

**MEMORANDUM**

**TO:** HONORABLE MAYOR & CITY COUNCIL MEMBERS  
**FROM:** CAROLYNN PETRU, AICP, DEPUTY CITY MANAGER   
**DATE:** FEBRUARY 5, 2013  
**SUBJECT:** BORDER ISSUES STATUS REPORT  
**REVIEWED:** CAROLYN LEHR, CITY MANAGER   
Project Manager: Kit Fox, AICP, Senior Administrative Analyst 

**RECOMMENDATION**

1) Receive and file the current report on the status of Border Issues; and 2) receive a presentation regarding the Clearwater Program from the Los Angeles County Sanitation Districts.

**EXECUTIVE SUMMARY**

This month's report includes:

- A report on the most-recent meeting of the San Pedro Facility Restoration Advisory Board (RAB) for the Navy's Defense Fuel Support Point (DFSP) on North Gaffey Street in Los Angeles (San Pedro);
- A status report on the Draft Environmental Impact Report (DEIR) for the revised *Ponte Vista* project in Los Angeles (San Pedro);
- A brief status report on the Brickwalk, LLC mixed-use condominium project in Rolling Hills Estates;
- A follow-up report on the DEIR for the San Pedro Community Plan Update in Los Angeles (San Pedro);
- An update on recent issues and events related to the Rancho LPG butane storage facility in Los Angeles (San Pedro); and,
- A report on the status of the Marymount College San Pedro campus on Palos Verdes Drive North in Los Angeles (San Pedro).

In addition, Staff of the Los Angeles County Sanitation Districts' will make a presentation of the Clearwater Program, as requested by Councilman Campbell on December 4, 2012.

## **MEMORANDUM: Border Issues Status Report**

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### **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/2013/20130205\\_BorderIssues\\_StatusRpt.cfm](http://palosverdes.com/rpv/planning/border_issues/2013/20130205_BorderIssues_StatusRpt.cfm)

### **DISCUSSION**

#### **Current Border Issues**

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

The San Pedro Facility Restoration Advisory Board (RAB) held its most recent meeting on January 17, 2013 (see attached cover letter, agenda and attachments). The RAB continues to deal only with environmental remediation at the active Defense Fuel Support Point (DFSP) San Pedro, not the former Navy housing sites. Unfortunately, Staff was unable to attend this most recent meeting.

At the last RAB meeting on June 21, 2012, Lomita Planning Commissioner Dan Jones was appointed as interim RAB Community Co-Chair to replace the late Gil Alberio. The Navy has begun public outreach efforts to select a permanent Community Co-Chair and new members for the RAB. An application for new RAB members was distributed just prior to the January 17<sup>th</sup> meeting. Staff will continue to monitor this project in future Border Issues reports.

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

During December 2012, Staff attended several meetings of the Northwest San Pedro Neighborhood Council (NWSPNC) to review the plans and Draft EIR (DEIR) for the *Ponte Vista* project. On Monday, January 7, 2013—the end of the public comment period—Staff submitted the attached comments on the DEIR to the City of Los Angeles.

Our comments begin by pointing out discrepancies between the 1,135-unit "proposed" project and the project Alternatives C and D being promoted by the developer in the media and in public forums. We then cited concerns with respect to the assessment of aesthetics, geology, hazards, land use, noise, housing/population, public services (schools and recreation), transportation/traffic and wastewater.

Staff was provided with copies of DEIR comments from several other stakeholder groups, which are attached to tonight's report. They include:

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- Northwest San Pedro Neighborhood Council
- "R Neighborhoods R1"
- City of Lomita
- City of Rolling Hills Estates
- Palos Verdes-South Bay Group/Angeles Chapter, Sierra Club
- Barbara and Al Sattler
- Janet Gunter

Shortly after the end of the public comment period, the developer formally announced that it would pursue the 830-unit proposal described as Alternative C in the DEIR. The *Daily Breeze* and *PV News* also reported on this announcement (see attachments), which came as no surprise to Staff. Staff will continue to monitor this project in future Border Issues reports.

### *Brickwalk, LLC Mixed-Use Condominiums, Rolling Hills Estates*

On December 3, 2012, the Rolling Hills Estates Planning Commission continued its discussion of the Brickwalk, LLC project. It approved the project and gave direction to its Planning Staff to bring back a resolution for adoption on December 17, 2012 (see attachment). The Rolling Hills Estates City Council is now expected to consider and ratify the Planning Commission's action on February 12, 2013. Staff will continue to monitor this project in future Border Issues reports.

### *San Pedro Community Plan Update, Los Angeles (San Pedro)*

On December 12, 2012, an open house and public hearing were held for the San Pedro Community Plan Update (see attached notice). Unfortunately, Staff was not able to attend. However, the following day Los Angeles City Councilman Joe Buscaino sent the attached letter to the Department of City Planning, asking for the proposed land use changes surrounding the intersection of Western Avenue and 25<sup>th</sup> Street to be removed from consideration in the plan update. Staff has repeatedly raised concerns about the proposed changes to the density and intensity of future development surrounding this intersection that would be allowed and encouraged under the proposed update to San Pedro Community Plan. Staff will continue to monitor this project in future Border Issues reports.

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

Following up on the City Council's direction of October 16, 2012, Staff has been attempting to obtain copies of insurance information regarding the Rancho LPG facility. However, as of the date that this report was completed, legal counsel for the facility operator has not indicated whether or not such information will be provided to the City.

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As mentioned in the discussion of the *Ponte Vista* project above, Janet Gunter submitted extensive comments in opposition to the project on the basis that the risk of upset posed by the nearby Rancho LPG facility was not adequately addressed. Also attached to tonight's report are copies of e-mails and correspondence received regarding the Rancho LPG facility between December 7, 2012 and January 10, 2013. These include:

- E-mail from San Pedro Peninsula Homeowners United regarding nuisance complaints about the Rancho LPG facility, received on December 7, 2012;
- E-mail chain regarding 3<sup>rd</sup>-party review of seismic hazards analysis for the Rancho LPG facility in the *Ponte Vista* DEIR, received on January 2, 2013;
- E-mail from Janet Gunter regarding insurance and seismic issues for the Rancho LPG facility, received on January 7, 2013; and,
- E-mail from Janet Gunter asking the State's Local Emergency Planning Committee to oppose the *Ponte Vista* project due to issues related to the Rancho LPG facility.

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

*Marymount College San Pedro Campus Master Plan, Los Angeles (San Pedro)*

On December 3, 2012, Staff received the attached response from the Los Angeles Department of Transportation (LADOT) to our comments on the MND for the Marymount San Pedro project. Although this response generally addressed most of the issues that we had raised in our comments of October 17, 2012, Staff believed that it still failed to adequately address potential traffic impacts at Palos Verdes Drive South and Palos Verdes Drive East.

The public hearing on the parcel map component of the project—consisting of the merger of the main campus site with adjacent vacated right-of-way of Palos Verdes Drive North—was scheduled before the City of Los Angeles Advisory Agency on December 12, 2012. Staff attended the hearing, but due to deficiencies in the parcel map application and the MND, the matter was not heard and no action was taken on the application at that time (see attached Staff report).

The public hearing was subsequently re-scheduled for January 24, 2013. By that time, the deficiencies identified in the previous Staff report had been corrected. Staff testified before the hearing officer about our concerns regarding unresolved impacts at Palos Verdes Drive South and Palos Verdes Drive East. The hearing officer agreed to take our concerns into consideration and took the case under advisement for an additional week. However, Staff believes that it is likely that the hearing officer will ultimately approve the parcel map as proposed by Marymount College.

The entire Marymount College San Pedro Campus project, which also includes a conditional use permit (CUP), will require the approval of the Los Angeles City Planning

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Commission at a subsequent public hearing. Staff anticipates that this hearing will occur in late February or early March. Staff will continue to monitor this project in future Border Issues reports.

### New Border Issues

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

### Presentation of Clearwater Program

At the December 4, 2012, City Council meeting, Councilman Campbell asked Staff if arrangements could be made for a presentation of the Los Angeles County Sanitation Districts' (LACSD) Clearwater Program at a future City Council meeting. As was discussed in the Staff report and late correspondence for the Border Issues Status Report on the December 4<sup>th</sup> agenda, the LACSD District No. 2 Board of Directors certified the Environmental Impact Report (EIR) and approved the Master Facilities Plan (MFP) for the Clearwater Program on November 28, 2012.

The Clearwater Program includes the approval of modifications and improvements to the Districts' treatment and disposal facilities located throughout Los Angeles County, including the construction of a new 18-foot-diameter, 7-mile-long on-shore tunnel that will connect the existing outfall structure at Royal Palms County Beach in San Pedro to the Districts' Joint Water Pollution Control Plant (JWPCP) in Carson. The tunnel alignment for the approved project is the Districts' recommended "Alternative 4," which will be constructed hundreds of feet below Western Avenue from Trudie Drive/Capitol Drive to Royal Palms County Beach.

As requested, LACSD Staff will make a brief presentation of the Clearwater Program to the City Council at tonight's meeting.

### Attachments:

- Cover letter, agenda and notice for San Pedro Facility RAB meeting (received 1/9/13)
- City Staff comments on the *Ponte Vista* EIR (dated 1/7/13)
- NWSPNC comments on the *Ponte Vista* EIR (dated 1/7/13)
- "R Neighborhoods R1" comments on the *Ponte Vista* EIR (dated 1/7/13)
- City of Lomita comments on the *Ponte Vista* EIR (dated 12/19/12)
- City of RHE comments on the *Ponte Vista* EIR (dated 1/3/13)
- Sierra Club comments on the *Ponte Vista* EIR (dated 1/7/13)
- Comments from Al and Barbara Sattler on the *Ponte Vista* EIR (dated 1/7/13)
- Comments from Janet Gunter on the *Ponte Vista* EIR (dated 1/7/13)
- *Ponte Vista* e-mail regarding 830-unit proposal (received 1/18/13)

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**Attachments (cont'd):**

- *Daily Breeze* and *PV News* articles regarding *Ponte Vista* project (published 1/15/13 & 1/17/13)
- RHE Planning Commission Resolution No. PA-01-07 for Brickwalk, LLC project (adopted 12/17/12)
- Notice for open house/public hearing for the San Pedro Community Plan Update (received 12/6/12)
- Letter to Councilman Buscaino regarding San Pedro Community Plan Update (dated 12/13/12)
- E-mails and correspondence regarding Rancho LPG facility (received 12/7/12 to 1/10/13)
- LADOT response to MND comments for Marymount College San Pedro Campus (dated 11/30/12)
- Staff report for Marymount College San Pedro Campus (dated 12/12/12)

Cover letter, agenda and notice  
for San Pedro Facility RAB meeting



DEPARTMENT OF THE NAVY  
NAVAL WEAPONS STATION SEAL BEACH  
800 SEAL BEACH BOULEVARD  
SEAL BEACH, CA 90740-5607

IN REPLY REFER TO

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03 Jan 2013

RECEIVED

CITY OF RANCHO PALOS VERDES

JAN 09 2013

→ KIT FOX

CITY CLERK'S OFFICE

Restoration Advisory Board  
Community Members

Ladies and Gentlemen:

SUBJECT: January 17, 2013 - DEFENSE FUEL SUPPORT POINT SAN PEDRO  
RESTORATION ADVISORY BOARD MEETING

Naval Weapons Station Seal Beach will be holding a Restoration Advisory Board (RAB) meeting for the Defense Fuel Support Point (DFSP) San Pedro on Thursday, January 17, 2013 from 4:00 to 6:00 PM, at DFSP San Pedro, Building 100. The enclosed agenda lists the proposed topics to be discussed and the location/address of the RAB meeting.

The DFSP San Pedro RAB meets to review the progress and status of the Installation Restoration Program (IRP) on non-Base Realignment and Closure (BRAC) DFSP San Pedro sites. The RAB concerning the BRAC portion of the DFSP San Pedro facility has been adjourned since those sites received regulatory approval for closure.

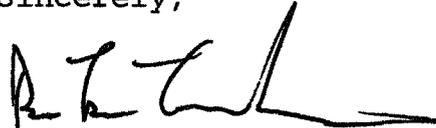
Applications are being accepted from interested parties for positions as community RAB members. Community RAB members are responsible for electing a Community Co-Chairperson. RAB members are expected to serve a two-year term and attend the semi-annual RAB meetings. Members who miss three or more consecutive meetings may be asked to resign. Duties and responsibilities will include reviewing and commenting on technical documents and activities associated with the IRP at DFSP San Pedro. Members will be expected to act as a liaison for information exchange between the community and the RAB.

If you are interested in the Community Co-Chair role and/or RAB membership in general, please contact Kellie Freeman at (714)435-6230 or via email at: [Kellie.Freeman@ch2m.com](mailto:Kellie.Freeman@ch2m.com).

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03 Jan 2013

If you have any questions, you may contact the Navy Remedial Project Manager, Mr. Grady Gordon, at (619)532-2296 (email: [grady.gordon@navy.mil](mailto:grady.gordon@navy.mil)) or the Principal Environmental Scientist, Dr. Margaret Wallerstein at (562) 626-7838 (email: [margaret.wallerstein.ctr@navy.mil](mailto:margaret.wallerstein.ctr@navy.mil)).

Sincerely,



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

Enclosure: 1. DFSP San Pedro RAB Meeting Agenda

Distribution List: Restoration Advisory Board Members

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

Thursday, January 17, 2013  
4:00 pm to 6:00 pm

AGENDA

- 4:00 PM Welcome and Introductions  
Navy Co-Chair: Mr. Grady Gordon  
Interim Community Co-Chair: Mr. Dan Jones
- 4:05 PM Administrative Items  
Co-Chair Election  
Distribution/Mailing List  
RAB Meeting Time
- 4:20 PM Public Involvement Overview  
Ms. Kellie Freeman, KCH
- 4:30 PM IR Program Overview  
Mr. Grady Gordon
- 4:40 PM IR Site 32 Remedial Investigation Update  
Mr. David Bloom, Tetra Tech Inc.
- 5:10 PM IR Site 32 Feasibility Study Update  
Mr. Eric Johansen
- 5:25 PM Palos Verdes Blue Butterfly  
Dr. Albert Owens, Entomologist
- 5:50 PM Open Forum for RAB Members and the Public
- 5:55 PM Next Meeting
- 6:00 PM Meeting Adjourned

**NAVAL WEAPONS STATION SEAL BEACH**  
**DEFENSE FUEL SUPPORT POINT SAN PEDRO**  
**NOTICE OF JANUARY 2013**  
**RESTORATION ADVISORY BOARD MEETING**

**WHO:** Everyone is welcome

**WHEN:** Thursday, January 17, 2013, at 4:00 PM

**WHERE:** Defense Fuel Support Point, San Pedro

3171 N. Gaffey Street, Building 100, San Pedro, CA 90731

The Department of the Navy has been conducting environmental investigations at locations within the Defense Fuel Support Point (DFSP) San Pedro, and at the former Palos Verdes and San Pedro Navy housing areas. IRP sites within the former Navy housing areas have been addressed through the Navy Base Realignment and Closure Office's (BRAC) Environmental Restoration Program (ERP) and environmental sites within the DFSP facility have been addressed as part of the Navy's Installation Restoration Program (IRP). In the summer of 1994 the Navy established a Restoration Advisory Board (RAB) for all of the IRP sites. This meeting is **OPEN TO THE PUBLIC** and is intended to provide an open forum for the community to attend and participate in all aspects of the investigation and environmental cleanup activities associated with the Navy's DFSP San Pedro IRP. The meeting will provide information on the IRP status including the IR Site 32 Remedial Investigation/Feasibility Study (RI/FS).

Environmental response actions are complete at all BRAC sites as these sites have received site closure from regulatory agencies.

**PLEASE NOTE THAT THE NAVY'S DFSP SAN PEDRO RAB WILL CONTINUE TO MEET WITH REGARD TO ONGOING ENVIRONMENTAL WORK ON THE NON-BRAC SAN PEDRO IRP SITES.**

Environmental documents associated with the IRP for DFSP San Pedro are kept at the **Information Repository—San Pedro Public Library**, Environmental Impact Statement (EIS) section. These documents are available for review by the public and other interested parties.

Applications are being accepted for RAB membership and community members will elect the RAB Community Co-Chair. RAB members are expected to serve a two-year term and attend the semiannual RAB meetings. Members who miss three or more consecutive meetings may be asked to resign. Duties and responsibilities will include reviewing and commenting on technical documents and activities associated with the environmental restoration at the Navy's DFSP San Pedro Facility. Members will be expected to act as a liaison for information exchange between the community and the RAB. If you are interested in the co-chair role and/or RAB membership in general, please contact Kellie Freeman, at (714) 435-6230 or via email at [Kellie.Freeman@ch2m.com](mailto:Kellie.Freeman@ch2m.com).

If you have any questions, feel free to contact:

Mr. Grady Gordon  
Environmental Project Manager  
Department of the Navy  
Naval Facilities Engineering Command, Southwest  
(619) 532-2296

Dr. Margaret Wallerstein  
Principal Environmental Scientist  
Naval Weapons Station Seal Beach  
562-626-7838

**Restoration Advisory Board Membership Application**  
**Naval Weapons Station Seal Beach**  
**Defense Fuel Support Point San Pedro**

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Conditions for Membership:

The Naval Weapons Station Seal Beach Commanding Officer must concur with the appointment of Restoration Advisory Board (RAB) members. Community RAB members elect the Community Co-Chair. The elected Co-Chair serves a two-year term and attends the semi-annual RAB meetings. Members who miss three or more consecutive meetings may be asked to resign. Duties and responsibilities will include reviewing and commenting on technical documents and activities associated with the environmental restoration at DFSP San Pedro. Members will be expected to be act as a liaison for information exchange between the community and the RAB.

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY/STATE/ZIP: \_\_\_\_\_  
DAYTIME PHONE: \_\_\_\_\_  
EMAIL: \_\_\_\_\_  
COMMUNITY AFFILIATION: \_\_\_\_\_  
OCCUPATION: \_\_\_\_\_

Briefly state why you would like to be a member of the RAB.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are you currently or have you ever been involved with or affected by environmental cleanup activities associated with DFSP San Pedro? If yes, please explain

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please indicate if you are interested in being considered for the Community Co-Chairperson position on the RAB by checking the box below:

Yes, I would like to be considered.

Are you willing to serve a two-year term as a member of this RAB?

Yes, I am willing to serve a two-year term as a member of this RAB.

By submitting this signed application, you willingly agree to work cooperatively with other members of the RAB to address community issues related to environmental restoration of the facility.

Privacy Act Statement: The personal information requested on this form is being collected to determine interest and qualification for RAB membership. The information will be retained on file at the NAVFAC office. The information will not be disseminated. Providing information on this form is voluntary.

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Applicant Signature

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Date

Please return your completed application to:

Ms. Kellie Freeman  
KCH, Public Involvement Manager  
6 Hutton Centre Dr., #700  
Santa Ana, CA 92707  
PH 714-435-6230  
[kellie.freeman@ch2m.com](mailto:kellie.freeman@ch2m.com)

We ask that you please **return your application by January 11, 2013.**

City Staff comments on the *Ponte Vista* EIR



CITY OF RANCHO PALOS VERDES  
CITY MANAGER'S OFFICE  
ADMINISTRATION

7 January 2013

VIA ELECTRONIC AND U.S. MAIL

Erin Strellich, Planning Assistant  
Department of City Planning  
Environmental Review Section  
200 N. Spring St., Rm. 750  
Los Angeles, CA 90012

**SUBJECT** Comments in Response to the Notice of Availability/Completion of a Draft Environmental Impact Report for the Proposed *Ponte Vista* Project, 26900 South Western Avenue (Case No. ENV-2005-4516-EIR)

Dear Ms. Strellich:

The City of Rancho Palos Verdes appreciates the opportunity to comment upon the Notice of Availability/Completion (NOA/C) for the above-mentioned project. The City respectfully offers the following comments on the content and analysis of the Draft EIR (DEIR) for the proposed project:

- 1) From the outset, the City of Rancho Palos Verdes would like to take this opportunity to remind the City of Los Angeles that the purpose of an EIR is to disclose and describe the environmental impacts of a proposed project in a logical and concise manner so that decision makers are able to make fully-informed decisions before taking action on the proposed project in question. In the case of this EIR, however, it is clear that the project proponent has no intention of building or seeking entitlements to build the so-called "proposed" project, but instead intends to pursue Alternative C, as described in Section VI of the DEIR. Nevertheless, thousands of pages of descriptions, diagrams, analyses and technical appendices are expended on the "proposed" project in the DEIR, while fewer than one hundred fifty (150) pages at the back of the DEIR are devoted to the analysis of all four (4) project alternatives combined. We appreciate that the project proponent's decision to abandon the "proposed" project in favor of 830-unit Alternative C or 1,135-unit Alternative D may have been in response to significant geotechnical issues that were identified on the site after the initial circulation of the Notice of Preparation (NOP) in October 2010. However, at that point, the project description should have been revised to address these changed circumstances and the NOP recirculated. Instead, we are now presented with a DEIR that includes a minutely-detailed analysis of a

“proposed” project that the project proponent has no interest in pursuing, and superficial analyses of the “real” project proposal (i.e., Alternative C or D). Therefore, before we comment in more detail on the DEIR as presented, the City of Rancho Palos Verdes wishes to go on record as requesting that the DEIR be completely re-written with either Alternative C or Alternative D as the “proposed” project—accompanied by appropriately re-written descriptions, diagrams, analyses and technical appendices—and re-circulated for a new public review and comment period.

- 2) The City respectfully takes exception with some of the “important planning issues” purportedly addressed by the “proposed” project (pp. 1-8 to 1-9):
  - a) The introduction states that the “site’s size and relative physical isolation make it possible to avoid or reduce many of the typical ‘adjacency’ impacts that result from infill development.” While the proposed project may be remote from the developed areas to the north and east by virtue of the adjacent Defense Fuel Support Point San Pedro, no comparable buffer is provided from the adjacent neighborhoods in San Pedro to the south or Rancho Palos Verdes to the west.
  - b) Furthermore, the introduction asserts that the increased residential density proposed is necessary to meet regional housing needs, and notes that the project site is located near “the Ports of Los Angeles and Long Beach, which are among the region’s largest employers.” However, as far as we can tell, the “proposed” project includes absolutely no provisions to ensure that any of the proposed housing units would be made affordable or accessible to Port or Port-related employees, other than by virtue of mere physical proximity.
- 3) The City appreciates that a much more comprehensive assessment of the aesthetic impacts of the “proposed” project was conducted in the current DEIR than was the case for the previous 2,300-unit proposal in 2007. This included the acknowledgement that adverse impacts upon views characterized by man-made features—such as those that occur in and around Los Angeles Harbor—are potentially significant. Views of the Harbor area—especially at night—are a prominent visual feature of Rancho Palos Verdes neighborhoods along Western Avenue, and the City of Rancho Palos Verdes frequently considers (and protects) city-light views of the harbor when considering development proposals. Unfortunately, the DEIR dismisses adverse impacts to views from private property in the City of Rancho Palos Verdes as less than significant. This includes views from Green Hills Memorial Park and from homes in the *Rolling*

*Hills Riviera* neighborhood on the west side of Western Avenue. The City of Rancho Palos Verdes takes this opportunity to formally object to this assessment. We also offer the following specific comments on Section IV.B (Aesthetics):

- a) There are repeated references in Section IV.B to homes on "Palondra Drive" in Rancho Palos Verdes. There is no such street in the City, and we are unsure what homes the DEIR is referring to.
  - b) The description of private viewing areas in Rancho Palos Verdes (pp. IV.B-19 to IV.B-20) identifies two (2) neighborhoods on the west side of Western Avenue to the south of Green Hills Memorial Park that overlook the project site. In fact, there is only one (1) residential neighborhood in this area, which is known as *Rolling Hills Riviera*.
  - c) The "before-and-after" photographic simulations included in Section IV.B—which we find to be crude, at best—should be placed closer to one another in the DEIR so as to make it easier for readers to compare the photos and draw their own conclusions. In the current DEIR, these "before-and-after" images area separated by two (2) dozen or more pages of text.
- 4) We were surprised to learn (as, we suspect, was the project proponent) of the existence of a subsurface fault crossing the subject property, as described in Section IV.F (Geology & Soils). As mentioned above, we appreciate that this discovery drove changes in the site plans of the project alternatives so as to protect future residents, resulting in the designation of a 100-foot-wide seismic setback zone (Mitigation Measure GEO-1). However, we believe that the discovery of this issue should have resulted in complete reconsideration of the description of the "proposed" project and recirculation of the DEIR, as described above in Comment 1.
- 5) We have several comments with respect to the assessment of Hazards and Hazardous Materials in the DEIR (Section IV.H):
- a) Section IV.H describes the health risk assessment (HRA) conducted in relation to toxic air contaminant (TAC) emissions from several industrial sources near the project site (i.e., DFSP, ConocoPhillips and the Port of Los Angeles). However, we were surprised to read that among the sites that were not included in the HRA was the Rancho LPG facility at North Gaffey Street and Westmont Drive (p. IV.H-25). This omission is of

particular concern due to recent incidences of TAC emissions (i.e., leaks) at both ConocoPhillips (September 2012) and Rancho LPG (October 2012), both of which we understand are under investigation by the AQMD.

- b) The analysis of off-site releases of hazardous materials notes that an independent risk-of-upset hazard analysis was performed in relation to the DFSP and ConocoPhillips, but not Rancho LPG. Given the high level of public concern about the Rancho LPG facility in recent years, we believe that it would have been most prudent to include all three (3) of these facilities in the independent risk-of-upset hazard analysis.
  - c) The DEIR concludes that the “proposed” project has no impact with respect to conflicts with adopted emergency response plans, based (at least in part) upon an assertion that the City of Rancho Palos Verdes has not designated Western Avenue as an emergency evacuation route along the frontage of the project site (p. IV.H-41). The DEIR cites an exhibit in the Safety Element of the Rancho Palos Verdes General Plan (Figure 39, Disaster Routes) that was not updated after the *Eastview* area was annexed by Rancho Palos Verdes in 1983. However, the text accompanying this exhibit notes that routes depict on Figure 39 are conceptual and that the designation of evacuation routes is found in the Emergency Operations Plan (EOP) and Standard Operating Procedures (SOP), not in the General Plan. Furthermore, the City of Rancho Palos Verdes is currently updating its General Plan, and expects that Western Avenue—the major north-south arterial serving the *Eastview* area of the City—will be incorporated into the updated version of Figure 39. As such, the City of Rancho Palos Verdes believes that the “proposed” project is very likely to have an effect upon emergency response in the *Eastview* area of the City, and that this effect should be analyzed in the DEIR.
  - d) Finally, notwithstanding the discussion on p. IV.H-18 of the DEIR, the City of Rancho Palos Verdes believes that the project site is within a 2-mile radius of Torrance Municipal Airport (TOA), so that the potential aircraft safety hazards posed for future residents should be assessed in the DEIR.
- 6) The discussion of Land Use/Planning impacts suggests that the “proposed” project is necessary to meet a variety of perceived housing needs, even though the existing residential density of the project site would be increased by more than four (4) times. We do not believe that the DEIR adequately demonstrates the need for higher-density residential development on this site or in the surrounding community. In fact, we would point out that existing, unsold higher-

density developments located to the south of the project site and in downtown San Pedro actually demonstrate that there is a glut of this type of housing in the local market. The City remains concerned that a proposal for residential densities in excess of eighteen (18) units per acre for this site will be out of character with the surrounding patterns of development, both in Rancho Palos Verdes and Los Angeles.

- 7) The analysis of Noise impacts in the DEIR (Section IV.K) concludes that there will be significant and unavoidable exterior noise impacts of the "proposed" project upon certain project residences located along the Western Avenue frontage of the site. We question if there may be similar, adverse exterior noise impacts to existing residences on the west side of Western Avenue in Rancho Palos Verdes that have not been adequately addressed in the DEIR.
- 8) The City respectfully disagrees that the growth in housing and population directly attributable to the proposed project would be beneficial to the surrounding community, and believes that it would be of negligible regional benefit toward achieving jobs/housing balance. The DEIR purports that the proposed project would contribute to the alleviation of a "jobs rich/housing poor" condition in the Los Angeles subregion (p. IV.L-22). However, the "proposed" project includes no assurances that any of the project's 2,923 new residents would be employed locally, nor that any of the project's 1,135 new units would be affordable to current employees of the Port or other nearby institutional or private employers.
- 9) The discussion of Public Services-Schools impacts concludes that, based upon LAUSD estimates, sixty-eight (68) children residing in the "proposed" project are expected to attend Dodson Middle School in the City of Rancho Palos Verdes at any given time (Table IV.M-8). Although LAUSD may represent the Dodson campus as being well under capacity, it is the City's and the surrounding residents' actual experience that the current level of enrollment at Dodson results in significant noise, traffic and other nuisance impacts (i.e., trash, graffiti, etc.) in the surrounding *Rolling Hills Riviera* neighborhood. We suspect that the addition of even sixty-eight (68) more students to the campus population will have significant adverse impacts upon the *Rolling Hills Riviera* neighborhood.
- 10) The discussion of Public Services-Recreation impacts concludes that the impact of the "proposed" project will be less than significant as the result of the payment of Quimby fees to the City of Los Angeles, and the provision of 4.1 acres of publicly-accessible parks and open space, and 16.5 acres of private parks, landscaping and recreational amenities. The City of Rancho Palos Verdes respectfully notes, however, that the nearest public park to the project site is

Rancho Palos Verdes' Eastview Park, located at 1700 Westmont Drive (Figure IV.M-4). The payment of Quimby fees to Los Angeles will do nothing to offset impacts to nearby Rancho Palos Verdes park facilities from future project residents. Furthermore, since Alternatives C and D no longer contain a public park, we believe that the project's off-site recreational impacts will be significant and should be more fully assessed in the DEIR.

- 11) The discussion of Transportation and Traffic impacts (Section IV.N) raises several issues of concern to the City:
  - a) Vehicular access to and from Mary Star of Sea High School will be maintained through the project site, but will be shifted from its current access point at the Green Hills Drive intersection to the Avenida Aprenda intersection. A queue analysis needs to be conducted to justify the appropriate increase to the existing left-turn pockets on Western Avenue at the Green Hills Drive and Avenida Aprenda intersections.
  - b) The project is proposing left-turn signal phasing at the intersections of Western Avenue at Green Hills Drive and Avenida Aprenda as a project feature. Prior to approval, the applicant must provide justification for appropriate left-turn phase sequencing to maximize operational benefits while minimizing safety impacts.
  - c) On page 55 of the traffic study, the reports states that certain improvements have been implemented along Western Avenue as a result of the Western Corridor Improvement Project Plan. To date, none of the improvements, as recommended by this study, have been implemented.
  - d) Removal of the raised concrete median at various intersections along Western Avenue poses a huge safety concern. There is existing evidence of operational issues at many of these intersections, especially the left-turn movements. Removing the raised concrete median nose opens the opportunity for other safety-related concerns. Please provide an alternative to striping for safety purposes.
  - e) The City is concerned about the retention of the wide northbound No. 2 lanes that invite motorists to create a third travel lane. With the project distributing and attracting approximately 60% of the project trips from the north and approximately 30% of project trips from the south along Western Avenue, there is a potential for many vehicles to attempt to avoid the

traffic in the striped travel lanes and utilize the wide shoulder area to create a third lane. This pattern exists today.

- 12) It is the City's understanding that the conveyance of wastewater from the "proposed" project will be via a connection to the City of Los Angeles' sewer system within the right-of-way of Taper Avenue (p. IV.O-25), not via the former connection to the Los Angeles County Sanitation Districts' Western Avenue Pumping Plant (WAPP) in the City of Rancho Palos Verdes. We presume that this will also be the case in any of the alternatives to the "proposed" project. The City of Rancho Palos Verdes is concerned that any proposal or alternative that might continue to utilize the former WAPP connection for this site could place a burden upon the County sewer system that serves the City's residents.
- 13) The DEIR identifies significant unavoidable impacts in the areas of operational air emissions and construction-related air quality, noise and vibration impacts (p. V-1). Residents in Rancho Palos Verdes' *Rolling Hills Riviera* neighborhood are likely to feel the brunt of these impacts, being the nearest single-family residential neighborhood to the project site. It hardly seems equitable that the City of Los Angeles will reap the benefits (if any) of the "proposed" project while the residents of the City of Rancho Palos Verdes will be forced to live with its day-to-day impacts upon their lives.
- 14) The discussion of Alternatives to the Proposed Project (Section VI) raises several issues of concern to the City:
  - a) As mentioned in Comment 1 above, the City of Rancho Palos Verdes is concerned that the DEIR primarily analyzes the impacts of a "proposed" project that the project proponent is not interested in pursuing, and provides only a cursory assessment of the developer's preferred proposal(s) in the discussion of alternatives. We believe that this approach is needlessly confusing and does not serve to improve the transparency of the development review process for the *Ponte Vista* project.
  - b) With respect to Alternatives A and B, the City of Rancho Palos Verdes is dismayed to learn that it would be the project proponent's intent to revoke the access currently provided to Mary Star of the Sea High School under these development scenarios. We believe that this simply a mean-spirited attempt by the project proponent to diminish the feasibility and community acceptance of these alternatives to the "proposed" project.

**Erin Strellich**  
**7 January 2013**  
**Page 8**

- c) With respect to Alternatives B, C and D, the City is similarly dismayed to learn that it would be the project proponent's intent to eliminate the public park and other publicly-accessible site amenities under these development scenarios. As mentioned above, we believe that the elimination of the public park from the "proposed" project will have adverse impacts upon Rancho Palos Verdes' Eastview Park.

Again, thank you for the opportunity to provide comments on this important project. If you have any questions or need additional information, please feel free to contact me at (310) 544-5226 or via e-mail at [kitf@rpv.com](mailto:kitf@rpv.com).

Sincerely,



**Kit Fox, AICP**  
Senior Administrative Analyst

cc: Mayor Brooks and City Council  
Carolyn Lehr, City Manager  
Carolynn Petru, Deputy City Manager  
Joe Buscaino, Los Angeles City Councilman  
Northwest San Pedro Neighborhood Council

NWSPNC comments on the *Ponte Vista* EIR



## Northwest San Pedro Neighborhood Council

"Your Community Voice"

January 7, 2013

Erin Strelch  
Environmental Review Section  
Department of City Planning  
200 N. Spring Street, Room 750  
Los Angeles, CA 90012

Diana Nave  
President

George Thompson  
Vice President

Scott Allman  
Treasurer

Katie Marrie  
Secretary

### **NORTHWEST SAN PEDRO NEIGHBORHOOD COUNCIL COMMENTS ON ENV-2005-4516 DRAFT EIR COMMENTS: PONTE VISTA PROJECT 26900 S. WESTERN AVE, SAN PEDRO**

Dear Erin,

Thank you for the opportunity to respond to the Draft EIR for the proposed Ponte Vista project. As can be seen from the address, the property is located within the community of San Pedro even though it is in the Wilmington Harbor City Community Plan area and is located within the boundaries of the Northwest San Pedro Neighborhood Council (NWSPNC). NWSPNC represent approximately 20,000 residents and numerous businesses and community organizations. At a Special Meeting on January 3, 2013, our Board, by resolution, unanimously adopted the comments contained herein.

The NWSPNC has followed and participated in the review of the project since the original proposal was submitted by Bisno Development. The current project was presented by the applicant at our November Board and Community Meeting and their Traffic Consultant presented the traffic study and proposed mitigations at our December Board Meeting. Our Planning and Land Use Committee also met at least three times with their representatives made suggestions during the development of the traffic study.

Just prior to the release of the DEIR we requested a 90-day comment period. We remain frustrated and discouraged by the denial of this request, particularly in light of the fact that the most of the review period was consumed by the Thanksgiving, Hanukkah, Christmas, and New Year Holiday Season. Furthermore, it is our contention that the time for review did not comply with the early warning provision of Charter Section 907, requiring sufficient notice so that

Neighborhood Councils will have “...a reasonable opportunity to provide input before decisions are made”. Even more concerning however, is the lack of sufficient opportunity for the community at large to comment on an environmental document for a controversial project that will have such a significant impact on San Pedro, Harbor City and Wilmington.

While this DEIR is an improvement over the document prepared by the previous developer, it is seriously flawed. Furthermore, the project evaluated does not appear to be the project that is proposed to be built. This complicates and skews the review process.

The proposed project does not appear to be a good fit for the community nor for this geographically unique property. We have problems with the underlying assumptions and conclusions in the DEIR mainly relating to traffic, social services, utilities and service systems. Because the analysis is built on faulty assumptions, it is in effect a “house of cards,” and all conclusions based on the analysis are also faulty. We also are concerned with the lack of amenities provided on site, and the lack of any attempt to address the substantial environmental impacts through project design.

Among the fundamental deficiencies in the DEIR are the following:

1. The rezoning request will impair the orderly implementation of Regional Plans, City's General Plan, and two Community Plans. Additionally it fails to evaluate Public Health and Social Impacts and conformance with the ten Urban Design Principles and the Walkability Checklist.
2. The DEIR incorrectly identifies the project as being in keeping with the surrounding neighborhoods. In fact, it ignores the shortfall in San Pedro for single-family homes, and instead proposes housing types that will directly compete with unsold housing units immediately south of the project and in the former CRA project are in downtown San Pedro, thereby undermining a major community effort to revitalize this area, the heart of our community.
3. The proposed project is not a good fit for the location. It is not in a transit oriented area. The gated community and mix of housing types are not appropriate. The proposal fails to integrate walking, biking, and public transit. If built as proposed, residents would need to use their auto for everything. This over-dependence on cars has Green House Gas, energy, and health implications and would isolate residents who do not drive, eg. kids, elderly, and the disabled, within a gated subdivision. Further, the development would not improve the local jobs housing balance.

4. Alternatives B, C, and D ignore the present zoning which includes 15 acres of open space. This is an especially egregious oversight in alternate B because it claims to be a “no project” alternative, i.e. buildable as a matter of right. In fact, units cannot be built on that portion of the property zoned as open space.
5. The traffic analysis uses incorrect assumptions about V/C ratios and traffic generation rates, and proposes mitigations that essentially shift and increase the traffic burdens onto traffic going and coming from Wilmington, Harbor City, and Rancho Palos Verdes, that is not related to San Pedro in any way. Further, none of the proposed Alternatives consider on-site features to mitigate mitigations such as on-site work centers, increased open space to address recreation trips, and additional library space.
6. The DEIR uses data that differs markedly from data included in the San Pedro Community Plan Update EIR. The two should be consistent.
7. The analyses and proposed mitigations for Greenhouse Gas Emissions, Hazardous Materials, Public Services, and Utilities and Service Systems are inadequate and flawed. They must be revised.
8. The DEIR does not adequately consider the alternatives. It focuses almost exclusively on the 1135 unit project despite identifying Alternative C with 830 units as the environmentally preferred alternative, and inadequately analyzes Alternative B for 385 units, despite its having even fewer environmental impacts. No meaningful public amenities are proposed. The proposal fails to make a compelling case for why a special exception should be made to allow the applicant more than its share of units allowed by right.
9. The DEIR should analyze at least one additional alternative that better addresses the environmental impacts of the project while creating an open and accessible neighborhood that represents the values of San Pedro community. We suggest a mixed-use neighborhood project alternative that includes access to Mary Star, traditional single-family homes on appropriately sized lots that allow reasonable private open spaces for families that live in these homes, with work centers, commercial space, senior friendly facilities, a range of public open spaces including a 6-acre public park that complies with the City Recreation Plan, and a library extension to meet State Guidelines for library space.

The objective of the EIR is to disclose the significant impacts of proposed actions, to identify meaningful alternatives and mitigation measures to avoid or reduce environmental damage, and to enhance public participation in the planning process.

In this case, the DEIR relies on outdated, inaccurate, incomplete, inadequate, confusing, and often misleading information that does not help the advisory- and decision-making bodies make an informed decision. A meaningful alternative to a gated subdivision with no public space would be an open an accessible neighborhood with public open spaces and amenities, not unlike the many wonderful neighborhoods in the San Pedro community -- sadly, this option was not evaluated. Ponte Vista may very well be the last of the largest neighborhoods to be developed in the San Pedro community -- the tone set by this development will resonate in the development of smaller infill and redevelopment sites. It is no surprise that the people of the community want to be involved -- they want to be engaged in a meaningful way. Rather than simply react to one scheme or another they want the project designers to help them shape their vision that is also economically viable and rewarding for the developer who is taking the risk. It is this collaborative manner that we can move beyond just another gated subdivision to create a unique place for San Pedro Community.

It is in no ones best interest to see this land continue to lie fallow. We support the City's efforts to promote economic development and to streamline development review. However, in its current flawed design and environmental documentation, this project has the potential to disillusion neighborhoods towards any growth or economic development -- if this is growth and progress, lesser is better.

Please consider the points raised in this cover letter as comments on the DEIR in addition to the attached comments that follow the order in the DEIR. Thank you for this opportunity to submit our comments and concerns. Contact me at 310-831-1975, if you have any questions.

Diana Nave, President  
Northwest San Pedro Neighborhood Council

Enclosure

CC: Councilman Joe Buscaino  
Olive Reed, President, Harbor City Neighborhood Council  
Cecelia Moreno, President, Wilmington Neighborhood Council  
Linda Alexander, President, Central San Pedro Neighborhood Council  
June Smith, President, Coastal San Pedro Neighborhood Council  
Ponte Vista Development Team

# NORTHWEST SAN PEDRO NEIGHBORHOOD COUNCIL COMMENTS ON PONTE VISTA DEIR

## SECTION II. PROJECT DESCRIPTION

### C. PROJECT CHARACTERISTICS

The DEIR identifies Alternative C, for 830 units, as the “environmentally superior” alternative yet it almost exclusively analyzes the 1135 unit proposal. The applicant obviously expects that any impacts of the denser Alternate will apply to the less dense alternate. This is questionable, especially in terms of project characteristics and proposed mitigations. The DEIR must be revised to evaluate impacts for 830 units to foreclose any interest from this or any future owner to increase the intensity back up to 1135 units without triggering another entitlement application.

Similarly, Alternate B is identified as an even less impactful alternative but no real analysis of it is made. Finally, Alternative D, Revised Site Plan, would develop the site with the same 1135 units as the Proposed Project, however, “In order to accommodate the required set backs...the mix of product types...would be altered...{and} the 2.8 acre public park would not be developed....” The application should be amended accordingly.

Also, none of the three Alternatives evaluates the impact of SB 1818 on unit count, population, schools, traffic, services, etc. Since SB 1818 allows the developer to increase the number of units as a matter of right at any time after entitlement, either the applicant needs to show conclusively how SB 1818 does not apply to its application or it should account for the potential impacts of the legislation on its project. This is especially important because the applicant has made it clear it is a speculator and intends to sell the parcels once they are entitled.

#### **Specific Plan Zoning**

A Specific Plan is proposed with Low Medium and Medium density zoning. The DEIR generalizes overall zoning for the entire project, not each individual element. **Each parcel within the development should have a specific zoning density attached to it. Individual densities would allow a closer examination of how to create contextual intensities particularly along the edges of the proposed subdivision.**

The proposed zoning is vague. For example, the proposed single-family units are not the traditional single-family homes that one finds in an R-1 zone. Rather they are essentially the type of housing found in areas zoned RD 1.5 and higher.

The apartment buildings need to have a specific zoning that is applicable to the actual size and density of the proposed development. A Medium density by City of LA codes extends all the way to R-4 zoning which is comparable to the density on Fitness Drive, the 6-acre parcel between the Commercial Shopping Center and the Ponte Vista Property. Figure II-10, Parcel 7 should be zoned specifically for their proposed density, not the medium density. The apartments should be capped at R-3 or lower to provide for an appropriate transition from the development on Fitness Drive to the lower density units directly to the north.

### **Private Roads**

The DEIR (II-17) states " With the exception of the ...road...providing access...to Mary Star of the Sea High School, all other streets on the Project Site would be private and access would be provided through two gated entrances...." In order to better incorporate this project into the surrounding community and provide better emergency ingress and egress, the roads should be dedicated public roads. The road areas should not be used in the calculation of units per acre.

### **Open Space**

The DEIR (II-18) states that "approximately 33 percent of the projects post development acreage would consist of landscaped common areas ... and parks (excluding roads) ... " Open space would include an approximately 2.8 acre park...." **Since the park has been deleted from the viable alternatives this statement should be rewritten.**

This same section references the provision of 102 parking spaces for use by park visitors and other visitors to the site. With the deletion of the public park, it appears that the public parking spaces have also been deleted. **The DEIR should be corrected to reflect this change.**

Figure II-8 shows a 1-acre mitigation area within the public park. **Since the public park has been deleted, what happens to the mitigation area?**

### **Building Heights**

The description of building heights as 40'-48' does not match the two- to three-story buildings. This is the building height for four-story buildings. Also, **the height calculation should be specific to the individual housing types and their locations within in the project.**

## **D. CONSTRUCTION CHARACTERISTICS**

The DEIR states (II-33) that "the construction of the project is estimated to begin in 2013 and would continue over a five-year period, with completion in 2017." There are many references to this 5-year time frame throughout the DEIR. **Since the**

**applicant has requested a 15-year Development Agreement, these references should be changed to indicate a 15-year build-out and the construction phase impacts addressed accordingly.**

Table II-3 indicates that the construction of the Public Park and the Landscaping and Streetscape Improvements would be done in the final year of the 5-year build-out. **Completion of a public park and the landscaping and streetscape improvements on the exterior of the project should be required prior to occupation of any unit.**

P II-34 states "...construction staging, laydown areas, and all construction equipment would be positioned on-site and would be moved from area to area on the Project Site, consistent with the sequence of Project construction." Since the project anticipated different developers for each area it is not clear how would this work? **The mitigations need to address the actual impacts.**

#### **E. PROJECT OBJECTIVES**

Project Objective 6, "To develop a project that fiscally benefits the City of LA." Is not supported. In order to determine if this project fiscally benefits the City of Los Angeles it would be necessary to do an economic impact analysis of projected revenues and costs for each of the alternatives. This should include looking at the property tax, sales revenues that would be within the City of Los Angeles, and long term costs to the City for services such as Police, Fire, and utilities. **This objective should either be removed or factually supported.**

### **SECTION III. ENVIRONMENTAL SETTING**

#### **B. OVERVIEW OF ENVIRONMENTAL SETTING**

The Local Setting description (III-3) should be modified to include the approved 76 unit Volunteers of America (VOA) Navy Village which will be located immediately to the North of the project and will provide housing for homeless veterans and their families. Additionally, the discussion of the proposed future Marymount College educational facilities should include an analysis of their planned expansion at this site into a full four-year college campus with room for 800 residential students, 1500 total students, and 75 full and part-time faculty.

**Please add** the following City of Los Angeles Projects to Table III-2 (III-23) Cumulative Projects and reanalyze cumulative project impacts accordingly. These projects will generate considerable traffic impacts that were not included in future traffic and school calculations:

- Southern California International Gateway (SCIG)
- APL Terminal expansion
- Ports O'Call Redevelopment
- Cabrillo Marina Phase II
- USS Iowa
- Los Angeles County Sanitation Districts Clearwater Outfall Project
- Rolling Hills Prep School build out from 250 students to 1,000 students
- VOA Navy Village
- Pacific LA Marine Terminal
- Harbor Highlands Development (under construction)
- City Dock 1
- Port Master Plan update
- Marymount College Expansion on Palos Verdes Drive North
- San Pedro Community Plan update

## **G. GREENHOUSE GAS EMISSIONS**

### **Background**

The State of California has declared that greenhouse gases (GHGs) constitute “a serious threat to the economic well-being, public health and the environment of California.” (AB 32). It recognizes that allowing them to remain at current levels will not adequately address the dangers they pose and has established instead the goal of reducing them to 1990 levels by the year 2020 (AB 32).

The City of Los Angeles has embraced the effort. It adopted “Green L.A.: An Action Plan to Lead the Nation in Fighting Global Warning” in May 2007, in which it proclaims that by 2030 it will reduce GHGs from city operations 35 percent below 1990 levels.

Three gases are felt to pose the greatest threat: carbon dioxide, methane and nitrous oxide.<sup>1</sup> The primary cause of GHG pollution is combustion of fossil fuels.<sup>2</sup> In California, fossil fuel use is closely related to motor vehicle use.

## **Emissions**

According to the DEIR, this project will not reduce GHG pollution to 1990 levels. Indeed, it will not decrease GHGs at all. To the contrary, it will increase them. The site currently generates no GHGs (p. IV G-4). According to the developer's projections, the proposed project will generate 15,620.55 metric tons of GHGs each year.<sup>3</sup> That is 15,620.55 more metric tons or 17,222 more American "short" tons of pollutants every year for the foreseeable future than are generated at the present, 172,220 short tons over 10 years, 344,440 short tons over 20 years, etc. This single fact should overshadow all others for anyone considering the project's impact on this insidious form of pollution.

The DEIR does address the 35 percent reduction that the City of Los Angeles seeks to achieve. Moreover, it dwells on minimal reductions such as emissions from landscaping equipment and the fact that the project's structures are designed with large "contiguous unobstructed roof areas" which can accommodate solar panels. Large flat "roof areas" can be found on many structures and hardly constitute a "green" breakthrough. What is more, the proposal does not provide for the installation of solar panels on any of the project's roofs.

## **Proposed "Reductions"**

Most significantly, the DEIR's claim that the project will reduce GHGs by 14.579 percent is based upon faulty analysis. As already noted, this project will produce 17,222 more tons of polluting gases each year than are being generated now (the proper baseline). The 14.579 percent is calculated by comparing the estimated carbon dioxide levels generated if the project were to be "built as usual," that is without any GHG reduction measures, (which would never be permitted and is, therefore, purely illusory) with levels of GHGs generated by the project they propose. What is more, it will generate more GHGs than if the project were built to comply with the parcel's existing R-1 and open space zoning.

Missing from the report is any meaningful discussion about GHG generation once the project is built and occupied. This period will most likely stretch over decades.

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<sup>1</sup> California Technical Advisory: CEQA and Climate Change, June 19, 2008 – hereinafter "Technical Advisory"

<sup>2</sup> Technical Advisory, p. 2

<sup>3</sup> It is curious that the DEIR uses the metric system at this point. A metric ton weighs considerably more than the "short ton" most Americans are used to working with – 2,205 pounds instead of 2,000. Accordingly, 15,620.55 metric tons translates to 17,222 tons of polluting gases.

## **Emissions from Autos**

According to the DEIR (Table IV.G-5) fully 74.5 percent of the projected carbon dioxide emissions (11,593.77 metric tons or 12,782 tons) will be from motor vehicles, yet there are no proposed measures to reduce these emissions.

One measure available for a developer to mitigate the amount of driving and the pollution associated with it is to place its project near existing public transportation corridors and close to employment centers. That has been the model for development in downtown Los Angeles in recent years. Unfortunately, Ponte Vista does neither. As discussed elsewhere in this document, bus service along Western Avenue is infrequent and inconvenient and hardly constitutes a satisfactory substitute to commuting by car. Any doubts about this statement can be satisfied simply by trying to take public transportation from the bus stop at Western Avenue and Westmont Drive to downtown Los Angeles, to one of the office buildings along Hawthorne Boulevard in Torrance or even to the port area.

What is more, the project is not near any major employment center.<sup>4</sup> Nor is that likely to change. The recently drafted San Pedro Community Plan does not anticipate adding any major commercial centers in the area during the next 20 years. In short, residents of the proposed project are likely to have to commute considerable distances by car to work.

As discussed elsewhere in this document, the project contains virtually no amenities (except the pool and clubhouse) or design considerations that would lessen the need to use ones auto. In fact, it even contemplates the use of the auto to get to the clubhouse and pool as shown by the proposed parking plan.

The report does note that the project will provide recharging outlets to those residents who own electric cars. Although commendable, sales of such vehicles are miniscule. Absent some technological breakthrough in battery life and the driving range of these cars, they are likely to remain so.

## **Responsibility**

The applicant tries instead to rationalize away the need to even address the GHG problem concluding that no single development is likely to have a significant impact on GHGs (pps. IV G-15 and 27). Since the problem is planet-wide, that is probably true. Given the Earth's vast size and total population, it might even be true for a vast open pit mine in Alberta, Canada or in Australia's outback. However the fact remains that the project will generate substantial amounts of GHGs each year. Moreover, the applicant's line of reasoning implies that since no single person, project or business can be held responsible; none need take responsibility for them. That way of thinking must stop now or there is no chance

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<sup>4</sup> Despite the fact that the Project is located near the Port of Los Angeles, many of the Port jobs are a significant distance from this site. Furthermore, the San Pedro Community Plan Area has a huge deficit in jobs with a job housing ration of 0.44

of dealing with these pollutants. Only by forcing each project to confront and address the issue properly will there be any hope of reducing GHGs and the threat they pose.

**The analyses of the green house gas emissions and associated mitigations are inadequate and must be revised.**

See also our comments under Traffic and Transportation.

## **H. HAZARDOUS MATERIALS**

The DEIR is selective about its risk assessments, particularly as regards the Defense Fuel Support Point (DFSP) and the Rancho LPG Holdings.

The DEIR says that a risk assessment was done for events, spills, fires, etc. at the DFSP (directly adjacent to the Project), and notes that “Although larger than medium-sized spills would result in a larger zone of impact if they were to ignite, potentially encompassing portions of the Project Site, the emergency access features of the Project coupled with the remote nature of such an extreme event would result in a less than significant impact to future Project residents.”

**It is insufficient and negligent to say the emergency management plan is that fire companies can enter through two access points on Western and through one access point from Taper through Mary Star of the Sea High School and that the Project is within a 4-mile drive of several hospitals.**

The DEIR says “implementation of the Project Design Features would require that evacuation and emergency response procedures be established in an emergency response plan for a fire impacting the Project, and the consequent risk posed to Project residents would be minimal.” It is puzzling that the applicant can conclude that the consequent risk is minimal before the emergency management plan has been developed.

With regard to the Rancho LPG facility, the DEIR notes that “to a much lesser extent there may be some quantifiable risk of upset from other activities such as product delivery by rail or truck...Based on the worst-case RMP scenario and with the more likely releases having a much smaller radius impact than 0.5 miles, there would be no impact to the project site.” **This analysis under estimates the potential impact to the Project Site, endangering the safety of future residents, with no proposed mitigations.** The US DOT report of butane incidents by Means of Transportation found that there were 751 rail incidents and 13154 truck incidents in 2003 alone. This is far from an insignificant risk. In many respects, it would be far more accurate to say that “it is just a matter of time” before a significant incident occurs.

In addition, Tosco Refining Company's Risk Management Plan for what is now the Phillips 66 refinery contains a worst-case scenario (Attachment A) for a butane incident with a 2.3-mile impact, way beyond the Ponte Vista site. An additional proof that the risk is far from insignificant is shown in the linked video showing a 60,000-pound LPG rail tank car being hurled three quarters of a mile once it caught fire.<sup>5</sup>

It is insufficient to simply state that the risk is "extremely remote" if the DEIR admits that a larger than medium-sized spill were to ignite it would potentially encompass portions of the Project Site. The DEIR must discuss the potential effects of a larger than "medium-sized spill" and evaluate the hazards to residents, not just waive the obligation to consider the impacts on the environment. **What else will the Project do to mitigate the effect on residents of a larger than medium-sized spill?**

### **Evacuation Routes**

According to CEQA Guidelines, the Project would have a significant effect on the environment if it would "impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan." The DEIR erroneously states that there would be no impact with regard to this guideline.

The DEIR asserts "The Safety Element of the General Plan of City of LA pertaining to response to disaster events does not designate Western Avenue within the vicinity of the Project as a designated disaster route." Western Avenue only south of Summerland is designated as a disaster evacuation route. It also states that Western Avenue is "too far west" for evacuation from the Port and that the City of Rancho Palos Verdes (RPV) does not consider Western Avenue as an evacuation route. These assertions are misleading.

Western Avenue north of Summerland is not shown on the evacuation routes map of the Safety Element of the General Plan of the City of LA, because the map only shows the portion of Western Avenue that is under the jurisdiction of the City of Los Angeles. On the map, areas that are not under the City's jurisdiction are in grey. (See Attachment B) Western Avenue from Summerland to Pacific Coast Highway is under the jurisdiction of Cal Trans, not the City of Los Angeles. Western Avenue between Summerland and Palos Verdes Drive North is not shown as an evacuation route on the City map because it is not "in" the City of LA, not because Western Avenue is not an essential evacuation route; **the DEIR is doing a selective interpretation of the map, and the result is not credible.**

Further, asserting that Western is "too far to the West" for an evacuation route ignores the fact that San Pedro has only 3 north/south evacuation routes (Gaffey Street, the 110 Freeway (adjacent to and accessed by Gaffey and Harbor Blvd.), and Western Avenue. If any of the 2 non-Western-Avenue routes is blocked (note

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<sup>5</sup> See [WWW.YOUTUBE.COM/WATCH?V=XF3WKTWHPIU](http://WWW.YOUTUBE.COM/WATCH?V=XF3WKTWHPIU)

that a portion of North Gaffey Street and a portion of Harbor Blvd. are in liquefaction zones), Western Avenue may be the only available evacuation route. San Pedro with the Port operations, storage of hazardous materials, and location on earthquake, liquefaction, and methane zones, is for more apt to need to evacuate than any other location in the City of Los Angeles.

The DEIR also misinterprets the Port evacuation plan. Western Avenue may be too far west for evacuating the Port itself, but it is one of the two, and probably the main evacuation route for San Pedro and the adjacent cities particularly in the event of an incident at the Port.

The "entire city of Rancho Palos Verdes, excluding the portion of the City located east of Western Avenue (approximately 98 acres) is classified as a VHFHSZ [Very High Fire Hazard Severity Zone by the California Department of Forestry and Fire Protection]"<sup>6</sup> and in 2009 alone 2000 residents of RPV were forced to evacuate their homes because of wildfires. For the residents of RPV on the west side of Western, Western Avenue is the only evacuation route available to them. It is not credible to assert that Western Avenue north of Summerland would not be an evacuation route for RPV residents.

Anecdotally and based on empirical observation and on comments of emergency responders at Rancho Palos Verdes Council meetings, congestion on Western Avenue at the present time can be a significant interference with emergency responses. It is not unusual to see LA County emergency vehicles going northbound on the south bound side of this divided highway or vice versa due to the extreme level of congestion.

San Pedro has really only three viable evacuation routes. One is North Gaffey Street, which is adjacent to these potential hazardous facilities: Rancho Holdings, the Defense Fuel Supply Center, and the Phillips 66 Refinery. North Gaffey sits on earthquake faults and the potential for a fire is great. In addition, the LAFD (and LAPD) could easily have Gaffey Street blocked due to potential fire and certain damage from an earthquake as they did when there was a power outage near Home Depot.

The second principal evacuation route is the 110 Freeway. The City has indicated that in an emergency, this might be turned into a southbound access way for emergency vehicles. That leaves Western Avenue as the primary or only avenue of escape for all 83,000 San Pedro residents, not counting all the Rancho Palos Verdes residents who would also need Western Avenue for evacuation. Western Ave. is already clogged during peak hours. It cannot function as an adequate, viable evacuation route.

The LA City Comptroller Wendy Greuel said in her 2012 report that the Salvation

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<sup>6</sup> Safety Element of the City of RPV General Plan, adopted June 2010

Army and the Red Cross are not prepared to handle an evacuation of the City of Los Angeles. This would particularly apply to an isolated area like San Pedro, surrounded on three sides by water and with very limited egress routes. In a disaster, San Pedro could quickly face serious challenges.

Further, the assertion that “traffic will be controlled in the vicinity of the Project” in the event of a disaster raises a concern that traffic attempting to travel north on Western Avenue and out of San Pedro and Rancho Palos Verdes will be delayed while Ponte Vista security attends to Ponte Vista and makes sure it is evacuated first. **This will produce an unacceptable situation and must be addressed in the DEIR.**

The jurisdictional boundary problem cannot be an excuse. **The project’s impact on evacuation routes must be reanalyzed and appropriate mitigations developed.**

## **J. LAND USE & PLANNING**

**The rezoning request will impair the orderly implementation of Regional Plans, City’s General Plan, and two Community Plans. The DEIR fails to evaluate conformance with the ten Urban Design Principles and nine Walkability Checklist items.** The gated pattern would physically divide an open, accessible, and established community.

It is not possible to evaluate the environmental impacts of the project because insufficient information has been provided. In many cases, no information has been provided.

**The DEIR is legally insufficient and needs to be redone.** Alternatively, we encourage the developer to host a planning and design charrette in the community. The objective of the charrette is for all stakeholders to come together and develop a preferred layout that accommodates the developer’s desire for more intense development than what is allowed in the current zoning but also meets the community’s desire to create an inclusive neighborhood that complies with Community Plans, General Plan, Regional Plans and City’s Urban Design and Walkability criteria.

## REGIONAL PLANS

### Regional Transportation Plan

The Regional Transportation Plan (RTP) provides a long-range vision for regional transportation investments and considers the role of transportation including economic factors, environmental issues and quality-of-life goals.

The DEIR references the **2008** "2012-2035 Regional Transportation Plan (RTP) / Sustainable Community Strategy (SCS)". This is the old version of the Plan. The DEIR should have used the current 2012 RTP/SCS, rather than the 2008 version, especially since the current version is much more thorough in how to address reducing greenhouse gasses.

The Sustainable Community Strategy [SCS] portion is a new element of the RTP that demonstrates the integration of land use, transportation strategies and investments to meet the region's greenhouse gas reduction targets. The key land-use policies include focusing growth in centers and along major transportation corridors around existing and planned transit stops, and creating significant areas of mixed-use development and walkable communities.

**The DEIR does not comply with the requirement to address the Regional Plan** because it does not address how the proposed subdivision brings together land use and transportation strategy to reduce trips and resulting greenhouse gasses. It does not even attempt to reduce auto-related greenhouse gasses. Furthermore, the project does not create opportunities for residents to walk to local destinations nor does it promote bicycling. Why isn't bike parking a compliance measure? What if anything will the project do to enhance bicycling on Western Avenue?

**The DEIR fails to address the 2004 Compass Blueprint Growth Vision Report.** The Compass Blueprint Growth Vision is a regional consensus to the land use and transportation challenges facing Southern California now and in the coming years. **The DEIR is required to address the Blueprint.**

The Growth Vision is driven by four principles:

1. **Mobility** - Getting where we want to go
2. **Livability** - Creating positive communities
3. **Prosperity** - Long-term health for the region
4. **Sustainability** - Promoting efficient use of natural resources

**Mobility:** The Mobility principle encourages mutually supportive transportation investments and land use decisions. A key strategy is to design complete streets that promote walking, biking, and transit use. There is no discussion at all how the proposed subdivision supports this principle.

**Livability:** The livability element promotes mixed-use development in “people-scaled” environment. The proposed project includes only residential uses only, and then limits access. The document makes a few conclusory statements on the subject, but they are mere assertions with no facts and no discussion.

**Prosperity:** The project includes single-family residences, townhomes, and flats. A range of other uses and building types would better promote long-term health of the region. The gated nature of the subdivision signals a disinterest in civic engagement. Mixed use and encouraging civic engagement are very important to future vitality of a community. Also the single-family element is illusory; they are not true single-family homes. They are located on small lots without the yard space that is typical of a San Pedro single-family home.

**Sustainability:** Efficient buildings within compact, diverse, and connected communities encourage walking, biking and transit use, thus reducing energy consumption, trips and air pollution. The DEIR lacks adequate consideration of this requirement. For example, although 75% of energy needs can be addressed with building layout, placement and design, no specific provisions are made to integrate a multi-modal split or to certify the project under LEED-ND.

**The proposed gated subdivision utterly fails to meet all four principles of the Compass Plan.** The Compass Plan website<sup>7</sup> features many proposed and built development as best practices. None are gated subdivisions.

### **Los Angeles General Plan**

The Los Angeles General Plan and its Land Use Framework provide the basis for land use recommendations in the Community Plans.

The site is located at the southern edge of Wilmington-Harbor City Community Plan Area and just north of the San Pedro Community. Both community plans are more recent than the General Plan. Therefore, the community plan’s recommendations are more reflective of the current vision for the site. The Wilmington-Harbor City Community Plan was last updated in 1999. In August 2012, the Planning Department, working with the San Pedro Neighborhood

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<sup>7</sup> [www.compassblueprint.org](http://www.compassblueprint.org)

Councils, released a draft update to the San Pedro Community Plan (SPCP). The SPCP Plan has the most current vision of the City and the San Pedro Community.

