

MEMORANDUM

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS
FROM: CAROLYNN PETRU, AICP, ACTING CITY MANAGER 
DATE: JUNE 3, 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 report on the most-recent meeting of the San Pedro Facility Restoration Advisory Board (RAB) for the Navy's Defense Fuel Support Point (DFSP) on North Gaffey Street 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 final report on the 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/2014/20140603_BorderIssues_StatusRpt.cfm

DISCUSSION

Current Border Issues

San Pedro Facility Restoration Advisory Board, US Navy/Los Angeles (San Pedro)

The San Pedro Facility Restoration Advisory Board (RAB) held its most recent meeting on April 23, 2014 (see attached cover letter, agenda and attachments). The RAB

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continues to deal only with environmental remediation at the active Defense Fuel Support Point (DFSP) San Pedro, not the former Navy housing sites on Taper Avenue (Mary Star-of-the-Sea High School), Western Avenue (*Ponte Vista*) or Palos Verdes Drive North (Rolling Hills Preparatory School, Marymount California University and Volunteers of America).

At the RAB meeting, Navy Staff and contractors provided updates on some of environmental remediation projects that continue at DFSP San Pedro. Of particular interest to our residents may be the so-called "IR Site 31," which is located just across Western Avenue from the *Peninsula Verde* neighborhood and Green Hills Memorial Park. This 11-acre site consists of a 70-foot deep ravine that is partially filled with construction debris and mixed waste. The Navy conducted investigations and surveys of this site in late 2013. The Navy expects to complete a draft Expanded Site Inspection for IR Site 31 by the early summer of 2014. Navy Staff and contractors also discussed the recently-discovered "Tar Dump" area of the site, which appears to contain petroleum wastes that pre-date the Navy's arrival on the site during World War II.

For the past couple of years, the Navy has been trying to recruit new RAB members and a permanent Community Co-Chair to replace the late Gil Alberio. Public turnout at this most-recent RAB meeting was much higher than at the past several meetings, and many new attendees expressed interest in joining, or had already submitted applications to join, the RAB. The Navy anticipates that the next RAB will be held in September 2014, and that it may include a tour of DFSP San Pedro for RAB members.

Staff will continue to monitor this project in future Border Issues reports.

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

In February 2011, the Port of Los Angeles renewed a month-to-month permit with Rancho LPG, allowing it to continue to use a small portion of a rail spur line crossing Westmont Drive at Gaffey Street. The rail spur along Gaffey Street carries rail tank cars to and from the Rancho LPG facility, and is operated by Pacific Harbor Lines, the railway that provides for the internal movement of cargo and materiel within and between the ports of Los Angeles and Long Beach. In June 2012, the Port of Los Angeles Community Advisory Committee (PCAC) and opponents of the Rancho LPG facility unsuccessfully sought the revocation of this permit by the Board of Harbor Commissioners (BHC).

The use and stewardship of public tidelands within the Port of Los Angeles is subject to the oversight of the State Lands Commission (SLC), which consists of the Lieutenant Governor, the State Controller and the State Finance Director (or their respective designees). For several years, opponents of the Rancho LPG facilities have asserted that the Port improperly issued this rail spur permit. Therefore, when the Commission recently met in Los Angeles on April 23, 2014, a group of Rancho LPG opponents appeared and spoke about this issue under "Public Comments." At the conclusion of their testimony, the Commission agreed to agendaize the matter for its next meeting, seeking from its staff answers regarding:

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- The Commission's role and possible actions to be taken in this matter; and,
- The State's liability exposure as a result of this matter.

The next SLC meeting will be on Thursday, June 19, 2014, at 10:00 AM. Although the Commission will be meeting at the State Capitol in Sacramento, a remote location in the Los Angeles area will be provided to view the proceedings and provide testimony.

On April 24, 2014, the City Council received the attached letter from Ron Conrow of Rancho LPG Holdings, LLC, regarding insurance coverage for the facility and other related issues. It was not immediately clear what precipitated this unsolicited letter, although Staff presumed that it was related to issues expected to be raised at a refinery safety meeting to be held in Wilmington the following week. *Rolling Hills Riviera* Homeowners' Association President Jeanne Lacombe submitted responses to Mr. Conrow's letter on April 28, 2014 (see attachments).

On April 29, 2014, Staff attended the above-mentioned refinery safety meeting in Wilmington (see attached flyer and agenda). The meeting of the State Interagency Refinery Task Force was held at Wilmington Middle School. A fire at the Richmond, CA Chevron refinery in August 2012 has raised public questions and concerns about refinery safety and emergency response in California. Following a directive from Governor Brown's July 2013 report "Improving Public and Worker Safety at Oil Refineries," CalEPA formed an Interagency Task Force on Refinery Safety in August 2013. The Task Force membership includes ten (10) state agencies, U.S. EPA, and local agencies from areas of the State that contain refineries. Their mandate is to work collaboratively to achieve the highest possible level of safety for refinery workers and local communities, and prepare for and effectively respond to emergencies if they occur.

At the April 29th "information session," issues discussed included workplace safety and injury prevention; emergency preparedness and response; and air quality monitoring in surrounding communities. Concerned community members raised issues for the task force to consider regarding the safety of both harbor area refineries (generally) and the Rancho LPG facility (specifically). Mr. Conrow attended this meeting. Following the meeting, Janet Gunter forwarded additional information to the Task Force (see e-mail of April 30th and attachments). Additional information regarding the activities of the Task Force is available on the CalEPA website at <http://www.calepa.ca.gov/refinery>.

On May 14, 2014, Lisa Pinto of Congressman Henry Waxman's Staff e-mailed interested parties to advise them of the status of the EPA enforcement action that was initiated in March 2013 (see attached e-mail). Unfortunately, Ms. Pinto was unable to provide much more information than to confirm that settlement negotiations are on-going.

At the request of Councilman Campbell, during the Study Session at the City Council meeting of May 20, 2014, the City Council considered agendizing the Rancho LPG issue at a future meeting. In addition to the posted report from Councilman Campbell, several interested parties submitted Late Correspondence and/or oral testimony (see attachments). This included a letter from Congresswoman Janice Hahn encouraging the

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Rancho Palos Verdes City Council to “take the lead on this issue.” Ultimately, the majority of the City Council supported a motion to:

Direct Mayor Duhovic to contact City of Los Angeles Councilman Buscaino to address the issues raised and return with a full report to the City Council; and direct Mayor Duhovic and City of Los Angeles Councilman Buscaino to work out the particulars of a possible public joint workshop to hear the concerns of all members of the public regarding the Rancho LPG Tank Facility.

Janet Gunter contacted Staff the following day and requested a copy of the PowerPoint slide submitted by Ron Conrow, which was displayed at the May 20th meeting. She later expressed her belief that this exhibit was inaccurate (see attached e-mails).

In the past two (2) months, interested parties have continued to forward items regarding and related to the Rancho LPG facility 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.

Peninsula Shopping Center Revitalization Project, Rolling Hills Estates

On March 31, 2014, the Rolling Hills Estates Planning Commission adopted a resolution approving the proposed revitalization of the Peninsula Shopping Center (see Minutes of March 17th and March 31st). The Rolling Hills Estates City Council then reviewed this action at its regular meeting of April 22, 2014 (see attached Minutes, agenda and Staff report). At this hearing, the City Council discussed some of its concerns about the proposal, particularly related to signage and employee parking. However, with the closure of the public hearing, it was the consensus of the City Council to uphold the Planning Commission’s March 31st decision.

The Rolling Hills Estates City Council was expected to adopt a resolution granting final approval to the project on May 27, 2014. Assuming that this occurs as expected, Staff will remove this project from future Border Issues reports.

New Border Issues

There are no new Border Issues on which to report at this time.

Attachments:

- Cover letter, agenda and attachments for San Pedro Facility RAB meeting (dated 4/23/14)
- Letter from Ron Conrow regarding Rancho LPG insurance and other issues (received 4/24/14)
- E-mail response from Jeanne Lacombe to letter from Ron Conrow (dated 4/28/14)

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Attachments (cont'd):

- Flyer and agenda for State Refinery Task Force information session (dated 4/29/14)
- E-mail and attachments from Janet Gunter to State Refinery Task Force (dated 4/30/14)
- E-mail from Lisa Pinto regarding status of EPA enforcement action (dated 5/14/14)
- Report and Late Correspondence from May 20th Study Session item
- E-mails between Janet Gunter and Staff regarding PowerPoint slide submitted by Ron Conrow (dated 5/21/14)
- E-mails related to the Rancho LPG facility (miscellaneous dates)
- RHE Planning Commission Minutes for *Peninsula Center* Revitalization project (dated 3/17/14 and 3/31/14)
- RHE City Council Minutes, agenda and Staff report for *Peninsula Center* Revitalization project (dated 4/22/14)

*Cover letter, agenda and attachments for
San Pedro Facility RAB meeting*



DEPARTMENT OF THE NAVY
NAVAL WEAPONS STATION SEAL BEACH
800 SEAL BEACH BOULEVARD
SEAL BEACH, CA 90740-5000

RECEIVED

APR 09 2014

IN REPLY REFER TO:
5090
Ser 45W/0049
4 April 2014

Dear Restoration Advisory Board Member:

Naval Weapons Station Seal Beach will hold a Restoration Advisory Board (RAB) meeting for the Defense Fuel Support Point (DFSP) San Pedro on Wednesday, April 23, 2014, from 6:00 to 7:20 PM, at DFSP San Pedro. The enclosed agenda lists the proposed topics and the location/address of the RAB meeting. The DFSP San Pedro RAB meets to review ongoing Installation Restoration Program (IRP) work.

Applications are being accepted for RAB membership and the RAB Community Co-Chair position. RAB members serve a two-year term and attend the semiannual RAB meeting. Duties and responsibilities will include reviewing and commenting on technical documents and activities associated with the IRP at DFSP San Pedro. Members are expected to act as a source of information exchange between the community and the Navy.

If you are interested in the Community Chair role and/or RAB membership, please contact Kellie Freeman at (619) 272-7217 or via email at: Kellie.Freeman@ch2m.com.

If you have any questions, you may contact the Navy Remedial Project Manager, Ms. Brenda Reese, at (619) 532-4209 (email: brenda.reese@navy.mil) or the Principal Environmental Scientist, Dr. Margaret Wallerstein at (562) 626-7838 (email: margaret.wallerstein.ctr@navy.mil).

Sincerely,

Pei-Fen Tamashiro
Installation Restoration Coordinator
By Direction of the
Commanding Officer

Enclosure: 1. DFSP San Pedro RAB Meeting Agenda

NAVAL WEAPONS STATION SEAL BEACH
DFSP SAN PEDRO RESTORATION ADVISORY BOARD (RAB) MEETING
3171 North Gaffey Street, Building 100
San Pedro, California

Wednesday, April 23, 2014
6:00 pm to 7:15 pm

AGENDA

- 6:00 PM Welcome and Introductions
Navy Co-Chair: Ms. Brenda Reese
- 6:05 PM IR Program Overview
Dr. Margaret Wallerstein and Ms. Brenda Reese
- 6:15 PM "Tar Dump" Area
Dr. Margaret Wallerstein
- 6:30 PM IR Site 31 Expanded Site Inspection Update
Mr. David Bloom
- 6:50 PM Administrative Items
Ms. Kellie Freeman
RAB Membership
Co-Chair Election
Next Meeting
- 7:05 PM Open Forum for RAB Members and the Public
- 7:15 PM Meeting Adjourned



**WELCOME TO THE NAVAL WEAPONS
STATION SEAL BEACH
DFSP SAN PEDRO RESTORATION
ADVISORY BOARD (RAB) MEETING**

**3171 North Gaffey Street, Building 100
San Pedro, California**

**Wednesday, April 23, 2014
6:00 pm to 7:15 pm**

Agenda



Welcome and Introductions

Navy Co-Chair: Ms. Brenda Reese

IR Program Overview

Dr. Margaret Wallerstein and Ms. Brenda Reese

"Tar Dump" Area

Dr. Margaret Wallerstein

IR Site 31 Expanded Site Inspection Update

Mr. David Bloom

Administrative Items – RAB Membership

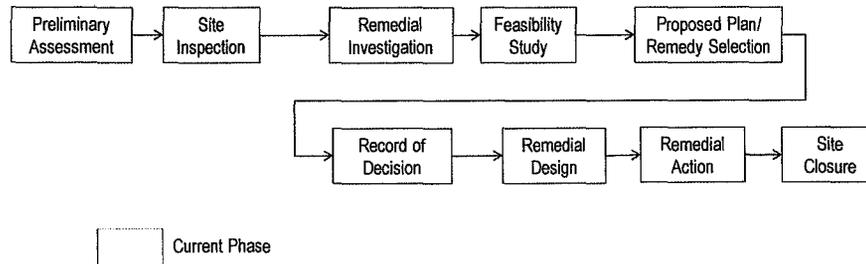
Ms. Kellie Freeman

Open Forum for RAB Members and the Public

CERCLA Process



- **Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or “Superfund” Process**
- Navy’s process for responding to threats from hazardous waste sites
- Short-term removal action or long-term remedial action

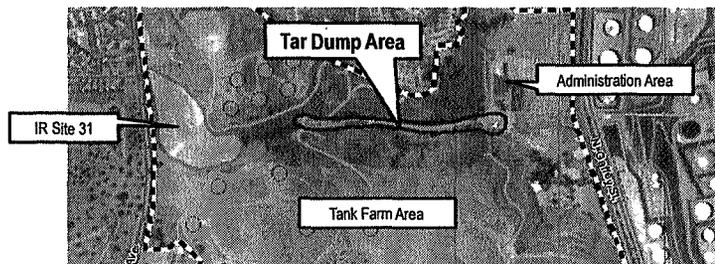


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“Tar Dump” Area, Central Ravine



- **Material:** Oily, asphalt in 1- to 2-foot-thick layers, from surface to 6 feet deep
- **Location:** Central Ravine from Admin Area to 750 feet east of Site 31
- **Period:** Pre-1940s, before Navy use
- **Interpretation:** Heavy hydrocarbons with low pH consistent with refinery tank bottoms disposal.
- **Action:** A Tar Dump project will address assessment and cleanup.



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Overview:
**Installation Restoration Site 31,
(Former Site 3A) Central Ravine**
Defense Fuel Support Point, San Pedro, California

Presented by: David Bloom (TriEco-Tt)
Restoration Advisory Board meeting April 23, 2014



Introduction

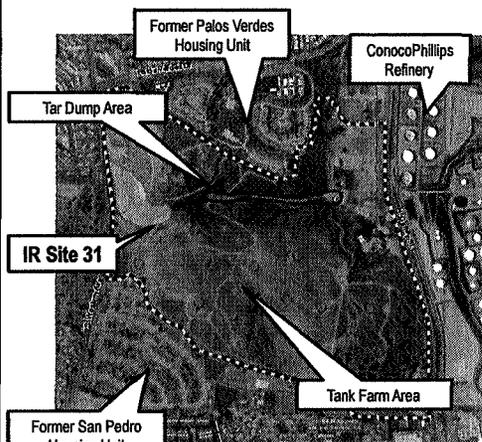


- Introduction
- Site Location and Description
- Site History / Previous Investigations
- Expanded Site Inspection (SI) Objectives
- Expanded SI Field Activities and Preliminary Results
- Project Outcomes and Schedule

Defense Fuel Supply Point (DFSP) San Pedro operational in 1943

- Primary Mission – Storage and distribution of fuel to support military bases
- Additional activities – storage of small arms ammunition after WWII, construction of a small arms pistol range, housing areas, and recreational ball field

Site Location and Description



DFSP San Pedro – Facility Layout Plan

- **Location:** western portion of DFSP San Pedro, bordering S. Western Ave.

- **Geology:** central ravine transects Site.

- **Hydrology:** surface runoff through the central ravine; flows south-southeast. Groundwater has not been encountered in borings to 75' bgs at the Site.

- **Features:** earthen dike located in southeast portion of Site.

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Site History and Description



1972 - 1984 Central Ravine receives construction debris and mixed waste

1984 – Geocon Investigation: 3 soil borings near site

1988 – Geocon Investigation: 10 soil borings, 7 trenches

Pesticides exceeded Title 22 CCR, Lead elevated, TPH >1,000 mg/kg in trench

1989 – Navy Investigation: 8 borings north of site

Pesticides elevated in 2 surface samples

1989 – Geocon Investigation: 10 HSA borings north of site

Low detections of cyanide; some metals exceeded threshold limit values

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Site History and Description (continued)



1993 – Jacobs Engineering; SI:

- 3 hand auger borings in debris area at bottom of canyon
- 7 HSA borings around perimeter of canyon
- 1 boring advanced down-gradient of canyon and east of site boundary
 - 6 VOCs detected all below risk-based criteria
- 21 SVOCs detected, 5 out of 7 samples w/ elevated TICs and fuel
 - No TPH-g or TPH-d detected
 - No organic lead detected
- 25 out of 40 samples contained fuel signature heavier than diesel
 - High concentrations of various metals at various depths
- Risk-based criteria for pesticides and PCBs exceeded in 4 borings

2014 – TriEco-Tt: Expanded Site Inspection

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Expanded SI Objectives



1. Investigate quantity, distribution, composition of fill material
2. Collect soil and groundwater; augment SI data
3. Evaluate COPC risk to human and ecological receptors

Expanded SI Field Activities

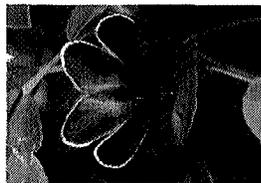
1. Biological avoidance and minimization measures
2. Geophysical surveying and utility clearance
3. Soil sampling
4. Groundwater sampling of existing monitoring wells
5. DGPS Surveying & IDW management

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Biological Avoidance Measures



California Coastal gnatcatcher



Palos Verdes Blue butterfly

- Habitat for two species of special concern located on Site
- Two marginal host plants for PVB were identified and marked during site survey
- All on-site personnel were briefed by biologists
- Project was conducted in Jan; outside of CGG breeding season (Feb 15th and Aug 30th)
- No adverse effects to either of the two species

CalPhotos. 2012. Regents of the University of California, Berkeley. Accessed on August 1st, 2013. Available online at: <http://calphotos.berkeley.edu/>

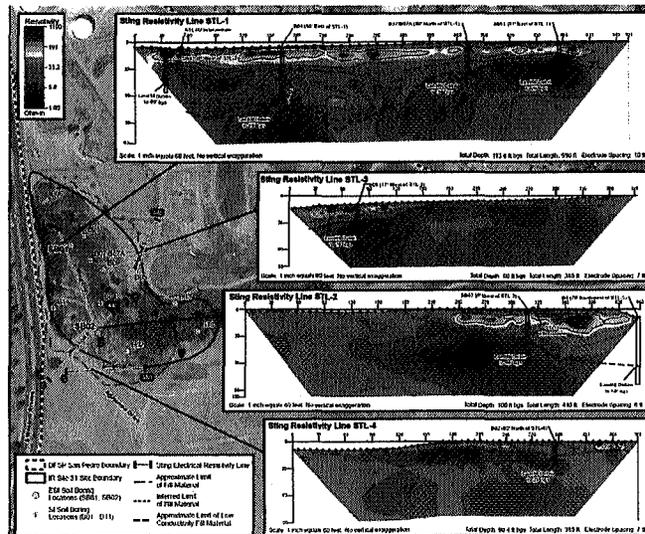
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Expanded SI Activities and Results



Geophysical Survey

1. Magnetometer and EM31 Surveys conducted with a DGPS to evaluate lateral extent of debris at Site
2. Four STING resistivity surveys conducted to assess vertical limits of debris at Site.
3. Subsurface utilities were marked and drilling locations were surveyed.



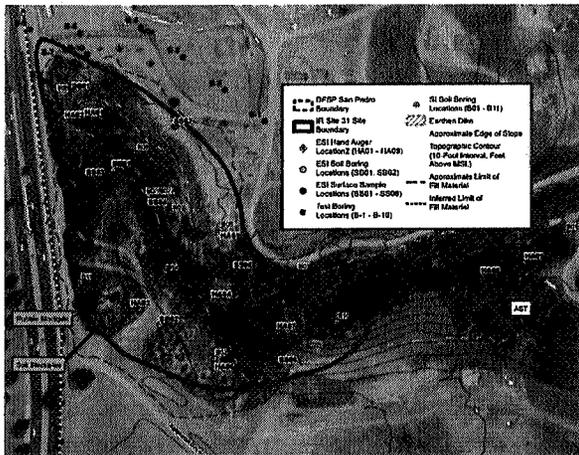
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Expanded SI Activities and Results (continued)



Soil Sampling

- 6 surface samples, 9 hand auger borings, and 2 HSA borings
- Samples were collected at various depths depending on method
- Analyses: TPH-d, TPH-mo, PCBs, pesticides, metals, and hexavalent chromium
 - No Cr(VI) detected
 - TPH-g or TPH-d detected slightly above PSLs in only 2 of 41 samples collected
 - Concentrations of various metals, pesticides, and PCBs detected above PSLs at various depths



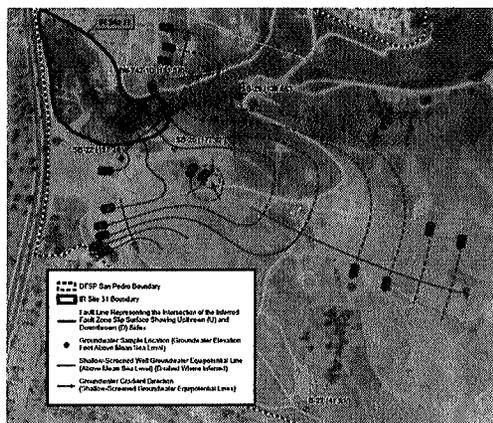
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Expanded SI Activities and Results (continued)



Groundwater Sampling

- 5 existing groundwater wells were sampled
- Results from B-22 represent background conditions
- Analyses: TPH-d, TPH-mo, PCBs, pesticides, hexavalent chromium, SVOCs, VOCs, and perchlorate.
 - No SVOCs, PCBs, or pesticides detected
 - Cr(VI) only detected in B-22
 - Only one VOC (carbon disulfide) was detected and only in SB-25 below PSL
 - TPH-d and TPH-mo detected below PSLs in two and three monitoring wells, respectively
 - Perchlorate detected above PSL in SB-25 and B-22
 - Metals (arsenic, cadmium, cobalt, molybdenum, selenium, and thallium) detected above PSLs in various wells.



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Project Outcomes and Schedule



1. Updated site conceptual model and identification of COPCs
2. Screening-level Human Health and Ecological Risk Assessment

Current Status

- Internal Draft ESI Report is currently being prepared.
- Estimated Draft ESI Report will be submitted for regulatory agency review in June/July.

Future Work

- Decide next step in CERCLA process

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Questions?



David Bloom, PM

TriEco-Tt

David.bloom@tetrattech.com

Office – San Diego, CA

619-321-6704

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Administrative Items



- **RAB Membership**
- **Co-Chair Election**
- **Next Meeting**

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Open Forum



- **Questions and Discussion**

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*Letter from Ron Conrow regarding
Rancho LPG insurance and other issues*

cc: all Council 4-24-14

RANCHO

LPG Holdings LLC

City of Rancho Palos Verdes

APR 24 2014

City Manager's Office

April 21, 2014

Honorable Members of the City Council
City of Rancho Palos Verdes
30904 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

Dear Council Members:

It has come to our attention that concern remains on your City Council and with some residents of your city that our company does not have adequate insurance coverage in regard to an unforeseen circumstance occurring at our terminal located on North Gaffey Street in San Pedro.

Please know that our company does indeed have adequate insurance to cover any on-site or off-site consequences that would occur per a worse-case scenario on our Risk Management Plan (RMP) on file at the Certified Unified Program Agency (CUPA) office located at the Los Angeles Fire Department offices in downtown Los Angeles.

Also, please know that the aforementioned worse-case scenario does not impact the City of Rancho Palos Verdes in anyway. In fact, the closest proximity to a potential worse-case scenario is .25 miles from your city's border.

Moreover, our facility has a perimeter detection system and a public safety (fire and police) department advisement protocol in place to address this issue as well.

We hope this clarifies any issues that the Council and residents have regarding this insurance and detection issues.

Very Truly Yours,

RANCHO LPG HOLDINGS, LP

Ronald H. Conrow Jr.

RONALD CONROW

Western District Manager

RC:dms

cc: Office of Los Angeles City Councilman Joe Buscaino
Office of Congressman Henry Waxman
Office of Congresswoman Janice Hahn
Office of State Senator Ted Lieu
Office of Assemblyman Al Muratsuchi

2110 North Gaffey Street, San Pedro, California 90731
Telephone (310) 833-5275 Fax (310) 833-5680

E-mail response from Jeanne Lacombe
to letter from Ron Conrow

Kit Fox

From: Lacombe <chateau4us@att.net>
Sent: Monday, April 28, 2014 10:24 PM
To: CC; Kit Fox
Cc: lisa.pinto@mail.house.gov; Ted.Lieu@sen.ca.gov; Timothy Lippman; jacob.haik@lacity.org; jenny.chavez@lacity.org; elise.swanson@mail.house.gov; Laurie.Saroff@mail.house.gov; Jennifer Zivkovic; councilmember.buscaino@lacity.org
Subject: Recent letter from Rancho LPG Holding LLC

Dear Rancho Palos Verdes City Council Members,

This is in response to a letter dated April 21, 2014 from Ron Conrow to the RPV City Council addressing the question of insurance coverage for Rancho Holdings LLC butane and propane facility.

Mr. Conrow clearly states in that letter that they have adequate insurance to cover "off-site consequences that would occur per a worse-case scenario..." But at the Oct. 16th, 2012 RPV City Council Meeting he clearly stated that they only have insurance coverage for their "asset footprint". So what exactly is the truth? Did Mr. Conrow deceive the RPV City Council at the October 16, 2012 Council meeting, or in this most recent letter?

In the April 21 letter he states the blast radius that is filed on their Risk Management plan is 0.25 miles. Yet, at the RPV City Council Meeting (at 2:14:38 into the meeting as can be viewed on the City Website) he clearly stated "Our risk management plan is zero point five (0.5) miles." So again, when is Mr. Conrow telling the truth?

Please review that October 16th, 2012 Council Meeting tape for yourself. Beginning at 2:15:43 into the meeting you will find the following dialog:

Councilwoman Brooks: "Do you have insurance that would cover lives property..homes?"

Ron Conrow: "Yes we do. It's a cascading pyramid type.. Rancho has insurance through it's parent company Plains All-American Pipeline, a major transporter of crude oil and natural gas products throughout the United States and Canada which purchases insurance to cover it's entire asset footprint."

When Councilwoman Brooks asked for clarification of the scope of insurance at 2:16:27 into the meeting:

Susan Brooks: "So that is point five (0.5 miles)?"

Ron Conrow "No that's our entire asset footprint."

Unknown City Councilmember "That's only their property."

Susan Brooks : So it's only your property. So what about in the event of an accident?"

Ron Conrow (reading very carefully from a script) : "In the event of an incident the insurance provides coverage for potential injuries and damages to assets of those affected the insurance also covers the cost to address

environmental remediation that may be required... And an insurance package that is appropriate for the size of Plains is more than adequate to cover the Rancho facility."

Please note that he clearly states that it covers the Rancho facility with no mention of the surrounding community.

At 2:22:35 into the meeting:

Councilman Duhovic : "You were talking about insurance with Councilwoman Brooks is that...is there a liability component there you really didn't expand on the and what are the limits on that per incident and total value of the insurance?"

Ron Conrow: "I don't have that information with me but if you want that, that can go through the City Attorney and we can get you that information."

Councilman Duhovic: "Actually if we can get a copy of the policy would be great. We would keep it confidential with the City Attorney just to validate the perimeters."

Ron Conrow : " That is correct Sir."

Since that October 2012 meeting, Rancho Holdings LLC has refused to release any insurance policy information or further detailed information about insurance to the RPV City Council or the RPV City Attorney. In fact, Councilman Duhovic received an email from Ron Conrow on February 5, 2013 stating "there was no promise on my behalf to provide insurance documentation to RPV" and he referenced a letter dated January 29, 2013 from John H. Kyles to Carol Lynch advising Ms Lynch "After internal review, Rancho LPG has concluded that the requested information is proprietary. Therefore, Rancho will not make the insurance policies and their details available to the City."

We do not believe Rancho LPG covers anyone or anything outside the border of their own fence and we believe any words to the contrary from Rancho LPG are outright lies. It would be easy for Rancho to prove us wrong but they won't - or can't.

The April 2014 letter was yet another carefully crafted attempt by Ron Conrow to further obfuscate the issue. We believe Mr. Conrow is making every attempt to hide the truth from the RPV City Council and to confuse every elected official in the area.

We feel that companies such as Rancho Holdings LLC that operate a business with the potential to cause an explosion that could devastate the surrounding community should be required to operate with appropriate and adequate third party insurance and should make the policy and the coverage therein known to the affected community. We also believe that it is bad public policy to allow a business such as Rancho to operate as an LLC. We believe the State of California should mandate such a requirement on all facilities with a regulatory-recognized blast radius that exceeds the perimeter of their facility.

Thank you for your involvement in this issue.

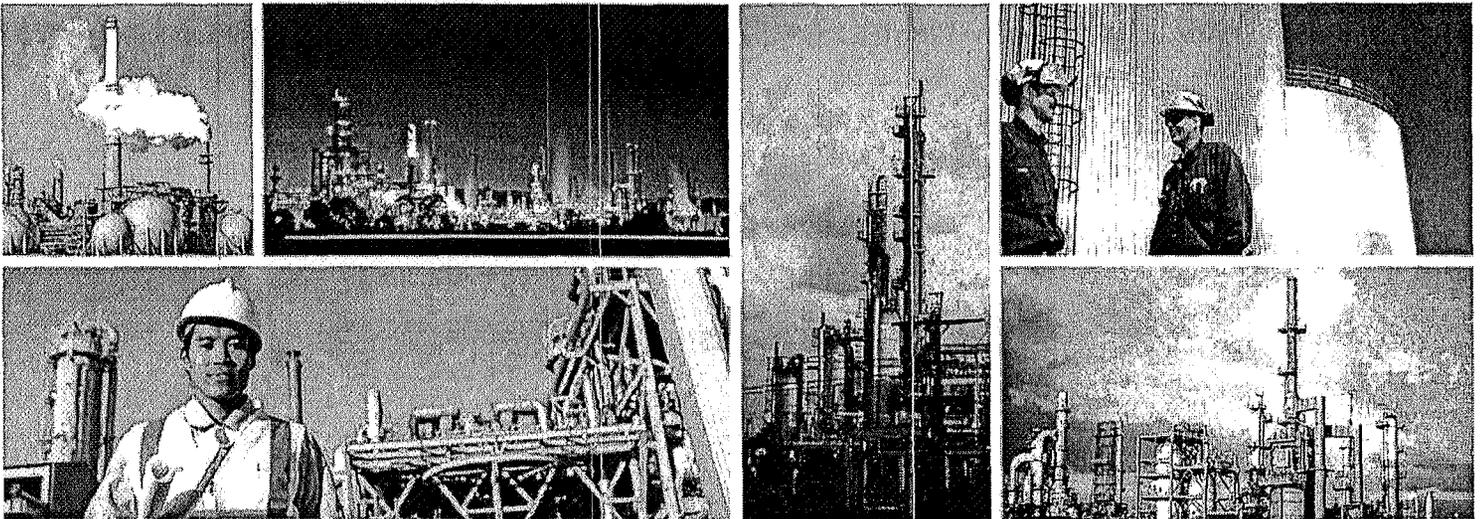
Jeanne Lacombe, President
Rolling Hills Riviera HOA
Rancho Palos Verdes, CA

Flyer and agenda for State Refinery Task Force
information session

STATE REFINERY TASK FORCE INFORMATION SESSION

Tuesday, April 29th 6:00 PM – 8:00 PM

WILMINGTON MIDDLE SCHOOL
1700 GULF AVENUE, LOS ANGELES, CA 90744



Task Force Goals:

- ✓ Implement the recommendations in the Governor's Interagency Working Group on Refinery Safety's report, *Improving Public and Worker Safety at Oil Refineries*
- ✓ Enhance coordination of oversight, enforcement, outreach and response activities by regulatory agencies.
- ✓ Establish refinery safety forums in northern, central and southern California for ongoing dialogue among industry labor, community, environmental groups and regulators to enhance public and worker knowledge and safety.

Public Meeting on Refinery Safety
Wilmington Middle School
April 29, 2014
6:00 – 8:00 PM

- 6:00 – 6:10 Welcome & Introductions
Jim Bohon
- 6:10 – 6:20 Local Representative Comments
- 6:20 – 6:30 Background: Interagency Refinery Task Force
Dr. Gina Solomon
- 6:30 – 6:40 Safety and Prevention Work Group
Mike Wilson, PhD
- 6:40 – 6:50 Emergency Preparedness and Response Work Group
Jim Bohon
- 6:50 – 7:00 Developing a Framework for Refinery Air Monitoring
Greg Vlasek
- 7:00 – 7:50 Questions and Feedback from Public
Audience
- 7:50 – 8:00 Wrap Up and Thank You
Dr. Gina Solomon

E-mail and attachments from Janet Gunter
to State Refinery Task Force

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Wednesday, April 30, 2014 12:19 PM
To: gsolomon@calepa.ca.gov; "mwilson <mwilson">@dir.ca.govthomas.e.campbell; Rafael.Moure-Eraso@csb.gov; don.holmstrom@csb.gov; dan.tillema@csb.gov
Cc: MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; amartinez@earthjustice.org; Kit Fox; dpettit@nrdc.org; rgb251@berkeley.edu; lpryor@usc.edu; carl.southwell@gmail.com
Subject: State Refinery Task Force Meeting in Wilmington last night
Attachments: Rancho_LPG_-_EPA_Show_Cause_Letter_(1).pdf; Contra_Costa_County_Risk_Management_Ordinance.o.pdf

Thank you all for your patience and endurance in listening to the many concerns voiced at last night's meeting regarding the multitude of hazardous facilities that operate in the LA Harbor Area.

Although you heard most of the issues that concern us regarding Rancho LPG, we failed (as did the Manager of Rancho, Ron Conrow) to disclose that the Rancho facility is currently out of compliance with 6 violations issued by the EPA for over a year ago now. (EPA Demand letter attached) The fact that this situation remains unresolved is yet another "rub" about this facility. We realize that these violations are just scratching the surface of the real problem here, but there is a means within those violations to take much needed action. And, for whatever reason, that is being avoided.

One of the clearest points from Mr. Conrow last night was made by his focus on the glaring "loop hole" that is being provided to hazardous **storage** facilities by current regulations. He continued to "stress" that they are "just a storage facility"...NOT a "refinery". This is an effort to "diffuse" any notion of their real hazard based on the government's own lack of proper safety standards with regard to these extremely volatile locations. This is the problem that I described about "above ground storage tanks" and their exemptions that afford them "escape" from proper public safety scrutiny and insurance. This is a MAMMOTH problem! To ignore this HIGH RISK situation in your mission to create a safer environment would be reckless beyond reason.

Another issue that I wanted to ask you to investigate is the EPA's choice of a Michigan Tech University "Chemical Professor" to analyze the safety of Rancho LPG. The choice of this gentleman to do this analysis is curious at best. This man never visited the site and made assumptions that are illogical, including one regarding a major earthquake that could rupture a Butane tank...yet leave a berm surrounding that tank (built on "a landslide area") "in place". His report was done on the letter head of Michigan Tech University, however when the University was contacted they disavowed any knowledge of this report stating that it was a contract ONLY between Dr. Crowl and the EPA. Obviously, a Civil /Seismic engineer would be the only appropriate professional to give an estimation of a structural nature.

Also, if you review the geology report conducted around the same time by the EPA, you will find that the soil at Rancho is described as good "sand"! It confirms the USGS designation of the land as "liquefaction and landslide areas". I would encourage you all to take a trip to physically examine the grounds of Rancho and of Phillips 66. While Rancho has been energetically resurfacing the blacktop surrounding their facility, you will see very clearly the way that the soil is moving and collapsing by witnessing the sink holes on the Phillips 66 property abutting the Rancho facility directly due north and on the east side of Gaffey Street. Another disturbing fact is that the Rancho propane "bullet" tanks (the ones that are known to "bleve" and shoot shrapnel for miles) point north and south...aimed north at the explosive 5 Million gallon butane gas tanks of Phillips 66, and also south at the 12.5 Million gallon butane tank at Rancho!! This is patently "insane" in a world of safety planning. The map which I provided to you, (that shows the "earthquake rupture zone") is pulled from the SAFTYELT document at the Los Angeles Planning Dept. This is not a figment of my imagination. It is the ONLY "rupture zone" in the LA Harbor Area. In that small zone are storage tanks for three of the most voluminous and treacherous commodities, butane gas, propane gas, and jet fuel and propellants. Don't take my word for this...just look at the LA Planning Dept. document. Also, Dr. Lucy Jones from USGS is supposed to be doing work for the City of LA at this time. Any seismic questions should be answered by Dr. Jones.

I don't envy you your job here. There are communities like ours in the Harbor Area that are swimming in a cesspool of hazardous and explosive opportunities for catastrophe. Years of deference to the energy industry with total disregard for public safety has netted us some very dangerous environments. The antiquated conditions of these irresponsibly created situations are now manifesting themselves in disasters. Certainly, there will be more of them to come. Rational minds must prevail in order to protect the innocent and the infrastructures of our cities. Please do the best that you can to

communicate these dire circumstances and push for immediate changes to be implemented. The costs of not doing so are unfathomable.

Thank you again,
Janet Gunter



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

MAR 14 2013

CERTIFIED MAIL NO.:
RETURN RECEIPT REQUESTED
In Reply Refer to:
Rancho San Pedro Terminal, San Pedro, CA

Mr. Tony Puckett
Rancho LPG Holdings, LLC
2110 North Gaffey Street
San Pedro, California 90731

RE: Notification of Potential Enforcement Action for Violation of Section 112(r)(7) of the Clean Air Act

Dear Mr. Puckett:

On April 14, 2010, and January 11, 2011, the U.S. Environmental Protection Agency ("EPA") conducted inspections at the San Pedro Terminal ("the Facility") owned by Plains LPG Services and operated by Rancho LPG Holdings, LLC (the "Companies") at 2110 North Gaffey Street, in San Pedro, California. The purpose of the inspections and subsequent information requests were to evaluate the Companies' compliance with the requirements under Section 112(r) of the Clean Air Act ("CAA").

Based upon the information obtained during our investigation, EPA is prepared to initiate a civil administrative action against the Companies to ensure compliance with federal law and assess a penalty pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. The anticipated allegation includes violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and its implementing regulations.

Specifically, the anticipated allegations against the Companies include:

1. The Companies failed to identify and assess its rail storage area as a process for inclusion in its Risk Management Plan ("RMP"). The rail storage area should have been included as a covered process where a regulated substance was present above a threshold quantity when it submitted an RMP. As a result, the Companies failed to conduct a hazard assessment of that process, in violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. § 68.12(a) and (b).

2. The Companies failed to adequately evaluate potential seismic stresses on the support structure for the emergency flare in accordance with design codes. As a consequence, the Companies violated Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. § 68.65(a) and(d)(2-3), which requires that the owner or operator ensure that complete process safety information is compiled on the technology of the process and that the equipment complies with recognized and generally accepted good engineering practices.
3. The Companies did not appropriately address the consequences of a loss of the city water system for fire suppression in the event of an earthquake. This omission is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. § 68.67(c)(4), which requires that the owner or operator address the consequences of the failure of engineering and administrative controls in the process hazard analysis.
4. The Companies failed to internally inspect Tank 1 according to a timetable set forth in API Standard 653, in violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. § 68.73(d)(2), which require that the owner or operator ensure that inspection and testing procedures follow recognized and generally accepted good engineering practices.
5. The Facility's emergency response plan identified the facility as a responding facility for which employees will take response action in the event of a release, per 40 C.F.R. 68.90(a). However, the Facility's emergency response plan developed under paragraph (a)(1) of that part was not coordinated with the community emergency response plan developed under 42 U.S.C. 11003. In addition, the Facility Manager and employees stated to EPA that they are not emergency responders for the Facility, but are only authorized to take life safety and evacuation actions. The Companies failed to develop and implement an emergency response program for the purpose of protecting public health and the environment, including at a minimum, procedures for informing the public and emergency response agencies in the event of a release. The Facility failed to clearly indicate to their own employees whether they would be emergency responders or would evacuate. This is in violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. § 68.95(a)(1)(i), which requires an owner or operator to develop and implement an emergency response program including a plan that shall be maintained at the stationary source and contain procedures for informing the public and local emergency response agencies about accidental releases.
6. The Companies failed to ensure that the drain pipe located in the base of the containment basin and the valve located near Gaffey Street were included in the mechanical integrity program. This is in violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. § 68.73(d), which requires inspection and testing procedures to follow recognized and generally accepted good engineering practices.

Before filing a Determination of Violation, Compliance Order and Notice of Right to Request a Hearing ("Complaint"), EPA is extending to the Companies an opportunity to advise EPA of any other information that the Companies believes should be considered before the filing of such a Complaint. Relevant information may include any evidence of reliance on compliance assistance, additional compliance tasks performed subsequent to the inspection, or financial factors bearing on the ability to pay a civil penalty.

