

**From:** [tony.higgins](#)  
**To:** [City Clerk](#)  
**Subject:** EDITED: Written Supplemental to X.I.V.c Permit Extensions - please retain original email formatting. PLEASE USE THIS EDITED VERSION  
**Date:** Wednesday, November 2, 2022 8:44:54 AM  
**Attachments:** [56be6fa0-d25a-4e75-b997-54eec2a1d2a1.tiff](#)

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From: Tony Higgins

To: City Council

Re: Opposition to Permit Extensions

For more than two years now the city has issued temporary extension after temporary extension that subvert and avoid the due process protections that CEQA provides to vulnerable neighborhoods from the cumulative significant direct and indirect impacts of discretionary projects like the Outdoor Dining, Pier Ave Lane Reduction and the Bicycle Lane projects that are dependent on truck route lane closures and that now force heavy truck traffic onto steep narrow residential streets.

Other discretionary projects include the opening of vista elementary and the consequent traffic queuing problems on 27th and the Herondo Berm project more fully described below that coupled with the Pier Ave Lane Reduction Project have turned 27th street into a defacto truck route.

Simple vehicle-counts do not capture these significant impacts.

And simple vehicle counts do not meet Ceqa's statutory requirement to assess the health and safety consequences related to traffic noise, near roadway pollution and truck vibration as described below.

Moreover simple vehicle counts don't compare intersection queuing that has increased exponentially on 27th nor does it consider the impacts of increased cross-traffic on Morningside and the honking that the increased intersection queuing brings as drivers aggressively try and avoid the traffic and speed down side streets and around the queues.

I describe these conditions more fully in the attached 2 emails and I hope you will take the time to read this since I will not be able to describe most of these concerns in the mere 3 minutes you allot me for oral comments.

CEQA exists large part to force city's to respond resident concerns about significant discretionary impacts like those described below that would otherwise be round-filed and ignored.

To summarize, the city's traffic analysis failed to identify the cumulative impact of shifts in heavy truck patterns brought about by (1) the closure of one lane in each direction of the

only east/west truck route in the city that runs from PCH to Hermosa Ave and (2) the Herondo Berm project, restricts large trucks from using Herondo Ave to access the downtown business district via Hermosa Ave northbound.

The truth is the true impacts to 27th street are being manipulated and obfuscated by the city in order to try and justify issuing a CEQA NEGATIVE DECLARATION for the Lane Reduction Project and deny residents in vulnerable neighborhoods their due process protections under a Ceqa EIR.

Either that, or it's that some if not all of the councilmen support this deception because you have determined that suppressing a CEQA EIR is for the greater good.

There are many other problems with the City's traffic analysis which I will try and speak too in my 3 minute oral comments on Nov 3rd; but the bottom line is the city wants to restrict a thorough analysis of the cumulative significant impacts of discretionary projects by chocking off the CEQA EIR process related to the outdoor dining, Lane Reduction Project and the Bicycle Lane projects by providing misleading statistics and apples to oranges comparisons that cleverly hide the true significant cumulative noise and near roadway pollution impacts and ignore the fact that temporary extension after temporary extension allows the city to subvert and bypass the ceqa process. That's just unethical.

The lack of heavy truck counts (e.g medium and large heavy trucks) in the traffic statistics and a comparison of changes since the lane closure is just one of many examples that drive home the point that meaningful noise, vibration and near roadway pollution measurements must be done and the health implications must be assessed to satisfy the CEQA statute.

More examples are provided below.

Anthony Higgins

Begin forwarded message:

**From:** tony higgins  
<tony.higgins123@gmail.com>  
**Date:** September 21, 2022 at 12:05:19 PM PDT  
**To:** Douglas Krauss  
<dkrauss@hermosabeach.gov>

**Cc:** Jeannie Naughton  
<jnaughton@hermosabeach.gov>,  
rjackson@hermosabeach.gov,  
jmassey@hermosabeach.gov, Joseph  
SanClemente  
<jsanclemente@hermosabeach.gov>, Kevin  
Cody <kevin@easyreadernews.com>  
**Subject: Traffic backed up on 27th street this  
morning from Valley almost to Manhattan  
Ave**

Dear Analyst Krauss

I had to abandon my front yard again because it  
absolutely wreaked of auto exhaust.

There were backups on 27th from Valley Drive  
to Manhattan Ave that lasted about 30 minutes.



Above is a truck stuck in the backup



Four minutes later the same truck has barely moved. Check the photo's metadata for yourself.



Three minutes later that same truck (yellow rectangle) still had not reached valley drive.

A wide angle of the backup follow but the net of this is if you live on 27th you are now screwed over once again.

Why would you close one lane of the city's only truck route that runs from PCH to Hermosa Ave meaning Pier Ave?

Why would the city allow berms on Herondo at

Hermosa Ave that restrict large trucks from accessing the Westside from Herondo?



More examples of how simple traffic counts are totally inadequate in meeting the city's statutory obligations under CEQA are provided below:

**From:** tony <tony.higgins123@gmail.com>  
**Date:** February 11, 2020 at 1:40:05 PM PST  
**To:** City Council  
<citycouncil@hermosabch.org>  
**Cc:** Tony Higgins  
<tony.higgins123@gmail.com>, kroberson@hermosabch.org, Marnell Gibson  
<mgibson@hermosabeach.gov>, Michael Jenkins <Michael.jenkins@bbklaw.com>  
**Subject: Traffic Noise Levels per General Plan**

Dear City Council Members.

