 90012-4801

Comment A2-1

November 2, 2006

**NOTICE OF COMPLETION AND AVAILABILITY OF DRAFT
ENVIRONMENTAL IMPACT REPORT**

CASE NO.: ENV-2005-4516-EIR

PROJECT NAME: Ponte Vista

PROJECT LOCATION/ADDRESS: 26900 S. Western Avenue

COMMUNITY PLANNING AREA: Wilmington-Harbor City

COUNCIL DISTRICT: 15, Honorable Janice Hahn

DUE DATE FOR PUBLIC COMMENTS: January 30, 2007

PROJECT DESCRIPTION: The Project proposes a Specific Plan (proposed density is approximately 37 units per acre), General Plan Amendment, Zone change, and Vesting Tentative Tract Map for the subdivision, construction, and operation of a 2,300-unit townhome and condominium development including approximately 10,000 square feet of ancillary retail use to serve the convenience needs of residents. Twenty-five percent of the proposed units (575 units) would be reserved for seniors only (age 55 and above). The proposed units would have floor areas ranging from approximately 700 to 3,000 square feet. Approximately 40 percent of the Project’s postdevelopment acreage would consist of landscaped common area to include the following: a 2.5-acre central park (with community clubhouse and pool), a two-acre waterscape concourse, a 0.5-acre senior community park, and a publicly accessible six-acre park potentially featuring two little league baseball fields. The Project would also provide an access road from Western Avenue to Mary Star of the Sea High School. The Project site is approximately 61.5 acres.

The Project would involve the demolition and removal of all existing improvements on the site, which include 245 residential units, a 2,161-square foot community center, and a 3,454-square foot retail convenience facility which were constructed in approximately 1962 by the U.S. Navy for the purpose of housing and accommodating personnel stationed at the Long Beach Naval Shipyard. The site (formerly known as “San Pedro Housing”) was closed in the late 1990s.

ANTICIPATED SIGNIFICANT ENVIRONMENTAL EFFECTS: Significant and unavoidable impacts have been identified with regard to: construction air quality emissions, construction noise, and periodic operational noise (during little league games). With implementation of proposed mitigation measures, no other significant and unavoidable impacts are expected with regard to construction or operation of the project.

REVIEW LOCATIONS AND REVIEW PERIOD FOR PUBLIC COMMENTS: The environmental impact report is available for review at the Department of City Planning, 200 North Spring Street, Room 750, Los Angeles, CA 90012 and other locations, listed below. The review period begins on November 2, 2006 and ends on **January 30, 2007**.

1. Central Library - 630 W. 5th Street, Los Angeles, CA 90071
2. San Pedro Regional Branch Library - 931 S. Gaffey Street, San Pedro, CA 90731
3. Department of City Planning’s website - www.lacity.org/PLN; click on the following links: “Environmmental” [sic] then “Draft Environmental Impact Report (DEIR).”

The Draft EIR may be purchased on CD-ROM for \$7.50 per copy. To purchase a copy, contact Jonathan Riker at (213) 978-1355.

Please direct your comments to:

Jonathan H. Riker, Environmental Review Coordinator
Environmental Review Section
Department of City Planning
200 N. Spring Street, Room 750
Los Angeles, CA 90012

Response to Comment A2-1

This comment letter is a copy of the City of Los Angeles’ Notice of Completion and Availability of Draft Environmental Impact Report. This comment letter has been added to the Draft EIR Appendices for the record. In response to this comment, the title of Appendix I-1 has been revised to read as follows:

“Notice of Preparation (NOP), ~~and~~ Initial Study, and Notice of Completion (NOC).”

COMMENT LETTER A3

Dave Singleton
Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814

Comment A3-1

Thank you for the opportunity to comment on the above-referenced document. The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect.

Response to Comment A3-1

This comment confirms that the Native American Heritage Commission has reviewed the Draft EIR and correctly summarizes CEQA Guidelines § 15064.5(b)(c). No further response is required.

Comment A3-2

To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- Contact the appropriate California Historic Resources Information Center (CHRIS). The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.

Response to Comment A3-2

A cultural records search was conducted for the project site by the South Central Coastal Information Center (a member of the California Historical Resources Information System [CHRIS]) on April 18, 2005. CHRIS Information Centers provide archeological and historical resources information to local governments and individuals with responsibilities under the National Environmental Policy Act (NEPA),

the National Historic Preservation Act (NHPA), and CEQA, as well as to the general public.⁵¹ The results of the Project records search are included as Appendix IV.A-1 to the Draft EIR. The records search included a review of previous cultural resource surveys conducted within a 0.5-mile radius of the Project site and ultimately determined that no recorded archaeological or historic sites are located within the project site. Nonetheless, the cultural records search recommended that a Phase I Archaeological Survey be conducted due to the site's proximity to recorded sites and a lack of cultural resource studies on record specifically for the project site. The decision to prepare a Phase I Archaeological Survey for the site is at the discretion of the Lead Agency, which is ultimately responsible for determining whether the Project would have a significant effect on archaeological resources (Pub. Res. Code § 21083.2). The State of California Office of Planning and Research advises that a Lead Agency should require a field survey by a qualified professional archaeologist "if the project area is expected to contain unique archaeological sites or historical resources that are archaeological resources."⁵² The Project site has been extensively graded, filled in locations, and improved with roadways, utilities, and buildings (Draft EIR page IV.A-3). As noted above, no recorded archaeological or historic sites are located within the Project site. For these reasons, the Lead Agency does not expect the Project site to contain unique archaeological sites or historical resources. Accordingly, the Lead Agency elected to include in its mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological resources and/or human remains in lieu of requiring the preparation of a Phase I Archaeological Survey. See Mitigation Measures A-3 through A-8 on pages IV.A-4 and IV.A-5 of Draft EIR Section IV.A (Impacts Found to be Less than Significant). These mitigation measures are prescribed in accordance with Section 21083.2(i) of the Public Resources Code, which states that "a lead agency may make provisions for archaeological sites accidentally discovered during construction."

Comment A3-3

- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information Center.

⁵¹ California Office of Historic Preservation, *California Historical Resources Information System (CHRIS)*, website: http://ohp.parks.ca.gov/default.asp?page_id=1068, May 1, 2007.

⁵² State of California, Governor's Office of Planning and Research, *CEQA Technical Advice Series, CEQA & Archaeological Resources, Sections 21083.2 and 21084.1*, website: http://ceres.ca.gov/topic/env_law/ceqa/more/tas/Arcpage2.html#advisory, May 1, 2007. "Unique archaeological resources" are defined in Pub. Res. Code § 21083.2(g). "Historical resources" are defined in Section 15064.5(a) of the CEQA Guidelines.

Response to Comment A3-3

See Response to Comment A3-2.

Comment A3-4

- Contact the Native American Heritage Commission (NAHC) for:
 - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section;
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact, particularly the contacts of the on the list.

Response to Comment A3-4

The Native American Heritage Commission completed a record search of its Sacred Lands File for the project site. The search did not indicate the presence of any Native American cultural resources in the immediate project area. In addition, the City of Los Angeles contacted each tribe identified in the NAHC May 26, 2006 response letter and notified them of the opportunity to consult, in addition to providing them with copies of the cultural records searches that have previously been conducted for the Project site. The consultation request letters were sent January 3, 2007. Pursuant to Government Code Section 65352.3(a)(1), each tribal contact received 90 days from the receipt of the notification to provide written information and comments to the City of Los Angeles regarding: (1) the potential presence at the project site of any historic, cultural, or sacred Native American features, including any archaeological, historic or prehistoric Native American ruins, burial grounds, Native American inscriptions, archeological or historic Native American rock art, or any archaeological or historic Native American cultural resources on the project site; (2) recommended measures to preserve any potential resources or mitigate potential impacts to them; and (3) a request for consultation pursuant to Government Code Section 65352.3(a)(2). The 90-day consultation request period closed on April 3, 2007. No requests for consultation were received.

Comment A3-5

- Lack of surface evidence of archaeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.

- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

Response to Comment A3-5

As discussed in the Initial Study and Draft EIR, the Project site has been subject to extensive grading and modification, and the likelihood of discovering archeological resources on the Project site is low. However, mitigation measures associated with cultural resources provided in Section IV.A,(Impacts Found to be Less Than Significant), include provisions for the identification and evaluation of archaeological resources and artifacts should they be unexpectedly encountered.

Mitigation Measures A-3 through A-7 include provisions for the identification and evaluation of accidentally discovered archaeological resources and artifacts.

Comment A3-5 states that culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities in areas of identified archaeological sensitivity. However, according to the SCCIC Cultural and Archaeological Resources Records Search, the Project site is not located in an area of identified archeological sensitivity. As the Project site is not located in an identified archaeological sensitive area, the NAHC recommendation regarding Native American monitors does not apply to the Project.

The mitigation measures in the Draft EIR regarding archeological materials did not contain provisions for the disposition of recovered artifacts associated with Native Americans. In response to this comment, the text of page IV.A-4, under Mitigation Measure A-3, of the Draft EIR has been revised as follows:

The services of an archaeologist shall be secured by contacting the Center for Public Archaeology – Cal State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist to assess the resources and evaluate the impact. If the archaeological resource is determined to be associated with Native Americans, the Native American Heritage Commission will be consulted regarding treatment options. However, if the resource identified during construction is not associated with Native Americans, the State Historic Preservation Office shall be consulted.

Comment A3-6

- Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
 - CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

Response to Comment A3-6

The mitigation measures for the proposed Project include provisions for the discovery of Native American human remains or unmarked cemeteries as Mitigation Measure A-5. The mitigation measure states that in the event that human remains are discovered, there shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. These code provisions require notification of the County Coroner and the Native American Heritage Commission, who in turn must notify the those persons believed to be most likely descended from the deceased Native American for appropriate disposition of the remains. Excavation or disturbance may continue in other areas of the project site that are not reasonably suspected to overlie adjacent or additional remains.

Comment A3-7

- Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Response to Comment A3-7

As stated in response to comment A3-6, in the event of an accidental discovery of any human remains, the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98 must be adhered to.

Comment A3-8

- Lead agencies should consider avoidance, as defined in §15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Response to Comment A3-8

The City of Los Angeles has contacted the Native American Heritage Commission and local tribes during the planning process to ascertain the potential presence at the project site of any historic or cultural resources. Pursuant to Government Code Section 65352.3(a)(1), the Native American tribes received 90 days to provide written information and comments to the City of Los Angeles. The comment period closed on April 3, 2007. No information was received that suggested any potential cultural resources may be located on the site. No cultural resources have been discovered during the course of proposed Project planning.

COMMENT LETTER A4

Scott Morgan
State of California, State Clearinghouse and Planning Unit
1400 Tenth Street
PO Box 3044
Sacramento, CA 95812-3044

Comment A4-1

The State Clearinghouse forwarded the above-mentioned project to your agency for review on November 2, 2006 with incorrect review dates. Please make note of the following information for your files:

Review period began: November 2, 2006

Review period ends: January 30, 2007

We apologize for any inconvenience this may have caused. All other project information remains the same.

Response to Comment A4-1

This comment contains a transmission from the State Clearinghouse and Planning Unit to all reviewing agencies that correctly notes the Draft EIR public review period beginning and ending dates. The record will acknowledge that agencies were notified of the correct review dates on November 2, 2006.

COMMENT LETTER A5

Ruth Frazen
County Sanitation Districts of Los Angeles County
PO Box 4998
Whittier, CA 90607-4998

Comment A5-1

The County Sanitation Districts of Los Angeles County (Districts) received a Notice of Completion and Availability of Draft Environmental Impact Report (DEIR) and a DEIR for the subject project on November 3, 2006 and November 6, 2006, respectively. The proposed development is located within the jurisdictional boundaries of District No. 5. We offer the following comments regarding sewerage service:

Response to Comment A5-1

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments A5-2 and A5-3.

Comment A5-2

- The Joint Water Pollution Control Plant (JWPCP) currently processes an average flow of 317.4 million gallons per day (mgd). The remaining capacity at the JWPCP is 67.6 mgd.

Response to Comment A5-2

In response to this comment, the text on page IV.K-16, last paragraph, of the Draft EIR has been revised as follows:

The JWPCP has a permitted design treatment capacity of 385 mgd and a current average flow of ~~323.6~~ 317.4 mgd. Thus, the remaining capacity at the JWPCP is ~~61.4~~ 67.6 mgd.

Also, the text on page IV.K-24, fourth full paragraph, of the Draft EIR has been revised as follows:

The remaining capacity at the JWPCP is ~~61.4~~ 67.6 mgd. The Project would discharge a peak wastewater flow of 374,375 gpd (based on Sanitation Districts generation rates) to 437,125 gpd (based on LADPW generation rates) to the JWPCP. Therefore, the JWPCP would have adequate capacity to serve the Project.

Also, the text on page IV.K-27, last paragraph, of the Draft EIR has been revised as follows:

As noted above, the JWPCP has a remaining capacity of ~~61.4~~ 67.6 mgd; thus cumulative impacts to the remaining capacity of the JWPCP would be less than significant.

Finally, the text in Table I-1 on page I-59, first cell, of the Draft EIR has been revised as follows:

The remaining capacity at the JWPCP is ~~61.4-67.6~~ mgd. Thus, with approval of the Sewer Area Study, Sanitation Districts/LADPW infrastructure and the JWPCP would have adequate capacity to serve the Project, and impacts would be less than significant with mitigation.

Comment A5-3

- All other information concerning Districts' facilities and sewerage service contained in the document is current.

Response to Comment A5-3

This comment confirms the analysis and conclusions of the Draft EIR.

COMMENT LETTER A6**Mike Bagheri****City of Los Angeles Department of Transportation*****Comment A6-1***

The Department of Transportation (DOT) has reviewed the DEIR for a residential project, the “Ponte Vista” project, located on the east side of Western Avenue between Green Hills Drive and Avenida Aprenda dated November 2, 2006, prepared by Christopher A. Joseph and Associates, and the supporting traffic study, prepared by traffic consultant, Linscott, Law and Greenspan. The traffic study assessed the potential traffic impacts of the project combined with a previously approved project, Mary Star High School, by analyzing 52 intersections for the weekday AM/PM, and Saturday peak hour periods. The traffic study found that 26 of the 52 study intersections would be significantly impacted by the project’s related traffic (see Attachment 1 and 2), of which 15 are located in the City of Los Angeles.

The location of the project and the number of intersections caused the scope of the traffic study to include several other jurisdictions. The proposed improvement measures outside the City of Los Angeles jurisdiction must be approved by, [sic] the City of Rolling Hills Estates, City of Rancho Palos Verdes, City of Lomita, City of Carson, City of Torrance, County of Los Angeles, and the California Department of Transportation (Caltrans).

Response to Comment A6-1

This comment correctly identifies the Project, traffic impacts and preparers of the Draft EIR, although, it should be clarified that the traffic study analyzed 52 intersections for weekday AM/PM peak hours, and 12 intersections for the Saturday peak hour period. It should also be clarified that the traffic study concluded that the Project is expected to create a significant impact at 23 of the 52 intersections, and that an additional 2 intersections will be impacted by traffic from the Project combined with traffic from the previously approved Mary Star of the Sea High School.

Comment A6-2

The DEIR has adequately evaluated the project’s traffic impacts on the surrounding community and has proposed acceptable mitigation measures for all impacted intersections within the jurisdiction of the City of Los Angeles.

Response to Comment A6-2

This comment confirms the analysis and conclusions of the Draft EIR.

Comment A6-3**DISCUSSION AND FINDINGS****Project Description**

The proposed project consists of the constructing 2,300 residential units, which includes 1,725 condominiums and 575 senior housing units. Additionally, two little league baseball fields will be constructed on the southerly portion of the site. The site is currently occupied by 245 duplex residential units that are not occupied and will be demolished. Access to the site will be provided along Western Avenue. For the senior housing a new entrance is proposed opposite the intersection of Green Hills Drive and Western Avenue, which is signalized. Access to the remaining condominiums units, the bulk of the main project, will be provided by a proposed signalized intersection on Western Avenue between Green Hills Drive and Avenida Aprenda. An additional access to the condominium portion of the project and the little league baseball fields will be provided south of the main entrance at intersection of Avenida Aprenda and Western Avenue. The traffic study did not indicate how many parking spaces would be provided by the project. The project is expected to be completed by Year 2012.

Immediately east of the proposed project is the Mary Star High School with enrollment capacity of 600 students. This project was approved in 2001. As a condition of approval, the access to the school must be provided from Western Avenue. The proposed project will accommodate access to the school through the project site.

Response to Comment A6-3

This comment correctly summarizes the characteristics and vehicular access of the Project. It should be noted, however, that while the traffic study itself does not state the number of parking spaces to be provided by the project, this information is provided in the Draft EIR. Section IV.J (Transportation and Traffic) of the Draft EIR states that all parking will be provided on-site, with a combination of subterranean parking and street parking, in accordance with City policy. Parking spaces will be provided in accordance with LAMC Code requirements. In addition, Linscott, Law and Greenspan prepared a separate Parking Memorandum, attached as Appendix IV.J-3 to the Draft EIR, which analyzes parking demand for the potential little league baseball fields. This parking analysis concludes that simultaneous use of the two potential little league fields would generate a demand for 45 parking spaces, which would be met by the 55 parking spaces to be included on the public road adjacent to the park. Parking information can be found in the Section IV.J (Transportation and Traffic) (pages IV.J-32 and 33) and in Appendix IV.J-3 of the Draft EIR. With respect to the Project's residential and commercial components, the final number of parking spaces required will be determined during the building permit process in accordance with LAMC Code requirements as the Project's final mix of units is determined.

Comment A6-4

The DEIR also proposed 4 additional alternatives to the project:

- Alternative A: “No Project/Single-Family Homes.” The project as described would not be built, but the land would be developed to the maximum allowable units, 429 single-family homes, under current land use and zoning conditions. This alternative would result in 19 significant impacts which could be fully or partially mitigated with the improvements proposed in the study. Mary Star High School would be required to take access via Taper Avenue which could result in neighborhood traffic impacts.

Response to Comment A6-4

This comment correctly summarizes Alternative A of the Draft EIR and its resulting traffic impacts.

Comment A6-5

- Alternative B: “Increased Percentages of Senior Housing.” The project would be developed with 1,150 Senior Housing units and 1,150 condominium units. This alternative would result in 21 significant impacts which could be fully or partially mitigated with the improvements proposed in the study. The inclusion of Mary Star High School would increase the number of significant impacts by 3, for a total of 24.

Response to Comment A6-5

This comment correctly summarizes Alternative B of the Draft EIR and its resulting traffic impacts.

Comment A6-6

- Alternative C: “1,700 Units.” The project size would be reduced 30% and would be developed with 425 Senior Housing units and 1,275 condominium units. This alternative would result in 20 significant impacts which could be fully or partially mitigated with the improvements proposed in the study. The inclusion of Mary Star High School would increase the number of significant impacts by 4, for a total of 24.

Response to Comment A6-6

As noted on page VI-14 of the Draft EIR, Alternative C would reduce the project size by 26 percent, not 30 percent. Other than this, the comment correctly summarizes Alternative C of the Draft EIR and its resulting traffic impacts.

Comment A6-7

- Alternative D: “Alternative Sites.” In this alternative, three substitute locations to construct the project were considered. Alternate locations for the project included, Wilmington Industrial Park in the City of Los Angeles, Long Beach Sports Park, and Douglas Park, both in the City of Long Beach. The study determined that the significant impacts could be fully or partially mitigated with the improvement measures proposed for the original project in each of the three alternative locations.

Response to Comment A6-7

This comment correctly summarizes Alternative D of the Draft EIR. As noted on pages VI-77 through VI-79 of the Draft EIR, available information concerning the alternative sites suggests that relative traffic congestion in these areas is similar to the relative traffic congestion in the Project study area. As such, the Draft EIR concluded that while a detailed evaluation of potential Project traffic impacts at the alternative sites would be required, it is reasonable to assume that traffic impacts at the alternative sites would be similar to the Project and would require similar mitigation.

Comment A6-8**Comment**

In the DEIR, Section IV.J Transportation and Traffic, under “Mitigation Measures” (J-25), the intersection of I-110 Southbound Ramps and Pacific Coast Highway was erroneously identified as a significantly impacted intersection. The erroneous statement and all associated references (i.e. number of impacted intersections) must be removed in the Final EIR.

Response to Comment A6-8

The comment is correct that the intersection of the I-110 southbound ramps and Pacific Coast Highway would not be significantly impacted by the Project. As noted in Table IV.J-10 on page IV.J-64 of the Draft EIR, the intersection (Intersection No. 47) would have less than significant impacts. Accordingly, Mitigation Measure J-25 is not required. In response to this comment, Mitigation Measure J-25 on page IV.J-115 of the Draft EIR has been revised as follows:

(J-25) ~~Intersection No. 47: I-110 Southbound Ramps/Pacific Coast Highway: The Project applicant shall fund and install ATSA/ATCS (or similar traffic signal synchronization system approved by Caltrans and LADOT) at the I-110 Southbound Ramps/Pacific Coast Highway intersection.~~

Additionally, as noted in Response to Comment A6-13, the former Mitigation Measure J-25 has been replaced with a mitigation measure related to CCTV Camera Installations. It is noted that the Draft EIR correctly states on page IV.J-111 that 23 of the 52 study intersections would be significantly impacted by the Project (prior to consideration of mitigation) during the weekday AM and PM peak hours.

Comment A6-9**Trip Generation**

The project will generate approximately 9,355 net daily trips with 636 net trips in the AM peak hour and 760 net trips in the PM peak hour (see Attachment 3). On a typical Saturday, the project will generate approximately 9,113 net daily trips with 834 net peak hour trips. (see Attachment 4).

Response to Comment A6-9

This comment correctly summarizes the weekday and Saturday Project trip generation, as noted on pages IV.J-34 through IV.J-36 of the Draft EIR.

Comment A6-10**Significant Traffic Impact Locations**

The proposed project will experience significant traffic impacts at the following locations (within the City of Los Angeles):

1. Lomita Boulevard and Western Avenue (See Section A)
2. Pacific Coast Highway and Western Avenue (See Section D)
3. Anaheim Street and Western Avenue (See Section A)
4. 1st Street and Western Avenue (See Section B)
5. Anaheim Street and Palos Verdes Drive North/Gaffey Street/Vermont Avenue (See Section A)
6. Gaffey Street and Westmont Drive (See Section B)
7. Capitol Drive and Gaffey Street (See Section B)
8. Gaffey Street/Miraflores Avenue and I-110 Southbound Ramps (See Section B)
9. Gaffey Street and Summerland Avenue (See Section B)
10. Pacific Coast Highway and Vermont Avenue (See Section E)
11. Figueroa Street and I-110 Northbound On-Ramp-North Of Pacific Coast Highway (See Sections A and J)
12. Figueroa Street and Pacific Coast Highway (See Section F)
13. Anaheim Street and Figueroa Place (See Sections A and G)
14. Figueroa Street and I-110 Northbound On-Ramp-North of Anaheim Street (See Sections A and I)
15. Anaheim Street and Figueroa Street (See Sections A and H)

Response to Comment A6-10

This comment correctly summarizes the significant traffic impacts at intersections solely within the City of Los Angeles' jurisdiction or within the shared jurisdiction of the City of Los Angeles and Caltrans. The list does not include any significantly impacted intersections that are fully within or shared by the jurisdictions of the Cities of Rancho Palos Verdes, Rolling Hills Estates, Lomita, Torrance, and Carson, or the County of Los Angeles. For a complete inventory of the intersections that would be significantly impacted by the Project, see Tables IV.J-10 through IV.J-13 in the Draft EIR. It should also be noted that the intersection of Western Avenue and 1st Street would be significantly impacted as a result of the combination of the proposed Project impact and impacts from Mary Star of the Sea High School.

Comment A6-11**PROJECT REQUIREMENTS****A. Wilmington ATSAC/ATCS**

The project shall fund a proportionate share of the cost of the design and construction of the Wilmington ATSAC/ATCS System at the intersections listed below:

The proposed improvements at intersections listed below will mitigate the impacts from both the proposed project and the Mary Star High School, to a level of insignificance.

Lomita Boulevard and Western Avenue

Anaheim Street and Western Avenue

Figueroa Street and 1-110 Northbound On-Ramp (North of Pacific Coast Highway) - New Signal

Figueroa Street and 1-110 Northbound On-Ramp (North Of Anaheim Street) - New Signal

Anaheim Street and Gaffey Street/Palos Verdes Drive North/Vermont Avenue

The intersections listed below will be partially mitigated with ATSAC/ATCS, further improvements are necessary to fully mitigate these impacts.

Anaheim Street and Figueroa Place

Anaheim Street and Figueroa Street

The project's proportionate share of the cost of the ATSAC/ATCS System is equal to the average ATSAC/ATCS System cost per intersection. The current cost of the Wilmington ATSAC/ATCS System is \$159,400 per intersection. ATSAC/ATCS improvements shall be guaranteed through cash payment of \$1,115,800, prior to the issuance of any building permit. ATSAC/ATCS improvements are reviewed and adjusted periodically. The actual cost may change depending on when payment is made.

Response to Comment A6-11

The comment concurs that the traffic mitigation measures listed in the Draft EIR beginning on page IV.J-109 will mitigate impacts at such locations to a less than significant level. Specifically, the intersections identified in the comment which are included in the LADOT Wilmington ATSAC/ATCS System correspond to the following mitigation measures in the Draft EIR:

- Lomita Boulevard and Western Avenue: Mitigation Measure J-2
- Anaheim Street and Western Avenue: Mitigation Measure J-4

- Figueroa Street and I-110 Northbound On-Ramp (North of Pacific Coast Highway) – New Signal: Mitigation Measure J-24⁵³
- Figueroa Street and I-110 Northbound On-Ramp (North of Anaheim Street) – New Signal: Mitigation Measure J-28⁵⁴
- Anaheim Street and Gaffey Street/Palos Verdes Drive North/Anaheim Street: Mitigation Measure J-18
- Anaheim Street and Figueroa Place: Mitigation Measure J-27
- Anaheim Street and Figueroa Street: Mitigation Measure J-29

The Draft EIR concurs with the statement in the comment that funding of installation of ATSAC/ATCS at the Anaheim Street/Figueroa Place and Anaheim Street/Figueroa Street alone is insufficient to completely mitigate the impacts of the Project. Mitigation Measure J-27 also recommends changes to the traffic signal operation at the Anaheim Street/Figueroa Place intersection while Mitigation Measure J-30 recommends modifications to the roadway striping at the Anaheim Street/Figueroa Street intersection. These additional measures, in conjunction with the installation of the ATSAC/ATCS, will completely mitigate the impacts of the Project at these intersections.

The recommendation in the comment to fund the installation of the ATSAC/ATCS prior to the issuance of building permits will be forwarded to the decision-maker for review and consideration. The applicant has proposed to fund off-site traffic mitigation measures prior to the issuance of the first building permit for a residential building in the Project.

Comment A6-12

B. San Pedro ATSAC/ATCS

The project shall fund a proportionate share of the cost of the design and construction of the San Pedro ATSAC/ATCS System at the intersections listed below:

1st Street and Western Avenue

⁵³ In Comment A06-20, LADOT clarifies that a new traffic signal is not required at the intersection of Figueroa Street and I-110 Northbound On-Ramp (north of Pacific Coast Highway). As the traffic signal is not required, the funding for the installation of ATSAC/ATCS is also not required. In lieu of the installation of the traffic signal, Comment A06-20 recommends an alternative mitigation measure consisting of restriping the northbound and southbound Figueroa Street approaches to the intersection. The southbound approach would provide one stop-controlled through lane and one yield-controlled right-turn lane. The northbound approach would provide two left-turn lanes and one through lane. The comment also recommends the installation of painted medians, a flashing red beacon, and an overhead guide sign. The comment concludes that implementation of this alternative mitigation measure would mitigate the traffic impacts associated with the Project to levels of insignificance. Therefore, Mitigation Measure J-24 will be revised in the Final EIR to reflect the LADOT alternative traffic mitigation measure.

⁵⁴ Mitigation Measure J-28 in the Draft EIR correctly identifies the installation of a new traffic signal at the intersection of Figueroa Street and I-110 Northbound On-Ramp (North of Anaheim Street) but omitted mention of the funding for the installation of ATSAC/ATCS. Therefore, Mitigation Measure J-28 will be revised in the Final EIR to include the funding of installation of ATSAC/ATCS at this intersection in conjunction with the new traffic signal installation.

Gaffey Street and Westmont Drive**Capitol Drive and Gaffey Street****Gaffey Street and Miraflores Avenue/I-110 Southbound Ramps****Gaffey Street and Summerland Avenue**

The proposed improvements will mitigate the impacts from both the proposed project and the Mary Star High School, to a level of insignificance.

The project's proportionate share of the cost of the ATSAC/ATCS System is equal to the average ATSAC/ATCS System cost per intersection. The current cost of the San Pedro ATSAC/ATCS System is \$141,600 per intersection. ATSAC/ATCS improvements shall be guaranteed through cash payment of \$708,000, prior to the issuance of any building permit. ATSAC/ATCS improvements are reviewed and adjusted periodically. The actual cost may change depending on when payment is made.

Response to Comment A6-12

The comment concurs that the traffic mitigation measures listed in the Draft EIR beginning on page IV.J-109 will mitigate impacts at such locations to a less than significant level. Specifically, the intersections identified in the comment which are included in the LADOT San Pedro ATSAC/ATCS System correspond to the following mitigation measures in the Draft EIR:

- 1st Street and Western Avenue: Mitigation Measure J-17
- Gaffey Street and Westmont Drive: Mitigation Measure J-19
- Capitol Drive and Gaffey Street: Mitigation Measure J-204
- Gaffey Street and Miraflores Avenue/I-110 Southbound Ramps: Mitigation Measure J-21
- Gaffey Street and Summerland Avenue: Mitigation Measure J-22

The recommendation in the comment to fund the installation of the ATSAC/ATCS prior to the issuance of building permits will be forwarded to the decision-maker for review and consideration. The applicant has proposed to fund off-site traffic mitigation measures prior to the issuance of the first building permit for a residential building in the Project.

Comment A6-13**C. CCTV Camera Installations**

In addition to the ATSAC/ATCS installations discussed in **Sections "A" and "8"**, the project shall fund the installation of CCTV Cameras to facilitate ATSAC/ATCS operation at the following intersections:

First Street and Gaffey Street

First Street and Western Avenue

Pacific Coast Highway and Western Avenue

Anaheim Street, Gaffey Street, Palos Verdes Drive, and Vermont Avenue

Harbor Freeway Southbound Freeway Ramps and Pacific Coast Highway

The project's proportionate share of the cost of the CCTV Camera installations is equal to the average cost per intersection. The current cost of CCTV Cameras is \$25,000 per intersection. These improvements shall be guaranteed through cash payment of \$125,000, prior to the issuance of any building permit. CCTV Camera improvements are reviewed and adjusted periodically. The actual cost may change depending on when payment is made.

Response to Comment A6-13

See Responses to Comments A6-11 and A6-12 regarding intersections to be mitigated by funding ATSAC/ATCS installations. In addition to these installations, the comment recommends funding of CCTV cameras at five intersections to facilitate ATSAC/ATCS operations. As noted in Response to Comment A6-8, Mitigation Measure J-25 has been deleted. In response to this comment, Mitigation Measure J-25 on page IV.J-115 of the Draft EIR has been revised as follows:

(J-25) Intersection No. 47: I-110 Southbound Ramps/Pacific Coast Highway: The Project applicant shall fund and install ATSAC/ATCS (or similar traffic signal synchronization system approved by Caltrans and LADOT) at the I-110 Southbound Ramps/Pacific Coast Highway intersection. The Project applicant shall fund the installation of CCTV Cameras to facilitate ATSAC/ATCS operation at the following intersections:

- *First Street and Gaffey Street*
- *First Street and Western Avenue*
- *Pacific Coast Highway and Western Avenue*
- *Anaheim Street, Gaffey Street, Palos Verdes Drive, and Vermont Avenue*
- *Harbor Freeway Southbound Freeway Ramps and Pacific Coast Highway*

The recommendation in the comment to fund the installation of the CCTV cameras prior to the issuance of building permits will be forwarded to the decision-maker for review and consideration. The applicant has proposed to fund off-site traffic mitigation measures prior to the issuance of the first building permit for a residential building in the Project.

Comment A6-14**D. Pacific Coast Highway and Western Avenue (See Attachment 5)**

The proposal to restripe the southbound Western Avenue approach at Pacific Coast Highway and install two left-turn only lanes, two through lanes, and one right-turn only lane is acceptable to DOT. However, Pacific Coast Highway is in the jurisdiction of Caltrans and any improvement is subject to their approval. The improvement, if approved by Caltrans, will mitigate the impact at this location, from both the proposed project and the Mary Star High School, to a level of insignificance.

Response to Comment A6-14

The comment concurs that Mitigation Measure J-3 listed in the Draft EIR on page IV.J-112 for the intersection of Pacific Coast Highway and Western Avenue will mitigate the impacts at such location to a less than significant level. On page IV.J-120 of the Draft EIR, it is noted that the intersections along Western Avenue and Pacific Coast Highway are under the jurisdiction of Caltrans, and implementation of the mitigation measure would be subject to its approval. The applicant will be required to fund such measure. Substantial evidence indicates that such measure is feasible, and that it can and should be approved by Caltrans.

Comment A6-15**E. Pacific Coast Highway and Vermont Avenue (See Attachment 6)**

The proposal to widen the south side of Pacific Coast Highway east of Vermont Avenue and the north and south sides west of Vermont Avenue and install a dual left-turn lane for westbound Pacific Coast Highway at Vermont appears to be acceptable. However, Pacific Coast Highway is in the jurisdiction of Caltrans and any improvement is subject to their approval. If found feasible by Caltrans, the improvement will mitigate the impact at this location, from both the proposed project and the Mary Star High School, to a level of insignificance.

Response to Comment A6-15

The comment concurs that Mitigation Measure J-23 listed in the Draft EIR on page IV.J-115 for the intersection of Pacific Coast Highway and Vermont Avenue will mitigate the impacts at such location to a less than significant level. On page IV.J-120 of the Draft EIR, it is noted that the intersections along Pacific Coast Highway are under the jurisdiction of Caltrans, and implementation of the mitigation measure would be subject to its approval. The applicant will be required to fund such measure. Substantial evidence indicates that such measure is feasible, and that it can and should be approved by Caltrans.

Comment A6-16**F. Figueroa Street and Pacific Coast Highway (See Attachment 7)**

The proposal to restripe the westbound Pacific Coast Highway approach at Figueroa Street and install a new through lane that leads to the left-turn pocket at Figueroa Place and Pacific Coast Highway is acceptable to DOT. However, Pacific Coast Highway is in the jurisdiction of Caltrans and any improvement is subject to their approval. The proposed improvement, if approved by Caltrans, will mitigate the impact at this location, from both the proposed project and the Mary Star High School, to a level of insignificance.

Response to Comment A6-16

The comment concurs that Mitigation Measure J-26 listed in the Draft EIR on page IV.J-115 for the intersection of Figueroa Street and Pacific Coast Highway will mitigate the impacts at such location to a less than significant level. On page IV.J-120 of the Draft EIR, it is noted that the intersections along Pacific Coast Highway are under the jurisdiction of Caltrans, and implementation of the mitigation measure would be subject to its approval. The applicant will be required to fund such measure. Substantial evidence indicates that such measure is feasible, and that it can and should be approved by Caltrans.

Comment A6-17**G. Anaheim Street and Figueroa Place**

In addition to installing ATSAC/ATCS as described in **Section A** at this intersection, the study proposes to modify the existing traffic signal and install a southbound right-turn signal phase (that would overlap with the eastbound left-turn phase at the adjacent intersection Anaheim Street and Figueroa Street). The traffic consultant submitted an analysis that modeled the signal coordination that would be required for this improvement and DOT concurs with the results that modification will function as indicated. The proposed improvement is acceptable and will mitigate the impact at this location, from both the proposed project and the Mary Star High School, to a level of insignificance.

Response to Comment A6-17

The comment concurs that Mitigation Measure J-27 listed in the Draft EIR on page IV.J-115 for the intersection of Anaheim Street and Figueroa Place will mitigate the impacts at such location to a less than significant level. See Response to Comment A06-11 regarding the additional mitigation at this intersection to fund the installation of ATSAC/ATCS.

Comment A6-18**H. Anaheim Street and Figueroa Street**

In addition to installing ATSAC/ATCS as described in **Section A**, the developer proposes to restripe the southbound Figueroa Street approach and install a new right-turn only lane. The proposed

improvement is acceptable and will mitigate the impact at this location, from both the proposed project and the Mary Star High School, to a level of insignificance.

Response to Comment A6-18

The comment concurs that Mitigation Measure J-29 listed in the Draft EIR on page IV.J-116 for the intersection of Anaheim Street and Figueroa Street will mitigate the impacts at such location to a less than significant level. See Response to Comment A06-11 regarding the additional mitigation at this intersection to fund the installation of ATSAC/ATCS.

Comment A6-19

I. New Traffic Signals

Install new traffic signals at the following intersections:

Figueroa Street and 1-110 Northbound On-Ramp (North Of Anaheim Street)

Figueroa Place and 1-110 Southbound Off-Ramp (North Of Anaheim Street)

The developer will be responsible for all costs associated with the design and construction of the new traffic signals and connection to the ATSAC and ATCS system. This improvement will mitigate the impacts to a level of insignificance.

Response to Comment A6-19

The comment concurs that Mitigation Measure J-28 listed in the Draft EIR on page IV.J-116 for the intersection of Figueroa Street and I-110 Northbound On-Ramp (North of Anaheim Street) will mitigate the impacts at such location to a less than significant level. Mitigation Measure J-28 will be revised in the Final EIR to include the installation of a new traffic signal as well as the funding of installation of ATSAC/ATCS at the Figueroa Place/I-110 Southbound Off-Ramp intersection in conjunction with the new traffic signal installation as recommended by LADOT.

Comment A6-20

J. Figueroa Street and 1-110 Northbound On-Ramp-North of Pacific Coast Highway (See Attachment 8)

The traffic study proposed a new traffic signal at this location to mitigate the significant impact. DOT has determined that a new traffic signal is not warranted and recommends an alternative improvement. DOT recommends restriping the northbound and southbound approaches to this intersection. Southbound Figueroa Street shall be restriped to provide one, stop controlled, through lane and one, yield controlled, right-turn lane. Northbound Figueroa Street shall be restriped to provide two left-turn only lanes and one through lane. A flashing red beacon shall be provided with the stop control for southbound traffic and painted medians shall be used to separate the travel lanes. Additionally, an overhead sign shall be used near the intersection of Figueroa Street and Pacific Coast

Highway to delineate the left turn lanes and the northbound lane. This improvement will mitigate the impacts to a level of insignificance.

Response to Comment A6-20

Mitigation Measure J-24 listed in the Draft EIR on page IV.J-115 for the intersection of Figueroa Street and I-110 Northbound On-Ramp (North of Pacific Coast Highway) recommends the installation of a traffic signal at this intersection. However, in the comment, LADOT clarifies that a new traffic signal is not required at the intersection of Figueroa Street and I-110 Northbound On-Ramp (north of Pacific Coast Highway). As the traffic signal is not required, the funding for the installation of ATSAC/ATCS is also not required. In lieu of the installation of the traffic signal, the comment recommends an alternative mitigation measure consisting of restriping the northbound and southbound Figueroa Street approaches to the intersection. The southbound approach would provide one stop-controlled through lane and one yield-controlled right-turn lane. The northbound approach would provide two left-turn lanes and one through lane. The comment also recommends the installation of painted medians, a flashing red beacon, and an overhead guide sign. The comment concludes that implementation of this alternative mitigation measure would mitigate the traffic impacts associated with the Project to levels of insignificance. Therefore, Mitigation Measure J-24 will be revised in the Final EIR to reflect the LADOT alternative traffic mitigation measure.

Comment A6-21

K. Significant Impacts in Other Jurisdictions

The following significant impacts and their perspective improvement measures are presented as information only. DOT has no authority to approve or disapprove these measures. Final approval rests with the appropriate jurisdictional authority.

1. ENHANCED TRAFFIC SIGNAL CONTROL SYSTEM (SIMILAR TO ATSAC/ATCS)

The developer is proposing to fund a proportionate share of the cost of the design and construction of an enhanced traffic signal control system at the intersections listed below:

Palos Verdes Drive North and Western Avenue*

Green Hills Drive/Senior Housing Project and Western Avenue*

Avenida Aprenda/Southerly Project Access and Western Avenue*

Western Avenue and Westmont Drive*

Western Avenue and Toscanini Drive

Caddington Drive and Western Avenue

Capitol Drive and Western Avenue

Park Western Avenue and Western Avenue

Crestwood Street and Western Avenue

Summerland Avenue and Western Avenue

*These intersections will be partially mitigated with the traffic signal improvement, further measures are necessary to fully mitigate these impacts.

The developer must acquire Caltrans' approval for the proposed mitigation measures.

Response to Comment A6-21

The comment summarizes the traffic mitigation measures listed in the Draft EIR beginning on page IV.J-109. Specifically, the intersections identified in the comment which are included in the Caltrans synchronized traffic signal system correspond to the following mitigation measures in the Draft EIR:

- Palos Verdes Drive North and Western Avenue: Mitigation Measure J-5
- Green Hills Drive/Senior Housing Project and Western Avenue: Mitigation Measure J-6
- Avenida Aprenda/Southerly Project Access and Western Avenue: Mitigation Measure J-8
- Western Avenue and Westmont Drive: Mitigation Measure J-9
- Western Avenue and Toscanini Drive: Mitigation Measure J-11
- Caddington Drive and Western Avenue: Mitigation Measure J-12
- Capitol Drive and Western Avenue: Mitigation Measure J-13
- Park Western Avenue and Western Avenue: Mitigation Measure J-14
- Crestwood Drive and Western Avenue: Mitigation Measure J-15
- Summerland Avenue and Western Avenue: Mitigation Measure J-16

The Draft EIR concurs with the statement in the comment that funding of installation of a synchronization system at the Palos Verdes Drive/Western Avenue, Green Hills Drive-Senior Housing Project/Western Avenue and Avenida Aprenda-Southerly Project Access/Western Avenue intersections alone is insufficient to completely mitigate the impacts of the Project. Corresponding Mitigation Measures J-5, J-6, and J-8 recommend additional measures to mitigate the impacts of the Project. These additional measures, in conjunction with the installation of the synchronized traffic signal system, will completely mitigate the impacts of the Project at these intersections. On page IV.J-120 of the Draft EIR, it is noted that the intersections along Western Avenue are under the jurisdiction of Caltrans, and implementation of the mitigation measures would be subject to their approval. The applicant will be required to fund such measures. Substantial evidence indicates that such measures are feasible, and that they can and should be approved by Caltrans.

Comment A6-22**2. Palos Verdes Drive East and Palos Verdes Drive North**

The proposal to restripe and modify the existing island on the westbound Palos Verdes Drive North approach at Palos Verdes Drive East and install two left-turn lanes, will require approval by the City of Rolling Hills Estates. If approved, the measures would reduce the impact to a level of insignificance.

Response to Comment A6-22

The comment concurs that Mitigation Measure J-1 listed in the Draft EIR on page IV.J-111 for the intersection of Palos Verdes Drive East and Palos Verdes Drive North will mitigate the impacts at such location to a less than significant level. As this intersection is located in the City of Rolling Hills Estates, as noted on page IV.J-120 of the Draft EIR, implementation of the mitigation measure would be subject to its approval. The applicant will be required to fund such measure. Substantial evidence indicates that such measure is feasible, and that it can and should be approved by the City of Rolling Hills Estates.

Comment A6-23**3. Palos Verdes Drive North and Western Avenue**

In addition to the installation of ATSAC/ATCS, the developer proposes to modify the existing median, traffic signal equipment, and striping to accommodate the installation of two left-turn lanes on westbound Palos Verdes Drive North at Western Avenue. This measure will require Caltrans and the City of Lomita's approval. If approved, this measure along with ATSAC/ATCS would reduce the impact to a level of insignificance.

Response to Comment A6-23

The comment concurs that Mitigation Measure J-5 listed in the Draft EIR on page IV.J-112 for the intersection of Palos Verdes Drive North and Western Avenue will mitigate the impacts at such location to a less than significant level. As this intersection is located in the City of Lomita and is under the jurisdiction of Caltrans, as noted on page IV.J-120 of the Draft EIR, implementation of the mitigation measure would be subject to their approval. The applicant will be required to fund such measure. Substantial evidence indicates that such measure is feasible, and that it can and should be approved by Caltrans and the City of Lomita.

Comment A6-24**4. Green Hills Drive/Senior Housing Project and Western Avenue**

This intersection is under the shared jurisdiction of Caltrans, the City of Rancho Palos Verdes, and the City of Los Angeles. In addition to installing ATSAC/ATCS system, the developer proposes to widen the east side of Western Avenue and provide an additional shared through/right-turn lane for northbound traffic. DOT has determined that the of the [sic] proposed improvement measure is feasible, however, the

developer must also receive the approval of Caltrans and the City of Rancho Palos Verdes. If approved, this measure along with ATSAC/ATCS would reduce the impact to a level of insignificance.

Response to Comment A6-24

The comment concurs that Mitigation Measure J-6 listed in the Draft EIR on page IV.J-112 for the intersection of Green Hills Drive/Senior Housing Project and Western Avenue will mitigate the impacts at such location to a less than significant level. As this intersection is partially located in the City of Rancho Palos Verdes and is under the jurisdiction of Caltrans, as noted on page IV.J-120 of the Draft EIR, implementation of the mitigation measure would be subject to their approval. The applicant will be required to fund such measure. Substantial evidence indicates that such measure is feasible, and that it can and should be approved by Caltrans and Rancho Palos Verdes.

Comment A6-25

5. Main Project Access and Western Avenue (See Attachment 9)

The developer proposes to install a new signal, and widen the east side of Western Avenue to provide for a new shared through/right-turn lane for northbound traffic. DOT has determined that the proposed improvements are feasible, however, the developer must obtain approval from Caltrans and the City of Rancho Palos Verdes. If approved, the measures would reduce the impact to a level of insignificance.

Response to Comment A6-25

The comment concurs that Mitigation Measure J-7 listed in the Draft EIR on pages IV.J-112 and IV.J-113 for the intersection of Main Project Access and Western Avenue will mitigate the impacts at such location to a less than significant level. As this intersection is partially located in the City of Rancho Palos Verdes and is under the jurisdiction of Caltrans, as noted on page IV.J-120 of the Draft EIR, implementation of the mitigation measure would be subject to their approval. The applicant will be required to fund such measure. Substantial evidence indicates that such measure is feasible, and that it can and should be approved by Caltrans and Rancho Palos Verdes.

Comment A6-26

6. Avenida Aprenda/southerly Project Access and Western Avenue

This intersection is under the shared jurisdiction of Caltrans, the City of Rancho Palos Verdes, and the City of Los Angeles. In addition to installing ATSAC/ATCS system, the developer proposes to widen the east side of Western Avenue and provide an additional shared through/right-turn lane for northbound traffic. The developer also proposes to restripe the eastbound approach of Avenida Aprenda at Western Avenue and install a new left-turn lane. DOT has determined that the proposed improvements are feasible, however, the developer must also receive the approval of Caltrans and the City of Rancho Palos Verdes. If approved, this measure along with ATSAC/ATCS would reduce the impact to a level of insignificance

Response to Comment A6-26

The comment concurs that Mitigation Measure J-8 listed in the Draft EIR on page IV.J-113 for the intersection of Avenida Aprenda/Southerly Project Access and Western Avenue will mitigate the impacts at such location to a less than significant level. As this intersection is partially located in the City of Rancho Palos Verdes and is under the jurisdiction of Caltrans, as noted on page IV.J-120 of the Draft EIR, implementation of the mitigation measure would be subject to their approval. The applicant will be required to fund such measure. Substantial evidence indicates that such measure is feasible, and that it can and should be approved by Caltrans and Rancho Palos Verdes.

Comment A6-27**7. Westmont Drive and Western Avenue**

This intersection is under the shared jurisdiction of Caltrans, the City of Rancho Palos Verdes, and the City of Los Angeles. In addition to installing ATSAC/ATCS, the developer proposes to restripe the eastbound approach of Westmont Drive at Western Avenue and install a new left-turn lane. DOT has determined that the proposed improvements are feasible, however, the developer must also receive the approval of Caltrans and the City of Rancho Palos Verdes. If approved, this measure along with ATSAC/ATCS would reduce the impact to a level of insignificance.

Response to Comment A6-27

The comment concurs that Mitigation Measure J-10 listed in the Draft EIR on page IV.J-114 for the intersection of Westmont Drive and Western Avenue will mitigate the impacts at such location to a less than significant level. As this intersection is partially located in the City of Rancho Palos Verdes and is under the jurisdiction of Caltrans, as noted on page IV.J-120 of the Draft EIR, implementation of the mitigation measure would be subject to their approval. The applicant will be required to fund such measure. Substantial evidence indicates that such measure is feasible, and that it can and should be approved by Caltrans and Rancho Palos Verdes.

Comment A6-28**L. Voluntary Contributions****1. San Pedro ATSAC/ATCs**

The developer has agreed on a voluntary basis to contribute the cost of design and construction of the following intersections in the City of Los Angeles. These intersections did not experience a significant impact as a result of the project.

Weymouth Avenue and Western Avenue**Bynner Drive and Western Avenue****9th Street and Western Avenue**

19th Street and Western Avenue**25th Street and Western Avenue**

The estimated cost of the ATSAC/ATCS System is equal to the average ATSAC/ATCS System cost per intersection. The current cost of the San Pedro ATSAC/ATCS System is \$141,600 per intersection. ATSAC/ATCS improvements should be guaranteed through cash payment of \$708,000, prior to the issuance of any building permit. ATSAC/ATCS improvements are reviewed and adjusted periodically. The actual cost may change depending on when payment is made.

Response to Comment A6-28

The comment summarizes voluntary contribution by the Project applicant to fund the installation of ATSAC/ATCS in the San Pedro ATSAC/ATCS system at five additional intersections: Weymouth Avenue/Western Avenue, Bynner Drive/Western Avenue, 9th Street/Western Avenue, 19th Street/Western Avenue and 25th Street/Western Avenue. The funding of ATSAC/ATCS is not required to mitigate traffic impacts related to the Project at these intersections and would constitute a community benefit of the Project.

The recommendation in the comment to fund the installation of the ATSAC/ATCS prior to the issuance of building permits will be forwarded to the decision-maker for review and consideration. The applicant has proposed to fund these measures prior to the issuance of the first building permit for a residential building in the Project.

Comment A6-29**2. Anaheim Street and Gaffey Street/Palos Verdes Drive North/Vermont Avenue**

The developer has agreed to conduct a feasibility study of alternate improvements to increase the vehicular capacity at the intersection. Once the preferred improvement is identified to the satisfaction of BOE and DOT, the developer shall fund a proportionate fair share of the cost of design and construction of the improvement. The developer's proportionate share has been determined to be 24.4 % of the final cost including the cost of conducting the feasibility study. Prior to the issuance of any certificate of occupancy, the developer shall make a cash contribution of their proportionate share of the improvement to DOT.

Response to Comment A6-29

The comment refers to a voluntary measure by the Project applicant to conduct a feasibility study and fund a proportionate share related to the installation of a future improvement at the intersection of Anaheim Street /Gaffey Street/Palos Verdes Drive North/Vermont Avenue, also known locally as the Five Points intersection. The impacts of the Project at this location will be mitigated by Mitigation Measure J-18 summarized at page IV.J-114 of the Draft EIR. Preparation of the feasibility study and the

funding of proportionate share are not required to mitigate traffic impacts related to the Project at this intersection and would constitute a community benefit of the Project.

The subject intersection currently receives substantial volumes of traffic. The Project would not contribute 24% of the traffic at the subject location. It is anticipated that other funding sources and jurisdictions will participate in funding such improvement. Accordingly, the proportionate share of the developer should be identified after an improvement is approved. It is not known if and when an improvement will be identified and approved. Therefore, the recommendation in the comment to fund the proportionate share prior to the issuance of a certificate of occupancy may not be feasible. However, it will be forwarded to the decision-maker for review and consideration.

Comment A6-30

M. Construction Impacts

DOT recommends that a construction work site traffic control plan be submitted to DOT for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends that all construction related traffic be restricted to off-peak hours.

Response to Comment A6-30

The review and analysis of construction traffic impacts related to the Project is provided in the Draft EIR on pages IV.J-27 through IV.J-29. As noted on page IV.J-29, construction of the Project would result in construction-related traffic impacts that are deemed less than significant. Nonetheless, Mitigation Measures J-33 through J-35 are provided in the Draft EIR on page IV.J-117 to ensure that construction-related traffic impacts remain less than significant. The Final EIR will include the measures recommended in the comment to further ensure that construction-related traffic impacts are less than significant.

Comment A6-31

N. Highway Dedication And Street Widening Requirements

Western Avenue is classified as a Major Highway Class I which requires a 51-foot half-width roadway on a 63-foot half-width right-of-way.

Response to Comment A6-31

The implementation of Mitigation Measures J-6 through J-8 on pages IV.J-112 and IV.J-113 of the Draft EIR require the dedication of property and widening of Western Avenue along the Project frontage. The improvements will incorporate the minimum dedication and widening requirements specified in the comment.

Comment A6-32**O. Improvement and Mitigation Measures Implementation**

Unless otherwise specified, the proposed mitigation measures shall be implemented through the [sic] Bureau of Engineering (BOE) B-Permit process. Construction of the improvements to the satisfaction of DOT and BOE must be completed before issuance of any certificate of occupancy. Should any improvement not receive required approval, the City may substitute an alternative measure of an equivalent effectiveness. Prior to setting the bond amount, BOE shall require that the developer's engineer or contractor contact DOT's B-Permit Coordinator, telephone (213) 928-9640, to arrange a pre-design meeting to finalize the proposed design needed for the project.

Response to Comment A6-32

The recommendation in the comment regarding the process for implementation of the mitigation measures outlined in the Draft EIR and the potential substitution of alternative measures will be forwarded to the decision-maker for review and consideration.

Comment A6-33**P. Parking Analysis**

As noted previously, the traffic study did not indicate how many parking spaces are going to be provided. The developer should also check with the Department of Building and Safety on the number of Code required parking spaces needed for the project.

Response to Comment A6-33

The analysis of the potential impacts related to parking is provided in the Draft EIR on pages IV.J-32 and IV.J-33. Parking for the residential component of the Project would be provided in accordance with City policy. As the City does not provide requirements for open space park uses (such as baseball or soccer fields), the Draft EIR provides an analysis of the potential demand that could be generated by this use. Mitigation Measure J-37 is proposed in the Draft EIR to ensure that adequate parking is provided for the ball field use. The Project will provide the parking supply necessary to serve the development proposed.

Comment A6-34**Q. Driveway Access**

The review of this study does not constitute approval of the driveway access and circulation scheme. Those require separate review and approval and should be coordinated as soon as possible with DOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 4th Floor, Station 3, @ 213-482-7024) to avoid delays in the building permit approval process. In order to minimize and prevent last minute building design changes, it is highly imperative that the applicant, prior to the commencement of building or parking layout design efforts, contact DOT for driveway width and internal circulation requirements so that such traffic flow considerations are designed and incorporated early into the building and parking

layout plans to avoid any unnecessary time delays and potential costs associated with late design changes. All driveways should be Case 2 driveways and 30 feet and 18 feet wide for two-way and one-way operations, respectively.

If you have any questions, please contact Wes Pringle of my staff at (213) 972-8482.

Response to Comment A6-34

A review of site access is provided in the Draft EIR on pages IV.J-29 and IV.J-30. Mitigation Measures J-6 through J-8 on pages IV.J-112 and IV.J-113 in the Draft EIR are provided to mitigate the potential traffic impacts at the site access locations. As recommended in the comment, the Project applicant will coordinate with LADOT regarding the final design of the Project access points prior to the issuance of a building permit.

COMMENT LETTER A7

**Jose Porras
City of Los Angeles Department of Water
111 North Hope Street
Los Angeles, CA 90012-2607**

Comment A7-1

The Water Service Organization of the Los Angeles Department of Water and Power (LADWP) has reviewed the materials that were enclosed with your letter dated November 2, 2006 regarding the above-mentioned project.

Response to Comment A7-1

This comment confirms that LADWP has reviewed the Draft EIR.

Comment A7-2

The Department concurs with the information outlined in the Draft Environmental Impact Report (DEIR), which included details of the project's proposed local water infrastructure and fire flow requirements. The report also highlighted the level of impact that these factors may have on the existing water system (Section IV.K.1).

Response to Comment A7-2

This comment confirms the analysis and conclusions of the Draft EIR.

Comment A7-3

It should be added, however, that the Department is maintaining a 49 1/2-inch steel trunk water main within an 18 feet wide easement located along the southerly line of the specified project site. LADWP requires the site developer to avoid construction of permanent structures, planting trees and large shrubbery, parking vehicles or storing materials directly over water mains within said easement. Furthermore, the existing grade along easements shall be maintained to allow proper surface drainage in case of water main breaks. The Department also requires that LADWP personnel and equipment shall have access to this easement at all times.

Response to Comment A7-3

This comment describes standard conditions imposed on improvements within LADWP easements. Notes will be added to construction drawings to restrict construction of permanent structures, planting trees and large shrubbery, parking vehicles, or storing materials directly over water mains within this easement. Additionally, as part of the Project's design review and approval process, Project engineers will meet with LADWP for their review of grading or construction in easement areas.

In response to this comment, the text on page IV.K-4, first full paragraph, of the Draft EIR has been revised as follows:

LADWP infrastructure in the Project area includes a 12-inch water line south of the Project site under Western Avenue that terminates at Avenida Aprenda, and a 49-inch supply line that runs along the southern boundary of the Project site in ~~a 14-foot~~ an 18-foot easement.

Comment A7-4

The DEIR lists a combined domestic demand of 550 gallons per minute (gpm) and a fire flow demand of 7500 gpm. The Department has determined that improvements to the existing water system will be necessary to provide the project's total water demand.

Response to Comment A7-4

This comment references improvements to the existing water system, which are shown on the Tentative Tract Map for the Project and described in the Draft EIR on Page IV.K-9, first full paragraph, which reads as follows: "The Project would replace the existing on-site water system with new water lines configured in a looped system that would be maintained and supplied by the LADWP via two connection points to the existing 12-inch LADWP water main under Western Avenue. The new on-site water system would consist of public lines within easements over the private streets. To provide the loop, the 12-inch line, which currently terminates at Avenida Aprenda, would be extended approximately 6,000 feet from the southerly boundary of the Project site north to John Montgomery Drive.²⁰ Each lot inside the property would be individually metered. All infrastructure improvements would be built to LADWP and Los

Angeles City Plumbing Code standards.” The Tentative Tract Map was prepared in consultation with LADWP, and LADWP approval of its final design will be required prior to the issuance of the required and construction and demolition permits for the Project.

Comment A7-5

Please be advised that this response is only applicable to water issues. The Energy Services Organization must be contacted separately for a response.

Response to Comment A7-5

Comment noted.

Comment A7-6

If you have any questions or if further information is needed, please contact me at (213) 367-1229 or Luis Ramos of my staff at (213) 367-1217.

Response to Comment A7-6

This comment contains closing language for this comment letter and the commenter’s contact information. No response is required.

COMMENT LETTER A8

Kit Fox

City of Rancho Palos Verdes Planning, Building, and Code Enforcement

30940 Hawthorne Blvd.

Rancho Palos Verdes, CA 90275-5391

Comment A8-1

The City of Rancho Palos Verdes appreciates the opportunity to comment upon the Notice of Preparation (NOP) for the above-mentioned project. The City respectfully offers the following comments on the content and analysis of the Draft EIR for the proposed project:

Response to Comment A8-1

This comment confirms that the City of Rancho Palos Verdes has reviewed the Draft EIR and introduces ensuing comments, which are addressed in detail in Responses to Comments A8-2 through A8-24.

Comment A8-2

1) The City respectfully takes exception with many of the “important planning issues” purportedly addressed by this project (pp. 1-8 to 1-10):

- a) The introduction states that the project site can be redeveloped without “intensifying an existing residential neighborhood.” We find it frankly unfathomable that replacing a 245-home neighborhood with a 2,300-home neighborhood does not constitute intensification of use.

Response to Comment A8-2

The comment misquotes the Draft EIR’s statement about intensification. At page I-8, the Draft EIR states: “The Project site is abandoned. Thus, it can be redeveloped without displacing existing households, demolishing rent-controlled housing stock, or intensifying an existing residential neighborhood.” At page IV.F-37 of the Land Use and Planning Section, the Draft EIR states: “The Project site can be considered an ‘opportunity site’ (that is, a property which was committed to other governmental use when the Framework was promulgated, but is now available for development) where a quality multi-family residential development can be provided without demolishing, redeveloping, and intensifying existing single-family or multi-family neighborhoods or displacing existing households.” These statements are supported by substantial evidence. The Project site is the location of the former U.S. Navy San Pedro Housing complex and is currently improved with 245 residential units, a 2,161-square foot community center, and a 3,454-square foot retail convenience facility. All of these buildings are currently vacant and required to be demolished pursuant to the contract between the U.S. Navy and the Project applicant. The Draft EIR acknowledges throughout that the Project represents an intensification of use of the Project site, and analyzes the environmental impacts resulting from the Project.

Comment A8-3

- b) The introduction further states that the “site’s size and relative physical isolation make it possible to avoid or reduce many of the typical ‘adjacency’ impacts that result from infill development.” While the proposed project may be remote from the developed areas to the north and east by virtue of the Defense Fuel Support Point San Pedro, no comparable buffer is provided from the adjacent neighborhoods in San Pedro to the south or Rancho Palos Verdes to the west.

Response to Comment A8-3

The comment is not correct. As discussed in the Draft EIR (see, e.g., pp. IV.F-69, IV.F-3-4), the Project would be buffered from development to the west by Western Avenue, a 94-foot-wide State Highway (including sidewalks) carrying 35,000 vehicles per day. Additionally, buildings would be set back a minimum of 20 feet from Western Avenue, further separating the Project from single-family uses located in the City of Rancho Palos Verdes. Buildings would also be set back 80 feet from the Project site’s southern property line adjacent to “The Gardens” condominium complex. A community park potentially including two little league fields would be provided on the site of the former fire fighting training facility, further separating the Project from land uses to the south. As acknowledged by the comment, the Defense Fuel Support Point provides significant buffering to the north and east. The Project site is unique because typical infill development projects do not offer this amount of buffering. Because the site is relatively

isolated, the impacts on surrounding residential uses will be diminished or avoided as compared to other infill projects.

Comment A8-4

- c) Finally, the introduction asserts that the increased residential density proposed is necessary to meet regional housing needs, and notes that the project site is located near “the Ports of Los Angeles and Long Beach, several hospitals, colleges and other large institutional and private employers” and served by public transit. However, as far as we can tell, the proposed project includes absolutely no provisions to ensure that any of the proposed housing units would be made affordable to employees of any of these regional employers.

Response to Comment A8-4

Topical Response 9 (Estimated Unit Pricing) provides further information regarding unit types, square footages, estimated pricing, and public and harbor industry employee salaries. Although the information in Topical Response 9 pertains to social and economic issues that are not direct environmental impacts under CEQA, the Project’s “affordability” is one of many criteria that ultimately determine its ability to further current regional planning policies designed to reduce environmental impacts. Topical Response 9 provides substantial evidence that a significant number of Project units will be affordable to households engaged in what are commonly thought of as “work force” occupations. The Project does not propose to include any below-market (that is, subsidized) housing units.

Comment A8-5

- 2) In our comments on the Notice of Preparation for this project, we noted that the discussion of Environmental Factors Potentially Affected in the Initial Study indicated that only environmental factors for which at least one impact was identified as potentially significant would be analyzed in detail in the EIR. We suggested a more conservative approach, whereby all environmental factors for which at least one impact is identified as potentially significant-with or without mitigation-requires detailed discussed in the EIR. Based upon this suggestion, we asked for Aesthetics and Geology/Soils impacts to be discussed in detail in the EIR. However, we find that neither of these impacts areas has been adequately addressed in the EIR.

Response to Comment A8-5

The Draft EIR was prepared in accordance with CEQA Guidelines Section 15143, which states:

The EIR shall focus on the significant effects on the environment. The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence. Effects dismissed in an Initial Study as clearly insignificant and unlikely to occur need not be discussed further in the EIR unless the Lead Agency subsequently

receives information inconsistent with the finding in the Initial Study. A copy of the Initial Study may be attached to the EIR to provide the basis for limiting the impacts discussed.

As analyzed in the Initial Study and restated in Section IV.A (Impacts Found to be Less than Significant) in the Draft EIR, there would be no impacts related to Aesthetics or Geology and Soils that cannot be mitigated by compliance with existing laws and regulations and/or features integrated into the Project design. Therefore, further discussion of these issues is not required. See also Topical Response 4, Aesthetics and Response to Comment A13-46.

Comment A8-6

- a) The discussion of Aesthetics (pp. IV.A-1 to IV.A-3) indicates that the proposed project would have less-than-significant impacts on a scenic vista. In support of this conclusion, the document states that views characterized by man-made features—such as those that occur in and around the harbor—are not considered to be a scenic vista. The City of Rancho Palos Verdes respectfully disagrees with this conclusion. Views of the harbor area—especially at night—are a prominent visual feature of the City’s neighborhoods along Western Avenue. The City of Rancho Palos Verdes frequently considers (and protects) city light views of the harbor when considering development proposals.

Response to Comment A8-6

The comment may intend to refer to the analysis of aesthetics impacts in the Initial Study contained as Appendix I-1 to the Draft EIR. In response to this comment, the text on page 14, paragraph 1 of the Initial Study in Appendix I-1 to the Draft EIR has been revised as follows:

The vast majority of views from and across the project site towards the coast (to the southeast) are characterized by manmade features typical of an urban industrial environment (e.g., storage tanks, refineries, industrial facilities, harbor infrastructure, cranes, freeways, bridges, roads, etc.), which generally are not considered scenic vistas.

This revision does not modify the environmental impact analysis or conclusions of the Draft EIR. The Draft EIR correctly indicates that views of these features are located approximately three miles from the site and are “limited by distance, the horizon, and intervening topographical features” (Draft EIR, p. IV.A-1).

As noted on pages IV.A-1 and IV.A-2 of the Draft EIR: “Generally, views towards the Harbor area from Western Avenue across the Project site are presently obstructed due to topography, existing vegetation, dilapidated buildings, and fencing, although there are some intermittent views across the property to the Harbor area at the very northerly upper elevations of the property and where gaps exist in the existing improvements and vegetation along Western Avenue. These intermittent views are principally characterized by storage tanks, industrial (refinery) infrastructure, and distant views of harbor cranes and the Vincent Thomas Bridge. Views toward the Harbor area across the southern portion of the Project site

from Western Avenue are generally not available due to topography, adjacent development, and existing vegetation.”

Regarding views from the northerly upper elevations of the property, the Draft EIR goes on to state, “[a]lthough the Project may be visible from elevated vantage points west of Western Avenue, some of which are at elevations of up to 280 feet above msl, it would not block easterly views of the Harbor area from these locations, but rather would appear as an element in the viewshed. This is the case because the Project site slopes downward to the southeast, and because structures adjacent to Western Avenue would be limited to four-stories and set back approximately 20 feet from the right-of-way.” For these reasons, the Draft EIR concluded that scenic vista impacts would be less than significant. View 5 in Figure 6 of the Initial Study (Draft EIR Appendix I-1) provides further evidence that the best available public views of the Harbor area and the Vincent Thomas Bridge from Western Avenue (i.e., views from the northerly corner of the Project site) are in fact intermittent. Similar views over the adjacent Naval DFSP property (which contains below-ground fuel storage tanks) will continue to be available from Western Avenue after the Project is constructed. View 4 in the same figure provides evidence that views of the Harbor area from the southerly portion of the site are generally unavailable.

The Draft EIR also addressed views from public streets in the Rolling Hills Riviera subdivision west of the Project site. Page IV.A-2 notes: “Views of the Harbor area are not generally available across the Project site from the single-family residential neighborhood immediately west of the Project site because this neighborhood is configured as an internally-oriented subdivision that generally faces north and south rather than eastwards towards Western Avenue.” Figure 10 of the Initial Study (Draft EIR Appendix I-1) depicts a computer-generated simulation of the Project from a representative public vantage point at Redondela Drive and Eldena Drive. As shown in Figure 10, not only are views of the Harbor Area not available from this location due to topography, intervening development, distance, and the internal orientation of the residential lots, but the Project itself would not be visible from this location. Accordingly, the Draft EIR concluded that scenic vistas from this locale would not be blocked by the Project, and impacts would be less than significant. See Topical Response 4.

The Draft EIR also addressed views from the Green Hills Memorial Park Cemetery, located northwest of the Project site. As shown in Figure 9 of the Initial Study, the Project would not block views of the harbor Area and Vincent Thomas Bridge across the site from the cemetery. Rather, the Project would appear as an element in the foreground of the viewshed.

It should also be noted that modifications have been made to the site plan since the publishing of the Initial Study which reduce the Project’s maximum building heights from four stories along Western Avenue and six stories throughout the remainder of the site to three stories along Western and four stories throughout the remainder of the site. Therefore, the visual simulations presented in the Initial Study and discussed above overstate the Project’s perceived height from the surrounding area.

Comment A8-7

In addition, it seems more than slightly ironic that the analysis of aesthetic impacts for a project called Ponte Vista (“bridge view”) would find that impairment of a view of the Vincent Thomas Bridge is a less-than-significant impact.

Response to Comment A8-7

The Draft EIR analysis concluded that the Project would not impair views of the Vincent Thomas Bridge from the surrounding area. See Response to Comment A8-6 and Topical Response 4, Aesthetics.

Comment A8-8

- b) The discussion of Aesthetics also concludes that views towards the harbor from the neighborhood on the west side of Western Avenue (i.e., Rolling Hills Riviera) are not generally available because most of the lots are aligned in a north-south orientation. Although this may be true, there are still a substantial number of lots in this neighborhood that directly or indirectly overlook the project site. The City of Rancho Palos Verdes respectfully disagrees with the conclusion that views over the project site are not generally available from Rolling Hills Riviera. Although the document notes that view over the proposed Little League field will still be available, this would be a relatively narrow view corridor across the lowest portion of the project site, thereby providing less-than-meaningful compensation of the loss of views caused by the proposed 4- to 6-story structures on the majority of the property.

Response to Comment A8-8

See Topical Response 4, Aesthetics.

Comment A8-9

- 3) The discussion of Hydrology/Water Quality impacts (pp. IV.E-18 to IV.E-20 and Figure IV.E-3) describes the proposed improvements to the on-site drainage channel in the southerly portion of the project site so as to accommodate a 50-year flood event. This improved facility would connect to an existing 96-inch RCP facility under Western Avenue. The document also notes the presence of two (2) 18-inch CMP facilities under Western Avenue in the central and northerly portion of the site.

Response to Comment A8-9

This comment correctly summarizes the proposed improvements to the on-site drainage channel in the southerly portion of the Project site that would accommodate a 50-year flood event.

Comment A8-10

As we mentioned in our comments on the Notice of Preparation for this project, within the past couple of years, existing CMP stormwater drainage facilities under Western Avenue in the vicinity of the project site have failed and/or begun to show signs of possible future failure. Based upon this recent history, it seems likely that the impacts of the proposed project would result in adverse impacts to these existing stormwater drainage facilities. The City respectfully suggests that the proposed project should include the replacement of any other deficient drainage facilities under Western Avenue along the frontage of the project site.

Response to Comment A8-10

As noted in Section IV.E (Hydrology and Water Quality) of the Draft EIR, Western Avenue is located upgradient of the Project site. Development of the Project site would not affect upstream hydrology, including the volume and flow rate of stormwater runoff reaching the conveyance facilities beneath or within Western Avenue. The insufficient capacity of the culvert crossing under Western Avenue adjacent to the existing drainage feature across the southwestern portion of the Project site is noted on Page IV.E-17 of the Draft EIR. As described on Page IV.E-18 of the Draft EIR, the proposed drainage facility to be placed on the Project site during Project development would be designed to not only convey the pipe from all off-site upstream areas west of Western Avenue but also would collect excess street flow from Western Avenue via a drop inlet. As a result, existing occasional flooding problems in this location would be mitigated through installation of the Project's on-site drainage facilities.

With respect to the integrity of this and other stormwater conveyance facilities under Western Avenue, the culverts were installed in the early 1970s by Los Angeles County. When the area west of Western Avenue was incorporated as the City of Rancho Palos Verdes, the culverts were not turned over to the City. Since that time, the Cities of Los Angeles and Rancho Palos Verdes have been unable to reach agreement over the responsibility for culvert maintenance and/or replacement. Construction of the Project would not increase the likelihood of such failure or have any material effect on the integrity of the culverts. As these culverts are part of the local public infrastructure, the responsibility for determining the party responsible for their maintenance and replacement rests with the Cities of Rancho Palos Verdes and Los Angeles.

Comment A8-11

- 4) The discussion of Land Use/Planning impacts suggests that the proposed project is necessary to meet a variety of perceived housing needs, even though the existing residential density of the project site would be increased by nearly ten (10) times. The City is concerned that a proposal for residential densities in excess of thirty-seven (37) units per acre for this site will be out of character with the surrounding patterns of development, both in Rancho Palos Verdes and Los Angeles.

Response to Comment A8-11

As discussed in the Draft EIR at p. IV.F-20, the analysis of a project's land use compatibility with existing uses in the vicinity of a Project site is a subjective matter, and a variety of land uses are present in the area of the Project including abandoned duplex residential (on-site), governmental (e.g., the Navy DFSP immediately north of the Project site), single-family residential (e.g., west of Western Avenue), commercial (e.g., at Westmont Drive and Western Avenue), institutional (e.g., Green Hills Memorial Park), school (e.g., Mary Star of the Sea High School), R4 density multi-family (e.g., along Fitness Drive immediately south of the Project site), and RD1.5 density multi-family (e.g., "The Gardens" condominium complex along the southeastern boundary of the Project site).

As discussed in the Draft EIR at p. IV.F-20 to IV.F-21, the Project land uses (multi-family housing and private and public recreational facilities) would be consistent with development in the vicinity. The Project proposes a density of approximately 37 units per acre. This is a greater density than "The Gardens" condominium complex (which is zoned for 21.5 units per acre but developed at approximately 13.4 units per acre), but significantly less dense than adjacent multi-family uses along Fitness Drive. For example, the 140-unit condominium project currently under construction along Fitness Drive is being developed at an approximate density of 77 units per acre. These existing multi-family uses also co-exist with single-family homes located in the Taper Avenue neighborhood and across Western Avenue to the west. See Draft EIR, p. IV.F-20 – IV.F-21.

In summary, residential densities in excess of thirty-seven (37) units per acre already exist in the area, as do a variety of commercial and other uses. The Project is not out of character with such development.

With respect to the need for housing, see Response to Comment A10-190, A10-191 and A10-150. The Project would satisfy only a portion of the need identified for the Wilmington-Harbor City and San Pedro Community Plan areas by 2010.

Comment A8-12

- 5) We note that the baseline noise conditions were derived from ten (10) monitoring locations (pp. IV.G-3 to IV.G-5 and Figure IV.G-I) surrounding the project site. Frankly, we fail to see the logic in selecting a monitoring location in Green Hills Memorial Park but none in the abutting Rolling Hills Riviera residential neighborhood, unless the purpose is to minimize the apparent significance of the noise impacts upon this residential community. We respectfully request the inclusion of an additional monitoring station in this neighborhood to establish the baseline existing noise conditions.

Response to Comment A8-12

The Draft EIR identifies existing noise sensitive receptors which may be affected by implementation of the proposed project and discusses them on page IV.G-3 and IV.G-4. The abutting Rolling Hills Riviera residential neighborhood is discussed on page IV.G-3. Existing noise level measurements were taken at various locations in order to identify the noise environment in that general vicinity. As discussed in the

Draft EIR at page IV.G-3, the major factor in the noise environment of the project site is Western Avenue. As shown in Figure IV.G-1 of the Draft EIR, Noise Measurement Location #4 is located adjacent to Western Avenue across from the Project site, and will experience construction, operational, and cumulative noise. It is assumed that sensitive receptors located either north or south of this location would experience either similar noise levels due to implementation of the proposed project, or slightly reduced noise levels due to their increased distance from the center of the project site. Existing weekday noise levels along this segment of Western are approximately 64.3 dBA CNEL. See Draft EIR Table IV.G-3. Future pre-project weekday noise levels in the same location are approximately 65.6 dBA CNEL (taking all related projects and a 1% annual traffic growth factor into account)⁵⁵, and post-Project noise levels are approximately 66.2 dBA CNEL. See Draft EIR Table IV.G-8. As discussed in the Draft EIR at page IV.G.19, a difference of 3 dBA is barely perceptible to most people, and significant effects are not anticipated. As discussed in the Draft EIR, homes in the Riviera subdivision that abut Western Avenue across from the Project site are oriented to present their rear lot line (backyard fences and garages) to Western Avenue. Most homes in the Riviera subdivision are removed from Western Avenue and are therefore located in environments with lower ambient noise levels.

Comment A8-13

- 6) The City respectfully disagrees that the growth in housing and population directly attributable to the proposed project would be beneficial to the surrounding community, and believe that it would be of negligible regional benefit toward achieving jobs/housing balance. The document purports that the proposed project would contribute to the alleviation of a “jobs rich/housing poor” condition in the Los Angeles subregion (p. IV.H-24). However, the proposed project include no assurances that any of the project’s 4,313 new residents would be employed locally, nor that any of the project’s 2,300 new units would be affordable to current employees in such critical fields as education, health care and public safety.

Response to Comment A8-13

See Topical Response 9, Estimated Unit Pricing. The comment expresses the City of Rancho Palos Verdes’ opinion about the Project’s housing and population impacts, but does not include any alternative data or analysis to support its position. The Project’s contribution to correcting the imbalance between jobs and housing in the City of Los Angeles Subregion (see Draft EIR, p. IV.H-24) is based on the numerical relationship between the forecasted growth in the number of households and number of jobs within that Subregion. This analysis approach is consistent with the method for analyzing this issue, according to the Southern California Association of Governments (SCAG), and SCAG has concurred with the Draft EIR analysis and conclusion about Project impacts with respect to jobs-housing balance (see Comment A14-12).

⁵⁵ Using this redundant cumulative impact methodology is conservative and likely overstates future pre-project noise conditions.

Comment A8-14

- 7) The discussion of School Facilities impacts concludes that, based upon LAUSD estimates, fifty (50) middle-school aged children are expected to reside in the proposed project at any given time (p. IV.I-29 and Tables IV.I-6 and IV.I-7). Most of these students would presumably attend Dodson Middle School in the City of Rancho Palos Verdes. Although LAUSD may represent the Dodson campus as being well under capacity, it is the City's and the surrounding residents' experience that the current level of enrollment at Dodson results in significant noise, traffic and other nuisance impacts (i.e., trash, graffiti, etc.). We suspect that the addition of even fifty (50) more students to the campus population will have significant adverse impacts upon the neighborhood.

Response to Comment A8-14

The comment expresses the City's opinion about the Project's impact at Dodson Middle School, but does not include facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of its position. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Any traffic or traffic-related noise impacts associated with Project-related student attendance at Dodson Middle School are included in the analysis of those environmental topics in the Draft EIR. The "nuisance impact" allegations related to the behavior of 50 students (e.g., noise, trash, graffiti) are speculative and therefore are not addressed in the Draft EIR. See Figure IV.J-9, page IV.J-39 in the Draft EIR for the forecast assignment of Project-related traffic on the local street system. Project-related traffic was not assigned specifically to Dodson Middle School (which is located approximately one-half mile west of the Project site off of Avenida Aprenda) as the actual school where Project-related middle school students would attend is not known. For example, some middle school students may attend another public school in the area or, alternatively, attend private school. Instead, as reflected on Figure IV.J-9, all Project-related traffic during the AM peak hour of commuter traffic (which generally coincides with school related traffic), including any middle school traffic, was assigned north and south of the Project site along Western Avenue. Thus, to the extent that middle school students at the Project attended Dodson Middle School, these trips would not occur on Western Avenue beyond the Project site (i.e., they would presumably enter Avenida Aprenda). Thus, to the extent that Project-related middle school students attend Dodson Middle School, the potential traffic impacts of the Project as evaluated in the Traffic Study may be overstated at intersections north and south of the Project site. Should all 50 of the forecast middle school students generated by the Project attend Dodson Middle School, the estimated vehicular trip generation would be 27 vehicles (per Land Use Code 522 – Middle School/Junior High School from the *ITE Trip Generation* manual), which represents approximately four percent of the total AM peak hour vehicular trip generation of the Project (633 trips as shown on Table IV.J-7, page IV.J-34 of the Draft EIR) and would not change the traffic impact conclusions in the Draft EIR. Further, given the relatively close proximity of the Dodson Middle School to the Project site, it is possible that some students would walk to school rather than be transported in a private vehicle. Thus, the traffic generated by the middle school students related to the Project is considered to be relatively minor. In conclusion, given the uncertainty of the actual attendance location for Project-related middle school students, as well as the relatively small number of vehicle trips generated by these middle school students, the Traffic

Study in the Draft EIR appropriately assigned the middle school related trips to the regional street system consistent with the overall assignment of Project-related traffic.

Comment A8-15

8) The discussion of Transportation/Traffic impacts raises several issues of concern to the City:

- a) Figure IV.J-I depicts the study intersections for the traffic impact analysis. It does not include the intersection of Western Avenue and Peninsula Verde Drive, which is an unsignalized T-type intersection serving as the only access to the City's *Peninsula Verde* neighborhood. This intersection should be included in the traffic impact analysis for the project.

Response to Comment A8-15

See Topical Response 11, Traffic.

Comment A8-16

a) Table IV.J-11 lists the volume-to-capacity (VIC) ratios and levels of service (LOS) for the study intersections in the affected jurisdictions for current (i.e., 2005) traffic conditions and various future conditions with and without the proposed project. For the ten (10) study intersections on Western Avenue in the City of Rancho Palos Verdes, VIC ratios are projected to continue to increase and LOS to degrade even if the proposed project is constructed. The developer proposes mitigation measures to address the project's impacts, and asserts that impacts at every intersection will be mitigated to less-than-significant levels. However, even with the proposed mitigation, LOS at seven (7) of these intersections will still be operating at LOS 'D' or worse, and the average reduction in VIC ratios attributable to the project's mitigation measures will be only 0.066. The City respectfully disagrees that this constitutes meaningful and significant mitigation of the project's traffic impacts.

Response to Comment A8-16

The significance thresholds used in evaluating the potential traffic impacts are discussed in the Draft EIR beginning on page IV.J-24. As the City of Los Angeles is the Lead Agency as defined by CEQA, the significance thresholds adopted by LADOT are properly applied to identify potentially significant traffic impacts and assess the effectiveness of the recommended mitigation measures. The traffic analysis based on the LADOT significance thresholds is summarized in the Draft EIR on Table IV.J-10 beginning on page IV.J-59. As shown on the table, the potential traffic impacts identified based on the LADOT significance thresholds can be mitigated to levels of insignificance at each intersection where such impacts occur, including the intersections located within the City of Rancho Palos Verdes.

As discussed on pages IV.J-25 and IV.J-26 in the Draft EIR, although not required by CEQA, the study intersections located outside of the City of Los Angeles (i.e., Rancho Palos Verdes, et al) were also analyzed for informational purposes using the traffic analysis methodologies and evaluated for potential significant traffic impacts based on the thresholds of significance utilized by the local jurisdictions in

instances when they are the Lead Agency on development projects. Therefore, intersections located within the City of Rancho Palos Verdes were evaluated utilizing Rancho Palos Verdes' analysis methodology and (discussed on pages IV.J-56 and IV.J-57 in the Draft EIR) and assessed for potential significant traffic impacts using the Rancho Palos Verdes' significance thresholds (see Table IV.J-5 on page IV.J-26 of the Draft EIR). Table IV.J-11 beginning on page IV.J-81 of the Draft EIR provides a summary of the traffic analysis prepared for the study intersections in the City of Rancho Palos Verdes. As shown on the table, although the appropriate significance thresholds and methodologies for the Project are those of the lead agency (the City of Los Angeles), using the Rancho Palos Verdes analysis procedures and significance thresholds, the study intersections in the City of Rancho Palos Verdes (study intersections Nos. 16 through 25) are also mitigated to levels of insignificance.

Comment A8-17

c) The proposed traffic mitigation measures within the Rancho Palos Verdes segment of Western Avenue appear to be limited to synchronization of all signalized intersections and the addition of one (1) northbound lane along the project frontage. We also note that modifications are proposed to Intersection No. 19 (p. IV.J-114) whereby "the eastbound approach on Westmont Drive [actually Delasonde Drive] at Western Avenue shall be modified to provide one left-turn lane." As proposed, this would result in the elimination of six (6) on-street parking spaces on Delasonde Drive in the Rolling Hills Riviera neighborhood.

Response to Comment A8-17

The traffic mitigation measures recommended for the Project are listed in the Draft EIR beginning on page IV.J-109. Mitigation Measures J-6 through J-16 specifically address the study intersections located within the City of Rancho Palos Verdes. The comment regarding the improvement at the intersection of Western Avenue and Westmont Drive (Delasonde Drive) is described as Mitigation Measure J-10 on page IV.J-114 of the Draft EIR. It is disclosed in the discussion of the mitigation measure that approximately six on-street parking spaces would need to be removed on the west leg of the intersection. However, there is a substantial supply of on-street parking further west. In addition, in *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco*, 102 Cal. App. 4th 656 (2002), the Court of Appeal held that parking impacts are social impacts rather than environmental impacts. For these reasons, removal of the subject parking spaces would not result in significant environmental impacts. As this intersection is located in the City of Rancho Palos Verdes and is under the jurisdiction of Caltrans, as noted on page IV.J-120 of the Draft EIR, implementation of the mitigation measure would be subject to their approval. The applicant will be required to fund such measure. Substantial evidence indicates that such measure is feasible, and that it can and should be approved.

Comment A8-18

Although the City appreciates the developer's willingness to provide an additional northbound lane on Western Avenue along the project frontage, we believe that it will only create a bottleneck when the northbound roadway narrows back to two (2) lanes north of the project site. In addition, we are concerned

that the loss of six (6) on-street parking spaces on Delasonde Drive may have an adverse impact upon the Rolling Hills Riviera neighborhood.

Response to Comment A8-18

The comment summarizes the traffic mitigation measure for the intersection of Western Avenue and Green Hills Drive/Senior Housing Project Access, listed in the Draft EIR as Mitigation Measure J-6 on page IV.J-112. The Project will provide a third northbound lane on Western Avenue along the Project frontage, with the roadway returning to the existing two northbound lanes north of the site. The continuation of the third northbound lane is not required as the third lane will be primarily used to accommodate turning movements to and from the site. There are no additional Project access points north of the Green Hills Drive intersection, and the next signalized intersection along Western Avenue is at Palos Verdes Drive North (more than half a mile to the north). The commenter does not provide any facts to support the assertion that the transition from three lanes to two will result in a “bottleneck” condition.

See Response to Comment A08-17 regarding the discussion of Mitigation Measure J-10 at the intersection of Western Avenue and Westmont Drive (Delasonde Drive).

Comment A8-19

- 9) The Draft EIR identifies significant unavoidable impacts in the areas of construction-related air quality and noise impacts, and operational noise impacts associated with the Little League baseball fields (p. V-1).

Response to Comment A8-19

The comment correctly notes that the Draft EIR identifies significant unavoidable impacts for temporary construction-associated air emissions and temporary construction related noise impacts, as well as operational noise impacts related to the use of the potential little league baseball fields.

Comment A8-20

Residents in the City’s Rolling Hills Riviera neighborhood will feel the brunt of these impacts, being the nearest single-family residential neighborhood to the project site. It hardly seems equitable that the City of Los Angeles will reap the benefits (if any) of this project while the residents of the City of Rancho Palos Verdes will be forced to live with its day-to-day impacts upon their lives.

Response to Comment A8-20

This comment contains general opinion and does not indicate any deficiency or question about the adequacy of the Draft EIR’s analysis. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A8-21

10) The discussion of Alternatives to the Project raises several issues of concern to the City:

- a) Although we understand that the analysis of alternatives need not be as detailed as that of the proposed project, it would be helpful to see a comparison of the V/C and LOS impacts to the study intersections for Alternatives A, B and C relative to the proposed project.

Response to Comment A8-21

The V/C and LOS impacts that would occur at each of the study intersections under Alternatives A, B, and C are set forth in tables in Appendix VI-1 to the Draft EIR. As discussed in the Draft EIR on pages VI-75 through VI-77, Alternatives A, B, and C would result in significant LOS impacts at 19, 21 and 20 study intersections, respectively, similar to the 23 intersections impacted by the Project (not including impacts from Mary Star of the Sea High School), and mitigation would be required to reduce the significant impacts of these alternatives to a less-than-significant level.

Comment A8-22

- b) With respect to the alternate sites discussed in Alternative D, the City believes that the reasonable likelihood of the Wilmington Industrial Park or the Long Beach Sport Park being feasible sites (notwithstanding their similar size) is low. In our estimation, the Douglas Park site [sic] the only truly comparable alternate site given that it is already slated for residential and mixed-use development. The applicant should consider other more comparable sites as alternates to the subject property.

Response to Comment A8-22

The comments regarding the likelihood of the Wilmington Industrial Park or Long Beach Sport Park being feasible will be transmitted to the decision-maker as part of the Final EIR. These sites, along with Douglas Park, were originally identified because they were the most comparable sites that might serve as alternative sites for the Project. During preparation of the Draft EIR, the Lead Agency considered all available or reasonably obtainable sites within the Project area that are of comparable size and that, through development of the Project on one of those alternative sites, would result in a reduction or elimination of some or all of the significant environmental impacts identified for the Project in the Draft EIR. As discussed on page VI-18 in the Draft EIR, “Within the San Pedro and Harbor City portions of the City of Los Angeles, no suitable alternative sites were identified. Similarly, no suitable alternative sites were found in the Cities of Carson, Lomita, Rancho Palos Verdes, or Torrance. One potential alternative site was identified in the Wilmington portion of the City of Los Angeles and two potential alternative sites were identified in the City of Long Beach.” These alternative sites were appropriately considered in the Draft EIR in compliance with Section 15126.6(f)(2)(A) of the *CEQA Guidelines*. Accordingly, no analysis of additional sites is required.

Comment A8-23

- c) As is noted repeatedly throughout the document, although the Los Angeles Unified School District (LAUSD) has identified its preferred site for a future 2,025-seat high school campus as a portion of the Ponte Vista site, the Draft EIR does not include this proposal in any of its analyses, include the analysis of alternatives to the project. However, the City believes that it would be appropriate to include an alternative that includes some kind of public educational use on the project site, such as a smaller academy-type high school.

Response to Comment A8-23

See Topical Response 3, South Regional High School #14.

Comment A8-24

Again, thank you for the opportunity to provide comments on this important project. If you have any questions or need additional information, please feel free to contact me at (310) 544-5228 or via e-mail at kitf@rpv.com.

Response to Comment A8-24

This comment contains closing language for this comment letter and the commenter's contact information. No response is required.

COMMENT LETTER A9

Rowena Lau
City of Los Angeles Bureau of Sanitation

Comment A9-1

We were reviewing through your draft EIR for the project stated above and it seems that our previous response letter was not included in the draft. Instead only a copy of the SCAR approval was submitted as a part of the appendix. The response letter was in regards to your previous Wastewater Service Information was sent to [sic] us on 1/25/2006.

Response to Comment A9-1

The EIR consultant sent a request for wastewater service information, dated January 25, 2006, to the City of Los Angeles Bureau of Sanitation, Wastewater Engineering Services Division. A response was never received. In response to this comment, the EIR consultant contacted the Bureau and requested a copy of the original response letter for inclusion in the Final EIR. The Bureau indicated that it was not able to

locate its original response letter.⁵⁶ The “SCAR approval letter” noted in the comment refers to the Sewer Availability Letter included in Appendix IV.I-1 to the Draft EIR.⁵⁷ An updated Sewer Availability Letter is provided in Appendix IV.K-2 to the Draft EIR. Prior to the issuance of building permits, another updated Sewer Availability Letter will be required to ensure that capacity still remains.

Comment A9-2

Also, according to our first response, your projected wastewater discharge was 411,363 gpd, but in the Draft EIR it states 279,800, which is close to the approved SCAR. Is that the current flow you are not [sic] requesting for?

Response to Comment A9-2

As discussed in Section IV.K.2 (Wastewater) of the Draft EIR, the wastewater flow generated by the Project is proposed to be split and discharged into two sewer systems: City and Sanitation Districts (see Figure IV.K-3 in the Draft EIR). The “approved SCAR” for the City’s sewer system in Taper Avenue referenced in the comment is 280,000 gpd, as noted on page IV.K-24 of the Draft EIR (see Appendix IV.I-1 to the Draft EIR). The Project proposes a discharge of 279,800 gpd to Taper Avenue. Therefore, City infrastructure would have the capacity to serve the Project. The balance of the Project’s wastewater would be discharged into Sanitation District’s infrastructure.

Comment A9-3

Please add the requested response into the Draft EIR and resubmit it for further comments. Thank you!

Response to Comment A9-3

See Response to Comment A9-1.

⁵⁶ Email correspondence between Bureau of Sanitation staff (Rowena Lau, Sanitary Engineering Associate) and CAJA staff (Heidi McWhorter, Senior Environmental Planner), February–April 2007.

⁵⁷ *Ibid.*

COMMENT LETTER A10

Diana Nave
Northwest San Pedro Neighborhood Council
638 S. Beacon St., #688
San Pedro, CA 90731

Comment A10-1

Thank you for the opportunity to respond to the Draft EIR for the proposed Ponte Vista project. The project falls within the boundaries of the Northwest San Pedro Neighborhood Council. We represent approximately 20,000 residents and numerous businesses and community organizations. At our Board and Community Meeting on January 22, 2007 the Council adopted the comments contained herein.

Response to Comment A10-1

This comment confirms that the Northwest San Pedro Neighborhood Council has reviewed the Draft EIR.

Comment A10-2

Bisno Development proposes to build a 2,300 unit residential project on Western Avenue in Northwest San Pedro. This represents a **five to nine percent increase in the population of San Pedro** which would be “accommodated” **on less than one percent of San Pedro’s land area**. Additionally, this population increase would be concentrated on Western Avenue, one of the most overburdened stretches of public roadway in the region.

Response to Comment A10-2

The comment’s statement that these units represent a “five to nine-percent increase in the population of San Pedro” cannot be evaluated, because the boundaries of “San Pedro” as used to reach that conclusion are not specified in the comment letter. As discussed in the Draft EIR (see Table IV.H-7 and associated text), the Project represents a 4.68 percent increase in population forecasted for the Wilmington-Harbor City Community Plan area in 2010, and 2.38 percent of forecasted population growth for the combination of the Wilmington-Harbor City and San Pedro Community Plan areas. The Project’s increment of population growth, alone and in combination with related projects, is less than total population growth forecasted for these areas in the City’s General Plan and in the City of Los Angeles Subregion and therefore it is not significant within the meaning of CEQA. As discussed in Section IV.J (Transportation and Traffic) of the Draft EIR, the Project would not significantly impact any of the 52 intersections analyzed in the Traffic Study, 19 of which are located on Western Avenue, with implementation of the proposed traffic mitigation measures.

Comment A10-3

The current R-1 and Open Space zoning of this property fits well in the community and is appropriate zoning. The density proposed for Ponte Vista fundamentally alters, for all time, the nature of the immediate neighborhood and the entire north side of San Pedro.

Response to Comment A10-3

The comment expresses the author's opinion regarding land uses the author prefers, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment A10-2.

Comment A10-4

The DEIR implies that there will be a change in the current zoning. A change of this magnitude should be considered as a part of the Community Plan update process, not as an isolated request. Additionally, we oppose the gated nature of the development. It is already isolated from the community by its location and lack of amenities. Gating would further isolate its residents from our community. It will also make emergency services to senior citizens more difficult.

Response to Comment A10-4

The comment expresses the author's opinion regarding land uses the author prefers, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

As discussed in the Draft EIR, the Project would require a zone change and a General Plan Amendment to change the "Low Residential"/R1 and "Open Space"/OS land use and zoning designations of the property to a Specific Plan/Medium Residential designation. Also, the Project would implement some of the recommendations of the Housing Crisis Task Force Report. The decision to make the change necessary to implement the Project lies solely with the City Council. With respect to the assertion that the Project site is "isolated from the community by its location and lack of amenities," see Response to Comment A10-26.

As discussed in Section IV.I.1 (Fire Protection) of the Draft EIR, emergency access to the Project would be provided by three ingress/egress points at various locations on Western Avenue at the intersections of Green Hills Drive, the relocated John Montgomery Drive, and Avenida Aprenda. The three access points, which would also provide general, non-emergency access to the site, are proposed to be gated with restricted public access; however, the gates would be designed with key or code access for emergency

vehicles. In addition, as part of a reciprocal emergency access arrangement, the Project site would have emergency access from its southern access point through the Mary Star of the Sea High School to Taper Avenue. Thus, the Project site would be able to take emergency access from an additional street other than Western Avenue. It is anticipated that the proposed access plan would provide adequate emergency access to the Project site, including the senior housing component, in the event of an emergency. Nonetheless, the Project applicant is required to submit the proposed plot plan for the Project to the LAFD for review for compliance with applicable Los Angeles Fire Code, California Fire Code, City of Los Angeles Building Code, and National Fire Protection Association standards, thereby ensuring that impacts related to emergency access would be less than significant.

Comment A10-5

One of the most frustrating aspects of the DEIR is its lack of specificity. It is impossible to tell what is actually proposed - how many of each size unit etc. – so that it is difficult to determine what population, student generation rate, trip generation rates, and economic impacts should be considered. Frankly, we wonder if there is enough specificity for the DEIR to support a specific plan. We are also disturbed by the lack of “readability” of the DEIR documents. If the purpose of the environmental review process is to provide the community with the opportunity to review and comment, then the DEIR should be written in a more “reader friendly” manner.

Response to Comment A10-5

With respect to the specificity of the project description, Section II, Project Description, of the Draft EIR includes 27 pages of discussion and graphic renderings that disclose all information needed to assess the Project’s potential environmental impacts pursuant to CEQA. Additionally, relevant Project description details are reiterated throughout each impact discussion in Section IV, Environmental Impact Analysis, as needed. Project details specified in the Draft EIR include, without limitation:

- Number of unrestricted and age-restricted multi-family residential units, all of which would be for-sale (Draft EIR, p. II-1);
- Square footage inventory for each proposed use, including residential, retail, and recreational uses (Draft EIR, p. II-3);
- Proposed density (Draft EIR, p. II-3);
- Internal access scheme (Draft EIR, pp. II-3 – I-5);
- Locations, types, and acreages for primary recreational amenities (Draft EIR, p. II-5);
- Square footage range for residential units (Draft EIR, p. II-6);
- Architectural style, building heights, and building height distribution (Draft EIR, p. II-6);

- Proposed subdivision and lot configuration, including the proposed use of each lot; the estimated approximate number of units for each lot; the approximate building footprint of buildings proposed for each lot; the approximate street and building-to-building setbacks; and the location and configuration of proposed private and public streets as well as areas reserved for open space, community recreation, and public park purposes (Draft EIR, Figure II-18);
- Construction phasing (Draft EIR, pp. II-6, II-23, see also Topical Response 5, Air Quality - Construction);
- Site preparation and grading activities (Draft EIR, p. II-23 – II-24);
- Construction vehicle staging plan (Draft EIR, p. II-24).

As noted on page II-6 of the Draft EIR, the proposed residential units would range in size from 700 to 3,000 square feet. For information regarding the calculation of population, student generation rates, and trip generation rates, see Topical Response 8, Topical Response 10, and Topical Response 11, respectively. With respect to economic impacts, see Appendix IV.F-1 to the Draft EIR. It should also be noted that neither CEQA nor the CEQA Guidelines require a Draft EIR to analyze a project's economic impacts, although Section 15131 of the CEQA Guidelines permits a public agency to present economic information regarding a project "in whatever form the agency desires." Additionally, although not required by CEQA, information has also been developed regarding the "affordability" of the Project's units based upon an estimated unit price schedule. See Topical Response 9, Estimated Unit Pricing.

Most environmental impacts are not analyzed by reference to square footage or bedroom count. Indeed, population, student generation rate, trip generation rates, and economic impacts are derived from statistics that are derived from the unit type of a project and the number of units in it. These statistics are not generated utilizing unit sizes or number of bedrooms. See also Topical Responses 8, 10, and 11 in this Final EIR, and Appendix IV.F-1 to the Draft EIR.

The only analysis that utilized a unit square footage estimate is the solid waste analysis in Section IV.K.3 of the Draft EIR, which employs a solid waste generation rate in terms of pounds per square foot. This analysis was conducted using a conservative average unit size of 1,400 square feet. Similarly, the water analysis in Section IV.K.1 and the wastewater analysis in Section IV.K.2 are the only analyses that utilized bedroom count data, as the water and wastewater consumption/generation rates provided by the City of Los Angeles Bureau of Sanitation vary for multi-family units depending on the number of bedrooms. The Project Water Supply Assessment prepared by LADWP and the water analysis of the Draft EIR assumed that half of the proposed residences would be two-bedroom units and half would be three-bedroom units. The wastewater analysis assumes a 2.5-bedroom count for each unit, which is mathematically equivalent to the bedroom count distribution assumed in the water analysis.

Since the release of the Draft EIR, the applicant has conducted further project planning and has indicated that based on its experience, it is more likely that the Project will average in the range of 1.9- to 2.3-bedrooms per unit. Thus, the Draft EIR likely overstates the Project's water and wastewater impacts.

A specific plan is a type of discretionary land use approval authorized by Government Code §65450 et seq. that is being requested by the applicant from the City of Los Angeles to enable the development of the Project. It is not the “Project.” As defined by CEQA, a “Project” is the physical activities that will result in a potential environmental impact and not the “discretionary approvals” required for the Project. See CEQA Guidelines Section 15378(c). An EIR must provide enough information to allow for a meaningful evaluation and review of potential environmental impacts, including “[a] general description of the project’s technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities,” but “should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.” See CEQA Guidelines Section 15124. As discussed earlier, the Ponte Vista Project is described in all relevant detail in the Draft EIR. The EIR provides the analysis of the Project required by CEQA.

The purpose of a Specific Plan is to specify the standards and criteria by which development will proceed. It is different from an EIR, which is a document prepared in accordance with the California Environmental Quality Act (CEQA) that describes and analyzes the significant environmental effects of a Project and discusses ways to mitigate or avoid those effects.

Finally, the comment alleges that “the Draft EIR should be written in a more ‘reader friendly’ manner,” but does not provide any specific references to information in the Draft EIR that was difficult to find or suggestions as to how the Draft EIR could achieve a more reader friendly presentation. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. CEQA Guidelines Section 15120(a) provides that “environmental impact reports shall contain the information outlined in this article [CEQA], but the format of the document may be varied.”

Comment A10-6

We have many problems with the underlying assumptions and conclusions in the DEIR. These relate mostly to traffic, population, housing, and economic impact. Because the analysis is built on faulty assumptions, it is in effect a “house of cards,” and all conclusions based on the analysis are also faulty. Among the fundamental deficiencies are the following:

Response to Comment A10-6

This comment introduces a list of alleged “problems with the underlying assumptions and conclusions in the DEIR,” which are addressed in detail in Responses to Comments A10-7 through A10-15, below.

Comment A10-7

- The project description lacks sufficient specificity to adequately evaluate the environmental impacts.

Response to Comment A10-7

See Response to Comment A10-5. It is noted that the comment does not identify any particular alleged deficiency.

Comment A10-8

- The traffic study was conducted while substantial portions of Western Avenue were under repair. The resulting counts are significantly lower than counts from the prior year and have distorted every subsequent calculation, such as LOS, VIC, and necessary mitigation.

Response to Comment A10-8

See Topical Response 11, Traffic, for a discussion regarding the traffic counts conducted along Western Avenue, and the sinkhole repair referenced in the comment.

Comment A10-9

- The project used an incorrect trip generator so that traffic impacts are significantly under-reported. The trip generation rates for comparable City projects are 40% higher.

Response to Comment A10-9

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. As discussed in the Topical Response, the trip generation forecast was correctly prepared under the supervision of LADOT in accordance with its policies and procedures manual, and also following procedures set forth by the Institute of Transportation Engineers, the publishers of the *Trip Generation* manual.

Comment A10-10

- The number of persons projected per household (1.88) significantly underestimates the projected population resulting in an underestimate of impacts and of the costs for City services.

Response to Comment A10-10

This comment summarizes ensuing comments, which are addressed in detail in Responses to Comments A10-141 and A10-142. See also Topical Response 8, Population and Housing.

Comment A10-11

- The impact on schools is miscalculated because the developer used the wrong data to determine student enrollment.

Response to Comment A10-11

This comment summarizes ensuing comments, which are addressed in detail in Response to Comment A10-12, Response to Comment A10-161, and Response to Comment A10-158. See also Topical Response 10, School Impacts.

Comment A10-12

- The student generation rate is significantly lower than the appropriate rate. It is half the rate used for Playa Vista and almost 90% lower than the rate used in the CRA Pacific Corridor DEIR.

Response to Comment A10-12

As discussed in Topical Response 10, School Impacts, the Draft EIR used the current residential student generation rates from LAUSD's 2005 School Facilities Needs Analysis. The Village at Playa Vista EIR⁵⁸ was prepared in 2003 (before LAUSD's 2005 School Facilities Needs Analysis was prepared and adopted by LAUSD). In addition to the fact that the Draft EIR utilizes the current student generation rates adopted by LAUSD, it is not appropriate to compare the rates used in Ponte Vista DEIR to the rates used in the Playa Vista EIR because the mix of unit types in the two projects is significantly different. The Ponte Vista project includes only for-sale condominium, townhome, and senior units. The Playa Vista project contains a variety of non-residential uses, apartments, and condominiums. While the Playa Vista EIR was prepared before the current 2005 School Facilities Needs Analysis was adopted, a comparison of the Playa Vista rates for owner-occupied two-bedroom condominium units⁵⁹ (0.052 elementary, 0.031 middle, and 0.038 high school) to the Ponte Vista DEIR rates for the owner-occupied, average two-bedroom condominium units (0.0573 elementary, 0.0289 middle, and 0.0289 high school) reveals that the rates used for each project are substantially similar. The Playa Vista EIR analysis also confirms that student generation rates for condominiums in general are significantly lower than corresponding rates for single-family homes,⁶⁰ as is the case in the 2005 School Facilities Needs Analysis.⁶¹ Therefore, the student generation rates used in the Playa Vista EIR are not applicable to the evaluation of student enrollment impacts from development of Ponte Vista.

The Pacific Corridor EIR⁶² was prepared in 2001, well before the 2005 School Facilities Needs Analysis was prepared and adopted by LAUSD. The Pacific Corridor EIR was a Program EIR that evaluated the environmental impacts, including impacts on school facilities, of four alternative potential build-out scenarios. These scenarios included a range of 250 to 1,660 housing units. The rates cited in the Pacific Corridor EIR are not consistent with any set of student generation rates published by LAUSD in the last

⁵⁸ *City of Los Angeles Dept. of City Planning, Final Environmental Impact Report, Village at Playa Vista, prepared by PCR Services Corp., Volume I, April 2004 (hereinafter, "Playa Vista EIR").*

⁵⁹ *Id.*, Table 142 at p. 1011.

⁶⁰ *Id.*, Appendix L (Schools Technical Appendix, Student Generation Study, July 2003), Attachments, Table 2.

⁶¹ *The overall total student generation rate for detached single-family units is 0.4442 versus 0.1150 for single-family attached units (i.e., condominiums and townhomes) per the 2005 LAUSD School Facilities Needs Analysis (Tables 1 and 2, respectively, at p. 9).*

⁶² *Community Redevelopment Agency of the City of Los Angeles, Pacific Corridor Redevelopment Project Final Environmental Impact Report, prepared by Terry A. Hayes Associates, LLC, March 2002 (hereinafter "Pacific Corridor EIR").*

10 years.⁶³ The Pacific Corridor EIR utilizes student generation rates sourced to LAUSD,⁶⁴ but it does not indicate whether the stated rates are for any particular type of housing (e.g., single-family detached, single-family attached or multi-family). More likely given the fact that it is a Program EIR, the analysis may have used overall average rates based on a mix of housing types. The Ponte Vista project includes only condominiums and townhomes in multiple-unit buildings and senior units. Furthermore, the Pacific Corridor EIR citation to LAUSD does not mention a specific LAUSD document or staff person. In any event, the 2005 School Facilities Needs Analysis rates are those currently in force, and are those that must be applied to the Ponte Vista project as well as projects in the Pacific Corridor area. That is, when project construction occurs in the Pacific Corridor area, the developers of such projects will pay school impact mitigation fees based on the School Facilities Needs Analysis in effect at that time – not based on the student generation rates cited in the Pacific Corridor EIR.

See also Topical Response 10, School Impacts.

Comment A10-13

- The economic impacts are based on an average household income of \$144,000, over \$100,000 more than San Pedro's average household income of \$42,667. As a result the tax revenue from the project is inflated.

Response to Comment A10-13

As explained in the Draft EIR (see Appendix IV.F-1, Economic and Fiscal Impacts of Ponte Vista at San Pedro), total Project-related household income is used to estimate household spending and the economic and tax revenue implications of such spending (see Draft EIR Appendix IV.F-1, page 18 and Appendix C-2 thereto). The estimate of total household spending as presented in the Draft EIR was based on the applicant's estimated average purchase price of a unit at the Project. This estimate was not based on the average income of households in San Pedro. Actual incomes of the Project households will depend on actual sale prices of Project units and purchasing households' individual income and home purchasing circumstances. See also Topical Response 9, Estimated Unit Pricing, which addresses pricing estimates and affordability issues.

⁶³ *In addition to the LAUSD 2005 School Facilities Needs Analysis that was used in preparing the Ponte Vista DEIR, see for example, LAUSD, School Facilities Fee Plan, prepared by Recht Hausrath & Assoc., February 22, 1996; LAUSD, School Facilities Needs Analysis, prepared by Schoolhouse Services, January 28, 2000; LAUSD, Residential Development School Fee Justification Study, prepared by LAUSD and David Taussig & Associates, Inc., September 2002; and LAUSD, School Facilities Needs Analysis for Los Angeles Unified School District, prepared by David Taussig & Associates, Inc., September 9, 2004.*

⁶⁴ *Id.*, Table 4.9-6, at p. 4.9-13.

Comment A10-14

- The economic impacts based on purchasing of goods and services overstate the revenue to the City of Los Angeles since the majority of the available goods and services to be purchased are located outside of the City boundaries.

Response to Comment A10-14

The comment pertains to the economic and social effects of the Project, rather than its environmental impacts under CEQA. The Draft EIR's analysis of Project-generated sales tax revenues to the City of Los Angeles from the purchase of taxable goods and services is presented in Draft EIR Appendix IV.F-1, specifically Appendix C-2 thereto. It presents an estimate that 81 percent of taxable purchases made by Project households will occur within the City of Los Angeles. As presented in Appendix C-2, the estimate is based on assumptions about the percentage of purchases likely to occur in Los Angeles for each of several categories of household purchases subject to sales tax. The comment does not provide any substantial evidence or alternative analysis supporting its assertion that the majority of available goods and services to be purchased are located outside the City. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment A10-15

- LAUSD's proposed 2000+ seat high school, and the developer's stated willingness for a 500 seat high school to be located at this site, should have been evaluated as project alternatives.

Response to Comment A10-15

See Topical Response 3, South Region High School #14.

Comment A10-16

The community represented by NWSPNC has significant concerns about the project as proposed. We included a survey question about the proposed project in a newsletter which we mailed to the approximately 9,000 households in Northwest San Pedro as part of our regular outreach. We received 680 responses, of which fewer than 4% indicated that they "support the developer's proposal for 2300 condominiums", 72% want to maintain the existing zoning, and 21% said they might consider "some additional homes" in exchange for specific mitigation measures. The remainder wanted more information.

Our specific comments are attached hereto. Thank you for this opportunity to submit our comments and concerns. Please feel free to contact me at 310-831-1975 if you have any questions.

Response to Comment A10-16

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to

Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A10-17

1.0 Summary of Major Comment

A. The DEIR lacks the specificity necessary to assess the potential impacts of the project

B. The DEIR lacks the fundamental accuracy necessary to assess the traffic impacts because the traffic on much of Western Avenue was incorrectly counted. Some portions of it are at least 25% below actual peak hour traffic numbers.

C. The developer estimates about 4 trips a day per unit, or about 9212 trips a day. The real number may be as high as 22011 per day

D. The developer estimates 2.0 persons per unrestricted unit and 1.5 per senior unit, for a total of 4313 people. The real number more than likely exceeds 7000

E. The estimate of 199 total elementary, middle school and high school students generated by the project woefully under-estimates the actual number. The real number will probably be between 600 and 900, not including the students who will move into the houses of “empty nesters” who move into the senior housing in the project. The project will have a serious impact on Taper Avenue Elementary, Dodson Middle School, and Narbonne High School

2.0 General Comments that Apply to the Entire DEIR

3.0 Traffic

Summary of Traffic Comments:

[1] The DEIR traffic counts on Western Ave. are abnormally low due to construction at the time the counts were taken.

[2] The project trip generation estimates are inconsistent with City trip generation rates required in other similar City developments. They do not reflect the driving that residents will be required to do from the project.

[3] Ponte Vista did not follow ITE Trip Generation Handbook Guidelines for estimating trip generation.

[4] The DEIR peak hour trip generation rates are further evidence that the land use designation selected by the developer is inappropriate.

Remedy

3.1 Ponte Vista did its baseline traffic counts While Western Avenue was undergoing storm drain and sewer line sinkhole repairs. As a result, the DEIR under-reports normal peak hour and average daily traffic. The impacts of the proposed project on Levels of Service, Volume to Capacity ratios and mitigation needed, are affected by the suspect counts and must be recalculated

3.2 Additional confirming traffic counts

3.3 The DEIR uses a trip generation rate that is inappropriate for the characteristics of the project

3.4 The City is permitting Ponte Vista to use a lower trip generation rate than used by Playa Vista, Blvd. 6200 Project, or the Pacific Corridor CRA for the Downtown San Pedro live/work lofts. It is an inconsistent application of CEQA for the City to allow use of the lower rate and is not fair to area residents.

3.4.1 Characteristics of the other projects.

3.4.1.1 Playa Vista

3.4.1.2 Blvd. 6200 Project

3.4.1.3 Pacific Corridor CRA Project Area

3.4.2 Comparison of trip generation rates

3.5 There are at least three other ITE Land Use Designations that more accurately describe the Ponte Vista project.

3.5.1 Land Use Designation 230 “Residential Condominiums/Townhomes”

3.5.2 Land Use Designation 270 “Planned Unit Development (PUD)”

3.5.2[sic] Land Use Designation 210 “Single Family Detached Housing”

3.6 The peak hour trip generation rate for the High-Rise Condominium Land Use designation shows that it had to be intended to be used for urban developments with substantial access to public transit.

3.7 The DEIR did not consider a large number of traffic generators that exist, as well as other factors which are specific to the project area.

3.8 Traffic counts for seniors should be re-evaluated and increased.

- 3.9 The DEIR trip generation rate is not supported by Federal Highway Administration studies.**
- 3.10 The list of “other projects” is incomplete. The impacts of the following additional traffic generators should be added to Table 1V.J-9, List of Related Projects and the impacts assessed.**
- 3.11 The DEIR improperly calculated the significant traffic impacts that will result from the project. As a result, it cannot be determined whether the mitigation proposed is sufficient.**
- 3.12 The Availability of Public Transit is Overstated**
- 3.13 The traffic mitigation proposed is inadequate.**
- 3.14 Additional mitigation measures should be included.**
- 4.0 Population and Housing (Section IV.H)**
- 4.1 NOP and Initial Study are substantially greater than in the DEIR. There is no explanation for the difference.**
- 4.2 The population density of 2.0 per non-age restricted units and 1.5 per age-restricted units is not consistent with project plans.**
- 4.3 The project does not reflect the household population averages in the surrounding communities from which it intends to draw.**
- 4.4 The developer’s population rate estimates are significantly lower than those used for three other comparable projects in Los Angeles.**
- 4.5 Other Well-Established Methods of Calculating Population Yield Significantly Higher Population Numbers**
- 4.6 1.5 persons per unit in age restricted housing is too low.**
- 4.7 The Pacific Corridor CRA EIR Shows How Understated the Population Estimates are for Ponte Vista**
- 4.8 The DEIR overstates the need for housing and understates the number of new residential units being developed.**
- 4.9 The DEIR does not assess the impacts of the back-fill addition to the local population as local people move into the project.**

5.0 Section IV I 3 “Schools”

5.1 Table IV. I-4 in the DEIR “LAUSD School Capacities and Enrollment” used “eligible enrollment” figures rather than “actual enrollment” figures.

5.2. The student generation figures for comparable projects are much higher in comparable projects.

5.3 Student generation rates for multi-family owned homes, by number of bedrooms in Los Angeles City and County, yields much higher student numbers and more accurately predicts the student generation numbers we are likely to see.

5.4 The DEIR does not calculate the number of students who will be “backfilling” the local homes of the “empty nesters” moving into Ponte Vista Senior housing, nor does it assess the impact those students will have on local schools.

5.5 The developer should propose suitable mitigation for the impacts of higher student generation figures.

6.0 Section IV.F Land Use and Planning

6.1 The population increase cannot be mitigated.

6.2 The Project is Incompatible with CEQA Standards

6.3 The Project is Incompatible with Compass Growth Vision Principles

6.4 The Project is Inconsistent with the General Plan and the Community Plan

6.4.1 The project plans are not consistent with Policy 5.2.3 of the City’s General Plan relating to siting of multi-story projects.

6.4.2 The application for a specific plan is not consistent with Community Plan policies.

6.4.3 The project is not consistent with the Wilmington-Harbor City Community Plan

6.4.4 The project developer has not and the DEIR does not propose working constructively with the LAUSD.

6.5 The DEIR overestimates housing need and underestimates the amount of new construction.

6.6 The DEIR erroneously dismisses the existing zoning

- 6.7 Jobs/Housing Ratio**
- 7. Air Quality, Section IV.B**
 - 7.1 Pollution from Traffic Increase**
 - 7.2 Pollution from Construction Activities**
 - 7.2.1 Ultrafine particle emissions**
 - 7.2.2 Construction Equipment**
 - 7.3 Design Features (Mitigation Measures B-3)**
 - 7.4 CARB's latest health risk estimates**
 - 7.5 Enforcement**
 - 7.6 Details of estimated emissions should be included**
 - 7.7 Worker trips**
- 8. Hazardous Materials and Risk of Upset**
 - 8.1 Risk of Upset, LPG Gas Storage**
 - 8.2 Defense. Fuel Supply Depot and Conoco Phillips**
 - 8.3 Emergency Plan and Evacuation Plan**
- 9. Section IV.E Hydrology and Water Quality**
 - 9.1 Integrated Resource Plan (IRP)**
 - 9.2 Urban Runoff**
- 10. Section IV I. Public Services (other than schools)**
 - 10.1 Police Protection**
 - 10.2 Parks and Recreation**
- 11. Section IV.K Utilities and Service Systems**
 - 11.1 Adequacy of electrical power**

- 11.2 Sewer system
- 11.3 Recycled asphalt and concrete
- 11.4 Disposal of solid waste
- 11.5 LEED certification
- 12. Section IV G. Noise during construction
 - 12.1 Noise impacts after construction
- 13.0 Economic and Fiscal Impacts
 - 13.1 Construction Impacts
 - 13.2 Revenue to the City of Los Angeles is Overstated while Costs to the City are Understated
 - 13.2.1 The computations are based on an average sales price that appears to be unrealistically high.
 - 13.2.2 The average annual income of home buyers is unrealistically high.
 - 13.2.3 Both the proportion and the amount of income spent on housing costs may be underestimated.
 - 13.2.4 The DEIR overestimates the recurring annual sales tax revenues in general and to the City of Los Angeles in particular.
 - 13.3 The DEIR underestimates the costs to the City of Los Angeles for City services.
 - 13.4 The finished development does not offer “affordable” housing.
 - 13.5 Future assumptions
- 14. Section VI “Alternatives to the Project”
- 15.0 Summary of Comments

Response to Comment A10-17

This comment contains a Table of Contents for the corresponding comment letter and the topics identified in this comment are repeated in subsequent comments. This is not a direct comment on environmental issues or the content or adequacy of the Draft EIR and does not require response. For responses to the

individual comments on these topics in this letter, see responses to Comment A10-18 through A10-262 below.

Comment A10-18

1.0 Summary of Major Comments

A. The DEIR lacks the specificity necessary to assess the potential impacts of the project.

The DEIR is devoid of the specificity and accuracy needed to adequately evaluate the environmental impacts and to support a Specific Plan. Among other things, the project description does not state the size and number of bedrooms of units so that population, school, traffic, and economic impact can be appropriately calculated.

Response to Comment A10-18

See Response to Comment A10-5.

Comment A10-19

B. The DEIR lacks the fundamental accuracy necessary to assess the traffic impacts because the traffic on much of Western Avenue was incorrectly counted. Some portions of it are at least 25% below actual peak hour traffic numbers.

As stated in the DEIR, the developer counted the traffic on Western Avenue during a period when the street was torn up to repair sinkholes. His traffic counts are 20% to 37% **lower** than comparable counts **before** the repairs started. This mistake contaminates the Level of Service computations, Volume to Capacity calculations, additional project impacts, and proposed mitigation. The traffic study must be redone.

Response to Comment A10-19

See Response to Comment A10-8.

Comment A10-20

C. The developer estimates about 4 trips a day per unit, or about 9212 trips a day. The real number may be as high as 22011 per day.

The developer used a four-sample, High-Rise Condominium -classification and Attached Senior housing classification to predict 4.08 trips per day for the project, or 9212 average daily trips. The classifications are inappropriate for the project. The trip generation rates are 40% lower than other similar sized projects elsewhere in the City, including Playa Vista and the Pacific Corridor CRA project area. The more accurate number of vehicles this project will add to Western Avenue traffic is somewhere between 15,000 and 22,000 per day.

Response to Comment A10-20

See Topical Response 11, Traffic, and Response to Comment A10-9 for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. As discussed in Topical Response 11, the trip generation rates employed in the Traffic Study are in accord with LADOT and ITE methodology and provide a reasonable estimate of Project trips. As disclosed on Table IV.J-17, page IV.J-35 in the Draft EIR, the Project is forecast to generate 9,355 vehicle trips per day, not the 15,000 to 22,000 trips per day asserted in the comment.

See Response to Comment A10-61 for a discussion regarding the trip generation forecast for the Playa Vista project and why it is not comparable to the Project. See Response to Comment A10-64 for a discussion regarding the trip generation forecast for the Pacific Corridor project and why it is not comparable to the Project. As discussed in such responses, the comparison to the trip generation forecasts in other traffic studies as suggested in the comment is not appropriate as the project descriptions for these developments—and therefore the corresponding trip generation forecasts—are not comparable to the Project.

Comment A10-21

D. The developer estimates 2.0 persons per unrestricted unit and 1.5 per senior unit, for a total of 4313 people. The real number more than likely exceeds 7000.

No study, Plan Area, Zip Code, bedroom count, census, or other project in the City [including Playa Vista and Pacific Corridor CRA] supports the basis for the estimate. The developer himself estimated 7343 residents in his Notice of Preparation for this DEIR.

Response to Comment A10-21

This comment summarizes ensuing comments, which are addressed in detail in Responses to Comments A10-141 and A10-142. See also Topical Response 8, Population and Housing.

Comment A10-22

E. The estimate of 199 total elementary, middle school and high school students generated by the project woefully under-estimates the actual number. The real number will probably be between 600 and 900, not including the students who will move into the houses of “empty nesters” who move into the senior housing in the project. The project will have a serious impact on Taper Avenue Elementary, Dodson Middle School, and Narbonne High School.

The DEIR student generation rate of .1151 students per unit is half that of Playa Vista. It is 1/10th of the rate for the Pacific Corridor CRA project area. Every student generation method commonly used predicts a much higher student generation number than does the DEIR. Further, the DEIR used the “eligible student” data rather than “actual enrollment”, which is a much higher figure. The impact on schools is significant and mitigation must be proposed.

Response to Comment A10-22

As noted in Table IV.I-6 of the Draft EIR, the Project would generate 199 students, including 99 elementary school students, 50 middle school students, and 50 high school students. The comment claims that the Project would generate 600-900 students, but provides no facts, reasonable assumptions based on facts, analysis or expert opinion supported by facts in support of its estimate. Refer to Topical Response 10, School Impacts, for a discussion of the student generation calculated in the Draft EIR as well as a discussion of the use of eligible vs. actual enrollment. For a response regarding “empty nester” and backfill issues, see Response to Comment A10-29. Regarding the Playa Vista and Pacific Corridor EIRs, see Response to Comment A10-12. Under state law, potential impacts are mitigated by the payment of school impact fees established on a district-wide level by LAUSD. See Response to Comment A10-163.

Comment A10-23**2.0 General Comments that Apply to the Entire DEIR**

The DEIR does not comply with CEQA because the developer uses figures for population, traffic and student generation that are not appropriate, and on their face, are not credible with persons who know the project area.

Response to Comment A10-23

This comment makes a general assertion that “figures for population, traffic and student generation” are “not appropriate” and “not credible”. This comment does not, however, identify the particular “figures” that it references or provide facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the assertion that the population, traffic, and student generation figures used in the Draft EIR are not appropriate or credible (see Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters). Therefore, pursuant to §15204(a) of the *CEQA Guidelines*, no further response to this comment is required. Nonetheless, for a discussion of the population, traffic and student generation rates generally, see Topical Response 8, (Population and Housing), Topical Response 11 (Traffic) and Topical Response 10 (School Impacts).

Comment A10-24

Among other things, the DEIR miscalculates probable adverse environmental impacts by:

- Failing to identify specific essential project elements with sufficient clarity to permit an adequate environmental analysis. The DEIR is devoid of the specificity and accuracy needed to adequately evaluate the environmental impacts and to support a Specific Plan. Among other things, the project description does not state the size and number of bedrooms of units so that population, school, traffic, and economic impact can be appropriately calculated.

Response to Comment A10-24

See Response to Comment A10-5.

Comment A10-25

- Characterizing the project in ways that result in artificially low population, student generation, and traffic estimates;

Response to Comment A10-25

This comment makes a general assertion that the Draft EIR “characterizes the project in ways that result in artificially low estimates,” but does not provide facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the assertion that these numbers are low. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Therefore, pursuant to §15204(a) of the *CEQA Guidelines*, no further response to this comment is required. Nonetheless, for a discussion of the population, traffic and student generation rates generally, see Topical Response 8, (Population and Housing), Topical Response 11 (Traffic) and Topical Response 10 (School Impacts).

Comment A10-26

- Failing to recognize the unique characteristics of the project area, such as its isolation from any services, schools, recreation facilities and retail amenities, and failing to account for those characteristics in its environmental assessment;

Response to Comment A10-26

The comment is incorrect that the Project site is “isolated from any services, schools, recreation facilities, and retail amenities.” As noted in Sections IV.I (Public Services) and IV.K (Utilities and Service Systems) in the Draft EIR, existing public services and utilities are available to serve the site. As depicted on Figure IV.I-3 on page IV.I-23 of the Draft EIR, the Project site is within a one-mile radius of two LAUSD schools (Dodson Middle School and Taper Avenue Elementary School) and within a 2.5-mile radius of a third LAUSD school (Narbonne High School). As noted on Table IV.I-5 on pages IV.I-25 and IV.I-26 of the Draft EIR, the Project site is also within a five-mile radius of 11 planned and existing private schools in the San Pedro community, including Mary Star of the Sea High School which is being constructed directly adjacent to the Project site and Rolling Hills Preparatory School, located less than one mile from the Project site on Palos Verdes Drive North. As noted in Table IV.I-10 on pages IV.I-40 and IV.I-41 of the Draft EIR, the Project site is within a three-mile radius of nine parks and recreational facilities, including neighborhood, community, and regional parks. Additionally, a substantial number of commercial and retail uses are within approximately one mile of the site along Western Avenue, including:

- Westmont Garden Village south of Fitness Drive which includes an Albertsons, Rite Aid, Blockbuster, Starbucks, Carrows, beauty supply store, Supercuts, Coldstone, Cal National bank, Travel Team, and other businesses;
- Westmont Plaza south of Westmont Drive which includes Smart and Final, Wells Fargo, Cocos, Baja Fresh, Mail and Print, Bagels Galore, Hallmark, dentist office, optometry office, All Pets Veterinary Hospital, and other businesses;
- Palos Verdes Plaza south of Toscanini Drive which includes dental and medical offices, Prestige Real Estate, Live Wire Productions, dry cleaners, Sushiya, Stuff Pizza, Azteca Restaurant, Millennium Insurance, Lopez Tax Service, and other businesses;
- The Terraces south of Caddington Drive which includes a Bally Total Fitness, Trader Joe's, Centinela Pet Supplies, FedEx Kinko's, GNC, and other businesses; and
- Rolling Hills View Center at Palos Verdes Drive North which includes a Starbucks, T-Mobile, Jo-Ann Fabrics and Crafts, Thai Food, dry cleaners, Optometric Concierge, dental office, Snipz the Salon, Hot Spring Spas, Tokyo Grill, Eva Nails, and other businesses.

Moreover, the comment does not provide facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the assertion that the project is isolated from any services or amenities. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment A10-27

- Using reference data that are not consistent with the project as described;

Response to Comment A10-27

This comment is not specific as to which “reference data” it is referring nor as to how such reference data are “not consistent” with the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment A10-28

- Ignoring census data for the relevant census tracts and zip codes;

Response to Comment A10-28

This comment is not specific as to which “census data” it is referring to nor as to how such data are “ignored.” See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Nonetheless, to the extent that this comment summarizes Comment A10-142 and Comment A10-143, please see the responses thereto, below, and see Topical Response 8, Population and Housing.

Comment A10-29

- Failing to include the impacts on population, schools and traffic that will result from backfill into housing vacated by seniors moving into the proposed project;

Response to Comment A10-29

The Draft EIR does not assume any “credits” attributable to existing population and behavior patterns against the environmental impacts resulting from the Project due to “relocation” of households within the community because that would require excessive speculation. All Project impacts are analyzed as additions to existing conditions.

It is not possible to know with any reasonable degree of certainty where the future occupants of the Project’s senior units would live prior to their move, or the demographic makeup of the household that assumes the home of these future Project residents. Although people now residing in the vicinity of the Project have expressed an interest in purchasing a unit in the Project, Project residents could originate from a myriad of places both inside and outside of the San Pedro and/or Los Angeles regions. The exact number of households who would replace Ponte Vista buyers, within any given area, their household composition, and how that number and composition may change over the buildout of the Project, cannot be reasonably predicted. Similarly, while some “replacement” households may be two-parent couples with children, they may also be single-parent households with children, childless couples, or households with one or more unrelated adults and no children, and these trends could change over the buildout of the Project in response to a variety of real estate market and other factors. Thus, this issue is too speculative for evaluation.

CEQA Guidelines Section 15145 states:

If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

In any event, the Draft EIR provides reasonable Project-related population estimates and impact analysis using long-range growth forecasts, which reflect projected compositional change in population and households, as well as cumulative population impact analysis. LAUSD’s eligible enrollment projections for each school are based on LAUSD’s analysis of general demographic trends and the continuing occupancy of existing housing stock. The Traffic Study, air quality and noise analysis of the Draft EIR are based on existing conditions, plus cumulative growth (related projects and a 1% annual growth factor), plus the Project. As discussed in the Draft EIR, this methodology significantly overstates cumulative impacts for traffic, air and noise. Thus, while “backfill” effects are too speculative for analysis, the Draft EIR uses conservative assumptions for analysis purposes.

Comment A10-30

- Failing to explain why the higher population, student generation, and traffic generation numbers used for comparable projects in Los Angeles and the local area, were not used.

Response to Comment A10-30

See Response to Comment A10-25. This comment makes a general assertion that the Draft EIR fails to explain why it did not use the population, student generation and traffic generation numbers for other, unidentified projects in the City and local area. Because the comment does not identify the projects it deems “comparable”, a specific response cannot be provided. However, to the extent that the comment refers to the projects identified in Comments A10-12, A10-61, A10-63 to A10-65, A10-141, and/or A10-161, please see the responses to those comments, below, and see Topical Responses 8 (Population and Housing), 10 (School Impacts), and 11 (Traffic).

Comment A10-31

- Failing to specify which LEED standards it will meet.

Response to Comment A10-31

LEED stands for the Leadership in Energy and Environmental Design Green Building Rating system™ which was developed by the U.S. Green Building Council, or USGBC, an organization representing the nationwide building industry. LEED is a voluntary rating system created to define “green buildings” and to define a common standard of measurement, promotion of whole-building design practices, and recognition of environmental leadership in the building industry, as well as to impact the building market. CEQA does not require LEED certification as a “standard of significance,” and the City of Los Angeles does not require new residential private buildings to meet LEED standards. Although LEED standards are not required, the applicant has stated that it will attempt to make the Project eligible for certification by the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, the objective of which is to recognize projects that voluntarily meet its high-performance, sustainable building standards. Draft EIR, p. IV.F-30. Planning for such purpose will be undertaken after Project approval when detailed design of the final project approved is undertaken. In response to this comment, Mitigation Measure B-4 has been added to page IV.B-54 of the Draft EIR as follows:

(B-4) The Project shall comply with the City’s recently adopted Green Building Program Ordinance (Ordinance 179820), which requires that the Project be designed to comply with the selected LEED Rating System at the “Certified” level or higher.

Comment A10-32

- Overestimating economic benefits and underestimating costs of City services

Response to Comment A10-32

The comment pertains to the economic and social effects of the Project, rather than its environmental impacts under CEQA. The economic impacts and a general estimate of average City service costs to support the Project are presented in Draft EIR Appendix IV.F-1 and are supported by substantial evidence. The comment does not provide any substantial evidence (alternative estimates, facts, reasonable assumptions based on facts, or expert opinion supported by facts) to support its assertion that the Draft EIR's analysis of economic impacts are overestimated or that City service costs are underestimated. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment A10-33

- The DEIR contains no information concerning how controls will affect the five stages of development. For example, how will anyone know for sure what the last four phases of the project will look like or that they will be owner-occupied rather than apartments, or all converted to non age-restricted buildings?. [sic]

Response to Comment A10-33

As noted on page II-3 of the Draft EIR, project approvals would include a Specific Plan that would provide construction, architectural, landscape, and streetscape standards to guide the Project's development. All Project phases will be subject to the standards set forth in the Specific Plan. See also Response to Comment A13-49 regarding senior unit occupancy, and Response to Comment A10-139 which addresses the applicant's plans to construct and sell condominium units rather than apartments.

Comment A10-34

- The DEIR appears to be a back door attempt to amend the Community Plan without complying with the required amendment process. Such changes should be made through the community plan update process. As stated in the Harbor City Wilmington Community Plan:

“... the proposed Plan has three fundamental premises. First, is limiting residential densities in various neighborhoods to the prevailing density of development in these neighborhoods. Second is the monitoring of population growth [sic] and infrastructure improvements through the City's **Annual Report on Growth and Infrastructure** with a report of the City Planning Commission every five years on the Wilmington-Harbor City Community following Plan adoption. Third, if this monitoring finds that population in the Plan area is occurring faster than projected, and that infrastructure resource capacities are threatened, particularly critical resources such as water and sewerage; and that there is not a clear commitment to at least begin the necessary improvements within twelve months; then building controls should be put into effect, for all or portions of the Wilmington-Harbor City community, until the land use designations for the Wilmington-Harbor City Community Plan and corresponding zoning are revised to limit development (page 111-1).

Response to Comment A10-34

See Response to Comment A10-4. As discussed in the Draft EIR at p. IV.F-60, the Community Plan states that the “Low Residential” land use designation reflects only the premise of maintaining prevailing densities if public infrastructures and services cannot be provided. This policy does not reflect an environmental preference or policy against additional multi-family housing. The analyses in the Draft EIR indicate that the Project’s impacts upon infrastructure and services can be mitigated to a less-than-significant level, and that the Project is generally consistent with the policies and programs of the *Wilmington-Harbor City Community Plan* and would not result in conflicts with plans and policies adopted to avoid or mitigate environmental impacts. See Draft EIR, pp. IV.F-48 – IV.F-60. Also, the Project would implement some of the recommendations of the Housing Crisis Task Force Report. Housing Production in the CPA has been low despite the assumptions and premises included in the Community Plan when it was last updated in 1999. The Southern California Association of Governments, which is responsible for preparing the Regional Comprehensive Plan and Guide, has concurred in the Draft EIR’s analysis and conclusion that the Project is consistent with and will implement such regional planning policies. See Comment Letter A14. As indicated in the Draft EIR, necessary Project approvals include a General Plan amendment. As discussed more fully in the Draft EIR, reconsideration of the “Low Residential”/R1 and “Open Space”/OS land use and zoning designations of the property to allow development of the Project would not cause internal conflicts with Community Plan policies adopted to avoid or mitigate significant environmental impacts. See e.g., Draft EIR, p. IV.F-60 to IV.F-61. The Community Plan is currently being updated and an EIR is being prepared. During the public review of the EIR for the New Community Plan Program, the public will have the opportunity to comment on proposed policy changes.

Comment A10-35

- If zoning is to be changed, all options should be examined to determine the best use.

Response to Comment A10-35

The comment expresses the author’s view regarding zoning of the Project site, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A10-36

- The assumptions regarding the behavior of the “55 and better” population need to be re-visited. These assumptions relate to both the number of trips generated by a development such as this and the characteristics of buyers of the project’s “senior housing.” The proposed amenities contained in the senior housing section are for active seniors. There are no provisions for older, less active adults such as assisted living, congregate meals, or health care. At age 55 many individuals are still employed, in

fact the developer's economic consultant has stated that 55 is the peak earnings year. Some seniors have their own children still living at home and others are primary care providers for their grandchildren. Once retired, seniors tend to make more, albeit shorter, trips than do individuals who are working full time.

Response to Comment A10-36

See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Topical Response 7, Impacts of Age-Restricted Units.

Comment A10-37

- **Traffic**

Summary of Traffic Comments:

[1] The DEIR traffic counts on Western Ave. are abnormally low due to construction at the time the counts were taken.

Western Avenue was undergoing extensive sinkhole repairs during most of 2005. Ponte Vista counted its baseline traffic right in the middle of those repairs. Its baseline average daily traffic and peak hour numbers at key intersections along Western Avenue are 20% to 37% lower than Caltrans numbers gathered a year earlier and Port of Los Angeles numbers gathered in 2001-2002 as part of its baseline transportation study.

Response to Comment A10-37

See Topical Response 11, Traffic, and Responses to Comments A10-8 and A10-19 for a discussion regarding the traffic counts conducted along Western Avenue, as well as the corresponding assessment of traffic impacts and determination of traffic mitigation measures provided in the Draft EIR. The peak hour traffic volumes published by Caltrans are estimates based on 24-hour counts conducted throughout the year. The published information is not attributed to a single day of counts, nor can it be determined whether the information is from weekday or weekend conditions, school day or non-school day conditions, etc. Therefore, the Caltrans information is not relied upon for purposes of preparing intersection traffic analysis for traffic studies in the City of Los Angeles. The comment does not provide the Port of Los Angeles traffic counts from 2001-2002 to allow further review or analysis. In general, LADOT does not permit use of traffic count data that is more than two years old at the commencement of a traffic study.

Comment A10-38

[2] The project trip generation estimates are inconsistent with City trip generation rates required in other similar City developments. They do not reflect the driving that residents will be required to do from the project.

The DEIR estimate of 4 trips per unit per day for project generated traffic is not credible. Ponte Vista has no pedestrian access to stores, recreation facilities, schools, restaurants, post office, etc. and public transportation to those amenities does not exist. At a minimum, the DEIR should use the trip generation figures used by the Pacific Corridor CRA EIR, Playa Vista EIR, and Blvd. 6200 Project EIR, all of which are at least 40% higher than the trip generation rates Ponte Vista used. Ponte Vista should use an even higher number.

Response to Comment A10-38

See Topical Response 11, Traffic, and Responses to Comments A10-9 for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. Contrary to the assertion in the comment, ITE requires data submissions of sites to be freestanding in nature. That is, as stated in the *Trip Generation Handbook*, the sites evaluated for potential inclusion in the *Trip Generation* manual should have limited access to public transit services, as well as walk-in trips from adjacent parcels. Thus, the ITE database sites for Land Use Code 232—were located in the vicinities of Richmond, Virginia; Washington, D.C.; Minneapolis, Minnesota; and Vancouver, Canada—but were not located in downtown, “Manhattan”-type settings as suggested in the comment. Thus, the database established by ITE for Land Use Code 232 are comprised of existing residential developments where nearly all travel is made by private vehicle.

Furthermore, as discussed in Topical Response 11, the Project site is located along an existing State Highway and is directly served by a number of bus lines (see Table IV.J-1, Existing Public Transit Routes, and Figure IV.J-3, Existing Public Transit Routes in the Draft EIR). These bus lines link the Project site to the greater MTA transit network and surrounding employment and shopping locations, including downtown San Pedro, the Port area, downtown Long Beach, and the nearby MTA transit center which provides access to rapid bus service to downtown Los Angeles. There are also commercial, educational, and recreational uses located within walking distance to the Project. However, it should be noted that in order to provide a conservative (e.g., “worst case”) assessment of the potential traffic impacts associated with the Project, no reductions or discounts were made to the Traffic Study’s Project trip generation forecast (which is based on the ITE trip rates assuming nearly all trips by private vehicle) to provide credit for these public transit or walking trips that are likely to replace some trips that would otherwise be made by a private vehicle.

The Project will provide on-site amenities such as social and recreational facilities and community-serving dining and retail facilities which will reduce trips for such purposes that would otherwise be made by Project residents. Additionally, the Mary Star of the Sea High School will be constructed immediately adjacent to the site. Mitigation Measures J-31 and J-32 are recommended on page IV.J-116 in the Draft EIR (see also Section V, Mitigation Monitoring Program, of this Final EIR) to promote use of public transportation by residents of the Project. The potential reduction of vehicles trips associated with the Project’s on-site amenities and promotion of public transit was not considered in the Traffic Study provided in the Draft EIR so as to provide a “worst case” assessment of potential traffic impacts associated with the Project.

See Response to Comment A10-61 for a discussion regarding the Playa Vista project; Response to Comment A10-63 regarding Boulevard 6200 project; and Response to Comment A10-64 regarding the Pacific Corridor project. The comparison to trip generation forecast in other traffic studies as suggested in the comment is not appropriate as the project descriptions for these developments—and therefore the corresponding trip generation forecasts—are not comparable to the Project.

Comment A10-39

[3] Ponte Vista did not follow ITE Trip Generation Handbook Guidelines for estimating trip generation.

Ponte Vista used daily trip generation numbers from four high-rise condominium projects thousands of miles away. The ITE manual warns that the trip generation rate he used should be used with caution and encourages the development and use of a local trip rate. The DEIR states that the project will generate 9313 trips per day. The real number could be as high as 22011 per day.

Response to Comment A10-39

See Topical Response 11, Traffic, and Responses to Comments A10-9 and A10-38 for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. As noted in the Topical Response, the trip generation forecast for the Project as provided in the Draft EIR follows the procedures prescribed by ITE for purposes of selecting the appropriate trip generation factors. Topical Response 11 also provides a discussion explaining why the development of a trip rate based on “local data” as suggested in the comment is not required.

Comment A10-40

[4] The DEIR peak hour trip generation rates are further evidence that the land use designation selected by the developer is inappropriate.

The DEIR estimates 500 peak hour outgoing trips in the morning peak hour and 445 incoming trips in the afternoon/evening peak hour. This is an impossibly low rate since it can be expected that there will be at least 4,000 residents going to work each day. However, the low rate is evidence that the ITE land use designation [high-rise condominiums in a metropolitan area] was intended for a true high-rise project in a metropolitan area where people going and coming from work either walk or use mass transit. By way of comparison, Playa Vista uses a per unit peak hour trip generation rate of .54, a rate that is 58% higher than Ponte Vista uses. If Ponte Vista used the Playa Vista rate, the peak hour outgoing [sic] morning traffic would be 1242 rather than 500.

Response to Comment A10-40

See Topical Response 11, Traffic, and Responses to Comments A10-9, A10-20, A10-37 and A10-38 for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. For Land Use Code 232, the weekday weighted average trip rates recommended in the Trip Generation manual are as

follows: 4.18 trips per unit over a 24-hour (daily) basis, 0.34 trips per unit for a one hour peak during the morning commuter period, and 0.38 trips per unit for a one hour peak during the afternoon commuter period. As discussed in Topical Response 11, the ITE data represents an aggregation of the overall vehicular trip generation characteristics occurring at a residential development. The ITE rates are not intended to estimate trip generation on a unit-by-unit basis.

See Response to Comment A10-61 as to why the trip rates used to forecast trips for the Playa Vista project are not appropriate for the Draft EIR.

Comment A10-41

Remedy:

A new traffic study is needed. The developer should, in conjunction with the community as outlined in the ITE Handbook, devise a local traffic study model, determine the proper baseline traffic and determine an appropriate trip generation rate. The baseline and trip generation rate should take into account the additional traffic generators listed in these comments and should also take into account the project location and characteristics. The traffic study should then be re-circulated for public comment.

Response to Comment A10-41

See Topical Response 11, Traffic, and Responses to Comments A10-9, A10-20, A10-37 and A10-38 for a discussion regarding the trip generation forecast provided for the Project and the traffic counts conducted along Western Avenue as provided in the Draft EIR. The Traffic Study in the Draft EIR utilizes the correct procedures prescribed by ITE for forecasting traffic to be generated by the Project. Therefore, no additional/updated traffic count data is required and no further analysis is required. As discussed in Topical Response 11, an independent study was conducted by Priority Engineering, Inc., which was retained by the three neighborhood councils in the area. Priority Engineering generally concurred with the conclusions of the Traffic Study in the Draft EIR.

Comment A10-42

3.1 Ponte Vista did its baseline traffic counts while Western Avenue was undergoing storm drain and sewer line sinkhole repairs. As a result, the DEIR underreports normal peak hour and average daily traffic. The impacts of the proposed project on Levels of Service, Volume to Capacity ratios and mitigation needed, are affected by the suspect counts and must be recalculated.

At Page 21, Volume Three of the Technical Appendices, the DEIR says that the traffic counts on Western were made at a time when Western was constricted to one lane at Summerland and Westmont but that two lanes remained open during the weekday. The Appendices show that counts at intersections nearest the project were taken in April and May of 2005, in the midst of the construction.

On January 2, 2005, storm drains began to collapse under Western Avenue. Subsequent investigation by Rancho Palos Verdes [RPV], the City of Los Angeles and Caltrans showed there were problems with

sewer and water lines as well. For most of the year, repairs impeded long sections of the street.¹ Detours occurred often and were extensive. Local residents devised their own alternate routes because of the delays if they used Western Avenue.

The construction affected driving behavior throughout San Pedro and RPV. Rather than use Western in the morning, particularly during peak hours, local residents instead used Gaffey Street or the 110 Freeway, or Palos Verdes Drive East. In the evening, rather than use Western south of Palos Verdes Drive North, drivers would use Gaffey St. or the 110 Freeway and use 1st, 9th, and 19th for access to Western south of the construction work.

Additionally, drivers detoured around the area using residential streets where possible. Often, the detours were official.

Response to Comment A10-42

See Topical Response 11, Traffic, for a discussion regarding the traffic counts conducted along Western Avenue, and the sinkhole repair referenced in the comment.

Comment A10-43

¹ See http://www.palosverdes.com/rpv/citycouncil/agendas/2005_Agendas/MeetingDate-2005-09-20/open_agenda.cfm?id=RPVCCA_SR_2005_09_20_21_Western%20Avenue%20update.htm

Response to Comment A10-43

This comment contains a citation for a sentence in Comment A10-42, stating that “[f]or most of the year, repairs impeded long sections of [Western Avenue]” but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. It should be noted, however, that while the document referenced by this citation discusses repairs on Western Avenue, it does not provide specific information regarding the nature or duration of any impediments to traffic flow.

Comment A10-44

Traffic counts taken by Caltrans in 2004, the year before the sinkholes occurred, show that peak hour traffic was from 20% to 37% greater than that reported in the DEIR. Other studies such as the Port of Los Angeles Baseline Transportation Study and intermittent traffic counts taken by LADOT, also show that the traffic counts taken during the construction were abnormally low.

The table below compares the peak hour traffic counts by Caltrans in 2004 from the Caltrans website² and its Project Study Report dated January, 2006.

DEIR Avenida Aprenda and Western, taken 5/24/05³	AM 2779 PM 2501	Caltrans 2004	3350	+20.5% +33.9%
DEIR PV Dr. North and Western, taken 4/20/05	AM 2667 PM 2442	Caltrans 2004	3350	+25.6% +37.1%

Response to Comment A10-44

See Response to Comment A10-43. See Response to Comment A10-37 for a discussion regarding the traffic volume information published by Caltrans. The peak hour traffic volumes published by Caltrans are estimates based on 24-hour counts conducted throughout the year. The published information is not attributed to a single day of counts, nor can it be determined whether the information is from weekday or weekend conditions, school day or non-school day conditions, etc. Therefore, the Caltrans information is not relied upon for purposes of preparing intersection traffic analysis for traffic studies in the City of Los Angeles. The comment does not provide the Port of Los Angeles traffic counts to allow further review or analysis. See Response to Comment A10-46. As discussed in Topical Response 11, Traffic, additional traffic counts were conducted at selected study intersections by LADOT in March 2007. LADOT conducted an analysis of the Project's potential traffic impacts utilizing the March 2007 traffic counts and concluded that such analysis did not yield any different conclusions relative to the potential traffic impacts or effectiveness of the recommended traffic mitigation measures associated with the Project. Therefore, no additional/updated traffic count data is required and no further analysis is required.

Comment A10-45

The intersections most affected by lower than normal counts were most likely all those on Western south of Pacific Coast Highway, and on Palos Verdes Drive North and on Anaheim Street. Using data counted anytime during the construction project carries through to all the calculations, including levels of service, volume to capacity, and post mitigation impacts for at least those intersections. Even if the proposed mitigation would also address the greater traffic and V/C numbers, it is likely that the LOS at some additional intersections would be significantly degraded. Conversely, traffic counts at intersections on Gaffey Street, and possibly other arterial streets, may have been abnormally high because of the diversions.

Response to Comment A10-45

See Topical Response 11, Traffic, and Responses to Comments A10-8 and A10-19 for a discussion regarding the traffic counts conducted along Western Avenue, as well as the corresponding assessment of traffic impacts and determination of traffic mitigation measures provided in the Draft EIR. As discussed in Topical Response 11, additional traffic counts were conducted at selected study intersections by LADOT in March 2007. LADOT, conducted an analysis of the Project's potential traffic impacts utilizing the March 2007 traffic counts and concluded that such analysis did not yield any different conclusions relative to the potential traffic impacts or effectiveness of the recommended traffic mitigation

measures associated with the Project. Therefore, no additional/updated traffic count data is required and no further analysis is required.

Comment A10-46

3.2 Additional confirming traffic counts

There are other traffic counts that indicate an abnormal condition at the time the DEIR counts were taken. One of these is the 2004 Port of Los Angeles Transportation Baseline Study where numerous intersections were counted in 2001 and found to be more impacted than found by Ponte Vista in 2005. For example, compare the following existing AM/PM Peak Hour Level of Service conditions in the two studies:

<u>INTERSECTION</u>	<u>POLA 2001</u>	<u>DEIR 2005</u>
Figueroa/Pacific Coast Highway	AM "F"	AM "C"
	PM "E"	PM "E"
Figueroa/Anaheim	AM "F"	AM "D"
	PM "D"	AM "D"
Gaffey/Miraflores I-110 SB Ramps	AM "E"	AM "C"
	PM "D"	AM "C"
Anaheim/Figueroa I-110 Ramps	AM "E"	AM "D"
	PM "F"	PM "E"
Western/Sepulveda	AM "E"	AM "E"
	PM "F"	PM "E"
Western/Westmont	AM "B"	AM "D"
	PM "E"	PM "D"
Western/PV Dr North	AM "D"	AM "E"
	PM "F"	PM "E"

It has been difficult to find before, during, and after peak hour traffic counts to further confirm that the DEIR baseline numbers are abnormal.⁵ We did find one intersection where counts are available. It is Western at Park Western Drive. The manual counts by the City and by the DEIR consultant are:

29 January 2003	LADOT	PM Peak NB 1487 SB 1830	Total 3317
3 November 2005	DEIR	PM Peak NB 1457 SB 1522	Total 2999
16 January 2007	LADOT	PM Peak NB 1658 SB 1885	Total 3543

Response to Comment A10-46

See Topical Response 11, Traffic, and Responses to Comments A10-8 and A10-19 for a discussion regarding the traffic counts conducted along Western Avenue, as well as the corresponding assessment of traffic impacts and determination of traffic mitigation measures provided in the Draft EIR. See also Response to Comment A10-44. As discussed in Topical Response 11, additional traffic counts were conducted at selected study intersections by LADOT in March 2007. LADOT, conducted an analysis of the Project's potential traffic impacts utilizing the March 2007 traffic counts and concluded that such analysis did not yield any different conclusions relative to the potential traffic impacts or effectiveness of

the recommended traffic mitigation measures associated with the Project. Therefore, no additional/updated traffic count data is required and no further analysis is required.

Regarding the traffic volume information associated with the Port of Los Angeles (POLA) study, in general, LADOT does not permit use of traffic count data that is more than two years old at the commencement of a traffic study. In addition to the fact that updated traffic counts were employed, it is not appropriate to compare Level of Service analysis from the POLA study without considering other factors that are used in the intersection analysis such as assumptions regarding traffic lane configurations, traffic signal phasing, improvements, etc.

Comment A10-47

² See <http://www.dot.ca.gov/hq/traffops/saferesr/trafdata/2005all/r198220i.htm>.

Response to Comment A10-47

This comment contains a citation for a reference made in Comment A10-44, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

Comment A10-48

³ The DEIR says this count was made by “City counters” It does not say which city.

Response to Comment A10-48

The comment refers to the name of the subconsulting firm City Traffic Counters—a company that specializes in conducting traffic counts—which was one of the firms retained to conduct the traffic counts at the study intersections evaluated in the Draft EIR. City Traffic Counters is not associated with a “city” as suggested in the comment.

Comment A10-49

The evidence of an abnormal baseline traffic count is consistent and significant. CEQA requires a valid assessment of the negative impacts of a project so that the decision maker can make an informed decision. The traffic study is fatally flawed. It must be redone and recirculated.

We encourage the developer to work with the community in preparing a work plan to determine both baseline counts and especially, a local trip generation rate.

Response to Comment A10-49

See Topical Response 11, Traffic. See also Topical Responses 1, Standards for Responses to Comments and Focus of Review of Commenters, and 2, Recirculation.

Comment A10-50

⁴ The lower level of service in the DEIR at this particular intersection may reflect traffic diversion due to the Western Avenue construction. The count was taken May 17, 2005.

Response to Comment A10-50

See Response to Comment A10-45.

Comment A10-51

⁵ The City has not generally performed counts on Western where the street is under Caltrans jurisdiction. Caltrans does not do them where the street is under LADOT jurisdiction.

Response to Comment A10-51

In general, LADOT conducts counts at intersections located within or near the City of Los Angeles (including intersections in Caltrans jurisdictions) on an as-needed basis for purposes of obtaining data for purposes of traffic signal timing, observing changes in traffic growth patterns, etc. Caltrans also performs traffic counts at intersections outside its jurisdiction for similar purposes.

Comment A10-52**3.3 The DEIR uses a trip generation rate that is inappropriate for the characteristics of the project.**

Ponte Vista used a “High-Rise Condominium” Land Use category⁶ to describe its four story buildings. That designation estimates 4.18 trips per day per unit. There are many condominium developments listed in Table 8-2 of the DEIR traffic [sic] study, none of which use this designation. They all use a designation that generates 5.86 trips per day.⁷ [footnote reference in original letter]

Response to Comment A10-52

See Topical Response 11, Traffic, as well as Responses to Comments A10-20 and A10-38 for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. The comparison to trip generation forecast in other traffic studies as suggested in the comment is not appropriate as the project descriptions for these developments—and therefore the corresponding trip generation forecasts—are not comparable to the Project.

Comment A10-53

The “High-Rise” category may be appropriate for Bunker Hill in downtown Los Angeles, for example, where a resident may walk or take the Dash bus to work, restaurants, the Music Center, Disney Hall, or the Museum of Contemporary Art, and to the clothing, jewelry, and flower district, and has ready access to the Metro for trips to Hollywood, the Hollywood Bowl, Pasadena, mid -Wilshire, the County Museum of Art, Long Beach, and other areas and attractions. It makes sense that a resident there might not drive extensively. They simply don’t have to.

Ponte Vista is nothing like Bunker Hill or any of the only four projects serving as the basis for the Land Use Designation chosen by the developer.⁸ It is not in a metropolitan area and has none of the characteristics of such an area. It is 2,300 condominiums on 61.5 acres without retail shops or offices with no public transportation. There are only 10,000 sf of retail - including perhaps a “coffee place” as described by the developer - but no other services onsite or within walking distance. Residents will have to drive everywhere people normally go during the day or evening. They will have to drive to take their children to school, soccer practice or ballet lessons, go to the market, go to work, go to the post office, go out to eat, go to the doctor, to the pharmacy, buy a birthday card, etc. All access to the project is solely via Western Avenue. Public transit to the site is nearly non-existent as discussed in a later section of these comments.

Response to Comment A10-53

See Topical Response 11, Traffic, and Responses to Comments A10-20 and A10-38 for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. As discussed in Topical Response 11, the development sites studied by ITE for purposes of preparing the trip generation rates are freestanding in nature where most trips are made by private automobile, and not by walking and public transit. The trip generation forecast for the Project provided in the Draft EIR does not assume any “discount” for trips that might be made by walking or public transit. Therefore, the assertion in the comment that the trip generation forecast in the Draft EIR is flawed due to the Project’s location relative to walking and public transit opportunities is incorrect.

Further, to reduce potential off-site vehicle trips, the Project will provide on-site amenities such as recreational facilities and community-serving dining and retail facilities. Additionally, the Mary Star of the Sea High School will be constructed immediately adjacent to the site. Mitigation Measures J-31 and J-32 are recommended on page IV.J-116 in the Draft EIR to promote use of public transportation by residents of the Project. Conservatively, the potential reduction of vehicles trips associated with the Project’s on-site amenities and promotion of public transit was not considered in the Traffic Study provided in the Draft EIR so as to provide a “worst case” assessment of potential traffic impacts associated with the Project.

Comment A10-54

In addition to the foregoing, the High-Rise [sic] Condominium Land Use chart in the ITE Guidelines bears the warning “Caution - Use Carefully -Small Sample Size”. It is based on four studies, each in a metropolitan area of cities thousands of miles away. The project here is significantly larger than the four developments that serve as the basis for the “High-Rise Condominium” designation.

Response to Comment A10-54

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. See also Response to Comment A10-39.

As discussed in Topical Response 11, sufficient data points are readily available in the *Trip Generation* manual to conclude that the weighted average trip rates in Land Use Code 232 provide an adequately conservative forecast of trips associated with the Project. Further, based on the high correlation of data collected, it is reasonable to conclude that additional data points would not yield any meaningfully new information regarding the trip generation characteristics of Land Use Code 232 (i.e., multi-family residential projects constructed at three or more levels).

Comment A10-55

⁶ “High-Rise Condominium/Townhouse” Land Use Designation No. 232, *ITE Trip Generation, 7th Edition*

Response to Comment A10-55

This comment specifies the trip generation code referenced in Comment A10-52, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A10-56

⁷ Every other condominium project listed on Table 8-2, Technical Appendices Volume 3, “Related Projects” uses a rate of 5.86 from ITE Land Use Designation No. 230 “Residential Condominiums/Townhouses”. *None* use the 4.18 rate.

Response to Comment A10-56

See Response to Comment A10-52.

Comment A10-57

⁸ The description of Land Use Designation No. 232 says it is based on data from "... the 1980s and 1990s in the metropolitan areas of Richmond, Virginia, Washington D.C., Minneapolis, Minnesota, and Vancouver, Canada." It is based on only four projects.

Response to Comment A10-57

See Topical Response 11, Traffic, and Response to Comment A10-54.

Comment A10-58

The ITE Handbook warns against the use of samples based on such a small sample size, and encourages development of a local trip rate in the manner specified in the Handbook: "If the number of data points is three, four, or five, the analyst is encouraged to collect local data and establish a local rate....."⁹ [footnote reference in original letter]

When a sample size is so small, the ITE Handbook encourages the development and use of a local trip generation rate based on the characteristics of the project. The methods for doing that are in the Institute for Traffic Engineers *Trip Generation Handbook*, Second Edition, and includes forms to use. The Ponte Vista DEIR traffic study followed none of these procedures.

Response to Comment A10-58

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. As discussed in the Topical Response, the trip generation forecast was correctly prepared following procedures set forth by the Institute of Transportation Engineers, the publishers of the *Trip Generation* manual. See also Response to Comment A10-39.

Comment A10-59

3.4 The City is permitting Ponte Vista to use a lower trip generation rate than used by Playa Vista, Blvd. 6200 Project, or the Pacific Corridor CRA for the Downtown San Pedro live/work lofts. The rate Ponte Vista is using is lower than the rate used for all the other condominium projects in San Pedro. It is an inconsistent application of CEQA for the City to allow use of the lower rate and is not fair to area residents.

Trip rates generated in other projects of comparable size, and either approved or written by the City, are much higher than in this project. It would be inconsistent for the City to allow the use of the proposed lower trip generation rates in the Ponte Vista traffic impact study.

The three other projects are Playa Vista, Blvd. 6200, and the Pacific Corridor CRA. The projects are all large multi-family projects but they all have much better pedestrian and public transport access to amenities than does Ponte Vista, yet all three use higher trip generation numbers.

Response to Comment A10-59

See Topical Response 11, Traffic, and Responses to Comments A10-9 and A10-20 for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR.

As discussed in the Topical Response, the trip generation forecast was correctly prepared following procedures set forth by the Institute of Transportation Engineers, the publishers of the *Trip Generation* manual. In fact, use of potential alternative trip generation factors would have resulted in a lower, not higher, forecast of traffic associated with the Project. Therefore, the Traffic Study in the Draft EIR provides a conservative (i.e., “worst case”) estimate of the vehicle trips that could be generated by the Project. Accordingly, no revisions to the Project’s trip generation forecast provided in the Draft EIR are required.

See Response to Comment A10-61 for a discussion regarding the Playa Vista project; Response to Comment A10-63 regarding Boulevard 6200 project; and Response to Comment A10-64 regarding the Pacific Corridor project. The comparison to trip generation forecast in other traffic studies as suggested in the comment is not appropriate as the project descriptions for these developments—and therefore the corresponding trip generation forecasts—are not comparable to the Project.

Comment A10-60**3.4.1 Characteristics of the other projects.**

It seems obvious that trip generation depends on the number of residents per unit that are drivers, how many will drive to work, whether there are any amenities available by foot, and whether there are local transport options such as metro, Dash, or commuter busses.

We have already mentioned the isolation of Ponte Vista, its lack of pedestrian access to any amenities, and the absence of mass transit. Using Ponte Vista’s estimate of average household income more than \$80,000 higher than the San Pedro Community Plan Area, it is probable that each unit will have at least two adult workers who must drive to work.

Response to Comment A10-60

See Responses to Comment A10-26, A10-38 and A10-53 for a discussion regarding the trip generation forecast provided in the Traffic Study. Contrary to the statement in the comment, the trip generation forecast is not dependent upon potential vehicle trip-reduction measures such as Project amenities, trips made by walking or public transit, etc. Nevertheless, as discussed in the Draft EIR, the Project is located close-by to community services, schools, and shopping, and is served by mass transit. Further, the Project will provide on-site recreational and retail amenities that will reduce the need for Project residents to travel off-site for these services. However, to provide a conservative traffic analysis, no reductions in the trip generation forecast were assumed in the Traffic Study to account for the trips that may be made in lieu of private vehicles.

Comment A10-61**3.4.1.1 Playa Vista**

Playa Vista is a development of 2600 units. It has 175,000 square feet of retail shopping and 150,000 square feet of office space. It has an internal transport system. Playa Vista has a better street grid system and better access to public transportation. Ponte Vista has none of these characteristics. It is inconsistent for the City to allow Ponte Vista to use a 4.18 trip rate and require Playa Vista to use a 5.86 trip generation rate. If anything, the trip generation rate for Ponte Vista should be higher than Playa Vista.

Response to Comment A10-61

See Topical Response 11, Traffic, and Responses to Comments A10-9 and A10-20 for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. As noted in the Topical Response, the trip generation forecast for the Project as provided in the Draft EIR follows the procedures prescribed by ITE for purposes of selecting the appropriate trip generation factors. See Response to Comment A10-38. As stated in the *Trip Generation* manual, the development sites studied by ITE for purposes of preparing the trip generation rates are freestanding in nature where most trips are made by private automobile, and not by walking and public transit. The trip generation forecast for the Project provided in the Draft EIR does not assume any “discount” for trips that might be made by walking or public transit. Therefore, the assertion in the comment that the trip generation forecast in the Draft EIR is flawed due to the Project’s location relative to walking and public transit opportunities is incorrect.

Review of the Playa Vista EIR indicates that while the weighted average rate from ITE Trip Generation manual is cited as the reference for the trip generation forecast, no specific land use code is disclosed.⁶⁵ It appears that the traffic analysis in the Playa Vista EIR may have used a “blended” rate due to the variety of residential product types proposed. In fact, the existing Phase I residential component of Playa Vista (e.g., the portion south of Jefferson Boulevard and east of Lincoln Boulevard) contains many different types of residential products, including low-rise residential, high-rise residential, attached unit, detached units, apartments (rentals), and condominiums (ownership). The preparers of the Playa Vista EIR utilized trip rates for “generic” condominiums as provided in ITE Land Use Code 230 (Residential Condominium/Townhouse) to account for the trip generation characteristics of the various product types at Playa Vista. The 5.86 trip rate cited in the comment is the weighted average daily trip rate from ITE Land Use Code 230. Use of the weighted average trip rate from ITE Land Use Code 230 for the Ponte Vista Traffic Study would be incorrect as previously discussed. Further, comparisons of the Playa Vista EIR traffic study to the Traffic Study for the Project are inappropriate as the Playa Vista development, contains a multitude of product types including low-rise residential, high-rise residential, attached units, detached units, apartments (rentals), and condominiums (ownership), unlike the non-age restricted component of the Ponte Vista project which are condominiums and townhomes in buildings three levels

⁶⁵ *Village at Playa Vista, City of Los Angeles EIR No. ENV-2002-6129-EIR, State Clearinghouse No. 2002111065, Table 120, page 860.*

or higher. The preparers of the Playa Vista EIR may have used the weighted average rate from ITE Land Use Code 230 as a “blended” rate to account for the trip generation characteristics of the various product-types.

It is noted that observations of actual traffic generated by the Playa Vista project indicate that the use of the blended weighted average trip rates in the Playa Vista EIR may have overstated the number trips that could be generated by the development. In fact, observed trip rates for the Phase I portion of the Playa Vista development are more consistent to the trip rates used in the Ponte Vista Draft EIR traffic study.

Table FEIR-10 summarizes the observed trip rates at Playa Vista (existing Phase I development), with a comparison provided to the trip rates used in the Playa Vista EIR and Ponte Vista Draft EIR Traffic Study.

Table FEIR-10
Comparison of Ponte Vista and Playa Vista Trip Generation Rates

Trip Rate	AM Peak Hour Outbound Trip Rate	PM Peak Hour Inbound Trip Rate
Ponte Vista Draft EIR – ITE Land Use Code 232 Weighted Average Rate	0.28 trips/unit	0.24 trips/unit
Playa Vista EIR – “Blended Rate”	0.37 trips/unit	0.35 trips/unit
Observed Trip Rate At Playa Vista ¹	0.28 trips/unit	0.15 trips/unit
¹ Trip rates derived from traffic counts taken at Playa Vista during AM and PM peak periods on February 28 and March 1, 2007. Portion of development observed south of Jefferson Boulevard and Lincoln Boulevard (1,421 units occupied at time of counts). Due to current construction activity (consisting of arriving traffic in the morning and departing traffic in the evening), only AM outbound and PM inbound traffic associated with residents observed.		

As shown above, the observed trip rates at the existing Phase I Playa Vista development are substantially less than the trip rates used to forecast traffic generated by the project in the Playa Vista EIR. It is noted that the observed trip rates at Playa Vista more closely correspond to the trip rates used in the Ponte Vista Draft EIR Traffic Study. The traffic count data collected at Playa Vista further clarifies that the trip rates used in the Playa Vista EIR would not be appropriate for application in the Ponte Vista Draft EIR Traffic Study.

Comment A10-62

⁹ ITE Handbook, Second Edition

Response to Comment A10-62

See Response to Comment A10-58. The Draft EIR utilized ITE Trip Generation Manual, 7th Edition, not the 2nd Edition as noted in the comment, (see bottom of page IV.J-33 of the Draft EIR).

Comment A10-63**3.4.1.2 Blvd. 6200 Project**

The Blvd. 6200 project has 1042 units. It is located on both sides of Hollywood Blvd a block East of Vine on Argyle. In addition to its residential units, it includes 175,000 sf of “walk friendly retail” and is located within easy walking distance of numerous restaurants, stores, and entertainment facilities. It has extensive public transportation including the Metro line, whose entrance is directly across the street on the southwest corner of Hollywood and Argyle. The project is served by roads on all sides. The Blvd. 6200 EIR estimates 7192 trips per day for its 1042 units, or 6.9 trips per day per unit. It also estimates 25% public transit usage in addition. The Blvd 6200 EIR lists numerous condominium projects in the “related projects” section, all with greater trips per day rates greater than Ponte Vista. Ponte Vista should have a higher trip generation rate than Blvd. 6200.

Response to Comment A10-63

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. As discussed in the Topical Response, the trip generation forecast was correctly prepared following procedures set forth by the Institute of Transportation Engineers, the publishers of the *Trip Generation* manual. See Response to Comment A10-38. As stated in the *Trip Generation* manual, the development sites studied by ITE for purposes of preparing the trip generation rates are freestanding in nature where most trips are made by private automobile, and not by walking and public transit. The trip generation forecast for the Project provided in the Draft EIR does not assume any “discount” for trips that might be made by walking or public transit. Therefore, the assertion in the comment that the trip generation forecast in the Draft EIR is flawed due to the Project’s location relative to walking and public transit opportunities is incorrect.

The Blvd 6200 Project EIR⁶⁶ analyzes a 1,042 residential unit and 175,000 square foot retail project proposed for the north and south sides of Hollywood Boulevard between Argyle and El Centro Avenue in the Hollywood Redevelopment Project Area. That project’s 1,042 dwelling units include 24 ground level live-work (i.e., loft) units and 1,018 apartments. No dedicated senior housing was assumed. This is an entirely different set of housing products than that provided by the Ponte Vista Project. As discussed in Topical Response 11, the trip generation rates provided in the ITE Trip Generation manual are based on land use type and vary for different types of housing. The traffic analysis in the Blvd 6200 EIR applied the “General Office” trip generation rate (Land Use Code 710) to the floor area of the live/work units, as the ITE manual does not have trip generation rates for live/work units. For the apartments, the generic “Apartment” trip generation rate (Land Use Code 220) was used. For the retail segment, the “Shopping Center” trip generation rate (Land Use Code 820) was used. These trip generation rates would not be appropriate for application in the Ponte Vista Draft EIR Traffic Study because the Ponte Vista Project

⁶⁶ City of Los Angeles Department of City Planning, *Blvd 6200 Project, Draft Supplemental Environmental Impact Report, prepared by Christopher A. Joseph & Associates, April 2006 (hereinafter “Blvd 6200 EIR”).*

does not contain any of these land uses Ponte Vista is limited to condominiums and townhomes (three levels or more) for general households and seniors.

