

MEMORANDUM

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS
FROM: CAROLYNN PETRU, AICP, ACTING CITY MANAGER 
DATE: DECEMBER 2, 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:

- An update on recent issues and events related to the Rancho LPG butane storage facility in Los Angeles (San Pedro);
- A report on the proposed 4-unit detached condominium project at 5883 Crest Road in Rolling Hills Estates; and,
- A report on the proposed lot-split at 80 Saddleback Road in Rolling Hills.

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/2014/20141202_BorderIssues_StatusRpt.cfm

DISCUSSION

Current Border Issues

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

Under the Border Issues Status Report at the October 7th City Council meeting, the Council discussed sending a letter to the State Lands Commission (SLC) regarding the

MEMORANDUM: Border Issues Status Report

December 2, 2014

Page 2

Rancho LPG-related item on its October 14th agenda. Mayor Duhovic had prepared a draft letter and, after some Council discussion and revisions, read it into the record of the meeting. It was Staff's understanding of the City Council motion that the letter read into the record would be sent to Staff to then be routed to the Councilmembers for review, but if any Councilmember objected to sending the letter as proposed, the letter would not be sent to the SLC unless it was presented to the Council for formal review as an agenda item at a subsequent, duly-noticed public meeting. An objection to the letter was raised by a Councilmember, so the letter was not sent to the SLC.

On October 14, 2014, the SLC met in Santa Monica (see attached SLC staff report). At the conclusion of its June 19, 2014, review of the revocable permit for the rail spur serving the Rancho LPG facility that had been approved by the Port of Los Angeles, the SLC had asked for additional information regarding the insurance coverage provided for the Rancho LPG facility; the relationship of the owner/operator of the Rancho LPG facility to its parent company, Plains All-American Pipeline, LP (Plains); and the status of the EPA enforcement action initiated by the "show cause" letter of March 14, 2013.

With respect to insurance coverage, Rancho LPG provided a listing of insurance policies totaling \$500 million in liability coverage to cover 3rd-party claims. However, as it had done with our City Council, Rancho LPG refused to provide either the SLC or the State Attorney General with copies of its insurance policies. Rancho LPG legal counsel advised the SLC that it had no authority to review these policies and that their contents were proprietary. Interestingly, however, the Staff report noted that Plains had offered to provide a 3-year parental guarantee agreement in favor of the SLC and the Port of Los Angeles to cover uninsured losses or damages from a "casualty event" at the Rancho LPG facility. Under questioning from the SLC, Rancho LPG legal counsel was unsure if this agreement would cover loss or damage occurring outside the boundary of the Rancho LPG facility, but he seemed to suggest that it might.

With respect to the familial relationship of the Rancho LPG facility to Plains, an abbreviated organizational chart was provided to the SLC. The chart shows several layers of limited partnerships and limited-liability corporations between Rancho LPG and Plains.

Finally, with respect to the EPA's enforcement action, the SLC was updated on the conclusion of the EPA's review and the assessment of the \$260,000 fine earlier this year. The September 10th meeting with EPA and the Department of Homeland Security (DHS) was also discussed. The SLC was advised that the Rancho LPG facility was currently operating on compliance with EPA and DHS regulations.

The SLC received public comments from nearly twenty (20) speakers, mostly local community members opposed to the Rancho LP facility who raised issues and concerns with which the City Council is already familiar. Although representatives of Rancho LPG were present, only their legal counsel spoke (reluctantly) under questioning from the SLC.

MEMORANDUM: Border Issues Status Report

December 2, 2014

Page 3

To Staff's knowledge, there were no representatives of the City or Port of Los Angeles in attendance.

At the conclusion of the hearing, SLC Chair Alan Gordon (representing State Controller John Chiang) acknowledged the concerns of the community regarding the Rancho LPG facility, but noted that the SLC's authority was limited to the segment of the rail spur covered by the revocable permit. He noted that even if the permit were revoked, it was likely that Rancho LPG could and would continue to use the rail spur. At most, the SLC would only be able to send a letter to the Port asking it to consider revoking the permit. However, the SLC did approve a motion to direct its Executive Director to:

- Continue pressing the Port to review its permitting procedures;
- Negotiate with Plains regarding the proposed parental guaranty agreement; and,
- Contact the Los Angeles Mayor's Office and Fire Department regarding the status of City inspections.

If this matter is agendized again in the future for the SLC's review, Staff will advise the City Council of this as far in advance as possible.

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.

New Border Issues

5883 Crest Road Condominium Project, Rolling Hills Estates

In 2004, the City of Rolling Hills Estates granted development entitlements for a small retail/office building on the site of a former gasoline service station and commercial plant nursery at 5883 Crest Road (located at the northeast corner with Highridge Road). At the time, Staff monitored this proposal in the Border Issues Status Report. In the past decade, the property owner has been unsuccessful in developing the approved project.

In July 2013, the Rolling Hills Estates City Council and Planning Commission jointly conducted a "first look" review at a proposal to subdivide this 0.52-acre parcel and allow the development of four (4) residences (i.e., "patio homes"). Staff last reported on this "first look" review in the Weekly Administrative Report of October 9, 2013, when temporary framework "silhouettes" had been erected on the property. The property owner subsequently filed the necessary applications with the City of Rolling Hills Estates for the proposed project, including a General Plan Amendment, Zone Change, Zone Text Amendment, Tentative Parcel Map, Conditional Use Permit, Grading Permit, Neighborhood Compatibility Determination and Minor Deviation.

MEMORANDUM: Border Issues Status Report

December 2, 2014

Page 4

On October 10, 2014, the City received notification that a Mitigated Negative Declaration (MND) has been prepared for the proposed project (see attached Notice of Intent). The complete MND may be reviewed on-line at the following link:

<http://www.ci.rolling-hills-estates.ca.us/Modules/ShowDocument.aspx?documentid=12297>

The public comment period for the MND ended on Monday, November 24, 2014, and a public hearing before the Rolling Hills Estates Planning Commission was scheduled for 7:00 PM on Monday, December 1, 2014. On November 17, 2014, Staff submitted the attached comments on the MND to the City of Rolling Hills Estates. Staff will continue to monitor this project in future Border Issues reports.

80 Saddleback Road Parcel Map, Rolling Hills

As the City Council may recall, in August 2014 Staff was directed not to pursue the acquisition of a 14.63-acre tax-defaulted property in George F Canyon. The Palos Verdes Peninsula Land Conservancy (PVPLC) subsequently filed a timely application with the County to acquire this property. The property was not redeemed by the property owner prior to last month's County tax sale auction, so it is expected that PVPLC will be completing the acquisition of this property from the County for open space purposes.

On November 3, 2014, Staff received a notice from the City of Rolling Hills regarding a proposed lot-split at 80 Saddleback Road. This 7.05-acre property abuts the northwesterly boundary of the George F Canyon parcel. The proposal currently before the City of Rolling Hills is only to subdivide this property in two (2) lots, the previous home on the property having been demolished in 2013. However, it is expected that each resulting lot will eventually be developed with a new, single-family residence. The City of Rolling Hills has prepared a draft Mitigated Negative Declaration (MND) to address the potential environmental effects of the proposed project.

The Rolling Hills Planning Commission opened the public hearing for this proposal on Tuesday, November 18, 2014 (see attached Staff report). The George F Canyon parcel contains coastal sage scrub (CSS) habitat and the creek bed in the bottom of the canyon is identified as a "blue-line stream" on USGS topographic maps. Depending on the placement and configuration of future structures on the new lots, it is possible that fuel modification zones might encroach upon CSS habitat on the George F Canyon parcel in Rancho Palos Verdes. Staff expressed these concerns to the Rolling Hills Planning Commission, and followed up with written comments on November 19, 2014 (see attachments).

Rolling Hills has asked for comments on the MND to be submitted by December 5, 2014, and the Rolling Hills Planning Commission is expected to take final action on the proposal on December 16, 2014. The Rolling Hills Planning Commission meets at 6:30 PM at Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, CA 90274. Staff will continue to monitor this project in future Border Issues reports.

MEMORANDUM: Border Issues Status Report

December 2, 2014

Page 5

Attachments:

- SLC Staff report and attachments (dated 10/14/14)
- E-mails related to the Rancho LPG facility (miscellaneous dates)
- NOI for 5883 Crest Road Condominium project (dated 10/9/14)
- Staff comments on MND for 5883 Crest Road Condominium project (dated 11/17/14)
- RH Planning Commission Staff report (dated 11/18/14)
- Staff comments on MND for 80 Saddleback Road parcel map (dated 11/19/14)

SLC Staff report and attachments

**CALENDAR ITEM
109**

A	70	10/14/14 G 05-04 R. Boggiano K. Colson
S	28, 35	S. Scheiber

**CONSIDER SUPPLEMENTAL INFORMATION INVOLVING AN EXISTING
REVOCABLE PERMIT ISSUED BY THE PORT OF LOS ANGELES TO RANCHO
LPG HOLDINGS LLC FOR USE OF A RAILROAD SPUR LOCATED WITHIN THE
LEGISLATIVE TRUST GRANT TO THE PORT OF LOS ANGELES, IN THE CITY OF
LOS ANGELES, LOS ANGELES COUNTY**

INTRODUCTION:

The purpose of this staff report is to provide an update to the California State Lands Commission (Commission) on supplemental information related to Rancho LPG Holdings LLC (Rancho LPG) that was requested at the June 19, 2014 Commission meeting.

BACKGROUND:

The Commission has the statutory responsibility to oversee the management of public trust lands and assets by legislative grantees who manage these lands, in trust, on behalf of the State. (Pub. Resources Code, § 6301 et seq.; *State of California ex rel. State Lands Commission v. County of Orange* (1982) 134 Cal App. 3d 20, 23).

The City of Los Angeles (City), acting by and through the Port of Los Angeles (Port), is trustee of sovereign tide and submerged lands granted by the Legislature pursuant to Chapter 656, Statutes of 1911 and Chapter 651, Statutes of 1929, and as amended, no minerals reserved to the State.

At the June 19, 2014, meeting, the Commission reviewed a revocable permit for use of a railroad spur issued by Rancho LPG (Calendar Item 91, attached as Exhibit A). The Rancho LPG facility is located on private property and not on land under the Port's jurisdiction; however, the railroad spur at issue is located on land that is held by the Port as an asset of the trust, as shown in Exhibit B.

As detailed in Calendar Item 91, while the Commission has broad discretion and authority to review activities of local trustees, such as the Port, it has limited authority to stop an action or decision by a trustee. Should the Commission find that a trustee is violating the terms of its statutory trust grant or the Public Trust Doctrine, the

CALENDAR ITEM NO. 109 (CONT'D)

Commission's only recourse is to pursue litigation against the trustee or report the violation to the Legislature, as the ultimate trustee of these lands and resources. Additionally, staff concluded that the Port did not violate its statutory trust grant or the common law Public Trust Doctrine by issuing a revocable permit to Rancho LPG for use of the railroad spur.

After hearing public comment, the Commission adopted staff's recommendation to continue to work with the Port of Los Angeles on any issues involving the Rancho LPG revocable permit and requested staff report back to the Commission concerning Rancho LPG's liability insurance, the company's organizational structure, the pending U.S. EPA investigation, and any further issues that may arise as staff continues to monitor the facility.

STAFF ANALYSIS:

The following concerns were discussed during the June 19, 2014 Commission meeting:

Rancho LPG's Liability Insurance Policy

Concerns were raised regarding the amount of liability insurance that was available to the Rancho LPG facility and whether Rancho LPG's parent company, Plains All American Pipeline, L.P. (Plains), had liability insurance that adequately covered its subsidiaries, including Rancho LPG. The Chair of the Commission suggested that the company provide the actual insurance policy to the Attorney General's office for an in camera review so that the State could determine the applicability of the insurance policy to Rancho LPG while ensuring confidentiality.

Staff received a letter from Lockton Companies, LLC stating that Plains carried insurance which totals \$500 million to cover third party claims (Exhibit C). However, Plains stated that they are unwilling to provide for or facilitate the Attorney General's Office review of the actual liability insurance policy.

Staff received an offer from Plains for a parental guaranty agreement with a three year term in favor of the Commission and the Port on behalf of Rancho LPG. The purpose of the agreement is to cover Rancho LPG's casualty losses to the extent of uninsured losses or damages arising in connection with a casualty event at the Rancho LPG facility. Staff is currently evaluating the agreement.

Company Organizational Chart

The Commission also requested an organizational chart of Plains in order to determine the liability for Plains if substantial damage to the Rancho LPG facility were to occur. Rancho LPG is the owner of the LPG storage facility located in Los Angeles, California. Rancho LPG is a subsidiary of Plains, which is a publically traded master limited partnership and headquartered in Houston, Texas.

CALENDAR ITEM NO. 109 (CONT'D)

An abridged organizational chart for Plains has been provided and is attached as Exhibit D.

U.S. Environmental Protection Agency Review

During the June 19, 2014 Commission meeting, a review of the Rancho LPG facility and its compliance with risk management plan regulations was currently underway by the U.S. EPA. The Commissioners requested further information about the investigation as it became available. The following six findings resulted from a regularly scheduled U.S. EPA site inspection in April of 2010:

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

As of July 2014, the U.S. EPA has completed its investigation of the Rancho LPG facility and according to the U.S. EPA Rancho LPG had resolved all outstanding issues. Since the U.S. EPA began its enforcement action, Rancho LPG has invested over \$7 million in plant improvements to bring the facility into compliance with federal environmental laws and to provide additional safety measures. Rancho LPG has addressed its noncompliance with the risk management plan regulations and will pay a civil penalty of \$260,000.

During the investigation, there was a misunderstanding that the U.S. EPA had decided to sue Rancho LPG. This statement was the result of a misinterpretation of a notification letter sent by the U.S. EPA to Rancho LPG. The U.S. EPA often refers to letters of this nature as "show-cause" letters, as they send them with the purpose to give the addressee time to provide information that shows there is no cause to proceed with the allegations. The U.S. EPA sent such a letter to Rancho LPG that stated the above six potential or alleged violations. As with other "show-cause" letters, the U.S. EPA stated that they are prepared to file a complaint but that they are extending to the company an opportunity to advise U.S. EPA of any other information that the company believes should be considered before the filing of such a complaint. Rancho LPG was required to respond and did so prior to the May 15, 2014 deadline. The U.S. EPA never filed a complaint and stated that Rancho LPG had cooperated with them on all issues.

CALENDAR ITEM NO. 109 (CONT'D)

On September 10, 2014, Commission staff attended a public meeting organized by Congressman Henry Waxman's district staff to address concerns raised about the Rancho LPG facility. During the meeting, officials from the Department of Homeland Security and the U.S. EPA provided the public with an overview of federal chemical security and safety programs and attempted to answer questions from the audience. The agencies reiterated that the facility was in compliance with all federal laws and regulations. After the discussion, it was unclear what next steps, if any, would be initiated by Congressman Waxman's office.

OTHER PERTINENT INFORMATION:

1. The Port is a municipal agency and not an agency of the State of California. The Rancho LPG storage facility is not located on Port property granted to the Port by the State Legislature. The railroad spur at issue is located on land the Port purchased with trust revenues in the 1970s. This land is considered after-acquired land that is held as an asset of the trust. The State of California, acting by and through the State Lands Commission, is not in the chain of title for this property. The Commission did not participate in any of the land acquisition decisions, the revocable permit decisions, or any decisions involving the Rancho LPG facility that is located on private property. Based on consultation with the Attorney General's Office, staff believes it very unlikely that the Commission has any direct liability with regards to the Rancho LPG operations.
2. Under the revocable permit for the railroad spur, the Port currently has \$1 million of liability insurance from Rancho and Pacific Harbor Line (PHL) has \$25,000,000 million of liability insurance for the operation of the PHL rail line.
3. As described in Calendar Item 91, because of the relationship between PHL and Rancho LPG, if the Port were to revoke Rancho LPG's permit to use the railroad spur, Rancho LPG would still be able to continue using the PHL rail line to transport LPG through the Port.
4. The staff recommends that the Commission find that the subject staff analysis does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

CALENDAR ITEM NO. **109** (CONT'D)

EXHIBITS:

- A. Calendar Item 91, June 19, 2014 CSLC Meeting
- B. Location and Site Map
- C. July 10, 2014 Lockton Companies, LLC Letter
- D. Plains All American Pipeline Abridged Organizational Chart

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject staff analysis is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Direct Commission staff to continue to work with the Port of Los Angeles on any issues involving the Rancho LPG revocable permit.

EXHIBIT A

**CALENDAR ITEM
91**

A 70

06/19/14

G05-04

S. Scheiber

S 28, 35

K. Colson

REVIEW OF AN EXISTING REVOCABLE PERMIT ISSUED BY THE PORT OF LOS ANGELES TO RANCHO LPG HOLDINGS LLC FOR USE OF A RAILROAD SPUR LOCATED WITHIN THE LEGISLATIVE TRUST GRANT TO THE PORT OF LOS ANGELES, IN THE CITY OF LOS ANGELES, LOS ANGELES COUNTY

INTRODUCTION:

The California State Lands Commission (Commission) has the statutory responsibility to oversee the management of sovereign public trust lands and assets by legislative grantees who manage these lands, in trust, on behalf of the State. (Public Resources Code section 6301 et seq.; *State of California ex rel. State Lands Commission v. County of Orange* (1982) 134 Cal App. 3d 20, 23).

The City of Los Angeles (City), acting by and through the Port of Los Angeles (Port), is trustee of sovereign tide and submerged lands granted by the Legislature pursuant to Chapter 656, Statutes of 1911 and Chapter 651, Statutes of 1929, and as amended, no minerals reserved to the State.

During the public comment portion of the April 23, 2014 regularly scheduled Commission meeting, numerous citizens raised concerns regarding a revocable permit for use of a railroad spur issued by the Port to Rancho LPG Holdings LLC (Rancho LPG). The Rancho LPG facility is located on private property and not on land under the Port's jurisdiction; however, the railroad spur at issue is located on land that is held by the Port as an asset of the trust, as shown in Exhibit A.

Upon hearing the concerns, the Chair of the Commission requested that staff report back to the Commission on the various issues and concerns surrounding the Rancho LPG facility and specifically, the revocable permit issued by the Port to Rancho LPG for use of the railroad spur track.

CALENDAR ITEM NO. 91 (CONT'D)

BACKGROUND:

In 1973, Rancho LPG's predecessor, Petrolane, began to develop a liquefied petroleum gas (LPG) storage facility located on private property on North Gaffey Street in San Pedro. The site has two storage tanks of refrigerated butane with 12.6 million gallons of capacity, approximately 110 feet in height and 175 feet in diameter. Additionally, there are smaller horizontal tanks that store butane and propane, each with a capacity of 60,000 gallons. This facility primarily stores butane, which is a by-product from refining petroleum (crude oil). During the summer months, California Air Resources Board regulations prohibit blending butane into gasoline because of the occurrence of vapor pressure. This regulation results in the need to store the butane until it can be transported to refineries and blended into gasoline in the winter months. Much of the butane that is stored at this facility is transported by pipeline to and from local oil refineries. The butane is also transported by rail and tanker truck.

Although the Port does not own or have any control over the Rancho LPG storage facility, the Port has issued a revocable permit to Rancho LPG for a railroad spur track located at the intersection of Gaffey Street and Westmont Drive, which is property the Port acquired in 1970 from the Watson Land Company.

The Port entered into a permit, Revocable Permit (RP) No. 1212, with Petrolane in 1974 for the construction, operation, and maintenance of the industrial railroad spur track to serve the storage facility. There was an existing track owned by Southern Pacific Railroad (SPR) that ran along Gaffey Street that served other customers in the area. In order to allow Petrolane access to the existing rail system a spur track had to be constructed on Port property.

In 1994, as part of a larger land acquisition with the Port of Long Beach in connection with the Alameda Corridor project, the Port acquired the land underlying the existing track from SPR that runs parallel to Gaffey Street up to the land covered by RP 1212. Therefore, the Port currently owns the land under the entire railroad track that parallels Gaffey Street that serves the Rancho facility. Although Rancho LPG uses the entire track, the only portion currently permitted to Rancho LPG is the original portion of the track within the intersection of Gaffey Street and Westmont Drive.

The spur track, as well as the rail along Gaffey Street, is also under another permit, Permit No. 1989, between the Port and the Pacific Harbor Line (PHL). PHL is the operating railroad that provides rail switching service to customers within and adjacent to the Ports of Long Beach and Los Angeles. Rancho LPG continues to use the rail line along Gaffey Street to transport butane product in tank cars to and from the facility using the rail service provided by PHL. Although the Port could revoke the permit to Rancho LPG, it would be unable to prevent rail service to the Rancho LPG facility, which would continue under Permit 1989. Permit 1989 grants PHL operational and

CALENDAR ITEM NO. 91 (CONT'D)

maintenance responsibilities of the rail facilities in the Port, including the switching of railcars in and around the Port and the ability to operate as a federally recognized common carrier on the track along Gaffey Street that serves the Rancho LPG facility. This includes the section of track that is also the subject of the Rancho LPG permit.

Until 2004, Rancho LPG used the railroad spur and the PHL rail line in addition to transferring LPG through a pipeline to Berth 120 at the Port. Today, Rancho LPG no longer utilizes Berth 120, but it still uses the PHL rail line, which runs through the Port and connects to long haul rail lines.

In 2011, the Port entered into RP No. 10-05, the successor to RP No. 1212, with Rancho LPG. The Port is authorized to terminate RP No. 10-05 upon 30 days' notice, pursuant to paragraph 3 of the RP. However, if the Port would like to eliminate the spur track from Permit No. 1989 with PHL, approval would be required from the Surface Transportation Board (STB), a federal agency. STB discontinuance/abandonment proceedings largely involve questions of a line's economic viability. If the STB finds that there is still economic viability in the use of the line to serve the Rancho LPG facility, it is unlikely that the STB would allow discontinuance or abandonment of the line.

