

April 29, 2008

Ara Michael Mihranian
Principal Planner
City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

Re: *Review of the Environmental Impact Report- Marymount College Facilities Expansion Project*

Dear Mr. Mihranian:

At your request, we have reviewed various documents relating to the Environmental Impact Report (EIR) for the proposed expansion of the Marymount College in the City of Rancho Palos Verdes. In preparing this review, we considered the Draft EIR prepared by RBF, the underlying traffic study that was used to prepare the Draft EIR, comments from Marymount College relating to the traffic analysis, and comments from Jack Rydell related to the traffic study.

In preparing this assessment, we have applied the following process related to the Draft EIR:

- We reviewed all of the materials identified above.
- During this review, we noted those items the DEIR had provided an appropriate level of disclosure, based on our previous work in preparing traffic studies for inclusion in an EIR.
- We also noted in our review any items where additional information or clarification could be warranted. Rather than make any definitive determinations at this point, we would like the DEIR consultant an opportunity to supplement or clarify certain information in the DEIR. This process will also help to ensure that we have not misinterpreted the analysis or conclusions of the DEIR.

An important item to note is that the act of posing a question herein does not mean that the CEQA document is deficient in that respect. Answers to the questions will allow us to gain a better understanding of the document, which will facilitate our final review and determination of its adequacy.

In presenting our review, we would like to make you and the City of Staff aware of several overall issues related to traffic studies and the California Environmental Quality Act (CEQA):

- The CEQA guidelines provide a broad overview of the traffic study process that should be used to identify potential impacts and mitigations. CEQA does not provide specific

direction related to the analysis methodology including project trip generation, how broadly or narrowly the analysis area should be drawn, or similar items.

- As such, traffic engineers often employ a substantial amount of professional judgment in preparing traffic studies for an EIR. This professional judgment is most often used in the trip generation estimates, selection of study locations, and trip distribution.
- Because a traffic study, requires the exercise of professional judgment, two traffic engineers can often reach different conclusions using different assumptions. The fact that both parties have reached different conclusions does not mean that one is necessarily wrong or incorrect. It simply reflects the role that professional judgment plays in our work.
- Given the role which professional judgment plays in preparing traffic studies, we increasingly value empirical data. We often employ empirical data in traffic studies through the collection of traffic counts, trip generation counts at existing or comparable facilities, travel time data runs, and parking counts.

SCOPE OF THE REVIEW

Our review considers the adequacy of the traffic study and the associated DEIR as it relates to the following items:

- Does the traffic analysis include all of the scenarios required by CEQA?
- Does the analysis address all of the impact areas related to traffic as required by CEQA?
- Is the geographic scope of the analysis adequate so that the report adequately discloses traffic impacts?
- Is the cumulative analysis adequate in that appropriate forecasting procedures (list-based or model based) are applied?
- Was the analysis (including both traffic and parking discussions) conducted using appropriate methodologies and analysis tools?
- Are the traffic mitigation measures feasible and fully enforceable as required by CEQA?

We should note that this review focuses solely on CEQA adequacy and does not include a complete review of the various documents for technical accuracy. The results of our review are discussed in further detail below.

SCENARIOS REQUIRED BY CEQA

The CEQA Guidelines contain statements which relate to the analysis of project impacts. The first statement relates to the use of the baseline physical conditions to assess project impacts. Section 15125 (a) of the guidelines state:

An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice or preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced, from both a local and regional perspective. ***This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.*** The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives (emphasis added).

Section 15126.2 (a) is even more direct in by stating:

An EIR shall identify and focus on significant environmental effects of the proposed project. In assessing the impacts of a proposed project on the environment, the lead agency would normally limit its examination to ***changes in the existing physical conditions of the affected area*** as they exist at the time the notice of preparation is published... (emphasis added)

The above language in both sections of the guidelines has been applied in numerous EIR's to include the analysis of Existing and Existing Plus Project conditions.

An analysis of Cumulative conditions is generally required as well. Section 15130 (a) of the guidelines state: "An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(a) (3)." This language has been applied in numerous EIR documents to include a discussion of future or Cumulative conditions.

Given the above language, the traffic analysis should analyze the following scenarios as a minimum requirement.

- Existing
- Existing Plus Project
- Cumulative
- Cumulative Plus Project

From our review of the document, we can conclude that the traffic study includes the scenarios required in CEQA guidelines and no further clarification is necessary. There scenarios are noted first on Page 5.3-1 of the DEIR and subsequent places throughout the DEIR and the associated traffic study. No further clarification is necessary and we can conclude at this time the document is more than adequate in this regard.