Comment A10-64

3.4.1.3 Pacific Corridor CRA Project Area

Everyone in San Pedro knows about the trendy new work/live lofts in the downtown part of the Pacific Corridor CRA Project Area.

The project area includes 1660 work/live loft units. Many residents will work at home and the developers are marketing their products to that niche. Residents can walk to the post office if they need to mail something special. They can buy greeting cards, small gifts, books, shop for art, and many other fine items. They can walk to a superb choice of restaurants. If they want to go to a City agency, Beacon Street City Hall is a block away. As time goes on, they will have a developed waterfront available on their doorstep. The area is served by a street grid making ingress and egress fairly easy. Yet, the EIR for the project says it will generate 5.5 trips per day per unit. If anything, Ponte Vista will generate more trips per day than will the downtown units.

Response to Comment A10-64

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. As discussed in the Topical Response, the trip generation forecast was correctly prepared following procedures set forth by the Institute of Transportation Engineers, the publishers of the *Trip Generation* manual. See Response to Comment A10-38. As stated in the *Trip Generation* manual, the development sites studied by ITE for purposes of preparing the trip generation rates are freestanding in nature where most trips are made by private automobile, and not by walking and public transit. The trip generation forecast for the Project provided in the Draft EIR does not assume any “discount” for trips that might be made by walking or public transit. Therefore, the assertion in the comment that the trip generation forecast in the Draft EIR is flawed due to the Project’s location relative to walking and public transit opportunities is incorrect.

The Pacific Corridor project involved a Program EIR that evaluated the environmental impacts, including population and housing, of four alternative 30-year build-out scenarios which included ranges of non-residential floor area and housing units.⁶⁷ The housing unit totals assumed in the four scenarios ranged from 250 to 1,660 units. But neither the project description nor the population, housing and employment analysis section of the EIR specifies a particular mix of housing unit types. Therefore, the preparers of the Pacific Corridor project EIR assumed that the numbers of units could include any combination of

⁶⁷ *Community Redevelopment Agency of the City of Los Angeles, Pacific Corridor Redevelopment Project Final Environmental Impact Report, prepared by Terry A. Hayes Associates, LLC, March 2002 (hereinafter “Pacific Corridor EIR”).*

detached single-family homes, apartments, condominiums and perhaps other housing types. Trip generation for the Pacific Corridor project was calculated based on ITE's trip generation rates for commercial (Land Use Code 820), manufacturing (Land Use Code 140) and "generic" apartments (Land Use Code 220). Because specific housing types were not known, Land Use Code 220 was utilized as a general surrogate for the various housing types. These trip generation rates would not be appropriate for application in the Ponte Vista Draft EIR Traffic Study because the Ponte Vista Project does not contain any of these land uses. The Ponte Vista Project is limited to condominiums and townhomes (three levels or more) for general households and seniors.

Comment A10-65

3.4.2 Comparison of trip generation rates

These tables show the rates used in other City projects of comparable size and housing type.

Project	Trip Rate	Units
Ponte Vista	4.18	2300
Playa Vista	5.86	2600
Bld. 6200	6.9	1042
Pac Corr. CRA	5.5	1660

How many trips would be generated out of Ponte Vista if they used the higher rates that the City has required in other developments?

Project	EIR Trip Rate	Average Daily Trips from Ponte From Ponte Vista Based on Rate
Ponte Vista	4.08 ¹⁰	9212 daily trips
Pac Corridor CRA	5.5	12650 daily trips
Playa Vista	5.86	13478 daily trips
Bld. 6200 Project	6.9	15870 daily trips

Response to Comment A10-65

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. As discussed in the Topical Response, the trip generation forecast was correctly prepared following procedures set forth by the Institute of Transportation Engineers, the publishers of the *Trip Generation* manual. See Responses to Comments A10-61, A10-63, and A10-64 regarding the Playa Vista, Boulevard 6200, and Pacific Corridor projects (respectively) and their relationship to the Traffic Study provided in the Draft EIR. The comparisons to trip generation forecast in other traffic studies as

suggested in the comment is not appropriate as the project descriptions for these developments—and therefore the corresponding trip generation forecasts—are not comparable to the Project.

Comment A10-66

3.5 There are at least three other ITE Land Use Designations that more accurately describe the Ponte Vista project.

While the ITE Handbook indicates that a local study should be done rather than use the High-Rise [sic] Condominium Land Use Designation, the developer could also use a more appropriate designation. There are three that describe the project more appropriately. They are:

Response to Comment A10-66

See Topical Response 11, Traffic, and Response to Comment A10-39 for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. As discussed in the Topical Response, the trip generation code selected was based on the “best fit” for the Project as called for by the Institute of Transportation Engineers, the publishers of the *Trip Generation* manual. Contrary to the assertion in the comment, the collection of additional trip generation data and the establishment of a local trip rate are not required.

Comment A10-67

3.5.1 Land Use Designation 230 “Residential Condominiums/Townhomes”

This designation averages 5.86 trips per unit per day and is based on 54 studies from around the country.. [sic] It is the rate used for the Playa Vista project. Playa Vista includes 175,000 square feet of Retail space and 150,000 square feet of Office space and includes many internal transport amenities to reduce the number of trips that would otherwise be required. That project is served by a street grid with many access points. If anything, these differences would indicate that an even higher rate than 5.86 trips per day per unit should be used for Ponte Vista.

Response to Comment A10-67

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. As discussed in the Topical Response, the trip generation forecast was correctly prepared following procedures set forth by the Institute of Transportation Engineers, the publishers of the *Trip Generation* manual. See Response to Comment A10-20. An alternative trip rate considered for the Traffic Study was ITE Land Use Code 230, instead of ITE Land Use Code 232: The description for ITE Land Use Code 230 is as follows: “Residential condominiums/townhouses are defined as ownership units that have at least one other owned unit within the same building structure. Both condominiums and townhouses are included in this land uses.” While the description for this land use generally describes the uses in the Project, it is not the “best fit” as there is no distinction between low-rise or high-rise developments in the Land Use Code 230 data set. ITE provides distinct trip rates for low-rise and high-

rise condominium/townhouse developments (Land Use Code 231 is for low-rise, Land Use Code 232 is for high-rise), which enables a better fit for analysis purposes. In generally comparing the weighted average trip rates, the estimated trips per unit are higher for a low-rise development than a high-rise project, indicating that a high-rise project produces a lower trip rate due to its higher density. As shown in the Topical response, use of the ITE Land Use Code 232 weighted average trip rate results in a conservative (i.e., “worst case”) forecast of the potential trips to be generated by the non-age restricted residential component of the Project. Such rates are higher than rates that would be arrived at using other rates provided in the *Trip Generation* manual (including ITE Land Use Code 230 applying the regression equation). Therefore, the trip rate employed in the Traffic Study was conservative and appropriate, and no revisions to the trip generation forecast provided in the Traffic Study are required.

See Response to Comment A10-61 for a discussion regarding the trip generation forecast for the Playa Vista project and why it is not comparable to the Project.

Comment A10-68

3.5.2 Land Use Designation 270 “Planned Unit Development (PUD)”

This designation averages 7.50 trips per day per unit based on 13 studies [sic] It is defined as including any combination of residential land uses. The development sizes varied from less than 100 to about 2300. We include the designation here because many proponents have referred to it as a “planned community” and because it has the characteristics of a residential development without any retail or service amenities

Response to Comment A10-68

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. As discussed in the Topical Response, the trip generation forecast was correctly prepared following procedures set forth by the Institute of Transportation Engineers, the publishers of the *Trip Generation* manual. See Response to Comment A10-20. The ITE Land Use Code 232 trip rates was selected as it provides the “best fit” relative to the description of the Project. Use of Land Use Code 270 as suggested in the comment would have been an incorrect use of the *Trip Generation* manual as the description of the Planned Unit Development (associated with single family detached residential units) described in the manual does not match that of the Project. A development containing single family detached units would be expected to generate more traffic than a development containing a similar number of attached units as single family units are typically larger in size and accommodate a larger number of residents (including driving age residents).

Comment A10-69

3.5.2 Land Use Designation 210 “Single Family Detached Housing”

This designation uses 9.57 trips per day per unit based on 350 studies ranging from very few to almost 3000. The DEIR uses this rate for its single family alternative. We have included it here because it has the

most accurate location description and because it is hard to see how residents in the project could or would behave any differently if the project was single family residential.

“... [single family developments] were generally located farther away from shopping centers, employment areas, and other trip attractors than other residential land uses; and they generally had fewer alternate modes of transportation available, because they were typically not as concentrated as other residential land uses..... “

Response to Comment A10-69

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. As discussed in the Topical Response, the trip generation forecast was correctly prepared following procedures set forth by the Institute of Transportation Engineers, the publishers of the *Trip Generation* manual. See Response to Comment A10-20. The ITE Land Use Code 232 trip rate was selected as it provides the “best fit” relative to the description of the Project. Use of Land Use Code 210 as suggested in the comment would have been an incorrect use of the *Trip Generation* manual as the description of the Single Family Detached Housing described in the manual does not match that of the Project. A development containing single family detached units would be expected to generate more traffic than a development containing a similar number of attached units as single family units are typically larger in size and accommodate a larger number of residents (including driving age residents).

Comment A10-70

¹⁰ This is the blended rate between the lower rate used for senior housing and the rate used for unrestricted units.

Response to Comment A10-70

This comment explains the methodology used to present a previous comment. See Response to Comment A10-65 regarding the suitability of this methodology.

Comment A10-71

In addition, Ponte Vista uses this rate in its single family residence alternative. It is difficult to see how the driving behavior of the residents would change so dramatically from one type of housing product to another type at the same location. In this project, the average trips per day will be a matter of necessity rather than a matter of choice.

Response to Comment A10-71

See Topical Response 11, Traffic, and Response to Comment A10-69. In compiling the *Trip Generation* manual, the ITE’s empirical studies documented trip generation distinctions between various residential products, and ITE accordingly provides trip rates based on the different types of development. The difference between the trip generation characteristics of single family detached projects and multi-family

projects is well-established and documented, and is attributable to various demographic and social factors, as well as the amenities and services associated with different types of housing products, including persons per unit, number of vehicles per unit, densities of the development, facilities provided, etc.

Comment A10-72

The following table shows the trip counts if the single family, Planned Development and Condo/Townhouse rate are applied:

Land Use Designation	Rate	Number of Average Daily Trips
High-Rise Condos, No 232	4.18	9,313 daily trips
Condos/Townhouses, No. 230	5.86	13,478 daily trips
Planned Residential, No. 270	7.5	17,250 daily trips
Single Family, No. 210	9.57	22,011 daily trips

Response to Comment A10-72

See Responses to Comments A10-67, A10-68, and A10-69. High-Rise Condo, No. 232 provides the “best fit.” See Topical Response 11, Traffic.

Comment A10-73

3.6 The peak hour trip generation rate for the High-Rise Condominium Land Use designation shows that it had to be intended to be used for urban developments with substantial access to public transit.

Ponte Vista estimates there will be 1/3 of a car per unit leaving for work in the morning peak hour and 1/3 of a car per unit coming home in afternoon/evening peak hour traffic. It seems more likely that every household in Ponte Vista will have at least two working adults and will drive to work. Rarely do couples carpool. Assuming a two hour “go to work” window, it seems likely that the morning and afternoon rate will be at least one car per unit per hour on average.

By way of comparison, Playa Vista uses a per unit peak hour trip generation rate of .54, a rate that is 58% higher than Ponte Vista uses. If Ponte Vista used the Playa Vista rate, the peak hour outgoing morning traffic would be 1242 rather than 500.

Rather than use a rate that is not credible, the developer should follow the ITE Handbook Guidelines and, in conjunction with the local community, develop a local trip generation study.

Response to Comment A10-73

See Topical Response 11, Traffic, and Responses to Comments A10-9 and A10-20 for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. As noted in the Topical Response, the trip generation forecast for the Project as provided in the Draft EIR follows the procedures prescribed by ITE for purposes of selecting the appropriate trip generation factors. See Response to Comment A10-38. Contrary to the assertion in the comment, ITE requires data submissions of sites to be freestanding in nature. That is, as stated in the *Trip Generation Handbook*, the sites evaluated for potential inclusion in the *Trip Generation* manual should have limited access to public transit services, as well as walk-in trips from adjacent parcels. Thus, the ITE database sites for Land Use Code 232 were not located in downtown, “Manhattan”-type settings as suggested in the comment. For all these reasons, it is reasonable to conclude that the database established by ITE for Land Use Code 232 is comprised of existing residential developments where nearly all travel is made by private vehicle. As discussed in Topical Response 11, the Project site is located along an existing State Highway and is directly served by a number of bus lines (see Table IV.J-1, Existing Public Transit Routes, and Figure IV.J-3, Existing Public Transit Routes in the Draft EIR). These bus lines link the Project site to the greater MTA transit network and surrounding employment and shopping locations, including downtown San Pedro, the Port area, downtown Long Beach, and the nearby MTA transit center which provides access to rapid bus service to downtown Los Angeles. There are also commercial, educational, and recreational uses located within walking distance to the Project. However, it should be noted that in order to provide a conservative (e.g., “worst case”) assessment of the potential traffic impacts associated with the Project, no reductions or discounts were made to the Traffic Study’s Project trip generation forecast (which is based on the ITE trip rates assuming nearly all trips by private vehicle) to provide credit for these public transit or walking trips that are likely to replace some trips that would otherwise be made by a private vehicle.

See also Response to Comment A10-40. The ITE data represents an aggregation of the overall vehicular trip generation characteristics occurring at a residential development. The ITE rates are not intended to estimate trip generation on a unit-by-unit basis. Thus, on any given day the trip generation characteristics vary considerably among different households. For example, one household may be a working couple with school-aged children. Another household may be an individual that works from home. One household may conduct its errands on the way to and from work. Another household may make separate trips. The ITE rates aggregate all of these, and other, behaviors. Similarly, on a peak hour basis, the trip generation characteristics will vary widely between units. For example, one neighbor may arrive home from work at 4:00 PM, a second neighbor may arrive home from work at 5:30 PM, while a third neighbor may arrive home from work at 7:00 PM. While each of these neighbors believes that they are driving home in “rush hour” traffic, in fact only one of the three neighbors is part of the actual *peak hour* of traffic evaluated in the Traffic Study. Thus, by evaluating traffic impacts for the one hour period of highest traffic at the study intersections (e.g., for the 5:30 commuter), the corresponding traffic impacts and mitigation (if required) are sufficiently evaluated in the Traffic Study for the periods of slightly less traffic (e.g., for the 4:00 PM and 7:00 PM commuters). Each of these variations in daily and peak hour trip generation behavior is accounted for in the ITE trip rates for the overall residential development.

More importantly, the ITE trip rates are based on empirical data obtained through actual traffic counts, and not theory or speculation.

Establishment of an alternative trip rate based on “local data” is not required as suggested in the comment. See Response to Comment A10-39. Sufficient data points are readily available in the *Trip Generation* manual to conclude that the weighted average trip rates in Land Use Code 232 provide an adequately conservative forecast of trips associated with the Project. Further, based on the high correlation of data collected, it is reasonable to conclude that additional data points would not yield any meaningfully new information regarding the trip generation characteristics of Land Use Code 232 (i.e., multi-family residential projects constructed at three or more levels).

See Response A10-62 regarding the Playa Vista project and its relationship to the Traffic Study provided in the Draft EIR.

Comment A10-74

3.7 The DEIR did not consider a large number of traffic generators that exist, as well as other factors which are specific to the project area.

We have already pointed out many of the characteristics of the project that will generate more traffic than estimated by the developer. There are other, additional factors that should have been included by the developer as factors to be assessed:

Response to Comment A10-74

The comment summarizes ensuing comments, which are addressed in detail in Response to Comments A10-75 through A10-90, below.

Comment A10-75

- Western Avenue is similar to the neck of a funnel in the vicinity of the project. Once on it, there is no alternative. Attached is Appendix “Driver Behavior when Western is Impacted” with photos showing drivers climbing over the raised center median when caught in funeral traffic in front of the project area.

Response to Comment A10-75

See Topical Response 11, Traffic, regarding the preparation of the traffic analysis contained in the Draft EIR. The particular characteristics associated with Western Avenue—including existing funeral processions related to Green Hills Memorial Park—are accounted for in the traffic count data collected for the thoroughfare. The assignment of Project traffic is described in the Draft EIR on page IV.J-36. The assignment considers that Western Avenue provides access to the Project. Processions related to Green Hills Memorial Park primarily occur during midday periods, and not during the commuter peak periods.

Comment A10-76

- The promised increase in local and regional economic development resulting in an increase in general commuting and retail uses;

Response to Comment A10-76

See Topical Response 11, Traffic, regarding the preparation of the traffic analysis contained in the Draft EIR. To forecast year 2012 pre-project conditions, the Traffic Study utilizes two separate, though overlapping, techniques in accordance with LADOT practices and policy. First, the Traffic Study assumes that traffic will grow by a factor of 1% each year until 2012 when the Project is completed. The source of the 1% annual growth factor is the Metropolitan Transportation Authority (MTA), through its computer traffic modeling efforts prepared for subregions of Los Angeles County, including the South Bay/Harbor area. As discussed in the DEIR at IV.J.56, while the 1% factor is intended to account for all reasonably foreseeable traffic growth, in addition to the 1% annual growth factor, the Traffic Study also assumes the build-out of all identified “related” development projects proposed in Los Angeles and other nearby communities in the vicinity of the Ponte Vista project. As a result of the scoping process, 175 related projects are considered in the Traffic Study. See Table IV.J-9 in the Draft EIR for a list of the related projects. Finally, in accordance with LADOT practice and policy, the Traffic Study assumes that the related projects will not be accompanied by any traffic mitigation measures. In actuality, however, most major projects are accompanied by traffic mitigation because of the requirements of CEQA. The intention of this methodology is to provide a “worst case” scenario against which to assess potential traffic impacts and identify mitigation measures. As discussed in the Traffic Study and Draft EIR, this methodology is likely to significantly overstate future traffic conditions in the vicinity of the Project.

Comment A10-77

- Ten schools are accessed from the same small segment of Western [from Summerland to PV Dr. North] including Dodson Middle School, Crestwood, Park Western, and Taper Elementary Schools, Dapplegray, Miraleste and Peninsula High School sewing RPV, Mary Star High School, Christ Lutheran School and Rolling Hills Prep School. It should be noted that most of these are “receiving schools” – i.e. students attend from other areas – which adds to the traffic load. The starting time for the school day coincides with the morning peak and “let out time” for schools contributes significantly to the traffic on Western. In San Pedro, a high number of school pickups are by grandparents. This situation will be exacerbated by trips generated from any new LAUSD high school at the site.

Response to Comment A10-77

See Topical Response 11, Traffic, for a discussion regarding the traffic counts, as well as the corresponding assessment of traffic impacts and determination of traffic mitigation measures provided in the Draft EIR. The traffic counts conducted for the Project were taken when local schools were in session, and thus their traffic characteristics have been accounted for. The treatment of the possible high

school on the Project site (LAUSD South Region High School #14) is discussed in the Draft EIR on page IV.J-55. As discussed in Topical Response 3, South Region High School #14, LAUSD has abandoned its previous high school proposal for the site.

Comment A10-78

- The Lomita Little League and the proposed new Little League fields must also be accessed from this portion of Western.

Response to Comment A10-78

Page IV.J-30 of the Draft EIR acknowledges that vehicular access related to the public park (which may be developed with ball fields) would occur at the southerly Project access on Western Avenue opposite Avenida Aprenda.

Comment A10-79

- San Pedro's legendary funeral processions to Green Hills Memorial Park;

Response to Comment A10-79

See Topical Response 11, Traffic, regarding the preparation of the traffic analysis contained in the Draft EIR. As noted in the Topical Response, the traffic analysis focuses primarily on the AM and PM commuter peak hours. Processions related to Green Hills Memorial Park primarily occur during midday periods, and not during the commuter peak periods.

Comment A10-80

- Seasonal traffic, especially Christmas shopping traffic;

Response to Comment A10-80

See Topical Response 11, Traffic, for a discussion regarding the traffic counts, as well as the corresponding assessment of traffic impacts and determination of traffic mitigation measures provided in the Draft EIR. The traffic counts conducted for the Project were taken when local schools were in session. LADOT does not allow traffic counts taken during the Christmas season as they represent atypical, non-recurring conditions.

Comment A10-81

- New housing for 320 Marymount College students;

Response to Comment A10-81

The referenced project has already been included in the Draft EIR as Related Project #55 (see Table IV.J-9 on page IV.J-42 of the Draft EIR). However, since the time that the NOP for the Project was circulated in September 2005, the scope of the referenced project at Marymount College has changed. As evaluated in the Draft EIR's cumulative analyses, the proposed Marymount College expansion consisted of a new 144,110 square-foot gymnasium and a 270-student resident hall. Subsequent to the preparation of the list of related projects for the Draft EIR, the Marymount College expansion project was revised to consist of a 33,243 square-foot gymnasium, a 250-student resident hall, a 26,710 square-foot library, a 1,975 square-foot administration building, another 14,916 square feet of additions to existing buildings, and the demolition of 18,022 square feet of existing structures at the site. The City of Rancho Palos Verdes circulated a NOP for this revised project in December 2005, which is after the date of circulation of the NOP for the Project (September 2005). Because public noticing of the revised project had not been conducted by the City of Rancho Palos Verdes prior to the NOP cut-off date, it was not included in Table IV.J-9 of the Draft EIR.

Based upon a comparison of the project as it was evaluated in the Draft EIR and the revised project currently being proposed at Marymount College, it is concluded that the amount of traffic that the project would generate would be approximately the same. The revised project would generate a greater number of daily and peak hour trips on weekdays and a lesser number on weekends. For additional detail, see Topical Response 12, Related Projects and Cumulative Impacts.

In addition, the difference between the traffic generated by the original and revised Marymount College projects is relatively small and its impacts are effectively accounted for by the Draft EIR's annual ambient growth traffic factor of one percent (1.0%) which was used in addition to all projects identified on the related projects list. As explained in the Draft EIR, the 1.0% ambient traffic growth assumed in the Draft EIR's analysis overstates the ambient traffic growth expected for the South Bay area. Indeed, the empirical data and the general growth traffic factors provided in the CMP Manual for the South Bay area indicate that existing traffic volumes will increase at an annual rate of less than 1.0% per year between the years 2001 and 2010. Given the small magnitude of the differential between the original and revised projects, potential traffic impacts of the Marymount College expansion project are adequately accounted for by the ambient growth traffic growth factor used in the Draft EIR's analysis. Therefore, the revised referenced project's traffic, air quality and noise cumulative impacts were effectively considered in the Draft EIR.

Comment A10-82

- The evaluation of traffic impacts should take into consideration the cumulative effect of a combination of events happening at the same time. For example, what if the new high school and Mary Star high school both have a football game at the same time or there is a funeral procession and a Little League game?

Response to Comment A10-82

See Response to Comment A10-79. The traffic analysis contained in the Draft EIR assumes use of the public park during the PM commuter peak hours. Football games at the Mary Star of the Sea High School would typically occur during evenings or on Saturdays. Funeral processions typically occur during midday periods, not during the commuter peak periods or during evenings. Therefore, the hypothetical scenarios presented in the comment coinciding with the commuter peak hours of traffic evaluated in the Traffic Study is highly unlikely.

Comment A10-83

- Traffic impact must also consider the number of short trips that are made, all of which require the use of Western Ave. Residents continually take short trips to the grocery store or dry cleaners and drop-off and pick-up children up from school and sporting practices. The review of traffic impacts must also take into consideration the back-up which will be caused by the “gated” community entrances.

Response to Comment A10-83

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. The trip generation forecast includes all types of trips including trips to work, school, shopping, recreation, etc. Entrances to the Project will be designed based on standards set forth by LADOT to ensure that traffic will not queue onto Western Avenue. To reduce potential off-site vehicle trips, the Project will provide on-site amenities such as recreational facilities and community-serving dining and retail facilities. Additionally, the Mary Star of the Sea High School will be constructed immediately adjacent to the site. Mitigation Measures J-31 and J-32 are recommended on page IV.J-116 in the Draft EIR to promote use of public transportation by residents of the Project. Conservatively, the potential reduction of vehicles trips associated with the Project’s on-site amenities and promotion of public transit was not considered in the Traffic Study provided in the Draft EIR so as to provide a “worst case” assessment of potential traffic impacts associated with the Project.

Comment A10-84

- Traffic at Peninsula Verde Drive and Western, an intersection without a traffic signal, should be analyzed as part of the traffic.

Response to Comment A10-84

See Topical Response 11, Traffic, for a discussion regarding the intersection of Western Avenue and Peninsula Verde Drive. Although the Project will not result in a new traffic impact at Peninsula Verde Drive, to respond to the concern raised by the residents of the Peninsula Verde subdivision, the Project applicant has offered, as a community benefit of the Project, to fund the installation of a traffic signal at the intersection.

Comment A10-85

- The DEIR did not include Gaffey/ Channel and Channel/N. Pacific in intersections studied. Those intersections are a major gateway from the 110 South into the Port. It is already significantly impacted. The project was already found to have a significant impact at Gaffey/Miraflores I-110 SB, but that traffic, even though only a block from Gaffey and Channel, has markedly different characteristics and usage.

Response to Comment A10-85

See Topical Response 11, Traffic, for a discussion regarding the selection of the study intersections evaluated in the Draft EIR. Capitol Drive is an important east-west thoroughfare across northern San Pedro (approximately one mile in length) while the I-110 southbound ramps provide access to the freeway system. By comparison, Channel Street, although providing a potential travel route to the port as suggested in the comment, is only a few hundred feet in length and is not expected to carry as much traffic as a thoroughfare such as Capitol Drive, or as much traffic as freeway on and off ramps. Therefore, the analysis of relatively minor intersections along Gaffey Street and N. Pacific, particularly intersections located nearly two miles away from the Project site, is not required. Further, as shown on Table IV.J-10 on page IV.J-63 of Draft EIR, Intersection No. 37 (Gaffey Street/Capitol Drive) is currently operating at LOS A during the AM peak hour and LOS C during the PM peak hour. Similarly, the table shows that Intersection No. 38 (Gaffey Street-Miraflores Avenue/I-110 Southbound Ramps) is currently operating at LOS C during both the AM and PM peak hours. Therefore, it is logical to conclude that the two intersections cited in the comment, which are located between study intersections Nos. 37 and 38, are also currently operating at good Levels of Service during peak hours, and thus are not “already significantly impacted” as asserted in the comment. While a significant traffic impact was identified in the Traffic Study at the Gaffey Street/Capitol Drive intersection due to the Project, Table IV.J-10 shows that the relative change in the calculated v/c ratio due to the Project was right at the significance threshold (i.e. 0.010) during the PM peak hour. No significant impact due to the Project was identified for this intersection during the AM peak hour. Further, a significant impact was primarily identified for intersection No. 37 due to highly conservative estimate of future pre-Project traffic attributed to ambient growth and related projects (see Response to Comment A10-76). Significant impacts were also identified for the Project at Intersection No. 38, primarily related to Project traffic entering and exiting the freeway system at this location. Therefore, based on the relatively good operating conditions at intersections along Gaffey Street, the relatively minor street nature of Channel Street, and level of change in the v/c ratios caused by Project-related traffic at nearby intersections, it is logical to conclude that the Project would not cause a significant traffic impact at the Channel Street intersections identified in the comment. Thus, no further review is required.

Comment A10-86

- The traffic numbers for the baseball fields [71 inbound and 72 outbound trips/day] are too low. This would indicate one game per dy [sic] per field. Conversely, the estimate of 1.2 players per

vehicle is too high. In San Pedro, grandparents and parents attend the games, often arriving in separate vehicles. A more realistic estimate would be 1 ½ cars per player, or .75 players per vehicle. Also, with 15 players per team and three games per field per day, the inbound/outbound traffic would be more like 200 to 240 each way. Ponte Vista's calculations should be checked with Eastview Little League and Peck Park Little League as part of a local trip generation study.

Response to Comment A10-86

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. As noted in the Topical Response, the traffic estimated to be generated by the ball fields was based on the ITE trip rate for a soccer complex. As soccer teams have 11 players per side as compared to nine players per side for a baseball team, it is assumed that the trip rates based on a soccer complex are sufficiently conservative for purposes of estimating trips generated by a baseball field. The comment does not provide any analysis or data to support its assertions regarding the trip generation potential of the baseball fields.

Comment A10-87

- The impact on Western Avenue traffic of students pushing the “walk” button at Avenida Aprenda must be considered. Perhaps the developer should be required to build a student overpass at this intersection.

Response to Comment A10-87

As noted on Page IV.J-56 of the Draft EIR, the traffic analysis utilizes the LADOT Critical Movement Analysis (CMA) methodology. In general, persons who may potentially walk across Western Avenue at the Avenida Aprenda intersection would do so at the same time that traffic is exiting Avenida Aprenda onto Western Avenue. There may be times that traffic is stopped on Western Avenue to allow pedestrians to cross the street while there are no vehicles exiting Avenida Aprenda. However, the CMA methodology accounts for such potential inefficiencies related to phasing in the traffic signal operation—including walk phases as suggested in the comment—by utilizing an artificially low vehicle per lane per hour capacity factor. For example, while the *Highway Capacity Manual* indicates a base capacity of 1,800 vehicles per lane per hour of traffic signal green time, the CMA methodology utilizes an adjusted capacity of 1,500 vehicles per lane per hour of green time for a two-phase operation, 1,425 vehicles per lane per hour of green time for a three-phase operation, and 1,375 vehicles per lane per hour of green time for a four-phase operation. Therefore, the potential inefficiencies in the traffic signal operation related to persons walking across Western Avenue at the Avenida Aprenda intersection are already accounted for in the CMA calculation. Mitigation Measure J-8 listed on page IV.J-113 in the Draft EIR completely mitigates the potential traffic impacts due to the Project at the Western Avenue/Avenida Aprenda intersection. The suggestion in the comment regarding the pedestrian overpass is not required to mitigate the impacts of the Project.

Comment A10-88

- Northbound traffic from Avenida Aprenda on Western is up a grade to a peak before Peninsula Verde Drive and curves to the left. Any improvements due to increased traffic flow may be limited due to limited visibility caused by the hill, the trees on the median strip, and the curve.

Response to Comment A10-88

Mitigation measures J-6, J-7 and J-8 in the Draft EIR describe recommended roadway improvements to Western Avenue. While significant design issues are not anticipated with respect to Project improvements or mitigations, as the roadway is under Caltrans jurisdiction, appropriate design considerations will be required to ensure that the improvements on Western Avenue meet State standards with respect to motorist safety, including sight distance.

Comment A10-89

- Western Avenue is lined with commercial areas. There are 74 driveways and unsignalized intersections onto Western between Summerland and Palos Verdes Drive North. These driveways are poorly designed and add to the traffic flow problems. An analysis should be conducted of the impact of the traffic generated by Ponte Vista residents on these driveway entrances including the impact that these entrances/exits will have on the effectiveness of the ATSAC system.

Response to Comment A10-89

See Topical Response 11, Traffic, for a discussion regarding the selection of the study intersections evaluated in the Draft EIR. Western Avenue is a typical urban arterial as it accommodates intersections with commercial driveways and minor streets. In fact, some arterials in the area, such as Pacific Coast Highway, do not have the benefit of a “shoulder” area such as what is provided on most sections of Western Avenue to accommodate turns to and from driveways and intersections. The traffic counts conducted at the study intersections include the effects of side street traffic created by intervening driveways and smaller streets. LADOT’s practice is to evaluate the project effects at signalized intersections because signalized intersections are the location where motorists encounter delay (i.e., are required to slow down or stop). Accordingly, signalized intersections are where the additional traffic attributed to a development project causes the potential for increased delay as the amount of allotted traffic signal green time to specific movements may not be sufficient to accommodate the additional traffic, or the available green time within the intersection may need to be shifted to handle the additional traffic. By contrast, at a non-signalized intersection along arterials, nearly all traffic traveling past the intersection does so in a relatively “free-flow” manner. The addition of project-related traffic does not affect the character of the “free-flow” traffic. Therefore, unless a project is adding substantial traffic to the street or driveway connecting into the “free flowing” arterial, such an intersection is usually not studied. The effectiveness of the ATSAC/ATCS system—which is implemented along other arterials throughout Los Angeles that have driveways to commercial uses—is not expected to be compromised by the characteristics of Western Avenue described in the comment.

Comment A10-90

Perhaps more important than any of these is the implication of increased traffic on the operation of emergency vehicles. It is reasonable to expect a higher than average increase in the need for such vehicles due to having 25% of the housing set aside for seniors and the absence of any Assisted Living or Urgent Care services on the property. Emergency vehicles coming into the property will also need additional time to maneuver the locked gates.

Response to Comment A10-90

The Draft EIR addresses emergency response. The Project site is approximately 1.1 miles from the nearest LAFD fire station housing both an Engine and Truck Company, and is therefore within the LAFD's 1.5-mile required response distance for residential uses. The Project's potential impacts to all studied intersections would be mitigated to a less-than-significant level, even taking into account cumulative growth and related projects. In addition, as noted on IV.J-32, the drivers of emergency vehicles normally have a variety of options for dealing with traffic, such as using their sirens to clear a path or driving in the lanes of opposing traffic. Thus, the impact of the Project in conjunction with cumulative growth and related projects upon emergency response times would be less than significant after mitigation. As discussed on pages IV.J-30 through IV.J-32 of the Draft EIR, the Project will be designed to comply with all emergency access requirements, and has preliminarily been reviewed by LADOT and the Fire Department through the EIR process. See also Topical Response 13, Emergency Response and Evacuation.

There is no evidence that the private security components of the Project would hinder emergency access. To the contrary, the presence of private security is anticipated to assist emergency response by functioning as 'first-response' to emergency situation, assisting residents in obtaining the services of off-site emergency response services, and assisting emergency responders in locating and reaching sites where emergency services are needed. The project will maintain an emergency response plan that includes the role of private security at the Project in responding to emergency situations.

This comment does not provide substantial evidence that the senior housing component would result in a higher than average increase in the need for emergency vehicles, or, moreover, that such an increase would result in a significant environmental effect. The Project's senior component would not be comprised of convalescent living or medical support facilities. Paramedic budget staffing and service level decisions, while not environmental impacts within the scope of CEQA, are made by the Fire Department and City Council and reflect the needs of the City's entire demographic spectrum, including senior citizens. As indicated in Draft EIR Appendix IV.F-1, the Project would generate a \$6 million to \$6.8 million fiscal benefit to the City after taking into account typical public service costs such as police, fire, library, parks, and recreation. Thus, the Project is anticipated to provide adequate funds to address paramedic service needs.

Comment A10-91**3.8 Traffic counts for seniors should be re-evaluated and increased.**

Ponte Vista used a trip generation number of less than four trips per day per unit for its senior housing. As outlined in the comments on population and housing, the DEIR substantially under-estimates the number of persons who will occupy the age-restricted housing. Further, it is disingenuous to apply Senior characteristics to 55 year olds in their peak earning years. What makes the developer think he is building a retirement community? He has no assisted living facilities, no congregate meal facilities, no housekeeping amenities, no golf course, not even a shuffleboard or lawn bowling area. Is he going to distinguish retired seniors from still-employed seniors?

Response to Comment A10-91

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. The Traffic Study utilizes Land Use Code 252 (Senior Adult Housing-Attached) for the age-restricted component. As discussed in Topical Response 7, Impacts from Age-Restricted Units, the Project's age restricted units will have age-related occupancy restrictions at least as restrictive as well known area senior citizen developments such as Leisure World in Seal Beach. Senior citizen developments such as Leisure World typically require that one permanent occupant be at least 55 years old. Thus, the assumption in the comment (that senior citizen developments typically restrict occupancy to persons older than 55) is incorrect. For ITE Land Use Code 252, the description provided in the *Trip Generation* manual is as follows: "These facilities are similar to those described in Land Use Code 251, except they contain apartment-like residential units. Attached senior adult housing may include limited social or recreational services, but typically lacks centralized dining or medical facilities. Residents in these communities live independently, are typical active (requiring little to no medical supervision) and may or may not be retired." In keeping with the instructions provided in the *Trip Generation Handbook*, the ITE Land Use Code 252 was selected as it most closely matches the land use description of the proposed age-restricted component of the Project. The comment does not include any data or evidence to suggest that the selection of the trip rate is not correct.

Comment A10-92

The DEIR substantially under-estimates the amount of trips that seniors take. Recent studies have confirmed this. According to a study done for the State of Delaware,¹¹ [footnote reference in original letter]

"Older people who are still active and healthy, who generally have more time and money at their disposal, and are less fettered by the care of a house and children, would be expected not to necessarily stay home... [since they] require only one household member to be 55 or older...it is not clear how different household structures might be in the age restricted communities. Older Americans enjoy a much higher mobility than in the past. This group has aged during a time where dependency on the private automobile has greatly increased and during a period where

population and employment, and life in general, has spread ... demanding the use of a car for every aspect of their lives. Much of the current research on older Americans has focused on the 65+ age group. **Between the years 1983 and 1994 average daily person trips for those 65 years and older have almost doubled while trips of the population as a whole grew by about 39%.** Even more dramatic ... between the years 1990 and 1995, the percent change in personal travel for those 65 and over increased by 37% while travel by the overall [sic] population grew at 14% Average daily time spent driving went up from 24 minutes to 43 minutes, and **vehicle trips per person rose from 1.8 to 2.9 for the elderly.**” [emphasis added]

Response to Comment A10-92

See Topical Response 11, Traffic, Topical Response 7: Impacts from Age-Restricted Units, and Response to Comment A10-91. As discussed in the Topical Response 11, the ITE data is based on actual traffic counts conducted at existing residential facilities, including senior housing developments. Therefore, the trip generation characteristics of the senior residents are accounted for in the trip rates. The information provided in the comment does not dispute or contradict the trip generation forecast provided in the Draft EIR. Further, the comment does not provide pertinent information such as whether the persons surveyed lived in independent living settings, age-restricted communities (either attached or detached unit complexes) retirement communities, assisted living facilities, etc. As documented in the *Trip Generation* manual, there is a substantial variation in trip rates for these various types of residential settings for seniors. Thus, the information in the comment cannot be related directly to the trip generation rate used in the Traffic Study for purposes of estimating trips generated by the age-restricted component of the Project.

Comment A10-93

Another study¹² found that:

“More and more people are driving in their 80s and 90s, and most older Americans rely on the automobile as their primary means of transportation until they are no longer able to drive. The National Highway Transportation Board studies show people driving at older ages, 45 percent of 85-95 year olds still drove in 2001 compared to only 36 percent in 1990. Nearly three quarters of men aged 85 and over were still licensed in 1995.... By 2010, 90 percent of older women, and almost 100 percent of older men will have driver’s licenses....In the next 40 years, this conservative projection shows that the miles driven by older men...[and women] will double.”

Response to Comment A10-93

See Topical Response 11, Traffic, Topical Response 7: Impacts from Age-Restricted Units, and Response to Comment A10-92. Future driving characteristics of seniors—and all motorists in general—may be subject to change as speculated in the comment. However, the ITE trip rates used in the Traffic Study are based on actual counts, not theory or speculation.

Comment A10-94

¹¹ Active Adult (44+) Community Trip Generation Rates prepared for Delaware Center for Transportation and the State of Delaware Department of Transportation by David Rocca, Center [sic] for Applied Demography and Survey Research, June 2006.

Response to Comment A10-94

This comment contains a citation to a study referenced in Comment A10-92, but does not itself state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See response to Comment A10-92 for a response to the comment this citation is intended to support.

Comment A10-95

¹² Older Americans Update 2006: Key Indicators of Well Being

Response to Comment A10-95

This comment contains a citation to a study referenced in Comment A10-93, but does not itself state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See response to Comment A10-93 for a response to the comment this citation is intended to support.

Comment A10-96

One of the contributing factors in the increase in senior driving behavior is the increase in the proportion and number of older workers. Between 1993 and 2005, the workforce participation rate for men 65-69 increased from 25% to 34% and for women from 14% to 24%. For those age 62 to 64 the rate for men rose to 53% and for women to 40%. This trend also applies to individuals older than age 70.¹³ This is expected to increase as baby boomers enter retirement. Like all workers, older workers usually drive alone to work.¹⁴ The share of transit does not increase as people age. In fact, the distribution across modes indicates that older workers are less likely to carpool or use public transit.

Response to Comment A10-96

See Topical Response 11, Traffic, Topical Response 7, Impacts from Age-Restricted Units, and Response to Comment A10-92.

Comment A10-97**3.9 The DEIR trip generation rate is not supported by Federal Highway Administration studies.**

The concept that daily trips should be much higher than the 4.0 used by the developer, is supported by the Federal Highway Administration 2001 *National Household Travel Survey*, which shows that the highest percentage of travel to work by any age group is only 21% of the total trips taken [sic] This tends to support the position that residents will be making many more trips per day than predicted by the developer.

Response to Comment A10-97

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. The comment does not include any data or evidence to suggest that selection of the trip rate is not correct. The comment may not understand that the ITE data represents an aggregation of the overall vehicular trip generation characteristics occurring at a residential development. The ITE rates are not intended to estimate trip generation on a unit-by-unit basis, nor are they intended to represent work-related trips only. Thus, on any given day the trip generation characteristics vary considerably among different households. For example, one household may be a working couple with school-aged children. Another household may be an individual that works from home. One household may conduct its errands on the way to and from work. Another household may make separate trips. The ITE rates aggregate all of these, and other, behaviors. Similarly, on a peak hour basis, the trip generation characteristics will vary widely between units. For example, one neighbor may arrive home from work at 4:00 PM, a second neighbor may arrive home from work at 5:30 PM, while a third neighbor may arrive home from work at 7:00 PM. While each of these neighbors believes that they are driving home in “rush hour” traffic, in fact only one of the three neighbors is part of the actual *peak hour* of traffic evaluated in the Traffic Study. Thus, by evaluating traffic impacts for the one hour period of highest traffic at the study intersections (e.g., for the 5:30 commuter), the corresponding traffic impacts and mitigation (if required) are sufficiently evaluated in the Traffic Study for the periods of slightly less traffic (e.g., for the 4:00 PM and 7:00 PM commuters). Each of these variations in daily and peak hour trip generation behavior is accounted for in the ITE trip rates for the overall residential development. More importantly, the ITE trip rates are based on empirical data obtained through actual traffic counts, and not theory or speculation.

Comment A10-98**3.10 The list of “other projects” is incomplete. The impacts of the following additional traffic generators should be added to Table 1V.J-9, List of Related Projects and the impacts assessed.*****Response to Comment A10-98***

See Topical Response 12, Related Projects and Cumulative Impacts.

Comment A10-99

- China Shipping Terminal Development, Berth 97-109 to handle 1.5 million TEUs per year requiring a total of **3,720 daily truck trips** and up to 950 annual round trip rail movements.

Response to Comment A10-99

This project was not identified as a related project by the City of Los Angeles Planning Department, Harbor Department, or Department of Transportation. In response to the comment, research was conducted to identify the project that is the China Shipping Line Berth 97-109 Container Terminal Improvement Project. This project is located on 67 acres⁶⁸ in the West Basin of the Port of Los Angeles, approximately 2 miles southeast from the Project site. The purpose of the project is to develop a new Container Terminal for the China Shipping Lines. This project represents continuing actions to meet the goals and objectives of the joint federal, state, and local planning process initiated by the 2020 Plan and the Deep Draft Navigation Improvement Project EIS/EIR approved in 1992, and continued in the WBTIP and the Channel Deepening EIS/EIR. See Topical Response 12, Related Projects and Cumulative Impacts.

Construction of the first phase of this project was completed in 2003, and is currently operating as container terminal. Thus, its traffic and associated effects were taken into account in the Draft EIR. On October 30, 2002 the State of California 2nd District Court of Appeal signed an order to halt construction of the project until all future phases of the project were evaluated for environmental impacts. However, in March of 2003, the Port of Los Angeles, environmental and Harbor-area community groups reached an agreement to allow the first phase of construction to be completed as the Port proceeded with the environmental impact analysis and environmental programs. The estimated completion dates for Phase II and III are 2008, and 2010, respectively.

According to the Draft EIR for this project, the traffic from the China Shipping Line Berth 97-109 Container Terminal Improvement Project is not anticipated to effect the intersections and freeway ramps that will be potentially impacted by the Project. See Container Terminal Project Draft EIR at pages 3.6-2 to 3.6-3. This Project's Draft EIR already accounts for foreseeable freeway traffic growth due to anticipated Port activity expansion.

Comment A10-100

- TRAPAC Expansion at Berths 136-149, from 176 acres to 251 acres and resulting increase in truck trips

⁶⁸ Includes Phase II and Phase III. Phase I was completed in 2003.

Response to Comment A10-100

This project was not identified as a related project by the U.S. Army Corps of Engineers, the City of Los Angeles, or the Department of Transportation. In response to the comment, research was conducted to identify the project, which is the Trapac Berths 136-149 Container Terminal Expansion Project. This project is located in the northwestern portion of the Port of Los Angeles, approximately 2 miles east of the Project site. Development of the project would include dredge and fill operations, new wharf construction, terminal expansion onto adjacent areas of existing land, relocation of Harry Bridges Boulevard, and transportation infrastructure improvements.

This project represents continuing actions to meet the goals and objectives of the joint federal, state, and local planning process initiated by the 2020 Plan and the Deep Draft Navigation Improvement Project EIS/EIR approved in 1992, and continued in the WB TIP and the Channel Deepening EIS/EIR. See Topical Response 12, Related Projects and Cumulative Impacts.

A Notice of Preparation/Notice of Intent (NOP/NOI) for the Trapac Berths project was originally released on October 19, 2003 by the Environmental Management Division of the Los Angeles Harbor Department in conjunction with the U.S. Army Corps of Engineers. The project described in the 2003 NOP/NOI included the expansion of Berths 136-147 from 177 acres to 244 acres over two phases. The estimated completion date of Phase I in the NOP was 2005, and the estimated completion date of Phase II was 2010, with the terminal operating at maximum capacity by 2025. However, such a project did not go forward and was reconsidered.

In 2006, after then NOP cut-off date for the Ponte Vista project, the Environmental Management Division of the Los Angeles Harbor Department and U.S. Army Corps of Engineers issued a Special Public Notice to announce project changes since the 2003 NOP/NOI. The name of the project was changed from Berths 136-147 to 136-149. Under the new project, the size of the terminal would increase to 251 acres by 2030 (instead of 244 acres). Phase I would be completed by 2015 and Phase II would be completed by 2030. Additionally, the location where Harry Bridges Boulevard would be moved was changed. The Draft EIR/EIS for the revised project has not yet been released for public review, but is anticipated for June 2007.⁶⁹

As previously mentioned, the referenced project is located approximately two miles from the Project site. Although the traffic analysis and Draft EIR for this project have not yet been released for public review, the EIR for the nearby and similar China Shipping Line Berth 97-109 Container Terminal Improvement Project indicates that traffic from that project is not anticipated to effect the intersections and freeway ramps that will be potentially impacted by the Project. See Container Terminal Project Draft EIR at pages 3.6-2 to 3.6-3. As the Trapac Berths project is also a harbor container facility project, it is expected that its traffic will also primarily be directed to freeway routes and will thus not significantly interact with

⁶⁹ Source: Phone correspondence between Lena Maun-DeSantis, Environmental Management Division, Port of Los Angeles, and Heidi McWhorter, Christopher A. Joseph & Associates, May 14, 2007.

Project street traffic. In addition, this Project's Draft EIR already accounts for foreseeable freeway traffic growth due to anticipated Port activity expansion.

Comment A10-101

- New L.A. City Fire station at Gaffey and Miraflores

Response to Comment A10-101

This project was not identified as a related project by the City of Los Angeles Departments of Planning and Transportation or any other person or agency during the NOP and scoping process for the Draft EIR. In response to the comment, research was conducted to identify the project, which references Fire/Paramedic Station 36, which is approximately 8,000 square feet and is located at 1005 N. Gaffey Street in San Pedro, approximately 1.5 linear miles southeast of the Project site. Construction on this project will be completed in April 2007.

The referenced project is a relatively small project and its impacts are effectively accounted for by the Draft EIR's annual ambient growth traffic factor of one percent (1.0%) which was used in addition to all projects identified on the related projects list. As explained in the Draft EIR, the 1.0% ambient traffic growth assumed in the Draft EIR's analysis overstates the ambient traffic growth expected for the South Bay area. Indeed, the empirical data and the general growth traffic factors provided in the CMP Manual for the South Bay area indicate that existing traffic volumes will increase at an annual rate of less than 1.0% per year between the years 2001 and 2010. Given the size of the referenced project at 8,000 square feet, potential traffic impacts of the referenced project are adequately accounted for by the ambient growth traffic growth factor used in the Draft EIR's analysis. Therefore, the referenced project's traffic, air quality and noise cumulative impacts were effectively considered in the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts.

Comment A10-102

- Greatly expanded L.A. City Harbor Area Police Headquarters, jail, and community room on John S. Gibson Blvd.

Response to Comment A10-102

This project was not identified as a related project by the City of Los Angeles Departments of Planning and Transportation, or any other person or agency during the NOP and scoping process for the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts. In response to the comment, research was conducted to identify the project, which references the demolition of an existing 25,374-square foot Harbor Police Station and the construction of a new 52,000-square foot police station, an attached 18,000-square foot detention center, a 10,000-square foot auto maintenance building, a 180-foot high communication tower, 41 surface parking spaces, a 110,000 square-foot parking structure with rooftop helipad, and a boat storage area. The project is located at 2175 W. John S. Gibson Blvd.,

approximately 1.25 linear miles from the Project site. The project was accepted for City Planning Department review during the April-June 2005 planning quarter.

In addition, the referenced project is a relatively small project and its impacts are effectively accounted for by the Draft EIR's annual ambient growth traffic factor of one percent (1.0%) which was used in addition to all projects identified on the related projects list. As explained in the Draft EIR, the 1.0% ambient traffic growth assumed in the Draft EIR's analysis overstates the ambient traffic growth expected for the South Bay area. Indeed, the empirical data and the general growth traffic factors provided in the CMP Manual for the South Bay area indicate that existing traffic volumes will increase at an annual rate of less than 1.0% per year between the years 2001 and 2010. Given the size of the referenced project at roughly 55,000 net square feet, potential traffic impacts of the referenced project are adequately accounted for by the ambient growth traffic growth factor used in the Draft EIR's analysis. Therefore, the referenced project's traffic, air quality and noise cumulative impacts were effectively considered in the Draft EIR.

Comment A10-103

- Relocated and greatly expanded Animal Shelter and community room at Gaffey and Miraflores

Response to Comment A10-103

This project was not identified as a related project by the City of Los Angeles Departments of Planning and Transportation, or any other person or agency during the NOP and scoping process for the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts. In response to the comment, research was conducted to identify the project, which references the Harbor Animal Service Center. This project would construct a new 25,000 square-foot animal shelter with 15,000 square-feet of kennel areas and a 40,000 square-foot parking area on a 1.74-acre site. The project is located at the intersection of Gaffey Street and Miraflores Avenue, approximately 1.2 miles from the project site. The city council approved the Environmental Impact Report for the project on April 2, 2003.

In addition, the referenced project is a relatively small project and its impacts are effectively accounted for by the Draft EIR's annual ambient growth traffic factor of one percent (1.0%) which was used in addition to all projects identified on the related projects list. As explained in the Draft EIR, the 1.0% ambient traffic growth assumed in the Draft EIR's analysis overstates the ambient traffic growth expected for the South Bay area. Indeed, the empirical data and the general growth traffic factors provided in the CMP Manual for the South Bay area indicate that existing traffic volumes will increase at an annual rate of less than 1.0% per year between the years 2001 and 2010. Given the size of the referenced project at approximately 40,000 square feet, potential traffic impacts of the referenced project are adequately accounted for by the ambient growth traffic growth factor used in the Draft EIR's analysis. Therefore, the referenced project's traffic, air quality and noise cumulative impacts were effectively considered in the Draft EIR.

Comment A10-104

¹³ Federal Interagency Forum on Aging Related Statistics (www.agingstats.gov)

Response to Comment A10-104

This comment contains a citation for a sentence in Comment A10-96, but does not itself state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A10-105

14 [sic] *Travel Patterns of the Elderly: the Role of Land Use, Final Report Metrans project 00-8* Giuliano, Hu, and Lee, School of Policy, Planning and Development, University of Southern California, July 2003

Response to Comment A10-105

This comment contains a citation for a sentence in Comment A10-96, but does not itself state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment A10-96 for a response to the comment this citation is intended to support.

Comment A10-106

- Union Pacific ICTF Facility (PCH & Sepulveda/Alameida)

Response to Comment A10-106

This project was not identified as a related project by the City of Los Angeles Departments of Planning and Transportation, or any other person or agency during the NOP and scoping process for the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts. In response to the comment, research was conducted to identify the project. The Union Pacific Intermodal Container Transfer Facility (ICTF) is a railyard opened in 1986 and operated by Union Pacific. There is no evidence to suggest any expansion project is planned for the ICTF site. In response to this comment, Union Pacific was contacted, and indicated that there are currently no capital improvement projects planned for the site.

Comment A10-107

- St. Peters Episcopal Church, currently requesting a zoning variance to operate a child care for 66 infants, toddlers and pre-school children at 1648 W. 9th Street

Response to Comment A10-107

This project was not identified as a related project by the City of Los Angeles Departments of Planning and Transportation, or any other person or agency during the NOP and scoping process for the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts. In response to the comment, research was conducted to identify the project. EIR preparers were able to identify only one application (ZA-2006-3603-CU): a proposed conditional use permit to allow the installation of a wireless antenna on the existing church steeple in excess of applicable height limits and an equipment box on the existing church rooftop. This project would not result in cumulative effects with the project that would warrant additional study. No application for a child-care facility was discovered. Therefore, it is concluded that this is not a presently proposed project.

Comment A10-108

- The new Henry's Market at Western and Park Western, which replaced a very underutilized market

Response to Comment A10-108

This project was not identified as a related project by the City of Los Angeles Departments of Planning and Transportation, or any other person or agency during the NOP and scoping process for the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts. In response to the comment, research was conducted to identify the project, which references the Henry's Farmers Market at Western Avenue and Park Western Place. According to Chris Putnam, Service Manager at Henry's Farmers Market, the store reopened as a Henry's Farmers market on December 13, 2006. Previously, the store was operating as a Vons Supermarket. While the interior was remodeled to accommodate the re-opening, no exterior remodels or expansion occurred. As the size and use of the site has not changed, the reopening of Henry's Farmers Market would not be considered a related project. Therefore, no potential cumulative impacts would be anticipated.

Comment A10-109

- Impact of foreign trade zone designation for Port of LA Distribution Center at Gaffey and Westmont

Response to Comment A10-109

The referenced project concerns the granting of a Foreign Trade Zone designation, which is an administrative activity that will not change the nature or level of use of the facilities. Therefore,

cumulative impacts are not anticipated. See Topical Response 12, Related Projects and Cumulative Impacts.

Comment A10-110

- Two new mausoleums being built at Green Hills Memorial Park

Response to Comment A10-110

This project was not identified as a related project by the City of Rancho Palos Verdes, or any other person or agency during the NOP and scoping process for the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts. In response to the comment, research was conducted to identify the project, which is a revision to the Green Hills Memorial Park Master Plan.

According to City of Rancho Palos Verdes Planning Department staff, the revision to the Green Hills Master Plan was submitted on February 19, 2003; however, the application remained incomplete. The NOP for the plan revision was released on February 6, 2007. Because the referenced project had not been proposed in an application to the City of Rancho Palos Verdes prior to the NOP cut-off date, and was not identified by the City of Rancho Palos Verdes as a related project in response to the Project's NOP, it was not included in Table IV.J-9 of the Draft EIR.

The proposed plan revision would alter some mausoleum buildings approved in the original Master Plan for the Green Hills Memorial Park, located approximately 0.10 miles from the Project site. These changes include: allowing five separate mausoleum buildings, with each footprint measuring 23,653 square feet instead of the previously approved 77,715 square-foot buildings, allowing the orientation and size of two other previously approved mausoleum buildings to change (33,668 and 37,820 square feet), and allowing a new 75,131 square-foot mausoleum on the site. Each mausoleum building would be constructed over the next 30-50 years, resulting in a total of 264,884 square feet of new mausoleum space. The development area encompasses a total of 24.6 acres.

Continuing operation and expansion of Green Hills Memorial Park is assumed by this Project, is addressed in the Traffic Study, and is not expected to result in any significant unavoidable impacts.

Comment A10-111

- Starbucks/T-Mobile planned for 422 S. Gaffey

Response to Comment A10-111

This project was not identified as a related project by the City of Los Angeles Planning or Transportation Departments, or any other person or agency during the NOP and scoping process for the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts. In response to the comment, research was conducted to identify the project, which involves the development of a 1,800-square foot coffee house and 200 square feet of retail space. The referenced project is located approximately 2.0 linear

miles south of the Project site. According to the City of Los Angeles Planning Department case tracking information, the application for the conditional use permit was filed on October 10, 2006. Because the referenced project had not been proposed in an application to the City of Los Angeles by the NOP cut-off date, it was not included in Table IV.J-9 of the Draft EIR.

In addition, the referenced project is a relatively small project and its impacts are effectively accounted for by the Draft EIR's annual ambient growth traffic factor of one percent (1.0%) which was used in addition to all projects identified on the related projects list. As explained in the Draft EIR, the 1.0% ambient traffic growth assumed in the Draft EIR's analysis overstates the ambient traffic growth expected for the South Bay area. Indeed, the empirical data and the general growth traffic factors provided in the CMP Manual for the South Bay area indicate that existing traffic volumes will increase at an annual rate of less than 1.0% per year between the years 2001 and 2010. Given the size of the referenced project at approximately 2,000 square feet, potential traffic impacts of the referenced project are adequately accounted for by the ambient growth traffic growth factor used in the Draft EIR's analysis. Therefore, the referenced project's traffic, air quality and noise cumulative impacts were effectively considered in the Draft EIR.

Comment A10-112

- Additional residential units:

366-74 W. 8th (Sepia Homes)	20 units
327 N. Harbor Blvd, (Sepia)	60 units
407 N. Harbor Blvd, (Sepia)	42 units
1200 S. Beacon St.	140 rental units
Habitat for Humanity	16 units, Santa Cruz + Palos Verdes
Habitat for Humanity	8 homes in Wilmington
534 Eubank	10 units
1160 W. 11 th Street	13 attached homes
Union Ice Expansion 901 East E St.	85,000 sq ft
525 E. "E" St.	Truck Parking and Dispatch facility
Potential Industries, 701 E. # St	40,000 sq feet
Electronic Balancing, 600 E. D St	24,000 sq feet
Marymount College student housing on Palos Verdes Dr. Norh [sic]	320 students

Response to Comment A10-112

366-74 W. 8th (Sepia Homes) – 20 Units

This project was not identified as a related project by the City of Los Angeles Planning or Transportation Departments, or any other person or agency during the NOP and scoping process for the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts. In response to the comment, research was conducted to identify the project, which is a 20-unit residential condominium project located at 366 W. 8th Street. The project was accepted for City of Los Angeles Planning Department review during the

January-March 2006 planning quarter. Because it was not proposed prior to the NOP cut-off date, it was not included in Table IV.J-9 of the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts.

In addition, the referenced project is a relatively small project and its impacts are effectively accounted for by the Draft EIR's annual ambient growth traffic factor of one percent (1.0%) which was used in addition to all projects identified on the related projects list. As explained in the Draft EIR, the 1.0% ambient traffic growth assumed in the Draft EIR's analysis overstates the ambient traffic growth expected for the South Bay area. Indeed, the empirical data and the general growth traffic factors provided in the CMP Manual for the South Bay area indicate that existing traffic volumes will increase at an annual rate of less than 1.0% per year between the years 2001 and 2010. Given the size of the referenced project at 20 residential units, potential traffic impacts of the referenced project are adequately accounted for by the ambient traffic growth factor used in the Draft EIR's analysis. Therefore, the referenced project's traffic, air quality and noise cumulative impacts were effectively considered in the Draft EIR.

327 N. Harbor Blvd. (Sepia Homes) – 60 Units

This project was not identified as a related project by the City of Los Angeles Planning or Transportation Departments, or any other person or agency during the NOP and scoping process for the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts. In response to the comment, research was conducted to identify the project, which is a 54-unit residential project at 327 N. Harbor Blvd. currently listed as "In Design." A Zone Variance was applied for on February 28, 2007. The estimated construction dates for this project are from January 2008 through October 2009, however the project is currently delayed. Because the referenced project had not been proposed in an application prior to the NOP cut-off date, it was not included in Table IV.J-9 of the Draft EIR.

In addition, the referenced project is a relatively small project and its impacts are effectively accounted for by the Draft EIR's annual ambient growth traffic factor of one percent (1.0%) which was used in addition to all projects identified on the related projects list. As explained in the Draft EIR, the 1.0% ambient traffic growth assumed in the Draft EIR's analysis overstates the ambient traffic growth expected for the South Bay area. Indeed, the empirical data and the general growth traffic factors provided in the CMP Manual for the South Bay area indicate that existing traffic volumes will increase at an annual rate of less than 1.0% per year between the years 2001 and 2010. Given the size of the referenced project at 54 residential units, potential traffic impacts of the referenced project are adequately accounted for by the ambient growth traffic growth factor used in the Draft EIR's analysis. Therefore, the referenced project's traffic, air quality and noise cumulative impacts were effectively considered in the Draft EIR.

407 N. Harbor Blvd. (Sepia Homes) – 42 Units

This project was not identified as a related project by the City of Los Angeles Planning or Transportation Departments, or any other person or agency during the NOP and scoping process for the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts. In response to the comment, research was conducted to identify the project, which is a 40-unit residential project currently listed as "In

Design.” A Zone Variance was applied for on February 28, 2007. The estimated construction dates for the referenced project are from January 2008 through October 2009, however the project is currently delayed. Because the referenced project had not been proposed in an application prior to the NOP cut-off date, it was not included in Table IV.J-9 of the Draft EIR.

In addition, the referenced project is a relatively small project and its impacts are effectively accounted for by the Draft EIR’s annual ambient growth traffic factor of one percent (1.0%) which was used in addition to all projects identified on the related projects list. As explained in the Draft EIR, the 1.0% ambient traffic growth assumed in the Draft EIR’s analysis overstates the ambient traffic growth expected for the South Bay area. Indeed, the empirical data and the general growth traffic factors provided in the CMP Manual for the South Bay area indicate that existing traffic volumes will increase at an annual rate of less than 1.0% per year between the years 2001 and 2010. Given the size of the referenced project at 40 residential units, potential traffic impacts of the referenced project are adequately accounted for by the ambient growth traffic growth factor used in the Draft EIR’s analysis. Therefore, the referenced project’s traffic, air quality and noise cumulative impacts were effectively considered in the Draft EIR.

1200 S. Beacon St. – 140 Rental Units

This project was not identified as a related project by the City of Los Angeles Planning or Transportation Departments, or any other person or agency during the NOP and scoping process for the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts. In response to the comment, research was conducted to identify the project. According to written correspondence with the CRA Harbor Region’s Project Manager, this project is no longer being proposed. Therefore, it is concluded that this is not a presently proposed project.

Habitat for Humanity – 16 Units; Santa Cruz & Palos Verdes

The referenced project is already included as Related Project #26 of Table IV.J-9 of the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts.

Habitat for Humanity – 8 Homes; L Street and Lecouvreur

This project was not identified as a related project by the City of Los Angeles Planning or Transportation Departments, or any other person or agency during the NOP and scoping process for the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts. In response to the comment, research was conducted to identify the project, which is a Habitat for Humanity project consisting of the construction of eight single-family residences near L Street and Lecouvreur Street in the Wilmington-Harbor City area of the City of Los Angeles. The CRA received this proposal from Habitat for Humanity in June 2004 in response to a CRA issued RFP. WIPAC and the CRA Board recommended approval to participate in the development in February 2005.

In addition, the referenced project is a relatively small project and its impacts are effectively accounted for by the Draft EIR’s annual ambient growth traffic factor of one percent (1.0%) which was used in

addition to all projects identified on the related projects list. As explained in the Draft EIR, the 1.0% ambient traffic growth assumed in the Draft EIR's analysis overstates the ambient traffic growth expected for the South Bay area. Indeed, the empirical data and the general growth traffic factors provided in the CMP Manual for the South Bay area indicate that existing traffic volumes will increase at an annual rate of less than 1.0% per year between the years 2001 and 2010. Given the size of the referenced project of eight single-family residences, potential traffic impacts of the referenced project are adequately accounted for by the ambient growth traffic growth factor used in the Draft EIR's analysis. Therefore, the referenced project's traffic, air quality and noise cumulative impacts were effectively considered in the Draft EIR.

534 Eubank – Truck Parking Facility

This project was not identified as a related project by the City of Los Angeles Departments of Planning and Transportation, or any other person or agency during the NOP and scoping process for the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts. In response to the comment, research was conducted to identify the project, which is a 20,000 square foot (10 units) commercial development project, which is "In Plan Check" as of March 30, 2007 per written correspondence by the EIR preparers with Susan Totaro, CRA Project Manager for the Harbor Region.

In addition, the referenced project is a relatively small project and its impacts are effectively accounted for by the Draft EIR's annual ambient growth traffic factor of one percent (1.0%) which was used in addition to all projects identified on the related projects list. As explained in the Draft EIR, the 1.0% ambient traffic growth assumed in the Draft EIR's analysis overstates the ambient traffic growth expected for the South Bay area. Indeed, the empirical data and the general growth traffic factors provided in the CMP Manual for the South Bay area indicate that existing traffic volumes will increase at an annual rate of less than 1.0% per year between the years 2001 and 2010. Given the size of the referenced project at 20,000 square feet, potential traffic impacts of the referenced project are adequately accounted for by the ambient growth traffic growth factor used in the Draft EIR's analysis. Therefore, the referenced project's traffic, air quality and noise cumulative impacts were effectively considered in the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts.

1160 W. 11th Street – 13 Attached Homes

This project was not identified as a related project by the City of Los Angeles Departments of Planning and Transportation, or any other person or agency during the NOP and scoping process for the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts. In response to the comment, research was conducted to identify the project, which is a 13-lot subdivision for the development of 13 single-family residential units on 20,687 net square feet of land. The project was accepted for City Planning Department review during the April-June 2006 planning quarter. Because the referenced project had not been proposed in an application prior to the NOP cut-off date, it was not included in Table IV.J-9 of the Draft EIR.

In addition, the referenced project is a relatively small project and its impacts are effectively accounted for by the Draft EIR's annual ambient growth traffic factor of one percent (1.0%) which was used in addition to all projects identified on the related projects list. As explained in the Draft EIR, the 1.0% ambient traffic growth assumed in the Draft EIR's analysis overstates the ambient traffic growth expected for the South Bay area. Indeed, the empirical data and the general growth traffic factors provided in the CMP Manual for the South Bay area indicate that existing traffic volumes will increase at an annual rate of less than 1.0% per year between the years 2001 and 2010. Given the size of the referenced project of 13 single-family residential units, potential traffic impacts of the referenced project are adequately accounted for by the ambient growth traffic growth factor used in the Draft EIR's analysis. Therefore, the referenced project's traffic, air quality and noise cumulative impacts were effectively considered in the Draft EIR.

901 East E Street - Union Ice Expansion

This project was not identified as a related project by the City of Los Angeles Departments of Planning and Transportation, or any other person or agency during the NOP and scoping process for the Draft EIR. In response to the comment, research was conducted to identify the project, which is comprised of two phases and represents approximately 70,000 to 80,000 square feet of cold storage facilities, including a 37,000 square foot cold storage warehouse and a 16,000 square foot refrigerated and non-refrigerated loading dock for transloading by rail and truck. Also, construction of a new rail spur is proposed along McFarland Avenue. The project is located at 901 East E Street in the Wilmington Industrial Park, approximately 3.5 linear miles east of the Project site. The Initial Study for the referenced project was completed in September 2004. Construction is slated to begin in the summer of 2007 for the first phase and the completion date for the second phase will be in approximately one to two years.

Due to the distance, size and nature of the Project, it is not anticipated that the referenced project will interact with the Project to create cumulative environmental impacts. In addition, as discussed in the Draft EIR and Topical Response 12, the Draft EIR's annual ambient growth traffic factor of one percent (1.0%) which was used in addition to all projects identified on the related projects list. As explained in the Draft EIR, the 1.0% ambient traffic growth assumed in the Draft EIR's analysis overstates the ambient traffic growth expected for the South Bay area. Indeed, the empirical data and the general growth traffic factors provided in the CMP Manual for the South Bay area indicate that existing traffic volumes will increase at an annual rate of less than 1.0% per year between the years 2001 and 2010. Therefore, the referenced project's traffic, air quality and noise cumulative impacts were effectively considered in the Draft EIR.

525 East E Street – Truck Parking and Dispatch Facility

This project was not identified as a related project by the City of Los Angeles Departments of Planning and Transportation, or any other person or agency during the NOP and scoping process for the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts. In response to the comment, research was conducted to identify the project, which is a 1,440 square foot office building and a 1,926

square foot loading dock on a one acre lot located at 525 E. E Street, approximately 3 linear miles east of the Project site.

Given the approximately 3,400 square foot size of the referenced project and that it is approximately 3 miles from the Project site, it is unlikely that the referenced project will interact with the Project to create a cumulative environmental impact. In addition, the referenced project is a relatively small project and its impacts are effectively accounted for by the Draft EIR's annual ambient growth traffic factor of one percent (1.0%) which was used in addition to all projects identified on the related projects list. As explained in the Draft EIR, the 1.0% ambient traffic growth assumed in the Draft EIR's analysis overstates the ambient traffic growth expected for the South Bay area. Indeed, the empirical data and the general growth traffic factors provided in the CMP Manual for the South Bay area indicate that existing traffic volumes will increase at an annual rate of less than 1.0% per year between the years 2001 and 2010. Given the size of the referenced project at 3,400 square feet, potential traffic impacts of the referenced project are adequately accounted for by the ambient growth traffic growth factor used in the Draft EIR's analysis. Therefore, the referenced project's traffic, air quality and noise cumulative impacts were effectively considered in the Draft EIR.

701 East E Street – Potential Industries Project

This project was not identified as a related project by the City of Los Angeles Departments of Planning and Transportation, or any other person or agency during the NOP and scoping process for the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts. In response to the comment, research was conducted to identify the project, which is a 40,000 square foot building project located at 701 E. E Street, approximately 3 linear miles east of the Project site. Construction has not yet begun, and the entitlement status is listed as "In Plan/Check."

In addition, the referenced project is a relatively small project, located 3 miles away from the Project, and its impacts are effectively accounted for by the Draft EIR's annual ambient growth traffic factor of one percent (1.0%) which was used in addition to all projects identified on the related projects list. As explained in the Draft EIR, the 1.0% ambient traffic growth assumed in the Draft EIR's analysis overstates the ambient traffic growth expected for the South Bay area. Indeed, the empirical data and the general growth traffic factors provided in the CMP Manual for the South Bay area indicate that existing traffic volumes will increase at an annual rate of less than 1.0% per year between the years 2001 and 2010. Given the size of the referenced project at 40,000 square feet, potential traffic impacts of the referenced project are adequately accounted for by the ambient growth traffic growth factor used in the Draft EIR's analysis. Therefore, the referenced project's traffic, air quality and noise cumulative impacts were effectively considered in the Draft EIR.

600 East D Street – Electronic Balancing Expansion

This project was not identified as a related project by the City of Los Angeles Departments of Planning and Transportation, or any other person or agency during the NOP and scoping process for the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts. In response to the comment,

research was conducted to identify the project, which is a 24,000 square foot building project located at 600 E. D Street, approximately 3 linear miles east of the Project site. Construction began in May 2005 and was completed in April 2006.

In addition, the referenced project is a relatively small project, located 3 miles away from the Project, and its impacts are effectively accounted for by the Draft EIR's annual ambient growth traffic factor of one percent (1.0%) which was used in addition to all projects identified on the related projects list. As explained in the Draft EIR, the 1.0% ambient traffic growth assumed in the Draft EIR's analysis overstates the ambient traffic growth expected for the South Bay area. Indeed, the empirical data and the general growth traffic factors provided in the CMP Manual for the South Bay area indicate that existing traffic volumes will increase at an annual rate of less than 1.0% per year between the years 2001 and 2010. Given the size of the referenced project at 24,000 square feet, potential traffic impacts of the referenced project are adequately accounted for by the ambient growth traffic growth factor used in the Draft EIR's analysis. Therefore, the referenced project's traffic, air quality and noise cumulative impacts were effectively considered in the Draft EIR.

Marymount College Facilities Expansion

See Response to Comment A10-81. See also Topical Response 12, Related Projects and Cumulative Impacts.

Comment A10-113

Three additional corrections should be made to Table IV.J-9:

Map No. 16, Rolling Hills Preparatory School should show the projected enrollment of 900 students, 140 faculty, and 62 dwelling units

Response to Comment A10-113

The referenced project is already included as Related Project #16 of Table IV.J-9 of the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts. At the time the related projects list was compiled for the Draft EIR, a school with a projected enrollment of 700 students with no dwelling units was being proposed at this site. In response to the comment, research was conducted to clarify possible changes to the proposed school. At present, the Conditional Use Permit granted for the school will allow for an eventual capacity of 900 students as well as the renovation of 62 existing dwelling units and the demolition of 76 existing dwelling units.

However, the changes to the referenced project are relatively small and their impacts are effectively accounted for by the Draft EIR's annual ambient growth traffic factor of one percent (1.0%) which was used in addition to all projects identified on the related projects list. As explained in the Draft EIR, the 1.0% ambient traffic growth assumed in the Draft EIR's analysis overstates the ambient traffic growth expected for the South Bay area. Indeed, the empirical data and the general growth traffic factors

provided in the CMP Manual for the South Bay area indicate that existing traffic volumes will increase at an annual rate of less than 1.0% per year between the years 2001 and 2010. Given the size of the additional components of this related project (200 additional student capacity and 62 dwelling units), potential traffic impacts of the referenced project are adequately accounted for by the ambient growth traffic growth factor used in the Draft EIR's analysis. Therefore, the referenced project's traffic, air quality and noise cumulative impacts were effectively considered in the Draft EIR.

Comment A10-114

Bridge to Breakwater listed at 1.1 million square feet - was 3.8 million square feet in the project description (new NOP may modify this);

Response to Comment A10-114

The referenced project is already included as Related Project #19 of Table IV.J-9 of the Draft EIR. In December 2006, the Los Angeles Harbor Department in conjunction with the U.S. Army Corps of Engineers published a notice detailing that the referenced project was redefined and its scope was significantly reduced, as detailed below. Because these actions occurred after the NOP cut-off date, the originally proposed project was reflected in Table IV.J-9 of the Draft EIR. As this project has been significantly reduced in scale, potential cumulative effects are anticipated to be less than analyzed in the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts.

The revised project focuses on infrastructure improvements, cruise program expansion, and enhancing public access to the waterfront. The revised proposed construction of the three harbors would either be the same size, or smaller than the proposed harbor construction plan in the September 2005 NOI/NOP. The scope of the revised proposed public open space in the revised December 2006 NOI/NOP is also significantly reduced from the September 2005 NOI/NOP plans. While the September 2005 NOI/NOP included 171 acres of public open space, the revised December 2006 NOI/NOP only includes two new promenades, a downtown water feature, improvements to the 1.61-acre existing John S. Gibson Park, the development of the 0.79 acres Town Square, and the development of the 7th Street public pier.

The revised proposed project would include a net increase of 37,500 square feet of commercial retail and restaurant space at the existing Ports O'Call area. The scope of the retail development is significantly reduced from the 520,904 square feet of net new retail and commercial developments included in the September 2005 NOI/NOP. As a result, the traffic impacts of this related project as evaluated in the Draft EIR would be significantly overstated as compared to the current proposal for this site.

Comment A10-115

Two new cruise ship berths and several new parking structures have since been proposed and should be included.

Response to Comment A10-115

See Response to Comment A10-114 and Topical Response 12, Related Projects and Cumulative Impacts.

Comment A10-116**3.11 The DEIR improperly calculated the significant traffic impacts that will result from the project. As a result, it cannot be determined whether the mitigation proposed is sufficient.**

This comment is related to the *procedure* Ponte Vista used to determine impacts on Level of Service and Volume/Capacity.

In 2005, the Councilwoman's Western Avenue Task Force, staffed by the Los Angeles Department of Transportation and CALTRANS engineers, concluded that a number of significant improvements were needed in order to mitigate the expected 1% annual growth in traffic on Western Avenue, including the ATSAC system. The growth rate did not include Ponte Vista as it was not proposed at that time. By applying the ATSAC improvements after adding in Ponte Vista and other generator numbers, the developer has made it impossible to assess the true impacts of its project.

Response to Comment A10-116

See Topical Response 11, Traffic. A discussion of the Western Avenue Task Force is contained in the Draft EIR beginning on page IV.J-26. See also Response to Comment B13-12. As noted in the Draft EIR, the Western Avenue Task Force recommended installation of a synchronized traffic signal system such as ATSAC/ATCS, but noted that funds were not available to implement the improvements. The 1% growth factor assumed by the Task Force assumed future growth in the area. It did not envision or exclude any particular projects, including the Ponte Vista Project. Thus, the Ponte Vista Project may be viewed as generally consistent with the assumptions of the Western Avenue Task Force Report. In addition, the Traffic Study prepared for the Project is more conservative (i.e., "worst case") than the Western Avenue Task Force report because – unlike the Western Avenue Task Force Report – it includes the one percent (1%) annual ambient traffic growth factor, a forecast of traffic associated with related projects, and the forecast traffic associated with the Project. The traffic study indicates that -- even with these more conservative assumptions – the mitigation measures provided by the Project will not only completely mitigate the Project's impact, but also mitigate some of the impacts of the related projects and the 1% growth factor. Furthermore, as discussed in the Draft EIR at page IV.J-56, because the cumulative project analysis significantly overstates cumulative traffic levels (through redundancy of the 1% growth factor, individual related projects, and the assumption of no mitigation for any related project) the mitigation measures for the Project are likely to provide even more in the way of cumulative traffic mitigation.

In any case, area traffic growth cannot be limited by assumptions made in any particular study. Regional and area plans project additional growth in the area. As discussed in the Draft EIR at page IV.H-19, the General Plan Framework forecasts an additional 9,771 units for the combined Wilmington-Harbor City

and San Pedro Community Plan Areas by 2010. The Project would provide approximately 24 percent of the housing growth forecast between 2004 and 2010 to meet anticipated population growth. See Topical Response 11, Traffic, regarding the procedure for preparation of the Traffic Study contained in the Draft EIR, including the methodology for preparing the forecast of future traffic.

Comment A10-117

To accurately reflect the traffic impacts, the calculations for the “Level of Service” and “Volume to Capacity” summary in DEIR Table IV .J-10, and all calculations and mitigation following from it, should be recalculated as follows:

- a. **Column 1** “existing” was determined during abnormally low conditions, i.e. While sewer repairs and traffic diversions were in effect. The numbers need to be recounted and adjusted.

Response to Comment A10-117

See Topical Response 11, Traffic, and Response to Comment A10-8 for a discussion regarding the traffic counts conducted along Western Avenue, as well as the corresponding assessment of traffic impacts and determination of traffic mitigation measures provided in the Draft EIR.

Comment A10-118

- b. The 1% annual growth assumed in the ambient growth calculations has proven to be actually higher. The baseline calculations in **Column 2** “Ambient Growth” and **Column 3** “Year 2012 future projections” should be adjusted accordingly.

Response to Comment A10-118

See Topical Response 11, Traffic, for a discussion regarding the forecast of future traffic volumes. The comment does not provide any data or evidence to suggest that the annual ambient growth factor is incorrect. The one percent annual growth factor is based on computer traffic model data prepared by the MTA. In fact, as noted on page IV.J-56 of the Draft EIR, empirical data and the MTA forecast model as summarized in the CMP suggest that the one percent growth rate used in the Traffic Study overstates the actual annual growth in traffic that could occur at the study intersections. Based on CEQA, the annual ambient traffic growth factor would be sufficient for purposes of forecast future traffic not associated with the Project. However, the Draft EIR includes the annual ambient growth factor and the forecast traffic associated with the related projects, all without assuming any mitigation. The analysis and inclusion of both the annual ambient growth factor and the traffic associated with the related projects provides a substantially conservative (i.e., “worst case”) estimate of future traffic.

Comment A10-119

- c. **Column 4a** should include Rolling Hills Prep School and Marymount College student housing traffic as well as Mary Star traffic.

Response to Comment A10-119

The Draft EIR on page IV.J-54 provides a discussion of the Mary Star of the Sea High School project. The effects of the high school were evaluated separately (i.e. "Column 4a" of Table IV.J-10, page IV.J-62 of the Draft EIR) as the High School is already an approved project, with access to Western Avenue being provided as a community benefit of the Project. The other development projects cited in the comment are appropriately considered with the other related projects in "Column 3" of Table IV.J-10 as their development is not linked to the Project.

Comment A10-120

- d. Next, **a new column should be added**, showing pre-project projections **after** the mitigation set forth by the Western Avenue Task Force are installed, particularly the ATSAC system to be installed by February 2009.

Response to Comment A10-120

See Topical Response 11, Traffic, and Response to Comment A10-116. As the ATSAC/ATCS system was not constructed at the time of the traffic counts and is not guaranteed for implementation prior to construction of the Project, it is inappropriate to assume its implementation prior to Project occupancy as suggested in the comment. As discussed in the Topical Response, the recommendation that the Project fund the installation of ATSAC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR).

Comment A10-121

- e. Next, **Column 4b and 5** numbers should be recalculated to show the true additional impact of the project traffic, after the ATSAC system is installed.

Response to Comment A10-121

See Responses to Comment A10-120.

Comment A10-122

- f. Next, a new table should be added showing the impacts on intersections if Peak Hour trips are based on more appropriate trip generation numbers.

Response to Comment A10-122

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. As discussed in the Topical Response, the trip generation forecast was correctly

prepared following procedures set forth by the Institute of Transportation Engineers, the publishers of the *Trip Generation* manual. In fact, use of potential alternative trip generation factors would have resulted in a lower, not higher forecast of traffic associated with the Project. Therefore, the Traffic Study in the Draft EIR provides a conservative (i.e., “worst case”) estimate of the vehicle trips that could be generated by the Project. Accordingly, no revisions to the Project’s trip generation forecast provided in the Draft EIR are required.

Comment A10-123

- g. Lastly, mitigation should be determined based on the impacts resulting from a more credible analysis.

Response to Comment A10-123

See Topical Response 11, Traffic, for a discussion of the evaluation of potential significant traffic impacts associated with the Project and the corresponding mitigation measures. The traffic mitigation measures for the Project are listed in the Draft EIR beginning on page IV.J-109. The Draft EIR’s analysis is based on substantial evidence and concludes that with implementation of the recommended traffic mitigation measures, the impacts of the Project would be mitigated to less than significant levels. As discussed in Topical Response 11, an independent study was conducted by Priority Engineering, Inc., which was retained by the three neighborhood councils in the area. Priority Engineering generally concurred with the conclusions of the Traffic Study in the Draft EIR.

Comment A10-124

3.12 The Availability of Public Transit is Overstated

This project is many miles from any rapid transit line. The bus lines referred to on page IV.J-8, either do not directly serve Western Avenue or have very limited service.

Response to Comment A10-124

The comment refers to Table IV.J-1, page IV.J-8 in the Draft EIR. The Draft EIR identifies the existing public transit service that serves the Project area. Mitigation Measures J-31 and J-32 are recommended on page IV.J-116 in the Draft EIR to promote use of public transportation by residents of the Project. Conservatively, the potential reduction of vehicles trips associated with the Project’s promotion of public transit was not considered in the Traffic Study provided in the Draft EIR so as to provide a “worst case” assessment of potential traffic impacts associated with the Project.

Comment A10-125

Because of San Pedro’s remote location, moving from Western Ave to popular shopping areas (such as the Del Amo Mall in Torrance, downtown Long Beach or the Shops at Palos Verdes) or to the employment centers described in the DEIR, usually requires one or more transfers. Buses do not run often

enough for residents accustomed to their private automobiles. Residents are auto-oriented and there has been little or no success in weaning them away from their cars.

Response to Comment A10-125

See Response to Comment A10-124. Contrary to the statements in the comment, the Traffic Study in the Draft EIR does not assume or assert that trips will be made by potential residents of the Project utilizing public transit. Three bus routes operate on Western Avenue along the Project site: MTA 205 (operated by Los Angeles County Municipal Transportation Authority), MAX Line 3 (operated by Municipal Area Express), and the Green-Eastview Route (operated by Palos Verdes Peninsula Transit Authority). MTA 205 had a daily average ridership in the fall of 2007 of approximately 5,113 passengers on weekdays, 1,928 passengers on Saturdays, and 1,767 passengers on Sundays.⁷⁰ MAX Line 3, a commuter service that runs only Monday through Friday at peak AM and PM times, has a monthly ridership of approximately 1,262 passengers per month.⁷¹ The Green-Eastview Route operates four round-trips each weekday and ridership totals approximately 60-70 passengers per day.⁷² In January 2008 through March 2008, Express Bus Line 445 carried the following (for the full length of the route): 1,276 average weekday daily boardings, 711 average Saturday daily boardings, and 545 average Sunday daily boardings. This is total ridership for the full length of the route.⁷³ Thus, observations of the public transit services in the vicinity of the Project indicate that bus service is well-patronized.

Comment A10-126

Currently this segment of Western Avenue is served by three bus routes: MTA route 205 which goes to Willowbrook; PVGR which only runs to and from the PV schools at the beginning and end of the school day, and MAX 3, the Municipal Area Express (MAX), a commuter for South Bay residents who work in the El Segundo Business district, which operates during the morning and evening peak commute hours. To access any of the other bus lines listed will require residents to get in their cars and drive to a bus stop.

Response to Comment A10-126

See Responses to Comments A10-124, A10-125 and B73-19. Existing public transit routes that serve Western Avenue in the Project site vicinity are depicted on Figure IV.J-3 of the Draft EIR. In accordance with Mitigation Measure J-31, the Project would provide bus turnout lane and bus stop facilities (shelter,

⁷⁰ Los Angeles County Municipal Transportation Authority, electronic mail correspondence from Shannon Anderson, Transportation Manager, Metro South Bay, April 10, 2008.

⁷¹ Torrance Transit System, electronic mail correspondence from Dennis Kobata, Senior Administrative Analyst, April 14, 2008.

⁷² Palos Verdes Peninsula Transit Authority, electronic mail correspondence from Martin Gombert, Assistant Administrator, April 10, 2008.

⁷³ Los Angeles County Municipal Transportation Authority, electronic mail correspondence from Scott Greene, Metro South Bay, April 17, 2008.

schedule information) adjacent to the site. Contrary to the statement in the comment, the PVPTA lines run to both schools and other destinations. The 205 provides Project access to the area transit network. It travels south on Western to downtown San Pedro, and north along Western, PCH and Vermont to the Artesia Transit Center where rail service connections are available to elsewhere in the region. The 205 line also connects to the 232 line which provides east-west service to the 444 line (serving Del Amo Fashion Center and the South Bay Galleria) and between LAX, El Segundo, Manhattan Beach, Hermosa Beach, Redondo Beach, Torrance, Lomita, Harbor City and Long Beach. Public transit to the Project site is available.

Comment A10-127

Although there is potential for extending a DASH bus to the site, this is somewhat problematic and will most likely not make a significant impact on traffic. The current DASH route in San Pedro is already overextended and very under utilized. **Additionally, the clean fueled DASH buses are unable to navigate the San Pedro hills.**

Response to Comment A10-127

See Response to Comment A10-124. The comment does not provide data or evidence to suggest that the LADOT DASH buses would not be able to access the Project site from its current terminus. Mitigation Measure J-32 listed on page IV.J-116 of the Draft EIR recommends that the DASH service be extended to the Project site. However, such a modification in service is not required to alleviate an adverse impact related to the Project.

Comment A10-128

3.13 The traffic mitigation proposed is inadequate and needs to be amended.

There a [sic] number of improvements to the proposed mitigations that are needed.

First is that ATSAC funding should **NOT** be considered a mitigation for this project since the City/Caltrans has already secured funding for ATSAC. The Western Ave Task Force and the City found that the ATSAC system was necessary *before* and *without* Ponte Vista.

The developer should re-analyze the intersections as if the ATSAC/ACTS system were already installed, then develop alternate mitigation [sic] based on this analysis and fund the mitigation that will offset the impacts.

Response to Comment A10-128

See Topical Response 11, Traffic, and Response to Comment A10-116. As discussed in the Topical Response, the recommendation that the Project fund the installation of ATSAC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at

the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR).

Comment A10-129

Prior to development the City and Caltrans must enter into an agreement for the City to operate the ATSAC system on the Caltrans portion of Western Avenue.

Response to Comment A10-129

See Topical Response 11, Traffic, for a discussion of the analysis of potential traffic impacts associated with the Project and formulation of corresponding mitigation measures. The LADOT letter dated February 21, 2007 states that the synchronized traffic signal system to be implemented by Caltrans on a segment of Western Avenue would be coordinated with the LADOT ATSAC/ATCS System. Consultation between the applicant, LADOT and Caltrans has been undertaken and is ongoing. No coordination problem is anticipated in implementing an ATSAC system.

Comment A10-130

A traffic mitigation fund should be established by the developer to provide additional traffic improvements in conjunction with LADOT and the community.

Response to Comment A10-130

See Topical Response 11, Traffic, for a discussion of the evaluation of potential significant traffic impacts associated with the Project and the corresponding mitigation measures. The traffic mitigation measures for the Project are listed in the Draft EIR beginning on page IV.J-109 (see also the Mitigation Monitoring Program included in Section V of this Final EIR). The Draft EIR concludes that with implementation of the recommended traffic mitigation measures, the impacts of the Project would be mitigated to less than significant levels. Therefore, the potential mitigation measure recommended in the comment is not required. However, the applicant has volunteered to provide additional traffic improvements as a community benefit. Specifically:

- 1) A road connecting Mary Star of the Sea High School to Western Avenue, which will avoid impacts to the Taper Avenue neighborhood and surrounding streets;
- 2) Completing ATSAC improvement of 5 additional intersections not impacted by the Project to enable completion of the Western Avenue ATSAC system envisioned by the Western Avenue Task Force;
- 3) A signal at Peninsula Verde Drive and Western Avenue; and
- 4) The funding of a feasibility study regarding potential improvements to the 5-Points intersection and fair-share participation in an improvement if it is implemented.

Comment A10-131

Measures J-24 and J25 are inadequate re PCH/I-110 on & Off ramps; and J-28,29,30 re Anaheim/I-110

Response to Comment A10-131

See Topical Response 11, Traffic, for a discussion of the evaluation of potential significant traffic impacts associated with the Project and the corresponding mitigation measures. In their letter dated January 11, 2007, LADOT concluded that the traffic mitigation measures recommended in the Draft EIR (with minor modifications outlined in the letter) would mitigate the potential traffic impacts of the Project to levels of insignificance. The comment does not provide any data or analysis to support its assertion that the cited measures are not adequate.

Comment A10-132

Measure J-34, “The Project applicant shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety,” is too vague

Response to Comment A10-132

The review and analysis of construction traffic impacts related to the Project is provided in the Draft EIR on pages IV.J-27 through IV.J-29. As noted on page IV.J-29, construction of the Project would result in construction-related traffic impacts that are deemed less than significant. Nonetheless, Mitigation Measures J-33 through J-35 are provided in the Draft EIR on page IV.J-117 to ensure that construction-related traffic impacts remain less than significant. The Project will be required to coordinate with appropriate City agencies (LADOT, Building and Safety, etc.) to ensure that construction of the Project occurs in a safe and efficient manner. With respect to Mitigation Measure J-34, such signs may consist of “Construction” caution signs, advisories of temporary sidewalk closures, “Trucks Entering” caution signs, etc.

Comment A10-133

Measure J-36, scheduling of little league games, is unworkable. Rather than adjusting the scheduling to fit the developers [sic] desire for density, the parking should be adjusted to accommodate game and practice related needs.

The analysis of parking generated by the potential little league field component of the Project is provided in the Draft EIR on page IV.J-33. The Draft EIR concludes that based on a conservative assumption regarding full simultaneous utilization of the four baseball fields, adequate parking (approximately 55 spaces) would be provided based on the anticipated demand. To alleviate any potential parking shortage that could occur associated with the overlap period between departing and arriving teams, Mitigation Measure J-36 on page IV.J-117 of the Draft EIR recommends adequate spacing of games to offset the potential adverse affects related to parking. Officials would have adequate ability and oversight regarding the scheduling of games. The comment expresses an opinion which will be forwarded to the decision-

maker for review and consideration. The comment does not provide any data or analysis to suggest that Mitigation Measure J-36 is not feasible. Nonetheless, to further ensure that adequate parking supply would be provided during little league play, Mitigation Measure J-36 on page IV.J-117 of the Draft EIR has been revised as follows:

(J-36) Scheduling of little league baseball games shall occur so as to allow adequate time for players to leave the site prior to the arrival of new players for the following game. ~~For example, a~~ A minimum of one hour should be provided from the end of one game to the start of the next game. ~~The amount of time allocated between games to manage the parking overlap may be adjusted based on actual operating experience.~~

Comment A10-134

A post-project monitoring protocol should be developed and funded to monitor the impacted intersections and traffic flows, identify alternate mitigations that would be implemented if the impacts are not offset, and place funds equal to necessary alternate mitigation in a trust fund or mitigation bank.

Response to Comment A10-134

A post-project monitoring protocol is not necessary because substantial evidence supports the Draft EIR's conclusions regarding the beneficial effect of mitigation measures such as ATSAC/ACTS. Substantial evidence also supports the Traffic Study's trip generation forecast. In addition, a significant mitigation margin will be delivered by the measures funded by the Project. For example, with respect to ATSAC/ACTS, Caltrans' experience indicates that ATSACs/ACTS results in a 12% improvement in intersection capacity. However, in accordance with LADOT protocol, only a 7% improvement was assumed. See also Topical Response 11, Traffic.

Comment A10-135

Provide road access to Mary Star High School regardless of the number of units constructed, with secondary access to the condominiums to the south of the property.

Response to Comment A10-135

Mary Star of the Sea High School was approved by the City of Los Angeles with the assumption that an access could be obtained to Western Avenue for school traffic. However, the City has no legal authority to require that the owner of the Project site provide road access exclusively to serve Mary Star High School (another private property owner) or the condominiums to the south of the property. As a public benefit of the Project, the applicant has offered to provide improved road access to Mary Star High School from Western Avenue, and to fund the implementation of mitigation measures to mitigate the traffic generated by Mary Star's operation as a public benefit of the Project. In terms of land value and construction cost, provision of an access road for the benefit of Mary Star High School would represent a multi-million dollar community benefit and cost to the Project.

Comment A10-136**4.0 Population and Housing (Section IV.H)****4.1 The population estimates in the NOP and Initial Study are substantially greater than in the DEIR. There is no explanation for the difference.**

The Notice of Preparation (NOP) says the project would add 7343 new permanent residents to the project site. The DEIR projects a total population of 4313 based on 2.0 persons for each non-age restricted unit and 1.5 persons for each senior unit. The developer cites no reason for this change. As detailed in these comments, the original projection of 7343 appears to be more accurate.

Response to Comment A10-136

See Topical Response 8, Population and Housing.

Comment A10-137**4.2 The population density of 2.0 per non-age restricted units and 1.5 per age-restricted units is not consistent with project plans.**

The developer has characterized his project by selecting an artificially low population generation category. However, in a public meeting, [but significantly, **NOT** in the DEIR] the developer indicated that its product mix will be approximately:

575 Age-restricted Units

30% One Bedroom Units	172 Units
60% Two Bedroom Units	345 Units
10% Three Bedroom Units	58 Units

1725 Non Age-Restricted Units

15%-17% studio, loft/1Bed Units	260-294 Units
40% Two Bedroom Units	690 Units
30% Three Bedroom Units	518 Units
10% Four Bedroom Units	172 Units

Response to Comment A10-137

Regarding the persons per household rate used in the Draft EIR, see Topical Response 8, Population and Housing. Regarding the Project's unit-by-unit bedroom count, see Response to Comment A10-5.

Comment A10-138

These size units appear inconsistent with a development of only couples with no children or single persons. A population analysis based on the number of bedrooms as an indicator does not support the developer's conclusions. Furthermore, the developer has indicated that he is planning a "family friendly" community. These factors indicate a likelihood of a population mix similar to the surrounding area.

Response to Comment A10-138

See Response to Comment A10-137, Response to Comment A10-5, and Topical Response 8, Population and Housing.

Comment A10-139

Additionally, the developer has indicated a five year construction schedule, with construction based on blocks of units. There are no guarantees that each block will be constructed as planned. For example, the developer could sell the entitlement rights to an apartment developer. The standard data for population are markedly different for apartments than they are for owner-occupied condominiums.

Response to Comment A10-139

The applicant is seeking entitlements for a Tentative Tract Map, the purpose of which is, among other things, to create "condominium" interests in each unit so that they can be sold rather than rented. The Draft EIR analyzes potential impacts of the Project as proposed. If the applicant chose to sell buildings in the Project to an apartment developer, additional CEQA review would be required before units could be rented.

Comment A10-140**4.3 The project does not reflect the household population averages in the surrounding communities from which it intends to draw.**

The assumption of 1.5 persons per household for the senior units and 2.0 persons per household for the family units for a blended rate of 1.88 per unit, is far below the average household sizes for the San Pedro and Wilmington Harbor City Community Plan areas or the Zip Code areas in the local communities. The table below shows the average household size in those areas and the total in the project if those averages are applied to the proposed project.

<u>Project or Demographic Base</u>	<u>Average Household Population</u>	<u>Applied</u>
Ponte Vista	1.88 blended rate	4313
San Pedro Community Plan	2.52 per multi-family dwelling	5796
Wilmington/Harbor City Plan	3.63 per multi-family dwelling	8349
Zip Code 90731 San Pedro	2.63 persons per household	6049
Zip Code 90732 San Pedro	2.39 persons per household	5497
Zip Code 90274 Palos Verdes	2.66 persons per household	6118
Zip Code 90275 Palos Verdes	2.66 persons per household	6118
Zip Code 90710 Harbor City	2.96 persons per household	6808
Zip Code 90717 Lomita	2.49 persons per household	5727
Zip Code 90744 Wilmington	3.8 persons per household	8740

Response to Comment A10-140

The average household sizes in the areas and ZIP Codes listed in the comment are not relevant to the Project, because the type of housing in the Project differs from the total housing stock in the areas and ZIP Codes listed. Specifically, the Project includes only owner-occupied new construction units in structures with multiple units, 575 of which include units for seniors only. The data presented in this comment include a wide range of housing types, including detached single family units which have a higher average household population. See also Topical Response 8, Population and Housing.

Comment A10-141

4.4 The developer's population rate estimates are significantly lower than those used for three other comparable projects in Los Angeles.

There are three other large condominium development projects that are substantially similar to the proposed project. These three are shown in the table below, along with the number of persons who would occupy Ponte Vista if those other rates were applied here.

Project Name	Persons/Unit	Total if Applied to Ponte Vista
Ponte Vista	1.88	4313
Playa Vista	2.2 per unit	5060
Blvd. 6200	2.25 per unit	5175
Pacific Corridor CRA	2.88 per unit	6624

Response to Comment A10-141

See Topical Response 8, Population and Housing.

The person per household factors used in the other EIR's mentioned in the comment are not applicable to the Project.

The Village at Playa Vista EIR⁷⁴ was prepared in 2003. The Village at Playa Vista 2,600-unit project features a variety of residential housing types, including detached single-family homes, one-, two-, three-, and four-bedroom condo units, and one-, two-, and three-bedroom apartment units, at both market and below-market rates. No dedicated senior housing was assumed. By contrast, the Ponte Vista Project includes only market rate condominiums and townhomes for general households and seniors. The population estimate in the Village at Playa Vista EIR is based on 2.2 persons per household, which represents a rounded value derived by averaging the average household sizes for the three Community Plan areas adjacent to that project and Marina Del Rey, based on SCAG's forecast of population and households for those areas in 2010.⁷⁵ This means that households occupying every type of housing unit within the surrounding areas were utilized in the analysis, as well as 2001 and 2003 SCAG regional growth forecasts, which have since been superseded. This approach is inappropriate for the Project, which is in a completely different part of Los Angeles and has a much narrower mix of housing unit types (i.e., no single-family homes or apartments). Therefore the persons per household ratio used in the Village at Playa Vista EIR has no relevance for estimating the population at the Project.

The Blvd 6200 Project EIR⁷⁶ analyzes a 1,042 residential unit and 175,000 square foot retail project proposed for the north and south sides of Hollywood Boulevard between Argyle and El Centro Avenue in the Hollywood Redevelopment Project Area. That project's 1,042 dwelling units include 24 ground level live-work (i.e., loft) units and 1,018 apartments. No dedicated senior housing was assumed. This is a completely different set of housing products than that provided by the Ponte Vista Project. The population estimate in the Blvd 6200 EIR is based on 2.25 persons per household, which represents the average household size for the entire Hollywood Redevelopment Project Area, as of 2000.⁷⁷ This means that households occupying every type of housing unit within the surrounding areas was assumed in the analysis. This approach is inappropriate for the Project, which is in a completely different part of Los Angeles and has only for-sale condominium and townhome units for general households and seniors. Therefore the persons per household ratio used in the Blvd 6200 EIR has no relevance for estimating the population at the Project.

The Pacific Corridor project involved a Program EIR that evaluated the environmental impacts, including population and housing, of four alternative 30-year build-out scenarios which included ranges of non-

⁷⁴ City of Los Angeles Dept. of City Planning, *Final Environmental Impact Report, Village at Playa Vista*, prepared by PCR Services Corp., Volume I, April 2004.

⁷⁵ *Id.*, footnote #352, at page 768.

⁷⁶ City of Los Angeles Department of City Planning, *Blvd 6200 Project, Draft Supplemental Environmental Impact Report*, prepared by Christopher A. Joseph & Associates, April 2006 (hereinafter "Blvd 6200 EIR").

⁷⁷ *Id.*, footnote #2, at page IV.J-3.

residential floor area and housing units.⁷⁸ The housing unit totals assumed in the four scenarios ranged from 250 to 1,660 units. But neither the project description nor the population, housing and employment analysis section of the EIR specifies a particular mix of housing unit types. Thus, it was assumed that the numbers of units could include any combination of detached single-family homes, apartments, condominiums and perhaps other housing types. By contrast, the Ponte Vista Project is limited to condominiums and townhomes for general households and seniors. The Pacific Corridor EIR's population analysis includes a table of estimates for population, housing and employment, but does not explain the basis for the population estimates.⁷⁹ Dividing the population estimates by the housing estimates for each scenario yields the same 2.89 persons per dwelling unit factor. This matches the year 2000 ratio of population to households for the entire Redevelopment Project Area as presented in the same section of the EIR,⁸⁰ and therefore may be the method that was used to translate the housing scenarios into population. However, the year 2000 value for households would include every kind of housing unit in the Redevelopment Project Area, including detached single-family homes and others that are not included in the Ponte Vista Project. Therefore, the persons per household ratio in the Pacific Corridor EIR has no relevance for estimating the population at the Project.

Comment A10-142

4.5 Other Well-Established Methods of Calculating Population Yield Significantly Higher Population Numbers

The Appendix "Population Calculation Methods" provides calculations of total population based on six other commonly used methods, and all based on actual counts. Given the regional nature of housing markets (as also expressed in the DEIR in Section IV-H page 2), these analyses use the City of Los Angeles and the County of Los Angeles as their bases. **All of the methods of calculation result in at least 50% higher population projections than that used in the DEIR.**

Perhaps the most appropriate rate for the subject property is that discussed under method 6 which uses a hybrid approach. This method calculates the persons per unit for the nonage restricted housing for new multi-family construction based on the number of bedrooms and calculates the projections for the age-restricted units based on the 2000 Senior Household average size for new construction of age-restricted units. Using data for the City of Los Angeles, the resulting calculation yields 5,089 for the non-age restricted units and 1,426 for the age-restricted units; a total of 7,515, very close to the 7,343 number used in the Notice Of Preparation.

⁷⁸ *Community Redevelopment Agency of the City of Los Angeles, Pacific Corridor Redevelopment Project Final Environmental Impact Report, prepared by Terry A. Hayes Associates, LLC, March 2002 (hereinafter "Pacific Corridor EIR").*

⁷⁹ *Id.*, Table 4.8-2, at p. 4.8-3.

⁸⁰ *Id.* Table 4.8-1, at p. 4.8-2

Response to Comment A10-142

None of the alternative calculation methods cited in this comment are relevant to the Project because each of the comment's alternative calculation methods fails to utilize a combination of characteristics that precisely matches those for the Project. The Project includes only owner-occupied new construction units in structures with multiple units, of which 575 are restricted to seniors. Some of the alternative calculations use *all* housing units in the relevant Community Plan areas, City of Los Angeles or County of Los Angeles (Methods 1 and 2). These methods are inappropriate, because the Project consists only of certain kinds of housing units found in the City and County.

Other methods in the comment use cross-tabulations of census data drawn from the Public Use Microdata Sample (PUMS) (Methods 3-6), including just owner-occupied units (Method 3), owner-occupied units built between 1990 and 2000 (Method 4), owner-occupied units built between 1990 and 2000 by number of bedrooms per unit (Method 5), and owner-occupied units built between 1990 and 2000 with an occupant age 55+. These methods as used are inappropriate because: (1) they do not specify which Public Use Microdata Areas (PUMA) were used in the analysis; and (2) the methods fail to also include factors to isolate buildings with 20+ units per structure. The comment's failure to specify which PUMAs were used in the analysis is a significant deficiency because PUMAs are not conterminous with City and County of Los Angeles boundaries.

Replication of each PUMS analysis in the comment for the County using PUMAs 6301 through 6307 and 6401 through 6411 result in average household sizes that in all cases are lower than shown in the comment. Similarly, using PUMAs 6301 through 6307 for the City also produces average household sizes that in all cases are lower than shown in the comment. This analysis is included as Appendix H to the Final EIR. Second, correctly applying all of the relevant descriptive factors that apply to the Project in performing the PUMS analysis, including 20+ units per building, for the City of Los Angeles PUMAs, yields results (1.86 weighted average household size) that are consistent with the Draft EIR.

The commenter's population estimates are not correct. However, even if the largest estimate of Project population cited in the comment were used for the sake of discussion (i.e., 8,349 based on the average household size for detached single family homes in the City of Los Angeles, per Comment A10-267, which is clearly inappropriate because the Project does not include any such homes), the Project's population would still represent 9.1 percent of the population forecasted for the Wilmington-Harbor City Community Plan area in 2010, 62.6 percent of forecasted population growth in that area, 4.6 percent of forecasted population for the combination of the Wilmington-Harbor City and San Pedro Community Plan areas in 2010, 38.1 percent of forecasted population growth to 2010, 0.2 percent of population in the City of Los Angeles Subregion in 2010 and 5.0 percent of population growth to 2010. While the Draft EIR's projected population of 4,313 is the most reasonable estimate available and the appropriate one for CEQA and planning purposes, even if the highest estimate urged by the comment were utilized, the Project's increment of population growth, alone and in combination with related projects would be less than total population growth forecasted for the relevant analysis geographies and therefore would not be

significant for purposes of housing and population. See also Topical Response 8, Population and Housing.

Comment A10-143

4.6 1.5 persons per unit in age restricted housing is too low.

The assumptions regarding the number of persons in the “55 and better” units need to be re-examined. As discussed in Appendix I, Method 6, the average household size (2000 Census) for householders 55 years and older in new construction in the City of Los Angeles is 2.48 persons per unit. This rate results in 1426 persons in the age-restricted units, significantly higher than the 863 figure used in the DEIR.

Response to Comment A10-143

See Response to Comment A10-142, Topical Response 7, Impacts of Age-Restricted Units, and Topical Response 8, Population and Housing.

Comment A10-144

In addition to the empirical, sociological trends indicate relevant to the population calculations include:

- a larger proportion of the population which are having children later and thus will still have children at home when they are 55,

Response to Comment A10-144

This comment includes observations about population trends. All of these trends, to the extent they are relevant to estimating Project population, are not significantly different from conditions that prevailed in 2000, when the last United States Census was conducted. Inasmuch as the population estimate for the Project is grounded in United States Census data relationships for the two ZIP codes that surround the Project site (see Topical Response 8, Population and Housing), the stated trends have already been accounted for in the Project population estimate.

Moreover, the Project’s age-restricted community will comprise a “senior citizen housing development,” as defined in California Civil Code Section 51.3. Consistent with California Civil Code Section 51.3, these units will be subject to covenants, conditions, and restrictions or other documents or written policy that limit residency to persons age 55 years or older with very limited exceptions, specified in the statute, which generally do not allow children, regardless of the age of the parent(s). See Topical Response 7, Impacts of Age-Restricted Units.

Comment A10-145

- the greater number of adult children leaving home later,

Response to Comment A10-145

See Response to Comment A10-144.

Comment A10-146

- the number of adult children returning to live at home again, some of whom have children of their own

Response to Comment A10-146

See Response to Comment A10-144.

Comment A10-147

- the growing numbers of grandparents who are raising their grandchildren and the number of grandparents in San Pedro who provide before-school and after-school child care for their grandchildren.

Response to Comment A10-147

See Response to Comment A10-144.

Comment A10-148

In part, the developer's low numbers are based on barring young people from living in the Senior housing. Whether this is legal or not, the HOA could change those restrictions, or the City could bar the restriction as a matter of policy.

Response to Comment A10-148

See Response to Comment A10-144.

Comment A10-149**4.7 The Pacific Corridor CRA EIR Shows How Understated the Population Estimates are for Ponte Vista**

The Pacific Corridor CRA EIR summarizes the population, housing, and employment projected for each project alternative through 2030. Table 4.8-2 estimates the population growth at 4,789, an average of 2.89 persons per dwelling unit. This is significantly higher than the 2.0 persons/household listed for the projects on page 61 of the DEIR which are in the CRA project area.

Response to Comment A10-149

As discussed in response to Comment A10-141, above, it appears that the Pacific Corridor CRA EIR's population analysis was determined using data that included every kind of housing unit in the Redevelopment Project Area, including detached single-family homes and others that are not included in the Project. Therefore, the persons per household ratio in the Pacific Corridor EIR is not relevant to estimating the population for known, individual projects, such as the related projects. While substantial evidence supports the Draft EIR's population estimates, even if the cited persons per dwelling unit rate were used to analyze the population impact of the related projects, the increment of population growth of both the Project and related projects would still be significantly less than the total population growth forecasted for the combination of the Wilmington-Harbor City and San Pedro Community Plan areas in 2010 and would be less than significant. See Response to Comment A10-142. Furthermore, for the most part, population counts were not the relevant basis for assessing the Project environmental impacts in the Draft EIR and most impacts were analyzed using statistics other than population counts. For example, Project traffic impacts were analyzed based on ITE land use codes. See Draft EIR pp. IV.J-33 to IV.J-36. Project school impacts were analyzed based on LAUSD student generation rates for dwelling unit types. See Draft EIR pp. IV.I-29 to IV.I-31. See also Response to Comment B53-10. The Project's operational noise impacts were analyzed primarily based on vehicular traffic volumes as identified in the traffic study (which were in turn calculated based upon ITE land use codes). See Draft EIR p. IV.G-18. Water and wastewater impacts were based on land use, including number and type of dwelling units (including bedroom count) for residential uses (see Draft EIR pp. IV.K-7 to IV.K-8, IV.K-20 to IV.K-24), and solid waste impacts were based on unit number and size (square footage) (see Draft EIR, p. IV.K-43). The Draft EIR's air quality emissions analysis is largely based on vehicle trip generation with only consumer product use emissions having been factored based upon population estimate (See Draft EIR p. IV.B-38).

Comment A10-150**4.8 The DEIR overstates the need for housing and understates the number of new residential units being developed.**

As further discussed in our comments in Land Use and Planning, the DEIR overstates the need for housing and understates the number of new residential units being developed. The State's 2000 forecast for population growth between 1997-2020 for Los Angeles County (p. IV H-4) has recently been revised downward from the 2 million stated in the DEIR to 1.5 million and the most recent census data shows that the county grew even less than expected by the new lower growth standard. In fact, for the City of Los Angeles, the rate of growth declined every year from 1999 (1.97%) to the 2006 rate of 0.65%.¹⁵ [footnote reference in original letter]

Response to Comment A10-150

The comment concerns the housing policy context discussion in the Draft EIR (pages IV.H-2 through IV.H-6). The Draft EIR stated that in 2000, the State forecasted that five million new homes will be needed between 1997 and 2020 to meet future population and household growth. Meeting this scale of

housing demand would require construction of about 220,000 homes each year, which is very high by historical standards and difficult to sustain across economic cycles. Since the late 1980s, actual construction has fallen far short of that annual average, even in 2004, when the largest number of new housing units was produced in a single year (212,960).⁸¹ The comment mentions changes in the State growth forecast for Los Angeles County, and recent population data for the City, which are attributed to the State Department of Finance, which indicate a slowing in the rate of population growth compared to the 1997-2020 data cited in the DEIR.

While the State and SCAG update their long-range growth forecast from time to time, the fact remains that housing development in the City and County of Los Angeles, and the entire SCAG region, has not kept pace with population and household growth. Despite an increase in new housing construction between 2000 and 2005, and a slowing rate of population growth, the ratio between population growth and new housing (4.0) still exceeds the region's average household size (3.1).⁸² The region's persistently high housing prices and rents (second highest housing cost burden among US metro areas), low rate of homeownership (second lowest among US metro areas), and overcrowded living conditions (highest among US metro areas) are just a few of the manifestations of the continuing imbalance between supply and demand.

The comment is correct that there is a more recent county-level population forecast.⁸³ The population forecast for Los Angeles County in 2020 (10,885,092) in the latest State forecast is lower than the 2020 forecast relied on in the HCD report cited in the Draft EIR (11,575,693). But this difference does not change the overall point in the HCD study as noted in the Draft EIR that there is a structural imbalance between growth in population and households and the supply of new housing units in California and in Los Angeles County.

The comment's mention of recent County population growth changes refers to uncited "census" data. The population growth forecast in the HCD study cited in the Draft EIR envisioned that LA County would grow an average of 1.0% per year between 1997 and 2020. Since 1999, the annual population growth rate in the County has varied from 1.85% between 2000 and 2001, to 0.77% between 2004 and 2005, according to Department of Finance estimates,⁸⁴ but this still represents annual average growth of

⁸¹ DEIR, p. IV.H-3.

⁸² See generally, SCAG, *The State of the Region: Measuring Regional Progress, December 14, 2006* (available at: http://www.scag.ca.gov/publications/pdf/2006/SOTR06/SOTR06_Housing.pdf).

⁸³ *State of California, Department of Finance, Population Projections by Race/Ethnicity for California and Its Counties 2000–2050, Sacramento, California, May 2004* (available at: http://www.dof.ca.gov/HTML/DEMOGRAP/ReportsPapers/Projections/P1/documents/P-1_Tables.xls).

⁸⁴ *State of California, Department of Finance, E-4 Population Estimates for Cities, Counties and the State, 2001-2006, with 2000 Benchmark, Sacramento, California, May 2006*, available at <http://www.dof.ca.gov/HTML/DEMOGRAP/ReportsPapers/Estimates/E4/E4-01-06/HistE-4.asp>, and *E-4 Revised Historical City, County and State Population Estimates, 1991-2000, with 1990 and 2000 Census Counts*, available at http://www.dof.ca.gov/HTML/DEMOGRAP/ReportsPapers/Estimates/E4/E4-91-00/documents/NewHist_E-4.XLS.

about 119,000 persons during a period in which permits for new housing units grew at an annual rate of only 23,000 per year.

Contrary to the statements about population growth rate trends for the City of Los Angeles, annual DOF estimates show an increase in the rate of annual City population growth between 1999 and 2001, a decrease between 2002 and 2005, and an increase between 2005 and 2006.⁸⁵

Comment A10-151

366-74 W. 8 th (Sepia Homes)	20 units
327 N. Harbor Blvd, (Sepia)	60 units
407 N. Harbor Blvd, (Sepia)	42 units
1200 S. Beacon St.	140 rental units
1160 W. 11ths [sic] Street	13 attached homes
Habitat for Humanity (Santa Cruz & Palos Verdes)	16 units
	Total 346 units

At the same time, the number of new units being developed is understated. Since the close of the NOP comment period, we have become aware of the following additional projects in San Pedro alone, most of which are within the CRA redevelopment area. These should be added to the DEIR, Appendix IV.H-1, pages 53 **and** 61, for San Pedro:

Response to Comment A10-151

366-74 W. 8th (Sepia Homes) – 20 Units

See Response to Comment A10-112.

327 N. Harbor Blvd. (Sepia Homes) – 60 Units

See Response to Comment A10-112.

407 N. Harbor Blvd. (Sepia Homes) – 42 Units

See Response to Comment A10-112.

1200 S. Beacon St. – 140 Rental Units

See Response to Comment A10-112.

⁸⁵ *Id.*, for the City of Los Angeles.

1160 W. 11th Street – 13 Attached Homes

See Response to Comment A10-112.

Habitat for Humanity – 16 Units; Santa Cruz & Palos Verdes

See Response to Comment A10-112.

Comment A10-152

¹⁵ State of California Dept. Of Finance, Population Estimates and Components of Change by Year, July 1, 2000-2006, December 2006

Response to Comment A10-152

This comment contains source information for a previous comment regarding City of Los Angeles annual growth rates. The Department of Finance (DOF) provides demographic, economic, and financial data for the State on its website, <http://www.dof.ca.gov/HTML/DEMOGRAP/ReportsPapers/ReportsPapers.asp#estimates>. There is no data file on the DOF's website that exactly matches the citation provided in this comment. The EIR consultant contacted the DOF and determined that a data file exactly matching this citation does not exist. The closest match to this citation is a file that provides population change data and annual growth rate data by County, not by City, as of July 1 of each year.⁸⁶ According to the DOF, its E-4 report is the most current and widely used source for annual population and housing data at the city and county level, as of January 1 in each year. As discussed in Response to Comment A10-150, the current E-4 report shows an increase in the rate of annual City population growth between 1999 and 2001, a decrease between 2002 and 2005, and an increase between 2005 and 2006.⁸⁷

Comment A10-153

The addition of the above listed units to those already shown, results in a total of 1747 units for San Pedro and 542 units for Wilmington/Harbor City (excluding the Marymount College Student Housing). Using CRA's 2.89 persons per unit average, this amounts to a projected population increase of 6,615. When the 320 students living in the Marymount College housing are added in, the total population projection for the Residential Related Projects in the Wilmington-Harbor City and San Pedro Community Plan Areas increases from 3,807 to 6,935.

⁸⁶ *State of California, Department of Finance, California County Population Estimates and Components of Change by Year, July 1, 2000-2006, Sacramento, California, December 2006. Available online: http://www.dof.ca.gov/HTML/DEMOGRAP/ReportsPapers/Estimates/E2/E-2_2000-06.asp.*

⁸⁷ *Ibid.*

Response to Comment A10-153

See Topical Response 12, Related Projects and Cumulative Impacts. The projects that make up the 1,747 units referenced in the comment are discussed individually in Response to Comment A10-112. Although not required by CEQA, for informational purposes Topical Response 12 analyzes the population impact of the additional projects identified in comments in conjunction with the Project and the related projects identified in the Draft EIR. It concludes that development of all these projects would account for approximately 39% of the General Plan Framework's forecasted growth of 21,918 persons for the two Community Plan Areas by 2010, and approximately five percent of SCAG's population forecast for the City of Los Angeles Subregion. Therefore, even taking into account such additional projects would not change the conclusion in the Draft EIR that cumulative population impacts would be less than significant. With respect to the persons per unit ratio, see Response to Comment A10-141.

Comment A10-154**4.9 The DEIR does not assess the impacts of the back-fill addition to the local population as local people move into the project.**

The population figures do not include the persons who will move into the "empty nests" in the local area. The developer claims that 85% of the interest cards for this project are currently residents of San Pedro. Judging by the locations of these interested persons [the developer maintains a map showing these locations], these houses are primarily multiple-bedroom, single family homes. When those occupants move to the developer's project, it can be expected that their present houses will be sold or rented to families with children. This factor has not been included anywhere in the DEIR. At a minimum, it would be expected that the 575 units in the senior housing section would equal the number of housing units vacated in the surrounding community, but the additional persons occupying them would likely be at the household level of the surrounding community, CEQA requires all reasonably foreseeable potentially adverse impacts be assessed.

Response to Comment A10-154

See Response to Comment A10-29.

Comment A10-155**• Section IV I 3 "Schools"****5.1 Table IV. I-4 in the DEIR "LAUSD School Capacities and Enrollment" used "eligible enrollment" figures rather than "actual enrollment" figures.**

The conclusion in the DEIR is based on its Table IV. 1-4, which is based on a letter from the LAUSD School Facilities Division, enclosed in Appendix IV.1-I. That letter shows "Current Capacity", "Eligible Enrollment", and "Actual Enrollment". In table form,

School	Current Capacity	Projected Capacity ¹⁶	Eligible Enrollment ¹⁷	Actual Enrollment ¹⁸
Taper Elementary	689	658	306	597 [655]
Dodson Middle	2290	1918	1712	1931
Narbonne HS	3570	3146	3517	3604

Response to Comment A10-155

This comment summarizes seating capacity and enrollment data for the Taper Elementary School, Dodson Middle School and Narbonne High School, which were contained in a November 2, 2005 letter from LAUSD to the EIR consultant (see Appendix IV.I-1 to the Draft EIR). These data were utilized in preparing the analysis of Project impacts on school facilities (see Draft EIR Section IV.I.3 and Appendix IV.I-2). The comment correctly summarizes the capacity and enrollment data provided by LAUSD, with the exception of actual enrollment for Taper Avenue Elementary School (597), as discussed in Response to Comment A10-158. For a discussion of the use of eligible vs. actual enrollment, see Topical Response 10, School Impacts.

Comment A10-156

¹⁶ The “projected capacity” is the capacity the school will have after implementing operational goals such as class size reduction.

Response to Comment A10-156

This comment reflects a partial definition of “projected capacity.” LAUSD defines “projected capacity” as the capacity the school will have after shifting to a traditional two-semester school calendar and implementing operational goals such as full-day kindergarten and class-size reduction.⁸⁸

Comment A10-157

¹⁷ The developer used the “eligible enrollment” as if it were the actual enrollment

Response to Comment A10-157

See Topical Response 10, School Impacts.

⁸⁸ LAUSD, *Schools Enrollment and Capacities table included with LAUSD’s September 23, 2005 memorandum to the EIR consultant, footnotes #9. The September 23, 2005 memorandum is an attachment to the November 2, 2005 LAUSD letter included in Appendix IV.I-1 to the Draft EIR.*

Comment A10-158

¹⁸ These are the figures the developer should have used. 655 includes the magnet school enrollment.

Response to Comment A10-158

The comment is incorrect. In the Enrollment and Capacity report provided to the EIR consultant by LAUSD (see Draft EIR Appendix IV.I-1), LAUSD notes that all data in the report already take into account portable classrooms on site, additions being built onto existing schools, student permits and transfers, specific educational programs running at the schools, and any other operational activities or educational programming that affects the capacities and enrollments of LAUSD's schools. Thus, the actual enrollment figure for Taper Elementary school (597) already includes the magnet school enrollment. In addition, "eligible" enrollment, not "actual" enrollment, is used in the Draft EIR analysis, consistent with policy and direction from LAUSD. See Topical Response 10, School Impacts.

Comment A10-159

5.2. [sic] The student generation figures for comparable projects are much higher in comparable projects.

The DEIR predicts 199 students will be generated by the project. The computations rely on LAUSD School Facilities Needs Analysis, but do not explain the choices and characterizations the developer made to achieve these very low numbers.

Response to Comment A10-159

The Draft EIR appropriately identifies the source and methodology for determining the number of students generated by the Project at footnotes #1 and #3 to Draft EIR Table IV.I-6 on page IV.I-30.

Comment A10-160

In part, the developer's low numbers are based on barring young people from living in the Senior housing. Whether it is legal to do so or not, the HOA could change those restrictions, or the City could bar the restriction as a matter of policy. As discussed more extensively in the Population and Housing section of these Comments, in Census Year 2000, "New Construction, Senior Households" averaged 2.27 persons. Further, these figures do not take into account the number of grandparents who provide before and after school care for their grandchildren, qualifying them to attend local schools.

Response to Comment A10-160

See Topical Response 7, Impacts of Age-Restricted Units. The Project's age-restricted community will comprise a "senior citizen housing development," as defined in California Civil Code Section 51.3. Consistent with California Civil Code Section 51.3, these units will be subject to covenants, conditions, and restrictions or other documents or written policy that limit residency to persons age 55 years or older

with very limited exceptions, specified in the statute, which generally do not allow children, regardless of the age of the parent(s). The comment's assertion that some seniors' households had an average size of 2.27 persons is thus irrelevant (and in any event is not supported by any data that such households include children likely to enroll in LAUSD schools). The suggestion that the Project will include seniors' households providing before- and after-school child care is speculation unsupported by any data or analysis. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment A10-161

The student generation rates and number of students generated for each school level from comparable projects are:

Project	# of Units	Rate/Unit	Elem	Middle	High School
Ponte Vista	2300	0.1151	99	50	50
Playa Vista	2600	0.214 *	273	131	153
Blvd. 6200	1042	0.427	207	117	121
Pacific Corridor	1660	1.07	996	332	448

* Varies by the number of bedrooms in the units because Playa Vista applied one of the alternate methods set forth above in the comments on Population. The rate shown is the overall rate.

Response to Comment A10-161

Regarding the Playa Vista and Pacific Corridor EIRs, see Response to Comment A10-12.

The Blvd 6200 Project EIR⁸⁹ analyzes a 1,042 residential unit and 175,000 s.f. retail project proposed for the north and south sides of Hollywood Boulevard between Argyle and El Centro Avenue in the Hollywood Redevelopment Project Area. The project's 1,042 dwelling units include 24 ground level live-work (i.e., loft) units and 1,018 apartments. This is a completely different set of housing products than the Ponte Vista project, with different student generation rate characteristics.⁹⁰ Furthermore, the Blvd 6200 EIR's school impacts analysis utilizes student generation rates from a 2002 LAUSD school fee study for commercial and industrial projects⁹¹, not the 2005 School Facilities Needs Analysis which is currently in effect. The combination of the very different type of housing with different student

⁸⁹ City of Los Angeles Department of City Planning, *Blvd 6200 Project, Draft Supplemental Environmental Impact Report, prepared by Christopher A. Joseph & Associates, April 2006 (hereinafter "Blvd 6200 EIR")*.

⁹⁰ *The overall total student generation rate for multi-family units (i.e., apartments) is 0.4063 versus 0.1150 for single-family attached units (i.e., condominiums and townhomes), per the 2005 LAUSD School Facilities Needs Analysis (Tables 3 and 2, respectively, at p. 9).*

⁹¹ *Blvd 6200 EIR, Table IV.K-4, at p. IV.K-13.*

generation rates and the use of a much older set of LAUSD student generation rates renders the Blvd 6200 EIR school impact analysis completely inapplicable to the Ponte Vista project.

Comment A10-162

As can be seen, the student generation rate for Ponte Vista is significantly lower than any of the comparable projects. **If Ponte Vista used those student generation rates, their student generation numbers would be as follows:**

Project	Elementary	Middle	HS	Total
Ponte Vista [rate [sic] used	0.0573 = 99	0.0289 = 50	0.0289 = 50	199
w/Playa Vista rates	0.105 = 241	0.05 = 155	0.058 = 133	489
w/Blvd. 6200 rates	0.199 = 457	0.112 = 258	0.116 = 267	982
w/PacCor CRA rates	0.6 = 1380	0.2 = 460	0.27 = 620	2460

The numbers highlighted in red exceed available school capacity in the schools listed. As can be seen, Ponte Vista exceeds the available capacity at Taper and Narbonne no matter what data are applied and greatly exceed the capacity of the schools if more realistic data are used. Using the downtown lofts rates would exceed the capacity for Dodson as well.

Response to Comment A10-162

Regarding the Playa Vista and Pacific Corridor EIRs, see Response to Comment A10-12. Regarding the Blvd. 6200 EIR, see Response to Comment A10-161.

Comment A10-163

5.3 Student generation rates for multi-family owned homes, by number of bedrooms in Los Angeles City and County, yields much higher student numbers and more accurately predicts the student generation numbers we are likely to see.

Another commonly used method for calculating student generation rates uses Census 2000 PUMS data. The rates are only for Multifamily Owned Homes (in order to make it more comparable to the proposed units).

The rates are derived by dividing the number of children in each grade range by the number of households for each type of unit (distinguished by the number of bedrooms). Attached Appendix II “Student Generation Rates, by PUMS Bedroom Count” takes into consideration multifamily structures. The number of students generated by the proposed project with the rates in the attached Appendix II is 642, more than three times the number in the DEIR.

Response to Comment A10-163

As explained in the Draft EIR on page IV.I-28 through IV.I-29, pursuant to the School Facility Financing Act (Government Code Sections 65995 – 65997) payment of school fees required pursuant to a validly adopted School Facilities Needs Analysis is the exclusive means of mitigating environmental effects related to the adequacy of school facilities; and no other fee, charge, dedication or other requirement may be levied by the legislative body of a local agency against a development project. A School Facilities Needs Analysis is a study required by State law (Government Code Section 65995.6) to determine the need for facilities for unhoused pupils that are attributable to projected enrollment growth from development. The procedures for preparing a School Facilities Needs Analysis are closely regulated by Government Code Section 65995.6 and mandate the use of certain information and methodologies.

The Draft EIR's analysis of school enrollment impacts was derived from student generation rates by housing type as determined by the Los Angeles Unified School District in preparing its School Facilities Needs Analysis, as prescribed by State law.⁹² LAUSD is not authorized to impose school mitigation requirements on private development projects based on any other approach other than that authorized by State law.

Since LAUSD's school impact fee is based on its School Facility Needs Analysis, it is the most appropriate method of estimating school impacts. Regardless of arguments about how student generation should be calculated, the exclusive mitigation required is payment of validly adopted school fees under State law. The Project will pay all school fees validly imposed by LAUSD pursuant to the School Facility Financing Act. Mitigation Measure I-30 requires payment of this fee (Draft EIR page IV.I-31), which is estimated to total \$9.6 million (Draft EIR Attachment IV.F-2, School Capacity Study, page 30). See Topical Response 10, School Impacts.

Furthermore, the alternative student generation calculation approach using Public Use Microdata Sample (PUMS) data from the 2000 United States Census, as described in the comment (and Comment A10-270) is inappropriate because: (1) it relies on geographies that do not match LAUSD's boundaries (i.e., the City of Los Angeles is smaller than LAUSD and the County is much larger); (2) the PUMS parameters do not limit the analysis to students enrolled in public versus private schools; and (3) the PUMS parameter for "multi-family" owned housing would include a high proportion of units in structures with less than 20 units per building, which is not representative of the Project. See also Topical Response 10, School Impacts. Once again, even if a different calculation method was used, the exclusive mitigation of school facility impacts would remain the payment of school fees pursuant to LAUSD adopted fee program which is based on the 2005 School Facilities Needs Analysis.

Ultimately, CEQA stipulates that "disagreement among experts" does not make an EIR inadequate, but the EIR should summarize the main points of disagreement with a sufficient degree of analysis to provide

⁹² Education Code Section 17620.

decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences. Guidelines sec. 15151. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A10-164

5.4 The DEIR does not calculate the number of students who will be “backfilling” the local homes of the “empty nesters” moving into Ponte Vista Senior housing, nor does it assess the impact those students will have on local schools.

CEQA requires the project developer to assess all reasonably foreseeable adverse impacts.

Ponte Vista has said publicly that 85% of its interest cards for Senior housing comes from San Pedro.¹⁹ The homes they now occupy will either be sold or rented. It is reasonable to expect that a substantial number will be sold or rented to families with school aged children. The DEIR does not assess the impacts on the schools, traffic, or recreational facilities of that change in local neighborhood population, although it is reasonably foreseeable that it will occur and calculations can be made based on its model.

Response to Comment A10-164

See Response to Comment A10-29.

Comment A10-165

5.5 The developer should propose suitable mitigation for the impacts of higher student generation figures.

Ponte Vista mistakenly concluded they will have no impact on the schools. They should be required to propose reasonable mitigation, including making land available to the school district for expansion.

Response to Comment A10-165

See Response to Comment A10-163.

Comment A10-166

6.0 Section IV.F Land Use and Planning

6.1 The population increase cannot be mitigated.

The proposed project would increase the overall population of the San Pedro community by 5% to 9%, depending on which population assumptions are used. This is a significant impact that cannot be mitigated.

Response to Comment A10-166

See Response to Comment A10-2.

Comment A10-167

¹⁹ The developer maintains a map exhibit with colored push pins to prove local interest in its project. The map shows homes that are in single family housing tracts of predominantly three and four bedrooms.

Response to Comment A10-167

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A10-168**6.2 The Project is Incompatible with CEQA Standards**

As described on Page IV.F-19, the Project conflicts with CEQA Threshold of Significance (b) “conflict with any applicable land use plan ...” and thus has a significant land use impact. The existing use in the area is primarily single family dwellings, consistent with the current zoning of this property. Ponte Vista more than doubles the number of dwelling units immediately adjacent to Western between Summerland and Peninsula Verde Drive. When they were annexed to Rancho Palos Verdes in 1983, the Eastview and Strathmore communities straddling Western Avenue, contained approximately 2500 homes spread over two square miles. As proposed, Ponte Vista is twenty times that density.

Response to Comment A10-168

At pages IV.F-21 through IV.F-73 the Draft EIR provides a discussion of the consistency of the proposed Project with all applicable land use plans, policies, and regulations.

Pages IV.F-1 through IV.F-2 of the Draft EIR, quoted below, describe all the land uses found in the Project area.

“The Project site is bordered by the U.S. Navy’s Defense Fuel Support Point (DFSP) to the north, a facility operated by the U.S. Navy primarily for the storage of fuels. To the south of the Project site, there are two four-story multi-family residential buildings located along Fitness Drive, set back approximately 10 to 20 feet from the Project site. Adjacent to these structures, a four-story, 140-unit condominium building is currently being constructed at the former location of a fitness center than has been demolished. A multi-family residential community locally known as “The Gardens” is located east of the abovementioned housing structures and southeast of the Project site. A subdivision containing single-family homes in the City of Rancho Palos Verdes is located

to the west of the Project site, across Western Avenue. Green Hills Memorial Park cemetery is also located west of the Project site across Western Avenue, north of the single-family residential neighborhood. The future campus for Mary Star of the Sea High School (currently under construction) is located adjacent to the eastern boundary of the Project site. East of the future campus site, Taper Avenue heads southward into a single-family residential neighborhood west of Gaffey Street. To the south of the Project site, a mix of commercial land uses and retail centers occurs along Western Avenue, a major north/south transportation corridor from the San Pedro coastline to the Hollywood Area. Commercial/retail uses along Western Avenue in the vicinity of the Project site include restaurants, specialty shops, grocery stores, a movie theater, and others. For further discussion of surrounding land uses, see Section III (Environmental Setting) of this Draft EIR. The Project site is located approximately two miles from downtown San Pedro, and 1.5 miles from the Port of Los Angeles.”

Contrary to the comment, the existing land use in the area is not “primarily single family dwellings.” Rather, the area contains a diverse variety of uses and intensities. With respect to the size and density of the proposed Project, the size and density of the proposed Project are inherent characteristics of the proposed Project. All characteristics of the project, including its size and density, are considered in all the analyses in the Draft EIR. As noted on page II-27 of the Draft EIR, the Project proposes a General Plan Amendment for the Project site changing the land use designation from Low Residential and Open Space to Medium Residential, and a Zone Change from R1-1XL and OS-1XL to Specific Plan. Any environmental impacts that would occur as a function, in whole or in part, of these characteristics have been assessed and identified in the Draft EIR. See Table I-1 beginning on page I-14 in the Draft EIR for a summary of the environmental impacts that would occur as a result of the proposed Project.

As stated on page IV.F-73 of the Draft EIR, the Project would not physically divide an established community, conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or conflict with any applicable habitat conservation plan or natural community conservation plan. The Project is generally consistent with policies which encourage the improvement of regional air quality and the reduction of regional congestion through infill housing development, as well as policies to address the community’s and City’s housing needs (Draft EIR pp. IV.F-21—IV.F-73). The potential impacts of the General Plan amendment and zone change (Specific Plan) proposed for the Project would be less than significant. For these reasons, the Draft EIR concluded that the Project’s impacts to land use would be less than significant.

Comment A10-169

Although there are three condominium projects on Fitness Drive immediately south of this proposed project, they are an exception and not indicative of the character of the predominantly single family community and, unlike the property which is the subject of this study, the existing condominiums are on land zoned commercial.

“The Gardens” straddling Westmont Dr., are one of the highest density projects in the area at 13.4 dwelling units per acre. **As proposed, Ponte Vista would be almost three times that density.**

The conclusion on page IV.F-21, that “the Project, as a multi-family and recreational use, is compatible with the existing uses in the vicinity” should be deleted because it is untrue.

Response to Comment A10-169

The commenter’s assertion that the character of the area is predominantly “single family” is not supported by substantial evidence. See Response to Comment A8-11 for a discussion of a variety of uses in the area. The commenter’s view that the condominium projects on Fitness drive should be regarded as an exception reflects only the commenter’s opinion. In addition, “The Gardens” is not the highest density project in the area, and it is not a single family home area. Significant multi-family development is located south of the Project and east of Western Avenue in the City of Los Angeles. Commercial development is located on both sides of Western Avenue, both within the City of Los Angeles and the City of Rancho Palos Verdes.

Comment A10-170

6.2 The Project is Incompatible with Compass Growth Vision Principles

The project conflicts with the Compass Growth Vision Principle 1 (page IV.F-6). The writers of the DEIR fundamentally misunderstand the concepts in the SCAG Southern California Compass Growth Vision. They claim that Ponte Vista implements all of the Compass principles.

Response to Comment A10-170

This comment provides no facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of its position that the Project conflicts with Compass Growth Vision Principle 1. SCAG has reviewed the Project, expressly concurred with the Draft EIR consistency assessment and concluded that the Project would be consistent with Growth Visioning Principle 1. (See Comment A14-47).

Comment A10-171

The first Compass Principle is to “Improve mobility for all residents[and] encourage transportation investments and land use decisions that are mutually supportive” [sic] In fact, this project, with its massive size and in this location, will slow traffic and reduce mobility for everyone using the Western Avenue corridor.

Response to Comment A10-171

See Response to Comment A10-170. In addition, the comment does not include a complete description of Compass Growth Vision Principle 1. This principle also includes the strategies of locating new

housing near existing jobs and new jobs near existing housing, encouraging transit-oriented development and promoting a variety of travel choices.

Comment A10-172

Some of our Neighborhood Council Board members participated in Compass workshops that developed these concepts. We understand that Compass only encourages infill in areas where the residents will be able to avail themselves of rapid transit.

Transit oriented development will reduce the number of automobile trips used by residents. However, this project is miles away from any rapid transit line and thus it is not a transit oriented development. The bus lines referred to in the DEIR have very limited service (see discussion under Traffic and Transportation), and because of the hills, DASH busses using cleaner fuels can't serve the project.

Response to Comment A10-172

Contrary to the commenter's assertion that the project is miles away from any rapid transit line, and as discussed in Topical Response 11, Traffic, the Project site is located along an existing State Highway and is directly served by a number of bus lines (see Table IV.J-1, Existing Public Transit Routes, and Figure IV.J-3, Existing Public Transit Routes in the Draft EIR). These bus lines link the Project site to the greater MTA transit network and surrounding employment and shopping locations, including downtown San Pedro, the Port area, downtown Long Beach, and the nearby MTA transit center which provides access to rapid bus service to downtown Los Angeles. For further discussion of the Project's consistency with the Compass Growth Vision policies see Response to Comment A10-170.

As discussed in the Draft EIR at IV.F-5, the *Southern California Compass Growth Vision Report* ("Compass Growth Vision"), published by SCAG in June 2004,⁹³ presents a comprehensive growth vision for the six-county SCAG region, as well as the achievements of the process for developing the growth vision. In its discussion about land supply, the Report notes that the region faces a severe limit on the amount of undeveloped land suitable for development, which hinders its ability to accommodate new housing and jobs. Further, with limited undeveloped land, already developed land will become increasingly important in accommodating growth. Infill, or new development in already developed areas, will be the method used to construct nearly half of the new housing region wide. In the City of Los Angeles, infill development could accommodate up to 80 percent of the projection for this area.⁹⁴ The Report concluded that the strategy of combining compact, mixed-use development with housing and jobs

⁹³ SCAG, *Southern California Compass Growth Vision Report, June 2004*, available online: <http://www.compassblueprint.org/vision/visionreport>. (Hereinafter, "Compass Growth Vision").

⁹⁴ *Ibid.*

near major transportation infrastructure proved to be of enormous benefit in accommodating future growth.⁹⁵

The Compass Blueprint 2% Strategy is a guideline for how and where the Growth Vision for Southern California's future can be implemented. It calls for modest changes to current land use and transportation trends on only 2 percent of the land area of the region—the 2% Strategy Opportunity Areas. The goal of the 2% Strategy is to improve measures of mobility, livability, prosperity and sustainability for local neighborhoods and their residents. At the heart of the 2% Strategy are the 2% Strategy Opportunity Areas. These are key parts of the region for targeting growth, where projects, plans and policies consistent with the Compass Blueprint principles will best serve the mobility, livability, prosperity and sustainability goals of the Growth Vision. The 2% Strategy Opportunity Areas are made up primarily of: metro and city centers; rail transit stops; bus rapid transit corridors; airports, ports, and industrial centers; and priority residential areas.

The Project site is located nearby, but outside of, a 2% Strategy Opportunity Area. However, the Project is located within a Compass Blueprint Priority Communities (or Compass Principles Priority Areas). Communities within these areas are encouraged to take local actions consistent with the Compass Blueprint principles and are eligible to receive Compass Blueprint planning services. The Project consists of infill development, which is encouraged by Compass Growth Vision policies and the Compass Blueprint 2% Strategy. The Compass Blueprint 2% Strategy identifies Priority Residential In-fill Areas as areas that have the potential to absorb a fair share of projected regional residential growth and to provide regional and subregional transportation benefits.

Another goal of the Growth Vision Principles is focusing future growth in urban centers and existing cities so that rural and other natural areas are not developed. The Project could be considered as a Priority Residential In-Fill project based on the size and location of the site near Port of Los Angeles jobs and within the urban fabric of the city of Los Angeles.

Comment A10-173

Because of San Pedro's remote location, moving from Western Ave to popular shopping areas (such as the Del Amo Mall, downtown Long Beach or the Shops at Palos Verdes) or to the employment centers described in the DEIR usually requires one or more transfers. Buses do not run often enough for residents accustomed to their private automobiles. Residents are auto-oriented and there has been little or no success in weaning them away from their cars. The DEIR proposes only perfunctory attempts to promote transit usage by residents.

⁹⁵ *Ibid*, p.35.

Response to Comment A10-173

The comment refers to Table IV.J-1, page IV.J-8 in the Draft EIR. See Response to Comment A10-126. Public transit along Western is well utilized and provides access to the area transit network and both shopping and employment destinations. For example, 2006 MTA ridership data indicates that on a given weekday route 205 is used by approximately 1,000 transit riders (500 northbound and 500 southbound) as the route passes by the Project site on Western Avenue. The Draft EIR identifies the existing public transit service that serves the project area. Mitigation Measures J-31 and J-32 are recommended on page IV.J-116 in the Draft EIR to promote use of public transportation by residents of the Project. Contrary to the statements in the comment, the Traffic Study in the Draft EIR does not assume that Project trips will be made by public transit. Although the Project's location and density are supportive of public transit usage, the potential reduction of vehicles trips associated with the Project's promotion of public transit was not considered in the Traffic Study provided in the Draft EIR so as to provide a "worst case" assessment of potential traffic impacts associated with the Project. However, it is anticipated that residents of and visitors to the site will find public transit convenient, and will use it.

Comment A10-174**6.4 The Project is Inconsistent with the General Plan and the Community Plan****6.4.1 The project plans are not consistent with Policy 5.2.3 of the City's General Plan relating to siting of multi-story projects.**

The Project is not consistent with Policy 5.2.3 of the City's General Plan. At public meetings, the developer initially indicated that the entire project would be from four to six stories over parking. More recently he has stated that it will all be four stories over parking. None of this is in the DEIR.²⁰ Policy 5.2.3 of the Framework provides [as general guidance] allowing four stories over parking **within 1,500 feet of grade separated fixed rail transit stations** and two-stories over parking (RD 1.5) within 750 feet of a **major** bus corridor. Not only is the project not near a fixed rail transit station, as discussed under the transportation and traffic section, Western Avenue is not even a "major bus corridor."

Response to Comment A10-174

The Draft EIR states that the Project will not exceed four stories along Western Avenue and six stories throughout the Project. See e.g., Draft EIR, p. II-6. After publication of the Draft EIR, the applicant clarified that the maximum building height will be four stories, and that building heights along Western Avenue would not exceed three stories.

As discussed in the Draft EIR at page IV.F-44, Policy 5.2.3, which focuses on mixed-use boulevards, is not directly applicable. The Project is located along Western Avenue, which is not designated for mixed use development. However, as discussed in Topical Response 11, Traffic, the Project site is located along an existing State Highway and is directly served by a number of bus lines (see Table IV.J-1, Existing Public Transit Routes, and Figure IV.J-3, Existing Public Transit Routes in the Draft EIR). These bus

lines link the Project site to the greater MTA transit network and surrounding employment and shopping locations, including downtown San Pedro, the Port area, downtown Long Beach, and the nearby MTA transit center which provides access to rapid bus service to downtown Los Angeles. Furthermore, the Project proposes a density of development that falls between RD1.5 and R3, which are densities that support transit. See Response to Comment A10-172.

Comment A10-175

6.4.2 The application for a specific plan is not consistent with Community Plan policies.

The General Plan Framework states that “The final determination about what is appropriate locally will be made through the community plans...”, but the Wilmington/Harbor City Community Plan which identifies the area as a combination of R-1 and Open Space.

The DEIR appears to be a back door attempt to amend the Community Plan without complying with the required amendment process. Such changes should be made through the community plan update process during which all land use options should be examined and the best use determined.

Response to Comment A10-175

See Response to Comment A10-34.

Comment A10-176

The Wilmington-Harbor City Community Plan has three fundamental premises. We quote from it:

- “First, limiting residential densities in various neighborhoods to the prevailing density of development in these neighborhoods.

Response to Comment A10-176

This comment contains a selected quote from the Wilmington-Harbor City Community Plan. See Response A10-169.

Comment A10-177

²⁰ This is another example of the lack of specificity necessary to support a Specific Plan or to enable and adequate CEQA analysis.

Response to Comment A10-177

This comment refers to a portion of Comment A10-174. With respect to Specific Plan matters, see Response to Comment A10-5. With respect to building height, see Response to Comment A10-174. The change in the proposed building height would result in reduced impacts compared to what was analyzed

in the Draft EIR. Therefore, this change would not result in any unidentified significant impacts, and the analysis in the Draft EIR is adequate pursuant to CEQA, contrary to the comment.

Comment A10-178

- Second is the monitoring of population growth and infrastructure improvements through the City's **Annual Report on Growth and Infrastructure** with a report of the City Planning Commission every five years on the Wilmington-Harbor City Community following Plan adoption.

Response to Comment A10-178

This comment contains a selected quote from the Wilmington-Harbor City Community Plan. The Draft EIR analyzes the potential infrastructure impacts of the Project and cumulative growth in the area, including the Wilmington-Harbor City Community Plan area and the San Pedro Community Plan area.

Comment A10-179

- Third, if this monitoring finds that population in the Plan area is occurring faster than projected, and that infrastructure resource capacities are threatened, particularly critical resources such as water and sewerage; and that there is not a clear commitment to at least begin the necessary improvements within twelve months; then building controls should be put into effect, for all or portions of the Wilmington-Harbor City community, until the land use designations for the Wilmington-Harbor City Community Plan and corresponding zoning are revised to limit development. (Wilmington-Harbor City Plan, p. III-1)."

Response to Comment A10-179

This comment contains a selected quote from the Wilmington-Harbor City Community Plan. See Response to Comment A10-180.

Comment A10-180

The DEIR process does not comply with any of these requirements and includes none of these safeguards.

Response to Comment A10-180

See Response to Comment A10-34 and A10-169. At pages IV.F-44 to IV.F-64, the Draft EIR contains an extensive discussion of the Wilmington-Harbor City Community Plan, its implementing policies, and the continuing evolution of City and regional planning policies since the Wilmington-Harbor City Community Plan was last amended. The analysis of the Draft EIR indicates that water and sewerage can be provided to serve the Project and cumulative growth. The Draft EIR also indicates that the infrastructure impacts of the Project and cumulative growth can be mitigated to less than significant levels. Thus, the Project does not conflict with the quoted statements.

Comment A10-181**6.4.3 The project is not consistent with the Wilmington-Harbor City Community Plan**

We disagree with the specific conclusion that the project is consistent with the Wilmington-Harbor City Community Plan as described in Table IV.F-1, which begins on page IV.F-50. It should be changed. Some of the inconsistencies are as follows:

Response to Comment A10-181

The comment introduces ensuing comments, which are addressed in Response to Comment A10-182 through A10-192, below.

Comment A10-182

- The project is not consistent with Policy 1-1.2 to “protect existing single family residential neighborhoods from new, out of scale development”. The project would bring zoning of 37 units per acre to an area consisting primarily of single family homes (about 2500 single family homes directly across from the project) and single family homes plus lower density townhomes (13.4 per acre) to the south.

Response to Comment A10-182

See Response to Comment A10-169. In addition, as discussed at page IV.F-50 of the Draft EIR, Policy 1-1.2 is implemented by a program setting height limits for new single-family residential development. Accordingly, the Project is not inconsistent with this policy. In addition, the Project would redevelop a site improved with duplex housing. The Project is not located adjacent to any single-family residential neighborhood in the Wilmington-Harbor City CPA. The Project is separated from a single-family residential neighborhood located in the City of Rancho Palos Verdes by Western Avenue, a State Highway carrying 35,000 vehicles per day. In addition to this separation, since publication of the Draft EIR, the applicant has indicated that Project buildings would not exceed four stories (approximately 50 feet, taking into account roof structures, etc.).

See Response to Comment A8-11.

Comment A10-183

- The project is not consistent with policy 1-1.5 that new development should “maintain at least 67% of the designated residential lands for single family uses.” The Plan designates residential lands to reflect this ratio. The proposed project would reduce the percent designated for single family use.

Response to Comment A10-183

The Draft EIR notes that the Project is not consistent with Policy 1-1.5. As discussed in the Draft EIR at page IV.F-51:

This policy reflects the premise of the Community Plan that prevailing residential densities should be maintained, and/or growth should be controlled, to keep pace with the provision of public infrastructure. It does not reflect an environmental preference or policy against additional multi-family housing. Other policies of the Community Plan call for increased choice in housing, townhouses and condominiums, and higher density communities (see Policies 1.5-1, 1.5-4, and 1.5-5 below). The analyses in this Draft EIR indicate that the Project's impacts upon infrastructure and services can be mitigated to a less-than-significant level.

Where impacts on local infrastructure are mitigated, multi-family housing close to employment (such as the Project) generally mitigates environmental impacts by reducing air quality impacts (emissions from long commutes to work), urban sprawl impacts, and the consumption of natural resources that occurs due to urban sprawl. As discussed above, the Housing Crisis Task Force Report states that emphasis on "low density development combined with multiple destination inter-suburban commutes is creating near gridlock on the freeways. In response to the existing traffic congestion, nearly all residents, whether in single or multifamily zones, now perceive additional residential development as a generator of intolerable traffic." As discussed earlier, the Project would provide infill housing that is located proximate to the Port of Los Angeles and the Port of Long Beach, which are among the region's largest employers.

Thus, Policy 1-1.15 is not intended to prevent the City Council from amending the Community Plan to respond to changing needs and objectives. Moreover, other policies of the Community Plan call for increased choice in housing, townhouses and condominiums, and higher density communities (see Policies 1.5-1, 1.5-4, 1.5-5, discussed in the Draft EIR at p IV.F-53). As part of the General Plan amendment associated with the Project, Policy 1-1.5 would be addressed. Although the Project proposes to change the land use designation of the Project site from "Low Residential"/R1 and "Open Space"/OS to "Specific Plan" in order to accommodate a residential density of approximately 37 units per acre, and would increase the height to allow, subject to design and location criteria, construction of buildings up to four stories, the Project is generally consistent with the policies and programs of the Community Plan as discussed in the Draft EIR, and would not result in conflicts with plans and policies adopted to avoid or mitigate environmental impacts.

Comment A10-184

- The project is not consistent with objective 1-2 "to locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities" and policy 1-2.1, "locate higher residential densities near commercial centers and major transit routes, where public service facilities, utilities, and topography will accommodate this development". As described above, the area is not on major transit routes and not close to commercial centers with the exception of the

nearby Garden Village shopping center containing only an Albertson's Market, Rite-Aide, and some small shops. A trip to the center will most likely require an automobile.

Response to Comment A10-184

The Draft EIR addresses objective 1-2 and policy 1-2.1, and provides substantial evidence that the Project is consistent with such policies. The Project would provide infill housing that is located proximate to the Port of Los Angeles and the Port of Long Beach, which are among the region's largest employers. The Port of Los Angeles as a whole adds 16,000 local jobs, 259,000 regional jobs and more than one million jobs nationally. The Port of Long Beach provides approximately 30,000 jobs (about one in eight) in Long Beach and 316,000 jobs (or one in 22) in the five-county Southern California region. As discussed in Topical Response 11, Traffic, the Project site is located along an existing State Highway and is directly served by a number of bus lines (see Table IV.J-1, Existing Public Transit Routes, and Figure IV.J-3, Existing Public Transit Routes in the Draft EIR). These bus lines link the Project site to the greater MTA transit network and surrounding employment and shopping locations, including downtown San Pedro, the Port area, downtown Long Beach, and the nearby MTA transit center which provides access to rapid bus service to downtown Los Angeles. See Response to Comment A10-172. As the comment concedes, the Project is near major commercial facilities and other facilities to the south along Western Avenue. Public services and utilities are available to accommodate the Project as analyzed in Sections IV.I (Public Services) and IV.K (Utilities and Service Systems) of the Draft EIR. The natural topography of the site has been substantially altered by previous fill and grading, and the topography of the Project site would accommodate the Project.

Comment A10-185

- The developer, in not cooperating with LAUSD on school issues, is actively working against Community Plan Objectives 6-1 and 6-2, related to siting schools in locations complementary to existing land uses.

Response to Comment A10-185

This comment represents the commenter's subjective opinion. See Response to Comment B55-13. As discussed in the Draft EIR at IV.F-55 to IV.F-56, Objectives 6-1 and 6-2 are not applicable to the Project, which is a private development. However, the City believes that it is attempting to work constructively with LAUSD to help site and construct adequate school facilities at appropriate locations in furtherance of Objectives 6-1 and 6-2. The City's actions are consistent with Policy 6-1.3, which provides that expansion and upgrading of existing schools should be preferred over the acquisition of new sites, as well as Policy 6-2.1, which calls for exploring creative alternatives to providing new school sites in the City, where appropriate. Existing LAUSD property and/or joint use property may be available for the expansion and upgrading of local area high schools, e.g., Fort MacArthur (owned by LAUSD), Narbonne High School, and Harbor City College. LAUSD continues to own Fort MacArthur, which was identified as a potential school development site by LAUSD in the motion abandoning the school district's acquisition of the Project site. In addition, Harbor City College has also expressed interest in hosting an

academy-sized high school. On December 5, 2007, LAUSD informed the project applicant that it is no longer pursuing building a high school on the project site. See also Topical Response 3, South Region High School #14. See Draft EIR p. IV.F-55 – IV.F-56.

Comment A10-186

- The attorney for the developer has told us that they are “at war” with the Los Angeles Unified School District. Although the District has preliminarily designated a portion of the land for a new 2,000 seat high school, the developer has refused to let District officials onto the property to conduct necessary testing.

Response to Comment A10-186

See Response to Comment B55-18.

Comment A10-187

- Because the revenue to the City is overestimated and the costs to the City are underestimated, the \$8.3 million estimate of net funds going to the City of Los Angeles appears to be unworkable. The comment with regard to policies 7-1.1, 8-1.1, 9-1.1 and 12-1.1, that the \$8.3 million contributed to the City General Fund could be used for libraries, law enforcement, fire services and transportation, is gratuitous and incorrect.

Response to Comment A10-187

The comment pertains to the economic and social effects of the Project, rather than its environmental impacts under CEQA. See also Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment expresses an opinion about the tax revenue estimates included in Draft EIR Appendix IV.F-1, but provides no facts or alternative analysis to support its position. The Draft EIR’s estimate of revenues that will be generated by the Project and will be available for library, law enforcement, fire services, and transportation is supported by substantial evidence. Such analysis indicates that the Project will contribute approximately \$8.3 to the City’s General Fund. The analysis indicates that service costs for the Project and its residents (police, fire, cultural affairs, recreation & parks, library) would be between approximately \$1.5 million and \$2.4 million per year. Thus, taking such service costs into account, the Project would produce an annual net surplus of revenue over average public service costs equal to between \$6 million and \$6.8 million. See Draft EIR Appendix IV.F-1 (Economic and Fiscal Impacts of Ponte Vista), Table IV.3.

Comment A10-188

6.4.4 The project developer has not proposed working constructively with the LAUSD.

Using realistic calculations for the school age population of the project, the project will add to the overcrowding of current school facilities. The DEIR states that the City of Los Angeles is committed to

working constructively with LAUSD to promote siting and construction of adequate school facilities. The DEIR should pledge the developer to a similar commitment. Currently it does not. The developer has claimed to be interested in discussing the siting of a 500 student high school learning center at Ponte Vista, but only discusses the potential of adding facilities at Harbor College and Point Fermin. The proposal for a 500 student high school learning center is a vital part of the proposal for small learning centers put forward by City Councilwoman Janice Hahn, but it is not mentioned in the DEIR discussion of schools on DEIR Page IV.I-28.

Response to Comment A10-188

The Project's impact on local schools is analyzed in Section IV.I.3 (Schools) of the Draft EIR. See also Topical Response 10, School Impacts. The Draft EIR does state that the City will continue to work constructively with LAUSD to help site and construct adequate school facilities at appropriate locations (Draft EIR pages IV.F-43 and IV.F-55). The Project site is a private property, and the Project represents the owner's use proposal for its private property. The Project does not propose public school facilities. The responsibility for developing and operating public school facilities rests with the Los Angeles Unified School District. Regarding the balance of the comment, see Topical Response 3, South Region High School #14.

Comment A10-189

6.5 The DEIR overestimates housing need and underestimates the amount of new construction.

As outlined in Section 4.8 of these comments, the SCAG projections that are relied on in the DEIR are too high and have since been revised downward. For the City of Los Angeles, the rate of growth declined every year from 1999 (1.97%) to the present rate of 0.65%. From this data, the projections for the number of housing units that will be needed are overestimated. As noted in Section 4 on Population and Housing, the DEIR also under-reports the amount of new development in the local area.

Response to Comment A10-189

See Responses to Comments A10-190, A10-150, A10-151 and A10-152.

Comment A10-190

Although the project is technically in the Wilmington-Harbor City Community plan, it is actually located in the San Pedro community, zip codes, and census tract. A recent study by the Urban Land Institute (ULI) found that San Pedro could accommodate about 3,000 additional housing units. Adding the proposed 2300 at Ponte Vista to the 1747 identified elsewhere in these comments, would result in 4,047 new units in San Pedro. That is more that [sic] a thousand greater than the number identified by the Urban Land Institute **even if no additional units are proposed.**

Response to Comment A10-190

The comment appears to refer to the Urban Land Institute (ULI) report entitled “An Advisory Services Panel Report, San Pedro, California” dated September of 2002 (the “ULI Report”). A copy of the ULI Report is attached as Appendix I to the Final EIR. The comment misrepresents the statements in the ULI report.

As an initial matter, the ULI Report did not purport to study the entire San Pedro community. Rather, it was limited to downtown San Pedro and the San Pedro waterfront. It did not cover other portions of San Pedro, including the Project site. The ULI Report did not conclude that San Pedro could “accommodate” about 3,000 additional housing units. The ULI’s comments pertained to housing demand. The ULI Report estimates housing *demand* as of September 2002 (“over 3,000 units”) but does not make any statement about housing *capacity* for any area. Indeed, SCAG forecasts that the Pacific Corridor redevelopment area, which is limited to downtown San Pedro, will add 6,128 new households by the year 2030.⁹⁶ The ULI Report also states that “The Los Angeles housing market is so undersupplied that national housing reports currently list the vacancy rate as ‘virtually none.’ Studies completed in 2002 for San Pedro estimate that the housing demand could support over 3,000 new units, yet there may have been fewer than 350 net new units added in the past ten years.” ULI Report, pp. 15-16.

The ULI Report also recognizes the significant housing challenges facing the San Pedro area: “San Pedro’s housing market is out of synch with the greater Los Angeles market. The residential buying power necessary to attract and support viable retail downtown and at the waterfront lies on the other side of Western Avenue. The development of market-rate infill housing in quantities large enough to counter the disproportionate share of low-income and special needs housing that has been allocated to San Pedro can happen only if there are parcels large enough to create an impact. An infusion of families to counter the negative perception of gangs and transients is possible only if the housing stock and the community are attractive and well maintained and there are adequate educational opportunities.” ULI Report, p. 16.

The Draft EIR analyzes employment, housing and population impacts at the Community Plan and City of Los Angeles Subregion geographies, as required by the Department of City Planning and SCAG, respectively. As discussed in the Draft EIR, the Project would not exceed housing growth forecast for SCAG’s City of Los Angeles Subregion, or the Wilmington-Harbor City or San Pedro Community Plan Areas. SCAG, which is responsible for producing socioeconomic forecasts and developing forecasting models as part of the triennial Regional Transportation Plan process, forecasts additional growth in the City of Los Angeles Subregion of approximately 90,000 households between the years 2005 and 2012. The Project’s households, assuming all planned units are occupied, represent less than three percent of the remaining growth forecasted for the City of Los Angeles Subregion between 2005 and 2012. Draft EIR p. IV.H-14 – IV.H- 15.

⁹⁶ *Pacific Corridor Redevelopment Project, Final Environmental Impact Report, SCH. No. 2001101138, March 2002, p. 4.8-4.*

Another statement of housing need is found in the housing unit forecast for the community plan areas. As noted in the Draft EIR, the General Plan Framework (last amended in 2001) forecast a 2010 housing supply of 26,923 units in the Wilmington-Harbor City CPA and 35,719 units for the San Pedro CPA.⁹⁷ Combined with 2000 U.S. Census estimates and Department of City Planning estimates for 2004, the Framework forecast indicates that for year 2010, which corresponds generally to the buildout of the Project, another 4,982 units (+22.7%) are forecast in the Wilmington-Harbor City CPA and an additional 4,789 units (+15.5%) are forecast in the San Pedro CPA. Draft EIR p. IV.H-10. The Project's 2,300 housing units thus represent 8.5 percent of the housing stock forecasted for 2010 in the Wilmington-Harbor City CPA and about 57 percent of the remaining growth forecasted between 2004 and 2010. The Project also represents about four percent of the housing stock forecasted for 2010 in the combination of the Wilmington-Harbor City and San Pedro CPAs, and about 24 percent of the remaining growth forecasted for the combined areas between 2004 and 2010. Thus, the Project would meet a portion (approximately 23.54%) of forecast need rather than exceeding the housing growth forecast for the combination of the Wilmington-Harbor City and San Pedro CPAs, or SCAG's City of Los Angeles Subregion.

With respect to the comment's assertion that the related project analysis should be revised to reflect a total of 1,747 additional residential units from related projects, see Topical Response 12, Related Projects and Cumulative Impacts and Response to Comment A10-151 and A10-112. Development of the Project in conjunction with the related projects identified in the Draft EIR and the additional projects analyzed in Topical Response 12 would account for approximately 44% of the General Plan Framework's forecasted growth of 9,771 units for the combined CPA's by 2010, and approximately five percent of SCAG's forecasted growth for the City of Los Angeles Subregion. Thus, even if the Project, related projects, and those additional projects identified through comments received in response to the Draft EIR are developed as proposed, it is likely that in 2010 significant unmet housing need will remain in the combined CPA's, and cumulative housing impacts would be less than significant.

Comment A10-191

In reality, however, the CRA is looking at stimulating additional multi-family housing developments in downtown San Pedro. This project, by providing a similar housing type, may in fact detract from the effort to increase high density housing in central San Pedro to aid in revitalization of the downtown area. Further, San Pedro needs to continue to develop a mix of housing types, not just multi-family condos.

Response to Comment A10-191

As discussed in the Draft EIR at pages IV.H-28 to 29, even if the Project and all related projects are developed, only approximately 43% of the 9,771 units forecast as needed in the Wilmington-Harbor City San Pedro Community Plan areas by 2010 would be provided, and approximately 5,600 additional units

⁹⁷ *Wilmington-Harbor City Community Plan, p. II-4; San Pedro Community Plan, op. cit. p. II-4.*

would still be necessary by 2010. Significant unsatisfied housing demand would remain to stimulate additional housing development in downtown San Pedro. In addition, by virtue of its setting and surroundings, the housing planned in the downtown area would be a highly urbanized product, and therefore would tend to attract different buyers and renters than would be attracted to the Project. The Project will also foreseeably stimulate the downtown environment through its infusion of spending which will support the growth of area services and jobs in the area. See Appendix IV.F-1 (Project Fiscal Analysis). As the downtown retail and service environment becomes more attractive, the attractiveness of San Pedro as a residential environment will improve, thereby attracting new development.

Comment A10-192

6.6 The DEIR erroneously dismisses the existing zoning

The DEIR (page 1V.F-13) dismisses the existing R-1 and Open Space zoning on the property as unimportant or an error, but cites no basis for that conclusion. There is a presumption that the actions of the City in its zoning decisions are regular and in conformance with the Government Code and Municipal Code. In any event, it is too late for the developer to challenge those decisions. If the City had intended to provide greater density, it would have zoned the property differently. Similarly, 15 acres of open space are included in the Community Plan. Open space proposed by the developer that is “open” only to members of the development cannot be a substitute for open space that is available to the entire community

Response to Comment A10-192

Substantial evidence supports the analysis of the Draft EIR. As discussed in the Draft EIR at IV.F-13, when the property was rezoned OS and R-1, it was already improved with Navy Duplex Housing, which conflicts with the requirements of both designations. The intent of the R1 designation appears to have been to memorialize the general density of the site as then used for Naval Housing. However, the duplex use is not permitted by the existing R1 zoning designation of the site. It also appears that the intent was to draw the boundary between the OS-1XL/Open Space and R1/Low Residential designations to conform to the property boundary between the DFSP and the Navy housing site, and that a cartographic error caused the OS-1XL/Open Space designation to overlap onto active residential uses on the Project site. Both of the actions appear to have been ‘academic’ in nature, as opposed to purposeful planning, because the City had no right to control the use of the property through its planning and zoning powers because both the Project site and DFSP site were properties that were owned and used for federal governmental purposes. None of the area zoned OS on either the Property or the DFSP is presently open or available to the community.

Comment A10-193**6.7 Jobs/Housing Ratio**

On pages IV.F-22 and 30, the DEIR claims that the project will put housing where the jobs are. His only support is a SCAG figure for the balance of jobs and housing for the entire city of Los Angeles. However, since an overwhelming majority of the residents and jobs in the City of Los Angeles are located north of the 405 freeway, this figure is meaningless in evaluating local conditions. By his own figures, 90% of AM peak hour traffic is shown proceeding north from the project. Members of our Neighborhood Council could not find jobs figures for the local areas. The data actually supports the opposite conclusion, that this project creates housing *away* from jobs.

Response to Comment A10-193

The Project's jobs-housing balance discussion on page IV.F-22 of the Draft EIR is based on the jobs-housing balance analysis presented in the Draft EIR's housing impacts analysis (Draft EIR pages IV.H-24 and IV.H-25). That analysis was prepared in accordance with SCAG guidelines. SCAG has reviewed that analysis and concurs with the Draft EIR conclusion that the Project is consistent with its jobs-housing balance growth management policy (see Comment A14-12). In its comments on the Draft EIR, SCAG specifically concurred that the Project is:

“an infill development that is located in an area of the SCAG region that is ‘jobs rich and housing poor’ . . . The Project would add 2,300 new market rate multi-family ownership units for families and seniors to the Wilmington-Harbor City and San Pedro areas of the City of Los Angeles. The Project would add these new housing units proximate to some of the region's largest employers – the Port of Los Angeles, the Port of Long Beach Harbor, and several hospitals, colleges, shopping centers, and refineries. The Port of Los Angeles is the busiest port in the nation, and is the eighth largest in the world. The Port of Los Angeles as a whole adds 16,000 local jobs, 259,000 regional jobs, and more than one million jobs nationally. Long Beach is the second busiest port in the United States and the 12th busiest container cargo port in the world. The Port of Long Beach provides approximately 30,000 jobs (about one in eight) in Long Beach and 316,000 jobs (or one in 22) in the five county Southern California region. 1.4 million jobs throughout the U.S. are related to Long Beach-generated trade. If combined, the ports of Long Beach and Los Angeles would be the world's fifth-busiest port complex (14.2 million total TEU).”

See Comment A14-41. See also page IV.F-22 of the Draft EIR.

Additionally, international trade growth will continue from the Ports. As stated on pages VI-103 to VI-104 of the Draft EIR,

“For example, in a report published by the Port of Long Beach, September 2005 realized a 22.6 percent increase in total inbound container cargo from the previous year.⁹⁸ The total increase in loaded containers at Los Angeles/Long Beach in 2004 was 788,140 TEUs. A study by the Los Angeles County Economic Development Corporation projected the potential for an additional one million jobs in Southern California related to international trade growth over the next 25 years.⁹⁹ Policy 7.3.5 of the Framework calls upon the City to ‘[r]ecognize the crucial role that the Port of Los Angeles and the Los Angeles International Airport play in future employment growth by supporting planned Port and Airport expansion and modernization that mitigates its negative impacts.’ The City of Los Angeles made a major investment in the future of the Port by constructing the Alameda Corridor, a \$2.4-billion, high-speed cargo rail system linking the Port of Los Angeles to distribution facilities that connect it to destinations throughout the continent. While the Project site is not a suitably [sic] location for industrial or distribution facilities related to the Port, it has a relatively unique potential to provide a significant amount of housing to serve existing future Port-related employment. Modernizing and increasing the amount of housing stock close to the Port would support the Port’s operations and growth, and mitigate environmental impacts from the Port’s operations.”

The area surrounding the Project also features a number of large institutional employers (e.g., Los Angeles Harbor College, El Camino College, Marymount College, Kaiser Permanente Hospital, Torrance Memorial Medical Center, Harbor-UCLA Medical Center) and other large private employers (e.g., Del Amo Fashion Center, Honda USA sales headquarters, Toyota USA sales headquarters, and the ExxonMobil, British Petroleum, Conoco Phillips, Shell Oil, and Valero refineries).

