CITY OF RANCHO PALOS VERDES

MEMORANDUM

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS

FROM: CAROLYNN PETRU, AICP, ACTING CITY MANAGER

DATE: APRIL 1, 2014

SUBJECT: BORDER ISSUES STATUS REPORT

Project Manager: Kit Fox, AICP, Senior Administrative Analyst

RECOMMENDATION

Receive and file the current report on the status of Border Issues.

EXECUTIVE SUMMARY

This month's report includes:

- A final report on the *Ponte Vista* project at the former Navy housing site on Western Avenue in Los Angeles (San Pedro);
- An update on recent issues and events related to the Rancho LPG butane storage facility in Los Angeles (San Pedro); and,
- A report on proposed renovation and expansion of the *Peninsula Center* shopping center in Rolling Hills Estates.

BACKGROUND

The following is the regular bi-monthly report to the City Council on various "Border Issues" potentially affecting the residents of Rancho Palos Verdes. The complete text of the current status report is available for review on the City's website at:

http://palosverdes.com/rpv/planning/border_issues/2014/20140401_BorderIssues_StatusRpt.cfm

DISCUSSION

Current Border Issues

Ponte Vista Project at Former Navy Housing Site, Los Angeles (San Pedro)

The Planning and Land Use Management (PLUM) Committee of the Los Angeles City Council met again to consider the *Ponte Vista* project at its meeting on Tuesday, February 25, 2014 (see attached agenda and Staff report). The Committee reviewed the draft

ordinances prepared for the project by the Los Angeles City Attorney, and forwarded a recommendation of approval to the Los Angeles City Council.

On Tuesday, March 4, 2014, the Los Angeles City Council met to consider the *Ponte Vista* project's specific plan, development entitlements and final environmental impact report. With no public opposition to the project expressed at the hearing, it was unanimously approved by the City Council. At this point, assuming that no legal challenge is filed, the developer is expected to begin demolishing the remaining strictures on the site and preparing it for development later this year.

The *Ponte Vista* project has been a fixture of the Border Issues Status Report for more than a decade. With the Los Angeles City Council's action, Staff will remove this item from future Border Issues reports. However, Staff will continue to monitor the progress of the project, and to report periodically on its status in the Weekly Administrative Report.

Rancho LPG Butane Storage Facility, Los Angeles (San Pedro)

As "Late Correspondence" at the February 4, 2014, City Council meeting, Senator Ted Lieu's office sent the attached e-mail and additional correspondence from the State Fire Marshal and the Governor's Office of Emergency Services (CalOES). These letters clarified that the State Fire Marshal does have jurisdiction over the butane storage tanks, and that no violations were noted when they were last inspected in March 2012. The letter from CalOES also noted that the facility had passed recent local, State and Federal inspections.

On February 10, 2014, the City received a request from Rudy Svorinich on behalf of Rancho LPG Holdings for the City to remove certain content related to the Rancho LPG facility from the City's website (see attachments). Staff sent the attached response to Mr. Svorinich on February 20, 2014, declining to remove this content on the grounds that it expresses its authors' beliefs and views, and is a matter of public record since it was submitted to the City in relation to a matter on a City Council agenda.

In the past two (2) months, interested parties have continued to forward items regarding and related to Rancho LPG via e-mail. Copies of these e-mails are attached to tonight's report. Staff will continue to monitor this project in future Border Issues reports.

<u>New Border Issues</u>

Peninsula Shopping Center Revitalization Project, Rolling Hills Estates

On February 18, 2014, Staff learned of a proposed project to revitalize the Peninsula Shopping Center in Rolling Hills Estates (see attached "Notice of Intent"). The Peninsula Shopping Center is located at the southwest corner of Hawthorne Boulevard and Silver Spur Road, diagonally across the intersection from Palos Verdes Peninsula High School. Although the shopping center and most of the streets surrounding it are located in Rolling Hills Estates, single-family neighborhoods overlooking the shopping center to the north and east are located in Rancho Palos Verdes.

As described in the Notice of Intent:

> The proposed project consists of an expansion and remodel of the Peninsula Shopping Center, providing for a net increase of 16,579 square feet of commercial building space, increasing the center's total size to 310,776 square feet. The new building space would be provided in three (3) new outlying building pads and two (2) expanded outlying retail/restaurant pads (replacing a vacant fast-food establishment and a vacant retail building). Various additional changes to the center are proposed, including demolishing the existing pedestrian colonnade and constructing a drive aisle in its place, reconfiguring parking and circulation facilities, consolidating existing tenant spaces, improving sidewalks, and installing new signage and landscaping.

On March 4, 2014, Staff submitted the attached comments on the Mitigated Negative Declaration (MND) to the City of Rolling Hills Estates. Staff's comments focused on possible late-night noise impacts upon Rancho Palos Verdes residents related to new, free-standing restaurants on the northerly perimeter of the shopping center, and corrections and clarifications to the traffic and parking study.

On March 17, 2014, the Rolling Hills Estates Planning Commission considered this project (see attached agenda and Staff report). Although Rolling Hills Estates Planning Staff expressed aesthetic reservations about some aspects of the project's architecture and signage, it was generally well-received. The Staff report included responses to our City's issues of concern regarding noise and traffic. The draft project resolutions are expected to come back to the Rolling Hills Estates Planning Commission for adoption later this month. Staff will continue to monitor this project in future Border Issues reports.

Attachments:

- PLUM Committee agenda and Staff report for *Ponte Vista* project (dated 2/25/14)
- *Daily Breeze* articles regarding *Ponte Vista* project (published 2/26/14 & 3/5/14)
- E-mail and attachments from Senator Lieu's office regarding the Rancho LPG facility (dated 2/4/14)
- Letter from Rudy Svorinich regarding Rancho LPG content on the City's website (received 2/10/14)
- Response to Rudy Svorinich's letter regarding Rancho LPG content on the City's website (dated 2/20/14)
- E-mails and Late Correspondence related to the Rancho LPG facility (miscellaneous dates)
- *Peninsula Center* Revitalization Project NOI (received 2/18/14)
- City comments on MND for *Peninsula Center* Revitalization project (dated 3/4/14)
- RHE Planning Commission agenda and Staff report for *Peninsula Center* Revitalization project (dated 3/17/14)
- *Daily Breeze* article regarding *Peninsula Canter* Revitalization project (published 3/20/14)

PLUM Committee agenda and Staff report for Ponte Vista project

REVISED - PLANNING AND LAND USE MANAGEMENT COMMITTEE

Tuesday, February 25, 2014

BOARD OF PUBLIC WORKS EDWARD R. ROYBAL HEARING ROOM 350 - 2:30 PM

200 NORTH SPRING STREET, LOS ANGELES, CA 90012

*****NEW ITEM NO. 8 ADDED*****

MEMBERS: COUNCILMEMBER JOSE HUIZAR, CHAIR
COUNCILMEMBER GILBERT A. CEDILLO
COUNCILMEMBER MITCHELL ENGLANDER

(Sharon Gin - Legislative Assistant - (213)-978-1074 or email Sharon.Gin@lacity.org)

Click here for agenda packets

Note: For information regarding the Committee and its operations, please contact the Committee Legislative Assistant at the phone number and/or email address listed above. The Legislative Assistant may answer questions and provide materials and notice of matters scheduled before the City Council. Sign Language Interpreters, Communication Access Real-Time Transcription (CART), Assistive Listening Devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting/event you wish to attend. Due to difficulties in securing Sign Language Interpreters, five or more business days notice is strongly recommended. For additional information, please contact the Legislative Assistant listed above.

ITEM NO. (1)

14-0155

CD 12 TIME LIMIT: 3/20/14; LAST DAY FOR COUNCIL ACTION: 3/19/14
Communication from the Mayor relative to the appointment of Mr. Oshin Harootoonian to the North Valley Area Planning Commission for the term ending June 30, 2015.

Community Impact Statement: None submitted.

ITEM NO. (2)

14-0153

CD 11 TIME LIMIT: 3/20/14; LAST DAY FOR COUNCIL ACTION: 3/19/14
Communication from the Mayor relative to the appointment of Mr. Thomas Donovan to the West Los Angeles Area Planning Commission for the term ending June 30, 2017.

Community Impact Statement: None submitted.

ITEM NO. (3)

14-0143

CD 11 TIME LIMIT: 4/16/14; LAST DAY FOR COUNCIL ACTION: 4/11/14

Report from the Cultural Heritage Commission relative to the inclusion of the Hunt Residence, located at 7 Oakmont Drive, in the list of Historic-Cultural Monuments.

Owner: Robert Hanasab Trust

Applicant: City of Los Angeles, Department of City Planning
Representative: Christy McAvoy, Historic Resources Group

Case No. CHC-2013-3539-HCM

Fiscal Impact Statement: Yes

Community Impact Statement: None submitted.

DISPOSITION: REQUEST TO CONTINUE TO 3/18/14 PLUM

ITEM NO. (4)

14-0035, 14-0035-S1

CD 11 TIME LIMIT FILE: 4/30/14; LAST DAY FOR COUNCIL ACTION: 4/30/14

Mitigated Negative Declaration (MND) Reconsideration (Addendum) and related California Environmental Quality Act findings, and appeals filed by Kalnel Gardens, LLC (Len Judaken), (Representative: Alan Abshez), from the entire determination of the West Los Angeles Area Planning Commission in overturning the decision of the Zoning Administrator and 1) denying a Coastal Development Permit, 2) disapproving Vesting Tentative Tract Map 70870-SL, and 3) not adopting MND Reconsideration (Addendum) [ENV-2009-2489-REC2], in relation with the proposed construction of five single-family dwellings and five detached duplexes, located at 522 East Venice Boulevard.

Applicant: Kalnel Gardens, LLC (Len Judaken)
Representative: Alan Abshez

Case Nos. VTT-70870-SL-1A, ZA 2013-1420-CDP-1A, DIR-2011-588-DB-SPP-MEL

Fiscal Impact Statement: Yes

Community Impact Statement: None submitted.

DISPOSITION: REQUEST TO CONTINUE TO 3/18/14 PLUM

ITEM NO. (5)

14-0171

CD 5 TIME LIMIT: 3/5/14; LAST DAY FOR COUNCIL ACTION: 3/5/14

Mitigated Negative Declaration and related California Environmental Quality Act findings, and appeal filed by Janice A. Lazarof, individually and as trustee of the Henri and Janice A. Lazarof Trust, (Representative: Victor I. Marmon, Marmon Law Offices), from part of the determination of the West Los Angeles Area Planning Commission in overturning the decision of the Zoning Administrator and denying a variance to permit a height of 50 feet in lieu of 36 feet height limit for the construction of a single family dwelling in the RE20-1 zone, located at 10550 West Bellagio Road. (On February 11, 2014, Council adopted Motion [Koretz - Price] pursuant to Charter Section 245, asserting jurisdiction over the January 15, 2014 action [Letter of Determination dated February 4, 2014] of the West Los Angeles Area Planning Commission.)

Applicant: M & A Gabaee, LP
Representative: Ben Kim / Stacey Brenner, Charles Company

Case No. ZA-2012-1402-ZV-ZAA-ZAD-1A

Fiscal Impact Statement: No

Community Impact Statement: None submitted.

ITEM NO. (6)

13-1646

CD 15 TIME LIMIT: 3/5/14; LAST DAY FOR COUNCIL ACTION: 3/5/14

Environmental Impact Report, Errata, Statement of Overriding Considerations, Mitigation Monitoring And Reporting Program and related California Environmental Quality Act findings, reports from the Mayor, the Los Angeles City Planning Commission, and the City Attorney, Resolution for a General Plan Amendment to amend the Wilmington - Harbor City Community Plan to change the land use designation from Open Space and Low Residential to Low Medium II Residential and to amend/add footnotes to establish the proposed Ponte Vista at San Pedro (PVSP) Specific Plan, and Ordinances to: 1) effect a zone change from R1-1XL and OS-1XL to the proposed PVSP zone, 2) amend the Los Angeles Municipal Code to establish the PVSP Specific Plan, and 3) establish the PVSP Specific Plan located at 26900 South Western Avenue, bordered by the United States Navy's Defense Fuel Support Point to the north, Mary Star of the Sea High School to the east, Fitness Drive and multi-family residential developments to the south, and Western Avenue to the west, for the new construction of up to 700 residential units and a 2.42 acre public park.

Applicant: SFI Bridgeview, LLC
Representative: David P. Waite, Cox Castle and Nicholson, LLP

Case No. CPC-2012-2558-GPA-ZC-SP-CA

Fiscal Impact Statement: No

Community Impact Statement: None submitted.

ITEM NO. (7)

14-0194

CD 10 TIME LIMIT: 4/27/14; LAST DAY FOR COUNCIL ACTION: 4/25/14

Negative Declaration and related California Environmental Quality Act findings, reports from the Mayor, Director of Planning, and the Los Angeles City Planning Commission, Resolution for a proposed General Plan Amendment to the Wilshire Community Plan from High Medium Density Residential to Neighborhood Commercial land use designation, and an Ordinance for 1) a zone and height district change from R3-2 and R4-2 (multiple family dwelling zone) to (Q)C2-1 (Neighborhood Commercial zone) for lots 77 and 115 of Tract 2189 and for 2) an amendment to Ordinance No. 180559 to delete "Q" qualified condition No. 1c and to modify "Q" qualified condition No. 9, subject to Conditions of Approval, for property located at 3525 West 8th Street, with no proposed development project for the subject site.

Applicant: Kenneth Lee
Representative: Bill Robinson

Case No. CPC-2012-2894-ZC-GPA

Fiscal Impact Statement Submitted: Yes

Community Impact Statement: None submitted.

ITEM NO. (8)

13-1152

Motion (Parks - Huizar) relative to the Department of City Planning and other relevant departments to report on establishing land use regulations and zoning laws that would ensure that public health and safety is protected from the negative impacts of fracking activities. **(Also referred to Energy and Environment Committee)**

Community Impact Statement: None submitted.

ITEM NO. (9)

13-1152-S1

Motion (Koretz - Bonin - et al) relative to the City Attorney to prepare an ordinance to change the zoning code to prohibit activity associated with well stimulation and hydraulic fracturing in the City of Los Angeles until safety and reliability of Los Angeles water supplies are assured. **(Also referred to Energy and Environment Committee)**

Community Impact Statement: Yes

For proposal: Harbor Gateway North Neighborhood Council

General Comments: Silver Lake Neighborhood Council

ITEM NO. (10)

07-1175

Director of Planning's oral status report relative to ongoing development of City planning policies, work program, operations, and other items of interest.

COMMENTS FROM THE PUBLIC ON ITEMS OF PUBLIC INTEREST WITHIN THIS COMMITTEES SUBJECT MATTER JURISDICTION

If you challenge this Committee's action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at or prior to, the public hearing. Any written correspondence delivered to the City Clerk before the City Council's final action on a matter will become a part of the administrative record.

Materials related to an item on this agenda submitted to the committee after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 200 North Spring Street, Room 395, City Hall, Los Angeles, CA 90012 during normal business hours.

MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 4 - 0 0 5 5

FEB 1 8 2014

REPORT RE:

ORDINANCE ESTABLISHING THE PONTE VISTA AT SAN PEDRO SPECIFIC PLAN

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 13-1646
CPC No. 2012-2558-GPA-ZC-SP-CA

Honorable Members:

This Office has prepared and now transmits for your consideration, approved as to form and legality, a draft ordinance establishing the Ponte Vista at San Pedro Specific Plan.

Summary of Ordinance Provisions

The draft ordinance would create a specific plan comprising the approximately 61.5-acre site located at 26900 South Western Avenue, bordered by the United States Navy's Defense Fuel Support Point to the north, Mary Star of the Sea High School to the east, Fitness Drive and multi-family residential developments to the south, and Western Avenue to the west.

If adopted, the ordinance would create unique zoning regulations for the specific plan area, authorizing the construction of up to 700 dwelling units consisting of single-family homes, townhomes and flats. In exchange for the waiver of Quimby fees, the plan would call for the reservation of 14.3 acres of open space and recreation areas, including publicly accessible parkland and an extensive trail system along the perimeter of the Plan area.

City Hall East 200 N. Main Street Room 800 Los Angeles, CA 90012 (213) 978-8100 Fax (213) 978-8312

Charter Findings

Pursuant to Charter Section 559, the Director of Planning has approved this revised draft ordinance on behalf of the City Planning Commission. Should you adopt this ordinance, you may comply with the provisions of Charter Section 558 by either adopting the findings of the Director of Planning as set forth in his report dated February 13, 2014, or by making your own findings.

CEQA Determination

If the City Council wishes to adopt the ordinance, it must first comply with the California Environmental Quality Act (CEQA). The Director of Planning recommends that you adopt all Environmental Findings set forth in his report, and specifically that you find that: (1) the final EIR (Environmental Clearance No. ENV-2005-4516-EIR, SCH. No. 2010101082) has been completed in compliance with CEQA; (2) the EIR reflects the City Council's independent judgment and analysis; and (3) the EIR was presented to the City Council, and the City Council reviewed and considered the information in the final EIR before approving the project.

The Director also recommends that you adopt the Statement of Overriding Considerations contained in his report setting forth the reasons and benefits of adopting the EIR with full knowledge that significant impacts may occur, and that you adopt the Mitigation Monitoring and Reporting Program set forth as Appendix 7 of the Specific Plan.

Council Rule 38 Referral

The draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety and the Department of Transportation.

If you have any questions regarding this matter, please contact Deputy City Attorney Michael Bostrom at (213) 978-8068. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By

DAVID MICHAELSON
Chief Assistant City Attorney

DM/MJB:zra
Transmittal

M:\Real Prop_Env_Land Use\Land Use\Michael Bostrom\Ordinances\Ponte Vista\Report to Council.doc

ORDINANCE NO. _____

An ordinance establishing a Specific Plan known as the Ponte Vista at San Pedro Specific Plan in a portion of the Wilmington – Harbor City Community Plan area.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. The City Council hereby establishes and adopts the attached Ponte Vista at San Pedro Specific Plan for the area bounded by heavy lines in the Plan Boundary Map set forth in Figure IV of the Plan.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, Interim City Clerk

By _____
Deputy

Approved _____

_____
Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____
MICHAEL J. BOSTROM
Deputy City Attorney

Date February 18, 2014

Pursuant to Charter Section 559, **I approve** this ordinance on behalf of the City Planning Commission . . . . .

February 14, 2014

See attached report.

Daniel Scott for
Michael LoGrande
Director of Planning

File No(s). CF 13-1646; CPC 2012-2558-GPA-ZC-SP-CA

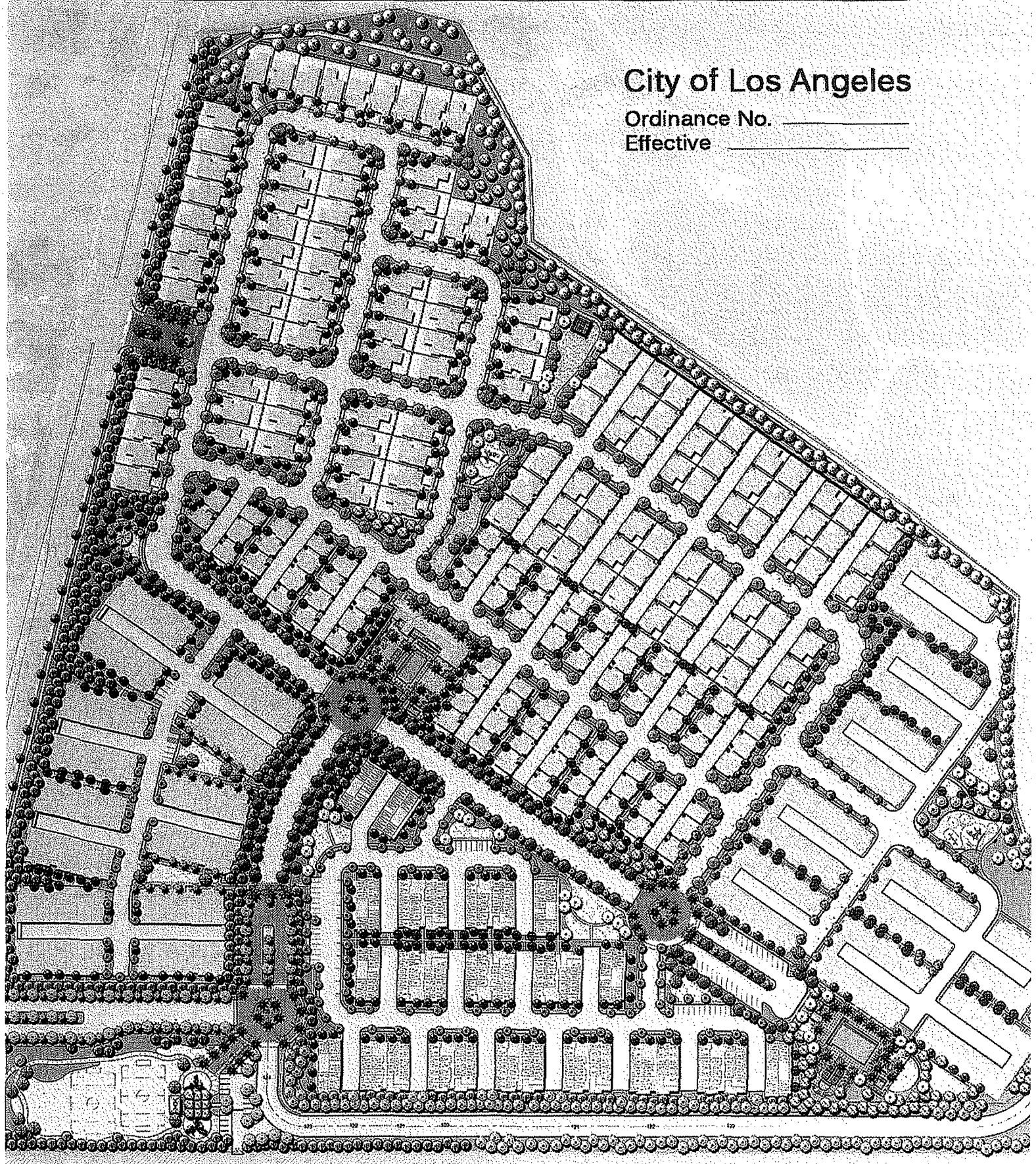
M:\Real Prop_Env_Land Use\Land Use\Michael Bostrom\Ordinances\Ponte Vista\Cover to Specific Plan.doc

PONTE VISTA AT SAN PEDRO SPECIFIC PLAN

City of Los Angeles

Ordinance No. _____

Effective _____



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PONTE VISTA AT SAN PEDRO SPECIFIC PLAN

Section 1. ESTABLISHMENT OF THE PONTE VISTA AT SAN PEDRO SPECIFIC PLAN

A. Authority and Scope

Pursuant to Section 11.5.7 of the Los Angeles Municipal Code (LAMC), the City Council hereby establishes the Ponte Vista at San Pedro Specific Plan, which shall be applicable to that area comprising the approximately 61.5-acre site located at 26900 South Western Avenue in the City of Los Angles, bordered by the U.S. Navy's Defense Fuel Support Point to the north, Mary Star of the Sea High School to the east, Fitness Drive and multi-family residential developments to the south, and Western Avenue (State Route 213) to the west. This area is referred to as the "Specific Plan area" and is depicted on **Figure I**. This Specific Plan serves as both a policy and regulatory document for the development of the Specific Plan area.

B. Subareas

In order to regulate the use of property as provided in this Specific Plan, the Specific Plan is divided into the following seven land use Subareas and Subarea classifications listed below. The location and boundaries of these Subareas are depicted in **Figure II**.

Subarea 1: Single-Family 1

Subarea 2: Single-Family 2

Subarea 3: Single-Family 3

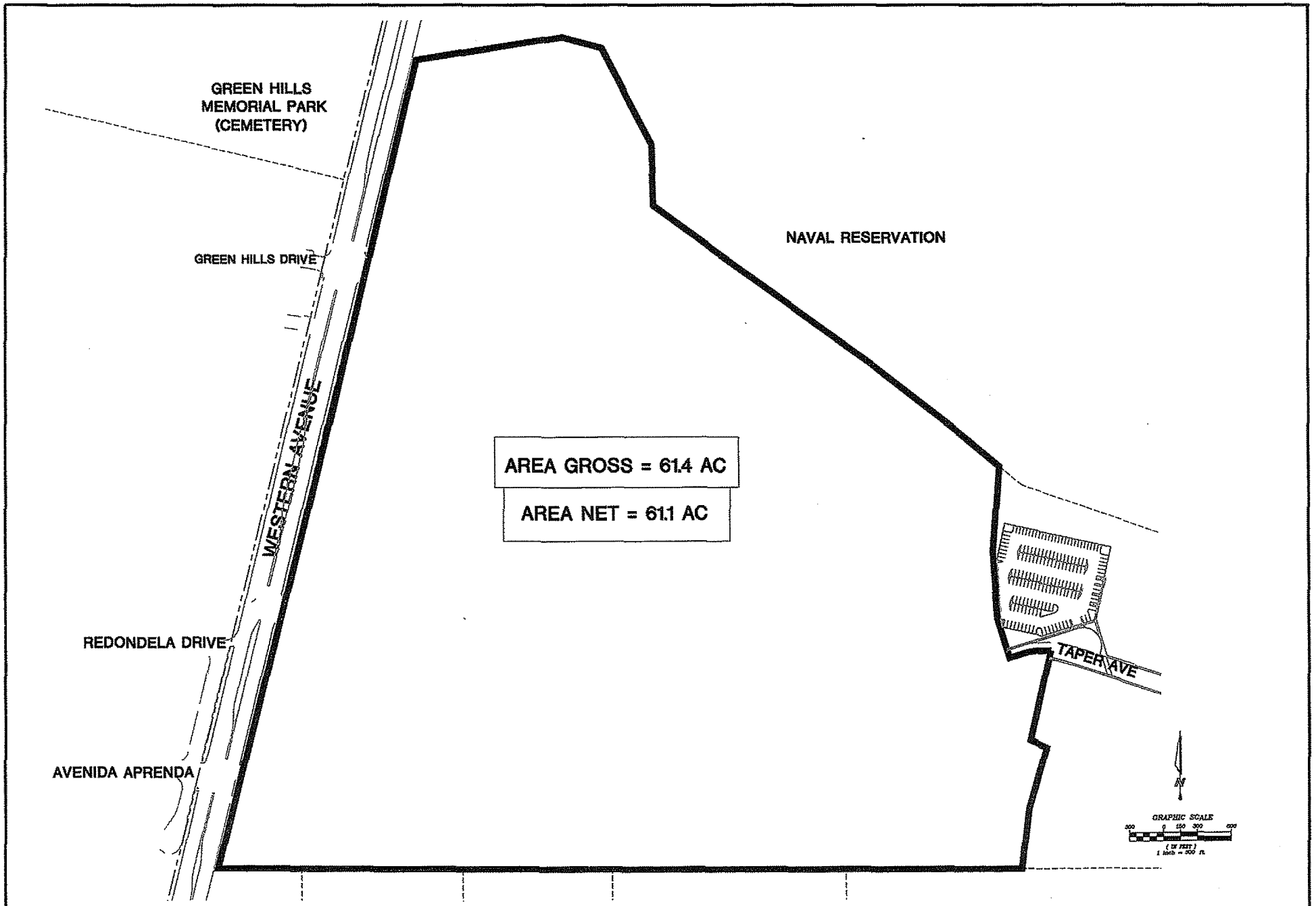
Subarea 4: Townhomes

Subarea 5: Townhomes & Flats

Subarea 6: Flats

Subarea 7: Open Space/Recreation

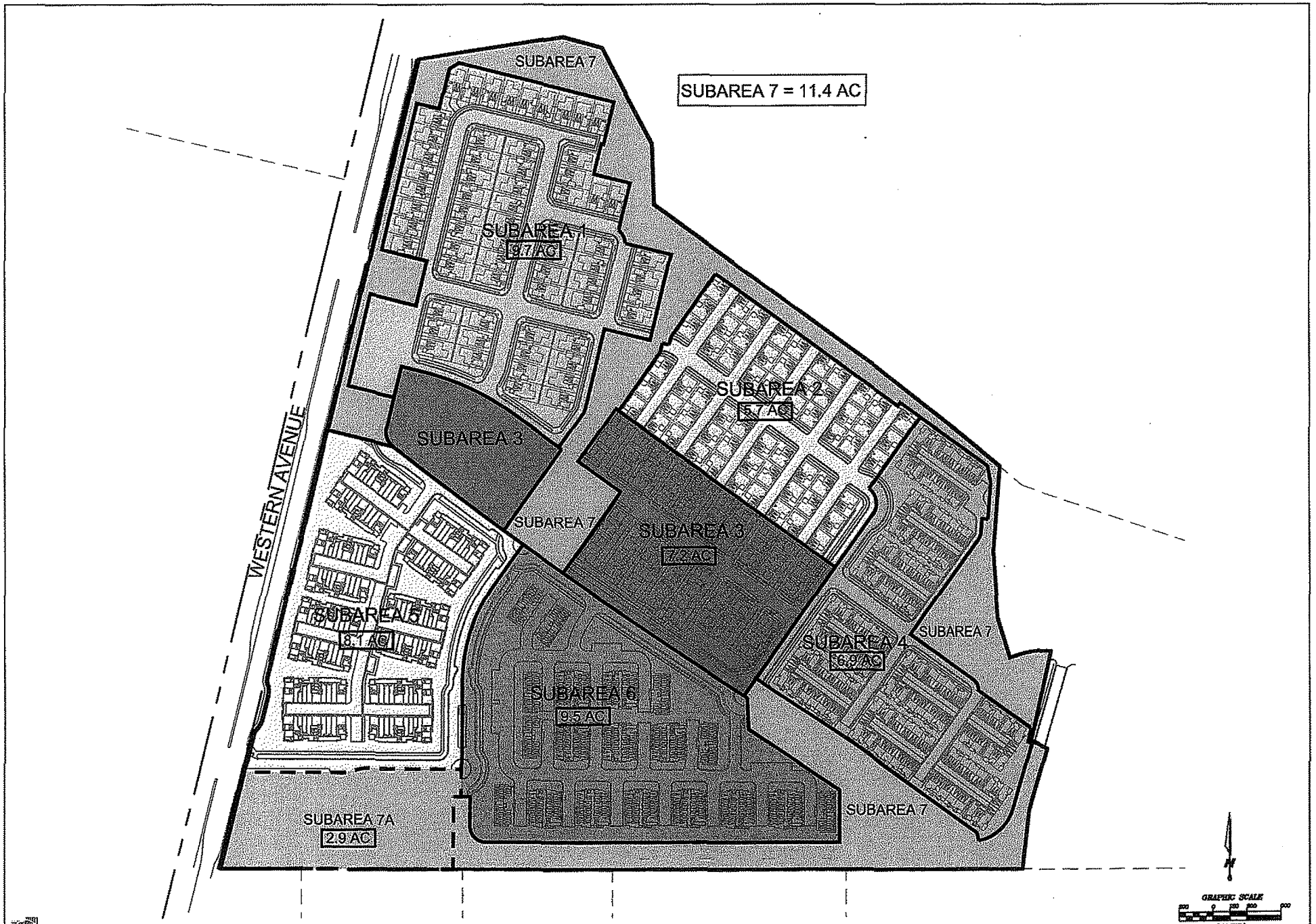
The Site Plan, including proposed product types, for the Specific Plan area is depicted on **Figure III-1**. Site plan details for each residential Subarea are depicted on **Figures III-2 through III-6**. The Zoning Map is attached at **Figure IV**.



PONTE VISTA AT SAN PEDRO - SPECIFIC PLAN AREA

9.17.2013

FIGURE - I
SPECIFIC PLAN AREA



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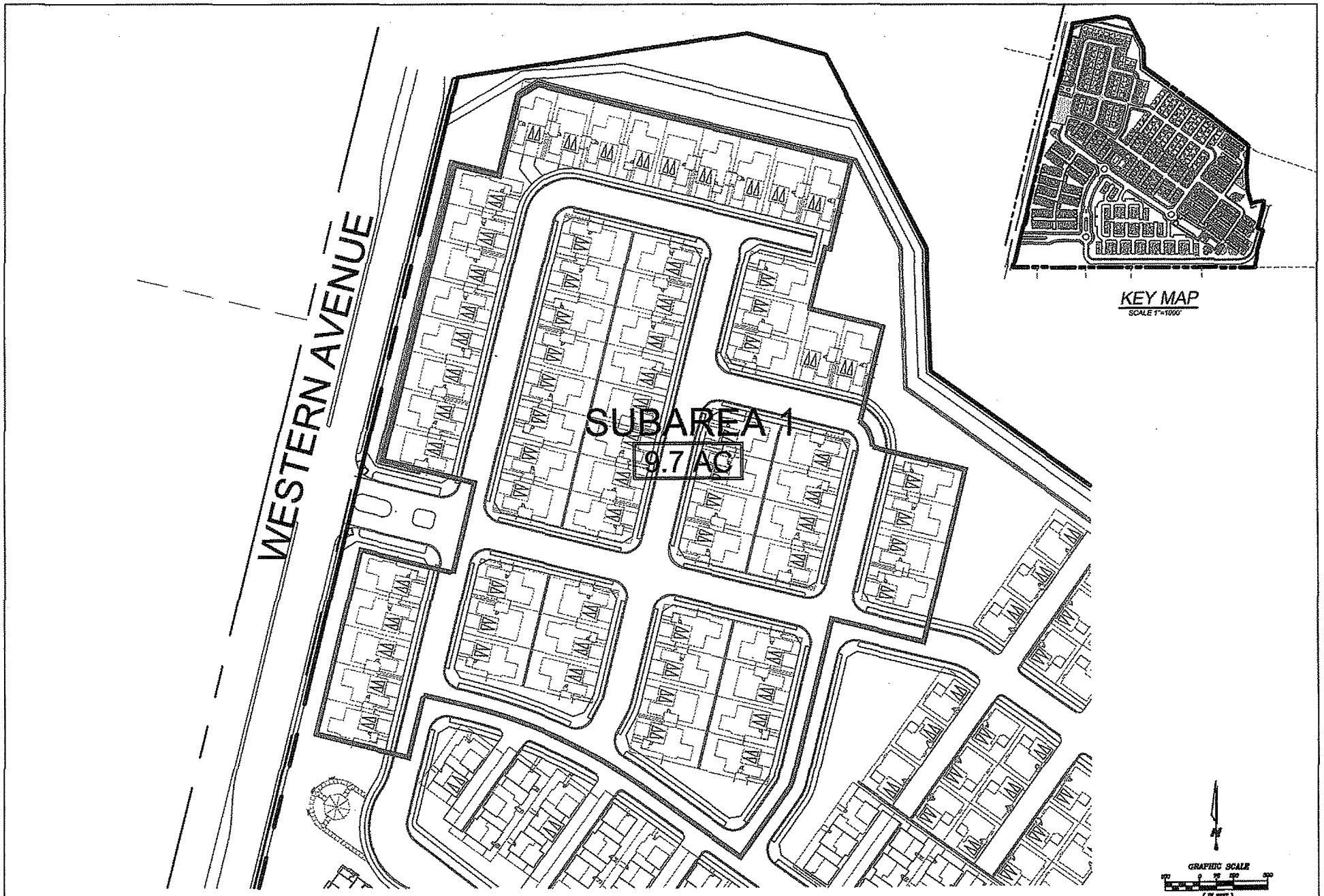
PONTE VISTA AT SAN PEDRO - SUBAREA PLAN EXHIBIT

10.11.2013

FIGURE - II
SUBAREA BOUNDARIES



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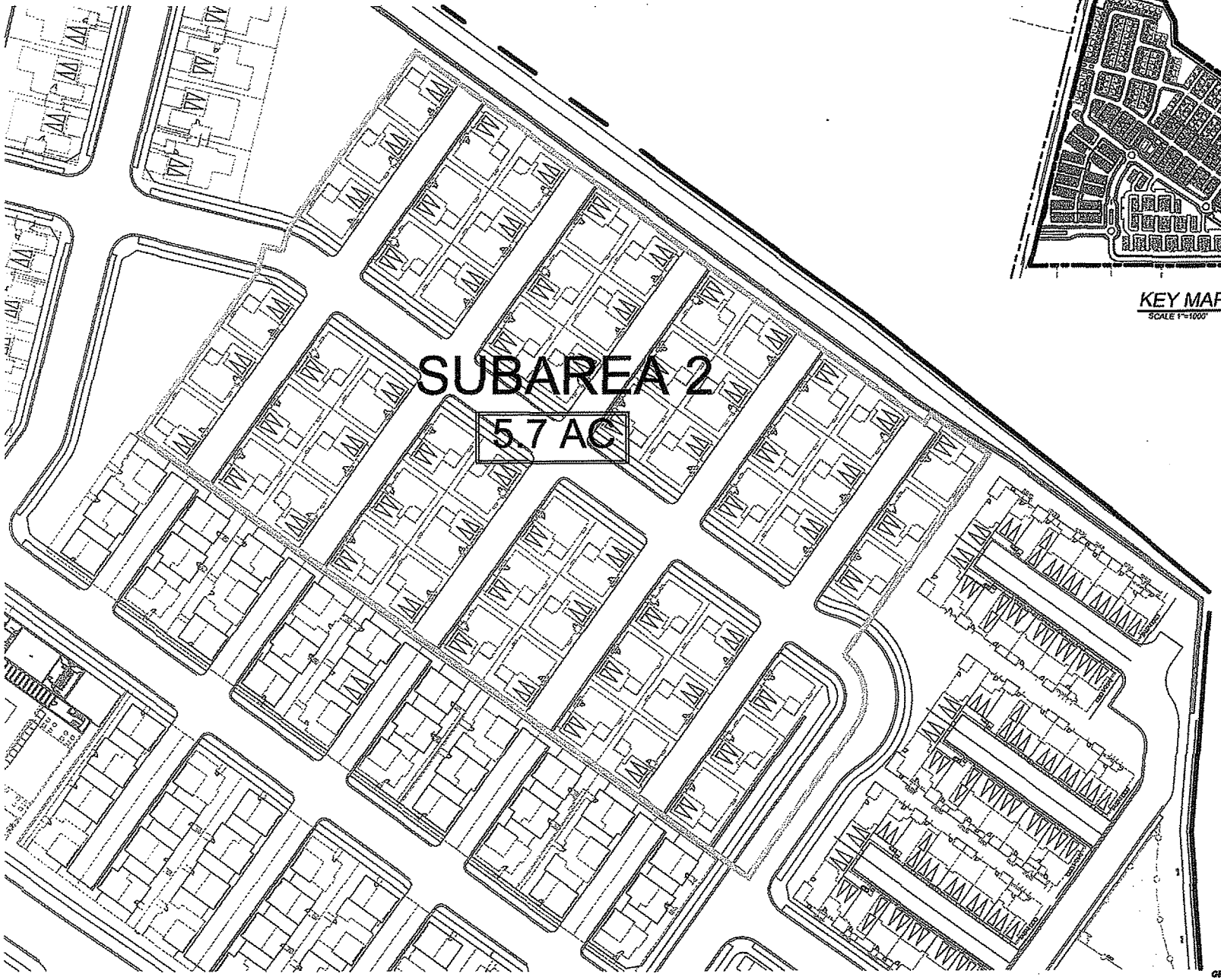
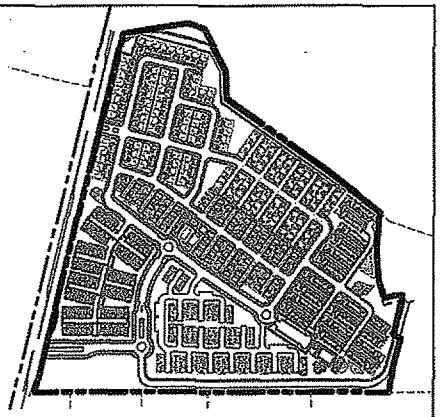
PONTE VISTA AT SAN PEDRO - SUBAREA 1

10.11.2013

FIGURE - III-1
SPECIFIC PLAN AREA





KEY MAP
SCALE 1"=1000'

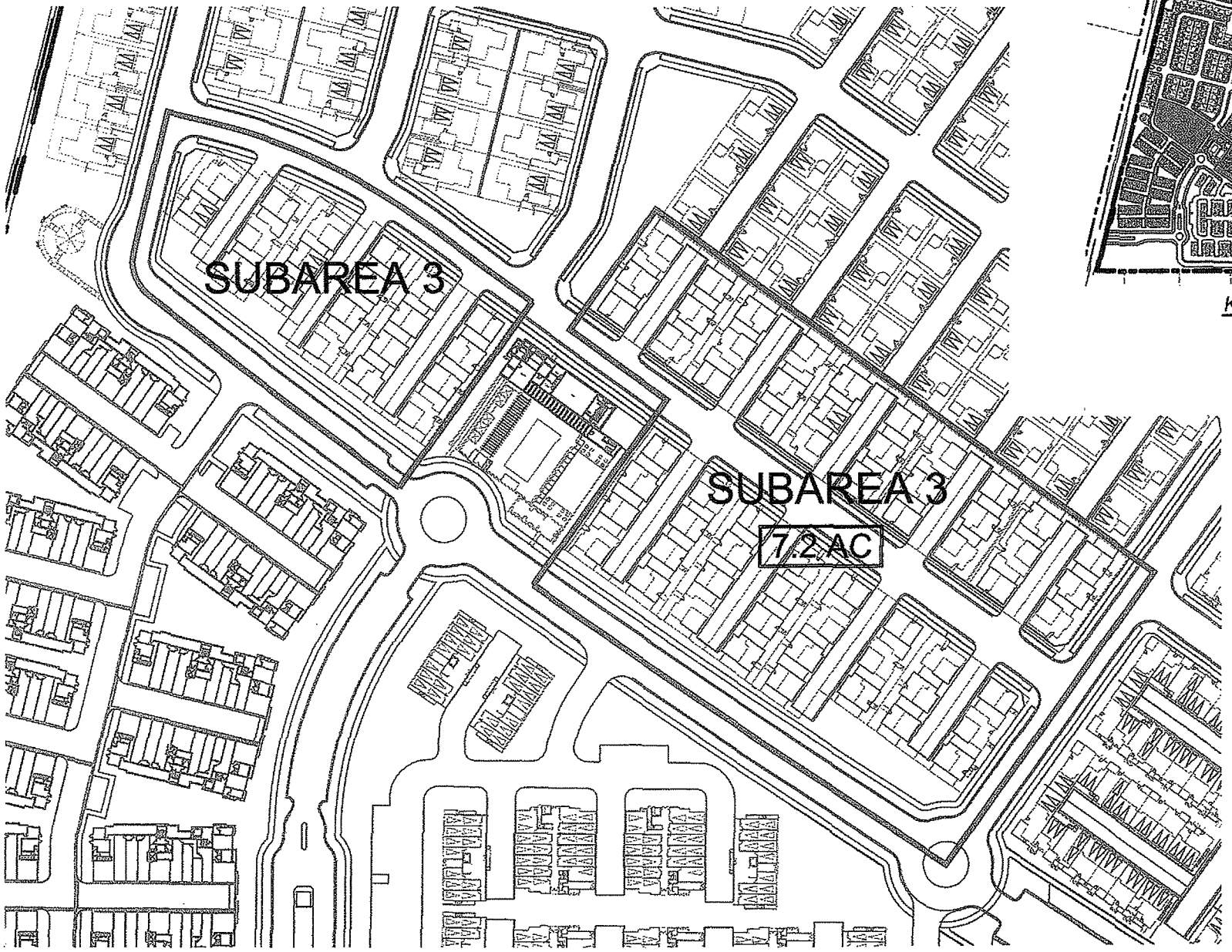
GRAPHIC SCALE

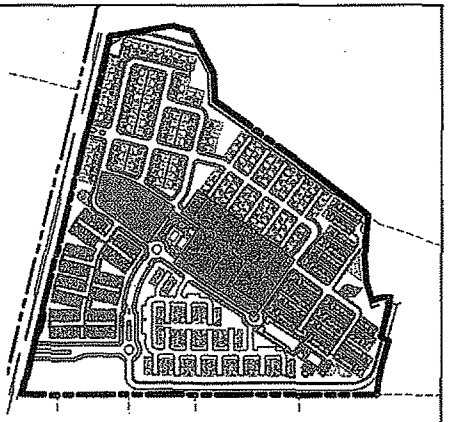
FUSCOE
ENGINEERING

PONTE VISTA AT SAN PEDRO - SUBAREA 2

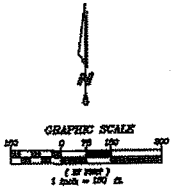
10.11.2013

FIGURE - III-2
SPECIFIC PLAN AREA





KEY MAP
SCALE 1"=1000'

