



CITY OF
Palos Verdes Estates

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HAND DELIVERY AND E-MAIL
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Mr. Oscar Martinez
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Subject: Solana Residential Development Project
City of Palos Verdes Estates Comments on Draft Environmental Impact Report (SCH No. 2017071061)

Dear Mr. Martinez:

On behalf of the City of Palos Verdes Estates, thank you for the opportunity to review and comment upon the proposed Solana Residential Development Project (“Project”) and the Draft Environmental Impact Report (“Draft EIR”) prepared for the same. The City of Palos Verdes Estates has several concerns about the potentially significant environmental impacts of the proposed Project, especially on the residents and resources of the City of Palos Verdes Estates, the analyses contained within the Draft EIR, and the Draft EIR’s consistency with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.).

Based on our substantive comments included below, the City of Palos Verdes Estates respectfully makes the following requests of the City of Torrance:

1. That the Draft EIR be revised and recirculated to address the City of Palos Verdes Estates’ comments regarding incomplete impact analyses (including, but not limited to, impacts on the residents and resources of the City of Palos Verdes Estates) relating to aesthetics, air quality, biological resources, cultural resources, greenhouse gases, hazards, wildfire, traffic, and noise. Recirculation would be necessary to give the City of Palos Verdes Estates an opportunity to evaluate the new information and the validity of the conclusions drawn from it. (See *Spring Valley Lake Association v. City of Victorville* (2016) Cal.App.4th 91, 108.)
2. That the Draft EIR be revised and recirculated to modify several mitigation measures that are either missing or inadequately address identified potentially significant impacts. Mitigation measures must be concrete and enforceable, and cannot defer the development of measures unless specific performance criteria are

provided. Revisions to mitigation measures that are necessary to reduce potentially significant impacts to a level of less than significant require recirculation of the Draft EIR. (State CEQA Guidelines, § 15088.5.)

3. That the Draft EIR be revised and recirculated to include a reasonable range of feasible alternatives that reduce potentially significant impacts. The revised alternatives analysis should include a robust analysis of alternative locations for the proposed Project. Where the proposed project includes a general plan amendment, the need for a general plan amendment on alternative sites is an inappropriate ground upon which to exclude alternative sites from the analysis. (See *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1179.)
4. That silhouettes be erected and the information provided by the silhouette process be analyzed in and disclosed by the Draft EIR. While silhouettes are not required under CEQA, the Draft EIR expressly admits that silhouettes will provide additional information necessary to the ultimate determination regarding aesthetics impacts. This constitutes an impermissible deferral of impact analysis. (See *Madera Oversight Coalition, Inc. v. City of Madera* (2011) 199 Cal.App.4th 48, 104.)

1. THE PROJECT DESCRIPTION IS UNCLEAR

The Draft EIR's Project Description is internally inconsistent and improperly hides or downplays aspects of the Project that have the potential to result in significant impacts, including impacts to the residents and resources of the City of Palos Verdes Estates. An accurate, stable and internally consistent project description is an indispensable prerequisite to a legally sufficient EIR. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192.) The deficiencies in the Draft EIR's Project Description therefore make the Draft EIR legally inadequate. Specifically:

- **The nature of the proposed General Plan Amendment is unclear.** The Project Description is unclear about the nature of the General Plan Amendment actually being sought for the Project. In fact, it describes two different General Plan Amendment "scenarios" and leaves a reader to guess whether the Project is proposing to change the land use designation to "Low-Medium-Density Residential (R-LM)" or to "Medium-High Residential (R-MH)." The City of Torrance cannot propose two different "scenarios" within its Project Description and Draft EIR. This approach has been expressly rejected by the courts. (See *Washoe Meadows Community v. Department of Parks and Recreation* (2017) 17 Cal.App.5th 277.) CEQA mandates that the Project Description be clear as to what is actually proposed. The two "scenarios" described in the Draft EIR would allow wholly different land use densities on the Project site and have the potential to result in different levels of environmental impact, including, but not limited to, impacts relating to aesthetics, air quality, greenhouse gas emissions, noise, and traffic. The Draft EIR is required to analyze the worst case scenario (i.e., the highest number of dwelling units and the highest density level) permitted under the General Plan Amendment. If the Project Description is not clear as to what the General Plan

Amendment being proposed will actually do, there can be no adequate analysis of these impacts. Relatedly, the Project Description is unclear as to how undeveloped space within the site will be preserved. While one identified Project Objective is to preserve hilltop open space, there is nothing in the Project Description explaining how such preservation will be ensured, how public access to such space will be provided, and whether access will affect (or come from) property within the City of Palos Verdes Estates.

- **The Project Description contains an unsupported soil export quantity.** The Project Description identifies 119,270 cubic yards (CY) of soil export, but also claims that a 4-foot layer of clean fill is required to be placed across the entire Lot 1 site, to address potentially hazardous material concerns. The Project Description states that this “clean fill” will come from “the component native materials excavated to obtain the above-referenced pad elevations associated with the development” but provides no evidence that this is feasible. Logically, if the site requires 4-feet of clean fill specifically to address hazardous material concerns on the site, it is unclear how clean fill can be assumed from the same site.

Further, there are references throughout the Draft EIR of the potential for contaminated soil to be uncovered, which would require additional excavation (and as a result, additional soil export and haul). The Draft EIR implies that these contaminated soils will just be placed somewhere else on the Project site, and not necessitate export. Yet there is no explanation provided to determine whether this is feasible, where the contaminated soils will be placed, how they will be remediated or capped, and how, if contaminated soils are likely, enough clean fill will be available to spread at a depth of 4 feet, across the entire site.

Finally, there is no discussion of the assumptions made regarding the length of the haul trips. Where will clean soil be exported to? Where will contaminated soil be exported to? Are the distances assumed reasonable? Will they cross into the City of Palos Verdes Estates? All of these questions regarding the amount of soil export, the amount of necessary fill, and the disposal of exported soil (both clean and contaminated) have the potential to affect the Project’s air pollutant and greenhouse gas emissions analyses, construction traffic analysis, construction noise analysis, and construction and operational hazards and hazardous materials analyses. Therefore, the Project Description requires additional detail on these points, and the impact analyses within the Draft EIR must be revised and recirculated to adjust for this new information regarding soils, export, and haul.

- **The Project Description contains inconsistent building heights and inadequately discloses the true heights of the proposed structures.** The Project Description dramatically downplays the actual height of the Project, stating up front that the development will consist of three 5-story buildings, at a maximum height of 65 feet. It is not until nearly 80 pages into the Draft EIR that a reader learns that the proposed parking garage will be 82-feet tall. In addition, the Project Description states that “roof decks” are proposed, but is unclear as to whether these decks

include structures that would exceed the stated 65-foot building height for the residential buildings. Further, although the Building Elevations provided in Figure 3-7 are extremely hard to read due to a small font size, they seem to show residential buildings that actually approach 69 or 70 feet in height, not 65 feet. Finally, the Project Description downplays and hides the fact that the Project also includes retaining walls of up to 47 feet in height, and that rockfall barriers are proposed to be constructed on top of those retaining walls, making them even taller than most two-story buildings. CEQA mandates that an EIR's project description contain enough information to enable decisionmakers and the public to determine the true nature of a project's potentially significant impacts. This clearly requires concrete, accurate, and clear information regarding the true height of proposed structures, including parking garages, retaining walls, rockfall barriers and roof deck amenities. Further, information in a project description that seems to be contradicted by an EIR's own figures imply that the project description is inaccurate and inadequate.