Comment A10-194

7. Air Quality, Section IV.B

7.1 Pollution from Traffic Increase

The EIR should take into consideration the cumulative impact of all significant traffic generators in relationship to increased pollution. The proposed project will double the approximately 2500 housing units in the area immediately west of the project that was annexed to Rancho Palos Verdes in 1983 (Eastview and Strathmore), thus doubling the traffic generation and consequent air emissions from local residents in this section of Western. Other major contributors to air emissions are discussed in Section #

⁹⁸ *Los Angeles County Economic Development Corporation, “Mayor Announced Partnership for Long Beach International Trade Office.” website: <http://www.laedc.org/newsroom/releases/2005/20051122.pdf>, June 5, 2006.*

⁹⁹ *Los Angeles County Economic Development Corporation, “International Trade Activity in Southern California Will Move to Record Levels in 2005, But Industry Faces Major Challenges” website: <http://www.laedc.org/newsroom/releases/2005/20050504.pdf>, June 5, 2006.*

[sic] of these comments, Traffic and Transportation. To the extent that daily trips and “wait time” are undercounted, the air quality impacts are underestimated.

Response to Comment A10-194

As discussed on page IV.B-39 of the Draft EIR, motor vehicles are the primary source of pollutants in the project vicinity. The Draft EIR utilized CALINE4, a dispersion model recommended by SCAQMD, to analyze the CO effects of the Project and cumulative growth at sensitive receptors near congested roadways and intersections. As shown in Table IV.B-6 on page IV.B-39 through IV.B-31 of the Draft EIR, 52 intersections were analyzed for CO concentrations for the year 2012, the expected build-out year of the proposed project. This model is based upon the Traffic Report for the proposed project and accounts for all existing traffic, the vehicle trip generation from the proposed project and all cumulative growth discussed in Table IV.J-9 (including the List of Related Projects and a 1% annual growth factor) located on page IV.J-42 of the Draft EIR. The CALINE4 model is based on the vehicle counts and Level of Service (LOS) ratings assigned to each intersection evaluated in the Traffic Report. Therefore, the CO concentrations from the CALINE4 model do take both daily trips and wait time into account. As discussed in the Draft EIR at page IV.B-39, the CALINE4 model presents an analysis of worst-case conditions. As shown in Table IV.B-6, future CO concentrations near the study intersections would not exceed national or State ambient air quality standards. As discussed in the Draft EIR at page IV.B-38, the operation of the Project will result in emissions of criteria pollutants ROG, NO_x, CO that exceed SCAQMD thresholds, but will not exceed thresholds for SO_x and PM₁₀. The Project is also consistent with the AQMP and regional planning policies designed to bring the basin into compliance with air quality standards. See also Topical Response 6, Operational Air Quality.

Comment A10-195

7.2 Pollution from Construction Activities

7.2.1 Ultrafine particle emissions

The DEIR does not evaluate PM_{2.5} emissions from construction activities (see IV.B p 20-21). The South Coast Air Quality Management District has evaluated and proposed adoption of a PM_{2.5} threshold. This proposed threshold should be evaluated and included as part of the DEIR, along with appropriate mitigations.

Response to Comment A10-195

The SCAQMD first identified thresholds for PM_{2.5} in a technical memorandum in October 2006. As part of AQMD intergovernmental review (IGR) commenting responsibilities, the SCAQMD has stated that they will begin submitting comments relative to the PM_{2.5} proposal on CEQA documents beginning

January 2007.¹⁰⁰ The NOP for the Project's Draft EIR was circulated between September 15 and November 30, 2005. The Draft EIR was released for public review on November 2, 2006, and the comment period for the Draft EIR ended on January 30, 2007. In accordance with the SCAQMD's Board's resolution, the PM_{2.5} methodology did not become part of the AQMD Handbook until December 2006, after the Draft EIR was released for public review. Accordingly, PM_{2.5} analysis was not performed.

Comment A10-196

7.2.2 Construction Equipment

The DEIR discusses mitigation of emissions from construction equipment that include use of late model equipment, use of "low-emission diesel fuel", and utilization of alternative fuel powered construction equipment. However, the mitigations specified do not appear to be required as part of the DEIR. The DEIR needs to remove any caveats that allow the developer to utilize equipment that does not meet emission reduction goals. Attached as and [sic] Appendix is a copy of an article discussing the impacts on young people from proximity to freeways and major highways.²¹ [footnote reference in original letter]

Response to Comment A10-196

In response to comments, Mitigation Measures B-1 and B-2 were reviewed with the applicant and its construction manager. Mitigation Measures B-1 and B-2 (Draft EIR at pages IV.B-52 and 53) have been clarified and revised as set forth below. The feasibility of these mitigation measures has been confirmed with the applicant and its construction manager. The construction air emissions analysis has also been revised to reflect such mitigation measures:

(B-1) *The Project applicant shall implement measures to reduce the emissions of pollutants generated by heavy-duty diesel-powered equipment operating at the Project site throughout the Project construction. The Project applicant shall include in construction contracts the control measures required and recommended by the SCAQMD at the time of development. ~~The measures are currently required and recommended, and~~ These measures include the following:*

- *Keep all construction equipment in proper tune in accordance with manufacturer's specifications.*
- *Use late model heavy-duty diesel-powered equipment with cooled exhaust gas recirculation at the Project site ~~to the extent that it is readily available in the South Coast Air Basin (meaning that it does not have to be imported from another air basin and that the procurement of the equipment would not cause a delay in construction activities of more than two weeks).~~*

¹⁰⁰ SCAQMD, website: http://www.aqmd.gov/ceqa/handbook/PM2_5/PM2_5.html, accessed on April 18, 2007.

- ~~Use low emission diesel fuel for all heavy duty diesel powered equipment operating and refueling at the Project site to the extent that it is readily available and cost effective in the South Coast Air Basin (meaning that it does not have to be imported from another air basin, that the procurement of the equipment would not cause a delay in construction activities of more than two weeks, that the cost of the equipment use is not more than 20 percent greater than the cost of standard equipment). (This measure does not apply to diesel powered trucks traveling to and from the site.)~~
- ~~Utilize alternative fuel construction equipment (e.g., compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent that the equipment is readily available and cost effective in the South Coast Air Basin (meaning that it does not have to be imported from another air basin, that the procurement of the equipment would not cause a delay in construction activities of more than two weeks, that the cost of the equipment use is not more than 20 percent greater than the cost of standard equipment).~~
- Limit truck and equipment idling time to five minutes or less.
- Rely on the electricity infrastructure surrounding the construction sites rather than electrical generators powered by internal combustion engines to the extent feasible.
- Apply NOx control technologies, such as fuel injection timing retard for diesel engines and air-to-air after cooling, as feasible.
- Use low emission fuels and alternative fuel technology such as soybean-based biodiesel (30% blend) or, at a minimum, low sulfur fuel for all heavy-duty diesel-powered equipment operating and refueling at the Project site.
- Configure construction parking to minimize traffic interference.
- Provide temporary traffic control during all phases of construction activities to improve traffic flow on public roadways (e.g., flag person).
- Schedule construction activities that affect traffic flow on public roadways to off-peak hours to the extent feasible.
- Re-route construction trucks off congested streets.
- Consolidate truck deliveries to the extent commercially feasible.

- Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site, subject to approval by Caltrans and LADOT.
- Utilize proper planning to reduce re-work and multiple handling of earth materials.
- Select equipment that is properly sized to minimize trips/use.
- Maximize off-site construction (i.e., prefabricating and pre-painting).
- Maintain records on fuel use, hours of operation, and periodic maintenance of all construction equipment.

(B-2) *The Project applicant shall implement fugitive dust control measures in accordance with SCAQMD Rule 403. The Project applicant shall include in construction contracts the control measures required and recommended by the SCAQMD at the time of development. ~~The measures are currently required and recommended, and~~ These measures include the following:*

- *Use watering to control dust generation during demolition of structures or break-up of pavement.*
- *Water active grading/excavation sites and unpaved surfaces ~~at least three times daily~~ as required by SCAQMD Rule 403.*
- *Cover exposed stockpiles with tarps or apply non-toxic chemical soil binders according to manufacturers' specifications.*
- *Sweep daily (with water sweepers) all paved parking areas and staging areas.*
- *Provide daily clean-up of visible mud and dirt carried onto paved streets from the site. Water sweepers shall use reclaimed water, where available.*
- *Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.*
- *Install wind breaks at the windward sides of construction areas.*
- *Suspend excavation and grading activity when winds (instantaneous gusts) exceed 15 miles per hour over a 30-minute period or more.*
- *An information sign shall be posted at the entrance to each construction site that identifies the permitted construction hours and provides a*

telephone number to call and receive information about the construction project or to report complaints regarding excessive fugitive dust generation. Any reasonable complaints shall be rectified within 24 hours of their receipt.

- *Replace ground cover in disturbed areas as quickly as possible. Areas to remain uncovered for an extended period are to be hydro-seeded with indigenous wild flower seeds.*
- *All trucks hauling dirt, sand, soil, or other loose materials off-site shall be covered or shall maintain at least two feet of freeboard (i.e., minimum vertical distance between top of load and top of the trailer) in accordance with CVC Section 23114.*
- *Limit traffic speeds on all unpaved roads to 25 mph or less.*
- *Pave or apply chemical stabilization at sufficient concentration and frequency to maintain a stabilized surface starting from the point of intersection with the public paved surface and extending for a centerline distance of at least 100 feet and a width of at least 20 feet.*
- *Any dust-generating activity, such as abrasive blasting, drilling, and grinding must be controlled to the greatest extent feasible. Such control would necessarily be specific to the activity, but could include the use of screens or enclosures, water sprays or collection devices.*
- *Building materials, architectural coatings, and cleaning solvents used must comply with all applicable SCAQMD rules and regulations.*

Comment A10-197

The DEIR needs to remove the term “low emission diesel fuel” and use a more definitive performance standard that limits diesel fuel used on site to containing no more than 15 parts per million of sulfur by weight. This requirement should extend to all equipment to ensure the proper operation of diesel particulate filters.

Response to Comment A10-197

See Response to Comment A10-196. Mitigation Measures B-1 and B-2 have been revised and clarified. The specific type of “low emission diesel fuel” utilized will depend on supply availability at the time of construction. Revised Mitigation Measure B-1 requires that, at a minimum, low sulfur fuel be utilized. Low sulfur diesel fuel has a sulfur content of 500 parts per million. Diesel fuel with a sulfur content of 15 parts per million, referenced by the commenter, is referred to as “ultra-low” sulfur fuel. Ultra-low sulfur

fuel is a newly developed product that has only recently appeared on the market under new refining requirements that took effect at the start of 2007. Consequently, the guaranteed availability of ultra-low sulfur fuel remains in question at the present time. To the extent that it is available during Project construction activities, the applicant's construction contractors have indicated a willingness to use it in place of low-sulfur fuel. However, the requirement to use ultra-low sulfur fuel exclusively has not been added to Mitigation Measure B-1 because it may not be consistently available. In addition to low-sulfur fuel, a 30% soybean-based biodiesel blend is currently planned for use in construction equipment at the Project site.

Comment A10-198

The DEIR (IV B-1) needs to require [sic] all subcontractors using diesel powered equipment to:

1. Use late model heavy duty diesel powered equipment

Response to Comment A10-198

See Response to Comment A10-196. Mitigation Measure B-1 has been revised.

Comment A10-199

2. Use equipment that meets or exceeds the 2001 CARB adopted emission standards for 2007+ on road heavy duty vehicles (USEPA emission standards)

Response to Comment A10-199

See Responses to Comments A10-196 and A10-200. Revised Mitigation Measure B-1 requires that late model heavy duty diesel powered equipment be utilized with cooled exhaust recirculation, which will ensure that equipment used at the Project site during construction activities meets applicable emission standards.

Comment A10-200

3. The DEIR needs to discuss in greater detail the USEPA Emission standards for 2007+ on-road heavy duty vehicles and how the project will work to comply with this requirement.

Response to Comment A10-200

See Responses to Comments A10-196, A10-197, and A10-199. In 2000, the U.S. Environmental Protection Agency (EPA) established new emission standards to take effect in 2007 for heavy-duty diesel vehicles and the fuel used in them. These standards were premised on the introduction of new catalyst-based emission controls for diesel engines and the removal of a catalyst poison, sulfur, from diesel fuel. These standards are codified at CFR Section 86.007-11.

Beginning with the 2007 model year, harmful pollution from heavy-duty highway vehicles will be reduced by more than 90 percent. Sulfur in diesel fuel must be lowered to enable modern pollution-control technology to be effective on these trucks and buses. EPA is requiring a 97 percent reduction in the sulfur content of highway diesel fuel from its previous level of 500 parts per million (low sulfur diesel, or LSD) to 15 parts per million (ultra-low sulfur diesel, or ULSD) as of 2007. Refiners began producing ULSD beginning June 1, 2006.

ULSD enables advanced pollution control technology for cars, trucks, and buses so that engine manufacturers can meet the 2007 emission standards. Engine manufacturers have the flexibility to meet the new standards through a phase-in approach between 2007 and 2010. The program also includes various flexible approaches, including additional time for some refiners and special provisions for small refiners. The California Air Resources Board (CARB) is working closely with the EPA, engine and vehicle manufacturers, and other interested parties to address this issue and reduce heavy-duty vehicle emissions in California. Although this program targets both diesel-cycle and otto-cycle engines, more recent attention has been focused on diesel engines due to the identification of diesel PM as a known carcinogen.

To be certified, a vehicle must demonstrate that its exhaust and (as applicable, depending on the specific vehicle category) evaporative emission control systems are durable and comply with the emission standards for the vehicle's useful life. This is done through durability and certification testing of the prototype certification vehicle(s). Compliance with on-board diagnostics, anti-tampering, fuel tank fill-pipe and openings, crankcase emissions, etc., as applicable, must also be demonstrated. An application for certification must be submitted to, and approved by, the CARB and the EPA concurrently.

Certification is granted only to the manufacturer of the vehicles who controls the vehicle specifications to ensure compliance by all production vehicles. Certification can be granted to an importer only if the importer demonstrates that it has control of the vehicle specifications. As an example, this demonstration can be effected by a contractual agreement between the vehicle manufacturer and importer giving the importer the sole authority to approve any changes to the production vehicles in the certified engine/evaporative family. Importers lacking this vehicle specifications control are subject to the direct-import (a.k.a. grey-market) vehicle certification.

For 2007, all of the engine manufacturers have demonstrated the ability to further improve their current 2004 NOx emission control systems (either cooled EGR or ACERTTM) to comply with the program. While the final NOx standard in 2010 is 0.20 g/bhp-hr, the 2007 program includes a number of implementation flexibilities that will allow manufacturers to comply with engines meeting an averaging level of approximately 1.2 g/bhp-hr in the years 2007-2009. All engine manufacturers have indicated they intend to adopt such a two-step compliance strategy. This strategy will allow engine manufacturers that choose to do so to make incremental changes to their current proven 2004 products for NOx control in 2007.

The requirement that late-model equipment be used at the Project site (revised Mitigation Measure B-1) ensures that, over the six-year duration of Project construction, heavy-duty diesel powered equipment in

use at the site will be in compliance with the applicable emission standards set by the EPA and the CARB. Due to the phased approach embodied in the regulations, it is possible that a mix of equipment may be in use at the Project site during the first years of construction activity. However, as older equipment is replaced with the new, 2007+ emission standard-compliant equipment, it is expected that the majority of the equipment to be used in Project construction will eventually meet the 2007+ emission standards.

Comment A10-201

4. The project should comply with the USEPA 2004 Emission standards for on road heavy duty equipment at a minimum

Response to Comment A10-201

See Responses to Comments A10-196, A10-197, A10-199, and A10-200.

Comment A10-202

5. Use ultra low sulfur diesel fuel for all equipment used on site.

Response to Comment A10-202

See Responses to Comments A10-196, A10-197, and A10-200. Revised Mitigation Measure B-1 requires that low sulfur fuel be utilized as a minimum emission-control measure for heavy-duty construction equipment at the Project site. As ultra low sulfur diesel fuel becomes widely available, it is anticipated that its use will gradually replace that of low sulfur fuel in construction equipment used at the Project site.

Comment A10-203

6. Use ultra low sulfur diesel for all on road equipment (trucks).

Response to Comment A10-203

See Responses to Comments A10-196, A10-197, A10-200, and A10-202. Trucks traveling to and from the Project site would be covered by revised Mitigation Measure B-1.

Comment A10-204

²¹ LA Times, January 26, 2007, citing a USC study.

Response to Comment A10-204

This comment references a citation contained in the original comment letter. No further response is necessary.

Comment A10-205

7. Use diesel particulate filters on all construction equipment.

Response to Comment A10-205

Diesel particulate filters are not prescribed as standard mitigation measures for emissions from diesel-powered construction equipment by the SCAQMD. Furthermore, the applicant's construction manager has indicated that such filters are not readily available for most of the equipment types anticipated to be used during Project construction activities. In light of this, the mandated use of diesel particulate filters is not considered to be a feasible mitigation measure. Accordingly, this measure has not been adopted in this EIR. See also Response to Comment A10-196.

Comment A10-206

8. Use alternative fuel construction equipment for all equipment including fork lifts, scissor lifts, and other small duty equipment.

Response to Comment A10-206

The exclusive use of alternative fuel small-duty diesel powered equipment at the Project site is not considered feasible due to the typical age of small-duty equipment utilized by contractors. However, the biodiesel and low-sulfur fuel required for heavy-duty equipment at the site will be utilized to power small-duty equipment with the capability to operate on such alternative fuels. Furthermore, heavy-duty diesel powered equipment is anticipated to be the principal source of CO and NOx air emissions during construction activities. Accordingly, revised Mitigation Measure B-1 targets this equipment, as opposed to small-duty equipment of the type referenced in the comment. See also Response to Comment A10-196.

Comment A10-207

9. Use temporary electrical power throughout the construction area to reduce the use of generators.

Response to Comment A10-207

See Response to Comment A10-196. This mitigation measure has been added. Combustion generators will not be utilized unless it is infeasible to obtain power from existing electrical infrastructure.

Comment A10-208**7.3 Design Features (Mitigation Measures B-3)**

Following construction, the DEIR should require all private security personnel to use electric powered vehicles while onsite. The developer shall include the ability for electric vehicles to be recharged within the property development. This would also be used by the landscaping electric vehicles.

Response to Comment A10-208

The fifth bullet in Mitigation Measure B-3 on page IV.B-54 of the Draft EIR has been revised as follows:

- ~~Require that commercial landscapers providing services at common areas of the Project site use electric or battery powered equipment, or other internal combustion equipment that is either certified by the California Air Resources Board or is three years old or less at the time of use, to the extent that such equipment is reasonably available and competitively priced in Los Angeles County (meaning that the equipment can be easily purchased at stores in Los Angeles County and the cost of the equipment is not more than 20 percent greater than the cost of standard equipment). Require that private security personnel use electric powered vehicles during patrols on-site to the extent that such equipment is reasonably available in Los Angeles County. The Project shall also include recharging capabilities for electric powered vehicles that are used on-site.~~

Comment A10-209**7.4 CARB's latest health risk estimates**

The DEIR needs to evaluate emissions using CARB's latest health risk estimates in conjunction with the Port of Los Angeles port wide health risk analysis currently underway. The DEIR did not discuss the cumulative impact of the proposed projects emissions relative the Port of Los Angeles baseline and SCAQMD MATES II study.

Response to Comment A10-209

As discussed in the Draft EIR at page IV.B-42 through IV.B-52, a Limited Health Risk Assessment (LHRA) was performed for the proposed Project site and utilized methods that are consistent with current guidance contained within documents prepared by the Office of Environmental Health Hazard Assessment (OEHHA) and the SCAQMD. As shown in Table IV.B-10, TAC Health Impacts at Project Site, on page IV.B-51 of the Draft EIR, the cancer risk estimates summarized from SCAQMD's MATES II study and the risk estimates provided from the CARB Ports' study were incorporated into the analysis. In addition, Section IV.B, Air Quality of the Draft EIR also discloses that the proposed project would generate operational emissions of ROG, NO_x and CO, generally considered criteria pollutants that can cause undesirable health effects, which would exceed the SCAQMD regional thresholds of significance. Although the proposed Project would exceed SCAQMD thresholds for ROG, NO_x and CO, it is

considered consistent with the 2003 AQMP and is conformance with the goals and objectives of the Plan, which is designed to bring the entire South Coast Air Basin into air quality attainment with applicable State and federal standards.

Comment A10-210

7.5 Enforcement

The DEIR should include a description of how the project proponent will monitor and detail the use of the emission control technologies listed above. This shall include written documentation of all equipment used, hours of operation, type fuel used, emissions control technologies used, alternative fuels used, engine maintenance history, and engine and other equipment specifications.

Response to Comment A10-210

See Response to Comment A10-196. The monitoring of mitigation measures required of the proposed project will be done through a Mitigation Monitoring and Reporting Program, which is prepared along with the Final EIR and is not a required part of the Draft EIR. In addition, due to the size of the proposed project, the SCAQMD will provide site visits to ensure that the entire proposed project is in conformance with all applicable rules, regulations and mitigation measures.

Comment A10-211

7.6 Details of estimated emissions should be included

A table should be included with the DEIR that shows estimated emissions for the scenarios listed above. A discussion of additional mitigations should be included in the event that the project proponent cannot utilize the most stringent emissions control technologies.

Response to Comment A10-211

Refer to Table IV.B-11 on page IV.B-56 of the Draft EIR for a quantified analysis of the reduction in air emissions due to implementation of the mitigation measures. See also Response to Comment A10-196.

Comment A10-212

7.7 Worker trips

The Air Quality section does not appear to have evaluated impact from workers commuting to the site. A discussion of the number of workers and the subsequent impact from traffic and air quality needs to be discussed. Construction workers at the site should be encouraged to car pool and use public transportation when commuting to the project site.

Response to Comment A10-212

Page IV.B-36 of the Draft EIR provides a discussion of construction worker-related vehicle trips associated with the construction of the proposed project.

Comment A10-213**8. Hazardous Materials and Risk of Upset****8.1 Risk of Upset, LPG Gas Storage**

The DEIR should include a discussion of the potential hazard from liquified petroleum gas and butane storage at the Conoco-Phillips Refinery and AmeriGas tanks and the risk of accident from trucks and trains transporting it.

Response to Comment A10-213

The Hazards Analysis in Appendix IV.D-1 to the Draft EIR analyzes the risk posed to the Project from three types of reasonably foreseeable upset situations that could theoretically occur at the Conoco-Phillips Oil Refinery: 1) a tank fire, 2) a product release, including releases that could occur while transferring fuels to and from tanker trucks and the underground storage tanks, and 3) sabotage. For these types of reasonably foreseeable upset situations, the Hazards Analysis concludes that the refinery would not pose a significant risk to the Project.

In addition, both the Refinery and the AmeriGas facility are required to prepare Risk Management Plans (RMPs) that address potential hazards resulting from their operations and how they will be minimized or managed. RMPs are required by the federal Accidental Release Prevention Program (Title 40, Code of Federal Regulations, Part 68), which implements Section 112 (r)(7) of the Clean Air Act Amendments of 1990. California has similar requirements that are codified in the California Health and Safety Code (H&SC), Division 20, Chapter 6.95, Article 2 (commencing with Section 25531). The California program is known as the California Accidental Release Prevention (CalARP). The goal of the RMP, as required by the federal and CalARP programs, is to prevent accidental releases of substances that can cause serious harm to the public and the environment from short-term exposures and to mitigate the severity of releases that do occur.

Both the federal and CalARP programs require that facilities subject to the programs conduct an offsite consequence analysis (OCA) to provide information to the government and the public about the potential consequences of an accidental chemical release. Per 40 CFR, Part 68, §68.22-33 (federal program) and 29 CCR, Title 19, §2750 (California program), the OCA is required to consist of two elements:

1. Worst-Case Release Scenario – release of the largest quantity of a regulated substance from a single vessel or process line failure that results in the greatest distance to an endpoint.

2. Alternative Release Scenario – release that is more likely to occur than the worst-case scenario and that reaches an endpoint offsite. This is considered to be the more reasonably foreseeable scenario.

The distance to the endpoint is the distance the flammable gas will travel before dissipating to the point that risk of combustion will no longer occur.

The scenarios are developed using a Process Hazards Analysis. A Process Hazard Analysis (PHA) is done as part of the RMP process and is codified in 40 CFR, Part 68, Section 68.67 and in 29 CCR, Title 19, Section 2760.2. The PHA focuses on equipment, instrumentation, utilities, human actions (routine and non routine), and external factors that might impact the process. These considerations assist in determining the hazards and potential failure points or failure modes in a process. The chief objective of the PHA process is to provide a safety review of engineering design efforts. PHA information is usually proprietary and updates are required at least once every five years or whenever there is a major change in the process.

The main components of a typical PHA process identify the following:

- Hazards associated with the process and regulated substances
- Opportunities for equipment malfunction or human error that could result in a release
- External events that could impact the process and result in a release
- Safeguards that will control the hazards or prevent the malfunction or error
- Steps to detect or monitor releases
- All process safety information and ensure that it is up-to-date

The Conoco-Phillips refinery and the AmeriGas facility in San Pedro both store butane and propane gases and are required to prepare and maintain RMP documents. The RMP documents developed by AmeriGas and Conoco-Phillips, reviewed by Haley & Aldrich at the Los Angeles Fire Department, evaluated flammables, which include both butane and propane. The documents referenced by the commenter were apparently prepared in 1999 and updated in 2004. Each facility has implemented new safety programs and processes since submittal of the RMPs to continue to ensure the safety of their operations. The analyses of these events in the RMPs are not material- or product-specific, and apply to all fuels that are transported to and from the site, including liquefied petroleum gas and butane. Executive summaries have been created for both facilities based on data that was last updated in April 2005.

The Conoco-Phillips RMP is dated 2004. An executive summary was prepared in 2005. The refinery noted in the 2004 RMP that there had been no accidents in the 5 years prior to preparation of the RMP. The Alternative Release Scenario (most reasonably foreseeable) for the refinery has a radius of influence of 0.1 miles, and would thus not affect the Project site. This determination is consistent with the finding

of the Draft EIR that a reasonably foreseeable upset situation at the refinery would not pose an immediate risk to the Project (see Draft EIR, page IV.D-13). The Worst-Case Release Scenario for the release of flammables from the refinery has a 2.3-mile radius of impact (Acceptable Separation Distance). Such radius includes portions of Rancho Palos Verdes, downtown and northern San Pedro, Wilmington-Harbor City, and portions of Lomita, and Rancho Palos Verdes. This scenario assumes a complete failure of all safety and control systems to prevent and limit a release and, although remotely possible, is not considered reasonably foreseeable because the preventative oversight, regulation, and control measures which are in place through the RMP, the Federal Accidental Release Prevention Program, the CalARP, and other regulatory and discretionary review mechanisms mitigate the likelihood of such a scenario occurring to a less than significant level.

While the Conoco-Phillips Refinery is a significant facility processing and storing large quantities of materials, through the oversight, regulation, and control measures discussed above, the risk of a worst case scenario occurring is mitigated to less than significant levels, and the presence and operation of the Conoco-Phillips Refinery is not considered an unacceptable safety threat to residential and commercial development in the surrounding community area. In addition, Mitigation Measure D-6 (Draft EIR at page IV.D-17) requires the Project applicant to prepare and submit an emergency response plan in consultation with the Conoco-Phillips Los Angeles Refinery, among other nearby facilities, that provides a plan for communication, coordinated response, and potential evacuation. This plan must be approved by the appropriate agencies, including the Los Angeles Fire Department, and integrated with existing emergency response plans for the area. The presence of the Conoco-Phillips Refinery is also taken into consideration in area emergency response and evacuation planning. See also Topical Response 13, Emergency Response and Evacuation.

AmeriGas submitted a RMP to the Los Angeles City Fire Department in July 2004. An executive summary was prepared in April 2005. The Alternative Release Scenario (most reasonably foreseeable) evaluated by AmeriGas was one in which, following a loading operation, a tank truck pulls away from the loading bulkhead prior to disconnecting, causing a failure of a 25 foot length of a 4 inch hose. The contents of the hose would be released while the excess flow valves function to stop the flow of product. The resulting unconfined vapor release would travel to the lower flammability limit. The distance to the end point of the lower flammability limit for the Alternative Release Scenario would be less than 317 feet, resulting in no impact to the Project site. The Worst-Case Release Scenario evaluated by AmeriGas envisioned a complete release of the contents of their largest storage tank. In this release scenario, the maximum radius of impact was 0.5 miles, effectively placing the Project site outside the radius of influence. Thus, the worst case scenarios at the AmeriGas facility would have no direct impact on the Project.

With respect to the risk posed by trucks and trains transporting hazardous materials to and from these facilities, trucks carrying hazardous materials are required to follow hazardous materials routes that are designated by the City or by the U.S. Department of Transportation. The Project is not located along a City or federal hazardous materials route (Federal Motor Carrier Safety Administration FMCSA and the National Hazardous Materials Route Registry NMHRR). Gaffey Street is the nearest such designated

route to the Project site. Railroad tracks located adjacent to Gaffey Street are the nearest rail lines that could convey hazardous cargo. Because hazardous materials transported by either truck or rail must be properly manifested, packaged, labeled, and transported in accordance with federal regulations (49 CFR 171-180), the likelihood of an accident causing extensive damage or death from the actual release of containerized hazardous materials in the local community would be low.

Comment A10-214

8.2 Defense Fuel Supply Depot and Conoco Phillips

The Hazardous Analysis report in the DEIR by Arcadis evaluates the potential impacts on the Ponte Vista project from spills and tank fires from the nearby Defense Fuel Supply Point (DFSP) and the Conoco Phillips [COP] oil refinery.

Response to Comment A10-214

See Response to Comment A10-213.

Comment A10-215

Arcadis uses data from the National Institute of Standards and Technology to show that the “acceptable separation distance” for people from the source of such events at these facilities would not have an impact on the Ponte Vista residents.

It should be noted however, that to establish this baseline, they use historical averages of events to predict the potential impacts of future events. In other words, they are not considering the uniqueness of our community and the relationship of these hazardous facilities within it.

San Pedro is a peninsula with hazardous facilities at each of its gateways. The DFSP is located between Western Ave and Gaffey St. and COP between Gaffey St. and the 110 Fwy. An event at either of these locations would increase the likelihood of igniting other sources and trigger concerns other serious problems. The analysis totally ignores the fact that the Conoco has butane [a type of LPG] stored on site. Butane is highly volatile, with the potential of causing much more destruction than concluded in the Arcadis analysis.

Response to Comment A10-215

See Response to Comment A10-213.

Comment A10-216

The EPA requires businesses dealing with hazardous products to develop a Risk Management Plan to address a hazards assessment, a prevention program, and an emergency response plan. The Plan is required to identify “worst case” and “alternate release” scenarios as defined by the EPA.

In 1999, Conoco Phillips predecessor, TOSCO Refining Co., published their Risk Management Plan for the 5.1 million gallons of butane at their facility. In a “worst case” scenario, everything in the refrigerated storage tank would be released instantaneously, safety controls would no longer apply, and the butane would completely vaporize and explode. The Acceptable Separation Distance (ASD) of people from the source is 2.3 miles. To put this in perspective, it would impact Narbonne High School to the north, Banning High to the east, Mary Star to the south, and Rolling Hills Road to the west and all of the project area.

Response to Comment A10-216

See Response to Comment A10-213.

Comment A10-217

The DEIR did not consider the Amerigas butane and propane storage facility at 2110 N. Gaffey (Gaffey & Westmont) in its analysis. This facility has the capacity for 24 million gallons of butane and another 1 million of propane, almost 5 times the LPG volume of Conoco Phillips. Additionally, the LPG is transported from this facility by rail and truck. The risk is apparent from incidents such as the Feb 9, 2005 event in Salt Lake City where a tanker truck carrying butane leaked. The butane seeped into a house and caused an explosion. More than 1500 people had to be evacuated.

Response to Comment A10-217

See Response to Comment A10-213.

Comment A10-218

8.3 Emergency Plan and Evacuation Plan

The proposed emergency evacuation planning is inadequate, both in terms of the impact on overall evacuation from the community and specific evacuation planning for the project. San Pedro is located on a peninsula with two evacuation routes, Western Avenue and Gaffey/110 Freeway.. [sic] Evacuation plans are constrained by this geography. DFSP, Conoco Phillips, and Amerigas are adjacent to each other and located at the two major gateways to our community. An incident at any of them could result in multiple site explosions, thereby blocking emergency evacuation routes. A more comprehensive analysis than that contained in the DEIR is necessary. Proximity to the Port of Los Angeles adds to the need for quick evacuation.

Response to Comment A10-218

As discussed in the Draft EIR at pp. IV.J-30 to IV.J-32, with the implementation of mitigation measures, the Project in conjunction with cumulative growth would not “[r]esult in inadequate emergency access” (CEQA, Appendix G, X/V Transportation/Traffic (e)). Emergency access to the Project site (police, fire, and ambulance) would be provided by the three ingress/egress points off Western Avenue that would

provide general site access. In addition, a reciprocal emergency access arrangement exists between Mary Star of the Sea High School and the Project that would allow for emergency access from Mary Star and Taper Avenue to Western Avenue. The Project-specific and cumulative impacts to emergency response times (police, fire and ambulance) would be less than significant (see Draft EIR, p. IV.J-32). The Project site is not identified in any existing emergency response plan as a physical evacuee location or other location of public congregation or equipment/personnel mobilization.

The comment posits a particular hypothetical “state of emergency” scenario that requires response beyond routinely occurring periodic police, fire, and ambulance response events. See Topical Response 13, Emergency Response and Evacuation. As discussed in Topical Response 13, the Project is consistent with the population and housing growth assumptions of the Safety Element of the General Plan and will not interfere with adopted emergency response preparedness plans.

Comment A10-219

The proposed project has a potentially significant impact on the implementation of an emergency evacuation plan for the community and this should be evaluated as part of the DEIR.

Response to Comment A10-219

See Response to A10-218 and Topical Response 13, Emergency Response and Evacuation.

Comment A10-220

The increased number of residents using Western Avenue as a result of this project will reduce the ability to evacuate the population in a reasonable time as the result of disaster, either natural or man-made. The DEIR should evaluate the impact that the increased traffic generated by the project will have on the ability of emergency vehicles to navigate Western Avenue in the event that there is a hazardous incident. Additionally, evacuation will be impacted by the new Mary Star High School, new Rolling Hills Prep School, and a new LAUSD High School, should it be sited on the property.

Response to Comment A10-220

See Response to A10-218 and Topical Response 13, Emergency Response and Evacuation.

Comment A10-221

Evacuation plans should take into account the Port of Los Angeles evacuation planning.. [sic]

Response to Comment A10-221

See Response to A10-218 and Topical Response 13, Emergency Response and Evacuation.

Comment A10-222

The DEIR should include an onsite disaster evacuation center in the project as a mitigation.

Response to Comment A10-222

See Response to A10-218 and Topical Response 13, Emergency Response and Evacuation. The Project site is not designated as a disaster evacuation center in any adopted emergency preparedness response plan. The Project's emergency response plan (required under Mitigation Measure D-6 in the Draft EIR) will address the occupancy, number, location, and design of the structures approved for the Project at the conclusion of the entitlement process. It will require mapping of emergency exits, evacuation routes for vehicles and pedestrians within and from the Project site, and location of nearest hospitals and fire departments (discussed in the Public Services chapter of the Draft EIR). The applicant must also consult with neighboring land uses, including but not limited to the DFSP and the Conoco-Phillips Refinery. The plan must be completed and approved based on final building plans before building permits for the Project's structures are issued.

Comment A10-223

The DEIR should evaluate the impact of the increased population on emergency facilities and include mitigations as appropriate.

Response to Comment A10-223

See Response to A10-218 and Topical Response 13, Emergency Response and Evacuation.

Comment A10-224

DEIR indicates that the risk associated with the Defense Fuel Supply Depot site "can be mitigated through proper preventative maintenance and early warning systems." There is no indication, however, that there is an early warning system in place, nor a proposed mitigation measure to pay for one.

Response to Comment A10-224

The DFSP has adopted risk management, maintenance, and warning procedures in compliance with federal regulations governing the storage of hazardous materials. Proper implementation of these procedures is the responsibility of the U.S. Navy as the operator of the DFSP facility. Mitigation Measure D-6 (at Draft EIR, p. IV.D-17) requires the Project applicant to submit an emergency response plan for approval by the City and the Los Angeles Fire Department. This plan must be prepared in consultation with the DFSP in order to promote consistency and establish lines of communication in the event of potential emergency situations. See also Topical Response 13, Emergency Response and Evacuation.

Comment A10-225**9. Section IV.E Hydrology and Water Quality****9.1 Integrated Resource Plan (IRP)**

The DEIR does not discuss the recently approved Integrated Resource Plan (IRP) adopted by the City of Los Angeles. A discussion should be included of how the project will comply with the IRP elements during construction and after completion.

Response to Comment A10-225

Discussion of the City of Los Angeles' Integrated Resource Plan (IRP) is provided in the Draft EIR on page IV.K-18. As noted in the Draft EIR, the IRP is a program that is currently being developed to guide water, wastewater, and stormwater management throughout the City. The principal focus of the IRP to date has been on the City's wastewater delivery and treatment infrastructure. Although a final IRP has not been adopted, the plans under consideration address stormwater management and the Project will be required to comply with all policies adopted by the City with respect to stormwater management. Project compliance with Mitigation Measures E-1 through E-3 (see Page IV.E-24 of the Draft EIR) would also ensure project consistency with the IRP, as the IRP has been designed to foster implementation of the Los Angeles County MS4 Permit and Standard Urban Stormwater Mitigation Plan with respect to the design, siting, and maintenance of best management practices during project construction and operation. It is important to note that the IRP does not replace or change existing regulatory requirements but rather provides a strategy through which the City intends to implement them.

Comment A10-226**9.2 Urban Runoff**

The DEIR needs to expand its discussion of urban runoff. This discussion should include an analysis of the two main sources of water into the storm drain system (dry weather urban runoff and wet weather runoff).

Response to Comment A10-226

The analysis in the Draft EIR and the required mitigation measures are adequate. However, in order to be responsive to the comment, the following supplemental background information from the City IRP is provided.

Urban runoff is categorized into two main sources of water, dry weather urban runoff and wet weather runoff. Dry weather urban runoff in the storm drain system occurs when there is no measurable precipitation and originates from human activities, including car washing, landscape irrigation, street washing, dewatering during construction activities and natural groundwater seepage that discharges to the storm drain system. Dry weather urban runoff contains high levels of pollutants that enter the rivers,

streams, estuaries and other marine waters in and around the City of Los Angeles. The City currently diverts approximately 6 million gallons per day of dry weather urban runoff into the wastewater collection system for eventual treatment at the Hyperion Treatment Plant. In addition, there are permitted industrial discharges, which include discharges of treated reclamation plant effluent. During the dry season, the treatment plant effluent makes up much of the flow in the main channels of the storm drain. The dry weather season in the Los Angeles area typically runs from May through September. Wet weather urban runoff occurs when there is precipitation that flows across the ground during and after a rain event; subsequently, draining into a storm drain system and discharging into the rivers, streams, estuaries and other marine waters in and around the City of Los Angeles. Wet weather urban runoff includes rainwater as well as most of the same flows generated during dry weather. The wet weather season in the Los Angeles area typically runs from October through April.¹⁰¹

Comment A10-227

To reduce the amount of dry weather urban runoff from the completed project the DEIR needs to include a discussion of how water originating from human activities, car washing, landscape irrigation, street washing, etc. entering the storm drain system will be reduced. Dry weather urban runoff can contain high levels of pollutants that would enter the storm drain system and eventually flow into marine waters. To reduce the volume of dry weather runoff the project should include the ability for dry weather diversion to the waste water collection system and eventual treatment at the Terminal Island Treatment Plant.

Response to Comment A10-227

Section IV.E (Hydrology and Water Quality) of the Draft EIR contains precisely the type of discussion requested in the comment (see Pages IV.E-21 and 22). The Draft EIR outlines the potential sources of pollutants to runoff from the Project site and describes possible treatment methods that might be employed at the site to reduce their entry to site runoff in order to mitigate potential effects to a less than significant level. The methods identified in the Draft EIR are not intended to define the entire realm of possible solutions that may be implemented at the Project site. Rather, they are intended to illustrate the most likely methods to be employed given the early stage of Project site design at the time of this EIR. Relevant requirements of the SUSMP Manual will be identified when the project design is finalized and will define the best management practices selected for the Project. Mitigation Measure E-3 will ensure that such practices are installed in compliance with SUSMP requirements.

Infiltration is now the typical dry weather run-off control preferred by the City, with planter drains and green roofs also becoming more common in appropriate situations. However, nothing in the Draft EIR forecloses the possibility that dry weather flow diversion to a wastewater collection system, if required by the City, could be included in the final design of the Project stormwater treatment system.

¹⁰¹ *Integrated Resources Program, City of Los Angeles (<http://www.lacity.org/SAN/irp/Runoff.htm>).*

Comment A10-228

The DEIR should evaluate or consider construction materials that could reduce the volume of wet weather urban runoff that would occur, and evaluate the use of porous concrete, cisterns, bio-swales, and storm water reduction methods. Cisterns should be considered as part of the project to provide for storage of storm water for later use in landscape irrigation.

Response to Comment A10-228

Potential best management practices (BMPs) and Project design features to be incorporated in the Project are listed on Page IV.E-16 of the Draft EIR. This list is not intended to be all-inclusive of the possible methods to be utilized to reduce the volume and/or treat stormwater generated at the Project site. The same or similar techniques referenced in the comment are, in fact, included in the Draft EIR. The purpose of the analysis in the Draft EIR is not to define the specific elements of the stormwater management system to be prescribed for the Project but to outline the parameters within which this system must be designed and implemented.

Comment A10-229

Storm water infiltration beneath the proposed baseball fields and large green space areas should be evaluated. Diversion of storm water to these areas for storage and future use, or infiltration should be included as part of the project.

Response to Comment A10-229

The analysis in Section IV.E (Hydrology and Water Quality) of the Draft EIR describes the existing and planned future drainage characteristics of the Project site. The proposed public park component of the Project would be located to the south and upgradient of the existing drainage feature crossing the site; a feature that would be retained for use as a primary drainage facility with development of the Project and covered with a bio-swale or similar treatment feature. Due to the nature of the proposed public park uses (e.g., baseball diamonds, grass play areas), rain falling on this portion of the site would naturally infiltrate to the capacity of the soil. Due to site topography, runoff from the portion of the site located north of this drainage feature (the residential and retail components of the Project) could not reach the public park area without a substantial re-grading and re-contouring of the site. In place of this, it is anticipated that a bio-swale will be used for treatment, as described on Page IV.E-22 of the Draft EIR, to infiltrate stormwater through the subsoil and into the covered drainage channel in this portion of the site.

Comment A10-230

The hydrology should be evaluated in terms of the potential impact on the storm drains that carry runoff from the property underneath Gaffey Street. This community has recently experienced the collapse of three existing storm drains where they cross Western Avenue. Additionally, we regularly experience flooding during rains at several points along N. Gaffey St. Any study of development impact on runoff

should look at N. Gaffey from the Navy Fuel site to the I-110 off-ramp/I-47 on-ramp and to Channel St. and North Pacific Ave. The impact should also be studied downstream as the storm drain re-surfaces on N. Gaffey and empties pollutants directly into the Los Angeles Harbor.

Response to Comment A10-230

An areawide study of the condition and capacity of existing stormwater drainage facilities in the northern portion of San Pedro is beyond the scope of this Draft EIR and, further, is not necessary to fully evaluate and prescribe mitigation for the impacts of the Project. Drainage facilities to which the Project site would contribute runoff are adequately sized for projected post-construction storm flows from both the site and upstream drainage areas illustrated in Figure IV.E-2 of the Draft EIR. Existing drainage problems along North Gaffey Street may not, in fact, be caused by undersized storm drains but rather by periodically clogged storm drain inlets. In any event, compliance of the Project with Mitigation Measure E-3 would include the review and approval of Project storm drainage plans by the City, part of which is intended to ensure that stormwater generated at the Project site does not adversely effect downstream storm drainage facilities.

Comment A10-231

Greening and other measures to improve water quality in the portion of the storm drain which runs parallel to N. Gaffey and flows directly into the Los Angeles Harbor should be included as required mitigation.

Response to Comment A10-231

Current stormwater management practice recognizes that treatment and other water quality measures are most effective when they are implemented either at the source or as near to the source as possible. The implementation of stormwater treatment BMPs on the Project site, therefore, is considered to be a more effective means of minimizing the introduction of pollutants from the Project site to stormwater runoff than the installation of downstream treatment BMPs. Once storm flows are concentrated in concrete linear drainage facilities, the primary function is to convey the flow quickly to the receiving water (in this case, Los Angeles Harbor) rather than provide water quality treatment. Thus, treating smaller quantities of runoff farther upstream in the local drainage area is both more effective and less costly. As a result, no treatment measures are proposed within the storm drain downstream of the Project site.

Comment A10-232

7. Section IV I. Public Services (other than schools)

To the extent the population forecasts of the proposed project is [sic] underestimated, the impact on all public services is also underestimated (see Comments, Population and Housing). The projected contribution by the project to the City's general fund is overestimated (see discussion under financial impact).

Response to Comment A10-232

With respect to the portion of this comment pertaining to population issues, see Topical Response 8, Population and Housing. As indicated in Topical Response 8, population forecasts presented in the Draft EIR are accurate; therefore, the Project's potential impacts on public services are also accurate. The portion of this comment that addresses the Project's projected contribution to the City of Los Angeles' general fund is a summary of comments to follow. See Response to Comment A10-247 for a discussion of the Project's fiscal impacts to the City of Los Angeles.

Comment A10-233**10.1 Police Protection**

The project-specific impacts to police protection are under-estimated.

The letter from the Los Angeles Police Department (in Appendix IV.I-1) does not appear to address the number of new officers and cars which will be required as a result of this significant increase in population. The letter indicates that the "officer to citizen ratio for the Harbor Area is 701 to 1, which meets the service needs for the Area." It goes on to state "no additional personnel or equipment is warranted *for the project site* unless specifically requested by the site." This analysis appears to have missed the fact that the proposed project will add from 4,313 new residents (using the developer's low number) to approximately 7,000 new residents (using other calculations included elsewhere in this document). A 701 to 1 ratio, would indicate the need for an additional 6 to 10 new officers.

Additionally, as we have seen, it is one thing to say that additional officers are needed, and much more difficult to expand and retain a higher number of officers on the force.

Response to Comment A10-233

Decisions as to budget, staffing and service levels are made by the Los Angeles Police Department and the Los Angeles City Council and do not pertain to environmental impacts within CEQA. As discussed in the Project Fiscal Analysis, Appendix IV.F-1, the Project will generate a \$6 to \$6.8 million annual fiscal benefit after taking into account typical public service costs, such as police, fire, library, parks and recreation. These funds will be available to fund various public service programs and objectives. Thus, the Project is anticipated to provide more than sufficient funds to address police service needs. There is no substantial evidence that new police facilities would be required or that they would cause significant environmental impacts. Indeed, the Harbor Community Police Station at 2175 John S. Gibson Boulevard is currently undergoing renovations, and is anticipated to reopen in 2008.¹⁰² A temporary Harbor Community Police Station is in operation at 221 North Bay View Avenue in Wilmington (approximately

¹⁰² Phone correspondence between LAPD staff (Officer Flores, temporary Bay View Station) and CAJA staff (Heidi McWhorter, Senior Environmental Planner), April 27, 2007.

four miles from the Project site) which will be closed once the permanent station at 2175 John S. Gibson Boulevard is opened (Draft EIR, page IV.I-13). The new 52,000-square foot Harbor Police Station will replace the previous, 25,374-square foot Harbor Police Station (now demolished) and will include an attached 18,000-square foot detention center, a 10,000-square foot auto maintenance building, a 180-foot high communication tower, 41 surface parking spaces, a 110,000 square-foot parking structure with rooftop helipad, and a boat storage area (ENV-2004-7869-MND). The Draft EIR properly concluded that the Project would have a less-than-significant environmental impact with respect to police protection services.

The LAPD received both the Notice of Preparation (NOP) and an October 20, 2005, service letter from the EIR preparers, both of which provided a detailed description of the Project, including that the Project would include 2,300 residential units each ranging between 750 and 3,000 square feet and 575 of which would be reserved for seniors aged 55 and above, 10,000 square feet of Project serving retail and a 6-acre public park with little league baseball fields. See Draft EIR, Appendix I-1 (NOP). In response to the NOP, the LAPD stated that “After review of the proposed project, it was determined that the project would not have a significant impact on police service in the Harbor Area.”¹⁰³ In response to inquiries by the EIR preparers, LAPD responded that staffing of the Harbor Area Community Police Station is adequate to meet the Project area’s current demand for police service and that “[t]he current police facilities are sufficient to handle the service needs of the proposed project.”¹⁰⁴ LAPD further concluded that the “Harbor Area Community Police Station is staffed and equipped to provide full service to the Harbor Area, which includes the project site. No additional personnel or equipment is warranted for the project site unless specifically requested by the site.”¹⁰⁵ LAPD’s analysis and response provides substantial evidence to support the conclusions of the Draft EIR.

As discussed in the Draft EIR on page IV.I-17, the crime rate in Reporting District (RD) 521 accounts for approximately 1.8 percent of the crime rate in the Harbor Area, and approximately 0.07 percent of the crime rate citywide. As such, the needs projection for the Project area (i.e., RD 521) is considered low compared to other areas of the City.

Furthermore, as noted on page IV.I-13 of the Draft EIR, the Project includes several design features that would reduce the expected demand on police protection services:

- The Project would be a private, gated community with restricted public access;
- The Project would be continuously served and patrolled by 24-hour private security;

¹⁰³ September 30, 2005 letter from Fred Booker, Lieutenant, Office in Charge, Community Relations Section, Office of the Chief of Staff, Los Angeles Police Department, Draft EIR, Appendix I-2.

¹⁰⁴ LAPD written correspondence James H. Cansler, Captain Commanding Officer Planning and Research Division, September 1,2 2005, Draft EIR, Appendix IV.I-1.

¹⁰⁵ *Ibid.*

- All of the proposed structures would be equipped with private alarm systems; and
- The Project predominantly consists of residential uses, which typically generate less criminal activity than other land uses, such as commercial/retail uses.

In addition, the Project is subject to LAPD review, and will be required to comply with all applicable safety requirements of the LAPD and the City of Los Angeles.

Comment A10-234

10.2 Parks and Recreation

The DEIR underestimates the impact of the proposed project on parks and recreation facilities

The increase in population will have a potentially significant impact on parks and other recreational facilities. Such use will accelerate the physical deterioration of these already overcrowded facilities. To rely solely on on-site facilities implies that residents will segregate themselves from the community and that they and their children will not use the existing park and recreational facilities, will not go to Cabrillo Beach, and will not participate in organized sports.

Response to Comment A10-234

The Draft EIR discusses the park and objective policies in the General Plan both with respect to individual projects and greater City objectives. The City's long-range parkland ratios are objectives that the City pursues through various measures, such as through funds, land or improvements dedicated to the City in connection with private development, and by the City's own expenditure of revenues from the General Fund or other sources for the acquisition and improvement of parkland to meet existing and future needs.

The City's Quimby Ordinance is a "project specific" tool that was enacted to enable the City to meet the park and recreation needs generated by individual residential projects. Draft EIR, p. IV.I-39. The Project will dedicate recreational land in excess of that required under the Quimby Ordinance. The Project would provide an approximately six-acre public park potentially featuring two little league baseball fields. The project would provide an additional five acres of private facilities in the subdivision for park and recreational purposes. These private facilities would include an approximately 2.5-acre central park (with community clubhouse and pool), an approximately two-acre park/waterscape concourse, and an approximately 0.5-acre park/recreation area within the senior community. Draft EIR, p. IV.I-46. The Project would thus provide approximately 11 acres of public and/or private park and recreation facilities to serve the recreational needs which it would generate, exceeding the approximately 9.8 acres that would be required as a land dedication under the City's Quimby Ordinance. Ultimately the City will determine if the Project complies with the required park dedication.

The Draft EIR concludes that provision of park and recreational facilities represents a superior recreational benefit as opposed to complying with the Quimby Ordinance by paying fees, because lands available for recreational use may be scarce, even when funds are available for acquisition. In addition to the 11 acres described above, the Project would also provide pedestrian amenities, walking trails, jogging paths, swimming pools and work-out facilities. The proposed park can also relieve demand on existing facilities. There is no substantial evidence that the Project would increase the use of existing parks and recreational facilities enough to cause or accelerate *substantial* physical deterioration. CEQA Guideline, Appendix G, XIV(a).

With respect to the City's long-range objectives of adding parkland and improving facilities, the Project would generate \$8.3 million (in 2005 dollars) in annual revenue from property taxes that would be deposited into the City's General Fund. These funds could potentially be used to acquire or maintain parkland or other recreational facilities. See Draft EIR, Appendix IV.F-1. As discussed in Appendix IV.F-1, the City would receive a net fiscal surplus of between \$6.0 and \$6.8 million annually after taking public service costs (including park and recreation costs, among others) into account (Appendix IV.F-1, page 5).

Comment A10-235

The construction or expansion of recreational facilities to accommodate the impact of the additional residents and their guests could have an adverse physical effect on the environment and this should be evaluated as a part of the EIR. The impact on non-public recreational facilities, such as the YMCA and the Boys' and Girls' Club, which are already stretched to the limit serving existing populations, should also be considered.

Response to Comment A10-235

See Response to Comment A10-234. The Project will provide significant recreational amenities for its residents and the public. The Draft EIR analyzes the potential environmental impacts of the Project, including its recreational and public park amenities. Evaluating potential impact to non-public recreational facilities would require significant speculation, and relates to a social and economic issue that is outside the scope of CEQA.

Comment A10-236

The DEIR does not consider the impact of the additional population replacing the "empty nesters" moving into the project.

Response to Comment A10-236

See Response to Comment A10-29.

Comment A10-237

Quimby fees generated from this project should not be applied to recreational amenities within the gated project that are not provided for the public. This would include any fields that are exclusively for the use of the Little League. Further, to the extent the public have access to any facilities within the project, it needs to be “real” access and not constrained by practical inhibitors such as no parking and no public toilets.

Response to Comment A10-237

See Response to Comment A10-234. LAMC Section 17.12, which is the City’s Quimby Ordinance, allows developers to dedicate parkland for both public and private use in lieu of paying Quimby fees. The City’s Quimby Ordinance also permits credits for various recreational amenities available only to residents of a residential project. The Project is required to comply with the City’s Quimby Ordinance and/or Dwelling Unit Construction tax ordinance. The park and recreational facilities proposed by the Project exceed the requirements of these ordinances. Accordingly, mitigation measures are not necessary pursuant to CEQA Guidelines Section 15126.4. As described in the Draft EIR, parking to serve potential little league fields is included in the Project. Ultimately the City will determine if the Project complies with the required park dedication.

Comment A10-238**11. Section IV.K Utilities and Service Systems****11.1 Adequacy of electrical power**

The City and developer should examine the DWP claim of sufficient power by asking for DWP complaints in the area. Anecdotally, San Pedro experiences *frequent* brownouts and power surges. The developer must be specific in its power needs so that DWP can properly determine whether additional improvements are needed, including offsite improvements.

Response to Comment A10-238

DWP is responsible for electrical energy planning and operations in the Project area. As documented in the Draft EIR, DWP has indicated that it can serve the Project. The Project applicant will continue to coordinate with the City and the DWP to evaluate needed energy improvements in accordance with standard review and permitting procedures. See Response to Comment B55-9.

Comment A10-239**11.2 Sewer system**

The DEIR should include a study of the sewer lines downstream from Western Avenue and require mitigations as appropriate. Sewer lines in this area are experiencing age-related difficulties. Particular

attention needs to be paid to the physical condition of the pipes. The DEIR should include additional discussion of how solid waste will be recycled

Response to Comment A10-239

Section IV.K (Wastewater) of the Draft EIR incorporates the findings of the *EIR Sewer Study* prepared by Fuscoe Engineering (included as Appendix IV.K-2 to the Draft EIR). The Sewer Study was prepared in accordance with City of Los Angeles Bureau of Engineering standards. The Sewer Study addresses the potential impacts of the Project on all wastewater infrastructure and facilities that would serve the site, including City infrastructure downstream from Western Avenue (i.e., the system originating at Taper Avenue; see Figure IV.K-1 in the Draft EIR). As stated in the City of Los Angeles' Sewer Availability Letter (Appendix 2 to the *EIR Sewer Study*), the City has determined that there is available capacity to serve the portion of the site that would be directed to the Taper Avenue sewer system. The Project proposes to discharge a flow of 279,800 gpd into the Taper Avenue system. The Sewer Availability Letter indicates that the Taper Avenue system can accommodate a flow of 280,000 gpd from the Project. Prior to the issuance of building permits, an updated Sewer Availability Letter will be required to ensure that capacity still remains. Because the Project would not result in a potentially significant environmental impact to City wastewater services and facilities, mitigation measures are not required.

See Response to Comment A10-240, below, for a discussion of solid waste recycling during Project construction. Additionally, Mitigation Measure K-7 on page IV.K-44 of the Draft EIR is included to encourage recycling during the Project's operation. Mitigation Measure K-7 states:

- (K-7)** Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. The Project shall comply with all applicable adopted recycling and waste diversion policies of the City of Los Angeles.

As noted in Response to Comment A13-21, each mitigation measure, whether recommended or required to reduce significant impacts, is included in the Mitigation Monitoring Program (MMP) presented in Section V of this Final EIR. If the Project is approved, the Lead Agency will adopt the MMP and assume responsibility for ensuring implementation of the mitigation measures in accordance with the program (pursuant to CEQA Guidelines Section 15097). In order for the Project to proceed, all final Mitigation Measures in the MMP will be recorded in covenants against the property with respect to the Project, and will be enforceable by the City. The MMP for the Project will be part of any conditional approval and will be in place throughout all phases of the Project.

Comment A10-240

11.3 Recycled asphalt and concrete

The DEIR does not discuss in great enough detail how solid waste generated during construction would be recycled. The reuse of road bed and cement from the site as aggregate was not discussed or evaluated.

The project should evaluate the use of rock crusher to create aggregate for use within the development and to reduce the volume of material being disposed at Class III landfills.

Response to Comment A10-240

As discussed in the Draft EIR, AB 939 requires that municipal jurisdictions divert at least 50 percent of their solid waste by the year 2000. The City of Los Angeles has surpassed the required diversion rate (Draft EIR at page IV.K-39). This commitment is enforced by Mitigation Measure K-7, which states: “The Project shall comply with all applicable adopted recycling and waste diversion policies of the City of Los Angeles.” Section IV-K.3, (Solid Waste) of the Draft EIR identifies several strategies that may be implemented and facilities that may be used to divert solid waste from area landfills, including the description of at least seven recycling centers available to receive construction waste from the Project (Draft EIR pp. IV.K-36—IV.K-37). In addition, Mitigation Measures K-8, K-9, and K-10 have been added to the Draft EIR to facilitate recycling during project construction (refer to Section II, Corrections and Additions to the Draft EIR, of this Final EIR):

(K-8) The construction contractor shall only contract for waste disposal services with a company that recycles demolition and construction-related wastes. The contract specifying recycled waste service shall be presented to the Department of Building and Safety prior to approval of Certificate of Occupancy.

(K-9) To facilitate onsite separation and recycling of construction-related wastes, the construction contractor should provide temporary separation bins onsite during demolition.

(K-10) The construction contractor shall use a rock crusher to convert existing asphalt and concrete to aggregate for reuse onsite which would significantly reduce the volume of demolition waste disposed of at local landfills.

As noted in Response to Comment A13-21, each mitigation measure, whether recommended or required to reduce significant impacts, is included in the Mitigation Monitoring Program (MMP) presented in Section V of this Final EIR. If the project is approved, the Lead Agency will adopt the MMP and assume responsibility for ensuring implementation of the mitigation measures in accordance with the program (pursuant to CEQA Guidelines Section 15097). In order for the Project to proceed, all final Mitigation Measures in the MMP will be recorded in covenants against the property with respect to the Project, and will be enforceable by the City. The MMP for the Project will be part of any conditional approval and will be in place throughout all phases of the Project.

The Draft EIR’s solid waste analysis did not assume the use of a rock crusher, but determined that local landfills would have adequate capacity to accommodate the Project’s construction waste (Draft EIR pp. IV.K-41—IV.K-44). Although a rock crusher is not required to reduce potentially significant impacts, follow-up in response to the comment indicated that as suggested, the use of a rock crusher could further reduce the environmental impacts of the Project on an all-around basis. In response to the comment, the

applicant has investigated the potential use of a rock crusher and has incorporated it into its construction plans. See Topical Response 5, Air Quality – Construction. The reuse of aggregate on the site would significantly reduce the volume of construction and demolition waste that would be disposed of at local landfills and has been incorporated in the Mitigation Monitoring Program (MMP) as Mitigation Measure K-10. Because a rock crusher will be used, the Draft EIR likely overstates the construction-related solid waste impacts of the Project.

Likewise, the reuse of aggregate on the site would significantly reduce the number of truck trips needed to haul construction and demolition waste from the site, as well as resulting air and noise emissions. The Draft EIR's traffic analysis, which did not assume the use of a rock crusher, also determined that the Project's construction traffic impacts would be less than significant (Draft EIR pp. IV.J-27—IV.J-29). Because a rock crusher will be used, the Draft EIR overstates the construction-related traffic impacts of the Project. For a discussion of air quality impacts related to the use of the rock crusher, see Topical Response 5, Air Quality – Construction.

The rock crusher would be used during the final 14 days of the demolition phase (Days 57 through 70 of Project construction, approximately). The rock crusher would be located at any of three potential staging areas in the northern portion of the Project site, located within Lots 7, 8, and 9 on the Tentative Tract Map, respectively. A Pioneer Rock Crusher would be utilized. This type of equipment is continuous feed in nature. The primary crushing process is a batch feed operation which consists of intermittent noise due to several individual steps. Large stone or concrete is fed into the crusher using a front-end loader, it falls into the crusher and then is crushed. With respect to potential noise from temporary crushing operations, there is noise from the front-end loader operation, impact noise from the stone falling into the crusher, and noise from the actual crushing. Although individual events in this process can produce short term levels similar to the secondary crushing, when considered over a cycle of operation, the levels are lower.

Noise studies performed for other projects utilizing similar types of rock/concrete crushing equipment produced noise levels of 50 dBA L_{eq} to 58 dBA L_{eq} at 400 feet from the source, depending on the location of the receptor (i.e., north, south, east, or west of the source).¹⁰⁶ The nearest noise sensitive receptor would be the Mary Star by the Sea High School which is currently under construction but could potentially be operational during the Project's proposed demolition period. As noted on page IV.G-15 of the Draft EIR, the site plan for the High School indicates that parking areas and athletic fields will significantly separate the Project site from academic buildings at the school. The nearest sensitive receptor associated with the Mary Star by the Sea High School (i.e., the westernmost classroom building) is estimated to be approximately 350 feet from the eastern boundary of the Project site.¹⁰⁷ The eastern boundary of Lot 9, the closest location which could potentially stage rock crushing activities, is located

¹⁰⁶ Noise specifications for Eagle Crusher Portable Concrete Recycling Plant Impact Crusher, provided by National Demolition Contractors, San Pedro, CA.

¹⁰⁷ Mary Star of the Sea High School New Campus Site Plan, available online: <http://www.marystarhigh.com/>, May 16, 2007.

approximately 350 feet from the eastern boundary of the Project site and approximately 700 feet north of the planned classroom building. Therefore, the nearest sensitive receptor at the high school campus would be located approximately 700 feet east of and 700 feet north of Project-related rock crushing activities, resulting in noise levels far less than those identified above. These noise levels would be well below the 70 dBA threshold for schools shown in Table IV.G-5 of the Draft EIR. Accordingly, noise impacts to sensitive receptors from Project-related rock crushing activities would be less than significant.

Comment A10-241

11.4 Disposal of solid waste

The solid waste section discusses the transport of solid waste to Sunshine and Chiquita landfills. Given the distance of these landfills from the project site it is necessary for the project to ensure that all on road vehicles meet the air quality standards discussed above, and to reduce the volume of material (and truck trips) through recycling.

Response to Comment A10-241

See Response to Comment A10-240. The solid waste collection and disposal needs during the construction and operation of the proposed Project would be met by private contractors, as the Bureau of Sanitation only collects waste from single-family and limited multi-family uses on public streets. Private contractors operate vehicle fleets to transport solid waste to recycling centers and landfills. All vehicles transporting the solid waste from the Project site must by law be legally registered in the State of California and would therefore meet the California emissions standards. The air quality analysis (Section I.V.B) of the Draft EIR factors in the use of heavy trucks during the construction and operation of the proposed Project.

In addition, the truck trips associated with solid waste disposal would be significantly reduced due to the recycling and waste diversion practices of the proposed Project, as discussed in the Response to Comment A10-240. Moreover, with respect to the portion of the comment that addresses road vehicle impacts to air quality standards, see Response to Comments A10-195 through A10-196, and Topical Response 5, Construction – Air Quality.

Comment A10-242

11.5 LEED certification

The DEIR does not specify the level of LEED certification in the standards it will apply to the project, or the impacts from applying one standard as opposed to another standard.²² [footnote reference in original letter]

Response to Comment A10-242

See Response to Comment A10-31.

Comment A10-243

²² This is another example of the lack of specificity necessary to support a Specific Plan.

Response to Comment A10-243

With respect to LEED certification, see Response to Comment A10-31 and with respect to Specific Plan matters, see Response to Comment A10-5.

Comment A10-244**12. Section IV G. Noise during construction**

The DEIR should specifically address how construction noise will be mitigated to prevent impacting Mary Star High School, Marymount College Student Housing, and Rolling Hills Prep School, and how noise impacts on residents will be mitigated during the lengthy construction schedule.

Response to Comment A10-244

Refer to page IV.G-17 of the Draft EIR for a discussion of construction noise impacts upon the Mary Star of the Sea High School. The Mary Star of the Sea High School is the nearest non-residential sensitive receptor to the proposed Project. Construction noise impacts at Mary Star of the Sea High will be less than significant. Marymount College Student Housing and Rolling Hills Prep School are much further removed from Project construction than Mary Star of the Sea High School. Therefore, potential construction noise impacts at such locations are also anticipated to be less than significant.

Comment A10-245**12.1 Noise impacts after construction**

The DEIR should discuss the impact on potential residents of the noise that will be generated by 600 high school students from Mary Star High School, particularly noise from sporting events, and propose appropriate mitigation.

Response to Comment A10-245

In response to this comment, the text on page IV.G-26, last paragraph, of the Draft EIR has been revised as follows.

The proposed project would place residences in close proximity to the Mary Star of the Sea High School which is currently under construction and will be completed and operational at the time the proposed project is fully operational. The Mary Star of the Sea High School includes a baseball diamond and football field located in the western portion of their site. While there are no current plans to install a public address system

at the football field, there is the potential for a P.A. system and bleachers for spectators to be installed at a later date. If a P.A. system is installed, it may generate noise which may be heard by the residence of the proposed project when it is utilized. The closest residences of the proposed project may be located within 300 feet from the nearest source of amplified noise. As discussed on page IV.G-26 of the Draft EIR, peak noise levels from a typical ball field would be between 65 to 74 dBA L_{eq} and average day-night noise levels during large events at the ball fields would be less than 70 dBA CNEL when measured at 50 feet. As a general rule of thumb, noise from a fixed-point generally attenuates at a rate of 6 dBA per doubling of distance. This would result in an approximate noise level of 49.4 to 58.4 dBA L_{eq} and 54.4 dBA CNEL at the nearest proposed residential units. In addition, there would be times of the day, especially weekends, when very little activity occurs at the baseball and football fields and the noise levels would be lower. Therefore, these noise levels would be below the City of Los Angeles 65.0 CNEL threshold for exterior spaces of multi-family residential units.

Comment A10-246

13.0 Economic and Fiscal Impacts

13.1 Construction Impacts

The direct construction and other development-related employment benefits cited on Appendix IV.F-1, page 17-18, appear to be based on an assumption that all of the construction related workers will be residents of the County of Los Angeles. Unfortunately experience has shown that some proportion of those workers will live outside of Los Angeles County, some will even come from out of state. Therefore, in order to maximize the direct and indirect construction related benefits to the City of Los Angeles, the project should utilize First Source/Local Hiring provisions for construction contractors and for vendors. Further, the hiring provisions should include a set aside for youth hiring similar to that required at Playa Vista and should require the maximum number of first level apprentice positions.

Response to Comment A10-246

The comment pertains to the economic and social effects of the Project, rather than its environmental impacts under CEQA. However, the Economic and Fiscal Impacts analysis in Appendix IV.F-1 to the Draft EIR does not assume, as the comment suggests, that all construction workers employed at the Project site reside within the County. Rather, the analysis is based on an IMPLAN model, which estimates the Project's general economic impacts on the Los Angeles County economy. The IMPLAN model incorporates a regional purchase coefficient which reflects the degree to which industry sectors supplying goods and services to meet Project-related final demand are available within the County. Through this mechanism, the model automatically accounts for those goods and services that are not available within the County, including construction-related services. As indicated in Appendix IV.F-1, it is projected that most construction spending will occur within Los Angeles County. The City of Los Angeles does not have the legal authority to regulate the hiring and spending practices of private

development projects. However, the applicant indicates that it presently maintains an outreach program to promote the involvement of businesses in the local area in the Project, and that it regularly conducts meetings with local chambers and their members to solicit the services of their members. The applicant also contracts with local vendors for property maintenance equipment and services. For example, site maintenance and clean-up services are provided by the Beacon House Association of San Pedro, a private non-profit California corporation founded in 1974 with the purpose of providing a peer-oriented, residential recovery program.

Comment A10-247

13.2 Revenue to the City of Los Angeles is Overstated while Costs to the City are Understated

The DEIR (Appendix IV.F-1, p 18-19) overestimates the economic impacts to the City of Los Angeles of the completed project because the model is based on unrealistic assumptions. There are at least five problems with the assumptions:

Response to Comment A10-247

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments A10-248 through A10-254.

Comment A10-248

13.2.1 The computations are based on an average sales price that appears to be unrealistically high.

According to the DEIR, the average sales price will be \$712,500 which is significantly higher than the median price of condos sold in 2006. According to the L.A. Times, January 21, 2007, the median 2006 sales price of condos was as follows:

- San Pedro (90731) \$430,000;
- San Pedro (9073 1) \$420,000;
- Harbor City \$395,000
- Wilmington \$340,000.

Response to Comment A10-248

The median condominium prices cited in the comment are not relevant to the Project because they include a mix of much older, as well as newer, units, with and without amenities of various kinds, and/or location or design features that contribute to overall value and hence unit price. The Project consists of all new construction, with extensive landscaping and recreation amenities, as well as significant long-distance views for some units. Thus, it is reasonable to assume that average prices of Project units will be different from the median price of existing condos in surrounding communities and ZIP Codes.

Comment A10-249

It is also significantly above the \$573,000 sales price for condos in the more desirable Rancho Palos Verdes with its more sought-after schools. The actual sale price directly impacts the City share of property taxes imposed. Further, any “down-sizing” by “empty-nesters” moving in will carry over the tax base on their old residences, thereby [sic] reducing the expected property tax revenues.

Response to Comment A10-249

There is a direct relationship between the price of a Project unit and the property tax share that will be collected by the City of Los Angeles. In general, if existing City residents sell their homes and buy a unit in the Project, the City will enjoy a double property tax and real estate transfer tax benefit. Each sale transaction (i.e., sale of existing unit and purchase of a new one) will cause the property tax to be based on the sale price. In the case of the new unit at the Project, any additional value associated with interior improvements or upgrades that are charged separately from the purchase price would also be reflected in the assessed value on which the property tax is based. The property tax paid by the purchaser of the vacated unit will be based, in most cases, on the sale price at current market value. If the household purchasing a new unit at the Project previously resided in a home it owned for many years, the assessed value and property tax share to the City from that prior home may be very low, due to Proposition 13 restrictions on annual assessed value increases. Both sale transactions will also generate real estate transfer tax revenue for the City.

In the case of some senior citizens who buy units at the Project, if the purchase price of the new unit is “equal to or less than” the value of an existing home sold by that household, the property tax basis in the previous residence can be carried over to the Project unit, pursuant to applicable State law.¹⁰⁸ In such cases, the purchase of a Project unit by a qualifying senior citizen household might not result in any increase in property tax revenue to the City, though it would still be subject to real estate transfer tax. However, the ability of a senior citizen household to utilize this provision of State law will depend on the specific circumstances of each senior citizen’s sale and purchase transaction.

The potential tax revenue benefits estimated in Draft EIR Appendix IV.F-1 do not assume any additional City revenues from Project unit purchases that also involve the sale of an existing unit in Los Angeles because, although the City may receive a “double” property tax benefit if a current property owner in the City sells their home and purchases in the Project, it cannot be foreseen with any reasonable certainty how many of the Project units will be purchased by existing homeowners in Los Angeles. Similarly, since the degree to which any senior household purchasers of Project units would be able to take advantage of an allowable carryover of property tax basis also cannot be predicted with any reasonable certainty, no such allowances were assumed in the Draft EIR’s projection of property tax revenue to the City. In response to

¹⁰⁸ Revenue and Taxation Code Sec. 69.5, enacted via Propositions 60 (re: intra-county transfers) and 90 (re: permitted inter-county transfers). See generally, <http://assessor.lacounty.gov/extranet/guides/prop6090.aspx>.

the reference to the \$573,000 sales price for condos in Rancho Palos Verdes, see Response to Comment A10-248.

Comment A10-250

13.2.2 The average annual income of home buyers is unrealistically high.

The revenue streams are based on an estimated annual income of \$145,217 with an average annual housing cost (mortgage & HOA fees) of \$50,885/unit. This is in stark contrast to the \$42,667 estimated 2005 median household income for San Pedro, particularly in light of the fact that the developer has stated that 85% of the potential buyers are from San Pedro. The median income for Wilmington and Harbor City is lower yet. Further, it can be expected that many buyers, particularly senior buyers, will be purchasing by using equity from sale of their previous residences, rather than on the basis of their current income.

Response to Comment A10-250

Some of the Project-related City tax revenues estimated in the Draft EIR, particularly sales tax revenue, are a function of assumptions about the incomes of households who will purchase Project units. All of the assumptions used in that estimate are presented in Draft EIR Attachment IV.F-1, including its Appendix C-2. However, as noted above in Response to Comment A10-13, the median income for households in San Pedro is a statistic that does not define who will be able to afford units in the Project. See Topical Response 9, Estimated Unit Pricing. The comment is correct that some purchasers of Project units may use equity from the sale of an existing home, and therefore may choose something less than the 80 percent mortgage assumed in the Draft EIR analysis. This will depend entirely on individual buyer household income and purchase strategy circumstances. Since the exact choices that all 2,300 purchasers will make are unknowable, the general assumptions used in the Draft EIR analysis that, on average, buyers will seek an 80 percent interest-only mortgage, are reasonable.

Comment A10-251

13.2.3 Both the proportion and the amount of income spent on housing costs may be underestimated.

The analysis is based on annual spending of about \$90,000 per household. Not only is this unrealistic given the income of the surrounding area, but it is also based on housing costs representing 35% of annual income. According to the 2000 Census (when housing costs were significantly lower than today), 29.9% of homeowner households in Los Angeles pay in excess of 35% for housing. The analysis should be recalculated based on disposable income in the surrounding areas.

Response to Comment A10-251

As explained in detail in Draft EIR Appendix IV.F-1, the assumptions about Project household spending are based on the US Bureau of Labor Statistics' Consumer Expenditure Survey for the category of high-

income households that most closely matches the estimated average household income of Project households, as derived from the average purchase price. The comment provides no data or alternative source for disposable income in the “surrounding area.” See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment’s mention of United States Census data indicating that 29.9 percent of Los Angeles homeowner households pay more than 35 percent for housing costs also means that 70.1 percent of households pay less than 35 percent for housing costs. Thus, the use of the 35 percent factor in the Draft EIR analysis is reasonable. As noted in Response to Comment A10-250, the analysis of household spending by Project households does not depend on incomes of existing households in the surrounding area, but on the income required to purchase a unit at the Project.

Comment A10-252

13.2.4 The DEIR overestimates the recurring annual sales tax revenues in general and to the City of Los Angeles in particular.

Even if the average household income is accepted, the percent of retail expenditures may be in error. The DEIR notes (Appendix IV.F-1, p. 21) that “about 81% of retail expenditures are likely to occur within a five-mile radius...the five-mile radius also includes...the Del Amo Fashion Plaza super-regional shopping center.” Del Amo is NOT within a 5 mile radius and that is where much of the shopping takes place. Furthermore, the local share of sales taxes generated at that mall go to the City of Torrance.

Response to Comment A10-252

The comment does not specify which element of the analysis it believes is incorrect, nor does it provide any supporting data for alternative assumptions. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR estimates that about 85 percent of Project household expenditures for goods and services will be made within a five-mile radius of the Project site (see Draft EIR Attachment IV.F-1.). This area includes portions of the City of Los Angeles and certain other jurisdictions. The comment is correct that taxable sales that occur in Torrance will be credited to Torrance and not Los Angeles. Contrary to the comment, the Del Amo Fashion Center, located at Sepulveda and Hawthorne Boulevards, is within a five-mile radius of the Project site, as depicted in Figure III-1 on page 20 of Appendix IV.F-1 to the Draft EIR. Separately, the Draft EIR estimates that 81 percent of taxable Project household purchases will occur somewhere within the City of Los Angeles. The details for this estimate are presented in Draft EIR Appendix IV.F-1, Appendix C-2 thereto.

Comment A10-253

As stated in the DEIR, The[sic] assumptions upon which the revenue estimates are made include the relationship between housing cost and household income, the portion of that income that households spend, and what portion of that spending is for taxable items. To the extent that the average household

income is overstated and to the extent to which buyers spend a larger proportion of their income on housing costs than the 35% the model uses, the total sales tax revenues are overestimated.

Response to Comment A10-253

See Response to Comment A10-251.

Comment A10-254

The conclusion that “about 81% of these taxable sales will occur in the City of Los Angeles” is unsupported. Most current residents of San Pedro go to Torrance and Palos Verdes or Long Beach for shopping and the theater, many go for dining as well. There is no evidence that project residents would shop primarily within San Pedro, Wilmington, or Harbor City. Additionally most local hospitals, including Little Company of Mary in San Pedro which is in an unincorporated pocket, and most doctor’s offices in this area, except Kaiser and LA County Harbor, are not within the City of Los Angeles.

Response to Comment A10-254

The comment expresses an opinion about where San Pedro residents currently shop, but provides no facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of its position. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. See Response to Comment A10-252. All of the assumptions regarding the Draft EIR estimate that 81% of Project household taxable spending would occur within the City of Los Angeles are shown in Draft EIR Appendix IV.F-1 (Economic and Fiscal Impacts of Ponte Vista), Appendix C-2 thereto. Hospital and medical facility locations noted in the comment are not subject to sales tax, and were not included in the Draft EIR analysis. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A10-255

13.3 The DEIR underestimates the costs to the City of Los Angeles for City services.

The cost of City police, fire, library, recreation, and cultural affairs services are underestimated in that they are calculated on a per capita basis. The DEIR uses a \$546 per person cost for these services and estimates a total annual cost of between \$1.6 and \$2.4 million. However, to the extent that the number of project residents is undercounted, the total cost to the City is also undercounted. For example if we assume that 7,000 residents is more accurate (see discussion under Population and Housing), the annual cost would increase to nearly \$3.9 million for these services alone.

Because the population of the project is severely underestimated [see comments in “Population and Housing” section], the \$8.3 million estimate of net funds going to the City of Los Angeles is severely overestimated. The comment that the \$8.3 million contributed to the City General Fund could be used for libraries, law enforcement, fire services and transportation, is gratuitous and incorrect.

Response to Comment A10-255

See Response to Comment A10-187.

The Draft EIR concludes that the City's fire, police and other agencies have sufficient capacity to serve the Project at current levels of service, without necessitating any significant additional personnel or equipment that would require construction of new facilities to accommodate them.¹⁰⁹ The Draft EIR also concludes that the Project will not significantly impact existing capacities of the water, electricity, wastewater, stormwater or solid waste systems serving the City.¹¹⁰ The Draft EIR includes, however, a number of mitigation measures that reflect existing legal requirements and/or good planning principles that will limit Project impacts on the demand for public safety services (i.e., police, fire and emergency medical).¹¹¹ Thus, the completed Project is not expected to produce any marginal (or "incremental") public service costs that would need to be netted against Project revenues to yield the net fiscal impact of the Project on the City, using the marginal cost approach.

With respect to the assertion that "the population of the project is severely underestimated" and the statement that "7,000 residents is more accurate," see Topical Response 8, Population and Housing. The Draft EIR's analysis indicates that the approximate population of the Project would be 4,313. Draft EIR Appendix IV.F-1 also includes an estimate of City service costs using an average cost approach, which is based on the average cost to provide household-related City services on a per-capita basis using the estimated 4,313 Project population. Based on such analysis, after the cost of services for police, fire, cultural affairs, recreation & parks, and library are taken into account, the Project would produce an annual net surplus of revenue equal to between approximately \$6 million and \$6.8 million year.

While none of the comment's alternative population estimates are appropriate, even if the highest alternative Project population estimate presented in the comment were to be used (i.e., 8,349 based on the average household size for detached single family homes in the City of Los Angeles, per Comment A10-267, which is clearly inappropriate because the Project does not include any such homes), the Project's average service cost would total \$3.8 to \$5.3 million, but this would still leave the Project's fiscal impact \$4.6 million to \$3.0 million net positive.

Comment A10-256**13.4 The finished development does not offer "affordable" housing.**

Although the specific number of units to be provided in each price range is not included in the DEIR, it appears that little, if any, of the housing will be affordable housing as defined by the City, and the DEIR

¹⁰⁹ Draft EIR, Chapter IV, Section I (Public Services).

¹¹⁰ *Id.*, Section K (Utilities and Service Systems).

¹¹¹ Draft EIR, Section IV. I. 1. (Fire Protection) and Section IV. I. 2. (Police Protection).

does not define the term either. See discussion above regarding projected income and housing prices. In fact, the developer has generally described his development as offering “market rate” housing.

Response to Comment A10-256

See Response to Comment A8-4.

Comment A10-257

13.5 Future assumptions

There are no guarantees that the housing mix and price structure promised in Phase I will continue for Phases II, III & IV. Those assumptions depend on the real estate market at the time. These factors could impact revenue expectations.

Response to Comment A10-257

The comment is correct that housing prices in subsequent Project phases may differ from those in Phase I, and any such differences (higher or lower) would change the Project revenues to the City of Los Angeles. The City revenue estimates presented in Draft EIR Appendix IV.F-1 are based on averages for the Project as a whole, rely on fully detailed calculation assumptions, and are therefore reasonable for purposes of CEQA. It would be inappropriate to attempt to speculate as to future trends in the real estate market.

Comment A10-258

The number of condominium [sic] projected for the next few years may exceed demand. Construction of Ponte Vista condominiums may detract from the efforts to revitalize downtown San Pedro and thus have a negative impact on the overall well being of the community. This comment is related to the statement concerning the ULI study forecast of how many units the area can support.

Response to Comment A10-258

See Response to Comment A10-190 and Response to Comment A10-191.

Comment A10-259

14. Section VI “Alternatives to the Project”

The developer does not adequately justify refusal to consider a high school as part of its development. The only justification appears to be that it is not possible to have a 24 acre school and a 36 acre housing development on the same 61.5 acre site. However, the developer has repeatedly stated that he is willing to have a 500 seat high school on his property. The claim that the two cannot co-exist appears to be based more on a legal position to maximize damage claims against the school district than on failure to meet the

project objectives. Project alternatives with both a 2000 seat high school and a 500 seat high school should be evaluated.

Response to Comment A10-259

See Response to Comment A10-188.

Comment A10-260

If a high school is not built at this location, it will be necessary to displace established residential units elsewhere in the community, thus decreasing the net gain in additional housing units in the community. The impacts of that result are not discussed in the DEIR.

Response to Comment A10-260

There is no substantial evidence for the commenter's assertion. See Response to Comment A10-188. See also Topical Response 3 (South Region High School #14) regarding the withdrawal of LAUSD's South Region High School #14 proposal. There are various and potential locations that could potentially address LAUSD's high school facility objectives that will be addressed through LAUSD's planning process. The responsibility for developing and operating public school facilities rests with the Los Angeles Unified School District.

Comment A10-261

A combination of attached senior housing and single family residences, as suggested during the scoping process, should also have been considered as a project alternative. We note that senior housing on 15 acres, a 500 seat school on 10 acres, and single family homes on the remaining 37 acres would still yield a density as great as the Gardens.

Response to Comment A10-261

The purpose of the Draft EIR is to assess, identify, and mitigate the potential environmental impacts associated with the proposed Project. Section 15126.6(a) of the CEQA Guidelines states, "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project [emphasis added]..." As discussed in the Draft EIR at page VI-6, developing a high school – of any size – is not part of the proposed Project or the Project objectives. The Project site is a private property, and the Project represents the owner's use proposal for its private property. The Project does not propose public school facilities. Nor would the construction of a high school (of any size) mitigate significant impacts of the Project. Therefore, the Draft EIR does not need to analyze an alternative that includes a high school. Furthermore, as discussed in Topical Response 3, South Region High School #14, LAUSD has withdrawn its proposal and is no longer seeking to locate a high school at the Project site.

Comment A10-262**15.0 Summary of Comments**

Again, the Northwest San Pedro Neighborhood Council thanks you for the opportunity to comment on the DEIR.

Ponte Vista proposes a major increase in population with inadequate assumptions and calculations of the impacts, and with inadequate mitigation of impacts on traffic and public services.

We have found it unsupportable in its present iteration. The DEIR bears little relationship to reality and ignores many current, important, adopted policies. The DEIR should be rewritten and reissued with attention to adopted planning policies and using the realistic assumptions and traffic counts suggested in these comments.

Response to Comment A10-262

With respect to population issues, see Section IV.H, Population and Housing of the Draft EIR, which estimates that the total population associated with the residential component of the Project would be 4,313 persons. As indicated therein, the Project would not induce substantial population growth because it would accommodate a portion (approximately 19.68%) of anticipated population growth rather than exceeding the population forecast for the combination of the Wilmington-Harbor City and San Pedro Community Planning Areas for 2010, or Southern California Association of Government's (SCAG) City of Los Angeles Subregion. The Draft EIR also analyzes potential impacts to traffic and public services. With respect to more detailed comments provided by the commenter about these issues, see Responses to Comments A10-128 through A10-131 (traffic mitigation measures), and Responses to Comments A10-165 and A10-232 through A10-237 (public services). This comment does not identify specific planning policies that were not addressed in the Draft EIR.

Comment A10-263

Appendix
Population Calculation Methods

Method 1:

Using the average household size of the project area as defined in the Ponte Vista DEIR¹ (method used in the Play Vista DEIR)

	Year 2000 No. of Households	Average Household Size
San Pedro Community Plan Area	29,031	2.56

Wilmington-Harbor City CPA	21,223	3.53
Average household size of project area		2.97
Total population generated		6,830

Data source: City of Los Angeles City Planning website, 2000 Census summary data for CPAs

Response to Comment A10-263

The alternative Project population estimate in this comment is incorrect because it is based on a weighted average household size for the San Pedro and Wilmington City Community Plan areas that include all housing units, some of which are not included in the Project (e.g., detached single-family homes and rental units). See also Response to Comment A10-142 and Topical Response 8, Population and Housing.

Comment A10-264

Method 2:

Using the average household size of the City of Los Angeles and the County of Los Angeles (total and owner-occupied units)

	2005 Total Avg. Household Size	Population Generated
City of Los Angeles	2.91	6,693
County of Los Angeles	3.06	7,038
	2005 Owner-Occupied Avg. Household Size	Population Generated
City of Los Angeles	3.11	7,153
County of Los Angeles	3.24	7,452

Data source: U.S. Census Bureau website, 2005 American Community Survey

Response to Comment A10-264

The alternative Project population estimates in this comment are incorrect because they are based on: (1) average household size for the entire City and County of Los Angeles, including all housing units, some of which are not included in the Project (e.g., detached single-family homes and rental units); and (2)

owner-occupied units in the City and County, including single-family homes, which are not included in the Project. See also Response to Comment A10-142 and Topical Response 8, Population and Housing.

Comment A10-265

¹ The larger average household size for the project area is acknowledged in the DEIR in Appendix IV.H-1 pages 7 and 8

Response to Comment A10-265

The analysis in Section IV.H (Population and Housing) of the Draft EIR is based on an average household size of 2.0 persons for the non-age-restricted units and 1.5 persons for the senior units. The comment refers to the “Population Setting and Project Impacts” discussion in Appendix IV.H-1 to the Draft EIR (pages 7 and 8). In this discussion, it is noted that “[i]n the Wilmington-Harbor City Community Plan area, average household sizes for all households was 3.47 persons; slightly smaller for owner-occupied housing (3.45) and slightly larger for renter-occupied housing (3.49). Households in the San Pedro Community Plan area were smaller: 2.55 for all households; 2.51 for owner-occupied housing and 2.57 for renter-occupied units.” The average household sizes presented in the Community Plans are not appropriate for the analysis of the Project’s population and household impacts for a number of reasons: (1) they are based on the midpoint of zoning capacity for all residential land use categories at the time of Plan adoption, including single-family detached homes and other residential categories clearly distinct from the type of housing proposed by the Project; (2) they do not account for Plan Amendments or Zone changes since adoption; and (3) they do not account for residential development in commercial zones. The average household sizes used in the Draft EIR are consistent with actual U.S. census data for owner-occupied housing in buildings with multiple units per building in the Project vicinity. See also Topical Response 8, Population and Housing.

Comment A10-266

Method 3:

Since the proposed development is for multi-family owner-occupied units, this method uses the Census 2000 Public Use Microdata Samples (PUMS) 1% data to calculate persons per unit by structure type and owner-occupied.

	Owner-Occupied Units		
	Single-family Detached	Single-family Attached	Multifamily
City of Los Angeles Persons per Unit	3.1	3.4	2.3
Population Generated	7,173	7,918	5,241

County of Los Angeles Persons per Unit	3.2	3.2	2.2
Population Generated	7,467	7,332	5,165

Data source: Census 2000 PUMS data (1%) using variable TENURE, BLDGSZ

Response to Comment A10-266

The alternative Project population estimates in this comment are incorrect, because they include (1) single-family units, which are not included in the Project; and (2) do not also specify owner-occupied units in structures with multiple units per building, particularly 20+ units per building like the Project. See also Response to Comment A10-142 and Topical Response 8, Population and Housing.

Comment A10-267

Method 4:

New construction may have different persons per unit than older housing units. Using the Census 2000, the calculations are replicated for Method 3 for new construction (defined as housing built between 1990 and 2000).

	NEW Owner-Occupied Units		
	Single-family Detached	Single-family Attached	Multifamily
City of Los Angeles Persons per Unit	3.4	3.6	2.6
Population Generated	7,906	8,349	6,071
		County of Los Angeles	
County of Los Angeles Persons per Unit	3.5	3.3	2.5
Population Generated	8,034	7,526	5,846

Data source: Census 2000 PUMS data (1%) using variable TENURE, BLDGSZ, YRBUILT

Response to Comment A10-267

See Response to Comment A10-266.

*Comment A10-268***Method 5:**

This method looks at the senior population and “family housing” differently [sic]. Multifamily [sic] units may have a smaller number of bedrooms on average which may affect the calculation for persons per unit. Using the Census 2000, the calculations are performed for newly built (from 1990 to 2000) multifamily units by the number of bedrooms per unit. **Table 5 only calculates the persons per unit for the 1725 family units and does not include the senior units.**

	Average Persons Per Unit by Number of Bedrooms in New Constructed Multifamily Units				
	0 and 1	2	3	4	
City of Los Angeles Persons per Unit	2.60	2.58	3.27	4.16	
% of proposed construction	20%	40%	30%	10%	
Population Generated	896	1,782	1,694	718	5,089
County of Los Angeles Persons per Unit	2.43	2.57	3.12	3.95	
% of proposed construction	20%	40%	30%	10%	
Population Generated	838	1,770	1,613	682	4,903

Response to Comment A10-268

The alternative Project population estimates in this comment are incorrect because (1) the pool of “multifamily” units used in the calculation may include rentals, which are not included in the Project; and (2) the calculation parameters do not also specify owner-occupied units in structures with multiple units per building, particularly 20+ units per building like the Project. See also Response to Comment A10-142 and Topical Response 8, Population and Housing.

Comment A10-269**Method 6:**

The average household size is calculated for householders age 55 years and older. The project proposes 575 senior units.

	2000 Senior Household New Construction	
	Avg. Household Size	Population Generated
City of Los Angeles	2.48	1,426
County of Los Angeles	2.27	1,305
DEIR	1.50	863

Data source: Census 2000 PUMS data (1%) using variable AGE of HOUSEHOLDER, PERSONS, YRBUILT

the following:

City of Los Angeles base	6,515
County of Los Angeles base	6,208

By any alternate measurement of population generated by the proposed development, it seems that the population growth would be at least 50% higher than the 4,313 population generated number in the EIR.

Response to Comment A10-269

See Response to Comment A10-268.

Comment A10-270

APPENDIX

Student Generation [sic] Rates, by PUMS Bedroom Count

Student Generation Rates	K-4 th grade	5 th – 6 th grade	9 th – 12 th grade
0-1 bedrooms	0.13	0.12	0.13
2 bedrooms	0.09	0.07	0.11
3 bedrooms	0.14	0.12	0.16

4 bedrooms	0.22	0.25	0.18
% of units	# of units		
0-1 bedrooms	20%	345	
2 bedrooms	40%	690	
3 bedrooms	30%	517.5	
4 bedrooms	10%	172.5	
Total Non-Senior Units		1725	
Student Generation	K-4 th grade	5 th – 6 th grade	9 th – 12 th grade
0-1 bedrooms	44	42	45
2 bedrooms	59	49	77
3 bedrooms	72	60	82
4 bedrooms	37	43	31
Students Generated by Level	213	193	236
Total Students Generated	642		

Data Source: Student generation rates were determined with the Census 2000 PUMS data (1%) for Los Angeles County. Variables [sic] include GRADE, BDRMS, BLDGSZ, TENURE.

Response to Comment A10-270

See Response to Comment A10-163. See also Topical Response 10, School Impacts.

COMMENT LETTER A11

David Olivo

**City of Los Angeles Department of City Planning
200 N. Spring Street, Room 621
Los Angeles, CA 90012**

Comment A11-1

I just wanted to forward a couple comments regarding the DEIR for Ponte Vista.

1. In the traffic study, using Institute of Traffic Engineers Trip Generation Handbook Guidelines, High-Rise Condo data (Land Use Code 232) may not be appropriate for this type of suburban development. Land Use Code 230 (Residential Condo/Townhouse) seems more appropriate.

Response to Comment A11-1

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast provided in the Draft EIR and Land Use Codes 230 and 232.

Comment A11-2

2. Our Municipal Code defines seniors as age 62 and over. For the purposes of traffic generation and parking requirements, we should treat the proposed 55 and older units as market-rate units.

Response to Comment A11-2

See Topical Response 7, Impacts of Age-Restricted Units. The Project's age-restricted community will comprise a "senior citizen housing development," as defined in California Civil Code Section 51.3. Consistent with California Civil Code Section 51.3, these units will be subject to covenants, conditions, and restrictions or other documents or written policy that limit residency to persons age 55 years or older with very limited exceptions, specified in the statute, which generally do not allow children, regardless of the age of the parent(s).

LAMC Sec. 12.22 defines a "senior independent housing" project, as "residential housing that consists of dwelling units for persons 62 years of age and older...: The applicant's proposed senior component does not meet this definition. Under Section 12.21.A.4 the LAMC, a senior independent housing project requires only one automobile parking space per dwelling unit.

Comment A11-3

1. The applicant argues that the sub-region is jobs rich as compared to the regional ratio. The applicant should analyze the ratio of jobs to households in the San Pedro and Wilmington/Harbor City Community Plan areas only, not the sub-region. This will give a clearer picture of jobs/household ratio in these communities.

Response to Comment A11-3

Jobs-housing balance is a policy concept in SCAG's Regional Comprehensive Plan and Guide (RCPG) for measuring and guiding regional and subregional development patterns. The Draft EIR includes analysis of jobs-housing balance at the scale of the City of Los Angeles Subregion (Draft EIR, pages IV.H-24 and IV.H-25) because SCAG requires that it be measured at that scale to evaluate consistency of the Project with the regional growth management policies, which are also based on the RCPG's system of Subregional areas. SCAG has reviewed the Draft EIR analysis and concurs in the Draft EIR's conclusion that the Project is consistent with this SCAG policy (see Comment A14-12). Neither SCAG nor the City

of Los Angeles applies jobs-housing balance policies at the citywide or community plan level of planning, and there is no established methodology for evaluating jobs-housing balance at any geography below the scale of the SCAG subregions. Accordingly, the requested analysis is not appropriate or necessary.

COMMENT LETTER A12

Suk Chong

County of Los Angeles Department of Public Works

Comment A12-1

The proposed project, located at 26900 South Western Avenue on the east side of Western Avenue, generally between Green Hills Drive and Avenida Aprenda in the Wilmington-Harbor City area of the City of Los Angeles, consists of the development of 2,300 residential dwelling units, including 1,725 condominium units and 575 senior housing units. The project also proposes to accommodate vehicular access to Mary Star of the Sea High School, which is located immediately east of the project. As a result, the traffic from the 600-student high school, which was previously approved by the City, is included with the traffic from the proposed project in the Draft Environmental Impact Report.

Response to Comment A12-1

This comment correctly identifies and summarizes the proposed Project location at 26900 South Western Avenue and the proposed number and type of residential units. The comment is not entirely correct, however, as to the manner in which the Draft EIR analysis addresses traffic from Mary Star of the Sea High School. Mary Star of the Sea High School is a separate and independent project that was approved by the City in 2001 and is currently under construction. CEQA review of the high school, including the traffic study for that project, assumed that primary vehicular access would be provided from Western Avenue and such access is one of the school's conditions of approval. However, the High School has no access rights across the Project site.

Although Mary Star of the Sea High School is not part of the Project, the Project proposes to provide Mary Star of the Sea High School with vehicular access from Western Avenue over the southern portion of the Project site as a community benefit of the Project. If the proposed Project is not approved, however, Mary Star of the Sea High School would not take vehicular access over the Project site and would presumably seek approval to take vehicular access from Taper Avenue. Because Mary Star High School is not part of the Project, but is a separate, previously approved project, the Project's traffic study segregates the potential traffic impacts of the Project from the impacts from the Mary Star High School. This allows the Project's impact to be evaluated separately, but also allows the two projects to be considered together for purposes of identifying and evaluating mitigation measures which the Project applicant has offered to implement. The Project traffic study concludes that the impacts of both projects could be mitigated by the mitigation measures recommended for the Project mitigation.

Comment A12-2

The proposed project is estimated to generate approximately 9,355 vehicle trips daily, with 636 and 760 vehicle trips during the a.m. and p.m. peak hours, respectively. We generally agree with the study that the traffic generated by the project alone would not have a significant impact to any County or County/City roadways or intersections. However, the cumulative traffic generated by the project and other related projects will significantly impact the following County intersections. We request that the City condition the project to pay the County for its proportionate share of the cost for the following mitigation measures prior to the City issuing any building permit for the project.

Response to Comment A12-2

The Traffic Study contained in the Draft EIR was prepared in accordance with the policies and procedures set forth by the City of Los Angeles, the Lead Agency for the project. The comment correctly summarizes the Project trip generation forecast provided in Table IV.J-7, beginning on page IV.J-34 of the Draft EIR. The traffic analysis methodology is described in the Draft EIR beginning on page IV.J-56 and the thresholds of significance are listed in Table IV.J-4, page IV.J-25 of the Draft EIR. As shown in the list of study intersections provided in the Draft EIR beginning on page IV.J-4, the study intersections evaluated in the Traffic Study that are located within the unincorporated area of Los Angeles County include: Int. No. 31 (Normandie Avenue/Sepulveda Boulevard), Int. No. 32 (Normandie Avenue/Lomita Boulevard), Int. No. 42 (Vermont Avenue/Sepulveda Boulevard) and Int. No. 43 (Vermont Avenue/Lomita Boulevard). As shown in Table IV.J-10, beginning on page IV.J-59 of the Draft EIR based on the traffic analysis using the LADOT methodology and thresholds of significance, the potential traffic impacts due to the Project at the four County intersections are deemed to be less than significant. For informational purposes, the Draft EIR provides a supplemental traffic analysis for intersections located outside the City of Los Angeles utilizing the traffic analysis methodology and thresholds of significance of the local jurisdiction. Table IV.J-13, page IV.J-91 of the Draft EIR provides a summary of the traffic analysis prepared based on the County's methodology and thresholds of significance. As shown in Table IV.J-13, the Project would be deemed to contribute to a cumulatively significant traffic impact at the four County intersections evaluated. The Traffic Study contained in Appendix IV.J-1 to the Draft EIR provides measures to mitigate the cumulative traffic impact. In accordance with the County methodology, the pro rata share of the Project's potential financial contribution towards implementing the traffic improvements is identified in the Draft EIR on page IV.J-117. While not required, the Project applicant has stated that it would pay its pro rata share of the cumulative traffic improvements to the County of Los Angeles prior to receipt of a building permit for the Project.

Comment A12-3

These mitigation measures should also be included in Table 1-1, Executive Summary of Project Impacts Mitigation Measures and Impacts after Mitigations of the Environmental Impact Report.

- Normandie Avenue at Sepulveda Boulevard

North approach: One left-turn lane, three through lanes, and one exclusive right-turn lane (add one through lane).

South approach: One left-turn lane, two through lanes, and one shared through/right-turn lane (add one through lane).

The project's proportionate share is 2.7 percent.

Response to Comment A12-3

See Response to Comment A12-2. The comment correctly notes that the mitigation measures recommended in the Traffic Study (attached to the Draft EIR as Appendix IV.J-1) for County intersections were inadvertently omitted from Table I-1, although they were described in the Draft EIR text and Traffic Study. These mitigation measures were also inadvertently omitted from the list of mitigation measures on pages IV.J-111-117 in Section IV.J of the Draft EIR. In response to this comment, the following Mitigation Measures have been added to page IV.J-117 and page I-56 of the Draft EIR:

(J-37) Intersection No.31: Normandie Avenue/Sepulveda Boulevard: The recommended cumulative mitigation consist of restriping the northbound and southbound approaches on Normandie Avenue at Sepulveda Boulevard for one additional through lane. The resultant northbound approach lane configuration would provide one left-turn lane, two through lanes, and one shared through/right-turn lane. The resultant southbound approach lane configuration would provide one left-turn lane, three through lanes, and one right-turn lane. Also, it is proposed that the eastbound approach on Sepulveda Boulevard at Normandie Avenue be modified to provide one additional left-turn lane. To accommodate the proposed left-turn lane, the existing roadway striping would be adjusted as needed. The resultant eastbound approach lane configuration would provide two left-turn lanes, two through lanes and one shared through/right-turn lane. The Project's pro rata share for implementing this measure is 2.7%

(J-38) Intersection No. 32: Normandie Avenue/Lomita Boulevard: The recommended cumulative mitigation consists of restriping the northbound approach on Normandie Avenue at Lomita Boulevard for one additional left-turn lane. The resultant northbound approach lane configuration would provide two left-turn lanes, one through lane, and one shared through/right-turn lane. The Project's pro rata share for implementing this measure is 11.8%

(J-39) Intersection No. 42: Vermont Avenue/Sepulveda Boulevard: The recommended cumulative mitigation consists of restriping the northbound approach on Vermont Avenue at Sepulveda Boulevard for one additional right-turn lane. The resultant northbound approach lane configuration would provide one left-turn lane, two through lanes, and two right-turn lanes. Also, it is proposed that the westbound approach on Sepulveda Boulevard at Vermont Avenue be modified to provide one additional left-turn lane. To accommodate the proposed left-turn lane, the existing roadway striping would be adjusted as needed. The resultant westbound approach lane configuration would provide two left-turn lanes, two through lanes, and one shared through/right-turn lane. The Project's pro rata share for implementing this measure is 3.7%

(J-40) Intersection No. 43: Vermont Avenue/Lomita Boulevard: The recommended cumulative mitigation consists of restriping the northbound and southbound approaches on Vermont Avenue at Lomita Boulevard for one right-turn lane. The resultant northbound and southbound approach lane configurations would provide one left-turn lane, two through lanes, and one right-turn lane. The Project's pro rata share for implementing this measure is 16.4%.

The following text has been added to page IV.J-111 of the Draft EIR, between the first and second paragraph under the "Mitigation Measures" heading:

Development of the Cumulative development project is anticipated to result in significant impacts at four intersections located within unincorporated Los Angeles County. The recommended traffic mitigation program developed for these projects includes physical roadway improvements and funding of traffic signal improvements. Pursuant to the County of Los Angeles methodology, the Project would be required to participate on a fair share basis towards implementation of these measures to mitigate cumulative traffic impacts. Mitigation Measures J-37 through J-40 shall be implemented.

Comment A12-4

- Normandie Avenue at Lomita Boulevard

South approach: Two left-turn lanes, one through lane, and one shared through/right-turn lane (add one left-turn lane).

The project's proportionate share is 11.8 percent.

Response to Comment A12-4

See Response to Comment A12-3.

Comment A12-5

- Vermont Avenue at Sepulveda Boulevard

East approach: Two left-turn lanes, two through lanes, and one shared through/right-turn lane (add one left-turn lane).

South approach: One left-turn lane, two through lanes, and two exclusive right-turn lanes (add one exclusive right-turn lane).

The project's proportionate share is 3.7 percent.

Response to Comment A12-5

See Response to Comment A12-3.

Comment A12-6

- Vermont Avenue at Lomita Boulevard

North approach: One left-turn lane, two through lanes, and one exclusive right-turn lane (add one exclusive right-turn lane).

South approach: One left-turn lane, two through lanes, and one exclusive right-turn lane (add one exclusive right-turn lane).

The project's proportionate share is 16.4 percent.

Response to Comment A12-6

See Response to Comment A12-3.

Comment A12-7

We further request that the City condition the project to submit conceptual drawings and cost estimates to Matthew Dubiel of our Traffic and Lighting Division for the proposed mitigation measures noted above. He can be reached at (626) 300-4862.

Response to Comment A12-7

In the event the Project is approved, the submittal of concept plans and cost estimates for traffic mitigation measures pertaining to the County will be initiated as requested.

COMMENT LETTER A13**Pat Schanen****Los Angeles Unified School District
333 South Beaudry Avenue, 20th Floor
Los Angeles, CA 90017*****Comment A13-1***

The Los Angeles Unified School District (LAUSD) wishes to thank the City of Los Angeles, Department of City Planning for the opportunity to comment on the Ponte Vista Draft Environmental Impact Report (Draft EIR). The Draft EIR underwent 3rd party review under our direction and in concurrence with this review of the Draft EIR and pursuant to CEQA Guidelines Section 15088.5, we believe the Draft EIR is inadequate and needs to be revised and recirculated.

Response to Comment A13-1

This comment does not state specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 2, Recirculation.

Comment A13-2

Recirculation of the document is warranted to disclose new significant air quality and traffic impacts. The document should disclose that there are additional unmitigatable, significant adverse impacts not disclosed in the Draft EIR. Under Section 15088.5, recirculation is required when "...new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification." Under this provision, "significant new information" requiring recirculation includes a disclosure that a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

Response to Comment A13-2

With respect to air quality and traffic issues raised by the commenter, see Responses to Comments A13-6 through A13-9. See also Topical Response 2, Recirculation. See Topical Responses 5 (Air Quality – Construction), 6 (Air Quality – Operation), and 11 (Traffic).

Comment A13-3

Overall, it is our opinion that the Draft EIR is inadequate and if not revised, supplemented, and recirculated, meaningful public review of the environmental consequences of the proposed Ponte Vista Development will have been precluded. Moreover, without supplemental information presented in an understandable manner, the City's decision makers will not be able to make an informed decision on the proposed project.

Attached, please find our comments on the Draft EIR. For additional information, please contact the CEQA Project Manager, Hoan Tang at 213-893-741 9.

Response to Comment A13-3

The specific comments provided in this letter are responded to individually. The balance of this comment contains general information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A13-4**LAUSD COMMENTS ON THE PONTE VISTA DRAFT EIR**

Review comments are included on the following pages. They are organized as follows:

- **Overview Comments.** These comments summarize primary concerns with respect to legal adequacy and issues associated with the Draft EIR.
- **Comments by EIR Section.** This section provides comments of the Draft EIR by chapter or technical section reference.

Response to Comment A13-4

This comment contains a Table of Contents for the corresponding comment letter and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR; thus no further response is required.

Comment A13-5**OVERVIEW COMMENTS****Failure to Identify Significant Unavoidable Adverse Impacts in the Draft EIR**

Pursuant to CEQA Guidelines Section 15088.5, the Draft EIR is inadequate and needs to be revised and recirculated due to the failure to identify Significant Unavoidable Adverse Impacts relating to air quality and traffic and circulation. Under Section 15088.5, recirculation is required when: "new information is

added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.” Under this provision, “significant new information” requiring recirculation includes a disclosure that a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

Response to Comment A13-5

See Response to Comment A13-2.

Comment A13-6

Air Quality: The cumulative analysis in this section focuses on the consistency of the project with the regional air quality management plan showing less than significant cumulative impacts. However, under the SCAQMD methodology, a project can be consistent with the AQMP but still contribute to a regional air quality impact due to exceedance of the operational phase significance thresholds. This follows the SCAQMD methodology (definition No. 2) which states that project impacts can be minor but collectively significant. The SCAQMD established the CEQA regional emissions thresholds to determine whether project-related emissions are considered substantial and significant because of their contribution to air quality in the SoCAB. Nowhere in the SCAQMD’s CEQA Air Quality Handbook does it state that project consistency with the AQMP would automatically grant less than significant air quality impacts for the construction, operational and cumulative impact evaluations.

Response to Comment A13-6

See Topical Response 5, Construction Air Quality and Topical Response 6, Operational Air Quality.

Comment A13-7

As shown in Table IV.B-5 on page IV.B-38 of the Draft EIR, the project would result in emissions of ROG, NO_x, and CO that exceed the SCAQMD operational regional emissions thresholds. The Draft EIR fails to disclose that emissions of ROG and NO_x are both precursors for the formation of O₃ and would therefore contribute to the region’s O₃ nonattainment designation (federal and state).

Response to Comment A13-7

See Topical Response 6, Operational Air Quality. The ROG, NO_x and O₃ effects of the Project are discussed in the Draft EIR at page IV.B-41 and 42. The Project’s consistency with the AQMP and planning policies designed to bring about attainment of federal and state policies is discussed in detail at pages IV.B-22 through 33 of the Draft EIR.

Comment A13-8

The SCAQMD considers a project that exceeds the SCAQMD significance thresholds to be a substantial emitter of air pollution and that any additional emissions from the 174 related projects contributing to the

project exceedance would be considered a significant cumulative impact.¹ The Draft EIR needs to revise its finding of less than significant cumulative air quality impacts to an unavoidable significant air quality impact based on SCAQMD methodologies, and recirculate the Draft EIR.

Response to Comment A13-8

See Topical Response 6, Operational Air Quality.

Comment A13-9

Traffic and Circulation: The mitigation measures and project design features identified in the Draft EIR would reduce potential impacts associated with traffic and circulation to a level that is less than significant if all the area-wide improvements are implemented. However, implementation of many of these would require the cooperation and funding of other agencies, including but not limited to the [sic] Rolling Hills Estates, Rancho Palos Verdes, Lomita, and Caltrans. The City of Los Angeles cannot ensure implementation of these improvements. If these agencies choose not to implement the area-wide traffic improvements, a significant unavoidable adverse impact to traffic would occur, therefore the finding for traffic impacts should be changed to significant and unavoidable.

Because traffic improvements are under the jurisdiction of another agency, the city must make the following finding. “Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (Section 15091 (a)(2))

Response to Comment A13-9

The City of Rolling Hills Estates, the City of Rancho Palos Verdes, the City of Lomita, the County of Los Angeles and Caltrans have all received the Draft EIR. No agency has commented that any measures recommended within their individual jurisdiction would not be feasible or would not be implemented. Nor does the comment provide any substantial evidence that any measures recommended outside of the City’s jurisdiction would not be feasible or would not be implemented. Accordingly, the conclusions of the Draft EIR remain appropriate. See also Topical Response 11, Traffic.

Comment A13-10

¹ James Koizumi, SCAQMD CEQA Review Department, telephone conversation, December 29, 2006.

Response to Comment A13-10

This comment contains a citation for a sentence in Comment A13-8. See Topical Response 6, Operational Air Quality.

Comment A13-11

Failure to Analyze Potentially Significant Impacts Identified in the Initial Study

The Initial Study prepared for the project identifies a number of impact categories as being “Less than Significant with Mitigation Incorporated” including aesthetics, cultural resources, and geology and soils. Typically, this finding would only be made when preparing a Mitigated Negative Declaration, where the Initial Study would represent the final environmental document sent out for public review. However, in this case, the Initial Study was prepared to support preparation of an Environmental Impact Report. The fact that the Initial Study relies on mitigation measures to reduce potential impacts to a less than significant level indicates that a potentially significant impact exists. As a result, aesthetics, cultural resources, and geology and soils should be fully analyzed in the Draft EIR.

Although there is no CEQA rule prohibiting the inclusion of mitigation measures in an IS prepared for an EIR, use of this practice for the Ponte Vista Draft EIR eliminates full public disclosure of impacts because the analysis is buried in a section titled “Impacts Found to be Less Than Significant” and the analysis provided is minimal. The EIR must have a fully detailed discussion of all potentially significant impacts and a clear nexus between the impact and the mitigation measure.

Response to Comment A13-11

The analysis in the Initial Study was prepared to identify whether an environmental impact report was necessary and to focus the content of the environmental impact report. CEQA Guidelines Section 15063(c)(initial study intended to focus the EIR on effect determined to be significant, identify the effects determined not to be significant, and explain the reasons for determining that potentially significant effects would not be significant); and 15084(a)(scoping useful in identifying effects to be analyzed in depth in an EIR and *eliminating from detailed study issues found not to be* important). In conformance with Sections 15063 and 15084, the Initial Study contains a discussion of Aesthetics (Light and Glare), Cultural Resources (Archaeological Resources, Paleontological Resources, and Human Remains), and Geology and Soils (Seismic Groundshaking, Liquefaction, Landsliding, Unstable Soils, and Expansive Soils). It identified potential effects, and project features, regulatory requirements and/or mitigation measures agreed to by the applicant to fully mitigate such effects. The Initial Study itself was included in the Draft EIR as Appendix I-1.

The impacts and all corresponding mitigation measures are again discussed in the first section of the Environmental Impact Analysis section (Section IV.A, Impacts Found to be Less than Significant) of the Draft EIR, under specific and prominent topical headings. The analysis in the Initial Study and Draft EIR shows that through compliance with these measures (or existing regulations and/or future conditions of Project approval, as they were), Project impacts related to these issues would be less than significant.

The comment offers no substantial evidence that any potential environmental impacts were not identified or examined. No further analysis of these issues is required.

Comment A13-12

Additionally, mitigation measures identified in the IS for aesthetics appear differently in the EIR. Because a detailed impact analysis is missing in the Environmental Impact section, there is no justification for the change in mitigation measures.

Response to Comment A13-12

With respect to the mitigation measures listed to reduce impacts related to light and glare to a less-than-significant level, the mitigation measures were clarified to ensure that they would have the intended effect. Instead of only requiring the lights to be directed toward the interior of the fields and away from residential properties, the mitigation measures were revised to require “that the light source cannot be seen from adjacent off-site residential properties.” The plain intent of this clarification was to better tailor the mitigation measure to have the intended effect of avoiding significant impacts related to light and glare. No further analysis is necessary to see that the revised mitigation measure is more tailored to achieving the desired result.

Comment A13-13

Use of Narrative Unrelated to the Proposed Project

Under CEQA, the EIR is an unbiased document that discusses project impacts based on facts and substantial evidence. “An EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.” (Section 15121)

Response to Comment A13-13

This comment contains a partial quote from CEQA Guidelines Section 15121, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, and no further response is required.

Comment A13-14

There is significant narrative throughout the entire document that is devoted entirely to explaining that LAUSD has no claim on the project site and should take their plans for a new high school somewhere else. This discussion does not further the analysis of environmental impacts which should compare existing conditions to the physical changes that would occur as a result of the project. The additional narrative devoted to LAUSD should be removed from the document.

Response to Comment A13-14

See Topical Response 3, South Region High School #14.

Comment A13-15

Use of Poorly Drafted and Unenforceable Mitigation Measures

Mitigation measures are inadequate because one or more pieces of information are missing from most of the measures outlined in the document. All mitigation measures should include the following information.

- The objective of the mitigation measure and why it is required;

Response to Comment A13-15

In accordance with the CEQA Guidelines, the Draft EIR analyzes the potential environmental impacts of the Project and prescribes mitigation measures when significant impacts are identified, such as Mitigation Measures C-1 through C-5, which are prefaced with the statement: “All of the following mitigation measures are required to reduce potential impacts on special-status species to a less-than-significant level.” Although not required by CEQA, the Draft EIR also prescribes mitigation measures that would further reduce or ensure less than significant impacts, such as Mitigation Measure C-6, which is prefaced with the statement: “The following mitigation measure is not necessary to mitigate any significant biological impact but is recommended as a condition of the Project.” The comment claims that the mitigation measures in the Draft EIR are “poorly drafted,” “unenforceable,” and “inadequate,” but does not provide specific examples that would enable a meaningful response.

Comment A13-16

- How the measure will be designated and implemented, identifying measurable performance standards by which the success of the mitigation can be determined, and providing for any contingent mitigation if monitoring reveals that the success standards are not satisfied.

Response to Comment A13-16

Under CEQA, the goal of mitigation measures is to reduce or avoid a potential significant environmental impact of the proposed Project. As discussed in Response to Comment A13-15, the Draft EIR identifies such measures. In addition, in particular instances, the Draft EIR also identifies measures that are not necessary to reduce or avoid a potential impact, but are nevertheless recommended as project conditions. All measures indicate what is to be done. A Mitigation Monitoring Plan conforming to CEQA will be adopted in the event the Project is approved. See Section V, Mitigation Monitoring Plan, which provides a list of mitigation measures required of the proposed Project, the implementation phase, the implementing agency, and the enforcement agency. This is all that is required by CEQA.

Comment A13-17

- The agency organization or individual responsible for implementing the measure;

Response to Comment A13-17

See Response to Comment A13-16.

Comment A13-18

- The specific location of the measure;

Response to Comment A13-18

See Response to Comment A13-16.

Comment A13-19

- During what phase of the project would implementation of the mitigation occur.²

Response to Comment A13-19

See Response to Comment A13-16.

Comment A13-20

Under Paleontological and Archeological [sic] impacts the Ponte Vista DEIR states: “Copies of the archaeological survey, study or report shall be submitted to the UCLA Archaeological Information Center.” No information is disclosed about who is responsible for preparation of the survey, study or report, when it is required to be prepared, or what type of information should be included.

Response to Comment A13-20

Mitigation Measure A-3, on page IV.A-4 of the Draft EIR provides that if archeological resources are unexpectedly discovered during Project construction, the Project shall be halted. Services of an archeologist would be secured by contacting the Center for Public Archaeology – Cal State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA qualified-archaeologist. The qualified archaeologist would assess the resources and evaluate the impact and would prepare the survey, study, or report, as well as recommendations. The contents of archaeological studies vary, as each document is prepared within the context of specific site issues. A typical study of this type would also include a pre-historical or historical background of the site.

Comment A13-21

If mitigation measures are not specific, they are less likely to be implemented, less effective, and more difficult to monitor.

Additionally, most mitigation measures improperly use recommendations or suggestions. Mitigation measures are only used to reduce significant environmental impacts, and are required to be implemented

as part of the project; they are not discretionary. Example: “The Project would result in temporary construction emission exceeding SCAWMD [sic] thresholds; therefore, the following mitigation measures are **recommended** to reduce emissions from the construction operations.”

All mitigation measures are required to have a direct nexus to a specific significant environmental impact. In the Executive Summary Table I-1 and throughout the Draft EIR, it is unclear how the mitigation measures are related to a specific impact. Example: Table I-1, Mitigation Measures D-6, E-1, E-2, E-3, G-1 through G-10, etc., are not related to any specific significant impact, so it is unclear what is being mitigated by these measures.

Response to Comment A13-21

See Response to Comment A13-15 and Response to Comment A13-16.

Each discussion of mitigation measures in each Environmental Impact Analysis section of the Draft EIR begins with a clear statement regarding whether the identified mitigation measures are recommended to reduce the significant environmental impacts of the proposed Project or whether they are not necessary to reduce the potentially significant effects (though nevertheless recommended by the Lead Agency in furtherance of good planning practices). CEQA does not prohibit the inclusion of this information. Measures that are not necessary to reduce significant environmental effects are given “mitigation” measure numbers to help track them in the event that decision-makers choose to include them as project conditions. Each mitigation measure, whether recommended or required to reduce significant impacts, is included in the Mitigation Monitoring Program (MMP) presented in Section V of this Final EIR. If the Project is approved, the Lead Agency will adopt the MMP and assume responsibility for ensuring implementation of the mitigation measures in accordance with the program (pursuant to CEQA Guidelines Section 15097). In order for the Project to proceed, all final Mitigation Measures in the MMP will be recorded in covenants against the property with respect to the Project, and will be enforceable by the City. The MMP for the Project will be part of any conditional approval and will be in place throughout all phases of the Project.

The air quality measures pertaining to construction are recommended to be made part of the Project’s conditions to reduce potential air quality effects, which will nevertheless be significant and unavoidable after mitigation, as discussed in the Draft EIR.

The Summary Table in the Draft EIR includes a summary of all measures recommended to reduce or avoid significant impacts of the Project, as well as less-than-significant impacts of the Project, and a statement of impact significance after implementation of the measures.

With respect to Mitigation Measure D-6, this mitigation measure has been volunteered to further ensure that the Project would have a less-than-significant impact to emergency response and evacuation (Draft EIR pp. IV.I-7—IV.I-8). With respect to Mitigation Measures E-1 through E-3, these mitigation measures are recommended to reduce construction- and Project operation-related hydrology and water quality impacts (Draft EIR p. IV.E-24). With respect to Mitigation Measures G-1 through G-9, these

mitigation measures are recommended to address Project construction- and operation-related noise and vibration impacts (Draft EIR p. IV.G-27). With respect to Mitigation Measure G-10, this mitigation measure is recommended to reduce significant periodic noise impacts during Project operation (Draft EIR p. IV.G-26).

Comment A13-22

Infeasible Mitigation Measures

When drafting mitigation measures, agencies should include only those that are feasible. As stated in Guidelines Section 15364, a mitigation measure is considered feasible if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into consideration economic, environmental, legal, social, and technological factors. For example, the proposed project will make a cumulatively considerable impact to the local circulation system. Although the Traffic Impact Analysis concludes that the cumulative traffic effects can be mitigated to a less than significant level, including the project's contribution, there are no assurances that these measures will be implemented before the project traffic begins to utilize the circulation system, even those measures within the City of Los Angeles. CEQA Section 15130(a)(3) indicates that a "project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable" by funding payment of the project's fair share to alleviate cumulative impacts. The applicant must fund its fair share of the costs for the local and regional improvements; thereby its impacts to the area circulation system could be determined to be less than significant. However, the payment of fees does not necessarily mitigate impacts to a level of insignificance. To be conservative in making the traffic and circulation impact finding for this project, the conclusion should be reached that some of the circulation system improvements are not likely to be installed before the project's traffic affects the system. Therefore, for some undefined period, until the requisite improvements are installed, it is probable that some portions of the area circulation system will experience unacceptable LOS during peak hours. Therefore, project-related traffic impacts should be significant and unavoidable.

Response to Comment A13-22

With respect to traffic mitigation measures, see Topical Response 11, Traffic. It is not anticipated that significant and unavoidable traffic impacts will be experienced.

Comment A13-23

² Bass, Ronald E. Albert I. Herson, and Kenneth M. Bodgan, *CEQA Deskbook: A Step-by-step Guide on How to Comply with the California Environmental Quality Act*, 2nd ed., 1999, 2001 Supplement, pp. 113.

Response to Comment A13-23

This comment contains a citation for a sentence in Comment A13-19, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR.

See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. No response is required.

Comment A13-24

SPECIFIC COMMENTS BY SECTION

Chapter I. Introduction/Summary

Page I-12. D. Issues to be Resolved. Issues to be resolved include whether and/or how to mitigate potentially significant environmental impacts from the Project, and the potential of the identified alternatives to mitigate or avoid the potential environmental impacts of the Project.

Response to Comment A13-24

The comment summarizes the text on page I-12 of the Draft EIR.

Comment A13-25

This paragraph repeats the statement made in the CEQA Guidelines without any discussion of the actual issues that need to be resolved. CEQA Guidelines Section 15123 requires that issues to be resolved be disclosed “including the choice among alternatives and whether or how to mitigate the significant effects.”

Response to Comment A13-25

The Draft EIR summarizes mitigation measures at Table I-1, pages I-14 through I-60. The Draft EIR summarizes alternatives at Table VI-14, pages VI-95 through VI-101. The Draft EIR contains a detailed discussion regarding the comparison of alternatives at pages VI-105 through VI-110. These issues are addressed in more detail in Responses to Comments A13-26 through A13-31.

Comment A13-26

With regard to the proposed project, the major issues to be resolved include decisions by the Lead Agency regarding items such as:

1. Whether this DEIR adequately describes the environmental impacts of the project.

Response to Comment A13-26

It is the Lead Agency’s view that the EIR has been prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences (CEQA Guidelines Section 15151).

Comment A13-27

2. Whether the benefits of the project override those environmental impacts which cannot be feasibly avoided or mitigated to a level of insignificance.

Response to Comment A13-27

If the Lead Agency approves the Project and finds that the Project will result in the occurrence of significant effects that are identified in the Final EIR but are not avoided or substantially lessened, the lead agency shall adopt a statement of overriding considerations in accordance with CEQA Guidelines Section 15093. As required by Guideline Section 15093, the statement of overriding considerations will state in writing the specific reasons to support the Lead Agency's action based on the Final EIR and/or other information in the record and will be supported by substantial evidence in the record.

Comment A13-28

3. Whether the proposed land use changes are compatible with the character of the existing area.

Response to Comment A13-28

Section IV.F, Land Use, of the Draft EIR evaluates the Project in light of the policies, goals, and objectives contained within each of these planning documents in order to assess the consistency of the Project with respect to such policies, goals, and objectives. See also Response to Comment A8-11.

Comment A13-29

4. Whether the identified goals, policies, or mitigation measures should be adopted or modified.

Response to Comment A13-29

There are no provisions in CEQA Guidelines Section 15123 that require a discussion of "whether the identified goals, policies, or mitigation measures should be adopted or modified." Each Project mitigation measure is included in the Mitigation Monitoring Program (MMP) presented in Section V of this Final EIR. If the Project is approved, the Lead Agency will adopt the MMP and assume responsibility for implementation of the mitigation measures in accordance with the program.

Comment A13-30

5. Whether there are other mitigation measures that should be applied to the project besides the mitigation measures identified in the DEIR.

Response to Comment A13-30

There are no provisions in CEQA Guidelines Section 15123 that require a discussion of “whether there are other mitigation measures that should be applied to the project besides the mitigation measures identified in the DEIR.” See Response to Comment A13-29.

Comment A13-31

6. Whether there are any alternatives to the project that would substantially lessen any of the significant impacts of the proposed project and achieve most of the basic project objectives.

Response to Comment A13-31

The Draft EIR summarizes alternatives at Table VI-14, pages VI-95 through VI-101. The Draft EIR contains a detailed discussion regarding the comparison of alternatives at pages VI-105 through VI-110.

Comment A13-32

This section needs to be revised to discuss the issues.

Response to Comment A13-32

The Draft EIR contains a summary of environmental issues to be analyzed at pages I-2 to I-3. It also contains a summary of areas of controversy at pages I-10 through I-13.

Comment A13-33

Pages I-14 to I-60. Table I-1. Executive Summary of Project Impacts, Mitigation Measures and Impacts after Mitigation

- This table should not include environmental impacts that were found to be less than significant in the Initial Study (Agricultural Resources and Mineral Resources).

Response to Comment A13-33

See Response to Comment A13-21.

Comment A13-34

- Several discussions under “mitigation measures” state that impacts would be less than significant and that mitigation measures are not required. But then a mitigation measure is listed and required. Example: Solid Waste impacts are less than significant; however, a mitigation measure to provide recycling bins is required. It is also unclear how providing recycling bins would reduce the impact to existing landfills as the city currently has a recycling program. If mitigation is not required it should not be listed in the mitigation table.

Response to Comment A13-34

See Response to Comments A13-15, A13-16, and A13-21.

With respect to Mitigation Measure K-7 (to provide recycling bins), this measure was added to the Draft EIR because, as stated on page IV.K-44, it would further reduce solid waste deposited in landfills even though the potential solid waste impact is less-than-significant. CEQA does not compel decision-makers to adopt this measure, although it is recommended by the Lead Agency as good and sensible planning practice. In addition, according to Section 14.8B of *Practice under the California Environmental Quality Act*, “A requirement that the project comply with applicable environmental law or regulations may serve as adequate mitigation of environmental impacts in an appropriate situation.” In the case of Mitigation Measure K-7, restatement of an existing regulation as a mitigation measure to further reduce a less-than-significant impact demonstrates a conservative approach in the Draft EIR to reducing environmental impacts of the proposed Project and is appropriate.

Comment A13-35

- Several environmental issues listed and discussed under the “Environmental Impact” heading are found to be less than significant; however, mitigation measures are provided. Example: Public Services - Fire Protection. Construction and operation-related impacts, emergency services impacts, and emergency access impacts were found to be less than significant; however, there are 26 mitigation measures provided to reduce significant impacts. What are these mitigation measures required for? The same holds for the less than significant impacts to public transportation and the seven mitigation measures required.

Response to Comment A13-35

With respect to the mitigation measures in the Draft EIR, the commenter is referred to Response to Comment A13-34.

The mitigation measures listed in the Fire Protection section of the Draft EIR were recommended by the LAFD to reflect standard LAFD design requirements (see LAFD response letter in Appendix IV.I-1 to the Draft EIR). Accordingly, these mitigation measures were incorporated into the Draft EIR to reflect existing legal requirements and/or good planning principles, and to further reduce the Project’s less-than-significant impacts, as clearly stated under the “Mitigation Measures” subheading on page IV.I-8 of the Draft EIR. Similarly, as explained on page IV.J-111 of the Draft EIR, public transportation Mitigation Measures J-31 and J-32 were included to further enhance public transit service at the Project site, even though public transportation impacts were determined to be less than significant.

Comment A13-36

- Most mitigation measures required are considered standard conditions of approval. Mitigation measures are only required if additional measures are required above and beyond the existing regulations, policies, and standard conditions.

Response to Comment A13-36

See Response to Comment A13-34.

Comment A13-37

- Several environmental issues include a full discussion under the “Mitigation Measures” heading. This makes the table very difficult to read and impossible to find the impact, the corresponding mitigation and significance level after mitigation. Example: Transportation and Traffic heading.

Response to Comment A13-37

This comment describes the commenter’s dissatisfaction with and includes suggestions for improving the format of a table in the Draft EIR, but the comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project. See Topical Response 1, Standards for Responses to Comments.

Comment A13-38

- In Table I-1, it would be very helpful if the table contained lines between each impact discussion so that the reader could determine which mitigation measures are associated with each impact. As currently written, potential impacts are combined, preventing the reader from determining which mitigation measures are associated with each impact.

Response to Comment A13-38

This comment includes suggestions for improving the format of a summary table in the Draft EIR, which summarizes mitigation measures discussed in more detail elsewhere in the Draft EIR. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A13-39**Table I-1, Aesthetics**

- The Draft EIR first identifies aesthetics impacts as less than significant and then requires mitigation measures, then later discusses the mitigation measures as being part of the proposed project. Aesthetics impacts should be identified as either potentially significant and requiring mitigation, or less than significant and not requiring mitigation. They cannot be identified as both.

Response to Comment A13-39

As set forth in Appendix G to the CEQA Guidelines, there are four thresholds of significance in the evaluation of aesthetics impacts. These thresholds are:

Would the project:

- a) Have a substantial adverse effect on a scenic vista?*
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*
- c) Substantially degrade the existing visual character or quality of the site and its surroundings?*
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

As discussed on pages IV.A-1 through IV.A-3 of the Draft EIR, impacts with respect to Checklist Questions a), b), and c), above, would be less than significant and would not require mitigation. With respect to Checklist Question d), impacts would be potentially significant but would be mitigated by implementation of Mitigation Measures A-1 and A-2 (Draft EIR pages IV.A-2—IV.A-3). As noted on page IV.A-2, Mitigation Measures A-1 and A-2 are conditions that have been proposed as part of the Project. They have also been included as mitigation measures to ensure their implementation.

The comment offers no substantial evidence that any of the analysis in Draft EIR pertaining to aesthetics is incorrect, or that any potential impacts remain to be studied or mitigated. Accordingly, no further analysis is required.

Comment A13-40

- As discussed in the Initial Study, aesthetic impacts are significant because of proposed nighttime lighting at the baseball fields. This issue is required to be fully discussed in the EIR, along with mitigation measures to reduce nighttime light impacts to less than significant.

Response to Comment A13-40

See Response to Comment A13-11. The identified mitigation measures ensure that nighttime lighting will not result in significant adverse impacts. The comment offers no substantial evidence that any of the analysis in Draft EIR pertaining to aesthetics is incorrect, or that any potential impacts remain to be studied or mitigated. Accordingly, no further analysis is required.

Comment A13-41

- There's no rule about not putting the mitigation measures in an IS prepared for an EIR, though it is common practice not to do so. However, the mitigation measures listed in the Initial Study are different than the ones listed in the Executive Summary Table I-1 and Chapter IV, Environmental Impact Analysis A, Impacts Found to be Less than Significant of the EIR.

Response to Comment A13-41

With respect to changes to the mitigation measures recommended for impacts related to Aesthetics (Light and Glare), see Response to Comment A13-12.

Comment A13-42**Cultural Resources**

- Cultural Resources was found in the Initial Study to have less than significant impacts; however, mitigation measures were provided. Mitigation measures are not required for environmental impacts that are less than significant. Given the findings in the Initial Study, cultural resources does not require mitigation measures because impacts are less than significant. Additionally, because this issue was found to be less than significant, it does not require additional discussion and analysis and does not belong in the EIR. However, the less than significant finding is incorrect. The discovery of previously unidentified archeological or paleontological [sic] resources is considered a significant impact and requires mitigation measures.

Response to Comment A13-42

The comment misrepresents the discussion in the Initial Study and Draft EIR. The Initial Study and Draft EIR indicate that it is unlikely that archaeological or paleontological resources will be encountered and therefore potential impacts are less than significant. This finding is supported by the cultural, archeological and paleontological records searches on the Project site, and evidence of previous development. The existing on-site structures are less than 45 years old and are not architecturally or historically significant. There are no unique geological features on the Project site. The Project site has been extensively graded, filled in locations, and improved with roadways, utilities, and buildings. In addition, no known archaeological or paleontological sites are located on the Project site (see cultural/archaeological and paleontological records search results in Appendix IV.A-1 and Appendix IV.A-2, respectively, to the Draft EIR).

Thus, mitigation measures A-3 to A-8 are not necessary to mitigate foreseeable environmental impacts under CEQA. Mitigation measures A-3 to A-8 are nevertheless recommended in furtherance of good planning practice in the event that archaeological or paleontological resources are unexpectedly encountered. This is consistent with CEQA Guidelines Section 15064.5(c) (“In the event of the *accidental* discovery of... the following steps should be taken”), as well as Section 15064.5(h)(a) (a lead agency should make provisions for historical or unique archaeological resources *accidentally* discovered). See Response to Comment A15-38.

Comment A13-43

- The mitigation measure identifies where to send the reports but not where to send the actual archaeological discovery. The City of Los Angeles General Plan states “The state-designated repository in the Los Angeles area for archaeological data is the South Central Coastal Information Center. Reports concerning archaeological investigations are to be filed with the center” (Conservation Element, adopted September 2001, page II-5).

Response to Comment A13-43

In response to this comment, the text of page IV.A-4, under Mitigation Measure A-3, of the Draft EIR has been revised as follows:

The services of an archaeologist shall be secured by contacting the Center for Public Archaeology – Cal State University Fullerton, or a member of the Society of Professional Archaeologists (SOPA) or a SOPA-qualified archaeologist to assess the resources and evaluate the impact. If the archaeological resource is determined to be associated with Native Americans, the Native American Heritage Commission will be consulted regarding treatment options. However, if the resource identified during construction is not associated with Native Americans, the State Historic Preservation Office shall be consulted.

Comment A13-44

- The Draft EIR mitigation measure A-7 states, “A covenant and agreement shall be recorded prior to obtaining a grading permit.” This measure is vague and does not have enough information for enforcement. What should this covenant include? What type of agreement? Who is responsible for submitting it? Where shall it be recorded?

Response to Comment A13-44

The covenant is meant to assure compliance with Mitigation Measures A-3 through A-8. To clarify this requirement, the text of page IV.A-4, under Mitigation Measure A-7, of the Draft EIR has been revised as follows:

A covenant and agreement shall be recorded between the Project and the City of Los Angeles Department of City Planning prior to obtaining a grading permit requiring compliance with Mitigation Measures A-3 through A-8.

Comment A13-45

Table I-1, Geology and Soils

The Initial Study makes the finding that mitigation measures are required for significant impacts related to:

- Seismic ground shaking;
- Seismic-related ground failure, including liquefaction;
- Landslides;
- Unstable soils or geologic unit including on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; and,
- Expansive soils.

Response to Comment A13-45

This comment contains general/anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A13-46

However, there are no mitigation measures outlined in the Initial Study, no detailed discussion of geology and soils impacts in the EIR, and no nexus between the one and only mitigation measure listed in the executive summary table and the significant environmental impacts is [sic] given. There is no justification for the absence of this issue from the EIR. A finding with the words “potentially significant” in it requires a discussion in the EIR.

Response to Comment A13-46

The potential environmental impacts of the Project have been evaluated with respect to geology and soils and are discussed in the Preliminary Geotechnical Engineering Exploration (“Geotechnical Report”) prepared for the Project by the J. Byer Group, Inc., which was included in the Draft EIR as Appendix IV.A-4. They were also summarized in the discussion on pages IV.A-5 through IV.A-6 of the Draft EIR. The Geotechnical Report concludes that there are no unique soil or geology hazards present at the site, and that with compliance with currently applicable engineering and construction requirements contained in existing law and regulations, including, without limitation, building code requirements, building permit

requirements and site specific engineering recommendations based on the recommendations of a licensed geotechnical engineer and a geotechnical report approved by the City of Los Angeles Department of Building and Safety, risks from seismic hazards, seismic ground shaking, liquefaction, landslides, lateral spreading, subsidence, collapse, expansive soils or other geologic instability will be mitigated to a less than significant level. The analysis and recommendations are site-specific and are in addition to existing standard requirements. Site-specific measures related to grading, fill, slopes, and excavation are included. Compliance with the site-specific recommendations in the Geotechnical Report is required by Mitigation Measure A-9. Nothing in the comment contradicts such analysis or conclusions. No design-level plans are available for the Project at this time, and will be developed in the event the Project is approved consistent with Mitigation Measure A-9.

As discussed in Section II (Corrections and Additions to the Draft EIR) of this Final EIR, Mitigation Measure A-9 has been revised to include additional description of the site-specific recommendations found in the Geotechnical Report.

Comment A13-47

Chapter II. Project Description

15124. Project Description. (b) A statement of objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.

Response to Comment A13-47

This comment quotes CEQA Guideline 15124(b), but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR and no further response is required.

Comment A13-48

Page II-26

- The Draft EIR identifies nine project objectives. Because of significant unavoidable environmental impacts identified in the Draft EIR, the project does not meet objective 7: “to mitigate potential significant environmental impacts to the extent feasible.” Objective 9: “to provide a project that will be financially feasible to develop and market, and that will provide a return commensurate with the risk of investment” appears to be an applicant objective, not one set by the lead agency for the project. This objective would only benefit the applicant.

Response to Comment A13-48

The existence of significant unavoidable impacts does not mean that identified impacts were not mitigated to the extent feasible. The Draft EIR recommends mitigation measures to mitigate the potentially significant environmental impacts of the Project to the extent feasible. In addition, although not required by CEQA, the Draft EIR also recommends measures to reduce effects which are less than significant. The alternatives analysis confirms that it is not feasible to avoid significant unavoidable environmental impacts related to construction air quality and noise, even under the Alternative A: No Project/Single Family Homes (see Draft EIR pages VI-24 and VI-52). Under all alternatives construction air quality emissions would exceed SCAQMD thresholds and remain significant and unavoidable. Under all on-site alternatives construction noise would remain significant and unavoidable. Under all alternatives, operational air quality emissions would be expected to exceed SCAQMD daily emission thresholds (which are not sensitive to property or project size). Any alternative including a little league field park area would also result in significant and unavoidable temporary noise impacts. Although the degree of construction air emissions and noise emissions would differ with the amount of construction, these are the same significant unavoidable impacts as for the Project.

The comment is correct in that Objective 9 primarily pertains to the applicant's project objectives. This is not prohibited by CEQA. Section 15124 states that an EIR shall include a "statement of objectives sought by the proposed project. A clearly written statement of objectives will help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations." The project site is a private property owned by the applicant. Objective 9 reflects the understandable and obvious fact that the applicant will only develop a project which is financially feasible for it to develop and market.

Comment A13-49

- The description of "Senior Housing" should be expanded to include the types of units that would be allowed and the types of restrictions that would be placed on the project to ensure that the 575 units would remain Senior Units. Significant reductions in associated traffic, air quality, and noise impacts were assumed in the EIR analysis for the senior housing units. The EIR needs to provide the basis for these assumptions for the duration of the occupancy of the unit.

Response to Comment A13-49

The Project's age-restricted community will comprise a "senior citizen housing development," as defined in California Civil Code Section 51.3. Consistent with California Civil Code Section 51.3, these units will be subject to covenants, conditions, and restrictions or other documents or written policy that limit residency to persons age 55 years or older with very limited exceptions, specified in the statute, which generally do not allow children, regardless of the age of the parent(s). See Topical Response 7, Impacts of Age-Restricted Units.

Comment A13-50

- The project description fails to adequately describe the whole project as it relates to the Development Agreement (DA). The project description, as currently written, fails to inform the public or the decision makers of the terms of the development agreement which will bind the County of Orange and the applicant. Without a description of the terms and conditions of the DA, there is no way to determine if the Draft EIR adequately analyzes the potential impacts of the project. Per CEQA Guidelines Section 15003 (h), “The lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect.” The DA is likely to include various infrastructure improvements, which may not be analyzed in the Draft EIR. Without a complete description of the requirements contained in the DA, the Draft EIR cannot adequately assess the associated environmental impacts.

Response to Comment A13-50

The comment’s reference to the County of Orange appears to be an error, as the Lead Agency for the Project is the City of Los Angeles. As indicated in the Draft EIR at page II-27, the EIR may be used in connection with the processing of a development agreement. However, a development agreement is not a necessary entitlement to enable the Project to be approved by the City of Los Angeles, and has not been requested to date. An EIR must provide enough information to allow for a meaningful evaluation and review of potential environmental impacts. See CEQA Guidelines Section 15124. The Project description information in the Draft EIR includes an appropriate level of detail for the discussion of environmental impacts pursuant to CEQA. See Response to Comment A10-5. All infrastructure improvements required for the Project are addressed in Section IV (Environmental Impact Analysis) of the Draft EIR. If a development agreement is requested and necessary CEQA analysis to support its adoption is missing, such additional analysis would be required.

Comment A13-51

Chapter IV.A Impacts Found to Be Less Than Significant

Page IV.A-5, 4. Geology and Soils

As stated in the Draft EIR, “The Geotechnical Report indicates that there are no risks on the Project site related to seismic hazards, liquefaction, landslides, lateral spreading, subsidence, collapse, and expansive soils that cannot be mitigated by compliance with building code requirements required as a matter of law, as well as the recommendations of the Geotechnical Report.”

Response to Comment A13-51

This comment quotes a sentence from page IV.A-5 of the Draft EIR (Chapter IV.A Impacts Found to Be Less Than Significant, Geology and Soils) but does not state a specific concern or question regarding the

sufficiency of the analysis or mitigation measures contained in the Draft EIR, and no further response is required.

Comment A13-52

However, there is no information about the type of soils present on the project site, how far the nearest earthquake fault is, the maximum magnitude quake expected at the site, depth to groundwater, liquefaction potential, etc. No site-specific data is provided to justify the requirement for the finding or the mitigation measure.

Response to Comment A13-52

Information about geotechnical conditions on the Project site is presented in the Geotechnical Study included as Appendix IV.A-4 to the Draft EIR. Soil types, distance to the nearest earthquake fault, maximum probable earthquake magnitude, presence of groundwater, and liquefaction are discussed on pages 4 through 6 of the Geotechnical Study. Results of laboratory testing and boring data are provided in the appendices to the Geotechnical Study included as Appendix IV.A-4 to the Draft EIR.

Comment A13-53

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences (Section 15151).

The Draft EIR does not provide sufficient information to determine the environmental consequences to geology and soils. An EIR must contain facts and analysis, not just the agency's bare conclusions or opinions.

Response to Comment A13-53

The Comment quotes the first sentence of CEQA Guideline 15151. It should be noted, however, that the following sentence reads as follows: "An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible." The final sentence of Guideline 15151 reads: "The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure." Regarding the adequacy of the geology and soils analysis, see Responses to Comments A13-46 and A13-52.

Comment A13-54

The Draft EIR also states that the project will be required to incorporate measures to protect against risks related to seismic ground shaking, liquefaction, landslides, and geologic instability. These measures include compliance with the City of Los Angeles standard regulations. The only mitigation measure required is to include advice and recommendations from the Preliminary Geotechnical Engineering Exploration.

Basically, all geology and soils impacts, although not specifically discussed, would be less than significant because the geotechnical report “will mitigate potential risks to a less than significant level,” and the geotechnical report recommends compliance with existing applicable engineering and construction requirements, and applicable laws and regulations, which are already mandated. The city regulations require a geotechnical report. The section as currently written fails to demonstrate that the mitigation measure would reduce potential geotechnical impacts to a less than significant level.

Response to Comment A13-54

See Responses to Comments A13-46 and A13-52.

Comment A13-55

Chapter IV.B Air Quality

Page IV.B-35, Grading Phase Equipment Quantities

The air quality analysis conducted for the Draft EIR underestimates the quantities and types of equipment that are necessary to excavate the estimated 1,470,000 cubic yards (cy) of soil which is equivalent to 73,500 truckloads of soil (assuming a 20 cy truck capacity). This volume of excavated soil constitutes a mass grading operation. The equipment that was modeled in the air quality analysis is not used for mass grading. The air quality analysis assumed that dozers, backhoes, small skid steer loaders, and graders would be used for the grading phase. Dozers are used generally for dirt-pushing activities, graders are used for fine grading, and loaders and backhoes are used for very light grading/excavation. The equipment modeled in the air quality analysis is not capable of excavating 1.47 million cubic yards of soil in six months. The equipment selected for this mass grading phase does not include any scrapers, which are the principle construction vehicles used in mass grading projects. Other projects with grading of this magnitude would often employ eight or more scrapers. The mitigation measures outline that watering is necessary for dust suppression but no water trucks are accounted for in the analysis. In addition, no trucks in general are included for the relocation of soils from one part of the project site to the other, which is required in order for the excavated soils to be balanced on-site. The air quality analysis needs input from a contractor familiar with large-scale grading operations to obtain a reasonable estimate of construction vehicles. The air quality analysis has underestimated the number of construction vehicles that would be used at the project site and consequently underestimated the magnitude of air pollutant emissions generated during the construction phase. The air quality analysis for construction activities needs to be recalculated based on a reasonable estimate of construction vehicle usage during the grading phase.

Response to Comment A13-55

See Topical Response 5, Construction Air Quality with respect to updated construction assumptions. The text on page IV.B-34 of the Draft EIR has been revised consistent with the text in Topical Response 5, Construction Air Quality (see also Corrections and Additions).

Comment A13-56**Page IV. 8-25, Lack of a Localized Impact Analysis for Construction Activities**

The SCAQMD published Localized Significance Threshold Methodology in June 2003. The SCAQMD comments that projects need to incorporate an analysis of localized air quality impacts from construction activities. Without this localized impact analysis from construction activities, the Draft EIR is deficient in addressing the CEQA checklist question of whether project-related emissions would expose sensitive receptors to substantial air pollutant concentrations. The Localized Significance Threshold (LST) discussed in the SCAQMD's aforementioned document applies to projects that are five acres or less in size and would analyze concentrations of CO, NO_x, and PM₁₀ from project construction activities at nearby sensitive receptors. For projects that are greater than 5 acres, the SCAQMD states that site-specific air pollutant dispersion modeling should be conducted for construction activities. Without this agency-advocated analysis, the Draft EIR has not fully disclosed the air quality impacts of the project - specifically whether project-related emissions would expose sensitive receptors to substantial air pollutant concentrations. The need for an analysis of the localized impact of project construction activities is heightened by the Draft EIR's air quality analysis stating that there would be 105 pounds of PM₁₀ dispersed into the air on a daily basis despite dust suppression measures. Emissions of this magnitude are likely to cause an exceedance of the California Ambient Air Quality Standards. As such, PM₁₀, NO_x, and CO need to be analyzed to fully disclose the potential air quality impacts to the residential uses to the south and west of the project site.

Response to Comment A13-56

The Draft EIR provided an analysis of Project construction emissions beginning on page IV.B-33. Such analysis evaluated the Project's construction emissions in relation to SCAQMD's construction emission thresholds. See also Topical Response 5, Construction Air Quality. As indicated on page 1-1 of SCAQMD's Final Localized Significance Threshold Methodology document published in June 2003, the use of LSTs by local governments is voluntary. The thresholds of significance and methodologies adopted by the Governing Board of the SCAQMD are not "required" for any lead agency in the South Coast Air Basin with the exception of the SCAQMD.

While not required by CEQA or the City of Los Angeles, in response to this comment, a LST analysis has been prepared to supplement the analysis of construction emissions in the Draft EIR and provide further information on Project-related construction emissions. This supplemental LST analysis is provided in Appendix C to this Final EIR and is discussed in Topical Response 5, Construction Air Quality.

In summary, the LST analysis indicates that, with mitigation, temporary CO, NO_x, PM₁₀, and PM_{2.5} emissions associated with Project construction would not exceed the SCAQMD's localized significance thresholds at any existing off-site sensitive receptor or at any future on-site sensitive receptor. Therefore, the Project's localized emission impacts would be less than significant.

Comment A13-57Table IV, B-6 and B-7, Carbon Monoxide Analysis

The carbon monoxide analysis was conducted based on the methodologies developed by the Bay Area Air Quality Management District. However, the South Coast Air Quality Management District, in which the project site is located, advocates using a closer receptor location for the modeling of carbon monoxide hotspots per Caltrans' *Transportation Project Level Carbon Monoxide Analysis Protocol*. The protocol established by Caltrans provides updated methodology and guidelines for the quantification of potential CO impacts. The Caltrans protocol establishes sensitive receptor locations ten feet (three meters) from the edge of the roadway and not 25 to 100 feet, as in the analysis in the Draft EIR. The closer the sensitive receptor locations to the congested roadways, the higher the concentrations of carbon monoxide. Modeling of sensitive receptors 25 to 100 feet away from roadways does not represent potential CO exposures from people 10 feet from congested roadways, such as people waiting for buses or people at the front yards of their residences. As such, the Draft EIR analysis did not evaluate the worst-case condition as required under the Caltrans protocol.

Response to Comment A13-57

While the Caltrans protocol does recommend various distances including curblines, 25 feet, 50 feet and 100 feet, the CO Hotspots analysis performed for the proposed project utilized the 25, 50 and 100 foot distances because it is a realistic assumption that someone would be standing at these distances for a minimum of one hour, which is the shortest timeframe for which there are State and federal thresholds. While someone may be standing at the curblines for a very short amount of time, it is a more realistic assumption that for the minimum one-hour State and federal threshold period, an individual would be further removed (for example, in their front yard or back yard). In addition, the CO Hotspots analysis spreadsheets which are located Appendix IV.B do calculate the CO concentrations at the curblines off all study intersections.

Comment A13-58Page IV, B-38, Operational Phase Emissions

The Draft EIR's analysis of project-related air pollutant emissions did not include the use of fireplaces for residential uses. Wood-burning fireplaces are a substantial source of air pollution because they represent an uncontrolled source of air pollutant emissions. The Draft EIR either needs to disclose the emissions of fireplace usage or state that fireplaces will not be incorporated into the residential uses.

Response to Comment A13-58

The proposed project would not include wood-burning fireplaces. Therefore, Table IV.B-5 on page IV.B-38 of the Draft EIR, correctly identifies the sources of operational emissions.

Comment A13-59Page IV. B-38, Operational Phase Emissions

The Draft EIR's air quality analysis only presents emissions occurring during the summer time and did not present emissions that occur during the winter. The formation of some air pollutants is sensitive to temperature. As such, the amount of some air pollutants will be greater in the wintertime than in the summer. As such, the Draft EIR needs to present the project's air pollutant emissions for both winter and summer.

Response to Comment A13-59

While it is true that emissions generated during the winter time can differ from those generated during the summer, the operational emissions found in Table IV.B-5 on page IV.B-38 of the Draft EIR, reflect the use of landscaping equipment during the summer. Because the proposed project would not include the use of wood-burning fireplaces, and landscaping equipment is subject to significantly less use, the summertime emissions would represent the worst-case scenario for daily peak emissions, regardless of season.

Comment A13-60Page IV. B-38, Operational Phase Emissions, Last Paragraph

The Draft EIR states in Table IV. B-5 that the project would result in emissions that exceed the SCAQMD significance thresholds for ROG, NO_x, and CO. Exceedance of the SCAQMD operational phase significance thresholds constitutes a significant air quality impact. However, the Draft EIR in the following paragraph states, "By providing new housing close to the Ports, the Project would have the potential to significantly reduce VMT as the region grows, thereby reducing potential regional air quality impacts to a less than significant level." This conclusion is incorrect and misleading. The SCAQMD has labeled these thresholds as significance thresholds because if they are exceeded, emissions would be considered to result in a significant impact.

Response to Comment A13-60

See Topical Response 6, Operational Air Quality.

Comment A13-61

The Draft EIR's conclusion that a reduction in VMT due to siting residential uses near the ports would lead to less than significant impacts has also not been substantiated. First, not all of the exceedances related to project emissions are due to project vehicles. ROG emissions from solely non-vehicular sources (consumer product usage, painting, landscaping, etc.) would result in an exceedance of the SCAQMD significance threshold and would therefore constitute an unavoidable significant impact regardless of how close the project site is to port facilities.

Response to Comment A13-61

See Topical Response 6, Operational Air Quality. The Draft EIR acknowledged that the Project would exceed SCAQMD's operational significance thresholds for ROG, NO_x, and CO, but that it would not exceed them for SO_x and PM₁₀.

Comment A13-62

Second, the Draft EIR assumes that a substantial number of residents would work at the ports. No data was provided which substantiates this assumption. There are many factors that contribute to a person's selection of where to live besides proximity to employment. These factors include affordability, school district rating, local amenities, crime rate, and many other factors.

Response to Comment A13-62

See Topical Response 9, Estimated Unit Pricing.

Comment A13-63

Third, the Draft EIR modeling of emissions due to vehicular traffic was modified from the SCAQMD-recommended work trip distances of 11.5 miles to 5 miles. The Draft EIR took the liberty of changing the SCAQMD's regional work trip length and assumed all working residents would have an average one-way work commute of five miles. Even with the Draft EIR's use of a 5-mile work trip length, there would be an exceedance of the significance thresholds and significant air quality impacts. As such, the Draft EIR has demonstrated that if all working residents of the project site work at the Port of Los Angeles, there would still be unavoidable significant air quality impacts.

Response to Comment A13-63

The 11.5-mile distance referenced in the comment is not necessarily "recommended" by the SCAQMD but is instead a regional default value contained in the URBEMIS model to be used in situations where no other information concerning the likely distribution of trips is available. The five-mile trip length represents an average for all Project trips – not just work trips. Thus, it provides a conservative assumption. Many Project trips (for example to the local market) will be considerably shorter than five miles.

As stated on page IV.H-21 of Section IV.H (Population and Housing) of the Draft EIR, the Project is an infill development in an already urbanized area. Aside from the Ports of Los Angeles and Long Beach being large employers in the Project area, other large institutional employers (e.g., Los Angeles Harbor College, El Camino College, Marymount College, Kaiser Permanente Hospital, Torrance Memorial Medical Center, Harbor-UCLA Medical Center) and other large private employers (e.g., Del Amo Fashion Center, Honda USA sales headquarters, Toyota USA sales headquarters, and the ExxonMobil, British Petroleum, Conoco Phillips, Shell Oil and Valero refineries) also exist in the surrounding nearby

area. As such, the Project would be an infill development that contributes to satisfying an unmet need for infill housing proximate to employment; a policy that is contained in the SCAG RCPG.

In addition, as stated on page IV.H-22 of Section IV.H (Population and Housing), the amount of housing provided by the Project would represent approximately 23.54 percent of the housing forecast need in Wilmington-Harbor City Community Plan area. As the City of Los Angeles Subregion is considered to be “jobs rich/housing poor,” the additional 2,300 households associated with the Project would help reduce this ratio. Overall, the development of these new households is consistent with the Project’s objective of placing people closer to employment centers. The modeling of Project-related mobile emissions performed for the Draft EIR reflects the Project’s location.

Furthermore, approximately 25 percent of the new homes would be restricted to seniors only. Thus, the 5-mile average trip distance is reasonable.

See also Topical Response 6, Operational Air Quality. The Draft EIR acknowledged that the Project would exceed SCAQMD operational significance thresholds for ROG, NO_x, and CO.

Comment A13-64

Fourth, considering that the Mapquest website has a trip distance of 9.9 miles from the project site to the Port of Long Beach, the five-mile trip length is invalid. The use of a five-mile trip length would only be applicable if ALL the project residents worked at the Port of Los Angeles or closer, which is an unreasonable assumption. Consequently, to dismiss exceedances of the SCAQMD’s CEQA significance thresholds solely on an unsubstantiated and invalid assumption that trip lengths would be short enough that emissions would be less than the significance thresholds is without merit. The Draft EIR’s air quality analysis needs to revise the modeling of operational phase emissions to reflect realistic trip length assumptions as well as to change the finding of less than significant operational phase air quality impacts to an unavoidable significant air quality impact due to exceedances of the SCAQMD’s operational phase significance thresholds. The appropriate finding of unavoidable significant air quality impact that was previously undisclosed by the Draft EIR would trigger the need for a recirculation of the Draft EIR.

Response to Comment A13-64

See Response to Comment A13-63 and Topical Response 6, Operational Air Quality. The five-mile distance pertains to all Project trips and is a reasonable average. An estimation of the distance from the Project site to the Port of Long Beach using a more accurate source (USGS topographic maps) reveals that the most direct driving distance from the Project site to the Port of Long Beach is approximately 5.5 miles to the Middle Harbor area and 8.5 miles to the Outer Harbor area. While the driving distance from the Project site to the Port of Long Beach may exceed five miles, the distance from the Project to other destinations in the area may also be less than five miles.

Comment A13-65Page IV. B-52. Mitigation Measures

The Draft EIR states “Although the Project’s operational emissions would exceed SCAQMD thresholds, new emissions from development are assumed in regional air planning policies. Because the Project would not violate any applicable air quality standard, and because it is consistent with and will implement relevant AQMP, RCPG, and RTP strategies to attain and maintain compliance with federal and State ambient air quality standards, the Project’s potential regional air quality impacts will be reduced to a less than significant level.”

Response to Comment A13-65

See Topical Response 6, Operational Air Quality.

Comment A13-66

The Draft EIR’s basis for a less than significant air quality impact, even though there are exceedances of the SCAQMD’s operational phase significance thresholds, is flawed. The Draft EIR’s air quality analysis already demonstrated that even with all working residents having a shorter work trip length of five miles and working at the Port of Los Angeles, emissions would exceed the SCAQMD significance thresholds for the operational phase of the project. The Draft EIR’s statement that the project would not result in a violation in the ambient air quality standards is misleading. Very few single projects would lead to violations in the ambient air quality standards. This is why the CEQA checklist question states “Violate any air quality standard or contribute substantially to an existing or projected air quality violation.” The SCAQMD significance thresholds were developed to assist in the determination of whether projects are substantial air pollutant emitters and would contribute toward existing air quality violations. The air basin is currently in a state of nonattainment for ozone, CO, and particulate matter. The Draft EIR has identified exceedances of the SCAQMD’s significance thresholds for ROG_s, NO_x, and CO. ROG_s and NO_x are ozone precursors, which interact with sunlight to form ozone or smog. Los Angeles has consistently been ranked as the worst or second-worst city for air quality nationally. Because the project’s emissions exceed the SCAQMD significance thresholds, it is considered by the SCAQMD to be a substantial emitter and contributes toward the existing nonattainment of the ambient air quality standards. This approach is substantiated on page 6-1 of the SCAQMD’s CEQA Air Quality Handbook, where it states “The District has established two types of air pollution thresholds to assist lead agencies in determining whether or not the operation phase of a project is significant. These can be found in the following sections under: 1) emission thresholds; and 2) additional indicators. If the lead agency finds that the operational phase of a project has the potential to exceed either of the air pollution thresholds, the project should be considered significant.” The CEQA Air Quality Handbook has stated that exceedances of the SCAQMD significance thresholds need to be construed as significant air quality impacts. As such, the conclusion of less than significant air quality impacts during the operational phase of the project is incorrect and needs to be revised. Recirculation of the Draft EIR is required due to the presence of a new significant impact.

Response to Comment A13-66

See Topical Response 6, Operational Air Quality.

Comment A13-67Page IV. B-52. Mitigation Measures

The URBEMIS modeling for project-related construction emissions applied the use of the following mitigation measures for construction vehicles:

Demolition

- Aqueous diesel
- Exhaust Gas Recirculation (EGR)
- Lean NO_x catalysts

Grading

- Aqueous diesel
- Exhaust Gas Recirculation (EGR)

Building Construction

- Exhaust Gas Recirculation (EGR)

Response to Comment A13-67

See Responses to Comments A10-196 and A13-55, and Topical Response 5, Construction Air Quality. As noted by the commenter, the URBEMIS modeling included in the Draft EIR assumed implementation of the alternative fuel and technologies identified in the comment. However, since publication of the Draft EIR, Project planning has been advanced to a point where more detailed information regarding Project construction equipment and a preliminary approximate construction schedule has been formulated and made available for review. Through this process, the applicant's construction manager determined that certain mitigation measures identified in the Draft EIR, including the use of aqueous diesel fuel, would not be feasible to implement. As a result, a revised set of mitigation measures has been developed and added to this Final EIR (refer to Response to Comment A10-196). Exhaust gas recirculation was confirmed to be feasible and is retained as a requirement in the revised mitigation measures. The URBEMIS modeling for project-related construction emissions has been re-run consistent with the revised mitigation measures and the revised list of construction equipment and construction phasing.

In response to this comment as well as the revised mitigation measures and revised list of construction equipment and construction phasing, the text on pages IV.B-36 through IV.B-37 of the Draft EIR has been revised to reflect the results of the updated URBEMIS modeling (see Corrections and Additions). See also Topical Response 5 (Construction Air Quality) and Response to Comment A13-56 for a discussion of the results of the updated URBEMIS modeling as well as a supplementary localized significance threshold (LST) analysis of Project construction emissions.

Comment A13-68

However, the use of these mitigation measures are [sic] not reflected in the discussion of mitigation measures on Page IV.B-52. Since these measures were used in the modeling of mitigated emissions, they need to be included in the list of mitigation measures and incorporated into the mitigation monitoring program. Because these mitigation measures were applied for all construction vehicles in the URBEMIS modeling, they likewise need to be applied to all the construction vehicles in the discussion of the mitigation measures. In addition, based on my consultation with James Koizumi of the CEQA review department of the SCAQMD, he said that often times these mitigation measures may not be feasible and as such, the Draft EIR needs to provide evidence that these mitigation measures are feasible for the construction vehicles being analyzed. Feasibility includes the availability of equipment that employs these air pollutant control technologies or rental dealerships that are willing to allow modifications to their equipment. Without a demonstration that these cutting-edge air pollutant control technologies can be employed for equipment used at the project site, credit for these emission reductions should not be applied.

Response to Comment A13-68

See Responses to Comments A10-196, A13-55, and A13-67, and Topical Response 5, Construction Air Quality. Revised Mitigation Measures B-1 and B-2 are incorporated in this Final EIR as well as in the Mitigation Monitoring and Reporting Program. The Project applicant would be required to comply with these measures. The construction contractor for the Project has reviewed these mitigation measures and has acknowledged that they are feasible and will be implemented during Project construction.

Comment A13-69

Page IV. B-52, Mitigation Measures

The Draft EIR cited significant air quality impacts due to the application of architectural coatings during the construction phase of the project. However, the discussion of mitigation measures does not include the use of zero VOC content paints, which are likely to reduce the impact to less than significant levels. As such, the Draft EIR needs to incorporate all feasible mitigation measures to reduce significant air quality impacts.

Response to Comment A13-69

The mitigation measure pertaining to the use of low VOC rated architectural coatings during construction was inadvertently excluded from Section IV.B, Air Quality, of the Draft EIR. However, these measures were included in Appendix IV.B-2 and were accounted for in Table IV.B-11 on page IV.B-55 of the Draft EIR. In response to this comment, a sixth bullet has been added to Mitigation Measure B-3 on page IV.B-54 of the Draft EIR and reads as follows:

- *The project applicant shall ensure that the construction contractor utilizes architectural coatings which contain a VOC rating of 75 grams/liter of VOC or less.*

Comment A13-70

URBEMIS Changes. The SCAQMD-recommended default values for ROG emissions from consumer product usage were decreased from 2.861 to 1.875 by the Draft EIR's air quality analyst. This deviation from the SCAQMD defaults needs to be substantiated.

Response to Comment A13-70

The default value of 2.861 refers to the number of residents per units. As discussed in Section II, Project Description, of the Draft EIR, the proposed Project would result in the construction of 2,300 for-sale townhome and condominium units. Also, as discussed in Section IV.H on page IV.H-20 of the Draft EIR, the proposed Project would generate 4,313 residents. Therefore, this would result in 1.875 residents per dwelling unit as described in the URBEMIS 2002 model.

Comment A13-71

The SCAQMD-recommended default values for the residential area that is repainted each year has been reduced from 10 percent per year to 5 percent per year by the Draft EIR's air quality analyst. If 10 percent of the units were repainted each year, it would result in each unit being repainted every 10 years. Lowering this percentage to 5 percent per year would result in an average repainting of each unit every 20 years. Considering that the turnover rate of residential ownership was 11.4 years in 1996 in California,³ and that homeowners typically repaint their house prior to sale, the use of a 20-year repainting schedule is unrealistic. This deviation from the SCAQMD defaults needs to be substantiated or revised.

Response to Comment A13-71

The URBEMIS default value assumes that 10 out of every 100 residential units would be repainted every year. However, empirical observations of similar developments have shown that a rate of repainting is more typically approximately 5 units out of 100 each year. Conversations with Steve Smith and Charles Blankson of the SCAQMD were also conducted regarding the appropriateness of the value assumptions used in the model.

Comment A13-72Page IV.B-55. Cumulative Air Quality Impacts

In Section 9.5, Cumulative Impact Evaluation, of the *CEQA Air Quality Handbook*, the SCAQMD defines a cumulative impact as:

- 1) Two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts; and
- 2) The change in the environment which result from the incremental impact of the project when added to other closely related past, present, or reasonably foreseeable future projects, and can result from individually minor but collectively significant, project taking place over a period of time.

Response to Comment A13-72

This comment contains general information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The thresholds of significance utilized in the preparation of the Draft EIR's air quality analysis are stated on page IV.B-21 of the Draft EIR. The City of Los Angeles utilizes the thresholds of significance set forth in Appendix G of the CEQA Guidelines. The Draft EIR provides an analysis of the cumulative air quality impacts of the Project.

Comment A13-73Page IV.B-54 through Page IV.B-55. Construction Impact

The cumulative analysis does not provide a statement clearly [sic] states whether or not project-related construction air pollutant emissions significantly contribute to a cumulative air quality impact. The Draft EIR seems to argue that because construction emissions from other related projects cannot be quantified, then cumulative construction air quality impacts cannot be ascertained. While it would be difficult to quantify emissions from all 174 related projects, the analysis in this section should focus on whether or not construction emissions significantly contribute to a regional air quality impact or a localized air quality impacts [sic] (concentrations - ppm or $\mu\text{g}/\text{m}^3$). The SCAQMD considers a project to contribute significantly to a regional air quality impact if it would significantly contribute to air pollutants for which the South Coast Air Basin is designated as nonattainment. Because the project-specific impact analysis identified that the project would result in significant emissions of ROG and NO_x , as these emissions exceed the SCAQMD thresholds, the Draft EIR should address the relation of these emissions to the SoCAB nonattainment designations. The Draft EIR fails to disclose that emissions of ROG and NO_x are both precursors for the formation of O_3 and would therefore contribute to the region's O_3 nonattainment status (federal and state).

Response to Comment A13-73

See Topical Response 5, Construction Air Quality, and Topical Response 6, Operational Air Quality. The ROG, NO_x and O₃ effects of the Project are discussed in the Draft EIR at page IV.B-41 to 42, and at page IV.B-36 to 37. Mitigation measures are discussed and recommended to reduce significant emissions. Notwithstanding the application of these measures, temporary significant unavoidable construction emissions are acknowledged at pages IV.B-55 to 56. As discussed in the Draft EIR at page VI-95, such temporary significant unavoidable construction air quality emissions would also result for each of the alternatives, including the No Project (Single Family Home) alternative.

Comment A13-74

Furthermore (see also comment Page IV.B-25, Lack of a Localized Impact Analysis for Construction Activities), the project fails to disclose if any related projects would be constructed within the same time frame in the immediate vicinity of the project site, resulting in a potential significant localized air quality impact (SCAQMD cumulative criterion No 1).

Response to Comment A13-74

See Responses to Comment A13-56 (LST Analysis) and Topical Response 5, Construction Air Quality.

Comment A13-75

Lastly, the SCAQMD considers projects that exceed the SCAQMD significance thresholds to be substantial emitters of air pollution and that any additional emissions from the 174 related projects contributing to the project exceedance would be construed as a significant cumulative impact.⁴ The Draft EIR needs to revise their finding of less than significant cumulative air quality impacts to an unavoidable significant air quality impact based on SCAQMD methodologies and recirculated [sic] the Draft EIR.

Response to Comment A13-75

See Topical Response 5, Construction Air Quality.

Comment A13-76

Page IV.B-55. Construction Impact (see also comment on Page IV.B-38, Operational Phase Emissions, Last Paragraph)

The cumulative analysis in this section focuses on the consistency of the project with the regional air quality management plan to show less than significant cumulative impacts. However, under the SCAQMD methodology, a project can be consistent with the AQMP but still contribute to a regional air quality impact due to exceedance of the operational phase significance thresholds. This follows the SCAQMD methodology (definition 110. 2), which states that project impacts can be minor but collectively significant. The SCAQMD established the CEQA regional emissions thresholds to determine

whether project-related emissions are considered substantial and significant because of their contribution to air quality in the SoCAB. Nowhere in the SCAQMD's CEQA Air Quality Handbook does it state that project consistency with the AQMP would automatically grant less than significant air quality impacts for the construction, operational and cumulative impact evaluations. As shown in Table IV.B-5 on page IV.B-38 of the Draft EIR, the project would result in emissions of ROG, NO_x, and CO that exceed the SCAQMD operational regional emissions thresholds. The Draft EIR fails to disclose that emissions of ROG and NO_x are both precursors for the formation of O₃ and would therefore contribute to the region's O₃ nonattainment designation (federal and state). The SCAQMD considers projects that exceed the SCAQMD significance thresholds to be substantial emitters of air pollution and that any additional emissions from the 174 related projects contributing to the project exceedance would be considered a significant cumulative impact.⁵ The finding of less than significant cumulative air quality impacts in the Draft EIR needs to be revised to an unavoidable significant air quality impact based on SCAQMD methodologies and the Draft EIR needs to be recirculated.