In addition, although termination of RP 10-05 would not terminate rail service to the Rancho LPG facility, the revocation of the permit would result in the loss of: 1) \$1 million in comprehensive general liability and property damage insurance provided by Rancho LPG; 2) indemnification of the Port from any claims resulting from Rancho LPG's operations on the RP No. 10-05 premises; and 3) the loss of \$14,244 in compensation per year generated from the RP 10-05.

Regulatory Oversight:

The Rancho LPG facility is subject to regulation by numerous local, state, and federal agencies, including but not limited to the following:

Federal:

- U.S. Department of Homeland Security
- U.S. Department of Transportation
- U.S. Environmental Protection Agency (U.S. EPA)
- U.S. Defense Logistics Agency
- U.S. Department of Occupational Health and Safety Administration

State:

- California Environmental Protection Agency
- California Emergency Management Agency

CALENDAR ITEM NO. 91 (CONT'D)

- California Department of Toxic Substances Control
- California Department of Industrial Relations, Division of Occupational Safety and Health
- South Coast Air Quality Management District

Local:

- Los Angeles City and County Fire Departments, as the designated Certified Unified Program Agency (CUPA)
- Los Angeles Police Department
- Los Angeles Emergency Management Department
- Los Angeles City Attorney
- City of Los Angeles Bureau of Sanitation Industrial Waste Management Division
- City of Los Angeles Department of City Planning

STAFF ANALYSIS:

The California Legislature, as the representative of the people of California, has primary authority over sovereign public trust lands of the State. That authority includes the ability to make, amend, or repeal statutory grants of trust property to local jurisdictions.

The Legislature transferred general authority to the Commission to manage ungranted trust lands in 1938. Unless otherwise expressly stated in the Constitution or statutes, the common law Public Trust Doctrine mandates the criteria for the Commission's management of trust lands. In carrying out its management responsibilities, the Commission commonly leases trust lands to private and public entities for uses consistent with the Doctrine. Subject to the criteria in the Constitution, statutes and case law, the Commission may also exchange public trust lands for non-trust lands, lift the trust from public trust lands, enter into boundary line agreements, and otherwise generally manage trust property. While much of the authority over the State's public trust lands is vested in the Commission, the Legislature has not delegated the authority to modify uses specifically provided for in a particular trust grant. It is rather the Legislature, exercising its retained powers as the ultimate trustee of sovereign lands, that may enact laws dealing with granted public trust lands and specify uses for particular properties or areas. This may include, in limited circumstances, special legislation allowing some non-trust uses when said uses are not in conflict with trust needs, in order to serve broader public trust purposes.

CALENDAR ITEM NO. 91 (CONT'D)

State Lands Commission Jurisdiction and Authority:

By 1941, the California Legislature vested all jurisdiction over ungranted sovereign lands and certain residual and review authority for sovereign lands legislatively granted in trust to local jurisdictions to the Commission. Public Resources Code section 6301 provides, *inter alia*, "[a]ll jurisdiction and authority remaining in the State as to tidelands and submerged lands as to which grants have been or may be made is vested in the Commission."

In order to promote public trust purposes, the California Legislature has, by statute, conveyed approximately 330,000 acres of public trust lands (often referred to as granted lands), in trust, to cities, counties, and other governmental entities, including the five major ports. There are approximately 70-plus statutory trust grants that operate under more than 300 granting statutes. It is through this method the Legislature seeks to ensure that tidelands are utilized and developed by the local grantee for the benefit of all the people of the state. The local grantee has day-to-day control over operations and management and reaps the benefits such utilization and development directly brings to a local economy. However, the mechanism of a grant-in-trust provides that the state tidelands, as well as all revenues generated, directly or indirectly, by the tidelands are used only for authorized purposes of statewide benefit and as provided by the applicable granting statute.

Thus it was that municipalities, given the land and the power to govern, control, improve and develop the lands in the interests of all of the people of the state, developed the State's major ports. Today the ports are operated and maintained locally, without State involvement in their day-to-day management. However, the State has not, by these statutory trust grants, relinquished all authority over these lands; the State has the reserved authority and the duty to oversee the administration of the granted lands.

The Commission represents the statewide public interest to ensure that the local trustees of public trust lands operate their trust grants in conformance with the California Constitution, granting statutes, and the Public Trust Doctrine. This oversight has ranged from working cooperatively to assist local trustees on issues involving proper trust land use and trust expenditures, to judicial confrontations involving billions of dollars of trust assets, e.g. serving as *amicus curiae* in *Mallon v. City of Long Beach* (1955) 44 Cal.2d 199, 211 and as plaintiff in *State of California ex rel. State Lands Commission v. County of Orange* (1982) 134 Cal.App.3d 20.

The Commission has general oversight authority which may be carried out in a variety of ways; however, the Commission has only limited specific responsibilities that involve the day-to-day management decisions of grantees. In most cases, the Commission staff conducts its oversight by commenting on projects, such as during the CEQA process, or through consultation and advice. In the past the Commission staff has

CALENDAR ITEM NO. 91 (CONT'D)

conducted its oversight through financial and management audits of grantees on a case-by-case basis. Unless the legislative grant provides for specific duties to the Commission, its only remedy to overturn an action taken by a grantee, which the Commission believes is inconsistent with the grantee's trust responsibilities in managing its granted lands, is through litigation. The Commission may also report its concerns relating to trust administration by a local grantee to the Legislature.

In summary, the Commission has the authority to involve itself in issues relating to operations of granted public trust property when it deems appropriate. The Commission's authority includes the power to monitor the administration of the trust grant to ensure compliance with the granting statutes and the Public Trust Doctrine. However, it should be noted that except for statutory provisions specifically involving the Commission, the California Legislature has transferred legal title to its grantees and these grantees have the primary responsibility of administering the trust on a day-to-day basis.

In conclusion, while the Commission has broad discretion and authority to review activities of local trustees, it has limited authority to stop an action or decision by a grantee. Should the Commission find that a trustee is violating the terms its statutory trust grant or the Public Trust Doctrine, the Commission's only recourse is to pursue litigation against the trustee or report these violations to the Legislature, as the ultimate trustee of these lands and resources.

Trust Consistency of a Railroad Spur:

Issues have been raised about the trust consistency of Rancho LPG's revocable permit. The allegations state that the Rancho LPG facility has no connection to the Port because the products imported and exported through the facility no longer have a direct connection to Port operations.

In order to determine trust consistency, one must look at the terms of the Port's statutory trust grant and the common law Public Trust Doctrine. Pursuant to the terms of the Port's statutory trust grant, authorized uses include, but are not limited to, the establishment, improvement, and conduct of harbors, all commercial and industrial uses and purposes, construction, reconstruction, repair, and maintenance of highways, bridges, belt line rail roads and parking facilities, protection of wildlife habitats, and the acquisition of property.

Pursuant to the common law Public Trust Doctrine, uses of public trust lands, whether granted to a local agency, like the Port of Los Angeles, or administered by the State directly, are generally limited to those that are water dependent or related, and include fisheries, commercial navigation, environmental preservation and water related recreation. Public trust uses may include, among others, ports, marinas, docks and

CALENDAR ITEM NO. 91 (CONT'D)

wharves, buoys, hunting, commercial and sport fishing, bathing, swimming, and boating. Public trust lands may also be kept in their natural state or restored and enhanced for habitat, wildlife refuges, scientific study, or open space. Ancillary or incidental uses, which are uses that directly promote trust uses, are directly supportive and necessary for trust uses, or are uses that accommodate the public's enjoyment of trust lands, are also permitted. Examples include facilities to serve waterfront visitors, such as hotels and restaurants, shops, parking lots, and restrooms. Other examples are commercial facilities that must be located on or directly adjacent to the water, such as warehouses, container cargo storage, and facilities for the development, production and distribution of oil and gas. Uses that are generally not permitted on public trust lands are those that are not trust related, do not serve a statewide public purpose, and can be located on non-waterfront property, such as residential and non-maritime related commercial and office uses.

Generally, use of public trust lands for railroad purposes has long been considered a trust consistent use, particularly in a working waterfront/port setting. Railroads are the traditional means by which goods were imported or exported through the Port, and, still today, railroad use is necessary to promote interstate commerce. The PHL is a common carrier and operator of the short track rail lines that primarily serves the Port and port tenants but also serves other nearby clients. The PHL rail line is a trust consistent use because it is used to transport goods throughout the Port.

Temporary uses that do not interfere with trust uses and needs, but support and benefit the trust economically such as short-term leasing of facilities that are vacant and for which no traditional trust needs currently exist (warehouses used for non-maritime commerce) may be determined to be "not inconsistent with trust needs." The Rancho LPG Revocable Permit fits this description of a use not inconsistent with public trust needs.

Furthermore, as a fiduciary of the trust, the Port has a duty to make the trust property productive in furtherance of the purposes of the trust. The Port has continued to permit Rancho LPG to use the railroad spur and, in consideration, has obtained insurance, indemnity, and approximately \$15,000 a year in compensation. In addition, PHL pays a certain amount of money to the Port in consideration of its permit based on its number of clients, which includes Rancho LPG.

The allegations also go to whether Rancho LPG should be allowed to use the railroad spur and/or PHL rail line which are located on Port property. The PHL rail line or the relationship between PHL and Rancho LPG is outside the control of the Port because they are regulated and controlled by federal agencies. It is important to note that if the Port were to revoke Rancho LPG's permit to use the railroad spur, Rancho LPG could still use the PHL rail line to transport LPG through the Port.

CALENDAR ITEM NO. 91 (CONT'D)

In conclusion, staff does not believe that the Port has violated its statutory trust grant or the common law Public Trust Doctrine by issuing a revocable permit to Rancho LPG for use of the railroad spur.

OTHER PERTINENT INFORMATION:

1. Previously, the Port had issued a permit for a 16-inch pipeline from the Rancho LPG facility to Berth 120 where vessels were loaded with butane for export. In March 2004, the Port denied the reissuance of the permit. In July 2004, the berthing rights were terminated. In October 2010, the pipeline permit was terminated. The Rancho LPG facility does not currently have any berthing rights or pipeline permits with the Port.
2. The Port is a municipal agency and not an agency of the State of California. The Rancho LPG storage facility is not located on Port property granted to the Port by the State of California. The railroad spur at issue is located on land the Port purchased with trust revenues in the 1970s. This land is considered after-acquired land that is held as an asset of the trust. The Commission is not in the chain of title for this property. The Commission did not participate in any of the land acquisition decisions, the revocable permit decisions, or any decisions involving the Rancho LPG facility that is located on private property. Based on consultation with the Attorney General's Office, staff believes it very unlikely that the Commission has any direct liability with regards to the Rancho LPG operations.
3. The U.S. EPA calculated the worst-case consequence radius from the main tanks at the Rancho LPG facility to be 0.5 mile based on U.S. EPA's regulatory formula. The calculation factors in the benefit of Rancho's containment basin and the consequence radius would likely be greater without the benefit of this secondary safety feature. In a worst case scenario with the benefit of the secondary safety feature, a 0.5-mile radius from the Rancho LPG facility would extend approximately 0.16 mile at its greatest point onto Port property that includes a Los Angeles Harbor Police Station, an office building for the Yang Ming terminal, two cell towers, and a container storage and truck loading area. It is uncertain what the consequence would be or whether the Port would have to shut down operations as a result of such a "worst-case scenario."

Rancho LPG uses railcars that are approximately 65 feet in length and have the capacity to hold approximately 30,000 gallons of LPG per railcar. When the railcar is loaded at the Rancho LPG facility, it is transported on the track that parallels Gaffey Street and continues on the rail line using

CALENDAR ITEM NO. 91 (CONT'D)

services provided by PHL on the periphery of the Port's property. The PHL permit includes \$10,000,000 in general liability insurance and \$15,000,000 of excess liability insurance for operating the railroad. The insurance held by PHL also includes pollution liability, railroad liability, auto liability, federal employers liability, all risk and earthquake/flood liability coverage. In addition, the individual railroad companies that use the line also have general liability insurance. As mentioned above, Rancho LPG provides \$1 million in comprehensive general liability and property damage insurance and indemnification of the Port from any claims resulting from Rancho LPG's operation on the RP No. 10-05 premises.

4. The Commission is unaware of any regulatory agency that requires the Rancho LPG facility to hold insurance. Commission staff has contacted the U.S. EPA, Department of Toxic Substances Control and the CUPA LA Fire Department. Based on information known to Commission staff, Rancho LPG is current with all of its required permits, approvals, and other required entitlements. It is staff's understanding that the Los Angeles Fire Department, as the designated CUPA, inspects the Rancho LPG facility every three years. The next inspection for the Rancho LPG facility is scheduled for August 2014.
5. Commission staff requested insurance and bond information for the Rancho LPG facility and was informed that insurance and bond information is proprietary.
6. Rancho LPG's predecessor, Petrolane, was unsuccessfully sued on both private and public nuisance theories in a case decided in 1980 (*Don Brown v. Petrolane* (1980) 102 Cal.App.3d 720).
7. As mentioned above, the Port currently has \$1 million of liability insurance from Rancho LGP related to RP No 10-05 and PHL has \$25,000,000 million of liability insurance for the operation of the PHL rail line.
8. The staff recommends that the Commission find that the subject staff analysis does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA)

CALENDAR ITEM NO. 91 (CONT'D)

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBIT:

- A. Location and Site Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

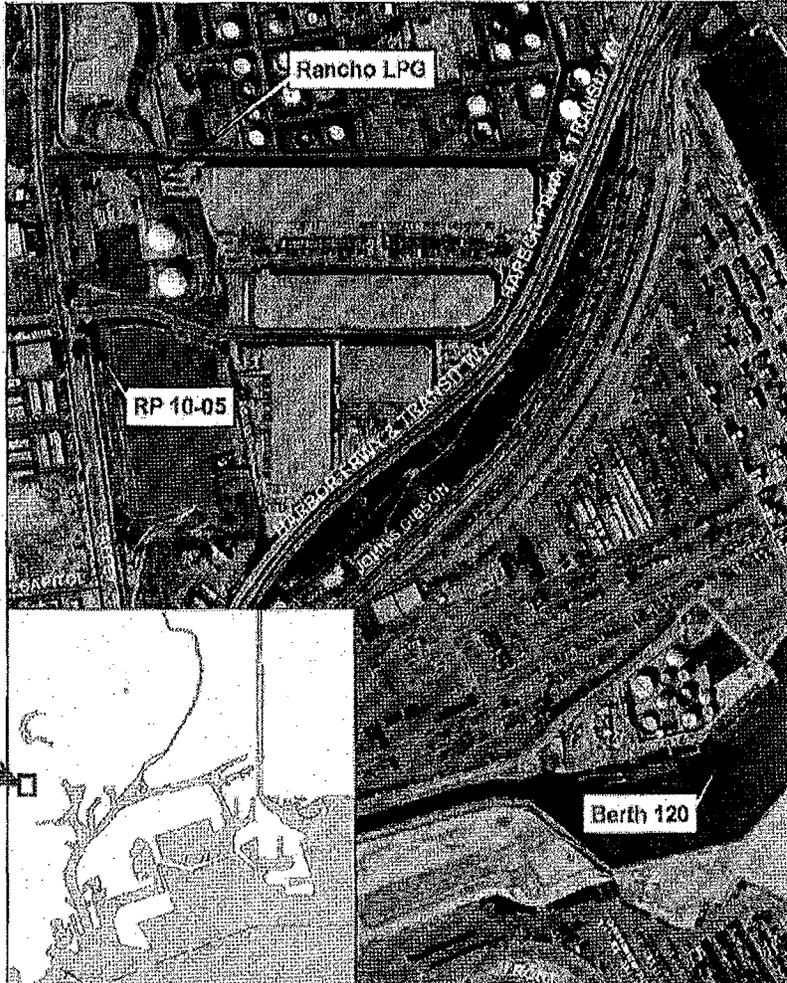
Find that the subject staff analysis is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

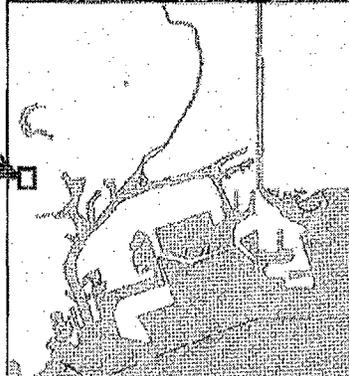
Direct Commission staff to continue to work with the Port of Los Angeles on any issues involving the Rancho LPG revocable permit.

NO SCALE

SITE



SITE



PORT OF LOS ANGELES

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

G 05-04
 CITY OF LOS ANGELES
 RANCHO LPG FACILITY
 LOS ANGELES COUNTY



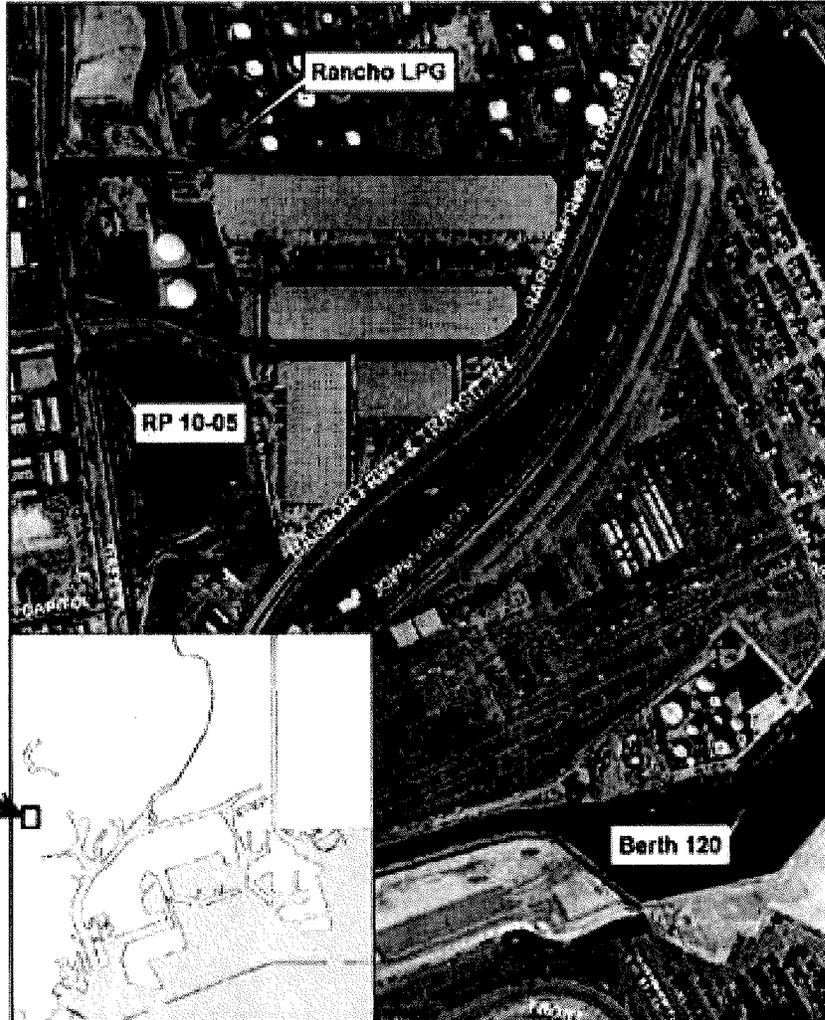
SITE

TS 06/12/14

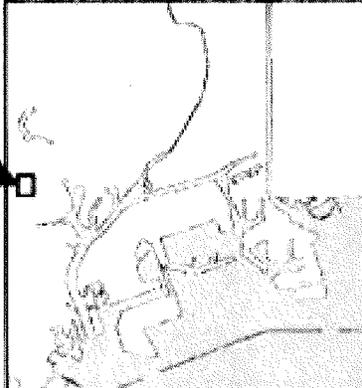
This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

NO SCALE

SITE



SITE →



PORT OF LOS ANGELES

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

G 05-04
 CITY OF LOS ANGELES
 RANCHO LPG FACILITY
 LOS ANGELES COUNTY



13 06/12/04

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.



July 10, 2014

California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202

Dear Sirs:

Please be advised that Plains All American Pipeline, L.P. (PAA) currently carries insurance which totals \$500 million to cover third party claims. A summary of that insurance program is attached. This insurance applies to PAA's principal assets including those held under Rancho LPG Holdings LLC.

Sincerely,

Linda J. Skiles
Sr. Vice President
Lockton Houston Series

Plains All American General Liability Insurance Limit Summary

Effective June 1, 2014 through May 31, 2015 ¹		
Coverage	Carrier	A M Best Rating
\$10MM xs \$1MM ²	Aspen, Lloyds (UK)	A
\$25MM xs \$10MM	Aegis, Lloyds (UK)	A
	Aspen, Lloyds (UK)	A
	Catlin, Lloyds (UK)	A
	Markel (UK)	A
	Hannover (UK)	A+
	Swiss Re (Luxembourg)	A+
	Axis (US)	A+
	\$50MM xs \$35MM	Energy Insurance Mutual (US)
\$15MM xs \$85MM	Oil Casualty Ins. (Bermuda)	A-
\$50MM xs \$100MM	Aegis, Lloyds (UK)	A
	Amlin, Lloyds (UK)	A+
	COF/QBE, Lloyd's (UK)	A
	SCOR (UK)	A
	Lancashire (UK)	A
	Ironshore (UK)	A
	AXIS (U.S.)	A+
	\$50MM xs \$150MM	XL (Bermuda)
\$25MM xs \$200MM	Oil Casualty Ins. (Bermuda)	A-
\$25MM xs \$225MM	Endurance (Bermuda)	A
\$25MM xs \$250MM	Argo (Bermuda)	A
\$50MM xs \$275MM	ACE (Bermuda)	A++
\$75MM xs \$325MM	Iron-Starr (Bermuda)	A ³
	Arch (Bermuda)	A+
	Axis (Bermuda)	A+
	ACE (Bermuda)	A++
\$50MM xs \$400MM	ACE (Bermuda)	A++
\$10MM xs \$450MM	Swiss Re (Luxembourg)	A+
\$40M xs \$460M	AIG (Bermuda)	A

¹ Insurance coverage renews annually.

