CITY OF RANCHO PALOS VERDES

MEMORANDUM

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS

FROM: CAROLYNN PETRU, AICP, DEPUTY CITY MANAGER

DATE: APRIL 2, 2013

SUBJECT: BORDER ISSUES STATUS REPORT

REVIEWED: CAROLYN LEHR, CITY MANAGER for CL

Project Manager: Kit Fox, AICP, Senior Administrative Analyst

RECOMMENDATION

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

EXECUTIVE SUMMARY

This month's report includes:

- A status report on the revised *Ponte Vista* project in Los Angeles (San Pedro);
- A status report on the Brickwalk, LLC project in Rolling Hills Estates;
- A status report on the San Pedro Community Plan Update in Los Angeles (San Pedro);
- A final report on the proposed stadium lights at Palos Verdes Peninsula High School in Rolling Hills Estates;
- An update on recent issues and events related to the Rancho LPG butane storage facility in Los Angeles (San Pedro);
- A status report on the Marymount College San Pedro campus on Palos Verdes Drive North in Los Angeles (San Pedro);
- A final report on the Los Angeles County Sanitation Districts' *Clearwater Program* in the *Eastview* area and Los Angeles (San Pedro); and,
- A report on the release of the draft Port Master Plan Update (PMPU) and draft Program Environmental Impact Report (PEIR) in the Port of Los Angeles (San Pedro).

Also, as requested by Mayor Pro Tem Duhovic at the March 19, 2013, City Council meeting, tonight's report includes a response to the issue of the enforceability of the City's view regulations upon properties and development proposals in adjacent jurisdictions.

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/2013/20130402_BorderIssues_StatusRpt.cfm

DISCUSSION

Current Border Issues

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

Since submitting comments on the Draft EIR (DEIR) for the *Ponte Vista* project in January 2013, the Northwest San Pedro Neighborhood Council (NWSPNC) has been reviewing the draft specific plan for the project. Since most of these recent meetings have been held on weekends, Staff has not been able to participate. However, we understand that NWSPNC is planning to conduct a community workshop of the specific plan sometime in the near future, which Staff will try to attend. On March 24, 2013, the *Daily Breeze* reported on NWSPNC's concerns about the specific plan (see attachments).

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

Brickwalk, LLC Mixed-Use Condominiums, Rolling Hills Estates

On February 12, 2013, the Rolling Hills Estates City Council considered the Brickwalk, LLC project (see attached Staff report). The Staff report noted concerns that the Rolling Hills Estates Planning Commission had raised previously with respect to soils/geology; site safety during and after construction; construction phasing; and traffic and parking issues. The Staff report further pointed out deficiencies in the project with respect to the provision of community space and the lack of affordable housing. The Staff report also noted that the Planning Commission approved variances for the project predicated upon an assumption that they were necessary to make the project financially feasible, despite the lack of any evidence in support of this assumption from the project proponent.

At the conclusion of its deliberations, the Rolling Hills Estates City Council continued this matter to a future hearing date to be determined (see attached Minutes). Staff will continue to monitor this project in future Border Issues reports.

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

On March 5, 2013, the Harbor Area Planning Commission (HAPC) received a presentation of the proposed San Pedro Community Plan Update. This was presented as an information-only item since the HAPC has no formal role in the review of the plan (see attached agenda).

The following week, however, the Los Angeles City Planning Commission (CPC) met in special session on March 14, 2013, at the Boys' and Girls' Club in San Pedro to consider the proposed San Pedro Community Plan Update (see attached agenda and Staff report). Much of the public comment and Planning Commissioner discussion focused on a few issues and plan subareas, including Subarea 10 (Rancho LPG) and Subarea 260 (25th Street and Western Avenue). In Subarea 10, the CPC directed Staff to develop programs to study the future use and expansion potential of the Rancho LPG facility under the proposed land use and zoning. In Subarea 260, the previous proposal for taller and higher-density commercial and mixed-use development around 25th Street and Western Avenue was abandoned.

The San Pedro Community Plan Update next requires review by the Los Angeles City Council's Planning and Land Use Management (PLUM) Committee, and the full City Council and Mayor. The final EIR will also be completed. These reviews are expected to occur later this year. Staff will continue to monitor this project in future Border Issues reports.

Peninsula High School Stadium Lights Proposal, Palos Verdes Peninsula Unified School District/Rolling Hills Estates

On March 19, 2013, PVPUSD Superintendent Walker Williams released a statement that the lawsuit filed against the District by the Peninsula Stadium Lights Steering Committee had been dismissed by the Los Angeles Superior Court (see attachments). This ruling came nearly a year after the court ruled that the District could not be compelled to proceed with the stadium-lighting project, including the preparation of an Environmental Impact Report (EIR). The *Daily Breeze* also report on this court decision on March 20, 2013 (see attachments).

Staff intends to remove this matter from future Border Issues reports.

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

As Staff reported orally at the February 4, 2013, City Council meeting, Rancho LPG refused to provide the City Attorney with the requested information regarding its insurance and liability coverage on the grounds that such information was "proprietary." In response to further requests from Staff and the City Attorney regarding the basis for making this determination (see attachments), Rancho LPG has not responded. However, Rancho LPG did respond that:

- They had offered to show Councilman Knight and Staff the procedures related to recapturing spilled fuel from the containment basin during a site tour on October 16, 2012, but that we had said that we didn't have time to review them at the time (Staff does not recall this conversation). They further stated that, while there are procedures in place that are available for review at the site, they would not provide copies of them.
- They were not required to report the normal emergency operation of the flare in January 2013 to the AQMD, the EPA or any other agency.

On February 19, 2013, the Chief Legislative Analyst's (CLA) Office of the City of Los Angeles released its report on "Safety Regulations and Precautions at Liquefied Petroleum Gas (LPG) Facilities" (see attachments). The report was prepared in response to several motions by Los Angeles City Councilman Joe Buscaino. After summarizing the legislative and regulatory background affecting the Rancho LPG facility in its report, the CLA made two (2) recommendations:

1. Instruct the Fire Department to develop potential options for a community outreach effort and preparedness exercise with City departments and stakeholders in the San Pedro area, including the facility operator, local Neighborhood Councils, homeowner groups, and other community based organizations.
2. Instruct the Fire Department and Department of Building and Safety, with the assistance of the Chief Legislative Analyst, to report back with a list of inspections conducted by non-City agencies at liquid bulk storage facilities that would benefit City agencies by receiving automatic notification of inspection deficiencies.

Local citizen groups were disappointed in this response, as demonstrated in some of the attached e-mails.

On February 23, 2013, several concerned citizen groups opposed to the Rancho LPG facility held a "Leadership Forum" at Taper Street Elementary School in San Pedro (see attached e-mail and flyer). Mayor Pro Tem Duhovic, Councilman Campbell and Councilman Knight all attended the meeting, and the meeting was reported upon by the *Daily Breeze* on February 24, 2013 (see attachments).

On March 14, 2013, the U.S. Environmental Protection Agency (EPA) issued a "Notification of Potential Enforcement Action for Violation of Section 112(r)(7) of the Clean Air Act" to the Rancho LPG facility. This notice apparently stems from site inspections conducted by the EPA in April 2010 and January 2011. The allegations against Rancho LPG include:

- Failing to include the rail storage area of the site in its Risk Management Plan;
- Failing to adequately evaluate seismic impacts upon the facility's emergency flare;
- Failing to address the consequences of a loss of City water for fire suppression during an earthquake;
- Failing to conduct a timely internal inspection of Tank 1 (i.e., one of the 12½-million-gallon butane storage tanks);
- Failing to develop an Emergency Response Plan to protect public health and the environment; and,
- Failing to include a drain pipe and valve in the containment basin in the Mechanical Integrity Program.

Rancho LPG has been given until April 15, 2013, to file written responses to EPA's allegations. EPA anticipates filing its complaint by May 15, 2013. Both the Los Angeles *Times* and the *Daily Breeze* reported on this matter (see attachments). Staff will continue to monitor this project in future Border Issues reports.

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

On March 15, 2013, the City of Los Angeles approved the parcel map related to the Marymount College San Pedro Campus project. The parcel map had been the subject of a public hearing that Staff attended on January 24, 2013. With the approval of the parcel map, Staff anticipates that the conditional use permit (CUP) related to the proposal will be presented to the City of Los Angeles City Planning Commission within the next month or so. Staff will continue to monitor this project in future Border Issues reports.

Los Angeles County Sanitation Districts' Clearwater Program, Eastview Area and Los Angeles (San Pedro)

On February 4, 2013, the City Council received the requested presentation of the *Clearwater Program* from Staff of the Los Angeles County Sanitation Districts. The Districts' Board of Directors certified the EIR and approve the Master Facilities Plan for this project on November 28, 2012. As such, Staff intends to remove this matter from future Border Issues reports.

<u>New Border Issues</u>

Port Master Plan Update, Port of Los Angeles

On February 21, 2013, the Port of Los Angeles (Port) released its draft Port Master Plan Update (PMPU) and the related draft Program Environmental Impact Report (PEIR). The PMPU proposes to update the 1980 Port Master Plan to incorporate subsequent amendments approved by the Port since that date, and to update the plan "with policies and guidelines that reflect current community and environmental conditions, and account for trends in foreign and domestic waterborne commerce, navigation and fisheries that influence the needs for future development in the Port." The draft PEIR evaluates the environmental impacts of these proposed updates (see attachment).

The Port hosted a public hearing to receive comments on the draft PEIR on March 13, 2013. Issues of concern raised by public speakers at this hearing included providing for community uses and public recreational access within the Port; air quality impacts upon sensitive receptors in surrounding communities; and protecting historic resources in the Port, especially at Fish Harbor on Terminal Island. Staff also believes that hazardous materials storage and handling and traffic in the Port are environmental impacts that will be of concern to City residents.

The Board of Harbor Commissioners (BHC) will be reviewing the draft PMPU at its regular meeting of April 4, 2013, at 8:30 AM at Banning's Landing Community Center,

100 E. Water St., Wilmington, CA 90744. The 45-day public comment period for the related draft PEIR will end on April 8, 2013. The final PEIR is expected to be complete later this spring and certified by the BHC this summer. Approval by the California Coastal Commission will also be required.

Staff plans to attend the April 4th BHC hearing and to submit comments on the draft PEIR within the 45-day comment period. Staff will continue to monitor this project in future Border Issues reports.

Enforceability of View Regulations in Adjacent Jurisdictions

The City Council has inquired about the City's ability to address view impairments that occur outside of the City's boundaries. The City's jurisdiction to enforce its Municipal Code is limited to land that is located within the City. Accordingly, if foliage that is growing in another city blocks the view of a Rancho Palos Verdes resident, the City of Rancho Palos Verdes does not have the ability to enforce the provisions of the View Restoration Ordinance with respect to that foliage. This principle also applies to other types of violations of the Rancho Palos Verdes Municipal Code.

Correspondingly, by virtue of the provisions of the View Restoration Ordinance, owners of properties located outside of the City cannot file an application to have foliage within the City trimmed or removed to restore their views. Section 17.02.040(C)(2)(a) of the Ordinance states as follows:

> "a. Any resident owning a residential structure with a view may file an application with the city for a view restoration permit. The applicant shall file with the application proof that the applicant consulted, or attempted to consult, with the property owner whose foliage is in question. The applicant shall pay a fee for the view restoration permit as established by resolution of the city council." [Emphasis added.]

Based upon these principles, the only method by which the City's Ordinance can be enforced within a neighboring city would be if that city amended its code to allow a resident of Rancho Palos Verdes to submit an application to remove foliage on private property in that city. Likewise, the City of Rancho Palos Verdes would need to amend its Municipal Code to allow residents of other cities to file applications to remove foliage that is located in Rancho Palos Verdes. Of course, the City and the other neighboring cities on the Peninsula could decide to form a joint powers authority or enter into some other type of cooperative agreement to address issues such as code enforcement or view impairment.

There have been a few past instances where the City commented on and worked with an abutting city when a development project outside of Rancho Palos Verdes' boundaries had a direct impact upon a City-owned facility. The most recent examples were new homes in Palos Verdes Estates that had public access or view impacts upon

abutting City parks. In these cases, however, the City did not seek to apply its zoning regulations extraterritorially.

Through the Border Issues Status Report, the City monitors and comments upon development projects in surrounding jurisdictions that have potential impacts that could be felt throughout the larger Rancho Palos Verdes community. However, the Border Issues Status Report has not reviewed development projects or properties that have impacts only upon individual properties in Rancho Palos Verdes.

Attachments:

- NWSPNC Stakeholder Meeting agenda (dated 3/11/13)
- *Daily Breeze* article regarding NWSPNC comments on *Ponte Vista* project (published 3/24/13)
- RHE City Council Staff report for Brickwalk, LLC project (dated 2/12/13)
- RHE City Council Minutes for February 12th meeting (approved 3/26/13)
- Harbor Area Planning Commission agenda for San Pedro Community Plan Update (dated 3/5/13)
- City Planning Commission agenda and Staff report for San Pedro Community Plan Update (dated 3/14/13)
- PVPUSD Superintendent Williams' statement regarding stadium lights lawsuit (released 3/19/13)
- *Daily Breeze* article regarding stadium lights lawsuit (published 3/20/13)
- E-mails from Staff and City Attorney to Rancho LPG regarding insurance and liability coverage (dated 2/11/13 & 2/14/13)
- E-mail and flyer from Janet Gunter for February 23rd "Leadership Forum" (received 2/13/13)
- *Daily Breeze* article regarding February 23rd "Leadership Forum" (published 2/24/13)
- CLA report on Rancho LPG facility (dated 2/19/13)
- Community e-mail responses to CLA report on Rancho LPG facility (various dates)
- USEPA "Notification of Potential Enforcement" to Rancho LPG (dated 3/14/13)
- LA *Times* and *Daily Breeze* articles regarding USEPA notice to Rancho LPG facility (published 3/18/13 & 3/19/13)
- Community e-mail responses to USEPA notice to Rancho LPG facility (various dates)
- Notice of Decision for parcel map associated with Marymount College San Pedro Campus project (dated 3/15/13)
- Notice of Availability and Executive Summary for draft PEIR for Port Master Plan Update (dated 2/21/13)

NWSPNC Stakeholder Meeting agenda

Northwest San Pedro Neighborhood Council
MONTHLY STAKEHOLDER MEETING
Monday, March 11, 2013
Peck Park Community Room
5:30 – 6:00 Informal discussion & food; 6:00-8:45 Meeting

If a member of the public wishes to address the Board, they should fill out a speaker card, located on the table at the entrance to the auditorium and submit it to the President or Vice President. The meeting will conclude no later than 8:45. Any items not addressed will be carried over to the next meeting.