**The proposed project does not meet Objective 4.3 of the General Plan Framework, to conserve scale and character of residential neighborhoods.** According to the Planning Department's prior report,

The Ponte Vista site is...not identified for higher-density residential land uses...is not located within a Neighborhood District, a Community Center, a Regional Center, a Downtown Center or a Mixed-Use Boulevard....the General Plan Framework does identify downtown San Pedro...and the area around the intersection of Avalon Boulevard and Anaheim Street in Wilmington...as the Regional Center and Community Centers for the Harbor area. In addition, these areas are also identified for Mixed-Use Boulevards. Denser residential development should be focused at these locations and not at a location such as the Ponte Vista site that has limited access to services, facilities, and public transit. It also has not been identified for targeted growth in the Framework Plan....<sup>8</sup>

As discussed extensively elsewhere in these comments, it also does not meet Objective 3.2 "to provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

### **San Pedro Community Plan (SPCP)**

The SPCP states that while Ponte Vista "is located just outside and north of the San Pedro Community Plan Area, this approximately 60-acre site presents an opportunity for an integrated mixed use and mixed density neighborhood. Its size and proximity to San Pedro calls for a development that is physically connected to the San Pedro community and provides public facilities and amenities that serve neighboring residents. "

Land Use Policy 4.5 states, "new development at Ponte Vista should include a mix of uses and densities, a range of housing types, neighborhood services and amenities, compatible with and integrated into the adjacent San Pedro community. Development of the Ponte Vista site should be:

- Designed to provide a mix of housing types for a range of incomes;
- Compatible with a Low Medium density designation;
- Open and accessible to the community, and not developed as a gated community; and

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<sup>8</sup> 2009 Department of City Planning Recommendation Report CPC 200608043-GPA-ZA-SP-DA, Ponte Vista Specific Plan, page F-2.

- Developed with accessible public open space, community facilities and other public amenities.”

The NWSPNC commented during the drafting process for the Community Plan Update and at the public hearing that it is inappropriate for the Planning Department to designate the area as Low Medium density in the SPCP Update as to do so would be a commitment to the designation before the environmental work had been completed and approved by the City. Since the final version of the plan has not been released, we do not know if this bullet has been removed. **Nonetheless, the proposed project is in conflict with the three other policies.**

### **Housing Types**

A housing typology is a sequenced range of building types, whose design has evolved based on time-tested practices. These typically follow social and cultural norms, financial schemes, market preferences, prevailing climate and technological efficiencies. A variety of housing types can accommodate a range of incomes and family types.

The proposed project provides a very narrow range of building types. There are a number of other types and styles that should be considered such as duplex, triplex, quads, bungalow court, live-work, courtyard housing, hybrid court, and commercial flex buildings. See the also discussion of the inadequate analysis of option B and Attachment C that shows some San Pedro Building types.

Great neighborhoods possess both a distinctive public realm and a rich and complex fabric of buildings designed and built on private land. Public places depend on the incremental design of individual buildings around them. The more harmonious the choice of such buildings, the more distinguished the ultimate form of the place. Conversely, the more random the choice of buildings, the more residual the urbanism.

### **Open and Accessible to the Community:**

**The proposed gated community is not consistent with the most current vision of the City and the adjacent San Pedro Community for the site.** The problem with gated communities is not the gates but the vicious cycle of attracting like-minded residents who seek shelter from outsiders and whose physical seclusion then worsens paranoia against outsiders and threatens the unity of the community. A homogenous environment diminishes awareness of all that is different and lessens concern for the two communities beyond the subdivision walls.

## **Open Space and Public Amenities:**

Among the key residential neighborhood issues and opportunity areas of the SPCP is “preserving small neighborhood-serving amenities within residential areas [which] serves the larger goal of reducing vehicle trips by making walking or bicycling more viable options for simple conveniences. **The proposed plan fails to include any neighborhood-serving amenities.**<sup>9</sup>

As a valuable community resource, open space on this 61.5-acre site can provide visual delight and recreational opportunities while providing ecological and economic benefits. A range of open spaces close by encourages people to spend more time outside engaging in physical activity, such as walking, that reduces the risk of obesity, diabetes, heart and mental illness, while increasing social connection and a sense of community.

All of the alternatives lack a public park. Some residual parcels are called out as open space for the residents of the subdivision. This is a monumental missed opportunity for the Wilmington-Harbor and Northwest San Pedro Communities, but an even greater loss for the future residents of this subdivision.

Open spaces must be carefully integrated with block, street, building and frontage standards to work in consort to create a unique place. Open spaces should include a diverse range of integrated public spaces at the block, neighborhood, and community level. The individual building types should also specify private open spaces at the lot and building level. This approach will allow residents access to a range of public and private open spaces.

## **Additional Plan Considerations**

The NWSPNC requested that the following four bullets be added to the discussion of the development of the Ponte Vista site in the SPCP:

- Promote home-based offices
- Encourage senior friendly facilities.
- Encourage on site businesses such as a coffee shop or convenience store.
- Through the mitigation process, this development or any single development should not be allowed to use up all of the development potential for the surrounding community.

The proposed project does not address any of these.

While not specific to the Ponte Vista site, the SPCP states the “The need for affordable senior housing and assisted living facilities is a key concern due to demographic and economic trends and projections. In San Pedro, such facilities

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<sup>9</sup> Draft San Pedro Community Plan, August 2012, page 37

would increase the opportunities for those ‘empty nest seniors’ looking to downsize from large single-family homes while remaining within the community and the reach of supportive social, cultural and family networks.”<sup>10</sup> **The lack of any senior housing in this project would be a significant missed opportunity.**

### **Wilmington-Harbor City Community Plan (WHCCP)**

**The proposed project does not meet the fundamental premises of the WHCCP.** The first premise is limiting residential densities in various neighborhoods to the prevailing density of development in these neighborhoods. Although the six acres immediately adjacent to the South is multi-family, this is an anomaly. This property was zoned commercial with the expectation that it would be used in such a manner. Unfortunately, the same code allowed the multi-family structures to be erected in a manner that is not compatible with the surrounding community. The surrounding neighborhoods are single family R-1, with the exception of the Gardens that is 13.5 net dwelling units per acre. In fact, according to a recent study, 80% of the land along the Western Avenue corridor (Summerland to Palos Verdes Drive North) is dedicated to single-family residential lots.<sup>11</sup>

Furthermore, the WHCCP (1-54) designates specific areas for Low median density and this is not one of them. Instead the plan (IV – 3.8) policy is to “encourage reuse of the existing US Navy housing areas ... in a manner that will provide needed housing ...without adversely impacting the surrounding area.” Clearly the plan did not consider this property suitable for multi-family housing.

The second and third premises are

...the monitoring of population growth and infrastructure improvements through the City’s Annual Report on Growth and Infrastructure with a report of the City Planning Commission every five years...following Plan adoption.... If this monitoring finds that population in the Plan area is occurring faster than projected, and that infrastructure resource capacities are threatened, particularly critical resources such as water and sewerage; and that there is not a clear commitment to at least begin the necessary improvements within twelve months; then building controls should be put into effect...until the land use designations...and corresponding zoning are revised to limit development.

The Annual Report on Growth and Infrastructure has not been done. The DEIR (I-103) states that the “Projects direct plus induced growth” represents about 91% of the growth forecasted within the WHCCP area, thus this single project will use virtually all of the planned for growth. Considering that there have been other

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<sup>10</sup> Draft San Pedro Community Plan, August 2012, page 37.

<sup>11</sup> Western Avenue Corridor Vision, Preliminary Analysis and Ideas, November 14, 2012

residential developments in the 14 years since the WHCCP was developed, **building controls should be put into place until such a study is conducted.**

The proposal is not consistent with Objective 1-2 “To locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities” and Policy 1-2.1 “Locate higher residential densities near commercial centers and major bus routes where public-service facilities, utilities, and topography will accommodate this development.” As was pointed out in a prior Planning Department’s Report:

The Ponte Vista site is not located within reasonable walking distance to a transit station, a transit corridor, or a high-activity center. The closest commercial services are located along the east side of Western Avenue, just south of the Project site (approximately 500-feet south). However, walking or transit is generally not a viable option to access these services since they are laid out in a linear fashion within strip malls or plaza shopping centers, with large parking lots in between the sidewalk and the buildings.<sup>12</sup>

It is also not consistent with the new vision for Western Avenue that calls for wider sidewalks, transit, and human scaled environment that would encourage walking. As the largest new development along Western Avenue, Ponte Vista has an opportunity to set the tone for others to follow as they redevelop their properties.

**The proposal is not consistent with Land Use Policy 1-1.5** to “Maintain at least 67% of residential land uses for single family.” The DEIR (IV.M-24) Cumulative residential projects in the City shows 2,195 new residential units of which only 84 (3.8%) are shown as single-family. Approval of this project would exacerbate that imbalance.

Furthermore, **the proposal is not consistent with Policy 1.5.2** to promote housing in mixed-use projects in transit corridors and pedestrian oriented areas. The WHCCP only identifies one such area, Anaheim and Avalon. As discussed in our comments under transportation, Western Avenue in this area is neither a transit corridor nor a pedestrian oriented area. In fact the project is isolated and will require the use of a car for virtually any need. See also the discussion of the lack of public transportation under Traffic and Transportation.

**The proposed project does not meet Objective 8-2 and policy 8-2.1 of the WHCCP** which seeks “to increase the community's and the Police Department's ability to minimize crime and provide security for all residents, buildings, sites, and open spaces” and to “support and encourage community-based crime prevention efforts (such as Neighborhood Watch), through regular interaction and coordination with existing community-based policing, foot and bicycle patrols,

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<sup>12</sup> Department of City Planning Recommendation Report CPC 200608043-GPA-ZA-SP-DA, Ponte Vista Specific Plan, page F-3.

watch programs, and regular communication with neighborhood and civic organizations.”

The proposed gated environment would likely breed fear, erode social stability and shrink the notion of civic engagement by encouraging residents to retreat from civic responsibility. It creates an unsafe environment both inside and outside the gates.<sup>13</sup> The appropriate response to reduce crime, poverty and other social problems, as recommended by the WHCCP, is for the neighborhoods to work together. The best way to bring security to the streets is to make them delightful places that people want to walk in. The streets become, in effect, self-policing. Fences and gates exacerbate the problem.

Chapter IV of the WHCCP identifies recommended actions. For residential housing, number 11 is to “encourage the development of housing types intended to meet the special needs of senior citizens and the physically challenged.” **Failure to do so in the proposed project is a real missed opportunity.**

## **LA MUNICIPAL ZONING CODE**

The current R-1 zoning is a combination of R-1 and open space. According to the DEIR, this zoning would permit about 385 units. Alternate C for 830 units would more than double that development intensity, and Alternate D would triple the intensity. This increased intensity would increase demands on existing community facilities such as schools, libraries, parks and recreational amenities. In an uncharitable and perverse logic, future residents of this subdivision would be able to use all San Pedro facilities but San Pedro residents would not be allowed access to parks and recreational amenities located inside the gated community.

It is not clear what the trigger is for increased intensity at this location. The zoning conditions, cost of site acquisition, and removal of existing structures are pre-existing conditions. These are not appropriate factors or justifications for increased development intensity. This is especially true for the cost of site acquisition; the fact that the applicant bank loaned the original buyer far more than the property is worth, is not an appropriate justification for failure to consider Alternative B. According to the DEIR Alternate B houses would have to sell for more than \$1,000,000.

No support whatever is provided for this claim. However, using the January 2010 “Residential Building Costs” published by the State of California Board of Equalization<sup>14</sup> the cost of building good quality single family houses is far less than claimed by the applicant. The 216-page publication provides building cost data for a variety of residential building types, sizes and quality. The costs include

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<sup>13</sup> Blakely, E.J., and M.G. Snyder. (1998). "Separate places: Crime and security in gated communities." In: M. Felson and R.B. Peiser (eds.), Reducing crime through real estate development and management, pp. 53-70. Washington, D.C.: Urban Land Institute.

<sup>14</sup> <http://www.boe.ca.gov/proptaxes/pdf/ah531.pdf>

entrepreneurial profit and adjustments for location where the units are to be constructed. They do not include discounts for multiple units being constructed at the same time however, which would make the cost even lower.

By way of example, the cost of constructing 385 good quality single-family houses on 61.5 acres with a land cost of \$120 million would be **\$584,728.31 each, far lower than the unsupported claim of the applicant.**<sup>15</sup> .

We chose a quality level D8 home of 2000 square feet.<sup>16</sup> There are 10 levels of construction quality, with 10 being highest. The publication includes descriptions of each quality level and photos of each type. From observation, San Pedro would mostly consist of level D6 quality. We used level D8, a much higher quality level. A description of the characteristics of D8 quality, photos of examples of houses of that quality, and the cost of construction are attached as Attachment D. **Had we used D6 quality level, the cost per house would be \$474,751.31.**

Further, the analysis of Alternative B claims there will be no open space even though 15 acres are zoned open space. It also claims that Mary Star will lose road access through the property. These assertions are true only if the City allows that to happen.

## **URBAN DESIGN PRINCIPLES**

In 2009, the City Planning Commission approved Urban Design Principles to provide guidance on how street, block and open space design can create desirable and resilient neighborhoods that instill a sense of community.

The ten Urban Design Principles are:

1. Develop inviting and accessible transit areas;
2. Reinforce walkability, bikeability, and wellbeing;
3. Nurture neighborhood character;
4. Bridge the past and future;
5. Produce great green streets;
6. Generate public open space;
7. Stimulate sustainability and innovation;
8. Improve equity and opportunity for all;
9. Emphasize early implementation, simple processes and maintainable long-term solutions; and

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<sup>15</sup> 385 houses at 2000 sf each, = 770,000 s.f. Cost from table \$124.11 times 1.10 LA County adjustment = \$136.52 psf. Total construction cost 770,000 X \$136.52 = \$105,120,140. Add: Land cost \$120,000,000 = \$225, 120,140 total cost land and construction, or \$584,728.31 per house.

<sup>16</sup> The unattached houses in the Taper area, Mount Shasta area, and around Dodson Middle School are 1350 sf to 2200 s.f. with an average of 1800 sf. We use 2000 sf.

10. Ensure connections.

**The DEIR fails to address or evaluate whether the proposed project complies with these ten Urban Design Principles.** They were adopted by the Planning Commission and should be addressed in the DEIR.

### **WALKABILITY CHECKLIST**

Streets make up the lion's share of the public realm. It appears that streets in this subdivision are largely shaped by engineering standards intended to regulate the flow of traffic and infrastructure.

Streets are important civic spaces where the social and communal life of a neighborhood takes place. The street design inspires the context. Mobility is a means, not an end. Streets must be inviting, safe and secure place for walking, biking and transit for people of all ages, income and physical limitations. Less driving, reduces energy consumption and greenhouse emissions. Walking and biking improves overall health of the community.

The proposed site plan shows front-loaded garages with driveways. A front of a home should face another front and conversely the back should face another back. In many instances, the front frontages face the side or back of another home. These basic principles are important because they establish the context for the street and have a direct impact on walkability.

The City's Walkability Checklist is a guide for consistency with the policies contained in the General Plan Framework with respect to urban form and neighborhood design. The purpose of the Walkability Checklist for Entitlement Review is to guide Planning staff, developers, architects, engineers, and all community members in creating enhanced pedestrian movement, access, comfort, and safety. The Checklist provides guidance on nine topics: public sidewalks, crosswalks, on-street parking, building orientation, on-site parking, landscaping, building facade, lighting and signage.

**The DEIR fails to make a finding of conformance with the policies and objectives of the General Plan related to the project's walkability.** Walkability conformance is potentially significant due to the exclusive and gated pattern of the proposed development.

## **L. POPULATION AND HOUSING**

### **PLAN FRAMEWORK ELEMENT**

#### **Objectives**

The DEIR indicates that one of the relevant objectives is:

4.2: Encourage the location of new multi-family housing development to occur in proximity to transit stations, along some transit corridors, and within some high activity areas with adequate transitions and buffers.

**The proposed project does not meet this objective.** The location of the project is isolated with extremely limited public transit options as discussed in the transportation comments. Residents of the proposed development would either have very long walks (highly unlikely) or drive to everything.

#### **Housing**

The DEIR (IV.L-22) states that “The jobs-housing ratio in the City of Los Angeles Subregion – i.e., the numerical ratio of 1.34 jobs to households – was very close to the ratio for the SCAG region as a whole in 2010 (1.37)...and is therefore considered close to “balanced.” By adding 490 indirect/induced jobs ...the Project would have no impact on the Subregion’s 2010 jobs-housing balance.... By 2017 however, the Subregion is forecasted to add households at a faster rate than jobs...such that the Subregion would be considered “housing right/jobs poor”.... By adding 490 indirect/induced jobs...the Project would have a neutral numerical impact....”

**The premise of this description is flawed leading to a false conclusion.** The description fails to note that the local job/housing balance that is significantly different than that of the Subregion. According to the draft San Pedro Community Plan, San Pedro has a jobs/housing balance of 0.44. The addition of 1135 households would therefore further reduce the jobs/housing balance in the area. **This is a significant negative impact** and indicates that the project would be primarily a commuter community. **Mitigation measures should include the creation of jobs on site.**

We question the SCAG growth estimates and hence the need for additional housing since the 2010 census actual population numbers are well below SCAG 2005 estimates and projections. The DEIR (IV.L-9) discusses the SCAG Regional Housing Needs Assessment that was developed for the period January 1, 2006 – June 30, 2014. This is an old document. The new version of this document should be used. Furthermore, this old version has been shown to have grossly overestimated the projected growth for Los Angeles in general and San Pedro in

particular. For example, the SCAG 2005 population estimate for San Pedro was 82,112; however, according to the 2010 census there are only 76,651 persons in San Pedro, 5,461 fewer. If the 2.5% growth forecast from 2010 through 2017 were applied, this would add 1916 to the population of San Pedro by 2017 still significantly below the 2005 SCAG forecast upon which the housing needs were developed. **Consequently it is in error to conclude that the project will not induce substantial population growth in an area by proposing new homes.**

**The justification for multi-family housing types is erroneous.** The surrounding area is not all multi-story, multi-family housing. About 60% of San Pedro is multi-family; there is a glut of such housing on the market in San Pedro, some of it immediately south of the project. [While some of the condo projects built in the last five years are occupied, they are rental units because the developers cannot sell them]. Single-family housing is the housing type in greatest demand.

Moreover, by building what it proposes, the applicant will undercut and greatly impact the Community Plan for San Pedro that emphasizes the rebuilding and renaissance of downtown San Pedro. The creation of a livable, walkable downtown area has been challenged by a lack of demand for the condos that have been built there.

## **M. PUBLIC SERVICES**

The City has the obligation and responsibility to provide the necessary services to enhance our quality of life. The City is already being challenged to do so. Ask any tax paying citizen who has had to wait for requested police or fire response or who is witnessing the decay of their neighborhood for lack of tree trimming, street sweeping, street and sidewalk repair, failing schools and the list goes on.

The Ponte Vista DEIR, with its 4,009 direct and indirect residents, seems to base its claim that the impact of the preferred plan would be 'less than significant' and 'less than significant with mitigation' on the fact that no new fire or police facilities would be required. The claim is an attempt to make a case for building as large of a project as possible without considering the real consequences it will have on the existing community; it is not just about buildings, it is about impact on the community including the availability of personnel to respond to called for services and to participate in proactive crime and fire prevention measures.

This project is being developed in an existing area that currently requires a comparatively limited number of calls for services, therefore, any increase should be considered significant. The project area is currently zoned for R-1 and open space, which would be the ideal 'fit' for the existing neighborhood community and have a minimum negative impact. This describes Alternate B, which has less of an environmental impact than Alternate C, the preferred Alternate.

Admittedly determining the anticipated impact of this project on the existing community is purely a speculative process generated by infinite unknowns. Calls for service may result from intentional and accidental human acts and acts of nature, some minor and others more serious or even catastrophic in nature, but all significant to those impacted.

What is clear, however, is that the more people, the more buildings, the more streets, the more cars, etc., the more significant the demand for police, fire, and EMT/ambulance services and the higher the probability of an unacceptable level of service in the Harbor Area. In fact, in a recent editorial the Daily Breeze (December 31, 2012) states “Unacceptably long response times are dogging the Los Angeles Fire Department and must be addressed immediately. It’s a matter of life and death, as illustrated earlier this month by the case of a 16-year-old boy who collapsed while playing soccer at Wilmington Middle School.” The mitigation proposed in the DEIR relative to first responders is limited to on-site measures. In reality that’s all the developer can do because they do not have the power to hire more first responders or purchase needed vehicles.

Parking in streets and parking structures vs. private garages, apartment living vs. single family residences, real park space vs. limited green space, more cars on already overburdened streets are but a few examples of conditions with the potential of having a significant impact on calls for services. The current plan is more conducive to creating a contentious rather than harmonious neighbor.

Another significant fact to consider is that the project is located at the tip of a peninsula and not adjacent to other L.A. City first responders. Needed assistance, in extreme emergencies, may or may not be available from neighboring cities or the County. Help from L.A. City Fire and Police stations are unspecified miles away depending on the availability of their first responders at the closest facility. The Harbor Area is exposed to a much higher level of hazardous sources that could result in devastating consequences and liability issues than any other part of the City. The most volatile and closest to the Ponte Vista site is Rancho LPG. The City can ill afford minimizing and ignoring the vulnerability of Ponte Vista and its 4,009 residents. According to the EPA Guidance to enforce 40 CFR Part 68, if 57,000,000 pounds of butane (roughly one of the refrigerated Rancho tanks) were released, the blast radius would be 3 miles.

## **1. FIRE PROTECTION**

**The analysis of fire protection and proposed mitigations is inadequate.**

The DEIR states that all *public* street fire lane cul-de-sacs shall have the curbs painted red or be posted “No Parking Any Time” prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.

The streets in the project are proposed to be *private* streets, so where will the “public” street fire lanes be? This contradiction should be fixed. Where will the guests park? Please state how the no-parking zones and red curbs will be enforced. What if cars are illegally parked in red zones and in private lanes making it impossible for emergency vehicles to get through?

The DEIR section on Fire Protection says that the Project is not within the maximum response distance between residential land uses and a LAFD fire station. The DEIR says that this will be mitigated by sprinkler systems installed throughout all structures to be built as part of the Project. This is taken from LAMC, but requires clarification.

The proposed mitigation states sprinklers will be installed throughout all structures but does not specify if fire sprinklers will be installed inside every residential unit. “The US Fire Administration supports the recently adopted changes to the International Residential code that require residential fire sprinklers in all new residential construction. It is the position of the U.S. Fire Administration that all Americans should be protected from death, injury, and property loss resulting from fire in their residence. All homes should be equipped with both smoke alarms and residential fire sprinklers.”<sup>17</sup> Please clarify the DEIR and address implications if sprinklers are not installed in every residential unit.

The DEIR fails to address the anticipated response times for paramedic/EMS services provided by LAFD. Additionally, Western Avenue is the main access road for ambulances to the Little Company of Mary Hospital in San Pedro and an important access road to Kaiser Permanente Hospital in Harbor City. The DEIR should include mitigations for the longer response time in EMS/paramedic services. In emergency medical situations every second counts! Proposed mitigation might include, but should not be limited to, defibrillators on site. Please address this issue.

The DEIR correctly states that “The LAFD’s ability to provide adequate fire protection and emergency response services...is also determined by the degree to which emergency response vehicles can successfully navigate the given access ways and adjunct circulation system, *which is largely dependent on roadway congestion and intersection level of service (LOS) along the response route.*” The DEIR indicates that two of these intersections are currently operating at LOS E or F, and goes on to state that “None of the intersections that provide direct emergency access to the Project Site [Western & Green Hills, Western & John Montgomery] currently operate at LOS E or F during peak community hours.” While it may be true that neither of the intersections that provide direct access currently operated at those levels on the day they were studied, the conclusion is misleading. The proposed primary entrance to the facility is at Green Hills Drive and John Montgomery Drive. When San Pedro has one of its legendary (and

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<sup>17</sup> Source: US Fire Administration, June 2009

frequent) lengthy funeral processions (a local custom, or during Christmas shopping season, or when there is an emergency situation or road repair (not an infrequent occurrence), Western Avenue backs up for blocks. It is not unusual to see emergency vehicles trying to go against the traffic on this divided highway. In addition, what good is it if that intersection is open but Western and Palos Verdes Drive North or Western and Capitol, are blocked. The additional traffic from the proposed development will only compound this situation.

**The DEIR should also address how additional residents of the Project would affect availability of EMS services.**

Mitigation measure IV.M-9, Project Design Features, discusses the development of an emergency response plan and indicates that during the development of the plan the Project Applicant should consult with neighboring land uses. None of mentioned users includes the residents. Please add the Northwest San Pedro Neighborhood Council, the Harbor City Neighborhood Council, and the City of Rancho Palos Verdes to the list. Please also **add a requirement that the emergency response plan should ensure that there would be no adverse impact on the evacuation of surrounding neighborhoods as a result of any evacuation of the project area. There is no guarantee of additional police or firefighters to meet the additional demands.**

Additionally, the development of the Emergency Response Plan should be included Table I-I as either a Compliance Measure or a Required Mitigation Measure.

## **2. POLICE PROTECTION**

For purposes of analysis of impact on police services and possible need for additional police officers, it is assumed that the Project would result in a net addition of 4,009 persons to the Harbor Area. Population increase in an area typically increases demand for police services. The applicant however, says that security and design features in the project should help to decrease need for police services. This may or not be true. **We suggest that the Project be required to include Anti-Graffiti measures and comply with street lighting guidelines as if the streets were public streets.**

Additionally, the **DEIR should examine the impact on police services in the event that the gated nature of the project is not approved.**

## **3. SCHOOLS**

There are several problems with the methodology used for the school impact analysis.

The student generation rates used are not consistent with those used by the City in the DEIR for the San Pedro Community Plan Update. That document says the LAUSD student generation rates for multi-family residential units are 0.2042 elementary (K-5), 0.0988 middle school, and 0.0995 high school. According to the Community Plan DEIR the “rates vary slightly with single-family, units, but provide an accurate approximation.”<sup>18</sup> The DEIR projects two different student generation rates for Taper, a rate of .1705 per du for single family, and .1141 for the condos and townhomes. The LAUSD generation rates cited in the DEIR for the San Pedro Community Plan update should be used. Additionally, the students generated by the approved, but not yet built Harbor Highlands development must be included in the analysis for Taper and Dodson.

The school enrollments and capacity should both use the total school capacity and total enrollment. The **DEIR incorrectly indicates the school enrollments** for 2011-12. According to LAUSD’s website, the 2011-12 enrollment was 626 at Taper, 1819 at Dodson, and 3335 at Narbonne. According to LAUSD, the current enrollments (12/12) are 629, 1863, and 3350 respectively. (See Attachment E). According to LAUSD, these enrollment figures include both the regular school students and the magnet school students. Likewise the capacity figures used must include both the regular and magnet school capacity. The chart below uses the current student population and capacity data obtained from LAUSD on January 4, 2013.<sup>19</sup>

|          | Current Students | Ponte Vista <sup>20</sup> | Harbor Highlands | Total | Capacity | Difference |
|----------|------------------|---------------------------|------------------|-------|----------|------------|
| Taper    | 629              | 231                       | 27               | 887   | 804      | 83         |
| Dodson   | 1863             | 112                       | 13               | 1988  | 1892     | 96         |
| Narbonne | 3350             | 113                       | 0 <sup>21</sup>  | 3463  | 3531     | (68)       |

**As can be seen, if the correct, current figures are used, both Taper and Dodson would be over capacity. This is a significant impact and must be addressed.**

Certainly the cumulative impact of school-related traffic is a major and possibly unmitigated consequence of any new development on the property. The reality is that children at all grade levels, particularly the elementary level, DO NOT, for the most part, walk to school anymore. They are almost exclusively driven, resulting in

<sup>18</sup> San Pedro Community Plan DEIR p 4.12-31

<sup>19</sup> The Current Students and School Capacity figures were obtained from Bruce Takeguma, Director, LAUSD, School Management Services (213) 241-3344

<sup>20</sup> For Ponte Vista and Harbor Highlands the student generation rate from the San Pedro Community Plan was used.

<sup>21</sup> Although Harbor Highlands will generate 13 students, they would go to San Pedro High School, not Narbonne and therefore are not counted here.

serious traffic tie-ups at both ends of the school day, as well as many unique trips in and out of any development. This is particularly true in San Pedro where a variety of relatives are available to pick up and deliver children to and from school. Mitigations should be proposed to encourage children to walk to Taper and Dodson.

Developer fees from SB 50 would be approximately \$900,000. We understand that State law concludes that the contribution meets all CEQA requirements. However, the adequacy of the contribution to provide increased need for facilities does not address the impacts on traffic and the need to protect children on the way to and from school. It would seem useful to use at least a portion of those monies to improve traffic flow and control around impacted schools, particularly Taper Ave. Elementary.

Additionally, the discussion of the Port of Los Angeles High School should be revised to indicate that the school currently has a waiting list and that admission is by lottery.

The list of high school magnet programs should be revised to include the Teacher Prep Academy located on the campus of Harbor College and Trinity Lutheran should be added to the list of Private Schools.

#### **4. PARKS and RECREATION**

The City's Public Recreation Plan calls for 10 acres of land per 1,000 persons and provides that "A minimum of 10 percent of the total land area should be in public recreation or open space. It also says that Neighborhood Parks should be provided at a minimum of two acres per 1,000 residents and be five to 10 acres in size with a service radius of approximately one-half mile." Based on this standard, a project with an estimated population of 2,923 should contain at least a 6-acre Neighborhood Park. The Recreation Plan indicates Neighborhood Recreation Sites typically include facilities for active sports such as softball, basketball, soccer, and volleyball.<sup>22</sup>

Currently 15 acres of the property is zoned open land (parks and recreation). It seems logical that park space (active and/or passive) should be a top priority. The DEIR is based on a project description that includes a 2.8-acre public park that even if it were built would be inadequate. Subsequent to the initial description, the applicant deleted all public park space from the proposed project.

The applicant claims impacts related to parks and recreational facilities would be less than significant, as the two swimming pools on the property and what can only be described as mini-parks or "parklettes" scattered around the property will fulfill the project's residents' needs for recreation space. While these amenities are

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<sup>22</sup> See Los Angeles public Recreation Plan page 2 for a complete list.

commendable, they do not constitute a Neighborhood park and do not satisfy the requirements of the City's Public Recreation Plan. The theory in the DEIR seems to be that residents will not use external truly public facilities, with the result there will be so little additional usage of public parks that impact will be insignificant. Where will the youth play basketball, football, tennis, and soccer?

**The lack of adequate park space is a significant impact.** It is insufficient to say that the project will pay the required Quimby fees. Quimby fees do not provide land for parks and there is no land available for purchase within the half-mile service radius.

This development team, as did the team before, predicates its plan on a truly mystifying lack of interaction between the development and the world surrounding it. No traffic, no impact on schools, no pressure on recreational facilities—no need for any improvement to infrastructure beyond the bare minimum that might be expected of a strip mall or a 6-8 home development, on a square footage basis.

The assertion that "there is no existing park area at the Project site" is at best misleading and should be deleted. Currently 15 acres of the site are zoned for open space.

## 5. LIBRARIES

The DEIR is not accurate in its assertion that the current San Pedro library, at 20,000 square feet, is adequate size for the population served, and should be adequate to meet the needs of the increased population added by the development. This claim is in conflict with the DEIR for the San Pedro Community Plan that states "The available public library services in the San Pedro CPA, in terms of library space and permanent volume collection, are *currently inadequate* to meet existing demands from the community's residents based on state library standards.... of 0.5 square feet per person."<sup>23</sup> The State of California Library standard requires 0.5 sq ft of library space per resident. For the existing population of 76,651 residents (2010 census data), library space available should 38,325 square feet, nearly double the existing space. Since the project would add nearly 3,000 additional residents, and it would require at least 1500 square feet of additional space.

The DEIR further asserts that the LAPL is "currently planning to build a new West San Pedro neighborhood library in the future." While it is true that LAPL has identified a need for a library in West San Pedro, it is misleading to say that they are "currently planning." The Community Plan for San Pedro recommends a new 14,500 square foot "West San Pedro" branch library, however, this would only bring library space in San Pedro to 34,500 square feet, still not meeting State of California library standards for the population of San Pedro. The San Pedro

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<sup>23</sup> San Pedro Community Plan DEIR p 4.12-40

Community Plan acknowledges that no location for a "West San Pedro" library has been proposed or selected, there is no plan for selecting a site, and there is no current nor anticipated funding for building said library. The fact that one is proposed is further indication of the need for additional library services, a need that will be aggravated by the proposed project. **It will have a significant impact on library services and this impact must be mitigated.**

The Ponte Vista project has an opportunity to mitigate this defect by incorporating a public library into the project. The library should be at least 20,000 square feet to meet State requirements. The San Pedro Community Plan recommends integrating libraries into multi-use buildings. For reference consider the Milwaukee Public Library is moving ahead with development of two multi-use buildings including libraries: one is a proposed 16,000 square foot library topped with 92 apartments (plus parking).<sup>24</sup>

The San Pedro Community Plan also suggests that on-line services and virtual libraries with computer workstations that provide access to the library's on-line catalog, extensive information databases, multimedia software for students, and free Internet searching for the public may lessen the adverse impacts resulting from a mismatch between available physical library space and resources and the community's need for library facilities."<sup>25</sup>

## **N. TRAFFIC**

The entire focus of the traffic impact analysis is on measuring the number of cars moving at the intersections. While the movement of autos is important it is not sufficient. As the City has shifted its focus to mobility, so should the analysis in the DEIR. The DEIR fails to address any measured analysis of walking, biking, or transit and ignores other design features that could reduce car-usage such as on-site amenities and provisions for home-offices.

The traffic analysis estimates the impacts on streets and intersections in and around the project. The analysis looks at the ambient growth rate of existing traffic, the traffic contributed by other projects, the traffic contributed by the project itself, and compares this traffic load to existing intersection usage, expressed as the vehicle counts compared to the intersection capacity [V/C ratio]. From this, the analysis determines the "Level of Service" [LOS] in the existing condition and compares it to the LOS if the project is built. For those intersections showing certain increases in the V/C ratio, or a decrease in the LOS, the DEIR proposes mitigation measures designed to lower the impact so that it is not significant.

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<sup>24</sup>See <http://urbanmilwaukee.com/2012/02/28/east-library-redevelopment-advances-at-city-plan-commission-renderings/>

<sup>25</sup> San Pedro Community Plan DEIR p 4.12-40

**We have concerns about how the variables were calculated and the accuracy of the LOS results obtained, about the way in which mitigation is determined, and the failure to address how to design the amenities on the site in order to reduce traffic generation. This should be corrected.**

## **1. IMPROPER CALCULATION OF THE VARIABLES**

### **Improper Use of ITE Traffic Generation Data**

The project-generated traffic is underestimated because the applicant used the midpoint data for each housing type while ignoring project characteristics.

The DEIR uses three different ITE housing classifications to predict trip generation. It uses the average trip generation figures for each classification.

ITE figures represent thousands of studies and a wide range of reported trip generation figures. In this case, there is no difference between how often residents of each different type of unit will need to use their vehicle in this project, but the analysis contains no discussion of this. Instead, the DEIR simply uses the mid-point figure. For example, the DEIR indicates that a single-family house will generate 9.57 trips per day while a three-bedroom condominium right next door will generate 5.81 trips per day. This makes no sense when residents of the project will have to drive to every destination, whether to work, school, soccer practice, the gym, church, or the market. The applicant should have selected a trip generation rate in the reported range closer to the single-family rate because the project characteristics are so similar.

Further, each trip generation graph in the ITE Manual includes a wide range of actual trip generation numbers. To select the mid-point is difficult to justify.<sup>26</sup> Had the developer and the City used more appropriate data points within each classification, as they are permitted to do, and admonished to do by ITE itself, the trip-end volume would be 10,862 instead of 7,462. AM peak hour volume would increase from 571 to 851 and PM peak would increase from 669 to 1146. Using these calculations, and using normalized traffic counts, would greatly increase the V/C ratios and lower the LOS ratings at many more intersections among the 56 tested intersections.

### **The V/C Ratios Used as a Baseline Need to be Normalized**

The vehicle counts used in the V/C ratios and the LOS calculations are lower than normal due to the impact of the economy on "real" traffic generation rates.

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<sup>26</sup> We suggest that perhaps the traffic problems in other areas of the City and increasingly in San Pedro, Wilmington and Harbor City, can be attributed to this practice of using mid-point calculations rather than more realistic data.

The impact is shown in the DEIR counts in 2010, which are lower than earlier counts taken by the same consultant in 2005 for the prior project, lower than the counts taken for the Target Store analysis in 2006 and lower than many of the counts for the Marymount project on Palos Verdes Drive North in 2011, after the installation of ATSAC/ATCS. For example, the V/C PM ratios for Western and PV Dr. North are

|      |       |                         |
|------|-------|-------------------------|
| 2005 | 1.025 | [Ponte Vista I]         |
| 2006 | 1.078 | [Target]                |
| 2010 | .851  | [DEIR, present project] |
| 2011 | .872  | [Marymount]             |

This difference is noticeable at many of the intersections common to all four studies.

It is shown in concrete terms, for example, by the reports of the annual TEU<sup>27</sup> counts in the Port of Los Angeles (an indicator of workload for Port workers) that declined from 8.5 million TEU's in 2006 to 6.7 million TEU's in 2009. It is beginning to recover but has not reached pre-recession levels.

Our concern about the use of the October 2010 data at the height of the economic downturn has been discussed with the applicant's representative on several occasions. Normalized data is used in many, many other areas of planning, such as employment data, business valuations, and indeed, environmental tests. It is not possible to properly determine true, likely impacts if baseline data is atypical. That is a recipe for gridlock.

**Failure to Include Data from Other Projects**

CEQA requires a DEIR to include traffic generated by other known projects in the traffic generation estimates, The applicant left out a number of such projects, many of which impact the studied intersections. We listed them earlier in our comments. We repeat them here:

- o Southern California International Gateway (SCIG)
- o APL Terminal expansion
- o Ports O'Call Redevelopment
- o Cabrillo Marina Phase II
- o USS Iowa

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<sup>27</sup> Twenty Foot Equivalent Units, a measure used to normalize cargo counts since not all containers are the same size.

- Los Angeles County Sanitation Districts Clearwater Outfall Project
- Rolling Hills Prep School build out
- VOA Navy Village
- Pacific LA Marine Terminal
- Harbor Highlands Development (under construction)
- City Dock 1
- Port Master Plan update
- San Pedro Community Plan update
- Marymount College Expansion on PV Drive North

Of particular interest is the Community Plan Update, which forecasts an almost 10% population growth for San Pedro not including Ponte Vista in the next 18 years.

**The Ambient Growth Rate of 1% is not Supported by any Documentation**

Both the DEIR and the Western Avenue Task Force used a 1% growth rate for Western Avenue, but CalTrans engineers opined in those meetings that the growth rate was actually much higher.

Rather than use a number obtained from MTA, as does the DEIR, we suggest that documentation be provided.

**Public Transportation is Not Really Available to the Site**

The DEIR (I-133) states that there are 14 buses per hour serving the project during the morning peak hour. **This is misleading** and should be corrected. There are four bus lines that serve the project site, none well.

**Metro Bus Line 205** runs from 13th and Gaffey Streets to the Imperial Wilmington Station at Imperial Highway and Wilmington Avenue in the Watts/Willowbrook Area. The frequency varies from every 20 minutes during the am peak hour to 1 hour. This bus goes up Western and connects to the Artesia Transit Station where it is possible to transfer to another bus to go to downtown Los Angeles. Unfortunately it takes approximately 40 minutes just to get to the Artesia Transit Station; there is no incentive for future residents to be so inconvenienced.

**Max Line 3** runs from 36th Street and Pacific Ave in San Pedro to LAX Green Line

Station and the Airport Courthouse. It operates northbound to El Segundo in the early AM and southbound to San Pedro in the late afternoon. MAX Line 3 does not operate on major holidays or on weekends. It only makes 4 trips in am, the first at 5:36 and the last at 6:44 am and 4 in pm between the hours of 4:46 and 6:15 pm; basically 2 buses/hour. This is a viable option if your work is in El Segundo.

The remaining two lines are operated by RPV and are primarily designed to transport RPV students to RPV schools.

**PV Transit Orange Line** runs 2 morning buses along Western from Palos Verdes Drive North to First Street then to Palos Verdes Drive East ending at Palos Verdes High School and 3 buses in the afternoon corresponding with school start and stop times. These lines are designed to carry Palos Verdes students to Palos Verdes schools, and as such are really not useful to the residents of Ponte Vista.

**PV Transit Green Line** is also geared primarily to Palos Verdes schools and the Library. It runs along Western Avenue from First Street to Palos Verdes Drive North then west along Palos Verdes Drive Road ending at Ridgecrest Elementary School.

## **2. COMMENTS CONCERNING PROPOSED TRAFFIC MITIGATIONS**

### **Some Offered Mitigation is Already Proposed by Marymount**

Marymount College is required to implement some of these same by mitigations as part of the approval of its mitigated negative declaration for its project on Palos Verdes Drive North. It is our understanding that if any of the proposed mitigation measures are provided by another source (e.g. Marymount College), prior to being implemented by this Project, an alternate mitigation measure may be required. We request that in the event that should occur, the applicant be required to consult with the Northwest San Pedro Neighborhood Council, the Harbor City Neighborhood Council, and the City of Rancho Palos Verdes on appropriate mitigation measures.

### **Other Mitigations Transfer the Traffic Burden to Wilmington and Harbor City Residents**

Quite a bit of the proposed mitigation is designed to increase the overall capacity at an intersection by addressing other traffic issues and thus could potentially allow longer turn and through signals for the project traffic. In other words, traffic from Harbor City, Palos Verdes and Wilmington will be adjusted, possibly negatively impacted, in order to make more room for Ponte Vista traffic.

### **The Projected Routing for PM Peak Hour Traffic Does Not Seem to Have a Basis**

We realize that predicting access routing is sometimes an art rather than a science. However, given the very long PM backups at the 110 Freeway off-ramps at Sepulveda, Pacific Coast Highway and Anaheim, coupled with the challenge of making a left turn across Western, it seems likely that in the evening, a large percentage of commuters will exit at Channel Street and proceed north on Gaffey to Channel, Capitol, or Westmont and then west to Western to the project entrances. This assumption is given further credence in that virtually every place a commuter might want to stop on their way home, be it for groceries, dry cleaning, or to pick up a child, is off of either Gaffey or that portion of Western that lies between Channel and Westmont. Further, this commuter traffic will be joined by those residents who are coming home from downtown San Pedro and the San Pedro Waterfront and from Long Beach and points south via the 47. An analysis of all of this traffic should be included.

### **The Proposed Project Makes No Attempt to Mitigate Project Generated Traffic Through Project Design or Project Amenities**

A significant amount of project-generated traffic will be work related traffic. Other components will be taking kids to soccer practice, taking children to school, going to the markets and library, church, etc. Work-related traffic will be especially heavy, and for greater distances than normal, because the project is not really responding to local employment needs.<sup>28</sup> In other words, they are proposing a suburban commuter community.

What is striking about the proposed project, and the DEIR, is that it proposes nothing to mitigate trip generation by providing amenities on-site, such as work centers, library branch, parks, mini-market, better walking access to local schools, etc.

### **OTHER CONCERNS**

**The DEIR fails to analyze the impact of increased traffic on Western from the 74 driveways and non-signalized intersections on Western between Summerland and Palos Verdes Drive North.** According to a recent study of the Western Avenue Corridor, there are 111 destinations on Western between Summerland and Capital Drive.<sup>29</sup> These grocery stores, post office, dentist offices, coffee shops, banks, etc. are accessed through the driveways. These poorly designed driveways add to the traffic flow problems. For example, the turn lane into the shopping center nearest the project can only accommodate about 4 cars. After that, cars begin impeding the flow of traffic on Western. This is a very unique

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<sup>28</sup> The DEIR for the San Pedro Community Plan Update established that the jobs per household ratio for San Pedro was 0.44 while the Los Angeles area ratio is 1.35. This means that for the 1135 households in the project, assuming two working adults, 550 will drive to local jobs and 1700 will drive a longer distance.

<sup>29</sup> Western Avenue Corridor Vision Preliminary Analysis and Vision, Nov 14, 2012

condition and an analysis should be conducted of the impact of the traffic generated by the Ponte Vista residents using these driveways.

Additionally, the assertion that 60% of traffic will be going North and 40% south on Western does not seem credible given that virtually all amenities are located to the South.

We are concerned about the impact on traffic flow along Western from installing additional stoplights at Fitness Drive and Peninsula Verde. Consideration should be given to a "pathway" through Ponte Vista as an alternative to a light at Fitness Drive. Additional stoplights on Western may cause more traffic congestion, not less.

Several of the proposed mitigations are subject to approval by other jurisdictions. The DEIR should address the impact on traffic if these mitigations are not approved and there should be a procedure in place for developing substitute mitigations.

Consideration should be given to creating a "walking school bus" and a bicycle path from the road at the back of the development thru Mary Star to Taper.

The DEIR failed to study the Harbor Freeway Channel Street Off-Ramp and the 47 Freeway Channel Street On-Ramp at Miraflores. The impact of increased traffic at this intersection must be studied and appropriate mitigations proposed. In addition, the full intersection including Channel and Gaffey must be re-examined. We are suspicious that the low LOS shown at that intersection was the result of southbound Gaffey traffic backed up at Miraflores and therefore not even entering the Channel and Gaffey intersection. An April 2004 baseline study, for the Port of Los Angeles found this intersection to be at an OS of E during the PM Peak Hour and the Gaffey/Miraflores intersection to be an LOS of F in the AM Peak hour and D in the PM Peak Hour.<sup>30</sup>

The DEIR fails to discuss the impact of the additional traffic on the freeway off-ramps at Pacific Coast Highway and Anaheim and the resulting backup on the 110 freeway.

Mary Star should have vehicular access from both Green Hills Drive and Avenida Aprenda and the internal roads should be connected at the back of the property.

The DEIR does not appear to account for the impact on traffic of the additional time required for the approximately 225 additional middle and high school students pushing the "walk" button to cross Western on their way to and from school, assuming that the Dodson students walk to school and the High School students

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<sup>30</sup> Port of Los Angeles Baseline Transportation Study, Meyer, Mohaddes Associates. April 2004

take public transportation. This must be added into the traffic study for that intersection.

It is unclear if the DEIR properly accounts for the fact that most students from the Eastview Area of Rancho Palos Verdes immediately west of Western are not attending Crestwood Elementary, Dodson Junior High, or Narbonne High School. The attendance in the Palos Verdes School District by Eastview residents is **rumored** to be over 90% of the local students for the area. Most students from Dodson and Crestwood are being bused in; likewise Eastview students are commuting by car and bus via Western Avenue to Dapplegray Elementary, Miraleste JHS, and Palos Verdes High School.

The parking plan for both residents and visitors is unclear and needs to be clarified.

**The Proposed Project Consumes All of the Available Infrastructure Space in the Community Plan**

What is the point of having a Local Community Plan if it will be impossible to provide for projected development? As a matter of policy, we question whether a single project should be entitled to more than a pro rata amount of available infrastructure usage, in this case roadway space, at the expense of other future development as contemplated in the Wilmington Harbor City Community Plan and the San Pedro Community Plan update.

**PUBLIC TRANSPORTATION**

The DEIR (I-133) states that there are 14 buses per hour serving the project during the morning peak hour. **This is misleading** and should be corrected. There are 4 bus lines that serve the project site, none well.

**Metro Bus Line 205** runs from 13th and Gaffey Streets to the Imperial Wilmington Station at Imperial Highway and Wilmington Avenue in Watts/Willowbrook Area. The frequency varies from every 20 minutes during the am peak hour to 1 hour. This bus goes up Western and connects to the Artesia Transit Station where it is possible to transfer to another bus to go to downtown Los Angeles. Unfortunately it takes approximately 40 minutes just to get to the Artesia Transit Station; there is no incentive for future residents to be so inconvenienced.

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The remaining two lines are operated by RPV and are primarily designed to

transport RPV students to RPV schools.

**PV Transit Orange Line** – runs 2 buses along Western from PV Drive N. to First then to PV Drive East ending at PV High School in am and 3 in pm timed with school start and stop times. These lines are designed to carry Palos Verdes students to Palos Verdes schools, and as such are really not useful to the residents of Ponte Vista

**PV Transit Green Line** also primarily geared to PV schools and Library. Runs along Western from First to PV Drive North then west along PV Drive Road ending at Ridgecrest Elementary School

## **O. UTILITIES AND SERVICE SYSTEMS**

### **1. WATER**

The DEIR states that the project's water usage will have a "less than significant impact with mitigation" on the area's infrastructure and environment (p. VI-142). A brief examination of the document raises serious questions about that conclusion and suggests that it is much too optimistic.

The developer estimates that the 1,135-unit project will use 216 acre-feet per year of water. (p. I-135). That translates to 170 gallons per day per unit. However, that figure is far below what experience has shown constitutes actual use. The United States Environmental Protection Agency has found that the average American household uses 400 gallons per day.<sup>31</sup> In Southern California, where residents may be more sensitive about conserving fresh water, the Los Angeles Department of Water and Power (LADWP) reports that the average single-family residence consumes 359 gallons each day<sup>32</sup>

In other words, the developer estimates that Ponte Vista will use less than half the water that the LADWP finds real households actually use. What is more, the DEIR offers little explanation – beside mitigation measures such as flush-less urinals in the project's common areas and low-flow showerheads and "green" appliances in the residences (p. IV O-10) – for this very significant discrepancy. Yet these measures are already widely employed in the community and should therefore be reflected in the 359-gallon figure the LADWP cites.

The DEIR does make reference to "purple pipe" – that is, plumbing that will use reclaimed wastewater for irrigation, once a main line of purple pipe is extended to

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<sup>31</sup> "Water Sense," an EPA Partnership Program at [www.epa.gov/WaterSense/WaterUseToday](http://www.epa.gov/WaterSense/WaterUseToday)

<sup>32</sup> Los Angeles Department of Water and Power, 2010 Urban Water Management Plan [hereinafter referred to as the "UWMP"], p. 43.

this area. Rather than waiting for reclaimed wastewater to be available **the developer should be required to plumb the units to provide gray water for irrigation.**

Raising further doubts about the reliability of the project's water use estimates is the DEIR's estimate that the project will add 205,950 gallons per day to the sewage system. (p. IV O-25). The report offers no explanation why water usage – which includes water used for common area irrigation that would not flow into the sewer lines – would be less than the amounts added to the area's sewer system.

Overshadowing the DEIR's estimates regarding water usage is the fact that the LADWP projects it will encounter more difficulty obtaining fresh water supplies in the future. This is so for several reasons including: 1) population pressures throughout the Southwest, 2) increasing drought conditions in the area, 3) climate change and 4) legal restrictions on importing water especially from Northern California and the Colorado River. (UWMP, p. ES-1). Under such circumstances, it should be imperative that water providers use considerable caution in estimating their ability to satisfy the area's future water needs. Indeed, in an effort to appear to be meeting increased future demand, the LADWP is already employing the very questionable tact of counting "conservation" as a water source. According to its own estimates, by 2035, 9 percent of the water it supplies to Southern California will be from "conservation." (UWMP, p. 19).

Furthermore, the entire state is facing a water crisis<sup>33</sup>.

According to population projections, the state's total population will increase to 60 million people by the year 2050, an increase of over 56% from the 2000 census numbers. As the state's population continues to grow, this is putting strain on our existing water supplies, as well as bringing into question the ability to accommodate this expected future growth. At the same time, drought and climate change are reducing the snowpack California depends on to fill its reservoirs, and the Delta, critical hub of California's water system, faces multiple risk factors to its fragile levees while continuing to experience ecosystem decline and plummeting native fish populations. Continued population growth throughout the Southwest combined with a persistent drought in the Colorado River basin is putting increased pressure on the limited resources of the Colorado River. In addition, Indian reservations, left out of previous water rights agreements, have begun to exercise their long-held but unused water rights, putting further strain on the limited resources of the Colorado River.

Ensuring a water supply to meet the needs of California's existing residents while providing for future population growth has become a major statewide issue as

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<sup>33</sup> <http://www.aquaforia.com/index.php/californias-water-crisis/>

news stories and research reports highlight the challenges that lie ahead and legislators debate putting another multi-billion dollar bond measure in front of voters. More dams, increased conservation, water transfers, desalination and more – there are many possibilities, each with its benefits and drawbacks. There is no easy answer; unfortunately, no silver bullet

Freshwater is too important a resource to be the subject of guesswork. Under-estimating its usage and over-estimating its availability can have cataclysmic effects upon Southern California. Serious economic dislocation and even health issues for area citizens are just two. Given the discrepancies between the developer's estimated water use and the EPA and LADWP's experience about actual levels of consumption and further questions about the LADWP's ability to supply water in the not-too-distant future, this project's impact on the area's water infrastructure needs to be re-analyzed.

## **2. WASTEWATER**

The project should be mandated to capture and recycle storm water and grey water on-site.

## **3. ENERGY**

Solar or alternate energy such as Bloom Energy Servers should be required. Currently 39% of the City's energy comes from coal. This is being phased out. The City's lease for the Navajo power plant expires in 2019 and the City's contract for a coal generated plant in Utah ends in 2027. DWP has indicated that both plants will be shut down when the leases expire. In order to replace this loss, DWP is counting on, among other things, an increase from the current 20% renewable energy and 1% energy efficiency to 33% renewable energy and 10% energy efficiency.<sup>34</sup> These assumptions may or may not be accurate. Increased use of renewable energy is commendable but also costly to consumers. Existing ratepayers should not have to bear the costs resulting from the increased demand created by this project.

Another impact that should be analyzed is the increased need for cell transmitters. No mention of this is made in the DEIR.

## **PUBLIC HEALTH IMPACTS**

Large-scale developments like Ponte Vista have the potential to cause substantial adverse effects on health of residents, either directly or indirectly. Therefore, the

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<sup>34</sup> LADWP Presentation on Proposed Rates 2012-2014, Mandates and Reliability

DEIR must discuss “health and safety problems caused by the physical changes”(CEQA Guidelines Section 15126.2). If the analysis identifies significant health impacts, the lead agency must adopt feasible mitigations. Important determinants of public health include the preservation of natural areas, air and water quality, community noise, housing and transportation patterns, access to food resources, public services, and economic well-being.

**The DEIR fails to evaluate and disclose potential health impacts resulting from lack of convenient access to daily needs.** Proximity to services promotes increased walking and biking, reduced daily vehicle trips and miles traveled, increased possibilities for healthful and meaningful work, and increased interactions among neighbors. Future residents of Ponte Vista should have equal access to health resources. The more key public and retail services a neighborhood has, the greater the chance for residents and workers to walk or bike to access those services, increasing physical activity, social interactions, and “eyes on the street”. Research has found the presence of a grocery store in a neighborhood predicts higher fruit and vegetable consumption and a reduced prevalence of overweight and obesity. Neighborhoods with diverse and mixed land uses could create proximity between residences, employment, and goods and services, thereby reducing vehicle trips and miles traveled and as a result, reducing air and noise pollution. This is especially pronounced because of the difference between the estimates of project completion, i.e. five years or fifteen years, and the resulting impacts on construction related emissions and impacts.

**The DEIR fails to address the following Public Health related questions:**

- Does Ponte Vista have all of the key public and retail services that contribute to neighborhood completeness?
- Does the Ponte Vista plan advance neighborhood completeness?
- What mitigations or project design elements would advance neighborhood completeness?

## **SOCIAL IMPACTS**

*“In much of the rest of the world, rich people live in gated communities and drink bottled water. That's increasingly the case in Los Angeles where I come from. So that wealthy people in much of the world are insulated from the consequences of their actions.”*

Jared Diamond, author, physiologist, evolutionary biologist and bio geographer.

A neighborhood offers the promise of belonging and call for us to recognize our interdependence. To belong is to be welcome, even if we are strangers. The sense of belonging is important because it leads us from conversations about safety and comfort to our relatedness and willingness to be generous and

hospitable. These elements seldom occur in a culture dominated by isolation, and it correlate, fear.

The proposed narrow range of housing types forestalls the socioeconomic robustness that accrues to places with a full spectrum of ages and income. The proposed gated subdivision intentionally restricts access and emphasizes social control and security over other community values, thereby shrinking the public sphere and diminishing collective responsibility for the collective safety of society.

A security gate "can provide a refuge from people who are deviant or unusual... the vigilance necessary to patrol these borders actually heightens residents' anxiety and sense of isolation, rather than making them feel safer," says Setha Low, author of *Behind the Gates, Security, and the Pursuit of Happiness in Fortress America*. The irony is that the residents, particularly kids and seniors that don't drive, become isolated and trapped behind their own gates -- instead of keeping people out, they shut themselves in. The isolation and loneliness is increasingly becoming the cause for mental illness.

Gated subdivisions gained popularity with baby boomers. The demographics have changed. Today, a large cohort of empty nesters and Generation Ys are increasingly opting out of isolated and gated subdivision to belong in an open, walkable and urban neighborhood.

**The DEIR fails to discuss the social impacts of a limited access exclusive subdivision.**

## **PROJECT ALTERNATIVES**

The DEIR should analyze at least one additional alternative that better addresses the context of the community and environmental impacts of the project. We suggest a mixed-use project alternative that includes access to Mary Star, with true single-family homes on appropriate sized lots, rather than a PUD, work centers, commercial space, senior friendly facilities, a range of public open spaces including a 6-acre public park, and a library extension to meet State Guidelines for library space.

Additionally, given the poor jobs housing balance, it seems remiss that none of the alternatives included a light industrial park. This is particularly true in light of the fact that the original re-use plan for this property would have resulted in significant job creation.<sup>35</sup>

**ATTACHMENTS**

- Attachment A      Tosco Worst Case Scenario**
- Attachment B      Critical Facilities and Lifeline Systems in the City of Los Angeles**
- Attachment C      San Pedro Building Types**
- Attachment D      Single Family Housing Construction Costs**
- Attachment E      LAUSD School Enrollments for Taper, Narbonne, and Dodson**

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<sup>35</sup> According to the Draft EIR for the San Pedro Community Plan, the jobs-housing ratio for San Pedro is 0.44 while it is 1.3 for Los Angeles as a whole.

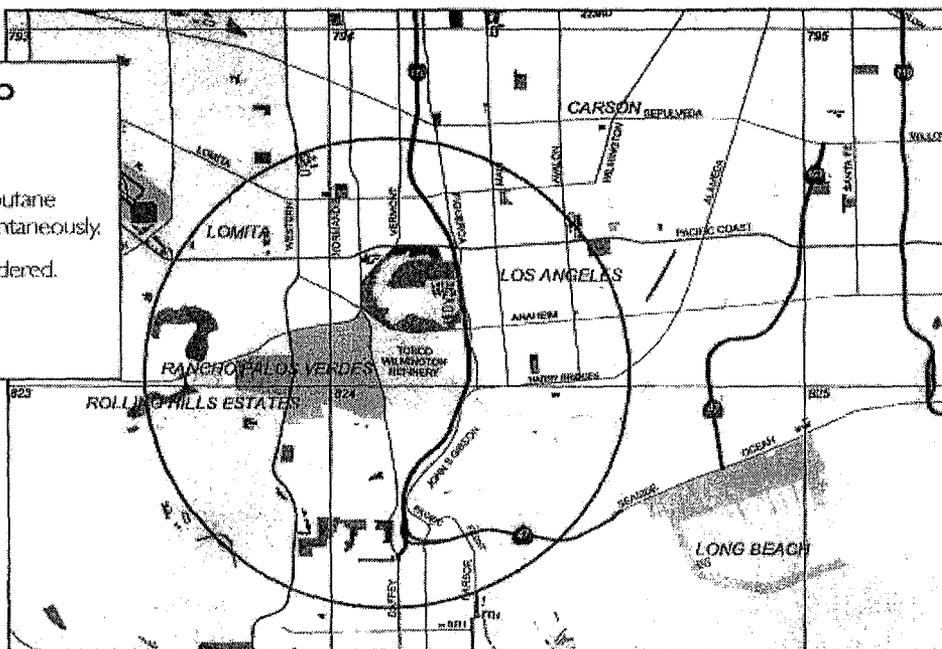
# ATTACHMENT A

# WORST CASE SCENARIO

## WORST CASE SCENARIO ASSUMPTIONS FOR BUTANE:

- Everything in a refrigerated butane storage tank is released instantaneously.
- Safety controls are not considered.
- Butane completely vaporizes and explodes.

**DISTANCE OF POTENTIAL IMPACT:**  
**2.3 MILES**



### PUTTING IT INTO PERSPECTIVE

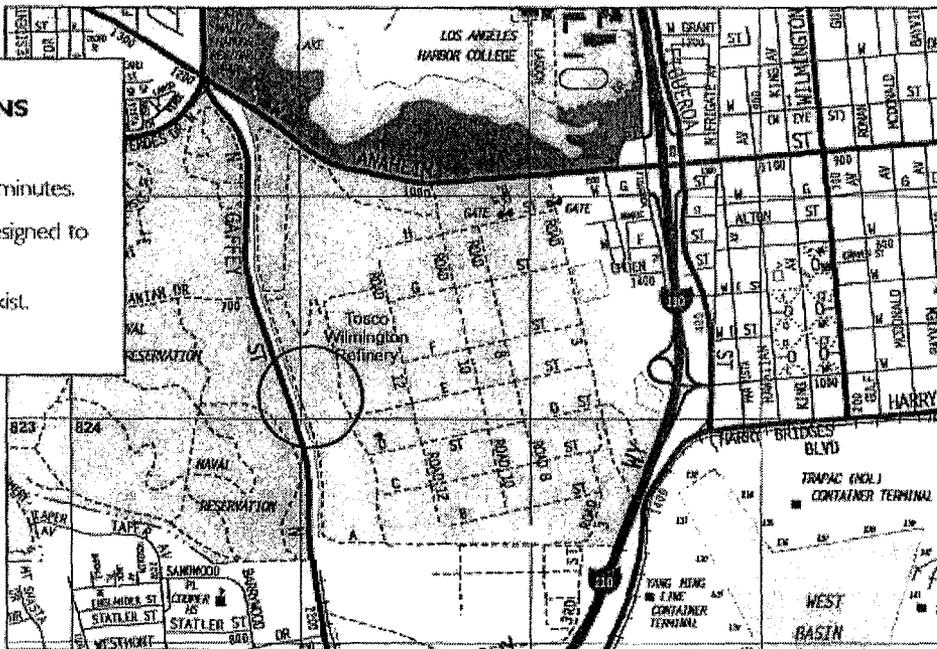
|  |                   |
|--|-------------------|
| Worst Case Scenario Amount Released .....        | 5,092,000 Gallons |
| Alternate Release Scenario Amount Released ..... | 6,160 Gallons     |

# ALTERNATE RELEASE SCENARIO

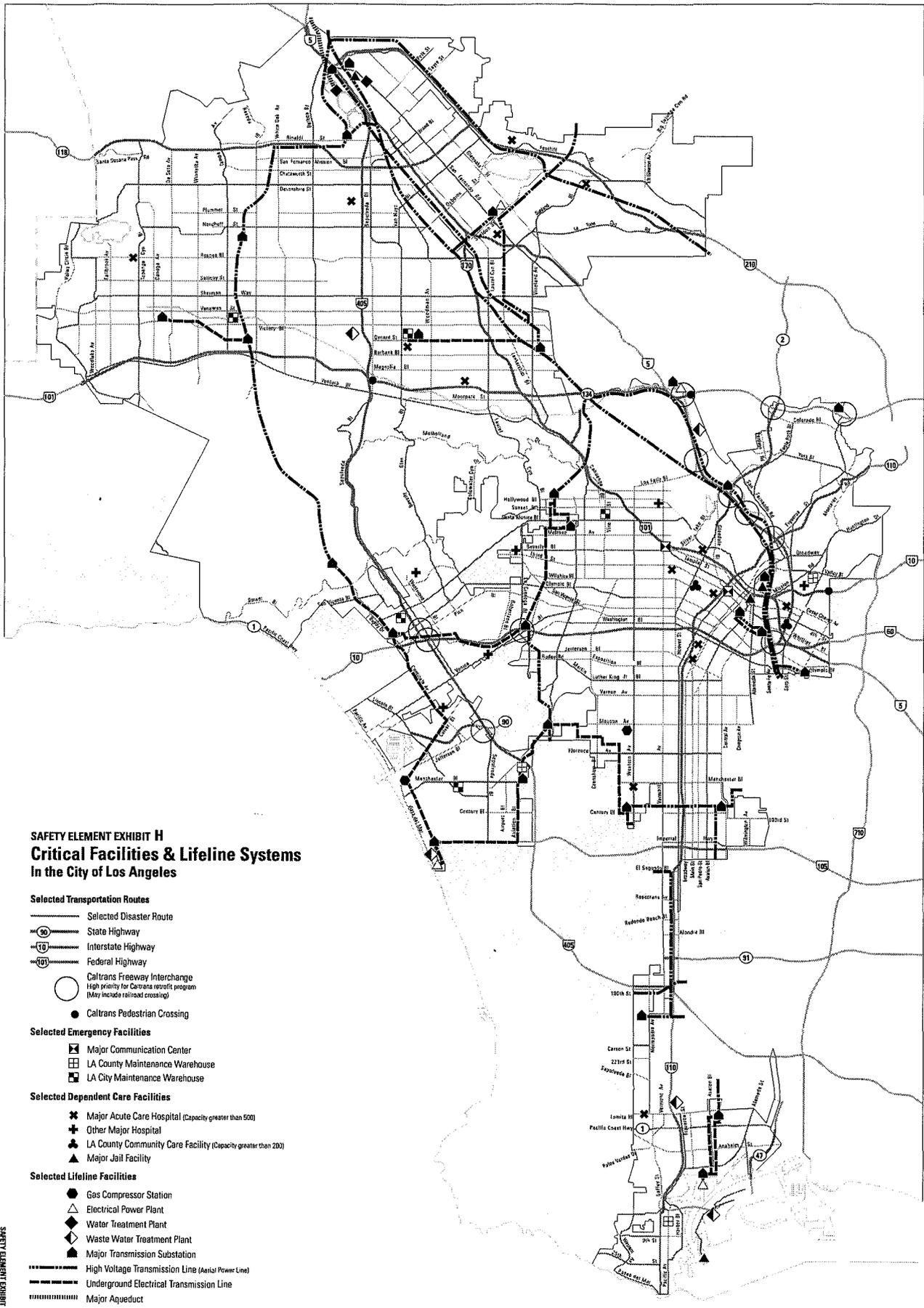
## ALTERNATE RELEASE SCENARIO ASSUMPTIONS FOR BUTANE:

- Release of 30,000 lbs. in 15 minutes.
- Safety controls operate as designed to minimize release.
- Typical weather conditions exist.