Existing \$500MM coverage level is representative of historical coverage level.

Terms and coverage level are subject to market availability.

² \$5MM retained limit for pollution claim

³ Joint venture between Ironshore (A) and Starr (A). Iron-Starr is not rated

Plains All American General Liability Insurance Limit Summary

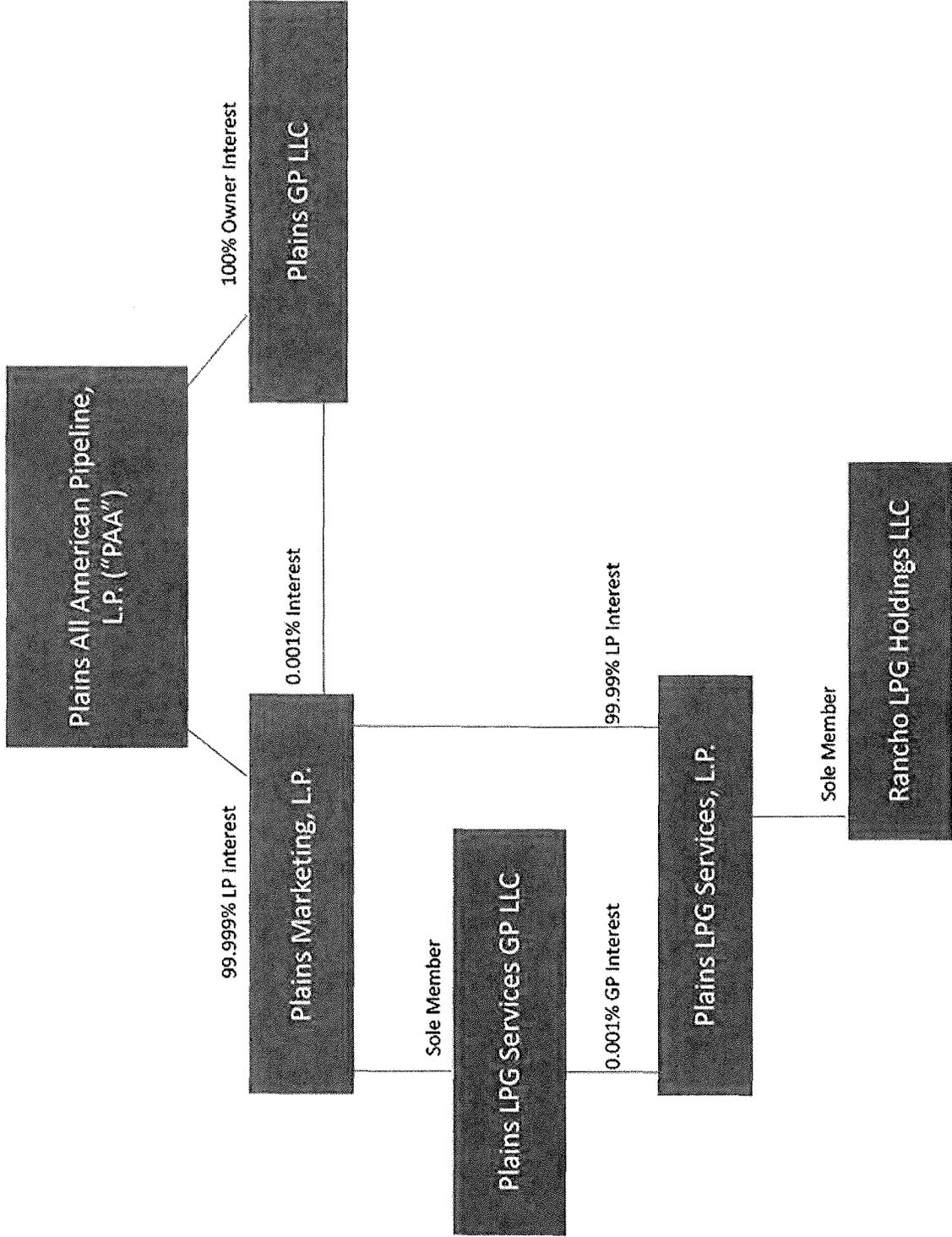
A.M. Best Rating - Credit Rating Correlation

Rank	A. M. Best	Standard & Poor's	Moody's	Fitch
1	A++	AAA	Aaa	AAA
2	A+	AA+	Aa1	AA+
3	A	AA	Aa2	AA
4	A-	AA-	Aa3	AA-
5	B++	A+	A1	A+
6	B+	A	A2	A
7	B	A-	A3	A-
8	B-	BBB+	Baa1	BBB+
9	C++	BBB	Baa2	BBB
10	C+	BBB-	Baa3	BBB-
11	C	BB+	Ba1	BB+
12	C-	BB	Ba2	BB
13	D	BB-	Ba3	BB-
14	E	B+	B1	B+
15	F	B	B2	B
16		B-	B3	B-
17		CCC+	Caa1	CCC+
18		CCC	Caa2	CCC
19		CCC-	Caa3	CCC-
20		CC	Ca	CC
21			C	C

{Source: <http://www.ambest.com/ratings/guide.asp>}

EXHIBIT D

Plains All American Pipeline, L.P. ("PAA") Org. Chart (Short Form)



E-mails related to the Rancho LPG facility

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Sunday, October 12, 2014 6:48 PM
To: noelweiss@ca.rr.com; MrEnvirlaw@sbcglobal.net; amartinez@earthjustice.com; det310@juno.com; marciesmiller@sbcglobal.net; darzavalney@aol.com; rreg55@hotmail.com; burling102@aol.com; igornla@cox.net; pmwarren@cox.net; dlrivera@prodigy.net; mandm8602@att.net; peter.burmeister@att.net; jhwinkler@me.com; diananave@gmail.com; overbid2002@yahoo.com; irene@miraclegirlproductions.org; fxfeeny@aol.com; billharris2275@gmail.com; chateau4us@att.net; hvybags@cox.net; leneebilski@hotmail.com; claudia.r.mcculloch@gmail.com; mattk@forestethics.org; jnm4ej@yahoo.com; billgallegos@cbecal.org; nancy.kalthoff@yahoo.com; radlsmith@cox.net; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; konnica@ca.rr.com; dakotahpat@sbcglobal.net; Kit Fox; johngoya@westoceanmd.com; fmillarfoe@gmail.com; d.pettit@nrdc.org; dpettit@nrdc.org; hanslaetz@gmail.com
Subject: Fwd:IMPORTANT: Sierra Club letters to State Lands Commission and AQMD on Rancho LPG
Attachments: Letter_to_State_Lands_Commission_from_Sierra_Club.pdf;
NOP_Letter_Tesoro_from_SierraClub_to_SCAQMD.pdf



October 11, 2014

California State Lands Commission
CSLC.Commissionmeetings@slc.ca.gov
Agenda Item 109, October 14, 2014 meeting

We appreciate that the State Lands Commission took a closer look at the issue of whether or not a rail spur permit is appropriate for Rancho LPG at 2110 North Gaffey St. in San Pedro and we are encouraged by the staff's recommendation that the SLC continue to work with the Port of Los Angeles on issues involving the revocable permit issued to Rancho LPG.

You should be aware of the increase in crude oil processing going on now and planned for the future* in nearby Carson and Wilmington. This likely means additional production, processing, and transport of byproducts such as propane and butane. While this may be good for the economy in the short term, the long term impacts to Californians are not so good, threatening our goals to reduce reliance on and exposure to dirty fossil fuels. Moreover, the neighborhoods in the vicinity of the processing, storage and transport operations bear much of the burden of the increased risks attendant to such growth. Liability coverage only goes so far to assuage concerns residents have for their health and well-being. Certainly \$14,244 in permit fees is no comfort to residents a few hundred feet from the Rancho LPG storage tanks.

The SLC staff report indicates that Commission staff attended the September 10, 2014 meeting hosted by Congressman Waxman's office at which Department of Homeland Security and EPA staff fielded questions and concerns about the Rancho LPG tanks. At that meeting, EPA staff acknowledged that their regulations may not be adequate to address concerns raised regarding the propane and butane stored at the Gaffey St. site. EPA enforcement staff is limited by the regulations that exist today, notwithstanding that common sense paired with an understanding of the properties of butane make it clear that the passive mitigation measure --an impound basin equivalent in size to the volume of one of the liquid butane storage tanks--would be wholly inadequate to contain a substance that expands in volume 200 fold when exposed to ambient air temperature, and an explosion resulting from the overflowing gas vapor finding an ignition source has the potential to have devastating consequences not only to nearby residents and schools but to the Port of LA. Common sense paired with such understanding of the properties of butane is precisely why the issue has received so much attention from local leaders and no doubt why EPA staff welcomed recommendations for amending regulations to better address environmental hazards of these particular materials.

The Sierra Club has previously indicated its support for relocating the propane and butane tanks from the Gaffey St. location to another location more remote from schools and residences. We reiterate that support. The Commission responsibility to manage State Lands assets to assure that the greatest possible public benefit is derived therefrom should consider the potential costs to the public in relation to the benefits. In this case, the public derives a negligible benefit while bearing a very weighty burden--the risk of loss of property, health, and life.

Sincerely,

/s
Eva Cicoria
Chair, Conservation Committee
Sierra Club Palos Verdes-South Bay Group

/s
Al Sattler
Chair, Executive Committee
Sierra Club Palos Verdes-South Bay Group

*See, e.g., Notice of Preparation of a Draft Environmental Impact Report for Tesoro Refining & Marketing Company, LLC Los Angeles Refinery Integration and Compliance Project, http://www.aqmd.gov/docs/default-source/ceqa/documents/permit-projects/2014/tesoro_nop_is.pdf?sfvrsn=2



SIERRA
CLUB
FOUNDED 1892

Palos Verdes - South Bay Group / Angeles Chapter

October 10, 2014

Michael Krause, Program Supervisor
Planning, Rules and Area Sources SCAQMD
mkrause@aqmd.gov

Re: Notice of Preparation (NOP) of Draft Environmental Impact Report (DEIR) for Tesoro Refining and Marketing Company, LLC (Tesoro), Los Angeles Refinery Integration and Compliance Project (Project)

Dear Mr. Krause,

The Tesoro NOP indicates that, in addition to crude oil operations, both the Carson and Wilmington operations involve receiving, processing and transporting liquid petroleum gas (LPG) by ship, truck and railcar and that the Project will involve very significant modifications to storage, processing and transporting LPGs. In particular, regarding LPGs the Project contemplates:

- modifications to the Carson Operations alkylation unit, to process propylene (more volatile than propane) and butylene, including "installation of a propylene chiller and associated piping and instrumentation";
- increased deliveries of approximately 4,000 BPD of Alkylation Unit feedstocks (LPG including propane, propylene, butane, butylene);
- modification of existing LPG rail facilities at either the Carson or Wilmington Operations to accommodate the increase of LPG handling at the refinery to the tune of approximately 10 railcars per day;
- construction of a new PSTU at the Wilmington Operations to condition liquid propane for sale--up to approximately 2,000 BPD--including eight vessels and four pumps to purify recovered propane; and
- changes in the descriptions of the commodities in tanks from specific liquefied gases, such as propane, to more generic terms such as LPG.

While there is a significant risk of fires, explosions, releases of flammable or toxic materials, or other accidents at the Property or from the processing, storage, transporting, or other handling of petroleum products, in general, the risk is elevated in the case of LPG, resulting in greater potential for injury, lasting health effects, or death to members of the public. LPGs, such as propane and butane, which are stored under pressure and upon tank rupture will vaporize, differ from other petroleum products in that a spill cannot easily be contained. Upon exposure to ambient air temperature, butane, for example, vaporizes and increases in volume 200 times. Being heavier than air, the gas will not dissipate but will travel along the ground, eventually reaching an ignition source and leading to an explosion. Impound basins built to mitigate potential spills are often designed to contain the volume of liquid stored in a tank, but in the case of liquid gas that vaporizes upon exposure to ambient air temperature, increasing 200-fold in volume, an impound basin can be expected to be inadequate mitigation.

In July 2013, explosions at a propane gas plant in Florida underscored the potential dangers to local communities from facilities that store LPG. The Florida plant was relatively small, but the incident there nonetheless critically injured workers and forced an evacuation of the surrounding community.

In addition to identifying what measures will be put in place to ensure safe processing, storage, transport, and other operations relating to petroleum products, in general, at the Property, the DEIR should 1) identify the elevated risks associated with the processing, storage, transport and other operations related to liquid gases such as butane and propane, in particular, and 2) identify and address any and all storage, transport and other operations offsite that are related to the operations at the Property. It is imperative that the DEIR indicate what will be stored, processed, and transported where and what mitigations will be put in place to address the particular properties of the specific stored, processed, and/or transported materials.

Given the relatively close proximity of the Property, and Tesoro's activities related thereto, to residences and schools, greater scrutiny is called for relative to projects where facilities are more remote from residences, schools and other sensitive receptors. It is critical that the DEIR address any storage, transport and processing operations of Tesoro related to the operations on the Property that may not be undertaken strictly within the Property boundaries as well. The DEIR must identify who will be the first responders in the event of upset. Will Tesoro rely on the Fire Department and, if so, is the Fire Department trained to respond to LPG accidents on the Property site and off?

The Project description in the DEIR should identify, separately from other petroleum products, any and all LPG storage facilities, transport routes, and/or operations onsite or off that are related to Tesoro Project operations. The DEIR should differentiate LPGs from other petroleum products given the explosive properties of these gases, describing all aspects of Tesoro's LPG storage facilities, including age, identifying environmental impacts including those related to operational safety and those related to a possible natural factor (earthquake, tsunami, severe environmental conditions, etc.), human error, or equipment failure, or terrorist activity with a view to disclosing the possible hazards to the environment and the public of such impacts. The DEIR should fully disclose liability coverage for any and all LPG storage tanks owned, leased, or otherwise used by Tesoro related to its operations on the Property. The DEIR should present mitigation measures Tesoro may undertake in view of the extreme hazards of each particular LPG product.

The NOP indicates that butane is currently received from rail cars into pressurized tanks for use in the refining process and that the Project would involve increasing the rail cars bringing butane to the Property. The DEIR must address where this butane will be coming from, the route anticipated, and any changes in environmental impacts associated with the increase in butane transport.

If Tesoro is currently storing butane and/or propane at the Rancho LPG facility at 2110 N. Gaffey St. in San Pedro, for example, that raises specific concerns. If that is the case, the DEIR should disclose that there is considerable public concern regarding the safety of that facility and the risk to nearby schools and residences. If that is the case, the DEIR should analyze the relative hazards and risk to human life associated with storing propane and butane at the Gaffey St location versus on the Property, with consideration given to all relevant factors including tank location relative to fault lines, likelihood of terrorist threat, availability of personnel trained to deal with worst case scenarios, and proximity to schools and residences. The DEIR should disclose that the State Lands Commission is currently reviewing the revocable permit issued by the Port of Los Angeles for a segment of the rail spur that serves the Rancho LPG facility. In addition, the DEIR should identify how the propane and butane stored at the Rancho LPG facility would be transported, in the event the rail spur permit is not renewed in the future. If such transport would be by truck on city streets, the hazards of such transport must be addressed. The DEIR should address the impact of the potential loss of offsite LPG storage to Tesoro's operations and the environmental and potential human impacts associated with changes related thereto due to the ultra-hazardous nature of these materials.

Sincerely,

/s
Eva Cicoria
Chair, Conservation Committee
Sierra Club Palos Verdes-South Bay Group

/s
Al Sattler
Chair, Executive Committee
Sierra Club Palos Verdes-South Bay Group

Kit Fox

From: Jesse Marquez <jnm4ej@yahoo.com>
Sent: Tuesday, October 14, 2014 9:29 AM
To: Janet Gunter; noelweiss@ca.rr.com; MrEnvirlaw@sbcglobal.net; amartinez@earthjustice.com; det310@juno.com; marciesmiller@sbcglobal.net; darzavalney@aol.com; rreg55@hotmail.com; burling102@aol.com; igornla@cox.net; pmwarren@cox.net; dlrivera@prodigy.net; mandm8602@att.net; peter.burmeister@att.net; jhwinkler@me.com; diananave@gmail.com; overbid2002@yahoo.com; irene@miraclegirlproductions.org; fxfeeney@aol.com; billharris2275@gmail.com; chateau4us@att.net; hvybags@cox.net; leneebilski@hotmail.com; claudia.r.mcculloch@gmail.com; matk@forestethics.org; billgallegos@cbecal.org; nancy.kalthoff@yahoo.com; radsmith@cox.net; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; konnica@ca.rr.com; dakotahpat@sbcglobal.net; Kit Fox; johngoya@westoceanmd.com; fmillarfoe@gmail.com; d.pettit@nrdc.org; dpettit@nrdc.org; hanslaetz@gmail.com
Cc: Jesse Marquez; Jesse Marquez
Subject: Re: Fwd:IMPORTANT: Sierra Club letters to State Lands Commission and AQMD on Rancho LPG
Attachments: CFASE SLC Rancho LPG Letter 10-10-2014.doc

Janet

Here is the letter that I sent to the SLC.

Jesse

California State Lands Commission
100 Howe Avenue, Ste. 100 South
Sacramento, CA 95825-8202
916-574-1800
916-574-1810 Fax

cslc.comissionmeetings@slc.ca.gov

Re: October 14, 2014 SLC Agenda Item # 109
Su: Request To Deny Authority of the City of Los Angeles Harbor Department/Port of Los Angeles Board of Harbor Commissioners/City of Los Angeles To Continue To Issue Revocable Permits Without Adequate & Periodically Updated Public Safety Conditions & Mitigation Considerations

Dear CSLC:

The Coalition For A Safe Environment (CFASE) on behalf of our San Pedro, Wilmington, Harbor City and Carson Community members and residents wish to submit this request to revoke and suspend the City of Los Angeles Harbor Department – Port of Los Angeles Board of Harbor Commissioners non-elected body authority to issue Revocable Permits i.e. REVOCABLE PERMIT No. 10-05 dated 2-15-2011 & Others which allows a Right-of-Way

Use Permission for Rancho LPG Holdings, LLC to use City of Los Angeles and Port of Los Angeles publicly owned railroad lines and properties.

We believe that the California State Lands Commission does have the authority to:

1. Challenge the adequacy of issued Revocable Permits by a non-elected body.
2. Require upgrades to older facilities which would not meet today's building safety requirements.
3. Require additional land use requirements.
4. Require additional public safety requirements
5. Require additional insurance liability & bonding requirements.
6. Require updated Environmental Impact Report.
7. Enforce the SLC Environmental Justice Policy.

Rancho LPG Holdings, LLC owns two refrigerated 12.6 million gallon gas storage tanks, several smaller above ground storage tanks, underground interconnecting pipelines to local oil refineries, gas tanker truck and tank rail car loading/unloading racks and uses publicly owned rail lines to transport product

- A. This facility is now considered by residents and the public as an extremely dangerous and hazardous gas chemical storage facility that is operating illegally (research verified) and is no longer a compatible land-use near residential communities, public housing, increased residential population, youth sports fields, local small businesses and public transportation streets. Ref: California Air Resources Board and South Coast Air Quality Management District land use guidelines.
- B. It is the belief and opinion of residents that this facility is used by local oil refineries to shift some of the major risk of fire, explosion, disaster and terrorists attacks from their refinery locations.

CFASE and the public has reviewed the September 2010 Amerigas propane LP the former owner of the tank facility "Quantitative Risk Analysis for Amerigas Butane Storage Facility (QRA)" and determined that it is not a comprehensive assessment of all risks. The San Pedro Northwest Neighborhood Council commissioned its own study which also validates the inadequacy and incompleteness of the QRA previously performed.

CFASE has identified the following Quantitative Risk Analysis for Rancho LPG/Amerigas Butane Storage Facility (QRA)" deficiencies:

- a. The study only considered a "worst case scenario" using one storage tank when in fact it should have:
 1. Used the two storage tanks as the "worst case scenario."
 2. Included a cascading and domino worst case scenario with multiple ignition sources such as the seven (7) listed in b.
- b. The study failed to include any other potential "ignition sources." On page 6 it states on (2) No external ignition sources were assumed..., which is unacceptable. We have identified seven (7) other potential and realistic ignition sources:
 1. Ignition by a company or employee vehicle source parked or parking nearby. In the 1960's the Fletcher Oil Refinery fire and explosion in Carson which bordered the City of Los Angeles

Wilmington residential area, killed two employees and burned over 300 residents was caused by employee failure to ground their company truck near fuel storage tanks causing ignition by electrical spark.

2. Ignition by railroad locomotive engine parked or parking nearby or tanker car via a electrical spark.
 3. Ignition by a brush fire adjacent to the gas tank farm facility. In the recent past there was a brush fire along the east side of Gaffey Street across which burned for several hours within 100" of the gas tank farm facility.
 4. Ignition by a small aircraft crashing due to mechanical failure. Occurs numerous times a year in Los Angeles County and Southern California.
 5. Ignition by a disgruntled employee. In 2010 at the Port of Los Angeles a disgruntled truck driver was able to illegally enter the port and was apprehended by Longshoremen dock workers until the police finally arrived.
 6. Ignition by domestic or foreign terrorist. Incidents occur regularly throughout the US.
 7. Ignition by a fire or explosion by the adjacent ConocoPhillips Oil Refinery. Fires, explosions and equipment malfunctions happen every year at this facility.
- c. The Geological Description fails to state if the US Environmental Protection Agency (US EPA) and California Dept. Of Toxics Substances Control (DTSC) certified the remediation and issued a permit. A new geological study have been performed in 1993 upon the sale of the facility to Amerigas and included as part of the EIR and Risk Assessment. Based on the description it does not meet governmental regulatory agency requirements or industry documentation and reporting standards nor current land remediation requirements.
- d. Does not address atmospheric impacts when there is a low inversion layer and its impacts on dispersion patterns.
- e. Does not mention the outdated design and construction of the two gas storage tanks which would not meet today's tank safety design standards nor does it describe the hazards with the current tank design.
- f. Rancho LPG regularly allows the train tanker cars to illegally leave open the roof top hatch to air out VOC's.