- **The Project Description contains inconsistent descriptions of the proposed land uses.** The Project seems to propose only residential uses, yet the Project Description refers to the project as “mixed-use” (see page 3-17). Environmental impacts associated with residential buildings and those associated with mixed-use projects are different. Therefore, the Project Description should be revised to make clear whether additional non-residential uses are being proposed.
- **The Project Description is unclear as to whether additional offsite project improvements are required.** The Project Description clearly includes construction of sewers connecting to an eight-inch sewer main in Via Valmonte, and the sewer laterals for the proposed apartment buildings. The description then goes on to state:

“[T]he project also includes the upsizing from two 8-inch to a 12-inch lines [sic] for 163 linear feet at the 242nd Street segment of the sewer system from the alley to Hawthorne Boulevard and for 259 linear feet in Hawthorne Boulevard from 242nd Street to Pacific Coast Highway. Therefore, the existing sewer mains are undersized and will require improvements to accommodate the increase.”¹

Yet, if the sewer upsizing is part of the proposed Project, this is inconsistent with the description included in the Draft EIR's utilities and service systems analysis, which identifies the sewer upsizing as a mitigation measure (Mitigation Measure USS-1) and not part of the Project. Other statements in the utilities and service

¹ The description is unclear as to whether the two 8-inch mains are being replaced with one or two 12-inch mains.

systems analysis also confuse the issue, as Table 5.14-2 does not seem to identify the proposed flow capacity after the Project upsizes the two sewer lines.²

2. ANALYSIS OF AESTHETICS IMPACTS

The Draft EIR's analysis of potentially significant aesthetics impacts does not adequately consider or disclose the potential for impacts associated with the Project's height, retaining walls, materials, or design. These aspects of the Project have the potential to result in significant impacts, including impacts to the residents and resources of the City of Palos Verdes Estates. Specifically:

- **The analysis of scenic quality impacts admits that silhouettes are needed to confirm whether a significant aesthetic impact will occur, but this is impermissible deferral of analysis.** Section 91.41.6 of the City of Torrance Municipal Code states that no construction of a building or structure shall be permitted unless the Planning Commission (or the City Council on appeal) finds that: (1) the location and size of the building or structure will not have an adverse impact upon the views, light, air and privacy of other properties in the vicinity, (2) the development has been designed so as to cause the least intrusion on other properties in the vicinity, and (3) the design provides an orderly and attractive development in harmony with other properties in the vicinity. (Draft EIR, p. 5.1-3.)

Yet, instead of making a determination as to whether the Project is consistent with Section 91.46.6 of the City of Torrance Municipal Code, the Draft EIR expressly states that:

“[R]elevant information will still be forthcoming when the applicant installs the silhouette structures . . . Thus, the final determination as to whether or not the proposed project complies with the requirement of Section 91.41.6 . . . will not be made until the proposed project proceeds through the precise plan process.” (Draft EIR, p. 5.1-45.)

The City cannot defer such a determination until after the CEQA analysis is completed. The Draft EIR must analyze the Project's potential to result in these types of impacts now, as part of the public review process. Waiting until after the Project's EIR is certified and Project entitlements have already been issued takes the environmental review process out of the public sphere, and makes it impossible for affected agencies, organizations and individuals to review and comment upon

² Similarly, the extent of required and proposed storm drain infrastructure is unclear. The Draft EIR's Hydrology and Water Quality Analysis, references the County SUSMP, which is no longer relevant. Instead, the default requirement for stormwater quality purposes is retention of the 85th%/24hr storm runoff (SWQDv). Further, if proposed and existing conditions are incorrect, then the analysis of hydrology and water quality impacts would also be incorrect. For example, was the existing storm drain designed to accommodate the Project's increased flowrate? How will the Project's projected significant increase from 2.96 cfs to 13.56 cfs (per Appendix G) impact the existing drain and drainage capacity of roadways? No hydraulic analysis seems to be provided for pre- and post-Project conditions for the existing storm drain.

the City's determinations. This also robs the public of the potential to identify and comment upon proposed mitigation measures necessary to reduce those potentially significant impacts. As such, the silhouette structures—which the Draft EIR admits are necessary to determine the Project's consistency with Section 91.46.6—must be erected now, as part of the CEQA review process, and the information gathered from the silhouettes incorporated into the Draft EIR for review and comment. (See *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 104.) If the silhouettes show that the Project does have the potential to adversely impact views, light, air and privacy, or show that the Project is not in harmony with other properties in the vicinity, those impacts must be mitigated with all feasible and effective mitigation measures. The identification of new potentially significant impacts, and the identification of new mitigation measures required to reduce potentially significant impacts, triggers the need for recirculation of the Draft EIR.

- **The analysis of scenic quality ignores several aspects of the Project Description that have the potential to result in significant impacts, including, but not limited to, the 85-foot tall parking structure, retaining walls of up to 47-feet, and the Project's design, architecture and materials.** The Draft EIR includes no analysis of whether the design of the proposed Project will result in degradation of scenic quality. The Project proposes an 82-foot tall parking structure and retaining walls of up to 47-feet height (which is more than many 2-story buildings). Further, the 7-foot high rockfall barriers are proposed to be constructed on the tops of these retaining walls. Yet, there is no analysis whatsoever of the potential aesthetics impacts of these structures, and no discussion of whether the design of these structures will be consistent with surrounding development or landscape. There is no analysis of whether these structures will be visible from adjacent public and private views, including, but not limited to, views from within the City of Palos Verdes Estates. There are no mitigation measures presented to ensure that the design of these structures will be held to minimum design standards. Further, there does not seem to be any analysis of impacts from public rights-of-way, such as Hawthorne Boulevard. For all of these reasons, the aesthetics analysis in the Draft EIR is inadequate, and must be revised and recirculated.
- **The Hillside Overlay District Consistency Analysis does not actually identify the provisions of the Overlay.** Table 5.1-1 allegedly analyzes whether the Project is consistent with the aesthetics-related standards of the Hillside Overlay District. Yet there is no column provided that includes the actual standard being analyzed. For this reason, a reader cannot determine if the consistency analysis is adequate or not. Further, the consistency analysis relies heavily on the visual simulations provided in the Draft EIR; but the simulations are of low quality, not from public vantage points, and make it difficult to visualize the Project's architecture and what the actual aesthetic impact would be. Further the Draft EIR concludes only that "it appears that the proposed project may comply with the requirements of the Hillside and Coastal Overlay Zone" (emphasis added) as opposed to definitively making a

determination as to whether the Project is or is not consistent (i.e., will or will not have a potentially significant impact). If the Draft EIR is deferring such a conclusive determination until the silhouettes are completed, as discussed above, this is impermissible deferral under CEQA.

- **There is no reason that a photometric study and lighting plan cannot be completed now, as part of the Draft EIR, and this also constitutes improper deferral.** The Draft EIR states that “a photometric study and lighting plan of the proposed project shall be conducted and prepared to accurately assess the aesthetic light and glare project impacts on the surrounding environment. Conclusions of the study shall be compared to applicable thresholds regarding the presence of spill lighting...” This, again, is improper deferral, unless there is some compelling and out-of-the-ordinary reason why completing a photometric and lighting plan study now (as is common industry practice) is impossible. Such a study should be completed, its conclusions incorporated into the Draft EIR, and any mitigation measures required to reduce light spill impacts identified and provided to the public for public review and comment.
- **The analysis references and relies upon outdated information.** The Draft EIR references the 2013 Building Energy Efficiency Standards, which have been out of date for years. The 2016 standards became effective on January 1, 2017, and the recently adopted 2019 standards will take effect on January 1, 2020. The analysis should be revised to address these more recent standards and a determination made as to whether these new standards will affect the impact analyses in this chapter.