Response to Comment A13-76

See Topical Response 6, Operational Air Quality. The Draft EIR discloses and acknowledges that the Project's operational emissions will exceed SCAQMD recommended emission thresholds. The Draft EIR addresses the cumulative air quality effects of the Project and cumulative projects. The Draft EIR also discloses and acknowledges that the Project's construction emissions exceed SCAQMD recommended thresholds on a temporary basis, recommends mitigation measures, and recommends that the Project's construction emission air quality effects be found significant and unavoidable. See also Topical Response 5, Construction Air Quality.

Comment A13-77

³ "Average American Home Changes Ownership Every 11.9 Years According to Chicago Title and Trust CO.'s Annual Study," <http://www.prnewswire.com/cgi-bin/stories.pl?ACCT=105&STORY=/www/story/6-27-97/265895>, accessed January 3, 2007

Response to Comment A13-77

This comment contains a citation for a sentence in Comment A13-71, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A13-78

⁴ James Koizumi, SCAQMD CEQA Review Department, telephone conversation, December 29, 2006.

Response to Comment A13-78

This comment contains a citation for a sentence in Comment A13-78, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing Project. This reference is not a comment of the SCAQMD, and the City has no way of knowing or responding to the specific information that may have been communicated in this telephone conversation.

Comment A13-79

Chapter IV.D Hazardous Materials and Risk of Upset

Page IV.D-1

- The Draft EIR identified the use of 17 different types of hazards documents and correspondence in the preparation of this section. However, none of the documents include a Phase I Environmental Site Assessment. This report may have supported a recommendation of further hazards assessment. A Phase I ESA should be completed prior to grading to identify existing onsite and surrounding hazards.

Response to Comment A13-79

Prior to its sale of the property, the Navy conducted extensive analysis of the site, which exceeded typical Phase I ESA analysis. A Final Finding of Suitability to Transfer (FOST) was approved for the Project site by the U.S. Navy on August 27, 2003. It concluded that the site was suitable to transfer to private ownership. The FOST and the supporting studies cited by the FOST were conducted in consultation with the Department of Toxic Substances Control, U.S. Environmental Protection Agency, and Regional Water Quality Control Board. Each of these agencies participated in determining the cleanup actions needed for reuse of the Project site and concurred with the FOST.¹¹² The FOST and other supporting studies are listed in Table IV.D-1 on Page IV.D-1 of the Draft EIR. In addition, the Regional Water Quality Control Board and the Department of Toxic Substances Control each issued “no further action” letters with regard to the Project site, which were included as Appendices IV.D-3 and IV.D-4 to the Draft EIR, respectively. Any impacted soil encountered on the site that contains concentrations of chemicals of concern, such as petroleum hydrocarbons, above regulatory thresholds, must be remediated prior to construction of the proposed residential development. Any necessary remediation will be performed under the oversight of the appropriate regulatory agency. Thus, any remediation will be a part of the residential development program. This requirement is reflected in Mitigation Measures D-1 and D-2 in the Draft EIR. As

¹¹² *Final Finding of Suitability to Transfer, The Former San Pedro Navy Housing, Los Angeles, CA; Department of the Navy, Southwest Division, Naval Facilities Engineering Command; August 27, 2003; page vii.*

discussed in Section II (Corrections and Additions to the Draft EIR) of this Final EIR, the language in Mitigation Measures D-1 and D-2 has been augmented to further clarify the regulatory requirements..

Comment A13-80

- The Draft EIR states “All of the hazardous material investigations are incorporated by reference into this Draft EIR.” Table IV.D-1m [sic] Hazardous Materials Investigations, lists 17 documents, including reports, studies, evaluations, and correspondence dated between 1996 and 2006.

CEQA Guidelines states that an “EIR or Negative Declaration may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. ... such other document shall be made available to the public for inspection at a public place or public building. The EIR or Negative Declaration shall state where the incorporated documents will be available for inspection” (Section 15150(a) and(b)). [sic]

The only document that is made available for review by the public is the February 21, 2006, hazards report prepared for the Draft EIR and correspondence. The Draft EIR does not provide information for the location of the other 13 documents.

Response to Comment A13-80

The documents referenced in Table IV.D-1 of the Draft EIR have been added as Appendix J to the Final EIR. The following is a list of documents in the order they appear in Appendix J (Draft EIR Hazards Reports):

- *Final Engineering Evaluation/Cost Analysis For Operable Units 1 and 2 at DFSP San Pedro, California*, Bechtel National, Inc., December 17, 1996.
- *Final Action Memorandum/Remedial Action Plan for Non-Time Critical Removal Action Operable Units 1 and 2 at DFSP San Pedro, California*, December 23, 1996.
- *Final Environmental Groundwater Study – San Pedro Housing, San Pedro California*, Geoservices, September 26, 1997.
- *Borehole Clearance Report, Naval Housing Area (NHA), San Pedro, California*, Subsurface Surveys, January 31, 1997.
- *Final Report, Environmental Groundwater Study, San Pedro Housing, San Pedro (File No. 90-76)*, California Regional Water Quality Control Board Los Angeles Region, October 28, 1997.
- *Final Non-Time Critical Removal Action Closure Report, Operable Unit 2 Former Fire Fighters School, San Pedro Navy Housing, San Pedro California*, OHM Remediation Services Corp., September 4, 1997.

- *Draft Non-Time Critical Removal Action Closure Report, Operable Unit 2 Former Fire Fighters School, San Pedro Navy Housing, San Pedro California*, OHM Remediation Services Corp., July 25, 1997.
- *First Amendment to the Final Finding of Suitability to Transfer the Former San Pedro Navy Housing, dated November 27, 2002*, Department of the Navy, March 17, 2004.
- *Final Finding of Suitability to Transfer a Parcel Encompassing the Community Center and Retail Store at San Pedro Housing, Los Angeles, California*, Department of the Navy, November 27, 2002.
- *Finding of No Significant Impact for the Proposed Disposal of Palos Verdes and San Pedro Navy Housing, Los Angeles, California*, Department of the Navy, signed October 29, 2002.
- *Final EBS Housing – Long Beach Naval Shipyard, California*, August 1, 1996.
- *Environmental Assessment - Proposed SMC Military Family Housing, San Pedro California*, Department of the Air Force, December 1996.
- *Finding of No Significant Impact - Proposed SMC Military Family Housing, San Pedro California*, Department of the Air Force, February 26, 1997.
- *Environmental Assessment*, Department of the Air Force, September 14, 2000.
- *Final Part A Lead-Based Paint Inspection for San Pedro Housing, Long Beach, California*, Allstate Environmental Services, Inc., and CDM Federal Programs Corporation, January 15, 2003.
- *Final Part B Lead-Based Paint Inspection for San Pedro Housing, Long Beach, California*, Allstate Environmental Services, Inc., and CDM Federal Programs Corporation, January 15, 2003.

Comment A13-81

CEQA Guidelines also states “Where an EIR or Negative Declaration uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized. The relationship between the incorporated part of the referenced document and the EIR shall be described” (Section 15150 c).

The Draft EIR does not summarize or describe the information that was incorporated; therefore the references are not valid. This global use of “incorporated by reference” is not consistent with the public involvement and full disclosure functions of CEQA.

Response to Comment A13-81

Contrary to the commenter's assertion, Section IV.D (Hazardous Materials and Risk of Upset) of the Draft EIR contains numerous citations and footnotes identifying the document(s) listed in Table IV.D-1 from which information and conclusions were obtained for use in the analysis. The "Introduction" section on Page IV.D-1 of the Draft EIR describes the relationship between the incorporated documents listed in Table IV.D-1 and the EIR.

Comment A13-82Page IV.D-3

- Research finds that the Wilmington Field is located 0.7 mile from the site, not 2.0 miles as stated in the Draft EIR.

Response to Comment A13-82

The Wilmington Oil Field is a subsurface feature that extends over a broad geographic area with poorly defined boundaries. These boundaries vary depending on the source being consulted. The distance information provided in the Draft EIR is identified as an approximation. Different distances from the Project site to the edge of the field can be measured depending on the direction being considered and the source being used. Whether the distance is 0.7 or 2.0 miles does not alter any of the conclusions presented in Section IV.D of the Draft EIR.

Comment A13-83

⁵ Based on a telephone conversation with James Koizumi, SCAQMD CEQA Review Department, December 29, 2006.

Response to Comment A13-83

This comment contains a citation for a sentence in Comment A13-76, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR and no further response is required. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. This reference is not a comment of the SCAQMD, and the City has no way of knowing or responding to the specific information that may have been communicated in this telephone conversation.

Comment A13-84

- Under "surrounding uses" the Draft EIR only lists the Green Hills Memorial Park and the DFSP as potential off-site areas of concern; however, there are several more sites listed on Cal-sites and Cortese lists. All of these should be listed as part of the hazards setting.

Response to Comment A13-84

Information concerning known contaminated properties is only relevant to the extent that the potential for the contamination to impact the Project site exists. In this case, the studies cited in Table IV.D-1 and referenced throughout Section IV.D of the Draft EIR have identified the potential sources of past contamination at the Project site. There is no need to include an exhaustive list of all Cal-Sites and Cortese list sites within a geographic radius of the Project site if it is not reasonably foreseeable that the sites will impact the Project site. The comment provides no substantial evidence that any site that foreseeably would impact the Project site has been omitted, nor identifies any particular site. The sites with a potential to impact the Project site have been identified and are evaluated in Section IV.D of the Draft EIR.

Comment A13-85Page IV.D-5

Hydrocarbon-impacted soils were detected on the project site. The Draft EIR needs to disclose where these soils were found, when, and in what concentrations. Testing of soils is required for any soils anticipated to be exported from the site.

Response to Comment A13-85

The Draft EIR provides adequate information regarding hydrocarbon contaminated soils, and identifies mitigation measures to reduce potential risks to less than significant levels. The California Environmental report contained in Appendix IV.D-2 to the Draft EIR contains information on the origin and extent of the heavy hydrocarbons found in fill beneath the site. As indicated in the Draft EIR and Appendix IV.D-2, a heavy oil-type hydrocarbon was found sporadically on the northern portion of the Project site near the bottom of the man-made fills used to level the property by the Navy during the early 1960s (for example, see geotechnical boring logs B1 and B25). This heavy oil (up to 6200 mg/kg) found in the fill on-site probably was mixed into the fill during grading operations. The type of heavy hydrocarbon detected is non-volatile and therefore soil gas migration is not a significant concern. This heavy oil is not soluble and is not a threat to groundwater quality. No evidence for on-site migration of heavy hydrocarbons was found.

In addition, as discussed in the Draft EIR at Page IV.D-5, remediation activities have previously been conducted with respect to the former fire fighting training facility. Subsequent to remediation, metals, VOCs, SVOCs, pesticides, and PCB's were not found above detection limits. Accordingly, the Regional Water Quality Control Board, California Department of Toxic Substances Control, and the Los Angeles Fire Department issued No Further Requirement letters for the Project site relative to the decommissioned fire fighting training facility located on the southern portion of the site. These regulatory closure letters pertain to soil and groundwater. The earlier testing of groundwater by others showed no significant impacts which was the basis for regulatory closure.

Mitigation Measure D-1 requires any solids encountered on-site containing hydrocarbon contamination at levels of concern to be removed or remediated in accordance with all applicable laws and regulations, including those promulgated by the California Department of Toxic Substances and Control. While soil gas migration is not anticipated from the hydrocarbon contaminated soils in site fill, Mitigation Measure D-2 requires monitoring of soil vapors to determine if indoor air mitigation for VOCs is required. Mitigation Measures D-1 and D-2 include performance standards, as well as a commitment to implement those measures necessary to achieve these standards, pertaining to the analysis, remediation, and removal of any hydrocarbon-contaminated soil encountered at the Project site. See Draft EIR at page IV.D-5 to 6 and D-16. As discussed in Section II (Corrections and Additions to the Draft EIR) of this Final EIR, the language in Mitigation Measures D-1 and D-2 has been augmented to further clarify the regulatory requirements.

Comment A13-86

Page IV.D-7

Please clarify the Defense Fuel Support Point (DFSP) information. It is unclear if the DFSP operates 11 ASTs and 29 USTs, or a total of 29 tanks of which 11 are ASTs, or some other combination.

Response to Comment A13-86

The Defense Fuel Support Point (DFSP) consists of 11 above-ground storage tanks (ASTs) and 29 underground storage tanks (USTs).

Comment A13-87

Page IV.D-8

The last two paragraphs on this page directly contradict each other. The first paragraph states that it is unlikely that DFSP contaminants have impacted groundwater quality. The next paragraph states that liquid phase hydrocarbons are known to be present in groundwater.

Response to Comment A13-87

In response to this comment, the text on Page IV.D-8, fourth full paragraph, of the Draft EIR has been revised as follows:

Human contact with COCs could occur through incidental ingestion of the soil, direct contact of the soil with the skin, and inhalation of airborne soil particles by recreational users or local residents. There are no known complaints by nearby residents of odors or diseases resulting from use of the DFSP nor have there been any reports of illness resulting from exposure to chemicals identified in the soil. ~~It is also unlikely that site-specific contaminants at the DFSP have impacted groundwater quality.~~

Comment A13-88

The Navy commissioned a groundwater investigation to determine if contaminated groundwater was flowing onto the project site. VOCs were not detected in the groundwater samples collected from the northern property boundary. However, VOCs could be moving on-site in soil gas. This needs to be discussed in the Draft EIR.

Response to Comment A13-88

See Response to Comment A13-85.

Comment A13-89Page IV.D-12

Although a risk of upset hazard analysis was performed for the LNG import site at the Port of Long Beach, ConocoPhillips refinery, and the DFSP, this analysis also needs to be performed for the 12-inch high-pressure natural gas line that runs beneath Western Avenue.

Response to Comment A13-89

Generally, two types of pipelines transport gas products: (1) gas transmission pipelines and (2) local distribution pipelines. Gas transmission pipelines that move gas products over long distances typically operate at a higher stress level (higher operating pressure in relation to wall strength). By contrast, local distribution pipelines receive gas from transmission pipelines and distribute it to commercial and residential end users. Local distribution pipelines, which are primarily intrastate, typically operate under lower-stress conditions.

In response to the comment, the EIR preparers have verified that there is a 12" natural gas local distribution pipeline beneath Western Avenue that distributes natural gas from Palos Verdes Drive to the Palos Verdes Peninsula.¹¹³ It is operated by Sempra Utilities, a division of Southern California Gas Company, and was installed in 1986. It has a pressure of 135 lbs. This local distribution line is typical of domestic gas distribution lines present throughout the City.

Natural gas lines are regulated transportation facilities. With respect to risk of upset, approximately 2.2 million miles of pipeline comprise the nation's natural gas delivery system (300,000 miles of transmission pipe and 1.9 million miles of distribution pipe and main). Natural gas utilities deliver natural gas to 69 million customers per year. As transportation facilities, natural gas pipelines have an outstanding safety record. For example, according to the National Transportation Safety Board, in 2002, more than 42,000

¹¹³ Paul Blood, Sempra Utilities, personal communication, May 7, 2006.

transportation fatalities occurred on the highways, while aviation, boating and railroads accounted for another 2,000 fatalities. In contrast, there were only 12 fatalities associated with natural gas pipelines.

The leading cause of accidents in both transmission and distribution systems is damage by digging near existing pipelines. Frequently, this damage results from someone excavating without asking or without waiting the standard 48 hours for the gas company to mark the location of its lines. Excavation damage accounted for almost 60 percent of all reported distribution pipeline incidents between 1995 and 2004, according to statistics kept by the U.S. Department of Transportation's Office of Pipeline Safety. Other causes include corrosion, a fire or explosion causing a pipeline incident, or even a vehicle striking an above-ground meter or regulator. Corrosion sometimes results from excavation damage, which, while not severe enough to trigger a puncture or failure of the pipeline, could create weaknesses in the pipeline that later render it more susceptible to corrosion.¹¹⁴

In 2004, the most recent year with pipeline statistics available, one-third (95) of the 288 total incidents along the entire nationwide natural gas delivery system were caused by excavation damage. On the distribution part of the system, which includes the pipelines that spread out from the city gate and travel through more densely populated areas to reach the customer, fully 42 percent (71) of pipeline incidents in 2004 were caused by excavation damage.

According to DOT statistics, the other leading causes of natural gas distribution pipeline incidents in 2004 included a fire or explosion that caused a natural gas incident (26 incidents) and a vehicle striking above-ground facilities (12 incidents). There were 3 incidents related to corrosion on distribution lines.

Prior permission for excavation within the Western Avenue right of way must be obtained from Caltrans, which maintains safety procedures to identify the location of natural gas and other pipelines within utility easements. The Project is not expected to require excavation in the vicinity of the natural gas distribution line, and therefore is not expected to create a risk of upset from such activity. However, any encroachment activities within Western Avenue associated with the Project would be subject to prior permit requiring compliance with applicable excavation safety procedures.

As discussed earlier, corrosion related accidents are rare. To protect against corrosion risks, metal gas lines are installed with special corrosion-control coatings on the outside surface, and state-of-the-art technology is used to protect any areas where the coatings may become damaged. In addition, highly trained personnel use sophisticated tools to evaluate gas line conditions, so that defects are identified before they become a problem. Such equipment includes external devices such as ultrasonics, internal devices such as "smart pigs," and equipment to measure levels of cathodic protection. "Smart pigs" are self-contained electronic devices that are pushed through the gas system by the pressure of the gas while

¹¹⁴ American Gas Association, *What Causes Natural Gas Pipeline Accidents*, available at http://www.aga.org/Template.cfm?Section=Pipeline_Safety_Facts_and_Resources&Template=/ContentManagement/ContentDisplay.cfm&ContentID=17368.

recording detailed data about the condition of the line. Generally, pigs can be used only on certain large-diameter transmission lines that have been specially designed to accommodate pigs.

In addition, government regulations require surveys of pipelines with leak detectors at specified intervals, with the frequency depending on whether the pipe is located in a populated area or a rural region.

All regulator stations, pressure relief valves and other valves that are used to control the pressure or flow of gas are also tested at least once each calendar year, at intervals not longer than 15 months. In addition, all gas companies have stringent training and testing programs for employees involved in any aspect of operations, maintenance or repair.¹¹⁵

Design, operating and testing requirements for gas pipelines are generally subject to the Gas Integrity Management Program that is overseen by the U.S. Department of Transportation and the Office of Pipeline Safety (OPS). The rules are codified in 49 CFR, Part 192, Subpart O. The following are the basic components of this program:

- High Consequence Area identification
- Threat identification
- Risk assessment and prioritization
- Baseline Assessment Plan
- Conducting assessments
- Remediation of Anomalies
- Preventive and mitigative measures
- Evaluation and reassessment
- Management of change
- Quality assurance
- Record keeping
- Performance planning/reporting

¹¹⁵ American Gas Association, *Natural Gas Industry Safety Programs*, available at http://www.aga.org/Template.cfm?Section=Pipeline_Safety_Facts_and_Resources&Template=/ContentManagement/ContentDisplay.cfm&ContentID=17341.

- Communications planning

Sempra Utilities, a division of the Southern California Gas Company, is subject to the requirements of this rule under Operator ID #3758.

The most recent Gas Integrity Management Program Report available for the Southern California Gas Company's pipeline network indicates that a total of two reportable incidents, one pertaining to equipment and one to third-party damage, occurred in 2006. No pipeline failures occurred.

By virtue of the extensive public safety regulations which are in place with respect to this local distribution system, and the safety record of such systems operating under such regulation, the construction of the Project, and the location of the 12-inch natural gas pipeline within Western Avenue adjacent to the Project site is not expected to result in the potential for a significant risk of upset.

Comment A13-90

Page IV.D-16

The Draft EIR states that further soil testing for hydrocarbon impacts would take place during construction and that the testing may include vapor probes to evaluate VOCs, methane, and other gases. However, because the site is located within the City of Los Angeles Methane Buffer Zone, methane testing is required for all construction projects. This is a required mitigation measure.

Response to Comment A13-90

Mitigation Measure D-5 requires Project compliance with the requirements of LAMC Section 91.7101 et seq. to mitigate potential impacts from the release of subsurface methane gas.

As shown in Section II (Corrections and Additions of the Draft EIR) of this Final EIR, the text in Mitigation Measure D-5 on page IV.D-17 of the Draft EIR has been revised to correct a typographical error.

Comment A13-91

Page IV.D-17

Most of these mitigation measures are not enforceable. Mitigation measures need to be written into the construction contractor's work authorization or contract to be enforceable. Additionally, the measures do not identify how the soil will be evaluated for the presence of hydrocarbon contamination, by whom (a qualified geologic engineer, construction worker?), and, following testing, which soils are permitted to be reused on the site and which will require disposal off-site.

Response to Comment A13-91

The commenter's statement that the mitigation measures in the Draft EIR are not enforceable is incorrect. Mitigation Measures D-1 through D-6 are required in order to reduce the impacts of the Project with respect to hazardous materials release to a less than significant level. The Mitigation Monitoring Program included in Section V of this Final EIR specifies the parties responsible for implementing and monitoring the implementation of each measure and will ensure that each of these measures is implemented in accordance with applicable laws and regulations. See also Response to Comment A13-21. In particular, protocols to be used for soil testing, remediation, and disposal must be consistent with all applicable laws and regulations, including those promulgated by the California Department of Toxic Substances Control. As discussed in Section II (Corrections and Additions to the Draft EIR) of this Final EIR, the language in Mitigation Measures D-1 and D-2 has been augmented to further clarify the regulatory requirements.

Comment A13-92

Mitigation measure D-2 needs to also require methane testing. Additionally, the requirement for soil vapor monitoring is not supported by the previous discussions in this Draft EIR. There needs to be a nexus between the impact and the mitigation, which is not found here.

Response to Comment A13-92

See Response to Comment A13-90 with respect to methane. Mitigation Measure D-2 is intended to reduce the potential exposure of future Project residents to volatile organic compounds (VOCs) that may be present in soil vapors. The discussion of this potential impact is presented on Page IV.D-16 of the Draft EIR.

Comment A13-93

Chapter IV.J Transportation and Traffic

Page IV.J-116

- Like most other mitigation measures in this document, mitigation measure J-31 requiring a bus turnout and shelter is not enforceable because it does not include information about timing, responsibility, monitoring, etc.

Response to Comment A13-93

The traffic mitigation measures are listed in the Draft EIR beginning on page IV.J-109. As noted in Mitigation Measure J-31, the bus turnout lane and bus shelter are to be provided in conjunction with the recommended street widening of Western Avenue adjacent to the Project site (discussed in Mitigation Measures J-6, J-7 and J-8). The LADOT letter of January 11, 2007 recommends that the street widening adjacent to the Project site be guaranteed prior to issuance of a building permit for the Project, with construction completed prior to issuance of a certificate of occupancy. It is noted on page IV.J-111 of the

Draft EIR that Mitigation Measures J-31 and J-32 are recommended in the Draft EIR to further enhance public transportation service at the site even though potential Project-related impacts to public transportation services are deemed in the Draft EIR to be less than significant. The Mitigation Monitoring Program included as Section V of this Final EIR includes further information on monitoring of Mitigation Measure J-31 and J-32. The applicant has indicated that it is willing to implement Mitigation Measures J-31 and J-32 as part of the Project, although they are not required to reduce significant environmental impacts. See also Response to Comment A13-21.

Comment A13-94

- Mitigation measure J-32 for consultation with LADOT is invalid and unenforceable. Additionally, this measure is not related to any significant impact, and should be removed.

Response to Comment A13-94

See Response to Comment A13-93.

Comment A13-95

Page IV.J-120

- The mitigation measures and project design features identified in the Draft EIR would reduce potential impacts associated with traffic and circulation to a level that is less than significant if all the area-wide improvements are implemented. However, implementation of many of these would require the cooperation and funding of other agencies, including but not limited to the [sic] Rolling Hills Estates, Rancho Palos Verdes, Lomita, and Caltrans. The City of Los Angeles cannot ensure implementation of these improvements. If these agencies choose not to implement the areawide traffic improvements identified above, a significant unavoidable adverse impact to traffic would occur. Therefore, the finding for traffic impacts should be changed to significant and unavoidable.

Response to Comment A13-95

See Response to Comment A13-9.

Comment A13-96

- Because traffic improvements are under the jurisdiction of another agency, the city must make the following finding: “Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (Section 15091 (a)(2)).

Response to Comment A13-96

See Response to Comment A13-9.

Comment A13-97

- The proposed project will make a cumulatively considerable impact to the local circulation system. Although the Traffic Impact Analysis concludes that the cumulative traffic effects can be mitigated to a less than significant level, including the project's contribution, there are no assurances that these measures will all be implemented before the project's traffic enters the circulation system, even those measures within the City of Los Angeles. CEQA Section 15130(a)(3) indicates that a "project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable" by funding payment of the project's fair share to alleviate cumulative impacts. The applicant must fund its fair share of the costs for the local and regional improvements; thereby its impacts to the area circulation system could be determined to be less than significant. However, the payment of fees does not necessarily mitigate impacts to a level of insignificance. To be conservative in making the traffic and circulation impact finding for this project, the conclusion should be reached that some of the circulation system improvements are not likely to be installed before the project's traffic affects the system. Therefore, for some undefined period, until the requisite improvements are installed, it is probable that some portions of the area circulation system will experience unacceptable LOS during peak hours. Therefore, project-related traffic impacts should be significant and unavoidable.

Response to Comment A13-97

It is stated on page IV.J-117 of the Draft EIR that the cumulative traffic impacts of the Project can be mitigated with implementation of the mitigation measures recommended in the Draft EIR beginning on page IV.J-109. See Topical Response 11, Traffic, for a discussion regarding the allowance by CEQA of proportionate share funding of measures deemed sufficient to mitigate the potential impacts of the Project and the timing of the implementation of the mitigation measures. While CEQA does not require the mitigation be in place prior to the opening of the Project, the applicant has indicated, as discussed in the Draft EIR at page II-7, that it will fund all off-site traffic mitigation measures before the construction of the first residential building in the Project is undertaken. In addition, the applicant's Project will be constructed in phases to respond to market absorption. Therefore, although the build out of the Project is anticipated to occur over an approximate five years period, it is anticipated that Project traffic mitigation will be in place before the Project is completed.

Comment A13-98

- Develop a condition of approval that provides assurances that senior (age-restricted) citizen trip generation (0.8 trips/unit a.m. peak hour) will be achieved and maintained. The basis for these lower rates in the ITE Trip Generation Manual contains a caution due to the very small sample size. In addition, there is not sufficient description of the product type in the traffic study to

substantiate this low generation rate applied to 575 dwelling units. It is also questionable whether, with the probable high price of these units, the low generation rate will be applicable. In short, more substantiation with studies of similar California projects and controls should be provided to support these low rates. If not, conditions of approval allowing for the reduction in the number of units are necessary if studies of initial phases of age-restricted units demonstrate higher rates.

Response to Comment A13-98

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast prepared for the Project as provided in the Draft EIR. The Traffic Study in the Draft EIR utilizes trip rates from ITE Land Use Code 252 (Senior Adult Housing-Attached) as it provides the best fit land use to the proposed senior housing component of the Project. The description provided in the *Trip Generation* manual for Land Use Code 252 is as follows: “These facilities are similar to those described in Land Use Code 251, except they contain apartment-like residential units. Attached senior adult housing may include limited social or recreational services, but typically lacks centralized dining or medical facilities. Residents in these communities live independently, are typical active (requiring little to no medical supervision) and may or may not be retired.” In keeping with the instructions provided in the *Trip Generation Handbook*, the ITE Land Use Code 252 was selected as it most closely matches the land use description of the proposed age-restricted component of the Project. The weighted average trip rates for ITE Land Use Code 252 are derived from actual counts. While the data set used by ITE to develop the weighted average trip rate for Land Use Code 252 is somewhat limited, the overall trip rates are similar to other senior housing land use categories in the ITE *Trip Generation* manual, such as Land Use Code 251 (Senior Adult Housing-Detached), which are also based on actual counts. The weighted average trip rates for ITE Land Use Code 252 are therefore supported by data sets from other senior housing land use categories (all based on actual counts of senior projects), and no additional counts are necessary. No adjustments to the trip generation forecast provided in the Draft EIR based on the relative price of the units are required because there is no statistical correlation made in the ITE *Trip Generation* between the prices of a residential unit and the number of vehicle trips that it may generate. As indicated in Topical Response 9, Estimated Unit Pricing, the Project’s units, including senior units, are projected to be sold at a range of prices, including prices affordable to workforce households. Nor does the comment provide any data or evidence that would support its speculation that similar senior units at different price points would have different trip generation characteristics. See also Topical Response 7, Impacts of Age-Restricted Units.

Comment A13-99

Chapter IV.K Utilities and Service Systems

Page IV.K-2

- Mitigation measures do not reduce any significant impacts and are not enforceable because they are all missing vital information about timing, responsibility, etc., and include “where feasible,” which eliminates the requirement for compliance.

Response to Comment A13-99

With respect to mitigation measures on page IV.K-2 in the Draft EIR, no mitigation measures are listed on this page. Assuming that the comment intends to refer to mitigation measures on page IV.K-10, mandatory mitigation measures are not required pursuant to CEQA Guideline 15126.4 because no significant impacts to water supply were identified. Nonetheless, the Lead Agency has included mitigation measures, where feasible as described, to help conserve water. See Responses to Comments A13-15, A13-16, and A13-21.

Comment A13-100Page IV.K-7

- The draft EIR states that water demand is assumed to be 100 percent of the wastewater generation, but this is completely unrealistic. That would mean that none of the water was consumed and all the water that was delivered to each residential unit was eliminated as wastewater through the sewer lines. Wastewater generation is typically 80 to 90 percent of water demand.

Response to Comment A13-100

The comment claims that wastewater generation is typically 80 to 90 percent of water demand, but does not provide facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of this assertion. The Water Supply Assessment (WSA) for the Project was prepared by LADWP to meet the applicable requirements of state law as set forth in California State Water Code Sections 10910-10915. The WSA was certified by the LADWP Board of Water and Power Commissioners (Resolution No. 006 091) on November 2, 2005. It is standard LADWP practice to assume that water consumption is 100 percent of wastewater generation.¹¹⁶ Excluding water used for landscaping and other outdoor purposes, the large majority of water delivered to a property is eventually discharged into the wastewater stream. In addition to estimating the water demand for the proposed structures, the WSA accounts for the Project's outdoor water use (129 AFY).

Comment A13-101

Chapter VI. Alternatives to the Project

Section 15126.6(a) of the CEQA Guidelines states: Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of

¹¹⁶ Phone correspondence between LADWP staff (Alvin Bautista) and CAJA staff (Heidi McWhorter), April 13, 2007.

the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking [sic] and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

Response to Comment A13-101

This comment quotes Section 15126.6(a) of the CEQA Guidelines for Alternatives to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR and no further response is required.

Comment A13-102

- The Draft EIR states that Narbonne High school was operating at only 53 students under full capacity during the 2004-2005 school year. The 1,725 townhomes and condominiums would generate approximately 50 students. The Draft EIR concludes that Narbonne High School would have three open seats for new students; therefore, no school impacts would occur. This rationale would hold true if the project were constructed and occupied two years ago. However, project buildout is anticipated for 2012, and a new high school is required to relieve future overcrowding at Narbonne and San Pedro High Schools. Therefore, the Draft EIR should include a Combined Residential and High School alternative as part of the alternative discussion.

Response to Comment A13-102

The Draft EIR evaluated cumulative impacts on local schools utilizing Project and related project information and statistical student generation rates for new development projects. CEQA Guidelines Section 15126.2(a) states: “In assessing the impact of a proposed project on the environment, the Lead Agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published...” The NOP for the Project was released in September 2005; as such, school capacity information from the 2004-2005 school year was appropriately used to define the environmental setting for the assessment of Project impacts (see Draft EIR pp. IV.I-31—IV.I-37). The Draft EIR’s analysis concluded that cumulative public school demand would not exceed current capacity at public schools except at Narbonne High School (where demand will exceed capacity by approximately 25 students).

The Draft EIR also discloses that LAUSD independently projects that Narbonne High School will operate over capacity by 821 students in 2010 (see Draft EIR Table IV.I-9). However, the methodology and data which forms the basis of LAUSD’s projection has not been disclosed by LAUSD, and is not publicly available. Additionally, LAUSD’s enrollment projection for Narbonne High seems to be inconsistent

with LAUSD's district-wide projections indicating that LAUSD enrollment is expected to decline through 2010 (Draft EIR page IV.I-36).

Resolving the discrepancy between cumulative enrollment projections in the Draft EIR derived from CEQA related projects analysis and LAUSD's own independently arrived-at future enrollment projections is beyond the scope of this EIR. However, utilizing LAUSD's adopted methodology on which its School Facility Needs Assessment is based, the Project would generate 50 high school students.

As discussed on pages IV.I-28 and IV.I-29 of the Draft EIR, the payment of school developer fees is deemed to provide full and complete mitigation of school facilities impacts, and payment of such fees would be mandatory for the Project applicant and for all related projects within LAUSD's jurisdiction. With respect to development of the Project site with LAUSD's South Region High School #14 project or any other high school project as an alternative to the proposed Project, see Topical Response 3, South Region High School #14. Under state law payment of school impact fees fully mitigates school facilities impacts on LAUSD schools, including high schools, in accordance with SB 50.

Comment A13-103

- The Draft EIR states, "The CEQA Guidelines require that EIRs include the identification and evaluation of a reasonable range of alternatives that are designed to reduce the significant environmental impacts of a project, while still satisfying the project objectives." However, the CEQA guidelines does not require alternatives to meet all the objectives, only those that would "feasibly attain most of the basic objectives." They also require "a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation" (Section 15126.6). Inclusion of a high school would foster informed decision making and public participation.

Response to Comment A13-103

See Topical Response 3, South Region High School #14. As discussed in Topical Response 3, LAUSD has since withdrawn its proposal to locate a high school at the Project site.

Comment A13-104

- Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives must focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly (Section 15126.6b). Although inclusion of a high school would possibly not meet one of the project objectives and would result in a reduction in the number of residential units and profit margin for the developer, under CEQA it is still a valid alternative to the proposed project.

Response to Comment A13-104

The Draft EIR indicates that the Project will not result in the need for a new public high school. Thus, development of a new public high school is not necessary to mitigate the potential environmental impacts of the Project. The Project will pay all required school impact fees (which provide complete mitigation of CEQA impacts in accordance with Cal. Gov't Code §65995(h)). See also Topical Response 3, South Region High School #14.

Comment A13-105

- CEQA states, “The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects” (Section 15126.6(c)). On page VI-6 of the Draft EIR it states that a high school on the site “would be inconsistent with virtually all of the Project objectives.” We find that this alternative could permit residential development and would be consistent will [sic] all stated Project objectives as shown below.

Response to Comment A13-105

See Response to Comments A10-188, A13-103 and A13-104. The Project represents a private property owner’s proposed use of its private property. The function of CEQA alternatives analysis in relation to LAUSD’s independent South Region #14 High School project is discussed in Topical Response 3, South Region High School #14.

Comment A13-106

A high school alternative would meet all of the project objectives, including:

- removal of abandoned improvements on the site;

Response to Comment A13-106

See Response to Comment A13-105.

Comment A13-107

- provision of new housing to relieve housing shortage;

Response to Comment A13-107

See Response to Comment A13-105.

Comment A13-108

- provision of different types of housing products;

Response to Comment A13-108

See Response to Comment A13-105.

Comment A13-109

- provision of residential amenities, landscaping and open space;

Response to Comment A13-109

See Response to Comment A13-105.

Comment A13-110

- provision of a project that can invigorate the local economy, provide workers, and business opportunities during and after construction;

Response to Comment A13-110

See Response to Comment A13-105.

Comment A13-111

- provision of community serving uses through public use of the high school buildings and play fields;

Response to Comment A13-111

See Response to Comment A13-105.

Comment A13-112

- the high school alternative, which could mitigate environmental impacts similar to the proposed project;

Response to Comment A13-112

See Topical Response 3, South Region High School #14. There is no substantial evidence that the South Region High School #14 project, or any high school, would mitigate the environmental impacts of the applicant's Project.

Comment A13-113

- a reduced number of residential units, which could still be fiscally beneficial to the city;

Response to Comment A13-113

See Response to Comment A13-105.

Comment A13-114

- adoption of a specific plan that includes a high school, which would still result in a high quality development; and

Response to Comment A13-114

See Response to Comment A13-105.

Comment A13-115

- provision of a financially feasible development. It is currently unknown if this project objective would be met with a high school. However, because the high school alternative was not analyzed, the possibility remains that this objective could be met. “The mere fact that an alternative might be less profitable does not itself render the alternative infeasible unless there is also evidence that the reduced profitability is ‘sufficiently severe as to render it impractical to proceed with the project’” (citing *Citizens of Goleta Valley v. Board of Supervisors*, 197 Cal.App.3d 1167).

Response to Comment A13-115

See Response to Comment A13-105.

Comment A13-116

On page VI-6 of the Draft EIR it states that a high school on the site would not permit the applicant’s project to “proceed as presently proposed.” However, none of the alternatives proposed in the Draft EIR would permit the proposed project to proceed as currently proposed. This is an invalid argument for dismissal of this alternative.

Response to Comment A13-116

See Response to Comment A13-105. The alternatives analyzed in the Draft EIR (reducing the size of the residential project) all have the potential to reduce the environmental impacts of the applicant’s Project, while still allowing the applicant the use of its private property. School impacts are mitigated by payment of a statutory school fee (Cal. Gov’t Code §65995(h)). Public school use of the applicant’s property is not a “mitigation alternative” for the applicant’s Project. See also Topical Response 3, South Region High School #14.

Comment A13-117

The LAUSD is submitting comments on the Draft EIR suggesting another alternative, which proposes a combination of a high school and residential. A revision to the EIR is necessary to remedy this inadequate analysis and will necessarily require recirculation of the alternatives section of the draft EIR (*Preservation Action Council v. City of San Jose* (Aug 4, 2006) __Cal.App.4th __). [sic]

Response to Comment A13-117

See Response to Comment A13-105. See Topical Response 3, South Region High School #14 and Topical Response 2, Recirculation.

Comment A13-118

- Alternatives listed in the Draft EIR include:
 - Alternative A. No Project Alternative/Single-Family Homes
 - Alternative B. Increased Percentage of Senior Housing (environmentally superior alternative because it does not reduce the number of units)
 - Alternative C. 1,700 Units (26 percent Reduction)
 - Alternative D. Alternative Sites

Response to Comment A13-118

This comment correctly lists the Alternatives for the proposed Project as listed in the Draft EIR, and correctly identifies Alternative B as the environmentally superior alternative. The comment also states in a parenthetical, that Alternative B was selected as the environmentally superior alternative because it does not reduce the number of units. The parenthetical does not fully explain the reasons for the Draft EIR's selection of Alternative B as the environmentally superior alternative, which are set forth at pages VI-93 through pages VI-108 of the Draft EIR. The comment does not, however, state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR and thus no further response is required.

Comment A13-119

- L.A. Harbor Industrial Center Redevelopment Project - WIP

Response to Comment A13-119

This comment correctly lists the first alternative site as listed in the Draft EIR under Alternative D. However, it does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR and no further response is required.

Comment A13-120

- Long Beach Sport Park. This site is in the City of Long Beach and under a different jurisdiction than the proposed project site. Neither the city of Los Angeles (project lead agency) nor the project applicant has shown that this site is a feasible alternative to the proposed site. The Draft EIR even states that this site is included only for comparison purposes. *An EIR need not consider an alternative whose implementation is remote and speculative (15126.6)(f)(3)*. Therefore, this is not a feasible site for the alternative analysis and cannot be included.

Response to Comment A13-120

See Response to Comment A08-22. Section 15126.6(f)(3) does not prohibit the inclusion of Long Beach Sports Park as a potential alternative site.

Comment A13-121

- Douglas Park. This site is in the City of Long Beach and under a different jurisdiction than the proposed project site. Additionally, with the site currently under construction for the Douglas Park project it is highly unlikely the City of Los Angeles or the project applicant could acquire any portion of this site. The Draft EIR even states that this site is included only for comparison purposes. *An EIR need not consider an alternative whose implementation is remote and speculative (15126.6)(f)(3)*. Therefore, this is not a feasible site for the alternative analysis and cannot be included.

Response to Comment A13-121

See Response to Comment A08-22. Section 15126.6(f)(3) does not prohibit the inclusion of Douglas Park as a potential alternative site. The development of Douglas Park has not been completed. Development plans as well as ownership could change, and alternative use of portions of the property remains possible.

Comment A13-122

- CEQA states, “Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent)” (Section 15126.6(f)(1)). The alternative sites are not considered feasible because the Draft EIR has not given any assurances that the applicant could reasonably acquire the alternative sites.

Response to Comment A13-122

See response to Comment A08-22. The remainder of CEQA Guideline 15126.6(f)(1) (not included in the comment) provides that “No one of these factors establishes a fixed limit on the scope of reasonable alternatives.” There is no requirement that a Draft EIR provide assurances that the applicant could reasonably acquire the alternative sites. Indeed, if such a requirement were imposed, there could be no discussion of alternative sites in this or many EIRs. Section 15126.6(f)(3) does not prohibit the inclusion of any of the potential alternative sites analyzed in the Draft EIR.

Comment A13-123

- Page VI-108 discusses the “Economic Impact Differences Between Alternatives” after making findings on the environmentally superior alternative. This information is extraneous to the discussion of environmental impacts associated with each alternative.

Response to Comment A13-123

CEQA does not prohibit the inclusion of economic information related to the Project alternatives in an EIR. An EIR is an informational document and CEQA does not prohibit an EIR from including additional information to assist the public and the decision makers in reviewing the Project.

Comment A13-124

- Environmental impacts associated with Alternatives B, C and D are essentially the same as the project with no reduction or avoidance of any significant impacts, therefore these alternatives should not be included.

Response to Comment A13-124

The comment is incorrect that Alternatives B, C and D involve no reduction or avoidance of any significant impacts and should not be included. As discussed in the Draft EIR on pages VI-107 and VI-108, Alternatives B and C both reduce traffic impacts as compared to the Project, although traffic impacts from Alternatives B and C, as well as the Project, can be mitigated to less than significant levels. In addition, CEQA does not prohibit an EIR from including additional information, such as a comparative analysis of impacts at alternatives sites, to assist the public and decision makers in reviewing the Project.

Comment A13-125**Chapter V. General Impact Categories**

- The summary of significant unavoidable impacts is missing operational air quality impacts and traffic impacts and is therefore incorrect.

Response to Comment A13-125

As discussed in Section IV.J (Transportation and Traffic) of the Draft EIR, the Project would not have any significant unavoidable impacts with respect to traffic. With respect to air quality impacts, see Topical Response 6, Air Quality – Operation. In response to this comment, the text on page V-1 of the Draft EIR under the “Summary of Significant Unavoidable Impacts” heading has been revised as follows:

Based on the analysis contained in Section IV (Environmental Impact Analysis) of this Draft EIR, the Project would result in significant unavoidable environmental impacts relative to construction-associated air emissions, operational air emissions, construction-related noise, and noise associated with use of the potential little league baseball fields.

COMMENT LETTER A14**Jill Egerman****Southern California Association of Governments****818 West Seventh Street, 12th Floor****Los Angeles, CA 90017-3435*****Comment A14-1***

Thank you for submitting the Ponte Vista Project Draft EIR to the Southern California Association of Governments (SCAG) for review and comment. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans. This activity is based on SCAG’s responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

Response to Comment A14-1

This comment contains general information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-2

SCAG staff has reviewed the aforementioned DEIR, and has determined that the proposed project is regionally significant per the California Environmental Quality Act (CEQA) Guidelines (Section 15206). The proposed project provides for over 500 dwelling units.

Response to Comment A14-2

This comment confirms that the Project is regionally significant, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-3

CEQA requires that EIRs discuss any inconsistencies between the proposed project and applicable general plans and regional plans (Section 15125 [d]). If there are inconsistencies, an explanation and rationalization for such inconsistencies should be provided.

Policies of SCAG'S Regional Comprehensive Plan and Guide, Regional Transportation Plan, and Compass Growth Vision that may be applicable to your project are outlined in the attachment. We expect the EIR to specifically cite the appropriate SCAG policies and address the manner in which the project is consistent with applicable core policies or supportive of applicable ancillary policies. Please use our policy numbers to refer to them in your EIR. Also, we would encourage you to use a side-by-side comparison of SCAG policies with a discussion of the consistency or support of the policy with the proposed project.

Response to Comment A14-3

This comment contains general information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-4

SCAG's Compass Growth Vision, adopted in 2004, encourages better relationships between housing, transportation, and employment. For a clearer understanding of the intent and possibilities with Compass, please consult our website, www.socalcompass.org in addition to the guidance offered in this letter.

Response to Comment A14-4

This comment contains general information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-5

Please provide a minimum of 45 days for SCAG to review the FEIR when this document is available. If you have any questions regarding the attached comments, please contact me at (213) 236-1919. Thank you.

Response to Comment A14-5

This comment contains general information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-6**COMMENTS ON THE NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PONTE VISTA PROJECT - SCAG NO. I 20060735****PROJECT DESCRIPTION**

The Ponte Vista project proposes a Specific Plan, General Plan Amendment, Zone Change, and Vesting Tentative Tract Map for the subdivision, construction, and operation of a 2,300-unit townhome and condominium development on a 61.5 acre site. The project would include approximately 10,000 square feet of ancillary retail use to serve the convenience of the residents. Twenty-five percent of the proposed units (575) would be reserved for seniors only. The units would have floor areas ranging from 700 to 3,000 square feet. Approximately 40 percent of the project's post-development acreage would consist of landscaped common areas to include a 2.5 acre park (with a community clubhouse and pool), a 2 acre waterscape concourse, a 0.5 acre senior community park, and a publicly accessible 6 acre park potentially featuring two little league baseball fields. The project would involve the demolition and removal of all existing improvements on the site, which include residential units, a community center, and a retail convenience facility constructed in 1962.

Response to Comment A14-6

This comment correctly summarizes the Project Description of the Project as listed on the Notice of Preparation (Appendix I-1 of the Draft EIR). However, the comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-7**CONSISTENCY WITH REGIONAL COMPREHENSIVE PLAN AND GUIDE POLICIES**

The **Growth Management Chapter (GMC)** of the Regional Comprehensive Plan and Guide (RCPG) contains the following policies that are particularly applicable and should be addressed in the DEIR for Shadow Hills Expansion Specific Plan.

3.01 The population, housing, and jobs forecasts, which are adopted by SCAG's Regional Council and that reflect local plans and policies shall be used by SCAG in all phases of implementation and review.

Response to Comment A14-7

RCPG is analyzed on page IV.F-21 of the Draft EIR. See Response to Comment A14-9.

Comment A14-8**Regional Growth Forecasts**

The DEIR should reflect the most current SCAG forecasts, which are the 2004 RTP (April 2004) Population, Household and Employment forecasts. The forecasts for your region and city are as follows:

Adopted SCAG Regionwide Forecasts

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>
Population	19,208,661	20,191,117	21,137,519	22,035,416	22,890,797
Households	6,072,578	6,463,402	6,865,355	7,263,519	7,660,107
Employment	8,729,192	9,198,618	9,659,847	10,100,776	10,527,202

City of Los Angeles Forecasts

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>
Population	4,176,079	4,237,887	4,298,891	4,357,359	4,413,425
Households	1,393,635	1,460,680	1,528,771	1,596,055	1,663,002
Employment	2,031,342	2,095,758	2,157,226	2,213,427	2,265,209

* The 2004 RTP growth forecast at the regional, county and subregional level was adopted by RC in April, 2004. City totals are the sum of small area data and should be used for advisory purposes only.

Response to Comment A14-8

This comment states that the Draft EIR should reflect the most current SCAG forecasts and identifies applicable forecasts. The population, housing, and employment statistics used in the analysis in Section IV.H, Population and Housing, of the Draft EIR are consistent with the most current SCAG Population, Household, and Employment forecasts for the City of Los Angeles. This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in

the Draft EIR. The comment will be forwarded to the decision makers as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-9

SCAG staff comments: The DEIR discussed the consistency of the proposed project with Policy 3.01 of SCAG's RCPG. Section IV.F, at page IV.F-21 stated:

“The Project is located in the City of Los Angeles Subregion. As presented in Section I.H (Population and Housing) of this Draft EIR, the Project's 2,300 new multi-family ownership units for families and seniors and their estimated population of 4,313 persons represent 2.6 percent of SCAG's households and population forecast for the Subregion between 2005 and 2012. . . . The Project would be consistent with this objective.”

SCAG concurs with this assessment and concludes that the project would be consistent with Policy 3.01

Response to Comment A14-9

This comment notes that the Draft EIR discussed the consistency of the Project with RCPG Policy 3.01, concurs with the Draft EIR's assessment and concludes that the Project would be consistent with Policy 3.01. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-10

3.03 The timing, financing, and location of public facilities, utility systems, and transportation systems shall be used by SCAG to implement the region's growth policies.

SCAG staff comments: The DEIR discussed the consistency of the proposed project with Policy 3.03 of SCAG's RCPG. Section IV.F, at page IV.F-22 stated:

“The Project would be developed in phases between 2007 and 2012. As presented in other sections of this Draft EIR, sufficient public facilities (see Section IV.I [Public Services]), utility systems (see Section IV.K [Utilities and Service Systems]), and transportation system capacity (see Section IV.J [Transportation and Traffic]) are available to serve Project demand. The Project would be consistent with the objective.”

SCAG concurs with this assessment and concludes that the project would be consistent with Policy 3.03.

Response to Comment A14-10

This comment notes that the Draft EIR discussed the consistency of the Project with RCPG Policy 3.03, concurs with the Draft EIR's assessment and concludes that the Project would be consistent with Policy 3.03. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-11**GMC POLICIES RELATED TO THE RCPG GOAL TO IMPROVE THE REGIONAL STANDARD OF LIVING**

The Growth Management goals to develop urban forms that enable individuals to spend less income on housing cost, that minimize public and private development costs, and that enable firms to be more competitive, strengthen [sic] the regional strategic goal to stimulate the regional economy. The evaluation of the proposed project in relation to the following policies would be intended to guide efforts toward achievement of such goals and does not infer regional interference with local land use powers.

Response to Comment A14-11

This comment contains general information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-12

3.04 *Encourage local jurisdictions' efforts to achieve a balance between the types of jobs they seek to attract and housing prices.*

SCAG staff comments: The DEIR discussed the consistency of the proposed project with Policy 3.04 of SCAG's RCPG. Section IV.F of the DEIR, pages IV.F-22 and IV.F-23 discussed that the project would add 2,300 new residential units to the Wilmington-Harbor City and San Pedro areas of Los Angeles. The project is an infill development in an already urbanized area and is located near the ports of Los Angeles and Long Beach, as well as colleges, hospitals and other large private employers. The Los Angeles Subregion is currently considered "job rich, housing poor," and the new housing units will move the subregional ration of jobs to households closer to the regional ratio. As such, SCAG concludes that the project would be consistent with Policy 3.04.

Response to Comment A14-12

This comment notes that the Draft EIR discussed the consistency of the Project with RCPG Policy 3.04. The comment summarizes Draft EIR analysis and concludes that the Project would be consistent with

Policy 3.04. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-13

3.05 *Encourage patterns of urban development and land use that reduce costs of infrastructure construction and make better use of existing facilities.*

SCAG staff comments: The DEIR discussed the consistency of the proposed project with Policy 3.05 of SCAG's RCPG. Section IV.F of the DEIR, page IV.F-23 stated:

“The Project would be an infill development, located in an urbanized area with existing infrastructure. The Project would utilize and make better use of existing infrastructure, and would therefore be consistent with this objective. The Project would increase the density of residential use from low single-family density to approximately 37 units per acre, bringing more housing units closer to major employment centers (including the Ports of Los Angeles and Long Beach, hospitals, colleges, shopping centers, and refineries). The Project would be consistent with this objective.”

SCAG concurs with this assessment and concludes that the project would be consistent with Policy 3.05.

Response to Comment A14-13

This comment notes that the Draft EIR discussed the consistency of the Project with RCPG Policy 3.05, concurs with the Draft EIR's assessment and concludes that the Project would be consistent with Policy 3.05. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-14

3.09 *Support local jurisdictions' efforts to minimize the cost of infrastructure and public service delivery, and efforts to seek new sources of funding for development and the provision of services.*

SCAG staff comments: The DEIR discussed the consistency of the proposed project with pertinent Policy 3.09 of SCAG's RCPG. Section IV.F of the DEIR, page IV.F-23 stated:

“The Project would be an infill project in an area served by existing infrastructure. Connections to existing infrastructure would be provided by the development, thus minimizing the public cost of the Project. Private funds would be used for services that supplement public services (private on-site security personnel and equipment), making development

in this location less costly than in other locations without the existing infrastructure and private funding. This issue and related mitigation measures are discussed in Section IV.1 (Public Services) of this Draft EIR. The Project would also generate one-time City revenues of approximately \$9.9 million (in 2005 dollars) and annually recurring net revenue surpluses for the City's General Fund of approximately \$8.3 million (in 2005 dollars) that would help finance general City services, as discussed in Appendix IV.F-1 to this Draft EIR. The Project would be consistent with this objective."

SCAG concurs with this assessment and concludes that the project would be consistent with Policy 3.09

Response to Comment A14-14

This comment notes that the Draft EIR discussed the consistency of the Project with RCPG Policy 3.09, concurs with the Draft EIR's assessment and concludes that the Project would be consistent with Policy 3.09. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-15

3.10 *Support local jurisdictions' actions to minimize red tape and expedite the permitting process to maintain economic vitality and competitiveness.*

SCAG staff comments: The DEIR discussed the consistency of the proposed project with Policy 3.10 of SCAG's RCPG. Section IV.F of the DEIR, page IV.F-23 stated:

The Project is being processed through a Specific Plan program withIn [sic] the City of Los Angeles Department of City Planning that includes a consolidation of all applicable land use entitlements permits in a coordinated decision making process. The Project would be consistent with this objective."

SCAG concurs with this assessment and concludes that the project would be consistent with Policy 3.10.

Response to Comment A14-15

This comment notes that the Draft EIR discussed the consistency of the Project with RCPG Policy 3.10, concurs with the Draft EIR's assessment and concludes that the Project would be consistent with Policy 3.10. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-16**GMC POLICIES RELATED TO THE RCPG GOAL TO IMPROVE THE REGIONAL QUALITY OF LIFE**

The Growth Management goals to attain mobility and clean air goals and to develop urban forms that enhance quality of life, that accommodate a diversity of life styles, that preserve open space and natural resources, and that are aesthetically pleasing and preserve the character of communities, enhance the regional strategic goal of maintaining the regional quality of life. The evaluation of the proposed project in relation to the following policies would be intended to provide direction for plan implementation, and does not allude to regional mandates.

Response to Comment A14-16

This comment contains general information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-17

3.11 *Support provisions and incentives by local jurisdiction to attract housing growth in job rich sub-regions and job growth in housing rich sub-regions.*

SCAG staff comments: Please see comments under 3.04.

Response to Comment A14-17

This comment references its comments regarding RCPG Policy 3.04. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-18

3.12 *Encourage existing or proposed local jurisdictions programs aimed at designing land uses which encourage the use of transit and thus reduce the need for roadway expansion, reduce the number of auto trips and vehicle miles traveled, and create opportunities for residents to walk and bike.*

SCAG staff comments: The DEIR discussed the consistency of the proposed project with Policy 3.12 of SCAG's RCPG. Section IV.F of the DEIR, pages IV.F-23 and IV.F-24 stated:

“The Project would be an infill development that would take advantage of infrastructure already in place and would require minimal roadway expansion. The Project would increase the density of residential use from low single-family density to approximately 37 units per acre, bringing

more housing units closer to major employment centers (including the Ports of Los Angeles and Long Beach). This additional density would be located in an area currently served by public transit (buses), and would be located near existing transportation corridors. The Project's proposed multi-family density is more supportive of transit use than lower single-family density. The Project would incorporate [sic] sidewalks on primary streets, and would provide a network of pathways throughout the master-planned community that would create opportunities for residents to walk to local destinations and transit stops. The Project would be consistent with this objective."

SCAG concurs with this assessment and concludes that the project would be consistent with Policy 3.12.

Response to Comment A14-18

This comment notes that the Draft EIR discussed the consistency of the Project with RCPG Policy 3.12, concurs with the Draft EIR's assessment and concludes that the Project would be consistent with Policy 3.12. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-19

3.13 *Encourage local jurisdictions' plans that maximize the use of existing urbanized areas accessible to transit through infill and redevelopment.*

SCAG staff comments: The DEIR discussed the consistency of the proposed project with Policy 3.13 of SCAG's RCPG. Section IV.F of the DEIR, page IV.F-24 stated:

"The Project would be an infill project in an existing urbanized area. The infill development would occur on a site currently served by existing public transit (buses), and is near existing transportation corridors (the I-110 Freeway) and the Long Beach Airport. The Project would increase the density of residential use from low single-family density to approximately 37 units per acre, bringing more housing units closer to major employment centers (including the Ports of Los Angeles and Long Beach). This additional density would be located in an area currently served by public transit (buses), and would be located near existing transportation corridors. At approximately 37 units per acre, the Project's density is more supportive of transit use than lower single-family density. The Project would maximize the use of an existing transit-served urbanized area. The Project would be consistent with this objective."

SCAG concurs with this assessment and concludes that the project would be consistent with Policy 3.13.

Response to Comment A14-19

This comment notes that the Draft EIR discussed the consistency of the Project with RCPG Policy 3.13, concurs with the Draft EIR's assessment and concludes that the Project would be consistent with Policy 3.13. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-20

3.14 *Support local plans to increase density of future development located at strategic points along the regional commuter rail, transit systems, and activity centers.*

SCAG staff comments: The DEIR discussed the consistency of the proposed project with Policy 3.14 of SCAG's RCPG. Section IV.F of the DEIR, page IV.F-24 stated: "The Project would be developed on an underutilized site of an abandoned U.S. Navy housing development, which is immediately adjacent to a public transit route along Western Avenue. The Project would be consistent with this objective." SCAG concurs with this assessment and concludes that the project would be consistent with Policy 3.14.

Response to Comment A14-20

This comment notes that the Draft EIR discussed the consistency of the Project with RCPG Policy 3.14, concurs with the Draft EIR's assessment and concludes that the Project would be consistent with Policy 3.14. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-21

3.15 *Support local jurisdictions' strategies to establish mixed-use clusters and other transit-oriented developments around transit stations and along transit corridors.*

SCAG staff comments: The DEIR discussed the consistency of the proposed project with Policy [sic] of SCAG's RCPG. Section IV.F of the DEIR, page IV.F-24 stated:

The Project, which includes 2,300 multi-family ownership units for families and seniors, plus 10,000 square feet of convenience retail and services, is immediately adjacent to a public transit (bus) route along Western Avenue. The Project's density (approximately 37 units per acre) would be more supportive of transit use than lower single-family density. The Project would coordinate with local public transit providers (MTA, LADOT, et al.) to offer expanded public transit service to the Project site.

The Project would dedicate additional right-of-way to accommodate a bus stop out of the existing lanes of Western Avenue, and would provide user friendly improvements and shelter. The Project would incorporate sidewalks on primary streets, and would provide a network of pathways throughout the master-planned community that would create opportunities for residents to walk to local destinations and transit stops. The Project would be consistent with this objective.”

SCAG concurs with this assessment and concludes that the project would be consistent with Policy 3.15.

Response to Comment A14-21

This comment notes that the Draft EIR discussed the consistency of the Project with RCPG Policy 3.15, concurs with the Draft EIR’s assessment and concludes that the Project would be consistent with Policy 3.15. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-22

3.16 *Encourage developments in and around activity centers, transportation corridors, underutilized infrastructure systems, and areas needing recycling and redevelopment.*

SCAG staff comments: The DEIR discussed the consistency of the proposed project with Policy 3.16 of SCAG’s RCPG. Section IV.F of the DEIR, page IV.F-25 stated: “The site is an infill development located in the Wilmington-Harbor City CPA. The Project would be located along a major transportation corridor with bus service and adjacent to major local and regional activity centers. The Project would be consistent with this objective.” SCAG concurs with this assessment and concludes that the project would be consistent with Policy 3.16.

Response to Comment A14-22

This comment notes that the Draft EIR discussed the consistency of the Project with RCPG Policy 3.16, concurs with the Draft EIR’s assessment and concludes that the Project would be consistent with Policy 3.16. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-23

3.17 *Support and encourage settlement patterns which contain a range of urban densities.*

SCAG staff comments: The DEIR discussed the consistency of the proposed project with pertinent goals and policies of SCAG’s RCPG. Section IV.F of the DEIR, pages IV.F-25 and IV.F-26 stated the following:

“At 37 units per acre, the Project’s proposed density would fall between the densities permitted by the City of Los Angeles’ RD1.5 (low density multi-family) and R3 (medium density multi-family) zoning categories. The Project would be an infill development that would contribute to satisfying an unmet need for infill housing proximate to employment. . .

The Project would address housing needs that are currently unmet and are contributing to urban sprawl and associated automobile trip emissions in contravention of the RCPG and AQMP. The Project would increase the density of residential use form [sic] low single-family density to approximately 37 units per acre, bringing more housing units closer to major employment centers (including the Ports of Los Angeles and Long Beach, hospitals, colleges, shopping centers, and refineries) [sic] This additional density would be located in an area currently served by public transit (buses), and would be located near existing transportation corridors. The project’s density falls within the range of densities found within the area, and provides housing closer to jobs at densities that are consistent with the VMT reduction strategies of the RCPG and AOMP. The Project would be consistent with this objective.”

SCAG concurs with this assessment and concludes that the project would be consistent with Policy 3.17.

Response to Comment A14-23

This comment notes that the Draft EIR discussed the consistency of the Project with RCPG Policy 3.17, concurs with the Draft EIR’s assessment and concludes that the Project would be consistent with Policy 3.17. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-24

3.18 *Encourage planned development in locations least likely to cause adverse environmental impact.*

SCAG staff comments:

Section IV.C of the Draft EIR addressed biological resources of the project site. Page IV.C-13 provides an evaluation of the environmental setting, including a brief history of the disturbance of the project site. The environmental impacts were discussed on pages IV.C-39 through IV.C-45. The Mitigation Measures (C-1 through C-6) on pages IV.C-45, IV.C-50, if implemented, would bring the project-specific impacts to a level of less than significant. Should the Mitigation Measures be implemented, the project would comply with the biological resources components of Policy 3.18.

There is a U.S. Navy Defense Fuel Support Point (DFSP) located directly to the north of the project site, the primary function of which is to receive, store, distribute, and maintain inventory control of bulk jet fuel. The facility contains 11 aboveground storage tanks and 29 underground storage tanks. It would be helpful if the Final EIR would provide a discussion of the known and potential environmental impacts of the DFSP on the project site and residents of the project site. Based on the information provided in the Draft EIR, we are unable to determine if the project is fully consistent with Policy 3.18. Please address this in the Final EIR.

Response to Comment A14-24

The first paragraph of this comment restates the Draft EIR analysis regarding biological resources of the Project site, concurs with the analysis and concludes that if the mitigation measures are implemented the Project would comply with the biological resources components of RCPG Policy 3.18. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Prior to its sale of the Project site, the U.S. Navy conducted extensive analysis of the site, which exceeded the typical Phase Environmental Site Assessment analysis, and approved a Final Finding of Suitability to Transfer on August 27, 2003. In addition, the Department of Toxic Substances Control and Regional Water Quality Control Board each issued “no further action” letters with regard to the Project site. See Response to Comment A13-79. The Draft EIR states that there are no known complaints by nearby residents of odors or diseases resulting from use of the DFSP nor have there been any reports of illness resulting from exposure to chemicals identified in the soil. The Draft EIR discusses the recommendations for the low levels of contamination at the DFSP site, which include backfilling, grading, and landscaping, covering the small volume of impacted soil to prevent contamination migration and monitoring as necessary. See Draft EIR, p. IV.D-8. The Draft EIR also provides an analysis of impacts of the DFSP on the Project on pages IV.D-13 through IV.D-15. The Draft EIR concludes that the risk of a tank fire or explosion from the DFSP tanks that could affect the Project is considered extremely low and that the risk of a product release could be mitigated through proper preventive maintenance and early warning systems. Draft EIR p. IV.D-13. The Draft EIR also concludes that the risk posed to the Project as a result of a fire at the DFSP would be minimal. Draft EIR pp. IV.D-14 to IV.D-15.

Comment A14-25

3.19 *Support policies and actions that preserve open space areas identified in local, state, and federal plans.*

SCAG staff comments: It would be helpful if the Final EIR would provide a discussion and address the manner in which the project is supportive or detracts from the achievement of preserving open space areas identified in local state and federal plans. Based on the information provided in the Draft EIR, we are unable to determine if the project is consistent with Policy 3.19. Please address this in the Final EIR.

Response to Comment A14-25

As discussed on pages IV.F-13 and F-15 of the Draft EIR, an estimated 15 acres¹¹⁷ of the northwestern corner of the site (along Western Avenue and adjacent to the U.S. Navy's DFSP property) is designated "Open Space" under the City's General Plan and "OS-1XL" under the City's Zoning Code. The remainder of the Project site is designated as Low Residential and R1. The open space designations were imposed at the time the Project site was annexed into the City. The adjacent DFSP property, which was also annexed at the same time, was designated as open space. It appears that the intent was to draw the boundary between the open space designation and the residential designation to conform to the property boundary between the DFSP and the Project site (which was being used for multi-family residential purposes at the time of annexation). The boundary line generally tracks the property line but does not precisely conform to it. It appears that cartographic error occurred because at the time the open space designations were imposed, the area designated "Open Space" was already improved with duplex housing units and associated backyard areas and the Project site was an active Navy Housing complex under federal ownership. No portion of the Project site was identified as a recreational, park or natural resource area and there was no apparent intent to restrict usage of that portion of the Project site to open space uses.

The Project proposes an amendment to the *Wilmington-Harbor City Community Plan* from the existing "Low Residential" and "Open Space" land use designations to "Medium Residential." The existing northerly slope of the property, which does not meet City engineering standards, would be regraded consistent with City of Los Angeles engineering requirements, and would be used primarily as landscaped common space adjacent to the senior multi-family housing component of the Project. However, this area would remain largely free of buildings or other permanent structures and would be revegetated with Coastal Sage Scrub (CSS) habitat to complement the CSS habitat area on the adjacent DFSP property and would be consistent with *Wilmington-Harbor City Community Plan* policies.

As discussed on page IV.F-28 of the Draft EIR, the Project would be consistent with the *Regional Comprehensive Plan and Guide* (RCPG) Open Space and Conservation Goals as approximately 40 percent of the Project's developed acreage would consist of landscaped common areas and parks. The Project would be abundantly landscaped and would feature such pedestrian amenities as walking paths, benches, fountains, water features, distinctive light poles, and street signage, all of which would be incorporated in the master landscape and streetscape plan.

Additionally, as discussed on page IV.F-72 of the Draft EIR, the Project would include approximately 11 acres of publicly available and privately available park and recreation facilities (not including work-out facilities, etc. for the use of Project residents).

¹¹⁷ Estimated using City of Los Angeles Zoning Information and Map Access System (ZIMAS), website: <http://zimas.lacity.org/>, March 15, 2005.

Comment A14-26

3.21 *Encourage the implementation of measures aimed at the preservation and protection of the recorded and unrecorded cultural resources and archaeological sites.*

SCAG staff comments: Section IV.A of the Draft EIR, pages IV.A-3 - IV.A-5, provided an evaluation of the consistency of the proposed project with Policy 3.21 of SCAG's RCPG, and concluded that the impacts of the project on cultural resources and archaeological sites would be less than significant. The DEIR discussed that there are no known historic, archaeological or paleontological sites located on the project site, however precautionary mitigation measures are recommended in the event that those resources are unexpectedly encountered. Should Mitigation Measures (A-3 through A-8) be required and complied with, SCAG concludes that the project would be consistent with Policy 3.21.

Response to Comment A14-26

This comment notes that the Draft EIR discussed the consistency of the Project with RCPG Policy 3.21, concurs with the Draft EIR's assessment and concludes that the Project would be consistent with Policy 3.21. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-27

3.22 *Discourage development, or encourage the use of special design requirements, in areas with steep slopes, high fire, flood, and seismic hazards.*

SCAG staff comments: Section IV.F at page IV.F-26 of the DEIR provided an evaluation of the consistency of the proposed project with Policy 3.22 of SCAG's RCPG which stated:

“The Project site is an underdeveloped former U.S. Navy housing site that does not pose any special slope or hazard conditions, as discussed in Sections IV.A (Impacts Found to be Less Than Significant) and IV.E (Hydrology and Water Quality) of this Draft EIR. The Project would be consistent with this objective.”

SCAG concurs with this assessment and concludes that the project would be consistent with Policy 3.22

Response to Comment A14-27

This comment notes that the Draft EIR discussed the consistency of the Project with RCPG Policy 3.22, concurs with the Draft EIR's assessment and concludes that the Project would be consistent with Policy 3.22. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-28

3.23 *Encourage mitigation measures that reduce noise in certain locations, measures aimed at preservation of biological and ecological resources, measures that would reduce exposure to seismic hazards, minimize earthquake damage, and to develop emergency response and recovery plans.*

SCAG staff comments: Section IV.F of the DEIR, on pages IV.F-26 and IV.F-27 provided an evaluation of the consistency of the proposed project with Policy 3.23 of SCAG's RCPG.

“As described in Sections IV.1 (Impacts Found to be Less Than Significant) IV.C (Biological Resources), and N.G (Noise) of this Draft EIR, the Project would incorporate mitigation measures designed to reduce noise and preserve sensitive biological resources. No unique seismic hazards are present at the Project site. The development of emergency response plans would occur consistent with all applicable regulations. The Project would be consistent with this objective.”

SCAG concurs with this assessment and concludes that the project would be consistent with Policy 3.23.

Response to Comment A14-28

This comment notes that the Draft EIR discussed the consistency of the Project with RCPG Policy 3.23, concurs with the Draft EIR's assessment and concludes that the Project would be consistent with Policy 3.23. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-29**GMC POLICIES RELATED TO THE RCPG GOAL TO PROVIDE SOCIAL, POLITICAL, AND CULTURAL EQUITY**

The Growth Management Goal to develop urban forms that avoid economic and social polarization promotes the regional strategic goal of minimizing social and geographic disparities and of reaching equity among all segments of society. The evaluation of the proposed project in relation to the policy stated below is intended guide direction for the accomplishment of this goal, and does not infer regional mandates and interference with local land use powers.

Response to Comment A14-29

This comment contains general information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be

forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-30

3.24 *Encourage efforts of local jurisdictions in the implementation of programs that increase the supply and quality of housing and provide affordable housing as evaluated in the Regional Housing Needs Assessment.*

SCAG staff comments: Section IV.F of the DEIR, on page IV.F-27 provided an evaluation of the consistency of the proposed project with Policy 3.24 of SCAG's RCPG which stated:

“The Project’s 2,300 new multi-family units would assist the City of Los Angeles to address a chronic undersupply of housing in general, as discussed in the City’s Housing Element and Housing Crisis Task Force Report (discussed in Section IV.H [Population and Housing] of this Draft EIR), and for multi-family units and units for seniors in particular. This would assist the City to meet its next RHNA for the post-2005 Housing Element planning period, which is currently being developed by SCAG. Although the Project’s specific unit pricing has not been established at this time, the applicant has committed to provide a range of housing opportunities including entry level housing, work form housing, and move-up housing. The Project would be consistent with this objective.”

SCAG concurs with this assessment and concludes that the project would be consistent with Policy 3.24.

Response to Comment A14-30

This comment notes that the Draft EIR discussed the consistency of the Project with RCPG Policy 3.24, concurs with the Draft EIR’s assessment and concludes that the Project would be consistent with Policy 3.24. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-31

3.27 *Support local jurisdictions and other service providers in their efforts to develop sustainable communities and provide, equally to all members of society, accessible and effective services such as: public education, housing, health care, social services, recreational facilities, law enforcement, and fire protection.*

SCAG staff comments: Section IV.F, page IV.F-27 of the DEIR provided an evaluation of the consistency of the proposed project with Policy 3.27 of SCAG's RCPG which stated:

“The Project would provide 2,300 units of new multi-family housing, including 575 units for seniors. All units would be adaptable for occupancy by the disabled. The Project does not impose any marginal demand for public services and would also yield net public revenue for the City to fund public services elsewhere, as discussed in Appendix IV.F-1 to this Draft EIR. Although the Project’s specific unit pricing has not been established at this time, the applicant has committed to provide a range of housing opportunities including entry level housing, work force housing, and move-up housing. The Project also includes a variety of on-site open space and recreational amenities for residents, as well as an approximately six-acre park potentially featuring two little league baseball fields located in the southwestern portion of the Project site that would be accessible to the general public. The Project would be consistent with this objective.”

SCAG concurs with this assessment and concludes that the project would be consistent with Policy 3.27

Response to Comment A14-31

This comment notes that the Draft EIR discussed the consistency of the Project with RCPG Policy 3.27, concurs with the Draft EIR’s assessment and concludes that the Project would be consistent with Policy 3.27. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-32

AIR QUALITY CHAPTER CORE ACTIONS

The Air Quality Chapter (AQC) core actions that are generally applicable to the Project are as follows:

- 5.07 *Determine specific programs and associated actions needed (e.g., indirect source rules, enhanced use of telecommunications, provision of community based shuttle services, provision of demand management based programs, or vehicle-miles-traveled/emission fees) so that options to command and control regulations can be assessed.*

SCAG staff comments: The Draft EIR does not provide a discussion on programs and actions needed to command and control regulations. It would be helpful if the Final EIR would provide a discussion and address the manner in which the Project is supportive or detracts from the achievement of this policy. Based on the information provided in the Draft EIR, we are unable to determine if the Project is consistent with this core RCPG policy. Please address this in the Final EIR.

Response to Comment A14-32

The Project applicant has committed to providing a shuttle service for its residents. As shown on page IV.J-116 of the Draft EIR, Mitigation Measure J-32 recommends that the existing DASH shuttle service on Western Avenue be extended northerly to serve the Project site. Finally, the Project will provide on-site retail and recreational amenities, reducing the need for Project residents to travel off-site for these services.

Comment A14-33

5.11 *Through the environmental document review process, ensure that plans at all levels of government (regional, air basin, county, subregional and local) consider air quality, land use, transportation and economic relationships to ensure consistency and minimize conflicts.*

SCAG staff comments: It would be helpful if the Final EIR would provide a discussion and address the manner in which the Project is supportive or detracts from the [sic] ensuring that plans at all levels of government consider air quality, land use, transportation and economic relationships to ensure consistency and minimize conflicts. Based on the information provided in the Draft EIR, we are unable to determine if the Project is consistent with this core RCPG policy. Please address this in the Final EIR.

Response to Comment A14-33

The Draft EIR analyzes the consistency of the Project with adopted regional air quality, land use, transportation, and planning policies, and contains a fiscal impact analysis. The Draft EIR recommends mitigation measures to mitigate the impact of the Project upon public infrastructure. The Draft EIR concludes that the Project will further adopted regional air quality, land use, transportation, and planning policies, and that it will result in fiscal benefits to the City of Los Angeles and the surrounding community. SCAG has reviewed the Draft EIR for consistency with its goals and policies and determined that the Project would be consistent and would support many of the core and ancillary policies in the RCPG. See Comment Letter A14. The Draft EIR will be considered by lead and responsible agencies in reviewing the Project in furtherance of the cited policy.

Comment A14-34**HOUSING CHAPTER GOALS**

6.01 *Provide for decent and affordable housing choices for all people.*

SCAG staff comments: Section IV.F, pages IV.F-27 - IV.F-28 of the DEIR addresses consistency of the proposed project with this RTP goal:

“The Project would increase the housing supply in the Wilmington-Harbor City and San Pedro area of the City by 2,300 market rate, multi-

family units. Although the Project's specific unit pricing has not been established at this time, the applicant has committed to provide a range of housing opportunities including entry level housing, work force housing, and move-up housing. The Project would provide new home ownership opportunities for a broad range of households, including those who provide critical services to the community, such as education, health care, law enforcement, emergency services, and other forms of public service. Working families in these and similar professions currently have difficulty finding a home in the community that they can afford, due to a lack of housing supply and a combined income that puts them just outside the reach of programs reserved for low- and moderate-income households. This problem, which is national in scope, is increasingly being recognized by government and the private sector as a potential impediment to future regional economic growth. The Project would be consistent with this objective."

SCAG concurs with this assessment and concludes that the project would be consistent with this RTP Goal.

Response to Comment A14-34

This comment refers to an RCPG goal as an RTP goal, but this reference is assumed to be a typographical error. This comment notes that the Draft EIR discussed the consistency of the Project with this goal, concurs with the Draft EIR's assessment and concludes that the Project would be consistent with this goal. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-35

6.02 *Provide an adequate supply and availability of housing.*

SCAG staff comments: Section IV.F, page IV.F-28 of the DEIR addresses consistency of the proposed Project with this RTP goal:

"As discussed above, the Project would add 2,300 units to the City's supply of housing, consistent with both regional growth policies and forecasts and the General Plan Framework's forecast for housing demand in the Wilmington-Harbor City and San Pedro CPAs. The Project would be consistent with this objective."

SCAG concurs with this assessment and concludes that the project would be consistent with this RTP Goal.

Response to Comment A14-35

This comment refers to an RCPG goal as an RTP goal, but this reference is assumed to be a typographical error. This comment notes that the Draft EIR discussed the consistency of the Project with this goal, concurs with the Draft EIR's assessment and concludes that the Project would be consistent with this goal. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-36***6.04 Promote a mix of housing opportunities regionwide***

SCAG staff comments: Section IV.F, page 1V.F-28 of the DEIR addresses consistency of the proposed Project with this RTP goal:

“The Project would expand the supply of housing available in the Wilmington- Harbor City and San Pedro communities of Los Angeles by adding 2,300 units. It would also expand the mix of housing, by offering multi-family units, new opportunities, and units targeted to seniors, the fastest growing segment of the region's population. One-quarter of 575 Project units will be reserved for seniors age 55+, providing a lifestyle choice carefully planned to meet the needs of active older residents. The single-level units would range in size. The Project would also enhance the mix of housing by making the units adaptable to the needs of the physically disabled. In addition to providing ground level units that meet all required accessibility codes, all upper-level units can be adapted to meet a variety of mobility needs, including hand rails, door widths, fixtures and cabinet and counter heights. The Project would be consistent with this objective.”

SCAG concurs with this assessment and concludes that the project would be consistent with this RTP Goal.

Response to Comment A14-36

This comment refers to an RCPG goal as an RTP goal, but this reference is assumed to be a typographical error. This comment notes that the Draft EIR discussed the consistency of the Project with this goal, concurs with the Draft EIR's assessment and concludes that the Project would be consistent with this goal. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-37**OPEN SPACE AND CONSERVATION CHAPTER GOALS**

9.02 *Increase the accessibility to open space lands for outdoor recreation.*

SCAG staff comments: Section IV.F, pages IV.F-28 and IV.F-29 of the DEIR addresses consistency of the proposed Project with this RTP goal:

“Approximately 40 percent of the Project’s developed acreage would consist of landscaped common areas and parks. The Project would be abundantly landscaped and would feature such pedestrian amenities as walking paths, benches, fountains, water features, distinctive light poles, and street signage, all of which would be incorporated in the master landscape and streetscape plan.

The residential component of the Project would incorporate large internal open space and recreational areas including an approximately 2.5-acre central park (with community clubhouse and pool), an approximately two-acre waterscape concourse, and an approximately 0.5-acre park/recreation area within the senior community segment of the Project. Additional social and recreational amenities (e.g., community rooms, swimming pools, and work-out rooms) would be distributed throughout the site. The Project would be consistent with this objective.”

SCAG concurs with this assessment and concludes that the project would be consistent with this RTP Goal.

Response to Comment A14-37

This comment refers to an RCPG goal as an RTP goal, but this reference is assumed to be a typographical error. This comment notes that the Draft EIR discussed the consistency of the Project with this goal, concurs with the Draft EIR’s assessment and concludes that the Project would be consistent with this goal. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-38

9.03 *Promote self-sustaining regional recreation resources and facilities.*

SCAG staff comments: Section IV.F, page IV.F-29 of the DEIR addresses consistency of the proposed Project with this RTP goal:

“The Project also provides an approximately six-acre park that will potentially include two little league baseball fields located in the southwestern portion of the Project site that would be accessible to the general public. A minimum of approximately 55 parking spaces to serve the park area and potential little league fields would be provided adjacent to the park. The Project would be consistent with this objective.”

SCAG concurs with this assessment and concludes that the project would be consistent with this RTP Goal.

Response to Comment A14-38

This comment refers to an RCPG goal as an RTP goal, but this reference is assumed to be a typographical error. This comment notes that the Draft EIR discussed the consistency of the Project with this goal, concurs with the Draft EIR’s assessment and concludes that the Project would be consistent with this goal. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-39

REGIONAL TRANSPORTATION PLAN

The 2004 Regional Transportation Plan (RTP) also has goals and policies that are pertinent to this proposed project. This RTP links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socio-economic, geographic and commercial limitations. The RTP continues to support all applicable federal and state laws in implementing the proposed project. Among the relevant goals and policies of the RTP are the following:

Response to Comment A14-39

This comment contains general information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-40

RTP Goals

- Maximize mobility and accessibility for all people and goods in the region.

SCAG staff comments: Section IV.F, pages 1V.F-30 - 1V.F-31 of the DEIR addresses consistency of the proposed Project with this RTP goal:

“The Project would be consistent with this goal by virtue of its character as an infill development that is located in an area of the SCAG region that is “jobs rich and housing poor” . . . The Project would add 2,300 new market rate multi-family ownership units proximate to some of the region’s largest employers - the Port of Los Angeles, the port of Long Beach Harbor, and related regional employers.

The Project is near existing regional transportation corridors (including Western Avenue and the I-110 Freeway) and the Long Beach Airport. The Project would improve Western Avenue to its designated standards by dedicating additional right-of-way and providing for roadway widening, reshaping, and/or modifications to traffic signal operations at intersections affected by the Project. The Project would also incorporate acceleration lanes and deceleration lanes to minimize disturbance to existing flows from persons entering or exiting the Project.

The Project site is currently served by public transit (buses) and is immediately adjacent to a public transit route along Western Avenue. The Project would coordinate with local public transit providers (MTA, LADOT, et al.) to offer expanded public transit service to the Project site. The Project would dedicate additional right-of-way to accommodate a bus stop out of the existing lanes of Western Avenue, and would provide user friendly improvements and shelter. The Project’s proposed density (approximately 37 units per acre) would be more supportive of transit use than lower single-family density. The Project would incorporate sidewalks on primary streets and would provide for a network of pathways throughout the master-planned community that would create opportunities for residents to walk to local destinations and transit stops. Further, the Project incorporates urban design standards that would make Western Avenue a more attractive street, which could promote its use by pedestrians, bicyclists, and users of public transit. The Project would be consistent with this objective.”

SCAG concurs with this assessment and concludes that the project would be consistent with this RTP Goal.

Response to Comment A14-40

This comment notes that the Draft EIR discussed the consistency of the Project with this RTP Goal, concurs with the Draft EIR’s assessment and concludes that the Project would be consistent with this

goal. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-41

- Preserve and ensure a sustainable regional transportation system.

SCAG staff comments: Section IV.F, page IV.F-31 of the DEIR addresses consistency of the proposed Project with this RTE goal:

“The Project would be consistent with this goal by virtue of its character as an infill development that is located in an area of the SCAG region that is “jobs rich and housing poor” . . . The Project would add 2,300 new market rate multi-family ownership units for families and seniors to the Wilmington-Harbor City and San Pedro areas of the City of Los Angeles. The Project would add these new housing units proximate to some of the region’s largest employers - the Port of Los Angeles, the Port of Long Beach Harbor, and several hospitals, colleges, shopping centers, and refineries. The Port of Los Angeles is the busiest port in the nation and is the eighth largest port in the world. The Port of Los Angeles as a whole adds 16,000 local jobs, 259,000 regional jobs, and more than one million jobs nationally. Long Beach is the second busiest port in the United States and the 12th busiest container cargo port in the world. The Port of Long Beach provides approximately 30,000 jobs (about one in eight) in Long Beach and 316,000 jobs (or one in 22) in the five county Southern California region. 1.4 million jobs throughout the U.S. are related to Long Beach-generated trade. If combined, the ports of Long Beach and Los Angeles would be the world’s fifth-busiest port complex (14.2 million total TEU).

The Project is near existing regional transportation corridors (including Western Avenue and the I-110 Freeway) and the Long Beach Airport. The Project would improve Western Avenue to its designated standards by dedicating additional right-of-way and providing for roadway widening, restriping, and/or modifications to traffic signal operations at intersections affected by the Project. The Project would also incorporate acceleration lanes and deceleration lanes to minimize disturbances to existing flows from persons entering or exiting the Project.

The Project site is currently served by public transit (buses) and is immediately adjacent to a public transit route along Western Avenue. The Project would coordinate with local public transit providers (MTA, LADOT, et al.) to offer expanded public transit service to the Project site.

The Project would dedicate additional right-of-way to accommodate a bus stop out of the existing lanes of Western Avenue, and would provide user friendly improvements and shelter. At approximately 37 units per acre, the Project's proposed density would be more supportive of transit use than lower single-family density. The Project would incorporate sidewalks on primary streets, and would provide a network of pathways throughout the master-planned community that would create opportunities for residents to walk to local destinations and transit stops. Further, the Project incorporates urban design standards that would make Western Avenue a more attractive street, which would promote its use by pedestrians, bicyclists, and users of public transit. The Project would be consistent with this objective."

SCAG concurs with this assessment and concludes that the project would be consistent with this RTP Goal.

Response to Comment A14-41

This comment notes that the Draft EIR discussed the consistency of the Project with this RTP Goal, concurs with the Draft EIR's assessment and concludes that the Project would be consistent with this goal. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-42

- Maximize the productivity of our transportation system.

SCAG staff comments: Section IV.F. page IV.F-32 of the DEIR addresses consistency of the proposed Project with this RTP goal:

"The Project would be consistent with this goal by virtue of its character as an infill development that is located in an area of the SCAG region that is "jobs rich and housing poor" . . . The Project would add 2,300 new market rate multi-family ownership units proximate to some of the region's largest employers - the Port of Los Angeles, the Port of Long Beach Harbor, as well as several hospitals, colleges, shopping centers, and refineries.

The Project is near existing regional transportation corridors (including Western Avenue and the I-110 Freeway) and the Long Beach Airport. The Project would improve Western Avenue to its designated standards by dedicating additional right-of-way and providing for roadway widening, restriping, and/or modifications to traffic signal operations at

intersections affected by the Project. The Project would also incorporate acceleration lanes and deceleration lanes to minimize disturbance to existing flows from persons entering or exiting the Project.

The Project site is currently served by public transit (buses) and is immediately adjacent to a public transit route along Western Avenue. The Project would coordinate with local public transit providers (MTA, LADOT, et al.) to offer expanded public transit service to the Project site. The Project would dedicate additional right-of-way to accommodate a bus stop out of the existing lanes of Western Avenue, and would provide user friendly improvements and shelter. The Project's proposed density (approximately 37 units per acre) would be more supportive of transit use than lower single-family density. The Project would incorporate sidewalks on primary streets, and would provide a network of pathways throughout the master-planned community that would create opportunities for residents to walk to local destinations and transit stops. Further, the Project incorporates urban design standards that would make Western Avenue a more attractive street, which could promote its use by pedestrians, bicyclists, and users of public transit. The Project would be consistent with this objective."

SCAG concurs with this assessment and concludes that the project would be consistent with this RTP Goal.

Response to Comment A14-42

This comment notes that the Draft EIR discussed the consistency of the Project with this RTP Goal, concurs with the Draft EIR's assessment and concludes that the Project would be consistent with this goal. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-43

- Protect the environment, improve air quality and promote energy efficiency.

SCAG staff comments: Section IV.F, pages IV.F-32 and IV.F-33 of the DEIR addresses consistency of the proposed Project with this RTP goal:

"The Project would be consistent with this goal by virtue of its character as an infill development that is located in an area of the SCAG region that is "jobs rich and housing poor" . . . The Project would add 2,300 new market rate multi-family ownership units for families and seniors to the Wilmington-Harbor City and San Pedro areas of the City of Los Angeles.

The Project would add these new housing units proximate to some of the region's largest employers - the Port of Los Angeles, the Port of Long Beach Harbor, and several hospitals, colleges, shopping centers, and refineries. The Project thus addresses currently unmet housing needs that are contributing to urban sprawl and associated automobile trip emissions, and provides housing closer to jobs at densities that are consistent with the VMT reduction strategies of the RCPG and AQMP. The Project would also likely reduce vehicle trips, VMT, and related emissions by including convenience retail services for future residents. The Project is consistent with and would implement relevant AQMP, RCPG, and RTP strategies to attain and maintain compliance with federal and State ambient air quality standards.

The Project site is currently served by public transit (buses) and is immediately adjacent to a public transit route along Western Avenue. The Project would coordinate with local public transit providers (MTA, LADOT, et al.) to offer expanded public transit service to the Project site. The Project would dedicate additional right-of-way to accommodate a bus stop out of the existing lanes of Western Avenue, and would provide user friendly improvements and shelter. The Project's proposed density (approximately 37 units per acre) would be more supportive of transit use than lower single-family density. The Project would incorporate sidewalks on primary streets, and would provide a network of pathways throughout the master-planned community that would create opportunities for residents to walk to local destinations and transit stops. Further, the Project incorporates urban design standards that would make Western Avenue a more attractive street, which could promote its use by pedestrians, bicyclists, and users of public transit. The Project would be consistent with this objective."

SCAG concurs with this assessment and concludes that the project would be consistent with this RTP Goal.

Response to Comment A14-43

This comment notes that the Draft EIR discussed the consistency of the Project with this RTP Goal, concurs with the Draft EIR's assessment and concludes that the Project would be consistent with this goal. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-44

- Encourage land use and growth patterns that complement our transportation investments.

SCAG staff comments: Section IV.F, page IV.F-33 of the DEIR addresses consistency of the proposed Project with this RTP goal:

“The transportation investments referred to in the above goal are outlined in the six-year RTIPs that are developed every two years. These investments are selected based on a series of performance indicators established in the RTP. These performance indicators are, in part, oriented toward improving the performance of the transportation infrastructure and systems so that such ancillary benefits [sic] as reducing commuting times and improving air quality are achieved. The Project would be consistent with this goal by virtue of its character as an infill development that is located proximate to some of the region’s largest employers - the Port of Los Angeles, the Port of Long Beach Harbor, and several hospitals, colleges, shopping centers and refineries. The Project is also adjacent to a regional transportation corridor utilized by public transit, and in an area of the SCAG region that is “jobs rich and housing poor.” The Project would be consistent with this objective.”

SCAG concurs with this assessment and concludes that the project would be consistent with this RTP Goal.

Response to Comment A14-44

This comment notes that the Draft EIR discussed the consistency of the Project with this RTP Goal, concurs with the Draft EIR’s assessment and concludes that the Project would be consistent with this goal. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-45

RTP Policies

- Transportation investments shall be based on SCAG’s adopted Regional Performance Indicators.

<u>Performance Indicator</u>	<u>Performance Measures</u>	<u>Definition</u>	<u>Performance Outcome</u>
Mobility	▪ Average Daily Speed	Speed-experienced by travelers regardless of mode.	10% Improvement
	▪ Average Daily Delay	Delay-excess travel time resulting from the difference between a reference speed and actual speed. Total daily delay and daily delay	40% Improvement

		per capita are indicators used.	
Accessibility	<ul style="list-style-type: none"> ▪ Percent PM peak work trips within 45 minutes of home ▪ Distribution of work trip travel times 		Auto 90% Transit 37%
Reliability	<ul style="list-style-type: none"> ▪ Percent variation in travel time 	Day-to-day change in travel times experienced by travelers. Variability results from accidents, weather, road closures, system problems and other non-recurrent conditions.	Auto 8% Improvement Transit 8% Improvement 10% Improvement
Safety	<ul style="list-style-type: none"> ▪ Accident Rates 	Measured in accidents per million vehicle miles by mode	0.3% Improvement
Performance Indicator	Performance Measures	Definition	Performance Outcome
Cost Effectiveness	<ul style="list-style-type: none"> ▪ Benefit-to-Cost (B/C) Ratio 	Ratio of benefits of RTP investments to the associated investments costs.	\$3.08
Productivity	<ul style="list-style-type: none"> ▪ Percent capability utilized during peak conditions 	Transportation infrastructure capacity and services provided. <ul style="list-style-type: none"> ▪ Roadway Capacity – vehicles per hour per lane by type of facility ▪ Transit Capacity – seating capacity utilized by mode 	20% Improvement at known bottlenecks N/A
Sustainability	<ul style="list-style-type: none"> ▪ Total cost per capita to sustain current system performance 	Focus in on overall performance, including infrastructure condition Preservation is a sub-set of sustainability	\$20 per capita, primarily in preservation costs
Perservation [sic]	<ul style="list-style-type: none"> ▪ Maintenance cost per capita to preserve system at base year conditions 	Focus is on infrastructure condition. Sub-set of sustainability.	Maintain current conditions
Environmental	<ul style="list-style-type: none"> ▪ Emissions generated by travel 	Measured/forecast emissions include CO, NOX, PM10, SOX and VOC. CO2 as secondary measure to reflect greenhouse emissions.	Meets conformity requirements

Environmental Justice	▪ Expenditures by quintile and ethnicity	Proportionate share of expenditures in the 2004 RTP by each quintile	No disproportionate impact to any group or quintile
	▪ Benefit vs. burden by quintiles	Proportionate share of benefits to each quintile ethnicity.	
		Proportionate share of additional airport noise by ethnic group	

- Ensuring safety, adequate maintenance, and efficiency of operations on the existing multi-modal transportation system will be RTP priorities and will be balanced against the need for system expansion investments.
- RTP land use and growth strategies that differ from currently expected trends will require a collaborative implementation program that identifies required actions and policies by all affected agencies and subregions.

Response to Comment A14-45

This comment contains general information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-46

GROWTH VISIONING

The fundamental goal of the Compass Growth Visioning effort is to make the SCAG region a better place to live, work and play for all residents regardless of race, ethnicity or income class. Thus, decisions regarding growth, transportation, land use, and economic development should be made to promote and sustain for future generations the region's **mobility, livability and prosperity**. The following "Regional Growth Principles" are proposed to provide a framework for local and regional decision making that improves the quality of life for all SCAG residents. Each principle is followed by a specific set of strategies intended to achieve this goal.

Response to Comment A14-46

This comment contains general information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be

forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-47

Principle 1: Improve **mobility** for all residents

- Encourage transportation investments and land use decisions that are mutually supportive.
- Locate new housing near existing jobs and new jobs near existing housing.
- Encourage transit-oriented development.
- Promote a variety of travel choices

SCAG staff comments: Section IV.F, at page IV.F-29 of the DEIR provided an evaluation of the consistency of the proposed specific plan with this principle of the Compass Growth Vision Report.

“The Project would be consistent with this goal by virtue of its character as an infill development that is located adjacent to a regional transportation corridor utilized by public transit, and in an area of the SCAG region that is “jobs rich and housing poor” . . . In addition, mitigation measures are proposed that would reduce all of the Project traffic impacts to a-less-than [sic] significant level (see Section IV.J [Transportation and Traffic] of this Draft EIR). Further, the Project incorporates urban design standards that would make Western Avenue a more attractive street, which could promote its use by pedestrians, bicyclists, and users of public transit. The Project would be consistent with this objective.”

SCAG concurs with this assessment and concludes that the project would be consistent with this Growth Visioning Principle.

Response to Comment A14-47

This comment notes that the Draft EIR discussed the consistency of the Project with this principal of the Compass Growth Vision Report, concurs with the Draft EIR’s assessment and concludes that the Project would be consistent with this Growth Visioning Principle. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-48

Principle 2: Foster **livability** in all communities

- Promote infill development and redevelopment to revitalize existing communities.
- Promote developments, which provide a mix of uses.

- Promote “people scaled,” walkable communities.
- Support the preservation of stable, single-family neighborhoods.

SCAG staff comments: Section IV.F of the DEIR, on page IV.F-29 provided an evaluation of the consistency of the proposed specific plan with this principle of the Compass Growth Vision Report:

“The Project would make more efficient use of an underutilized site, in an area of the City that has struggled to increase housing production while demand for housing grows annually. By including convenience retail and services for future residents, the Project would likely reduce vehicle trips, VMT, and related emissions. The Project’s public open spaces, recreational amenities, landscaping, and mix of building scales would promote pedestrian activity and interaction among residents, including the elderly. Urban design and traffic management strategies are included to avoid adverse impacts on adjacent residential neighborhoods. The Project would be consistent with this objective.”

SCAG concurs that the proposed specific plan is consistent with this Principle.

Response to Comment A14-48

This comment notes that the Draft EIR discussed the consistency of the Project with this principal of the Compass Growth Vision Report, concurs with the Draft EIR’s assessment and concludes that the Project would be consistent with this Growth Visioning Principle. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-49

Principle 3: Enable **prosperity** for all people

- Provide, in each community, a variety of housing types to meet the housing needs of all income levels.
- Support educational opportunities that promote balanced growth.
- Ensure environmental justice regardless of race, ethnicity or income class.
- Support local and state fiscal policies that encourage balanced growth
- Encourage civic engagement.

SCAG staff comments: Section IV.F of the DEIR, on pages IV.F-29 and IV.F-30 provided an evaluation of the consistency of the proposed specific plan with the principle of the Compass Growth Vision Report:

The Project includes new home ownership opportunities for families and seniors in an area of the region that is “jobs rich and housing poor” and in a sub area of the City where very little new housing production has occurred. Although the Project’s specific unit pricing has not been established at this time, the applicant has committed to provide a range of housing opportunities including entry level housing, work force housing, and move-up housing. With the median price of housing in the Los Angeles area [sic] well beyond the reach of middle-income households, the Project provides an important new home ownership opportunity for those who provide critical services to the community. As recognized by the Housing Crisis Task Force Report, these working families currently had difficulty finding a home in the community that they can afford, due to a lack of housing supply and a combined income that puts them just outside the reach of programs reserved for low- and moderate-income households.”

SCAG concurs that the proposed specific plan is consistent with this Principle.

Response to Comment A14-49

This comment notes that the Draft EIR discussed the consistency of the Project with this principal of the Compass Growth Vision Report, concurs with the Draft EIR’s assessment and concludes that the Project would be consistent with this Growth Visioning Principle. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-50

Principle 4: Promote **sustainability** for future generations

- Preserve rural, agricultural, recreational and environmentally sensitive areas.
- Focus development in urban centers and existing cities.
- Develop strategies to accommodate growth that uses resources efficiently, eliminate pollution and significantly reduce waste.
- Utilize “green” development techniques.

SCAG staff comments: Section IV.F of the DEIR, on pages IV.F-30 provided an evaluation of the consistency of the proposed specific plan with this principle of the Compass Growth Vision Report.

“The Project would mitigate all impacts to biological resources to a Less-than-significant level (see Section IV.C [Biological Resources] of this Draft EIR). In addition, the Project would be designed to incorporate a wide range of building technologies and design features that would help

promote a sustainable environment by saving energy, reducing water consumption, making use of recycled materials, and producing better indoor and outdoor environmental quality. The Project would utilize design, construction, and building operation strategies that would make it eligible for certification by the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. The objective of the LEED certification program is to recognize projects that voluntarily meet its high-performance, sustainable building standards.”

SCAG concurs that the proposed specific plan is consistent with this Principle.

Response to Comment A14-50

This comment notes that the Draft EIR discussed the consistency of the Project with this principal of the Compass Growth Vision Report, concurs with the Draft EIR’s assessment and concludes that the Project would be consistent with this Growth Visioning Principle. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See also Response to Comment A10-31.

Comment A14-51

CONCLUSIONS

1. As noted in the staff comments, the proposed DEIR for the Ponte Vista Project - SCAG No. I 20060735 is consistent with or support [sic] many of the core and ancillary policies in the RCPG

Response to Comment A14-51

This comment confirms the analysis and conclusions of the Draft EIR, and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A14-52

2. All feasible measures needed to mitigate any potentially negative regional impacts associated with the proposed project should be implemented and monitored, as required by CEQA.

Response to Comment A14-52

The Mitigation Monitoring and Reporting Program (MMRP), included as Section V of the Final EIR, identifies the party responsible for implementing each mitigation measure prescribed in the Draft EIR.

COMMENT LETTER A15

Gary Y. Sugano
City of Lomita

Comment A15-1

Thank you for the opportunity to provide comment on the aforementioned DEIR.

Response to Comment A15-1

This comment contains general information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR and no further response is required. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A15-2

The proposed Ponte Vista Project consists of redeveloping the 61.5-acre abandoned U.S. Navy's "San Pedro Housing" site with a 2,300-unit townhome and condominium development that includes 10,000 square feet (ft²) of retail space, approximately nine total acres of parkland, and a two-acre waterscape concourse. The proposed development would be a gated community with a residential density of 37 dwelling units per acre. The proposed retail space would be internal to the gated community. The only portion of the proposed project that would be accessible to the public is a proposed six-acre park at the southern boundary of the site.

Response to Comment A15-2

This comment correctly summarizes certain features of the Project. It should be clarified however, that in addition to the 11 acres of recreational facilities (consisting of a 6-acre public park and an additional 5 acres of recreational facilities within the Project) the Project would include other recreational amenities, such as work-out facilities, swimming pools, walking trails, jogging paths and pedestrian amenities. This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR and no further response is required. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A15-3

Of note, the Los Angeles Unified School District (LAUSD) has identified the project site as the preferred site for the planned South Region High School #14. This school would require 24 acres and, as such, the proposed project and the high school could not collocate on site.

Response to Comment A15-3

The comment is correct that the Project and the proposed LAUSD South Region High School #14 would not co-exist on the Project site. See Topical Response 3, South Region High School #14.

Comment A15-4**General Comments**Public Notice (NOC)

- The Notice of Completion and Availability of Draft EIR includes entitlements relative to a Specific Plan, General Plan Amendment, Zone Change and Vesting Tentative Tract Map. Page 11-27 includes a Development Agreement, is there a reason this was not included in the NOC notice?

Response to Comment A15-4

See Response to Comment A13-50. Page II-27 of the Draft EIR identifies the intended uses of the Draft EIR. As indicated in the Draft EIR at page II-27, the EIR may be used in connection with the processing of a development agreement. However, a development agreement is not a necessary entitlement to enable the Project to be approved by the City of Los Angeles, and has not been requested to date. Pursuant to Section 15087(c) of the CEQA Guidelines, the purpose of the Notice of Completion and Availability is primarily to advise of the Project proposal and the starting and ending date for the Draft EIR review period. Information about particular entitlement applications is not required.

Comment A15-5Listing of Discretionary Actions

- On Page II-27 (Discretionary Actions), the last bulleted item states “Any other necessary discretionary or ministerial permits or approvals required for the construction or operation of the Project.” This statement is far too general and does not provide enough information to the general public on what other discretionary permits could be applied for in the future. In addition, unknown “future discretionary permits” could create potential impacts that may not be currently addressed in the DEIR. We recommend that this sentence be deleted from the DEIR.

Response to Comment A15-5

In accordance with Section 15124(d) of the CEQA Guidelines, all potential discretionary actions and approvals that are required or may be requested for the construction and operation of the Project are listed on page II-27 of the Draft EIR. Section 15124(d)(1) of the CEQA Guidelines states that an EIR shall provide a statement of intended uses “to the extent that the information is known to the Lead Agency.” The list on page II-27 is based on the best information that was available at the time of the Draft EIR’s preparation as permitted by Section 15124(d). The final statement reflects the fact that additional

discretionary or ministerial permits or approvals may be identified in the future as required or desirable for the construction or operation of the Project. Nothing in CEQA prohibits the inclusion of this statement, or the use of the EIR for additional discretionary or ministerial approvals not listed in the Draft EIR.

Comment A15-6

Aesthetics

- The proposed average building height is four (4) stories with a maximum height of six (6) stories. Residential buildings along Western Avenue would be four (4) stories in height (approximately 50 feet). This would substantially change the aesthetic character of Western Avenue, which is currently characterized by open spaces (e.g., cemetery) and low-rise residential structures. The EIR offers no mitigation for this change in aesthetic character but, rather, claims the project would improve the visual quality of the site's frontage along Western Avenue by installing new structures and landscaping.

Response to Comment A15-6

A “change in aesthetic character,” in and of itself, does not warrant a potentially significant impact conclusion. A finding of less than significant impact is appropriate unless a project would “*substantially degrade the existing visual character or quality of the site and its surroundings.*”

The first sentence of this comment correctly summarizes the height range of the proposed structures as stated in the Draft EIR. However, it should be noted that modifications to the site plan have since been made which limit the building heights to a maximum of three stories along Western Avenue and four stories throughout the rest of the site.

The comment ignores that the Project is bordered to the south by an existing four-story condominium building and a six-story condominium building currently under construction. To the south of these buildings are commercial uses, including a community shopping center. Given these features and uses, it is not correct to state that the aesthetic character of Western Avenue “is currently characterized by open spaces (e.g., cemetery) and low-rise residential structures.”

The comment also neglects to mention the degraded existing visual character of the Project site and the fact that it is characterized by abandoned, dilapidated buildings, overgrown landscaping, and deteriorating fences and infrastructure.

For all of these reasons, the conclusion presented on page IV.A-1 of the Draft EIR that the Project would change and upgrade the visual character of the property's frontage along Western Avenue by replacing existing uses with new gated entrances, landscaping, and four-story residential buildings (set back approximately 20 feet from Western Avenue), as well as an approximately six-acre public park area, is appropriate and supported by substantial evidence. There is no substantial evidence that the Project would substantially degrade the existing visual character or quality of the site and its surroundings.

Comment A15-7

- The proposed six-acre park along the site's southern boundary includes lighting for nighttime sporting events. While this will be a substantial new light source, no lighting impacts are expected to occur within the City of Lomita due to the distance between the proposed park site and Lomita's City limits.

Response to Comment A15-7

This comment states that the nighttime lighting for sports events at the six-acre park would not impact uses within the City of Lomita due to the distance between the proposed park and the City of Lomita's city limits. Furthermore, Mitigation Measure A-1 in the Draft EIR would require that outdoor lighting at the Project be designed and installed with shielding so that the light source cannot be seen from adjacent off-site residential properties.

Comment A15-8**Air Quality**

- As of October 2006, the SCAQMD identifies the thresholds of significance for PM_{2.5} in addition to the thresholds of significance for PM₁₀:

Construction: 55 lbs/day

Operation: 55 lbs/day

Response to Comment A15-8

See Responses to Comments A13-56 and A13-67. PM_{2.5} emissions were not evaluated in the Draft EIR as such analysis was not requested by the SCAQMD for EIRs released prior to January 2007. See also Topical Response 5, Construction Air Quality, and Topical Response 6, Operational Air Quality.

Comment A15-9

The EIR should consider the SCAQMD's thresholds of significance for PM_{2.5} and analyze the project's potential impacts accordingly. The discussion of the project's construction and operation air quality impacts should be revised to address PM_{2.5} and tables IV.B-3, IV.B-4, and IV.B-5 should be revised accordingly.

Response to Comment A15-9

See Responses to Comments A13-56 and A13-67. PM_{2.5} emissions were not evaluated in the Draft EIR as such analysis was not requested by the SCAQMD for EIRs released prior to January 2007. See also Topical Response 5, Construction Air Quality, and Topical Response 6, Operational Air Quality.

Comment A15-10

- Regional Construction Impacts - Construction of the proposed project would generate NO_x, PM₁₀, and ROG in excess of the SCAQMD thresholds of significance. The thresholds for NO_x would be exceeded during demolition, grading, and construction; the thresholds for PM₁₀ would be exceeded during grading; and the thresholds for ROG would be exceeded during construction. The proposed mitigation measures would reduce PM₁₀ to below the SCAQMD thresholds of significance; however, NO_x and ROG construction emissions would remain in excess of the SCAQMD thresholds. The EIR identifies this as a significant and unavoidable impact.

Response to Comment A15-10

This comment correctly states the Draft EIR's analysis that Project construction-related emissions would exceed the daily SCAQMD screening thresholds for NO_x, PM₁₀ and ROG during one or more phase of construction. The comment also correctly notes that the Draft EIR's proposed mitigation measures would reduce PM₁₀ to below the SCAQMD thresholds of significance, but NO_x and ROG construction emissions would remain in exceed of SCAQMD thresholds and would constitute a significant and unavoidable impact. However the comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See also Topical Response 5, Air Quality – Construction.

Comment A15-11

- Construction Impacts on Sensitive Receptors - The EIR notes that the project site is adjacent to single- and multi-family residences, which would be sensitive receptors to the construction emissions generated by the project. In addition two schools - Dodson Middle School and Mary Star of the Sea - are located in the immediate vicinity of the project site, which are additional sensitive receptors. The EIR, however, does not identify the extent of the potential air quality impacts on these sensitive receptors and does not consider the SCAQMD's Localized Significance Thresholds. Rather, the EIR simply notes that compliance with SCQAMD Rules 402 and 403 would adequately reduce the project's potential impacts on sensitive receptors. In accordance with the SCAQMD's Localized Significance Threshold Methodology document (June 2003), the EIR should include dispersion modeling to assess the project's construction impacts on nearby sensitive receptors. The need to analyze the potential localized air quality impacts during construction is emphasized by the project's exceeding the SCAQMD's region-wide significance thresholds for NO_x, PM₁₀, and ROG.

Response to Comment A15-11

See Response to Comment A13-56 and Topical Response 5, Construction Air Quality. The Draft EIR identified temporary construction emissions as significant and unavoidable. In addition, the supplementary LST analysis provided in this Final EIR evaluates air emission concentrations attributable

to construction activities taking place on the Project site at sensitive receptor locations surrounding the site. These receptors include the existing residential developments to the south of the Project site and to the west of the site across Western Avenue as well as the future Mary Star of the Sea High School to the east of the site. Estimated pollutant concentrations at these and other locations surrounding the Project site are shown on the contour diagrams contained in Appendix C, LST Analysis. As indicated in Response to Comment A13-56, with mitigation, temporary CO, NO_x, PM₁₀, and PM_{2.5} emissions associated with Project construction would not exceed the SCAQMD's localized significance thresholds at any existing off-site sensitive receptor or at any future on-site sensitive receptor. Therefore, the Project's localized emission impacts would be less than significant.

Comment A15-12

- Operation of the proposed project would exceed the SCAQMD thresholds of significance for ROG, NO_x, and CO. However, the EIR concludes that this impact is less-than-significance [sic] because the "Project would not violate any applicable air quality standard, and because it is consistent with and would implement all relevant AQMP, RCPG, and RTP strategies to attain and maintain compliance with federal and State ambient air quality standards." The EIR further indicates that SCAQMD's thresholds of significance for operation should not apply to the large-scale Ponte Vista project because the SCAQMD's thresholds of significance do not account for project size (i.e. the same thresholds are applied regardless of the size of the project). As a result, the EIR concludes that operation of the project would not have significant air quality impacts -- even though the air pollutant emissions that would be generated by project operation would exceed the SCAQMD's thresholds of significance.

Response to Comment A15-12

See Topical Response 6, Operational Air Quality, and Section II (Corrections and Additions to the Draft EIR) of this Final EIR.

Comment A15-13

This conclusion is inconsistent with SCAQMD recommendations and is not substantiated. The SCAQMD thresholds identify the pounds per day of air pollutants attributable to a project that the SCAQMD considers significant to the air environment. The fact that the SCAQMD thresholds of significance do not differentiate between project size is irrelevant. By their nature large-scale developments generate more air pollutants than small-scale developments; however, that fact in no way means that large-scale projects should have higher thresholds of significance. On the contrary, large-scale developments offer greater opportunities for air pollutant mitigation due to their ability to incorporate transit opportunities and other low-emission features.

Response to Comment A15-13

See Topical Response 5, Construction Air Quality, and Topical Response 6, Operational Air Quality. See also Section II (Corrections and Additions to the Draft EIR) of this Final EIR.

Comment A15-14**Biological Resources**

- Two California coastal gnatcatchers (a federally endangered species) were observed on the vegetated slope just north of the project site that would be graded as part of the project. The EIR includes mitigation measures to avoid significant impacts to California coastal gnatcatcher; in particular, the proposed mitigation would limit grading of this slope to the gnatcatcher's non-nesting season to prevent incidental takings of the species.

Response to Comment A15-14

This comment correctly states that California coastal gnatcatchers (CAGN) were observed on the cut-slope adjacent to the Project site's northern property line. While the comment notes that two CAGN were observed, it should be noted that two CAGN were noted on the Project site on two different occasions. The comment is also correct that with implementation of the Draft EIR mitigation measures, Project specific impacts to biological resources would be less than significant. With respect to the grading of the northern cut-slope, Mitigation Measure C-2 includes provisions designed to avoid impacts to nesting CAGN. Mitigation Measure C-2 provides, among other things, that clearing of CSS habitat vegetation shall not be initiated until after September 15 and shall be completed before February 1, although such clearing may be initiated prior to September 15 upon certain findings by a qualified biologist. However, the comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A15-15

- The proposed project includes covering the natural drainage course in the southern portion of the site. Compliance with the federal Clean Water Act and the California Department of Fish and Game Code would prevent significant impacts from this action.

Response to Comment A15-15

The Project applicant will be required to obtain permits for the proposed activity from all responsible State and/or federal agencies, which is reflected in the Draft EIR Mitigation Measure C-5. As discussed in the Draft EIR at page IV.C-44, CDFG has issued a determination that undergrounding the drainage channel would potentially impact 1.45 acres of CDFG jurisdictional area. CDFG further determined that the potential impacts of covering the riparian habitat associated with the drainage channel and streambed area would be mitigated by funding the off-site restoration of 3.48 acres of habitat within the Portuguese

Bend Nature Preserve, including two acres of riparian habitat restoration at the Klondike Canyon stream and 1.48 acres of CSS habitat restoration adjacent to Klondike Canyon.

Pursuant to CDFG's determination, the Project applicant and CDFG will enter into a streambed alteration agreement to require implementation of this mitigation required by CDFG and this requirement has been incorporated in Mitigation Measure C-4.

Comment A15-16

- The project proposes a General Plan Amendment to change the land use designation in the Wilmington-Harbor City Community Plan for the project site from Low Residential and Open Space to Medium Residential.
- The project proposes a zone change from R1-1XL and OS-1XL to Specific Plan.

Response to Comment A15-16

This comment correctly states that the Project proposes a General Plan Amendment for the Project site changing the land use designation from Low Residential and Open Space to Medium Residential, and a Zone Change from R1-1XL and OS-1XL to Specific Plan, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A15-17

Noise

- The vehicle trips generated by the project would not cause a noticeable increase in ambient noise levels along Western Avenue within Lomita. The greatest projected increase in ambient noise along Western Avenue north of the project caused by project-induced traffic is 0.5 decibels (db), which would occur south of Palos Verdes Drive North. For comparison, 3.0 db is considered a noticeable increase in ambient noise.

Response to Comment A15-17

This comment correctly states that the Project would not cause a noticeable increase in ambient noise levels along Western Avenue within Lomita. Indeed, the Project's maximum local noise increase level at any roadway segment is 0.7 dBA CNEL, which is below the 3.0 dBA threshold. The comment also states that "3.0 db is considered a noticeable increase in ambient noise." To clarify, at page IV.G-2, the Draft EIR states that a difference of 3 dBA over 24 hours is barely perceptible to most people. Additionally, the comment uses the notation of (db) as compared to (dBA), which is used in the Draft EIR. To clarify, the standard unit of sound amplitude measurement is the decibel (dB). The decibel scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any

sound. The pitch of the sound is related to the frequency of the pressure vibration. Since the human ear is not equally sensitive to a given sound level at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. As such, the Draft EIR utilizes the A-weighted decibel scale (dBA), which includes compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A15-18

- The EIR identifies the project's construction-induced noise as a significant and unavoidable project impact. However, the project site is approximately 0.6 miles south of the City of Lomita and, as such, construction noise generated on the project site is not expected to significantly impact any portions of Lomita.

Response to Comment A15-18

The comment is correct that temporary construction noise impacts would be recognized as significant and unavoidable. The comment also correctly states that construction noise generated on the Project site is not expected to significantly impact any portions of Lomita. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A15-19

- The EIR identifies the noise generated by the proposed six-acre park as a significant and unavoidable impact. However, this proposed park would be located approximately one mile south of the City of Lomita and, as such, park-related noise is not expected to significantly impact any portions of Lomita.

Response to Comment A15-19

The comment is correct that the Draft EIR recognizes noise from little league activities as a significant and unavoidable impact. The comment also correctly states that such noise is not expected to significantly impact any portion of Lomita. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A15-20**Population and Housing**

The Draft EIR provides an analysis of the population and housing impacts of the project and concludes that all population and housing impacts will be beneficial, therefore, negating the need for any type of mitigation. According to the DEIR, the impacts are beneficial primarily because they assist the City of Los Angeles in meeting its strategic housing goals as set forth in various community plans (CPA's) and the City's General Plan Framework and Housing Element.

Response to Comment A15-20

This comment is correct that the Draft EIR concludes that the Project would have a beneficial rather than adverse impact on population and housing and that mitigation measures are therefore not required pursuant to CEQA Guideline 15126.4. The Draft EIR concludes that the Project is beneficial in part because it assists the City in meeting its strategic housing goals as set forth in the Wilmington-Harbor City and San Pedro community plans, and the City's General Plan Framework and Housing Element. Other beneficial population and housing impacts identified in the Draft EIR include without limitation that the Project helps the City meet its fair share of regional housing need, improves subregional jobs-housing balance, provides new housing opportunities for seniors and the disabled, avoids displacement of existing households and demolition of existing rent controlled housing stock, and is generally consistent with and implements applicable regional plans and policies; specifically those which encourage the improvement of air quality and the reduction of regional congestion through infill housing development (e.g., AQMP, RCPG, Compass Growth Vision, RTP, RHNA, etc.), as well as policies to address the community's and City's housing crisis. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A15-21

While this conclusion is valid, the analysis in the DEIR does not accurately depict population and housing impacts associated with the project and fails to acknowledge and/or adequately address the following:

- The project will increase the number of dwelling units on the project site from 245 units to 2,300 units - an almost 10-fold increase in the number of units currently on the project site.

Response to Comment A15-21

The comment agrees that the Draft EIR's impact conclusions for population and housing are valid. While the comment asserts that the Draft EIR does not accurately depict population and housing impacts associated with the Project, it does not, however, identify any inaccuracies in the Draft EIR's depiction of

the Project's population and housing impacts. The Draft EIR clearly acknowledges the proposed increase in the number of units that would be located at the Project site.

Comment A15-22

- The analysis assumes an unrealistically low persons-per-household (pph) factor in determining population increases resulting from the project.

Response to Comment A15-22

This comment asserts that the Draft EIR assumes an unrealistically low persons-per-household factor in determining population increases resulting from the Project. The comment does not, however, specify any basis for or provide any alternative analysis or substantial evidence in support of this assertion. To the extent that this comment summarizes the ensuing Comment A15-31, see Response to Comment A15-31.

Comment A15-23

- The analysis of project-related population and housing impacts in the DEIR is based on housing and population projections of two community plans.

Response to Comment A15-23

The comment asserts that the Draft EIR's analysis of Project-related population is based on housing and population projections of two community plans, but fails to identify the analysis to which it refers or to clarify the reason it believes this to be improper. Because the comment fails to identify a particular analysis or conclusion, a specific response is neither possible nor required. As a general matter, however, due to the areawide/regional nature of the Project under CEQA (a residential development in excess of 500 dwelling units) and the scale at which the housing markets operate, the geographic zones utilized are appropriate bases for analysis. The Project is located in the Wilmington-Harbor City Community Plan area, but is immediately north of the San Pedro Community Plan area. Together, these two community plan areas comprise most of the housing submarket area associated with the Project location and represent a logical area of analysis for these environmental topics. While the Draft EIR does provide analysis for the combined community plan areas, it also provides analysis for the Wilmington-Harbor City area (as well as for the San Pedro Community Plan area) individually. The Draft EIR also provides analysis for the City of Los Angeles Subregion, which is the analysis geography required by SCAG for evaluating impacts on regional planning policies. Nothing in CEQA requires that the population and housing analysis be restricted to one particular area.

Comment A15-24

- Although the project proponents claim the project will provide a "spectrum of housing prices" and will include senior housing, there are no affordability restrictions being placed on the project.

Response to Comment A15-24

See Response to Comment A8-4.

Comment A15-25

- Although characterized as an infill project in the DEIR, the DEIR fails to disclose that the housing to be built is essentially high-density multi-family housing that is fundamentally different than housing currently existing in the immediate area.

Response to Comment A15-25

In numerous places the Draft EIR states that the Project proposes multi-family housing of approximately 37 units per acre, which would be below the maximum density permitted by the “Medium Residential” designation (R3 or approximately 54 units per acre) and greater than the approximate density permitted by the “Low-Medium” designation (RD1.5, or approximately 29 units per acre). See, e.g., Page IV.F-15 of the Draft EIR. The Project does not propose a density that would fall under any “High Density” designation. The Draft EIR discusses the surrounding land uses throughout the EIR, see, e.g., pp. III-3 – III-5, III-15 – III-24, IV.F-20- IV.F-21, IV.F-62. The Draft EIR acknowledges that the Project would require a zone change and General Plan amendment and would therefore represent a change over the site’s existing designations. See, e.g., pp. II-27, IV.F-60, IV.F-69. See Response to Comment A8-11.

Comment A15-26

- The proposed project is growth inducing because infrastructure required to be installed for the proposed project could be easily extended to serve potential future development to the north and to the east.

Response to Comment A15-26

The comment asserts that the Project would be growth inducing because infrastructure required to be installed for the proposed project could be easily extended to serve potential future development to the north and to the east. The comment ignores that the Project is located in urbanized infill location and is surrounded by existing urban development. The comment does not identify any new infrastructure provided by the Project, how it could be “easily extended” and what new growth it would serve. In fact, the Project site has been previously developed and contains infrastructure; all utility and other infrastructure upgrades planned for the Project are intended solely to meet Project-related demand and would not support development external to the Project site. All roads planned for the Project are for internal circulation or Mary Star of the Sea High School access only, and would not open undeveloped areas for new use. The new Mary Star of the Sea High School campus to the east is presently under construction and is a project that was not induced by the proposed Project. However, the Project will provide a road to connect Mary Star of the Sea High School to Western Avenue, which was assumed by the City of Los Angeles in approving Mary Star High School. The DFSP site to the north is owned and

operated by the U.S. Navy primarily for the storage of fuels. The DFSP contains above-ground and underground storage tanks (ASTs and USTs) distributed throughout the site and no redevelopment of the DFSP is planned.

Comment A15-27

- Jobs-housing balance is inadequately addressed. This is a “housing rich” project intended to increase housing opportunities for workers in the area, however, very few people in the general area (including those employed in the retail component of the project) will likely be able to afford to buy a unit in the project.

Response to Comment A15-27

See Response to Comment A8-4.

Comment A15-28

- Many of the potentially significant housing and population growth impacts of the project could be reduced by adopting one of the project alternatives which reduces the proposed total number of dwelling units in the project.

Response to Comment A15-28

This comment states that “many of the potentially significant housing and population growth impacts” of the Project could be reduced by adopting one of the Project alternatives which reduces the total number of dwelling units. However, the Project will not result in adverse population and housing impacts. Rather, the Project’s housing and population impacts are beneficial. With the exception of temporary construction noise, temporary construction emissions, operational air quality emissions, and noise from little league play at the park, the potential environmental impacts of the Project can be mitigated to less than significant levels. Unavoidable temporary construction noise impacts, temporary construction air quality impacts, and operational air quality impacts related to vehicle emissions cannot be avoided by any alternative, including the No Project/Single Family Home alternative. Operational noise impacts from the park could be avoided by the Alternatives that do not include a park, or by eliminating the potential little league fields.

Comment A15-29

The project proposes to demolish 245 residential units, a community center, and a convenience facility that were constructed in approximately 1962 for the U.S. Navy. These dwelling units are unoccupied; therefore, no persons or households will be displaced as a result of the project.

Response to Comment A15-29

This comment correctly identifies the existing structures that will be demolished as a result of the Project and correctly notes that the dwelling units are unoccupied and that the Project will not cause displacement of persons or households. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A15-30

However, as noted above, the total number of units will increase by 2,055 units, which represents a large increase in residential density for this parcel. This would occur in an area that is predominantly developed with low-density single-family residential uses with an approximate density of 6-7 dwelling units per acres. [sic] The project proposes a density of 37 units per acre.

Response to Comment A15-30

The comment is correct that the Project proposes an increase in density to approximately 37 units per acre. The comment is incorrect, however, that the surrounding area is predominantly developed with low-density single-family residential uses with an approximately density of 6-7 dwelling units per acre. See Response to Comment A8-11.

Comment A15-31

The DEIR describes a population increase of 4,313 persons resulting from the project. This is based on a persons-per-household factor of 2.0 persons-per- households for non-senior units and 1.5 persons-per-households for the seniors units. However, the State Department of Finance (DOF) projects a Year 2006 person-per-household factor of 2.966 for the City of Los Angeles.¹ Assuming that the 2.966 factor is applied to the non-senior units (1,480 units) and 1.5 [sic] persons occupy the senior units (575 units), the overall population increase resulting from the project would be 5,252 persons.

Response to Comment A15-31

The comment's application of the State Department of Finance 2006 Citywide projection of 2.966 persons-per-household is not appropriate for the Project. The Citywide average includes a variety of housing types that are not reflected in the Project, such as detached single-family homes and rental units, which tend to have higher persons-per-household than the type of owner-occupied multi-family units proposed for the Project. See Topical Response 8, Population and Housing.

Comment A15-32

The proposed project is located in the City of Los Angeles' Wilmington-Harbor City Community Plan area. It also borders the San Pedro Community Plan Area. The DEIR combines the housing statistics and

goals of both communities' plans to arrive at conclusions that understate the housing and population impacts of the project. The analysis should be re-conducted; limiting comparison of the project to only the Wilmington-Harbor City Community Plan area in order to arrive at fairer and more realistic conclusions in regards to housing and population growth impacts in the area.

Response to Comment A15-32

The comment is correct that the Project is located in the Wilmington-Harbor City Community Plan area and borders on the San Pedro Community Plan area. The comment is incorrect, however, that the Draft EIR understates the housing and population impacts of the Project by combining the housing statistics and goals of both community plan areas. The comment fails to specify how the analysis understates the housing and population impacts, to identify the combination of statistics and goals to which it refers, or to provide an alternative analysis of such impacts; thus no specific response is possible or required. See Response to Comment A15-23.

Comment A15-33

¹ California State Department of Finance, Table 2:E-5 - City/County Population & Housing Estimates, January 1, 2006.

Response to Comment A15-33

This comment contains a citation for a sentence in Comment A15-31, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A15-34

The DEIR describes (as one of the objectives of the project) the provision of new housing to meet the housing needs of a "wide spectrum" of households. However, the DEIR acknowledges that all of the units in the project, including the senior housing units, will be market-rate units. The result is that those for whom the housing is supposedly intended (school teachers, fire fighters, police men and women, service sector employees and their families) will not be able to afford these market rate units. The DEIR itself acknowledges that currently only 19% of households in the greater Los Angeles County area can afford to buy a median-priced home. Without meaningful affordability restrictions placed on units within the project, they will be priced out-of-range of the persons who are in most need of this kind of housing.

Response to Comment A15-34

See Response to Comment A8-4.

Comment A15-35

Aside from the large increase in residential density proposed for the project site, there is little or no acknowledgement [sic] in the DEIR that the project represents a fundamental transition away from the low-rise, single-family character of the immediate area in which the project is proposed. Directly across Western Avenue to the west is an established low-density, single-family residential subdivision. A cemetery is located just to the north of these residences. A Google Earth search of the general environs reveals that the project will result in extending high-density, multi-family housing projects further to the north (north of Avenida Aprenda) into an area currently without this type of housing.

Response to Comment A15-35

The comment is incorrect that the Project represents a “fundamental transition away from the low-rise, single-family character of the immediate area in which the project is proposed.” See Response to Comment A8-11. The comment also incorrectly characterizes the Project as a “high-density” project. At approximately 37 dwelling units per acre, the Project would be below the maximum density permitted by the “Medium Residential” designation (R3 or approximately 54 units per acre) and greater than the approximate density permitted by the “Low-Medium” designation (RD1.5, or approximately 29 units per acre). The Project does not propose a density that would fall under any “High Density” designation. In addition, as discussed in the Draft EIR, the Project would implement some of the recommendations in the Housing Crisis Task Force Report. See, e.g., Draft EIR pp. IV.F-60 – IV.F 61. As discussed in the Draft EIR, the Project is generally consistent with and implements applicable regional plans and policies; specifically those which encourage the improvement of air quality and the reduction of regional congestion through infill housing development (e.g., AQMP, RCPG, Compass Growth Vision, RTP, RHNA, etc.), as well as policies to address the community’s and City’s housing crisis. See e.g., Draft EIR, pp. VI-104, IV. F-22 to IV.F-26, IV.H-21 to IV.H-27. See also Comment Letter A14.

Comment A15-36

The project has the potential for inducing new population and housing growth in the area by providing public utilities (sewer, water, electrical, etc.) into the new subdivision which can then be extended further to serve potential new development to the north and east of the project site. The U.S. Navy’s Defense Fuel Support Point (DPSP) is located to the north of the project site, and the future site of and new campus for Mary Star of the Sea High School is located to the east. The DEIR does not clarify whether or not parcels located in these two areas are zoned or may be made available for development in the future.

Response to Comment A15-36

See Response to Comment A15-26. The Project responds to the need of existing and forecast population for additional housing consistent with regional plans and policies and is not growth inducing.

Comment A15-37

The DEIR discusses but does not adequately address the jobs-housing balance of the project. While the project will result in an incrementally improved jobs-housing balance ratio (from 1.448 to 1.446 for the SCAG Subregion), it is unclear whether or not jobs being provided within the project (approximately 29 employees serving 10,000 square feet of retail uses) will be able to afford (based on income) market rate units located within the project itself and thus reduce vehicle miles traveled (VMT), which is the ultimate goal of attaining a jobs-housing balance. The City of Lomita requests the proposed project include an affordable housing component, with a percentage of units offered at below the market rate.

Response to Comment A15-37

See Response to Comment A8-4.

Comment A15-38

Various project alternatives are discussed and analyzed in the Draft EIR, including the No Project alternative. Other than the No Project alternative, Alternative “C” - Reduced Density alternative, has the greatest potential for reducing population and housing impacts resulting from the project. Under this alternative, the total number of dwelling units would be reduced from 2,300 to 1,700 with 25% of these units (425 units) reserved for seniors only. Using the State DOF persons-per-household factor of 2.996 (and using a 2 persons-per-household factor for the senior units), the total population under Alternative “C” would be 4,670 persons. Although still a significant increase in both housing and population under Alternative “C” would occur, it is preferable over the proposed project primarily because a reduced density project would reduce ancillary impacts such as air quality and traffic impacts. It is also preferable over the other alternatives (excluding the No Project alternative) that propose either increases in commercial uses on the project site (including “big box” retail) or redevelopment of the project site for mixed biomedical and residential uses.

Response to Comment A15-38

Using the population factors employed in the Draft EIR, Alternative C would be occupied by about 3,188 persons, or about 26 percent less than the population of the Project. As discussed in page VI-58 of the Draft EIR, Alternative C would, like the Project, fall within the scale of remaining housing unit and population growth that is forecasted by the General Plan Framework for the Wilmington-Harbor CPA and in SCAG’s forecast to 2012 for the City of Los Angeles Subregion. This alternative would, however, contribute 26 percent fewer units to the City’s need to increase its housing supply, compared to the Project. It would also result in 26 percent (150) fewer units reserved for seniors.

The DOF persons-per-household standard is not appropriate to use to reflect the potential population associated with the proposed Project or any of the Project alternatives. The commenter is referred to Topical Response 8, Population and Housing, for a discussion of the appropriate persons-per-household

standard used in the Draft EIR. As noted above, the Draft EIR concluded that Alternative C would result in 3,188 persons.

The balance of the comment expresses the author's opinion regarding Alternative C, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A15-39

Transportation and Traffic

The Transportation and Traffic section of the DEIR is based on the *Traffic Impact Study, Ponte Vista at San Pedro, City of Los Angeles, California, September 8, 2006* prepared by Linscott, Law & Greenspan Engineers (LL&G) and found in Appendix IV.J-1. This section of the DEIR was reviewed using the analysis methodology followed the Congestion Management Program Traffic Impact Assessment (CMP TIA) guidelines and includes analysis of the following:

- A. Trip generation methodology,
- B. Intersection analysis of study intersections within the City,
- C. Impact of project traffic, including related projects, added to study intersections within the City, and
- D. Analysis of mitigation measures for study intersections within the City.

Response to Comment A15-39

This comment correctly states that the Transportation and Traffic section of the Draft EIR is based on the traffic study included in the Draft EIR as Appendix IV.J-1. The comment also identifies impact criteria the commenter utilized in its review of the Transportation and Traffic section of the Draft EIR. This comment does not, however, state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A15-40

Our comments are as follows:

Trip Generation Methodology

- What is the justification for using Land Use Code 488, Soccer Complex for 2 baseball fields? There is no specific explanation in the text other than "approval by LADOT staff for use in the traffic analysis" (Page IV.5-34). A more detailed explanation should be provided.

Response to Comment A15-40

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast provided in the Draft EIR. The Traffic Study utilizes ITE Land Use Code 488 (Soccer Complex) to prepare the trip generation forecast for the potential little league baseball fields. The *Trip Generation* manual does not provide a trip rate for baseball fields; therefore the trip rate for a soccer complex was utilized. The trip rates for the soccer complex was deemed suitably conservative (i.e., “worst case”) as soccer teams generally field a team of at least 11 players (as compared to nine players for baseball teams), thus a soccer field would likely generate more vehicle trips than a baseball field due to the greater number of players. Also, youth soccer matches tend to be shorter in length (60-90 minutes) as compared to baseball games (120 to 150 minutes), thus resulting in a greater turnover in vehicle traffic at a soccer field as compared to a baseball field. Therefore, the use of the ITE trip rate for a soccer complex was deemed to be appropriate for purposes of forecasting trips related to the potential little league baseball field component of the Project.

Comment A15-41

The study also makes a statement regarding approximately 10,000 square feet of retail uses and recreational amenities (e.g., coffee shop, convenience market, fitness center, etc.). The study indicates (Page IV.J-34) that these uses “are not expected to be used by persons who are not residents of the Project; therefore, their potential to generate new trips onto the local street system is negligible”.

Response to Comment A15-41

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast provided in the Draft EIR. The 10,000 square feet of convenience retail uses referred to in the comment would be developed internally to the Project site, which is proposed as a gated community, and therefore would likely draw patrons nearly exclusively from residents of the Project (or guests already visiting residents of the Project). Moreover, the Traffic Study provides a conservative (“worst case”) estimate of the trip generation potential of the Project because it does not include any reduction in the trip generation forecast attributable to the fact that Project residents will not need to travel off-site to obtain the types of convenience retail services that are proposed to be provided on-site. Similarly, no trip generation reduction was taken despite the fact that the on-site open space areas would encourage Project residents to remain on-site rather than having to drive to another location in the community for similar recreation opportunities. Therefore, no changes to the trip generation forecast provided in the Traffic Study are required.

Comment A15-42

- Why wouldn't some trips accessing these retail uses and recreational amenities generate additional trips? How can this “negligible” number of trips be justified? Coffee shops and convenience markets can cause a high demand in trips. A conservative number of trips should be

generated for this approximately 10,000 square feet of retail uses and recreational amenities. Additionally, the trip generation methodology analyzed Saturday trip generation. This analysis identified these Saturday trips as occurring “during Saturday mid-day peak hour” (Page IV.J-35). The Trip Generation manual indicates that these trips occur during the “Peak Hour of Generator”. The Peak Hour of Generator would represent the highest hour when the most trips are generated by the specific use. For example, this could be 9:00 AM for condominiums and 12:00 PM for senior housing. The Trip Generation manual does not define the time or period for the “Peak Hour of Generator”. However, the worse case scenario would be to use the peak hour of each generator to make an analysis of Saturday traffic impacts.

- The Saturday trip generation analysis does not necessarily occur “during the Saturday mid-day peak hour.” The Saturday trip generation is the “Peak Hour of Generator”. The study should make this correction and explain that the Saturday analysis is a worse case (conservative) analysis.

Response to Comment A15-42

With respect to the 10,000 square feet of convenience retail uses, see Response to Comment A15-41. With respect to the Traffic Study’s analysis of potential weekend traffic impacts, as noted on page IV.J-18 of the Draft EIR, additional counts were taken at intersections along Western Avenue during a Saturday midday peak period (12:00 to 3:00 PM). The time period for traffic counts was selected as it typically represents the highest level of traffic on the street system during a weekend condition. The particular peak one-hour segment (e.g., 12:00-1:00 PM) was determined for each study intersection for the weekend period. To provide a “worst case” scenario, the Traffic Study utilized the trip rates associated with the peak hour of the generator. See Draft EIR at page IV.J-35. By doing so, the Traffic Study provides a conservative (i.e., “worst case”) analysis of potential traffic impacts associated with the Project on weekend conditions as it assumes that the highest amount of traffic generated by the Project would occur concurrent with the peak hour of traffic on the adjacent street system. Should the actual peak hour of traffic generated by one or more of the Project components occur outside of the peak hour of adjacent street traffic, then the relative effects of Project-related traffic would be less than what has been analyzed in the Traffic Study. See also Topical Response 11, Traffic.

Comment A15-43

Intersection Analysis

The analysis of study intersections within the City of Lomita included the following intersections :

- A. Arlington Avenue (Narbonne Avenue)/Lomita Boulevard (#8)
- B. Narbonne Avenue/Pacific Coast Highway (#9)
- C. Western Avenue/ Palos Verdes Drive North (#15)

Table IV.J-11 provides the summary of the Intersection Capacity Utilization (ICU) analysis conducted on the City's 3 study intersections. Only the intersection of Western Avenue/Palos Verdes Drive North included analysis of Saturday traffic impacts. Our comments are noted below:

Response to Comment A15-43

This comment correctly identifies the three intersections in the City of Lomita that were studied in the Draft EIR, identifies the intersection that was included in the analysis of Saturday traffic impacts, and refers to the Draft EIR table summarizing analysis results. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing Project.

Comment A15-44

- In comparing Table IV.J-11 to the ICU Data Worksheets in Appendix C and Appendix C-2, there seems to be a discrepancy. Appendix C indicates the analysis is "Ponte Vista Analysis". Appendix C-2 indicates the analysis includes "Ponte Vista and Mary Star Analysis". In Table IV.J-11, column 3 is "Year 2012 Future Pre-Project" (without Mary Star High School) and should correspond to Appendix C. Column 4a is with Mary Star High School and should correspond to Appendix C-2.

Response to Comment A15-44

See Topical Response 11, Traffic, for a discussion regarding the analysis of potential traffic impacts as evaluated in the Draft EIR. A discussion of the treatment of the Mary Star High School project within the Traffic Study is provided on page IV.J-54 of the Draft EIR. As noted in the Draft EIR, the Traffic Study calls out the potential traffic impacts of the Mary Star High School separately from those of ambient growth and other "related" projects, and separately from the potential impacts of the Project. This enables the potential impacts of the Mary Star High School project to be identified separately from the Project. As discussed in the Draft EIR, Mary Star High School has already been approved by the City of Los Angeles, while the Project has not yet been approved. The Mary Star High School approval assumed that a road connection from Mary Star to Western Avenue would be obtained to facilitate Mary Star's operations. However, Mary Star had no actual access rights for such a road. As a community benefit, the Project, if approved, would provide Mary Star High School with a road connection to Western Avenue. Therefore, the Traffic Study does evaluate the potential traffic impacts of the High School road connection and the Project together for the purpose of identifying and determining the beneficial effect of the mitigation measures recommended for the Project. As indicated in Table IV.J-10 of the Draft EIR, the mitigation measures recommended in the Draft EIR mitigate the potential significant traffic impacts related to the combined effects of both the Mary Star High School taking operational road access from Western Avenue and the Project. As discussed in the Draft EIR at page IV.J-54, if the Project is not approved, a road connection to Western Avenue will not be provided for Mary Star High School, and operational access to Mary Star High School will need to be reevaluated by the City of Los Angeles.

The particular table cited in the comment, Table IV.J-11 in the Draft EIR, summarizes the results of a supplemental analysis for intersections within the jurisdiction of the City of Lomita using the significant impact criteria and methodology utilized for traffic studies prepared for development projects within Lomita. As noted at Page IV.J-56 of the Draft EIR, the City of Los Angeles is the lead agency for the Project, and therefore this supplemental analysis was not required by CEQA. In this supplemental analysis, the potential traffic effects of the Mary Star High School have also been considered separately from the related projects and the Project. The ICU worksheets referenced in the comment provide the correct information related to the potential impacts associated with the Mary Star High School project and the Project.

Comment A15-45

- A correction needs to be made in Table IV.J-11 or in Appendix C or in Appendix C-2 to insure the V/C ratios and LOS correspond. In Table IV.J-11, Column 3 does not appear to correspond to Appendix C and Column 4a does not appear to correspond to Appendix C-2. Mitigation measures must be recommended if significant traffic impacts occur with these revisions.

Response to Comment A15-45

See Response to Comment A15-44. The correct traffic analysis information from Appendix C and C-2 has been summarized in Table IV.J-11 in the Draft EIR for purposes of assessing the potential traffic effects associated with the Mary Star High School project.

Comment A15-46

Impact of Project Traffic

- Figures IV.J-9, J-10, and J-11 identify the total trips generated by the proposed project. Based on these figures and the ICU analysis, the intersections of Arlington Avenue (Narbonne Avenue)/Lomita Boulevard and Narbonne Avenue/Pacific Coast Highway are not significantly impacted. This can be expected based on the distance these intersections are located from the proposed project.

Response to Comment A15-46

The comment correctly notes that the Draft EIR concludes that the Project's potential traffic impacts at study intersection nos. 8 (Arlington Avenue/Lomita Boulevard) and 9 (Narbonne Avenue/Pacific Coast Highway) would be less than significant. This conclusion is based on the analysis approved by the lead agency as summarized in Table IV.J-10. The supplemental analysis using the significance thresholds and methodology of the City of Lomita as summarized in Table IV.J-11 also results in the same conclusion.

Comment A15-47

- As expected, Western Avenue/Palos Verdes Drive North experiences the highest increase in proposed project trips of the 3 City of Lomita study intersections. The northbound right turn movement is projected to have a traffic volume of 597 during the AM peak hour in the “Year 2012 Mitigation for Project and Mary Star” scenario.

Response to Comment A15-47

The comment correctly interprets the Project-related traffic volume data provided in Figures IV.J-9, IV.J-10, and IV.J-11 in the Draft EIR. The forecast right-turn volume cited in the comment for northbound Western Avenue at the Palos Verdes Drive North intersection is shown on Figure IV.J-24 of the Draft EIR.

Comment A15-48

- For the intersection of Western Avenue/Palos Verdes Drive North, there is a projected volume of 597 during the AM peak hour at the “Year 2012 Mitigation for Project and Mary Star”. The lowest projected volume for this movement is 358 during the PM peak hour. Why isn’t this amount of turning traffic being accommodated in a separate turn lane?

Response to Comment A15-48

The mitigation recommended for the intersection of Western Avenue and Palos Verdes Drive North (Mitigation Measure J-5) is discussed in the Draft EIR on page IV.J-112. Implementation of the northbound right-turn lane may not be feasible within the existing available public right-of-way. However, as shown in Tables IV.J-10 and IV.J-11 of the Draft EIR, the recommended mitigation measures would completely mitigate the Project-related traffic impacts (as well as a portion of the pre-Project traffic growth). Therefore, a separate northbound right-turn lane is not required as a mitigation measure.

Comment A15-49**Analysis of Mitigation Measures**

Based on the City’s criteria defining a significant traffic impact, the intersection of Western Avenue/Palos Verdes Drive North experiences significant traffic impacts with the proposed project. The study proposes the following mitigation measures (Page IV. J-112):

- A. “Fund and install ATSAC/ATCS (or similar traffic signal synchronization system approved by Caltrans and LADOT), and
- B. Modify the westbound approach of Western Avenue to “provide two left-turn lanes.”

The installation of the proposed dual left-turn lanes will require:

- A. Modification of the existing median, traffic signal equipment, and roadway striping,
- B. Removal of 5 parking spaces on the north side of Palos Verdes Drive North west of Western Avenue, and
- C. Removal of 10 parking spaces on the north side of Palos Verdes Drive North east of Western Avenue.

Response to Comment A15-49

This comment correctly notes that application of the City of Lomita's impact criteria would result in a significant impact at the intersection of Western Avenue/Palos Verdes Drive North. The comment also identifies the proposed mitigation for this intersection, although it should be clarified that the modification to provide two left turn lanes would be made to the westbound approach on Palos Verdes Drive North at Western Avenue. The comment also identifies changes required in order to provide the new left turn lanes, although it should be clarified that the existing roadway striping would be modified "as needed." The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A15-50

- The proposed mitigation measure at Western Avenue/Palos Verdes Drive North requires removal of on-street parking. How or where will the displaced parking spaces be accommodated?

Response to Comment A15-50

See Response to Comment A15-48 for a discussion of the mitigation measure recommended in the Draft EIR for the Western Avenue/Palos Verdes Drive intersection. As discussed on page IV.J-112 in the Draft EIR, implementation of the double left-turn lanes for westbound Palos Verdes Drive North would require implementation of curbside parking restrictions in the immediate vicinity of the intersection. However, field review indicates that these parking spaces are adjacent to commercial uses that have provisions for on-site (i.e., off-street) parking. Further, observations indicate that there does not appear to be a high utilization of the curbside parking spaces. Therefore, the potential impacts associated with the removal of these spaces are less than significant and there is no requirement to replace these spaces.

Comment A15-51

- In Appendix H of the LL&G traffic study, there is a conceptual drawing of the proposed mitigation measure for the intersection of Western Avenue and Palos Verdes Drive North. This conceptual drawing does not accurately illustrate the "back to back" left turn lanes on Palos Verdes Drive North west of Western Avenue. In addition, there are only 3 eastbound through lanes on Palos Verdes Drive North west of Western Avenue.

Response to Comment A15-51

See Responses to Comments A15-48 and A-15-50 for a discussion regarding the mitigation measure recommended in the Draft EIR for the Western Avenue/Palos Verdes Drive North intersection. The conceptual plans provided in the appendix of the Traffic Study are prepared to demonstrate the feasibility of the mitigation measures recommended in the Draft EIR. The conceptual plans are not construction documents, nor are they intended to depict specific design elements not associated with the mitigation measures. The specific details cited in the comment do not affect the feasibility of the mitigation measure, and the comment does not assert that these elements would render the recommended mitigation measure infeasible. As required by LADOT in its January 11, 2007 letter, the Project applicant will be required to prepare design plans of the recommended mitigation measures and construct the improvements prior to issuance of a certificate of occupancy.

Comment A15-52

- The conceptual drawing of the proposed mitigation measure should be corrected to better reflect existing conditions on Palos Verdes Drive North west of Western Avenue. This should include the “back to back” left turn lanes and the 3 eastbound through lanes on Palos Verdes Drive North.

Response to Comment A15-52

See Response to Comment A15-51. Revisions to the conceptual plans are not required as the specific elements cited in the comment do not affect the feasibility of the recommended traffic mitigation measure.

Comment A15-53

- In the ICU Data Worksheets for Western Avenue/Palos Verdes Drive North, the mitigation column (2012 W/Project Mitigation) shows the proposed dual westbound. However, this column (and 2012 W/Project Site Traffic) also identifies the addition of a southbound right turn lane on Western Avenue. There is no discussion of this proposed mitigation measure in the DEIR or LL&G traffic study.

Response to Comment A15-53

It is stated on page 97 of the Traffic Study contained in the appendix to the Draft EIR that addition of a southbound right-turn lane on Western Avenue at the Palos Verdes Drive intersection was assumed in the “with Mary Star High School” condition of the traffic analysis as this improvement was conditioned to the High School project. As the Mary Star High School is currently under construction, it is reasonable to assume that Mary Star High School will be required to implement this measure prior to construction of the Project.

Comment A15-54

- Include discussion of the proposed southbound right-turn lane in the mitigation measures for Western Avenue/Palos Verdes Drive North. If this is not a proposed recommendation, the ICU Data Worksheets must be revised accordingly. Any revisions should be correctly reflected in Table IV.J-11.

Response to Comment A15-54

See Response to Comment A15-53 for a discussion regarding the inclusion of the southbound right-turn lane on Western Avenue at the Palos Verdes Drive North intersection in the traffic analysis. No revisions to the Traffic Study are required.

Comment A15-55**Intersections Not Within the City of Lomita**

In addition to the three intersections within Lomita, the following 10 intersections that would be traveled by Lomita residents accessing the 110 Freeway were considered in Lomita's review of the EIR:

Western/Anaheim

Western/PCH

Western/Lomita

Western/Sepulveda

Normandie/PCH

Normandie/Lomita

Normandie/Sepulveda

Vermont/PCH

Vermont/Lomita

Vermont/Sepulveda

The review of these intersections consisted of looking specifically at:

- The project trips generated through the intersections,
- The intersections that were significantly impacted by traffic based on the thresholds of each agency affected, and
- The proposed mitigation measures as they relate to the project trips.

Of these 10 intersections, only 4 were significantly impacted. The four impacted intersections are all located within the City of Los Angeles and included:

Western/Anaheim (#14)

Western/PCH (#13)) [sic]

Western/Lomita (#12)

Vermont/PCH (#44)

Response to Comment A15-55

This comment identifies intersections that the commenter believes would be traveled by Lomita residents accessing the 110 Freeway. The existing AM and PM peak hour traffic counts at the study intersections are provided in the Draft EIR on Figures IV.J-4 and IV.J-5. To the extent that City of Lomita residents are currently traveling through the intersections listed in the comment to access the I-110 freeway, such trips would be included in the traffic counts. However, it is beyond the scope of the Traffic Study in the Draft EIR to identify the specific travel routes of Lomita residents. The commenter correctly identifies four of these intersections as having significant impacts based on the City of Los Angeles impact criteria, as shown on Table IV.J-10, beginning on page IV.J-59 of the Draft EIR. The comment also identifies the factors considered by the commenter in its review of these intersections. However, the comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing Project.

Comment A15-56

The DEIR proposed the ATSAC signal synchronization as the mitigation measure for the intersections of Western/Anaheim and Western/PCH. No other measures were recommended.

Response to Comment A15-56

This comment correctly states that the Draft EIR proposes ATSAC/ATCS signal synchronization as mitigation for the Western Avenue/Anaheim Street intersection (see Mitigation Measure J-4, page IV.J-112 of the Draft EIR). However, the comment incorrectly identifies the proposed mitigation for the Western Avenue/Pacific Coast Highway intersection. ATSAC/ATCS is not proposed for this intersection, as stated in the comment. Rather, as shown on page IV.J-112 of the Draft EIR, the proposed mitigation for this intersection (Mitigation Measure J-3) is modification of the southbound approach on Western Avenue at Pacific Coast Highway to provide a second left-turn lane in addition to a right-turn only lane. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies in the Final EIR for their consideration in reviewing the Project.

Comment A15-57

For the intersection of Western/Lomita, the ATSAC signal synchroniation [sic] was part of the proposed mitigation measures. The mitigation also included a restriping of the southbound travel lanes of Western.

The new striping would add a southbound left turn lane and a right turn only lane. The southbound striping would include 2 left turn lanes, 2 through lanes and 1 right turn only lane. The project traffic anticipated through this intersection did not include a large increase in the southbound left turns or any right turning traffic.

Response to Comment A15-57

This comment incorrectly summarizes the mitigation for the Western/Lomita intersection. As shown on page IV.J-112 of the Draft EIR, Mitigation Measure J-2 for the intersection of Western Avenue and Lomita Boulevard consists of the funding of the ATSAC/ATCS traffic signal synchronization system. However, the comment incorrectly states that roadway striping for southbound Western Avenue would be modified (it appears that there may be some confusion with this measure and Mitigation Measure J-3 for the Western Avenue/Pacific Coast Highway intersection). As shown on Table IV.J-10, beginning on page IV.J-59 of the Draft EIR, the potential traffic impacts due to the Project are completely mitigated with implementation of the Mitigation Measure J-2. The comment also correctly summarizes the potential contribution of Project-related traffic at the Western Avenue/Lomita Boulevard intersection. Figures IV.J-9 and IV.J-10 display the forecast Project-related traffic volumes at the study intersections for the AM and PM peak hours. As shown on the figures, the Project is not anticipated to add left-turn or right-turn trips to southbound Western Avenue at the Lomita Boulevard intersection. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to approval or denial of the Project.

Comment A15-58

For the intersection of Western/PCH, the ATSAC signal synchronization was also a part of the proposed mitigation measures. The mitigation included widening of PCH to accommodate an additional westbound left turn lane. The westbound striping would include 2 left turn lanes, 2 through lanes and 1 shared through-right turn lane. Project traffic was anticipated to travel in the westbound left turn lane in both the AM and PM peak hours.

Response to Comment A15-58

See Response to Comment A15-56. This comment incorrectly summarizes Mitigation Measure J-3 provided on page IV.J-112 of the Draft EIR. Implementation of ATSACT/ATCS is not proposed at the Western Avenue/Pacific Coast Highway intersection as part of Mitigation Measure J-3. Further, the comment appears to mis-identify the intersection approach recommended in the Draft EIR for striping changes. Specifically, it is the southbound Western Avenue approach that would be modified to provide two left-turn lanes, two through lanes and one right-turn lane, not the westbound Pacific Coast Highway approach as stated in the comment. As shown on Table IV.J-10, beginning on page IV.J-59 of the Draft EIR, the potential traffic impacts due to the Project are completely mitigated with implementation of Mitigation Measure J-3. Figures IV.J-9 and IV.J-10 of the Draft EIR provide the forecast Project-related traffic volumes at the study intersections during the AM and PM peak hours. The comment is correct that

the Project is forecast to add traffic to the westbound left-turn movement at the Western Avenue/Pacific Coast Highway intersection. However, as demonstrated in the traffic analysis provided in the Draft EIR, it is not necessary to provide additional left-turn lanes to facilitate this traffic. The capacity enhancements recommended for the southbound Western Avenue approach will benefit the entire intersection as it will allow for additional traffic signal green time to be allocated to all of the movements, including the westbound left-turn movement. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to approval or denial of the Project.

Comment A15-59

Figure IV.J-27 does not appear to depict the mitigation measures described for Western/Lomita or Western/PCH.

Response to Comment A15-59

Figure IV.J-27 in the Draft EIR (which is mislabeled) is intended to provide a summary of the mitigation measures recommended for the Project beginning on page IV.J-111. For the Western Avenue/Lomita Boulevard intersection, Figure IV.J-27 correctly shows the Project's contribution to a traffic signal synchronization system as the mitigation measure (Mitigation Measure J-2) with the "ATCS" symbol. For the Western Avenue/Pacific Coast Highway intersection, Figure IV.J-27 shows the addition of a southbound right-turn lane on Western Avenue, but does not show the addition of a second left-turn lane as described in Mitigation Measure J-3. Therefore, Figure IV.J-27 will be revised for the Final EIR to correctly depict the recommended mitigation measure for the Western Avenue/Pacific Coast Highway intersection.

Comment A15-60

Cut-Through Traffic

Various streets that intersect Pacific Coast Highway and Lomita Boulevard within the city limits of Lomita are susceptible to cut-through traffic during a.m. and p.m. peak periods. Any additional traffic increase created by this project will create significant impacts to these streets. This adverse impact should be evaluated in the EIR.

Response to Comment A15-60

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the Traffic Study evaluated the potential impacts of the Project at three intersections located in the City of Lomita: Arlington Avenue/Lomita Boulevard, Narbonne Avenue/Pacific Coast Highway and Western Avenue/Palos Verdes Drive North (study intersection Nos. 8, 9, and 15, respectively). Table IV.J-10 shows that the Project

impacts at intersection Nos. 8 and 9 are less than significant. Therefore, no mitigation is required. Mitigation Measure J-5 listed in the Draft EIR is recommended to mitigate the Project's potential significant traffic impacts at intersection No. 15 to levels of insignificance. There does not seem to be any benefit to Project-related traffic to utilize local streets cited in the comment for regional travel, nor does the comment provide evidence, analysis or data to suggest that the Project will create "cut through" traffic on the streets cited in the comment. The Project is anticipated to potentially create only negligible traffic on the local streets within the City of Lomita because it is likely that Project-related traffic with only local destinations (e.g., to visit a friend/relative) would utilize these roadways. Therefore, no additional analysis is required.

Comment A15-61

If you have any questions, you may contact me at (310) 325-7110, extension 121.

Response to Comment A15-61

This comment contains closing remarks, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER A16

Douglas Epperhart
Coastal San Pedro Neighborhood Council
1536 West 25th Street, #223
San Pedro, CA 90732

Comment A16-1

The Coastal San Pedro Neighborhood Council Governing Board submits the following comments on the draft environmental impact report of the proposed Ponte Vista project:

Response to Comment A16-1

This comment contains introductory remarks, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A16-2

1. Section IV.J (Transportation and Traffic) of the draft EIR should be rewritten to reflect conditions that will exist following installation of the ATSAC/ATCS system which has already been scheduled to be completed by February 2009 in the San Pedro and Wilmington areas.

Response to Comment A16-2

See Topical Response 11, Traffic. As discussed in the Topical Response, the recommendation that the Project fund the installation of ATSAC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR).

Comment A16-3

2. Section IV.J also fails to take into account unique characteristics of the area in that few alternate routes exist in the event of Western Avenue being partially or completely closed as a result of natural or man-made events. The project should be required to provide its residents and the public access to a street other than Western Avenue, preferably Gaffey Street.

Response to Comment A16-3

The traffic analysis evaluates the potential Project traffic impacts within typical recurring conditions on the local street system during peak hours on weekdays and weekends. The Project's potential impacts to emergency access and response are provided in the Draft EIR beginning on page IV.J-30. See also Topical Response 13, Emergency Response and Evacuation. As concluded in the Draft EIR, the Project's potential impacts to emergency vehicle response times would be less than significant. The Project's site access is described in the Draft EIR beginning on page IV.J-29. As described in the section, vehicular access to the site is provided via Western Avenue. As concluded in the Draft EIR, all Project-related traffic impacts can be mitigated to less than significant levels. Therefore, the provision for Project vehicular access to Gaffey Street as recommended in the comment is not required. Further, the Project applicant does not own or have access to the necessary property to provide vehicular access to Gaffey Street, rendering this suggestion infeasible. See also Response to Comment B84-2.

Comment A16-4

3. The developer and the city should address the efficacy of the existing traffic study given that the traffic "snapshot" used in its analysis was taken during a time when a sinkhole obstructed Western Avenue, which certainly reduced the number of vehicles using that road.

Response to Comment A16-4

See Topical Response 11, Traffic, for a discussion regarding the traffic counts conducted for the Traffic Study provided in the Draft EIR, and the sinkhole obstruction referenced in the comment.

Comment A16-5

4. To avoid a piecemeal analysis of this project, the city and developer should address the cumulative impacts of traffic from this project, as well as those from development projects already approved or under construction within the San Pedro and Wilmington-Harbor City plan areas.

Response to Comment A16-5

Cumulative potential traffic impacts of are analyzed in Section IV.J, Transportation and Traffic of the Draft EIR.

Comment A16-6

5. Since the ATSAC/ATCS system will be realized regardless of this project, the proposed mitigation (developer's payment for installing ATSAC/ATCS at certain intersections) is meaningless.

Response to Comment A16-6

See Topical Response 11, Traffic. As discussed in the Topical Response, the recommendation that the Project fund the installation of ATSAC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR).

Comment A16-7

6. Developer should be required to propose alternate traffic mitigation measures and provide a fund dedicated to implementing those measures.

Response to Comment A16-7

See Topical Response 11, Traffic. As discussed in the Topical Response, the recommendation that the Project fund the installation of ATSAC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR). The Traffic Study contained in the Draft EIR identifies appropriate mitigation measures and concludes that such measures will completely mitigate the potential traffic impacts of the Project. Therefore, no additional mitigation measures are required.

Comment A16-8

7. Developer should also be required to establish a program to monitor results of traffic mitigation measures and provide a fund to pay for this program and any additional traffic mitigation measures that may be required as a result of the Ponte Vista project.

Response to Comment A16-8

The Traffic Study identifies all mitigation measures necessary to mitigate the potential traffic impacts of the Project and funding additional mitigation is not necessary. A mitigation monitoring program is included as Section V to this Final EIR.

COMMENT LETTER A17**Cheryl Powell****Department of Transportation District 7 Office of Public Transportation and Regional Planning
100 South Main Street
Los Angeles, CA 90012*****Comment A17-1***

The California Department of Transportation acknowledges receipt of the environmental impact report prepared for the proposed Ponte Vista development project. We understand the Ponte Vista consists of an approximately 2300-unit townhome and condominium development. The proposed development includes 575 dwelling units that would be reserved for seniors. The project site would be located in the San Pedro community of City of Los Angeles at 26900 South Western Avenue. The property was previously owned and used by the United States Navy. Based on the review of the traffic information provided and as a responsible agency in the environmental review process, we have the following comments:

Response to Comment A17-1

This comment correctly identifies certain Project characteristics, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration prior in reviewing the Project.

Comment A17-2

We note the proposed development is projected to generate approximately 9,350 daily trip ends during a weekday with 636 occurring in the AM peak hour and 760 in the PM peak hour.

Response to Comment A17-2

This comment incorrectly summarizes the number of daily trip ends during a weekday. The correct number of daily trip ends during a weekday is 9,355. The comment correctly summarizes the number of AM and PM peak hour trips, which are 636 and 760, respectively. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies in the Final EIR for their consideration in reviewing Project.

Comment A17-3

The traffic study shows significant impacts on state highway systems due to the proposed development generated traffic volumes. The traffic study report recommends the following mitigation measures on state highway systems:

- **The funding and installation of Automated Traffic surveillance and Control (ATSAC)/Adaptive Traffic Control system (ATCS), or similar traffic signal synchronization system approved by Caltrans and City of Los Angeles Department Of Transportation at the following impacted intersections:**

Intersection No:

- 12-Western Avenue (SR-213)/Lomita Boulevard
- 13-Western Avenue (SR-213)/Pacific Coast Highway (SR-01)
- 14-Western Avenue (SR-213)/Anaheim Street
- 15-Western Avenue (SR-213)/Palos Verdes Drive North
- 16-Western Avenue (SR-213)/Senior Housing Project Access-Green Hills Drive
- 17-Western Avenue (SR-213)/Main Project Access
- 18-Western Avenue (SR-213)/Southerly Project Access-Avenida Aprenda
- 19-Western Avenue (SR-213)/Westmont Drive
- 20-Western Avenue (SR-213)/Toscanini Drive
- 21-Western Avenue (SR-213)/Caddington Drive
- 22-Western Avenue (SR-213)/Capitol drive
- 23-Western Avenue (SR-213)/Park Western Drive
- 24-Western Avenue (SR-213)/Crestwood Street
- 25-Western Avenue (SR-213)/Summerland Avenue
- 26-Western Avenue (SR-213)/1st Street
- 27-Western Avenue (SR-213)/Pacific Coast Highway (SR-01)
- 38-Gaffey Street/Miraflores Avenue-I-110 Southbound Ramps

47-I-110 Southbound Ramps/Pacific Coast Highway (SR-01)
51-Figueroa Street/I-110 Northbound On-Ramp

Response to Comment A17-3

This comment correctly lists the intersections mitigated by the funding and installation of Automated Traffic Surveillance and Control (ATSAC)/Adaptive Traffic Control system (ATCS) as stated in Mitigation Measures J-2 through J-17, J-21, J-25 and J-28, with the exception of Intersection No. 13 Western Avenue (SR213)/Pacific Coast Highway (SR-01). As shown on page IV.J-112 of the Draft EIR, Mitigation Measure J-3 recommends that the southbound Western Avenue approach to the Pacific Coast Highway intersection be modified to provide two left-turn lanes, two through lanes and one right-turn lane. As shown on Table IV.J-10, beginning on page IV.J-59 of the Draft EIR, Mitigation Measure J-3 would completely mitigate the Project's potential traffic impact at this intersection. Also, the comment appears to mislabel Intersection 27. Specifically, Intersection No. 27 is listed in the Draft EIR as Western Avenue/S. Weymouth Avenue, not Western Avenue/Pacific Coast Highway. Also, as shown on Table IV.J-10, the Traffic Study did not identify a Project-related significant traffic impact at the Western Avenue/Weymouth Avenue intersection; thus, a traffic mitigation measure was not identified. However, the Project applicant has agreed on a voluntary basis to fund the ATSAC/ATCS installation at this intersection. See the LADOT letter dated January 11, 2007 acknowledging the Project applicant's voluntary ATSAC/ATCS contribution at this intersection. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A17-4

This Department has proposed the installation of Adaptive Traffic Signal Control System (ATSCS) (similar to ATSAC) and it should be the system used to synchronize traffic signals along Western Avenue (State Route 213) from Summerland Avenue to Pacific Coast Highway (State Route 1). We concur that The Adaptive Traffic Signal Control Systems (ATSCS) could mitigate existing and future traffic congestion related to the Ponte Vista development project and related projects in the area. We look forward to partnering with City of Los Angeles representatives (lead agency) to develop a traffic mitigation plan/agreement to implement the recommended mitigation and/or comparable mitigation on State facilities. The mitigation plan needs to detail all project-related mitigation, including recommendations for mitigation at intersections 38, 47, and 51; and a description of the dates/"triggers" for initiating the improvements (such as number of units completed). In the event that Caltrans has secured funding for recommended mitigation(s) shown in the Environmental Impact Report (EIR), we request that comparable mitigation or a reimbursement to Caltrans be provided. As the draft EIR indicates, we request the mitigation plan state that the project applicant will be responsible for funding recommended traffic mitigation. Caltrans requests that the Traffic Mitigation Plan/Agreement be developed prior to issuance of construction permits and that it be made a condition of project approval.

Response to Comment A17-4

See Topical Response 11, Traffic, for a discussion regarding the traffic mitigation measures recommended for the Project in the Draft EIR. As required by LADOT, the Project applicant would be required to fund its proportionate share to ATSAC/ATCS, as well as the Caltrans traffic signal synchronization system, prior to receipt of building permits. A mitigation monitoring program is included as Section V to this Final EIR.

Comment A17-5

- **The funding of roadway geometric improvements at the following impacted intersections:**

Intersection No:

13-Western Avenue (SR-213)/Pacific Coast Highway (SR-01)

“The project applicant shall modify the southbound approach of Western Avenue to provide a second left-turn lane by re-striping the roadway (*not shown in Figure J-27*). A traffic signal modification is also required. The resultant southbound approach lane configuration shall provide two left-turn lanes, two through lanes, and one right-turn lane.”

Response to Comment A17-5

This comment correctly summarizes Mitigation Measure J-3, listed on page IV.J-112 of the Draft EIR. In addition, in response to this comment, the graphics in Figure IV.J-27, southbound approach of Western Avenue from Pacific Coast Highway, of the Draft EIR has been revised as follows: the graphic is revised to show two left-turn lanes, two through lanes and one right-turn lane.

Comment A17-6

15-Western Avenue (SR-213)/Palos Verdes Drive North

“The project applicant shall modify the westbound approach of Palos Verdes Drive North to provide two left-turn lanes. The existing median and traffic signal shall be modified. The resultant westbound approach lane configuration shall provide two left-turn lanes, two through lanes, and one shared through/right-turn lane.”

Response to Comment A17-6

This comment correctly summarizes Mitigation Measure J-5 described on page IV.J-112 of the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A17-7

The proposed project-generated traffic shown in figures J9/J10 indicates impacts at northbound approach right-turn movement of Western Avenue (SR-213). Designated right-turn lane is required to mitigate the impact. We request modifications to the northbound approach of Western Avenue to provide two left-turn lanes, two through lanes, and one designated right-turn lane. This improvement may require additional right-of-way. In case of acquiring Right-of-way is not feasible, we recommend the applicant contribute a fair-share of the costs to the recommended mitigation improvement.

Response to Comment A17-7

The mitigation recommended for the intersection of Western Avenue and Palos Verdes Drive North (Mitigation Measure J-6) is discussed in the Draft EIR on page IV.J-112. As shown in Table IV.J-10, the recommended mitigation measures would completely mitigate the Project-related traffic impacts (as well as a portion of the pre-Project traffic growth) and will be funded by the applicant. Therefore, the roadway measure recommended in the comment is not required. Further, implementation of the northbound right-turn lane may not be feasible within the existing available public right-of-way.

Comment A17-8

Intersection No:

16-Western Avenue (SR-213)/Senior Housing Project Access-Green Hills Drive

“The project applicant shall provide one inbound and two outbound lanes for westbound access approach. Full vehicular access (i.e., left-turn and right-turn ingress and egress turning movements) to and from the project shall be provided. Western Avenue shall be widened on the project frontage to accommodate an additional lane on the northbound approach.”

Response to Comment A17-8

This comment correctly summarizes Mitigation Measure J-6 described on page IV.J-112 of the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A17-9

We also recommend widening Western Avenue along the property frontage north of the Green Hills access to provide for one acceleration lane. This improvement will facilitate the westbound right-turn movement and more importantly enhance the safety of bus movement.

Response to Comment A17-9

The comment concurs with Mitigation Measure J-6 described on page IV.J-112 of the Draft EIR. No further response is required.

Comment A17-10

We recommend converting the Green Hills Drive to a major access by providing two lanes for inbound project traffic and three lanes (2 left-turn and 1 right-turn lane) for outbound project traffic. See comments below for intersection #17.

Response to Comment A17-10

See Response to Comment A17-9 regarding the mitigation measure proposed in the Draft EIR for the intersection of Western Avenue and Green Hills Drive-Senior Housing Access. As shown in Table IV.J-10 on page IV.J-60 of the Draft EIR, with implementation of the recommended mitigation, the intersection is forecast to operate at good Levels of Service (LOS B during the weekday AM and PM peak hours, and LOS C during the Saturday midday peak hour). Therefore, no additional mitigation is required. It is also noted that an additional left-turn lane exiting the Project site may not be feasible as the intersection may not align with existing Green Hills Drive. Moreover, a second left-turn lane is not recommended because it would require a separate, additional phase in the traffic signal operation, thereby potentially reducing the amount of signal green time for Western Avenue traffic.

Comment A17-11

Intersection No:

17-Western Avenue (SR-213)/Main Project Access

“The project applicant shall fund and install a traffic signal at this intersection. Two lanes shall be provided for inbound project traffic and three lanes shall be provided for outbound project traffic. Full vehicular access (i.e., left-turn and right-turn ingress and egress turning movements) to and from the project shall be provided. Western Avenue shall be widened between the Green Hills access and Avenida Aprenda access along the project frontage to accommodate for additional acceleration/deceleration lane.”