**DISTANCE OF POTENTIAL IMPACT:**  
**0.11 MILES**



# ATTACHMENT B



**SAFETY ELEMENT EXHIBIT H**  
**Critical Facilities & Lifeline Systems**  
**In the City of Los Angeles**

**Selected Transportation Routes**

- Selected Disaster Route
- State Highway
- Interstate Highway
- Federal Highway
- Caltrans Freeway Interchange  
High priority for Caltrans retrofit program  
(May include railroad crossing)
- Caltrans Pedestrian Crossing

**Selected Emergency Facilities**

- ☒ Major Communication Center
- ☒ LA County Maintenance Warehouse
- ☒ LA City Maintenance Warehouse

**Selected Dependent Care Facilities**

- ✕ Major Acute Care Hospital (Capacity greater than 500)
- ✚ Other Major Hospital
- LA County Community Care Facility (Capacity greater than 200)
- ▲ Major Jail Facility

**Selected Lifeline Facilities**

- Gas Compressor Station
- △ Electrical Power Plant
- ◆ Water Treatment Plant
- ◇ Waste Water Treatment Plant
- ▲ Major Transmission Substation
- High Voltage Transmission Line (Aerial Power Line)
- Underground Electrical Transmission Line
- Major Aqueduct

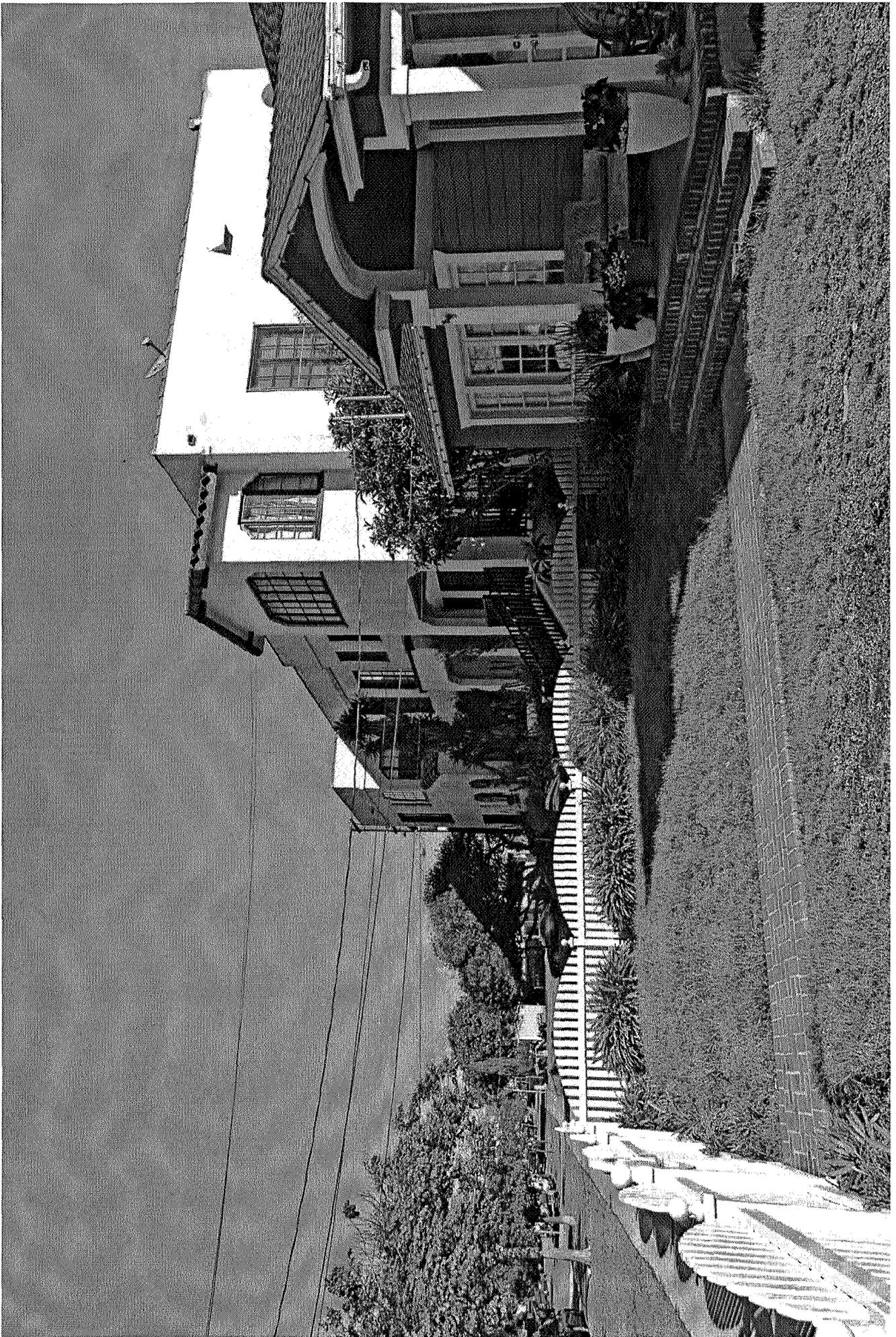
**NOTES**

1. This map is intended to present the general distribution of community elements vulnerable to damage from a variety of hazards. In order to preserve map clarity, all important critical facilities and lifelines are not shown.
  2. Disaster routes shown as primary thoroughfares for movement of emergency response traffic and access to critical facilities. Immediate emergency debris clearance and road/bridge repairs for short-term emergency operations will be emphasized along these routes.
  3. The selected disaster routes also provide a plan for interjurisdictional road reconstruction and rebuilding following a major disaster.
  4. The compilation of selected lifeline facilities relied heavily upon California Division of Mines and Geology, Earthquake Scenario Reports, Special Publications 20 and 50.
  5. This map is intended for general land use and disaster planning purposes only.
- Source: LA County Safety Element Technical Appendix, Plate B, December 1990 & General Plan Framework EIR

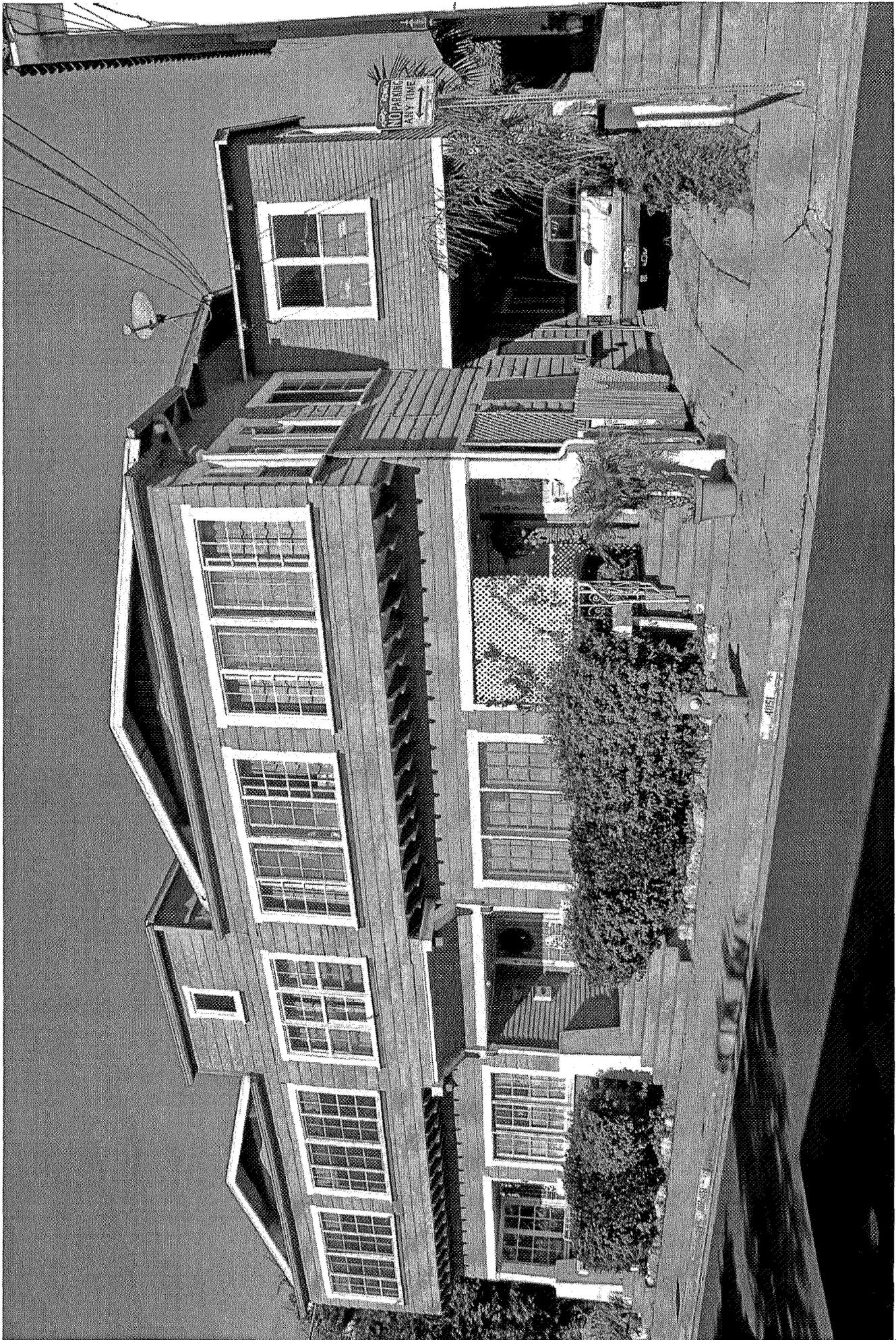
SAFETY ELEMENT EXHIBIT H  
 Critical Facilities and Lifeline Systems



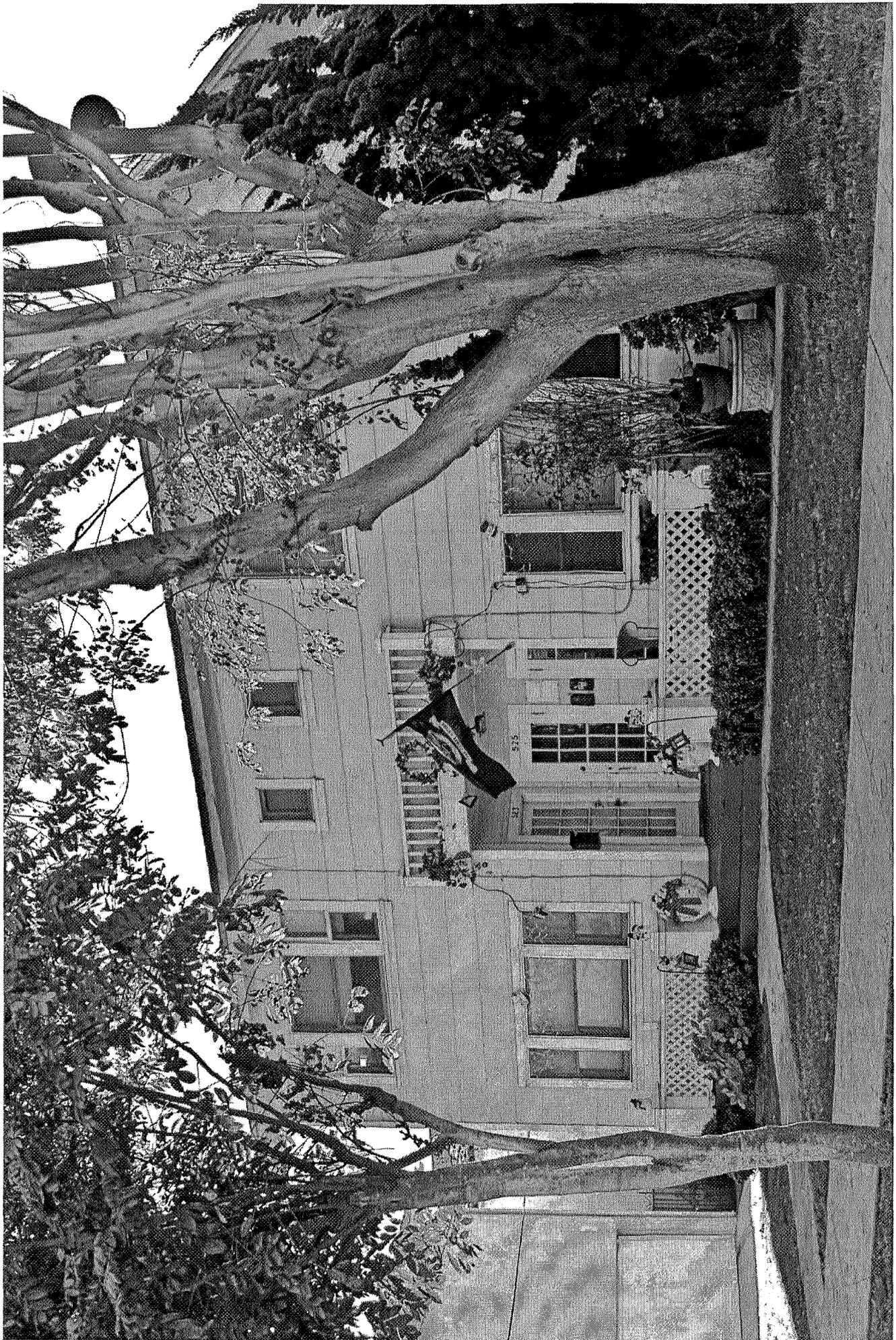
# ATTACHMENT C



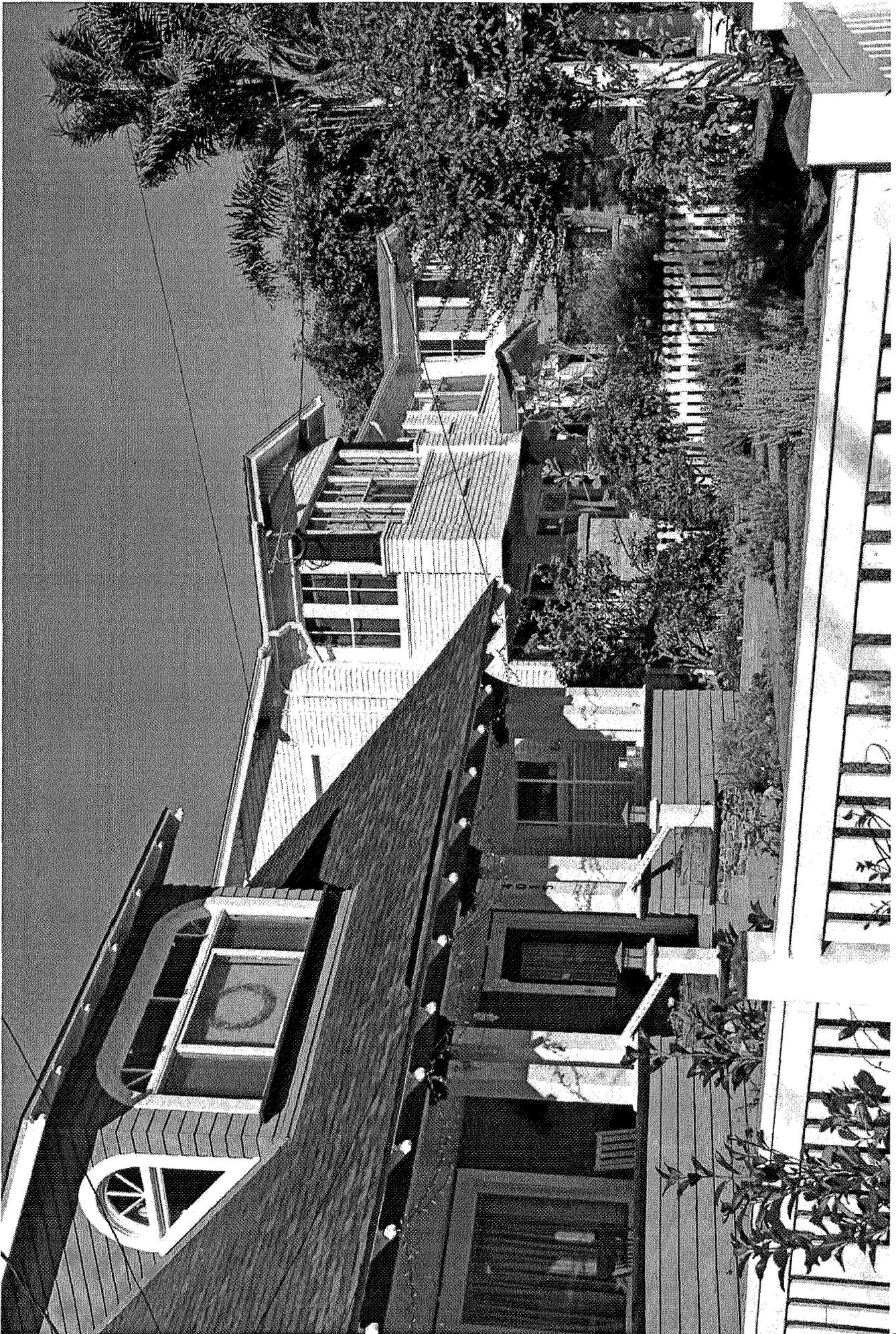
52  
6 unit Rowhouse next to SFR.jpg



53  
Quad 2.jpg



54  
Quad.jpg



55  
Triplex next to SFR.jpg

# ATTACHMENT D

**SINGLE-FAMILY RESIDENTIAL  
BUILDING SPECIFICATIONS  
"D" CONSTRUCTION**

**POST 1990**

**D-6 QUALITY**

**MODERN**

|   |
|---|
| <b>Foundation</b><br>Reinforced concrete  |
| <b>Floor Structure</b><br>Standard wood frame or slab on grade reinforced concrete, vapor barrier, base 4" thick  |
| <b>Walls and Exterior</b><br>Framing: Standard wood or steel frame<br>Sheathing: Line wire and paper, plywood, or particle board<br>Cover: Wood shingles or low-cost wood siding or masonry trim on front wall; average stucco sides and rear<br>Windows: Average quality aluminum or wood; slide or double hung, double glaze<br>Front Door: Average quality metal or wood |
| <b>Roof</b><br>Framing: Standard wood or steel frame<br>Cover: Wood shingle, light wood shake, good composition shingle, or concrete shake or tile<br>Overhang: 0" to 18", unceiled<br>Gutters: Average quality at all eaves  |
| <b>Floor Finishes</b><br>Average quality hardwood, carpet, vinyl, or ceramic tile throughout  |
| <b>Interior Finish</b><br>Drywall, taped, textured, painted; some wallpaper; average quality paneling<br>Decorative plant shelves<br>Ceilings: Standard 8' or vaulted; low-cost fans  |
| <b>Interior Detail</b><br>Interior Doors: Average quality wood<br>Trim: Wood or plastic<br>Closets: Average amount; low-cost doors  |
| <b>Bath Detail</b><br>Number: Two<br>Floors: Average quality vinyl<br>Walls: Drywall and enamel<br>Shower & Tub: Fiberglass or average quality ceramic tile, with glass doors; twin basin vanities  |
| <b>Kitchen</b><br>Base Cabinet: Average cost wood veneer<br>Wall Cases: Average cost wood veneer<br>Drain Board: Average cost plastic laminate or vinyl tile<br>Some island cabinets without fixtures   |
| <b>Plumbing</b><br>Galvanized, plastic, or copper pipe; 7 average-cost fixtures; washer outlet; water heater  |
| <b>Special Features</b><br>Average quality sliding glass or French doors; average quality built-in oven, range, microwave, dishwasher, garbage disposer, range hood and fan; utility room/closet  |
| <b>Electrical</b><br>Cable wiring; average quality fixtures; some bedroom ceiling fixtures  |



**SINGLE-FAMILY RESIDENTIAL  
MODERN TYPE  
SQUARE FOOT AREA COST TABLES**

**"D" CONSTRUCTION - SHAPE B**

| Class | 700    | 800    | 900    | 1000   | 1100   | 1200   | 1300   | 1400   | 1500   | 1600   | 1700   |
|-------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| D-5   | 77.49  | 74.26  | 71.47  | 69.30  | 67.41  | 65.83  | 64.54  | 63.30  | 62.24  | 61.32  | 60.51  |
| D-5.5 | 85.22  | 81.62  | 78.64  | 76.27  | 74.12  | 72.35  | 71.01  | 69.62  | 68.51  | 67.50  | 66.60  |
| D-6   | 98.18  | 94.12  | 90.55  | 87.86  | 85.45  | 83.39  | 81.84  | 80.29  | 79.02  | 77.80  | 76.73  |
| D-6.5 | 109.07 | 104.50 | 100.51 | 97.53  | 94.86  | 92.61  | 90.83  | 89.04  | 87.70  | 86.34  | 85.23  |
| D-7   | 121.05 | 115.97 | 111.65 | 108.27 | 105.34 | 102.86 | 100.91 | 98.89  | 97.26  | 95.88  | 94.65  |
| D-7.5 | 140.45 | 134.63 | 129.57 | 125.70 | 122.31 | 119.35 | 117.13 | 114.77 | 113.02 | 111.24 | 109.80 |
| D-8   | 164.28 | 157.41 | 151.61 | 147.00 | 142.99 | 139.64 | 136.94 | 134.26 | 132.13 | 130.15 | 128.39 |
| D-8.5 | 188.26 | 180.41 | 173.73 | 168.49 | 163.82 | 160.01 | 156.94 | 153.84 | 151.36 | 149.15 | 147.15 |
| D-9   | 256.51 | 245.78 | 236.67 | 229.55 | 223.21 | 218.03 | 213.80 | 209.57 | 206.22 | 203.18 | 200.47 |
| D-9.5 | 367.08 | 351.62 | 338.72 | 328.40 | 319.39 | 311.94 | 305.85 | 299.88 | 295.11 | 290.75 | 286.84 |
| D-10  | 422.12 | 404.37 | 389.50 | 377.68 | 367.31 | 358.80 | 351.77 | 344.84 | 339.37 | 334.37 | 329.81 |

**"D" CONSTRUCTION - SHAPE B**

| Class | 1800   | 2000   | 2200   | 2400   | 2600   | 2800   | 3000   | 3200   | 3400   | 3600   | 4000   |
|-------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| D-5   | 59.74  | 58.48  | 57.53  | 56.66  | 55.88  | 55.21  | 54.68  | 54.14  | 53.70  | 53.32  | 52.73  |
| D-5.5 | 65.70  | 64.36  | 63.30  | 62.24  | 61.42  | 60.77  | 60.12  | 59.59  | 59.09  | 58.67  | 57.99  |
| D-6   | 75.78  | 74.12  | 72.93  | 71.81  | 70.88  | 70.02  | 69.27  | 68.63  | 68.07  | 67.56  | 66.85  |
| D-6.5 | 84.12  | 82.37  | 81.01  | 79.71  | 78.64  | 77.76  | 76.91  | 76.21  | 75.59  | 74.99  | 74.23  |
| D-7   | 93.40  | 91.36  | 89.94  | 88.50  | 87.28  | 86.27  | 85.43  | 84.56  | 83.95  | 83.33  | 82.43  |
| D-7.5 | 108.38 | 106.06 | 104.37 | 102.78 | 101.32 | 100.16 | 99.15  | 98.16  | 97.37  | 96.67  | 95.61  |
| D-8   | 126.83 | 124.11 | 122.09 | 120.21 | 118.51 | 117.12 | 116.02 | 114.87 | 113.92 | 113.08 | 111.87 |
| D-8.5 | 145.25 | 142.22 | 139.92 | 137.76 | 135.86 | 134.26 | 132.92 | 131.62 | 130.55 | 129.55 | 128.20 |
| D-9   | 197.92 | 193.77 | 190.69 | 187.66 | 185.06 | 182.88 | 181.06 | 179.32 | 177.86 | 176.48 | 174.66 |
| D-9.5 | 283.25 | 277.19 | 272.71 | 268.59 | 264.86 | 261.66 | 259.14 | 256.56 | 254.51 | 252.55 | 249.97 |
| D-10  | 325.72 | 318.78 | 313.65 | 308.84 | 304.52 | 300.91 | 297.96 | 295.09 | 292.67 | 290.45 | 287.41 |

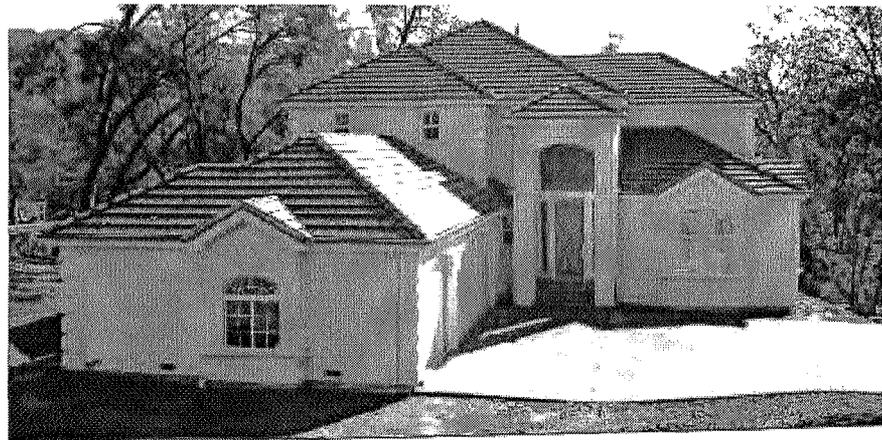
**"D" CONSTRUCTION - SHAPE B**

| Class | 4200   | 4400   | 4600   | 5000   |
|-------|--------|--------|--------|--------|
| D-6   | 66.26  | 65.72  | 65.27  | 64.61  |
| D-6.5 | 73.57  | 72.97  | 72.47  | 71.74  |
| D-7   | 81.69  | 81.05  | 80.48  | 79.67  |
| D-7.5 | 94.74  | 93.99  | 93.32  | 92.40  |
| D-8   | 110.88 | 109.99 | 109.22 | 108.13 |
| D-8.5 | 127.23 | 125.65 | 124.69 | 123.82 |
| D-9   | 173.10 | 171.71 | 170.51 | 168.80 |
| D-9.5 | 247.70 | 246.84 | 245.12 | 242.66 |
| D-10  | 284.83 | 282.54 | 281.66 | 278.85 |

**SINGLE-FAMILY RESIDENTIAL  
MODERN - POST 1990  
D-6 QUALITY**



**SINGLE-FAMILY RESIDENTIAL  
MODERN - POST 1990  
D-8 QUALITY**



# ATTACHMENT E

## School Profile

TAPER EL

1824 Taper Ave  
San Pedro, Ca 90731

Office : 310-832-3056  
Fax : 310-548-4485

(\*Note: This profile includes magnet center information.)

| GENERAL INFORMATION           |   |   |                          |
|-------------------------------|---|---|--------------------------|
| Principal : Steinbach, Doréen | Location Code : 7035                    | Educational Service Center : S  | Configuration : K-5      |
| Calendar : 1 TRK              | Number of Tracks : 1                    | Year Opened :   | Title 1 : No             |
| Cost Center Code : 1703501    | Charter : No                            | Learn : Yes   | SBM : No                 |
| Assembly : 70                 | Senate : 35                             | Congress : 33 Karen Bass  | Council : 15 Janice Hahn |
| Supervisor : 4 Don Knabe      | Board of Education : 7 Richard Vladovic | Web Site : <a href="http://www.lausd.k12.ca.us/Taper_EL">www.lausd.k12.ca.us/Taper_EL</a> |                          |

## Student Racial & Ethnic History

| Year    | RACIAL & ETHNIC HISTORY |     |       |     |          |     |         |     |       |     |          |      | Total |       |     |
|---------|-------------------------|-----|-------|-----|----------|-----|---------|-----|-------|-----|----------|------|-------|-------|-----|
|         | AI/Alsk                 |     | Asian |     | Filipino |     | Pac Isl |     | Black |     | Hispanic |      |       | White |     |
|         | #                       | %   | #     | %   | #        | %   | #       | %   | #     | %   | #        | %    | #     | %     |     |
| 2011-12 | 10                      | 1.6 | 50    | 8.0 | 15       | 2.4 | 6       | 1.0 | 46    | 7.3 | 296      | 47.3 | 203   | 32.4  | 626 |
| 2010-11 | 10                      | 1.4 | 43    | 6.2 | 19       | 2.7 | 7       | 1.0 | 51    | 7.4 | 337      | 48.7 | 225   | 32.5  | 692 |
| 2009-10 | 9                       | 1.3 | 61    | 9.1 | 0        | 0.0 | 8       | 1.2 | 49    | 7.3 | 324      | 48.6 | 216   | 32.4  | 667 |
| 2008-09 | 6                       | 0.9 | 29    | 4.3 | 19       | 2.8 | 6       | 0.9 | 52    | 7.8 | 333      | 49.9 | 223   | 33.4  | 668 |
| 2007-08 | 6                       | 0.9 | 27    | 4.2 | 21       | 3.3 | 9       | 1.4 | 44    | 6.8 | 327      | 50.7 | 211   | 32.7  | 645 |

## School Profile

DODSON MS

28014 Montereyna Dr  
Rancho Palos Verdes, Ca 90275

Office : 310-241-1900  
Fax : 310-832-4709

(\*Note: This profile includes magnet center information.)

| GENERAL INFORMATION        |   |   |                                   |
|----------------------------|---|---|-----------------------------------|
| Principal : Vladovic, John | Location Code : 8110                    | Educational Service Center : S  | Configuration : 6-8               |
| Calendar : 1 TRK           | Number of Tracks : 1                    | Year Opened :   | Title 1 : Yes                     |
| Cost Center Code : 1811001 | Charter : No                            | Learn : Yes   | SBM : No                          |
| Assembly : 66              | Senate : 26 Curren Price                | Congress : 33 Karen Bass  | Council : RPV Rancho Palos Verdes |
| Supervisor : 4 Don Knabe   | Board of Education : 7 Richard Vladovic | Web Site : <a href="http://www.lausd.k12.ca.us/Dodson_MS">www.lausd.k12.ca.us/Dodson_MS</a> |                                   |

## Student Racial & Ethnic History

| Year    | RACIAL & ETHNIC HISTORY |       |          |         |       |          |       |      |      |      |      |     | Total |
|---------|-------------------------|-------|----------|---------|-------|----------|-------|------|------|------|------|-----|-------|
|         | Al/Alsk                 | Asian | Filipino | Pac Isl | Black | Hispanic | White | #    | %    | #    | %    | #   |       |
| 2011-12 | 10                      | 83    | 96       | 24      | 209   | 1105     | 292   | 11.5 | 60.7 | 1819 | 16.1 | 288 | 1761  |
| 2010-11 | 2                       | 79    | 108      | 22      | 215   | 1047     | 288   | 12.2 | 59.5 | 1879 | 16.4 | 317 | 1910  |
| 2009-10 | 3                       | 171   | 2        | 17      | 215   | 1154     | 317   | 11.4 | 61.4 | 1965 | 17.9 | 351 | 1965  |
| 2008-09 | 5                       | 84    | 85       | 9       | 213   | 1180     | 334   | 11.2 | 61.8 | 1910 | 17.5 | 351 | 1965  |
| 2007-08 | 5                       | 77    | 76       | 10      | 221   | 1225     | 351   | 11.2 | 62.3 | 1965 | 17.9 | 351 | 1965  |

## School Profile

NARBONNE SH

24300 S Western Ave  
Harbor City, Ca 90710

Office : 310-257-7100  
Fax : 310-326-1805

(\*Note: This profile includes magnet center information.)

| GENERAL INFORMATION        |   |
|----------------------------|---|
| Principal : Kobata, Gerald | Location Code : 8779  |
| Calendar : 1 TRK           | Number of Tracks : 1  |
| Cost Center Code : 1877901 | Charter : No  |
| Assembly : 66              | Senate : 35   |
| Supervisor : 4 Don Knebe   | Board of Education : 7 Richard Vladovic   |
|                            | Educational Service Center : S  |
|                            | Year Opened :   |
|                            | Learn : Yes   |
|                            | Congress : 43   |
|                            | Web Site : <a href="http://www.natborrmehsigauchos.com">www.natborrmehsigauchos.com</a> |
|                            | Configuration : 9-12  |
|                            | Title 1 : Yes   |
|                            | SBM : No  |
|                            | Council : 15 Janice Hahn  |

## Student Racial & Ethnic History

| Year    | RACIAL & ETHNIC HISTORY |       |          |         |       |          |       |      |     |     | Total |     |      |      |     |     |
|---------|-------------------------|-------|----------|---------|-------|----------|-------|------|-----|-----|-------|-----|------|------|-----|-----|
|         | AI/Alsk                 | Asian | Filipino | Pac Isl | Black | Hispanic | White | #    | %   | #   |       | %   |      |      |     |     |
| 2011-12 | 24                      | 103   | 226      | 66      | 580   | 2062     | 274   | 3335 | 0.7 | 3.1 | 6.8   | 2.0 | 17.4 | 61.8 | 8.2 | 8.2 |
| 2010-11 | 19                      | 116   | 209      | 71      | 617   | 2214     | 240   | 3486 | 0.5 | 3.3 | 6.0   | 2.0 | 17.7 | 63.5 | 6.9 | 6.9 |
| 2009-10 | 14                      | 310   | 10       | 74      | 582   | 2197     | 254   | 3441 | 0.4 | 9.0 | 0.3   | 2.2 | 16.9 | 63.8 | 7.4 | 7.4 |
| 2008-09 | 11                      | 147   | 192      | 61      | 568   | 2110     | 271   | 3360 | 0.3 | 4.4 | 5.7   | 1.8 | 16.9 | 62.8 | 8.1 | 8.1 |
| 2007-08 | 10                      | 160   | 208      | 58      | 640   | 2028     | 331   | 3435 | 0.3 | 4.7 | 6.1   | 1.7 | 18.6 | 59.0 | 9.6 | 9.6 |

“R Neighborhoods R1” comments on the *Ponte Vista* EIR

January 7, 2013

Erin Strelch  
Environmental Review Section  
Department of City Planning  
200 N. Spring Street, Room 750  
Los Angeles, CA 90012

Field Code Changed

**R NEIGHBORHOODS R1 COMMENTS ON  
ENV-2005-4516 DRAFT EIR COMMENTS: PONTE VISTA PROJECT  
26900 S. WESTERN AVE, SAN PEDRO**

Thank you for the opportunity to respond to the Draft EIR for the proposed Ponte Vista project.

We represent approximately 15,000 residents and many homeowner groups who believe a single family home development should be constructed at Ponte Vista. Our proposed project is included in our comments., that were adopted by our steering committee on January 2, 2013.

First, like others, we are frustrated and discouraged by the denial of a 90 day review period. We do not appreciate that the 60 day review period was over the Thanksgiving, Hanukkah, Christmas, and New Year holiday season. This was also not fair to the community at large on a project that everyone in San Pedro, Harbor City and Wilmington regards as a controversial project. The DEIR does little to allay our concerns because the proposed project complies with almost none of the guidelines and plans that it says it does.

The proposed project and its smaller alternative do not appear to be a good fit for the community. There are problems with the underlying assumptions and conclusions in the DEIR, mainly relating to traffic, social services, utilities and service systems. Because the analysis is built on faulty assumptions, it is in effect a "house of cards," and all conclusions based on the analysis are also faulty. We also are concerned with the lack of amenities provided on site, and the lack of any attempt to address the substantial environmental impacts through project design.

Among the fundamental deficiencies in the DEIR are the following:

- o Contrary to what is presented in the DEIR, the rezoning request will impair the orderly implementation of Regional Plans, City's General Plan, and two Community Plans. Additionally it fails to evaluate Public health and Social Impacts and conformance with the ten Urban Design Principles and the Walkability Checklist.

- The DEIR incorrectly identifies the project as being in keeping with the surrounding neighborhoods. In fact, it ignores the shortfall in San Pedro for single-family homes, and instead proposes housing types that will directly compete with unsold housing units immediately south of the project and also in downtown San Pedro in the former CRA project area.
- The proposed project is not a good fit for the location. The gated community and mix of housing types are not appropriate, it is not in a transit-oriented area, and its development would not improve the local jobs housing balance.
- Alternatives B, C, and D ignore the present zoning which includes 15 acres of open space. This is an especially egregious oversight in alternate B because it claims to be a “no project” alternative, i.e. buildable as a matter of right. In fact, units cannot be built on that portion of the property zoned as open space.
- The traffic analysis uses incorrect assumptions about V/C ratios and traffic generation rates, and proposes mitigations that essentially shift and increase the traffic burdens onto traffic going and coming from Wilmington, Harbor City, and Rancho Palos Verdes, that is not related to San Pedro in any way. Further, the DEIR and the proposed Alternatives, all of them, fail to consider traffic mitigations such as on-site work centers, increased open space to address recreation trips, and additional library space.
- The DEIR uses data that differs markedly from data included in the San Pedro Community Plan Update EIR. The two should be consistent.
- The analyses and proposed mitigations for Greenhouse Gas Emissions, Hazardous Materials, Public Services, and Utilities and Service Systems are inadequate and flawed. They must be revised.
- The DEIR should analyze at least one additional alternative that better addresses the environmental impacts of the project. We suggest a project alternative that includes access to Mary Star, true single-family homes rather than a PUD, with work centers, commercial space, a public park that complies with the City Recreation Plan, and a library extension to meet State Guidelines for library space.

Our specific comments are attached hereto. Thank you for this opportunity to submit our comments and concerns.

Nancy Castiglione,  
For R Neighborhoods R!

CC: Councilman Joe Buscaino  
Olive Reed, President, Harbor City Neighborhood Council  
Cecelia Moreno, President, Wilmington Neighborhood Council  
Linda Alexander, President, Central San Pedro Neighborhood Council  
June Smith, President, Coastal San Pedro Neighborhood Council  
Ponte Vista Development Team

## R NEIGHBORHOODS R1

### PONTE VISTA DEIR COMMENTS

#### **An additional alternative should be studied.**

CEQA requires the consideration of a reasonable number of alternatives and that the alternatives address the significant impacts determined as a result of the environmental analysis.

The DEIR really suggest only two alternatives, one for 1135 units and the other for 830 units. There are two purported additional alternatives, one being the mandatory "no project" alternative and the other a variation of the "no project" alternative, i.e. a single family alternative it claims it can build as a matter of right.

All three of the build options identify significant environmental impacts, particularly traffic, and all three ignore the 15 acre Open Space zoning that exists on the property. All three make no attempt to mitigate traffic impacts through on-site improvements such as changes in design and providing amenities.

For those reasons, and others detailed in following pages, we suggest an additional alternative be studied that has the following characteristics.

1. Increase the number of units from the present 245 to 291 single family units on R-1 zoning.
2. Retain the 15 acre open space zoning and develop as a public park, to meet City guidelines for park space and to address recreation oriented traffic.
3. Provide public street access to Mary Star High School and construct an open project with public streets throughout the project.
4. To reduce work trip oriented traffic, provide as part of each housing unit, and also as an amenity in the project, work centers that will appeal to work-from-home residents. On-site work centers could include tele-conferencing capabilities for example, and meeting rooms. Work centers could also be suitable for after-school study centers and similar uses, and for a branch library.
5. Include some on-site convenience shop[s], to lessen car trips for occasional small item purchases, and a coffee shop for local convenience.

#### **Reasons to support the additional alternative**

1. The surrounding area includes single family homes. Other than the apartments immediately to the south of the project site and the Gardens, the

surrounding areas are all single family homes. It is incorrect to say that the proposed 1135 or 830 unit developments conform to the surrounding area.

2. No single family homes have been built in San Pedro for thirty years. They are the housing of need in San Pedro.

3. San Pedro generally, its political and community leadership, and the Community Plan Update, all recognize the need to renovate downtown San Pedro. A large number of condo units have been built in downtown San Pedro and indeed, immediately south of the project site, that remain unsold and are now being leased. It is a mistake to construct even more such units that will compete with the redevelopment of downtown and undermine its resurgence.

4. The DEIR does not address the environmental impacts of additional units that could be built by parcel developers as a matter of right through SB1818 density bonuses. The owner, who openly says it will sell the parcels rather than develop them itself, claims it can eliminate the possibility of density bonuses, but nothing it has said so far is convincing. However, SB1818 does not apply to single-family developments. An R1 development would avoid the possibility of unevaluated environmental consequences.

5. All three development proposals ignore the Open Space zoning that applies to 15 acres of the property. They say it is a "cartographic error" but in life we don't get to ignore zoning maps simply because we don't like them. Further, City and State guidelines provide that recreation and park space should be provided to accommodate additional residents in an area. On-site recreation facilities would also lessen the traffic impacts of the project.

6. Single family developments generate an average of 9.57 trip-ends per day. In a typical household that would mean four per day for work related driving in a household with two workers. A development emphasizing work-at-home facilities would appeal to families that could do at least part of their work at home, or in the project site itself. The failure to even consider these amenities in design of the project is a deficiency.

7. There are many errors in the way traffic impacts have been computed, but it is clear that a 291 unit development would have lower impacts than a 1135, 830 or 385 unit development.

**A 291 unit SFR development is economically feasible.**

Our recommended unit count is a pro-rata number based on the Alternate B 385 unit proposal but taking into account that 15 acres are zoned Open Space.

The owner has said that building single-family houses would mean “\$1,000,000 dollar homes” but provided no support for the assertion. We investigated the claim.

First, we assumed the \$120,000,000 cost of the land even though it was that high due to the bid contest and because the developer was counting on City acquiescence in a zone change allowing 2230 units. Everyone knows, including the bank that owns it now, that it is not worth nearly that much. Nevertheless we have used that figure in computing the cost.

Next, we consulted the California Board of Equalization “Building Construction Handbook”, 2010, a detailed compilation of building costs throughout the state. The Handbook determines construction costs **including profit** for more than ten different grades of construction quality, certain other characteristics, and provides an adjustment for location by county. For the 216 page version of the 2010 document, see <http://www.boe.ca.gov/proptaxes/pdf/ah531.pdf>.

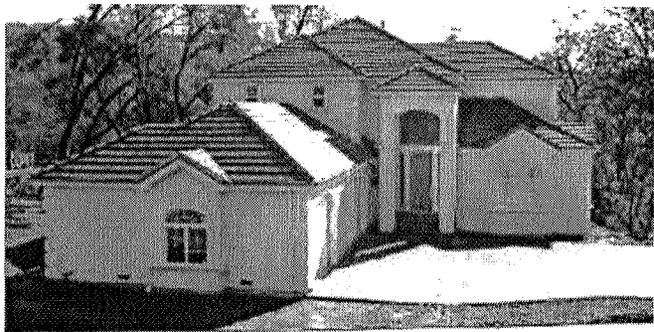
For purposes of computation we analyzed the single family unattached houses in the Taper area, Mount Shasta area, and around Dodson Middle School. They run from 1350 sf to 2200 s.f. with an average of 1800 sf. We use a larger size, 2000 s.f. even though it would cost more to build than an 1800 s.f. house.

Next, we used a D8 construction type with a cost adjustment for Los Angeles County, of \$136.52 psf. The description of the D8 modern construction type along with a sampler of houses built to that specification are inserted as the following three pages. Please note that the characteristics of a D8 level home are quite a bit above the level of the surrounding homes.

The computation is as follows:  $\$124.11 \times 1.10 \times 2000 \text{ sf} \times 291 \text{ houses} + \$120,000,000 \text{ land cost} = \$199,455,222 \text{ total cost}$ . Divided by 291 homes, cost per home including profit:

**\$685,413.**

**SINGLE-FAMILY RESIDENTIAL  
MODERN - POST 1990  
D-8 QUALITY**



**SINGLE-FAMILY RESIDENTIAL  
BUILDING SPECIFICATIONS  
"D" CONSTRUCTION**

| POST 1990   | D-8 QUALITY | MODERN |
|---|-------------|--------|
| <b>Foundation</b><br>Reinforced concrete  |             |        |
| <b>Floor Structure</b><br>Standard wood frame or slab on grade reinforced concrete, vapor barrier, base 4" thick  |             |        |
| <b>Walls and Exterior</b><br>Framing: Standard wood or steel frame<br>Sheathing: Line wire and paper, plywood, or particle board<br>Cover: Good wood siding, masonry, or stucco<br>Windows: Vinyl framed wood or aluminum; divided light; slide or double hung, double glaze<br>Front Doors: Single or double, good quality decorative wood or metal; glass trim; side glass panels |             |        |
| <b>Roof</b><br>Framing: Standard wood or steel frame<br>Cover: Heavy wood shake, concrete shake, tile, or high definition composition roof<br>Overhang: 0" to 24", ceiled or unceiled<br>Gutters: Good quality at all eaves   |             |        |
| <b>Floor Finishes</b><br>Terrazzo, mission, or quarry tile in entry; good hardwood, carpet, vinyl, slate, or quarry tile throughout   |             |        |
| <b>Interior Finish</b><br>Drywall with good texture and paint; custom decorative woodwork and molding; rounded corners; some good wallpaper, vinyl wall cover, or veneer paneling<br>Ceilings: Standard 9' to 11', vaulted, crown molding, coffered, or arched; good quality fans   |             |        |
| <b>Interior Detail</b><br>Interior Doors: Good quality wood<br>Trim: Good quality wood<br>Decorative plant shelves and art niches<br>Closets: Good wood and mirrored doors; some walk-ins   |             |        |
| <b>Bath Detail</b><br>Number: 2 1/2 to 3<br>Floors: Good quality ceramic tile or vinyl tile<br>Walls: Drywall and enamel; good wallpaper and ceramic tile<br>Shower & Tub: Good acrylic or porcelain; good ceramic tile trim, with glass doors; glass block<br>Twin basin vanities and compartmentalized bath   |             |        |
| <b>Kitchen</b><br>Base Cabinet: Good hardwood veneer<br>Wall Cases: Good hardwood veneer; under cabinet lighting<br>Drain Board: Good ceramic tile, cultured marble, granite, or Corian<br>Island cabinets with fixtures  |             |        |
| <b>Plumbing</b><br>Galvanized, plastic, or copper pipe; 10 good fixtures; washer outlet; two water heaters  |             |        |
| <b>Special Features</b><br>Multiple sliding glass or French doors; good quality built-in double oven, range, dishwasher, garbage disposer, range hood and fan, microwave, compactor, and wet bar; utility room with laundry sink; pre-wired for security; walk-in pantry; hot water recirculator; fireplace   |             |        |
| <b>Electrical</b><br>Cable wiring; good quality fixtures; bedroom ceiling fixtures; recessed lighting   |             |        |

**SINGLE-FAMILY RESIDENTIAL  
MODERN TYPE  
SQUARE FOOT AREA COST TABLES**

**"D" CONSTRUCTION - SHAPE B**

| Class | 700    | 800    | 900    | 1000   | 1100   | 1200   | 1300   | 1400   | 1500   | 1600   | 1700   |
|-------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| D-5   | 77.49  | 74.26  | 71.47  | 69.30  | 67.41  | 65.83  | 64.54  | 63.30  | 62.24  | 61.32  | 60.51  |
| D-5.5 | 85.22  | 81.62  | 78.64  | 76.27  | 74.12  | 72.35  | 71.01  | 69.62  | 68.51  | 67.50  | 66.60  |
| D-6   | 98.18  | 94.12  | 90.55  | 87.86  | 85.45  | 83.39  | 81.84  | 80.29  | 79.02  | 77.80  | 76.73  |
| D-6.5 | 109.07 | 104.50 | 100.51 | 97.53  | 94.86  | 92.61  | 90.83  | 89.04  | 87.70  | 86.34  | 85.23  |
| D-7   | 121.05 | 115.97 | 111.65 | 108.27 | 105.34 | 102.86 | 100.91 | 98.89  | 97.26  | 95.88  | 94.65  |
| D-7.5 | 140.45 | 134.63 | 129.57 | 125.70 | 122.31 | 119.35 | 117.13 | 114.77 | 113.02 | 111.24 | 109.80 |
| D-8   | 164.28 | 157.41 | 151.61 | 147.00 | 142.99 | 139.64 | 136.94 | 134.26 | 132.13 | 130.15 | 128.39 |
| D-8.5 | 188.26 | 180.41 | 173.73 | 168.49 | 163.82 | 160.01 | 156.94 | 153.84 | 151.36 | 149.15 | 147.15 |
| D-9   | 256.51 | 245.78 | 236.67 | 229.55 | 223.21 | 218.03 | 213.80 | 209.57 | 206.22 | 203.18 | 200.47 |
| D-9.5 | 367.08 | 351.62 | 338.72 | 328.40 | 319.39 | 311.94 | 305.85 | 299.88 | 295.11 | 290.75 | 286.84 |
| D-10  | 422.12 | 404.37 | 389.50 | 377.68 | 367.31 | 358.80 | 351.77 | 344.84 | 339.37 | 334.37 | 329.81 |

**"D" CONSTRUCTION - SHAPE B**

| Class | 1800   | 2000   | 2200   | 2400   | 2600   | 2800   | 3000   | 3200   | 3400   | 3600   | 4000   |
|-------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| D-5   | 59.74  | 58.48  | 57.53  | 56.66  | 55.88  | 55.21  | 54.68  | 54.14  | 53.70  | 53.32  | 52.73  |
| D-5.5 | 65.70  | 64.36  | 63.30  | 62.24  | 61.42  | 60.77  | 60.12  | 59.59  | 59.09  | 58.67  | 57.99  |
| D-6   | 75.78  | 74.12  | 72.93  | 71.81  | 70.88  | 70.02  | 69.27  | 68.63  | 68.07  | 67.56  | 66.85  |
| D-6.5 | 84.12  | 82.37  | 81.01  | 79.71  | 78.64  | 77.76  | 76.91  | 76.21  | 75.59  | 74.99  | 74.23  |
| D-7   | 93.40  | 91.36  | 89.94  | 88.50  | 87.28  | 86.27  | 85.43  | 84.56  | 83.95  | 83.33  | 82.43  |
| D-7.5 | 108.38 | 106.06 | 104.37 | 102.78 | 101.32 | 100.16 | 99.15  | 98.16  | 97.37  | 96.67  | 95.61  |
| D-8   | 126.83 | 124.11 | 122.09 | 120.21 | 118.51 | 117.12 | 116.02 | 114.87 | 113.92 | 113.08 | 111.87 |
| D-8.5 | 145.25 | 142.22 | 139.92 | 137.76 | 135.86 | 134.26 | 132.92 | 131.62 | 130.56 | 129.55 | 128.20 |
| D-9   | 197.92 | 193.77 | 190.69 | 187.66 | 185.06 | 182.88 | 181.06 | 179.32 | 177.86 | 176.48 | 174.66 |
| D-9.5 | 283.25 | 277.19 | 272.71 | 268.59 | 264.86 | 261.66 | 259.14 | 256.56 | 254.51 | 252.55 | 249.97 |
| D-10  | 325.72 | 318.78 | 313.65 | 308.84 | 304.52 | 300.91 | 297.96 | 295.09 | 292.67 | 290.45 | 287.41 |

**"D" CONSTRUCTION - SHAPE B**

| Class | 4200   | 4400   | 4600   | 5000   |
|-------|--------|--------|--------|--------|
| D-6   | 66.26  | 65.72  | 65.27  | 64.61  |
| D-6.5 | 73.57  | 72.97  | 72.47  | 71.74  |
| D-7   | 81.69  | 81.05  | 80.48  | 79.67  |
| D-7.5 | 94.74  | 93.99  | 93.32  | 92.40  |
| D-8   | 110.88 | 109.99 | 109.22 | 108.13 |
| D-8.5 | 127.23 | 125.65 | 124.69 | 123.82 |
| D-9   | 173.10 | 171.71 | 170.51 | 168.80 |
| D-9.5 | 247.70 | 246.84 | 245.12 | 242.66 |
| D-10  | 284.83 | 282.54 | 281.66 | 278.85 |

As for our additional comments, we generally adopt the comments of Northwest San Pedro Neighborhood Council to the extent they do not conflict with our position herein. With some changes, they are as follows:

### **C. PROJECT CHARACTERISTICS**

The DEIR identifies Alternative C, for 830 units, as the “environmentally superior” alternative yet it almost exclusively analyzes the 1135 unit proposal. The applicant obviously expects that any impacts of the denser Alternate will apply to the less dense alternate. This is questionable, especially in terms of project characteristics and proposed mitigations. The DEIR must be revised to evaluate impacts for 830 units to foreclose any interest from this or any future owner to increase the intensity back up to 1135 units without triggering another entitlement application.

Similarly, Alternate B is identified as an even less impactful alternative but no real analysis of it is made. Finally, Alternative D, Revised Site Plan, would develop the site with the same 1135 units as the Proposed Project, however, “In order to altered...{and} the 2.8 acre public park would not be developed....” The application should be amended accordingly.

Also, none of the three Alternatives evaluates the impact of SB 1818 on unit count, population, schools, traffic, services, etc. Since SB 1818 allows the developer to increase the number of units as a matter of right at any time after entitlement, either the applicant needs to show conclusively how SB 1818 does not apply to its application or it should account for the potential impacts of the legislation on its project. This is especially important because the applicant has made it clear it is a speculator and intends to sell the parcels once they are entitled.

#### **Specific Plan Zoning**

A Specific Plan is proposed with Low Medium and Medium density zoning. The DEIR generalizes overall zoning for the entire project, not each individual element. **Each parcel within the development should have a specific zoning density attached to it. Individual densities would allow a closer examination of how to create contextual intensities particularly along the edges of the proposed subdivision.**

The proposed zoning is vague. For example, the proposed single-family units are not the traditional single-family homes that one finds in an R-1 zone. Rather they are essentially the type of housing found in areas zoned RD 1.5 and higher.

The apartment buildings need to have a specific zoning that is applicable to the actual size and density of the proposed development. A Medium density by City of LA codes extends all the way to R-4 zoning which is comparable to the density

on Fitness Drive, the 6-acre parcel between the Commercial Shopping Center and the Ponte Vista Property. Figure II-10, Parcel 7 should be zoned specifically for their proposed density, not the medium density. The apartments should be capped at R-3 or lower to provide for an appropriate transition from the development on Fitness Drive to the lower density units directly to the north.

### **Private Roads**

The DEIR (II-17) states " With the exception of the ...road...providing access...to Mary Star of the Sea High School, all other streets on the Project Site would be private and access would be provided through two gated entrances...." In order to better incorporate this project into the surrounding community and provide better emergency ingress and egress, the roads should be dedicated public roads. The road areas should not be used in the calculation of units per acre.

### **Open Space**

The DEIR (II-18) states that "approximately 33 percent of the projects post development acreage would consist of landscaped common areas ... and parks (excluding roads) ... " Open space would include an approximately 2.8 acre park...." **Since the park has been deleted from the viable alternatives this statement should be rewritten.**

This same section references the provision of 102 parking spaces for use by park visitors and other visitors to the site. With the deletion of the public park, it appears that the public parking spaces have also been deleted. **The DEIR should be corrected to reflect this change.**

Figure II-8 shows a 1-acre mitigation area within the public park. **Since the public park has been deleted, what happens to the mitigation area?**

### **Building Heights**

The description of building heights as 40'-48' does not match the two- to three-story buildings. This is the building height for four-story buildings. Also, **the height calculation should be specific to the individual housing types and their locations within in the project.**

## **D. CONSTRUCTION CHARACTERISTICS**

The DEIR states (II-33) that "the construction of the project is estimated to begin in 2013 and would continue over a five-year period, with completion in 2017." There are many references to this 5-year time frame throughout the DEIR. **Since the applicant has requested a 15-year Development Agreement, these references should be changed to indicate a 15-year build-out and the construction phase impacts addressed accordingly.**

Table II-3 indicates that the construction of the Public Park and the Landscaping and Streetscape Improvements would be done in the final year of the 5-year build-out. **Completion of a public park and the landscaping and streetscape improvements on the exterior of the project should be required prior to occupation of any unit.**

P II-34 states "...construction staging, laydown areas, and all construction equipment would be positioned on-site and would be moved from area to area on the Project Site, consistent with the sequence of Project construction." Since the project anticipated different developers for each area it is not clear how would this work? **The mitigations need to address the actual impacts.**

#### **E. PROJECT OBJECTIVES**

Project Objective 6, "To develop a project that fiscally benefits the City of LA." Is not supported. In order to determine if this project fiscally benefits the City of Los Angeles it would be necessary to do an economic impact analysis of projected revenues and costs for each of the alternatives. This should include looking at the property tax, sales revenues that would be within the City of Los Angeles, and long term costs to the City for services such as Police, Fire, and utilities. **This objective should either be removed or factually supported.**

### **SECTION III. ENVIRONMENTAL SETTING**

#### **B. OVERVIEW OF ENVIRONMENTAL SETTING**

The Local Setting description (III-3) should be modified to include the approved 76 unit Volunteers of America (VOA) Navy Village which will be located immediately to the North of the project and will provide housing for homeless veterans and their families. Additionally, the discussion of the proposed future Marymount College educational facilities should include an analysis of their planned expansion at this site into a full four-year college campus with room for 800 residential students, 1500 total students, and 75 full and part-time faculty.

**Please add** the following City of Los Angeles Projects to Table III-2 (III-23) Cumulative Projects and reanalyze cumulative project impacts accordingly. These projects will generate considerable traffic impacts that were not included in future traffic and school calculations:

Southern California International Gateway (SCIG)

APL Terminal expansion

Ports O'Call Redevelopment

Cabrillo Marina Phase II

USS Iowa

Los Angeles County Sanitation Districts Clearwater Outfall Project

Rolling Hills Prep School build out from 250 students to 1,000 students

VOA Navy Village

Pacific LA Marine Terminal

Harbor Highlands Development (under construction)

City Dock 1

Port Master Plan update

Marymount College Expansion on Palos Verdes Drive North

San Pedro Community Plan update

## **G. GREENHOUSE GAS EMISSIONS**

### **Background**

The State of California has declared that greenhouse gases (GHGs) constitute “a serious threat to the economic well-being, public health and the environment of California.” (AB 32). It recognizes that allowing them to remain at current levels will not adequately address the dangers they pose and has established instead the goal of reducing them to 1990 levels by the year 2020 (AB 32).

The City of Los Angeles has embraced the effort. It adopted “Green L.A.: An Action Plan to Lead the Nation in Fighting Global Warning” in May 2007, in which it proclaims that by 2030 it will reduce GHGs from city operations 35 percent below 1990 levels.

Three gases are felt to pose the greatest threat: carbon dioxide, methane and nitrous oxide.<sup>1</sup> The primary cause of GHG pollution is combustion of fossil fuels.<sup>2</sup> In California, fossil fuel use is closely related to motor vehicle use.

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<sup>1</sup> California Technical Advisory: CEQA and Climate Change, June 19, 2008 – hereinafter “Technical Advisory”

<sup>2</sup> Technical Advisory, p. 2

## **Emissions**

According to the DEIR, this project will not reduce GHG pollution to 1990 levels. Indeed, it will not decrease GHGs at all. To the contrary, it will increase them. The site currently generates no GHGs (p. IV G-4). According to the developer's projections, the proposed project will generate 15,620.55 metric tons of GHGs each year.<sup>3</sup> That is 15,620.55 more metric tons or 17,222 more American "short" tons of pollutants every year for the foreseeable future than are generated at the present, 172,220 short tons over 10 years, 344,440 short tons over 20 years, etc.

This single fact should overshadow all others for anyone considering the project's impact on this insidious form of pollution.

The DEIR does address the 35 percent reduction that the City of Los Angeles seeks to achieve. Moreover, it dwells on minimal reductions such as emissions from landscaping equipment and the fact that the project's structures are designed with large "contiguous unobstructed roof areas" which can accommodate solar panels. Large flat "roof areas" can be found on many structures and hardly constitute a "green" breakthrough. What is more, the proposal does not provide for the installation of solar panels on any of the project's roofs.

## **Proposed "Reductions"**

Most significantly, the DEIR's claim that the project will reduce GHGs by 14.579 percent is based upon faulty analysis. As already noted, this project will produce 17,222 more tons of polluting gases each year than are being generated now (the proper baseline). The 14.579 percent is calculated by comparing the estimated carbon dioxide levels generated if the project were to be "built as usual," that is without any GHG reduction measures, (which would never be permitted and is, therefore, purely illusory) with levels of GHGs generated by the project they propose. What is more, it will generate more GHGs than if the project were built to comply with the parcel's existing R-1 and open space zoning.

Missing from the report is any meaningful discussion about GHG generation once the project is built and occupied. This period will most likely stretch over decades.

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<sup>3</sup> It is curious that the DEIR uses the metric system at this point. A metric ton weighs considerably more than the "short ton" most Americans are used to working with – 2,205 pounds instead of 2,000. Accordingly, 15,620.55 metric tons translates to 17,222 tons of polluting gases.

## **Emissions from Autos**

According to the DEIR (Table IV.G-5) fully 74.5 percent of the projected carbon dioxide emissions (11,593.77 metric tons or 12,782 tons) will be from motor vehicles, yet there are no proposed measures to reduce these emissions.

One measure available for a developer to mitigate the amount of driving and the pollution associated with it is to place its project near existing public transportation corridors and close to employment centers. That has been the model for development in downtown Los Angeles in recent years. Unfortunately, Ponte Vista does neither. As discussed elsewhere in this document, bus service along Western Avenue is infrequent and inconvenient and hardly constitutes a satisfactory substitute to commuting by car. Any doubts about this statement can be satisfied simply by trying to take public transportation from the bus stop at Western Avenue and Westmont Drive to downtown Los Angeles, to one of the office buildings along Hawthorne Boulevard in Torrance or even to the port area.

What is more, the project is not near any major employment center.<sup>4</sup> Nor is that likely to change. The recently drafted San Pedro Community Plan does not anticipate adding any major commercial centers in the area during the next 20 years. In short, residents of the proposed project are likely to have to commute considerable distances by car to work.

As discussed elsewhere in this document, the project contains virtually no amenities (except the pool and clubhouse) or design considerations that would lessen the need to use ones auto. In fact, it even contemplates the use of the auto to get to the clubhouse and pool as shown by the proposed parking plan.

The report does note that the project will provide recharging outlets to those residents who own electric cars. Although commendable, sales of such vehicles are miniscule. Absent some technological breakthrough in battery life and the driving range of these cars, they are likely to remain so.

## **Responsibility**

The applicant tries instead to rationalize away the need to even address the GHG problem concluding that no single development is likely to have a significant impact on GHGs (pps. IV G-15 and 27). Since the problem is planet-wide, that is probably true. Given the Earth's vast size and total population, it might even be true for a vast open pit mine in Alberta, Canada or in Australia's outback. However the fact remains that the project will generate substantial amounts of GHGs each year. Moreover, the applicant's line of reasoning implies that since no single person, project or business can be held responsible; none

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<sup>4</sup> Despite the fact that the Project is located near the Port of Los Angeles, many of the Port jobs are a significant distance from this site. Furthermore, the San Pedro Community Plan Area has a huge deficit in jobs with a job housing ration of 0.44

need take responsibility for them. That way of thinking must stop now or there is no chance of dealing with these pollutants. Only by forcing each project to confront and address the issue properly will there be any hope of reducing GHGs and the threat they pose.