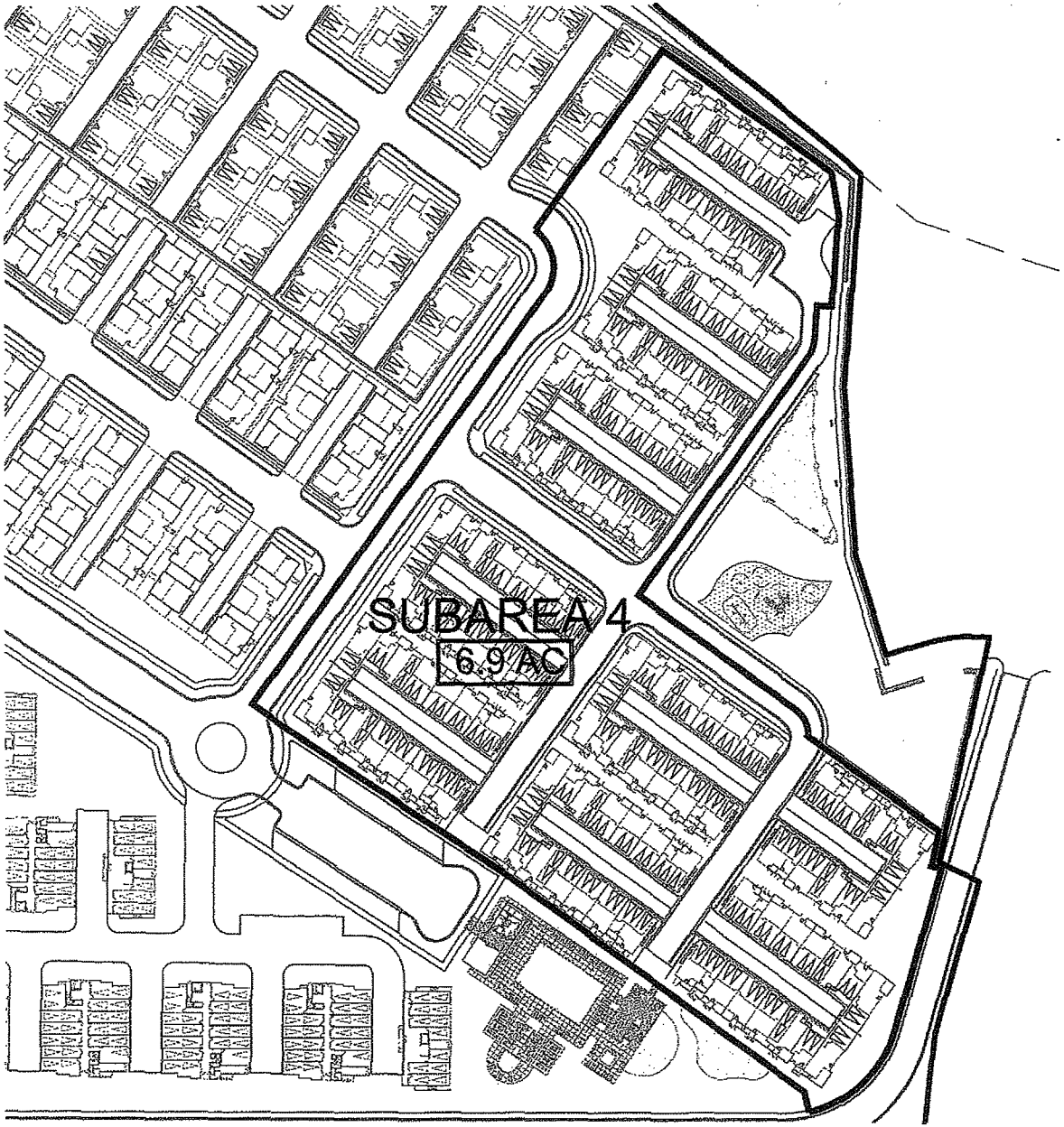


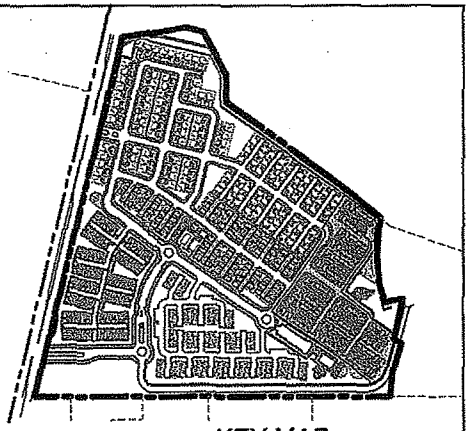
FUSCOE
ENGINEERING

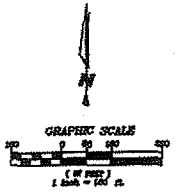
PONTE VISTA AT SAN PEDRO - SUBAREA 3

10.11.2013

FIGURE - III-3
SPECIFIC PLAN AREA





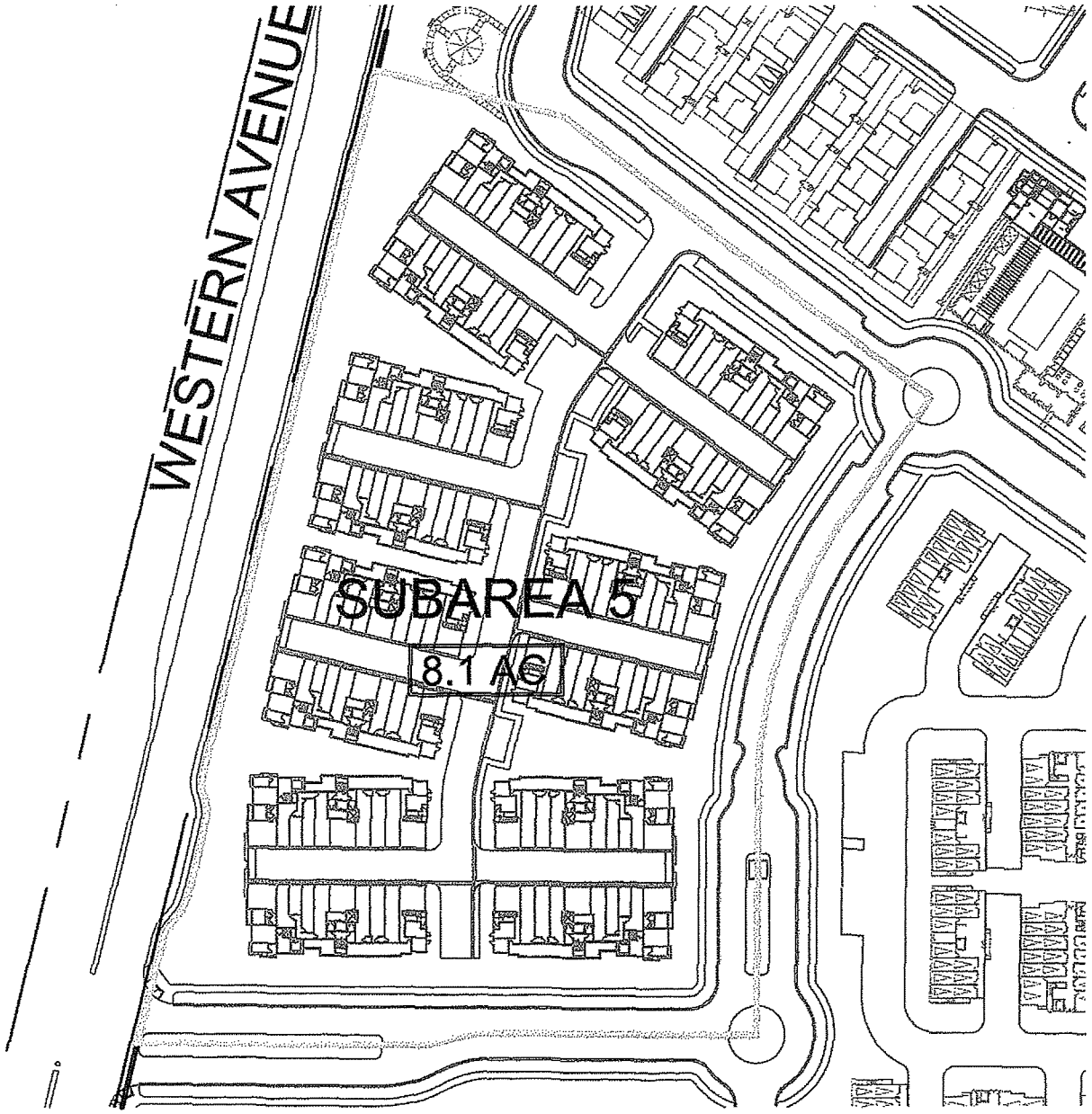


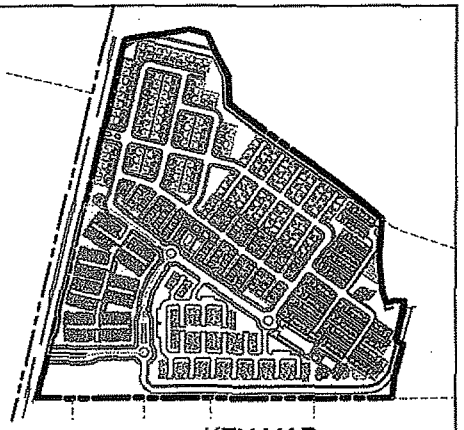
PONTE VISTA AT SAN PEDRO - SUBAREA 4

10.11.2013

FUSCOE

FIGURE - III-4
SPECIFIC PLAN AREA



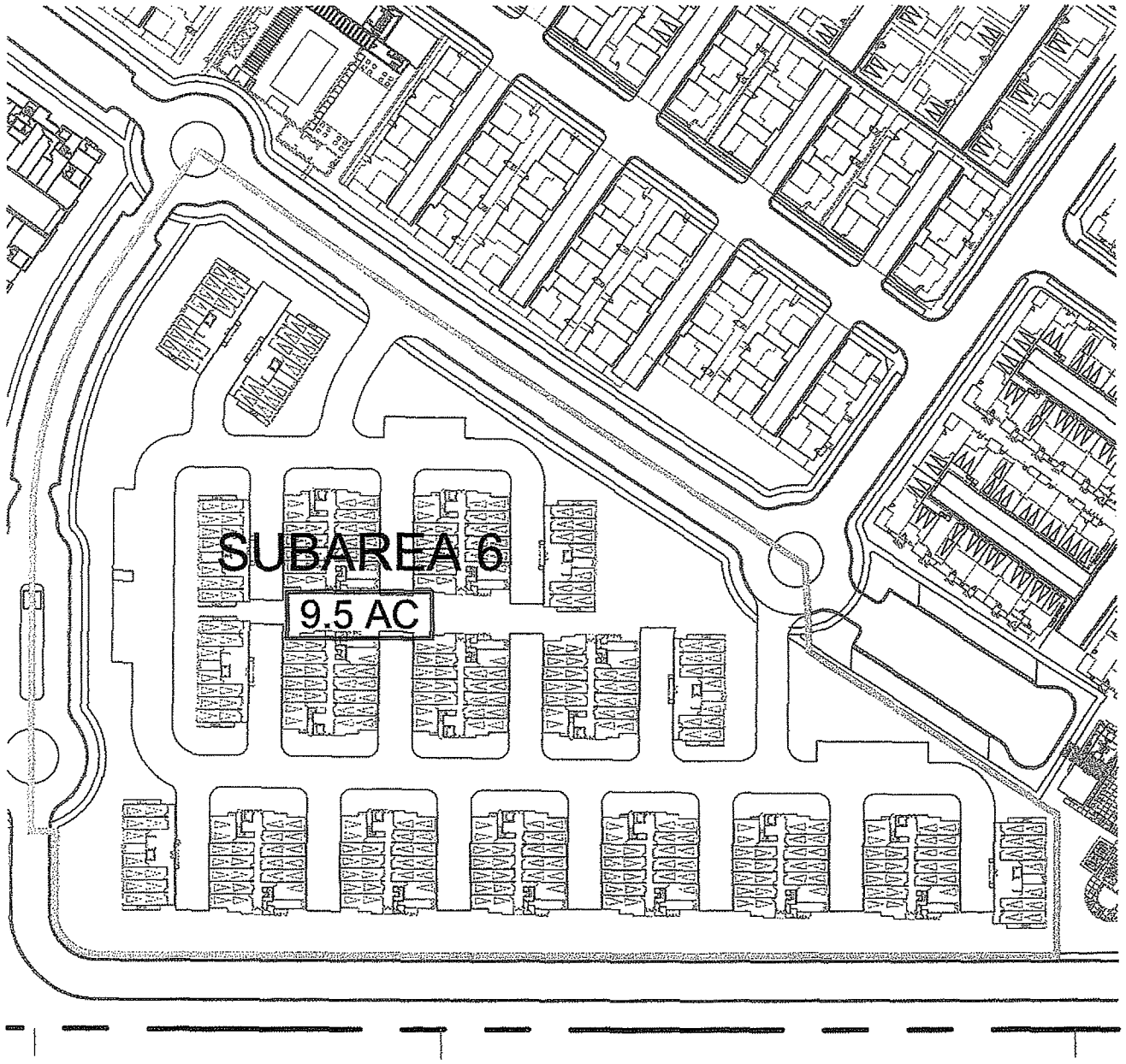


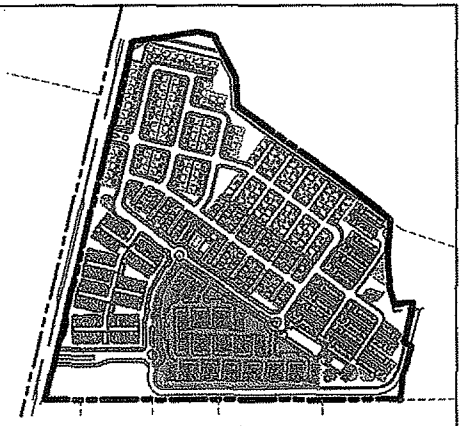
PONTE VISTA AT SAN PEDRO - SUBAREA 5

10.11.2013

FUSCOE

FIGURE - III-5
SPECIFIC PLAN AREA





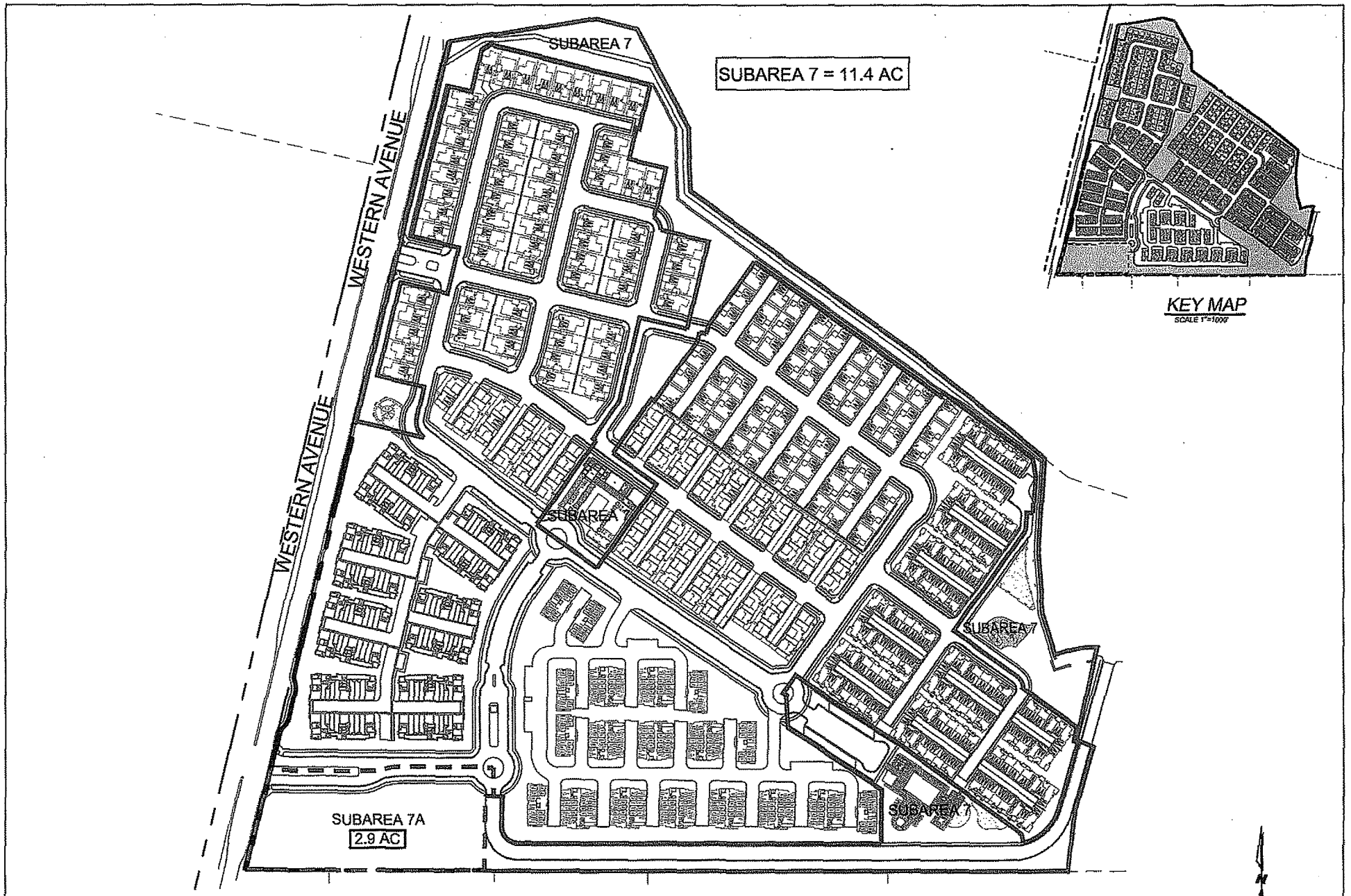
KEY MAP
SCALE 1"=1000'

GRAPHIC SCALE

PONTE VISTA AT SAN PEDRO - SUBAREA 6
10.11.2013

FUSCOE

FIGURE - III-6
SPECIFIC PLAN AREA

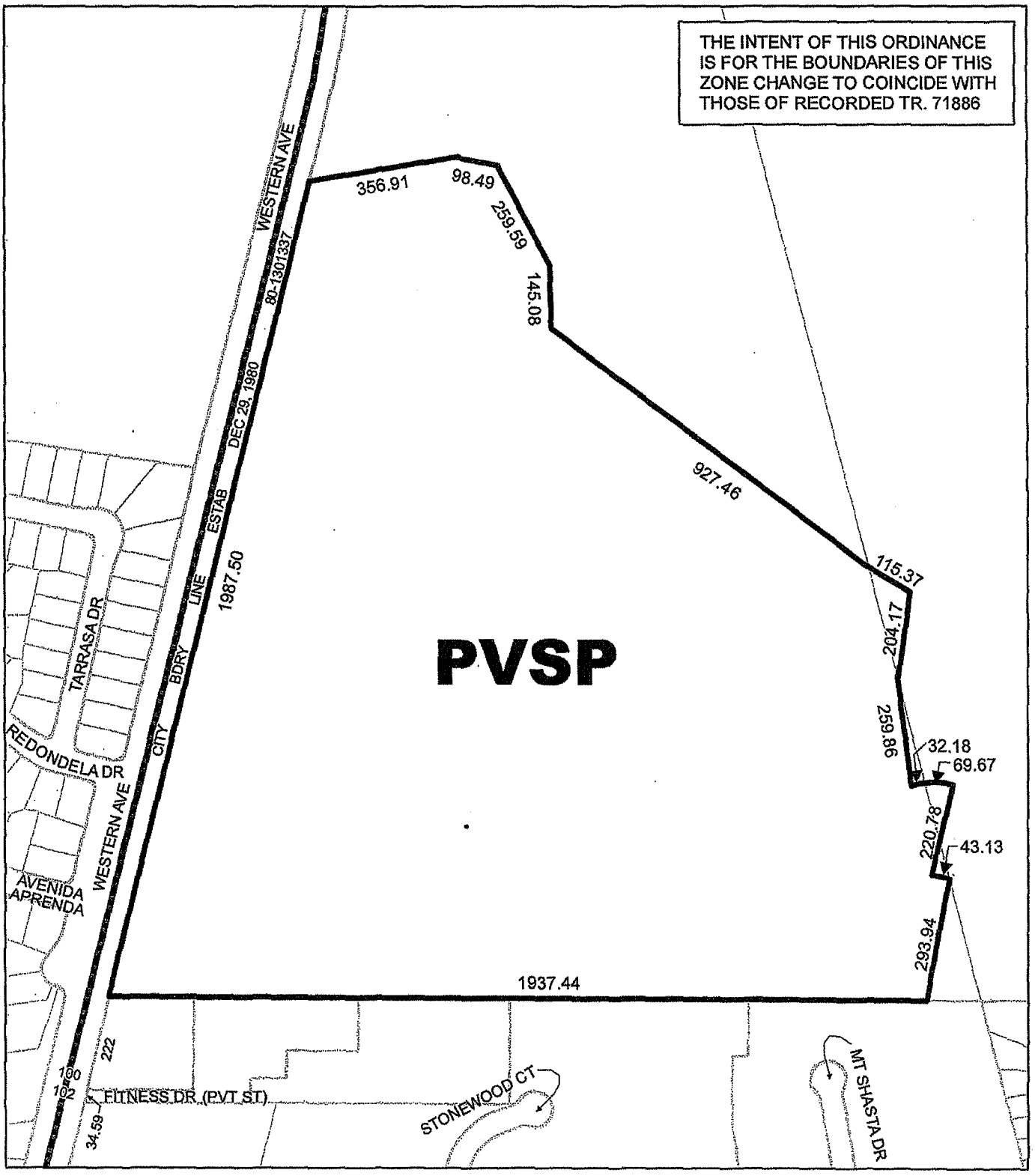


PONTE VISTA AT SAN PEDRO - SUBAREA 7 & 7A

10.11.2013

FUSCOE

FIGURE - III-7
SPECIFIC PLAN AREA



PONTE VISTA SPECIFIC PLAN

Pointe Vista Specific Plan Boundary

200 100 0 200 Feet

C.M. 027 B 193 | CPC-2012-2558-GPA-ZC-SP-CA

Area Mapped

102213 CF/JD

Data Sources: Department of City Planning, Bureau of Engineering

C. Specific Plan Overview, Purposes and Objectives

1. Specific Plan Overview

This Specific Plan provides the regulatory framework for the redevelopment of the Specific Plan area with up to 700 residential units, including a combination of single-family homes, townhomes, and flats. The Specific Plan will also include recreational facilities, parks, open space, and a trail along the perimeter of the Specific Plan area. Streets within the Specific Plan area will be private, with access to the Specific Plan area through two entrances from Western Avenue, at Green Hills Drive and at a new east-west road near the southerly boundary of the Project that will connect through the Specific Plan area to the property currently occupied by the Mary Star of the Sea High School campus to the east. A single vehicular access point will also be provided and maintained to the neighboring multi-family development to the south (Seaport Homes) to allow those residents secondary access to Western Avenue via the project's new east-west road. The access road to the Mary Star of the Sea High School campus and the access point to the neighboring multi-family development will be privately maintained, but publicly accessible, and not gated.

2. Purposes and Objectives

The purposes and objectives of this Specific Plan are as follows:

- To provide regulatory controls and a framework for the development of that portion of the General Plan that relates to the Specific Plan area and to provide for public needs, convenience and general welfare as the development of such area necessitates;

- To transform an abandoned former military housing site into a new community offering a range of housing types and price levels that provide a full range of choices for people of diverse ages, household sizes and incomes;

- To increase access to parks and open space;

- To implement the General Plan and the Wilmington-Harbor City Community Plan for the Specific Plan area;

- To provide much needed single-family and multiple-family housing to serve the housing needs of the City of Los Angeles;

- To enhance future commercial development of the Port of Los Angeles and the Port of Long Beach Harbor by providing necessary housing options adjacent to these major industrial uses;

- To guide development, including use, height, density, parking, landscaping, architectural design and other related factors to ensure development compatible with the community;

- To set forth principles, standards and general procedures to assure the orderly development of the Specific Plan area;

- To promote increased flexibility in the design of large sites in order to ensure a combination of residential uses with adequate open space;

- To provide design guidelines for review and approval of landscape and exterior of buildings and structures; and

- To implement procedures for compliance within the Specific Plan that will encourage functional and professional site planning and design practices, quality exterior design, and better appearance to improve the community.

Section 2. DEFINITIONS

Whenever the following terms are used in this Specific Plan, they shall be construed as defined in this Section 2 and the definitions of the terms set forth in this Section 2 shall supersede the definitions set forth in the LAMC including, without limitation, Section 12.03 of the LAMC. Words and phrases not defined here shall be construed as defined in Section 12.03 of the LAMC or pursuant to Section 12 of this Specific Plan.

Building Pad Elevation shall mean the building pad denoted in the preliminary grading plan (Appendix No. 6), as such plan may be finalized after its review by the Bureau of Engineering prior to the recordation of each final map unit within the Specific Plan Area. The Building Height Limitation established by this Specific Plan for a proposed building shall be measured from the Building Pad Elevation established for such building.

City shall mean the City of Los Angeles.

Community Plan shall mean the adopted Wilmington-Harbor City Community Plan, a part of the General Plan of the City of Los Angeles.

Developer as used in either this Specific Plan or the mitigation conditions adopted with this plan shall refer to SFI Bridgeview, LLC. The Director of Planning may approve the transfer of the Developer's obligations under this Plan and the mitigation conditions to a third party upon transfer of the Specific Plan area in whole or in part to a third party, provided that SFI Bridgeview, LLC provides the Director with sufficient assurances and guarantees that such third-party can and will comply with these obligations.

Dwelling Unit, Single-family shall mean construction, alteration or addition to a one-family dwelling or any accessory building, for which a building permit is required, on a lot located in whole or in part within the Specific Plan area.

Flat shall mean a multi-family residential product where all living space within a unit is enclosed within a single level.

Floor Area shall mean the total of the gross area of the floor surfaces within the exterior wall of the building, not including space devoted to stairwells, basement storage, required corridors, public restrooms, elevator shafts, light courts, vehicle parking and areas incidental thereto, mechanical equipment incidental to the operation of such building, and covered public pedestrian circulation areas, including atriums, lobbies, plazas, patios, decks, arcades and similar areas, except such public circulation areas or portions thereof that are used solely for commercial purposes.

Height shall be measured as the vertical distance from grade (adjacent ground level) to the highest point of the roof. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, or fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts, water tanks, or similar structures, may be erected above the height limit specified for the Subarea in which the property is located, but no such penthouse or roof structure, or any other space above the height limit shall be allowed for the purpose of providing additional floor area.

LAMC shall mean the Los Angeles Municipal Code.

Project shall mean any building, structure or use of property which requires a building or use permit, excluding interior remodeling of any building that does not result in a change of use, an increase in floor area, an increase in the number of dwelling units or an increase in the occupant load.

Project Applicant as used in either this Specific Plan or the mitigation conditions adopted with this plan shall refer to SFI Bridgeview, LLC. The Director of Planning may approve the transfer of the Project Applicant's obligations under this Plan and the mitigation conditions to a third party upon transfer of the Specific Plan area in whole or in part to a third party, provided that SFI Bridgeview, LLC provides the Director with sufficient assurances and guarantees that such third-party can and will comply with these obligations.

Project Permit Compliance shall mean an approval issued pursuant to Section 10 of this Specific Plan.

Setback shall mean the distance from the face of a building to another designated property line, excluding architectural features, roof eaves, patios, decks, or balconies projecting from the face of a building.

Specific Plan area shall mean that area shown within the heavy lines of the Zoning Map in this ordinance.

Subareas shall mean Subareas 1, 2, 3, 4, 5, 6 and 7 as described in Section 1.B of this Specific Plan.

Woonerf shall mean a thoroughfare type that is characterized by a narrow width. A woonerf is a living street where pedestrian and cyclist safety is promoted by use of shared spaces, traffic calming, low speed limits, and other similar measures.

Zoning Map shall mean the zoning map contained in this ordinance, attached as **Figure IV**.

Section 3. EXISTING CONDITIONS AND DEVELOPMENT OVERVIEW

A. Wilmington-Harbor City and San Pedro Communities

The Specific Plan area is situated in the far southern portion of the Los Angeles Basin, near Los Angeles Harbor. It is depicted within the Wilmington-Harbor City Community Plan (Community Plan) between the planning communities of Harbor Gateway, San Pedro, and the Port of Los Angeles, and adjacent to the cities of Torrance, Lomita, Rancho Palos Verdes, Carson, Long Beach and an unincorporated area of Los Angeles County. The immediate surrounding area includes established single-family neighborhoods and newer multiple-family uses, a memorial park, high school, and commercial land uses along Western Avenue.

The Specific Plan will redevelop an abandoned former military housing complex with high-quality residential, recreation, and open space uses compatible with nearby surrounding uses and planned development.

B. Existing Site Conditions

The Specific Plan area is the location of the former U.S. Navy San Pedro Housing complex, located approximately two miles north of downtown San Pedro and 1.5 miles northwest of the Port of Los Angeles. Abandoned homes and buildings from the prior use remain on the site.

The Specific Plan area is sloping, with elevation ranges from 101 feet to 249 feet above mean sea level (msl) sloping downward to the southeast. The highest area within the Specific Plan occurs along a steep cut slope that forms the Specific Plan's northern boundary, adjacent to the Navy's Defense Fuel Support Point. The Specific Plan area also includes significant fill. The U.S. Navy regraded the site and added fill to create building pads for roads and residential construction.

The federal government acquired ownership of the property within the Specific Plan area in 1942, when the property was undeveloped. In 1944, the government constructed a fire fighting training facility, which operated until 1950 and was demolished. The remaining area was utilized as a storage area for shipping containers from 1947 to 1962. The Navy constructed a residential community in approximately 1962 to house U.S. Navy personnel stationed at the Long Beach Naval Shipyard. The Navy housing facility was vacated and closed in 1999, and sold to private owners in 2005. The abandoned residential community still exists on the property within the Specific Plan area.

C. Project Description

The project includes demolition of the existing, abandoned structures and redevelopment of the Specific Plan area with up to 700 residential units, including a combination of single-family homes, townhomes, and flats. The Specific Plan will also include recreational facilities, parks, open space and a trail along the perimeter of the Specific Plan area. Streets within the Specific Plan area will be both private and publicly accessible, with access to the Specific Plan area through two entrances from Western Avenue, at Green Hills Drive and at a new east-west road near the southerly boundary of the Project that would connect through the Specific Plan area to the property currently occupied by the Mary Star of the Sea High School campus to the east. A single vehicular access point would also be provided and maintained to the neighboring multi-family development to the south (Seaport Homes), to allow those residents secondary access to Western Avenue via the project's new east-west road. The access road to the Mary Star of the Sea High School campus and the access road to the neighboring multi-family developments will be privately maintained, but publicly accessible, and not gated.

Section 4. RELATIONSHIP TO CITY LAND USE AND PLANNING REGULATIONS

A. Relationship to the General Plan

The General Plan is a comprehensive long-range policy document that guides the ultimate physical development of the City. The General Plan includes certain state mandated elements related to land use, circulation, housing, conservation, open space, noise, and safety. Whereas the General Plan is a broad policy document, a specific plan is a policy statement and implementation tool that is used to address a single project or planning area. A specific plan must be consistent with the General Plan by furthering the objectives and policies of the General Plan, and not obstruct their attainment, pursuant to California Government Code Section 65454.

This Specific Plan is consistent with the City's General Plan. The City will administer the provisions of this Specific Plan in accordance with the City's General Plan including the Wilmington-Harbor City Community Plan.

This Specific Plan is consistent with the land use, housing, urban form and neighborhood design, open space and conservation, and transportation goals and objectives of the General Plan and Community Plan. The proposed residential densities are consistent with the Low, Low Medium I, and Low Medium II land use categories outlined in the Community Plan, and the Specific Plan is an area that includes single-family housing, multi-family housing, parks and other community-oriented uses.

B. Consistency with the Community Plan

The Specific Plan area is regulated by the Community Plan, one of 35 community plans that comprise the Land Use Element of the General Plan. The Community Plan encourages development that provides for transition in scale, density and character of multiple-family housing and other uses adjacent to single-family homes, promotes rehabilitation of residential areas to improve quality of housing, encourages residential and mixed-use development along

commercial corridors, and strives for the development of more neighborhood parks to disperse recreational amenities throughout the Community Plan area.

This Specific Plan is a focused regulatory document that promotes these important Community Plan goals. The Specific Plan is consistent with both the Community Plan and General Plan, and reflects unique constraints and opportunities of the Specific Plan area. The Specific Plan creates a regulatory framework that accounts for the special needs of the Specific Plan area and the surrounding community, and allows flexibility for adapting to future changes that could occur in public and private industries and markets.

C. Relationship to the Los Angeles Municipal Code

The regulations of this Specific Plan are in addition to those set forth in the planning and zoning provisions of Chapter I of the Los Angeles Code (LAMC), as amended, and any other relevant ordinances, and do not convey any rights not otherwise granted under the provisions and procedures contained in the LAMC and other ordinances, except as provided for in this Specific Plan.

Whenever this Specific Plan contains provisions establishing regulations (including, but not limited to, standards such as densities, heights, floor area ratio, uses, yards, lot widths, lot area, building separations, setbacks, parking, open space and landscape requirements), different from, more restrictive or more permissive than would be allowed pursuant to Chapter I of the LAMC and the provisions of other portions of the LAMC specifically referenced below, this Specific Plan shall prevail and supersede the applicable provisions of that Code.

The procedures for granting Project Permit compliance, adjustments, modifications, exceptions, or interpretations to the requirements of this Specific Plan are set forth in Section 11.5.7 of the LAMC.

D. Applicability of the Specific Plan

Immediately upon the effective date of this Specific Plan, the rules and regulations established by this Specific Plan shall become applicable to the property within the Specific Plan area.

E. Relationship to CEQA

Pursuant to the California Environmental Quality Act (CEQA), the Ponte Vista Project Environmental Impact Report (EIR) was prepared for the Ponte Vista Project, which includes the implementation of this Specific Plan. The EIR (SCH No. 2010101082) identifies potential impacts on the environment of the Ponte Vista Project and sets forth mitigation measures to reduce those impacts. The design features and mitigation measures are hereby incorporated in and made mandatory by this Specific Plan, as applicable. The Mitigation Monitoring and Reporting Program is attached at Appendix No. 7.

Section 5. LAND USE

A. Use Regulations

1. Permitted Uses

The Specific Plan area is comprised of seven Subareas as depicted on **Figure II** and described in Section 1.B of this Specific Plan. Residential land uses consistent with the maximum development limitations established in Table 1 of this Specific Plan, supportive land uses enumerated in Section 5.C, and open space/recreational land uses (including ancillary uses such as, but not limited to, community gardens, clubhouses, exercise equipment, trash receptacles, active recreational facilities, roads, trails, dog dropping receptacles and bag stations, and street furniture) are the "Permitted Uses" under this Specific Plan.

2. Supplemental Regulations

The following supplemental regulations will apply with respect to Permitted Uses:

- Proposed uses not listed in Section 5.A.1 above may be permitted upon determination by the Zoning Administrator pursuant to Section 12.21 A 2 of the LAMC that such uses are similar to and no more objectionable to the public welfare than the Permitted Uses provided herein. The Area Planning Commission shall hear appeals on such Zoning Administrator interpretations. Upon approval thereof, such uses shall be deemed Permitted Uses for all purposes under this Specific Plan.

- Ancillary uses incidental to Permitted Uses and consistent with the purposes and objectives of this Specific Plan are Permitted Uses for all purposes under this Specific Plan.

3. Additional Conditional Uses

Any conditional uses listed in Section 12.24 of the LAMC that are not Permitted Uses under this Specific Plan shall be permitted when processed and approved in accordance with the procedures established in Section 12.24 of the LAMC.

B. Prohibited Uses

Commercial and industrial uses are prohibited within the Specific Plan area, with the exception of the following accessory uses within Subarea 7:

- Community-serving day care, as an accessory use within an improved recreational building;

- Community-serving commissary, as an accessory use within an improved recreational building; and

- Community-serving business center, as an accessory use within an improved recreational building.

C. Development Regulations

Development regulations for each residential Subarea are provided in this Section 5.C. Development regulations for Subarea 7 are provided in Section 6.A. A summary table of development regulations for each Subarea is provided at Appendix No. 8.

1. Maximum Permitted Development

Development of the Specific Plan area shall comply with the maximum permitted dwelling units per Subarea provided below in Table No. 1.

Table No. 1
Maximum Permitted Dwelling Units by Subarea

Subarea No.	Use	Maximum Dwelling Units	DU/Acre	Area (Gross Acres)
1	Single-Family	69	8	9.7
2	Single-Family	60	11	5.7
3	Single-Family	79	11	7.2
4	Townhomes	140	21	6.9
5	Townhomes & Flats	140	18	8.1
6	Flats	212	23	9.5
7	Open Space/Recreation	N/A	N/A	14.3
TOTAL		700	11.4 (avg)	61.4

The Advisory Agency shall not approve a subdivision map allowing the creation of dwelling units exceeding the Maximum Dwelling Units set forth above, unless the City Council first amends this Specific Plan.

a. Residential Limitations

Notwithstanding the provisions of Sections 12.10 C 4 and 12.11 C 4 of the LAMC to the contrary, the total allowable dwelling units within the Specific Plan Area shall not exceed 700 dwelling units. The Specific Plan permits the maximum dwelling units per acre allocated to each zone in Table 1, as well as any product type that provides less dwelling units per acre and generates less traffic trips. Single-family housing is permitted in the entire Specific Plan area except for Open Space zones. Whenever a product type allowed and intended primarily for development in one Subarea is developed in another Subarea as provided for in this Section, the Residential Regulations prescribed in Section 5.C.4 of the corresponding Subarea shall apply, except that the maximum dwelling units for each Subarea outlined in Table No. 1 shall not be exceeded.

A maximum of 212 residential units are permitted within Subarea 6, although only 188 units are currently proposed on the site plan. In order to provide additional housing within Subarea 6, exceeding the currently proposed 188 units, but not more than 212 units, a new subdivision map shall be obtained, but no Specific Plan Amendment shall be required.

b. **Allocation of Development Rights**

The total number of dwelling units and a current accounting of the cumulative totals of Floor Area utilized within each Subarea described in Section 5.C.1 of this Specific Plan shall be maintained by the Department of City Planning. Allocation of development rights to each lot within a subdivision shall be made at the time of subdivision, and prior to the recordation of Parcel Maps or Final Maps. Deed restrictions or covenants running with the land shall be recorded to limit development in accordance with such allocated development rights and in conformity with Section 6 of this Specific Plan.

2. **Lot Area**

Notwithstanding provisions of the LAMC to the contrary, the minimum lot area for any residential lot within the Specific Plan area shall be 1,800 square feet.

3. **Small Lot Subdivision**

In addition to any provisions of this Specific Plan and notwithstanding Section 5.C above, the Specific Plan permits development in compliance with the City's Small Lot Subdivision Ordinance (Ord. 176354) in Subareas 4, 5 and 6 only. In no circumstances, however, shall a Small Lot Subdivision approval authorize the construction of dwelling units exceeding the maximum permitted dwelling units set forth in Table No. 1 above.

4. **Residential Regulations**

a. **Subarea 1**

Subject to the applicable limitations and provisions set forth in Sections 6, 7, 8 and 9 of this ordinance, the following requirements shall apply to all lots within Subarea 1 of the Specific Plan area.

i) **Use**

No building, structure or land shall be used and no building or structure shall be erected, structurally altered, enlarged or maintained except for the following uses:

- One-family dwellings;
- Parks, playgrounds, recreational or community centers, or other similar recreational or open space amenity, public or private; and

- Accessory buildings, including private garages, accessory living quarters, servants' quarters, or recreation rooms, subject to the same limitations as are set forth in Section 12.08 A 7 of the LAMC.

ii) **Height**

No building or structure shall exceed two (2) stories or 30 feet in height.

iii) **Density**

The density shall be limited to a maximum of 8 dwelling units per gross acre, and the total number of residential dwelling units in Subarea 1 shall be limited to 69 dwelling units.

iv) **Product Type**

Product Type 1 in the Design Guidelines is permitted in Subarea 1.

v) **Lot Width**

The minimum lot width for each lot within Subarea 1 shall be 20 feet.

vi) **Setbacks**

The yard setbacks within each lot within Subarea 1 shall be at least:

- **Front:** 8' setback
- **Side:** 4' setback
- **Rear:** 8' setback

b. **Subarea 2**

Subject to the applicable limitations and provisions set forth in Sections 6, 7, 8 and 9 of this ordinance, the following requirements shall apply to all lots within Subarea 2 of the Specific Plan area.

i) **Use**

No building, structure or land shall be used and no building or structure shall be erected, structurally altered, enlarged or maintained except for the following uses:

- One-family dwellings;
- Parks, playgrounds, recreational or community centers, or other similar recreational or open space amenity, public or private; and

- Accessory buildings, including private garages, accessory living quarters, servants' quarters, or recreation rooms, subject to the same limitations as are set forth in Section 12.08 A 7 of the LAMC.

ii) **Height**

No building or structure shall exceed three (3) stories or 30 feet in height.

iii) **Density**

The density shall be limited to a maximum of 11 dwelling units per gross acre, and the total number of residential dwelling units in Subarea 2 shall be limited to 60 dwelling units.

iv) **Product Types**

Product Types 1 and 2 in the Design Guidelines are permitted in Subarea 2.

Notwithstanding the requirements of this Section 5.C.4.b, if Product Type 1 is developed within Subarea 2, then the Residential Regulations prescribed in Section 5.C.4.a for Subarea 1 shall apply, with the exception of density where Section 5.C.4.b.iii shall continue to apply.

v) **Lot Width**

The minimum lot width for each lot within Subarea 2 shall be 20 feet.

vi) **Setbacks**

The yard setbacks within each lot within Subarea 2 shall be at least:

- **Front:** 2' setback
- **Side**: 4' setback
- **Rear**: 5' setback

c. **Subarea 3**

Subject to the applicable limitations and provisions set forth in Sections 6, 7, 8 and 9 of this ordinance, the following requirements shall apply to all lots within Subarea 3 of the Specific Plan area.

i) **Use**

No building, structure or land shall be used and no building or structure shall be erected, structurally altered, enlarged or maintained except for the following uses:

- One-family dwellings;

- Parks, playgrounds, recreational or community centers, or other similar recreational or open space amenity, public or private; and

- Accessory buildings, including private garages, accessory living quarters, servants' quarters, or recreation rooms, subject to the same limitations as are set forth in Section 12.08 A 7 of the LAMC.

ii) **Height**

No building or structure shall exceed three (3) stories or 40 feet in height.

iii) **Density**

The density shall be limited to a maximum of 11 dwelling units per gross acre, and the total number of residential dwelling units in Subarea 3 shall be limited to 79 dwelling units.

iv) **Product Types**

Product Types 1, 2 and 3 in the Design Guidelines are permitted in Subarea 3.

Notwithstanding the requirements of this Section 5.C.4.c:

- If Product Type 1 is developed within Subarea 3, then the Residential Regulations prescribed in Section 5.C.4.a for Subarea 1 shall apply, with the exception of density where Section 5.C.4.c.iii shall continue to apply.

- If Product Type 2 is developed within Subarea 3, then the Residential Regulations prescribed in Section 5.C.4.b for Subarea 2 shall apply, with the exception of density where Section 5.C.4.c.iii shall continue to apply.

v) **Lot Width**

The minimum lot width for each lot within Subarea 3 shall be 20 feet.

vi) **Setbacks**

The yard setbacks within each lot within Subarea 3 shall be at least:

- **Front:** 8' setback

- **Side:** 4' setback

- **Rear:** 2' setback

d. **Subarea 4**

Subject to the applicable limitations and provisions set forth in Sections 6, 7, 8 and 9 of this ordinance, the following requirements shall apply to all lots within Subarea 4 of the Specific Plan area.

i) **Use**

No building, structure or land shall be used and no building or structure shall be erected, structurally altered, enlarged or maintained except for the following uses:

- Uses permitted in the Subareas 1, 2 and 3;
- Dwellings, one-family attached, two-family, multiple; and apartment houses and/or condominium units; and
- Parks, playgrounds, recreational or community centers, or other similar recreational or open space amenity, public or private.

ii) **Height**

No building or structure shall exceed three (3) stories or 35 feet in height.

iii) **Density**

The density shall be limited to a maximum of 21 dwelling units per gross acre, and the total number of residential dwelling units in Subarea 4 shall be limited to 140 dwelling units.

iv) **Product Types**

Product Types 1, 2, 3, and 4 in the Design Guidelines are permitted in Subarea 4.

Notwithstanding the requirements of this Section 5.C.4.d:

- If Product Type 1 is developed within Subarea 4, then the Residential Regulations prescribed in Section 5.C.4.a for Subarea 1 shall apply, with the exception of density where Section 5.C.4.d.iii shall continue to apply.
- If Product Type 2 is developed within Subarea 4, then the Residential Regulations prescribed in Section 5.C.4.b for Subarea 2 shall apply, with the exception of density where Section 5.C.4.d.iii shall continue to apply.
- If Product Type 3 is developed within Subarea 4, then the Residential Regulations prescribed in Section 5.C.4.c for Subarea 3 shall apply, with the exception of density where Section 5.C.4.d.iii shall continue to apply.

v) **Lot Width**

The minimum lot width for each lot within Subarea 4 shall be 50 feet.

vi) **Setbacks**

The yard setbacks within each lot within Subarea 4 shall be at least:

- **Front:** 5' setback
- **Side:** 4' setback
- **Rear:** 0' setback

e. **Subarea 5**

Subject to the applicable limitations and provisions set forth in Sections 6, 7, 8 and 9 of this ordinance, the following requirements shall apply to all lots within Subarea 5 of the Specific Plan area.

i) **Use**

No building, structure or land shall be used and no building or structure shall be erected, structurally altered, enlarged or maintained except for the following uses:

- Uses permitted in Subareas 1, 2, 3, and 4;
- Dwellings, one-family attached, two-family, multiple; and apartment houses and/or condominium units; and
- Parks, playgrounds, recreational or community centers, or other similar recreational or open space amenity, public or private.

ii) **Height**

No building or structure shall exceed four stories (4) stories or 48 feet in height.

iii) **Density**

The density shall be limited to a maximum of 18 dwelling units per gross acre, and the total number of residential dwelling units in Subarea 5 shall be limited to 140 dwelling units.

iv) **Product Types**

Product Types 1, 2, 3, 4 and 5 in the Design Guidelines are permitted in Subarea 5.

Notwithstanding the requirements of this Section 5.C.4.e:

- If Product Type 1 is developed within Subarea 5, then the Residential Regulations prescribed in Section 5.C.4.a for Subarea 1 shall apply, with the exception of density where Section 5.C.4.e.iii shall continue to apply.

- If Product Type 2 is developed within Subarea 5, then the Residential Regulations prescribed in Section 5.C.4.b for Subarea 2 shall apply, with the exception of density where Section 5.C.4.e.iii shall continue to apply.

- If Product Type 3 is developed within Subarea 5, then the Residential Regulations prescribed in Section 5.C.4.c for Subarea 3 shall apply, with the exception of density where Section 5.C.4.e.iii shall continue to apply.

- If Product Type 4 is developed within Subarea 5, then the Residential Regulations prescribed in Section 5.C.4.d for Subarea 4 shall apply, with the exception of density where Section 5.C.4.3.e.iii shall continue to apply.

v) **Lot Width**

The minimum lot width for each lot within Subarea 5 shall be 50 feet.

vi) **Setbacks**

The yard setbacks within each lot within Subarea 5 shall be at least:

- **Front:** 5' setback
- **Side:** 5' setback
- **Rear:** 0' setback

f. **Subarea 6**

Subject to the applicable limitations and provisions of Section 6, 7, 8 and 9 of this ordinance, the following requirements shall apply to all lots within Subarea 6 of the Specific Plan area.

i) **Use**

No building, structure or land shall be used and no building or structure shall be erected, structurally altered, enlarged or maintained except for the following uses:

- Uses permitted in the Subareas 1, 2, 3, 4 and 5;
- Dwellings, one-family attached, two-family, multiple; and apartment houses and/or condominium units; and
- Parks, playgrounds, recreational or community centers, or other similar recreational or open space amenity, public or private.

ii) **Height**

No building or structure shall exceed four (4) stories or 55 feet in height.

iii) **Density**

The density shall be limited to a maximum of 23 dwelling units per gross acre, and the total number of residential dwelling units in Subarea 6 shall be limited to 212 dwelling units.

iv) **Product Types**

Product Types 1, 2, 3, 4, 5 and 6 in the Design Guidelines are permitted in Subarea 6.

Notwithstanding the requirements of this Section 5.C.4.f:

- If Product Type 1 is developed within Subarea 6, then the Residential Regulations prescribed in Section 5.C.4.a for Subarea 1 shall apply, with the exception of density where Section 5.C.4.f.iii shall continue to apply.
- If Product Type 2 is developed within Subarea 6, then the Residential Regulations prescribed in Section 5.C.4.b for Subarea 2 shall apply, with the exception of density where Section 5.C.4.f.iii shall continue to apply.
- If Product Type 3 is developed within Subarea 6, then the Residential Regulations prescribed in Section 5.C.4.c for Subarea 3 shall apply, with the exception of density where Section 5.C.4.f.iii shall continue to apply.
- If Product Type 4 is developed within Subarea 6, then the Residential Regulations prescribed in Section 5.C.4.d for Subarea 4 shall apply, with the exception of density where Section 5.C.4.f.iii shall continue to apply.
- If Product Type 5 is developed within Subarea 6, then the Residential Regulations prescribed in Section 5.C.4.e for Subarea 5 shall apply, with the exception of density where Section 5.C.4.f.iii shall continue to apply.

v) **Lot Width**

The minimum lot width for each lot within Subarea 6 shall be 50 feet.

vi) **Setbacks**

The yard setbacks within each lot within Subarea 5 shall be at least:

- **Front:** 5' setback
- **Side:** 5' setback
- **Rear:** 0' setback

D. Design Requirements

This Specific Plan includes detailed Design Guidelines provided at Appendix No. 1. The Design Guidelines provide standards to guide the visual and physical appearance of the residential development and pedestrian areas. People differ in their interpretation of what constitutes aesthetic design in particular circumstances, and flexibility should be permitted to encourage design innovations and changes in design standards over time. For these reasons, rigid adherence to each Design Guideline is not intended. Rather, it is intended that developments be evaluated for their conformance to the general intent of the applicable Design Guideline and to the Specific Plan objectives.

This flexible standard, however, does not apply to the Visitor Parking regulations in Section 2.4 or the Building Requirements set forth in Sections 2.11 through 2.16 of the Design Guidelines. Each Project shall comply with these regulations and requirements, unless relief is granted pursuant to LAMC Section 11.5.7.

A variety of architectural styles and related building forms and details will be allowed within the Specific Plan area, with the goal of providing a cohesive string of distinct architectural influences that tie the community together yet allow for variety and individual expression. The following four architectural styles are permitted within the Specific Plan area: Mediterranean; Mediterranean Eclectic; Early California Modern; and California Modern. All Projects shall comply with the architectural site guidelines of the Design Guidelines.

E. Determination of Compliance

No building, structure or land within the Specific Plan area shall be used and no building or structure shall be erected, structurally altered, enlarged or maintained within the Specific Plan area without Project Permit Compliance approval. The project applicant may concurrently apply for Project Permit Compliance and subdivision approval.

F. Relief from Development Regulations

An application to modify or deviate from the development regulations in this Specific Plan shall be processed in accordance with the procedures for Project Permit Adjustments or for exceptions, amendments, or interpretations of this Specific Plan, as set forth in Section 10 of this Specific Plan and Sections 11.5.7 of the LAMC.

G. Adjustment to Boundaries

The subarea boundaries shown upon the Subarea Plan Exhibit in **Figure II**, and in greater detail in Figures III-1 through III-7 of this Specific Plan, are approximate, and subarea boundary interpretations or adjustments may be made as part of the Project Permit Compliance review and approval process under Section 10 of this Specific Plan when such subarea boundary interpretations or adjustments meet the overall intent of the Specific Plan regarding location of land uses, and/or when necessary to ensure that such subarea boundaries precisely coincide with future street, alley or lot lines.

Adjustments in the boundaries of the Subareas and of further components thereof that result in an increase or reduction of land area of any Subarea or component thereof of 15 percent or less of the land area shall be permitted by the Planning Director as a Specific Plan interpretation as set forth in Section 10. An adjustment in the boundaries of the Subareas or of further components thereof in excess of 15 percent shall require a Specific Plan amendment governed by LAMC Section 11.5.7.

Section 6. Open Space, Pedestrian Linkages and Streetscape

A. **Subarea 7**

The purpose of Subarea 7 is to limit uses to open space and recreational activities to provide amenities for the owners and tenants within the Specific Plan area, as well as the general public. All open areas (including any roof of any subterranean parking building or structure) not utilized for buildings, driveways, parking areas, recreational facilities, plazas, patios, decks or walks shall be landscaped.

a. **Use**

The following facilities, uses and activities are permitted within Subarea 7: parks, playgrounds, swimming pools and jacuzzis, paths and trails, open lawns, water features, drinking fountains, public art, exercise stations, athletic fields, picnic facilities, pedestrian amenities and features, landscape and landscape amenities, game courts, community gardens, recreational or community facilities, public or private, roads, infrastructure and equipment, community-serving commissary, day care and business centers as accessory uses within an improved recreational building, and similar uses as determined appropriate by the Director.

A park shall be provided within the dotted line boundary of **Figure II** depicted as Subarea 7A, prior to the issuance of the first residential certificate of occupancy for a Project. The park shall be designed in general accordance with one of the conceptual plans provided at Section 4 of the Design Guidelines. If the Planning Director determines during Project Permit Compliance review that the park design differs substantially from the conceptual plans provided in the Design Guidelines, the developer shall consult with the City Department of Recreation and Parks on an alternative park design acceptable to the Department of Recreation and Parks. The park shall be maintained by the property owners' association and shall be accessible by the public in perpetuity, subject to reasonable rules and limitations that do not discriminate between project residents and the general public. As part of the Project Permit Compliance review, the owner or owners of the lot on which the park is to be provided and maintained shall record an agreement in the Office of the County Recorder of Los Angeles County, California, as a covenant running with the land for the benefit of the City of Los Angeles, providing that such owner or owners shall continue to provide and maintain the park as described in this Section 6A.a.

b. **Height**

No building or structure shall exceed three (3) stories or 40 feet in height.

c. **Maximum Permitted Floor Area**

The floor area ratio of each lot within Subarea 7 shall be limited to 3:1.

d. **Setbacks**

The yard setbacks within each lot within Subarea 7 shall be at least:

- **Front:** 5' setback
- **Side:** 5' setback
- **Rear:** 10' setback

e. **Transportation and Parking**

No automobile parking shall be required for any uses located within Subarea 7.

f. **Required Park and Recreation Space**

At least one recreation center shall be provided as an amenity for project residents. Additional recreational centers may also be provided. In addition, at least three neighborhood pocket parks with a minimum area of 0.3 acres each shall be provided within the Specific Plan area. A perimeter trail shall be provided in general accordance with Landscape Design Guidelines in the Design Guidelines.

Required open space may be located at or above grade, or on rooftops. Parking areas, driveways and service facilities shall not qualify as open space, except to the extent provided for the parks themselves. Required open space may be provided in the form of courtyards, plazas, pedestrian paseos, trails, private setbacks, roof terraces, gardens, picnic areas, playgrounds, exercise areas, and sports related facilities (e.g., tennis courts, swimming pools, basketball courts) or other similar outdoor gathering places. Open space may be distributed throughout the Specific Plan area.

The park and recreation space and associated equipment and improvements required to be provided under this Section is hereby found to satisfy the requirements of Sections 17.12, 17.58, 12.21 G and 12.33 of the LAMC for the dedication of real property for park and recreational purposes, or for the payment of a fee in lieu thereof, in connection with the construction or development of any and all dwelling units in the Specific Plan area. Subdivision maps for residential or condominium purposes are hereby authorized to be recorded without any further compliance with Sections 17.12, 17.58, 12.21G or 12.33 of the LAMC.

g. **No dedication required**

Required open space need not be dedicated to the City as publicly owned property. Where not dedicated, the property owners' association shall be responsible for the ownership and maintenance of the park and recreation space. The property owners' association may impose

reasonable regulations relating to open space and recreational amenities not dedicated to a public agency, including, but not limited to, restricting hours of operation from dawn to dusk.

h. Implementation

Parks shall be developed, including construction and the provision of equipment and improvements, in general accordance with the open space plan in Sections 4.3 and 4.4 of the Design Guidelines, attached as Appendix No. 1. All park facilities shall be constructed prior to the issuance of the first residential certificate of occupancy for a Project. The Department of Recreation and Parks may approve adjustments to the open space plan in the Design Guidelines as necessary to achieve the intent of this Specific Plan. Neither a Specific Plan Exception nor a Specific Plan Amendment pursuant to Section 10 of this Specific Plan shall be required for an open space modification.

B. Pedestrian Linkages

The street network within the Specific Plan area shall accommodate all pedestrians walking through the Specific Plan area as shown on the Walks and Trails diagram in the Design Guidelines. The street system in the Specific Plan area shall provide sidewalks in the dimensions provided in Appendix No. 2, Streetscape Standards. Streets and secondary connections within the Specific Plan area shall be treated with hardscape, landscape, lighting improvements and directional signs as described in Section 9 of this Specific Plan and Section 4 of the Design Guidelines.

C. Streetscape

The Specific Plan street system will serve to separate the types of traffic by destination and minimize interference with the new residential uses. All streetscape improvements including landscaping and signage shall comply with Section 4 of the Design Guidelines. The Specific Plan will include two types of roadways: (i) primary access roads; and (ii) internal streets or driveways.

1. Primary Access Roads

The Specific Plan includes two primary access roads from Western Avenue. The northern primary access road crosses through a private gate and provides a loop to the recreational uses and northern residential uses. The southern primary access road provides direct access to Mary Star of the Sea High School across the Specific Plan area, and connects also to a single access point connecting to the neighboring multi-family development to the south (Seaport Homes).

2. Internal Streets and Driveways

A number of roadways, consisting of private streets, as well as community driveways, shall generally be developed as conceptually shown on Appendix No. 2, Streetscape Standards. Streets may be constructed in phases. Woonerfs are permitted within Subarea 2 of the Specific Plan, in general accordance with Section 2.0 and Section 4.0 of the Design Guidelines.

3. Street Standards

Additional standards for streets are provided in Appendix No. 2. The Street Standards in the Specific Plan shall supersede any street requirements of the LAMC.

4. Street Lighting

Any street lighting shall comply with the regulations of Section 17.08 of the LAMC. The Bureau of Street Lighting and Bureau of Engineering shall approve adjustments to the LAMC lighting requirements, as necessary to meet the intent of the Specific Plan.

D. Landscape

Sections 2 and 4 of the Design Guidelines provide conceptual details and guidance for the landscaping of streets, trails, parks, community entry points, the buffer area between the development and the property to the north of the Specific Plan area, and within each residential Subarea. Development within the Specific Plan area shall comply with the landscape design guidelines in Sections 2 and 4 of the Design Guidelines. Once installed, the property owners association shall be obligated to maintain landscaping on its property in substantial compliance with the Section 4 of the Design Guidelines.

E. Entrances and Plazas

Development within the Specific Plan area shall comply with Section 2 of the Design Guidelines, which provides details and guidance for development of the community entrances and plazas.

The primary entrance to the community shall be developed in general accordance with the monument entry, community drive, and community entry drive guidelines in Section 2 of the Design Guidelines. The primary gated entry point shall also comply with the following standards:

- Separate access lanes for residents and guests, where feasible;
- Provide turnaround capacity in front of the control entry gate;
- Separate pedestrian entry from the vehicular access gate;
- Pedestrian entrances shall be open to the general public and not gated;
- Provide adequate queuing distance for cars waiting for admittance at entry gate;
- Provide clear, visible signage to accommodate residents, service deliveries and guests;
- The gate shall be constructed from high quality metal, wrought iron or equivalent material and shall maintain visibility into the community;

- Access to the park within Subarea 7A, to the perimeter trail, and to the access road connecting Western Avenue to the Mary Star of the Sea High School shall be accessible to the public and remain ungated; and

- An access point shall be provided and maintained to residents of the multi-family development to the south (Seaport Homes).

A secondary access point to the Specific Plan shall be provided in the area along Western Avenue. The secondary access point shall be a monument court entry in general accordance with the Design Guidelines.

Section 7. TRANSPORTATION, CIRCULATION, AND BICYCLE AND RESIDENT PARKING

A. Traffic Improvements

1. Required Transportation Improvements

The Specific Plan shall provide transportation improvements as required by the Mitigation Monitoring and Reporting Program provided at Appendix No. 7. The Specific Plan shall provide an access road to connect Western Avenue to the existing parking lot of the Mary Star of the Sea High School within the southern portion of the Specific Plan area. The Specific Plan shall provide a single vehicular access point connecting to the neighboring multi-family development to the south (Seaport Homes), to allow those residents secondary access to Western Avenue via the project's new east-west road. The access road to the property currently occupied by the Mary Star of the Sea High School campus and the access road to the neighboring multi-family developments will be privately maintained, but publicly accessible, and not gated.

2. Implementation

Prior to the issuance of a Project Permit Compliance approval for a Project, the LADOT, in consultation with the Director and the developer, shall assign traffic improvements, if any, to a Project.