We make this request for the following reasons:

1. We cannot find and are not aware of any new or supplemental Environmental Impact Report (EIR) having being prepared for Rancho LPG Holdings, any public hearings being held or EIR certification by the City of Los Angeles or Port of Los Angeles. Therefore there has been no:
 - a. Comprehensive identification or assessment of all environmental impacts at the facility and along the rail transportation corridor.
 - b. Mitigation for all negative air quality, noise, aesthetic, public health, public safety and socio-economic impacts.

Our research has disclosed that the Harbor Department Revocable Permit No. 1212 dated July 1, 1974 and last EIR prepared for this project, property and rail line use was circa 1974 was approved and certified by the City of Los Angeles.

We now charge the City of Los Angeles and the Harbor Department of gross negligence and intentional violation of CEQA in certifying an EIR which did not comply with CEQA in 1974.

We further charge the City of Los Angeles and Harbor Department of again violating CEQA law and the Public Trust Doctrine by entering into a new Revocable Permit No. 10-05 dated 2-15-2011 without a new EIR, without additional public interests protections and without adequate public right-of-way rail line usage compensation.

In addition, new storage tanks were built in later years which also did not have and Environmental Impact Report prepared.

2. We have reviewed the City of Los Angeles and Harbor Department Revocable Permit No. 10-05 dated 2-15-2011 entered into by Rancho LPG Holdings and it does not provide adequate public interests protections, adequate public right-of-way rail line usage compensation and CEQA compliance as described herein.
3. We have reviewed the cannot find and are not aware of a Spill/Release Prevention, Control & Countermeasures Plan, impact & cost assessment study, public hearings being held or plan approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.
4. We cannot find and are not aware of a Hazardous Materials Emergency Response Plan, impact & cost assessment study, public hearings being held or plan approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.
5. We cannot find and are not aware of a Public Emergency Evacuation, Relocation & Assistance Plan, for disaster relief and mitigation, especially since there several youth baseball and recreational sports fields and residential areas near-by, impact & cost assessment study, public hearings being held or plan approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.
6. We cannot find and are not aware of a Public Health Impact Assessment (HIA), cost assessment study, public hearings being held or HIA approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.
7. We cannot find and are not aware of a Public Health Care Resources Plan, impact, needs & cost assessment study, public hearings being held or plan approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.
8. We cannot find and are not aware of a Public Utilities Impact Emergency Response Plan, impact & cost assessment study, public hearings being held or plan approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.
9. We cannot find and are not aware of a Public Transportation Infrastructure Impact Emergency Response Plan, impact & cost assessment study, public hearings being held or plan approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.
10. We cannot find and are not aware of a Public Liability Insurance Requirement, impact & cost assessment study, public hearings being held or insurance approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.

11. We cannot find and are not aware of a Public Socio-Economic Impact Assessment, public hearings being held or plan approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.
12. We cannot find and are not aware of an Environmental Justice Community Impact Assessment, mitigation plan, public hearings being held, assessment study or plan approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.
13. We cannot find and are not aware of a Right-of-Way Maintenance Plan for vegetation and vector control, the use of non-toxic herbicides, impact & cost assessment study, public hearings being held or plan approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.

We request the following:

1. SLC revoke and suspend the City of Los Angeles Harbor Department – Port of Los Angeles Board of Harbor Commissioners non-elected body authority to issue Revocable Permits which allows a Right-of-Way Use Permission for Rancho LPG Holdings, LLC to use City of Los Angeles and Port of Los Angeles publicly owned railroad lines and properties.
 2. Require upgrades to older facilities which would not meet today's building safety requirements.
 3. Require current & additional land use requirements.
 4. Require current & additional public safety requirements
 5. Require current & additional insurance liability & bonding requirements.
 6. Require updated Environmental Impact Report.
 7. Enforce the SLC Environmental Justice Policy.

We request that the CEQA EIR and a new Revocable Permit be prepared that addresses the issues, inadequacies, omissions, errors of the prior EIR, prior Revocable Permits and regularly renewed Revocable Permit.

Respectfully Submitted,

Jesse N. Marquez
Executive Director
jnm4ej@yahoo.com
310-704-1265

On Sunday, October 12, 2014 6:48 PM, Janet Gunter <arriane5@aol.com> wrote:



Coalition For A Safe Environment

1601 N. Wilmington Blvd. Ste. B, Wilmington, California 90744
310-704-1265

October 10, 2014

California State Lands Commission
100 Howe Avenue, Ste. 100 South
Sacramento, CA 95825-8202
916-574-1800
916-574-1810 Fax

cslc.comissionmeetings@slc.ca.gov

Re: October 14, 2014 SLC Agenda Item # 109
Su: Request To Deny Authority of the City of Los Angeles Harbor Department/Port of Los Angeles Board of Harbor Commissioners/City of Los Angeles To Continue To Issue Revocable Permits Without Adequate & Periodically Updated Public Safety Conditions & Mitigation Considerations

Dear CSLC:

The Coalition For A Safe Environment (CFASE) on behalf of our San Pedro, Wilmington, Harbor City and Carson Community members and residents wish to submit this request to revoke and suspend the City of Los Angeles Harbor Department – Port of Los Angeles Board of Harbor Commissioners non-elected body authority to issue Revocable Permits i.e. REVOCABLE PERMIT No. 10-05 dated 2-15-2011 & Others which allows a Right-of-Way Use Permission for Rancho LPG Holdings, LLC to use City of Los Angeles and Port of Los Angeles publicly owned railroad lines and properties.

We believe that the California State Lands Commission does have the authority to:

1. Challenge the adequacy of issued Revocable Permits by a non-elected body.
2. Require upgrades to older facilities which would not meet today's building safety requirements.
3. Require additional land use requirements.
4. Require additional public safety requirements
5. Require additional insurance liability & bonding requirements.
6. Require updated Environmental Impact Report.
7. Enforce the SLC Environmental Justice Policy.

Rancho LPG Holdings, LLC owns two refrigerated 12.6 million gallon gas storage tanks, several smaller above ground storage tanks, underground interconnecting pipelines to local oil refineries, gas tanker truck and tank rail car loading/unloading racks and uses publicly owned rail lines to transport product

- A. This facility is now considered by residents and the public as an extremely dangerous and hazardous gas chemical storage facility that is operating illegally (research verified) and is no

longer a compatible land-use near residential communities, public housing, increased residential population, youth sports fields, local small businesses and public transportation streets. Ref: California Air Resources Board and South Coast Air Quality Management District land use guidelines.

- B. It is the belief and opinion of residents that this facility is used by local oil refineries to shift some of the major risk of fire, explosion, disaster and terrorists attacks from their refinery locations.

CFASE and the public has reviewed the September 2010 Amerigas propane LP the former owner of the tank facility "Quantitative Risk Analysis for Amerigas Butane Storage Facility (QRA)" and determined that it is not a comprehensive assessment of all risks. The San Pedro Northwest Neighborhood Council commissioned its own study which also validates the inadequacy and incompleteness of the QRA previously performed.

CFASE has identified the following Quantitative Risk Analysis for Rancho LPG/Amerigas Butane Storage Facility (QRA)" deficiencies:

- a. The study only considered a "worst case scenario" using one storage tank when in fact it should have:
 1. Used the two storage tanks as the "worst case scenario."
 2. Included a cascading and domino worst case scenario with multiple ignition sources such as the seven (7) listed in b.
- b. The study failed to include any other potential "ignition sources." On page 6 it states on (2) No external ignition sources were assumed..., which is unacceptable. We have identified seven (7) other potential and realistic ignition sources:
 1. Ignition by a company or employee vehicle source parked or parking nearby. In the 1960's the Fletcher Oil Refinery fire and explosion in Carson which bordered the City of Los Angeles Wilmington residential area, killed two employees and burned over 300 residents was caused by employee failure to ground their company truck near fuel storage tanks causing ignition by electrical spark.
 2. Ignition by railroad locomotive engine parked or parking nearby or tanker car via a electrical spark.
 3. Ignition by a brush fire adjacent to the gas tank farm facility. In the recent past there was a brush fire along the east side of Gaffey Street across which burned for several hours within 100" of the gas tank farm facility.
 4. Ignition by a small aircraft crashing due to mechanical failure. Occurs numerous times a year in Los Angeles County and Southern California.
 5. Ignition by a disgruntled employee. In 2010 at the Port of Los Angeles a disgruntled truck driver was able to illegally enter the port and was apprehended by Longshoremen dock workers until the police finally arrived.
 6. Ignition by domestic or foreign terrorist. Incidents occur regularly throughout the US.
 7. Ignition by a fire or explosion by the adjacent ConocoPhillips Oil Refinery. Fires, explosions and equipment malfunctions happen every year at this facility.

- c. The Geological Description fails to state if the US Environmental Protection Agency (US EPA) and California Dept. Of Toxics Substances Control (DTSC) certified the remediation and issued a permit. A new geological study have been performed in 1993 upon the sale of the facility to Amerigas and included as part of the EIR and Risk Assessment. Based on the description it does not meet governmental regulatory agency requirements or industry documentation and reporting standards nor current land remediation requirements.
- d. Does not address atmospheric impacts when there is a low inversion layer and its impacts on dispersion patterns.
- e. Does not mention the outdated design and construction of the two gas storage tanks which would not meet today's tank safety design standards nor does it describe the hazards with the current tank design.
- f. Rancho LPG regularly allows the train tanker cars to illegally leave open the roof top hatch to air out VOC's.

We make this request for the following reasons:

1. We cannot find and are not aware of any new or supplemental Environmental Impact Report (EIR) having being prepared for Rancho LPG Holdings, any public hearings being held or EIR certification by the City of Los Angeles or Port of Los Angeles. Therefore there has been no:
 - a. Comprehensive identification or assessment of all environmental impacts at the facility and along the rail transportation corridor.
 - b. Mitigation for all negative air quality, noise, aesthetic, public health, public safety and socio-economic impacts.

Our research has disclosed that the Harbor Department Revocable Permit No. 1212 dated July 1, 1974 and last EIR prepared for this project, property and rail line use was circa 1974 was approved and certified by the City of Los Angeles.

We now charge the City of Los Angeles and the Harbor Department of gross negligence and intentional violation of CEQA in certifying an EIR which did not comply with CEQA in 1974.

We further charge the City of Los Angeles and Harbor Department of again violating CEQA law and the Public Trust Doctrine by entering into a new Revocable Permit No. 10-05 dated 2-15-2011 without a new EIR, without additional public interests protections and without adequate public right-of-way rail line usage compensation.

In addition, new storage tanks were built in later years which also did not have and Environmental Impact Report prepared.

2. We have reviewed the City of Los Angeles and Harbor Department Revocable Permit No. 10-05 dated 2-15-2011 entered into by Rancho LPG Holdings and it does not provide adequate public interests protections, adequate public right-of-way rail line usage compensation and CEQA compliance as described herein.

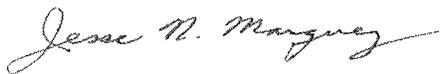
3. We have reviewed the cannot find and are not aware of a Spill/Release Prevention, Control & Countermeasures Plan, impact & cost assessment study, public hearings being held or plan approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.
4. We cannot find and are not aware of a Hazardous Materials Emergency Response Plan, impact & cost assessment study, public hearings being held or plan approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.
5. We cannot find and are not aware of a Public Emergency Evacuation, Relocation & Assistance Plan, for disaster relief and mitigation, especially since there several youth baseball and recreational sports fields and residential areas near-by, impact & cost assessment study, public hearings being held or plan approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.
6. We cannot find and are not aware of a Public Health Impact Assessment (HIA), cost assessment study, public hearings being held or HIA approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.
7. We cannot find and are not aware of a Public Health Care Resources Plan, impact, needs & cost assessment study, public hearings being held or plan approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.
8. We cannot find and are not aware of a Public Utilities Impact Emergency Response Plan, impact & cost assessment study, public hearings being held or plan approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.
9. We cannot find and are not aware of a Public Transportation Infrastructure Impact Emergency Response Plan, impact & cost assessment study, public hearings being held or plan approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.
10. We cannot find and are not aware of a Public Liability Insurance Requirement, impact & cost assessment study, public hearings being held or insurance approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.
11. We cannot find and are not aware of a Public Socio-Economic Impact Assessment, public hearings being held or plan approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.
12. We cannot find and are not aware of an Environmental Justice Community Impact Assessment, mitigation plan, public hearings being held, assessment study or plan approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.
13. We cannot find and are not aware of a Right-of-Way Maintenance Plan for vegetation and vector control, the use of non-toxic herbicides, impact & cost assessment study, public hearings being held or plan approval for Rancho LPG Holdings by the City of Los Angeles or Port of Los Angeles.

We request the following:

1. SLC revoke and suspend the City of Los Angeles Harbor Department – Port of Los Angeles Board of Harbor Commissioners non-elected body authority to issue Revocable Permits which allows a Right-of-Way Use Permission for Rancho LPG Holdings, LLC to use City of Los Angeles and Port of Los Angeles publicly owned railroad lines and properties.
2. Require upgrades to older facilities which would not meet today's building safety requirements.
3. Require current & additional land use requirements.
4. Require current & additional public safety requirements
5. Require current & additional insurance liability & bonding requirements.
6. Require updated Environmental Impact Report.
7. Enforce the SLC Environmental Justice Policy.

We request that the CEQA EIR and a new Revocable Permit be prepared that addresses the issues, inadequacies, omissions, errors of the prior EIR, prior Revocable Permits and regularly renewed Revocable Permit.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Jesse N. Marquez".

Jesse N. Marquez
Executive Director
jnm4ej@yahoo.com
310-704-1265

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Wednesday, October 15, 2014 10:16 PM
To: noelweiss@ca.rr.com; amartinez@earthjustice.com; MrEnvirlaw@sbcglobal.net; det310@juno.com; connie@rutter.us; marciesmiller@sbcglobal.net; igornla@cox.net; dwgkaw@hotmail.com; chateau4us@att.net; darzavalney@aol.com; hvybags@cox.net; rreg55@hotmail.com; diananave@gmail.com; overbid2002@yahoo.com; burling102@aol.com; pmwarren@cox.net; johngoya@westoceanmd.com; Kit Fox; mandm8602@att.net; peter.burmeister@att.net; dlrivera@prodigy.net; owsqueen@yahoo.com; lljonesin33@yahoo.com; billharris2275@gmail.com; irene@miraclegirlproductions.org; fxfeeny@aol.com; joethedoor@sbcglobal.net; carl.southwell@gmail.com; fbmjet@aol.com; lpryor@usc.edu; rgb251@berkeley.edu; cicoriae@aol.com; alsattler@igc.org; mattk@forestethics.org; jnm4ej@yahoo.com; jhwinkler@me.com; bonbon90731@gmail.com; jody.james@sbcglobal.net
Cc: jwilliamgibson@ca.rr.com; bdellinger@the-tidings.com; jennifer.lucchesi@slc.ca.gov; helmlinger.andrew@epa.gov; wesling.mary@epamail.epa.gov; lara.larramendi@mail.house.gov
Subject: Another slap on the wrist for Rancho operators "Plains Midstream Canada" for their major Canadian oil spill

Typical...and horrifying about our system as well as Canada's. Let them operate....no worries.

http://www.huffingtonpost.ca/ecojustice/weak-laws-and-enforcement_b_5482455.html

iOS app (<http://itunes.apple.com/ca/app/the-huffington-post/id306621789?mt=8>)

Log in | Create Account



November 17, 2014

(<http://www.huffingtonpost.ca/canada-alberta>)

Edition: CA ▾ Region: AB ▾ Log In Follow Newsletters Huffington Post Search

FRONT PAGE (HTTP://WWW.HUFFINGTONPOST.CA) POLITICS (HTTP://WWW.HUFFINGTONPOST.CA/POLITICS/) BUSINESS (HTTP://WWW.HUFFINGTONPOST.CA/BUSINESS/) WORLDPOST (HTTP://WWW.HUFFINGTONPOST.CA/WORLDPOST/)

- Alberta Business (http://www.huffingtonpost.ca/news/alberta-business) · Alison Redford (http://www.huffingtonpost.ca/news/alison-redford) · Calgary (http://www.huffingtonpost.ca/news/calgary) · Edmonton (http://www.huffingtonpost.ca/news/edmonton)



WATCH: Alberta Fishermen Make Once-in-A-Lifetime Discovery (http://www.huffingtonpost.ca/2014/11/12/alberta-fishermen-fossil_n_6147076.html)



Alberta's Wildrose Backtracks On Equal Rights Statement (http://www.huffingtonpost.ca/2014/11/16/alberta-wildrose-equal-rights_n_6165056.html)



Toll Roads In Alberta Just Got A Major Push (http://www.huffingtonpost.ca/2014/11/16/alberta-toll-roads_n_6166254.html)



It T Its aer vid

Featuring fresh takes and real-time analysis from HuffPost's signature lineup of contributors



Ecojustice (/ecojustice/) Become a fan (users/becomeFan.php?of=hp_blogger_Ecojustice) Using the law to protect Canada's environment

(usestgr/twiter.com/@ecojustice_ca)

Plains Midstream Settlement Shows Lack Of Pipeline Accountability

Posted: 06/13/2014 4:00 pm EDT | Updated: 08/13/2014 5:59 am EDT

Log In (javascript:void(0)) 71 Share

14

Last week, just days after regulators laid federal and provincial charges against pipeline operator Plains Midstream Canada, the company pleaded guilty

and agreed to pay just over a million dollars in environmental fines for its role in two of the most notorious oil spills in Alberta's recent history.

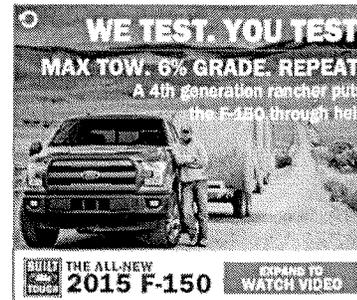
While we're pleased that federal and provincial regulators finally took action and laid charges (http://www.ecojustice.ca/blog/anyone-home), the size and nature of the settlement is somewhat disconcerting. It raises a number of questions and once again sheds light on the major weaknesses in Canada's environmental law and enforcement framework.

In April 2011, 4.5 million litres of oil spilled from Plains' 46-year-old Rainbow pipeline near Zama, Alberta. Just over a year later, 475,000 litres of sour crude were leaked from Plains' Rangeland pipeline into the Red Deer River near Sundre. Following the spills, Alberta Energy Regulator (AER) investigators reviewed both incidents and found it was likely that Plains' failure to implement proper practices had either caused or contributed to the size of the release (http://www.aer.ca/documents/reports/TR_20130226-PlainsMidstream.pdf).

Alberta Environment announced in April 2013 that it was bringing three separate charges against Plains for the 2011 Rainbow spill. Similarly, in late May 2014, the AER brought two charges against Plains for the 2012 Rangeland spill.

Just days after the Rangeland charges were brought it was announced that both

ADVERTISEMENT



MOST POPULAR

Alberta's Wildrose Backtracks On Equal Rights Statement

(http://www.huffingtonpost.ca/2014/11/16/alberta-wildrose-equal-rights_n_6165056.html?utm_hp_ref=mostpopular&ir=Canada+Alberta)



(http://www.huffingtonpost.ca/2014/11/16/alberta-wildrose-equal-rights_n_6165056.html?utm_hp_ref=mostpopular&ir=Canada+Alberta)

Not Too Happy With The Media

(http://www.huffingtonpost.ca/2014/11/14/danielle-smith-wildrose-quit_n_6162472.html?utm_hp_ref=mostpopular&ir=Canada+Alberta)

matters had been settled: Plains would avoid two potentially lengthy trials and pleaded guilty to three of the five charges.

In the aftermath of the Rangeland spill, then-Premier Alison Redford stated that the Regulators would take whatever steps necessary prevent similar events in the future. With Plains' regulatory liability from both matters now finalized, one has to wonder whether the Regulator's actions have ensured proper accountability and why further charges with more and stiffer penalties were not pursued.

It took provincial prosecutors just shy of two years to lay charges on both spills despite the fact that the Regulator had already concluded that Plains was at least partially responsible. On the basis of the conclusions in the Regulator's own reports, it would have been reasonable to bring a number of charges under various environmental statutes. However, only charges relating to Plains' actions after the spill -- particularly failing to inform regulators and mitigate damage -- were laid.

Because the matter was settled without a trial, details of the spills -- including the full extent of the environmental damage -- will likely never be made public.

In the settlement, Plains agreed to pay \$850,000 for failing to report and mitigate or remedy the Rangeland spill under the *Fisheries Act* and Alberta's *Environment Protection and Enhancement Act* (EPEA). It was charged another \$450,000 under the EPEA for failing to remedy or confine the effects of the Rainbow spill. The settlement will see Plains responsible for roughly 10 cents for every litre spilled from the Rainbow pipeline.

This lack of transparency is problematic and is another example of how weak regulatory oversight (<http://www.ecojustice.ca/publications/oilsands-pollution-and-the-athabasca-river#.U4-kzfldWoI>) has the effect of shielding the oil and gas industry from public scrutiny. These actions don't occur in a vacuum and are a part of an alarming trend.

As we reported in "Getting Tough on Environment Crime?" (<http://www.ecojustice.ca/publications/reports/getting-tough-on-environmental-crime/attachment1>), Canada has a surprisingly weak record when it comes to enforcing its own environmental laws. Our research indicates that since 2005-06, the number of investigations, prosecutions, and convictions under federal environmental laws has been on a steady decline.

For example, each year there are only about 20 convictions under the *Canadian Environmental Protection Act* (CEPA), one of Canada's most important pollution laws. Put it this way: According to our research, it took Environment Canada more than 20 years to collect \$2.4-million in fines under CEPA. The Toronto Public Library collected \$2.6-million in fines for overdue books in 2009 alone.