**The analyses of the green house gas emissions and associated mitigations are inadequate and must be revised.**

See also our comments under Traffic and Transportation.

## **H. HAZARDOUS MATERIALS**

The DEIR is selective about its risk assessments, particularly as regards the Defense Fuel Support Point (DFSP) and the Rancho LPG Holdings.

The DEIR says that a risk assessment was done for events, spills, fires, etc. at the DFSP (directly adjacent to the Project), and notes that “Although larger than medium-sized spills would result in a larger zone of impact if they were to ignite, potentially encompassing portions of the Project Site, the emergency access features of the Project coupled with the remote nature of such an extreme event would result in a less than significant impact to future Project residents.”

**It is insufficient and negligent to say the emergency management plan is that fire companies can enter through two access points on Western and through one access point from Taper through Mary Star of the Sea High School and that the Project is within a 4-mile drive of several hospitals.**

The DEIR says “implementation of the Project Design Features would require that evacuation and emergency response procedures be established in an emergency response plan for a fire impacting the Project, and the consequent risk posed to Project residents would be minimal.” It is puzzling that the applicant can conclude that the consequent risk is minimal before the emergency management plan has been developed.

With regard to the Rancho LPG facility, the DEIR notes that “to a much lesser extent there may be some quantifiable risk of upset from other activities such as product delivery by rail or truck...Based on the worst-case RMP scenario and with the more likely releases having a much smaller radius impact than 0.5 miles, there would be no impact to the project site.” **This analysis under estimates the potential impact to the Project Site, endangering the safety of future residents, with no proposed mitigations.** The US DOT report of butane incidents by Means of Transportation found that there were 751 rail incidents and 13154 truck incidents in 2003 alone. This is far from an insignificant risk. In many respects, it would be far more accurate to say that “it is just a matter of time” before a significant incident occurs.

In addition, Tosco Refining Company's Risk Management Plan for what is now the Phillips 66 refinery contains a worst-case scenario (Attachment A) for a butane incident with a 2.3-mile impact, way beyond the Ponte Vista site. An additional proof that the risk is far from insignificant is shown in the linked video showing a 60,000-pound LPG rail tank car being hurled three quarters of a mile once it caught fire.<sup>5</sup>

It is insufficient to simply state that the risk is "extremely remote" if the DEIR admits that a larger than medium-sized spill were to ignite it would potentially encompass portions of the Project Site. The DEIR must discuss the potential effects of a larger than "medium-sized spill" and evaluate the hazards to residents, not just waive the obligation to consider the impacts on the environment. **What else will the Project do to mitigate the effect on residents of a larger than medium-sized spill?**

### **Evacuation Routes**

According to CEQA Guidelines, the Project would have a significant effect on the environment if it would "impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan." The DEIR erroneously states that there would be no impact with regard to this guideline.

The DEIR asserts "The Safety Element of the General Plan of City of LA pertaining to response to disaster events does not designate Western Avenue within the vicinity of the Project as a designated disaster route." Western Avenue only south of Summerland is designated as a disaster evacuation route. It also states that Western Avenue is "too far west" for evacuation from the Port and that the City of Rancho Palos Verdes (RPV) does not consider Western Avenue as an evacuation route. These assertions are misleading.

Western Avenue north of Summerland is not shown on the evacuation routes map of the Safety Element of the General Plan of the City of LA, because the map only shows the portion of Western Avenue that is under the jurisdiction of the City of Los Angeles. On the map, areas that are not under the City's jurisdiction are in grey. (See Attachment B) Western Avenue from Summerland to Pacific Coast Highway is under the jurisdiction of Cal Trans, not the City of Los Angeles. Western Avenue between Summerland and Palos Verdes Drive North is not shown as an evacuation route on the City map because it is not "in" the City of LA, not because Western Avenue is not an essential evacuation route; **the DEIR is doing a selective interpretation of the map, and the result is not credible.**

Further, asserting that Western is "too far to the West" for an evacuation route ignores the fact that San Pedro has only 3 north/south evacuation routes (Gaffey Street, the 110 Freeway (adjacent to and accessed by Gaffey and Harbor Blvd.),

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<sup>5</sup> See [WWW.YOUTUBE.COM/WATCH?V=XF3WKTWHPIU](http://WWW.YOUTUBE.COM/WATCH?V=XF3WKTWHPIU)

and Western Avenue. If any of the 2 non-Western-Avenue routes is blocked (note that a portion of North Gaffey Street and a portion of Harbor Blvd. are in liquefaction zones), Western Avenue may be the only available evacuation route. San Pedro with the Port operations, storage of hazardous materials, and location on earthquake, liquefaction, and methane zones, is for more apt to need to evacuate than any other location in the City of Los Angeles.

The DEIR also misinterprets the Port evacuation plan. Western Avenue may be too far west for evacuating the Port itself, but it is one of the two, and probably the main evacuation route for San Pedro and the adjacent cities particularly in the event of an incident at the Port.

The "entire city of Rancho Palos Verdes, excluding the portion of the City located east of Western Avenue (approximately 98 acres) is classified as a VHFHSZ [Very High Fire Hazard Severity Zone by the California Department of Forestry and Fire Protection]"<sup>6</sup> and in 2009 alone 2000 residents of RPV were forced to evacuate their homes because of wildfires. For the residents of RPV on the west side of Western, Western Avenue is the only evacuation route available to them. It is not credible to assert that Western Avenue north of Summerland would not be an evacuation route for RPV residents.

Anecdotally and based on empirical observation and on comments of emergency responders at Rancho Palos Verdes Council meetings, congestion on Western Avenue at the present time can be a significant interference with emergency responses. It is not unusual to see LA County emergency vehicles going northbound on the south bound side of this divided highway or vice versa due to the extreme level of congestion.

San Pedro has really only three viable evacuation routes. One is North Gaffey Street, which is adjacent to these potential hazardous facilities: Rancho Holdings, the Defense Fuel Supply Center, and the Phillips 66 Refinery. North Gaffey sits on earthquake faults and the potential for a fire is great. In addition, the LAFD (and LAPD) could easily have Gaffey Street blocked due to potential fire and certain damage from an earthquake as they did when there was a power outage near Home Depot.

The second principal evacuation route is the 110 Freeway. The City has indicated that in an emergency, this might be turned into a southbound access way for emergency vehicles. That leaves Western Avenue as the primary or only avenue of escape for all 83,000 San Pedro residents, not counting all the Rancho Palos Verdes residents who would also need Western Avenue for evacuation. Western Ave. is already clogged during peak hours. It cannot function as an adequate, viable evacuation route.

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<sup>6</sup> Safety Element of the City of RPV General Plan, adopted June 2010

The LA City Comptroller Wendy Greuel said in her 2012 report that the Salvation Army and the Red Cross are not prepared to handle an evacuation of the City of Los Angeles. This would particularly apply to an isolated area like San Pedro, surrounded on three sides by water and with very limited egress routes. In a disaster, San Pedro could quickly face serious challenges.

Further, the assertion that “traffic will be controlled in the vicinity of the Project” in the event of a disaster raises a concern that traffic attempting to travel north on Western Avenue and out of San Pedro and Rancho Palos Verdes will be delayed while Ponte Vista security attends to Ponte Vista and makes sure it is evacuated first. **This will produce an unacceptable situation and must be addressed in the DEIR.**

The jurisdictional boundary problem cannot be an excuse. **The project’s impact on evacuation routes must be reanalyzed and appropriate mitigations developed.**

## **J. LAND USE & PLANNING**

**The rezoning request will impair the orderly implementation of Regional Plans, City’s General Plan, and two Community Plans. The DEIR fails to evaluate conformance with the ten Urban Design Principles and nine Walkability Checklist items.** The gated pattern would physically divide an open, accessible, and established community.

It is not possible to evaluate the environmental impacts of the project because insufficient information has been provided. In many cases, no information has been provided.

**The DEIR is legally insufficient and needs to be redone.** Alternatively, we encourage the developer to host a planning and design charrette in the community. The objective of the charrette is for all stakeholders to come together and develop a preferred layout that accommodates the developer’s desire for more intense development than what is allowed in the current zoning but also meets the community’s desire to create an inclusive neighborhood that complies with Community Plans, General Plan, Regional Plans and City’s Urban Design and Walkability criteria.

## REGIONAL PLANS

### Regional Transportation Plan

The Regional Transportation Plan (RTP) provides a long-range vision for regional transportation investments and considers the role of transportation including economic factors, environmental issues and quality-of-life goals.

The DEIR references the **2008** "2012-2035 Regional Transportation Plan (RTP) / Sustainable Community Strategy (SCS)". This is the old version of the Plan. The DEIR should have used the current 2012 RTP/SCS, rather than the 2008 version, especially since the current version is much more thorough in how to address reducing greenhouse gasses.

The Sustainable Community Strategy [SCS] portion is a new element of the RTP that demonstrates the integration of land use, transportation strategies and investments to meet the region's greenhouse gas reduction targets. The key land-use policies include focusing growth in centers and along major transportation corridors around existing and planned transit stops, and creating significant areas of mixed-use development and walkable communities.

**The DEIR does not comply with the requirement to address the Regional Plan** because it does not address how the proposed subdivision brings together land use and transportation strategy to reduce trips and resulting greenhouse gasses. It does not even attempt to reduce auto-related greenhouse gasses. Furthermore, the project does not create opportunities for residents to walk to local destinations nor does it promote bicycling. Why isn't bike parking a compliance measure? What if anything will the project do to enhance bicycling on Western Avenue?

**The DEIR fails to address the 2004 Compass Blueprint Growth Vision Report.** The Compass Blueprint Growth Vision is a regional consensus to the land use and transportation challenges facing Southern California now and in the coming years. **The DEIR is required to address the Blueprint.**

The Growth Vision is driven by four principles:

1. **Mobility** - Getting where we want to go
2. **Livability** - Creating positive communities
3. **Prosperity** - Long-term health for the region
4. **Sustainability** - Promoting efficient use of natural resources

**Mobility:** The Mobility principle encourages mutually supportive transportation investments and land use decisions. A key strategy is to design complete streets that promote walking, biking, and transit use. There is no discussion at all how the proposed subdivision supports this principle.

**Livability:** The livability element promotes mixed-use development in “people-scaled” environment. The proposed project includes only residential uses only, and then limits access. The document makes a few conclusory statements on the subject, but they are mere assertions with no facts and no discussion.

**Prosperity:** The project includes single-family residences, townhomes, and flats. A range of other uses and building types would better promote long-term health of the region. The gated nature of the subdivision signals a disinterest in civic engagement. Mixed use and encouraging civic engagement are very important to future vitality of a community. Also the single-family element is illusory; they are not true single-family homes. They are located on small lots without the yard space that is typical of a San Pedro single-family home.

**Sustainability:** Efficient buildings within compact, diverse, and connected communities encourage walking, biking and transit use, thus reducing energy consumption, trips and air pollution. The DEIR lacks adequate consideration of this requirement. For example, although 75% of energy needs can be addressed with building layout, placement and design, no specific provisions are made to integrate a multi-modal split or to certify the project under LEED-ND.

**The proposed gated subdivision utterly fails to meet all four principles of the Compass Plan.** The Compass Plan website<sup>7</sup> features many proposed and built development as best practices. None are gated subdivisions.

### **Los Angeles General Plan**

The Los Angeles General Plan and its Land Use Framework provide the basis for land use recommendations in the Community Plans.

The site is located at the southern edge of Wilmington-Harbor City Community Plan Area and just north of the San Pedro Community. Both community plans are more recent than the General Plan. Therefore, the community plan's recommendations are more reflective of the current vision for the site. The Wilmington-Harbor City Community Plan was last updated in 1999. In August 2012, the Planning Department, working with the San Pedro Neighborhood

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<sup>7</sup> [www.compassblueprint.org](http://www.compassblueprint.org)

Councils, released a draft update to the San Pedro Community Plan (SPCP). The SPCP Plan has the most current vision of the City and the San Pedro Community.

**The proposed project does not meet Objective 4.3 of the General Plan Framework, to conserve scale and character of residential neighborhoods.** According to the Planning Department's prior report,

The Ponte Vista site is...not identified for higher-density residential land uses....is not located within a Neighborhood District, a Community Center, a Regional Center, a Downtown Center or a Mixed-Use Boulevard....the General Plan Framework does identify downtown San Pedro...and the area around the intersection of Avalon Boulevard and Anaheim Street in Wilmington...as the Regional Center and Community Centers for the Harbor area. In addition, these areas are also identified for Mixed-Use Boulevards. Denser residential development should be focused at these locations and not at a location such as the Ponte Vista site that has limited access to services, facilities, and public transit. It also has not been identified for targeted growth in the Framework Plan....<sup>8</sup>

As discussed extensively elsewhere in these comments, it also does not meet Objective 3.2 "to provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

### **San Pedro Community Plan (SPCP)**

The SPCP states that while Ponte Vista "is located just outside and north of the San Pedro Community Plan Area, this approximately 60-acre site presents an opportunity for an integrated mixed use and mixed density neighborhood. Its size and proximity to San Pedro calls for a development that is physically connected to the San Pedro community and provides public facilities and amenities that serve neighboring residents. "

Land Use Policy 4.5 states, "new development at Ponte Vista should include a mix of uses and densities, a range of housing types, neighborhood services and amenities, compatible with and integrated into the adjacent San Pedro community. Development of the Ponte Vista site should be:

- Designed to provide a mix of housing types for a range of incomes;
- Compatible with a Low Medium density designation;

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<sup>8</sup> 2009 Department of City Planning Recommendation Report CPC 200608043-GPA-ZA-SP-DA, Ponte Vista Specific Plan, page F-2.

- Open and accessible to the community, and not developed as a gated community; and
- Developed with accessible public open space, community facilities and other public amenities.”

The NWSPNC commented during the drafting process for the Community Plan Update and at the public hearing that it is inappropriate for the Planning Department to designate the area as Low Medium density in the SPCP Update as to do so would be a commitment to the designation before the environmental work had been completed and approved by the City. Since the final version of the plan has not been released, we do not know if this bullet has been removed. **Nonetheless, the proposed project is in conflict with the three other policies.**

### **Housing Types**

A housing typology is a sequenced range of building types, whose design has evolved based on time-tested practices. These typically follow social and cultural norms, financial schemes, market preferences, prevailing climate and technological efficiencies. A variety of housing types can accommodate a range of incomes and family types.

The proposed project provides a very narrow range of building types. There are a number of other types and styles that should be considered such as duplex, triplex, quads, bungalow court, live-work, courtyard housing, hybrid court, and commercial flex buildings. See the also discussion of the inadequate analysis of option B and Attachment C that shows some San Pedro Building types.

Great neighborhoods possess both a distinctive public realm and a rich and complex fabric of buildings designed and built on private land. Public places depend on the incremental design of individual buildings around them. The more harmonious the choice of such buildings, the more distinguished the ultimate form of the place. Conversely, the more random the choice of buildings, the more residual the urbanism.

### **Open and Accessible to the Community:**

**The proposed gated community is not consistent with the most current vision of the City and the adjacent San Pedro Community for the site.** The problem with gated communities is not the gates but the vicious cycle of attracting like-minded residents who seek shelter from outsiders and whose physical seclusion then worsens paranoia against outsiders and threatens the unity of the community. A homogenous environment diminishes awareness of all that is different and lessens concern for the two communities beyond the subdivision walls.

## **Open Space and Public Amenities:**

Among the key residential neighborhood issues and opportunity areas of the SPCP is “preserving small neighborhood-serving amenities within residential areas [which] serves the larger goal of reducing vehicle trips by making walking or bicycling more viable options for simple conveniences. **The proposed plan fails to include any neighborhood-serving amenities.**<sup>9</sup>

As a valuable community resource, open space on this 61.5-acre site can provide visual delight and recreational opportunities while providing ecological and economic benefits. A range of open spaces close by encourages people to spend more time outside engaging in physical activity, such as walking, that reduces the risk of obesity, diabetes, heart and mental illness, while increasing social connection and a sense of community.

All of the alternatives lack a public park. Some residual parcels are called out as open space for the residents of the subdivision. This is a monumental missed opportunity for the Wilmington-Harbor and Northwest San Pedro Communities, but an even greater loss for the future residents of this subdivision.

Open spaces must be carefully integrated with block, street, building and frontage standards to work in consort to create a unique place. Open spaces should include a diverse range of integrated public spaces at the block, neighborhood, and community level. The individual building types should also specify private open spaces at the lot and building level. This approach will allow residents access to a range of public and private open spaces.

## **Additional Plan Considerations**

The NWSPNC requested that the following four bullets be added to the discussion of the development of the Ponte Vista site in the SPCP:

- Promote home-based offices
- Encourage senior friendly facilities.
- Encourage on site businesses such as a coffee shop or convenience store.
- Through the mitigation process, this development or any single development should not be allowed to use up all of the development potential for the surrounding community.

The proposed project does not address any of these.

While not specific to the Ponte Vista site, the SPCP states the “The need for affordable senior housing and assisted living facilities is a key concern due to

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<sup>9</sup> Draft San Pedro Community Plan, August 2012, page 37

demographic and economic trends and projections. In San Pedro, such facilities would increase the opportunities for those 'empty nest seniors' looking to downsize from large single-family homes while remaining within the community and the reach of supportive social, cultural and family networks."<sup>10</sup> **The lack of any senior housing in this project would be a significant missed opportunity.**

### **Wilmington-Harbor City Community Plan (WHCCP)**

**The proposed project does not meet the fundamental premises of the WHCCP.** The first premise is limiting residential densities in various neighborhoods to the prevailing density of development in these neighborhoods. Although the six acres immediately adjacent to the South is multi-family, this is an anomaly. This property was zoned commercial with the expectation that it would be used in such a manner. Unfortunately, the same code allowed the multi-family structures to be erected in a manner that is not compatible with the surrounding community. The surrounding neighborhoods are single family R-1, with the exception of the Gardens that is 13.5 net dwelling units per acre. In fact, according to a recent study, 80% of the land along the Western Avenue corridor (Summerland to Palos Verdes Drive North) is dedicated to single-family residential lots.<sup>11</sup>

Furthermore, the WHCCP (1-54) designates specific areas for Low median density and this is not one of them. Instead the plan (IV – 3.8) policy is to “encourage reuse of the existing US Navy housing areas ... in a manner that will provide needed housing ...without adversely impacting the surrounding area.” Clearly the plan did not consider this property suitable for multi-family housing.

The second and third premises are

...the monitoring of population growth and infrastructure improvements through the City's Annual Report on Growth and Infrastructure with a report of the City Planning Commission every five years...following Plan adoption.... If this monitoring finds that population in the Plan area is occurring faster than projected, and that infrastructure resource capacities are threatened, particularly critical resources such as water and sewerage; and that there is not a clear commitment to at least begin the necessary improvements within twelve months; then building controls should be put into effect...until the land use designations...and corresponding zoning are revised to limit development.

The Annual Report on Growth and Infrastructure has not been done. The DEIR (I-103) states that the “Projects direct plus induced growth” represents about

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<sup>10</sup> Draft San Pedro Community Plan, August 2012, page 37.

<sup>11</sup> Western Avenue Corridor Vision, Preliminary Analysis and Ideas, November 14, 2012

91% of the growth forecasted within the WHCCP area, thus this single project will use virtually all of the planned for growth. Considering that there have been other residential developments in the 14 years since the WHCCP was developed, **building controls should be put into place until such a study is conducted.**

The proposal is not consistent with Objective 1-2 "To locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities" and Policy 1-2.1 "Locate higher residential densities near commercial centers and major bus routes where public-service facilities, utilities, and topography will accommodate this development." As was pointed out in a prior Planning Department's Report:

The Ponte Vista site is not located within reasonable walking distance to a transit station, a transit corridor, or a high-activity center. The closest commercial services are located along the east side of Western Avenue, just south of the Project site (approximately 500-feet south). However, walking or transit is generally not a viable option to access these services since they are laid out in a linear fashion within strip malls or plaza shopping centers, with large parking lots in between the sidewalk and the buildings.<sup>12</sup>

It is also not consistent with the new vision for Western Avenue that calls for wider sidewalks, transit, and human scaled environment that would encourage walking. As the largest new development along Western Avenue, Ponte Vista has an opportunity to set the tone for others to follow as they redevelop their properties.

**The proposal is not consistent with Land Use Policy 1-1.5** to "Maintain at least 67% of residential land uses for single family." The DEIR (IV.M-24) Cumulative residential projects in the City shows 2,195 new residential units of which only 84 (3.8%) are shown as single-family. Approval of this project would exacerbate that imbalance.

Furthermore, **the proposal is not consistent with Policy 1.5.2** to promote housing in mixed-use projects in transit corridors and pedestrian oriented areas. The WHCCP only identifies one such area, Anaheim and Avalon. As discussed in our comments under transportation, Western Avenue in this area is neither a transit corridor nor a pedestrian oriented area. In fact the project is isolated and will require the use of a car for virtually any need. See also the discussion of the lack of public transportation under Traffic and Transportation.

**The proposed project does not meet Objective 8-2 and policy 8-2.1 of the WHCCP** which seeks "to increase the community's and the Police Department's ability to minimize crime and provide security for all residents, buildings, sites, and open spaces" and to "support and encourage community-based crime

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<sup>12</sup> Department of City Planning Recommendation Report CPC 200608043-GPA-ZA-SP-DA, Ponte Vista Specific Plan, page F-3.

prevention efforts (such as Neighborhood Watch), through regular interaction and coordination with existing community-based policing, foot and bicycle patrols, watch programs, and regular communication with neighborhood and civic organizations.”

The proposed gated environment would likely breed fear, erode social stability and shrink the notion of civic engagement by encouraging residents to retreat from civic responsibility. It creates an unsafe environment both inside and outside the gates.<sup>13</sup> The appropriate response to reduce crime, poverty and other social problems, as recommended by the WHCCP, is for the neighborhoods to work together. The best way to bring security to the streets is to make them delightful places that people want to walk in. The streets become, in effect, self-policing. Fences and gates exacerbate the problem.

Chapter IV of the WHCCP identifies recommended actions. For residential housing, number 11 is to “encourage the development of housing types intended to meet the special needs of senior citizens and the physically challenged.”

**Failure to do so in the proposed project is a real missed opportunity.**

## **LA MUNICIPAL ZONING CODE**

The current R-1 zoning is a combination of R-1 and open space. According to the DEIR, this zoning would permit about 385 units. Alternate C for 830 units would more than double that development intensity, and Alternate D would triple the intensity. This increased intensity would increase demands on existing community facilities such as schools, libraries, parks and recreational amenities. In an uncharitable and perverse logic, future residents of this subdivision would be able to use all San Pedro facilities but San Pedro residents would not be allowed access to parks and recreational amenities located inside the gated community.

It is not clear what the trigger is for increased intensity at this location. The zoning conditions, cost of site acquisition, and removal of existing structures are pre-existing conditions. These are not appropriate factors or justifications for increased development intensity. This is especially true for the cost of site acquisition; the fact that the applicant bank loaned the original buyer far more than the property is worth, is not an appropriate justification for failure to consider Alternative B. According to the DEIR Alternate B houses would have to sell for more than \$1,000,000.

No support whatever is provided for this claim. However, using the January 2010 “Residential Building Costs” published by the State of California Board of

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<sup>13</sup> Blakely, E.J., and M.G. Snyder. (1998). "Separate places: Crime and security in gated communities." In: M. Felson and R.B. Peiser (eds.), *Reducing crime through real estate development and management*, pp. 53-70. Washington, D.C.: Urban Land Institute.

Equalization<sup>14</sup> the cost of building good quality single family houses is far less than claimed by the applicant. The 216-page publication provides building cost data for a variety of residential building types, sizes and quality. The costs include entrepreneurial profit and adjustments for location where the units are to be constructed. They do not include discounts for multiple units being constructed at the same time however, which would make the cost even lower.

By way of example, the cost of constructing 385 good quality single-family houses on 61.5 acres with a land cost of \$120 million would be **\$584,728.31 each, far lower than the unsupported claim of the applicant.**<sup>15</sup> .

We chose a quality level D8 home of 2000 square feet.<sup>16</sup> There are 10 levels of construction quality, with 10 being highest. The publication includes descriptions of each quality level and photos of each type. From observation, San Pedro would mostly consist of level D6 quality. We used level D8, a much higher quality level. A description of the characteristics of D8 quality, photos of examples of houses of that quality, and the cost of construction are attached as Attachment D. **Had we used D6 quality level, the cost per house would be \$474,751.31.**

Further, the analysis of Alternative B claims there will be no open space even though 15 acres are zoned open space. It also claims that Mary Star will lose road access through the property. These assertions are true only if the City allows that to happen.

## **URBAN DESIGN PRINCIPLES**

In 2009, the City Planning Commission approved Urban Design Principles to provide guidance on how street, block and open space design can create desirable and resilient neighborhoods that instill a sense of community.

The ten Urban Design Principles are:

1. Develop inviting and accessible transit areas;
2. Reinforce walkability, bikeability, and wellbeing;
3. Nurture neighborhood character;
4. Bridge the past and future;
5. Produce great green streets;

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<sup>14</sup> <http://www.boe.ca.gov/proptaxes/pdf/ah531.pdf>

<sup>15</sup> 385 houses at 2000 sf each, = 770,000 s.f. Cost from table \$124.11 times 1.10 LA County adjustment = \$136.52 psf. Total construction cost 770,000 X \$136.52 = \$105,120,140. Add: Land cost \$120,000,000 = \$225, 120,140 total cost land and construction, or \$584,728.31 per house.

<sup>16</sup> The unattached houses in the Taper area, Mount Shasta area, and around Dodson Middle School are 1350 sf to 2200 s.f. with an average of 1800 sf. We use 2000 sf.

6. Generate public open space;
7. Stimulate sustainability and innovation;
8. Improve equity and opportunity for all;
9. Emphasize early implementation, simple processes and maintainable long-term solutions; and
10. Ensure connections.

**The DEIR fails to address or evaluate whether the proposed project complies with these ten Urban Design Principles.** They were adopted by the Planning Commission and should be addressed in the DEIR.

### **WALKABILITY CHECKLIST**

Streets make up the lion's share of the public realm. It appears that streets in this subdivision are largely shaped by engineering standards intended to regulate the flow of traffic and infrastructure.

Streets are important civic spaces where the social and communal life of a neighborhood takes place. The street design inspires the context. Mobility is a means, not an end. Streets must be inviting, safe and secure place for walking, biking and transit for people of all ages, income and physical limitations. Less driving, reduces energy consumption and greenhouse emissions. Walking and biking improves overall health of the community.

The proposed site plan shows front-loaded garages with driveways. A front of a home should face another front and conversely the back should face another back. In many instances, the front frontages face the side or back of another home. These basic principles are important because they establish the context for the street and have a direct impact on walkability.

The City's Walkability Checklist is a guide for consistency with the policies contained in the General Plan Framework with respect to urban form and neighborhood design. The purpose of the Walkability Checklist for Entitlement Review is to guide Planning staff, developers, architects, engineers, and all community members in creating enhanced pedestrian movement, access, comfort, and safety. The Checklist provides guidance on nine topics: public sidewalks, crosswalks, on-street parking, building orientation, on-site parking, landscaping, building facade, lighting and signage.

**The DEIR fails to make a finding of conformance with the policies and objectives of the General Plan related to the project's walkability.** Walkability conformance is potentially significant due to the exclusive and gated pattern of the proposed development.

## **L. POPULATION AND HOUSING**

### **PLAN FRAMEWORK ELEMENT**

#### **Objectives**

The DEIR indicates that one of the relevant objectives is:

4.2: Encourage the location of new multi-family housing development to occur in proximity to transit stations, along some transit corridors, and within some high activity areas with adequate transitions and buffers.

**The proposed project does not meet this objective.** The location of the project is isolated with extremely limited public transit options as discussed in the transportation comments. Residents of the proposed development would either have very long walks (highly unlikely) or drive to everything.

#### **Housing**

The DEIR (IV.I-22) states that “The jobs-housing ratio in the City of Los Angeles Subregion – i.e., the numerical ratio of 1.34 jobs to households – was very close to the ratio for the SCAG region as a whole in 2010 (1.37)...and is therefore considered close to “balanced.” By adding 490 indirect/induced jobs ...the Project would have no impact on the Subregion’s 2010 jobs-housing balance.... By 2017 however, the Subregion is forecasted to add households at a faster rate than jobs...such that the Subregion would be considered “housing right/jobs poor”.... By adding 490 indirect/induced jobs...the Project would have a neutral numerical impact....”

**The premise of this description is flawed leading to a false conclusion.** The description fails to note that the local job/housing balance that is significantly different than that of the Subregion. According to the draft San Pedro Community Plan, San Pedro has a jobs/housing balance of 0.44. The addition of 1135 households would therefore further reduce the jobs/housing balance in the area. **This is a significant negative impact** and indicates that the project would be primarily a commuter community. **Mitigation measures should include the creation of jobs on site.**

We question the SCAG growth estimates and hence the need for additional housing since the 2010 census actual population numbers are well below SCAG 2005 estimates and projections. The DEIR (IV.L-9) discusses the SCAG Regional Housing Needs Assessment that was developed for the period January 1, 2006 – June 30, 2014. This is an old document. The new version of this document should be used. Furthermore, this old version has been shown to have grossly overestimated the projected growth for Los Angeles in general and

San Pedro in particular. For example, the SCAG 2005 population estimate for San Pedro was 82,112; however, according to the 2010 census there are only 76,651 persons in San Pedro, 5,461 fewer. If the 2.5% growth forecast from 2010 through 2017 were applied, this would add 1916 to the population of San Pedro by 2017 still significantly below the 2005 SCAG forecast upon which the housing needs were developed. **Consequently it is in error to conclude that the project will not induce substantial population growth in an area by proposing new homes.**

**The justification for multi-family housing types is erroneous.** The surrounding area is not all multi-story, multi-family housing. About 60% of San Pedro is multi-family; there is a glut of such housing on the market in San Pedro, some of it immediately south of the project. [While some of the condo projects built in the last five years are occupied, they are rental units because the developers cannot sell them]. Single-family housing is the housing type in greatest demand.

Moreover, by building what it proposes, the applicant will undercut and greatly impact the Community Plan for San Pedro that emphasizes the rebuilding and renaissance of downtown San Pedro. The creation of a livable, walkable downtown area has been challenged by a lack of demand for the condos that have been built there.

## **M. PUBLIC SERVICES**

The City has the obligation and responsibility to provide the necessary services to enhance our quality of life. The City is already being challenged to do so. Ask any tax paying citizen who has had to wait for requested police or fire response or who is witnessing the decay of their neighborhood for lack of tree trimming, street sweeping, street and sidewalk repair, failing schools and the list goes on.

The Ponte Vista DEIR, with its 4,009 direct and indirect residents, seems to base its claim that the impact of the preferred plan would be 'less than significant' and 'less than significant with mitigation' on the fact that no new fire or police facilities would be required. The claim is an attempt to make a case for building as large of a project as possible without considering the real consequences it will have on the existing community; it is not just about buildings, it is about impact on the community including the availability of personnel to respond to called for services and to participate in proactive crime and fire prevention measures.

This project is being developed in an existing area that currently requires a comparatively limited number of calls for services, therefore, any increase should be considered significant. The project area is currently zoned for R-1 and open space, which would be the ideal 'fit' for the existing neighborhood community and have a minimum negative impact. This describes Alternate B, which has less of an environmental impact than Alternate C, the preferred Alternate.

Admittedly determining the anticipated impact of this project on the existing community is purely a speculative process generated by infinite unknowns. Calls for service may result from intentional and accidental human acts and acts of nature, some minor and others more serious or even catastrophic in nature, but all significant to those impacted.

What is clear, however, is that the more people, the more buildings, the more streets, the more cars, etc., the more significant the demand for police, fire, and EMT/ambulance services and the higher the probability of an unacceptable level of service in the Harbor Area. In fact, in a recent editorial the Daily Breeze (December 31, 2012) states "Unacceptably long response times are dogging the Los Angeles Fire Department and must be addressed immediately. It's a matter of life and death, as illustrated earlier this month by the case of a 16-year-old boy who collapsed while playing soccer at Wilmington Middle School." The mitigation proposed in the DEIR relative to first responders is limited to on-site measures. In reality that's all the developer can do because they do not have the power to hire more first responders or purchase needed vehicles.

Parking in streets and parking structures vs. private garages, apartment living vs. single family residences, real park space vs. limited green space, more cars on already overburdened streets are but a few examples of conditions with the potential of having a significant impact on calls for services. The current plan is more conducive to creating a contentious rather than harmonious neighbor.

Another significant fact to consider is that the project is located at the tip of a peninsula and not adjacent to other L.A. City first responders. Needed assistance, in extreme emergencies, may or may not be available from neighboring cities or the County. Help from L.A. City Fire and Police stations are unspecified miles away depending on the availability of their first responders at the closest facility. The Harbor Area is exposed to a much higher level of hazardous sources that could result in devastating consequences and liability issues than any other part of the City. The most volatile and closest to the Ponte Vista site is Rancho LPG. The City can ill afford minimizing and ignoring the vulnerability of Ponte Vista and its 4,009 residents. According to the EPA Guidance to enforce 40 CFR Part 68, if 57,000,000 pounds of butane (roughly one of the refrigerated Rancho tanks) were released, the blast radius would be 3 miles.

## 1. FIRE PROTECTION

**The analysis of fire protection and proposed mitigations is inadequate.**

The DEIR states that all *public* street fire lane cul-de-sacs shall have the curbs painted red or be posted "No Parking Any Time" prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.

The streets in the project are proposed to be **private** streets, so where will the “public” street fire lanes be? This contradiction should be fixed. Where will the guests park? Please state how the no-parking zones and red curbs will be enforced. What if cars are illegally parked in red zones and in private lanes making it impossible for emergency vehicles to get through?

The DEIR section on Fire Protection says that the Project is not within the maximum response distance between residential land uses and a LAFD fire station. The DEIR says that this will be mitigated by sprinkler systems installed throughout all structures to be built as part of the Project. This is taken from LAMC, but requires clarification.

The proposed mitigation states sprinklers will be installed throughout all structures but does not specify if fire sprinklers will be installed inside every residential unit. “The US Fire Administration supports the recently adopted changes to the International Residential code that require residential fire sprinklers in all new residential construction. It is the position of the U.S. Fire Administration that all Americans should be protected from death, injury, and property loss resulting from fire in their residence. All homes should be equipped with both smoke alarms and residential fire sprinklers.”<sup>17</sup> Please clarify the DEIR and address implications if sprinklers are not installed in every residential unit.

The DEIR fails to address the anticipated response times for paramedic/EMS services provided by LAFD. Additionally, Western Avenue is the main access road for ambulances to the Little Company of Mary Hospital in San Pedro and an important access road to Kaiser Permanente Hospital in Harbor City. The DEIR should include mitigations for the longer response time in EMS/paramedic services. In emergency medical situations every second counts! Proposed mitigation might include, but should not be limited to, defibrillators on site. Please address this issue.

The DEIR correctly states that “The LAFD’s ability to provide adequate fire protection and emergency response services...is also determined by the degree to which emergency response vehicles can successfully navigate the given access ways and adjunct circulation system, *which is largely dependent on roadway congestion and intersection level of service (LOS) along the response route.*” The DEIR indicates that two of these intersections are currently operating at LOS E or F, and goes on to state that “None of the intersections that provide direct emergency access to the Project Site [Western & Green Hills, Western & John Montgomery] currently operate at LOS E or F during peak community hours.” While it may be true that neither of the intersections that provide direct access currently operated at those levels on the day they were studied, the conclusion is misleading. The proposed primary entrance to the facility is at Green Hills Drive and John Montgomery Drive. When San Pedro has one of its

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<sup>17</sup> Source: US Fire Administration, June 2009

legendary (and frequent) lengthy funeral processions (a local custom, or during Christmas shopping season, or when there is an emergency situation or road repair (not an infrequent occurrence), Western Avenue backs up for blocks. It is not unusual to see emergency vehicles trying to go against the traffic on this divided highway. In addition, what good is it if that intersection is open but Western and Palos Verdes Drive North or Western and Capitol, are blocked. The additional traffic from the proposed development will only compound this situation.

**The DEIR should also address how additional residents of the Project would affect availability of EMS services.**

Mitigation measure IV.M-9, Project Design Features, discusses the development of an emergency response plan and indicates that during the development of the plan the Project Applicant should consult with neighboring land uses. None of mentioned users includes the residents. Please add the Northwest San Pedro Neighborhood Council, the Harbor City Neighborhood Council, and the City of Rancho Palos Verdes to the list. Please also **add a requirement that the emergency response plan should ensure that there would be no adverse impact on the evacuation of surrounding neighborhoods as a result of any evacuation of the project area. There is no guarantee of additional police or firefighters to meet the additional demands.**

Additionally, the development of the Emergency Response Plan should be included Table I-I as either a Compliance Measure or a Required Mitigation Measure.

## **2. POLICE PROTECTION**

For purposes of analysis of impact on police services and possible need for additional police officers, it is assumed that the Project would result in a net addition of 4,009 persons to the Harbor Area. Population increase in an area typically increases demand for police services. The applicant however, says that security and design features in the project should help to decrease need for police services. This may or not be true. **We suggest that the Project be required to include Anti-Graffiti measures and comply with street lighting guidelines as if the streets were public streets.**

Additionally, the **DEIR should examine the impact on police services in the event that the gated nature of the project is not approved.**

## **3. SCHOOLS**

There are several problems with the methodology used for the school impact analysis.

The student generation rates used are not consistent with those used by the City in the DEIR for the San Pedro Community Plan Update. That document says the LAUSD student generation rates for multi-family residential units are 0.2042 elementary (K-5), 0.0988 middle school, and 0.0995 high school. According to the Community Plan DEIR the “rates vary slightly with single-family, units, but provide an accurate approximation.”<sup>18</sup> The DEIR projects two different student generation rates for Taper, a rate of .1705 per du for single family, and .1141 for the condos and townhomes. The LAUSD generation rates cited in the DEIR for the San Pedro Community Plan update should be used. Additionally, the students generated by the approved, but not yet built Harbor Highlands development must be included in the analysis for Taper and Dodson.

The school enrollments and capacity should both use the total school capacity and enrollment. The **DEIR incorrectly indicates the school enrollments** for 2011-12. According to LAUSD’s website, the 2011-12 enrollment was 626 at Taper, 1819 at Dodson, and 3335 at Narbonne. More current enrollments show them at 629, 1863, and 3350 respectively. (See Attachment E). According to LAUSD, these enrollment figures include both the regular school students and the magnet school students. Likewise the capacity figures used must include both the regular and magnet school capacity. The chart below uses the current student population and capacity data obtained from LAUSD on January 4, 2013.<sup>19</sup>

|          | Current Students | Ponte Vista <sup>20</sup> | Harbor Highlands | Total | Capacity | Difference |
|----------|------------------|---------------------------|------------------|-------|----------|------------|
| Taper    | 629              | 231                       | 27               | 887   | 804      | 83         |
| Dodson   | 1863             | 112                       | 13               | 1988  | 1892     | 96         |
| Narbonne | 3350             | 113                       | 0 <sup>21</sup>  | 3463  | 3531     | (68)       |

**As can be seen, if the correct, current figures are used, both Taper and Dodson would be over capacity. This is a significant impact and must be addressed.**

Certainly the cumulative impact of school-related traffic is a major and possibly unmitigated consequence of any new development on the property. The reality is that children at all grade levels, particularly the elementary level, DO NOT, for the most part, walk to school anymore. They are almost exclusively driven,

<sup>18</sup> San Pedro Community Plan DEIR p 4.12-31

<sup>19</sup> The Current Students and School Capacity figures were obtained from Bruce Takeguma, Director, LAUSD, School Management Services (213) 241-3344

<sup>20</sup> For Ponte Vista and Harbor Highlands the student generation rate from the San Pedro Community Plan was used.

<sup>21</sup> Although Harbor Highlands will generate 13 students, they would go to San Pedro High School, not Narbonne and therefore are not counted here.

resulting in serious traffic tie-ups at both ends of the school day, as well as many unique trips in and out of any development. This is particularly true in San Pedro where a variety of relatives are available to pick up and deliver children to and from school. Mitigations should be proposed to encourage children to walk to Taper and Dodson.

Developer fees from SB 50 would be approximately \$900,000. We understand that State law concludes that the contribution meets all CEQA requirements. However, the adequacy of the contribution to provide increased need for facilities does not address the impacts on traffic and the need to protect children on the way to and from school. It would seem useful to use at least a portion of those monies to improve traffic flow and control around impacted schools, particularly Taper Ave. Elementary.

Additionally, the discussion of the Port of Los Angeles High School should be revised to indicate that the school currently has a waiting list and that admission is by lottery.

The list of high school magnet programs should be revised to include the Teacher Prep Academy located on the campus of Harbor College and Trinity Lutheran should be added to the list of Private Schools.

#### **4. PARKS and RECREATION**

The City's Public Recreation Plan calls for 10 acres of land per 1,000 persons and provides that "A minimum of 10 percent of the total land area should be in public recreation or open space. It also says that Neighborhood Parks should be provided at a minimum of two acres per 1,000 residents and be five to 10 acres in size with a service radius of approximately one-half mile." Based on this standard, a project with an estimated population of 2,923 should contain at least a 6-acre Neighborhood Park. The Recreation Plan indicates Neighborhood Recreation Sites typically include facilities for active sports such as softball, basketball, soccer, and volleyball.<sup>22</sup>

Currently 15 acres of the property is zoned open land (parks and recreation). It seems logical that park space (active and/or passive) should be a top priority. The DEIR is based on a project description that includes a 2.8-acre public park that even if it were built would be inadequate. Subsequent to the initial description, the applicant deleted all public park space from the proposed project.

The applicant claims impacts related to parks and recreational facilities would be less than significant, as the two swimming pools on the property and what can only be described as mini-parks or "parklettes" scattered around the property will fulfill the project's residents' needs for recreation space. While these amenities

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<sup>22</sup> See Los Angeles public Recreation Plan page 2 for a complete list.

are commendable, they do not constitute a Neighborhood park and do not satisfy the requirements of the City's Public Recreation Plan. The theory in the DEIR seems to be that residents will not use external truly public facilities, with the result there will be so little additional usage of public parks that impact will be insignificant. Where will the youth play basketball, football, tennis, and soccer?

**The lack of adequate park space is a significant impact.** It is insufficient to say that the project will pay the required Quimby fees. Quimby fees do not provide land for parks and there is no land available for purchase within the half-mile service radius.

This development team, as did the team before, predicates its plan on a truly mystifying lack of interaction between the development and the world surrounding it. No traffic, no impact on schools, no pressure on recreational facilities—no need for any improvement to infrastructure beyond the bare minimum that might be expected of a strip mall or a 6-8 home development, on a square footage basis.

The assertion that “there is no existing park area at the Project site” is at best misleading and should be deleted. Currently 15 acres of the site are zoned for open space.

## 5. LIBRARIES

The DEIR is not accurate in its assertion that the current San Pedro library, at 20,000 square feet, is adequate size for the population served, and should be adequate to meet the needs of the increased population added by the development. This claim is in conflict with the DEIR for the San Pedro Community Plan that states “The available public library services in the San Pedro CPA, in terms of library space and permanent volume collection, are *currently inadequate* to meet existing demands from the community's residents based on state library standards.... of 0.5 square feet per person.”<sup>23</sup> The State of California Library standard requires 0.5 sq ft of library space per resident. For the existing population of 76,651 residents (2010 census data), library space available should 38,325 square feet, nearly double the existing space. Since the project would add nearly 3,000 additional residents, and it would require at least 1500 square feet of additional space.

The DEIR further asserts that the LAPL is “currently planning to build a new West San Pedro neighborhood library in the future.” While it is true that LAPL has identified a need for a library in West San Pedro, it is misleading to say that they are “currently planning.” The Community Plan for San Pedro recommends a new 14,500 square foot “West San Pedro” branch library, however, this would only bring library space in San Pedro to 34,500 square feet, still not meeting

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<sup>23</sup> San Pedro Community Plan DEIR p 4.12-40

State of California library standards for the population of San Pedro. The San Pedro Community Plan acknowledges that no location for a "West San Pedro" library has been proposed or selected, there is no plan for selecting a site, and there is no current nor anticipated funding for building said library. The fact that one is proposed is further indication of the need for additional library services, a need that will be aggravated by the proposed project. **It will have a significant impact on library services and this impact must be mitigated.**

The Ponte Vista project has an opportunity to mitigate this defect by incorporating a public library into the project. The library should be at least 20,000 square feet to meet State requirements. The San Pedro Community Plan recommends integrating libraries into multi-use buildings. For reference consider the Milwaukee Public Library is moving ahead with development of two multi-use buildings including libraries: one is a proposed 16,000 square foot library topped with 92 apartments (plus parking).<sup>24</sup>

The San Pedro Community Plan also suggests that on-line services and virtual libraries with computer workstations that provide access to the library's on-line catalog, extensive information databases, multimedia software for students, and free Internet searching for the public may lessen the adverse impacts resulting from a mismatch between available physical library space and resources and the community's need for library facilities."<sup>25</sup>

## **N. TRAFFIC**

The entire focus of the traffic impact analysis is on measuring the number of cars moving at the intersections. While the movement of autos is important it is not sufficient. As the City has shifted its focus to mobility, so should the analysis in the DEIR. The DEIR fails to address any measured analysis of walking, biking, or transit and ignores other design features that could reduce car-usage such as on-site amenities and provisions for home-offices.

The traffic analysis estimates the impacts on streets and intersections in and around the project. The analysis looks at the ambient growth rate of existing traffic, the traffic contributed by other projects, the traffic contributed by the project itself, and compares this traffic load to existing intersection usage, expressed as the vehicle counts compared to the intersection capacity [V/C ratio]. From this, the analysis determines the "Level of Service" [LOS] in the existing condition and compares it to the LOS if the project is built. For those intersections showing certain increases in the V/C ratio, or a decrease in the LOS, the DEIR proposes mitigation measures designed to lower the impact so that it is not significant.

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<sup>24</sup>See <http://urbanmilwaukee.com/2012/02/28/east-library-redevelopment-advances-at-city-plan-commission-renderings/>

<sup>25</sup> San Pedro Community Plan DEIR p 4.12-40

**We have concerns about how the variables were calculated and the accuracy of the LOS results obtained, about the way in which mitigation is determined, and the failure to address how to design the amenities on the site in order to reduce traffic generation. This should be corrected.**

## **1. IMPROPER CALCULATION OF THE VARIABLES**

### **Improper Use of ITE Traffic Generation Data**

The project-generated traffic is underestimated because the applicant used the midpoint data for each housing type while ignoring project characteristics.

The DEIR uses three different ITE housing classifications to predict trip generation. It uses the average trip generation figures for each classification.

ITE figures represent thousands of studies and a wide range of reported trip generation figures. In this case, there is no difference between how often residents of each different type of unit will need to use their vehicle in this project, but the analysis contains no discussion of this. Instead, the DEIR simply uses the mid-point figure. For example, the DEIR indicates that a single-family house will generate 9.57 trips per day while a three-bedroom condominium right next door will generate 5.81 trips per day. This makes no sense when residents of the project will have to drive to every destination, whether to work, school, soccer practice, the gym, church, or the market. The applicant should have selected a trip generation rate in the reported range closer to the single-family rate because the project characteristics are so similar.

Further, each trip generation graph in the ITE Manual includes a wide range of actual trip generation numbers. To select the mid-point is difficult to justify.<sup>26</sup> Had the developer and the City used more appropriate data points within each classification, as they are permitted to do, and admonished to do by ITE itself, the trip-end volume would be 10,862 instead of 7,462. AM peak hour volume would increase from 571 to 851 and PM peak would increase from 669 to 1146. Using these calculations, and using normalized traffic counts, would greatly increase the V/C ratios and lower the LOS ratings at many more intersections among the 56 tested intersections.

### **The V/C Ratios Used as a Baseline Need to be Normalized**

The vehicle counts used in the V/C ratios and the LOS calculations are lower than normal due to the impact of the economy on "real" traffic generation rates.

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<sup>26</sup> We suggest that perhaps the traffic problems in other areas of the City and increasingly in San Pedro, Wilmington and Harbor City, can be attributed to this practice of using mid-point calculations rather than more realistic data.

The impact is shown in the DEIR counts in 2010, which are lower than earlier counts taken by the same consultant in 2005 for the prior project, lower than the counts taken for the Target Store analysis in 2006 and lower than many of the counts for the Marymount project on Palos Verdes Drive North in 2011, after the installation of ATSAC/ATCS. For example, the V/C PM ratios for Western and PV Dr. North are

|      |       |                         |
|------|-------|-------------------------|
| 2005 | 1.025 | [Ponte Vista I]         |
| 2006 | 1.078 | [Target]                |
| 2010 | .851  | [DEIR, present project] |
| 2011 | .872  | [Marymount]             |

This difference is noticeable at many of the intersections common to all four studies.

It is shown in concrete terms, for example, by the reports of the annual TEU<sup>27</sup> counts in the Port of Los Angeles (an indicator of workload for Port workers) that declined from 8.5 million TEU's in 2006 to 6.7 million TEU's in 2009. It is beginning to recover but has not reached pre-recession levels.

Our concern about the use of the October 2010 data at the height of the economic downturn has been discussed with the applicant's representative on several occasions. Normalized data is used in many, many other areas of planning, such as employment data, business valuations, and indeed, environmental tests. It is not possible to properly determine true, likely impacts if baseline data is atypical. That is a recipe for gridlock.

**Failure to Include Data from Other Projects**

CEQA requires a DEIR to include traffic generated by other known projects in the traffic generation estimates, The applicant left out a number of such projects, many of which impact the studied intersections. We listed them earlier in our comments. We repeat them here:

- Southern California International Gateway (SCIG)
- APL Terminal expansion
- Ports O'Call Redevelopment
- Cabrillo Marina Phase II
- USS Iowa

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<sup>27</sup> Twenty Foot Equivalent Units, a measure used to normalize cargo counts since not all containers are the same size.

Los Angeles County Sanitation Districts Clearwater Outfall Project

Rolling Hills Prep School build out

VOA Navy Village

Pacific LA Marine Terminal

Harbor Highlands Development (under construction)

City Dock 1

Port Master Plan update

San Pedro Community Plan update

Marymount College Expansion on PV Drive North

Of particular interest is the Community Plan Update, which forecasts an almost 10% population growth for San Pedro not including Ponte Vista in the next 18 years.

**The Ambient Growth Rate of 1% is not Supported by any Documentation**

Both the DEIR and the Western Avenue Task Force used a 1% growth rate for Western Avenue, but CalTrans engineers opined in those meetings that the growth rate was actually much higher.

Rather than use a number obtained from MTA, as does the DEIR, we suggest that documentation be provided.

**Public Transportation is Not Really Available to the Site**

The DEIR (I-133) states that there are 14 buses per hour serving the project during the morning peak hour. **This is misleading** and should be corrected. There are four bus lines that serve the project site, none well.

**Metro Bus Line 205** runs from 13th and Gaffey Streets to the Imperial Wilmington Station at Imperial Highway and Wilmington Avenue in the Watts/Willowbrook Area. The frequency varies from every 20 minutes during the am peak hour to 1 hour. This bus goes up Western and connects to the Artesia Transit Station where it is possible to transfer to another bus to go to downtown Los Angeles. Unfortunately it takes approximately 40 minutes just to get to the Artesia Transit Station; there is no incentive for future residents to be so inconvenienced.

**Max Line 3** runs from 36th Street and Pacific Ave in San Pedro to LAX Green

Line Station and the Airport Courthouse. It operates northbound to El Segundo in the early AM and southbound to San Pedro in the late afternoon. MAX Line 3 does not operate on major holidays or on weekends. It only makes 4 trips in am, the first at 5:36 and the last at 6:44 am and 4 in pm between the hours of 4:46 and 6:15 pm; basically 2 buses/hour. This is a viable option if your work is in El Segundo.

The remaining two lines are operated by RPV and are primarily designed to transport RPV students to RPV schools.

**PV Transit Orange Line** runs 2 morning buses along Western from Palos Verdes Drive North to First Street then to Palos Verdes Drive East ending at Palos Verdes High School and 3 buses in the afternoon corresponding with school start and stop times. These lines are designed to carry Palos Verdes students to Palos Verdes schools, and as such are really not useful to the residents of Ponte Vista.

**PV Transit Green Line** is also geared primarily to Palos Verdes schools and the Library. It runs along Western Avenue from First Street to Palos Verdes Drive North then west along Palos Verdes Drive Road ending at Ridgecrest Elementary School.

## **2. COMMENTS CONCERNING PROPOSED TRAFFIC MITIGATIONS**

### **Some Offered Mitigation is Already Proposed by Marymount**

Marymount College is required to implement some of these same by mitigations as part of the approval of its mitigated negative declaration for its project on Palos Verdes Drive North. It is our understanding that if any of the proposed mitigation measures are provided by another source (e.g. Marymount College), prior to being implemented by this Project, an alternate mitigation measure may be required. We request that in the event that should occur, the applicant be required to consult with the Northwest San Pedro Neighborhood Council, the Harbor City Neighborhood Council, and the City of Rancho Palos Verdes on appropriate mitigation measures.

### **Other Mitigations Transfer the Traffic Burden to Wilmington and Harbor City Residents**

Quite a bit of the proposed mitigation is designed to increase the overall capacity at an intersection by addressing other traffic issues and thus could potentially allow longer turn and through signals for the project traffic. In other words, traffic from Harbor City, Palos Verdes and Wilmington will be adjusted, possibly negatively impacted, in order to make more room for Ponte Vista traffic.

### **The Projected Routing for PM Peak Hour Traffic Does Not Seem to Have a Basis**

We realize that predicting access routing is sometimes an art rather than a science. However, given the very long PM backups at the 110 Freeway off-ramps at Sepulveda, Pacific Coast Highway and Anaheim, coupled with the challenge of making a left turn across Western, it seems likely that in the evening, a large percentage of commuters will exit at Channel Street and proceed north on Gaffey to Channel, Capitol, or Westmont and then west to Western to the project entrances. This assumption is given further credence in that virtually every place a commuter might want to stop on their way home, be it for groceries, dry cleaning, or to pick up a child, is off of either Gaffey or that portion of Western that lies between Channel and Westmont. Further, this commuter traffic will be joined by those residents who are coming home from downtown San Pedro and the San Pedro Waterfront and from Long Beach and points south via the 47. An analysis of all of this traffic should be included.

### **The Proposed Project Makes No Attempt to Mitigate Project Generated Traffic Through Project Design or Project Amenities**

A significant amount of project-generated traffic will be work related traffic. Other components will be taking kids to soccer practice, taking children to school, going to the markets and library, church, etc. Work-related traffic will be especially heavy, and for greater distances than normal, because the project is not really responding to local employment needs.<sup>28</sup> In other words, they are proposing a suburban commuter community.

What is striking about the proposed project, and the DEIR, is that it proposes nothing to mitigate trip generation by providing amenities on-site, such as work centers, library branch, parks, mini-market, better walking access to local schools, etc.

### **OTHER CONCERNS**

**The DEIR fails to analyze the impact of increased traffic on Western from the 74 driveways and non-signalized intersections on Western between Summerland and Palos Verdes Drive North.** According to a recent study of the Western Avenue Corridor, there are 111 destinations on Western between Summerland and Capital Drive.<sup>29</sup> These grocery stores, post office, dentist offices, coffee shops, banks, etc. are accessed through the driveways. These poorly designed driveways add to the traffic flow problems. For example, the turn lane into the shopping center nearest the project can only accommodate

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<sup>28</sup> The DEIR for the San Pedro Community Plan Update established that the jobs per household ratio for San Pedro was 0.44 while the Los Angeles area ratio is 1.35. This means that for the 1135 households in the project, assuming two working adults, 550 will drive to local jobs and 1700 will drive a longer distance.

<sup>29</sup> Western Avenue Corridor Vision Preliminary Analysis and Vision, Nov 14, 2012

about 4 cars. After that, cars begin impeding the flow of traffic on Western. This is a very unique condition and an analysis should be conducted of the impact of the traffic generated by the Ponte Vista residents using these driveways.

Additionally, the assertion that 60% of traffic will be going North and 40% south on Western does not seem credible given that virtually all amenities are located to the South.

We are concerned about the impact on traffic flow along Western from installing additional stoplights at Fitness Drive and Peninsula Verde. Consideration should be given to a "pathway" through Ponte Vista as an alternative to a light at Fitness Drive. Additional stoplights on Western may cause more traffic congestion, not less.

Several of the proposed mitigations are subject to approval by other jurisdictions. The DEIR should address the impact on traffic if these mitigations are not approved and there should be a procedure in place for developing substitute mitigations.

Consideration should be given to creating a "walking school bus" and a bicycle path from the road at the back of the development thru Mary Star to Taper.

The DEIR failed to study the Harbor Freeway Channel Street Off-Ramp and the 47 Freeway Channel Street On-Ramp at Miraflores. The impact of increased traffic at this intersection must be studied and appropriate mitigations proposed. In addition, the full intersection including Channel and Gaffey must be re-examined. We are suspicious that the low LOS shown at that intersection was the result of southbound Gaffey traffic backed up at Miraflores and therefore not even entering the Channel and Gaffey intersection. An April 2004 baseline study, for the Port of Los Angeles found this intersection to be at an OS of E during the PM Peak Hour and the Gaffey/Miraflores intersection to be an LOS of F in the AM Peak hour and D in the PM Peak Hour.<sup>30</sup>

The DEIR fails to discuss the impact of the additional traffic on the freeway off-ramps at Pacific Coast Highway and Anaheim and the resulting backup on the 110 freeway.

Mary Star should have vehicular access from both Green Hills Drive and Avenida Aprenda and the internal roads should be connected at the back of the property.

The DEIR does not appear to account for the impact on traffic of the additional time required for the approximately 225 additional middle and high school students pushing the "walk" button to cross Western on their way to and from school, assuming that the Dodson students walk to school and the High School

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<sup>30</sup> Port of Los Angeles Baseline Transportation Study, Meyer, Mohaddes Associates. April 2004

students take public transportation. This must be added into the traffic study for that intersection.

It is unclear if the DEIR properly accounts for the fact that most students from the Eastview Area of Rancho Palos Verdes immediately west of Western are not attending Crestwood Elementary, Dodson Junior High, or Narbonne High School. The attendance in the Palos Verdes School District by Eastview residents is **rumored** to be over 90% of the local students for the area. Most students from Dodson and Crestwood are being bused in; likewise Eastview students are commuting by car and bus via Western Avenue to Dapplegray Elementary, Miraleste JHS, and Palos Verdes High School.

The parking plan for both residents and visitors is unclear and needs to be clarified.

### **The Proposed Project Consumes All of the Available Infrastructure Space in the Community Plan**

What is the point of having a Local Community Plan if it will be impossible to provide for projected development? As a matter of policy, we question whether a single project should be entitled to more than a pro rata amount of available infrastructure usage, in this case roadway space, at the expense of other future development as contemplated in the Wilmington Harbor City Community Plan and the San Pedro Community Plan update.

### **PUBLIC TRANSPORTATION**

The DEIR (I-133) states that there are 14 buses per hour serving the project during the morning peak hour. **This is misleading** and should be corrected. There are 4 bus lines that serve the project site, none well.

**Metro Bus Line 205** runs from 13th and Gaffey Streets to the Imperial Wilmington Station at Imperial Highway and Wilmington Avenue in Watts/Willowbrook Area. The frequency varies from every 20 minutes during the am peak hour to 1 hour. This bus goes up Western and connects to the Artesia Transit Station where it is possible to transfer to another bus to go to downtown Los Angeles. Unfortunately it takes approximately 40 minutes just to get to the Artesia Transit Station; there is no incentive for future residents to be so inconvenienced.

**Max Line 3** runs from 36th Street and Pacific Ave in San Pedro to LAX Green Line Station and the Airport Courthouse. It operates northbound to El Segundo in the early AM and southbound to San Pedro in the late afternoon. MAX Line 3 does not operate on major holidays or on weekends. It only makes 4 trips in am, the first at 5:36 and the last at 6:44 am and 4 in pm between the hours of 4:46 and 6:15 pm; basically 2 buses/hour. This is a viable option if your work is in El Segundo.

The remaining two lines are operated by RPV and are primarily designed to transport RPV students to RPV schools.

**PV Transit Orange Line** – runs 2 buses along Western from PV Drive N. to First then to PV Drive East ending at PV High School in am and 3 in pm timed with school start and stop times. These lines are designed to carry Palos Verdes students to Palos Verdes schools, and as such are really not useful to the residents of Ponte Vista

**PV Transit Green Line** also primarily geared to PV schools and Library. Runs along Western from First to PV Drive North then west along PV Drive Road ending at Ridgecrest Elementary School

## **O. UTILITIES AND SERVICE SYSTEMS**

### **1. WATER**

The DEIR states that the project's water usage will have a "less than significant impact with mitigation" on the area's infrastructure and environment (p. VI-142). A brief examination of the document raises serious questions about that conclusion and suggests that it is much too optimistic.

The developer estimates that the 1,135-unit project will use 216 acre-feet per year of water. (p. I-135). That translates to 170 gallons per day per unit. However, that figure is far below what experience has shown constitutes actual use. The United States Environmental Protection Agency has found that the average American household uses 400 gallons per day.<sup>31</sup> In Southern California, where residents may be more sensitive about conserving fresh water, the Los Angeles Department of Water and Power (LADWP) reports that the average single-family residence consumes 359 gallons each day<sup>32</sup>

In other words, the developer estimates that Ponte Vista will use less than half the water that the LADWP finds real households actually use. What is more, the DEIR offers little explanation – beside mitigation measures such as flush-less urinals in the project's common areas and low-flow showerheads and "green" appliances in the residences (p. IV O-10) – for this very significant discrepancy. Yet these measures are already widely employed in the community and should therefore be reflected in the 359-gallon figure the LADWP cites.

The DEIR does make reference to "purple pipe" – that is, plumbing that will capture and conserve gray water – in the project's units (p. IV O-11). As

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<sup>31</sup> "Water Sense," an EPA Partnership Program at [www.epa.gov/WaterSense/WaterUseToday](http://www.epa.gov/WaterSense/WaterUseToday)

<sup>32</sup> Los Angeles Department of Water and Power, 2010 Urban Water Management Plan [hereinafter referred to as the "UWMP"], p. 43.

commendable as this might be, the report goes on to suggest that the infrastructure needed to collect and reuse such water is not in place. Moreover, there is no mention when, if ever, it will be.

Raising further doubts about the reliability of the project's water use estimates is the DEIR's estimate that the project will add 205,950 gallons per day to the sewage system. (p. IV O-25). The report offers no explanation why water usage – which includes water used for common area irrigation that would not flow into the sewer lines – would be less than the amounts added to the area's sewer system.

Overshadowing the DEIR's estimates regarding water usage is the fact that the LADWP projects it will encounter more difficulty obtaining fresh water supplies in the future. This is so for several reasons including: 1) population pressures throughout the Southwest, 2) increasing drought conditions in the area, 3) climate change and 4) legal restrictions on importing water especially from Northern California and the Colorado River. (UWMP, p. ES-1). Under such circumstances, it should be imperative that water providers use considerable caution in estimating their ability to satisfy the area's future water needs. Indeed, in an effort to appear to be meeting increased future demand, the LADWP is already employing the very questionable tact of counting "conservation" as a water source. According to its own estimates, by 2035, 9 percent of the water it supplies to Southern California will be from "conservation." (UWMP, p. 19).

Freshwater is too important a resource to be the subject of guesswork. Under-estimating its usage and over-estimating its availability can have cataclysmic effects upon Southern California. Serious economic dislocation and even health issues for area citizens are just two. Given the discrepancies between the developer's estimated water use and the EPA and LADWP's experience about actual levels of consumption and further questions about the LADWP's ability to supply water in the not-too-distant future, this project's impact on the area's water infrastructure needs to be re-analyzed.

## **2. WASTEWATER**

The project should be mandated to capture and recycle storm water and grey water on-site.

## **3. ENERGY**

Solar or alternate energy such as Bloom Energy Servers should be required. Currently 39% of the City's energy comes from coal. This is being phased out. The City's lease for the Navajo power plant expires in 2019 and the City's contract for a coal generated plant in Utah ends in 2027. DWP has indicated that both plants will be shut down when the leases expire. In order to replace this loss, DWP is counting on, among other things, an increase from the current 20% renewable energy and 1% energy efficiency to 33% renewable energy and 10%

energy efficiency.<sup>33</sup> These assumptions may or may not be accurate. Increased use of renewable energy is commendable but also costly to consumers. Existing ratepayers should not have to bear the costs resulting from the increased demand created by this project.