Prior to the issuance of the first Project Permit Compliance approval for the first Project development under this Specific Plan, the developer shall submit a Traffic Mitigation Phasing Plan (TMPP) to the LADOT for approval. The Plan shall identify which improvements must be constructed in connection with individual development sites. LADOT, in consultation with the Director and the developer, may modify the approved TMPP, if he or she determines the TMPP to be impractical or infeasible, or if the Project is modified.

Prior to the issuance of a building permit for the Project or any component thereof, the developer shall guarantee, to the satisfaction of the LADOT General Manager, the construction of any transportation improvements for such component of the Project for which the developer is directly responsible. Prior to the issuance of a certificate of occupancy, the developer shall implement, or cause to be implemented, the required transportation improvements. If the LADOT General Manager determines that construction of any required transportation improvement is infeasible at the time the developer seeks a certificate of occupancy, then the

developer shall pay the cost of or provide a suitable guarantee for the future implementation of the improvement to the satisfaction of the LADOT General Manager. Any guarantee required pursuant to this section may be satisfied by a letter of credit, surety bond or other suitable guarantee satisfactory to the LADOT General Manager.

Vehicular access to the proposed buildings from divided major or major arterials shall only be from intersecting public roadways or private roadways approved by the LADOT and the City Engineer.

Collector streets serving the Specific Plan area shall intersect the arterial system within the Specific Plan area in a manner to facilitate the safe and efficient flow of traffic, as approved by the LADOT and the City Engineer.

The LADOT shall prepare annual mitigation monitoring reports to review the status of implementation of the traffic improvements required by the Specific Plan. The annual report shall be submitted to the Planning Director on July 1st of each year, beginning in the first year that a traffic improvement is required. The developer shall fund all costs associated with the preparation of the annual reports. The obligation to prepare the annual reports shall cease in the year following completion of all traffic improvements required by the Specific Plan.

3. Transportation Demand Management Regulations

Transportation Demand Management measures or incentives shall be utilized where feasible within the Specific Plan area. Transportation demand management measures or incentives shall be implemented as part of the Mitigation Monitoring and Reporting Program where applicable.

Transportation Demand Management measures may include, without limitation, the following types of measures:

- Parking locations
- Parking management measures
- Access and egress routes to transit
- Pedestrian and wayfinding signage
- Pedestrian circulation management
- Provision of bicycle racks to promote bicycle use
- Provision of electrical plug in locations for electrical vehicles
- Provision of supportive land uses such as day care or business center to reduce vehicle trips

The Specific Plan area is currently served by public transit and is immediately adjacent to a public transit route along Western Avenue. The Project shall incorporate sidewalks on primary streets and shall provide a network of pathways throughout the Specific Plan area to create opportunities for residents to walk to local destinations and transit stops. The Project will incorporate Design Standards, in Appendix No. 1, to improve landscaping and transit stops on Western Avenue.

B. Parking Regulations

The purpose of this Section is to provide regulatory standards pertaining to the off-street parking of motor vehicles. Except as provided in this Specific Plan, the provisions of Section 12.21 A 4 of the LAMC shall apply to property within the Specific Plan area.

1. Residential Parking Space Requirements

a. Dwelling Unit, Single-family and Multiple-family

- There shall be at least one (1) covered parking space provided for each dwelling unit with less than two bedrooms.
- There shall be at least two (2) parking spaces provided for each dwelling unit with two (2) or more bedrooms. At least one of the parking spaces shall be covered.
- There shall be .25 parking spaces per residential unit reserved for, and accessible to, visitors and guests. Guest parking may be uncovered and may be satisfied on private streets.

Up to 40 percent of all required parking spaces may be allotted for compact cars.

2. Subarea 7 Parking Space Requirements

There shall be at all times adequate space provided outside the vehicular gates within Subarea 7 to accommodate parking for 67 vehicles. Such parking may be provided as parallel street parking on the access road to property currently occupied by the Mary Star of the Sea High School or within a parking area at the park site within Subarea 7A, or any combination thereof. Such parking shall be accessible to the general public. Appropriate signage shall be provided to indicate that such parking is open and available to the general public.

3. Illustrative Parking Plan

An illustrative parking plan for each Subarea is provided for informational purposes in Table 2 below. The parking plan is conceptual and may change over time as the Specific Plan area is developed.

Table No. 2
Illustrative Parking Plan

Subarea	Dwelling Units (DU)	On-Site Parking		Off-Site (Street) Parking	Total Parking Slots	Parking Slots/DU
		Garage Parking	Driveway Parking			
Subarea 1	69	138	138	88	364	5.28
Subarea 2	60	120	0	28	148	2.47
Subarea 3	79	158	0	59	217	2.75
Subarea 4	140	280	0	35	315	2.25
Subarea 5	140	266	0	44	310	2.21
Subarea 6	188*	360	0	69	429	2.28
Subarea 7	0	0	30	74	104	N/A
Total	676	1,322	168	397	1,887	2.79

*The intent of the illustrative parking plan is to demonstrate conceptually the proposed parking per Subarea. These numbers are based on a design for a 676-unit project within the Specific Plan area. The parking plan is subject to change depending on the total units built, and pursuant to any alternative requirements approved pursuant to the procedures set forth in this Plan.

4. Alternative Requirements

Notwithstanding any provision in the LAMC or this Specific Plan to the contrary, parking requirements may be reduced beyond those that would otherwise be required under the LAMC or this Specific Plan, if the Director of Planning finds, in connection with the review and approval of the Project Permit Compliance as provided in Section 10.D of this Specific Plan, that such reduction is justified based on substantial evidence, including, but not limited to, a parking demand analysis (demonstrating that parking needs for certain uses or combination of uses is less than the number of parking spaces which would otherwise be required for such uses) and/or measures (such as Transportation Demand Management programs) implemented or to be implemented by owners and/or tenants of the project covered by such Project Permit Compliance to reduce traffic to and from, and therefore parking requirements at, such project.

C. Bicycle Parking and Bicycle Circulation

The Specific Plan shall be accessible to and accommodating of bicycles. Bicycles shall share the road with vehicles and, where feasible, woonerfs and signage may be used to promote safety to bicyclists and pedestrians. Long-term bicycle parking will be accommodated in private garages for each dwelling unit. Short-term bicycle parking shall be provided for the multi-family

housing developments and community recreation areas. Bicycle parking shall be provided in general accordance with the Site Furnishing Diagram in the Design Guidelines.

D. Trail Standards

The Specific Plan includes a recreational trail surrounding the new community. The trail shall incorporate amenities, which may include exercise stations, benches, signage and lighting, landscaping, gardens, rest areas taking advantage of ocean views, and other similar improvements. The perimeter trail should be decomposed granite, or equivalent material. The perimeter trail is intended for recreational use and also for access for maintenance of community fencing, landscaping, and utilities. Portions of the perimeter trail will be within areas of steep terrain, where it may be structurally impracticable to construct the trail in accordance with the readily accessible standards for handicapped access. In these areas, consideration should be given to the addition of safety railings as appropriate and signage warning of steep terrain. Efforts should be made to provide amenities and, where feasible, view locations in portions of the trail where it would not be structurally impracticable to construct handicapped accessible facilities or where such construction would not alter the nature of the experience of the trail as a recreational and nature trail facility.

Section 8. INFRASTRUCTURE AND UTILITIES

A. General

Site development for the Project will consist of: (1) demolition and removal of existing improvements; (2) site grading, including grading for building pad sites, access, and other necessary improvements; (3) construction of the residential units, associated recreation amenities, storm drainage facilities, and access improvements; (4) installation of utilities (e.g., water lines, fire hydrants, and sewers); (5) construction of the public park and appurtenant structures; and (6) landscaping and streetscape improvements.

B. Demolition/Site Preparation

Demolition and Site Preparation. Preparing the site for development will require the export of organic soil materials and materials resulting from demolition work.

Grading. Grading of the Specific Plan area to accommodate the proposed development has been designed to balance within the Specific Plan area. Movement of earth related to Projects within the boundaries of this Specific Plan shall be permitted regardless of lot lines. Project grading shall comply with the preliminary grading plan, attached as Appendix No. 6, and any applicable changes or conditions required by the Department of Building and Safety or any other relevant government agency.

C. Retaining Walls

Except as provided herein, all new retaining walls shall comply with the following regulations.

- The provisions of this Specific Plan shall supersede any requirements for retaining walls in the LAMC.

- All freestanding retaining walls may be built on any lot with a maximum height for any single retaining wall of 25 feet, as measured from the top of the wall to the lower side of the adjacent ground elevation.

- Notwithstanding Sections 12.21 C 8 and 12.24 X 26 of the LAMC, multiple wall systems are permitted without restrictions on the number of walls.

- Retaining walls may be located within setbacks, open space and landscaping, as measured from the top of the wall to the lower side of the adjacent ground elevation.

- All retaining walls, including those located within setbacks, open space and landscaping, shall comply with the height restrictions and other design requirements set forth in Appendix No. 3, unless the Director issues an adjustment under LAMC Section 11.5.7.

- Any retaining wall less than 3 feet in height shall not be subject to the requirements above, but shall comply with the LAMC, as applicable.

- Appropriate screening shall be provided so that retaining walls are visually compatible with the hillside through methods such as wall façade treatments and landscaping (e.g., "green walls").

D. **Storm Drainage**

The Specific Plan area includes an existing storm drain surface channel that crosses the southwestern corner of the Specific Plan Area. Development of the Specific Plan area will remove the surface channel and construct a subterranean drain by conveying the off-site stormwater runoff from the culvert at Western Avenue, and discharge the runoff to the City storm drain system at the present location on the Specific Plan's southern boundary. Supplemental drainage improvements (e.g., stormwater detention and/or stormwater bio swale amenities) may be approved as part of the Project Permit Compliance review in Section 10 of this Specific Plan, in conjunction with the development of the park in Subarea 7A. The Director may request other technical departments to review and make a recommendation on the supplemental drainage improvements prior to acting on the Project Permit Compliance application. The time limit for the Director to act on the Project Permit Compliance application shall be extended for a reasonable time period, if necessary, to obtain such recommendation.

Prior to the issuance of a grading permit, the owner must prepare a Storm Water Pollution Prevention Plan ("SWPPP") and Standard Urban Storm Water Mitigation Plan, and would include Best Management Practices, including low impact development features, such as infiltration basins, trenches and planters, catch basin inserts and screens, vegetative swales or other vegetative entrapments, and/or storm drain inlet labeling. The SWPPP will also support limited use of small water cisterns to capture roof runoff for garden irrigation.

No final map for a Project shall be recorded within the Specific Plan Area unless and until a flood control plan for the entire Specific Plan area has been approved by the Los Angeles County Flood Control District.

E. Sewer and Water System

The Specific Plan area is within the City of Los Angeles, and is served by Los Angeles Department of Water and Power ("LADWP") for water service, and by both the (i) Los Angeles Bureau of Sanitation, and (ii) the Los Angeles County Sewer District No. 5 ("LACSD") for sewer service.

For water service, LADWP infrastructure near the Specific Plan area includes a 12-inch water line south of the Specific Plan area under Western Avenue that terminates at Avenida Aprenda, and a 49-inch supply line that runs along the southern boundary of the Specific Plan area in a 14-foot easement. The property owner shall replace the existing on-site water system with new water lines configured in a looped system that shall be maintained and supplied by LADWP via two connection points to the existing 12-inch LADWP water main under Western Avenue. The new on-site water system may consist of public lines within easements over the private streets. The 12-inch line shall be extended approximately 6,000 feet from the southerly boundary of the Specific Plan area to John Montgomery Drive to connect to the internal loop. All infrastructure improvements shall be built to LADWP and Los Angeles City Plumbing Code Standards.

For sewer service, the existing City wastewater system includes an 8-inch sewer main at the western terminus of Taper Avenue, approximately 20 feet east of the Specific Plan area. Projects within the Specific Plan area may discharge into a single connection point to the 8-inch sewer main at Taper Avenue and be conveyed to the Terminal Island Water Reclamation Plant. The City has approved a Sewer Capacity Availability Request, certifying that the City has adequate conveyance and treatment capacities to serve the Project.

The existing County wastewater system includes a sewer main within the Western Avenue right of way on the southwest corner of the Specific Plan area. Projects within the Specific Plan may discharge into a single connection point via a new sewer lateral connection. Connection to this sewer main in Western Avenue is an alternative for the Specific Plan project.

Any Project shall implement mandatory measures of the LA Green Building Code relating to water consumption, and shall comply with Ordinance No. 170,978 (Water Management Ordinance) and Ordinance No. 180822, which imposes numerous water conservation measures in landscape, installation and maintenance.

F. Solid Waste

The Specific Plan area is served by the Sunshine Canyon City/County Landfill in Sylmar and the Chiquita Canyon Landfill, which have estimated remaining lives of 22 years and 5 years, respectively. Several recycling facilities also are available to accept waste from the Specific Plan area, including the South Gate Transfer Station, Commerce Refuse-to-Energy Station, the Downy Area Recycling and Transfer Facility, and the Puente Hills Material Recovery Facility.

All construction within the Specific Plan area shall comply with the City's Construction and Demolition Waste Recycling Ordinance.

G. Energy – Electricity and Natural Gas

The Specific Plan area receives electricity from LADWP by a line located to the east of the Specific Plan area, and another line near the southwest corner of the Specific Plan area at Western Avenue and Fitness Drive. It is anticipated that LADWP will supply the entire Specific Plan area from the existing system. The Specific Plan area receives natural gas from the Southern California Gas Company, a subsidiary of Sempra Energy. All new utility lines shall be installed underground.

All new buildings shall be designed to comply with Title 24, Part 6 of the California Code of Regulations (2005) energy requirements, and must also comply with the Los Angeles Green Building Code. All buildings must also provide future access space for an electrical solar system.

Section 9. SIGNAGE AND LIGHTING

Signs and other graphics are essential elements of the Ponte Vista community. Community signage shall have a coordinated design with organizational unity and an overall cohesive visual identity, establishing a brand for the community. Signage should be provided at all levels, from monuments and street signs to pedestrian way-finding signs, and should be an integrated part of the project's architecture, landscape, and site furnishings.

Prior to the issuance of a Project Permit Compliance approval for a Project, the developer shall submit a sign program to the satisfaction of the Planning Director, which shall comply with the following standards:

- Signs shall be visible and legible;
- Signs shall be compatible with their surroundings;
- Signs shall be appropriate to the type of activity to which they pertain;
- Signs shall be expressive of the identity of the Ponte Vista community and the individual Subarea; and
- Signs shall comply with this Section 9 of the Specific Plan and Section 2 of the Design Guidelines.

Similarly, lighting is an important design element to add character and to enhance community themes and identity. Prior to the issuance of a Project Permit Compliance approval for a Project, the developer shall submit a lighting program to the satisfaction of the Planning Director, which shall comply with the standards provided in this Section 9 of the Specific Plan and Section 4 of the Design Guidelines.

A. Monument/Identification Signs

The Specific Plan shall include monument entry signs to announce arrival at the Ponte Vista community and other appropriate identification signs. All monument and identification signage shall be compatible with the surrounding physical and visual character of the project, and be sized in accordance with the Los Angeles Citywide Sign Ordinance. Monument signs shall not exceed 1.5 square feet per foot of street frontage and shall be less than 75 square feet of total sign face. All signs shall be of a size proportional to the area in which they are located and/or the building upon which they are placed. The primary monument entry sign shall be in general accordance with Section 2 of the Design Guidelines.

B. Signage for Vehicles

Directional signs shall be provided at each street intersection. Street signs may be single-faced or double-faced and shall be Information signs, legible, adequately repaired and maintained, and at all times visible to motorists and pedestrians. Appropriate lighting of street signs is allowed to ensure night-time visibility. Permissible materials include wood, aluminum, or equivalent material, if permitted by the Los Angeles Building Code, with a high-end appearance and a long, durable life. Such signage shall be included in the sign program to be approved by the Planning Director in accordance with this Section 9.

C. Signage for Pedestrians

Wayfinding signs shall be provided at appropriate intervals on pedestrian walkways to ensure adequate pedestrian circulation throughout the site. At least one (1) sign shall be maintained within the park site in Subarea 7A, which depicts the recreational amenities within the entire Specific Plan area and the pedestrian access points for the general public to the portion of the Specific Plan area within the vehicular gates. Such signage may be single-faced or double-faced and shall be legible, adequately repaired and maintained, and at all times visible to pedestrians. Appropriate lighting of street signs is allowed to ensure night-time visibility. Permissible materials include wood, aluminum, or equivalent material with a high-end appearance and a long, durable life. Such signage shall be included in the sign program to be approved by the Planning Director in accordance with this Section 9.

D. Trail Signage

Wayfinding signs shall be provided at appropriate intervals on the perimeter trail to ensure adequate pedestrian circulation. Such signage may be single-faced or double-faced and shall be legible, adequately repaired and maintained, and at all times visible to pedestrians. Permissible materials include wood, aluminum, or equivalent material, if permitted by the Los Angeles Building Code, with a high-end appearance and a long, durable life. Such signage shall be included in the sign program to be approved by the Planning Director in accordance with this Section 9.

E. Recreational Signage

At least one (1) sign shall be maintained, visible from Western Avenue, which clearly identifies that the park within Subarea 7A and perimeter trail are accessible to the general public.

F. Prohibited Signs

All signs prohibited in the LAMC are also prohibited within the Specific Plan area, including, but not limited to, off-site and supergraphic signs.

G. Lighting

The use of architectural lighting shall be encouraged for monument signs and architectural and landscape features. Lighting is also essential for safety and security. Lighting of streets and recreational facilities shall be used appropriately to minimize visual nuisance and to maximize safety. Lighting of roadways shall be designed to enhance vehicular safety and pedestrian flows. Lighting should be concentrated at intersections and crosswalks. To ensure pedestrian safety, light fixtures shall be located at building entries and along walkways.

Lighting standards should blend in scale and character with buildings, sidewalks, streets, trails, and landscape and plaza areas. Lighting fixtures shall be designed to reflect the architectural character and be positioned to minimize glare or distraction for motorists and pedestrians. Lighting fixtures shall be in compliance with all state and local safety and illumination standards. Outdoor lighting should be energy-efficient and directed so as to prevent direct rays from reaching adjacent properties. All lighting shall comply with Section 4 of the Design Guidelines.

H. Amenities

Site furnishings and other amenities may be provided within open space and recreational areas, including the perimeter trail. Such amenities shall comply with the Permitted Uses of this Specific Plan and shall comply with Section 4 of the Design Guidelines.

Section 10. SPECIFIC PLAN IMPLEMENTATION AND AMENDMENTS

A. Applicability of LAMC Section 11.5.7

Requests for Project Permit Compliance, Project Permit Adjustment, or modification to a Project Permit Compliance with respect to a Project, or for an exception, amendment or interpretation of this Specific Plan with respect to a Project, shall be made in accordance with the procedures set forth in Section 11.5.7 of the LAMC.

B. Other Specific Plan Provisions

For purposes of Section 11.5.7 J of the LAMC, the decision-making body will be the Area Planning Commission and the Appeal Body will be the City Council.

C. Project Determination

No building permit shall be issued for any building, structure or other development of property, including any infrastructure or community facilities, unless a Project Permit Compliance for such development has been reviewed and approved by the Director of Planning in accordance with the specific plan procedures of Section 11.5.7 C of the LAMC. The foregoing

requirement shall not apply to grading of less than 50,000 cubic yards within the Specific Plan area, temporary uses, construction trailers, landscaping, or for remodeling, rehabilitation or repair work solely within the interior of a building or structure.

D. Project Permit Compliance

Except as otherwise set forth in this Section 10.E, no grading permit, foundation permit, building permit, use of land permit or permit for a change of use shall be issued for a Project unless a Project Permit Compliance application has been approved pursuant to the procedures set forth in this Section 10.

Issuance of a Project Permit Compliance shall require a finding that the Project is consistent with the development regulations set forth in this Specific Plan and/or any exception, amendment, or interpretation of this Specific Plan applicable thereto.

Whenever any ambiguity or uncertainty exists related to this Specific Plan or the application of this Specific Plan so that it is difficult to determine the precise application of these provisions, the Planning Director shall, upon application by an owner, application, operator or lessee, issue written interpretations on the requirements of the Specific Plan consistent with the purpose and intent of this Specific Plan. A request for an interpretation shall be filed pursuant to Section 11.5.7 H of the LAMC (Interpretations of Specific Plans).

Project Permit Compliance shall not be required for any construction for which a permit is required to comply with an order issued by the Department of Building and Safety to repair or replace an unsafe or substandard condition.

No Project Permit Compliance review or other action shall be required under this Specific Plan with respect to construction or modification of any building, improvement or structure or any change or relocation in use that is not a Project.

E. Conditions of Approval

In approving a Project Permit Compliance, the Director of Planning may impose conditions including, but not limited to, those deemed necessary to ensure that the Project Permit Compliance will be in accord with the design standards set forth in Section 5 of this Specific Plan and may make such zone boundary interpretations or adjustments as may be necessary when such zone boundary interpretations or adjustments meet the overall intent of the Specific Plan regarding location of land uses, and/or to ensure that the affected zone boundaries precisely coincide with street, alley or lot lines.

F. Exemption from Site Plan Review

Notwithstanding any other provision of the LAMC, all development within the Specific Plan area shall be exempt from the regulations and requirements for Site Plan review (LAMC Section 16.05, et seq.). The Project Permit Compliance procedure required for all Projects within the Specific Plan is deemed to be an equivalent and appropriate procedure to ensure compliance with the provisions of the Specific Plan.

G. Fees

All application fees shall be in accordance with the LAMC.

H. Subdivision Regulations

The location for public and private streets shall be set forth on the Tentative Tract Map for the Specific Plan area. The phasing of construction shall be determined by the conditions of the Tentative Tract Map(s) for each Project within the Specific Plan area.

All streets, highways and alleys adjoining the subject area shall be dedicated and improved with streets, sewers and storm drain improvements to the satisfaction of the City Engineer.

Section 11. DESIGN GUIDELINES

This Specific Plan includes Design Guidelines applicable to the development of the Specific Plan project. The Design Guidelines are attached as Appendix No. 1. Any modification or amendment to the Design Guidelines shall be processed in accordance with the applicable procedures and standards set forth for exceptions in Sections 11.5.7 of the LAMC.

Section 12. GENERAL

A. Time Limits

Any time limit established by this Specific Plan may be extended by mutual agreement between the developer and the Director of Planning, the Planning Commission or the City Council.

B. Severability

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Specific Plan is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Specific Plan or any part thereof. The Los Angeles City Council hereby declares that it would have passed each section, subsection, division, subdivision, paragraph, subparagraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, divisions, subdivisions, paragraphs, subparagraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

CREDITS, ACKNOWLEDGMENT AND PARTICIPANTS:

MAYOR
Eric Garcetti, Mayor
Doane Liu, Deputy Mayor

CITY COUNCIL DISTRICT FIFTEEN
Joe Buscaino, Councilperson
Jenny Chavez, Chief of Staff
Alison Becker, Planning Deputy

DEPARTMENT OF CITY PLANNING
Executive Office
Michael LoGrande, Director
Alan Bell, Deputy Director
Lisa Webber, Deputy Director
City Planning Commission
Renee Dake Wilson, Interim President
Dana Perlman, Interim Vice President
Robert Ahn
David Ambroz
Maria Cabildo
Caroline Choe
Richard Katz
John Mack
Marta Segura
Project Staff
Henry Chu
Sergio Ibarra
Jon Forman
Simon Patsucha
Dan Scott
David Somers
Erin Strelich

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Rob Carnachan
Kerrie Nicholson
Ryan Luckert
Seth Wulkan
Parker Environmental Consultants
Brett Pomeroy
Glenn Lukos Associates Inc.
Tony Bomkamp
Teracor Resource Management
Sam Reed

Tim Searl
Osborne Biological Consulting
Kendall Osborne
AgResearch, Inc.
Rudy Mattoni, Ph.D.
WRA Environmental Consultants
Rob Schell
Jeff Dreier
SWCA Environmental Consultants
Samantha Murray
John Dietler
Kevin Hunt
Jessica DeBusk, Project Manager
Galvin Preservation Associates
Teresa Grimes
Group Delta Consultants, Inc.
Steven Kolthoff
Ying Liu
Petra Geotechnical, Inc.
Ted Wolfe
Burnett & Young, Inc.
Larry Burnett
J. Byer Group, Inc.
John Byer
Winefield & Associates, LP
Mike Cassidy
BlueScape Environmental
David Waymire
James Westbrook
Fuscoe Engineering
John Olivier
Andrew Willrodt
Hamilton, Rabinovitz, and Alschuler
Paul Silvern
Linscott Law & Greenspan, Engineers
David Shender, P.E.
Robert Hidey Architects
Jon Krueger, AIA
TCA Architects
Sandy Chung
ValleyCrest Design Group
Mark Carlos
Cox, Castle & Nicholson
David Waite
Alex DeGood
Lisa Patricio

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Sunday, March 02, 2014 3:36 PM
To: Kit Fox
Subject: Fwd: A Recent Discovery regarding the 700 home Ponte Vista housing project
Attachments: PONTE_VISTA_RUPTURE_ZONE.jpg; City_of_LA_Rupture_zones_SAFTYELT.jpg; saftyelt.pdf

Hello RPV Mayor & Councilmembers-

I understand that Rancho Palos Verdes Council will be addressing the Ponte Vista project this Tuesday. I felt it important for you to understand the issue here related to the actual "earthquake *rupture* zone" that contains all of these projected new homes. It has been acknowledged that the Palos Verdes Fault (mag. 7.3) runs directly through this project (which should really have had more effect than it has received) but, that concern is greatly amplified by the fact that the homes...(and the other hazardous facilities noted in the attachment) fall into this "rupture" zone where there is a "convergence" of *multiple* faults, meaning that seismic activity on any *one* of those faults will likely trigger activity on the others. I am guilty of focusing only on the Rancho LPG tanks and not fully examining the swath of this rupture zone to see how much is included into it until very recently.

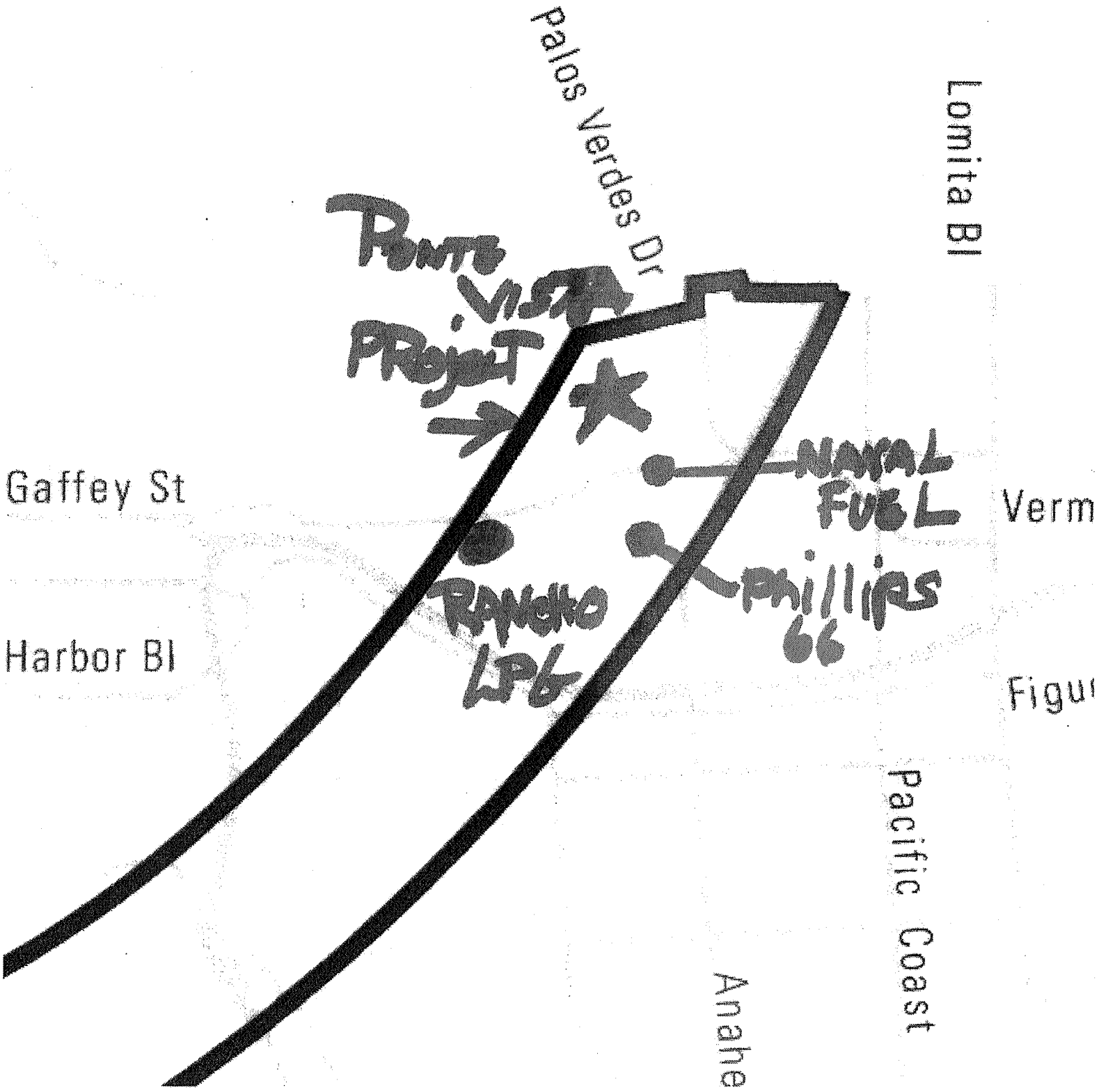
This zone is fully disclosed in the LA City Planning Department's 1996 "SAFTYELT" document on file at City Hall. If you review the entire City map...you will see that this is the only "rupture zone" in the entire Harbor region. The concentration of THREE hazardous facilities (storing large volumes of butane, propane, jet fuels and propellants etc.) located inside that small and very vulnerable area causes grave concern about how that **recognized jeopardy** can be so easily and readily ignored. " Who" and "when" will someone address this very well known and documented danger? This zone has also recently welcomed two schools. The zone use for homes and schools is questionable enough...but, adding the existing hazardous and highly explosive facilities to this equation.. brings it to an entirely different level of concern.

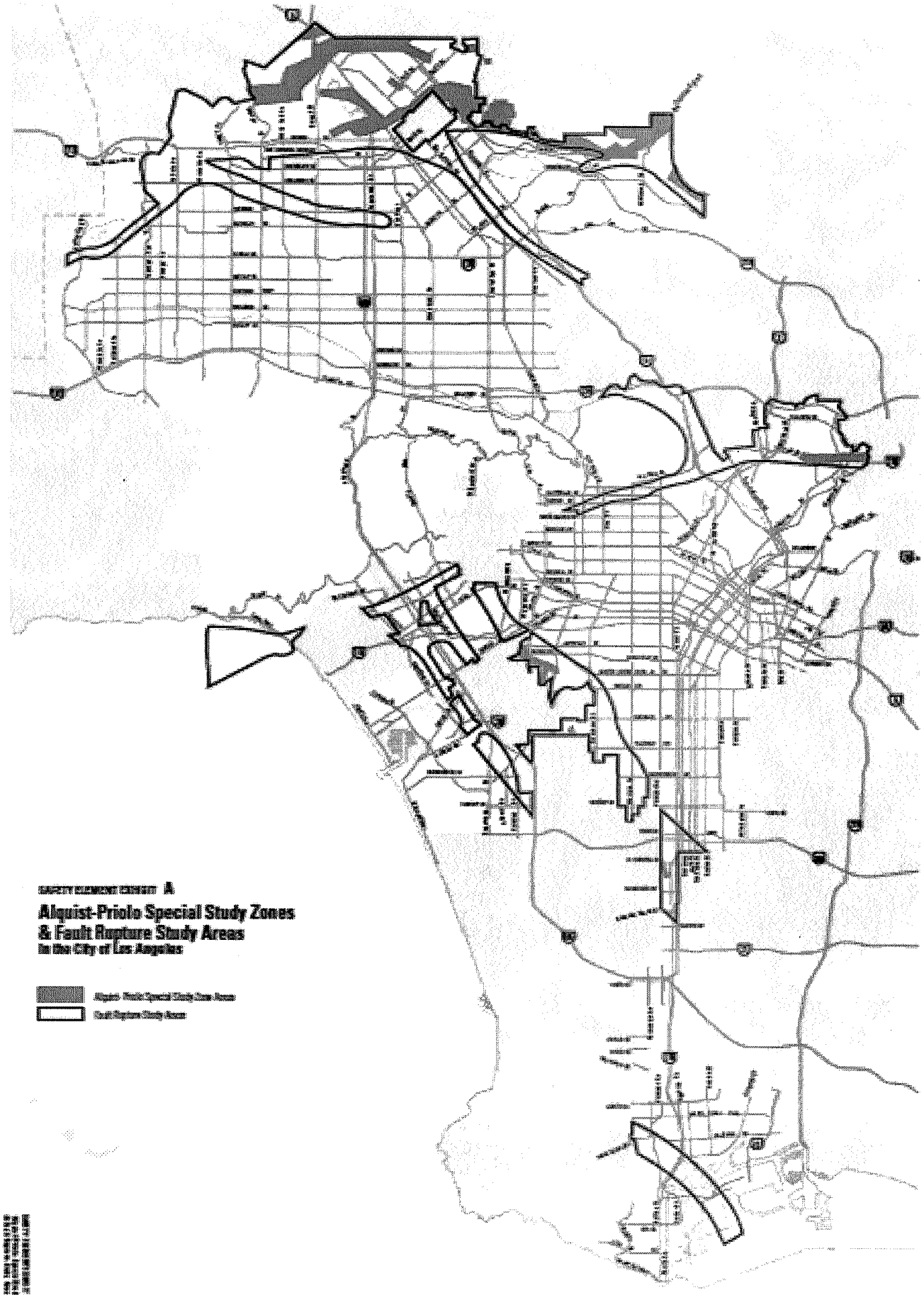
I felt it very important to provide you with this information prior to making your final decision. There are deadly consequences related to reckless planning and they should be more seriously evaluated.

Thank you,
Janet Gunter

EARTHQUAKE RUPTURE ZONE

City of LA
Dept. of
Planning




SAFETY ELEMENT EXHIBIT A
Alquist-Priolo Special Study Zones
& Fault Rupture Study Areas
in the City of Los Angeles

Kit Fox

From: Kit Fox
Sent: Monday, March 03, 2014 7:48 AM
To: 'Janet Gunter'
Subject: RE: A Recent Discovery regarding the 700 home Ponte Vista housing project

Hi Janet:

The Rancho Palos Verdes City Council is not scheduled to consider or take any action regarding *Ponte Vista* on Tuesday night's agenda. However, the Los Angeles City Council is expected to take final action on the project on Tuesday morning.

Kit Fox, AICP
City of Rancho Palos Verdes
(310) 544-5226
kitf@rpv.com

From: Janet Gunter [mailto:arriane5@aol.com]
Sent: Sunday, March 02, 2014 3:36 PM
To: Kit Fox
Subject: Fwd: A Recent Discovery regarding the 700 home Ponte Vista housing project

Hello RPV Mayor & Councilmembers-
I understand that Rancho Palos Verdes Council will be addressing the Ponte Vista project this Tuesday. I felt it important for you to understand the issue here related to the actual "earthquake *rupture* zone" that contains all of these projected new homes. It has been acknowledged that the Palos Verdes Fault (mag. 7.3) runs directly through this project (which should really have had more effect than it has received) but, that concern is greatly amplified by the fact that the homes...(and the other hazardous facilities noted in the attachment) fall into this "rupture" zone where there is a "convergence" of *multiple* faults, meaning that seismic activity on any *one* of those faults will likely trigger activity on the others. I am guilty of focusing only on the Rancho LPG tanks and not fully examining the swath of this rupture zone to see how much is included into it until very recently.
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I felt it very important to provide you with this information prior to making your final decision. There are deadly consequences related to reckless planning and they should be more seriously evaluated.

Thank you,
Janet Gunter

Kit Fox

From: Kit Fox
Sent: Monday, March 03, 2014 7:59 AM
To: CC
Subject: FW: A Recent Discovery regarding the 700 home Ponte Vista housing project
Attachments: PONTE_VISTA_RUPTURE_ZONE.jpg; City_of_LA_Rupture_zones_SAFTYELT.jpg; saftyelt.pdf

Dear Mayor Duhovic and Members of the City Council:

Notwithstanding Ms. Gunter's e-mail below, the *Ponte Vista* project is not an agendized matter at tomorrow night's meeting. However, it expected that the Los Angeles City Council will take final action on the project at its meeting in downtown LA tomorrow morning. I will be attending that meeting and reporting to you on the status of the *Ponte Vista* project in the next Border Issues Status Report on April 1st.

Please feel free to contact me if you have any questions.

Sincerely,

Kit Fox, AICP
City of Rancho Palos Verdes
(310) 544-5226
kitf@rpv.com

From: Janet Gunter [mailto:arriane5@aol.com]
Sent: Sunday, March 02, 2014 3:36 PM
To: Kit Fox
Subject: Fwd: A Recent Discovery regarding the 700 home Ponte Vista housing project

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Thank you,
Janet Gunter

AGENDA
LOS ANGELES CITY COUNCIL

Tuesday, March 4, 2014
10:00 AM

JOHN FERRARO COUNCIL CHAMBER
ROOM 340, CITY HALL
200 NORTH SPRING STREET, LOS ANGELES, CA 90012

Click on the Council file number to access background documents for individual agenda items
Click here for the entire agenda packet / documents

President

HERB J. WESSON, JR., Tenth District

President Pro Tempore

MITCHELL ENGLANDER, Twelfth District

Assistant President Pro Tempore

TOM LABONGE, Fourth District

GILBERT A. CEDILLO, First District

PAUL KREKORIAN, Second District

BOB BLUMENFIELD, Third District

PAUL KORETZ, Fifth District

NURY MARTINEZ, Sixth District

FELIPE FUENTES, Seventh District

BERNARD C. PARKS, Eighth District

CURREN D. PRICE, JR., Ninth District

MIKE BONIN, Eleventh District

MITCH O'FARRELL, Thirteenth District

JOSE HUIZAR, Fourteenth District

JOE BUSCAINO, Fifteenth District

CITY COUNCIL MEETINGS ARE BROADCAST LIVE ON CABLE TELEVISION CHANNEL 35 AND ON THE INTERNET AT: HTTP://LACITY.ORG/GOVERNMENT/ELECTEDOFFICIALOFFICES/CITYCOUNCIL/COUNCILANDCOMMITTEEMEETINGS/COUNCILMEETINGVIDEO/INDEX.HTM . LIVE COUNCIL MEETINGS CAN ALSO BE HEARD AT: (213) 621-CITY (METRO), (818) 904-9450 (VALLEY), (310) 471-CITY (WESTSIDE) AND (310) 547-CITY (SAN PEDRO AREA)

SIGN LANGUAGE INTERPRETERS, COMMUNICATION ACCESS REAL-TIME TRANSCRIPTION (CART), ASSISTIVE LISTENING DEVICES, OR OTHER AUXILIARY AIDS AND/OR SERVICES MAY BE PROVIDED UPON REQUEST. TO ENSURE AVAILABILITY, YOU ARE ADVISED TO MAKE YOUR REQUEST AT LEAST 72 HOURS PRIOR TO THE MEETING/EVENT YOU WISH TO ATTEND. DUE TO DIFFICULTIES IN SECURING SIGN LANGUAGE INTERPRETERS, FIVE OR MORE BUSINESS DAYS NOTICE IS STRONGLY RECOMMENDED. FOR ADDITIONAL INFORMATION, PLEASE CONTACT THE CITY CLERK'S OFFICE AT (213)978-1059.

SE OFRECE UN SERVICIO DE TRADUCCION AL ESPANOL EN TODAS LAS REUNIONES DEL CONSEJO MUNICIPAL

BASIC CITY COUNCIL MEETING RULES

AGENDAS - The City Council meets Tuesday, Wednesday and Friday at 10:00 A.M. The agendas for City Council meetings contain a brief general description of those items to be considered at the meetings. Council Agendas are available in the Office of the City Clerk, Council and Public Services Division, Room 395, City Hall, 200 North Spring Street, Los Angeles, CA 90012, and on the City's website at lacity.org ; or lacouncilcalendar.com

Ten (10) members of the Council constitute a quorum for the transaction of business. The Council may consider an item not listed on the agenda only if it is determined by a two-thirds (10) vote that the need for action arose after the posting of an Agenda. Some items on the agenda may be approved without any discussion, however, any item may be called "special" by a Councilmember. If an item is called "special" it will be "held" until the remainder of the items on the Council agenda have been acted on by the Council. An item may also be called "special" if a member of the public has requested to speak on the item and a public hearing was not previously held.

The City Clerk will announce the items to be considered by the Council, however items will be grouped. For example, all items for which required public hearings have not previously been held are listed in one section on the printed agenda. The Council President will ask if any Councilmember or member or the public wishes to speak on one or more of these items. If anyone wishes to speak on an item, it will be called "special". The remaining items in this section will be voted on by Council with one roll call vote.

PUBLIC INPUT AT CITY COUNCIL MEETINGS - An opportunity for the public to address the Council on agenda items for which public hearings have not been held will be provided at the time the item is considered. Members of the public who wish to speak on any item (a cumulative time of five (5) minutes) are requested to complete a speaker card for each item they wish to address, and present the completed card(s) to the Sergeant-At-Arms. Speaker cards are available at the back of the Council Chamber.

The Council will also provide an opportunity for the public to speak on public interest items for a cumulative total of up to fifteen (15) minutes. Testimony shall be limited in content to matters which are within the subject matter jurisdiction of the Council. The City Council may not take any action on matters discussed during the public testimony period.

If you with to provide documents to the full Council for consideration on an item, please present the Sergeant-At-Arms with 35 copies. Otherwise, your materials will simply be added to the official record.

COUNCIL DISCUSSION AND TIME LIMITS - Councilmembers requesting to address the Council will be recognized by the Council President in the order requested. For any item, the Chairperson of the Committee, or the maker of the original motion, or the member calling a matter "special" shall have up to six (6) minutes to discuss the item. All other Councilmembers may speak up to three (3) minutes each on the matter. After all members desiring to speak on a question have had an opportunity to be heard once, the time for each Member desiring to speak again shall be limited to a maximum of three (3) minutes.

A motion calling the "previous question" may be introduced by any member during a Council debate. If adopted, this motion will terminate debate on a matter and the Chair will instruct the Clerk to call the roll on the matter.

VOTING AND DISPOSITION OF ITEMS - Most items require a majority vote of the entire membership of the Council (8 members). Items which have not been discussed in a Council Committee and have been placed directly on the agenda will require 10 votes to consider. Once considered, these items will normally require eight (8) affirmative votes to be adopted. Ordinances require a unanimous vote (at least 12 members must be present) in order to be adopted on first consideration. If an ordinance does not receive the necessary unanimous vote, it is laid over one calendar week. The votes required for approval on second consideration vary and depend upon the type of ordinance, but a typical ordinance requires eight (8) affirmative votes upon second consideration.

When debate on an item is completed, the Chair will instruct the Clerk to "call the roll". Every member present must vote for or against each item; abstentions are not permitted. The Clerk will announce the votes on each item. Any member of Council may move to "reconsider" any vote on any item on the agenda, except to adjourn, suspend the Rules, or where an intervening event has deprived the Council of jurisdiction, providing that said member originally voted on the prevailing side of the item. The motion to "reconsider" shall only be in order once during the meeting, and once during the next regular meeting. The member requesting reconsideration shall identify for all members present the agenda number, Council file number and subject matter previously voted upon. A motion to reconsider is not debatable and shall require an affirmative vote of eight (8) members of the Council.

When the Council has failed by sufficient votes to approve or reject an item, and has not lost jurisdiction over the matter, or has not caused it to be continued beyond the next regular meeting, the item is continued to the next regular meeting for the purpose of allowing the Council to again vote on the matter.

The City Council rules provide that all items adopted by the Council will not be presented to the Mayor, or other designated officer by the City Clerk until the adjournment of the regular Council meeting following the date of the Council action. A motion to send an item "forthwith" if adopted by ten (10) votes, suspends these rules and requires the City Clerk to forward the matter to the Mayor, or other officer, without delay.

RULE 16 MOTIONS - Council Rule No. 16, in part, allows a member to send an item directly to the Council without it having to go to a Council Committee first, by giving the City Clerk a motion (seconded by an additional member) during a Council session to be placed on the next regular available Council agenda.

Los Angeles City Council Agenda
Tuesday, March 4, 2014
JOHN FERRARO COUNCIL CHAMBER ROOM 340, CITY HALL 200 NORTH SPRING STREET, LOS ANGELES, CA 90012 - 10:00 AM

Roll Call

Approval of the Minutes

Commendatory Resolutions, Introductions and Presentations

Items Noticed for Public Hearing

ITEM NO. (1)

HEARING PROTEST, APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien for nuisance abatement costs and/or non-compliance of code violations/Annual Inspection costs, pursuant to Los Angeles Municipal Code (LAMC) and/or Los Angeles Administrative Code (LAAC).

Recommendation for Council action:

HEAR PROTEST, APPEALS OR OBJECTIONS relative to proposed lien for nuisance abatement costs and/or non-compliance of code violations/Annual Inspection costs, pursuant to LAMC and/or LAAC and CONFIRM said lien for the following properties:

(a)

13-0160-S301

CD 6 13235 West Osborne Street. (Lien $2,771.83)

(b)

13-0160-S302

CD 10 3724 South Westside Avenue. (Lien $406.08)

(c)

13-0160-S303

CD 4 4357 West Third Street. (Lien $1,560.12)

(d)

13-0160-S304

CD 7 13668 West Van Nuys Boulevard. (Lien $1,185.50)

(e)

13-0160-S305

CD 6 8678 North Costello Avenue. (Lien $2,411.84)

(f)

13-0160-S306

CD 8 2700 West Slauson Avenue. (Lien $6,421.07)

(g)

13-0160-S307

CD 5 2461 South Robertson Boulevard. (Lien $1,858.21)

(h)

13-0160-S308

CD 12 10111 North Vanalden Avenue. (Lien $3,460.08)

(i)

13-0160-S309

CD 2 5212 North Laurel Canyon Boulevard. (Lien $2,586.62)

(j)

13-0160-S310

CD 10 3600 West Washington Boulevard. (Lien $3,082.16)

(k)

13-0160-S167

CD 15 552 West 110th Street. (Lien: $6,555.99)

(Continued from Council meeting of February 25, 2014)

(l)

13-0160-S286

CD 8 1602 West Adams Boulevard. (Lien: $6,307.54)

(Continued from Council meeting of February 25, 2014)

ITEM NO. (2)

07-2307

CD 3 HEARING APPEALS against confirmation of assessment for improvement under 1911 Act of Mulholland Drive (Near Manson Avenue) Sewer Improvement with mainline sewer, house connection sewers (laterals), appurtenant structures, and related work - A'11-SZC11763.

ITEM NO. (3)

12-1360

CD 2 PUBLIC HEARING relative to the vacation of a portion of the alley westerly of Westpark Drive between Magnolia Boulevard and Hartsook Street (VAC-E1401159).

(Categorical Exemption, Findings and Public Works and Gang Reduction Committee Report adopted in Council on January 29, 2014)

Items for which Public Hearings Have Been Held

ITEM NO. (4)

14-0153

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the appointment of Mr. Thomas Donovan to the West Los Angeles Area Planning Commission.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Mr. Thomas Donovan to the West Los Angeles Area Planning Commission for the term ending June 30, 2017, is APPROVED and CONFIRMED. Mr. Donovan resides in Council District 11. (Current Commission gender composition: M=2; F=3)

Ethics Commission Review: Pending.

Background Check: Pending.

Community Impact Statement: None submitted.

TIME LIMIT FILE - MARCH 20, 2014

(LAST DAY FOR COUNCIL ACTION - MARCH 19, 2014)

ITEM NO. (5)
14-0155

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to the appointment of Mr. Oshin Harootoonian to the North Valley Area Planning Commission.

Recommendation for Council action:

RESOLVE that the Mayor's appointment of Mr. Oshin Harootoonian to the North Valley Area Planning Commission for the term ending June 30, 2015, is APPROVED and CONFIRMED. Mr. Harootoonian resides in Council District 12. (Current Commission gender composition: M=3; F=2)

Ethics Commission Review: Pending.

Background Check: Pending.

Community Impact Statement: None submitted.

TIME LIMIT FILE - MARCH 20, 2014

(LAST DAY FOR COUNCIL ACTION - MARCH 19, 2014)

ITEM NO. (6)
12-1696
CD 1, 4, 10

HEARING ROTESTS and ORDINANCE FIRST CONSIDERATION relative to levying the Wilshire Center Business Improvement District (District) special assessment for the District's eighteenth fiscal year (operating year) beginning on January 1, 2014 through December 31, 2014.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. HEAR PROTESTS against the proposed levying of the special assessment for the District's 2014 fiscal year, pursuant to Section 36524.

2. PRESENT and ADOPT the accompanying ORDINANCE levying the special assessment for the District's 2014 fiscal year, if a majority protest, as defined by Section 36525 of the California Streets and Highways Code is found not to exist.

3. APPROVE the Wilshire Center Business Improvement District Advisory Board for the District's 2014 fiscal year.

4. AUTHORIZE the City Clerk, subject to City Attorney approval, to prepare, execute and administer a contract between the City and the Wilshire Center Business Improvement Corporation, the nonprofit service provider for administration of the District.

Fiscal Impact Statement: The City Clerk reports that direct costs for Department administration of the District program for its 2014 fiscal year will be recovered from the assessments collected. The amount of recoverable City costs to be charged to the District will be $14,613.19, representing two percent of the District's anticipated assessment revenue for its 2014 fiscal year, plus an additional one percent for departmental costs associated with the direct billing of District stakeholders. There are no assessments to be paid for City-owned properties located within the boundaries of the District. Therefore, there is no

impact on the General Fund.

(Pursuant to Council adoption of Ordinance No.182886 on February 5, 2014.)

ITEM NO. (7)
13-1724
CD 4, 13

HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to levying the Los Feliz Village Business Improvement District (District) special assessment for the District's thirteenth fiscal year (operating year) beginning on January 1, 2014 through December 31, 2014.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. HEAR PROTESTS against the proposed levying of the special assessment for the District's 2014 fiscal year, pursuant to Section 36524 of the California Streets and Highways Code.

2. PRESENT and ADOPT the accompanying ORDINANCE levying the special assessment for the District's 2014 fiscal year, if a majority protest, as defined by Section 36525 of the California Streets and Highways Code is found not to exist.

3. APPROVE the Los Feliz Village Business Improvement District Advisory Board for the District's 2014 fiscal year.

4. AUTHORIZE the City Clerk, subject to City Attorney approval, to prepare, execute and administer a contract between the City and the Los Feliz Business Improvement District Corporation, the nonprofit service provider for administration of the District.

Fiscal Impact Statement: There are no assessments to be paid for City-owned properties located within the boundaries of the District. Therefore, there is no impact on the General Fund.

(Pursuant to Council adoption of Ordinance No.182887 on February 5, 2014)

ITEM NO. (8)
13-0505

BUDGET AND FINANCE COMMITTEE REPORT and ORDINANCES FIRST CONSIDERATION relative to dissolving Community Taxing District No. 4, Courtyard by Marriott and Residence Inn Project, and creating the 901 Olympic North Trust Fund.

Recommendation for Council Action, SUBJECT TO THE APPROVAL OF THE MAYOR:

PRESENT and ADOPT the accompanying ORDINANCES dated February 12, 2014, relative to dissolving Community Taxing District No. 4, Courtyard by Marriott and Residence Inn Project, and creating the 901 Olympic North Trust Fund.

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

ITEM NO. (9)
13-1646
CD 15

ENVIRONMENTAL IMPACT REPORT, ERRATA, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MONITORING AND REPORTING PROGRAM, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT, RESOLUTION and ORDINANCES FIRST CONSIDERATION relative to the Ponte Vista at San Pedro Specific Plan at 26900 South Western Avenue.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. CERTIFY that the final Environmental Impact Report (EIR), (EIR No. ENV-2005-4516-EIR; State

Clearing House No. 2010101082), including all errata, has been completed in compliance with the California Environmental Quality Act (CEQA), that the final EIR was presented to the City Council and the City Council has reviewed and considered the information contained in the final EIR, that the final EIR reflects the independent judgment and analysis of the lead agency City of Los Angeles, and that the documents constituting the record of proceedings on which the City Council's decision is based are located in Council File No.13-1646 in the custody of the City Clerk and in the files of the Department of City Planning (DCP) in the custody of the Environmental Review Section.

2. ADOPT the FINDINGS recommended by the Director of Planning, on behalf of the Los Angeles City Planning Commission (LACPC) in the November 27, 2013 transmittal as updated on February 18, 2014, including the Environmental Findings, pursuant to Public Resources Code Section 21081 as the CEQA Findings of the City Council.

3. ADOPT the Mitigation Monitoring and Reporting Program.

4. ADOPT the Statement of Overriding Considerations prepared by the DCP.

5. PRESENT and ADOPT the accompanying ORDINANCE, approved by the Director of Planning on behalf of the LACPC, to change the zone from R1-1XL and OS-1XL to Ponte Vista at San Pedro (PVSP) zone, for the construction of up to 700 residential units and a 2.42 acre public park at 26900 South Western Avenue, bordered by the United States Navy's Defense Fuel Support Point to the north, Mary Star of the Sea High School to the east, Fitness Drive and multi-family residential developments to the south, and Western Avenue to the west.