Your response to this letter must be made by a letter, signed by a person or persons duly authorized to represent the Companies. Please send any such response by certified mail, return receipt requested, addressed to:

Ms. Mary Wesling (SFD-9-3)
Environmental Scientist
U.S. EPA Region IX
75 Hawthorne St.
San Francisco, CA 94105

Please provide such information by no later than April 15, 2013. EPA anticipates filing a Complaint in this matter on or about May 15, 2013, unless the Companies first advise EPA, with supporting information, of substantial reasons not to proceed as planned. Any penalty proposed for violation of the CAA will be calculated pursuant to EPA's "Final Combined Enforcement Policy for the Clean Air Act Section 112(r)(1), the General Duty Clause, and Clean Air Act Section 112(r)(7) and 40 C.F.R. Part 68, Chemical Accident Prevention Provisions," dated June 20, 2012, a copy of which is enclosed (the "Penalty Policy"). Civil penalties may be mitigated, under the EPA "Supplemental Environmental Projects Policy,"¹ which describes the terms under which a commitment to perform an environmental project may mitigate, in part, a civil penalty. Even if the Companies are unaware of any mitigating or exculpatory factors, EPA is extending to the Companies the opportunity to commence settlement discussions concerning the above described violations.

Additionally, to fully consider application of the Penalty Policy, EPA is additionally requesting responses to specific questions set forth below. EPA makes this request for information pursuant to 42 U.S.C. § 7414(a). Failure to comply with the information request in this letter may result in enforcement action being taken in accordance with Section 113 of the Act, 42 U.S.C. § 7413. This may include civil and administrative penalties of up to \$37,500 per day of noncompliance, pursuant to section 113(b)(2) and 113(d) of the Act, 42 U.S.C. §§ 7413(b)(2) and 7413(d). Instructions regarding the requests also are set forth below.

///

¹<http://www.epa.gov/compliance/resources/policies/civil/seps/fnl-sup-hermn-mem.pdf>, and <http://cfpub.epa.gov/compliance/resources/policies/civil/seps/>.

If there are any questions, please contact Mary Wesling of my staff at (415) 972-3080 or Wesling.Mary@epa.gov. Please direct any questions or inquiries from legal counsel to Andrew Helmlinger, EPA Counsel, at (415) 972-3904 or Helmlinger.Andrew@epa.gov.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Meer', with a stylized flourish at the end.

Daniel A. Meer, Assistant Director
Superfund Division

Enclosures:

Final CAA §112(r) Combined Enforcement Policy

cc (w/enclosures):

T. Puckett, Plains LPG Services, LLC, Houston, TX

M. Wesling, U.S. EPA Region IX

A. Helmlinger, U.S. EPA Region IX

ENCLOSURE

INSTRUCTIONS

1. Please provide a separate response to each request, and identify each response by the number of the request to which it corresponds. For each document produced, identify the request to which it is responsive.
2. Knowledge or information that has not been memorialized in any document, but is nonetheless responsive to a request, must be provided in a narrative form.
3. The scope of this Information Request includes all information and documents obtained or independently developed by the Companies, their attorneys, consultants or any of their agents, consultants, or employees.
4. The Companies may not withhold any information from EPA on the grounds that it is confidential business information. EPA has promulgated regulations, under 40 C.F.R. Part 2, Subpart B, to protect confidential business information that it receives. The Companies may assert a business confidentiality claim (in the manner specified in 40 C.F.R. § 2.203(b)) for all or part of the information requested by EPA. However, business information is entitled to confidential treatment only if it satisfies the criteria set forth in 40 C.F.R. § 2.208. EPA will disclose business information entitled to confidential treatment only as authorized by 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies the information at the time EPA receives it, EPA may make it available to the public without further notice.
5. Notice is hereby given, pursuant to 40 C.F.R. § 2.310(h), that EPA may disclose confidential information provided by the Companies to EPA's authorized representatives, including its contractor, Science Applications International Corporation ("SAIC"). Confidential information may be disclosed to EPA's authorized representatives for the following reasons: to assist with document handling, inventory and indexing; to assist with document review and analysis for verification of completeness; and to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. § 2.310(h), the Companies may submit, along with its response to this Information Request, any comments regarding EPA's disclosure of confidential information to its authorized representatives.
6. If information or documents not known or available to the Companies at the time of any response to this Information Request later become known or available to it, it must supplement its response to EPA. Moreover, should the Companies find at any time after the submission of any response that any portion of the submitted information is false or misrepresents the truth, the Companies must notify EPA as soon as possible and provide EPA with a corrected response.
7. If information responsive to a request is not in the Companies' possession, custody, or control, identify the persons or entities from whom such information may be obtained. For each individual or entity that possesses responsive information, please provide the following: name, last known or current address, telephone number, and affiliation with the Companies or the Facility.

8. If you believe that there are grounds for withholding information or documents that are responsive to this request, e.g., attorney-client privilege, you must identify the information or documents and state the basis for withholding.

INFORMATION REQUEST

1. Provide cost information for the development and implementation of the Facility's RMP. Disaggregate the RMP development costs by capital and one-time non-depreciable expenses. Regarding implementation costs, provide actual or estimated incremental (above the Facility's previously existing level-of-effort) annually recurring costs (e.g. Operation & Maintenance).
2. Provide a statement and supporting documentation indicating the Companies' present net worth.

CONTRA COSTA COUNTY CODE

Chapter 450-8 - RISK MANAGEMENT

Sections:

450-8.002 - Background and findings.

450-8.004 - Purpose and goals.

450-8.006 - Authority.

450-8.008 - Administration.

450-8.010 - Applicability.

450-8.012 - Inspection.

450-8.014 - Definitions.

450-8.016 - Stationary source safety requirements.

450-8.018 - Review, audit and inspection.

450-8.020 - Trade secret.

450-8.022 - Hazardous materials ombudsperson.

450-8.024 - Public information bank.

450-8.026 - Fees.

450-8.028 - Penalties.

450-8.030 - Annual performance review and evaluation.

450-8.032 - Construction.

450-8.002 - Background and findings.

The board of supervisors of Contra Costa County finds as follows:

(a) Recent incidents in Contra Costa County at industrial chemical, petrochemical, and oil industry facilities have prompted the consideration of reviews, inspections, and audits that supplement existing federal and state safety programs and the imposition of additional safety measures to protect public health and safety from accidental releases.

(b) Section 112(r)(7) of the Clean Air Act (42 U.S.C.A. Section 7412(4)) required the Federal Environmental Protection Agency ("EPA") to promulgate the rule known as the "Risk Management Program," which is intended to prevent accidental releases of

regulated substances, as defined in the federal program, and reduce the severity of those releases that do occur. All facilities subject to this federal regulation must prepare a risk management plan (RMP) based on a risk management program established at the facility, that includes a hazard assessment of the facility, an accidental release prevention program, and an emergency response program (40 CFR Section 68). The facility must submit the Federal RMP to the EPA by June 21, 1999 (40 CFR Section 68-150-68.185). The federal RMP will be available to state and local government and the public.

(c) The California Health and Safety Code Article 2 (Section 25531 et seq.) of Chapter 6.95 was amended effective January 1, 1997 to implement the federal EPA's risk management program rule with certain state-specific amendments. The state's risk management program is known as the California Accidental Release Prevention (CalARP) Program.

(d) The county recognizes that regulatory requirements alone will not guarantee public health and safety, and that the public is a key stakeholder in chemical accident prevention, preparedness, and response at the local level. Preventing accidental releases of regulated substances is the shared responsibility of industry, government and the public. The first steps toward accident prevention are identifying the hazards and assessing the risks. Once information about chemical hazards in the community is openly shared, industry, government, and the community can work together towards reducing the risk to public health and safety.

(e) The success of a safety program is dependent upon the cooperation of industrial chemical and oil refining facilities within Contra Costa County. The public must be assured that measures necessary to prevent incidents are being implemented, including changes or actions required by the department or the stationary source that are necessary to comply with this chapter.

(Ord. 98-48 § 2).

450-8.004 - Purpose and goals.

(a) The purpose of this chapter is to impose regulations which improve industrial safety by:

(1) Requiring the conduct of process hazard analyses for covered processes handling hazardous materials not covered by the federal or state accidental release prevention programs;

(2) Requiring the review of action items resulting from process hazard analyses and requiring completion of those action items selected by the stationary source for implementation within a reasonable time frame;

(3) Requiring the review of accidental release prevention efforts of stationary sources and providing for the conduct of investigations and analyses for the determination of the root cause for certain incidents;

- (4) Providing review, inspection, auditing and safety requirements that are more stringent than those required in existing law and regulations;
 - (5) Providing for public input into the safety plan and safety program and public review of any inspection and audit results;
 - (6) Facilitating cooperation between industry, the county, and the public in the prevention and reduction of incidents at stationary sources;
 - (7) Expanding the application of certain provisions of the federal and state accidental release prevention programs to processes not covered by the federal or state accidental release prevention programs;
 - (8) Verifying that an approved security and vulnerability study is performed, and that the recommendations are addressed within a reasonable time frame;
 - (9) Requiring the development and implementation of a written human factors program; and
 - (10) Preventing and reducing the number, frequency, and severity of accidental releases in the county.
- (Ords. 2006-22 § 2, 98-48 § 2).

450-8.006 - Authority.

The ordinance codified in this chapter is adopted by the county pursuant to its police power for the purposes of protecting public health and safety by prevention of accidental releases of hazardous materials and to assure protection of the environment.

(Ord. 98-48 § 2).

450-8.008 - Administration.

The department is charged with the responsibility of administering and enforcing this chapter.

(Ord. 98-48 § 2).

450-8.010 - Applicability.

(a) This chapter shall apply to stationary sources except that:

(b) The following are exempt from the provisions of this chapter except Sections 450-8.016(c) and (e), and 450-8.018(f) and (g):

(1) Storage tanks containing a nonregulated substance, except for storage tanks that contain a material that has a flashpoint above one hundred forty-one degrees Fahrenheit and below two hundred degrees Fahrenheit in accordance with the definition of combustible liquid in 49 CFR 173.120(b);

(2) Drum storage of: (A) a nonregulated substance; (B) less than ten thousand pounds of a hazard category B material located such that the drums could reasonably be expected to be involved in a single release; and (C) a hazard category A material, located such that the drums could reasonably be expected to be involved in a single release, at less than the quantity specified as the threshold planning quantity on the extremely hazardous substances list (Appendix A to 40 CFR Chapter I, Subchapter J, Part 355, as amended from time to time) or five hundred pounds, whichever is less;

(3) Activities in process plant laboratories or laboratories that are under the supervision of a technically qualified individual as defined in Section 720.3(ee) of 40 CFR. This exemption does not apply to specialty chemical production; manufacture, processing or use of substances in pilot plant scale operations; and activities conducted outside the laboratory;

(4) Utilities, except for fuel gas and natural gas systems to the battery limits of a process unit; and

(5) Any waste tanks, containers or other devices subject to the federal and state hazardous waste laws, including the Resource Conservation and Recovery Act (RCRA), 40 CFR Chapter I, Subchapter I, commencing with Part 260, the California Hazardous Waste Control Law, California Health and Safety Code, commencing with Section 25100 and the California Code of Regulations, Title 22 Division 4.5 Environmental Health Standards for the Management of Hazardous Waste.

(Ords. 2006-22 § 3, 98-48 § 2).

450-8.012 - Inspection.

The department shall be allowed reasonable access to any part of the stationary source subject to the requirements of this chapter, Sections 450-8.016 and 450-8.018 and to supporting documentation retained by the source for the purpose of determining compliance with this chapter.

(Ord. 98-48 § 2).

450-8.014 - Definitions.

For purposes of this chapter, the definitions set forth in this section shall apply. Words used in this chapter not defined in this section shall have the meanings ascribed to them in the Clean Air Act Regulations (40 CFR Section 68.3) and in California Health and Safety Code Article 2 (Section 25531 et seq.) of Chapter 6.95, unless the context indicates otherwise.

(a) "Covered process" means any process at a stationary source.

(b) "Department" means the Contra Costa County health services director and any director authorized deputies.

(c) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

(d) "Hazard category A materials" are substances which meet the hazard category A material definition as set forth in Section 84-63.1016 of this code.

(e) "Hazard category B materials" are substances which meet the hazard category B material definition as set forth in Section 84-63.1016 of this code.

(f) "Industry codes, standards, and guidelines" means the edition of the codes, standards, and guidelines in effect at the time of original design or construction for the design, construction, alteration, maintenance or repair of process units, industrial equipment, or other industrial facilities, structures or buildings published by, but not limited to, the American Petroleum Institute (API), the American Chemistry Council (ACC), the American Society of Mechanical Engineers (ASME) or the American National Standards Institute (ANSI), and meets recognized and generally accepted good engineering practices (RAGAGEP).

(g) "Inherently safer systems" means "inherently safer design strategies" as discussed in the latest edition of the Center for Chemical Process Safety Publication "Inherently Safer Chemical Processes," and means feasible alternative equipment, processes, materials, layouts, and procedures meant to eliminate, minimize, or reduce the risk of a major chemical accident or release by modifying a process rather than adding external layers of protection. Examples include, but are not limited to, substitution of materials with lower vapor pressure, lower flammability, or lower toxicity; isolation of hazardous processes; and use of processes which operate at lower temperatures and/or pressures.

(h) "Major chemical accident or release" means an incident that meets the definition of a level 3 or level 2 incident in the community warning system incident level classification system defined in the hazardous materials incident notification policy, as determined by the department; or results in the release of a regulated substance and meets one or more of the following criteria:

(1) Results in one or more fatalities;

(2) Results in greater than twenty-four hours of hospital treatment of three or more persons;

(3) Causes on- and/or off-site property damage (including clean-up and restoration activities) initially estimated at five hundred thousand dollars or more. On-site estimates shall be performed by the stationary source. Off-site estimates shall be performed by appropriate agencies and compiled by the department;

(4) Results in a vapor cloud of flammables and/or combustibles that is more than five thousand pounds.

(i) "Regulated substance" means (1) any chemical substance which satisfies the provisions of California Health and Safety Code Section 25532(g), as amended from time

to time, or (2) a substance which satisfies the provisions of hazard categories A or B in Section 84-63.1016 of this code. Mixtures containing less than one percent of a regulated substance shall not be considered in the determination of the presence of a regulated material.

(j) "Risk management program" means the documentation, development, implementation, and integration of management systems by the facility to comply with the regulations set forth in 40 CFR, Part 68 and the California Health and Safety Code, Article 2, commencing with Section 25531.

(k) "RMP" means the risk management plan required to be submitted pursuant to the requirements of the 40 CFR Section 68.150-68.185 and the California Health and Safety Code Article 2 (Section 25531 et seq.) of Chapter 6.95.

(l) "Root cause" means prime reasons, such as failures of some management systems, that allow faulty design, inadequate training, or improper changes, which lead to an unsafe act or condition, and result in an incident. If root causes were removed, the particular incident would not have occurred.

(m) "Safety plan" means the safety plan required to be submitted to the department pursuant to the requirements of Section 450-8.016 of this chapter.

(n) "Safety program" means the documentation, development, implementation, and integration of management systems by the stationary source to comply with the safety requirements set forth in Section 450-8.016 of this chapter.

(o) "Stationary source" or "source" means a facility which includes at least one process as defined in 40 CFR 68.10 that is subject to federal risk management program level 3 requirements and whose primary North American Industry Classification System code (NAICS) is 324 (Petroleum and Coal Products Manufacturing) or 325 (Chemical Manufacturing).

(p) "California accidental release prevention program" means the documentation, development, implementation, and integration of management systems by a facility to comply with the regulations set forth in California Code of Regulations, Title 19, Division 2, Chapter 4.5.

(q) "Catastrophic release" means a major uncontrolled emission, fire, or explosion, involving one or more highly hazardous chemicals, that presents serious danger to employees in the workplace and/or the public. As used in this section, "highly hazardous chemical" has the meaning ascribed to it in 29 CFR 1910.119(b) as of May 21, 2003.

(r) "Human factors" means a discipline concerned with designing machines, operations, and work environments so that they match human capabilities, limitations, and needs. "Human factors" can be further referred to as environmental, organizational, and job factors, and human and individual characteristics that influence behavior at work in a way that can affect health and safety.

(s) "Human systems" means the systems, such as written and unwritten policies, procedures, and practices, in effect to minimize the existence/persistence of latent conditions at the stationary source. It also includes the broad area of safety culture of a stationary source to the extent that it influences the actions of individuals or groups of individuals.

(Ords. 2006-22 § 4, 98-48 § 2).

450-8.016 - Stationary source safety requirements.

The stationary source shall submit a safety plan to the department within one year of the effective date of the ordinance codified in this chapter or within three years of the date a facility becomes a stationary source, that complies with the provisions of this section and that includes the safety elements listed in subsection (a) of this section. In addition, the stationary source shall comply with the safety requirements set forth in subsections (a) through (e) of this section and shall include a description of the manner of compliance with these subsections in the safety plan. A new covered process at an existing stationary source shall comply with subsections (a) through (e) of this section prior to initial startup.

(a) Safety Program Elements. All covered processes shall be subject to the safety program elements listed below. The safety plan shall include a description of the manner in which these safety program elements listed below shall be applied to the covered process. These safety program elements shall be implemented in conformance with the California accidental release prevention program and the safety plan shall follow Chapters 5, 7, 8 and 9 of the Contra Costa County health services department CalARP program guidance document.

(1) Process Safety Information.

(A) The stationary source shall complete a compilation of written process safety information before conducting any process hazard analysis as required by this chapter. The compilation of written process safety information is to enable the stationary source and the employees involved in operating the covered process to identify and understand the hazards posed by the covered process. This process safety information shall include information pertaining to the hazards of the regulated substances used or produced by the process, information pertaining to the technology of the process, information pertaining to the equipment in the process, and information pertaining to the hazards of the regulated substances in the process.

(i) This information shall consist of at least the following: toxicity information; permissible exposure limits; physical data; reactivity data; corrosivity data; thermal and chemical stability data; and hazardous effects of inadvertent mixing of different materials that could foreseeably occur.

(ii) Material safety data sheets meeting the requirements of Section 5189, Title 8 of California Code of Regulations may be used to comply with this requirement to the extent they contain the information required by this subsection.

(iii) Information pertaining to the technology of the process shall include at least the following: a block flow diagram or simplified process flow diagram; process chemistry; maximum intended inventory; safe upper and lower limits for such items as temperatures, pressures, flows or compositions; and, an evaluation of the consequences of deviations. Where the original technical information no longer exists, such information may be developed in conjunction with the process hazard analysis in sufficient detail to support the analysis.

(iv) Information pertaining to the equipment in the process shall include: materials of construction; piping and instrument diagrams (P&ID's); electrical classification; relief system design and design basis; ventilation system design; design codes and standards employed; material and energy balances for processes built after the compliance date of the ordinance codified in this chapter; and safety systems (e.g., interlocks, detection or suppression systems).

(B) The stationary source shall document that equipment complies with recognized and generally accepted good engineering practices.

(C) For existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, the stationary source shall determine and document that the equipment is designed, maintained, inspected, tested, and operating in a safe manner.

(2) Operating Procedures.

(A) The stationary source shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements:

(i) Steps for each operating phase: initial startup; normal operations; temporary operations; emergency shutdown, including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner; emergency operations; normal shutdown; and, startup following a turnaround, or after an emergency shutdown.

(ii) Operating limits: consequences of deviation; and steps required to correct or avoid deviation.

(B) Safety and Health Considerations. Properties of, and hazards presented by, the chemicals used in the process; precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment; control measures to be taken if physical contact or airborne exposure occurs; quality control for

raw materials and control of hazardous chemical inventory levels; and, any special or unique hazards.

(C) Safety systems and their functions.

(D) Operating procedures shall be readily accessible to employees who work in or maintain a process.

(E) The operating procedures shall be reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to stationary sources. The stationary source shall certify annually that these operating procedures are current and accurate.

(F) The stationary source shall develop and implement safe work practices to provide for the control of hazards during operations such as lockout/tagout, confined space entry; opening process equipment or piping; and control over entrance into a stationary source by maintenance, contractor, laboratory, or other support personnel. These safe work practices shall apply to employees and contractor employees.

(3) Employee Participation.

(A) The stationary source shall develop a written plan of action regarding the implementation of the employee participation required by this chapter.

(B) The stationary source shall consult with employees and their representatives on the conduct and development of process hazards analyses and on the development of the other elements of the safety program in this chapter.

(C) The stationary source shall provide to employees and their representatives access to process hazard analyses and to all other information required to be developed under this chapter.

(4) Training. For each employee in such covered process:

(A) Initial Training. Each employee presently involved in operating a covered process, and each employee before being involved in operating a newly assigned covered process, shall be trained in an overview of the process and in the operating procedures as specified in subsection (a)(2)(A) of this section. The training shall include emphasis on the specific safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks. In lieu of initial training for those employees already involved in operating a process, an owner or operator may certify in writing that the employee has the required knowledge, skills, and abilities to safely carry out the duties and responsibilities as specified in the operating procedures.

(B) Refresher Training. Refresher training shall be provided at least every three years, and more often if necessary, to each employee involved in operating a covered process to assure that the employee understands and adheres to the current operating procedures of the covered process. The stationary source, in consultation with the employees involved in operating the process, shall determine the appropriate frequency of refresher training.

(C) Training Documentation. The stationary source shall ascertain that each employee involved in operating a process has received and understood the training required by this section. The stationary source shall prepare a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training.

(5) Mechanical Integrity, Including the Use of Industry Codes, Standards, and Guidelines.

(A) Application. Subsections (a)(5)(B) through (a)(5)(F) of this section apply to the following process equipment: pressure vessels and storage tanks; piping subsystems (including piping components such as valves); relief and vent systems and devices; emergency shutdown systems; controls (including monitoring devices and sensors, alarms, and interlocks) and pumps.

(B) Written Procedures. The stationary source shall establish and implement written procedures to maintain the on-going integrity of process equipment.

(C) Training for Process Maintenance Activities. The stationary source shall train each employee involved in maintaining the on-going integrity of process equipment in an overview of that process and its hazards and in the procedures applicable to the employee's job tasks to assure that the employee can perform the job tasks in a safe manner.

(D) Inspection and Testing.

(1) Inspections and tests shall be performed on process equipment. Inspection and testing procedures shall follow recognized and generally accepted good engineering practices. The frequency of inspections and tests of process equipment shall be consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience. The stationary source shall document each inspection and test that has been performed on process equipment. The documentation shall identify the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test.

(E) Equipment Deficiencies. The stationary source shall correct deficiencies in equipment that are outside acceptable limits (defined by the process safety information in subsection (a)(1) of this section) before further use or in a safe and timely manner when necessary means are taken to assure safe operation.

(F) Quality Assurance. In the construction of new plants and equipment, the stationary source shall assure that equipment as it is fabricated is suitable for the process application for which they will be used. Appropriate checks and inspections shall be performed to assure that equipment is installed properly and consistent with design specifications and the manufacturer's instructions. The stationary source shall assure that maintenance materials, spare parts and equipment are suitable for the process application for which they will be used.

(6) Management of Change.

(A) The stationary source shall establish and implement written procedures to manage changes (except for "replacements in kind") to process chemicals, technology, equipment, and procedures; and changes to stationary sources that affect a covered process.

(B) The procedures shall assure that the following considerations are addressed prior to any change: the technical basis for the proposed change; impact of change on safety and health; modifications to operating procedures; necessary time period for the change; and authorization requirements for the proposed change.

(C) Employees involved in operating a process and maintenance and contract employees whose job tasks will be affected by a change in the process shall be informed of, and trained in, the change prior to startup of the process or affected part of the process.

(D) If a change covered by this section results in a change in the process safety information required by subsection (a)(1) of this section, such information shall be updated accordingly.

(E) If a change covered by this section results in a change in the operating procedures or practices required by subsection (a)(2) of this section, such procedures or practices shall be updated accordingly.

(7) Pre-Startup Reviews.

(A) The stationary source shall perform a pre-startup safety review for new stationary sources and for modified stationary sources when the modification is significant enough to require a change in the process safety information.

(B) The pre-startup safety review shall confirm that prior to the introduction of regulated substances to a covered process: construction and equipment is in accordance with design specifications; safety, operating, maintenance, and emergency procedures are in place and are adequate; for new covered processes, a process hazard analysis has been performed and recommendations have been resolved or implemented before startup; and modified covered processes meet the requirements contained in management of change, subsection (a)(6) of this section; and training of each employee involved in operating a process has been completed.

(8) Compliance Audits.

(A) The stationary source shall certify that they have evaluated compliance with the provisions of this section at least every three years to verify that the procedures and practices developed under this chapter are adequate and are being followed.

(B) The compliance audit shall be conducted by at least one person knowledgeable in the process.

(C) A report of the findings of the audit shall be developed.

(D) The stationary source shall promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected.

(E) The stationary source shall retain the two most recent compliance audit reports.

(9) Incident Investigation.

(A) The stationary source shall investigate each incident which resulted in, or could reasonably have resulted in a catastrophic release of a regulated substance.

(B) An incident investigation shall be initiated as promptly as possible, but not later than forty-eight hours following the incident.

(C) An incident investigation team shall be established and consist of at least one person knowledgeable in the covered process involved, including a contract employee if the incident involved work of the contractor, and other persons with appropriate knowledge and experience to thoroughly investigate and analyze the incident.

(D) A report shall be prepared at the conclusion of the investigation which includes at a minimum: date of incident; date investigation began; a description of the incident; the factors that contributed to the incident; and recommendations resulting from the investigation. The written summary shall indicate whether the cause of the incident and/or recommendations resulting from the investigation are specific only to the process or equipment involved in the incident, or are applicable to other processes or equipment at the stationary source. The incident investigation report shall be made available to the department upon request.

(E) The stationary source shall establish a system to promptly address and resolve the incident report findings and recommendations. Resolutions and corrective actions shall be documented.

(F) The report shall be reviewed with all affected personnel whose job tasks are relevant to the incident findings including contract employees where applicable.

(G) Incident investigation reports shall be retained for five years.

(10) Hot Work.

(A) The stationary source shall issue a hot work permit for hot work operations conducted on or near a covered process.

(B) The permit shall document that the fire prevention and protection requirements in Section 5189 of Title 8 of California Code Regulations have been implemented prior to beginning the hot work operations; it shall indicate the date(s) authorized for hot work; and identify the object on which hot work is to be performed. The permit shall be kept on file until completion of the hot work operations.

(11) Contractors.

(A) Application. This section applies to contractors performing maintenance or repair, turnaround, major renovation, or specialty work on or adjacent to a covered process. It does not apply to contractors providing incidental services which do not influence process safety, such as janitorial work, food and drink services, laundry, delivery or other supply services.

(B) Stationary Source Responsibilities.

(i) The stationary source, when selecting a contractor, shall obtain and evaluate information regarding the contract owner or operator's safety performance and programs.

(ii) The stationary source shall inform contract owner or operator of the known potential fire, explosion, or toxic release hazards related to the contractor's work and the process.

(iii) The stationary source shall explain to the contract owner or operator the applicable provisions of the emergency response program subsection (a)(12) of this section.

(iv) The stationary source shall develop and implement safe work practices consistent with subsection (a)(2) of this section to control the entrance, presence, and exit of the contract owner or operator and contract employees in covered process areas.

(v) The stationary source shall periodically evaluate the performance of the contract owner or operator in fulfilling their obligations as specified in subsection (a)(11)(C) of this section.

(C) Contract Owner or Operator Responsibilities.

(i) The contract owner or operator shall assure that each contract employee is trained in the work practices necessary to safely perform his/her job.

(ii) The contract owner or operator shall assure that each contract employee is instructed in the known potential fire, explosion, or toxic release hazards related to his/her job and the process, and the applicable provisions of the emergency action plan.

(iii) The contract owner or operator shall document that each contract employee has received and understood the training required by this section. The contract owner or operator shall prepare a record which contains the identity of the contract employee, the date of training, and the means used to verify that the employee understood the training.

(iv) The contract owner or operator shall assure that each contract employee follows the safety rules of the stationary source including the safe work practices required by subsection (a)(2) of this section.

(v) The contract owner or operator shall advise the stationary source of any unique hazards presented by the contract owner or operator's work, or of any hazards found by the contract owner or operator's work.

(12) Emergency Response Program.

(A) The stationary source shall develop and implement an emergency response program for the purpose of protecting public health and the environment. Such program shall include the following elements:

- (i) An emergency response plan, which shall be maintained at the stationary source and contain at least the following elements: procedures for informing the public and local emergency response agencies about accidental releases, emergency planning, and emergency response; documentation of proper first-aid and emergency medical treatment necessary to treat accidental human exposures; and procedures and measures for emergency response after an accidental release of a regulated substance;
- (ii) Procedures for the use of emergency response equipment and for its inspection, testing, and maintenance, including documentation of inspection, testing, and maintenance;
- (iii) Training for all employees in relevant procedures and the incident command system; and
- (iv) Procedures to review and update, as appropriate, the emergency response plan to reflect changes at the stationary source and ensure that employees are informed of changes.

(B) A written plan that complies with other federal contingency plan regulations or is consistent with the approach in the National Response Team's Integrated Contingency Plan Guidance ("One Plan") and that, among other matters, includes the elements provided in subsection (a)(12)(A) of this section, shall satisfy the requirements of this section if the stationary source also complies with subsection (a)(12)(C) of this section.

(C) The emergency response plan developed under this section shall be coordinated with the community emergency response plan developed under 42 U.S.C. Section 11003. Upon request of the local emergency planning committee or emergency response officials, the stationary source shall promptly provide to the local emergency response officials information necessary for developing and implementing the community emergency response plan.

(D) The stationary source whose employees will not respond to accidental releases of regulated substances need not comply with subsections (a)(12)(A) through (a)(12)(C) of this section provided that they meet the following:

- (i) For stationary sources with any regulated toxic substance held in a process above the threshold quantity, the stationary source is included in the community emergency response plan developed under Section 11003 of Title 42 of the United States Code (USC); or
- (ii) For stationary sources with only regulated flammable substances held in a process above the threshold quantity the stationary source has coordinated response actions with the local fire department; and

(iii) Appropriate mechanisms are in place to notify emergency responders when there is a need for a response.

(13) Safety Program Management.

(A) The owner or operator of a stationary source subject to this chapter shall develop a management system to oversee the implementation of the safety program elements.

(B) The owner or operator shall assign a qualified person or position that has the overall responsibility for the development, implementation, and integration of the safety program elements.

(C) When responsibility for implementing individual requirements of this chapter is assigned to persons other than the person identified under subsection (a)(13)(B) of this section, the names or positions of these people shall be documented and the lines of authority defined through an organization chart or similar document.

(b) Human Factors Program.

(1) Stationary sources shall develop a written human factors program that follows the human factors guidance document developed or adopted by the department. The program shall be developed within one year following the issuance of the Contra Costa County guidance documents, the effective date of the ordinance codified in this section, or as otherwise allowed by this chapter, whichever is later. The human factors program shall address:

(A) The inclusion of human factors in the process hazards analysis process;

(B) The consideration of human systems as causal factors in the incident investigation process for major chemical accidents or releases or for an incident that could reasonably have resulted in a major chemical accident or release;

(C) The training of employees in the human factors program;

(D) Operating procedures;

(E) Maintenance safe work practice procedures and maintenance procedures for specialized equipment, piping, and instruments, no later than June 30, 2011; and

(F) The requirement to conduct a management of change prior to staffing changes for changes in permanent staffing levels/reorganization in operations, maintenance, health and safety, or emergency response. This requirement shall also apply to stationary sources using contractors in permanent positions in operations and maintenance. Prior to conducting the management of change, the stationary source shall ensure that the job function descriptions are current and accurate for the positions under consideration. Staffing changes that last longer than ninety days are considered permanent. Temporary

changes associated with strike preparations shall also be subject to this requirement. Employees and their representatives shall be consulted in the management of change.

(2) Employees and their representatives shall participate in the development of the written human factors program.

(3) The program shall include, but not be limited to, issues such as staffing, shiftwork and overtime.

(4) A description of the human factors program subsections (b)(1) through (b)(3) of this section shall be included in the safety plan prepared by the stationary source.

(c) Root Cause Analysis and Incident Investigation.

(1) Stationary sources shall conduct a root cause analysis for each major chemical accident or release which occurs after the effective date of the ordinance codified in this chapter. Stationary sources shall periodically update the department on facts related to the release or incident, and the status of a root cause analysis conducted pursuant to this section, at meetings scheduled by the department in cooperation with the stationary source. To the maximum extent feasible, the department and the stationary source shall coordinate these meetings with other agencies with jurisdiction over the stationary source. Within thirty days of completing a root cause analysis performed pursuant to this section, the stationary source shall submit to the department a final report containing that analysis, including recommendations to be implemented to mitigate against the release or incident reoccurring, if any, and a schedule for completion of resulting recommendations. The department may require the stationary source to submit written, periodic update reports at a frequency not to exceed every thirty days until the final report is submitted. The methodology of the root cause analysis shall be one of the methodologies recognized by the Center for Chemical Process Safety or shall be reviewed by the department to determine substantial equivalency.

(2) The department may elect to do its own independent root cause analysis or incident investigation for a major chemical accident or release. If the department elects to conduct a root cause analysis or incident investigation the stationary source shall cooperate with the department by providing the following access and information in a manner consistent with the safety of department and stationary source personnel and without placing undue burdens on the operation of the stationary source:

(i) Allow the department to investigate the accident site and directly related facilities such as control rooms, physical evidence and where practicable the external and internal inspection of equipment;

(ii) Provide the department with pertinent documentation; and

(iii) Allow the department to conduct independent interviews of stationary source employees, subject to all rights of the stationary source and employees to be represented by legal counsel and/or management and union representatives during such interviews. If in the course of the department's root cause analysis or incident investigation access is required to areas of the stationary source which in the judgment of the stationary source

requires personnel entering the area to use protective equipment and/or have specialized training the department shall provide its personnel with such equipment and training. To the maximum extent feasible, the department shall coordinate any root cause analysis or incident investigation it conducts with investigations conducted by other agencies with jurisdiction over the stationary source to minimize the adverse impacts on the stationary source and/or its employees.

(3) No part of the conclusions, findings or recommendations of the root cause analysis conducted by the department or stationary source, or incident investigation conducted by the department, relating to any major chemical accident or release or the investigation thereof shall be admitted as evidence or used in any action or suit for damages arising out of any matter mentioned in such report.

(d) Process Hazard Analysis/Action Items.

(1) Process hazard analyses will be conducted for each of the covered processes according to one of the following methods: What-If, Checklist, What-If/Checklist, Hazard and Operability Study (HAZOP), Failure Mode and Effects Analysis (FMEA), fault tree analysis or an appropriate equivalent methodology approved by the department prior to conducting the process hazard analysis. The process hazard analysis shall be appropriate to the complexity of the covered process and shall identify, evaluate, and control the hazards involved in the covered process. The process hazard analysis shall address: the hazards of the process; the identification of any previous incident which had a likely potential for catastrophic consequences; engineering and administrative control applicable to the hazards and their interrelationships such as appropriate application of detection methodologies to provide early warning of releases (acceptable detection methods might include process monitoring and control instrumentation with alarms, and detection hardware such as hydrocarbon sensors); consequences of failure of engineering and administrative controls; covered process and stationary source siting; human factors; and a qualitative evaluation of a range of the possible safety and health effects of failure of controls. PHAs should also include consideration of external events except for seismic analyses, which are only required when criteria listed in subsection (d)(2) of this section are satisfied. All process hazard analyses shall be performed by a team with expertise in engineering and process operations, and the team shall include at least one employee who has experience and knowledge specific to the process being evaluated. Also, one member of the team must be knowledgeable in the specific process hazard analysis methodology being used.

(2) The process hazard analyses shall be conducted within one year of the effective date of the ordinance codified in this chapter and no later than the submittal date of the safety plan. Previously completed process hazard analyses that comply with the California Code of Regulations, Title 8, Section 5189, and/or the California Code of Regulations, Title 19, Section 2760.2 are acceptable for the purposes of this chapter. Process hazard analyses shall be updated and revalidated at least once every five years after completion of the initial process hazard analysis. Updated and revalidated process hazard analyses completed to comply with the California Code of Regulations, Title 8, Section 5189, and/or the California Code of Regulations, Title 19, Section 2760 are acceptable for meeting the update and revalidation requirement. Seismic events shall be considered for

processes containing a substance defined in the California Code of Regulations, Title 19, Chapter 4.51, Section 2770.5, if the distance to the nearest public receptor for a worst case release scenario specified by the California Code of Regulations, Title 19, Chapter 4.5, Section 2750.3 is within the distance to a toxic or flammable endpoint as defined in California Code of Regulations, Title 19, Chapter 4.5, Section 2750.2(a).

(3) For all covered processes, the stationary source shall consider the use of inherently safer systems in the development and analysis of mitigation items resulting from a process hazard analysis and in the design and review of new processes and facilities. The stationary source shall select and implement inherently safer systems to the greatest extent feasible. If a stationary source concludes that an inherently safer system is not feasible, the basis for this conclusion shall be documented in meaningful detail.

(4) For all covered processes, the stationary source shall document the decision made to implement or not implement all process hazard analysis recommended action items and the results of recommendations for additional study. The stationary source shall complete recommended actions from the initial PHA's and from PHA revalidations, identified by the process hazard analysis and selected for implementation by the stationary source as follows: all actions not requiring a process shutdown shall be completed within one year after submittal of the safety plan; all actions requiring a process shutdown shall be completed during the first regularly scheduled turnaround of the applicable process subsequent to one year after submittal of the safety plan unless the stationary source demonstrates to the satisfaction of the department that such a schedule is infeasible. For recommended actions not selected for implementation, the stationary source shall include the justification for not implementing the recommended action. For all covered processes, the stationary source shall retain documentation of closure, and any associated justifications, of actions identified by the process hazard analysis. The stationary source shall communicate the actions to operating, maintenance, and other employees whose work assignments are in the process and who may be affected by the recommendations or actions.

(e) Accident History.

(1) The stationary source shall include an accident history in the safety plan of all major chemical accidents or releases from June 1, 1992, through the date of safety plan submittal to the department. For each major chemical accident or release the stationary source shall report the following information, to the extent known:

Date, time and approximate duration of the release;

Chemicals released;

Estimated quantity released in pounds;

Type of release event and its source;

Weather conditions at the time of the release;

On-site impacts;

Known off-site impacts;

Initiating event and contributing factors;

Root cause(s);

Whether off-site responders were notified; and

Operational or process changes that resulted from the investigation of the release.

(2) The stationary source shall annually submit a report of the accident history to the department. The first report shall be due two years after the effective date of the ordinance codified in this chapter, and subsequent reports shall be due by June 30th of each year.

(f) Certification. The owner or operator shall submit in the safety plan a single certification that, to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, the information submitted is true, accurate, and complete.

(g) Security and Vulnerability Assessment. Each stationary source shall perform and document a security and vulnerability assessment as defined in the Contra Costa County CalARP program guidance document, by June 30, 2007, and at least once every five years after the initial assessment, or as prescribed by federal regulation. The stationary source shall document its process for assuring that recommendations are addressed.

(h) Safety Culture Assessment. The stationary source shall conduct a safety culture assessment. The assessment shall be based upon a method listed in the Contra Costa County CalARP program guidance document or shall be reviewed by the department to determine substantial equivalency. The initial assessment shall be performed by one year following the revisions to the Industrial Safety Ordinance guidance document that addresses the safety culture assessment, and at least once every five years thereafter. The safety culture assessment will be reviewed during the audit and inspection of the stationary source. The department may perform its own safety culture assessment after a major chemical accident or release or the occurrence of any incident that could reasonably have led to a major chemical accident or release, or based on department audit results of the stationary source.

(Ords. 2006-22 § 5, 2000-20 § 1, 98-48 § 2).

450-8.018 - Review, audit and inspection.

(a) Upon submission of a safety plan by the stationary source, the department shall review the safety plan to determine if all the elements required by Section 450-8.016 of this chapter are included and complete. The department shall provide to the stationary source a written notice of deficiencies, if any. The stationary source shall have sixty calendar days from receipt of the notice of deficiencies to make any corrections. The stationary source may request, in writing, a one-time thirty-day calendar day extension to correct deficiencies. By the end of the sixty calendar days or any extension period, the

stationary source shall resubmit the revised safety plan to the department. After the department determines that the safety plan is complete, the department shall schedule a public meeting on the stationary source's safety plan to explain its contents to the public and take public comments. Public comments on the safety plan shall be taken by the department for a period of forty-five days after the safety plan is made available to the public. The department shall schedule a public meeting on the stationary source's safety plan during the forty-five day comment period. The public meetings shall be held in the affected community on evenings or weekends. The department shall respond in writing to all written comments received during the forty-five day comment period and to all oral comments received and not addressed at the public meeting. The department shall make portions of the safety plan, which are not protected trade secret information, available to the public for the public meeting.

(b) (1) The department shall, within one year of the submission of the stationary source's safety plan, conduct an initial audit and inspection of the stationary source's safety program to determine compliance with this chapter. Based upon the department's review of the safety plan and the audit and inspection of the stationary source, the department may require modifications or additions to the safety plan submitted by the stationary source, or safety program to bring the safety plan or safety program into compliance with the requirements of this chapter. Any determination that modifications or additions to the safety plan or safety program are required shall be in writing, collectively referred to as the "preliminary determination." The preliminary determination shall explain the basis for the modifications or additions required to bring the safety plan or safety program into compliance with the requirements of this chapter and provide a timetable for resolution of the recommendations. The preliminary determination shall be mailed to the stationary source.