Another impact that should be analyzed is the increased need for cell transmitters. No mention of this is made in the DEIR.

## **PUBLIC HEALTH IMPACTS**

Large-scale developments like Ponte Vista have the potential to cause substantial adverse effects on health of residents, either directly or indirectly. Therefore, the DEIR must discuss “health and safety problems caused by the physical changes”(CEQA Guidelines Section 15126.2). If the analysis identifies significant health impacts, the lead agency must adopt feasible mitigations. Important determinants of public health include the preservation of natural areas, air and water quality, community noise, housing and transportation patterns, access to food resources, public services, and economic well-being.

**The DEIR fails to evaluate and disclose potential health impacts resulting from lack of convenient access to daily needs.** Proximity to services promotes increased walking and biking, reduced daily vehicle trips and miles traveled, increased possibilities for healthful and meaningful work, and increased interactions among neighbors. Future residents of Ponte Vista should have equal access to health resources. The more key public and retail services a neighborhood has, the greater the chance for residents and workers to walk or bike to access those services, increasing physical activity, social interactions, and “eyes on the street”. Research has found the presence of a grocery store in a neighborhood predicts higher fruit and vegetable consumption and a reduced prevalence of overweight and obesity. Neighborhoods with diverse and mixed land uses could create proximity between residences, employment, and goods and services, thereby reducing vehicle trips and miles traveled and as a result, reducing air and noise pollution. This is especially pronounced because of the difference between the estimates of project completion, i.e. five years or fifteen years, and the resulting impacts on construction related emissions and impacts.

**The DEIR fails to address the following Public Health related questions:**

- Does Ponte Vista have all of the key public and retail services that contribute to neighborhood completeness?
- Does the Ponte Vista plan advance neighborhood completeness?
- What mitigations or project design elements would advance neighborhood completeness?

## **SOCIAL IMPACTS**

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<sup>33</sup> LADWP Presentation on Proposed Rates 2012-2014, Mandates and Reliability

*"In much of the rest of the world, rich people live in gated communities and drink bottled water. That's increasingly the case in Los Angeles where I come from. So that wealthy people in much of the world are insulated from the consequences of their actions."*

Jared Diamond, author, physiologist, evolutionary biologist and bio geographer.

A neighborhood offers the promise of belonging and call for us to recognize our interdependence. To belong is to be welcome, even if we are strangers. The sense of belonging is important because it leads us from conversations about safety and comfort to our relatedness and willingness to be generous and hospitable. These elements seldom occur in a culture dominated by isolation, and it correlate, fear.

The proposed narrow range of housing types forestalls the socioeconomic robustness that accrues to places with a full spectrum of ages and income. The proposed gated subdivision intentionally restricts access and emphasizes social control and security over other community values, thereby shrinking the public sphere and diminishing collective responsibility for the collective safety of society.

A security gate "can provide a refuge from people who are deviant or unusual... the vigilance necessary to patrol these borders actually heightens residents' anxiety and sense of isolation, rather than making them feel safer," says Setha Low, author of *Behind the Gates, Security, and the Pursuit of Happiness in Fortress America*, The irony is that the residents, particularly kids and seniors that don't drive, become isolated and trapped behind their own gates -- instead of keeping people out, they shut themselves in. The isolation and loneliness is increasingly becoming the cause for mental illness.

Gated subdivisions gained popularity with baby boomers. The demographics have changed. Today, a large cohort of empty nesters and Generation Ys are increasingly opting out of isolated and gated subdivision to belong in an open, walkable and urban neighborhood.

**The DEIR fails to discuss the social impacts of a limited access exclusive subdivision.**

## **PROJECT ALTERNATIVES**

The DEIR should analyze at least one additional alternative that better addresses the context of the community and environmental impacts of the project. We suggest a mixed-use project alternative that includes access to Mary Star, with true single-family homes on appropriate sized lots, rather than a PUD, work centers, commercial space, senior friendly facilities, a range of public open spaces including a 6-acre public park, and a library extension to meet State Guidelines for library space.

Additionally, given the poor jobs housing balance, it seems remiss that none of the alternatives included a light industrial park. This is particularly true in light of the fact that the original re-use plan for this property would have resulted in significant job creation.<sup>34</sup>

#### **ATTACHMENTS**

**Attachment A Tosco Worst Case Scenario**

**Attachment B Critical Facilities and Lifeline Systems in the City of Los Angeles**

**Attachment C LAUSD School Enrollments for Taper, Narbonne, and Dodson**

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<sup>34</sup> According to the Draft EIR for the San Pedro Community Plan, the jobs-housing ratio for San Pedro is 0.44 while it is 1.3 for Los Angeles as a whole.

City of Lomita comments on the *Ponte Vista* EIR

**CITY COUNCIL**

MARGARET ESTRADA  
JIM GAZELEY  
HENRY SANCHEZ JR.  
MICHAEL G. SAVIDAN  
BEN TRAINA



**CITY OF LOMITA**

**ADMINISTRATION**

MICHAEL ROCK  
CITY MANAGER

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**JAN 02 2013**

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

December 19, 2012

Los Angeles Department of City Planning  
200 N. Spring Street, Room 750  
Los Angeles, CA 90012  
Attn: Erin Strelch, Planning Assistant (Email – [erin.strelch@lacity.org](mailto:erin.strelch@lacity.org))

Subject: Ponte Vista DEIR – Case No. ENV-2005-4516-EIR (26900 Western Avenue)

To Whom It May Concern:

Thank you for the opportunity to provide comment on the aforementioned project.

The Project proposes a Specific Plan (proposed density is approximately 18 units per acre), General Plan Amendment, Zone Change, and Vesting Tentative Tract Map for the subdivision, construction, and operation of a 1,135-unit residential development. The Project's residential units would be comprised of single-family, duplex, townhome, flat, and apartment units ranging in size from 600 to approximately 2,800 square feet, within buildings constructed over and/or adjacent to residential parking garages. Up to 392 of the 1,135 units may be rental units.

The Project would also provide an access road from Western Avenue to the off-site, private Mary Star of the Sea High School. The Project site is approximately 61.5 acres. The Project would incorporate large internal open space and recreational areas, including an approximately 2.8-acre park, 1.3-acre community clubhouse and pool/recreation area and an approximately 0.7-acre open space and trail network. Additional recreational amenities would be distributed throughout the site. The Project would involve the demolition and removal of all existing improvements on the site, which include 245 vacant residential units, a 2,161-square foot community center, and a 3,454-square foot retail convenience facility which were constructed in approximately 1962 by the U.S. Navy for the purpose of housing and accommodating personnel stationed at the Long Beach Naval Shipyard. The site (formerly known as "San Pedro Housing") was closed in the late 1990s.

**The City of Lomita opposes the Ponte Vista project based on the following issues:**

**R-1 Zoning Should be Maintained**

The site should maintain and be developed under the existing R-1 zoning. The approval of a specific plan would allow densities over 20 units per acre which is more in line with medium-high density residential.

### Density

Using the current project description, the project's density was calculated utilizing the entire 61.5 acre site (18 units per gross acre). The net density is actually over 20 units per acre. We still question the basis for calculating the density in this manner since it will yield a lower gross acreage per unit over the entire site rather than on only the actual net residential acreage (i.e., the areas covered by open space and private streets are being allowed to count as residential land when determining the units per acre). This can mislead the public into thinking that the proposed density is lower than what it actually is. Many jurisdictions calculate permissible density based on the net residential acreage (not the entire site that includes streets and open space). Even at the lower density level, the proposed project and the various alternatives would still be requesting amendments to the general plan, zoning and a specific plan request to increase the permissible density above what is normally allowed under a single family residential zone. This level of density is not appropriate for the surrounding community and will have substantial environmental impacts (e.g., traffic, noise, aesthetics and air quality) that cannot be mitigated adequately.

### Construction-Related Vehicle Trips

Due to the number of residential units and the length of expected construction time, the City of Lomita has concern with the number of large construction vehicles entering and exiting the site particularly during grading and demolition activities. A number of these vehicles particularly the off-site load hauling vehicles may need to go through the City of Lomita to get to its final destination. For this reason, we request that the following 2 proposed mitigation measures be amended as follows:

**NO-6 All construction truck traffic shall be restricted to truck routes approved by the City of Los Angeles Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the extent feasible. Prior to the commencement of construction at the project site, a meeting shall be held with the surrounding cities (including the City of Lomita). The purpose of the meeting will be to designate truck routes for off-site load hauling vehicles and other construction-related vehicles.**

**NO-7 Two weeks prior to the commencement of construction at the Project Site, notification shall be provided to the immediate surrounding cities, off-site residential, school, and memorial park properties that discloses the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period.**

### Transportation and Traffic

The Transportation and Traffic section of the DEIR is based on the Traffic Impact Study, Ponte Vista at San Pedro, City of Los Angeles, California, March 2012 prepared by Linscott, Law & Greenspan Engineers (LL&G). As stated on page IV.N-61, the project at full build out would generate 7,382 vehicle trips per day.

The City believes that the reliance of existing condition traffic data in the DEIR from 2010 (more than 2 years old) may not accurately show the true impact of the project on traffic. The increase in the number of residential units will create a substantial impact on surrounding roadways

including Western Avenue. The vehicle trips will also create a negative impact on other intersections within the City of Lomita along Pacific Coast Highway, Palos Verdes Drive North, Crenshaw Boulevard, Narbonne Avenue and Lomita Boulevard. A project with a lower density (7-10 units per acre as opposed to 20+ units per acre) would be more appropriate for the subject site.

### Intersection Analysis

The analysis of study intersections within the City of Lomita included the following intersections:

- A. Arlington Avenue (Narbonne Avenue)/Lomita Boulevard (#8)
- B. Narbonne Avenue/Pacific Coast Highway (#9)
- C. Western Avenue/ Palos Verdes Drive North (#15)
- D. Crenshaw Boulevard/Lomita Boulevard (#5) is adjacent to the City border

Page I.V.N-3 (and throughout the document) Map No. 9 should be corrected to read Narbonne Avenue/Lomita Boulevard. Arlington Avenue is located within the City of Torrance north of 240<sup>th</sup> Street. The City also believes that that the intersection of 262<sup>nd</sup> Street and Western should have also been included as one of the study intersections.

Table IV.N-6 provides the existing (2010) summary of the Vehicle Capacity (V/C) and Level of Service (LOS) analysis conducted on the City's 4 study intersections.

- The intersection of Crenshaw Bl./Lomita Bl. in the PM peak period currently operates at LOS E.
- The intersection of Narbonne Ave./Lomita Bl. in the PM peak period currently operates at LOS E.
- The intersection of Western Ave./Palos Verdes Drive North in the AM and PM peak period currently operates at LOS E and LOS D respectively.
- The City's general concern is that many of these intersections already operate at below acceptable standards and any incremental increase from a 1,135 unit development will make existing conditions that much worse.
- Of particular concern is the intersection of Western Ave./Palos Verdes Drive North which under the 2017 analysis would operate at LOS F for both the AM and PM peak periods. Although the DEIR states that with the proposed mitigation measure (Trans - 5) the impact to this intersection would be less than significant, there is no specific analysis in the Transportation/Traffic section that analyzes/confirm this.
- The overall impact of this development on Pacific Coast Highway for some intersections adjacent to and outside of Lomita is problematic. In particular, the intersection of Crenshaw Bl./Pacific Coast Highway (in the p.m. peak period) and Western Avenue/Pacific Coast Highway (during all study period including Saturdays) will cause significant residual traffic increases to Pacific Coast Highway within Lomita that will negatively impact LOS.
- Many of the proposed transportation mitigation measures require improvements in jurisdictions of neighboring cities and Caltrans. Have these agencies been consulted?

The City of Lomita has not received any communication from the developer, traffic consultant or environmental consultant on the feasibility of mitigation measure Trans-5 relative to restriping and other modifications proposed at PV Drive North and Western Avenue.

**Should the City of Los Angeles approve the project, the City of Lomita would prefer Alternative C which proposes 830 residential units at a density of 19.5 units per acre. This would be a reduction of 305 residential units from the proposed project.**

If you have any questions, you may contact Gary Sugano, Assistant City Manager at (310) 325-7110, extension 121.

Sincerely,



Margaret Estrada  
Mayor  
City of Lomita

CC: City Council  
Michael Rock, City Manager  
Honorable Joe Buscaino, Council District 15, 200 N. Spring Street, Room 425, Los Angeles, CA 90012  
Nancy Castiglione, 26248 Alta Vista Avenue, Lomita/Harbor City, CA 90710  
Ruth Herbert, 26824 Via Desmonde, Lomita, CA 90717  
City of Rancho Palos Verdes, City Council and Joel Rojas, Planning Director  
City of Rolling Hills Estates, City Council and David Wahba, Planning Director

City of RHE comments on the *Ponte Vista* EIR

FRANK V. ZERUNYAN  
*Mayor*

JUDY MITCHELL  
*Mayor Pro Tem*

JOHN C. ADDLEMAN  
*Council Member*

SUSAN SEAMANS  
*Council Member*

STEVEN ZUCKERMAN  
*Council Member*

DOUGLAS R. PRICHARD  
*City Manager*



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**JAN 07 2013**

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

January 3, 2013

Ms. Erin Strellich, Planning Assistant  
Los Angeles Department of City Planning  
200 N. Spring Street, Room 750  
Los Angeles, California 90012

**Subject:** Ponte Vista DEIR – Case No. ENV-2005-4516-EIR (26900 South Western Avenue)

Dear Ms. Strellich:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the project as referenced above.

The following comments have been prepared in response to the DEIR dated November 2012 for a planned 1,135 unit medium density housing project to be located at 26900 South Western Avenue in the City of Los Angeles. The DEIR concludes that there will be significant traffic related impacts at the intersection of Crenshaw Boulevard and Palos Verdes Drive North as the result of this project. After a review of the DEIR and Traffic Impact Analysis (TIA), the following comments should be addressed:

1. The TIA fails to evaluate the intersection at Palos Verdes Drive North and Rolling Hills Road. The intersection operates at an LOS=E in the PM peak hour and would be expected to handle up to 8% inbound and 8% outbound project traffic. The project distribution would likely include Rolling Hills Road as a north-south access to Crenshaw Boulevard and Pacific Coast Highway. Therefore, this intersection must be analyzed using City of LA and Rolling Hills Estates impact criteria for all scenarios. This intersection should be added to all tables and figures in the TIA and DEIR.
2. Palos Verdes Drive North typically operates at or over capacity in the AM and PM peaks between Palos Verdes Drive North and Hawthorne Boulevard. Therefore, a street segment analysis is needed on this roadway pursuant to other segments conducted in the TIA.

3. The City of Rolling Hills Estates strongly objects to the proposed TRANS-2 mitigation measure at Crenshaw Boulevard and Palos Verdes Drive North (PVDN). A northbound right turn overlap phase would adversely impact local neighborhood access east of the intersection due to the very limited gaps available on Palos Verdes Drive North. The existing "No Right Turn on Red" restriction for northbound right turn movements has been in place for over 10 years as a means to provide sufficient gaps for motorists on side streets to enter/exit PVDN. Removal of this restriction would severely congest the single east bound lane. The City recommends that the Response to DEIR Comments provide an alternate mitigation measure, such as a third southbound lane on Crenshaw Boulevard. Table I-1 and all related figures in the TIA and DEIR should be revised accordingly.
4. Figure IV. N-3 of the DEIR is incorrectly shows the lane configuration for the intersections instead of the AM Existing Traffic Volumes.
5. The increase in traffic on roadways within Rolling Hills Estates due to the project would result in an incremental increase in the demand for public safety resources such as Fire and Police services.

The City supports the findings and recommendations made by the City of Lomita in their response to comments letter dated December 19, 2012 for this project. In particular, the recommended mitigation measures need to be acceptable by the jurisdiction in which they are proposed, and all costs associated with the measures must be paid by the applicant, including all design review, local and regional permits and fees, staff and/or professional consultant time, and construction inspection. In addition, the City of Los Angeles must take the lead in informing the adjacent cities of the pending project activities and related mitigations as well as soliciting their comments prior to public noticing.

The City of Rolling Hills Estates would much appreciate if your traffic studies are revised to address the above-mentioned issues. Should you have any questions or need additional information, please do not hesitate to contact me at City Hall at (310) 377-1577, extension 103, or by email at [davidw@ci.rolling-hills-estates.ca.us](mailto:davidw@ci.rolling-hills-estates.ca.us).

Sincerely,



David Wahba  
Planning Director

- CC:
1. RHE City Council
  2. City of RPV, RH and Lomita City Manager/City Council

Sierra Club comments on the *Ponte Vista* EIR



**SIERRA  
CLUB**  
FOUNDED 1892

**Palos Verdes - South Bay Group / Angeles Chapter**

January 7, 2013

Erin Strellich, Planning Assistant  
Los Angeles Department of City Planning  
200 N. Spring Street, Room 750  
Los Angeles, CA 90012  
Fax: (213) 978-1343  
erin.strellich@lacity.org

Re: Draft Environmental Impact Report (DEIR) Ponte Vista Project, No. Env-2005-4516-EIR

Dear Ms. Strellich:

The Sierra Club finds the above-referenced Draft EIR to be seriously flawed and recommends that the DEIR for the Ponte Vista project not be approved.

The Sierra Club is opposed to the removal of the OS-1XL designation for Open Space on the project site.

The Sierra Club is also opposed to any increase in the existing R1-1XL housing density on the project site.

The DEIR purports to be using an environmentally sound principle of concentrating development in urban centers as a justification to significantly increase the zoning density of the Ponte Vista project. While Sierra Club policy does support compact development within appropriate existing urban centers as a planning tool to avoid urban sprawl that paves over natural areas, Sierra Club policy cannot be used to justify approval of an increase in development density in an area already characterized by highly congested and often gridlocked roadways as is the case along the Western Avenue corridor in San Pedro and Rancho Palos Verdes.

Barring the establishment of public transportation options that would be likely to reduce the traffic volume along this corridor, the Sierra Club cannot support an increase in zoning density in this area and therefore opposes the proposed Ponte Vista Project of 1,135 units. For the same reason, the Club opposes Project Alternatives C (830 units) and D (1,135 units).

The Sierra Club also is opposed to Alternative B (385 units) because it would not comply with the existing OS-1XL Open Space designation.

The Conceptual Site Plan for Alternative B shows a stair-stepped diagonal configuration, presumably located on the earthquake setback zone, which is labeled as "open space". This

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area is not as large as the currently zoned OS-1XL area, nor is it in a location contiguous with the DFSP native habitat area. Therefore the location shown is of far less potential habitat value than the existing zoned area.

Should the applicant wish to relocate the OS-1XL area on the project site, a preferred alternative would be to restore 9.1 acres including the remnant riparian area in the southwest corner of the site.

While the area is not in its natural state and may currently have limited native flora and fauna, it has the potential to be restored with riparian and other native vegetation that may attract the PV blue butterfly and the California Gnatcatcher, particularly given the parcel's proximity to the Defense Fuel Supply Point. The DFSP provides a relatively small patch of habitat for the threatened Palos Verdes blue butterfly, a species rediscovered there in 1994 after it was thought to be extinct. Expanding the butterfly's host plant restoration into the Project area would enhance the potential to grow this species population thereby improving the possibility for long-term success.

Given the project proposal and Alternatives provided, the Sierra Club can only support Alternative A—no development— which offers community and environmental benefits that the Sierra Club does support.

Sincerely,



Alfred Sattler

Chair

Palos Verdes-South Bay Regional Group

Comments from Al and Barbara Sattler on the *Ponte Vista* EIR

Erin Strellich, Planning Assistant  
Los Angeles Department of City Planning  
200 N. Spring Street, Room 750  
Los Angeles, CA 90012  
Erin.strellich@lacity.org

January 7, 2013

Re: DEIR Ponte Vista Project, No. Env-2005-4516-EIR

Dear Ms. Strellich,

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the proposed Ponte Vista project. We have noted a number of inadequacies in the DEIR, and thus we request that the DEIR be substantially revised and not be approved. Our concerns are as follows:

**Impediments to Public Comment**

The digital copy of the DEIR (*Page I-5*) presents an incorrect email address for the submission of comments. If public comments were sent to that address, it is quite possible that they would not have been received in a timely manner, and the submitter might not possibly be aware of a problem until after the submission deadline.

Although we appreciate having a public comment period of 60 days, the scheduling of the public comment period over the winter holidays is unfortunate. That scheduling may have had the effect of minimizing public comment to some extent.

**Inherent Bias in Review Document**

The DEIR seems to be biased towards maximizing the number of housing units in order to maximize the Developer's profits regardless of impacts to the surrounding community. Impacts to the neighboring communities, particularly to the Eastview neighborhood in Rancho Palos Verdes, seem to be underplayed or even ignored by the DEIR. One wonders if impacts to Eastview, which is just across the street from the proposed project, are being disregarded primarily because it is outside of the jurisdiction of the city of Los Angeles. Should that be the case, we would like to remind you that impacts to the Eastview neighborhood will also affect each and every family that has a child attending Dodson Middle School. That LAUSD school is located entirely within Eastview.

**Inadequate Representation of Cumulative Impacts**

We were not able to find any mention in the DEIR of the recently constructed condominium development, Seaport Village, which is located south of and directly adjacent to the project site. It is our understanding that because that project has failed to sell many of the new condominium units, they were allowed to convert units to rentals. We do not know whether the development is currently fully occupied.

The DEIR's failure to address this adjacent development is significant because:

1. It demonstrates a lack of market demand for condominiums in the area. The proposed project design ignores that evidence, and instead proposes to further saturate the condominium construction in the area.
2. If the proposed project condominiums also prove to be undersold and are likewise converted to rental units, then the Environmental Review must appropriately analyze that possibility. The DEIR does not address that potential change in usage.

3. If the Seaport Village is not yet fully occupied, the traffic study for the current project cannot be considered valid unless it considers cumulative impacts including the eventual full occupation of that existing development.

### **Inadequate Analysis of Traffic Impacts**

As non-professionals we find it difficult to interpret the traffic data provided. We do not fully understand what is actually being identified and measured by the studies and whether such measurements are adequate and reliable enough to be used as the sole basis for traffic evaluations. As neighbors however, we are aware of the existing local traffic impacts from Western Avenue and we do not see all of those impacts addressed by the DEIR.

For instance, the DEIR selectively studies a few sample intersections along Western Avenue itself. It does not acknowledge or address the frequent gridlock situations that occur just off of Western on the various feeder streets in the adjacent neighborhoods even though increased traffic on Western will impact adjacent neighborhoods as well.

The DEIR also fails to anticipate spontaneous driver shortcuts during congested situations. One situation we can imagine with the proposed increased focus of traffic to the intersection of Avenida Aprenda and Western Avenue is southbound drivers cutting over to the small neighborhood street parallel to Western Avenue (labeled as Tarrasa Drive in the Thomas Guides and as Western Avenue on Google maps) just before Avenida Aprenda in hopes of a shortcut. This will result in them having to either make a left hand turn onto Avenida Aprenda to return to the main artery of Western – causing congestion at the intersection of Tarrasa and Avenida Aprenda, or will result in them seeking alternative routes within the neighborhood.

In regard to school traffic, we have noted that the traffic pattern to and from Dodson Middle School seems to shift in location somewhat from year to year. We do not know whether this might be due to scheduling changes, bus routing changes, or parents changing routes in response to congestion patterns. The pattern of change however leads us to wonder how reliable some of the intersection studies might be. Furthermore, the intersection studies seem to only count the number of cars traveling through an intersection at a given time. Do such counts really reveal gridlock situations?

### Emergencies

The DEIR acknowledges the receipt of prior concerns regarding traffic impediments in an emergency situation. However the DEIR analysis in this regard is completely inadequate – it offers only a reference to the designation of evacuation routes by the cities of LA and RPV and then glibly concludes that since the section of Western Avenue between Summerland and Palos Verdes Drive North is not identified as an evacuation route by either city, that we residents of the Eastview neighborhood should just stay where we are. Apparently, according to this DEIR, evacuation routes are only for selected areas other than ours. (Remember, our neighborhood includes Dodson Middle School!) It seems that in this regard, the DEIR has actually identified a failure of these combined evacuation plans – but rather than so stating, the DEIR rationalizes those inadequate plans as the complete context for their analysis and does not bother to analyze any further.

The DEIR downplays the likelihood of a single extreme case scenario of evacuation from the port and states that emergencies are much more likely to occur at smaller localized settings. However, it then completely ignores the potential impacts of congested traffic on emergency access and response times. We often hear sirens of emergency vehicles on Western. The sirens are often accompanied by much horn blowing as the emergency vehicles struggle to get through the current traffic conditions. This situation will only become worse if traffic is increased to any degree.

Furthermore, the DEIR does not address the fact that Western Avenue is the ONLY ingress/egress corridor for the Eastview neighborhood and Dodson Middle School. There are NO alternate routes. Therefore any increase in traffic congestion on Western Avenue, particularly in the vicinity of the proposed project, will significantly impact emergency response time and ease of evacuation to and from Eastview and Dodson.

Of course, the proposed project configuration would also create an obstructive bottleneck in emergencies at Western Avenue for both the Ponte Vista project itself and the surrounding community.

#### Extension of Avenida Aprenda east of Western Avenue

The DEIR characterizes the proposed extension of Avenida Aprenda from Western Avenue to Mary Star of the Sea High School as a “benefit to the community.” In actuality, such an extension has several problematic aspects.

It is our impression that the intersection of Avenida Aprenda and Western already has a rather high incidence of accidents. Adding another direction of approach to that intersection will likely increase the number of accidents there because of the need for numerous left hand turns from all directions.

Furthermore, the extension of Avenida Aprenda as proposed would simultaneously focus heavy school commute traffic for both Dodson Middle School and Mary Star of the Sea High School to a single intersection at Avenida Aprenda and Western Avenue. How can that possibly be considered a good idea? Dodson traffic alone is enough to cause gridlock. Add new high school age drivers having to make left hand turns into a congested intersection in the context of drivers frustrated by traffic delays and trying to get to school or work on time and you have a recipe for increased numbers of traffic accidents.

For these reasons, the extension of Avenida Aprenda seems to be a detriment rather than a benefit to the Eastview neighborhood. Such an extension might potentially provide some limited additional east-west ingress/egress. However, usage for such a purpose seems to be restricted to limited school access according to the DEIR.

#### Underrepresentation of existing traffic backups

The DEIR dismisses concerns about traffic backups from funeral processions to Green Hills Cemetery as “mere minutes.” In actuality, these backups occur fairly frequently and the delays are often such that drivers turn off their engines to wait, sometimes for a considerable amount of time. For larger processions when the funeral procession is northbound and thus making a left turn into the cemetery, the southbound traffic backs up almost to Palos Verdes Drive North. This can be a dangerous situation for the last cars in line when additional cars turn onto Western from PV North at speed and because of the hill contour, do not see the backup until the last minute. Of course, traffic also backs up in the northbound direction at the same time, for comparable distances. The DEIR’s assertion that these processions generally do not occur at peak commute hours does not mean that the problem is insignificant or that adding additional cars to the mix will not exacerbate the existing problem.

The DEIR also fails to address traffic backups which occur in the adjacent neighborhoods on feeder streets to and from Western Avenue.

#### Additional traffic problems

The DEIR fails to examine potential traffic problems such as that which impacted the Eastview neighborhood several years ago when a huge sinkhole developed on Western Avenue. At that time traffic from Western was diverted into the Eastview neighborhood, particularly to Pontevedra Drive, which is a narrow winding residential street roughly parallel to Western. For several weeks, that small residential street was subject to the entirety of southbound Western Avenue traffic including multi-axle delivery trucks, buses, construction vehicles and commuter autos. We vividly recall the frustration of the Sheriff’s Department who were called out after an auto accident during school commute hours at the intersection of Pontevedra Drive and Avenida Aprenda. The neighborhood streets were not designed to accommodate that intensity of traffic. Adding even more vehicles to the mix cannot be characterized as a responsible plan.

### Inadequacy of Mitigation for Traffic Impacts

The traffic mitigation measures offered by the DEIR seemly to consist only of a few dedicated turn lanes and the addition of a few signal lights. While these measures might provide some accommodations for cross traffic, they do nothing to address overall traffic congestion or emergency access.

At the same time, the DEIR fails to consider any possible options for mass transit mitigations to traffic impacts. For example, a mitigation measure could obligate the Developer for the life of the project to pay for doubling the frequency of the Metro #205 bus, which presently runs along Western Avenue.

The DEIR fails to acknowledge that at some point an existing road infrastructure reaches capacity and that it is not reasonable to think that the traffic load can be indefinitely increased to a single artery using that existing infrastructure. Denial of the significance of impacts or band aid mitigation measures do not sufficiently or honestly address the problem.

### **Project Density**

The DEIR fails to transparently discuss current zoning for the project site in the early discussion of conditions and setting. It is only after delving into Volume 2 of the DEIR that the reader discovers that not only is the majority of the site zoned R-1, but that the northern portion of the site is zoned for Open Space as OS-1XL.

The DEIR seems to be biased in favor of maximizing the number of housing units and of weighing that “value” more strongly than the project's impacts to the quality of life of the surrounding community.

Increased density is not necessarily “smart growth”. Without appropriate supporting infrastructure and efficient design that takes the context of the surrounding community into account, density is neither smart nor “green”. Transitioning to “smart growth” within the vast sprawl of southern California is quite a challenge. Merely accumulating pockets of great density within the existing infrastructure is not a reasonable methodology for achieving a more efficient and livable urban design.

In order for a densely populated residential area to be added to the project site to be a “smart” design, there would need to be a functional network of alternative travel corridors to serve not only the project, but the surrounding neighborhoods. Such a network of corridors does not currently exist, nor does such a network seem to be locally feasible in the foreseeable future given the constraints of the surrounding properties.

Perhaps if public transportation options were improved considerably the volume of private automobiles could be reduced to a level that would improve traffic flow. However, such a change has not yet occurred, nor is it currently planned.

Therefore that scenario cannot be used to justify increased population density at the project site.

The existing road infrastructure was designed to serve zoning consistent with the existing R-1 zoning of the project site. Since the road system was built, more and more large projects have been implemented in the area. These cumulative increases in density have resulted in a road system that is already over-burdened and congested. It makes no sense to continue to increase density beyond the infrastructure's designed capacity. Merely adding some turn out lanes and stop lights does not mitigate the congestion and gridlock.

### **Impacts to the Character of the surrounding Community**

The DEIR understates the impacts of adding multiple additional multi-story buildings to the project site. The fact that some such buildings were recently constructed adjacent to the proposed project site does not make a continued proliferation of buildings of such massive scale acceptable. Whether or not there is a “view” to consider, a blockade of large buildings surrounding the public corridor and facing existing neighborhoods will certainly degrade the feel and character of the surrounding community.

**Developer Profits vs. Community Quality of Life**

The Applicant's desire to maximize his financial profits from the project should not be a consideration of the DEIR. The business of the DEIR is to evaluate project impacts to the environment and the surrounding community.

We do not believe the DEIR's argument that under the R-1 designation the Applicant can only build high end homes on the site. That is merely the Applicant's argument designed to maximize profits. We suspect that it would be quite feasible to build moderate-valued homes under the R-1 designation and that such homes would be as desirable for families there as they are in the Eastview neighborhood across the street.

**Greenhouse Gas Emission Reduction and Energy Conservation**

The DEIR does not consider the opportunities to reduce emissions of carbon dioxide by installing rooftop solar photovoltaic and rooftop solar hot water heating systems.

The DEIR does not consider opportunities for energy conservation by using LEDs for parking lot lighting, and indeed for interior lighting throughout the project.

**Water conservation**

The DEIR does not discuss opportunities for water conservation using greywater for landscape irrigation.

**Natural Space and Habitat Issues**

The DEIR seems to be trying to conceal the fact that approximately nine acres of the project site is currently zoned as Open Space, OS-1XL. The DEIR does not address the proposed project's lack of compliance with that zoning designation.

There are two areas on the property of potential natural habitat value. One is the northernmost section abutting the DFSP natural area. The second is the remnant riparian area in the southwest corner of the property.

The biological reports included in the Appendices of the DEIR indicate that northern section of the property has good potential for restoration to a natural biological habitat because of its proximity to the DFSP natural area where restoration efforts have been made for the Palos Verdes Blue Butterfly and the California Gnatcatcher. Those biological reports also indicate that although the riparian area has been quite degraded by re-contouring the drainage and lining it with concrete and asphalt, it could be re-vegetated with appropriate native plants and restored to a more naturalistic configuration.

Even in its currently weedy and degraded state, the open space on the project site is valuable to us as neighbors because it provides an opportunity to be able to look out onto the landscape and visualize what the original natural state of our surroundings might have been. It is interesting to consider how the remnant drainage might have originally connected from George F Canyon above Palos Verdes Drive East extending out to what is now Harbor Lake, and how that might relate to the geological contours of our neighborhood. We enjoy seeing hawks and other common wildlife in the area, although it is disturbing to see the goats which are employed for weed control to keep the weedy vegetation under control on the project property stripping the bark from the native willows while they leave some of the worst weedy grasses untouched.

Certainly from our neighborhood, we would much prefer to see, and to be able to visit a natural area that has been restored to its original native habitat function than yet another blockade of enormous three and four story buildings.

**Concerns Regarding Alternative B**

We had hoped that Alternative B would be the best option because it does comply with the currently zoned R-1 density. However the design option for that Alternative as presented in the DEIR is at best only a grudging concession to R-1 limitations with a simplistic grid configuration designed only to maximize the number of dwelling units within the space without any other considerations, including complying with the OS-1XL zoning on the site. The design proffered for Alternative B is so bare bones that it is hard to imagine how it could possibly appeal to the upscale market it is supposedly designed to attract. Instead, it seems to be intended to be unappealing so as to force consideration to the more lucrative densely populated project Alternatives.

We believe that it would be quite possible to design a Project Alternative that meets the population densities capped by the current R-1 zoning and that incorporates the existing OS-1 zoning to include some natural habitat designation. We acknowledge that a more concentrated housing configuration than single family homes might be workable for that site, but the total number of occupants should not exceed the existing R-1 zoning.

A truly optimal design Alternative for the project site would cluster the allowable housing, retain and restore natural habitat on site, and provide additional outdoor recreational amenities to the project. We believe that such a design would be more consistent with "smart" growth and would have more market appeal than any of the Alternatives currently proposed in this DEIR.

**Conclusion**

The DEIR for the Ponte Vista project does not adequately consider or mitigate the proposed project's impacts to the surrounding community. Impacts to traffic congestion, and safety and to emergency ingress and egress in the area would be particularly severe and have not been adequately addressed by the DEIR or mitigated by the project plan. The DEIR also fails to adequately address the project's lack of compliance with the current R-1 and OS-1X land use designations.

Additionally, the inclusion of an incorrect address for the submission of public comments is a serious flaw. A public notice of that error and a substantial extension of public comment time should be provided to address that issue.

Although we appreciate the staff recommendation of the somewhat downsized Alternative C, given the existing context of the site, that Alternative is not downsized enough. Frankly, we find it difficult to even comfortably anticipate the increased impacts of 385 units with Alternative B. We are opposed to Alternative B because of its poor design and failure to adequately comply with the existing Open Space zoning designation.

Therefore we prefer Alternative A, the No Project Alternative, especially if the land were restored to an appropriate native habitat.

Sincerely,

Barbara and Alfred Sattler  
Rancho Palos Verdes Residents

Comments from Janet Gunter on the *Ponte Vista* EIR

**Janet Schaaf-Gunter**  
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January 6, 2013

Ms. Erin Strellich, Planning Assistant  
Los Angeles Department of City Planning  
200 North Spring Street, Room 750  
Los Angeles, CA 90012

Dear Ms. Strellich:

**RE: DEIR No. ENV-2005-4516-EIR – State Clearing House  
#2010101082  
Ponte Vista Development – San Pedro, CA  
Public Comments on Sections related to Seismic/Geologic Conditions &  
Hazardous Materials**

My comments on this DEIR revolve around the continued denial of extraordinary risk exposure to residents for miles due to the **Ultra Hazardous** “Rancho Liquid Petroleum Gas” storage site located less within  $\frac{1}{2}$  to  $\frac{3}{4}$  of a mile from this new proposed housing site. The Ponte Vista DEIR fails to address this undeniable risk.

**Seismic/Geologic Comments**

It is ironic to me that we are sending these comments to your office. The City of Los Angeles Planning Department itself has designated the area of the hazardous Rancho LPG tank storage as an “Earthquake Rupture Zone”. Yet, we find the City of LA advancing this Ponte Vista housing project as if there is no issue of safety to residents present at all. Attached is the appropriate map out of the LA City Planning Department (SAFETYLT ) that identifies the problematic geologic situation. It is important to note that the area of these tanks (*located approximately  $\frac{1}{2}$  to  $\frac{3}{4}$  mile from the proposed 1100+ homes*) is where there is a convergence of several earthquake faults, the largest one being the Palos Verdes Fault (mag. 7.3 potential). The DEIR fails to recognize either the LA City Planning Department’s designation of the “Earthquake Rupture Zone” that contains these volatile tanks, or the fact that there an intersection of faults in that area that cause increased seismic concern for the location. The Rancho site is also clearly identified in LA Building and Safety documents as being located in a “Liquefaction Area”, a “Landslide Area”, and a “Methane Zone”. These are all matters that should have provoked a prudent attitude by the City of LA toward public safety due to the hazardous massive volume and extremely volatile nature of liquefied petroleum gas being stored on the adjacent premises. This condition presents a very vulnerable safety environment for all residents both existing and proposed.

The latest geology report commissioned by the EPA dated December 20<sup>th</sup>, 2012 declares and grades the soil of the Rancho LPG facility as “Class D- Stiff Soil”. The following information has been pulled from an Indiana website where they utilized information from the National Earthquake Hazards Reduction Program (NEHRA) that establishes this grade of soil as “Liquefaction Area”.

**Short description of Class D Stiff Soil:**

Liquefaction Potential of Surficial Materials in Indiana, 2011 (1:500,000) - Shows shows highly generalized categories (low, moderate, and high) of liquefaction potential, based on soil classes of the National Earthquake Hazards Reduction Program (NEHRP). This data set provides a digital coverage of the predicted response of surficial geologic materials in Indiana to liquefaction induced by earthquakes. It is intended to be used by Indiana Department of Homeland Security, emergency planners, and responders on the state and local level as a general reference guide to identify potential areas of evaluated risks of liquefaction. Low liquefaction potential includes NEHRP Soil Class B (consisting of rock: sandstone, limestone, shale). Moderate liquefaction potential includes NEHRP Soil Class C (hard or stiff soil, or gravel) and part of NEHRP Soil Class D (stiff soil, stiff clay, and some gravel). **High liquefaction potential includes parts of NEHRP Soil Class D (stiff soil, stiff clay, and some gravel)**, and all of NEHRP Soil Class E (soft soil and soft to medium clay) and F (lake and river deposits of sand and mud). The following is excerpted from Indiana Geological Survey Miscellaneous Map 81: **'Liquefaction is a common ground-failure hazard associated with earthquakes. It is defined as the sudden and temporary loss of strength of a water-saturated sediment. This could result in the structural failure of buildings, bridges, and other structures.'**

**Tags:**

IndianaMap, IGS, Indiana, geoscientificInformation, geology, surficial geology, quaternary, stratigraphy, earthquake, ground shaking, seismic, soil classification, liquefaction, shear-wave velocity, National Earthquake Hazard Reductions Program (NEHRP)

**Credits:**

National Earthquake Hazard Reductions Program (NEHRP), Federal Emergency Management Agency (FEMA), Indiana Department of Homeland Security (IDHS), Indiana Geological Survey Miscellaneous Map 81 (2011)

**FGDC Metadata:**

[Seismic Earthquake Liquefaction Potential.html](#)

**Download:**Download a zip file that contains an ESRI Shape File and associated metadata:

[Seismic Earthquake Liquefaction Potential.zip](#)

Magnifying the geologic inappropriateness of installing yet more housing to an area already exposed to elevated risk, is the antiquated infrastructure and sub-standard tank construction of the two massive 13 Million Gallon Rancho LPG tanks built to a **seismic sub-standard of only 5.5-6.0** over 40 years ago! These tanks were constructed in 1973 **without benefit of LA Building and Safety permits** which were only “certified” after their construction and while in use. The proximity of the magnitude 7.3 potential PV Fault coupled with the confirmation of the soil as “liquefaction area” at this facility makes any opinion of earthquake *safety* at this site completely reckless and illogical.

The issue of risk to residents and the Port of LA from the Petrolane/Amerigas/ and currently Rancho (Plains All American Pipeline) LPG facility has been raised for literally decades. Both the Port of LA and the LA City Council have gone on record in acknowledging safety concerns and a lack of wisdom in *ever locating* the facility at its current site. In spite of that, the City of LA continues to ignore the threat. Our residents and homeowners are “forced” now to comment on the irresponsible concept of the Ponte Vista housing project in order to protect others. This housing project plans to introduce yet another 2,000+ more potential victims to a certain highly increased exposure to harm.

Also attached to this letter is the recent geology report, from Geotechnologies Inc., referenced above. This EPA hired consultant does not perform their own comprehensive exploration nor physical inspection of geologic conditions at the site. The company simply relies on prior existing information provided by the LPG company’s own consultants and other sources of available information.

However, “Geotechnologies” *did* visit the location for a sight inspection and cited on page 17 of that report that “*the analysis critical for the evaluation of the seismic hazards at the site were not addressed...*”, page 15, “*borings and soil samples near the tanks were never done (particularly as it relates to Lateral Spreading)*”. Also, specifically noted is a potential clear current violation described on page 9 relating to a storm drain below the Rancho tanks, “*no device exists to contain liquid butane (or other released substances) from entering the drain in the event of discharge by the tanks*”. While there are a number of deficiencies obvious in their report due to the limitation of their analysis, Geotechnologies Inc. should be credited for both recognizing and emphasizing the above facts and noting that other ***critical sites*** for geologic testing, sampling and study **necessary to ensure safety** have **never** been analyzed. The report urges the study of these areas and points out other vulnerabilities of the soils at the storage facility. These deficiencies **all** point to significant safety problems.

Attached you will find graphics along with maps from Cal Trans and the USGS with a Google Earth picture. This helps to show the discrepancy in the location of the Palos Verdes Fault...and how it can be manipulated slightly to whatever result might benefit someone with a an interest in deflecting the truth. According to the “Rancho consultant’s report”, the earthquake fault falls directly under new homes. Who is right or wrong here? It is important to remember that an earthquake fault is not a simple line in the ground...but, the fault’s width itself can, at times, range in size up to 1 mile! The truth is that whatever the case, the entire area of the tanks and vicinity (as seen on the graphics) is either directly on top of , or slightly to one side or the other, of the Palos Verdes Fault. Regardless of the tanks *exact* location upon the fault or along side of it, the structures, tanks, rail cars and whatever happens to be on site during the minutes of significant earthquake, will be incredibly impacted due to landslide and liquefaction of soil. Given the volatility of liquefied petroleum gas, that translates into a cataclysmic event capable of killing thousands.

An issue completely **ignored** in the DEIR for Ponte Vista is the **Tsunami threat**. Due to the close proximity of the LA harbor channel, this area just a few hundred yards away from the harbor, is ripe for the effects of a tsunami. There are two nearby underwater landslide areas that could produce a significant tsunami. Maps will show the area of North Gaffey, just south of Westmont Drive, as being in the designated “**Tsunami Inundation Zone.**” Just *how* a tsunami wave is estimated to stop at that point is difficult to ascertain since there is *no* significant rise in elevation that would prevent invasion of waters. Approximately 1 ½ years ago, (we have photos) there was a sign posted within 200 ft. of the LPG facility that read, “You are now leaving a tsunami zone”. That sign has mysteriously disappeared. The sign base remained until a Rail warning sign was recently posted in the exact same spot after a Rancho LPG rail car collided with a truck in March 2012 miraculously escaping rupture. Apparently, now, it is acknowledged as a potential “rail accident zone.”

Also, it appears that the “storm drain” that leads to the directly into the LA Harbor, located right below the LPG tanks, has not been taken into “tsunami consideration”. That storm drain would drive the force of any tsunami wave in the harbor directly up Westmont Drive and all along Gaffey Street. So, there are some critical questions to be raised about effects from tsunami upon local residents including any residents of the proposed Ponte Vista housing development. **The Ponte Vista EIR never responds in any way to a tsunami potential.**

There have been numerous requests by LA City officials and neighboring Rancho Palos Verdes requesting the insurance information of Rancho LPG / Plains All American Pipeline covering this facility. This information is crucial in receiving assurance that there is adequate coverage of liability of harm to affected areas from an event stemming from Rancho LPG. Those requests, thus far, have been denied.

The following is documented in a seismic analysis provided to the EPA in May of 2012 by "Strong Motions" regarding earthquake insurance at Rancho LPG;

*"Plains LPG has provided results of a "desktop" analysis of the earthquake loss. According to this analysis, the "probable maximum loss" is \$8.4 million and the "maximum foreseeable loss" is \$18.6 million. These estimates were based on 250-year MRP ground shaking at the site. These estimates include ONLY the replacement value of the structures (tanks); they do **NOT** include losses from : 1) business interruption; 2) spilled contents; 3) environmental clean -up; 4) fires; 5) explosions; **and 6) third party liability**. Plains LPG maintains earthquake insurance up to \$60 million. It has not been demonstrated that the facility is insured up to the maximum possible earthquake loss."*

It is painfully clear that regardless of the precarious nature of the geology of this site and the resulting devastation potential that exists, this Rancho LPG facility (a subsidiary and LLC of Plains All American Pipeline) carries absolutely *no insurance* that would cover the losses to *the public, the City of LA and ( in particular response to this Ponte Vista EIR) the future residents of the Ponte Vista Housing project*. **The developers of Ponte Vista should be active participants along with our community in ensuring safety and protecting their own investment from the risks presented by Rancho LPG.**

## **Hazardous Materials Comments**

The Ponte Vista DEIR consultant, Mary O'Neil at CAJA Environmental, gives great credibility to the risk analysis from Rancho LPG facility's consultant "Quest". Interestingly, there appears to be no real investigative work related to the discrepancies between various consultants in regard to true risk attributed to a catastrophe at Rancho or a resulting "domino effect" disaster due to the **many available fuel resources** in the area. This lack of consideration does not bode well for the potential residents of the Ponte Vista housing project.

*The issue of a "domino effect" of cascading events stemming from Rancho LPG, Conoco Phillips refinery and the Naval Fuel Depot (along with the multitude of marine oil terminals at the Port of Los Angeles) has been identified as a matter of **grave concern** by Professor Bob Bea from Berkeley University. Professor Bea is the renown expert hired by the State & US government to identify the "why" of our greatest recent US catastrophes. From Columbia's fiery end, the collapse of the levees during Katrina, the Gulf oil disaster and the devastating explosion of San Bruno; all have warranted the expert investigation by Professor Bob Bea. Professor Bea has warned of the potential of extreme danger due to the existence of this Rancho LPG facility and its sheer massive volume of LPG, the facility's conditions and its close proximity to other hazardous facilities. How many times do we have a valued opinion such as Bea's PRIOR to a catastrophe??!!!! What more will it take to move us to take responsible action to protect the innocent?*

In the Ponte Vista EIR analysis, Ms. O'Neil (at CAJA ) also underscored confidence in the EPA solicited report by Dr. Daniel Crowl that buttressed the risk analysis performed by Rancho's own consultant "Quest" pronouncing a *very minimal zone* of worst case impact. Crowl's findings were used to give greater credibility to the Quest Risk analysis over the "Cornerstone Technology" analysis commissioned by our local San Pedro Neighborhood Council. The Cornerstone Report gave a worst case blast radius of impact from at 6.8 miles. Dr. Crowl, a "chemical engineer" and instructor at Michigan Tech University presented his report on "Michigan Tech" letterhead *without authorization* of the University. The University has clearly stated that the report is Crowl's own independent analysis having nothing to do with the University and without their permission. Crowl's scope of expertise is extremely limited in his analysis of the Rancho situation. His basis for analysis was established entirely on the data provided by others. Crowl never once visited the site. Crowl dismisses the validity of the Cornerstone reporting and endorses the report of the Rancho LPG consultant. The *quality* of Crowl's report can be gleaned by his assessment that the walls of the "containment basin" at the base of the two large butane tanks will be left entirely unscathed and intact by an earthquake strong enough to rupture a 13 million gallon tank sitting on liquefaction and landslide soil. A curious conclusion at best. But, this example handily illustrates Crowl's lack of seismic and engineering education. It also reflects the deficiency of study that Ms. O'Neil (CAJA Environmental) performed in her own investigation of the hazard potential for this Ponte Vista EIR.

The Ponte Vista consultant blithely fully ignores the flagrant discrepancy in the worst case scenario results between the findings of Rancho LPG and its abutting neighbor Conoco Phillips refinery. The Conoco Phillips refinery, provides a worst case scenario radius of impact from their *own* butane storage ( representing a *fraction* of the volume held at Rancho) at **2.3 miles**. This impact would certainly include the residential area of Ponte Vista. Rancho LPG has disclosed a far *less* radius of impact from worst case scenario with an **end point of .5 mile**. This result is accepted despite Rancho having **over 4 times the volume of butane** at the Rancho facility! The question becomes why the Ponte Vista consultant found "no problem" with this assessment? Certainly, it would be more beneficial to the developer to ignore this serious discrepancy.

There continues to be an ignorance of the properties of liquefied petroleum gas and how it differs from other gasses. In **all** risk analyses of Rancho LPG and its predecessors, there is a complete disconnect of understanding when it comes to the value of a "containment basin" for leaking butane gas. The leaking gas is treated as though it will remain in its refrigerated and "cooled" tank liquid condition allowing it to be "contained" by its "one" existing containment basin. That is a ridiculous conclusion since when the liquid gas is exposed to ambient air temperature, it will vaporize and expand over 200 times its volume. Less than 1% of the LPG tanks capacity could *possibly* be "contained"! The gas will seek the lowest levels, (is heavier than air) and will hug the ground until finding any ignition source whatsoever. The spark from a passing car engine could easily ignite the highly flammable gas in an instant. The resulting explosion from this would be massive. Fires from LPG burn hotter than other fuels at over 3500 degrees, igniting and gasifying all other flammables for MILES! This gasification would create a hazardous cloud with a far greater zone of threat than can be imagined.

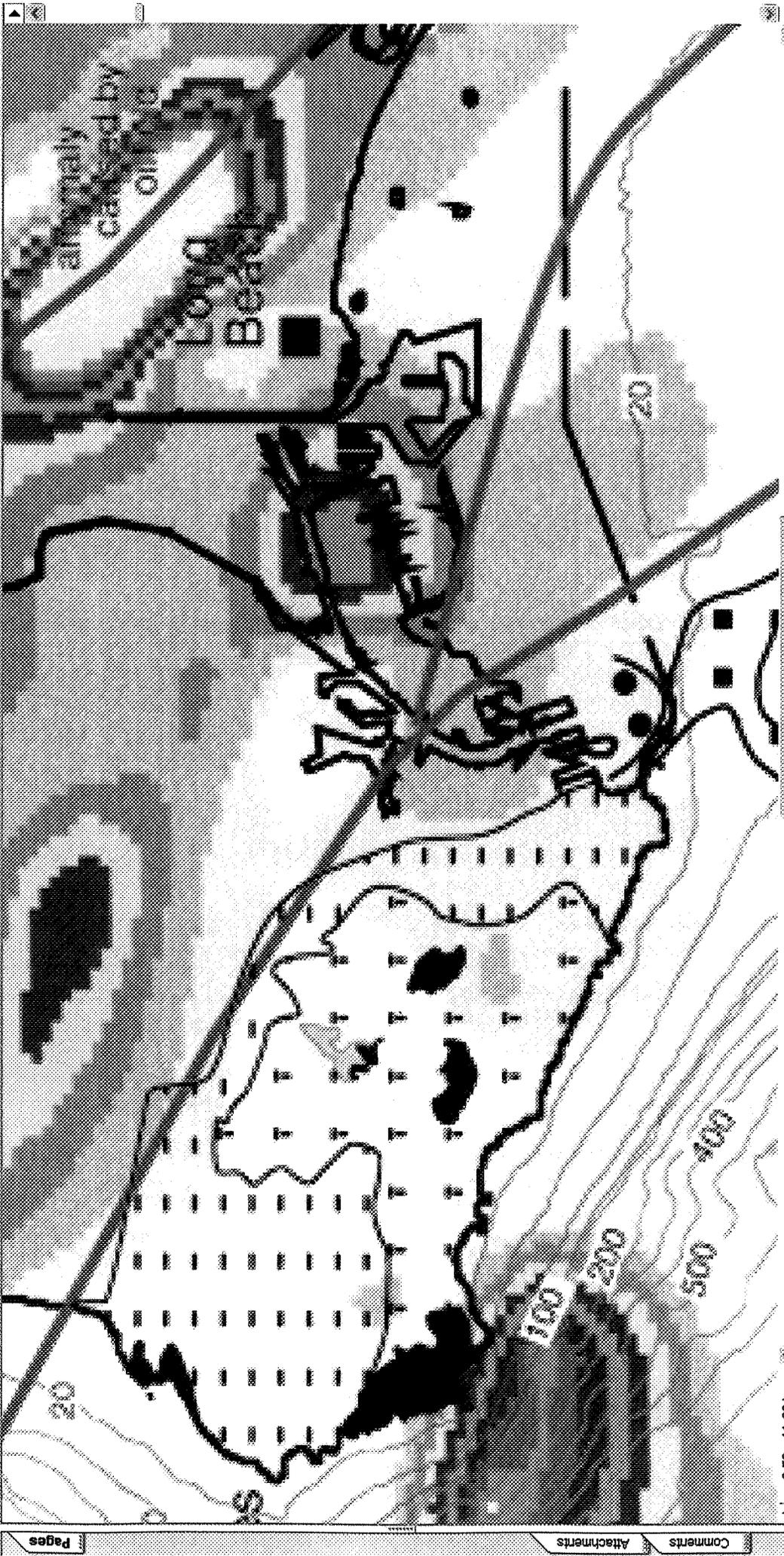
In closing, it is patently immoral to encourage the growth of housing in an area that is already recognized for its elevated jeopardy to disaster. Whether the potential disaster is caused by earthquake, terrorism, antiquated infrastructure or human error, the consequences to human life and property are far too great to escape good conscience.

Mitigation that would allow the introduction of this Ponte Vista housing is the removal of the threat causing the increased risk exposure itself. Nothing else justifies gambling with the lives of innocent people. Nothing.

Most sincerely,

A handwritten signature in cursive script, appearing to read "Janet R. Gunter".

Janet Schaaf-Gunter



Search: ex: pizza near NYC

Get Directions History

New Homes

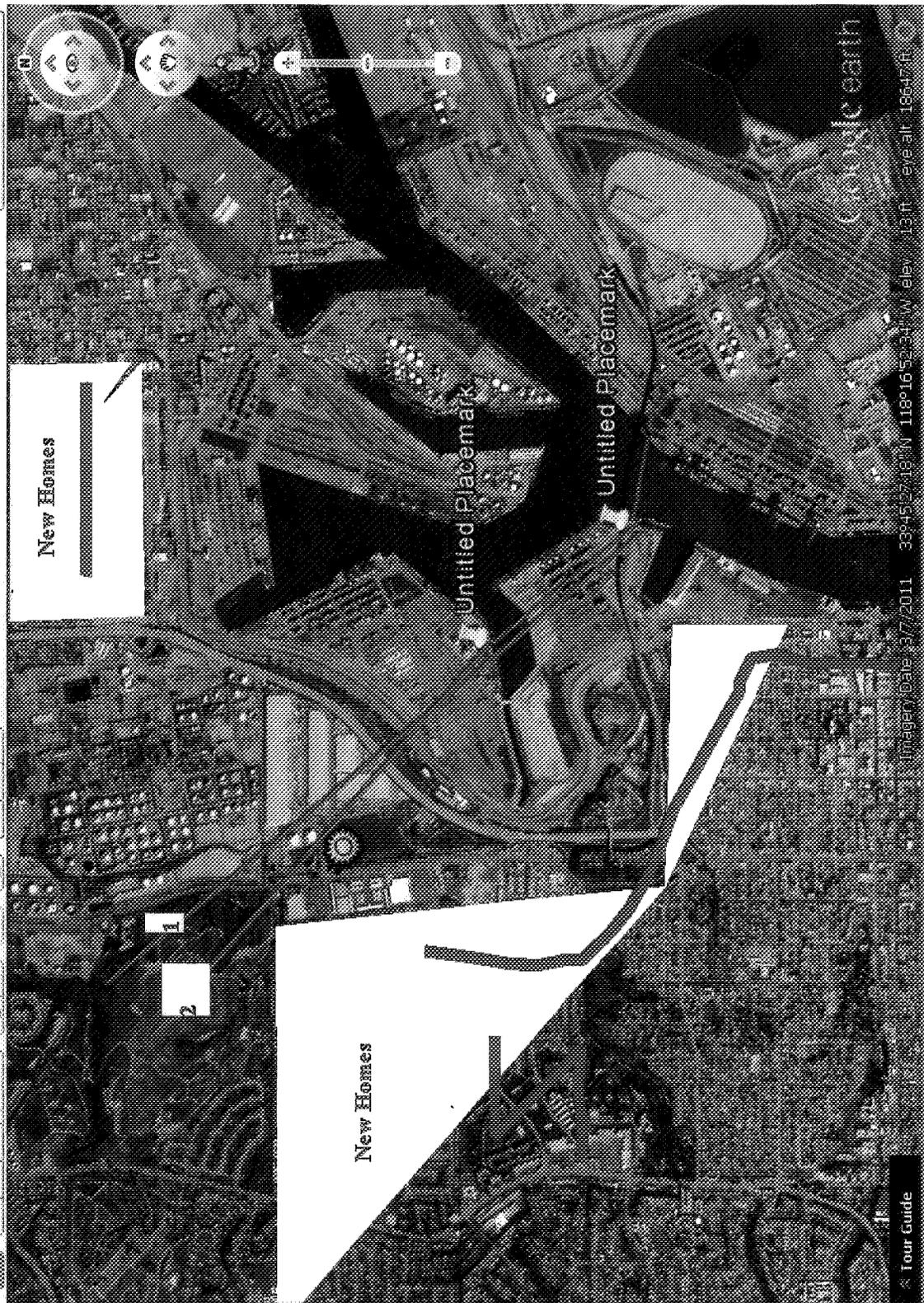
Places

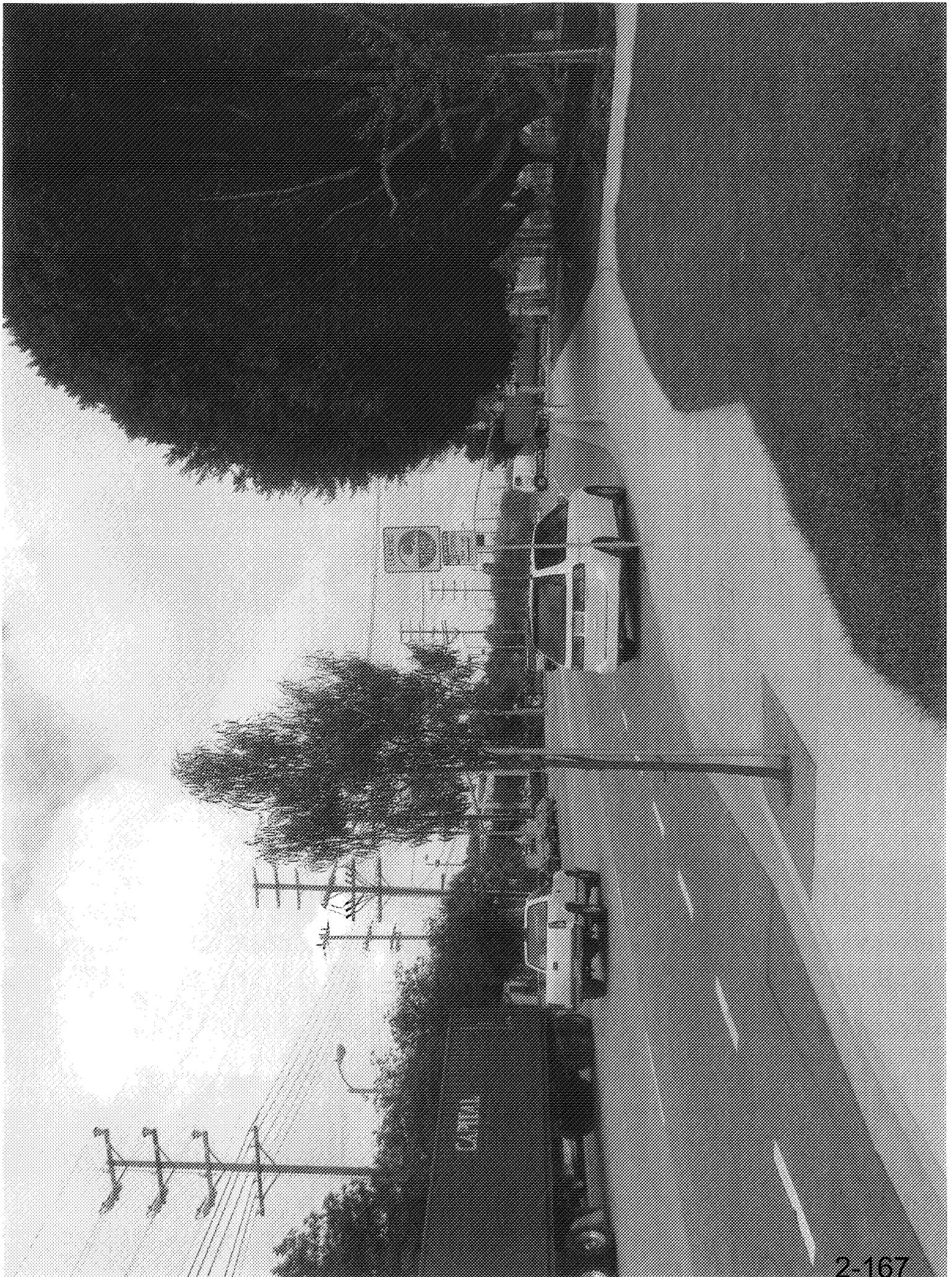
- Untitled Placemark
- Untitled Path

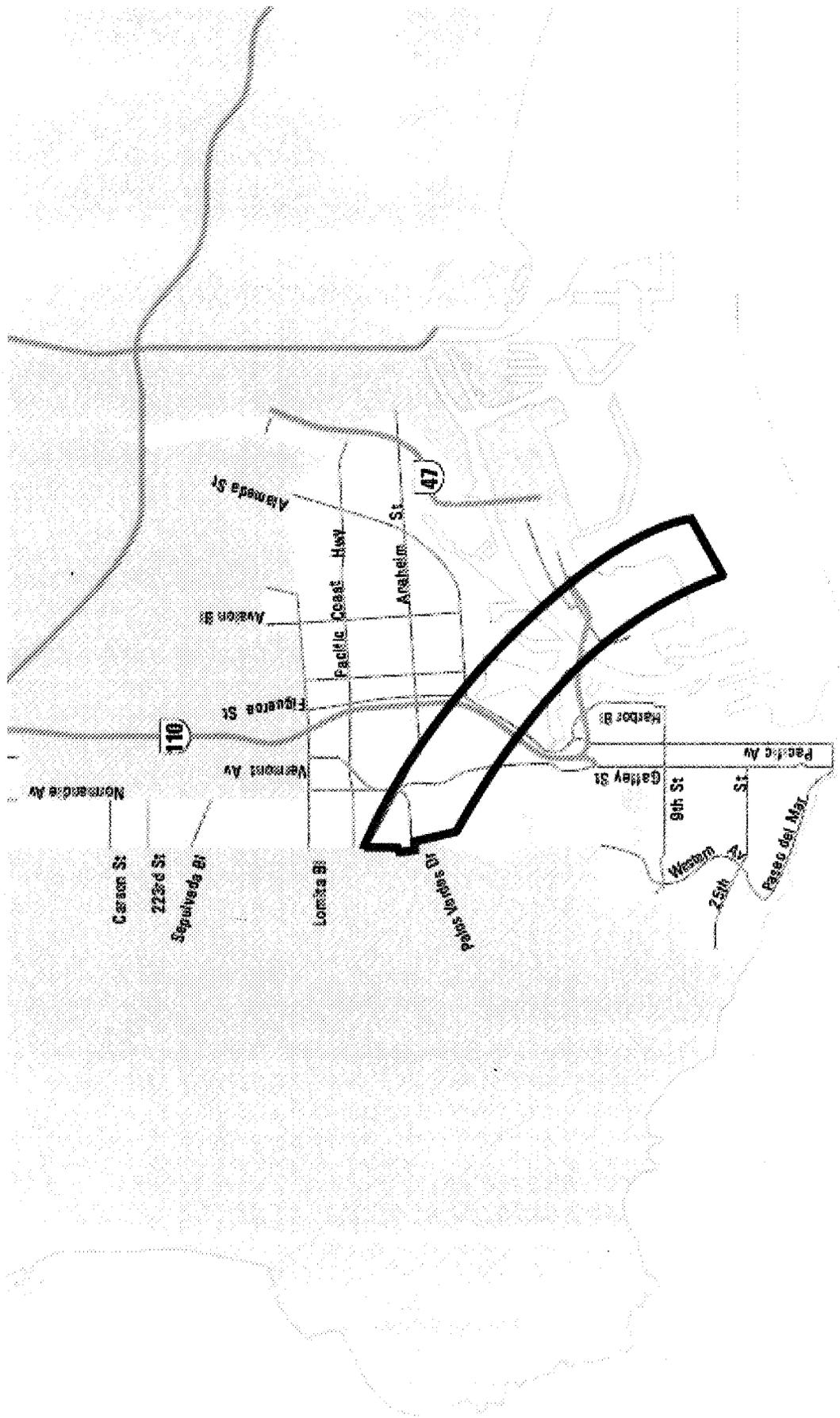
Layers

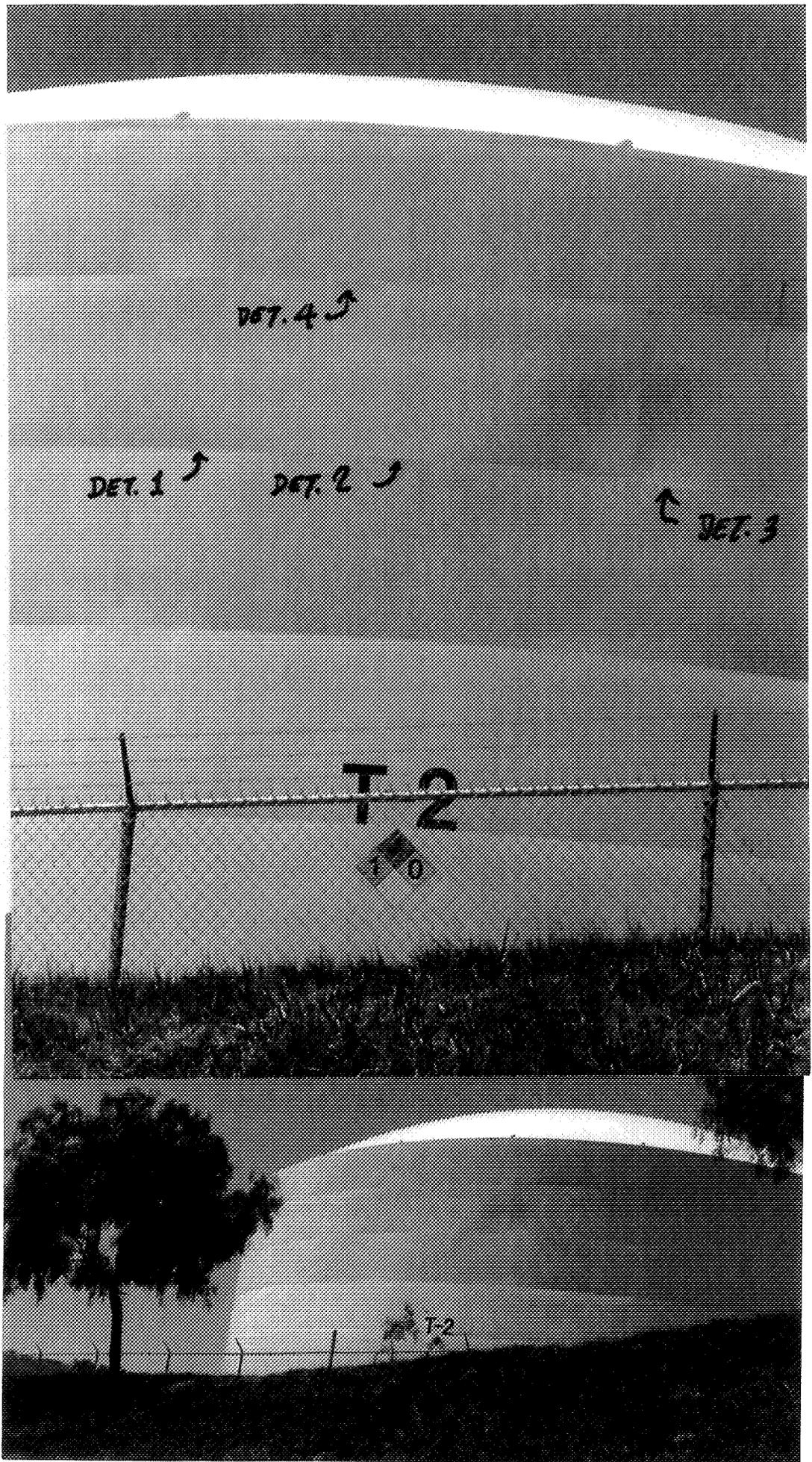
- Primary Database
- Borders and Labels
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Earth Gallery >>









Connie Rutter  
879 Upland Ave.  
San Pedro, Ca. 90732

July 25, 2012

Dear Connie,

Enclosed Tank Photos showing worrismatic distortions, depressions and bulges.