   Applicant: SFI Bridgeview, LLC
   Representative: David P. Waite, Cox Castle and Nicholson, LLP

   Case No. CPC-2012-2558-GPA-ZC-SP-CA

6. PRESENT and ADOPT the accompanying ORDINANCE, approved by the Director of Planning on behalf of the LACPC, to amend the Los Angeles Municipal Code Sections 12.04 and 12.16.9 to establish the PVSP Specific Plan.

7. PRESENT and ADOPT the accompanying ORDINANCE, approved by the Director of Planning on behalf of the LACPC, to establish the PVSP Specific Plan.

8. ADOPT the accompanying RESOLUTION, approved by the Mayor, and the Director of Planning on behalf of the LACPC, APPROVING a General Plan amendment to the Wilmington - Harbor City Community Plan map to:

   a. Change the land use designation from Open Space and Low Residential to Low Medium II Residential.

   b. Amend Footnote No. Two to read "Maximum height of 30 feet from adjacent grade except for the PVSP zone."

   c. Add a footnote establishing the proposed PVSP Specific Plan as the land use regulatory document for the project and provide correspondence of the Low Medium II residential land use designation with the PVSP zone.

9. INSTRUCT the DCP to update the General Plan and appropriate maps pursuant to this action.

10. ADVISE the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

11. ADVISE the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.

Fiscal Impact Statement: The LACPC reports that there is no General Fund impact, as administrative costs are recovered through fees.

Community Impact Statement: None submitted.

TIME LIMIT FILE - MARCH 5, 2014

(LAST DAY FOR COUNCIL ACTION – MARCH 5, 2014)

ITEM NO. (10)
11-0966
CD 14

ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the funding agreement for the Olympic North Hotels Project located at 901 West Olympic Boulevard.

Recommendations for Council action:

1. RECEIVE and FILE the report from the City Administrative Officer dated March 18, 2013 relative to a petition filed by 901 West Olympic Boulevard Limited Partnership to create a Community Taxing District.

2. APPROVE the Funding Agreement (Attachment A of the Chief Legislative Analyst [CLA] report dated February 10, 2014, attached to Council file No. 11-0966) between the City of Los Angeles and 901 West Olympic Boulevard Limited Partnership concerning the Olympic North Hotels Project, and AUTHORIZE the Mayor to execute said Agreement.

3. REQUEST the City Attorney to prepare and present the necessary ordinances to effectuate the fiscal actions required to implement the Funding Agreement.

Fiscal Impact Statement: The CLA reports that there is no impact to the General Fund associated with this action.

Community Impact Statement: None submitted.

ITEM NO. (11)
13-0600-S5

BUDGET AND FINANCE COMMITTEE REPORT relative to the City's current debt capacity and how much has been issued in bonds.

Recommendation for Council action:

NOTE and FILE the City Administrative Officer report, dated February 7, 2014, relative to the City's current debt capacity and how much has been issued in bonds.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (12)
13-1204-S1

ARTS, PARKS, HEALTH, AGING AND RIVER COMMITTEE REPORT relative to the amendment of Sections 41.50 and 63.44 of the Los Angeles Municipal Code to revise the definition of smoking to include electronic smoking devices and to revise various provisions regarding the prohibition of smoking in certain places.

Recommendations for Council action, as initiated by Motion (O'Farrell - Koretz - Parks):

1. REQUEST that the City Attorney amend the proposed draft Ordinance, dated January 8, 2014 and attached to the Council file, to include parallel exemptions for the use of electronic smoking devices at vaping lounges in keeping with similar uses for cigar lounges; and to exclude theatrical production sites similar to the exemptions that already exist for smoking tobacco at locations used for production

ENVIRONMENTAL IMPACT REPORT, ERRATA, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MONITORING AND REPORTING PROGRAM, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT, RESOLUTION and ORDINANCES FIRST CONSIDERATION relative to the Ponte Vista at San Pedro Specific Plan at 26900 South Western Avenue.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. CERTIFY that the final Environmental Impact Report (EIR), (EIR No. ENV-2005-4516-EIR; State Clearing House No. 2010101082), including all errata, has been completed in compliance with the California Environmental Quality Act (CEQA), that the final EIR was presented to the City Council and the City Council has reviewed and considered the information contained in the final EIR, that the final EIR reflects the independent judgment and analysis of the lead agency City of Los Angeles, and that the documents constituting the record of proceedings on which the City Council's decision is based are located in Council File No.13-1646 in the custody of the City Clerk and in the files of the Department of City Planning (DCP) in the custody of the Environmental Review Section.

2. ADOPT the FINDINGS recommended by the Director of Planning, on behalf of the Los Angeles City Planning Commission (LACPC) in the November 27, 2013 transmittal as updated on February 18, 2014, including the Environmental Findings, pursuant to Public Resources Code Section 21081 as the CEQA Findings of the City Council.

3. ADOPT the Mitigation Monitoring and Reporting Program.

4. ADOPT the Statement of Overriding Considerations prepared by the DCP.

5. PRESENT and ADOPT the accompanying ORDINANCE, approved by the Director of Planning on behalf of the LACPC, to change the zone from R1-1XL and OS-1XL to Ponte Vista at San Pedro (PVSP) zone, for the construction of up to 700 residential units and a 2.42 acre public park at 26900 South Western Avenue, bordered by the United States Navy's Defense Fuel Support Point to the north, Mary Star of the Sea High School to the east, Fitness Drive and multi-family residential developments to the south, and Western Avenue to the west.

   Applicant: SFI Bridgeview, LLC
   Representative: David P. Waite, Cox Castle and Nicholson, LLP

   Case No. CPC-2012-2558-GPA-ZC-SP-CA

6. PRESENT and ADOPT the accompanying ORDINANCE, approved by the Director of Planning on behalf of the LACPC, to amend the Los Angeles Municipal Code Sections 12.04 and 12.16.9 to establish the PVSP Specific Plan.

7. PRESENT and ADOPT the accompanying ORDINANCE, approved by the Director of Planning on behalf of the LACPC, to establish the PVSP Specific Plan.

8. ADOPT the accompanying RESOLUTION, approved by the Mayor, the Director of Planning on behalf of the LACPC, APPROVING a General Plan amendment to the Wilmington - Harbor City

Community Plan map to:

a. Change the land use designation from Open Space and Low Residential to Low Medium II Residential.

b. Amend Footnote No. Two to read "Maximum height of 30 feet from adjacent grade except for the PVSP zone."

c. Add a footnote establishing the proposed PVSP Specific Plan as the land use regulatory document for the project and provide correspondence of the Low Medium II residential land use designation with the PVSP zone.

9. INSTRUCT the Department of City Planning to update the General Plan and appropriate maps pursuant to this action.

10. ADVISE the applicant that, pursuant to California State Public Resources Code Section 21081..6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

11. ADVISE the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.

Fiscal Impact Statement: The LACPC reports that there is no General Fund impact, as administrative costs are recovered through fees.

Community Impact Statement: None submitted.

TIME LIMIT FILE - MARCH 5, 2014

(LAST DAY FOR COUNCIL ACTION – MARCH 5, 2014)

Summary

At a public hearings held on December 17, 2013 and February 25, 2014, the Planning and Land Use Management (PLUM) Committee considered reports from the Mayor, the DCP and the City Attorney, Resolution and Ordinances relative to the PVSP Specific Plan. Staff from the DCP and the City Attorney's Office gave the Committee background information on the matter. Members of the public, the Applicant's Representative, and staff from the Council Office also spoke.

After an opportunity for public comment, the Committee recommended that Council approve: the reports from the Mayor, Director of Planning, the City Attorney, and the LACPC regarding the EIR, the Mitigation Monitoring and Reporting Program, the Statement of Overriding Considerations, the Resolution, and the Ordinances for the PVSP Specific Plan. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

SG
CF 13-1646
2/26/14

MEMBER	VOTE
HUIZAR:	YES
CEDILLO:	YES
ENGLANDER:	ABSENT

-NOT OFFICIAL UNTIL COUNCIL ACTS-

PLANNING AND LAND USE MANAGEMENT
FEB. 25, 2014

For the Record

Item 13-1646 Ponte Vista

The EIR performed for this Ponte Vista site is highly deficient in a multitude of ways.

#1.

The review has ignored the incredible and highly explosive risk exposure from the adjacent ultra-hazardous Rancho Butane gas storage facility (whose own consultant acknowledges that their gas storage represents the equivalent of 54 atomic bombs in stored energy) the Naval fuel depot and the Phillips refinery. All of these dangerous storage sites fall within ½ to 1 mile from the proposed housing.

#2

The Ponte Vista EIR responds in no way whatsoever to the "drought conditions" that are forcing residents to conserve their water voluntarily with an impending mandate expected by next year to our city and State residents. A development of over 500 homes is required to confirm that there is adequate water supply to service the additional residents for 20 years! Under the precarious conditions that this State and City is facing with the scarcity of its water ...clearly acknowledged in several recent articles including the NBC news article being submitted to you. that warns of the more intense droughts expected in our near future, the question is exactly HOW does one guarantee the availability of this precious commodity in these difficult times?! This EIR does not respond to the current water crisis in any way!

#3

The area of this project is documented in LA's own City Planning Department as an "Earthquake Rupture Zone". An earthquake rupture zone is a "particularly" vulnerable area for disaster because it is the "point" where there is a convergence of "multiple faults". The LA City Planning Department, Mayor Garcetti, City Attorney Feuer, City Councilman Buscaino and all other City Council members are exhibiting extreme negligence and recklessness in ignoring its responsibility to protect its citizens by even the "consideration" of allowing this housing development in this area! It is incumbent upon this planning committee to respond immediately to the cavalier and thoughtless findings submitted in this environmental review. The disregard and disrespect for human safety must stop now! "Dolling" up an area...or the will to bring in new tax revenue to the City does not warrant closing your eyes and plugging your ears to the dangers and tragedies that this recklessness invites. STOP NOW!!

San Pedro Peninsula Homeowners United, Inc.
Post Office Box 6455, San Pedro, CA 90734
sphomeunited@gmail.com – Fax: (310) 548-4255

ITEM #6
13-1686

PRESENTATION TO THE PLUM COMMITTEE ON 2/25/2014
Chuck Hart, President of San Pedro Peninsula Homeowners, United

Good decisions can only result if all factual information is made available to those making the decision. The conclusions stated in the Ponte Vista EIR and the Planning Departments Recommendation Report of November 13th, 2013 referenced under 'Hazardous Material and Risk Upset' are based on misleading information. The EIR does not accurately address the potential devastating impacts of a true worst-case scenario from the neighboring Rancho LPG Facility. Why? Because the current Risk Management Plan (RMP) Regulations are designed to keep the truth from the Public and Planning Groups like yourself.

In 1990 the Federal Emergency Planning and Community Right-To-Know Act added explosiveness and flammability as substances of concern. It specified and standardized ways of accessing the dangers posed by chemical facilities and communicating the information to the public. The EPA produced draft regulations which would have calculated the radius of exposure from an immediate total release of one Rancho 12.5 million gallon tank as 3 miles

and affecting 29,000 people. Obviously the mile radius would have destroyed much of the L.A. Port and part of the Long Beach Port as well. The Tosco Refinery 1999 RMP Worst-Case Release states that one of their 5,092,000 gallon butane tanks would result in a 2.3 mile impact. The American Petroleum Institute sued the EPA, claiming that flammable materials should be allowed to use a calculation for toxic materials if there were passive mitigation such as Rancho's impound basin. As a result, no longer were RMP's Worst-Case-Release Scenarios based on a total immediate release, resulting from a ruptured tank. The new calculation assumes that the material stops being released in 10 minutes. Of course, that is not true, butane and propane will continue to be released from the smallest tank rupture and of course, the impound basin would mitigate only the first ½ percent of release. But the EPA LAWYERS ALLOWED IT so now Rancho claims that it's radius of destruction for worst-case release is ½ mile and involves only 770 people.

Fast-Forward to 2001 - and the Twin Towers Terrorism and the resulting passage of laws surrounding Homeland Security. Now the concern flipped, and instead of informing residents, the DHS wanted to keep the information secret. The DHS Program is so unwieldy and they are so far behind in checking sites

which are deemed to be terrorist temptations under its CHEMICAL FACILITY ANTI-TERRORISM STANDARDS that they were subjected to a review by the CONGRESSIONAL GENERAL ACCOUNTING OFFICE. The GAO Report says that since 2007 the DHS has assigned priorities to only 380 out of the 3500 possible dangerous facilities and that it will take another 8 to 10 years to prioritize the sites.

The States Program was similar to the Federal Program but had one serious flaw. It 's so complicated that there is not a single agency that administers and enforces it. So they took the easy way out and handed the enforcement of this unwieldy and cross-referenced program to local Fire Departments. This was in spite of the Fire Departments stating they hadn't the expertise, manpower or money to adequately enforce the program.

The failure of the Federal and State Governments to deal with this issue is unconscionable. They are, in effect, gambling with people lives against the probability of an earthquake, a terrorist attack or an accident creating a catastrophic event. While the City has no regulatory authority, it does have an obligation to protect its citizens. Until the City can get this LPG facility removed, Ponte Vista and additional housing developments should not be permitted in the surrounding areas.

latimes.com/local/la-me-quake-faults-20140221,0,7243269.story

Point Vista Item #6

latimes.com

Bill targets new construction in California quake zones

The legislation by state Sen. Ted Lieu aims to close a loophole that allows building on or near earthquake faults that haven't been zoned by the state.

By Rosanna Xia, Rong-Gong Lin II and Doug Smith

9:06 PM PST, February 20, 2014

advertisement

A state lawmaker is introducing a bill that would close a loophole that has allowed developers to build projects on or near dangerous earthquake faults.

California law already bans the construction of new buildings on top of faults that have been zoned by the state. But more than two dozen major faults have not been zoned, and a Times review found some buildings had been constructed along them.

Statewide, about 2,000 of California's 7,000 miles of faults have not been zoned, and the building ban is not enforced in those areas.

State Sen. Ted Lieu (D-Torrance) said developers should be required to search for earthquake faults along those remaining areas.

"This is to prevent future buildings from being built on fault lines," Lieu said in an interview. "Developers right now can ignore that there's a fault line, simply because it hasn't been technically zoned yet."

Lieu cited the results of a Times investigation in December, which found that Los Angeles and Santa Monica in the last decade approved more than a dozen construction projects on or near two well-known faults without requiring seismic studies to determine whether the buildings could be destroyed in an earthquake.

If state officials had drawn a zone around those two earthquake faults, the developers would have been required to dig to see whether a fault was underneath the project before approving construction.

The loophole has led to situations where buildings might be constructed on earthquake faults, putting them at risk for severe damage during an earthquake.

Questions have been raised about whether a fault exists under Blvd6200, a $200-million residential and commercial development under construction in Hollywood. The developer's geologist was not required to do an in-depth fault investigation by the city. Based on his observations during excavation, he said there was no fault underneath the site. State geology officials later said they were confident a fault exists there.

"The intent is to prevent other projects too close to faults from going forward when there are still 2,000 miles" of

unzoned faults, Lieu said. "This bill technically closes that loophole and treats that fault line like it's a zoned fault line."

Lawmakers banned the construction of new buildings on top of active surface faults after the 1971 Sylmar earthquake, when buildings straddling the San Fernando fault were ripped apart. One side of the fault shifted from the other by as much as 8 feet. About 80% of the buildings along the fault suffered moderate to severe damage.

Other agencies have gone out of their way to avoid faults. The Los Angeles County Metropolitan Transportation Authority has spent millions to ensure subway stations aren't built on fissures. Some school districts have decided to tear down classrooms that straddle faults.

Mott Smith, a board member of a statewide developers group, the Council of Infill Builders, questioned whether it made sense to focus on new buildings before tackling older structures built before modern quake codes.

"We should be focusing on older buildings. Instead, we're focusing on development, and that just isn't where the biggest problem is," Smith said.

Smith said he was also concerned that Lieu's proposal shortcuts the state's normal process for zoning faults, which can take months of scientific research.

More digging of trenches to find faults would increase costs, another barrier to development, he said.

Bruce Clark, a retired engineering geologist and former chairman of the California Seismic Safety Commission, wondered whether the proposal could cast too wide a net and end up with some developers spending money only to find out their land isn't on top of a fault.

Still, "compared to a few hundred million for a project, it's small change. It's not a tremendously expensive thing," Clark said. "It is not a good idea to build a building across a fault.... When you have a fault rip a building apart, you really put the people inside at risk."

The state's top geologist has previously told The Times it is a good idea to do fault investigations before construction begins.

"Why would one risk constructing multimillion-dollar investments on ground that is known to be of very high hazard, and place in jeopardy the lives of those who inhabit the building?" said John Parrish, the state geologist. All the land encompassed by the state's existing earthquake fault zones totals about 0.86% of California.

"Reducing the loss of human lives, property, and to the costs to the economy are what the [law] is designed for," Parrish said.

Lieu said the California Geological Survey's existing map of all 7,000 miles of faults, published in 2010, is a good start to determine whether properties need fault investigations.

As a result, to ensure buildings aren't constructed on faults not yet drawn into a quake zone, Lieu said he was proposing any projects within about 500 feet of the fault line undergo a seismic evaluation.

Lieu's legislation would have a similar effect as a new Los Angeles building policy. A city spokesman in

November said Los Angeles would use the state's 2010 map to determine whether a fault study should be done before construction begins.

Over the last two decades, zoning these faults have slowed to a crawl because of budget cuts. Gov. Jerry Brown last month proposed a sharp increase in funding to complete the zoning mandated by the 1972 Alquist-Priolo Earthquake Fault Zoning Act.

Lieu said his legislation would close the loophole until the state geologist completed the fault zones.

earthquake@latimes.com

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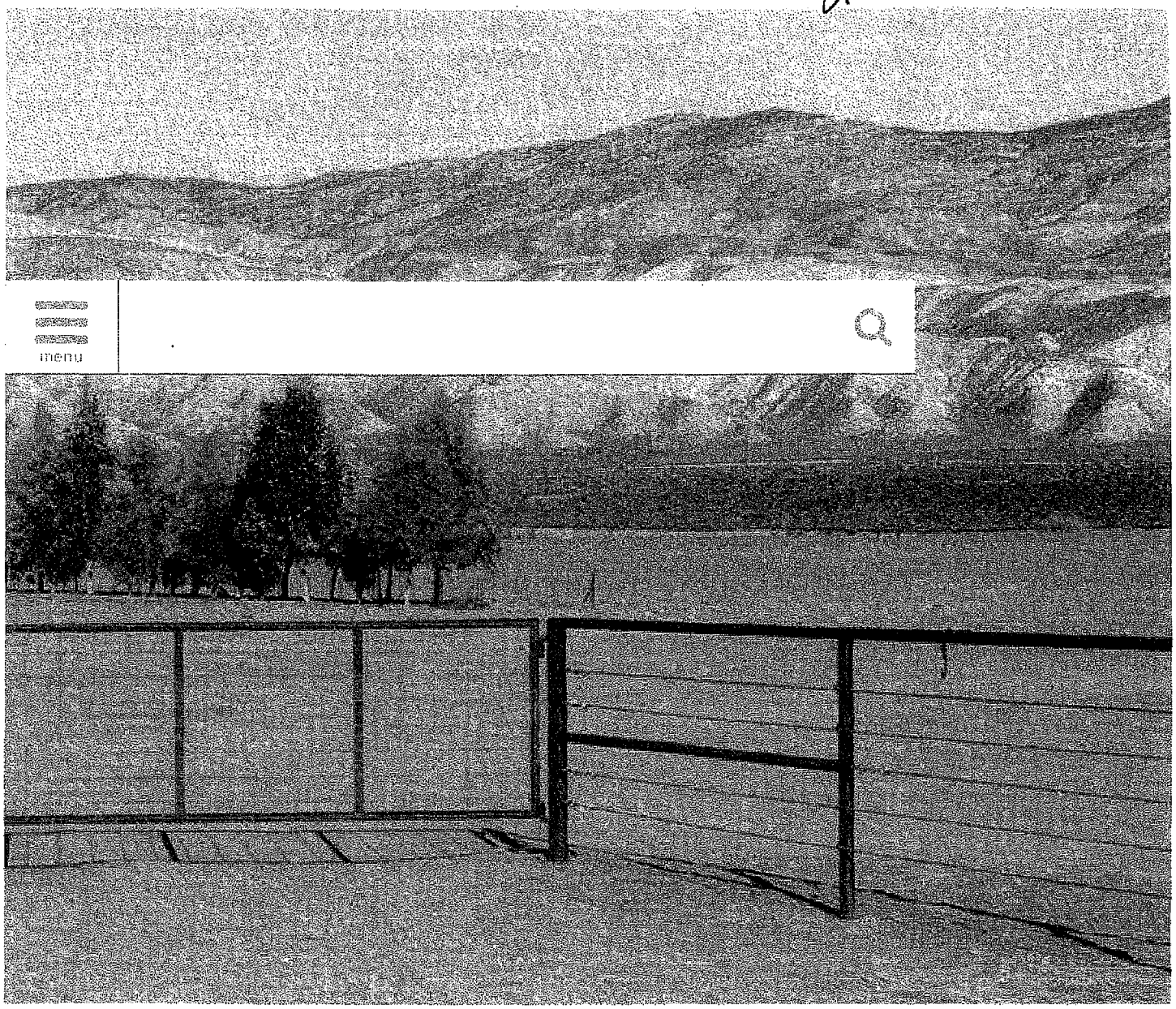
Photo Visit Item #6

CALIFORNIA DROUGHT



menu

Parched: California Braces for Drought Without End in Sight

COLLAPSE STORY

BY JOHN ROACH

As California and other western states face what some scientists fear could be a prolonged drought amplified by global warming, water experts say there's simply no way to predict how long the dry spell will last.

The best thing to do, they said, is to prepare for the worst and hope for rain. It wouldn't be the first time California soil went parched for a long stretch. Tree growth rings in the region show evidence of prolonged periods of aridity in the past.

"To know that we are going into another pattern like that, that we could expect this drought to persist for 10 to 15 years is really, really, really hard to say," Brian Fuchs, a [illegible] ɔ., told NBC News. "There is really nothing in our forecasting models that are being looked at that would suggest that we would even have the ability to do that."

"It is hard to know how bad this drought is going to get ... but the climate is changing. We know that droughts are becoming more frequent and more intense, so we need to begin thinking about the possibility of longer, more intense droughts in the future."

And even if a new mega-drought is here, he added, no one knows if the impacts would be as devastating as the droughts "700 years ago that moved entire societies out of regions," Fuchs said. "Are we able to offset some of that impact because of the developed water systems and technology? That's even a tough question to ask."

But variations of the question are nevertheless being asked across the state where, at last count, 10 communities have less than 60 days of water, forest fires flare up almost daily, water deliveries to 750,000 acres of farmland and 25 million people have been halted, cattle are starving on wilted rangelands, and homeowners are drilling thousands of wells to suck water from aquifers they only hope won't go dry.

"It is hard to know how bad this drought is going to get ... but the climate is changing. We know that droughts are becoming more frequent and more intense, so we need to

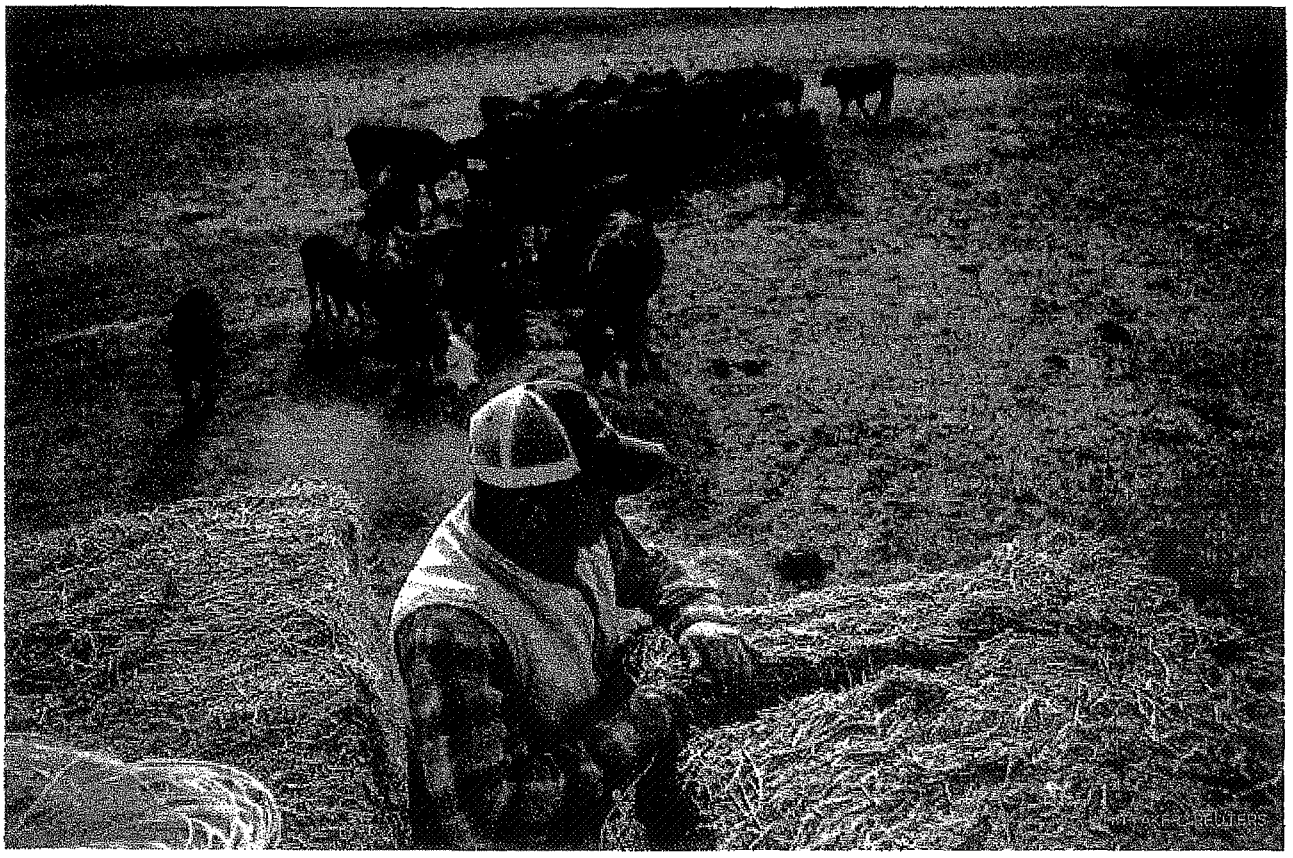
begin thinking about the possibility of longer, more intense droughts in the future," Heather Cooley, co-director of the water program at the Pacific Institute, an Oakland-based environmental think tank, told NBC News.

Land fallowed, cattle sold

The impact to the state's $45 billion agriculture industry has already been severe. An estimated 500,000 acres of farmland sits unplanted due to water shortages, a number that could nearly double if the drought extends into 2015, according to Doug Parker, the director of the California Institute of Water Resources housed at the University of California's Division of Agriculture and Natural Resources in Oakland.

Fallowed fields translate to high rates of unemployed farmworkers who fall back on social services such as food assistance programs.

"In the long term, it could change some of the cropping patterns in California, especially for the animal industry," Parker told NBC News, explaining that the economics of raising and tending livestock hinges on locally-grown feed. "Without water to grow it, you really end up just having to sell off animals." Much of the state's beef cattle, for example, roam unirrigated rangelands that are parched.



Ranch hand Ricardo Madrigal feeds cattle on the Van Vleck Ranch in Rancho Murieta, California, February 12,

2014. California's ongoing drought has greatly increased feed costs for ranchers, forcing some to sell their cattle. The Van Vleck ranch has been feeding $1200 worth of hay per day, whereas in a normal year the cows would feed on grass for free.

To deal with the drought, farmers that can will fallow their land; others will revert to pumping groundwater. "It will be harder for farmers who have permanent crops — trees, nuts, orchards," noted Cooley, whose organization has advocated increased use of water efficient technology on farms such as drip irrigation systems as a way to save millions of acre feet of water a year.

The adoption of such technology has recently increased and may accelerate if this drought persists, especially if farmers with senior water rights lose their full annual allocations, which may happen this year. "That can be a pretty strong incentive to use the water that you have more efficiently," she said.

Diversity helps

Water problems are less acute, for now, in most of the state's largest cities, which operate with drought contingency plans to deal with dry years. The strategy typically involves tapping diverse sources of water — local and imported surface water, reserves stored in reservoirs and groundwater aquifers, wastewater recycling, even desalination along with a heavy dose of pleas for conservation.

"Generally speaking, the agencies that are currently facing the most severe challenges are those that have a limited number of surface water supplies and don't have easy access to groundwater as a backup," Gregory Weber, the executive director of the California Urban Water Conservation Council, told NBC News.

> *"The forecasts are not great for this year and even the longer term ones are showing a higher probability than normal of drought."*

What makes this drought particularly worrying, he noted, is the unique combination of multiple years of scant precipitation combined with historically low water reserves in storage. The Metropolitan Water District of Los Angeles, which serves as a wholesaler of

imported water to Southern California, has reported sufficient water in reserves for another year due to conservation efforts. After that, the situation is less certain.

"Drought is an opportunity for people to realize that if it weren't for the conservation they were doing all the time, things would be an awful lot worse," Weber said. "And it gives them new incentive to try even harder."

'Simply not a lot of water'

Natural ecosystems, too, are reeling from drought. Low water levels in rivers, for example, are preventing young salmon from swimming toward the sea while adult salmon are unable to get through estuaries to the main stem of rivers to spawn, according to Brian Stranko, the California water resources director for The Nature Conservancy, an environmental advocacy group.

"We can try to take as many emergency actions as we can to help our farms, our fish, our wildlife, our communities, but we really don't have a lot of options," he told NBC News. "There is simply not a lot of water. We should really use this unfortunate event as an opportunity to think about how to prepare for the next drought and the one after that. We didn't do that in the last drought, we need to do it now."

An dry aqueduct near Le Grand, Calif. on on Thursday, Feb. 13.

At the top of The Nature Conservancy's agenda is promoting responsible management of groundwater resources, which are currently unregulated and unmonitored across much of California.

Many cities and farms turn to groundwater when surface water is in short supply, such as now, but they do so without accounting for how much is there, how much is replenished during wet years, or how much is held in reserve. "We just continue to pump," Stranko said. "Therefore we are depleting our overall water supply."

The climate factor

The long-term water woes in California are heightened by global climate change, which is expected to "increase the intensity and frequency of drought in drought prone areas," Ann Chan, the deputy secretary for climate and energy with the California Natural Resources Agency in Sacramento, told NBC News.

A key impact from long-term climate change will be the loss of water stored as snow in the mountains as winters warm and more precipitation falls as rain. "We know that we are going to have to come up with new storage solutions for water," she noted.

Those solutions will be added to what are already among the most managed hydrologic systems in the world, according to Betsy Otto, the water initiative director for the World Resources Institute in Washington.

"They were designed, in many instances, for a certain kind of hydrologic record or history, which included variability, but it is hard projecting forward to know how much more extreme will those variations become and what that will mean for the management of those systems," she told NBC News.

For now, many water experts are focused on the evolution of the current drought. "The forecasts," noted Parker with the California Institute of Water Resources, "are not great for this year and even the longer term ones are showing a higher probability than normal of drought."

First published February 24th 2014, 1:28 am

JOHN ROACH

John Roach is a contributing writer for NBC News. He started this role in November of 2005. Roach is responsible for environmental coverage on the website. Roach has also contributed to National Geographic...
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Published February 24th 2014, 4:07 pm

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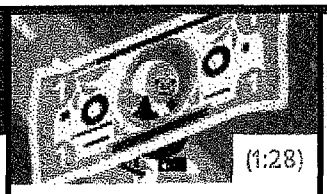

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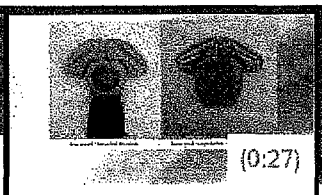
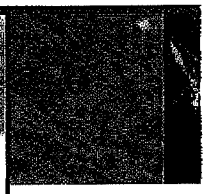


(0:27)

Graco recalling nearly 4 million car seats



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Daily Breeze articles regarding *Ponte Vista* project

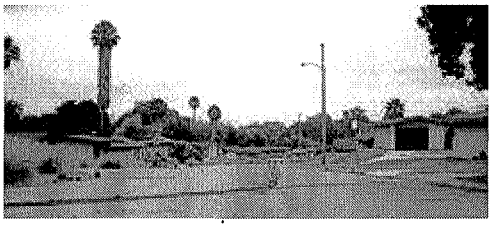
San Pedro's Ponte Vista housing plan advances to final vote on March 4

By Donna Littlejohn, The Daily Breeze
Tuesday, February 25, 2014

DailyBreeze.com

The Daily Breeze (http://www.dailybreeze.com)

San Pedro's Ponte Vista housing plan advances to final vote on March 4



As anticipated, a newly downsized Ponte Vista housing development got a final nod Tuesday from the Los Angeles City Council's planning committee, pushing the long-debated issue toward a final City Council decision on March 4.

If approved by the full council, it will bring to an end one of the most controversial development debates ever in the community.

But that doesn't mean that everyone's now on board.

Several speakers on Tuesday warned that the project — to be built on 61.5 acres of a former Navy housing property at 26900 S. Western Ave. — was dangerously situated near hazardous material storage tanks.

"In the city Planning Department, this area is designated as an earthquake rupture zone," said Janet Gunter of San Pedro, who also warned that explosive materials are stored within a half-mile of the site.

"This is a highly, highly vulnerable area," she said. "The (city's) review ignored the highly explosive risk factor. ... This is lunacy and it's a demonstration of city planning at its very worst."

Chuck Hart of San Pedro Peninsula Homeowners United told committee members that residents near the site were concerned that there was "missing information" in the city review, which he said failed to take into account a worst-case scenario.

Of specific concern is the Rancho LPG Holdings tank operation that stores butane and propane in two large tanks on North Gaffey Street. The Ponte Vista-adjacent Navy Fuel Depot property and the Phillips 66 Refinery in Wilmington are other operations nearby.

On the other side of the issue, supporters said it's time to build.

The property has sat vacant for years as the old Navy homes have deteriorated.

"It's time to move on," said Mary Jo Walker of San Pedro. "Lots of families have lived on this property before and for many years."

"It's been a long time coming to have the present eyesore removed from that site," said Brenda Olson of

San Pedro.

Committee members in December already approved an ordinance that would establish a new tract map and zoning for the property. It then went to the city attorney for final crafting before coming back to the Planning, Land Use and Management Committee on Tuesday.

The latest proposal calls for building 676 units featuring for-sale, single-family homes as well as town houses and single-level flats.

The original 2005 plan — under a different developer, Bob Bisno — called for building 2,300 homes.

That proposal drew widespread objections, mostly centered around the added density and traffic the project would bring to an already heavily traveled Western Avenue.

Petition drives and community meetings filled the local calendar in the years after that, with the Los Angeles Planning Commission giving a thumbs-down vote in 2008 to a somewhat downsized plan for 1,950 homes.

In the years following, developers met with residents and city planners in an effort to reach a compromise.

In 2010, Bisno exited the scene and the project was turned over to its chief investor, iStar Financial Inc., leading to more reductions in home numbers until the final 676 units (with a 700-home cap if more flats are allowed at a later date) was presented in 2013.

If approved by the City Council next week, groundbreaking is expected to take place by summer.

URL:
http://www.dailybreeze.com/general-news/20140225/san-pedros-ponte-vista-housing-plan-advances

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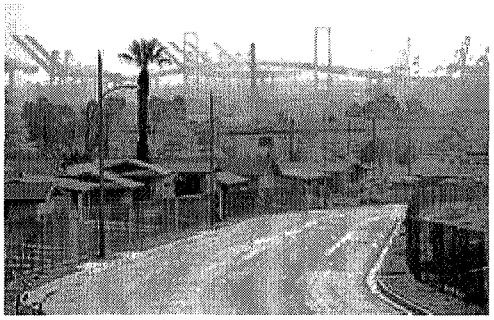
San Pedro's Ponte Vista housing project gets green light after nearly a decade of debate

By Donna Littlejohn, The Daily Breeze
Tuesday, March 4, 2014

DailyBreeze.com

The Daily Breeze (http://www.dailybreeze.com)

San Pedro's Ponte Vista housing project gets green light after nearly a decade of debate



San Pedro's long-debated Ponte Vista housing development, a project once so despised that it looked like it might never be built, received a unanimous thumbs-up Tuesday from the Los Angeles City Council.

After earlier approvals by city planners, there was little suspense left when the scaled-down proposal finally came before the council. Preparation work now is set to begin on the sprawling 61.5-acre site, which will accommodate up to 700 new homes.

The subject of community debate, petitions and pickets for nearly a decade, the Ponte Vista plan was whittled down to the point that it finally passed the city's scrutiny, bringing to an end one of San Pedro's most contentious development debates in years.

"It's long overdue," Los Angeles City Councilman Joe Buscaino said after the 13-0 council vote. "We've waited for this moment for a long time."

A demolition permit for developers is expected to be in hand by April or May to remove more than 500 aging and long-vacant Navy homes that remain on the long-abandoned property. The homes were built before 1965 and might also need asbestos-removal work.

The new homes for Ponte Vista — a mix of for-sale single-family houses with town houses and single-level flats — will be built in phases, probably beginning sometime in late 2015, a spokesman for the developer said. The project is expected to be completed in five to seven years.

The project approved Tuesday is "a fraction" of what the original plans called for under the original developer, Bob Bisno, who first proposed 2,300 homes in 2005.

Several iterations of the plan that called for fewer home numbers were floated and ultimately rejected over the years following that original roll-out that drew such a community outcry.

While many residents and business interests have supported the proposal all along, saying new housing stock is needed in the area, others remained opposed even with the final numbers approved Tuesday.

Concerns remain about how the project will affect traffic on Western Avenue. Other objections have been lodged about the existence of hazardous materials operations, including the Rancho LPG Holdings tank

on North Gaffey Street.

Members of the Northwest San Pedro Neighborhood Council took the lead in challenging the project, oftentimes winning concessions that led to the current version.

After nearly four years of negotiations with the council office and neighborhood councils, the current developer, iStar Financial, managed to come up with a downsized plan that went even lower than the limits of 775 to 886 homes set by the Los Angeles City Planning Commission in 2008.

The iStar plan calls for 676 homes with a cap of 700 units.

Among the other developer concessions are:

• A permanent access road running from Western Avenue to Mary Star of the Sea High School to the east (though it may experience temporary closures during construction).

• A project labor agreement with the Building Trades Council and a program through the city's WorkSource Center and PV Jobs for streetscape improvements to Western Avenue.

• A 2.4-acre park along Western Avenue that will be open to the public, to be designed, constructed and maintained by the developer.

Residents already have noticed many of the property's existing trees have been topped off in recent weeks, work that was required of the developer by March 31 as part of a mitigation measure to make sure no bats were found in the palm frons specifically (none was).

All of the parcel's 318 existing trees, none of which is environmentally protected, will be removed. In exchange, the new project will feature 3,500 trees that will be planted, developers said.

Among the first amenities to open could be the new public park on Western Avenue and a perimeter walking path that will circle the entire property.

"They're going to be working on the park early on," said Eric Shabsis, a spokesman for the project.

A news release from the developer said the site will be transformed into "a vibrant, high-quality lifestyle community" that will feature hiking and bicycle trails "and a green canopy of over 3,000 new trees." The development also will include environmental elements such as water conservation features, rainwater catchment systems, drought-tolerant landscaping and shade trees to promote energy conservation.

"I want to thank all the stakeholders and community leaders," Buscaino said, referring to the countless revisions and community meetings held over the years. "And I also want to thank the Northwest San Pedro Neighborhood Council for making this a better project."

URL:
http://www.dailybreeze.com/business/20140304/san-pedros-ponte-vista-housing-project-gets-green-

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E-mail and attachments from Senator Lieu's office
regarding the Rancho LPG facility

Kit Fox

From: Zivkovic, Jennifer <Jennifer.Zivkovic@sen.ca.gov>
Sent: Tuesday, February 04, 2014 2:10 PM
To: Kit Fox
Subject: Response letters re: Rancho facility
Attachments: Letter from CSFM 2.pdf; Response letter from OES.pdf

Good Afternoon Kit,

Per our conversation, please find attached an updated response letter from the State Fire Marshal and a letter from the Governor's Office of Emergency Services regarding the Rancho facility. Please let me know if you have any questions. Thanks.

Regards,

Jennifer Zivkovic
District Director
Office of Senator Ted W. Lieu, 28th District
2512 Artesia Blvd., Suite 320
Redondo Beach, CA 90278
Phone: 310-318-6994
Fax: 310-318-6733

DEPARTMENT OF FORESTRY AND FIRE PROTECTION
OFFICE OF THE STATE FIRE MARSHAL
P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 445-8200
Website: www.fire.ca.gov

February 3, 2014

The Honorable Ted W. Lieu
Senator, Twenty Eighth Senate District
State Capitol, Room 4061
Sacramento, California 95814

Re: Clarification of Jurisdictional Authority for Rancho Liquefied Propane Gas (LPG) Holdings LLC. Facility

Dear Senator Lieu:

Thank you for your inquiry requesting additional clarification on the jurisdictional authority of the Department of Forestry and Fire Protection's (CAL FIRE's) Office of the State Fire Marshal (OSFM) in regards to the Rancho LPG Holdings LLC. facility located at 2110 North Gaffey Street in San Pedro, California.

The OSFM's Pipeline Safety Division previously had a portion of regulatory jurisdiction at the Rancho LPG facility dating back to 1985. The former owners (Petrolane and Amerigas) operated two pipelines from this facility to the Port of Los Angeles. These lines were taken out of service in 2008, at which point the OSFM ceased regulatory jurisdiction since the facility no longer used these pipelines.

Subsequently, the OSFM learned that some of the tanks at the facility were being used for remote storage for a BP refinery (now Tesoro). Liquid Butane was being shipped back and forth from the BP refinery to the Rancho LPG facility through a Valero pipeline. The OSFM determined, after reviewing federal interpretations of jurisdiction for breakout tanks, discussions with the operator, and a field visit in 2011, that these butane pipeline systems, vessels, and tanks at the Rancho LPG facility are under the regulatory responsibility of the OSFM. Specifically, the OSFM is responsible for inspecting Butane Tanks 1 and 2, and vessels V-1 and V-C2. An inspection of these systems was conducted by the OSFM in March 2012. No safety issues or violations were found. It is our understanding that the remainder of the facility is under the regulatory jurisdiction of the Los Angeles Fire Department.

If you have any additional questions, please contact CAL FIRE's Deputy Director for Legislation, Caroline Godkin, at (916) 653-5333 or caroline.godkin@fire.ca.gov.

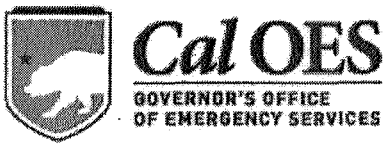
Sincerely,

TONYA L. HOOVER
State Fire Marshal

"The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California."

EDMUND G. BROWN JR.
GOVERNOR

MARK S. GHILARDUCCI
DIRECTOR



December 26, 2013

The Honorable Ted W. Lieu
Senator, Twenty Eighth Senate District
2512 Artesia Boulevard, Suite 320
Redondo Beach, CA 90278

Dear Senator Lieu:

I am writing in response to a letter you received from the State Fire Marshal's Office, asking that you contact the California Governor's Office of Emergency Services regarding a San Pedro facility storing hazardous materials. Thank you for taking the time to share your concerns.

The agencies that have direct oversight authority over facilities that store hazardous materials are the local Certified Unified Program Agencies (CUPA), California Environmental Protection Agency (Cal EPA), and the United States Environmental Protection Agency (US EPA). The CUPA for this facility is the Los Angeles County Fire Department. The point of contact for the CUPA is Bill Jones, M.S., Chief, Health Haz-Mat Division. He can be reached at (323) 890-4042, and should be able to provide answers to the specific questions posed in your original letter to the State Fire Marshal.

Cal OES is aware of this particular facility, as it has been the subject of much discussion over the last year. Cal OES has monitored the situation through the Local Emergency Planning Committee (LEPC), but has no immediate jurisdictional authority in the management or oversight of this facility. Numerous inspections of this facility by Federal, State and local regulators have taken place in the past year and the facility has been found to be adhering to all local, state and federal laws, regulations and safety measures. According to the LEPC, inspections have determined that all standards for storing hazardous materials have been met.

I appreciate the opportunity to assist you with this issue. Please do not hesitate to contact me directly at (916) 845-8506 if you have any further questions or concerns on this, or any other matter.

Sincerely,

MARK S. GHILARDUCCI
Director

3650 SCHRIEVER AVENUE, MATHER, CA 95655
(916) 845-8506 TELEPHONE (916) 845 8511 FAX

Letter from Rudy Svorinich regarding
Rancho LPG content on the City's website

Svorinich Government Affairs

Municipal Advocacy & Negotiations—Public Relations
Community Outreach- Land Use Planning, Zoning & Permits
Crisis Management & Solutions—Regulatory Compliance

Office Address:
Worldport Business Center
1891 N. Gaffey Street
Suite 221
San Pedro, CA 90731

Mailing Address:
Eastview Post Office
P.O. Box 6418
San Pedro, CA 90734

Telephone:
(310) 547-9404
Fax:
(310) 547-9405
E-Mail:
info@svorinich.com
Web Site:
www.svorinich.com

February 5, 2014

City of Rancho Palos Verdes

FEB 10 2014

City Manager's Office

Ms. Carolyn Lehr
City Manager
City of Rancho Palos Verdes
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

Dear Carolyn:

On behalf of our client, Rancho LPG Holdings, LP, we would like to bring your attention to a serious issue which has been occurring for quite a while.

It seems that non-factual, misleading and erroneous information has been posted on your city's website regarding the alleged "hazards" of the Rancho LPG Terminal in San Pedro. Recently, your website posted more than one hundred pages of material that is blatantly false and misleading. Moreover, the individual posting the material is not even a resident of your city- not that if they were, it would make the posted claims any more legitimate.

While our client, and yours truly, very strongly believe in an individual's First Amendment rights, untrue information published on an individual's own website is of their own choice, to allow publication on a municipal website implies an imprimatur of legitimacy. Moreover, said false publication assumes potential libelous culpability; an assumption that the City of Rancho Palos Verdes most certainly would want to avoid.

To this end, we would respectfully request that you instruct your staff to remove all the false and misleading information that has been posted on your website regarding our client (which is all the information that has indeed been posted) and restrict further postings from occurring.

Thank you in advance for your prompt attention to our request. A favor of a reply would be most appreciated. Thank you again.

Very Truly Yours,

SVORINICH GOVERNEMNT AFFAIRS

HONORALE RUDY SVORINICH, JR.,
President
President Pro Tempore of the Los Angeles City Council (ret.)

RS:dms

Response to Rudy Svorinich's letter regarding
Rancho LPG content on the City's website

CITY OF RANCHO PALOS VERDES
CITY MANAGER'S OFFICE
ADMINISTRATION

February 20, 2014

Honorable Rudy Svorinich, Jr.
Svorinich Government Affairs
PO Box 6418
San Pedro, CA 90734

SUBJECT: City Website Content regarding Rancho LPG Holdings, LP

Dear Mr. Svorinich:

The City of Rancho Palos Verdes is in receipt of your recent letter of February 5, 2014, submitted on behalf of your client, Rancho LPG Holdings, LP (Rancho LPG).

As we believe you and your client are aware, the Rancho Palos Verdes City Council has directed City Staff to monitor and periodically report on issues of community interest and concern in adjacent jurisdictions, including updates related to the Rancho LPG facility (Facility). These updates are provided as a part of the regular, bi-monthly Border Issues Status Report (Border Issues), which appears as a recurring item on the agenda at the first City Council meeting in even-numbered months.

There is no separate portion of the City's website that is devoted to content related to the Facility. However, as is the practice with all City Council agenda items, the Border Issues report and attachments are posted on the City's website. City Council Staff report attachments frequently include comments submitted to the City by interested parties. Aside from confirming that written public comments are germane to the topic under consideration, they are not vetted for the accuracy of their content, nor are they treated any differently than oral comments made at a public hearing that may be publicly broadcast. The beliefs and opinions expressed in such written comments are their authors' own, and do not express those of the City of Rancho Palos Verdes, the City Council or Staff. Furthermore, once such comments are submitted to the City, they become a matter of public record.

In conclusion, we regret that the City of Rancho Palos Verdes is unable to comply with the request, articulated in your letter of February 5, 2014, to remove content related to the Facility from the City's website. If you have any further questions or need additional information, please feel free to contact me at (310) 544-5203 or via e-mail at *carolynn@rpv.com*.

Sincerely,

Carolynn Petru

Carolynn Petru
Acting City Manager

cc: Mayor Duhovic and City Council
Carolyn Lehr, City Manager
Carol Lynch, City Attorney
Kit Fox, Senior Administrative Analyst

M:\Border Issues\Rancho LPG Butane Storage Facility\20140220_Svorinich_RanchoLPG.docx

E-mails and Late Correspondence related to the Rancho LPG facility

Kit Fox

From: Marcie Miller <marciesmiller@sbcglobal.net>
Sent: Thursday, January 30, 2014 12:28 AM
To: Rafael.Moure-Eraso@csb.gov
Cc: Janet Gunter; det310@juno.com; MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; igornla@cox.net; lisa.pinto@mail.house.gov; elise.swanson@mail.house.gov; maurice_lyles@boxer.senate.gov; michael_davies@feinstein.senate.gov; burling102@aol.com; pmwarren@cox.net; mandm8602@att.net; lpryor@usc.edu; carl.southwell@gmail.com; jody.james@sbcglobal.net; rgb251@berkeley.edu; dlrivera@prodigy.net; dwgkaw@hotmail.com; bonbon90731@gmail.com; jcynthiaperry@aol.com; rob.wilcox@lacity.org; hanslaetz@gmail.com; Kit Fox; chateau4us@att.net; jhwinkler@me.com; peter.burmeister@sbcglobal.net; alsattler@igc.org; jennifer.lucchesi@slc.ca.gov; mark.meier@slc.ca.gov; sally.magnanidag@doj.ca.gov; brian.hembacher@doj.ca.gov; Mark.Griffon@csb.gov; Beth.Rosenberg@csb.gov; dan.tillema@csb.gov; don.holmstrom@csb.gov
Subject: Re: NEW YORK TIMES ARTICLE BY CHEMICAL SAFETY BOARD CHAIR! EXCELLENT! WE NEED POLITICAL ACTION BEFORE RANCHO LPG BLOWS!

Dear Rafael Moure-Eraso,

Your New York Times Op-Ed is a heroic call to all individuals responsible for chemical safety oversight to immediately mitigate imminent dangers posed to public safety by hazardous chemical facilities.

Further, when the threat is too great - as is the case of 26 million gallons of ultra-hazardous LPG and Butane stored at 2100 N. Gaffey Street, San Pedro, CA - governing authorities MUST force RELOCATION.

The "Limited Liability Corporation," Rancho LPG, will most certainly also declare bankruptcy protect its corporate parent, Plains, when it decimates the Ports of LA and Long Beach, tens of thousands of union workers, businesses and the 40,000 plus men, women, and children in the surrounding communities of San Pedro, Wilmington, Rancho Palos Verdes, and Harbor Gateway.

Built in the Palos Verdes Earthquake Fault Rupture Zone, on a methane and liquefaction zone, immorally exempt from all CEQA requirements, this facility is here because money corrupted the regulatory system. It remains because money corrupts the political system and, I fear, also the regulatory system.

President of the original corporation, Petrolane, RJ Munzer was also Chairman of the Los Angeles County Construction Oversight Board in 1972 when this facility was green lighted. He was a massive contributor to President Nixon's many political campaigns.

Local folks have begged CSB, EPA, PMSA, OSHA for credible and open dialogue and action for over forty years! The Mayor Bradley Collection at UCLA contains a response to one of these requests. Attached to that response is an oil industry document from Houston "proving" the facility is safe.

Since when did the wolf guarding the chicken coop get the authority to make oversight decisions? The answer: Only when the collective group of oversight officials abdicate their responsibility. All it takes is ONE agency official to do the right thing. We just hope that someone steps up sooner rather than too late. I sincerely hope your Op-Ed does not fall on deaf ears.