IMPACT AREAS

In determining whether a traffic study and the associated EIR documents address all areas required by CEQA, we consulted the Initial Study Checklist (Appendix G of CEQA guidelines) which requires that the following impact areas be considered:

- A) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
- B) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?
- C) Result in change in air traffic patterns, including either an increase in traffic level or a change to a location that results in substantial safety risks?
- D) Substantially increases hazards due to a design feature (e.g. sharp curves or dangerous intersections)
- E) Result in inadequate emergency access
- F) Result in inadequate parking capacity
- G) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)

From a review of the Initial Study, we determined that Impact Areas A, B, D, E, F, and G were all identified as potentially significant impacts. Item C (change in air traffic patterns) was determined to not be impacted by the project.

We then evaluated whether the items noted in the Initial Study were addressed in the DEIR. This review concluded the following:

- There was an evaluation of the increase in traffic analyzed through an analysis of intersection operations (Impact Area A)

- There was also an evaluation of impacts to intersections falling under the jurisdiction of Congestion Management Program- CMP (Impact Area B)
- Change in air travel patterns, design features, and emergency vehicle access were reviewed and determined to be less than significant (Impact Area C, D, and E) according to the Traffic and Circulation Chapter.
- There was an evaluation of parking adequacy (Impact Area F)
- There was an evaluation of impacts related to alternative transpiration (Impact Area G)

In reviewing the determination that Impact Area C, D, and E were less than significant, we also reviewed Chapter 8 of the DEIR (Effects Found Not to Be Significant). This review determined that there was some discussion of Impact Area C (air travel patterns) but no explicit discussion of Impact Area D & E (design features and emergency vehicle access). Given our understanding of the project, we consider it unlikely that significant impacts would be found related to these items; however, we would like to verify that Impact Area D & E were evaluated. We would therefore pose the following question:

- We could find no discussion in the DEIR or Traffic Study related to Impact Areas D & E other than a notation that the impacts would be less than significant. Is there additional discussion either in Chapter 5 or Chapter 8 of the DEIR related to these impact areas?

GEOGRAPHIC SCOPE OF THE ANALYSIS

For a traffic analysis, the selection of the study area is a crucial item, because omitting a facility which should be studied could result in understating impacts. The CEQA guidelines and historical case law do not provide specific guidance on the selection of the traffic study area other than to require the use of substantial evidence to support the selection of the study area. In reviewing the DEIR or the associated traffic study, we were not able to determine the method through which the study roadways or intersections were selected.

This issue is particularly relevant given the following comment from Jack Rydell:

Was additional traffic on local residential streets considered a significant impact? As you know, traffic impact studies generally only consider impacts on arterial and collector roadways through LOS. However, the unique setting of this project will result in traffic on several local roadways, such as Via Colinita, General St., Enrose Ave, Trude Dr, etc. We are already experiencing this and the report identifies that 40% of all generated project traffic will travel through this neighborhood in order to access Western Ave. The additional traffic, in my opinion, will create a significant impact to these residents, resulting in a reduction of livability. The impact should be evaluated in an appropriate manner and mitigations, such as traffic calming, education programs, enhanced enforcement, etc. should be considered.

Given this comment and the lack of discussion regarding the study area, we would pose the following questions:

- How were the study intersections selected?
- Was any quantitative criteria used to determine which study intersections or roadways would be analyzed?
- Did the analysis consider the inclusion of residential streets in addition to the study intersections and roadways?
- Were there any Notice of Preparation (NOP) comments related to the study area?

CUMULATIVE ANALYSIS

Section 15130 (a) (1) of the CEQA Guidelines indicates that there are two possible approaches related to the Cumulative analysis. These approaches include a list-based approach (list of past, present, and probable future projects) or projects from a “General Plan or other adopted planning document” (model based approach).

The Cumulative analysis applied the list-based approach and included 16 Cumulative projects as identified by the City of Rancho Palos Verdes Staff and City of Los Angeles Staff. This reference to the Cumulative Projects is provided on Page 5.3-71. Based on this consideration, we would consider the Cumulative Analysis to be prepared in an appropriate manner and no further clarification is necessary.

ANALYSIS METHODOLOGY – TRAFFIC AND PARKING

We also reviewed the traffic and parking analysis methodologies. Our review considered the following items:

- Did the study apply standardized traffic engineering analysis techniques to determine traffic and parking impacts?
- Are these analysis techniques appropriately documented?
- Were there other comments and concerns regarding the analysis methodology?