3. ANALYSIS OF AIR QUALITY IMPACTS

The Draft EIR’s analysis of potentially significant air quality and pollutant emissions impacts undercounts impacts associated with construction haul trips and operational vehicle trips, lacks enforceable mitigation measures, is based upon a flawed and inconsistent Project Description, and does not adequately disclose potential health risk impacts. Specifically:

- **The soil import/export assumptions that underpin the construction emissions modeling are not supported.** The Draft EIR assumes 119,270 CY of soil export, which translates into 14,910 one-way haul truck trips. Yet, as discussed above in relation to the Project Description, the number of required haul trips is likely to be much higher, meaning that construction pollutant emissions are underestimated.
- **Construction emissions are likely undercounted, as a result of unsupported assumptions regarding construction haul trips.** Draft EIR Table 5.2-8 purports to identify all pollutant emissions associated with construction. Yet it is wholly unclear whether these calculations account for the 14,910 one-way haul trips, and for all the reasons stated above in the comments regarding the Project Description, whether that number of haul trips is itself an underestimation. Further, there is no information provided regarding the assumed length of the haul trips and why that

length is reasonable for both contaminated and non-contaminated soil export, and whether those assumptions are reflected in the values reported in Table 5.2-8.

- **No analysis of haul trip routes is provided.** The Draft EIR acknowledges that 14,910 one-way truck haul trips are anticipated (and as discussed above, this is likely an undercounting), yet no haul routes are identified and no analysis of diesel particulate matter impacts, other emissions impacts, or health impacts, associated with the haul routes is provided. What route will these trucks take and where will the haul trip end point be located? Will the haul trips pass through residential areas, or by other sensitive receptors, including those within the City of Palos Verdes Estates? This additional information should be added to the Draft EIR, additional mitigation measures addressing any newly disclosed potentially significant impacts should be added, and the Draft EIR recirculated for public review and comment.
- **Dust control strategies relied upon to reduce potentially significant impacts must be incorporated into an enforceable mitigation measure.** The Draft EIR's construction emissions analysis relies on dust control strategies but does not make these strategies enforceable through a mitigation measure. Three construction dust control strategies are identified on page 5.2-21 of the Draft EIR, and relied upon to reduce construction air quality impacts, which could affect the City of Palos Verdes Estates. Yet these practices are described as a "project design feature" in order to avoid incorporating them into an enforceable mitigation measure. As a project design feature, the City of Torrance has no enforcement mechanism available to ensure these practices actually are implemented. Further, construction practices are inappropriate as "design features" as they are not part of the Project's design and instead are strategies employed by the applicant to reduce specific, potentially significant impacts. The dust control measures that are relied upon by the Draft EIR to reduce impacts should be made into an enforceable mitigation measure. The addition of new mitigation measures necessary to reduce potentially significant impacts trigger the need for recirculation of the Draft EIR.
- **The analysis of emissions associated with operational vehicle trips is unclear and inadequate.** The City of Palos Verdes Estates is extremely concerned with added traffic issues and congestion, and the impacts (including air quality impacts) associated with the same. The Draft EIR's analysis of operational emissions unreasonably reduces the number and length of vehicle trips (and therefore, the emissions caused by those vehicle trips) on the grounds that the Project includes "pedestrian improvements." As a result, the air quality emissions analysis undercounts pollutant emissions and does not disclose the true potential for environmental impacts.

The proposed Project is not a mixed-use project³ therefore internal pedestrian improvements connecting residential building to residential building, or residential building to the onsite parking garage, cannot be logically said to reduce the number of vehicle trips generated by the Project. It is unreasonable to assume that internal pedestrian connections between three adjacent and high-density residential buildings will in any way reduce vehicle trips by Project occupants, in either length or number.

The Draft EIR also seems to take credit for “approximately 25 percent of internal streets” providing on-street parking, implying that this on-street parking will buffer pedestrian walkways and encourage walking. But again, the Project consists only of three residential buildings and an onsite parking garage. There is no connection between provision of on-street parking and a reduction in the number or length of vehicle trips. Further, looking at the Project site plan, there do not seem to even be internal streets – only surface parking lots, which in no way impact whether Project residents will walk or drive to their daily destinations.

To address these issues, the Draft EIR’s analysis should be revised to remove any discounts taken for internal pedestrian improvements and on-street parking, and disclose the pollutant emissions associated with the true number of operational vehicle trips generated by the Project. Mitigation measures must be identified if this revised analysis identifies a potentially significant impact. The Draft EIR’s revised analysis, and new mitigation measures, must then be recirculated for public review and comment.

- **The analysis of consistency with the Air Quality Management Plan includes statements that are inconsistent with the Project Description.** The Draft EIR’s analysis of Impact 5.2-1 (Consistent with AQMP) describes that the Project is requesting a General Plan Amendment to “Low-Medium Density Residential (R-LM)”; yet, see comments above regarding the Project Description. It is unclear whether the General Plan Amendment will actually be for “Medium-High Residential (R-MH).”
- **The analysis of health risk ignores impacts associated with contaminated soils and vapor intrusion.** The health risk analysis for the Project does not take into account any potential for contaminated soils, which will be disturbed during construction, to impact the Project’s construction workers, nearby sensitive receptors, and, ultimately, Project residents. As discussed above, dust control strategies that are not enforceable mitigation measures cannot be relied upon to reduce this potentially significant impact.
- **The analysis of odors is inadequate.** The Draft EIR’s analysis does not consider the potential for contaminated soils, or the remediation thereof, to result in odor

³ However, please see above comments on the Project Description, which does, at one point, refer to the Project as a “mixed use” project.

impacts, either during construction or during operations. During construction, disturbed soils could result in odors affecting nearby sensitive receptors, including those within the City of Palos Verdes Estates. During operation, if contaminated soils are placed on the site, as stated in the Project Description, this could also result in odors, depending on the nature of the contamination and the need and/or methods of remediating that contaminated soil. The potential for odor impacts associated with contaminated soils must be analyzed and disclosed.

4. ANALYSIS OF BIOLOGICAL RESOURCES IMPACTS

The Draft EIR's analysis of potentially significant impacts on biological resources relies on outdated survey data, ignores substantial evidence pointing to potential impacts, and relies upon inadequate mitigation measures. Specifically:

- **The analysis relies upon outdated and stale coastal California gnatcatcher surveys.** The Project site is located within a United States Fish & Wildlife Service-designated coastal California gnatcatcher critical habitat area. Regardless, the Draft EIR concludes that this species has a low change of occurring onsite because of the results of surveys that were conducted several years ago (2015 and 2016). Further, it is unclear from the Draft EIR's description whether these surveys took place during the time of year required by any USFWS or CDFW protocols. The survey for coastal California gnatcatcher should therefore be redone, and the results incorporated into a recirculated Draft EIR.
- **The analysis relies upon outdated and stale burrowing owl surveys.** Focused surveys for burrowing owl were conducted in April 2015 and June 2016. As with coastal California gnatcatcher, these surveys are now outdated and must be redone to constitute substantial evidence that no impacts to burrowing owl will occur. Also, as with gnatcatcher, the text should confirm whether the surveys for burrowing owl were done consistent with all resource agency protocols for the species, including as relates to the time of year the surveys were completed.
- **The analysis relies upon outdated and stale sensitive plant species surveys.** The Draft EIR states that the survey for sensitive plants occurred in April 2015 and June 2016. These surveys are now several years old and are not indicative of the potential for sensitive species to be located on the site today, or their potential to be impacted by the proposed Project. Further, neither of these surveys took place when sensitive plants would be the most detectable. For these reasons, the site surveys for sensitive plants must be redone and the updated survey results incorporated into the recirculated Draft EIR.
- **The analysis of Cooper's hawk impacts is inadequate.** The Draft EIR explains that Cooper's hawk was observed on the Project site, and that suitable habitat occurs within adjacent areas. Yet, then the text concludes without explanation that "direct impacts to Cooper's hawk and other raptors are not anticipated." If Cooper's hawk is located in adjacent areas, the Draft EIR must explain why

construction (noise, emissions, vibration, etc.) and operation (pedestrian activity, vehicle trips, noise, etc.) will not impact the species. Further, surveys conducted in 2015 and 2016 are now out of date and must be updated to support the Draft EIR's conclusion.