A potential 9-11 (No. 2) is only 45 days away. An ordinary rifle shot (Not even Armor Piercing) aimed at 40 year old highly stressed Weld Joints may produce "The Epic Catastrophe" the extremists dream of. How can any terrorist resist "this invitation". So obvious....Homeland Security surely must know this. I feel that Rancho LP Tanks should be shut down Immediately. I live 0.9 miles away. On 9-11 my family will be in another city.

Questions:

Should a Welding or Structural Engineer be consulted r.e. current condition Of tank welds r.e. warp, misalignments, load bearing distortions producing new and hidden stresses?

If tank capacity was reduced by 75% would the 3 mile danger zone be reduced, and allow the facility to still function?

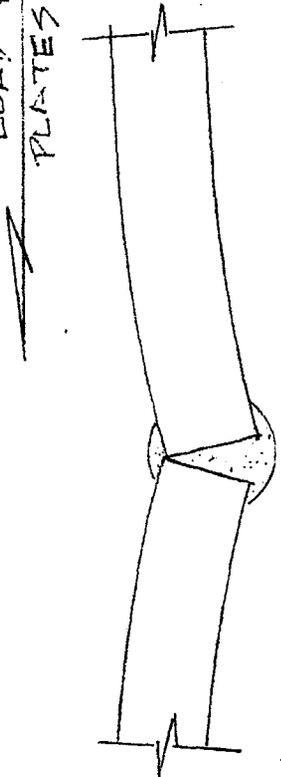
As an independent Contractor for 25 years serving petroleum Engineers in the design of pipelines and off shore platforms, many times I was Asked, " Why would you put your family at risk living so close to LP tanks "? (resident of S,P. since March 10, 1933 Earthquake). Every Petrol. Engineer I've met knows this.

Hoping that these "Man on the street observations" will aid and encourage you to continue your fine efforts to relocate these tanks, I am,

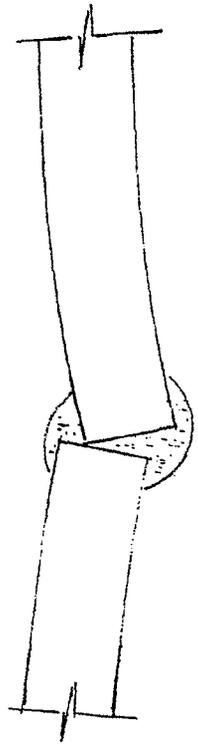
Jack and Rita Brown (neighbors of Jodie)  
E mail: jpb1933@sbcglobal.net

STEEL TANK WELDS

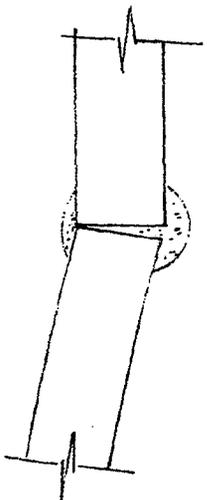
LOAD FROM  
PLATES ABOVE



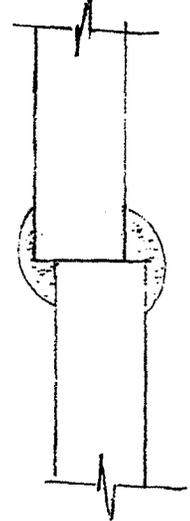
DETAIL 1



DETAIL 2

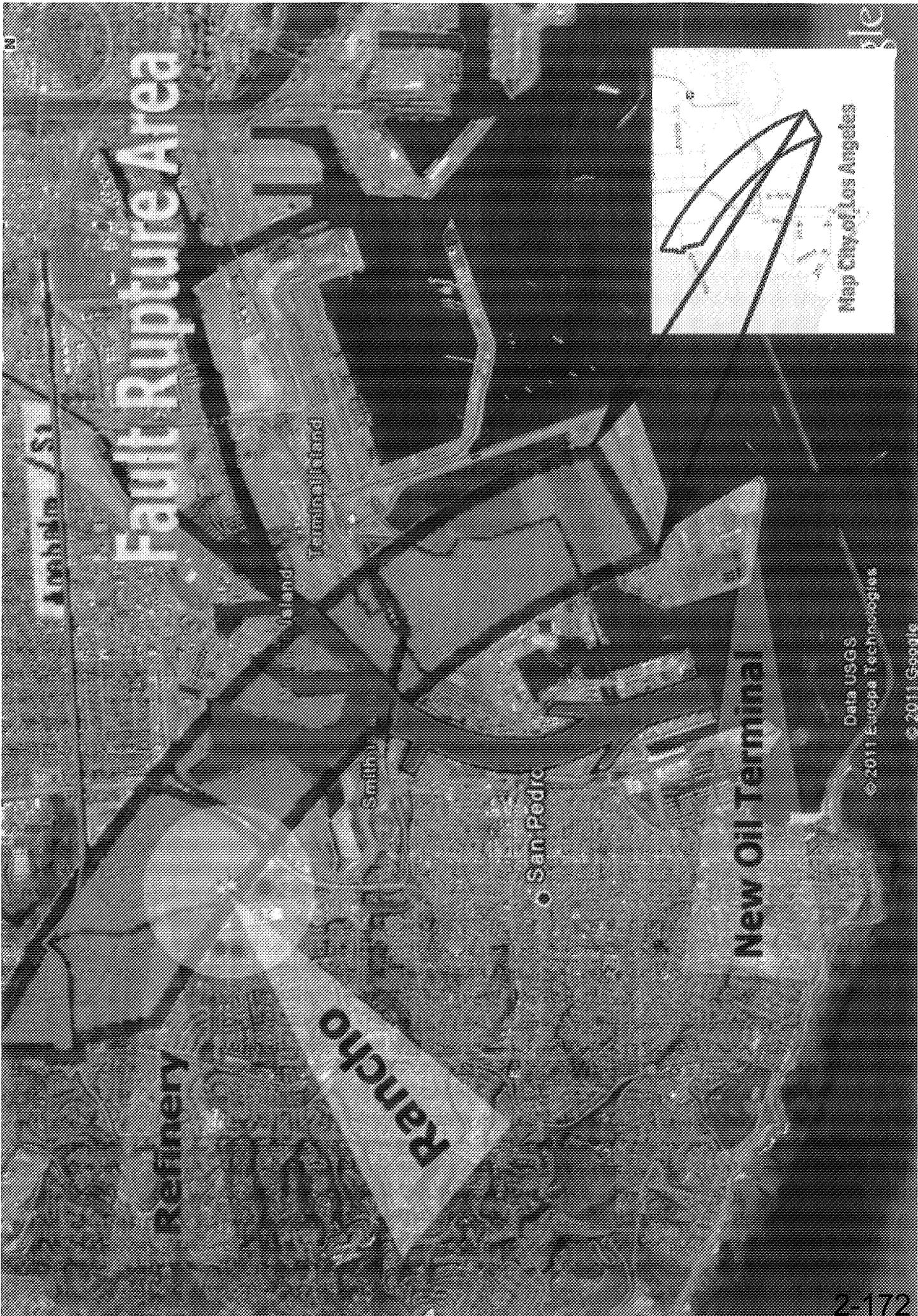


DETAIL 3



DETAIL 4

NOT TO SCALE



# Fault Rupture Area

Alhambra / S1

Refinery

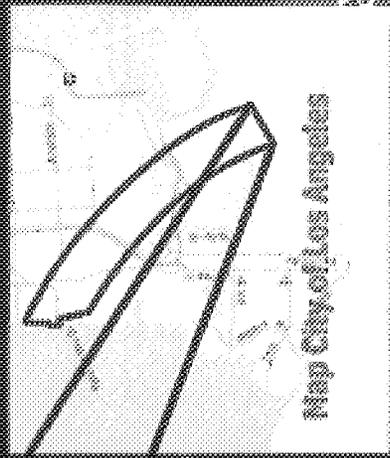
Rancho

New Oil Terminal

Terminal Island

Smith

San Pedro



Map City of Los Angeles

Data USGS  
© 2011 Europa Technologies

© 2011 Google

*Ponte Vista* e-mail regarding 830-unit proposal

Hi, just a reminder that you're receiving this email because you have expressed an interest in Ponte Vista. Don't forget to add info@pontevisa.com to your address book so we'll be sure to land in your inbox!

You may [unsubscribe](#) if you no longer wish to receive our emails.



THE NEW PONTE VISTA • BUILDABLE • LIVEABLE • SUSTAINABLE

January 18, 2013

## The 830-Unit Plan: The Right Fit for San Pedro

### Quick Links

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- [About Us](#)
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Dear Ponte Vista Friend,



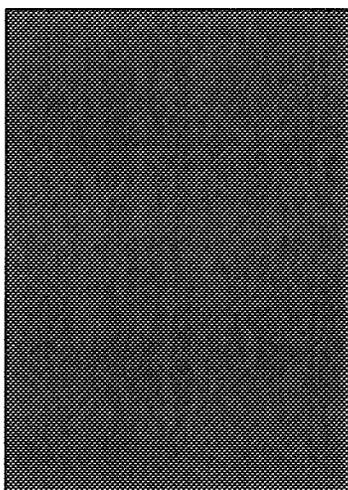
You may have already heard the news:

The Ponte Vista project team recently announced that the developer, iStar Financial, plans to seek entitlements for the reduced-density alternative studied in the DEIR. This plan includes 208 single-family homes covering nearly 50% of the Ponte Vista site, as well as townhomes, and single- and multi-level condominiums.

Following in-depth conversations with community leadership, our neighbors, and the Council office, it is clear that the 830-unit plan is preferred by many in the community.

The reduced-density alternative meets the project's overall goal: to design and build a project that exceeds the community's expectations, and bring high-quality new homes to San Pedro.

In the coming weeks, we will be updating the Ponte Vista website with details of the 830-unit plan. We will also be



hosting informational briefings at the Ponte Vista trailer. Please email us [info@pontevista.com](mailto:info@pontevista.com) or call us at 310.241.0699 and let us know if you would like to be invited to future events. And, if you have friends who may be interested in learning more about the new Ponte Vista, please forward this email to them!

We look forward to hearing from you!

Best Wishes,

*The Ponte Vista Outreach Team*

**Forward email**

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This email was sent to [kitf@rpv.com](mailto:kitf@rpv.com) by [info@pontevista.com](mailto:info@pontevista.com) | [Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).

Ponte Vista | P.O. Box 989 | San Pedro | CA | 90733

*Daily Breeze* and *PV News* articles regarding *Ponte Vista* project

## **Developers will limit San Pedro's Ponte Vista to 830 homes**

*By Donna Littlejohn, Staff Writer Daily Breeze*

*Posted:*

DailyBreeze.com

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The developers of San Pedro's proposed Ponte Vista housing project announced Monday that they will limit the project to 830 homes.

The announcement didn't come as a big surprise to community members, who had anticipated that the 830 number - listed as an alternative project in the draft EIR - would be the most likely to win city approval.

"It's no surprise," said Diana Nave, president of the Northwest San Pedro Neighborhood Council. "Certainly 830 is better than 1,135 (homes)."

Either way, though, the neighborhood council still has many concerns about the long-delayed project, she said.

The draft report currently under study by city planners focused on the more ambitious version of the proposed project, calling for 1,135 homes.

But developers have said that the 830-unit version would be economically viable.

"The new plan for Ponte Vista will better reflect community desires," said Dennis Cavallari, project manager for the property owner, iStar, in a written news release emailed Monday about the scaled back version. "The community and Council member Joe Buscaino's office overwhelmingly prefer the 830-unit alternative."

Criticism of the project - to be built on

61.5 acres at 26900 S. Western Ave. - has long centered on density effects, especially in traffic.

Those concerns largely remain, Nave said, even with the 830-unit proposal.

"A lot of our concerns still apply," she said. "We'd like to see some modifications," including a further reduction in density, she said.

Other neighborhood council concerns include the lack of on-site amenities that could reduce traffic and the elimination of dedicated senior housing and public park space.

There also are concerns about the number of rental units included, she said.

Cavallari said the lower-number project is a good fit for the community.

"The 830-unit alternative is the right project for the site, with the right mixture of home types," Cavallari said.

Under different developers, Ponte Vista originally was proposed as a 2,300-home project in 2005.

The comment period closed Jan. 7 on the draft environmental report, which now will undergo further review by Los Angeles city planners.

[donna.littlejohn@dailybreeze.com](mailto:donna.littlejohn@dailybreeze.com)

[Print Page](#)

Ponte Vista developers seek smaller project

Thursday, January 17, 2013 12:00 PM PST

The public has spoken and developers have listened.

iStar Financial, owners of the vacant U.S. Navy housing site on Western Avenue in San Pedro, announced Monday it has decided to limit the number of residential units it's seeking to build at the site, which borders Rancho Palos Verdes. Based on public comments from residents and community leaders in both RPV and San Pedro on the draft environmental impact report for the proposed Ponte Vista residential community, iStar has decided to seek entitlements for its smaller alternative plan of 830 units.

"The new plan for Ponte Vista will better reflect community desires," said Dennis Cavallari, project manager for iStar. "The community and [Los Angeles City] Council member Joe Buscaino's office overwhelmingly prefer the 830-unit alternative."

The DEIR for the Ponte Vista project was released for public review and comment in November 2012. iStar asked for 1,135 units of mixed housing types, which was scaled-down version from the original proposed project. Prior to iStar taking over ownership of the property and project in 2010, developers had proposed 2,300 units, offering 575 of those units as affordable senior housing. iStar nixed the senior housing and decreased the number of units to 1,135, devoted to single-family homes, single- and multilevel condominiums, townhomes and luxury apartments.

The 830-unit plan was an alternative offered in the DEIR. It also includes single-family homes, townhomes, and single- and multilevel condominiums.

"The 830-unit alternative is the right project for the site, with the right mixture of home types," Cavallari said. "There will be opportunities for every type of resident in Ponte Vista - seniors, professionals, families and empty-nesters."

iStar also proposed improvements to Western Avenue and traffic improvements for about 20 nearby intersections. With the smaller plan, project developers say Ponte Vista's impact on traffic will be less than originally studied. However, iStar will still contribute to upgrades for Western Avenue and improvements at 16 intersections.

"We understand that traffic remains a top community concern," said David Shender, a traffic engineer with Linscott, Law and Greenspan. "As a result of Ponte Vista, I anticipate the 16 intersection improvements will, in some cases, improve traffic flow beyond the needs of the project."

The U.S. Navy closed the housing site in 1997. More than 200 vacant duplexes sit empty and deteriorating. Planners have tried to get the city of Los Angeles to approve various plans for a residential development at the site but San Pedro and RPV residents have contested the plans over the years, saying the Ponte Vista project is too big and would increase traffic and overcrowding.

— Mary Scott

[msscott@pvnews.com](mailto:msscott@pvnews.com)

RHE Planning Commission Resolution No. PA-01-07  
for Brickwalk, LLC project

PLANNING COMMISSION  
CITY OF ROLLING HILLS ESTATES  
LOS ANGELES COUNTY, CALIFORNIA

RESOLUTION NO. PA-01-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS ESTATES, RECOMMENDING APPROVAL OF VESTING TENTATIVE TRACT MAP NO. 67553, A CONDITIONAL USE PERMIT (CUP), A PRECISE PLAN OF DESIGN (PPD), A VARIANCE TO EXCEED THE MAXIMUM PERMITTED BUILDING HEIGHT, A VARIANCE TO PERMIT A SMALLER SETBACK THAN REQUIRED BY CODE, A VARIANCE TO PERMIT FEWER PARKING SPACES THAN REQUIRED BY CODE/SHARED PARKING AGREEMENT, A GRADING APPLICATION, AND AN ENVIRONMENTAL IMPACT REPORT, FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR A MIXED-USE DEVELOPMENT INCLUDING 148 CONDOMINIUM/TOWNHOME UNITS AND 14,200 SQUARE FEET OF COMMERCIAL SPACE ON 10.42-ACRES. APPLICANT: MR. STEPHEN JORDAN FOR BRICKWALK, LLC (MR. GEORGE DANESHGAR); LOCATION: 655-683 DEEP VALLEY DRIVE/924-950 INDIAN PEAK ROAD.

WHEREAS, Mr. Stephen Jordan filed an application with the Planning Department requesting Vesting Tentative Tract Map No. 67553, a Conditional Use Permit (CUP) for a mixed-use development including 148 condominium/townhome units and 14,200 square feet of commercial space in the Commercial General (C-G)/Mixed-Use Overlay Zone, a Precise Plan of Design (PPD), a Variance to exceed the maximum permitted building height, a Variance to permit a smaller setback than required by Code, a Variance to permit fewer parking spaces than required by Code/shared parking agreement, and a Grading application on 10.42-acres as required by Chapters 16.04, 16.12, 17.30, 17.37, 17.58, 17.66, and 17.68 of the Rolling Hills Estates Municipal Code; and

WHEREAS, project plans are attached as *Exhibit A* to this Resolution; and

WHEREAS, an Initial Study was prepared by the City pursuant to the requirements of the California Environmental Quality Act (CEQA) and it was found that the project could potentially have a significant impact on the environment and, thus, an Environmental Impact Report (EIR) was prepared; and

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

WHEREAS, the Planning Department responded in writing to said comments in the Response to Comments document; and

WHEREAS, upon giving the required notice the Planning Commission conducted a Public Hearing on the 4<sup>th</sup> day of September, 2012, 15<sup>th</sup> day of October, 2012, and the 3<sup>rd</sup> day of December, 2012. All interested parties were given full opportunity to be heard and to present evidence; and

WHEREAS, as a result of studies and investigations made by the Planning Commission and on its behalf, revealed that the facts as set forth in the Initial Study, Draft EIR, and those discussed during the Public Hearing resulted in the following findings:

That the granting of this application will not be materially detrimental to the public welfare or injurious to property and improvements in the Zoning District and neighborhood in which the property is located because the proposed improvements will be regulated via a Conditional Use Permit [Section 17.30.020(D)(25)] of the Rolling Hills Estates Municipal Code) and a Precise Plan of Design [Section 17.37.020(C)], to mitigate project impacts.

Resolution No. PA-01-07  
December 17, 2012

That the granting of this application will not be contrary to the objectives of the General Plan because the development is consistent with the General Plan's Goals and Policies to provide mixed-use housing in the City's commercial district.

That as provided under the California Environmental Quality Act (CEQA), the Vesting Tentative Tract Map will result in a significant and unavoidable short-term noise impact during construction as discussed in the Draft EIR, and Findings/A Statement of Overriding Considerations will be considered for approval by the City Council as included as *Exhibit C* to the Resolution.

#### Variance Findings

That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to its intended use which do not apply generally to other property in the same zoning district and neighborhood because the lot is irregular in shape and has a steep slope which was subject to a former landslide along Crenshaw Boulevard/Indian Peak Road, and because the diminished front setback and reduction in required project parking avoid further grading in the hillside to the rear of the project site.

That such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same zoning district and neighborhood because other properties on the south side of Deep Valley Drive are greater than the maximum 44' height limit, the steep hillside condition limits the buildable area and opportunities for parking facilities not experienced on other properties, and the zero front setback proposed can be supported due to the slope to condition to minimize the need for grading.

That the granting of the Variance will not be materially detrimental to the public welfare of injurious to property and improvements in the zoning district and neighborhood in which the property is located because the proposed project would provide a material public benefit by repairing an unstable landslide condition, because the proposed building height would not block views of any surrounding properties, because the architectural tower element would visually enhance project architecture, because the proposed zero front setback would enhance the interaction between the building and the street, and because the shared parking agreement would ensure that adequate parking is available for uses onsite.

That the granting of the Variance will not be contrary to the objectives of the master plan because both the Zoning Code and General Plan provide for Mixed-Use developments for the subject property, because the proposed project density is slightly lower than permitted by the General Plan and Zoning Code, and because granting of Variances for height, to permit a lesser setback, and to permit fewer parking spaces than required by Code/shared parking agreement in support of a Mixed-Use project would be in conformance with the objectives of applicable plans.

That the granting of the Variance will not authorize a use or activity which is not otherwise expressly authorized by the zone regulations governing the parcel of property because the use and activities of the proposed building as well as the parking of vehicles are provided for in the governing zone regulations, and the granting of the Variances would not authorize a use or activity which is not expressly authorized.

WHEREAS, Chapter 16.04 of the Rolling Hills Estates Municipal Code requires the Planning Commission to act in an advisory capacity to the City Council, which body shall approve, conditionally approve, or deny such application for a subdivision map; and

WHEREAS, while the Planning Commission believes Variance findings as stated in this Resolution can be made based upon an assumption that requested project density is required to provide funds for repair of the landslide area inherent to the site, the Planning Commission did not review financial evidence in support of this assumption and recommends that the City Council consider this evidence in evaluating requested project Variances; and

WHEREAS, Ordinance No. 646 requires findings for mixed-use and residential projects to ensure that a project: 1) Provides for a general public benefit (above and beyond the

payment of any City adopted development fees) including, but not limited to, public art, or semi-public plazas or open space integrated into private development projects; 2) Provides for a specific benefit to a segment of the community including, but not limited to, facilities for teens or children, a community recreational or meeting room, or a senior center; 3) Maintains or enhances the economic viability of the underlying commercial property and/or Commercial-General or Commercial-Limited designation in general; 4) Maintains the ability of the City to provide adequate land area and lease space for the provision of goods and services for the community; and 5) Assists the City in meeting requirements of its Regional Housing Needs Assessment (RHNA) especially with regard to affordable housing; and

WHEREAS, in response to findings required by Ordinance No. 646, the Planning Commission believes that the project provides a general public benefit by incorporating a public plaza into the podium building and enhances the economic viability of the underlying commercial property/maintains the provision of good and services by maintaining the Brickwalk development and adding new commercial space; and

WHEREAS, the Planning Commission recommends that the City Council discuss with the applicant how a specific benefit to a segment of the community may be provided by the project and how the project may assist the City with meeting its Regional Housing Needs Assessment especially with regard to affordable housing; and

WHEREAS, the Planning Commission is concerned about the completion of project grading once commenced and expressly intends that Conditions of Approval No. 37 and 38 will provide for bonds in an amount necessary for the City to complete grading, retaining walls and the proposed tie-back system if necessary; and

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

SECTION 1. That the foregoing facts constitute conditions necessary to recommend approval of Vesting Tentative Tract Map No. 67553, a Conditional Use Permit (CUP) for a mixed-use development including 148 condominium/townhome units and 14,200 square feet of commercial space in the Commercial General (C-G)/Mixed-Use Overlay Zone, a Precise Plan of Design (PPD), a Variance to exceed the maximum permitted building height, a Variance to permit a smaller setback than required by Code, a Variance to permit fewer parking spaces than required by Code/shared parking agreement, a Grading application, and certification of an Environmental Impact Report. Therefore, the Planning Commission recommends approval of PA-01-07 to the City Council. Unless otherwise stated, these conditions must be met at all times by the applicant, otherwise, this approval becomes null and void.

1. That the development shall be located and constructed as shown on *Exhibit A*.
2. That any substantial modification including, but not limited to, exterior building elevations, parking lot design, and landscaping, shall receive prior approval of the Planning Commission; minor modifications may be approved by the City Manager.
3. That all applicable requirements of the State, County, City and other Governmental entities, must be met.
4. That prior to issuance of Building Permits or Grading Permits, a Zone Clearance shall be obtained from the Planning Department.
5. That the applicant shall comply with all applicable NPDES (National Pollutant Discharge Elimination Systems) requirements.
6. That all proposed new utilities shall be placed underground to the nearest off-site facility, per Municipal Code Section 15.04.080.
7. The applicant shall defend, hold harmless and indemnify at his or her own expense the City, its agents, officers and employees, from any claim, action, or proceeding, to attack, set aside, void or annul the approval granted in this resolution and shall reimburse the City, its agents, officers and employees for any damages, court costs and attorneys' fees incurred as a result of such action. The City at its sole discretion may participate in the

defense of any such action but such participation shall not relieve applicant of his or her obligation under this condition.

8. The applicant shall erect a six-foot high security fence around the construction area(s) of the property to the satisfaction of the Planning Director and Building Official. Prior to construction, a construction sign(s) as provided by the City shall be conspicuously posted on the fence adjacent to the street of the project and/or adjacent to all entrances of the project. The site shall be maintained in a clean sanitary manner at all times during and after construction.
9. That all roof-mounted equipment shall be screened from view. Any screening features shall be architecturally integrated with the proposed structure and shown on *Exhibit A*, as approved by the Planning Commission.
10. That, prior to the issuance of Zone Clearance, a method of control to prevent dust and windblown earth problems, and the route for trucking soil, shall be submitted to, and approved by, the City Manager.
11. That permits are required for all work within public rights-of-way, and shall be subject to review and approval of the City Manager.
12. That all handicapped spaces are to be posted and painted to meet the State Handicapped Parking Requirements.
13. That the applicant shall comply with the City's Noise Ordinance, both during the construction phase of the development and during the operation of the complex after construction is completed, excepted that the site noise is expected to exceed permitted thresholds during the short-term construction phase of the project as described in the Draft Environmental Impact Report.
14. That trash enclosures shall be architecturally compatible with the proposed construction as approved by the Planning Commission and shown in *Exhibit A*, incorporated herein by reference. The trash receptacle and debris shall be contained and maintained within the enclosed area.
15. That, prior to issuance of a Zone Clearance, the applicant shall: (A) submit a Landscaping and Irrigation Plan prepared by a licensed Landscape Architect for the subject site; and (B) shall have that Plan reviewed by the Park and Activities Commission; and (C) shall have the landscaping and irrigation installed to the satisfaction of the City Manager prior to occupancy.
16. That the Landscape Plan shall comply with Chapter 17.59 (Landscaping and Irrigation) of the Municipal Code for water efficiency.
17. That the development shall not produce odors which would exceed State or County Sanitation Standards or odors determined to be offensive by the County Health Department.
18. That all project Mitigation Measures, as identified in the attached Mitigation Monitoring Program (*Exhibit B*), shall be completed to the satisfaction of the responsible Department/agency within the designated time frames.
19. That this project is classified as a large project under Ordinance No. 668. As such, it shall be subject to a one-year time period (commencing upon the effective date of project approval), in which the entire project must be submitted for plan check review with the Department of Building and Safety, with two six month time extensions maximum allowed to be granted by the Planning Commission.
20. Prior to issuance of a grading or building permit, the project applicant shall provide a Construction Management Plan inclusive of a haul route plan for review and approval by the City Engineer. The haul route plan shall identify routes for vehicles accessing the project site, staging areas, and worker parking areas. In addition, the plan shall include

- a photo log of pavement along the haul route to ascertain any damage at the end of construction.
21. That prior to demolition, the applicant shall submit a traffic control plan to minimize traffic disruption, subject to review and approval by the City of Rolling Hills Estates; said plan shall include, but not limited to, the use of flag persons.
  22. All construction activity shall be limited to between the hours of 7:00 A.M. and 5:00 P.M. Monday through Friday, and 9:00 A.M. and 5:00 P.M. on Saturday. No work shall be permitted on Sundays or holidays (New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day).
  23. No queuing of trucks or arrival of construction materials and/or workers to the construction site shall be permitted outside the permitted construction hours and days.
  24. Contractor shall ensure that construction equipment is fitted with modern sound-reduction equipment.
  25. That the applicant shall, to the extent feasible or as required by law, salvage and recycle demolition materials.
  26. That the sign location, size, materials and colors, etc., for all signing of the site, shall be approved under a Master Sign Plan to be approved by the Planning Commission prior to issuing any Sign Permits.
  27. That no storage containers, merchandise or delivery trucks shall be permitted in any off-street parking lots.
  28. Prior to issuance of building permits, the project applicant shall be required to pay its fair share of applicable fees for Park and Recreation Facility, Library, Traffic and General Plan purposes, as a condition of the discretionary land use approvals granted by the City.
  29. The applicant shall submit a copy of the CC&Rs to the City Manager for review and approval prior to the recordation of the Final Map specifying the following requirements:
    - a. The City of Rolling Hills Estates shall be named as a third party beneficiary. Any proposed amendments to the CC&Rs must first receive approval of the City of Rolling Hills Estates.
    - b. The Homeowners Association shall be responsible for the maintenance of all landscaping located within commonly owned areas, as shown on *Exhibit A*.
    - c. No recreational vehicles shall be parked on-site.
    - d. A provision shall be included for trash pick-up and disposal for common areas and private residences.
    - e. The Homeowners Association shall maintain any natural drainage courses traversing the property.
    - f. That all residential units of the development shall be restricted to home-occupation uses, as specified in the Municipal Code.
    - g. That the Homeowner's Association will adopt the City's Municipal Code Section 10.24.090 restricting all night on-street of vehicles, Section 10.24.130 restricting the on-street parking of vehicles for more than seventy-two hours, and other codes as set forth in the California Vehicle Code as they may relate to private streets.

30. That the applicant shall ensure that lighting on the project site shall be directed only onto the property where the light source is located. No lighting shall be permitted which results in the direct illumination of other properties. Prior to issuance of building permits, a lighting plan in conformance with Chapter 17.42 of the City's Municipal Code shall be reviewed and approved by the Planning Director.
31. That all improvements hereafter constructed or installed on land which is the subject of this approval shall be located substantially as shown on Exhibit A and constructed of materials indicated on the materials and color board, and/or as required under the Municipal Code and/or as required in these conditions.
32. That all applicable requirements of the State, County, City, and other governmental entities shall be met, and that prior to commencing any work on lands divided by the application and prior to applying for a building or grading permit, a zone clearance shall be obtained from the Planning Department.
33. That the Tentative Tract Map shall be valid for two years from the date of adoption of the City Council resolution of approval. Requests for extensions shall be made prior to the expiration of this map and shall require approval by the City Council.
34. That any substantial modification including, but not limited to, exterior building elevations, site plan design, and landscaping, shall receive prior approval of the Planning Commission; minor modifications may be approved by the Planning Director.
35. That in the event of one or more violations of these conditions, the City Manager shall have enforcement capability to remedy such violations and/or revoke said approvals.
36. That the City Council shall review and approve the final map prior to filing with the County Recorder's Office.
37. That the applicant shall submit plans for approval by the City Manager for all improvements required herein and further that the applicant will provide proof of completion of all improvements to City standards prior to recordation of the final map or, in those cases where permitted by the City Council, post labor, material, and performance bonds, or other appropriate forms of security in an amount to be determined by the City Manager in a form approved by the City Attorney. Improvements which are bonded must be installed within one year of recordation unless a time extension is granted by the City Council.
38. That the amount of the performance bond posted by the applicant prior to the commencement of grading shall be sufficient to ensure that completion of all grading activities including, but not limited to, the proposed retaining wall and tie-back system can be completed by the City should grading activities by the applicant cease prior to completion.
39. That prior to submitting the final map to the City Manager for his examination pursuant to Section 66450 of the Government Code, the applicant shall obtain clearances from all affected Departments and Divisions, including a clearance from the City Engineer, for the following mapping items: including but not limited to mathematical accuracy, survey analysis, and correctness of certificates and signatures.
40. That prior to final map approval, the applicant shall pay any required fees for Department of Fish and Game review.
41. 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 Engineer's policies, must be specifically approved in the final map or improvement plan approvals.
42. A final tract 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.

43. A preliminary subdivision guarantee is required showing all fee interest holders and encumbrances. An updated title report shall be provided before the final tract map is released for filing with the County Recorder.
44. Monumentation of tract map boundaries, street centerline and lot boundaries is required for a map based on a field survey.
45. Final tract map shall be filed with the County Recorder and one (1) mylar copy of filed map shall be submitted to the City Engineer's office prior to issuance of building permits.
46. Approval for filing of this land division is contingent upon approval of plans and specifications mentioned in these conditions of approval. 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.
47. 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.
48. Prior to the recordation of the final map, grading and drainage plans must be approved to provide for contributory drainage from adjoining properties as approved by the City Engineer, including dedication of the necessary easements.
49. 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.
50. The project proposes to disturb nearly ten acres of land. A State Construction Activity permit is required prior to the start of clearing and grubbing, demolition or grading activities on the site. The grading plan shall show the State issued WDID number for purposes of identification. Prior to the issuance of the grading permit a copy of the project SWPPP shall be reviewed by the City Engineer to determine that adequate provisions have been made for erosion and sediment control.
51. The proposed drainage system shall be constructed and connected to Deep Valley Drive. Developer shall provide a detailed hydrology and hydraulic analysis of the projects impact on Deep Valley Drive. If the City Engineer and the City Director of Public Works determines that Deep Valley Drive does not have capacity for the storm runoff increase a Storm Drain extension will be required. The Developer shall process the storm drain plans through Los Angeles County Department of Public Works as a Miscellaneous Transfer Drain.
52. Retaining walls proposed in conjunction with this development plan are up to 30-feet in height. Plans for these walls shall be reviewed and approved by a Structural Engineer, a Geotechnical Engineer and a Geologist and approved prior to the issuance of grading permits for this project. The current building code requires that retaining walls of the heights proposed must be designed to resist loading from earthquake loading.
53. Tiebacks for support of the proposed retaining walls shall not extend under any adjoining public streets without prior approval of the City of Rancho Palos Verdes. The applicant shall present a permit issued by the City of Rancho Palos Verdes prior to the commencement of construction of tieback walls below Indian Peak and Crenshaw Boulevard.
54. Prior to the excavation and construction of the proposed tie back walls and pile supported walls, inclinometers shall be installed along the edge of Indian Peak Road and Crenshaw Boulevard to monitor the stability of the existing roads and slope.

55. The project proposes to export 48,200 cubic yards of material from the property as part of this development. The Director of Public Works shall approve a haul route for the trucks entering and leaving the site. The haul route shall define all public streets proposed for use, and shall define any safety issues for trucks operating in the vicinity of Schools or other public places. The applicant shall place advance-warning signs to warn the public of trucks entering the highways at the point of ingress and egress to the site.
56. Prior to the commencement of grading, the applicant and staff shall attend a pre-grade meeting to discuss items including, but not limited to, grading activities, neighbor notification, contact persons, and safety measures.
57. The applicant shall post bonds to ensure that the public streets in the immediate vicinity of the project are not damaged by the haul operation. The Director of Public Works shall establish the amount of the bond, and it shall be posted prior to the issuance of the grading permit.
58. Developer shall prepare a covenant, subject to City Engineer's approval, for ingress and egress to serve multiple lots.
59. Plans for street improvements and street light layout for the proposed private street shall be submitted to the City Engineer and must be approved prior to filing the final map.
60. Damaged curb, gutter and sidewalk along Indian Peak, Crenshaw and Deep Valley shall be reconstructed.
61. Developer shall construct a wheelchair ramp per City standards at the corner of Crenshaw and Indian Peak.
62. Private street shall be paved with 4-inch thick asphalt over crushed aggregate base (CAB). The CAB section shall be determined by soils report submitted to the City by the developer.
63. The entire frontage of street on Deep Valley Drive shall be slurry sealed for half of the street width. Due to the AC stretch cracking on Indian Peak Road, the Applicant shall overlay Indian Peak Road to the satisfaction of the Public Works Department of the City of Rancho Palos Verdes.
64. Developer shall install residential type streetlights on private streets at spacing as required for public streets.
65. Developer shall install street name sign at the corner of the proposed Private Street and Deep Valley Drive and also at the Private Street and Indian Peak Road.
66. Approval of this land division is contingent upon the installation of local main line public sewer within the proposed private street.
67. The developer shall send a print of the sewer plans to the City and to the Los Angeles County Department of Public Works for review. Approval must be assured prior to filing this land division map.
68. The developer shall consult the City Engineer to determine the sewer location and design requirements. A sewer capacity study shall be prepared to assure that down stream sewers will not exceed capacity with the addition of the sewage from this project to the Sanitation District trunk sewer that collects the sewage from this area.
69. Easements may be required and shall be subject to review by the City Engineer to determine the final locations and requirements.
70. Power, telephone and cable television service shall be underground.

71. Any utilities that are in conflict with the development shall be relocated at the developer's expense.
72. 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.
73. The water mains shall be of sufficient size to accommodate the total domestic and fire flow required for the land division. Domestic flows required are to be determined by the City Engineer. Fire flows required are to be determined by the Fire Chief.
74. Plans and specifications for the water system facilities shall be submitted for approval to the water company serving this land division. The subdivider shall submit an agreement and other evidence, satisfactory to the City Engineer, indicating that the subdivider has entered into a contract with the servicing water purveyor guaranteeing payment and installation of the water improvements.
75. 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.
76. This project is a priority project as defined in the City's MS4 permit. The applicant shall prepare a Water Quality Management Plan prior to the submittal of the grading plan for check. The WQMP shall establish the pollutants of concern; the BMP's for treatment of these pollutants and shall establish the maintenance obligation for the selected BMP's. The plan shall include the local TMDLs applicable to the Lake Machado TMDLs and receiving waters as well as pollutants normally expected on residential projects. The 2012 Los Angeles County MS4 permit will be effective prior to the approval of this project. The City of Rolling Hills Estates shall determine if this project qualifies to be designed under the 2001 MS4 permit or if it must be designed to meet the 2012 MS4 permit. The provisions of Part VI.D.7.b.ii.d should be used to determine applicability of the 2012 MS4 permit. The Consulting Geotechnical Engineer shall evaluate the use of infiltration as a treatment BMP and shall make a determination is it is an option for this project.
77. Due to the large volume of export from this site the applicant shall maintain a street sweeper at the site to remove tracked soil from all public streets during the export operations. The sweeper shall be required on a daily basis with the Director of Public Works establishing the level of sweeping required.
78. A Construction Waste recycling plan will be required for this project prior to the issuance of grading or building permits for this project. The City of Rolling Hills Estates Waste Management coordinator shall approve the plan.
79. The traffic circle at the entrance driveway shall be constructed no less than 45 feet in diameter with decorative pavement and controlled with stop signs and markings on the Brickwalk and podium building driveway approaches. A centerline shall be painted on the private street on all turns and at Deep Valley Drive driveway.
80. The private street shall be designed to discourage cut-through traffic between Indian Peak Road and Deep Valley drive by non-residents. If the City Traffic Engineer determines that cut-through traffic is prevalent, the owner shall provide additional calming measures such as private property signs, speed humps, limited access gates or other means on the private street to resolve the condition to the satisfaction of the City.
81. Adequate sight distance for all driveway connections with private and public streets shall be provided. The minimum sight distance shall not be obstructed by walls, columns or landscaping to the satisfaction of the City Traffic Engineer. Minimum sight distance along the private streets and driveways shall be maintained by the property owner(s).
82. The pedestrian access ramp for Lot 2 on the east side of the private street at Deep Valley Drive shall be constructed with see-through railing to provide sufficient sight distance. Provide a 25' sight visibility triangle formed by the edges of each private street and intersecting street right-of-way line for exiting vehicles or show adequate sight lines to the

satisfaction of the City Traffic Engineer. The sight visibility line shall not be obstructed by walls, columns or landscaping over 30" high.

83. The retail mixed use driveway at Deep Valley Drive shall provide a 5' sight visibility triangle formed by the edges of the parking structure driveway and the intersecting street right-of-way line. The sight visibility triangle shall not be obstructed by walls, columns or landscaping over 30" high.
84. The developer shall provide and install all traffic control signs and markings for private street circulation including stop signs, crosswalks and directional signs for various users to the satisfaction of the City Traffic Engineer. Visitor and customer spaces must be clearly designated by signs and markings outside any gated area. Each private street and parking level driveway entrance shall be signed to indicate the designated parking for that area.
85. Stop signs and related markings shall be installed on the private road at Deep Valley Drive and Indian Peak Road to the satisfaction of the City Traffic Engineer.
86. The developer shall fully reconstruct the private street driveway on Deep Valley Drive with decorative sidewalk, curb bulb-out and landscaping per the Deep Valley Streetscape Plan design elements.
87. The minimum number of required parking spaces for the condo visitor and customer use must remain publicly accessible at all times during normal business hours. No closed gates shall be permitted for the customer or shared parking areas during business hours.
88. Height clearance signs and clearance warning bars shall be provided for subterranean parking areas at entrance to that level.
89. At least one vehicle shall be able to queue in front of all proposed access gates in both directions without blocking the street, private roadway, sidewalk or aisle. The proposed gates at both mixed use building driveways must be located inside the building. No gates may open into the City right-of-way.
90. Key or code controlled ingress shall be provided at any gate, including an intercom system connected to individual units if guest parking is allowed behind gate. Automatic exiting using vehicle detection must be provided when vehicles leave the gated area.
91. Separate dedicated loading areas for retail uses shall be provided for the mixed-use building and Brickwalk Retail Center (Lot 2).
92. No portion of a column shall encroach into the required 9' wide parking width. Column placement must be at least 2' inside end of stall and not obstruct vehicle door opening. Alternately, the stall may be at least one foot wider next to the column. This condition does not apply to existing parking spaces for Lot 2 that will not be modified by the project.
93. All parking spaces adjacent to an obstruction, except columns, shall be at least one foot wider than a standard space (9'+1'=10').
94. At least three feet shall be required beyond the end of an aisle to provide sufficient back-up space for vehicles in the last space of the aisle.
95. All two-way driveways and aisles adjacent to a wall or obstruction shall be at least 25 feet wide.
96. All existing street improvements on Indian Peak Road including turn pockets and deceleration lane shall remain in place at the discretion of the City.
97. Wheel stops or 6" high curb shall be provided for all parking spaces.
98. Disabled parking shall comply with current standards unless otherwise permitted by the building official. One or more van size spaces shall be required for each separate

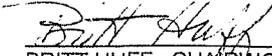
structure with visitor/customer spaces. An ADA accessible path shall be shown from disabled parking to building entrance on building plans.

99. Separate disabled parking shall be provided for Brickwalk parking area, Townhome guest parking, mixed-use commercial parking and guest parking areas at the required ratio unless otherwise directed by the building official.
100. Staircases shall not exit directly onto a vehicle aisle or street without a landing.
101. Slopes, cross-sections and transitions for all vehicle ramps and private streets as required by code shall be shown on building plans. All ramps shall include transition slopes at the beginning and end of the ramp and must meet the required slope setbacks behind the property line.
102. Parking stall cross-slope shall not exceed 5% except those existing spaces in Lot 2 that will not be modified by the project.
103. A system of connecting pedestrian walkways shall be provided between all separate structures within the development and must connect to Deep Valley Drive without requiring pedestrians to walk in roadways or along private driveways to the satisfaction of the City Traffic Engineer.
104. All private streets shall be 28 feet or greater in width. No parking shall be allowed on the internal private streets at any time.
105. The private street shall provide a full height curb along its entire length.
106. All gates, entrances and private streets shall comply with Fire Department requirements for turning radii and access.
107. The residential parking ramp in the mixed-use (podium) building shall provide van accessible vertical clearance.
108. To reduce the potential and severity of run-off-road type vehicle collisions, rolled curbs shall not be permitted on any common driveway, private or public street in any of the following conditions:
  - Vertical slope greater than 5 percent,
  - Horizontal curves less than 300 feet in radius,
  - Adjacent to side slopes greater than 1:2 ratio (V:H),
  - Adjacent to a sidewalk, or
  - Within 15 feet of a wall, building or structure.
109. A shared parking agreement shall be executed between Lots 1 and 2 to permit the parking of vehicles for the Brickwalk development in the podium condominium building. These spaces shall be accessible to patrons/employees of the Brickwalk development at all times during normal business hours.
110. A Conditional Use Permit shall be required for any new use that affects parking supply in the Brickwalk commercial development. Specifically, any new restaurant use that increases parking demand shall be evaluated through a shared use parking demand analysis at the time of review.
111. Prior to issuance of building permits, a master sign plan for the commercial component of the condominium building shall be reviewed and approved by the Planning Commission.
112. Prior to issuance of building permits, a master sign plan, awning program, and building painting proposal indicating colors to be used shall be approved by the Planning Commission through Precise Plan of Design review for the Brickwalk commercial development.

113. The applicant shall provide and construct all streetscape improvements consistent with the Deep Valley Drive Streetscape Master Plan in the public right-of-way immediately adjacent to their property on the south side of Deep Valley Drive. The proposed hardscape/landscape improvements in the public right-of-way shall be reviewed and approved by the Park and Activities Commission and/or Public Works with all soft and hard costs payable by the applicant.

SECTION 2. That the City Clerk shall certify to the adoption of this Resolution.

ADOPTED this 17<sup>th</sup> day of December, 2012.

  
\_\_\_\_\_  
BRITT HUFF, CHAIRWOMAN

ATTEST:

  
\_\_\_\_\_  
DOUGLAS R. PRICHARD, CITY CLERK

I HEREBY CERTIFY that the foregoing Resolution No. PA-01-07 was adopted by the Planning Commission of the City of Rolling Hills Estates at a regular meeting held thereof on the 17<sup>th</sup> day of December, 2012, by the following vote:

AYES: Bayer, Huff, Schmitz, Scott, Southwell

NOES:

ABSENT: Rein

ABSTAIN: Conway

  
\_\_\_\_\_  
DOUGLAS R. PRICHARD, CITY CLERK

Notice for open house/public hearing for the  
San Pedro Community Plan Update



City of Los Angeles • Department of City Planning  
**Notice of Open House & Public Hearing**

Council District 15

City Planning Case: CPC-2009-1557-CPU  
 Environmental Case: ENV-2009-1558-EN

**San Pedro Community Plan Update**

The City of Los Angeles will hold an Open House/Public Hearing regarding proposed Zone Changes and Plan Amendments to the San Pedro Community Plan, in accordance with the Los Angeles City Charter. The existing San Pedro Community Plan was adopted in 1989 and is being updated to reflect current policies, practices, and conditions. The proposed Zone Changes and Plan Amendments are initiated by the City of Los Angeles and involve private and publicly owned land.

**Date:** Wednesday, December 12, 2012  
**Location:** The Boys and Girls Club  
 100 W. 5th Street  
 San Pedro, CA 90731  
*(Building entrance and parking in rear)*

The format of the session will be an Open House followed by a Public Hearing. At the Open House, from 5:00 – 6:30pm, Department of City Planning staff will present the proposed changes to the existing plan and will answer related questions. Beginning at 6:30pm, a Public Hearing will be conducted by a Hearing Officer, who will consider all comments received and prepare a written recommendation report to be prepared by the Department of City Planning for consideration by the City Planning Commission and then by the City Council and Mayor.

**Written communications should be emailed or mailed to:**  
 Debbie Lawrence, Department of City Planning  
 200 N. Spring Street, Room 687  
 Los Angeles, CA 90012  
 debbie.lawrence@cityofla.org

You may also contact project staff with any questions at (213) 978-1163. Requests for more information will be made available in a format and language changes are being proposed for review.

A map, table, and text of the proposed changes to the San Pedro Community Plan, as well as the Draft Environmental Impact Report, will be available for review at the Open House/Public Hearing and online at [www.planning.lacity.org](http://www.planning.lacity.org) under 'New Community Plans'. They will also be available on viewing at:

The Department of City Planning invites your testimony or written comments. Written communications should be received in the Department as soon as possible in order that all comments may be presented. Speakers at the hearing may be limited in the length of their presentations. Because of the large number of attendees, the Department encourages presentations by representatives of neighborhood groups, rather than many individual speakers.

Participants of the hearing are reminded that if you challenge this matter in court, you may be limited in those issues you or someone else raised at the public hearing. Comments received at the hearing will be used to inform the Department's action on the matter and will become a part of the administrative record. Please note that this may not be the last hearing on this matter.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate. The meeting facility and its parking are wheelchair accessible. Sign language interpretation, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling (213) 978-1163.



The Los Angeles Department of City Planning is pleased to announce the  
**Open House and Public Hearing**

Council District 15

City Planning Case: CPC-2009-1557-CPU  
 Environmental Case: ENV-2009-1558-EN

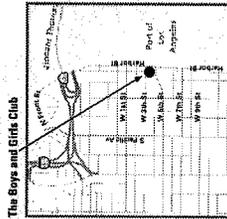
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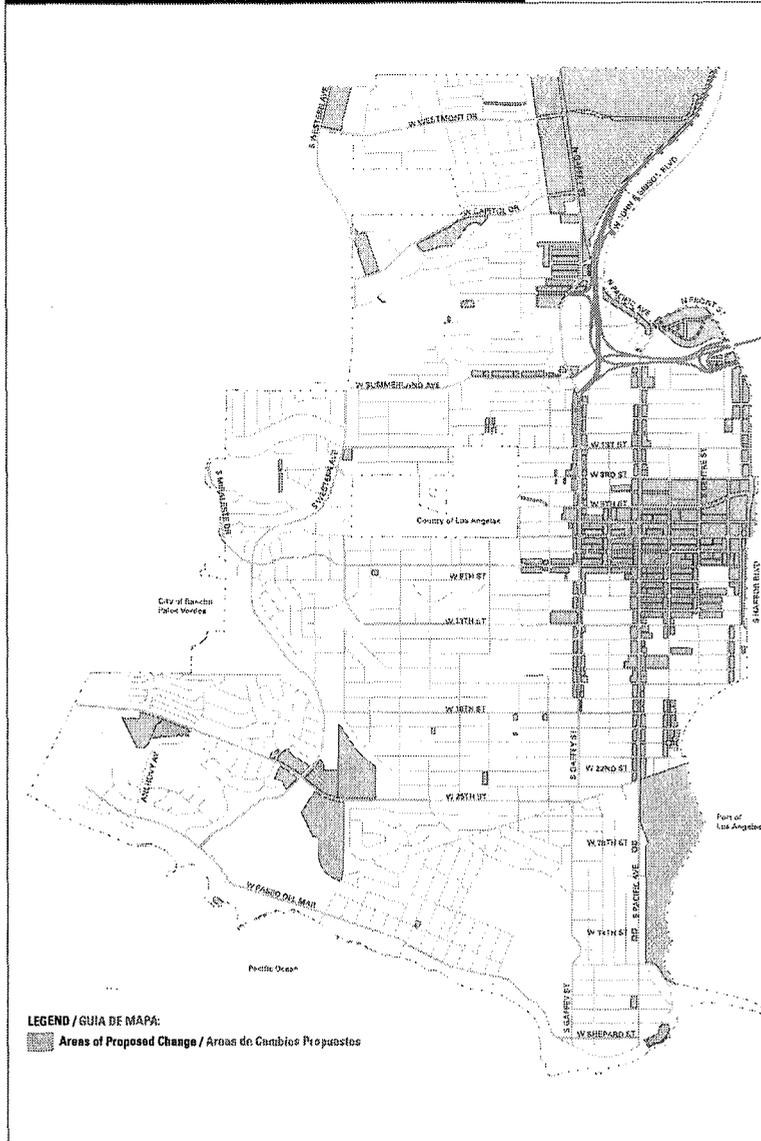
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 100 W. 5th Street  
 San Pedro, CA 90731  
*(Building entrance and parking in rear)*

**Importante: En este aviso encontrara información de su comunidad en Español.**



**Draft Land Use and Zoning Map – Areas of Proposed Change**  
**San Pedro Community Plan Area**



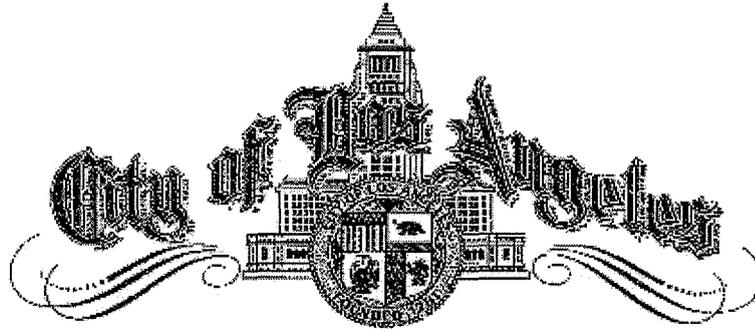
**San Pedro Community Plan Update**

|   |   |
|---|---|
| <p><b>Draft Land Use And Zoning Changes</b></p> <p>The map shows shaded areas where changes to zoning requirements are being proposed, or where technical corrections are being made. Most changes involve the addition of new design regulations regarding setbacks, height, and signage among other regulations. The detailed map and proposed regulations can be viewed at the revised open house and public hearing.</p> <p><b>More Information Is Available Online</b></p> <p>All proposed changes are available online with detailed explanations of the Community Plan update process. The map of proposed zoning changes by subarea and corresponding summary of regulations can also be viewed online at <a href="https://sites.google.com/site/sanpedrocommunityplan/">https://sites.google.com/site/sanpedrocommunityplan/</a></p> | <p><b>Cambios De Uso De La Tierra Y De Zonificación Propuestas</b></p> <p>El mapa muestra las zonas donde se proponen los cambios a los requisitos de zonificación o donde correcciones técnicas se proponen. La mayoría de los cambios resultan en la adición de nuevas normas de diseño acerca los límites de construcción, las alturas de edificios, y las letreros de negocios además a otras reglas. El mapa detallado y regulaciones propuestas se pueden ver en la sesión comunitaria y audiencia pública.</p> <p><b>Más Información Está Disponible en el Internet</b></p> <p>Todos los cambios propuestos están disponibles en el internet con las explicaciones detalladas del proceso de revisar el Plan Comunitario. El mapa con los cambios propuestos y el resumen de las regulaciones también se pueden ver en el internet <a href="https://sites.google.com/site/sanpedrocommunityplan/">https://sites.google.com/site/sanpedrocommunityplan/</a></p> |
|---|---|



Letter to Councilman Buscaino regarding  
San Pedro Community Plan Update

CITY HALL  
201 N. Spring Street  
Room 425  
Los Angeles, CA 90012  
(213) 473-2015  
Fax (213) 626-5431



Councilmember  
Joe Buscaino  
Fifteenth District

DISTRICT OFFICES:

SAN PEDRO OFFICE:  
436 S. Main Street  
Suite 522  
San Pedro, CA 90731  
310-732-4515  
Fax 310-732-4680

WATTS OFFICE:  
10221 Compton Ave.  
Suite 200  
Los Angeles, CA 90002  
213-173-5123  
Fax 213-473-5122

December 13, 2012

Mr. Michael Lo Grande, Director  
Los Angeles Department of City Planning  
200 North Spring Street, 5th Floor  
Los Angeles, CA 90012

RE: Proposed Change to San Pedro Community Plan - 25th and Western

Dear Michael:

I respectfully request that the Planning Department's suggested plan for sub-area 260 (25th and Western) be withdrawn from the proposed Community Plan Update. I strongly believe that the proposed increase in density is inappropriate for this location.

As your staff witnessed at its open house and public meeting on Wednesday evening, the community is unanimously opposed to increased density at 25th and Western. By far, the most contentious item was this proposed zone change for sub-area 260 in the coastal San Pedro neighborhood.

Preserving the current low density residential neighborhood and its coastal ocean views are important to me and my constituents. My sincere thanks for your attention to this request.

Sincerely,

A handwritten signature in black ink that reads "Joe Buscaino". The signature is written in a cursive, flowing style.

JOE BUSCAINO  
Councilmember, 15<sup>th</sup> District

E-mails and correspondence regarding Rancho LPG facility

## Kit Fox

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**From:** Carolyn Lehr  
**Sent:** Friday, December 07, 2012 2:41 PM  
**To:** Kit Fox  
**Subject:** FW: "LA City Fire (CUPA) Rancho LPG Situation..urgent!"  
**Attachments:** final\_fire\_department\_letter\_on\_cupa\_deficiency.doc; rancho nuisance abatement nov 2012.doc; saftyelt.pdf; bea correspondence aug 3 2012.pdf

Kit, fyi.  
CL

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**From:** Bonnie Christensen [<mailto:sphomeunited@earthlink.net>]  
**Sent:** Friday, December 07, 2012 11:55 AM  
**To:** [sally.magnani@doj.ca.gov](mailto:sally.magnani@doj.ca.gov); [brian.cummings@lacity.org](mailto:brian.cummings@lacity.org); [daryl.osby@fire.lacounty.gov](mailto:daryl.osby@fire.lacounty.gov); [helmlinger.andrew@epamail.epa.gov](mailto:helmlinger.andrew@epamail.epa.gov); [wesling.mary@epamail.epa.gov](mailto:wesling.mary@epamail.epa.gov); [blumenfeld.jared@epamail.epa.gov](mailto:blumenfeld.jared@epamail.epa.gov); [Hamilton.cloud@mail.house.gov](mailto:Hamilton.cloud@mail.house.gov); [Ricardo.Hong@lacity.org](mailto:Ricardo.Hong@lacity.org); [meveloff@gmail.com](mailto:meveloff@gmail.com); [william.carter@lacity.org](mailto:william.carter@lacity.org); [marisol.espinoza@lacity.org](mailto:marisol.espinoza@lacity.org); [joe.buscaino@lacity.org](mailto:joe.buscaino@lacity.org); [jacob.haik@lacity.org](mailto:jacob.haik@lacity.org); [gntz@portofla.org](mailto:gntz@portofla.org); [jcynthiaperry@aol.com](mailto:jcynthiaperry@aol.com); [rkim@lacbos.org](mailto:rkim@lacbos.org); CC; [g.sugano@lomitacity.com](mailto:g.sugano@lomitacity.com); June Smith; [diananave@gmail.com](mailto:diananave@gmail.com); [info@centralsanpedro.org](mailto:info@centralsanpedro.org); [ksmith@klct.com](mailto:ksmith@klct.com); Anthony Patchett; [noelweiss@ca.rr.com](mailto:noelweiss@ca.rr.com); Lacombe Lacombe; Jody James; Connie; Pat Herrera-Duran; [vimmerarchitect@aim.com](mailto:vimmerarchitect@aim.com); Andrew Mardesich; David L.Rivera; Bonnie Christensen; [christie.whitman@whitmanstrategygroup.com](mailto:christie.whitman@whitmanstrategygroup.com); [dpettit@nrdc.org](mailto:dpettit@nrdc.org); [elise.swanson@mail.house.gov](mailto:elise.swanson@mail.house.gov)  
**Subject:** Fwd: "LA City Fire (CUPA) Rancho LPG Situation..urgent!"

There should be 5 attachments. Let me know if you do not receive all five.

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[zbiddy.com](http://zbiddy.com)

# San Pedro Peninsula Homeowners United Inc.

PO Box 6455 – San Pedro, CA 90734

E-Mail: [sphomeunited@earthlink.net](mailto:sphomeunited@earthlink.net) - Fax: (310) 548-4255

November 27, 2012

LA Fire Chief, Brian Cummings  
Los Angeles Fire Department  
200 No. Main St., 16<sup>th</sup> Floor  
Los Angeles, CA 90012

## **RE: RANCHO LPG NUISANCE ABATEMENT COMPLAINT**

**Rancho LPG**  
**2110 No. Gaffey St.**  
**San Pedro, CA 90731**

Dear Chief Cummings,

Please find the attached Nuisance complaint filed with the LA Zoning administrator against Rancho LPG storage facility in San Pedro.