While they are just one of the tools available to regulators, fines are crucially important as they are the ultimate deterrent to polluters. Weak enforcement, coupled with substantially weakened environmental laws (<https://www.ecojustice.ca/blog/weaker-environment-laws-means-a-weaker-canada>), have created a climate in which financial regulatory repercussions for polluters are rare.

With major pipeline projects like Enbridge's Northern Gateway and Kinder Morgan's Trans Mountain expansion moving their way through the review process, the public is now more aware than ever of the dangers of these risky projects. If Plains can get away with a slap on the wrist for two large oil spills, does this mean Canadians should expect the same light treatment in the event of a Northern Gateway or Trans Mountain pipeline break?

Canadians deserve assurances that environmental offenders will be held to full account when they are responsible for causing harm to our air, water, and land. And those assurances need to be backed up by meaningful action.

This piece was written by Ecojustice staff lawyer Fraser Thomson. Ecojustice is one of Canada's leading charities using the law to protect and restore Canada's environment. Learn more at [ecojustice.ca](http://www.ecojustice.ca) (<http://www.ecojustice.ca>).

Follow Ecojustice on Twitter: www.twitter.com/@ecojustice_ca (http://www.twitter.com/@ecojustice_ca)

MORE: [Environmental Laws](#), [Alberta Energy Regulator](#), [Enbridge](#), [Alberta](#), [Pipelines](#), [Environmental Enforcement](#), [Kinder Morgan Pipeline](#), [Ecojustice](#), [Plains Midstream Canada](#)



(http://www.huffingtonpost.ca/2014/11/14/danielle-smith-wildrose-quit_n_672472.html?utm_hp_ref=mostpopular&ir=Canada+Alberta)

WATCH: Alberta Fishermen Make Once-In-A-Lifetime Discovery

(http://www.huffingtonpost.ca/2014/11/12/alberta-fishermen-fossil_n_6147076.html?utm_hp_ref=mostpopular&ir=Canada+Alberta)



(http://www.huffingtonpost.ca/2014/11/12/alberta-fishermen-fossil_n_6147076.html?utm_hp_ref=mostpopular&ir=Canada+Alberta)

Toll Roads In Alberta Just Got A Major Push

(http://www.huffingtonpost.ca/2014/11/16/alberta-toll-roads_n_6166254.html?utm_hp_ref=mostpopular&ir=Canada+Alberta)



(http://www.huffingtonpost.ca/2014/11/16/alberta-toll-roads_n_6166254.html?utm_hp_ref=mostpopular&ir=Canada+Alberta)

It Takes A Drone To Show Alberta At Its Rugged, Natural Best

(http://www.huffingtonpost.ca/2014/11/3/blackbird-aerials-alberta-drone-video_n_6152394.html?utm_hp_ref=mostpopular&ir=Canada+Alberta)



(http://www.huffingtonpost.ca/2014/11/3/blackbird-aerials-alberta-drone-video_n_6152394.html?utm_hp_ref=mostpopular&ir=Canada+Alberta)

Could Alberta's Oil Boom Be Coming To An End?

(http://www.huffingtonpost.ca/2014/11/12/albertas-oil-boom_n_6145202.html?utm_hp_ref=mostpopular&ir=Canada+Alberta)



(http://www.huffingtonpost.ca/2014/11/12/albertas-oil-boom_n_6145202.html?utm_hp_ref=mostpopular&ir=Canada+Alberta)

Brothers Charged After Horrific Abduction, Sex Assault Of Teen

(http://www.huffingtonpost.ca/2014/11/17/calgary-brothers-sexual-assault-bus-stop_n_6171920.html?utm_hp_ref=mostpopular&ir=Canada+Alberta)



(http://www.huffingtonpost.ca/2014/11/17/calgary-brothers-sexual-assault-bus-stop_n_6171920.html?utm_hp_ref=mostpopular&ir=Canada+Alberta)

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Tuesday, October 28, 2014 10:45 AM
To: malave.maria@epa.gov
Cc: noelweiss@ca.rr.com; MrEnvirlaw@sbcglobal.net; amartinez@earthjustice.org; jreynolds@nrdc.org; agordon@sco.ca.gov; don.holmstrom@csb.gov; dan.tillema@csb.gov; Rafael.Moure-Eraso@csb.gov; carl.southwell@gmail.com; rgb251@berkeley.edu; lpryor@usc.edu; fmillarva@gmail.com; Kit Fox; commissioners@portla.org
Subject: Petroleum Refinery Sector Risk and Technology Review and New Source Performance Standards

Dear Ms. Malave and EPA Staff,

I am a bit confused about whether myself and/or our homeowners, San Pedro Peninsula Homeowners United, INC. has already commented or not. It all gets very confusing because there are a number of comment letters that we have submitted already. Because it is the eleventh hour, I have decided to submit the following in case I/we have not provided comment.

In the EPA's proposed revision of hazardous air pollutant emissions from oil refineries and also your new source of performance standards, it is our contention that this rule should also apply to all **oil and organic chemical terminals and storage sites**. Also, within the refinery, it should focus on the **explosivity and flammability** in addition to the toxicity of emissions and releases. This is simply prudent practice.

Our community has been fighting for "decades" the existence of a 25 million gallon butane and propane gas storage facility that has been allowed to use a "toxics" formula for calculating their worst case blast radius, rather than the proper "flammables" calculation. This is due to the acceptance of an "impound basin" to be used as a measure of safety mitigation in capturing the escaping butane gas. This notion of capture is completely unsupported by science. The nature of butane gas is that it is only "liquefied" under tank refrigeration and/or pressure. Once the escaping "liquid" meets ambient air temperature it will rapidly vaporize and expand over 200 times its volume as a liquid. The gas is heavier than air and will quickly overflow any basin. In this particular case, the "impound basin" would capture less than 1% of the tank's contents. However, the EPA has accepted this extremely false premise of safety mitigation and the Rancho LPG facility's reported .5 mile blast radius of impact. Again, they are reporting under the "toxics" classification rather than the appropriate "flammables". Using the proper "flammables" calculation, the reported worst case blast radius is 3.1 miles! Both propane and butane are one of the most highly explosive commodities known. In the case of a leak, a "spark" from any one of the "on site" back up generators, or one of the many passing cars (within only feet of this facility) will cause an explosion of serious magnitude with the likelihood of causing a "cascading failure event" upon the multitude of existing ignition sources surrounding the facility.

Such disparity (as a 3.1 miles radius to a .5 mile radius) and minimization of risk is a great disservice to establishing the true hazard posed to local populations and to the environment. It is reckless disregard for public safety and should not be a practice that the EPA supports.

Rather than finding ways to "minimize" and "circumvent" the harsh realities associated with these very hazardous commodities and their operations, we urge the EPA to embrace a stronger and more honest policy of protection and disclosure.

Thank you for your time.

Janet Gunter
Member: San Pedro Peninsula Homeowners United, INC.

Kit Fox

From: Marcie Miller <marciesmiller@sbcglobal.net>
Sent: Tuesday, October 28, 2014 3:43 PM
To: malave.maria@epa.gov
Cc: Noel Weiss; MrEnvirlaw@sbcglobal.net; Janet Gunter; amartinez@earthjustice.org; rgb251@berkeley.edu; jreynolds@nrdc.org; agordon@sco.ca.gov; don.holmstrom@csb.gov; dan.tillema@csb.gov; Rafael.Moure-Eraso@csb.gov; Kit Fox; commissioners@portla.org
Subject: Re: Petroleum Refinery Sector Risk and Technology Review and New Source Performance Standards

EPA:

The current request for public comment of the industry fueled **Petroleum Refinery Sector Risk and Technology Review and New Source Performance Standards** is yet another frightening example of the tail, privately owned and operated hazardous and ultra-hazardous chemical facilities, wagging the dog, EPA.

Nowhere in the founding documents of the EPA or in its mission statement is a mandate for this agency to advocate on behalf of privately owned and operated hazardous and ultra-hazardous chemical facilities.

It is unacceptable to lower standards to enable dangerous and toxic facilities to be green lighted through the inspection process. It is not in the interest of the United States to allow calculable, unmitigated dangers to threaten our greatest natural resource - people.

Unfortunately, honest dialogue is NEARLY impossible. "Public comment" opportunities such as this make a mockery of earnest and open government. The inherently dangerous petroleum refinery, storage, and transportation industry is allowed to claim that, "proprietary information" is none of the government's business when determining risk.

EPA must require public disclosure of all corporate and chemical information in determining actual risk. EPA must calculate true risk through scientific, not political, means.

Case in point, the EPA bowed to PRIVATE industry pressure to mischaracterize the toxicity and flammability of liquified butane and propane, making "safety mitigation" a red herring for real discussion. For example, Rancho LPG, LLC in San Pedro, California is allowed to hide the unacceptable **risks** its 25 million gallons of liquified butane and propane storage facility poses to its neighbors BECAUSE EPA allows a "toxics" rather than a "flammables" calculation of that risk. IF EPA and the community really shared the common goal of protecting citizens, the EPA would immediately reclassify this risk accordingly. The industry muscle, in this case, forced EPA to protect private interest over public. Any discussion of "risk management" now falls on EPA's shoulders to:

1. Reclassify how chemical risk is determined
2. Recalculate genuine risk
3. Refuse to permit anything but FULL DISCLOSURE, denying claims of "privileged information" in determining public risks.

Thank you,

Marcie Miller

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Wednesday, October 29, 2014 2:28 PM
To: MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; jody.james@sbcglobal.net; marciesmiller@sbcglobal.net; darzavalney@aol.com; rreg55@hotmail.com; igornla@cox.net; dwgkaw@hotmail.com; bonbon90731@gmail.com; fbmjet@aol.com; billharris2275@gmail.com; jwilliamgibson@ca.rr.com; bdellinger@the-tidings.com; burling102@aol.com; pmwarren@cox.net; rgb251@berkeley.edu; carl.southwell@gmail.com; chateau4us@att.net; lpryor@usc.edu; amartinez@earthjustice.org; johngoya@westoceanmd.com; Kit Fox; leneebilski@hotmail.com; claudia.r.mcculloch@gmail.com; jreynolds@nrdc.org; dlrivera@prodigy.net; mandm8602@att.net; deartoni@yahoo.com; peter.burmeister@att.net; joethedoor@sbcglobal.net; radlsmith@cox.net; hvybags@cox.net; james@randomlengthsnews.com; ksmith@klct.com; lljonesin33@yahoo.com; efsmith@cox.net
Cc: Lara.Larramendi@mail.house.gov; laurie.saroff@mail.house.gov; lisa.pinto@mail.house.gov; rachel.zaiden@mail.house.gov; agordon@sco.ca.gov; alsattler@igc.org
Subject: Fwd: Comments of Sierra Club to EPA & DHS to meet today's deadline.....We are so grateful!
Attachments: Ltr_to_EPA_and_DHS_re_EO_13650_finl.pdf

THANK YOU SIERRA CLUB!!!!



SIERRA
CLUB
FOUNDED 1892

Palos Verdes - South Bay Group / Angeles Chapter

October 29, 2014

Environmental Protection Agency
Docket ID: EPA-HQ-OEM-2014-0328

Department of Homeland Security
Docket No: DHS-2013-0075
eo.chemical@hq.dhs.gov

Re: Executive Order 13650

Ladies and Gentlemen:

We are the Palos Verdes-South Bay Regional Group of the Sierra Club. We attended a September 10, 2014 meeting hosted by Congressman Waxman's office at which Department of Homeland Security and EPA staff fielded the public's questions and concerns about the Rancho LPG tanks at 2110 North Gaffey St. in San Pedro. For some 40 years, residents have expressed concern regarding the propane and butane tanks situated within 1,000 feet of residences and schools. As Professor Bob Bea, a risk policy expert at UC Berkeley, has said of this Gaffey St. location, multiple factors pile on to increase the risks of a catastrophic event. Concerns have been elevated by the fact that the tanks are aging, the area is "due" for a serious earthquake, and, as Department of Homeland Security's David Wulf confirmed at the September 10 meeting, the Rancho LPG site is designated as a high risk target of terrorism. EPA enforcement staff indicated that they are limited in what they can do by the regulations that exist today, acknowledging that their regulations may not be adequate to address concerns the public raised regarding the propane and butane stored at the site.

We are making a number of recommendations to the Working Group charged with implementing Executive Order 13650 with the Rancho LPG facility in mind: LPG storage tanks are located in a concentrated area of highly flammable liquids and gases, including butane tanks, propane tanks, refinery tanks, and marine oil terminals, within close proximity (1,000 feet or less) to residences, schools, businesses and parks, on a serious earthquake fault. There also are numerous potential ignition sources nearby, including internal combustion engines and flares.

Recommendation 1: Identify existing high risk facilities at which the optimal means of preventing a large scale catastrophe in the event of a system failure would be to convert the site to a less risky operation and move the high risk operations to a location more remote from homes and schools. Factors that should be considered in addition to proximity to densely populated urban areas are special circumstances such as proximity to earthquake faults and proximity to other flammables, explosives, and ignition sources.

Recommendation 2: Adopt regulations to ensure that hazardous chemical facilities are not built or allowed to remain in close proximity to homes and schools. The May 2014 Report for the President on Actions to Improve Chemical Facility Safety and Security--A Shared Commitment states, "There was agreement among facility owners and operators, plant workers, community members, environmental and union organizations of the importance of prevention of risks including the benefits of implementing safer alternatives where possible." The single step that is guaranteed to minimize the risk to human life from a system failure, be it accidental, act of terrorism, or natural event would be to move existing hazardous chemical facilities and site new facilities far from neighborhoods and schools. Yet, nowhere on the lists of priorities in the Report for the President is it recommended that high risk facilities storing or processing volatile chemicals be required to be sited, relocated if inappropriately placed currently, in locations remote from residences, schools, and other receptors.

P.O Box 2464 • Palos Verdes Peninsula, California 90274

 Printed on Recycled Paper

C-49

Recommendation 3: Adopt regulations that require a single Federal agency to take ultimate responsibility to implement regulations and policies that bring us into the modern era of densely populated cities and increased threats of terrorism--a single Federal agency that will exert oversight to ensure that hazardous chemical facilities are not built or allowed to remain situated in close proximity to homes and schools. In the case of Rancho LPG, local land use planning and oversight failed the community and there is no one stepping up to take responsibility. Local leaders, community members, and environmental organizations all seem to acknowledge that the solution to the risks attendant to Rancho LPG's operations is to move the operations to a remote location. Yet we need a higher authority committed to actually getting it done.

Recommendation 4: Mandate insurance coverage that truly reflects costs associated with a worst case scenario. In reading a CA State Lands Commission staff report generated recently in connection with a matter involving Rancho LPG, it appears that the insurance policies in place total \$500 million. That is apparently the entire coverage for the parent company and all of its subsidiaries including Rancho LPG. The blast radius for an event at Rancho LPG has been estimated between 0.5 and 3 miles. The Port of LA is within 0.5 miles of Rancho LPG and its newest terminal build out has cost in excess of \$500 million. Add the costs of loss of life, residences, schools, businesses all within the blast radius and, clearly, \$500 million of insurance is not adequate.

Recommendation 5: Adopt regulations to better address environmental hazards of LPG. In particular, amend Table 3 to Section 68.130 to reduce the reportable quantity for flammable substances. Currently, the list of regulated flammable substances and threshold quantities for accidental release prevention presumes that all flammables are comparable, notwithstanding that some petroleum products, such as LPG, are more volatile, have lower flash points, and will vaporize, then ignite without dissipating because of the vapor cloud's density relative to air. Even small leaks can result in severe injuries, yet operators who have had small, accidental releases are not required to report them. Thus, the public and enforcement agencies will not learn of the history of accidents until an accident is so large as to be catastrophic.

Recommendation 6: Amend 40 CFR Part 68 to eliminate the mitigation fallacy which allows an impound basin that would contain the spill of liquid contents of an LPG tank to serve as passive mitigation in a worst case analysis. LPG is maintained as a liquid in its pressurized or chilled tank conditions. When exposed to ambient air temperatures, it vaporizes and expands in volume. At Rancho LPG, an impound basin equivalent in size to the volume of one liquid butane storage tank at that site--12.5 million gallons--enabled Rancho to use a calculation for its worst case which decreased the predicted area to be affected to 1/36th of the result of the formula previously required by EPA in its Guidance document. The impound basin would be wholly inadequate to contain a release of the butane tank's contents, as the butane would expand in volume 200 fold when exposed to ambient air temperature. An explosion resulting from the overflowing gas vapor finding an ignition source has the potential to have devastating consequences not only to nearby residents and schools but to the Port of LA because existing regulations fail to account for the chemical's properties.

Recommendation 7: Overhaul regulations 1) to ensure that volatile, flammable materials such as LPG, while differing from extremely hazardous carcinogens, are nonetheless identified for their extremely hazardous properties and the risks they pose to human life and the environment, 2) to establish a level of exposure for such materials at which any additional release triggers facility shut down, and 3) to ensure that even releases during transport are required to be reported in writing and become part of the public record.

Sincerely,

/s
Eva Cicoria
Chair, Conservation Committee
Sierra Club Palos Verdes-South Bay Group

/s
Al Sattler
Chair, Executive Committee
Sierra Club Palos Verdes-South Bay Group

Kit Fox

From: Jody James <jody.james@sbcglobal.net>
Sent: Friday, October 31, 2014 5:42 PM
To: Janet Gunter; MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; marciesmiller@sbcglobal.net; darzavalney@aol.com; rreg55@hotmail.com; igornla@cox.net; dwgkaw@hotmail.com; bonbon90731@gmail.com; fbmjet@aol.com; billharris2275@gmail.com; jwilliamgibson@ca.rr.com; bdellinger@the-tidings.com; burling102@aol.com; pmwarren@cox.net; rgb251@berkeley.edu; carl.southwell@gmail.com; chateau4us@att.net; lpryor@usc.edu; amartinez@earthjustice.org; johngoya@westoceanmd.com; Kit Fox; leneebilski@hotmail.com; claudia.r.mcculloch@gmail.com; jreynolds@nrdc.org; dlrivera@prodigy.net; mandm8602@att.net; deartoni@yahoo.com; peter.burmeister@att.net; joethedoor@sbcglobal.net; radlsmith@cox.net; hvybags@cox.net; james@randomlengthsnews.com; ksmith@klct.com; lljonesin33@yahoo.com; efsmith@cox.net
Cc: Lara.Larramendi@mail.house.gov; laurie.saroff@mail.house.gov; lisa.pinto@mail.house.gov; rachel.zaiden@mail.house.gov; agordon@sco.ca.gov; alsattler@igc.org
Subject: Re: Fwd: Comments of Sierra Club to EPA & DHS to meet today's deadline.....We are so grateful!

Yes! THANK YOU for the intelligent, firm and straight-sighted letter. Much appreciation, Jody James

On Wednesday, October 29, 2014 3:28 PM, Janet Gunter <arriane5@aol.com> wrote:

THANK YOU SIERRA CLUB!!!!!!

NOI for 5883 Crest Road Condominium project



CITY OF ROLLING HILLS ESTATES
NOTICE OF INTENT TO ADOPT A
MITIGATED NEGATIVE DECLARATION

Project Title:
5833 CREST ROAD PROJECT (PA-25-14)

Date: October 9, 2014

Project Location: The project site is located at 5883 Crest Road in Rolling Hills Estates, Los Angeles County, California. The project site is bounded by Crest Road on the south, the Seaview Villas condominiums on the north and east, and Highridge Road on the west and consists of Assessor's Parcel No. 7575-003-095. The project site is located on the Redondo Beach, California, 7.5-minute US Geological Survey (USGS) topographic quadrangle. The site was formerly developed with a gasoline service station (1966–1971) and a commercial plant nursery (1972–2003) that have since been removed.

Project Description: The proposed project consists of the construction of four two-story, detached patio homes with a shared driveway, which connects to Highridge Road. The proposed homes would be four-bedroom/four-bath units, with approximately 3,295 square feet in floor area (2,880 livable square feet plus 415 square feet of garage space). All units would have a two-car garage and one additional guest parking space for a total of 12 off-street parking spaces. The lot size is 0.51-acre (22,366 square feet), with proposed total lot coverage of 33 percent.

The proposed project would require the following discretionary approvals from the City of Rolling Hills Estates:

- Grading application
- Zone Text Amendment for development standards for lot size in the Residential Planned Development (RPD) zone
- Minor deviation for lot coverage
- Tentative Parcel Map for a one lot subdivision
- Conditional Use Permit for a Residential Planned Development
- General Plan Amendment to change the land use designations from Neighborhood Commercial to High Density Residential
- Zone change from Commercial Limited (CL) to RPD
- Neighborhood Compatibility Determination for the construction of four single-family patio homes

Presence of the Site on Hazardous Waste-Related Lists: The project site is not included on any lists of hazardous waste sites enumerated pursuant to Section 65962.5 of the California Government Code. While not listed on such sites, the site was previously occupied by a gasoline service station and a commercial plant nursery that have since been removed. Phase I and Phase II Environmental Site Assessments have been prepared for site, which conclude that there are no recognized environmental conditions on the site.

Environmental Determination: The Initial Study/Environmental Checklist that has been prepared for the project recommends that the lead agency adopt a Mitigated Negative Declaration for the project.

Public Review Period:

October 9, 2014 to November 24, 2014

Date, Time, and Location of Public Meeting: The City of Rolling Hills Estates has scheduled a Public Hearing before the Planning Commission on **December 1, 2014 at 7:00 p.m.** at the Rolling Hills Estates City Council Chambers, 4045 Palos Verdes Drive North, Rolling Hills Estates, CA, 90274. The project will also require a Public Hearing before the City of Rolling Hills Estates City Council at the conclusion of the Planning Commission Public Hearing at a date to be determined.

Address/location where the Initial Study and Proposed Mitigated Negative Declaration are available for review:

City of Rolling Hills Estates City Hall

4045 Palos Verdes Drive North, Rolling Hills Estates, CA 90274

Hours: Monday – Thursday: 7:30 a.m. to 5:30 p.m.; Friday: 7:30 a.m. to 4:30 p.m.