(2) The stationary source shall respond in writing to the preliminary determination issued by the department. The response shall state that the stationary source will incorporate into the safety plan or safety program the revisions contained in the preliminary determination or shall state that the stationary source rejects the revisions; in whole or in part. For each rejected revision, the stationary source shall explain the basis for rejecting such revision. Such explanation may include substitute revisions.

(3) The stationary source's written response to the department's preliminary determination shall be received by the department within ninety days of the issuance of the preliminary determination or such shorter time as the department specifies in the preliminary determination as being necessary to protect public health and safety. Prior to the written response being due and upon written request from the stationary source, the department may provide, in writing, additional time for the response to be received.

(4) After receiving the written response from the stationary source, the department shall issue a public notice pursuant to the department's public participation policy and make portions of the safety plan, the preliminary determination and the stationary source's responses, which are not protected trade secret information, available for public review. Public comments on the safety plan shall be taken by the department for a period of forty-five days after the safety plan, the preliminary determination and the stationary source's responses are made available to the public. The department shall schedule a public

meeting on the stationary source's safety plan during the forty-five day comment period. The public meetings shall be held in the affected community on evenings or weekends. The department shall respond in writing to all written comments received during the forty-five day comment period and to all oral comments received and not addressed at the public meeting.

(c) Based upon the department's preliminary determination, review of the stationary source's responses and review of public comments on the safety plan, the preliminary determination and the stationary source's responses, the department may require modifications or additions to the safety plan submitted by the stationary source or safety program to bring the safety plan or safety program into compliance with the requirements of this chapter. Any determination that modifications or additions to the safety plan or safety program are required, and any determination that no modifications or additions to the safety plan or safety program are required shall be in writing (collectively referred to as "final determination"), shall be mailed to the stationary source and shall be made available to the public. The department may not include in a final determination any requirements to a safety plan or safety program that would cause a violation of, or conflict with, any state or federal law or regulation or a violation of any permit or order issued by any state or federal agency.

(d) Within thirty days of the department's final determination, the stationary source and/or any person may appeal the final determination to the board of supervisors pursuant to Chapter 14-4 of this code by a verified written notice of appeal filed with the clerk of the board of supervisors and payment of the applicable appeal fee. The appeal must be limited to issues raised during the public comment period. The notice shall state the grounds for any such appeal, including (i) the reasoning that the appeal is necessary because the stationary source is in compliance with this chapter, or (ii) the reasoning that the appeal is necessary to bring the stationary source into compliance with this chapter. In acting on the appeal, the board shall have the same authority over the final determination as the department. The board may require modifications or additions to the safety plan or safety program to bring the safety plan or safety program into compliance with the requirements of this chapter. The board may not include in its decision on the final determination any requirements to a safety plan or safety program that would cause a violation of, or conflict with, any state or federal law or regulation or a violation of any permit or order issued by any state or federal agency. The decision of the board of supervisors shall be final with respect to the final determination.

(e) The safety plan shall be valid for a period of three years from the date of receipt by the department and shall be reviewed and updated by the stationary source every three years pursuant to the requirements of this chapter. Any revisions to the safety plan as a result of the review and update shall be submitted to the department and shall be subject to the provisions of this section.

(f) The department may, within thirty days of a major chemical accident or release, initiate a safety inspection to review and audit the stationary source's compliance with the provisions of Section 450-8.016 of this chapter. The department shall review and audit the stationary source's compliance with the provisions of Section 450-8.016 of this chapter at least once every three years. The department may audit the stationary source

based upon any of the following criteria: accident history of the stationary source, accident history of other stationary sources in the same industry, quantity of regulated substances present at the stationary source, location of the stationary source and its proximity to the public and environmental receptors, the presence of specific regulated substances, the hazards identified in the safety plan, a plan for providing neutral and random oversight, or a complaint from the stationary source's employee(s) or their representative. The stationary source shall allow the department to conduct these inspections and audits. The department, at its option, may select an outside consultant to assist in conducting such inspection.

(g) Within thirty days of a major chemical accident or release the department may commence an incident safety inspection with respect to the process involved in the incident pursuant to the provisions of Section 450-8.016(c) of this chapter.

(h) (1) Based upon the department's audit, safety inspection or an incident inspection, the department may require modifications or additions to the safety plan submitted by the stationary source or safety program to bring the safety plan or safety program into compliance with the requirements of this chapter. Any determination by the department shall be in writing and shall be mailed to the stationary source (referred to as the "notice of findings"). The stationary source shall have sixty calendar days from receipt of the notice of findings to make any corrections. The stationary source may request, in writing, a one-time thirty-day calendar day extension to make corrections. The department may not include in its notice of findings requirements to a safety plan or safety program that would cause a violation of, or conflict with, any state or federal law or regulation or a violation of any permit or order issued by any state or federal agency. The notice of findings made by the department will be available to the public.

(2) Within thirty days of the department's notice of findings, the stationary source and/or any person may appeal the notice of findings to the board of supervisors pursuant to Chapter 14-4 of this code by a verified written notice of appeal filed with the clerk of the board of supervisors and payment of the applicable appeal fee. The appeal must state the grounds for any such appeal, including (i) the reasoning that the appeal is necessary because the stationary source is in compliance with this chapter, or (ii) the reasoning that the appeal is necessary to bring the stationary source into compliance with this chapter. In acting on the appeal, the board shall have the same authority over the notice of findings as the department. The board may require modifications or additions to the safety plan or safety program to bring the safety plan or safety program into compliance with the requirements of this chapter. The board may not include in its decision on the notice of findings any requirements to a safety plan or safety program that would cause a violation of, or conflict with, any state or federal law or regulation or a violation of any permit or order issued by any state or federal agency. The decision of the board of supervisors shall be final with respect to the notice of findings.

(i) Nothing in this section shall preclude, limit, or interfere in any way with the authority of the county to exercise its enforcement, investigatory, and information gathering authorities under any other provision of law nor shall anything in the chapter effect or diminish the rights of the stationary source to claim legal privileges such as attorney

client privilege and/or work product with respect to information and/or documents required to be submitted to or reviewed by the department.

(Ords. 2006-22 § 6, 98-48 § 2).

450-8.020 - Trade secret.

The disclosure of any trade secret information required by this chapter shall be governed by California Health and Safety Code Section 25538, as amended from time to time, or as otherwise protected or required by law.

(Ord. 98-48 § 2).

450-8.022 - Hazardous materials ombudsperson.

The department shall continue to employ an ombudsperson for hazardous materials programs. The ombudsperson will serve as a single point of contact for people who live or work in Contra Costa County regarding environmental health concerns, questions, and complaints about hazardous materials programs. The ombudsperson will be empowered to identify and solve problems and make recommendations to the department. The ombudsperson's role will be one of investigating concerns and complaints, facilitating their resolution and assisting people in gathering information about programs, procedures, or issues. The ombudsperson may retain appropriate technical experts in order to fulfill technical assistance requests from members of the public. The cost of experts may be funded through programs established by the U.S. EPA or other appropriate entities.

(Ords. 2000-20 § 2, 98-48 § 2).

450-8.024 - Public information bank.

The department shall collect and provide ready access, including the use of electronic accessibility as reasonably available, to public documents which are relevant to the goals of this chapter, including at a minimum, business plan inventories and emergency response plans, risk management plans, safety plans, and department incident reports. This section shall not apply to trade secret information or other information protected from disclosure under federal or state law. The public information bank shall be completed by December 31, 2000.

(Ord. 98-48 § 2).

450-8.026 - Fees.

The department may, upon a majority vote of the board of supervisors, adopt a schedule of fees to be collected from each stationary source subject to the requirements of this chapter. Any review, inspection, audit fee schedule shall be set in an amount sufficient to pay only those costs reasonably necessary to carry out the requirements of this chapter, including costs of staff and/or consultant time or public hearings and

administrative overhead. The fee schedule shall include the cost of the ombudsperson position.

(Ord. 98-48 § 2).

450-8.028 - Penalties.

Regardless of the availability of other civil or administrative remedies and procedures for enforcing this chapter, every act or condition prohibited or declared unlawful by this chapter, and every knowing or wilful failure or omission to act as required herein, is a violation of this code and shall be punishable and/or subject to enforcement pursuant to the provisions of Chapter 14-67 of the County Ordinance Code specifically including but not limited to Article 14-6.4 (public nuisance), and Article 14-8 (criminal enforcement), as misdemeanors or infractions.

(Ord. 98-48 § 2).

450-8.030 - Annual performance review and evaluation.

(a) The department shall annually: (1) review its activities to implement this chapter, and (2) evaluate the effectiveness of this chapter in achieving its purpose and goals pursuant to Section 450-8.004 of this chapter.

(b) An annual performance review and evaluation report shall be prepared by the department based upon the previous fiscal year's activities and shall be submitted to the board of supervisors on or before October 31, 2000 and each year thereafter. The report shall contain:

(1) A brief description of how the department is meeting the requirements of this chapter as follows: (i) effectiveness of the department's program to ensure stationary source compliance with this chapter; (ii) effectiveness of the procedures for records management; (iii) number and type of audits and inspections conducted by the department pursuant to this chapter; (iv) number of root cause analyses and/or incident investigations conducted by the department; (v) the department's process for public participation; (vi) effectiveness of the public information bank, including status of electronic accessibility; (vii) effectiveness of the hazardous materials ombudsperson; (viii) other required program elements necessary to implement and manage this chapter.

(2) A listing of all stationary sources covered by this chapter, including for each: (i) the status of the stationary source's safety plan and program; (ii) a summary of all stationary source safety plan updates and a listing of where the safety plans are publicly available; (iii) the annual accident history report submitted by the stationary source pursuant to Section 450-8.016(e)(2) of this chapter; (iv) a summary, including the status, of any root cause analyses conducted or being conducted by the stationary source and required by this chapter, including the status of implementation of recommendations; (v) a summary, including the status, of any audits, inspections, root cause analyses and/or incident investigations conducted or being conducted by the department pursuant to this chapter, including the status of implementation of recommendations; (vi) description of inherently safer systems implemented by the stationary source; and (vii) legal enforcement actions

initiated by the department, including administrative, civil, and criminal actions pursuant to this chapter.

(3) Total penalties assessed as a result of enforcement of this chapter.

(4) Total fees, service charges, and other assessments collected specifically for the support of this chapter.

(5) Total personnel and personnel years utilized by the jurisdiction to directly implement or administer this chapter.

(6) Comments from interested parties regarding the effectiveness of the local program that raise public safety issues.

(7) The impact of the chapter in improving industrial safety.

(c) The department shall provide a copy of the annual performance audit submission required by Title 19 Chapter 4.5 Section 2780.5 of the California Code of Regulations to the board of supervisors on or before October 31st of each year.

(Ords. 2006-22 § 7, 98-48 § 2).

450-8.032 - Construction.

Notwithstanding any other provision of this code and for the purposes of this chapter wherever it provides that the department shall act, such direction in all instances shall be deemed and is directory, discretionary and permissive and not mandatory.

NOTE: County Ordinance Chapter 450-8 expands on the California Accidental Release Prevention (CalARP) Program for facilities meeting the following:

- The facility is within an unincorporated area of the County
- The facility is either a petroleum refinery or chemical plant
- The facility is required to submit a Risk Management Plan (RMP) to the U.S. EPA and Contra Costa County Health Service (CCHS)
- The facility has at least one Program 3 process

The seven facilities currently subject to the County's Industrial Safety Ordinance (ISO) include: Air Products (within the Shell Refinery), Air Products (within the Tesoro Refinery), ConocoPhillips Rodeo Refinery, Air Liquide-Rodeo Hydrogen Plant, General Chemical West: Bay Point Works, Shell Oil Martinez Refinery and Tesoro Golden Eagle Refinery. The City of Richmond has adopted an Industrial Safety Ordinance (Municipal Code Chapter 6.43, RISO) that is almost identical (except for the 2006 amendment) to the County's Industrial Safety Ordinance. The two facilities located in the City of Richmond that are subject to this ordinance include: Chevron Richmond Refinery and General Chemical West: Richmond Works.

E-mail from Lisa Pinto regarding
status of EPA enforcement action

Kit Fox

From: Pinto, Lisa <Lisa.Pinto@mail.house.gov>
Sent: Wednesday, May 14, 2014 3:25 PM
To: Noel Weiss; Janet Gunter; michael.picker@gov.ca.gov; rgb251@berkeley.edu; lpryor@usc.edu; carl.southwell@gmail.com; MrEnvirlaw@sbcglobal.net; det310@juno.com; connie@rutter.us; jacob.haik@lacity.org; jcynthiaperry@aol.com; rob.wilcox@lacity.org; maurice_lyles@boxer.senate.gov; kyle_chapman@boxer.senate.org; laura_schiller@boxer.senate.gov; wesling.mary@epamail.epa.gov; helmlinger.andrew@epa.gov; blumenfeld.jared@epa.gov; jnmarquez@prodigy.net; sally.magnani@doj.ca.gov; brian.hembacher@doj.ca.gov; Brian Campbell <b.camp@cox.net>; Jim Knight <knightjim33@gmail.com>; Jerry Duhovic; niki.tennant@asm.ca.gov; jennifer.zivkovic@sen.ca.gov; jennifer.lucchesi@slc.ca.gov; apadilla@coastal.ca.gov; don.holmstrom@csb.gov; dan.tillema@csb.gov; Beth.Rosenberg@csb.gov; Rafael.Moure-Eraso@csb.gov; Mark.Griffon@csb.gov; STsumura@elsegundo.org; gknatz@portla.org; jody.james@sbcglobal.net; marciesmiller@sbcglobal.net; bonbon90731@gmail.com; richard.vladovic@lausd.net; igornla@cox.net; dwgkaw@hotmail.com; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; burling102@aol.com; pmwarren@cox.net; fbmjet@aol.com; ksmith@klct.com; diananave@gmail.com; overbid2002@yahoo.com; carriescoville@yahoo.com; guillermovillagran@sbcglobal.net; mandm8602@att.net; dlrivera@prodigy.net; peter.burmeister@sbcglobal.net; roamerbill@yahoo.com; Zenponee@aol.com; tdramsay@gmail.com; maltbielong@aol.com; Betwixt1@yahoo.com; seinhorn@prodtrans.com; rueski1@cox.net; adcanizales@yahoo.com; lljonesin33@yahoo.com; owsqueen@yahoo.com; john@nrcwater.com; d.pettit@nrdc.org; bill.orton@sen.ca.gov; rkim@lacos.org; horsefam1@q.com; litaesq@aol.com
Cc: Maier, Brent; chateau4us@att.net; rudy@svorinich.com; board@nwsanpedro.org; Kit Fox; Carolyn Lehr; jmaniataki@aol.com
Subject: Update on EPA Enforcement Action and Rancho Tanks

Hello friends,

I wanted to share a very brief update with you from EPA. According to EPA, their enforcement process is open-ended within the discretion of EPA. Unfortunately, EPA's written policy restricts EPA's discretion to disclose the substance of such enforcement considerations.

I am sorry to not have more details for you on the status of the settlement negotiations, but wanted to share the latest news. I will be in touch with future developments as soon as I receive them.

Thanks very much,

Lisa

Lisa Pinto
District Director
Congressman Henry A. Waxman

Report and Late Correspondence from
May 20th Study Session item



TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: COUNCILMAN BRIAN CAMPBELL
DATE: MAY 20, 2014
SUBJECT: RANCHO LPG TANK FACILITY

RECOMMENDATION

Direct staff to agendize the Rancho LPG Tank Facility as a Regular Business agenda item, accompanied by an updated staff report, to facilitate a full discussion of the issues related to this facility and the potential for negative impacts on Rancho Palos Verdes residents, businesses and property.

DISCUSSION

The following paragraphs are meant as both discussion points and as a primer for other areas of possible exploration:

1. The core question is not whether the facility is 'safe'. The core question is the extent to which residents of Rancho Palos Verdes should bear the risk of loss in the event an accident, whatever the cause. As things stand now, our residents bear 100% of the risk. This Resolution asks the City of Los Angeles, and specifically the City Council, the Mayor, and the Controller to take specific actions noted in the Resolution to draw public attention and public debate to this critical question. Passage will lend impetus to the efforts of LA residents to push the LA City Government to examine, debate, and then take appropriate remedial action. This will help protect the citizens of Rancho Palos Verdes.

2. Earlier this year, in Charleston, West Virginia the citizens had their source of drinking water (the Elk River) contaminated as a result of a chemical spill from an above-ground tank maintained by Freedom Industries. In 2013, citizens had sought the local and state government to pass a 'risk-management' law similar to that in effect in Contra-Costa County. They refused to consider the law. Now, they wish they had done so. Freedom Industries filed for bankruptcy protection the week after the spill. Our Rancho Palos Verdes City Council, at a minimum, has a responsibility to its citizens to go on record as asking the City of Los Angeles to be more pro-active in its regulation of this facility and to decide how best to allocate the risk of loss in the event of an accident

between Rancho, the people (and the Port) and its citizens. It is a debate which has never occurred and which must occur now.

3. As determined from recent events (the pipeline spill in Wilmington) and railroad tank car explosions, the current laws are either not enforced, or contain loopholes which give rise to a preventable accident. This is evident in the Rancho situation where Rancho was cited in March, 2013, by the EPA for the violations noted in the Resolution. To date, the accusations against Rancho are still the subject of 'negotiations' between Rancho and the EPA.

4. FERC filings, as of December 31, 2012, affirmatively demonstrate that Rancho is financially insolvent as an independent going concern, having 'borrowed' over \$49 Million from another Plains All American Pipeline entity (Plains LPG Services, LP) in order to operate. This raises a question of whether, should an accident occur, Rancho can meet its responsibilities to our citizens to compensate them for damage to person and property. The rent on the rail spur is not paid by Rancho, but by another Plains All American Pipeline entity (Plains Marketing, LP) out of a bank account in Van Wert, Ohio. This is evidence that Rancho does not or cannot pay \$1187 in rent from a local bank account in its own name. This is troubling to many of our citizens who feel that leases or government contracts should not be given to entities which are financially insolvent as an independent going concern. Taking this Resolution up will highlight this issue, which is also a serious issue for the State Lands Commission.

5. The timing of the hearing on the Resolution and passing the Resolution now is important because:

a. The State Lands Commission is concerned enough about the situation (i.e. Rancho's and the Port's possible misuse of Tidelands Trust Assets – noted in the Resolution as consisting of (i) the railroad tracks fronting Gaffey Street adjacent to the Rancho facility, and (ii) the rail spur permitted by the Port) - that the Commission has put the Rancho matter on its June, 2014 agenda. It is therefore important that the Council be heard in advance of that meeting on this issue;

b. Congresswoman Janice Hahn has promised a field hearing in connection with the Rancho situation. The Congresswoman supports the Resolution. The best protection of our citizens means that our City Council should go on record now, in advance of the field hearing;

c. The June election for the Congressional seat being vacated by Congressman Waxman should operate as a source of focus for discussion and debate on the Rancho issue. The tanks lie within the boundaries of the 33rd Congressional District. Candidates vying for the position to serve as the Congressperson for our constituents should be afforded a forum at which they can declare their support or opposition to the Resolution. Taking up the Rancho matter now will facilitate debate and discussion which is important to the citizens when they decide who will represent them

Rancho LPG Tank Facility
May 20, 2014
Page 3 of 3

as it would be reasonably expected that one or more of the Congressional candidates will attend and state their views.

From: Al Sattler <alsattler@igc.org>
Sent: Monday, May 19, 2014 10:46 PM
To: CC
Subject: Rancho LPG Tank Facility

Rancho Palos Verdes City Council:

I strongly support the City Council putting on a future agenda a discussion of the Rancho LPG Tank Facility. This facility has the potential to be a major disaster for those of us in the Eastview portion of Rancho Palos Verdes, as well as the portions of San Pedro that are even closer to it.

I'm sorry that I probably will not be able to be present in person tomorrow night to speak to this issue.

Al Sattler
RPV

From: April Sandell <hvybags@cox.net>
Sent: Monday, May 19, 2014 9:59 PM
To: CC
Cc: chateau4us@att.net Lacombe; Janet Gunter
Subject: Tomorrow's council meeting / Rancho LPG Tanks /city council consideration to place this matter on a future agenda.

Dear Council members,

I cannot imagine a less than unanimous vote in favor to place this item on a future agenda. If, in fact, the council's final determination finds no morally justifiable reason to be further concerned would be sad to say the least.

I urge your protection.

Sincerely,

April L. Sandell

From: Carl Southwell <carl.southwell@gmail.com>
Sent: Tuesday, May 20, 2014 12:31 PM
To: CC
Cc: Kit Fox
Subject: Study Session report for City Council discussion of Rancho LPG facility on May 20th - Late Correspondence

Dear Councilmembers:

Because of its adjacency to residential neighborhoods, the Rancho LPG Holdings, LLC butane storage facility in San Pedro, California has been controversial since it was built in the early 1970s. From its conception, many local residents have opposed its siting and have continued to voice concern about its operation.

I have studied this facility's siting, and my observations can be summarized as follows:

1. There is a significant difference in the risk management of planned versus existing hazardous facilities. In Unbuilding Cities: Obduracy in Urban Sociotechnical Change, Hommels comments extensively about the persistence of ill-conceived and unwanted infrastructure in urban environments. Rancho LPG is an example of *obduracy due to embeddedness*. The persistency of Rancho LPG is due, in part, to its relative rigidity and irreversibility with respect to zoning, legal developments, and the “deep-rooted [American] ideological antipathy to government intervention in urban and regional developments” (Hommels, p. 13).
2. From a policy perspective, it is a bad idea to exempt facilities from regulations *without a sunset clause*. It is improbable that, if built from scratch, Rancho LPG would be licensed today at its current location given current regulations and other requirements such as an EIS and a QRA. From a macro-level perspective, the example of Rancho LPG highlights the absurdity of unlimited grandfathering in zoning. The original rationale for grandfathering was that significant, sudden regulatory change hurts existing facilities and discourages future investment. Arguments centering on “fairness” and “economic feasibility” (e.g., it is less expensive to implement pollution controls at the time of new construction rather than as a retrofit) were developed to favor the owners of infrastructure. In retrospect, however, the obvious problems of grandfathering emerged. By creating a permanent, regulatory environment favoring existing facilities, grandfathering established a perverse incentive to keep aging facilities open. The grandfathered status of Rancho LPG may have become its most valuable asset. Protecting that asset has meant defending the facility, even at the potential expense of downplaying public safety and, in the case of its expired marine shipping permit, operating less efficiently. When an area’s zoning changes, whether it be economically positive zoning with respect to the property owner (i.e., for “war emergency” purposes) or economically negative zoning with respect to the property owner (i.e., new pollution regulations or the requirement of an EIR), the implementation of grandfathering, at least with respect to public safety and environmental compliance issues, should either be eliminated or strictly delimited in scope and time.
3. Siting of aboveground LPG storage facilities near other critical infrastructure or near population centers should *always be avoided* and, when present, rectified. *Alternative siting, hardening, and additional security* can be established as very effective tools in reducing both reducing expected losses. Siting of aboveground LPG storage facilities in areas with low densities at least four miles from population centers and at least two miles from other significant commercial enterprises to minimize the exposure of people and property to potential harm should be strongly preferred in the regulatory approval process, and full containment of facility tanks should be mandatory.

4. The persistency of Rancho LPG may also be due to its significant sunk costs. Political decisions often consider sunk costs, and avoidance of this consideration can only be accomplished absolutely by use of prospective analysis of proposed sites rather than retroactive analysis of existing sites.

I'd ask that, when the Council deliberates this (or any other) land use issues, please consider the following:

1. For decisions concerning facilities containing CBRN hazards, consider always using revocable CUPs over zoning determinations or variance findings.
2. Avoid taking sunk costs into consideration with respect to all land use decisions.
3. Allow reasonable per speaker maximum times (perhaps, five minutes per speaker) for public comments.

Best regards,

Carl Southwell
2242 Estribo Drive
Rolling Hills Estates, CA 90274

From: Kit Fox
Sent: Tuesday, May 20, 2014 3:37 PM
To: Teresa Takaoka
Subject: FW: Rancho Study Session
Attachments: Rancho - Worst Case - RPV Eastview.pptx

Late Correspondence for Item SS2d

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

-----Original Message-----

From: Ronald Conrow [mailto:Ronald.Conrow@plainsmidstream.com]
Sent: Tuesday, May 20, 2014 3:31 PM
To: Kit Fox
Subject: Rancho Study Session

Kit,

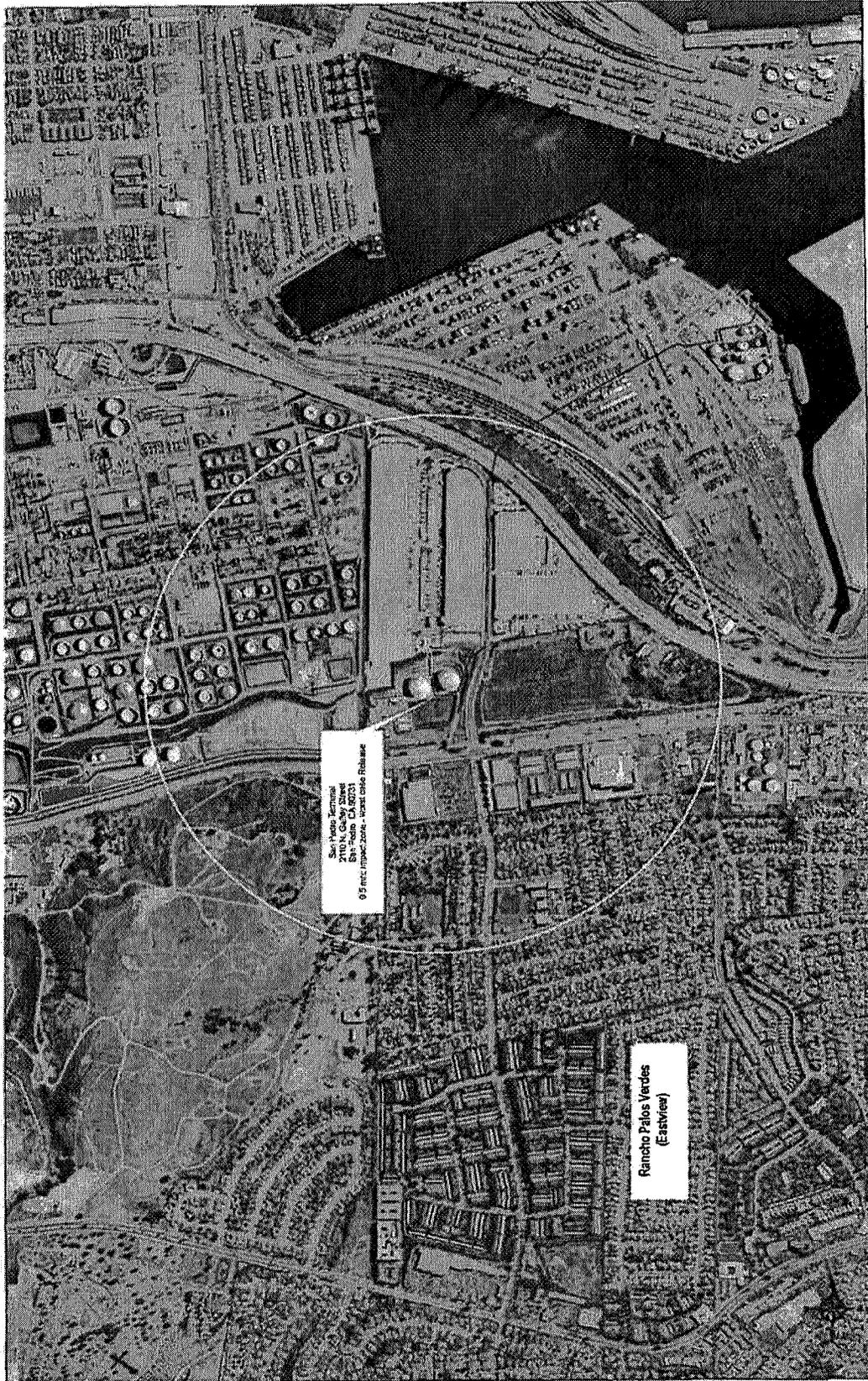
Please have this PPT available for overhead projection view during tonight's RPV City Council meeting Study Session on Rancho.

Regards,

Ron Conrow

This message is intended only for the use of the individual or entity to which it is addressed. This message, including any attachments, may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please contact the sender and delete this message and any attachments from your system.

Rancho RMP "Worst-Case" Scenario 0.5 Miles



San Pablo Terminal
2710 N. Gray Street
San Pablo, CA 94606
0.5 mile impact zone - worst case Release

Rancho Palos Verdes
(East/West)

From: Vogt, Justin <Justin.Vogt@mail.house.gov>
Sent: Tuesday, May 20, 2014 1:32 PM
To: CC
Subject: Letter in support
Attachments: 20140520 - RPV Support Letter.pdf

Please accept this letter in support of the resolution the RPV council will soon consider regarding Rancho LPG holding.

Justin Vogt | Legislative Director
Office of Congresswoman Janice Hahn (CA-44)
404 Cannon Building | Washington DC 20515
Tel: 202-225-8220 | Fax: 202-226-7290

JANICE HAHN
44TH DISTRICT, CALIFORNIA

TRANSPORTATION AND INFRASTRUCTURE

SMALL BUSINESS
RANKING MEMBER - HEALTH AND TECHNOLOGY

PORTS CAUCUS
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CO-CHAIR

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Congress of the United States
House of Representatives
Washington, DC 20515-0544

May 20, 2014

WASHINGTON OFFICE:
404 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-8220

SAN PEDRO OFFICE:
140 W. 6TH STREET
SAN PEDRO, CA 90731
(310) 831-1799

COMPTON OFFICE:
205 S. WILLOWBROOK AVENUE
COMPTON, CA 90220
(310) 805-5520

SOUTH GATE OFFICE:
8650 CALIFORNIA AVENUE
SOUTH GATE, CA 90280
(323) 563-9562

Members of the Rancho Palos Verdes City Council
30940 Hawthorne Blvd.,
Rancho Palos Verdes, CA 90275

Dear Councilmembers:

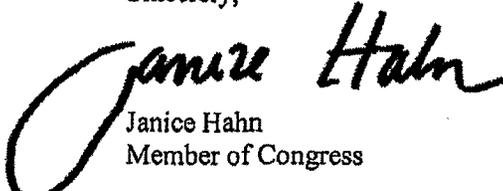
I write in support of the proposed resolution the RPV council will soon consider regarding prompt and necessary action to preserve the health, welfare, and safety of the citizens of Rancho Palos Verdes related to the butane storage facility operated by Rancho LPG holding. It is extremely important to the community of Rancho Palos Verdes that we promote an open discussion of the future of these facilities to keep the public educated. I have long fought for safety of the citizens you represent as well as the ones I represent in San Pedro, and this resolution will finally place us on the path to resolving this outstanding issue.

Just over one year ago, I spoke out in support of the EPA's decision to sue the owners of the Rancho LPG Tanks for their repeated violations of federal law. This process of litigation continues and I am committed to holding Rancho LPG fully accountable at the federal level. However, the role of the RPV City Council is crucial to hold Rancho LPG accountable by all local and state authorities.

Today the Rancho LPG facility is a potential safety hazard, but should we fail to act a hazard can quickly escalate to a crisis. We have an opportunity and a responsibility to be proactive and prevent a crisis occurring next to shops, homes, six soccer fields, and an elementary school.

Thank you for taking a stand today for the health of your residents. It is crucial that the Rancho Palos Verdes City Council take the lead on this issue and approve a plan of action. The public deserves a safe neighborhood and the right to be a part of the process. Please accept my support for the resolution to preserve the health, welfare, and safety of the citizens and property owners of the City of Rancho Palos Verdes.

Sincerely,



Janice Hahn
Member of Congress

From: Kit Fox
Sent: Friday, May 16, 2014 10:06 AM
To: Teresa Takaoka
Subject: FW: Study Session report for City Council discussion of Rancho LPG facility on May 20th

Late Correspondence on Item SS2-d.

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

From: Carl Southwell [mailto:carl.southwell@gmail.com]
Sent: Friday, May 16, 2014 9:58 AM
To: Kit Fox
Cc:Carolynn Petru; Carol Lynch <clynch@rwglaw.com>
Subject: Re: Study Session report for City Council discussion of Rancho LPG facility on May 20th

Thank you for the notification.

However, your underlined sentence compels me to comment. Your city's ability to limit the public comment period to one minute per speaker for oral comment is ridiculously low--in essence, transforming the concept of social leveling to sound bites. Rousseau would be appalled.

Carl Southwell

On Fri, May 16, 2014 at 9:39 AM, Kit Fox <KitF@rpv.com> wrote:

Dear Interested Party:

During its monthly Study Session at the meeting on Tuesday, May 20th, the City Council will be discussing and considering a request by Councilman Brian Campbell to agendize a future "Regular Business" item regarding the Rancho LPG facility in San Pedro. Councilman Campbell's May 20th report is available for review on the City's website at the following link:

http://www.palosverdes.com/rpv/citycouncil/agendas/2014_Agendas/MeetingDate-2014-05-20/RPVCCA_CC_SS_2014_05_20_02d_Rancho_LPG_Tank_Facility.pdf

The City Council's Study Session meeting starts at **6:00 PM** (an hour before the Regular Session at 7:00 PM) at Hesse Park Community Building, 29301 Hawthorne Boulevard, Rancho Palos Verdes, CA 90275. Please note that, pursuant to Section 6.1(f) of the City Council Rules of Procedure, oral public comment on Study Session items may be limited to one (1) minute per speaker. However, you are welcome to submit written comments via e-mail to cc@rpv.com, which will be distributed to the City Council as "Late Correspondence." The only action to be considered by the City Council on May 20th is whether or not to agendize this matter as a "Regular Business" item on a future City Council agenda. In the event that this matter is agendized for future City Council action, additional opportunities for oral and written public comment will be available.

City Staff continues to monitor issues related to the Rancho LPG facility as a part of the regular bi-monthly Border Issues Status Report to the City Council. The next Border Issues Status Report is scheduled for the "Consent Calendar" at the City Council meeting of June 3rd.

Thank you very much for your interest in this matter.

Sincerely,

Kit Fox, AICP

Senior Administrative Analyst

City Manager's Office

City of Rancho Palos Verdes

30940 Hawthorne Blvd.

Rancho Palos Verdes, CA 90275

T: [\(310\)544-5226](tel:(310)544-5226)

F: [\(310\)544-5291](tel:(310)544-5291)

E: kitf@rpv.com



--

Carl Southwell

Contact me at (use whichever you prefer) :

carl.southwell@gmail.com

carl.southwell@riskandpolicy.org

Visit: [**www.pressfriends.org**](http://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.

From: Adrienne Ferree <abferree@gmail.com>
Sent: Monday, May 19, 2014 4:22 PM
To: CC
Cc: Amanda Ferree; Lauren Ferree; alley ferree; Neil Ferree; Lacombe
Subject: Rancho LPG facility

I unfortunately wont be able to attend the council meeting tomorrow. However I want to express that my whole family, 5 voting member of RPV, support the making the Rancho LPG facility in San Pedro a "Regular Business" item on a future City Council agendas.

We live in the Rolling Hills Rivera Home Owners Association area are are about one mile from the tanks.

Adrienne Ferree

E-mails between Janet Gunter and Staff
regarding PowerPoint slide submitted by Ron Conrow

Kit Fox

From: Kit Fox
Sent: Wednesday, May 21, 2014 11:19 AM
To: 'Janet Gunter'
Cc: Carla Morreale; Teresa Takaoka
Subject: RE: Public Records Act Request

Hi Janet:

The City posts "Late Correspondence" items on the website exactly as they are presented to us, without qualifications or independent verification of the accuracy of writers' statements or representations. This applies to everyone.

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

From: Janet Gunter [mailto:arriane5@aol.com]
Sent: Wednesday, May 21, 2014 11:11 AM
To: Kit Fox
Subject: Re: Public Records Act Request

Thanks Kit. You might want to "measure" out that 1/2 mile radius before you post it as such. I think you will find that it is absolutely not as stated!! Thanks again!

Sent from my iPhone

On May 21, 2014, at 10:24 AM, Kit Fox <KitF@rpv.com> wrote:

Hi Janet:

Public Records Act requests are directed to the City Clerk's office (I've copied the City Clerk and Deputy City Clerk on this reply to you). Attached is the PowerPoint slide submitted by Ron Conrow. This will also be posted later today on the City's website with the agenda for last night's meeting:

http://www.palosverdes.com/rpv/citycouncil/agendas/2014_Agendas/MeetingDate-2014-05-20/

Let me know if I can be of further assistance.

Sincerely,

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

From: Janet Gunter [<mailto:arriane5@aol.com>]

Sent: Wednesday, May 21, 2014 10:01 AM

To: Kit Fox

Subject: Public Records Act Request

Hello Kit-

Can you please advise me to whom I direct a public records act request for the slide presented by Rancho LPG LLC last night?

Thanks,
Janet Gunter

<Rancho - Worst Case - RPV Eastview.pptx>

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

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Wednesday, April 30, 2014 1:57 PM
To: gvlasek@arb.ca.gov; gsolomon@calepa.ca.gov; lomalley@aqmd.gov; thomas.e.campbell@calema.ca.gov; mwilson@dir.ca.gov; STsumura@elsegundo.org; MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; amartinez@earthjustice.org; dpettit@nrdc.org; det310@juno.com; connie@rutter.us; jnm4ej@yahoo.com; dwgkaw@hotmail.com; igornla@cox.net; burling102@aol.com; jhwinkler@me.com; chateau4us@att.net; hvybags@cox.net; marciesmiller@sbcglobal.net; carl.southwell@gmail.com; lpryor@usc.edu; dan.tillema@csb.gov; Rafael.Moure-Eraso@csb.gov; don.holmstrom@csb.gov; Kit Fox
Subject: NEWS.....Another unnecessary rail car explosion !

<http://www.nydailynews.com/news/national/train-derails-lynchburg-va-creating-massive-fire-smoke-article-1.1774353>

Why are we inviting the highly explosive opportunity of both rail and tank disaster at Rancho LPG? The magnitude would be enormously higher.

AMERICA NEWYORK LOCAL News Politics Sports Entertainment Opinion Living Photos Video Autos

U.S

Major fire, explosion after train carrying crude oil derails in Lynchburg, Virginia

City officials say no injuries have been reported from the 2 p.m. derailment. The city is evacuating the downtown area and advising Lynchburg residents to stay away.

BY NINA GOLGOWSKI [Follow](#) / NEW YORK DAILY NEWS / Published: Wednesday, April 30, 2014, 2:56 PM / Updated: Wednesday, April 30, 2014, 9:10 PM

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Downtown Lynchburg, Va., is being evacuated after a train derailed and crashed Wednesday afternoon.

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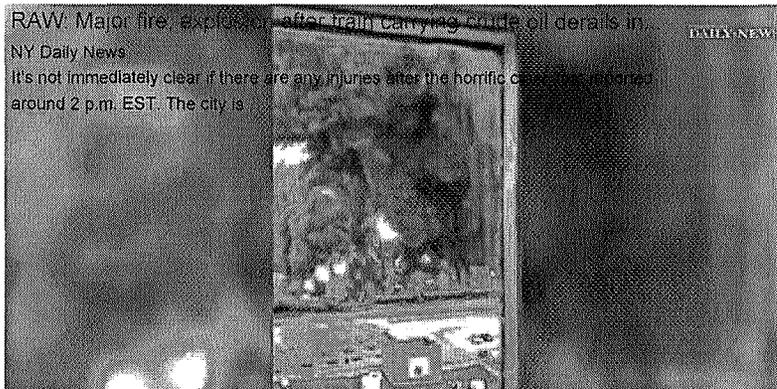
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A train carrying crude oil derailed and crashed in downtown Lynchburg, Va. Wednesday, evacuating the immediate downtown area as it was seen billowing with extreme smoke and fire.

The city says no injuries have been reported from the explosive crash around 2 p.m. EST near The Depot Grille which reportedly dumped crude oil into the James River.

Lynchburg police and fire personnel were actively at the scene while advising residents to stay out of the downtown area. City officials also say that the city's drinking water has not been affected by the spill.

The city reports that 12 to 14 tanker cars were carrying crude oil when the CSX train crashed. Of those cars, three or four tanker cars breached.



RAW: Major fire, explosion after train carrying crude oil derails in Lynchburg, Va. NY Daily News

It's not immediately clear if there are any injuries after the horrific crash that occurred around 2 p.m. EST. The city is



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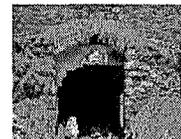
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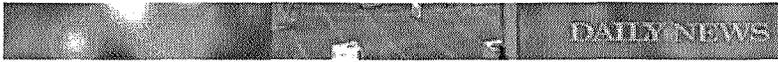


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A photo taken on the other side of the river showed around three tanker cars in the water.

"The cause of the derailment has not been determined at this time," the city said in a statement. "CSX officials are working to remove the portion of the train that is blocking workers from leaving Griffin Pipe Foundry located in the lower basin."

In dramatic video and photos uploaded by witnesses online, billowing smoke and fire is seen filling the sky and apparently even bleeding into some surrounding water.