The LA City Fire Department has been charged with the responsibility of oversight as it pertains to the safety management of hazardous facilities such as Rancho Liquid Petroleum Gas LLC and their voluminous **25+ Million Gallon storage of butane and propane gas**. This gas storage facility is operated by Plains Mid-Stream Canada (Plains All American Pipeline) under the supervision of the fire department's Certified Unified Program Agency (CUPA). In the 1990's, there was a consolidation of a number of agencies having jurisdiction over these types of facilities with added emphasis upon CUPA's responsibility as the primary enforcement. It is painfully obvious that while the CUPA was formally responsible for this important duty, the LA City Fire Department is woefully understaffed and under-funded in competently fulfilling its obligation. That reality can be witnessed by reviewing California EPA's "deficiency findings letter". The EPA findings letter stems from their evaluation of the City of LA Fire Departments CUPA and is dated September 15, 2011 with a subsequent Deficiency Progress Report-Update 3 submitted June 15, 2012.

While this summary confirms an inordinate amount of deficiency associated with the collection and charging of various fees, there is also substantial acknowledgement of CUPA's (the LA City Fire Department's) inadequate inspection and review of facility conditions related to an operation's compliance with existing laws. Rancho LPG is a glaring illustration of that deficiency. While installed over 40 years ago, and exempted from CEQA conditions and LA City Fire Regulations at that time, many facts under the supervision of CUPA have continued to be ignored with complete disregard to the elevated hazard that the facility poses.

Possibly the most flagrant is the continuation of the “fallacy” that the single impound basin below the two 12.5 Million gallon butane tanks would serve as some kind of safety measure in the event of a substantial tank leak or rupture. Clearly, at the time of its introduction most authorities involved were ignorant of the chemical and physical properties of Butane/Propane gas and how it would react upon release. Butane gas is only liquefied under refrigeration and upon release into the ambient air will vaporize and expand over 200 times its volume. The gas is heavier than air, and will hug the ground seeking the lowest levels until finding any ignition source. There are 5 ignition sources on the facility’s very premises. The impound basin, (the company’s emphasized safety measure) would be able to contain less than 1% of the volume of a single tank as a vapor upon total rupture. Any confidence of this basin’s effectiveness in the “containment” of a *single* 12.5 Million gallon tank’s contents is bogus. This particular point, that is so absent of educated consideration, should be the first point that the Fire Department identifies in relation to the safety of such a facility.

Upon visiting any fire station in the immediate Harbor region, you will find a map of the area that will have two red circles identifying Rancho’s two largest tanks. These tanks are clearly regarded as an elevated risk by the Fire Department, standing above and apart from other hazardous facilities, yet the LA City Fire Department representing CUPA continues to ignore the obvious problem allowing this extraordinary risk to jeopardize public safety.

Another legal issue at hand, is the geologic conditions of the facility. The facility and its tanks sit directly upon the Palos Verdes Fault (mag 7.3). Legally, any structure built upon an earthquake fault demands an exemption by a State Geologist. That law has been in effect since before 1973. Yet, this criteria was never followed. In addition to this, the existing butane/propane tanks at Rancho LPG were built to a seismic substandard of 5.5-6.0 and were constructed without benefit of LA City Building and Safety permits. The tanks were only “certified” by LA Building & Safety in 1978 while the facility was already in operation.

Rules created through various jurisdictional agencies instruct CUPA to re-evaluate a facility that experiences any significant change in operation. Over these past 40 years there have been many changes to this LPG facility. The facility (Petrolane LPG) in 1973 was located in the Harbor region for the expressed purpose of capturing the highly profitable opportunity of importing and exporting their gaseous commodity (propane) by sea. Over 68% was shipped by this method. The storage facility has been located on private property within the City of LA with pipeline access to a wharf at the adjacent Port of LA under a lease agreement. There have been additional tanks added to this facility as well as a major shift in their business in the 1980’s when it changed from the predominant storage of propane gas to that of butane gas. In 2006 the port refused to renew the wharf lease with the company (then Amerigas), and ALL LPG product was transferred from *ocean* shipping to *land* transport by rail and truck. This change should have flagged a completely new EIR process responsive to the new business operation. However, it did not.

The American Petroleum Industry set forward 9 recommendations (under their design specifications 2510 for appropriate siting to minimize risk from explosion and fire) for an LPG facility. Eight out of nine recommendations for proper responsible siting are **violated** by the Rancho LPG facility location. Only one solitary item, “availability of needed utilities” falls into the perimeter of API’s proper guidance for hazardous siting of LPG facilities. Also, the existing tank set back conditions of Rancho violate current standards for these types of facilities

It is incumbent upon the LA City Fire Department and all jurisdictional and other governmental authorities to begin to face the grim reality of the presence of this risk-prone facility and deal with the problem before it materializes into the cataclysmic inferno that it has the capability to become. With the aftermath of failing infrastructures (gas leaks & explosions) being recently felt across our Nation, and the likelihood of earthquake and terrorism rising daily, the culpable indifference and ignorance associated with continuing on this course so ripe for disaster is intolerable.

Without question, the LA City Fire Department has been unfairly and unwisely saddled with the monumental task of supervision of hazardous facilities with insufficient resources to complete the job. There is an inordinate number of petrochemical facilities assigned for monitoring by the LA City Fire Department as CUPA without enough staff and expertise to responsibly meet the challenge.

We urge the LA City Fire Department to acknowledge the obvious governmental negligence in allowing this ultra hazardous facility to expose the innocent public and the ports of both LA and Long Beach to extreme harm. The Los Angeles Fire Department, as CUPA, will take the most blame in the event of a disaster from this facility. The LA City Fire department has become the virtual scapegoat for other jurisdictional agencies who have burdened LAFD with an onerous task. We urge you, Chief Cummings, to fulfill your leadership role in representing and protecting the people of the City of Los Angeles and all other citizens within the estimated (through EPA’s formula) catastrophic 10.6 mile blast radius of Rancho LPG. This blast radius is very real and totally feasible if the entire Rancho facility blows. This scenario doesn’t even take into consideration the probable “domino effect” of that explosion upon the multitude of other adjacent chemical and fuel resources available. Please stand with us in our complaint of Rancho LPG as a public nuisance that needs to be removed or relocated.

Previous EPA Chief, Christine Todd Whitman’s comments regarding issues of risks from hazardous facilities reported on in April of this year are well founded.

The McClatchy Report: April 15, 2012

*WASHINGTON — Wading into a decade-old controversy, former Environmental Protection Agency chief Christine Todd Whitman has urged current EPA administrator Lisa Jackson to close loopholes in a 2006 chemical security law "before a tragedy of historic proportions occurs."*

*Whitman, who led the EPA under George W. Bush, suggests the agency use its authority to seal gaps in "extremely limited" Department of Homeland Security rules designed to prevent releases of toxic chemicals, according to an April 3 letter she wrote to Jackson that was obtained by the Center for Public Integrity.*

*Those 2007 rules, Whitman wrote, bar DHS from requiring industry to take specific measures to prevent accidental or terrorism-related toxic releases. **The rules exempt "thousands of chemical facilities, including all water treatment plants and hundreds of other potentially high-risk facilities, such as refineries located on navigable waters,"** she wrote.*

*The EPA has the power to regulate chemical security under 1990 amendments to the Clean Air Act, Whitman noted, writing that the act's "general duty" clause "obligates chemical facilities handling **the most dangerous chemicals to prevent potentially catastrophic releases to surrounding communities.***

**"Facilities with the largest quantities...should assess their operations to identify safer cost-effective processes that will reduce or eliminate hazards in the event of a terrorist attack or accident," Whitman wrote. "This has never been required and today hundreds of these facilities continue to put millions of Americans at risk."**

*According to DHS testimony this year, there are 4,458 high-risk facilities nationwide.*

*In 2006, then-Sen. Barack Obama co-sponsored legislation that would have required high-hazard plants — which Obama called "stationary weapons of mass destruction" — to consider using safer technologies and enhance security. The bill failed.*

LAFD as CUPA has the authority and responsibility to respond to this facility's deficiencies and identify the Rancho LPG facility for the hazard that it represents. We urge you to do so. It is time for the LA City Fire Department and other responsible agencies and government officials to represent the constituents that they have been appointed and elected to protect and serve. The time is now. There may not be much time left.

Thank you for your time.

Sincerely,

Chuck Hart, President

Cc: Lisa Jackson EPA, Andrew Helmlinger EPA, Jared Blumenfeld EPA, Mary Wesling EPA, Sally Magani DOJ, Congresswoman Janice Hahn, Congresswoman Maxine Waters, LA County District Attorney Jackie Lacy, LA County Board of Supervisors, LA County Fire Dept., LA Mayor Antonio Villaraigosa, LA City Atty Carmen Trutanich, LA City Controller Wendy Greuel, LA City Councilman Joe Buscaino, LA City Councilwoman Jan Perry, Assemblyman Rod Wright, Assemblywoman Bonnie Lowenthal, Rancho Palos Verdes City Council, Lomita City Council, Rolling Hills Estates City Council, Atty. Anthony Patchett, David Pettit NRDC, Christine Todd Whitman

# San Pedro Peninsula Homeowners United Inc.

PO Box 6455 – San Pedro, CA 90734

E-Mail: [sphomeunited@earthlink.net](mailto:sphomeunited@earthlink.net) - Fax: (310) 548-4255

November 22, 2012

Michael J. LoGrande, Zoning Administrator  
Los Angeles Planning Department  
201 North Figueroa Street #4  
Los Angeles, CA 90012

**RE: FILING FOR NUISANCE ABATEMENT/REVOCATION  
RANCHO LPG (ORIGINALLY, PETROLANE LPG)  
2110 No. Gaffey St.  
San Pedro, CA 90731**

Dear Mr. LoGrande:

The San Pedro Peninsula Homeowners United is a non-profit 501 C-3 corporation that was a litigant and prevailed in the interest of the community in the China Shipping lawsuit in 2003.

Unfortunately, our Homeowners have been unaware until recently of the changes in 2008 to Nuisance Abatement criteria that now offers the opportunity to take action on situations that have been "grandfathered in" as a means to protect the citizenry. We applaud the long overdue wisdom of this inclusion. We now "officially" lodge our complaint and action with a demand to the City of LA to protect our community.

The above listed Liquid Petroleum Gas storage facility has been a matter of consistent concern to residents since inception in 1973. Since that time an extensive list of LA City and County officials, State officials and Agencies, Federal officials and agencies have all been solicited to take action on this *ultra hazardous* facility due to the risk it poses to the public to no avail.

The introduction of the liquid petroleum gas facility (initially, *Petrolane*) created a condition that is harmful to the public's health and safety. The large radius of impact endangers a great number of people. Ordinary citizens are negatively affected by the presence of this facility. The incorporation of this facility was a violation of the 1<sup>st</sup> principle of Civil Law; "Exposure of the public to risks that they do not know about, nor have agreed to accept." The seriousness of the potential harm significantly outweighs the social utility of Rancho LPG. Plaintiffs within the radius of impact suffer harm that is different from the type of harm experienced by the general public. Rancho LPG's operation is a substantial factor in causing harm to the plaintiffs.

This LPG facility was introduced without benefit of a risk analysis, without a proper EIR; The EIR does not respond to the volatility of its gas commodity, the existence of residential neighborhoods, and the myriad of geologic and seismic vulnerabilities of the property. The facility was given an undefined "emergency exemption" to CEQA and LA City fire regulations. Governor Brown's 1977 report by the PUC confirms these facts.

We have included a copy of the City of LA Planning Department's own map which clearly shows that the ~~two~~12.5 to 13 million gallon capacity tanks of the storage facility are located directly in the *Earthquake Rupture Zone* of the Palos Verdes Fault (mag. 7.3). As if that is not worrisome enough, the existing tanks were built "without having pulled LA City Building Permits" and were only "certified" after serious controversy and pressure in 1978 while the facility was in operation. The tanks construction meets a seismic sub-standard of 5.5-6.0! The cataclysmic potential of this facility is incredible. Yet, the City of LA has appeared unconcerned about the danger.

LA City's business permitting process demands that a business must "re-file" as a new business if there is a change of over 50% in their business operation. Rancho/Petrolane/Amerigas LPG facility located in the Harbor area for the main purpose of shipping their LPG by sea. Although only one EIR was conducted under a "Marine Terminal" at the Port of LA, the actual storage facility was always located on a remote and separate piece of LA City private property with a pipeline to a "wharf" located at the Port of LA. Over 68% of their propane product was shipped by sea with the remaining percentage made up of rail and truck transport.

In approximately 2006, the Port of LA refused to renew the company's 30 year old pipeline lease to the wharf. At that time, there was an immediate and demonstrative change in their operation shifting ALL hazardous Liquid Energy Gas transport to Rail and Truck! This is an inherently more dangerous mode of transport. Also, sometime within those 30 years, the business of major "propane" shipping, changed to "butane" shipping. The largest tanks are now storing "butane" rather than the original "propane". These business changes should have triggered a new EIR, but that never happened.

The bottom line is now this:

As tragically irresponsible as the above conditions are and have been since 1972, the situation has only gotten more intense with time. We are continually witnessing devastation caused by antiquated infrastructure problems in the US. This facility is now sitting on an infrastructure that is over 40 years old. The likelihood of significant earthquake has increased dramatically and we now understand with climate change an increase in concern for tsunami in the port region as well. The facility sits within ½ mile of the inner harbor of the port with a storm drain at its base that leads directly into the LA harbor. Any significant rise in that harbor is going to channel water back to the facility site, which happens to be in a "flood zone". There was recently a sign removed within 200 ft. of the facility that said, "You are now exiting a tsunami zone" yet there is no rise in elevation nor apparently was there any consideration of the storm drain location. The potential for terrorism has **greatly** increased making this site one of the most obvious choices for attack. This volatile gas burns at over 3500 degrees F, and the heat generated from a fire there would ignite flammables for miles. This makes the available cadre of refineries, fuel storage facilities and marine oil terminals abutting and across the street from these tanks a virtual "bonanza" target of opportunity for terrorists.

It is time for sanity to prevail on this issue. Attached is one of the personal emails sent to one of our activists from Professor Bob Bea of UC Berkeley. Professor Bea has been the *premiere expert* hired by the US government to establish the "why" of engineering failures in catastrophes such as the Gulf disaster, Katrina and San Bruno. He was contacted after his appearance on "60 Minutes" and has reviewed details of the Rancho facility. Like our residents, Bea has grave concerns about this facility and its potential of "domino effect" that could likely cause an inferno never witnessed before by man. There is no reason why our citizens should have to prove to

government the perilous potential of this facility with their lives. The handwriting has been written boldly on the wall for years now.

In closing, we invite all City Officials and other Civic groups to join in this complaint to remove this looming threat to our public.

This is the City of LA's opportunity to step up in a legal action that can save lives and property. It is long overdue. Take action *before* it is too late!

Sincerely,

Chuck Hart  
President, San Pedro Peninsula Homeowners United, Inc.  
PO Box 6455  
San Pedro, CA 90734

For more information:  
Janet Gunter (310) 251-7075

Attach. (3): map of rupture zone  
source document: p.47, *Safety Element of the Los Angeles City Plan*  
copy, Bea email correspondence

Cc: Mayor Antonio Villaraigosa  
City Atty Carmen Trutanich  
City Controller Wendy Greuel  
City Councilman Joe Buscaino  
City Councilwoman Jan Perry  
LA County Supervisors  
RPV City Councilmembers  
Lomita City Councilmembers  
San Pedro Neighborhood Councils  
Port Community Advisory Committee

**From:** Robert G Bea <bea@ce.berkeley.edu>

**To:** Janet Gunter <arriane5@aol.com>

**Subject:** Re: Link to article in City Watch LA today re: LPG situation

**Date:** Fri, Aug 3, 2012 2:46 pm

---

very good summary Janet.

status report from UC Berkeley Rancho LPG study group. three members of group are 'totally engaged' in the San Bruno disaster litigation (since BP trial was suspended end February). trial date October 10th. all Rancho work put on hold until trial is completed.

i had a 'mild stroke' July 22nd. major effect was loss of left eye vision. still undergoing tests to determine short and long term prognosis. no signs the circulation system 'trash' reached my brain.

perhaps the San Bruno trial will provide opportunities to raise the flags about Rancho and about the prices of ignoring infrastructure risk assessment and management...industry and government. we will stay alert for the opportunities...San Bruno is a perfect analog for a future Rancho disaster....lack of any realistic assessment of the SYSTEM RISKS...denial by industry.....more denial by government.....public not informed....you know the rest.

bob bea

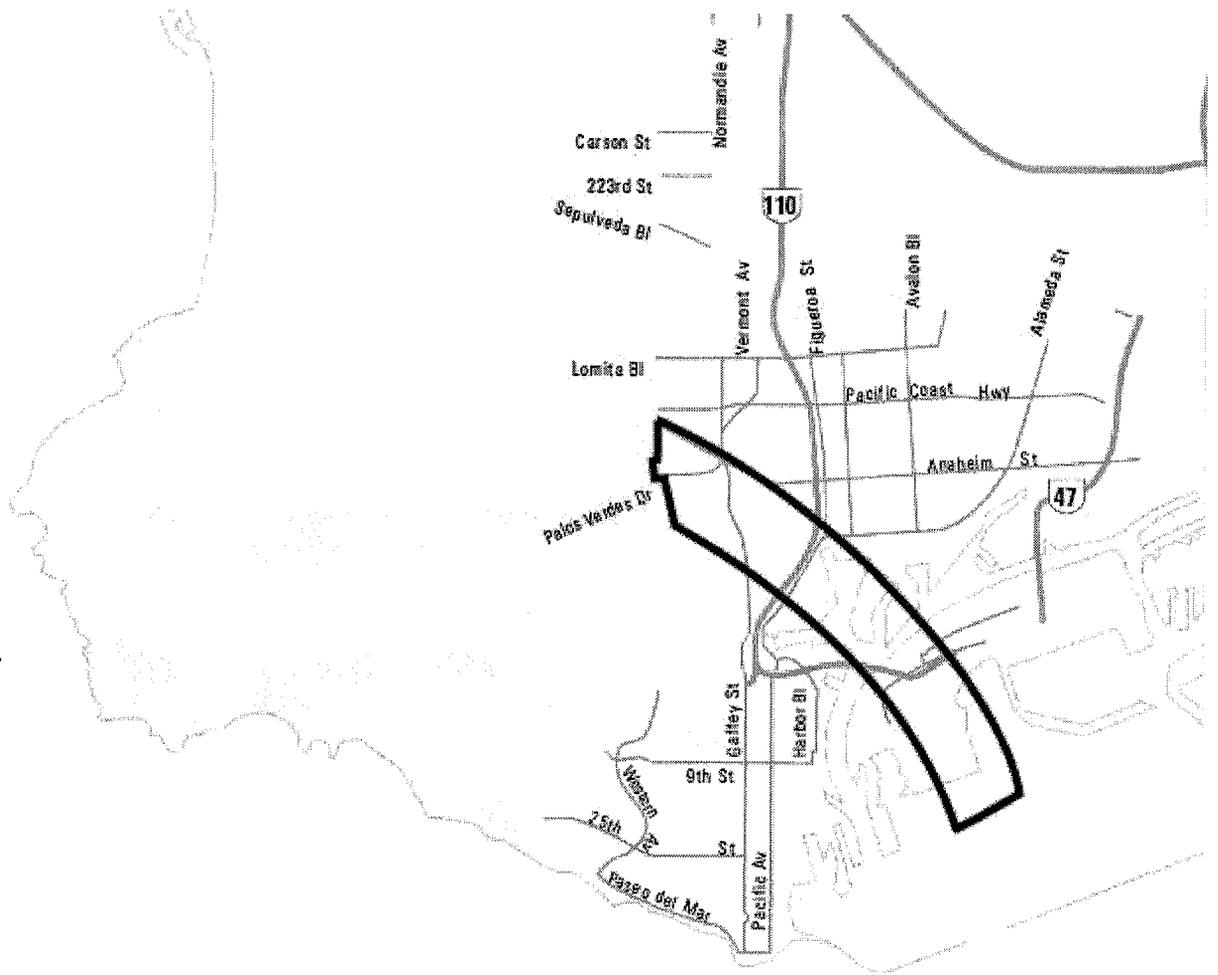
On 8/3/12 11:13 AM, Janet Gunter wrote:

[http://citywatchla.com/component/content/article/317-8box-right/3555-where-theres-smoke-theres-fire-and-possibly-a-catastrophe?utm\\_source=General+CityWatch+List&utm\\_campaign=f17bf8d350-CW10628\\_2\\_2012&utm\\_medium=email](http://citywatchla.com/component/content/article/317-8box-right/3555-where-theres-smoke-theres-fire-and-possibly-a-catastrophe?utm_source=General+CityWatch+List&utm_campaign=f17bf8d350-CW10628_2_2012&utm_medium=email)

--

Professor Emeritus Robert Bea, PhD, PE  
Department of Civil & Environmental Engineering  
University of California Berkeley  
Email: [bea@ce.berkeley.edu](mailto:bea@ce.berkeley.edu)

Home Office  
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Moraga, California 94556  
Telephone 925-631-1587  
Cell 925-699-3503  
Email: [BeaRAMS@gmail.com](mailto:BeaRAMS@gmail.com)



## Kit Fox

---

**From:**Carolynn Petru  
**Sent:**Wednesday, January 02, 2013 7:46 AM  
**To:**Kit Fox  
**Subject:**FW: EPA-R9-2013-001262 Geo-technical Report for Rancho LPG  
**Attachments:**20278\_tech\_rew\_rpt\_12-20-12.pdf

Hi Kit –

I doesn't appear that you were copied on this exchange.

CP

**From:**Janet Gunter [<mailto:arriane5@aol.com>]  
**Sent:**Tuesday, January 01, 2013 7:17 PM  
**To:**[Wong.Jeannie@epamail.epa.gov](mailto:Wong.Jeannie@epamail.epa.gov)  
**Cc:**[Simmons.Joan@epamail.epa.gov](mailto:Simmons.Joan@epamail.epa.gov); [wesling.mary@epamail.epa.gov](mailto:wesling.mary@epamail.epa.gov); [helmlinger.andrew@epa.gov](mailto:helmlinger.andrew@epa.gov); [MrEnvirlaw@sbcglobal.net](mailto:MrEnvirlaw@sbcglobal.net); [sally.magnani@doj.ca.gov](mailto:sally.magnani@doj.ca.gov); [brian.hembacher@doj.ca.gov](mailto:brian.hembacher@doj.ca.gov); [hamilton.cloud@mail.house.gov](mailto:hamilton.cloud@mail.house.gov); [jcynthiaperry@aol.com](mailto:jcynthiaperry@aol.com); [cary@brazeman.com](mailto:cary@brazeman.com); [igornla@cox.net](mailto:igornla@cox.net); [det310@juno.com](mailto:det310@juno.com); [noelweiss@ca.rr.com](mailto:noelweiss@ca.rr.com); [carl.southwell@gmail.com](mailto:carl.southwell@gmail.com); CC; [dpettit@nrdc.org](mailto:dpettit@nrdc.org); [connie@rutter.us](mailto:connie@rutter.us); [jody.james@sbcglobal.net](mailto:jody.james@sbcglobal.net); [grgrysmth@aol.com](mailto:grgrysmth@aol.com); [bea@ce.berkeley.edu](mailto:bea@ce.berkeley.edu)  
**Subject:**Re: EPA-R9-2013-001262 Geo-technical Report for Rancho LPG

Dear Ms. Wong-

Thank you for providing this information. This long awaited information certainly underscores our reasons for extreme concern and emphasizes the critical need for urgency regarding the safety and security of our public due to the presence of this ultra hazardous facility. This report's direction for further analysis and evaluation of the geologic conditions of the Rancho site should be assigned to an "uninterested party" immediately in the interest of public safety. An obvious area of discrepancy is the lack of acknowledgement of the LPG facility site as being in an "Earthquake Rupture Zone" as clearly defined in official LA City Planning Department documents. How ...and why...would that not be acknowledged? However, there are many other very serious issues regarding soils and geologic conditions that remain reported in this document.

We are still awaiting the correspondence between the EPA and Rancho that was requested months ago. In particular, is a letter referenced by the manager of Rancho LPG, Ron Conrow, at a Rancho Palos Verdes City Council meeting over 4 months ago.. Please provide this correspondence at your earliest convenience. It is important for our public to understand the dialogue that has been conducted between the operators of Rancho and your agency.

Thank you for your time and cooperation.

Janet Gunter

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

**From:**Wong.Jeannie <[Wong.Jeannie@epamail.epa.gov](mailto:Wong.Jeannie@epamail.epa.gov)>  
**To:**[arriane5@arriane5@aol.com](mailto:arriane5@arriane5@aol.com)>  
**Cc:**[Simmons.Joan@epamail.epa.gov](mailto:Simmons.Joan@epamail.epa.gov)>  
**Sent:**Mon, Dec 31, 2012 12:02 pm  
**Subject:**EPA-R9-2013-001262

---

Hi Ms. Gunter:

Attached is our response to your FOIA Request EPA-R9-2013-001262 regarding "Geotechnical analysis performed by the EPA on Rancho LPG".

Regards,

Environmental Protection Agency  
Superfund Division

Jeannie Wong  
(415) 972-3079  
Email: [wong.jeannie@epa.gov](mailto:wong.jeannie@epa.gov)

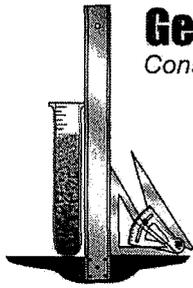
Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment File Type: PDF, Multi-Page

WorkCentre Location: USEPA Region 9, 8th Floor, Room R8102  
Device Name: PN\_R8102\_Xerox5755\_PS

For assistance, please call IRM helpline at 415-947-8023. Thanks.

- 
-



**Geotechnologies, Inc.**  
Consulting Geotechnical Engineers

*Celebrating*  
**40 Years**  
*of Service*  
1971-2011

December 20, 2012  
File No. 20278

US EPA Region IX (SFD-9-3)  
75 Hawthorne Street  
San Francisco, California 94105

Attention: Mary Wesling  
EPCRA/RMP Enforcement Coordinator

Subject: Third Party Expert Technical Review  
Seismic Hazards Analysis  
San Pedro Terminal, Rancho LPG, LP.  
2110 North Gaffey Street, San Pedro, California  
SAIC Prime Contract No. #EP-W-09-032

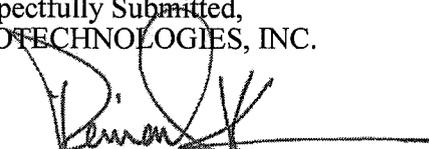
Ladies and Gentlemen:

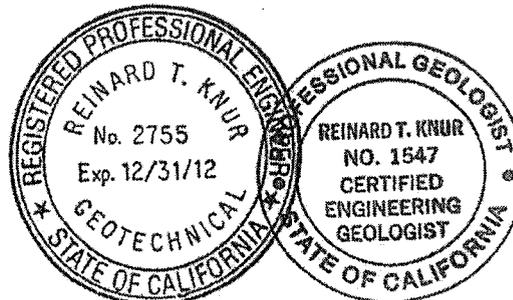
This letter transmits the third party review of the referenced report. This review was performed in order to verify the accuracy and adequacy of the evaluation by GMU dated July 19, 2010. The referenced report was prepared to address geotechnical-related questions posed earlier by the USEPA resulting from a review of a Tank Assessment Report by ABS Consulting. The criteria by which the evaluation by GMU Geotechnical, Inc. was reviewed were those from the Guidance for California Accidental Release Prevention (CalARP) Program Seismic Assessment by the CalARP Program Seismic Guidance Committee dated September 2009.

No new subsurface work was performed by Geotechnologies, Inc. as part of this third party review. A review of published geotechnical-related references for the area was performed as well as a site visit. Separate commentary resulting from these tasks is provided. Geotechnologies, Inc. appreciates the opportunity to provide our services on this project. Should you have any questions please contact this office.

Should you have any questions please contact this office.

Respectfully Submitted,  
GEOTECHNOLOGIES, INC.

  
REINARD T. KNUR  
G.E. 2755, C.E.G. 1547



Distribution: (1) SAIC, Attn: Diane Bodine  
(1) EPA, Attn: Mary Wesling

Email to: [Diane.C.Bodine@SAIC.com], Attn: Diane Bodine  
[Wesling.Mary@epamail.epa.gov], Attn: Mary Wesling

439 Western Avenue, Glendale, California 91201-2837 • 818.240.9600 • 818.240.9675 fax  
www.geoteq.com

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[www.geotek.com](http://www.geotek.com)

**THIRD PARTY TECHNICAL REVIEW  
SEISMIC HAZARDS ANALYSIS  
SAN PEDRO TERMINAL, RANCHO LPG, LP.  
2110 NORTH GAFFEY STREET, SAN PEDRO, CALIFORNIA**

**INTRODUCTION**

This report presents the results of the third party review of the Geotechnical Seismic Evaluation for the Rancho LPG Holding Facility in San Pedro by GMU Geotechnical, Inc. dated July 19, 2010. The purpose of this review was to assess the accuracy and adequacy of the evaluation by GMU Geotechnical, Inc. (GMU). The report by GMU was prepared to address Geotechnical-related questions posed by the USEPA after review of a report "Tank Assessment Report for Compliance with CalARP" by ABS Consulting dated August 17, 2010. Since the initial report by ABS Consulting was prepared for compliance with CalARP, the work by GMU Geotechnical was reviewed in consideration with the objectives outlined by CalARP (California Accidental Release Prevention Program).

The methods and findings by GMU were compared to the geotechnical guidelines found in the CalARP Program Seismic Guidance Committee document, "Guidance for California Accidental Release Prevention Program Seismic Assessment", dated September 2009. The CalARP guidelines provide for a conservative level of assessment as they apply to the release of regulated substances and potential consequences that may occur in the event of their release. The CalARP guidelines have geographic jurisdiction over the site and were prepared for facilities similar to those found on the subject site. It should be noted that the report by GMU does not refer to or intentionally address the criteria outlined in the CalARP seismic assessment guidance document.

This review included research of published geotechnical documents, and a site reconnaissance. Summaries of the findings from these tasks are provided. No subsurface exploration or testing was performed as part of this review. This report was performed in concert with the Seismic Risk



**Geotechnologies, Inc.**

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www.geoteq.com

Review of Plains LPG Facility in San Pedro, California, by Strong Motions, Inc, dated April 17, 2012.

### **BACKGROUND**

The basis for the CalARP Program is summarized in the following statement: “The objective of the California Accidental Release Prevention (CalARP) program seismic assessment is to provide reasonable assurance that the release to Regulated Substances (RS) as listed in California Code of Regulations (CCR) Title 19 Division 2 Chapter 4.5 having offsite consequences (caused by a loss of containment or pressure boundary integrity) would not occur as a result of an earthquake” (CalARP, 1999). The CalARP program guidelines are narrow in scope than those in the California Building Code whose purpose is to “establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength... safety to life and property from fire and other hazards attributed to the built environment...”

The CalARP document “*Guidance for California Accidental Release Prevention (CalARP) Program Seismic Assessments prepared by the CalARP program Seismic Guidance Committee*” (CalARP, 2009), provides criteria for evaluation the geotechnical and seismic aspects of a site. In order to meet the objective that release of regulated substances would not occur as a result of an earthquake, the guidelines provide several performance criteria for structures and systems:

- Maintain structural integrity,
- Maintain position,
- Maintain containment of material and,
- Function immediately following an earthquake.



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Since these criteria are of interest for the on-site structures, the recommendations set forth in the CalARP guidelines should be considered appropriate for the type of facilities constructed on the subject site.

The subject site was developed in the early 1970's, prior to the existence of the CalARP Guidelines. The CalARP guidelines recognize facilities that were constructed to earlier building codes. For facilities that were constructed to the 1985 Uniform Building Code and earlier, the document states "there were no specific seismic code requirements for non-building structures and non-structural components in heavy industrial applications and they were rarely reviewed and inspected by building departments..." Since 1998 the seismic assessment study has been a necessary requirement of the State's CalARP program reports. In general, the performance objectives for new facilities are more restrictive than those for existing facilities. The guidance document recognizes the disparity in design and construction requirements between old and new facilities by suggesting "any regular inspecting and repair of systems containing regulated substances should make them significantly safer than similar systems for which these steps are not taken."

#### **SITE DESCRIPTION**

The site is located near the toe of the east side of Palos Verdes Hills at 2110 North Gaffey Street in San Pedro, California. The site is bordered by a petroleum tank farm to the north, warehouses to the east, Westmont Drive to the south, and North Gaffey Street to the west. The site vicinity is developed with a mix of industrial, commercial and residential properties. The site is shown relative to nearby topographic features on the attached Vicinity Map.



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The site was graded and construction commenced in 1971; construction was completed in 1972. Based on photographs provided during the site visit, the site consisted of undeveloped, rolling hills.

Elevations vary from 130 feet above mean sea level (msl) on the east side site of the site to 20 feet above msl on the west side. Grading on the site has resulted in a moderately steep, westerly descending, terraced slope. The slope ranges in elevation from 130 feet to approximately 40 feet for a total height of 90 feet. The slope descends at a 1.5 to 1 gradient between terraces and a 1.75 to 1 gradient average gradient over the entire slope. Graded terraces support several small one structures and one two story structure. Several berms are placed around to deflect and contain liquids in the event of releases and to contain rainfall runoff. The slopes are vegetated with annual grasses. Detailed site topography is shown on the attached Plot Plan 1 and Plot Plan 2.

The site is developed with the following above-ground tanks:

- Two, 13,000,000-gallon refrigerated butane tanks (labeled as T-1 and T-2 on the attached Plot Plans),
- Three, 20,000-gallon propane tanks,
- Three, 20,000-gallon butane tanks,
- One, 3,500-gallon Ethyl Mercaptan tank,
- Two, 127-gallon Accumulators (V-17 and V-28),
- One, 509 cubic foot knock out butane Tank (V-19),
- One truck loading rack and a Railcar Loading Rack.

Due to their large capacity, the two atmospheric, refrigerated butane tanks are the focus of this assessment. The butane tanks are located on two separate, relatively flat terraces at elevation 50 feet (Butane Tank T-1) and 40 feet (Butane Tank T-2). A large, soil-bermed containment basin is located on the west side of the two large butane tanks. The butane tanks are located



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approximately 20 feet from the toe of the high westerly-descending slope and approximately 50 feet from the top of the containment basin slope.

The containment basin measures approximately 90 by 160 feet at its base, and is over 20 feet deep with slopes that are inclined at a 1.5 to 1 gradient (horizontal to vertical). The slopes are covered with an asphalt emulsion and the bottom is vegetated with annual grasses. The bottom of the containment area ranged from elevation 20.7 to 24.5 feet.

### **LOCAL GEOLOGY**

The site is located in the San Pedro Hills near the northeast side of Palos Verdes. Palos Verdes is large hill in the Los Angeles Basin that has been uplifted due to compression by nearby faults. The basement rock underlying Palos Verdes is the Catalina Schist and is found at a relatively shallow depth of less than 1 kilometer. Overlying the basement rock are Miocene sedimentary rocks with various Pleistocene-age, poorly-consolidated sediments. The subject site is underlain by Quaternary alluvium, San Pedro Sand and old, uplifted alluvium (Dibblee, 1999). A copy of the geologic map by Dibblee is attached to this letter as "Local Geologic Map (Dibblee, T.W.)". Earlier geologic mapping work by Woodring, Bramlette, and Kew (1946) is attached as "Local Geologic Map (Woodring, W.P., et al)". The map by Woodring, Bramlette, and Kew shows geologic materials of similar composition to those indicated on the geologic map by Dibblee. The map also shows the topography of the site vicinity prior to development.

GMU Geotechnical drilled two borings located at the top of the hill on the east corner of the property and DH-2 located at the toe of the hill between Tanks T-1 and T-2. DH-1 was drilled to 100 feet below the ground surface (bgs). DH-2 was drilled to a depth of 50 feet bgs.



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Review of the boring logs indicate 12 feet of artificial fill at the top of the westerly-descending slope. The fill is composed of poorly graded sand that is damp, dense, massive and has no cementation.

The San Pedro Formation underlies the fill in Boring DH-1 and was identified at the ground surface in DH-2. The San Pedro Formation is described as poorly graded sand that is dense, moist and without cementation. In Boring DH-1, drilled at the top of the slope, silty sand and sandy silt were identified between the depths of 70 to 90 feet bgs, which in turn is underlain by poorly graded sand.

Water was not identified in the 100 foot deep boring, DH-1. The ground surface of this boring was 120 feet, therefore the boring terminates at an elevation of 20 feet above mean sea level. Boring DH-2 was drilled at a surface elevation of 50 feet above mean seal level to a depth of 50 feet bgs. Water was identified at a depth of 37.3 feet bgs which correlates with an elevation of 12.7 feet above mean sea level. Therefore, the water surface is approximately 27.3 and 37.3 feet below the Tanks T-1 and T-2, respectively.

According to Seismic Hazard Zone Report for the Torrance 7.5-Minute Quadrangle (CDMG, 2006), the historically highest groundwater is approximately 10 feet below the ground surface at Gaffey Street. The ground surface elevation of Gaffey Street is near elevation 28 feet above mean sea level, therefore the historically highest groundwater elevation is at 18 feet above msl. Since the water surface is relatively planar and horizontal in the granular San Pedro Formation sand, the historically highest ground water surface can be projected to the containment basin and Tanks T-1 and T-2. The depth to the historically highest groundwater surface beneath these features is summarized in the following table.



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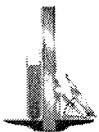
| <b>Feature</b>    | <b>Ground Surface Elevation (feet above msl)</b> | <b>Elevation of Historically Highest Groundwater (feet above msl)</b> | <b>Depth to HHGW (feet bgs)</b> |
|-------------------|--|---|---------------------------------|
| Tank T-1          | 50   | 18  | 32                              |
| Tank-T-2          | 40   | 18  | 22                              |
| Containment Basin | 23   | 18  | 5                               |

**Faults**

The site is not underlain by the surface trace of any known faults. A generalized map showing regional faults is attached as Southern California Fault Map. The Local Geologic Map (Dibblee, T.W.) shows the nearest fault to the subject site is the “inferred position of the Palos Verdes Fault”. This fault is located 400 feet northeast.

An Earthquake Fault Zone is designated if the State of California deems a fault to have a relatively high potential for ground rupture. The criteria for such zoning is if a fault has evidence of surface displacement in the last 11,000 years (sufficiently active) and if the fault trace is clearly detectable by a trained geologist as a physical feature (well defined). The Palos Verdes Fault has not been designated by the California Geological Survey (CGS) with an Earthquake Fault Zone (Hart and Bryant, 2008).

In 1972, the Alquist-Priolo Special Studies Zones Act (now known as the Alquist-Priolo Earthquake Fault Zoning Act) was passed into law. The Act defines “active” and “potentially active” faults utilizing the same aging criteria as that used by California Geological Survey (CGS). However, established state policy has been to zone only those faults which have direct evidence of movement within the last 11,000 years. It is this recency of fault movement that the CGS considers as a characteristic for faults that have a relatively high potential for ground rupture in the future.



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The Palos Verdes Fault is considered to have been active in Holocene time (last 11,000 years). The fault is oriented in a northwest-southeast direction and has a left-lateral, strike-slip motion. Recent work suggests that the fault has slip rate of 2.7 to 3.0 mm/yr. and is capable of an  $M_w$  event of 7.0 to 7.2 at an interval of 400 to 900 years (McNeilan, T.W., et. al, 1995).

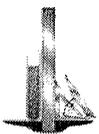
The nearest CGS-designated Earthquake Fault Zone is for the Newport Inglewood Fault, located 6.6 miles to the northeast. A map showing the site location relative to the nearest Earthquake Fault zone is attached to this letter as "Earthquake Fault Zone Map".

#### SITE VISIT

A site visit was performed on February 10, 2012 to observe the site conditions and meet with the facility operators. The site visit consisted of a walk-through of the entire facility, including the top of the eastern slope, the bottom of the containment basin, as well as review of construction documents and photos available in the office. The purpose of the site visit was to observe geotechnical-related issues such as the conditions of slopes, indications of settlement or instability at the ground surface, the condition of observable of footings, drainage-related installations and general maintenance of the drainage facilities.

The site visit was performed in the presence of representatives from the following entities:

- United States Environmental Protection Agency (Region IX)
- Strong Motions Inc.
- Plains All -American
- Rancho LPG Holding, LLC



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The site reconnaissance was led by personnel of Plains All-American and they permitted access to all locations requested by this firm and Strong Motions, Inc. The site appeared to be generally well maintained and organized. Work was being performed during the site visit to drain one of the large butane tanks for scheduled maintenance of the tank. The following paragraphs summarize the geotechnical-related observations by this firm.

### **Slopes-Containment Basin**

The purpose of the containment basin is to capture butane (as a liquid) should any escape from Butane Tanks T-1 or T-2 resulting from catastrophic failure. The containment basin is labeled on the attached Plot Plan 1 (East). The containment area consists of an enclosed pit measuring 180 feet by 320 feet at its base with slopes that range in height from 15 to 25 feet and are inclined at a 1.5 to 1 gradient (horizontal to vertical). The slopes are covered with an asphalt emulsion. Cracks up to 1½ inches in width in the emulsion appear near the top of the slopes. Holes and soil piles from ground-burrowing rodents were observed on the surface of the asphalt emulsion at several locations of the containment basin. No scarps or deformations in the slopes suggestive of a previous or incipient failure were noted.

The bottom of the containment basin is unlined and vegetated with grasses. In order to permit the drainage of storm runoff water from the basin, an outlet drain is located near the southwest corner. The drain consists of a 16- inch diameter, corrugated, metal pipe. It is the understanding of this firm that the pipe discharges to the storm drain system on North Gaffey Street. No device exists to contain liquid butane (or other released substance) from entering the drain in the event of discharge by the tanks. However, a control valve near Gaffey Street controls the flow of stormwater and, in the event of a liquid release into the storm drain system.



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### **Slopes - East Side of Tanks T-1 and T-2**

The slopes rise to the east from 75 to 90 feet above the base of tanks. The slopes were cut during mass grading of the site around 1973 and have concrete lined terrace drains at approximately 25 foot vertical intervals. The terrace drains discharge to concrete-lined downdrains. The slopes expose light brown silty sand that is consistent with the descriptions found on the attached geologic maps. The slopes are vegetated with annual grasses. No indications of instability such as cracked and displaced terrace drains, hummock topography, or surficial scars on the slopes were noted.

### **Area Drains**

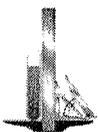
It was noted that the surficial drains that collect rainfall runoff from the terraces at Tanks T-1 and T-2 were partially filled with sediment that will impede drainage of the runoff. The sediment needs to be removed as part of regular maintenance of the site.

### **Ring Foundation for Tanks T-1 and T-2**

The foundation appeared to be in good condition with no cracks greater than hairline in width noted.

### **Flare Stack**

A flare stack is located near the southeast corner of the site near the top of the 90 foot high, westerly-descending slope. The foundations for the flare stack have been recently upgraded. The concrete foundation of the flare stack appeared to be relatively new and uncracked. The ground surface around the flare stack did not exhibit indications of slope instability such as cracks, ground settlement, or surficial scars. However, evidence of rodent activity was noted nearby. Rodent burrows will directly reduce the stability of a slope and permit pathways for water infiltration that will further destabilize a slope.



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**REVIEW OF EVALUATION BY GMU GEOTECHNICAL**

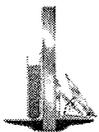
The purpose of the evaluation by GMU Geotechnical, Inc. (GMU, 2010) was to respond to questions by raised by the EPA following a review of a seismic hazard assessment report completed by ABS Consulting (ABS, 2010). The EPA raised questions about the facility concerning the findings found in the ABS. The facility operator commissioned a follow-up evaluation by GMU to respond to the EPA's questions. Geotechnologies, Inc. has not attached a copy of the email correspondence between the EPA and the facility operator concerning the ABS report. However, the questions are repeated in the report with the consultant responses immediately following. The issues that were addressed in the report include:

- Field exploration
- Laboratory testing
- Site specific seismic parameters
- Stability analysis of on-site slopes
- Liquefaction potential

General commentary of the work by GMU as well as correlation of the work to the CalARP seismic guidance document follows.

**Field Exploration**

The field exploration by GMU included drilling and sampling two borings to depths of 50 and 100 feet with a hollowstem auger, and three soundings to depths ranging from 37 to 50 feet with a cone penetrometer. Soil samples taken from the borings were tested for various soil properties. Three of the explorations (DH-1, DH-2, and CPT-1) were performed either at the toe or the top of the west-descending slope near the tanks T-1 and T-2. The remaining two explorations were conducted in the vicinity of the office, located near the northeast corner of the site.



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Comment 1: No borings were drilled between the butane tanks and the containment area slope by GMU. As mentioned in the Local Geology section of this report, groundwater was identified at an elevation of 12.8 feet above msl in Boring DH-2. This elevation corresponds to a depth of 10.2 feet below the ground surface at the bottom of the containment basin. Additional investigation is warranted to characterize the soils comprising the slope between the containment basin and the butane tanks. This information should be used to address comments found later in this review.

One of the CPT soundings (CPT-3) was excavated near the office building to a depth of 50 feet. This sounding was used to obtain the value  $V_{s30}$  that is used in a later calculation for the site specific ground motion hazard analysis. The value obtained for  $V_{s30}$  was 510 ft./second (155 m/s).

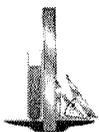
Comment 2: The value obtained 155 m/s is considered by this firm to be low for the San Pedro sand. Based on the research by Tinsley and Fumal (1985) a higher velocity value may be appropriate. The value of  $V_{s30}$  should be based on measurements from the upper 100 feet of soils and therefore may yield a higher value. It is recommended that a shear wave velocity measurement to a depth of 100 feet be obtained by either a CPT sounding or a downhole measurement in a boring.

### **Laboratory Testing**

The selection of tests appears appropriate and the tabulated results appear reasonable. However, the soil samples were not obtained from the location between the butane tanks and containment area.

Comment 3: Additional geotechnical tests of the soils obtained from the recommended boring(s) between the butane tanks and the containment basin are warranted. The results should be used to respond to comments that appear later in this review.

Comment 4: It is not stated in the evaluation if the direct shear tests on the San Pedro Sand were performed at field moisture or saturated conditions. The tests should be run under



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saturated conditions and the results utilized in the slope stability calculations as appropriate. Saturated conditions can occur during extended period of rainfall and represent the most critical soil moisture state from the standpoint of soil strength.

### **Site-Specific Seismic Parameters**

Site-specific seismic parameters were calculated using the US Geological Survey computer program, Ground Motion Parameter Calculator (Version 5.0.09a). The results were used in the calculation of seismic slope stability and for liquefaction analyses.

Comment 5: According to the CalARP guidance manual, the procedure of ASCE 7-05, Chapter 21 should be used for site-specific, ground motion hazard assessments. The more detailed and site specific procedure of ASCE 7-05 Chapter 21 be followed.

Comment 6: The site is located 400 feet from the Palos Verdes Fault which has a recurrence interval of 400 to 900 years (McNeilan, T.W., et. al, 1995). As a result of this proximity and recurrence interval, the near source directivity option should be used when performing the site specific analysis of ASCE 7-05 chapter 21.

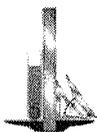
Comment 7: The  $V_{s30}$  value used in the analysis should be derived from a site-specific measurement that extends to a depth of 100 feet as mentioned in Comment 2.

### **Slope Stability - Westerly Descending Slope above Butane Tanks**

GMU Geotechnical performed a slope stability analysis along Cross Section 2-2' that shows the profile of the westerly descending slope through Butane Tank T-1.

Comment 8: A slope stability analysis should also be performed through the westerly-descending slope and Butane Tank T-2. The slope is 15 feet higher and may be more critical. A new cross section perpendicular to the slope face that would be the most critical section should be drawn.

Comment 9: The pseudostatic slope stability analysis should be performed using the results from an updated seismic hazard analysis described in Comment 5.



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Comment 10: The summary page of the slope stability analyses (pages C1 and C2) identifies the seismic displacement of the high slope on the east side of the site to be 7 inches and 8 inches. GMU Geotechnical concluded the tanks located at the toe of the slope are not likely to be impacted by the slope displacement. It should be noted that the values yielded by the methodology used (Bray, 2007) are not actual displacement distances but should be used as an index of performance (Blake, Hollingsworth and Stewart, 2002). The calculated index value (7 and 8 inches for a slope 75 to 90 feet high) is significant, and should be addressed.

**Slope Stability-Westerly Descending Slope of Containment Area, Below Butane Tanks**

GMU Geotechnical performed a slope stability analysis along Cross Section 2-2' that shows the profile of the westerly-descending slope through Butane Tank T-1. The analyzed cross section includes a portion of the Butane Tank.

Comment 11: The cross section used in the analysis is not oriented perpendicular to the slope to yield the most conservative value for Factor of Safety. The cross section should be redrawn and to include the steepest slope orientation.

Comment 12: Based on the information provided in the report, it does not appear stability analysis was performed that considers the surcharge caused by the butane tank with contents. A new analyses should consider the surcharge on the slope caused by a tank at operational capacity.

Comment 13: As mentioned in Comment 4, it is unknown if the soil strength obtained from the direct shear testing was performed under saturated conditions. A saturated shear strength should be used in light of the shallow depth to groundwater table beneath the containment basin.

Comment 14 A large fill wedge is shown on the cross sections used for the stability analysis on the east face of containment basin. The geometry of the fill wedge is likely based on review of a Grading Plan cited in the references. Subsurface explorations should be performed to identify the properties of the fill soil comprising this slope as addressed in Comment 1.



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Comment 15: The groundwater elevation shown on the slope stability analysis Cross Sections (Figure C-8.1) is approximately coincident with the groundwater depth identified in the borings by GMU Geotechnical. Review of the Seismic Hazard Report for the Torrance 7.5-Minute Quadrangle (CDMG, 2006) suggest that groundwater may reach an elevation of 20 feet. The stability analysis (and lateral spreading) analysis should consider the groundwater at this higher elevation.

Comment 16: The data input file from the computer program should be included for all analyses results.

### **Liquefaction**

The potential for liquefaction was addressed at the locations near the base of the westerly descending hill (CPT-1) and near the office building (CPT-2 and CPT-3). The values in the analysis using a peak ground acceleration of 0.5g which appears adequate.

Comment 17: The potential for liquefaction in the containment basin should be addressed since the basin is downslope of Butane Tanks T-1 and T-2 and the historically highest groundwater level is shallow in this area (less than 5 feet below the ground surface). Additional boring(s) and laboratory analyses in the containment area and adjacent berm will be necessary.

### **Lateral Spreading**

Lateral spreading is a seismic related phenomenon that occurs to gently sloping ground with a free face when layers of geologic materials are liquefied and move in a downslope direction. This hazard was not addressed in the evaluation.

Comment 18: This hazard should be addressed according to the CalARP guidance document. The analysis should also be performed in the containment area, below the Butane Tanks T-1 and T-2. The borings and analyses identified in Comment 18 may be used for this purpose.



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### **Seismic Settlement**

Seismic settlement occurs when loose dry, cohesionless soils settle as a result of seismic shaking. This hazard is listed in the CalARP guidance document, but was not addressed in the referenced evaluation.

Comment 19: Analysis for these phenomena should be performed for the soil column in the vicinity of the butane tanks, to the depth of the current ground water surface.

### **RECOMMENDATIONS BASED ON THE SITE VISIT**

Based on the observations made by this firm during the site visit, the following geotechnical-related maintenance recommendations are provided but are unrelated to the review by GMU. The items listed are not listed in the Cal-ARP document but are prudent maintenance practices, and should be addressed by the site owner.

- Item 1: Several slope areas were noted to have evidence of burrowing rodents. The burrows will degrade the strength of the materials comprising the slope as well as provide avenues for water infiltration. An eradication program for the rodents should be implemented.
- Item 2: The asphalt emulsion that lines the containment area was observed to have cracks up to 1½ inches wide. The cracks should be filled with new emulsion to prevent rainfall runoff from entering the cracks.
- Item 3: Two area drain inlets that collect water from butane Tank T-1 and T-2 terraces were partially filled with sediment. These storm drains should be cleaned of the debris to restore full capacity.
- Item 4: The site maintenance program should include regular observations and cleaning or repair, as needed, of all area drains, terrace drains and asphalt emulsion surfaces.



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- Item 5: The design of the storm water outlet at the southwest corner of the containment basin should be checked. Also, the valve near Gaffey Street should be included on a maintenance program.

### **CONCLUSION**

Although the GME report addressed some the data collection and analysis requirements for a seismic hazard analysis found in the Guidance for CalARP Program Seismic Assessments document, some analysis critical for the evaluation of the seismic hazards at the site were not addressed as described in this review.

### **CLOSURE AND LIMITATIONS**

The purpose of this review is to aid in the analysis of the described facility. Implementation of the advice presented in this report is intended to reduce certain risks. The professional opinions and geotechnical advice contained in this report are sought because of special skill in engineering and geology and were prepared in accordance with generally accepted geotechnical engineering practice. Geotechnologies, Inc. has a duty to exercise the ordinary skill and competence of members of the engineering profession. Those who hire Geotechnologies, Inc. are not justified in expecting infallibility, but can expect reasonable professional care and competence.



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www.geoteq.com

### **REFERENCES - continued**

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[www.geoteq.com](http://www.geoteq.com)

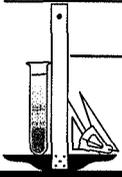


1000 0 1000 2000 3000 4000 FEET  
 Printed from TOPOI ©1997 Wildflower Productions (www.topo.com)

REFERENCE: U.S.G.S. TOPOGRAPHIC MAPS, 7.5 MINUTE SERIES,  
 TORRANCE, CA QUADRANGLE



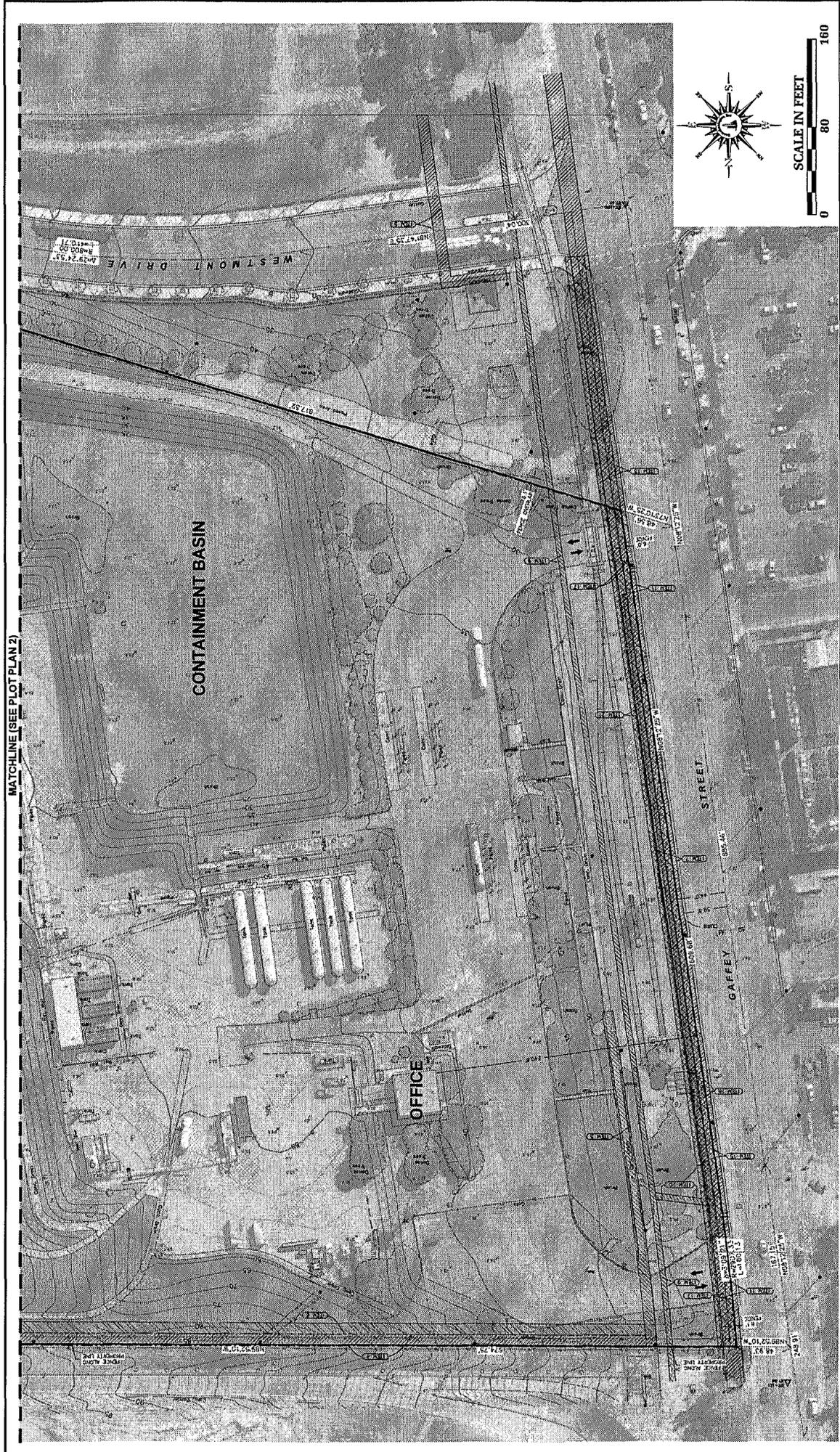
**VICINITY MAP**



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**SAIC - SAN PEDRO**

**FILE NO. 20278**



**PLOT PLAN 1 - (WEST)**  
 SAIC - SAN PEDRO  
 File No.: 20278  
 Date: May '12

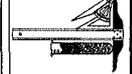
**Geotechnologies, Inc.**  
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REFERENCE: ALTA/ACSM LAND TITLE SURVEY BY DULIN AND BOYNTON  
 DATED 11/12/08

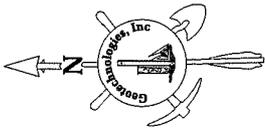


**PLOT PLAN 2 - (EAST)**  
**SAIC - SAN PEDRO**  
 File No.: 20278  
 Date: May '12

**Geotechnologies, Inc.**  
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REFERENCE: ALTA/GSM LAND TITLE SURVEY BY DULIN AND BOYNTON  
 DATED 11/22/08

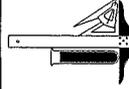


**LEGEND**

- af: Artificial fill or cut and fill
- Qs: Beach Sediments - Sand to cobble-boulder gravel
- Qa: Alluvium - Mostly loamy clay
- Qae: Alluvium - Similar to Qa, but slightly elevated and locally dissected
- Qls: Landslide debris - Mostly of Monterey shale
- Qoa: Older Alluvium - Non-Marine terrace cover, sandy loam, and loamy clay
- Qsp: San Pedro Sand - Sand and pebble gravel
- Tmg: Malaga Mudstone - Mudstone with diatomaceous strata and limestone concretions
- Tmv: Monterey Formation: Valmonte Diatomite - Shale and mudstone
- Tms: Monterey Formation: Allamira Shale - Upper part
- Tmat: Monterey Formation: Allamira Shale - Upper part
- : Fault - dashed where indefinite or inferred, dotted where concealed, queried where existence is doubtful



**LOCAL GEOLOGIC MAP  
(DIBBLEE, T.W.)**



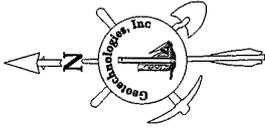
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Consulting Geotechnical Engineers

**SAIC - SAN PEDRO**

**FILE No. 20278**

**DATE: May '12**

DIBBLEE, T.W., (1998), MAP #DF-70, GEOLOGIC MAP OF THE PALOS VERDES PENINSULA AND VICINITY

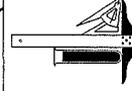


**LEGEND**

- Qal: Alluvium and artificial fill
- Qgr: Stream terrace gravel
- Qtc: Nonmarine terrace cover
- Qpv: Palos Verdes sand
- Qsp: San Pedro sand
- Ql: Lomita marl
- Tm: Malaga mudstone member
- Tv: Valmonte diatomite member
- Ta: Allamira shale member



**LOCAL GEOLOGIC MAP**  
(WOODRING, W.P., ET AL)



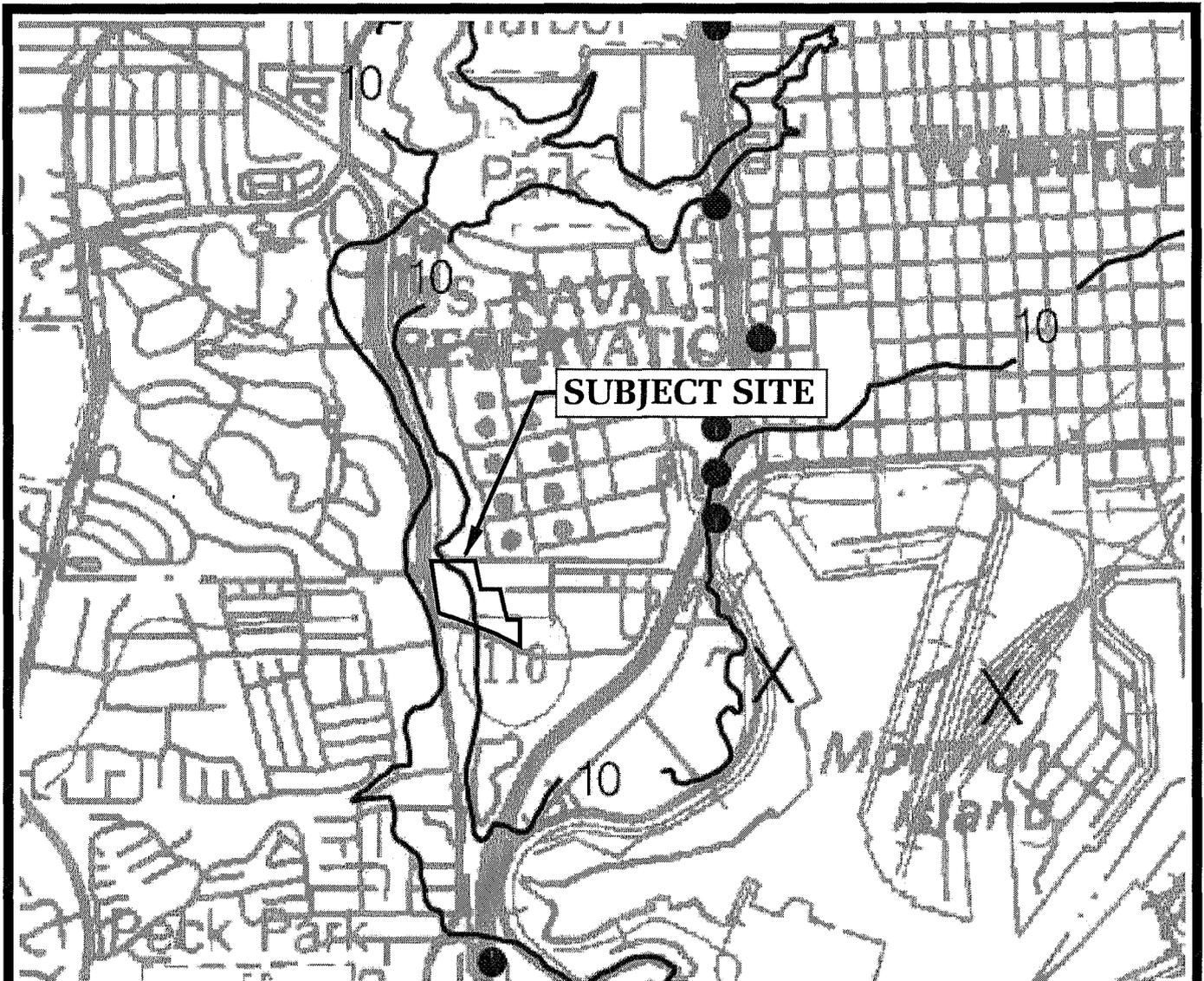
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FILE No. 20278

DATE: May '12

WOODRING, W.P., BRAMLETTE, M.N., KEW, W.S.W. (1948). GEOLOGIC MAP AND SECTIONS OF PALOS VERDES HILLS



ONE MILE

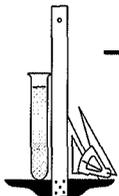
SCALE

10 Depth to groundwater in feet



REFERENCE: CDMG, SEISMIC HAZARD ZONE REPORT, 035  
 TORRANCE 7.5 - MINUTE QUADRANGLE, LOS ANGELES COUNTY, CALIFORNIA (1998, REVISED 2006)