Peninsula Center Library

701 Silver Spur Road, Rolling Hills Estates, CA 90274

Hours: Monday – Thursday: 10:00 a.m. to 9:00 p.m.; Friday: 10:00 a.m. to 6:00 p.m.; Saturday: 10:00 a.m. to 5:00 p.m.; and Sunday: 1:00 p.m. to 5:00 p.m.

City of Rolling Hills Estates Website, Project Updates Page

<http://www.ci.rolling-hills-estates.ca.us/index.aspx?page=129>

(City of Rolling Hills Estates Website; ↳ *What's New* tab; ↳ *Project Updates* tab; ↳ *5883 Crest Road Project* tab)

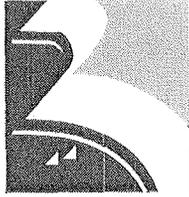
Please send written comments to: Niki Wetzel, AICP, City of Rolling Hills Estates, 4045 Palos Verdes Drive North, Rolling Hills Estates, CA 90274 | tel. 310.377.1577 x 115 | fax (310) 377-4468 | e: NikiW@ci.rolling-hills-estates.ca.us



Douglas R. Prichard, City Manager

Date *10/7/14*

Staff comments on MND for
5883 Crest Road Condominium project



CITY OF RANCHO PALOS VERDES
CITY MANAGER'S OFFICE
ADMINISTRATION

17 November 2014

VIA ELECTRONIC AND U.S. MAIL

Niki Wetzel, AICP, Principal Planner
City of Rolling Hills Estates
4045 Palos Verdes Dr. N.
Rolling Hills Estates, CA 90274

SUBJECT: Comments in Response to the Notice of Intent to Adopt a Mitigated Negative Declaration for a 4-Unit Detached Condominium Project at 5883 Crest Road (PA No. 25-14)

Dear Ms. ^{NIKI}Wetzel:

The City of Rancho Palos Verdes appreciates the opportunity to comment upon the proposed Mitigated Negative Declaration (MND) for the above-mentioned project. We have reviewed the MND and project exhibits, and offer the following comments:

1. The discussion of Aesthetics in the Initial Study (pp. 22-25) notes that the proposed project is expected to have less-than-significant impacts with respect to the privacy of surrounding properties. Table III-1 makes specific reference to the impact of proposed balconies or decks upon "the existing privacy of surrounding properties." The Initial Study correctly notes that residences in Rancho Palos Verdes to the south and southwest of the project site will be separated from the project, both horizontally by the existing, improved right-of-way of Crest Road and vertically by the difference in elevation. Nevertheless, the City remains concerned about the potential for privacy infringement upon Rancho Palos Verdes residents as a result of any 2nd-floor decks or balconies along the southerly facades of proposed Units 3 and 4. It is not clear if such decks or balconies are proposed for these units or not, but if they are, the City suggests requiring them to include a solid, opaque 42-inch-tall barrier around the perimeter, measured from the surface of the deck or balcony. This will protect the privacy of downslope properties in Rancho Palos Verdes while still affording opportunities for ocean and Catalina Island views for future residents of the project.
2. The discussion of Transportation/Traffic in the Initial Study (pp. 26-27) concludes that the proposed project will have no significant impacts on traffic. The City concurs with this assessment. In a related matter, however, we note that the project proposes to remove and replace existing driveway approaches along Crest

Niki Wetzel
17 November 2014
Page 2

Road as a part of the project. The driveway approaches, sidewalk and other right-of-way improvements along the Crest Road frontage of the project site are located within Rancho Palos Verdes. As such the project conditions should clearly state that any proposed modifications require the approval of the Rancho Palos Verdes Public Works Department. Furthermore, any other deficiencies in these existing right-of-way improvements should be repaired by the project proponent.

3. The discussion of Air Quality and Noise impacts in the Initial Study (pp. 28-38) identify less-than-significant air quality and noise impacts during project construction. The Rancho Palos Verdes residences located closest to the project site—and, therefore, most likely to be affected by dust and noise—are located on Highridge Road in the *Seacrest* neighborhood and Sail View Avenue in the *Seabreeze* neighborhood of Rancho Palos Verdes. The City of Rancho Palos Verdes agrees that the proposed project seems unlikely to result in significant construction-related impacts to surrounding properties. However, the City of Rancho Palos Verdes asks to be kept apprised of project status as it moves through the building permit process so that we will be able to advise our residents and City Council about the project's construction status, and to refer residents to the appropriate contacts in the event of any construction-related complaints.

Again, thank you for the opportunity to comment upon this project. If you have any questions or need additional information, please feel free to contact me at (310) 544-5226 or via e-mail at kittf@rpv.com.

Sincerely,



Kit Fox, AICP
Senior Administrative Analyst

cc: Mayor Duhovic and City Council
Carolynn Petru, Acting City Manager
Joel Rojas, Director of Community Development
Michael Throne, Director of Public Works

RH Planning Commission Staff report



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521
FAX (310) 377-7288

Agenda Item No.: 8B
Mtg. Date: 11/18/14

DATE: NOVEMBER 18, 2014
TO: HONORABLE CHAIRMAN AND MEMBERS OF THE
PLANNING COMMISSION
FROM: YOLANTA SCHWARTZ, PLANNING DIRECTOR

APPLICATION NO. ZONING CASE NO. 852, SUBDIVISION NO. 93
AND VESTING TENTATIVE PARCEL MAP NO. 72232
SITE LOCATION: 80 SADDLEBACK ROAD
(LOT 67-RH)
ZONING AND SIZE: RA-S-1, 7.051 ACRES GROSS
APPLICANT: MR. AND MRS. GERALD TURPANJIAN
REPRESENTATIVE: BOLTON ENGINEERING
PUBLISHED: OCTOBER 30, 2014

REQUEST

1. The applicants request to subdivide one existing lot located at 80 Saddleback Road totaling 7.051 acres (gross) into 2 parcels. Parcel 1 is proposed to be 2.40 acres gross and 1.96 acres net and Parcel 2 is proposed to be 4.64 acres gross and 3.71 acres net. The addresses of the proposed additional parcels will be established during plan-check of the future development, however the two possible new addresses are "84" for Lot 1 while "80" will be retained for Lot 2.

The lot is currently vacant. A residence that previously occupied the mid-portion of the original parcel was demolished in 2013 and some landscaping in the form of lawns, trees and shrubbery remains. No plans have been submitted for new home development. The existing driveway that served the former home will be closed off and a new access driveway will be constructed for each of the two lots from Saddleback Road.

2. The project site is bounded on the north, west and north-east by properties in the City of Rolling Hills that are similarly zoned (RA-S-1) and developed with single family

homes on minimum one-acre lots. To the south and south-west the project site is bounded by a parcel owned by the City of Rolling Hills, similarly zoned a portion of which is used for recreational equestrian purposes ("The Caballeros Ring"). The property bordering on the south east, separated by a steep canyon, is an undeveloped 14.64 acre parcel ("The Georgeff Parcel") in the City of Rancho Palos Verdes and is in the process of being purchased by the Palos Verdes Land Conservancy.

ENVIRONMENTAL REVIEW

3. Pursuant to the California Environmental Quality Act (CEQA) and after reviewing the application, staff prepared an Initial Study (IS) for the proposed subdivision. The Initial Study is a preliminary evaluation of potential impacts and also identifies mitigation measures to address impacts. Staff has concluded that the project will not have a significant effect on the environment, subject to incorporation of mitigation measures, including a requirement for the applicant to conduct a Biological Resource Evaluation and Assessment for the project site. The biological study will be incorporated into the project application for review by the Planning Commission during the course of the public hearing process.

Accordingly, a Proposed Mitigated Negative Declaration has been prepared, copy attached. As required by CEQA, staff mailed the Initial Study to local cities, and state agencies for their comments. To date, no comments have been received from any of the agencies.

REQUIRED PLANNING COMMISSION ACTION

4. Pursuant to the City of Rolling Hills Subdivision Ordinance, the Planning Commission is the advisory agency for review of subdivisions and the Commission therefore makes a recommendation to the City Council. The Planning Commission's recommendation must be supported by findings regarding both the subdivision map and environmental determination (Proposed Mitigated Negative Declaration). The City Council is the final authority to approve, conditionally approve or disapprove a subdivision request.

If the Planning Commission acts to recommend approval, the Commission must show affirmative findings that Vesting Tentative Parcel Map 72232 complies with the City's Subdivision Ordinance and General Plan, specifying that it does not require rejection pursuant to Section 16.12.150 of the Municipal Code. That code section specifies that a Tentative Map shall be rejected if it is found that:

1. The proposed map is not consistent with applicable general and specific plans;
2. The site is not physically suitable for the type of development proposed;
3. The site is not physically suitable for the proposed density of development;

4. The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure wildlife or their habitat;
5. The design of the subdivision or the proposed improvements are likely to cause serious public health or safety problems;
6. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the subdivision. In this connection, the City Council may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these shall be substantially equivalent to ones previously acquired by the public."

SUBDIVISION MAP REVIEW PROCESS

5. Willdan Engineering, acting as the City Engineer, has reviewed Vesting Tentative Parcel Map 72232 pursuant to the California Subdivision Map Act and Chapter 16 of the Rolling Hills Municipal Code (Subdivisions) for compliance with standards in areas including streets, soils, geology and grading. Willdan has also coordinated map review by several agencies, including fire prevention, health services and sewage disposal with Los Angeles County and water availability with California Water Service.

Reports containing the reviews and recommendations of the various agencies for the subject subdivision are attached.

6. The conditions that are recommended by Willdan Engineering or identified in the Initial Study will be incorporated in the Resolution of approval if and when this subdivision is approved. The Planning Commission may recommend additional requirements and conditions for this project as deemed appropriate to ensure compliance with the Municipal Code and General Plan, including any that are recommended from the biological study.

Staff notes that the recommended conditions contained in the attached agency reports are routine requirements. One special condition requested by the Los Angeles County Fire Department is that the applicant upgrade fire hydrants on Saddleback Road to meet water system "fire flow" standards.

7. The subject subdivision map is subject to separate review and approval by the Rolling Hills Community Association (RHCA). All requirements of the RHCA will be incorporated by reference as a condition of the adopted resolution, if the subdivision is approved.

ROLLING HILLS SUBDIVISION CODE STANDARDS

8. Pursuant to Title 16, Subdivision Ordinance and Title 17, Zoning Ordinance of the Rolling Hills Municipal Code, the following issues of code compliance are subject to evaluation by the Planning Commission:

A. Lot Size. The subject property is located in the RAS-1 zone, requiring that each lot be a minimum of one acre net in size (43,560 square feet). The applicants propose to subdivide one existing 7.051 (gross) acre lot into two lots, consisting of Parcel 1 having 2.40 acres gross and 1.96 acres net, Parcel 2 having 4.64 acres gross and 3.71 acres net. The proposed net lot areas exceed one acre (net) in size and therefore the proposed subdivision complies with the minimum lot size requirement for the RAS-1 zone.

B. Lot sideline angles. Where practicable, the sidelines of lots shall be at approximate right angles to or radial to the street upon which such lot fronts. The proposed lots meet this requirement.

C. Setbacks. A subdivision shall not create a non-conforming situation for any of the proposed lots. All structures on the subject have been demolished and the property is currently vacant, therefore no nonconformities in terms of structure setbacks will be created. Any future development, on both lots will be subject to City's development standards, including setbacks.

D. Easements. 10-foot wide easements are proposed along both sides and the rear of the proposed lot lines. The width of the easements will be confirmed when the project is reviewed by the Rolling Hills Community Association. Saddleback Road has varied roadway easements in the area of the lot. A portion of Saddleback has 55 feet roadway easement and a portion has 50 feet roadway easement. The City's Subdivision Ordinance (section 16.16.090) requires 60-foot roadway right of ways or easements, therefore the applicant will dedicate additional frontage on his property to attain 30-foot roadway easement. When and if the properties across the street from subject property are subdivided, they too would have to dedicate additional frontage along Saddleback Road.

E. Lot width along street frontage. The Subdivision Ordinance requires that the width along the street easement line shall be equal to the lot depth divided by 2.5, but in no case less than 150 feet. All of the proposed frontages, along Saddleback Road, will be at least 150 feet and therefore comply: Parcel 1 will have approximately 178 feet of frontage and Parcel 2 will have approximately 701 feet of frontage.

F. Lot width along all points. The City's Subdivision Ordinance requires that the width along all points of new parcels be not less than 150 feet. The two proposed parcels are irregular in shape, however both will meet or exceed the minimum

requirement. The narrower lot, Parcel 1, has a width ranging between 178 and 200 feet (approximately) within the front 85 feet of the lot, off Saddleback Road which increases to 240 feet at the widest point.

G. Building pad. Pursuant to the Subdivision Ordinance, a minimum of 12,000 square foot building pad must be shown as being able to be created on each home site. The tentative map proposes a 27,650 square foot pad for Parcel 1, and 33,901 square foot pad for Parcel 2 and both lots also provide building pads in the rear for a future minimum 450 square foot stable and 550 square foot contiguous corral. All of the proposed pad areas are shown on the tentative map for demonstration and feasibility purposes only. The building pads' size and location will be finalized when future home development is designed. All new construction will be subject to the City's development standards.

H. Grading. In order to create building pads and driveways the total amount of grading for the subdivision will be 19,370 cubic yards. Factoring in fill with shrinkage, over-excavation and recompaction, the grading will be balanced overall. The amount of disturbed areas proposed as a result of grading is as follows: Parcel 1: a total of 34,129 square feet is proposed to be disturbed (39.84%) and Parcel 2: 62,304 square feet (38.56%). The amount of proposed disturbed area for both lots complies with the maximum amount of permitted disturbed net lot area (40%). Future construction on both parcels will be required to meet this standard.

I. Street Grades. The city's subdivision standards require that no street may have a grade of more than 6%, except where impractical with a grade no steeper than a 10% slope and maximum slope of 17% for a distance of not more than 150 feet. Both parcels will have access from an existing street, therefore this standard does not apply.

J. Roadway access/Driveways. As noted, an existing driveway that served the former residence on the property will be removed. Two new driveways will be constructed, providing independent vehicular access for each lot from Saddleback Road. Stable access will also be provided on each lot.

Each of the two new primary driveways will have a 26-foot wide apron, which will taper to a 20-foot wide driveway and have a slope of 7% at the entry off Saddleback Road and 12% at the steepest point. For Parcel 1 the accessway to the area set aside for a future stable will be tributary from the main house driveway, however the stable access for Parcel 2 will be taken directly from Saddleback Road. Because the Parcel 2 stable accessway will be a second driveway for that parcel intersecting Saddleback Road, approval is required from the City Traffic Commission. The driveway aprons, including stable accessway on Parcel 2 will be considered by the Traffic Commission at its November 20, 2014 meeting.

Section 16.16.170 of the Subdivision Ordinance requires that the grade for access to the building pad have a maximum slope of 12%, and 25% maximum for the stable accessways. The Zoning Code also requires that the width of a driveway not exceed 20 feet. Both of the proposed driveways and stable accessways will meet the applicable slope and width criteria. The proposed 20-foot driveway width is also in compliance with Fire Department requirements.

When constructed, the driveway to Lot 2 will require retaining walls ranging from a curb to 5' in height.

K. Soils/geology. Upon its review of preliminary soils, geology and percolation reports, Willdan Engineering has deemed the lot "buildable". However, additional soils, geology, hydrology, percolation and other tests and studies will have to be performed prior to issuance of any construction permit. Soils and geology have been approved at this time for feasibility only.

L. Utility lines. Electric power is currently provided overhead from a utility pole on Saddleback Road opposite Parcel 2. The applicant will be required to place all electrical utility service to the parcels underground in accordance with Southern California Edison requirements as a condition of final map approval.

CONCLUSION AND RECOMMENDATION

Willdan Engineering, acting as City Engineers, completed preliminary engineering review of Vesting Tentative Parcel Map No. 72232 pursuant to all state and City of Rolling Hills subdivision regulations and has recommended to proceed to the Planning Commission for City planning review and approval.

All construction of new homes on the proposed two lots that is shown on the tentative map is provided at this time only to demonstrate future development feasibility. Any future development will be subject to, minimally, Site Plan Review approval in a public hearing to be conducted by the Planning Commission .

It is recommended that the Planning Commission open the public hearing, take public testimony and schedule a field trip to the project site.

October 14, 2014

City of Rolling Hills
2 Portuguese Bend Road
Rolling Hills, CA 90274

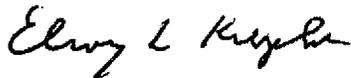
Ms. Yolanta Schwartz

Subject: Parcel Map 72232, 80 Saddleback Road

Dear Ms. Schwartz:

Willdan has completed its review of Parcel Map No. 72232, a proposed two lot division located at 80 Saddleback Road. I have distributed the soils reports to Willdan Geotechnical and they have reviewed the reports for the Subdivision of the land and deep disposal of the sewerage. I have not been in contact with the Health Officer but the disposal report has been reviewed. Attached with this letter please find my proposed conditions, Fire Department recommended conditions of approval with the authorization to proceed to the Planning Commission. As a two lot project rather than the three lot that they began with the prominent lot take advantage of the high knob that the old home sat on. They are proposing to widen the driveway to this lot and a very minor redesign may be needed to allow the Fire Department to access this driveway entrance.

Willdan Engineering



Elroy L Kiepke
Consultant

RECEIVED

OCT 15 2014

City of Rolling Hills

By _____

7

October 9, 2014
Project No: 101749-2010

GEOTECHNICAL ENGINEERING REVIEW

Submitted to: Elroy Kiepke, Willdan Engineering

Project Location: 80 Saddleback Road
City of Rolling Hills, California

Report Reviewed: "Geotechnical Engineering and Engineering Geology Investigation,
Proposed Residential Development, 80 Saddleback Road, Rolling Hills,
California" Dated February 5, 2013, Prepared by Hamilton & Associates,
Project No.: 12-1625

"Report of Deep Seepage Pit Percolation Testing, Three (3) Lot
Subdivision, 80 Saddleback Road, Rolling Hills, California" Dated August
23, 2013, Prepared by Hamilton & Associates, Project No.: 13-1700

Review Status: **REPORTS ARE APPROVED** from Geotechnical View point for
Planning Level and Proposed Subdivision

Notes to City

This approval is only for planning and proposed subdivision purposes. Following reports are
required for grading and building permits for each lot:

1. Update detail geotechnical reports, and
2. Copies of Referenced Reports for subject address and County of Los Angeles approval
for the previous work.

This review was performed in accordance with generally accepted professional geotechnical
engineering principles and practice in Southern California at this time. We make no other
warranty, either express or implied. Conclusions presented herein are based on review of work
by others. No field exploration or laboratory testing was performed. Please contact us if you
have questions or need additional services.

Respectfully Submitted
Respectfully submitted,
WILLDAN GEOTECHNICAL



Ross Khiabani, PE, GE
Director of Geotechnical Engineering Services
C 37156, GE 2202

Distribution: Addressee (via e-mail)

(B)

MEMORANDUM

To: Yolanta Schwartz, Planning Director
From: Elroy Kiepke, Consultant
Date: October 7, 2014
Re: TENTATIVE MAP NO. 72232

As requested I have reviewed the above referenced map and have no objections to its Presentation to the Planning Commission. The following conditions of approval shall be included in any conditional approval resolution adopted by the Commission.

GENERAL

1. Details shown on the tentative map are not necessarily approved. Any details, which are inconsistent with requirements of ordinances, general conditions of approval, or City policies, must be specifically approved in the final map or improvement plan approvals.

FINAL MAP

2. A final map prepared by, or under the direction of a Registered Civil Engineer authorized to practice land surveying, or a Licensed Land Surveyor, must be processed through the City Engineer's office prior to being filed with the County Recorder.
3. A preliminary subdivision guarantee is required showing all fee interest holders and encumbrances. An updated title report shall be provided before the final map is released for filing with the County Recorder.
4. Monumentation of map boundaries, street centerline and lot boundaries is required for a map based on a field survey.

9

5. Approval for filing of this land division is contingent upon approval of plans and specifications mentioned below. If the improvements are not installed prior to the filing of this division, the developer must submit an Undertaking Agreement and a Faithful Performance and Labor and Materials Bond in the amount estimated by the City Engineer guaranteeing the installation of the improvements.
6. The City reserves the right to impose any new plan check and/or permit fees approved by City Council subsequent to tentative approval of this map.

DRAINAGE AND GRADING

7. A grading and drainage plan must provide for each lot having an independent drainage system to the public street, to a public drainage facility, or by means of an approved drainage easement.

ROAD

8. Driveways serving private property shall meet Fire Department standards for access. The turn from south or west bound Saddleback Road to the driveway serving parcel 2 shall be approved prior to the issuance of Grading or building permits for Parcel 2 by the Fire Department.
9. The developer shall obtain HOA approval for the street adjoining this subdivision. Any improvements required by the HOA shall be bonded for prior to the recordation of the final map.

SEWER

10. Approval of this land division is subject to the Health Officers approval that a Septic System can be installed on each Parcel.

UTILITIES

11. Any utilities that are in conflict with the development shall be relocated at the developer's expense.

WATER

12. All lots shall be served by adequately sized water system facilities, which shall include fire hydrants of the size, type and location as determined by the Fire Chief.
13. The water mains shall be of sufficient size to accommodate the total domestic and fire flow required for the land division. It appears based on the preliminary review by

the Fire Department the main line within Saddleback is not of sufficient size to meet the fire flow and domestic needs of this property.

14. Plans and specifications for the water system facilities shall be submitted for approval to the California Water Service for this land division. The subdivider shall submit an agreement and other evidence, satisfactory to the City, indicating that the subdivider has entered into a contract with the servicing water purveyor guaranteeing payment and installation of the water improvements.
15. Prior to the filing of the final map, there shall also be filed with the City Engineer, a statement from the water purveyor indicating subdivider compliance with the Fire Chief's fire flow requirements.