1. Welcome and call to order
2. Reports from First Responders
3. Presentation:
    a. Installation of Smart Meters in NWSP – So Cal Gas Company
4. Public comment on non-agenda items
5. Reports by Public Officials
6. Consider Approval of items on Consent Calendar as Follows:
    a. Approval of Minutes of the February 11, 2013 Board Meeting
    b. Approve appointment of Laurie Jacobs to Planning & Land Use Committee
    c. Motion requesting DOT to add striping creating right-turn lane from eastbound Miraflores Ave. to southbound Gaffey
    d. Motion requesting DOT to reevaluate and retime signal at Miraflores Ave. and Gaffey St.
7. Committee Reports and Motions
    a. Planning – Consider adoption of Comments on Ponte Vista's proposed Specific Plan
    b. Youth & Outreach –
        i. Update on Youth Employment Event
        ii. Youth Community Service Award
    c. Community Issues
        i. Motion requesting DOT to reevaluate signalization at Gaffey and Channel to encourage access to 110 North by way of Gaffey St.
    d. Port – Ports O'Call Update
    e. Budget and Finance
        i. Consider Approval of February Expenditure Report
        i. Consider Approval of Acknowledgement of Reconciliation Letter from DONE and provision of information
        ii. Consider Approval of Letter of Acknowledgement authorizing Scott Allman as Treasurer and George Thompson as Chair of the Budget Committee as the persons who are authorized to approve expenses or request funding
8. President's Report
9. Budget Advocate's Report
10. Announcements
11. Adjourn - Next Meeting - Monday, April 8, 2013 at 6:00 pm.

To contact us: www.nwsanpedro.org, board@nwsanpedro.org, or 310-732-4522.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assisted listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services please make your request at least 3 business days (72 hours) prior to the meeting by contacting the Department of Neighborhood Empowerment at 213-485-1360.

Daily Breeze article regarding NWSPNC comments on *Ponte Vista* project

San Pedro critics still concerned with Ponte Vista project

By Donna Littlejohn, Staff Writer Daily Breeze
Posted:

DailyBreeze.com

For its critics, the revamped Ponte Vista development is apparently beginning to feel like deja vu.

Members of the Northwest San Pedro Neighborhood Council continue to express worries that the project - downsized now to 830 units - has weaknesses.

But planners say the process is still ongoing, with more meetings ahead as they shoot for a Los Angeles Planning Commission review sometime before June and a City Council vote later in the summer.

Developers made a presentation last week to the Harbor City Neighborhood Council and will go before the San Pedro Chamber of Commerce within the next few weeks.

They also continue to meet with individuals and small groups, said Eric Shabsis, a spokesman for property owner iStar, which plans to be the master developer for the 61.5-acre site at 26900 S. Western Ave. in San Pedro.

Among the biggest challenges for the developer is working through the city bureaucracy, Shabsis said.

Among the concerns still expressed by Northwest regarding the current draft plan: the lack of dedicated senior housing, limited public open space, the inclusion of a perimeter gate and the lack of on-site amenities to reduce traffic outside the development.

"The city's well aware of what our concerns are," said Pat Nave of the council, adding that members were part of a small group that met with city planning staffers recently.

As currently proposed, the 830-home project would include a mix of housing types, including some single-family homes with small patios or small yards along with multilevel town houses and condominiums.

The homes to be built at the south end of the property would be constructed as owner-occupied or rental units, Shabsis said.

"There is flexibility for those to be 'for-sale' homes, he said. "They will be built to 'for-sale' standards, but (whether they are sold or rented) it will be market driven."

Shabsis said the Wilmington Neighborhood Council has expressed support for the project.

Olive Reed, president of the Harbor City Neighborhood Council, said that panel heard comments from both the planners and Northwest members at its meeting last week and deferred taking a formal position.

"We want to make sure we're hearing both sides," Reed said, adding that the matter will be taken up at the April meeting when more stakeholders can participate.

It's been eight years since developer Bob Bisno first proposed the project he named Ponte Vista - which means "Bridge View" and pays homage to the Vincent Thomas Bridge that can be seen on the horizon from the hilltop.

Filled with abandoned Navy houses, the parcel was initially envisioned as the site of 2,300 homes. The density - and the projected new traffic it would bring to an already congested Western Avenue - drew immediate, vocal and

long-standing opposition from the surrounding community.

The project since then has changed hands and gone through several revisions.

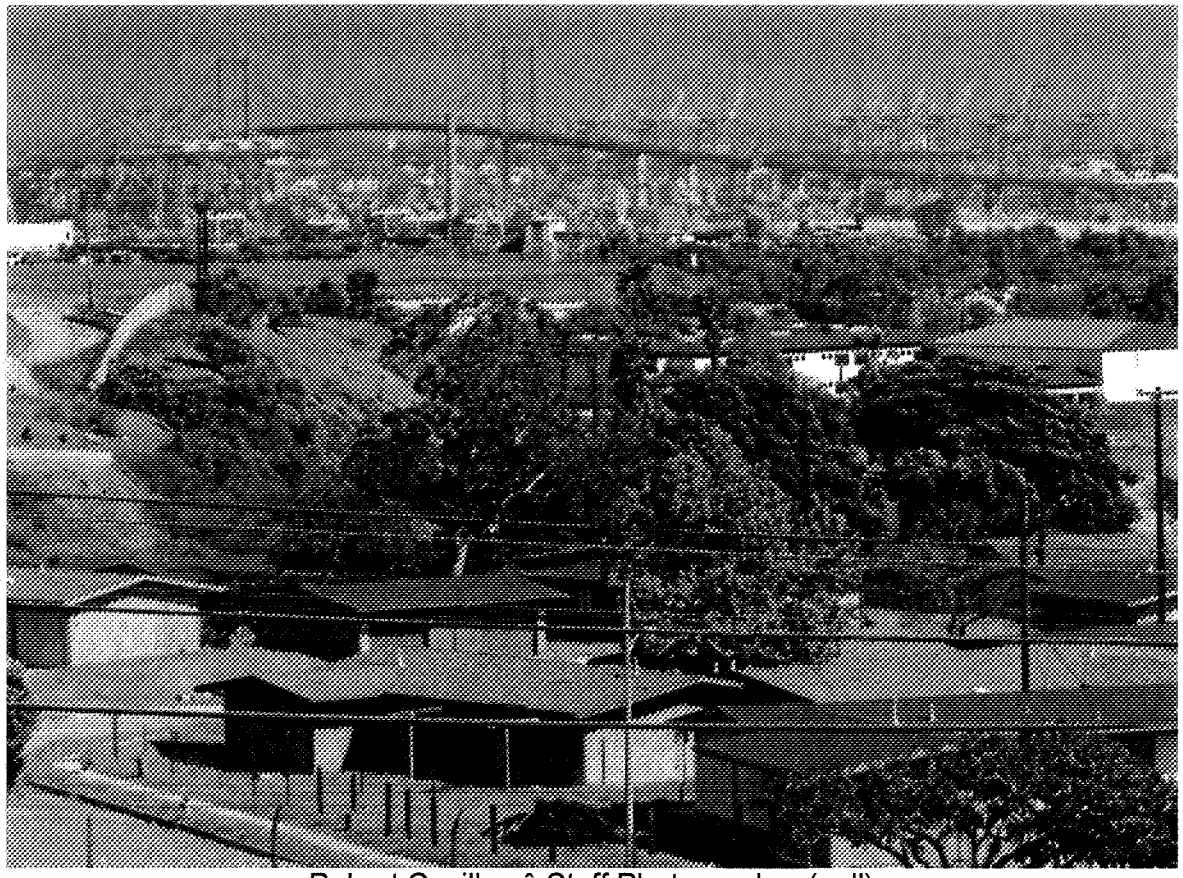
The issues are much the same as always, Reed said.

"I think it's obviously always the traffic," she said. "Also, people don't want a gated community.

"But, on the other hand, I know some of our stakeholders say they're sick and tired of seeing Western Avenue look the way it does and they want something done."

Reed said more park space also is frequently on the wish list for community members. "There's a lot of discussion that still needs to be done," said Joeanne Valle, a member of the Harbor City neighborhood council. "What we've tried to do is to hear all the sides. "In a perfect world, it would be a wonderful (61.5-acre public) park."

donna.littlejohn@dailybreeze.com



Robert Casillas â Staff Photographer (null)

RHE City Council Staff report for Brickwalk, LLC project

The City of
Rolling Hills Estates

MEMORANDUM
Planning Department

AGENDA
FEB 12 2013
ITEM NO. 8A

Date: January 31, 2013

To: Mayor and City Council

From: Niki Wetzel, AICP, Principal Planner

Subject: Planning Application No. 01-07 (655-683 Deep Valley Drive/924-950 Indian Peak Road – Brickwalk)

Attached please find the staff report for the Brickwalk mixed-use project which will be discussed at the City Council meeting of February 12, 2013. At the direction of the City Manager, the staff report is being provided now to allow the Council extra time to review the material given the size of the project. Copies of the Draft Environmental Impact Report were previously provided to Council, and all information including appendices is also available on the City website. If any additional project information is received prior to the meeting, it will be provided to you under separate cover with your packet next Thursday. Please feel free to call me if you have any questions at (310) 377-1577, extension 115.

Ccmem.1.31.13

Staff Report

City of Rolling Hills Estates

DATE: FEBRUARY 12, 2013

TO: MAYOR AND CITY COUNCIL

FROM: NIKI WETZEL, AICP, PRINCIPAL PLANNER
DAVID WAHBA, PLANNING DIRECTOR

SUBJECT: PLANNING APPLICATION NO. 01-07
APPLICANT: MR. STEPHEN JORDAN, THE AURIC GROUP, LLC
PROPERTY OWNER: BRICKWALK, LLC (MR. GEORGE DANESHGAR)
LOCATION: 655-683 DEEP VALLEY DRIVE/924-950 INDIAN PEAK ROAD

OVERVIEW

The following is a request to approve:

1. Vesting Tentative Tract Map No. 67553;
2. 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;
3. A Precise Plan of Design (PPD) for buildings and structures;
4. A Variance to exceed the maximum permitted building height;
5. A Variance to permit a smaller setback than required by Code;
6. A Variance to permit fewer parking spaces than required by Code/shared parking agreement;
7. A Grading application is required to permit stabilization of the landslide and building pads for buildings and structures; and
8. An Environmental Impact Report, Findings and Statement of Overriding Considerations under the California Environmental Quality Act (CEQA)

BACKGROUND AND DISCUSSION

Application Filed:	7/2/2009 *
Public Notices Mailed:	1/30/2013
Public Notices Posted:	1/31/2013
Public Notices Published:	1/31/2013

*Original application was submitted in 2007 by Laing Urban. Current application was resubmitted by The Auric Group, LLC for Brickwalk, LLC on 7/2/2009.

Project Summary

The following provides a brief overall project summary. Further project information can be found in Planning Commission staff reports and minutes included herein as Attachment 2.

The applicant proposes to demolish buildings at 944 and 950 Indian Peak Road and at 655-683 Deep Valley Drive, stabilize the landslide, and subdivide the 10.42-acre site into two lots. Lot 1 would be 8.05-acres in size and contain 148 residential units in two development "pad" areas. Pad 1, located in the current location of the 655-683 Deep Valley Drive office building, would consist of a five-story, 102-unit, condominium "podium" building with 14,200 square feet of ground-floor commercial space. The one and two-bedroom condominium units would range in size from approximately 1,200 to 1,900 square feet. The building would also feature a gym, courtyard, and swimming pool. The building would be accessed from Deep Valley Drive by a shared driveway located between the building and the Brickwalk development.

Pad 2, located on the slope to the rear of the existing Brickwalk commercial development, would consist of 46 three-bedroom townhomes ranging in size from approximately 1,875 to 1,920 square feet. The homes would be accessed from a u-shaped road descending from Indian Peak Road to Deep Valley Drive. From Deep Valley Drive, the townhomes would be accessed from the driveway shared with the condominium building and the Brickwalk development.

Lot 2 of the project site would encompass the Brickwalk development on a 2.37-acre site. The project would demolish 2,013 square feet of existing commercial space from the 23,187 square foot development and add 63 parking spaces. The area of demolition would be in the upper portion of the Brickwalk site and would not affect the continuous retail frontage along Deep Valley Drive. In conjunction with this application, the applicant has proposed façade improvements including first-floor awnings, paint and signage for the Brickwalk buildings. Façade improvements would consist of painting the buildings a darker earth-toned color at the base with a lighter color at the top of the two-story buildings to break up the massing. Within recessed first floor retail areas, a darker color would also be used to provide additional distinction for those tenants. Stairway openings to the second floor would be accentuated with signage, lighting and a decorative entry canopy. Conditions of approval for this project would require a Precise Plan of design for a master sign plan as well as a Precise Plan of Design for building colors and awnings.

The application indicates that the 103,600 cubic yards (c.y.) of earth material would be removed from the site during project construction. The maximum cut length would be 446' feet, and the maximum cut depth would be 53'. Cut would consist of 201,500 c.y., and 508,000 c.y. would be over-excavated and recompacted for site remediation. The maximum fill length would be 48', and the maximum fill depth would be 8'. Fill would consist of 8,253 c.y., and 597,647 c.y. would be recompacted.

Planning Commission Public Hearing

A public hearing for this project was held before the Planning Commission on September 4, October 15, and December 3, 2012. On December 17, 2012, the Planning Commission approved Resolution No. PA-01-07 recommending approval of the project and certification of the project Environmental Impact Report (EIR) to the City Council which is included herein as Attachment 1. It can be noted that the Draft EIR was provided to the City Council under separate cover on June 27, 2012. It can be further noted that the Draft EIR, staff reports and other pertinent information for the project are available on the City's website.

As seen in staff reports and meeting minutes, major issues discussed before the Planning Commission involved grading and geotechnical issues, safety during and after construction, construction phasing, and traffic and parking issues.

Notably, the Planning Commission expressed concern over assurances that grading would be completed once commenced. Conditions of Approval No. 37 and 38 of Resolution No. PA-01-07 are expressly intended by the Planning Commission to ensure that bonding for project grading is sufficient for the City to complete grading, retaining walls and the proposed tie-back system if necessary.

Further, Ordinance No. 646 (adopted in 2008) specifically requires residential and mixed-use development projects to:

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; and

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.

5. Assists the City in meeting requirements of its Regional Housing Needs Assessment (RHNA) especially with regard to affordable housing.

6. Demonstrates a commitment to environmental sustainability including, but not limited to, an expressed written intent to attain certification pursuant to the Leadership in Energy and Environmental Design (LEED) Green Building Rating System™.

As discussed in September 4, 2012 Planning Commission staff report, staff believes that Items 1, 3-4, and 6 have been satisfied in the subject application with a public plaza incorporated into site design, retention of the Brickwalk development/commercial space incorporated into the ground-floor of the new buildings, and an intention to meet LEED requirements.