Did The Study Apply Standardized Analysis Techniques?

When reviewing the traffic study itself, we consider whether standardized analysis techniques are applied. The presumption is that the use of standardized analysis techniques creates greater defensibility for the analysis since these techniques are applied in other traffic studies used in CEQA documents. While an analysis does not have to use standardized analysis techniques, their use can facilitate review by various parties. We determined that the traffic study and DEIR applied standardized analysis techniques including:

- The use of Intersection Capacity Utilization (ICU) to evaluate most signalized intersections
- The use of Highway Capacity Manual (HCM) methodologies to evaluate all unsignalized intersections
- One of the intersections was also evaluated using Highway Capacity Software (HCS) given the large median and refuge area.
- Trip generation for the project is estimated using rates taken from the Institute of Transportation Engineers (ITE) *Trip Generation* (7th Edition), which is often employed in traffic studies.
- The parking analysis considers both City Parking Requirements (Municipal Code) and estimated demand based on empirical parking counts.

Were Analysis Techniques Appropriately Documented?

A DEIR should also provide an appropriate level of documentation for the traffic and parking analysis since the fundamental purpose of CEQA is disclosure. The assumption is that ample documentation would provide a higher level of disclosure. The DEIR provides documentation for many of the analysis techniques. For example, approximately 6 pages of the DEIR discuss the process by which the trip generation estimates were developed. The discussion of parking adequacy requires another 7 pages in the DEIR and outlines several methods by which parking demand is estimated.

Other Comments

In addition to the DEIR, we also reviewed the comments from Marymount College and their designated representatives. Many of these comments relate to trip generation and the parking analysis.

To support their position, the College provides several other traffic studies where differing methodologies were applied, such as a previous draft study of an expansion of the College in 2002 that was not finalized or circulated for review. Traffic studies from other colleges were also referenced in the College's comments. While these other studies use methodologies other than those applied in the RBF study, they do not provide empirical data that would support the position of the College. While these other studies would support the position of the College that the analysis could have been done differently, we would not consider them to be as definitive as traffic counts taken at colleges after comparable projects were completed. For example, if the College was able to show that another college had built similar facilities with little increase in traffic or parking demand as measured by actual field counts, it would provide much greater credence to support their concerns.

The College's comments, however are noteworthy and raise the following questions about the traffic and parking analysis, mirroring some of the College's concerns and posing others including:

- It is our understanding that the proposed facilities such as a gym could draw students to the campus that may not otherwise travel to the campus for that purpose. Is there any information regarding the geographic distribution of students that might support this contention? For example, are a number of the students located proximate to the school and would therefore be candidates use the facilities at the school like the gym?
- Did RBF consider the use of other methods besides ITE rates to estimate trips associated with the project such as counts at comparable facilities?
- Did RBF consider the empirical counts at the existing housing as a method to estimate trips associated with the dormitories?
- If enrollment is capped at the college, what is the justification for the increase in weekday and weekend trips?
- Can RBF provide additional information regarding the internalization percentage that was applied to reduce the weekday and weekend trips?
- The parking demand estimates (Table 5.3-53) include parking demand associated with the dormitory students (250) and non-dormitory students traveling to the site (543). An additional 26 parking spaces are noted for incremental student seats. Are these incremental classrooms already included in the demand estimates for the dormitory and non-dormitory students?
- Is it appropriate to require guest parking at the dormitories?

MITIGATION MEASURES

Section 15126.4 of the CEQA Guidelines provides guidance regarding mitigation measures. General guidance regarding mitigation measures includes:

- (1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.
 - (A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.
 - (B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified.

Formulation of mitigation measures should not be deferred until some future time.

However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.

(2) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.

(3) Mitigation measures are not required for effects which are not found to be significant.

(4) Mitigation measures must be consistent with all applicable constitutional requirements, including the following:

(A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); and

(B) The mitigation measure must be "roughly proportional" to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Where the mitigation measure is an ad hoc exaction, it must be "roughly proportional" to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.

We reviewed each mitigation measure to determine its feasibility, its enforceability, the nexus between the project activities, and the rough proportionality between the impact and mitigation measure.