LID REQUIREMENTS

The City of Rolling Hills is regulated by the Regional Water Quality Control Board, Los Angeles Region by Order R4-2012-0175. As required by this Order, the City has adopted Chapter 8.32 to establish development standards for maintaining the Water Quality of storm water and non-storm water discharges from the City. This project is subject to the LID provisions because:

1. It is a "single family hillside residential development"
 2. It is a "new Development that is adjacent to or discharges directly to an ESA and creates 2,500 sq. ft. of impervious coverage.
16. Based on this determination development of these two lots shall comply with section 8.32 of the Rolling Hills Municipal code.



THIS PAGE INTENTIONALLY LEFT BLANK

12



COUNTY OF LOS ANGELES FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

WATER SYSTEM REQUIREMENTS – INCORPORATED

Subdivision No: PM 72232

Map Date March 5, 2014

80 Saddleback Road

City Rolling Hills

- Provide water mains, fire hydrants and fire flows as required by the County of Los Angeles Fire Department, for all land shown on map which shall be recorded.
- The required fire flow for public fire hydrants at this location is 2500 gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand. 2 Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.
- The required fire flow for on-site fire hydrants at this location is _____ gallons per minute at 20 psi for a duration of _____ hours, over and above maximum daily domestic demand. _____ Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.
- Fire hydrant requirements are as follows:
 - Install _____ public fire hydrant(s). Upgrade 2 Verify (flow test) _____ existing Public fire hydrant(s).
 - Install _____ private on-site fire hydrant(s). Upgrade _____ Verify (flow test) _____ existing On-Site fire hydrant(s).
- All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal. All on-site hydrants shall be installed a minimum of 25' feet from a structure or protected by a two (2) hour rated firewall.
 - Location: As per map on file with the office.
 - Other location: Upgrade two existing 4' fire hydrants on Saddleback Road nearest the proposed development. Existing single outlet 2 1/2 inch wharf hydrants shall be upgraded to a double outlet 6" x 4" x 2 1/2" hydrant(s) when the required fire flow exceeds 1,250 GPM. All new required fire hydrant installations shall be approved 6" x 4" x 2 1/2" hydrant(s)
- All required fire hydrants shall be installed, tested and accepted or bonded for prior to Final Map approval. Vehicular access shall be provided and maintained serviceable throughout construction.
- Additional water system requirements may be required when this land is further subdivided and/or during the building permit process.
- Fire hydrant upgrade is not necessary if existing hydrant(s) meet(s) fire flow requirements. Submit original water availability form to this office.
- SUBMIT COMPLETED (ORIGINAL ONLY) FIRE FLOW AVAILABILITY FORM TO THIS OFFICE FOR REVIEW.

COMMENTS: Review of the submitted Fire Flow Form 195, dated July 11, 2014, indicates inadequate fire flow availability and inadequate hydrant size for the existing fire hydrants. the existing fire protection water system is required to be upgraded to comply with the required fire flow requirements and hydrant requirements. Upgrade the existing fire protection water system to provide the minimum required fire flow requirements. Upgrade two existing 4' fire hydrants on Saddleback Road nearest the proposed development. Existing single outlet 2 1/2 inch wharf hydrants shall be upgraded to a double outlet 6" x 4" x 2 1/2" when the required fire flow exceeds 1,250 GPM. All fire hydrants shall measure 6"x4"x2 1/2", brass or bronze, conforming to American Water Works Association Standard C503, or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department Regulation 8. All required fire hydrants shall be installed, tested and accepted or bonded for prior to Final Map approval. All required fire hydrants shall be installed, tested and accepted or bonded for prior to final map approval. Actual fire flow requirements for future structures may be recalculated utilizing the County of Los Angeles Fire Code Appendix B Table B105.1.

All hydrants shall be installed in conformance with Title 20, County of Los Angeles Government Code and County of Los Angeles Fire Code, or appropriate City regulation. This shall include minimum six-inch diameter mains. Arrangements to meet these requirements must be made with the water purveyor serving the area.

By Inspector Nancy Rodeheffer *[Signature]*

Date August 19, 2014

Land Development Unit – Fire Prevention Division – (323) 890-4243. Fax (323) 890-9783

13



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

CONDITIONS OF APPROVAL FOR SUBDIVISIONS - INCORPORATED

Subdivision No: PM 72232
80 Saddleback Road

Map Date March 5, 2014

C.U.P.

City Rolling Hills

- FIRE DEPARTMENT HOLD on the tentative map shall remain until verification from the Los Angeles County Fire Dept. Planning Section is received, stating adequacy of service. Contact (323) 881-2404.
Access shall comply with Section 503 of the Fire Code, which requires all weather access. All weather access may require paving.
Fire Department Access shall be extended to within 150 feet distance of any exterior portion of all structures.
Where driveways extend further than 150 feet and are of single access design, turnarounds suitable for fire protection equipment use shall be provided and shown on the final map. Turnarounds shall be designed, constructed and maintained to insure their integrity for Fire Department use. Where topography dictates, turnarounds shall be provided for driveways that extend over 150 feet in length.
Private driveways shall be indicated on the final map as "Private Driveway and Firelane" with the widths clearly depicted and shall be maintained in accordance with the Fire Code.
Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested and accepted prior to construction.
This property is located within the area described by the Fire Department as "Very High Fire Hazard Severity Zone" (formerly Fire Zone 4). A "Fuel Modification Plan" shall be submitted and approved prior to final map clearance. (Contact the Fuel Modification Unit, Fire Station #32, 605 North Angeleno Avenue, Azusa, CA 91702-2904, Phone (626) 969-5205, for details).
Provide Fire Department or City approved street signs and building access numbers prior to occupancy.
Additional fire protection systems shall be installed in lieu of suitable access and/or fire protection water.
The final concept map, which has been submitted to this department for review, has fulfilled the conditions of approval recommended by this department for access only.
The Fire Department, Land Development Unit has no additional requirements for this division of land at this time. Additional Fire Department requirements will be required when this land is further subdivided and/or during the building permit process.

Comments: This project as submitted is cleared for public hearing.

Submit three copies of the final map to LACoFD, Land Development for review and approval prior to recordation.

INSPECTOR Nancy Rodeheffer

DATE August 19, 2014

Land Development Unit - Fire Prevention Division -- (323) 890-4243, Fax (323) 890-9783

14

CITY OF ROLLING HILLS
PLANNING DEPARTMENT
INITIAL STUDY

APPLICATION NO: ZONING CASE NO. 852, SUBDIVISION NO. 93 AND
VESTING TENTATIVE PARCEL MAP NO. 72232
PROPOSED PROJECT: Request to subdivide one existing 7.051 acres (gross) vacant lot into 2
parcels each with a minimum area of 1 (net) acre. Prior to the tentative
map submittal, a residence that had occupied proposed Lot 2, was
demolished, therefore, while no new home construction is proposed at
this time, the development anticipated will be for 2 new homes and
related grading, of which 1 home is a net additional unit.

NAME & ADDRESS OF APPLICANTS:

Mr. Jerry Turpanjian
22 Portuguese Bend Road
Rolling Hills, CA 90274

LOCATION OF PROJECT: 80 Saddleback Road (Lot 67-RH)

ASSESSOR'S Book, Page & Parcel Nos.: 7569-005-008

EXISTING GENERAL PLAN
LAND USE DESIGNATION: Residential Agricultural-Suburban - 2 acre minimum net lot area.

EXISTING ZONING: RA-S-1, Residential Agricultural-Suburban 1-Acre

PROPOSED ZONING: No change. RA-S-1, Residential Agricultural-Suburban 1-Acre

PROPOSED LOT SIZES: Parcel 1: 2.40 gross acres, 1.96 net acres
Parcel 2: 4.64 gross acres, 3.71 net acres

LOCATION MAP: Attached.

I. APPLICABILITY OF THE INITIAL STUDY

A. Is the proposed action a "project" as defined by CEQA? (See Section I. of the
City's CEQA Guidelines. If more than one application is filed on the same site,
consider them together as one project).

Yes No

1. If the project qualifies for one of the Categorical Exemptions listed in
Appendix E of the City's CEQA Guidelines, is there a reasonable
possibility that the activity will have a significant effect due to special
circumstances?

Yes No N/A

II. INITIAL STUDY REVIEW

A. Does the project require a 30-day State Clearinghouse review for any of the
following reasons? Yes No

1. The lead agency is a state agency.
2. There is a State "responsible agency" (any public agency which has discretionary approval over the project).
3. There is a State "trustee agency" (California Department of Fish and Game, State Department of Parks and Recreation, University of California, and State Lands Commission).
4. The project is of Statewide or areawide significance including the following:
 - (A) A proposed local general plan, element, or amendment thereof for which an EIR was prepared.
 - (B) A project which would interfere with the attainment or maintenance of State or national air quality standards including:
 - (1) A proposed residential development of more than 500 dwelling units.
 - (2) A proposed shopping center or business establishment employing more than 1,000 persons or encompassing more than 500,000 square feet of floor space.
 - (3) A proposed commercial office building employing more than 1,000 persons or encompassing more than 250,000 square feet of floor space.
 - (4) A proposed hotel/motel development of more than 500 rooms.
 - (5) A proposed industrial, manufacturing or processing plant, or industrial park planned to house more than 1,000 persons occupying more than 40 acres of land, or encompassing more than 650,000 square feet of floor area.
 - (C) A project which would substantially affect sensitive wildlife habitats including but not limited to riparian for rare and endangered species as defined by Fish and Game Code Section 903.
 - (D) A project, which would interfere with attainment of regional water quality standards as stated in the approved areawide wastewater management plan.

III. PROJECT ASSESSMENT

A. Project Description:

Request to subdivide one existing vacant lot 7.051 acres (gross) in area into 2 parcels that will each have a minimum land area of 1 acre (net). No new development is proposed at this time, however the submitted plans indicate potential future development of two new homes with related grading.

Any future development on the proposed 2 parcels will require conformance with the City of Rolling Hills Zoning Ordinance and all other City, County and Rolling Hills Community Association's requirements.

B. Description of the Project Site: (Describe the project site as it exists at the present time, including information on topography, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and use of the structures.)

The project site consists of one lot (Lot 67-RH) with land area measuring 7.051 acres. It is currently vacant – a residence that previously occupied proposed Lot 2 was demolished in 2013. Non native landscaping from the prior home remain in part. Other than the prior building pad area, the remaining lot area consists of undulating hills and knolls covered by mature shrubs and trees, some native trees, plants and grasses with some areas being heavily wooded. Native birds and animals frequent the area such as sparrows, crows, raccoons, possum, skunks, gophers and an occasional fox. Historically, no endangered species of animals have been identified in this area of the City.

C. Surrounding Land Uses:

North: Single family dwelling unit on lot of one acre or more within the City of Rolling Hills zoned RA-S-1 – Residential Agricultural Suburban- 1 acre.

East: Single family dwelling unit on lot of one acre or more within the City of Rolling Hills zoned RA-S-1 – Residential Agricultural Suburban- 1 acre.

South: Vacant land, "George F. Parcel" (APN 7568-006-008, 14.63 acres) in the City of Rancho Palos Verdes, currently zoned "OH" (Open Space Hazard)". – being acquired by Palos Verdes Peninsula Land Conservancy for use as a nature preserve. (Source: RPV City Council Report 9/16/14-Agenda Item E.)

West: Public Riding Ring – land owned by the City of Rolling Hills (Zoning: RA-S-1 – Residential Agricultural Suburban-1 acre)

D. Is the proposed project consistent with:

	Yes	No	N/A
City of Rolling Hills General Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Applicable Specific Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
City of Rolling Hills Zoning Ordinance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
South Coast Air Quality Management Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Congestion Management Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Regional Comprehensive Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

E. Have any of the following studies been submitted?

- | | |
|---|--|
| <input checked="" type="checkbox"/> Geology Report | <input type="checkbox"/> Historical Report |
| <input checked="" type="checkbox"/> Hydrology Report | <input type="checkbox"/> Archaeological Report |
| <input checked="" type="checkbox"/> Soils Report | <input type="checkbox"/> Paleontological Study |
| <input type="checkbox"/> Traffic Study | <input type="checkbox"/> Line of Sight Exhibits |
| <input type="checkbox"/> Noise Study | <input type="checkbox"/> Visual Analysis |
| <input checked="" type="checkbox"/> Biological Study (in process) | <input checked="" type="checkbox"/> Slope Map |
| <input type="checkbox"/> Native Vegetation | <input type="checkbox"/> Fiscal Impact Analysis |
| <input type="checkbox"/> Preservation Plan | |
| <input type="checkbox"/> Solid Waste Generation Report | <input type="checkbox"/> Air Quality Report |
| <input type="checkbox"/> Public Service Infrastructure Report | <input type="checkbox"/> Hazardous Materials/Waste |

Geology, hydrology and soils reports and a slope map have been submitted to the City's Engineer (Willdan Engineering under contract to City of Rolling Hills) and it has been determined that the subject site is feasible for subdivision purposes. Under a contract with the City of Rolling Hills, Los Angeles County Health Department (septic system review) and Fire Department have reviewed the proposed subdivision, finding it is feasible for subdivision purposes. A separate review of soils, geology, hydrology and slope stability will be required by the City's Engineer and Building Official prior to any development on either of the proposed lots subsequent to subdivision.

In addition, the applicant has been directed to submit to the City a written report assessing the biological resources if any for the subject site (see Item IV. Biological Resources).

IV. DETERMINATION

On the basis of this initial evaluation: (Select one)

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

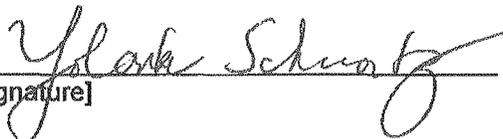
I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

This initial study was prepared by:

Date: October 23, 2014

YOLANTA SCHWARTZ, PLANNING DIRECTOR


[Signature]

V. EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the Lead Agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The Lead Agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," above may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. See State CEQA Guidelines Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less Than Significant With Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and

- b) the mitigation measure identified, if any, to reduce the impact to less than significance.

ENVIRONMENTAL CHECKLIST

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
Issues:				
I. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
II. AGRICULTURE RESOURCES:				
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the State CEQA Guidelines?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the State CEQA Guidelines?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VI. GEOLOGY AND SOILS – Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (2001), creating substantial risks to life and property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>VII. HAZARDS AND HAZARDOUS MATERIALS</u> --				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

VIII. HYDROLOGY AND WATER QUALITY

--Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or areas including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or areas including through the alteration of the course of a stream or river, in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

IX. LAND USE AND PLANNING -- Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. NOISE – Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

XII. POPULATION AND HOUSING – Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XIII. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- | | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XIV. RECREATION

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

XV. TRANSPORTATION/TRAFFIC – Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exceed either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The following analysis is a description of the findings contained in the Evaluation of Environmental Impacts Issues Checklist Form, which preceded this page. A detailed discussion of all potential environmental impacts checked "Potentially Significant Impact," "Potentially Significant Unless Mitigation Incorporated," and "Less Than Significant Impact" is provided, along with appropriate mitigation measures.

EXPLANATION OF CHECKLIST IMPACTS

Item I. AESTHETICS.

- a,b NO IMPACT-the City of Rolling Hills does not have a scenic vista areas designation in its General Plan. Any future development is subject to Planning Commission review. Neighbors will have an opportunity to view a silhouette of any future development during the public hearing process for new development.

- c., d **LESS THAN SIGNIFICANT IMPACT** - There is no evidence that the subdivision of one lot into two minimum 1-acre parcels and the potential future construction of two new single-family residences and their attendant accessory structures on the subdivided parcels will substantially degrade the existing visual character or quality of the site and/or surrounding properties. Enforcement of all applicable Municipal Code zoning and building standards and requirements, for all phases of the future development through construction will ensure that the existing visual character or quality of the site and surrounding properties is not substantially degraded. Enforcement includes field review by the Planning Commission during both the Subdivision and subsequent discretionary Ste Plan Review process for each of the two new homes. During the subdivision approval process, the Planning Commission has the opportunity and authority to limit the finished floor height of a future residence, and the height of the required landscaping. The Planning Commission will have further opportunity to review and limit grading and preserve scenic resources more explicitly for each individual home site under the Site Plan Review process.

Residential building materials are carefully regulated by the City's Buildings & Construction Ordinance, the Zoning Ordinance, and the Rolling Hills Community Association. Buildings are limited to one story in height and the Zoning Ordinance strictly limits outdoor lighting on private properties. The future construction of up to two single story single family residences and accessory structures, while introducing new sources of light, is not expected to create substantial new levels of illumination or glare that would adversely affect day or nighttime views in the area. Light and glare impacts, therefore, are expected to be less than significant.

Item II. AGRICULTURE RESOURCES

- a-c. **NO IMPACT**

The proposed subdivision is located on property that is zoned single-family residential on one or more acres net. Single-family residences with incidental agricultural uses are permitted uses. The subject subdivision of one lot into two parcels, facilitating two new conforming residences will have no impact on agricultural resources.

Item III. AIR QUALITY

- a-c. **LESS THAN SIGNIFICANT IMPACT.** The proposed subdivision will not conflict with or obstruct implementation of the applicable air quality plan. The potential future construction of two new residences, will not violate any air quality standard or contribute substantially to an existing or projected air quality violation, will not contribute to a cumulatively considerable net increase of any criteria pollutant, expose sensitive receptors to substantial pollutant concentrations, or create objectionable odors affecting a substantial number of people and will have a less than significant impact on the existing environment with the incorporation of mitigation measures.

During future construction of two new homes facilitated by the proposed subdivision, dust may be created and on a temporary basis, there may be an increase in heavy construction vehicle traffic. After construction, it is estimated that increased development of two new single-family residential structures will generate insignificant increase in gasoline emissions because it is estimated that each of the two single-family residential structure generates 10 average daily trips (ADT) totaling 10 ADT for this project and will have a less than significant impact on the environment according to the South Coast Air Quality Management District's "Air Quality Handbook," revised April, 1987.

- d, e **NO IMPACT**

This project is a subdivision into two lots with a potential for development of two new single family residences and it is not expected that this would create any significant

objectionable odors. Additionally no objectionable odors are anticipated to occur during construction.

Measures – (to be incorporated into conditions of approval of future Site Plan Review)

- A. During construction the property owners shall be required to conform to South Coast Air Quality Management District, Los Angeles County and local ordinances and engineering practices by using dust control measures to stabilize the soil from wind erosion and reduce dust generated by construction activities.

Fugitive Dust

1. A Comprehensive Fugitive Dust Control Program will be developed and implemented before commencement of grading activities, subject to review and approval of the Building and Safety Department and the South Coast Air Quality Management District (SCAQMD). This Plan, at minimum, shall address compliance with SCAQMD Rule 403, including:
 - Regular site watering
 - Application of soil stabilizers to inactive graded areas
 - Covering and/or washing of transport trucks leaving the site
 - Periodic street cleaning of roads adjacent to the site
2. A High Wind Response Plan in accordance with Rule 403 of the SCAQMD shall be developed and implemented at times when wind speeds exceed 25 mph to reduce PM emissions. The High Wind Response Plan shall be developed and implemented before commencement of grading activities, subject to review and approval by the Building and Safety Department and the SCAQMD.
3. Stockpiles of soil, sand and similar materials shall be stabilized by being enclosed, covered, watered twice daily, or with application of non-toxic soil binders.

Construction Equipment Exhaust

1. Heavy construction equipment shall be properly tuned and maintained to reduce emissions. Construction equipment shall be fitted with the most modern emission control devices. The construction manager shall monitor compliance with this measure and is subject to periodic inspections by City Building Inspectors.
2. The project shall comply with Rule 461, which establishes requirements for vapor control from the transfer of fuel from the fuel truck to vehicles both during construction and subsequent operations.

Item IV. BIOLOGICAL RESOURCES

a, b, d. LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATION

No physical development is directly proposed concurrent with this subdivision proposal. The subject subdivision map, however anticipates future development for two new homes, one per each of the two lots. The proposed subdivision reduces the need for new grading and disturbance by considering and incorporating existing graded and relatively flat areas into the layout of the two proposed lots as future building pads. New grading and disturbance is necessary, however, to establish two independent home sites plus accessory equestrian use areas for each lot. For Lot 1 (2.4 gross acres) a total of

2,680 cubic yards of grading is estimated including 840 cy cut, 752 cy fill, 500 cy over-excavation and 588 cy re-compaction. For Lot 2 (4.64 gross acres a total of 16,690 cubic yards of grading is estimated including 4,945 cy cut, 4,345 cy fill, 3,400 cy over-excavation, and 4,000 cy re-compaction.

Future single family home construction will be subject to discretionary Site Plan Review by the Planning Commission including field review prior to public hearings.

The large lot, estate density single-family development that is expected to occur provides the opportunity to retain substantial amounts of existing vegetation and habitat. The General Plan and Zoning Code that guides development in Rolling Hills restricts lot coverage to 20% maximum of the net lot area, structural and pavement coverage to 35% maximum and overall disturbance to 40% maximum net lot area.

City policies encourage the retention, use, and maintenance of native drought-tolerant vegetation. (General Plan Land Use Element Goal 3; Policies 3.2 and 3.3). There are no flood hazard zones on the project site. The site is adjacent to a large vacant parcel in the City of Rancho Palos Verdes that is currently used and is in the process of being purchased for use as a nature preserve.

Measure to be incorporated as mitigation into the approval of Vesting Tentative Parcel Map 72232:

- B. The applicant will be required to prepare and submit for Planning Commission review, a biological assessment in the form of a "Biological Resources Assessment Study" which minimally shall involve; 1) a search of database and literature, including the review of sensitive biological resource occurrence records within the California Natural Diversity Database (CNDDDB) and the California Native Plant Community Society (CNPS) rare plant inventory; 2) Field Study of project area to perform vegetation mapping and assess wildlife habitats; 3) a Biological Resources Assessment Technical Report to include: Introduction with environmental setting and description of project location; Methods describing literature review, database search, field surveys and assessments for special-status species occurrence, Descriptions of the results of databases and mapping; Discussion of distribution of biological features within the project area; Assessments of potential project impacts to biological resources and Recommendations for mitigations.