Regarding Item 2, the applicant is considering the viability of utilizing a portion of the commercial space on Deep Valley Drive in the podium building for community purposes. Staff suggests that this issue be further discussed with the applicant at the public hearing.

Further, staff does not believe that item 5 has been met in the subject application. The applicant indicates that the project will provide long term stabilization of a landslide area. To achieve this, the project is designed to include Type I structured parking to help with this mitigation. Additionally, a parking structure provides parking for residential units. Due to the high capital cost associated with the grading and the parking structure, and the length of time before any revenue return is achieved, the project is heavily burdened economically. Any further revenue burdens would likely make the project unfeasible economically. Additionally, with the current capital markets, the builder would likely not be able to secure any debt providers for the grading and structured parking.

While staff understands the economic investment inherent to this project due to the landslide condition, it appears from the response that the applicant is not prepared to assist the City in

meeting requirements of the RHNA especially with regard to affordable housing. The Planning Commission specifically recommends that the Council discuss this issue as noted in Resolution No. PA-01-07.

Finally, as noted in Resolution No. PA-01-07, the Planning Commission decision to recommend approval of project Variances to the City Council was predicated on an assumption that requested project density is required to provide funds for repair to the landslide area inherent to the site. The Planning Commission, however, did not review financial evidence in support of this assumption and recommends that the City Council consider this evidence in its evaluation of requested project Variances.

RECOMMENDATION

Staff recommends that the City Council

1. Open the Public Hearing;
2. Take public testimony;
3. Discuss the issues;
4. Continue this application to a date uncertain; and
5. Direct the applicant to prepare a project pro forma or other financial information justifying requested project density and that a community benefit and provisions for affordable housing be further discussed.

EXHIBITS

Attached

1. Planning Commission Resolution No. PA-01-07
2. Planning Commission Staff Reports and Minutes

Separate

1. Project Plans

Pa01-07 cm

RHE City Council Minutes for February 12th meeting

MINUTES

CITY COUNCIL MEETING

FEBRUARY 12, 2013

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:07 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR ZERUNYAN with COUNCILMAN ADDLEMAN and COUNCILMAN ZUCKERMAN present.

PLEDGE OF ALLEGIANCE

The Silver Spur Little League led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

City Council Members Present: Addleman, Zerunyan, Zuckerman
City Council Members Absent: Mitchell, Seamans

City Staff Present: City Manager Doug Prichard
Acting City Attorney Don Davis
Assistant City Manager Greg Grammer
Planning Director David Wahba

Others Present: Dale Allen, Park and Activities Commission

4. CEREMONIAL ITEMS

A. WASTE MANAGEMENT DRAWING FOR ONE YEAR'S FREE RESIDENTIAL REFUSE SERVICE

Janine Hamner, Waste Management Representative, drew the name of Jared Fortune on Aspen Way as the recipient of one year's free disposal service.

B. MAYOR ZERUNYAN announced with great sadness the passing of former Mayor and Council Member Warren Schwarzmann on January 17. He provided a background and slide presentation that highlighted Mr. Schwarzmann's dedicated service to the City.

COUNCILMAN ADDLEMAN commented that Mr. Schwarzmann was a "light in the City" and respected him very much.

COUNCILMAN ZUCKERMAN commented that while he did not have the privilege to serve with Mr. Schwarzmann, he was able to accomplish so much and exemplified the kind of public service that most cities would desire.

City Manager Prichard commented that he came to the City in 1985 when Mr. Schwarzmann was in office and that he was gracious, positive and welcoming in making him feel like a part of the City family. He sent out his thoughts and prayers to the Schwarzmann family.

5. ROUTINE MATTERS

A. CITY COUNCIL MINUTES OF JANUARY 22, 2013

COUNCILMAN ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE THE CITY COUNCIL MINUTES OF JANUARY 22, 2013 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

B. DEMANDS AND WARRANTS – JANUARY AND FEBRUARY

COUNCILMAN ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE WARRANTS 51825 THROUGH 51868 IN THE AMOUNT OF $231,834.78; SUPPLEMENTAL WARRANTS 51688 (VOID); 010113 THROUGH 010313; 51698 THROUGH 51711; 51712 THROUGH 50742; 51737 (VOID); 51743 THROUGH 51756; 51801 THROUGH 51818 IN THE AMOUNT OF $429,671.69 FOR A GRAND TOTAL AMOUNT OF $661,506.47 WITH PROPER AUDIT.

AYES: Addleman, Zerunyan, Zuckerman
ABSENT: Mitchell, Seamans

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

COUNCILMAN ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE ITEMS A-C.

A. READING OF ORDINANCES AND RESOLUTIONS

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

B. SILVER SPUR SAFE ROUTES TO SCHOOL PROJECT – STATE FUNDING RESOLUTION

Recommendation: That the City Council adopt Resolution No. 2293, approving Program Supplement Agreement 0K22 Rev. 000 to the Administering Agency-State Master Agreement No. 00334S for funding of the Silver Spur Safe Routes to School Project and authorize the Mayor and City Clerk to execute this agreement.

1. RESOLUTION NO. 2293 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 0K22 REV. 000 TO ADMINISTERING MASTER AGENCY-STATE MASTER AGREEMENT NO. 00334S FOR FUNDING OF THE SILVER SPUR SAFE ROUTES TO SCHOOL PROJECT.

ADOPTED.

AYES: Addleman, Zerunyan, Zuckerman
ABSENT: Mitchell, Seamans

C. QUARTERLY CODE ENFORCEMENT REPORT

RECEIVED AND FILED.

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

A. Captain Blaine Bolin, Lomita Sheriff's Station, was pleased to report that there has been low crime activity last year. He thanked the COUNCIL and community for their consistent support. He then stated they are looking forward to an even better 2013.

COUNCILMAN ZUCKERMAN inquired if volunteers are still needed at the Sheriff's Station. Captain Bolin indicated that they are always seeking applicants for this service, and if anyone is interested, to go to the Station and fill out an application.

9. NEW BUSINESS

A. PLANNING COMMISSION MINUTES OF FEBRUARY 4, 2013

COUNCILMAN ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF FEBRUARY 4, 2013.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

B. PARK AND ACTIVITIES COMMISSION MINUTES OF FEBRUARY 5, 2013

COUNCILMAN ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION MINUTES OF FEBRUARY 5, 2013.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

1. PARK AND ACTIVITIES COMMISSION ACTION ITEM FROM THE MEETING OF FEBRUARY 5, 2013 – SKATE PLAZA LOCATION ALTERNATIVES

Recommendation: That the City Council approve the Park and Activities Commission's recommendation that the only acceptable site for Skatepark PV to consider constructing a skate plaza in Ernie Howlett Park is the sand volleyball and turf site adjacent to the basketball court, provided that a soils investigation and remediation methods result in a site suitable for construction.

After brief discussion, City Manager Prichard noted that at the request of COUNCILWOMAN SEAMANS, this item will be tabled until such time that all five COUNCIL MEMBERS are present.

10. OLD BUSINESS

NONE

11. CITY ATTORNEY ITEMS

NONE

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

A. COUNCILMAN ADDLEMAN reported that he attended a JPIA meeting where Councilman Darrell Hofmeyer of Paramount was elected to the board.

B. COUNCILMAN ADDLEMAN reported that he attended a PV Transit meeting. At that meeting, MAYOR ZERUNYAN recommended having a succession plan which would be approved along with the annual budget.

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

A. MAYOR ZERUNYAN

1. POLICY DEVELOPMENT SESSION ITEMS FOR DISCUSSION

After brief discussion, it was the consensus of the COUNCIL to receive and file the list of items.

14. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code Section 4956.9(d)(4): One Case

DEFERRED.

***

At 7:25 p.m., MAYOR ZERUNYAN called for a brief recess.

***

At 7:32 p.m., the COUNCIL reconvened with MAYOR ZERUNYAN, COUNCILMAN ADDLEMAN, and COUNCILMAN ZUCKERMAN present.

***

8. PUBLIC HEARINGS/MEETINGS

A. PLANNING APPLICATION NO. 01-07; APPLICANT: STEPHEN JORDAN, THE AURIC GROUP, LLC; PROPERTY OWNER: BRICKWALK, LLC (GEORGE DANESHGAR); LOCATION: 655-683 DEEP VALLEY DRIVE/924-950 INDIAN PEAK ROAD

Recommendation: That the City Council: 1) Open the public hearing; 2) Take public testimony; 3) Discuss the issues; 4) Continue this application to a date uncertain; and 5) Direct the applicant to prepare a project pro forma or other financial information justifying requested project density and that a community benefit and provisions for affordable housing be further discussed.

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

Stephen Jordan, The Auric Group, LLC, provided a presentation of the project.

Ted Wolfe, Geotechnical Engineer, Petra Geotechnical, provided an overview of the geologic conditions of the site, overriding landslide concerns, and mitigation requirements.

Dan Bolton, Bolton Engineering, provided a site plan overview that included townhomes, removal of materials, etc.

COUNCILMAN ADDLEMAN inquired as to the cost of caissons that will be constructed for the project. Mr. Bolton noted that he did not know at this time, but will provide further information.

COUNCILMAN ZUCKERMAN commented on the number of trucks required to undertake the grading plan.

Medinah Adal, Metier Architects, provided an architectural overview and history of the project.

COUNCILMAN ZUCKERMAN noted his concern with traffic at Deep Valley and Silver Spur, Silver Spur at Crenshaw Boulevard, Crenshaw Boulevard at Palos Verdes Drive North and other intersections on Palos Verdes Drive North.

MAYOR ZERUNYAN stated that he would like to see additional 3-D elevations for a more comprehensive look at the project.

COUNCILMAN ZUCKERMAN noted another concern with regards to adequate parking spaces for the townhomes.

In response to a question, Mr. Jordan noted that the homes will be most likely be marketed toward younger families or downsizing couples.

Richard Barretto, Linscott, Law and Greenspan Traffic Engineers, responded to a question posed by COUNCILMAN ZUCKERMAN regarding shared parking.

COUNCILMAN ZUCKERMAN inquired if signal coordination would be needed at Deep Valley Drive at Silver Spur Road and Silver Spur Road at Crenshaw. He noted his concern regarding queuing.

Erik Zandvliet, City Traffic Engineer, noted that if and when a signal is warranted at Deep Valley Drive at Silver Spur, it would have to be coordinated with Crenshaw Boulevard.

COUNCILMAN ZUCKERMAN inquired as to why there are mitigation measures proposed at Crenshaw Boulevard and Palos Verdes Drive North, but not at Rolling Hills Road and Dapplegray School Lane. He emphatically stated they should be considered in the traffic plan.

Mr. Barretto noted that Crenshaw Boulevard/Palos Verdes Drive North does not meet the criteria for a significant impact.

COUNCILMAN ZUCKERMAN emphasized that Rolling Hills Road and Dapplegray School Road should be considered as the proposed project would add more traffic along Palos Verdes Drive North.

COUNCILMAN ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

Barbara Jean Desalles, 35 Cypress Way, commented on her concern regarding long-term studies of how the soil will be affected and how this development will affect current residents and schools. She noted that more greenery is desired to beautify the area.

Jim Forsythe, 31 Cypress Way, noted several concerns that included: 1) Building height; 2) Location of condominiums; 3) Traffic congestion; 4) Reduced parking; 5) Noise levels; and 6) Pedestrian safety. He asked the COUNCIL to reconsider this proposal with his comments in mind.

Christina Zimmerman, 19 Ranchview Road, asked how the stability of the hill would be ensured. She noted concerns regarding building density, affordable housing and traffic impacts.

Cat Spydell, 50 Ranchview Road, commented on her concern regarding density and traffic issues.

Kim Zappulla, 7 Santa Bella Road, concurred with the previous speakers and noted that she does not see a community benefit in this project being built.

Carol Wharton Low, 91 Cypress Way, also noted concern with traffic, density and the amount of vacancies in the area prior to starting another project.

Joan Davidson, 1525 Via Arco, Palos Verdes Estates, urged the COUNCIL to look into a prior geologist's report from several years ago in regards to the landslide.

Lee Blackman, 63 Cottonwood Circle, commented on his concerns that included: 1) Traffic impacts that need to be evaluated; 2) Construction noise; and 3) Amount of trucks traveling Hawthorne Boulevard. He suggested that a mitigation plan be undertaken for the entire project.

COUNCILMAN ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

> TO CLOSE THE PUBLIC HEARING AND CONTINUE THIS ITEM TO A DATE UNCERTAIN.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

City Manager Prichard noted that there will not be a quorum for the February 26 meeting and the Policy Development Session is tentatively scheduled for March 2.

15. ADJOURNMENT *IN MEMORY OF FORMER COUNCIL MEMBER WARREN SCHWARZMANN*

At 9:59 p.m. MAYOR ZERUNYAN formally adjourned the meeting.

Submitted by,

Hope J. Nolan
Deputy City Clerk

Approved by,

Douglas R. Prichard
City Clerk

Harbor Area Planning Commission agenda for
San Pedro Community Plan Update

Informacion en Español acerca de esta junta puede ser obtenida llamando al (213) 978-1300.

HARBOR AREA PLANNING COMMISSION
REGULAR MEETING
TUESDAY, MARCH 5, 2013 4:30 P.M.
HARBOR COMMISSION BOARD ROOM
425 SOUTH PALOS VERDES STREET, 2ND FLOOR
SAN PEDRO, CALIFORNIA 90731

Phillip Trigas, President
Joeann Valle, Vice President
Emma Delgado, Commissioner
Eric Eisenberg, Commissioner
Kandee Lewis, Commissioner

Fely C. Pingol, Commission Executive Assistant
(213) 978-1300; FAX (213) 978-1029

EVERY PERSON WISHING TO ADDRESS THE COMMISSION MUST COMPLETE A SPEAKER'S REQUEST FORM AT THE MEETING AND SUBMIT IT TO THE COMMISSION EXECUTIVE ASSISTANT.

POLICY FOR DESIGNATED PUBLIC HEARING ITEM NO.
Pursuant to the Commission's general operating procedures, the Commission at times must necessarily limit the speaking times of those presenting testimony on either side of an issue that is designated as a public hearing item. All requests to address the Commission on public hearing items must be submitted prior to the Commission's consideration of the item.

TIME SEGMENTS noted * herein are approximate. Some items may be delayed due to length of discussion of previous items.

To ensure that the Commission has ample opportunity to review written materials, members of the public who wish to submit written materials on agendized items should submit them to the Commission Office, 200 North Spring Street, Room 272, Los Angeles, CA 90012, at least 10 days prior to the meeting at which the item is to be heard in order to meet the mailing deadline.

