



T 510 936 4200  
F 510 936 4200

1979 Harrison Street, Ste. 150  
Carlsbad, CA 94012

[www.lozeaudrury.com](http://www.lozeaudrury.com)  
[Amalia@lozeaudrury.com](mailto:Amalia@lozeaudrury.com)

**Comment Letter #2**

*Via Email*

March 11, 2022

Drew Boyles, Mayor  
Honorable Members of the City Council  
City of El Segundo  
350 Main Street  
El Segundo, CA 90245  
[dboyles@elsegundo.org](mailto:dboyles@elsegundo.org)

Paul Samaras, AICP  
City of El Segundo  
Development Services Department  
350 Main Street  
El Segundo, CA 90245  
[psamaras@elsegundo.org](mailto:psamaras@elsegundo.org)

Mishia Jennings  
Executive Assistant to City Council  
City of El Segundo  
350 Main Street  
El Segundo, CA 90245  
[mjennings@elsegundo.org](mailto:mjennings@elsegundo.org)

**Re: Supplemental Comment on Final Environmental Impact Report, Pacific Coast Commons Specific Plan (SCH# 2020050508)**

Dear Mayor Boyles and Honorable Members of the City Council:

I am writing on behalf of **Supporters Alliance For Environmental Responsibility ("SAFER")** regarding the Final Environmental Impact Report ("FEIR") prepared for the Project known as Pacific Coast Commons Specific Plan, aka SCH# 2020050508, including all actions related or referring to the proposed demolition of existing surface parking lots and construction of a new mixed use development located at 401-575 N. Pacific Coast Highway (PCH) and the parking lot on 600-block of PCH in the City of El Segundo ("Project").

On February 10, 2022, the Planning Commission considered this Project and approved it despite issues raised regarding recirculation, health risk impacts, and growth-inducing impacts from the Project. SAFER maintains that changes made to the DEIR require recirculation, and that there is still substantial evidence of a growth-inducing impact from the Project that requires analysis in a Revised Environmental Impact Report ("REIR"). SAFER therefore requests that the City Council not approve this Project so that the Development Services Department can address the February 2022 FEIR's shortcomings in an REIR, and recirculate the REIR prior to considering approvals for the Project.

## **I. DISCUSSION**

### **A. The City Has Added Significant New Information to its EIR and is Therefore Required to Recirculate the FEIR.**

CEQA requires re-circulation of an EIR when significant new information is added to the EIR following public review but before certification. (PRC § 21092.1). The CEQA Guidelines clarify that new information is significant if “the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project” including, for example, “a disclosure showing that ... [a] new significant environmental impact would result from the project.” (14 CCR § 15088.5).

As mentioned in our letter to the Planning Commission, the City added three additional related projects to its cumulative impacts analysis in the FEIR. These projects are all located just blocks from the proposed Project site and have the potential to add a substantial increase in severity to numerous environmental impacts, such as air quality and noise. The public must be given the opportunity to review and comment on the substantial new information which includes additional pages of tables, charts, maps and new analysis that resulted from the inclusion of the new projects in the FEIR’s cumulative impacts analyses. The public has a right for their comments, and the comments of their experts, to be responded to in the FEIR, as required by CEQA.

The DEIR should be recirculated for full public review to address the impacts identified above and to propose feasible mitigation measures.

### **B. The FEIR Fails to Properly Account for the Project’s Growth-Inducing Impacts.**

CEQA standards require EIRs to assess growth-inducing impacts of a proposed project. (PRC § 21100(b)(5)). The CEQA Guidelines provide that a project will have a significant growth-inducing impact if it would “induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).” As explained in CCR Tit. 14 § 15126.2(e), this analysis is important because “[i]ncreases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects.” This includes potential impacts on public services, transportation, and greenhouse gases, among others.

In its discussion of population projections, the DEIR states that Southern California Association of Governments (“SCAG”) and the Department of Finance estimate the following population numbers for the City of El Segundo: 16,777 residents by 2020 and 17,200 residents by 2045. (DEIR, p. 4.11-13 to 14). The DEIR claims that “the City is not expected to meet the populations growth expectations set forth in the General Plan [of 17,200

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people] until after 2045.” (DEIR, p. 4-11.5.) Based on data from the U.S. Census, however, these statements are false.

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Census data reveals that as of April 1, 2020, El Segundo’s population was 17,272 people – 72 more than SCAG’s projected 2045 population.<sup>1</sup> The EIR states that the Project will add an additional 618 people from this one project alone. In total, together with existing population, the Project would cause the City’s population to exceed the population relied on in the 2020-2045 RTP/SCS by 690 people, not taking into account any additional residential development. In addition to exceeding SCAG’s projections, the population increase is also greater than projections in the currently applicable General Plan. (DEIR, 4.11-13.) The additional population stemming from this Project, as well as other cumulative residential projects, is unplanned growth because it exceeds the population levels planned for. This unplanned growth constitutes a significant impact that the City has failed to analyze and mitigate.

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The DEIR claims that “[i]t is likely that the proposed residential units would accommodate a combination of existing residents and new residents that either currently work within the City and/or new residents that would be hired as a result of projected employment generation within the City.” (DEIR, p. 4.11-13.) However, the DEIR provides no evidence to support this claim. The DEIR also states that the City of El Segundo has a housing vacancy rate of 4.7%, which is less than that of Los Angeles County, and that therefore the Project is expected to be growth-accommodating rather than growth-inducing. (Id.). The DEIR similarly provides no evidence to support this claim.