Response to Comment A17-11

This comment correctly summarizes Mitigation Measure J-7 described on pages IV.J-112 and IV.J-113 of the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A17-12

We do not recommend the installation of traffic signal as proposed at this location because of the close proximity to the adjacent intersections (Western Avenue @ Avenida Aprenda and Green Hills). AASHTO recommend 400-meters minimum distance between signalized intersections for proper synchronization. We recommend that this intersection be STOP controlled at the westbound approach allowing right-turn inbound, right-turn outbound and southbound left-turn inbound (no left-turn movement from project). Thus, one lane should be provided for inbound project traffic and one lane should be provided for outbound project traffic (one right-turn lane).

Response to Comment A17-12

The mitigation recommended for the intersection of Western Avenue and main Project access (Mitigation Measure J-7) is discussed in the Draft EIR on page IV.J-112. The January 11, 2007 LADOT letter concludes that the mitigation measure, including the installation of the traffic signal, is feasible. Further, the traffic signal—which would be included in the Western Avenue traffic signal synchronization system funded by the Project applicant—is intended to operate so as to minimize disruption to through traffic on Western Avenue. As shown in Table IV.J-10 in the Draft EIR, the intersection of Western Avenue and the main Project access is forecast to operate at good Levels of Service (LOS B and C) during peak hours with implementation of the proposed roadway configurations and traffic signal operation. Therefore, the roadway measure recommended in the comment is not required. Further, not providing left-turn egress from the proposed main Project access (as suggested in the comment) would cause unnecessary delay at the existing Western Avenue signalized intersections at Green Hills Drive and Avenida Aprenda as Project-related traffic would be diverted to these intersections.

Comment A17-13

We recommend converting the Green Hills Drive to a major access to provide two lanes for inbound project traffic and three lanes for outbound project traffic.

Response to Comment A17-13

See Response to Comment A17-10 for a discussion of the comment's suggested modifications to the Western Avenue/Green Hills Drive-Senior Housing Access mitigation measure.

Comment A17-14

18-Western Avenue (SR-213)/Southerly Project Access-Avenida Aprenda “The project applicant shall modify the eastbound approach to provide one exclusive left-turn lane by re-striping the roadway. The resultant EB approach lane configuration shall provide one left-turn lane and one shared through/right-turn lane. One lane shall be provided for inbound project traffic and two lanes shall be provided for outbound project traffic. Full vehicular access shall be provided (i.e., left-turn and right-turn ingress and

egress turning movements) to and from the project and the proposed Mary Star High School. Western Avenue shall be widened along the project frontage to accommodate for right-turn deceleration lane.”

Response to Comment A17-14

This comment correctly summarizes Mitigation Measure J-8 described on page IV.J-113 of the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A17-15

19-Western Avenue (SR-213)/Westmont Drive

“The project applicant shall modify the eastbound approach to provide one exclusive left-turn lane by re-striping the roadway. The resultant EB approach lane configuration shall provide one left-turn lane and one shared through/right-turn lane.”

Response to Comment A17-15

This comment correctly summarizes Mitigation Measure J-10 described on page IV.J-114 of the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A17-16

24-Western Avenue (SR-213)/Crestwood Street

We request modifications to the eastbound approach to provide one exclusive left-turn lane by re-striping the roadway. The resultant EB approach lane configuration shall provide one left-turn lane and one shared through/right-turn lane. This intersection is a major access to the existing residential area west of Western, will potentially be impacted by the proposed Mary Star High School generated traffic.

Response to Comment A17-16

The mitigation recommended for the intersection of Western Avenue and Crestwood Street (Mitigation Measure J-15) is discussed in the Draft EIR on page IV.J-114. As shown in Table IV.J-10 in the Draft EIR, the recommended traffic mitigation completely mitigates the potential combined traffic impacts of the Project and the Mary Star High School project to levels of insignificance. Therefore, the roadway measure recommended in the comment is not required.

Comment A17-17**• Site Access:**

The study report indicated that the southerly project access would also serve the two potential little league baseball fields and community park area. In addition, the project proposes to provide vehicular access to and from the proposed Mary Star High School project.

Response to Comment A17-17

This comment correctly states that the southerly project access would serve the potential little league baseball fields and community park as well as the residential portion of the Project site, and would provide vehicular access to and from the Mary Star of the Sea High School. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A17-18

Access to the proposed Mary Star High School project site ‘will be provided from the southerly access driveway via Western Avenue and by Taper Avenue via Westmont Drive as indicated by Calvin Cho, Project Manager from “Stegeman and Kastner, Inc.” However, the Westmont/Taper access will be intended for school faculty only as indicated by Mr. Cho and will be an emergency access to proposed Ponte Vista project.

Response to Comment A17-18

The Project will not have access to Taper Avenue except as necessary in an emergency condition as noted in the Draft EIR at page IV.J-31. The Draft EIR evaluates the potential traffic impacts of road access for Mary Star High School from Western Avenue (which is proposed as a community benefit of the Project) and identifies mitigation measures to mitigate the same to a less than significant level. Mary Star High School is a separate proposal from the Project, which has already been approved by the City of Los Angeles. Mary Star High School’s permitted access to Taper Avenue for school operation purposes is addressed in the terms and conditions of Mary Star’s project approval. As discussed in the Draft EIR at page IV.J-54, if the Project is not approved, a road connection to Western Avenue for Mary Star High School will not be provided, and operational access to Mary Star High School will need to be reevaluated by the City of Los Angeles.

Comment A17-19

We have requested a traffic study (August 8th, 2006) for the proposed Mary Star High School project to be prepared per Caltrans guide and to be submitted to us for review. However, our analysis of the traffic study for proposed Ponte Vista project indicates that the requested traffic study for proposed Mary Star

High School project is not needed if the following items become traffic mitigation to be implemented by the project:

Response to Comment A17-19

See Responses to Comments A15-44 and A17-18. As indicated in Table IV.J-10 of the Draft EIR, the mitigation measures recommended in the Draft EIR mitigate the potential significant traffic impacts related to the combined effects of Mary Star High School taking operational road access from Western Avenue and the Project. No further analysis of Mary Star High School traffic impacts is necessary unless the Project is not approved as discussed in Response to Comment A17-18.

Comment A17-20

1. The Westmont/Taper access not to be restricted to faculty only and to be open to all users (full access).

Response to Comment A17-20

See Response to Comment A17-19. Restrictions on Mary Star of the Sea High School's access to Taper Avenue are part of its current permit conditions approved by the City of Los Angeles.

Comment A17-21

2. Modifications to the eastbound approach of Western Avenue (SR-213)/Crestwood Street to provide one exclusive left-turn lane by re-striping the roadway. The resultant eastbound approach lane configuration shall provide one left-turn lane and one shared through/right-turn lane. This intersection is a major access to the existing residential area west of Western Avenue.

Response to Comment A17-21

See Response to Comment A17-16 for a discussion regarding the mitigation measure recommended in the Draft EIR for the Western Avenue/Crestwood Street intersection.

Comment A17-22

3. The southern project access roadway via Western Avenue to little league field should be 42-ft wide to accommodate the parking demand as indicated by the parking study. Parking spaces should be at a 45-degree angle and at the northerly side of the roadway. Construct Turnout lane for loading/unloading zone. The parking spaces should start 100-meters minimum from the Western travel line edge.

Response to Comment A17-22

The southern Project access roadway will comply with all applicable requirements and the applicant will coordinate with appropriate jurisdictions regarding the roadway's final design. The comment will be forwarded to the decision-makers for their consideration.

Comment A17-23**• Transit**

We concur with the recommendation to provide a bus turnout lane and bus stop facilities at bus stops adjacent to the project site. We also concur with the recommendation to extend the existing San Pedro DASH route northerly on Western Avenue to serve the project site.

Response to Comment A17-23

As stated on page IV.J-11 of the Draft EIR, although the Project's potential impacts to public transportation is deemed to be less than significant, Mitigation Measures J-31 and 32 are recommended to enhance public transit services at the Project site. This comment concurs with the Draft EIR's recommendations (Mitigation Measure J-31 described on page IV.J-116 to provide a bus turnout lane and bus stop facilities at bus stops adjacent to the Project site. The comment also expresses its opinion that the existing San Pedro DASH route should be extended northerly on Western Avenue to serve the project site. Mitigation Measure J-32 provides, among other things, for consultation with LADOT to potentially extend the existing San Pedro DASH route northerly on Western Avenue to serve the Project site. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as par of the Final EIR for their consideration in reviewing the Project.

Comment A17-24

In conclusion, the proposed "Ponte Vista" project generated traffic will impacts state highway system. However, the study report recommended mitigation measures and our recommended mitigation measures as indicated above are sufficient to eliminate the project impacts and improve traffic flow on state highway systems.

Response to Comment A17-24

See Topical Response 11, Traffic, for a discussion regarding the traffic mitigation measures recommended for the Project in the Draft EIR. As shown in Table IV.J-10 in the Draft EIR, the recommended traffic mitigation measures completely mitigate the potential combined traffic impacts of the Project to levels of insignificance. As discussed in response to the other comments submitted by the Caltrans, the additional or alternative roadway measures recommended in the comment letter are not required.

Comment A17-25

All recommended transportation improvements on State right-of-way will need an encroachment permit from this Department. We will partner and cooperate with the City and applicant(s) in implementing all recommended mitigation improvements.

Response to Comment A17-25

Page IV.J-120 of the Draft EIR states that while the City of Los Angeles (the Lead Agency) would condition the applicant to fund and implement all of the mitigation measures recommended in the Draft EIR, it is recognized that improvements within State right-of-way will require an Encroachment Permit.

Comment A17-26

Furthermore, we recommend the City consider receiving the segment of Western Boulevard within its boundaries through the Caltrans relinquishment process. The State would be required to leave it in a state of good repair. Once the City assumes control over the street, modifications to it would no longer need to meet State standards and approval.

Response to Comment A17-26

The comment is not related to the scope or adequacy of the Traffic Study provided in the Draft EIR. However, the suggestion will be forwarded to the decision-maker for review and consideration.

Comment A17-27

If you have any questions regarding our comments and if you would like to meet with us, you may reach me at (213) 897 - 3747 or Elmer Alvarez review coordinator at (213) 897-6696. Please refer to our internal record number 061117/EA.

Response to Comment A17-27

This comment contains general information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER A18

David Wahba
City of Rolling Hills Estates
4045 Palos Verdes Drive North
Rolling Hills Estates, CA 90274

Comment A18-1

Thank you for the opportunity to comment on the DEIR for the project as referenced above.

Response to Comment A18-1

This comment contains introductory remarks, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A18-2

While I have not had the ability to review the entire document and supporting information, the City of Rolling Hills Estates, among other notable environmental impacts, would be most impacted by traffic realized from this project. Most specifically, I note that our Peninsula Village Master Plan, for which a Program Draft EIR was released last fall (Initial Study conducted in fall of 2005), was not included in your traffic analysis (see Table IV.J-9).

Response to Comment A18-2

This project was not identified as a related project by the City of Rolling Hills Estates, or any other person or agency during the NOP and scoping process for the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts. In response to the comment, research was conducted to identify the project, which is the Peninsula Village Overlay Zone project. Though it was prepared by the City of Rolling Hills Estates after the Ponte Vista project was applied for, the Draft EIR for the Peninsula Village Overlay Zone project does not identify the Ponte Vista project as a related project for the cumulative impact analysis.

The referenced project would be located approximately 3.3 miles southwest of the Project site in the City of Rolling Hills Estates, and would involve the implementation of the Peninsula Village Overlay Zone (PVOZ). The purpose of the PVOZ project is to provide for the development of a mixed-use village that encourages a diverse range of housing opportunities in concert with existing and future commercial/office uses. Under the proposed General Plan amendments for the City of Rolling Hills Estates, the PVOZ would have a maximum residential development capacity of 900 domestic units and a maximum commercial development of 2,318,141 square feet. The NOP process for the referenced project began on December 1, 2005. Because the referenced project had not been proposed in an application prior to the NOP cut-off date, it was not included in Table IV.J-9 of the Draft EIR.

The area to be covered by the PVOZ is currently developed with the Peninsula Center shopping district. No residential units currently exist within the area, although current zoning allows for the development of a greater number of residential units (2,020) than would be allowed under the PVOZ (900). The area is currently developed with 2,134,878 square feet of commercial space, although current zoning allows for the development of 5,044,519 square feet of commercial. Full buildout under the proposed PVOZ would result in development of 183,263 additional square feet of commercial space over existing conditions. According to the Draft EIR for the PVOZ, implementation of the PVOZ would result in approximately 49,000 fewer daily weekday vehicle trips and 55,000 fewer Saturday vehicle trips to and from the site

than under the existing zoning. This is due to the proposed reduction in the number of allowable residential units and commercial space that would be associated with the PVOZ. Because the PVOZ is a land use designation, there is no guarantee that actual development projects will result in build-out of the area to its maximum density, just as has been the case under the existing zoning for the site. Since the analysis of existing traffic conditions contained in the Project Draft EIR included traffic from existing development within the proposed PVOZ area, and since no specific development proposals to increase this level of development have been identified, the referenced project's traffic, air quality and noise cumulative impacts were effectively considered in the Draft EIR.

Comment A18-3

Your traffic studies completed in April 2005, do include some of the individual mixed-use projects, but not the total project which projects a total residential build out of 900 units and an expansion of commercial facilities.

Response to Comment A18-3

See Response to Comment A18-2.

Comment A18-4

Further, the project does not include the development of the Chandler property, which contemplates the building of 111 single family homes and a new and expanded Country Club facility for the Rolling Hills Country Club. Also, the Rolling Hills Covenant Church application involving a 2,250 seat new sanctuary has been denied by the City; however, the applicant will be submitting a smaller proposal which should be considered as well.

Response to Comment A18-4

Chandler Ranch Properties/Rolling Hills Country Club Expansion

This project was not identified as a related project by the City of Rolling Hills Estates, Rancho Palos Verdes, or any other person or agency during the NOP and scoping process for the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts. In response to the comment, research was conducted to identify the project, which is a project consisting of the Chandler Ranch Properties and Rolling Hills Country Club Entitlement Agreement. The project would be located approximately 2.6 miles northwest of the Project in the City of Rolling Hills Estates and includes three components that would all be developed on a 222.5-acre lot. The entitlement application provided by the City of Rolling Hills Estates is dated February 6, 2007. City of Rolling Hills Estates staff informed the EIR preparers that the project has not begun the environmental review process as it is still in a preliminary phase. Because the referenced project had not been proposed in an application prior to the NOP cut-off date it was not included in Table IV.J-9 of the Draft EIR.

The first component of the project would involve the development of a new “Signature Course” Golf Course approximately 7,150 yards in length. The 18-hole golf course would include a practice range area, two tunnel undercrossings, and a network of irrigation systems throughout the golf course. The second component of the project would involve the construction of a new private clubhouse for the golf course. The clubhouse is proposed to be 55,000 square feet in size and situated on 11 acres. Amenities would include five lighted tennis courts, restaurant/lounge, fitness center, and pool and spa. In addition, the clubhouse would provide approximately 300 parking spaces for patrons. The third component of the project would involve the development of 111 single-family residential lots on approximately 57 acres of land. The homes on the lots are scheduled to be single-family detached units that are proposed to be a maximum of 5,700 square feet and average approximately 4,500 square feet in size.

Due to the distance, size and nature of the Project, it is not anticipated that the referenced project will interact with the Project to create cumulative environmental impacts. In addition, as discussed in the Draft EIR and Topical Response 12, the Draft EIR’s annual ambient growth traffic factor of one percent (1.0%) which was used in addition to all projects identified on the related projects list. As explained in the Draft EIR, the 1.0% ambient traffic growth assumed in the Draft EIR’s analysis overstates the ambient traffic growth expected for the South Bay area. Indeed, the empirical data and the general growth traffic factors provided in the CMP Manual for the South Bay area indicate that existing traffic volumes will increase at an annual rate of less than 1.0% per year between the years 2001 and 2010. Therefore, the referenced project’s traffic, air quality and noise cumulative impacts were effectively considered in the Draft EIR.

Rolling Hills Covenant Church

The referenced project is already included as Related Project #58 of Table IV.J-9 of the Draft EIR. However, according to the City of Rolling Hills Estates, the referenced project’s application has since been denied and it is anticipated that a smaller proposal will be submitted. Cumulative impacts are therefore anticipated to be less than analyzed in the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts.

Comment A18-5

Finally, note that the South Coast County Golf Course and related clubhouse facility application has been withdrawn.

Response to Comment A18-5

The referenced project is already included as Related Project #59 of Table IV.J-9 of the Draft EIR. However, according to the City of Rolling Hills Estates, the referenced project has since been withdrawn. Cumulative impacts are therefore anticipated to be less than analyzed in the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts.

Comment A18-6

The City of Rolling Hills Estates would much appreciate if your traffic studies are revised accordingly to take into account the traffic from these above-mentioned projects. Information can be found on our website at www.ci.rolling-hills-estates.ca.us or by contacting me directly at (310) 377-1577, extension 103, or by email at davidw@ci.rolling-hills-estates.ca.us.

Response to Comment A18-6

This comment requests that the traffic study be revised to take into account traffic from projects identified in Comment A18-2 through A18-5. See Responses to Comments A18-2 through A18-5, and Topical Response 12, Related Projects and Cumulative Impacts.

Comment A18-7

Once again, thank you for your time and consideration to the City of Rolling Hills Estates in the review of your Ponte Vista project.

Response to Comment A18-7

This comment contains concluding remarks, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A18-8

**Table IV.J-9
List of Related Projects**

Map No.	Project/Case/ Tract No.	Applicant/Location/ Project Description	Land Use	Size	Status
48	--	24000 S. Western Ave.	Library	14,650 sf	Under Construction
City of Rancho Palos Verdes²					
49	N/A	Ocean Trails Main Entrance Palos Verdes Dr. South and Forrestal Dr.	Single-Family Affordable Housing Golf Course	75 DU 4 DU 18 holes	Proposed
50	N/A	Ocean Front Seaward side of Palos Verdes Dr. West terminus of Hawthorne Blvd.	Single-Family	79 DU	Proposed
51	N/A	Point View 6001 Palos Verdes Dr. South	Single-Family	84 DU	Proposed
52	N/A	Long Point Resort Hotel 6610 Palos Verdes Dr. South	Resort	400 rooms	Proposed
53	N/A	Point Vicente Interpretive Center 31501 Palos Verdes Dr. West	Office	2,000 sf	Proposed
54	N/A	TTM No. 52666 3200 Palos Verdes Dr. West	Single-Family	13 DU	Proposed

**Table IV.J-9
List of Related Projects**

Map No.	Project/Case/ Tract No.	Applicant/Location/ Project Description	Land Use	Size	Status
55	N/A	Marymount College Facilities Expansion 30800 Palos Verdes Dr. East	Gymnasium Residence Hall	144,110 sf 270 students	Proposed
56	N/A	Crestridge Estate LLC (Senior Center) 6500 Block of Crestridge Road between Crenshaw and Highridge	Senior Center Senior Condominium	12000 sf 109 DU	Proposed
57	N/A	Crestridge Village North of Crestridge, west of Crenshaw	Condominium	95 DU	Proposed
City of Rolling Hills Estates³					
58	N/A	Rolling Hills Covenant Church Expansion 2221/2222 Palos Verdes Dr. North	Sanctuary	2,250 seats	Proposed
59	N/A	South Coast County Golf Course 25706 Hawthorne Blvd.	Golf Course Clubhouse	18 holes 29,000 sf	Proposed
60	N/A	901 Deep Valley	Senior Housing	41 DU	Approved
61	N/A	981 Silver Spur Rd.	Condominium	18 DU	Pending
62	N/A	828 Silver Spur Rd.	Condominium	23 DU	Pending
63	N/A	627 Deep Valley	Condominium Retail	58 DU 6,000 sf	Pending
64	N/A	927 Deep Valley	Condominium Retail	120 DU 10,000 sf	Pending
65	N/A	827 Deep Valley	Condominium	16 DU	Pending
66	N/A	NE corner of Palos Verdes Dr. East and Palos Verdes Dr. North	Single-Family	13 DU	Pending
67	N/A	5883 Crest Rd.	Mixed-Use – Office/Retail	5,670 sf	Approved
City of Carson⁴					
68	N/A	South Bay Christian Alliance Church 21125 S. Figueroa St.	Church	5,800 sf	Proposed
69	N/A	Dominguez Hills Village NW corner of Victoria St. and Central Ave.	Single-Family Condominium	101 DU 81 DU	Under Construction
70	N/A	Centex Homes Avalon Blvd between 228 th and 231 st Sts.	Condominium	147 DU	Under Construction
71	N/A	Steve Nazemi 1216-1226 E. Carson St.	Condominium	7 DU	Pending
72	N/A	The Olson Company 22518-22606 Figueroa St.	Single-Family	45 DU	Under Construction

Response to Comment A18-8

This comment is a copy of page IV.J-44 of the Draft EIR, which is one page of several pages that comprise Table IV.J-9 List of Related Projects. This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The

comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER A19

Terry Roberts
State of California, State Clearinghouse and Planning Unit
PO Box 3044
Sacramento, CA 95812-3044

Comment A19-1

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on January 30, 2007. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above named project, please refer to the ten-digit State Clearinghouse number (2005091086) when contacting this office.

Response to Comment A19-1

This comment is a letter to the City of Los Angeles from the State Clearinghouse enclosing comments from Caltrans which were received by the State Clearinghouse after the end of the state review period. The City of Los Angeles received these comments and they are included as Comment Letter A17. See Responses to Comments A17-1 through A17-27 for responses to the comments from Caltrans.

COMMENT LETTER A20

Terry Roberts
State of California, State Clearinghouse and Planning Unit
PO Box 3044
Sacramento, CA 95812-3044

Comment A20-1

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on January 30, 2007, and no state agencies submitted comments by that date. This

letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Response to Comment A20-1

This comment is a letter to the City of Los Angeles from the State Clearinghouse stating that it submitted the Draft EIR to selected state agencies for review and that no state agencies submitted comments by the close of the review period. The comment acknowledges that the City has complied with the State Clearinghouse review requirements pursuant to CEQA.

COMMENT LETTER A21

Jon Kirk Mukri and Michael A. Shull
City of Los Angeles Department of Recreation and Parks
1200 West 7th Street, Suite 700
Los Angeles, CA 90017

Comment A21-1

RESPONSE TO CONSULTANT LETTER: PONTE VISTA PROJECT

The following information has been prepared in response to your request for comments relative to the Draft Environmental Impact Report (DEIR) for the proposed Ponte Vista Project. It is a development of 2300 residential units, senior housing, retail space, and a six acre public park located in the San Pedro community of the City of Los Angeles.

Response to Comment A21-1

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A21-2

The proposed project would generate an increase in demand for park and recreational facilities. Measures to mitigate impacts to Recreation and Park facilities and alleviate the impact of new residents on the community are essential. Options that may mitigate the impact to park and recreational facilities and reduce the needs of residents of the proposed project include: developing additional recreational and park amenities within the proposed site; paying Quimby/Park fees to improve existing facilities in the project area, expand existing park sites, or add new sites; and offering a local shuttle service or vans to transport

residents to recreation and park sites. The payment of Quimby fees alone would not fully mitigate the proposed project's impact on the City's parks and recreational facilities.

Response to Comment A21-2

See Response to Comments A10-234 and A10-237.

Comment A21-3

IV Environmental Impact Analysis

1. Public Services

4. Recreation and Parks

Environmental Setting

Page IV.I-38

For neighborhood and community parks, the desired ratio of parks to population is two acres per 1,000 residents.

Response to Comment A21-3

This comment quotes a heading and sentence from page IV.I-38 of the Draft EIR but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A21-4

This statement is not completely accurate. Per the City of Los Angeles's Public Recreation Plan, the desired ratio of parks to population is two acres of neighborhood and two acres of community parks per 1,000 people; for a total of four acres for neighborhood and community parks per 1,000 people.

Response to Comment A21-4

In response to this comment, the text on page IV.I-38, first sentence of the last paragraph, of the Draft EIR has been revised as follows:

For neighborhood and community parks, the desired ratio of parks to population is two acres of neighborhood and two acres of community parks per 1,000 residents, for a total of four acres of neighborhood and community parks per 1,000 residents.

As indicated in the Draft EIR at page IV.I-38, the City's goals are pursued through a variety of measures, such as land dedications from private development and expenditures from the City's General Fund. As indicated in the Draft EIR at page IV.I-39, the City's Quimby Ordinance (LAMC 17.12) sets the requirements that must be satisfied by individual subdivisions, such as the Project, and takes both public

and private recreational facilities into account. The Project would include approximately 11 acres of recreational facilities (including a six-acre public park). In addition, the Project would generate approximately \$6 million to \$6.8 million in net annual revenue to the City from property taxes (taking new resident service cost into account) that could be used for various purposes, including the acquisition and development of new parkland. Ultimately the City will determine if the Project complies with the required park dedication.

Comment A21-5

IV. Environmental Impact Analysts

I. Public Services

4. Recreation and Parks

Environmental Impacts

Page IV.I-45

As discussed in Section IV-H (Population and Housing) of this Draft EIR, the Project would generate approximately 4,313 residents at the Project site. The Project proposes 2,300 units on a 61.5 acre parcel of land, which results in approximately 37 dwelling units per acre. The City's Quimby Ordinance permits the Project applicant to either pay fees or dedicate land to meet the recreational needs generated by the Project. Under the City's Quimby Ordinance Act, 15.9 percent of the subdivision's area, or approximately 9.8 acres would need to be dedicated for recreational purposes, if the Project applicant elected to dedicate land instead of paying fees pursuant to the Quimby Ordinance.

Response to Comment A21-5

See Response to Comments A10-234 and A10-237.

Comment A21-6

This interpretation of the "Quimby Ordinance" is not entirely correct. Under the City's "Quimby Ordinance Act" (L.A.M.C. Section 17.12), no final subdivision map shall be approved or recorded unless land within the subdivision has been dedicated to the City for park or recreational purposes or a fee paid in-lieu thereof. The Advisory Agency, with input and recommendations from the Department of Recreation and Parks, not the project applicant or developer, has the discretion to determine if land shall be required to be dedicated for recreation and park purposes.

Response to Comment A21-6

See Response to Comments A10-234 and A10-237. The City's Quimby Ordinance regulates the discretion of the Advisory Agency and the Department of Recreation and Parks, and allows project developers to satisfy their Quimby obligation by the payment of fees. See LAMC Section 17.12. Ultimately the City will determine if the Project complies with the required park dedication.

Comment A21-7

Thank you for the opportunity to provide information relative to the proposed project's impact on recreation and park services. As this project proposes to develop a public park as a part of the project design, the Department requests that the project applicant meet with Department staff as soon as possible to review park land/recreation facility options for the proposed public park. Please contact Camille Walls, at (213) 928-9196 or Darryl Ford, at (213) 928-9136 to arrange a meeting to discuss this project.

Response to Comment A21-7

The Project applicant will coordinate with Department of Recreation and Parks staff as the planning process moves forward.

COMMENT LETTER B1

Mark Begovich
228 N. Malgren Ave.
San Pedro, CA 90732

Comment B1-1

Regarding the proposed PONTE VISTA development in San Pedro, I and the vast majority of the town are very much outraged at the idea. This developer buys this land that is zoned for 500 units already assuming he can pay off the politicians and build 2,500 units.

Response to Comment B1-1

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The Project proposes 2,300 units, including 575 units reserved for senior citizen occupancy (ages 55 and over). The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B1-2

I have lived in the area for almost 50 years and the traffic is horrible now along Western Avenue. The ideas to add turning lanes etc. are a bunch of garbage and will do nothing to help the problem.

Response to Comment B1-2

The comment expresses the author's opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J,

Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. For additional information regarding the effectiveness of proposed mitigation, see Topical Response 11, Traffic. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B1-3

If this crook is allowed to build 2,500 units the area will simply be a horrible place to live. As far as I am concerned no more units should be built in the area at all. I have told Janice Hahn I will campaign against any politician who supports this Idea.

Response to Comment B1-3

See Response to Comment B1-1.

COMMENT LETTER B2

Jackie Decker
23102 Carlow Rd.
Torrance, CA 90505

Comment B2-1

I am a South Bay native and know it well. I understand that Mr. Bisno bought this property (San Pedro's Ponte Vista-2300 homes) knowing that it was zoned R-1. I have watched the South Bay grow and stretch over the years as the influx of new families has sought more housing. My concerns about this project are for all that live in the nearby areas as well as those that live in the surrounding cities. Plans need to be made to the cities [sic] general plan to accommodate the ingress and egress of traffic, upgrades to the infrastructure, schools and nearby businesses.

Response to Comment B2-1

With respect to the comment regarding the City of Los Angeles General Plan, the Draft EIR provides an analysis of the Project's consistency with the relevant sections of the General Plan (see pages IV.F-44 through IV.F-69). The Draft EIR also provides a comprehensive analysis for the Project's impact on traffic (see pages IV.J-27 through IV.J-36), public services (see pages IV.I-5 through IV.I-8, IV.I-16 through IV.I-17, IV.I-29 through IV.I-31, IV.I-45 through IV.I-46, and IV.I-50 through IV.I-51), and the local economy (see Appendix IV.F-1 to the Draft EIR). The balance of this comment contains anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B2-2

My family visits several friends just off Western. My husband's parents and brother live in Rancho Palos Verdes, just above Western. We have driven there when there have been sinkholes and the traffic was just 2 lanes. Traffic sometimes is halted by funeral processions.

Response to Comment B2-2

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Regarding sinkhole repair on Western Avenue, see Topical Response 11, Traffic. Regarding funeral-related traffic, see Responses to Comments A10-75 and A10-79.

Comment B2-3

I work in Palos Verdes and live in South Torrance, so I have tried coming from Palos Verdes North and find the traffic is backed up going to the 110 freeway. Or if traveling home, I might be in traffic for Dapplegray School or Country Day School.

Response to Comment B2-3

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B2-4

Unfortunately, the land that Mr. Bisno bought is part of the hub of the area. If he was further near the harbor, then cars might be coming to the freeway directly, going across the Vincent Thomas Bridge, going many other ways away from this hub, which is already entangled.

Response to Comment B2-4

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B2-5

The main consideration for me is that all cities look out for all citizens. I think this will be hard for many people everywhere. The “former” mayor and council allowed growth all over Torrance and changed zoning without listening to its citizens. Torrance spoke at the polls and we no longer have that mayor or 2 city council members. The city now is respectful of the people, but a lot of damage has occurred. If the city had abided by its general plan, this problem would not have happened. Once whatever is build,[sic] future generations will have to deal with what is left. Don’t let that happen to you!

Response to Comment B2-5

This comment contains opinion and anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B3

Sally Strehlke
669 West 36 Street, #2
San Pedro, CA 90731
s.strehlke@att.net
November 5, 2006

Comment B3-1

The Environmental Review Report about the Ponte Vista project in San Pedro only proves what common sense has shown all along. Building over 2,000 units on one of only two north-south thoroughfares in San Pedro is a horrible idea. This would be similar to building such a project on Palos Verdes Blvd. North or South, the only two east-west thoroughfares in Palos Verdes.

Response to Comment B3-1

The comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. With respect to traffic related impacts, the Draft EIR analyzes the Project’s potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. The commenter incorrectly states that Western Avenue is one of only two north-south thoroughfares in San Pedro. In addition to Western

Avenue, Palos Verdes Boulevard, Gaffey Street, Pacific Avenue, and Harbor Boulevard are all north-south thoroughfares that connect with the local freeway system.

Comment B3-2

Please do not change the zoning to multi-family units. Better yet, build this project in a community that does not have the density of San Pedro.

Response to Comment B3-2

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B3-3

Building more senior units is not going to help—seniors also have cars! Building more commercial structures might help, but don't forget the high school and all that traffic.

Response to Comment B3-3

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. With respect to the traffic analysis for the age restricted units, see Topical Response 7, Impacts of Age-Restricted Units. To the extent the reference to the “high school” refers to the LAUSD’s proposed South Region High School #14, See Topical Response Number 3, South Region High School #14. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B3-4

This project in any form is a horrible idea for San Pedro!

Response to Comment B3-4

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B4

Anthony Kane
San Pedro, CA
November 6, 2006

Comment B4-1

Here is my simple statement and opinion of the Ponte Vista project:

I AM TOTALLY AGAINST IT!!!

San Pedro is too small for 2300 more home/condos.

Response to Comment B4-1

With respect to the portion of the comment expressing concern about the number of homes proposed by the Project, Section IV.H, Population and Housing, of the Draft EIR provides extensive analysis of the Project's consistency with local and regional housing projections. As indicated therein, the Project's proposed 2,300 housing units represent 8.5 percent of the housing stock forecasted for 2010 in the Wilmington-Harbor City CPA and about 57 percent of the remaining growth forecasted between 2004 and 2010. The balance of this comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B5

Michelle Kane
San Pedro, CA
November 6, 2006

Comment B5-1

Here is my simple statement and opinion of the Ponte Vista project:

I AM TOTALLY AGAINST IT!!!

San Pedro is too small for 2300 more homes/condos.

Response to Comment B5-1

This comment is identical to Comment B4-1; see response thereto.

COMMENT LETTER B6

Rodney and Kyle Boone
Cognitive Behavior Therapy Center of Southern California
2729 Graysby Avenue
San Pedro, CA 90732
November 11, 2006

Comment B6-1

We are writing you regarding the proposed Ponte Vista development in San Pedro that would bring approximately 5000 new residents to San Pedro.

We and our two children have lived in San Pedro for 16 years. When deciding to move to the South Bay from the Hollywood Hills, we were attracted to San Pedro's lack of congestion and "small town" feel. We specifically avoided Redondo Beach, Hermosa Beach, and Manhattan Beach because of the "packed" ambience, and, to this day, when driving in those cities, we feel claustrophobic because there are too many people and too many cars.

Response to Comment B6-1

This comment contains anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. In addition, it should be clarified that the Draft EIR states that the total population associated with the residential component of the Project is 4,313 persons, not 5,000 persons. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B6-2

Why does Mr. Bisno have a right to ruin the last remaining unspoiled beach city in Los Angeles County? There are only two thoroughfares to exit San Pedro (Western Avenue and Gaffey Street), and his development would turn Western Avenue into permanent gridlock (from the current transient gridlock two times per day when parents are dropping off and picking up children at Dodson Middle School). After Bisno builds his "community", he is not going to live there and experience firsthand the effects of his project; he will simply pocket millions of dollars and move on to ruin another community.

Response to Comment B6-2

The comment expresses the author's opinion and opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project's potential traffic

impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level.

Comment B6-3

Los Angeles needs mass transit to move its large population, and someday if there is an effective subway or light rail to transport people from the beaches, then it might make sense to have huge developments like Ponte Vista, but to build such a development in the absence of appropriate mass transportation is completely irresponsible.

Response to Comment B6-3

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. See Table IV.J-1, page IV.J-8 in the Draft EIR for a listing of existing public transit providers in the vicinity of the Project site. The traffic mitigation measures are listed in the Draft EIR beginning on page IV.J-109. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures completely mitigate the potential significant traffic impacts associated with the Project. As discussed in the Draft EIR, the Project is also considered with regional transportation management strategies. The planning of subway or light rail line is beyond the scope of the Project and this EIR.

Comment B6-4

There should be no more housing built than was originally on the site.

Response to Comment B6-4

This comment expresses opposition to the Project's number of units, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B7

Donna K. Hertzog
2129 W. 25th St., #2
San Pedro, CA 90732
November 4, 2006 [Date stamped November 13, 2006]

Comment B7-1

I am writing to express my opinion of the Ponte Vista Development in San Pedro. My husband and I are adamantly opposed to the re-zoning of that tract. It is so obvious that adding some 7,000 people to that

sector with the only egress being Western Avenue would create a mind-boggling traffic pattern that no traffic light coordination could ever fix.

Response to Comment B7-1

The comment expresses the author's opinion and opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. For further information regarding the effectiveness of the ATSAC/ATSC mitigation measures, see Topical Response 11, Traffic. In addition, the Project is not expected to add 7,000 people to the area. See Topical Response 8 (Population and Housing). The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B7-2

The zoning should remain R-1 no matter what the developer would like and no matter how much entertaining and publicity he brings to the table.

Response to Comment B7-2

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B8

Eva L. Kowalski

1700 Miracosta St.

San Pedro, CA 90732

November 4, 2006 [Date Stamped: November 13, 2006]

Comment B8-1

As a native daughter of San Pedro, B-1925 I urge you and your group to carefully and very seriously look at this proposed project. It is not good for this area. Traffic and congestion impact the environment, as you well know.

Please give all the time you require to best serve the residents of our neighborhood.

Response to Comment B8-1

The comment expresses opposition to the Project and makes a general reference to traffic and congestion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level.

COMMENT LETTER B9

Michael Micallef
San Pedro, CA
November 6, 2006 [Date Stamped: November 13, 2006]

Comment B9-1

Here is my simple statement and opinion of the Ponte Vista project:

I AM TOTALLY AGAINST IT!!!

San Pedro is too small for 2300 more homes/condos.

Response to Comment B9-1

This comment is identical to Comment B4-1; see response thereto.

COMMENT LETTER B10

Zoya Behjan
1102 Paseo Del Mar
San Pedro, CA 90731
November, 20, 2006

Comment B10-1

This letter is regarding Bisno Development of the Ponte Vista housing development in San Pedro. Bisno Development is requesting to change the zoning from R-1 (single family) to R-3 (multi-family) on the on the [sic] old Navy property on Western Ave. The answer to that should be a very loud and clear NO.

Response to Comment B10-1

The comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Project is not proposing a zone change to R3. Rather it is proposing a zone change to Specific Plan. The Project's proposed density of approximately 37 units per acre falls between the City's lower density multi-family residential zoning category RD1.5 (approximately 29 units per acre) and the City's medium-density multi-family residential zoning category R3 (approximately 54 units per acre).

Comment B10-2

San Pedro is becoming totally and completely over built with condos, apartments, townhouses, and special needs housing. The traffic on both Western Ave. and Gaffey St. is unbearable during the morning rush, evening rush, school hours, holiday shopping time, etc. Synchronizing the lights may help us now with the current traffic we have, it will not resolve the problem of future traffic which Bisno Development will cause. There will just be too many cars in one area.

Response to Comment B10-2

The comment expresses the author's opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR provides an extensive analysis of the Project's consistency with local and regional housing projections. As indicated in Section IV.H, Population and Housing, of the Draft EIR, the Project's proposed 2,300 housing units represent 8.5 percent of the housing stock forecasted for 2010 in the Wilmington-Harbor City CPA and about 57 percent of the remaining growth forecasted between 2004 and 2010. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. For further information regarding the effectiveness of the ATSAC/ATSC mitigation measures, see Topical Response 11, Traffic.

Comment B10-3

It will cause a nightmare in San Pedro. Please DO NOT allow any of that property to be rezoned to an R-3. It would be a travesty to do so. The only type of housing that should be built on that property is single family detached homes.

Response to Comment B10-3

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Regarding the requested zone change, see Response to Comment B10-1. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B10-4

This project should NOT be approve.[sic]

Response to Comment B10-4

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B11**Richard and Jill Ceman****(310) 833-1111****November 20, 2006*****Comment B11-1***

My wife and I are business owners in San Pedro at 25th Street and Western Avenue. We also are home owners in the same area of San Pedro.

Response to Comment B11-1

This comment contains anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B11-2

After reviewing the Draft Environmental Impact Report for the proposed Ponte Vista development on Western Avenue and Palos Verdes Drive North in San Pedro, it seems fairly comprehensive but somewhat skewed toward the necessity to build at a much higher density than its R1 “low density single family residences” zone.

Response to Comment B11-2

This comment expresses the commenter's opinion but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. With respect to the issue of density, it should be noted that one of the Project objectives is "To provide new housing on unutilized land that will meaningfully contribute to relieving the projected 2010 housing shortage for the Wilmington-Harbor City and San Pedro Community Plan areas projected by the City's General Plan Framework and Southern California Association of Governments without requiring the demolition of existing rent-controlled housing stock." (See page II-26 of the Draft EIR). The Draft EIR concludes that increasing the density over the existing zoning would be consistent with City and regional planning policies. Regarding the housing need that would be satisfied by the Project, see Response to Comment B4-1. The Draft EIR also concludes that the "No Project" alternative (Alternative A), which would involve development consistent with the existing land use and zoning designations of the site and would permit up to 429 potential single-family homes, is not environmentally superior to the Project, (see Draft EIR, Pages VI-93 to VI-110), in part because a lower density development would provide fewer and a less diverse range of housing units in an area facing an acute and deepening housing crisis.

Comment B11-3

Other projects used as examples in the EIR typically incorporate a mixed use project in a previously more open zoning like Manufacturing where allowing a mixed use of R & C uses is reasonable.

Response to Comment B11-3

The comment references "other projects used as examples in the EIR" but does not identify any specific projects or discussion in the Draft EIR and does not identify a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Project is primarily a residential development, with a small (10,000 square foot) community serving commercial component that is not expected to be used by persons who are not residents of the Project. This minor commercial component has the potential to reduce trips outside the Project by providing convenience services (e.g., coffee shop, convenience market, etc) within the Project and is not expected to generate any significant environmental impacts. The Project's proposed uses would be consistent with other development in the vicinity.

Comment B11-4

There is a long historical precedent delineating why a “limited” residential zone, R1, is earmarked for given areas like this proposed Ponte Vista site. We need our leaders to follow the dictates of what an R1 zone allows. To convert an R1 to a much more expansive zone use would be undesirable and misguided.

Response to Comment B11-4

The comment expresses support for retaining the existing R1 zoning, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B11-5

Our traffic on Western Avenue between 25th Street and Palos Verdes Drive North has been steadily getting worse. There are a number of other proposed development projects in the immediate area that will negatively impact that traffic grid as well.

Response to Comment B11-5

As discussed on page IV.J-42 of the Draft EIR, the cumulative traffic analysis provides a worst-case scenario against which the impacts of the Project are considered, and is based on a list of 174 related projects as well as a 1% annual growth factor. The Draft EIR concludes that after taking such worst-case scenario of cumulative traffic growth into account, the Project’s potential impacts can be mitigated to a less than significant level.

Comment B11-6

Mr. Bisno needs to get a reality check about his grandiose scheme. This proposed Ponte Vista project needs to be pared down to the intended land’s R1 zoning use!

Response to Comment B11-6

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B12

Kathy Micallef

San Pedro, CA

November 6, 2006 [Date Stamped: November 21, 2006]

Comment B12-1

Here is my simple statement and opinion of the Ponte Vista project:

I AM TOTALLY AGAINST IT!!!

I am 56 years old and have lived in San Pedro my whole life. I have seen our small town grow too much with too many people, cars and homes/condos. We certainly do not need another 2300 home development on Western Ave. We can hardly get across Western Ave. now as it is.

Response to Comment B12-1

This comment is identical to Comment B4-1; see response thereto.

COMMENT LETTER B13

Mark Wells

1858 Trudie Drive

Rancho Palos Verdes, CA 90275

mtwells@pacbell.net

November 10, 2006 [Date Stamped: November 21, 2006]

Comment B13-1

This letter includes my first comments concerning the Draft Environmental Impact Report (DEIR) for the Ponte Vista at San Pedro Project.

Currently I serve on Councilwoman Janice Hahn's Community Advisory Committee concerning the Ponte Vista Project. I also write an informational blog concerning the Ponte Vista Project

My first comments deal with omissions I feel are missing from the DEIR that have a significant impact on drivers, pedestrians, and others in the areas near the Ponte Vista site.

Response to Comment B13-1

This comment contains anecdotal information and introductory language for Comments B13-2 through B13-18 (addressed below) but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for

Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B13-2

Peninsula Verde Drive:

Peninsula Verde Drive intersects Western Avenue at the first public intersection north of the boundary of the Ponte Vista site. Peninsula Verde Drive has an eastbound stop sign at Western Avenue. Western Avenue is not signalized, nor are there stop signs for traffic traveling north and south. The residents of Peninsula Verde Drive and its smaller intersecting streets in the Peninsula Verde neighborhood are in the City of Rancho Palos Verdes. Peninsula Verde Drive/Western Avenue was included in the studies and reports of the Western Avenue Task Force. This intersection was completely ignored by all aspects and sections of the Ponte Vista DEIR. I find this omission of the closest northern intersection to the Ponte Vista property to be a gross error on the part of the engineers studying and documenting traffic issues and mitigations in the Traffic and Transportation Section of the DEIR. This intersection must be included in a corrected and re-mitigated study and mitigation process to provide better ingress and egress to the Peninsula Verde neighborhood. It is incomprehensible to have ignored this intersection and the impacts the residents of this neighborhood will have if the current Ponte Vista proposal is adopted.

Response to Comment B13-2

See Topical Response 11, Traffic, for a discussion regarding the intersection of Western Avenue and Peninsula Verde Drive. Although the Project will not result in a new traffic impact at Peninsula Verde Drive, to respond to the concern raised by the residents of the Peninsula Verde subdivision, the Project applicant has offered, as a community benefit of the Project, to fund the installation of a traffic signal at the intersection.

Comment B13-3

Parking lots:

In reading the DEIR and its appendices, I could find no study, examination, report, or mitigation concerning parking lots in nearby retail and commercial establishments.

The current parking lots were designed for the amount of cars forecasted in an area where 2,300 homes were never considered. If approved, Ponte Vista will add many more cars and trips than any current parking lot can handle

It is inconceivable for me to believe that the project can be approved without dealing with the extreme addition of cars whose drivers seek parking spaces in nearby establishments. There must be some studies and mitigation proposals to deal with the added number of cars that will be driven to parking lots. The

current residents of the area and the new residents of Ponte Vista will have an extremely difficult time finding available parking spaces once Ponte Vista is developed.

The inconsideration by the authors and engineers of the DEIR to allow the publication of the document without regard to the future parking space nightmares makes it obvious to me that project planners don't care about how and where folks park outside of the Ponte Vista site.

Response to Comment B13-3

While other commercial uses along Western Avenue may benefit from additional patrons generated by the Project, it is assumed that these uses comply with the specific parking requirements required of the individual sites by the City of Los Angeles and City of Rancho Palos Verdes. The comment does not provide data or analysis to support the assertion that the existing commercial uses lack adequate parking, or that parking will not be adequate in the future with the Project. Further, the comment does not consider that additional commercial uses may be developed along Western Avenue (or elsewhere) in response to the proposed Project. See also Responses to Comment A8-17.

Comment B13-4

Pedestrian Hazards:

This omission from the DEIR specifically deals with the approximately 50 middle school aged students who may have to cross Western Avenue to attend Dodson Middle School. When the former Navy Housing was occupied, Junior High School students from the Navy Housing and from lower East View would cross Western Avenue at Avenida Aprenda or John Montgomery Drive. These children were attending a school for 7th -9th graders. Now Dodson is a Middle School with a student population consisting of 6th-8th graders. This makes the future students of Dodson from Ponte Vista, on average, one year younger than those who attended earlier.

Response to Comment B13-4

The comment contains general and anecdotal information but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The comment contains introductory language for ensuing comments, which are addressed in Responses to Comments B13-5 through B13-8, below.

Comment B13-5

I was a student at Dodson Junior High School from 1967-1970. During the time I attended as well as before and after I attended, some children crossing Western Avenue at Avenida Aprenda or John Montgomery Drive were hit by automobiles and even buses during the walk to or from school.

Response to Comment B13-5

This comment provides anecdotal information but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. To the extent this comment relates to pedestrian safety in the vicinity of the Project site, see Response to Comment B13-8, below. It is noted, however, that the comment does not provide any specific information regarding the existence or conditions of intersections, traffic control, speed limits, sidewalks, crosswalks, crossing-guards or other features or programs that existed during the time periods discussed in this comment, or how those features or programs compare to existing conditions. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B13-6

The DEIR omits any record or history of the number of children who were involved in pedestrian accidents while crossing Western Avenue. I could find no study, report, history, or mitigation surrounding the potentially extremely dangerous topic.

Response to Comment B13-6

See Response to Comment B13-8, below.

Comment B13-7

The DEIR claims that up to 50 Middle School students will attend Dodson Middle school at any one time, from Ponte Vista. The DEIR does not state that these children will be younger than those attended in earlier years.

Response to Comment B13-7

The comment is correct that the Draft EIR states that the Project will generate up to 50 students at Dodson Middle school at any one time. With respect to any difference in the age of current Dodson Middle School students with students from years past, such a difference is not substantial to change the analysis in the Draft EIR.

Comment B13-8

Crossing Western Avenue during traffic times when school begins and ends is more than an extremely dangerous situation, in my opinion. Younger students than those previously attending will make the crossing, perhaps twice a day.

Of all the safety issues to omit from the study, this topic is probably the most important area that should be focused on.

It is outrageous to me that the safety of the children, who will live in Ponte Vista and have to cross Western Avenue, was not included in the DEIR. This is one more reason that I believe the entire Traffic and Transportation Section of the DEIR be thrown out and redone.

Response to Comment B13-8

Pedestrian safety is an important concern and is also an existing condition. For example, students from the Fitness Drive condominium developments and the Gardens, which are also located east of Western Avenue, currently attend Dodson Middle School.¹¹⁸ Students from the Project site attended Dodson Middle School when the Project site was operated by the U.S. Navy as a residential complex. The Project will reintroduce Dodson students from the site, and will also implement traffic improvements, including new signals and access points.

The Los Angeles Police Department South Traffic Division has no reports of any traffic-related accidents on Western Avenue in the vicinity of the Dodson Middle School for the past three years.¹¹⁹ According to Officer Pierson with the South Traffic Division, traffic accidents, including those involving pedestrians, tend to have a low occurrence in residential neighborhoods, such as the area near Dodson Middle School, due to current slower speed limits, pedestrian warning signage, and stop lights/signs,¹²⁰ located on Western Avenue north and south of Avenida Aprenda. See Figure FEIR-6.

The intersection of Western Avenue and Avenida Aprenda is presently protected with a traffic signal/pedestrian signal and crosswalk, which allows for safe pedestrian crossing of the road. As part of the proposed Project, improved pedestrian facilities would be developed along the eastern side of Western Avenue to create a safe walking path for pedestrians along Western Avenue. As part of the Project, 10-foot sidewalks will be installed on Western Avenue as required by Objective 10, Policy 10.5 of the Transportation Element of the City of Los Angeles General Plan (see Draft EIR at page IV.J-109, Table IV.F-19). Mitigation Measure J-34 (Draft EIR page IV.J-117) requires the applicant to install appropriate traffic signs around the site to ensure pedestrian and vehicle safety. Also as part of the Project, the John Montgomery Drive intersection will be moved further north along Western Avenue and improved with a traffic signal. Improved pedestrian facilities would also be developed at this location.

¹¹⁸ LAUSD School Finder website, <http://search.lausd.k12.ca.us/cgi-bin/fccgi.exe?w3exec=schfinder0>, April 21, 2007. The following addresses were used: 28000 Western Avenue, San Pedro, CA (the address of Related Project 14), and 1000 Sandwood Place, San Pedro, CA.

¹¹⁹ Los Angeles Police Department, South Traffic Division, Officer Pierson, personal communication with CAJA staff (Kerrie Nicholson), February 27, 2007.

¹²⁰ Ibid.



View 1: Pedestrian warning signage for Dodson Middle School students on the northbound Western Avenue approach to Avenida Apenda.



View 2: Pedestrian warning signage for Dodson Middle School students on the southbound Western Avenue approach to Avenida Apenda.



Additionally, the LAUSD and the LADOT cooperate to ensure and improve pedestrian safety near LAUSD schools, including Dodson Middle School, through the following:¹²¹

- Routes to school are reviewed to determine if revised ones should be designated, as a result of expansion, added buildings, changes in school gate openings or added traffic controls such as new traffic signals.
- Designated school crossings are reviewed to determine if additional or enhanced traffic control devices are needed.

On some arterial streets adjacent to elementary and middle schools, speed feedback signs are posted to advise motorists of their speed and to encourage them to reduce speeds near schools.

- Maps that show the recommended routes to elementary and middle schools are provided to the Los Angeles Unified School District for distribution to parents and students. The maps advise them of preferred school routes which have traffic signals, stop signs, adult crossing guards and warning devices.
- Through a special consultant, bicycle and pedestrian safety training is provided to over 100,000 students at approximately 300 schools each year.

The LAUSD has reviewed and commented on the Draft EIR but has not recommended additional or alternative pedestrian safety measures. For all of these reasons, with the proposed Project improvements and mitigation measures recommended by the Draft EIR, the pedestrian safety impacts of the Project, including students from the site crossing Western to reach Dodson Middle School (which occurred during the occupancy of the Project site by the U.S. Navy housing site) will be less than significant. Additionally, the applicant has indicated that it will further consult with LAUSD to promote pedestrian safety as it implements the Draft EIR's applicable mitigation measures.

Comment B13-9

Fitness Drive:

Fitness Drive is a private road immediately south of the southern border of the Ponte Vista site. This road formerly housed a gym, workout facility, and private tennis courts. Currently there are condominiums at the ends of Fitness Drive and another 160 unit condominium under construction between the two existing sites.

¹²¹ Source for the bulleted information: LADOT, <http://www.lacity.org/ladot/tips/SchoolPed.pdf>, February 27, 2007.

Fitness Drive has a westbound stop sign at Western Avenue. Western Avenue is not signalized and there are no north/south stop signs for Western Avenue Traffic.

Response to Comment B13-9

See Topical Response 11, Traffic, for a discussion regarding the intersection of Western Avenue and Fitness Drive. The potential future traffic attributed to the proposed residential project on Fitness Drive has been considered in the Traffic Study (Related Project No. 14 on Table IV.J-9, page IV.J-42 of the Draft EIR).

Comment B13-10

This intersection has received less-than appropriate study, report, analysis, or mitigation within the DEIR, in my opinion.

In conversation with Mr. Bisno, I have learned that he may, indeed, be required to mitigate the Fitness Drive issue by placing a right-of-way [sic] to the public road being considered between Western Avenue and Mary Star of the Sea High School site.

The DEIR does not mention any mitigation for Fitness Drive. At this time most drivers who attempt to travel south on Western Avenue from Fitness Drive are required by intense traffic, to drive slightly north, cross multiple lanes of traffic, and make a U-turn at Avenida Aprenda. Within the prior subject, Avenida Aprenda was listed as a intersection that has serious child-pedestrian issues.

For drivers on northbound Western Avenue who attempt to turn east onto Fitness Drive, they must wait a long time during peak hours to make their turn or they travel farther south to Westmount Drive to either make a U-turn or drive through the large parking lot.

Response to Comment B13-10

See Response to Comment B13-9. As discussed in the Topical Response 11, Traffic, the Project is not expected to adversely affect existing access to and from Fitness Drive. The existing U-turn movement at Avenida Aprenda (a signalized intersection) used by some motorist leaving Fitness Drive at certain times to initiate travel southerly along Western Avenue (a major highway) is considered a typical and safe condition in an urban condition, and thus are not considered an adverse impact. These u-turns are made with a “green” light for Western Avenue while all movements (pedestrian and vehicular) from Avenida Aprenda are stopped. A description of site access for the Project is provided in the Draft EIR beginning on page IV.J-29. A vehicular connection between Fitness Drive and the Project’s southerly access road is not required. The traffic mitigation measures are listed in the Draft EIR beginning on page IV.J-109. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures completely mitigate the potential significant traffic impacts associated with the Project. The comment does not provide any data or evidence to support the assertion that the Western Avenue/Avenida Aprenda intersection has “serious child-pedestrian issues.” For further discussion of pedestrian safety, see

Response to Comment B13-8, above. Nor does the comment provide any data or evidence to suggest that U-turn movements on Western Avenue at the Avenida Aprenda intersection would adversely affect pedestrian safety at this location.

Comment B13-11

So in review of Fitness Drive and Peninsula Verde Drive, the two closest non-signalized intersections to the Ponte Vista borders, both north and south, are woefully missing from any mitigation processes currently written in the DEIR.

Response to Comment B13-11

See Responses to Comments B13-2, B13-3, B13-9 and B13-10.

Comment B13-12

The report produced by the Western Avenue Task Force and the Draft EIR, Traffic and Transportation are more dissimilar than they are similar, by my reading.

The Western Avenue Task Force (WATF) reports studies out to the year 2025. It suggests adding a third lane in each direction between Palos Verdes Drive North and 25th Street. The WATF has illustrations for mitigating specific intersections that includes more than synchronizing the traffic signals. The WATF suggest a growth rate of 1% per year until the year 2025, but it does not include the added projection of traffic in any Ponte Vista or 2,025 seat senior high school scenarios.

The Traffic and Transportation Section of the DEIR forecasts a 1% growth rate until the year 2012, thirteen years below the WATF. The DEIR shows actual numbers of vehicles it projects for many of the intersections if the current application is approved, but nowhere does it state the actual percentage of additional traffic generated by a fully built Ponte Vista Project. Both studies only indicate a 1% growth in traffic per year but the WATF couldn't use any percentages of possible Ponte Vista traffic and the DEIR authors chose not to divulge the percentage of added traffic not including the 1% estimated growth.

Response to Comment B13-12

A discussion of the Western Avenue Task Force is provided in the Draft EIR beginning on page IV.J-26. The work of the task force, and the subsequent report issued by Caltrans in 2005 (*Western Corridor Improvement Project*) is summarized in the Draft EIR. It is noted that the Caltrans report for the Task Force is a planning tool for purposes of identifying future transportation improvements along Western Avenue. The Task Force report was not prepared as a CEQA analysis of a growth management or traffic improvement project. Provided below are some comparisons between the Draft EIR and Task Force report:

- Future traffic forecast. The comment correctly notes that the Task Force report utilizes a one percent annual growth rate for purposes of forecasting future traffic volumes on Western Avenue.

This growth rate is consistent with the annual ambient growth forecast used in the Draft EIR Traffic Study (see page IV.J-56 of the Draft EIR). The Task Force's assumption of a one percent annual growth rate is a hypothetical exercise and no "source" for such traffic is assigned. Therefore, the fact that the Task Force did not identify the Project, school projects, or other projects has no significance. With respect to the Project's Traffic Study, use of the one percent annual growth rate (which is derived based on traffic model forecasts prepared by the MTA) alone for purposes of forecasting future traffic could have been considered sufficient as it is consistent with the requirements of CEQA. In compliance with the requirements of the City of Los Angeles (the Lead Agency for the Draft EIR), the Traffic Study also forecasts future traffic growth through analysis of related projects (see list of related projects on Table IV.J-9, page IV.J-42 of the Draft EIR) as well as the Project. As discussed in the Draft EIR, use of these two methodologies likely overstates traffic impacts, and therefore, the Traffic Study provides a conservative (i.e., "worst case") forecast of future traffic as compared to the Task Force report.

- Horizon year. The Task Force report utilizes a horizon year of 2025 in its document. However, in compliance with CEQA, the horizon year for the Traffic Study in the Draft EIR is 2012, the estimated build-out year of the Project (see page IV.J-56 of the Draft EIR). A forecast to the year 2025 is not required.
- Roadway improvements. The Task Force report provides recommendations for future roadway improvements along Western Avenue, however, there is no plan in the Task Force report in terms of funding of the future improvements. Caltrans has subsequently stated that it does not have the funds to implement the improvements outlined in the Task Force report. The Draft EIR recommends measures (see mitigation measures listed in the Draft EIR beginning on page IV.J-111) to mitigate the significant traffic impacts of the Project. The Draft EIR notes that the mitigation measures for intersections along Western Avenue are consistent with those recommended in the Task Force report (e.g., traffic signal synchronization), however, the Draft EIR is not required to recommend all of the traffic improvements outlined in the Task Force report as they are not required to mitigate the impacts of the Project. Table IV.J-10 of the Draft EIR identifies the potential impacts considered to be significant based on changes in the calculated volume-to-capacity ratios at the study intersections. The calculation of percentage increases of traffic at the study intersections as suggested in the comment is not required, nor does it provide meaningful information relevant to the traffic analysis. The Draft EIR is not required by CEQA to identify measures to mitigate existing traffic or future traffic growth not related to the Project.

Comment B13-13

The WATF was an independent study that was compiled by interested members of the public with the help from engineers from various departments. The T+T section of the DEIR was authored in accordance with engineers paid for by the developer as is customary, and possibly engineered toward a more favorable outcome for the developer. It is quite a coincidence that Mr. Bisno asked his advisors how

many homes he could build if all the traffic issued [sic] were mitigated, and the number given back to him before and after all the engineering work was completed. That the before number matched the after number so exactly is not believable, in my opinion.

Response to Comment B13-13

See Response to Comment B13-12 for a discussion of the Western Avenue Task Force and its relationship to the Draft EIR. See Topical Response 11, Traffic. The Traffic Study was supervised, reviewed and approved by LADOT, and its analysis and conclusions represent its independent judgment. LADOT concluded that the Draft EIR's traffic analysis "adequately evaluated the project's traffic impacts on the surrounding community and has proposed acceptable mitigation measures for all impacted intersections within the jurisdiction of the City of Los Angeles" (refer to Comment Letter A6 in this Final EIR).

Comment B13-14

The DEIR listed 52 intersections for study. The Draft EIR stated that 23 intersections will have significant impact from the construction. The DEIR also stated that two more intersections will be significantly impacted with the inclusion of Mary Star of the Sea High School and the public road between Western Avenue and the school site. The DEIR never states that 25 intersections would be significantly impacted because the public access to the high school is required. Verbally, engineers have stated that "23 intersections will have significant impact." In the next sentence sometimes, the engineer will state the "two more intersections will be significantly impacted." I have never heard any engineer state the true number of intersections that will be significantly impacted should the application be approved. The real number is 25 and that is the honest number that the engineers don't seem to want to say. "23" is disingenuous to concerned individuals such as me.

Response to Comment B13-14

Page IV.J-77 of the Draft EIR indicates that 23 of the 52 study intersections are forecast to have significant traffic impacts due to the Project prior to the consideration of mitigation measures. This statement is supported by the summary of the Traffic Study provided in Table IV.J-10, beginning on page IV.J-59 of the Draft EIR. On page IV.J-111 the Draft EIR indicates that an additional two intersections would be impacted when the effects of the Mary Star High School road connection to Western Avenue (which is proposed to be provided as a community benefit of the Project) are considered. Mary Star High School, however, is a separately project that was previously approved by the City of Los Angeles. In the event the City were not to approve the Mary Star High School road connection to Western Avenue, Mary Star's operational traffic would be diverted to Taper Avenue, and Mary Star's planning permits would need to be reconsidered by the City. See Response to Comment A17-19. As summarized in Table IV.J-10, the mitigation measures listed in the Draft EIR beginning on page IV.J-111 completely mitigate the combined traffic impacts of the Project and the Mary Star High School.

Comment B13-15

It is my opinion that a third traffic study needs to be done to establish and deal with the dissimilarities between the DEIR, the WATF, and the omitted intersections I have outlined in this correspondence. A third study using a truly independent firm or agency and paid for by Mr. Bisno and the City of Los Angeles, the Cities of Rancho Palos Verdes, Rolling Hills Estates, Torrance, and other nearby cities should be completed prior to any demolition at the Ponte Vista site.

Response to Comment B13-15

The comment expresses an opinion that will be forwarded to the decision-maker for review and consideration. As discussed in Topical Response 11, Traffic, an independent study was conducted by Priority Engineering, Inc., which was retained by the three neighborhood councils in the area. Priority Engineering generally concurred with the conclusions of the Traffic Study.

Comment B13-16

I am not an engineer. I do not have any training in traffic mitigation. I read the Traffic and Transportation Section of the DEIR and much of the appendices that supported the section. I must reject, in totality, the findings and mitigation proposals of the DEIR.

I found the documents discriminatory towards the developer's proposals, lacking some very important and significant issues, and too concerned with intersections too far away from the project to impact my driving and my neighbors' driving.

Response to Comment B13-16

The comment contains anecdotal information and general criticism of the Transportation and Traffic Section, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. As explained on page IV.J-1 of the Draft EIR, the Traffic Study evaluates potential Project-related impacts at 52 key study intersections in the vicinity of the Project site. These 52 intersections were selected in consultation with LADOT staff and through the NOP process for analysis of potential impacts related to the Project. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. See also Topical Response 11, Traffic.

Comment B13-17

I believe from the DEIR and verbal reports from engineers and others that Mr. Bisno will only fund mitigation of eleven of the intersections listed in both the WATF and the DEIR findings. I have no belief that once the eleven intersections are synchronized, which I also feel is the minimum mitigation that will be accomplished; the remaining 12 or 14 significantly impacted intersections will probably be mitigated due to D.O.T. or Cal Trans inaction.

Response to Comment B13-17

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. All of the traffic mitigation measures are listed in the Draft EIR beginning on page IV.J-109. These measures will be funded by the applicant. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, these mitigation measures completely mitigate the potential significant traffic impacts associated with the Project. In addition, as noted in the LADOT letter dated January 11, 2007 (see Comment Letter A6), the Project applicant has agreed on a voluntary basis to fund the installation of ATSAC/ATCS at five additional intersections along Western Avenue, even though the Traffic Study concluded that the potential traffic impacts associated with the Project at these intersections would be less than significant. In total, the Project will fund the installation of ATSAC/ATCS (or similar traffic signal synchronization system at the intersections maintained by Caltrans) at 16 intersections along Western Avenue (including the new project access) between Palos Verdes Drive North and 25th Street. The applicant will also fund ATSAC/ATCS and other improvements at an additional 12 intersections to mitigate potential impacts at such locations. The Project applicant has proposed to fund all off-site mitigation measures prior to the issuance of building permits for the first residential building in the Project. As discussed in Topical Response 11, the recommendation that the Project fund the installation of ATSAC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR).

Comment B13-18

I have no confidence that traffic will have a “less than significant” impact rating if and when the 2,300 home development is built out.

Response to Comment B13-18

The comment contains anecdotal information and general criticism of the Transportation and Traffic Section, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B14

Gisela Hees-Braun
317 N. Trotwood Avenue
San Pedro, CA 90732
Telephone (310) 831 – 0541
Facsimile (310) 831 – 3352
November 30, 2006

Comment B14-1

I totally oppose the above mentioned development.

I agree with Mr. Doug Epperhart, president of the Coastal San Pedro Neighborhood Council, who comments in the article published by Megan Bagdonas in the ‘More San Pedro’ local newspaper on November 11, that:

“the new residents are going to buy stuff [sic] at Albertsons but that does not do a darn thing for us as a community”.

The Harbor brings in a lot of revenue to the City of LA. and the City does very little for San Pedro in return. Let’s concentrate on that.

Thank you for considering our comments.

Response to Comment B14-1

The comment expresses the author’s to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B15

Cindy Koch
35 Headland Drive
Rancho Palos Verdes, CA 90275
December 4, 2006 [Date Stamped: December 7, 2006]

Comment B15-1

As a registered voter I have become increasingly concerned with the proposed Ponte Vista plan.

Response to Comment B15-1

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B15-2

I regularly drive the Western Avenue/Palos Verdes Drive North corridor and adding 2,300 housing units and the accompanying vehicles will aggravate the traffic congestion is not acceptable to me [sic].

Response to Comment B15-2

The comment expresses the author's opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B15-3

While I understand the need to utilize this prime real estate, I do not support the density of occupation as proposed by the developer. In addition to the residential traffic accompanying this development there is additional pass through traffic generated by the two schools in the same area.

Response to Comment B15-3

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The comment appears to reference the proposed residential component of the Project, the Mary Star High School project proposed adjacent to the Project, as well as the existing Dobson Middle School located on Avenida Aprenda west of Western Avenue. As noted on page IV.J-11, traffic counts were conducted while local schools were in session. The traffic mitigation measures for the combined traffic effects of the Project and the Mary Star High School are listed in the Draft EIR beginning on page IV.J-109. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures completely mitigate the potential significant traffic impacts associated with the Project, as well as the Mary Star High School project.

Comment B15-4

I am in favor of "NO PROJECT". Allowing development under the current R-1 (single family) zoning only [sic]. Under this alternative, 429 single family homes could be built. If the developer is sincere about including recreational areas and green belts they would reduce the number of homes to accommodate the land needed for these areas.

The quality of life for members of the community, including the new Ponte Vista residents, is something that needs to be paramount in your decision.

Response to Comment B15-4

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B16

**Thomas Sweida
35 Headland Drive
Ranch Palos Verdes, CA 90275
December 4, 2006 [Date Stamped: December 7, 2006]**

Comment B16-1

I am a long time resident of Rancho Palos Verdes and I am opposed to the Ponte Vista plan as presented.

Response to Comment B16-1

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B16-2

I regularly drive the Western Avenue/Palos Verdes Drive North corridor and have seen the traffic grow exponentially over the years.

Response to Comment B16-2

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B16-3

Currently there is no traffic caused by the Ponte Vista development. Adding 2,300 housing units will make the traffic congestion worse than it currently is. Western Avenue is a stop & go, bumper to bumper traffic nightmare right now. The development will add another potential 5,000 cars that would further strain the existing roadways.

Response to Comment B16-3

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The comment claims that the “development will add another potential 5,000 cars,” but provides no facts, reasonable assumptions based on facts, analysis or expert opinion supported by facts in support of its position. The Draft EIR analyzes the Project’s potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. In accordance with LADOT policy, the project’s traffic impacts are analyzed in terms of daily vehicle trips rather than vehicles per unit. The Draft EIR concludes that the Project would result in 636 AM peak hour trips and 760 PM peak hour trips during the weekday commute period, and that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. With respect to the effectiveness of the proposed ATSAC mitigation, see Topical Response 11, Traffic.

Comment B16-4

While I understand the desire to use this prime real estate, the density of occupation as proposed is ridiculous. In addition to the residential traffic in this development it does not appear anyone has taken into consideration the additional pass through traffic generated by the two schools in the immediate same area.

Response to Comment B16-4

See Response to Comment B15-3.

Comment B16-5

I would be in favor of detached single family homes occupying a minimum of 1/3 of an acre each. This would allow for recreational areas and green belts in the development which is something the developer has been in favor of since the initial presentations.

The quality of life for members of the community is something that needs to be considered as well as the profit potential of the development.

Response to Comment B16-5

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B17**John Winkler****WJohnwjr@aol.com****November 14, 2006 [Date Stamped: December 7, 2006]*****Comment B17-1***

I attended the meeting at the Crown Plaza Hotel on Thursday night (Nov. 9th) and heard a few people speak on the project. One contractor that lives in the Rancho Palos Verdes area made a good point in that if the traffic will be managed with automated traffic surveillance and control and adaptive traffic control system at all intersections that would be significantly impacted, why doesn't Ponte Vista install this system now to see how well it works before any construction starts?

Response to Comment B17-1

The list of Mitigation Measures recommended in the Draft EIR to mitigate the potentially significant traffic impacts are provided beginning on page IV.J-111. The comment refers to the ATSAC/ATCS or similar traffic signal synchronization system that is recommended to be funded by the Project applicant at a number of the study intersections (specifically, Mitigation Measures J-2 through J-12, J-14 through J-17, J-21, J-25 and J-28). The traffic analysis assumes a very conservative 10% benefit to the calculated intersection volume-to-capacity ratio as a result of the implementation of ATSAC/ATCS. By comparison, Caltrans estimates that a traffic signal synchronization system improves v/c ratios by 12%. See also Response to Comment B57-3.

CEQA requires feasible mitigation measures to mitigate significant adverse environmental impacts if a project is approved. At the present time, the Project has not yet been approved. CEQA and corresponding case law allow development projects to provide proportionate share funding to programs administered by the lead and/or responsible agencies for purposes of mitigating significant impacts. Excerpts from 15126.4, Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects, from the CEQA Guidelines include the following relevant sections: "The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR." And, "Mitigation

measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments.” The ATSAC/ATCS program is administered by the lead agency (the City of Los Angeles) and the LADOT January 11, 2007 letter requires the developer to provide the funding for its proportionate share prior to receipt of a building permit for the Project. As discussed in Topical Response 11, the recommendation that the Project fund the installation of ATSAC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR).

While CEQA does not require the mitigation be in place prior to the opening of the Project, the applicant has indicated, as discussed in the Draft EIR at page II-7, that it will fund all off-site traffic mitigation measures before the construction of the first residential building in the Project is undertaken. In addition, the applicant’s Project will be constructed in phases to account for market absorption. Therefore, although the buildout of the Project is anticipated to occur over an approximate five years period, it is anticipated that Project traffic mitigation will be in place before the Project is completed. See also Topical Response 11, Traffic.

Comment B17-2

My neighbor told me that he goes to the senior meetings at Peck Park and there was a woman from Torrance attending. She must have been a supporter of Bob Bisno, as she was promoting the benefits of seniors living at Ponte Vista. My neighbor then asked about 130 seniors at the meeting if they could show their hands if they would be interested in purchasing a condo at Ponte Vista? Out of the 130 seniors, 3 raised their hands!

Response to Comment B17-2

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B17-3

Bob Bisno is only addressing one category of housing that effects [sic] seniors. When seniors become unable to care for themselves, they need more than what Ponte Vista is able to offer them. Seniors also need assisted living arrangements or nursing homes. Ponte Vista is not offering that service!

Response to Comment B17-3

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to

Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B17-4

In regards to the Draft Environmental impact Report for November 2006 that was done by the L.A. City, it goes on to say that during the weekday peak hours, 23 of the 52 intersections will be significantly impacted during peak hours. This study took into consideration other standards such as the California Department of Transportation (Caltrans).

Response to Comment B17-4

This comment correctly states that the Draft EIR identified 23 of the 52 intersections as having a significant impact during weekday AM and PM peak hours. The comment also correctly recognizes that the Traffic Study considered multiple threshold criteria, including those of the California Department of Transportation (Caltrans). In addition to the evaluation of potential traffic impacts in accordance with the policies, procedures, and standards of the City of Los Angeles (which is the Lead Agency for the Project), the Traffic Study also provides an evaluation of potential impacts in jurisdictions outside of the City of Los Angeles using the impact criteria of the affected jurisdiction, including the Cities of Torrance, Lomita, Rancho Palos Verdes, Rolling Hills Estates, and Carson, as well as the County of Los Angeles. Streets and freeway segments under the jurisdiction of Caltrans have also been evaluated. Although CEQA authorizes a lead agency to rely on its own standards of significance, and does not require supplemental analysis using other standards of significance, the Traffic Study's additional analysis enables affected jurisdictions and interested members of the public to evaluate the extent to which potential traffic impacts would occur if measured according to significance of those jurisdictions instead of pursuant to the City of Los Angeles' standards.

Comment B17-5

For most people that live in San Pedro, we have seen first hand the lack of cooperation and help from Caltrans in the way they have neglected repair and road service along Gaffey Street from the 110 freeway to 17th street. One gentleman made the comment that the roads in Tijuana, Mexico are better in some cases then the road leading into San Pedro! What kind of service can we expect from Caltrans if they haven't been able to fix Gaffey Street. Let us not forget the water pipes that needed to be replaced on Western Ave. last year and it took over 12 months to complete the job. In the meantime, businesses were forced to close and anyone that had the misfortune of having to drive on Western Ave. were caught in a traffic [sic] jam and were inconvenienced and delayed!

Response to Comment B17-5

The comment expresses the author's opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The Draft EIR analyzes

the Project's potential traffic impacts in the Traffic Study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B17-6

In regards to infrastructure, there is a a [sic] lot of building activity that is taking place in San Pedro and particularly on North Gaffey that affects the Ponte Vista proposed project. There should be more input with Caltrans in the development of more freeway ramps and road access from Gaffey up to the Navy housing area. Caltrans should be able to provide infrastructure such as freeway ramps and other road improvements with road taxes. If Caltrans is able to meet the needs of the community, then there should be deadlines for completing the job on time. If the job is not completed on time there could be penalties. If Caltrans is unable to do the work, there should not be any more talk about housing development that will effect [sic] the quality of life for the citizens that live in the community!

Response to Comment B17-6

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The traffic mitigation measures for the Project are listed in the Draft EIR beginning on page IV.J-109. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures completely mitigate the potential significant traffic impacts associated with the Project taking reasonably foreseeable cumulative growth into account. As shown in Table IV.J-10, the Traffic Study evaluates potential traffic impacts of the Project at six intersections along Gaffey Street. All off-site traffic mitigation measures will be funded by the applicant, who is proposing to provide such funding prior to building permits being issued for the Project's first residential building. As discussed in Topical Response 11, the recommendation that the Project fund the installation of ATSAC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR). Some mitigations measures fall within the jurisdiction of Caltrans. Others fall within the jurisdiction of the City of Los Angeles, which is the lead agency for the Project, or other responsible agencies. Gaffey Street access is not available to the Project site. However, neither Gaffey Street access nor additional freeway ramps along Gaffey Street are required to mitigate the impacts of the Project. See Response to Comment B84-2.

Comment B17-7

Recently, DeCarlos Bakery went out of business and we are going to see a Target Store take its place. North Gaffey Street is now becoming similar to Western Avenue in that the traffic situation is getting congested!

Response to Comment B17-7

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. As discussed on pages IV.J-42 and IV.J-117 of the Draft EIR, Target was identified as Related Project 18 and its expected traffic volumes were incorporated into the traffic analysis. The proposed mitigation measures would reduce the cumulative traffic impact to a less-than-significant level. As discussed on pages IV.J-4 through IV.J-6 of the Draft EIR, the local street system was analyzed with respect to 52 study intersections, six of which involved Gaffey Street. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level.

Comment B17-8

In recent years we have seen a large truck transfer complex go in at the Field of Dreams area as well as Home Depot near by. Why wasn't there a [sic] off ramp to the freeway build [sic] into this facility when it was designed? This would have been a solution for North Gaffey Street and all the traffic that we now are seeing as well as traffic to come!

Response to Comment B17-8

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Past decisions regarding the installation of freeway on-ramps are beyond the scope of analysis of this EIR.

Comment B17-9

Finally, in regards to the two high schools that want to be on the same site as Ponte Vista, I feel the High School's [sic] are a good fit for this site and Ponte Vista is out of place! The Navy housing track is designed as R-1 and it needs to stay that way to prevent more congestion and pollution. Since this project will effect [sic] most of the people living in San Pedro, I suggest that it becomes a ballot issue and have the community vote on weather [sic] or not Ponte Vista should stay or go!

Response to Comment B17-9

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to

Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B18

Liliana C. Witz-Hancsak

1420 South Trotwood Avenue

San Pedro, CA 90732

Telephone: (310) 832-6350

Fax: (310) 548-1812

December 4, 2006 [Date Stamped: December 7, 2006]

Comment B18-1

The section entitled: Anticipated Significant Environmental Effects: fails to mention the following facts:

- Of the 2,300 residential units, 75% will be occupied by average families-only 25% will be occupied by seniors. This is a total of 1,750 new families

Response to Comment B18-1

This comment refers to a heading in the Notice of Completion and Availability of the Draft EIR. Such Notice does not contain the population and housing analysis of the Draft EIR. Housing and population impacts of the Project, including those related to non-age restricted and senior dwelling units, were analyzed in Section IV.H (Population and Housing) of the Draft EIR and Appendix IV.H-1 to the Draft EIR. The housing and population analysis concluded that there would be no significant housing or population impacts and that no mitigation is required for these topics.

Comment B18-2

- The average family in California drives 2 cars. This is a total of 3,450 additional cars on Western Avenue.

Response to Comment B18-2

The forecast of vehicular trip generation associated with the Project is shown on Table IV.J-7, page IV.J-34 of the Draft EIR, and is not based upon any assumed number of cars per household, but rather observed trip generation by similar projects. As shown on the Table, the Project is forecast to generate 9,355 vehicle trips per day (4,677 inbound, 4,678 outbound). This includes trips made by Project residents, visitors, service vehicles, etc.

Comment B18-3

- Most of the members of these new families will have to go to work and come home at the same time as everybody else; in other words, they will add to the peak hour traffic.

Response to Comment B18-3

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast provided in the Draft EIR. Contrary to the assertion in the comment, it is reasonably expected that the trip generation characteristics would vary considerably among different households in the Project. On a peak hour basis, one neighbor may arrive home from work at 4:00 PM, a second neighbor may arrive home from work at 5:30 PM, while a third neighbor may arrive home from work at 7:00 PM. While each of these neighbors believes that they are driving home in “rush hour” traffic, in fact only one of the three neighbors is part of the actual *peak hour* of traffic evaluated in the Traffic Study. Therefore, the assertion in the comment that all residents would travel to and from the Project within the same hour is not correct.

Comment B18-4

No mention is made in your report of this additional EVERYDAY traffic and ENSUING AIR POLLUTION, especially if the cars will be going at a stop-and-go speed because of the greatly increased number of cars. Why was this fact and its VERY SIGNLFICANT ENVIRONMENTAL EFFECT completely ignored by your report?

Response to Comment B18-4

Mobile emissions from the operation of the Project are thoroughly analyzed and discussed in the Draft EIR’s Air Quality Chapter (Section IV.B). See also Response to Comment A10-194.

Comment B18-5

Making Western Avenue a six-lane highway, would improve the situation a little and somewhat reduce the number of idling cars and the ensuing air pollution. When I asked the representatives of Ponte Vista if they were planning to pay for the widening of this street, they gave me a definite NO answer.

Response to Comment B18-5

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The traffic mitigation measures for the Project are listed in the Draft EIR beginning on page IV.J-109. Mitigation Measures J-6, J-7 and J-8 discuss the recommendations to widen Western Avenue adjacent to the project site. The widening would occur along the east side of Western Avenue along the Project frontage (i.e., from south of Avenida Aprenda to north of Green Hills Drive) and would result in a third northbound lane of traffic, primarily intended to facilitate vehicular turning movements to and from the Project site so as to minimize disruption to Western Avenue “through” traffic. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures completely mitigate the potential

significant traffic impacts associated with the Project. Therefore, it is not necessary for the Project to widen Western Avenue to six lanes as a mitigation measure.

Comment B18-6

Why can't the City make this a condition for going ahead with the development? Just synchronizing the traffic lights, as these representatives were telling us, will not be sufficient!

Response to Comment B18-6

See Response to Comment B18-5. The Traffic Study concludes that the mitigation measures recommended in the Draft EIR, including implementation of the LADOT ATSAC/ATCS system, is sufficient to completely mitigate the significant impacts of the Project. No additional mitigation measures are required or recommended.

Comment B18-7

Even with the enlargement of the street, the amount of air pollution due to traffic will definitely increase and this consequence should have been discussed in your report!

Response to Comment B18-7

See Response to Comment B18-4. Page IV.B-39 of the Draft EIR provides a complete discussion of CO emissions from mobile sources due to implementation of the proposed project. See pages IV.B-38 through IV.B-39 of the Draft EIR for a summary of the analysis of operational related emissions. See also Topical Response 6, Operational Air Quality.

COMMENT LETTER B19 (Petition)

Jeanne S. Ritzke
1903 Redondela Dr.
Rancho Palos Verdes, CA 90275
310-831-6085
cmonalong@yahoo.com

Raymond E. Ritzke
1903 Redondela Dr.
Rancho Palos Verdes, CA 90275
310-831-6085
cmonalong@yahoo.com

Comment B19-1

We support R-1 zoning on Ponte Vista property!

We, the undersigned, OPPOSE ANY CHANGE TO R-1 (single-family) zoning at the Ponte Vista project site (Western Avenue opposite Green Hills cemetery).

Response to Comment B19-1

This comment is a petition expressing opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B20

Dennis Dyer

1048 W. 23rd St.

San Pedro, CA 90731

January 2, 2007 [Date Stamped: January 5, 2007]

Comment B20-1

Bisno Development purchased this site knowing perfectly well that it was zoned R-1 and it should continue being zoned R-1. You will be doing the town of San Pedro a big disservice if you will approve the zone change. Bisno Development owners will be the only ones thanking you for the zone change. Nobody else will. There are many, many other development companies which will be extremely happy to build on this land without changing the zoning. Say NO to BISNO DEVELOPMENT.

Response to Comment B20-1

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B21**Teru and Nina Yoshida****28808 Gunter Road****Rancho Palos Verdes, CA 90275****January 4, 2007 [Date Stamped: January 9, 2007]*****Comment B21-1***

As Neighborhood Watch Block Captains and on behalf of the 28800-28900 block of Gunter Road in Rancho Palos Verdes, we are hereby expressing our neighborhood's opposition to the proposed Bob Bisno development of the Ponte Vista Project at San Pedro.

Response to Comment B21-1

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B21-2

The Mira Costa Terrace Neighborhood is [sic] cul de sac with one outlet on Western Avenue. Western Avenue is already congested and adding more traffic by building 2,300 homes with an outlet only on Western Avenue is not a quality of life decision.

Response to Comment B21-2

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. Regarding impacts to the Mira Costa Terrace neighborhood, see Response to Comment B74-6.

Comment B21-3

Our neighborhood considers the plan to build 2,300 homes on 61.53 acres of land to be overdevelopment. The Mira Costa Terrace neighborhood supports the current zoning of R-1 for Mr. Bisno's property which is one detached home per lot and up to nine homes per acre.

Keeping the current zoning at Ponte Vista would allow the developer to immediately tear down the existing structures and begin building a community of up to 429 single -family detached homes.

Our neighborhood appreciates your valued consideration of maintaining a quality of life for the residents of Rancho Palos Verdes on the West side of Western Avenue from Palos Verdes Drive North to the Pacific Ocean.

Response to Comment B21-3

This comment expresses the author's opinion regarding the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B22

**Sarah Masse and Larry Hadley
28708 Gunter Road
Rancho Palos Verdes, CA 90275**

Comment B22-1

As Rancho Palos Verdes property owners and single-family home community neighbors of the proposed Ponte Vista Project, we hereby express our opposition to the proposed development.

Response to Comment B22-1

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B22-2

Our property is located in the Mira Costa Terrace community of Rancho Palos Verdes on the West side of Western Avenue which is a cul de sac development of single-family homes with one outlet on Western Avenue. The traffic on Western Avenue is already congested and adding more traffic with the development of the Ponte Vista Project as currently proposed is not being a good neighbor!

Response to Comment B22-2

This comment expresses the author's opinion regarding the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. Regarding impacts to the Mira Costa Terrace neighborhood, see Response to Comment B74-6.

Comment B22-3

To build 2,300 homes on 61.53 acres of land is definitely over-development! We believe Mr. Bisno wants to be a good neighbor and a good developer, therefore, we would support the current zoning of R-1 with one detached home per lot and up to nine homes per acre.

Thank you for considering our point of view on this proposed development.

Response to Comment B22-3

See Response to Comment B21-3.

COMMENT LETTER B23

Mark R. Wells
1858 Trudie Drive
Rancho Palos Verdes, CA 90275

Comment B23-1

Below, please find more comments related to the Ponte vista at San Pedro Draft Environmental Impact Report.

These comments are written in the form of a letter.

Comment B23-1

Below, please find more comments related to the Ponte vista at San Pedro Draft Environmental Impact Report.

These comments are written in the form of a letter.

Response to Comment B23-1

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments B23-2 through B23-34, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-2

This is my second set of comments directed towards the Draft Environmental Impact Report and Mr. Robert H. Bisno's plans and application to build 2,300 homes at Ponte Vista at San Pedro.

Along with being a long time resident of the community, I also serve as a committee member of Ms. Janice Hahn's Community Advisory Committee for the Ponte Vista at San Pedro project.

Response to Comment B23-2

This comment introduces ensuing comments and the balance of the comment contains anecdotal information, but it does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-3

Since the summer of 2006, I have published a blog with the URL of www.pontevista.blogspot.com. There have been, to date, 90 posts with myself being the author of the majority of the Posts. I have also accepted posting contributions from several other individuals interested in supplying information and opinions on the blog.

To date, there have also been 2,859 visits to the blog, with 4,585 page views. Everyone is welcome to view the blog, make comments to the posts and view the information provided by the site meter which is located at the bottom of the page of the blog. As of today, there have been approximately 280 comments contributed to various posts to the blog. My own comments make up approximately one-fourth of the total comments.

The blog was primarily designed to provide as unbiased an opinion as I could and to place facts on the Internet that I feel are valid and worthwhile for the ongoing discussions.

I have attempted to continue to write the blog with the four "Rs" concept, which is; with any discussion, it [sic] the subject Reasonable, Responsible, Realistic, and Respectful?

While I continue to accept postings that I may disagree with, I also feel that persons who provide comments to the posts on the blog should be allowed to freely state their opinions and facts as they believe them to be.

Since the first posting on the blog, I have stated that any and all facts I purport to be true can be verified by documentation I have on file from a variety of resources.

I have recently changed the course of the blog from a more unbiased point of view to one that seeks to maintain the current zoning at Ponte Vista, for a variety of reasons.

I wrote two posts, “Why I Support R1 Zoning at Ponte Vista” and “The Ugly Truths” which I will include in this comment letter to state my current position and justify my opinions.

Response to Comment B23-3

This comment contains anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-4

“Why I support R1 Zoning at Ponte Vista”

It is now time for me to post why I support the maintaining of the current zoning at the Ponte Vista at San Pedro development site.

Response to Comment B23-4

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments B23-5 through B23-34, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-5

First though, I want to remind readers of my history in the area and my membership on a committee dealing with the Ponte Vista Development.

My parents brought me to the home I currently share with my wife when I was one-day old. That day was May 4, 1955. This home I grew up in is located in the first tract of homes built between Western Avenue and Miraleste Drive. It is in the neighborhood commonly known as the Crestwood area. It was originally

called Eastview when it was developed. Now the home is in the Mira Vista Homeowners Association area of the City of Rancho Palos Verdes.

I moved away in October 1976 to seek my fame and fortune. During my time away from the home, members of my family continued to occupy the home. My mother and father, then my sister's family, lived in the home until 1998. My second wife and I moved back into what I call the "Wells ancestral home" and we have no plans to leave.

I attended Crestwood Elementary, Dodson Junior, and San Pedro High schools, and my first wife and her siblings grew up on Barrywood in the Westmont neighborhood.

I have worked for the variously named companies that began as AT&T and are now known as AT&T for over 26 years. I have driven a Manhole Van throughout Southern California, with most of the driving done on urban streets, hilly roads, and crowded freeways.

Response to Comment B23-5

This comment contains anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-6

Earlier this year, Councilwoman Janice Hahn formed an advisory group to assist her and the community in understanding and making recommendations for what should be inside Ponte Vista at San Pedro. Three members of the fourteen-member group represent the interests of the residents of Rancho Palos Verdes, especially the eastern area of the city. We also endeavor to represent our San Pedro neighbors who live within two miles of the site.

Lucie Thorsen, Richard Brunner and I were appointed to Ms. Hahn's Community Advisory Committee (CAC) by the Rancho Palos Verdes City Council. For me, it is wonderful Ms. Hahn included Rancho Palos Verdes in her group, and I am very appreciative to have been selected by my city council to represent their interests and the interests of the residents of eastern Rancho Palos Verdes.

Response to Comment B23-6

This comment contains anecdotal information and opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-7

Mr. Bisno purchased 61.53 acres of land formerly occupied by the families of military personnel. He paid \$122,000,000.00 for the combined acreage. The site, formerly known as San Pedro Navy Housing was annexed into the City of Los Angeles via an ordinance, and the current zoning of R1, single-family homes, with up to nine homes per acre was established, in 1980.

Response to Comment B23-7

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-8

Mr. Bisno has submitted an application to the Los Angeles City Planning Department to change the zoning to allow 2,300 condominiums and town homes in an area now occupied by 245 unoccupied single family homes, mostly built as duplexes. His application is for 575 homes for residents' [sic] 55-years of age or better and 1,725 non-age restricted homes.

Response to Comment B23-8

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-9

When I first thought about what the developer, Mr. Robert H. (Bob) Bisno was proposing, I thought about creating a self-test that I could use in evaluating each issue concerning the proposed project.

I thought of four words that all begin with the letter "R" when I pondered various issues. With each issue, I wanted to know if it is "Reasonable, Responsible, Realistic, and Respectful" to myself, my family, my neighbors, and the residents I was chosen to represent.

Response to Comment B23-9

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-10

At this time, and until Mr. Bisno's plans for building 2,300 homes at Ponte Vista change, I must support maintaining the current zoning at the site.

For the residents I represent, I feel the current proposals are unreasonable, irresponsible, unrealistic, and disrespectful.

Under certain conditions that I have thought a great deal about, I would be very willing to discuss and be open-minded about, compromises to Mr. Bisno's 2,300 home vision.

Response to Comment B23-10

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-11

I am intrigued by the "hybrid scenario" which allows for fewer homes in the area, but with a greater number of homes for senior citizens. I am most willing to "talk up" alternatives to the project if they are reasonable, responsible, realistic, and respectful to the residents of eastern Rancho Palos Verdes and northwest San Pedro.

Response to Comment B23-11

This comment expresses the author's opinion regarding the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to comment B54-32 with respect to the 1,700 unit, 50 percent age-restricted scenario.

Comment B23-12

Mr. Bisno can begin building single-family detached homes with a ratio of up to nine homes per acre, almost immediately, if he chooses to. Mr. Bisno has been quoted as stating that he is not building "single-family homes at Ponte Vista".

Response to Comment B23-12

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to

Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-13

Throughout this blog I feel I provide accurate factual information that I can provide source documentation for.

Response to Comment B23-13

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-14

“The Ugly Truths”

This post will probably make folks on all sides of the Ponte Vista debate uncomfortable with me and my conclusions.

I have already angered many supporters of Mr. Bisno’s plans to build 2,300 homes inside his Ponte Vista Development. But I will probably anger quite a few folks to support “R1” zoning on the site. Let’s see how this will all turn out.

I have shifted my thinking from being a “supporter of R-1” to concluding that the current zoning of the site, which is zoned R1, for up to nine homes per acre, should be maintained and the application of any zoning change by Mr. Bisno be denied by the Los Angeles City Council.

Mr. Bisno and his organization have the burden to prove to decision makers, potential buyers, and current residents in the area, that what he has proposed for the development would be the most beneficial to everyone. I have concluded that he and his organization have not, as yet, met that burden of proof.

Since I have concluded that Mr. Bisno’s proposals have not met my necessary standards to have a change of zoning approved, I have created some steps that he may take where I would find comfort in discussing alternatives to his proposal that I could, finally support.

For me to consider alternatives to Mr. Bisno’s current plans, the following steps should be taken;

Response to Comment B23-14

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to

Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-15

There should be a third traffic study, paid for by Mr. Bisno and completely independent of any government entity, the developer's organization, or the Planning Department.

Response to Comment B23-15

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. As discussed in Topical Response 11, Traffic, a review of the Traffic Study was conducted by an independent third-party traffic engineering company, Priority Engineering, Inc., retained by the three neighborhood councils in the area of the Project. Priority Engineering confirmed that the trip generation forecast contained in the Traffic Study was done correctly in accordance with procedures set forth by ITE and LADOT. Priority Engineering subsequently issued two documents detailing their findings and recommendations. In its January 2007 report, Priority Engineering confirmed that "[t]he mitigations are accurately calculated and would likely offset the impacts from both the existing and proposed zoning." See Comment B54b-28. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-16

There should be an announcement by the [sic] Mr. Bisno that he is openly willing to discuss reasonable alternatives to building 2,300 homes at Ponte Vista, no matter what any government department or office says. This announcement should be publicized on his Web site, and in newspapers in the area.

Response to Comment B23-16

This comment expresses the author's opinion and preferences, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-17

There should be an inclusion into discussions with representatives of L.A.U.S.D., concerning SRHS #14, so all parties could be well informed and can make their opinions and facts known.

Response to Comment B23-17

This comment expresses the author's opinion but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 3, South Region High School #14, for a discussion of the relationship between the planning processes for the Project and the potential high school.

Comment B23-18

Ponte Vista must have public streets in the non-age restricted portion of any multi-building development.

Response to Comment B23-18

The Project is proposed as a gated community with private streets. The issue of whether the Project's streets are public or private does not bear upon the potential environmental impacts of the Project. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-19

The developer, along with local business owners, should do the unprecedented act of discussing parking issues if Mr. Bisno continues to apply for a zoning change.

Response to Comment B23-19

While other commercial uses along Western Avenue may benefit from additional patrons generated by the Project, it is assumed that these uses comply with the specific parking requirements required of the individual sites by the City of Los Angeles and City of Rancho Palos Verdes. The comment does not provided data or analysis to support the assertion that the existing commercial uses lack adequate parking, or that parking will not be adequate in the future with the Project. Further, the comment does not consider that additional commercial uses may be developed along Western Avenue (or elsewhere) in response to the proposed Project. See also Response to Comment A8-17.

Comment B23-20

If those conditions are meant, [sic] then I would be very willing to thoughtfully discuss alternatives and scenarios that don't include 2,300 homes or nine homes per acre.

Response to Comment B23-20

This comment expresses the author's opinions and preferences, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See

Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-21

A very ugly truth that many supporters of R1 probably don't know is that there are no large acreage R1 zoned sites that have been approved by the L.A. City Council lately.

Response to Comment B23-21

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment B54-34 and B54-35.

Comment B23-22

There must be an acknowledgement by all sides that San Pedro needs more housing units. Even though their [sic] would be no homes built in Ponte Vista that would mitigate any housing needs in the San Pedro Community Plan, homes in the area still need to be built.

Response to Comment B23-22

The comment states that there is an unmet housing need within the San Pedro area, which is consistent with statements made in Sections IV.H (Population and Housing), IV.F (Land Use), and VI (Alternatives to the Project) of the Draft EIR. The Draft EIR concludes that the Project is beneficial in part because it assists the City in meeting its strategic housing goals as set forth in the Wilmington-Harbor City and San Pedro community plans, and the City's General Plan Framework and Housing Element. The Project is located in the Wilmington-Harbor City Community Plan area, but is immediately north of the San Pedro Community Plan area. See Response to Comment A15-23.

Comment B23-23

Mr. David Olivo of the L.A. City Planning Department confided to me that he knows of no current R1 developments on large parcels of land within the City of Los Angeles.

Response to Comment B23-23

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment B54-34 and B54-35.

Comment B23-24

An ugly truth I must remind readers of is that I feel I represent the majority of eastern Rancho Palos Verdes who want to only see R1 at Ponte Vista. While I will always consider “San Pedro” home, I live in a city whose eastern residents will be severely impacted by a large development at Ponte Vista.

Response to Comment B23-24

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-25

Another ugly truth is that I do not believe many of the facts and figures, purported to be true in the Draft Environmental Impact Report (DEIR), rise to the level of believability that would be required for the approval of a zoning change.

Response to Comment B23-25

The comment expresses the author’s opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-26

The DEIR was paid for by the developer, who contracted with a private company to produce the DEIR. Once the DEIR was completed, it was sent to the L.A.City [sic] Planning Department to be scrutinized for correctly reporting facts and figures. The Planning Department is not the decision maker for any zoning change. The department accepts the DEIR for publication under its name after it has assured itself that the contents of the document are complete and truthful, as far as they are concerned.

Response to Comment B23-26

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR was prepared under the supervision of the City of Los Angeles Planning Department and the Los Angeles Department of Transportation pursuant to the City’s policies and procedures. The comment is correct that the Planning Department does not have the authority to approve or deny an application for a zone change. Whether to approve a zone change is a legislative decision to be made by the City Council as a whole.

Comment B23-27

Different methodologies of studying the same thing often produce different results. Because I continue to have doubts about some of the facts and figures purported to be true in the DEIR, I am not willing to “gamble” the future of the area by recommending approval of the developer’s application, at this time.

Response to Comment B23-27

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-28

7,343 or 4,313. How many residents might actually live at Ponte Vista in a 2,300 home development? It depends on the report you believe is true. I have generated a different set of possible population numbers that may or may not be more accurate. Because this is also an ugly truth, I continue to feel the current zoning of the site should not be changed.

Response to Comment B23-28

With respect to the projected population for the proposed Project, see Topical Response 8, Population and Housing. The balance of the comment expresses the commenter’s opinion and opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-29

Mr. Bisno has called folks who are “R1 supporters”, “ranting elitists”. I feel this is not only very untrue, but derogatory on its face. Just today as I pulled out of a parking space in my Honda Element, I made sure I did not sideswipe Mr. Bisno’s black Rolls Royce. The ugly truth here is that I regret Mr. Bisno continues to call many R1 supporters “ranting elitists”, and I feel continuing animosity by Mr. Bisno, towards R1 supporters, but not me personally, suggests that he devalues may [sic] folks I represent.

Response to Comment B23-29

This comment does not state a concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-30

Something is going to be built in the area now known as Ponte Vista at San Pedro. An ugly truth is one of the “somethings” being considered is a 2,025 seat senior high school. Mr. Bisno may correctly claim that the L.A.U.S.D. has been unwilling to negotiate with him on access to his land and reservations he has about building such a large school at Ponte Vista.

Mr. Bisno has publicly and privately said that he would be willing to discuss a “fewer than 1,000 student” campus at Ponte Vista. All parties should redouble their efforts to sit down and openly negotiate about the possible future of 15.03 acres within Ponte Vista. Failure to do so may find Mr. Bisno beginning construction on buildings that might be condemned and demolished even before they are completed.

Because nobody really knows at this time whether there will be more protracted litigation issues surrounding the proposed school, I have concluded that the current zoning at Ponte Vista, should be maintained.

Response to Comment B23-30

With respect to proposals for an LAUSD high school on the Project site and the way in which such proposals would be addressed in the CEQA review process, see Topical Response 3, South Region High School #14. The balance of the comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-31

An ugly truth is that a public road between Western Avenue and Gaffey Street must be built if any multiple-building developments are approved in the Ponte Vista area. There is a vocal opposition to this proposal, but that opposition is not coming from Mr. Bisno or me.

Response to Comment B23-31

The Project’s site access is described in the Draft EIR beginning on page IV.J-29. As described in that section, vehicular access to the site is provided via Western Avenue. As concluded in the Draft EIR, all Project-related traffic impacts can be mitigated to less than significant levels. Therefore, the provision for Project vehicular access to Gaffey Street as recommended in the comment is not required. Further, the Project applicant does not own or have access to the necessary property to provide vehicular access to Gaffey Street, rendering this suggestion infeasible. See Response to Comment B84-2.

Comment B23-32

Another ugly truth is one that many people, including myself, have written about before. Mr. Bisno paid approximately \$122,000,000.00 for a total of 61.53 acres that is now known as Ponte Vista at San Pedro.

Buying land at any price can be a gamble. Paying well over the expected selling price for land is surely a gamble, in my opinion. I haven't read in any publication where a land owner is allowed to build anything he wishes to on that land, just because he paid a great amount of money for land that may not have actually been worth what he paid for it.

It is not mandatory for the zoning to be changed just because the land owner may have overpaid for the land.

Response to Comment B23-32

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-33

A very ugly but accurate truth is that, unless Mr. Bisno builds single-family detached homes inside Ponte Vista on [sic] a ratio of up to nine homes per acre, (up to 429 homes) there will be no R1 development at Ponte Vista. Mr. Bisno has been quoted that there are no plans to build single-family homes at Ponte Vista. Mr. Bisno chose to make that claim and I believe he is very determined to build large, multi-dwelling buildings on his site. Currently, Mr. Bisno is allowed to build homes according to the current zoning for the site.

Response to Comment B23-33

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B23-34

In conclusion, It [sic] is my feeling that Mr. Bisno's application for changing the current zoning on the site should be denied until such time as Mr. Bisno submits an amended application that provides the best possible outcome for me and the residents of eastern Rancho Palos Verdes I was selected to represent in this matter.

Response to Comment B23-34

This comment expresses the commenter's opinion and opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of

Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B24

N. Dean Pentcheff

677 W 38th St.

San Pedro, CA 90731

dean@crustacea.nhm.org

January 23, 2006

Comment B24-1

I am a resident and homeowner in San Pedro who is concerned about the proposed development at the Ponte Vista site (Case No. ENV-2005-4516-EIR).

Response to Comment B24-1

This comment expresses general concern about the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B24-2

Although there are many issues that are relevant to evaluating the Ponte Vista's impact on the community, the possible impact of the increased traffic of the high-density proposed development is a crucial issue. I believe, based on my examination, there are basic flaws that render the traffic analysis in the Draft Environmental Impact Report untrustworthy as a guide to the Project's traffic impact. There are also issues of presentation that improperly minimize the projected effects of the development. I believe that those issues make the traffic projections as outlined in the Draft EIR unacceptable as a basis for evaluating the impact of the proposed project. A very brief summary of my objections follows. These statements are expanded in detail below.

Response to Comment B24-2

The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. To the extent that this comment summarizes or introduces an ensuing comment, see Response to Comments B24-3 through B24-36, below. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be

forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B24-3

1. The estimates of “existing traffic” are unacceptable because they contain absolutely no information regarding traffic variability from day to day. No engineering or scientific measurement is acceptable without an accompanying measurement of variance. The estimates of “existing” traffic are the basis for all projections, making the projections unacceptable as well.

Response to Comment B24-3

See Topical Response 11, Traffic, for a discussion regarding the traffic counts conducted in conjunction with the Traffic Study provided in the Draft EIR and daily traffic variability.

Comment B24-4

2. The Draft EIR compares the projected traffic impacts of the various scenarios in terms of “number of impacted intersections”. This number grossly misrepresents actual levels of traffic increase projected to be created by the Ponte Vista Project development. A comparison of “trips generated” provides a far more alarming view of the projected impact (but is disingenuously downplayed in the Draft EIR).

Response to Comment B24-4

This comment summarizes ensuing comments which are addressed in detail in Responses to Comments B24-13 through B24-22, below.

Comment B24-5

3. The Draft EIR traffic analysis concludes that the Ponte Vista Project, with proposed traffic mitigation, results in a projected traffic situation in 2012 that is very similar to the traffic situation that will be occurring if there is no Ponte Vista Project development. Since the majority of the proposed mitigations for the Project are now expected to be carried out in any case due to statewide bond funding, it is imperative to provide an estimate of projected future traffic patterns with the proposed mitigation in the absence of the Ponte Vista project. Omission of that projection makes it impossible to compare the effect [sic] of the Project with the most-likely future scenario in the Project’s absence.

Response to Comment B24-5

See Topical Response 11, Traffic. As discussed in the Topical Response, the recommendation that the Project fund the installation of ATIS/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR).

Comment B24-6

I hope that these comments prove useful in improving the analysis of the environmental impact of the proposed Ponte Vista Project.

Thank you for your consideration.

Response to Comment B24-6

This comment contains closing remarks, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B24-7**Issue 1. Estimates of existing traffic are unacceptable**

Draft EIR Section IV. Environmental impact analysis, Part J. Transportation and Traffic, pages 11-21 (as well as Appendix IV.J-1, pages 21-32) describes the methods used to estimate existing traffic at the study intersections. Table IV.J-2 (Existing weekday traffic volumes) and Table IV.J-3 (Existing Saturday traffic volumes) detail the dates on which the traffic counts were made. At each of the 52 study intersections, weekday morning peak counts and weekday afternoon peak counts were made¹. For 12 of the intersections, an additional Saturday mid-day peak count was made.

Response to Comment B24-7

See Response to Comment B24-3 for a discussion regarding the collection of traffic counts for the Traffic Study provided in the Draft EIR. The comment restates the information regarding the traffic counts as described on page IV.J-11 in the Draft EIR.

Comment B24-8

The problem with these data is simple but critical: In all cases one count was made on one single day (on a date somewhere between 4/14/2005 and 12/03/2005). Therefore there is no information regarding the inter-day variation in traffic. To put it in statistical terms, there is no variance information whatsoever.

No measurement in engineering or scientific usage is usable without variance information. No one expects the traffic density to be identical from day to day. Each day's traffic is affected by factors that may be predictable (for example, a business that only operates on Monday, Wednesday, and Friday will predictably add more traffic on those days) and factors that are unpredictable (a traffic accident on the freeway may cause more traffic on the surface streets). That means that it is absolutely necessary to sample multiple days to estimate traffic density.

Response to Comment B24-8

See Topical Response 11, Traffic, for a discussion regarding the traffic counts conducted in conjunction with the Traffic Study provided in the Draft EIR and daily traffic variability.

Comment B24-9

Although it is never explicitly mentioned in the Draft EIR traffic study, there must be a degree of accuracy that is desired for the existing traffic estimates. Perhaps the engineers desire to have a 95% probability that their estimate is within 20% of the actual average traffic volume. If it turns out that the traffic volume is nearly identical from day to day at every one of the 52 study intersections, then a single count might be within 20% of the actual average traffic volume. If the traffic varies between days, however, a single count at each intersection is very likely to be an inaccurate estimate. With no variance information, there is no way to assess how well the traffic counts represent the true average traffic volume at each intersection. Maybe they are a good estimate; maybe they are wildy [sic] inaccurate. The point is that we have no way to know. That is why no data in engineering or science are acceptable without a report of the variability in addition to the report of the value itself.

Response to Comment B24-9

See Topical Response 11, Traffic, for a discussion regarding the traffic counts conducted in conjunction with the Traffic Study provided in the Draft EIR and daily traffic variability. As described and documented in the Topical Response, traffic count vary on a day-to-day basis. However, such variations do not have an effect on the conclusions relative to the potential traffic impacts of the Project and the relative effectiveness of the recommended traffic mitigation measures. Therefore, no additional/updated traffic count data is required and no further analysis is required.

Comment B24-10

Since the traffic count data have no measurement of their variability, they are unacceptable as an estimate of existing traffic volumes. Since the estimates of existing traffic volume are completely uncertain, no responsible engineering analysis can use them as a basis to project future traffic volumes.

Response to Comment B24-10

See Responses to Comments B24-3 and B24-8 for a discussion regarding the collection of traffic counts for the Traffic Study provided in the Draft EIR. The comment is a summary of the prior comments in the letter. No further responses are required.

Comment B24-11

Recommendation: A pilot study at a subset of the intersections (perhaps 10) should be performed to get a preliminary estimate of the day-to-day variance in traffic volumes. This pilot study should, at the very

least, cover several different days of the week through several months. Once the preliminary variance information is collected, a statistical power analysis can be performed to estimate the required sampling at all 52 intersections that would be expected to yield estimates within a specified accuracy. I do not know what industry standard accuracies are for this type of study, but a 95% probability of being within 20% of the true value does not seem unreasonable. Once the required sampling has been determined, this more extensive sampling can be performed. A useful classic reference for this type of sampling analysis is: Cochran, W.G. (1977) Sampling techniques. John Wiley & Sons, Inc.: NY.

Response to Comment B24-11

See Responses to Comments B24-3 and B24-8 for a discussion regarding the collection of traffic counts for the Traffic Study provided in the Draft EIR. As discussed in Topical Response 11, Traffic, the counts conducted for the Project Traffic Study provide a reasonable measurement of representative conditions. Day-to-day variations are expected, but do not have an effect on the conclusions relative to the potential traffic impacts of the Project and the relative effectiveness of the recommended traffic mitigation measures. Therefore, several months of measurements are not required for CEQA analysis.

Comment B24-12

¹ For 5 of the 52 weekday afternoon counts, data were obtained from the “Western Corridor Improvement Project report by Caltrans” (Table 5-1 weekday afternoon counts for intersections 21, 23, 24, 26, and 29). Since I do not know what sampling procedure was used to determine those numbers, those 5 counts are excluded from consideration in this comment.

Response to Comment B24-12

The comment correctly states that weekday afternoon counts for intersections 21, 23, 24, 26 and 29 were obtained from the “Western Corridor Improvement Project report by Caltrans.” This information is found in Table 5-1 of the traffic study attached as Appendix IV.J-1 and in Table IV.J-2 on pages IV.J-15 through IV.J-16 of the Draft EIR. According to Caltrans, the traffic counts at the five study intersections were conducted in conjunction with the preparation of the Western Corridor report issued in 2005. These counts would have been less than two years old at the time the Traffic Study for the Project was initiated, which is consistent with the requirements of the LADOT *Traffic Study Policies and Procedures* manual. Further, the traffic counts were reviewed in context with the other traffic counts provided by other professional traffic counting firms at nearby Western Avenue intersections to assess that the data provided in the Western Corridor report was consistent with similar traffic count data at nearby study intersections.

Comment B24-13**Issue 2. Presentation of development scenarios by “number of impacted intersections” rather than as “trips generated” misrepresents the true projected traffic effects²**

Even if the basis for the traffic projections was plausible (which it is not – see Issue 1 above), the comparison of effects of different development scenarios is boldly misleading. Different development scenarios are compared in the traffic section of the Draft EIR primarily in terms of “number of impacted intersections”. This leads to a misleadingly small apparent impact when compared with projected traffic increases.

Response to Comment B24-13

The comment appears to be in reference to the evaluation of Alternatives to the Project provided in the Draft EIR in Section VI, Alternatives. The Section provides not only the daily, but also the peak hour trip generation forecast associated with each Alternative, as well as a calculation of the number of intersections that would experience significant traffic impacts. The Section also provides impact analysis for each alternative, including the number of intersections potentially impacted by each alternative. Thus, the Draft EIR makes a good faith effort to provide full disclosure with respect to traffic generation information and impacts of each alternative. See also Appendix VI-1 to the Draft EIR, Trip Generation Tables for Alternative Projects.

The Draft EIR’s analysis discloses that the Project would have a higher potential trip generation as compared to Alternative A (single family housing development). Alternative A is expected to generate 322 vehicle trips (81 inbound trips and 241 outbound trips) during the weekday AM peak hour. During the weekday PM peak hour, Alternative A is expected to generate 433 vehicle trips (273 inbound trips and 160 outbound trips). As presented in Table IV.J-7 of the Draft EIR, the residential components of the Project are expected to generate 633 vehicle trips (133 inbound trips and 500 outbound trips) during the weekday AM peak hour. During the weekday PM peak hour, the residential components of the Project are expected to generate 719 vehicle trips (445 inbound trips and 274 outbound trips).

The comment apparently refers to the summary table found on Table VI-14, page VI-100 of the Draft EIR, which compares the number of intersections impacted by each alternative. Lead agencies typically use the number of impacted intersections as a typical measure to assess traffic impacts. This table is not misleading. As noted above, the information in the Alternatives Section also enables each alternative to be compared in terms of other trip generation measures.

There is no “right” way to compare alternatives because of the various value judgments that decision-makers must make in comparing and assessing them. For example, the Draft EIR discloses that the Project will result in approximately twice the number of weekday AM peak hour trips as compared to Alternative A, and approximately 60% more trips during the weekday PM peak hour, but the decision-maker may also consider that the Project will also provide five times more housing units than Alternative A. Consistent with ITE trip generation data, this information indicates that, by virtue of its increased

density, the Project is more efficient in terms of trip generation than single-family development. Similarly, Alternative A would result in 19 impacted intersections. The residential component of the Project will result in 23 impacted intersections. Thus, four additional intersections would be impacted, but five times more housing would be provided for the public. All of these measures and comparisons are meaningful and important to enable the decision-maker to reach a final decision. Therefore, no changes to the information provided in the Alternatives section of the Draft EIR are required.

Comment B24-14

Draft EIR Section IV. Environmental impact analysis, Part J. Transportation and Traffic presents traffic impact primarily in terms of the number of intersections “significantly impacted” by traffic growth. A “significant impact” on an intersection is defined as a traffic volume-to-capacity ratio increase that exceeds a specified threshold for a given intersection. The thresholds are defined variously by different jurisdictions³. Various mitigation possibilities and the resulting effects are compared on the basis of how many intersections are significantly effected [sic].

Response to Comment B24-14

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The comment provides a summary of the content and analysis provided within Section IV.J, Transportation and Traffic, in the Draft EIR. The thresholds of significance used in the Draft EIR as adopted by the City of Los Angeles (the Lead Agency for the Draft EIR) are provided beginning on page IV.J-24. A summary of the traffic analysis evaluating the study intersections for potential significant traffic impacts based on application of the thresholds of significance is provided in Table IV.J-10, beginning on page IV.J-59 of the Draft EIR.

Comment B24-15

This flavor of presentation is also used in the “Highlights of the Traffic Study for the Proposed Ponte Vista Project” which was prepared by the DEIS traffic study engineers for the 9 November 2006 meeting of the Ponte Vista Working Group. Different development scenarios are evaluated on the basis of how many intersections are impacted. To quote from that document (page 10):

Table II, below, provides a chart comparing the traffic impacts for each scenario. As seen from this chart, the range of traffic impacts among the solely residential options is relatively narrow, from a low of 19 intersections impacted under the single family housing (R1) option, to 23 impacted intersections with the proposed project. The traffic impacts from each alternative can be fully mitigated.

Comparison of the alternative scenarios discussed provides several instructive points to consider. First, all of the scenarios (including R1 zoning) would result in 19 impacted intersections. Among the solely residential options, the maximum difference in weekday traffic impacts is only 4 impacted intersections (19 compared with 23).

Response to Comment B24-15

The comment refers to the “Highlights” document issued by the Project applicant subsequent to the release of the Draft EIR for public circulation. The “Highlights” document is not a part of the Draft EIR and therefore comments made to the document do not require a response for the Final EIR. See Response to Comment to B24-13 regarding the analysis of Alternatives to the Project provided in the Draft EIR. The information cited in the comment is consistent with the information in Table VI-14, page VI-100 of the Draft EIR. By comparison, Alternative A (single family housing development) is forecast to create significant traffic impacts at 19 of the study intersections during weekday peak hours.

Comment B24-16

The reader is clearly supposed to understand that there is really very little difference in traffic between the R-1 development and the full Ponte Vista Project (with mitigation).

Response to Comment B24-16

See Response to Comments B24-13 and B24-15 regarding the analysis of Alternatives to the Project provided in the Draft EIR. The trip generation information provided in the section, along with the comparison of the relative number of intersections with traffic impacts associated with each Alternative that are deemed significant provides the decision-maker with detailed information regarding the relative traffic effects of the Project as compared to the Alternatives.

Comment B24-17

Looking at the referenced Table II of that document (which is attached for the benefit of those who do not have the “Highlights” document), we can see counts of impacted intersections (for “Ponte Vista Project” and “Draft EIR Alternative A” [which is R-1]). What we can also see, however, is that there is a much, much higher projected traffic volume with the Ponte Vista Project as compared to the R-1 projection. This is easily visible in the “Weekday Peak Hour Trips” projections.

Response to Comment B24-17

See Responses to Comments B24-13 and B24-15 regarding the analysis of Alternatives to the Project provided in the Draft EIR.

Comment B24-18

To put these numbers in perspective, I provide the following charts of the data.

The left chart below shows the projections in terms of a count of impacted intersections (as the Draft EIR authors would like you to consider them). It shows that the Ponte Vista Project development is projected to have a mere 21% more impacted intersections than the R-1 development. However, the chart on the

right shows the development effect in terms of additional trips. In that chart, it is seen that trips generated by the Ponte Vista Project projections would be 85% again as high as in the R-1 projection.

Response to Comment B24-18

See Responses to Comments B24-13, B24-15 and B24-17 regarding the analysis of Alternatives to the Project provided in the Draft EIR. The comment provides a numerical comparison of trip generation and number of study intersections with significant traffic impacts between the Project and Alternative A as provided in Section VI. Alternatives. The comment does not dispute the adequacy of the analysis or data provided in the Draft EIR. Therefore, no further response is required.

Comment B24-19

² I wish to credit Robert Gelfand with initially pointing out this aspect of the Draft EIR traffic study presentation.

Response to Comment B24-19

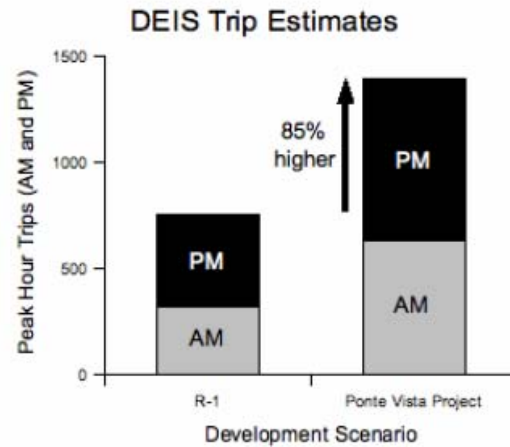
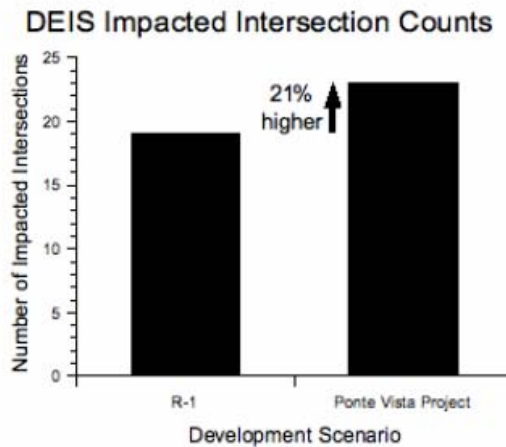
This comment contains anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B24-20

³ It is important to note that the thresholds are not defined by the authors of the Draft EIR traffic analysis. These thresholds are defined by the various municipalities and jurisdictions.

Response to Comment B24-20

The traffic study utilizes applicable thresholds of significance by the City of Los Angeles, and presents supplementary analysis regarding the thresholds by other responsible agencies. See Draft EIR at IV.J-77 to IV.J-92. See also Topical Response 11, Traffic.

Comment B24-21**Response to Comment B24-21**

See Response to Comment B24-13 and B24-18. The comment provides a numerical comparison of trip generation and number of study intersections with significant traffic impacts between the Project and Alternative A as provided in Section VI. Alternatives.

Comment B24-22

Phrasing the projected impacts of the Ponte Vista Development (even if the projections were plausible, and even including all proposed traffic mitigations) as “impacted intersection counts” rather than in terms of “trip estimates” grossly skews the perception of the relative impact of the Development, as compared with R-1.

Response to Comment B24-22

See Responses to Comments B24-13, B-24-17 and B24-18.

Comment B24-23

Issue 3. Claims of “no significant cumulative impacts” or “less-than-significant level” of impact are based on a misleading comparison

Response to Comment B24-23

Page IV.J-117 of the Draft EIR provides a summary of the assessment of potential cumulative traffic impacts associated with the Project. As stated in the Draft EIR, the Traffic Study indicates that the Project, in combination with the related projects (including the Mary Star High School project) would result in potentially significant cumulative traffic impacts at 25 study intersections during the weekday AM and PM peak hours. The recommended mitigation measures would reduce the cumulative traffic

impacts to less than significant levels. Therefore, no residual cumulative traffic impacts would occur. The comment does not provide data or evidence to suggest why the analysis of cumulative traffic impacts in the Draft EIR is “misleading.”

Comment B24-24

The extensive intersection-by-intersection projections and analyses [sic] (summarized primarily in Table IV.J-10 of the Draft EIR Section IV. Environmental impact analysis, Part J. Transportation and Traffic) present existing (2005) traffic and projections for various future scenarios. The projections are flawed because they are based on indefensible raw data (see *Issue 1* above).

Response to Comment B24-24

The comment is correct that Table IV.J-10, beginning on page IV.J-59 of the Draft EIR provides a summary of the traffic analysis prepared for the study intersections for purposes of evaluating the potential traffic impacts of the Project and evaluating the effectiveness of the recommended traffic mitigation measures. The “raw data” (i.e., existing traffic counts) and corresponding forecasts of future traffic are not “flawed” as asserted in the comment. See Responses to Comments B24-3 and B24-8 for a discussion regarding the collection of traffic counts for the Traffic Study provided in the Draft EIR.

Comment B24-25

However, even if the projections were plausible, they do not make the appropriate comparisons. The key comparison upon which the study depends is the projected future traffic (2012) including ambient growth plus the Mary Star school against the projected Ponte Vista plus Mary Star with traffic mitigation. There is no consideration of the now-likely scenario: ambient growth plus the Mary Star school with traffic mitigation.

Response to Comment B24-25

See Topical Response 11, Traffic. As discussed in the Topical Response, the recommendation that the Project fund the installation of ATSAC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR). The suggestion in the comment—to include the analysis of traffic mitigation measures after ambient growth (and presumably before related projects and the Project)—would be in violation of the requirements of the Lead Agency and CEQA as it would not permit a correct evaluation of the effectiveness of the recommended traffic mitigation measures. Furthermore, if the Project is not approved, Mary Star High School would take access to Taper Avenue – not to Western Avenue. For all these reasons, no revisions to the traffic analysis provided in the Draft EIR are required.

Comment B24-26

The traffic analysis (conforming to industry convention) classifies traffic flow at each intersection on an “A-F” scale of “Level of Service” or “LOS” (detailed in Draft EIR Appendix B. City of Los Angeles CMA and Levels of Service Explanation; CMA Data Worksheets; AM & PM Peak Hours, page 2) . Levels A, B, and C represent reasonable driving conditions. At Level C, “...stable operation continues... Occasionally drivers may have to wait through more one red signal indication and backups may develop behind turning vehicles. Most drivers feel somewhat restricted, but not objectionably so.” In Levels D, E, and F things get worse. Level D is the “...lower limit of acceptable operation to most drivers.” Level F is “[j]ammed conditions”.

Response to Comment B24-26

The comment provides a general summary of the range of Levels of Service as detailed in Appendix IV.J-1 to the Draft EIR. No further response is required.

Comment B24-27

It is striking that the summary of existing (2005) traffic flow already shows that we are in a traffic crisis. In Table 1 below, I summarize the LOS estimates in the Draft EIR. Again, the existing estimates are suspect (see Issue 1 above), but the projections would be proportionally similar even if the existing traffic estimates were corrected using proper sampling. What we see there is that *over half of the intersections are already in poor condition at peak hours* (60 out of 113 are at LOS categories D, E, or F).

Response to Comment B24-27

The comment appears to be summarizing the data provided in Table IV.J-10, beginning on page IV.J-59 of the Draft EIR. However, the commenter’s characterization of a current “crisis” represents his own opinion of traffic conditions. In actuality, the data represents the following condition: In general, most motorists are able to clear a signalized intersection within a single traffic signal phase. Only occasionally, within certain movements (e.g., left-turns) at the busiest intersections, would motorists be required to wait through more than one traffic signal cycle to clear an intersection. These conditions are typical for an urban setting in Southern California during peak hours. Persons are able to travel to and from their destinations, though not as rapidly as at off-peak times. These conditions do not represent “gridlock” or constitute a “crisis” as asserted in the comment. See Responses to Comments B24-3 and B24-8 for a discussion regarding the collection of traffic counts for the Traffic Study provided in the Draft EIR.

Comment B24-28

Projecting traffic levels into the future, we really only need to look at the projections for “Year 2012 with Mary Star” and “Year 2012 with Project, Mary Star, and mitigation” (columns 4a and 5 of the original table). That is, it is fair to assume that Mary Star will exist, Ponte Vista or not; and that if Ponte Vista is developed as proposed, each and every traffic mitigation they propose will be performed.

Response to Comment B24-28

The comment appears to be summarizing the data provided in Table IV.J-10, beginning on page IV.J-59 of the Draft EIR. For purposes of assessing the effectiveness of the traffic mitigation measures recommended in the Draft EIR, Table IV.J-10 compares conditions in Column [5] (“Year 2012 Mitigation for Project and Mary Star”) to the pre-Project conditions in Column [3] (“Year 2012 Future Pre-Project”). The purpose of this comparison is to evaluate whether the recommended traffic mitigation measures mitigate the combined potentially significant traffic effects of the Project and the Western Avenue road connection for the Mary Star High School project. As shown on Table IV.J-10, the recommended traffic mitigation measures completely mitigate the traffic impacts of the Project and Mary Star High School. It would not be appropriate to assume the impacts of Mary Star High School to Western Avenue in the event the Project is not approved. As discussed in the Draft EIR at IV.J-54, if the Project is not approved, a road connection to Western Avenue will not be provided for Mary Star High School, and operational access to Mary Star High School will need to be reevaluated by the City of Los Angeles. See Response to Comment A15-44.

Comment B24-29

As the Ponte Vista developers repeatedly point out, their analysis shows that traffic gets worse no matter what. Without the Ponte Vista development, we go from 53 down to 28 acceptable intersections; and go up from 60 to 85 unacceptable intersections. Quite similarly, if the Ponte Vista development with mitigation is added, the decline in acceptable intersections goes from 53 today to 33 in 2012; the increase in unacceptable intersections goes up from 60 today to 80 in 2012.

Response to Comment B24-29

The comment appears to be summarizing data provided in Table IV.J-10, beginning on page IV.J-59 of the Draft EIR. In forecasting future traffic for the Traffic Study, in compliance with the requirements of the City of Los Angeles (the Lead Agency for the Draft EIR), the Traffic Study incorporates an annual ambient traffic growth factor (see page IV.J-56 of the Draft EIR), as well as through analysis of related projects (see list of related projects on Table IV.J-9, page IV.J-42 of the Draft EIR). Use of the annual ambient traffic growth factor alone for purposes of forecasting future traffic could have been considered sufficient as it is consistent with the requirements of CEQA. However, the Traffic Study provides a conservative (i.e., “worst case”) forecast of future traffic by estimating future traffic through use of both the ambient traffic growth factor and analysis of the related projects. Moreover, the Traffic Study assumes that future cumulative traffic growth would not be accompanied by any future mitigation. For all of these reasons, the assessment of future pre-project traffic conditions highly overstates the actual conditions that will most likely occur at the study intersections.

In summary, the estimate of future pre-Project traffic is provided solely as a “worst case” future baseline from which to measure the relative traffic impacts of the Project. The cumulative analysis of the Traffic Study is not meant to provide an actual “forecast” of future traffic conditions, and should not be interpreted in that manner.

Comment B24-30**Table 1. Summary of measured and projected Levels of Service.**

These are derived from Draft EIR Table IV.J-10. This summarizes the LOS categorizations for 51 of the 52 studied intersections for AM, PM, and (where available) Saturday Peak traffic. The exception is intersection 17, for which some data were missing.

	<i>Year 2005 Existing</i>	<i>Year 2012 with Mary Star</i>	<i>Year 2012 with Project, Mary Star, and mitigation</i>
Level of Service A, B, or C (acceptable)	53	28	33
Level of Service D, E, or F (poor)	60	85	80

Response to Comment B24-30

The comment appears to be summarizing data provided in Table IV.J-10, beginning on page IV.J-59 of the Draft EIR. In forecasting future traffic for the Traffic Study, in compliance with the requirements of the City of Los Angeles (the Lead Agency for the Draft EIR), the Traffic Study incorporates an annual ambient traffic growth factor (see page IV.J-56 of the Draft EIR), as well as through analysis of related projects (see list of related projects on Table IV.J-9, page IV.J-42 of the Draft EIR). Use of the annual ambient traffic growth factor alone for purposes of forecasting future traffic could have been considered sufficient as it is consistent with the requirements of CEQA. However, the Traffic Study provides a conservative (i.e., “worst case”) forecast of future traffic by estimating future traffic through use of both the ambient traffic growth factor and analysis of the related projects. Moreover, the Traffic Study assumes that future cumulative traffic growth would not be accompanied by any future mitigation. For all of these reasons, the assessment of future pre-project traffic conditions highly overstates the actual conditions that will most likely occur at the study intersections.

In summary, the estimate of future pre-Project traffic is provided solely as a “worst case” future baseline from which to measure the relative traffic impacts of the Project. The cumulative analysis of the Traffic Study is not meant to provide an actual “forecast” of future traffic conditions, and should not be interpreted in that manner.

Comment B24-31

That analysis completely ignores the scenario of *no Ponte Vista Project development but with traffic mitigation*. We can only imagine how much improvement we would see in future traffic movement if the proposed mitigation measures were applied and the immense number of additional trips (see *Issue 2* above) from the Ponte Vista project were omitted.

Response to Comment B24-31

See Responses to Comments B24-5 and B24-25 regarding the evaluation of the traffic mitigation measures in the Traffic Study provided in the Draft EIR. No changes to the Traffic Study are required.

Comment B24-32

There are 36 traffic mitigation measures proposed for the Ponte Vista project. They are summarized in Table 2 below (note that the counts add up to more than 36 since some mitigations involve more than one of the following categories of work):

Table 2. Summary of traffic mitigation approaches.

These are summarized from Draft EIR Section IV, Part J, pages IV.J-111 to IV.J-117.

<i>Instances</i>	<i>Mitigation work</i>
23	Installation of ATSAC/ATCS
7	Installation/modification of traffic signals (besides ATSAC/ATCS0
10	Modification of road striping and medians to change lane structure
6	Other (includes bus stops, DASH turnaround, anti-vandalism fences, etc.)

Response to Comment B24-32

The comment provides a general summary of the recommended traffic mitigation measures (Mitigation Measures J-1 through J-36) provided in the Draft EIR beginning on page IV.J-111. No further response is required.

Comment B24-33

The overwhelming majority of the mitigation measures are covered by installation of ATSAC/ATCS or other light modifications and road restriping. The ATSAC/ATCS system is the computer-control system

Los Angeles uses to enhance traffic flow using real-time sensing of traffic and adaptive modification of traffic signaling [sic].

In November 2006, California voters approved a statewide transportation bond: Proposition 1B, “The Highway Safety, Traffic Reduction, Air Quality and Port Security Act of 2006”. Los Angeles intends to direct funding from this bond into the installation of ATSAC/ATCS systems.

What that means is that, with a minimal amount of added lane restriping and the planned ATSAC/ATCS installations, the mitigation measures proposed by the Ponte Vista developers will most likely be put into place by the City of Los Angeles in any event.

Response to Comment B24-33

See Topical Response 11, Traffic. As discussed in the Topical Response, the recommendation that the Project fund the installation of ATSAC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR).

Comment B24-34

Disingenuously, the traffic analysis declines to provide us with an analysis of projected traffic patterns assuming growth and the Mary Star school with the now-expected level of ATSAC/ATCS mitigation but without the Ponte Vista project. All we can see from the analysis as given is that traffic will be much worse with the Ponte Vista project. We can not tell how much better it will be in its absence given that we now have public funding that most likely will put the proposed traffic mitigations into effect.

Response to Comment B24-34

See Topical Response 11, Traffic, and Response to Comment B24-5 regarding the appropriate inclusion of ATSAC/ATCS as a recommended traffic mitigation measure in the Draft EIR. See Response to Comment B24-25 for a discussion regarding the Traffic Study methodology. Nor would it be appropriate to assume Mary Star High School access to Western Avenue if the Project is not approved. As discussed in the Draft EIR at IV.J-54, if the Project is not approved, a road connection to Western Avenue will not be provided, and operational access to Mary Star High School will need to be reevaluated by the City of Los Angeles. See Response to Comment A15-44. As concluded in Table IV.J-10 in the Draft EIR, implementation of the recommended traffic mitigation measures would completely mitigate the potential traffic impacts of the Project and the road connection for Mary Star High School to Western Avenue. Therefore, the comment is incorrect in asserting that traffic conditions would be “much worse” with the Project.

Comment B24-35

Recommendation: Following adequate data collection to provide a justifiable estimate of existing traffic conditions (see Issue 1 above), provide an analysis for the scenario of Year 2012 with ambient growth and Mary Star school and all recommended traffic mitigations. That is the honest projection of future traffic expectations that can be compared with the projection including the Ponte Vista Project.

Response to Comment B24-35

This is a summary comment that restates the points made in prior comments in letter B24. See the prior Responses to Comments for letter B24.

Comment B24-36

The following table is reproduced from:

Linscott, Law & Greenspan, Engineers (2006) *Highlights of the Traffic Study for the Proposed Ponte Vista Project; Prepared for the Ponte Vista Working Group November 9, 2006.*

**Table II
COMPARISON OF TRAFFIC CHARACTERISTICS
DEVELOPMENT SCENARIOS AT
PONTE VISTA SITE**

DEVELOPMENT SCENARIO	DEVELOPMENT PROGRAM	WEEKDAY PEAK HOUR TRIPS	NO. OF IMPACTED INTERSECTIONS (WEEKDAY AM/PM PEAK HOURS)
PONTE VISTA PROJECT	- 2,300 Residential Units (25% Age-Restricted) - 6 Acre Public Park	- 636 AM Peak Hour Trips - 760 PM Peak Hour Trips	23 Intersections
DEIR ALTERNATIVE A	429 Single Family Homes	- 322 AM Peak Hour Trips - 433 PM Peak Hour Trips	19 Intersections
DEIR ALTERNATIVE B	- 2,300 Residential Units (50% Age-Restricted) - 6 Acre Public Park	- 486 AM Peak Hour Trips - 605 PM Peak Hour Trips	21 Intersections
DEIR ALTERNATIVE C	- 1,700 Residential Units (25% Age-Restricted) - 6 Acre Public Park	- 471 AM Peak Hour Trips - 573 PM Peak Hour Trips	20 Intersections
BASE REUSE PLAN (City Council 1999)	- 1 acre Storage/Distribution Center for Homeless - 76 units Transitional Housing for Homeless - 200,000 S.F. Biomedical Research	- 809 AM Peak Hour Trips - 424 PM Peak Hour Trips	27 Intersections

Table II
COMPARISON OF TRAFFIC CHARACTERISTICS
DEVELOPMENT SCENARIOS AT
PONTE VISTA SITE

	- 144 Units Residential - 6 Acre Educational Use (600 Students)		
HYBRID SCENARIO	- 1,700 Residential Units (50% Age Restricted) - 6 Acre Public Park	- 360 AM Peak Hour Trips - 458 PM Peak Hour Trips	19 Intersections

[1] Does not include Mary Star of the Sea High School.

Response to Comment B24-36

This comment displays Table II of the “Highlights of the Traffic Study for the Proposed Ponte Vista Project; Prepared for the Ponte Vista Working Group, November 9, 2006, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B25

Maria Cigliano Chaparro, Joseph Chaparro, Giuseppina Cigliano
Always Travel & Tours International
1840 S. Gaffey St
Suite 363
San Pedro, CA 90731
Telephone (310) 832-0140
Fax (310) 832-3173
mchaparro@alwaystours.net
January 14, 2007 [Date Stamped: January 23, 2007]

Comment B25-1

As long time San Pedro residents we object to such a HIGH density housing project at the former Navy housing.

Response to Comment B25-1

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B25-2

All of San Pedro has been in a major building mode in what is called a Renaissance for Old San Pedro. There is no urgency to build so many homes on that land on Western Avenue.

Response to Comment B25-2

This comment expresses the author's opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B25-3

Traffic congestion is awful and there seem [sic] to be no better solution proposed but do [sic] add a lane and to synchronize the signal lights.

Response to Comment B25-3

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR recommends various measures, including physical improvements and ATSAC/ACTS mitigation, concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. With respect to the effectiveness of the proposed ATSAC mitigation, see Topical Response 11, Traffic.

Comment B25-4

This is very bad planning and we strongly object.

Response to Comment B25-4

The comment expresses the author's opinion and opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B25-5

We cannot stop construction completely but we object to anything near 1500 new units.

Please take our petition into consideration when making final approval of this building permit.

Response to Comment B25-5

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B26**Ray and Joann Ferrin****1719 W. 254th St.****Lomita, CA 90717****[Date Stamped: January 23, 2007]*****Comment B26-1***

We live in Harbor City just 4 houses west of Western Ave on 254th St and find it almost impossible to turn onto Western Ave as [sic] peak times of the day. We feel this project with so many homes will further impact the traffic in our area.

Response to Comment B26-1

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures

would mitigate all Project traffic impacts to a less than significant level. With respect to the effectiveness of the proposed ATSAC mitigation, see Topical Response 11, Traffic.

Comment B26-2

2300 homes in that price range will mean there will be at least 2 cars per most families and some with more as 3 or 4 bedroom homes will have young adults with cars also.

Response to Comment B26-2

The traffic analysis of the Draft EIR is based on trip generation rather than vehicles per household. See Response to Comment B16-3. Parking for uses at the Project will be provided in accordance with LA Municipal Code standards. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B26-3

Not only will the traffic on Western Ave be affected but the traffic on Pacific Coast Hiway [sic], Lomita Blvd, PV drive South will also be affected. The 5 points area with 20 condos being built and another 44 in the planning stages will cause even more traffic. Another development behind Sam's Club on Lomita Blvd in Torrance is another traffic nightmare for Lomita Blvd which is already as bad as Western at certain times.

Response to Comment B26-3

The comment states that traffic will be affected in the specified areas, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. With respect to the effectiveness of the proposed ATSAC mitigation, see Topical Response 11, Traffic. The comment provides no substantial evidence to the contrary. With respect to the potential related projects noted in the comment, see Topical Response 12, Related Projects and Cumulative Impacts.

With respect to the "5 points area with 20 condos" referenced project noted in the comment, this project is already included as Related Project #35 of Table IV.J-9 of the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts.

With respect to the “another 44” referenced project noted in the comment, this refers to a 44-unit condominium project (VTT-63729) located at 26378 S Vermont Avenue. This project was accepted for City of Los Angeles Planning Department review during the October-December 2005 planning quarter, after the Project’s NOP period. The referenced project had not been proposed in an application to the City of Los Angeles prior to the Project’s NOP period and was not identified by the City of Los Angeles Departments of Planning or Transportation as a related project in response to the Project’s NOP. Because it was not proposed prior to the NOP cut-off date, it was not included in Table IV.J-9 of the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts.

With respect to the “development behind Sam’s Club on Lomita Blvd” referenced project noted in the comment, this refers to the Oviatt/Malpin Residential Subdivision Project in the City of Torrance. City of Torrance staff reported to the EIR preparers that the initial plans were for a residential/mixed-use project to be situated on four subdivided parcels. However, City staff informed the EIR preparers that the project applicant had since withdrawn the project from consideration. See Topical Response 12, Related Projects and Cumulative Impacts.

Comment B26-4

The project looks beautiful but there are too many homes. With the sink holes along Western think what will happen when more develop. The taxpayers will be paying for the repair and Mr. Bisno will be out of the area with the profits from his development.

Response to Comment B26-4

The comment expresses the author’s opinion but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Repair of the sinkholes along Western has been completed.

Comment B26-5

The schools are already overcrowded.

Response to Comment B26-5

The comment expresses an opinion that area schools are crowded, but provides no facts, reasonable assumptions based on facts, analysis or expert opinion supported by facts in support of its position and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Section IV.I-3 (Schools) of the Draft EIR and Appendix IV.I-2 to the Draft EIR contain analysis of school enrollment and school seating capacity impacts of the Project. It includes analysis of existing seating capacity conditions in the Los Angeles Unified School District

(LAUSD) schools that would accommodate students generated by the Project, documents and describes other available school facilities (e.g., charter schools and private schools) and programs (e.g., Magnet Schools and LAUSD's open enrollment policy), discusses LAUSD's proposed South Region High School #14, and evaluates the Project impacts against Thresholds of Significance. As set forth in Section IV.I.-3, Schools, of the Draft EIR, information from LAUSD shows that all three schools serving the Project site are currently operating below their seating capacity (see page IV.I-22 of the Draft EIR), that they will continue to do so with the additional students generated by the Project, and therefore no mitigation is required and no significant impacts will result from the Project (see Draft EIR, pp. IV.I-29 to IV.I-31). The DEIR analysis also states that the Project applicant will, nevertheless, be required to pay LAUSD school fees, which are estimated in the Draft EIR to amount to \$9.6 million. As described in Response to Comment A10-163, payment of validly adopted school fees is the exclusive means of mitigating the impact of a development project on school facilities. The comment provides no substantial evidence to the contrary. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B26-6

The affordable housing will certainly be in a higher price range by the time the project is completed. What guarantee do we have the prices will be as he is now stating?

Response to Comment B26-6

See Response to Comment A8-4.

Comment B26-7

A development with a lot less homes would be more practical.

Response to Comment B26-7

This comment expresses the author's opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B27**Dr. Lupe Grajcha****(310) 326-3613****January 16, 2007 [Date Stamped: January 28, 2007]*****Comment B27-1***

I object to the building of 2300 condos on the Ponte Vista site. San Pedro is over built already. We do not need more overcrowded buildings.

Response to Comment B27-1

The comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. With respect to the need for housing in the San Pedro area, see pages IV.H-2 through IV.H-19 of the Draft EIR. As noted in the Draft EIR, the General Plan Framework (last amended in 2001) forecast a housing supply of 26,923 units in the Wilmington-Harbor City CPA for 2010.¹²² The corresponding 2010 value for the San Pedro CPA is 35,719. The Project's 2,300 housing units represent 8.5 percent of the housing stock forecasted for 2010 in the Wilmington-Harbor City CPA and about 57 percent of the remaining growth forecasted between 2004 and 2010. The Project also represents about four percent of the housing stock forecasted for 2010 in the combination of the Wilmington-Harbor City and San Pedro CPAs, and about 24 percent of the remaining growth forecasted for the combined areas between 2004 and 2010. In addition, the Project's households, assuming all planned units are occupied, represent about 0.2 percent of the households forecasted for 2012 in the City of Los Angeles Subregion, or less than three percent of the remaining growth forecasted between 2005 and 2012. Thus, the Project would meet a portion (approximately 23.54%) of forecast need rather than exceeding the housing growth forecast for the combination of the Wilmington-Harbor City and San Pedro CPAs, or SCAG's City of Los Angeles Subregion. Even if the Project is developed as proposed, it is likely that in 2010 significant unmet housing need will remain in the combined CPA's.

Comment B27-2

I am in support of building the new LAUSD high school on Western Avenue across from the cemetery. We need a new high school.

¹²² *Wilmington-Harbor City Community Plan, p. II-4.*

Response to Comment B27-2

The comment expresses support for an LAUSD high school on Western Avenue, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 3, South Region High School #14.

Comment B27-3

Do not let Bisno change the zoning. It should remain R-1.

Response to Comment B27-3

This comment expresses support for maintaining R1 zoning at the Project site, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B27-4

I do not want San Pedro to become like Torrance. Too many buildings.

Response to Comment B27-4

This comment expresses the author's preferences and opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B27-5

Do not allow Bisno to change the R-1 zoning.

Response to Comment B27-5

This comment expresses opposition to changing the R1 zoning, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B28**Ed Limberg****1802 Velez Drive****Rancho Palos Verdes, CA 90275****January 15, 2007 [Date Stamped: January 23, 2007]*****Comment B28-1***

I am a resident of Rolling Hills Riviera, a tract of homes which lies across Western Avenue from the site proposed for the Ponte Vista project by Bisno Development for 2300 new condominiums. Our neighborhood will be significantly impacted if this project is approved. There is only one possible route for all of the additional traffic (Western Ave), which is already crowded and delayed during normal hours.

Response to Comment B28-1

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. It is not correct that Western Avenue is the "one possible route for all of the additional traffic." Other routes for automobile travel are available, and the route chosen by a given motorist will depend upon destination or origination point. For example, as discussed on pages IV.J-4 through IV.J-6 of the Draft EIR, 52 study intersections were included in the traffic analysis in order to thoroughly consider the Project's potential impacts related to the surrounding transportation network. Of the 52 intersections, 33 do not involve Western Avenue.

Comment B28-2

I oppose this high density project as currently planned. Two thousand three hundred new residences in an area in which our roads and other infrastructure are already overtaxed are too much. I feel that the R-1 zoning is appropriate for this property and should remain so.

Response to Comment B28-2

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. With respect to infrastructure, the Draft EIR analyzes the Project's potential utilities and service systems impacts in Section IV.K, Utilities and Service Systems. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project utilities and service systems impacts to a less than significant level. In addition, as discussed in Section IV.I, Public Services, of the Draft EIR, the proposed mitigation measures would mitigate all Project public services impacts to a less than significant level.

COMMENT LETTER B29

Paul Wheeler

1821 Valleta Dr.

Rancho Palos Verdes, CA 90275

January 10, 2007 [Date Stamped: January 23, 2007]

Comment B29-1

I live within the area effected [sic] by this and the 55 older development project. Support for this project by the community was solicited under false and misleading statements to gather signature for support. I wish to voice my opposition to this project for the following reasons.

Response to Comment B29-1

This comment expresses opinion and opposition to the Project and introduces ensuing comments, which are addressed in detail in Responses to Comments B29-2 through B29-8, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenter. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B29-2

1: Property was purchase [sic] through auction as R1 single family residence.

Response to Comment B29-2

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenter. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B29-3

2: Owner has the right to partition but to ask for this many units as compared to single family residence is not justified.

Response to Comment B29-3

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenter. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B29-4

3: The EIR is not correct in its assumption that the automobile congestion is manageable. You can only move so many cars through an intersection at a time regardless of a computer system. It is a proven fact that one car doing 55mph on the freeway in the fast lane will cause a complete stop of traffic at 5 miles. There are no stop signals on the freeway.

Response to Comment B29-4

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenter. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level.

Comment B29-5

4: The required parking places required by law for this project in connection with the 55 and older structure now in progress will over crowd the existing streets. I project that I will be unable to exit my tract due to gridlock.

Response to Comment B29-5

The comment expresses concern regarding parking and traffic, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. All parking for the Project (both age-restricted and non-age restricted) will be in accordance with LA Municipal Code requirements. See Draft EIR, pages IV.J-32 through IV.J-33. With respect to traffic, the Draft EIR analyzes the Project's potential traffic impacts in the traffic study

attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level.

Comment B29-6

5: Widening of Western Ave is not possible without excessive expenses. If this project is approved then the owner should post a bond to cover the cost of widening Western Ave. I suggest a 2 billion-dollar bond if this project is approved to cover the land, businesses, residence, relocation of Green Hills family plots, and Public Works that will be required.

Response to Comment B29-6

See Topical Response 11, Traffic for a discussion regarding the Traffic Study provided in the Draft EIR. The traffic mitigation measures for the Project are listed in the Draft EIR beginning on page IV.J-109. Mitigation Measures J-6, J-7 and J-8 discuss the recommendations to widen Western Avenue adjacent to the project site. The widening would occur along the east side of Western Avenue along the Project frontage (i.e., from south of Avenida Aprenda to north of Green Hills Drive) and would result in a third northbound lane of traffic, primarily intended to facilitate vehicular turning movements to and from the Project site so as to minimize disruption to Western Avenue “through” traffic. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures completely mitigate the potential significant traffic impacts associated with the Project. Therefore, the measure recommended in the comment to widen Western Avenue beyond what is recommended in the Draft EIR is not required. Further, widening Western Avenue beyond the Project site is likely not feasible due to limited public right-of-way.

Comment B29-7

6: Access to Gaffey, Western Ave and Westmont with a new religious school, new Los Angeles [sic] Unified School, 55 and over residence project and Ponte vista [sic] will severely impact this area.

Response to Comment B29-7

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project’s potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. Because the Mary Star High School project has already been approved by the City of Los Angeles and is not part of the Ponte Vista Project (but is accommodated with respect to Western Avenue access by the Ponte Vista Project), the Traffic Study calls out the potential traffic impacts of the Mary Star High School separately from those of

ambient growth and other “related” projects, and separately from the potential traffic impacts of the Ponte Vista Project. This enables the potential impacts of the High School’s traffic to be considered separately from those of the Ponte Vista Project. However, the potential impacts of the Mary Star High School project and the Ponte Vista Project are considered together for the purposes of identifying and determining the beneficial effect of mitigation measures to be implemented by the applicant for the Ponte Vista Project. With respect to the “new Los Angeles Unified School,” see Topical Response 3, South Region High School #14. The comment incorrectly distinguishes between a “55 and over residence project and Ponte vista [sic].” The Project proposes 2,300 units, including 575 units reserved for senior citizen occupancy (ages 55 and over).

Comment B29-8

I ask that the project be rejected and a single-family residence zoning for area is maintain [sic]. This is more compatible with our present land use.

Response to Comment B29-8

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B30

**Frank and Patricia Akins
26912 Lunada Circle
Ranchos Palos Verdes, CA**

Comment B30-1

In response to reviewing the DEIR for the proposed Ponte Vista Project we wish to submit the following comments:

The introduction, page 1-8 states that the project site can be redeveloped without intensifying an existing residential neighborhood.

As 35 year residents of a nearby neighborhood just north of the project, we lived here when the proposed site provided 245 homes for Navy families. We challenge the DEIR statement above that replacing 245 homes with 2300 homes will not intensify our neighborhood, even necessitating a change in zoning from R-1.

Response to Comment B30-1

See Responses to Comments A8-2 and A15-30.

Comment B30-2

Section IV Environmental Impact Analysis

J Transportation and Traffic

The traffic study failed to evaluate the project related impact at Western Avenue and Peninsula Verde Drive, which is within blocks north of the proposed project. This intersection has no traffic signal and no crosswalk, yet it is already affected by poor visibility of oncoming traffic on Western Avenue in both directions due to sloping of the road and parked vehicles on the west side of Western Avenue. Heavy traffic coming from both directions at most times of the day makes it difficult and dangerous to enter Western Avenue.

Response to Comment B30-2

See Topical Response 11, Traffic, for a discussion regarding the intersection of Western Avenue and Peninsula Verde Drive. Although the Project will not result in a new traffic impact at Peninsula Verde Drive, to respond to the concern raised by the residents of the Peninsula Verde subdivision, the Project applicant has offered, as a community benefit of the Project, to fund the installation of a traffic signal at the intersection. Issues stated in the comment regarding sight distance, parked vehicles on Western Avenue, and lack of crosswalks are existing characteristics of the Western Avenue/Peninsula Verde Drive intersection that would not be affected by the Project.

Comment B30-3

This intersection is the only exit from the Peninsula Verde Homes making it a safety issue in case of an evacuation due to an emergency at the nearby Navy's fuel storage site, Conoco Phillips refinery and the Port of Los Angeles or for natural disasters. This problem exists even before the addition of 2300 homes in our neighborhood that would also use Western Avenue as its only exit.

Response to Comment B30-3

See Response to A10-218 and Topical Response 13, Emergency Response and Evacuation.

Comment B30-4

We expect that the intersection of Western Avenue and Peninsula Verde Drive be studied and be included in mitigation plans before the final EIR is complete.

Response to Comment B30-4

See Response to Comment B30-2.

COMMENT LETTER B31

W. Boldt
705 W 36th Street
San Pedro, CA 90731

Comment B31-1

Is the City of Los Angeles or Bisno Development going to expand Western Ave?????[sic]

Response to Comment B31-1

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The traffic mitigation measures are listed in the Draft EIR beginning on page IV.J-109. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures completely mitigate the potential significant traffic impacts associated with the Project. Mitigation Measures J-6, J-7 and J-8 discuss the recommendations to widen Western Avenue adjacent to the project site. The widening would occur along the east side of Western Avenue along the Project frontage (i.e., from south of Avenida Aprenda to north of Green Hills Drive) and would result in a third northbound lane of traffic, primarily intended to facilitate vehicular turning movements to and from the Project site so as to minimize disruption to Western Avenue “through” traffic. Widening Western Avenue beyond the Project site is not required, and is likely not feasible due to limited public right-of-way.

Comment B31-2

Is the City of Los Angeles or Bisno Development going to expand Gaffey Street?????[sic]

Response to Comment B31-2

See Response to Comment B31-1 regarding the traffic mitigation measures recommended in the Draft EIR. Mitigation Measures J-19 through J-22 describe the specific mitigation measures required to mitigate potentially impacted intersections along Gaffey Street. Widening on Gaffey Street is not required to mitigate the impacts of the Project.

Comment B31-3

Is the City of Los Angeles or Bisno Development going to expand the Harbor Freeway entrance?????[sic]

Response to Comment B31-3

The analysis of the Project’s potential traffic impacts to the Harbor Freeway is provided in the Draft EIR beginning on page IV.J-96. As stated on page IV.J-97, the Project’s potential traffic impacts to the Harbor Freeway are less than significant. Therefore, no traffic mitigation measures—including the widening of the freeway entrance as suggested in the comment—are required or recommended.

Comment B31-4

If the answer is NO to these questions, then the answer is NO to Bisno Development.

Response to Comment B31-4

The comment expresses the author's preferences and position regarding the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. With respect to the comment's reference to questions posed in previous comments, see Responses to Comments B31-1 through B31-3.

COMMENT LETTER B32

Richard J. Brunner
Peninsula Verde HOA
1906 Peninsula Verde Drive
Ranchos Palos Verdes, CA 90275

Comment B32-1

On behalf of my community, I am responding to concerns we have with the Ponte Vista Draft EIR. Our primary concern is the severe traffic impact Ponte Vista would have on our community.

Response to Comment B32-1

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level.

Comment B32-2

Peninsula Verde Drive is the first public street north of Ponte Vista and intersects with Western Ave. Peninsula Verde Drive is a cul-de-sac street and provides the only ingress-egress for our community. We are presently experiencing difficulty entering or leaving our community, resulting in numerous traffic accidents and one traffic fatality. My letter of November 22, 2005 (copy enclosed) and an in-person request, to a senior planner in your department, for our community study to be included in the Ponte Vista DEIR has resulted in NO MENTION at all. This is unacceptable, and we expect a study of Peninsula Verde Drive to become part of the final EIR.

Response to Comment B32-2

With respect to Peninsula Verde Drive, see Topical Response 11, Traffic.

Comment B32-3

With respect to neighborhood compatibility, increasing the density of existing homes by nearly tenfold simply is not compatible with our single family homes or with the majority of communities surrounding Ponte Vista.

Response to Comment B32-3

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. See also Response to Comment A8-11 regarding surrounding uses. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B32-4

Our community has difficulty accepting the projected numbers of residents and daily vehicle trips associated with Ponte Vista as proposed. We have concluded these numbers are not realistic.

Response to Comment B32-4

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast prepared for the Project.

Comment B32-5

We respectfully request that our comments and concerns be incorporated in the final Ponte Vista EIR.

Response to Comment B32-5

This comment requests inclusion of preceding comments in the Final EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B32-6

Please consider my concern and the concerns of our community with regard to the environmental impact of Ponte Vista. Our greatest concern is traffic on Western Avenue and surrounding streets.

Response to Comment B32-6

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The Draft EIR analyzes the Project's potential traffic impacts in the Traffic Study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B32-7

Peninsula Verde is across from and slightly north of Ponte Vista. Our ONLY ingress/egress is directly on Western Avenue, without the aid of my traffic control. We are convinced Ponte Vista traffic will severely impede access to our homes.

Response to Comment B32-7

See Topical Response 11, Traffic, for a discussion regarding the intersection of Western Avenue and Peninsula Verde Drive. Although the Project will not result in a new traffic impact at Peninsula Verde Drive, to respond to the concern raised by the residents of the Peninsula Verde subdivision, the Project applicant has offered, as a community benefit of the Project, to fund the installation of a traffic signal at the intersection.

Comment B32-8

Other concerns are additional noise, air pollution, view blockage, demand on all public services, and general deterioration of infrastructure.

Response to Comment B32-8

The comment identifies general areas of concern, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

The Draft EIR analyzes the Project's potential noise impacts in Section IV.G, Noise. The Draft EIR concludes that the proposed mitigation measures would mitigate all noise impacts generated by vehicular traffic to a less-than-significant level and that construction noise and noise from little league activities would be recognized as a significant and unavoidable impacts.

The Draft EIR analyzes the Project's potential air quality impacts in Section IV.B, Air Quality. With respect to the Project's operational emissions, see Topical Response 6, Operational Air Quality Emissions. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project

regional air quality impacts to a less-than-significant level and concludes that the proposed mitigation measures would ensure compliance with SCAQMD Rule 403 (Fugitive Dust) and Rule 402 (Nuisance). With respect to the Project's construction emissions, see Topical Response 5, Construction Air Quality Emissions. With mitigation, the Project's construction emissions would be significantly reduced, but would still exceed SCAQMD emission thresholds for certain criteria pollutants. Construction emissions in excess of SCAQMD thresholds could not be avoided by any of the on-site alternatives in the Draft EIR because of the scale of the Project (the redevelopment of 61.5 acres) and the fact that SCAQMD emission thresholds are framed in terms of an absolute level of pounds per day.

With respect to the portion of this comment alleging "view blockage," see Topical Response 4, Aesthetics. The Draft EIR discusses the Project's potential aesthetic impacts in Section IV.A, Impacts Found to be Less than Significant. The Draft EIR concludes that the Project would not result in significant adverse aesthetic environmental impacts.

The Draft EIR analyzes the Project's potential public services impacts in Section IV.I, Public Services. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project public services impacts to a less-than-significant level.

The portion of this comment alleging "general deterioration of infrastructure" is not specific as to which type of infrastructure may be affected. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. See Response to Comment B28-2.

Comment B32-9

Ponte Vista, because of its density, is completely out of character with the surrounding community.

Response to Comment B32-9

The comment expresses the author's opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See also Response to Comment A8-11 regarding surrounding land uses.

Comment B32-10

We vehemently oppose any general plan or zoning change to accommodate Ponte Vista as proposed. Ponte Vista should be developed as R-1 single family residential use.

Response to Comment B32-10

This comment expresses opposition to the Project and the proposed general plan amendment and zone change, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to

Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B32-11

Having been involved with residential development in California for many years, I personally feel a responsible solution is attainable if ALL entities involved work towards that goal.

Response to Comment B32-11

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B33

**Kelly Limberg
1802 Velez Drive
Rancho Palos Verdes, CA 90275**

Comment B33-1

I live in the Eastview Section of Rancho Palos Verdes, across the street from the proposed Bisno Ponte Vista project. I feel the zoning should remain R-1. It is unfair to burden the surrounding community with high density housing.

Thank you for your consideration.

Response to Comment B33-1

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Responses to Comments A8-11 and A15-25.

COMMENT LETTER B34

John D. Marshall
27926 Pontevedra Dr.
Rancho Palos Verdes, CA 90275
john27926@earthlink.com
January 25, 2007

Comment B34-1

I fully endorse the findings of the City of Rancho Palos Verdes as stated in their letter to you dated Jan 16, 2007 regarding the Draft Environmental Report for the proposed Ponte Vista Project, 26900 S. Western Ave., San Pedro, CA. 90732. Ponte Vista will not work here – it's too big!

Response to Comment B34-1

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B34-2

I fully endorse the findings of the City of Rancho Palos Verdes as stated in their letter to you dated Jan 16, 2007 regarding the Draft Environmental Report for the proposed Ponte Vista Project, 26900 S. Western Ave., San Pedro, CA. 90732. Ponte Vista will not work here – it's too big!

Response to Comment B34-2

See Response to Comment B34-1.

COMMENT LETTER B35

Elsie Jean Martin
2157 Mount Shasta Drive
San Pedro, CA 90732

Comment B35-1

I have lived in “The Gardens” in San Pedro since 1987 and have seen the tremendous growth of traffic and congestion on Western Avenue in the past twenty years. I can only imagine what will happen when 2300 homes will replace the 245 homes in the Ponte Vista Project.

Response to Comment B35-1

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B35-2

Even with a promised adjustment of the signal system, I shudder to think of a possible 4,000 additional cars on the street every day.

Response to Comment B35-2

See Response to Comment B16-3 regarding analysis of the Project's trip generation. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. See also Topical Response 11, Traffic. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B35-3

Therefore, I am strongly opposed to the building of 2300 homes and townhomes in the Ponte Vista project.

Response to Comment B35-3

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B36**Herb Zimmer****PriorityOne Printing, Copying, Graphics****350 W. 5th Street, Suite 103****San Pedro, CA 90731*****Comment B36-1***

I feel very strongly that the Ponte Vista project will be a valuable asset for San Pedro's future and would support any action to maximize that value.

Response to Comment B36-1

This comment expresses support for the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B36-2

I have read the DEIR and been privy to much of the communication from the developer and those who are for and against the project. Personally, when I analyze the impact of Ponte Vista, I ask two questions: 1) Does it contribute toward making San Pedro a more sustainable community? 2) Does it conform to the "smart growth" principles for modern community development? I believe the answer to both questions is a resounding yes.

Response to Comment B36-2

This comment expresses support for the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B36-3

Sustainability requires balancing the economic, social and environmental benefits of a given project for current and future generations. Ponte Vista certainly does this by:

- 1) Adding 2300 desperately needed housing units to the community in a very small environmental footprint.

Response to Comment B36-3

This comment concurs with the analysis in the Draft EIR, and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B36-4

- 2) Providing housing alternatives for local seniors to “move down” and local young people to “move up” without having to leave the community.

Response to Comment B36-4

This comment concurs with the analysis of the Draft EIR, and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B36-5

- 3) Creating community cohesiveness through an open, “green space” environment with amenities for multi-generational social and recreational interaction.

Response to Comment B36-5

This comment concurs with the analysis of the Draft EIR and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B36-6

- 4) Creating thousands of immediate jobs in construction and many more long-term jobs resulting from the goods and services demands of the new residents.

Response to Comment B36-6

This comment concurs with the analysis of the Draft EIR, and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The

comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B36-7

- 5) Bringing a large “brownfield” property on to the tax rolls and adding the economic vitality of thousands of new tax-paying residents.

Response to Comment B36-7

The Project is not a “brownfield” property because public agencies have investigated the property and confirmed that all known contamination has been remediated. See Draft EIR pp. IV.D-4 to IV.D-5. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B36-8

- 6) Focusing attention on the Western Avenue traffic problem that already exists, adding developer funded traffic mitigation and creating the population density needed to make more public transit options for the area economically viable.

Response to Comment B36-8

This comment concurs with the analysis of the Draft EIR, and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B36-9

The project is virtually a textbook example of the application of the ten so-called “smartgrowth” principles:

- 1) Mix Land Uses - Ponte Vista mixes housing, commercial and recreational uses. This type [sic] development is less auto-dependent, which, when compared to R1 style development, generates less traffic, energy waste, pollution and frustration.

Response to Comment B36-9

This comment concurs with the analysis of the Draft EIR, and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See

Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B36-10

- 2) Use Compact Building Design -The design of Ponte Vista is far less land consumptive than alternative lower density projects, thus retaining more “green space” for a higher quality of life experience.

Response to Comment B36-10

This comment concurs with the analysis of the Draft EIR, and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B36-11

- 3) Create a Range of Housing Choices - Ponte Vista provides quality housing options for multiple stages of life and various income levels. With local housing prices out of reach of many middle-income earners, this project will allow a lot of people who already work in the area to also live here.

Response to Comment B36-11

This comment concurs with the analysis of the Draft EIR, and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B36-12

- 4) Create “Walkable” Neighborhoods -As one of the key elements of smart-growth, walkability is built into Ponte Vista through providing commercial, recreational and “third place” social amenities within walking or biking distance. This leads to a healthier lifestyle and a more socially cohesive neighborhood.

Response to Comment B36-12

This comment concurs with the analysis of the Draft EIR, and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The

comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B36-13

- 5) Foster Distinctive, Attractive Communities with a Strong Sense of Place - Looking at the plans and the artists [sic] conceptions, one has to believe that Ponte Vista will be one of the most distinctive and attractive developments in the Harbor area.

Response to Comment B36-13

This comment concurs with the analysis of the Draft EIR, and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B36-14

- 6) Preserve Open Space and Natural Beauty -Again, the compact design allows the project to maintain a very open feel and the plans actually create new natural beauty where none existed before by incorporating new parks and water features.

Response to Comment B36-14

This comment concurs with the analysis of the Draft EIR, and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B36-15

- 7) Direct Development Towards Existing Communities - The project is redeveloping a “brownfield” site within the community rather than developing pristine land and since housing previously existed on the land, many infrastructure and public service interfaces are already in place.

Response to Comment B36-15

See Response to Comment B36-7.

Comment B36-16

- 8) Provide a Variety of Transportation Choices - Walking and biking become viable modes of transport in a compact mixed-use development. Also, with its population density, Ponte Vista will make previously non-economically viable public transportation possible as an alternative to the automobile.

Response to Comment B36-16

This comment concurs with the analysis of the Draft EIR, and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B36-17

- 9) Make Development Decisions Predictable, Fair & Cost Effective - Going through the approvals process only once for the addition of 2300 housing units to the community, to be built over a period of years, rather than for a series of smaller projects is better for the community, prospective residents and the private developer.

Response to Comment B36-17

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B36-18

- 10) Encourage Community and Stakeholder Collaboration - The Ponte Vista developer has been actively engaged in the community from the beginning and a greater project than either he or the community envisioned will surely come out of the collaborative process that is now taking place.

Response to Comment B36-18

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B36-19

Communities have to evolve. The alternative is economic, social and environmental deterioration. Well-designed, mixed-use, higher-density infill projects like Ponte Vista represent the future of how all communities like ours will have to develop.

I realize that change is difficult for some people. There will always be a small, vocal minority who will resist it at all cost. But, the future of San Pedro is too important to let the few obstruct a better future for the many.

Response to Comment B36-19

This comment expresses support for the Project, and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B37

Anthony Santich and Camilla Townsend
San Pedro Peninsula Chamber of Commerce

Comment B37-1

The San Pedro Chamber of Commerce has reviewed the Draft EIR for the Ponte Vista Project, the City of Los Angeles DOT Review of the Draft EIR, as well as the Traffic Study Review by Priority Engineering, Inc. The process was completed by forming a study group who then presented their comments to the Board of Directors at a special meeting of the Board. Mr. Yadi Hashemi from the Los Angeles Department of Transportation was at this board meeting as a technical adviser to assist in answering questions on the comments.

We are addressing the project by focusing on the EIR document and responding to the project via the EIR process. Our goal was to retain as much objectivity as possible and thoroughly understand the positive points as well as the points of concern, keeping in mind our mission:

“...to promote, support and advocate the interests of the business community by actively working to develop a vital and sustainable community by balancing our economic, social and environmental resources.”

There is no doubt that this project would have a profound economic impact on the area. However, the San Pedro Chamber of Commerce cannot be myopic to the economic benefits, if the quality of life in San Pedro could be compromised. The Chamber's position is that it is too early in the process to be for or

against such an important community project without more clarification on many key issues. Our comments which include benefits, concerns, and recommendations are on the attached pages.

There are potentially many benefits to be derived from the Ponte Vista project. We look forward to working with City Planning, the developer, and the community to ensure that the recommendations and concerns are addressed and the benefits maximized.

Response to Comment B37-1

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments B37-2 through B37-12. The balance of the comment contains general information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B37-2

Benefits:

The project will produce an economic benefit for business in the immediate area as well as surrounding areas.

It will bring a much needed increase in housing to the area.

It will bring increased revenue for the City of Los Angeles.

It addresses the need for senior citizen housing as well as the formation of a community with resources that support senior citizen desires and needs.

It will not only create thousands of direct short term construction jobs, but the added long term demand for goods and services by the new residents will generate many new indirect jobs as businesses grow and hire to meet the demand.

It will remove blight from an area of San Pedro that has been neglected ever since the Navy moved out of the area.

The mixed-use, compact design incorporates more open “green space” and will allow and produce a distinctive, highly livable, “walkable” neighborhood.

Response to Comment B37-2

This comment concurs with the analysis of the Draft EIR, and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See

Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B37-3

Request for Clarification:

The number of trips per household and occupancy per unit seems to be understated. There needs to be further clarification regarding this issue.

Response to Comment B37-3

See Topical Response 11, Traffic, and Topical Response 8, Population and Housing.

Comment B37-4

We Recommend:

- The access road to Mary Star High School be constructed by the developer of Ponte Vista regardless of the density of the project.

Response to Comment B37-4

See Response to Comment A15-44. Because a road connection for Mary Star of the Sea High School to Western Avenue is not necessary to mitigate the impacts of development of the Ponte Vista Project, the imposition of such a requirement by the City of Los Angeles regardless of the density of the Project would be improper. However, the applicant has proposed to provide the road connection for Mary Star as a voluntary community in the event the Project is approved. See *Dolan v. City of Tigard*, 512 U.S. 374 (1994).

Comment B37-5

- The Traffic Mitigation Plan be completed, not just funded, prior to the issuance of any certificates of occupancy. This addresses the issue of real mitigation.

Response to Comment B37-5

See Topical Response 11, Traffic, for a discussion regarding the traffic mitigation measures recommended in the Traffic Study provided in the Draft EIR. The Traffic Study outlines recommended measures to mitigate the potentially significant traffic impacts associated with the Project to levels of insignificance. While CEQA does not require the mitigation be in place prior to the opening of the Project, the applicant has indicated, as discussed in the Draft EIR at page II-7, that it will fund all off-site traffic mitigation measures before the construction of the first residential building in the Project is

undertaken. In addition, the applicant's Project will be constructed in phases to account for market absorption. Therefore, although the build out of the Project is anticipated to occur over an approximate five year period, it is anticipated that Project traffic mitigation will be in place before the Project is completed.

Comment B37-6

- The establishment of a traffic mitigation fund by the developer to provide additional traffic mitigation needs as the project is developed, especially if some of the mitigation on Western Avenue is provided by State and/or City funds or other development projects.