Project Mitigation Measures

The DEIR identifies nine mitigation measures including:

- TR-1: Construction Traffic Management Plan. With this mitigation, the impact would be less than significant.
- TR-2: Signalize Palos Verdes Drive/Miraleste Drive. With this mitigation, the impact would be less than significant.
- TR-3: Restripe Western Avenue (SR-213)/Trudie Drive/Capitol Drive. With this mitigation, the impact would be less than significant.
- TR-4: Traffic analysis assumes student enrollment would be limited to 793 weekday students and 83 weekend students. With this mitigation, the impact would be less than significant.

- TR-5: Prohibit guest parking on weekdays from 10:00 AM to 3:00 PM. With this mitigation, the impact would be less than significant.
- TR-6: Implement parking management plan to reduce demand from 0 to 23 percent depending on student enrollment. With this mitigation, the impact would be less than significant.
- TR-7: Submit Parking Management Strategy Program by July 1st of each year. With this mitigation, the impact would be less than significant.
- TR-8: Parking analysis assumes student enrollment would be limited to 793 weekday and 83 weekend students. With this mitigation, the impact would be less than significant.
- TR-9: Modify intersection of Palos Verdes Drive East/Palos Verdes Drive South to provide two-stage gap acceptance for southbound left-turning vehicle. Even with the implementation of this mitigation, the impact would remain significant and unavoidable as this mitigation measure requires the payment of a fair share contribution.

In reviewing these mitigation measures, we noted a majority of them would meet the feasibility test as the mitigation would require relatively modest changes in either the transportation system or the project operation. With the exception of TR-3, all of the mitigation measures would appear to be fully enforceable in that the improvement would fall under the jurisdiction of the City of Rancho Palos Verdes. Since Mitigation Measure TR-3 would require coordination with the City of Los Angeles and Caltrans, this improvement may not be entirely under the jurisdiction of the City and therefore it may not be "fully enforceable."

We determined that a majority of the mitigation measures can also be linked to the project activities and would satisfy the nexus test. Mitigation measures where the nexus might be questioned include TR-4 and TR-8 as it relates to a cap on weekend enrollment. It was unclear to us how the cap on weekend enrollment would relate to significant traffic impacts. While the College stated in its comments that it questioned the trip generation, and the mitigation measures therefore lack a nexus to the proposed project, we believe that there is a nexus (assuming that the trip generation estimates are correct). The incremental project trips result in changes in delay or V/C ratio which exceed the City's allowable increase. However, if the trip generation estimates are revised downward, then this determination may change.

We also determined that a majority of the proposed mitigation measures also passed the rough proportionality test. The only mitigation measures where there could be an issue with this test relates to those mitigation measures where the project is required to construct intersection improvements (TR-2 and TR-3) even those the project contributes only a portion of the overall traffic volume at these locations. However, since the impact occurs because of the project's incremental traffic increase, this test we could consider this test to be met. Also, these impacts were identified in the Existing Plus Project analysis, which gives further support to the contention

that the rough proportionality test is met. Again, any adjustments or reduction to the project trip generation could reduce the project's contribution to these locations and we would have to reconsider how whether these improvements still satisfy the rough proportionality test.

Other Potential Mitigation Measures

We also evaluated other potential mitigation measures that were either proposed by the College or could conceivably be applied. These other potential mitigation measures could include:

- Increased use of the College's shuttle
- Parking restrictions related to students parking at the dormitories

We determined that the DEIR evaluated the potential effect of increased usage of the College shuttle and concluded that it would not eliminate project traffic impacts. After reviewing the DEIR, the College asked for additional information regarding the effect of the shuttle, in particular data regarding conflicting movements at the locations where physical improvements were proposed (TR-2, TR-3, and TR-9). We determined that other potential mitigation measures were not considered, including any parking restrictions related to the dormitories. According to the materials provided by the College to the City in comments on the DEIR, they had indicated that they would consider or had previously proposed parking restrictions at the dormitories (December 10, 2007 Presentation to Rancho Palos Verdes Traffic Safety Commission Meeting by Marymount College).

In evaluating the mitigation measures, we noted several questions including:

- Besides increased use of the shuttle, did the analysis consider other mitigation measures that were not included in the analysis? For example, did the analysis consider parking limitations for students in the dormitories?
- Does the proposed improvement at Western Avenue (SR-213)/Trudie Drive/Capitol Drive require the approval of any party besides the City of Rancho Palos Verdes? If approval of another party is required, is there any documentation stating that these other agencies agree with or concur with the proposed improvement?
- Has RBF provided the information to the College regarding the critical movements at the three intersections they had requested?
- Can RBF provide additional documentation regarding the cap on weekend enrollment?