- **Mitigation for Impact 5.3-1 is inadequate.** The Draft EIR explains that indirect impacts to sensitive wildlife species relating to construction noise are “potentially significant.” Yet, neither Mitigation Measure BIO-1 nor BIO-2 address and reduce this admitted potentially significant impact or reduce construction noise in any way. Without effective mitigation, the impact will remain significant. Revisions to mitigation measures, or the addition of new mitigation measures necessary to reduce construction noise impacts on wildlife species, trigger recirculation of the Draft EIR.

Similarly, the Draft EIR explains that operation of the Project will also result in potentially significant impacts to sensitive species as a result of lighting, chemical pollutants, increased human activity, predatory animals, non-native invasive plants, and altered hydrology. Yet, Mitigation Measure BIO-2 does not address or reduce in any way these specific and potentially significant impacts. Without effective mitigation, the impacts remain significant. Revisions to mitigation measures, or the addition of new mitigation measures necessary to reduce impacts on wildlife species, trigger recirculation of the Draft EIR.

- **Mitigation for Impact 5.3-2 is also inadequate.** The Draft EIR identifies an approximately 1-acre loss of Toyon chaparral, a sensitive habitat. Yet Mitigation Measure BIO-3 provides absolutely no mitigation for this direct impact, and instead provides only vague measures aimed at addressing indirect Project impacts.

Further, even if indirect impacts were the only impacts the City were required to mitigate (and they are not, given the Project results in the direct loss of approximately 1-acre of habitat), Mitigation Measure BIO-3 is too vague to be effective at reducing these indirect impacts to a level of less than significant. BIO-3 references “standard best management practices” but does not identify what they are, or how they would reduce impacts to Toyon chaparral. BIO-3, subdivision c, also requires a biological monitor to “record any advertent impacts to vegetation communities outside the designated construction zone”⁴ and then report those impacts to the City. Yet “recording” and “reporting” impacts does nothing to mitigate those impacts and reduce them to a level of less than significant. Mitigation Measure BIO-3 must be revised to actually reduce potentially significant impacts, and the Draft EIR recirculated for public review and comment, given that as currently drafted this measure is ineffective.

⁴ It is unclear from the measure what an “advertent” impact is.

5. ANALYSIS OF CULTURAL RESOURCE IMPACTS

The Draft EIR's analysis of potentially significant impacts to cultural resources ignores impacts to Mirlo Gate Lodge Tower, includes inconsistent statements and assumptions, and relies upon inadequate mitigation. Specifically:

- **The description and analysis of historical resources is inadequate and ignores impacts to Mirlo Gate Lodge Tower.** The Draft EIR's description of the Mirlo Gate Lodge Tower, located within the City of Palos Verdes Estates, must be revised to identify the site's listing on the National Register of Historic Places. Also, it is unclear why the Draft EIR's description of the Mirlo Gate Lodge Tower fails to acknowledge it as a "cultural resource" and instead limits the description of "cultural resources" to only two utility poles and the location of the Jose Dolores Sepulveda adobe. The analysis of impacts to the Mirlo Gate Lodge Tower is inadequate, as the potential for impacts is not solely limited to whether the Project will block views of the resource. Impacts to the Mirlo Gate Lodge Tower relating to noise (including, but not limited to, the public's enjoyment of the historic resource), construction trips (including, but not limited to, whether trips will disturb the character of the historic site), access (by the public to the historic resource), and views both from and of the historical site must also be analyzed and mitigated.

Further, the Draft EIR fails to consider potential for damage to the Mirlo Gate Tower as a result of construction activities, including drilling and jackhammering. Draft EIR Appendix E1, Geotechnical Investigation Report (June 20, 2017) reads: "The contractor should be aware that some difficult drilling conditions could be encountered in the bedrock which could require coring and jack-hammering. The contractor should be prepared for these conditions prior to commencement of drilling activities." Yet there is no analysis provided of whether these drilling conditions will result in damage to the Mirlo Gate Tower, and how such damage will be mitigated, nor are there provisions for vibration monitoring during construction⁵.

- **Assumptions underlying the analysis of historical resources and archaeological resources are inconsistent.** The Draft EIR states that there is no potential for the Project's construction to result in discovery or destruction of subsurface historical resources. Yet, later, the Draft EIR acknowledges the potential for unknown archaeological resources to be discovered or destroyed, and in response, identifies a mitigation measure to reduce this potential impact to a level of less than significant. Yet no explanation is given as to why there would be potentially discoverable subsurface archaeological resources, but no potentially discoverable subsurface historical resources. The historical resources analysis should be revised to acknowledge this potential impact, and a mitigation measure identified to reduce this (currently undisclosed) impact to less than significant.

⁵ In addition to the Mirlo Gate Tower, residential development in Palos Verdes Estates lies approximately 500 feet west of the Project, which may also be affected by drilling operations.

- **Mitigation Measure CUL-1 is unclear and improperly defers mitigation.** Mitigation Measure CUL-1 acknowledges the potential for a significant impact to occur and states: “If the discovery proves significant under CEQA, additional work... may be warranted.” This constitutes improper deferral under CEQA. CEQA’s purpose is to require public agencies to disclose the potential for significant impacts prior to Project approval – not after approval and once construction has begun. CEQA requires that the City identify now what “additional work” would be required if construction revealed a resource. Mitigation measures can only defer the development of those measures necessary to reduce impact when there is a compelling and clear reason for why the measures cannot be identified now. Even then, a mitigation measure must identify concrete performance standards. Here, Mitigation Measure CUL-1 does neither – there is no explanation given for why the City cannot develop a mitigation plan now, and there are no concrete performance standards for how the City will do this in the future. Mitigation Measure CUL-1 must be revised and the Draft EIR recirculated for public review and comment.

6. ANALYSIS OF GREENHOUSE GAS EMISSIONS IMPACTS

The Draft EIR’s analysis of potentially significant greenhouse gas emissions impacts is inadequate, because it underestimates emissions and seems to rely on model-manipulation to avoid a significant impact. Specifically:

- **Analysis of greenhouse gases is inadequate, and impacts are likely above the identified significance threshold.** For all the reasons identified above relating to air quality, the greenhouse gas analysis is similarly inadequate. As described above, construction emissions are likely undercounted due to unsupported haul trip assumptions, and operational emissions are assuredly undercounted because of unsupported “discounts” taken for pedestrian improvements that will not appreciably reduce trip generation or discounts for “proximity to job centers” even though the majority of residents on the Palos Verdes Peninsula commute to employment outside of the subregion. Separate from trip-related undercounting, emissions are also likely undercounted due to unsupported assumptions associated with CALGreen Tier 1 standards. The Draft EIR states, without explanation, that 2016 CALGreen Tier 1 standards would be required, but does not identify how the City will enforce these standards and no mitigation measure is identified. The Draft EIR also relies upon the provision of 25 electric vehicle charging stations to reduce emissions, but this is also not included in (or made enforceable through) any mitigation measure. Because the provision of the electric vehicle charging stations is clearly incorporated solely to reduce impacts to below the significant threshold, this constitutes a mitigation measure and must be identified as such. The addition of new mitigation measures necessary to reduce potentially significant impacts triggers recirculation.

For all these reasons, greenhouse gas emissions disclosed in the Draft EIR are undercounted and a potentially significant impact is not disclosed. This undercounting is especially concerning, given that the project's estimated emissions are just barely below the significance threshold of 3,000 MTCO₂e. In fact, the Project has to incorporate 25 electric vehicle charging stations into its design to reduce estimated emissions from 3,013.23 to 2,982.48, sneaking in just under the significant threshold. Thus, any underestimate of construction haul trips, or any overestimate of vehicle trip discounts mean the difference between a less than significant and potentially significant (and possibly unavoidable) environmental impact.⁶

The greenhouse gas modeling must be redone, such that haul trips and operational vehicle trips are not undercounted. If the revised modeling indicates that impacts are potentially significant and exceed the 3,000 MTCO₂e threshold, reasonable and effective mitigation measures must be incorporated and the Draft EIR must be recirculated.

