

# R neighborhoods are 1

*A coalition to preserve the character of our community*

1840 S. Gaffey St. #316  
San Pedro, CA 90731- 5361

310-290-0049  
www.rneighborhoodsare1.org

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## **COMMENTS ON THE PROPOSED SPECIFIC PLAN AMENDMENT, PROPOSED DEVELOPMENT AGREEMENT AND FINAL ENVIRONMENTAL IMPACT REPORT**

In addition to the comments on the DEIR submitted by the Northwest San Pedro Neighborhood Council, which we hereby affirm, adopt and include, we submit the following additional comments.

### **I The Proposed Specific Plan provides an insufficient basis to analyze the application for a Specific Plan Amendment.**

Nowhere in the FEIR or in the proposed specific plan [hereinafter The Plan] does the developer tell the city his bedroom unit mix. This affects his population and student generation estimates as well as all other impacts his development will have on the environment, on the infrastructure and the community.

The Plan says it is limited to Afour stories or 55 feet above parking, plus 8' for a sloped roof, meaning a cathedral ceiling in the top floor units would be possible. Which is it? A 55' height would allow six floors.

The height limitation is above the height of parking, which is allowed to be 10' above the height of the Asidewalk adjacent to the nearest street. Street is undefined in the Plan, but is identified in the LAMC as a *public* thoroughfare, and is silent about private roads. As written, the parking can be several stories where a building is built on a slope, or if the nearest public thoroughfare is some distance away and uphill, even though the sidewalk on the roadway of a private street on the downhill side is much lower. This possibility is readily seen on the Figure III site map attached to the proposed plan. It is particularly significant because it allows the developer to Astack, or distribute parking unevenly throughout the project, especially if he changes the boundaries of lots or modifies them as he is permitted to do.

The Plan is also indefinite because it can be so easily modified, with no recourse or participation by the public. Section 5B of the Plan specifically allows lot mergers or creation of additional lots for construction or financing purposes. Since we believe the

developer intends to sell off parcels in the project once the City gives him entitlements, this provision completely removes any certainty in the Plan. Further, Section 11 of the Plan refers to the LAMC for additional methods by which the developer can change the Plan. LAMC Sections 11.5.7 E, F, and H allow the Planning Director and/or Area Planning Commissions to make changes in the Plan, with no involvement of the community, as would occur in community Plan updates. These permitted changes are extensive, too numerous to be included here. They include additional building heights, reduced building setbacks, restructuring building distribution on lots, and many other significant changes.

Further, a majority of the Area Planning commission members for the Harbor Area are either on the advisory board for the developer, represent organizations that have endorsed the project, or represent organizations that have received money from the developer.

Lastly, it is evident that the applicant intends to apply for density bonuses and has designed his Plan for them, as detailed in Section III herein, without including those units in his DEIR and FEIR. It is insufficient for the City and the developer to say that the EQA analysis will be done at the time he [or whomever he sells the parcels to] applies for a density bonus; under the circumstances, the law requires the analysis now.

## **II The FEIR inaccurately predicts the traffic impacts of the project and is not consistent with several objectives in the community Plan.**

The developer used mid-range ITE numbers for condominiums, without any analysis at all to determine whether a different point in the range is appropriate. Condominium ADT rates extend to 11.79 per day per unit. The developer and the City use the mid-point number of 5.86. What is the justification for using the mid-point number? If there is justification it is not in the FEIR and the City hasn't lived up to its obligations under Government Code Section 65300 or done any validation testing of its own, to see where in the range this project should lie. Please note that if the true traffic generation number is closer to the 10 per day that Gail Goldberg has testified is the norm for residences in Los Angeles, that would still be well within the ITE range for condominiums and would more than double the average daily traffic from the project, especially if density bonuses are included. The applicant's estimate of nearly 10,000 vehicles per day is 27% of the average daily flow on Western. The real number could easily be 60% additional. The point is that the applicant has not done a complete or credible job of analyzing traffic impacts and the City has not complied with its obligations under the law. The traffic analysis alone is a sufficient basis for denying the Plan amendment application.

The project is in the Wilmington-Harbor City Community Plan area. The traffic component of the FEIR and the Plan are specifically inconsistent with Objective 15-1.1

AMaintain a satisfactory LOS for streets and highways that should not exceed LOS AD for Major highways, Secondary Highways, and Collector Streets. If existing levels are LOS AE or AF on a portion of a highway or

collector street, then the level of service for future growth should be maintained at LOS A-E.

Of the 52 intersections impacted by the project, 23 will remain at LOS A-F after the proposed mitigation.

The traffic component is also inconsistent with Objective 15-2.1:

A No increase in density and intensity shall be effectuated by zone change ... or subdivision unless it is determined that the transportation system can accommodate the increased traffic generated by the project.

There was testimony and documentary evidence produced at the June 26<sup>th</sup> hearing showing that the existing system cannot accommodate the increase in traffic.

### **III The Plan would permit, and is obviously intended to obtain, a 35% density bonus without including the increased density in the environmental analysis.**

The developer has indicated he will have 340 units for entry-level buyers, limited in price. This is 30% of the 1100 non-age restricted units, and would qualify him for a 35% density bonus pursuant to LAMC 12.22.25[c][4]. He also would receive a minimum 20% density bonus for his 850 age-restricted units pursuant to 12.22.25[c][4]. That this is what he intends is clear from the Plan, where he uses a height limitation that would allow six stories, not the three or four he says. Of course, he would also be eligible for additional stories, decreased setbacks, decreased open space requirements, and increased density, all pursuant to the LAMC 12.22.25[f]. None of these possibilities is analyzed in his FEIR nor addressed in the Plan.

### **IV The developer's Quimby compliance is illusory.**

The developer has encumbered six acres with an agreement for fields with a local Little League. He intends to donate the land to the City and have it qualify as his compliance with LAMC Section 17.12.

How can his donation qualify? LAMC Section 17.12 E requires that the donated land A...may be used only for the purpose of providing park or recreational sites and facilities ***which will serve such subdivision and the future residents therein.*** Eastview Little League requires exclusive use of its facilities. The residents of the project will have no access to the six acres, and will be using existing park facilities elsewhere in the community. None of these circumstances are included in the environmental analysis for the project.

**V The City has not complied with its government code obligations and has insufficient data on which to base an approval of the Plan, the Development Agreement or the FEIR**

The city has failed to fully perform its duties to monitor and report on population growth and infrastructure and services as required by the City's own General Plan. Without the required monitoring and reporting, City decision makers cannot determine whether a project or a specific plan amendment is appropriate. The application for a Plan now before the City should either be denied or held in abeyance until the City has complied with its duties required by law.

Sincerely,

Jonathon P. Nave, for  
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