The Commission may RECONSIDER and alter its action taken on items listed herein at any time during this meeting or during the next regular meeting, in accordance with the Commission Policies and Procedures and provided that the Commission retains jurisdiction over the case..

AGENDAS are posted for public review in the Main Street lobby of City Hall East, 200 No. Main Street, Los Angeles, California, **and are accessible through the Internet World Wide Web at http://www.lacity.org/pln/index.htm.**

In the case of a Commission meeting cancellation, all items shall be continued to the next regular meeting date or beyond, as long as the continuance is within the legal time limits of the case or cases.

If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized here, or in written correspondence on these matters delivered to this agency at or prior to the public hearing.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

GLOSSARY OF ENVIRONMENTAL TERMS:
CEQA - Calif. Environmental Quality Act
EIR - Environmental Impact Report
ND - Negative Declaration
MND - Mitigated Negative Declaration
CE - Categorical Exemption

1. **DEPARTMENTAL REPORT - ITEMS OF INTEREST**

2. **COMMISSION BUSINESS**

A. Advance Calendar

B. Commission Requests

C. Approval of Minutes of July 19, 2011 Harbor Area Planning Commission Regular Meeting

3. **CPC-2009-1157-CPU** **(FOR REVIEW AND COMMENT ONLY)**

CEQA: ENV-2009-1558-EIR **Council District:** 15
Plan: San Pedro

Presentation of Proposed San Pedro Community Plan Update.

Staff: Debbie Lawrence (213) 978-1163

4. **PUBLIC COMMENT PERIOD**

The Area Planning Commission shall provide an opportunity in open meetings for the public to address it, on items of interest to the public that are within the subject matter jurisdiction of the Area Planning Commission. (This requirement is in addition to any other hearing required or imposed by law.) Persons making requests are encouraged to do so in writing and should submit 10 copies to the Area Planning Commission for its consideration.

Persons wishing to speak must submit a speaker's request form *prior* to the commencement of the public comment period.

Individual testimony within the public comment period shall be limited to five (5) minutes per person and up to ten (10) minutes per subject.

The next regular meeting of the Harbor Area Planning Commission
will be held at **4:30 p.m.** on **Tuesday, March 19, 2013**
at the **Harbor Commission Board Room, 2nd Floor**
425 South Palos Verdes Street. San Pedro, CA 90731

An Equal Employment Opportunity/Affirmative Action employer

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 interpreters, assistive listening devices, or other auxiliary aids and/or other 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 the Commission Executive Assistant at (213) 978-1300 or by e-mail at APCHarbor@lacity.org

City Planning Commission agenda and Staff report for
San Pedro Community Plan Update

Información en Español acerca de esta junta puede ser obtenida llamando al (213) 978-1300

CITY PLANNING COMMISSION
SPECIAL MEETING

THURSDAY, MARCH 14, 2013, after 8:30 a.m.
****** THE BOYS & GIRLS CLUB ******
100 W. 5th STREET, SAN PEDRO, CA 90731

William Roschen, FAIA, President
Regina M. Freer, Vice President
Sean O. Burton, Commissioner
Diego Cardoso, Commissioner
Camilla Eng, Commissioner
George Hovaguimian, Commissioner
Robert Lessin, Commissioner
Dana Perlman, Commissioner
Barbara Romero, Commissioner

Michael J. LoGrande, Director
Alan Bell, AICP, Deputy Director
Lisa M. Webber AICP, Deputy Director
Eva Yuan-McDaniel, Deputy Director

James K. Williams, Commission Executive Assistant II

POLICY FOR DESIGNATED PUBLIC HEARING ITEMS No(s) 4.
Pursuant to the Commission's general operating procedures, the Commission at times must necessarily limit the speaking times of those presenting testimony on either side of an issue that is designated as a public hearing item. In all instances, however, equal time is allowed for presentation of pros and cons of matters to be acted upon. All requests to address the Commission on public hearing items must be submitted prior to the Commission's consideration of the item. **EVERY PERSON WISHING TO ADDRESS THE COMMISSION MUST COMPLETE A SPEAKER'S REQUEST FORM AND SUBMIT IT TO THE COMMISSION STAFF.**

The Commission has adopted rules regarding written submissions to ensure that it has reasonable and appropriate opportunity to review your materials. The mailing and email addresses, deadlines, page limits, and required numbers of copies for your advance submissions may be found under "Forms and Instructions". Day of hearing submissions (15 copies must be provided) are limited to 2 pages plus accompanying photographs, posters, and PowerPoint presentations of 5 minutes or less. Non-complying materials will NOT be distributed to the Commission.

The Commission may ADJOURN FOR LUNCH at approximately 12:00 Noon. Any cases not acted upon during the morning session will be considered after lunch. TIME SEGMENTS noted * herein are approximate. Some items may be delayed due to length of discussion of previous items.

The Commission may RECONSIDER and alter its action taken on items listed herein at any time during this meeting or during the next regular meeting, in accordance with the Commission Policies and Procedures and provided that the Commission retains jurisdiction over the case. **In the case of a Commission meeting cancellation, all items shall be continued to the next regular meeting date or beyond, as long as the continuance is within the legal time limits of the case or cases.**

Sign language, interpreters, assistive listening devices, or other auxiliary aids and/or other 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 the Commission Executive Assistant at (213) 978-1300 or by e-mail at CPC@lacity.org.

If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agenized here, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. **If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.**

AGENDAS are posted for public review in the Main Street lobby of City Hall East, 200 No. Main Street, Los Angeles, California, and are accessible through the Internet at **www.planning.lacity.org. Click the Meetings and Hearings" link. Commission meetings may be heard on Council Phone by dialing (213) 621-2489 or (818) 904-9450.**

GLOSSARY OF ENVIRONMENTAL TERMS:

CEQA - Calif. Environmental Quality Act
EIR - Environmental Impact Report
CE - Categorical Exemption
ND - Negative Declaration
MND - Mitigated Negative Declaration

1. DIRECTOR'S REPORT

A. Update on City Planning Commission Status Reports and Active Assignments

1. Ongoing Status Reports:

2. City Council/PLUM Calendar and Actions

3. List of Pending Legislation (Ordinance Update)

B. Legal actions and rulings update

C. Other items of interest:

2. COMMISSION BUSINESS

A. Advance Calendar

B. Commission Request

C. Minutes of Meeting – February 28, 2013

3. PUBLIC COMMENT PERIOD

The Commission shall provide an opportunity in open meetings for the public to address it, for a cumulative total of up to thirty (30) minutes, on items of interest to the public that are within the subject matter jurisdiction of the Commission. (This requirement is in addition to any other hearing required or imposed by law.)

PERSONS WISHING TO SPEAK MUST SUBMIT A SPEAKER'S REQUEST FORM. ALL REQUESTS TO ADDRESS THE COMMISSION ON NON-PUBLIC HEARING ITEMS AND ITEMS OF INTEREST TO THE PUBLIC THAT ARE WITHIN THE JURISDICTION OF THE COMMISSION MUST BE SUBMITTED PRIOR TO THE COMMENCEMENT OF THE PUBLIC COMMENT PERIOD.

Individual testimony within the public comment period shall be limited as follows:

(a) For non-agendized matters, up to five (5) minutes per person and up to ten (10) minutes per subject.

(b) For agendized matters, up to three (3) minutes per person and up to ten (10) minutes per subject. PUBLIC COMMENT FOR THESE ITEMS WILL BE DEFERRED UNTIL SUCH TIME AS EACH ITEM IS CALLED FOR CONSIDERATION. The Chair of the Commission may allocate the number of speakers per subject, the time allotted each subject, and the time allotted each speaker.

4. **CPC-2009-1557-CPU**
CEQA: ENV-2009-1558-EIR
Plan Area: San Pedro

Council District: 15 – Buscaino
Expiration Date: N/A
Appeal Status: Not appealable

PUBLIC HEARING

Location: VARIOUS
The project area is the San Pedro Community Plan area, located adjacent to the Port of Los Angeles, the Pacific Ocean, and the City of Rancho Palos Verdes. It is generally bounded by: Taper Avenue on the north; John S. Gibson Boulevard, Harbor Boulevard, the West Channel of the Port of Los Angeles, and Cabrillo Beach on the east; the Pacific Ocean on the south; and the western border of Los Angeles with the City of Rancho Palos Verdes.

Proposed Project:
San Pedro Community Plan Update: The San Pedro Community Plan Update (Proposed Plan) revises and updates the San Pedro Community Plan Text and Land Use Diagram to reflect shifts in existing conditions since the last Plan Update in 1999. The Proposed Plan includes new goals, policies, and implementation programs; revisions to the Citywide General Plan Transportation Element, and General Plan Land Use designations; Zone and Height District changes; changes to existing supplemental use district boundaries and related plans and guidelines; new overlay zones; and Street Reclassifications.

Requested Actions:
1. Pursuant to procedures set forth in Section 11.5.6 of the Municipal Code and City Charter Sections 555 and 558, amend the San Pedro Community Plan as part of the General Plan of the City of Los Angeles, as modified in the attached San Pedro Community Plan Resolution, the San Pedro Community Plan Text, Land Use Change Maps, and Additional Plan Map Symbol, Footnote, Corresponding Zone and Land Use Nomenclature Changes.
2. Pursuant to Section 12.32 of the Municipal Code, rezoning actions to effect changes of zone as identified on the Land Use Change Map, Land Use Change Matrix, Community Plan Implementation Overlay (CPIO) District, and expanded Vinegar Hill Historic Preservation Overlay Zone (HPOZ) boundaries.
3. Pursuant to procedures set forth in Section 11.5.6 of the Municipal Code and City Charter Sections 555 and 558, amend the Highways and Freeways Map of the Transportation Element of the General Plan to reclassify selected streets within the San Pedro Community Plan as shown on the Street Re-Designation Matrix.
4. Review and Consideration of Environmental Impact Report No. **ENV-2009-1558-EIR**.

Applicant: City of Los Angeles

Recommended Actions:
1. Approve the Staff Report as the Commission Report.
2. Approve and Recommend that the Mayor approve and the City Council adopt the San Pedro Community Plan Resolution, the San Pedro Community Plan Text, Change Maps and Additional Plan Map Symbol, Footnote, Corresponding Zone and Land Use Nomenclature Changes amending the San Pedro Community Plan as part of the General Plan of the City of Los Angeles, as modified.
3. Approve and Recommend that the City Council adopt the requested rezoning actions to effect changes of zone as identified in the Land Use Change Map, Land Use Change Matrix, Community Plan Implementation Overlay (CPIO) District, and Vinegar Hill Historic Preservation Overlay Zone (HPOZ) boundaries.

4. Instruct the Department of City Planning to finalize the necessary zone change ordinances and findings to be presented to City Council, and make other technical corrections as necessary.
5. Amend the Highways and Freeways Map of the Transportation Element of the General Plan to reclassify selected streets within the San Pedro Community Plan as shown on the Street Re-Designation Matrix.
6. Authorize the Director of Planning to present the resolution, Plan text and Plan amendments to the Mayor and City Council, in accordance with Sections 555 and 558 of the City Charter.
7. Find that in accordance with Los Angeles Municipal Code Section 13.14 C.5, the proposed supplemental development regulations of the Community Plan Implementation Overlay (CPIO) District are consistent with, and necessary to implement, the programs, policies, and design guidelines of the San Pedro Community Plan.
8. Recommend that the City Planning Commission approve the amended Downtown San Pedro Community Design Guidelines (CDO) and Standards to include the addition of guidelines for multi-family development, as part of the Community Plan Implementation Overlay (CPIO).
9. Approve and Recommend that the City Council adopt an Ordinance repealing the existing Downtown San Pedro Community Design Overlay (CDO) District and boundaries (Ordinance No. 179,935), in as much as the CDO guidelines and standards have been merged into the CPIO.
10. Approve the establishment of the Vinegar Hill HPOZ Expansion Area and Recommend that the City Council adopt the recommended boundaries of the proposed Vinegar Hill HPOZ Expansion Area, for the area containing the existing Vinegar Hill HPOZ and the Vinegar Hill expansion area as a merged area.
11. Find that the boundaries of the Vinegar Hill HPOZ are appropriate and that the Historic Preservation Overlay Zone meets one or more of the required criteria pursuant to Los Angeles Municipal Code Section 12.20.3 F 3 (c).
12. Recommend that the City Planning Commission approve the amended Vinegar Hill Preservation Plan to include the addition of guidelines for commercial rehabilitation and infill development.
13. Find that the City Planning Commission has reviewed and considered the Draft Environmental Impact Report No. **ENV-2009-1558-EIR** (State Clearinghouse No. 2008021004) and transmit the EIR to the City Council for certification.
14. Recommend that the City Council consider a Statement of Overriding Considerations with the Final Environmental Impact Report.
15. Approve and Recommend that the City Council Adopt the Findings, and direct staff to prepare additional environmental findings for City Council consideration.

Staff: Kevin Keller
Conni Pallini-Tipton (213) 978-1163

The next scheduled regular meeting of the City Planning Commission
will be held at **8:30 a.m. on Thursday, March 28, 2013**
Van Nuys City Hall Council Chamber, 2nd Floor
14410 Sylvan Street
Van Nuys, CA 91401

An Equal Employment Opportunity/Affirmative Action Employer

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. Translation services, sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services must be requested **72 hours prior to the meeting** by calling the Planning Commission Secretariat at (213) 978-1300 or by email at CPC@lacity.org.

DEPARTMENT OF CITY PLANNING
RECOMMENDATION REPORT

City Planning Commission

Date: March 14, 2013
Time: After 8:30am
Place: The Boys and Girls Club
100 W. 5th Street
San Pedro, CA 90731

Public Hearings: Public Hearing Required.

Appeal Status: Not Applicable

Case No.: CPC-2009-1557-CPU
CEQA No.: ENV-2009-1558-EIR
Incidental Cases: None
Related Cases: None
Council No.: 15 – Buscaino
Plan Area: San Pedro
Specific Plan: San Pedro Specific Plan
Certified NC: Central San Pedro, Coastal San Pedro, and Northwest San Pedro
GPLU: Various
Zone: Various

Applicant: City of Los Angeles
Representative: City of Los Angeles

PROJECT LOCATION: The project area is the San Pedro Community Plan area, located adjacent to the Port of Los Angeles, the Pacific Ocean, and the City of Rancho Palos Verdes. It is generally bounded by: Taper Avenue on the north; John S. Gibson Boulevard, Harbor Boulevard, the West Channel of the Port of Los Angeles, and Cabrillo Beach on the east; the Pacific Ocean on the south; and the western border of Los Angeles with the City of Rancho Palos Verdes.