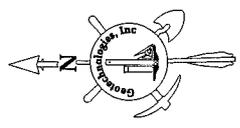
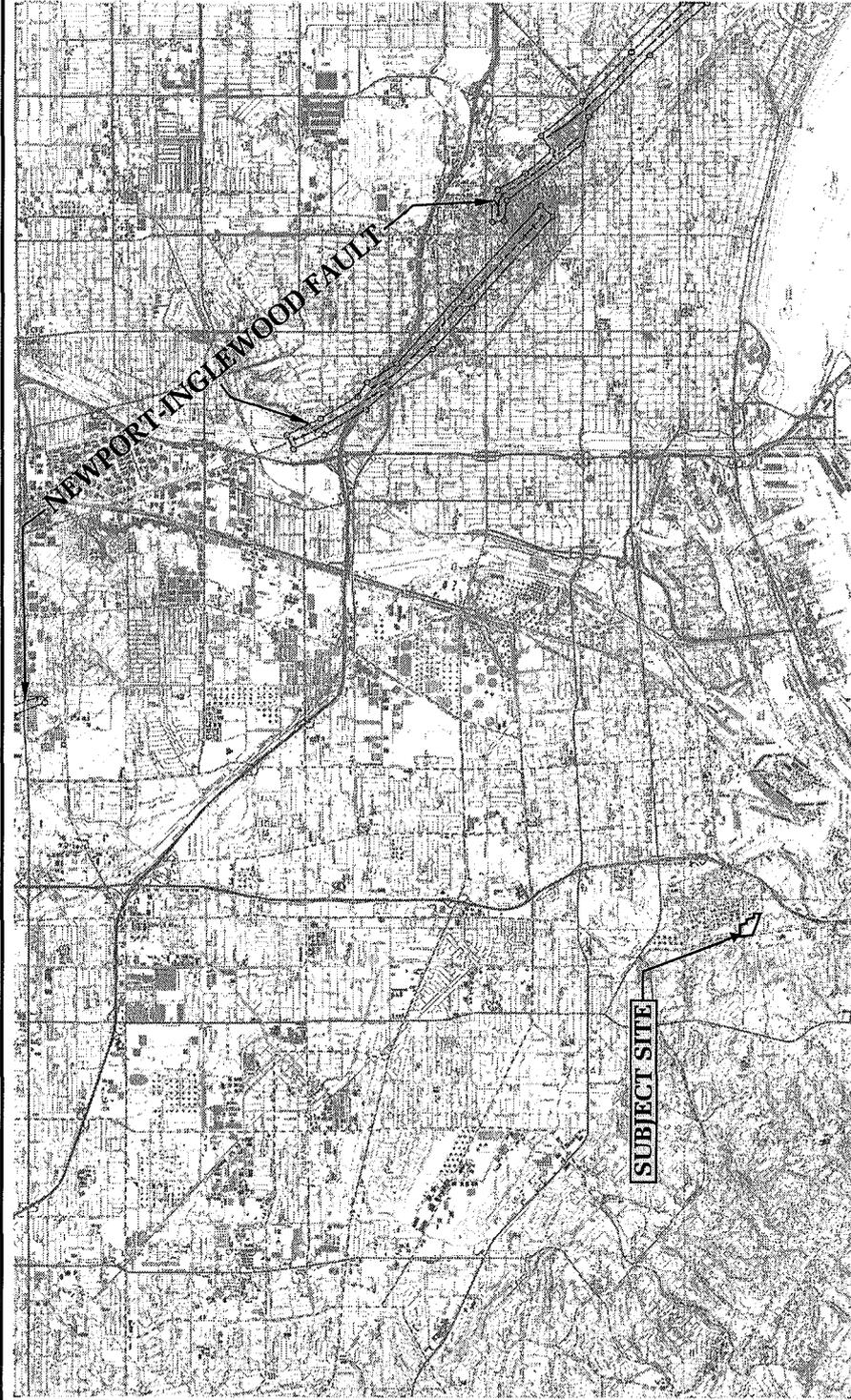
**HISTORICALLY HIGHEST GROUNDWATER LEVELS**



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FILE No. 20278

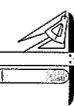


 Earthquake Fault Zones  
 Alquist-Priolo Earthquake Fault Zone

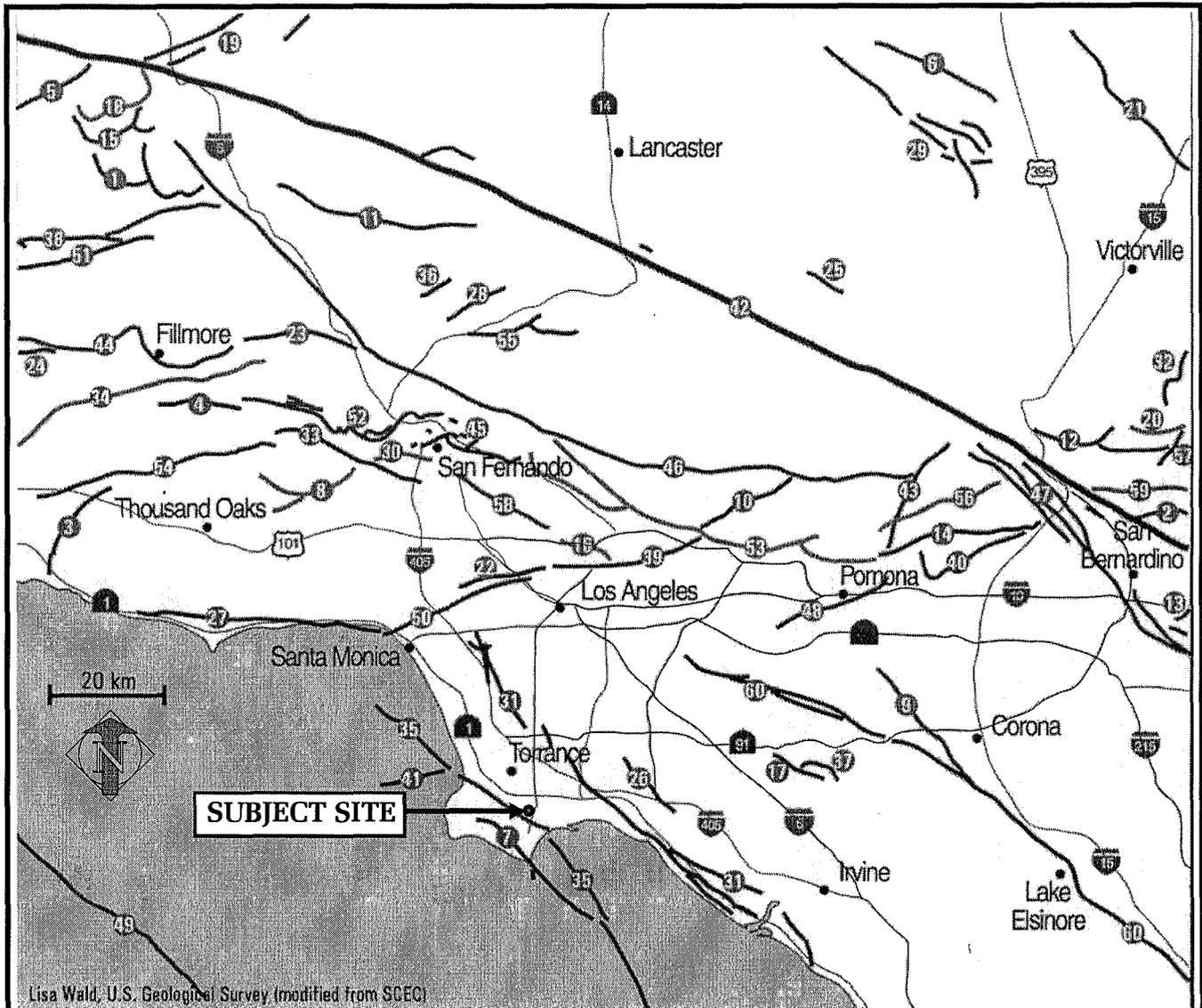
## EARTHQUAKE FAULT ZONE MAP

SAIC - SAN PEDRO

FILE NO. 20278

  
**Geotechnologies, Inc.**  
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REFERENCES: SPECIAL STUDIES ZONES, LONG BEACH QUADRANGLE, CDMG, 1986  
 SPECIAL STUDIES ZONES, TORRANCE QUADRANGLE, CDMG, 1986

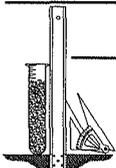


Lisa Wald, U.S. Geological Survey (modified from SGEI)

- |                             |                                  |   |
|-----------------------------|----------------------------------|---|
| 1 Alamo thrust              | 21 Helendale fault               | 41 Redondo Canyon fault                 |
| 2 Arrowhead fault           | 22 Hollywood fault               | 42 San Andreas Fault                    |
| 3 Bailey fault              | 23 Hoiser fault                  | 43 San Antonio fault                    |
| 4 Big Mountain fault        | 24 Lion Canyon fault             | 44 San Cayetano fault                   |
| 5 Big Pine fault            | 25 Llano fault                   | 45 San Fernando fault zone              |
| 6 Blake Ranch fault         | 26 Los Alamitos fault            | 46 San Gabriel fault zone               |
| 7 Cabrillo fault            | 27 Malibu Coast fault            | 47 San Jacinto fault                    |
| 8 Chatsworth fault          | 28 Mini Canyon fault             | 48 San Jose fault                       |
| 9 Chino fault               | 29 Mirage Valley fault zone      | 49 Santa Cruz-Santa Catalina Ridge f.z. |
| 10 Clamshell-Sawpit fault   | 30 Mission Hills fault           | 50 Santa Monica fault                   |
| 11 Clearwater fault         | 31 Newport Inglewood fault zone  | 51 Santa Ynez fault                     |
| 12 Cleghorn fault           | 32 North Frontal fault zone      | 52 Santa Susana fault zone              |
| 13 Crafton Hills fault zone | 33 Northridge Hills fault        | 53 Sierra Madre fault zone              |
| 14 Cucamonga fault zone     | 34 Oak Ridge fault               | 54 Simi fault                           |
| 15 Dry Creek fault          | 35 Palos Verdes fault zone       | 55 Soledad Canyon fault                 |
| 16 Eagle Rock fault         | 36 Pelona fault                  | 56 Stoddard Canyon fault                |
| 17 El Modeno fault          | 37 Peralta Hills fault           | 57 Tunnel Ridge fault                   |
| 18 Frazier Mountain thrust  | 38 Pine Mountain fault           | 58 Verdugo fault                        |
| 19 Garlock fault zone       | 39 Raymond fault                 | 59 Waterman Canyon fault                |
| 20 Grass Valley fault       | 40 Red Hill (Etiwanda Ave) fault | 60 Whittier fault                       |

REFERENCE: <http://pasadena.wr.usgs.gov/info/images/LA%20Faults.pdf>

## SOUTHERN CALIFORNIA FAULT MAP



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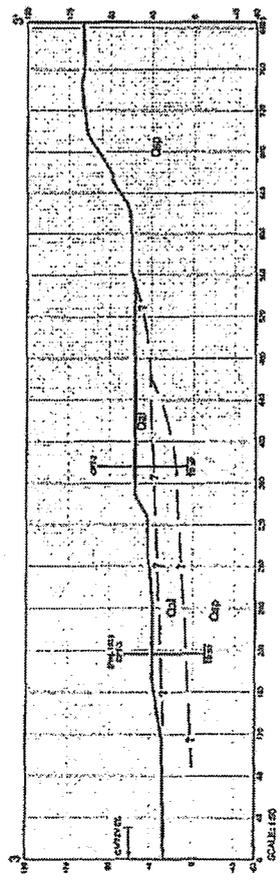
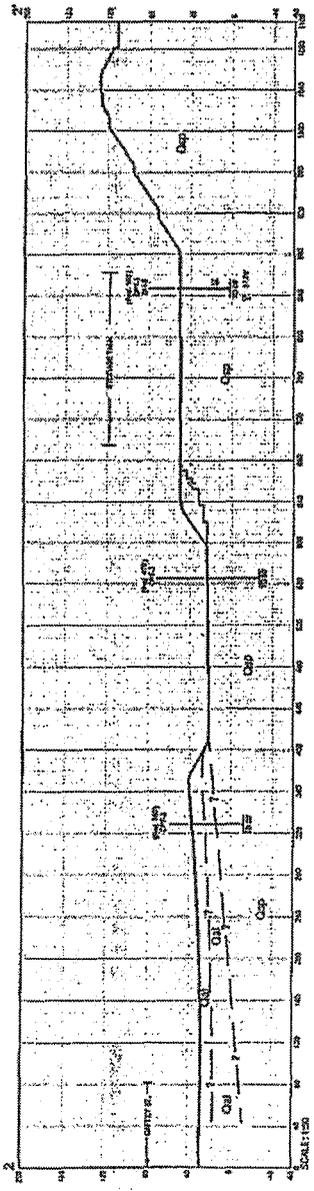
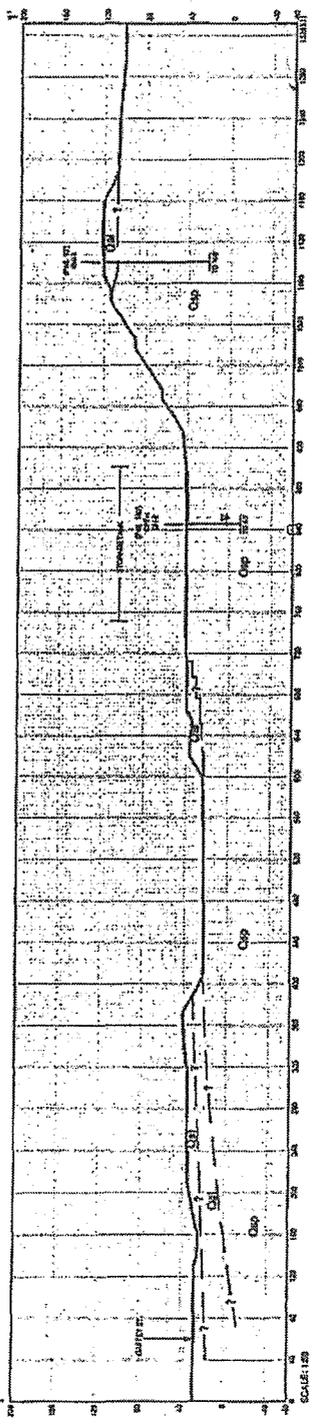
FILE No. 20278

FIGURE I



Geotechnical Sections


 Date: 04/15/2014  
 Project: I-15  
 Page: 7



**LEGEND**  
 — ARTIFICIAL  
 — ALLOY  
 — SANITIZATION

## Kit Fox

---

**From:** Carolynn Petru  
**Sent:** Wednesday, January 02, 2013 9:47 AM  
**To:** Kit Fox  
**Subject:** FW: EPA-R9-2013-001262 Geo-technical Report for Rancho LPG

**From:** Janet Gunter [<mailto:arriane5@aol.com>]  
**Sent:** Wednesday, January 02, 2013 9:18 AM  
**To:** [connie@rutter.us](mailto:connie@rutter.us); [det310@juno.com](mailto:det310@juno.com); [jody.james@sbcglobal.net](mailto:jody.james@sbcglobal.net); [MrEnvirlaw@sbcglobal.net](mailto:MrEnvirlaw@sbcglobal.net); [noelweiss@ca.rr.com](mailto:noelweiss@ca.rr.com); [chateau4us@att.net](mailto:chateau4us@att.net); CC  
**Subject:** Fwd: EPA-R9-2013-001262 Geo-technical Report for Rancho LPG

Carl is a professional "risk analysis expert".....

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

**From:** Carl Southwell <[carl.southwell@gmail.com](mailto:carl.southwell@gmail.com)>  
**To:** Janet Gunter <[arriane5@aol.com](mailto:arriane5@aol.com)>  
**Sent:** Wed, Jan 2, 2013 8:59 am  
**Subject:** Re: EPA-R9-2013-001262 Geo-technical Report for Rancho LPG

Hi Janet,

The report, in summary, states "It should be noted that the report by GMU does **not** refer to or intentionally address the criteria outlined in the CalARP seismic assessment guidance document. This review included research of published geotechnical documents, and a site reconnaissance. Summaries of the findings from these tasks are provided. **No subsurface exploration or testing was performed** as part of this review." (emphasis mine)

The takeaway is that subsurface exploration, testing, and analysis sufficient to comply with the CalARP seismic assessment guidance document (see, e.g., <http://fire.lacounty.gov/HealthHazMat/PDFs/CalARPGuideIndustry.pdf>) is needed as part of the facility's RMP.

It's amazing that pre-existing infrastructure gets a pass on so many regulations.

Carl

On Tue, Jan 1, 2013 at 7:17 PM, Janet Gunter <[arriane5@aol.com](mailto:arriane5@aol.com)> wrote:  
Dear Ms. Wong-

Thank you for providing this information. This long awaited information certainly underscores our reasons for extreme concern and emphasizes the critical need for urgency regarding the safety and security of our public due to the presence of this ultra hazardous facility. This report's direction for further analysis and evaluation of the geologic conditions of the Rancho site should be assigned to an "uninterested party" immediately in the interest of public safety. An obvious area of discrepancy is the lack of acknowledgement of the LPG facility site as being in an "Earthquake Rupture Zone" as clearly defined in official LA City Planning Department documents. How ...and why...would that not be acknowledged? However, there are many other very serious issues regarding soils and geologic conditions that remain reported in this document.

We are still awaiting the correspondence between the EPA and Rancho that was requested months ago. In particular, is a letter referenced by the manager of Rancho LPG, Ron Conrow, at a Rancho Palos Verdes City Council meeting over 4 months ago.. Please provide this correspondence at your earliest convenience. It is important for our public to understand the dialogue that has been conducted between the operators of Rancho and your agency.

Thank you for your time and cooperation.  
Janet Gunter

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

**From:** Wong, Jeannie <[Wong.Jeannie@epamail.epa.gov](mailto:Wong.Jeannie@epamail.epa.gov)>

To: arriane5 <[arriane5@aol.com](mailto:arriane5@aol.com)>  
Cc: Simmons.Joan <[Simmons.Joan@epamail.epa.gov](mailto:Simmons.Joan@epamail.epa.gov)>  
Sent: Mon, Dec 31, 2012 12:02 pm  
Subject: EPA-R9-2013-001262

---

Hi Ms. Gunter:

Attached is our response to your FOIA Request EPA-R9-2013-001262 regarding "Geotechnical analysis performed by the EPA on Rancho LPG".

Regards,

Environmental Protection Agency  
Superfund Division

Jeannie Wong  
(415) 972-3079  
Email: [wong.jeannie@epa.gov](mailto:wong.jeannie@epa.gov)

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

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Device Name: PN\_R8102\_Xerox5755\_PS

For assistance, please call IRM helpline at 415-947-8023. Thanks.

- 
- 

--  
Carl Southwell

Contact me at (use whichever you prefer) :  
[carl.southwell@gmail.com](mailto:carl.southwell@gmail.com)  
[carl.southwell@usc.edu](mailto:carl.southwell@usc.edu)

My blog: [anotheruniqueperspective.blogspot.com](http://anotheruniqueperspective.blogspot.com)

Also visit: [www.pressfriends.org](http://www.pressfriends.org)  
*Making writing fun for elementary school kids, empowering kids to become mentors and leaders, and creating friendships among youth from diverse backgrounds.*

## Kit Fox

---

**From:**Carolynn Petru  
**Sent:**Wednesday, January 02, 2013 9:47 AM  
**To:**Kit Fox  
**Subject:**FW: Fwd: EPA-R9-2013-001262 Geo-technical Report for Rancho LPG

---

**From:**Noel Weiss [mailto:noelweiss@ca.rr.com]  
**Sent:**Wednesday, January 02, 2013 9:25 AM  
**To:**connie@rutter.us; det310@juno.com; jody.james@sbcglobal.net; MrEnvirlaw@sbcglobal.net; chateau4us@att.net; CC; Janet Gunter  
**Subject:**Re: Fwd: EPA-R9-2013-001262 Geo-technical Report for Rancho LPG

Connie:

I don't believe that it is lawful for the storm drain to go unprotected here. . . The report says on Page 9 that "no device exists to contain liquid butane (or other released substance) from entering the drain in the event of a discharge by the tanks. . ."

I haven't researched this down to the 'nth' degree, but my sense is that the City does have laws which require storm drains to be protected from fluid contamination. . . If so, Rancho is in violation. . Which is why I have encouraged Janet to get this report out to the other City Attorney candidates and get their reaction. . . In addition, the point (and the other points raised in the report) need to be made in the response to the Draft EIR on Pointe Vista. . with a request that further environmental review be undertaken, along with an objective tie-breaker' risk assessment analysis. . . which can be commented on by the public as part of the Pointe Vista EIR.

The Rancho Palos Verdes City Council also needs to follow-up and ascertain if Rancho ever met its commitment to provide evidence of insurance to the RPV City Attorney. . .

That fact also needs to be cited in the Draft EIR since none of the Pointe Vista property owners are insured against damages or personal injury occasioned by an accident at the Rancho facility.

Noel  
(310) 822-0239

**From:**Janet Gunter  
**Sent:**Wednesday, January 02, 2013 9:17 AM  
**To:**connie@rutter.us ; det310@juno.com ; jody.james@sbcglobal.net ; MrEnvirlaw@sbcglobal.net ; noelweiss@ca.rr.com ; chateau4us@att.net ; cc@rpv.com  
**Subject:**Fwd: EPA-R9-2013-001262 Geo-technical Report for Rancho LPG

Carl is a professional "risk analysis expert".....

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

From: Carl Southwell <carl.southwell@gmail.com>  
To: Janet Gunter <arriane5@aol.com>  
Sent: Wed, Jan 2, 2013 8:59 am  
Subject: Re: EPA-R9-2013-001262 Geo-technical Report for Rancho LPG

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Thank you for your time and cooperation.

Janet Gunter

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

From: Wong,Jeannie <[Wong.Jeannie@epamail.epa.gov](mailto:Wong.Jeannie@epamail.epa.gov)>

To: arriane5 <[arriane5@aol.com](mailto:arriane5@aol.com)>

Cc: Simmons.Joan <[Simmons.Joan@epamail.epa.gov](mailto:Simmons.Joan@epamail.epa.gov)>

Sent: Mon, Dec 31, 2012 12:02 pm

Subject: EPA-R9-2013-001262

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Regards,

Environmental Protection Agency  
Superfund Division

Jeannie Wong  
(415) 972-3079  
Email: [wong.jeannie@epa.gov](mailto:wong.jeannie@epa.gov)

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Attachment File Type: PDF, Multi-Page

WorkCentre Location: USEPA Region 9, 8th Floor, Room R8102  
Device Name: PN\_R8102\_Xerox5755\_PS

For assistance, please call IRM helpline at 415-947-8023. Thanks.

- 
- 

--

Carl Southwell

Contact me at (use whichever you prefer) :

[carl.southwell@gmail.com](mailto:carl.southwell@gmail.com)

[carl.southwell@usc.edu](mailto:carl.southwell@usc.edu)

My blog: [anotheruniqueperspective.blogspot.com](http://anotheruniqueperspective.blogspot.com)

Also visit: [www.pressfriends.org](http://www.pressfriends.org)

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

## Kit Fox

---

**From:**Carolynn Petru  
**Sent:**Monday, January 07, 2013 5:49 PM  
**To:**Kit Fox  
**Subject:**FW: Rancho LPG information re: insurance & seismic issues

**From:**Janet Gunter [mailto:arriane5@aol.com]  
**Sent:**Saturday, January 05, 2013 11:45 AM  
**To:**CC; chateau4us@att.net; det310@juno.com; MrEnvrlaw@sbcglobal.net; connie@rutter.us; noelweiss@ca.rr.com; jody.james@sbcglobal.net  
**Subject:**Rancho LPG information re: insurance & seismic issues

Hello All & Happy New Year-

In doing a bit more intensive research to produce my comments for the Ponte Vista Housing development EIR, the following has been discovered. This below information is documented in a seismic report to the EPA from May of 2012 by "Strong Motions". Apparently, they looked at what Rancho LPG/Plains All American had in the way of "earthquake insurance."

*"Plains LPG has provided results of a "desktop" analysis of the earthquake loss. According to this analysis, the "probable maximum loss" is \$8.4 million and the "maximum foreseeable loss" is \$18.6 million. These estimates were based on 250-year MRP ground shaking at the site. These estimates include ONLY the replacement value of the structures (tanks); they do **NOT** include losses from : 1) business interruption; 2) spilled contents; 3) environmental clean -up; 4) fires; 5) explosions; and 6) **third party liability**. Plains LPG maintains earthquake insurance up to \$60 million. It has not been demonstrated that the facility is insured up to the maximum possible earthquake loss."*

Also, upon review of the recent geologic report provided for the EPA from "Geotechnologies" (which I previously forwarded to you) there is a designation of the soil at Rancho as a "Grade D Stiff Soil". Unfortunately, my lack of education about geology left me void of any reference to what this actually meant until my research yesterday which I am providing. I had to go to the Indiana item since I was looking for "free information." However, this is very valid information. I've provided their references.

### **Short description:**

Liquefaction Potential of Surficial Materials in Indiana, 2011 (1:500,000) - Shows shows highly generalized categories (low, moderate, and high) of liquefaction potential, based on soil classes of the National Earthquake Hazards Reduction Program (NEHRP). This data set provides a digital coverage of the predicted response of surficial geologic materials in Indiana to liquefaction induced by earthquakes. It is intended to be used by Indiana Department of Homeland Security, emergency planners, and responders on the state and local level as a general reference guide to identify potential areas of evaluated risks of liquefaction. Low liquefaction potential includes NEHRP Soil Class B (consisting of rock: sandstone, limestone, shale). Moderate liquefaction potential includes NEHRP Soil Class C (hard or stiff soil, or gravel) and part of NEHRP Soil Class D (stiff soil, stiff clay, and some gravel). **High liquefaction potential includes parts of NEHRP Soil Class D (stiff soil, stiff clay, and some gravel), and all of NEHRP Soil Class E (soft soil and soft to medium clay) and F (lake and river deposits of sand and mud).** The following is excerpted from Indiana Geological Survey Miscellaneous Map 81: **'Liquefaction is a common ground-failure hazard associated with earthquakes. It is defined as the sudden and temporary loss of strength of a water-saturated sediment. This could result in the structural failure of buildings, bridges, and other structures.'**

### **Tags:**

IndianaMap, IGS, Indiana, geoscientificInformation, geology, surficial geology, quaternary, stratigraphy, earthquake, ground shaking, seismic, soil classification, liquefaction, shear-wave velocity, National Earthquake Hazard Reductions Program (NEHRP)

**Credits:**

National Earthquake Hazard Reductions Program (NEHRP), Federal Emergency Management Agency (FEMA), Indiana Department of Homeland Security (IDHS), Indiana Geological Survey Miscellaneous Map 81 (2011)

**FGDC Metadata:**

[Seismic Earthquake Liquefaction Potential.html](#)

**Download:** Download a zip file that contains an ESRI Shape File and associated metadata:

[Seismic Earthquake Liquefaction Potential.zip](#)

Also of note, is that the geologic reports on Rancho rely entirely on existing information either provided by the company's own consultants, or other existing data. There has been absolutely no independent testing or modeling of conditions that can prove safety of geologic conditions. Also, in looking at the coverage and estimation of seismic risk potential the analyses NEVER respond to "liquefaction" of the soil during an earthquake! . The condition of soil "liquefaction" is acknowledged, yet never analyzed under resulting seismic impacts.

On top of all of this, the issue of "tsunami" is never approached regardless of the fact that according to maps the facility sits approximately 200 ft. north of a "designated tsunami zone". How the tsunami wave is estimated to stop at that point needs explanation since there is no ground elevation that would prevent further invasion. What was the tsunami wave size used to estimate this result? There are two underwater landslide areas directly in our vicinity capable of causing a tsunami at the local level. It is obvious in that in estimating that tsunami impact, there was no consideration of the fact that there is a storm drain just below the tanks that leads directly out into LA Harbor. That storm drain that would channel the force of a tsunami wave directly onto Gaffey St. and Westmont Drive seriously impacting the area and extending the tsunami zone and its potentially devastating impacts significantly.

To borrow an important line from Apollo 13, "Houston, we have a problem".

I have the sense that the EPA (due to some of the results from their recent commissioned reports on Rancho) may be pursuing some type of action on the facility. I hope that your City Council members will contact them and let them know your concerns regarding the safety of your community. This is a time that we need to band together collectively in our effort to protect our residents. Let's hope that 2013 brings results that deliver a safer and saner environment to us all.

Thanks for your time,  
Janet Gunter

## Kit Fox

---

**From:** Carolynn Petru  
**Sent:** Thursday, January 10, 2013 9:49 AM  
**To:** Kit Fox  
**Subject:** FW: Disappointment in LEPC & Request for Opposition to Ponte Vista DEIR  
**Attachments:** pontevista\_eir\_submission\_jan\_2013\_signed\_final.doc;  
Geotechnologies\_report\_on\_rancho.pdf

**From:** Janet Gunter [mailto:arriane5@aol.com]  
**Sent:** Thursday, January 10, 2013 9:37 AM  
**To:** CC; chateau4us@att.net  
**Subject:** Fwd: Disappointment in LEPC & Request for Opposition to Ponte Vista DEIR

fyi

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

**From:** Janet Gunter <arriane5@aol.com>  
**To:** LaNette.Long <LaNette.Long@calema.ca.gov>; aalva <aalva@fire.lacounty.gov>; asalmen <asalmen@responsegroupinc.com>; Brian.Abeel <Brian.Abeel@calema.ca.gov>; Akira.Yoshimura <Akira.Yoshimura@bp.com>; Fisheral <Fisheral@epa.com>; Allen\_O'Neil <Allen\_O'Neil@longbeach.gov>; Trevor.Anderson <Trevor.Anderson@calema.ca.gov>; anna.olekszyk <anna.olekszyk@lacity.org>; BYu <BYu@fire.lacounty.gov>; brunothehunter33 <brunothehunter33@hotmail.com>; bryank <bryank@bulk-dpi.com>; Cdeaton <Cdeaton@fcc.gov>; CDiep <CDiep@dhs.ca.gov>; DRasmuss <DRasmuss@dtsc.ca.gov>; DanC <DanC@TRNDUSTRIES.com>; Dan.Reed <Dan.Reed@linde.com>; dguillory <dguillory@mwdh2o.com>; darrell\_dennis <darrell\_dennis@kindermorgan.com>; DChng <DChng@ochca.com>; Annabelle.Dixon <Annabelle.Dixon@calema.ca.gov>; ethomas <ethomas@nesglobal.net>; earl.whitley <earl.whitley@dot.gov>; emedgerton <emedgerton@earthlink.net>; fernando\_benavides <fernando\_benavides@kindermorgan.com>; gbaker1 <gbaker1@dtsc.ca.gov>; grivera <grivera@ocsd.com>; gstaylor <gstaylor@socal.rr.com>; Jack.Harrah <Jack.Harrah@calema.ca.gov>; William.Hatch <William.Hatch@calema.ca.gov>; Douglas.Huls <Douglas.Huls@calema.ca.gov>; jlbushnes <jlbushnes@bis.doc.gov>; jlane <jlane@SempraUtilities.com>; jessica.falcon <jessica.falcon@hq.dhs.gov>; jim.wada <jim.wada@ventura.org>; jody.james <jody.james@sbcglobal.net>; Sherryl.Jones <Sherryl.Jones@calema.ca.gov>; jagbc15 <jagbc15@hotmail.com>; justin.diedolf <justin.diedolf@losangeles.af.mil>; klew <klew@torranceca.gov>; LWalters <LWalters@fire.lacounty.gov>; lindakp5 <lindakp5@cox.net>; Mkazarians <Mkazarians@kazarians.com>; Bill.Martinez <Bill.Martinez@calema.ca.gov>; michael.tia <michael.tia@kazarians.com>; mike\_albarran <mike\_albarran@longbeach.gov>; bonnty.mona <bonnty.mona@calema.ca.gov>; Edward.Newman <Edward.Newman@calema.ca.gov>; Patricio.romero <Patricio.romero@sce.com>; phillip.langhus <phillip.langhus@edwards.af.mil>; RLEHMANN <RLEHMANN@co.riverside.ca.us>; ryeaman <ryeaman@dtsc.ca.gov>; rltaylor2 <rltaylor2@paalp.com>; Rich.Robles <Rich.Robles@calema.ca.gov>; rinton <rinton@simivalley.org>; Ronald.Conrow <Ronald.Conrow@plainsmidstream.com>; zach.streeter <zach.streeter@linde.com>  
**Cc:** brian.hembacher <brian.hembacher@doj.ca.gov>; michael\_davies <michael\_davies@feinstein.senate.gov>; sally.magnani <sally.magnani@doj.ca.gov>; hamilton.cloud <hamilton.cloud@mail.house.gov>; jacob.haik <jacob.haik@lacity.org>; MrEnvirlaw <MrEnvirlaw@sbcglobal.net>; noelweiss <noelweiss@ca.rr.com>; wesling.mary <wesling.mary@epamail.epa.gov>; helmlinger.andrew <helmlinger.andrew@epa.gov>; connie <connie@rutter.us>; carl.southwell <carl.southwell@gmail.com>; bea <bea@ce.berkeley.edu>; lpryor <lpryor@usc.edu>; nancy.lauer <nancy.lauer@lapd.lacity.org>; bonbon90731 <bonbon90731@gmail.com>; jody.james <jody.james@sbcglobal.net>; burling102 <burling102@aol.com>; marciesmiller <marciesmiller@sbcglobal.net>; jcyntiaperry <jcyntiaperry@aol.com>; d.pettit <d.pettit@nrdc.org>  
**Sent:** Wed, Jan 9, 2013 2:26 pm  
**Subject:** Re: Disappointment in LEPC & Request for Opposition to Ponte Vista DEIR

San Pedro homeowners have pursued assistance from the State of California's Local Planning Emergency Committee for well over a decade with our chronic and very real concerns regarding the highly elevated risk to population due to the existence of the Amerigas/Rancho Liquid Petroleum Gas facility. This facility stores a massive volume (over 25 Million gallons) of this gas.

The LEPC dismissed homeowner members at your meeting late last year with the statement that the LEPC's input is limited to "emergency planning". You stated that the Rancho LPG facility is a *grandfathered in* facility and you have no power to do *anything* since they are legal. However, we have noticed that your mission statement is a bit broader than that:

***"The Mission of the Local Emergency Planning Committee (LEPC) is to identify incidents or events that present a threat to the health, safety, and well being of people, and to coordinate the planning and preparation efforts of the local response community and private sector.***

In our view, the LEPC has not lived up to this directive. Certainly, your interaction is warranted in identifying any jeopardy involved in exposing greater population to harm and establishing the means to "mitigate" that harm". It is the obligation of your Committee to intervene in such projects as the proposed Ponte Vista housing project to ensure both the identification of hazard and proper mitigation to eliminate public risk.

Attached are documents representing a portion of my personal submission to the Ponte Vista Draft Environmental Impact Report. That DEIR fails to identify the true risk of Rancho LPG. The Ponte Vista project is planning to introduce yet another approximately 2,000 + residents (potential victims) to North San Pedro. This proposed housing project would create over 1,100 new homes within 3/4 mile of the Rancho LPG facility. There is also an additional low income housing project slated for abutting property of this Ponte Vista site for the housing of widows and children of American veterans. Placement of the low income housing at this site is in direct violation to HUD regulations because of its close proximity to both Rancho LPG and Conoco Phillips. In addition, there is a proposal for a new school at the same site.

Although the increased risk due to Rancho LPG has been acknowledged by various governmental agencies and officials for many years, the area has been allowed great growth of housing despite that risk acknowledgment.

The lack of energy in your LEPC, with its chronic vacancy of board positions, is more than likely attributable to an inability to move the committee in a direction that reflects meaning and purpose. It is obvious that the leadership necessary to restore a focus and an infusion of sense of duty and function is absent. It is unfortunate. We hope that 2013 will bring an invigorated sense of duty and commitment to this Committee. A State body that could effectively serve in safeguarding public safety in the sea of hazards in which we live, is sorely needed.

This Ponte Vista housing proposal offers an open invitation to the LEPC to do precisely what it should be doing. The homeowners in San Pedro and the Harbor Peninsula region deserve your attention to this matter. The potential for disaster and loss of human life is already too great to ignore. We respectfully request that the LEPC oppose the DEIR because it does not address the safety issue of the Rancho tanks and, accordingly, provides no mitigation measures.

Thank you for your time.  
Janet Gunter

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

From: Long, LaNette@CalEMA <LaNette.Long@calema.ca.gov>

To: A. Alva <aalva@fire.lacounty.gov>; A. Salmen <asalmen@responsegroupinc.com>; Abeel, Brian@CalEMA <Brian.Abeel@calema.ca.gov>; Akira Yoshimura <Akira.Yoshimura@bp.com>; Al Fischer <FisherAl@epa.com>; Allen O'Neil <Allen\_O'Neil@longbeach.gov>; Anderson, Trevor@CalEMA <Trevor.Anderson@calema.ca.gov>; Anna Okekszyk, P.E. <anna.olekszyk@lacity.org>; Arriane <arriane5@aol.com>; Barbara C. Yu <BYu@fire.lacounty.gov>; Bruno Loran <brunothehunter33@hotmail.com>; Bryan Keegan <bryank@bulk-dpi.com>; C. Beaton <Cdeaton@fcc.gov>; C. Diep <CDiep@dhs.ca.gov>; D. Rasmuss <DRasmuss@dtsc.ca.gov>; Dan Coots <DanC@TRNDUSTRIES.com>; Dan Reed <Dan.Reed@linde.com>; Daniel J. Guillory <dguillory@mwdh2o.com>; Darrell Dennis <darrell\_dennis@kindermorgan.com>; Darwin Cheng, JD, REHS <DChng@ochca.com>; Dixon, Annabelle@CalEMA <Annabelle.Dixon@calema.ca.gov>; Earl Thomas <ethomas@nesglobal.net>; Earl Whitley <earl.whitley@dot.gov>; EileenM. Edgerton <emedgerton@earthlink.net>; Fernando Benavides <fernando\_benavides@kindermorgan.com>; G. Baker <gbaker1@dtsc.ca.gov>; G. Rivera <grivera@ocsd.com>; Glen Taylor <gstaylor@socal.rr.com>; Harrah, Jack@CalEMA <Jack.Harrah@calema.ca.gov>; Hatch, William@CalEMA <William.Hatch@calema.ca.gov>; Huls, Douglas@CalEMA <Douglas.Huls@calema.ca.gov>; J. Bushnel <jbushnes@bis.doc.gov>; J. Lane <jlane@SempraUtilities.com>; Jessica Falcon <jessica.falcon@hq.dhs.gov>; Jim Wada <jim.wada@ventura.org>; Jody James <jody.james@sbcglobal.net>; Jones, Sherryl@CalEMA <Sherryl.Jones@calema.ca.gov>; Juan Gonzalez <jagbc15@hotmail.com>; Justis Diedolf <justin.diedolf@losangeles.af.mil>; K. Lew <klew@torranceca.gov>; L. Walters <LWalters@fire.lacounty.gov>; Linda Phillips <lindakp5@cox.net>; M. Kazarians <Mkazarians@kazarians.com>; Martinez, Bill@CalEMA <Bill.Martinez@calema.ca.gov>; Michael Tia <michael.tia@kazarians.com>; Mike Albarra <mike\_albarra@longbeach.gov>; Mona Bontty <bontty.mona@calema.ca.gov>; Newman, Edward@CalEMA

<[Edward.Newman@calema.ca.gov](mailto:Edward.Newman@calema.ca.gov)>; Patricio Romero <[Patricio.romero@sce.com](mailto:Patricio.romero@sce.com)>; Phil Angus <[phillip.langhus@edwards.af.mil](mailto:phillip.langhus@edwards.af.mil)>; R. Lehmann <[RLEHMANN@co.riverside.ca.us](mailto:RLEHMANN@co.riverside.ca.us)>; R. Yeaman <[ryeaman@dtsc.ca.gov](mailto:ryeaman@dtsc.ca.gov)>; Rick Taylor <[rltaylor2@paalp.com](mailto:rltaylor2@paalp.com)>; Robles, Rich@CalEMA <[Rich.Robles@calema.ca.gov](mailto:Rich.Robles@calema.ca.gov)>; Ron Linton <[rlinton@simivalley.org](mailto:rlinton@simivalley.org)>; Ronald Conrow <[Ronald.Conrow@plainsmidstream.com](mailto:Ronald.Conrow@plainsmidstream.com)>; Zach Streeter <[zach.streeter@linde.com](mailto:zach.streeter@linde.com)>  
Sent: Tue, Jan 8, 2013 2:28 pm  
Subject: LEPC Meeting

If you plan on attending the meeting, please RSVP via email: [lanette.long@calema.ca.gov](mailto:lanette.long@calema.ca.gov)

Time: 10:00 am  
Location: California Emergency Management Agency  
Joint Forces Training Base  
4671 Liberty Avenue, Bldg. 918  
Los Alamitos, CA 90720

LaNette K. Long

**Office Technician**  
**Southern Region Office**  
**California Emergency Management Agency**  
**4671 Liberty Avenue**  
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**(562) 795-2963 FAX**  
**(916) 845-8911 24-HR EMERGENCY**  
**[lanette.long@calema.ca.gov](mailto:lanette.long@calema.ca.gov) EMAIL**

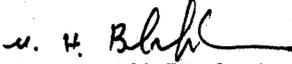
LADOT response to MND comments for  
Marymount College San Pedro Campus

**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL MEMORANDUM

1600 Palos Verdes Dr North  
LADOT Case No. HRB11-008

Date: November 30, 2012

To: Marc Woerschling, City Planner  
Department of City Planning

From:   
Mohammad H. Blorfroshan, Transportation Engineer  
Department of Transportation

Subject: **Response to traffic-related comments from the City of Rancho Palos Verdes for the proposed Marymount College San Pedro Campus Project, 1600 Palos Verdes North [DEPARTMENT OF CITY PLANNING CASE NO. ENV-2011-2478-MND]**

The Los Angeles Department of Transportation (LADOT) issued a traffic assessment report for the proposed Marymount College San Pedro Campus Project on July 24, 2012. On October 17, 2012, Mr. Kit Fox, Senior Administrative Analyst at the City of Rancho Palos Verdes (RPV), issued a letter to your Department commenting on the republished Mitigated Negative Declaration (MND) and LADOT's assessment report for this Project. In his letter, Mr. Fox referenced to the traffic and circulations impacts in the Environmental Impact Report (EIR), certified by the City of RPV in May 2010, for the Marymount College Facilities Expansion Project for the College's main campus in the City of RPV. LADOT has carefully reviewed these comments and provided a response to these comments as follows:

Response to Comments

1. Based on LADOT's review of the Marymount College San Pedro Campus Project traffic study report, the installation of traffic signal at the intersection of Palos Verdes Drive East and Miraleste Drive is not required until Phase II of the Project, which is anticipated to be completed by the year 2019. It is understood that this new traffic signal is also a mitigation measure for the Phase II of the Marymount College Facilities Expansion Project on the RVP Campus, which is currently conditioned to occur by June 2015. Because these are separate and distinct projects, there is no need to revise LADOT's assessment report to address the scheduling conflict for the installation of this traffic signal. In our report, we indicated that the College shall work with the City of RPV to seek the final approval of the traffic signal at this intersection. Therefore, Marymount College will simply coordinate with the City of RPV to implement a new traffic signal at this intersection prior to completion of Phase II of the RPV Campus's Expansion Project or Phase II of the San Pedro Campus Project, whichever occurs first
2. The EIR for the Marymount College Facilities Expansion Project in RPV was prepared to identify impacts associated with that project, which was approved in May 2010 and has not been subsequently modified. The republished MND for the San Pedro Campus Project, which is located approximately 3.5 miles northeast of the RPV Campus, was prepared to identify impacts associated with San Pedro Campus. Since these are two separate and distinct projects, it is not unusual that the potential traffic impacts

associated with the two projects would be different. It should also be noted that the traffic impact study for the San Pedro Campus Project, prepared by the KOA Corporation, based assumptions from the traffic impact study for the RVP Campus, where appropriate. As part of the process, KOA collected additional updated empirical data at the RVP Campus and the San Pedro Campus that was used for the San Pedro Campus study. The empirical data included current vehicle counts at the driveways on both campuses. A license plate survey was also conducted to determine trip distribution patterns between campuses. This data provides the most accurate information to estimate trip generation and distribution for the San Pedro Campus Project. The traffic study assumptions were discussed and approved by LADOT. KOA's traffic study for the San Pedro Campus did not identify any significant traffic impact at the intersection of Capitol Drive, Trudie Drive, and Western Avenue. Therefore, there is no need for LADOT to revise the assessment report to indicate the significant traffic impact at this intersection.

3. RPV's comment asserts that the MND (i.e, the Traffic Study) for the San Pedro Campus Project has not adequately addressed the potential Project's impacts at the intersection of Palos Verdes Drive East and Palos Verdes Drive South. RPV did not provide any detailed information or explanation to support its assertion that the San Pedro Campus Project will generate significant numbers of new trips impacting this intersection. As indicated before, the San Pedro Campus is approximately 3.5 miles northeast of the RVP Campus and the most direct route from the San Pedro Campus to the RVP Campus, and vice versa, is coming from the northerly direction along Palos Verdes Drive East. If a driver decides to travel from the San Pedro Campus to the RVP Campus coming from the south along Palos Verdes Drive South, this would add an additional 2.2 miles to the trip along a very circuitous route. Since this is unlikely to occur, this intersection was not analyzed in the traffic impact study for the San Pedro Campus Project.
4. In response to a request from the Northwest San Pedro Neighborhood Council (NWSPNC), the Marymount College agreed to perform traffic analysis at eight (8) additional study intersections along the Western Avenue and Gaffey Street. KOA prepared the courtesy traffic analysis (CTA) at these intersections in December 2011. The CTA was not required by the City of Los Angeles, the lead agency for the San Pedro Campus Project, therefore, this study was not included as part of the traffic impact analysis for this project. The CTA utilized trip generation assumptions that were current at the time the study was prepared. In early 2012, however, Marymount College representatives recommended adjustments to the trip generation discount assumptions in the traffic impact analysis in order to provide a more conservative estimate of the San Pedro Campus Project's trip generation. The adjusted trip generation estimates were used for the final traffic impact study dated July 2012. For the sole purpose of responding to the City of RPV's comment, KOA has revised the CTA using trip generation assumptions that are consistent with those found in the final traffic impact study for the San Pedro Campus Project. The updated traffic impact study, reviewed by LADOT, revealed that the proposed San Pedro Campus Project will not cause any significant traffic impact at any of the eight studied intersections (see attached tables).

The Marymount College is developing a comprehensive sustainability plan to reduce all of its environmental impacts. As part of the San Pedro Campus Project, the College will implement the measures listed below in order to reduce both traffic and pollution caused by campus vehicle trips. These measures are expected to minimize traffic impacts in the study area.

- Provisions of an enhanced shuttle service between campuses by increasing bus frequency during peak periods of usage
- Provisions of on-campus housing at the San Pedro Campus
- Limitations of the number of student residents who may have a car on the San Pedro Campus
- Schedule morning peak period classes on the San Pedro Campus primarily for on-campus resident students
- Restrict the number of resident students driving to the RPV Campus during the morning peak period
- Implement parking permit/decal system to restrict parking by students on the RPV Campus
- Implement a carpool system

If you have any questions, please feel free to call me at (213) 485-1062.

MB:mhb

**Attachments**

c: Jay Kim, Sean Haeri, Crystal Killian, DOT  
Karen Hoo, David Weintraub, DCP  
Jonathan Louie, KOA Corporation

**Table 6 - Intersection Level of Service Summary – Existing Plus Project**

| Study Intersections                      | City                | Analysis Methodology | Existing (2012)            |     |              |     |                            |     | Existing Plus Project |     |                         |              | Significant Impact ? |
|--|---------------------|----------------------|----------------------------|-----|--------------|-----|----------------------------|-----|-----------------------|-----|-------------------------|--------------|----------------------|
|  |                     |                      | Midday Afternoon Peak Hour |     | PM Peak Hour |     | Midday Afternoon Peak Hour |     | PM Peak Hour          |     | Change in V/C           |              |                      |
|  |                     |                      | V/C                        | LOS | V/C          | LOS | V/C                        | LOS | V/C                   | LOS | Mid-Afternoon Peak Hour | PM Peak Hour |                      |
| 1 Western Ave & Green Hills Dr           | Rancho Palos Verdes | ICU                  | 0.503                      | A   | 0.569        | A   | 0.511                      | A   | 0.578                 | A   | 0.008                   | 0.009        | No                   |
| 2 Western Ave & Avenida Aprenda          | Rancho Palos Verdes | ICU                  | 0.519                      | A   | 0.613        | B   | 0.527                      | A   | 0.623                 | B   | 0.008                   | 0.010        | No                   |
| 3 Western Ave & Delasonde Dr/Westmont Dr | Rancho Palos Verdes | ICU                  | 0.731                      | C   | 0.746        | C   | 0.739                      | C   | 0.754                 | C   | 0.008                   | 0.008        | No                   |
| 4 Western Ave & Toscanini Dr             | Rancho Palos Verdes | ICU                  | 0.587                      | A   | 0.658        | B   | 0.595                      | A   | 0.668                 | B   | 0.008                   | 0.010        | No                   |
| 5 Western Ave & Caddington Dr            | Rancho Palos Verdes | ICU                  | 0.624                      | B   | 0.752        | C   | 0.632                      | B   | 0.761                 | C   | 0.008                   | 0.009        | No                   |
| 6 Gaffey St & Westmont Dr                | Los Angeles         | CMA                  | 0.488                      | A   | 0.704        | C   | 0.489                      | A   | 0.707                 | C   | 0.001                   | 0.003        | No                   |
| 7 Gaffey St & Capitol Dr                 | Los Angeles         | CMA                  | 0.531                      | A   | 0.682        | B   | 0.532                      | A   | 0.684                 | B   | 0.001                   | 0.002        | No                   |
| 8 Gaffey St & Channel St                 | Los Angeles         | CMA                  | 0.512                      | A   | 0.665        | B   | 0.513                      | A   | 0.666                 | B   | 0.001                   | 0.001        | No                   |

Note:

ICU - Intersection Capacity Utilization Method; CMA - Critical Movement Analysis Method

**Table 7 - Intersection Level of Service Summary – Future With Project**

| Study Intersections                      | City                | Analysis Methodology | Future Without Project     |     |       |              |       |     | Future With Project        |     |       |              |                         |              | Significant Impact? |
|--|---------------------|----------------------|----------------------------|-----|-------|--------------|-------|-----|----------------------------|-----|-------|--------------|-------------------------|--------------|---------------------|
|  |                     |                      | Midday Afternoon Peak Hour |     |       | PM Peak Hour |       |     | Midday Afternoon Peak Hour |     |       | PM Peak Hour |                         |              |                     |
|  |                     |                      | V/C                        | LOS | V/C   | LOS          | V/C   | LOS | V/C                        | LOS | V/C   | LOS          | Mid-Afternoon Peak Hour | PM Peak Hour |                     |
| 1 Western Ave & Green Hills Dr           | Rancho Palos Verdes | ICU                  | 0.857                      | D   | 0.771 | C            | 0.864 | D   | 0.781                      | C   | 0.007 | 0.010        | No                      |              |                     |
| 2 Western Ave & Avenida Aprenda          | Rancho Palos Verdes | ICU                  | 0.720                      | C   | 0.761 | C            | 0.727 | C   | 0.771                      | C   | 0.007 | 0.010        | No                      |              |                     |
| 3 Western Ave & Delasonde Dr/Westmont Dr | Rancho Palos Verdes | ICU                  | 0.885                      | D   | 0.897 | D            | 0.893 | D   | 0.905                      | E   | 0.008 | 0.008        | No                      |              |                     |
| 4 Western Ave & Toscanini Dr             | Rancho Palos Verdes | ICU                  | 0.699                      | B   | 0.771 | C            | 0.706 | C   | 0.780                      | C   | 0.007 | 0.009        | No                      |              |                     |
| 5 Western Ave & Caddington Dr            | Rancho Palos Verdes | ICU                  | 0.756                      | C   | 0.885 | D            | 0.763 | C   | 0.895                      | D   | 0.007 | 0.010        | No                      |              |                     |
| 6 Gaffey St & Westmont Dr                | Los Angeles         | CMA                  | 0.651                      | B   | 0.876 | D            | 0.653 | B   | 0.878                      | D   | 0.002 | 0.002        | No                      |              |                     |
| 7 Gaffey St & Capitol Dr                 | Los Angeles         | CMA                  | 0.678                      | B   | 0.832 | D            | 0.680 | B   | 0.834                      | D   | 0.002 | 0.002        | No                      |              |                     |
| 8 Gaffey St & Channel St                 | Los Angeles         | CMA                  | 0.645                      | B   | 0.795 | C            | 0.646 | B   | 0.795                      | C   | 0.001 | 0.000        | No                      |              |                     |

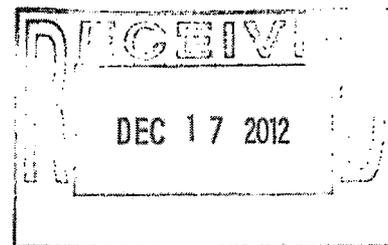
Note:

ICU - Intersection Capacity Utilization Method, CMA - Critical Movement Analysis Method

Staff report for Marymount College San Pedro Campus

PARCEL MAP No. AA-2011-2479-PMLA (stamped map dated)

HEARING DATE: December 12, 2012



### PLANNING DEPARTMENT STAFF REPORT

PURSUANT TO ORDINANCE 164,845, IF A CERTIFICATE OF POSTING HAS NOT BEEN SUBMITTED BEFORE THE DATE OF THE PUBLIC HEARING, IT MUST BE PRESENTED AT THE HEARING, OR THE CASE MUST BE CONTINUED.

REQUEST Preliminary Parcel Map to be re-subdivide and merge a strip of land, (1.47 acres) to be vacated by the City of Los Angeles, along the south side of Palos Verdes Drive into the main portion of the site, 11.66 acres of land owned by Marymount College.

#### ADDRESS

1600 Palos Verdes Drive North  
San Pedro, CA 90732

#### APPLICANT/REPRESENTATIVE

James R. Krause  
Non-Profit Ventures  
4007 Coogan Cercle  
Culver City, CA 90232  
(310) 839-5455

#### RELEVANT CASES

##### ON-SITE:

CPC-2011-2480-CU - A five phase planned, college campus with an ultimate seating capacity of 520 students, 800 residential units, a student service building with dining hall, 50 facility and administrative offices, nine classrooms and 342 parking spaces.

CPC- 2004-6012-CU-ZV - On March 25, 2005, the City Planning Commission approved a Conditional Use to permit a child care facility, a private elementary school, and a private high school and 62 housing units.

OFF-SITE: There are no previous or existing cases relevant to this subdivision.

#### PUBLIC RESPONSES

No letters have been received from the public.

### GENERAL COMMENTS

The project involves the merger of a 1.47 acre strip of land owned by the City of Los Angeles into a larger 59-acre property, a former Palos Verdes Navy housing site, to develop an education park, which will include a five-phase master planned college campus, including residents, administration buildings and a preparatory school, supporting pre-k through grade 12.

The current 11, 66 acre Marymount campus consists of 86-units of former Navy housing, landscaped yards, and roadways. A laundry facility, small student meeting rooms, outdoor basketball and volleyball courts, a covered picnic/recreational area, play field, and a vending machine area round out the existing facilities and uses.

The topography of the subject property is an irregular lot on a hillside mountainous terrain overlooking the Marymount College's Waterfront campus to the east and fronts approximately 743 feet along Palos Verdes Drive North to the North. The property area is approximately 11.66 acres, zoned RD6-1XL/OS-IXL, with a Low Residential designation in the Wilmington-Harbor City Community Plan. There are no protective trees nor any known hazardous conditions on the site.

### REPORTS RECEIVED

**BUREAU OF ENGINEERING:** Reports that the Preliminary Parcel Map application and layout is unsatisfactory as submitted and recommends that the applicant submit a revised map.

**DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION:** Preliminary approval subject to conditions stated in the memo dated May 2, 2012. See recommended conditions under **Parcel Map Report with Conditions** under department.

**DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION:** A clearance letter will be issued stating that no Building and Zoning Code violations exist on the subject site once the items identified in the memo dated January 30, 2012 have been satisfied. Submit map dimensions to agree with Zimas map, Specify on the map portion to be merged, provide proof of lot cut and show street dedications. See recommended conditions under **Parcel Map Report with Conditions** under department.

**DEPARTMENT OF TRANSPORTATION:** Recommends that the project be subject to condition in memo dated, December 7, 2012. See recommended conditions under **Parcel Map Report with Conditions**.

**DEPARTMENT OF WATER AND POWER:** Reports that this parcel map can be supplied with water from the municipal system subject to LADWP's Water Services Organizations'

FIRE DEPARTMENT: No comments were available at the writing of the staff report.

LOS ANGELES UNIFIED SCHOOL DISTRICT: No comments were available at the writing of the staff report.

BUREAU OF STREET LIGHTING: Recommends that the project be subject to conditions stated in the memo dated February 22, 2012. See recommended conditions **in Parcel Map Report with conditions under department.**

BUREAU OF SANITATION: Wastewater Collection System Division of the Bureau of Sanitation has inspected the sewer/storm drain serving the subject tract and found no potential problems to their structures or potential maintenance problem.

#### ENVIRONMENTAL CLEARANCE

Planning Staff issued Mitigated Negative Declaration ENV-2011-2478-MND on September 19, 2012. However, the Mitigated Negative Declaration did not discuss potential impacts of the lot merger and resubdivision (Parcel Map). As such the Advisory Agency cannot certify the Mitigated Negative Declaration.

#### STAFF RECOMMENDATIONS

The Planning Department staff recommends that Preliminary Parcel Map AA-2011-2479-PMLA be continued until such time the applicant submits a revised map to address the concerns outlined by the Bureau of Engineering and the reconsideration of the environmental clearance.

Prepared by:

Dwayne Wyatt  
Subdivision Unit

**Note:** Recommendation does not constitute a decision. Changes may be made by the Advisory Agency at the time of the public hearing.

James R Krause  
Non-Profit Ventures  
4007 Coogan Circle  
Culver City, CA 90232

Case No. AA-2011-2479-PMLA  
Related Case: CPC-2011-2480-CU  
1600 W. Palos Verdes Dr N  
Wilmington-Harbor City  
Zone : RD6-1XL  
D. M. : 030B193  
C. D. : 15  
CEQA: ENV-2011-2478-MND  
Legal Description: Lot PTH, TRACT Partition of  
Rancho Palos Verdes

### **DRAFT PRELIMINARY PARCEL MAP DECISION LETTER WITH CONDITIONS**

In accordance with provisions of Section 17.53 of the Los Angeles Municipal Code, the Advisory Agency approved the Mitigated Negative Declaration ENV-2011-2478-MND as the environmental clearance and Parcel Map AA-2011-2479-PMLA composed of two (2) lots being combined into one (1) lot, as shown on map stamp-dated October 24, 2011. The subdivider is hereby advised that the Municipal Code may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety which shall legally interpret the Zoning Code as it applies to this particular property. For an appointment with the Advisory Agency or a City Planner call (213) 473-9919. The Advisory Agency's approval is subject to the following conditions.

**NOTE** on clearing conditions: When two or more agencies must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of Building and Safety for purposes of having a building permit issued.

### **BUREAU OF ENGINEERING**

1. This map has been filed for a one-parcel college campus purposes over a parcel of land in the existing RD6-1XL/OS-1XL Zone. The layout of the subdivision map and language within the application will have to be satisfactorily resubmitted for the following reasons:
  - a. The applicant on the submitted "Master Land Use Permit Application" stated "surplus land owned by the City of Los Angeles will be vacated and transferred to Marymount through a quitclaim deed". The applicant continued to state "transfer from the U.S. Department of Education into a parcel map via a concurrent merger and resubdivision".

- b. There is no street vacation filed for that portion of Palos Verdes Drive North adjoining the property at this time and even if the City is determined to be the underlying fee owner, surplus land cannot be transferred through quitclaim deed.
- c. If the intention of the applicant is for merger of a portion of right-of-way area, then both the application and the preliminary map have to specifically state that a merger of a portion of Palos Verdes Drive North is being requested.
- d. As a result and based on the submitted application and preliminary parcel map, it is unclear what the applicant is applying for and what the intent of the applicant is in filing for the preliminary parcel map.

NOTES: Any questions regarding the aforementioned report be directed to Ray Saidi of the Land Development Group, located at 201 North Figueroa Street, Suite 200, or by calling (213) 202-3492.

**DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION**

2. That prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall comply with any requirements with the Department of Building and Safety, Grading Division.

**DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION**

3. That prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
  - a. The submitted Map dimensions do not agree with ZIMAS. Revise the Map to address the discrepancy or obtain approval from Department of City Planning.
  - b. Specify on the map the proposed of the project. Indicate on map portion to be merged.
  - c. Provide proof of legal lot cut for portions of lot cut after July 29, 1962.
  - d. Show all street dedication as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front yard requirement shall be required to comply with current code as measured from new property lines after dedication.

Notes: Any proposed structures or uses on the site have not been checked for and shall comply with Building and Zoning Code requirements. Plan check will be required before any construction, occupancy or change of use.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

#### DEPARTMENT OF TRANSPORTATION

4. A minimum of 60-foot reservoir space be provided between any security gate(s) and the property line.
5. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk.
6. Project shall comply with LADOT Traffic Assessment letter (Case No. HRB 11-008) dated July, 24, 2012. Driveways and vehicular access to projects shall be provided to the satisfaction of the Department of Transportation.
7. This determination does not include approval of the projects's driveways and internal circulation or parking scheme. Adverse traffic impacts could occur due to access and circulation issues. A parking area and driveway plan be submitted to the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Final DOT approval should be accomplished by submitting detailed site/driveway plans at a scale of 1"=40' to DOT's West LA/Coastal Development Review Section located at 7166 W. Manchester Ave., Los Angeles, 90045.
8. That a fee in the amount of \$197 be paid for the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

**Notes:** Please contact this section at (213) 482-7024 for any questions regarding the above.

#### FIRE DEPARTMENT

9. Submit plot plans for Fire Department review and approval prior to recordation of

this Parcel Map Action. Access for Fire Department apparatus and personnel to and into all structures shall be required.

**DEPARTMENT OF RECREATION AND PARKS**

10. That the Quimby fee be based on the RD Zone.

**LOS ANGELES UNIFIED SCHOOL DISTRICT (LAUSD)**

11. That prior to the issuance of any demolition or grading permit or any other permit allowing site preparation and/or construction activities on the site, satisfactory arrangements shall be made with the Los Angeles Unified School District.

**DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITONS**

12. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
- a. Use. Limit the proposed development to a maximum of one (1) lot.
  - b. **Indemnification**. Upon the effective date of this conditional approval, the applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

**FINDINGS OF FACT (CEQA):**

Staff of the Planning Department issued a Mitigated Negative Declaration No. ENV-2011-0247-MND on September 19, 2012, with condition to mitigate environmental impacts associated to the related Conditional use permit. However, the MND did not assess the impacts of the proposed re-subdivision and merger. As such, the Advisory Agency cannot certify Mitigated Negative Declaration No. ENV-2011-0247-MND, that the project would not have a significant effect upon the environment.

Figueroa Plaza  
201 N. Figueroa Street, 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
(213) 482-7077

Marvin Braude San Fernando  
Valley Constituent Service Center  
6262 Van Nuys Bl., Room 251  
Van Nuys, CA 91401  
(818) 374-5050

\*Please note the cashiers at the public counters close at 3:30 PM.

**Appeal forms are available on-line at [www.lacity.org/pln](http://www.lacity.org/pln).**

Pursuant to Ordinance 176,321, effective January 15, 2005, Parcel Map determinations are only appealable to the Area Planning Commission. There is no longer a second level of appeal to the City Council for Parcel Map actions of the Advisory Agency.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final, including all appeals, if any.

No sale of separate parcels is permitted prior to recordation of the final parcel map. The owner is advised that the above action must record within 36 months of the date of approval, unless an extension of time has been requested in person before 5:00 p.m.

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No requests for time extensions or appeals received by mail shall be accepted.

If you have any questions, please call Parcel Maps staff at (213) 973-9919.

Michael J. LoGrande  
Advisory Agency

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GARLAND CHENG  
Deputy Advisory Agency

ML:JT:GC:DW:

cc: Bureau of Engineering - 4  
Community Planning Bureau  
Planning Office & 1 Map  
D.M. 030B193  
Bureau of Street Lighting  
Street Tree Division & 1 Map

Dept. of Building & Safety, Zoning & 2 Maps  
Department of Building & Safety, Grading  
Department of Fire  
Department of Recreation & Parks & 1 Map  
Department of Transportation, CPC Section  
Room 600, 221 N. Figueroa Street

CP-1809 (03-01-01)