

NORTHWEST SAN PEDRO NEIGHBORHOOD COUNCIL

Comments on the Ponte Vista DEIR

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.

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.

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.

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.

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.

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. 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.
- Characterizing the project in ways that result in artificially low population, student generation, and traffic estimates;
- 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;
- Using reference data that are not consistent with the project as described;
- Ignoring census data for the relevant census tracts and zip codes;
- 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;
- 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.

- Failing to specify which LEED standards it will meet.
- Overestimating economic benefits and underestimating costs of City services
- 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?.
- 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 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 III-1).

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

Specific Comments Related to the 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.

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.

[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.

[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.

[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 morning traffic would be 1242 rather than 500.

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.

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.

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.

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

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 5/24/05 ³	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%

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.

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" PM "E"	AM "C" PM "E"

² See <http://www.dot.ca.gov/hq/traffops/saferesr/trafdata/2005all/r198220i.htm>.

³ The DEIR says this count was made by "City counters" It does not say which city.

Figueroa/Anaheim	AM "F" PM "D"	AM "D" PM "D"
Gaffey/Miraflores I-110 SB Ramps	AM "E", PM "D"	AM "C" PM "C"
Anaheim/Figueroa I-110 Ramps	AM "E" PM "F"	AM "F" ⁴ PM "C"
Western/Sepulveda	AM "E" PM "F"	AM "D" AM "E"
Western/Pacific Coast Highway	AM "F" PM "F"	AM "E" PM "E"
Western/Westmont	AM <u>B</u> PM <u>E</u>	AM "D" PM "D"
Western/PV Dr North	AM <u>D</u> PM <u>F</u>	AM <u>E</u> PM <u>E</u>

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

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

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.

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.

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.

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 category ⁶ 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 study, none of which use this designation. They all use a designation that generates 5.86 trips per day.⁷

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.

⁶ _High-Rise Condominium/Townhouse _ Land Use Designation No. 232, *ITE Trip Generation, 7th Edition*

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.

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.

In addition to the foregoing, the High-Rise 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.

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

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.

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.

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.

⁹ITE Handbook, Second Edition

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.

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.

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.

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
Blvd. 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	9,212 daily trips
Pacific Corridor CRA	5.5	12,650 daily trips
Playa Vista	5.86	13,478 daily trips
Blvd. 6200 Project	6.9	15,870 daily trips

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 Condominium Land Use Designation, the developer could also use a more appropriate designation. There are three that describe the project more appropriately. They are:

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.. 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.

¹⁰ This is the blended rate between the lower rate used for senior housing and the rate used for unrestricted units.

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. 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.

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..... “

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.

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

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.

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:

- 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.
- The promised increase in local and regional economic development resulting in an increase in general commuting and retail uses;
- 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 serving 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 pick-ups are by grandparents. This situation will be exacerbated by trips generated from any new LAUSD high school at the site.
- The Lomita Little League and the proposed new Little League fields must also be accessed from this portion of Western.
- San Pedro’s legendary funeral processions to Green Hills Memorial Park;
- Seasonal traffic, especially Christmas shopping traffic;

- New housing for 320 Marymount College students;
- 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?
- 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.
- Traffic at Peninsula Verde Drive and Western, an intersection without a traffic signal, should be analyzed as part of the traffic.
- 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.
- The traffic numbers for the baseball fields [71 inbound and 72 outbound trips/day] are too low. This would indicate one game per day 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.
- 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.
- 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.
- 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.

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.

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?

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

“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 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]

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 for Applied Demography and Survey Research, June 2006.

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.”

¹² Older Americans Update 2006: Key Indicators of Well Being

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.

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. This tends to support the position that residents will be making many more trips per day than predicted by the developer.

3.10 The list of “other projects” is incomplete. The impacts of the following additional traffic generators should be added to Table IV.J-9, List of Related Projects and the impacts assessed.

- 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.
- TRAPAC Expansion at Berths 136-149, from 176 acres to 251 acres and resulting increase in truck trips
- New L.A. City Fire station at Gaffey and Miraflores
- Greatly expanded L.A. City Harbor Area Police Headquarters, jail, and community room on John S. Gibson Blvd.

¹³Federal Interagency Forum on Aging Related Statistics (www.agingstats.gov)

¹⁴ *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

- Relocated and greatly expanded Animal Shelter and community room at Gaffey and Miraflores
- Union Pacific ICTF Facility (PCH & Sepulveda/Alameda)
- 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
- The new Henry's Market at Western and Park Western, which replaced a very underutilized market
- Impact of foreign trade zone designation for Port of LA Distribution Center at Gaffey and Westmont
- Two new mausoleums being built at Green Hills Memorial Park
- Starbucks/T-Mobile planned for 422 S. Gaffey
- Additional residential units:

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
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	320 students

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

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);

Two new cruise ship berths and several new parking structures have since been proposed and should be included.

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.

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.
- 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.
- c. **Column 4a** should include Rolling Hills Prep School and Marymount College student housing traffic as well as Mary Star traffic.
- 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.
- 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.
- 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.
- g. Lastly, mitigation should be determined based on the impacts resulting from a more credible analysis.