PROPOSED PROJECT: **San Pedro Community Plan Update:** The San Pedro Community Plan Update (Proposed Plan) revises and updates the San Pedro Community Plan Text and Land Use Diagram to reflect shifts in existing conditions since the last Plan Update in 1999. The Proposed Plan includes new goals, policies, and implementation programs; revisions to the Citywide General Plan Transportation Element, and General Plan Land Use designations; Zone and Height District changes; changes to existing supplemental use district boundaries and related plans and guidelines; new overlay zones; and Street Reclassifications.

REQUESTED ACTIONS:

1. Pursuant to procedures set forth in Section 11.5.6 of the Municipal Code and City Charter Sections 555 and 558, amend the San Pedro Community Plan as part of the General Plan of the City of Los Angeles, as modified in the attached San Pedro Community Plan Resolution, the San Pedro Community Plan Text, Land Use Change Maps, and Additional Plan Map Symbol, Footnote, Corresponding Zone and Land Use Nomenclature Changes.

2. Pursuant to Section 12.32 of the Municipal Code, rezoning actions to effect changes of zone as identified on the Land Use Change Map, Land Use Change Matrix, Community Plan Implementation Overlay (CPIO) District, and expanded Vinegar Hill Historic Preservation Overlay Zone (HPOZ) boundaries.

3. Pursuant to procedures set forth in Section 11.5.6 of the Municipal Code and City Charter Sections 555 and 558, amend the Highways and Freeways Map of the Transportation Element of the General Plan to reclassify selected streets within the San Pedro Community Plan as shown on the Street Re-Designation Matrix.

RECOMMENDED ACTIONS:

1. **Approve** the Staff Report as the Commission Report.

2. **Approve** and **Recommend** that the Mayor **approve** and the City Council **adopt** the attached San Pedro Community Plan Resolution, the San Pedro Community Plan Text, Change Maps and Additional Plan Map Symbol, Footnote, Corresponding Zone and Land Use Nomenclature Changes amending the San Pedro Community Plan as part of the General Plan of the City of Los Angeles, as modified.

3. **Approve** and **Recommend** that the City Council **adopt** the requested rezoning actions to effect changes of zone as identified in the Land Use Change Map, Land Use Change Matrix, Community Plan Implementation Overlay (CPIO) District, and Vinegar Hill Historic Preservation Overlay Zone (HPOZ) boundaries.

4. **Instruct** the Department of City Planning to finalize the necessary zone change ordinances and findings to be presented to City Council, and make other technical corrections as necessary.

5. **Amend** the Highways and Freeways Map of the Transportation Element of the General Plan to reclassify selected streets within the San Pedro Community Plan as shown on the Street Re-Designation Matrix.

6. **Authorize** the Director of Planning to present the resolution, Plan text and Plan amendments to the Mayor and City Council, in accordance with Sections 555 and 558 of the City Charter.

7. **Find** that in accordance with Los Angeles Municipal Code Section 13.14 C.5, the proposed supplemental development regulations of the Community Plan Implementation Overlay (CPIO) District are consistent with, and necessary to implement, the programs, policies, and design guidelines of the San Pedro Community Plan.

8. **Recommend** that the City Planning Commission **approve** the amended Downtown San Pedro Community Design Guidelines (CDO) and Standards to include the addition of guidelines for multi-family development, as part of the Community Plan Implementation Overlay (CPIO).

9. **Approve** and **Recommend** that the City Council adopt an Ordinance repealing the existing Downtown San Pedro Community Design Overlay (CDO) District and boundaries (Ordinance No. 179,935), in as much as the CDO guidelines and standards have been merged into the CPIO.

10. **Approve** the establishment of the Vinegar Hill HPOZ Expansion Area and **Recommend** that the City Council adopt the recommended boundaries of the proposed Vinegar Hill HPOZ Expansion Area, for the area containing the existing Vinegar Hill HPOZ and the Vinegar Hill expansion area as a merged area.

11. **Find** that the boundaries of the Vinegar Hill HPOZ are appropriate and that the Historic Preservation Overlay Zone meets one or more of the required criteria pursuant to Los Angeles Municipal Code Section 12.20.3 F 3 (c).

12. **Recommend** that the City Planning Commission **approve** the amended Vinegar Hill Preservation Plan to include the addition of guidelines for commercial rehabilitation and infill development.

13. **Find** that the City Planning Commission has **reviewed** and **considered** the Draft Environmental Impact Report (State Clearinghouse No. 2008021004) and transmit the EIR to the City Council for **certification**.

14. **Recommend** that the City Council **consider** a **Statement of Overriding Considerations with the Final Environmental Impact Report.**

15. **Approve** and **Recommend** that the City Council **Adopt** the attached **Findings**, and direct staff to prepare additional environmental findings for City Council consideration.

MICHAEL J. LOGRANDE
Director of Planning

[Signature on File]

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A Draft Resolution
B San Pedro Community Plan Proposed Plan Text (and Chapter 6 Implementation)
C Proposed Land Use and Zone Change Matrix
D Proposed Land Use Changes Map by Subarea
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F Proposed General Plan Land Use Map
G Existing General Plan Land Use Map: San Pedro Community Plan
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L Vinegar Hill Expansion Cultural Heritage Commission (CHC) Determination and Expansion Area Boundaries
M Vinegar Hill Historic Preservation Overlay Zone (HPOZ) Preservation Plan with proposed Commercial Guidelines
N Draft Environmental Impact Report and Technical Appendices (included on CD)

PROPOSED PLAN ANALYSIS

Proposed Plan Summary

The proposed San Pedro Community Plan (Proposed Plan) includes changes in land use designations and zones that are intended to achieve the following:

- Protect neighborhood character
- Enhance mobility and circulation
- Preserve and expand housing opportunities
- Allow for additional development and job-creation in commercial and industrial districts
- Incorporate goals and policies for sustainability

The Proposed San Pedro Community Plan (Proposed Plan) is intended to preserve existing single-family residential neighborhoods and accommodate a variety of housing opportunities near public transit, services, and amenities. The Proposed Plan would preserve the character of existing single-family and lower density neighborhoods by maintaining lower density land use designations and limiting the allowed residential density of some neighborhood commercial areas. The Proposed Plan seeks to direct growth away from existing residential neighborhoods by focusing growth in higher-intensity commercial centers, including emphasis of the downtown as San Pedro's regional commercial center with increased residential and commercial activity. Mixed-use development in downtown San Pedro and along commercial corridors would help provide residents and visitors mobility choices that would enable reduction in the number and length of vehicle trips, thus reducing greenhouse gas emissions associated with travel behavior, in accordance with recent State legislation (SB 375).

A key goal of the Proposed Plan is to establish lively and walkable commercial districts while retaining positive elements of San Pedro's small-town environment is a key goal of the Proposed Plan. The Proposed Plan contains policies and programs to protect the character of low-scale residential neighborhoods, as well as key districts that are considered historically and culturally significant. The policies emphasize the importance of planning for sustainability, improved mobility, more open space, plazas, and parks, and better urban design. There are also policies for improving the attractiveness and functionality of Downtown San Pedro, the Gaffey Street and Pacific Avenue commercial corridors, and the North Gaffey Street industrial areas. A renewed commitment to the preservation of industrial zones for jobs in San Pedro would improve the jobs/housing balance, diversify the heavily port-dependent economy and help ensure appropriately located land suitable to accommodate existing, new and relocating industrial firms.

The proposed plan includes street re-designations for two specified Major Highways and one Secondary Highway in San Pedro in order to reflect existing street standards, protect established development patterns, and promote pedestrian activity and bicycle and transit use. Segments of Gaffey Street, Pacific Avenue and 9th Street, have been proposed for re-designation with modified street standards. These changes are reflected through an amendment to the General Plan Transportation Element Highways and Freeways Map and San Pedro Circulation Map.

Proposed land use changes would be implemented by Plan amendments, zone changes, height district changes, and other long-range implementation programs. This includes a Community Plan Implementation Overlay (CPIO) District to better address design and incorporate the existing Community Design Overlay (CDO) guidelines as regulations in the CPIO. Additionally, the Proposed Plan includes an expansion of the existing Vinegar Hill Historic Preservation Overlay Zone (HPOZ). The Proposed Plan also includes nomenclature changes to land use designations, to create consistency with the General Plan Framework Element.

Generally, land use changes are primarily focused on preserving the character of existing single-family and lower density neighborhoods. Zoning and design regulations are proposed that would restrict adjacent incompatible uses, and increase the FAR or height maximum for commercial and industrial designations in targeted areas. In addition to areas proposed for these changes, there are also specific parcels and areas proposed for changes in land use designations and zoning to correct inconsistencies. Beyond these changes, the proposed plan and implementing ordinances do not introduce major changes to land use in the San Pedro CPA.

Background

The San Pedro Community Plan is a part of the City's General Plan. Together, the 35 Community Plans of the City of Los Angeles comprise the Land Use Element of the General Plan, a required element. Community Plans provide a long-term vision for the diverse geographies of the City.

The Department of City Planning (DCP) initiates updates to Community Plans to address changing land uses and emerging concerns. The first San Pedro Community Plan was adopted in 1962, and was most recently updated in 1999. This Proposed Plan update includes a number of components, including: 1) San Pedro Community Plan Text, 2) General Plan Land Use Diagram, and 3) Other Plan Adoption Components, such as Plan Amendments, Zone Changes, and Overlays. This includes amendments to the General Plan Transportation Element street designations, and zone change ordinances that establish a Community Plan Implementation Overlay (CPIO) District, and modify the Vinegar Hill Historic Preservation Overlay Zone (HPOZ) boundaries and Preservation Plan.

San Pedro Community Plan Text

The San Pedro Community Plan Text is the policy document that guides future discretionary decision-making, City initiatives, and the prioritization of public resources and investment through 2030, the horizon year of the plan. The Plan Text is comprised of the following:

- Introduction to the San Pedro Community Plan Area
- Background on historic land use and development in San Pedro
- Explanation of the purpose, vision, and role of the Community Plan
- Goals and policies related to Land Use, Mobility, and Community Facilities and Infrastructure
- Community Plan-level maps, charts, and figures
- Implementation programs related to Land Use, Mobility, and Community Facilities and Infrastructure

Land Use Diagram

The Community Plan also includes a Land Use Diagram, which is a map identifying General Plan Land Use Designations for all property within the community. The map has three primary

categories of land uses (Residential, Commercial, and Industrial) in addition to Open Space and Public Facility designations. The map further identifies general intensities and densities through gradients of these designations, such as Low Medium Residential, Medium Residential, and High Medium Residential, etc. Each designation includes a range of corresponding zones that may be used in that area. For example, the Medium Residential land use designation permits the R3 multiple family residential zone, while use of the R4 multiple family residential zone (a higher density zone) is not permitted in the Medium Residential designation. The R4 zone may be used in the High Medium Residential designation. For areas designated Low II Residential, only single-family zones are permitted. In this manner, the Community Plan provides the overall framework for zoning in San Pedro.

Several land use designations shown in the existing community plan land use map would be revised as part of the effort to create consistency with the General Plan Framework Element and would be renamed (e.g., Regional Center would be renamed to Regional Commercial and Limited Manufacturing would be renamed to Limited Industrial) as shown in Exhibit F. The land use designation of General Commercial would be deleted, and Neighborhood Office Commercial would be renamed to Neighborhood Commercial. Other land use designations would be revised to limit density within a particular category. Low Residential would be renamed to Low II Residential to preserve the existing single-family residential areas. A new designation of Hybrid Industrial is also being proposed, which will allow lighter industrial uses in a two-block area along 7th Street in Downtown to accommodate artist uses such as galleries, live/work units and artist studios.

Implementation

The San Pedro community currently has an extensive and sometimes overlapping network of existing [Q] Qualified zoning conditions in many areas, which were established through numerous different zone change ordinances over the past 30 years. These regulations can be somewhat complicated and may be difficult to research by the public. The draft zone change ordinance included with the Proposed Plan is intended to replace the current network of [Q] conditions with a new set of regulations included in a single ordinance to facilitate their implementation. Many issues that were previously addressed through [Q] conditions are now proposed to be addressed through special design districts, which will enable more effective implementation and ease of understanding by property owners.

Community Plan Implementation Overlay

A Community Plan Implementation Overlay (CPIO) is a zoning tool intended to provide supplemental development and use regulations tailored to each Community Plan area. The Proposed Plan establishes a CPIO pursuant to Section 12.32 of the Municipal Code with use limitations, design and performance regulations, height/FAR standards, and height/FAR incentives for targeted uses. The CPIO is divided into various districts covering the various commercial and industrial areas, to achieve the desired type of development in each area and ensure that new development complements existing character and scale of neighborhoods. Each CPIO District is further divided into subdistricts to address regulations that are unique to that specific area. Overall, design regulations address pedestrian-oriented design, architectural compatibility, scale, and massing and identify other desirable design elements, including signage, open space requirements, landscaping and parking. The intent of the CPIO per the CPIO enabling ordinance (no. 181,412) is to ensure that development enhances the unique architectural, environmental, and cultural qualities of the Community Plan area, following the regulations as outlined in the ordinance. The San Pedro Community Plan CPIO consists of the following Districts, which are described further under the discussion of key community themes:

- Downtown Regional Commercial
- Central Commercial (Subdistricts A,B,C,D,E)
- Coastal Commercial (Subdistricts A,B)
- Industrial (Subdistricts A,B,C,D)

Downtown San Pedro Community Design Overlay

The original Downtown San Pedro Community Design Overlay District (CDO) was established in 2008 by Ordinance No. 179,395 for the downtown area between Pacific Avenue and Harbor Boulevard. The CDO includes guidelines for preserving and enhancing downtown's unique sense of place as a recognizable, vibrant and attractive commercial district, linking downtown to the waterfront, and creating a pedestrian-friendly environment that encourages the continued development of arts and cultural activities. The Proposed Plan supports the objectives of the CDO by incorporating the CDO guidelines into the CPIO as regulations. Additionally, multi-family residential design guidelines have been proposed for addition to the CDO design guidelines, as the expanded area contains a mix of uses, including residential.

The combined CPIO/CDO covers the commercially-zoned areas that were contained within two Community Redevelopment Agency (CRA/LA) Project areas; the Beacon Street and the Pacific Corridor Redevelopment Project Areas. In 2012, the CRA/LA was eliminated by the State Legislature. However, the existing Redevelopment Project Area plans themselves were retained, and the Planning Department is currently addressing the manner in which to integrate the plans into its implementation tools. In particular, the Pacific Corridor Design Guidelines and Standards were developed by the CRA and its Pacific Corridor Community Advisory committee (CAC) to implement the goals and objectives of the Pacific Corridor Redevelopment Plan, and ensure that rehabilitation efforts and new development within this Project area were consistent with the visual character of San Pedro. The Guidelines and Standards of the CDO were developed to ensure consistency between the two sets of guidelines, and supersede those of the Pacific Corridor Design Guidelines. The CPIO includes regulations that require discretionary projects to show substantial compliance with the San Pedro CDO Guidelines.