The general plan is clear on TRAFFIC NOISE levels in Residential Areas

THE GENERAL PLAN SAYS:

***Maximum TRAFFIC NOISE should be restricted to no more than 5dBA above the ambient standard levels in residential areas, and to no more than 10 dBA above the ambient standard levels in commercial and manufacturing areas.***

The city knows full well the traffic noise levels on 27th are likely [15-20] db or more above the level of 55db specified in the General Plan for R2 neighborhoods.

Note: Every 5db represents a doubling of the traffic noise level as the ear hears it, so a 15db increase represents  $2^3$  or 8 times louder and 20db increase is  $2^4$  or 16 times louder.

THE GENERAL PLAN GOES ON TO SAY

***8.3 Traffic calming. Where roadway noise levels exceed the “normally compatible” range shown in the Land Use/Noise Compatibility Matrix (below), consider the implementation of traffic calming measures such as reduced speed limits or roadway design features to reduce noise levels through reduced vehicle speeds and/or diversion of vehicular traffic.***

***8.4 Enforcement. Increase the enforcement of posted speed limits and the noise standards included in the State’s Motor Vehicle Code to reduce noise impacts from vehicles, particularly in residential areas.***

The city knows full well it has not done and traffic calming or increased traffic noise enforcement on 27th that comport with 8.3 and 8.4 above per public records requests i now have. If i recall correctly the last time a vehicle was cited for excessive noise on 27th was 2008. I can pull up the public records request.

The city knows full well the effects of many discretionary projects have significantly

increased noise, near roadway pollution and vibration on 27th and these traffic noise levels have surpassed the zone where mitigations are called for and approaching the traffic noise levels that most California General Plans classify as NOT COMPATIBLE FOR RESIDENTIAL USE (eg 65db CNEL)

I will present evidence that the city systematically excluded collection of safety, noise and vibration data on 27th street between Morningside and Manhattan Ave AND Gould adjacent to Valley Park in the General Plan, while knowing it intended to change its designation from a Local Collector Road to a Minor Arterial and a defacto truck route.

Note: the city knows full well that many trucks are using 27th as a defacto truck route and IMPLEMENTING a NEW TRUCK ROUTE REQUIRES a CEQA ANALYSIS.

I will present evidence that clearly points to the fact that the City was well aware that 27th would not meet the noise and vibration standards for R2 zoned neighborhoods and then excluded the collection noise data on this narrow roadway that was highly vulnerable road to traffic noise in the General Plan. See the map below and notice 27th street was excluded from the Traffic Noise analysis. This is clear and compelling evidence that the city did noise and vibration analysis on road segments that were far less vulnerable to the impacts of traffic noise while excluding 27th street.

The city is well aware 27th has steep inclines and homes that are densely packed and have no parking buffer and these factors significantly impact noise and this makes 27th extremely vulnerable to noise impacts. Why weren't noise measurements done on this road sequent in 2018 Plan Hermosa?

I will present evidence that over the past 2 years city has systematically occluded and misrepresented the increase in vehicle and truck traffic on 27th street and denied the cumulative indirect and direct impacts that discretionary projects have had on 27th street traffic volume.



For instance the NTMP vehicular count showed traffic had increased 100% between 2016-2019 even though the General Plan forecast only a ~25% increase for the same period.

That the city used this huge jump in traffic as the new baseline traffic level and did not show the trending goes to the heart of my obfuscation claims.

I can present email evidence that the former Police Chief McKennion flat out lied in saying the City did enforce truck route laws on 27th and had issued citations when in fact public records requests proved no citations had been issued

There is no reason whatsoever to think the unforecasted 100% increase in vehicle counts between 2016 and 2019 did not apply to Heavy Truck Traffic on 27th and the closing truck route lanes on Pier Ave only exacerbated this growing problem.

The simple fact is the city has long known that minimum safety, noise and vibration standards could not be met if 27th was allowed to become a downtown truck route because of its steep hills, narrow roadway, dangerously obstructed sidewalks and the lack of a parking buffer between trucks and densely packed homes.

The city knew this and that is why noise and vibration measurements on 27th were not done, and far less vulnerable and busy road segments were instead analyzed in the 2018 General Plan. This was no accident it was systematic manipulation and obfuscation of data that might impede the city's plans to turn Pier Ave into more of a walk street.

The time to do a comprehensive analysis of safety, noise and vibration impacts and

conditions on 27th has come.

Simply stated the City would not be able to declare 27th a minor arterial and use it as a defacto truck route if these noise measurements and considerations of the unique safety conditions were analyzed in the General Plan

Please see the map below and explain why so many 27th (yellow) was excluded and roads like Ardmore and 8th street were included.

**FIGURE 4.14-5  
STUDY ROADWAY SEGMENTS**



Finally please consider that the city is trying to say that 10,000 vehicles per day on 27th's narrow and steep residential street won't have health, safety and quality of life implications

The city is trying to say that the noise, near roadway pollution and

vibration standards established in the General Plan won't be exceeded by 10,000 vehicles a day and it is under no obligation to mitigate it.

With 10,000 vehicles a day that likely works out to 750-1000 heavy trucks per day screaming up and down 27th's steep narrow road, many just inches from the curb and 6 feet from our property line.

Consider if only 5% of these 10,000 vehicles a day are excessively loud modified exhaust vehicles that's 500 modified exhaust vehicles per day. And consider if only 1 in 10 of these modified exhaust vehicles actually scream up 27th street that's 50 times a day or about once every 15 minutes over an 18 hour period laying waste to our sleep patterns and quality of life.

And this has health consequences. Just last night I was woken up 4 times by these obnoxiously loud vehicles.

It's time for the city to do measurements and take action.

Thank You  
Anthony Higgins