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A revised EIR is necessary to analyze and mitigate this significant impact based on the readily available 2020 census population data.

**C. The FEIR Fails to Analyze and Mitigate Significant Land Use and Planning Impacts.**

The CEQA Guidelines provide that a project has a significant environmental impact if it would “[c]onflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.” (CEQA Guidelines Appendix G, Section X.b.) Pursuant to the Guidelines, a conflict with a plan adopted to avoid or mitigate an environmental impact is itself a significant impact.

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In 2008, California enacted the Sustainable Communities and Climate Protection Act (SB 375), requiring Metropolitan Planning Organizations and Regional Transportation Planning Agencies to include a Sustainable Communities Strategy (SCS) element as part of

<sup>1</sup> <https://www.census.gov/quickfacts/elsegundocitycalifornia>; also attached as Exhibit A.

their Regional Transportation Plan (RTP) update for the purpose of identifying policies and strategies to reduce per capita passenger vehicle-generated GHG emissions. (Connect SoCal PEIR, 2.0-1.) The EIR for SCAG's 2020-2045 RTP/SCS (known as Connect SoCal) explains (Connect SoCal Draft PEIR, p. 2.0-1):

The SCS is required to identify the general location of land uses, residential densities, and building intensities within the region; identify areas within the region sufficient to house all the population of the region; identify areas within the region sufficient to house an eight-year projection of the regional housing need; identify a transportation network to service the regional transportation needs; gather and consider the best practically available scientific information regarding resources areas and farmland in the region; consider the state housing goals; set forth a forecasted development pattern for the region; and allow the regional transportation plan to comply with the federal Clean Air Act (CAA) of 1970 (42 USC. § 7401 *et seq.*) (Gov. Code, § 65080, subd. (b)(F)(2)(B)), of which, when integrated with the transportation network, and other transportation measures and policies will reduce the GHG from automobiles and light duty trucks to achieve, if there is a reasonable way to do so, the GHG emission reduction targets approved by the California Air Resources Board (ARB).

Beginning in 2012, SCAG adopted its first Regional Transportation Plan/Sustainable Communities Plan, described as “a long-range plan for transportation in the region that links air quality, land use, and transportation needs.” (Connect SoCal Draft PEIR, p. 2.0-2.) The most recent RTP/SCS was updated in 2020, and includes a growth forecast with population, household and employment growth anticipated to occur by 2045, a transportation network and planned projects, and a forecasted development pattern with land use and transportation strategies. The 2020-2045 RTP/SCS “was developed to achieve targets for greenhouse gas (GHG) emissions reductions, consistent with SB 375 and other regional goals.” (Connect SoCal Draft PEIR, p. 2.0-2.) “The Plan details how the SCAG region can achieve several outcomes essential to the success of the region’s long-range transportation and land use goals.” (Connect SoCal Draft PEIR, p. 2.0-10.)

The EIR concludes that the Project will not have a significant land use and planning impact because the “Project would not conflict with the applicable goals in the RTP/SCS adopted for the purpose of avoiding or mitigating an environmental effect.” (DEIR, 4.9-11.) But the threshold of significance is not limited to consistency with a plan’s goals. Here, the Project is inconsistent with the 2020-2045 RTP/SCS because it permits population growth – and related additional vehicle use, GHG emissions, etc. – beyond what was forecast and planned for in the RTP/SCS. Growth beyond the assumptions used in the RTP/SCS will have impacts on transportation, air quality, land use, and greenhouse gas emissions. This is a significant impact that must be disclosed, analyzed, and mitigated in a revised EIR.

The EIR ignores this potential impact in part by relying on a modified threshold of significance that asks “[w]ould the project cause a significant environmental impact due to a

conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (DEIR, p. 4-9.11.) This threshold of significance fails to acknowledge that, where a plan or policy is adopted for the purpose of avoiding or mitigating an environmental effect, the conflict itself is an environmental impact.

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**D. The FEIR Fails to Analyze and Mitigate the Project's Cumulative Impact on Population Growth and Land Use and Planning Impacts.**

EIR's must discuss a Project's significant cumulative impacts. 14 CCR § 15130(a). This requirement flows from CEQA section 21083, which requires a finding that a project may have a significant effect on the environment if "the possible effects of a project are individually limited but cumulatively considerable. . . . 'Cumulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

The CEQA Guidelines allow two methods for satisfying the cumulative impacts analysis requirement: the list-of-projects approach, and the summary-of-projects approach. Under either method, the EIR must summarize the expected environmental effects of the project and related projects, provide a reasonable analysis of the cumulative impacts, and examine reasonable mitigation options. 14 CCR § 15130(b). The EIR's cumulative impacts analysis does not comply with either of these requirements.

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The EIR's analysis of cumulative population impacts lists two other residential projects proposed in the area, but does not discuss the additional population growth expected from those projects. Without this information, there is no way to know the impact of the Project on population growth, together with the impact of the cumulative projects. Similarly, without this information, there is no way to know the cumulative impact on land use and planning as a result of population levels that exceed projections. The Project's cumulative impact on unplanned growth and land use and planning must be disclosed and its impacts analyzed in a Revised EIR.

**II. CONCLUSION**

For the foregoing reasons, SAFER believes that the EIR is wholly inadequate. SAFER urges the City Council to refrain from certifying the FEIR or recommending approval of the Project in order to allow staff additional time to address the concerns raised herein. Thank you for considering our comments and please include this letter in the record of proceedings for this project.

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Sincerely,



Amalia Bowley Fuentes  
Lozeau Drury LLP