Vinegar Hill Historic Preservation Overlay

The Vinegar Hill Historic Preservation Overlay District (HPOZ) was established in 2001 by Ordinance No. 173892 in the area south of downtown San Pedro bounded generally by 9th, 10th, Palos Verdes and Center Streets, to preserve historically-significant structures, some of which are over 100 years old. The Proposed Plan supports the objectives of the HPOZ and includes additions of commercial guidelines to the existing Vinegar Hill Preservation Plan to guide historic preservation efforts within the entire HPOZ. Included with the Proposed Plan is the expansion of the boundaries of the HPOZ to the area generally bounded by 8th, 12^{th,} and Beacon Streets, and Pacific Avenue, with an extension along both sides of Mesa Avenue south to 14th Street. There is longstanding community support to expand the HPOZ due to the existence of many additional historic structures located outside the original HPOZ boundaries. The Cultural Heritage Commission certified the Vinegar Hill Expansion Historic Resources Survey in 2011, and recommended approval of the establishment of the expanded boundaries in January 2013.

San Pedro Specific Plan

San Pedro has a Specific Plan and an approved Coastal Land Use Plan (LUP) that guide development in the Coastal Zone. The San Pedro Specific Plan was established in 1990 by Ordinance No. 166352, and covers the coastal portion of San Pedro in the southern and eastern

parts of the Community Plan area. The Specific Plan implements provisions of the Coastal Act of 1976 and establishes coastal-related regulations that protect views, provide for coastal access, protect certain visual resources, and regulate building height, parking, and development on sloping and geologically hazardous areas. The objectives and policies of the Proposed Plan are consistent with and support the goals and regulations of the San Pedro Specific Plan. No changes for the Specific Plan are recommended with this proposal.

Proposed Change Areas and Inconsistencies

The General Plan amendments and zone changes are shown geographically in Exhibit D and Exhibit E as "sub areas". Exhibit D includes proposed changes and Exhibit E includes proposed corrections to fix inconsistencies in land use designation and zoning. In all cases, parcel-level zoning must be consistent with the Land Use Diagram. Each sub area is listed in the change matrices by number, followed by existing and proposed plan land use and zoning information. Each parcel also contains specific zoning designations that further detail the requirements and standards of development on each parcel. The Proposed Plan changes to Land Use Diagram symbols, footnotes, corresponding zones, and land use nomenclature, are detailed in Exhibit I. In this manner, the detailed changes the Proposed Plan makes to existing zoning, land use, are all outlined in detail. In addition, at time of Plan adoption by City Council, the Proposed Plan adoption materials include draft zone change ordinance maps to implement the zone changes.

Proposed Changes to Street Designations

The City's streets are organized by official standard street designations or classifications, established in the General Plan Transportation Element, and standard street dimensions depicted in the Department of Public Works Standard Street Plan. Actual street dimensions vary from standards due to historic development patterns where streets were built to different standards, often with narrower roadways and wider sidewalks. In many of these circumstances, older streets are incrementally widened through street dedications from new development. Existing non-standard street dimensions, land uses, lot depths, and volume of vehicular, pedestrian, and bicycle activity may all indicate the need for a different street dimension than the citywide adopted standards. In these cases, classifications of streets and street segments can be modified to meet the specific needs of the community. The proposed plan includes street re-designations for specified Major Highways and Secondary Highways in San Pedro in order to reflect existing street standards and dimensions, protect established building patterns, and promote pedestrian, bicycle, and transit activity in addition to the automobile. The recommended Street re-designations can be found in Exhibit J, Proposed Street Re-designation Matrix. The following streets have been proposed for re-designation:

Pacific Avenue

For the portion of Pacific Avenue from O'Farrell Street south to Shepard Street, Pacific Avenue is proposed for a designation change from Secondary Highway to Modified Secondary Highway. The designation change is proposed to achieve consistency with existing conditions of the roadway to encourage and maintain the generally 12-foot sidewalks in this area, while incentivizing infill development in commercial areas by requiring fewer dedications from new development projects.

Gaffey Street

Gaffey Street is proposed for reclassification from a Major Highway Class II to a Modified Major Highway Class II north of Hamilton Street and to a Modified Secondary Highway south of

Hamilton Street. Gaffey Street varies in street widths from 50 feet to 68 feet and the standard street width for a Major Highway Class II is 80 feet. Thus, the designation downgrade is proposed to achieve consistency with existing roadway dimensions.

9th Street

9th Street is proposed for a designation change from Major Highway Class II to Modified Secondary for the portion between Western Avenue and Pacific Avenue. The designation downgrade is proposed to achieve consistency with the vision of 9th Street as a pedestrian oriented street in a neighborhood commercial district, and achieve consistency with existing roadway dimensions.

Discussion of Key Community Themes

Enhance Distinct Neighborhoods, Districts and Centers

The Proposed Plan builds on current successes and addresses the unique and cultural aspects of San Pedro while protecting and maintaining its neighborhoods and identity as a coastal community of Los Angeles. Community input received during the outreach process reflected a strong need for shopping and other community services within walking distance of neighborhoods. Additionally, input indicated a desire to preserve the unique and varied neighborhoods of San Pedro. The Community Plan aims to support the creation and maintenance of unique neighborhoods, districts, and centers that provide visual diversity, varying intensities of residential and commercial activity that are appropriate to their location, and plentiful opportunities for social interaction.

The plan identifies districts and centers that reflect local character and provide a full complement of uses with easy access to parks, stores, and other amenities of everyday living. Development intensities are designed to retain low-scale residential neighborhoods and maximize accessibility to amenities. The plan directs future growth away from these residential neighborhoods and towards specific locations, such as the downtown and commercial centers close to public transportation and services, while providing transition in scale and height to lower-density neighborhoods.

Improve the Environment: Scale, Design, and Community Character

The Proposed Plan includes new design controls in order to improve aesthetics and encourage a more inviting and pedestrian-oriented environment in San Pedro within the Community Plan Implementation Overlay (CPIO) boundaries. The CPIO establishes use limitations and development standards regarding building height, floor area ratios, and includes regulations for landscaping, parking and vehicular access, public improvements, signage, appurtenances, building design, and open space requirements. Integration of the existing Downtown San Pedro Community Design Overlay (CDO) is recommended to provide design guidelines and standards for new projects and/or improvements to existing properties within a larger portion of the downtown area, and areas of the Gaffey Street and Pacific Avenue commercial corridors not previously subject to design standards. The CDO provides standards and guidelines on topic areas such as site planning and building orientation; architectural details, signage, appurtenances such as security grilles and lighting; landscaping; and resource Protection, and supplement the adopted Citywide Urban Design Guidelines.

Focus Growth in Regional Center and Near Commercial Corridors

The Proposed Plan is a plan for sustainable development. As State law requires that the City plan for projected growth in population, housing, and employment levels, the Proposed Plan focuses this possible growth in the Regional Center and in the Gaffey Street, Pacific Avenue and Harbor Boulevard commercial corridors. The Proposed Plan does not create or induce growth; it directs growth in a planned fashion if and when it occurs. Subsequent discretionary project approvals will require additional environmental clearance.

Focusing growth around existing transit and services helps to reduce dependency on automobiles, expands mobility choices, encourages development with less impact on our roads, promotes sufficient density to support walkable communities, and supports increased use of existing and planning transit infrastructure. By directing the greater percentage of any future growth around the designated Regional Commercial and Community Commercial areas, existing lower-density neighborhoods are maintained. The Community Plan creates new housing options, mostly downtown and in commercial corridors, in accordance with General Plan Framework guiding policy to focus growth in higher-intensity commercial centers close to transportation and services.

The area in San Pedro designated as a Regional Center in the City's General Plan Framework Element is located between Third Street, Harbor Boulevard, Eighth Street and Mesa Street in Downtown San Pedro, is designated as Regional Commercial in the Plan as illustrated in Exhibit F. This Regional Center features institutional uses as well as a major hotel, office uses, restaurants, historic buildings, and several newer residential and mixed-use buildings. The existing commercial zoning (C2) and FAR of 6:1 are maintained to encourage employment-generating uses as well as higher density residential. Automobile-related uses that may be incompatible with the types of commercial and residential uses desired here are also prohibited. The design guidelines of the CPIO ensure pedestrian scale features and enhanced design quality for development that occurs in this area.

Promote Downtown as the Commercial Center of San Pedro

Many San Pedro residents and businesses have said that they would like the downtown to become the "heart" of San Pedro as it was in the past. The Proposed Plan enlivens downtown by encouraging more housing and employment-generating uses as well as entertainment uses, while ensuring a pedestrian-friendly environment by requiring ground floor commercial uses and implementing design controls. Building limitations and density restrictions along Pacific Avenue have been modified to promote new uses and modernization of existing ones. Restrictions have been modified in order to encourage low to mid-scale development in the commercial corridors along Gaffey Street and Pacific Avenue and have been replaced with design regulations in the Community Plan Implementation Overlay (CPIO) to address setbacks, site planning, orientation and signage.

The Central Commercial CPIO District addresses development in the areas surrounding the Downtown core in order to achieve the community's vision of a well-designed and economically vibrant downtown area, and to address community input regarding concern over the scale of potential new development along commercial corridors, as well as the need for adequate scale transitions between differing land uses. The CPIO regulations vary by Central Commercial sub-district, but generally the following regulations apply:

- All projects must comply with the Downtown San Pedro Community Design Overlay (CDO) guidelines as amended to include guidelines for multifamily development and incorporated into the CPIO
- Automobile-related uses and stand-alone residential uses are prohibited
- Development standards for landscaping, parking and vehicular access, lighting, public improvements, signage and appurtenances, such as fencing and equipment are established
- For projects that cover an entire block, the incorporation of a pedestrian plaza is required, and usable open space is required for smaller projects
- Above Ground Facilities (AGF), such as telecommunications equipment, are prohibited
- Existing parking requirements are retained for change of uses
- Height maximums, where present, range from 45 to 75 feet
- Building height step-backs are required for structures exceeding 35 feet in height and that are adjacent to residential zones

Retain Neighborhood-Serving Uses

The Neighborhood Commercial land use and zoning designations are intended to preserve opportunities for local shopping by neighborhood residents and the surrounding community. These regulations require ground floor commercial uses in development projects, and prohibit 100 percent residential projects so that commercial uses can continue to serve neighborhood residents. In addition, prohibitions on auto-related uses, which can be incompatible in low-scale residential neighborhoods, are retained.

The Central Commercial CPIO (Subdistricts B and D) addresses the neighborhood commercial area extended to North Pacific Avenue and South Gaffey Street. The CDO and the CPIO include regulations to maintain scale and retain neighborhood-serving uses to foster walking to shopping and services. Transitions and setbacks are required for buildings exceeding 35 feet in height, which must be stepped back if contiguous with a residentially zoned lot.

The Coastal Commercial CPIO district contains commercial regulations that are designed to maintain pedestrian-oriented design of smaller locally-owned shops and neighborhood shopping areas located primarily in the coastal zone. The Proposed Plan promotes a sense of community consistent with San Pedro's maritime heritage and includes policies to protect the scenic and visual quality of coastal areas. San Pedro's coastal neighborhoods are located in the San Pedro Specific Plan, which is the implementing ordinance of the Local Coastal Program (LCP) for that portion of San Pedro located in the coastal zone. Existing zoning in this area is retained to protect the 26 feet height maximum established by the San Pedro Specific Plan. It is intended that development be designed and sited to protect public views to and along the ocean and scenic coastal areas, and be visually compatible with the surrounding areas. Use limitations prohibit automobile uses to protect the neighborhood commercial character of these areas, while ground floor commercial requirements require commercial use on the ground floor in most areas in order to preserve local neighborhood-serving uses.

Protect Historic Neighborhood Character

The San Pedro Community Plan area has a rich history, with key buildings and places that have become significant for their association with the social and cultural history of the community. The Vinegar Hill Historic Preservation Overlay Zone (HPOZ) just south of downtown is proposed for expansion to protect a larger neighborhood of historic resources (Exhibit L). The existing HPOZ was adopted in 2001 and includes 43 parcels, making it the smallest of the City's 29

HPOZ's at the time. The expansion area would increase the size of the HPOZ to roughly 300 parcels of mostly residential and a few commercial properties. The Vinegar Hill HPOZ is part of the "historical" Vinegar Hill neighborhood, one of the neighborhoods built on the bluffs above the San Pedro harbor as a result of the Southern California real estate booms of the 1880s and 1920s. There are many examples of folk Victorian cottages built for the working class population of the 1880s, many of which are original and retain their historic design and features. The HPOZ and proposed Expansion Area, a historically working-class neighborhood with single-family and multiple-family residences, represent the development of the maritime-related labor force in Los Angeles and immigration to the San Pedro area before World War II. Throughout the 19th Century, immigrants with sea-faring backgrounds from Scandinavia, Holland, Portugal, Italy, China, Japan and Mexico settled in Vinegar Hill as maritime industry at the port became more established. The overlay zone preserves structures of historic significance, with development guided by the established Vinegar Hill Preservation Plan (Exhibit M).

Preserve Industrial Areas for Local Jobs and Services

Throughout the city, industrial districts are increasingly being compromised by their conversion into commercial and residential uses. A renewed commitment to the preservation of industrial zones for jobs in San Pedro would improve the jobs/housing balance, diversify the heavily port-dependent economy and help ensure appropriately located land suitable to accommodate existing, new and relocating industrial firms, including space for small-scale or niche manufacturing and emerging green technologies. The North Gaffey Street industrial district is an important economic and employment area serving the South Bay region and the Port of Los Angeles. The Community Plan retains the industrial land use designation and zoning in this area to not only ensure that opportunities for suitable land are available to accommodate industrial businesses, but to incentivize and promote green and clean technology.

The zoning is restricted in the northern industrial areas along North Gaffey Street to allow the lightest of industrial uses. This includes industrial services businesses that support maritime industry and other port uses, and those needed by others who live or work nearby, such as auto/boat repair, hardware and specialty manufacturing, and animal hospital. The Industrial District CPIO includes use limitations, design regulations, and height and FAR incentives for clean/green technology uses. The CPIO limits stand-alone retail to retain land for industrial use. Existing restrictions are retained to prohibit uses such as truck terminals and yards, junk yards and concrete manufacturing. Generally the Industrial CPIO regulations are as follows:

- Small-scale and emerging green technologies are encouraged by providing a height incentive of 10 feet and floor area ratio (FAR) increase from 1.5:1 to 3:1 if 75 percent of a project's floor area is for Clean/Green technology uses
- Development standards for landscaping, parking and vehicular access, lighting, public improvements, signage and appurtenances, such as fencing and equipment
- Building height within 100-ft of a single-family residential zone shall be stepped back 1 foot for every 1 foot in height, as measured 15 feet above grade.
- 100 percent retail is prohibited and only permitted in conjunction with a minimum 0.7:1 FAR of office or industrial uses
- Residential uses are prohibited

Strengthen the Community's Connection to the Waterfront

San Pedro's relationship with the harbor and the ocean is a key element that contributes to its unique character and identity. The Community Plan coordinates development of the community

with development at the Port to improve connections between the downtown and the waterfront, and provides for more public access and view corridors to the harbor. Although not a part of the San Pedro Community Plan area, the Port of Los Angeles cannot easily be separated from San Pedro, and is a major economic engine that influences the quality of life and prosperity of San Pedro. San Pedro can capture this economic value by providing pedestrian-oriented, walkable, and well-designed development in the downtown to encourage Port and cruise visitors to easily access the downtown. Policies encourage continued coordination with the Port of Los Angeles and the harbor to create opportunities for more commercial and tourist attractions along the waterfront that complement San Pedro's Downtown.