- **The analysis applies an inappropriate significance threshold.** In addition to the fact that the greenhouse gas emissions generated by the Project likely exceed the 3,000 MT CO₂e/year threshold for the reasons stated above, this threshold is in of itself inappropriate. The 2008 draft interim screening threshold of 3,000 MT was never adopted by the SCAQMD and does not consider the numerous and substantial statewide and regional greenhouse gas regulations, policies, and plans that have been adopted/enacted since 2008. Critically, this draft screening threshold does not account for California's overarching greenhouse gas regulations: AB 32 and SB 32. While AB 32 was enacted in 2006, California's first Climate Change Scoping Plan—the Plan for implementing AB 32—was approved by CARB on December 12, 2008, after the SCAQMD Board considered but did not adopt this draft interim screening threshold (October 2008). Updates to the Scoping Plan were adopted in 2012 and 2017 and the State Legislature enacted SB 32 in 2016, which established an additional statewide greenhouse gas emissions reduction target of 40% below 1990 levels by 2030. As the 2008 draft interim screening threshold of 3,000 MT CO₂e per year was never adopted by SCAQMD and did not account for California's seminal climate change laws, it is not a meaningful or appropriate threshold to apply to this Project.
- **The analysis provides an outdated and incomplete regulatory background, and fails to adequately explain how the Project is consistent with the relevant plans, policies and regulations it is subject to.** The analysis does not seem to account for the Safer Affordable Fuel-Efficient Vehicles Rule, published on August 24, 2018. If adopted, this Rule would freeze model year 2020 standards through

⁶ In addition, underestimation of emissions could also result given that the Draft EIR is unclear as to whether the project design features relied on Energy Star related appliances, high-efficiency lighting in the parking garage and common areas, and the 40% lighting energy reduction assumed in the CalEEMod modeling is double counting or in addition to the Project's energy efficiency standard of 15% greater than Title 24.

model year 2026 and revoke California's waiver under the Clean Air Act to establish more stringent standards. It is unclear whether the Project's greenhouse gas emissions modeling accounts for this proposed regulatory change. Similarly, it is unclear whether the Project's modeling accounts for the likely repeal of the Clean Power Plan, the subject of Executive Order 13783, signed by President Trump on March 28, 2017.

Even though Threshold 5.6-2 requires an analysis of whether the Project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases, no such analysis is provided. Draft EIR Table 5.6-4 is merely a list of laws and regulations, and statements that the Project must comply with them, or that the Project will be subject to them. For example, no explanation is given for how the Project is consistent with SB 375 and the SCAG RTP/SCS, only that the Project must comply with it.⁷ Similarly, Table 5.6-5, which purports to show the Project's consistency with the City's CAP does not provide substantial evidence supporting many of the consistency determinations. For example, the "Increase Diversity" measure of the CAP is focused on mixed use projects, not high-density development. The 100% market-rate housing Project is not consistent with the "Affordable and Below-Market Rate Housing" measure, yet this is not admitted in the table. The Project is also inconsistent with the "Promote Water Efficiency Standards Exceeding SB X7-7 CAP" measure, which is focused on the use of recycled and grey water – neither of which is incorporated into the Project, and no explanation is given for why either is infeasible.

7. ANALYSIS OF HAZARDS AND WILDFIRE

The Draft EIR's analysis of potential hazards, including analysis of hazards caused by contaminated soil, hazardous emissions near schools, impacts on emergency access and evacuation, and wildfire is inadequate. Specifically:

- **Description of hazards relating to groundwater contamination are unclear.** The Draft EIR contains an overly technical and obtuse description of geologic conditions relating to contaminated groundwater associated with the Palos Verdes Hills landfill. This discussion is so technical that a layperson cannot understand it or adequately be informed of any risks associated with the groundwater condition. While the technical reports appended to the Draft EIR may be more detailed, the purpose of the Draft EIR is to explain, to layperson, decisionmakers, and members of the public, the state of existing conditions and the potential for adverse

⁷ Further, several identified laws or programs in Table 5.6-4 are not even applicable to the Project, or outdated (e.g., AB 341 [applies only to commercial projects], Million Solar Roofs Program [outdated and does not result in any GHG reductions], California Solar Initiative Thermal Program [not relevant unless Project proposes solar water heating systems], Waste Heat and Carbon Emissions Reduction Act [no applicability to the Project]).

environmental impacts. As drafted, this discussion does neither and as such do not adequately inform public decision making.

- **Risk determination from chemicals in soil and soil vapor is unclear and inconsistent.** The Draft EIR’s analysis of Impact 5.7-3, relating to the screening-level human health risk assessment, clearly states that soil vapor on the project site results in a cumulative cancer risk higher than DTSC’s target cancer risk, “indicating the potential for unacceptable cancer risks.” Yet, then the analysis backtracks and says, “Screening level risk assessments are intended to be conservative, so the results do not necessarily determine that an unacceptable risk exists...” This is impermissible waffling, and a layperson reader cannot understand what the actual potential impact of the project is—is it an “unacceptable cancer risk” that exceeds an established significance threshold? Or is the Draft EIR concluding that regardless of this threshold exceedance, no “unacceptable risk exists”? If the latter, what substantial evidence supports the City’s choice to ignore the threshold established by DTSC, the expert agency for such risks?

CEQA requires a clear disclosure of potentially significant impacts, an explanation of how significant those effects are, and what those effects mean for human health. (See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502.) As written, the Draft EIR does not meet this bar, and must be revised and recirculated.

Further, the mitigation measures identified to address this “unacceptable cancer risk” require preparation of a “Response Plan,” the details of which are not yet developed. There is no quantification or analysis of what the resultant cancer risk would be with implementation of the measures, thus no substantial evidence is provided supporting a determination that with these measures in place, impacts will be less than the DTSC significance threshold. With implementation of the measures, would the cumulative cancer risk be below DTSC’s target cancer risk? What substantial evidence supports this determination?

Palos Verdes Estates is located at a higher elevation than the Project. The Project will vent soil gases from the top of the buildings, potentially exposing Palos Verdes Estates residents and resources to soil gas vapors.

Relatedly, there is no analysis of potential impacts relating to silica dust, likely present in the soil on the site. Silica is a known carcinogen, and the impacts of displacing silica during construction and operation must be analyzed and disclosed. Erratic and variable wind patterns can place Palos Verdes Estates downwind of the Project and push silica dust towards Palos Verdes Estates residents and resources.

- **Analysis of PCE vapor intrusion hazards is understated and relies on obsolete information.** California’s health-based indoor air screening level for PCE is 0.46 micrograms per cubic meter. Draft EIR Table 5.7-3 shows a soil gas screening level for PCE of 0.46 micrograms per liter, which is equivalent to 460 micrograms per cubic meter. This significantly higher screening level is based on an outdated

attenuation factor (the ratio between indoor air concentrations and soil gas concentrations) of 0.001. CalEPA has identified 0.03 as a science-based attenuation factor adequately protective of human health. There is no substantial evidence supporting the Draft EIR's reliance on a factor of 0.001 when expert evidence supports a factor of 0.03 as the soundest number for predicting potential vapor intrusion. PCE soil gas sampling results for the Project site all either exceed the soil gas screening level, or would have exceeded the screening level if the proper attenuation factor was used. As such, potentially significant impacts are likely to occur that were not disclosed or mitigated by the Draft EIR.