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Three cars in the James. Unknown how much crude oil is leaking into the river. [MORE: wset.com](#)

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The fire department eventually allowed the fire to burn out after accessing the situation.

Eerily, Wednesday's crash comes the same day Governor Cuomo sent a letter to the White House urging immediate federal action to protect New York from similar crude oil transportation disasters.

"This is the latest in a series of accidents involving trains transporting crude oil, a startling pattern underscoring the need for action," Cuomo reacted to the Lynchburg derailment on Twitter. "The federal government must overhaul safety regulations. We cannot wait for a tragic disaster in our state to act."

His office stressed that tens of millions of gallons pass along the state's rail corridors each day, despite New York having no refineries.

"While rail transportation of crude oil has risen



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dramatically, federal regulations and safety precautions have lagged behind," Cuomo stated.

A recent report on the State's crude oil transportation safety found that the majority of tank cars used to transport the flammable fuel are outdated.

Andrew Cuomo @NYGovCuomo Follow

This is the latest in a series of accidents involving trains transporting crude oil, a startling pattern underscoring the need for action.

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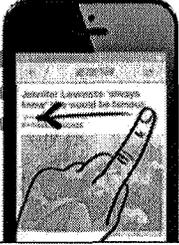
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<p>DENNIS SMITH 27 days ago</p> <p>NTSB Chair Hersman has criticized the dangers of moving oil by rail but Obama and the Dems still oppose the pipeline, which is much safer.</p> <p>Like <input type="button" value="REPLY"/> SHARE</p>	3
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Kit Fox

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Sent: Wednesday, April 30, 2014 2:04 PM
To: Janet Gunter; gvlasek@arb.ca.gov; gsolomon@calepa.ca.gov; lomalley@aqmd.gov; thomas.e.campbell@calema.ca.gov; mwilson@dir.ca.gov; STsumura@elsegundo.org; MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; amartinez@earthjustice.org; dpettit@nrdc.org; det310@juno.com; connie@rutter.us; jnm4ej@yahoo.com; dwgkaw@hotmail.com; igornla@cox.net; burling102@aol.com; jhwinkler@me.com; chateau4us@att.net; hvybags@cox.net; marciesmiller@sbcglobal.net; carl.southwell@gmail.com; lpryor@usc.edu; dan.tillema@csb.gov; Rafael.Moure-Eraso@csb.gov; don.holmstrom@csb.gov; Kit Fox
Subject: Re: NEWS.....Another unnecessary rail car explosion !

Because of corrupt political leadership that dates back decades?
Sent from my Verizon Wireless BlackBerry

From: Janet Gunter <arriane5@aol.com>
Date: Wed, 30 Apr 2014 16:57:16 -0400 (EDT)
To: <gvlasek@arb.ca.gov>; <gsolomon@calepa.ca.gov>; <lomalley@aqmd.gov>; <thomas.e.campbell@calema.ca.gov>; <mwilson@dir.ca.gov>; <STsumura@elsegundo.org>; <MrEnvirlaw@sbcglobal.net>; <noelweiss@ca.rr.com>; <amartinez@earthjustice.org>; <dpettit@nrdc.org>; <det310@juno.com>; <connie@rutter.us>; <jnm4ej@yahoo.com>; <dwgkaw@hotmail.com>; <igornla@cox.net>; <burling102@aol.com>; <jhwinkler@me.com>; <chateau4us@att.net>; <hvybags@cox.net>; <marciesmiller@sbcglobal.net>; <carl.southwell@gmail.com>; <lpryor@usc.edu>; <dan.tillema@csb.gov>; <Rafael.Moure-Eraso@csb.gov>; <don.holmstrom@csb.gov>; <kitf@rpv.com>
Subject: NEWS.....Another unnecessary rail car explosion !

<http://www.nydailynews.com/news/national/train-derails-lynchburg-va-creating-massive-fire-smoke-article-1.1774353>

Why are we inviting the highly explosive opportunity of both rail and tank disaster at Rancho LPG? The magnitude would be enormously higher.

Kit Fox

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Subject: Most recent Rail Cars in NY Explosion headed to "Plains" Storage Facility!! The State, Port & City liability on Rancho/Plains?

See article above "New Rules"

<http://www.rawstory.com/rs/2014/04/30/virginia-train-crash-and-explosion-sends-crude-oil-spilling-into-james-river/>

Meanwhile, the Port and City of LA roll over a monthly rail permit to transport extremely explosive butane gas throughout the port and local community for a "Plains" (Rancho LPG LLC) business that has no shipping contract with the port, whatsoever, for ocean transport, and assuming great liability risk for less than \$1,500/mo??

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Virginia train crash and explosion sends crude oil spilling into James River

By Reuters

Wednesday, April 30, 2014 20:58 EDT



By Selam Gebrekidan

NEW YORK (Reuters) – A CSX Corp train carrying crude oil derailed and burst into flames in downtown Lynchburg, Virginia, on Wednesday, spilling oil into the James River and forcing hundreds to evacuate.

In its second oil-train accident this year, CSX said 15 cars of a train traveling from Chicago to Virginia derailed at 2:30 p.m. EDT. Fire that erupted on three of the cars was extinguished several hours later, the company said.

The three cars, each weighing 100 tons, fell down an embankment into the river and were still leaking oil on Wednesday evening, city mayor Michael Gillette told Reuters.

There were no injuries, and the nearly 350 residents who were evacuated earlier in the day were allowed to return to their homes, he said.

(Click here for a map of location of the derailment:<http://link.reuters.com/mac98v>)

This is the sixth fiery derailment to occur in North America since a runaway train in Lac-Megantic, Quebec, derailed and exploded, killing 47 people last July. Another CSX train carrying crude oil derailed in Philadelphia in January, nearly toppling over a bridge.

The latest incident, a short distance from office buildings in the city of 77,000, brought more calls from environmentalists for stricter regulations on shipping crude oil by rail.

Containing the oil spill was the city's biggest concern as cleanup efforts began, Gillette added. The river flows into Chesapeake Bay.

CSX was sending a crew to clean up the wreckage on Wednesday evening, and city officials expected the company to remove the derailed tank cars by the end of business on Thursday.

Kathy Bedsworth, owner of the Carriage House Inn bed and breakfast in Lynchburg, the commercial hub of central Virginia, told Reuters that flames streaked as high as 60 feet.

"There was black, black, black smoke and huge billows of flames. The flames were taller than the buildings," she in a telephone interview after heading to the scene of the incident five blocks from her guest house.

National Transportation Safety Board investigators were already on site. The U.S. Department of Transportation said it was sending Federal Railroad Administration inspectors to the scene, and the Environmental Protection Agency said an official was heading there to help the state monitor air quality.

The origin of the cargo, the train's final destination and the cause of the accident were not known. One of the only oil facilities to the east of Lynchburg is a converted refinery in Yorktown, now a storage depot run by Plains All American. The company did not immediately reply to queries.

NEW RULES

With more trains hauling crude and flammable liquids across North America, U.S. regulators are expected soon to propose new rules for more robust tank cars to replace older models; Canadian authorities did so last week.

"With this event, regulators could try to expedite the process, and they'll likely err on the side of the more costly safety requirements," said Michael Cohen, vice president for research at Barclays in New York.

Tougher rules could raise costs for companies that lease tank cars and boost business for rail-car makers.

Residents across the country have voiced concern about oil trains, often a mile long, passing near their communities, particularly in New York and the Pacific Northwest. Derailments have also occurred in North Dakota and Alabama.

In Virginia, environmental groups including the Sierra Club and the Chesapeake Bay Foundation have opposed expansion of crude-by-rail shipments through the region to the Yorktown terminal, which can handle 140,000 barrels per day. CSX's route through populated areas like Lynchburg and its proximity to the James River have been mentioned as special concerns.

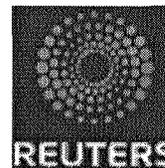
In January, CSX Chief Executive Michael Ward told analysts the company planned to boost crude-by-rail shipments by 50 percent this year. He said the Jacksonville, Florida-based railroad was working with U.S. regulators to address safety concerns in light of recent derailments and fires.

(Reporting by Selam Gebrekidan, Joshua Schneyer, Anna Driver, Patrick Rucker, Josephine Mason, Ian Simpson; Editing by David Gregorio and Prudence Crowther)

[Image: Flames are seen where a CSX Corp train carrying crude oil derailed and burst into flames in downtown Lynchburg, Virginia, April 30, 2014. REUTERS/WSET/Handout via Reuters]

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Kit Fox

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Subject: RE: Most recent Rail Cars in NY Explosion headed to "Plains" Storage Facility!! The State, Port & City liability on Rancho/Plains?

"Have no fear, carbon-based life-forms. We, your techno overlords, have everything under control Nothing can go wrong... can go wrong... can go wrong..."

Paul Rosenberg
@PaulHRosenberg
Columnist
Al Jazeera English
<http://www.aljazeera.com/indepth/opinion/profile/paul-rosenberg.html>
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Subject: Most recent Rail Cars in NY Explosion headed to "Plains" Storage Facility!! The State, Port & City liability on Rancho/Plains?

From: arriane5@aol.com

CC: noelweiss@ca.rr.com; MrEnvirlaw@sbcglobal.net; det310@juno.com; jody.james@sbcglobal.net; connie@rutter.us; jhwinkler@me.com; dwgkaw@hotmail.com; igornla@cox.net; burling102@aol.com; pmwarren@cox.net; marcie.miller@sbcglobal.net; lenebilski@hotmail.com; chateau4us@att.net; hvybags@cox.net; radsmith@cox.net; johngoya@westoceanmd.com; tara@marianneforcongress.com; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; jnm4ej@yahoo.com; dlivera@prodigy.net; fbmjet@aol.com; peter.burmeister@sbcglobal.net; mandm8602@att.net; owsqueen@yahoo.com; lljonesin33@yahoo.com; patrica.e.hannah@gmail.com; lonnacalhoun@me.com; richard.vladovic@lausd.net; havenick@cox.net
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Meanwhile, the Port and City of LA roll over a monthly rail permit to transport extremely explosive butane gas throughout the port and local community for a "Plains" (Rancho LPG LLC) business that has no shipping contract with the port, whatsoever, for ocean transport, and assuming great liability risk for less than \$1,500/mo??

Kit Fox

From: Terry and John Miller <igornla@cox.net>
Sent: Sunday, May 04, 2014 6:55 AM
To: Janet Gunter
Cc: gvlasek@arb.ca.gov; gsolomon@calepa.ca.gov; lomalley@aqmd.gov; thomas.e.campbell@calema.ca.gov; mwilson@dir.ca.gov; STsumura@elsegundo.org; MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; amartinez@earthjustice.org; dpettit@nrdc.org; det310@juno.com; connie@rutter.us; jnm4ej@yahoo.com; dwgkaw@hotmail.com; burling102@aol.com; jhwinkler@me.com; chateau4us@att.net; hvybags@cox.net; marciesmiller@sbcglobal.net; carl.southwell@gmail.com; lpryor@usc.edu; dan.tillema@csb.gov; Rafael.Moure-Eraso@csb.gov; don.holmstrom@csb.gov; Kit Fox
Subject: Re: NEWS.....Another unnecessary rail car explosion !

Note that the Fire Dept there had to just let the fire burn completely out. Thats a clear practical real world admission that "just letting the fire burn out" would be the only real option for any major fire at Rancho. But just letting it burn out would be a huge disaster for our community.

THANKS, John

On Apr 30, 2014, at 1:57 PM, Janet Gunter wrote:

<http://www.nydailynews.com/news/national/train-derails-lynchburg-va-creating-massive-fire-smoke-article-1.1774353>

Why are we inviting the highly explosive opportunity of both rail and tank disaster at Rancho LPG? The magnitude would be enormously higher.

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Thursday, May 15, 2014 9:04 AM
To: MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; connie@rutter.us; det310@juno.com; jody.james@sbcglobal.net; marciesmiller@sbcglobal.net; burling102@aol.com; dwgkaw@hotmail.com; igornla@cox.net; stanley.mosler@cox.net; jhwinkler@me.com; chateau4us@att.net; hvybags@cox.net; dlrivera@prodigy.net; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcaemer@aol.com; goarlene@cox.net; diananave@gmail.com; overbid2002@yahoo.com; lisa.pinto@mail.house.gov; rachel.zaiden@mail.house.gov; richard.vladovic@lausd.net; bonbon90731@gmail.com; mandm8602@att.net; guillermovillagran@sbcglobal.net; lpryor@usc.edu; carl.southwell@gmail.com; jos8404@att.net; fbmjet@aol.com; pmwarren@cox.net; jnm4ej@yahoo.com; Kit Fox; rgb251@berkeley.edu; maurice_lyles@boxer.senate.gov; michael_davies@feinstein.senate.gov; don.holmstrom@csb.gov; dan.tillema@csb.gov; Rafael.Moure-Eraso@csb.gov; wesling.mary@epamail.epa.gov; helmlinger.andrew@epa.gov; ksmith@klct.com
Subject: PLAINS (RANCHO) PIPELINE BREAKS IN ATWATER VILLAGE/GLENDALE AREA!!!

If this rupture was the "Plains" Rancho LPG 40+ year old Butane Gas pipeline.....the damage would not simply be about "clean up". The devastation would be extraordinary and horrific.

<http://www.foxbusiness.com/industries/2014/05/15/pipeline-break-spills-crude-oil-into-los-angeles-atwater-village/>

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Pipeline Break Spills Crude Oil Into Los Angeles' Atwater Village

Published May 15, 2014 | Reuters

Thousands of gallons of crude oil spilled over a half-mile area in Los Angeles due to a break in an above-ground pipeline on Thursday, the city fire department said.

No injuries were reported, the Los Angeles Fire Department said in a statement. The pipeline was shut off remotely, and the incident shut down a section of the Atwater Village area of the city, a local NBC affiliate reported.

An earlier statement from the fire department said the spill was 1 million gallons, but it subsequently revised the estimate down to 50,000 gallons, which would be just over 1,000 barrels. Local media later reported that had been revised down again, to 10,000 gallons.

"Oil is knee-high in some areas," the fire department said. "A handful of commercial businesses are affected."

The break in the 20-inch above-ground pipeline was at a pumping station in an industrial area near San Fernando Road in Atwater Village, the fire department said.

Video footage from the NBC affiliate showed oil spraying about 20 feet in the air from the leak, which happened at an oil-gathering station situated next to a strip club, The Gentlemen's Club.

Neither the fire department nor media reports said which company operates the pipeline.

However, an online U.S. Department of Energy map showed that the main oil pipeline running through Atwater Village was the Plains West Coast Pipeline run by Plains Pipeline L.P., a unit of Plains All American. A company spokesman did not immediately return a call outside normal business hours to check if this was the pipeline from which the crude spilled.

L.A. Battalion Chief David Spence told local television that the line ran from California's main oil-producing region near Bakersfield to a storage facility in Long Beach, near a cluster of refineries including those run by Phillips 66, Valero and Tesoro. It was unclear which, if any, of the plants would be affected by the disruption.

An oil pipeline of 20-inch diameter is medium-sized by industry standards and would generally transport about 200,000 barrels per day based on average rates. There was no immediate information about the specific capacity or throughput of the line.

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RHE Planning Commission Minutes
for *Peninsula Center* Revitalization project

MINUTES

REGULAR PLANNING COMMISSION MEETING

MARCH 17, 2014

1. **CALL MEETING TO ORDER**

A regular meeting of the Planning Commission of the City of Rolling Hills Estates was called to order at 7:00 p.m. in the City Hall Council Chambers, 4045 Palos Verdes Drive North, by CHAIR CONWAY.

2. **PLEDGE OF ALLEGIANCE**

CHAIR CONWAY led the assembly in the Pledge of Allegiance to the Flag.

3. **ROLL CALL**

Commissioners Present: Medawar, Scott, Schachter, Southwell, Yoo, Chair Conway
Commissioners Absent: Schmitz
Staff Present: Planning Director Wahba, Principal Planner Wetzel

4. **APPROVAL OF MINUTES**

COMMISSIONER SCOTT moved, seconded by COMMISSIONER YOO,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING AS OF MARCH 3, 2014.

AYES: Medawar, Scott, Schachter, Southwell, Yoo, Chair Conway
NOES: None
ABSTAIN: None
ABSENT: Schmitz

5. **AUDIENCE ITEMS**

None.

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 PERMIT FEWER PARKING SPACES AND TO PERMIT LESS LANDSCAPING THAN REQUIRED BY CODE.

Principal Planner Wetzel gave a brief Staff Report, per the written material, and recommended a resolution approving the project.

COMMISSIONER SCOTT pointed out a discrepancy with the 15" and 24" signage heights on page 5.

COMMISSIONER SCOTT then asked about controlled patios and counter service for alcoholic beverages, and Principal Planner Wetzel explained both.

COMMISSIONER SCHACHTER asked about signage heights in other shopping centers, and Planning Director Wahba explained that it varies from location to location as a function of the building's design.

COMMISSIONER YOO asked about the directional signs and uniform logo and lettering versus the proposed trademarked version, and Planning Director Wahba explained the applicant's desire for brand recognition and the City's gradual shift toward more latitude with signage.

COMMISSIONER YOO then asked about the applicant's request for nine monument signs versus Staff's recommendation of seven, and Planning Director Wahba explained the history of monument signs in the Center.

COMMISSIONER SCOTT asked about hours for serving alcohol within the City and Planning Director Wahba explained that the standard is to serve until 11:00 p.m. or midnight, on special occasions or holidays such as New Year's Eve.

CHAIR CONWAY asked what Staff's condition limiting the hours of operation is based on, and Planning Director Wahba explained the standard practice.

COMMISSIONER YOO asked about the current 48" anchor signage versus the Staff's proposal for 36" signing for new tenants, and Planning Director Wahba explained that the 48" signs would become legal nonconforming, but new signs would have to meet the master sign plan's 36" maximum height requirement.

COMMISSIONER SOUTHWELL moved, seconded by COMMISSIONER MEDAWAR,

TO OPEN THE PUBLIC HEARING.

AYES: Medawar, Scott, Schachter, Southwell, Yoo, Chair Conway
NOES: None
ABSTAIN: None
ABSENT: Schmitz

Jeff Axtell (applicant) came forward and gave a PowerPoint presentation. Mr. Axtell explained that 48" lettering is very conservative for anchor tenant stores in shopping centers, which commonly have 60" to 72" letters in big shopping centers, with 48" lettering being common for smaller stores. However, the applicant is only asking for the same letter size as the existing anchor stores, which are 48". Also, there are many stores that don't have visibility and more individual tenants need to get identity out on the street, so more monument signs are being requested than Staff is recommending.

COMMISSIONER MEDAWAR asked whether there is already a tenant for the proposed financial institute, and Mr. Axtell explained that it's just a proposed future site. A restaurant in that location wouldn't be good because of parking demands.

COMMISSIONERS SCHACHTER and YOO asked about safety measures to prevent pedestrians from walking across the new driving area, and Mr. Axtell explained that it is a standard street with asphalt, a curb, a sidewalk and bollards along the sidewalk and will be no different than the cars driving along the main road. Some situations could have bollards with chains between them and landscaping.

COMMISSIONER SCHACHTER asked about the crosswalk in the middle, and Mr. Axtell explained that there's a grade change there with steps and the crosswalk leads to an ADA required ramp on the other side. Plenty of places to cross are being provided and have been discussed with the traffic engineer.

COMMISSIONER YOO asked whether the heights were consistent throughout, and Mr. Axtell explained that the towers are all consistent and the parapets are all consistent, but building 43 is a little bit higher to give more visibility into the parking lot.

COMMISSIONER SOUTHWELL asked about cars stopping in the drive aisle, as it seems like a natural place to drop off and pick up and create problems and the most problematic part of the remodel. Mr. Axtell explained that it will be a through zone, the

only shop face there is TJ Maxx, and it is probably the single most important thing being proposed. The point is to create visibility between the two centers and to tie them together.

COMMISSIONERS MEDAWAR and SCOTT asked about signage, and Mr. Axtell explained that the applicant uses solid background single color signage then allows the tenants to have their brand identity in terms of lettering and logo and the look of the name. The major retailers will get larger A pylon signs, then B signs will be for smaller shop guys or a restaurant pad. The directory signs will be a mix of majors and non-majors.

COMMISSIONER SCOTT thanked the applicant for the carefully thought out, intelligent approach to a complicated problem. The directional sign on the Rite Aid building is so prominent in the principal entrance to the shopping center (from Silver Spur) that it could be larger to service more of the large and small tenants. All of those other signs are in places where the driver has already made the decision, but that is where a driver can use a directory. Staff's concern over the number of monuments is understandable, but that one in particular could have more flexibility if there was a limit to how many signs a tenant can be named on. Mr. Axtell then agreed to limit signage for each tenant to no more than two on street fronting monuments and pylons. Mr. Axtell also explained that they will be placing one tenant per line on each monument panel.

COMMISSIONER SCOTT then expressed concern over filling the new pads with the current retail vacancies on the hill, and Mr. Axtell explained that the new pads wouldn't be built until tenants were secured, but the rebuilding of the other two buildings on Hawthorne would start without tenants. Mr. Axtell further explained that the bike shop will not be reopening and that one potential tenant for the Norris Center pad is the Norris Theater and the other could be anything from restaurant to retail.

COMMISSIONER YOO asked about limiting the types of tenants for pad 4B, as it sits directly across from the high school, and Mr. Axtell responded that students can't be stopped from coming over, no matter what tenant is there, but there's a need for better fast casual restaurants and sit-down restaurants. Any establishment would have to apply for their alcohol license through the normal ABC process.

CHAIR CONWAY again thanked the applicant for the gallant efforts to reinvigorate this Center, which is sorely needed and somewhat delayed, and asked about the investment. Mr. Axtell responded that this there is a \$12 million capital improvement program in place with construction planned in early 2015.

COMMISSIONER SCHACHTER again asked about the larger signage, and Mr. Axtell explained that the larger tenants are going to ask for 60" letters, and it's going to be a fight to get them down, but 36" letters is not acceptable for anchor tenants. Although 48" letters are on the small side, it is respectful to what exists there today.

COMMISSIONER MEDAWAR expressed his gratitude and appreciation for the project as a local merchant.

Dick Moe (28 Santa Bella Road) came forward as the representative of the Norris Theater. The current plan is to purchase the corner lot across from the theater and fire department to build a new education facility, and the amount of businesses that will bring is important. Mr. Moe also commented that the center needs more restaurants.

Kit Fox (30940 Hawthorne Boulevard, Rancho Palos Verdes) came forward representing the City of Rancho Palos Verdes and commented that he is pleased with the thorough response to his comments. The City was somewhat concerned with the addition of restaurant spaces and late night noises associated with alcohol sales, but Staff's limitation on hours is acceptable. Mr. Fox congratulated the applicant on the proposal.

Julie Reynolds (4643 Browndeer Lane) came forward and commented that this is an excellent plan, badly needed in the city. It is important to the families (who currently go off the hill to shop and eat) and the longevity of the Center.

COMMISSIONER SCHACHTER moved, seconded by COMMISSIONER SOUTHWELL, TO CLOSE THE PUBLIC HEARING.

AYES: Medawar, Scott, Schachter, Southwell, Yoo, Chair Conway
NOES: None
ABSTAIN: None
ABSENT: Schmitz

CHAIR CONWAY commented that he is in support of the 5-foot logos and 4-foot signs, which would be consistent with the current signage. He is also in support of converting the colonnade to a drive aisle, which is an enlightened approach to enlivening and invigorating the other half of the Center.

COMMISSIONER MEDAWAR agreed and added that by opening that area to cars, it will connect both parking areas and make the lower part more visible for pedestrians and cars. The concern is with people trying to park, drop off and pick up, which could maybe be mitigated by some kind of planters along that pavement. Changing the flow of traffic on the Starbucks side to a single lane will solve a lot of problems, and it has been very well engineered.

COMMISSIONER SCOTT suggested a B sign by the main monument on Hawthorne, a second B sign where there is no driveway on Silver Spur and a monument on the back side on Indian Peak.

COMMISSIONER YOO agreed that there was a need for a sign on Indian Peak, and COMMISSIONERS MEDAWAR, SCOTT and SOUTHWELL discussed sign locations.

COMMISSIONER SCOTT then discussed the importance of color and logo to retailers today versus when the City originally put its sign plans together, but noted that this is more signs than the City has ever approved before. The Commissioners then agreed that each tenant should be limited to two panels per street frontage.

COMMISSIONER YOO pointed out that the total panel count comes to 36 signs for the complete mall, which isn't that great of a number for 16 to 20 stores plus smaller stores.

CHAIR CONWAY pointed out that this is a developer who is an expert at bringing in shoppers and is investing \$12 million, and being more flexible with signs is the least the City can do to support growth. COMMISSIONER SOUTHWELL then added that there is currently a low sign presence in the city.

CHAIR CONWAY asked whether the elevation of the higher tower was a problem, and the Commissioners agreed that it didn't present a problem. Planning Director Wahba pointed out that Staff liked the smaller design, as represented in the Initial Study, which is more in scale with the building. The revised design bisects one of the arches and is a little too massive for an end cap, magnifying the corner element.

COMMISSIONERS SCHACHTER and YOO then readdressed the concern with the crosswalk and people potentially driving through while looking at the stores and suggested a barrier to prevent stop and drop-off and having easy access to TJ Maxx. COMMISSIONER MEDAWAR then pointed out that the Paseo area is the same as the street in front of Pavilions. Mr. Axtell also added that it's a 12' sidewalk, and there's only a 6' sidewalk in front of Pier 1.

CHAIR CONWAY moved, seconded by COMMISSIONER SCOTT,

TO DIRECT STAFF TO PREPARE A RESOLUTION APPROVING PA-21-13 FOR THE REMODEL AND EXPANSION OF THE PENINSULA SHOPPING CENTER, SUBJECT TO CONDITIONS OF APPROVAL IDENTIFIED IN THE STAFF REPORT. IN ADDITION, MOUNTED DIRECTION SIGNS TYPE F SHALL HAVE AN OPTION TO BE LARGER THAN 10' x 6' TO THE SATISFACTION OF THE PLANNING DIRECTOR; MAJOR TENANT SIGNS SHALL BE ALLOWED TO BE 4' IN HEIGHT AND SUB-MAJOR SIGNS SHALL BE 3', THE ELEVATION OF THE TOWER IN BUILDING 43 CAN BE EXTENDED TO 35', THE APPLICANT SHALL CONSIDER ANOTHER A OR B SIGN ON INDIAN PEAK ROAD, PAGE 5 LANGUAGE SHALL BE REVISED REGARDING THE PASEO STOREFRONT SIGN HEIGHTS BEING SWITCHED, THERE SHALL BE NO MORE THAN TWO SIGNS PER TENANT ON MONUMENT SIGNS FOR ALL STREET FRONTAGES, AND ADDITIONAL SAFETY MEASURES SHALL BE CONSIDERED FOR PEDESTRIANS ALONG THE NEW TWO-WAY DRIVE AISLE.

AYES: Medawar, Scott, Schachter, Southwell, Yoo, Chair Conway
NOES: None
ABSTAIN: None
ABSENT: Schmitz

Planning Director Wahba explained that a resolution for the Commission's approval will be brought before the Commission at the next meeting of March 31st.

9. COMMISSION ITEMS

None.

10. DIRECTOR'S ITEMS

None.

11. MATTERS OF INFORMATION

A. PARK AND ACTIVITIES COMMISSION DRAFT MINUTES (3/4/14)

B. CITY COUNCIL ACTIONS (2/25/14)

COMMISSIONER SCOTT moved, and COMMISSIONER SOUTHWELL seconded,

TO RECEIVE AND FILE ITEMS 11A AND 11B.

There being no objection, CHAIR CONWAY so ordered.

12. ADJOURNMENT

At 8:36 p.m. CHAIR CONWAY adjourned the Planning Commission meeting to the next meeting of March 31, 2014, at 7:00 p.m.

Julie Cremeans
Minutes Secretary

Douglas R. Prichard
City Clerk

7. BUSINESS ITEMS

- A. A RESOLUTION OF THE PLANNING COMMISSION (PA-21-13) APPROVING 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. APPLICANT: PENINSULA CENTER; LOCATION: PENINSULA CENTER.

Principal Planner Wetzel gave a brief Staff Report, per the written material, and recommended adoption of the Resolution.

COMMISSIONER SCOTT asked about the bike racks called for at each structure, and Principal Planner Wetzel and Planning Director Wahba advised that the intent is to have racks at key locations and is handled administratively, so the Resolution will be amended to read: "to the satisfaction of the Planning Director".

COMMISSIONER SOUTHWELL brought up the California Business and Professions Code Section 23789, which states that an alcohol license may not be granted to premises located within at least 600 feet of schools. COMMISSIONER SCOTT pointed out that there might be exceptions. Planning Director Wahba advised that any new restaurants would have to go through the California Department of Alcoholic Beverage Control process and suggested that the Resolution be amended to reflect that it shall be either in accordance with Alcoholic Beverage Control or in accordance with that Code section. It was agreed to make it subject to Alcoholic Beverage Control.

COMMISSIONER SCOTT moved, seconded by COMMISSIONER YOO,

TO ADOPT RESOLUTION NO. PA-21-13 APPROVING A MITIGATED NEGATIVE DECLARATION AND THE REMODEL AND EXPANSION OF THE PENINSULA SHOPPING CENTER.

AYES: Scott, Schachter, Southwell, Yoo, Chair Conway
NOES: None
ABSTAIN: None
ABSENT: Medawar, Schmitz

Planning Director Wahba explained the 20-day appeal period.

8. PUBLIC HEARINGS

- A. PLANNING APPLICATION NO. 08-14; A ZONE TEXT AMENDMENT TO AMEND THE COMMERCIAL-GENERAL (MIXED-USE OVERLAY) ZONE TO ALLOW FOR ASSISTED LIVING USES.

Principal Planner Wetzel gave a brief Staff Report, per the written material, and recommended preparing a Resolution.

COMMISSIONER SCHACHTER asked whether senior housing is defined, and Planning Director Wahba responded that a definition will need to be added, but only senior assisted living is currently under discussion.

The Commissioners and Staff discussed methods for applying density bonus, and Planning Director Wahba gave a brief history of the density increase, parking, types of dwelling units and amenities related to how density is applied, adding that some cities do not apply density to senior assisted types of uses, and asked for guidance on lot coverage, parking, density and underlying zoning requirements.

CHAIR CONWAY asked for clarification on lot coverage versus floor-area-ratio, and Planning Director Wahba discussed ways to police projects from getting too big.

CHAIR CONWAY asked about input needed from the community, and Planning Director Wahba advised that there will be future Planning Commission meetings and City Council meetings.

COMMISSIONER SCOTT asked about memory care beds and how those are regulated, and Planning Director Wahba suggested using building envelope and parking controls

RHE City Council Minutes, agenda and Staff report
for *Peninsula Center* Revitalization project

B. DEMANDS AND WARRANTS – APRIL

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN
TO APPROVE WARRANTS 53642 THROUGH 53687 FOR A GRAND TOTAL
AMOUNT OF \$258,447.47 WITH PROPER AUDIT.

AYES: Addleman, Huff, Mitchell, Zerunyan, Zuckerman

6. **CONSENT CALENDAR:** The following routine matters will be acted upon by one vote to approve with the majority consent of the City Council. There will be no separate discussion of these items unless good cause is shown by a member prior to the roll call vote. (Items removed will be considered under New Business.)

COUNCILMAN ZUCKERMAN moved, seconded by MAYOR PRO TEM ADDLEMAN
TO APPROVE ITEM A.

A. READING OF ORDINANCES AND RESOLUTIONS

Reading in full of all ordinances and resolutions presented for consideration to the City Council will be waived and all such ordinances and resolutions will be read by title only.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

7. **AUDIENCE ITEMS NOT ON THE AGENDA/WRITTEN AND ORAL COMMUNICATIONS**

A. STORM WATER POLLUTION PREVENTION/MACHADO LAKE TRASH TMDL PRESENTATION

Trisha Murakawa, Murakawa Communications, provided a presentation regarding the Machado Lake Trash TMDL Project. Her assistant displayed the automatic full capture trash screens which will be installed on all storm drains. She noted that this action will comply with the Los Angeles Regional Water Quality Control Board TMDL limit of zero trash discharged at Machado Lake at the Ken Malloy Harbor Regional Park in Harbor City. It was noted that this work will commence in mid-July. Additional information can be found on the City of Torrance (lead agency) website.

8. **PUBLIC HEARINGS/MEETINGS**

A. PLANNING APPLICATION NO. 21-13 (THE PENINSULA SHOPPING CENTER); APPLICANT: MICHAEL TSENG (PERKOWITZ AND RUTH ARCHITECTS) FOR VESTAR DEVELOPMENT; LOCATION: SOUTHWEST CORNER OF HAWTHORNE BOULEVARD AND SILVER SPUR ROAD

Recommendation: That the City Council: 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 affirming the Planning Commission's approval of Planning Application No. 21-13.

Principal Planner Wetzel provided a staff report (as per agenda material).

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILMAN ZERUNYAN

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

Jeff Axtel, Applicant, provided a presentation of his vision to re-energize the Peninsula Shopping Center. He displayed a rendering of the project that shows the walkway transformed into a through street to provide better circulation as well as

additional signage. He further stated that it is his hope to attract new tenants from national, regional and local chains.

MAYOR PRO TEM ADDLEMAN commented that stores are needed to address women's items such as shoes, cosmetics, etc.

COUNCILMAN ZUCKERMAN questioned the proposed circulation and parking changes. He also noted that more attention should be given to the portion of the center that faces Norris Center Drive since it does not do well. He stated that a "first look" meeting would have been helpful as Council could have provided direction to the developer.

Mr. Axtell responded that this plan is the result of substantial work on the part of the owner to find a solution to the Center's needs.

In response to a suggestion from COUNCILMAN ZUCKERMAN, Mr. Axtell noted that they do have plans to create designated parking for employees.

COUNCILMAN ZUCKERMAN noted that he was surprised to see the proposed sign plan, particularly the number and size of monument signs at the entry points as well as the aesthetics of the directional signs within the Center. He stated his opinion that the signs should be reduced in size and number to reflect the character of the community.

Planning Director Wahba noted that the Planning Commission had similar concerns, but was willing to allow the signs in furtherance of the viability of the Center. He then explained the sign requirements and asked if the COUNCIL wishes to stay with the existing policy of having only one monument sign per access point.

COUNCILMAN ZUCKERMAN strongly objected to the number and size of the signs at the access points, stating that he did not agree with the Planning Commission's reasoning on this item.

COUNCILMAN ZUCKERMAN inquired about the grading plan and storm drainage requirements. Planning Director Wahba noted that these items are included in the mitigation measures stemming from the environmental review.

Dick Moe, Board of Directors, Norris Theater, commented that an unfortunate decision was made by the Norris Theater to lease the property from the Peninsula Center. He noted that a plan was discussed to purchase a portion of the Center's property for an arts education center. He further noted that he does like the Peninsula Shopping Center design, and it is his hope that Vestar would donate a corner of the property to the Norris Theater. Mr. Axtell noted that this will be considered once the plan is approved by the City.

MAYOR MITCHELL thanked Mr. Moe for his efforts in bringing the Norris Theater to Rolling Hills Estates.

Kit Fox, Senior Administrative Analyst, City of Rancho Palos Verdes, commented that this project, along Silver Spur Road and Hawthorne Boulevard, would potentially have restaurants serving alcohol that could result in a noise impact to surrounding Rancho Palos Verdes residents, and that the Planning Commission had responded to this concern.

COUNCILMAN ZERUNYAN thanked the Planning Commission, Applicant and staff for their work on this project because it is considered the "heart of the hill." He inquired if linking the center from Hawthorne Boulevard to Norris Center Drive could be the beginning of a transition between the Promenade and Peninsula Shopping Center for the betterment of both commercial centers and the community.

COUNCILMAN ZERUNYAN voiced support for the project's proposed sign plan.

MAYOR PRO TEM ADDLEMAN also supported the project's proposed sign plan. He noted that the Planning Commission and staff did a very good job and that this is an opportunity for a new beginning at the Center. He expressed the hope of including the Norris Theater's proposal into the project.

MAYOR MITCHELL commented that the signage is excessive and would like to see it reduced. She outlined a proposal for reductions at each entry point. She further noted that the internal directional signs are appropriate and encouraged the applicant to set aside parking for employees to ease congestion and access to shops. She did agree with opening up the walk path because it is currently a closed plaza. Additionally, she noted that she concurs with COUNCILMAN ZERUNYAN and COUNCILMAN ZUCKERMAN in hopes of connecting the Promenade and Peninsula Shopping Centers.

COUNCILWOMAN HUFF commented that she was pleased to see this project and that the Planning Commission and staff vetted this carefully. She noted that she is not concerned about the signs.

COUNCILMAN ZUCKERMAN stated that signs are to identify businesses and not attract shoppers. He noted that from his professional experience, these signs are ill advised.

COUNCILMAN ZERUNYAN commented that he does hope shoppers are attracted to the hill by the shops Vestar can bring to the Center.

After continued discussion, MAYOR MITCHELL noted that the majority opinion of the COUNCIL is to support the signs as approved by the Planning Commission.

COUNCILMAN ZERUNYAN moved, seconded by MAYOR PRO TEM ADDLEMAN

TO CLOSE THE PUBLIC HEARING AND DIRECT STAFF TO BRING BACK A RESOLUTION APPROVING PA-21-13 FOR THE REMODEL AND EXPANSION OF THE PENINSULA SHOPPING CENTER FOR APPROVAL BY THE COUNCIL SUBJECT TO CONDITIONS OF APPROVAL AS IDENTIFIED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

9. NEW BUSINESS (Taken out of order)

- C. PROPOSAL FROM PMC TO PROVIDE ENVIRONMENTAL REVIEW OF THE EXPANSION OF CLASSROOM, OFFICE, AND STORAGE FACILITIES AT ROLLING HILLS UNITED METHODIST CHURCH (26438 CRENSHAW BOULEVARD)

Recommendation: That the City Council authorize a contract with PMC in the amount of \$24,995 to prepare an environmental document for the expansion of classroom, office, and storage facilities at Rolling Hills Methodist Church.

Principal Planner Wetzel provided a staff report (as per agenda material).

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILMAN ZERUNYAN

TO AUTHORIZE A CONTRACT WITH PMC IN THE AMOUNT OF \$24,995 TO PREPARE AN ENVIRONMENTAL DOCUMENT FOR THE EXPANSION OF CLASSROOM, OFFICE, AND STORAGE FACILITIES AT ROLLING HILLS METHODIST CHURCH.

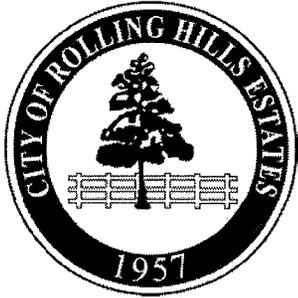
AYES: Addleman, Huff, Mitchell, Zerunyan, Zuckerman

- A. PARK AND ACTIVITIES COMMISSION MINUTES OF APRIL 15, 2014

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION MINUTES.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.



CITY OF
ROLLING HILLS ESTATES

4045 PALOS VERDES DRIVE NORTH • ROLLING HILLS ESTATES, CA 90274
TELEPHONE 310.377-1577 • FAX 310.377-4468

www.ci.Rolling-Hills-Estates.ca.us

NEXT RESOLUTION NO. 2318
NEXT ORDINANCE NO. 693

CITY COUNCIL AGENDA

REGULAR MEETING **APRIL 22, 2014** **7:00 P.M.***

***PARK AND ACTIVITIES COMMISSION INTERVIEW WILL COMMENCE AT 6:30 P.M.**
REGULAR MEETING WILL COMMENCE AT 7:00 P.M.

NOTE: REPORTS AND DOCUMENTS RELATING TO EACH AGENDA ITEM ARE ON FILE IN THE OFFICE OF THE CITY CLERK AND ARE AVAILABLE FOR PUBLIC INSPECTION.

1. **CALL MEETING TO ORDER**

2. **SALUTE TO THE FLAG**

3. **ROLL CALL**

4. **CEREMONIAL ITEMS**
 - A. **A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES DECLARING APRIL 24, 2014 AS A DAY OF REMEMBRANCE OF THE ARMENIAN GENOCIDE OF 1915-1923**

 - B. **A PROCLAMATION OF THE CITY COUNCIL OF ROLLING HILLS ESTATES DECLARING THE DAY OF MAY 17, 2014 AS "KIDS TO PARKS DAY"**

5. **ROUTINE MATTERS**
 - A. **CITY COUNCIL MINUTES OF APRIL 8, 2014**

American with Disabilities Act: 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.

CITY COUNCIL AGENDA
APRIL 22, 2014

B. DEMANDS AND WARRANTS – APRIL

Recommendation: That the City Council approve Warrants 53642 through 53687 for a grand total amount of \$258,447.47 with proper audit.

6. **CONSENT CALENDAR:** The following routine matters will be acted upon by one vote to approve with the majority consent of the City Council. There will be no separate discussion of these items unless good cause is shown by a member prior to the roll call vote. (Items removed will be considered under New Business.)

A. READING OF ORDINANCES AND RESOLUTIONS

Reading in full of all ordinances and resolutions presented for consideration to the City Council will be waived and all such ordinances and resolutions will be read by title only.