The plan seeks to coordinate harbor-related land uses with those of adjacent areas by providing adequate buffers and transitional uses between these areas. The Central Commercial and Regional Commercial CPIO districts place design controls on new development along the waterfront. Regulations require pedestrian scale design and limit bulk and massing of buildings to maintain views of the waterfront from upland areas. The Proposed Plan introduces the concept of entryways and key entrances to the community, including the Harbor Boulevard "welcome gateway."

Expand Recreational Amenities and Opportunities

Although the San Pedro community benefits from having a large amount of regional open space, there is a need for expanded neighborhood parks and improved public open spaces. The Proposed Plan expands San Pedro's recreational opportunities and facilities through policies that support the establishment of a new park on Knoll Hill, and coordination with the Port's Waterfront development planning to create more waterfront-oriented recreational amenities and improve the community's access to them. Also included are policies to promote future public recreational use of sections of the former Fort MacArthur properties. To enhance public open space in the more urban neighborhoods, the Proposed Plan includes policies to encourage neighborhood parks and recreational centers near residential areas and include pedestrian walkways and bicycle paths. The plan supports the conversion of suitable alleys into public pedestrian plazas and walkways. The CPIO's regulations guide developers to maximize the provision of pedestrian amenities, landscaped plazas, paseos, and other open spaces as part of new development.

Foster Sustainability and a Healthy Community

Healthy communities are ones that link the design of the built environment to public health, recognizing that patterns of land use, density, intensity, transportation choices, and street design have an impact on chronic diseases and health disparities. Good land use planning is at the core of any sustainable community because it provides the ability for people to share space efficiently, to walk or bike to their destinations, to have access to public open space and recreational opportunities, and to assure that land is available near residential neighborhoods for viable businesses and employment. The plan includes policies to promote a safe and healthy community by integrating more open space in new developments, improving the mobility network to reduce road widening and increase opportunities for integrating more bike lanes and pedestrian connections. The CPIO includes regulations for integrating open space into projects, and design regulations that address pedestrian orientation and safety.

Environmental Analysis

The City of Los Angeles Planning Department prepared an Initial Study in January 2008, and determined an EIR was necessary to analyze the potential environmental effects of the Proposed Plan. The Notice of Preparation (NOP) for a draft EIR (the "Draft EIR") was circulated for a 33-day period beginning on January 31st and ending on March 3, 2008. A scoping meeting was held in February 2008 to collect input on environmental issues from interested parties for consideration in analysis of the plan. This meeting was attended by approximately 29 persons.

An Environmental Impact Report (EIR) has been prepared as part of the Proposed Plan to fully analyze the impact of the plan, develop feasible mitigations, identify significant impacts, and create a mitigation monitoring plan. As a programmatic EIR, this environmental clearance is not at the project level, and all future discretionary development projects shall require project-level environmental clearance. A full analysis of the environmental setting, plan impacts, mitigations, and unavoidable significant impacts are contained in the Draft EIR. An analysis of vehicular traffic impacts and corresponding mitigations as part of the Transportation Improvement and Mitigation Program are included in Section 4.13 and Appendix G of the DEIR.

On August 9, 2012, the Department of City Planning released the Draft EIR (Exhibit N) for public comment. The comment period was 45 calendar days and ended on September 24, 2012. The comment period was extended on September 25, 2012 for an additional 15 days ending on October 9, 2012. Section 15088 of the CEQA Guidelines require the lead agency (DCP) to evaluate comments on environmental issues received from public agencies and interested parties who review the draft EIR and provide written responses. Throughout the environmental phase of plan development, the lead agency received written comments on the Draft EIR from public agencies, groups and individuals. Responses to all comments received during the comment period will be included in the Final EIR. The Final EIR is currently being prepared and will be considered by City Council prior to adoption.

Recommended Revisions to Land Use Changes

In response to public testimony and additional staff analysis, revisions are included in this report involving specific subareas of proposed change. Following are the proposed revisions to the recommendations as presented at the Public Hearing.

Revision #1: Subarea 260, 25th Street and Western Avenue

Summary: Based upon community input, the Department of City Planning has further analyzed the recommendations for the Neighborhood Commercial properties along Western Avenue and 25th Street in Subarea 260 and has recommended that this subarea be deleted with no changes proposed to the existing land use designation and zoning.

SubArea	Existing Land Use Designation/ Zoning	Preliminary Recommendation	Revised Recommendation
260	Neighborhood Office Commercial [C]2-1XL FAR 1.5:1 Low Residential P-1XL	Community Commercial [Q]C2-1D FAR 3.0:1	*Neighborhood Commercial designation nomenclature change, Retain existing zoning*

Revised Staff Recommendation: Delete Subarea 260 and retain existing zoning in this Neighborhood Commercial district.

Revision #2: Subarea 132, 8th Street and Palos Verdes/Mesa

Summary: Staff recommended the change from Regional Commercial to Community Commercial for the parcels along the north side of 8th Street between Beacon Street and Mesa Street to provide a buffer for the Vinegar Hill HPOZ, the northern portion of which borders 8th Street. It is appropriate to provide a transition area between the higher scale Regional Commercial area and the low-scale HPOZ.

SubArea	Existing Land Use Designation/ Zoning	Preliminary Recommendation	Revised Recommendation
132	Regional Commercial C2-2-CDO FAR 6.0:1	Community Commercial C2-2-CPIO FAR 4.0:1	*Community Commercial designation*

Revised Staff Recommendation: Change land use designation from Regional Commercial to Community Commercial and limit FAR to 4:1 and height to 75 feet.

FINDINGS

General Plan/Charter Findings

1. **Community Plan Area (CPA),** bounded by Taper Avenue on the north; John Gibson Boulevard, Harbor Boulevard, the West Channel of the Port of Los Angeles, and Cabrillo Beach on the east; the Pacific Ocean on the south; and the western border of Los Angeles with the city of Rancho Palos Verdes. The San Pedro Community Plan area is adjacent to the Harbor City/Wilmington Community Plan Area (City of Los Angeles) to the north, the Port of Los Angeles to the east, the City of Rancho Palos Verdes to the west, and the Pacific Ocean to the south.

2. **Charter Section 556** – That in accordance with Charter Section 556, the proposed San Pedro Community Plan and proposed zone change ordinances (Proposed Plan) are in substantial conformance with the purposes, intent, and provisions of the General Plan. The Proposed Plan is consistent with and helps to further accomplish goals, objectives, and policies contained in portions of the General Plan, including the Citywide General Plan Framework Element, as outlined below. The General Plan Framework establishes the standards, goals, policies, objectives, programs, terms, definitions, and direction to guide the update of citywide elements and the community plans. Community plans apply the growth and development policies defined in the Framework Element and the other citywide elements as they relate to a smaller geographic area.

Distribution of Land Use

Specifically, with respect to distribution of land use, the General Plan Framework states the following:

> *Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.*
>
> *Policy 3.1.1 Identify areas on the Long-Range Land Use Diagram and in the community plans sufficient for the development of a diversity of uses that serve the needs of existing and future residents (housing, employment, retail, entertainment, cultural/institutional, educational, health, services, recreation and similar uses), provide job opportunities and support visitors and tourism.*
>
> *Objective 3.2: 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.*

The plan update and zone change ordinances provide for a variety of different land uses to meet the diverse needs of the community, including housing for a projected increase in population, and commercial and industrial businesses that contribute to the economy of the community as well as the Los Angeles region. The Southern California Association of Governments (SCAG) projects an increase in population, employment, and housing in San Pedro through the year 2030. The Proposed Plan includes a recommended pattern of land use that directs future growth to areas of San Pedro where new development can be supported by transportation infrastructure and different types of land uses can be mixed to reduce the length and number of vehicle trips. Mixed-use development around commercial corridors would give residents and visitors mobility choices that would enable reduction in

the number and length of vehicle trips thus reducing greenhouse gas emissions associated with local trip generation, in accordance with recent legislation (Senate Bill 375).

By making a strong connection between circulation and land use planning, the proposed plan promotes several principles that are key to creating livable communities, including: improved mobility options for residents, employees, and visitors; increased access to a wide range of uses; and expanded opportunity for location-efficient housing in the city.

Population and Employment Growth

Specifically, with respect to population and employment growth, the General Plan Framework states the following:

> *Objective 3.3: Accommodate projected population and employment growth within the City and each community plan area and plan for the provision of adequate supporting transportation and utility infrastructure and public services.*
>
> *Policy 3.3.1: Accommodate projected population and employment growth in accordance with the Long-Range Land Use Diagram and forecasts in Table 2-2 (see Chapter 2: Growth and Capacity), using these in the formulation of the community plans and as the basis for the planning for and implementation of infrastructure improvements and public services.*

Consistent with the above objective and policies contained in the General Plan Framework (as well as SCAG's recently adopted Sustainable Communities Strategy), the Proposed Plan accommodates projected population and employment growth within the community plan area and includes policies and programs aimed at providing adequate supporting transportation and utility infrastructure and public services. The Proposed Plan is estimated to reasonably accommodate approximately 82,496 people, providing enough capacity to meet the SCAG 2030 forecast of 83,152 people. The Proposed Plan, as revised, has reasonable expected capacity for 18,013 jobs, somewhat less than the 2030 SCAG forecast of 19,917 jobs within the San Pedro Community Plan Area 2030 but exceeding the forecast of the most recent SCAG Regional Transportation Plan (RTP) projections. The Framework Element includes a 2010 proposed plan forecast of approximately 88,927 people and employment of 35,290 within the San Pedro Community Plan Area. The Framework forecasts are best estimates as of the adoption of the Framework in 1996 and 2001, and as implementation of the Framework proceeds, the "population forecasts may be revised based upon specific land use actions adopted through the community plan update process." Consistent with the Framework strategy, the Proposed Plan accommodates projected growth that reflects revised forecasts from SCAG and the community plan update process.

In addition, the Proposed Plan meets the requirements of the Sustainable Communities Strategy adopted by SCAG as part of the latest update to the Regional Transportation Plan (RTP) in accordance with Assembly Bill 32, the California Global Warming Solutions Act of 2006, and Senate Bill 375. These legislative acts require that California cities lay out a vision for regional growth that considers the relationship of land use to transportation in reducing vehicle trips to achieve greenhouse gas emission reduction targets. Since SCAG anticipates this level of growth in San Pedro, along with other communities in the City, the Proposed Plan's increases in capacity are growth-accommodating rather than growth-inducing, consistent with policies in the General Plan Framework. Most of the increased capacity for the Proposed Plan is in San Pedro's Regional Center and Community Commercial areas.

The Proposed Plan accommodates employment growth in the Regional Center and along commercial corridors, consistent with Framework policies on economic development. The Proposed Plan also accommodates mixed-use development in commercial zones, alleviating pressure to up-zone residential areas and helping to preserve existing affordable housing and maintain existing neighborhood character. Increasing capacity outside of residential areas in commercial zones helps make it possible to conserve housing in many existing residential neighborhoods at the existing density and scale.

The Framework is intended to offer "a strategy for long-term growth which sets a citywide context to guide the update of the community plan and citywide elements." The Framework is not intended to cause population or employment growth to occur but, rather, to accommodate changes in population and employment that may occur in the future. The Proposed Plan is consistent with this framework for growth in that it concentrates future growth, should it occur as forecast, within commercial centers and corridors while limiting development in surrounding low-density neighborhoods.

Existing Residential Neighborhoods

Specifically, with respect to existing residential neighborhoods, the General Plan Framework states the following:

> *Policy 3.4.1: Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.*
>
> *Objective 3.5: Ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development.*

The Proposed Plan retains existing land use designations and zoning for single-family neighborhoods to protect the scale and character of these areas and limit incompatible uses. The Proposed Plan focuses new commercial and mixed-use development away from these single-family areas and primarily into the Regional Commercial district in the downtown, and along commercial corridors with access to public transportation. The Proposed Plan includes a Community Plan Implementation Overlay (CPIO) ordinance that adds transitional height regulations for those areas where commercial and industrial land use directly abut residentially zoned parcels.

Pedestrian-Oriented Districts

Specifically, with respect to pedestrian-oriented Districts, the General Plan Framework states the following:

> *Goal 3D: Pedestrian-oriented districts that provide local identity, commercial activity, and support Los Angeles' neighborhoods.*

Objective 3.8: Reinforce existing and establish new neighborhood districts which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood activity, are compatible with adjacent neighborhoods, and are developed as desirable places to work and visit.

Goal 3E: Pedestrian-oriented, high activity, multi- and mixed-use centers that support and provide for Los Angeles' communities.

Objective 3.9: Reinforce existing and encourage new community centers, which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood and community activity, are compatible with adjacent neighborhoods, and are developed to be desirable places in which to live, work and visit, both in daytime and nighttime.

Policy 3.15.4: Design and site new development to promote pedestrian activity and provide adequate transitions with adjacent residential uses.

Policy 3.15.5: Provide for the development of public streetscape improvements, where appropriate.

Goal 3L: Districts that promote pedestrian activity and provide a quality experience for the City's residents.

Objective 3.16: Accommodate land uses, locate and design buildings, and implement streetscape amenities that enhance pedestrian activity.

Making San Pedro's streets more walkable is an important goal of the Proposed Plan. Wide sidewalks, appropriate design and orientation of adjacent ground floor uses, provisions for street trees and furniture, and maintenance of alleys, are all addressed in the Proposed Plan. The design and orientation of buildings adjacent to sidewalks can either encourage or discourage pedestrian activity and the Proposed Plan addresses this important element of creating walkable environments by including design standards for application throughout the Plan Area by way of the CPIO.