- **Analysis of hazardous emissions or use of hazardous materials near schools is inadequate.** As discussed above, there are no disclosed haul routes for the nearly 15,000 construction truck haul trips that are anticipated in the Draft EIR. Also as discussed above, it is unclear if some portion of these truck trips will carry contaminated soil. No analysis is provided regarding whether haul trips will pass by Walteria Elementary School, or any other school or sensitive receptor, resulting in a potential for accidental release of hazardous materials or emissions. This potentially significant impact must be analyzed and disclosed in the Draft EIR.
- **Construction impacts on emergency access and evacuation are not adequately analyzed or mitigated.** The Draft EIR does not address the fact that emergency access is proposed to utilize internal driveways that may not meet Torrance requirements for aerial ladder access (required for structures taller than 27 feet), including problems turning around in the parking lot, and the driveway slope immediately from Hawthorne Boulevard may exceed the maximum angle of approach. Further, the Draft EIR relies on Mitigation Measure TR-1 to reduce potentially significant impacts on emergency access and evacuation. Yet, this mitigation measure is vague and inadequate. First, it contemplates that oversize load permits may be sought and issued at some point in the future, but no explanation is given as to how these oversize loads will affect emergency access and evacuation, or how the permit process will reduce potential impacts to less than significant.
- Next, the measure limits construction traffic to "Truck Routes" as defined in the Torrance Municipal Code – yet no explanation is provided as to whether limiting traffic to these undefined routes will address emergency access to properties by way of Via Valmonte. Further, the measure acknowledges the potential of haul trucks to damage existing pavement, street, curb and/or gutter, but only seems to mitigate such impacts if they occur within the City of Torrance. It is unclear whether truck traffic and haul trips will occur outside of the City, given that the project site is located at the convergence of three different municipal jurisdictions. Truck traffic would have the same potential to damage infrastructure located outside of the City of Torrance, and these impacts must be disclosed and mitigated as well.

- **Wildfire risks are not adequately controlled.** The Draft EIR relies upon a 0.99-acre buffer along the sides of the development area, but there are no enforcement provisions, such as conditions of approval or mitigation measures, to ensure that the buffer is properly maintained in perpetuity. Also, there is no substantial evidence provided showing that the size and design of the buffer area is adequate to reduce wildfire risk to surrounding areas, including, but not limited to, the City of Palos Verdes Estates.
- **Cumulative impact analysis is improperly limited to the City of Torrance.** The Draft EIR identifies the cumulative area of impact for hazards as the City of Torrance/the service area of the Torrance Fire Department. However, the boundaries of the Cities of Palos Verdes Estates and Rolling Hills Estates are within a few hundred feet of the Project site. Hazardous emissions, accidents, and migration of contamination do not stop at municipal boundaries. The cumulative analysis should be revised to analyze potential impacts in all nearby jurisdictions.
- **The analysis cites to and relies upon various instances of outdated materials and data.** For example, the analysis relies on an outdated version of the California Building Code, U.S. Forest Service wildfire data from over 20 years ago, and CALFIRE data from 2010. The chapter should be updated with new information, and the analyses should be revisited to determine whether this new information indicates a potentially significant impact or necessitates changes to mitigation measures.

8. ANALYSIS OF LAND USE AND PLANNING IMPACTS

The Draft EIR's analysis of potential land use impacts and inconsistency with the City of Torrance's own General Plan goals and policies is inadequate. Specifically:

- **No analysis of the Project's impact on land values is provided, even though this is identified as a requirement in the Hillside Overlay District.** Page 5.9-3 identifies the following as a "requirement for planning and design" of projects within the City of Torrance's Hillside Overlay District: "The design will not have a harmful impact upon land values and investment of other properties in the vicinity." Yet no analysis has been provided to show that the Project's design will not have an adverse effect on land values of hillside properties in the Project's vicinity, including homes located within the City of Palos Verdes Estates. While it is true that CEQA does not require an analysis of socio-economic impacts, it does require an analysis of consistency with applicable land use goals and policies. As such, an analysis of the Project's impacts on surrounding property values must be provided.
- **The General Plan Consistency Analysis fails to identify several inconsistencies between the Project and the General Plan's objectives and policies, or at least does not provide substantial evidence supporting a finding of consistency.** Table 5.9-1 purports to describe how the Project is consistent with myriad General

Plan objectives and policies. However, several of the consistency determinations are either unsupported, or ignore aspects of the objective or policy. For example, the analysis of LU 2.1 ignores the fact that queuing off Via Valmonte will be exacerbated by the Project's turning limitations. The analysis of LU 2.7 fails to explain how the Project promotes "superior sustainable development." The analysis of LU 3.3 states, without support, that the project would add a "cohesive" design but does not explain how the proposed modern architecture would be cohesive with existing homes in the vicinity. The analysis of policies supporting Objective LU 5 fail to explain how an admittedly "substantially taller and denser" development will be consistent with existing scale, mass and character of the existing surrounding neighborhoods, including those within the City of Palos Verdes Estates. Several relevant objectives and policies are wholly missing from the consistency analysis altogether (i.e., LU 5.4, CI 2.5, CI 3.5, CI 3.5, CI 6.2, CI 8-2, CR 1.1, CR 3.4, CR 3.6, CR 4.2, CR 4.3, CR 6.3, CR 15.6, CR 21.7, S 2.4, N 2.3, N 3.3). With these deficiencies in the Draft EIR's General Plan Consistency Analysis, the Draft EIR fails to provide substantial evidence showing that the Project will be consistent with the City of Torrance's General Plan.

9. ANALYSIS OF NOISE IMPACTS

The Draft EIR's analysis of noise impacts is inadequate in that it ignores the applicable noise thresholds of surrounding jurisdictions, ignores construction haul trips, is based on unsupported assumptions, and fails to control noise on rooftop decks with an enforceable mitigation measure. Specifically:

- **Noise thresholds for adjacent jurisdictions, including the City of Palos Verdes Estates, are wholly ignored.** The Draft EIR identifies the City of Torrance's noise standards, but completely ignores the noise standards of other adjacent jurisdictions, including the City of Palos Verdes Estates. No analysis is provided of whether construction or operation of the Project has the potential to adversely impact the City of Palos Verdes Estates' residents, or conflict with Palos Verdes Estates' noise ordinances or general plan policies.
- **The construction noise analysis does not seem to take haul trips into account and is inconsistent with the air quality analysis.** As discussed above, no haul routes have been identified for the nearly 15,000 truck haul trips that will occur during construction. No analysis of construction truck trip noise impacts is included in the Draft EIR. Further, the pieces of construction equipment identified in the noise analysis (bulldozers, graders, loaded trucks, water trucks, and pavers) do not match the pieces of construction equipment assumed in the air quality analysis. This creates a discrepancy between technical analyses, calling these less than significant impact determinations into question.
- **Rooftop deck noise controls should be addressed through an enforceable mitigation measure.** The Draft EIR relies upon a prohibition against amplified voice, music, live music, or other loud events on the Project's proposed rooftop

deck. Such controls, when added to reduce or avoid a potentially significant impact, must be incorporated as a mitigation measure. Here, they are not. A new mitigation measure, necessary to reduce potential impacts to less than significant, must be included and the Draft EIR recirculated for public review and comment.