Thank you again for doing the right thing,

Marcie Miller

Sent from my iPhone

On Jan 29, 2014, at 1:35 PM, Janet Gunter <arriane5@aol.com> wrote:

> And...the City of LA wants to build 750 MORE homes in the shadow of these highly explosive tanks with the facility's existing antiquated infrastructure sitting in the rupture zone of the Palos Verdes Fault?? And....the Port of LA (via State Lands) is currently paying for "relocation of pipelines" servicing this privately owned company, Rancho LPG LLC...that has "no lease" at the Port, and "no adequate insurance" to cover catastrophic impacts upon surrounding areas....with PUBLIC FUNDS?! SERIOUSLY?????
>
> See article:
>
> http://www.nytimes.com/2014/01/29/opinion/the-next-accident-awaits.html?ref=opinion&_r=0

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Thursday, February 06, 2014 2:29 PM
To: noelweiss@ca.rr.com; det310@juno.com; connie@rutter.us; carl.southwell@gmail.com; lpryor@usc.edu; rgb251@berkeley.edu; Kit Fox; maurice_lyles@boxer.senate.gov; elise.swanson@mail.house.gov; michael_davies@feinstein.senate.gov; wesling.mary@epamail.epa.gov; blumenfeld.jared@epa.gov; don.holmstrom@csb.gov; dan.tillema@csb.gov; Rafael.Moure-Eraso@csb.gov; Beth.Rosenberg@csb.gov; Mark.Griffon@csb.gov; sally.magnani@doj.ca.gov; brian.hembacher@doj.ca.gov; hanslaetz@gmail.com; igornla@cox.net; dwgkaw@hotmail.com; fbmjet@aol.com; geichfamily@yahoo.com; mandm8602@att.net; peter.burmeister@sbcglobal.net; dlrivera@prodigy.net; jennifer.lucchesi@slc.ca.gov; jennifer.zivkovic@sen.ca.gov; jhwinkler@me.com; radlsmith@cox.net
Subject: Fwd: Los Angeles Times article today.....Ex-federal official: Attack on Bay Area substation was terrorism

Just a shot or two into those Rancho Butane tanks...and the Ports of LA & Long Beach and "us" are gone. I'd say this is yet another "heads up"! How many do we really need????
Janet G

-----Original Message-----
From: Anthony Patchett <mrenvirlaw@sbcglobal.net>
To: Janet Gunter <arriane5@aol.com>
Sent: Thu, Feb 6, 2014 12:17 pm
Subject: Fw: Ex-federal official: Attack on Bay Area substation was terrorism

Is this another wake up call?

http://fw.to/Ea4Z5oi

Ex-federal official: Attack on Bay Area substation was terrorism
A Pacific Gas and Electric spokesman Wednesday night described how the utility was able to keep power flowing after shots were fired at a San Jose-area substation in an April attack that a former federal official said was an act of terrorism.

To unsubscribe click here.

latimes.com/local/lanow/la-me-ln-attack-on-substation-20140205,0,2695118.story

latimes.com

Ex-federal official: Attack on Bay Area substation was terrorism

By Robert J. Lopez

9:20 PM PST, February 5, 2014

advertisement

A Pacific Gas and Electric spokesman Wednesday night described how the utility was able to keep power flowing after shots were fired at a San Jose-area substation in an April attack that a former federal official said was an act of terrorism.

Former Federal Energy Regulatory Commission Chairman Jon Wellinghoff told the Associated Press that his conclusion was based on briefings from Defense Department experts about shots fired at the substation and the snipping of AT&T fiber-optic lines. The FBI has said there are no indications of a terrorist attack.

The attack was intended to cripple phone service and the electrical power grid, according to Wellinghoff. The incident was first reported Tuesday in the Wall Street Journal.

"This was the most sophisticated and extensive attack that's ever occurred on the grid to my knowledge," Wellinghoff told the AP.

Utility spokesman Brian Swanson told The Times on Wednesday that the incident at the substation occurred shortly after 1:30 a.m. April 16.

"Our electric control center received an alarm," he said, adding that the grid has a number of redundancies to prevent a shutdown. An operator at the center was able to remotely operate equipment and reroute power, Swanson said.

"We're taking this incident very seriously," he said. "No one lost power as a result of this incident."

An official with Edison Electrical Institute, a nonprofit organization that works with electrical companies, said utilities are working with each other and with federal and law enforcement agencies to improve "protective measures for the next incident."

Wellinghoff said he decided to speak out because he is concerned that the grid is not being adequately protected.

The AP reported that his concerns underscored previous statements from high-ranking officials.

In October, former CIA Director Jim Woolsey said during an event at the Commonwealth Club that video from the incident showed the attack was launched by three or four men in "disciplined military fashion." He said they fired their weapons and "quickly and professionally disposed of everything they had."

"This was a systematic attempt to take down the electric grid," Woolsey said.

Santa Clara County Sheriff Laurie Smith said someone lifted manhole covers on Monterey Highway south of San Jose, climbed under the road and cut phone lines, temporarily knocking out service.

About 15 minutes later, she said, someone fired a high-powered rifle into the nearby PG&E substation, which damaged several transformers and caused an oil leak. "The perpetrator or perpetrators were familiar with the systems," Smith said.

ALSO:

Officials seek cause of crash that killed 2 CHP officers

Youth pastor arrested on child porn charge in Oakdale, Calif.

L.A. Council to consider hiking minimum wage to $15.37 at big hotels

Twitter: @LAJourno

robert.lopez@latimes.com

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Kit Fox

From: Paul <paul_h_rosenberg@hotmail.com>
Sent: Thursday, February 06, 2014 2:33 PM
To: Janet Gunter; noelweiss@ca.rr.com; det310@juno.com; Connie Rutter; carl.southwell@gmail.com; lpryor@usc.edu; rgb251@berkeley.edu; Kit Fox; maurice_lyles@boxer.senate.gov; elise.swanson@mail.house.gov; michael_davies@feinstein.senate.gov; Mary Wesling; blumenfeld.jared@epa.gov; don.holmstrom@csb.gov; dan.tillema@csb.gov; Rafael.Moure-Eraso@csb.gov; Beth.Rosenberg@csb.gov; Mark.Griffon@csb.gov; sally.magnani@doj.ca.gov; brian.hembacher@doj.ca.gov; hanslaetz@gmail.com; John Miller; Kathleen Woodfield; fbmjet@aol.com; geichfamily@yahoo.com; mandm8602@att.net; peter.burmeister@sbcglobal.net; dlrivera@prodigy.net; jennifer.lucchesi@slc.ca.gov; jennifer.zivkovic@sen.ca.gov; jhwinkler@me.com; radlsmith@cox.net
Subject: RE: Los Angeles Times article today.....Ex-federal official: Attack on Bay Area substation was terrorism

Yup! My thoughts exactly, when watching Rachel Maddow covering it last night.

Paul Rosenberg
@PaulHRosenberg
Columnist
Al Jazeera English
http://www.aljazeera.com/indepth/opinion/profile/paul-rosenberg.html
Senior Editor
Random Lengths News
http://www.randomlengthsnews.com

To: noelweiss@ca.rr.com; det310@juno.com; connie@rutter.us; carl.southwell@gmail.com; lpryor@usc.edu; rgb251@berkeley.edu; kitf@rpv.com; maurice_lyles@boxer.senate.gov; elise.swanson@mail.house.gov; michael_davies@feinstein.senate.gov; wesling.mary@epamail.epa.gov; blumenfeld.jared@epa.gov; don.holmstrom@csb.gov; dan.tillema@csb.gov; Rafael.Moure-Eraso@csb.gov; Beth.Rosenberg@csb.gov; Mark.Griffon@csb.gov; sally.magnani@doj.ca.gov; brian.hembacher@doj.ca.gov; hanslaetz@gmail.com; igornla@cox.net; dwgkaw@hotmail.com; fbmjet@aol.com; geichfamily@yahoo.com; mandm8602@att.net; peter.burmeister@sbcglobal.net; dlrivera@prodigy.net; jennifer.lucchesi@slc.ca.gov; jennifer.zivkovic@sen.ca.gov; jhwinkler@me.com; radlsmith@cox.net
Subject: Fwd: Los Angeles Times article today.....Ex-federal official: Attack on Bay Area substation was terrorism
From: arriane5@aol.com
Date: Thu, 6 Feb 2014 17:29:28 -0500

Just a shot or two into those Rancho Butane tanks...and the Ports of LA & Long Beach and "us" are gone. I'd say this is yet another "heads up"! How many do we really need????
Janet G

-----Original Message-----
From: Anthony Patchett <mrenvirlaw@sbcglobal.net>
To: Janet Gunter <arriane5@aol.com>
Sent: Thu, Feb 6, 2014 12:17 pm
Subject: Fw: Ex-federal official: Attack on Bay Area substation was terrorism

Is this another wake up call?

http://fw.to/Ea4Z5oi

Ex-federal official: Attack on Bay Area substation was terrorism
A Pacific Gas and Electric spokesman Wednesday night described how the utility was able to keep power flowing after shots were fired at a San Jose-area substation in an April attack that a former federal official said was an act of terrorism.

To unsubscribe click here.

Kit Fox

From: Carl Southwell <carl.southwell@gmail.com>
Sent: Thursday, February 06, 2014 5:59 PM
To: Paul
Cc: Janet Gunter; noelweiss@ca.rr.com; det310@juno.com; Connie Rutter; lpryor@usc.edu; rgb251@berkeley.edu; Kit Fox; maurice_lyles@boxer.senate.gov; elise.swanson@mail.house.gov; michael_davies@feinstein.senate.gov; Mary Wesling; blumenfeld.jared@epa.gov; don.holmstrom@csb.gov; dan.tillema@csb.gov; Rafael.Moure-Eraso@csb.gov; Beth.Rosenberg@csb.gov; Mark.Griffon@csb.gov; sally.magnani@doj.ca.gov; brian.hembacher@doj.ca.gov; hanslaetz@gmail.com; John Miller; Kathleen Woodfield; fbmjet@aol.com; geichfamily@yahoo.com; mandm8602 @att.net; peter.burmeister@sbcglobal.net; dlrivera@prodigy.net; jennifer.lucchesi@slc.ca.gov; jennifer.zivkovic@sen.ca.gov; jhwinkler@me.com; radlsmith@cox.net
Subject: Re: Los Angeles Times article today.....Ex-federal official: Attack on Bay Area substation was terrorism

The electrical grid is subject to complex sources of instability which might include:

- indirect global disruptions (i.e., commodity flows, war),
- intentional disruptions (i.e., cyberattack, crime, terrorism),
- natural acts (i.e., lightning, earthquakes, storms),
- errors or omissions (i.e., accidents, design errors), and
- forms of instability inherent in electricity (i.e., rotor angle stability, voltage, frequency)

These sources can be further subject to variable redundancies and mitigation via security measures, synchrophasors, and other N - x criteria. Since most of the grid is probably built to a N - 1 criterion (i.e., if one asset fails, there's a redundant asset), the idea of this event as a "dress rehearsal" or a "terrorist attack" seems like hyperbole to me.

Occam's Razor says crime is a more likely explanation (at least, from the scanty facts I've read).

Carl

On Thu, Feb 6, 2014 at 2:33 PM, Paul <paul_h_rosenberg@hotmail.com> wrote:

> Yup! My thoughts exactly, when watching Rachel Maddow covering it last night.
>
> Paul Rosenberg
> @PaulHRosenberg
> Columnist
> Al Jazeera English
> http://www.aljazeera.com/indepth/opinion/profile/paul-rosenberg.html
> Senior Editor
> Random Lengths News
> http://www.randomlengthsnews.com

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To unsubscribe click here.

--
Carl Southwell

Contact me at (use whichever you prefer) :
carl.southwell@gmail.com
carl.southwell@riskandpolicy.org

Visit: **www.pressfriends.org**
Making writing fun for elementary school kids, empowering kids to become mentors and leaders, and creating friendships among youth from diverse backgrounds.

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Monday, February 17, 2014 9:48 PM
To: MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; det310@juno.com; connie@rutter.us; marciesmiller@sbcglobal.net; jody.james@sbcglobal.net; leneebilski@hotmail.com; radlsmith@cox.net; jhwinkler@me.com; lisa.pinto@mail.house.gov; michael_davies@feinstein.senate.gov; maurice_lyles@boxer.senate.gov; dan.tillema@csb.gov; don.holmstrom@csb.gov; Rafael.Moure-Eraso@csb.gov; Beth.Rosenberg@csb.gov; Mark.Griffon@csb.gov; wesling.mary@epamail.epa.gov; blumenfeld.jared@epa.gov; Kit Fox; chateau4us@att.net; carl.southwell@gmail.com; lpryor@usc.edu; amartinez@earthjustice.org
Subject: Vandalism suspected in natural gas storage facility leak in Playa Del Rey.... Rancho LPG their next choice??!!

They could achieve their wildest dream of destruction. Such an easy target!

The firestorm will be phenomenal! Won't they be "thrilled"!!

http://www.dailynews.com/general-news/20140217/vandalism-suspected-in-natural-gas-storage-facility-leak-in-playa-del-rey#.UwKMk_GKlfk.email

Vandalism suspected in natural gas storage facility leak in Playa Del Rey

By City News Service
Monday, February 17, 2014

DailyNews.com

LA Daily News (http://www.dailynews.com)

Vandalism suspected in natural gas storage facility leak in Playa Del Rey

PLAYA DEL REY — Vandals may have driven a commercial truck into pipes at a natural gas storage facility in Playa Del Rey early today, causing a loud hissing noise and a release of gas that had to be shut off, a gas company spokeswoman said.

It began at 12:30 a.m. at the storage facility in the 7800 block of Veragua Drive, in the open fields east of Playa del Rey. The Southern California Gas Company maintains a large underground natural gas storage facility there.

A bomb squad was brought in to determine if any other wells were tampered with, while gas to the affected well remains shut off, said Officer Wendy Reyes of the Los Angeles Police Department.

When truck was driven onto the storage well, it damaged a structure above ground, causing gas to escape, said Southern California Gas spokeswoman Trisha Muse.

The hissing sound "was alarming for residents in the area," she said. There were no injuries and the gas was turned off, rendering the area safe at 3:50 a.m.

Evacuations were not necessary.

Los Angeles police were investigating the incident with assistance from the FBI.

"As a precaution, the Bureau routinely responds to potential threats to facilities that would be considered critical to infrastructure," said the FBI's Laura Eimiller.

Authorities initially said they believed the vehicle belonged to the gas company, but it's actually owned by a contractor, gas company spokesperson Angela Fentiman said.

It's not clear if it already was at the storage facility before it ended up on the gas well, Reyes said.

URL: http://www.dailynews.com/general-news/20140217/vandalism-suspected-in-natural-gas-storage-facility-leak-in-playa-del-rey

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RESOLUTION NO. 2014-_____

A RESOLUTION OF THE CITY COUNCIL SUPPORTIVE OF THE NECESSITY FOR PROMPT LOCAL, STATE, AND FEDERAL ACTION TO BEST PRESERVE THE HEALTH, WELFARE, AND SAFETY OF THE CITIZENS AND PROPERTY OWNERS OF THE CITY OF RANCHO PALOS VERDES FROM ACCIDENT OR INCIDENT OCCURING AT THE BUTANE STORAGE FACILITY AT 2110 GAFFEY STREET, SAN PEDRO, CALIFORNIA OPERATED BY RANCHO LPG HOLDINGS, LTD.

WHEREAS, there is currently maintained by Rancho LPG Holdings, Ltd. a tank farm facility located at 2110 North Gaffey Street, in San Pedro, California on which there exists two above-ground tanks which hold 12.5 Million gallons of butane per tank (Total: 25 million gallons); and

WHEREAS, in October, 2011, the City of Rancho Palos Verdes had requested Rancho LPG Holdings, Ltd. to provide it with a copy of its insurance coverage demonstrating that Rancho LPG Holdings, Ltd. could financially respond to any damages to its citizens and property as a result of Rancho's operations at the Gaffey Street facility; and

WHEREAS, representatives of Rancho LPG Holdings, Ltd. promised to submit to the RPV City Attorney a copy of Rancho's insurance policies reflective of coverage for its operations at the Gaffey Street facility, but then withdrew the promise when the City could not assure Rancho that the insurance information would remain confidential, and confirmed its position by way of a letter dated January 29, 2013; and

WHEREAS, Rancho LPG Holdings, Ltd. was cited by the EPA in March, 2013, for the following six 'Anticipated Violations', which are the subject of negotiation between Rancho and the EPA;

1. Failing to include in the rail storage area of the site in its Risk Management Plan;
2. Failing to adequately evaluate seismic impacts upon the facility's emergency flare;
3. Failing to address the consequences of a loss of City water for fure suppression during an earthquake;
4. Failing to timely conduct a timely internal inspection of Tank 1 (storing 12.5 Million gallons of butane);
5. Failing to develop an emergency response plan to protect the public health, welfare, or safety; and
6. Failing to include a drain pipe and value in the containment basin in the Mechanical Integrity Program; and

Public Comments

RECEIVED FROM Noel Weiss
AND MADE A PART OF THE RECORD AT THE
COUNCIL MEETING OF Feb. 18, 2014
OFFICE OF THE CITY CLERK
CARLA MORREALE, CITY CLERK

WHEREAS, Mayor Susan Brooks sent letters to Councilman Joe Busciano of the City of Los Angeles, Congresswoman Janice Hahn, and Congressman Henry Waxman on June 18, 2013, asking them to respond to the concerns raised by Rancho's alleged 'Anticipated Violations'; and

WHEREAS, in response, Congressman Janice Hahn has now committed to holding a Field Hearing promptly after the EPA and Rancho have concluded their negotiations; and other written responses to the Mayor's letter were received from Congressman Janice Hahn, Congressman Henry Waxman, and a letter from State Senator Ted Lieu which contained specific questions directed to the State Fire Marshall, and;

WHEREAS, the railroad fronting Gaffey next to the Rancho facility operated by PHL (Pacific Harbor Line) and the adjacent rail spur (leased to Rancho) are assets of the Port of Los Angeles which are subject to the Tidelands Trust Doctrine; and

WHEREAS, the City of Rancho Palos Verdes remains concerned about the failure of the City of Los Angeles, the Port of Los Angeles, the State of California, or the United States Congress to discuss, debate, and decide the core issue of ***who should bear the risk of loss*** as between the citizens and property owners of the City of Rancho Palos Verdes and Rancho LPG Holdings, Ltd. should an accident or explosion occur at the Rancho Facility, regardless of the odds and risk that such an accident or incident might occur;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

Section 1: That the City of Rancho Palos Verdes believes the best way to protect the citizens and property owners of the City of Rancho Palos Verdes is for the following actions to be promptly taken following a fair, open, transparent debate and discussion, where all of the facts are noted, evaluated, and a determination reached:

a. That the City of Los Angeles to enact a robust and vigorous '*Risk Management Ordinance*' fashioned and modeled off of the Risk Management Ordinance enacted by Contra Costa County which was praised by Senator Barbara Boxer at a hearing held in June, 2013, before the Senate Committee on Environment and Public Works which Senator Boxer chairs;

b. That the Controller of the City of Los Angeles exercise the power possessed by him under Section 217 of the Charter of the City of Los Angeles to subpoena the insurance policy or policies held by Rancho LPG Holdings, Ltd. in connection with an evaluation of the cost to the City of Los Angeles should police and fire have to respond to an explosion involving one or both of the 12.5 million gallon tanks on the Rancho property;

c. That the Mayor of Los Angeles convene a task force, backed by the power of subpoena he possesses under Section 217 of the Charter of the City of Los Angeles for the purpose of evaluating the facts and considering the full range of all public policy alternatives available to fully, competently, and fairly protect the public health, safety, and welfare from any damages occasioned by Rancho's operations at the Gaffey Street facility, including the employment of Professor Robert Bea to evaluate the risks attendant to Rancho's operations;

d. That the City of Los Angeles direct the City Attorney of Los Angeles to do the following:

(i) Issue a formal legal opinion on the full nature and extent of the liability of Rancho LPG Holdings, Ltd. to the people of the City of Los Angeles and the City of Los Angeles occasioned by the occurrence of any accident or terrorist event at the Rancho facility, and whether as a matter of law the City of Los Angeles can enact an ordinance which imposes strict liability on Rancho LPG Holdings, Ltd. for all damages resulting from its operations at the Gaffey facility regardless of whether Rancho LPG Holdings, Ltd. was negligent;

(ii) Issue a formal legal opinion on the full nature, and extent of the liability of the Port of Los Angeles to the City of Los Angeles and its residents as a result of any errors, omission, or failures by the Port in how it administers or manages the current rail-spur permit (lease) dated February 2, 2011, revocable without cause at any time on 30 days notice, granted to Rancho LPG Holdings, Ltd.;

(iii) Issue a formal legal opinion on the issue of whether the Port in issuing the rail-spur permit is in violation of its obligations under the Tidelands Trust for a rental amount which is below fair market value and is thus impermissibly subsidizing the operations of Rancho LPG Holdings, Ltd.; and is otherwise, acting contrary to law in allowing Port Assets (the rail-line fronting the Rancho facility on Gaffey Street leased to PHL (Pacific Harbor Line) and the rail spur which are subject to the Tidelands Trust, to be unlawfully used to benefit a private entity in violation of the Tidelands Trust; and

(iv) Issue a formal legal opinion on the issue of whether the City Attorney of Los Angeles has an ethical conflict of interest in his dual representation of the Port of Los Angeles and the City of Los Angeles in light of the claims which the City will have against the Port should it be determined that the Port was negligent in its administration of the Rail-Spur Permit, or otherwise acted unlawfully by permitting Port Property to be used to benefit a private entity in violation of the Tidelands Trust, and whether either the City Council or the Port of Los Angeles should waive the conflict of interest or retain separate counsel;

e. That the Port of Los Angeles undertake the following measures in connection with the rail-spur permit and its administration of the same:

(i) Conduct a thorough internal analysis and evaluation of whether its management of the rail-spur permit is fully in accordance with the Port's Risk Management Policies, and then report to the public on the reasons why, or why not;

(ii) Retain private outside counsel to issue a legal opinion on the extent of the Port's liability to the citizens of Rancho Palos Verdes and the citizens of Los Angeles for any damages occasioned by an accident which occurs at the facility resulting in an explosion causing harm to property and harm or death to individuals;

(iii) Retain the services of Professor Robert Bea to render a risk analysis in connection with Rancho's Gaffey Street operations and charge Rancho LPG Holdings, Ltd. for the costs associated with that analysis and evaluation, as part of the Port's administration of the Rail-Spur permit;

f. That the Congressional Field Hearing which Congresswoman Hahn has committed to hold in San Pedro occur as soon as possible so that the public's concerns about the Rancho facility, the defects in the current regulatory regime, and reasonable mitigation measures can be fully aired;

g. That the California State Legislature immediately take steps to develop and pass legislation which would, as has the State of New York, impose strict liability on Rancho for any harm to citizens and property stemming from its operations, and to otherwise empower cities to enact robust and competent risk management ordinances backed by insurance, fees imposed on the operators to pay for regular bi-yearly (every six months) inspections;

Section 3: That the City Clerk of the City of Rancho Palos Verdes shall certify to the adoption of this Resolution and shall forward a copy of the same to Councilman Joe Busciano, Congressman Janice Hahn, Congressman Henry Waxman, and State Senator Ted Lieu.

PASSED, APPROVED AND ADOPTED this ___ day of February, 2014.

_____
Mayor

Attest:

_____ City Clerk _____

ACTION ITEM REQUESTS FOR CONGRESSMAN WAXMAN
RANCHO LPG LLC

For the sake of the Congressman's convenience, we are supplying this 1 page check list of our requests that are more fully described in our letter.

1. Write a letter of support ***to the proposed resolution*** (attached) presented to the RPV City Council in support of the Council's taking a strong stand in urging the City of Los Angeles to pass a competent risk-management ordinance of the type in force in Contra-Costa County
2. Procure the 2013 FERC filing of Plains LPG Services, LP which will incorporate and include Rancho, LLC.
3. Solicit a rational explanation from the EPA for the acceptance of a non-effective "impound basin" as a safety mitigation measure in the rupture of a liquefied petroleum gas tank rupture.
4. Write a follow-up letter to the EPA requesting that the negotiations with Rancho promptly conclude with appropriate action since it has been nearly one year since Rancho was first cited.
5. Recommend that the EPA create a single "oversight" agency to properly review the multi-jurisdictional governance of hazardous facilities to ensure proper coordination, safety and efficiency of operations.
6. Contact the American Petroleum Industry for an explanation as to how they agreed to use an impound basin as an accepted safety mitigation for Liquefied Petroleum Gasses. Request that this mitigation be immediately stricken due to its infeasibility in retaining expanding vaporized gasses.
7. ***Participate in the Field hearings that Congresswoman Janice Hahn has agreed to hold*** immediately upon the conclusion of the Rancho-EPA pending negotiations; or schedule his own field hearing on Rancho if Hahn's meeting exceeds 60 days.
8. ***Express his view in writing that the absence of any insurance provided by Rancho*** to compensate the community, the City, the Port, and the public from any damage occasioned by Rancho's operations is troubling to him and that he will support efforts on a local, state, or federal level to require the provision of such insurance
9. ***Request the Port of Los Angeles to take all steps needed to ensure that Rancho's operation does not violate the Tidelands Trust doctrine***.
10. ***Request the Port of Los Angeles to actively and competently manage the lease it has given to Rancho*** over the rail spur, and to provide him with documentation in support of the Port's having actively and competently managed this asset.
11. ***Write to Rancho and ask for an explanation of why Rancho appears to be insolvent*** as an independent going concern; Explain how it can respond in damages or be held accountable for damages occasioned by any accident which might occur at the facility.
12. Write to the Chairman and President of Plains All American Pipeline and request that the Chairman personally conduct a tour of the Rancho facility for him and at the conclusion of the tour be prepared to answer the core question: "***What happens if Rancho is wrong" in their estimate of safety***?
13. Indicate in his letter to Rancho that Rancho explain the clear discrepancy that which exists between the 'blast zone' of 3.6 miles reflected in Inergy's Risk Management Program worst case scenario, or the 2.0 mile 'blast zone' in Conoco's Risk Management Program documents, and Rancho's own estimate of a .5 mile blast zone;
14. ***Include in his letter a request that Rancho accept the invitation of local activists to publicly debate the issue of 'risk' with Professor Robert Bea***;
15. ***Include in his letter the further question of why the rent on the rail spur is not paid by Rancho, but by a related Plains All American entity from a bank account maintained in a small Ohio community (Van Wert, Ohio);***
16. ***Pledge his support to any and all efforts by the City of Los Angeles to enact a competent risk-management ordinance providing for the imposition of fees to refineries and storage companies to be used to pay LA City Fire officials*** for quarterly inspections, provides an inspector general with subpoena power, backed by adequate insurance or bond, and a provision that operators of hazardous facilities be subjected to strict liability in tort for any accidents which might occur;
17. Reiterate the points made in his earlier correspondence to Janet Napalitano about the need to reconcile the results of the EPA and Homeland Security inspections; and to specifically request that Homeland Security provide recommendations to him as to how Rancho can make the facility safer from a terrorist attack.
18. Request that Homeland Security or relevant government agency investigate whether Rancho has a suitable back up electrical system in the event of a cyber attack or sustained power shut down. Commit his office to demanding the facility shut down unless and until it has adequate back up system in place.
19. ***Write to the Chemical Safety Board and request its recommendations on how best to deal with the dangers and risks the community confronts from an accident emanating from the Rancho facility.***
20. Indicate in a public statement that he expects Rancho to be fully open and transparent about its operations and that Rancho be prepared to answer the core question which lies at the heart of this matter: "What if Rancho is wrong? Who assumes liability?

AP

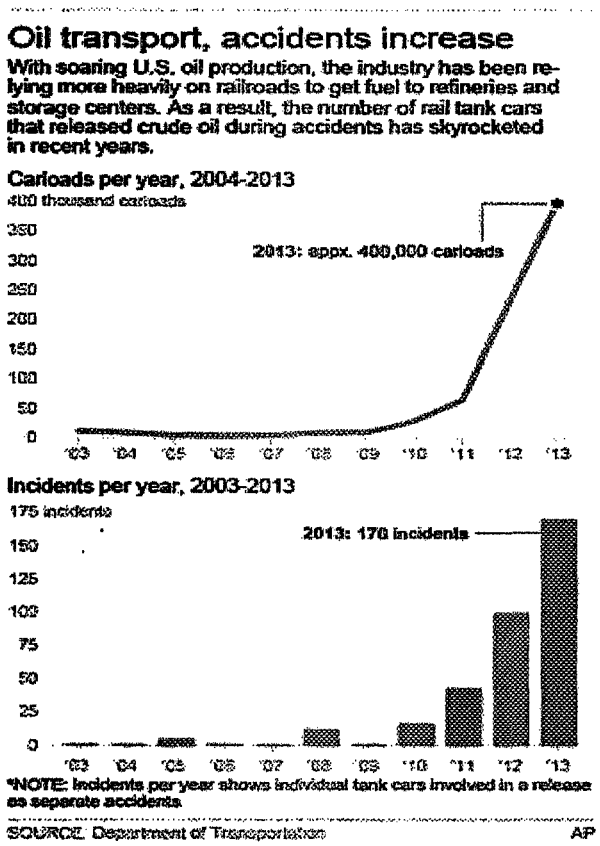
The Big Story

Train accidents stir worries about crude transport

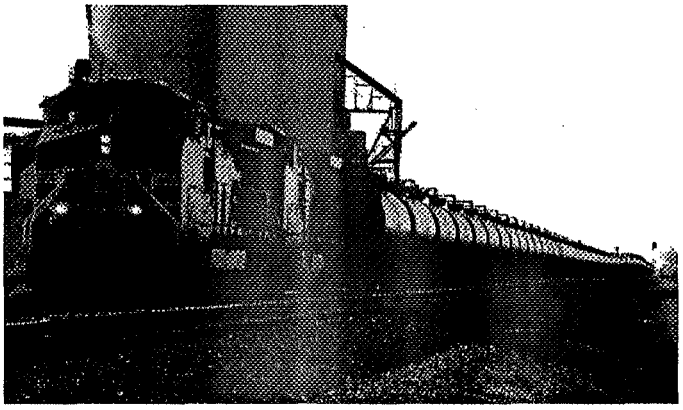
By MATTHEW BROWN
— Feb. 17, 2014 6:24 PM EST

FILE - In this Dec. 30, 2013, file photo, a fireball goes up at the site of an oil train derailment in Casselton, N.D. Trains carrying millions of gallons of explosive liquids, including crude oil, are likely to continue rolling through major cities despite the government's urging to steer the shipments around population centers in the wake of several accidents, according to industry experts. (AP Photo/Bruce Crummy, File)

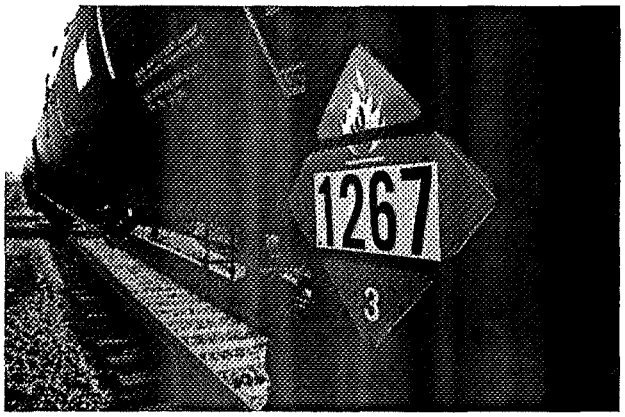
FILE - In this July 9, 2013, file photo, workers comb through debris after an oil train derailed and exploded in the town of Lac-Megantic, Quebec, killing 47 people. In response to Lac-Megantic, the National Transportation Safety Board and Transportation Safety Board of Canada in January 2014, called on regulators to require railroads to take stock of the risks along certain oil train routes and change them if needed. (AP Photo/The Canadian Press, Paul Chiasson, File)



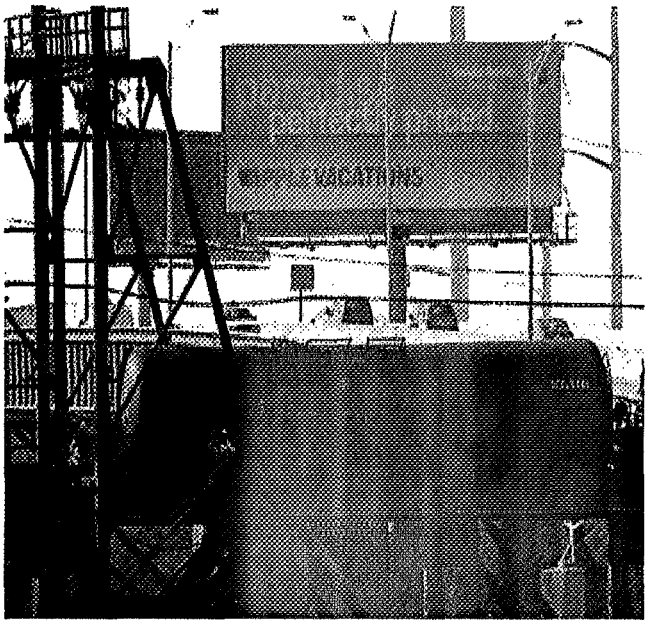
Charts show crude oil carloads and rail transport accidents per year



FILE - In this Nov. 6, 2013, file photo, a BNSF Railway train hauls crude oil near Wolf Point, Mont. With potentially-explosive shipments increasing 40-fold in recent years as North American crude production booms, the railroad industry, at the urging of the Obama administration and safety officials in the U.S. and Canada, is considering a closer look at the risks posed by trains that now carry hazardous liquids through every region of the country. (AP Photo/Matthew Brown, File)



FILE - In this Nov. 6, 2013, file photo, a warning placard appears on a tank car carrying crude oil near a loading terminal in Trenton, N.D. Trains carrying millions of gallons of explosive liquids, including crude oil, are likely to continue rolling through major cities despite the government's urging to steer the shipments around population centers in the wake of several accidents, according to industry experts. (AP Photo/Matthew Brown, File)



FILE - In this Jan. 24, 2014, file photo, cars pass railroad crews working on one of six tank cars carrying oil from North Dakota that derailed near the heart of Philadelphia on a bridge above the Schuylkill River. Although no oil was spilled, the accident rattled nerves. Industry experts say trains carrying crude and other flammables are likely to continue rolling through major cities despite pressure to steer the potentially-explosive shipments around population centers. (AP Photo/Matt Rourke, File)

BILLINGS, Mont. (AP) — At least 10 times since 2008, freight trains hauling oil across North America have derailed and spilled significant quantities of crude, with most of the accidents touching off fires or catastrophic explosions.

The derailments released almost 3 million gallons of oil, nearly twice as much as the largest pipeline spill in the U.S. since at least 1986. And the deadliest wreck killed 47 people in the town of Lac-Megantic, Quebec.

Those findings, from an Associated Press review of U.S. and Canadian accident records, underscore a lesser-known danger of America's oil boom, which is changing the global energy balance and raising urgent safety questions closer to home.

Experts say recent efforts to improve the safety of oil shipments belie an unsettling fact: ***With increasing volumes of crude now moving by rail, it's become impossible to send oil-hauling trains to refineries without passing major population centers, where more lives and property are at risk.***

Adding to the danger is the high volatility of the light, sweet crude from the fast-growing Bakken oil patch in Montana and North Dakota, where many of the trains originate. ***Because it contains more natural gas than heavier crude, Bakken oil can have a lower ignition point.*** Of the six oil trains that derailed and caught fire since 2008, four came from the Bakken and each caused at least one explosion. That includes the accident at Lac-Megantic, which spilled an estimated 1.6 million gallons and set off a blast that levelled a large section of the town.

After recent fiery derailments in Quebec, Alabama, North Dakota and New Brunswick, companies and regulators in the U.S. and Canada are pursuing an array of potential changes such as slowing or rerouting trains, upgrading rupture-prone tank cars and bolstering fire departments. ***Company executives were expected to offer a set of voluntary safety measures in the coming days at the request of U.S. Transportation Secretary Anthony Foxx.***

"I'm absolutely positive the railway industry will come up with techniques to define how to minimize risk," said Allan Zarembski who leads the rail-safety program at the University of Delaware. "***The key word is 'minimize.' You can't eliminate risk***."

Since 2008, the number of tanker cars hauling oil has increased 40-fold, and federal records show that's been accompanied by a dramatic spike in accidental crude releases from tank cars. Over the next decade, rail-based oil shipments are forecast to increase from 1 million barrels a day to more than 4.5 million barrels a day, according to transportation officials.

By rail, it's roughly 2,000 miles from the heart of the oil boom on the Northern Plains to some of the East Coast refineries that turn the crude into gasoline. Trains pulling several million gallons apiece must pass through metropolitan areas that include Minneapolis, Chicago, Cleveland and Buffalo.

Some cities such as Chicago have belt railroads that divert freight traffic from the metropolitan core. But elsewhere, railroad representatives said, the best-maintained and safest track often runs directly through communities that were built around the railroad.

Trains sometimes have no option but to roll deep into populated areas. That's the case in Philadelphia, New Orleans, Albany, N.Y., and Tacoma, Wash.

Experts say the explosive nature of Bakken oil derailments caught everyone off guard — from regulators to the railroads themselves.

"I don't think people understood the potential for a problem if there were a derailment," said Jason Kuehn, a former railroad executive and now vice president for the industry consulting firm Oliver Wyman.

A major accident was narrowly avoided last month in Philadelphia, where six tanker cars carrying oil derailed near the heart of the city on a bridge over the Schuylkill River. The CSX freight train had picked up North Dakota oil in Chicago and was headed for a refinery in South Philadelphia. Nothing was spilled, but the accident rattled nerves.

Sandy Folzer, a retired professor in Philadelphia, said she worries about oil cars travelling alongside commuter rails.

"During rush hour, I imagine there are a couple hundred people on each train," Folzer said. "That scares me, that there's explosive material so close to where commuters are."

Proposals to route trains away from population centers are modeled on rules adopted after the 2001 terrorist attacks to restrict cargoes even more hazardous than oil — explosives, radioactive material and poisonous gases.

When the rules were being written, California regulators pushed their federal counterparts to include oil. But Transportation Department officials said they were "not persuaded."

Federal safety officials say it's time to reverse that decision, given the huge growth in tank cars carrying crude and ethanol, another flammable liquid involved in recent derailments and explosions.

The rules gave railroads broad discretion, and routing decisions are not automatically reviewed by regulators. But the Federal Railroad Administration is authorized to reject any routes found to be too risky. That has never happened since the rules took effect, said FRA Associate Administrator Kevin Thompson.

Even where trains can be re-routed through less-populous areas, critics say that simply shifts the risk to smaller communities with fewer resources to handle a fiery accident. Rural and suburban municipalities in Maine, Illinois and Vermont already have pushed back against the proposal.

In Hartford, Vt., Town Manager Hunter Rieseberg said it was "a fantasy" to think that moving hazardous shipments through rural areas would resolve safety problems.

John Hanger is former Pennsylvania secretary of environmental protection and now a Democratic candidate for governor calling for safer crude transportation. He is critical of regulators for suggesting that "lives are more precious in urban areas because there are more people there. That's an ethical, moral calculation that has to be avoided at all costs."

The routing rules in place for other hazardous materials list 27 factors to consider, including shipment volumes, nearby population densities and proximity to "iconic targets" or environmentally sensitive areas.

Rail companies weigh whether routes are "practicable" and consider economic impacts such as rail network congestion. While that can involve trade-offs, transportation consultant Steven Ditmeyer said railroads have made huge strides since the industry was deregulated in 1980.

"You cannot avoid the economic issues," said Ditmeyer, an adjunct professor at Michigan State University. "Because the risk is so high, the railroads do have an incentive to run a safe railroad."

But pointing to Lac-Megantic, he said, "sometimes they screw up."

Associated Press Writer Maryclaire Dale in Philadelphia contributed to this report.

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Monday, March 03, 2014 12:06 PM
To: Kit Fox; CC
Subject: Fwd: Interim Chemical Accident Prevention Advisory 1/23/2014!

fyi

-----Original Message-----
From: Marcie Miller <marciesmiller@sbcglobal.net>
To: Janet. Gunter <Arriane5@aol.com>; connie <connie@rutter.us>
Sent: Sun, Mar 2, 2014 10:11 pm
Subject: EPA Interim Chemical Accident Prevention Advisory 1/23/2014!

http://www.epa.gov/osweroe1/docs/chem/Natural_Gas_Plant_Interim_Advisory.pdf

Sent from my iPhone

United States
Environmental Protection
Agency

Office of Solid Waste
and Emergency Response
(5104A)

EPA 540-F-14-001
January 2014
www.epa.gov/emergencies

INTERIM CHEMICAL ACCIDENT PREVENTION ADVISORY

Design of LPG Installations at Natural Gas Processing Plants

The U.S. Environmental Protection Agency (EPA) is concerned that some natural gas processing plants that store and process liquefied petroleum gas (LPG) may not be designed in accordance with applicable industry standards and codes. When undertaking compliance monitoring activities at such natural gas processing plants, EPA considers whether facilities are designed in accordance with recognized and generally accepted good engineering practices, including applicable standards and codes, in determining compliance with the requirements of the risk management provisions of section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), and the Chemical Accident Prevention Provisions of 40 C.F.R. part 68. This interim advisory is being issued to raise industry awareness of codes and standards that may be applicable at such facilities. EPA may issue a final national advisory on this subject after receiving additional stakeholder feedback.

EPA inspectors have conducted inspections at a number of newly constructed natural gas processing plants. EPA inspectors have been advised and have verified that some plants have been constructed in accordance with National Fire Protection Association 58, Liquefied Petroleum Gas Code (NFPA 58). While compliance with NFPA 58 is consistent with good engineering practices, we note that NFPA 58 does not apply to natural gas processing plants and advises that additional, more specific industry standards than NFPA 58 would apply. *See* NFPA 58, section 1.3.2 (2) ("This code shall not apply to natural gas processing plants, refineries, and petrochemical plants."); *see also* NFPA 58, LP-Gas Handbook, at section 1.3.2 (design and operational features for natural gas processing plants are more restrictive). Other codes and standards may also need to be followed in order to achieve the level of protectiveness recognized in the industry as good engineering practice.

In particular, one widely recognized standard for the design of LPG installations at natural gas processing plants is American Petroleum Institute 2510, Design and Construction of Liquefied Petroleum Gas (LPG) Installations (API 2510) and its companion document API 2510A, Fire Protection Considerations for the Design and Operation of LPG Storage Facilities (API 2510A). Section 1 of API 2510 (7th and 8th Editions) states: "This standard covers the design, construction, and location of liquefied petroleum gas (LPG) installations at marine and pipeline terminals, natural gas processing plants, refineries, petrochemical plants, or tank farms. This standard covers storage vessels, loading and unloading systems, piping, or and related equipment." Earlier editions of API 2510 similarly define the scope of the document to include natural gas processing plants. API 2510 requires wider spacing of LPG tanks from loading racks and other tanks than does NFPA 58; API 2510 also requires adequate spacing of equipment at natural gas processing plants not addressed in NFPA 58.

Other standards or guidance documents that may be applicable to LPG installations, natural gas processing plants, wells and associated equipment include but are not limited to:

- API Standards: 6A, 12R1, 12F, 12J, 12K, 12GDU, 51R, 54, 74, 75L, 76, 500, 505, 510, 521, 570, 576, 650, 618, 653, 752, 753, 2000, 2003, 2510, 2510A, HF1, HF2, HF3
- NFPA Standards: 15, 30, 70, 497
- American Society of Mechanical Engineers: A13.1, B31.3, B31.4, B31.8
- International Fire Code and Mechanical Code
- International Organization for Standardization: 13631
- Steel Tank Institute: SP001-00

Implementing the correct industry standards is important to ensure adequate protection from accidental releases to the air. The API 2510 and 2510A standards, which are directly applicable to LPG installations at natural gas processing plants, contain different, more protective design criteria than the NFPA 58 standard for several parameters, including the distances between LPG tanks and other equipment and the spacing between adjacent LPG tanks. In addition, NFPA 30 and API 2000 require sufficient venting, under normal and emergency conditions, for atmospheric aboveground storage tanks storing flammable liquids (such as condensate) to prevent tank over-pressurizations from fire exposure at the applicable facilities including those processing natural gas. Storage tanks containing flammable liquids may also require secondary containment in accordance with NFPA 30, and possibly the Spill Prevention, Control and Countermeasure (SPCC) regulations at 40 C.F.R. part 112 and state or local regulations.

When designing natural gas processing plants, owners and operators of these plants should be cognizant of API 2510 and other applicable and widely recognized industrial codes and standards. The codes and standards discussed in this advisory are sources for establishing the level of design engineering protectiveness that is recognized and generally accepted in the industry. Such recognized good engineering practices also should be considered at bulk plants or distributors that also are natural gas processing plants; industry standards not referenced in state regulations may nevertheless be applicable to the design and maintenance of a safe facility.

EPA is accepting comments on this interim advisory until July 31, 2014. To submit comments or questions, please send an email to: LPG.interim.advisory@epa.gov.

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Tuesday, March 04, 2014 11:39 AM
To: overbid2002@yahoo.com; diananave@gmail.com; paulettemarie@gmail.com; igornla@cox.net; burling102@aol.com; fbmjet@aol.com; lljonesin33@yahoo.com; guillermovillagran@sbcglobal.net; mandm8602@att.net; peter.burmeister@sbcglobal.net; chateau4us@att.net; hvybags@cox.net; Kit Fox; paul_h_rosenberg@hotmail.com; pmwarren@cox.net; jody.james@sbcglobal.net; marciesmiller@sbcglobal.net; leneebilski@hotmail.com; radlsmith@cox.net; pjwrome@yahoo.com
Cc: lisa.pinto@mail.house.gov; elise.swanson@mail.house.gov; maurice_lyles@boxer.senate.gov; michael_davies@feinstein.senate.gov; robert.pullen-miles@sen.ca.gov; rob.wilcox@lacity.org; jcynthiaperry@aol.com; jacob.haik@lacity.org; CC; cc.blackwood@lomitacity.com
Subject: Fwd: The Danielle Dawn Smalley Foundation - Putting a face on lives lost from butane gas explosions

It is difficult to imagine the kind of risk that we are subjected to. Even I, sometimes, lose sight of what this all really means. Looking at this website helps to focus. Something as simple as a "spark".....There are LOTS of "fresh faces" like Danielle's at Mary Star High, Rolling Hills Prep School, Johnson Continuation School, and Taper Avenue Elementary School, all within 1/2 mile of Rancho LPG. Not to mention the new families that will be introduced by the Ponte Vista housing. What are we doing? This leak was from a "pipeline"! Think of the multitude of ignitions sources included within 15 acres of Rancho LPG! The cascading explosions and fires are unimaginable.
Janet

-----Original Message-----
From: John Winkler <jhwinkler@me.com>
To: Janet Gunter <arriane5@aol.com>; det310 <det310@juno.com>; Connie <Connie@Rutter.us>; Noelweiss <Noelweiss@ca.rr.com>
Sent: Tue, Mar 4, 2014 11:10 am
Subject: The Danielle Dawn Smalley Foundation - Danielle Dawn Smalley

Hi,
Enclosed is the Danielle Dawn Smalley Foundation. You can read about the butane accident that happened in 1996 which impacted an area of about 15 acres. The cause of the accident was a faulty weld, which allowed the 8" pipe to fail. The contact person is Shirley in case you would like to get in touch. 866 401-2800. I will be sending some photos of the damage and area.
John Winkler

http://smalleyfnd.org/about-us/danielle-dawn-smalley

From Noel Weiss to RPU City Council

SEP 4 2013

13-1152-S1

PLANNING & LAND USE MANAGEMENT
ENERGY & ENVIRONMENT
OCT 23 2013

MOTION

Hydraulic fracturing (also known as "fracking") is an oil and natural gas extraction process that involves the very highly-pressurized injection of hydraulic fracturing fluids containing a mixture of water, sand and unreported amounts of unknown chemicals into underground geologic formations in order to fracture the rock, thereby increasing flows to and furthering the production of oil or gas from a well. Other unconventional highly-pressurized extraction processes called "acidizing" and "gravel packing" involve similar techniques.

In total, fracking, acidizing, gravel packing and other associated well-stimulation practices threaten to contaminate drinking water supplies, cost taxpayers in Los Angeles hundreds of millions of dollars, release potent and dangerous greenhouse gases into the atmosphere and cause earthquakes.

CONTAMINATED DRINKING WATER

After being injected into the ground, the chemicals used in the fracking process may leach into groundwater supplies, contaminating drinking water for local residents. In fact, there have been more than 1,000 documented cases of water contamination next to fracking sites, as well as cases of sensory, respiratory, and neurological damage due to ingested contaminated water in communities throughout the United States.

Fracking, acidizing and gravel packing of oil and gas wells are unregulated and are spurring oil and gas extraction and exploration in California and other states, including within the City of Los Angeles. Additionally, fracking is used in the Colorado River and State Water Project watersheds, as well as near local Southern California groundwater aquifers, utilizing large volumes of water, which competes for and jeopardizes regional, state, and water supplies needed by the people of Los Angeles.

The Department of Water & Power (DWP) has stated that, because the well operators are not required to disclose the chemicals used in fracking, other operations and injections, it therefore does not know all the chemicals for which DWP should be testing the City's water supplies.

Groundwater banking and storage is a critical alternative to building new surface reservoirs and plays an essential role in moving the City of Los Angeles toward greater self-reliance on local water resources. It is critical to the future of Los Angeles that groundwater supplies remain safe.

A FINANCIAL LIABILITY FOR TAXPAYERS

Protecting the City's water supply resources from contamination is a financial necessity for Los Angeles, as treatment of contaminated groundwater resources after the fact is costly and identification of potential responsible parties to determine financial liability is not always possible, particularly in regards to unregulated activities such as fracking, acidizing, gravel packing and

RECEIVED FROM Noel Weiss
AND MADE A PART OF THE RECORD AT THE
COUNCIL MEETING OF March 4, 2014
OFFICE OF THE CITY CLERK
CARLA MORREALE, CITY CLERK

Public Comments

related wastewater disposal. The DWP has announced plans to build the world's largest groundwater treatment center over one of the largest Superfund pollution sites in the United States: the San Fernando Basin. Two plants, costing a combined $600 million to $800 million, will restore groundwater pumping of drinking water from scores of San Fernando Valley wells that the DWP began closing in the 1980s and ensure that other wells remain productive while curtailing the pollution plumes steadily migrating in their direction. Additional measures to address and treat water supplies potentially contaminated by fracking chemicals pose a tremendous financial liability for taxpayers in Los Angeles.

Allowing activities like hydraulic fracturing, acidizing and gravel packing, which threaten to contaminate the City's imported and local groundwater supplies, is inherently dangerous to the long-term safety, health, security and reliability of Los Angeles' water supplies.

UNDERMINING WORK TO ADDRESS THE CLIMATE CRISIS

Higher emissions generated by producing, refining and burning unconventional-produced oil and gas, and drilling and fracking for tight oil and gas can result in massive release of unregulated emissions of methane, a potent greenhouse gas often associated underground with oil.

The California Public Resources Code states that "methane gas hazards...are a clear and present threat to public health and safety" and that "due to the cost and complexity of methane hazard mitigations, property owners and local governments are often unable to mitigate these hazards." These provisions are of grave import to Los Angeles County and City, as Exploration and Production activities has caused and is causing massive releases of methane and hydrogen sulfide gases into communities and the atmosphere.

Fracking in California can also thereby seriously undermine the State's efforts to address the climate crisis by reducing greenhouse gas emissions to 1990 levels by 2020. Unregulated and unchecked fracking must not be allowed to offset the air quality benefits of natural gas used in certain applications.

INCREASED EARTHQUAKE RISKS

Further, all high-pressure fracking and injection creates "seismic events," but not all are felt as earthquakes. The United States Geological Study (USGS) reports that the number of noticeable earthquakes (greater than a 3.0 Richter magnitude) has increased dramatically over the past few years within the central and eastern United States. More than 300 earthquakes above a Richter magnitude 3.0 occurred in the three years from 2010-2012, compared with an average rate of 21 events per year observed from 1967-2000. USGS scientists have also found that at some locations the increase in seismicity coincides with the injection of wastewater into deep disposal wells.

The USGS has determined that fracking wastewater disposal is responsible for triggering earthquakes in Oklahoma, Arkansas and Ohio, among other states. A magnitude 2.1 earthquake matching the description of micro earthquakes caused by fracking wastewater disposal occurred in the Baldwin Hills on August 27, 2013, at a magnitude and depth compatible to stated USGS concerns about earthquakes induced by fracking.

Much of the State of California and the City, in particular, is located on top of fault lines within one of the most active and potentially dangerous earthquake zones in the United States.

COMPREHENSIVE STUDY NEEDED

The Los Angeles Municipal Code, Section 13.01, allows the City to regulate through its land use process various activities related to oil and gas drilling and production.

The City's land use regulations for oil and gas exploration, extraction, and related operations and activities are in need of comprehensive review to determine whether the existing zoning and land use regulations of oil and gas exploration, extraction, and related operations and activities are sufficient to assure public health, safety, environmental quality, and welfare; or whether additional regulations are necessary to address the impacts of oil and gas exploration, extraction, and related operations and activities, including, but not limited to: hydraulic fracturing, acidizing, gravel packing, and related wastewater disposal.

If land use applications, permit applications, or any other applications requesting approval to conduct oil and gas exploration, extraction, production and related operations and activities within the City limits are granted prior to the City examining the impact of such activities and taking all steps necessary to protect public health, safety, and welfare, irreparable harm may be done to the public health, safety, and welfare.