The Study shall be reviewed, evaluated and acted upon by the Planning Commission as part of the environmental assessment and prior to a final decision on Vesting Tentative Parcel Map 72232. The applicant shall incur the cost for preparation of the Study and shall be required to comply and implement all measures recommended as approved by the City in accordance with a schedule incorporated into the conditions of approval a full subject site has not been identified as containing any established native resident or migratory wildlife corridors. The Planning Commission could restrict removal of native vegetation and/or created area for substitution of removed native vegetation on the lot.

Measures to be incorporated into conditions of approval of Site Plan Review for future home construction:

- C. Upon review and assessment of this project by the appropriate County, State and Federal Resource agencies, the applicant will be required to meet the requirements of these agencies.
- D. Future individual Site Plan Review approvals by the Planning Commission shall include the following conditions with respect to mitigation for loss of native vegetation, unless the City determines at the time of approval of a Site Plan, such measures are not necessary

or a reasonable alternative method of preserving and mitigating the impacts to mature native vegetation protected areas is feasible:

1. Any grading shall preserve the existing topography, flora, and natural features to the greatest extent possible. In order to minimize impacts to the hillsides and canyon areas on this property, the building pad and graded slopes shall be designed and developed in a manner that retains and restores native drought-tolerant plant life outside the building pad caused by pad grading and preserves the existing contiguous topography, flora, and natural features of that area to the greatest extent possible.
2. To prevent construction equipment from going beyond the limits of any building pad, contractors shall use fencing or other barriers to the greatest extent possible.
3. No contractor, operator of a bulldozer or other equipment or other construction worker on the site shall allow equipment, supplies or soil to encroach into a protected area, if any, except as specified on an approved Site Plan.
4. No chemicals, including but not limited to fertilizers, pesticides, herbicides, detergents, chlorine or pool chemicals, shall be used, disposed of, or allowed to drain onto the slopes.
5. All graded areas shall be planted with native plants subject to Fire Department criteria and requirements.
6. A landscaping bond in the amount of the cost estimate of the implementation of the landscaping plan plus 15%, shall be required to be posted prior to issuance of a grading and building permit and shall be retained with the City for not less than two years after landscape installation. The retained bond will be released two years after the initial plantings by the City Manager if he determines that the landscaping was installed pursuant to the landscape plan as approved, and that such landscaping is properly established and in good condition.

e, f. **NO IMPACT**

The proposed subdivision including future development of two single family homes will not conflict with any policies or ordinances protecting biological resources such as a tree preservation ordinance. Further, the proposed subdivision property is not identified on any adopted Habitat Conservation or Natural Community Conservation Plans, or any other similar approved habitat conservation plans.

Item V. CULTURAL RESOURCES

a – e. **NO IMPACT**

No unique historical, archaeological or paleontological resources have been identified in the project area therefore it is expected that the development facilitated by the proposed subdivision will result in an environmental impact to cultural resources that is less than significant.

Measures (to be incorporated into conditions of approval of Site Plan Review for future homes)

- E. Should significant unique archaeological resources be found during the grading or construction within the project, the construction shall cease and the applicant at his sole expense shall hire an archeologist to assess the resources. The City of Rolling Hills shall approve of the archeologist. The archeologist shall establish procedures for

archaeological resource surveillance, and shall establish, in cooperation with the project proponent, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. If additional or unexpected unique archaeological features are discovered, the archaeologist shall report such findings to the project proponent and to the City Manager. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate action, in cooperation with the applicant, for exploration and/or salvage.

Item VI. GEOLOGY AND SOILS

a – e. **LESS THAN SIGNIFICANT IMPACT**

Because the City is located in seismically active southern California, future development of this subdivision would be exposed to potential ground shaking in the event of an earthquake. The subject site is not located on a known active or potentially active fault. The Palos Verdes fault, although considered potentially active, is located approximately one mile northeast of the City. Further, the site is not located within an Alquist-Priola Fault Rupture Hazard Zone. The potential for ground rupture on the site is considered to be very low.

The approval of the subject subdivision project is not expected to directly have the potential to result in unstable earth conditions or in changes in geologic substructures. While there are specific areas in the City that are known to have unstable earth conditions, including active landslides and soil creep, the project site is not in such an area.

The Land Use Element of the General Plan establishes a Landslide Hazard Overlay to carefully regulate development in unstable areas. Grading, excessive irrigation, and/or increased septic tank discharge in unstable areas may trigger additional slope failure.

The entire City of Rolling Hills, including this subdivision project, is underlain by expansive soil, which is subject to slippage. However, prior to construction, soils and geology studies will be conducted and reviewed by the County Public Works Department.

Approval of the subdivision will result in disruptions, displacements and compaction of the soil during the probable future construction of two homes when the new building pads are built. The proposed new building pads will, with the new homes, be subject to approval by the Planning Commission and City Council.

Also, during future construction, it is expected that removal of natural vegetative cover, may potentially cause an increase in soil erosion by wind action or storm runoff. The reduction of vegetative cover and the increased runoff associated with development may cause a slight increase in the soil deposition, siltation, or erosion in or near the ocean. However, this is very unlikely, as Rolling Hills is not coastal. The development is limited to the addition of a maximum of two single-family dwelling units; therefore the project will not result directly or indirectly in significant impact on the environment from a geological or soil stability perspective.

Measures (to be incorporated into conditions of approval of Site Plan Review for future homes)

- F. The applicants shall provide sufficient evidence to show that the sustained use of proposed private disposal systems are possible without inducing a geologic hazard.
- G. Prior to the issuance of a grading permit for the future residences, an Erosion Control Plan containing the elements set forth in Section 7010 of the 2001 County of Los Angeles Uniform Building Code shall be prepared to minimize erosion and to protect slopes and channels to control storm water pollution as required by the County of Los Angeles.

- H. A detailed grading and drainage plan with related geology, soils and hydrology reports, for the future construction of a single-family residence on each lot will be submitted and reviewed by the County of Los Angeles Public Works Department. Cut and fill slopes will not exceed a slope gradient of a 2 to 1 (H:V).

Item VII. HAZARDS AND HAZARDOUS MATERIALS

a-g. NO IMPACT

The proposed project involves the request for a subdivision of a single lot into 2 parcels for potential development of two new single-family residences. It does not involve the storage and distribution of materials that may be considered hazardous. Future development contemplated will not be involved in any activities that would emit and/or handle hazardous materials. The proposed project will not generate harmful emission that may affect schools.

The City is located approximately 1.5 miles south of Torrance Municipal airport. The project is not located within a designated aircraft crash zone, nor will it involve any improvements that would otherwise affect airport operations. As a result, the proposed project will not present a safety hazard related to aircraft or airport operations.

The project provides adequate street access, and project operations would not interfere with an emergency response plan or emergency evacuation plan.

h. LESS THAN SIGNIFICANT IMPACT

The City's Building & Construction Ordinance, the Zoning Ordinance, and the Rolling Hills Community Association (RHCA) closely and carefully regulate development including construction activities and building materials. The future development will comply with all pertinent fire code and ordinance requirements for construction, access, water mains, fire hydrants and fire flows. Specific fire and life safety requirements will be addressed at the building fire plan check, including annual brush clearing and fuel modification plans. The City and the RHCA require that all roof materials be fireproofed. The effect of the construction of two new single-family residences, therefore, is expected to be less than significant.

Item VIII. HYDROLOGY AND WATER QUALITY

a,b,f,j NO IMPACT

Section 402 of the Federal Clean water act requires National Pollutant Discharge Elimination System permits (NPDES) for storm water discharges from storm drain systems to waters of the United States. Applicants for development projects, including in Rolling Hills, have two major responsibilities under NPDES permit. The first is to submit and implement a Standard Urban Storm Water Mitigation Plan (SUSMP) containing design features and Best Management Practices (BMPs) appropriate and applicable to the project. The SUSMP describes how post construction pollutants in storm water discharges will be controlled and reduced. Prior to issuance of any grading or building permit, the County of Los Angeles Building and Safety Department must approve the SUSMP.

The second responsibility is to prepare a Storm Water Pollution Prevention Plan (SWPPP) for all construction projects with disturbed area of 1 to 5 acres. Should the final proposal for a future single-family residence include disturbed area of one acre or more this requirement will be implemented.

Specific mitigation measures have been incorporated into the SUSMPs for development projects under the NPDES Permit. Implementation of these measures will ensure that the quality of storm water runoff leaving the project site will meet all regulatory standards and

will maintain the beneficial uses of the surface water for public and commerce. The City of Rolling Hills, as part of a normal project approval and construction practice through the contract with Los Angeles County monitors compliance with these requirements.

Due to the small scale of potential development, which is anticipated to occur on the site and the share of the site, which would remain uncovered by hardscape, the proposed project will not interfere with groundwater recharge.

The proposed project is not located in proximity to a river or stream and project storm flows would be channeled to the storm drain system. The project site is not within an area that would be subject to seiche, tsunami or mudflow.

c-e. **LESS THAN SIGNIFICANT IMPACT**

The proposed project may alter drainage patterns, increase runoff and reduce water absorption by the placement of future structures, the introduction of impervious surface materials and irrigation systems. However, due to the nominal increase in development proposed for potentially two new single-family residential units permitted by the General Plan, the impacts will be less than significant, with appropriate measures to be applied by incorporation in the conditions of approval of required discretionary permits (Site Plan Reviews).

A septic tank system will be required when in the future the vacant parcels being created are developed. As septic tank leach field effluent percolates into the watershed, some discharge into surface waters downstream. However, the impact generated from the addition of up to three dwelling units is not expected to be significant.

Measures (to be incorporated into the conditions of approval of Site Plan Review for future homes)

- I. The property owners shall be required to conform to County Health Department requirements for the installation and maintenance of septic tanks.
- J. The property owner shall prepare and implement an Erosion Control Plan, SUSMP and SWPPP, if applicable, in conformance with the County of Los Angeles Building Code requirements.

Item IX. LAND USE AND PLANNING.

a-c. **NO IMPACT**

The project, facilitating the future development of 2 new single-family residences, is consistent with the surrounding residential uses.

The project, is consistent with Zoning Ordinance and the Land Use Element of the General Plan, which establish the maintenance of strict grading practices to preserve the community's natural terrain, require a balanced cut and fill ratio and regulate the size and coverage of developments.

The proposed project is not located on any habitat conservation plan.

Item X. MINERAL RESOURCES

a-b **NO IMPACT**

There are no known mineral resources that would be of value to the region and the residents of the state or delineated on a local general plan, specific plan or land use plan for the project site.

36

Item XI. NOISE

a-d. **LESS THAN SIGNIFICANT IMPACT**

The goal of the City of Rolling Hills' Noise Element is to preserve and enhance Rolling Hills' quiet rural atmosphere and promotes the use of landscaping to obscure noise production from roadways and adjacent properties.

Although approval of the project will result indirectly, in the potential development that may cause intermittent loud noise during construction, the noise is a necessary by product of the construction of one additional building pad and two total residences that will be limited in covering no more than 30% of the building pad. The building pad design is subject to individual review and approval by the Planning Commission and the City Council.

Any construction or traffic noise will be required to conform to all City and County ordinances and engineering practices. The City requires that all construction work take place only between the hours of 7 AM and 6 PM, Monday through Saturday.

As stated previously, there will be intermittent but loud noise levels during construction, if and when and to the degree that it occurs. In such a scenario, the noise will be temporary or periodic in nature and s necessary byproduct in order to construct new homes on the parcels created by the subdivision. The level of nuisance associated with the construction noise will be minimized due to the measures that are required to be taken as conditions of approval as noted below

e,f **NO IMPACT**

The City is located approximately 1.5 miles south of Torrance Municipal airport. The project is not located within a designated aircraft crash zone, nor will it involve any improvements that would otherwise affect airport operations. As a result, the proposed project will not present a safety hazard related to aircraft or airport noise.

Measures (to be incorporated into conditions of approval

- K. During construction, the property owners shall be required to schedule and regulate construction and related traffic noise throughout the day between the hours of 7 AM and 6 PM, Monday through Saturday only, when construction and mechanical equipment noise is permitted so as not to interfere with the quiet residential environment of the City of Rolling Hills.

Item XII. POPULATION AND HOUSING

NO IMPACT

- a-c The impact on population and housing of the proposed future development of two homes (1 net new, because one home that historically occupied the existing parcel has been recently demolished) where each home will house approximately 3-4 additional people, is expected to be less than significant.

Item XIII. PUBLIC SERVICES

LESS THAN SIGNIFICANT (Fire, Police) AND NO IMPACT (Parks and Schools)

- a. The City of Rolling Hills contracts with the Los Angeles county Consolidated Protection district, which provides fire protection services to the City Fire station No. 106, is located within the City, on Crest Road. Other County Fire Stations are relocated in the vicinity and are available to provide additional protection resources, if needed.

37

The City of Rolling Hills contracts with the Los Angeles County Sheriff's Department for police protection and law enforcement services. The main sheriff's station serving the City is located at 26123 Narbonne Avenue, Lomita, California. The station is located approximately 2.0 miles to the north of the site. Historically the emergency response time in the City of Rolling Hills averages five minutes or less.

The impact on public services of the future development of 1 net new single-family residences, each housing approximately 3-4 additional people, will be less than significant in terms of fire and police protection.

The small scale of the project is not expected to have any impact on schools, parks or other public facilities.

Item XIV. RECREATION

a-b. **NO IMPACT**

No impact is anticipated on neighborhood and regional parks and recreational facilities of the future development of 2 total or 1 net new additional single-family residences, which would add approximately 3-4 people per home (4 net new people) The goals of the Open Space and Conservation Element of the General Plan that include: continuing the City's program of acquisition and development of strategically located recreation centers, encouraging the maintenance and improvement of the system of hiking and equestrian trails in Rolling Hills through the Community Association, encouraging the continued upkeep of all City-owned recreation facilities within Rolling Hills, and providing expanded recreational opportunities for children, do not conflict with the future development of up to two new homes.

The subdivider will be required to dedicate land or pay a fee in lieu thereof for purposes of park and recreational facilities (Quimby Act) in accordance with the proportional standards set forth in Section 16.28.150 of the Rolling Hills Municipal Code. These funds are used by the City continually maintain and upgrade the existing recreational facilities in the City.

Item XV. TRANSPORTATION/TRAFFIC

a. **LESS THAN SIGNIFICANT IMPACT**

Approval of the subject 2-lot subdivision project could potentially result in increased traffic that will occur during the construction of two new building pads and up to two new single-family dwellings. The circulation within the City during construction of the project will likely be impacted but not to a significant degree as the work will be occurring in a limited area and to specific lots.

The incremental increase of two new single-family dwelling units will not generate more than an estimated 20 daily vehicle trips in the entire city. Future development of two new single-family dwelling units will slightly affect the balance of transportation improvement "credits" over new development "debits" required to preserve compliance with the Congestion Management Program of Los Angeles County (CMP) that is intended to address the impact of local growth on the regional transportation system and air quality. At 6.8 debits for every newly developed single-family dwelling unit, development of one net unit will use up 6.8 credits. The City has 68 credits at this time, enough to accommodate the construction of at least 8 additional residences in the City of Rolling Hills. If and when the net build-out is completed for the subject project, the City will have 61.2 credits, enough for 9 additional residences in the City of Rolling Hills.

In addition, future development of one net additional single-family residential units will not exceed either individually or cumulatively, a level of service standard established by the

county congestion management agency as there are no heavy congestion designated roads or highways within the City of Rolling Hills.

b-g. NO IMPACT

The project is situated along a private, Rolling Hills Community Association maintained street. The private driveway serving the prior home on the site will be abandoned and closed off and two new private driveways will be constructed to serve the future new homes, intersecting the adjoining roadway of Saddleback Road. The locations of the new driveways are subject to review and approval of the City's Traffic Commission prior to approval of the tentative subdivision map.

The lot lines are proposed to be 90 degrees to the existing street and there are no sharp curves or "blind" spots when exiting the lots. Therefore the project is not expected to substantially increase hazards due to access design or result in inadequate emergency access or inadequate parking capacity as the proposed driveways have adequate width (24 feet at the entrance from Saddleback and 20 feet wide on each lot) and gradient (maximum 12% slope) meeting all city and County Fire Department criteria for access.

Measures (to be incorporated into the conditions of Site Plan Review for future homes).

- L. The property owners shall be required to schedule and regulate truck traffic throughout the day between the hours of 7 AM and 6 PM Monday through Saturday only so as not to interfere with the normal flow of traffic within the City of Rolling Hills.

Item XVI. UTILITIES AND SERVICE SYSTEMS.

a,b,g NO IMPACT

Subdivision of the subject property will not generate any wastewater that will impact a public wastewater facility. The City of Rolling Hills is not connected to the County Sanitation District sewage facility, as there are no sewers in the City (except in a small area at the western end of the City).

The project would not result in a need for new or substantial alteration to local or regional water treatment or distribution facilities, due to the limited amount of additional water required to serve the project.

The developer will be required to comply with all local, state, and federal requirements for integrated waste management (e.g., recycling, green waste) and solid waste disposal.

c-f. LESS THAN SIGNIFICANT IMPACT

Wastewater treatment requirements of the Regional Water Quality Control Board will not be exceeded by the future development of one net additional single-family residential unit.

The impact on water supplies available for the future development of one net additional single-family residence, housing approximately 3-4 additional people each is expected to be less than significant.

Prior to approval of the Final Parcel Map the applicant shall be required to obtain a letter from the Water Company certifying that adequate water supply is available to serve the proposed parcels.

Mitigation Measures (to be incorporated into the conditions of Site Plan Review for future homes)

39

- M. The property owners shall be required to conform to the Regional Water Quality Control Board and County Health Department requirements for the installation and maintenance of septic tanks.
- N. The property owners shall be required to conform to the Regional Water Quality Control Board and County Health Department requirements for the installation and maintenance of stormwater drainage facilities.
- O. The property owners shall be required to conform to the Regional Water Quality Control Board and County Public Works Department Best Management Practices (BMP's) related to solid waste.
- P. Prior to approval of the Final Parcel Map the applicant shall be required to obtain a letter from the Water Company certifying that adequate water supply is available to serve the proposed parcel, should a single family development be proposed in the future.
- Q. Prior to approval of the Final Parcel Map the applicant shall be required to place all utilities underground or file an improvement security, to the satisfaction of the City.

Item XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

- a. **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION**
 Subject to a confirming study (Biological Assessment) the preparation of which is to be incorporated as a condition of approval of the subdivision application and to be considered in the public hearing, the project is not expected to degrade the quality of the environment or substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal.
- b , c. **LESS THAN SIGNIFICANT IMPACT**
 The relatively small size of the project site, together with the fact that future development enabled by the project is limited to a maximum of one net additional single-family residence, supports a conclusion that the project impacts will be insignificant and not expected to result in environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.



40

Staff comments on MND for
80 Saddleback Road parcel map



CITY OF RANCHO PALOS VERDES
CITY MANAGER'S OFFICE
ADMINISTRATION

19 November 2014

VIA ELECTRONIC AND U.S. MAIL

Yolanta Schwartz, Planning Director
City of Rolling Hills
2 Portuguese Bend Rd.
Rolling Hills, CA 90274

SUBJECT: Comments in Response to the Notice of Intent to Adopt a Mitigated Negative Declaration for a 2-Lot Parcel Map at 80 Saddleback Road (Zoning Case No. 852, Subdivision No. 93 and Vesting Tentative Parcel Map No. 72232)

Dear Ms. ^{YOLANTA} Schwartz:

The City of Rancho Palos Verdes appreciates the opportunity to comment upon the proposed Mitigated Negative Declaration (MND) for the above-mentioned project. We have reviewed the MND and project exhibits, and offer the following comments:

1. The discussion of Biological Resources impacts in the Initial Study (pp. 16-18) notes that a biological resources assessment study will be prepared for the review and approval of the Rolling Hills Planning Commission prior to its final approval of the requested vesting tentative parcel map. To assist in this effort, the City offers the enclosed exhibit from our geographic information system (GIS) database, depicting coastal sage scrub (CSS) habitat on the subject property and on adjacent property in the City of Rancho Palos Verdes. As shown on this exhibit, the purple-shaded area of the subject property appears to contain *Salvia*-dominated CSS habitat. This vegetation data is from surveys conducted by the City in 2004.
2. The discussion of Hazards and Hazardous Materials impacts in the Initial Study (p. 20) states that exposure to wildland fires will be less than significant, noting that annual brush clearance and fuel modification plans will be required for the development of future homes on the proposed lots. Related to Comment 1 above, there is existing CSS habitat on private-owned property in Rancho Palos Verdes that abuts the subject property to the southeast. The City requests that, when considering the design and placement of future structures on the proposed lots, any future brush clearance and fuel modification related to this proposed subdivision would avoid any adverse impacts upon CSS habitat located upon property in Rancho Palos Verdes.

Yolanta Schwartz
19 November 2014
Page 2

3. The discussion of Hydrology and Water Quality impacts in the Initial Study (pp. 20-21) notes the project proponent's responsibility to comply with the National Pollutant Discharge Elimination System (NPDES) permit, pursuant to Section 402 of the Clean Water Act. However, the City believes that the Initial Study erroneously states that the subject property "is not located in proximity to a river or stream." The subject property would appear to drain—at least in part—into the unnamed stream in the bottom of George F Canyon, which is identified on the U.S. Geological Survey's Torrance quadrangle as a "blue line" stream (see enclosed excerpt). This stream flows northeasterly through abutting downstream properties located in Rancho Palos Verdes and Rolling Hills Estates.

Again, thank you for the opportunity to comment upon this project. If you have any questions or need additional information, please feel free to contact me at (310) 544-5226 or via e-mail at kittf@rpv.com.

Sincerely,



Kit Fox, AICP
Senior Administrative Analyst

enclosures

cc: Mayor Duhovic and City Council
Carolynn Petru, Acting City Manager
Joel Rojas, Director of Community Development