- **HVAC noise analysis is unclear.** The Draft EIR includes an analysis of operation mechanical noise, but the text is unclear as to what will actually be constructed, and what sensitive receptors will be subject to impacts from the same. For example, the text states that “HVAC units will consist of small residential condensers – one per unit – on the roofs over the building corridors.” But there are 248 total dwelling units proposed – does this mean that 248 separate condensers will be constructed? Further, the text assumes that noise levels at a distance of 150 feet from one HVAC unit would be approximately 30 dBA, but no support is provided for this assumption. No support is similarly provided for how the Draft EIR calculated that 24 HVAC units at 30 dBA per unit operating simultaneously would result in a 44 dBA noise increase at the nearest residence. Further, it is unclear whether homes in the City of Palos Verdes Estates were considered as part of this analysis.
- **Parking structure noise analysis is unclear.** The Draft EIR’s analysis of parking structure noise does not seem to be mathematically sound. The analysis concludes that estimated noise levels from parking structure noise at the nearest off-site residential uses would range from approximately 28 dBA Leq to approximately 36 dBA Leq. But if noise levels are reduced by 6 dBA per each doubling of distance, then doubling 4 times would result in a distance of 480 feet, which is farther than 24648 Via Valmonte. As such, the resulting noise levels at that distance would be 39 and 48 dBA (not 28 and 36). These noise levels would be even higher at 418 feet. This exceeds the 45 dBA threshold. If acoustical shielding is being taken into account, that is not disclosed and is not clear. This calls the Draft EIR’s conclusions regarding noise impacts into question.
- **Assumptions regarding reverberation of noise are not supported.** The Draft EIR assumes that “because the adjacent slopes are rough and relatively soft, they are more likely to be effective absorbers (rather than reflectors) of sound” and “therefore the potential for the adjacent slopes to reflect project-related noise into the adjacent residential neighborhood is negligible...” However, no quantitative modelling or assessment was done to support this statement. To ensure that the steep site topography will not channel and carry sound to adjacent neighborhoods, including within the City of Palos Verdes Estates, additional analysis and substantial evidence must be provided.
- **No analysis of the impact on sensitive receptors in the City of Palos Verdes Estates was provided.** Sensitive noise receptors include residences along Lucera Circle in the City of Palos Verdes Estates. As stated above, the Draft EIR does not include any discussion of thresholds in adjacent jurisdictions, or any impact analysis to determine whether those thresholds will be exceeded.

- **Noise analysis is based on a faulty traffic analysis.** As discussed below, the Project traffic analysis does not analyze any true future buildout scenario because the traffic analysis scenarios do not extend past 2019. No traffic analysis scenario was provided that accounted for the true buildout year of the Project (2022). These traffic numbers underly the ambient noise analysis, and therefore make the ambient noise analysis inherently flawed. There could be additional impacts that are not disclosed and not mitigated, including impacts within the City of Palos Verdes Estates.
- **Mitigation Measure NO-1 is not concrete or enforceable.** Mitigation Measure NO-1 includes hedging language such as “where feasible” and “as far as practicable.” This language makes the measure unenforceable and also unquantifiable. This measure should be revised to provide concrete prohibitions against practices that could impact sensitive noise receptors. Table 5.10-18 purports to present construction noise model results after Mitigation Measure NO-1 is implemented, but because NO-1 is unclear and vague, these reductions are not supportable.

10. ANALYSIS OF RECREATION IMPACTS

The Draft EIR wholly lacks any analysis of recreational impacts and no substantial evidence supporting a determination that impacts are less than significant. Specifically:

- **Neither the Initial Study nor the Draft EIR contain any substantial evidence supporting a less than significant recreational impact determination.** The Project’s Initial Study determined that impacts relating to recreational facilities are “potentially significant” and therefore this analysis was not scoped out of the Draft EIR. Yet on Draft EIR p. 8-3, Table 8-1 states without support that there would be “no impact” and scopes out this analysis entirely. As such, there is a CEQA Appendix G threshold for which no analysis at all is provided showing that impacts would be less than significant. This analysis must be provided and recirculated.

11. ANALYSIS OF TRAFFIC IMPACTS

The Draft EIR’s traffic impact analysis is deficient, in that it seems to undercount both construction and operational trips, fails to adequately mitigate potentially significant impacts, and proposes a reduced parking standard without analyzing the potential impacts of doing so. Specifically:

- **The analysis undercounts operational vehicular trips on unsupportable grounds that interior pedestrian improvements will reduce trip generation.** As discussed above in relation to air quality and greenhouse gas emissions, the Project’s traffic analysis seems to take unsupportable reductions in operational trips, on the basis that internal pedestrian improvements will result in residents replacing vehicular trips with walking. However, the Project proposes only three

residential buildings and connecting these three buildings with pedestrian improvements (that look to be nothing more than surface parking lots) is not a reasonable basis upon which to reduce the number of assumed trips.

- **The traffic impact analysis wholly fails to include any analysis of future or cumulative traffic conditions.** None of the traffic modeling scenarios account for the Project buildout year (2020). Page 5.12-18 identifies the five scenarios analyzed in the traffic impact study. Each ambient and cumulative scenario analyzes impacts for the year 2019, which is the existing condition, not a future or cumulative condition. The Project will not be built out until the year 2022, per the Draft EIR's Project Description. Thus, there is no analysis whatsoever in the Draft EIR that analyzes any future traffic scenario, and there is no disclosure of the Project's impacts (or mitigation measures required by the same) on future traffic conditions. The traffic study must be redone to analyze the correct Project buildout year—2022—and this new information must be added to a recirculated Draft EIR. All findings presented in Draft EIR Tables 5.12-14, 5.12-15, 5.12-16, and 5.12-17 are inaccurate—and underestimate impacts—as they do not reflect the correct buildout year. Relatedly, on pages 5.12-18 through -21, the lists of intersections operating at an unacceptable LOS is incomplete, as these lists are based on 2019 conditions, not 2022 conditions. In addition, the project is requesting a General Plan Amendment. The traffic impact analysis does not contain an analysis of the project's impact's impact at the General Plan buildout year as they would not have been identified in the current General Plan.
- **The analysis undercounts construction haul trips and is based upon unreasonable construction traffic assumptions.** As discussed above, in relation to air quality and greenhouse gas emissions, the number of construction haul trips is likely undercounted as a result of unsupported soil export assumptions. Further, the Draft EIR assumes that because the Project will generate fewer construction-traffic trips than operational trips, and because the operational-trip analysis determined that impacts would be less than significant, it follows that construction trips would also be less than significant. However, this ignores the fact that construction haul trips will not follow the same routes as operational traffic, and the impacts associated with large haul trucks are different than those associated with passenger vehicles. There is no designation or analysis of haul routes, and a reader cannot determine whether haul trips have the potential to result in potentially significant impacts, including within the City of Palos Verdes Estates. As a result, a reader cannot adequately determine the true potentially significant impacts of the Project's construction traffic.
- **Construction haul trips are inadequately mitigated.** The Draft EIR relies on Mitigation Measure TR-1 to reduce potentially significant impacts relating to construction traffic. Yet, this mitigation measure is vague and inadequate. First, it contemplates that oversize load permits may be sought and issued, but no explanation is given as to how these oversize loads will affect emergency access

and evacuation or how the permitting process will reduce the potential for impacts. Next, the measure limits construction traffic to “Truck Routes” as defined in the Torrance Municipal Code – yet no explanation is provided as to whether limiting traffic to these undefined routes will address emergency access to properties by way of Via Valmonte. Further, the measure acknowledges the potential of haul trucks to damage existing pavement, street, curb and/or gutter, but only mitigates such impacts if they occur within the City of Torrance. It is unclear whether truck traffic and haul trips will occur outside of the City, given that the project site is located at the convergence of three different jurisdictions. Truck traffic would have the same potential to damage infrastructure located outside of the City of Torrance, and these impacts must be disclosed and mitigated as well.

Finally, on page 5.12-43, the text explains that Mitigation Measure TR-1 will “eliminate the potential for conflicts related to construction equipment, haul trips, and worker trips.” Yet this is not the same impact that is identified earlier in the analysis. Under the impact analysis, there is no mention of the potential for conflicts related to construction equipment, haul trips, or worker trips. This inconsistency makes it unclear what the actual impacts of the Project are, and calls into question whether those impacts are being adequately mitigated. Such uncertainty results in a failure to adequately disclose the Project’s impacts.