Response to Comment B37-6

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The traffic mitigation measures are listed in the Draft EIR beginning on page IV.J-109. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures completely mitigate the potential significant traffic impacts associated with the Project. As discussed in Topical Response 11, the recommendation that the Project fund the installation of ATSAC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR). Therefore, the suggestion in the comment to require the applicant to provide a fund for "additional traffic mitigation" is not required or recommended. In addition, as noted in the LADOT letter dated January 11, 2007 (see Comment Letter A6), the Project applicant has agreed on a voluntary basis to fund the installation of ATSAC/ATCS at five additional intersections along Western Avenue, even though the Traffic Study concluded that the potential traffic impacts associated with the Project at these intersections would be less than significant.

Comment B37-7

- Legal confirmation among the cities and other agencies involved with the Western Ave. Corridor in which they agree to turn over jurisdiction to City of Los Angeles to operate and maintain the traffic/stripping system of Western Ave. between 25h and Palos Verdes Drive North.

Response to Comment B37-7

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The traffic mitigation measures are listed in the Draft EIR beginning on page IV.J-109. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures completely mitigate the potential significant traffic impacts associated with the Project. The traffic mitigation measures recommended in the Draft EIR are feasible, and do not require that Western Avenue be relinquished to the City of Los Angeles as suggested in the comment. Page IV.J-120 of the Draft EIR states that while the City of Los Angeles (the Lead Agency) would condition the applicant to fund and implement all of the mitigation measures recommended in the Draft EIR, it is recognized that improvements within State

right-of-way will require an Encroachment Permit. The recommended measures are feasible and can and should be permitted by Caltrans. The City of Los Angeles and Caltrans are in regular communication regarding operations and potential improvements along Western Avenue. For example, in the February 21, 2007 letter issued by LADOT, it is stated on pages 2 and 3 regarding traffic signal synchronization: “LADOT expects that the Caltrans [synchronization] system to be compatible with the LADOT ATSA/ATCS system, and that there will be adequate coordination between the two agencies to ensure optimal operations along Western Avenue between City and State maintained intersections.”

Comment B37-8

- A detailed plan for city fire and police emergency services be developed.

Response to Comment B37-8

Planning for public safety is conducted by the City through various processes including long-range planning, annual police and fire planning and budgeting, and the General Plan process. See Topical Response 13, Emergency Response and Evacuation. As noted in Mitigation Measure D-6 on page IV.D-17 of the Draft EIR, an emergency vehicle access plan, including the related on-site and off-site roadway improvements, will be submitted for review and approval by the LAFD and the Bureau of Engineering prior to recording of the tract map.

Comment B37-9

- A Transportation Demand System be established on the site within the project. This would provide a monitoring system of residents’ transportation needs, provide a shuttle service, encourage car pooling and other traffic management options.

Response to Comment B37-9

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The traffic mitigation measures are listed in the Draft EIR beginning on page IV.J-109. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures completely mitigate the potential significant traffic impacts associated with the Project. Thus, the measures suggested in the comment with respect to shuttle service and car pooling, are not required. Nonetheless, the Project applicant has offered to implement a local shuttle bus service for residents of the Project, and will consult with LADOT regarding the implementation of additional Transportation Demand Management measures at the Project site. In response to this comment, Mitigation Measure J-41 has been added to page IV.J-117 of the Draft EIR, as follows:

(J-41) *The Project condominium association shall designate a Transportation Coordinator to be appointed by its board whose responsibility will be to educate residents on transit services, distribute transit maps and schedules, and survey and collect the residents’ ridership information. The Project condominium*

association shall provide a carpool sign-up board in a common area for residents traveling to the same locations for work. The Project condominium association shall also provide all new residents with orientation to alternative transportation opportunities upon purchase of a condominium.

Comment B37-10

- The proposed baseball fields for Eastview Little League be built as part of the six acre community park of the Ponte Vista Development and that the insufficient allocation of parking spaces be addressed.

Response to Comment B37-10

The applicant has incorporated potential little league fields and a six acre community park as part of its Project proposal. The parking analysis of the little league field component is discussed in the Draft EIR on page IV.J-33, as well as Appendix IV.J-3. Mitigation Measure J-36 in the Draft EIR is recommended to ensure an adequate supply of parking for this use. The comment does not provide any data or analysis to support the assertion that the proposed parking supply for the little league field component of the Project would be insufficient.

Comment B37-11

- Consideration of the construction of a “round about” and or grade separation at the Five Points intersection for more efficient access to the 110 freeway and neighboring communities. This would also improve a safe traffic flow, beautify and provide open green space for an intersection desperately in need of attention.

Response to Comment B37-11

The comment is apparently referencing study intersection No. 35, Vermont Avenue-Palos Verdes Drive North-Gaffey Street/Anaheim Street, also know locally as the Five Points intersection. Mitigation Measure J-18 on page IV.J-114 summarizes the mitigation measure (funding of installation of ATISAC/ATCS) that completely mitigates the potential impacts of the Project at this intersection. Therefore, a “round about” is not required to mitigate Project impacts. However, as discussed in the LADOT comment letter dated January 11, 2007, the Project applicant has volunteered to fund a study of potential future improvements at the Five Points intersection. Further, the Project applicant has volunteered to fund a pro rata share of the costs for the design and construction of such improvements as a community benefit of the Project. One potential measure may be the construction of a roundabout as cited in the comment. The review of the feasibility of the roundabout, as well as other potential measures, would be conducted by the City of Los Angeles.

Comment B37-12

- Provision of a regularly scheduled “clean air” shuttle service to all business districts in San Pedro, thereby creating easier access for the residents of Ponte Vista to these shopping, dining, and entertainment venues.

Response to Comment B37-12

Although not required to mitigate the potential traffic impacts of the Project, Mitigation Measure J-32 on page IV.J-116 of the Draft EIR recommends that the Project applicant coordinate with the City of Los Angeles to extend the existing San Pedro DASH system into the Project site. Further, the Project applicant has offered to implement a local shuttle bus service for residents of the Project.

COMMENT LETTER B38

Norbert Stephenson
1802 Peninsula Verde Drive
Ranchos Palos Verdes, CA 90275

Comment B38-1

Objection is made to the approval of this report for the following reason:

The findings in section IV (J), Transportation and Traffic, do not adequately address the traffic issues and concerns that have been voiced to the developer, the City of Los Angeles, the City of Rancho Palos Verdes, and Caltrans by the residents of the community of Peninsula Verde, which includes Peninsula Verde Drive, Lunada Circle, and Vista Verde Drive, in the city of Rancho Palos Verdes, California, and located just north of the proposed development of Ponte Vista on Western Avenue.

Response to Comment B38-1

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments B38-2 through B38-7.

Comment B38-2

Traffic along Western Avenue between 25th Street and Palos Verdes Drive North has become extremely overloaded these past years, and is a known source of frustration and vehicle accidents for drivers in this area. Paramount to this is the fact that the community of Peninsula Verde is the only community without a traffic signal connected to Western Avenue that has only one way in and one way out and that is via Western Avenue. With fast-moving traffic north and southbound on Western Avenue, and limited visibility in both directions due to the slope of the road and parked vehicles along the roadway, getting in and out of our street has become extremely dangerous and time-consuming. We have asked Caltrans, the City of Los Angeles, and the City of Rancho Palos Verdes numerous times for a traffic signal light to

make it safer and easier to get in and out of our homes. We have been turned down every time, and only after a resident was killed in his vehicle while trying to get onto Western Avenue from our street did Caltrans add a left turn lane on the northbound side of the center divider. We have since had several more accidents with serious injury to occupants while trying to get onto Western Avenue, one while the driver was attempting to get to that left turn lane. We have a bus stop on the northbound side of Western Avenue at Peninsula Verde Drive, but it is not safe to use because we cannot get across the street! There are no crosswalks at the intersection.

Members of our community have been involved with the various committees associated with the Ponte Vista project and Western Avenue traffic task forces over the last several years, and everyone involved is aware of the need for a traffic signal at the intersection of Western Avenue and Peninsula Verde Drive.

Response to Comment B38-2

As discussed in Topical Response 11, Traffic, the Project applicant has offered, as a community benefit of the Project, to fund a traffic signal at the Peninsula Verde/Western Avenue intersection if permitted by Caltrans. See Appendix E to the Final EIR.

Comment B38-3

In a letter dated May 19, 2006 titled, "Ponte Vista Project Summary by Developer Bob Bisno ", he states, "Ponte Vista will do it's best to completely mitigate 100% of all intersections affected by its development". Yet nowhere in the proposal submitted by the developer to the Los Angeles Department of Transportation or in the EIR subsequently released is there any mention of the intersection of Peninsula Verde Drive and Western Avenue, or adding new signal lights anywhere except at the new intersections that will be built for the Ponte Vista development. I have subsequently called the developer several times to ask about our street, and was told that a representative would call me back. Those calls never came. We have been stonewalled by the developer since day one.

Response to Comment B38-3

As discussed in Topical Response 11, Traffic, the Project applicant has volunteered to fund a traffic signal with ATSAC at the Peninsula Verde/Western Avenue intersection, even though Project impacts at this intersection would be less than significant (see letter from the applicant in Appendix E to the Final EIR). The balance of the comment expresses frustration toward the Project applicant, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B38-4

We are now faced with the addition of several thousand more cars per day if the proposal is passed as written, the majority of which will come out onto Western Avenue and travel past our street, which is the first cross street that all the northbound traffic will pass. This is totally unacceptable!

Response to Comment B38-4

See Response to Comment B38-2.

Comment B38-5

The developer touts a higher quality of life for all the new residents who will reside in the Ponte Vista community, while the quality of life for the community of Peninsula Verde falls to nothing. Our property values have been negatively affected by the increase in traffic, and this development will be a death blow to our community without the addition of a light at the intersection of Peninsula Verde Drive and Western Avenue.

Response to Comment B38-5

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. As discussed in Topical Response 11, Traffic, the Project applicant has volunteered to fund a traffic signal with ATSAC at the Peninsula Verde/Western Avenue intersection, even though Project impacts at this intersection would be less than significant. See Final EIR Appendix E.

Comment B38-6

I respect the fact that growth is sometimes necessary, and that it can have a positive impact on the community, but to allow a huge project like this to move forward without addressing a need as critical as this does a great disservice to the people who have already invested in this community and would like to maintain the quality of life that the developer wants to take away and give to someone else at our expense.

Response to Comment B38-6

This comment contains anecdotal information and summarizes previous comments (see Responses to Comments B38-2 through B38-5), but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B38-7**Conclusion:**

Satisfactory resolution of my objection is to amend Case No. ENV-2005-4516-EIR, to include mandatory installation and mitigation of a traffic signal at the intersection of Peninsula Verde Drive and Western Avenue. Failure to do so will have a catastrophic and negative impact on the quality of life, safety, and property values of the residents of Peninsula Verde.

Response to Comment B38-7

See Topical Response 11, Traffic.

COMMENT LETTER B39 (Petition)

Nina S. Yoshida, et al.
28808 Gunter Road
Ranchos Palos Verdes, CA 90275-2018

Comment B39-1

Enclosed you will find petitions opposing the construction of 2,300 homes in the Ponte Vista Project, San Pedro, signed by property owners located in the cul de sac community commonly known as Mira Costa Terrace in Rancho Palos Verdes and located on the east side of Western Avenue.

Response to Comment B39-1

This comment introduces ensuing petitions, which are addressed in detail in Responses to Comments B39-5 through B39-7.

Comment B39-2

This community is cul de sac [sic] and was developed in the early 1950s as single family homes with one outlet on Western Avenue. Since 1950, Western Avenue has experienced major development and today this main street from Los Angeles to their Harbor is congested gridlock at almost every hour of the day and especially so at “peak” traffic hours when the population is transporting children to schools or going to work, or a funeral at Green Hills.

Response to Comment B39-2

This comment contains anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be

forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See also Response to Comment B74-6.

Comment B39-3

Therefore, the property owners in Mira Costa Terrace are opposed to the construction of 2,300 homes in the Ponte Vista Project, San Pedro. All property owners in Mira Costa Terrace have only one way out of their cul de sac neighborhood ... and that is Western Avenue. Furthermore, the property owners in Mira Costa Terrace depend on the governments of the cities of Los Angeles and Ranch Palos Verdes to seriously consider the impact of this proposed development in Ponte Vista as to how the development will impact those communities already established and contributing to the tax base and economic wellbeing of the cities of Los Angeles and Rancho Palos Verdes.

Response to Comment B39-3

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-4

The property owners in Mira Costa Terrace actively participate in Neighborhood Watch and other community programs and sincerely desire to be good neighbors to further the quality of life for all residents and businesses in the area. The Mira Costa Terrace community fully supports maintaining the current zoning of R-1, like our neighborhood, with one detached home per lot and up to nine homes per acre. As property owners in Mira Costa Terrace, we believe Mr. Bisno desires to be a good neighbor too. Therefore, the construction of single-family detached homes would be a quality development and somewhat less vehicular traffic on Western Avenue as opposed to the construction of 2,300 buildings that would be traffic strangulation for the surrounding communities. Thank you for your thoughtful and professional consideration of our request to maintain the R-1 zoning for the Ponte Vista Project, San Pedro.

Response to Comment B39-4

The comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes

that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level.

Comment B39-5

MIRA COSTA TERRACE (a cul de sac community of single-family homes) PETITION IN
OPPOSITION TO THE PROPOSED PONTE VISTA PROJECT AT SAN PEDRO

WE, the undersigned property owners on Enrose Avenue, Rancho Palos Verdes, (located on the West side of Western Avenue in the Mira Costa Terrace Community) HEREBY present our opposition to the proposed development of 2,300 homes on 61.53 acres of land as proposed by Mr. Bisno for the project PONTE VISTA AT SAN PEDRO.

Response to Comment B39-5

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-6

WE, the undersigned, are OPPOSED to this proposed development because of the increase in traffic due to the one outlet for the project onto Western Avenue and the increased land use density of residential buildings on 61.53 acres of land.

Response to Comment B39-6

The comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. As discussed on pages IV.J-29 through IV.J-30 of the Draft EIR, the Project would provide three ingress/egress points on Western Avenue.

Comment B39-7

WE believe Mr. Bisno wants to be a good neighbor and a good developer, THEREFORE,

WE, the undersigned DO SUPPORT an alternate development for Mr. Bisno to keep the current zoning of R-1 with one detached home per lot and up to nine homes per acre for Ponte Vista at San Pedro.

Response to Comment B39-7

This comment expresses support for maintaining the current R1 zoning, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B40

Teresa Bergman
1818 W. 248th Street
Lomita, CA 90717

Comment B40-1

This letter is in reference to the Ponte Vista plan. I am very concerned about the proposals for the property and can only support Alternative A, single family homes.

Response to Comment B40-1

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B40-2

I live just off Western in Lomita and travel Western all the time to see my mother in San Pedro. Have you ever been on Western when a light is out or there is construction, even when it is time for school to be out it is horrible [sic]. I can only imagine what it will be like when you add housing and possibly another high school.

Response to Comment B40-2

This comment contains anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B40-3

I am also not fool enough to believe that sychronized [sic] lights would solve the problem.

Response to Comment B40-3

See Response to Comment B25-3 and Topical Response 11, Traffic.

Comment B40-4

Please listen to the people that will be effected [sic] the most, those of us that need to travel on Western and only approve Plan A.

Response to Comment B40-4

This comment expresses support for Alternative A, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B41

Ginger G. Grant
1099 Capitol Dr
San Pedro, CA 90731
and
1311 N. Meyler
San Pedro, CA 90731
Sixxty3vette@aol.com
January 27, 2007

Comment B41-1

My name is ginger g grant and i would like to voice my opinion on the ponte vista project.[sic] my family moved to san pedro in 1974 because my father who was a chief in the us navy was transferred to long beach..so i lived in navy housing..we lived in the chiefs houses at 27762 south john montgomery drive..we had a 3 bedroom 2 bath house with front and back yards and 2 car garage...down the street [sic] there were apartments for lower ranking personnel.. when my dad retired we moved to north meyler street where my parents live today..i live around the corner on capitol..so i have lived in this area of san pedro most of my life...i have seen lots of changes to this area some good some bad and there is nothing good about this plan to build an assinine [sic] amount of homes in an area far too small...[sic]

Response to Comment B41-1

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B41-2

i know that you have heard over and over about the traffic problem, but i live with it daily..my kids attend dodson jr high and san pedro high school and it takes me 45-50 minutes to get them to school each morning and picking them up is even worse and i actually dread afternoons knowing i must drive...[sic]

Response to Comment B41-2

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B41-3

this is my home and my neighborhood and all anyone seems to care about is cramming every single available bit of space with more businesses and more houses...[sic]

Response to Comment B41-3

This comment contains anecdotal information and expresses general concern about development, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B41-4

there is a target being built down the street and that is bad enough..target claims to be all about supporting communities yet they have no problem ripping up a communitys [sic] long time childrens [sic] baseball field to erect another store..next time you are at your home stand on your driveway and imagine a target a block down the street..and then add 2300 more homes .. [sic]

Response to Comment B41-4

This comment contains anecdotal information and expresses concerns about a separate and independent development project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B41-5

ponte vista can claim all they want about how they will handle the traffic problem but its not handled now and we dont [sic] have the extra 2300 ..when there is a funeral across the street its an absolute nightmare and what is ponte vista going to do about that? [sic]

Response to Comment B41-5

The comment expresses the author's opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. For further information regarding the effectiveness of the ATSAC/ATSC mitigation measures, see Topical Response 11, Traffic. Regarding funeral traffic, see Response to Comment B2-2.

Comment B41-6

you know my youngest son will swear up and down he will clean his room real good if i let him have something he wants..only once he gets whatever it is he forgets all about that promise he made me...this is exactly what is going on with the ponte vista developers..they do not live here..this is strictly business to make money to them..their goal is money..and i have no problem with people earning a living but i have a problem when they destroy the lives of others to do so..this will completely destroy my way of life in san pedro and i am sick to my stomach about it... there is no way for us to live here anymore if this is allowed to happen... [sic]

Response to Comment B41-6

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B41-7

everything in my neighborhood is gone..its just a business district or becoming one..there are too many people here and crime is just getting worse..it was safe when i was young..i walked to school and played outside at night ..my kids cant do that and we live in the same area..i have strived to raise my kids to be decent honest humans and one of the things i have taught them is what ill leave you with..just because you can doesnt [sic] mean you should [sic]

Response to Comment B41-7

This comment expresses general concerns, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B42

Martha Madison
Torrance, CA 90504
mjustine@socal.rr.com
January 28, 2007

Comment B42-1

I had emailed a letter below to Mr. Somers. I received a message that you would handle his affairs until he returns on Feb. 5th.

Please read my comments below regarding the Ponte Vista Development.

Response to Comment B42-1

This comment introduces ensuing comments which are addressed in detail in Responses to Comments B42-2 through B42-8, below.

Comment B42-2

I am a resident of Torrance, a neighboring city to where the Ponte Vista development would take place, if approved.

Response to Comment B42-2

This comment contains general information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response

1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B42-3

Upon reading several articles and other related sources of information regarding this Ponte Vista development plan, I feel that the infrastructure would not support the development.

Response to Comment B42-3

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Regarding the ability of existing infrastructure to support the Project, see Response to Comment B28-2.

Comment B42-4

I also have concerns about the developer wining and dining supporters.

Response to Comment B42-4

This comment does not state a concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B42-5

I feel that this Ponte Vista development is too expensive (especially for seniors; the HOA fees ranging from \$350 -- \$500 per/mo) and were not mentioned in the price.

Response to Comment B42-5

Topical Response 9 (Estimated Unit Pricing) provides further information regarding unit types, square footages, estimated pricing, and public and harbor industry employee salaries. Table FEIR-6 in Topical Response 9 illustrates the “affordability” implications of various unit prices. These “affordability” implications are based on several assumptions set forth in footnotes 1 and 2 to Table FEIR-6, which include, among other things, monthly Homeowner Association dues ranging from \$330 to \$1,100. Although the information in Topical Response 9 pertains to social and economic issues that are not environmental impacts under CEQA, it provides substantial evidence that a substantial number of Project units will be affordable to households engaged in what are commonly thought of as “work force” occupations. As stated throughout the Draft EIR, current regional planning policies designed to reduce

environmental impacts are based on the assumption that if housing opportunities are located closer to employment centers, commuting distances (and VMT) will tend to be reduced and urban sprawl will tend to be discouraged. The Project's "affordability" is one of many criteria that ultimately determine its ability to further such policies and subsequently have a greater potential to reduce environmental impacts. The Project does not propose to include any below-market (that is, subsidized) housing units.

Comment B42-6

I traverse Western Avenue and an important concern is that there was the sink hole problem there that had diverted the lanes down to 2 lanes. Situations like the sink hole and the increased traffic in itself would create a hazard for emergency access to the area

Response to Comment B42-6

See Response to Comment A8-10. The sinkhole in Western Avenue was a temporary situation that has been alleviated. Development of the Project would not increase the possibility that such sinkholes may occur. See also Topical Response 13, Emergency Response and Evacuation.

Comment B42-7

The quality of the community would be diminished by an increase in higher density.

Response to Comment B42-7

The comment expresses the author's opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See also Response to Comment A8-11 regarding surrounding land uses.

Comment B42-8

I appreciate your attention to my concerns in this matter.

Response to Comment B42-8

This comment contains closing remarks, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B43

John E. and Lois J. Ogle
2119 Ronsard Road
Ranchos Palos Verdes, CA 90275

Comment B43-1

We live just off Western Ave. in the neighborhood very close to the Pointe Vista Land.

Response to Comment B43-1

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B43-2

The traffic on Western Ave. is a nightmare most of the day and night. At Present there is a huge apt./condo building going up adjacent to the Pointe Vista Land. This is going to add another large number of cars to the only outlet, Western Ave.

Response to Comment B43-2

The building under construction adjacent to the Project site is included as Related Project 14 in the table on pages IV.J-42 through IV.J-49 of the Draft EIR. The Draft EIR analyzed the combined traffic impacts from the Project as well as this project and other related projects identified on Table IV.J-9 and concluded that the proposed mitigation measures would mitigate all Project traffic impacts to a less-than-significant level taking the operation of Related Project 14 into account. The balance of the comment provides anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B43-3

No one seems to mention this development. We strongly want The Bisno property to remain zoned R1.

Response to Comment B43-3

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment

will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. With respect to the development currently under construction on Fitness Drive adjacent to the Project site, see Response to Comment B43-2.

Comment B43-4

No amount of money poured into Traffic control can take care of 2,300 town homes at probably 2 cars per house Hold [sic] for Western Ave.!!!!

Response to Comment B43-4

The comment expresses the author's opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment estimates that two cars would be generated for each proposed unit, but provides no facts, reasonable assumptions based on facts, analysis or expert opinion supported by facts in support of its position. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. In accordance with LADOT policy, the Project's traffic impacts are analyzed in terms of daily vehicle trips rather than vehicles per unit. The Draft EIR concludes that the Project would result in 636 AM peak hour trips and 760 PM peak hour trips during the weekday commute period, and that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. For further information regarding the effectiveness of the ATSAC/ATSC mitigation measures, see Topical Response 11, Traffic.

COMMENT LETTER B44

Lynne P. McGhee
California Water Service Agency
1720 North First Street
San Jose, CA 95112-4598

Comment B44-1

California Water Service Company ("Cal Water") is pleased to submit the following comments to the City of Los Angeles regarding the Draft Environmental Impact Report ("Draft EIR" or "DEIR") for the Ponte Vista Project ("Project").

Cal Water is the largest investor-owned water utility west of the Mississippi River and the second largest in the country. It has provided water services since 1926 and currently serves 500,000 customers throughout the state. Cal Water owns and operates a water system in Palos Verdes ("PV"); the Project site is located in the existing PV service territory. As established below, Cal Water is willing and authorized to serve the Project site.

Response to Comment B44-1

This comment contains general information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B44-2

- **The Project is located within Cal Water's existing service territory.**

The Project is located within Cal Water's existing service territory, as defined by the PV service area map on file with the California Public Utilities Commission ("CPUC" or "Commission"). The Project is on the site of the Navy's former San Pedro Housing community. Cal Water has served the San Pedro Housing community from its construction in 1962. The water is currently being delivered through Cal Water's twelve-inch service line running under Western Avenue. Cal Water's service line is connected to the onsite water system that serviced the San Pedro Housing community and has an active meter. Cal Water is willing and able to serve the Project.

Response to Comment B44-2

This comment correctly describes existing Cal Water infrastructure connected to the Project site and contains information relating to available water supply, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B44-3

- **The City failed to consult with Cal Water as required by CEQA and the 'Water Code.**

Cal Water was not consulted during the preparation of the Draft EIR, in violation of CEQA regulations and the Water Code.

Response to Comment B44-3

Cal Water was consulted during the preparation of the Draft EIR. A copy of the Notice of Preparation (NOP) was sent to Cal Water requesting Cal Water's comments on the scope of the EIR for the Project. See certified mail receipt indicating that the NOP was delivered to Peter Akhotnikoff of Cal Water at its Torrance office on September 15, 2005, attached as Appendix K to the Final EIR. Cal Water did not respond to the NOP and did not provide any comments on the scope of the EIR. The applicant's representatives were also informed by Cal Water staff that Cal Water would not serve the Project site because it is located in Los Angeles. Accordingly, a water supply assessment was not explicitly requested of Cal Water. The EIR preparers also consulted with the Los Angeles Department of Water and Power

(LADWP), the agency responsible for ensuring water supply and service to developments within the City of Los Angeles, including the Project site since its annexation into the City. The City requested and obtained from LADWP a water supply assessment. Since receiving Cal Water's comment letter, the applicant's representatives have met with Cal Water to discuss its interest and ability to serve the Project, and Cal Water has processed and adopted a Water Supply Assessment, which is incorporated into the Final EIR as Appendix L.

Comment B44-4

The City's failure to consult with Cal Water is a violation of CEQA.

California Environmental Quality Act ("CEQA") regulations require the City to provide advance notice to any water system that could supply water for the Project, and to request a water supply assessment. Specifically, the regulations provide:

For projects subject to this guideline, a city or county shall identify any water system that is, or may become, a public water system, as defined in Section 10912 of the Water Code, that may supply water for the project. When a city or county releases a notice of preparation for review, it shall send a copy of the notice to each public water system which serves or would serve the proposed project and request that the system both indicate whether the projected water demand associated with the proposed project was included in its last urban water management plan and assess whether its total projected water supplies available during normal, single-dry, and multiple-dry water years as included in the 20-year projection contained in its urban water management plan will meet the projected water demand associated with the proposed project, in addition to the system's existing and planned future uses.

14 CFR § 15083.5(b) (emphasis added).¹ [footnote reference in original letter]

Since the Project lies within Cal Water's existing service territory, Cal Water is clearly a public water system that could potentially serve the Project. The City's failure to send a notice to Cal Water requesting the specified information is a violation of CEQA.

Response to Comment B44-4

See Response to Comment B44-3.

Comment B44-5

- (b) The City's failure to consult with Cal Water is a violation of the Water Code.

Likewise, the Water Code requires the City - prior to preparing the Draft EIR - to identify any water system "that may supply water for the project" and request a water supply assessment. Water Code Section 10910. The City's failure to identify Cal Water and request a water supply assessment from it is a violation of the Water Code.

Response to Comment B44-5

See Response to Comment B44-3.

Comment B44-6**3. The City is not authorized to curtail Cal Water's existing service territory. [sic]**

The Draft EIR states flatly that “The Project site has . . . been annexed in to [sic] the City of Los Angeles . . . , and as such, is now within the service jurisdiction of LADWP.” DEIR at IV.K-4. However, as explained below, the City does not have authority to limit Cal Water's existing service territory and is violating Public Utilities Code § 1501, et seq. See, e.g. *Cucomonga [sic] County Water Dist. v. Southwest Water Co.* (1971) 22 Cal.App.3d 245.

Response to Comment B44-6

The commenter makes a statement about its purported right to serve the Project site, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

See Response to Comment B44-3.

DWP is authorized to operate and extend the service of DWP to supply properties within the City of Los Angeles. See CAL. PUB. UTIL. CODE § 10002 through 10004; see also Cal. Const. art. XI, § 9(a). DWP is a municipally owned public utility and is not under the jurisdiction of the Public Utilities Commission. See *County of Inyo v. Public Utilities Comm'n*, 26 Cal. 3d 154, 166 (Cal. 1980) (quoting *Los Angeles Met. Transit Authority v. Public Utilities Comm'n*, 52 Cal. 2d 655, 661 (1959)). Cal Water may also serve the Project. The selection of a water service provider appears to be in the control of the property owner.

The issue of whether potential service of the Project by DWP would result in curtailing the Cal Water service area and potential compensation to Cal Water by DWP do not pertain to the Project's potential environmental effects and are not within the scope of the EIR.

Comment B44-7

¹ The full text of Section 15083.5 is attached as Exhibit A.

² The full text of Water Code Section 10910 is attached as Exhibit B.

Response to Comment B44-7

This comment contains source information for a previous comment, and does not require an individual response. See prior responses to Comment Letter B44.

Comment B44-8

The Project's duplication of water facilities triggers the compensation requirements of Public Utilities Code § 1501, et seq. Public Utilities Code § 1501 provides, in pertinent part:

The Legislature further finds and declares that it is necessary for the public health, safety, and welfare *that privately owned public utilities* regulated by the state be *compensated for damages* that they may suffer *by reason of political subdivisions extending their facilities into the service areas of such privately owned public utilities*. Pub.Util. Code § 1501 (emphasis added)

Response to Comment B44-8

See Response to Comment B44-6.

Comment B44-9

Moreover, in West San Martin Water Works, the California Public Utilities Commission (Commission) made clear that it has sole jurisdiction over the service territory of a regulated public utility, such as Cal Water. In that case, a municipal water agency had seized control of a water company's assets and service territory. The Commission restored the assets and territory to the water company and held: "Neither the County, the Local Agency Formation Commission, nor any other public body may determine the extent of a public utility's service territory where that utility is under Commission jurisdiction." West San Martin Water Works, Inc. v. San Martin County Water District, Decision No. 97-02-040 (February 19, 1997) at 23 (71 CPUC 2d 75).

Response to Comment B44-9

See Response to Comment B44-6.

Comment B44-10

Likewise, in Great Oaks Water Company, the Commission held that a city cannot prohibit the expansion of public utility in order to promote its own municipal water system. Once again, the Commission made clear that only the Commission can regulate the service territory of a public utility. The Commission held:

But with or without the concurrence of LAFCO, a city cannot, under guise of assuring "the appropriate timing of quality development," block out large tracts of unserved territory noncontiguous to any area wherein the city presently can offer water service from "the water system of a public agency, already constructed," for the purpose of sequestering and reserving such tracts

for future development of its own public agency water system, all for the purpose of excluding an already existing and contiguous privately owned public water utility. The Legislature, using its plenary power, has given to this Commission the exclusive power to establish service areas for privately owned utilities serving the general public and to approve the tariffs of such privately owned utilities (*PU Code §§ 486-495, 1001-I 006, [*25] and 2709*). A city has no power to prevent a state regulated utility from commencing its business or extending its plant to additional city customers (*Pac. Tel. & Tel. Co. v. Los Angeles (1955) 44 C 2d 272*).

In the Matter of the Suspension and Investigation on the Commission's own motion of tariff filed by Advice Letter 114 of Great Oaks Water Company, Decision No. 85-06-022, (June 5, 1985) at 24-25 (18 CPUC 2d 22) (emphasis added).

Response to Comment B44-10

See Response to Comment B44-6.

Comment B44-11

In summary, Cal Water is willing and authorized to serve the Project. Since the City does not have the authority to curtail Cal Water's existing service territory, the Draft EIR must consider the possibility that Cal Water will continue to provide water service to the Project area, either as a sole provider or alongside LADWP.

Response to Comment B44-11

See Response to Comment B44-3 and B44-6.

Comment B44-12

Thank you for your consideration of these comments. Please call me at 408-367-8228 if you have any questions.

Response to Comment B44-12

See Response to Comment B44-3. The applicant has met with Cal Water regarding its interest and ability to serve the Project, and Cal Water has prepared and approved a Water Supply Assessment which is incorporated into the Final EIR as Appendix L.

COMMENT LETTER B45**John DeLuca*****Comment B45-1***

I am a life long resident of San Pedro. (48 years). [sic] I vehemently oppose the density of the Ponte Vista project in my town. 2300 condos are way too many for Western Avenue to support. Do not let this plan go through.

Response to Comment B45-1

The comment expresses the author's opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. With respect to the concerns about Western Avenue, the Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level.

COMMENT LETTER B46**David Henseler*****Comment B46-1***

I am writing to let you know that I oppose a massive high density housing project at Ponte Vista. I live near there and know how bad the traffic is already. Anyone who says that building more housing, and introducing more cars and trips per car, will not effect [sic] traffic or that the traffic can be mitigated is lying or a fool.

Response to Comment B46-1

The Project is not considered a high density housing project. Rather, as discussed at page IV.F-45 of the Draft EIR, at approximately 37 units per acre, the Project's density would fall between the City of Los Angeles' Medium Residential general plan category (corresponding to "R3," which permits approximately 54 units per acre), and the City's Low-Medium designation (corresponding to "RD1.5," which permits approximately 29 units per acre). The comment expresses the author's opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. With respect to the concerns about traffic and mitigation, the Draft EIR analyzes the Project's potential traffic impacts in

the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. For additional information regarding the effectiveness of proposed mitigation, see Topical Response 11, Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level.

Comment B46-2

I firmly oppose this project.

Response to Comment B46-2

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B47

Barry J. Hildebrand
3560 Vigilance Drive
Ranchos Palos Verdes, CA 90275

Comment B47-1

I would like to submit the following comments to the referent DEIR. These comments cover, and pertain only to Section IV J “Traffic and Transportation.”

- 1) The Traffic Engineering firm (Linscott, Law, and Greenspan) made two basic errors in their analysis of the existing traffic on the major street, and in the use of a much-reduced trip generation factor for the type of residences planned for the site. Each and every intersection that was analyzed (52) thus have incorrect calculated LOS’ based on those errant inputs.

Response to Comment B47-1

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The traffic mitigation measures are listed in the Draft EIR beginning on page IV.J-109. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures completely mitigate the potential significant traffic impacts associated with the Project.

The comment does not provide details of the asserted “errors” in the traffic counts and trip generation forecast. The analysis of the potential traffic impacts at the 52 study intersections was prepared in accordance with the requirements of the City of Los Angeles (the Lead Agency) and CEQA. Therefore, no revisions to the traffic analysis are required.

Comment B47-2

- a) Western Avenue was “counted” during a period of time when the street was undergoing major repairs due to storm drain collapse and two open sinkholes. Traffic was necked down to one lane in each direction creating major bottle-necking during most daylight hours. Consequently, drivers avoided Western Avenue and used other parallel paths to get to and from their homes. To get realistic data it is imperative that traffic counts on Western Avenue be re-taken on a typical weekday (preferably a Monday or Friday when schools are normally operating, i.e., not during summer school) and the analysis redone.

Response to Comment B47-2

See Topical Response 11, Traffic, for a discussion regarding the traffic counts conducted for the Traffic Study provided in the Draft EIR, and the sinkholes raised by the comment.

Comment B47-3

- b) The trip generation factor of 4.18 per unit is that which the ITE quotes for a “high-rise condominium unit,” but with a big caveat. They caution the user that this number was derived from a very small sample size (4) and I note that none of the four developments used in the average was nearly as large as *Ponte Vista*.

Response to Comment B47-3

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast provided in the Draft EIR and the use of ITE Land Use Code 232.

Comment B47-4

In addition, because of its geographical location it is remote from almost all services and thus demands a trip generation factor approaching that of a single-family-stand-alone residence (which is 10.0). This is not downtown LA, or Manhattan. There are several similarly sized and remote condo complexes in San Pedro, Palos Verdes, and Harbor City that could yield the appropriate trip generation factors that would be applicable to *Ponte Vista*. Again, the analysis must be redone because everything that was calculated using an erroneous trip generation factor will consequently be in error.

Response to Comment B47-4

See Topical Response 11, Traffic, for a discussion ITE trip generation factors. As discussed in Topical Response 11, ITE requires data submissions of sites to be freestanding in nature. That is, as stated in the *Trip Generation Handbook*, the sites evaluated for potential inclusion in the *Trip Generation* manual should have limited access to public transit services, as well as walk-in trips from adjacent parcels. The Project site is not “remote” as suggested in the comment and, as discussed in Topical Response 11, the

Project site is located along an existing State Highway and is directly served by a number of bus lines (see Table IV.J-1, Existing Public Transit Routes, and Figure IV.J-3, Existing Public Transit Routes in the Draft EIR). These bus lines link the Project site to the greater MTA transit network and surrounding employment and shopping locations, including downtown San Pedro, the Port area, downtown Long Beach, and the nearby MTA transit center which provides access to rapid bus service to downtown Los Angeles. Further, there are commercial, educational, and recreational uses located within walking distance to the Project. However, to provide a conservative (e.g., “worst case”) assessment of the potential traffic impacts associated with the Project, no reductions or discounts were made to the Traffic Study’s Project trip generation forecast (which is based on the ITE trip rates assuming nearly all trips by private vehicle) to account for these public transit or walking trips that might otherwise be made by a private vehicle. Use of a trip rate for single family homes as suggested in the comment for the multi-family high rise and senior attached dwelling uses in the Project would have produced an incorrect and highly inaccurate forecast of traffic associated with the Project and consequently overstated the potential traffic impact.

Comment B47-5

Furthermore, congestion analysis is not linear and depends on many factors including vehicle carrying capacity of the roadways, geometry and topography of the intersections, and make-up of the driving population to name the predominant ones. For these reasons, one cannot simply “scale up” results from the trip generation factor that was utilized in a prior analysis.

Response to Comment B47-5

The ITE *Trip Generation* manual clearly indicates a non-linear relationship between the size of a land use (e.g., office building, residential complex, shopping center, etc.) and the number of trips generated. The statistical datasets presented in the *Trip Generation* manual indicate that as the size of a land use gets larger, the effective trip rate declines. For Land Use Code 232, the user can prepare the trip generation forecast using the weighted average rate or regression equation provided by ITE for the weekday AM and PM peak hours (as well as on a 24-hour daily basis). The *Trip Generation Handbook* advises the user to use the regression equation when the data plot has at least 20 data points or R^2 value is greater than or equal to 0.75. As shown in the *Trip Generation* manual in ITE Land Use Code 232, for the AM peak hour, there are four data points with an R^2 value of 0.98. Likewise, for the PM peak hour, there are five data points with an R^2 value of 0.99¹²³. Therefore, while it would have been appropriate for the Traffic Study to utilize the regression equation in forecasting trips associated with the Project, the weighted

¹²³ For the trip rates developed for the AM and PM peak hour of the generator, which may occur outside of the peak hour of adjacent street traffic, there are seven data points for the morning period and six data points for the evening period. The weighted average rates for the peak hour of the generator are exactly the same as the corresponding rates for the peak hour of adjacent street traffic (0.34 trips in the AM peak hour and 0.38 trips in the PM peak hour).

average rate was selected instead due to the relatively small number of data points. Use of the weighted average trip rates for the AM and PM peak hours results in a higher (i.e. more conservative) forecast of trips to be generated by the Project as compared to the result that would have been provided if the regression equations were utilized.

Comment B47-6

- 2) One suggested mitigation is to install an “acceleration” lane on the northbound side of Western Avenue leaving the project. Where this third lane of traffic ends, drivers will be forced in the second lane at considerable risk (because of the volumes of cars moving on Western Avenue). This is not mitigation; it is aggravation.

Response to Comment B47-6

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The traffic mitigation measures for the Project are listed in the Draft EIR beginning on page IV.J-109. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures completely mitigate the potential significant traffic impacts associated with the Project. The measure identified in the comment corresponds to Mitigation Measure J-6 on page IV.J-112 in the Draft EIR. The proposed third lane would primarily be for Project-related traffic entering and exiting the site. Because the next signalized intersection on Western Avenue is a half-mile away (at Palos Verdes Drive North), no difficulty is expected from merging traffic.

Comment B47-7

- 3) When the Western Avenue Task Force was meeting (2005-06), the representatives from CALTRANS and LADOT concluded that full computerization (ATSAC/ATCS) of all signals on Western Avenue from 25th to Pacific Coast Highway “might” possibly reduce the effects by roughly 10-12% (i.e., would make it appear that 10-12% fewer cars were on the road). Those reductions were predicted without consideration of the *Ponte Vista* traffic generated after the project completion. Thus, the analysis must be redone utilizing correct factors (from 1b above) and corrected traffic existing pre-project on Western (from 1a above) AND THEN estimating what the automated system will be able to do in mitigating the project additions to the general traffic condition.

Response to Comment B47-7

A discussion of the Western Avenue Task Force is provided in the Draft EIR beginning on page IV.J-26. The work of the task force, and the subsequent report issued by Caltrans in 2005 (Western Corridor Improvement Project) is summarized in the Draft EIR. It is noted that the Caltrans report for the Task Force is a planning tool for purposes of identifying future transportation improvements along Western Avenue. The Task Force report was not prepared as a CEQA analysis of a growth management or traffic improvement project. See Response to Comment B13-12. See also Topical Response 11, Traffic, for a

discussion regarding the traffic mitigation measures recommended in the Traffic Study provided in the Draft EIR. As discussed in the Topical Response, the recommendation that the Project fund the installation of ATSAC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR). The Traffic Study outlines recommended measures to mitigate the potentially significant traffic impacts associated with the Project to levels of insignificance. The LADOT letters of January 11, 2007 and February 21, 2007 affirm the findings of the Traffic Study relative to the potentially significant traffic impacts and corresponding mitigation measures.

Comment B47-8

- 4) All of the Alternatives to the project suffer the same malady as the project with respect to traffic impacts. If one starts an analysis with bad boundary data (e.g., traffic counts taken at wrong time) and uses incorrect assumptions (e.g., reduced trip-generation factor), the result will naturally skewed.

Response to Comment B47-8

See Topical Response 11, Traffic, and Response to Comments B47-2 and B47-3. The baseline traffic counts for the Traffic Study were appropriate, and proper trip generation factors were utilized in evaluating the Project and each of the Alternatives in the Draft EIR. Section VI, Alternatives, provides the trip generation forecast associated with each Alternative, as well as a calculation of the number of intersections that would experience significant traffic impacts. A summary of the comparison of the relative traffic impacts of the Project and the Alternatives is found on Table VI-14, page VI-100 of the Draft EIR.

Comment B47-9

Skewing on paper is not too hard to deal with. It is when the skewing results in REAL traffic tieups, lung-choking pollution from idling cars, and incredible amounts of wasted time of the citizens that it becomes a real problem. I believe that this one word..... TRAFFIC... [sic] is at the heart of whether this project should go forward. Unless properly analyzed and known-to-work mitigations are implemented, the traffic-associated problems that this project will bring to San Pedro/Rancho Palos Verdes, and indeed the entire south bay, should be sufficient to cause its demise.

Response to Comment B47-9

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The traffic mitigation measures are listed in the Draft EIR beginning on page IV.J-109. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures completely mitigate the potential significant traffic impacts associated with the Project. The Traffic Study was prepared in

compliance with the requirements of the City of Los Angeles (the Lead Agency) and CEQA. No revisions to the Traffic Study are required.

COMMENT LETTER B48

Jonathon P. Nave

Comment B48-1

I do not believe the Ponte Vista DEIR is adequate under the California Environmental Quality Act nor is it sufficient to support any Specific Plan Ordinance. The document lacks the specificity necessary to allow anyone to assess the impacts of the project.

Response to Comment B48-1

This comment includes non-specific statements of opinion regarding the adequacy of the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See also Response to Comment A10-5.

Comment B48-2

The traffic, population generation, and student generation analyses make no sense.

Response to Comment B48-2

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B48-3

The project complies with few if any of the policies in the San Pedro or Wilmington/Harbor City Community Plans.

Response to Comment B48-3

The Draft EIR analyzes the consistency of the Project with the policies of the *Wilmington/Harbor City Community Plan* at pages IV.F-44 – IV.F-64, and concludes that the Project is generally consistent with the policies and programs of the community plan and would not result in any conflicts with plans and policies adopted to avoid or mitigate environmental impacts. The comment does not provide any analysis

or evidence to the contrary. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B48-4

I have read the comments of the Northwest San Pedro Neighborhood Council and the Mira Vista Homeowners Association on the Ponte Vista Draft Environmental Impact Report. I subscribe to their comments and submit them as my own so that I will have standing to challenge the adequacy of the DEIR if subsequent challenges are necessary.

Response to Comment B48-4

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B49

Chuck Hardt

San Pedro Peninsula Homeowners United Inc.

PO Box 6455

San Pedro, CA 90734

Comment B49-1

On behalf of the San Pedro and Peninsula Homeowner's United Inc., I wish to submit comments regarding the Ponte Vista Development Project.

Response to Comment B49-1

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments B49-2 through B49-7.

Comment B49-2

We have read the comments on the Ponte Vista DEIR submitted by Coastal San Pedro Neighborhood Council and Northwest San Pedro Neighborhood Council and hereby incorporate those comments hereto.

The San Pedro and Peninsula Homeowner's United Inc. comments are identical to those of the Northwest Neighborhood Council. Our Homeowner's Association wishes to file our comments separately in order to preserve our right to take further action, if necessary, under the California Environmental Quality Act to challenge the adequacy of the DEIR and the EIR.

Response to Comment B49-2

This comment expresses agreement with comments contained in Comment Letter Numbers A16 and A10, which have been separately responded to, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B49-3

In addition, the most critical issue of this project is the incredible amount of density desired by the developer. The sheer number of homes anticipated, 2300, is grossly above the standard of the existing and tolerable density of the community.

Response to Comment B49-3

The comment expresses the author's opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See also Response to Comment A8-11 regarding surrounding land uses.

Comment B49-4

If one assumes that Ponte Vista occupancy numbers are correct (and we feel that their numbers are extremely underestimated) the number of residents in this new population will be 4,313 people. The truer number is estimated by many to be approximately 7,000 occupants.

Response to Comment B49-4

See Topical Response 8, Population and Housing.

Comment B49-5

San Pedro is a community that is 12 sq. miles in size. In a community with a population of approximately 80,000 residents, the average population per sq. mile (640acres) [sic] is slightly under 7,000 people. When we reduce acreage in half, we arrive at 320 acres to accommodate half of the sq. mile population of 3500 occupants.

Response to Comment B49-5

This comment contains anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be

forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Housing and population impacts of the Project, including those related to family and senior dwelling units, were analyzed in Section IV.H (Population and Housing) of the Draft EIR and Appendix IV.H-1 to the Draft EIR. The housing and population analysis concluded that there would be no significant housing or population impacts and that no mitigation is required for these topics. See also Topical Response 8, Population and Housing.

Comment B49-6

This is 258 acres short of the 62 acres offered in this development proposal. And, this proposal acts to facilitate yet another additional 873 residents over that 3,500. How is that possible without creating crowded [sic] and congested conditions across this Community in multiple ways? This proposed residential community equates to nearly seven times (and in fact is suspected to be far greater if the occupancy is closer to 7,000) the current density of people per acre living in this community today. To say that this density is horribly imbalanced is an enormous underestimation. It is simply intolerable.

Response to Comment B49-6

This comment expresses general concern regarding density, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

The Draft EIR indicates that the Wilmington-Harbor City Community Plan area has a present population of approximately 78,841 persons. As discussed in the Draft EIR, the Project would accommodate a portion of anticipated population growth rather than exceeding the population forecast for the combination of the Wilmington-Harbor City and San Pedro Community Plan areas or SCAG's City of Los Angeles subregion. Draft EIR, p. IV.H-19. See also Topical Response 8, Population and Housing, Response to Comment A10-142 (regarding population estimates), and Response to Comment A8-11.

The Draft EIR's analysis indicates that the potentially significant environmental impacts of the Project can be mitigated to less than significant levels with the exception of temporary construction noise and air quality emissions and periodic noise from the public park. The Project is generally consistent with and implements applicable regional plans and policies; specifically those which encourage the improvement of air quality and the reduction of regional congestion through infill housing development (e.g., AQMP, RCPG, Compass Growth Vision, RTP, RHNA, etc.), as well as policies to address the community's and City's housing crisis. See Comment Letter A14.

Comment B49-7

It is incumbent upon the City of Los Angeles Planning Dept. to re-examine the scope of this project and set forward a more sound judgment that relates responsibly to the scale and nature of the San Pedro

Community. San Pedro and Rancho Palos Verdes residents would suffer unnecessarily from the negative impacts of this mammoth development. We urge you to deny this existing plan in the name of proper land use planning.

Response to Comment B49-7

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B50

Nancy Castiglione
26248 Alta Vista Ave.
Lomita/Harbor Pines, CA 90710

Comment B50-1

I have tried to muddle through the hundreds of pages of the Ponte Vista Draft Environmental Impact Report. In all it's[sic] technicality I have a hard time recognizing that the reality issues have been solved.

Response to Comment B50-1

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B50-2

I live 2 blocks north of Palos Verdes Drive North for 33 years. All of these years I have commuted across Western Ave south nearly to the ocean at 25th and Western. I was born and raised in San Pedro and remember field trips to see the cows and learn about the dairy business in the location of these "Navy houses" soon to be the Ponte Vista Project. I have experienced much of the growth along Western Ave.

Response to Comment B50-2

This comment contains anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B50-3

The projects of the Strathmore tract homes and the Gardens town homes were managed nicely. The construction of the Terraces hillside complex directly on Western was horrific. Water trucks were constantly spraying the dirt down from the construction trucks to no avail. Western Ave. had a dirt slime on it and the air could be cut with a knife. It was impossible to keep cars clean and we knew not to walk in the area.

Response to Comment B50-3

This comment contains anecdotal information related to previously implemented projects, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B50-4

You have heard over and over again how Western will be impacted by way too many automobiles. Everyone is correct.

All of the people making these decisions of the impact have not lived in San Pedro. IT IS ON A PENINSULA! There are basically three streets to enter from the north and east: Harbor Blvd (mainly for the shipping trucks and cruise-tourists), Gaffey St. (that the Harbor Fwy ends at and brings home all the commuters), and Western Ave. (the remainder of the So. Bay enters here (the beach cities, aerospace workers, Torrance shoppers). These are the only streets people can enter and exit the port town.

So, if the developer condenses 2300 residences on the 61 acres there will be a humongous impact on a main entry/exit artery to this peninsula town.

Response to Comment B50-4

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The traffic mitigation measures for the Project are listed in the Draft EIR beginning on page IV.J-109. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures completely mitigate the potential significant traffic impacts associated with the Project. The roadway characteristics of the area were considered in the preparation of the Traffic Study. For example, the counts of existing traffic (described in the Draft EIR beginning on page IV.J-11) document the utilization of the roadways described in the comment. Similarly, the forecast assignment of Project-related trips (described in the Draft EIR beginning on page IV.J-36) also consider the existing available roadway network. See Response to Comment B3-1.

Comment B50-5

First it will be with constructions [sic] trucks and the dirt raised and lowered by them might be hypothetically calculated in the report, but in reality we will choke.

Response to Comment B50-5

This comment expresses the author's opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Mitigation Measure B-2 requires that the Project applicant implement fugitive dust control measures in accordance with SCAQMD Rule 403 in order to mitigate the Project's potential construction air emissions to the extent feasible, although temporary significant and unavoidable impacts are acknowledged because construction emissions cannot feasibly be reduced to below SCAQMD threshold levels.

Comment B50-6

Also, when the Air Force built houses not far from this project the rats and mice were so disturbed the infested our neighborhood. The report does not address the rodents and there[sic] displacement once the bulldozers arrive. An army of cats should first be released to the property for a week or two!

Response to Comment B50-6

Under CEQA, the Thresholds of Significance for Biological Resources only addresses special status or native resident or migratory wildlife species. Vagrant non-natives such as mice and rats are not special status species and are not native or migratory wildlife species. Using cats to control rodent populations prior to demolition could lead to possible mortality of special status species (coastal California gnatcatcher), and could lead to an increase in the feral cat population, and is therefore not recommended. Although not necessary to mitigate any significant biological impact under CEQA, the applicant has agreed to adopt a voluntary mitigation measure to exterminate existing rodent populations within the existing on-site structures prior to demolition activities. Therefore, in response to this comment, the text on page IV.C-47, after the sixth paragraph, of the Draft EIR has been added as follows:

(C-7) Prior to demolition and removal of existing structures on the project site, methods will be implemented to exterminate any existing rodent populations in order to minimize their possible movement into adjacent neighborhoods when demolition is undertaken. Extermination will be conducted by a licensed pest control professional and shall follow all state and local requirements. Methods should be designed to maximize rodent mortality while limiting or preventing accidental mortality of other animals or household pets (e.g. outdoor cats), such as selective traps or poisoned bait stations.

Comment B50-7

When the project is completed as planned, no one in downtown Los Angeles nor the builder will be in gridlock in the two miles north and south of St. John Montgomery Street (main entrance for the project) . You are very aware of the student population using Western Ave. exactly at that location now. The two new high schools opening Sept 2007 in the IMMEDIATE vicinity will add several hundred more cars besides the 4,000 + per day generated by 2300 residences of Ponte Vista.

Response to Comment B50-7

The comment appears to reference two new schools proposed in the Project vicinity which were considered in the Traffic Study. Table IV.J-9, beginning on page IV.J-42 of the Draft EIR lists the Rolling Hills Preparatory School (related project No. 16) and the Mary Star High School (related project No. 20). The forecast of vehicular trip generation associated with the Project is shown on Table IV.J-7, page IV.J-34 of the Draft EIR. As shown on the Table, the Project is forecast to generate 9,355 vehicle trips per day (4,677 inbound, 4,678 outbound). The Project will not cause “two miles” of “gridlock” on Western Avenue. For example, Table IV.J-10 in the Draft EIR indicates that at Project build-out, the three study intersections that serve the Project site are forecast to operate at LOS D or better during peak hours, indicating that most motorists will be able to get through the intersections within a single traffic signal cycle. At intersections north and south of the site, the forecast AM and PM peak hour Levels of Service in the future with Project and Mitigation conditions range from LOS D at the Western Avenue/Toscanini Drive intersection (a CMP monitoring intersection) to LOS F at the Western Avenue/Palos Verdes Drive North intersection. In general, as described in Topical Response 11, Traffic, the forecast of future pre-Project traffic conditions is highly conservative (i.e., “worst case”) as it assumes both growth in ambient traffic as well as new traffic due to the related projects considered in the Draft EIR. Thus, the forecast levels of traffic provided in the Draft EIR likely substantially overstate the actual future operating conditions at the study intersections.

Comment B50-8

I cannot understand that a builder can seduce so many to change the zoning.

Response to Comment B50-8

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B50-9

He purchased it as R-1. R-1 is workable for the traffic. It will more than double the vehicles that used the Navy housing which also emptied into neighborhoods east of the land. Ponte Vista plans do not use other

exits except Western Ave. Even if gated it can have exits to streets to the east and the cars could travel east or work around a street to head for Western Ave.

Response to Comment B50-9

The comment expresses the author's opinion in favor of retaining R1 zoning, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The Draft EIR analyzes the Project's potential traffic impacts in the Traffic Study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B50-10

I could not buy an R-1 lot with a tear-down house existing and go to city planning and get a zone change to build a four story, six condo (with subterranean parking) building. It would be environmentally out of order. It would put too many persons and vehicles in too small an area. But a millionaire can do this to a town he "does not want to live in"? (I am quoting Mr. Bisno's statement to me on Jan 11, '07.)

Response to Comment B50-10

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B50-11

There are plenty of gated home communities with homes sandwiched together. The adjacent neighbors will have to withstand the dirty air and rodents from construction but we will not have the rest of our lives (many of us are here to stay) with the impact of transportation pollution and gridlock.

Response to Comment B50-11

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The Draft EIR analyzes the Project's potential traffic impacts in the Traffic Study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B50-12

I hope as a trusted city planner, Mr. Somers, you will take to heart the safety of the area and recommend fewer residences kept within the R-1 zoning that it presently is.

Thanking you for listening to both sides of the issue.

Response to Comment B50-12

This comment expresses support for retaining the R1 zoning at the Project site, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B51

Anthony P. Cordero
1235 Mt. Rainier Road
Rancho Palos Verdes, CA 90275

Comment B51-1

I am writing to publicly oppose the Ponte Vista development in San Pedro.

Response to Comment B51-1

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B51-2

Over the past two years, Bisno Development has enlisted several prominent local residents to lend their influence and credibility to this project. While these ‘locals’ are well-intentioned, they are about the size and scope of this project.

Response to Comment B51-2

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to

Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B51-3

The congestion caused by 2300 units of townhouses and condominiums - along with at least 6,000-8,000 new residents and their 2,300-5,000 automobiles - will simply make Western Avenue look like a snake that has just swallowed an overgrown rat.

Response to Comment B51-3

This comment expresses the author's opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. As indicated on page IV.H-18 of the Draft EIR, the total population associated with the residential component of the Project would be 4,313 persons. The Draft EIR analyzes the Project's potential traffic impacts in the Traffic Study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic of the Draft EIR. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level.

Comment B51-4

In the spring of 2006, in hopes of gaining public support the Bisno planners convinced Eastview Little League officials to circulate 'Friends of Ponte Vista' literature to the families of children playing baseball there. Buried in that material was an inference that Ponte Vista would include 'work-force housing.' This wording was included in an apparent attempt to have the project appeal to the emotions of a working-class community. However, when questioned about including real 'work force housing,'¹ the Bisno project has no specific answers. Even its DEIR only states vaguely, "...the project will also include entry level housing, workforce housing and move-up housing."

Response to Comment B51-4

With respect to estimated purchase prices for Project units, see Response to Comment A8-4. The remainder of the comment provides anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B51-5

[Note: in the spring of 2006, an email message was sent via the Ponte Vista web site raising questions about the legitimacy of the 'work force housing' claim. No reply was received.]

Response to Comment B51-5

See Topical Response 9, Estimated Unit Pricing.

Comment B51-6

Because it chose not to play by Bisno's rules, it was recently revealed that Eastview Little League would not benefit from the Ponte Vista project.

Response to Comment B51-6

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. As stated in the Draft EIR, the Project description presently includes a 6-acre public park with potential little league baseball fields, see e.g., Draft EIR, p. II-5, and impacts from this potential use have been fully analyzed in the Draft EIR. See, e.g., Draft EIR, p. IV.J-32 to IV.J-36.

Comment B51-7

Bisno's plan to shoot for the stars (2300 units) with hopes of landing on the moon (something less than 2300 units) is clear and strategic. The real question about Ponte Vista is, "what is an acceptable size for such a development." My suggestion is between 500 and 750 units of townhouses and single-family detached residences.

Response to Comment B51-7

This comment expresses the author's opinion and preferences regarding the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B51-8

If the project as presented is approved, a clear indication of future life along Western Avenue will come from the construction phase itself.

Response to Comment B51-8

This comment expresses the author's opinion regarding the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B51-9

Where will 11,000 construction workers park? How will they access the construction sites?

Response to Comment B51-9

The Project would not generate 11,000 construction workers. The fiscal analysis prepared for the Project (see Appendix IV.F-1 to the Draft EIR, page 17) estimates that the planned private investment of \$817 million to develop the Project would be associated with 11,717 total jobs in the *County economy*, of which 4,606 will be involved directly in the Project's construction over the Project's entire build-out period. The number of construction workers on the site at any given time would vary based on day-to-day conditions. As noted on page IV.J-28 of the Draft EIR, "construction worker parking during the initial phases of construction grading, as well as after the start of construction, would occur on the Project site."

The analysis of construction-related traffic impacts in Section IV.J (Transportation and Traffic) of the Draft EIR assumed that construction workers would access the Project site from Western Avenue.

Comment B51-10

How will they and the residents in the adjacent condo project currently in mid-construction impact traffic, congestion, pollution and noise in the area?

Response to Comment B51-10

Potential traffic, air quality, and noise impacts during the Project construction phase were analyzed in Sections IV.J, V.B, and IV.G of the Draft EIR (respectively). The condominium project referenced in the comment (Related Project 14 in Table III-2 of the Draft EIR) was under construction when the traffic counts and noise readings were taken. Ambient air quality calculations are based on existing traffic counts. Therefore, the construction-related effects of this related project as well as its operational inputs were factored in to the environmental impact analysis of the Draft EIR. Additionally, a Mitigated Negative Declaration (MND) was processed for Related Project 14 in 2005 (CPC-2004-5008-GPA-ZC-ZV-ZAA). The MND acknowledges that such project was replacing a fitness club which generated automobile trips. Mitigation measures were adopted to reduce the condominium project's environmental impacts, including those related to air quality, noise, and traffic, among others, to a less-than-significant level.

Comment B51-11

The area cannot afford to suffer the consequences of an approved Ponte Vista project

Response to Comment B51-11

This comment expresses the author's opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B51-12

¹ Housing that is affordable to teachers, police, firemen and sales persons with household incomes at 50%-60% of the Area Median Income (\$56,200). [sic] or, see Urban Land Institute - uli.org.

Response to Comment B51-12

See Response to Comment A8-4.

The term "workforce housing" does not have a universally accepted definition and is used to refer to a wide range of income levels. The comment's reference to 50%-60% of Area Median Income (i.e., \$28,100 – \$33,720) corresponds to "very low income" or "lower income" households, as defined by the California Health & Safety Code and the California Department of Housing and Community Development. This is not the typical income range of Los Angeles police officers or fire fighters or Los Angeles Unified School District teachers.¹²⁴ See Topical Response \ 9, Estimated Unit Pricing.

COMMENT LETTER B52

Glen Cornell
gcornell@earthlink.net
January 30, 2007

Comment B52-1

I understand that David Somers will be out of the office until next week and that e mails for him can be forwarded to you. Accompanying this is a note I sent him about the Ponte Vista project in San Pedro. I ask that you make sure it is brought to the attention of the appropriate people in Los Angeles's Planning Department, so that it can be considered before the Planning Commission makes any decision about Ponte Vista.

¹²⁴ See <http://www.joinlafd.org/Rewards.htm>;
http://www.teachinla.com/Research/documents/SalaryTables_0607/ttableannual.pdf;
<http://www.lacity.org/per/salary.htm>

Response to Comment B52-1

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments B52-2 through B52-4.

Comment B52-2

I am writing to express my concern about plans to build the 2300 unit Ponte Vista project along Western Avenue in San Pedro. In particular, I want to focus upon the problems that such a large project, with so many new residents, would create for access and evacuation in case of an emergency in this area. San Pedro and neighboring Palos Verdes sit on a peninsula. Their proximity to water, which makes them so attractive to their residents, also has the less fortunate effect of limiting their access to relief in the case of a natural disaster or terrorist attack.

Bisno Development, which seeks to build Ponte Vista, offers no substantive solution to these problems.

Response to Comment B52-2

This comment expresses the author's general concern about emergency access and evacuation on the peninsula, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment A10-218 and Topical Response 13, Emergency Response and Evacuation.

Comment B52-3

This failure should be of special importance to the Los Angeles Planning Commission given a decision by the United States Court of Appeals for the 9th Circuit (that is the circuit which includes California) in the case of Pacific Gas & Electric Co. v. San Luis Obispo. In this case, the 9th Circuit ruled that federal regulators must consider the possibility of terrorist attacks when assessing the impact posed by construction of a nuclear waste dump in San Luis Obispo. The 9th Circuit's ruling had been in legal limbo until just this month when the United States Supreme Court let it stand.

Response to Comment B52-3

The comment references a federal court decision but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 13, Emergency Response and Evacuation.

Comment B52-4

In light of the fact that the San Pedro area -- site of the largest ports in the United States plus home to multiple large oil refineries -- faces at least as great a terrorist threat as a nuclear waste dump (and sits over more dangerous fault lines than San Luis Obispo), the impact of t!

hundreds [sic] of new residents on this area's disaster preparedness warrants thorough study. I ask that you give the 9th Circuit's decision, and the issues which it raises about public safety, your attention and that you defer any decision on Ponte Vista until these issues can be fully addressed.

Response to Comment B52-4

See Topical Response 13, Emergency Response and Evacuation. With respect to earthquake faults, the Project site is not located within an Alquist-Priolo Fault Zone, and therefore would not be directly impacted by a known earthquake fault on the Project site. The Preliminary Geotechnical Engineering Exploration ("Geotechnical Report") prepared for the Project, included in the Draft EIR as Appendix IV.A-4, indicates that no known active faults cross the Project site. While ground shaking may occur on the Project site from earthquakes produced by nearby faults, ground shaking can be resisted by proper building design and construction and additional precautionary measures, such as strapping water heaters, which can protect personal property and reduce the chance of injury. The Geotechnical Report concluded that while ground shaking may occur, secondary effects such as surface rupture, lurching, liquefaction, consolidation, ridge shattering and landsliding are not likely to occur at the Project site. See Draft EIR Appendix IV.A-4 at pp. 6-7.

COMMENT LETTER B53

Douglas Epperhart
1206 West 37th Street
San Pedro, CA 90731

Comment B53-1

I make the following comments on the proposed Ponte Vista development in San Pedro:

Response to Comment B53-1

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments B53-2 through B53-10.

Comment B53-2

TRAFFIC—A new traffic study reflecting actual conditions as they exist should be required. Western Avenue traffic counts referred to in the DEIR were made during a time when the street was obstructed as a result of sinkholes and subsequent construction and do not reflect the current situation. Further, there

should be consideration of the unique circumstances wherein Western Avenue provides the primary route for traffic on much of the Palos Verdes Peninsula and there are few alternate routes if Western is obstructed.

Response to Comment B53-2

See Topical Response 11, Traffic, for a discussion regarding the traffic counts conducted for the Traffic Study provided in the Draft EIR and the issue of sinkholes referred to in the comment. The roadway characteristics of the area were considered in the preparation of the Traffic Study. A discussion of emergency vehicle access and response is provided in the Draft EIR beginning on page IV.J-30. As concluded in the Draft EIR, the Project's potential impacts to emergency vehicle access and response are expected to be less than significant. See also Topical Response 13, Emergency Response and Evacuation. See also Response to Comment B3-1.

Comment B53-3

Adding the traffic generated by the residents of 2,300 condominiums—all required to enter and exit on one street—also creates a potential public safety issue. If Western Avenue becomes impassable, those individuals are trapped.

Response to Comment B53-3

See Response to Comment B53-2. The proposed site access for the Project is described in the Draft EIR beginning on page IV.J-29. The traffic mitigation measures are listed in the Draft EIR beginning on page IV.J-109. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures completely mitigate the potential significant traffic impacts associated with the Project. Therefore, vehicular access to the Project site directly from Gaffey Street is not required for purposes of accommodating Project-related traffic. A discussion of emergency vehicle access and response is provided in the Draft EIR beginning on page IV.J-30. As concluded in the Draft EIR, the Project's potential impacts to emergency vehicle access and response are expected to be less than significant. See Topical Response 13, Emergency Response and Evacuation.

Comment B53-4

TRAFFIC MITIGATION—Developer payment for a portion of the city's ATSAC/ATCS system as mitigation is moot since the system is scheduled to be installed in San Pedro and Wilmington within the next two years and funding has been provided. The developer should be required to identify and provide other traffic mitigation measures and establish a program to monitor actual traffic conditions once the project is built and occupied. Further, developer should be required to establish a traffic mitigation escrow fund to pay for additional mitigation measures that may be necessary.

Response to Comment B53-4

See Topical Response 11, Traffic, for a discussion regarding the traffic mitigation measures recommended in the Traffic Study provided in the Draft EIR. As discussed in Topical Response 11, the recommendation that the Project fund the installation of ATSAC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR). The traffic mitigation measures for the Project are listed in the Draft EIR beginning on page IV.J-109. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures completely mitigate the potential significant traffic impacts associated with the Project. Therefore, establishment of a traffic mitigation “escrow fund” as suggested in the requirement is not required.

Comment B53-5

PUBLIC SAFETY—The project site’s proximity to the Port of Los Angeles, ConocoPhillips refinery, Amerigas facility, and Defense Fuel Supply Point, combined with the lack of evacuation routes, creates a potential for severe problems in the event of natural or manmade disaster. Developer should be required to better analyze and prepare a public safety plan as part of this EIR.

Response to Comment B53-5

A risk-of-upset analysis for the Conoco-Phillips Refinery, the DFSP, and the proposed LNG Terminal at the Port of Long Beach is included in Section IV.D (Hazardous Materials and Risk of Upset) of the Draft EIR. As discussed therein, none of the abovementioned land uses would pose a significant threat to the Project. See Response to A10-218 and also Topical Response 13, Emergency Response and Evacuation.

Comment B53-6

ZONING and PLANNING—The property is now zoned R1-1XL. Although condominiums [sic] exist adjacent to the property on the south, these are in a C-zoned area next to a shopping center. Directly across the street from the Ponte Vista site is a cemetery and R1-zoned neighborhoods in the city of Rancho Palos Verdes. The proposed development does not comply with the community plan and would, if built, result in the most dense neighborhood in San Pedro.

Response to Comment B53-6

The Project applicant proposes a General Plan amendment and zone change and The Project is requesting a general plan amendment and zone change. As discussed in detail in the Draft EIR, the Project is generally consistent with the policies and programs of the Wilmington-Harbor City Community Plan and would not result in conflicts with plans and policies adopted to avoid or mitigate environmental impacts. See Draft EIR, pp., IV.F-48 – IV.F-69.

Comment B53-7

Developer makes much of the need for affordable housing in Los Angeles; however, none of the proposed units would be intended for low-income individuals and families. Further, developer indicates that no more than 10 percent of units (about 230) would be in the lowest price range.

Response to Comment B53-7

See Response to Comment A8-4.

Comment B53-8

Finally, this DEIR fails to take into account the 1,100-plus units approved and/or under construction in the downtown area of San Pedro (less than three miles from the Ponte Vista project site). Much of this new construction in other parts of San Pedro will, in fact, provide more affordable housing.

Response to Comment B53-8

The referenced development is already included as Related Projects #12, 15, 17, 22, 23, 24, 25, 26, 27, 28, 29, and 45 of Table IV.J-9 of the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts.

Comment B53-9

POPULATION—In developer's Environmental Assessment Form documents, the total planned population for the Ponte Vista project was 7,343. In the DEIR document, this is reduced to 4,313.

Response to Comment B53-9

See Topical Response 8, Population and Housing.

Comment B53-10

I believe the former number is closer to reality and should be used. Use of the lower total population number also greatly understates burden on public schools and other facilities.

Response to Comment B53-10

See Topical Response 8, Population and Housing. In addition, with respect to the impact on public schools, per LAUSD, student seating demand is based on that school district's average number of students per housing unit, by type of unit, not by population. See Table IV.I-7 on page IV.I-30 of the Draft EIR. As indicated in Topical Response 10, School Impacts, the Draft EIR calculated student generation rates using LAUSD's current student generation rates, which LAUSD derived from its 2005

School Facilities Needs Analysis. The School Facilities Needs Analysis calculates generation rates based on number and type of housing units, not by population.¹²⁵ The Draft EIR includes an analysis of the Project's impacts on public schools (see Section IV.I.3) as well analyses of impacts on other facilities and services including fire protection (Section IV.I.1), police protection (Section IV.I.2), parks and recreational facilities (Section IV.I.4), libraries (Section IV.I.5), water facilities (Section IV.K.1), wastewater facilities (Section IV.K.2), and solid waste services (Section IV.K.3). These analyses concluded that the Project would not result in significant environmental impacts related to public services or utilities and service systems.

COMMENT LETTER B54

Allan Abshez

Irell and Manella, LLP

1800 Avenue of the Stars, Suite 900

Los Angeles, CA 90067-4276

Comment B54-1

We respectfully submit the following comments and questions regarding the Draft Environmental Impact Report prepared for the Ponte Vista project:

Response to Comment B54-1

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments B54-2 through B54-42.

Comment B54-2

1. The Land Use Section of the Draft EIR does not contain certain information relevant to a complete understanding of the planning and zoning background of the project site. Specifically, the Draft EIR does not fully discuss the base reuse plan for the project site that we understand was prepared by the City of Los Angeles and adopted by the City Council. Was a base reuse plan developed for the project site after the site was declared surplus property by the federal government in 1997? Please explain the base reuse process and the manner in which the plan was developed. What governmental and community entities or groups were involved in the process?

Response to Comment B54-2

The Project site was previously owned by the U.S. Navy associated with the Long Beach Naval Shipyard and operated as naval housing. In 1997, the Project site and other related parcels were declared surplus

¹²⁵ LAUSD, *School Facilities Needs Analysis*, September 2005.

by the federal government. In 1998, the City of Los Angeles, acting as the Local Redevelopment agency, appointed a citizen advisory committee, the 1998 San Pedro Area Reuse Committee (SPARC) to create a reuse plan for those parcels (the “Base Reuse plan”). SPARC met regularly between January and July 1998, and again in April, 1999. The SPARC recommendations were forwarded to the City Council for final action and the proposed Base Reuse Plan was adopted by the City Council on April 16, 1999.

Comment B54-3

2. What were the land uses proposed in the base reuse plan?

Response to Comment B54-3

The Base Reuse plan addressed four surplus Navy sites, including the Project site. For the Project site, the Base Reuse plan proposed: (1) a storage and distribution center for homeless needs on less than one acre; (2) 76 units of homeless veterans transitional housing on approximately nine acres; (3) 200,000 square feet of biomedical research facilities (with 400-800 employees) and 144 units of refurbished duplexes on 46 acres; and (4) 6 acres for an educational or recreational use.

Comment B54-4

3. Was the base reuse plan subjected to public hearings? Was the base reuse plan adopted by the City Council? If it was adopted, what form did its adoption take? If it was adopted the City Council, has its adoption been rescinded by the City Council?

Response to Comment B54-4

On July 21, 1998, the SPARC and the Los Angeles City Planning Department held a public hearing to receive input from the community on the “Preliminary Recommendations for Reuse of Navy Property.” The City Council Committees for Housing and Redevelopment, and Planning and Land Use Management also met jointly to conduct public hearings and make recommendations to the full City Council. The Joint Committees met on November 17, 1998. The hearing was continued so that City staff could respond to the Committee members’ questions and review options for land use due to the last-minute withdrawal of one of the recommended education users. The Committees reconvened the hearing on March 3, 1999 in San Pedro. The City Council held a public hearing on March 30, 1999, and referred the item back to the SPARC committee. The proposed Base Reuse plan was adopted by the City Council on April 16, 1999. Although the Base Reuse plan was approved, the proponents (Harbor UCLA-REI) did not decide to proceed with the plan, and no user for an educational or recreational facility for the six-acre parcel was identified. Thus, the Base Reuse plan approved by the City Council was not feasible to implement, and the Navy elected to sell the Project site at public auction.

Comment B54-5

4. Where are the records and files for the base reuse plan kept? If the base reuse plan was adopted by the City Council, please include the adopted base reuse plan as an appendix to the Final EIR so that the Final EIR contains a complete planning history of the project site.

Response to Comment B54-5

The Base Reuse Plan is part of the official records of the City of Los Angeles. It has been included as Appendix M to the Final EIR.

Comment B54-6

5. Was a general plan and zone change anticipated to be necessary in order to implement the base reuse plan? What plan designation and zone change would have been necessary in order to implement the base reuse plan?

Response to Comment B54-6

Though it approved the proposed Base Reuse plan, the City Council acknowledged that the plan would not be consistent with the property's Low Density Residential general plan designation and the R1 zoning designation and that a general plan amendment and zone change from R1 would be necessary. While the City Council did not specify the particular designations that would be required, a Community Commercial land use designation with corresponding C4 zoning most likely would have been appropriate for the proposed medical research uses.

Comment B54-7

6. Was any CEQA analysis prepared in connection with the base reuse plan? If no CEQA analysis was conducted, was there any analysis of the potential environmental impacts from the base reuse plan conducted before it was adopted by the City Council?

Response to Comment B54-7

Though it approved the proposed Base Reuse plan, the City Council acknowledged that it would not be consistent with the Low Residential general plan designation and the R1 designation of the property and that a general plan amendment and zone change from R1 would be necessary. The City Council also acknowledged that the Base Reuse plan would result in potential traffic impacts and that a traffic study would be required to identify mitigation measures. However, an environmental impact report for the Base Reuse plan was not prepared either before its adoption by the City Council, or later, because Harbor-UCLA/REI (who were the proponents of the biomedical research facility and housing project) did not go forward with the project.

Comment B54-8

7. What traffic impacts would the proposed Base Reuse Plan have if it were implemented today? For example:

- a. How many vehicle trips would be generated during the weekday AM peak hour?

Response to Comment B54-8

The requested information goes beyond the scope of analysis regarding the potential environmental impacts of the Project. The final details of the Base Reuse Plan were not resolved (e.g., whether the implementation of the plan would include a 6 acre educational facility or whether the 6 acres would be used for a park, and what type of educational facility would be built). Therefore, trip generation analysis would involve some degree of speculation. The Draft EIR contains analysis of a reasonable range of alternatives, all of which would result in significant trip generation and traffic impacts not dissimilar to the Project. While analysis of the precise traffic and other impacts of the Base Reuse Plan is beyond the scope of this EIR, it is acknowledged that implementation of the Base Reuse Plan would have generated significant trips and traffic impacts not dissimilar to the Project and the range of alternatives in the Draft EIR, as biomedical research facilities and schools are significant trip generators.

Comment B54-9

- b. How many vehicle trips would be generated during the weekday PM peak hour?

Response to Comment B54-9

See Response to Comment B54-8.

Comment B54-10

- c. How many total daily trips would be generated over a 24 hour period during a typical weekday?

Response to Comment B54-10

See Response to Comment B54-8.

Comment B54-11

- d. How many vehicle trips would be generated during the Saturday mid-day peak hour?

Response to Comment B54-11

See Response to Comment B54-8.

Comment B54-12

- e. How many total daily trips would be generated over a 24 hour period during a typical Saturday?

Response to Comment B54-12

See Response to Comment B54-8.

Comment B54-13

- f. How many intersections would experience a significant impact during the weekday AM and/or PM peak hours if it were implemented instead of the applicant's project?

Response to Comment B54-13

See Response to Comment B54-8.

Comment B54-14

- g. How many intersections would experience a significant impact during the Saturday mid-day peak hour if it were implemented instead of the applicant's project?

Response to Comment B54-14

See Response to Comment B54-8.

Comment B54-15

- h. How do these impacts compare to those of the applicant's project?

Response to Comment B54-15

See Response to Comment B54-8.

Comment B54-16

- 8. How would the base reuse plan compare with the applicant's project in terms of contributing to relief of the area's housing crisis?

Response to Comment B54-16

The residential component of the Base Reuse Plan recommended uses for the Project site consisted of 76 units of homeless veterans transitional housing on approximately nine acres, and 144 units of refurbished duplexes on 46 acres. The Base Reuse plan thus proposed over 90 percent fewer dwelling units than the

Project. The Base Reuse Plan would fall within the amount of housing unit growth that is forecast by the General Plan Framework for the Wilmington-Harbor City Community Plan and in SCAG's forecast to 2012 for the City of Los Angeles Subregion. However, with only 220 units the Base Reuse plan would have done far less than the Project to contribute to relief of the area's housing crisis. In addition, this alternative would not provide any senior housing, as proposed by the Project. Although the residential portion of the Base Reuse plan was intended to provide housing for some faculty, staff and fellows of the biomedical research component, the biomedical development might nonetheless induce some indirect housing demand, depending on the labor force characteristics of those employed in this component.

Comment B54-17

9. How would the base reuse plan compare with the applicant's project in terms of implementing recommended air quality and regional planning strategies to increase the density of infill housing so as to reduce urban sprawl impacts on natural resources, reduce air quality emissions due to vehicle miles traveled for commuting purposes and reduce regional congestion through VMT reduction?

Response to Comment B54-17

See Response to Comment B54-8 and B54-16. The Base reuse plan would provide significantly fewer housing units (less than one tenth of the units proposed by the Project). Such use of the Project site would add employment to the local area, and would increase housing demand. Overall, such use of the Project site would do less towards implementing regional strategies related to reducing VMT due to unmet existing housing demand.

Comment B54-18

10. Why wasn't the base reuse plan implemented?

Response to Comment B54-18

Although the Base Reuse plan was approved, Harbor UCLA-Research Education Institute (REI) did not decide to proceed with the plan, and no user for an educational or recreational facility for the six-acre parcel was identified. Thus, the Base Reuse plan approved by the City Council was not feasible to implement.

Comment B54-19

11. The alternatives section of the Draft EIR does not contain an alternative analyzing commercial use of the project site. We note that although the project site is presently planned and zoned for residential use, commercial development along Western Avenue is a typical use both north and south of the project site. Please provide a discussion of commercial uses located north and south of the project site.

Response to Comment B54-19

With respect to commercial uses located north and south of the Project site, see Response to Comment A10-26.

Comment B54-20

12. In light of commercial uses to the north and south of the project site, we believe that commercial use of all or a portion of the project site is a possibility if the project does not go forward. For example, given the size of the project site and nearby commercial uses to the north and south of the site, approximately 40 acres of the project site might be utilized along Western Avenue for a community shopping center consisting of approximately 500,000 square feet. If the remaining 21.5 acres were developed with multi-family housing at an RD1.5 density (28 units per acre), approximately 560 units might also be provided. We would like to understand whether such a foreseeable development scenario might have the potential to avoid or mitigate any of the potential environmental impacts of the applicant's project.

Response to Comment B54-20

The requested information goes beyond the scope of analysis regarding the potential environmental impacts of the Project. The Draft EIR contains analysis of a reasonable range of alternatives, all of which would result in significant trip generation and traffic impacts not dissimilar to the Project. While similar uses are found to the north and to the south of the Project site, development of a commercial shopping center and multi-family housing project would require a general plan amendment and zone change for the Project site, which are legislative actions within the City Council's discretion. While analysis of the precise traffic and other impacts of such a project are beyond the scope of this EIR, it is acknowledged that a land use scenario of this type would have generated significant trips and traffic impacts not dissimilar to the Project and the range of alternatives in the Draft EIR, as a commercial shopping center is a significant trip generator.

Comment B54-21

In this regard, what traffic impacts would such a scenario have if implemented today? For example:

- a. How many vehicle trips would be generated during the weekday AM peak hour?

Response to Comment B54-21

See Response to Comment B54-20.

Comment B54-22

- b. How many vehicle trips would be generated during the weekday PM peak hour?

Response to Comment B54-22

See Response to Comment B54-20.

Comment B54-23

- c. How many total daily trips would be generated over a 24 hour period during a typical weekday?

Response to Comment B54-23

See Response to Comment B54-20.

Comment B54-24

- d. How many vehicle trips would be generated during the Saturday mid-day peak hour?

Response to Comment B54-24

See Response to Comment B54-20.

Comment B54-25

- e. How many total daily trips would be generated over a 24 hour period during a typical Saturday?

Response to Comment B54-25

See Response to Comment B54-20.

Comment B54-26

- f. How many intersections would experience a significant impact during the weekday AM and/or PM peak hours if it were implemented instead of the project?

Response to Comment B54-26

See Response to Comment B54-20.

Comment B54-27

- g. How many intersections would experience a significant impact during the Saturday mid-day peak hour if it were implemented instead of the applicant's project?

Response to Comment B54-27

See Response to Comment B54-20.

Comment B54-28

h. How do these traffic impacts compare to those of the applicant's project?

Response to Comment B54-28

See Response to Comment B54-20.

Comment B54-29

13. Would any other potentially significant environmental impacts of the applicant's project be avoided or reduced if such a commercial/residential scenario were implemented?

Response to Comment B54-29

See Response to Comment B54-20.

Comment B54-30

14. How would such a commercial/residential scenario compare with the applicants project in terms of contributing to relief of the area's housing crisis?

Response to Comment B54-30

See Response to Comment B54-20. Commercial use of a major portion of the Project site would generate more jobs and thus the need for more housing. Residential use of the remainder of the Project site would provide some or all of the housing that might off-set the demand created by the commercial use. Overall commercial use of a major portion of the Project site would do less to contribute to relief of the area's housing crisis than the Project.

Comment B54-31

15. How would such a commercial/residential scenario compare with the applicant's project in terms of implementing recommended air quality and regional planning strategies to increase the density of infill housing so as to reduce urban sprawl impacts on natural resources, reduce air quality emissions due to vehicle miles traveled for commuting purposes and reduce regional congestion through VMT reduction?

Response to Comment B54-31

See Response to Comments B54-20 and B54-30. Such use of the Project site would add commercial services to the local area, but would also add housing demand. Overall, such use of the Project site would do less towards implementing regional strategies related to reducing VMT due to unmet existing housing demand.

Comment B54-32

16. Alternative C analyzes a reduction of the project to 1,700 units. Would you please analyze the potential traffic impacts of a scenario that would include a total of 1,700 units, with 50% being age restricted to seniors (55 years and above). Please provide a comparison of the traffic impacts of such a scenario to the applicant's project and other alternatives analyzed in the Draft EIR.

Response to Comment B54-32

A "hybrid" alternative fitting this description was analyzed by the Project traffic consultant and presented to the Ponte Vista Community Advisory Committee for discussion purposes. This analysis showed that such an alternative would result in significant traffic impacts at 19 intersections, the same number that would result under Alternative A (No Project/Single-Family Homes) analyzed in the Draft EIR. This "hybrid" alternative would result in 360 AM peak hour trips and 458 PM peak hour trips. By way of comparison, the Project would result in significant weekday AM and/or PM traffic impacts at 23 intersections, as well as 636 AM peak hour trips and 760 PM peak hour trips. Trip generation and LOS tables for the hybrid alternative are included in Appendix N to this Final EIR.

Comment B54-33

17. If the percentage of age-restricted (55+) units remained at 25%, how many total units could be permitted while achieving a similar level of traffic impacts to the development scenario set forth in Question 16.

Response to Comment B54-33

See Response to Comment B54-32 for a discussion regarding the "hybrid" scenario. The hybrid scenario envisioned 1,700 units, with 50% age-restricted housing (i.e., 850 units) and 50% non-age restricted housing (850 units). The hybrid scenario would generate 417 PM peak hour trips, excluding the trips associated with the little league fields. Based on a trip generation equivalency, a development of approximately 1,332 units (i.e., 25% or 333 units age-restricted) would generate 417 PM peak hour trips, and therefore would have a similar level of traffic impacts as compared to the hybrid scenario.

Comment B54-34

18. Has the City of Los Angeles approved any R1 subdivisions in an urban area of the City in the last year? If so, please identify the project(s) and where they are located?

Response to Comment B54-34

The City of Los Angeles does not maintain centralized records of all subdivision applications. However, in order to respond to the comment the Advisory Agency of the Planning Department, which processes subdivision approvals, was consulted. Under the City's Municipal Code, an R1 subdivision is one where the use is a detached single family home and minimum lot size is 5,000 square feet. R1 subdivisions

represented the traditional suburban model for the City of Los Angeles, and large areas of the City were planned and zoned R1 as the City was built out.

More recently, however, R1 subdivisions have become the exception rather than the rule. This is the case not only in urbanized areas but in suburbanized areas of Los Angeles as well. The largest new R1 subdivision the Planning Department was able to locate in its records search is a nine lot single-family subdivision located at 601 E. Burwood Avenue, which is located in the Northeast Los Angeles Community Plan area of the City of Los Angeles.

The reason for these changes is that as the City has matured, its planning objectives and priorities have changed. Land costs have dramatically increased, as have resource conservation concerns. Job and population growth, coupled with an inadequate accompanying supply of housing, have led to a recognized and continuing “housing crisis” where new single family homes within the City have become scarce and unaffordable to working families.

From a planning and environmental protection perspective, traditional R1 subdivisions have become disfavored as well. As discussed in the Draft EIR at page IV.F-36, according to the City of Los Angeles General Plan Framework, the distribution and low density of single-family units in the City of Los Angeles necessitates the use of the automobile, which in turn leads to numerous single-purpose vehicle trips, long distances traveled, traffic congestion and air pollution. These densities also inhibit the development of an effective public transportation system in many areas of the City. As discussed in the Draft EIR at pages IV.F-38 – IV.F-39, the City of Los Angeles is a jobs-rich location with a significant and continuing housing shortage, and the General Plan Framework now promotes higher density development near employment centers and along transit corridors to implement “smart growth” planning strategies.

As discussed in the Draft EIR at pages IV.F-46 – IV.F-47, in 2000, The Housing Crisis Task Force, a public/private task force which included the City’s Housing Department, Planning Department, Department of Building and Safety, Housing Authority and Homeless Services Authority published The Housing Crisis Task Force Report. Among its conclusions were the following:

Local land use patterns emphasizing single family housing and automobile transportation have decreased the supply of residential land available for development to nearly zero. This reduction in the supply of land combined with steady population growth within the City’s borders has pushed housing prices up to the point that new rental units cannot be built for less than \$1,000 per month and households earning the median annual income of \$51,300 cannot afford median priced homes in most of the City’s neighborhoods...

This same development pattern strings commercial development out along arterials instead of concentrating it in tidy multi-street commercial grids, bringing street traffic in many areas to a virtual standstill at the same time that low density development combined with multiple destination inter-suburban commutes is creating near gridlock on the freeways. In response to the

existing traffic congestion, nearly all residents, whether in single or multifamily zones, now perceive additional residential development as a generator of intolerable traffic...

The City faces a crisis in housing affordability. Low-income renters must pay more than half their income for rent and only 39 percent of the City's households own their own home. The crisis calls for a new partnership between the development community and the City. The City's land use planning and regulatory tools give it the power to reshape Los Angeles to meet new needs. To develop more affordable units, the City must revise its zoning and building codes to create additional building sites, increase the number of possible units and reduce development costs...

While detached single family homes are still being constructed, they are typically located on smaller lots with significantly reduced yards. For example, to facilitate the continuing market for single family homes, the City of Los Angeles recently passed a small lot ordinance (Ordinance 176354) that permits single family homes on lots as small as 600 square feet with no front, rear or sideyard requirements.

As recognized by the Urban Land Institute in its 2003 publication The Case For Multi-Family Housing, multi-family housing represents the alternative to single family housing, and has become a key component of "smart growth." Multi-family housing makes it possible to house more people on less land, which in turn makes it possible to preserve more open space and natural features than single family home housing. Multifamily housing usually requires less public infrastructure, including roads, sewer and water pipes, and electricity and gas lines. Shared utilities and infrastructure also make multi-family units more energy and resource efficient. Multi-family housing makes housing more affordable, and better supports mass transit. See Appendix F to this Final EIR. See also Appendix I to this Final EIR.

Comment B54-35

19. Is the City currently processing any application(s) for an R1 subdivision in an urban area of the City of Los Angeles? If so, please identify the project(s) and where they are located?

Response to Comment B54-35

See Response to Comment B54-34.

Comment B54-36

20. On November 9,2006, the traffic consulting firm of Linscott, Law, & Greenspan presented written comments and observations regarding the Ponte Vista Traffic Study to Councilwoman Hahn's Community Advisory Committee. A copy of the written comments is attached hereto. Please provide responses to the comments and questions prepared by Linscott, Law and Greenspan therein. Thank you.

Response to Comment B54-36

See Responses to Comments B54a-1 through B54a-47.

Comment B54-37

21. On January 14, 2007, a copy of a report prepared by Priority Engineering Inc. for the Northwest San Pedro, Coastal San Pedro, and Harbor City Neighborhood Councils regarding the traffic study for the project was released to the public and transmitted to the City Planning Department, 15th District Council Office, and the applicant. A copy of this report is attached hereto. The Priority report provides various comments and questions regarding the traffic study in the Draft EIR. Please provide responses to the comments and questions contained in the Priority report. Thank you.

Response to Comment B54-37

See Responses to Comments B54b-1 through B54b-48.

Comment B54-38

22. Although the Draft EIR indicates that the applicant's project will not result in significant traffic impacts south of 1st Street along Western Avenue, the applicant has offered, as a public benefit of its project, to fund the additional ATSACs south along Western from 1st Street to 25th Street recommended by the Western Avenue Task Force. See attached December 5, 2006 letter from Bisno Development Company. Please analyze and describe the traffic circulation benefit that would result by adding these ATSACs. A copy of the Western Corridor Improvement Project proposed by Joint Regional Western Avenue Task Force is attached hereto.

Response to Comment B54-38

See Topical Response 11, Traffic. A more specific discussion regarding traffic signal synchronization improvements (i.e., ATSAC and ATCS) is provided on page IV.J-111 of the Draft EIR. As stated in the Draft EIR, the credit to the calculated v/c ratio authorized by LADOT for purposes of funding ATSAC and ATCS improvements is 0.07 and 0.03, respectively, for a total of 10 percent. See also Response to Comment B57-3. The traffic signal synchronization improvements would be effective through the day, not just during peak hours. The level of mitigation credit authorized by LADOT is based on actual before-and-after field studies conducted by LADOT to assess the effectiveness of the synchronization systems. In most cases, the measured improvements in traffic flow exceed the credit allowed by LADOT for traffic mitigation purposes. As an example, Caltrans in its report to the Western Avenue Task Force, estimates that installation of a synchronized traffic signal system would improve the calculated v/c ratio by 12 percent (0.12) which is greater than the total 10 percent (0.10) credit allowed by LADOT for installation of ATSAC and ATCS. Therefore, the potential benefit of the ATSAC/ATCS installation for traffic mitigation as assumed in the Traffic Study is appropriately conservatively (i.e., does not overstate the potential benefit).

Comment B54-39

We respectfully request that the following enclosed materials, which were prepared for Councilwoman Hahn's Community Advisory Committee, be included as part of the record:

- Narrative describing the proposed master plan for the Ponte Vista Project prepared by principal architects McLarand, Vasquez, Emsiek & Partners for the November 30, 2006 Community Advisory Committee meeting.

Response to Comment B54-39

The narrative describing the proposed master plan for the Project is included in Comment Letter B54b and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54-40

- Highlights of the Economic and Fiscal Impact Report and Housing Assessment for the Proposed Ponte Vista Project prepared by Hamilton, Rabinovitz & Alschuler, Inc. for the November 30, 2006 Community Advisory Committee meeting.

Response to Comment B54-40

The Highlights of the Economic and Fiscal Impact Report and Housing Assessment for the Project is included in Comment Letter B54b and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54-41

- Highlights of the Ponte Vista Community Outreach Program prepared for the November 30, 2006 Community Advisory Committee meeting.

Response to Comment B54-41

The Highlights of the Ponte Vista Community Outreach Program is included in Comment Letter B54b and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54-42

- The \$500,000 question: "What exactly can you get for L.A.5 median price of half-a-million?"
A comparison of housing developments prepared for the Community Advisory Committee December 9, 2006 tour.

Response to Comment B54-42

The document titled, “The \$500,000 question: ‘What exactly can you get for L.A.’s median price of half-a-million?’” is included in Comment Letter B54b and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B54a**Linscott, Law, and Greenspan, Engineers****234 E. Colorado Blvd., Suite 400****Pasadena, CA 91101*****Comment B54a-1*****I. Introduction**

Linscott, Law & Greenspan Engineers (LLG) is the consulting traffic engineer for the Ponte Vista project, and prepared the Traffic Study for the project under the supervision of the City of Los Angeles Department of Transportation (LADOT). This memorandum is intended to assist the Ponte Vista Working Group in its consideration of traffic and transportation issues by summarizing the methodology used in preparation of the Traffic Study, highlighting its key conclusions, and by providing useful observations for the Working Group’s consideration.

Response to Comment B54a-1

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments B54a-2 through B54a-47.

Comment B54a-2**II. Traffic Study Methodology**

The Traffic Study was prepared in accordance with LADOT’s adopted policies, procedures and standards. LADOT is responsible for the final determination of the potential traffic impacts of the project and recommended traffic mitigation measures.

Response to Comment B54a-2

This comment correctly summarizes the Traffic Study Methodology used for the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-3**A. Study Intersections**

The Traffic Study utilizes a number of methodologies for evaluating potential traffic and transportation impacts. The principal methodology is to evaluate traffic impacts based on a review of intersection impacts. LADOT's methodology focuses on intersections because they are the points in the City's street network where congestion is most likely to occur and, therefore, are where the additional traffic generated by the project would have its greatest potential to cause adverse effects.

Following consultation with LADOT and based on input received during the public scoping process, 52 area intersections were designated for study. The study intersections cover a wide geographic region include [sic] intersections located in the City of Los Angeles, City of Rancho Palos Verdes, and other nearby communities. A map depicting the location of the study intersections appears below as Figure A.

Each of the 52 study intersections was examined using the traffic analysis procedures and significant impact thresholds adopted by the City of Los Angeles. In addition, although not required by LADOT policy or CEQA, for those intersections located outside the City of Los Angeles, the Traffic Study supplements the City's analysis with analysis based on the procedures and methodologies utilized by the city in which the intersection is located. Thus, for example, intersections in the City of Rancho Palos Verdes were examined using the traffic impact analysis methodologies of both the City of Los Angeles and Rancho Palos Verdes.

Response to Comment B54a-3

This comment correctly summarizes the Traffic Study Methodology used for the study intersections of the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-4**B. Peak Hour and Existing Conditions**

Traffic congestion is at its greatest levels during what is known as the "peak" hour of traffic, i.e., the one-hour segment when the most people are commuting to and from work. Because these periods represent the highest potential for significant traffic impacts caused by new development, potential project impacts to intersections were analyzed at the weekday morning and evening "peak" hour of traffic.

In order to identify the morning and evening "peak" hour for each intersection, traffic counts were taken at the 52 study intersections during the weekday morning and afternoon commuter peak hours (7:00 to 10:00 a.m. and 3:00 to 6:00 p.m.). Additional counts were taken at intersections along Western Avenue during a Saturday midday peak period (12:00 to 3:00 p.m.). The peak one-hour segment (e.g.,

7:30-8:30 a.m.) was determined for each study intersection for both AM and PM. Traffic counts were conducted in 2005 while local schools were in session.

Response to Comment B54a-4

This comment correctly summarizes the meaning and methodology of Peak Hour and Existing Conditions used for the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-5

C. Future Pre-Project Conditions

At the time the project is completed and occupied, it is likely that additional traffic may be added to the street network from sources such as other projects and job growth. Therefore, the Traffic Study estimates future pre-project traffic conditions in accordance with LADOT policies and procedures to provide a baseline against which the project's traffic impacts can be assessed. The Traffic Study uses 2012, the year the project would be expected to be built out, as the future baseline date.

To forecast year 2012 pre-project conditions, the Traffic Study utilizes two separate, though overlapping, techniques in accordance with LADOT practices and policy. First, the Traffic Study assumes that traffic will grow by a factor of 1% each year until 2012 when the project is completed. The source of the 1% annual growth factor is the Metropolitan Transportation Authority (MTA), through its computer traffic modeling efforts prepared for subregions of Los Angeles County, including the South Bay/Harbor area. Second, in addition to the 1% annual growth factor, the Traffic Study also assumes the build-out of all identified "related" development projects proposed in Los Angeles and other nearby communities in the vicinity of the Ponte Vista project. As a result of the scoping process, 175 "related" projects are considered in the Traffic Study. See Table IV.J-9 in the Draft EIR for a list of the related projects. Finally, in accordance with LADOT practice and policy, the Traffic Study assumes that the "related" projects will not be accompanied by any traffic mitigation measures. In actuality, however, most major projects are accompanied by traffic mitigation because of the requirements of CEQA. The intention of this methodology is to provide a "worst case" scenario against which to assess potential traffic impacts and identify mitigation measures. However, as discussed below, in the opinion of LLG, this methodology is likely to significantly overstate future traffic conditions in the vicinity of the project. See Section III.E., below.

Response to Comment B54a-5

This comment correctly summarizes the Future Pre-Project Conditions, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-6**D. Trip Generation and Impact Thresholds**

The Traffic Study's forecast of project traffic is based on rates recommended in the *Trip Generation* manual published by the Institute of Transportation Engineers (ITE). The ITE developed these trip rates based on traffic counts conducted at existing development sites (e.g., existing condominium complexes, existing senior residential facilities, etc.). See Table IV.J-7 in the Draft EIR for the Ponte Vista trip generation forecast.

The Traffic Study identifies intersection "impacts" based on the City's adopted thresholds of significance. These thresholds of significance are determined by acceptable Volume-to-Capacity ratio (v/c ratio) increases for intersections that function at different Level of Service (LOS). The City's thresholds of significance are set forth in Table I below:

Table I

CITY OF L.A. INTERSECTION IMPACT THRESHOLD CRITERIA		
LOS	Final V/C	Project-Related V/C Increase
A and B	Not applicable	Not applicable
C	0.701 – 0.800	Equal to or greater than 0.040
D	0.801 – 0.900	Equal to or greater than 0.020
E and F	0.901 or greater	Equal to or greater than 0.010

Response to Comment B54a-6

This comment correctly summarizes the Trip Generation and Impact Thresholds, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-7**III. Highlights and Observations Regarding the Ponte Vista Traffic Study¹ [footnote reference in original letter]****A. Project Impacts**

The Traffic Study concludes that the project would create significant traffic impacts at 23 intersections (prior to consideration of traffic mitigation) during the weekday AM and PM peak hours.

During the Saturday midday peak hour, the project is expected to create significant traffic impacts at 10 intersections (again, prior to mitigation). Nine of these intersections are the same locations that would be impacted during the weekday AM and/or PM peak hours.

Response to Comment B54a-7

This comment correctly summarizes the Project impacts related to intersections, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-8

¹ The Draft Environmental Impact Report (DEIR) for Ponte Vista discusses traffic in Section IV.J, Transportation and Traffic. The Traffic Study itself is contained in Appendix IV.J-1 of the DEIR.

Response to Comment B54a-8

This comment contains source information for a previous comment, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-9

B. Mary Star of the Sea High School Impacts

As a community benefit, the Ponte Vista project proposes to provide vehicular access through its site to serve the proposed Mary Star of the Sea High School in order to enable school-related traffic to avoid impacting the Taper Avenue neighborhood. The Mary Star of the Sea High School is not part of the project, and was previously approved by the City of Los Angeles. Nonetheless, the Traffic Study considers the Mary Star High School traffic impacts along with the Ponte Vista development, resulting in 2 additional intersections being significantly impacted during the weekday AM and/or PM peak hours.² The Traffic Study also concludes that Mary Star of the Sea High School traffic would result in significant impacts even if the Ponte Vista project were not built.

Response to Comment B54a-9

This comment correctly summarizes the Project impacts related to Mary Star of the Sea High School, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-10**C. Traffic Mitigation Measures**

The Traffic Study identifies mitigation measures that mitigate all of the significant impacts of the project. The applicant proposes to fund all off-site mitigation measures before building permits are issued to construct any residential building within the project. Accordingly, mitigation measures for the entirety of the 2,300 units proposed should be in place well-before the project is completed.

Response to Comment B54a-10

This comment correctly summarizes the definition of mitigation measures and the person responsible, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-11

1. Western Avenue Task Force Recommendations. In developing the recommended traffic mitigation measures, the Traffic Study relied extensively on the work of the Western Avenue Task Force. The Western Avenue Task Force was a working group of residents and technical staff from the Cities of Los Angeles and Rancho Palos Verdes charged with studying and recommending transportation improvements for Western Avenue. In the summer of 2005, the California Department of Transportation (Caltrans), which oversaw the Task Force, issued a report based on the group's recommendations. The Traffic Study incorporates the key recommendations from the Western Avenue Task Force report as mitigation measures for the project, as discussed below.

Response to Comment B54a-11

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-12

2. Traffic Signal Synchronization (ATSAC/ATCS). Based on the recommendations of the Western Avenue Task Force, the Traffic Study proposes the traffic signal synchronization system known as ATSAC (Automated Traffic Surveillance and Control), as well as its more recent upgrade ATCS (Adaptive Traffic Control System), as its primary mitigation strategy.

ATSAC and ATCS provide for the immediate exchange of information and instructions through the use of traffic sensors and fiber optic cables connecting to a central computer system, which enables traffic signals to respond in a real time manner to changes in traffic conditions. Intersection cameras also allow engineers to visually monitor operations and respond to problems. The result is that ATSAC/ATCS

equipped intersections are able to move a higher capacity of vehicles in a shorter time. The Western Avenue Task Force report estimates that this computerized synchronization will improve the calculated Levels of Service (LOS) at intersections in the Western Avenue corridor by an average of 12 percent.

The Western Avenue Task Force report recommended the installation of traffic signal synchronization such as ATSAC/ATCS at 16 existing signalized intersections on the Western Avenue Corridor between Palos Verdes Drive North and 25th Street. Based on the project's potential impacts, the Traffic Study recommends the funding of ATSAC/ATCS at 24 intersections, including 11 of the 16 intersections recommended for traffic signal synchronization by the Western Avenue Task Force.

Response to Comment B54a-12

This comment correctly summarizes the definition and purpose of ATSAC/ATCS, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-13

² Mary Star High School is not expected to result in significant traffic impacts at any intersections during the Saturday midday peak hour.

Response to Comment B54a-13

This comment correctly states the impacts of Mary Star High School, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-14

3. Widening of Western Avenue. The Western Avenue Task Force also recommended widening of Western Avenue to provide for a third through travel lane in each direction. Consistent with such recommendation, the Traffic Study recommends the widening of Western Avenue along the Ponte Vista project site to provide a third northbound lane of traffic on Western Avenue.

Response to Comment B54a-14

This comment correctly summarizes the recommendation of widening Western Avenue by the Western Avenue Task Force, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-15

4. Additional Physical Improvements. The Traffic Study also recommends additional physical street improvements such as minor street widening and/or roadway restriping to provide additional turn lanes at six “off-site” intersections. In some cases the physical improvements would enhance synchronization systems proposed as project mitigation, while in others (e.g., along the Pacific Coast Highway corridor) the improvements would enhance synchronization systems to be funded from other sources. For a list of physical improvements, see pages 1V.J-111 through 1V.J-117 of the Draft EIR.

Response to Comment B54a-15

This comment correctly summarizes the recommendation of additional physical improvements, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-16

5. Public Transit Enhancements. In addition to traffic signal improvements and physical mitigation measures, the Traffic Study recommends access enhancements for the project to public transit including:

- Install bus turnout lanes and shelters on Western Avenue adjacent to the project site in coordination with the MTA.
- Coordinate with LADOT to extend existing San Pedro DASH service to the project site.

Response to Comment B54a-16

This comment correctly summarizes and lists additional traffic improvements to transit, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-17

- D. The Proposed Mitigations Will Eliminate All Project Impacts and Would Further Improve Future Pre-Project Conditions.

The Traffic Study recommends traffic mitigation improvements at a total of 28 intersections³. At nearly all of these intersections, the recommended mitigation would not only eliminate the project impacts, but would improve intersection operations during the peak hours as compared to the future pre-

project conditions. As an illustration, the following chart shows such improvement at two key intersections, Western Avenue at Avenida Aprenda, and the “Five Points” intersection:

Intersection	Future pre-project volume-to-capacity (v/c) ratio for AM/PM peak hours	Future with-project (and mitigation) v/c ratios for AM/PM peak hours	Mitigation’s Improvement over Future Pre-Project (AM and PM Peak Hours)
Western Avenue/Avenida Aprenda - Proposed Project Access	AM: 1.105 PM: 0.709	AM: 0.884 PM: 0.650	AM: approximately 20% improvement PM: approximately 8% improvement
Vermont Avenue - Palos Verdes Drive North - Anaheim Street-Gaffey Street (5-points)	AM: 0.948 PM: 1.069	AM: 0.882 PM: 1.021	AM: approximately 7% improvement PM: approximately 4% improvement

In addition, because as discussed in Section III.E below, the Traffic Study significantly overstates pre-project traffic baseline levels, the proposed mitigation measures will likely result in even greater traffic mitigation benefits than forecast in the Traffic Study.

Response to Comment B54a-17

This comment is consistent with the analysis and conclusions contained in Section IV.J (Transportation and Traffic) of the Draft EIR.

Comment B54a-18

³ This includes all intersections with significant impacts as a result of the project and/or the Mary Star of the Sea High School, the main project entrance (which is not included as a significantly impacted intersection) and one unimpacted intersection where improvements would enhance project mitigation at a nearby impacted intersection.

Response to Comment B54a-18

This comment correctly clarifies intersections with significant impacts, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-19

- E. The Traffic Study Overstates Future Pre-Project Traffic Conditions

The Traffic Study is prepared in accordance with the procedures, policies and standards of LADOT. However, in the opinion of LLG, the Traffic Study significantly overstates potential traffic increases on the street network in the project vicinity between 2005 and 2012 (the projected year of project build-out) for the following reasons:

- Use of the 175 “related” projects in addition to the 1% annual growth factor is redundant. MTA’s 1% annual growth factor is based on planning growth documents such as build-out of General Plans for cities throughout Los Angeles County, which includes traffic from all sources, including “related” development projects. In addition, no other major project is proposed for the immediate vicinity of the project. By using both the 1% annual growth factor and the estimated traffic from the 175 “related” projects, the Traffic Study may as much as double the assumed 2005 - 2012 traffic growth in the vicinity of the project.

Response to Comment B54a-19

This comment confirms and offers supporting evidence that the Traffic Study significantly overstates potential traffic increases on the street network in the Project vicinity between 2005 and 2012, which is consistent with the analysis and conclusions contained in Section IV.J (Transportation and Traffic) of the Draft EIR. It is also noted that the independent third-party report prepared by Priority Engineering also concurs that the traffic study overstates cumulative traffic growth. See Comment B54b-16 and Comment B54b-17.

Comment B54a-20

- As discussed earlier, the Traffic Study assumes that none of the 175 “related” projects (which include the Bridge to Breakwater project) will provide any mitigation measures. In actuality, most major projects will be accompanied by traffic mitigation measures that would reduce congestion from the pre-project levels forecast in the Traffic Study.

Response to Comment B54a-20

This comment confirms and offers supporting evidence that the Traffic Study significantly overstates potential traffic increases on the street network in the Project vicinity between 2005 and 2012, which is consistent with the analysis and conclusions contained in Section IV.J (Transportation and Traffic) of the Draft EIR. As noted in Response to Comment A10-114, the Bridge to Breakwater project has been significantly revised and down-sized.

Comment B54a-21

- The Traffic Study assumes that all of the “related” projects will be built as proposed - even where they have yet to be approved. For example, the Traffic Study assumes that the Bridge to Breakwater project (which is still in the conceptual stage and has not released an EIR) will be approved as proposed without any traffic mitigation measures. This is an unrealistic

assumption. In actuality, many “related” projects are not approved as proposed; most major projects are accompanied by traffic mitigation; and even where approved, many “related” projects are not actually developed.

Response to Comment B54a-21

This comment offers supporting evidence that the Traffic Study significantly overstates potential traffic increases on the street network in the Project vicinity between 2005 and 2012, which is consistent with the analysis and conclusions contained in Section IV.J (Transportation and Traffic) of the Draft EIR. See Response to Comment B45a-20. It is correct that most major projects are accompanied by traffic mitigation, and that many related projects are not approved, or developed, as proposed.

Comment B54a-22

- The Traffic Study assumes that trips from “related” projects are all independent from one another. For example, the Traffic Study counts a new trip leaving a new residential complex separately and additively from a trip arriving at a new retail center. In actuality, the two trips between the new projects may be made by a single vehicle.

Response to Comment B54a-22

This comment offers supporting evidence that the Traffic Study overstates potential traffic increases on the street network in the Project vicinity between 2005 and 2012, which is consistent with the analysis and conclusions contained in Section IV.J (Transportation and Traffic) of the Draft EIR. It is correct that traffic analysis methodologies “double count” what may in fact be single trips between two new projects.

Comment B54a-23

In the opinion of LLG, if a separate traffic analysis were prepared that took these factors into account, it is likely that the impacts projected for the project would be reduced from those projected and that the benefit of the project’s mitigation measures would be greater than indicated in the Traffic Study.

Response to Comment B54a-23

This comment summarizes the preceding comments and offers supporting evidence that the Traffic Study significantly overstates potential traffic increases on the street network in the Project vicinity between 2005 and 2012, which is consistent with the analysis and conclusions contained in Section IV.J (Transportation and Traffic) of the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-24**IV. Alternatives Evaluated in the Draft EIR and Other Development Options**

As an additional tool for evaluating environmental impacts and facilitating informed decisionmaking, the DEIR analyzes a range of alternatives that will both achieve the basic project objectives and reduce the project's significant environmental effects. With respect to traffic impacts, the analysis of project alternatives offers a useful comparison for understanding the range of traffic impacts from various development scenarios and the effects of mitigation.

This section summarizes the three alternatives analyzed in the DEIR,⁴ as well as other traffic scenarios, including the Base Reuse plan previously approved for the site by the City of Los Angeles in 1999, and a "hybrid" scenario that blends key elements of two of the alternatives analyzed in the DEIR. Each of these alternatives and their traffic impacts are described briefly below.

Response to Comment B54a-24

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments B54a-25 through B54a-33.

Comment B54a-25

- Single Family Housing (Draft EIR Alternative A)

This alternative would retain the existing R1 zoning for the property. Although the zoning potential of the property is greater, the Draft EIR assumes that 429 single family residential units would be constructed, and forecasts significant traffic impacts at a total of 19 intersections. This significant traffic impact is due in part to the fact that single family homes typically involve a greater number of residents and vehicles per unit as compared with multi-family housing. Multi-family units-particularly age-restricted housing-have a significantly lower peak period trip generation potential as compared to single family development. Alternative A would also result in potential impacts to the Taper Avenue neighborhood because such alternative would not provide a road connecting Mary Star of the Sea High School to Western Avenue.

Response to Comment B54a-25

This comment correctly summarizes Alternative A and its resulting traffic impacts, as analyzed on pages VI-75 through VI-76 of the Draft EIR. The discussion of the trip generation rate for single-family residential uses is accurate.

Comment B54a-26

⁴ The DEIR also analyzes alternative sites. However, because the traffic impacts are not significantly different for the alternate locations, this analysis is not summarized here.

Response to Comment B54a-26

The alternative referenced in this comment is Alternative D in Section VI (Alternatives to the Project) of the Draft EIR.

Comment B54a-27

- Increased Age-Restricted (Draft EIR Alternative B)

Alternative B would retain the 2,300 units proposed by the project, but would increase the percentage of age restricted units from 25% to 50%. This scenario results in a total of 21 intersections with significant traffic impacts. As compared with the 23 intersections impacted by the proposed project, this analysis illustrates the effect of increasing the number of age-restricted units. During the weekday commute hours, senior housing units generate the equivalent of approximately 25% of the vehicle trips generated by non-restricted residential condominiums. The relative reduction in peak hour traffic for senior housing as compared to non-restricted residential condominiums is due to various factors, including the tendency of persons residing in age-restricted community (1) to commute less (if at all) to a job on a regular basis; (2) not to have children to transport to school, and (c) [sic] to generally have the flexibility to schedule trips (such as shopping, recreational, or other appointments) outside of commuter peak periods.

Response to Comment B54a-27

This comment correctly summarizes Alternative B and its resulting traffic impacts, as analyzed on pages VI-76 through VI-77 of the Draft EIR. The discussion of the trip generation rate for senior-restricted residential uses is accurate.

Comment B54a-28

- Reduced Project (Draft EIR Alternative C)

Alternative C would reduce the total number of units to 1,700 and would retain the same percentage of age-restricted units (25%) as the proposed project. This combination results in a significant traffic impact at 20 intersections. As compared with 23 impacted intersections with the proposed project, this analysis demonstrates the effect of decreasing the number of total units.

Response to Comment B54a-28

This comment correctly summarizes Alternative B and its resulting traffic impacts, as analyzed on pages VI-77 through VI-78 of the Draft EIR.

Comment B54a-29

- Reduced Project and Increased Age-Restricted “Hybrid” Scenario

For purposes of discussion with the Working Group, LLG analyzed a “hybrid” alternative that would combine the reduction in total units (Alternative C) with an increased percentage of age-restricted units (Alternative B). Under this scenario, there would be 1,700 units, 50% of which would be age-restricted. This alternative would result in significant traffic impacts at 19 intersections, the same number that would result from a single family (R1) alternative.

Response to Comment B54a-29

This comment addresses a development scenario that was not analyzed in the Draft EIR but was presented as a hypothetical development scenario to the Ponte Vista Working Group for informational purposes only. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-30

- Base Reuse Plan

In 1997 the project site and other related parcels were declared surplus property by the federal government. In 1998 the City of Los Angeles, acting as the Local Redevelopment agency, appointed a citizen advisory committee, the 1998 San Pedro Area Reuse Committee (SPARC) to create a reuse plan for those Parcels (the “Base Reuse Plan”). SPARC met regularly between January and July, 1998, and again in April, 1999. The SPARC recommendations were forwarded to the City Council for final action and the proposed Base Reuse Plan was adopted by the City Council on April 16, 1999. The Base Reuse Plan included: (1) a storage and distribution center for homeless needs on less than one acre; (2) 76 units of homeless veterans transitional housing on approximately nine acres; (3) 200,000 square feet of biomedical research facilities and 144 units of refurbished duplexes on 46 acres; and (4) six acres for education or recreational use.

Though it approved the proposed Base Reuse Plan, the City Council acknowledged that the Plan was not consistent with the Low Residential General Plan designation and the R1 zoning designation of the property and that a General Plan amendment/zone change would be necessary. The City Council also acknowledged that the Base Reuse Plan would result in potential traffic impacts and that a traffic study would be required to identify mitigation measures. An EIR was not prepared for the Base Reuse Plan because Harbor-UCLAIREI (the proponent of the biomedical research facility and housing project) did not go forward with the Plan.

The Base Reuse Plan alternative would result in significant traffic impacts at 27 intersections. Thus, the most recent development option for the site to receive community support and City approval

would have resulted in a substantially greater traffic impact than the project or any other analyzed alternative.

Response to Comment B54a-30

This comment addresses a development scenario that represents a variation on the land uses proposed for the Project site by the Base Reuse Plan adopted by the City Council in 1999. The summary of the Base Reuse Plan and its background is correct. This development scenario was not analyzed in the Draft EIR but was presented as a hypothetical development scenario to the Ponte Vista Community Advisory Committee for informational purposes only. The City of Los Angeles has not performed an analysis of the potential traffic impacts of the Base Reuse Plan, though it is likely that its development would result in significant traffic impacts requiring mitigation. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-31

V. Observations Regarding Alternative Scenarios

Table 11, below, provides a chart comparing the traffic impacts for each scenario. As seen from this chart, the range of traffic impacts among the solely residential options is relatively narrow, from a low of 19 intersections impacted under the single family housing (R1) option, to 23 impacted intersections with the proposed project. The traffic impacts from each alternative can be fully mitigated.

Response to Comment B54a-31

This comment makes observations regarding the traffic impacts of the Project as compared to the traffic impacts of Alternatives A, B, and C. These observations are consistent with the analysis on pages VI-73 through VI-78 in Section VI (Alternatives to the Project) of the Draft EIR.

Comment B54a-32

Comparison of the alternative scenarios discussed provides several instructive points to consider. First, all of the scenarios (including R1 development) will result in substantially similar traffic impacts. Alternative A (R1 zoning) would result in 19 impacted intersections. Among the solely residential options, the maximum difference in weekday traffic impacts is only 4 impacted intersections (19 compared with 23).

Response to Comment B54a-32

This comment makes observations regarding the traffic impacts of the Project as compared to the traffic impacts of Alternatives A, B, and C. These observations are consistent with the analysis on pages VI-73 through VI-78 in Section VI (Alternatives to the Project) of the Draft EIR.

Comment B54a-33

Second, unit count alone is not the only factor to consider in reducing the traffic impacts. Single family use generates more trips than multi-family use. As compared to Alternative A (429 units), Alternative C (1,700 units) impacts only one additional intersection. By varying the amount of senior restricted housing, additional traffic mitigation can be achieved. For example, by increasing the percentage of senior restricted housing to 50% in the hybrid scenario (1,700 units), the number of impacted intersections can be reduced to 19, which is the same number of intersections impacted by Alternative A (R1 zoning - 429 units). The “peak” hour trip generation for his hybrid multi-family scenario is also only slightly higher than that of Alternative A (R1 zoning) even though much more housing is provided.

Response to Comment B54a-33

This comment makes observations regarding the traffic impacts of the Project as compared to the traffic impacts of Alternatives A, B, and C. These observations are consistent with the analysis on pages VI-73 through VI-78 in Section VI (Alternatives to the Project) of the Draft EIR. The comment also makes observations regarding a development scenario that was not analyzed in the Draft EIR (the “hybrid scenario”) but was presented as a hypothetical development scenario to the Ponte Vista Community Advisory Committee for informational purposes only.

Comment B54a-34**Table II****COMPARISON OF TRAFFIC CHARACTERISTICS****DEVELOPMENT SCENARIOS AT PONTE VISTA SITE**

DEVELOPMENT SCENARIO	DEVELOPMENT PROGRAM	WEEKDAY PEAK HOUR TRIPS	NO. OF IMPACTED INTERSECTIONS (WEEKDAY AM/PM PEAK HOURS) [1]
PONTE VISTA PROJECT	- 2,300 Residential Units (25% Age-Restricted) - 6 Acre Public Park	- 636 AM Peak Hour Trips - 760 PM Peak Hour Trips	23 Intersections
DEIR ALTERNATIVE A	429 Single Family Homes	- 322 AM Peak Hour Trips - 433 PM Peak Hour Trips	19 Intersections
DEIR ALTERNATIVE B	- 2,300 Residential Units (50% Age-Restricted) - 6 Acre Public Park	- 486 AM Peak Hour Trips - 605 PM Peak Hour Trips	21 Intersections

DEIR ALTERNATIVE C	- 1,700 Residential Units (25% Age-Restricted) - 6 Acre Public Park	- 47 1 AM Peak Hour Trips - 573 PM Peak Hour Trips	20 Intersections
BASE REUSE PLAN (City Council 1999)	- 1 Acre Storage/Distribution Center for Homeless - 76 Units Transitional Housing for Homeless - 200,000 S.F. Biomedical Research - 144 Units Residential - 6 Acre Educational Use (600 Students)	- 809 AM Peak Hour Trips - 424 PM Peak Hour Trips	27 Intersections
HYBRID SCENARIO	- 1,700 Residential Units (50% Age-Restricted) - 6 Acre Public Park	- 360 AM Peak Hour Trips - 458 PM Peak Hour Trips	19 Intersections

[1] Does not include Mary Star of the Sea High School.

Response to Comment B54a-34

This comment makes observations regarding the traffic impacts of the Project as compared to the traffic impacts of Alternatives A, B, and C. These observations are consistent with the analysis on pages VI-73 through VI-78 in Section VI (Alternatives to the Project) of the Draft EIR. The comment also makes observations regarding two development scenarios that were not analyzed in the Draft EIR (the “Base Reuse Plan” and “hybrid scenario”) but were presented as hypothetical development scenarios to the Ponte Vista Community Advisory Committee for informational purposes only.

Comment B54a-35

VI. Regional Traffic Planning Observations

The Traffic Study focuses on the analysis and mitigation of localized traffic impacts. However, regional planning and environmental agencies, including the City of Los Angeles, agree that traffic and transportation considerations should not necessarily be limited to local impact issues.

Response to Comment B54a-35

This comment notes the different focus of the Traffic Study, which focuses on the analysis and mitigation of localized traffic impacts, in accordance with LADOT policy, and regional planning and environmental agencies. This observation is accurate and consistent with the analysis approach taken in Section IV.J (Transportation and Traffic) of the Draft EIR. For example, pages IV.J-97 through IV.J-104 of the Draft EIR contain an analysis of the Project’s consistency with relevant regional policies prescribed by SCAG related to transportation, traffic, and transit.

Comment B54a-36

Los Angeles is a major population and job center that has failed to keep pace with the demand for housing. As a result, new housing construction has been pushed further and further from job centers, resulting in “urban sprawl” environmental impacts. These impacts include the elimination of natural resources in outlying areas, freeway congestion, and air pollution from long-distance automobile commuting trips. An associated effect of this housing shortfall has been the dramatic run-up of housing prices and rents that has occurred in urban areas located close to jobs.

Response to Comment B54a-36

The Draft EIR contains an analysis of the Project’s consistency with relevant regional policies intended to reduce typical urban sprawl impacts such as those noted in the comment. See Sections IV.B (Air Quality), IV.H (Population and Housing), IV.F (Land Use), IV. J (Transportation and Traffic), and VI (Alternatives to the Proposed Project). Pages IV.J-97 through IV.J-104.

Comment B54a-37

The jobs-housing imbalance is particularly acute in the San Pedro and Wilmington-Harbor City areas, where the ports of Los Angeles and Long Beach (together the world’s fifth-busiest port) create one of the largest employment centers in the Southern California region. Further, Port-related employment is forecast to dramatically grow. According to the Draft EIR, Port-related employment (centered in the Wilmington-Harbor City/San Pedro area) currently accounts for approximately 500,000 jobs in the region. Moreover, a study by the Los Angeles County Economic Development Corporation projects the potential for an additional one million jobs in Southern California related to international trade growth over the next 25 years. Thus, traffic in the vicinity of the project will continue to grow even if no new housing is added. Moreover, notwithstanding the large number of jobs generated in the area by the Ports and other large employers, very little new housing has been constructed in the area. For example, the Draft EIR indicates that only approximately 524 net new dwelling units were added in Wilmington-Harbor City/San Pedro over the last six years.

Response to Comment B54a-37

The Draft EIR contains an analysis of the manner in which the Project will address area jobs-housing balance issues. See Sections IV.B (Air Quality), IV.H (Population and Housing), IV.F (Land Use), IV.J (Transportation and Traffic), and VI (Alternatives to the Proposed Project). Pages IV.H-24 through IV.H-25 of the Draft EIR.

Comment B54a-38

Regional planners and local governments have responded to these issues by adopting various policy initiatives collectively known as “smart growth,” for example *the Regional Comprehensive Plan and Guide, the Southern California Compass Growth Vision, the Regional Transportation Plan, the Air*

Quality Management Plan, the Congestion Management Program, the Housing Crisis Task Force Report and the City of Los Angeles General Plan Framework Smart growth policies seek to reduce the environmental impacts of urban sprawl by encouraging infill residential development in urban areas. Smart growth policies also seek to promote the more efficient use of scarce land resources and more affordable housing by encouraging increased residential density.

Response to Comment B54a-38

The Draft EIR contains an analysis of the Project's consistency with relevant regional policies intended to reduce typical urban sprawl impacts, including those policies noted in the comment. See Sections IV.B (Air Quality), IV.H (Population and Housing), IV.F-21 through IV.F-49 (Land Use), IV.J (Transportation and Traffic), and VI (Alternatives to the Proposed Project).

Comment B54a-39

The Ponte Vista project responds to these issues and policies by locating medium-density housing along Western Avenue, which is a major transportation corridor, and thereby promoting the use of public transportation. The proximity of the project to major employment centers will also help to reduce both existing and future commuting trips to the area, consistent with "smart growth" policies. The spectrum of housing types proposed by this project will increase affordability and make it more feasible for those who presently cannot afford to live close to their employment to purchase homes closer to their workplace.

Response to Comment B54a-39

With respect to such issues and policies, the Draft EIR reaches similar conclusions. See Sections IV.B (Air Quality), IV.H (Population and Housing), IV.F (Land Use), IV.J (Transportation and Traffic), and VI (Alternatives to the Proposed Project). See Topical Response 11 regarding public transit service accessible from the Project site. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-40

VII. Conclusions

To summarize several highlights of the Draft EIR and Traffic Study:

- The project impacts 23 study intersections

Response to Comment B54a-40

This comment is consistent with the analysis and conclusions contained in Section IV.J (Transportation and Traffic) of the Draft EIR.

Comment B54a-41

- All project traffic impacts can be mitigated to a less-than-significant level

Response to Comment B54a-41

This comment is consistent with the analysis and conclusions contained in Section IV.J (Transportation and Traffic) of the Draft EIR.

Comment B54a-42

- The Traffic Study significantly overstates the potential traffic impacts due to the “worse case” methodologies employed by LADOT.

Response to Comment B54a-42

This comment is consistent with the analysis and conclusions contained in Section IV.J (Transportation and Traffic) of the Draft EIR. See Response to Comment B54a-19.

Comment B54a-43

- Mitigation measures will improve traffic over future pre-project conditions

Response to Comment B54a-43

With respect to most intersections studied, this comment is consistent with the analysis and conclusions contained in Section IV.J (Transportation and Traffic) of the Draft EIR.

Comment B54a-44

- Traffic impacts of all residential alternative development scenarios are substantially similar.

Response to Comment B54a-44

The comment is correct in terms of the relative number of intersections that would be significantly impacted, and that the mitigation measures could reduce the potential impacts of each residential alternative to a less than significant level. See Section IV.J (Transportation and Traffic) of the Draft EIR.

Comment B54a-45

- The project is consistent with regional “smart growth” strategies for addressing regional traffic and transportation issues.

Response to Comment B54a-45

See Response to Comment B54a-38.

Comment B54a-46

We hope this memorandum provides a useful basis for the Working Group to begin to digest the Traffic Study and Draft EIR. We welcome the opportunity to hear your questions and comments at the Working Group meeting on November 9, 2006 and look forward to discussing the Traffic Study with you in further detail at that time.

Response to Comment B54a-46

This comment contains closing remarks, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B54a-47

Table IV.J-10
City of Los Angeles Weekday Summary of Volume to Capacity Ratios and Levels of Service Summary

No	Intersection	Peak Hour	Column 1		Column 2		Column 3		Column 4a				Column 4b			Column 5			Mitigated ³	
			Year 2005 Existing		Year 2012 w/ Ambient Growth		Year 2012 Future Pre-Project1		Year 2012 Future Pre-Project w/ Mary Star2		Change V/C (4a) – (3)	Significant Impact	Year 2012 Future w/ Project		Change V/C (4b) – (4a)	Significant Impact	Year 2012 Mitigation for Project and Mary Star			Change V/C (5) – (3)
			V/C	LOS	V/C	LOS	V/C	LOS	V/C	LOS			V/C	LOS			V/C	LOS		
1	Hawthorne Blvd / Sepulveda Blvd	AM	1.024	F	1.095	F	1.172	F	1.172	F	0.000	NO	1.174	F	0.002	NO	1.174	F	0.002	---
		PM	1.104	F	1.181	F	1.275	F	1.275	F	0.000	NO	1.276	F	0.001	NO	1.276	F	0.001	---
2	Hawthorne Blvd / Pacific Coast Hwy	AM	0.963	E	1.030	F	1.107	F	1.107	F	0.000	NO	1.113	F	0.006	NO	1.113	F	0.006	---
		PM	1.202	F	1.286	F	1.378	F	1.378	F	0.000	NO	1.383	F	0.005	NO	1.383	F	0.005	---
3	Hawthorne Blvd / Palos Verdes Dr	AM	0.873	D	0.934	E	0.987	E	0.989	E	0.002	NO	0.993	E	0.004	NO	0.993	E	0.006	---
		PM	0.817	D	0.874	D	0.941	E	0.942	E	0.001	NO	0.945	E	0.003	NO	0.946	E	0.005	---
4	Crenshaw Blvd / Sepulveda Blvd	AM	0.907	E	0.970	E	1.097	F	1.097	F	0.000	NO	1.097	F	0.000	NO	1.097	F	0.000	---
		PM	0.966	E	1.033	F	1.143	F	1.143	F	0.000	NO	1.143	F	0.000	NO	1.143	F	0.000	---
5	Crenshaw Blvd / Lomita Blvd	AM	0.927	E	0.992	E	1.066	F	1.066	F	0.000	NO	1.071	F	0.005	NO	1.071	F	0.005	---
		PM	1.117	F	1.195	F	1.296	F	1.296	F	0.000	NO	1.299	F	0.003	NO	1.299	F	0.003	---
6	Crenshaw Blvd / Pacific Coast Hwy	AM	0.988	E	1.057	F	1.135	F	1.135	F	0.000	NO	1.138	F	0.003	NO	1.138	F	0.003	---
		PM	1.070	F	1.145	F	1.264	F	1.264	F	0.000	NO	1.273	F	0.009	NO	1.273	F	0.009	---
7	Crenshaw Blvd / Palos Verdes Dr	AM	0.776	C	0.830	D	0.877	D	0.877	D	0.000	NO	0.893	D	0.016	NO	0.893	D	0.016	---
		PM	0.713	C	0.763	C	0.835	D	0.835	D	0.000	NO	0.850	D	0.015	NO	0.850	D	0.015	---
8	Arlington Ave / Lomita Blvd	AM	0.896	D	0.959	E	0.994	E	0.994	E	0.000	NO	0.999	E	0.005	NO	0.999	E	0.005	---
		PM	0.989	E	1.059	F	1.109	F	1.109	F	0.000	NO	1.114	F	0.005	NO	1.114	F	0.005	---
9	Narbonne Ave / Pacific Coast Hwy	AM	0.892	D	0.955	E	1.035	F	1.035	F	0.000	NO	1.042	F	0.007	NO	1.042	F	0.007	---
		PM	0.793	C	0.848	D	0.932	E	0.932	E	0.000	NO	0.936	E	0.004	NO	0.936	E	0.004	---
10	Palos Verdes Dr East / Palos Verdes Dr North	AM	0.777	C	0.831	D	0.913	E	0.919	E	0.006	NO	0.927	E	0.008	NO*	0.842	D	-0.071	YES
		PM	0.688	B	0.736	C	0.784	C	0.785	C	0.001	NO	0.802	D	0.016	NO	0.784	C	0.000	---

Table IV.J-10 (Continued)
City of Los Angeles Weekday Summary of Volume to Capacity Ratios and Levels of Service Summary

No	Intersection	Peak Hour	Column 1		Column 2		Column 3		Column 4a			Column 4b			Column 5		Mitigated ³			
			Year 2005 Existing		Year 2012 w/ Ambient Growth		Year 2012 Future Pre-Project1		Year 2012 Future Pre-Project w/ Mary Star2		Change V/C (4a) - (3)	Significant Impact	Year 2012 Future w/ Project		Change V/C (4b) - (4a)	Significant Impact		Year 2012 Mitigation for Project and Mary Star		
			V/C	LOS	V/C	LOS	V/C	LOS	V/C	LOS			V/C	LOS				V/C	LOS	V/C
											V/C	LOS			V/C	LOS				
11	Western Ave / Sepulveda Blvd ⁴	AM	0.829	D	0.892	D	1.013	F	1.013	F	0.000	NO	1.019	F	0.006	NO	1.019	F	0.006	---
		PM	0.945	E	1.016	F	1.157	F	1.157	F	0.000	NO	1.166	F	0.009	NO	1.166	F	0.009	---
12	Western Ave / Lomita Blvd	AM	0.982	E	1.051	F	1.155	F	1.157	F	0.002	NO	1.171	F	0.014	YES	1.071	F	-0.084	YES
		PM	1.106	F	1.184	F	1.348	F	1.349	F	0.001	NO	1.378	F	0.029	YES	1.277	F	-0.070	YES
13	Western Ave / Pacific Coast Hwy ⁴	AM	0.903	E	0.971	E	1.082	F	1.088	F	0.006	NO	1.107	F	0.019	YES	1.044	F	-0.038	YES
		PM	0.969	E	1.012	F	1.215	F	1.216	F	0.001	NO	1.270	F	0.054	YES	1.195	F	-0.020	YES
14	Western Ave / Anaheim St	AM	0.607	B	0.650	B	0.765	C	0.771	C	0.006	NO	0.813	D	0.042	YES	0.713	C	-0.052	YES
		PM	0.545	A	0.583	A	0.697	B	0.699	B	0.002	NO	0.723	C	0.024	NO	0.623	B	-0.074	---
15	Western Ave / Palos Verdes Dr North	AM	1.031	F	1.103	F	1.308	F	1.354	F	0.046	YES	1.501	F	0.147	YES	1.267	F	-0.041	YES
		PM	1.025	F	1.097	F	1.212	F	1.159	F	-0.053	NO	1.343	F	0.184	YES	1.085	F	-0.127	YES
16	Western Ave / Senior Housing Project Access	SAT	0.845	D	0.904	E	1.032	F	0.980	E	-0.052	NO	1.178	F	0.198	YES	0.948	E	-0.084	YES
		AM	0.582	A	0.623	B	0.701	C	0.721	C	0.020	NO	0.739	C	0.018	NO	0.639	B	-0.062	---
17	Western Ave / Main Project Access ⁵	PM	0.527	A	0.564	A	0.659	B	0.664	B	0.005	NO	0.762	C	0.098	YES	0.662	B	0.003	YES
		SAT	0.605	B	0.648	B	0.753	C	0.753	C	0.000	NO	0.863	D	0.110	YES	0.759	C	0.006	YES
18	Western Ave / Avenida Aprenda - Southerly Project Access	AM	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0.860	D	n/a	n/a	0.760	C	n/a	n/a
		PM	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0.714	C	n/a	n/a	0.614	B	n/a	n/a
19	Western Ave / Westmont Dr	SAT	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0.857	D	n/a	n/a	0.757	C	n/a	n/a
		AM	0.762	C	0.816	D	0.896	D	1.105	F	0.209	YES	1.117	F	0.012	YES	0.884	D	-0.012	YES
20	Western Ave / Toscanini Dr	PM	0.543	A	0.581	A	0.684	B	0.709	C	0.025	NO	0.780	C	0.071	YES	0.650	B	-0.034	YES
		SAT	0.569	A	0.609	B	0.722	C	0.722	C	0.000	NO	0.816	D	0.094	YES	0.667	B	-0.055	YES
21	Western Avenue / Caddington Drive	AM	0.884	D	0.946	E	1.030	F	1.104	F	0.074	YES	1.156	F	0.052	YES	0.993	E	-0.037	YES
		PM	0.873	D	0.934	E	1.019	F	1.037	F	0.018	YES	1.096	F	0.059	YES	0.971	E	-0.048	YES
20	Western Ave / Toscanini Dr	SAT	0.832	D	0.890	D	1.013	F	1.013	F	0.000	NO	1.083	F	0.079	YES	0.949	E	-0.064	YES
		AM	0.793	C	0.849	D	0.926	E	0.958	E	0.032	YES	0.967	E	0.009	NO	0.866	D	-0.060	---
21	Western Avenue / Caddington Drive	PM	0.737	C	0.789	C	0.929	E	0.935	E	0.006	NO	0.947	E	0.012	YES	0.848	D	-0.081	YES
		SAT	0.637	B	0.681	B	0.861	D	0.861	D	0.000	NO	0.882	D	0.021	YES	0.782	C	-0.079	YES
21	Western Avenue / Caddington Drive	AM	0.598	A	0.640	B	0.709	C	0.738	C	0.029	NO	0.748	C	0.010	NO	0.648	B	-0.061	---
		PM	0.721	C	0.772	C	0.858	D	0.862	D	0.004	NO	0.896	D	0.034	YES	0.796	C	-0.062	YES
		SAT	0.751	C	0.804	D	0.929	E	0.929	E	0.000	NO	0.957	E	0.028	YES	0.857	D	-0.072	YES

Table IV.J-10 (Continued)
City of Los Angeles Weekday Summary of Volume to Capacity Ratios and Levels of Service Summary

No	Intersection	Peak Hour	Column 1		Column 2		Column 3		Column 4a			Significant Impact	Column 4b			Column 5		Mitigated ³		
			Year 2005 Existing		Year 2012 w/ Ambient Growth		Year 2012 Future Pre-Project1		Year 2012 Future Pre-Project w/ Mary Star2		Change V/C (4a) – (3)		Year 2012 Future w/ Project		Change V/C (4b) – (4a)	Significant Impact	Year 2012 Mitigation for Project and Mary Star		Change V/C (5) – (3)	
			V/C	LOS	V/C	LOS	V/C	LOS	V/C	LOS			V/C	LOS			V/C			LOS
22	Western Avenue / Capitol Drive	AM	0.940	E	1.005	F	1.093	F	1.125	F	0.032	YES	1.135	F	0.010	YES	1.036	F	-0.057	YES
		PM	0.898	D	0.961	E	1.137	F	1.143	F	0.006	NO	1.169	F	0.026	YES	1.070	F	-0.067	YES
		SAT	0.969	E	1.037	F	1.296	F	1.296	F	0.000	NO	1.319	F	0.023	YES	1.219	F	-0.077	YES
23	Western Avenue / Park Western Drive	AM	0.792	C	0.848	D	0.923	E	0.938	E	0.015	YES	0.947	E	0.009	NO	0.847	D	-0.076	---
		PM	0.629	B	0.673	B	0.792	C	0.794	C	0.002	NO	0.815	D	0.021	YES	0.716	C	-0.076	YES
		SAT	0.813	D	0.870	D	1.044	F	1.044	F	0.000	NO	1.062	F	0.018	YES	0.952	E	-0.082	YES
24	Western Ave / Crestwood St	AM	0.809	D	0.866	D	0.935	E	0.951	E	0.016	YES	0.956	E	0.005	NO	0.856	D	-0.079	---
		PM	0.520	A	0.556	A	0.660	B	0.663	B	0.003	NO	0.669	B	0.006	NO	0.570	A	-0.090	---
		SAT	0.878	D	0.939	E	1.062	F	1.062	F	0.000	NO	1.076	F	0.014	YES	0.976	E	-0.086	YES
25	Western Ave / Summerland Ave	AM	0.877	D	0.938	E	1.018	F	1.051	F	0.033	YES	1.059	F	0.008	NO	0.959	E	-0.059	---
		PM	0.804	D	0.860	D	0.975	E	0.977	E	0.002	NO	1.001	F	0.024	YES	0.901	E	-0.074	YES
		SAT	0.760	C	0.813	D	0.958	E	0.958	E	0.000	NO	0.981	E	0.023	YES	0.881	D	-0.077	YES
26	Western Ave / 1st St ⁴	AM	0.951	E	1.023	F	1.122	F	1.127	F	0.005	NO	1.133	F	0.006	NO*	1.103	F	-0.019	YES
		PM	0.876	D	0.942	E	1.017	F	1.018	F	0.001	NO	1.024	F	0.006	NO	0.994	E	-0.023	---
		SAT	0.721	C	0.776	C	0.931	E	0.931	E	0.000	NO	0.939	E	0.008	NO	0.909	E	-0.022	---
27	Western Ave / Weymouth Ave ⁴	AM	0.582	A	0.635	B	0.684	B	0.689	B	0.005	NO	0.695	B	0.006	NO	0.696	B	0.012	---
		PM	0.563	A	0.607	B	0.689	B	0.690	B	0.001	NO	0.699	B	0.009	NO	0.699	B	0.010	---
28	Western Ave / 9th St ⁴	AM	0.465	A	0.503	A	0.527	A	0.532	A	0.005	NO	0.533	A	0.001	NO	0.534	A	0.007	---
		PM	0.581	A	0.626	B	0.690	B	0.691	B	0.001	NO	0.693	B	0.002	NO	0.693	B	0.003	---
29	Western Avenue / 25th St	AM	0.642	B	0.691	B	0.835	D	0.839	D	0.004	NO	0.843	D	0.004	NO	0.843	D	0.008	---
		PM	0.603	B	0.650	B	0.874	D	0.874	D	0.000	NO	0.877	D	0.004	NO	0.877	D	0.003	---
30	Weymouth / 9th St	AM	0.585	A	0.626	B	0.754	C	0.754	C	0.000	NO	0.758	C	0.004	NO	0.758	C	0.004	---
		PM	0.423	A	0.452	A	0.594	A	0.594	A	0.000	NO	0.599	A	0.005	NO	0.599	A	0.005	---
31	Normandie Ave / Sepulveda Blvd	AM	0.894	D	0.956	E	1.061	F	1.061	F	0.000	NO	1.067	F	0.006	NO	1.067	F	0.006	---
		PM	0.851	D	0.911	E	1.028	F	1.028	F	0.000	NO	1.032	F	0.004	NO	1.032	F	0.004	---
32	Normandie Ave / Lomita Blvd	AM	0.849	D	0.909	E	0.935	E	0.935	E	0.000	NO	0.938	E	0.003	NO	0.938	E	0.003	---
		PM	0.950	E	1.017	F	1.073	F	1.073	F	0.000	NO	1.079	F	0.006	NO	1.079	F	0.006	---
33	Normandie Ave / Pacific Coast Hwy ⁴	AM	0.659	B	0.680	B	0.719	C	0.719	C	0.000	NO	0.726	C	0.007	NO	0.726	C	0.007	---
		PM	0.682	B	0.705	C	0.776	C	0.776	C	0.000	NO	0.787	C	0.011	NO	0.787	C	0.011	---

Table IV.J-10 (Continued)
City of Los Angeles Weekday Summary of Volume to Capacity Ratios and Levels of Service Summary

No	Intersection	Peak Hour	Column 1		Column 2		Column 3		Column 4a				Column 4b			Column 5		Mitigated ³		
			Year 2005 Existing		Year 2012 w/ Ambient Growth		Year 2012 Future Pre-Project1		Year 2012 Future Pre-Project w/ Mary Star2		Change V/C (4a) - (3)	Significant Impact	Year 2012 Future w/ Project		Change V/C (4b) - (4a)	Significant Impact	Year 2012 Mitigation for Project and Mary Star		Change V/C (5) - (3)	
			V/C	LOS	V/C	LOS	V/C	LOS	V/C	LOS			V/C	LOS			V/C			LOS
34	Normandie Ave / Vermont Ave ⁶	AM	0.631	B	0.676	B	0.702	C	0.702	C	0.000	NO	0.721	C	0.019	NO	0.721	C	0.019	---
		PM	0.524	A	0.560	A	0.639	B	0.639	B	0.000	NO	0.670	B	0.031	NO	0.670	B	0.031	---
35	Vermont Ave-Palos Verdes N-Gaffey Street / Anaheim St	AM	0.833	D	0.892	D	0.940	E	0.948	E	0.008	NO	0.982	E	0.034	YES	0.882	D	-0.058	YES
		PM	0.884	D	0.945	E	1.068	F	1.069	F	0.001	NO	1.121	F	0.052	YES	1.021	F	-0.047	YES
36	Gaffey St / Westmont Dr	AM	0.648	B	0.693	B	0.744	C	0.775	C	0.031	NO	0.785	C	0.010	NO	0.686	B	-0.058	---
		PM	0.797	C	0.853	D	0.966	E	0.973	E	0.007	NO	1.018	F	0.045	YES	0.918	E	-0.048	YES
37	Gaffey St / Capitol Dr	AM	0.525	A	0.562	A	0.631	B	0.641	B	0.010	NO	0.659	B	0.018	NO	0.559	A	-0.072	---
		PM	0.739	C	0.790	C	0.912	E	0.916	E	0.004	NO	0.926	E	0.010	YES	0.826	D	-0.086	YES
38	Gaffey St / Miraflores Ave-I-110 SB Ramps ⁴	AM	0.765	C	0.823	D	0.885	D	0.900	D	0.015	NO	0.916	E	0.016	YES	0.886	D	0.001	YES
		PM	0.751	C	0.809	D	0.962	E	0.964	E	0.002	NO	0.994	E	0.030	YES	0.964	E	0.002	YES
39	Gaffey St / Summerland Ave ⁴	AM	0.803	D	0.864	D	0.955	E	0.965	E	0.010	YES	0.979	E	0.014	YES	0.949	E	-0.006	YES
		PM	0.856	D	0.920	E	1.095	F	1.098	F	0.003	NO	1.119	F	0.021	YES	1.089	F	-0.006	YES
40	Gaffey St / I-110 NB and SB Ramps-SR-47 EB On Ramp ⁴	AM	0.528	A	0.570	A	0.775	C	0.781	C	0.006	NO	0.786	C	0.005	NO	0.786	C	0.011	---
		PM	0.887	D	0.954	E	1.275	F	1.277	F	0.002	NO	1.281	F	0.004	NO	1.281	F	0.006	---
41	Gaffey St / 9th St ⁴	AM	0.721	C	0.776	C	0.922	E	0.926	E	0.004	NO	0.927	E	0.001	NO	0.928	E	0.006	---
		PM	0.767	C	0.825	D	1.045	F	1.046	F	0.001	NO	1.050	F	0.004	NO	1.050	F	0.005	---
42	Vermont Ave / Sepulveda Blvd	AM	0.914	E	0.978	E	1.068	F	1.068	F	0.000	NO	1.075	F	0.007	NO	1.075	F	0.007	---
		PM	1.105	F	1.182	F	1.301	F	1.301	F	0.000	NO	1.310	F	0.009	NO	1.310	F	0.009	---
43	Vermont Ave / Lomita Blvd	AM	1.139	F	1.219	F	1.268	F	1.268	F	0.000	NO	1.269	F	0.001	NO	1.269	F	0.001	---
		PM	0.965	E	1.032	F	1.077	F	1.077	F	0.000	NO	1.084	F	0.007	NO	1.084	F	0.007	---
44	Vermont Ave / Pacific Coast Hwy ⁴	AM	0.682	B	0.705	C	0.748	C	0.748	C	0.000	NO	0.771	C	0.023	NO	0.716	C	-0.032	---
		PM	0.754	C	0.754	C	0.819	D	0.819	D	0.000	NO	0.853	D	0.034	YES	0.781	C	-0.038	YES

Table IV.J-10 (Continued)
City of Los Angeles Weekday Summary of Volume to Capacity Ratios and Levels of Service Summary

No	Intersection	Peak Hour	Column 1		Column 2		Column 3		Column 4a				Column 4b				Column 5		Mitigated ³	
			Year 2005 Existing		Year 2012 w/ Ambient Growth		Year 2012 Future Pre-Project1		Year 2012 Future Pre-Project w/ Mary Star2		Change V/C (4a) - (3)	Significant Impact	Year 2012 Future w/ Project		Change V/C (4b) - (4a)	Significant Impact	Year 2012 Mitigation for Project and Mary Star			Change V/C (5) - (3)
			V/C	LOS	V/C	LOS	V/C	LOS	V/C	LOS			V/C	LOS			V/C	LOS		
45	Figueroa St / Sepulveda Blvd	AM	0.741	C	0.793	C	0.889	D	0.889	D	0.000	NO	0.890	D	0.001	NO	0.890	D	0.001	---
		PM	0.735	C	0.787	C	0.867	D	0.867	D	0.000	NO	0.871	D	0.004	NO	0.871	D	0.004	---
46	Figueroa St / I-110 Northbound On Ramp ⁶ (north of Pacific Coast Hwy)	AM	0.825	D	0.882	D	0.918	E	0.918	E	0.000	NO	0.941	E	0.023	YES	0.753	C	-0.165	YES
		PM	0.841	D	0.900	D	0.937	E	0.937	E	0.000	NO	0.949	E	0.012	YES	0.759	C	-0.178	YES
47	I-110 Southbound Ramps Pacific Coast Hwy ⁴	AM	0.718	C	0.743	C	0.793	C	0.793	C	0.000	NO	0.811	D	0.018	NO	0.811	D	-0.018	---
		PM	0.842	D	0.876	D	0.983	E	0.983	E	0.000	NO	0.987	E	0.004	NO	0.987	E	-0.004	---
48	Figueroa St / Pacific Coast Hwy ⁴	AM	0.926	E	0.996	E	1.030	F	1.030	F	0.000	NO	1.050	F	0.020	YES	0.995	F	-0.035	YES
		PM	0.913	E	0.952	E	1.021	F	1.021	F	0.000	NO	1.036	F	0.015	YES	0.981	F	-0.040	YES
49	Figueroa Place / I-110 Southbound Off-Ramp ⁶	AM	0.502	A	0.537	A	0.576	A	0.579	A	0.003	NO	0.594	A	0.015	NO	0.594	A	0.018	---
		PM	0.622	B	0.665	B	0.696	B	0.696	B	0.000	NO	0.726	C	0.030	NO	0.726	C	0.030	---
50	Figueroa St / Anaheim St ⁴	AM	0.816	D	0.878	D	0.967	E	0.978	E	0.011	YES	1.023	F	0.045	YES	0.954	E	-0.013	YES
		PM	0.889	D	0.956	E	1.036	F	1.039	F	0.003	NO	1.101	F	0.062	YES	0.938	E	-0.087	YES
51	Figueroa St / I-110 NB on ramp ⁶ (north of Anaheim St)	AM	1.213	F	1.297	F	1.373	F	1.376	F	0.003	NO	1.447	F	0.071	YES	1.218	F	-0.155	YES
		PM	0.780	C	0.835	D	0.909	E	0.910	E	0.001	NO	0.949	E	0.039	YES	0.799	C	-0.110	YES
52	Figueroa St / Anaheim St ⁴	AM	0.845	D	0.909	E	0.961	E	0.972	E	0.011	YES	1.015	F	0.043	YES	0.947	E	-0.014	YES
		PM	0.822	D	0.884	D	0.965	E	0.968	E	0.003	NO	0.982	E	0.014	YES	0.952	E	-0.013	YES

The Mary Star by the Sea Project is not included in this analysis.

As a related project, the Mary Star by the Sea High School project access is via Western Avenue.

This column identifies the effectiveness of mitigation measures to be implemented by the project for both the Ponte Vista project and the Mary Star by the Sea High School Project.

Table IV.J-10 (Continued)
City of Los Angeles Weekday Summary of Volume to Capacity Ratios and Levels of Service Summary

No	Intersection	Peak Hour	Column 1		Column 2		Column 3		Column 4a			Column 4b			Column 5		Mitigated ³		
			Year 2005 Existing		Year 2012 w/ Ambient Growth		Year 2012 Future Pre-Project1		Year 2012 Future Pre-Project w/ Mary Star2		Change V/C (4a) – (3)	Significant Impact	Year 2012 Future w/ Project		Change V/C (4b) – (4a)	Significant Impact		Year 2012 Mitigation for Project and Mary Star	
			V/C	LOS	V/C	LOS	V/C	LOS	V/C	LOS			V/C	LOS				V/C	LOS

The intersection currently operates under the ATSAC system.

This intersection will be created as part of the Project. A new traffic signal will be proposed at the Western Avenue/Main Project Access intersection.

Stop-controlled intersection on the minor approach.

** While the respective individual impacts of the Mary Star High School Project and the Ponte Vista Project are less than significant, the study intersection would be significantly impacted by the combined Ponte Vista Project and the Mary Star High School Project.*

Source: LLG, 2006 (see Appendix IV.J-1 to this Draft EIR).

Response to Comment B54a-47

This comment reproduces Table IV.J-10 of the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B54b**Charles Thompson, P.E.****Priority Engineering Inc.****(Prepared for the Northwest San Pedro, Costal San Pedro, and Harbor City Neighborhood Councils)****23084 Maple Avenue****Torrance, CA 9505*****Comment B54b-1***

1) Introduction

The proposed Ponte Vista Project is a residential development located in the San Pedro Area of the City of Los Angeles. The project location is on the east side of Western Avenue approximately 1/2 mile north of Westmont Dr on the site of a former Navy Housing area which consists of 245 existing duplex units. The project site is currently zoned R-1 (low density housing) which would provide for the development of 429 single family homes.

The project developer, Bisno Development Company is proposing a zoning change to R-3 (medium density housing) and the subsequent development of 2,300 town home condominium (575 senior housing units, 1725 high rise condo units) at a rate of 35 dwelling units per acre. The project also includes development of appurtenant facilities including recreational fields and access to the proposed Mary Star High School. As of December 2006, the Traffic Study for the project has been reviewed and approved by the City of Los Angeles, Department of Transportation (LADOT) and the Environmental Impact Report is in the review and comment period which closes January 31, 2006.

Response to Comment B54b-1

The comment generally summarizes the description of the Project contained in the Draft EIR in Section II, Project Description. The Traffic Study prepared for the Project is summarized in Section IV.J, Transportation and Traffic and contained in Appendix IV.J-1 of the Draft EIR. LADOT has issued letters dated January 11, 2007 and February 21, 2007 stating their concurrence with the findings in the Traffic Study.

Comment B54b-2

The Northwest San Pedro, Coastal San Pedro, and Harbor City Neighborhood Councils are the community organizations which represent the residents of the community and serve as the voice of the community. Among other functions, they serve to review developments and assure the community issues are addressed by the City and the developer. In December 2006, the aforementioned Neighborhood Councils contracted with Priority Engineering Incorporated to perform a cursory review of the Traffic Impact Study for the Ponte Vista Residential Development Project. The review will focus on the portions of the traffic study affecting the San Pedro, Harbor City, and surrounding areas and will include information about typical traffic studies for reference purposes.

Response to Comment B54b-2

See Topical Response 11, Traffic. Copies of the January 2007 Priority Engineering report and the February 2007 Priority Engineering report are contained in this Final EIR as Comment Letter B54b and Appendix O, respectively. As discussed in Topical Response 11, Priority Engineering generally concurred with the conclusions of the Traffic Study.

Comment B54b-3

The councils expressed concern(s) about the project and the impact(s) it will have on their communities, including the traffic related impacts. The councils [sic] primary issues are as follows:

- i) Are the appropriate trip generation rates applied to this project? Specifically, how does 2,300 condo units compare to 429 single family homes in terms of trip generation?

Response to Comment B54b-3

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR, including the trip generation forecast. A forecast of the Project is summarized in the Draft EIR in Table IV.J-7, page IV.J-35 of the Draft EIR. As shown in the table, the Project (i.e., 2,300 residential units and a public park/baseball fields) is forecast to generate 9,355 daily trips, 636 AM peak hour trips, and 760 PM peak hour trips during a typical weekday. The development scenario described in the comment of 429 single family homes is evaluated in the Draft EIR in Section VI., Alternatives. Specifically, as described on page VI-7 of the Draft EIR, Alternative A is the No Project Alternative/Single Family Homes consisting of up to 429 detached residential units (no public park/baseball fields). The vehicular trip generation forecast for Alternative A is summarized in the Draft EIR on page VI-75. As shown, Alternative A is forecast to generate 4,106 daily trips, 322 AM peak hour trips, and 433 PM peak hour trips during a typical weekday.

Comment B54b-4

- ii) Have the project impacts been properly identified and assessed? What methodology is used to identify the impacts?

Response to Comment B54b-4

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR, including the evaluation of potential traffic impacts of the Project. The traffic analysis in Section IV.J (Transportation and Traffic) of the Draft EIR is based on the Traffic Study included as Appendix IV.J-1 to the Draft EIR, which was prepared under the supervision of the City of Los Angeles Department of Transportation (LADOT), in accordance with LADOT's adopted policies, procedures, and standards as outlined in the LADOT *Traffic Study Policies and Procedures Manual*. In connection with the preparation of environmental impact reports by the City of Los Angeles, LADOT is responsible for the identification of potential traffic impacts of the project and recommended traffic mitigation measures. The analysis and findings of the Traffic Study contained in the Draft EIR, including the identification of potentially significant traffic impacts associated with the Project and the corresponding measures to mitigate the impacts to levels of insignificance were also affirmed in LADOT letters dated January 11, 2007 and February 21, 2007. The thresholds of significance for assessing the potential impacts of the Project as established by the City of Los Angeles (the Lead Agency) are summarized in the Draft EIR beginning on page IV.J-24. As discussed on page IV.J-56 of the Draft EIR, the Critical Movement Analysis (CMA) methodology was used in the Traffic Study for purposes of evaluating the 52 study intersections. The traffic analysis is summarized in Table IV.J-10, beginning on page IV.J-59 of the Draft EIR. As shown on the table, the Project would create potentially significant traffic impacts (prior to consideration of traffic mitigation measures) at 23 study intersections during the weekday AM and PM peak hours., and at 10 intersections during the Saturday midday peak hour. The traffic mitigation measures recommended in the Draft EIR beginning on page IV.J-111 would completely mitigate the potential impacts of the Project at the study intersections during the weekday and Saturday peak hours.

Comment B54b-5

- iii) Are the mitigations proposed in the traffic study realistic and appropriate?

Response to Comment B54b-5

See Topical Response 11 and Response to Comment B54b-4 for a discussion of the Traffic Study and corresponding traffic mitigation measures recommended in the Draft EIR. The LADOT letters of January 11, 2007 and February 21, 2007 affirm the appropriateness and feasibility of the recommended traffic mitigation measures. Additionally, concept plans are provided in Appendix IV.J-1 to the Draft EIR to demonstrate the feasibility of those physical traffic improvements recommended as mitigation. It is noted on page IV.J-119 of the Draft EIR that several of the study intersections where traffic mitigation measures are recommend are outside the jurisdiction of the City of Los Angeles (the Lead Agency), but such measures are feasible, will be required to be funded by the applicant, and can and should be implemented by the responsible agency concerned.

Comment B54b-6

It is also important to understand the role of the lead agency, LADOT, in approval of the traffic study. It is LADOT'S responsibility to assure that the project proponent develop a complete and accurate traffic study to assess all current and future impacts of the project and to assure those impacts are properly mitigated. As such, LADOT had developed guidelines (Attachment A) which establish the criteria that all traffic studies should follow. Among other things, LADOT should protect the interest of the residents and to assure development is conducted in a responsible and appropriate manner. It's also important to understand that LADOT must apply it's [sic] guidelines to all developments equally and equitably, making no special or unique exceptions for any one developer.

Response to Comment B54b-6

See Response to Comment B54b-4 for a discussion regarding the role of the City of Los Angeles and its Department of Transportation (LADOT) as the Lead Agency for the Draft EIR. The Traffic Study was prepared based on the LADOT *Traffic Study Policies and Procedures Manual*, and follows the procedures set forth therein with respect to identification of study intersections, collecting traffic counts, identifying the annual ambient growth rate, researching related projects, forecasting trip generation for the Project and related projects, assignment of Project trips, calculation of intersection Levels of Service, assessment of potentially significant traffic impacts due to the Project, and formulation of traffic mitigation measures. There were no "special or unique exceptions" made by LADOT in overseeing the preparation of the Traffic Study.

Comment B54b-7

2) Trip Generation

The LADOT guidelines require that the Institute of Traffic Engineers (ITE) Trip Generation Handbook be utilized to calculate the trips that the project will develop (See page 5 of Attachment A).

"Use latest edition of ITE's Trip Generation Handbook for trip generation rates/formulas unless project is located in a TSP area in which case the trip rate must be applied according to TSP procedures. If other than latest edition of ITE Trip Generation rates are used, then those rates must first be submitted with appropriate back ground survey data for approval by LADOT. "

The ITE Trip Generation Manuals are widely used and are the accepted industry standard (by most municipalities) for trip generation calculations. Some jurisdictions have developed and require use of their own trip generation tables such as San Diego County and the City of San Diego. Additionally, some jurisdictions require a mixed use of the ITE Manuals and their own special trip tables for special uses, such as the County of Los Angeles.

Response to Comment B54b-7

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR, including the trip generation forecast. A forecast of the Project is summarized in the Draft EIR in Table IV.J-7, page IV.J-35 of the Draft EIR. In compliance with the LADOT *Traffic Study Policies and Procedures Manual*, the trip generation forecast for the Project was prepared using the latest edition (i.e., the seventh edition) of the *Trip Generation* manual published by the Institute of Transportation Engineers (ITE). The Project is not located in a “TSP” (i.e., a City of Los Angeles Transportation Specific Plan area) such as the West Los Angeles Transportation Improvement and Mitigation Specific Plan area. As noted in Table IV.J-7 in the Draft EIR, the following ITE trip generation rates were employed in the Traffic Study: ITE Land Use Code 232 (High-Rise Residential Condominium/Townhouse) for the non-age-restricted units, ITE Land Use Code 252 (Senior Adult Housing – Attached) for the age-restricted units, and ITE Land Use Code 488 (Soccer Complex) for the potential Little League baseball fields. As appropriate trip rates from the ITE *Trip Generation* manual were identified for the Project components, there was no need to consult other potential trip generation resources as identified in the comment.

Comment B54b-8

Ponte Vista Trip Generation Summary			
Zoning	ADT Trips	AM Trips	PM Trips
Current Zoning R-1 (Low Density Residential)			
Single Family Detached Housing (210)	4,106	322	433
Proposed Zoning R-3 (Medium Density Residential)			
High Rise Condominiums (232)	7,211	587	656
Senior Adult Housing Attached (252)	2,001	46	63
	9,212	633	719
Difference	5,106	311	285
Percent Increase/Decrease from Current Zoning	124%	97%	66%
Other Possible ITE Trip Generation Rates for Project			
Mid Rise Apartment (223)		518	673
Senior Adult Housing-Attached (252)		46	63
Total		564	736
Difference		242	303
Percent Increase/Decrease from Current Zoning		75%	70%
Residential Condominium/Townhouse (230)	10,109	759	897

Ponte Vista Trip Generation Summary			
Zoning	ADT Trips	AM Trips	PM Trips
Senior Adult Housing-Attached (252)	2,001	46	63
Total	12,110	805	960
Difference	8,004	483	527
Percent Increase/Decrease from Current Zoning	195%	150%	122%

Alternate Trip Generation Rates – Other Jurisdictions SANDAG – County of San Diego			
Zoning	ADT Trips	AM Trips	PM Trips
County of San Diego			
Single Family Detached	4,290	343	429
Apartment	10,350	828	932
Retirement Community	2,300	115	161
Total	12,650	943	1,093
Difference	8,360	600	664
Percent Increase/Decrease from Current Zoning	195%	175%	155%
City of San Diego			
Single Family Detached Urbanizing Area	4,290	343	429
Multiple Dwelling Unit – Over 20 DU/ac	10,350	828	932
Retirement Community	2,300	115	161
Total	12,650	943	1,093
Difference	8,360	600	664
Percent Increase/Decrease from Current Zoning	195%	175%	155%
City of San Diego			
Single Family Detached Housing (210)	4,106	322	433
Condominium/Townhomes			
Senior Adult Housing-Attached (252)	2,001	46	63
Total	2,001	46	63
Difference	-2,105	-276	-370
Percent Increase/Decrease from Current Zoning	-51%	-86%	-85%

Response to Comment B54b-8

See Response to Comment B54b-3 for a discussion regarding the trip generation forecast provided for the Project, as well as for Alternative A in the Draft EIR. The table in the comment includes a correct summary of the trip generation forecast prepared for the Project, as well as for Alternative A as provided in the Draft EIR. See Topical Response 11, Traffic, for a discussion regarding the process for selecting the appropriate trip rates from the ITE *Trip Generation* manual based on the proposed components of the Project.

The trip generation information asserted in the comment to be based on trip rates from other sources (e.g., the County of San Diego and the City of San Diego) is not applicable to the trip generation forecast provided in the Draft EIR because the Traffic Study utilizes the trip rates provided in the ITE *Trip Generation* manual as prescribed in the LADOT *Traffic Study Policies and Procedures Manual* (see Response to Comment B54b-7 for further discussion regarding use of the ITE manual as required by LADOT). Accordingly, no revisions to the trip generation forecast provided in the Draft EIR are required.

Comment B54b-9

The classification of the condominiums as high rise condominiums and the senior housing as senior housing attached is accurate and correct as the proposed development type falls within the description of those classifications (See Attachment B for ITE Classification sheets).

Response to Comment B54b-9

The comment concurs that the correct trip rates from the ITE *Trip Generation* manual were utilized in preparing the trip generation forecast for the residential components of the Project. Specifically, as noted in Table IV.J-7 in the Draft EIR, the following ITE trip generation rates were employed in the Traffic Study for the residential components: ITE Land Use Code 232 (High-Rise Residential Condominium/Townhouse) for the non-age-restricted units and ITE Land Use Code 252 (Senior Adult Housing – Attached) for the age-restricted units.

Comment B54b-10

The table above demonstrates that the proposed zoning will result in an increase of 124% in daily trips, 97% in AM trips, and 66% in PM Trips compared to the current zoning. The developer claims that the increase in trips can be mitigated, this will be further analyzed in the mitigation section of this report. Also, it should be noted that the trip generation rates of other agencies result in a greater number of trips than those calculated using ITE rates.

Response to Comment B54b-10

See Response to Comment B54b-3 for a discussion regarding the trip generation forecast provided for the Project, as well as for Alternative A in the Draft EIR. See Response to Comment B54b-4 for a discussion of the Traffic Study and corresponding traffic mitigation measures recommended in the Draft EIR. As shown in the summary of the traffic analysis provided in Table IV.J-10, beginning on page IV.J-59 of the Draft EIR, the potential traffic impacts of the Project can be completely mitigated with implementation of the recommended traffic mitigation measures. Section VI, Alternatives to the Project, in the Draft EIR provides a comparison of the trip generation forecast of the Project to Alternative A. Additionally, Section VI provides a summary of the potential significant traffic impacts associated with the Project and Alternative A. As shown in Table VI-14, page VI-100 of the Draft EIR, the Project is anticipated to cause potentially significant traffic impacts (prior to consideration of mitigation measures) at 23 of the 52 study intersections during the weekday AM and PM peak hours. By comparison, Alternative A is calculated to cause potentially significant traffic impacts (also prior to consideration of mitigation measures) at 19 of the 52 study intersections during the weekday AM and PM peak hours. With respect to alternative trip generation rates, see Response to Comment B54b-8.

Comment B54b-11

It is important to understand that the LADOT's requirement that ITE rates be utilized is an accepted industry standard and is appropriate. Furthermore, review of other Traffic Studies and EIR's prepared for LADOT indicates that they consistently require all project proponents and developers to utilize ITE Trip Generation Rates. Requiring this developer to utilize a different rate would be inconsistent with LADOT's standard policy and might be an imposition of a special requirement on this developer which is generally prohibited.

Response to Comment B54b-11

See Response to Comment B54b-3 for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. The comment concurs that the Traffic Study utilized correct and consistent procedures as set forth by LADOT for purposes of selection of the trip rates used in preparing the trip generation forecast for the Project as provided in the Draft EIR.

Comment B54b-12

3) Trip Distribution

The project trip distribution is the prediction of where the project "generated" trips are destined to go. The distribution is generally expressed in percentages, meaning a certain percentage of the project trips will go in a certain direction. The general industry accepted practice is utilizing existing traffic patterns as well as proposed land uses to determine the distribution percentages. As such, it is often difficult to develop a precise calculation to determine the percentages. Often the percentages are developed through consultation between the engineer preparing the traffic study and the Local municipality representative(s) based on the aforementioned factors.

Response to Comment B54b-12

Page IV.J-36 in the Draft EIR provides a summary of the process for developing the assignment of Project-related trips to the study intersections evaluated in the Traffic Study. As noted in the comment, the trip assignment was developed in consultation with LADOT and considered existing traffic patterns in the vicinity of the Project, as well as published trip origin/destination factors provided by the MTA in their CMP manual.

Comment B54b-13

The traffic study states "The traffic distribution pattern was based on the proposed project Land uses, the existing and planned project site access schemes, existing traffic patterns, characteristics of the surrounding roadway system, and nearby population and employment centers". This is a reasonable methodology to develop the trip distribution percentages and considers more factors than are typically utilized, and as such, is likely a better representation of trip distribution than simply existing traffic patterns. The project trip distribution generally sends 66% of the traffic to and from the north and 33%

to and from the south of the project site. A review of the traffic counts indicates that these percentages are within reasonable limits and generally follow the existing traffic patterns. Additionally, the traffic study indicates that the distribution percentages were developed in consultation with LADOT and have been reviewed and approved by LADOT.

Response to Comment B54b-13

See Response to Comment B54b-12 for a discussion of the trip assignment pattern provided in the Draft EIR as developed for Project-related trips. The comment concurs with the geographic assignment of Project trips provided in the Draft EIR. See Figures IV.J-7 and IV.J-8 in the Draft EIR for the relative percent distribution of Project-related trips at the study intersections. The comment is correct that approximately two-thirds of the residential trips generated by the Project are forecast in the Draft EIR to travel north of the Project site on Western Avenue, with the remaining trips traveling to the south.

Comment B54b-14

4) Project Impacts

To understand the project's impacts, it is first necessary to understand the methodology through which impacts are assessed. Each part of this section begins with a brief description of how a typical traffic study is prepared. Traffic studies generally utilize the following procedure to determine impacts:

- 1) Determine the scenarios to be analyzed.
- 2) Identify the facilities (intersections and roadways) to be analyzed.
- 3) Apply a standard analysis methodology to evaluate the facilities.
- 4) Identify the impacted facilities based on thresholds of significance.
- 5) Identify mitigations to completely offset the significant impacts.