WE THEREFORE MOVE that the City Attorney, with the assistance of the Planning and other relevant departments, be requested to prepare and present an ordinance to change the zoning code to prohibit all activity associated with well stimulation, including, but not limited to, hydraulic fracturing, gravel packing, and acidizing, or any combination thereof, and the use of waste disposal injection wells in the City of Los Angeles, with such a prohibition to remain effective until:

- the City Council is assured that companies conducting fracking within the City of Los Angeles, or in areas providing drinking water to the City, can mitigate the effects on climate change, protect environmental quality and natural resources, promote community awareness, allow government access to and testing of chemicals used, anticipate and include related older and emerging extraction technologies such as hydraulic fracturing, acidizing, gravel packing and all wastewater disposal, and require full disclosure and testing of sites, with adequate time for public input;

- the City Council is assured of the long-term safety, security and reliability of current and future Los Angeles water supplies, the overall health and safety of the people of Los Angeles and the safety of their property from seismic or subsidence concerns related to the exploration and production of oil, natural gas, or other hydrocarbons, and the maintenance of environmental quality;

- state and federal legislation and regulations are put in place that include protections from the adverse effects of hydraulic fracturing, gravel packing, acidizing, wastewater disposal and related activities, consistent with the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act.

PRESENTED BY _____ _____
PAUL KORETZ — MIKE BONIN
Councilmember, 5th District — Councilmember, 11th District

SECONDED BY _____

ORIGINAL

SEP 4 2013

CITY OF CULVER CITY

9770 CULVER BOULEVARD
CULVER CITY, CALIFORNIA 90232-0507
CITY HALL Tel. (310) 253-6000
FAX (310) 253-6010

JEFFREY COOPER
MAYOR

MEGHAN SAHLI-WELLS
VICE MAYOR

COUNCILMEMBERS
JIM B. CLARKE
MICHEÁL O'LEARY
ANDREW WEISSMAN

February 27, 2014

The Honorable Eric Garcetti
Mayor
City of Los Angeles
200 N. Spring Street
Los Angeles, CA 90012

Subject: **Los Angeles City Council Motion for February 28, 2014 Council Meeting – Item #13-1152-S1 Relating to Well Stimulation and Hydraulic Fracturing**

Dear Mayor Garcetti:

The City of Culver City supports the above-referenced motion to amend the Los Angeles City Zoning Code to prohibit activity associated with well stimulation and hydraulic fracturing in the City of Los Angeles, until specific conditions are met.

As the Inglewood Oil Field, the largest urban oil field in the United States, is located within and adjacent to Culver City and the County of Los Angeles, and is also adjacent to the City of Los Angeles, hundreds of thousands of residents and businesses have experienced the impacts of oil extraction. As evidenced by the number of residents who have expressed their concerns during Culver City City Council meetings, there is significant public apprehension regarding the uncertain, additional impacts that may have occurred or may occur in the future, as a result of well stimulation, including hydraulic fracturing. After hearing the concerns of the public and reviewing a significant amount of information, on July 2, 2012, the Culver City City Council adopted Resolution 2012-R057, urging the State to place a ban on hydraulic fracturing and on the disposal of hydraulic fracturing wastewater by injection wells, until DOGGR takes all necessary and appropriate actions to adopt, implement and enforce comprehensive regulations concerning the practice of hydraulic fracturing that will ensure that public health and safety and the environment will be adequately protected.

For the aforementioned reasons, the City of Culver City strongly supports the above-mentioned Motion, under consideration by the Los Angeles City Council, and I appreciate the opportunity to convey our support. Please contact me at (310) 344-8033 should you have any questions or would like to discuss our support in greater detail.

Sincerely,

Jeffrey Cooper
Mayor

Attachment: Resolution No. 2012-R057

cc: The Honorable Members of the City Council, City of Culver City
John M. Nachbar, City Manager

File No. 13-1152-S1

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to regulation of well stimulation and hydraulic fracturing in the City of Los Angeles.

Recommendations for Council action, as initiated by Motion (Koretz - Bonin - et al):

1. INSTRUCT the Department of City Planning (DCP), with the assistance of the City Attorney, to further review and develop regulatory controls over fracking in the City of Los Angeles.

2. REQUEST the City Attorney, with the assistance of the DCP and other relevant departments, to prepare and present an ordinance to change the zoning code to prohibit all activity associated with well stimulation, including, but not limited to, hydraulic fracturing, gravel packing, and acidizing, or any combination thereof, and the use of waste disposal injection wells in the City of Los Angeles, with such a prohibition to remain effective until measures are met as detailed in Motion (Koretz - Bonin - et al).

3. CLARIFY that regulations for Motion (Koretz - Bonin - et al) concerning fracking are not to be confused with the maintenance of general underground storage facilities and the renewable energy projects that the City is pursuing.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis on this report.

Community Impact Statement: Yes

Support proposal: Silver Lake Neighborhood Council
Harbor Gateway North Neighborhood Council
Mar Vista Community Council

(Energy and Environment Committee waived consideration of the above matter)

Summary

At the public hearing held on February 25, 2014, the Planning and Land Use Management Committee considered Motion (Koretz – Bonin - et al) relative to regulation of well stimulation and hydraulic fracturing in the City of Los Angeles. Councilmembers Koretz and Bonin provided testimony as well as members of the public. After an opportunity for public comment, the Committee recommended that Council take the actions listed above. This matter is now forwarded to the Council for its consideration.

Respectfully Submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

MEMBER	VOTE
HUIZAR:	YES
CEDILLO:	YES
ENGLANDER:	ABSENT

SG
13-1152-S1_rpt_plum_2-25-14
2-27-14

-NOT OFFICIAL UNTIL COUNCIL ACTS-

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Saturday, March 08, 2014 2:50 PM
To: Rafael.Moure-Eraso@csb.gov; Beth.Rosenberg@csb.gov; Mark.Griffon@csb.gov; don.holmstrom@csb.gov; dan.tillema@csb.gov
Cc: lisa.pinto@mail.house.gov; elise.swanson@mail.house.gov; michael_davies@feinstein.senate.gov; maurice_lyles@boxer.senate.gov; blumenfeld.jared@epa.gov; wesling.mary@epamail.epa.gov; jennifer.lucchesi@slc.ca.gov; sally.magnanidag@doj.ca.gov; brian.hembacher@doj.ca.gov; jcynthiaperry@aol.com; rob.wilcox@lacity.org
Subject: More on the Risk Exposure in LA Harbor & Coastal Commission Hearing this Weds. March 12th
Attachments: Your_Government_Failed_You.doc; Port_Master_Plan_Inter-Departmental_Correspondence_April_10,_1981.pdf

Dear Chemical Safety Board Members-

While we have not heard back directly from the Chemical Safety Board, we believe that the CSB is one of the only agencies truly dedicated to the issue of public safety and without a heavy bias toward the energy industry. This may well be a wrong conclusion, but until we believe otherwise, we will continue to send you information related to our seriously high risk exposure here in the LA harbor region.

The attached article regarding Rancho was written by Connie Rutter. Connie is an 83 year old resident of San Pedro that started out as a science teacher, and then became an expert in the oil industry as an environmental consultant to major oil companies. Ms. Rutter served on industry boards advising them on the safe management of their facilities . Retired now, Ms. Rutter is extremely knowledgeable and well respected by those that had any interaction with her in the field. Ms. Rutter only became aware of the issue in our community with this liquefied petroleum gas facility a few years ago. Her initial sense was that our activists on this issue had to be misinformed. She took serious time to investigate the details of this facility and its history before becoming active. To her horror, our facts were not only correct, but the potential for disaster even greater than we had reported.

We urge the CSB to continue their push for public safety. **The government's continued disregard for public safety is a glaring problem, and again will be witnessed this coming week in an action regarding the Port of LA.**

On Weds. March 12th, 2014, the California Coastal Commission will be meeting in Long Beach, CA to approve the Port of LA's most recent re-drafting of their Master Plan. The original LA Port Master Plan of 1980 directed the Port of LA to ***"relocate and segregate all hazardous facilities"*** in the port to a more "remote" location in the interest of Public Safety.(See attached archived LA Planning Dept. memo) For over 33 years, that directive has been very clearly ignored by the Port of LA. In the 1990's the Port of LA received **over $100 Million in Federal money predicated under the auspices of "public safety"** to create "Energy Island". This island was to be a distant man made land mass created to become the **relocation home to all port hazardous and non-hazardous liquid bulk facilities**. Instead these funds were ***re-directed*** into the creation of Pier 400....**the largest container terminal** in the United States dedicated exclusively to Maersk Sealand. The President of the Harbor Commission who made this serious deviation was none other than (later convicted on charges of malfeasance) Leland Wong. Who knows what rewards Mr. Wong and others involved received for this bait and switch on the public. Now, in this **NEW Port Master Plan**, the Port of LA **has written out** any commitment, whatsoever, in the relocation of their hazardous facilities. Last year myself and another colleague testified before the Coastal Commission and provided foundation documents warning of this re-write by the Port that would **eliminate** the Port's responsibility to **relocate the existing** hazardous facilities improperly located near residents. Apparently, it made no impact as they are expected to fully approve this new MP this coming Wednesday. The Rancho LPG facility was brought in originally as "Petrolane" over 42 years ago as a tenant of the Port of LA. The port refused to renew their 30 year wharf lease in 2004-2005 due to the fact that the hazardous pipeline connected to their wharf *prohibited* them (due to safety reasons) from building out the expansion of their China Shipping Terminal. Other marine oil and chemical terminals in the Port date back to the 1920's and 1930's severely out of seismic compliance with antiquated infrastructures and sit on the thresholds of residents. The prudent decision by the LA City Planning Department in the 1970's and 1980's is still a viable and cogent directive. This **should in no way be eliminated** in the Port's vested document of authority. It has become apparent that this approval is simply a "fait acompli". It is so wrong. Your intervention in this matter would be very appreciated.

We look to your wisdom, your leadership and your interest in safeguarding the citizens of our country from the chemical hazards that are so flagrantly being ignored.
Respectfully,
Janet Gunter
San Pedro Peninsula Homeowners United Inc.

Your Government Failed You .... Again!

By Connie Rutter

Richard Clark, Coordinator for National Security and Terrorism under Clinton and Bush, titled his book on the events of September 11 Your Government Failed You, citing all the warnings and indications of that threat which had been ignored. Well, it's been happening all along, with the latest evidence of how our government agencies have failed in their duty to protect its citizens, being the irresponsible delay on the part of the Department of Homeland Security (DHS) to create and enforce their own rules in the case of Rancho LPG (a massive butane and propane gas storage facility) on N. Gaffey St. in San Pedro.

DHS was formed in **2007** to protect against a repeat of the 9/11 Twin Towers destruction of life by terrorists, who would harm U.S. citizens or property. (That's seven years ago!) Part of their effort was a program called CFATS or Chemical Facility Anti-Terrorism Standards, a program which changed the government's previous attempt to protect its citizens from accidental releases from chemical plants, by making it very difficult to find out what the threat was from chemical plants in our neighborhoods. The earlier attempt in 1986 and 1990 was based on Community Right to Know. (This was an earlier failure – to fail to include an objective standard that a facility was too dangerous to exist, or a certain number of possible deaths was too many.) CFATS took that right away and replaced it with ____ nothing! DHS is creating requirements for facilities on a case-by-case basis, but are so far behind that the General Accounting Office (a watchdog agency for other Federal agencies) in a study, GAO-13-801T, estimates that it won't have standards in place to make chemical plants safer from terrorist attacks for another 10 years! This report is available to the public on the internet (www.gao.gov), but has not yet been reported in the press! Even the media isn't doing its job!

In the case of Rancho LPG LLC, (a subsidiary of industry giant Plains All American Pipeline) the threat in storing 25 million gallons of butane is obvious to anyone who picks up a high school chemistry or physics text and looks at the properties of butane. Even Rancho's hired consultants, Quest Consulting, acknowledges that it has the explosive power of 53 atomic bombs! EPA had sited Rancho for several deficiencies last year in regard to safety and emergency preparedness. DHS was called in to do its own inspection, but they failed to issue any citation. Congressman Waxman called them on that and wanted to know why. Now the answer is clear – because DHS had not yet set the standards for Rancho! In spite of the danger, accessibility, and terrorist economic potential of this site, they hadn't gotten around to writing its own set of rules! Only now have they done that, a year later, but they can't cite them until Rancho complies, and DHS has given them a year to do that.

Your government failed you again. 3000 souls died on 9/11. When Rancho blows, the death toll will be somewhere between 770 (their number) and 2800 (EPA Guidance document). Maybe. We'll be lucky if it stays under that, since it's obvious that the fire will spread from one tank to the rest of the tankage at the facility, and then to neighboring facilities storing flammable substances. This could include you and your home.

FORM GEN. 160 (Rev. 3-78)

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: April 10, 1981

To: Ernest L. Perry, Executive Director
Harbor Department

Via: Robert Weir, Director of Planning and Research

From: Calvin S. Hamilton, Director of Planning
City Planning Department

Subject: COMMENTS -- DRAFT RISK MANAGEMENT PLAN FOR THE PORT OF LOS ANGELES

Background

When the California Coastal Commission acted last year to retain permit authority over new or expanded hazardous liquid bulk Port projects until certification of a Risk Management Plan, a Commission staff report dated on February 8, 1980 stated that the "Coastal Act and risk management concepts require a more affirmative planning approach on the part of the Port, indicating to tenants where the safest and most efficient locations are for new projects and providing for the eventual relocation of currently inappropriately sited activities." Such approach, however, is not adequately borne out by the subject Draft Risk Management Plan (Draft RMP).

Planned Land Use

This conclusion is based on what Planning Department staff perceives to be a serious lack of coherent and definitive land use policies with respect to the siting of hazardous Port facilities. The minimization or elimination of hazard footprint overlaps -- the underlying policy objective of the Draft RMP -- is not an acceptable substitute for the comprehensive, long-range planned use of harbor land areas for the handling, storage or transfer of hazardous cargoes.

Relation to the Port Master Plan

Hazard footprinting is, at best, a function of calculated technical assumptions concerning "acceptable" degrees of risk. The methodology is inherently dependent upon present circumstances in Port development; it follows no guidelines or constraints for future-oriented, planned Port development. In short, the hazard footprinting technique, when applied independently in and of itself, is inconsistent with the basic overall objective of the Port Master Plan: "To establish standards and criteria for the long-range orderly expansion and development of the Port by the eventual aggregation of major functional and compatible land and water uses under a system of preferences which will result in the segregation of related Port facilities and operations into functional areas." (Emphasis added.) (1)

Relation to the Mayor's Hazardous Cargo Task Force Recommendations

It is stated in the Risk Management Program report:

> "It appears that the basic and most effective risk management measure for the Port of Los Angeles is the control of siting of any additional hazardous cargo facilities on existing or new land in the outer harbor, or, on or south of Terminal Island. These areas provide remote sites for cargoes of varying degrees of hazard. They will allow for the relocation of old, inner harbor petroleum (and chemical) facilities to a more remote area, and their reconstruction with up-to-date technologies." (Emphasis added.)

This statement (not included in the Draft RMP) essentially makes the same recommendation that was made in the final report of the Mayor's Hazardous Cargo Task Force over four years ago. However, the Draft RMP contains no strategy by which to implement the planned development of new hazardous cargo facilities and the relocation of existing ones. Once again, we consider this a serious omission for any plan which intends to address risk management for the Port of Los Angeles. (2)

Relation to the City's General Plan

At a joint meeting of the Board of Harbor Commissioners and the City Planning Commission on March 21, 1979, it was agreed that the Planning Department would prepare an update of the 1970 Port of Los Angeles Plan, an element of the City's General Plan. As required by the State Planning and Zoning Laws and as expressly set forth under Section 96.5 of the City Charter, the General Plan is to consist of a comprehensive declaration of purposes, policies and programs that coordinate and control the development of land use, circulation and service systems.

The preliminary Port of Los Angeles Plan revision seeks to promote and accomodate the orderly and continued development of the Port, and also to recognize the policies and objectives of the community plans for San Pedro and Wilmington-Harbor City, in order to provide for the mitigation of any possible adverse impacts of Port operations upon these communities. (3)

The Draft RMP is of key interest to our effort in developing a comprehensive City policy document for the Port. Harbor Department staff has urged that key aspects of the Port of Los Angeles Plan which allude to hazardous cargo operations defer to the Risk Management Plan. However, Planning Department staff was not asked to participate in the Risk Management Program Advisory Group, and until recently, had no knowledge whatsoever of the contents of either the Risk Management Program report or the Draft RMP. The lack of detail of the latter with respect to planned land use and relocation strategies for hazardous Port facilities does little to enhance what we consider a fundamental objective of the Port of Los Angeles Plan: to coordinate the development of the Port and adjacent areas to maximize land use compatibility.

Kit Fox

From: Carolynn Petru
Sent: Monday, March 10, 2014 9:47 AM
To: Kit Fox
Subject: FW: Risk Summary relevant to Harbor situation by Richard Clarke on Terrorism
Attachments: LNG_Clarke_study_RI_AG_LNG_Facilities_in_Urban_Areas_2005__18_s_9_28_10.ppt

Carolynn Petru
Acting City Manager
City of Rancho Palos Verdes
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(310) 544-5291 (fax)
carolynn@rpv.com
www.palosverdes.com/rpv

From: Janet Gunter [mailto:arriane5@aol.com]
Sent: Monday, March 10, 2014 9:29 AM
To: lisa.pinto@mail.house.gov; elise.swanson@mail.house.gov; michael_davies@feinstein.senate.gov; maurice_lyles@boxer.senate.gov; robert.pullen-miles@sen.ca.gov; jcynthiaperry@aol.com; rob.wilcox@lacity.org; don.hermanson@slc.ca.gov; jennifer.lucchesi@slc.ca.gov; blumenfeld.jared@epa.gov; wesling.mary@epamail.epa.gov; helmlinger.andrew@epa.gov
Cc: don.holmstrom@csb.gov; dan.tillema@csb.gov; Rafael.Moure-Eraso@csb.gov; Beth.Rosenberg@csb.gov; Mark.Griffon@csb.gov; mvargas@miconstruct.com; carl.southwell@gmail.com; rgb251@berkeley.edu; lpryor@usc.edu; fmillarfoe@gmail.com; CC; amartinez@earthjustice.org; d.pettit@nrdc.org; david.pettit@nrdc.org; tracy@egoscuelaw.com; richard.vladovic@lausd.net
Subject: Fwd: Risk Summary relevant to Harbor situation by Richard Clarke on Terrorism

This email and attachment is from Dr. Fred Millar in Virginia who has been fighting for years for the re-routing of the most hazardous rail cars around densely populated American cities. In this report, the expert, Richard Clarke, references the terrorism attempt in No. California. This foiled attempt was at the twin facility to Rancho LPG in Elk Grove, CA that also stores great volumes of butane and propane gases. Homeland Security should be all over this and the LA Harbor vulnerabilities for the sake of National Security. Richard Clarke should be hired to perform this assessment by California politicians. There is no excuse for the struthious approach demonstrated by government regarding such obvious safety concerns.

The Port of LA, this Wednesday the 12th, will **eliminate** their Master Plan directive to "relocate and segregate" all hazardous terminals at the port in the interest of "public safety" This action is in direct CONTRAST to responsible behavior, particularly at such a vulnerable period of time in our history. Explosions are happening across our country due to infrastructure failure and a lack of proper assessment of threat from various hazardous commodities. The issue of terrorism upon hazardous facilities located in and around the ports has been treated with shocking ambivalence. The question is, when will sober minds finally engage in protecting our citizens and our assets? Where is California's political leadership on such apparent risk exposures?

Janet Gunter
Member, San Pedro Peninsula Homeowners United Inc.

-----Original Message-----
From: Fred Millar <fmillarfoe@gmail.com>
To: Janet Gunter <arriane5@aol.com>

Sent: Sat, Mar 8, 2014 4:10 pm
Subject: Re: More on the Risk Exposure in LA Harbor & Coastal Commission Hearing this Weds. March 12th

Hi, Janet:
That is a terrific summary of the risk situation. Do you have any documents on the terrorism side of the issue -- e.g., terrorism risk assessment by federal, state or local Homeland Security agencies of the port?

Has anyone in your group ever sat in on meetings of the Area Maritime Security Committee that the Coast Guard runs in every port under the Maritime Transportation Security Act?

If you had Koch Brothers funding [ha] , you could hire Richard Clarke to do one of his security studies as he did for folks in issues involving LNG facilities proposed in RI. [attached]

Fred

--
Fred Millar
915 S. Buchanan St No. 29
Arlington VA 22204
703-979-9191

Richard A. Clarke Study
LNG Facilities in Urban Areas: A Security Risk Management Analysis 2005 for Attorney General Patrick Lynch Rhode Island

Ship and Facility risks only???

Need to Think in New Ways about Risk

- Traditional risk management calculation methodologies are insufficient to deal effectively with the security risk now posed by terrorist groups. Traditional risk management methodologies would have determined that the probability of terrorists employing hijacked commercial passenger aircraft to destroy the World Trade Center was zero. The probability of a terrorist attack occurring can not be effectively measured, but it is now "a foreseeable risk" in the United States. P 3

- P. Other terrorist groups, specifically homegrown American groups, have also planned to destroy infrastructure in this country, such as the attack in Oklahoma in 1995 and the attempted attack on a gas storage facility in California in 1998.
- P. 5 Weapons and other capabilities needed to conduct an attack on an urban LNG off loading facility or an LNG tanker can be readilyobtained in the US, according to US Government reports.

- P. 5 VULNERABILITIES: Both the proposed urban LNG off loading facility and the proposed LNG tanker transit through 29 miles of Rhode Island have security vulnerabilities that are unlikely to be successfully remediated.
- The creation of permanent or temporary restricted flight areas around the urban LNG facility and the tanker will not prevent hijacked or stolen aircraft (commercial passenger, commercial freight, or general aviation) from successfully penetrating the restricted airspace and crashing into the facility and/or ship. No air defense system is planned,

- P. 9CONSEQUENCES: There is a spectrum of expert opinion on the precise extent of damage that would result from various levels of attack on an urban LNG facility and on an LNG tanker. There appears, however, to be a high risk that catastrophic damage could occur if a large breach were made in the urban LNG facility's tank, if three of five containers aboard the LNG tanker were breached, or if an attack occurred involving both the facility and the tanker during unloading.
- The consequences of a major attack could include fires that would damage homes, hospitals, a chemical plant, and other infrastructure, depending upon where the attack occurred. Many fires could exceed the 2000 BTU limit for the employment of fire fighters, necessitating a "let it burn" approach to many structures. There would be both prompt and delayed fatalities.

- P 14 In our examination, we have come to a number of conclusions that should affect decision-making about the placement of such a facility:
  - • The United States will continue to face the risk of domestic terrorist attack over the foreseeable future.
  - • Critical infrastructure, including gas and oil facilities, are primary targets for terrorist attack.
  - • Although the LNG industry has enjoyed a history of relatively few safety incidents, there is no reason to believe that the LNG industry would be a less attractive target to terrorist organizations than other infrastructure.
  - • Although intentionally creating the "perfect storm" of events necessary to cause a significant LNG incident would be challenging, it is not impossible.
  - • The placement of such an LNG facility could either increase or decrease the level of risk and the resulting consequence management demands.

- Al Qaeda has already waged a successful attack on the oil and gas industry when it bombed the French oil tanker *Limburg* in 2002. Al Qaeda has also shown its ability to attack large, fortified ships, as illustrated by its attack on the *U.S.S. Cole* in 2000. See p. 31 for further discussion of the *Limburg* and the *Cole*. P 18
- P. 32
- • *USS Cole*, Yemen (2000): The attack on the *USS Cole* involved a small ship laden with explosives that was steered into the side of the *Cole* in a suicide attack. The event killed 17 people, and injured 39 others. Al Qaeda claimed responsibility for the attack.
- • *Limburg*, Yemen (2002): The attack on the *Limburg*, an oil supertanker, was performed in a similar manner to the *USS Cole*. A small boat filled with explosives was driven into the side of the boat, although it is not certain whether it was steered via remote control, or in another suicide attack. Al Qaeda claimed responsibility for the attack, rejoicing in having "hit the umbilical cord and lifeline of the crusader community."62
  - **B. The**

- P. 42 [T]here are 12 schools and three hospitals located within one mile of the KeySpan facility. Rhode Island Hospital (RIH), the largest hospital in the state, is located less than a mile from the LNG site. RIH is designated as the Level I Trauma Center.
- The study by Sandia National Laboratories said that a terrorist attack on a LNG tanker, in the worst case scenario, could cause second-degree burns to people more than a mile away from the tanker. It is not difficult to imagine the disaster that would ensue if the thermal radiation of a LNG fire were burning people at the very hospital that would be treating the majority of the fire's victims.

Distance

- P. 44The Coast Guard has proposed the establishment of a safety and security zone around the LNG tankers headed for Providence similar the zone required for Everett-bound ships (no vessels 2 miles ahead, 1 mile behind, and 3000 feet on either side).

- P. 53 FERC determined that the risks of a terrorist attack can be "managed." ...FERC determined that the likelihood of a terrorist attack on the Providence LNG facility is "unpredictable given the disparate motives and abilities of terrorist groups," and said that the continuing need to expand the natural gas industry "is not diminished by the threat of any such unpredictable acts."
- Of course terrorist attacks are by their nature unpredictable, but as was shown in the previous section, terrorist groups have a stated intent and demonstrated capability to inflict damage upon the oil and gas industry. The potential disaster that would result from an attack on a LNG tanker or facility could be of the "spectacular" nature that groups like al Qaeda are keen to produce.
- Discounting the threat of terrorist attack on the Providence LNG facility as unpredictable and manageable ignores evidence that shows that certain attacks are more likely than others.

- P. 54According to the DEIS, security at the site will be provided by both active and passive systems. The entire site is surrounded by a protective enclosure, such as a fence and/or wall, "with sufficient strength to deter unauthorized access." The DEIS says that "intrusion detection systems and day/night camera coverage identify unauthorized access." KeySpan did not intend to hire its own security staff to conduct patrols of the facility, screen visitors and contractors, and monitor for any suspicious activity.

- P. 56 [A]ccording to the studies done on the characteristics of a LNG fire, the initial damage to property and injuries to people would occur within 30 seconds of ignition, at distances as much as a half-mile from the site of the spill (see consequence management section). The damage would be done so quickly that the efficacy of evacuation procedures would be significantly curtailed. The steps recommended by FERC to be incorporated into the emergency response plan will be of little use in the event of a large-scale release and ignition of LNG.

- P. 58 In its DEIS, FERC tends to downplay the terrorist threat to the LNG industry in the United States. It is reluctant to acknowledge the potential for large-scale disaster should a worst-case scenario LNG release result from a deliberate attack on a tanker or a facility. FERC concludes its analysis of the terrorist threat by shifting the focus of the discussion away from LNG to other potential terrorist targets in the U.S. "At the national level," the DEIS says, "potential terrorist targets are plentiful, many having national significance, while others with a large concentration of the public (major sporting events, skyscrapers, etc,) or critical infrastructure facilities."

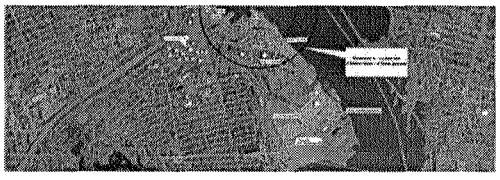
Identification of Threat Sectors along the routes p. 70

Fire Consequences

- P. 111 An LNG fire cannot be extinguished by conventional fire -fighting techniques and will burn more intensely than crude oil or gasoline fires.115,116 LNG fires can burn at temperatures of 3,000 degrees Fahrenheit,117 or 1,922 degrees Kelvin. Its emissive power can reach 265 kW/m2 or 84,000 Btu/hr/ft2.118 A 3-tank breach would extend thermal heat zones up to 37.5 kW/m2 or 12,000 Btu to a radius of 630 m (2,066 ft) (the "Red Ring") and up to 5 kW/m2 or 1,600 Btu to a radius of 2,118 m (6,947 ft) (the "Orange Ring"). 119
- Firefighters cannot operate at radiant heat levels above 1,600 Btu for extended periods. As a result, first responders would be limited in their ability to operate
  - 115 *Consequence Assessment Methods for Incidents Involving Releases from Liquefied Natural Gas Carriers*. ABS Consulting. http://www.ferc.gov/industries/gas/indus-act/lng-model.pdf
  - 116 Havens, Jerry, "Terrorism: Ready to Blow?", *Bulletin of Atomic Scientists* 59, no. 4 (2003):16-8.
  - 117 Sandia report, p. 150.
  - 118 *Consequence Assessment Methods for Incidents Involving Releases from Liquefied Natural Gas Carriers*. ABS Consulting. P. 22. http://www.ferc.gov/industries/gas/indus-act/lng-model.pdf
  - 119 See Map 3.1 on p. 113 for an aerial view of the port and the area encapsulated by the red and orange rings. *LNG Threat Analysis*112
- within the Orange Ring until temperatures subsided – after significant damage had been done. Approximately 36,386 residents live within the Orange Ring. Nearly 6,000 students attend schools dispersed throughout the Orange Ring
- Within the Red Ring, death from this scenario is nearly certain, with damage to critical infrastructure such as bridges, industrial centers, harbors, etc.120 Between the Red Ring and Orange Ring, thermal hazards decrease exponentially . Within the Orange Ring, radiant heat of 5 kW/m2 or 1,600 Btu will cause unbearable pain to people exposed for 13 seconds and second -degree burns after exposure for 40 seconds. At levels of 10 kW/m2, exposure for 40 seconds is the maximum threshold a person can withstand before death.121 Other lesser danger and damage will likely occur due to a domino effect on combustible structures once sympathetic fires spread outward from the Red Ring.

- p/ 112-113 Need to calculate impacts on deaths, injuries, homes destroyed, detonations of other chemical, schools, telemom, power, hospitals, tourism, economy.

Map of damage rings Providence p. 114 partial



p. 115

- Furthermore, the detonation devices that terrorists would be most likely to employ are assumed to produce a blast powerful enough to also serve as an ignition source. Sandia believes the potential for large vapor dispersion from an intentional breach is very unlikely.

Kit Fox

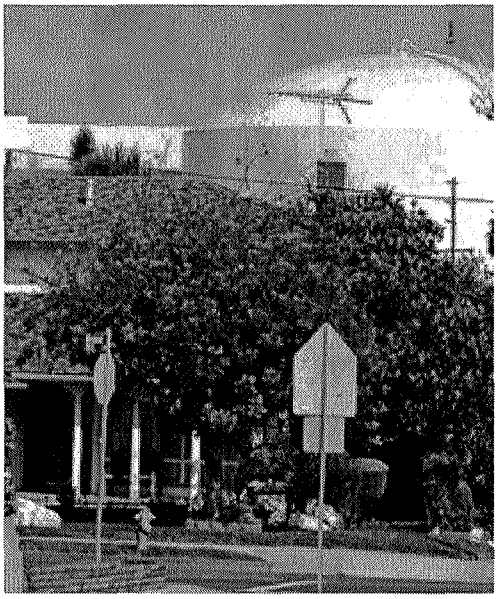
From: Janet Gunter <arriane5@aol.com>
Sent: Monday, March 10, 2014 10:07 PM
To: det310@juno.com; MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; jody.james@sbcglobal.net; bonbon90731@gmail.com; igornla@cox.net; connie@rutter.us; jhwinkler@me.com; dwgkaw@hotmail.com; pjwrome@yahoo.com; marciesmiller@sbcglobal.net; amartinez@earthjustice.org; jnmarquez@prodigy.net; fbmjet@aol.com; lljonesin33@yahoo.com; carriescoville@yahoo.com; pmwarren@cox.net; burling102@aol.com; mandm8602@att.net; peter.burmeister@sbcglobal.net; guillermovillagran@sbcglobal.net; paulettemarie@gmail.com; chateau4us@att.net; leneebilski@hotmail.com; hvybags@cox.net; radlsmith@cox.net; nancy.kalthoff@yahoo.com; Kit Fox; Jerry Duhovic; Brian Campbell <b.camp@cox.net>; Jim Knight <knightjim33@gmail.com>; Susan Brooks <Subrooks08@gmail.com>; lisa.pinto@mail.house.gov; elise.swanson@mail.house.gov; tracy@egoscuelaw.com; alsattler@igc.org
Cc: wesling.mary@epamail.epa.gov; blumenfeld.jared@epa.gov; helmlinger.andrew@epa.gov; don.holmstrom@csb.gov; dan.tillema@csb.gov; Rafael.Moure-Eraso@csb.gov; Mark.Griffon@csb.gov; Beth.Rosenberg@csb.gov; maurice_lyles@boxer.senate.gov; michael_davies@feinstein.senate.gov; robert.pullen-miles@sen.ca.gov
Subject: New LA City Watch Article by LA Harbor resident, Connie Rutter....."Your Government has failed you....AGAIN"

http://citywatchla.com/8br-hidden/6575-your-government-failed-you-again

Your Government Failed You ... Again!

Written by Connie Rutter 11 **Mar 2014**

Font Size



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Congressman Waxman called them on that and wanted to know why. Now the answer is clear – because DHS had not yet set the standards for Rancho!

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(Connie Rutter is a retired oil industry environmental consultant.)

-cw

CityWatch

Vol 12 Issue 21

Pub: Mar 11, 2014

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Level of Detail Extended GO

Type of Report Output Text (HTML) GO

Facility #1 : Bumstead Rail Facility

Basic Facility Info

Facility ID	100000170254
Deregistered (Yes/No)	No
Facility Name	Bumstead Rail Facility
Street Address Line 1	14702 W. Olive Avenue
City	Waddel
State	AZ
Zip Code	85355
County	Maricopa County
113th Congressional District	AZ08: Arizona 8
Owner or Operator Name	Plains LPG Services, L.P.
Parent Company	Plains LPG Services, L.P.
Second Parent Company	Plains All American Pipeline, L.P.
Latitude	33.566111
Longitude	-112.376667
Number of RMP Submissions	5

PLAINS OPERATION

Most Recent Submission Info

RMP ID	1000025836
Submission Type	revised submission for facility
Submission Date	04/02/2012
Reason For Submission	Voluntary update (not described by any of the above reasons)
Process Toxic Amount Total (lbs)	0
Process Flammable Amount Total (lbs)	15,678,000
Process Amount Total (lbs)	15,678,000
Number of Potential Offsite Consequence Processes	2
Potential Offsite Consequence Toxic Amount Total (lbs)	0
Potential Offsite Consequence Flammable Amount Total (lbs)	15,678,000
Potential Offsite Consequence Amount Total (lbs)	15,678,000
All Process NAICS	42471
Exec Summary Submission Date	04/02/2012

Executive Summary (Facility #1 : Bumstead Rail Facility, executive summary: all)

Executive Summary
Bumstead Storage and Rail Facility

Introduction and Policies

Plains LPG Services, L.P. ("Plains"), is committed to managing all operations in a manner that protects the environment and the health and safety of employees, customers, contractors and the public while fully complying with applicable laws and regulations. Plains management philosophy goals are achieved through the implementation of the environmental, health and safety management systems, by the personal commitments of employees and contractors, and by open communication with employees, customers, neighbors, and regulators.

The purpose of this Risk Management Plan (RMPlan) is to provide information about operations at the terminal, programs to prevent accidental chemical releases, emergency response plans in the event an accidental release should occur, the five-year accident history of the terminal, and planned changes to improve safety at the terminal.

Stationary Source and Regulated Substance

The Bumstead Rail Terminal is owned by Plains LPG Services, L.P. and operated by Plains Marketing Canada, L.P. At the terminal, propane and butane are received via railcar and stored in pressure tanks (three (3) 60,000 gallon tanks). Propane and butane which is transfered by pipeline to the cavern facility. Propane and butane are the only substances regulated under the Risk Management Program (RMP) that are present at the Bumstead Terminal in amounts above threshold quantity. Ethyl mercaptan is stored at the terminal; however, the amount stored is below threshold quantity. The terminal is classified as Program Level 3 under the regulation. There are two processes at the facility - LPG Storage Terminal and Rail storage/loading & unloading area. The rail storage area has a capacity of 110 railcars, with each railcar having a capacity of 30,000 gallons. There is 30 car capicity inside the facility and 80 cars storage capicity outside the fence on lease track.

Accidental Release Prevention and Emergency Response Policies

The accidental release prevention and emergency response programs in place at the terminal are part of the high standards striven for by Plains. These high standards include:

Operating in compliance with required environmental permits and regulations.

Operating and maintaining the assets in such a manner that unintentional releases are minimized.

Operating and maintaining assets in such a manner that the small releases associated with normal operation and maintenance will be minimized to the extent possible.

Correcting non-compliance found during regular audits of the terminal.

Prevention Program

The Bumstead Storage Terminal is operating under the guidelines of the Occupational Safety and Health Administration (OSHA) Process Safety Management (PSM) Program. Analysis of the potential hazards of the process, training of employees, and emphasis on safety has helped avoid any serious chemical release accidents since Plains purchased the terminal. Part of this program has also involved identifying and taking steps to avoid potential accidental chemical releases.

Five-Year Accident History

No incident resulting in onsite injuries, death or property damage or offsite impacts from a propane or butane release has occurred at the Bumstead Storage Terminal since Plains purchased the terminal or was reported under previous ownership and operation within the last five years.

Emergency Response Program

The terminal has developed an emergency response plan, which will be coordinated with local emergency response groups such as the Luke Air Force Fire Department. Also involved in emergency response for the terminal would be the Maricopa LEPC, Arizona State Police, and the Arizona Corporation Commission. The terminal operator is responsible for coordinating the notifications required to initiate an emergency response. The Emergency Response Plan provides the essential planning for effectively protecting workers, the public, and the environment during emergency situations.

Planned Changes to Improve Safety

Compliance with the RMP Prevention Program coupled with the environmental, health and safety management systems, forms the framework for continuous safety improvement. Some of the key components of the safety program are:

The Management of Change provisions ensure that the potential safety and health impacts of any change made to process chemicals, technology, equipment or procedures are considered.

The Process Hazard Analysis (PHA) provisions serve as a tool to ensure timely evaluation of potential hazards, thereby leading to continual improvements in safety standards.

The Mechanical Integrity provisions ensure that process equipment and instrumentation are designed, constructed, installed and maintained to

RECEIVED FROM Noel Weiss
AND MADE A PART OF THE RECORD AT THE
COUNCIL MEETING OF March 18, 2014
OFFICE OF THE CITY CLERK
CARLA MORREALE, CITY CLERK

Public Comments

minimize the risk of hazardous releases, thereby serving as an integral part of the safety program.

Specific actions that will be taken in the future to improve the level of safety at the terminal include:

Compliance audits will ensure that the level of safety protection at the terminal is periodically being evaluated for improvements.

An ongoing dialogue with the Luke Air Force Fire Department will ensure a constant state of readiness to respond to any potential emergencies, as well as a means to implement improvements as the need develops.

Submission - Other Facility Info

Number of Full Time Employees	9
Owner or Operator Name	Plains LPG Services, L.P.
Owner or Operator Address Line 1	Suite 1400, 607 8th Ave S.W.
Owner or Operator City	Calgary
Owner or Operator Province	Alberta
Owner or Operator Foreign Zip Code	T2P0A7
Country	Canada
Parent Dun and Bradstreet Number	0
Second Parent Dun and Bradstreet Number	36170624
Number of Full Time Employees	9
Number of FTE CSI Flag	No
Covered by OSHA PSM Standard	Yes
Covered by EPCRA Section 302	No
Covered by CAA Title V	No
Last Safety Inspection Date	08/09/2010
Last Safety Inspection By	Arizona Corporation Commission
OSHA Star or Merit Ranking	No
LEPC Name	Maricopa County LEPC

Submission - Contact Info (Facility #1 : Burnstead Rail Facility, RMP submission #1 : 2012-04-02)

Owner or Operator Phone	4032982100
Facility URL	www.paaip.com
Facility Dun and Bradstreet Number	0
RMP Contact	Ron Conrow
RMP Contact Title	District Manager
RMP Contact Email	rnn.conrow@plainsmidstream.com
RMP Preparer Name	Tony Puckett
RMP Preparer Address Line 1	333 Clay Street
RMP Preparer City	Houston
RMP Preparer State	TX
RMP Preparer Zip	77002
RMP Preparer Phone	7136464587

Submission - Additional Info

RMP Complete Flag	Yes
Predictive Filing	No
No RMP Accidents Last 5 Years	No
Complete Check Date	04/02/2012
Postmark Date	04/02/2012
Anniversary Date	04/02/2017
Confidential Business Information	No

Submission - Lat/Long Info (Facility #1 : Burnstead Rail Facility, RMP submission #1 : 2012-04-02)

Latitude	33.566111
Longitude	-112.376667
Valid Lat/Long	Yes
Lat/Long Method	Interpolation - Photo
Lat/Long Location Type	Plant Entrance (General)

FRS Latitude	33.55
FRS Longitude	-112.36
FRS Lat/Long Description	CENTER OF FACILITY
FRS Lat/Long Method	GPS CODE (PSEUDO RANGE) STANDARD POSITION (SA OFF)

Submission - Counts and Totals

Number of RMP Accidents	0
RMP Accident Flammable Total (lbs)	0
RMP Accident Toxic Total (lbs)	0
RMP Accident Amount Total (lbs)	0
Number of RMP Accidents	0
Number of Processes	2
Number of Process Chemicals	0
Number of Toxic Worst-case Scenarios	0
Number of Toxic Alternate Case Scenarios	0
Number of Flammable Worst-case Scenarios	1
Number of Flammable Alternate Case Scenarios	1
RMP Accident Flammable Total (lbs)	0
RMP Accident Toxic Total (lbs)	0
RMP Accident Amount Total (lbs)	0
Total RMP Accident Deaths	0
Total RMP Accident Injuries	0
Total RMP Accident Evacuated/Sheltering In Place	0
Total RMP Accident Property Damage	$0

Processes (Facility #1 : Burnstead Rail Facility, RMP submission #1 : 2012-04-02, process #1 : Propane/Butane Distributn)

Process Description	Propane/Butane Distributn
Program Level	3
Confidential Business Information	No
Toxic Amount Total (lbs)	0
Flammable Amount Total (lbs)	828,000
Process Amount Total (lbs)	828,000
Number of Process Chemicals	0
Number of Toxic Worst-Case Scenarios	0
Number of Toxic Alternate Scenarios	0
Number of Flammable Worst-Case Scenarios	1
Number of Flammable Alternate Scenarios	1

Process Chemicals

Process Chemical ID	Propane
CAS number	000074986
Chemical Type	Flammable
Process Chemical Amount (lbs)	252,000
Confidential Business Information	No

Process Chemicals (Facility #1 : Burnstead Rail Facility, RMP submission #1 : 2012-04-02, process #1 : Propane/Butane Distributn, process chemical #2)

Process Chemical ID	Butane
CAS number	000106978
Chemical Type	Flammable
Process Chemical Amount (lbs)	576,000
Confidential Business Information	No

Process Chemicals

Process Chemical ID	Public OCA Chemical
CAS number	000000000
Process Chemical Amount (lbs)	0
Confidential Business Information	No

Worst-Case Flammable Scenarios

F-160

Model Used	EPA's RMP*Comp(TM)
Passive Mitigation - Blast Walls	No
Confidential Business Information	No

Alternate Case Flammable Scenarios (Facility #1 : Bumstead Rail Facility, RMP submission #1 : 2012-04-02, process #1 : Propane/Butane Distributn, process chemical #3, alternate flammable scenario #1)

Model Used	EPA's RMP*Comp(TM)
Passive Mitigation - Dikes	No
Passive Mitigation - Fire Walls	No
Passive Mitigation - Blast Walls	No
Passive Mitigation - Enclosures	No
Active Mitigation - Sprinklers	No
Active Mitigation - Deluge Systems	No
Active Mitigation - Water Curtain	No
Active Mitigation - Excess Flow Valves	No
Confidential Business Information	No

Process Chemicals

Process Chemical ID	Public DCA Chemical
CAS number	000000000
Process Chemical Amount (lbs)	0
Confidential Business Information	No

Process NAICS

NAICS Code 42471: Petroleum Bulk Stations and Terminals

Prevention Program 3 (Facility #1 : Bumstead Rail Facility, RMP submission #1 : 2012-04-02, process #1 : Propane/Butane Distributn, process NAICS code #1 : 42471, prev. program 3 #1)

Safety Info Review Date	08/24/2010
PHA Update Date	03/25/2009
PHA Technique - What If	No
PHA Technique - Checklist	No
PHA Technique - What If/Checklist	No
PHA Technique - HAZOP	Yes
PHA Technique - FMEA	No
PHA Technique - FTA	No
PHA Change Completion Date	12/31/2010
Hazard Identified - Toxic Release	No
Hazard Identified - Fire	Yes
Hazard Identified - Explosion	Yes
Hazard Identified - Runaway Reaction	No
Hazard Identified - Polymerization	No
Hazard Identified - Overpressure	Yes
Hazard Identified - Corrosion	Yes
Hazard Identified - Overfilling	Yes
Hazard Identified - Contamination	No
Hazard Identified - Equipment Failure	Yes
Hazard Identified - Cooling Loss	Yes
Hazard Identified - Earthquake	No
Hazard Identified - Flood	No
Hazard Identified - Tornado	No
Hazard Identified - Hurricane	No
Hazard Identified - Other	Thermal burns
Process Controls - Vents	No
Process Controls - Relief Valves	Yes
Process Controls - Check Valves	Yes
Process Controls - Scrubbers	No
Process Controls - Flares	No
Process Controls - Manual Shutoffs	Yes
Process Controls - Auto Shutoffs	Yes
Process Controls - Interlocks	Yes

Risk Management Plan (RMP) Data for Bumstead Rail Facility, extende... http://data.rtknet.org/rmp/rmp.php?database=rmp&datype=F&detail=3&...

Process Controls - Alarms	Yes
Process Controls - Keyed Bypass	No
Process Controls - Emergency Air	No
Process Controls - Emergency Power	No
Process Controls - Backup Pump	Yes
Process Controls - Grounding	Yes
Process Controls - Inhibitor Addition	No
Process Controls - Rupture Disks	No
Process Controls - Excess Flow Devices	No
Process Controls - Quench System	No
Process Controls - Purge System	No
Process Controls - None	No
Mitigation Systems - Sprinklers	No
Mitigation Systems - Dikes	No
Mitigation Systems - Fire Walls	No
Mitigation Systems - Blast Walls	No
Mitigation Systems - Deluge Systems	No
Mitigation Systems - Water Curtains	No
Mitigation Systems - Enclosure	No
Mitigation Systems - Neutralization	No
Mitigation Systems - None	No
Mitigation Systems - Other	Fire hoses, monitors
Monitoring Systems - Process Area	No
Monitoring Systems - Perimeter	No
Monitoring Systems - None	Yes
Changes Since PHA - Reduced Inventory	No
Changes Since PHA - Increased Inventory	No
Changes Since PHA - Process Parameters	No
Changes Since PHA - Process Controls	No
Changes Since PHA - Process Detection	No
Changes Since PHA - Perimeter Monitoring	No
Changes Since PHA - Mitigation Systems	No
Changes Since PHA - None Recommended	No
Changes Since PHA - None	Yes
Procedure Review Date	06/01/2011
Training Review Date	01/06/2010
Type of Training - Classroom	Yes
Type of Training - On the Job	No
Competency Testing - Written Tests	Yes
Competency Testing - Oral Tests	No
Competency Testing - Demonstration	Yes
Competency Testing - Observation	Yes
Maintenance Review Date	08/24/2010
Maintenance Inspection Date	08/09/2010
Equipment Tested	LEL Detectors
Management of Change Most Recent Date	08/31/2009
Management of Change Review Date	08/24/2010
Pre-startup Review Date	11/12/2004
Compliance Audit Date	08/24/2010
Compliance Audit Change Completion Date	01/31/2011
Participation Plan Review Date	08/24/2010
Hot Work Review Date	08/24/2010
Contractor Safety Review Date	08/24/2010
Contractor Safety Eval. Date	08/31/2010
Confidential Business Information	No

Prevention Program 3 Chemicals (Facility #1 : Bumstead Rail Facility, RMP submission #1 : 2012-04-02, process #1 : Propane/Butane Distributn, process NAICS code #1 : 42471, prev. program 3 #1, prev. program 3 chemicals all)

Process Chemical Record ID

1000038468

1000038469

F-161

Risk Management Plan (RMP) Data for Bumstead Rail Facility, extende... http://data.rtknet.org/rmp/rmp.php?database=rmp&datype=T&detail=3&...

Prevention Program 3 Text

Prevention Program Description

The site stores and distributes propane and butane and all prevention program elements apply to both chemicals-storage tanks, transport truck loading facilities, and all associated pipelines and operating equipment.

Processes

Process Description	Rail Rack
Program Level	3
Confidential Business Information	No
Toxic Amount Total (lbs)	0
Flammable Amount Total (lbs)	14,850,000
Process Amount Total (lbs)	14,850,000
Number of Process Chemicals	0
Number of Toxic Worst-Case Scenarios	0
Number of Toxic Alternate Scenarios	0
Number of Flammable Worst-Case Scenarios	0
Number of Flammable Alternate Scenarios	0

Process Chemicals (Facility #1 : Bumstead Rail Facility, RMP submission #1 : 2012-04-01, process #2 : Rail Rack, process chemical #1)

Process Chemical ID	Butane
CAS number	000106978
Chemical Type	Flammable
Process Chemical Amount (lbs)	7,920,000
Confidential Business Information	No

Process Chemicals

Process Chemical ID	Propane
CAS number	000074986
Chemical Type	Flammable
Process Chemical Amount (lbs)	6,930,000
Confidential Business Information	No

Process Chemicals

Process Chemical ID	Public OCA Chemical
CAS number	000000000
Process Chemical Amount (lbs)	0
Confidential Business Information	No

Process Chemicals (Facility #1 : Bumstead Rail Facility, RMP submission #1 : 2012-04-02, process #2 : Rail Rack, process chemical #4)

Process Chemical ID	Public OCA Chemical
CAS number	000000000
Process Chemical Amount (lbs)	0
Confidential Business Information	No

Process NAICS

NAICS Code 42471: Petroleum Bulk Stations and Terminals

Prevention Program 3

Safety Info Review Date	08/24/2010
PHA Update Date	03/25/2009
PHA Technique - What If	No
PHA Technique - Checklist	No
PHA Technique - What If/Checklist	No
PHA Technique - HAZOP	Yes
PHA Technique - FMEA	No
PHA Technique - FTA	No
PHA Change Completion Date	12/31/2010
Hazard Identified - Toxic Release	No
Hazard Identified - Fire	Yes
Hazard Identified - Explosion	Yes
Hazard Identified - Runaway Reaction	No
Hazard Identified - Polymerization	No
Hazard Identified - Overpressure	Yes
Hazard Identified - Corrosion	Yes
Hazard Identified - Overfilling	Yes
Hazard Identified - Contamination	Yes
Hazard Identified - Equipment Failure	Yes
Hazard Identified - Cooling Loss	Yes
Hazard Identified - Earthquake	No
Hazard Identified - Flood	No
Hazard Identified - Tornado	No
Hazard Identified - Hurricane	No
Process Controls - Vents	No
Process Controls - Relief Valves	Yes
Process Controls - Check Valves	Yes
Process Controls - Scrubbers	No
Process Controls - Flares	No
Process Controls - Manual Shutoffs	Yes
Process Controls - Auto Shutoffs	Yes
Process Controls - Interlocks	Yes
Process Controls - Alarms	Yes
Process Controls - Keyed Bypass	No
Process Controls - Emergency Air	No
Process Controls - Emergency Power	No
Process Controls - Backup Pump	No
Process Controls - Grounding	Yes
Process Controls - Inhibitor Addition	No
Process Controls - Rupture Disks	No
Process Controls - Excess Flow Devices	Yes
Process Controls - Quench System	No
Process Controls - Purge System	No
Process Controls - None	No
Mitigation Systems - Sprinklers	No
Mitigation Systems - Dikes	No
Mitigation Systems - Fire Walls	No
Mitigation Systems - Blast Walls	No
Mitigation Systems - Deluge Systems	No
Mitigation Systems - Water Curtains	No
Mitigation Systems - Enclosure	No
Mitigation Systems - Neutralization	No
Mitigation Systems - None	No
Mitigation Systems - Other	Fire hoses, monitors
Monitoring Systems - Process Area	No
Monitoring Systems - Perimeter	No
Monitoring Systems - None	Yes
Changes Since PHA - Reduced Inventory	No
Changes Since PHA - Increased Inventory	No
Changes Since PHA - Process Parameters	No
Changes Since PHA - Process Controls	No
Changes Since PHA - Process Detection	No
Changes Since PHA - Perimeter Monitoring	No
Changes Since PHA - Mitigation Systems	No
Changes Since PHA - None Recommended	No
Changes Since PHA - None	Yes
Procedure Review Date	06/01/2011
Training Review Date	01/06/2010
Type of Training - Classroom	Yes
Type of Training - On the Job	No
Competency Testing - Written Tests	Yes
Competency Testing - Oral Tests	No
Competency Testing - Demonstration	Yes
Competency Testing - Observation	Yes

Maintenance Review Date	08/24/2010
Maintenance Inspection Date	08/09/2010
Equipment Tested	LEL Detectors
Management of Change Most Recent Date	08/31/2009
Management of Change Review Date	08/24/2010
Pre-startup Review Date	11/12/2004
Compliance Audit Date	08/24/2010
Compliance Audit Change Completion Date	01/31/2011
Participation Plan Review Date	08/24/2010
Hot Work Review Date	08/24/2010
Contractor Safety Review Date	08/24/2010
Contractor Safety Eval Date	08/31/2010
Confidential Business Information	No

Prevention Program 3 Chemicals {Facility #1 : Burnstead Rail Facility, RMP submission #1 : 2012-04-02, process #2 : Rail Rack, process NAICS code #1 : 42471, prev. program 3 #1, prev. program 3 chemical: #1}

Process Chemical Record ID
1000038471
1000038470

Prevention Program 3 Text
Prevention Program Description
Rail Rack for Burnstead

Emergency Response Plan Info

Facility In Community Plan	Yes
Facility Own Response Plan	Yes
Specific Facility Response Plan	Yes
Inform. Procedures in Response Plan	Yes
Emergency Care in Response Plan	Yes
Plan Review Date	12/08/2009
Response Training Date	12/08/2009
Local Response Agency	Rural Metro Fire Department
Local Response Agency Phone	6239393111
Subject To - OSHA EAP	Yes
Subject To - OSHA HAZWOPER	No
Subject To - CWA	No
Subject To - RCRA	No
Subject To - OPA	No
Subject To - State EPCRA	Yes

END OF REPORT

This search was done on March 3, 2014. It was compiled from government data last released on May 30, 2013. The data were obtained from the U.S. EPA's Risk Management System database (RMP).