7. **AUDIENCE ITEMS NOT ON THE AGENDA/WITTEN AND ORAL COMMUNICATIONS**

- A. STORM WATER POLLUTION PREVENTION/MACHADO LAKE TRASH TMDL PRESENTATION
-

8. **PUBLIC HEARINGS/MEETINGS**

7:30 P.M.

- A. PLANNING APPLICATION NO. 21-13 (THE PENINSULA SHOPPING CENTER); APPLICANT: MICHAEL TSENG (PERKOWITZ AND RUTH ARCHITECTS) FOR VESTAR DEVELOPMENT; LOCATION: SOUTHWEST CORNER OF HAWTHORNE BOULEVARD AND SILVER SPUR ROAD

Attachment 1

Attachment 2

Attachment 2 (Continued)

Attachment 3

Memorandum from Niki Wetzel, AICP, Principal Planner, dated April 22, 2014.

Recommendation: That the City Council: 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 affirming the Planning Commission's approval of Planning Application No. 21-13.

9. NEW BUSINESS

A. PARK AND ACTIVITIES COMMISSION MINUTES OF APRIL 15, 2014

B. HAWTHORNE BOULEVARD ESCAPE LANES MAINTENANCE PROJECT – AUTHORIZATION TO SOLICIT BIDS

Memorandum from Greg Grammer, Assistant City Manager, dated April 22, 2014.

Recommendation: That the City Council approve the specifications and authorize the solicitation of bids for the Hawthorne Boulevard Escape Lanes Maintenance Project.

C. PROPOSAL FROM PMC TO PROVIDE ENVIRONMENTAL REVIEW OF THE EXPANSION OF CLASSROOM, OFFICE, AND STORAGE FACILITIES AT ROLLING HILLS UNITED METHODIST CHURCH (26438 CRENSHAW BOULEVARD)

Memorandum from Niki Wetzel, AICP, Principal Planner, dated April 22, 2014.

Recommendation: That the City Council authorize a contract with PMC in the amount of \$24,995 to prepare an environmental document for the expansion of classroom, office, and storage facilities at Rolling Hills Methodist Church.

10. OLD BUSINESS

11. CITY ATTORNEY ITEMS

12. CITY COUNCIL/REGIONAL COMMITTEE REPORTS: This item provides the opportunity for Members of the City Council to provide information and reports to other Members of the City Council and/or the public on any issues or activities of currently active Council Committees, ad hoc committees, regional or state-wide governmental associations, special districts and/or joint powers authorities and their various committees on which Members of the City Council might serve or have an interest, which are not otherwise agendized.

A. MAYOR MITCHELL

1. ENVIRONMENTAL ADVISORY COMMITTEE MINUTES OF APRIL 15, 2014

13. **MAYOR AND COUNCIL ITEMS:** This item provides the opportunity for Members of the City Council to request information on currently pending projects and/or issues of public concern, direct that an item be agendaized for future consideration and/or make announcements of interest to the public.

A. **PARK AND ACTIVITIES COMMISSION APPOINTMENT**

14. **CLOSED SESSION**

NONE

15. **ADJOURNMENT**



Staff Report

City of Rolling Hills Estates

AGENDA

APR 22 2014

ITEM NO. 8A

DATE: APRIL 22, 2014

TO: MAYOR AND CITY COUCIL

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: 04/10/14*
Public Notices Posted: 04/10/14*
Public Notices Published: 04/10/14*

*Dates represent noticing for this Public Hearing.

The project Initial Study/Mitigated Negative Declaration and plans were delivered to the City Council on April 10, 2014.

Two comment letters have been received prior to this Public Hearing which are included as Attachment 3.

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 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.

A Public Hearing for this project was held before the Planning Commission on March 17, 2014. At that meeting, the Planning Commission opened the Public Hearing, took public testimony, discussed the issues, closed the Public Hearing, and directed staff to bring back a Resolution approving the project.

At the next Planning Commission meeting, on March 31, 2014, the Planning Commission adopted Resolution No. PA-21-13 approving the project (see Attachment 1). The staff reports and minutes excerpts of the Planning Commission meetings are included as Attachment 2. Subsequently, the City Council requested review of the project.

RECOMMENDATION

Staff recommends that the City Council:

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 affirming the Planning Commission's approval of Planning Application No. 21-13.

Exhibits

Attached

1. Planning Commission Resolution No. PA-21-13
2. Staff Reports and Minutes Excerpts (Planning Commission Meetings of March 17 and March 31, 2014)
3. Comment Letters

pa 21-13 cm

CITY COUNCIL STAFF REPORT

ATTACHMENT 1

PLANNING COMMISSION
CITY OF ROLLING HILLS ESTATES
LOS ANGELES COUNTY, CALIFORNIA
RESOLUTION NO. PA-21-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS ESTATES, APPROVING 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 ON A 24.376 ACRE PARCEL. APPLICANT: JEFF AXTELL (VESTAR); LOCATION: SOUTHWEST CORNER OF HAWTHORNE BOULEVARD AND SILVER SPUR ROAD (THE "PENINSULA CENTER" SHOPPING CENTER).

WHEREAS, Mr. Michael Tseng filed an application with the Planning Department requesting 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 on a 24.376 acre parcel; such an application as required by Chapter 17.07, 17.30, 17.58, 17.66, and 17.68 of the Rolling Hills Estates Municipal Code; and

WHEREAS, an Initial Study was prepared by the City pursuant to the requirements of the California Environmental Quality Act (CEQA) and it was found that the project would not have a significant impact on the environment with proper mitigation; thus, a Mitigated Negative Declaration was prepared; and

WHEREAS, in accordance with Section 65033 of the Government Code, the public, abutting cities, affected agencies and districts were notified of the availability of the Initial Study and Mitigated Negative Declaration and were given an opportunity to review and comment; and

WHEREAS, the Planning Department responded in writing to said comments in the Initial Study; and

WHEREAS, the Planning Commission conducted a public hearing on the 17th day of March, 2014; All interested parties were given full opportunity to be heard and to present evidence; and

WHEREAS, as a result of studies and investigations made by the Planning Commission and on its behalf, revealed that the facts as discussed during the public meeting show the following:

Precise Plan of Design Findings

That with the granting of this Precise Plan of Design application, the development will comply with all provisions of the zoning ordinance (Section 17.58 of the Rolling Hills Estates Municipal Code).

That with the granting of this Precise Plan of Design application, the development will be so designed and/or arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are provided and no adverse effect on surrounding property will result.

That with the granting of this Precise Plan of Design application, the development will comply with all the development standards of the City and would be consistent with the City's General Plan.

That with the granting of this Precise Plan of Design application, the development within the Peninsula Center Commercial District will be compatible with the goals of the Land Use Element of the General Plan.

Conditional Use Permit Findings

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, and alcoholic beverages will be served by a server with no over-the-counter sales (to-go orders).

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 this application will not constitute the granting of a use variance within the meaning of the California State Government Code, Section 65906 because a restaurant use with the sale and on-site consumption of alcohol are uses that are conditionally permitted within the Commercial-General zone.

Variance Findings

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 because 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 prepared for the development proposal shows that adverse impacts would not result from the deficient parking condition.

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 because other properties in the district were not permitted by the City through a discretionary action to have less landscaping than required by Code, the landscaping Variance would preserve the right of the applicant to continue to have less landscaping than required by Code, and 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 prepared for the development proposal 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.

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 because neighboring properties would 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 prepared for the development proposal shows that adequate onsite parking would be provided during peak periods.

That the granting of the Variance will not be contrary to the objectives of the master plan because the Zoning Code and General Plan provide for Commercial General development for the property, and granting of the Variances for landscaping and parking in support of a commercial project would be in conformance with the objectives of applicable plans.

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 because landscaping and the parking of vehicles are provided for in the CG/MU Zone.

NOW, THEREFORE, the Planning Commission of the City of Rolling Hills Estates does hereby resolve as follows:

SECTION 1. That the foregoing facts constitute conditions necessary to approve 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 on a 24.376 acre parcel, such an application as required by Chapter 17.07, 17.30, 17.58, 17.66, and 17.68 of the Rolling Hills Estates Municipal Code, and that said Permits be granted subject to the following conditions

which must be met at all times by the applicant, unless otherwise stated, in order to enjoy the use of the subject property for any and all uses permitted by the granting of the subject permits.

1. That the development shall be located and constructed as shown on *Exhibit A*.
2. That any substantial modification including, but not limited to, exterior building elevations, parking lot design, and landscaping, shall receive prior approval of the Planning Commission; minor modifications may be approved by the Planning Director.
3. That all applicable requirements of the State, County, City and other Governmental entities, must be met.
4. That prior to issuance of Building Permits or Grading Permits, a Zone Clearance shall be obtained from the Planning Department.
5. That this project is classified as a large project under Ordinance No. 668. As such, it shall be subject to a twelve month time period (commencing upon the effective date of project approval), in which the use must be established or the entire project must be submitted for plan check review with the Department of Building and Safety, with two six month time extensions maximum allowed to be granted by the Planning Commission.
6. That the applicant shall defend, hold harmless and indemnify at his or her own expense the City, its agents, officers and employees, from any claim, action, or proceeding, to attack, set aside, void or annul the approval granted in this resolution and shall reimburse the City, its agents, officers and employees for any damages, court costs and attorneys' fees incurred as a result of such action. The City at its sole discretion may participate in the defense of any such action but such participation shall not relieve applicant of his or her obligation under this condition.
7. That details of proposed light fixtures shall be reviewed and approved by the Planning Director.
8. 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.
9. 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.
10. 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.
11. That the storage of equipment or materials for Cox Communications in parking lot areas shall be prohibited.
12. That a minimum of 14.15% of the site shall be provided in landscaping with not less than 10% in parking areas.
13. All proposed parking, pedestrian and bicycle improvements identified in the site plan approved by the City shall be completed in substantial conformance to the layout and dimensions shown on the plan as determined by the Planning Director.
14. At the discretion of the Planning Director, an updated parking demand analysis shall be completed by the property owner and approved by the Planning Director before the establishment of any tenants that significantly change the composition of land uses as identified in the Traffic and Parking Impact Study dated January 13, 2014.
15. A Construction Traffic and Parking Plan shall be submitted to the City for approval prior to issuance of the grading plans. The plan shall include, but not be limited to haul routes, work hours, worker parking areas, construction zones, public access, parking management program, and other information as deemed necessary by the City.

16. No parking spaces shall be reserved for any particular user except disabled and electric vehicles unless expressly authorized by the City.
17. Provide height clearance signs and/or clearance warning bar for any overhead structures less than 15 feet above a vehicular roadway.
18. Disabled parking must comply with current standards. Show ADA accessible paths from disabled parking to building entrance(s). See City's ADA requirements.
19. Passenger loading areas shall be signed and marked along the frontage of buildings 22 and 24. No parking shall be allowed on internal private streets at any time except in marked stalls.
20. The new private roadway between Pads 22 and 24 shall be constructed with curbs on both sides. Bollards, planters or other hardscape shall be constructed on both sides with gaps no greater than six feet (6') to prevent vehicles from entering the pedestrian walkways.
21. A minimum 12' wide aisle and 28' minimum turning radius shall be provided for the bank drive-thru at Pad 83.
22. A traffic and directional sign plan shall be prepared and submitted to the City for approval by the Planning Department and City Traffic Engineer. The developer shall provide and install all traffic control signs and markings for on-site circulation and parking including stop signs, crosswalks and directional signs for various users to the satisfaction of the City Traffic Engineer. All existing and proposed traffic control signs and markings shall comply with State standards.
23. All parking spaces adjacent to an obstruction, except columns, must be at least one foot wider than a standard space (9'+1'=10').
24. At least three feet is required beyond the end of an aisle to provide sufficient back-up space for vehicles in the last space of the aisle, i.e. parking aisles between Pads 3, 4B and 4A.
25. Wheel stops or 6" high curb shall be provided for all parking spaces.
26. Doors and staircases shall not exit directly onto a vehicle aisle or street without a landing.
27. Parking stall cross-slope shall not exceed 5% except those existing spaces that will not be modified by the project.
28. Bike racks shall be provided for each separate structure on the site to the satisfaction of the Planning Director.
29. A system of connecting pedestrian walkways, crosswalks and curb ramps shall be provided between all separate structures within the development and shall connect to Hawthorne Boulevard, Silver Spur Road, Indian Peak Road and Norris Center Drive without requiring pedestrians to walk in roadways or along private driveways to the satisfaction of the City Traffic Engineer. Construct sidewalks and crosswalks between Pads 1, 2, 4A, 4B and 83 to provide continuous path of travel. Provide sidewalk (non-accessible) between Norris Center Drive and main plaza.
30. Provide a 25' sight visibility triangle formed by the extension of the property lines at all public street corners adjacent to the property. The sight visibility triangle shall not be obstructed by walls, columns or landscaping over 30" high.
31. Provide a 5' sight visibility triangle at all exit driveways formed by the edge of each private driveway and the intersecting street right-of-way line. The sight visibility triangle shall not be obstructed by walls, columns or landscaping over 30" high.
32. Adequate sight distance for all internal private street and driveway connections shall be provided. The minimum sight distance shall not be obstructed by walls, columns or landscaping to the satisfaction of the City Traffic Engineer. Minimum sight distance along the private streets and driveways shall be maintained by the property owner(s).
33. Monument signs shall not be placed in visibility triangles at driveways, nor in any location that obstructs the view of drivers or pedestrians as determined by the City Traffic Engineer. Several proposed monument signs shall be relocated to prevent view obstruction.

34. All gates, entrances and private streets shall comply with Fire Department requirements for turning radii and access.

35. An easement for the maintenance of traffic signal equipment at the signalized driveways on Norris Center Drive and Silver Spur Road shall be provided to the City and recorded.

36. All traffic and parking requirements of previously approved planning cases for other conditional uses of the property shall be applicable and must remain in effect.

SECTION 2. This approval shall not be effective for any purpose until applicant has filed an Affidavit of Acceptance stating that he/she is aware of and accepts all of the conditions. If applicant does not accept the conditions within thirty (30) days from the effective date of this approval, all rights hereby granted shall be void. The Affidavit of Acceptance must be received by the City prior to Zone Clearance.

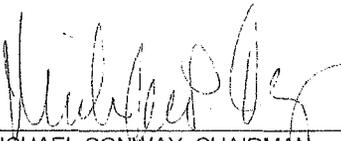
SECTION 3. If any portion of this approval is violated or held to be invalid or if any law, statute, or ordinance is violated by the issuance of this approval or by any one or more of the requirements thereof, said use shall be void and privileges herewith shall lapse and such use shall thereupon cease.

SECTION 4. The City Clerk shall forward a copy of this Resolution to the applicant, and to the Building Department, for their attention.

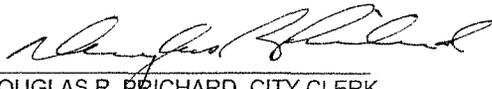
SECTION 5. That, unless appealed pursuant to the requirements of Article VIII of the Rolling Hills Estates Municipal Code, this Resolution shall become effective twenty (20) days from the date of adoption.

SECTION 6. That the City Clerk shall certify to the adoption of this Resolution.

ADOPTED this 31st day of March, 2014.


MICHAEL CONWAY, CHAIRMAN

ATTEST:


DOUGLAS R. PRICHARD, CITY CLERK

I HEREBY CERTIFY that the foregoing Resolution No. PA-21-13 was adopted by the Planning Commission of the City of Rolling Hills Estates at a regular meeting held thereof on the 31st day of March, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:


DOUGLAS R. PRICHARD, CITY CLERK

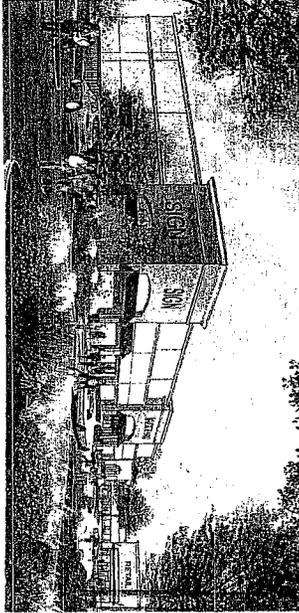
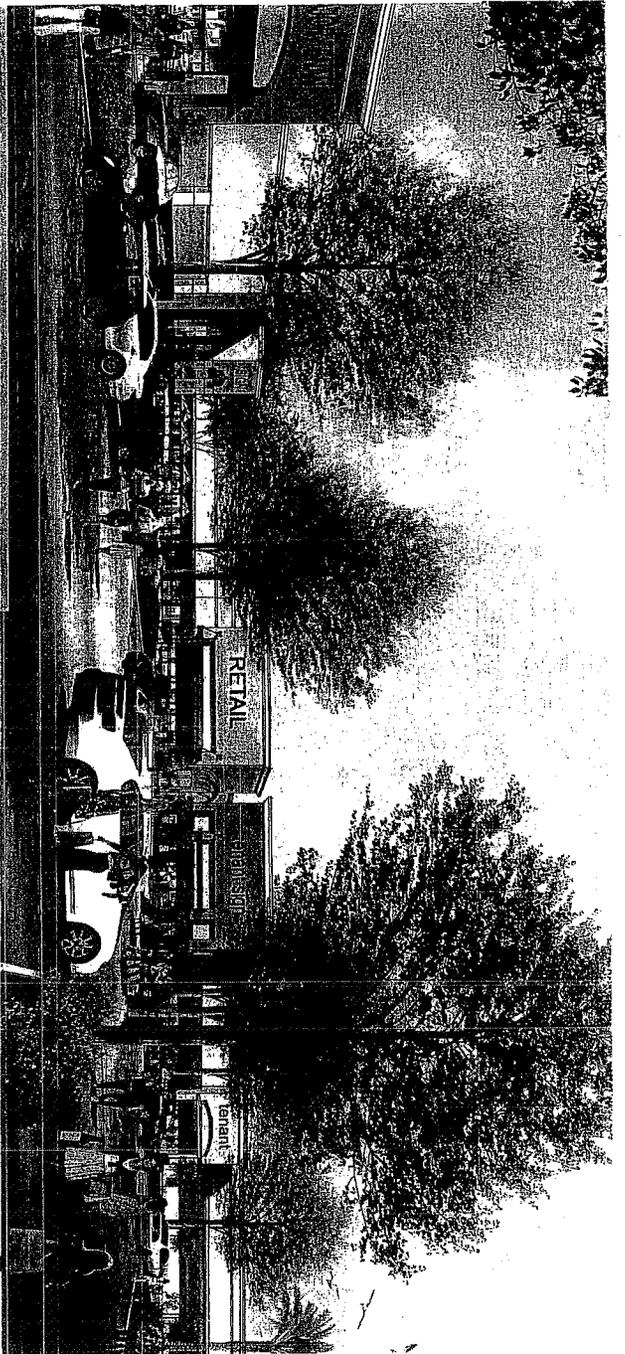


TABLE OF CONTENTS

SP1	Proposed Site Plan (revised)
SP2	Existing Site Plan (addition)
L1	Conceptual Landscape & Hardscape Plan (Pasco Area Only)
L2	Landscape Area Exhibit (addition)
1-4	Conceptual Grading Plan
A1 - A7	Proposed Exterior Elevations (revised)
P1 - P3	Renderings (revised)
CB	Proposed Material & Color Board
PH1-4	Existing Site Photos
1-4	ALTA Survey & Legal Descriptions

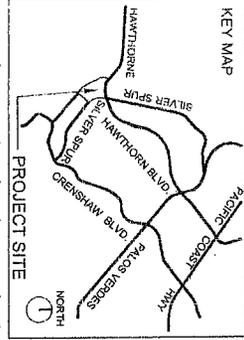
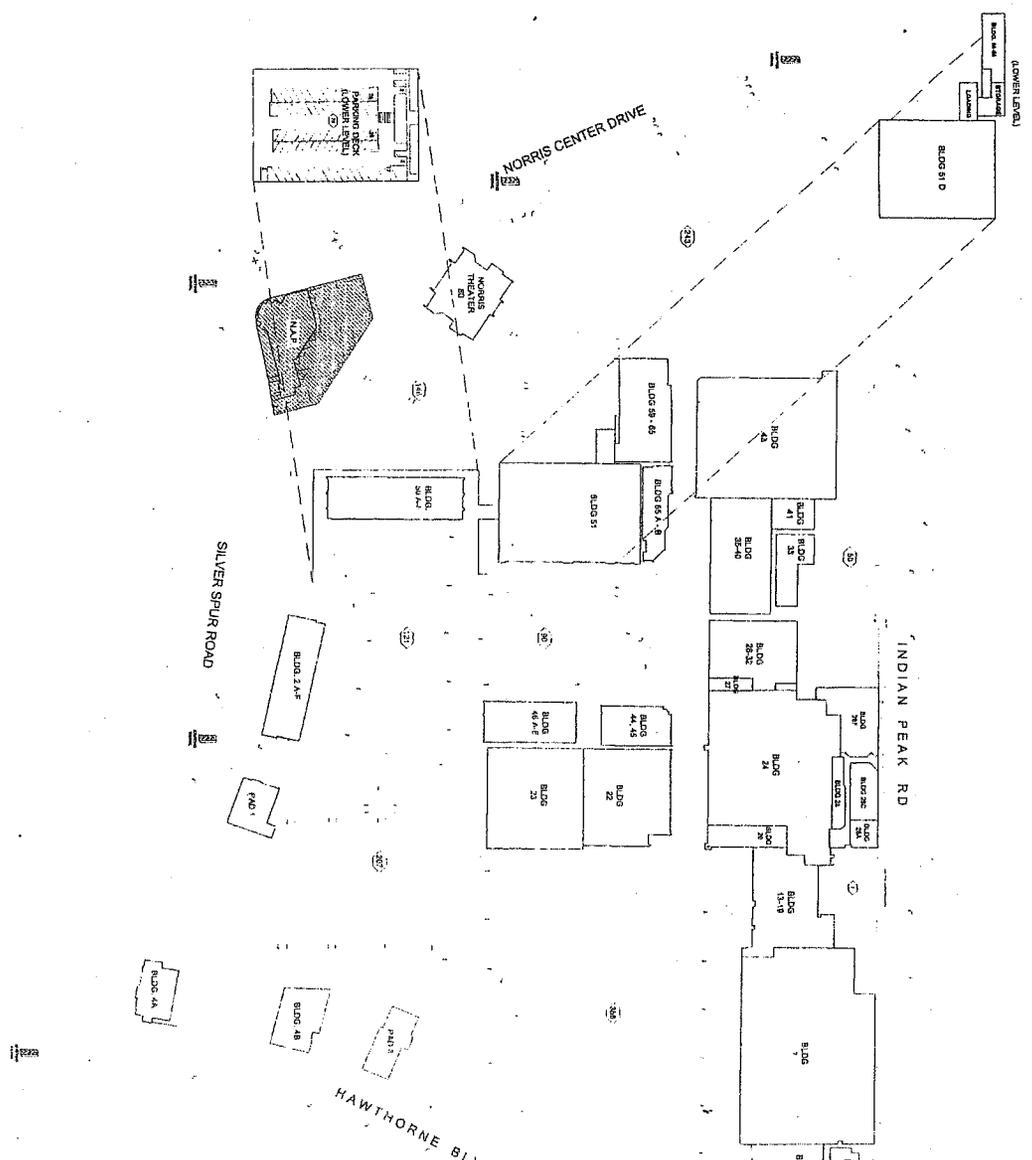
erkovitz + ruth
ARCHITECTS

Vestor Development

Peninsula Center

The Steepl

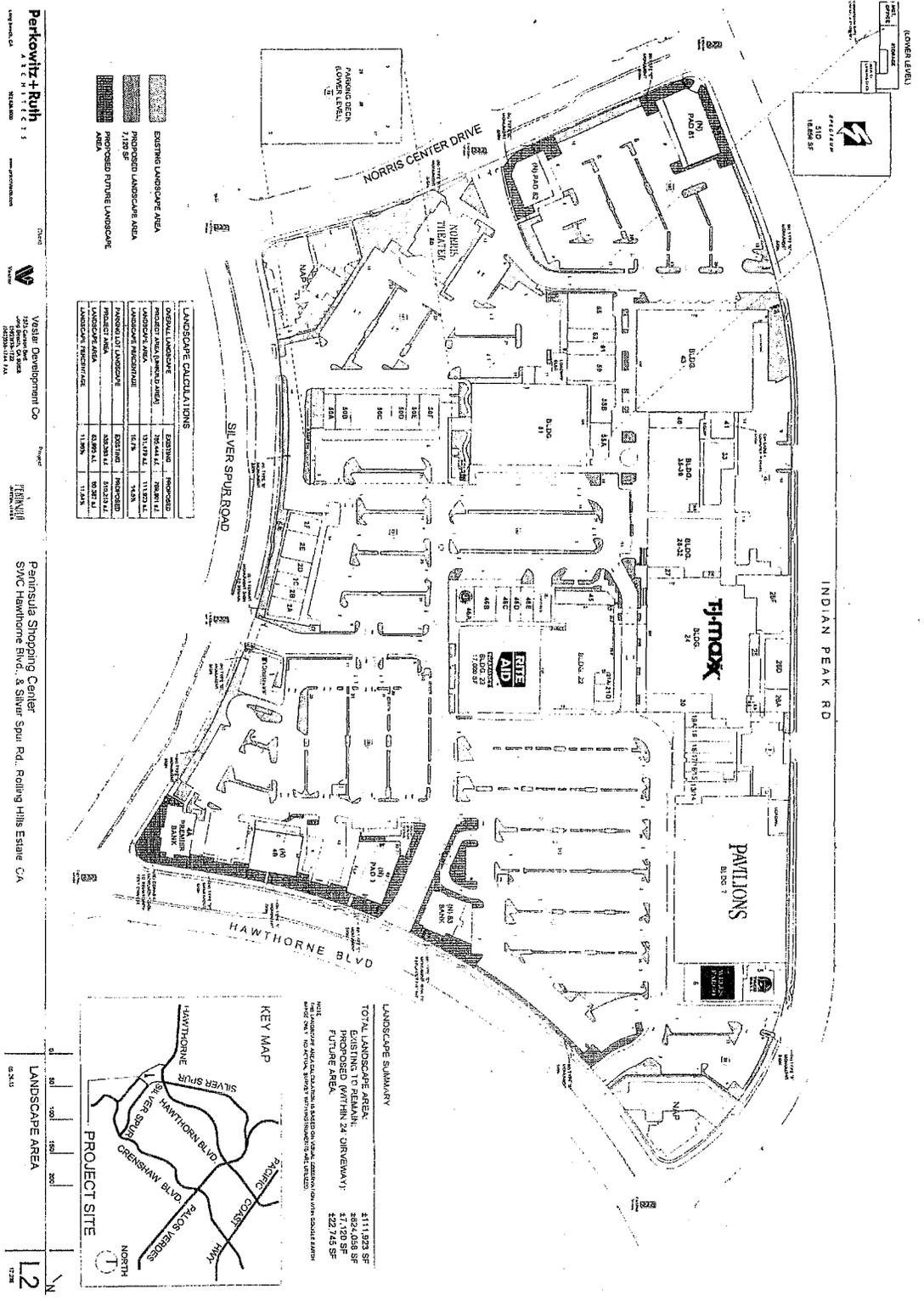
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SUMMARY

LAND AREA	1,051,816 SF
EXISTING BLDG AREA	24,376 AC
PARKING PROVIDED	294,197 SF
PARKING RATIO	1,288 SPACES
LOT COVERAGE	4,59000
	25.5%

NOTE:
 The Proposed Building Area does not include Management office, Public Restroom, Electrical & Mechanical room, Storage room and miscellaneous. The building square footages are based on the provided Survey, dated 11/09/12 by DRC.

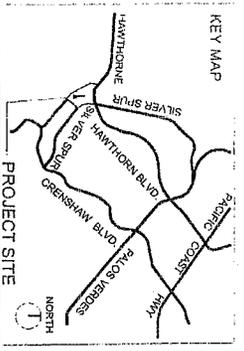


LANDSCAPE CALCULATIONS

EXISTING LANDSCAPE	EXISTING	PROPOSED
EXISTING LANDSCAPE AREA	78,444 SF	78,444 SF
PROPOSED LANDSCAPE AREA	11,720 SF	11,720 SF
PROPOSED FUTURE LANDSCAPE AREA	1,120 SF	1,120 SF
TOTAL LANDSCAPE AREA	91,284 SF	91,284 SF

LANDSCAPE SUMMARY

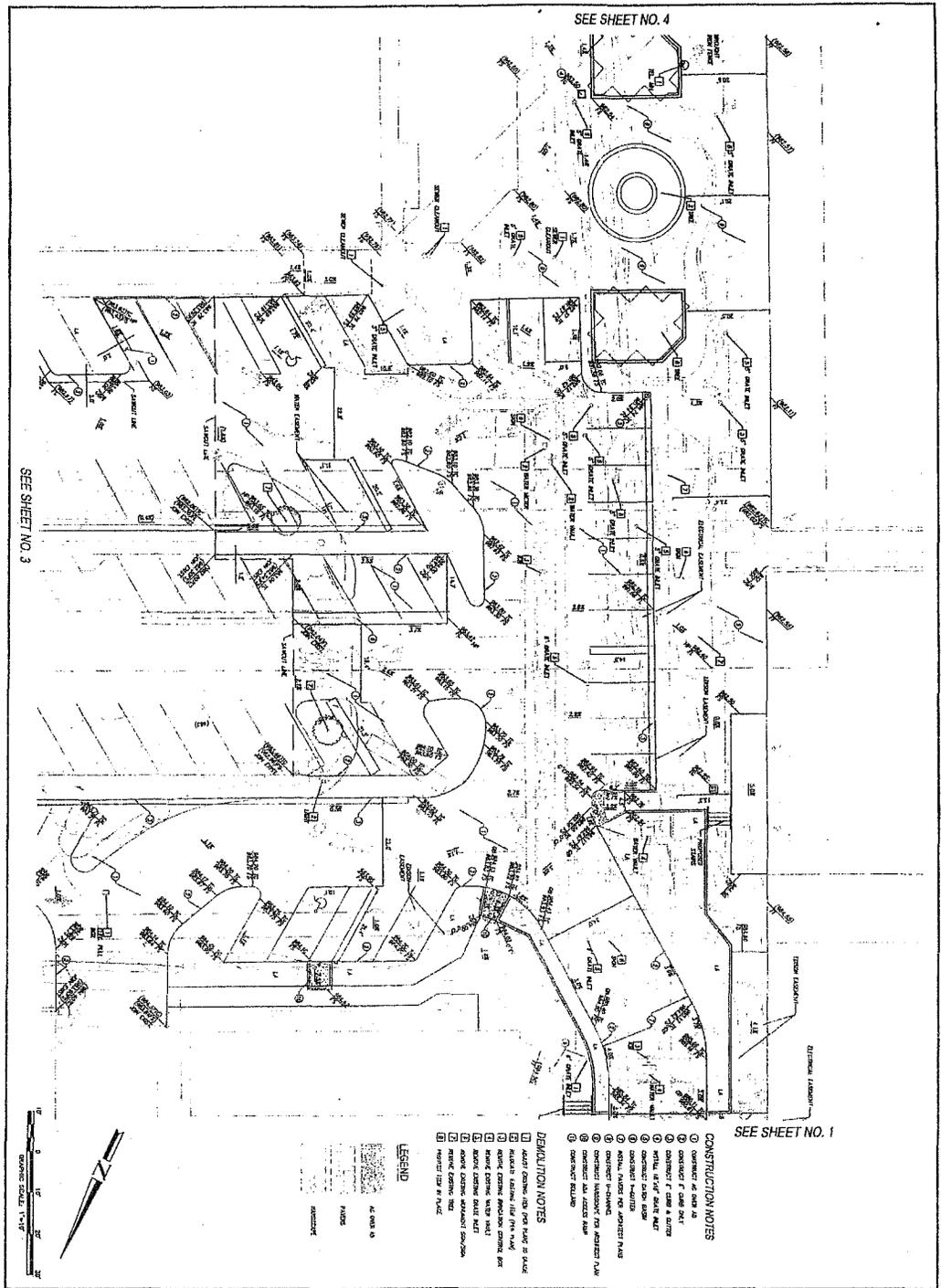
TOTAL LANDSCAPE AREA	111,872 SF
EXISTING TO REMAIN	384,056 SF
PROPOSED (WITHIN 24' CURBWEAVE)	11,720 SF
FUTURE AREA	122,745 SF



Parkowitz + Ruth
ARCHITECTS
2000 W. 12th St.
Berkeley, CA 94710
949.834.1111

Vastar Development Co.
2000 W. 12th St.
Berkeley, CA 94710
949.834.1111

Parkview Shopping Center
SVC Hawthorne Blvd. & Silver Spur Rd, Rolling Hills Estate, CA
949.834.1111

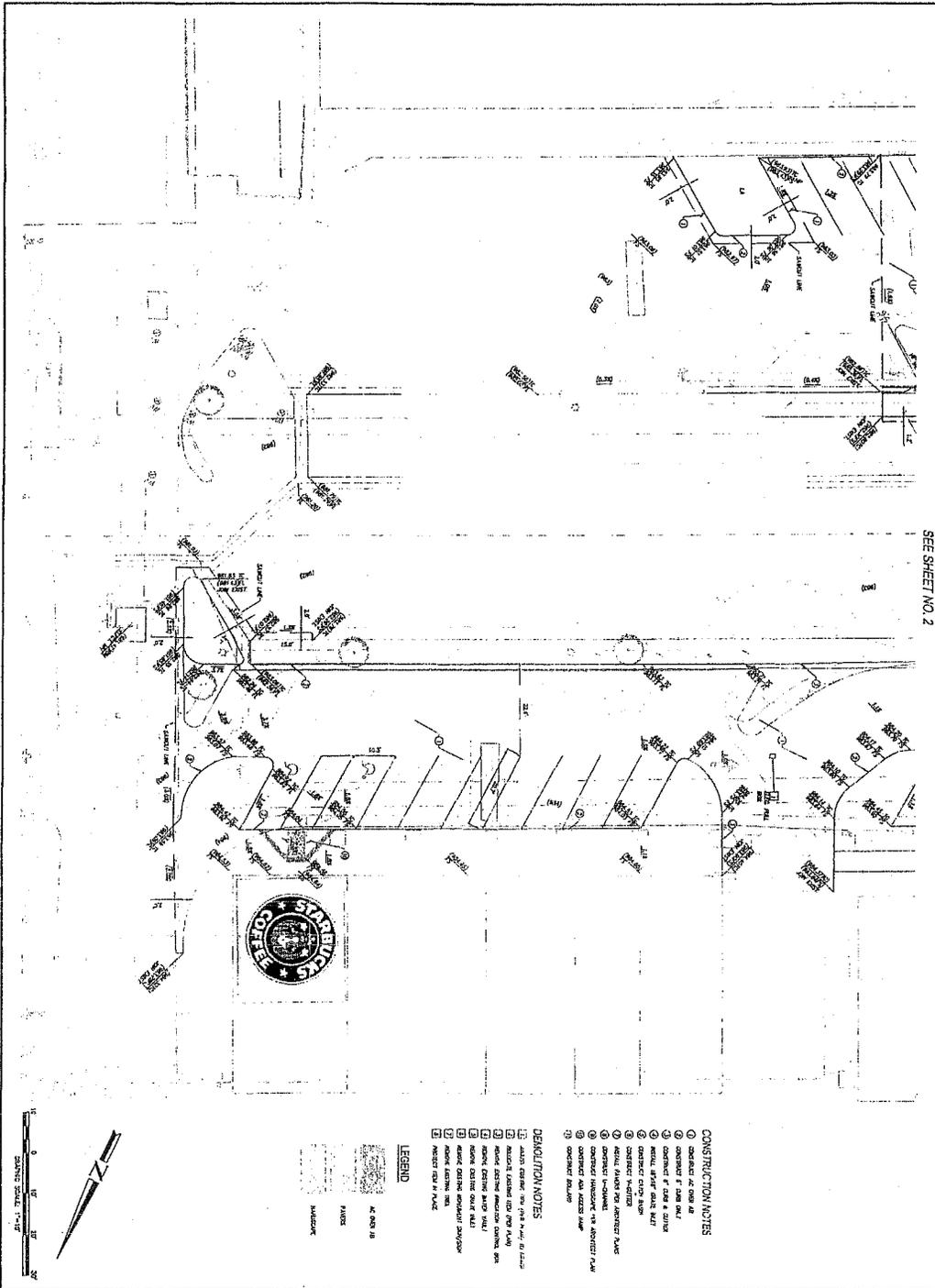


<p>DATE: 11/11/88</p> <p>BY: [Signature]</p> <p>CHECKED: [Signature]</p> <p>SCALE: AS SHOWN</p>	<p>PROJECT: PENINSULA SHOPPING CENTER HAWTHORNE BLVD & SILVER SPUR RD ROLLING HILLS ESTATE, CALIFORNIA</p> <p>DRAWING TITLE: CONCEPTUAL GRADING PLAN</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>NO.</th> <th>REVISION</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	REVISION	DATE							<p>ORC Engineering, Inc. Civil Engineers/Architects/Interior Designers</p> <p>165 S Old Springs Road Suite 110 Anaheim Hills, CA 92708 714-445-4880</p> <p>DESIGNER & CHECKER: [Signature] DATE: [Signature]</p>
NO.	REVISION	DATE										

EXHIBIT A

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E-127



SEE SHEET NO. 2

CONSTRUCTION NOTES

- 1. CONSTRUCT 12" DIA. RAIN WATER PIPE
- 2. CONSTRUCT 12" DIA. RAIN WATER PIPE
- 3. CONSTRUCT 12" DIA. RAIN WATER PIPE
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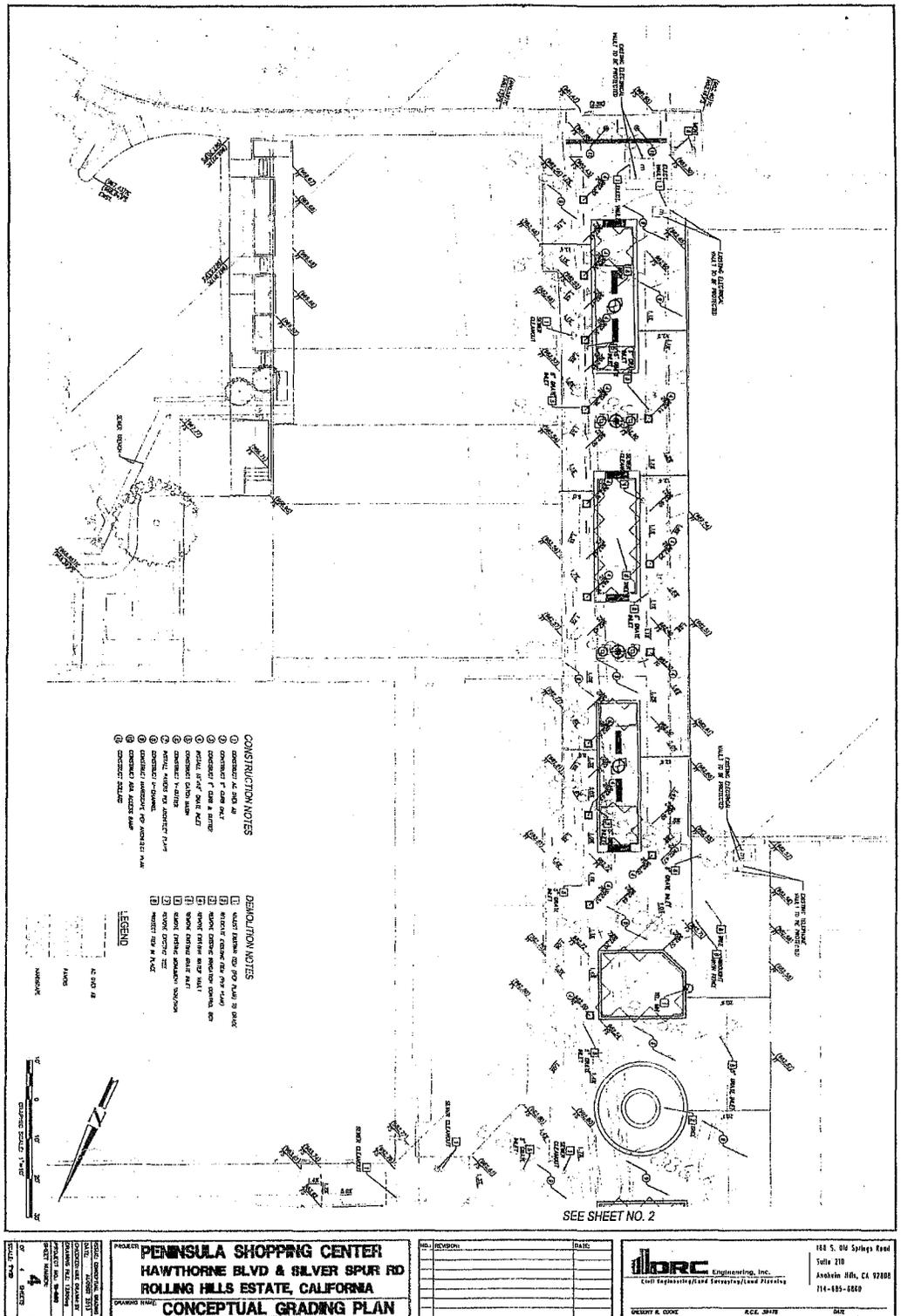
DEMOLITION NOTES