Response to Comment B54b-14

See Response to Comment B54b-4 for a discussion regarding the Traffic Study provided in the Draft EIR, including the evaluation of potential traffic impacts of the Project. The scenarios evaluated in the Traffic Study are provided on page IV.J-57 of the Draft EIR. A list of the 52 study intersections evaluated in the Traffic Study is provided in the Draft EIR beginning on page IV.J-4. A discussion of the CMA methodology used in the Traffic Study to evaluate the study intersections is provided in the Draft EIR on page IV.J-56. The thresholds of significance used in the Traffic Study to assess the relative significance of the potential traffic impacts of the Project is discussed in the Draft EIR beginning on page IV.J-24. Finally, the mitigation measures recommended in the Traffic Study to completely mitigate the potentially significant traffic impacts of the Project are provided in the Draft EIR beginning on page IV.J-111. As shown in the summary of the traffic analysis provided in Table IV.J-10, beginning on page IV.J-59 of the

Draft EIR, the potential traffic impacts of the Project can be completely mitigated with implementation of the recommended traffic mitigation measures.

Comment B54b-15

A) Scenarios

A typical traffic impact study will include an analysis of the proposed project's impacts on the following scenarios:

- Existing Conditions
- Existing Conditions plus related projects
- Existing Conditions plus related project plus the proposed project
- Future Year Conditions
- Future Year Conditions plus related projects
- Future Year Conditions plus related project plus the proposed project
- Existing/Future Year Conditions with all projects and mitigations

Occasionally an agency will require a "near-term" condition analysis if deemed necessary by that agency.

Response to Comment B54b-15

See Response to Comment B54b-4 for a discussion regarding the evaluation of traffic impacts in the Traffic Study. The Traffic Study contained in the Draft EIR was prepared under the supervision of the City of Los Angeles (the Lead Agency), in accordance with LADOT's adopted policies, procedures, and standards as outlined in the LADOT *Traffic Study Policies and Procedures Manual*. Page IV.J-57 provides the traffic analysis scenarios evaluated in the Traffic Study which briefly are:

- Existing traffic
- Plus ambient growth traffic
- Plus related projects traffic
- Plus Mary Star High School traffic
- Plus Project traffic
- Plus Project-related traffic mitigation.

The LADOT traffic analysis requirements are in compliance with CEQA for purposes of assessing the potential significant traffic impacts. See page IV.J-54 in the Draft EIR for a discussion regarding the evaluation of the Mary Star High School project within the traffic analysis. The comment asserts that the hypothetical traffic analysis scenarios contained therein are "typical" for traffic studies, but does not provide any substantiation of this, nor does it claim that the LADOT-approved scenarios evaluated in the Traffic Study are in error. In fact, as noted on page IV.J-57 in the Draft EIR, in addition to the City of Los Angeles, the nearby cities of Torrance, Lomita, Rancho Palos Verdes and Carson utilize similar

traffic analysis scenarios in the traffic studies overseen by these respective jurisdictions. Thus, the LADOT analysis scenarios—while not employed in every jurisdiction—represent a common and rational approach to evaluating the traffic impacts of development projects in compliance with CEQA.

Comment B54b-16

Within each scenario the one hour AM and PM peak periods are analyzed on a typical weekday. The one hour peak period is the one hour of largest volume of traffic. The AM period is typically between 7 and 9 a.m. and the PM period is typically between 4 and 6 p.m. Occasionally a jurisdiction will require other time periods or days to be analyzed including midday peaks and weekends. LADOT requires the existing condition and future conditions be analyzed as indicated on page 8, Section F, part 2 of Attachment A.

2. V/C ratios should be calculated to “3” decimals and summarized in a table showing weekday AM and PM peak hour LOS at study intersections for existing conditions, future without project, future with project and future with project plus mitigation. Attach in a separate appendix detailed work sheets for each study intersection.

Response to Comment B54b-16

Page IV.J-11 of the Draft EIR describes the collection of traffic counts utilized in the Traffic Study in compliance with LADOT requirements. As shown, weekday traffic counts were collected between 7:00 and 10:00 AM to determine the AM peak hour, and between 3:00 and 6:00 PM to determine the PM peak hour. It is noted that in response to comments received during the NOP period, additional traffic counts were taken at selected Western Avenue intersections on a Saturday between 12:00 and 2:00 PM to determine a weekend midday peak hour. Table IV.J-10, beginning on page IV.J-59 of the Draft EIR provides a summary of the traffic analysis. As shown on the table, the volume-to-capacity (v/c) ratios are calculated to three decimal places in compliance with LADOT requirements. The CMA worksheets which provide details of the v/c calculations are contained in Appendix IV.J-1 of the Draft EIR.

Comment B54b-17

The scenarios analyzed in the traffic study are existing, future year, future year plus related projects, future year plus related project and the proposed project, and future year plus all projects and mitigations. The future year baseline traffic volumes are based on a 1% per year ambient growth which is greater than anticipated in the 2004 Congestion Management Plan and thus over estimates the potential growth which is conservative and thus a positive analysis. AM and PM peak periods on weekdays are analyzed as well as midday peak on Saturdays.

Response to Comment B54b-17

See Response to Comment B54b-15 for a discussion of the traffic analysis scenarios evaluated in the Traffic Study. See Response to Comment B54b-16 for a discussion of the time periods for which traffic

counts were conducted. Page IV.J-56 of the Draft EIR provides a discussion of the annual ambient growth traffic factor used in the traffic analysis. The comment is correct in that the one percent (1%) annual factor used in the traffic analysis is slightly in excess of the CMP forecast annual growth rate, and thus overestimates potential traffic growth. Moreover, the employment of both an annual ambient growth traffic factor and the forecast and assignment of traffic due to the related projects likely overstates cumulative traffic conditions, as discussed in the Draft EIR at page IV.J-56.

Comment B54b-18

B) Impacted Facilities

A project's impacts are assessed and evaluated based on the generated trips, the distribution, and the analysis procedures set forth by the jurisdictional agency. Once the project trips are distributed, the jurisdictional agencies criteria for identifying the affected facilities (intersections, roadways, freeways, etc.) are utilized to identify exactly which facilities require analysis. Generally if a intersection will experience 50 or more peak hour trips and a roadway will experience 500 or more daily trips then it must be analyzed. To identify the affected facilities, LADOT utilizes the following criteria (see pages 1-2 of Attachment A):

LADOT shall do an initial assessment of the project to determine if a traffic study is required. Generally, a traffic study may be required if:

- 1. The project is likely to add 500 or more daily trips or likely to add 43 or more PM peak hour trips and,*
- 2. The project is likely to significantly impact nearby intersection(s) which are presently believed to be operating at LOS C, D, E or F.*

Response to Comment B54b-18

See Response to Comment B54b-4 for a discussion of the procedures followed in preparing the Traffic Study contained in the Draft EIR. See Response to Comment B54b-3 for a discussion of the trip generation forecast contained in the Draft EIR. LADOT correctly required the preparation of a traffic study for the Project as it is forecast to generate more than 500 daily trips and 43 peak hour trips. See Topical Response 11, Traffic, for a discussion regarding the determination of the study intersections evaluated in the Traffic Study provided in the Draft EIR. LADOT does not follow the 500 daily trip/50 peak hour trip threshold for purposes of determining study intersections. In fact, as shown in Figures IV.J-9 and IV.J-10 in the Draft EIR, many of the study intersections are forecast to experience substantially less than 50 Project-related peak hour trips (for example, the study intersection of Western Avenue/25th Street is forecast to experience 12 Project-related AM peak hour trips and 19 Project-related PM peak hour trips. Rather, the geographic area of the study intersections was determined in part by the range of potentially significant traffic impacts due to the Project. As potentially significant impacts were determined at 23 of the 52 study intersections during the weekday AM and PM peak hours, it is

concluded that the Traffic Study evaluated a sufficient geographic range of intersections where traffic impacts could occur.

Comment B54b-19

LADOT's requirements appear to be more stringent than the industry standard and thus more facilities will have been analyzed. A total of 52 existing and future intersections were analyzed along with 4 roadway/freeway segments. The intersections are in a number of jurisdictions, including the Cities of Los Angeles, Torrance, Lomita, and Rancho Palos Verde as well as the County of Los Angeles.

Response to Comment B54b-19

See Response to Comment B45b-18 for a discussion of the study intersections evaluated in the Traffic Study. See page IV.J-94 of the Draft EIR for a summary of the analysis of the four freeway segments. As concluded in the Draft EIR, the Project is forecast to cause less than significant traffic impacts at the four freeway segments. The list of study intersections is presented in the Draft EIR beginning on page IV.J-4. As shown on the list, the study intersections are located in the City of Los Angeles, as well as in the cities of Rancho Palos Verdes, Lomita, Torrance, Carson, and Rolling Hills Estates, as in the unincorporated area of Los Angeles County.

Comment B54b-20

C) Evaluation Methodology

Once the potentially affected facilities are identified, they must then be analyzed to determine the impacts on the facility. LADOT requires use of the Critical Movement Analysis (CMA) method to analyze an intersection. The CMA is one of several standard analysis methods and is based on a comparison of the volume of traffic traveling through the intersection divided by the capacity of the intersection. In lay terms, how many cars will travel through the intersection divided by how many cars the intersection can accommodate, the capacity of the intersection is based on the number of Lanes of all types. This is referred to as the volume over capacity (v over c (v/c) ratio). The specific LADOT requirement is shown below and on page 7 of Attachment A.

“the Transportation Research Board Critical Movement Analysis (CMA), Circular 212 Planning Method, shall be used to analyze traffic operating conditions at study intersection(s). CMA is a method which determines the volume to capacity (V/C) ratio on a critical lane basis and Level of Service (LOS) associated with each V/C ratio at a signalized intersection. V/C ratios are measured on a scale of 0 to 1.000. LOS describes the quality of traffic flow and is a measure of such factors as travel speed, travel time and flow interruptions. LOS range from “A” to “F” with LOS A “representing excellent, free flow conditions and LOS “F” representing jammed, forced flow conditions. See following table for a description of LOS and associated V/C ratios.”

Response to Comment B54b-20

The comment is correct in that the Traffic Study contained in the Draft EIR utilizes the LADOT-approved CMA methodology for purposes of evaluating the study intersections (see page IV.J-56 in the Draft EIR). Table IV.J-10, beginning on page IV.J-59 of the Draft EIR provides a summary of the traffic analysis (including v/c ratios and Levels of Service) based on the CMA methodology.

Comment B54b-21

Once the v/c ratio has been calculated, it is then associated to a “level of service” which indicates how the facility will operate based on the v/c ratio. Level of Service is generally a letter from A to F, with A being the highest (least congested) level of service and F being the lowest (most congested). See the following table (page 8 of Attachment A) from for further detail of LOS.

LEVEL OF SERVICE DEFINITIONS FOR SIGNALIZED INTERSECTION¹		
<u>Level of Service</u>	<u>Volume/Capacity</u>	<u>Ratio Definition</u>
A	0.000 – 0.600	EXCELLENT - No vehicle waits longer than one red light and no approach phase is fully used.
B	0.601 - 0.700	VERY GOOD - An occasional approach phase is fully utilized; many drivers begin to feel somewhat restricted within groups of vehicles.
C	0.701 - 0.800	GOOD - Occasionally, drivers may have to wait through more than one red light; backups may develop behind turning vehicles.
D	0.801 - 0.900	FAIR - Delays may be substantial during portions of the rush hours, but enough lower volume periods occur to permit clearing of developing lines, preventing excessive backups.
E	0.901 - 1.000	POOR - Represents the most vehicles that intersection approaches can accommodate; may be long lines of waiting vehicles through several signal cycles.
F	Greater than 1.000	FAILURE - Backups from nearby intersections or on cross streets may restrict or prevent movement of vehicles out of the intersection approaches. Tremendous delays with continuously increasing queue lengths.

¹ Source: Transportation Research Board, *Interim Materials on Highway Capacity*, Transportation Research Circular No. 212, January 1980.

Response to Comment B54b-21

The comment provides a correct summary of Levels of Service and their relationship to the v/c ratios calculated through the CMA methodology. A description of Levels of Service is also provided in Appendix IV.J-1 to the Draft EIR.

Comment B54b-22

The traffic study utilizes the CMA methodology (See Attachment E) to analyze all the intersections in the City of Los Angeles. Other similar methodologies are utilized to analyze the intersections in the

other jurisdictions. Attachment C contains LOS analysis sheets from the traffic study. The results of this analysis are discussed in Section E.

Response to Comment B54b-22

The comment is correct in that the Traffic Study contained in the Draft EIR utilizes the LADOT-approved CMA methodology for purposes of evaluating the study intersections (see page IV.J-56 in the Draft EIR). Table IV.J-10, beginning on page IV.J-59 of the Draft EIR provides a summary of the traffic analysis (including v/c ratios and Levels of Service) based on the CMA methodology. The CMA worksheets are contained in Appendix IV.J-1 of the Draft EIR. As discussed on page IV.J-56 of the Draft EIR, although not required by CEQA, a supplemental analysis was prepared utilizing the methodologies and thresholds of significance applicable to individual jurisdictions for specific study intersections located therein. For example, the study intersections located in the City of Rancho Palos Verdes were evaluated using the procedures of the Lead Agency (i.e., the City of Los Angeles) as well as those utilized by the City of Rancho Palos Verdes. Table IV.J-11 in the Draft EIR provides a summary of the traffic analysis using the traffic analysis procedures and thresholds of significance for study intersections located in cities of Torrance, Lomita, Carson and Rancho Palos Verdes (which all follow similar procedures in terms of evaluating traffic impacts of development projects). Table IV.J-12 in the Draft EIR provides a similar summary for the study intersections located in the City of Rolling Hills Estates. Finally, Table IV.J-13 provides a summary of the supplemental traffic analysis for study intersections located in unincorporated areas of Los Angeles County. As demonstrated in each of these tables which summarize the supplemental analysis provided in the Draft EIR, although not required by CEQA, the potential impacts of the Project can be completely mitigated based on the traffic analysis procedures and thresholds of significance for each of the local jurisdictions.

Comment B54b-23

15.0 Thresholds of Significance

In order to determine the significant of the impacts, a jurisdiction establishes thresholds of significance so that the severity of an impact can be properly determined. Thresholds of significance vary from jurisdiction to jurisdiction. LADOT has determined that the following increases in a v/c ratio determine if a [sic] impact has to mitigated. LADOT's thresholds are comparable if not more stringent then[sic] other jurisdictions.

SIGNIFICANT TRANSPORTATION IMPACT

<u><i>Level of Service</i></u>	<u><i>Final V/C Ratio</i></u>	<u><i>Project-Related Increase In V/C</i></u>
<i>C</i>	<i>> 0.700 - 0.800</i>	<i>equal to or greater than 0.040</i>
<i>D</i>	<i>> 0.800 - 0.900</i>	<i>equal to or greater than 0.020</i>
<i>E, F</i>	<i>> 0.900</i>	<i>equal to or greater than 0.01 0</i>

The following thresholds of significance are for roadways:

<i>Projected Average Daily Traffic with Project (Final ADTL)</i>	<i>Project- Related Increase In ADT</i>
<i>0 to 999</i>	<i>16 percent or more of final ADT*</i>
<i>1,000 or more</i>	<i>12 percent or more of final ADT</i>
<i>2,000 or more</i>	<i>10 percent or more of final ADT</i>
<i>3,000 or more</i>	<i>8 percent or more of final ADT</i>

** For projects in West Los Angeles Transportation Improvement and Mitigation Specific Plan area, use 120 or more trips.*

The results of the analysis as compared to the thresholds of significance are discussed in Section E.

Response to Comment B54b-23

The comment provides a correct summary of the thresholds of significance utilized in the Draft EIR for purposes of assessing the potential traffic impacts due to the Project. See Table IV.J-4, page IV.J-25 in the Draft EIR for the thresholds of significance approved for use in the Draft EIR by the City of Los Angeles (the Lead Agency). While a comprehensive review of the thresholds of significance used by LADOT as compared to other jurisdictions throughout the Los Angeles area is not provided in the Draft EIR (as it is not required), it is similar, if not more “stringent” as compared to the other nearby communities such as the cities of Torrance, Lomita, Carson, Rancho Palos Verdes, and Rolling Hills Estates, and the County of Los Angeles. The comment also provides the LADOT-approved thresholds of significance for evaluating potential traffic impacts on local residential streets. For the Traffic Study provided in the Draft EIR, there are no nearby local residential streets that are expected to experience an increase in traffic due to the Project that would warrant review and application of these thresholds (e.g., there are no nearby local residential streets currently accommodating approximately 2,000 vehicles per day that are expected to experience approximately 200 or more new daily vehicle trips due to the Project, which would be considered a potentially significant impact based on these thresholds). Therefore, the local residential street significance thresholds utilized by LADOT in other traffic studies are not applicable to the Traffic Study provided in the Draft EIR.

Comment B54b-24

E) Project Impacts

A project’s impacts are determined by assessing the baseline conditions and comparing the increase in v/c ratio to the baseline plus project (and related projects) conditions. The increase in v/c is compared to the threshold of significance to determine if the impact is significant. If the increase in v/c ratio is greater than the allowable increase then an impact is significant and must be mitigated, if it is less than the allowable increase then the impact is not deemed significant.

Response to Comment B54b-24

The comment correctly describes the process used in identifying potentially significant traffic impacts as utilized in the Draft EIR. Table IV.J-10, beginning on page IV.J-59 of the Draft EIR illustrates the comparison of future with Project conditions to future pre-Project conditions (i.e., the v/c ratios in Column 4b minus the v/c ratios in Column 4a in Table IV.J-10) for purposes of assessing the relative significance of the traffic impacts (i.e., significant or less than significant). The CMA worksheets detailing the calculation of the v/c ratios associated with each analysis condition are contained in Appendix IV.J-1 of the Draft EIR. As shown in Table IV.J-10, for each study intersection where a significant traffic impact is identified, a subsequent comparison is provided to demonstrate the effectiveness of the recommended traffic mitigation measure. As noted in the Draft EIR on page IV.J-111, the mitigation measures mitigate the impacts associated with both the Project as well as the Mary Star High School project. Thus, the v/c comparison provided in Table IV.J-10 is between Column 5 and Column 3.

Comment B54b-25

Based on the LOS Calculation sheets included in Attachment C, the proposed project will result in significant impacts to 24 of the 52 intersections. The specific intersections are identified in Colum[sic] 4b of the tables in Attachment C. The v/c ratios are correctly calculated and the analysis also includes the addition of the Mary Star High School as well as numerous related projects in the impact analysis. It should be noted that a significant number of the intersections along Western Avenue will operate at LOS E or F in the baseline condition in 2012, regardless of the project. Additionally, a significant number of these intersections are in other jurisdictions other than the City of Los Angeles, specifically the City of Rancho Palos Verde.

Response to Comment B54b-25

The comment correctly summarizes the number of study intersections that could experience significant traffic impacts (prior to consideration of mitigation measures). Specifically, as summarized in Table IV.J-10, beginning on page IV.J-59 of the Draft EIR, 23 of the 52 study intersections would experience potentially significant traffic impacts during the weekday AM and PM peak hours. Ten of the 12 intersections evaluated during the midday Saturday peak hour (including one intersection that would otherwise not have significant impacts during the weekday peak hours) would also experience significant traffic impacts due to the Project. Taken together across the three peak hours evaluated, 24 of the 52 study intersections would be impacted during one or more of the periods analyzed. The comment is correct that, as illustrated in Table IV.J-10, the traffic analysis includes pre-Project traffic (existing traffic, ambient growth traffic, and traffic due to the related projects, including the Mary Star High School project), as well as the Project-related traffic. The comment is also correct that a number of the study intersections evaluated in both the City of Los Angeles, as well as in the other nearby communities, are calculated to operate at LOS E or F in the future conditions with or without the Project (see Table IV.J-10). The estimated Levels of Service are in part due to existing traffic, but also due to the highly conservative nature of the traffic analysis that includes an annual ambient traffic growth factor, build-out

of all of the related projects, as well as build-out of the Project. See Response to Comment B24-29. For example, a significant portion of the new traffic associated with the related projects and the Project is already accounted for in the annual traffic growth factor. Further, it is highly unlikely that all of the related projects would be built. Finally, for those related projects that are constructed, many would likely be required to install traffic mitigation measures conditioned to those individual developments – improvements which were conservatively not considered in the traffic analysis as their implementation is not a certainty (but would have improved the estimated Levels of Service if considered in the traffic analysis). Thus, the traffic analysis likely overstates the forecast operating conditions at the study intersections in terms of potential future congestion.

Comment B54b-26

5) Mitigation

A) Traffic Study Mitigations

There are numerous types of mitigations available to offset a project's impacts. These mitigations include but are not limited to:

3.0 Operational improvements - these are improvements to the operation of an existing traffic signal, including:

3.5 Synchronizing a series of traffic signals

3.6 Adjustments to the signal timing (more green time, right turn overlap)

3.7 Installation of traffic signal monitoring and control equipment

3.7.2 Physical Improvements -these are improvements through construction of new roadway improvements, including:

3.8 Re-striping an existing intersection (adding or adjusting lane types)

3.9 Adjusting lane widths

3.10 Adding lanes (through, right or left turn lanes, widening)

3.11 Addition of medians

3.12 Installation of a traffic signal

Response to Comment B54b-26

A discussion of the traffic mitigation measures recommended in the Draft EIR begins on page IV.J-109. The formulation of the traffic mitigation measures in the Traffic Study considered the potential improvement options identified in the comment among others. See Mitigation Measures J-1 through J-36 for the specific traffic mitigation measures.

Comment B54b-27**B) LADOT Mitigations**

The LADOT has numerous types of physical, operational, and other types of mitigations available to developers and these mitigations are indicated on pages 11-13 of Attachment A. One of the operational mitigations is the implementation of the Automated Traffic Surveillance and Control (ATSAC) and the Adaptive Traffic Control System (ATCS) which the traffic study identifies that LADOT indicates will provide 7% and 3% (10% cumulatively) in improved operational efficiency. It should be noted that this is a theoretical value and that any use of this mitigation should be monitored after installation to assure it is actually offsetting the impact. Installation of the ATSAC/ATCS system will be great for the area residents as they will receive the benefit of a 24/7 system that will continually adjust signal operations to provide for the maximum efficient traffic flow especially in times of heavy traffic or unexpected congestion. Ultimately, the mitigations must satisfy LADOT and its residents and it is LADOT's responsibility to assure the mitigations properly offset the impacts from a analytical and residents standpoint(s).[sic]

Response to Comment B54b-27

See Response to Comment B54b-26 for a discussion of the traffic mitigation measures recommended in the Draft EIR. A more specific discussion regarding traffic signal synchronization improvements (i.e., ATSAC and ATCS) is provided on page IV.J-111 of the Draft EIR. The comment is correct regarding the credit to the calculated v/c ratio authorized by LADOT for purposes of funding ATSAC and ATCS improvements (i.e., 0.07 and 0.03, respectively). The comment concurs that installation of the ATSAC/ATCS system will be great for the area residents as they will receive the benefit of a 24/7 system that will continually adjust signal operations to provide for the maximum efficient traffic flow especially in times of heavy traffic or unexpected congestion. The comment is also correct in that the traffic signal synchronization improvements would be effective through the day, not just during peak hours. The level of mitigation credit authorized by LADOT is based on actual before-and-after field studies conducted by LADOT to assess the effectiveness of the synchronization systems. In most cases, the measured improvements in traffic flow exceed the credit allowed by LADOT for traffic mitigation purposes. As an example, Caltrans in their report to the Western Avenue Task Force, estimates that installation of a synchronized traffic signal system reduces the critical volume-to-capacity (v/c) ratios by 12 percent. LADOT estimates that the ATSAC system reduces the critical v/c ratios by seven percent and that the ATCS system upgrade further reduces the critical v/c ratios by three percent for a total of 10 percent. See also Response to Comment B57-3. Therefore, the potential benefit of the ATSAC/ATCS installation for traffic mitigation as assumed in the Traffic Study is appropriately conservatively (i.e., does not overstate the potential benefit) and monitoring of ATSAC/ATCS performance as suggested in the comment is required. See also Topical Response 11, Traffic.

Comment B54b-28

C) Traffic Study Mitigations

The Traffic Study identifies numerous mitigations to offset the project impacts as shown in Attachment D. The mitigations are accurately calculated and would likely offset the impacts from both the existing and proposed zoning. The mitigations include both operational and physical improvements.

Response to Comment B54b-28

See Response to Comment B54b-26 for a discussion of the traffic mitigation measures recommended in the Draft EIR. The comment concurs that the mitigations are accurately calculated and would likely offset the impacts from both the existing and proposed zoning. As shown on Table IV.J-10, beginning on page IV.J-59 of the Draft EIR, implementation of the recommended traffic mitigation measures would completely mitigate the potentially significant traffic impacts associated with the Project. Table VI-14, page VI-100 indicates that the traffic impacts associated with Alternative A: No Project Alternative/Single-Family Homes could be mitigated to less than significant impacts at the 19 study intersections where potentially significant traffic impacts could occur with implementation of the recommended traffic mitigation measures.

Comment B54b-29

i) Physical Mitigations

The physical mitigations are straightforward, reasonable, and consist of addition of lanes, re-striping, and installation of signals.

Response to Comment B54b-29

See Response to Comment B54b-26 for a discussion of the traffic mitigation measures recommended in the Draft EIR. The comment concurs that the physical mitigations recommended in the Traffic Study are straightforward and reasonable. Conceptual plans of the recommended physical traffic mitigation measures are provided in Appendix IV.J-1 to the Draft EIR. The LADOT letter dated January 11, 2007 concludes that the recommended physical traffic mitigation measures are feasible. It is noted on page IV.J-120 that a number of the study intersections where physical traffic mitigation is recommended are located outside of the jurisdiction of the City of Los Angeles (the Lead Agency), but such measures are feasible, will be required to be funded by the applicant, and can and should be implemented by the responsible agency concerned.

Comment B54b-30

ii) Operational Mitigations

The operational mitigations consist mainly of installation of ATSAS/ATCS system at numerous intersections. These mitigations are calculated correctly according to LADOT's operational enhancement guidelines and theoretically would offset the projects impacts as shown in Attachment's C and D. LADOT allows this mitigation as follows: (see Page 12 of Attachment A)

“ATSAC is available as a mitigation measure only where ATSAC has not yet been constructed and a fully-funded contract has not been awarded for ATSAC construction. ATSAC may be accepted as a mitigation measure prior to the completion of the ATSAC project's final funding report (Final Report) at the sole option of LADOT. “

Response to Comment B54b-30

See Responses to Comments B54b-26 and B54b-27 for a discussion of the traffic mitigation measures recommended in the Draft EIR, including ATSAC/ATCS. The comment concurs that the Traffic Study mitigations are calculated correctly according to LADOT's operational enhancement guidelines and theoretically would offset the Project impacts. See Topical Response 11, Traffic, for a discussion regarding the appropriate inclusion of ATSAC/ATCS as a recommended traffic mitigation measure in the Traffic Study. The comment correctly notes the LADOT policy at the time LADOT released its Assessment Letter for the Project with respect to accepting ATSAC/ATCS as a traffic mitigation measure, which was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR). The LADOT letter dated February 21, 2007 reaffirms the appropriateness of the ATSAC/ATCS mitigation for the Traffic Study.

Comment B54b-31

It is important to understand that LADOT already has plans to implement installation of the ATSAC/ATCS system at these intersections and may have already secured funding either through City or Grant Funds. It is unclear whether a “fully-funded contract” or a “final funding report” has been completed. However, it is within LADOT's purview to accept or reject this mitigation regardless of the status of funding, especially considering that LADOT has indicated to the community that they already have plans to install this system.

The community has the reasonable expectation that these signals will be upgraded to the ATSAC/ATCS system regardless of any development. By allowing the developer to use this mitigation LADOT is essentially shifting the financial burden from the LADOT to the developer. This enables LADOT to potentially utilize funds already committed on being utilized in the community for other purposes and/or in other unrelated areas. This would be a loss for the community as it expects the installation of the ATSAC/ATCS system **PLUS** mitigations from the project to offset the project impacts.

Response to Comment B54b-31

See Response to Comment B54b-30 and Topical Response 11, Traffic, for a discussion regarding the appropriate inclusion of ATSAC/ATCS as recommended traffic mitigation in the Traffic Study.

Comment B54b-32

The developer should perform an re-analysis [sic] of the intersections assuming that the ATSAC/ATCS system has been installed and subsequently develop implement “alternate mitigations” at each impacted location. Alternately, the developer could be permitted to place funds equal to installation of the ATSAC/ACTS system into a trust account that may be utilized for the future widening of Western Avenue (a measure recommended by the Western Avenue Task Force) or possibly the construction of landscaped medians or landscaping along the sidewalks and/or other physical improvements.

Response to Comment B54b-32

See Topical Response 11, Traffic. As discussed in the Topical Response, the recommendation that the Project fund the installation of ATSAC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR). The supplemental analysis suggested in the comment, including the identification of “alternate mitigations” in lieu of ATSAC/ATCS is not required. Further, placement of funds into a “trust account” as also suggested in the comment is not required as the traffic mitigation measures recommended in the Draft EIR completely mitigate the potential traffic impacts of the Project.

Comment B54b-33

It is also important to note that some mitigation(s) are under the jurisdiction of other agencies, CALTRANS or other municipalities and must be acceptable to them. Their acceptance must be provided prior to implementation of the project. The other agencies may not accept the developers mitigations and may require more (or less) of the developer to offset a mitigation.

Response to Comment B54b-33

The comment is correct that a number of study intersections where traffic mitigation measures are recommended in the Draft EIR are located outside the jurisdiction of the City of Los Angeles (the Lead Agency). As stated on page IV.J-120 of the Draft EIR, should the permitting agency/agencies (including Caltrans) refuse to allow installation of one or more of the recommended mitigation measures, a residual, unmitigated traffic impact will result. However, such measures are feasible, will be required to be funded by the applicant, and can and should be implemented by the responsible agencies concerned.

Comment B54b-34

D) Mitigation Monitoring

An appropriate mitigation plan fully funded by the developer must be a part of installation of the ATSC/ATCS system and other mitigations. It should consist of the following:

- i) The monitoring consists of routine traffic counts (or some other routine data gathering) after installation and analysis of the volume data and performance of the signals to verify if the operational enhancements are being achieved.

Response to Comment B54b-34

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The Traffic Study employs appropriately conservative analysis and forecasting techniques such that the potential effects of the Project are likely overstated. Further, the traffic mitigation measures recommended in the Draft EIR beginning on page IV.J-111 not only completely mitigate the potential impacts of the Project and the Mary Star High School project, but also an incremental portion of the potential future traffic growth not associated with the Project (i.e., the operational benefits of the recommended traffic mitigation measures exceed the relative adverse effects of the Project-related traffic). Therefore, the need to conduct follow-up traffic counts and other monitoring, as suggested in the comment, has not been established. However, the comment will be forwarded to the decision-maker for review and consideration. See Response to Comment B54b-27.

Comment B54b-35

- ii) The developer should identify “alternate mitigations” that would be implemented if the proposed mitigations do not offset the impacts.

Response to Comment B54b-35

See Response to Comment B54b-34. As the traffic mitigation measures recommended in the Draft EIR completely mitigate the potential traffic impacts of the Project, the need to identify alternate mitigations, as suggested in the comment, has not been established. However, the comment will be forwarded to the decision-maker for review and consideration. See also Topical Response 11, Traffic. As discussed in the Topical Response, the recommendation that the Project fund the installation of ATSC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR).

Comment B54b-36

- iii) The plan should also include the developer placing funds equal to that necessary to implement the “alternate mitigations” in a trust fund or mitigation bank account that may be used to implement the alternate mitigations.

Response to Comment B54b-36

See Response to Comment B54b-34. As the traffic mitigation measures recommended in the Draft EIR completely mitigate the potential traffic impacts of the Project, the need to identify alternate mitigations, as suggested in the comment, has not been established. However, the comment will be forwarded to the decision-maker for review and consideration. See also Topical Response 11, Traffic. As discussed in the Topical Response, the recommendation that the Project fund the installation of ATSAC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR).

Comment B54b-37

- iv) If after some agreed upon time period after construction of the final development the initial mitigations are verified as effective, then the funds would be returned to the developer.

Response to Comment B54b-37

See Responses to Comments B54b-34 and B54b-36. As the traffic mitigation measures recommended in the Draft EIR completely mitigate the potential traffic impacts of the Project, the need to identify alternate mitigations, as suggested in the comment, has not been established. However, the comment will be forwarded to the decision-maker for review and consideration.

Comment B54b-38

6) Summary and Recommendations

A) Summary

PEI was contracted to conduct a cursory review of the Ponte Vista Traffic Study. The trip generation, trip distribution, and analysis methodologies were all prepared and are in compliance with the appropriate LADOT guidelines. Additionally, if other trip generation numbers which result in more trips are utilized, it's likely that the greater impacts would still be offset by the proposed mitigations. The Neighborhood Councils could expect limited success in challenging these portions of the traffic study as a means to challenge the project.

Response to Comment B54b-38

The comment concurs that the trip generation, trip distribution, and analysis methodologies were prepared and are in compliance with the appropriate LADOT guidelines. The comment also concurs that if other trip generation numbers which result in more trips are utilized, it's likely that the greater impacts would still be offset by the proposed mitigations. The comment advises the neighborhood councils, which retained Priority Engineering to comment on the Traffic Study, that they could expect limited success in challenging these portions of the Traffic Study as a means to challenge the Project. The issue of neighborhood council challenges is beyond the scope of the Final EIR.

Comment B54b-39

The Neighborhood Councils would likely have the more success by challenging the mitigation measures of the traffic study. LADOT is in allowing the developer to provide funding for the installation of the ATSAC/ATCS system as mitigation for numerous impacts. However, the LADOT has already committed to funding installation of the ATSAC/ATCS system at these locations. Allowing these mitigations will deprive the community of additional mitigations it is entitled too. The developer should be required to install "alternate mitigations" other than installation of the ATSAC/ACTS system. One such mitigation would be to place funds equal to that of installing the ATSAC/ACTS into a trust fund to be utilized for the widening of Western Avenue.

Response to Comment B54b-39

As the traffic mitigation measures recommended in the Draft EIR completely mitigate the potential traffic impacts of the Project, the need to identify alternate mitigations, as suggested in the comment, has not been established. However, the comment will be forwarded to the decision-maker for review and consideration. See also Topical Response 11, Traffic. As discussed in the Topical Response, the recommendation that the Project fund the installation of ATSAC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR).

Comment B54b-40**B) Recommendations**

Based on the review of the traffic study and discussions with the Neighborhood Council representatives, the following recommendations have been developed:

- i) The Neighborhood Councils develop a group of stakeholders affected by this project to form a unified voice regarding this project. These stakeholders would consist of Neighborhood Council members, City representative(s), business members, other community groups, etc.

Response to Comment B54b-40

The comment is not related to the scope or adequacy of the Traffic Study provided in the Draft EIR. However, the suggestion will be forwarded to the decision-maker for review and consideration.

Comment B54b-41

- ii) The Neighborhood Councils gain their City Councilpersons support on these issues prior to any contact with LADOT.

Response to Comment B54b-41

The comment is not related to the scope or adequacy of the Traffic Study provided in the Draft EIR. However, the suggestion will be forwarded to the decision-maker for review and consideration.

Comment B54b-42

- iii) The Neighborhood Councils send a letter to LADOT signed by all Council Presidents and the City Council Person expressing their concerns and recommendations. It is recommended that the letter contain the following recommendations:

- (1) Reject the developer's use of installation of the ATSAC/ACTS system as mitigation.

Response to Comment B54b-42

See Topical Response 11, Traffic. As discussed in the Topical Response, the recommendation that the Project fund the installation of ATSAC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR).

Comment B54b-43

- (2) Require the developer to do one of the following:
 - (a) Re-analyze the intersections as if the ATSAC/ACTS system has been installed, develop alternate mitigations based on this analysis, and fund "alternate mitigations" that offset the impacts. – OR -

Response to Comment B54b-43

As the traffic mitigation measures recommended in the Draft EIR completely mitigate the potential traffic impacts of the Project, the need to identify alternate mitigations, as suggested in the comment, has not been established. However, the comment will be forwarded to the decision-maker for review and consideration. See also Topical Response 11, Traffic. As discussed in the Topical Response, the

recommendation that the Project fund the installation of ATSAC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR).

Comment B54b-44

- (b) Place funds equal to installation of the ATSAC/ACTS system in a trust fund to be utilized for mitigations as the Community and LADOT jointly decide.

Response to Comment B54b-44

As the traffic mitigation measures recommended in the Draft EIR completely mitigate the potential traffic impacts of the Project, the need to identify alternate mitigations, as suggested in the comment, has not been established. However, the comment will be forwarded to the decision-maker for review and consideration. See also Topical Response 11, Traffic. As discussed in the Topical Response, the recommendation that the Project fund the installation of ATSAC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR).

Comment B54b-45

- (c) If the re-analysis or trust fund can't be established, reject the project.

Response to Comment B54b-45

As the traffic mitigation measures recommended in the Draft EIR completely mitigate the potential traffic impacts of the Project, the need to identify alternate mitigations, as suggested in the comment, has not been established. However, the comment will be forwarded to the decision-maker for review and consideration. See also Topical Response 11, Traffic. As discussed in the Topical Response, the recommendation that the Project fund the installation of ATSAC/ATCS at intersections along Western Avenue for traffic mitigation purposes is consistent with LADOT practice and policy at the time LADOT released its Assessment Letter for the Project, and was reaffirmed by LADOT in its March 14, 2008 memo to the Department of City Planning (see Appendix T to this Final EIR).

Comment B54b-46

- (3) Develop, implement and fund a Mitigation Monitoring system which would:
- (a) Monitor the impacted facilities to verify if the operational enhancements are being achieved.

Response to Comment B54b-46

See Response to Comment B54b-34 for a discussion regarding the traffic mitigation measures recommended in the Draft EIR beginning on page IV.J-111 which not only completely mitigate the potential impacts of the Project and the Mary Star High School Project, but also an incremental portion of the potential future traffic growth not associated with the Project (i.e., the operational benefits of the recommended traffic mitigation measures exceed the relative adverse effects of the Project-related traffic). Therefore, there is no need to conduct follow-up monitoring as suggested in the comment.

Comment B54b-47

- (b) Developer should identify “alternate mitigations” that would be implemented if the proposed mitigations do not offset the impacts.

Response to Comment B54b-47

See Response to Comment B54b-46. The need to identify alternate mitigations, as suggested in the comment, has not been established and there is no requirement to monitor the effectiveness of the traffic mitigation measures. However, the comment will be forwarded to the decision-maker for review and consideration.

Comment B54b-48

- (c) Place funds equal to that necessary to implement the “alternate mitigations” in a trust fund or mitigation bank.

Response to Comment B54b-48

See Response to Comment B54b-46. Monitoring of the effectiveness of the recommended traffic mitigation measures is not required.

COMMENT LETTER B55**Barbara Higgins****Weston, Benshoof, Rochefort, Rubacalva, MacCuish, LLP****333 South Hope Street, 16th Floor****Los Angeles, CA 90071*****Comment B55-1***

We represent the Los Angeles Unified School District (“LAUSD” or “District”) regarding property located at 26900 South Western Avenue, Los Angeles, California (the “Property”).

Response to Comment B55-1

This comment contains general information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B55-2

The Property is currently proposed for residential development by applicant BDC Ponte Vista Partners, LLC (“Applicant”). A portion of the Property has also been designated by the LAUSD Board of Education as the “Preferred Site” for South Region High School No. 14 (“SRHS # 14”). [See Board of Education Report No. 138-05106 (Attachment A).]

Response to Comment B55-2

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 3, South Region High School #14.

Comment B55-3

On behalf of the LAUSD, we have reviewed the Ponte Vista Draft Environmental Impact Report (“Draft EIR or “DEIR) prepared by the Applicant’s environmental consultant, Christopher A. Joseph & Associates (“CAJA”). Based on our comments below, the attached comments by the Planning Center dated January 8, 2007,¹ and the evidence contained in the record of proceedings, the Ponte Vista Draft EIR is an inadequate informational document that fails to comply with the California Environmental Quality Act (Pub. Resources Code sections 21000 *et seq.*, “CEQA”) and its implementing Guidelines (Title 14, Cal. Code Regs., Sections 15000 *et seq.*, “CEQA Guidelines”).

Response to Comment B55-3

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments B55-4 through B55-235.

Comment B55-4

¹ We attach and incorporate by reference herein the comments of the District’s environmental consultants - the Planning Center - dated January 8, 2007. See Attachment B.

Response to Comment B55-4

This comment incorporates comments in Attachment B to Comment Letter B55, which are addressed in Responses to Comments B55-110 through B55-235.

Comment B55-5***I. Summary of Comments.***

The Ponte Vista Draft EIR does not comply with CEQA based on, but not limited to, the following grounds: (1) the Draft EIR fails to consider potential project impacts on SRHS #14, as stated in the District's comment letter dated July 10, 2006;

Response to Comment B55-5

See Topical Response 3, South Region High School #14.

Comment B55-6

(2) the Draft EIR's analysis of cumulative impacts is inadequate because it omits SRHS #14 from the list of reasonably foreseeable future projects in violation of CEQA Guidelines section 15030;

Response to Comment B55-6

See Topical Response 3, South Region High School #14.

Comment B55-7

(3) the Draft EIR does not provide decisionmakers and the public with an adequate alternatives analysis that considers the comparative impacts of a feasible School/Private Development alternative;

Response to Comment B55-7

See Topical Response 3, South Region High School #14.

Comment B55-8

(4) the Draft EIR fails to adequately analyze Project impacts and feasible mitigation in the following environmental impact categories: Air Quality; Hazardous Materials and Risk of Upset; Land Use and Planning; Noise; Public Services; Transportation and Traffic; and Utilities and Service Systems; and

Response to Comment B55-8

Responses to each alleged inadequacy are provided on a comment-by-comment basis in Responses to Comments B55-49 through B55-106.

Comment B55-9

(5) the Draft EIR fails to discuss potentially significant energy impacts on a project-specific or cumulative basis as required under CEQA Guidelines, Appendix F.

Response to Comment B55-9

CEQA does not require analysis of “energy impacts” per se. Rather, under CEQA, measures to reduce “the wasteful, inefficient, and unnecessary consumption of energy” are to be examined in an environmental impact report. Public Resources Code Section 21100(b)(3). Section 15126.4(a)(1) of the CEQA Guidelines provides that an EIR “shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.” CEQA Guidelines Section 15126.4(a)(3) provides that “[m]itigation measures are not required for effects which are not found to be significant.”

A former version of the CEQA Guidelines Environmental Checklist (Appendix I) had identified “Energy and Mineral Resources” as a topic. *See* Cal. Code Regs. Tit. 14, § 15387 (1994) (Appendix I). However, in October of 1998, the Environmental Checklist was renumbered as Appendix G and significantly revised. *See* Cal. Code Regs. Tit. 14, § 15387 (1998) (Appendix G); *see also* Final Text, CEQA Guidelines Revisions (October 26, 1998) *available at* http://www.ceres.ca.gov/topic/env_law/ceqa/rev/final_102698.html (showing the final text of CEQA Guidelines revisions made on October 26, 1998, including deletion of Appendix I Environmental Checklist in its entirety and replacement with Appendix G Environmental Checklist). These revisions deleted both the reference to “Energy” as a topic and the individual energy-related questions that had appeared in the previous Environmental Checklist. Neither an energy topic nor individual energy questions appear in the current version of the Environmental Checklist (Appendix G).

As summarized below, the Draft EIR discusses the Project’s energy consumption in various locations. The comment does not assert or provide any substantial evidence that the Project would cause “wasteful, inefficient and unnecessary consumption of energy.” Nor does the comment identify any necessary or feasible energy conservation mitigation measures that the Draft EIR failed to adopt. As discussed in Section V of the Draft EIR, the types and level of development associated with the Project would consume limited, slowly renewable, and non-renewable resources. Draft EIR Page V-1. The Draft EIR notes that this consumption would occur during both construction and operation and that required resources would include fuel and operational materials and resources, including fossil fuels such as gasoline and oil. Draft EIR Page V-1. The Draft EIR concludes that the Project’s resource consumption would be consistent with growth and anticipated change in the Los Angeles region. Draft EIR Page V-1 to V-2.

The Draft EIR documents that the energy needs of the Project are consistent with long term planning for energy resources that has been conducted by energy planning agencies. As discussed in the Draft EIR, the Project represents a portion of housing growth anticipated for the area by local and regional planners. The Project represents 2.6 percent of the growth in SCAG’s household forecast for the City of Los

Angeles Subregion between 2005 and 2012. With respect to the local area, the Project's proposed 2,300 dwelling units could provide 23.5 percent of the units projected for the Wilmington-Harbor City and San Pedro CPAs by 2010, as projected by the City's General Plan Framework forecast (and 46.2 percent of the additional housing units projected for the Wilmington-Harbor City CPA alone by 2010). As infill development, the Project will take advantage of existing infrastructure serving the area and will not require substantial off-site infrastructure improvements. See Draft EIR Appendix IV.I-1 (LADWP February 8, 2006 letter at p. 5).

As part of the Initial Study for the Project, both the Los Angeles Department of Water and Power (LADWP) and the Southern California Gas Company ("Gas Company") were contacted in order to ascertain whether the electrical and natural gas needs of the Project could be served. LADWP and the Gas Company are responsible for planning to serve future area demand for electricity and natural gas. LADWP and the Gas Company considered the electrical energy and natural gas demands of the Project, which are estimated at 37,071 kilowatt-hours per day (kWh/day) and 311,753 cubic feet per day, respectively, based on SCAQMD consumption rates. In a September 14, 2005 letter, the Southern California Gas Company stated that it has facilities in the Project area and that "gas service to the project could be served without any significant impact on the environment." The Gas Company's letter is included in Appendix IV.I-1 of the Draft EIR. In a letter dated October 11, 2005, LADWP stated that "[e]lectric service is available and will be provided in accordance with the [LADWP's] Rules and Regulations," and that "[t]he estimated power requirement for this proposed project is part of the total load growth forecast for the City of Los Angeles and has been taken into account in the planned growth of the Power System." LADWP's letter is included in Appendix IV.I-1 of the Draft EIR. No potential environmental impacts were identified by either energy agency.

As discussed extensively in the Draft EIR, the Project is consistent with regional plans and policies that aim to reduce vehicle miles traveled and related fossil fuel consumption by motorized vehicles, because it contributes towards meeting unmet housing need in an area close to significant employment opportunities, and supports public transit and pedestrian uses. See, e.g., Draft EIR pages IV.B-31 – IV.B-32. The Project is located at an infill development location in an existing urbanized area of the SCAG region that is "jobs rich and housing poor". The Project would add 2,300 new market rate multi-family ownership units proximate to some of the region's largest employers – the Port of Los Angeles, the Port of Long Beach Harbor, and related regional employers in addition to several hospitals, colleges, shopping centers, and refineries. If the Project were not built, or if the site was developed at a significantly lower density, it is foreseeable that the 2,300 units (or portion thereof) would still be constructed elsewhere in the Basin but farther away from employment, thereby increasing VMT and resulting in what would be a less efficient expenditure of fossil fuels. See Draft EIR pages VI-25 – VI-27.

As discussed in the Draft EIR, the Project's proposed multi-family density of approximately 37 units per acre not only brings more housing units closer to major employment centers, but is also more supportive of transit use than single-family home development. The Project would maximize the use of an existing transit-served urbanized area by adding density in an area currently served by public transit (buses), and an area located near existing transportation corridors (including Western Avenue and the I-110 Freeway)

and the Long Beach Airport. Mitigation Measure J-32 provides that LADOT shall be consulted to potentially extend the existing San Pedro DASH route northerly on Western Avenue to serve the Project site. Draft EIR at IV.J-116. Mitigation Measure J-31 provides for the creation of a bus turnout lane and bus stop facilities (shelter, schedule information) on Western Avenue adjacent to the Project. Draft EIR at IV.J-116. The Project would incorporate sidewalks on primary streets, and would provide a network of pathways throughout the master-planned community that would create opportunities for residents to walk to local destinations and transit stops. The Project's public open spaces, recreational amenities, landscaping, and mix of building scales would also promote pedestrian activity. In addition, the Project's incorporation of urban design standards would make Western Avenue a more attractive street, which could promote its use by pedestrians, bicyclists, and users of public transit.

The Southern California Association of Governments (SCAG), which has a statutory responsibility for determining conformity of projects, plans, and programs with the Regional Comprehensive Plan and Guide and other programs has reviewed the Project's Draft EIR. In its comment letter, Comment A14, FEIR page IV-295, SCAG concurred, among other things, with the Draft EIR's assessment that:

“The Project thus addresses currently unmet housing needs that are contributing to urban sprawl and associated automobile trip emissions, and provides housing closer to jobs at densities that are consistent with the VMT reduction strategies of the RCPG [Regional Comprehensive and Guide] and AQMP [Air Quality Management Plan]. The Project would also likely reduce vehicle trips, VMT, and related emissions by including convenience retail services for future residents. The Project is consistent with and would implement relevant AQMP, RCPG, and RTP [Regional Transportation Plan] strategies to attain and maintain compliance with federal and State ambient air quality standards,” and concludes that “the project would be consistent with this RTP Goal [Protect the environment, improve air quality and promote energy efficiency]”

As discussed in the Draft EIR, the Project will also avoid wasteful, inefficient and unnecessary consumption of energy through its compliance with Title 24, Part 6, California's Energy Efficiency Standards for Residential and Nonresidential Buildings. Title 24 sets energy efficiency standards that are adopted by the California Energy Commission. Title 24 was adopted in 1978 in response to the California legislature's mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The standards are mandatory for all new construction in California. Draft EIR, p. IV.B-38. The standards address, among other things, building envelope, HVAC requirements, water heating requirements, interior and outdoor lighting, appliances, pools and spas, roof treatments, insulation, etc. As noted in the Draft EIR, reducing the need to heat or cool structures by improving thermal integrity would result in a reduced expenditure of energy. See pages IV.B-37 – IV.B-38. Significant changes and additions to Title 24 that became effective in 2005 are expected to further reduce energy demand by

approximately 15 percent as compared to previous Title 24 requirements.¹²⁶ As discussed in the Draft EIR, the Project is expected to take advantage of energy conserving design features. See p. IV.H-20.

The Project applicant has also indicated its intent to attempt to obtain certification by the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, the objective of which is to recognize projects that voluntarily meet its high-performance, sustainable building standards. Draft EIR, p. IV.F-30 (see also Response to Comment A10-31). In addition, the applicant will consult with LADWP during the design process regarding LADWP's programs to reduce peak electrical demand and energy costs. LADWP advises that its Efficiency Solutions Business Group is available to provide information and design alternatives to maximize the efficiency of the building envelope, heating, ventilation, and air conditioning, building lighting, water heating and building mechanical systems, and publishes a list of energy-efficient design measures, implementation of which would exceed Title 24 energy efficiency requirements. Draft EIR Appendix IV.I-1.

The Draft EIR also includes mitigation measures that will reduce energy consumption and increase energy efficiency during construction and operation. With respect to construction, Mitigation Measure B-1 includes several measures, including requiring that all construction equipment shall be kept in proper tune in accordance with manufacturer specifications, that late model heavy-duty diesel-powered equipment with cooled exhaust recirculation shall be used, that construction equipment utilize low emission fuels and alternative fuel technology such as soybean-based biodiesel (30% blend) or, at a minimum, low sulfur fuel for all heavy-duty diesel-powered equipment operating and refueling at the Project site, that truck and equipment idling time be limited to five minutes or less, and that, to the extent feasible, construction operations rely on electricity infrastructure surrounding the site rather than electrical generators powered by internal combustion engines. See Response to Comment A10-196. With respect to operation, Mitigation Measure B-3 requires, among other things, that construction and building management contracts require the use of solar or low-emission water heaters in residential buildings, use central water heaters when practical and provide energy-efficient natural gas heating and cooking equipment. See page IV.B-54 of the Draft EIR.

As discussed in Response to Comment A10-240, Mitigation Measures K-8 through K-10 have been included to ensure the recycling of construction-related solid waste. The steps in supplying recycled materials to industry (including collection, processing and transportation) typically use less energy than the steps in supplying virgin materials to industry (including extraction, refining, transportation and processing). Additional energy savings associated with recycling accrue in the manufacturing process itself, since the materials have already undergone processing. Therefore, Mitigation Measures K-8 through K-10 serve to further the Project's overall energy efficiency.

¹²⁶ *Pacific Gas and Electric Company, Market Integrated Demand Side Management, Residential New Construction Program, Program Descriptions, pp. 9-10, February 2006.*

Finally, a greenhouse gas emissions analysis has been prepared for the Revised Project and is included in Section VI of this Final EIR (for a description of the Revised Project, see Section IV of this Final EIR). The greenhouse gas (GHG) emissions analysis considers the Revised Project's consistency with the policies of recent Air Resources Board (ARB) recommendations and the *Climate Action Team Report to Governor Schwarzenegger and the Legislature*, published by State-established Climate Action Team (CAT) in March 2006. Many of these policies pertain to energy usage. The results of this policy analysis are consistent with the conclusion that the Project would not cause "wasteful, inefficient and unnecessary consumption of energy." Rather, the Project is consistent with a variety of policies designed to reduce overall energy demand and resulting GHG. The GHG analysis concludes that the impact of the Project to the cumulative effect of global climate change would be mitigated through implementation of Mitigation Measure B-3, Mitigation Measure B-4, Mitigation Measure J-31, Mitigation Measure J-41, Mitigation Measure K-2, and Mitigation Measure K-3.

In summary, the Draft EIR contains an adequate discussion of energy issues. Among other measures, the Project will comply with the recently updated statewide energy efficiency requirements of Title 24 adopted by the California Energy Commission. There is no substantial evidence that the Project would cause "wasteful, inefficient and unnecessary consumption of energy."

Comment B55-10

Based on these deficiencies and those addressed by other area stakeholders and responsible agencies, the Ponte Vista Draft EIR requires additional information, analysis, and mitigation. We also believe the extensive revisions needed to make the Draft EIR adequate will require recirculation in compliance with CEQA Guidelines section 15088.5.

Response to Comment B55-10

See Responses to Comments B55-11 through B55-106. See Topical Response 2, Recirculation.

Comment B55-11

II. Summary of the Applicant's Project and SRHS #14.

This section provides a brief summary of the Applicant's proposed Project and updates the City on the status of SRHS #14 for the record and to set the context for the District's specific comments on the Draft EIR.

Response to Comment B55-11

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments B55-12 through B55-18.

Comment B55-12**A. The Applicant's Project.**

The Applicant and its environmental consultants - CAJA - prepared the Draft EIR to be adopted by the City of Los Angeles ("City") as the lead agency for the Project. Commonly known as "Ponte Vista," the Project is situated on a 61.5-acre parcel of improved land located at 26900 South Western Avenue, City of Los Angeles (the "Project Site").

As described in the Draft EIR, the Applicant is proposing a 2,300-unit townhome and condominium development project. The Project will include 10,000 square feet of ancillary retail uses and landscaped common areas. The common areas may include a 2.5-acre central park, a two-acre waterscape concourse, a 0.5-acre senior community park, and a publicly accessible six-acre park (which may be improved with two little league baseball fields) (collectively the "Project"). The Project requires the Applicant to demolish and remove all existing on-site improvements consisting of 245 residential units, a community center, and a retail facility. Improvements were constructed by the United States Navy in the early 1960s to house personnel stationed in the Long Beach Naval Shipyard. The Navy closed this facility in the 1990s and sold the Project Site to the Applicant in 2005.

According to the Draft EIR, the Applicant will require the following discretionary land use approvals from the City to develop the Project: a General Plan Amendment, a Specific Plan, a Zone Change and a Vesting Tentative Tract Map. The Draft EIR also indicates it may be used to satisfy environmental review requirements under the federal National Environmental Policy Act ("NEPA").² [DEIR, p. I-1.]

Response to Comment B55-12

This comment summarizes certain characteristics of the Project, its location and associated entitlements, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B55-13**B. Status of SRHS #14.**

On December 13, 2005, the District's Board designated a portion of the Project Site as the "Preferred Site" for South Region High School No. 14 ("SRHS #14"). The Board's "Preferred Site" designation was the result of extensive comparative site studies, staff meetings, community meetings and public hearings conducted over the course of approximately 14 months.³ As confirmed in the Board's staff report dated November 22, 2005 (Attachment A), the ultimate school site will consist of approximately 15 to 16 acres of the 61.5-acre Ponte Vista site. The contemplated 2,025-seat high school will provide overcrowding relief at the nearby Narbonne and San Pedro High Schools. This proposal is consistent with the District's 2005 New Construction Strategic Execution Plan.

Response to Comment B55-13

See Topical Response 3, South Region High School #14.

Comment B55-14

The Draft EIR incorrectly identifies the Preferred Site as consisting of approximately 24 acres - or “almost 40 percent of the Project site” [DEIR, p. I-11] – as opposed to only 15 to 16 acres. As the Applicant knows, the District has identified a 24-acre parcel as its “Study Area” within the northern portion of the Project Site for the purpose of conducting feasibility studies only; it does not constitute the final acquisition area.⁴ As approved by the Board, the school site will consist of only 15 to 16 acres, which is approximately 26 percent of the Project Site.

Response to Comment B55-14

See Response to Comment B55-13.

Comment B55-15

² Under federal law, an EIR may substitute for an EIS only under certain conditions. See 42 USC § 4332(2)(D). The Draft EIR should discuss how the EIR will be used by federal agencies, which federal agencies will rely on the document, and how the federal statutory conditions have been satisfied.

Response to Comment B55-15

The purpose of an EIR is to evaluate and recommend mitigation measures for the environmental impacts of a Project. As defined by CEQA, a “Project” is the physical activities that will result in a potential environmental impact and not the discretionary approvals required for the Project. See CEQA Guidelines Section 15378(c). Thus, the purpose of an EIR is not to evaluate “permit” requirements. The intended uses of the EIR are stated at pages II-26 to II-27 of the Draft EIR based on the best information available when the NOP was prepared. The comment relates to the adequacy of the Draft EIR for purposes of satisfying the federal National Environmental Policy Act (NEPA), but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR for purposes of compliance with CEQA. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. CEQA permits and encourages the preparation of a combined EIR/EIS. See CEQA Guidelines, Article 14.

Comment B55-16

³ To illustrate the level of consideration and analysis engaged in by the District, see the attached Site Selection Criteria (Attachment C) listing the 75 factors considered by the District in identifying suitable sites for school development.

Response to Comment B55-16

This comment refers to LAUSD site selection criteria, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B55-17

On June 23, 2006, LAUSD published its Notice of Preparation and Initial Study (“NOP/IS”) for SRHS #14 and held a public scoping meeting on June 29, 2006. The public review and comment period on the NOP/IS ran to July 23, 2006. The NOP/IS determined the District must prepare an EIR for SRHS #14. LAUSD staff is currently preparing the draft EIR pursuant to the NOP/IS, and in preparation for initiating formal acquisition negotiations with the Applicant.

Response to Comment B55-17

See Response to Comment B55-13.

Comment B55-18

In addition, LAUSD is in litigation with the Applicant to gain access to the Property for the purpose of conducting feasibility studies.⁵ As stated in the NOP/IS, the District’s environmental review will consider the Applicant’s Project as a potential future project in its cumulative impacts analyses of the SRHS #14 Draft EIR. [NOP/IS; p. 6.]

Response to Comment B55-18

LAUSD’s litigation with the applicant is beyond the scope of the CEQA process and this EIR. See Response to Comment B55-13.

Comment B55-19**III. Specific Comments on the Ponte Vista Draft EIR.**

Specific comments on the Ponte Vista Draft EIR are as follows: (A) the Draft EIR must analyze direct, indirect and cumulative project impacts on SRHS #14 as stated in the District’s letter dated July 10, 2006;

Response to Comment B55-19

See Topical Response 3, South Region High School #14.

Comment B55-20

(B) the City must revise its cumulative impact analysis to include SRHS #14 as a reasonably foreseeable future project;

Response to Comment B55-20

See Topical Response 3, South Region High School #14.

Comment B55-21

(C) the City must revise its alternatives analysis to include a school/private development alternative to fully inform decisionmakers and the public on comparative impacts of the Project versus a feasible school/residential alternative;

Response to Comment B55-21

See Topical Response 3, South Region High School #14.

Comment B55-22

(D) the Draft EIR must be revised to correct deficiencies in the following impact categories: Air Quality; Hazardous Materials and Risk of Upset; Land Use and Planning; Noise; Public Services; Transportation and Traffic; and Utilities and Service Systems; and

Response to Comment B55-22

See Response to Comment B55-8.

Comment B55-23

(E) the Draft EIR must be revised to include an Appendix F Energy Conservation analysis.

Response to Comment B55-23

See Response to Comment B55-9.

Comment B55-24

⁴ See Los Angeles Unified School District v. BDC Ponte Vista Partners, LLC (Los Angeles Superior Court Case No. BS102775). The documents and evidence of those proceedings are hereby incorporated by reference and requested to be made part of the administrative record in these proceedings.

Response to Comment B55-24

This comment refers to litigation initiated by the Los Angeles Unified School District, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B55-25

⁵ The Applicant is currently fighting LAUSD's right to enter the premises for the purpose of conducting these studies. On October 24, 2006, LAUSD obtained an Order Permitting Entry on Property ("Order") from Department 72 of the Los Angeles Superior Court, and deposited into the Court the sum of \$100,000 to exercise that right. The Applicant has appealed the trial court's Order, which has yet to be resolved prior to LAUSD being able to conduct its required feasibility studies.

Response to Comment B55-25

This comment relates to litigation by the Los Angeles Unified School District, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B55-26***A. The DEIR Must Analyze Project Impacts on SRHS #14.***

The District's letter of July 10, 2006 notified the City and the Applicant that SRHS #14 is planned for occupancy by 2011, and that the Draft EIR must consider the school as a sensitive receptor and related project under CEQA. [See DEIR, Appendix I-2.] Rather than respond, the Draft EIR disclaims a need to analyze Project impacts on the District's future high school, despite 14 months of detailed site studies and community meetings by LAUSD, the Board's December 13, 2005 Preferred Site designation, the District's initiation of CEQA review, the Court's Order Permitting Entry on the Property, the District's ongoing attempts to access the site to conduct feasibility studies, the District's deposit of \$100,000 with the Court to secure a right of entry, and subsequent information confirming the school will be located on the northern portion of the Project Site, pending feasibility studies. Due to the progression of the District's proceedings on this site, and the strong likelihood that the site will be the future location of SRHS #14, an adequate informational document that complies with CEQA should consider Project impacts on the school and adopt the necessary mitigation - including fair share allocations - rather than simply omit this analysis.

Response to Comment B55-26

See Response to Comment B55-13. See Topical Response 3, South Region High School #14.

Comment B55-27

- B. The City Must Revise The Cumulative Impact Analyses to Include SRHS #14 As a Reasonably Foreseeable Future Project.

The Draft EIR impermissibly omits SRHS #14 from its list of related projects in violation of CEQA and the CEQA Guidelines. [See Pub. Resources Code §21083; CEQA Guidelines §15030(b)(1).]⁶ As a matter of law, projects that have progressed to CEQA review must be treated as reasonably foreseeable probable future projects and be included in the EIR's evaluation of cumulative impacts. San Franciscans for Reasonable Growth v. City & County of San Francisco (1984) 151 Cal. App. 3d 61, 75. Moreover, the potential for difficulty, delay, or expense in conducting an adequate cumulative impact analysis does not excuse the lead agency from its duties to conduct a comprehensive review. Citizens to Preserve the Ojai v. County of Ventura (1985) 176 Cal. App. 3d 421.

Response to Comment B55-27

See Response to Comment B55-13. See Topical Response 3, South Region High School #14.

Comment B55-28

LAUSD approved the Project Site as the Preferred Site as early as December 13, 2005, and began its CEQA review as early as June 2006 - i.e., well in advance of the Applicant's Draft EIR. LAUSD also sent a letter to the City dated July 10, 2006 requesting consideration in the Draft EIR, which has not occurred. The Draft EIR acknowledges this information [DEIR, p. 1-1 11, yet fails to consider SRHS #14 and its related environmental effects.⁷ This omission violates CEQA, undermines the City's duty to fully assess potential cumulative effects of all reasonably foreseeable past, present and future projects, and potentially misinforms the City and the public as to the significance of Project impacts and sufficiency of mitigation. As such, the Draft EIR must be revised to consider the potential cumulative impacts of the Project, including SRHS #14, as well as mitigation.

Response to Comment B55-28

See Response to Comment B55-13. See Topical Response 3, South Region High School #14.

Comment B55-29

⁶ See also Draft EIR, p. I-11 (Draft EIR assumes SRHS #14 "...is not a related project in relation to the -- applicant's Project"); p. 111-15 (Related Projects list omitting SRHS #14).

Response to Comment B55-29

This comment contains a source reference for a previous comment, which is correctly cited from the Draft EIR, and does not require an individual response.

Comment B55-30

- C. The City Must Provide Decisionmakers and the Public With A Reasonable Range of Alternatives, Including a School/Private Development Alternative That Reflects the Likely Development of SRHS #14.

The Draft EIR does not demonstrate a good faith effort to identify a reasonable range of feasible alternatives to the Project, including one that considers the likely development of SRHS #14.⁸ As estimated by the LAUSD Facilities Services Division, approximately 95% of sites initially designated as “Preferred Sites” will ultimately undergo site development, primarily due to the District’s rigorous site selection criteria and related limitations.

Response to Comment B55-30

On April 19, 2007, LAUSD announced that it was going to reconsider the South Region High School #14 project. See Responses to Comments A13-105 and B55-13. See Topical Response 3, South Region High School #14.

Comment B55-31

Here, the Applicant’s rendition of the facts in the Draft EIR encourages decisionmakers to ignore the likely build-out of SRHS #14; yet the Guidelines clearly state the City’s statutory duty to conduct an adequate alternatives analysis:

... [An EIR] must consider a range of potentially feasible alternatives *that will foster informed decisionmaking and public participation*. An EIR is not required to consider alternatives which are infeasible. The Lead Agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. [CEQA Guidelines § 15126.6 (emphasis added).]

Response to Comment B55-31

See Response to Comments B55-30 and A13-103. See Topical Response 3, South Region High School #14.

Comment B55-32

Here, an adequate alternatives analysis - i.e., one that fosters informed decisionmaking and public participation - would include a “School/Private Development Alternative” that compares the Project

against the environmental effects of SRHS #14 (located on the northern 16 acres) and private development on the remainder parcel (the southern 45.5 acres).

Response to Comment B55-32

See Response to Comment B55-13. See Topical Response 3, South Region High School #14.

Comment B55-33

⁷ The Applicant's List of Related Projects [DEIR, p. 111-17 (Table 111-2)] includes 174 related projects - many of which are simply "proposed" - yet chooses to omit the "proposed" SRHS # 14.

Response to Comment B55-33

This comment correctly states the number of related projects that were analyzed in the Draft EIR. See Responses to Comments B55-30 and A13-103. See Topical Response 3, South Region High School #14.

Comment B55-34

⁸ See CEQA Guidelines § 15126.6.

Response to Comment B55-34

This comment contains a citation for a sentence in Comment B55-30, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B55-35

The Draft EIR summarily dismisses consideration of a School/Private Development Alternative on the basis that SRHS #14 "is inconsistent with virtually all of the Project objectives." [Draft EIR, p. I-11] Yet there does not appear to be anything inconsistent between a School/Private Development Alternative and the Applicant's Project Objectives, which are stated as follows in the Draft EIR:

Response to Comment B55-35

See Responses to Comments A13-103 through A13-115.

Comment B55-36

- ✓ To remove the abandoned improvements currently present on the site in accordance with the contractual conditions of sale required by the U.S. Navy.

Response to Comment B55-36

This comment correctly quotes Project Objective 1 listed on page II-26 of the Draft EIR. See Responses to Comments A13-103 through A13-115.

Comment B55-37

- ✓ To provide new housing on unutilized land that will meaningfully contribute to relieving the projected 2010 housing shortage for the Wilmington-Harbor City and San Pedro Community Plan areas projected by the City's General Plan Framework and Southern California Association of Governments without requiring the demolition of existing rent-controlled housing stock.

Response to Comment B55-37

This comment correctly quotes Project Objective 2 listed on page II-26 of the Draft EIR. See Responses to Comments A13-103 through A13-115.

Comment B55-38

- ✓ To provide different types of housing products to meet the housing needs of a broad spectrum of persons who desire to live in the San Pedro community, including:
 - senior housing,
 - entry level housing,
 - work-force housing,
 - family housing, and
 - move-up housing.

Response to Comment B55-38

This comment correctly quotes Project Objective 3 listed on page II-26 of the Draft EIR. See Responses to Comments A13-103 through A13-115.

Comment B55-39

- ✓ To provide a residential project with substantial common amenities, landscaping, and open space for the enjoyment of residents.

Response to Comment B55-39

This comment correctly quotes Project Objective 4 listed on page II-26 of the Draft EIR. See Responses to Comments A13-103 through A13-115.

Comment B55-40

- ✓ To provide a project that will significantly invigorate the local economy, employment, and business opportunities through project construction, and through the expenditures of its future residents.

Response to Comment B55-40

This comment correctly quotes Project Objective 5 listed on page II-26 of the Draft EIR. See Responses to Comments A13-103 through A13-115.

Comment B55-41

- ✓ To provide a residential project that will make it feasible to set aside a portion of the Project site to be devoted to community serving uses.

Response to Comment B55-41

This comment correctly quotes Project Objective 6 listed on page II-26 of the Draft EIR. See Responses to Comments A13-103 through A13-115.

Comment B55-42

- ✓ To mitigate potential significant environmental impacts to the extent feasible.

Response to Comment B55-42

This comment correctly quotes Project Objective 7 listed on page II-26 of the Draft EIR. See Responses to Comments A13-103 through A13-115.

Comment B55-43

- ✓ To develop a project that fiscally benefits the City of Los Angeles.

Response to Comment B55-43

This comment correctly quotes Project Objective 8 listed on page II-26 of the Draft EIR. See Responses to Comments A13-103 through A13-115.

Comment B55-44

- ✓ To provide a project which ensures high quality development and maintenance through the creation and adoption of a specific plan that will set land use, architectural, landscaping, streetscaping, and lighting standards.

Response to Comment B55-44

This comment correctly quotes Project Objective 9 listed on page II-26 of the Draft EIR. See Responses to Comments A13-103 through A13-115.

Comment B55-45

- ✓ To provide a project that will be financially feasible to develop and market, and that will provide a return commensurate with the risk of investment. [See DEIR, p. 11-26.]

Response to Comment B55-45

This comment correctly quotes Project Objective 10 listed on page II-26 of the Draft EIR. See Responses to Comments A13-103 through A13-115.

Comment B55-46

With respect to the “No Project Alternative” analyzed in the Draft EIR, this, too, is deficient. SRHS #14 does not depend on the Applicant’s future development of the remainder parcel. As such, the No Project Alternative (“Alternative A”) should consider the future build-out of SRHS #14, together with likely development of the remainder parcel under existing planning and zoning requirements.⁹

Response to Comment B55-46

As set forth in CEQA Guidelines Section 15126.6(e)(1), the purpose of the No Project Alternative is to allow a comparison of the environmental impacts of approving the proposed project with the effects of not approving it. The No Project Alternative must consider what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services, pursuant to CEQA Guidelines Section 15126.6(e)(2). LAUSD’s South Region High School #14 is not consistent with existing zoning or adopted policies and plan designations. The Project site is not owned by LAUSD and is not designated for “Public Facilities” use in the City’s General Plan. The Project site is privately owned and planned and zoned for residential development.

Comment B55-47**D. The Draft EIR Impact Analyses Are Defective.**

The Draft EIR fails to adequately analyze Project impacts and feasible mitigation in the following environmental impact categories: Air Quality; Hazardous Materials and Risk of Upset; Land Use and Planning; Noise; Public Services; Transportation and Traffic; and Utilities and Service Systems. Our specific comments are set forth below.

Response to Comment B55-47

The comment introduces ensuing comments, which are addressed in detail in Responses to Comments B55-49 through B55-106.

Comment B55-48

⁹ The District also questions the validity of the Applicant's off-site alternatives analysis. [DEIR, Section VI] Alternative D, for example, identifies a 232-acre site located in the Wilmington Industrial Park [DEIR, p. VI-20] ("Alternative Site 1 - WIP"). This area is targeted for industrial uses and is part of the City's Brownfields Revitalization Program. It does not appear to be a viable area for the Applicant's proposed residential project. The Draft EIR should explain the rationale for selecting and including this area in its off-site alternatives list, rather than providing a conclusory discussion of hypothetical alternatives. See Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal. (1988) 47 Cal. 3d 376; San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus (1994) 27 Cal. App. 4th 713; San Bernardino Valley Audubon Society v. County of San Bernardino (1984) 155 Cal. App. 3d 738.

Response to Comment B55-48

See Response to Comment A8-22.

Comment B55-49**(1) Air Quality.**

With the exception of temporary construction impacts, the Draft EIR determines that long-term operational and cumulative impacts to air quality can be mitigated to less than significant. [See DEIR, pp. IV.B-52, B-55, B-56.] As summarized below, and discussed more thoroughly in the Planning Center's comments dated January 8, 2007, these determinations are not supported by the information and analysis in the [Draft EIR or Appendices B- 1 and B-2.]

Response to Comment B55-49

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments B55-50 through B55-56.

Comment B55-50**(a) Temporary Construction Emissions.**

The Draft EIR's analysis of temporary construction impacts underestimates the quantities and types of equipment necessary for the proposed mass grading and site excavation activities. By failing to include scrapers and trucks necessary for grading, watering, and balancing of soils, the Draft EIR underestimates the magnitude of emissions generated by Project construction. [See DEIR, pp. IV.B-33-37.] The analysis should be revised to provide accurate information on construction vehicle usage, construction emissions and required mitigation.

Response to Comment B55-50

See Topical Response 5, Construction Air Quality, and Response to Comment A10-196.

Comment B55-51

The Draft EIR also fails to analyze localized air quality impacts from construction activities as specified in SCAQMD's June 2003 *Localized Significance Threshold Methodology*. [See DEIR, pp. 1V.B-33-B-37.] The air quality assessment should analyze emissions of PM₁₀, NO_x, and CO to fully disclose construction impacts on the residential uses to the south and west of the Project Site.

Response to Comment B55-51

See Response to Comment A13-56.

Comment B55-52**(b) Operational Emissions.**

The information in Table IV.B-5 actually demonstrates the Project will exceed SCAQMD's significance thresholds for ROG, NO_x, and CO. [See DEIR, p. IV.B-38.] Yet the Draft EIR concludes these emissions will be less than significant. This determination is based on the faulty premise that by providing housing close to the Ports, the Project "would have the potential" to significantly reduce vehicular emissions by shortening trip lengths so that emissions are below applicable significance thresholds. [See DEIR, pp. IV.B-37-38.] This assumption is unsupported and does not constitute mitigation. Thus, the determination of less than significant operational impacts is invalid and must be revised.

Response to Comment B55-52

See Topical Response 6, Operational Air Quality. See Response to Comment A13-61 regarding the adopted local, regional, State and federal planning policies and programs supporting the Draft EIR's analysis and recommendations.

Comment B55-53

The Draft EIR also underestimates air pollutant emissions by failing to consider wood-burning fireplace emissions and carbon monoxide hotspots as required by Caltrans's *Transportation Project Level Carbon Monoxide Analysis Protocol*. [DEIR, Table IV.B-6 and B-7.1]

Response to Comment B55-53

See Response to Comment A13-58; wood burning fireplaces will not be available in the Project. The Draft EIR included a CO hotspot analysis. See also Response to Comment A10-194.

Comment B55-54**(c) Cumulative Air Quality Impacts.**

Pursuant to SCAQMD's *CEQA Air Quality Handbook*, the Project is considered to be a substantial emitter that will contribute toward the region's existing nonattainment of ambient air quality standards for O₃ because the Project will exceed significance thresholds for ROG_s, NO_x, and CO. [See DEIR, Table IV.B-5.] The Draft EIR should therefore show the Project will have significant cumulative air quality impacts unless mitigated.

Response to Comment B55-54

See Topical Response 6, Operational Air Quality.

Comment B55-55

Despite the threshold exceedences, [sic] and absent mitigation, the Draft EIR concludes the Project will have less than significant cumulative air quality impacts [DEIR, p. IV.B-54] because the Project claims to achieve consistency with the SCAQMD's AQMP. Under the SCAQMD methodology, however, a project can be consistent with the AQMP, but still contribute to a regional air quality impact if it exceeds the operational phase significance thresholds. Because no mitigation is proposed to mitigate emissions of ROG_s, NO_x, and CO to levels below SCAQMD's significance thresholds, the Draft EIR must be revised to reflect significant cumulative air quality impacts or mitigated to achieve a level of less than significant.

Response to Comment B55-55

See Topical Response 6, Operational Air Quality.

Comment B55-56**(d) Other Air Quality Analysis.**

The Limited Health Risk Assessment ("LHRA") for the Project Site assessed the potential human health risks posed by toxic air contaminants generated by off-site sources (specifically the DFSP, Conoco-

Phillips refinery, and Port operations), but did not include health risks caused by potential on-site contaminants. [See DEIR, pp. IV.B-42-44.] As discussed in Section IV.D of the Draft EIR, hydrocarbon impacted soil has been detected at the Project site. At a minimum, and as recommended, the necessary site investigations for on-site and/or residual chemicals that may impact future indoor air quality, including VOCs, methane and other gases, must be completed and the information incorporated into the Draft EIR. [See DEIR, pp. IV.D- 16.]

Response to Comment B55-56

As stated on page 1 of Appendix IV.B-1 to the Draft EIR, the purpose of the Limited Health Risk Assessment (LHRA) is to assess the potential health impacts to the Project from toxic air contaminants emitted at the DFSP and the ConocoPhillips refinery. The LHRA also estimates the health risk posed to the Project site from emissions associated with the Port.

The issue of hydrocarbon contamination in soils on the Project site is addressed in Section IV.D (Hazardous Materials and Risk of Upset) of the Draft EIR. Two specific environmental issues related to this topic have been identified and resolved for the subject site. These are:

- The removal of nine underground storage tanks from the site during the 1990's. Closure letters were issued by the City of Los Angeles Fire Department for the tanks. These letters are dated March 2, 1993 and July 24, 1997 respectively.
- A No further action letter dated October 28, 1997 was issued by the Los Angeles Regional Water Quality Control Board with regards to groundwater at the site in the vicinity of the underground storage tanks that were removed from the site.

See Responses to Comments A13-79 and A13-55. Mitigation Measures D-1 and D-2 in the Draft EIR require that any impacted soil that contains concentrations of chemicals of concern, such as petroleum hydrocarbons, above regulatory thresholds, will be remediated prior to construction of the proposed residential development. Any necessary remediation will be performed under the oversight of the appropriate regulatory agency.

Comment B55-57

- (2) Hazardous Materials and Risk of Upset.

The Draft EIR's analysis of potential hazardous materials and risk of upset is inadequate.

Response to Comment B55-57

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments B55-58 through B55-66.

Comment B55-58(a) Hydrocarbon Impacts.

The Draft EIR identifies hydrocarbon impacts at the Project Site [DEIR, pp. IV.D-5, D-8 & D-16], but fails to provide sufficient data necessary to determine the risks associated with those materials. The analysis needs to be revised to include where, when, and in what concentrations hydrocarbon contaminants were detected, and discuss the possibility of on- and off-site migration of those contaminants through soil gas or groundwater.

Response to Comment B55-58

See Response to Comment A13-85.

Comment B55-59

The letter report from the Applicant's own environmental consultant, California Environmental, also recommends further investigation of hydrocarbon impacts in soil, soil gas and groundwater at the Project site.

Response to Comment B55-59

See Responses to Comments A13-85 and A13-90 and Mitigation Measure D-1 in the Draft EIR.

Comment B55-60

Methane testing should also be performed because the Project is within the City of Los Angeles Methane Buffer Zone. See Los Angeles Mun. Code § 91.7104.1.

Response to Comment B55-60

See Responses to Comments A13-85, A13-90 and A13-92.

Comment B55-61

The Draft EIR does not indicate that the necessary studies of hydrocarbon or methane hazards have been performed or discuss what mitigation should be required.

Response to Comment B55-61

The Draft EIR discusses potential risks from hydrocarbon-contaminated soils, VOCs, and methane at pages IV.D-5 to 7 and IV.D-16. Compliance with Mitigation Measures D-1, D-2 and D-5 will adequately address mitigation of potential hydrocarbon contaminated soils, VOCs, and methane. See also Response to Comment A13-85.

Comment B55-62

Further, as discussed in the comments above regarding the Draft EIR's air quality analysis, hydrocarbon compounds at the Project Site could impact future indoor air quality, including VOCs, methane and other gases. [See DEIR, p. IV.D-16.] The LHRA for the Project site failed to assess the risks to human health posed by on-site hydrocarbon impacts.

Response to Comment B55-62

See Responses to Comments A13-85 and B55-56. All appropriate actions required to mitigate identified environmental issues that could adversely impact human health will be addressed under the direction of the appropriate regulatory agency as a part of the development process. Should methane gas be identified as an issue at the site, the appropriate mitigation measures will be implemented, in accordance with Mitigation Measure D-5, which requires the Project to comply with the City's methane ordinance. Possible options include vapor barriers, passive vent systems or active vent systems.

Comment B55-63

(b) Hazardous Materials Investigations.

A comprehensive Phase I environmental site assessment ("ESA") does not appear to have been performed for the Project Site. A Phase I ESA should be completed and provided to determine whether environmental conditions existing at or near the Project Site warrant further investigation prior to residential development.

Response to Comment B55-63

See Responses to Comments A13-79 and A13-85.

Comment B55-64

In addition, the Draft EIR identifies 14 reports of environmental investigations relevant to hazardous materials impacts. [See DEIR, Table IV.D-1.] However, only one of these reports is provided in the Appendix. When an EIR incorporates a document by reference, CEQA Guidelines § 15150 requires that document be made available for public review and summarized or briefly described. The Draft EIR must be revised to provide the required summary information and the location where those reports can be reviewed.

Response to Comment B55-64

See Responses to Comments A13-79, A13-80 and A13-81.

Comment B55-65(c) Risk of Upset.

The Draft EIR includes a risk of upset hazard analysis to evaluate the potential be associated with hazardous materials tanks and pipelines at industrial facilities near the Project Site, including the Conoco-Phillips refinery, the DFSP, and the proposed Liquid Natural Gas (“LNG) Import Site at the Port of Long Beach. [See DEIR, IV.D-12-D-16.] This risk of upset hazard analysis should be revised to include the 12-inch high-pressure natural gas line beneath Western Avenue. [See DEIR, p. IV.D-12.]

Response to Comment B55-65

See Response to Comment A13-89.

Comment B55-66(d) Hazard Mitigations.

The proposed hazard mitigations are vague and unenforceable. See CEQA Guidelines § 15126.4(a)(2) (“Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments.”). Measures D-1 and D-2 need to be revised to ensure that the construction contractor complies with these requirements during site development. [See DEIR, p. IV.D-17.] These measures should also specify that a qualified geologic engineer or hydrogeologist will evaluate whether excavated soils are contaminated with hydrocarbons. Finally, the mitigation measures need to be reconsidered after completing the additional investigations, including the revised LHRA, to ensure that the proposed measures are adequate.

Response to Comment B55-66

See Response to Comment A13-91.

Comment B55-67(3) Land Use and Planning.

The Draft EIR’s discussion of land use and planning impacts is deficient. At the outset, we note the Draft EIR states the Project will be developed under a specific plan. [Draft EIR, p. II-3.] Yet a copy of the proposed specific plan is not provided in the Draft EIR or its appendices. As a result, the adequacy of the Draft EIR for the purported Specific Plan can not be evaluated.

Response to Comment B55-67

See Response to Comment A10-5. CEQA Guidelines Section 15378(c) states that “[t]he term ‘project’ refers to the activity which is being approved and which may be subject to several discretionary approvals

by governmental agencies. The term ‘project’ does not mean each separate governmental approval.” The Specific Plan is a governmental approval being requested in connection with the Project, which will reflect the final determinations and requirements of the City of Los Angeles with respect to the Project. It is not the “Project.” The Draft EIR’s purpose is to provide an analysis of the potential environmental impacts of the “Project” as required by CEQA, including an analysis of the Project’s consistency with applicable land use and planning policies and regulations. See Draft EIR at pp. IV.F-21 to IV.F-69.

Comment B55-68

The Draft EIR also fails to analyze the consistency of the Proposed Specific Plan with the City’s General Plan. The general plan functions as a “constitution for all future developments” and all of the land use regulations and entitlements applicable to a proposed project must be consistent with the entirety of the General Plan. [Gov’t Code §§ 65359, 65860; Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 570; Napa Citizens for Honest Government v. Napa County Board of Supervisors (2001) 91 Cal.App.4th 342, 379-380.] In particular, a specific plan must contain a detailed discussion of the infrastructure associated with the land uses authorized in the plan, as well as a statement regarding how the specific plan complies with the General Plan. [Gov’t Code § 65451, subds. (a)(3),(b).] Without the benefit of a specific plan that has been released for review, the only way the public can gauge the plan’s consistency with applicable planning documents is by reviewing the land use analysis in the Draft EIR. Yet this analysis, too, is absent.

Response to Comment B55-68

A specific plan is a type of discretionary approval that is being requested by the applicant from the City of Los Angeles to enable the development of the Project. It is not the “Project.” As defined by CEQA, a “Project” is the physical activities that will result in a potential environmental impact and not the “discretionary approvals” required for the Project. See CEQA Guidelines Section 15378(c). Thus, the purpose of an EIR is not to evaluate “permit” requirements.

The Draft EIR evaluates the Project’s consistency with regional plans and policies, including the existing General Plan of the City of Los Angeles. See Draft EIR, pp. IV.F-21 to IV.F-69. The Draft EIR finds that the Project is generally consistent with and implements applicable regional plans and policies; specifically those which encourage the improvement of air quality and the reduction of regional congestion through infill housing development (e.g., AQMP, RCPG, Compass Growth Vision, RTP, RHNA, etc.), as well as policies to address the community’s and City’s housing crisis. Accordingly, the Draft EIR finds that the potential impacts of the general plan amendment and zone change (Specific Plan) proposed for the Project would be less than significant. The potential environmental impacts of the physical and operational changes associated with the proposed general plan amendment (including potential infrastructure impacts of the Project) are addressed throughout the Draft EIR. The Southern California Association of Governments, which is responsible for reviewing projects of areawide or regional significance, has concurred in the Draft EIR’s analysis of the Project’s consistency with regional plans and policies. See Comment Letter A14.

The commenter's assertion about lack of information regarding this topic is incorrect. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B55-69

Even where the Draft EIR does discuss how the Project compares with established local and regional government planning policies, the Draft EIR fails to present a complete picture. In fact, when discussing the Project's consistency with such policies, the Draft EIR cherry-picks only those policies with which it can conclusively declare the Project "compliant."

Response to Comment B55-69

The comment does not identify any policies that the Draft EIR failed to analyze. The Draft EIR includes analysis of all relevant policies contained in applicable regional and local policy documents. Policy documents analyzed include the Regional Comprehensive Plan and Guide (SCAG), Regional Transportation Plan (SCAG), Air Quality Management Plan (SCAQMD/SCAG), Congestion Management Program (MTA), City of Los Angeles General Plan Framework, and the Wilmington-Harbor City Community Plan (City of Los Angeles [General Plan, Land Use Element]). SCAG has concurred in the Draft EIR's analysis of applicable regional policies as indicated in Comments A14-7 to A14-50.

Comment B55-70

For example, the Draft EIR compares the Project's compliance with several policies and objectives set forth in the Regional Comprehensive Plan and Guide ("RCPG") prepared by the Southern California Association of Governments ("SCAG"). While the Draft EIR declares the Project to comply with many of these policies, it ignores potential inconsistencies with critical SCAG objectives regarding the preference for new development near rail systems and activity centers (RCPG Policy 3.14) and transit-oriented development around transit stations (RCPG Policy 3.15). In fact it summarily concludes the Project is consistent with such transit-oriented development policies, yet fails to demonstrate that any rail transit exists even remotely close to the Project Site. [See DEIR, p. IV.F-24.] Rather, the Draft EIR states only that the Project would "coordinate" with transit service providers to expand service to include the site. [Id.]

Response to Comment B55-70

SCAG has concurred in the Draft EIR's analysis of Policies 3.14 and 3.15. See Response to Comments A14-20 and A14-21. These policies support local plans to increase density near areas served by all transit systems, as well as areas within transit corridors. Therefore, these policies support rail, buses, and other transit systems. As discussed in the Draft EIR, the Project is located in an area currently served by public

transit (buses). As discussed in Topical Response 11, Traffic, the Project site is located along an existing State Highway and is directly served by a number of bus lines (see Table IV.J-1, Existing Public Transit Routes, and Figure IV.J-3, Existing Public Transit Routes in the Draft EIR). These bus lines link the Project site to the greater MTA transit network and surrounding employment and shopping locations, including downtown San Pedro, the Port area, downtown Long Beach, and the nearby MTA transit center which provides access to rapid bus service to downtown Los Angeles. The Metropolitan Transportation Authority (MTA) Route 205, Municipal Area Transit (MAX) Line 3, and Palos Verdes Peninsula Transit Authority (PVPTA) Orange Route provide bus service along Western Avenue, adjacent to the Project site. MTA Route 205 runs between the communities of San Pedro and Willowbrook, with service to the Harbor City, Carson, and Compton communities. MTA Route 205 currently operates four buses northbound and five buses southbound during the AM peak hours, and five buses in each direction during the PM peak hours. MAX Line 3 runs between San Pedro and Torrance, and operates one northbound bus during the AM peak hours, and three southbound buses during the PM peak hours. The PVPTA Orange Route runs along Western Avenue, with service to Palos Verdes High School. The PVPTA Orange Route operates two northbound buses during the AM peak hours, and three buses southbound during the PM peak hours. Both the MAX Line 3 and PVPTA Orange Route do not operate southbound buses during the AM peak hours, or northbound buses during the PM peak hours. In addition to these north- and southbound bus lines operating adjacent to the Project site, eighteen other public transportation routes operate in the greater Project vicinity. These include buses operated by the MTA, City of Redondo Beach Transit, LADOT, City of Gardena, MAX, PVPTA, and the City of Torrance. The existing bus lines in the Project vicinity provide local transportation service within the community of San Pedro. Additionally, the existing bus routes offer public transportation access from the Project site to Long Beach, the Palos Verdes Peninsula, Torrance, Redondo Beach, Wilmington, El Camino College, LAX, and downtown Los Angeles. A detailed explanation of the transit systems serving the Project site is included in Section IV.J, Transportation and Traffic of the Draft EIR.

The Project would increase the density of residential use from low single-family density to approximately 37 units per acre, which would support transit systems more than single family development. The Project would coordinate with local public transit providers (MTA, LADOT, et al.) to offer expanded public transit service to the Project site. Mitigation Measure J-32, (see page IV.J-116 in the Draft EIR) provides that LADOT shall be consulted with regard to potentially extending the existing San Pedro DASH route northerly on Western Avenue to serve the Project site. The Project would dedicate an additional right-of-way to accommodate a bus stop out of the existing lanes of Western Avenue, and would provide user friendly improvements and shelter. The Project would incorporate sidewalks on primary streets, and would provide a network of pathways throughout the master-planned community that would create opportunities for residents to walk to local destinations and transit stops. In its comment letter, SCAG agreed with the analysis in the Draft EIR and concluded that the Project would be consistent with Policies 3.14 and 3.15. See Comments A14-20 and A14-21.

Comment B55-71

- Noise.

The Draft EIR noise analysis is inadequate. The Draft EIR fails to identify key noise levels associated with Project equipment, and is silent regarding construction noise impacts during phased build-out. The Draft EIR also fails to support the efficacy of suggested mitigation, or show how the mitigation will actually remedy identified noise impacts. As a result, the public has no basis for evaluating the adequacy of mitigation.

Response to Comment B55-71

A complete discussion of noise generated by construction of the proposed project can be found in Section IV.G, page IV.G-15 through IV.G-18 of the Draft EIR. Tables IV.G-6 and IV.G-7 show potential noise levels generated not only during various phases of development, but also from individual pieces of equipment. Existing, and proposed, sensitive land uses which may be subject to noise associated with the development of the proposed project are discussed on page IV.G-17 of the Draft EIR. The Draft EIR acknowledges significant unavoidable temporary construction noise impacts at page IV.G-32. The City of Los Angeles also recognizes that noise generated during construction is highly subjective, and therefore the City sets standards by Ordinance and requires all construction projects to conform to designated construction noise controls, time periods, and noise limits. As discussed in the Draft EIR, the Project will comply with those requirements. In addition, as discussed on page IV.G-15 of the Draft EIR, distance to various sensitive receptors would be the greatest mitigation. In addition, as outlined on page IV.G-27, several additional mitigation measures would be required to further reduce these impacts.

Comment B55-72

1. Noise Analysis.

The noise analysis omits important information about Project noise levels. For example, the Draft EIR fails to discuss numeric noise values caused by heating, ventilation and air conditioning (“HVAC”) systems for retail uses, and simply issues a conclusory statement, as follows:

The larger retail HVAC systems would be roof mounted with all requisite insulation, *ensuring that the noise levels resulting from such systems would also be below the City’s normally acceptable exterior noise standard of 65 dBA CNEL for multi-family residential uses.* As such, noise impacts related to HVAC systems would be less than significant. [Draft EIR, p. IV.G-26 (emphasis added).]

Response to Comment B55-72

Assuming the high-end purported HVAC noise levels of 80 dBA, and a reduction from shielding of 10 dBA at 50 feet, the new retail serving HVAC units would produce noise levels of approximately 70 dBA

L_{eq} at 50 feet from the unit. As discussed on page IV.G-26 of the Draft EIR, the retail serving HVAC units would also be roof mounted therefore the building itself would act as an intervening structure and therefore provide additional noise attenuation. In general, a noise barrier will provide a five dBA reduction by breaking the line-of-sight from the noise source and a one dBA reduction is achieved for each additional two feet of barrier height. As such, even if the HVAC equipment noise levels associated with the proposed project were to be as high as those suggested in the comment, the increased noise levels would be less than the 65 dBA at residential uses as required by the LAMC, and the impact would remain less than significant as determined in the Draft EIR

Comment B55-73

Nothing in the Draft EIR supports a finding that roof-mounting and insulation will reduce HVAC noise below the City's 65 dBA threshold. In fact, large HVAC equipment (such as cooling towers and outdoor chillers) for retail buildings typically produce noise levels of 70 to 80 dBA at a distance of 50 feet, and exterior noise barriers typically only reduce such noise by 10 dBA. The possibility of residual impacts must be disclosed and, if warranted, the City must include significant noise impacts in its statement of overriding considerations.

Response to Comment B55-73

See Response to Comment B55-72

Comment B55-74

The Draft EIR also fails to consider the impact of construction noise and phasing. The Draft EIR concludes:

Given the size of the site and its relative isolation from nearby receptors, much of the construction activity for the Project would be far enough removed from residential receptors where it would not generate significant adverse temporary construction impacts. [Draft EIR, p. IV.G-33 (emphasis added).]

Response to Comment B55-74

At the time of the release of the Draft EIR, the final location of the on-site residences was not known. However, in response to this comment, the text on page IV.G-18, third paragraph, of the Draft EIR has been revised as follows:

While disturbance from construction noise would be intermittent and would vary depending on construction phase and location of activity, and while most Project construction noise would be reduced to acceptable levels by intervening distances to the nearest off-site receptor(s) and by the limitation of construction hours under applicable regulations, construction noise would temporarily exceed 75 dBA L_{eq} at some off-site

and on-site receptor locations and ground borne vibration in excess of the 80 Vdb threshold may occur resulting in a temporary significant impact. Therefore, mitigation measures are required and are recommended below.

Comment B55-75

The Draft EIR does not acknowledge that the Project itself will attract new on-site sensitive receptors who will occupy the early phases of the Project, while later phases are still being built-out.¹⁰ As all of these residential units will be within the Project footprint, they will be the closest sensitive receptors to the remainder of the construction work. Thus, once the early phases of the Project have been built, the residents who occupy units in those early phases will be exposed to construction noise and other impacts generated during the later phases. The Draft EIR should analyze these impacts and incorporate appropriate phasing for mitigation.

Response to Comment B55-75

See Response to Comment B55-74. The purpose of the Draft EIR's analysis is to identify potential impacts to the present environment. New residents may experience construction effects during the interim period as the Project is built out. Those residents will be protected by project conditions, the mitigation measures recommended in the Final EIR, and City of Los Angeles ordinances and regulations that control construction in residential areas.

Comment B55-76

2. Noise Mitigation.

The Draft EIR assigns several mitigation measures without explaining whether and how those measures will reduce Project noise to less than significant. In particular, mitigation measures G-1 through G-8 impose certain restrictions on construction-activity noise generation [see DEIR, p. IV.G-27], but the Draft EIR does not explain whether construction noise would have been significant in the absence of such measures, how these measures will mitigate the noise, or whether any other measures could achieve the same noise reduction more effectively.

Response to Comment B55-76

In Table IV.G-7 at page IV.G-17, the Draft EIR states that typical outdoor construction noise levels could reach levels as high as 89 dBA at a distance of 50 feet. These noise levels could be temporarily experienced without mitigation. At page IV.G-17, the Draft EIR explains that noise levels at approximately 200 feet resulting from the construction activities occurring on the Project Site could be reduced by intervening distances to levels under 75 dBA, but that ultimately construction-related noises could potentially exceed the threshold of 75 dBA on occasion. Accordingly, at page IV.G-18, the Draft EIR concludes that temporary construction noise and groundborne vibration impacts may exceed applicable thresholds and would thus constitute a significant impact, resulting in required mitigation.

At page IV.G-27, the Draft EIR provides Mitigation Measures G-1 through G-8 to mitigate potential construction-related noise impacts to the maximum extent feasible. At page IV.G-32, the Draft EIR states that the implementation of these mitigation measures could not guarantee that noise levels in excess of the applicable thresholds would not be experienced at various locations and times during Project construction and that, as a result, temporary construction noise impacts are recognized as significant and unavoidable. Lastly, at page V-2, the Draft EIR concludes that construction-related noise impacts would be considered significant and unavoidable. See also Response to Comment B55-71.

In addition, at page IV.G-32, the Draft EIR explains that Section 41.40 of the LAMC regulates noise from demolition and construction activities. Exterior demolition and construction activities that generate noise are prohibited between the hours of 9:00 P.M. and 7:00 A.M. Monday through Friday, and between 6:00 P.M. and 8:00 A.M. on Saturday. Demolition and construction are prohibited on Sundays and all federal holidays. Construction of the proposed project would be limited to the hours of 7:00 A.M. and 6:00 P.M., thus complying with Section 41.40 of the LAMC and reducing this impact to a less-than-significant-level. Nevertheless, even though construction activities would be limited to the hours outlined above, due to the potential for occasional noise standard exceedances described above, construction-related noise impacts are recognized as significant and unavoidable in the Draft EIR.

Comment B55-77

(5) Public Services.

The Draft EIR fails to adequately assess Public Services – especially regarding potential Project impacts on public schools. [See DEIR, p. IV.I-22] Specifically, the School Capacity Study (Appendix IV.I-2) upon which the Draft EIR relies is flawed, thereby leading to an unsupported determination of less than significant impacts. The School Capacity Study is deficient and unreliable on the following grounds:

Response to Comment B55-77

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments B55-79 through B55-88. See also Topical Response 10, School Impacts.

Comment B55-78

¹⁰ According to the Draft EIR, the Project will be phased such that 500 residential units will be built in 2008, 500 units will be built in 2009, 500 units will be built in 2010, 500 units will be built in 2011 and the final 300 residential units and all 10,000 feet of the retail component will be built in 2012. [Draft EIR, p. II-23.]

Response to Comment B55-78

This comment summarizes the contents of Table II-2, Approximate Development Phasing, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures

contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B55-79

- The generalized Student Generation Rates (“SGRs”) relied on in the study are those developed via LAUSD’s 2005 School Facilities Needs Analysis Update. However, the process and procedures used to develop the District’s SGRs are prescribed by legislation and the California Government Code. This process allows for only three basic housing types: Single Family Detached, Single Family Attached, and Multi Family. The SGRs derived from LAUSD’s estimates are based on a District-wide study matching housing types to LAUSD student enrollment. The use of these generalized SGRs for purposes of calculating the number of students generated by a specific project is therefore likely to result in a lower estimate of generated students than a project-specific calculation. The Draft EIR should therefore conduct a more accurate, Project-specific study based not only on the type of housing proposed, but also on the characteristics of the housing and surrounding community.

Response to Comment B55-79

See Response to Comment A10-163. School Fees are established by LAUSD on a district-wide basis. They are not set on a project-by-project basis by the City or LAUSD. Thus, these arguments are more appropriately directed at LAUSD, which prepares its School Facilities Needs Analysis and proposed school impact fee. The Project will pay school impact fees validly adopted by LAUSD. The comment provides no factual basis for its conclusion that the published LAUSD student generation rates may understate Project enrollment impacts, nor does it provide any basis for deviating from the standard methodology for this specific project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B55-80

- The Cumulative Impacts portion of the Applicant’s School Capacity Study assesses the individual impacts of each of the listed projects, and then totals the results. Since the generalized SGRs used in the study are too low, many of the projects incorrectly show that “zero” students will be generated. A higher student generated count would result if the SGRs are accurately applied to total housing units, rather than on a project-basis.

Response to Comment B55-80

See Responses to Comments A10-163 and B73-12. The Project, and all related projects, will be required to pay school impact fees validly adopted by LAUSD or the school district in which they are located, which is deemed complete mitigation of their impacts as a matter of State law. Thus, their potential impacts will be mitigated to a less than significant level in accordance with State law.

Comment B55-81

- As an alternative to the resident schools, the School Capacity Study lists all of the local area magnet schools as options for future Ponte Vista students. However, the magnet program in LAUSD is very popular and most of the programs are already full with waiting lists at the beginning of each school year. A student living in Ponte Vista (new to the area) who was accepted at a local area magnet school would therefore be displacing another student, and these additional impacts on other schools are not reflected or analyzed in the School Capacity Study.

Response to Comment B55-81

The Project will mitigate its impacts on school facilities by paying statutorily required school fees. It is not possible to forecast with any reasonable accuracy how many future children who enroll at local LAUSD schools will be accepted to a local area magnet school, and whether at that point in the future, doing so would displace another student; nor would this effect the Project's mitigation obligation under State law. The comment describes a situation about which there can only be sheer speculation, which is not required under CEQA.¹²⁷ See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters.

Comment B55-82

- The School Capacity Study suggests that LAUSD has other means available to address student enrollment growth besides building new schools. However, each of the Applicant's suggested "options" are in direct opposition to the District's goals for a quality educational environment. The Applicant's suggested "options" would either cause already very large high schools to house even more students or require these high schools to operate on a calendar that will be outlawed as of 2012. These clearly are not feasible or viable "options" endorsed or promoted by LAUSD.

Response to Comment B55-82

See Response to Comment A10-163. Payment of statutory school fees, which the comment describes as the applicant's "option", is consistent with the requirements of the School Facilities Financing Act and is deemed complete mitigation of the Project's school facilities impacts under State law. The District's goals are an independent matter from the responsibility of private development projects under State law.

Comment B55-83

- Because of the current classroom shortage, most LAUSD schools are forced to accommodate far more students than they can tolerate. The District's goals for providing a quality educational environment address these problems and are the foundation of the District's construction

¹²⁷ CEQA Guidelines, Section 15145.

program. The School Capacity Study uses the 2004-2005 two-semester capacity for Narbonne High School to “assess” whether the school can absorb expected additional students from new housing. However, the appropriate comparison would be one that uses a 2010 capacity, and comports with the District’s own school needs assessments, which are compiled by the expert agency - LAUSD - not the Applicant’s consultant.

Response to Comment B55-83

See Response to Comment A10-163. The Draft EIR’s analysis of future school capacity relies on data provided by LAUSD at the request of the EIR preparers.¹²⁸ The pre-Project projected enrollment data provided by LAUSD for use in the Draft EIR included data for the 2009-2010 school year and is summarized at page IV.I-36 of the Draft EIR.¹²⁹

Comment B55-84

In addition to relying on a defective School Capacity Study, the Draft EIR fails to accurately inform decisionmakers of potential cumulative impacts on public services outside the City’s jurisdiction. The law on this issue is clear: a lead agency’s obligation to study environmental impacts is not constrained by jurisdictional boundaries. CEQA obligates lead agencies to evaluate impacts to the entire environment affected by the project, even those areas outside its own jurisdiction. [American Canyon Community United for Responsible Growth v. City of American Canyon (2006) 145 Cal.App.4th 1062, 1082] Moreover, a developer cannot avoid mitigation responsibilities simply because the impacts to be mitigated fall outside the jurisdiction of the lead agency. [City of Marina v. Board of Trustees of California State University (2006) 39 Cal.4th 341, 359- 361]

Response to Comment B55-84

It is not known what the comment refers to by its use of the term “public services.” To the extent that such use pertains to social or economic services, such topics are beyond the scope of environmental impact analysis under CEQA. The Draft EIR addresses the potential environmental impacts of the Project without regard to jurisdictional boundaries. The availability of water and utilities to serve the Project is documented in the Draft EIR. See Draft EIR Section IV.K (Utilities and Service Systems). Police, Fire, Library and Recreational services provided by Los Angeles to its citizens are addressed in the Draft EIR. See Draft EIR Section IV.I (Public Services). The Draft EIR also addresses infrastructure impacts (for example, traffic impacts) at locations outside the City of Los Angeles. See Draft EIR pp. IV.J-77 to IV.J-92. The Draft EIR recommends feasible mitigation measures to mitigate any infrastructure impacts to a less than significant level. See, e.g., Draft EIR pp. IV.J-109 to IV.J-119.

¹²⁸ LAUSD letter to the EIR Consultant, November 2, 2005. See Appendix IV.I-1 to the Draft EIR.

¹²⁹ LAUSD memorandum dated November 23, 2005, footnote #10.

Comment B55-85

Despite these clear obligations, the Draft EIR concludes the Project will not create significant cumulative impacts on fire protection services provided by the City of Los Angeles Fire Department (LAFD) because the majority of related projects are located outside the City. [Draft EIR, p. I-18.] According to the Draft EIR, 126 of the 174 related projects are located in the County of Los Angeles or in other cities where the County of Los Angeles Fire Department (County Fire) provides services, such as Rancho Palos Verdes, Rolling Hills Estates, Carson and Lomita. [Draft EIR, p. IV.I-10] Based on this geography, the Draft EIR concludes:

Therefore, 126 of the related projects (i.e., those that are not located in the City of Los Angeles) would not have the potential to combine with the Project and cumulatively impact fire protection service provided by LAFD. [Id.]¹¹

Response to Comment B55-85

This comment references the Draft EIR discussion regarding cumulative impacts on fire protection services with regards to the related projects, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR concludes that 126 of the related projects would not have the potential to combine with the Project and cumulatively impact fire protection service provided by the Los Angeles Fire Department because these 126 related projects are located in jurisdictions that are served by other fire departments. Draft EIR, p. IV.I-10.

Comment B55-86

Nowhere does the Draft EIR identify or analyze the potential cumulative effects on extra-territorial agencies obligated to serve the Project Site.

Response to Comment B55-86

See Response to Comment B55-84.

Comment B55-87

At a minimum, the Draft EIR must provide an extra-territorial analysis on at least fire protection services, and possibly other public agencies or services with overlapping jurisdiction. The LAFD for example, is a party to a mutual aid agreement with County Fire. [Draft EIR, p. IV.I-3.] That agreement provides that *either* fire agency may respond to an incident, and decisions regarding responding agencies will be made on a case-by-case basis according to the nature and location of the emergency and the availability of fire protection personnel and equipment at the time of the incident. [Id.] As a result, the additional development of 2,300 homes, in addition to the 174 related projects, in addition to SRHS #14, may indeed

have a significant cumulative effect on public services within and beyond the City's jurisdiction that is not discussed or analyzed in the Draft EIR.

Response to Comment B55-87

See Response to Comment B55-84. The fire service impacts of the Project are less than significant. The mutual aid agreements between the County and the City are area-wide agreements that govern the terms and conditions under which reciprocal aid services are provided and compensated between the parties. These agreements are negotiated and maintained by the County and the City through processes that are outside project-specific CEQA analysis. Determining the increases in facilities and services that may be desirable strictly for "reciprocal aid" purposes (as opposed to agency service to residents of the agency's own jurisdiction) would require significant speculation, and is outside of the scope of this Project specific environmental impact report. See Topical Response 3, (South Region High School #14)

Comment B55-88

¹¹ The Draft EIR reaches an identical conclusion for police services with respect to the Los Angeles Police Department (LAPD). [See Draft ER, at p. IV.I-18.]

Response to Comment B55-88

This comment references the Draft EIR's discussion regarding cumulative impacts on police services with regard to related projects, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR concludes that 126 of the related projects would not have the potential to combine with the Project and cumulatively impact police protection service provided by the Los Angeles Police Department because these 126 related projects are located in jurisdictions that are served by other police departments. Draft EIR, p. IV.I-18.

Comment B55-89

(6) Traffic.

Despite the immense size of this Project, the Draft EIR concludes that 2,300 homes and related uses will not generate significant transportation and traffic impacts. Yet the transportation and traffic analysis contains numerous errors and erroneous assumptions, and fails to explain how the suggested mitigation will reduce impacts to less than significant.

Response to Comment B55-89

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments B55-90 through B55-101.

Comment B55-90(a) Traffic Analysis and Assumptions.

The traffic analysis rests on a faulty analysis and unsupported assumptions. For example, in analyzing Saturday peak hour traffic impacts, the analysis assigns a seven percent “credit” to intersections in the study area for improved traffic flow resulting from the City’s Automated Traffic Surveillance and Control (“ATSAC”) system.¹² [DEIR, p. IV.J-66.] Yet only *one* of the 12 intersections studied for Saturday impacts is actually included in the ATSAC system. [DEIR, p. IV.J-66.]¹³

Response to Comment B55-90

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The Traffic Study is not “faulty” or based on “unsupported assumptions” as asserted in the comment. The traffic analysis in Section IV.J (Transportation and Traffic) of the Draft EIR is based on the Traffic Study included as Appendix IV.J-1 to the Draft EIR, which was prepared under the supervision of the City of Los Angeles Department of Transportation (LADOT), in accordance with LADOT’s adopted policies, procedures, and standards as outlined in the LADOT *Traffic Study Policies and Procedures Manual*. In connection with the preparation of environmental impact reports by the City of Los Angeles, LADOT is responsible for the identification of potential traffic impacts of the Project and recommended traffic mitigation measures. The analysis and findings of the Traffic Study contained in the Draft EIR, including the identification of potentially significant traffic impacts associated with the Project and the corresponding measures to mitigate the impacts to levels of insignificance were also affirmed in LADOT letters dated January 11, 2007 and February 21, 2007. The thresholds of significance for assessing the potential impacts of the Project as established by the City of Los Angeles (the Lead Agency) are summarized in the Draft EIR beginning on page IV.J-24. As discussed on page IV.J-56 of the Draft EIR, the Critical Movement Analysis (CMA) methodology was used in the Traffic Study for purposes of evaluating the 52 study intersections. The traffic analysis is summarized in Table IV.J-10, beginning on page IV.J-59 of the Draft EIR. As shown on the table, the Project would create potentially significant traffic impacts (prior to consideration of traffic mitigation measures) at 23 study intersections during the weekday AM and PM peak hours., and at 10 intersections during the Saturday midday peak hour.

The traffic mitigation measures recommended in the Draft EIR beginning on page IV.J-111 would completely mitigate the potential impacts of the Project at the study intersections during the weekday and Saturday peak hours. Page IV.J-66 of the Draft EIR states that at study intersections where LADOT’s ATSAC system is currently operating, a 0.07 credit in the calculated v/c ratio was correctly assumed in the CMA calculations. Table IV.J-10, beginning on page IV.J-59 of the Draft EIR identifies those intersections where such adjustments were applied in the existing conditions analysis. For the Saturday midday peak hour analysis, which evaluated 12 intersections along Western Avenue, Table IV.J-10 indicates that such an adjustment was made at one intersection (Western Avenue/1st Street). The ATSAC adjustment for existing conditions was not made at the remaining 11 study intersections evaluated for the Saturday midday peak hour. The CMA worksheets which provide details of the v/c calculations are contained in Appendix IV.J-1 of the Draft EIR.

Comment B55-91

Further, the Draft EIR text and tables also do not reflect whether the seven percent credit was applied to all study area intersections, or just those in the ATSAC system. The Draft EIR needs to accurately reflect this information and apply credit only to the intersections in the ATSAC System.

Response to Comment B55-91

See Response to Comment B55-90 regarding the application of the ATSAC credit in the existing conditions to the study intersections where ATSAC is currently operating. The comment has misinterpreted the traffic analysis provided in the Draft EIR. The comment correctly notes that the Traffic Study evaluates the potential traffic impacts in the Draft EIR. Table IV.J-10, beginning on page IV.J-59 of the Draft EIR identifies those intersections where such adjustments were applied in the existing conditions analysis through the use of the Footnote No. 4. The CMA worksheets provided in Appendix IV.J-1 of the Draft EIR also denote when such ATSAC credit was applied to existing conditions.

Comment B55-92

The traffic study also assumes that seniors will occupy 575 of the 2,300 units in the Project, and assigns a lower trip generation rate (i.e., 0.8 trips/unit a.m. peak hour) to those units. Yet nothing in the Draft EIR commits the Applicant to permanently reserve these units for seniors only. Accordingly, the Draft EIR should be revised to substantiate that this lower trip generation rate is warranted.

Response to Comment B55-92

As indicated in Topical Response 7, Impacts of Age-Restricted Units, the Project's senior units will be a "senior citizen housing development" consistent with the requirements of Civil Code Section 51.3 and, by way of comparison, with age-related occupancy requirements at least as restrictive as those of Leisure World in Seal Beach.¹³⁰ To confirm this commitment, the applicant has indicated that as a condition of Project approval it is willing to enter into a covenant recorded against the property in favor of the City providing that the Project's 575 age-restricted units will meet the requirements of Civil Code Section 51.3 and that such covenant cannot be released without prior environmental review having been conducted in accordance with the requirements of CEQA. See also Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR, including the trip generation forecast. A forecast of the Project is summarized in the Draft EIR in Table IV.J-7, page IV.J-35 of the Draft EIR. Trip generation rates from the *Trip Generation* manual for ITE Land Use Code 252 (Senior Adult Housing – Attached) were utilized in the Traffic Study for the age-restricted units. For clarification, the effective

¹³⁰ *In accordance with Section 51.3 of the Civil Code, effective January 1, 1985, at least one person occupying each of Leisure World's units must be 55 years of age to qualify for occupancy. Co-occupants must be at least 45 years old, except if a spouse, medical or financial care provider. See www.lwsb.com.*

AM peak hour trip rate for ITE Land Use Code 252 is 0.08 trips per unit, not 0.8 trips per unit as noted in the comment.

Comment B55-93

¹² ATSSAC is the City's centralized computer-based traffic signal control system that monitors traffic conditions and system performance, selects appropriate signal timing strategies and performs equipment diagnostics and alert functions. Based on traffic information from sensors in the street and closed-circuit cameras, the system can automatically adjust the timing of streetlights or recommend manual modifications by traffic officials.

Response to Comment B55-93

The comment provides a summary of the LADOT ATSSAC system. Similar descriptions can be found in the Draft EIR on pages IV.J-66 and IV.J-111.

Comment B55-94

¹³ Similarly, only 15 of the 52 intersections studied for weekday impacts are included in the City's ATSSAC System.

Response to Comment B55-94

See Responses to Comments B55-90 and B55-91 for a discussion regarding the application of the ATSSAC credit to the existing v/c ratios at those study intersections where ATSSAC is currently in operation. As correctly noted by the comment, page IV.J-66 of the Draft EIR states that ATSSAC is currently in operation at 15 of the 52 study intersections. Table IV.J-10, beginning on page IV.J-59 of the Draft EIR identifies those intersections where such adjustments were applied in the existing conditions analysis through the use of the Footnote No. 4. The CMA worksheets provided in Appendix IV.J-1 of the Draft EIR also denote when such ATSSAC credit was applied to existing conditions.

Comment B55-95

The Draft EIR also assumes that Project traffic will be lessened by the construction of a bus stop just outside the Project area. [Draft EIR, p. IV.J-96.] Yet nothing in the Draft EIR suggests that the Applicant has consulted with the necessary agencies to confirm transit service to the Project site or guarantee that this service will be provided.

Response to Comment B55-95

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The traffic mitigation measures are listed in the Draft EIR beginning on page IV.J-109. It is noted on page IV.J-111 of the Draft EIR that Mitigation Measures J-31 and J-32 are recommended in the Draft EIR to further enhance public transportation service at the site even though potential Project-related impacts to

public transportation services are deemed in the Draft EIR to be less than significant. As noted in Mitigation Measure J-31, the bus turnout lane and bus shelter are to be provided in conjunction with the recommended street widening of Western Avenue adjacent to the Project site (discussed in Mitigation Measures J-6, J-7 and J-8). See Table IV.J-1, page IV.J-8 in the Draft EIR for a listing of existing public transit providers in the vicinity of the Project site. The bus turnout lane and bus shelter are intended to service existing transit routes that currently travel by the site. However, no reductions or discounts were made to the Traffic Study's Project trip generation forecast (which is based on the ITE trip rates assuming nearly all trips by private vehicle) to account for these public transit enhancements. Mitigation Measure J-32 suggests that the existing DASH service on Western Avenue be extended to the site, but this enhancement to service is not required to mitigate traffic impacts associated with the Project. During the consultation period for the Draft EIR, the Lead Agency sent copies of the Notice of Preparation (NOP) to the MTA, which is responsible for transit planning. The MTA submitted a response to the NOP which was included in Appendix I-2 to the Draft EIR. In its response, the MTA requested that the EIR traffic analysis include "[i]dentification of facilities and/or programs that will be incorporated into the development plan that will encourage public transit usage and transportation demand management (TDM) policies, and programs." This information is contained in Section IV.J (Transportation and Traffic) of the Draft EIR. The MTA was appropriately consulted. The MTA did not submit comments on the Draft EIR. The applicant will consult with LADOT regarding the implementation of additional Transportation Demand Management measures at the Project site. See also Response to Comment B37-9.

Comment B55-96

(b) Traffic Mitigation.

The Draft EIR includes 36 mitigation measures designed to reduce traffic impacts to less than significant, yet does not ensure implementation.

At least 16 of the 36 mitigation measures are located outside the City and within the jurisdiction of other local agencies. There is no assurance that all 36 measures will be authorized and/or funded by all responsible agencies. Many of the mitigation measures and project design features identified in the Draft EIR will require the authorization, cooperation and possibly even funding by other jurisdictions, including but not limited to the City of Rolling Hills Estates, the City of Rancho Palos Verdes, the City of Lomita, the County of Los Angeles and Caltrans. Nothing in the Draft EIR confirms that these other agencies have authorized the stated area-wide traffic improvements. Despite these uncertainties, the Draft EIR conclusively determines that Project-related traffic impacts will be fully mitigated.¹⁴

Response to Comment B55-96

See Response to Comment A13-9.

Comment B55-97

The Draft EIR also does not guarantee that the mitigation measures will be incorporated at the same time the Project generates impacts. According to the Draft EIR, the Project will be built in phases. [Draft EIR, p. II-23.] Yet nothing in the Draft EIR explains when the traffic mitigation measures will have to be installed, and they are not linked to Project phasing. As a result, some phases of the Project may be constructed and operational (thereby generating impacts) before necessary mitigation is implemented. Therefore, the Draft EIR impacts and phased build-out should be analyzed, together with the schedule for mitigation.

Response to Comment B55-97

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR, including the recommended traffic mitigation measures. The traffic mitigation measures recommended in the Draft EIR beginning on page IV.J-111 would completely mitigate the potential impacts of the Project (at build-out) at the study intersections. The LADOT letter dated January 11, 2007 recommends that the Project be conditioned to construct all physical traffic improvements prior to occupancy of the Project. With respect to the ATSAC/ATCS funding, the LADOT recommends that funding be provided to the City prior to receipt of a building permit. While CEQA does not require the mitigation be in place prior to the opening of the Project, the applicant has indicated, as discussed in the Draft EIR at page II-7, that it will fund all off-site traffic mitigation measures before the construction of the first residential building in the Project is undertaken. In addition, the applicant's Project will be constructed in phases to account for market absorption. Therefore, although the buildout of the Project is anticipated to occur over an approximate five year period, it is anticipated that Project traffic mitigation will be in place before the Project is completed.

Comment B55-98

¹⁴ At a minimum, the appropriate mitigation calculations, assessments, and accountings should be performed and discussed in the Draft EIR. Further, it is the District's understanding that an Advisory Committee has been formed to render an accounting as to area traffic improvements, funding, and funding allocations. This information should be analyzed, published, and incorporated into the Draft EIR as well as the proposed Mitigation and Monitoring Reporting Program.

Response to Comment B55-98

The Council Office for the District in which the Project is located has created an advisory committee to provide the Councilmember with feedback regarding the Project. This committee is an ad hoc and informal process, and is not a part of the City's planning or CEQA process. The City Planning Department is responsible for conducting planning and CEQA review of the Project.

Comment B55-99(c) Parking.

The Draft EIR's transportation analysis also fails to give adequate information concerning Project parking needs. In particular, the Draft EIR states that the Project will not provide any additional parking spaces for the retail shops [Draft EIR, p. J-33], but fails to analyze whether the internal on-street parking is sufficient for the Project's retail component.

Response to Comment B55-99

The convenience retail uses cited in the comment would be developed internally to the Project site, which is proposed as a gated community. Therefore, it would draw patrons exclusively from residents of the Project and their guests (who are already visiting the site). It is reasonably anticipated that most residents will walk or bicycle to the retail uses, although it is possible that some residents may choose to drive to these establishments (e.g., on the way in or out of the Project site). As discussed on pages IV.J-32 and IV.J-33 of the Draft EIR, street parking will be provided within the Project site. It is expected that those residents who drive to the retail uses would utilize the street parking (a total of approximately 170 street parking spaces would be provided within the site). Street parking spaces proximate to the retail uses would be signed for short-term parking so as to ensure an adequate turnover of parking availability.

Comment B55-100

The Draft EIR also fails to analyze parking requirements for additional customers drawn from outside the Project area.

Response to Comment B55-100

See Response to Comment B55-99 for a discussion regarding parking generated by the on-site convenience retail uses.

Comment B55-101

Even though the Project does provide separate parking spaces specifically for the users of the park and baseball fields, the Draft EIR also does not ensure that parking is sufficient. The Draft EIR and the Parking Memorandum [Draft EIR, Appendix IV.J-3] state that 55 parking spaces will be provided near the ball fields. [Draft EIR, p. J-33.] However, the Draft EIR and Parking Memorandum also acknowledge that an overlap period will exist during games where one set of parked cars has not left, but new cars (with players for the next game) arrive early. [Draft EIR, p. J-33.] Thus, to maintain sufficient parking for everyone attending the games the Draft EIR "recommends" that games be scheduled with sufficient separation to allow the remaining cars to filter out, but this is not listed as a mitigation measure, and nothing in the Draft EIR would enforce it. [*Id.*] As a result, there is no guarantee that the Project will provide sufficient parking for the users of the ball fields, and significant spillover and gridlock onto City streets may occur.

Response to Comment B55-101

The parking analysis of the little league field component is discussed in the Draft EIR on page IV.J-33, as well as Appendix IV.J-3. Mitigation Measure J-36 in the Draft EIR is recommended to ensure an adequate supply of parking for this use. The comment does not provide any data or analysis to support the assertion that the proposed parking supply for the little league field component of the Project is not adequate. Nonetheless, to further ensure that adequate parking supply would be provided during little league play, Mitigation Measure J-36 has been revised in this Final EIR. See Response to Comment A10-133 and Section II (Corrections and Additions to the Draft EIR) of this Final EIR.

Comment B55-102(7) Utilities & Service Systems.

The Draft EIR's discussion of impacts on utilities and service systems must be revised to include accurate information and enforceable mitigation measures. These inadequacies result in an inappropriately low calculation of Project water demand and insufficient mitigation.

Response to Comment B55-102

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments B55-103 and B55-104.

Comment B55-103(a) Project Water Demand.

The Draft EIR states that “[w]ater demand is assumed to be 100 percent of the wastewater generated for a given land use.” [See DEIR, p. IV.K-7.] This assumption underestimates the Project's water demand because it fails to account for any water consumption and is based on an incorrect premise that all water delivered to a residential unit will be eliminated as wastewater through sewer lines. The Project's water demand should be recalculated using accurate estimates of wastewater generation - typically 80 to 90 percent of water demand.

Response to Comment B55-103

This comment is a duplicate of a previous comment. See Response to Comment A13-100.

Comment B55-104(b) Mitigation Measures.

The mitigation measures proposed for water supply impacts are inadequate as to timing and implementation. [See DEIR, p. IV.K-10.] Further, Measures K-3, K-4 and K-5 include the caveat

“where feasible,” which eliminates the requirement for compliance. See CEQA Guidelines § 15126.4(a)(2). These measures appear to be mischaracterized as mitigation because there is no analysis as to how they will reduce significant impacts.

Response to Comment B55-104

See Response to Comment A13-99.

Response to Comment B55-104

With respect to the mitigation measures proposed for water supply impacts, as stated in Section 15126.4(3) of the *CEQA Guidelines*, “Mitigation measures are not required for effects which are not found to be significant.” However, CEQA does not prohibit the inclusion of mitigation measures in an EIR for less-than-significant impacts. As concluded in Section IV.K.1, Water, project impacts related to water supply would be less than significant. The mitigation measures listed in this section were included in the Draft EIR to further reduce the project’s less-than-significant impact to water supply. Because these mitigation measures are not required to reduce a significant impact of the project, there is no requirement to demonstrate feasibility, compliance capacity, or ability to reduce a significant impact.

Comment B55-105

E. The Draft EIR Must Include An Appendix F Energy Conservation Analysis.

Appendix F to the CEQA Guidelines states, in relevant part, as follows:

In order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy. [See CEQA Guidelines, Appendix F].

Response to Comment B55-105

See Response to Comment B55-9.

Comment B55-106

To this end, Appendix F states that “potentially significant energy implications of a project should be considered in an EIR” [id.], and that the EIR discuss such items as total energy requirements of the project, energy conservation equipment and design features, initial and life-cycle energy costs or supplies, energy use patterns in the region and locally and, perhaps most important, “the effects of the project on local and regional energy supplies and on requirements for additional capacity.” [id.] With a project of this size (2,300 homes)¹⁵ and a cumulative project list of at least 174 related projects, the Draft EIR should include this analysis on a project-specific as well as a cumulative basis.

Response to Comment B55-106

See Response to Comment B55-9.

Comment B55-107IV. Conclusions.

Based on the comments above, the attached analysis by the Planning Center, comments of area stakeholders and Responsible Agencies, including all oral testimony and any and all evidence comprising the City's record of proceedings on this matter, we believe the Ponte Vista Draft EIR requires extensive revisions to comply with CEQA, and that recirculation will be necessary under Guidelines section 15088.5.

Response to Comment B55-107

The comment contains a concluding summary of preceding comments, which are addressed in response to the previous individual comments in Comment B55. See Topical Response 2, Recirculation.

Comment B55-108

¹⁵ As a rough point of comparison, the proposed Ahmanson Ranch project in Ventura County was for approximately 3,000 homes within a 2,800-acre Specific Plan area - which would have been only 24% more residences than the Applicant's 2,300-home project.

Response to Comment B55-108

This comment compares the Project to a separate, unrelated project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B55-109

We appreciate the opportunity to submit these comments. Please contact us if you have questions or require additional information.

Response to Comment B55-109

This comment contains concluding remarks, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B55-110

This letter provides the results of our third-party adequacy review of the Draft Environmental Impact Report (Draft EIR) for the Ponte Vista Specific Plan project. Our review focuses on compliance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, as amended through January 1, 2005.

Response to Comment B55-110

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments B55-111 through B55-235.

Comment B55-111

Our review of the Draft EIR emphasizes that, pursuant to CEQA Guidelines Section 15088.5, the Draft EIR is inadequate and needs to be revised and recirculated. We believe that recirculation of the document is warranted to disclose new significant impacts. The document should disclose that there are additional unmitigatable, significant adverse impacts not disclosed in the Draft EIR (including air quality and transportation). Under Section 15088.5, recirculation is required when “new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.” Under this provision, “significant new information” requiring recirculation includes a disclosure that a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

Response to Comment B55-111

This comment summarizes ensuing comments, which are discussed below in the individual responses to Comment B55 (112-235). See Topical Response 2, Recirculation.

Comment B55-112

Overall, the Draft EIR is inadequate and if not revised, supplemented, and recirculated, meaningful public review of the environmental consequences of the proposed Ponte Vista Development will have been precluded. Moreover, without supplemental information presented in an understandable manner, the City’s decision makers will not be able to make an informed decision on the proposed project.

Response to Comment B55-112

With respect to the portion of this comment supporting recirculation, see Topical Response 2, Recirculation. The balance of this comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B55-113

We appreciate this opportunity to be of service. If you have any questions regarding our review or specific comments, please contact us.

Response to Comment B55-113

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B55-114**COMMENTS ON THE PONTE VISTA DRAFT EIR**

Our review comments are included on the following pages. We have organized our comments as follows:

- **Overview Comments.** These comments summarize our primary concerns with respect to legal adequacy and issues associated with the Draft EIR.
- **Comments by EIR Section.** This section provides comments of the Draft EIR by chapter or technical section reference.

Response to Comment B55-114

This comment contains a Table of Contents for the corresponding comment letter and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. The comment will be forwarded to decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B55-115***OVERVIEW COMMENTS*****Failure to Identify Significant Unavoidable Adverse Impacts in the Draft EIR**

Pursuant to CEQA Guidelines Section 15088.5, the Draft EIR is inadequate and needs to be revised and recirculated due to the failure to identify Significant Unavoidable Adverse Impacts relating to air quality and traffic and circulation. Under Section 15088.5, recirculation is required when: “new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.” Under this provision, “significant new information” requiring recirculation includes a disclosure that a new significant environmental impact would result from the

project that cannot be mitigated or that the applicant refuses to adapt or from a new mitigation measure proposed to be implemented.

Response to Comment B55-115

See Responses to Comments B55-116 through B55-118 and B55-119, respectively. See also Topical Response 2, Recirculation.

Comment B55-116

Air Quality: The cumulative analysis in this section focuses on the consistency of the project with the regional air quality management plan showing less than significant cumulative impacts. However, under the SCAQMD methodology, a project can be consistent with the AQMP but still contribute to a regional air quality impact due to exceedance of the operational phase significance thresholds. This follows the SCAQMD methodology (definition No. 2) which states that project impacts can be minor but collectively significant. The SCAQMD established the CEQA regional emissions thresholds to determine whether project-related emissions are considered substantial and significant because of their contribution to air quality in the SoCAB. Nowhere in the SCAQMD *CEQA Air Quality Handbook* does it state that project consistency with the AQMP would automatically grant less than significant air quality impacts for the construction, operational and cumulative impact evaluations.

Response to Comment B55-116

See Topical Response 6, Operational Air Quality.

Comment B55-117

As shown in Table IV.B-5 on page IV.B-38 of the Draft EIR, the project would result in emissions of ROG, NO_x, and CO that exceed the SCAQMD operational regional emissions thresholds. The Draft EIR fails to disclose that emissions of ROG and NO_x are both precursors for the formation of O₃ and would therefore contribute to the region's O₃ nonattainment designation (federal and state).

Response to Comment B55-117

See Topical Response 6, Operational Air Quality. The ROG, NO_x and O₃ effects of the Project are discussed in the Draft EIR at page IV.B-41 and 42.

Comment B55-118

The SCAQMD considers a project that exceeds the SCAQMD significance thresholds to be a substantial emitter of air pollution and that any additional emissions from the 174 related projects contributing to the project exceedance would be considered a significant cumulative impact.¹ The Draft EIR needs to revise its finding of less than significant cumulative air quality impacts to an unavoidable significant air quality impact based on SCAQMD methodologies, and recirculate the Draft EIR.

Response to Comment B55-118

See Topical Response 6, Operational Air Quality.

Comment B55-119

Traffic and Circulation: The mitigation measures and project design features identified in the Draft EIR would reduce potential impacts associated with traffic and circulation to a level that is less than significant if all the area-wide improvements are implemented. However, implementation of many of these would require the cooperation and funding of other agencies, including but not limited to the Rolling Hills Estates, Rancho Palos Verdes, Lomita, and Caltrans. The City of Los Angeles cannot ensure implementation of these improvements. If these agencies choose not to implement the area-wide traffic improvements, a significant unavoidable adverse impact to traffic would occur, therefore the finding for traffic impacts should be changed to significant and unavoidable.

Because traffic improvements are under the jurisdiction of another agency, the city must make the following finding. “Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (Section 15091 (a)(2))

Response to Comment B55-119

This comment is a duplicate of Comment A13-9. See Response to Comment A13-9.

Comment B55-120

¹ James Koizumi, SCAQMD CEQA Review Department, telephone conversation, December 29, 2006.

Response to Comment B55-120

See Response to Comment A13-10. This reference is not a comment of the SCAQMD, and the City has no way of knowing or responding to the specific information that may have been communicated in this telephone conversation.

Comment B55-121**Failure to Analyze Potentially Significant Impacts Identified in the Initial Study**

The Initial Study prepared for the project identifies a number of impact categories as being “Less than Significant with Mitigation Incorporated” including aesthetics, cultural resources, and geology and soils. Typically, this finding would only be made when preparing a Mitigated Negative Declaration, where the Initial Study would represent the final environmental document sent out for public review. However, in this case, the Initial Study was prepared to support preparation of an Environmental Impact Report. The fact that the Initial Study relies on mitigation measures to reduce potential impacts to a less than

significant level indicates that a potentially significant impact exists. As a result, aesthetics, cultural resources, and geology and soils should be fully analyzed in the Draft EIR.

Although there is no CEQA rule prohibiting the inclusion of mitigation measures in an IS prepared for an EIR, use of this practice for the Ponte Vista Draft EIR eliminates full public disclosure of impacts because the analysis is buried in a section titled “Impacts Found to be Less Than Significant” and the analysis provided is minimal. The EIR must have a fully detailed discussion of all potentially significant impacts and a clear nexus between the impact and the mitigation measure.

Response to Comment B55-121

This comment is a duplicate of Comment A13-11. See Response to Comment A13-11.

Comment B55-122

Additionally, mitigation measures identified in the IS for aesthetics appear differently in the EIR. Because a detailed impact analysis is missing in the Environmental Impact section, there is no justification for the change in mitigation measures.

Response to Comment B55-122

This comment is a duplicate of Comment A13-12. See Response to Comment A13-12.

Comment B55-123

Use of Narrative Unrelated to the Proposed Project

Under CEQA, the EIR is an unbiased document that discusses project impacts based on facts and substantial evidence. “An EIR is an informational document which will inform public agency decisionmakers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.” (Section 15121)

Response to Comment B55-123

See Response to Comment A13-13.

Comment B55-124

There is significant narrative throughout the entire document that is devoted entirely to explaining that LAUSD has no claim on the project site and should take their plans for a new high school somewhere else. This discussion does not further the analysis of environmental impacts which should compare existing conditions to the physical changes that would occur as a result of the project. The additional narrative devoted to LAUSD should be removed from the document.

Response to Comment B55-124

See Response to Comment A13-14.

Comment B55-125

Use of Poorly Drafted and Unenforceable Mitigation Measures

Mitigation measures are inadequate because one or more pieces of information are missing from most of the measures outlined in the document. All mitigation measures should include the following information.

- The objective of the mitigation measure and why it is required;

Response to Comment B55-125

This comment is a duplicate of Comment A13-15. See Response to Comment A13-15.

Comment B55-126

- How the measure will be designated and implemented, identifying measurable performance standards by which the success of the mitigation can be determined, and providing for any contingent mitigation if monitoring reveals that the success standards are not satisfied;

Response to Comment B55-126

This comment is a duplicate of Comment A13-16. See Response to Comment A13-16.

Comment B55-127

- The agency organization or individual responsible for implementing the measure;

Response to Comment B55-127

This comment is a duplicate of Comment A13-17. See Response to Comment A13-17.

Comment B55-128

- The specific location of the measure;

Response to Comment B55-128

This comment is a duplicate of Comment A13-18. See Response to Comment A13-18.

Comment B55-129

During what phase of the project would implementation of the mitigation occur.²

Response to Comment B55-129

This comment is a duplicate of Comment A13-19. See Response to Comment A13-19.

Comment B55-130

Under Paleontological and Archeological impacts the Ponte Vista DEIR states: “Copies of the archaeological survey, study or report shall be submitted to the UCLA Archaeological Information Center.” No information is disclosed about who is responsible for preparation of the survey, study or report, when it is required to be prepared, or what type of information should be included.

Response to Comment B55-130

See Response to Comment A13-20.

Comment B55-131

If mitigation measures are not specific, they are less likely to be implemented, less effective, and more difficult to monitor.

Additionally, most mitigation measures improperly use recommendations or suggestions. Mitigation measures are only used to reduce significant environmental impacts, and are required to be implemented as part of the project; they are not discretionary. Example: “The Project would result in temporary construction emission exceeding SCAWMD [sic] thresholds; therefore, the following mitigation measures are recommended to reduce emissions from the construction operations:”

All mitigation measures are required to have a direct nexus to a specific significant environmental impact. In the Executive Summary Table I-1 and throughout the Draft EIR, it is unclear how the mitigation measures are related to a specific impact. Example: Table I-1, Mitigation Measures D-6, E-1, E-2, E-3, GI through G-10, etc., are not related to any specific significant impact, so it is unclear what is being mitigated by these measures.

Response to Comment B55-131

This comment is a duplicate of Comment A13-21. See Response to Comment A13-21.

Comment B55-132

Infeasible Mitigation Measures

When drafting mitigation measures, agencies should include only those that are feasible. As stated in Guidelines Section 15364, a mitigation measure is considered feasible if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into consideration economic, environmental, legal, social, and technological factors. For example, the proposed project will make a cumulatively considerable impact to the local circulation system. Although the Traffic Impact Analysis concludes that the cumulative traffic effects can be mitigated to a less than significant level, including the project's contribution, there are no assurances that these measures will be implemented before the project traffic begins to utilize the circulation system, even those measures within the City of Los Angeles. CEQA Section 15130(a)(3) indicates that a "project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable" by funding payment of the project's fair share to alleviate cumulative impacts. The applicant must fund its fair share of the costs for the local and regional improvements; thereby its impacts to the area circulation system could be determined to be less than significant. However, the payment of fees does not necessarily mitigate impacts to a level of insignificance. To be conservative in making the traffic and circulation impact finding for this project, the conclusion should be reached that some of the circulation system improvements are not likely to be installed before the project's traffic affects the system. Therefore, for some undefined period, until the requisite improvements are installed, it is probable that some portions of the area circulation system will experience unacceptable LOS during peak hours. Therefore, project-related traffic impacts should be significant and unavoidable.

Response to Comment B55-132

This comment is a duplicate of Comment A13-22. See Response to Comment A13-22.

Comment B55-133

² Bass, Ronald E. Albert I. Herson, and Kenneth M. Bodgan, CEQA Deskbook: *A Step-by-step Guide on How to Comply with the California Environmental Quality Act*, 2nd ed., 1999, 2001 Supplement, pp. 113.

Response to Comment B55-133

See Response to Comment A13-23.

Comment B55-134

SPECIFIC COMMENTS BY SECTION

Chapter I. Introduction/Summary

Page 1-12. D. Issues to be Resolved. Issues to be resolved include whether and/or how to mitigate potentially significant environmental impacts from the Project, and the potential of the identified alternatives to mitigate or avoid the potential environmental impacts of the Project.

Response to Comment B55-134

See Response to Comment A13-24.

Comment B55-135

This paragraph repeats the statement made in the CEQA Guidelines without any discussion of the actual issues that need to be resolved. CEQA Guidelines Section 15123 requires that issues to be resolved be disclosed “including the choice among alternatives and whether or how to mitigate the significant effects.”

Response to Comment B55-135

See Response to Comment A13-25.

Comment B55-136

With regard to the proposed project, the major issues to be resolved include decisions by the Lead Agency regarding items such as:

1. Whether this DEIR adequately describes the environmental impacts of the project.

Response to Comment B55-136

See Response to Comment A13-26.

Comment B55-137

2. Whether the benefits of the project override those environmental impacts which cannot be feasibly avoided or mitigated to a level of insignificance.

Response to Comment B55-137

See Response to Comment A13-27.

Comment B55-138

3. Whether the proposed land use changes are compatible with the character of the existing area.

Response to Comment B55-138

See Response to Comment A13-28.

Comment B55-139

4. Whether the identified goals, policies, or mitigation measures should be adopted or modified.

Response to Comment B55-139

See Response to Comment A13-29.

Comment B55-140

5. Whether there are other mitigation measures that should be applied to the project besides the mitigation measures identified in the DEIR.

Response to Comment B55-140

See Response to Comment A13-30.

Comment B55-141

6. Whether there are any alternatives to the project that would substantially lessen any of the significant impacts of the proposed project and achieve most of the basic project objectives.

Response to Comment B55-141

See Response to Comment A13-31.

Comment B55-142

This section needs to be revised to discuss the issues.

Response to Comment B55-142

See Response to Comment A13-32.

Comment B55-143

Pages I-14 to I-60. Table I-1, Executive Summary of Project Impacts, Mitigation Measures and Impacts after Mitigation

- This table should not include environmental impacts that were found to be less than significant in the Initial Study (Agricultural Resources and Mineral Resources).

Response to Comment B55-143

See Response to Comment A13-33.

Comment B55-144

- Several discussions under “mitigation measures” state that impacts would be less than significant and that mitigation measures are not required. But then a mitigation measure is listed and

required. Example: Solid Waste impacts are less than significant; however, a mitigation measure to provide recycling bins is required. It is also unclear how providing recycling bins would reduce the impact to existing landfills as the city currently has a recycling program. If mitigation is not required it should not be listed in the mitigation table.

Response to Comment B55-144

This comment is a duplicate of Comment A13-34. See Response to Comment A13-34.

Comment B55-145

- Several environmental issues listed and discussed under the “Environmental Impact” heading are found to be less than significant; however, mitigation measures are provided. Example: Public Services - Fire Protection. Construction and operation-related impacts, emergency services impacts, and emergency access impacts were found to be less than significant; however, there are 26 mitigation measures provided to reduce significant impacts. What are these mitigation measures required for? The same holds for the less than significant impacts to public transportation and the seven mitigation measures required.

Response to Comment B55-145

This comment is a duplicate of Comment A13-35. See Response to Comment A13-35.

Comment B55-146

- Most mitigation measures required are considered standard conditions of approval. Mitigation measures are only required if additional measures are required above and beyond the existing regulations, policies, and standard conditions.

Response to Comment B55-146

This comment is a duplicate of Comment A13-36. See Response to Comment A13-36.

Comment B55-147

- Several environmental issues include a full discussion under the “Mitigation Measures” heading. This makes the table very difficult to read and impossible to find the impact, the corresponding mitigation and significance level after mitigation. Example: Transportation and Traffic heading.

Response to Comment B55-147

See Response to Comment A13-37.

Comment B55-148

- In Table I-1, it would be very helpful if the table contained lines between each impact discussion so that the reader could determine which mitigation measures are associated with each impact. As currently written, potential impacts are combined, preventing the reader from determining which mitigation measures are associated with each impact.

Response to Comment B55-148

See Response to Comment A13-38.

Comment B55-149Table I-1, Aesthetics

- The Draft EIR first identifies aesthetics impacts as less than significant and then requires mitigation measures, then later discusses the mitigation measures as being part of the proposed project. Aesthetics impacts should be identified as either potentially significant and requiring mitigation, or less than significant and not requiring mitigation. They cannot be identified as both.

Response to Comment B55-149

See Response to Comment A13-39.

Comment B55-150

- As discussed in the Initial Study, aesthetic impacts are significant because of proposed nighttime lighting at the baseball fields. This issue is required to be fully discussed in the EIR, along with mitigation measures to reduce nighttime light impacts to less than significant.

Response to Comment B55-150

This comment is a duplicate of Comment A13-40. See Response to Comment A13-40.

Comment B55-151

- There's no rule about not putting the mitigation measures in an IS prepared for an EIR, though it is common practice not to do so. However, the mitigation measures listed in the Initial Study are different than the ones listed in the Executive Summary Table 1-1 and Chapter IV, Environmental Impact Analysis A, Impacts Found to be Less than Significant of the EIR.

Response to Comment B55-151

This comment is a duplicate of Comment A13-41. See Response to Comment A13-41.

Comment B55-152**Cultural Resources**

- Cultural Resources was found in the Initial Study to have less than significant impacts; however, mitigation measures were provided. Mitigation measures are not required for environmental impacts that are less than significant. Given the findings in the Initial Study, cultural resources does not require mitigation measures because impacts are less than significant. Additionally, because this issue was found to be less than significant, it does not require additional discussion and analysis and does not belong in the EIR. However, the less than significant finding is incorrect. The discovery of previously unidentified archeological or paleontological resources is considered a significant impact and requires mitigation measures.

Response to Comment B55-152

See Response to Comment A13-42.

Comment B55-153

- The mitigation measure identifies where to send the reports but not where to send the actual archaeological discovery. The City of Los Angeles General Plan states “The state-designated repository in the Los Angeles area for archaeological data is the South Central Coastal Information Center. Reports concerning archaeological investigations are to be filed with the center” (Conservation Element, adopted September 2001, page 11-5).

Response to Comment B55-153

See Response to Comment A13-43.

Comment B55-154

- The Draft EIR mitigation measure A-7 states, “A covenant and agreement shall be recorded prior to obtaining a grading permit.” This measure is vague and does not have enough information for enforcement. What should this covenant include? What type of agreement? Who is responsible for submitting it? Where shall it be recorded?

Response to Comment B55-154

See Response to Comment A13-44.

Comment B55-155Table I-1, Geology and Soils

The Initial Study makes the finding that mitigation measures are required for significant impacts related to:

- Seismic ground shaking;
- Seismic-related ground failure, including liquefaction;
- Landslides;
- Unstable soils or geologic unit including on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; and,
- Expansive soils.

Response to Comment B55-155

This comment is a duplicate of Comment A13-45. See Response to Comment A13-45.

Comment B55-156

However, there are no mitigation measures outlined in the Initial Study, no detailed discussion of geology and soils impacts in the EIR, and no nexus between the one and only mitigation measure listed in the executive summary table and the significant environmental impacts is given. There is no justification for the absence of this issue from the EIR. A finding with the words “potentially significant” in it requires a discussion in the EIR.

Response to Comment B55-156

This comment is a duplicate of Comment A13-46. See Response to Comment A13-46.

Comment B55-157

Chapter II. Project Description

15124. Project Description. (b) A statement of objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.

Response to Comment B55-157

See Response to Comment A13-47.

Comment B55-158Page 11-26

- The Draft EIR identifies nine project objectives. Because of significant unavoidable environmental impacts identified in the Draft EIR, the project does not meet objective 7: “to mitigate potential significant environmental impacts to the extent feasible.” Objective 9: “to provide a project that will be financially feasible to develop and market, and that will provide a return commensurate with the risk of investment” appears to be an applicant objective, not one set by the lead agency for the project. This objective would only benefit the applicant.

Response to Comment B55-158

This comment is a duplicate of Comment A13-48. See Response to Comment A13-48.

Comment B55-159

- The description of “Senior Housing” should be expanded to include the types of units that would be allowed and the types of restrictions that would be placed on the project to ensure that the 575 units would remain Senior Units. Significant reductions in associated traffic, air quality, and noise impacts were assumed in the EIR analysis for the senior housing units. The EIR needs to provide the basis for these assumptions for the duration of the occupancy of the unit.

Response to Comment B55-159

This comment is a duplicate of Comment A13-49. See Response to Comment A13-49.

Comment B55-160

- The project description fails to adequately describe the whole project as it relates to the Development Agreement (DA). The project description, as currently written, fails to inform the public or the decision makers of the terms of the development agreement which will bind the County of Orange and the applicant. Without a description of the terms and conditions of the DA, there is no way to determine if the Draft EIR adequately analyzes the potential impacts of the project. Per CEQA Guidelines Section 15003 (h). “The lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect.” The DA is likely to include various infrastructure improvements, which may not be analyzed in the Draft EIR. Without a complete description of the requirements contained in the DA, the Draft EIR cannot adequately assess the associated environmental impacts.

Response to Comment B55-160

This comment is a duplicate of Comment A13-50. See Response to Comment A13-50.

Comment B55-161

Chapter IV.A Impacts Found to Be Less Than Significant

Page IV.A-5.4. Geology and Soils

As stated in the Draft EIR, “The Geotechnical Report indicates that there are no risks on the Project site related to seismic hazards, liquefaction, landslides, lateral spreading, subsidence, collapse, and expansive soils that cannot be mitigated by compliance with building code requirements required as a matter of law, as well as the recommendations of the Geotechnical Report.”

Response to Comment B55-161

See Response to Comment A13-51.

Comment B55-162

However, there is no information about the type of soils present on the project site, how far the nearest earthquake fault is, the maximum magnitude quake expected at the site, depth to groundwater, liquefaction potential, etc. No site-specific data is provided to justify the requirement for the finding or the mitigation measure.

Response to Comment B55-162

This comment is a duplicate of Comment A13-52. See Response to Comment A13-52.

Comment B55-163

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences (Section 15151).

The Draft EIR does not provide sufficient information to determine the environmental consequences to geology and soils. An EIR must contain facts and analysis, not just the agency’s bare conclusions or opinions.

Response to Comment B55-163

This comment is a duplicate of Comment A13-53. See Responses to Comments A13-53 and A13-79.

Comment B55-164

The Draft EIR also states that the project will be required to incorporate measures to protect against risks related to seismic ground shaking, liquefaction, landslides, and geologic instability. These measures include compliance with the City of Los Angeles standard regulations. The only mitigation measure

required is to include advice and recommendations from the Preliminary Geotechnical Engineering Exploration.

Basically, all geology and soils impacts, although not specifically discussed, would be less than significant because the geotechnical report “will mitigate potential risks to a less than significant level,” and the geotechnical report recommends compliance with existing applicable engineering and construction requirements, and applicable laws and regulations, which are already mandated. The city regulations require a geotechnical report. The section as currently written fails to demonstrate that the mitigation measure would reduce potential geotechnical impacts to a less than significant level.

Response to Comment B55-164

See Response to Comment A13-54. A preliminary geotechnical report has been prepared. A final geotechnical report to implement Mitigation Measure A-9 will be prepared in the event the Project is approved and after final project plans are prepared.

Comment B55-165

Chapter IV.B Air Quality

Page IV.B-35, Grading Phase Equipment Quantities

The air quality analysis conducted for the Draft EIR underestimates the quantities and types of equipment that are necessary to excavate the estimated 1,470,000 cubic yards (cy) of soil which is equivalent to 73,500 truckloads of soil (assuming a 20 cy truck capacity). This volume of excavated soil constitutes a mass grading operation. The equipment that was modeled in the air quality analysis is not used for mass grading. The air quality analysis assumed that dozers, backhoes, small skid steer loaders, and graders would be used for the grading phase. Dozers are used generally for dirt-pushing activities, graders are used for fine grading, and loaders and backhoes are used for very light grading/excavation. The equipment modeled in the air quality analysis is not capable of excavating 1.47 million cubic yards of soil in six months. The equipment selected for this mass grading phase does not include any scrapers, which are the principle construction vehicles used in mass grading projects. Other projects with grading of this magnitude would often employ eight or more scrapers. The mitigation measures outline that watering is necessary for dust suppression but no water trucks are accounted for in the analysis. In addition, no trucks in general are included for the relocation of soils from one part of the project site to the other, which is required in order for the excavated soils to be balanced on-site. The air quality analysis needs input from a contractor familiar with large-scale grading operations to obtain a reasonable estimate of construction vehicles. The air quality analysis has underestimated the number of construction vehicles that would be used at the project site and consequently underestimated the magnitude of air pollutant emissions generated during the construction phase. The air quality analysis for construction activities needs to be recalculated based on a reasonable estimate of construction vehicle usage during the grading phase.

Response to Comment B55-165

This comment duplicates Comment A13-55. See Response to Comment A13-55.

Comment B55-166Page IV.B8-25. Lack of a Localized Impact Analysis for Construction Activities

The SCAQMD published Localized Significance Threshold Methodology in June 2003. The SCAQMD comments that projects need to incorporate an analysis of localized air quality impacts from construction activities. Without this localized impact analysis from construction activities, the Draft EIR is deficient in addressing the CEQA checklist question of whether project-related emissions would expose sensitive receptors to substantial air pollutant concentrations. The Localized Significance Threshold (LST) discussed in the SCAQMD's aforementioned document applies to projects that are five acres or less in size and would analyze concentrations of CO, NO_x, and PM₁₀, from project construction activities at nearby sensitive receptors. For projects that are greater than 5 acres, the SCAQMD states that site-specific air pollutant dispersion modeling should be conducted for construction activities. Without this agency-advocated analysis, the Draft EIR has not fully disclosed the air quality impacts of the project - specifically whether project-related emissions would expose sensitive receptors to substantial air pollutant concentrations. The need for an analysis of the localized impact of project construction activities is heightened by the Draft EIR's air quality analysis stating that there would be 105 pounds of PM₁₀ dispersed into the air on a daily basis despite dust suppression measures. Emissions of this magnitude are likely to cause an exceedance of the California Ambient Air Quality Standards. As such, PM₁₀, NO_x, and CO need to be analyzed to fully disclose the potential air quality impacts to the residential uses to the south and west of the project site.

Response to Comment B55-166

This comment duplicates Comment A13-56. See Response to Comment A13-56.

Comment B55-167Table IV, B-6 and 6-7. Carbon Monoxide Analysis

The carbon monoxide analysis was conducted based on the methodologies developed by the Bay Area Air Quality Management District. However, the South Coast Air Quality Management District, in which the project site is located, advocates using a closer receptor location for the modeling of carbon monoxide hotspots per Caltrans' *Transportation Project Level Carbon Monoxide Analysis Protocol*. The protocol established by Caltrans provides updated methodology and guidelines for the quantification of potential CO impacts. The Caltrans protocol establishes sensitive receptor locations ten feet (three meters) from the edge of the roadway and not 25 to 100 feet, as in the analysis in the Draft EIR. The closer the sensitive receptor locations to the congested roadways, the higher the concentrations of carbon monoxide. Modeling of sensitive receptors 25 to 100 feet away from roadways does not represent potential CO

exposures from people 10 feet from congested roadways, such as people waiting for buses or people at the front yards of their residences. As such, the Draft EIR analysis did not evaluate the worst-case condition as required under the Caltrans protocol.

Response to Comment B55-167

This comment duplicates Comment A13-57. See Response to Comment A13-57.

Comment B55-168

Page IV. B-38, Operational Phase Emissions

The Draft EIR's analysis of project-related air pollutant emissions did not include the use of fireplaces for residential uses. Wood-burning fireplaces are a substantial source of air pollution because they represent an uncontrolled source of air pollutant emissions. The Draft EIR either needs to disclose the emissions of fireplace usage or state that fireplaces will not be incorporated into the residential uses.

Response to Comment B55-168

This comment duplicates Comment A13-58. See Response to Comment A13-58.

Comment B55-169

Page IV. B-38, Operational Phase Emissions

The Draft EIR's air quality analysis only presents emissions occurring during the summer time and did not present emissions that occur during the winter. The formation of some air pollutants is sensitive to temperature. As such, the amount of some air pollutants will be greater in the wintertime than in the summer. As such, the Draft EIR needs to present the project's air pollutant emissions for both winter and summer.

Response to Comment B55-169

This comment duplicates Comment A13-59. See Response to Comment A13-59.

Comment B55-170

Page IV. 6-38, Operational Phase Emissions, Last Paragraph

The Draft EIR states in Table IV. B-5 that the project would result in emissions that exceed the SCAQMD significance thresholds for ROG, NO_x, and CO. Exceedance of the SCAQMD operational phase significance thresholds constitutes a significant air quality impact. However, the Draft EIR in the following paragraph states, "By providing new housing close to the Ports, the Project would have the potential to significantly reduce VMT as the region grows, thereby reducing potential regional air quality impacts to a less than significant level." This conclusion is incorrect and misleading. The SCAQMD has

labeled these thresholds as significance thresholds because if they are exceeded, emissions would be considered to result in a significant impact.

Response to Comment B55-170

This comment duplicates Comment A13-60. See Response to Comment A13-60.

Comment B55-171

The Draft EIR's conclusion that a reduction in VMT due to siting residential uses near the ports would lead to less than significant impacts has also not been substantiated. First, not all of the exceedances related to project emissions are due to project vehicles. ROG emissions from solely non-vehicular sources (consumer product usage, painting, landscaping, etc.) would result in an exceedance of the SCAQMD significance threshold and would therefore constitute an unavoidable significant impact regardless of how close the project site is to port facilities.

Response to Comment B55-171

This comment duplicates Comment A13-61. See Response to Comment A13-61.

Comment B55-172

Second, the Draft EIR assumes that a substantial number of residents would work at the ports. No data was provided which substantiates this assumption. There are many factors that contribute to a person's selection of where to live besides proximity to employment. These factors include affordability, school district rating, local amenities, crime rate, and many other factors.

Response to Comment B55-172

This comment is identical to Comment A13-62. See Topical Response 9, Estimated Unit Pricing.

Comment B55-173

Third, the Draft EIR modeling of emissions due to vehicular traffic was modified from the SCAQMD-recommended work trip distances of 11.5 miles to 5 miles. The Draft EIR took the liberty of changing the SCAQMD's regional work trip length and assumed all working residents would have an average one-way work commute of five miles. Even with the Draft EIR's use of a 5-mile work trip length, there would be an exceedance of the significance thresholds and significant air quality impacts. As such, the Draft EIR has demonstrated that if all working residents of the project site work at the Port of Los Angeles, there would still be unavoidable significant air quality impacts.

Response to Comment B55-173

This comment duplicates Comment A13-63. See Response to Comment A13-63.

Comment B55-174

Fourth, considering that the Mapquest website has a trip distance of 9.9 miles from the project site to the Port of Long Beach, the five-mile trip length is invalid. The use of a five-mile trip length would only be applicable if ALL the project residents worked at the Port of Los Angeles or closer, which is an unreasonable assumption. Consequently, to dismiss exceedances of the SCAQMD's CEQA significance thresholds solely on an unsubstantiated and invalid assumption that trip lengths would be short enough that emissions would be less than the significance thresholds is without merit. The Draft EIR's air quality analysis needs to revise the modeling of operational phase emissions to reflect realistic trip length assumptions as well as to change the finding of less than significant operational phase air quality impacts to an unavoidable significant air quality impact due to exceedances of the SCAQMD's operational phase significance thresholds. The appropriate finding of unavoidable significant air quality impact that was previously undisclosed by the Draft EIR would trigger the need for a recirculation of the Draft EIR.

Response to Comment B55-174

This comment duplicates Comment A13-64. See Response to Comment A13-64.

Comment B55-175Page IV. B-52, Mitigation Measures

The Draft EIR states "Although the Project's operational emissions would exceed SCAQMD thresholds, new emissions from development are assumed in regional air planning policies. Because the Project would not violate any applicable air quality standard, and because it is consistent with and will implement relevant AQMP, RCPG, and RTP strategies to attain and maintain compliance with federal and State ambient air quality standards, the Project's potential regional air quality impacts will be reduced to a less than significant level."

Response to Comment B55-175

See Response to Comment A13-65.

Comment B55-176

The Draft EIR's basis for a less than significant air quality impact, even though there are exceedances of the SCAQMD's operational phase significance thresholds, is flawed. The Draft EIR's air quality analysis already demonstrated that even with all working residents having a shorter work trip length of five miles and working at the Port of Los Angeles, emissions would exceed the SCAQMD significance thresholds for the operational phase of the project. The Draft EIR's statement that the project would not result in a violation in the ambient air quality standards is misleading. Very few single projects would lead to violations in the ambient air quality standards. This is why the CEQA checklist question states "Violate any air quality standard or contribute substantially to an existing or projected air quality violation." The SCAQMD significance thresholds were developed to assist in the determination of whether projects are

substantial air pollutant emitters and would contribute toward existing air quality violations. The air basin is currently in a state of nonattainment for ozone, CO, and particulate matter. The Draft EIR has identified exceedances of the SCAQMD's significance thresholds for ROG_s, NO_x, and CO. ROG_s and NO_x are ozone precursors, which interact with sunlight to form ozone or smog. Los Angeles has consistently been ranked as the worst or second-worst city for air quality nationally. Because the project's emissions exceed the SCAQMD significance thresholds, it is considered by the SCAQMD to be a substantial emitter and contributes toward the existing nonattainment of the ambient air quality standards. This approach is substantiated on page 6-1 of the SCAQMD's *CEQA Air Quality Handbook*, where it states "The District has established two types of air pollution thresholds to assist lead agencies in determining whether or not the operation phase of a project is significant. These can be found in the following sections under: 1) emission thresholds; and 2) additional indicators. If the lead agency finds that the operational phase of a project has the potential to exceed either of the air pollution thresholds, the project should be considered significant." The *CEQA Air Quality Handbook* has stated that exceedances of the SCAQMD significance thresholds need to be construed as significant air quality impacts. As such, the conclusion of less than significant air quality impacts during the operational phase of the project is incorrect and needs to be revised. Recirculation of the Draft EIR is required due to the presence of a new significant impact.

Response to Comment B55-176

This comment duplicates Comment A13-66. See Response to Comment A13-66.

Comment B55-177

Pane IV. 8-52, Mitigation Measures

The URBEMIS modeling for project-related construction emissions applied the use of the following mitigation measures for construction vehicles:

Demolition

- Aqueous diesel
- Exhaust Gas Recirculation (EGR)
- Lean NO_x catalyts

Grading

- 3.0 Aqueous diesel
- 4.0 Exhaust Gas Recirculation (EGR)

Building Construction

- Exhaust Gas Recirculation (EGR)

Response to Comment B55-177

This comment duplicates Comment A13-67. See Response to Comment A13-67.

Comment B55-178

However, the use of these mitigation measures are [sic] not reflected in the discussion of mitigation measures on Page IV.6-52. Since these measures were used in the modeling of mitigated emissions, they need to be included in the list of mitigation measures and incorporated into the mitigation monitoring program. Because these mitigation measures were applied for all construction vehicles in the URBEMIS modeling, they likewise need to be applied to all the construction vehicles in the discussion of the mitigation measures. In addition, based on my consultation with James Koizumi of the CEQA review department of the SCAQMD, he said that often times these mitigation measures may not be feasible and as such, the Draft EIR needs to provide evidence that these mitigation measures are feasible for the construction vehicles being analyzed. Feasibility includes the availability of equipment that employs these air pollutant control technologies or rental dealerships that are willing to allow modifications to their equipment. Without a demonstration that these cutting-edge air pollutant control technologies can be employed for equipment used at the project site, credit for these emission reductions should not be applied.

Response to Comment B55-178

This comment duplicates Comment A13-68. See Response to Comment A13-68.

Comment B55-179***Page IV. 8-52, Mitigation Measures***

The Draft EIR cited significant air quality impacts due to the application of architectural coatings during the construction phase of the project. However, the discussion of mitigation measures does not include the use of zero VOC content paints, which are likely to reduce the impact to less than significant levels. As such, the Draft EIR needs to incorporate all feasible mitigation measures to reduce significant air quality impacts.

Response to Comment B55-179

This comment duplicates Comment A13-69. See Response to Comment A13-69.

Comment B55-180

URBEMIS Changes. The SCAQMD-recommended default values for ROG emissions from consumer product usage were decreased from 2.861 to 1.875 by the Draft EIR's air quality analyst. This deviation from the SCAQMD defaults needs to be substantiated.

Response to Comment B55-180

This comment duplicates Comment A13-70. See Response to Comment A13-70.

Comment B55-181

The SCAQMD-recommended default values for the residential area that is repainted each year has been reduced from 10 percent per year to 5 percent per year by the Draft EIR's air quality analyst. If 10 percent of the units were repainted each year, it would result in each unit being repainted every 10 years. Lowering this percentage to 5 percent per year would result in an average repainting of each unit every 20 years. Considering that the turnover rate of residential ownership was 11.4 years in 1996 in California,³ and that homeowners typically repaint their house prior to sale, the use of a 20-year repainting schedule is unrealistic. This deviation from the SCAQMD defaults needs to be substantiated or revised.

Response to Comment B55-181

This comment duplicates Comment A13-71. See Response to Comment A13-71.

Comment B55-182**Page IV.B-55, Cumulative Air Quality Impacts**

In Section 9.5, Cumulative Impact Evaluation, of the *CEQA Air Quality Handbook*, the SCAQMD defines a cumulative impact as:

1. Two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts; and
2. The change in the environment which result from the incremental impact of the project when added to other closely related past, present, or reasonably foreseeable future projects, and can result from individually minor but collectively significant, project taking place over a period of time.

Response to Comment B55-182

This comment duplicates Comment A13-72. See Response to Comment A13-72.

Comment B55-183**Page IV.6-54 through Page IV.6-55. Construction Impact**

The cumulative analysis does not provide a statement clearly [sic] states whether or not project-related construction air pollutant emissions significantly contribute to a cumulative air quality impact. The Draft EIR seems to argue that because construction emissions from other related projects cannot be quantified, then cumulative construction air quality impacts cannot be ascertained. While it would be difficult to

quantify emissions from all 174 related projects, the analysis in this section should focus on whether or not construction emissions significantly contribute to a regional air quality impact or a localized air quality impacts [sic] (concentrations - ppm or $\mu\text{g}/\text{m}^3$). The SCAQMD considers a project to contribute significantly to a regional air quality impact if it would significantly contribute to air pollutants for which the South Coast Air Basin is designated as nonattainment. Because the project-specific impact analysis identified that the project would result in significant emissions of ROG and NO_x , as these emissions exceed the SCAQMD thresholds, the Draft EIR should address the relation of these emissions to the SoCAB nonattainment designations. The Draft EIR fails to disclose that emissions of ROG and NO_x are both precursors for the formation of O_3 and would therefore contribute to the region's O_3 nonattainment status (federal and state).

Response to Comment B55-183

This comment duplicates Comment A13-73. See Response to Comment A13-73.

Comment B55-184

Furthermore (see also comment Page IV.B-25, Lack of a Localized Impact Analysis for Construction Activities), the project fails to disclose if any related projects would be constructed within the same time frame in the immediate vicinity of the project site, resulting in a potential significant localized air quality impact (SCAQMD cumulative criterion No 1).

Response to Comment B55-184

This comment duplicates Comment A13-74. See Response to Comment A13-74.

Comment B55-185

Lastly, the SCAQMD considers projects that exceed the SCAQMD significance thresholds to be substantial emitters of air pollution and that any additional emissions from the 174 related projects contributing to the project exceedance would be construed as a significant cumulative impact.⁴ The Draft EIR needs to revise their finding of less than significant cumulative air quality impacts to an unavoidable significant air quality impact based on SCAQMD methodologies and recirculated [sic] the Draft EIR.

Response to Comment B55-185

This comment duplicates Comment A13-75. See Response to Comment A13-75.

Comment B55-186

Page IV.B-55. Construction Impact (see also comment on Page IV.B-38, Operational Phase Emissions, Last Paragraph)

The cumulative analysis in this section focuses on the consistency of the project with the regional air quality management plan to show less than significant cumulative impacts. However, under the SCAQMD methodology, a project can be consistent with the AQMP but still contribute to a regional air quality impact due to exceedance of the operational phase significance thresholds. This follows the SCAQMD methodology (definition No. 2), which states that project impacts can be minor but collectively significant. The SCAQMD established the CEQA regional emissions thresholds to determine whether project-related emissions are considered substantial and significant because of their contribution to air quality in the SoCAB. Nowhere in the SCAQMD's *CEQA Air Quality Handbook* does it state that project consistency with the AQMP would automatically grant less than significant air quality impacts for the construction, operational and cumulative impact evaluations. As shown in Table IV.B-5 on page IV.B-38 of the Draft EIR, the project would result in emissions of ROG, NO_x, and CO that exceed the SCAQMD operational regional emissions thresholds. The Draft EIR fails to disclose that emissions of ROG and NO_x are both precursors for the formation of O₃, and would therefore contribute to the region's O₃ nonattainment designation (federal and state). The SCAQMD considers projects that exceed the SCAQMD significance thresholds to be substantial emitters of air pollution and that any additional emissions from the 174 related projects contributing to the project exceedance would be considered a significant cumulative impact.⁵ The finding of less than significant cumulative air quality impacts in the Draft EIR needs to be revised to an unavoidable significant air quality impact based on SCAQMD methodologies and the Draft EIR needs to be recirculated.

Response to Comment B55-186

This comment duplicates Comment A13-76. See Response to Comment A13-76.

Comment B55-187

³ "Average American Home Changes Ownership Every 11.9 Years According to Chicago Title and Trust Co.'s Annual Study," <http://www.prnewswire.com/cgi-bin/stories.pl?ACCT=105&STORY=/www/story/6-27-97/265895>, accessed January 3, 2007.

Response to Comment B55-187

See Response to Comment A13-77.

Comment B55-188

⁴ James Koizumi, SCAQMD CEQA Review Department, telephone conversation, December 29, 2006.

Response to Comment B55-188

See Response to Comment A13-78. This reference is not a comment of the SCAQMD, and the City has no way of knowing or responding to the specific information that may have been communicated in this telephone conversation.

Comment B55-189

Chapter IV.D Hazardous Materials and Risk of Upset

Page 1V.D-I

- The Draft EIR identified the use of 17 different types of hazards documents and correspondence in the preparation of this section. However, none of the documents include a Phase I Environmental Site Assessment. This report may have supported a recommendation of further hazards assessment. A Phase I ESA should be completed prior to grading to identify existing onsite and surrounding hazards.

Response to Comment B55-189

This comment is a duplicate of Comment A13-79. See Response to Comment A13-79.

Comment B55-190

- The Draft EIR states “All of the hazardous material investigations are incorporated by reference into this Draft EIR.” Table IV.D-lm Hazardous Materials Investigations, lists 17 documents, including reports, studies, evaluations, and correspondence dated between 1996 and 2006.

CEQA Guidelines states that an “EIR or Negative Declaration may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public ... such other document shall be made available to the public for inspection at a public place or public building. “The EIR or Negative Declaration shall state where the incorporated documents will be available for inspection” (Section 15150(a) and(b)). [sic]

The only document that is made available for review by the public is the February 21, 2006, hazards report prepared for the Draft EIR and correspondence. The Draft EIR does not provide information for the location of the other 13 documents.

Response to Comment B55-190

This comment is a duplicate of Comment A13-80. See Response to Comment A13-80.

Comment B55-191

- *CEQA Guidelines also states “Where an EIR or Negative Declaration uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized. The relationship between the incorporated part of the referenced document and the EIR shall be described” (Section 15150 c).*

The Draft EIR does not summarize or describe the information that was incorporated; therefore the references are not valid. This global use of “incorporated by reference” is not consistent with the public involvement and full disclosure functions of CEQA.

Response to Comment B55-191

This comment is a duplicate of Comment A13-81. See Response to Comment A13-81.

Comment B55-192

Page IV.D-3

- Our research finds that the Wilmington Field is located 0.7 mile from the site, not 2.0 miles as stated in the Draft EIR.

Response to Comment B55-192

This comment is a duplicate of Comment A13-82. See Response to Comment A13-82.

Comment B55-193

⁵ Based on a telephone conversation with James Koizumi, SCAQMD CEQA Review Department, December 29, 2006.

Response to Comment B55-193

This comment is a duplicate of Comment A13-83. See Response to Comment A13-83.

Comment B55-194

- Under “surrounding uses” the Draft EIR only lists the Green Hills Memorial Park and the DFSP as potential off-site areas of concern; however, there are several more sites listed on Cal-sites and Cortese lists. All of these should be listed as part of the hazards setting.