Search Criteria Used

RMP Facility ID	100000170254
Level of Detail	Expanded GO
Type of Report Output	Text(HTML) GO

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Friday, March 21, 2014 11:16 AM
To: Kit Fox
Subject: Rancho article in most recent issue of Random Lengths

fyi. pg. 5 & on...

http://issuu.com/randomlengthsnews/docs/rln_03-20-14_edition

Kit Fox

From: Lacombe <chateau4us@att.net>
Sent: Monday, March 24, 2014 11:55 PM
To: Kit Fox; CC
Subject: Rancho Update
Attachments: Letter to Jeanne Lacombe.pdf

Good evening everyone,

I just wanted to forward the latest correspondence from Sen. Ted Lieu's office regarding the Rancho facility. I would like to point out that the specifics of my request were not mentioned. I only asked for legislation to require Rancho to provide insurance for everyone and everything in the half mile blast radius as stated in their risk management plan that is filed with the EPA. In fact, Sen. Lieu's letter did not even mention the Rancho facility at all.

Thank you for keeping this issue in the Border Issues section of the City Council Agenda.

Always,
Jeanne Lacombe

STATE CAPITOL, ROOM 4061
SACRAMENTO, CA 95814
TEL (916) 651-4028
FAX (916) 323-6056

DISTRICT OFFICE
2512 ARTESIA BLVD., SUITE 320
REDONDO BEACH, CA 90278
TEL (310) 318-6994
FAX (310) 318-6733

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SENATOR.LIEU@SENATE.CA.GOV

California State Senate

SENATOR
TED W. LIEU
TWENTY-EIGHTH SENATE DISTRICT

CHAIR
BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT

MEMBER
AGRICULTURE
GOVERNMENTAL ORGANIZATION
INSURANCE
VETERANS AFFAIRS

March 24, 2014

Ms. Jeanne Lacombe
2052 Galerita Dr.
Rancho Palos Verdes, CA 90275

Dear Ms. Lacombe:

I would like to thank you for submitting your legislative idea to my office. I always welcome input and suggestions from my constituents and I enjoyed meeting with you personally. I also commend you for your leadership as President of the Rolling Hills Riviera Homeowners Association. It is always heartening to see homeowners who are dedicated to improving the quality of life in their neighborhoods engage on important community issues.

Each legislative session, I receive hundreds of requests to introduce legislation. Unfortunately, the Standing Rules of the Senate limit the number of bills a Senator can introduce. Therefore, I must carefully weigh each proposal on the policy, its potential cost to the state, the likelihood of passage and whether the legislation would be vetoed by the Governor.

After thoughtful consideration and research, I am unable to introduce your idea this legislative year. However, I am still interested in issues you have raised and continue to monitor the situation. If I can be of assistance to you in the future, please contact my District Office at (310) 318-6994.

Sincerely,

Ted W. Lieu

TED W. LIEU
Senator, 28th District

Kit Fox

From: Carolynn Petru
Sent: Tuesday, March 25, 2014 1:33 PM
To: Kit Fox
Subject: FW: Congressionwoman Hahn request for Field Hearings on pipeline rupture. We need a PUSH FOR INCLUSION OF RANCHO!!

From: Janet Gunter [mailto:arriane5@aol.com]
Sent: Monday, March 24, 2014 7:35 PM
To: elise.swanson@mail.house.gov; lisa.pinto@mail.house.gov; maurice_lyles@boxer.senate.gov; michael_davies@feinstein.senate.gov; jennifer.zivkovic@sen.ca.gov; niki.tennant@asm.ca.gov; jacob.haik@lacity.org; jcynthiaperry@aol.com; rob.wilcox@lacity.org
Cc: CC; MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; amartinez@earthjustice.org; rgb251@berkeley.edu; lpryor@usc.edu; carl.southwell@gmail.com; david.pettit@nrdc.org; rong-gong.lin@latimes.com; jdonn@ap.org; dan.tillema@csb.gov; don.holmstrom@csb.gov; Beth.Rosenberg@csb.gov; Rafael.Moure-Eraso@csb.gov; Mark.Griffon@csb.gov; wesling.mary@epamail.epa.gov; helmlinger.andrew@epa.gov; blumenfeld.jared@epa.gov
Subject: Congressionwoman Hahn request for Field Hearings on pipeline rupture. We need a PUSH FOR INCLUSION OF RANCHO!!

Dear Elise,and all other Official's Representatives,

It only makes sense that this field hearing is broadened to include the acknowledged and extreme risk exposure from the very controversial Rancho LPG LLC facility. This is a valuable and appreciated request, but falls short of delivering any real assurance of safety to local residents and their families unless it includes the massive butane and propane operation that has threatened the local population for decades. It is a fervent hope that our legislators will work together now with Congresswoman Hahn in capturing this opportunity to deliver a more comprehensive analysis of citizens risk exposure and the potential liabilities associated with it.
http://www.dailybreeze.com/general-news/20140324/rep-janice-hahn-calls-for-congressional-hearing-in-wake-of-wilmington-oil-spill

Thank you for your time. Please advise your respective public official of this request. Each public official's constituents deserve to be adequately protected and informed of any serious risks that they are facing and actions that can be taken to minimize their danger. Everyone deserves to live in as safe an environment as possible. It is up to government to provide that opportunity and to clearly advise the innocent of any potential jeopardy they may be in. So far, both legislators and residents alike have been seriously deprived of understanding exactly just what that risk exposure might be. It is time to know.

Sincerely,
Janet Gunter
Member: San Pedro Homeowners United, INC, San Pedro & Peninsula Homeowners Coalition, Citizens for Responsible & Equal Environmental Protection

Kit Fox

From: Carolynn Petru
Sent: Tuesday, March 25, 2014 3:59 PM
To: Kit Fox
Subject: FW: Congressionwoman Hahn request for Field Hearings on pipeline rupture. We need a PUSH FOR INCLUSION OF RANCHO!!
Attachments: Letter from CSFM 2.pdf; Response letter from OES.pdf; EPA-Crowl_MTU Report.pdf

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From: Ronald Conrow [mailto:Ronald.Conrow@plainsmidstream.com]
Sent: Tuesday, March 25, 2014 1:48 PM
To: elise.swanson@mail.house.gov
Cc: jacob.haik@lacity.org; jenny.chavez@lacity.org; Alison.Becker@lacity.org; ana.dragin@lacity.org; ryan.ferguson@lacity.org; dennis.gleason@lacity.org; gabriela.medina@lacity.org; lisa.pinto@mail.house.gov; maurice_lyles@boxer.senate.gov; michael_davies@feinstein.senate.gov; jennifer.zivkovic@sen.ca.gov; niki.tennant@asm.ca.gov; jcynthiaperry@aol.com; rob.wilcox@lacity.org; dan.tillema@csb.gov; 'Hon. Rudy Svorinich, Jr.'; William Zankich; don.holmstrom@csb.gov; CC
Subject: FW: Congressionwoman Hahn request for Field Hearings on pipeline rupture. We need a PUSH FOR INCLUSION OF RANCHO!!

Good morning Elise,

Below is a copy of a Janet Gunter e-mail sent to you and a host of other elected official representatives as well as several regulatory agency officials. As usual, Ms. Gunter attempts to link any event or disaster in the world to the Rancho facility in an attempt to rally lawmakers, regulators, and community members to take action against the facility. The following are a few examples over the years: 1) the San Bruno gas pipeline explosion although Rancho does not produce, store, or transfer methane gas, 2) Chevron refinery process heater fire, even Rancho does not handle crude oil nor do we have process heaters at the facility, 3) Explosion of rail cars transporting Bakken crude oil despite the fact the facility does not handle this crude oil in any manner and our LPG is transported only in DOT-112 pressurized railcars designed specially to transport LPG, ammonia, etc. and 4) the Tesoro Anacortes refinery hydrogen plant explosion despite the fact Rancho does not handle hydrogen. The San Pedro Peninsula Homeowners United (SPPHU) website, hazardsbegone.com is replete with similar examples.

Specifically concerning the recent Wilmington oil pipeline leak, 1) Rancho does not handle crude oil in any manner, 2) Rancho does not own any type pipeline in/out of the facility, and 3) the original Petrolane (Rancho) facility had 2-LPG pipelines to/from the facility to Berth 120 in the Port of LA, but were taken out of service in 2008. Subsequently, in 2011 both LPG pipelines were properly abandoned/removed as well complete demolition of the Berth 120 facilities in conjunction with the Port of LA's expansion of the Yang Ming container storage yard. Therefore, the effort by Ms. Gunter to link Rancho to the Wilmington oil pipeline leak is misguided.

With regards to the storage and pipeline transfer of LPG at Rancho, in March 2012 the Office of California State Fire Marshall's (OSFM) Pipeline Safety Division conducted a thorough 4-day inspection of the associated DOT pipelines, vessels, and tanks on the property at the Rancho facility. Rancho is pleased to inform you that there were no safety issues or violations found by the OSFM. A copy of the letter dated February 3, 2014 from the OSFM Tonya Hoover to State Senator Ted Lieu is attached. Also, attached is a copy of the letter dated December 26, 2013 from Director Mark Ghilarducci of CalOES to State Senator Ted Lieu stating the Local Emergency Planning Committee (LEPC) stating inspections by local, state, and federal regulators show the Rancho facility to be adhering to these applicable regulations and standards for storing hazardous materials has been met.

Ms. Gunter's statement that *"both regulators and residents alike have been seriously deprived of understanding exactly just what that risk exposure might be. It is time to know"*, is to say the least untrue! The governing regulation for "worst-case" scenarios related to offsite consequences is the Environmental Protection Agency (EPA) 40CFR68. This regulation as part of the Clean Air Act passed by Congress in 1990 requires facilities/industries with more than threshold amounts of regulated substances (RS) that are categorized as toxics and/or flammables to submit a Risk Management Plan (RMP) for all covered processes. Rancho is just one of approximately 12,800 facilities (per EPA website) in the USA covered by this regulation. Using standards and methodologies mandated by the EPA, Rancho LPG's RMP "worst-case" model assumes a complete release of one tank of refrigerated butane with an ensuing vapor cloud explosion radius of 0.5 miles at a 1.0 psi overpressure to endpoint based upon EPA criteria mandated in 40CFR68. Concerning the validity of Rancho's RMP "worst case" scenario Mary Wesling of EPA Region 9 stated in an e-mail to me dated August 24, 2012, *"We have already reviewed your analysis submitted in your RMP for compliance with 40CFR68. It meets the letter of the law"*. A copy of this e-mail correspondence is available upon request.

Moreover, the EPA hired a third party expert consultant Professor Daniel Crowl to evaluate several documents and provide his expert analysis of the risks associated with the Rancho facility. In his attached letter to Mary Wesling of the EPA dated April 11, 2011, Professor Crowl explains the advantage of storing butane in low pressure refrigerated tanks as well as the importance of several safety features at the facility, including the impoundment basin. It should be noted that Professor Crowl has written 6-books on explosions, chemical process safety, etc., is past president/member of the Center for Chemical Process Safety (CCPS), and serves as an expert consultant for the United States Chemical Safety Board (CSB). It is my understanding that Ms. Gunter received this document via FOIA from the EPA. Instead of being appreciative of the EPA's additional commitment by having an independent third party expert review the Rancho facility, Ms. Gunter sent a letter to the EPA excoriating Professor Crowl's credentials and intimating the agency was failing to live up to its mission. A copy of this letter is available upon request.

Further validation can be found in the Los Angeles Planning Departments Draft Environmental Impact Report (DEIR) for the proposed Ponte Vista which is approximately 0.65 miles from the Rancho facility. Page IV.H-36 states, *"Based upon the worst-case RMP scenario and with more likely releases having a much smaller radius impact than 0.5 miles, there would be **no impact** to the Project Site"*. Subsequently, the Final Draft Environmental Report (FEIR) for Ponte Vista states on page III.A-19, *"The LAFD is charged with reviewing and approving the RMP document, completing inspections, and enforcing compliance. Given this, it was properly concluded that the RMP represents the most informed and reliable assessment of the potential product release scenarios at Rancho LPG and thus, provide the best basis for an analysis of the facility's potential impact to the project site"*.

The "worst case" scenario as contained in our RMP on file at the LAFD/CUPA office in downtown Los Angeles for public review. While it is not our intention to marginalize any offsite impacts, the "worst case" scenario for the Rancho LPG facility per EPA regulation does not result in a cataclysmic event and has less potential for damage than the worst-case scenarios of other facilities in the immediate vicinity. I would be pleased to accompany any lawmaker or their representative, agency regulator, or elected San Pedro Neighborhood Council Board Member to the LAFD/CUPA office to review Rancho's RMP. However, any of the aforementioned parties can contact me and I would be more than happy to meet them at the facility for a tour and to review the RMP maintained onsite.

Having been personally engaged in the Rancho issue since 2009, I am confident that Ms. Gunter is aware of most if not all of the information discussed. Therefore, her claim of being *"seriously deprived"* concerning the risks associated with Rancho is false. Given Rancho is her current "cause celeb"... no existing regulation, law, or fact is going to change her mind. That being said, I remain committed to providing regulatory and legal documentation and facts to lawmakers which will clearly refute baseless activist claims and rhetoric. Most importantly, rest assured that our ILWU 26 workforce is committed to continue operating the facility in the safest manner possible to ensure their own safety and that of the community.

Please feel free to contact me anytime should you require additional information about the Rancho LPG Facility located at 2110 North Gaffey Street in San Pedro, CA.

Best Regards,

Ron Conrow

West District Manager
Plains LPG Services, LP
19430 Beech Avenue
Shafter, CA 93263
Office: 661-368-7917
Cell: 661-319-9978
ronald.conrow@plainsmidstream.com

---------- Forwarded message ----------
From: **Janet Gunter** <arriane5@aol.com>
Date: Mon, Mar 24, 2014 at 7:35 PM
Subject: Congressionwoman Hahn request for Field Hearings on pipeline rupture. We need a PUSH FOR INCLUSION OF RANCHO!!
To: elise.swanson@mail.house.gov, lisa.pinto@mail.house.gov, maurice_lyles@boxer.senate.gov, michael_davies@feinstein.senate.gov, jennifer.zivkovic@sen.ca.gov, niki.tennant@asm.ca.gov, jacob.haik@lacity.org, jcynthiaperry@aol.com, rob.wilcox@lacity.org
Cc: cc@rpv.com, MrEnvirlaw@sbcglobal.net, noelweiss@ca.rr.com, amartinez@earthjustice.org, rgb251@berkeley.edu, lpryor@usc.edu, carl.southwell@gmail.com, david.pettit@nrdc.org, rong-gong.lin@latimes.com, jdonn@ap.org, dan.tillema@csb.gov, don.holmstrom@csb.gov, Beth.Rosenberg@csb.gov, Rafael.Moure-Eraso@csb.gov, Mark.Griffon@csb.gov, wesling.mary@epamail.epa.gov, helmlinger.andrew@epa.gov, blumenfeld.jared@epa.gov

Dear Elise,and all other Official's Representatives,

It only makes sense that this field hearing is broadened to include the acknowledged and extreme risk exposure from the very controversial Rancho LPG LLC facility. This is a valuable and appreciated request, but falls short of delivering any real assurance of safety to local residents and their families unless it includes the massive butane and propane operation that has threatened the local population for decades. It is a fervent hope that our legislators will work together now with Congresswoman Hahn in capturing this opportunity to deliver a more comprehensive analysis of citizens risk exposure and the potential liabilities associated with it.
http://www.dailybreeze.com/general-news/20140324/rep-janice-hahn-calls-for-congressional-hearing-in-wake-of-wilmington-oil-spill

Thank you for your time. Please advise your respective public official of this request. Each public official's constituents deserve to be adequately protected and

informed of any serious risks that they are facing and actions that can be taken to minimize their danger. Everyone deserves to live in as safe an environment as possible. It is up to government to provide that opportunity and to clearly advise the innocent of any potential jeopardy they may be in. So far, both legislators and residents alike have been seriously deprived of understanding exactly just what that risk exposure might be. It is time to know.

Sincerely,
Janet Gunter
Member: San Pedro Homeowners United, INC, San Pedro & Peninsula Homeowners Coalition, Citizens for Responsible & Equal Environmental Protection

DEPARTMENT OF FORESTRY AND FIRE PROTECTION
OFFICE OF THE STATE FIRE MARSHAL
P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 445-8200
Website: www.fire.ca.gov

February 3, 2014

The Honorable Ted W. Lieu
Senator, Twenty Eighth Senate District
State Capitol, Room 4061
Sacramento, California 95814

Re: Clarification of Jurisdictional Authority for Rancho Liquefied Propane Gas (LPG) Holdings LLC. Facility

Dear Senator Lieu:

Thank you for your inquiry requesting additional clarification on the jurisdictional authority of the Department of Forestry and Fire Protection's (CAL FIRE's) Office of the State Fire Marshal (OSFM) in regards to the Rancho LPG Holdings LLC. facility located at 2110 North Gaffey Street in San Pedro, California.

The OSFM's Pipeline Safety Division previously had a portion of regulatory jurisdiction at the Rancho LPG facility dating back to 1985. The former owners (Petrolane and Amerigas) operated two pipelines from this facility to the Port of Los Angeles. These lines were taken out of service in 2008, at which point the OSFM ceased regulatory jurisdiction since the facility no longer used these pipelines.

Subsequently, the OSFM learned that some of the tanks at the facility were being used for remote storage for a BP refinery (now Tesoro). Liquid Butane was being shipped back and forth from the BP refinery to the Rancho LPG facility through a Valero pipeline. The OSFM determined, after reviewing federal interpretations of jurisdiction for breakout tanks, discussions with the operator, and a field visit in 2011, that these butane pipeline systems, vessels, and tanks at the Rancho LPG facility are under the regulatory responsibility of the OSFM. Specifically, the OSFM is responsible for inspecting Butane Tanks 1 and 2, and vessels V-1 and V-C2. An inspection of these systems was conducted by the OSFM in March 2012. No safety issues or violations were found. It is our understanding that the remainder of the facility is under the regulatory jurisdiction of the Los Angeles Fire Department.

If you have any additional questions, please contact CAL FIRE's Deputy Director for Legislation, Caroline Godkin, at (916) 653-5333 or caroline.godkin@fire.ca.gov.

Sincerely,

TONYA L. HOOVER
State Fire Marshal

"The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California."

EDMUND G. BROWN JR.
GOVERNOR

MARK S. GHILARDUCCI
DIRECTOR

December 26, 2013

The Honorable Ted W. Lieu
Senator, Twenty Eighth Senate District
2512 Artesia Boulevard, Suite 320
Redondo Beach, CA 90278

Dear Senator Lieu:

I am writing in response to a letter you received from the State Fire Marshal's Office, asking that you contact the California Governor's Office of Emergency Services regarding a San Pedro facility storing hazardous materials. Thank you for taking the time to share your concerns.

The agencies that have direct oversight authority over facilities that store hazardous materials are the local Certified Unified Program Agencies (CUPA), California Environmental Protection Agency (Cal EPA), and the United States Environmental Protection Agency (US EPA). The CUPA for this facility is the Los Angeles County Fire Department. The point of contact for the CUPA is Bill Jones, M.S., Chief, Health Haz-Mat Division. He can be reached at (323) 890-4042, and should be able to provide answers to the specific questions posed in your original letter to the State Fire Marshal.

Cal OES is aware of this particular facility, as it has been the subject of much discussion over the last year. Cal OES has monitored the situation through the Local Emergency Planning Committee (LEPC), but has no immediate jurisdictional authority in the management or oversight of this facility. Numerous inspections of this facility by Federal, State and local regulators have taken place in the past year and the facility has been found to be adhering to all local, state and federal laws, regulations and safety measures. According to the LEPC, inspections have determined that all standards for storing hazardous materials have been met.

I appreciate the opportunity to assist you with this issue. Please do not hesitate to contact me directly at (916) 845-8506 if you have any further questions or concerns on this, or any other matter.

Sincerely,

MARK S. GHILARDUCCI
Director

3650 SCHRIEVER AVENUE, MATHER, CA 95655
(916) 845-8506 TELEPHONE (916) 845 8511 FAX

MichiganTech
Michigan Technological University

Department of Chemical Engineering
203 Chemical Sciences and Engineering Building
1400 Townsend Drive
Houghton, Michigan 49931-1295
906-487-3132 • Fax 906-487-3213
www.chem.mtu.edu

April 11, 2011

Ms. Mary Wesling
EPCRA/RMP Enforcement Coordinator
US EPA Region IX (SFD-9-3)
75 Hawthorne Street
San Francisco, CA 94105

Dear Ms. Wesling,

On March 3 I received an email from you requesting that I perform the following services:

Evaluate accuracy of four documents with regards to potential damage caused from a worst-case chemical release of butane and/or propane from the Rancho LPG Holdings LLC, (Parent Company: Plains LPG, Inc and Plains All American, Inc.) San Pedro, California Terminal, located at 2110 North Gaffey Street, San Pedro, CA. Prepare a report detailing your analysis of the risk analyses detailed in the following documents. Please provide your expert opinion on the validity of conclusions in each report.

The documents include:

1) "Quantitative Risk Analysis for Amerigas Terminal; prepared in consideration of Amerigas Propane L.P.; 2110 North Gaffey Street, San Pedro, CA 90731" dated September 2010, by Cornerstone Technologies, Inc. Long Beach, CA. (35 pp)
[Note: the facility was purchased 3 years ago by Plains LPG, Inc. and has not operated under the Amerigas name since purchase.]

2) Letter Report, dated 9/21/10, Quest Consultants, Inc. to Tony Puckett, Plains All American, Re: Butane Depot Consequence Analysis (12 pp)

3) Letter, dated 10/27/10, Rancho LPG Holding LLC to Mr. John Greenwood, Chair Planning and Land Use Committee, San Pedro CA, Re: Cornerstone Technologies, Inc.'s *Quantitative Risk Analysis for Amerigas Butane Storage Facility, dated September, 2010. (3 pp)*

4) Letter Report, dated 10/27/10, Quest Consultants, Inc. to Ronald Conrow, Rancho LPG Holdings, LLC, Re: Review of Cornerstone Report, QCI Project 6774. (13 pages)

During this evaluation I did not receive any additional information beyond what was provided in the reports, not did I have any contact with any of the principals involved.

For full disclosure, I have heard of Quest Consultants in the past. I believe they presented papers at the AICHE Global Congress on Process Safety in the past, which I attend. They also

published a paper in *Process Safety Progress* in 2009 – I was co-editor of that journal at that time but I cannot recall if I was assigned this paper. I do not recall ever meeting or talking with any of the Quest folks, but this might have occurred casually during the Global Congress. I have never had a business relationship with Quest, or any meaningful contact with any of their employees, that I can recall.

I have never heard of Cornerstone Technologies, nor am I aware of having any contact or relationship of any kind with any of the principals involved.

I do not have any financial interest or any past or present relationship with Rancho LPG Holdings LLC, or its parent company Plains LPG, Inc and Plains All American, Inc.

The North Gaffey Street facility has two very large storage tanks containing liquid butane.

This facility has several design features that dramatically impact the quantitative risk analysis (QRA) for this facility. These features reduce the consequences of an accident and thus reduce the risk. Thus, any QRA procedure that ignores these features will not have a meaningful result and will very likely dramatically overestimate the consequences and risk.

These design features are:

1. The butane is stored in refrigerated storage vessels at a temperature of 28°F, below the normal (1 atm) boiling point of 31.1°F.
2. A remote impoundment area exists a short distance from the storage vessels to collect and contain any liquid that is discharged during an emergency situation.
3. The storage vessels are insulated, low pressure, vertical storage vessels.

I will discuss these features in more detail so that the reader can understand how these design features impact the QRA.

Butane at room temperature and pressure is a gas. It is liquefied to decrease the volume in order to make it easier to store and ship. There are two approaches to storing butane as a liquid.

In the first approach (pressure case), the butane is stored in a high pressure vessel which exerts adequate pressure on the butane to maintain it in liquid form at room temperature. In this case, to store liquid butane at a temperature of 77°F requires a pressure equal to its vapor pressure at this temperature, which is 35.2 psia (20.5 psig = 1.4 atm gauge). If a hole develops in the storage vessel below the liquid level, the liquid will be driven out of the hole at a high rate by the high storage pressure in the vessel. Furthermore, since the butane liquid is stored at a temperature above its normal boiling point, a large fraction of the butane liquid will almost instantly flash into vapor as it escapes through the hole. This vapor will then mix with the surrounding air to form a potentially flammable mixture. If the mixture is ignited, an explosion or fireball will result. This type of accident would have considerable impact on the surrounding area.

The second approach (refrigeration case) is to refrigerate the butane to keep the temperature below its normal boiling point. Since the refrigeration – not the pressure - maintains the butane

as a liquid, the butane liquid can be stored in a low pressure vessel. The pressure in this vessel must be maintained at a pressure equal to or above the vapor pressure of the liquid butane at 28°F, which is 0.94 atm absolute. A small amount of nitrogen is probably added to the vapor space of the vessel to maintain the pressure slightly above the outside pressure – for this specific butane case the storage vessel pressure is slightly less than 1 psig. If a hole develops in the tank below the liquid level, the discharge rate of the liquid through the hole will be smaller than the discharge rate for the pressure case due to the lower pressure in the vessel. Furthermore, none of the butane liquid will flash into vapor until its temperature is increased to its boiling point of 31.1°F. The liquid will drop to the ground and form a pool of boiling butane with the boiling rate determined by the heat transfer from the ground. The boiling rate for this pool will initially be high since the ground is warm, but the boiling rate will diminish as the ground is cooled by the colder butane. The rate at which butane vapor is formed in this case will be much less than for the pressure case. Thus, the geometric extent of the vapor cloud will be less. If the vapor were ignited, the explosion would be smaller. A flash fire and subsequent pool fire are more likely.

The advantages to the refrigeration case over the pressure case are: 1) the storage vessel pressure is much lower, resulting in a lower discharge of liquid, and 2) very little of the cold butane liquid will flash into vapor until it reaches the warmer ground and more will remain as liquid in the boiling pool.

The consequences for the refrigeration case are less than the pressure case because the rate at which butane vapor is produced will be less, resulting in a smaller vapor cloud than in the pressure case.

Since the consequences of the refrigeration case are less, so is the risk, assuming the probability stays the same.

The North Gaffey Street facility uses the refrigeration case.

The remote impoundment area also decreases the consequences of an accident and decreases the risk. Any liquid butane that leaks out of the storage vessels or associated piping is drained away from the storage vessels to the impoundment area. This decreases the accident consequences in the following two ways. First, the impoundment area is remote from the storage vessels. Thus, if the impoundment area fills with butane and catches on fire, the storage vessels will not be directly exposed to this fire. This is important since a storage vessel exposed to fire might eventually fail. Second, the impoundment area reduces the surface area of the potential pool decreasing the evaporation rate of the butane.

The North Gaffey Street facility storage vessels are also insulated. This is used to reduce the heat transfer to the butane from the outside of the tanke to reduce the refrigeration load required to keep the butane at 28°F. It also decreases the consequences of an accident by providing addition fire protection in the event of an external fire. The insulation decreases the heat transfer to the butane liquid from the external flames.

The storage vessels are also low pressure storage vessels. This means that a BLEVE – boiling liquid expanding vapor explosion - is not possible. A BLEVE requires a high pressure storage vessel.

Finally, the storage vessels are vertical storage vessels, rather than more traditional spheres. Spheres have the problem that they must be elevated from the ground, providing an exposed surface at the bottom of the sphere. This exposed surface would have high heat transfer from any ground fires during an accident. For a vertical vessel, with the bottom of the vessel on the ground, only the outer lower surface of the vessel is exposed to the fire. The exposed area is less than the exposed area for the sphere. Thus, the total heat transferred from the fire is less for a vertical vessel than for a sphere.

As I stated earlier, the design features I just discussed dramatically reduce the accident consequences and risk. If these features are not included in the QRA, then the consequences of an accident and subsequent risk will be substantially overestimated.

It is clear to me that the Cornerstone Technologies report did not include these design features in their analysis and as a result they overestimated the consequences of an accident scenario and over-predicted the risk.

I will review each of the scenarios from the Cornerstone Technologies report (report 1).

Alternative Release – Vapor Cloud Explosion #1
This assumes a puncture of the vessel. This in itself is not a likely scenario since the vessel is in a protected area. A more realistic scenario is rupture of a pipe connected to the vessel.

The scenario also assumes that all of the liquid escaping will vaporize instantly – a physically impossible situation with refrigerated butane as discussed above.

Alternative Release – Vapor Cloud Explosion #2
The scenario also assumes that all of the vapor escaping will vaporize instantly – a physically impossible situation with refrigerated butane as discussed above.

Alternative Release – Pool Fire #1
In this case the size of the pool is very important to estimate the heat load. The Cornerstone Technologies report does not say anything about the pool size. The size of the pool is limited by the size of the impoundment area. I believe the area of the impoundment area is less than the area of the pool used for the Cornerstone Technologies calculation. Thus, the vaporization rate of the butane is much too high.

Alternative Release – Pool Fire #2
Same issues as Alternative Release – Pool Fire #1

Worst-Case Scenario – Vapor Cloud Explosion #1
This scenario assumes that the entire butane liquid inventory of one tank is instantly vaporized – a phenomenon that is physically impossible. In reality, if this were to occur the liquid would

flow into the impoundment area and a boiling pool would result. The rate of vapor release would be significantly lower than an instantaneous release.

It is also unlikely that the vapor would disperse to a precisely flammable mixture and then ignite at that exact instant.

Worst-Case Scenario – Vapor Cloud Explosion #2
Same issues as Worst Case Scenario – Vapor Cloud Explosion #1.

Alternative Release – BLEVE #1
The definition of a BLEVE used in the Cornerstone Technologies report is not correct. Thus, this case is technically invalid.

Alternative Release – BLEVE #2
Same issue as Alternative Release – BLEVE #1. This is technically invalid.

The Cornerstone Technologies Report used the EPA's RMP*Comp software to estimate the consequences of each scenario. This software is free from EPA and is not appropriate for application to do a QRA. I would never recommend or consider use of this software for this application.

The Quest Consultants Report contains much more realistic scenarios that includes the safety features that I described at the beginning of my report. They used the CANARY computer code to estimate the consequences of the scenarios. I do not have access to this code, nor have I used it. I have heard of CANARY and believe that it is a very credible code for application for these scenarios.

The Quest Consultants report assumed a full-bore rupture of a 14-inch line. This is actually fairly conservative – most risk analysts I know assume that only a fraction of the pipe area contributes to the release – some as low as 20% of the pipe area for this size pipe.

Summary

The Cornerstone Technologies report defines unrealistic scenarios by not including many of the safety design features used in this facility. Many of the scenarios were not physically possible or technically invalid. Furthermore, they used a free computer code that was not designed for this type of analysis.

The Quest Consultants report defines very realistic scenarios which properly includes the safety design features for this facility. They used a much more capable computer code to estimate the consequences. The calculations were completed using technically valid and industry standard approaches.

To the best of my expert opinion, the Quest Consultants report is by far the superior analysis of the consequences of an accident at the Plains LPG North Gaffey Street facility.

Sincerely,

Daniel A. Crowl

Daniel A. Crowl
Professor
906-487-3221
crowl@mtu.edu

Peninsula Center Revitalization Project NOI

RECEIVED

FEB 18 2014

CITY OF ROLLING HILLS ESTATES
NOTICE OF INTENT TO ADOPT A
MITIGATED NEGATIVE DECLARATION

Project Title: **Date: February 12, 2014**
PENINSULA SHOPPING CENTER REVITALIZATION PROJECT (PA-21-13)

Project Location: The project site is the Peninsula Shopping Center, which is located at the southwest corner of Hawthorne Boulevard and Silver Spur Road in the Peninsula Center Commercial District of the City of Rolling Hills Estates, Los Angeles County, California. The 24.376-acre site is bounded by Hawthorne Boulevard on the north, Silver Spur Road on the east, Indian Peak Road on the west, and Norris Center Drive on the south and consists of the following Assessor's Parcel Nos.: 7589-005-002, 3, 4, 7, 8, 10, 12, 13, 14, and 15.

Project Description: The proposed project consists of an expansion and remodel of the Peninsula Shopping Center, providing for a net increase of 16,579 square feet (SF) of commercial building space, increasing the center's total size to 310,776 SF. The new building space would be provided in three new outlying building pads and two expanded outlying retail/restaurant pads (replacing a vacant fast-food establishment and a vacant retail building). Various additional changes to the center are proposed, including demolishing the existing pedestrian colonnade and constructing a drive aisle in its place, reconfiguring parking and circulation facilities, consolidating existing tenant spaces, improving sidewalks, and installing new signage and landscaping.

The proposed project would require the following discretionary approvals from the City of Rolling Hills Estates:

- Master Conditional Use Permit for restaurants with the on-site sale of alcohol for up to 17,000 SF of restaurant use in building pads 81, 82, 3, and 4B
- Precise Plan of Design for building and site improvements and a new master sign plan
- Grading application
- Variance to permit fewer parking spaces than required by code
- Variance to permit less landscaping than required by code
- Subsequent action(s): Precise Plan of Design approvals for each new pad building as subsequently undertaken

Presence of the Site on Hazardous Waste-Related Lists: The project site is not included on any lists of hazardous waste sites enumerated pursuant to Section 65962.5 of the California Government Code. While not listed on such sites, two tenant spaces on-site (Suites 18 and 33) were previously occupied by dry cleaning businesses and are currently under remediation for detected concentrations of dry cleaning chemicals (e.g., perchloroethylene).

Environmental Determination: The Initial Study/Environmental Checklist that has been prepared for the project recommends that the lead agency adopt a Mitigated Negative Declaration for the project.

Public Review Period:
February 13, 2014 to March 4, 2014

Date, Time, and Location of Public Meeting: The City of Rolling Hills Estates Planning Commission will hold a Public Hearing for the project on March 17, 2014 at 7:00 p.m. at the Rolling Hills Estates City Council Chambers, 4045 Palos Verdes Drive North, Rolling Hills Estates, CA, 90274.

Address/location where the Initial Study and Proposed Mitigated Negative Declaration are available for review:
City of Rolling Hills Estates City Hall
4045 Palos Verdes Drive North, Rolling Hills Estates, CA 90274
Hours: Monday – Thursday: 7:30 a.m. to 5:30 p.m.; Friday: 7:30 a.m. to 4:30 p.m.

Peninsula Center Library
701 Silver Spur Road, Rolling Hills Estates, CA 90274
Hours: Monday – Thursday: 10:00 a.m. to 9:00 p.m.; Friday: 10:00 a.m. to 6:00 p.m.; Saturday: 10:00 a.m. to 5:00 p.m.; and Sunday: 1:00 p.m. to 5:00 p.m.

City of Rolling Hills Estates Website, Project Updates Page
http://www.ci.rolling-hills-estates.ca.us/index.aspx?page=129
(City of Rolling Hills Estates Website; ↳ *What's New* tab; ↳ *Project Updates* tab; ↳ *Peninsula Shopping Center* tab)

Please send written comments to: Niki Wetzel, AICP, City of Rolling Hills Estates, 4045 Palos Verdes Drive North, Rolling Hills Estates, CA 90274 | tel. 310.377.1577 x 115 | fax (310) 377-4468 | e: NikiW@ci.rolling-hills-estates.ca.us

Greg Grammer, Assistant City Manager

2-12-14
Date

City comments on MND for *Peninsula Center* Revitalization project

CITY OF RANCHO PALOS VERDES
OFFICE OF THE CITY MANAGER

4 March 2014

VIA ELECTRONIC & U.S. MAIL

Niki Wetzel, AICP, Principal Planner
City of Rolling Hills Estates
4045 Palos Verdes Dr. N.
Rolling Hills Estates, CA 90274

SUBJECT: Comments in Response to the Notice of Intent to Adopt a Mitigated Negative Declaration for the Proposed Peninsula Shopping Center Revitalization Project at 1-80 Peninsula Center (PA-21-13)

Dear ~~Ms. Wetzel~~ NIKI:

The City of Rancho Palos Verdes appreciates the opportunity to comment upon the proposed Mitigated Negative Declaration (MND) for the above-mentioned project. We have reviewed the Initial Study (IS), and offer the following comments:

1. We understand that the noise study conducted for this project focused primarily upon the construction and operation of the five (5) new "satellite" buildings on Pads 3, 4B, 81, 82 and 83. Under the proposed Conditional Use Permit (CUP), up to 17,000 square feet of the proposed, future buildings on Pads 3, 4B, 81 and 82 could be occupied by full-service restaurants with on-site alcohol sales. The noise study and MND conclude that the construction and operational noise associated with the "satellite" buildings will not have significant impacts or substantially exceed ambient noise levels for sensitive receptors in the City of Rancho Palos Verdes (identified as Monitoring Sites 2 and 3 in Exhibit 5 of the Noise Assessment).

   The City believes that it is reasonable to assume that full-service restaurants with on-site alcohol sales are likely to desire later hours of operation than would similar establishments without on-site alcohol sales. Furthermore, these new restaurant uses would be located at the periphery of the shopping center, placing them closer to surrounding residential uses. Our concern is that operational noise levels (i.e., parking lot noise) for these future restaurants during late evening hours may have adverse noise impacts upon sensitive receptors in Rancho Palos Verdes. These operational noise levels may not be fully "masked" by ambient traffic noise in the late evening hours (when there is generally less traffic on roadways surrounding the shopping center), as is suggested in Section

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2.3.2 (p. 19-20) of the noise study. Did the noise study consider the possibility of late-night operational noise impacts for these potential, future restaurant uses? What limitations upon the hours of operation does the City of Rolling Hills Estates expect impose upon these restaurant uses?

2. The City's Public Works Department offers the following comments on the traffic and parking study:

General comment
The Traffic study should state that two (2) of the fourteen (14) study intersections are within and maintained by the City of Rancho Palos Verdes. Similarly, portions of Indian Peak Road, Silver Spur Road and Crenshaw Boulevard are within the jurisdictional control of Rancho Palos Verdes.

Table 6-1: Related Projects List
Update the list of related projects in Table 6-1 to reflect correct project status. Also, please indicate the appropriate date of the related-projects research.

Table 6-2: Related Projects Trip Generation
The project trip generation associated with related projects will be updated per revised/updated related projects for Rancho Palos Verdes.

Section 6.3: Ambient Traffic Growth Factor
The inclusion of both forecasted traffic generated by known related projects combined with a conservative 1% growth factor will grossly overstate traffic conditions for future conditions for this area. This approach should be reconsidered.

Section 7.1: Project Traffic Generation
The traffic study does not mention the relationship between the Peninsula Center and Peninsula High School, which is directly across the street. Does the assumed 20% adjustment factor applied for pass-by trips account for this relationship?

Figure 7-1: Project Trip Distribution
It is interesting that the project will not draw any trips from the adjacent neighborhoods along Silver Spur Road at Silver Arrow Drive and Beechgate Drive. Both intersections are the gateways to a large residential community. Further, it assumes that 60% of the project trips will come from the north (essentially, off the Peninsula). This should be re-evaluated, given the existing traffic patterns on the Peninsula.

Section 10.0: Project Construction Analysis
This section should consider truck haul routes in the analysis. Consider construction traffic distribution and that Hawthorne Boulevard is an approved haul route, and that loaded construction trucks are restricted from travelling northbound on Crenshaw Boulevard north of Silver Spur Road. The analysis should show this.

Appendix A: Parking Analysis
Please include the raw parking analysis count sheets that substantiate the Parking Demand Analysis.

Again, thank you for the opportunity to comment upon this important project. If you have any questions or need additional information, please feel free to contact me at (310) 544-5226 or via e-mail at *kitf@rpv.com*.

Sincerely,

Kit Fox, AICP
Senior Administrative Analyst

cc: Mayor Jerry Duhovic and City Council
Carolyn Lehr, City Manager
Carolynn Petru, Acting City Manager
Michael Throne, Director of Public Works
Nicole Jules, Senior Engineer

RHE Planning Commission agenda and Staff report for
Peninsula Center Revitalization project

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PLANNING COMMISSION AGENDA

March 17, 2014, 7:00 pm — Regular Meeting

Reports and documents relating to each agenda item are on file available for public inspection on our website.

1. CALL MEETING TO ORDER

2. SALUTE TO THE FLAG

3. ROLL CALL

4. APPROVAL OF MINUTES (3/3/14)

5. AUDIENCE ITEMS

6. CONSENT CALENDAR - None

7. BUSINESS ITEMS - None

8. PUBLIC HEARINGS

   A. PLANNING APPLICATION NO. 21-13; APPLICANT: Peninsula Center; LOCATION: Peninsula Center; The expansion and remodel of the Peninsula Shopping Center, including a Master Conditional Use Permit for restaurant alcohol sales, a Precise Plan of Design, a new Master Sign Plan, Grading application, and Variances to decrease the number of parking spaces and to permit less landscaping than required by code. (NW)

9. COMMISSION ITEMS

10. DIRECTOR'S ITEMS

11. MATTERS OF INFORMATION

    A. Park and Activities Commission Draft Minutes (3/4/14)

    B. City Council Actions (2/25/14)

12. ADJOURNMENT

In compliance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the City Clerk's Office at (310) 377-1577 at least 48 hours prior to the meeting.

Staff Report

City of Rolling Hills Estates

AGENDA
MAR 17 2014
ITEM NO. 8A

DATE: MARCH 17, 2014

TO: PLANNING COMMISSION

FROM: NIKI WETZEL, AICP, PRINCIPAL PLANNER

SUBJECT: PLANNING APPLICATION NO. 21-13 ("THE PENINSULA CENTER" SHOPPING CENTER);
APPLICANT: MR. MICHAEL TSENG (PERKOWITZ AND RUTH ARCHITECTS) FOR VESTAR DEVELOPMENT;
LOCATION: SOUTHWEST CORNER OF HAWTHORNE BOULEVARD AND SILVER SPUR ROAD

OVERVIEW

The subject request is for a Master Conditional Use Permit for restaurants and the sale of alcohol, and a Precise Plan of Design, Grading Application, Variance to permit fewer parking spaces than required by Code, and a Variance to permit less landscaping than required by Code for site improvements and the remodel and expansion of The Peninsula Shopping Center.

BACKGROUND

Application Filed:	08/07/13
Application Deemed Complete:	02/04/14
Public Notices Mailed:	02/12/14
Public Notices Posted:	02/13/14
Public Notices Published:	02/20/14

Approval of a Conditional Use Permit (CUP) is required under Sections 17.30.020(D)(7) and (17) of the Municipal Code for establishments serving alcohol and for a restaurant use to be located within the Commercial-General (C-G) Zone respectively. The purpose of the Conditional Use Permit is to ensure that a proposed use is not detrimental to existing uses or to those permitted in the zoning district. Conditional Use Permit procedures are set forth in Chapter 17.68 of the Municipal Code.

Approval of a Precise Plan of Design (PPD) is required under Section 17.58.020 of the Municipal Code prior to the issuance of a building permit for any commercial structure. The purpose of the Precise Plan of Design is to ensure that the proposed site improvements on commercially-zoned properties do not result in any detrimental impacts to the surrounding community and to protect the public peace, health, safety, and welfare.

Approval of a Grading Application is required pursuant to Chapter 17.07 of the Municipal Code for grading to accommodate new pad buildings and drive aisle areas.

Approval of two Variance applications are required for the project pursuant to Chapter 17.66 of the Municipal Code to permit fewer parking spaces than required by Code and less landscaping than required by Code.

Approval of a Mitigated Negative Declaration is required under the California Environmental Quality Act (CEQA), finding that the project, with appropriate mitigation measures as stated in the Initial Study, will not have a significant impact on the environment.

The subject property is 24.376 acres in size and located at southwest of the corner of Hawthorne Boulevard and Silver Spur Road. The site is developed with a 294,197 square foot shopping center and surface parking lot known as The Peninsula Shopping Center. The subject property's zone designation is Commercial General/Mixed-Use (CG/MU). The General Plan Land Use designation for the site is Commercial General (Mixed-Use), and the site is located in Planning Area Number 6.

To the north of the subject property, is the Malaga Bank property, and additional commercial businesses in the City of Rolling Hills Estates are located across Hawthorne Boulevard. Palos Verdes Peninsula High School is located across Hawthorne Boulevard to the northeast. To the east of the property, across Silver Spur Road, are homes and commercial uses in the City of Rancho Palos Verdes. To the south are The Silver Center commercial development and The Promenade on the Peninsula Mall. To the west, across Indian Peak Road, is The Terraces condominium development, a fire station, the Norris Center for the Performing Arts, and additional commercial uses in Rolling Hills Estates.

The shopping center was built in the mid-1950's prior to the City's incorporation. The following provides a partial discretionary permit history for the subject property as processed by the City. The list does not include individual tenant items for approvals such as sign logos or tenant improvements.

- LS-103-66: Approval of a lot split at Indian Peak Road and Crossfield Drive.
- CUP-106-79: A Conditional Use Permit for a delicatessen.
- CUP-105-84: A Conditional Use Permit to allow a seating increase for Jolly Roger.
- V-103-86: A Variance to permit up to 20% of parking stalls (302 spaces) to be 302 square feet in area (9' x 18') less than the Code required 380 foot standard (9' x 20').
- CUP-103-87: An amendment to a CUP-106-79 to permit a 1,802 square foot addition to an existing restaurant.
- CUP-101-94: A Conditional Use Permit to allow a restaurant with the sale of beer and wine.
- CUP-102-94: Approval for a restaurant/deli.
- CUP-102-96: A Conditional Use Permit to allow beer and wine sales in a new restaurant.
- PA-01-00: A Conditional Use Permit for a theater use, and a Precise Plan of Design for a sign logo.
- PA-20-00: A Precise Plan of Design for a new Master Sign Plan.
- PA-22-01: A Precise Plan of Design to amend the Peninsula Shopping Center master sign plan.
- PA-28-01: A Precise Plan of design for exterior façade improvements, including new master sign plan revision.
- PA-04-02: A Conditional Use Permit for a restaurant with on-site sale of beer and wine.
- PA-30-02: A Precise Plan of Design to amend the master sign plan for directional signage.
- PA-31-02: A Conditional Use Permit amendment to enlarge the seating area within the food court. A Precise Plan of Design application for exterior lighting, seating, landscape and hardscape modifications.
- PA-06-04: A Precise Plan of Design to amend the master sign plan for additional directional signs.

- PA-29-05: A Conditional Use Permit for a restaurant with on-site sale of beer and wine.
- PA-32-05: A Precise Plan of Design to amend the master sign plan to remove required letter colors in the paseo and Atrium areas.
- PA-02-07: A Precise Plan of Design for an amendment to the master sign plan to allow a three-tenant monument sign on Silver Spur Road.
- PA-08-07: A Conditional Use Permit for a medical office consisting of a Physician's office and Breast Diagnostic Center.
- PA-34-08: A Precise Plan of Design to amend the existing master sign program for the pad tenant buildings.
- PA-11-11: A Conditional Use Permit to allow a performing arts theater and learning/tutorial use.

DISCUSSION

The Peninsula Center Shopping Center is currently 294,197 square feet in size. The applicant proposes the remodel and expansion such that the new center would be 310,776 square feet. This change is reflected in new building pads and the consolidation of lease space and corridor areas to create larger and more useable tenant spaces.

The major components of the proposed remodel and expansion of the Peninsula Center Shopping Center, as discussed further below, consist of:

- A Precise Plan of Design for site and building improvements including enhancement to exterior elevations, removal of a pedestrian colonnade and replacement with a new 24'-wide drive aisle, new lighting in the paseo area, reconfiguration of parking areas, construction of three new building pads in existing parking fields, the remodel/expansion of two existing building pads, new site landscaping, and a new Master Sign Plan;
- A Conditional Use Permit for the sale of alcohol in conjunction with restaurant uses in new and remodeled building pad areas;
- A grading plan for construction of the drive aisle and new building pads; and
- Variances for less landscaping than required by Code and fewer parking spaces than required by Code.

Precise Plan of Design – Building and Site Improvements

As seen on Sheet A-1 of project plans (attached separately) the applicant proposes enhancements to exterior elevations of the shopping center in the areas of Buildings 20-22, 24, 27-32, 35-39, 40, 43, 45, 51 and 55. Exterior enhancements include new neutral-toned paint in brown, buff, coral, brown, and gold to match existing center colors. Also proposed are new cornice and trim elements, wall tile, storefronts, metal canopies, and fabric awnings in forest green. The building height with new cornices would be a maximum of 35' which is below the maximum 44' height limit in the CG/MU zone. A materials and color boards will be available at the meeting for review.

The applicant also proposes the removal of the pedestrian colonnade in the paseo area of the center and creation of a 24'-wide drive aisle in its place. Reconfiguration of portions of the parking area between Buildings 45 and 51 are proposed in conjunction with the drive aisle. Proposed improvements in this area are seen on Sheet L-1 of the project plans. The drive aisle would be flanked by pedestrian sidewalks, and the area moving southeasterly from Building 35-39 would remain a pedestrian walkway and outdoor seating area. Improvements in the paseo area include new ramps and stairs, masonry planters, a water feature, bike racks, string lighting and light standards, stone paving, post-top light fixtures, and new and relocated landscaping. Staff recommends that a Condition of Approval require details of proposed light fixtures be approved by the Planning Director.

As seen in revised Sheet L-1 attached separately to this report and project plans, a further modification has recently been proposed to the drive aisle changing the pavers in the drive aisle to asphalt. Staff feels this change would not substantially affect project design and will serve to better delineate pedestrian from vehicular areas. Thus, staff supports this change.

Further recent proposed revisions are reflected on Sheet A-4 attached separately to this report and project plans. On the south elevation of Building 43, this revision proposes an increased width in the building wall area (where signage is proposed) from a width originally proposed to span two sets of storefront windows (or approximately 40') to an area spanning three sets of storefront windows (or approximately 60'). In addition, height would increase from 30' to 35'. Staff feels that the proposed revision results in a less balanced and attractive building elevation resulting in a top-heavy blank wall where signage would be displayed. Further, as discussed below in the Master Sign Plan section, staff feels that proposed signage for major tenants such as the one that would occupy Building 43 are too large, and a smaller sign would appear disproportionate on the larger building wall. Also, staff believes the height of the building wall in this area is more attractive at 30' as originally proposed than at 35' as proposed in the revised sheet. For these reasons, staff does not support these revisions and recommends that it not be approved as part of the application.

Three new building pads are proposed on the project site. Building pads 81 and 82 are proposed in the parking field easterly of Building 43 adjacent to Norris Center Drive. These pads are proposed to be 6,000 and 3,400 square feet respectively. A new building pad is also proposed in the northwesterly portion of the site adjacent to Hawthorne Boulevard. This pad is shown as a new bank with drive-thru and would be 4,000 square feet in size. The two existing building pads in the northeasterly portion of the site would be remodeled and expanded to 5,000 and 6,000 square feet in size.

The architecture of the new and remodeled building pads is not known at this time and would most likely be designed at the time tenants are identified. As such, a Condition of Approval will require Precise Plan of Design applications for building pad construction at a future date.

Precise Plan of Design – Master Sign Plan

A new Master Sign Plan is proposed as attached separately to this report. The sign plans propose new wall, monument, and directional signs as discussed further below. Undercanopy signs consistent with the existing Master Sign Plan are also proposed.

Wall Signs

Page 10 of the Master Sign Plan identifies major, sub-major, shop and pad tenants. Each tenant type has a proposed wall sign size as indicated on pages 11-17 of the proposed sign plan. Various proposed illumination options are shown on page 7 of the sign plan. Sign color and logos would be subject to landlord approval. Logos would also be subject to Planning Director and landlord approval.