- 1. DEMOLISH EXISTING 12" DIA. RAIN WATER PIPE
- 2. DEMOLISH EXISTING 12" DIA. RAIN WATER PIPE
- 3. DEMOLISH EXISTING 12" DIA. RAIN WATER PIPE
- 4. DEMOLISH EXISTING 12" DIA. RAIN WATER PIPE
- 5. DEMOLISH EXISTING 12" DIA. RAIN WATER PIPE
- 6. DEMOLISH EXISTING 12" DIA. RAIN WATER PIPE
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- 8. DEMOLISH EXISTING 12" DIA. RAIN WATER PIPE
- 9. DEMOLISH EXISTING 12" DIA. RAIN WATER PIPE
- 10. DEMOLISH EXISTING 12" DIA. RAIN WATER PIPE

LEGEND

- 1. AS SHOWN IN PLAN
- 2. AS SHOWN IN PLAN
- 3. AS SHOWN IN PLAN
- 4. AS SHOWN IN PLAN
- 5. AS SHOWN IN PLAN
- 6. AS SHOWN IN PLAN
- 7. AS SHOWN IN PLAN
- 8. AS SHOWN IN PLAN
- 9. AS SHOWN IN PLAN
- 10. AS SHOWN IN PLAN

<p>DATE: 11/11/11 SHEET: 3 TOTAL SHEETS: 10</p>	<p>PROJECT PENINSULA SHOPPING CENTER HAWTHORNE BLVD & SILVER SPUR RD ROLLING HILLS ESTATE, CALIFORNIA</p> <p>CONCEPTUAL GRADING PLAN</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>NO.</th> <th>REVISIONS</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	REVISIONS	DATE										<p>DRC Engineering, Inc. Civil Engineering and Surveying/Planning</p> <p>680 S. Old Spitzer Road Suite 210 Anaheim Hills, CA 92803 714-855-6850</p> <p>DESIGNER & CHECKER: ALC JAHN DATE: 11/11/11</p>
NO.	REVISIONS	DATE													

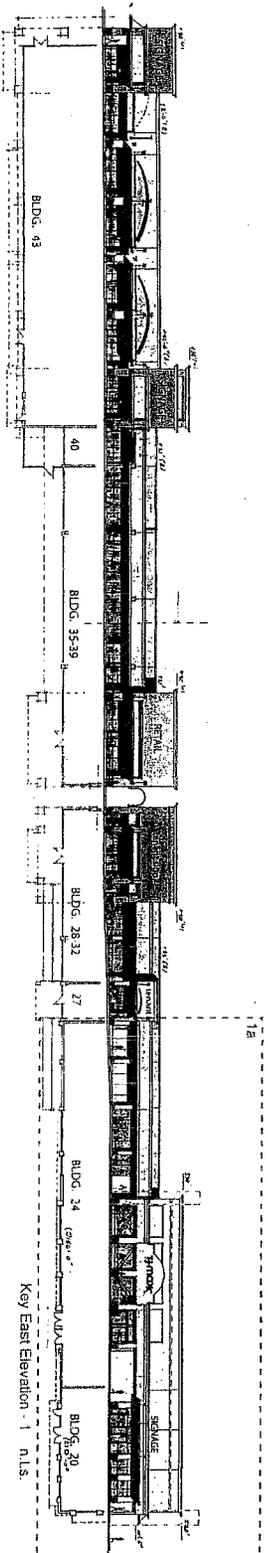


- CONSTRUCTION NOTES**
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 3. CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS.
 4. CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS.
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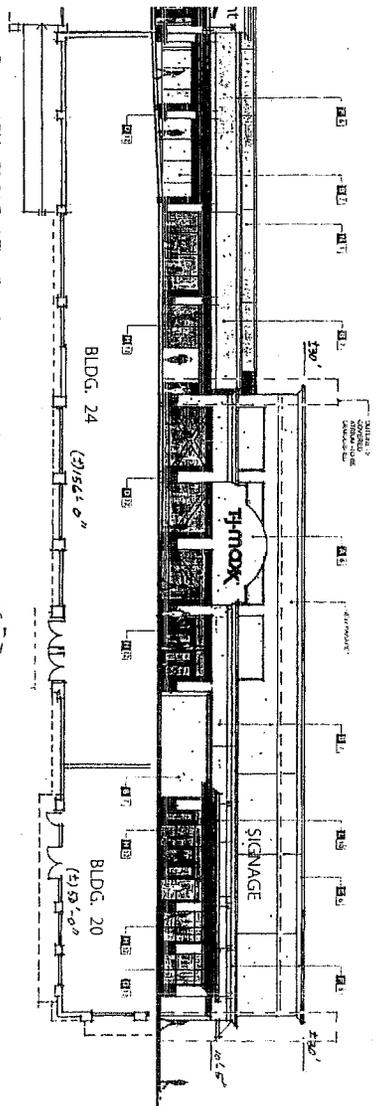
- DEMOLITION NOTES**
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- LEGEND**
- AS SHOWN
 - AS SHOWN

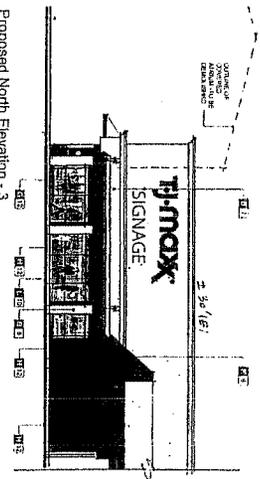
<p>PROJECT: PENINSULA SHOPPING CENTER HAWTHORNE BLVD & SILVER SPUR RD ROLLING HILLS ESTATE, CALIFORNIA</p> <p>OWNER: CONCEPTUAL GRADING PLAN</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>NO.</th> <th>REVISION</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	REVISION	DATE										<p style="text-align: right;">188 S. Ole Springs Road Suite 210 Anaheim Hills, CA 92808 714-985-0800</p> <p style="text-align: center;">ORC Engineering, Inc. Civil Engineering/Construction Management</p> <p style="text-align: center;">DESIGNER & CHECKER: _____ R.C.L. SITE DATE: _____</p>
NO.	REVISION	DATE												



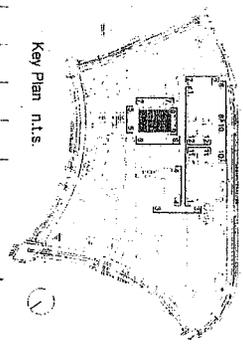
Key East Elevation - 1 N.L.S.



Proposed Bldg. 20-24 East Elevation - 1a



Proposed North Elevation - 3



Key Plan N.L.S.

Materials

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3	Exterior Wall	4	Exterior Wall
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Finishes

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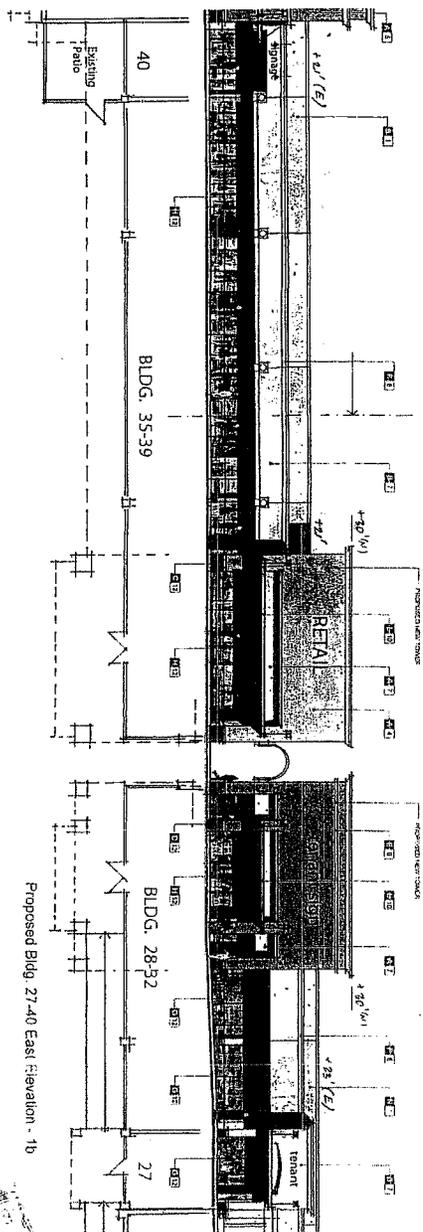
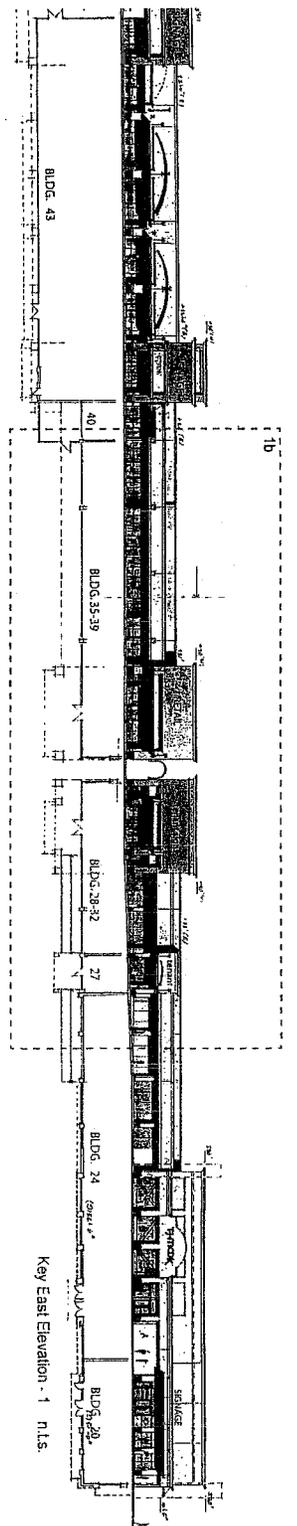
Perkovitz + Ruth
ARCHITECTS

Yestlar Development

Peninsula Center
Conceptual Elevations
Building 24
12.28

EXHIBIT A

FILE 10-15-15



Materials	Finishes
1. Concrete	1. Concrete
2. Masonry	2. Masonry
3. Metal	3. Metal
4. Glass	4. Glass
5. Wood	5. Wood
6. Paint	6. Paint
7. Other	7. Other

erikowitz + ruth
ARCHITECTS

Vestlar Development

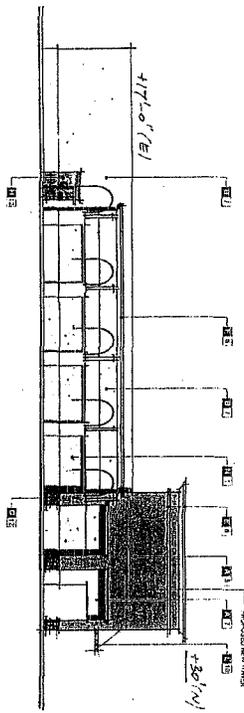
Peninsula Center

1201 Gateway Blvd.
Long Beach, CA 90801
(562) 591-1744 FAX

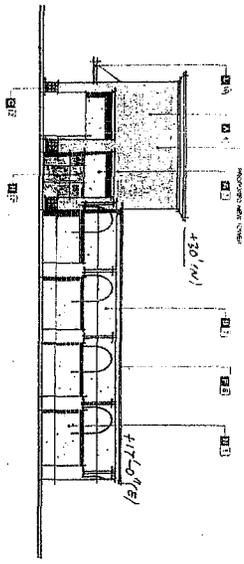
Project: Peninsula Center
1201 Gateway Blvd., Long Beach, CA

Conceptual Elevations
Buildings 35-40, 28-32, 27
8/28/15

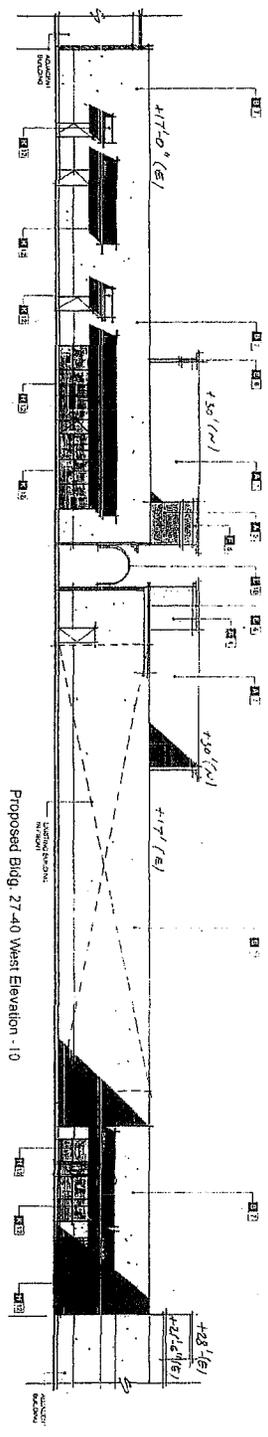
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12/28



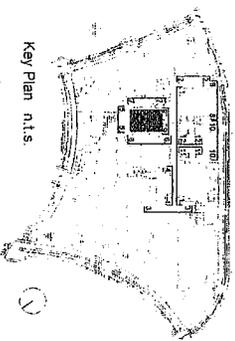
Proposed Bldg. 28-32 South Elevation - 11



Proposed Bldg. 35-39 North Elevation - 12



Proposed Bldg. 27-40 West Elevation - 10



Key Plan A1.S

Materials

1	Exterior Masonry	2	Interior Wall
3	Exterior Window	4	Interior Window
5	Exterior Door	6	Interior Door
7	Roof	8	Floor
9	Foundation	10	Basement

Finishes

11	Exterior Wall	12	Interior Wall
13	Exterior Window	14	Interior Window
15	Exterior Door	16	Interior Door
17	Roof	18	Floor
19	Foundation	20	Basement

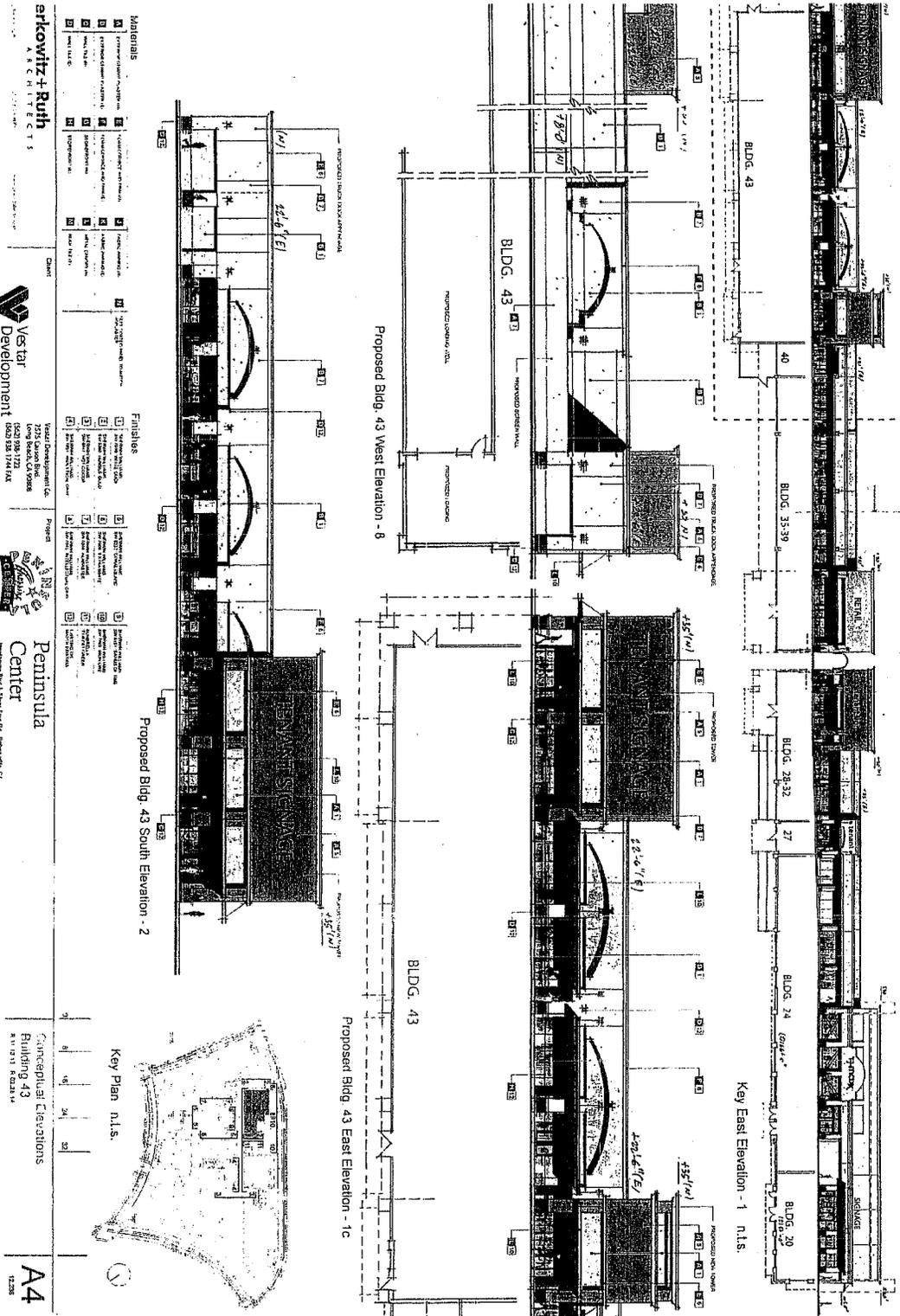
Parkowitz + Ruth
ARCHITECTS

Vestor Development

Peninsula Center

Conceptual Elevations
Buildings 35-40, 28-32, 27

A3
1728



Materials

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<input type="checkbox"/> 5. Metal	<input type="checkbox"/> 6. Wood	<input type="checkbox"/> 7. Paint	<input type="checkbox"/> 8. Other

Finishes

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<input type="checkbox"/> 5. Hardwood	<input type="checkbox"/> 6. Laminate	<input type="checkbox"/> 7. Concrete	<input type="checkbox"/> 8. Other

Conceptual Elevations Building 43

REV 01 8/2014

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ARCHITECTS

Vestor Development

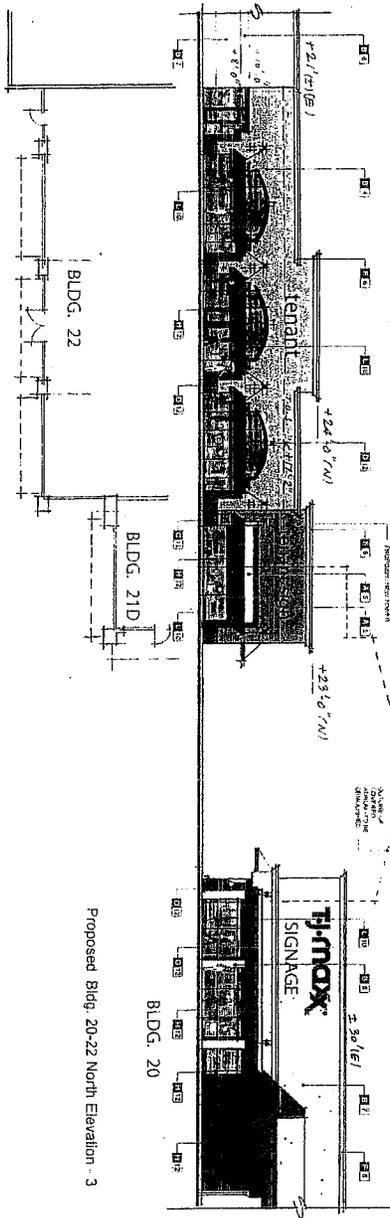
Peninsula Center

A4

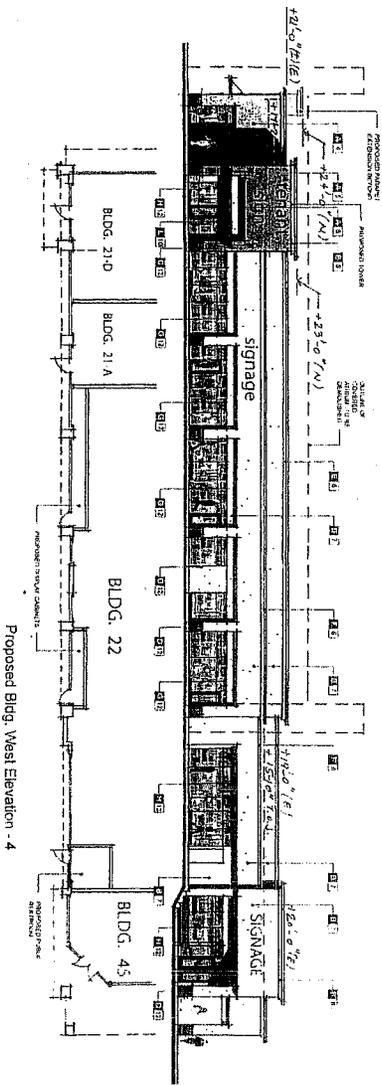
EXHIBIT A

PAGE 13 OF 52

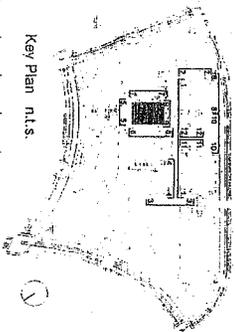
E-133



Proposed Bldg. 20-22 North Elevation - 3



Proposed Bldg. West Elevation - 4



Key Plan n.l.s.

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ARCHITECTS

Vestlar
Development

Peninsula
Center

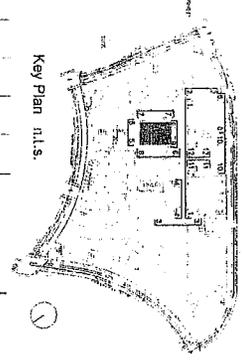
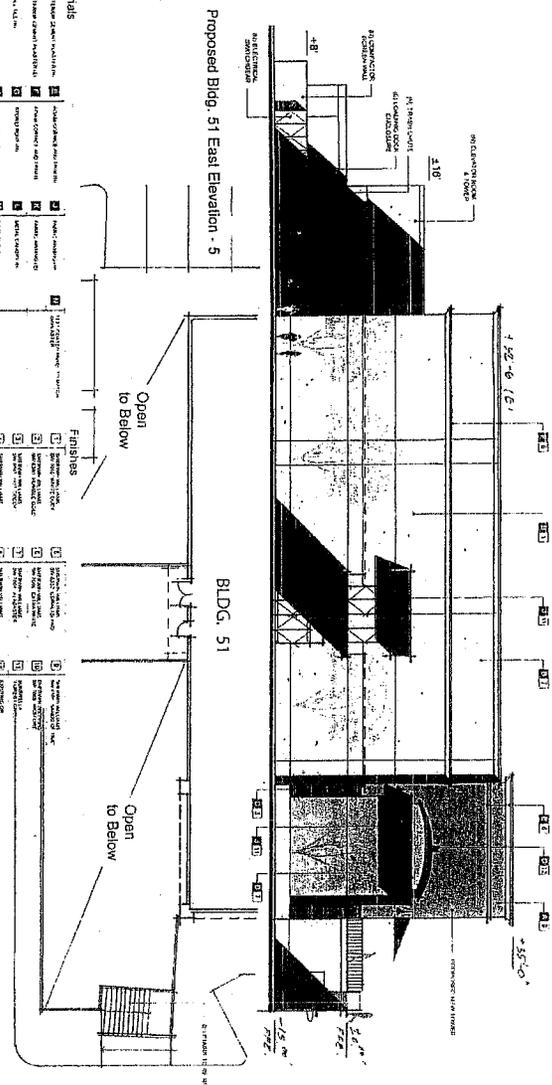
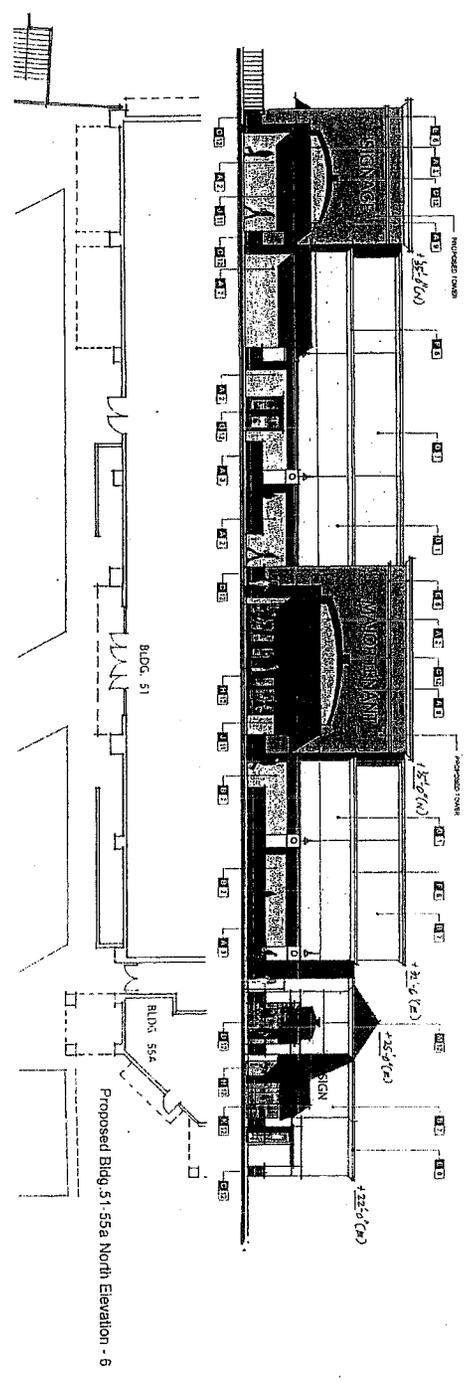
1600 17th St., Suite 200, San Francisco, CA 94133
415.774.1111

Conceptual Elevations
Building 22
1600 17th

A5
1/22/11

Exhibit A

Roll 14.15.11



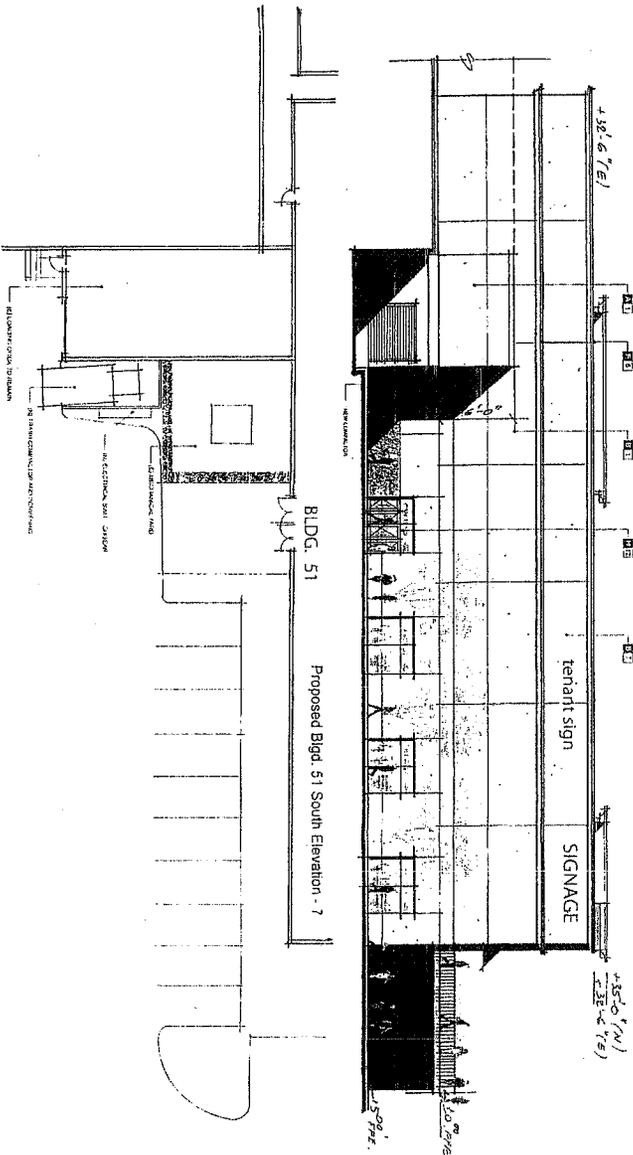
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 - 3. Schematic Design
 - 4. Design Development
 - 5. Construction Documents
 - 6. Construction Administration
- Finishes**
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 - 2. Interior Ceiling
 - 3. Interior Floor
 - 4. Exterior Wall
 - 5. Exterior Ceiling
 - 6. Exterior Floor
 - 7. Staircase
 - 8. Mechanical
 - 9. Electrical
 - 10. Plumbing
 - 11. Fire Protection
 - 12. Security
 - 13. Other

Perkowitz + Ruth
ARCHITECTS
10000 Wilshire Blvd., Suite 1000
Beverly Hills, CA 90212
Tel: 310.274.1111
Fax: 310.274.1112
www.perkowitzruth.com

Vectar Development
7000 Wilshire Blvd., Suite 1000
Beverly Hills, CA 90212
Tel: 310.274.1111
Fax: 310.274.1112
www.vectar.com

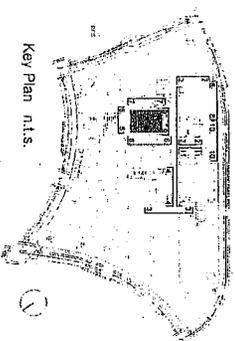
Peninsula Center
10000 Wilshire Blvd., Suite 1000
Beverly Hills, CA 90212
Tel: 310.274.1111
Fax: 310.274.1112
www.peninsula.com

Conceptual Elevations
Building 51
A6
12/28



Materials

1	Interior Ceiling	1	Paint
2	Interior Wall	2	Paint
3	Interior Floor	3	Paint
4	Exterior Wall	4	Paint
5	Exterior Ceiling	5	Paint
6	Exterior Floor	6	Paint
7	Roof	7	Paint
8	Stair	8	Paint
9	Elevator	9	Paint
10	Window	10	Paint
11	Door	11	Paint
12	Handrail	12	Paint
13	Signage	13	Paint
14	Lighting	14	Paint
15	Acoustic	15	Paint
16	Insulation	16	Paint
17	Structural	17	Paint
18	Foundation	18	Paint
19	Roofing	19	Paint
20	Cladding	20	Paint
21	Trim	21	Paint
22	Hardware	22	Paint
23	Glazing	23	Paint
24	Sealing	24	Paint
25	Fasteners	25	Paint
26	Adhesives	26	Paint
27	Coatings	27	Paint
28	Finishes	28	Paint
29	Accessories	29	Paint
30	Specialties	30	Paint
31	Electrical	31	Paint
32	Mechanical	32	Paint
33	Plumbing	33	Paint
34	Fire Protection	34	Paint
35	Life Safety	35	Paint
36	Security	36	Paint
37	Accessibility	37	Paint
38	Energy Efficiency	38	Paint
39	Environmental	39	Paint
40	Historic Preservation	40	Paint
41	Architectural	41	Paint
42	Artistic	42	Paint
43	Technical	43	Paint
44	Regulatory	44	Paint
45	Industry	45	Paint
46	Best Practices	46	Paint
47	Quality Assurance	47	Paint
48	Documentation	48	Paint
49	Communication	49	Paint
50	Collaboration	50	Paint



Perkowitz + Ruth
ARCHITECTS

Vesta Development

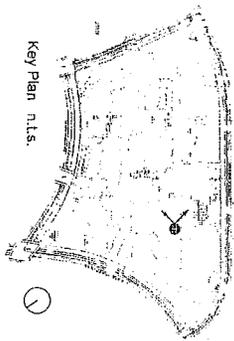
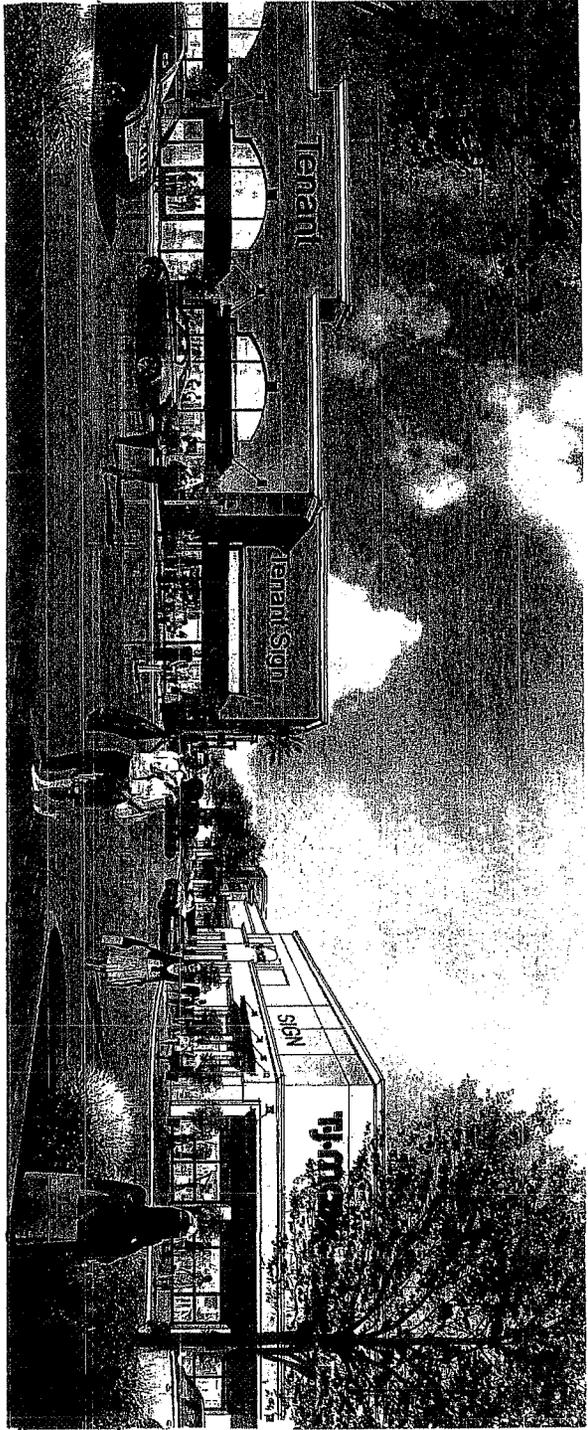
Peninsula Center

3755 Camino Blvd. #100
San Diego, CA 92121
619.594.1234

3755 Camino Blvd. #100
San Diego, CA 92121
619.594.1234

Conceptual Elevations
Building 51
8.14.19

A7
12.20



Perkowitz + Ruth
ARCHITECTS
1000 W. 10th St.
Tulsa, OK 74103
918.438.1111

Vestlar Development

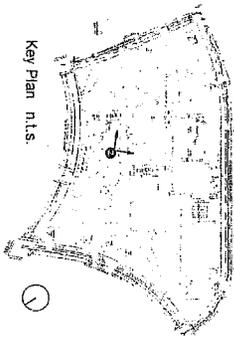
Vestlar Development Co.
1775 Canyon Blvd.
Tulsa, OK 74103
918.438.1122
918.438.1147



Peninsula Center
1000 West 10th Street, Tulsa, OK, 74103

Perspective
View 1: Bldg 20 & 22 North
2021.13

P1
11.2014



Key Plan n.t.s.