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.

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.

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.

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.**

3.13 The traffic mitigation proposed is inadequate and needs to be amended.

There a 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 based on this analysis and fund the mitigation that will offset the impacts.

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.

A traffic mitigation fund should be established by the developer to provide additional traffic improvements in conjunction with LADOT and the community.

Measures J-24 and J25 are inadequate re PCH/ I-110 on & Off ramps; and J-28,29,30 re Anaheim/I-110

Measure J-34, "The Project applicant shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety," is too vague

Measure J-36, scheduling of little league games, is unworkable. Rather than adjusting the scheduling to fit the developers desire for density, the parking should be adjusted to accommodate game and practice related needs.

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.

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.

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.

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/1 Bed Units	260-294 Units
40% Two Bedroom Units	690 Units
30% Three Bedroom Units	518 Units

10% Four Bedroom Units

172 Units

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.

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.

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

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

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 non-age 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.

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.

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,
- the greater number of adult children leaving home later,
- the number of adult children returning to live at home again, some of whom have children of their own

- 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.

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.

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.

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

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:

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 Street	13 attached homes

¹⁵ State of California Dept. Of Finance, *Population Estimates and Components of Change by Year, July 1, 2000-2006*, December 2006

Habitat for Humanity
(Santa Cruz & Palos Verdes)

16 units

Total 346 units

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.

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.

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.

The conclusion in the DEIR is based on its Table IV. I-4, which is based on a letter from the LAUSD School Facilities Division, enclosed in Appendix IV.I-1. 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
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¹⁶ The “projected capacity” is the capacity the school will have after implementing operational goals such as class size reduction.

¹⁷ The developer used the _eligible enrollment_ as if it were the actual enrollment

¹⁸ These are the figures the developer should have used. 655 includes the magnet school enrollment.

Taper Elementary	689	658	306	597 [655]
Dodson Middle	2290	1918	1712	1931
Narbonne HS	3570	3146	3517	3604

5.2. 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.

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.

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.

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 used	0.0573 = 99	0.0289 = 50	0.0289 = 50	199
w/Playa Vista rates	0.105 = 241	0.05 = 115	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.

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.

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.

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.

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.

6. 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.

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.

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.

6.3 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.

The first Compass Principle is to “Improve mobility for all residents...[and] encourage transportation investments and land use decisions that are mutually supportive” 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.

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.

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.

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."

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

²⁰ This is another example of the lack of specificity necessary to support a Specific Plan or to enable and adequate CEQA analysis.

community plan update process during which all land use options should be examined and the best use determined.

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.
- 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.
- 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).”

The DEIR process does not comply with any of these requirements and includes none of these safeguards.

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:

- 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.
- 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.
- 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.

- 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.
- 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.
- 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 unsupportable. 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.

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.

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.

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 than a thousand greater than the number identified by the Urban Land Institute **even if no additional units are proposed.**

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.

6.6 The DEIR erroneously dismisses the existing zoning

The DEIR (page IV.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

6.7 Jobs/Housing Ratio

On pages IV.F22 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.

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 # of these comments, Traffic and Transportation. To the extent that daily trips and “wait time” are undercounted, the air quality impacts are underestimated.

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.

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 Appendix is a copy of an article discussing the impacts on young people from proximity to freeways and major highways.²¹

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.

The DEIR (IV B-1) needs to require all subcontractors using diesel powered equipment to:

1. Use late model heavy duty diesel powered equipment

²¹ LA Times, January 26, 2007, citing a USC study.

2. Use equipment that meets or exceeds the 2001 CARB adopted emission standards for 2007+ on road heavy duty vehicles (USEPA emission standards)

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.

4. The project should comply with the USEPA 2004 Emission standards for on road heavy duty equipment at a minimum.

5. Use ultra low sulfur diesel fuel for all equipment used on site.

6. Use ultra low sulfur diesel for all on road equipment (trucks).

7. Use diesel particulate filters on all construction equipment.

8. Use alternative fuel construction equipment for all equipment including fork lifts, scissor lifts, and other small duty equipment.

9. Use temporary electrical power throughout the construction area to reduce the use of generators.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.. 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.

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.

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.

Evacuation plans should take into account the Port of Los Angeles evacuation planning..

The DEIR should include an onsite disaster evacuation center in the project as a mitigation.

The DEIR should evaluate the impact of the increased population on emergency facilities and include mitigations as appropriate.

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.

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.

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).

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.

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.

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.

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.

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.

10. Section IV I. Public Services (other than schools)

To the extent the population forecasts of the proposed project is 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).

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.

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.

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.

The DEIR does not consider the impact of the additional population replacing the _empty nesters_ moving into the project.

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.

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.

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.

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.

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.

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

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.

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.

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.

²² This is another example of the lack of specificity necessary to support a Specific Plan.

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:

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 (90731) \$420,000;
- Harbor City \$395,000
- Wilmington \$340,000.

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 reducing the expected property tax revenues.

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.

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.

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.

As stated in the DEIR, The 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.

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

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.

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 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.

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.

The number of condominium 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.

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.

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. 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.

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.