Response to Comment B55-194

This comment is a duplicate of Comment A13-84. See Response to Comment A13-84.

Comment B55-195

Page 1V.D-5

Hydrocarbon-impacted soils were detected on the project site. The Draft EIR needs to disclose where these soils were found, when, and in what concentrations. Testing of soils is required for any soils anticipated to be exported from the site.

Response to Comment B55-195

This comment is a duplicate of Comment A13-85. See Response to Comment A13-85.

Comment B55-196Page IV.D-7

Please clarify the Defense Fuel Support Point (DFSP) information. It is unclear if the DFSP operates 11 ASTs and 29 USTs, or a total of 29 tanks of which 11 are ASTs, or some other combination.

Response to Comment B55-196

This comment is a duplicate of Comment A13-86. See Response to Comment A13-86.

Comment B55-197Page IV.D-8

The last two paragraphs on this page directly contradict each other. The first paragraph states that it is unlikely that DFSP contaminants have impacted groundwater quality. The next paragraph states that liquid phase hydrocarbons are known to be present in groundwater.

Response to Comment B55-197

This comment is a duplicate of Comment A13-87. See Response to Comment A13-87.

Comment B55-198

The Navy commissioned a groundwater investigation to determine if contaminated groundwater was flowing onto the project site. VOCs were not detected in the groundwater samples collected from the northern property boundary. However, VOCs could be moving on-site in soil gas. This needs to be discussed in the Draft EIR.

Response to Comment B55-198

This comment is a duplicate of Comment A13-88. See Response to Comment A13-88.

Comment B55-199Page IV.D-12

Although a risk of upset hazard analysis was performed for the LNG import site at the Port of Long Beach, ConocoPhillips refinery, and the DFSP, this analysis also needs to be performed for the 12-inch high-pressure natural gas line that runs beneath Western Avenue.

Response to Comment B55-199

This comment is a duplicate of Comment A13-89. See Response to Comment A13-89.

Comment B55-200Page IV.D-16

The Draft EIR states that further soil testing for hydrocarbon impacts would take place during construction and that the testing may include vapor probes to evaluate VOCs, methane, and other gases. However, because the site is located within the City of Los Angeles Methane Buffer Zone, methane testing is required for all construction projects. This is a required mitigation measure.

Response to Comment B55-200

This comment is a duplicate of Comment A13-90. See Response to Comment A13-90.

Comment B55-201Page IV.D-17

Most of these mitigation measures are not enforceable. Mitigation measures need to be written into the construction contractor's work authorization or contract to be enforceable. Additionally, the measures do not identify how the soil will be evaluated for the presence of hydrocarbon contamination, by whom (a qualified geologic engineer, construction worker?), and, following testing, which soils are permitted to be reused on the site and which will require disposal off-site.

Response to Comment B55-201

This comment is a duplicate of Comment A13-91. See Response to Comment A13-91.

Comment B55-202

Mitigation measure D-2 needs to also require methane testing. Additionally, the requirement for soil vapor monitoring is not supported by the previous discussions in this Draft EIR. There needs to be a nexus between the impact and the mitigation, which is not found here.

Response to Comment B55-202

This comment is a duplicate of Comment A13-92. See Response to Comment A13-92.

Comment B55-203

Chapter IV. J Transportation and Traffic

Page IV.J-116

- Like most other mitigation measures in this document, mitigation measure J-31 requiring a bus turnout and shelter is not enforceable because it does not include information about timing, responsibility, monitoring, etc.

Response to Comment B55-203

See Response to Comment A13-93.

Comment B55-204

- Mitigation measure J-32 for consultation with LADOT is invalid and unenforceable. Additionally, this measure is not related to any significant impact, and should be removed.

Response to Comment B55-204

See Response to Comment A13-94.

Comment B55-205Page IV.J-120

- The mitigation measures and project design features identified in the Draft EIR would reduce potential impacts associated with traffic and circulation to a level that is less than significant if all the area-wide improvements are implemented. However, implementation of many of these would require the cooperation and funding of other agencies, including but not limited to the Rolling Hills Estates, Rancho Palos Verdes, Lomita, and Caltrans. The City of Los Angeles cannot ensure implementation of these improvements. If these agencies choose not to implement the areawide traffic improvements identified above, a significant unavoidable adverse impact to traffic would occur. Therefore the finding for traffic impacts should be changed to significant and unavoidable.

Response to Comment B55-205

This comment is a duplicate of Comment A13-95. See Response to Comment A13-95.

Comment B55-206

- Because traffic improvements are under the jurisdiction of another agency, the city must make the following finding: “Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (Section 15091 (a)(2)).

Response to Comment B55-206

This comment is a duplicate of Comment A13-96. See Response to Comment A13-96.

Comment B55-207

- The proposed project will make a cumulatively considerable impact to the local circulation system. Although the Traffic Impact Analysis concludes that the cumulative traffic effects can be mitigated to a less than significant level, including the project's contribution, there are no assurances that these measures will all be implemented before the project's traffic enters the circulation system, even those measures within the City of Los Angeles. CEQA Section 15130(a)(3) indicates that a "project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable" by funding payment of the project's fair share to alleviate cumulative impacts. The applicant must fund its fair share of the costs for the local and regional improvements; thereby its impacts to the area circulation system could be determined to be less than significant. However, the payment of fees does not necessarily mitigate impacts to a level of insignificance. To be conservative in making the traffic and circulation impact finding for this project, the conclusion should be reached that some of the circulation system improvements are not likely to be installed before the project's traffic affects the system. Therefore, for some undefined period, until the requisite improvements are installed, it is probable that some portions of the area circulation system will experience unacceptable LOS during peak hours. Therefore, project-related traffic impacts should be significant and unavoidable.

Response to Comment B55-207

See Response to Comment A13-97.

Comment B55-208

- Develop a condition of approval that provides assurances that senior (age-restricted) citizen trip generation (0.8 trips/unit a.m. peak hour) will be achieved and maintained. The basis for these lower rates in the ITE Trip Generation Manual contains a caution due to the very small sample size. In addition, there is not sufficient description of the product type in the traffic study to substantiate this low generation rate applied to 575 dwelling units. It is also questionable whether, with the probable high price of these units, the low generation rate will be applicable. In short, more substantiation with studies of similar California projects and controls should be provided to support these low rates. If not, conditions of approval allowing for the reduction in the number of units are necessary if studies of initial phases of age-restricted units demonstrate higher rates.

Response to Comment B55-208

See Response to Comment A13-98.

Comment B55-209

Chapter IV.K Utilities and Service Systems

Page IV.K-2

- Mitigation measures do not reduce any significant impacts and are not enforceable because they are all missing vital information about timing, responsibility, etc., and include “where feasible,” which eliminates the requirement for compliance.

Response to Comment B55-209

This comment is a duplicate of Comment A13-99. See Response to Comment A13-99.

Comment B55-210

Page IV.K-7

- The draft EIR states that water demand is assumed to be 100 percent of the wastewater generation, but this is completely unrealistic. That would mean that none of the water was consumed and all the water that was delivered to each residential unit was eliminated as wastewater through the sewer lines. Wastewater generation is typically 80 to 90 percent of water demand.

Response to Comment B55-210

This comment is a duplicate of a previous comment. See Response to Comment A13-100.

Comment B55-211

Chapter VI. Alternatives to the Project

Section 15126.6(a) of the CEQA Guidelines states: Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

Response to Comment B55-211

See Response to Comment A13-101.

Comment B55-212

- The Draft EIR states that Narbonne High school was operating at only 53 students under full capacity during the 2004-2005 school year. The 1,725 townhomes and condominiums would generate approximately 50 students. The Draft EIR concludes that Narbonne High School would have three open seats for new students; therefore, no school impacts would occur. This rationale would hold true if the project were constructed and occupied two years ago. However, project buildout is anticipated for 2012, and a new high school is required to relieve future overcrowding at Narbonne and San Pedro High Schools. Therefore, the Draft EIR should include a Combined Residential and High School alternative as part of the alternative discussion.

Response to Comment B55-212

This comment is a duplicate of Comment A13-102. See Response to Comment A13-102.

Comment B55-213

- The Draft EIR states, “The CEQA Guidelines require that EIRs include the identification and evaluation of a reasonable range of alternatives that are designed to reduce the significant environmental impacts of a project, while still satisfying the project objectives.” However, the CEQA guidelines does not require alternatives to meet all the objectives, only those that would “feasibly attain most of the basic objectives.” They also require “a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation” (Section 15126.6). Inclusion of a high school would foster informed decision making and public participation.

Response to Comment B55-213

See Response to Comment A13-103.

Comment B55-214

- Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives must focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly (Section 15126.6b). Although inclusion of a high school would possibly not meet one of the project objectives and would result in a reduction in the number of residential units and profit margin for the developer, under CEQA it is still a valid alternative to the proposed project.

Response to Comment B55-214

This comment is a duplicate of a previous comment. See Response to Comment A13-104.

Comment B55-215

- CEQA states, “The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects” (Section 15126.6(c)). On page VI-6 of the Draft EIR it states that a high school on the site “would be inconsistent with virtually all of the Project objectives.” We find that this alternative could permit residential development and would be consistent with all stated Project objectives as shown below.

Response to Comment B55-215

This comment is a duplicate of a previous comment. See Response to Comment A13-105.

Comment B55-216

A high school alternative would meet all of the project objectives, including:

1. removal of abandoned improvements on the site;

Response to Comment B55-216

This comment is a duplicate of a previous comment. See Response to Comment A13-106.

Comment B55-217

2. provision of new housing to relieve housing shortage;

Response to Comment B55-217

This comment is a duplicate of a previous comment. See Response to Comment A13-107.

Comment B55-218

3. provision of different types of housing products;

Response to Comment B55-218

This comment is a duplicate of a previous comment. See Response to Comment A13-108.

Comment B55-219

4. provision of residential amenities, landscaping and open space;

Response to Comment B55-219

This comment is a duplicate of a previous comment. See Response to Comment A13-109.

Comment B55-220

5. provision of a project that can invigorate the local economy, provide workers, and business opportunities during and after construction;

Response to Comment B55-220

This comment is a duplicate of a previous comment. See Response to Comment A13-110.

Comment B55-221

6. provision of community serving uses through public use of the high school buildings and play fields;

Response to Comment B55-221

This comment is a duplicate of a previous comment. See Response to Comment A13-111.

Comment B55-222

7. the high school alternative, which could mitigate environmental impacts similar to the proposed project;

Response to Comment B55-222

This comment is a duplicate of a previous comment. See Response to Comment A13-112.

Comment B55-223

8. a reduced number of residential units, which could still be fiscally beneficial to the city;

Response to Comment B55-223

This comment is a duplicate of a previous comment. See Response to Comment A13-113.

Comment B55-224

9. adoption of a specific plan that includes a high school, which would still result in a high quality development; and

Response to Comment B55-224

This comment is a duplicate of a previous comment. See Response to Comment A13-114.

Comment B55-225

10. provision of a financially feasible development. It is currently unknown if this project objective would be met with a high school. However, because the high school alternative was not analyzed, the possibility remains that this objective could be met. “The mere fact that an alternative might be less profitable does not itself render the alternative infeasible unless there is also evidence that the reduced profitability is ‘sufficiently severe as to render it impractical to proceed with the project’” (citing *Citizens of Goleta Valley v. Board of Supervisors*, 197 Cal.App.3d 1167).

Response to Comment B55-225

This comment is a duplicate of a previous comment. See Response to Comment A13-115.

Comment B55-226

- On page VI-6 of the Draft EIR it states that a high school on the site would not permit the applicant’s project to “proceed as presently proposed.” However, none of the alternatives proposed in the Draft EIR would permit the proposed project to proceed as currently proposed. This is an invalid argument for dismissal of this alternative.

Response to Comment B55-226

This comment is a duplicate of a previous comment. See Response to Comment A13-116.

Comment B55-227

- The LAUSD is submitting comments on the Draft EIR suggesting another alternative, which proposes a combination of a high school and residential. A revision to the EIR is necessary to remedy this inadequate analysis and will necessarily require recirculation of the alternatives section of the draft EIR (*Preservation Action Council v. City of San Jose* (Aug 4, 2006) - Cal.App.4th __).

Response to Comment B55-227

This comment is a duplicate of a previous comment. See Response to Comment A13-117.

Comment B55-228

- Alternatives listed in the Draft EIR include:
 - Alternative A. No Project Alternative/Single-Family Homes

- Alternative B. Increased Percentage of Senior Housing (environmentally superior alternative because it does not reduce the number of units)
- Alternative C. 1,700 Units (26 percent Reduction)
- Alternative D. Alternative Sites

Response to Comment B55-228

See Response to Comment A13-118.

Comment B55-229

- L.A. Harbor Industrial Center Redevelopment Project - WIP

Response to Comment B55-229

See Response to Comment A13-119.

Comment B55-230

- Long Beach Sport Park. This site is in the City of Long Beach and under a different jurisdiction than the proposed project site. Neither the city of Los Angeles (project lead agency) nor the project applicant has shown that this site is a feasible alternative to the proposed site. The Draft EIR even states that this site is included only for comparison purposes. *An EIR need not consider an alternative whose implementation is remote and speculative (15126.6(f)(3)).* Therefore, this is not a feasible site for the alternative analysis and cannot be included.

Response to Comment B55-230

This comment is a duplicate of Comment A13-120. See Response to Comment A13-120.

Comment B55-231

- Douglas Park. This site is in the City of Long Beach and under a different jurisdiction than the proposed project site. Additionally, with the site currently under construction for the Douglas Park project it is highly unlikely the City of Los Angeles or the project applicant could acquire any portion of this site. The Draft EIR even states that this site is included only for comparison purposes. *An EIR need not consider an alternative whose implementation is remote and speculative (15126.6(f)(3)).* Therefore, this is not a feasible site for the alternative analysis and cannot be included.

Response to Comment B55-231

This comment is a duplicate of Comment A13-121. See Response to Comment A13-121.

Comment B55-232

- CEQA states, “Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent)” (Section 15126.6(f)(1)). The alternative sites are not considered feasible because the Draft EIR has not given any assurances that the applicant could reasonably acquire the alternative sites.

Response to Comment B55-232

This comment is a duplicate of Comment A13-122. See Response to Comment A13-122.

Comment B55-233

- Page VI-108 discusses the “Economic Impact Differences Between Alternatives” after making findings on the environmentally superior alternative. This information is extraneous to the discussion of environmental impacts associated with each alternative.

Response to Comment B55-233

This comment is a duplicate of Comment A13-123. See Response to Comment A13-123.

Comment B55-234

- Environmental impacts associated with Alternatives B, C and D are essentially the same as the project with no reduction or avoidance of any significant impacts, therefore these alternatives should not be included.

Response to Comment B55-234

This comment is a duplicate of Comment A13-124. See Response to Comment A13-124.

Comment B55-235

Chapter V. General Impact Categories

- The summary of significant unavoidable impacts is missing operational air quality impacts and traffic impacts and is therefore incorrect.

Response to Comment B55-235

This comment is a duplicate of a previous comment. See Response to Comment A13-125.

COMMENT LETTER B56

Tracy Antoinette
1272 W. 17th Street
San Pedro, CA 90731

Comment B56-1

I'm writing in regard to the Draft Environmental Impact Report for the Ponte Vista Project at 26900 Western Ave. in San Pedro, and wish to register my opposition to it.

Firstly, I am opposed to the sheer number of housing units being proposed, and, although senior housing may be needed, I disagree with multiple storied buildings being built there for that purpose. Currently, there are multi-storied units being built next to the Ponte Vista parcel immediately between two large condo/town home complexes. More housing units are not needed in that area.

Response to Comment B56-1

The comment expresses opposition to the Project and introduces ensuing comments, which are addressed in detail in the remainder of Response to Comment B56-1 through B56-5. Section IV.H, Population and Housing, of the Draft EIR provides extensive analysis of the Project's consistency with local and regional housing projections. As indicated therein, the Project's 2,300 housing units represent 8.5 percent of the housing stock forecasted for 2010 in the Wilmington-Harbor City CPA and about 57 percent of the remaining growth forecasted between 2004 and 2010.

Comment B56-2

Secondly, traffic is a huge problem. The additional traffic would create a great burden to the already overcrowded Western Avenue, especially when the high school being built is opened, and in the event of another (which is being proposed by LAUSD) is built on the same land. Have YOU ever driven on that portion of Western Avenue before or after school hours? Or work? It is horrendous! I worked in Lomita for 14 years and it would take me 20 to 25 minutes to get to there....a distance of six miles!

Response to Comment B56-2

The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. The Draft EIR analyzed the traffic impacts of the Project alone as well as combined with traffic from the adjacent but independent Mary Star of the Sea High School currently under construction. The Project's mitigation

measures would mitigate traffic impacts of both the Project and Mary Star of the Sea to a less than significant level. With respect to the proposed LAUSD high school, see Topical Response 3, South Region High School #14. The balance of this comment contains anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

Comment B56-3

In my opinion, regulating the traffic signals would not alleviate the congestion significantly, and widening the street would require removing the trees in the center median and/or removing a great portion of the sidewalks, which I oppose.

Response to Comment B56-3

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The traffic mitigation measures are listed in the Draft EIR beginning on page IV.J-109. The comment regarding the effectiveness of one of the mitigation measures—ATSAC/ATCS—is not correct. As noted on page IV.J-111, Caltrans estimates that a traffic signal synchronization system reduces the critical volume-to-capacity ratios (v/c) by 12 percent. LADOT estimates that the ATSAC system reduces the critical v/c ratios by seven percent and that the ATCS system upgrade further reduces the critical v/c ratios by three percent for a total of 10 percent. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures—including ATSAC/ATCS—completely mitigate the potential significant traffic impacts associated with the Project. With respect to potential roadway median modifications and street widenings associated with some of the mitigation measures, LADOT and the Bureau of Engineering will require landscape and sidewalk improvements in conjunction with these improvements.

Comment B56-4

More homes, more people, more traffic will only add to an overcrowded town and to the pollution we endure because of the port. None of these, in my opinion, does San Pedro need!

Response to Comment B56-4

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. The Draft EIR analyzes the Project's potential impacts on population and housing and concluded

that the total population associated with the residential component of the Project would be 4,313 persons. As indicated therein, the Project would not induce substantial population growth because it would accommodate a portion (approximately 19.68%) of anticipated population growth forecast for the Wilmington-Harbor City and San Pedro Community Planning Areas by 2010. As discussed in the Draft EIR and in response to the comments of the Southern California Association of Governments (SCAG), the Project is consistent with regional land use planning and transportation strategies designed to reduce vehicle miles traveled, air pollution and regional congestion.

Comment B56-5

I urge you to carefully and thoughtfully take my concerns into consideration and reject this project as proposed to go forward.

Response to Comment B56-5

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B57

Lucy Balov
29635 Enrose Ave.
Ranchos Palos Verdes, CA 90275

Comment B57-1

I reject the DEIR for the following reasons:

1. The draft EIR does not address the additional traffic created by the proposal that will cut through my neighborhood because of bottle necks on Western and because there are not enough streets to carry traffic from San Pedro to RPV and Torrance. The DEIR should include a study of the impact on my neighborhood Mira Vista.

Response to Comment B57-1

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The forecast assignment of Project trips on the local roadway system (including trips at study intersections within the cities of Rancho Palos Verdes and Torrance) is shown on Figures IV.J-9 through IV.J-11, beginning on page IV.J-39 of the Draft EIR. The traffic mitigation measures are listed in the Draft EIR beginning on page IV.J-109. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures completely mitigate the potential significant traffic impacts associated with the Project. In addition, the Project is not anticipated to generate traffic that would significantly

impact the streets in the Mira Vista neighborhood as only Project-related traffic with destinations in that neighborhood would be anticipated to use those streets (for example, to visit a friend who lives there). The arrangement and location of streets in the Mira Vista neighborhood do not provide attractive “cut-through” opportunities for either Project-related or cumulative traffic. The comment does not provide substantial evidence that the Project will create “cut through” traffic on the streets within the Mira Vista neighborhood. Therefore, no additional analysis is required.

Comment B57-2

2. The project will reduce the quality of life in this area because it is too dense. The DEIR does not address this issue.

Response to Comment B57-2

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. See Response to Comment A8-11.

Comment B57-3

3. The DEIR assumes that timing the lights will mitigate the additional traffic from the proposal when that is not even an effective solution for the current volume.

Response to Comment B57-3

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The traffic mitigation measures are listed in the Draft EIR beginning on page IV.J-109. The comment regarding the effectiveness of one of the mitigation measures—ATSAC/ATCS—is not correct. As noted on page IV.J-111, Caltrans estimates that a traffic signal synchronization system reduces the critical volume-to-capacity ratios (v/c) by 12 percent. LADOT estimates that the ATSAC system reduces the critical v/c ratios by seven percent and that the ATCS system upgrade further reduces the critical v/c ratios by three percent for a total of 10 percent. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures—including ATSAC/ATCS—completely mitigate the potential significant traffic impacts associated with the Project.

Comment B57-4

4. The DEIR does not study or mitigate traffic on RPV Drive North.

Response to Comment B57-4

The comment is not correct in claiming that the Traffic Study contained in the Draft EIR did not evaluate the Project’s potential traffic impacts on Palos Verdes Drive North (assumed to be “RPV Drive North”

referenced in the comment). As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the Traffic Study evaluated the potential impacts of the Project at three intersections located along Palos Verdes Drive North (at Palos Verdes Drive East, at Western Avenue, and at Vermont Avenue/Gaffey Street). Mitigation Measures J-1, J-5 and J-18 listed in the Draft EIR are recommended to mitigate the Project's potential significant traffic impacts at the Palos Verdes Drive North intersections to levels of insignificance. Therefore, no additional analysis of the Project's potential traffic impacts along Palos Verdes Drive North is required.

Comment B57-5

5. The DEIR assumes counts of 4 trips per day, however most traffic planners agree with 8 trips per day.

Response to Comment B57-5

See Topical Response 11, Traffic, for a discussion regarding the trip generation forecast provided for the Project in the Draft EIR. As discussed in the Topical Response, the trip generation forecast was correctly prepared following procedures set forth by the Institute of Transportation Engineers, the publishers of the Trip Generation manual. In fact, use of potential alternative trip generation factors would have resulted in a lower, not higher forecast of traffic associated with the Project. Therefore, the Traffic Study in the Draft EIR provides a conservative (i.e., "worst case") estimate of the vehicle trips that could be generated by the Project. Accordingly, no revisions to the Project's trip generation forecast provided in the Draft EIR are required. The comparison to trip generation forecast in other traffic studies as suggested in the comment is not appropriate as the project descriptions for these developments—and therefore the corresponding trip generation forecasts—are not comparable to the Project.

Comment B57-6

6. The DEIR does not study the additional development already approved including the Target store on Gaffey and construction of Condos in down town San Pedro.

Response to Comment B57-6

With respect to the "Target store" referenced project noted in the comment, this referenced project is already included as Related Project #18 of Table IV.J-9 of the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts.

With respect to the "construction of Condos in down town [sic] San Pedro" the referenced development is already included as Related Projects #12, 15, 17, 22, 23, 24, 25, 26, 27, 28, 29, and 45 of Table IV.J-9 of the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts.

Comment B57-7

7. The DEIR does not include a proposed Los Angeles Unified School at the site.

Response to Comment B57-7

See Topical Response 3, South Region High School #14.

Comment B57-8

Please reject this proposal, the DEIR and the application for zone change.

Response to Comment B57-8

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B58

Sam Balov
29635 Enrose Ave.
Ranchos Palos Verdes, CA 90275

Comment B58-1

I reject the DEIR for the following reasons:

1. The draft EIR does not address the additional traffic created by the proposal that will cut through my neighborhood because of bottle necks on Western and because there are not enough streets to carry traffic from San Pedro to RPV and Torrance. The DEIR should include a study of the impact on my neighborhood Mira Vista.

Response to Comment B58-1

See Response to Comment B57-1.

Comment B58-2

2. The project will reduce the quality of life in this area because it is too dense. The DEIR does not address this issue.

Response to Comment B58-2

This comment is a duplicate of Comment B57-2. See Response to Comment B57-2.

Comment B58-3

3. The DEIR assumes that timing the lights will mitigate the additional traffic from the proposal when that is not even an effective solution for the current volume.

Response to Comment B58-3

See Response to Comment B57-3.

Comment B58-4

4. The DEIR does not study or mitigate traffic on RPV Drive North.

Response to Comment B58-4

See Response to Comment B57-4.

Comment B58-5

5. The DEIR assumes counts of 4 trips per day, however most traffic planners agree with 8 trips per day.

Response to Comment B58-5

See Response to Comment B57-5.

Comment B58-6

6. The DEIR does not study the additional development already approved including the Target store on Gaffey and construction of Condos in down town San Pedro.

Response to Comment B58-6

See Response to Comment B57-6 and Topical Response 12, Related Projects and Cumulative Impacts.

Comment B58-7

7. The DEIR does not include a proposed Los Angeles Unified School at the site.

Response to Comment B58-7

See Topical Response 3, South Region High School #14.

Comment B58-8

Please reject this proposal, the DEIR and the application for zone change.

Response to Comment B58-8

See Response to Comment B57-8.

COMMENT LETTER B59

**Leslie Galvan
1910 Galerita Drive
Ranchos Palos Verdes, CA 90275**

Comment B59-1

I am a resident of Rolling Hills Riviera, a track of homes which lies across Western Avenue from the site proposed by Bisno Development for 2300 new condominiums. I am writing to you to ask that you let the current R-1 zoning stand.

Response to Comment B59-1

This comment expresses opposition to a zone change, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B59-2

Our area would suffer from this proposed overdevelopment as it would overtax our roads and other infrastructure. Western Avenue has already suffered from sink holes and it is the main street that is used by all. Two thousand three hundred new residences would only further compound the heavy traffic we already have. There is no good way to mitigate the increase in traffic a project of this size would generate.

Response to Comment B59-2

The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. For additional information regarding the effectiveness of proposed mitigation and the recent occurrence of sink holes on Western Avenue, see Topical Response 11, Traffic.

Comment B59-3

Therefore I ask you to allow development under the current R-1 zoning to stand. Please don't let this area join the list of areas where traffic is intolerable.

Response to Comment B59-3

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. See also Topical Response 11, Traffic.

COMMENT LETTER B60

Sylvia Hart
1027 Statler Street
San Pedro, CA 90731

Comment B60-1

First of all I find it amazing that your notice and address to write a letter re: Ponte Vista was so close to the date it was due. I hope this note makes it to your office in time.

Response to Comment B60-1

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B60-2

Ponte Vista was purchased as an R-1 property. Building as an R-1 would be beneficial to Mr. Bisno.

Response to Comment B60-2

The comment expresses an opinion about the effect of R1 development on the Project applicant, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B60-3

Building 2300 or 1700 properties would be more beneficial. Think about the number of new cars we'll have.

Response to Comment B60-3

The comment expresses an opinion about the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level.

Comment B60-4

Actually, anything more than an R-1 is a steal from the quality of life from people who live in San Pedro.

Response to Comment B60-4

The comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B60-5

Can you imagine the influx of the cars that will be coming and going off of that property onto Western Avenue!

Response to Comment B60-5

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project. Estimates of the volume of daily trips for each residential and temporal category are displayed in Table IV.J-7 on page IV.J-34. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level.

Comment B60-6

No, it won't be helped by changing the signals. That shouldn't even be considered. It could only be helped by putting in more roads but there isn't any room land wise or otherwise.

Response to Comment B60-6

The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. For additional information regarding the effectiveness of proposed mitigation, see Topical Response 11, Traffic.

Comment B60-7

Mr. Bisno wouldn't live in one of these homes, and you can bet he wouldn't advise his own family to buy one.

Response to Comment B60-7

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B60-8

Driving down Western Avenue can be ridiculous many parts of the day. Back to back traffic barely moving along. Gaffey Street, only by the Navy area is o.k., as soon as you hit Channel Street, the stop lights, freeway off ramp, the same thing happens as it does on Western - back to back cars.

Response to Comment B60-8

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The comment expresses an opinion regarding existing traffic conditions on Western Avenue and Gaffey Street, and is not directed to the Traffic Study provided in the Draft EIR. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the Traffic Study evaluated the potential impacts of the Project at intersections located along Western Avenue and Gaffey Street. Mitigation Measures listed in the Draft EIR are recommended to mitigate the Project's potential significant traffic impacts at the intersections Western Avenue and Gaffey Street.

Comment B60-9

Having more people live in San Pedro isn't going to help the shopping. I don't shop in San Pedro for clothing or furniture and most people don't. There is no place to shop other than for food. I don't feel that will change by that much no matter how many homes would have been built. There is no good shopping here. People walking around off the pleasure boats won't go looking for a department store. If they purchase it will be for a trinket or a 'memorable' treasure in a small shop down town.

Response to Comment B60-9

The comment expresses an opinion about the quality of shopping in San Pedro, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR estimates that Project residents are likely to spend about \$101 million annually within a five-mile radius of the Project site, not just in San Pedro. See Draft EIR Appendix IV.F-1, pages 19-22. It is foreseeable that these expenditures will support service and job growth in the area. See Draft EIR Appendix IV.F-1 pages 18-19.

Comment B60-10

Our town could be a beautiful place -like Redondo and Manhattan beaches if the Bisno's,[sic] wanting to build an empire for themselves, would just leave it alone. If we had the streets, the room for condos, it would be o.k. But, easily[sic] enough to know, WE DON'T have the room.

Response to Comment B60-10

See Response to Comment B27-1. The comment expresses the author's opinion and opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B60-11

One of our neighborhood councils heard complaints from entities regarding a road through a very small park in San Pedro. I asked the people there who were monitoring the program - 'Have you seen the park?' The answer was 'no'. I suggest that your office come here to San Pedro, early, midday and late on a week day and monitor what is going on so you can make a decent decision for the lives of the people who have made San Pedro their home.

Response to Comment B60-11

The comment contains anecdotal information, but do not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B61

**Sylvia Hart
1027 Statler Street
San Pedro, CA 90731**

Comment B61-1

Many apologies: I understand I missed this announcement several times in the Breeze newspaper.

Response to Comment B61-1

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B61-2

First of all I find it amazing that your notice and address to write a letter re: Ponte Vista was so close to the date it was due. I hope this note makes it to your office in time.

Response to Comment B61-2

See Response to Comment B60-1.

Comment B61-3

Ponte Vista was purchased as an R-1 property. Building as an R-1 would be beneficial to Mr. Bisno.

Response to Comment B61-3

This comment is identical to Comment B60-2. See Response to Comment B60-2.

Comment B61-4

Building 2300 or 1700 properties would be more beneficial. Think about the number of new cars we'll have.

Response to Comment B61-4

See Response to Comment B60-3.

Comment B61-5

Actually, anything more than an R-1 is a steal from the quality of life from people who live in San Pedro.

Response to Comment B61-5

See Response to Comment B60-4.

Comment B61-6

Can you imagine the influx of the cars that will be coming and going off of that property onto Western Avenue!

Response to Comment B61-6

See Response to Comment B60-5.

Comment B61-7

No, it won't be helped by changing the signals. That shouldn't even be considered. It could only be helped by putting in more roads but there isn't any room land wise or otherwise.

Response to Comment B61-7

See Response to Comment B25-3 and Topical Response 11, Traffic.

Comment B61-8

Mr. Bisno wouldn't live in one of these homes, and you can bet he wouldn't advise his own family to buy one.

Response to Comment B61-8

See Response to Comment B60-7.

Comment B61-9

Driving down Western Avenue can be ridiculous many parts of the day. Back to back traffic barely moving along. Gaffey Street, only by the Navy area is o.k., as soon as you hit Channel Street, the stop lights, freeway off ramp, the same thing happens as it does on Western - back to back cars.

Response to Comment B61-9

This comment is a duplicate of Comment B60-8. See Response to Comment B60-8.

Comment B61-10

Having more people live in San Pedro isn't going to help the shopping. I don't shop in San Pedro for clothing or furniture and most people don't. There is no place to shop other than for food. I don't feel that will change by that much no matter how many homes would have been built. There is no good shopping

here. People walking around off the pleasure boats won't go looking for a department store. If they purchase it will be for a trinket or a 'memorable' treasure in a small shop down town.

Response to Comment B61-10

See Response to Comment B60-9.

Comment B61-11

Our town could be a beautiful place -like Redondo and Manhattan beaches if the Bisno's,[sic] wanting to build an empire for themselves, would just leave it alone. If we had the streets, the room for condos, it would be o.k. But, easily[sic] enough to know, WE DON'T have the room.

Response to Comment B61-11

See Response to Comment B60-10.

Comment B61-12

One of our neighborhood councils heard complaints from entities regarding a road through a very small park in San Pedro. I asked the people there who were monitoring the program - 'Have you seen the park?' The answer was 'no'. I suggest that your office come here to San Pedro, early, midday and late on a week day and monitor what is going on so you can make a decent decision for the lives of the people who have made San Pedro their home.

Response to Comment B61-12

See Response to Comment B60-11.

COMMENT LETTER B62

**LG Heffernan
1527 Dalmatia Drive
San Pedro, CA 90732**

Comment B62-1

Please keep the project "R1" at Ponte Vista

26900 S. Western

San Pedro Ca 90732

"R1" as purchased —

Response to Comment B62-1

The comment expresses support for retaining existing R1 zoning but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B62-2

Traffic on Western Ave. presently is an “E” Disney Ride!

Response to Comment B62-2

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B62-3

Currently (approx) 200 condos are being built next to this property — with one way in /out drive way. Drivers are racing to make right turns from this property.

Response to Comment B62-3

The comment appears to be referring to Related Project No. 14 listed in Table IV.J-9 on page IV.J-42 of the Draft EIR. The project proposes 140 condominium units, with access to Western Avenue via Fitness Drive. The proposed land use and access conditions associated with this related project were considered in forecasting future pre-Project conditions evaluated in the Traffic Study contained in the Draft EIR. See also Topical Response 11, Traffic, for further discussion of the Western Avenue/Fitness Drive intersection.

Comment B62-4

Emergency vehicles from this property are shown no respect — too much traffic.

Response to Comment B62-4

As discussed in the Draft EIR at pp. IV.J-30 to IV.J-32, with the implementation of mitigation measures, the Project in conjunction with cumulative growth would not “[r]esult in inadequate emergency access” (CEQA, Appendix G, X/V Transportation/Traffic (e)). Emergency access to the Project site (police, fire, and ambulance) would be provided by the three ingress/egress points off Western Avenue that would provide general site access. In addition, a reciprocal emergency access arrangement exists between Mary

Star of the Sea High School and the Project that would allow for emergency access from Mary Star and Taper Avenue to Western Avenue. The Project-specific and cumulative impacts to emergency response times (police, fire and ambulance) would be less than significant (see Draft EIR, p. IV.J-32). The Project site is not identified in any existing emergency response plan as a physical evacuee location or other location of public congregation or equipment/personnel mobilization. See Topical Response 13, Emergency Response and Evacuation.

COMMENT LETTER B63

Matthew Kordich
29651 Enrose Ave.
Rancho Palos Verdes, CA 90275

Comment B63-1

I reject the DEIR for the following reasons:

- The draft EIR does not address the additional traffic created by the proposal that will cut through my neighborhood because of bottle necks on Western and because there are not enough streets to carry traffic from San Pedro to RPV and Torrance. The DEIR should include a study of the impact on my neighborhood Mira Vista.

Response to Comment B63-1

This comment is a duplicate of Comment B57-1. See Response to Comment B57-1.

Comment B63-2

- The project will reduce the quality of life in this area because it is too dense. The DEIR does not address this issue.

Response to Comment B63-2

This comment is a duplicate of Comment B57-2. See Response to Comment B57-2.

Comment B63-3

- The DEIR assumes that timing the lights will mitigate the additional traffic from the proposal when that is not even an effective solution for the current volume.

Response to Comment B63-3

This comment is a duplicate of Comment B57-3. See Response to Comment B57-3.

Comment B63-4

- The DEIR does not study or mitigate traffic on RPV Drive North.

Response to Comment B63-4

This comment is a duplicate of Comment B57-4. See Response to Comment B57-4.

Comment B63-5

- The DEIR assumes counts of 4 trips per day, however most traffic planners agree with 8 trips per day.

Response to Comment B63-5

This comment is a duplicate of Comment B57-5. See Response to Comment B57-5.

Comment B63-6

- The DEIR does not study the additional development already approved including the Target store on Gaffey and construction of Condos in down town San Pedro.

Response to Comment B63-6

See Response to Comment B57-6 and Topical Response 12, Related Projects and Cumulative Impacts.

Comment B63-7

- The DEIR does not include a proposed Los Angeles Unified School at the site.

Response to Comment B63-7

See Topical Response 3, South Region High School #14.

Comment B63-8

- There will not be enough fire and police protection coverage for the additional population.

Response to Comment B63-8

See Response to Comment A10-233 regarding police protection coverage of the additional population. The project will result in an increased demand for fire services. However, based on fire flow, response distance, and proposed mitigation measures, fire protection services are sufficient to serve the project population (Draft EIR Section IV.I.1). Decisions as to budget, staffing and service levels are made by the Los Angeles Fire Department and the Los Angeles City Council and are not environmental impacts

within the meaning of CEQA. As discussed in the Project Fiscal Analysis, Appendix IV.F-1, the Project will generate a \$6 to \$6.8 million annual fiscal benefit into account after taking into account typical public service costs, such as police, fire, library, parks and recreation. These funds will be available to fund various public service programs and objectives. Thus, the Project is anticipated to provide more than sufficient funds to address police and fire service needs. There is no substantial evidence that new facilities would be required or that they would cause significant environmental impacts.

Comment B63-9

Please reject this proposal, the DEIR and the application for zone change.

Response to Comment B63-9

See Response to Comment B57-8.

COMMENT LETTER B64

Thelma Kordich
29641 Enrose Ave.
Ranchos Palos Verdes, CA 90275

Comment B64-1

I reject the DEIR for the following reasons:

- The draft EIR does not address the additional traffic created by the proposal that will cut through my neighborhood because of bottle necks on Western and because there are not enough streets to carry traffic from San Pedro to RPV and Torrance. The DEIR should include a study of the impact on my neighborhood Mira Vista.

Response to Comment B64-1

This comment is a duplicate of Comment B57-1. See Response to Comment B57-1.

Comment B64-2

- The project will reduce the quality of life in this area because it is too dense. The DEIR does not address this issue.

Response to Comment B64-2

This comment is a duplicate of Comment B57-2. See Response to Comment B57-2.

Comment B64-3

- The DEIR assumes that timing the lights will mitigate the additional traffic from the proposal when that is not even an effective solution for the current volume.

Response to Comment B64-3

This comment is a duplicate of Comment B57-3. See Response to Comment B57-3.

Comment B64-4

- The DEIR does not study or mitigate traffic on RPV Drive North.

Response to Comment B64-4

This comment is a duplicate of Comment B57-4. See Response to Comment B57-4.

Comment B64-5

- The DEIR assumes counts of 4 trips per day, however most traffic planners agree with 8 trips per day.

Response to Comment B64-5

This comment is a duplicate of Comment B57-5. See Response to Comment B57-5.

Comment B64-6

- The DEIR does not study the additional development already approved including the Target store on Gaffey and construction of Condos in down town San Pedro.

Response to Comment B64-6

See Response to Comment B57-6 and Topical Response 12, Related Projects and Cumulative Impacts.

Comment B64-7

- The DEIR does not include a proposed Los Angeles Unified School at the site.

Response to Comment B64-7

See Topical Response 3, South Region High School #14.

Comment B64-8

- There will not be enough fire and police protection coverage for the additional population.

Response to Comment B64-8

This comment is a duplicate of Comment B63-8. See Response to Comment B63-8.

Comment B64-9

Please reject this proposal, the DEIR and the application for zone change.

Response to Comment B64-9

See Response to Comment B57-8.

COMMENT LETTER B65

Vince Kordich
29641 Enrose Ave.
Rancho Palos Verdes, CA 90275

Comment B65-1

I reject the DEIR for the following reasons:

- The draft EIR does not address the additional traffic created by the proposal that will cut through my neighborhood because of bottle necks on Western and because there are not enough streets to carry traffic from San Pedro to RPV and Torrance. The DEIR should include a study of the impact on my neighborhood Mira Vista.

Response to Comment B65-1

This comment is a duplicate of Comment B57-1. See Response to Comment B57-1.

Comment B65-2

- The project will reduce the quality of life in this area because it is too dense. The DEIR does not address this issue.

Response to Comment B65-2

This comment is a duplicate of Comment B57-2. See Response to Comment B57-2.

Comment B65-3

- The DEIR assumes that timing the lights will mitigate the additional traffic from the proposal when that is not even an effective solution for the current volume.

Response to Comment B65-3

This comment is a duplicate of Comment B57-3. See Response to Comment B57-3.

Comment B65-4

- The DEIR does not study or mitigate traffic on RPV Drive North.

Response to Comment B65-4

This comment is a duplicate of Comment B57-4. See Response to Comment B57-4.

Comment B65-5

- The DEIR assumes counts of 4 trips per day, however most traffic planners agree with 8 trips per day.

Response to Comment B65-5

This comment is a duplicate of Comment B57-5. See Response to Comment B57-5.

Comment B65-6

- The DEIR does not study the additional development already approved including the Target store on Gaffey and construction of Condos in down town San Pedro.

Response to Comment B65-6

See Response to Comment B57-6 and Topical Response 12, Related Projects and Cumulative Impacts.

Comment B65-7

- The DEIR does not include a proposed Los Angeles Unified School at the site.

Response to Comment B65-7

See Topical Response 3, South Region High School #14.

Comment B65-8

Please reject this proposal, the DEIR and the application for zone change.

Response to Comment B65-8

See Response to Comment B57-9.

COMMENT LETTER B66

Jerry Kuriyama
29648 Enrose Ave.
Ranchos Palos Verdes, CA 90275

Comment B66-1

The draft EIR should analyze additional traffic from the proposal that will cut through my neighborhood because of bottlenecks on Western and because there are not enough streets to carry traffic from San Pedro to RPV and Torrance.

Response to Comment B66-1

See Response to Comment B57-1.

Comment B66-2

I disagree that[sic] with comments in the DEIR that the 2,300 units proposal will not intensify the existing residential neighborhood.

Response to Comment B66-2

See Responses to Comments A8-2 and A8-11.

Comment B66-3

The DEIR fails to account for the impact the density will have on the surrounding area.

Response to Comment B66-3

The comment does not identify a specific deficiency in the analysis or mitigation measures contained in the Draft EIR, which addresses the potential environmental impacts of the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B66-4

The DEIR mitigates additional Western traffic by timing the lights. This is not even an effective solution for the current volume.

Response to Comment B66-4

See Response to Comment B57-3.

Comment B66-5

The DEIR analysis of the impact the proposal will have on RPV Drive North is not adequate.

Response to Comment B66-5

See Response to Comment B57-4.

Comment B66-6

The DEIR assumes counts of 4 trips per day, however most traffic planners agree with 8 trips per day.

Response to Comment B66-6

See Response to Comment B57-5.

Comment B66-7

The DEIR excludes the impact and effect of additional development already approved including the Target store on Gaffey and construction of Condos in down town San Pedro.

Response to Comment B66-7

See Response to Comment B57-6 and Topical Response 12, Related Projects and Cumulative Impacts.

Comment B66-8

The DEIR study does not address the impact of a Los Angeles Unified School at the site.

Response to Comment B66-8

See Topical Response 3, South Region High School #14.

Comment B66-9

Please reject this proposal, the DEIR and the application for zone change.

Response to Comment B66-9

See Response to Comment B57-8.

COMMENT LETTER B67

Roya Kuriyama
29648 Enrose Ave.
Ranchos Palos Verdes, CA 90275

Comment B67-1

The draft EIR should analyze additional traffic from the proposal that will cut through my neighborhood because of bottlenecks on Western and because there are not enough streets to carry traffic from San Pedro to RPV and Torrance.

Response to Comment B67-1

This comment is a duplicate of Comment B66-1. See Response to Comment B66-1.

Comment B67-2

I disagree that[sic] with comments in the DEIR that the 2,300 units proposal will not intensify the existing residential neighborhood.

Response to Comment B67-2

See Responses to Comments A8-2 and A8-11.

Comment B67-3

The DEIR fails to account for the impact the density will have on the surrounding area.

Response to Comment B67-3

The comment does not identify a specific deficiency in the analysis or mitigation measures contained in the Draft EIR, which addresses the potential environmental impacts of the Project. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B67-4

The DEIR mitigates additional Western traffic by timing the lights. This is not even an effective solution for the current volume.

Response to Comment B67-4

This comment is a duplicate of Comment B66-4. See Response to Comment B66-4.

Comment B67-5

The DEIR analysis of the impact the proposal will have on RPV Drive North is not adequate.

Response to Comment B67-5

This comment is a duplicate of Comment B66-5. See Response to Comment B66-5.

Comment B67-6

The DEIR assumes counts of 4 trips per day, however most traffic planners agree with 8 trips per day.

Response to Comment B67-6

This comment is a duplicate of Comment B66-6. See Response to Comment B66-6.

Comment B67-7

The DEIR excludes the impact and effect of additional development already approved including the Target store on Gaffey and construction of Condos in down town San Pedro.

Response to Comment B67-7

See Response to Comment B57-6 and Topical Response 12, Related Projects and Cumulative Impacts.

Comment B67-8

The DEIR study does not address the impact of a Los Angeles Unified School at the site.

Response to Comment B67-8

See Topical Response 3, South Region High School #14.

Comment B67-9

Please reject this proposal, the DEIR and the application for zone change.

Response to Comment B67-9

See Response to Comment B57-8.

COMMENT LETTER B68**Kerry LaPine****29642 Enrose Ave.****Rancho Palos Verdes, CA 90275*****Comment B68-1***

I appreciate the opportunity to comment on the Notice of Preparation (NOP) for the above-mentioned project. I respectfully offer the following comments on the content and analysis of the Draft EIR for the proposed project:

Response to Comment B68-1

This comment contains general information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B68-2

- 1) The draft EIR fails to mitigate the additional traffic created by the proposal that will “cut through” Mira Vista as it attempts to circumvent gridlock on Western. There are approximately 72 intersections into Western Ave between Summerland and PV Drive North. Most of the intersections are not regulated by traffic signals or turnout lanes creating bottle necks up and down the street from PV Drive North all the way back to First Street. The cut through traffic will come from Western on 9th to Via Colinita to Trudy and back out to Western or move through Mira Vista to Miraleste Drive and over to PV Drive West on its way to Torrance or PCH.

Response to Comment B68-2

See Response to Comment B57-1. The hypothetical route posited by the comment would not offer an attractive “cut-through” route. To begin with, Project impacts to Western Avenue will be mitigated to less than significant levels. Those not choosing to travel on Western would have other more direct north-south routes (for example, Gaffey and the 110 Freeway) available. It would not be likely that persons would utilize Miraleste Drive to travel north because they would have to use residential streets and/or low speed streets with significant horizontal and vertical curves to travel such directions rather than more direct higher-speed routes. Similarly, Project traffic is not likely to travel at least one mile south (i.e., in the opposite direction from Torrance) in order to divert towards the north over such an indirect course. Therefore, no additional analysis is required.

Comment B68-3

- 2) The draft EIR fails to mitigate traffic bottlenecks on Western created by additional traffic from the proposal that will impact residents on Caddington and RPV residents living East of Western in the panhandle section of RPV.

Response to Comment B68-3

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the Traffic Study evaluated the potential impacts of the Project at the intersections of Western Avenue/Toscanini Drive and Western Avenue/Caddington Street (study intersection Nos. 20 and 21, respectively), which provide access to the “panhandle” area of Rancho Palos Verdes referenced in the comment. Mitigation Measures J-11 and J-12 listed in the Draft EIR are recommended to mitigate the Project’s potential significant traffic impacts at these intersections to levels of insignificance. Therefore, the comment is incorrect in asserting that the mitigation measures recommended in the Draft EIR for these intersections are insufficient.

Comment B68-4

- 3) The traffic analysis is based on projected counts of 4 trips per day, which is much lower than 8 trips per day projected by many industry experts. Using the 8 trips per day doubles the traffic projected in the draft.

Response to Comment B68-4

See Response to Comment B57-5.

Comment B68-5

- 4) The draft EIR fails to include the traffic impact of additional development already approved. This includes the Target store on Gaffey and construction of Condos in down town San Pedro. In addition there are other projects being considered, including the ocean front redevelopment, that are omitted from discussion in the report.

Response to Comment B68-5

With respect to the “Target store on Gaffey” and “construction of Condos in down town San Pedro”, see Response to Comment B57-6 and Topical Response 12, Related Projects and Cumulative Impacts.

With respect to the “ocean front redevelopment” referenced in the comment, this reference is understood to be to the “San Pedro Waterfront Project”, which is already included as Related Project #19 of Table IV.J-9 of the Draft EIR. In December 2006, the Los Angeles Harbor Department in conjunction with the U.S. Army Corps of Engineers published a notice detailing that the referenced project was redefined and

its scope was significantly reduced. See Response to Comment A10-114 and Topical Response 12, Related Projects and Cumulative Impacts.

Comment B68-6

- 1) The proposed Los Angeles Unified School District (LAUSD) is considering has identified [sic] its preferred site for a future 2,025-seat high school campus as a portion of the Ponte Vista for a future 2,025 seat high school. The Draft EIR does not include this proposal in any of its analysis.

Response to Comment B68-6

See Response to Comment B55-13 and Topical Response 3, South Region High School #14.

Comment B68-7

- 2) However, the City believes that it would be appropriate to include an alternative that includes some kind of public educational use on the project site, such as a smaller academy-type high school.

Response to Comment B68-7

See Topical Response 3, South Region High School #14.

Comment B68-8

- 3) I take exception that project can be redeveloped without intensifying an existing residential neighborhood. It is impossible for a project on this scale not to change the character of this region. The densities are to[sic] high and the DEIR does not properly address this issue.

Response to Comment B68-8

See Response to Comment A8-2 and Response to Comment A8-11.

Comment B68-9

Therefore I ask that you reject the current DEIR and the application for zone change.

Response to Comment B68-9

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B69

Steven LaPine
29642 Enrose Ave.
Rancho Palos Verdes, CA 90275

Comment B69-1

I appreciate the opportunity to comment on the Notice of Preparation (NOP) for the above-mentioned project. I respectfully offer the following comments on the content and analysis of the Draft EIR for the proposed project:

Response to Comment B69-1

This comment contains general information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B69-2

1. The draft EIR fails to mitigate the additional traffic created by the proposal that will “cut through” Mira Vista as it attempts to circumvent gridlock on Western. There are approximately 72 intersections into Western Ave between Summerland and PV Drive North. Most of the intersections are not regulated by traffic signals or turnout lanes creating bottle necks up and down the street from PV Drive North all the way back to First Street. The cut through traffic will come from Western on 9th to Via Colinita to Trudy and back out to Western or move through Mira Vista to Miraleste Drive and over to PV Drive West on its way to Torrance or PCH.

Response to Comment B69-2

This comment is a duplicate of Comment B68-2. See Response to Comment B68-2.

Comment B69-3

2. The draft EIR fails to mitigate traffic bottlenecks on Western created by additional traffic from the proposal that will impact residents on Caddington and RPV residents living East of Western in the panhandle section of RPV.

Response to Comment B69-3

This comment is a duplicate of Comment B68-3. See Response to Comment B68-3.

Comment B69-4

3. The traffic analysis is based on projected counts of 4 trips per day, which is much lower than 8 trips per day projected by many industry experts. Using the 8 trips per day doubles the traffic projected in the draft.

Response to Comment B69-4

This comment is a duplicate of Comment B68-4. See Response to Comment B68-4.

Comment B69-5

4. The draft EIR fails to include the traffic impact of additional development already approved. This includes the Target store on Gaffey and construction of Condos in down town San Pedro. In addition there are other projects being considered, including the ocean front redevelopment, that are omitted from discussion in the report.

Response to Comment B69-5

See Response to Comment B68-5 and Topical Response 12, Related Projects and Cumulative Impacts.

Comment B69-6

5. The proposed Los Angeles Unified School District (LAUSD) is considering has identified [sic] its preferred site for a future 2,025-seat high school campus as a portion of the Ponte Vista for a future 2,025 seat high school. The Draft EIR does not include this proposal in any of its analysis.

Response to Comment B69-6

See Response to Comment B55-13 and Topical Response 3, South Region High School #14.

Comment B69-7

6. However, the City believes that it would be appropriate to include an alternative that includes some kind of public educational use on the project site, such as a smaller academy-type high school.

Response to Comment B69-7

See Topical Response 3, South Region High School #14.

Comment B69-8

7. I take exception that project can be redeveloped without intensifying an existing residential neighborhood. It is impossible for a project on this scale not to change the character of this region. The densities are to [sic] high and the DEIR does not properly address this issue.

Response to Comment B69-8

This comment is identical to Comment B68-8; see Response to Comment A8-2 and Response to Comment A8-11.

Comment B69-9

Therefore I ask that you reject the current DEIR and the application for zone change.

Response to Comment B69-9

See Response to Comment B68-9.

COMMENT LETTER B70

Evelyn Mah
2004 Velez Drive
Rancho Palos Verdes, CA 90275

Comment B70-1

I am writing to register my opposition to the Ponte Vista project in San Pedro. I will focus on traffic, although that is not my only concern, primarily because it is the most visible and, perhaps, the most easy to quantify.

Response to Comment B70-1

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B70-2

Wilshire Boulevard in Westwood

Lincoln Boulevard in Marina del Rey

Lincoln Boulevard anywhere in the area of Playa Vista.

Traffic. Each of these roads is a nightmare. Indeed, traffic on Wilshire in Westwood is so bad that the *Los Angeles Times* used a picture of it to highlight a piece it recently ran about area congestion (I am enclosing a copy of the piece for you). Chances are high that Western Avenue in San Pedro will find its way onto this very dubious list, if the Ponte Vista development goes forward as proposed.

Response to Comment B70-2

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level.

Comment B70-3

Each of the areas listed above is densely developed. I strongly suspect that, if I were to dig through the records of the Los Angeles Planning Commission, I would find that developers who proposed projects in those areas: 1) assured the commission that their particular project would not pose any significant adverse impact on the area; 2) their respective traffic experts would be able to mitigate any increase in traffic attributable to their projects and 3) their plans provided for traffic-relief measures which met or exceeded LADOT standards. Bisno Development follows in these well worn footsteps.

Response to Comment B70-3

This comment expresses the commenter's opinions and views, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B70-4

LADOT. Something has gone badly awry, however. As the *Times* article reflects, traffic in many areas of Los Angeles is intolerable. Plainly, LADOT standards are not adequate. Los Angeles isn't known for its free-flowing traffic. Far from it. So it should come as no surprise that adherence to its standards can still result in mayhem. Nonetheless, Bisno Development touts its traffic plan as being LADOT-compliant.

Response to Comment B70-4

As discussed in Response to Comment B24-29, the Traffic Study, in compliance with the requirements of the City of Los Angeles, significantly overstates the actual conditions that will most likely occur at the study intersections. Notwithstanding this projection, the mitigation measures in the Draft EIR will mitigate the Project's traffic impacts to a less than significant level and will also serve to reduce congestion from the pre-Project condition at a number of locations. As discussed in Response to Comment B24-7, in general, most motorists are able to clear a signalized intersection within a single traffic signal phase. Only occasionally within certain movements (e.g., left-turns) at the busiest intersections would a motorists be required to wait through more than one traffic signal cycle to clear an intersection. Persons are able to travel to and from their destinations, though not as rapidly as at off-peak times. These conditions are typical for an urban setting in Southern California during peak hours. These conditions do not represent "mayhem," and their characterization as being "intolerable" represents only the commenter's own opinion. Ultimately, reducing roadway congestion will depend on changing the collective behavior of the public with respect to single-occupant automobile vehicle travel, and implementing on a number of inter-disciplinary strategies, including increasing the public's willingness to use mass transportation, augmenting mass transportation facilities, and improving jobs-housing balance so that housing and jobs are located in greater proximity to one another. The Project is consistent with these strategies by providing medium-density housing along a major transportation corridor close to the Los Angeles/Long Beach port complex, which is one of the region's most significant employment centers.

Comment B70-5

Statistics. Bisno's plan hypothesizes that Ponte Vista's 2300 condominium units will increase traffic 124% above what traffic would have been if single family homes were to be built on the tract.

Response to Comment B70-5

Alternative A, analyzed in Section VI (Alternatives to the Project) of the Draft EIR, indicates that the current land use and zoning designations of the Project site would accommodate the development of approximately 429 potential single-family homes (allowing for street circulation and access). As discussed on pages VI-74 and VI-75 of the Draft EIR, Alternative A would significantly impact 19 of 52 study intersections during weekday AM/PM peak hour periods. By way of comparison, the Project would significantly impact 23 of 52 study intersections during weekday AM/PM peak hour periods. An additional two intersections would be impacted by Mary Star High School traffic during weekday AM peak hour period. The Draft EIR concludes that all of the potential traffic impacts of the Project and the road connection for Mary Star of the Sea High School provided by the Project can be mitigated to a less than significant level.

The Alternative A scenario would not require a general plan amendment/zone change. Accordingly, Alternative A would not include community benefits, such as the road connecting Mary Star High School to Western Avenue through the Project site or the six acre public park. Operational traffic to/from Mary

Star High School would be from the Taper Avenue neighborhood, resulting in potential localized neighborhood impacts. Under the Alternative A scenario, mitigation for Mary Star's impacts would be provided by Mary Star of the High School and not by the owner of the Project site.

Comment B70-6

It then describes plans for mitigating that 124% increase. These numbers are suspect - and I will deal further with them in the following paragraph – but the fact remains that Bisno advances no plan to address the overall increase that the project will generate. Yet our area will have to absorb the totality of that traffic.

Response to Comment B70-6

The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. For additional information regarding the effectiveness of proposed mitigation, see Topical Response 11, Traffic. See Response to Comment B70-5.

Comment B70-7

Bisno personnel seek to downplay the traffic impact in a number of other ways.

- They give a generous estimate to the number of trips per day that the residents of 429 single family homes would generate (if the land is developed in accord with its current R-1 zoning status). This, of course, has the effect of minimizing the incremental increase that the Bisno interests concede would be created by their 2300 unit condominium project.

Response to Comment B70-7

The comment appears to refer to the trip generation analysis of Alternative A: No Project Alternative/Single Family Homes provided in the Draft EIR in Section VI, Alternatives to the Project. The trip generation forecast for Alternative A was correctly prepared following procedures set forth by the Institute of Transportation Engineers, the publishers of the Trip Generation manual, and correctly represents the trip generation potential of such alternative in accordance with accepted standards and procedures. The trip generation forecast for Alternative A is provided in the Draft EIR on page VI-75. Table VI-14 beginning on page VI-95 of the Draft EIR provides a comparison of the relative significant impacts of the Project and each of the alternatives in each of the issue areas evaluated in the Draft EIR, including traffic.

Comment B70-8

- They offer a miserly estimate of the number of trips that the residents of 2300 condominiums would generate. In the hands of the Bisno traffic consultants, an increase in the number of residential units from 429 to 2300 (a greater than 5-fold increase) will create only 124% more traffic. These numbers by themselves should reveal that the Bisno analysis is significantly flawed.

Response to Comment B70-8

See Topical Response 11, Traffic.

Comment B70-9

The Bisno traffic consultants are advocates. Their job is to convince you and your colleagues that the inhabitants of 2300 new residences will fit onto our area's roads without causing even-greater congestion. That job is not an enviable one. Their position runs counter to everything that our residents experience everyday. Indeed, these consultants seem similar to the professor who fills a blackboard with calculations in his effort to prove that a bumblebee cannot fly.

Response to Comment B70-9

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 11, Traffic.

Comment B70-10

One tool the Bisno interests employ are theoretical models extrapolated from studies done in other parts of the country. In light of the numbers which have already been cited in this letter, these models should be highly suspect. Something less theoretical would be of far greater help. As it turns out, something is about to be available.

Response to Comment B70-10

See Topical Response 11, Traffic. See also Responses to Comments B70-7, B70-8, and B70-11 for a discussion regarding the trip generation forecast prepared in the Traffic Study. The trip generation forecast is based on trip rates derived by ITE according to traffic counts conducted at existing residential developments, and thus are not "theoretical models" as stated in the comment.

Comment B70-11

Alternative. A 140 unit condominium is being built right now, immediately adjacent to the Ponte Vista site. Its only access will be off Western. It will be ready for occupancy soon. In short order, we'll be able to measure the effect that this project will have on congestion and the general infrastructure of our area. This will provide hard evidence of the impact of new residences along Western Avenue.

Response to Comment B70-11

The referenced project is already included as Related Project #14 of Table IV.J-9 of the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts.

Comment B70-12

So what's the rush? If Los Angeles's Planning Commission gives Ponte Vista the green light, there will be no turning back. Should the theoretical models upon which much of the Bisno proposal are based prove to be sound, thousands of new residents will mesh into this area's rhythms with few snags. However, if these models are flawed, the impact on this area and its residents will be significant and last for generations (please look again at the *Los Angeles Times* photo and think back to the last time you dared to drive through Westwood). In light of the short wait to get hard, relevant data versus the enormous and long lasting impact that a bad decision could have, isn't it prudent to wait? Therefore, I ask that you defer further decision on this project until we have better and more useful information about the impact of a large group of new residents on this area?

Response to Comment B70-12

See Response to Comment B70-11 for a discussion regarding the relationship of the adjacent residential development (Related Project No. 14 on Table IV.J-9 in the Draft EIR) to the Project. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. CEQA requires that the potential environmental effects of a project be identified and that feasible mitigation measures be adopted prior to project approval. A Traffic Study was prepared in accordance with the policy and procedures of LADOT, and has been reviewed and approved by LADOT (see Comment Letter A6). The Traffic Study employs appropriately conservative analysis and forecasting techniques such that the potential effects of the Project are likely overstated. The Traffic Study also recommends mitigation measures (summarized in the Draft EIR beginning on page IV.J-111) that completely mitigate the potential impacts of the Project, the road connection from the Mary Star High School Project to Western Avenue, as well as an incremental portion of the potential future traffic growth not associated with the Project (i.e., the operational benefits of the recommended traffic mitigation measures exceed the relative adverse effects of the Project-related traffic). Therefore, there is no need to delay further consideration of the Project. See also Topical Response 11, Traffic.

COMMENT LETTER B71**Lorraine Manfrass*****Comment B71-1***

The current proposed development on Western Ave. in San Pedro just south of Lomita Little League, will eventually have over 2000 residences constructed, which will heavily increase traffic to the surrounding streets, including Lomita. Lomita already has traffic problems on most of its major streets, such as Eshelman Ave., 262nd St., Pennsylvania and 255th St., just to name a few; this new development will make our situation even worse.

Response to Comment B71-1

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the Traffic Study evaluated the potential impacts of the Project at three intersections located in the City of Lomita: Arlington Avenue/Lomita Boulevard, Narbonne Avenue/Pacific Coast Highway and Western Avenue/Palos Verdes Drive North (study intersection Nos. 8, 9, and 15, respectively). Table IV.J-10 shows that the Project impacts at intersection Nos. 8 and 9 are less than significant. Therefore, no mitigation is required. Mitigation Measure J-5 listed in the Draft EIR is recommended to mitigate the Project's potential significant traffic impacts at intersection No. 15 to levels of insignificance.

The comment refers to existing problems on Eshelman Avenue, 262nd St. and at Pennsylvania and 255th Street, and states generally that the Project will make Lomita's problems worse. There is no substantial evidence that the Project would result in a significant unmitigated impact on traffic conditions within Lomita.

Comment B71-2

I believe the city should take a proactive response to this proposed development by requesting Environmental Impact Reports for traffic, etc. The elected officials and city administration should contact the elected officials responsible for this new development and begin discussions to reduce the number of residences for this project.

Response to Comment B71-2

The Draft EIR analyzes the Project's potential traffic impacts in the Traffic Study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. The remainder of the comment expresses the author's view that the number of residences in the Project should be reduced, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to

Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B71-3

Traffic in the South Bay is getting worse each year, there is no land to build new roads, so we must use the existing ones, which currently cannot allow a smooth flow of traffic at most any hour of the day or night. Commuting in the South Bay is becoming as bad as the West LA area, which is gridlock 24/7.

Response to Comment B71-3

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B71-4

I urge the city to take action now and oppose this development before it's too late. Our streets are in dire need of repair now and with this added burden it will make it even harder to keep the streets properly maintained.

Response to Comment B71-4

See Response to Comment B71-1. The comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B71-5

¹ Approximately 6,000 more cars will be on the roads if this project is executed. San Pedro will not be impacted nearly much as all other South Bay cities northwest of Western. While Bisno Co. counts the millions in profit, the people will forever bear the consequences of the excessive proposal.

Response to Comment B71-5

The project trip generation forecast is provided on Table IV.J-7, page IV.J-35 of the Draft EIR. As shown on the table, the Project will generate 9,355 daily trips (approximately 4,606 inbound trips, 4,606 outbound trips). See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The list of study intersections is provided in the Draft EIR beginning on page IV.J-4, and includes streets located in communities located in the vicinity of the Project site such as Rancho Palos Verdes, Lomita, Torrance and Carson. The traffic mitigation measures are listed in the Draft EIR

beginning on page IV.J-109. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B72

Meg McCarty-Marple and David Marple
203 W. Amar St.
San Pedro, CA 90731

Comment B72-1

In regards to the Draft Environmental Impact Report for the proposed Ponte Vista Project, 26900 S. Western Av. (Case No. ENV-2005-4516-EIR) we have some very serious concerns regarding traffic congestion, especially at Western and Palos Verdes Dr. North and at the “Five Points” intersection where Palos Verdes Dr. North, North Gaffey, and Anaheim streets intersect. Both of these intersections are already very heavily congested, particularly if one tries to make a left-hand turn in the former going west from Palos Verdes Dr. North onto Western going south or in the latter from the already too-short in space & time left turn lane from North Gaffey going north at the five-points intersection. Several days ago it took three (3) traffic light cycles for me to get through this intersection. I know this is not unusual because I used to drive through this intersection five (5) days per week to get to work.

Response to Comment B72-1

The two intersections identified in the comment, Western Avenue and Palos Verdes Drive North and the “Five Points” intersection (Vermont Ave/Palos Verdes Drive North/Gaffey Street/Anaheim Street) were included as study intersections numbers 15 and 35, respectively, in the traffic study and Draft EIR. Draft EIR, pages IV.J-4 - IV.J-6. Both of these intersections would experience significant impacts as a result of the Project, and these impacts would be fully mitigated by the measures proposed in the Draft EIR. Draft EIR, p. IV.J-118. Although the Project’s impacts on Five Points are mitigated to a less than significant level by the mitigation measures recommended in the Traffic Study, the applicant has also agreed to fund an LADOT planning study for potential improvements to the Five Points intersection and to participate in improvements to the Five Points intersection (if they are approved) on a fair share basis as community benefits of the Project. See Response to Comment A6-29.

Comment B72-2

It seems to us that some serious thought and planning needs to be given to traffic problems at these two intersections before proceeding with the proposed Ponte Vista project, especially in light of the other projects being built and planned on the old Navy land.

Response to Comment B72-2

The referenced projects are already included as Related Projects #16 and 20 of Table IV.J-9 of the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts.

Comment B72-3

It is not as though San Pedro has many alternatives in routing traffic. We are “land-locked” due to our geography. Thank you for your attention to this perplexing and extremely aggravating problem which has the possibility of seriously affecting the quality of life of those of us who live here for generations to come.

Response to Comment B72-3

The current characteristics of San Pedro in terms of “routing traffic” were appropriately considered in the Traffic Study contained in the Draft EIR. Figures IV.J-4 and IV.J-5 on pages IV.J-12 and IV.J-13 show the existing AM and PM peak hour traffic volumes at the study intersections. The forecast Project-related traffic was assigned to the local street system based on these characteristics (see Figures IV.J-9 and IV.J-10 for the forecast AM and PM peak hour traffic volumes due to the Project). This comment contains anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See also Response to Comment B3-1 and Topical Response 13, Emergency Response and Evacuation, for a list of the main travel routes in area that connect San Pedro to the local freeway system and adjacent communities.

COMMENT LETTER B73

Roger Metzler
1921 Avenida Feliciano
Ranchos Palos Verdes, CA 90275

Comment B73-1

I am submitting the attached comments on the Draft Environmental Impact Report for the proposed Ponte Vista Project, Case No. ENV-2005-45 16-EIR.

Response to Comment B73-1

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments B73-2 through B73-23.

Comment B73-2

I only read specific portions of the voluminous report, yet in that portion I found analyses that were performed with flawed methodology, others that were based on questionable assumptions, and others for which the conclusions drawn by the author were not supported by the facts and computations in the analyses. I have discussed specifics in my comments.

Response to Comment B73-2

This comment introduces ensuing comments and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B73-3

There is no doubt in my mind that the former Navy housing site upon which this project is proposed needs to be developed into a residential community. Such development would bring many benefits to the surrounding area and the City of Los Angeles. There is also no doubt in my mind that the proposed development of 2300 residential units is much too dense and will have severe consequences to the surrounding area and the City of Los Angeles. The current R-1 zoning on the property should be maintained and the development should be planned under that condition.

Response to Comment B73-3

This comment expresses support for residential development consistent with R1 zoning, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B73-4

Page 1-7. The 55 parking spaces to serve the potential little league baseball fields are grossly inadequate. See comment for Page IV.J-33.

Response to Comment B73-4

The parking analysis of the little league field component is discussed in the Draft EIR on page IV.J-33, as well as Appendix IV.J-3. Mitigation Measure J-36 in the Draft EIR is recommended to ensure an adequate supply of parking for this use. The comment does not provide any data or analysis to support the assertion that the proposed parking supply for the little league field component of the Project is not adequate. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B73-5

Page I-8 to I-9. The DEIR states that the Project, due to the site's size and relative physical isolation, avoids many of the typical "adjacency" impacts, including a change in neighborhood character, that result from infill development. It is difficult to understand why the report reaches the conclusion the addition of

approximately 20 four- and six-story buildings in an area overwhelmingly dominated by one-story, single family residences does not constitute a change in neighborhood character! The only building in the area approaching that height is a new condominium development of approximately 140 units just south of the Project site. The project appears to be 3 stories over a parking garage, and it sticks out “like a sore thumb” because it is so out of character with the surrounding construction. This project proposes to build an additional 20 such “sore thumbs”! That certainly will result in a change in neighborhood character.

Response to Comment B73-5

The comment alludes to a statement in the Draft EIR, but does not accurately quote it or provide the entire context of the statement. The complete statement (at pages I-8 to I-9) is as follows:

“Public concern regarding traffic congestion, particularly along the Western Avenue corridor south of the Project site, has been a significant community concern for many years. Therefore, the Project’s ability to respond to and address this issue is an important consideration. On the other hand, as indicated by the analysis in this Draft EIR and in the Initial Study, the Project site’s size and relative physical isolation make it possible to avoid or reduce many of the typical “adjacency” impacts that result from infill development (e.g., view obstruction, shade-shadow impacts, change in neighborhood character). For the most part (with the exception of temporary construction impacts close to the Project’s property lines and intermittent noise impacts from use of the potential little league baseball fields), the public’s experience of redevelopment on the Project site would be from the appearance of its new Western Avenue frontage, and from the traffic it would generate.”

The conclusion presented on page IV.A-1 of the Draft EIR that the Project would change and upgrade the visual character of the property’s frontage along Western Avenue by replacing existing uses with new gated entrances, landscaping, and four-story residential buildings (set back approximately 20 feet from Western Avenue), as well as an approximately six-acre public park area, is appropriate and supported by substantial evidence. There is no substantial evidence that the Project would substantially degrade the existing visual character or quality of the sit and its surroundings. The Project applicant has clarified that the Project’s buildings will be limited to three and four stories over subterranean parking. See response to Comment A15-6.

Comment B73-6

Page I-43. The DEIR states that with the addition of Project-generated students to existing school enrollments, Dodson Middle School would operate under capacity by 528 students. This conflicts with the fact that “portable” or modular classrooms were added to the site approximately 3 years ago, presumably to ease overcrowding. See comment for Page IV.1-22.

Response to Comment B73-6

See Response to Comment A10-163. The public school seating capacity analysis in the Draft EIR is based on “eligible” students who reside within each school’s attendance area because that is the planning standard adopted by LAUSD. See Topical Response 10, School Impacts. Eligible enrollment capacity information was provided directly by LAUSD, as discussed in Response to Comment A10-163 and Topical Response 10, School Impacts. Regarding portable classrooms, see Response to Comment A10-158.

Comment B73-7

Page I-48. The DEIR states that following implementation of the proposed mitigation measures, all potentially significant traffic impacts would be reduced to a less-than-significant level. There are serious deficiencies with the traffic analysis conducted for this DEIR, and, the DEIR’s conclusions regarding traffic impacts are not supported by the data. See comments for Page IV.J-11, IV.J-66, and IV.J-113.

Response to Comment B73-7

The traffic mitigation measures for recommended for the Project are provided in the Draft EIR beginning on page IV.J-109. As shown on Table IV.J-10 on page IV.J-59 of the Draft EIR, implementation of the traffic mitigation measures would result in the mitigation of the potential significant traffic impacts associated with the Project to levels of insignificance. The comment expresses an opinion which will be forwarded to the decision-maker for review and consideration. The comment does not provide any data or analysis to support the assertion that the traffic analysis in the Draft EIR is deficient or not supported by the data.

Comment B73-8

Page I-49. Mitigation measure J-8 discusses traffic mitigation plans for Intersection No. 18 at Western Avenue and Avenida Aprenda at the Project’s southern access. Additional measures must be taken to allow traffic from the existing street parallel to Western Avenue to safely egress onto Western Avenue. See comment for Page IV.J-113.

Response to Comment B73-8

The comment correctly notes that Mitigation Measure J-8 in the Draft EIR is related to the intersection of Western Avenue and Avenida Aprenda. As shown on Table IV.J-10 on page IV.J-59 of the Draft EIR, implementation of the traffic mitigation measure would result in the mitigation of the potential significant traffic impact associated with the Project at this intersection to levels of insignificance. No additional mitigation is required. The frontage road adjacent to Western Avenue would not be affected by the Project. Further, as shown on Figures IV.J-9 through IV.J-11 in the Draft EIR, the Project is forecast to add only nominal traffic to Avenida Aprenda west of Western Avenue. Therefore, the Project will not

cause any changes to the operation of the Western Avenue frontage road that would require additional mitigation.

Comment B73-9

Page I-55. Mitigation measure J-36 states that little league games on the adjacent baseball fields should provide at least 1 hour between games in order to prevent parking overlap in the allocated 55 parking spaces. This mitigation measure is unenforceable since the baseball schedule is not under control of the Project developer. See comment for Page IV.J-33.

Response to Comment B73-9

See Response to Comment B73-4 for a discussion regarding the parking analysis of the little league field component discussed in the Draft EIR, as well as corresponding Mitigation Measure J-36. The potential little league fields would be located in a public park operated by the City, and little league game could be scheduled by the City so as to effectuate the recommended mitigation measure.

Comment B73-10

Page IV.I-22. The data in Table IV.1-4 defies recent events. If Dodson Middle School is operating under capacity by 578 students, why were additional “portable” or modular classrooms brought to site 3 years ago?

Response to Comment B73-10

See Response to Comment A10-158.

Comment B73-11

Page IV.I-30. The student generation rates per dwelling unit (footnotes of Tables IV.1-6 and IV.1-8, pp. 30-34), utilized in this DEIR’s analysis of impacts on schools, seem quite low. The rates were generated by the LAUSD in their School Facilities Needs Analysis (September, 2005). The rates for single family attached (condominium) dwelling units are: 0.0573 students per DU (elementary), and 0.0289 students per DU (middle and high school). Using these rates, there is only 1 elementary-aged student for every 17 condominium units and 1 middle or high school-aged student for every 35 condominium units. My experience says these figures are significantly low. (Maybe that’s one reason why LAUSD schools are overcrowded!) The assumptions of the LAUSD report should be reexamined to be sure they are valid for this DEIR analysis and report.

Response to Comment B73-11

See Response to Comment A10-163. See Topical Response 10, School Impacts.

Comment B73-12

Page IV.1-31. There is a fundamental flaw in the methodology utilized to assess the impact of related projects on the number of school-aged children who potentially would attend LAUSD schools in the Project area. Specifically, the computations, tabulated in Table IV.1-8, of the number of school-aged students generated by related projects, are flawed. The methodology utilized to compute the number of students multiplies the number of units in a project by the student generation rates provided by the LAUSD School Facilities Needs Analysis (September 2005). This is valid. However, the table quantizes or rounds the resultant number of students for each project. This is invalid and underestimates the number of students that can be expected from these related projects.

For example, Related Projects 33-42, 46, 47 comprise a total of 172 condominium and townhome dwelling units (DU). The table computes a total of 3 high school students to be generated by these 172 units. Using the LAUSD student generation rate of .0289 high school students per dwelling unit, 172 units would result in $172 * .0289 = 5$ students. The erroneous step in the DEIR computations is that the product of dwelling units and student generation rate is quantized or rounded for each project. By this method, projects of fewer than 17 units will result in the number of students generated being rounded down to 0 ($17 * .0289 = .49$ rounds to 0). The correct methodology to use in these computations is to either total all of the same class of dwelling units and multiply by the student generation rate, or to compute the number of students per project but retain the decimal result (do not quantize or round), then add the decimal results for all units.

In absolute numbers, the erroneous methodology utilized in the study does not yield a significantly different numbers of students, 3 students versus the correct number of 5. However, the analysis methods employed in generation of the DEIR results should be valid methods, or the results and conclusions are inaccurate. The methodology utilized in computing the results of Table IV.1-8 in this DEIR is flawed. The results should be recomputed with a valid methodology and corrected.

Response to Comment B73-12

See Response to Comment A10-163. The comment recommends use of students generated by related projects to two decimal places, rather than numbers rounded to the closest integer (see Draft EIR, pp. IV.I-33 to IV.I-35). Rounded values were used in the analysis because there is no such thing as a fraction of a student. For the information of decision makers and the public, the values in Table IV.I-8 were recalculated using two decimal places as suggested by the comment. The result is that the related projects would generate 39.91 elementary school students, 21.71 middle school students, and 30.34 high schools students, for a total of 91.96 students. The Draft EIR analysis indicates that the related projects would generate 40 elementary school students, 22 middle school students, and 28 high school students, for a total of 90 students. As discussed on pages IV.I-54 and IV.I-35, addition the Project and the related projects would cause Narbonne High School to operate over capacity by 25 students. Using the revised calculation method, this exceedance would increase to 27 students over capacity. However, changing the rounding methodology would not alter the Draft EIR's conclusion that the Project would completely mitigate its impacts by the payment of school fees as required by State law.

Comment B73-13

Page IV.J-4. SR-1 (Pacific Coast Highway) runs east-west in the vicinity of the Project.

Response to Comment B73-13

SR-1 (Pacific Coast Highway) is generally a major north-south street. In the Project vicinity, it travels in an east-west direction.

Comment B73-14

Page IV.J-11. The report states that the traffic counts were taken in early 2005, when portions of Western Avenue at Westmont Drive and at Summerland Drive were restricted or closed due to sinkholes. During this 3-4 month period, traffic was severely and negatively impacted in the Project area. Commuters took a variety of different and unusual routes. The report notes that “two travel lanes in each direction on Western Avenue were available to motorists during the weekday when the traffic counts were conducted”. However, it fails to note that in the southbound direction, between Avenida Aprenda and Westmont, the 2 lanes converged to one. This caused such a bottleneck that many motorists avoided the situation by cutting through sidestreets in the adjoining residential neighborhood, avoiding Western Avenue completely. Others, including myself, avoided the area completely by detouring onto Gaffey Street. Traffic during this time period could hardly be characterized as normal. Therefore, all of the traffic analyses in this DEIR are based on abnormal baseline data. It can easily be argued that this invalidates all analyses and conclusions regarding traffic contained in this report. Good scientific procedure demands, at a minimum, that the baseline data be recollected under present “normal” conditions and compared with the data in the DEIR. If the counts are similar, then the DEIR analyses can be judged to be valid. If the counts are different, then the analyses conducted for the DEIR should be repeated using this “normal” baseline data.

Response to Comment B73-14

See Topical Response 11, Traffic, for a discussion regarding the traffic counts conducted along Western Avenue, as well as the corresponding assessment of traffic impacts and determination of traffic mitigation measures provided in the Draft EIR. It is noted in the Topical Response that two traffic lanes were provided in each direction on Western Avenue at the time the traffic counts were taken.

Comment B73-15

Page IV.J-33. The report estimates that 45 vehicles would require parking for games at the 2 proposed baseball fields. It estimates a total of 48 players per game on the 2 fields and approximately 1.2 players per vehicle, given carpooling, players dropped off, and player absences. Whoever did this estimate hasn't spent much time around little league baseball games! It doesn't account for both parents of a player driving to the game because one is coming from home and one is coming from work. It doesn't account for the many players and parents who spend the good part of the day at the baseball fields because they

like to watch the games or have multiple children playing games at different times of the day and don't want to go back and forth from home. The allocated 55 parking spaces are woefully inadequate for 2 baseball fields.

Response to Comment B73-15

See Response to Comment B73-4. The Municipal Code does not provide a parking rate for little league baseball fields. Thus, the Draft EIR provides a forecast of the peak parking demand that could reasonably be attributed to this component of the Project. The recommended parking demand rate provided in the Draft EIR (1.2 players per vehicle) is an average that takes all of these factors into account. Factors identified in the Draft EIR on page IV.J-33 such as player absences, carpooling, drop-offs, etc., as well as players walking to the site, would result in a higher ratio of players per parked vehicle than the 1.2 ratio identified in the Draft EIR (e.g., 1.5 players per parked vehicle). Further, the comment does not provide any substantial evidence that a lower player per vehicle rate should have been utilized. Therefore, no further analysis is required.

Comment B73-16

The report suggests that at least 1 hour be allocated between games so that there will not be overlap. That may be a suggestion, but it is unrealistic to think that the organization sponsoring the baseball games will follow it. They will want to squeeze in as many games as possible. So there will be many more than the estimated 45 vehicles contending for the 55 parking spaces. The result will be parking along Western Avenue, aggravating the already congested traffic; parking in the surrounding residential neighborhoods and walking across Western Avenue, slowing the already congested traffic; parking in the nearby Albertson's parking lot, infuriating both shoppers and management; and parking in the Project itself. Won't the residents just love that!

Response to Comment B73-16

See Response to Comment B73-9

Comment B73-17

Page IV.J-66. The report states that LADOT and Caltrans estimate that automated traffic control systems (ATSAC and ATSC) reduce critical volume to capacity (v/c) ratios by 7% to 12%. Is there any empirical evidence that has been collected to support these estimates?

Response to Comment B73-17

As stated on page IV.J-111 of the Draft EIR, LADOT conservatively assumes that installation of ATSAC results in a seven percent (0.07) improvement to the intersection volume-to-capacity (v/c) ratio, and the upgrade to ATCS provides an additional three percent (0.03) improvement in the v/c ratio. These estimated improvements are based on before-and-after studies conducted by LADOT. For example, in 2005, LADOT published a report indicating that implementation of ATCS at intersections in West Los

Angeles resulted in an improvement in the v/c ratios of up to nine percent (0.09) at congested intersections as compared to pre-ATCS (i.e., ATSAC-only) conditions. However, as previously noted, only a three percent improvement in the intersection v/c ratios was considered in the Traffic Study related to the ATCS upgrade. As further noted in the Draft EIR on page IV.J-111, Caltrans in their report to the Western Avenue Task Force estimates a 12 percent improvement in intersection v/c ratios attributed to a traffic signal synchronization system. LADOT estimates that the ATSAC system reduces the critical v/c ratios by seven percent and that the ATCS system upgrade further reduces the critical v/c ratios by three percent for a total of 10 percent. Therefore, the estimated traffic operations benefits of ATSAC and ATCS assumed in the Traffic Study is relatively conservative based on the field studies and recommendations provided by both LADOT and Caltrans.

Comment B73-18

Page IV.J-96. The report projects that the Project will generate a demand for 31 net new transit trips during the weekday AM peak hour, 37 transit trips during the PM peak hour, and a total of 458 transit trips over an average 24 hour period. These estimates are much too high in relation to the current number of transit trips generated in the vicinity of the Project. The unrealistic estimate calls into question the validity of the CMP guidelines.

Response to Comment B73-18

The comment refers to the analysis of the Project's potential impacts to public transit services as provided in the Draft EIR on page IV.J-96. The public transit impact analysis is prepared based on the requirements of the Los Angeles County Congestion Management Program (CMP) in compliance with State law as enacted by the passage of Proposition 111 in 1990. The Los Angeles County MTA is the designated Congestion Management Agency (CMA) responsible for overseeing the County's CMP. The CMP methodology requires that the transit impact analysis consider that 3.5 percent of the person-trips expected to be generated by the Project during peak hours would occur on public transit. The 3.5 percent utilization factor is stipulated by the CMP based on the level of existing public transit services provided in the vicinity of the Project site (see Table IV.J-1, page IV.J-8 in the Draft EIR for a listing of existing public transit providers in the vicinity of the Project site). It is reasonable to assume that the utilization factor is derived based on studies conducted and/or reviewed by the MTA. If the 3.5 percent utilization factor is too high, as the comment claims, then the Draft EIR overstates the Project's potential impact to public transit services. As stated in the Topical Response 11, Traffic, the forecast of vehicular traffic generated by Project (see Table IV.J-7, page IV.J-34 for the Project trip generation forecast) is not discounted for potential trips to and from the site that may be made via public transit in lieu of private vehicles. Therefore, the Traffic Study in the Draft EIR provides a conservative ("worst case") assessment of the potential traffic impacts attributed to the Project.

Comment B73-19

Furthermore, there are NOT 14 buses per hour serving the Project during the AM peak hour and 18 buses during the PM peak hour. Table IV.J-1, on page IV.J-8, shows that Metro Route 205 is the only bus

running past the Project on Western Avenue. It runs no more often than 4 to 5 times per hour during peak hours. The next closest public transit line is probably the Gardena Municipal Line 2 at Western and PCH, which is at least 2 miles from the project. The MAX (Municipal Areas Express) bus runs past the project, but that is specific service to and from the El Segundo employment district, only during morning and evening commute hours. There are 2 PVPTA bus routes, but these serve the Palos Verdes Unified School District.

Response to Comment B73-19

The comment appears to reference the analysis of potential impacts to public transit as provided in the Draft EIR on page IV.J-96. At the time the Draft EIR was prepared in 2006, approximately 14 buses served the greater Project vicinity during the AM peak hour and 18 buses served the greater Project vicinity during the PM peak hour. In response to the comment and to provide clarifying information, an updated review of public transit that provide immediate service to the Project site along Western Avenue was conducted. See Table FEIR-11 which summarizes the current public transit service immediately adjacent to the site. The table shows that MTA 205, the PVPTA Green Route, the PVPTA Green-Eastview route, and the PVPTA Orange route all serve the Project site and provide service during the AM and PM peak hours. The PVPTA Green-Eastview and Orange routes are related to schools while the Green route runs on both school and non-school days. It is still appropriate to consider the school-related bus routes as Project-generated transit riders may consist of students who would use this service. The MAX Line 3, while serving the Project site, does not have any bus service during the AM and PM peak hour timeframes evaluated in the table. As shown in the table, nine buses serve the Project site during the AM peak hour and 11 buses serve the site during the PM peak hour. As concluded in the Draft EIR, based on the current services provided, the Project is anticipated to only incrementally increase ridership (i.e., three to four new transit riders) on these public transit lines during the AM and PM peak hours. Therefore, as concluded in the Draft EIR, no significant impacts related to public transit services are anticipated.

In response to this comment, the text on page IV.J-96, third full paragraph, of the Draft EIR has been revised as follows:

It is anticipated that the existing transit service in the Project area would adequately accommodate the Project-generated transit trips. Based on the existing transit services provided in the Project area, there are currently 14 buses per hour serving the ~~Project site~~ greater Project vicinity during the AM peak hour and 18 buses per hour serving the ~~Project site~~ greater Project vicinity during the PM peak hour. Thus, the Project would add approximately four new transit riders per bus during the AM peak hour and two to three new transit riders per bus during the PM peak hour. Given the relatively few number of generated transit trips generated during the peak hours, no Project impacts on existing or future transit services in the Project area are expected to occur as a result of the Project.

Table FEIR-11
Existing Transit Routes on Western Avenue Adjacent to the Project Site

Route	No. of Buses During Peak Hour			Existing Stop Near Project Site
	DIR	7:00-8:00 AM	3:30-4:30 PM	
MTA 205 ¹	NB	2	3	Green Hills Drive/John Montgomery Drive Avenida Aprenda
	SB	2	2	
MAX Line 3 ²	NB	0	0	Palos Verdes Drive N Westmont Drive
	SB	0	0	
PVPTA Green Route ³	NB	3	2	Avenida Aprenda Westmont Drive
	SB	0	0	
PVPTA Green-Eastview ³	NB	0	0	Green Hills Drive/John Montgomery Drive Avenida Aprenda
	SB	2	2	
PVPTA Orange Route ³	NB	0	2	Green Hills Drive/John Montgomery Drive Avenida Aprenda
	SB	0	0	
TOTAL	NB/SB	9	11	--

¹ Source: Los Angeles County Metropolitan Transportation Authority (LACMTA) Website. Schedule effective December 17, 2006.

² Source: Municipal Area Express (MAX) Website. Schedule effective September 18, 2006.

³ Source: Palos Verdes Peninsula Transit Authority (PVPTA) Website. Spring 2007 schedule effective September 5, 2006.

Source: Linscott, Law & Greenspan, Engineers, June 2007.

Comment B73-20

Page IV.J-113. Paragraph J-8 discusses the mitigation measures proposed for Intersection #18, at Western Avenue and Avenida Aprenda, at the Project's southern access. The mitigation proposal is to modify the roadway striping on eastbound Avenida Aprenda to provide one left-turn lane and one shared through/right-turn lane. The paragraph does not discuss what to do about the side street (the extension of Redondela Avenue), running parallel to Western Avenue that intersects Avenida Aprenda approximately 10 feet from Western Avenue. The intersection must handle traffic from this street, which provides egress from approximately 4 streets in the adjoining residential neighborhood. During periods of high traffic volume on Avenida Aprenda, specifically at the beginning and end of the Dodson school day, it is extremely difficult and dangerous to turn onto Western Avenue from this side street. Measures to increase safety and access for the vehicles approaching the intersection from this street should be addressed in the J-8 mitigation measure discussion.

Response to Comment B73-20

See Response to Comment B73-8. Mitigation Measure J-8 will mitigate the Project's potential impacts to the Western Avenue/Avenida Aprenda intersection. As noted in the Response to Comment B73-8, the Project will add only nominal traffic onto Avenida Aprenda west of Western Avenue and therefore, will not change the nature of operations associated with the Western Avenue frontage road's interface with Avenida Aprenda traffic. No further analysis or additional mitigation is required.

Comment B73-21

Page IV.J-118. The report concludes that with the mitigation measures J-1 through J-36, listed on pp. IV.J-111 through 116, all potentially significant traffic impacts would be mitigated. However, the data in Table IV.J-10 does not support this conclusion. If the v/c ratio in column 1, representing current conditions, is compared with the v/c ratio in column 5, representing conditions including the Project and the proposed mitigation measures, for all 52 intersections, the v/c ratio of column 5 is larger than column 1. Further, the LOS in column 5, for all 52 intersections, is worse than or equal to the LOS in column 1. That means that if the project is allowed to proceed in its proposed configuration, even with all mitigation measures in place, the traffic congestion is projected to be worse than it currently is. If the project is allowed to proceed in its proposed configuration, even with all mitigation measures in place, 40 of the 52 intersections are projected to have a LOS rating of D, E, or F during at least 1 of the analyzed operating periods. This can hardly be considered mitigating traffic impacts!

Response to Comment B73-21

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures recommended in the Draft EIR will completely mitigate the potential significant traffic impacts associated with the Project. Page IV.J-24 of the Draft EIR provides the thresholds of significance used in the Traffic Study for purposes of assessing the potential significance of the traffic impacts due to the Project, as well as determining the effectiveness of the recommended mitigation measures. As noted in Table IV.J-4 of the Draft EIR, the potential impacts of the Project are determined by comparing future “with Project” conditions to future “pre-Project” conditions. Future “pre-Project” conditions assume that cumulative traffic growth has taken place as forecast in the traffic analysis. However, the Project is not required by CEQA to mitigate existing conditions or mitigate traffic growth conditions that are not associated with the Project. It is noted, however, that the mitigation measures recommended in the Draft EIR completely mitigate the impacts of the Project-related traffic at intersections where such measures are proposed, as well as a portion of the future growth not related to the Project at most locations. If the Project were not to proceed, it is reasonably foreseeable that traffic conditions at the study intersection will worsen due to local and regional growth. However, based on the Traffic Study, if the Project and its corresponding mitigation measures are implemented, conditions at the intersections will operate better as compared to a future condition without the Project.

Comment B73-22

In addition, the report engages in a bit of trickery-error by omission. The final column of the table evaluates the mitigation effectiveness. It contains a “YES” when the mitigation measures are effective, as defined by the criteria in Tables IV.J-4 through IV.J-6. However, it contains a “---” rather than a “NO” when the mitigation measures are not effective. The “NO” would have been much too obvious to overlook. If one counts the numbers of “YES” and the number of “---” in the table, there are 49 “YES” and 64 “---”. That is, of the 52 intersections analyzed and the multiple times at which they were analyzed, the proposed mitigation measures were effective in 43% of the cases. They were not effective in 57% of the cases. This

can hardly be considered to be mitigating traffic impacts! The DEIR draws false conclusions from the data.

Response to Comment B73-22

The comment misinterprets Table IV.J-10 beginning on page IV.J-59 of the Draft EIR. The triple dash symbol (“- - -”) shown on the final column of the table is shown at the study intersections for those peak hours whereby no significant traffic impact was identified due to the Project. Therefore, it is not required to review the effectiveness of the mitigation measures for these instances. For intersections where significant impacts due to the Project were identified (prior to mitigation), a “YES” in the last column indicates that the recommended mitigation measure effectively mitigates the potential impacts to levels of insignificance at those peak hours where the impact was identified. For example, at study intersection No. 20 (Western Avenue/Toscanini Drive), a significant impact prior to mitigation was identified in Column 4b of Table IV.J-10 for the weekday PM peak hour and Saturday midday peak hour (indicated by the YES in Column 4b) but a less than significant impact was identified for the weekday AM peak hour (indicated by the NO in Column 4b). As shown in Column 5, the mitigation measure recommended in the Draft EIR for this intersection effectively mitigates the potential significant impact (indicated by the YES in Column 5 for the weekday PM peak hour and Saturday midday peak hour). The triple dash symbol (- - -) is shown in the AM peak hour of Column 5 as it is not required to evaluate the effectiveness of the mitigation as the Project’s impact is less than significant for this time period. Therefore, the mitigation measures recommended in the Draft EIR will fully mitigate the potential impacts of the Project and no changes are required to Table IV.J-10.

Comment B73-23

Another shortcoming of the traffic analysis performed for the DEIR is that there is no margin or conservatism built in. At such an early stage in the planning process, good engineering practice demands that conservative assumptions be made and at least a 50% growth or contingency margin be built into the traffic analysis. This report does not do that. It utilizes such data as the ITE (Institute of Transportation Engineers) trip generation numbers exactly, without adding any margin or conservatism. If the ITE figures are 20% low, due to variations between the assumptions made in their generation versus conditions for the Project, what is the result on the traffic impact and mitigation analysis? This traffic analysis should include conservatism and margin, and the DEIR should discuss the consequences of inaccurate assumptions.

Response to Comment B73-23

The comment is incorrect in suggesting that the traffic analysis is not conservative (i.e., “worst case”). Examples of the conservative nature of the traffic analysis include:

- Existing Traffic Conditions. As noted on page IV.J-11 of the Draft EIR, the Traffic Study evaluates conditions and the potential impacts of the Project at all of the study intersections during the peak hours of the day (morning commuter peak hour and afternoon commuter peak hour)

when the combination of traffic generated by the Project and on-street traffic adjacent to the site are at their highest. For the remaining 22 hours of the day, the potential effects of the Project would be less (in some instances, considerably less) than what is analyzed in the Draft EIR for the two peak hours.

- Future Pre-Project Traffic Forecast. To forecast future traffic at the study intersections not related to the Project, the Traffic Study evaluates both the future traffic generated by 174 identified related development projects (see Table IV.J-9, beginning on page IV.J-42 of the Draft EIR), as well as inclusion of an annual ambient growth traffic factor applied to the existing traffic volumes (see discussion on page IV.J-56 of the Draft EIR). The Future pre-project forecast is highly conservative based on the following:
 - It is highly unlikely that all 174 related projects will ever be developed. Many development proposals will not be pursued by their applicants or approved by the local agencies (at least as currently proposed).
 - While the Traffic Study includes all of the forecast traffic associated with the related projects, the traffic analysis does not consider potential traffic mitigation measures that would be implemented in conjunction with the development proposals. In many cases, such measures would not only off-set the impacts of the related project to which it is assigned, but also mitigate a portion of future growth associated with other projects.
 - Under CEQA, application of the annual ambient traffic growth factor would be sufficient alone for purposes of forecasting future traffic not associated with the Project. Thus, the Traffic Study is highly conservative as it includes the ambient traffic growth factor and traffic due to the related projects.
- Project Trip Generation. As discussed in the Topical Response 11, Traffic, the trip generation forecast for the Project as provided in the Draft EIR (see Table IV.J-7, page IV.J-34 for the Project trip generation forecast) is highly conservative. First, the Traffic Study could have reasonably utilized a trip generation rate from the ITE Trip Generation manual that would have resulted in a lower forecast of traffic associated with the Project. As detailed in the Topical Response, a trip rate was chosen for the non-age restricted residential component that results in a higher forecast of Project-related traffic, thereby resulting in a possible overstatement of the potential impacts associated with the Project. Second, as stated in the Topical Response 11, Traffic, the forecast of vehicular traffic generated by Project is not discounted for potential trips to and from the site that may be made via public transit in lieu of private vehicles. Additionally, no adjustments are made for trips that may be made by walking or bicycle to nearby commercial, recreational and educational uses. Therefore, the Traffic Study in the Draft EIR provides a conservative (“worst case”) assessment of the potential traffic impacts attributed to the Project.
- Mitigation Measures. See Response to Comment B73-17 for a discussion regarding the conservative assumptions made relative to the effective of the ATSAC and ATCS mitigation

measures assumed in the Draft EIR. The estimated traffic operations benefits of ATSAC and ATCS assumed in the Traffic Study is relatively conservative based on the field studies and recommendations provided by both LADOT and Caltrans.

Each of these factors (and others) results in a highly conservative analysis of the potential traffic impacts associated with the Project as provided in the Draft EIR. Therefore, no revisions are required to the Traffic Study.

COMMENT LETTER B74

Steven LaPine and Mark R. Wells
Mira Vista Homeowners Association
29642 Enrose Ave.
Ranchos Palos Verdes, CA 90275

Comment B74-1

The members of the ***Mira Vista Homeowners Association*** are submitting their collective comments to the Draft Environmental Impact Report for the Ponte Vista at San Pedro project, now under review.

Before beginning our comments, we feel it would be useful to let you and the other members of the Planning Department, as well as other interested parties dealing with Ponte Vista, know a little about our area in eastern Rancho Palos Verdes, along Western Avenue.

- The Mira Vista Homeowners Association’s members live in more than two full tracts of homes that were the first tract homes built between Western Avenue and Miraleste Drive in an area of unincorporated Los Angeles. The area was eventually was annexed into the City of Rancho Palos Verdes.
- The first homes in the first tract began construction in 1948 and were the first homes said to be in the area of “Eastview”. There are still several residents that are original of these homes and they moved into them beginning in 1949.
- Mira Vista is now a 600-home community that also contains an L.A.U.S.D. elementary school, Crestwood Street Elementary school. School aged children from homes in Mira Vista have the opportunity to attend either L.A.U.S.D. schools or schools within the Palos Verdes Unified School District.
- Mira Vista is located in the most southern end of the Western Avenue area of the City of Rancho Palos Verdes. It is the farthest group of homes, along Western Avenue within the City of Rancho Palos Verdes and as such, is farther away from the Ponte Vista at San Pedro site than other group of homes in Rancho Palos Verdes, along Western Avenue.

Response to Comment B74-1

This comment contains anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B74-2

- Mira Vista's population, student population, and location by no means suggest that our residents won't be greatly and negatively impacted if an ordinance is adopted by the Los Angeles City Council to allow Mr. Robert H. Bisno and the Bisno Develop Co. to build 2,300 homes at Ponte Vista at San Pedro.

Response to Comment B74-2

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B74-3

- Mira Vista also has significant traffic woes that were not addressed in the DIER. We believe these issues should have been included in the DEIR. Our neighborhood is the only neighborhood in Rancho Palos Verdes, along Western Avenue that has "cut-through" traffic coming from areas west of our neighborhood and attempting to intersect with Western Avenue.

Response to Comment B74-3

See Response to Comment B57-1.

Comment B74-4

- Traffic counts through our neighborhood are significantly higher than the other neighborhoods on the eastern side of Rancho Palos Verdes and the DEIR failed to examine these counts when the intersections of Western Avenue and Trudie Drive, Crestwood Street, and Summerland Avenue were conducted.

Response to Comment B74-4

Traffic counts were conducted at Intersection No. 22, Western Avenue/Capitol Drive (Trudie Drive) Intersection No. 24, Western Avenue/Crestwood Street; and Intersection No. 25, Western

Avenue/Summerland Avenue. The existing traffic volumes at these intersections are shown in the Draft EIR on Figures IV.J-4 through IV.J-6 for the weekday AM and PM peak hours, as well as for the Saturday midday peak hour. Thus, the amount of existing traffic on these streets is considered in the traffic analysis. Figures IV.J-9 through IV.J-11, beginning on page IV.J-39 of the Draft EIR provide the anticipated assignment of Project-related traffic onto Capitol Drive-Trudie Drive, Crestwood Street and Summerland Avenue. As shown on the figures, the Project is anticipated to add only negligible traffic to these streets. Table IV.J-10, beginning on page IV.J-161 of the Draft EIR notes that the Traffic Study evaluated Intersection No. 22, Western Avenue/Capitol Drive (Trudie Drive); Intersection No. 24, Western Avenue/Crestwood Street; and Intersection No. 25, Western Avenue/Summerland Avenue. As shown in the table, the potential impacts of the Project will be mitigated to levels of insignificance.

Comment B74-5

- 7 Mira Vista will also be impacted when the new Target store opens at the corner of Gaffey Street and Capitol Drive. Capitol Drive intersects Western Avenue at Trudie Drive. Studies should have been included for the traffic impacts of developments already planned or currently under construction. The failure of the DEIR's inclusion of these counts also calls into question the credibility of the entire report.

Response to Comment B74-5

The referenced project is already included as Related Project #18 of Table IV.J-9 of the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts.

Comment B74-6

Mira Vista was not alone in being ignored as a neighborhood within Rancho Palos Verdes when it comes to the DEIR. The "Lower Caddington" or "Panhandle" neighborhood of Rancho Palos Verdes, which is located east of Western Avenue, was not mentioned in the DEIR. Mira Costa Terrace, more commonly known as "Caddington" is situated on the west side of Western Avenue and like Peninsula Verde, both neighborhoods have residents that must navigate portions of Western Avenue for any ingress or egress needed. It is almost shameful that the Peninsula Verde neighborhood and Peninsula Verde Drive were completely ignored by the DEIR.

Response to Comment B74-6

See Responses to Comments B57-1 and B68-3. The Project is anticipated to contribute only nominal additional traffic to these areas. There is no expectation that Project-related traffic would "cut-through" the local streets in these communities as they do not provide convenient access to the regional roadways system. See Topical Response 11, Traffic, for a discussion regarding the intersection of Western Avenue and Peninsula Verde Drive.

Comment B74-7

Our Homeowners Association is providing comments in support of two goals and bringing into question findings of the Draft Environmental Impact Report (DEIR).

- The first goal calls for the rejection of the current DEIR and the call for another DEIR to be conducted using facts and methodology better suited to the uniqueness of the project site and the surrounding area.

Response to Comment B74-7

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B74-8

- The third goal is to call for a negative finding by the Los Angeles City Department of Planning and a negative declaration by the members of the City of Los Angeles Planning Commission.

Response to Comment B74-8

It is understood that this comment expresses opposition to the Project rather than requesting a Negative Declaration as meant by CEQA. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B74-9

The first two goals of calling for the rejection of the current DEIR and calling for another study are based on two findings our association has:

- The facts and figures used in the construction of the DEIR are not credible, and the DEIR fails to consider the uniqueness of the overall area.

Response to Comment B74-9

The comment does not specify the facts or figures it questions, define the “uniqueness” it believes should be considered, or provide any facts or analysis in support of this criticism. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B74-10

- Many individuals and groups have found numerous faults with findings purported to be true, in the DEIR. When studying a problem, different findings can be found using different methodologies and analysis. Such is the case, we believe, with the findings in the DEIR.

Response to Comment B74-10

The comment does not identify the findings or methodologies in questions, nor does it propose any alternative findings or methodologies. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B74-11

The figures concerning projected population, projected school-aged children population, and traffic have all been put into question by many groups and individuals. These questions have created a fog of credibility over the entire study and our organization calls for the report to be redone using statistics that are more in line with current facts and studies of the area.

Response to Comment B74-11

See Topical Responses 8 (Population and Housing), 10 (School Impacts), 11 (Traffic), and 2 (Recirculation)

Comment B74-12

The DEIR uses studies of areas as far away as Richmond, VA and does not provide a more accurate picture of situations as they really are, in this geographical area.

Response to Comment B74-12

All of the studies in the Draft EIR addressed the impacts of the Project upon the Project site and Project vicinity. In accordance with adopted City of Los Angeles Procedures, the Draft EIR appropriately used statistics provided in nation-wide publications such as the protocols and trip generation rates protocols published by the Institute of Transportation Engineers (ITE). Regarding trip generation analysis, see Topical Response 11, Traffic. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B74-13

For these and many other reasons found in multiple comments, our association believes the information contained in the DEIR doesn't pass enough of the tests to have it found to be credible and as such, should be redone prior to further processing of Mr. Bisno's application for zoning changes.

Response to Comment B74-13

The comment consists of concluding remarks that reference prior comments in Comment Letter B74. See Responses B74-1 through B74-12.

Comment B74-14

The site where Ponte Vista at San Pedro is located is very unique within the City of Los Angeles and situated in a very sensitive area. We have found that having such a large number of homes in this area would lower the quality of life for the current and future residents of Mira Vista, and possibly put our population at greater risk.

Response to Comment B74-14

The comment expresses opposition to the Project and expresses general concern about "greater risk" but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 13, Emergency Response and Evacuation.

Comment B74-15

Here are some factors that make the Ponte Vista at San Pedro area and our situation unique and sensitive to our residents:

- Ponte Vista at San Pedro sits along Western Avenue, which is our residents' main north-south route for travel. Our neighborhood, being the first tracts west of Western Avenue, still have[sic] residents that remember when our main street, Trudie Drive, was still a dirt road and its intersection with Western Avenue consisted of one stop sign.

Response to Comment B74-15

This comment contains anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B74-16

- Mira Vista residents would have to deal with incredibly more numbers of vehicles on Western Avenue, but we will remain the only neighborhood in the eastern area of Rancho Palos Verdes to also have to deal with current and future “cut-through” traffic from other areas.

Response to Comment B74-16

The Draft EIR analyzes the Project’s potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. See Figures IV.J-12 and IV.J-13 in the Draft EIR for the forecast assignment of Project-related traffic at the study intersections. Project-related traffic is not expected to “cut-through” the Mira Vista area of Rancho Palos Verdes as these local streets do not provide convenient access from the Project site to the regional street system. Instead, as the Project is located directly on Western Avenue, it is more logical for Project-related traffic to use Western Avenue and other intersecting arterials (e.g., Palos Verdes Drive North, Pacific Coast Highway, etc.) for regional travel. See also Response to Comment B57-1.

Comment B74-17

- Ponte Vista, as currently planned, will have no “cut-through” traffic like Mira Vista residents have to contend with. If the elementary school closest to Ponte Vista becomes too overcrowded, some elementary students living in Ponte Vista might have to attend Crestwood Elementary School. Crestwood is located completely within the Mira Vista HOA area, and as such, parents and students going to and from Ponte Vista to get to Crestwood would be required to pass through streets within our neighborhood. This is another fact omitted from the DEIR.

Response to Comment B74-17

See Response to Comment B57-1. The statement in the comment regarding school children associated with the Project attending Crestwood Elementary is speculative, and therefore, does not warrant evaluation in the Traffic Study contained in the Draft EIR. As discussed in Section IV.I.3 (Schools) of the Draft EIR, Taper Avenue Elementary School, located at 1824 Taper Avenue, is the elementary school that would serve Project residents. Based on school enrollment and capacity data provided by LAUSD (see Appendix IV.I-1 to the Draft EIR), Taper Avenue Elementary School would operate under capacity by approximately 280 students with addition of Project-generated students as well as students generated by the related projects shown in Table III-2 of the Draft EIR.

Comment B74-18

Your review group will have more than enough facts and figure [sic] contradicting the findings within the DEIR, so we feel we do not need to address many of these items in this particular comment letter. But here are some other disturbing truths:

- The closest Los Angeles County Paramedic unit for our residents is located in Lomita, California and the Paramedic squad would have to travel past the Ponte Vista site to get to any home or business in Rancho Palos Verdes that is on or near Western Avenue. There is an L.A. County fire station near the corner of Miraleste Drive and Palos Verdes Drive, East, but there is no paramedic squad assigned there.

Response to Comment B74-18

The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level, and that the impact of the Project in conjunction with cumulative growth and related projects upon emergency response times would be less than significant after mitigation (see page IV.J-31 of the Draft EIR). The comment does not provide any facts or analysis to indicating that the conclusions of the Draft EIR are incorrect.

As discussed in the Draft EIR, the closest emergency response to the Project is LAFD Station 85, which is located at 1331 W. 253rd Street in Harbor City, approximately 1.1 miles from the Project site. LAFD Station 85 includes a Task Force Truck and Engine Company and Paramedic Rescue Ambulance.

The Los Angeles County Fire Department (LACFD) Station referenced in the comment is Station #83, located at 83 Miraleste Plaza in Rancho Palos Verdes, approximately 1.5 miles from the Project site. The Los Angeles County Paramedic unit referenced in the comment is located at 25517 S. Narbonne Avenue in Lomita, approximately 1.5 miles from the Project site.

Comment B74-19

- The closest ladder truck for L.A. County, for our area, is stationed at Peninsula Center and also must travel along Western Avenue to get to our homes and businesses.

Response to Comment B74-19

See Response to Comment B74-18.

Comment B74-20

- Students residing in our HOA area, as well as other neighborhoods along Western Avenue, in the City of Rancho Palos Verdes, have the opportunity to attend schools in the Palos Verdes Unified School District. The elementary school (Dapplegray) used the most by our elementary students is located on Palos Verdes Drive North. Children attending this school from our neighborhood and the adjoining R.P.V. neighborhoods along Western Avenue are normally transported past the Ponte Vista site to get to and from school.

Response to Comment B74-20

See page IV.J-11 of the Draft EIR for a discussion regarding the existing traffic counts conducted at the study intersections evaluated in the Draft EIR. As noted in the Draft EIR, traffic counts were conducted during the weekday AM and PM peak hours on days when local schools were in session. Therefore, vehicle trips on Western Avenue associated with the transporting of children to school are accounted for in the traffic counts assuming such activity occurred during the highest hour of traffic during the respective peak periods.

Comment B74-21

- Middle school students choosing to attend Miraleste Intermediate School, whether they live in Mira Vista or another neighborhood along Western Avenue, in Rancho Palos Verdes, must travel through our neighborhood to get to and from this school. Many students from the other, aforementioned, neighborhoods also must use Western Avenue to get to access points through our neighborhood, as well.

Response to Comment B74-21

This comment describes an existing condition, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B74-22

- Middle school-aged students who attend Dodson Middle School from the Mira Vista neighborhood must travel along Western Avenue in the direction of the Ponte Vista site in order to get to school.

Response to Comment B74-22

As discussed in Topical Response 11, Traffic, the traffic counts for the Project were conducted in 2005 while local schools were in session. Therefore, the traffic counts that form the basis for the existing environmental setting against which the Project's impacts are analyzed take into account traffic heading to Dodson Middle School from the surrounding area. With respect to Dodson Middle School-bound traffic from the Project, see Response to Comment A8-14.

Comment B74-23

- 5 Our neighborhood overlooks San Pedro and the surrounding areas. From many yards in our area we can plainly see areas that have high degrees of sensitivity to our neighborhood, our larger community, parts of the City of Los Angeles, and the United States of America.

Response to Comment B74-23

See Response to Comment A8-6 and Topical Response 4, Aesthetics.

Comment B74-24

- Ponte Vista is in the area of not only a large petroleum refinery, it is also close by two liquefied petroleum gas storage tanks with a combined capacity of 25 Million Gallons. Not only has this refinery had numerous explosions, fires, and other accidents over the years, that have and can cause disastrous results, the thought of any disaster befalling the two, giant liquefied petroleum storage tanks is downright scary.

Response to Comment B74-24

See Response to Comments A10-213, A10-218, and B53-5 and Topical Response 13, Emergency Response and Evacuation.

Comment B74-25

- Our neighborhood, along with Ponte Vista is also within close proximity to a [sic] known terrorist targets, which are the port of Los Angeles and Long Beach. Nuclear detection devises [sic] have been placed in both ports and there is nowhere else within the cities of Los Angeles and Rancho Palos Verdes where other anti-terrorist devises [sic] can be found, other than the LAX airport facility, to the best of our knowledge.

Response to Comment B74-25

The comment expresses concern that the ports of Los Angeles and Long Beach are terrorist targets, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See also Response to A10-218 and Topical Response 13, Emergency Response and Evacuation.

Comment B74-26

- Ingress and egress of our community during times of emergency is vital to the safety and stability of our residents. Placing such a large development (Ponte Vista) with only Western Avenue, as its only ingress and egress route seems to be short sited, in our view. While residents of Mira Vista have the most opportunities of ingress and egress than any other Rancho Palos Verdes neighborhood along the west side of Western Avenue, we feel compelled to cite that there are four other neighborhoods within the City of Rancho Palos Verdes, along the west side of Western Avenue that only have Western Avenue as their main ingress and egress route. These neighborhood residents must either drive along, or cross over Western Avenue at very busy intersections to get in or out of the area.

Response to Comment B74-26

See Response to A10-218 and Topical Response 13, Emergency Response and Evacuation.

Comment B74-27

- Many of our residents either do their shopping along Western Avenue or go to Torrance or other areas to do much of their buying. Most of us do not choose to shop in downtown San Pedro. The larger retail malls are located in areas where travel past the Ponte Vista site by our residents is necessary and we have been, and will continue to be contributors to increased traffic along Western Avenue.

Response to Comment B74-27

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. For additional information regarding the effectiveness of proposed mitigation, see Topical Response 11, Traffic. The Draft EIR's traffic analysis considers existing and cumulative traffic growth. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B74-28

Creditable answers to following three questions must be provided before an EIR can be completed:

1. What is the projected number of residents of Ponte Vista at build out?

Response to Comment B74-28

As discussed in the Draft EIR, page IV.H-18, the total population associated with the residential component of the Project would be 4,313 persons. See also Topical Response 8, Population and Housing.

Comment B74-29

2. What is the real projected number of school-aged children that may be residing inside Ponte Vista?

Response to Comment B74-29

As discussed in the Draft EIR, page IV.I-29 – IV.I-30 based on LAUSD demographic analysis, a stabilized community of 1,725 townhome units and 575 senior units (aged 55 and above only) would result in 199 additional LAUSD students. At any one time, there would be approximately 99 elementary

students, 50 middle school students, and 50 high school students living at the Project. See also Topical Response 10, School Impacts.

Comment B74-30

3. How many vehicles will the Ponte Vista development actually account for?

Response to Comment B74-30

In accordance with LADOT policy, traffic analysis is presented in daily vehicle trips. See Draft EIR, pages IV.J -33 through IV.J -35. As indicated therein, traffic volumes expected to be generated by the Project during the weekday AM and PM peak hours and Saturday mid-day peak hour, as well as on a daily basis for a weekday and a Saturday, were estimated using rates published in the Institute of Transportation Engineers' (ITE) Trip Generation manual, 7th Edition, 2003. The total trips forecast for the Project (i.e., residential and non-residential) is 636 vehicle trips (135 inbound trips and 501 outbound trips) during the weekday AM peak hour. During the weekday PM peak hour, the total trips forecast for the Project is 760 vehicle trips (473 inbound trips and 287 outbound trips). Over a 24-hour period, the Project is expected to generate 9,355 daily trip ends during a typical weekday (approximately 4,677 inbound trips and 4,678 outbound trips). The total trips forecast for the Project (i.e., residential and non-residential) is 834 vehicle trips (374 inbound trips and 460 outbound trips) during the Saturday mid-day peak hour. Over a 24-hour period, the Project is expected to generate 9,113 daily trip ends during a typical Saturday (approximately 4,556 inbound trips and 4,557 outbound trips). See also Topical Response 11, Traffic.

Comment B74-31

Members of our organization have found a variety of conflicting answers to these three questions within documents supplied by the developer.

If the developer's own engineering firm provides different answers to the same questions, we believe they have not done enough do [sic] diligence to be afforded a positive analysis of the DEIR and Mr. Bisno's application for zone changes.

Response to Comment B74-31

The comment does not identify the answers it questions or explain why it believes them to conflict with one another. To the extent the comment refers to the questions raised in Comments B74-28 through B74-30 or Comments B74-32 through B74-34, see the responses thereto. Because the comment does not identify the answers it believes to be in conflict, no further response is possible. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B74-32

A collection of source documents including the initial study, DEIR, information provided by Bisno Development Co. and a variety of independent studies have provided conflicting answers to these very important questions:

- **What is the projected number of residents of Ponte Vista at build out?**
Answer (s) 7,343 or 4,313 or 4,600

Response to Comment B74-32

See Topical Response 8, Population and Housing.

Comment B74-33

- **What is the “real” projected number of school-aged children that may be residing inside Ponte Vista?**
Answer (s) 199 or 643

Response to Comment B74-33

See Response to Comment B74-29. The comment does not identify the source for the 643 value, or how it was calculated and the Lead Agency is not aware of any analysis that would find that the Project would generate 643 school-aged children. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. No further response is possible.

Comment B74-34

- **How many vehicles will the Ponte Vista development actually account for?**
Answer (s) 5,750 or 5,043 or a totally unknown number.

Response to Comment B74-34

The trip generation forecast for the Project is provided in the Draft EIR beginning on page IV.J-34. As disclosed in the Draft EIR, the Project is forecast to generate 9,355 daily trips (4,677 inbound and 4,678 outbound trips) during a typical weekday. Vehicle trips during AM and PM peak hour periods are used to determine the potential traffic impacts of a Project, not number of vehicles.

Comment B74-35

It is imperative that these and other questions be answered before analysis of the development can proceed.

In conclusion, our Homeowners Association calls for the rejection of the current DEIR, its re-study and republication, and denial of the current application for zone changes reflecting our concerns with the DEIR.

Response to Comment B74-35

See Response to Comments B74-1 through B74-34, and Topical Response 2, Recirculation.

COMMENT LETTER B75

**John S. Lang
2209 Anchovy Ave.
San Pedro, VA 90732**

Comment B75-1

INTRODUCTION

As part of the public process, I have made a partial review of the Ponte Vista Draft EIR. The review was limited to my core engineering speciality [sic] of water. My California engineering licensures are: Chemical - # 3,931, Civil - # 23,925, Electrical - # 10,653 and Mechanical - # 18,736. My 30 odd years of professional engineering experience focuses on water-related design, water treatment plants, wastewater treatment plants, water distribution/wastewater collection systems, and forensic engineering.

Response to Comment B75-1

This comment contains anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B75-2

SUMMARY

The most serious unmitigated environmental problem I found is that frequent sewage flooding of homes is very likely to occur in the Taper Avenue neighborhood if the project is built as proposed in the EIR. It is also my opinion that the City of Los Angeles will be held partially liable for such flooding if it approves the EIR and allows the project to be built in its current form.

Response to Comment B75-2

See Comment A10-239. There is no substantial evidence to support the assertion that the Project would result in sewage flooding in the Taper Avenue neighborhood. In addition, the City of Los Angeles has performed flow monitoring in existing sewers and determined the allowable remaining capacity in the Taper Avenue sewer line. The sewer study for the proposed development (Appendix IV.K-2 to the Draft EIR) determined that proposed flow does not exceed the allowable capacity. The comment does not provide any facts, reasonable assumptions predicated upon fact, or expert opinion supported by facts to support its assertion that sewage flooding is likely to occur. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B75-3

In addition, when the Draft EIR dismisses the 15cfs increase of storm water runoff into Los Angeles harbor as insignificant, the document does not take into account that the toxicity of the runoff will be increased by the urbanization caused by the proposed project.

Response to Comment B75-3

Section IV.E (Hydrology and Water Quality) of the Draft EIR, contrary to the commenter's assertion, does consider the introduction of pollutants to the additional runoff generated at the Project site post-development. The BMPs identified in the Draft EIR are proposed as a method of reducing the input of pollutants to stormwater to the maximum extent practicable, consistent with SUSMP requirements. In addition, it should be noted that the existing improvements on the Project site were designed and constructed prior to the advent of stormwater quality regulations. As a result, the installation of a modern stormwater detention and treatment system at the Project site as part of the Project is anticipated to more than offset the incremental addition of pollutants to the total volume of runoff from the Project site. Required compliance with Mitigation Measure E-3 would ensure that the Project minimizes its contribution of pollutants to stormwater runoff to the maximum extent practicable resulting in less than significant impacts.

Comment B75-4

Also the Draft EIR does not give any information in the reviewed sections as to the depth of the two major sewer lines; the 96" LA County Sewer and the 144" joint LADWP - LA County Sewer outfall, that passes under the project site. There is potential danger to these sewers from replacing the existing single family homes with multi-story condominiums. The sewers could be crushed by the increased static loads of the heavier housing and/or from the dynamic loads of the heavy equipment that will be used in construction. This potential problem cannot be evaluated from the Draft EIR because the sewer depth information is missing.

Response to Comment B75-4

The comment does not provide substantial evidence to support its assertion that sewer lines could be crushed by construction activities or new buildings. The existing 96-inch and 144-inch outfall pipes are approximately 100 feet below surface (Draft EIR at page IV.K-16) and are engineered to bear surrounding weight loads. All buildings sited above the outfall lines would also be evaluated by the Los Angeles Department of Building and Safety prior to the issuance of building permits to ensure that no risk is posed to the outfall lines.

Comment B75-5

Also, the Draft EIR says that connection fees will pay for the construction of additional water and wastewater treatment capacity engendered by the project, but presents no data that weighs these fees against the cost of such construction.

Response to Comment B75-5

This comment contains anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Capital facility fees are set by service providers to offset the cost of capital facilities from new development. This is a budgetary process that does not pertain to individual development projects and is beyond the scope of this EIR and CEQA. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B75-6

Finally, the environmental damage that may be caused by changing the R-1 zoning of the 61 -5 acre tract that constitutes the Ponte Vista Project is not discussed in the Draft EIR. The main problem with rezoning is that other developers may cite the precedent to argue that their projects should also be granted like increases in density regardless of existing zoning.

Response to Comment B75-6

The comment does not identify a specific deficiency in the analysis or mitigation measures contained in the Draft EIR, which addresses the potential environmental impacts of the Project. The comment is not specific as to the “environmental damage” it believes is not discussed. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B75-7

ANALYSIS

A. Sewage Flow:

In the Draft EIR's "Utilities" section the authors mix apples with oranges. Three different sewage flow calculation methodologies (City of Los Angeles, Los Angeles County Sanitation Districts and LADWP) are applied to the same people living in the same place. Then sewage flow calculated by using the most radical methodology (i.e. predicting the lowest flow) is used to prove that an 8" sewer will not be overloaded by the proposed project and that the developer should not be made to pay for its enlargement.

Response to Comment B75-7

The Project's wastewater would be split and discharged into infrastructure and treatment plants under the jurisdiction of three separate agencies as discussed on page IV.K-20 of the Draft EIR. Each of these agencies has developed their own sewage generation rates based on the experience of each agency with the average sewage generation (which captures high and low generation) associated with specific types of land uses within their jurisdictions. Each of these agencies depends on their own rates to gauge the appropriate sizing of the sewer infrastructure operated and maintained by each particular agency. For example, the City of Los Angeles does not use sewage generation rates developed by LADWP to define the City's needs for sewer infrastructure. In conformance to each of the agencies' instructions to use each of the agencies' generation rates to assess potential impacts of the project on the particular agencies' infrastructure, the preparers of the EIR did so. Thus, with respect to the project's sewage flow that would be accommodated by the 8-inch sewer line in Taper Avenue, because this line is operated and maintained by the City, the City's rates were used to estimate the project's contribution to this City line (as instructed by the City). See Response to Comment B75-12 for a discussion of the 8-inch Taper Avenue line's capacity to serve the Project.

Comment B75-8

The following paragraphs explain how the Draft EIR's sewage flow analysis was made, gives an illustrative example of an alternative sewer flow calculation, and discusses the consequences of building the project as conceived in the Draft EIR on the Taper Avenue sewer.

The Draft EIR's authors rely on data from the City of Los Angeles, LA County, and LADWP to estimate sewage flow from each of the averaged mix of units, i.e. 2.5 bedrooms. Respectively these flows are represented to be 180, 195, and 225 gallons per day (gpd). Since the three agencies serve populations that live in the same general area it is difficult to understand the differences in the figures. Adding to the confusion, the authors do not share the details of how they used the abovementioned data to arrive at the flow from an averaged unit. Perhaps the best the reader can come away with is the feeling that the subject of predicting sewage flow is somewhat uncertain.

Response to Comment B75-8

See Response to Comment B75-7.

Comment B75-9

To further illustrate that uncertainty, I have used an independent respected source to make a parallel sewage flow prediction. It is as follows:

Table 2.5 of Wastewater Engineering: Collection, Treatment, Disposal: Metcalf & Eddy, Inc., McGraw-Hill 1972, gives the 1968 water consumption for Los Angeles as 185 gallons per capita per day (gpcd). The same reference, *ibid* page 33, gives the ratio of water consumption to sewage generation as a range of 60 to 80%. Assuming that only one person will occupy each project bedroom and using the low end of the conversion range, each unit is projected to produce 278 gpd of sewage.

Response to Comment B75-9

See Response to Comment B75-7.

Comment B75-10

My prediction, and those developed by the Draft EIR authors share the same basic concept, i.e. that sewage flows can be predicted using assumptions about average use. Many water engineers would suggest that a better method is to analyze the details of a proposed project

Response to Comment B75-10

See Response to Comment B75-7.

Comment B75-11

The way the sewage flow from the project to the existing 8" Taper Avenue sewer is calculated in the Draft EIR raises unanswered questions in my mind. The lowest estimate, i.e. 180 gpd, is used without any justification as to why one equivalent section of the project should produce less sewage than any other.

Response to Comment B75-11

See Response to Comment B75-7.

Comment B75-12

This has the effect of making the calculated sewage flow 279,800 gpd. This figure is strangely convenient because it is ever so slightly less than the sewer's remaining marginal capacity. Then the authors state that because this flow only takes up 99.93% of the sewer's remaining marginal capacity, all is good, nothing bad will happen, AND THERE IS NOTHING TO MITIGATE???

In reality, if the project is built as laid out in the Draft EIR, the homeowners in the Taper Avenue neighborhood will not have to wait for the first Super Bowl Sunday half time flush for sewage to flow into their homes; it will be a regular event!

Response to Comment B75-12

The City has indicated that there is sufficient capacity in the existing 8-inch sewer line in Taper Avenue to accommodate a flow of up to 280,000 gpd from the Project. This is documented on the City of Los Angeles' Sewer Availability Letter contained in Appendix IV.K-2 to the Draft EIR. As shown in Table IV.K-3 of the Draft EIR, the proposed wastewater flow (based on conservative projections) from the Project to Taper Avenue is 279,800 gpd. The comment appears to confuse the maximum wastewater flow that the City has agreed to accept from the Project with the remaining marginal capacity of the line. This is not the case. Bureau of Sanitation policy does not allow for a sewer flow depth at any line to exceed a maximum depth of 75 percent. In the Sewer Availability Letter, 280,000 gpd is recorded as the "proposed estimated sewer flow." Taper Avenue is listed as the proposed sewer connection location. The letter simply confirms that a flow of this amount can be accommodated at this location consistent with the Bureau's standards. The approved amount is based on flow tests conducted by the City of Los Angeles on the Taper Avenue line.

Comment B75-13

B. Discharge to Los Angeles Harbor

In the hydrology section, IV-E, the Draft EIR discussed storm water discharge to the harbor. The discharge is calculated to increase from 180 cubic feet per second (cfs) to 195 cfs. The Draft EIR deems that this increase is inconsequential and thus requires no mitigation.

Response to Comment B75-13

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B75-14

There is no mention of the increase in toxicity of the flow.

In reality, the current site is uninhabited. If the project is built, vehicles will regularly drip oil, lawn chemicals will be used and the potential for spillage of household chemicals will become greater than the current value of zero. The Draft EIR authors merely recommend that the status quo be maintained, by dumping untreated storm water into the harbor.

Response to Comment B75-14

The commenter is incorrect in his assertion that the Draft EIR recommends that untreated stormwater be “dumped...into the harbor”. On the contrary, Pages IV.E-11 through 25 and Pages IV.E-20 through 22 provide a description of the manner in which the Project may influence the quality of stormwater runoff from the Project site. This discussion in the Draft EIR also outlines a variety of BMPs that may be considered for the overall stormwater treatment system that is required to be implemented as part of the Project, and recommends such measures to mitigate effects to a less than significant level.

Comment B75-15

It is true that various treatment options are mentioned in section IV-E, but their use is posited as conditional; no promises are made that commit the developer to provide any on-site storm water treatment.

Response to Comment B75-15

The treatment BMPs described on Pages IV.E-20 through 22 of the Draft EIR are intended to serve as the most likely examples of the methods that would ultimately be incorporated into the final Project site design. However, the requirement that a system of stormwater treatment practices be implemented as part of Project development is an absolute under the Los Angeles County MS4 Permit and the SUSMP. This requirement is included as Mitigation Measure E-3 in the Draft EIR. The Project applicant is required to implement water quality treatment BMPs that will achieve the maximum amount of stormwater treatment considered to be feasible in accordance with the SUSMP Manual for Los Angeles County, which will mitigate potential effects to a less than significant level.

Comment B75-16

Furthermore, given the density of the proposed development, it is difficult to imagine how such treatment could be accommodated within the available space.

Thanks for the opportunity to review the Draft EIR. I hope that my comments will prove to be of assistance.

Response to Comment B75-16

Figure IV.E-4 in the Draft EIR provides a conceptual illustration of the preliminarily proposed treatment system for stormwater at the Project site, including its location and design flow. A combination of pre-treatment devices located at various inlet locations throughout the residential development portion of the site and the utilizing a bioswale for filtration above the drainage channel crossing the southwestern portion of the site is anticipated to be the most efficient method of treating stormwater runoff generated at the site and would reduce potential effects to a less than significant level. Other treatment practices that may be incorporated into the Project include green roofs, planter infiltration, storm filters at each building, downspout filters, and oil/water collectors.

COMMENT LETTER B76 (Petition)

Vincent Reher, et al.
26918 Circle Verde Drive
Ranchos Palos Verdes, CA 90275

Comment B76-1

I object to the proposed plan for construction of 2300 residential housing units on the 61.5 acre Ponte Vista property. The primary issue is the impact to traffic on Western Avenue. My specific objections are as follows:

Response to Comment B76-1

This comment introduces ensuing comments, which are addressed in detail in Responses to Comments B76-2 through B76-7. The balance of this comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B76-2

1. The impact of the proposed project has been greatly understated by predicting absurdly low residential occupancy ratios. The projected ratios are substantially less than similar figures calculated by the City of Los Angeles, County of Los Angeles, and State of California. Unless the City of Los Angeles proposes to somehow enforce the low occupancy ratios, these figures must be considered worthless.

Response to Comment B76-2

See Topical Response 8, Population and Housing; Topical Response 7, Impacts of Age-Restricted Units. The population estimates of the Draft EIR are supported by substantial evidence. The comment does not identify the other occupancy figures to which it refers and thus no further response is possible. See also Response to Comment A10-141 and Response to Comment A10-142.

Comment B76-3

2. The proposed project claims that it will fully mitigate the impact to Western Avenue by funding (and thereby presumably expediting) some of the traffic management technologies recommended by –the Joint Regional Western Avenue Task Force (JRWATF). Although those traffic management technologies will undoubtedly improve the situation, I dispute the assertion that they would “fully mitigate” even the current traffic problems on Western Avenue, much less the additional burdens that would come with the proposed Ponte Vista plan or the plan alternatives A, B, and C.

Response to Comment B76-3

See Response to Comment B57-3.

Comment B76-4

3. The traffic analysis in the Ponte Vista DEIR shares a common flaw with the one in the JRWATF report: They both ignore the impact of traffic to residents of my community. The only way in or out of our community is through the intersection of Peninsula Verde and Western Avenue, an intersection without a stop light. Please review the attached copy of a petition currently being circulated in my neighborhood to obtain an understanding of the problem, the solution we are demanding, and the depth of our feelings on this subject.

Response to Comment B76-4

See Topical Response 11, Traffic, for a discussion regarding the intersection of Western Avenue and Peninsula Verde Drive. Although the Project will not result in a new traffic impact at Peninsula Verde Drive, to respond to the concern raised by the residents of the Peninsula Verde subdivision, the Project applicant has offered, as a community benefit of the Project, to fund the installation of a traffic signal at the intersection.

Comment B76-5

Based on these objections, I recommend the following:

1. That installation of a stop light and pedestrian crosswalk at the intersection of Western Avenue and Peninsula Verde Drive be stipulated as a condition for approving any development of the Ponte Vista property.

Response to Comment B76-5

See Response to Comment B76-4. While not required for traffic mitigation purposes, the Project applicant has volunteered to fund the installation of a traffic signal at the Western Avenue/Peninsula Verde Drive intersection. Design issues with the traffic signal, such as the placement of crosswalks and signal timing will be determined by Caltrans as part of the Encroachment Permit review process. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B76-6

2. That another traffic study be conducted by an entity that is completely independent of either the developer or any governmental agency before consideration is given to changing the current R1 zoning of the Ponte Vista property.

Response to Comment B76-6

See Topical Response 11, Traffic, and Comment Letter B54b.

Comment B76-7

3. That developer subsidy of the traffic mitigation technologies recommended in the JRWATF report by stipulated as a condition for making any changes to the current R1 zoning of the Ponte Vista property.

Response to Comment B76-7

See Topical Response 11, Traffic. The Traffic Study and Draft EIR considered the recommendations of the Western Avenue Task Force report, and adopted many of the traffic improvement measures described therein as mitigation measures for the Project.

Comment B76-8

4. That creation of an alternative means for vehicular access to the Ponte Vista property that does not affect Western Avenue either directly or indirectly be stipulated as a condition for approving any housing density greater than 1,700 units.

Response to Comment B76-8

See Response to Comment B84-2.

Comment B76-9

We, the undersigned, are the residents of the Peninsula Verde community located southwest of the intersection of Palos Verdes Drive North and Western Avenue in the City of Rancho Palos Verdes. The only way in or out of our community is through the intersection of Peninsula Verde Drive and Western Avenue.

This intersection has no traffic signal, creating a situation that is difficult and dangerous for both drivers and pedestrians. The situation is further aggravated by the poor visibility of oncoming traffic on Western Avenue traveling in either direction due to sloping on either side of the intersection as well as parked vehicles on the west side Western Avenue.

Pedestrians in our community and the adjacent Harbor Hills community face an especially dangerous situation when attempting to cross at this intersection. Many of our residents, some of them elderly, need to reach the bus stop on the other side of the street because that is their only form of transportation. Every time they do this, they risk their lives. In fact, one resident tragically lost his life when crossing this intersection in 2001.

Response to Comment B76-9

See Topical Response 11, Traffic.

Comment B76-10

The current situation is a hazard to public safety and is unacceptable. ***Therefore we demand that a traffic stoplight and pedestrian crosswalk be immediately installed at this intersection.*** In order to minimize the impact to Western Avenue traffic flow, we agree that:

1. The stoplight should be activated only when a vehicle is present or when a pedestrian activates a crosswalk button.
2. The stoplight should be of short duration, when only vehicle crossing is taking place.
3. The stoplight should be synchronized with adjacent stoplights to maximize the flow of traffic.

Response to Comment B76-10

See Topical Response 11, Traffic, for a discussion regarding the intersection of Western Avenue and Peninsula Verde Drive. While not required for traffic mitigation purposes, the Project applicant has volunteered to fund the installation of a traffic signal at the Western Avenue/Peninsula Verde Drive intersection. Design issues with the traffic signal, such as the placement of crosswalks and signal timing will be determined by Caltrans as part of the Encroachment Permit review process. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B76-11

Furthermore, we insist that this stoplight be installed and operational prior to issuing any permits for nearby land development that will affect the amount of traffic on Western Avenue, including the Ponte Vista development project currently under review.

Response to Comment B76-11

See Response to Comment B76-4. The applicant has agreed to fund the signal at Peninsula Verde Drive and Western Avenue prior to the issuance of building permits for the first residential building in the Project.

COMMENT LETTER B77

Martha Robberstad
1819 Avenida Feliciano
Rancho Palos Verdes, CA 90275

Comment B77-1

I strongly urge you to reconsider the immense traffic impact this project will have on Western Ave. and the surrounding areas.

Response to Comment B77-1

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B77-2

Obviously, traffic was not monitored during peak hours of 7 – 9 Am + 2:30 – 7:00 pm.

Response to Comment B77-2

See Topical Response 11, Traffic, for a discussion regarding the traffic counts collected for the Traffic Study provided in the Draft EIR. Page IV.J-11 of the Draft EIR notes the traffic counts were conducted during the weekday AM and PM peak hours on days when local schools were in session. Specifically, the counts were conducted between 7:00 and 10:00 AM to determine the morning peak hour, and 3:00 and 6:00 PM to determine the afternoon peak hour. The specific peak hour of traffic determined for each study intersection (i.e., the 60 minute period with the highest amount of traffic counted over the three hour period) is shown in the Draft EIR in Table IV.J-2, beginning on page IV.J-14 of the Draft EIR. As noted in Table IV.J-2, at most of the study intersections, the peak hour started after 4:00 PM and ended before 6:00 PM during the afternoon peak period. Therefore, extending the traffic count period from 3:00 PM to 2:30 PM, and from 6:00 PM to 7:00 PM as suggested in the comment would not have revealed any new or relevant information.

Comment B77-3

I live on Avenida Feliciano, and have been for 40 yrs. Just trying to get out of my tract of homes is almost impossible.

When I purchased my home in 1967 it was a San Pedro address. I was born and raised in San Pedro.

Response to Comment B77-3

This comment contains anecdotal information, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The street cited in the comment—Avenida Feliciano—is a local street which obtains access to Western Avenue primarily via Avenida Aprenda (secondary access is also available via Redondela Drive, a minor stop controlled intersection on Western Avenue that functions with right-turns only). The Western Avenue/Avenida Aprenda intersection was evaluated in the Traffic Study. Mitigation Measure J-8 listed on page IV.J-113 of the Draft EIR would completely mitigate the potential traffic impacts of the Project at the Western Avenue/Avenida Aprenda intersection. Therefore, access to Avenida Feliciano via Avenida Aprenda would not be adversely affected with the Project based on implementation of the recommended traffic mitigation measures.

Comment B77-4

Please keep this property R-1.

Response to Comment B77-4

This comment expresses support for retaining R-1 zoning at the Project site, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B78

Suzanne Scholton

1118 Via Francisca, CA 90012

Comment B78-1

As a long time resident and homeowner in San Pedro, I strongly oppose the Ponte Vista development being able to change the current zoning. I appreciate the opportunity to voice my concerns and I am hopeful that you seriously study the issue.

Response to Comment B78-1

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical

Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B78-2

Planning in our city should be done from the “big picture” framework. Ponte Vista is one of many housing projects that will impact the quality of life in our community. Some are already under construction and I understand there are some in their earliest stages of development. All must be taken into consideration because they will have an accumulative effect; which will greatly impact our quality of life. Please do not lose this perspective. This review must not just look at one parcel. This is a huge parcel with as much impact as all the others combined.

Response to Comment B78-2

See Topical Response 12, Related Projects and Cumulative Impacts.

Comment B78-3

When looking at the traffic mitigation reports that are floating around, please look at the details. It is my understanding that the reports do not represent the most logical data. How can you possibly allow 2800[sic] units that will generate almost twice the number of cars to flood onto our already impacted traffic? Please try to drive Western Ave at rush hour and on Saturday mornings.

Response to Comment B78-3

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The proposed Project consists of 2,300 units, not 2,800 units as stated in the comment. The trip generation forecast for the Project is provided in the Draft EIR beginning on page IV.J-34. As disclosed in the Draft EIR, the Project is forecast to generate 9,355 daily trips (4,677 inbound and 4,678 outbound trips) during a typical weekday. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures completely mitigate the potential significant traffic impacts associated with the Project. The Project’s potential impact on Saturday traffic is also addressed in the Draft EIR. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B78-4

Timing the lights at today’s level would be a bit helpful, but doing that and adding a thousand more cars is impractical.

Response to Comment B78-4

See Response to Comment B57-3.

Comment B78-5

The chamber of Commerce has mentioned a round-about to help traffic flow onto Gaffey Street. How on earth are you going to get a roundabout exchange at 5 points? (P.V. Dr. N, Anaheim, Gaffey and Vermont) Are you going to condemn the existing structures? Are you going to stop the proposed housing overlooking Lake Machado?

Response to Comment B78-5

The comment is apparently referencing study intersection No. 35, Vermont Avenue-Palos Verdes Drive North-Gaffey Street/Anaheim Street, also known locally as the Five Points intersection. Mitigation Measure J-18 on page IV.J-114 summarizes the mitigation measure (funding of installation of ATISAC/ATCS) that completely mitigates the potential impacts of the Project at this intersection. However, as discussed in the LADOT comment letter dated January 11, 2007, the Project applicant has volunteered to fund a study of potential future improvements at the Five Points intersection. Further, the Project applicant has volunteered to fund a pro rata share of the costs for the design and construction of an improvement, if one is identified and approved. One potential measure may be the construction of a roundabout as cited in the comment. The review of the feasibility of the roundabout, as well as other potential measures, including the potential to obtain existing private property, would be conducted by the City of Los Angeles. As previously noted, the construction of the future improvements is not required to mitigate the impacts of the Project at the Five Points intersection.

Comment B78-6

Don't forget that there are hundreds of units finishing up in the racquet club area just off Western and only a stone's throw from the Ponte Vista site. The "big picture" for San Pedro is frightening if Brisno gets their way.

Response to Comment B78-6

The referenced project is already included as Related Project #14 of Table IV.J-9 of the Draft EIR. See Topical Response 12, Related Projects and Cumulative Impacts.

Comment B78-7

Carefully look at the impact on schools. Our high schools are already looking for more land to build additional educational facilities. If you have 4 bedroom condos, surely there will be children in many of them. Senior facilities sound good; they will bring cars but not students. However, do not let the promise of a small good overshadow the fact that it is only offered to hide the dark side of their plans.

Response to Comment B78-7

See Response to Comment A10-163.

Comment B78-8

Do not be swayed by their promises or their data. I know you are highly qualified to look at data objectively. Continue to listen to both sides realizing that they have a lot to gain financially and we as a community have a lot to lose if this monstrosity is allowed to take hold in our city.

We accept growth and change as a part of our lives. We revere our community with its wealth of history and families. We welcome positive and healthy growth. This project is about someone else benefiting from their own greed and leaving us to deal with overcrowding, traffic and a diminished quality of life.

Response to Comment B78-8

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. With respect to the Project's relationship to growth forecast for the vicinity of the Project, see Response to Comment B27-1.

COMMENT LETTER B79

Melanie Shreve
2050 Mendon Drive
Rancho Palos Verdes, CA 90275

Comment B79-1

I am writing in regards to the Draft Environmental Impact Report for the proposed Ponte Vista Project, 26900 Western Ave. Case No. ENV-2005-4516-EIR. I am a 44 year resident of this area (San Pedro and Eastview RPV) and I am very concerned about the density of the proposed condos. It is just flat out wrong!!

Response to Comment B79-1

The comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B79-2

I lived here when the Navy housing area was inhabited and there were only about 250 single family homes in there, at that time we didn't have any other condo complexes on Western or as many strip malls etc. That being said, there are way more people living along Western Ave. now, as it is the traffic is nearly at a standstill during weekday rush hour times and when Dodson Middle School lets out. It is the only thoroughfare [sic] to get to the freeways, local shopping, downtown San Pedro, South Shores, etc.

Response to Comment B79-2

See Response to Comment B28-1. This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B79-3

It is pure greed to add 2300 condos in the Ponte Vista Area, I think only as many SINGLE FAMILY HOMES as was there while it was Navy housing, 250 or so homes, I think that would be fair.[sic] We have so little open space in this town, developers don't care about the town, they just want to make money. San Pedro has had such a lack of city planning, that is why we have so many problems in this area. Don't let them do this. I can barely find parking as it is at grocery stores and businesses along Western Ave. The sheer audacity that this has come so far, I figured our elected officials would protect the citizens that have lived in this community their whole lives from crazy greed motivated development!! But I guess not.

Response to Comment B79-3

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Demand for private parking facilities are not environmental impacts as meant by CEQA, however, the commenter mistakenly assumes that future area residents will be served only by existing commercial services. That is not the case. The community plans for the Wilmington-Harbor City and San Pedro areas anticipate additional population growth and corresponding growth in commercial services, and consumer services constantly emerge to respond to demand. For example, the Target store planned at Gaffey is an example of a new retailer entering the area. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B79-4

The majority of residents I know are against this development at this scale, no one I know thinks this is even remotely sane, please make the right decision and scale this back so it makes some kind of sense, they will need another road that parallel to Western Ave. and Gaffey, that would go thru the middle of that proposed area.[sic] They would need that with all the plans for schools, businesses etc, plus just 250 single family homes to keep San Pedrans from a hell on earth traffic problem.

I hope you take my comments into consideration.

Response to Comment B79-4

This comment requests that the Project be scaled back, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project's potential traffic impacts in the traffic study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. The Project would not require a new road parallel to Western Avenue or Gaffey Street to mitigate its impacts.

COMMENT LETTER B80

David Smith
309 Enrose Ave.
San Pedro, CA 90275

Comment B80-1

The draft EIR should analyze additional traffic from the proposal that will cut through my neighborhood because of bottlenecks on Western and because there are not enough streets to carry traffic from San Pedro to RPV and Torrance.

Response to Comment B80-1

This comment is a duplicate of Comment B66-1. See Response to Comment B66-1.

Comment B80-2

I disagree that with comments in the DEIR that the 2,300 units proposal will not intensify the existing residential neighborhood. The DEIR fails to account for the impact the density will have on the surrounding area.

Response to Comment B80-2

See Response to Comment A8-2 and Response to Comment A8-11.

Comment B80-3

The DEIR mitigates additional Western traffic by timing the lights. This is not even an effective solution for the current volume.

Response to Comment B80-3

This comment is a duplicate of Comment B66-4. See Response to Comment B66-4.

Comment B80-4

The DEIR analysis of the impact the proposal will have on RPV Drive North is not adequate.

Response to Comment B80-4

See Response to Comment B66-5. The analysis of potential impacts along Rancho Palos Verdes Drive North and proposed mitigation measures is supported by substantial evidence.

Comment B80-5

The DEIR assumes counts of 4 trips per day, however most traffic planners agree with 8 trips per day.

Response to Comment B80-5

This comment is a duplicate of Comment B66-6. See Response to Comment B66-6.

Comment B80-6

The DEIR excludes the impact and effect of additional development already approved including the Target store on Gaffey and construction of Condos in down town San Pedro.

Response to Comment B80-6

See Response to Comment B57-6 and Topical Response 12, Related Projects and Cumulative Impacts.

Comment B80-7

The DEIR study does not address the impact of a Los Angeles Unified School at the site.

Response to Comment B80-7

See Topical Response 3, South Region High School #14.

Comment B80-8

Please reject this proposal, the DEIR and the application for zone change.

Response to Comment B80-8

See Response to Comment B57-8.

COMMENT LETTER B81**Mark Wells****1858 Trudie Drive****Rancho Palos Verdes, CA 90275*****Comment B81-1***

This is my third and final set of comments regarding the DEIR for the Ponte Vista at San Pedro residential development and why I feel several items left out of the report should have been included. My two previous sets of comments contained data questioning what is contained within the volumes of that report.

Response to Comment B81-1

This comment contains introductory remarks, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B81-2

Items for consideration:

(1) Amenities for the Disabled omitted: I have not been able to find any mention within the DEIR of amenities designed for persons with disabilities. The DEIR mentions a “6 acre public park” to be located outside the gated residential areas, and “open spaces” within the gated portion of the development. Illustrations are presented showing artists’ conception of these proposed areas, but I have found no mention of, or illustrations containing any amenities for persons included in the ADA.

Response to Comment B81-2

The Project will comply with ADA standards and regulations, as required by law.

Comment B81-3

(2) Realistic Number of Residents/Bedrooms per proposed unit omitted: The DEIR includes diagrams, maps, illustrations, facts, figures, and proposals for the type and size of structures within the proposed complex. I have not been able to find actual proposed square footage of any residence, or the number of bedrooms that may be in the various types of units planned for the development. It seems to me to be very unfortunate and extremely short-sighted to not to be able to find these figures within the pages of the DEIR. Mr. Bisno is willing to discuss this personally with persons such as me, but I feel it should have been included in the DEIR.

Response to Comment B81-3

See Response to Comment A10-5.

Comment B81-4

(3) “Affordability” of Senior Homes not defined: Mr. Bisno is planning to have 575 units designated “Senior Housing” and the DEIR claims that these homes are for persons aged 55 and over. Many senior supporters of Mr. Bisno’s Ponte Vista at San Pedro development claim that homes they are interested in purchasing are “affordable.”

Nowhere in the DEIR can I find prospective prices for any residential units within Ponte Vista. Had the DEIR, in my opinion, listed possible prospective prices for the different floor plans currently envisioned at Ponte Vista, it may have given everyone the opportunity to determine, on their own, whether any projected homes are actually “affordable” depending on each person’s income level and current housing arrangement.

Response to Comment B81-4

See Response to Comment A8-4.

Comment B81-5

This fact may be because there are no artists’ renderings or written mention of any floor plans that may be included in the development. The omission of the types of homes, number of bedrooms, sizes of various units, amenities of any units designed for persons utilizing the ADA, and any notion that any home within Ponte Vista would be “affordable” to many of the supporters of the project, gives me more cause to find the DEIR, not a credible document.

Response to Comment B81-5

The Draft EIR provided sufficient detail regarding the Project, as required by CEQA. See Response to Comment A10-5. The Project would comply with ADA standards and regulations, as required by law. For further information regarding the Project’s senior units, see Topical Response Number 7, Impacts from Age-Restricted Units. In addition, although not required by CEQA, the applicant has provided

additional information regarding the proposed units. See Topical Response Number 9, Estimated Unit Pricing.

Comment B81-6

(4) Realistic Assessment of Number of Potential Children living in Senior Housing Omitted: Nowhere in the DEIR can I find whether children of these prospective buyers would be allowed to live in any of these units. In this age when people are becoming parents at older ages that [sic] long ago, it is very possible to believe that persons over the age of 55-years old may be parents of school-aged children. The DEIR fails to mention whether “senior citizens” with minor children would be allowed to purchase homes in the “Senior Housing” section of the proposed development.

Response to Comment B81-6

See Topical Response 7, Impacts of Age-Restricted Units.

Comment B81-7

(5) Large High School Not Compatible with Size of Development Planned: The DEIR contains information about a 2,025 seat senior high school, which is proposed for “up to 24 acres” within the Ponte Vista area. The information contained in the DEIR states that essentially, because both the large high school planned, and Mr. Bisno’s vision for 2,300 homes cannot, in fact, exist within the same development area.

Response to Comment B81-7

See Topical Response Number 3, South Region High School #14.

Comment B81-8

Mr. Bisno has stated publicly that he would be interested in consulting with members of the Los Angeles Unified School District about a smaller sized campus within Ponte Vista. The DEIR fails to mention this or deals with any hypothetical analysis for a smaller campus. Alternatives to the project, consisting [sic] potential number of homes and including both the large and small school scenarios were also not included in the DEIR. Omission of alternatives which include two possible school developments, demonstrates a further lack of credibility of the DEIR, I feel.

Response to Comment B81-8

See Topical Response 3, South Region High School #14. Councilwoman Hahn, members of the local community and the applicant testified before the LAUSD Board requesting that it examine alternatives to its 2,025 project and inviting discussions. The LAUSD Board did not accept these suggestions and requests, however, as part of any environmental impact report prepared by LAUSD, alternatives to LAUSD’s South Region High School #14 project will be required to be examined.

Comment B81-9

(6) DEIR omits Vulnerability of Traffic and Port Area in Crisis Situations: This project is located next to one of the nation's most vulnerable spots for terrorism/earthquake, the Port of Los Angeles. Furthermore, the Amerigas facility, a huge potential hazard, is nearby. In the event of an earthquake or terrorist attack, existing residents of the area will have a tough time evacuating, let alone the 7,000 plus residents of a proposed 2,300 development. Western Avenue and Gaffey Avenue are the only exit point for many residents of San Pedro and the neighboring Rancho Palos Verdes neighborhoods attempting to flee.

Response to Comment B81-9

See Response to A10-218 and Topical Response 13, Emergency Response and Evacuation. As discussed in the Draft EIR, page IV.H-18, the total population associated with the residential component of the Project would be approximately 4,313 persons. See Topical Response Number 8, Population and Housing. With respect to the AmeriGas facility, see Response to Comment A10-213.

Comment B81-10

(7) The environmental impact does not address realistic parking/vehicle figures:

The DEIR skims over the environmental impact of Vista, nor does it deal with the environmental impact this development will affect on humans living near the area.

Response to Comment B81-10

See Response to Comment B81-11.

Comment B81-11

The DEIR clearly states the number of parking spaces proposed within the project's gates and the number of parking spaces allotted for the public park. Nowhere in the sections of the DEIR, or the appendices, can even a prospective number of vehicles for residents by [sic] found.

Response to Comment B81-11

See Response to Comment B74-34. Parking for the Project's residents will be provided in accordance with City of Los Angeles Municipal Code requirements (two spaces per unit for resident parking and 0.5 spaces per unit for guest parking). With respect to parking for the park, see Response to Comment A10-133. Based on preliminary estimates, the Draft EIR estimates (at page IV.J-32) that the Project would provide approximately 5,750 internal parking spaces. The number of vehicles maintained on-site by residents cannot be reliably estimated.

Comment B81-12

(8) Impact of Ponte Vista on Peninsula Verde Drive and Fitness Drive omitted in Traffic Mitigation: The DEIR failed terribly, in my opinion, by omitting mention of Peninsula Verde Drive and Fitness Drive. Peninsula Verde Drive is a public road north of the Ponte Vista site intersecting Western Avenue, and Fitness Drive is a private drive with existing condominiums and a large condominium structure under construction. Fitness Drive intersects Western Avenue directly south of the Ponte Vista project. Both sites are important for traffic mitigation. These are two of the closest intersections to Ponte Vista, both having residences along them, and both were ignored by the DEIR. This oversight must be corrected!

Response to Comment B81-12

See Topical Response 11, Traffic, for a discussion regarding the intersections of Western Avenue/Peninsula Verde Drive and Western Avenue/Fitness Drive.

Comment B81-13

Thank you for your consideration of my assessment of the deficiencies of the DEIR. [sic] issues.

Response to Comment B81-13

This comment contains concluding remarks, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B82

Teresa A. Wells
1858 Trudie Drive
Rancho Palos Verdes, CA 90275

Comment B82-1

I have some negative comments to make regarding the DEIR for Ponte Vista at San Pedro. My comments are based on eight years of experience living a stone's throw from Western Avenue. As you know, Western Avenue is the two-lane thoroughfare that is the primary entrance and exit for San Pedrans and those living in Rancho Palos Verdes. The only other two exits are Gaffey Avenue and the freeway. We are, essentially, an island with three exits.

Response to Comment B82-1

The comment incorrectly characterizes Western Avenue as a “two-lane thoroughfare.” Western Avenue, also known as State Route 213, is part of the regional highway system and provides two mainline travel lanes in each direction in the Project vicinity. In addition to Western Avenue, Gaffey, and the freeway, other routes also connect those living in San Pedro and Rancho Palos Verdes to other areas, including Pacific Avenue, Harbor Boulevard/John Gibson Boulevard, Palos Verdes Drive East, and Palos Verdes Drive South/25th Street. This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B82-2

In case of an emergency, such as a terrorist attack at the port, an earthquake or an explosion at the nearby Amerigas facility, those of us who need to exit this town fast are in trouble. With 2,300 more homes at Ponte Vista, which will probably add 7,000 more residents, our exits from this area will be excessively choked. You only have to drive Western Avenue between Palos Verdes Drive North and Capitol between the hours of 3:00 p.m. and 5:30 p.m. to know we are already at capacity. An emergency occurring during these peak evening hours will be catastrophic.

Response to Comment B82-2

See Response to Comment B81-9.

Comment B82-3

Second, as a woman who shops for the family groceries, the two markets closest to Ponte Vista, Albertsons and Ralphs, have crowded parking lots now, let alone with the addition of 2,300 more homes. In my opinion, the DEIR does not take into consideration the negative impact more residents will have on already crowded parking lots.

Response to Comment B82-3

See Response to Comment B79-3.

Comment B82-4

I know you are under pressure from senior citizens to build 2,300 units at Ponte Vista, but please keep in mind it is not the job of the Ponte Vista project to solve what is a statewide problem in housing affordability. The safety and quality of life of the majority of existing residents is at stake here.

Response to Comment B82-4

This comment expresses the author's opinion regarding the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B83

**Gayle A. Williamson
1007 S. Malgren Avenue
San Pedro, CA 90732**

Comment B83-1

I found the information regarding fire, police and library services in the draft EIR for the Ponte Vista housing project unbelievable.

Response to Comment B83-1

The comment summarizes ensuing comments which are addressed in Response to Comments B83-2 through B83-6.

Comment B83-2

First the draft environmental impact report states that impact on fire services would be less than significant. With the senior housing that is being proposed for the project, I am sure that paramedic services will be significantly utilized.

Response to Comment B83-2

See Response to Comment A10-90.

Comment B83-3

In addition, page IV.1-1 states that "there are no specific plans to add new LAFD facilities in the Project area." Yet the Los Angeles City Bureau of Engineering website lists the building of Fire Station 36 at 1005 N. Gaffey Street (http://eng.lacity.org/projects/fire_bond/FS36.htm). The preparers of the report seem unable to uncover this information on a public websites.

Response to Comment B83-3

In response to this comment, the text on page IV.I-1, in the last sentence of the page, of the Draft EIR has been revised as follows:

At the present time, ~~there are no specific plans to add a new LAFD facilities facility is proposed at 1005 North Gaffey Street in the Project area. The proposed satellite fire and paramedic station, Fire Station 36, would include approximately 8,000 square feet on a three-quarter acre site.~~

See also Response to Comment A10-101 and Topical Response 12 for a discussion of this project in relation to the Draft EIR's cumulative impact analysis.

Comment B83-4

The report also states that police services in the project area are adequate. The citizen to officer ratio listed on page IV.1-13 is 1:701. This ratio is significantly lower than the citizen to officer ratio listed on the LAPD website for Los Angeles of 1:426. And Los Angeles is woefully below other large U.S. cities, whose ratios are New York 1:228, Chicago 1:216, and Philadelphia 1:219. With the low number of LAPD officers, it's remarkable that the crime rate in the city has been lowered. Even without this project, it appears from these statistics that the Harbor area is already significantly inadequate in police services.

Response to Comment B83-4

See Response to Comment A10-233.

Comment B83-5

Third with a new library in the Harbor Gateway area, there will be additional physical resources available. However the report neglects to state that the human resources of the library are limited. With hiring freezes and the inability to hire qualified librarians, the libraries in Los Angeles are understaffed.

Response to Comment B83-5

As noted on pages IV.I-50 and IV.I-51 of the Draft EIR, upon Project buildout in 2012, over 2.5 times the required library space for the anticipated cumulative Wilmington-Harbor City CPA will be available, per Los Angeles Public Library building standards. Decisions as to budget, staffing and service levels are made by the Los Angeles Public Library and the Los Angeles City Council and are not environmental impacts within the scope of CEQA. As discussed in the Project Fiscal Analysis, Appendix IV.F-1, the Project will generate a \$6 to \$6.8 million annual fiscal benefit into account after taking into account typical public service costs, such as police, fire, library, parks and recreation. These funds will be available to fund various public service programs and objectives. Thus, the Project is anticipated to provide more than sufficient funds to address library service needs. There is no substantial evidence that new facilities would be required or that they would cause significant environmental impacts.

Comment B83-6

On page IV.1-52 the footnote states that since two of the related projects are schools the library services will be less impacted because the students will use the schools' libraries. This statement is obviously

written by someone without children or who has never visited a public library in the afternoon. School libraries are only available when schools are open. The public libraries service a large number of students due to the access in the evenings and weekends.

Response to Comment B83-6

As noted on pages IV.I-50 and IV.I-51 of the Draft EIR, upon Project buildout in 2012, over 2.5 times the required library space for the anticipated cumulative Wilmington-Harbor City CPA will be available, per LAPL building standards. Therefore, library facilities in the Project's CPA would adequately serve the anticipated service population upon cumulative development of the Project and the related projects, including the two proposed schools.

Comment B83-7

The report lists contacts with people in centralized Los Angeles City offices who are unaware of the actual services. It's a shame that the report's preparers never spoke to any of the people **directly** involved in these city services.

Response to Comment B83-7

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B83-8

In just these three areas, the draft EIR is seriously flawed in its conclusions and would lead one to suspect the accuracy of the rest of the report. The project area needs to remain zoned R-1.

Response to Comment B83-8

This comment expresses opposition to the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B84

John Winkler
925 Cara Place
San Pedro, CA 90731

Comment B84-1

At the last Ponte Vista meeting, I made the suggestion that in order for the housing project to make sense, there would have to be accessibility other than Western Avenue in San Pedro. If Mr. Bisno builds 2,300 condo's[sic] or decides he can only build 500 homes, the access still needs to change. If this problem is not addressed, than the quality of life is degraded for those that have to commute on Western Avenue.

I am suggesting that Mr. Bisno concentrates on building an access road from Gaffey Street into the Ponte Vista property. This concept is not new, although I feel that too much emphasis has been placed on Western Avenue.

Response to Comment B84-1

See Response to Comment B84-2.

Comment B84-2

There should be solutions to make Gaffey Street another option for entry and exit, as this is also a safely issue concerning police and fire.

Response to Comment B84-2

Both the City of Los Angeles and the applicant have investigated whether access over the U.S. Navy DFSP property could be provided to serve the Project and Mary Star of the Sea High School. However, the U.S. Navy has refused to permit such access. Therefore, Gaffey Street is not a feasible access point for the Project. The proposed site access for the Project is described in the Draft EIR beginning on page IV.J-29. The traffic mitigation measures are listed in the Draft EIR beginning on page IV.J-109. As shown in Table IV.J-10 beginning on page IV.J-59 of the Draft EIR, the mitigation measures completely mitigate the potential significant traffic impacts associated with the Project without operational access from Gaffey Street. Therefore, vehicular access to the Project site directly from Gaffey Street is not required for purposes of accommodating Project-related traffic. A discussion of emergency vehicle access and response is provided in the Draft EIR beginning on page IV.J-30. As concluded in the Draft EIR, the Project's potential impacts to emergency vehicle access and response are expected to be less than significant. Therefore, direct Project access to Gaffey Street is not required for purposes of mitigating potential impacts associated with emergency vehicle access and response. However, the Project will have a reciprocal emergency access agreement with Mary Star of the Sea High School that will allow emergency access from locations other than Western Avenue. See also Topical Response 11, Traffic.

Comment B84-3

The access off Gaffey can be achieved, as the problems with underground fuel tanks making this access viable needs to have solutions. There are ways to solve these problems and I feel that the only way the Ponte Vista project is going to be accepted in the community is having access off Gaffey as well as other improvements to the infrastructure.

Response to Comment B84-3

Neither the Project applicant nor the City of Los Angeles has the ability to require the U.S. Navy to allow a project access over its property. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

COMMENT LETTER B85

Steven R. Pingel
27980 Western Ave., Unit 213
San Pedro, CA 90732

Comment B85-1

I have now read and considered the comments on the Draft Environmental Impact Report (DEIR) [sic] submitted by the Coastal San Pedro Neighborhood Council and the Northwest San Pedro Neighborhood Council as well as the DEIR itself.

Response to Comment B85-1

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B85-2

I adopt, in full, their comments. I believe Mr. Bisno's proposal will cause long-term damage to our City and our neighborhood and threatens the safety and security of all San Pedro residents.

Response to Comment B85-2

This comment expresses opposition to the Project does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. With respect to the issues raised in Comment Letter A-16, see responses thereto.

Comment B85-3

The traffic study is based on incorrect and inaccurate assumptions.

Response to Comment B85-3

The comment makes a general assertion regarding the Traffic Study, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Traffic Study or the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B85-4

The congestion will increase and will be a catastrophe if there is ever a problem in the harbor requiring residents to evacuate.

Response to Comment B85-4

See Response to A10-218 and Topical Response 13, Emergency Response and Evacuation.

Comment B85-5

However, I am filing my comments independently of the two Councils. I reserve my right to sue under the California Environmental Quality Act concerning the Draft or the eventual EIR. For what little it may be worth at this point, I believe the City bureaucracy should get over being beholden to Mr. Bisno and the money he is paying City employees, directly or indirectly, for work on his proposal.

Please contact me if you have any questions.

Response to Comment B85-5

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. In accordance with City of Los Angeles requirements, the applicant is paying required CEQA processing and City Planning application fees. The applicant is also funding the City's review of the Project through a Major Project Trust Fund Agreement pursuant to Ordinance 166859. These fees are duly adopted cost recovery mechanisms for the City.

COMMENT LETTER B86

Andrea Anderson Luse
3622 Gaffey Street
San Pedro, CA 90731

Comment B86-1

Twenty- three hundred homes with only one access road is a disaster waiting to happen. In an emergency situation, where time is of the essence, any occurrence that might impede traffic (accident, road work, trash pickup, etc.) could end in tragic circumstances.

Should a situation arise that required evacuation, chaos would ensue as twenty- three hundred families attempt to exit on the sole road accessing an escape route. Seniors attempting to evacuate would be severely compromised if they have special needs involving mobility.

Response to Comment B86-1

The comment incorrectly states that the Project would have one access road. As discussed on pages IV.J-29 through IV.J-30 and shown in Figure II-2 of the Draft EIR, the Project would contain an internal street system that would be accessed by three points on Western Avenue and would provide access to the entire Project site. The Project would also have a reciprocal emergency access agreement with Mary Star of the Sea High School allowing emergency access to Taper Avenue. See Response to Comment A10-218 and also Topical Response 13, Emergency Response and Evacuation.

Comment B86-2

The zoning designation should remain R1 (or R2 for duplexes) with the same impact that existed with military housing previously on that site.

Response to Comment B86-2

This comment expresses support for retaining the R-1 zoning at the Project site, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B86-3

Retaining the current zoning designation would also mitigate the aesthetic argument.

Response to Comment B86-3

The Initial Study concluded that impacts related to aesthetics, including scenic vista impacts, would be less than significant, and that further analysis in the Draft EIR was not required (Initial Study, pp. 14-16). This analysis is restated on pages IV.A-1 through IV.A-3 in Section IV.A (Impacts Found to be Less than Significant) of the Draft EIR. Therefore, additional mitigation is not required.

Comment B86-4

Any variance should be predicated on the creation of an additional access road into and out of the development.

Response to Comment B86-4

This comment expresses the author's views, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR analyzes the Project's potential traffic impacts in the Traffic Study attached as Appendix IV.J-1 and in Section IV.J, Transportation and Traffic. The Draft EIR concludes that the proposed mitigation measures would mitigate all Project traffic impacts to a less than significant level. The access plan for the Project has been approved by LADOT. The Project will also have a reciprocal access agreement for emergency situations with Mary Star of the Sea High School enabling reciprocal emergency access to Western Avenue and to Taper Avenue.

Comment B86-5

LAUSD's claim to any property is moot, as they had an opportunity to acquire the property previously and declined. It is absurd to give any consideration to their proposal as it is in direct opposition to recommendations made by the Warren Commission for smaller pod learning environments and the fact that existing properties (Angel's Gate) in their inventory can be utilized for their purposes. If LAUSD prevails, it should be required to pay Mr. Bisno, per acre, what he paid for the property they previously refused to mitigate any negative financial impact incurred by their acquisition.

Response to Comment B86-5

The comment expresses opposition to the construction of the proposed South Region High School #14 on the Project site, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B86-6

Since open space is already a part of the development it would not be a stretch to include baseball diamonds, not only for organized play (Little League), but also for recreational use by residents as long as another access is provided for reasons as stated above.

Response to Comment B86-6

This comment expresses a preference for baseball diamonds for recreational use as well as organized play, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. With respect to an additional access road, see Response to Comment B86-4.

Comment B86-7

Has access to public transportation been taken into consideration? Has the MTA been approached as to the logistics of providing bus service along the only access route?

Response to Comment B86-7

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. Bus service currently exists along Western Avenue, and a listing of existing public transit services in the Project vicinity is provided in the Draft EIR on Table IV.J-1, beginning on page IV.J-8. As discussed in the Draft EIR at page IV.J-96, as required by the CMP Manual, a review has been made of effects upon CMP transit service. Such analysis indicates that existing transit service in the Project area would adequately accommodate Project generated transit trips. As stated in the Topical Response 11, Traffic, the forecast of vehicular traffic generated by Project (see Table IV.J-7, page IV.J-34 for the Project trip generation forecast) is not discounted for potential trips to and from the site that may be made via public transit in lieu of private vehicles. Therefore, the Traffic Study in the Draft EIR provides a conservative (“worst case”) assessment of the potential traffic impacts attributed to the Project. Mitigation Measures J-31 and J-32 listed on page IV.J-116 in the Draft EIR have been provided in the Draft EIR to promote public transit usage by the Project in lieu of private vehicles.

Comment B86-8

Access to the Memorial Park is another important consideration. On occasions when visitation is at high levels or in the case of large funeral processions, the only access or exit to the development would be greatly impacted, again, compromising the ability of emergency personnel to respond to calls for assistance. Have Law Enforcement and Fire Officials been polled regarding response times with only one route available to all respondents?

Health & safety should be the priority consideration in affecting a viable consensus for the development of the Ponte Vista property.

Response to Comment B86-8

See Topical Response 11, Traffic, for a discussion regarding the Traffic Study provided in the Draft EIR. The proposed site access for the Project is described in the Draft EIR beginning on page IV.J-29. As discussed in the section, access to the senior housing component of the Project is opposite Green Hills Drive. A discussion of emergency vehicle access and response is provided in the Draft EIR beginning on page IV.J-30. As concluded in the Draft EIR, the Project's potential impacts to emergency vehicle access and response are expected to be less than significant. Funeral processions are an existing, intermittent condition that currently exists on Western Avenue. The comment has not provided any evidence that such processions have compromised emergency vehicle access or response times. See also Topical Response 13, Emergency Response and Evacuation.