Perkowitz + Ruth
ARCHITECTS

Yestar
Development

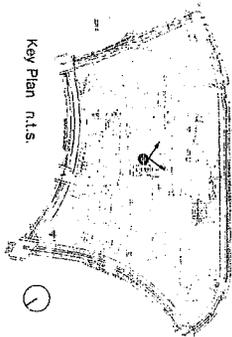
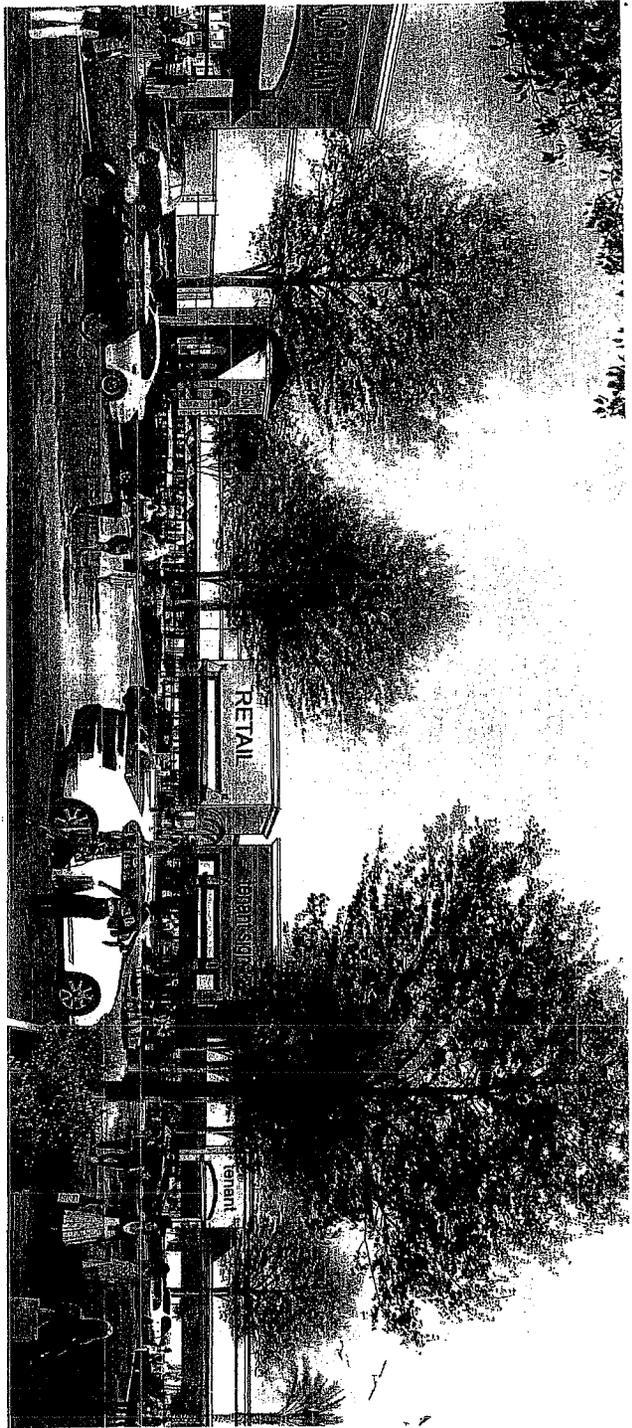
Yestar Development, LLC
4759 Canine Blvd.
Suite 100
Houston, TX 77055
281.462.1122
281.462.1121 FAX



Peninsula
Center
10000 Katy Road, Suite 100, Houston, TX 77055

Perspective
View 2 - Bldg 51 North East Corner
March 13

P2
1/23/08



Key Plan n.t.s.

erkowitz + Rush
ARCHITECTS

Vestlar Development

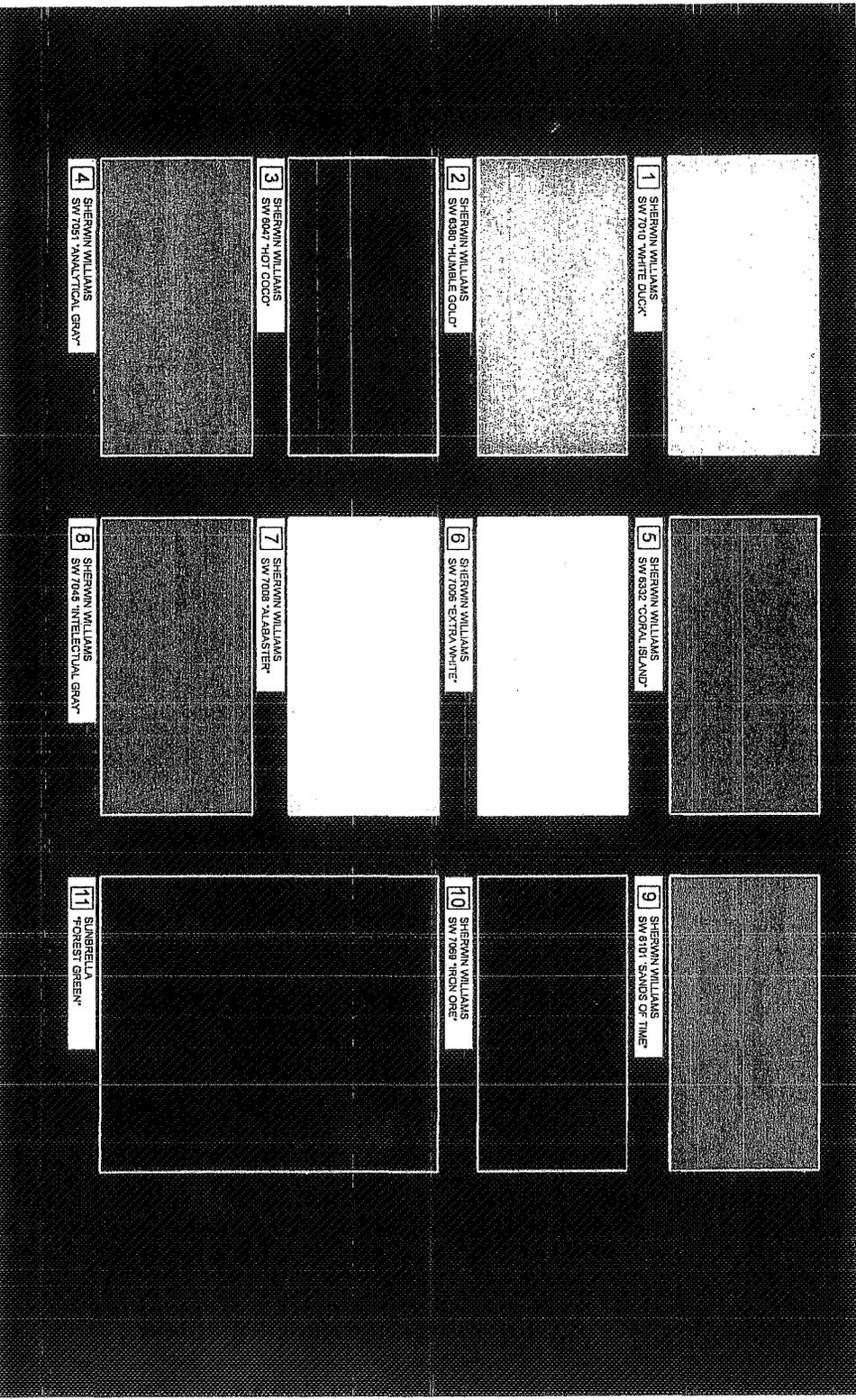
Water Development Co.
Long Beach, CA 90808
562.738.1122
562.539.1244 FAX



Peninsula
Center
14000th Street & Ocean Blvd., Huntington Beach, CA

Perspective
View - 3 - Bldg - 27-32 & 35-39 East

P3
1228



Perkowitz + Ruth
ARCHITECTS
555 753 8252
www.perkowitzruth.com

Client



Vestlar Development Co.
7100 Long Beach, CA 90805
(562) 533-1722
(562) 533-1724 FAX

Project



Peninsula Center
Hawthorne Blvd & Silver Star Rd., Redding, CA, USA

Color Material Board
R 07 10 13

CF
7228

Perkowitz + Ruth
 1100 California Street, Suite 1100
 San Francisco, CA 94109
 (415) 774-1100
 www.perkowitzruth.com

Vestar Development
 2320 Lakeside Blvd.
 San Francisco, CA 94122
 (415) 774-1100

Peninsula Center
 1100 California Street, Suite 1100
 San Francisco, CA 94109

Not To Scale
 Existing Site Photos
 1/11/11

PH1
 1/11/11

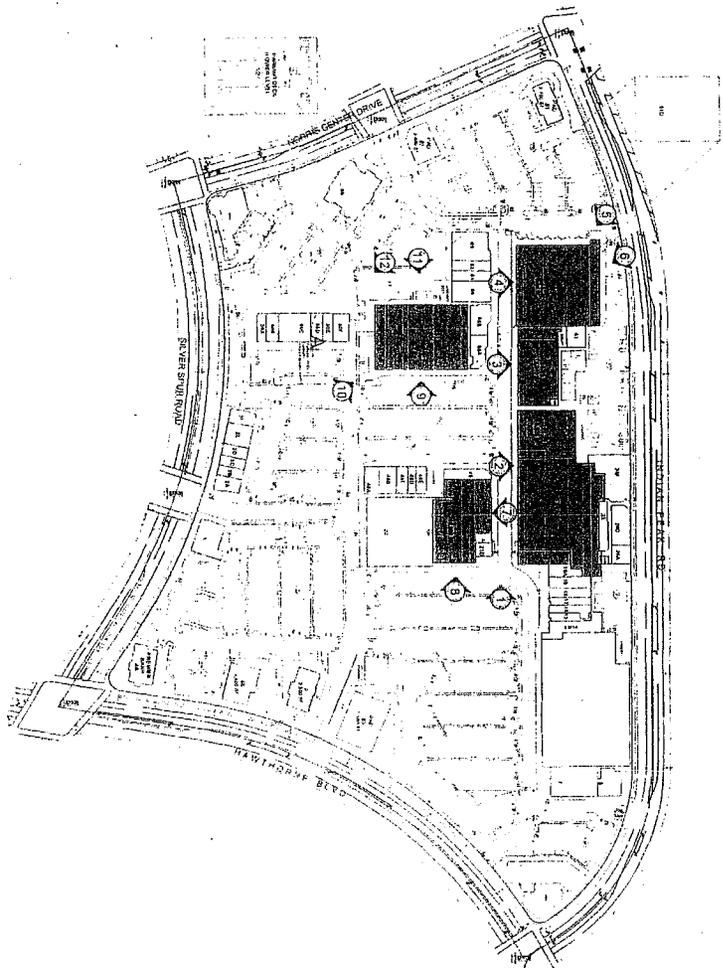
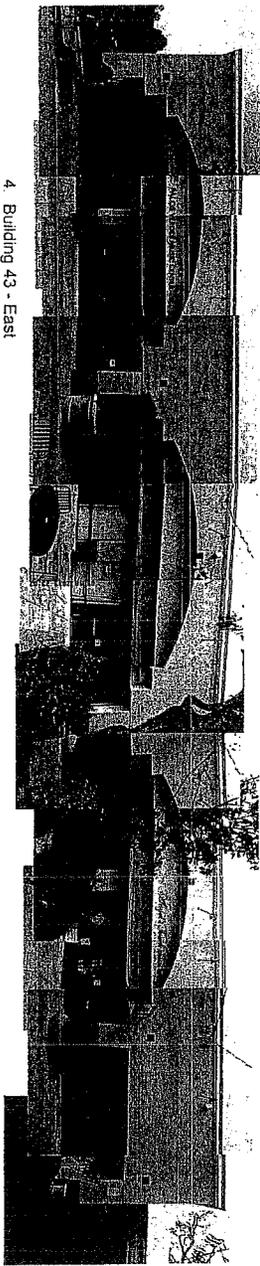


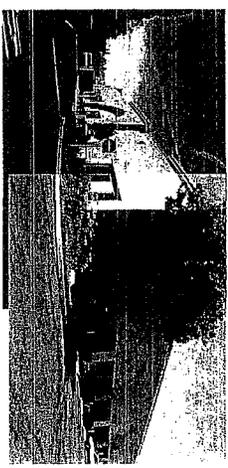
EXHIBIT A

PAGE 21 OF 52

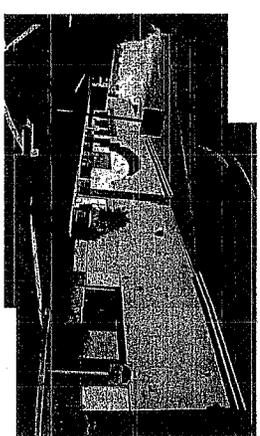
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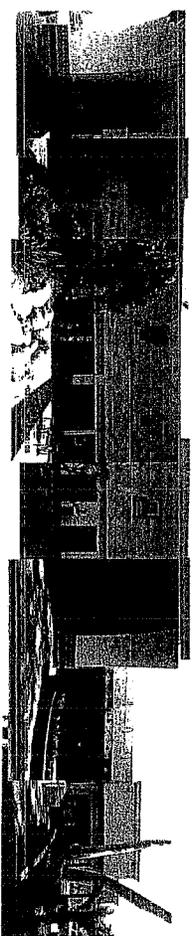
4 Building 43 - East



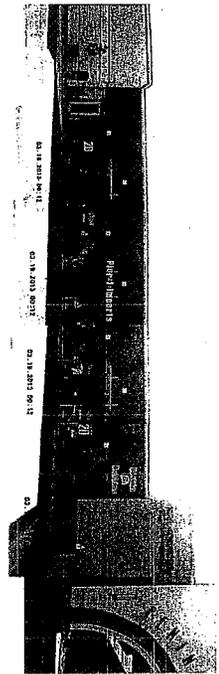
5 Building 22 - South



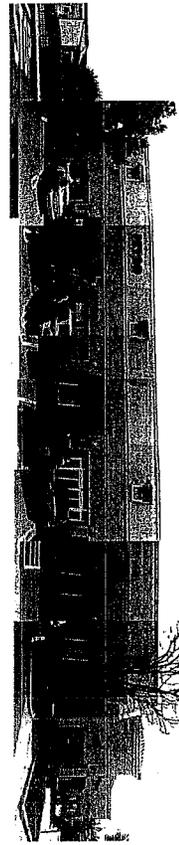
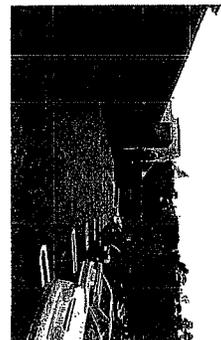
6 Building 22 - West



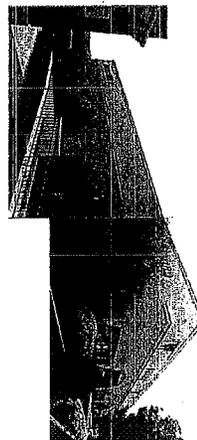
7 Building 22 - West



8. Building 22 - North



9. Building 51 - North



10. Building 51 - East

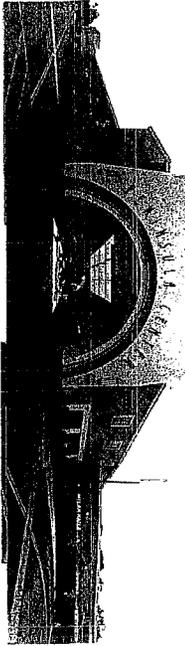


11. Building 51 - South



12. Lower Parking Field

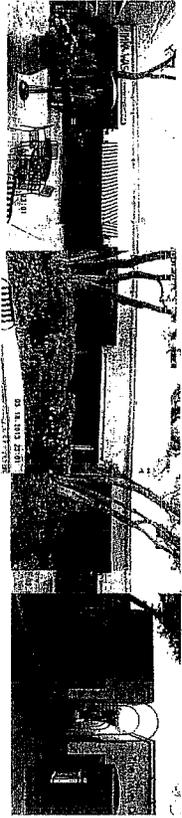
Pertkowitz + Ruth ARCHITECTS 1000 Park Ave. N. Suite 1000 Minneapolis, MN 55412 Tel: 612.338.1000 Fax: 612.338.1001	Client Vestlar Development Vestlar Development Co. 2015 Lakeside Blvd. Suite 100 Minneapolis, MN 55412	Project Peninsula Center 2015 Lakeside Blvd. Minneapolis, MN 55412	Working Date 07/2013	PH4 02/2014
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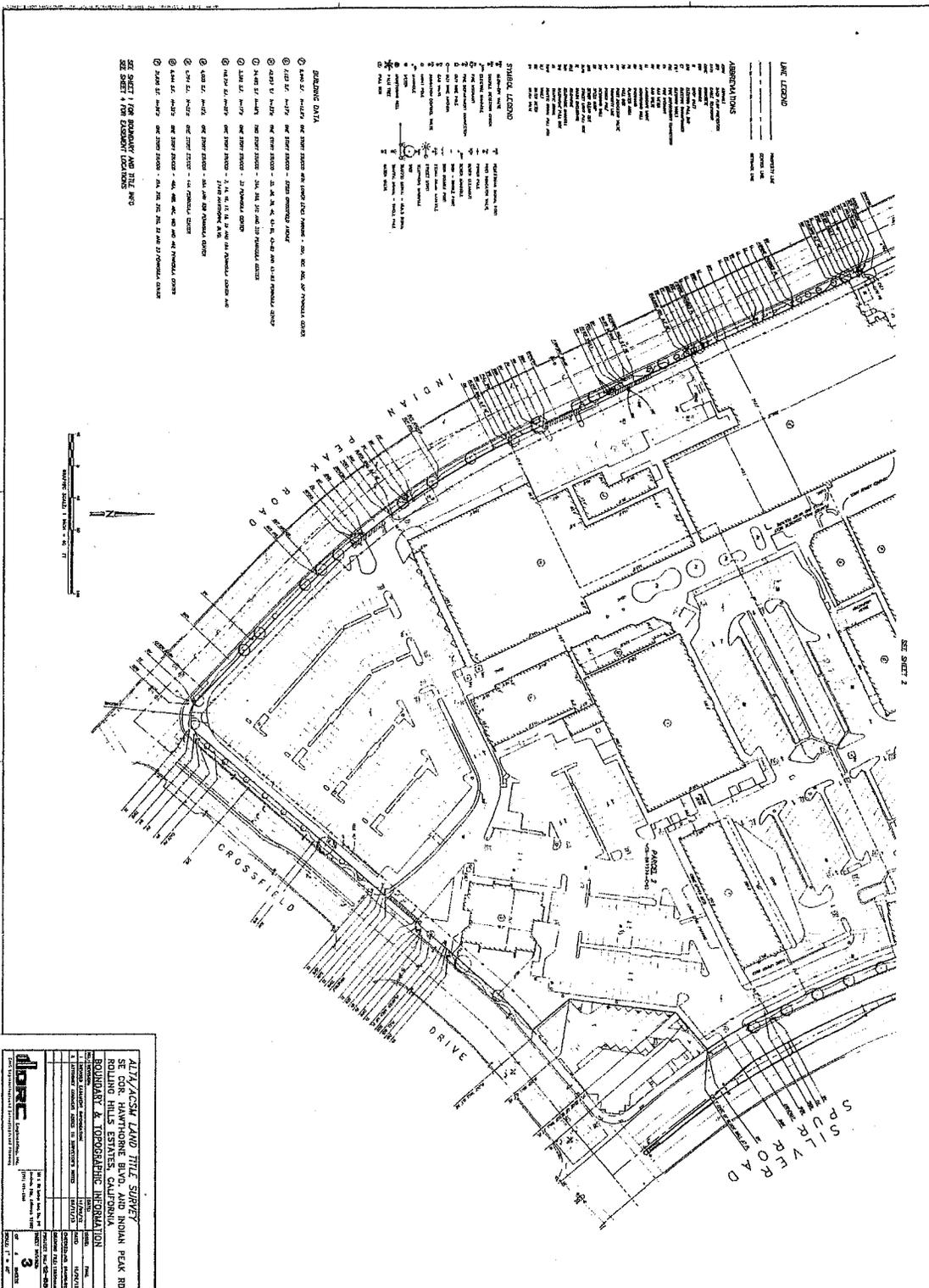


2. Building 20 - 32 - East



3. Building 35 - 40 - East

<p>Perkowitz + Ruth Architects 1000 15th St., Suite 1000 San Francisco, CA 94103 Tel: 415.774.4400</p>	<p>Vaslar Development 1207 Laurel Ave. #100 San Francisco, CA 94116 Tel: 415.774.4400</p>	<p>Peninsula Center 1207 Laurel Ave. #100 San Francisco, CA 94116 Tel: 415.774.4400</p>	<p>Existing Site Photos of 2012</p>	<p>PH2 1207</p>
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LIST LEGEND

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2	1/8" = 1' SCALE
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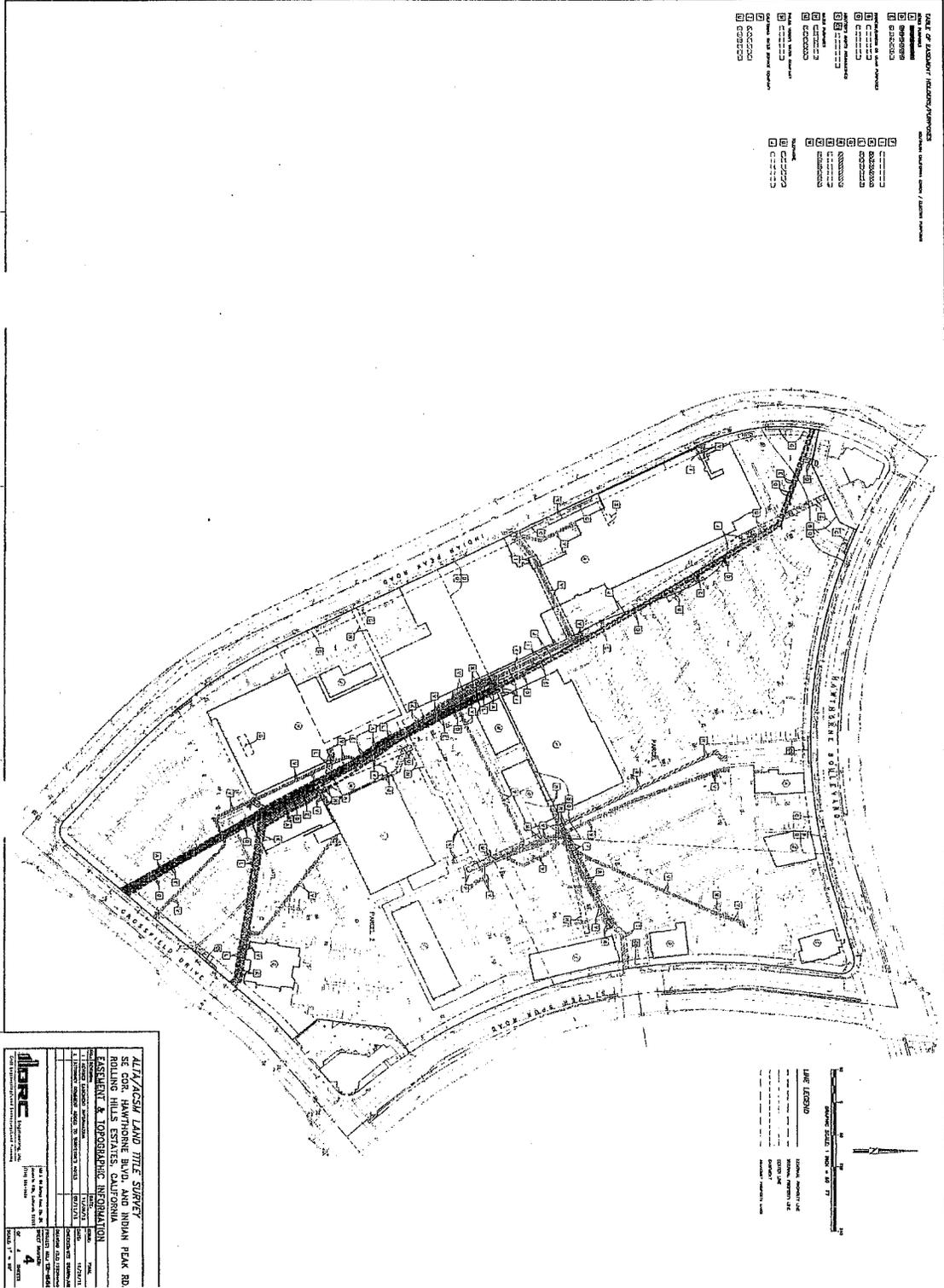
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 - ㉚ 1/2147483648" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA
 - ㉛ 1/4294967296" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA
 - ㉜ 1/8589934592" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA
 - ㉝ 1/17179869184" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA
 - ㉞ 1/34359738368" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA
 - ㉟ 1/68719476736" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA
 - ㊱ 1/137438953472" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA
 - ㊲ 1/274877906944" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA
 - ㊳ 1/549755813888" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA
 - ㊴ 1/1099511627776" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA
 - ㊵ 1/2199023255552" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA
 - ㊶ 1/4398046511104" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA
 - ㊷ 1/8796093022208" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA
 - ㊸ 1/17592186044416" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA
 - ㊹ 1/35184372088832" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA
 - ㊺ 1/70368744177664" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA
 - ㊻ 1/140737488355328" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA
 - ㊼ 1/281474976710656" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA
 - ㊽ 1/562949953421312" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA
 - ㊾ 1/1125899906842624" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA
 - ㊿ 1/2251799813685248" = 1' SCALE - SEE SHEET 1 FOR BOUNDARY DATA

ALTACORN LAND TITLE SURVEY	
SILVER SPUR ROAD, ROUND HILLS ESTATES, CALIFORNIA	
BOUNDARY & TOPOGRAPHIC INFORMATION	
DATE OF SURVEY	NOV 19 1988
BY	ALBERT R. BROWN
FOR	ALBERT R. BROWN
SCALE	1/4" = 1'
PROJECT NO.	3
DATE	NOV 19 1988
BY	ALBERT R. BROWN
FOR	ALBERT R. BROWN

EXHIBIT A

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- LEGEND**
- 1. Easement
 - 2. Easement
 - 3. Easement
 - 4. Easement
 - 5. Easement
 - 6. Easement
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 - 98. Easement
 - 99. Easement
 - 100. Easement

ALHAMBRA LAND TITLE SURVEY
 SE COR. JAWNS TRACT IN INDIAN PEAK RD.
 ROLLING HILLS ESTATES, CALIFORNIA

EASEMENT & TOPOGRAPHIC INFORMATION

NO.	DESCRIPTION	DATE	BY
1	EASEMENT		
2	EASEMENT		
3	EASEMENT		
4	EASEMENT		
5	EASEMENT		
6	EASEMENT		
7	EASEMENT		
8	EASEMENT		
9	EASEMENT		
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98	EASEMENT		
99	EASEMENT		
100	EASEMENT		

100-A

DATE 10 15 52

Peninsula
shopping center
SIGN PROGRAM

MAR 26, 2014 LS

PENINSULA SHOPPING CENTER

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SIGNAGE & GRAPHICS

PAGE 1

EXHIBIT A

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 **PROJECT
DIRECTORY**

LANDLORD:
WESTAR DEVELOPMENT
7575 CARSON BLVD.
LONG BEACH, CA 90808
562-938-1722

ARCHITECT:
PERKOWITZ + RUTH
111 W OCEAN BLVD.
LONG BEACH, CA 90802
(562) 828-8000

CONSULTANT:
ULTRASIGNS ELECTRICAL ADVERTISING
9025 BALBOA AVENUE, STE 150
SAN DIEGO, CA 92123-1520
TEL (658) 589-1400 x106
FAX (658) 589-1453
ATTN: JOHN HADAVA

SIGN ADVANTAGE
2062 BUSINESS CENTER DRIVE SUITE 130
IRVINE, CA 92612
TEL (949) 553-2433
FAX (949) 553-2436
ATTN: CONNIE O'CONNOR

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PROHIBITED SIGNS	6
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SITE PLAN	8-10
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MAJOR TENANTS	12
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<input type="checkbox"/> GROUND SIGNS	
PYLON DISPLAY	18
MONUMENT DISPLAY	19
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<input type="checkbox"/> MISC.	
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A. INTRODUCTION

The intent of this sign program is to provide the guidelines necessary to achieve a visually coordinated, balanced and appealing sign environment that is harmonious with the architecture of the project, sufficient to provide clear information to patrons of the shopping center and provides for individual graphic expression for individual retail tenants.

Performance of this sign criteria shall be rigorously enforced and any nonconforming sign shall be removed by the tenant or his sign contractor at their expense, upon demand by the Landlord.

Exceptions to these standards shall not be permitted without approval from the Landlord and may require approval of a modification to the sign program by the city.

Accordingly, the Landlord will retain full rights of approval for any sign used in the project.

No sign shall be installed without the written approval of the Landlord and the required City permits.

B. GENERAL LANDLORD/TENANT REQUIREMENTS:

1. Each tenant shall submit to Landlord for written approval, three (3) copies of the detailed shop drawings of the proposed sign, indicating conformance with the sign program herein outlined.

2. The Landlord shall determine and approve the availability and position of a tenant name on any ground sign(s).

3. The tenant shall pay for all signs, related materials and installation fees (including final inspection costs).

4. The tenant shall obtain all necessary permits

5. The tenant shall be responsible for fulfillment of all requirements of this sign program.

6. It is the responsibility of the tenant's sign company to verify all conduit and transformer locations and service access prior to fabrication.

7. Should a sign be removed, it is the tenant's responsibility to repair all damage including patching all holes and painting surface to match the existing color.



PENINSULA SHOPPING CENTER

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SIGNAGE CONTRACTORS

EXHIBIT A

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C. GENERAL SIGN CONSTRUCTION REQUIREMENTS:

1. All signs and their installation shall comply with all local building and electrical codes.
2. All electrical signs will be fabricated by a U.L. approved sign company, according to U.L. specifications and bear U.L. Label.
3. Sign company to be fully licensed with the City and State and shall have full Workman's Compensation and general liability insurance.
4. All penetrations of building exterior surfaces are to be sealed, waterproofed and in colors to match exterior of building.
5. Internal illumination to be LED or Neon, installed and labeled in accordance with the "National Board of Fire Underwriters Specifications" (except as noted otherwise)
6. Painted surfaces to have a semi gloss finish. Only paint containing acrylic polyurethane products can be used (except as noted otherwise).
7. Logo and letter heights shall be as specified and shall be determined by measuring the normal letter of a type font exclusive of swashes, ascenders, and descenders as shown below.

NORMAL LETTER HEIGHT
Tenant Copy
Descender

Ascender: (The part of the lowercase letters, such as b, d, and h, that extends above the other lowercase letters)
Descender: (The part of the lowercase letters, such as g, p, and q, that
8. All sign fabrication work shall be of excellent quality. All logo images and type-styles shall be accurately reproduced. The Landlord reserves the right to reject any fabrication work deemed to be below standard.
9. All lighting must match the exact specification of the approved working drawings. No exposed conduits or race ways will be allowed with out specific approval by the Landlord.
10. Signs must be made of durable rust-inhibited materials that are appropriate and complimentary to the building.
11. Color coatings shall exactly match the colors specified on the approved plans.
12. Joining of materials (e.g., seams) shall be finished in way as to be unnoticeable. Visible welds shall be continuous and ground smooth. Rivets, screws, and other fasteners that extend to visible surfaces shall be flush, filled, and finished so as to be unnoticeable.
13. Finished surfaces of metal shall be free from warping. All sign finishes shall be free from dust, orange peel, drips, and runs and shall have a uniform surface conforming to the highest standards of the industry.
14. In no case shall any manufacturer's label be visible from the street from normal viewing angles.
15. Exposed junction boxes, lamps, tubing, or neon crossovers of any type are not permitted.



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D. SIGNAGE SPECIFICATIONS:

The intent of this criteria is to encourage creativity to ensure the individuality of each tenant sign as opposed to similar sign design, construction, and colors repeated throughout the project.

The following types of construction will be allowed: (see page 7 for details)

- Acrylic face channel letters
- Through face and halo channel letters
- Reverse pan channel letters
- Open pan channel letters
- Push thru letters and logos in aluminum cabinets
- Logo modules with applied vinyl graphics
- Fat cut out dimensional straps and accents
- Metal screen mesh

The use of at least two types of the above to be incorporated into each sign design is encouraged.

The use of dissimilar materials and creating signs with varying colors, layers and textures will create an exciting and appealing retail environment.

The use of dimensional and layered icons is also encouraged.

Stacked copy is permitted.



1. Wall/Building Signs:

Identifying signs shall be permitted on the exterior of each side of any tenant occupied building that faces a street, freeway, a project driveway or a parking lot. Each such side shall be deemed a building frontage.

In no event shall a sign be permitted to exceed 75 percent of the length of the elevation upon which it is located.

a) **Multi-Tenant Buildings:** The maximum sign area for any multi-tenant building shall be calculated as if the building housed a single tenant. Each tenant occupying a multi-tenant building shall be permitted maximum sign area calculated based upon that tenant's pro rata share of the linear footage of the applicable exterior

2. Freestanding Signs:

Freestanding signs that identify the shopping center and/or individual tenants shall be permitted at such locations and sizes and with such design as set forth in this criteria document.

The rights of any tenant to participate in a freestanding sign shall be determined by the Landlord in his sole discretion.

PENINSULA SHOPPING CENTER



E. PROHIBITED SIGNS:

1. Signs constituting a traffic hazard
No person shall install or maintain, or cause to be installed or maintained, any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or which makes use of the words "STOP", "LOOK", "DANGER" or any words, phrases, symbols, or characters in such a manner as to interfere with, mislead or confuse traffic.
2. Signs in Proximity to Utility Lines:
Signs which have less horizontal or vertical clearance from authorized communication or energized electrical power lines that are prescribed by the laws of the State of California are prohibited.
3. Painted letters will not be permitted.
4. Wall signs may not project above the top of a parapet, the roof line at the wall.
5. There shall be no signs that are flashing, moving or audible unless approved by the Landlord and City of Riverside
6. Signs must be architecturally compatible with the entire center.
7. Vehicle Signs: Signs on or affixed to trucks, automobiles, trailers, or other vehicles which advertise, identify, or provide direction to a use or activity are prohibited. Also, vehicle signs shall not be used as an additional advertising mechanism for tenants.

8. Light Bulb Strings:
External displays, other than temporary decorative holiday lighting, which consists of unshielded light bulbs are prohibited. An exception hereto may be granted by the Landlord when the display is an integral part of the design character of the activity to which it relates.

9. Banners used for advertising purposes:
Temporary banners may be permitted subject to Riverside Zoning Code requirements, Landlord's, and City approval.

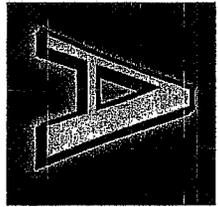
10. Billboard Signs are not permitted

11. The use of permanent sale sign is prohibited. The temporary use of these signs is limited to a thirty-day period and is restricted to signs affixed to the interior of windows which do not occupy more than 20% of the window area. Each business is permitted a total of not more than ninety (90) days of temporary window sale signs per calendar year.

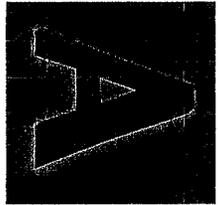
F. ABANDONMENT OF SIGNS:

Any tenant sign left more than thirty (30) days after the tenant vacates the premises shall become the property of Landlord

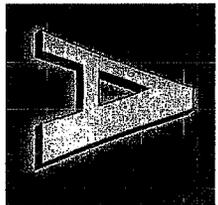
- Section A
Illuminated LEXAN FACED CHANNEL display with THROUGH FACE ILLUMINATION.
Use standard aluminum construction with Matthews (or equivalent) satin acrylic polyurethane finish.
Faces use Lexan with trim cap.
Illuminate with LED'S
Paint returns any color.
- Section B
Illuminated REVERSE PAN CHANNEL display with HALO ILLUMINATION.
Use standard aluminum construction with Matthews (or equivalent) satin acrylic polyurethane finish.
Illuminate with LED'S
Paint faces and returns any color.
- Section C
Illuminated LEXAN FACED CHANNEL display with THROUGH FACE AND HALO ILLUMINATION.
Use standard aluminum construction with Matthews (or equivalent) satin acrylic polyurethane finish.
Faces use Lexan with trim cap.
Illuminate with LED'S
Paint returns any color.
- Section D
Illuminated ALUMINUM FACED CHANNEL display with THROUGH FACE AND HALO ILLUMINATION.
Use standard aluminum construction with Matthews (or equivalent) satin acrylic polyurethane finish.
Route out aluminum faces where graphics occur and push through lexan graphics.
Illuminate with LED'S
Paint face and returns any color.
- Section E
Illuminated ALUMINUM FACED CHANNEL display with THROUGH FACE AND HALO ILLUMINATION.
Use standard aluminum construction with Matthews (or equivalent) satin acrylic polyurethane finish.
Route out aluminum faces where graphics occur and back up with lexan graphics.
Illuminate with LED'S
Paint face and returns any color.
- Section F
Illuminated FLAT CUT OUT GRAPHIC display with HALO ILLUMINATION.
Use standard aluminum, acrylic or silica construction with Matthews (or equivalent) satin acrylic polyurethane finish.
Illuminate with LED'S
Paint faces and returns any color.



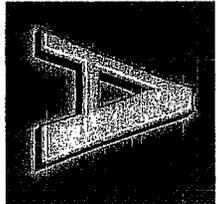
Section A
LEXAN FACED CHANNEL WITH THROUGH FACE ILLUMINATION



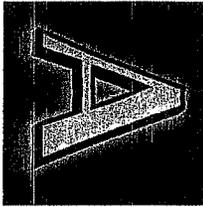
Section B
REVERSE PAN CHANNEL WITH HALO ILLUMINATION



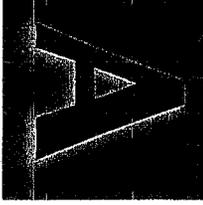
Section C
LEXAN FACED CHANNEL WITH THROUGH FACE AND HALO ILLUMINATION



Section D
ALUMINUM FACED CHANNEL WITH PUSH THROUGH GRAPHICS AND THROUGH FACE & HALO ILLUMINATION



Section E
ALUMINUM FACED CHANNEL WITH BACKED UP GRAPHICS AND THROUGH FACE & HALO ILLUMINATION



Section F
FLAT CUT OUT GRAPHICS WITH HALO ILLUMINATION

NOTE: All signs may utilize digital vinyl printing on faces of illuminated or non-illuminated surfaces.

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PENINSULA SHOPPING CENTER

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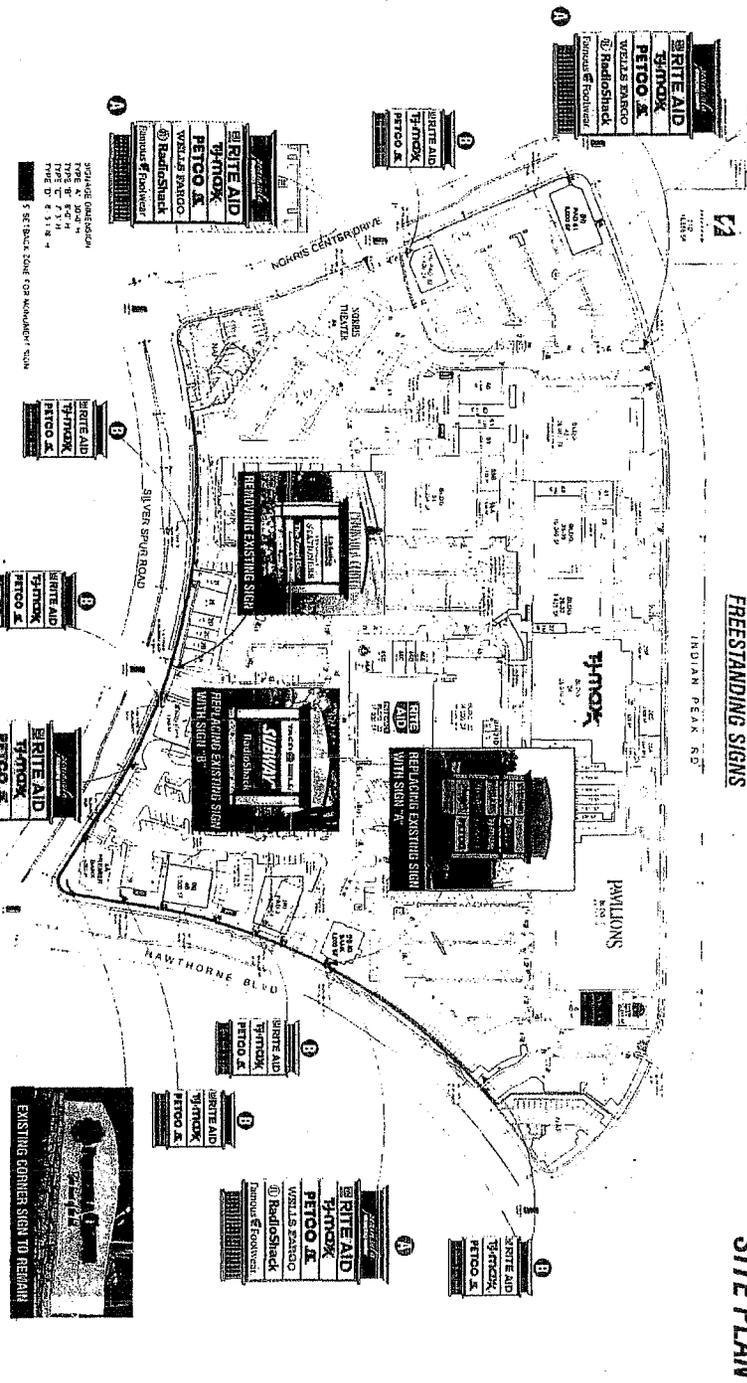
allusions
SIGNAGE & GRAPHICS

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SIGNAGE DESIGN & INSTALLATION

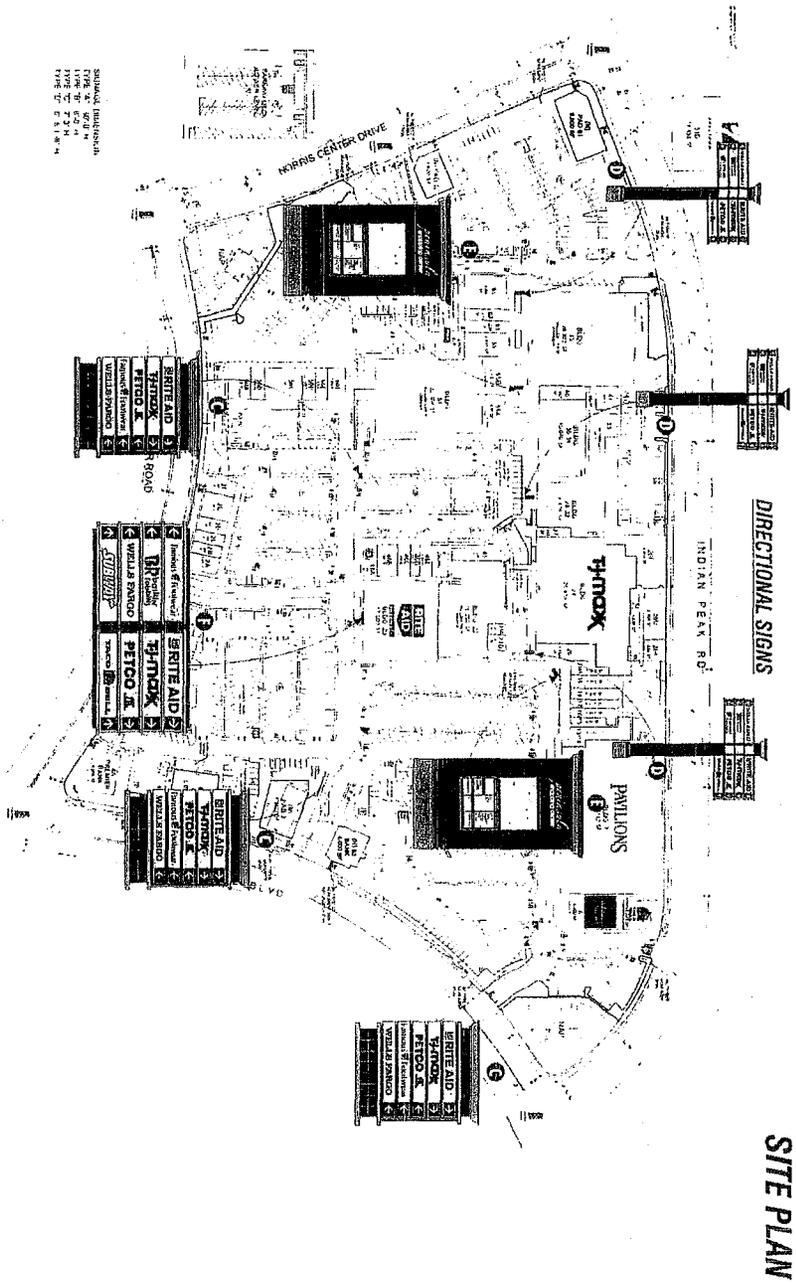
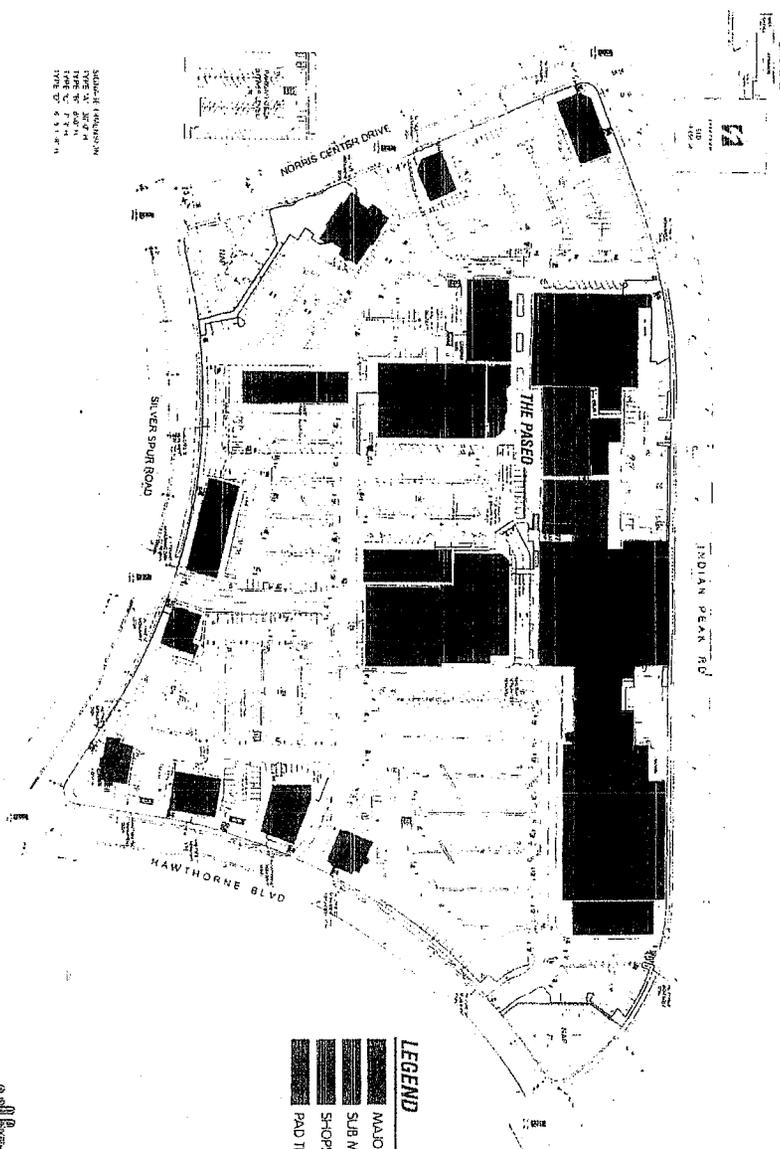


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PENINSULA SHOPPING CENTER



SHOWN IN REQUESTOR'S
 TYPE OF USE
 TYPE OF USE
 TYPE OF USE
 TYPE OF USE

- LEGEND**
- MAJOR TENANTS
 - SUB MAJOR TENANTS
 - SHOPS TENANTS
 - PAD TENANTS

SITE PLAN

MAJOR TENANT ID WALL SIGNAGE
(15,000 SQ. FT AND ABOVE)

MAXIMUM LENGTH 75% OF LEASED FRONTAGE

LOGO MAJOR TENANT

4'-0" MAX LETTER HEIGHT

5'-0" MAX LOGO

MAJOR TENANTS

QUANTITY: ONE (1) PRIMARY SIGN ALLOWED PER ELEVATION

MATERIALS: SEE PAGE 7

ILLUMINATION: YES

COPY: TENANT NAME AND / OR LOGO

HEIGHT: 48" MAXIMUM LETTER HEIGHT, 60" MAXIMUM LOGO HEIGHT

LENGTH: 75% OF LEASED FRONTAGE

TYPEFACE: CUSTOM LOGO AND TYPE OK WITH OWNERS APPROVAL

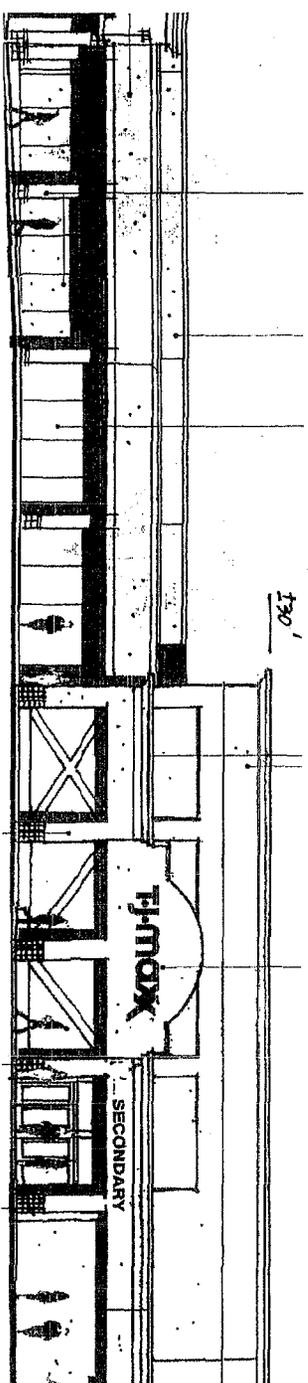
COLORS: CUSTOM COLORS OK WITH OWNERS APPROVAL

SECONDARY SIGNS: ADDITIONAL SIGNAGE DESCRIBING PRODUCTS AND SERVICES IS EXPRESSLY PERMITTED AS PART OF PRIMARY SIGNAGE. QTY (2) PER ELEVATION

2'-0" MAX

SECONDARY

MAXIMUM LENGTH 75% OF ADJACENT SURFACE



TYPICAL MAJOR TENANT ELEVATION SCALE: 3/8" = 1'-0"

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PENINSULA SHOPPING CENTER

ultrasigns

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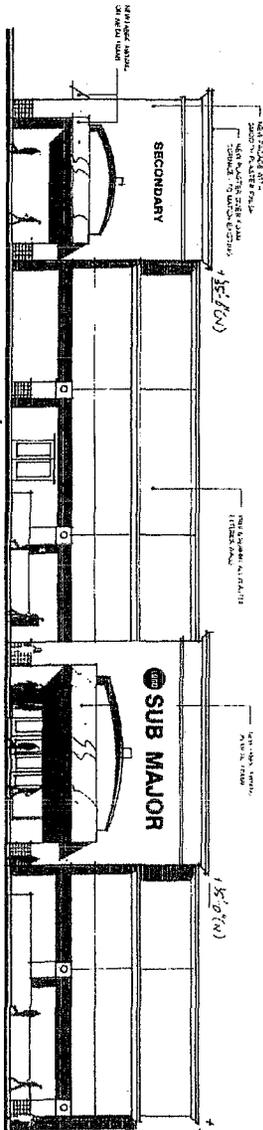
E-159

SUB MAJOR TENANT ID WALL SIGNAGE
 (5,000-15,000 SQ. FT AND ABOVE)



SUB MAJOR TENANTS

- QUANTITY: ONE (1) PRIMARY SIGN ALLOWED PER ELEVATION
- MATERIALS: SEE PAGE 7.
- ILLUMINATION: YES
- COPY: TENANT NAME AND / OR LOGO
- HEIGHT: 36" MAXIMUM LETTER HEIGHT, 48" MAXIMUM LOGO HEIGHT
- LENGTH: 75% OF LEASED FRONTAGE
- TYPEFACE: CUSTOM LOGO AND TYPE OK WITH OWNERS APPROVAL
- COLORS: CUSTOM COLORS OK WITH OWNERS APPROVAL
- SECONDARY SIGNS: ADDITIONAL SIGNAGE DESCRIBING PRODUCTS AND SERVICES IS EXPRESSLY PERMITTED AS PART OF PRIMARY SIGNAGE. QTY (2) PER ELEVATION



TYPICAL SUB MAJOR TENANT ELEVATION SCALE: 1/8" = 1'-0"



2-110-5A

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SHOP TENANTS ID WALL SIGNAGE
(UNDER 5,000 SQ.)