The applicant proposes that major tenants, 15,000 square feet and above in area, would be permitted 4'-high sign letters with a 5'-high logo. Sub-major tenants, 5,000-15,000 square feet in area, would be permitted 3'-high signs letters with a 4'-high logo. For each tenant type, two secondary signs (describing products and services) would be permitted at a maximum height of 2', and the sign length would be 75% of the leased frontage. One primary sign would be allowed per elevation.

Shop tenants, 5,000 square feet and under in size, would be permitted one primary sign per elevation with a letter height of 18" and a logo height of 2'. Wall signs would be 75% of the leased storefront, raceway signs (such as at Mayer's Bakery) would be a maximum of 19' in length, and canopy-mounted raceway signs would be a maximum of 18'6" in length.

Paseo storefront signs would be a maximum of 24" in height for both letters and logos, and the maximum length would be 75% of the leased storefront. One primary sign would be permitted per elevation, and tenants with both inline and tower fascias would be allowed a second sign on the tower. Two lines of copy would be permitted on the tower with a maximum letter/logo height of 15" and 6" between lines.

Pad tenants signs would be a maximum of 24" in height for both letters and logos, and the maximum length would be 75% of the leased storefront. One sign would be permitted per elevation for a maximum of three signs.

Currently, the largest signs permitted at the center are Rite Aid and Pavilions which are 48" in height given there distance from Hawthorne Boulevard. For larger individual tenants, 24"-high letters have been permitted in the past, and signs as large as 36" in letter height were approved for Clothestime, Petco, Leslie's Pool Supply, and the Spectrum Health Club (all on the former Buffums building). Also, the Master Sign Plan currently permits in-line tenants to have maximum 18"-high letters with logos permitted to be 24".

Given current sign requirements and historical precedent, staff does not believe that any sign in the center should have letters higher than 36" nor should logos be higher than 42". Staff recommends that the Master Sign Plan be revised to show a maximum letter height of 36" for major tenants and progressively smaller signs for smaller tenant spaces. Staff also believes that secondary signs should be reserved for major tenants only and that such signs should be reviewed through a Precise Plan of Design before the Planning Commission on a case-by-case basis.

Monuments Signs

Monument signs are shown on pages 18 and 19 of the sign plan. Three monument signs of type "A" are proposed at in the vicinity of driveways off of Silver Spur Road, Norris Center Drive, and Hawthorne Boulevard. These signs are proposed to be 24'3" in height, 14'3" in width, and 3'6" in depth. Sign panels for six tenants at a height of 2'4" would be provided, and center identification would be provided in the top part of the sign in push-through acrylic letters with internal illumination. Tile would also be provided at the base of the sign, and sign colors would be neutral-toned consistent with the center colors.

Materials for monument sign "B" are the same of sign type "A". "B" monument signs are proposed in six locations at the periphery of the property along Norris Center Drive, Silver Spur Road, and Hawthorne Boulevard. These signs would be 8' in height, 9'6" in width, and 2'0" in depth. Sign panels for three tenants at a height of 1'7" would be provided. Like sign type "A", a cornice detail would be provided at the top of the sign, and tile would be provided at the base.

Staff feels that the number of monument signs proposed is excessive. Historically, the City has not permitted monument signs except at or near driveway entrances, and no more than three tenants on smaller two-sided monuments have been permitted. As such, staff suggests that the Master Sign Plan be revised such that one larger Sign Type "A" be permitted on each of the street elevations with smaller Sign Type "B" signs permitted at secondary entrances along these streets. As proposed, staff recommends that not more than three tenant panels be permitted on each side on Sign Type "B", and staff further suggests that not more than one monument sign be permitted per driveway. With these revisions, two monument signs would be permitted on

Hawthorne Boulevard, two signs on Silver Spur Road, one on Norris Center Drive, and two on Indian Peak Road. Finally, pursuant to Section 17.60.150(E) of the Municipal Code, staff recommends that monument signs be set back a minimum of 5' from the public right-of-way.

Directional Signs

Three monument-type directional signs (Sign Type "C") would be provided internally to the property in parking areas. These signs would be 6'5-1/8" in height, 4'11" in width, and 1'10" in depth. Sign panels for five tenants at a height of 8" would be provided. The sign style and colors would match other monument signs.

Three pole-type directional signs (Sign Type "D") are proposed in pedestrian areas of the property. These signs would be 8'10" in height and provide seven, 2'7-¼" panels for tenant identification. Colors would match other signs, and these signs would not be illuminated.

Two illuminated directory signs (Sign Type "E") with a center map would be provided interior the shopping center. These signs would be 7' in height and approximately 4' in width. The signs would include the Peninsula Shopping Center identification panel at the tope, and colors would match other signage.

One illuminated directional wall sign (Sign Type "F") would replace the existing non-illuminated wall sign on the northerly elevation of Building 23 (Rite Aide). This sign shows eight sign panels for tenant identification. Sign size appears to match the existing sign on the east elevation of the Rite Aid building which is 10'3-½" wide by 6'8-5/8" high; however, dimensions are not indicated. Staff recommends that a Condition of Approval require this sign to match the dimensions of the existing sign.

A PPD is required for the proposed building and site improvements and the proposed Master Sign Plan. Chapter 17.58 of the Municipal Code indicates that the purpose of a PPD is to ensure that the following are designed and/or arranged so that traffic congestion is avoided, pedestrian and vehicular safety and welfare are provided, and no adverse effect on surrounding property will result:

1. Buildings, structures, and improvements;
2. Vehicular ingress, egress and internal circulation;
3. Setbacks;
4. Height of buildings;
5. Location of services;
6. Walls and fences;
7. Landscaping;
8. Lighting; and
9. Signing.

Staff supports the project design as proposed with recommended Conditions of Approval as identified in this report, and believes that buildings, structures, ingress/egress, vehicular circulation, setbacks, services, landscaping, lighting, building heights and signage are adequately designed and/or arranged for the project.

<u>Conditional Use Permit</u>

The applicant requests a Conditional Use Permit allowing for up to 17,000 square feet of the new and remodeled pad buildings to be used for restaurants with service of alcohol. Parking requirements for restaurant uses can be higher than those of other uses, and parking is discussed in the Variance section of this report.

Several past and current restaurants exist at the shopping center, and there is a precedent for the on-site sale and consumption of alcoholic beverages in the Peninsula Shopping Center including those discussed below:

- *Monterey Pasta (CUP-101-94) and. Trio Mediterranean Grill (CUP-04-02)* – The City previously approved a restaurant serving beer and wine for Monterey Pasta and, subsequently, for Trio Mediterranean Grill at 46-B Peninsula Center. Monterey Pasta was essentially a "fast-food", over-the-counter pasta restaurant open for lunch and dinner. Since students from the High School are located nearby the shopping center, the City discussed the restaurant's lunchtime customer base, with a particular concern regarding the potential for alcohol consumption by High School students. The Planning Commission, therefore, placed a restriction on the service of alcoholic beverages outside the restaurant and restricted the service hours of alcohol from 4:00 p.m. until closing.

  Trio Mediterranean Grill was a sit-down restaurant with permitted operating hours of 6:00 a.m. to midnight, seven days a week. In approving the restaurant, the Planning Commission did not restrict the hours alcohol may be sold and required that all alcoholic beverages be sold, served by a server, and consumed within the restaurant. No over-the-counter sale of alcoholic beverages was permitted, nor may any alcoholic beverages be consumed outside the restaurant, including at the outdoor tables. It can be noted, however, that there was no controlled access to outdoor seating for this restaurant.

- *Pine Hills Korean Restaurant (CUP-102-96)* – Pine Hills Restaurant was approved in 1996. Beer and wine sales were allowed to be served inside the restaurant only and during all businesses operating hours of 11:00 a.m. until midnight. Further, alcohol was restricted from being served over-the-counter. The Commission supported the service of alcohol during the operating hours of the restaurant, because it was unlikely that High School students would frequent the restaurant during lunch time, because food would be served by servers rather than over-the-counter as commonly done in a fast food setting, and because alcohol would be consumed in a fully enclosed area.

- *Kona Crisp (PA-29-05)* - The Kona Crisp restaurant with alcohol sales was permitted in 2005 with a gated outdoor patio. The Planning Commission limited restaurant hours from 6:00 a.m. to 12:00 a.m. seven days a week. Beer and wine sales were permitted by a server, but not over-the-counter. Alcoholic beverages were permitted to be consumed in the restaurant or on the controlled patio.

It is noted that the City of Rancho Palos Verdes (see Response to Comments included as Attachment 1) commented about hours of operation for uses serving alcohol to diminish potential impacts to neighbors in the vicinity of the shopping center. Unlike the restaurants above, the pad buildings are located in the periphery of the project site. Consistent with past practice, and in consideration of the location of the pad buildings along the periphery of the property, staff recommends a Condition of Approval limiting the hours of operation for restaurant use and/or the service of alcohol from 7:00 a.m. to 11:00 pm Sunday through Thursday, and 12:00am on Friday, Saturdays, and holidays. Staff also recommends that all alcohol be consumed in the restaurant or on controlled patios subject to Alcoholic Beverage Control (ABC) approval. In addition, staff recommends that over-the-counter sale of alcohol be prohibited.

The Planning Commission is required to make findings for conditionally permitted uses. Staff suggests findings can be made as follows:

- That the granting of the approval will not be materially detrimental to the public welfare or injurious to property and improvements in the Zoning District and neighborhood in which the property is located because restaurant uses are compatible with other restaurants and uses

located in the Peninsula Center. The sale and consumption of alcohol would be within the dining room of the enclosed restaurant and on a controlled outdoor patio. Furthermore, alcoholic beverages will be served by a server with no over-the-counter sales (to-go orders) of alcoholic beverages diminishing potential impacts to the public welfare.

- That the granting of the approval will not be contrary to the objectives of the General Plan because the General Plan promotes compatibility among commercial uses and the promotion of future commercial uses within the Commercial-General zone.

- That the granting of the approval will not authorize a use or activity stipulated in the Zoning District which is not otherwise expressly authorized by the zone regulations governing the parcel of property because a restaurant use with the sale and on-site consumption of alcohol are uses that are conditionally permitted within the Commercial-General zone.

Grading

Minor grading is proposed to remove the existing improvements and grade for the new drive aisle. Approximately 410 cubic yards of material would be exported from the site. No cut or fill is proposed. The project Grading Application is attached herein as Attachment 2, and a Grading Plan is attached separately to this report.

Variances

Parking

With project improvements, the site would provide 1,232 parking spaces. Pursuant to the Municipal Code, 1,412 spaces would be required at the required rate of 1 space/220 square feet of gross leasable area for the 310,776 square foot center.

A Traffic and Parking Impact Study was completed in January 2014 by Linscott, Law & Greenspan Engineers which was reviewed and approved by the City Traffic Engineer. The study shows that upon completion of the project, including re-occupancy of vacant tenant spaces, a maximum parking demand for 1,165 parking spaces would occur. This would result in a surplus of 67 parking spaces during peak periods. It was, therefore, concluded that the project would not result in inadequate parking even though less parking than required by Code is proposed.

The parking analysis is based upon the ability of all parking spaces to be used by employees and patrons of businesses. It does not account for, nor would staff recommend approval of, vehicle storage for Cox Communications which currently occurs in the southwesterly portion of the project site nearest Indian Peak Road. Staff recommends a Condition of Approval prohibiting the parking or storage of vehicles displaying identifying markings for Cox Communications, such as signs or placards, to be parked on the property, except that the parking of such vehicles for the occasional patronage of the center by Cox employees or for the servicing of equipment would be exempt. Further, staff recommends a Condition of Approval prohibiting the storage of equipment or materials for Cox Communications in parking lot areas.

Page 43 of the IS/MND indicates that, based upon traffic analysis in the study, the Silver Spur Road/Deep Valley Drive intersection would be significantly impacted by project traffic during the cumulative scenario (i.e., existing projects, ambient growth, and related projects). This intersection currently has a single shared left/right-turn lane on the Deep Valley Drive eastbound approach, and proposed improvements include modification to provide one left-turn and one right-turn only lanes. The project will be required to pay traffic mitigation fees for the project as its fair share toward traffic improvements.

Landscaping

Landscape revisions are proposed in the paseo area of the shopping center in the vicinity of the new drive aisle. The plant palette consists of boxed and relocated Olive trees, Jacaranda trees, Columbia Plane Trees (in parking areas), and various shrubs to fill planter boxes and pots.

The minimum site landscape area in the CG/MU zone is 20%. Condition of Approval No. 34 of Precise Plan of Design No. 107-86 for the center, however, required that a minimum of 13.1% of the site be landscaped with a minimum of 4.7% in parking areas. Staff cannot find evidence that a Variance from Code requirements was processed for this permitted reduction, and, therefore, is processing the Variance with this application.

Currently, 14.31% of the site is provided in landscaping. With conversion of the pedestrian colonnade to a drive aisle, a minor reduction would occur resulting in 14.15% of the landscaping for the site. Further, a minor reduction in parking area landscaping, from 12% to 10%, would occur with project improvements. It can be noted that, with the reductions, the project site would still provide more landscaping than required in PPD-107-86. Staff recommends a Condition of Approval requiring that the property have a minimum of 14.15% landscaping for the site with not less than 10% in parking areas such that a requirement for more landscaping than previously approved would be part of this application.

Variance Findings

In order to approve the parking and landscape Variances, the following findings must be made. Below each finding are staff's related comments.

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to its intended use which do not apply generally to other property in the same zoning district and neighborhood.

   Conditions applicable to this property include the granting of an exception to Code requirements for landscaping in 1986, and the site has existed in a deficient condition since at least then. Further, while Code required parking is not met with the proposed project, a parking analysis was completed and reviewed by the City to show that adverse impacts would not result from the deficient parking condition.

2. That such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same zoning district and neighborhood.

   Other properties in the district have not been formally permitted by the City through a discretionary action to have less landscaping than required by Code. Thus, the landscaping Variance would preserve the right of the applicant to continue to have less landscaping than required by Code. Even with the Variance, a Condition of Approval requiring landscaping to remain at proposed levels would provide for more landscaping on the site than previously required. Further, the parking analysis provides evidence that the property owner can fully develop and enjoy the site as proposed without impacts to the surrounding neighborhood since parking can be accommodated onsite.

3. That the granting of the Variance will not be materially detrimental to the public welfare or injurious to property and improvements in the zoning district and neighborhood in which the property is located.

Granting of said Variances would not be detrimental to the public welfare or injurious to property and improvements in the zoning district and neighborhood. Staff believes that neighboring properties will not be adversely impacted by less landscaping or parking than required by Code given that the site currently exists in a deficient landscape condition and a parking analysis shows that adequate onsite parking would be provided during peak periods.

4. That the granting of the Variance will not be contrary to the objectives of the master plan.

   Both the Zoning Code and General Plan provide for Commercial General development for the property. Granting of the Variances for landscaping and parking in support of a commercial project would be in conformance with the objectives of applicable plans.

5. That the granting of the Variance will not authorize a use or activity which is not otherwise expressly authorized by the zone regulations governing the parcel of property.

   Landscaping and the parking of vehicles are provided for in the CG/MU Zone. Thus, granting of these Variances will not authorize a use or activity which is not expressly authorized.

Initial Study and Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA)

The proposed development has been defined as a project under CEQA which requires completion of an Initial Study to determine if the project will have significant impacts to the environment. Staff contracted with PMC to perform the Initial Study. The Initial Study was provided to the Planning Commission under separate cover on February 20, 2014. Staff reviewed the Initial Study and determined that, with proper mitigation as specified in the Initial Study, the proposed project will not have a significant impact on the environment. Therefore, staff prepared a MND for Planning Commission consideration.

As required by CEQA, a public comment period for the Mitigated Negative Declaration commenced on February 13, 2014 and ended on March 4, 2014. A Notice of Intent to Adopt a Mitigated Negative Declaration was posted at the project site and provided to all affected properties within a 500' radius of the project, adjacent cities and other government agencies. The notice provides a brief description of the project, the Planning Commission Public Hearing date/time/location, and how to obtain detailed information about the project including the Initial Study. The notice was filed with the Los Angeles County Clerk on February 12, 2014. A copy of the Initial Study was provided to the Peninsula Center Library and the project plans, Initial Study/Mitigated Negative Declaration have been made available at the public counter and on the City's website.

Staff received three comment letters regarding the project during the public comment period and prepared the Response to Comments included herein as Attachment 1. A Mitigation Monitoring and Reporting Program has also been completed for the project and is included as Attachment 3.

SUMMARY AND CONCLUSION

Staff recommends approval of project plans as originally submitted, except that Sheet L-1 can be replaced with the recently-revised Sheet L-1 (as provided separately to project plans) such that the 24'-drive aisle shall be permitted to be surfaced with asphalt as opposed to concrete pavers.

In addition to standard conditions of approval, staff recommends approval of this project subject to the following conditions as discussed in this report:

- That details of proposed light fixtures shall be reviewed and approved by the Planning Director;
- That Precise Plan of Design applications shall be reviewed and approved by the Planning Commission prior to issuance of building permits for new and remodeled pad buildings;
- That the new wall-mounted directional sign (Sign Type "F") shall be no larger than 10'3-½" wide by 6'8-5/8" high;
- That up to 17,000 square feet of restaurant use shall be permitted in new and remodeled pad buildings. The hours of operation for restaurant use and/or the service of alcohol shall be from 7:00 a.m. until 11:00 pm Sunday through Thursday, and until 12:00am on Friday, Saturdays, and holidays. All alcohol shall be consumed in the restaurant or on controlled patios subject to Alcoholic Beverage Control (ABC) approval, and over-the-counter sale of alcohol shall be prohibited;
- That the parking or storage of vehicles displaying identifying markings for Cox Communications, such as signs or placards, shall be prohibited in parking areas of the property, except that the parking of such vehicles for the occasional patronage of the center by Cox employees or for the servicing of equipment shall be permitted;
- That the storage of equipment or materials for Cox Communications in parking lot areas shall be prohibited; and
- That a minimum of 14.15% of the site shall be provided in landscaping with not less than 10% in parking areas.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Open the Public Hearing;

2. Take Public Testimony;

3. Discuss the issues;

4. Close the Public Hearing; and

5. Direct staff to prepare a Resolution approving PA-21-13 for the remodel and expansion of the Peninsula Shopping Center for review at the next Planning Commission meeting, subject to Conditions of Approval identified in this report.

Exhibits

Attached
1. Response to Comments
2. Grading Application
3. Mitigation Monitoring and Reporting Program

Separate
1. Project Plans
2. Revised Sheets L-1 and A-4
3. Master Sign Plan

pa 21-13.pm

ATTACHMENT 1

PENINSULA SHOPPING CENTER REVITALIZATION PROJECT (PA-21-13) RESPONSES TO COMMENTS ON THE INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION

PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES THAT COMMENTED ON THE PROPOSED MITIGATED NEGATIVE DECLARATION

The public review period for the Initial Study and Proposed Mitigated Negative Declaration (MND) for the Peninsula Shopping Center Revitalization Project commenced on February 13, 2014, and ended on March 4, 2014. The table below lists the persons, organizations, and public agencies that provided comments to the City of Rolling Hills Estates on the Proposed MND.

Commenters on the Proposed MND	
Agency, Organization, and/or Person	**Date of Letter**
City of Rancho Palos Verdes Fox, Kit	3/4/2014
County of Los Angeles Fire Department Vidales, Frank	3/6/2014
Forsythe, Jim	3/10/2014

COMMENTS AND RESPONSES

The comments and recommendations received on the Proposed MND, along with the lead agency's responses to the environmental points that were raised, are presented herein. All comments on the Proposed MND were submitted in written form and are included in their entirety. Each point raised in these comment letters was assigned a number (e.g., XY-1), as noted on the comment letters included in this section. The lead agency's response to each enumerated comment is provided after the respective comment letter.

CITY OF RANCHO PALOS VERDES
OFFICE OF THE CITY MANAGER

4 March 2014

VIA ELECTRONIC & U.S. MAIL

Niki Wetzel, AICP, Principal Planner
City of Rolling Hills Estates
4045 Palos Verdes Dr. N.
Rolling Hills Estates, CA 90274

SUBJECT: Comments in Response to the Notice of Intent to Adopt a Mitigated Negative Declaration for the Proposed Peninsula Shopping Center Revitalization Project at 1-80 Peninsula Center (PA-21-13)

Dear ~~Ms. Wetzel~~ Niki:

The City of Rancho Palos Verdes appreciates the opportunity to comment upon the proposed Mitigated Negative Declaration (MND) for the above-mentioned project. We have reviewed the Initial Study (IS), and offer the following comments:

1. We understand that the noise study conducted for this project focused primarily upon the construction and operation of the five (5) new "satellite" buildings on Pads 3, 4B, 81, 82 and 83. Under the proposed Conditional Use Permit (CUP), up to 17,000 square feet of the proposed, future buildings on Pads 3, 4B, 81 and 82 could be occupied by full-service restaurants with on-site alcohol sales. The noise study and MND conclude that the construction and operational noise associated with the "satellite" buildings will not have significant impacts or substantially exceed ambient noise levels for sensitive receptors in the City of Rancho Palos Verdes (identified as Monitoring Sites 2 and 3 in Exhibit 5 of the Noise Assessment). RPV-1

   The City believes that it is reasonable to assume that full-service restaurants with on-site alcohol sales are likely to desire later hours of operation than would similar establishments without on-site alcohol sales. Furthermore, these new restaurant uses would be located at the periphery of the shopping center, placing them closer to surrounding residential uses. Our concern is that operational noise levels (i.e., parking lot noise) for these future restaurants during late evening hours may have adverse noise impacts upon sensitive receptors in Rancho Palos Verdes. These operational noise levels may not be fully "masked" by ambient traffic noise in the late evening hours (when there is generally less traffic on roadways surrounding the shopping center), as is suggested in Section

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E-MAIL: CITYHALL@RPV.COM / WWW.PALOSVERDES.COM/RPV
PRINTED ON RECYCLED PAPER

2.3.2 (p. 19-20) of the noise study. Did the noise study consider the possibility of late-night operational noise impacts for these potential, future restaurant uses? What limitations upon the hours of operation does the City of Rolling Hills Estates expect impose upon these restaurant uses? RPV-1 (cont.)

2. The City's Public Works Department offers the following comments on the traffic and parking study:

General comment
The Traffic study should state that two (2) of the fourteen (14) study intersections are within and maintained by the City of Rancho Palos Verdes. Similarly, portions of Indian Peak Road, Silver Spur Road and Crenshaw Boulevard are within the jurisdictional control of Rancho Palos Verdes. RPV-2a

Table 6-1: Related Projects List
Update the list of related projects in Table 6-1 to reflect correct project status. Also, please indicate the appropriate date of the related-projects research. RPV-2b

Table 6-2: Related Projects Trip Generation
The project trip generation associated with related projects will be updated per revised/updated related projects for Rancho Palos Verdes. RPV-2c

Section 6.3: Ambient Traffic Growth Factor
The inclusion of both forecasted traffic generated by known related projects combined with a conservative 1% growth factor will grossly overstate traffic conditions for future conditions for this area. This approach should be reconsidered. RPV-2d

Section 7.1: Project Traffic Generation
The traffic study does not mention the relationship between the Peninsula Center and Peninsula High School, which is directly across the street. Does the assumed 20% adjustment factor applied for pass-by trips account for this relationship? RPV-2e

Figure 7-1: Project Trip Distribution
It is interesting that the project will not draw any trips from the adjacent neighborhoods along Silver Spur Road at Silver Arrow Drive and Beechgate Drive. Both intersections are the gateways to a large residential community. Further, it assumes that 60% of the project trips will come from the north (essentially, off the Peninsula). This should be re-evaluated, given the existing traffic patterns on the Peninsula. RPV-2f

Section 10.0: Project Construction Analysis
This section should consider truck haul routes in the analysis. Consider construction traffic distribution and that Hawthorne Boulevard is an approved haul route, and that loaded construction trucks are restricted from travelling northbound on Crenshaw Boulevard north of Silver Spur Road. The analysis should show this. RPV-2g

Appendix A: Parking Analysis
Please include the raw parking analysis count sheets that substantiate the Parking Demand Analysis. RPV-2h

Again, thank you for the opportunity to comment upon this important project. If you have any questions or need additional information, please feel free to contact me at (310) 544-5226 or via e-mail at *kitf@rpv.com*.

Sincerely,

Kit Fox, AICP
Senior Administrative Analyst

cc: Mayor Jerry Duhovic and City Council
Carolyn Lehr, City Manager
Carolynn Petru, Acting City Manager
Michael Throne, Director of Public Works
Nicole Jules, Senior Engineer

M:\Border Issues\Peninsula Center Revitalization Project\20140304_MNDComments.doc

RESPONSES

RPV-1: As noted in Section VI(a) of the Initial Study, the closest sensitive receptors to the project site are the residences along Silver Arrow Drive in the City of Rancho Palos Verdes, which are approximately 125 feet east of the project site, across Silver Spur Road. These residences may hear occasional noise generated at the Peninsula Center parking lot, such as car door slamming, engine start-up, alarm activation, tire squeals, and car pass-bys. Table VI-2 in the Initial Study identifies the maximum instantaneous sound levels generated by parking lot activities. At a distance of 125 feet, instantaneous noise events can reach volumes of 47–62 decibels (dBA). During daytime hours, existing traffic noise on nearby roadways (measured as high as 73 dBA at these residences) would largely mask noises from parking lot activity. However, as noted by the commenter, should the proposed restaurants operate during the evening hours when traffic levels are reduced, nearby residences may be exposed to parking lot noises. The maximum instantaneous noise at 125 feet is estimated to be 62 dBA (outdoors), which is approximately the level of normal human speech at 3 feet. Furthermore, interior noise levels would be reduced by approximately 15–25 dBA to a level that is in the range of typical of urban/suburban nighttime environments.[1] Therefore, operational noise was determined to be less than significant in the project's Initial Study. Regardless, the City of Rolling Hills Estates is recommending a condition of approval to limit the hours of operation to 10 p.m. Sunday through Thursday, and 11 p.m. on Friday and Saturday.

RPV-2a: The Traffic Impact Study does not identify the jurisdiction of any intersections or street segments. However, it is recognized that study intersections No. 13 (Indian Peak Road at Avenue of the Peninsula) and No. 14 (Indian Peak Road at Crenshaw Boulevard) are located in and maintained by the City of Rancho Palos Verdes. Several other intersections and street segments along Hawthorne Boulevard, Silver Spur Road, and Indian Peak Road are partly maintained and/or located within the jurisdiction of Rancho Palos Verdes.

RPV-2b: The list of related projects used in the traffic analysis is provided in Table 6-1 of the traffic study. The City of Rancho Palos Verdes was contacted in September 2013 to request a list of potential related projects located within their jurisdiction to be considered in the traffic study. City of Rancho Palos Verdes staff provided a list of projects (dated May 15, 2013), which included the project name, location, a brief description, and current status (for example, under review, approved, under construction, etc.). The related projects information provided by the City of Rancho Palos Verdes was included in Table 6-1 of the traffic study, and appropriately considered in the traffic analysis in terms of potential vehicle trips that could result from these proposed development projects.

As requested in the comment, a supplemental review was conducted of related projects in Rancho Palos Verdes using the City's website: http://www.palosverdes.com/rpv/planning/planning-zoning/index.cfm. For information purposes, Table 6-1 was updated to provide the current status of the related projects in Rancho Palos Verdes. As shown on the updated Table 6-1, three of the projects (RP5, RP7, and RP9) that were previously listed as "proposed" or "approved" are now shown to be "under construction" on the updated Table 6-1. It is noted that this updated

[1] Per the Transportation Research Board, National Research Council, Highway Noise: A Design Guide for Highway Engineers, National Cooperative Highway Research Program Report 117, outside to inside noise levels are typically reduced by 17 dBA with open windows and 25 dBA with closed windows in typical residential structures.

information does not change the analysis provided in the traffic study as the potential traffic from these related projects (for example, refer to Table 6-2 in the traffic study) was previously considered in the review of potential impacts associated with the Peninsula Center project. The change in status (for example, from "proposed" to "under construction") does not change the trip generation forecast. Therefore, the updated information regarding the status of the related projects in Rancho Palos Verdes does not change the findings and recommendations provided in the traffic study for the Peninsula Center project. It is further noted that there are no new development projects within the City of Rancho Palos Verdes identified on the City's website which were not previously listed in Table 6-1 provided in the traffic study.

RPV-2c: See Response to Comment RPV-2b. As stated above, the analysis provided in the traffic study – including the forecast of trip generation for the related projects – does not require revision based on the updated status information for related projects in the City of Rancho Palos Verdes. Also, no new projects were identified in Rancho Palos Verdes based on the supplemental review of the City's website.

RPV-2d: A 1 percent ambient traffic growth factor is reasonable and appropriate for the nature of this short-term project buildout of less than three years in a limited study area and has been approved by the City of Rolling Hills Estates Traffic Engineer for the study area.

RPV-2e: Both the Peninsula Center and Palos Verdes Peninsula High School are identified in Figure 1.1 of the Traffic Impact Study. The 20 percent adjustment factor is a conservative value based on the lower end of the range identified in the ITE Traffic Generation Handbook for all types of pass-by/walk-in trip reduction rates, including off-site locations. In fact, the potential pass-by/walk-in adjustment factor would be expected to be significantly higher if the relationship of the high school and the adjacent Peninsula Center was considered, which would have reduced the number of net new trips further.

RPV-2f: The Traffic Impact Study did not distribute trips to Silver Arrow Road and Beechgate Drive based on a review of actual traffic volumes at the related intersections that indicated low side street volumes in comparison to arterial traffic volumes. While it is understood that a small number of project trips may be generated on either street, the actual number of new trips would not measurably change the level of service on the street or at the intersection(s). The project trip distribution was based on the 2010 Los Angeles County Congestion Management Plan Trip Distribution analysis for the subregion, and confirmed by the Rolling Hills Estates Traffic Engineer in order to analyze worst-case scenarios on the major streets.

RPV-2g: As noted in Section 10.3 of the Traffic Impact Study, "the relative traffic impacts due to construction of the project will be substantially less than that related to build-out of the project." Therefore, no further analysis or trip distribution was required. Any potential construction traffic impacts would be less than those required by the project itself and would be addressed by the recommended mitigation measures.

RPV-2h: Raw parking analysis count sheets are on record at the City of Rolling Hills Estates for public viewing.

COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

March 6, 2014

Niki Wetzel, Planner
City of Rolling Hills Estates
Planning Department
4045 Palos Verdes Drive North
Rolling Hills Estates, CA 90274

Dear Ms. Wetzel:

MITIGATED NEGATIVE DECLARATION, "PENINSULA SHOPPING CENTER REVITALIZATION PROJECT (PA-21-31)," IT CONSISTS OF AN EXPANSION AND REMODEL OF THE PENINSULA SHOPPING CENTER, SOUTHWEST CORNER OF HAWTHORNE BOULEVARD AND SILVER SPUR ROAD, ROLLING HILLS ESTATES (FFER #201400032)

The Mitigated Negative Declaration has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department. The following are their comments:

PLANNING DIVISION:

1. We have no comments at this time. FD-1

LAND DEVELOPMENT UNIT:

1. The statutory responsibilities of the County of Los Angeles Fire Department, Land Development Unit, are the review of, and comment on all projects within the unincorporated areas of the County of Los Angeles. Our emphasis is on the availability of sufficient water supplies for firefighting operations and local/regional access issues. However, we review all projects for issues that may have a significant impact on the County of Los Angeles Fire Department. We are responsible for the review of all projects within contract cities (cities that contract with the County of Los Angeles Fire Department for fire protection services). We are responsible for all County facilities, located within non-contract cities. The County of Los FD-2

Angeles Fire Department, Land Development Unit, may also comment on conditions that may be imposed on a project by the Fire Prevention Division, which may create a potentially significant impact to the environment. FD-2 (cont.)

2. The County of Los Angeles Fire Department, Land Development Unit's comments are only general requirements. Specific fire and life safety requirements will be addressed at the building and fire plan check phase. There may be additional requirements during this time. FD-3

3. The development of this project must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows and fire hydrants. FD-4

4. This property is located within the area described by the Forester and Fire Warden as a Fire Zone 4, Very High Fire Hazard Severity Zone (VHFHSZ). All applicable fire code and ordinance requirements for construction, access, water mains, fire hydrants, fire flows, brush clearance and fuel modification plans, must be met. FD-5

5. Every building constructed shall be accessible to Fire Department apparatus by way of access roadways, with an all-weather surface of not less than the prescribed width. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building. FD-6

6. The maximum allowable grade shall not exceed 15% except where topography makes it impractical to keep within such grade. In such cases, an absolute maximum of 20% will be allowed for up to 150 feet in distance. The average maximum allowed grade, including topographical difficulties, shall be no more than 17%. Grade breaks shall not exceed 10% in ten feet. FD-7

7. Fire Department requirements for access, fire flows and hydrants are addressed during the building permit stage. FD-8

8. Fire sprinkler systems are required in some residential and most commercial occupancies. For those occupancies not requiring fire sprinkler systems, it is strongly suggested that fire sprinkler systems be installed. This will reduce potential fire and life losses. Systems are now technically and economically feasible for residential use. FD-9

9. The development may require fire flows up to 5,000 gallons per minute at 20 pounds per square inch residual pressure for up to a five-hour duration. Final fire flows will be based on the size of buildings, its relationship to other structures, property lines, and types of construction used. FD-10

10. Fire hydrant spacing shall be 300 feet and shall meet the following requirements: FD-11

    a) No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.

    b) No portion of a building shall exceed 400 feet via vehicular access from a properly spaced public fire hydrant.

c) Additional hydrants will be required if hydrant spacing exceeds specified distances.

d) When cul-de-sac depth exceeds 200 feet on a commercial street, hydrants shall be required at the corner and mid-block. FD-11 (cont.)

e) A cul-de-sac shall not be more than 500 feet in length, when serving land zoned for commercial use.

11. Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in-length and at the end of all cul-de-sacs. FD-12

12. All on-site driveways/roadways shall provide a minimum unobstructed width of 28 feet, clear-to-sky. The on-site driveway is to be within 150 feet of all portions of the exterior walls of the first story of any building. The centerline of the access driveway shall be located parallel to and within 30 feet of an exterior wall on one side of the proposed structure. FD-13

13. Driveway width for non-residential developments shall be increased when any of the following conditions will exist:

    a) Provide 34 feet in-width, when parallel parking is allowed on one side of the access roadway/driveway. Preference is that such parking is not adjacent to the structure.

    b) Provide 42 feet in-width, when parallel parking is allowed on each side of the access roadway/driveway. FD-14

    c) Any access way less than 34 feet in-width shall be labeled "Fire Lane" on the final recording map, and final building plans.

    d) For streets or driveways with parking restrictions: The entrance to the street/driveway and intermittent spacing distances of 150 feet shall be posted with Fire Department approved signs stating "NO PARKING - FIRE LANE" in three-inch high letters. Driveway labeling is necessary to ensure access for Fire Department use.

14. All proposals for traffic calming measures (speed humps/bumps/cushions, traffic circles, roundabouts, etc.) shall be submitted to the Fire Department for review, prior to implementation. FD-15

15. Disruptions to water service shall be coordinated with the County of Los Angeles Fire Department and alternate water sources shall be provided for fire protection during such disruptions. FD-16

16. Submit four sets of plans showing the proposed development, indicating all points of ingress/egress access for the circulation of traffic, and emergency response issues. FD-17

17. Should any questions arise regarding subdivision, water systems, or access, please contact the County of Los Angeles Fire Department, Land Development Unit Inspector, Nancy Rodeheffer, at (323) 890-4243 or at nrodeheffer@fire.lacounty.gov. FD-18

18. The County of Los Angeles Fire Department, Land Development Unit, appreciates the opportunity to comment on this project. FD-19

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

1. The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas need to be addressed. FD-20

HEALTH HAZARDOUS MATERIALS DIVISION:

1. Based on the provided information the Health Hazardous Materials Division has no objection to the proposed project. FD-21

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

FRANK VIDALES, CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

FV:jl

RESPONSES

FD-1: The department's Planning Division's statement of "no comments at this time" is noted.

FD-2: The responsibilities of the department's Land Development Unit are noted.

FD-3: The statement "Specific fire and life safety requirements will be addressed at the building and fire plan check phase" is noted.

FD-4: Requirements are noted.

FD-5: The presence of the site within a Very High Fire Hazard Severity Zone (VHFHSZ) and the corresponding code and ordinance requirements are noted.

FD-6: Comment noted. The project's Conditions of Approval will include this requirement.

FD-7: Comment noted. The project's Conditions of Approval will include this requirement.

FD-8: The statement that "requirements for access, fire flows and hydrants are addressed during the building permit stage" is noted.

FD-9: The suggestion that project buildings include fire sprinkler systems is noted.

FD-10: The potential fire flow requirements are noted.

FD-11: Fire hydrant requirements are noted.

FD-12: Comment noted. The project's Conditions of Approval will include this requirement.

FD-13: Comment noted. The project's Conditions of Approval will include this requirement.

FD-14: Comment noted. The project's Conditions of Approval will include these requirements. Currently, the proposed site plans do not include parallel parking.

FD-15: Comment noted. The project's Conditions of Approval will include this requirement.

FD-16: Comment noted. The project's Conditions of Approval will include this requirement.

FD-17: Plan check submittal requirements are noted.

FD-18: Contact information noted.

FD- 19: Remarks noted.

FD-20: The responsibilities of the department's Forestry Division are noted. The project's Initial Study evaluates the project's impacts on erosion control (subsections IX and XI), watershed management (subsection XI), rare and endangered species (subsection VII), VHFHSZ concerns (subsection X), and archaeological and cultural resources (subsection VIII). The County's Oak Tree Ordinance does not apply to the project, as it lies within the incorporated City of Rolling Hills Estates.

FD-21: The department's Health Hazardous Materials Division's statement that it has "no objection to the proposed project" is noted.

31 Cypress Way
Rolling Hills Estates
March 10, 2014

Niki Wetzel, AICP
City of Rolling Hills Estates
4045 Palos Verdes Drive North
Rolling Hills Estates, CA 90274

Re: **Peninsula Shopping Center Revitalization Project (PA-21-13)**

Dear Mrs. Wetzel:

With respect to Revitalization Project, (PA-21-13), the proposal to convert the present, non-vehicular, shopper friendly 'paseo' area between Buildings #22 and #24 (signage Paseo) into another vehicular driveway, offers little benefit in exchange for a substantial loss to pedestrian shoppers. JF-1

Please note that the present Paseo walkway –

- is a pleasant area that encourages adult walking and attention to children under a vaulted canopy that provides both sun and shade,
- contains well-used tables and chairs in a peaceful setting enabling those enjoying ice cream and candy treats to do so while seated and relaxed – as well as shoppers needing to pause to consider a purchase or simply reorganizing for the next one,
- provides aesthetically pleasing foliage with a rock garden at one end and water cascade at the other
- offers the only safe place for toddlers and kids to pleasantly discharge some energy between shopping stores (aside from the very functional walkway to the south-east parking lot), JF-2
- enhances the ambiance of surrounding shops, especially on important occasions by providing space for well-attended puppet shows, North Pole and Santa Claus, an attractive, tall Christmas 'tree' and focal point for Halloween and Easter

All of which helps to offset the other narrow walkways adjacent to vehicle traffic with its noise, congestion, pollution and safety uncertainties. The present Paseo area provides unique shopping and community benefits to the north-west end of the Peninsula shopping district. As well, it is part of the current trend towards attractive walking areas beside shops. Destroying these user-friendly benefits for an additional 24 foot wide driveway with objectionable vehicle traffic seems to be a poor trade-off.

In addition, the small parking area which serves as the Sunday Farmer's Market is frequently congested during the week and the lanes between parking rows are quite narrow. There is virtually no room to pass a car that is attempting to back up or that is waiting for a space, resulting in slow movement through this area. If the Paseo is converted into a driveway with many more vehicles attempting to access this smaller parking lot, the cars will back up into the lanes adjacent to the stores in the larger parking lot bordered by Pavilions and Rite Aid. This will not only cause frustrating congestion in the larger parking lot but will impede pedestrians attempting to access the stores. Pedestrian safety with regards to driver impatience becomes a real issue here. JF-3

As a suggestion, when evaluating the developer's requests for variances, possibly City Officials might consider maintaining the existing Paseo as part of the quid pro quo. JF-4

Sincerely,

Jim Forsythe

Jim Forsythe

RESPONSES

JF-1: The commenter's opinion is noted.

JF-2: The commenter's opinions and observations regarding the existing "paseo area" on-site are noted.

JF-3: The small parking lot used by the Farmer's Market has been redesigned as part of the project to reduce the occurrence of congested aisles. In addition, the driveway through the Paseo will provide an additional point of ingress and egress to that lot, allowing drivers to avoid returning through the parking area when exiting. The parking lot aisles have been designed to meet current parking lot driveway standards.

JF-4: The commenter's suggestion is noted.

ATTACHMENT 2

CITY OF ROLLING HILLS ESTATES
PLANNING DEPARTMENT
4045 Palos Verdes Drive North
Rolling Hills Estates, CA 90274
Telephone-(310) 377-1577
Fax-(310) 377-4468
www.RollingHillsEstates-Ca.gov

OCT - 3 2013

GRADING APPLICATION

THIS GRADING PERMIT REVIEW SHALL AUTHORIZE ONLY THE GRADING WORK REQUESTED AND SHALL NOT CONSTITUTE APPROVAL OF OTHER STRUCTURES SHOWN ON THE GRADING PLAN.

OWNER Vestar Development co. DATE 9-10-2013

ENGINEER DRC Engineering, Greg Cooke LICENSE # C39478

CONTRACTOR Not Known at this time LICENSE #

LOCATION SEC Hawthorne Boulevard and Indian Peak road

PROJECT DESCRIPTION Removal of an existing walkway and installation of a drive isle, walkway, and lot modifications.

	YES	NO
EXTENT OF GRADING		
A. WILL THIS APPLICATION INVOLVE THE IMPORTATION OF ACCEPTABLE FILL MATERIAL?		X
1. IF YES, HOW MANY CUBIC YARDS? _____ CUBIC YARDS		
B. WILL THIS APPLICATION INVOLVE THE EXPORTATION OF EARTH MATERIAL?	X	
2. IF YES, HOW MANY CUBIC YARDS? 410 CUBIC YARDS		
C. WILL THE AMOUNT OF FILL EQUAL THE AMOUNT OF CUT?		X

EXPLANATION

		YES	NO
D.	WILL THIS PROPOSAL CUT INTO AN EXISTING SLOPE?	___	X
	1. IF YES, WHAT IS THE MAXIMUM LENGTH AND DEPTH OF CUT SLOPE?		
	LENGTH_____ DEPTH_____		
	2. IF YES, WHAT IS THE RESULTANT RATIO? _____		
	3. IF YES, WHAT IS THE TOTAL NUMBER OF CUBIC YARDS BEING REMOVED?		
	_____		
E.	WILL THIS PROPOSAL FILL AN EXISTING SLOPE?	___	X
	1. IF YES, WHAT IS THE MAXIMUM LENGTH AND DEPTH OF THE FILL SLOPE?		
	LENGTH_____ DEPTH_____		
	2. IF YES, WHAT IS THE RESULTANT SLOPE RATIO? _____		
	3. IF YES, WHAT IS THE TOTAL NUMBER OF CUBIC YARDS BEING FILLED?		
	_____		

HYDROLOGY

A.	WILL THIS PROPOSAL ALTER NATURAL DRAINAGE PATTERNS?	___	X
B.	WILL THIS PROPOSAL RESULT IN CONCENTRATION OF STORM WATER RUN-OFF?	X	___
C.	WILL STORM WATER BE DISCHARGED INTO AN ACCEPTABLE DRAINAGE FACILITY?	X	___
D.	WILL THIS PROPOSAL RESULT IN FLOW PATTERNS WHICH CAUSE WATER TO BE DIRECTED ONTO ADJACENT PROPERTIES?	___	X
	1. IF YES, HAS THE WRITTEN APPROVAL OF THESE PROPERTY OWNERS BEEN OBTAINED?	___	___
E.	WILL THIS PROPOSAL INSURE POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES AND IMPROVEMENTS?	X	___
F.	WILL THIS PROPOSAL ADVERSELY AFFECT THE HYDROLOGY OF OTHER PROPERTIES?	___	X

	YES	NO
G. WILL THIS PROPOSAL RESULT IN ANY EROSION?	X	___

1. IF YES, WHAT MEASURES HAVE BEEN TAKEN TO ENSURE EROSION PROTECTION?

EXPLANATION A SWPPP will be prepared in conformance with State Requirements

GRADING METHODS

A. WILL THIS PROPOSAL REQUIRE THE USE OF HEAVY EQUIPMENT?	X	___

1. IF YES, WHAT MACHINERY WILL BE USED?

EXPLANATION Loader, Scraper , water truck, dump trucker, backhoe, dozer

B. WILL THIS PROPOSAL INVOLVE THE USE OF TRUCK TRANSPORT?	X	___

1. IF YES, WHAT CAPACITY OF VEHICLE AND WHAT HAUL ROUTE IS REQUESTED?

CAPACITY: Not known CUBIC YARDS

HAUL ROUTE Not known at this time

C. DESCRIBE METHODS OF DUST CONTROL TO BE EMPLOYED DURING GRADING.

EXPLANATION Water truck per the SWPPP

GRADING COMPATIBILITY

A. WILL THIS PROPOSAL RESPECT AND PRESERVE NATURAL AMENITIES, INCLUDING TOPOGRAPHY, LANDSCAPING AND NATURAL FEATURES?	X	___

		YES	NO
B.	WILL THIS PROPOSAL PRESERVE OPEN SPACE AND RESPECT RESPECT THE PRIVACY OF SURROUNDING PROPERTIES? EXPLANATION Work is not within an open space area	X	
C.	WILL THIS PROPOSAL INCORPORATE EXISTING AND/OR ADDITIONAL LANDSCAPING TO ENSURE COMPATIBILITY WITH SURROUNDING PROPERTIES? EXPLANATION existing landscaping will not be impacted		X
D.	WILL THIS PROPOSAL RESPECT AND MAINTAIN EXISTING PUBLIC AND PRIVATE VIEWS?	X	
E.	WILL THIS PROPOSAL COMPLY WITH THE OBJECTIVES OF THE NEIGHBORHOOD COMPATIBILITY ORDINANCE? EXPLANATION	X	
F.	WILL THIS PROPOSAL COMPLY WITH ALL CONDITIONS AND REQUIREMENTS OF THE CITY OF ROLLING HILLS ESTATES GRADING ORDINANCE (MUNICIPAL CODE 17.07.010)?	X	

forms/grading updated 10/23/07

ATTACHMENT 3

City of Rolling Hills Estates Peninsula Shopping Center Revitalization Project Mitigation Monitoring and Reporting Program						
	Mitigation Monitoring			Reporting		
Mitigation Measures	Period of Implementation	Monitoring Responsibility	Monitoring Procedure	Comments	Date	Initials
Mitigation Measure AES-1: Prior to the issuance of a building permit for any of the proposed new buildings, a lighting plan showing conformance with Chapter 17.42 of the Rolling Hills Estates Municipal Code shall be reviewed and approved by the Planning Director.	Prior to the issuance of a Building Permit(s)	City of Rolling Hills Estates Planning Director (or designee)	Planning staff shall review lighting plans and conduct site inspections after light fixtures are installed to ensure compliance with this measure.			
Mitigation Measure GEO-1: Prior to the issuance of building permits, the City of Rolling Hills Estates Building Official (or designee) and the City of Rolling Hills Estates City Engineer (or designee) shall review and approve a geotechnical study and final design plans for the project site. The geotechnical study shall satisfy Policy 1.7 and Implementation Measure 1.5.1 of the Safety Element of the Rolling Hills Estates General Plan in evaluating and designing for fault zones (e.g., buildings for human occupancy must be set back a minimum of 50 feet from those faults that are shown to be active or from fault traces where the risk cannot be determined). The review of final design plans shall ensure that earthquake-resistant design has been incorporated into final site drawings in accordance with the most current California Building Code, the recommended seismic design parameters of the Structural Engineers Association of California. Ultimate site seismic design acceleration shall be determined by the project structural engineer during the project design phase.	Prior to the issuance of a Building Permit(s)	City of Rolling Hills Estates Building Official (or designee) and City of Rolling Hills Estates City Engineer (or designee)	The Building Official (or designee) and the City Engineer (or designee) shall review the required geotechnical study and final design plans to ensure compliance with this measure.			

City of Rolling Hills Estates Peninsula Shopping Center Revitalization Project Mitigation Monitoring and Reporting Program						
	Mitigation Monitoring			Reporting		
Mitigation Measures	Period of Implementation	Monitoring Responsibility	Monitoring Procedure	Comments	Date	Initials
Mitigation Measure GEO-2: Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the City for review and approval. The geotechnical report shall evaluate the potential for expansive soils to exist on-site and shall recommend design and construction techniques to address the shrink-swell potential of soils. The applicant shall comply with all of the recommendations of the geotechnical report approved by the City to ensure that pad and lot design meets acceptable standards.	Prior to issuance of a Grading Permit	City of Rolling Hills Estates Building Official (or designee)	The Building Official (or designee) shall review the required geotechnical study and final design plans to ensure compliance with this measure.			
Mitigation Measure HYD-1: Prior to issuance of a grading permit, the City Building Official shall ensure that the project's construction plans include features meeting the applicable construction activity best management practices (BMPs) and erosion and sediment control BMPs published in the *California Stormwater BMP Handbook—Construction Activity* or equivalent. If construction activities occur between October 1 and April 15, the project applicant shall prepare and submit a Wet Weather Erosion Control Plan to the City Building Official at least 30 days prior to commencement of construction activities.	Prior to issuance of a Grading Permit	City of Rolling Hills Estates Building Official (or designee)	The Building Official (or designee) shall review the construction plans, proposed BMPs, and Wet Weather Erosion Control Plan (if necessary) to ensure compliance with this measure.			

City of Rolling Hills Estates Peninsula Shopping Center Revitalization Project Mitigation Monitoring and Reporting Program						
	Mitigation Monitoring			Reporting		
Mitigation Measures	Period of Implementation	Monitoring Responsibility	Monitoring Procedure	Comments	Date	Initials
Mitigation Measure HYD-2: As required by Municipal Code Section 8.38.105, prior to issuance of a building permit, the project applicant shall submit a Stormwater Mitigation Plan to the City Building Official for review and approval. The Stormwater Mitigation Plan shall identify the best management practices (BMPs) to be implemented during project operation. The project Stormwater Mitigation Plan must also demonstrate compliance with the pollutant-specific Total Maximum Daily Load waste load allocations in effect for the Machado Lake subwatershed as well as the maximum extent practicable (MEP) standard for other pollutants of concern.	Prior to issuance of a Building Permit	City of Rolling Hills Estates Building Official (or designee)	The Building Official (or designee) shall review the required Stormwater Mitigation Plan to ensure compliance with this measure.			
Mitigation Measure HYD-3: Prior to issuance of a certification of occupancy, the project applicant shall provide the City Building Official with a best management practices (BMP) maintenance plan, consistent with Standard Urban Stormwater Management Plan (SUSMP) requirements, for review and approval.	Prior to issuance of a Certificate of Occupancy	City of Rolling Hills Estates Building Official (or designee)	The Building Official (or designee) shall review the required BMP maintenance plan to ensure compliance with this measure.			

End of Mitigation Monitoring and Reporting Program.

Daily Breeze article regarding *Peninsula Canter* Revitalization project

Rolling Hills Estates approves $12 million Peninsula Center revamp

By Nick Green, Daily Breeze
Wednesday, March 19, 2014

DailyBreeze.com

The Daily Breeze (http://www.dailybreeze.com)

Rolling Hills Estates approves $12 million Peninsula Center revamp

ROLLING HILLS ESTATES >> A $12 million makeover of struggling Peninsula Center that will revamp the look of the elderly strip mall and add retail space has won the conceptual approval of city officials.

"The improvements will take place over the next year," said Niki Wetzel, principal planner for Rolling Hills Estates, in the wake of Monday's tentative approval of the project by the Planning Commission. The panel will formally sign off next month on what is the first significant improvement to the landmark mall in about two decades.

The work will see the addition of three new outlying pad buildings and revamp two others that currently exist, resulting in the addition of about 24,400 square feet of additional retail space to the 294,000-square-foot mall, Wetzel said.

In addition, a pedestrian colonnade is slated for removal so that there is improved vehicular access linking the northerly and central portions of the mall on the 25-acre site at the intersection of Hawthorne Boulevard and Silver Spur Road. Sidewalks will flank the 24-foot-wide road.

The facade of the mall, which dates to the mid-1950s, will also receive an overhaul, as will the landscaping.

But the property is pocked with vacancies, including the Pier 1 Imports location, one of the mall's larger stores that recently closed its doors.

Jeff Axtell, vice president of acquisitions and development for Phoenix-based Vestar, did not return a call from the Daily Breeze seeking comment.

The company acquired the mall last year for $87.3 million and pledged to upgrade the property.

No members of the public spoke in opposition to the project at Monday's public hearing, Wetzel said.

However, one resident did object in writing to the removal of the pedestrian-friendly colonnade for what is essentially a new road.

It's hoped the improved vehicle access will help bring new retail life to the shopping center.

URL:
http://www.dailybreeze.com/business/20140319/rolling-hills-estates-approves-12-million-peninsula-c

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