- **No analysis of the reduced parking standard is provided.** The Project proposes a reduced parking standard, but the Draft EIR provides no analysis of the potential impacts of such a reduction. The proposed Project seeks a reduced parking standard for one-bedroom dwelling units, without explaining why such a deviation from the City’s Municipal Code and development standards is appropriate. The Draft EIR’s analysis of site design hazards wholly ignores the potential for an under-parked development to result in vehicle queuing, circling, idling, and pedestrian-safety related impacts resulting from the under-parked condition.
- **Queuing assumptions are not supported.** On page 5.12-17, the Draft EIR’s description of the intersection of Hawthorne Boulevard and Via Valmonte states that the proposed improvements “will allow all eastbound vehicles (far greater in volume than the westbound) to clear first, followed by the westbound movement from the shopping center driveway.” Yet this assumes that Hawthorne Boulevard has the capacity to accept the eastbound movement. The Draft EIR is unclear as to how this will work if the northbound queue already backs up this intersection. As a result, it is unclear whether undisclosed traffic impacts will occur at this intersection. Similarly, Table 5.12-13 identifies existing baseline conditions for Hawthorne Boulevard/Newton Street as “LOS B.” Yet, this seems impossible if eastbound movement cannot turn left now due to the queuing on northbound Hawthorne.
- The Traffic Impact Study appears to use a planning level queuing analysis for the Hawthorne Boulevard and Via Valmonte intersection. The projected queuing

values should be derived from a microsimulation modeling analysis of the Hawthorne Boulevard corridor that considers both the vehicles at the intersection, but also the effects of downstream queuing, especially given the close spacing between the Via Valmonte and Newton Street intersections. Using the analysis presented in the Traffic Impact Study, the projected queue length on Via Valmonte would extend past the project driveway resulting in the site driveway being blocked. The Traffic Impact Study also makes incorrect assumptions related to the ability to queue left-turning traffic at the intersection. Since the right lane is a shared through/turn lane, any through or right-turning vehicles will be stopped in the same queues as the left-turning cars due to the shared lane configuration. The queueing analysis needs to be corrected to reflect this issue.

- **Assumptions regarding capital improvements are unreasonable.** On page 5.12-17, the Draft EIR identifies two capital improvement projects —at Pacific Coast Highway/Hawthorne Boulevard and Pacific Coast Highway/Vista Montana Anza Avenue—yet the Draft EIR does not identify when these improvement projects are expected to be completed. The Project is described as achieving buildout in 2022. Therefore, the analysis needs to confirm whether it is reasonable to assume that these capital improvements will be completed by then, how these capital improvements were assumed in the traffic impact analysis, and whether there will be undisclosed impacts occurring if these capital improvement projects are not in place at Project buildout. Relatedly, on page 5.12-24, the text states that for purposes of calculating the estimated cumulative traffic conditions (which the Draft EIR identifies as 2019), these capital improvement projects were included. This is wholly unreasonable, given that the cumulative year analyzed in the Draft EIR is 2019, and these capital improvement projects are not described as starting construction until fall of 2019.
- The capacity analyses of the Hawthorne Boulevard and Via Valmonte intersection is incorrect. The analyses include the proposed configuration on Via Valmonte of one left-turn lane and one shared left-turn/through/right-turn lane. However, the with-project analyses show two through lanes and 0.5 right-turn lanes. In addition, the analyses are done using only a two-phase traffic signal timing plan. With a shared through and turn lane configuration on Via Valmonte, the signal must be set to use a split-phase operation; especially, since the report states that a lead left-turn phase will be included to address the increased volume of eastbound left-turning vehicles from the site.
- The results of the capacity analyses also need to be reviewed to verify the delay values for the various approaches are reasonably accurate for at least existing conditions. A review of some the worksheets indicated expected average vehicle delay for some movements would be in excess of 7 minutes. While the overall intersection delay may not be failing, or at least failing to that level, delays of that length will cause extensive queueing, gridlock, or cut through on other local streets in the area.

- It is not apparent on the HCM worksheets what lane configurations or timing patterns were being used in the analysis. A source needs to be provided in the report that lists these so the accuracy of the analyses can be confirmed.
- The City of Torrance has adopted new significant traffic impact criteria that should be used in evaluating the study results. These need to be included in the Standard of Significance Threshold section on page 5.12-12. In addition, the roadway segment significance criteria listed is no longer up to date and needs to be modified to the City of Torrance current Traffic Impact Study standards.
- The traffic impact analysis and the Draft EIR state that no project resident traffic will use Via Valmonte through Palos Verdes Estates for access to and from the site, but the distribution of project trips in the report both include project trips being assigned to the street. If it is expected that resident trips will use Via Valmonte through Palos Verdes Estates, that must be disclosed. It is anticipated that some site traffic will use Via Valmonte to travel to and from the site. The Draft EIR need to provide documentation as to how the distribution of site trips was developed. Especially when some routes used to assign site traffic would result in longer trip lengths with significantly longer delay levels.
- During the NOP scoping, the adjacent city's requested that some project trips be assigned along Rolling Hills Road between Hawthorne Boulevard and Palos Verdes Drive North. The traffic analysis only assigns project traffic along the segment of Rolling Hills Road between Hawthorne Boulevard and Crenshaw Boulevard and do not assign any trips along the section south of Crenshaw Boulevard.
- For impact 5.12-5 on page 5.12-39, the line of sight analysis is flawed in determining that there would be no significant impact on safety resulting from the proposed site access on Hawthorne Boulevard. That analysis does not account for vehicles in the southbound right-turn or left-turn lanes on Hawthorne Boulevard at the Via Valmonte intersection and project entrance. The analysis states that *some line of sight improvements will be made by modification of the traffic signal*, but the Draft EIR does not state what those modifications are or how they would mitigate any potential significant sight line impacts.

12. ALTERNATIVES ANALYSIS

The Draft EIR's alternatives analysis is inadequate because it does not present a reasonable range of alternatives, wholly rejects alternative sites out of hand, and skews its analysis of the identified alternatives with too-narrow Project objectives and an unsupported conclusion that the Project will not result in any significant and unavoidable impacts. Specifically:

- **The Draft EIR's conclusion that the Project will not result in any significant and unavoidable impacts results in a faulty alternatives analysis.** As discussed above, several impact analyses within the Draft EIR are flawed. Therefore, the

conclusion that no significant and unavoidable impacts would occur as a result of the proposed Project is not supported. Specifically, in regard to aesthetics, air quality, greenhouse gas emissions, noise, traffic, and hazards, the Project may very well result in significant and unavoidable impacts, once the identified flaws in these analyses are corrected. Thus, the Draft EIR's alternatives analysis must consider whether any of the proposed alternatives reduce or eliminate these significant impacts. Failure to do so results in a flawed and inadequate alternatives analysis.

- **Alternative project sites are rejected on erroneous grounds.** The Draft EIR rejects the Del Amo Residential Site as a feasible project alternative on unreasonable grounds. First, as part of its rejection it cites the fact that the Project would require a General Plan Amendment – but here, the proposed Project itself also requires a General Plan Amendment, therefore this cannot be a basis upon which to designate a project alternative “infeasible.”
- Second, a General Plan Amendment for development at the Del Amo Residential would only be required because the project density would be below the required minimum density for the Del Amo Residential site. Yet no explanation is given for why additional units could not be added to the Project at that location.
- Similarly, the Draft EIR rejects the Radium Open Air Market Site as a feasible project alternative on grounds it too would require a General Plan Amendment. Yet, again, the proposed Project itself requires a General Plan Amendment, meaning that this is not a reasonable ground upon which to claim infeasibility.

13. CONCLUSION

Again, we appreciate the opportunity to review and comment upon the proposed Project and Draft EIR. We are hopeful that the City of Palos Verdes Estates' concerns can be addressed through this process, and appreciate the City of Torrance's careful consideration of the above issues. Should you have any questions concerning the contents of this letter, or the potential impacts of the proposed Project on the residents and resources of Palos Verdes Estates, please reach out to discuss as soon as possible.

Sincerely,



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