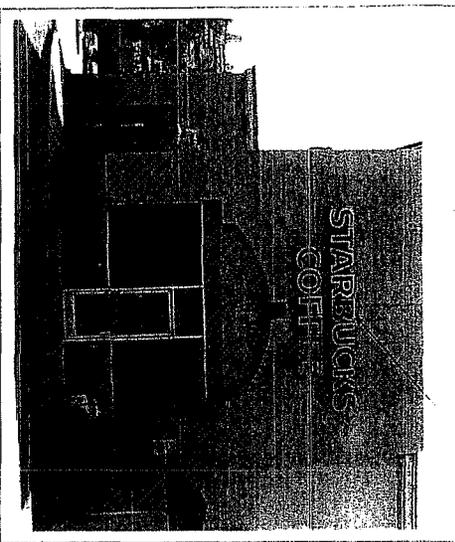
MAXIMUM
LENGTH 75%
OF LEASED FRONTAGE

LOGO
TENANT SIGNAGE

ON TOWER ELEVATIONS
THREE LINES OF COPY IS ALLOWED
1-18" MAX LETTER HEIGHT
75% OF TOWER WIDTH

SHOP TENANTS

QUANTITY: ONE (1) PRIMARY SIGN ALLOWED PER ELEVATION.
TENANTS WITH BOTH INLINE AND TOWER FASCIA'S WITHIN THEIR LEASEHOLD
WILL BE ALLOWED A SECOND SIGN ON THE TOWER.
MATERIALS: SEE PG 7
ILLUMINATION: YES
COPY: TENANT NAME AND / OR LOGO
HEIGHT: 18" MAXIMUM LETTER HEIGHT, 24" MAXIMUM LOGO HEIGHT
LENGTH: MAX LENGTH 75% OF LEASED FRONTAGE/TOWER
TYPEFACE: CUSTOM LOGO AND TYPE OK WITH OWNERS
APPROVAL
COLORS: CUSTOM COLORS OK WITH OWNERS APPROVAL



STOREFRONT ELEVATION SCALE: NO SCALE



STOREFRONT ELEVATION SCALE: NO SCALE

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PENINSULA SHOPPING CENTER

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EXHIBIT A

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SHOP TENANTS ID WALL SIGNAGE
(UNDER 5,000 SQ.)

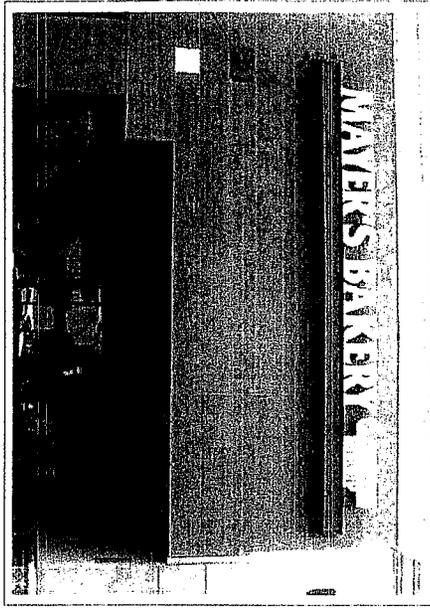


2'-0" MAX LOGO/
1'-6" MAX LETTER HEIGHT

LOGO
TENANT SIGNAGE

LETTERS MOUNTED TO ALUM RACEWAY
TO FIT INSIDE 8" ALUM. C-CHANNEL LEDGE

EXISTING ALUM. C-CHANNEL



STOREFRONT ELEVATION

SCALE: NO SCALE

SHOP TENANTS
(ON RACEWAY)



QUANTITY: ONE (1) PRIMARY SIGN ALLOWED ON FRONT ELEVATION

MATERIALS: PLEX FACE CHANNEL LETTERS MOUNTED TO C-CHANNEL W/ ALUM RACEWAY, LETTERS SPACED 1/4" OFF WALL

ILLUMINATION: YES

COPY: TENANT NAME AND / OR LOGO

HEIGHT: 18" MAXIMUM LETTER HEIGHT 24" MAXIMUM LOGO HEIGHT

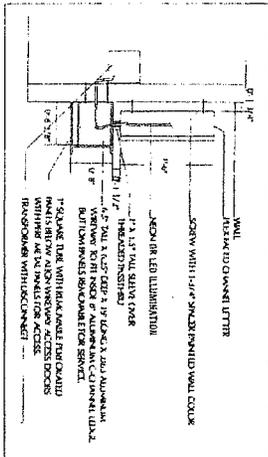
LENGTH: 19'-0" MAXIMUM LENGTH

TYPEFACE: CUSTOM LOGO AND TYPE OK WITH OWNERS APPROVAL

COLORS: CUSTOM COLORS OK WITH OWNERS APPROVAL

RACEWAY COLOR
(LANDLORD TO PROVIDE COLOR SPEC.)

THROUGH FACE CHANNEL LETTERS
MOUNTED TO CANOPY W/ ALUM RACEWAY



SHOP TENANTS ID WALL SIGNAGE
(UNDER 5,000 SQ.)

MAXIMUM LENGTH 18'-6"

LETTERS MOUNTED TO ALUM RACEWAY

LOGO TENANT SIGNAGE

2'-0" MAX LOGO / 1'-6" MAX LETTER HEIGHT

ALUM CANOPY

SHOP TENANTS
(ON CANOPY MOUNTED RACEWAY)

QUANTITY: ONE (1) PRIMARY SIGN ALLOWED ON FRONT ELEVATION.
MATERIALS: PLEX FACE CHANNEL LETTERS MOUNTED TO CANOPY W/ ALUM RACEWAY

ILLUMINATION: YES

COPY: TENANT NAME AND / OR LOGO

HEIGHT: 18" MAXIMUM LETTER HEIGHT, 24" MAXIMUM LOGO HEIGHT

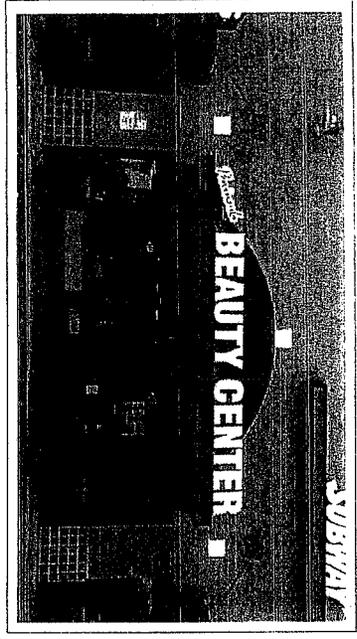
LENGTH: 18'-6" MAXIMUM LENGTH

TYPEFACE: CUSTOM LOGO AND TYPE OK WITH OWNERS APPROVAL

COLORS: CUSTOM COLORS OK WITH OWNERS APPROVAL

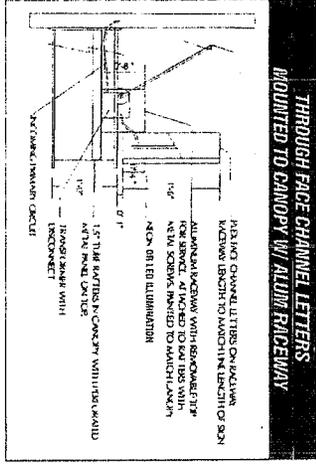
RACEWAY COLOR
(LANDLORD TO PROVIDE COLOR SPEC.)

THROUGH FACE CHANNEL LETTERS MOUNTED TO CANOPY W/ ALUM RACEWAY



STOREFRONT ELEVATION

SCALE: NO SCALE



MAR 26, 2014 LS

PENINSULA SHOPPING CENTER

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EXHIBIT A

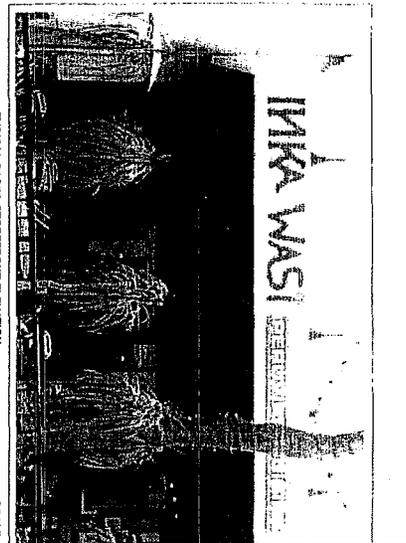
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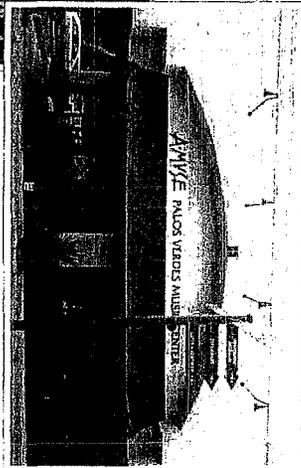
THE PASEO STORE FRONTS



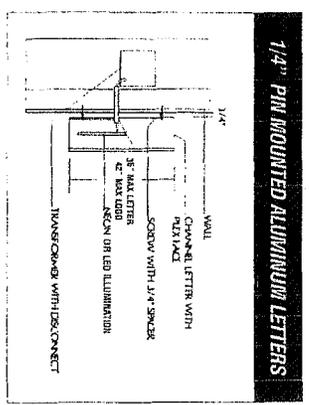
QUANTITY: ONE (1) PRIMARY SIGN ALLOWED PER ELEVATION.
 TENANTS WITH BOTH IN-LINE AND TOWER POSITIONS WITHIN THEIR LEASEHOLD
 WILL BE ALLOWED A SECOND SIGN ON THE TOWER.
 MATERIALS: 1/4" ALUMINUM PAINTED WITH SATIN FINISH; SPACED 3/4" FROM WALL.
 ILLUMINATION: NO
 COPY: TENANT NAME AND / OR LOGO
 HEIGHT: 24" MAX LETTER HEIGHT / 24" MAX LOGO HEIGHT
 LENGTH: MAX LENGTH: 75% OF LEASED FRONTAGE/TOWER
 TYPEFACE: CUSTOM LOGO AND TYPE OK WITH OWNERS
 APPROVAL
 COLORS: CUSTOM COLORS OK WITH OWNERS APPROVAL
 TOWER ELEVATION: TWO LINES OF COPY IS ALLOWED
 MAX LETTER/LOGO HEIGHT OF 15" AND 6" SPACE BETWEEN LINES.
 MAXIMUM SIGN HEIGHT OF 36"



TYPICAL PASEO STOREFRONT ELEVATION



TYPICAL PASEO STOREFRONT ELEVATION



1/4" PM MOUNTED ALUMINUM LETTERS

PENINSULA SHOPPING CENTER

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EXHIBIT A

DATE 11/12/12

PAD TENANTS

2'-0" MAX LOGO/
2'-0" MAX LETTER HEIGHT

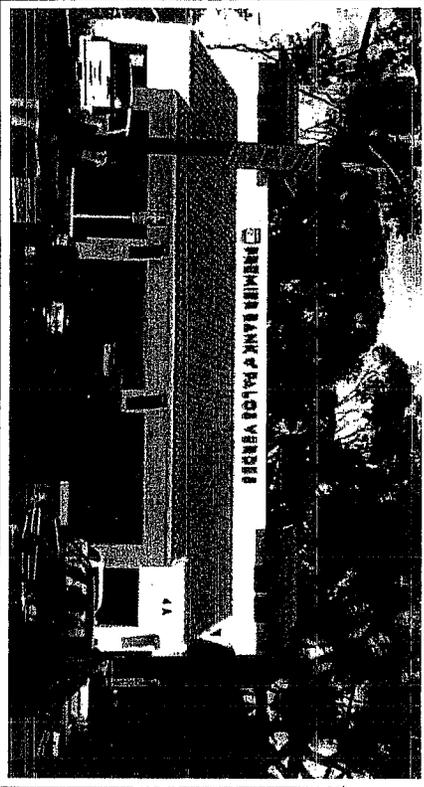
MAXIMUM
LENGTH 75%
OF LEASED FRONTAGE

LOGO

TENANT SIGNAGE



QUANTITY: ONE (1) SIGN ALLOWED PER ELEVATION,
MAXIMUM OF 3 TOTAL WALL SIGNS
MATERIALS: SEE PG 7
ILLUMINATION: YES
COPY: TENANT NAME AND / OR LOGO
HEIGHT: 24" MAXIMUM LETTER HEIGHT, 24" MAXIMUM LOGO HEIGHT
LENGTH: MAX LENGTH 75% OF LEASED FRONTAGE/TOWER
TYPEFACE: CUSTOM LOGO AND TYPE OK WITH OWNERS
APPROVAL
COLORS: CUSTOM COLORS OK WITH OWNERS APPROVAL



TYPICAL PAD TENANT ELEVATION

SCALE: 1/8" = 1'-0"

PENINSULA SHOPPING CENTER

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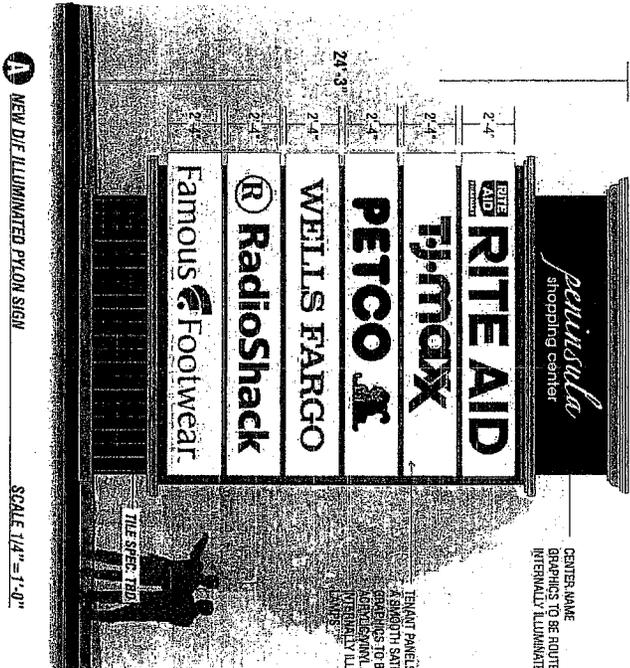
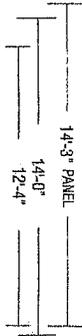
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EXHIBIT A

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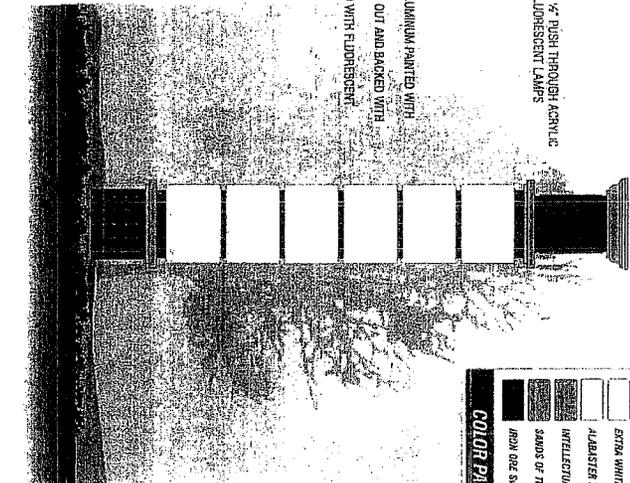
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A TENANT SHALL NOT BE LISTED MORE THAN TWICE
ON ANY SIGNS FOR ALL STREET FRONTAGES



CENTER NAME
GRAPHICS TO BE ROUTED OUT WITH PUSH THROUGH ACRYLIC
INTERIALLY ILLUMINATED WITH FLUORESCENT LAMPS

TENANT PANELS TO BE ALUMINUM PAINTED WITH
1/8" ANGLE BARS
GRAPHICS TO BE ROUTED OUT AND BACKED WITH
ACRYLIC INTERIALLY ILLUMINATED WITH FLUORESCENT
LAMPS



COLOR PALETTE	
[Color swatch]	WHITE BRICK SW 1010
[Color swatch]	MARBLE GOLD SW 6390
[Color swatch]	NOT CHOCOL SW 6667
[Color swatch]	ANALYTICAL GRAY SW 7011
[Color swatch]	COBALT ISLAND SW 6332
[Color swatch]	EXTRA WHITE SW 7005
[Color swatch]	ALABASTER SW 7002
[Color swatch]	INTELLECTUAL GRAY SW 7045
[Color swatch]	SANDS OF TIME SW 6101
[Color swatch]	BROWN SW 7009

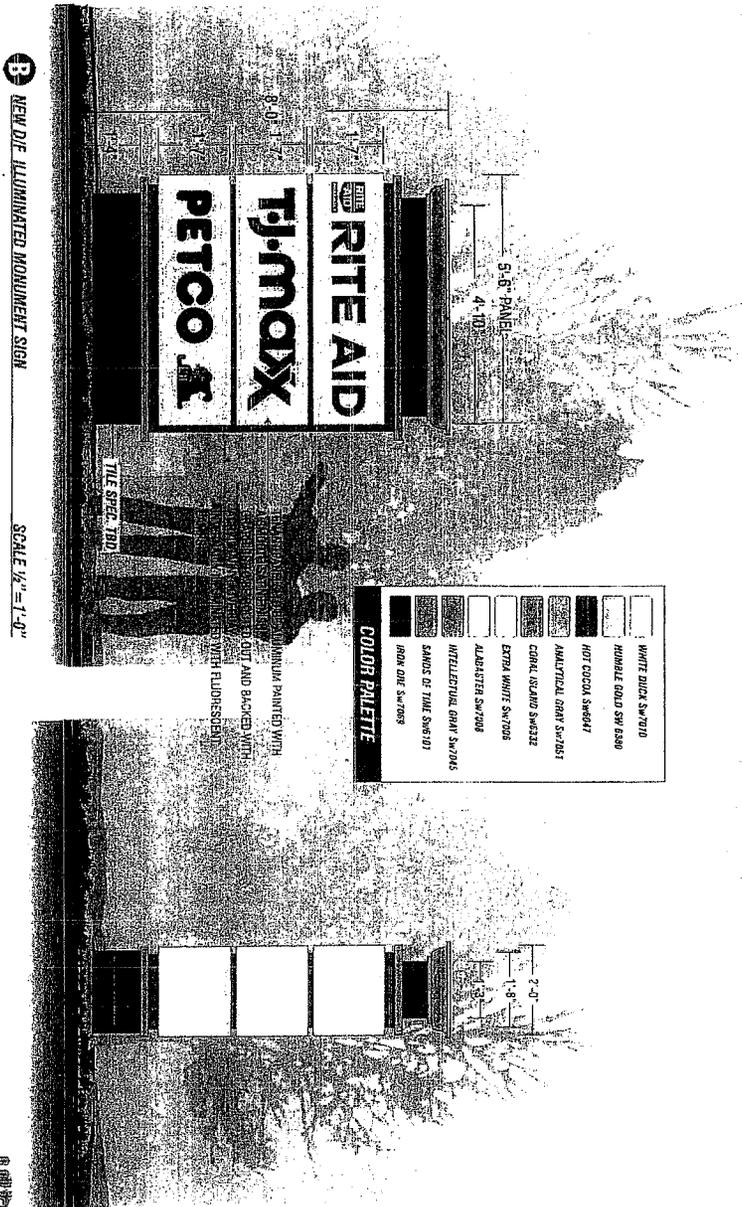
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PENINSULA SHOPPING CENTER

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A TENANT SHALL NOT BE LISTED MORE THAN TWICE
ON ANY SIGNS FOR ALL STREET FRONTAGES



B NEW DIE ILLUMINATED MONUMENT SIGN SCALE 1/4"=1'-0"

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PENINSULA SHOPPING CENTER

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EXHIBIT A

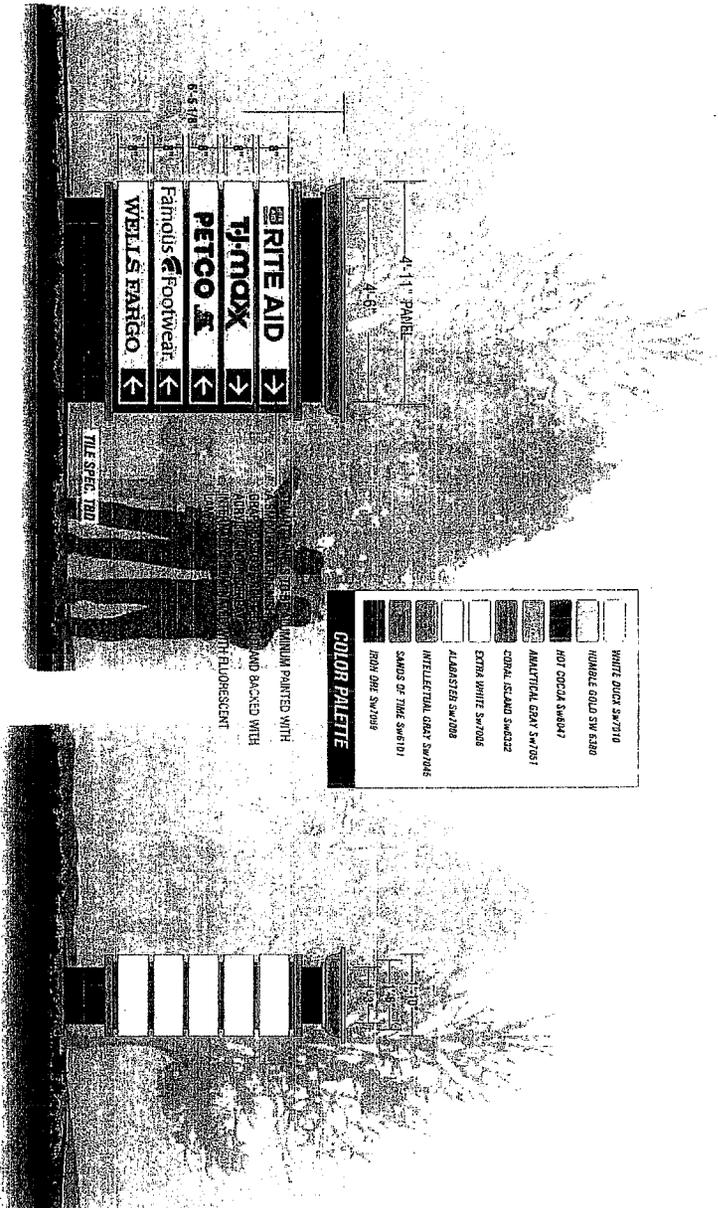
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PENINSULA SHOPPING CENTER



NEW DIE ILLUMINATED VEHICULAR DIRECTIONAL SIGN SCALE 1/4"=1'-0"



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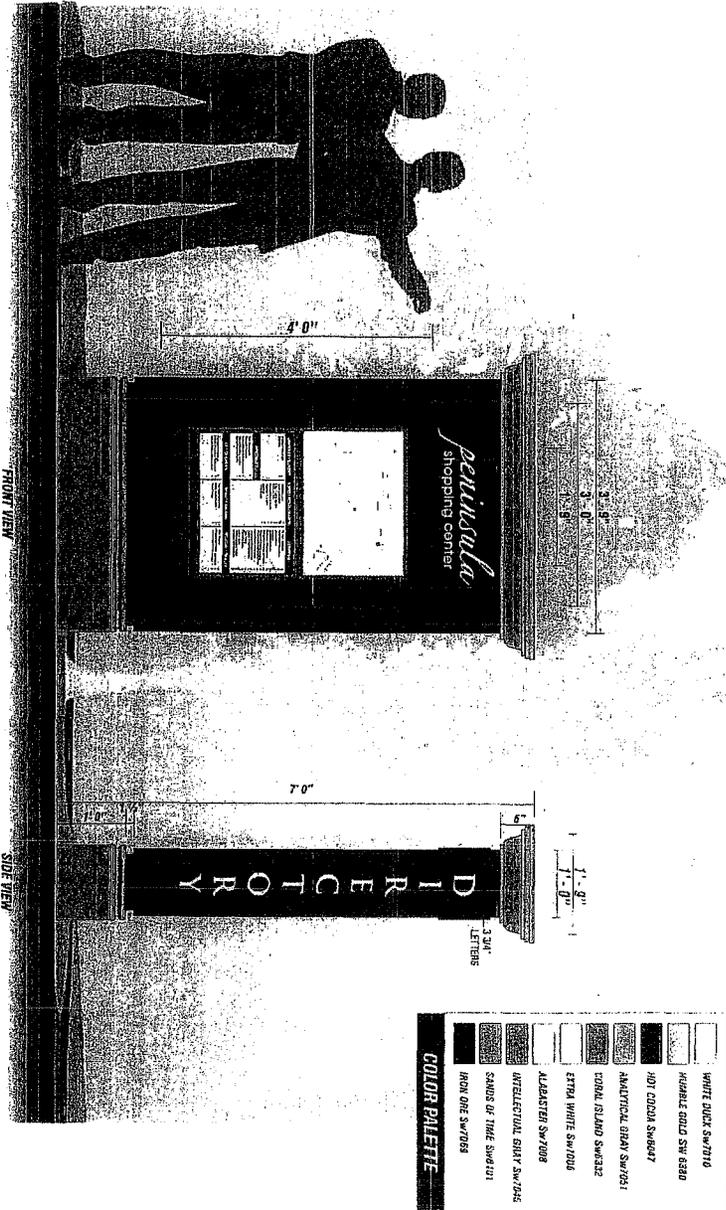
PENINSULA SHOPPING CENTER

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NEW DIE ILLUMINATED DIRECTORY SIGN

SCALE 3/4" = 1'-0"



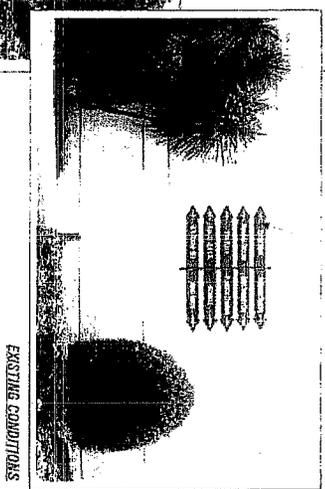
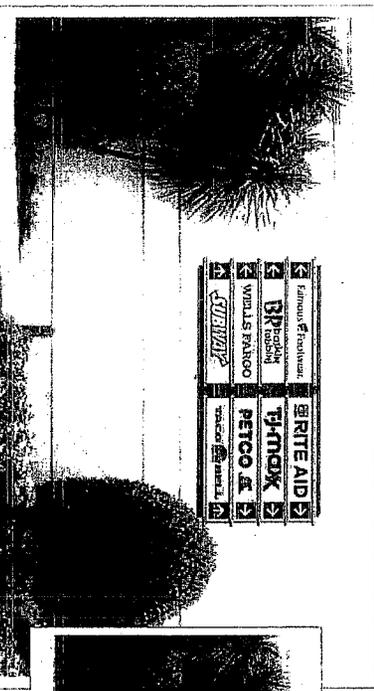
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PENINSULA SHOPPING CENTER

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PROPOSED SIGN LOCATION

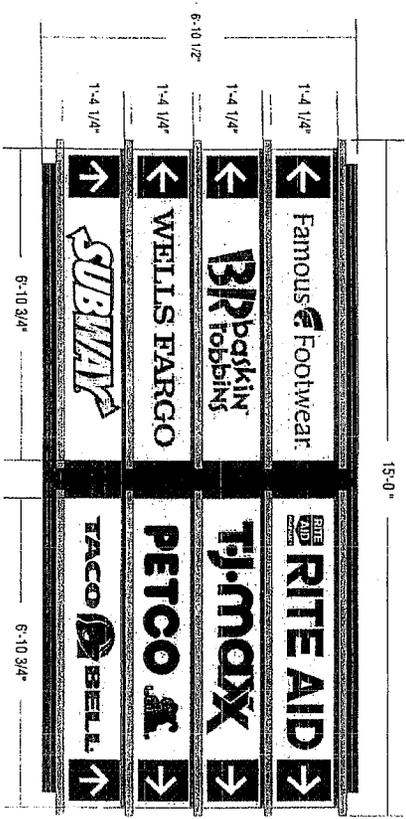
SCALE: NO SCALE



REMOVING EXISTING SIGN

NEW SIE ILLUMINATED WALL DIRECTIONAL SIGN

SCALE 3/4" = 1'-0"



COLOR PALETTE

WHITE BLACK SW7010
MIDNIGHT GOLD SW 5380
HOT CORAL SW607
ANATOLIAN GRAY SW7015
CEBIA ISLAND SW222
EXTRA WHITE SW7008
ALABASTER SW7008
INTELECTUAL GRAY SW7045
SANDS OF TIME SW6101
MOJO DYE SW7085

EXHIBIT A

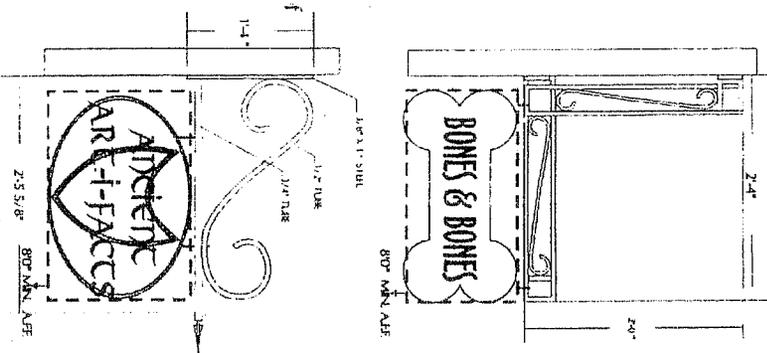
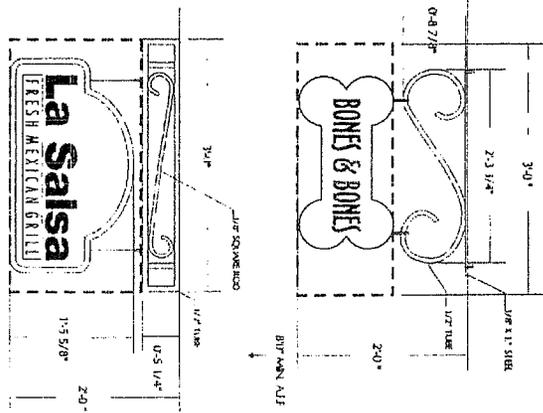
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**BLADE SIGN/
UNDER CANOPY BLADE SIGN**



QUANTITY: ONE (1) BLADE SIGN IS ALLOWED PER STOREFRONT ELEVATION.
 MAXIMUM OF (2) BLADE SIGNS PER TENANT SPACE.
 MATERIALS: BLADE SIGN MATERIALS SHALL BE WOOD, HIGH DENSITY FOAM OR ALUMINUM. BLADE SIGNS WILL CONNECT WITH STEEL RODS OR CHAINS PAINTED BLACK TO EYE BOLTS ON CHOICE OF WROUGHT IRON BRACKETS.
 ILLUMINATION: NO
 COPY: TENANT NAME AND / OR LOGO
 LETTERING MAY BE PAINTED, SILK SCREENED, CARVED, ROUTED OR DIMENSIONAL LETTER
 SIGN AREA: MAXIMUM SIGN AREA 6 SQ. FT.
 COLORS: CUSTOM COLORS OK WITH OWNER'S APPROVAL
 CLEARANCE: MINIMUM CLEARANCE OF 8 FT.
 STYLE: BLADE SIGNS ARE INTENDED TO BE CREATIVE ELEMENTS DESIGNED WITH HANDCRAFTED LOOK.



CITY COUNCIL STAFF REPORT

ATTACHMENT 2

MINUTES

REGULAR PLANNING COMMISSION MEETING

MARCH 31, 2014

7. **BUSINESS ITEMS**

- A. A RESOLUTION OF THE PLANNING COMMISSION (PA-21-13) APPROVING 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. APPLICANT: PENINSULA CENTER; LOCATION: PENINSULA CENTER.

Principal Planner Wetzel gave a brief Staff Report, per the written material, and recommended adoption of the Resolution.

COMMISSIONER SCOTT asked about the bike racks called for at each structure, and Principal Planner Wetzel and Planning Director Wahba advised that the intent is to have racks at key locations and is handled administratively, so the Resolution will be amended to read: "to the satisfaction of the Planning Director".

COMMISSIONER SOUTHWELL brought up the California Business and Professions Code Section 23789, which states that an alcohol license may not be granted to premises located within at least 600 feet of schools. COMMISSIONER SCOTT pointed out that there might be exceptions. Planning Director Wahba advised that any new restaurants would have to go through the California Department of Alcoholic Beverage Control process and suggested that the Resolution be amended to reflect that it shall be either in accordance with Alcoholic Beverage Control or in accordance with that Code section. It was agreed to make it subject to Alcoholic Beverage Control.

COMMISSIONER SCOTT moved, seconded by COMMISSIONER YOO,

TO ADOPT RESOLUTION NO. PA-21-13 APPROVING A MITIGATED NEGATIVE DECLARATION AND THE REMODEL AND EXPANSION OF THE PENINSULA SHOPPING CENTER.

AYES: Scott, Schachter, Southwell, Yoo, Chair Conway
NOES: None
ABSTAIN: None
ABSENT: Medawar, Schmitz

Planning Director Wahba explained the 20-day appeal period.



Staff Report

City of Rolling Hills Estates

AGENDA

MAR 31 2014

ITEM NO. 7A

DATE: MARCH 31, 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 AND DISCUSSION

A public hearing for this project was held on March 17, 2014. The staff report and a minutes excerpt of the meeting are included as Attachment 2. At that meeting, the Planning Commission closed the public hearing and directed staff to prepare a draft Resolution (see Attachment 1) approving the project subject to conditions of approval identified in the staff report, except that:

- Directional Sign "F" was permitted to be larger than 10'3-1/2" wide by 6'8-5/8" high subject to approval of the Planning Director;
- Wall signs for major and sub-major tenants were permitted to be 48" and 36" with 5' and 4'-high logos respectively;
- Revisions to Building 43 with an increased building height of 35' was permitted;
- A single tenant may not be listed on monument signs no more than twice for all street frontages;
- An additional Monument Sign "A" or "B" could be permitted on Indian Peak Road; and
- Additional pedestrian safety measures were requested for the new drive aisle.

The Commission's motion also noted an apparent discrepancy on page 5 of the Master Sign Plan related to 15"-high letters for tower signs while paseo storefront signs were permitted to be 24". The Planning Commission discussed that it would seem tower signs should be permitted to be larger than storefront signs for visibility. Upon further review, staff notes that tower signs, as stated in the staff report and requested by the applicant, are proposed to be 15"-high, but two lines of copy with a 6" gap between lines are permitted. Thus, 36" of overall sign height are

permitted on the towers while 24" of sign height are permitted for paseo storefronts. As such, staff did not include a condition of approval related to this item. Should the Planning Commission wish for further revision to the paseo and tower signs, staff can be directed to revise draft Resolution No. PA-21-13 accordingly.

All items discussed by the Planning Commission have been addressed in the revised project plans and the Master Sign Plan attached to draft Resolution No. 21-13. Conditions of approval from the City Traffic Engineer, including conditions of approval no. 20 and 22 which address pedestrian safety features for the new drive aisle, are also included in the draft Resolution.

RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. PA-21-13 approving a Mitigated Negative Declaration and the remodel and expansion of the Peninsula Shopping Center.

Exhibits

Attached

1. Draft Resolution No. PA-21-13
2. Planning Commission Staff Report and Minutes Excerpt (March 17, 2014)

pa 21-13.pm2