OTHER RECOMMENDATIONS

In reviewing the DEIR and the other documents, we also compared this project against other similar institutional projects facing either traffic or parking impacts. For the City's benefit, we

would like to offer a couple of examples where a slightly different approach to impacts and mitigations was applied. We hope that these examples might assist the City in their discussions with the College while ensuring that the CEQA document remains as defensible as possible.

Example #1- Stanford University: Fehr & Peers has assisted Stanford University in Palo Alto in preparing traffic and parking studies for approximately the past 15-20 years. When Stanford complete a major campus master planning effort, an Environmental Impact Report (EIR) was prepared which noted significant traffic impacts, requiring substantial mitigations including the widening of roadways and intersection improvements.

Rather than proceed with these improvements, Stanford and the County of Santa Clara adopted a process by which the improvements were tied to actual increases in traffic counts on a year to year basis. This process is applied as follows:

- Stanford proceeds with planned development, adding various facilities as they see fit. Historically, these facilities have included additional classrooms, housing, medical facilities, and other similar uses. These additional facilities are limited to what was proposed in the Master Planning effort.
- Stanford also develops and administers a very aggressive travel demand management (TDM) program. This program includes parking limitations, parking charges, a campus shuttle, and transit passes for employees.
- An independent, third party traffic firm hired by the County conducts counts on a yearly basis.
- These counts are compared to historical thresholds and thresholds in the EIR. As long as the counts do not exceed these thresholds, Stanford is allowed to continue development.
- If these thresholds are exceeded, then the various roadway improvements are triggered.

This program has been in place for approximately 7 years. So far, Stanford has maintained its traffic below the thresholds specified and has not been required to implement the intersection improvements while continuing to develop their campus. Reasons for their success include:

- Stanford is committed to an aggressive TDM program. They have full time staff to administer and monitor the TDM program and have also allocated significant financial resources to ensure its success. From their perspective, funding for a TDM program is much less than what would be required for the off-site improvements.
- A portion of the development program for the University relates to the provision of additional housing. It is our experience that adding housing is often beneficial to an educational facility from a traffic perspective if sufficient on-site amenities are provided.

- There is regular monitoring of the site to collect traffic counts during a variety of periods over a number of days. This prevents a problem with a single day count from skewing the results.
- There is an independent firm doing the traffic monitoring so there are few concerns about bias.

We believe that this model could be applied to the College with some adjustments to the process. Linking the proposed off-site improvements to increases in College trips would likely address the applicant's concerns about the trip generation in that if the College is correct and few trips are added by their proposed development, then the empirical data will bear that out. If the College is incorrect or the traffic volumes anticipated by the DEIR occur in the future, then the empirical data show that as well.

Example #2- Alta Bates Hospital: Another long-time Fehr & Peers client is Alta Bates Hospital in Berkeley, California. The issue related to Alta Bates involves neighborhood parking spillover instead of traffic.

Alta Bates is a large medical facility located in a residential area of Berkeley. After the last hospital expansion, potential parking impacts were noted. The site historically had issues with inadequate parking, which resulted in spillover into the adjacent area. Even after parking limitations were imposed on adjacent streets, employees would continue to park in the neighborhood and resorted to moving their cars periodically throughout the day to avoid citations.

To address the parking spillover problem, Alta Bates hired Fehr & Peers to conduct surveys and monitoring of the employee parking to identify the level of parking spillover. If spillover is identified, then the hospital is required to take corrective action. Corrective action could include change in employee schedules, transit passes for employees, and other similar items since there isn't room to provide additional parking on-site. This monitoring is coupled with a residential parking permit program that limits the spillover parking as well.

From the City's perspective, employing an approach similar to this could address some of the other issues of the College. Under this approach, if the College doesn't want to provide parking for guests at their dormitories, then it could choose not to do so. However, if this choice results in inadequate parking on campus, thereby leading to spillover parking, then the College would have to take corrective action. Such a program to address the parking issue likely would be integrated with a comprehensive TDM program.

We hope you find the information above helpful. If you require any additional information or have any questions related to our review, please contact Chris Gray by e-mail at cgray@fehrandpeers.com or by phone at 949.859.3200.

Sincerely,

FEHR & PEERS

A handwritten signature in black ink that reads "Christopher J. Gray". The signature is fluid and cursive, with "Christopher" and "J." stacked above "Gray".

Christopher J. Gray
Associate