The Framework identifies Neighborhood Districts in the Plan Area as being located along Western Avenue at 25th Street, Weymouth Corners at Weymouth Avenue and 8th Street, and along Western Avenue in the northern part of San Pedro at West Capitol Drive. Other neighborhood districts are located along portions of Gaffey Street and Pacific Avenue, as well as along 9th Street in the central area. The Proposed Plan includes policies to preserve the small-town orientation of these districts while enhancing their pedestrian and aesthetic appeal, and maintaining their function as providing important neighborhood serving uses. In addition, the Proposed Plan includes regulations through the CPIO to address design and uses that are incompatible with neighborhood districts.

Framework recognizes a Community Center along Pacific Avenue in the central area between 3rd Street and 13th Street. Community Commercial areas are also maintained in the Downtown area, and along portions of the Gaffey Street and Pacific Avenue Commercial Corridors. The City's General Plan Framework Element identifies the central Downtown San Pedro area as a Regional Center.

Goal 3F: Mixed-use centers that provide jobs, entertainment, culture, and serve the region.

Objective 3.10: Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve residents, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles.

Industrial Lands

Specifically, with respect to Industrial Lands, the General Plan Framework states the following:

Goal 3J: Industrial growth that provides job opportunities for the City's residents and maintains the City's fiscal viability.

Objective 3.14: Provide land and supporting services for the retention of existing and attraction of new industries.

Policy 3.14.2: Provide flexible zoning to facilitate the clustering of industries and supporting uses, thereby establishing viable "themed" sectors (e.g., movie/television/media production, set design, reproductions, etc.).

Policy 3.14.4: Limit the introduction of new commercial and other non-industrial uses in existing commercial manufacturing zones to uses which support the primary industrial function of the location in which they are located.

Existing industrial lands in the San Pedro Community Plan Area are proposed to be retained and protected under the Proposed Plan to ensure the economic sustainability of the community, City, and the region. These areas are important to provide land for businesses that support adjacent Port-related industry, as well as new businesses in clean technology and green companies, research and development, food production, and artisan industries, among others. The City seeks to increase employment in these sectors to provide improved employment opportunities for City residents. The adjacent Port of Los Angeles is important to the local and regional economy and is supported by the Proposed Plan's industrial land use designations and zoning which permit the types of uses required by light industrial manufacturing and industrial services businesses. The Industrial District CPIO includes a FAR and height incentive to encourage "clean" and "green" technology businesses to locate in this area. These types of businesses include those industries that directly engage in the production of or research related to alternative fuels, new building materials, or energy renewable energy systems, for example. Additionally, the CPIO includes regulations in these areas to restrict the development of retail, restaurant and entertainment uses that could potentially limit the availability of land for industrial businesses. The Proposed Plan would only allow these types of commercial establishments when proposed in conjunction with office and industrial uses.

Historic Districts

Objective 3.17: Maintain significant historic and architectural districts while allowing for the development of economically viable uses.

The Proposed Plan also contains policies and programs to protect key buildings and places that are considered historically and culturally significant. The Proposed Plan calls for expanding the existing Vinegar Hill Historic Preservation Overlay Zone (HPOZ). It also includes height and scale transitions for commercial development adjacent to the HPOZ, and contains a policy supporting the completion of Survey LA, the Los Angeles Historic Resources Survey Project, within the Plan area.

Housing

With respect to housing, the General Plan Framework states:

Housing Policy – Framework Element policies address providing additional capacity for new housing units, encouraging production of housing for households of all income levels, while at the same time preserving existing residential neighborhood stability and promoting livable neighborhoods by the following measures: (1) concentrating opportunities for new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards; (2) providing development opportunities along boulevards that are located near existing or planned major transit facilities and areas characterized by low-intensity or marginally viable commercial uses with structures that integrate commercial, housing, and/or public service uses; (3) focusing mixed commercial/residential uses around urban transit stations, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses (Chapter 4 – Housing).

Policy 4.1.1: Provide sufficient land use and density to accommodate an adequate supply of housing units by type and cost within each City subregion to meet the twenty-year projections of housing needs.

Objective 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 between higher-density developments and surrounding lower-density residential neighborhoods.

Objective 4.3: Conserve scale and character of residential neighborhoods.

Objective 4.4: Reduce regulatory and procedural barriers to increase housing production and capacity in appropriate locations.

In addition, the City's adopted Housing Element also contains policies on meeting the City's housing needs, including:

Policy 1.1.3: Facilitate new construction of a variety of housing types that address current and projected needs of the city's households.

Policy 1.1.4: Expand location options for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.

Policy 2.2.1: Provide incentives to encourage the integration of housing with other compatible land uses.

Policy 2.2.3: Provide incentives and flexibility to generate new housing and to preserve existing housing near transit.

Program 2.2.6.A: Targeting Growth in Community Plan Areas – Update Community Plans to establish appropriate land uses, densities, and mixes of housing types and levels of affordability in areas well served by public transit, including employment centers and activity centers. Resolve design issues and adopt design guidelines to assure that residential, commercial and industrial development facilitate corresponding development goals for the area. Change land use designations and initiate zone changes.

Objective 2.4: Promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.

Policy 2.4.2: Develop and implement design standards that promote quality development.

Program 2.4.2.C: Urban Design Standards – Include an urban design chapter in the Community Plan updates to identify unique characteristics of neighborhoods and to articulate development standards that will enhance those characteristics.

Policy 2.4.3: Promote preservation of neighborhood character in balance with facilitating new development.

Policy 2.4.4: Promote residential development that meets the needs of current residents as well as new residents.

The Proposed Plan is consistent with and helps to implement the above-stated housing objectives, policies, and programs of the City in that it encourages the development of additional housing for current and future residents in designated centers through specific policies. The Proposed Plan provides for a mix of housing types, balancing additional housing at higher densities in appropriate locations near transit with the preservation of existing, lower density single-family neighborhoods in other parts of the Plan Area including the hillside areas. The Proposed Plan promotes livable neighborhoods, consistent with the adopted Housing Element, by encouraging new residential development to be located near transit options and existing services, thereby increasing mobility options and improving accessibility to employment and activity centers.

With respect to urban form and neighborhood design, the General Plan Framework includes the following goals, objectives, and policies:

Goal 5A: A livable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.

Objective 5.1: Translate the Framework Element's intent with respect to citywide urban form and neighborhood design to the community and neighborhood levels through locally prepared plans that build on each neighborhood's attributes,

emphasize quality of development, and provide or advocate "proactive" implementation programs.

Policy 5.1.1: Use the Community Plan Update process and related efforts to define the character of communities and neighborhoods at a finer grain than the Framework Element permits.

Objective 5.2: Encourage future development in centers and in nodes along corridors that are served by transit and are already functioning as centers for the surrounding neighborhoods, the community, or the region.

Policy 5.2.1: Designate centers and districts in locations where activity is already concentrated and/or where good transit service is, or will be, provided.

Objective 5.5: Enhance the livability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm.

Objective 5.6: Conserve and reinforce the community character of neighborhoods and commercial districts not designated as growth areas.

Objective 5.7: Provide a transition between conservation neighborhoods and their centers.

Objective 5.8: Reinforce or encourage the establishment of a strong pedestrian orientation in designated neighborhood districts, community centers, and pedestrian-oriented subareas within regional centers, so that these districts and centers can serve as a focus of activity for the surrounding community and a focus of investment in the community.

The Proposed Plan is consistent with the City's goals, policies, and objectives for urban form and neighborhood design in that it concentrates new growth in designated centers and in locations with access to public transportation. The Plan also provides transitions in scale between single-family neighborhoods and adjacent multi-family and commercial areas through height limitations and design standards. Further, the CPIO regulations support high-quality architecture and urban design for projects reviewed by the Department of City Planning, the Area Planning Commission, and the City Planning Commission. Topic areas covered by the urban design guidelines include building orientation, scale, height and massing, circulation, parking and loading, pedestrian amenities, sustainability, on-site open space, landscaping, and building façade.

The City's Transportation Element of the General Plan contains a number of important policies related to the Proposed San Pedro Community Plan, including:

Goal A: Adequate accessibility to work opportunities and essential services, and acceptable levels of mobility for all those who live, work, travel, or move goods in Los Angeles.

Objective 2: Mitigate the impacts of traffic growth, reduce congestion, and improve air quality by implementing a comprehensive program of multimodal strategies that encompass physical and operational improvements as well as demand management.

Policy 2.27: Discourage the vacation and/or closure of public alleys which service properties fronting on major or secondary highways.

Objective 3: Support development in regional centers, community centers, major economic activity areas and along mixed-use boulevards as designated in the Community Plans.

Policy 3.11: Develop programs for new development to implement both transportation improvements and demand reduction programs which mitigate the circulation impacts attributable to new development in accordance with State nexus legislation and judicial findings.

Policy 3.13: Enhance pedestrian circulation in neighborhood districts, community centers, and appropriate locations in regional centers and along mixed-use boulevards; promote direct pedestrian linkages between transit portals/platforms and adjacent commercial development through facilities orientation and design.

Policy 3.16: Promote implementation of the Land Use/Transportation Policy as adopted by City Council and endorsed by the LACMTA Board which encourages economic development in proximity to transit centers.

Objective 4: Preserve the existing character of lower density residential areas and maintain pedestrian-oriented environments where appropriate.

Policy 4.1: Seek to eliminate or minimize the intrusion of traffic generated by new regional or local development into residential neighborhoods while preserving an adequate collector street system.

Policy 4.3: Seek to provide access patterns and circulation improvements that preserve the existing character of neighborhood retail areas.

Goal C: An integrated system of pedestrian priority street segments, bikeways, and scenic highways which strengthens the City's image while also providing access to employment opportunities, essential services, and open space.

Objective 10: Make the street system accessible, safe, and convenient for bicycle, pedestrian, and school child travel.

Implementation Program P1: Amend the Community Plans, as part of the Community Plan Update Program (1) to reflect Transportation Element objectives and policies in the Circulation section of each Community Plan text; (2) to incorporate the Transportation Element Highways and Freeways system into each Community Plan Generalized Circulation map; (3) to identify pedestrian priority street segments; and (4) to identify transit oriented districts.

Implementation Program P2: As part of the Community Plan Update Program, develop Transportation Improvement and Mitigation Plans (TIMPs) for each Community Plan area which (1) set forth recommended measures to mitigate impacts of future traffic growth and (2) define neighborhood traffic management strategies to protect residential areas from the intrusion of traffic from nearby commercial and/or industrial development and of regional traffic. Recommended

traffic mitigation measures shall be set forth in the following categories, as appropriate: Transit, Transportation Demand Management (TDM), Transportation System Management (TSM), Street/Highway Infrastructure, and Parking Management.

The Proposed Plan is consistent with the Transportation Element of the General Plan in that it concentrates future employment and housing in accessible locations near transit-served areas, thereby helping to minimize increases in vehicle trip generation and improve air quality. The Proposed Plan recommends modified street standards that are appropriate for streets and sidewalks found in pedestrian-priority areas. Policies and programs included in the Proposed Plan are also aimed at maintaining and improving existing neighborhood alleys as alternative access to homes that can reduce curb cuts, driveways, and associated pedestrian-automobile conflicts along sidewalks.

Other General Plan Elements also contain policies and programs related to the Proposed San Pedro Community Plan, including the Air Quality Element, the Open Space Element, and the Public Recreation Plan of the Service Systems Element. Some of these policies include:

Air Quality Element Policy 4.2.1: Revise the City's General Plan/Community Plans to achieve a more compact, efficient urban form and to promote more transit-oriented development and mixed-use development.

Open Space Element Policy: Private development should be encouraged to provide ample landscaped areas, malls, fountains, and other aesthetic features which emphasize open space values through incentive zoning practice or other practicable means.

Service Systems Element – Public Recreation Plan Policies:

- *Recreational facilities and services should be provided for all segments of the population on the basis of present and future projected needs, the local recreational standards, and the City's ability to finance.*
- *Park and recreation sites shall be acquired and developed first in those areas of the City found to be most deficient in terms of the recreation standards.*
- *Recreational use should be considered for available open space and unused or underused land, particularly publicly owned lands having potential for multiple uses.*
- *High priority will be given to areas of the City which have the fewest recreational services and the greatest numbers of potential users.*

The Proposed Plan is in substantial conformance with the purpose, intent, and provisions of the General Plan in that it helps to implement policies contained in a number of General Plan Elements, including the Air Quality Element, Open Space Element, and the Service Systems Element – Public Recreation Plan. The Proposed Plan promotes a compact development pattern concentrated in the Regional and Community Commercial designated areas to help the City to achieve regional air quality benefits over traditional, single-use sprawl development. This is consistent with the Air Quality Element which encourages the City to develop in a more compact, efficient urban form.

In support of the Open Space Element, the Proposed Plan includes design regulations and guidelines to maximize the provision of pedestrian amenities, landscaped plazas, paseos, and other open spaces as part of new development. In addition, the Proposed Plan encourages the maintenance of alley networks, and public rights of way to enhance access to private development. The Proposed Plan supports the continued conversion of many suitable alleys into pedestrian malls and walkways, providing enhanced urban open space opportunities.

The Proposed Plan is also consistent with the Public Recreation Plan of the Service Systems Element in that it supports the acquisition and expansion of parkland and recreational facilities, including the establishment of a new park known as Knoll Hill overlooking the harbor. Additionally, new open space areas are being developed in the adjacent Port of Los Angeles area as part of their larger waterfront revitalization effort, including a central plaza and continuous waterfront promenade with improved access points and view sites along Harbor Boulevard. The Proposed Plan includes a section on Parks and Open Space, and calls for the identification of areas that have not traditionally been considered as resources, such as utility right-of-ways and privately developed pocket parks. Many of these sites are in higher density neighborhoods with a great demand for additional recreation options. The Proposed Plan includes policies to maintain and enhance publicly owned right of ways for pedestrian and recreational uses, including alleys.

In summary, the Proposed Plan is consistent with the City's General Plan in that it provides for an arrangement of land use, circulation, and services which will encourage and contribute to the economic, social, and physical health, safety, welfare, and convenience of the community, within the larger framework of the City of Los Angeles. At its heart, the Proposed Plan is a plan for sustainable, compact development. As State law requires that the City plan for growth in population, housing, and employment levels and in consideration of new state requirements contained in SB 375, the Proposed Plan focuses this possible growth in the Regional Commercial area and along Commercial corridors with existing transit services. This approach helps to reduce dependency on automobiles, and offers mobility choices, promotes sufficient density to support walkable communities, and supports increased use of existing transit infrastructure. By directing the greater percentage of growth around the Regional Commercial area, existing lower-density and historic neighborhoods are maintained.

3. **Charter Section 558** – That in accordance with Charter Section 558(b)(2), the Proposed Plan inclusive of the proposed zone change ordinances will have no adverse effect upon the General Plan, specific plans, or any other plans being created by the Department of City Planning in that the Proposed Plan and land use ordinances are consistent with the City's General Plan and directly implement the policies of the Framework Element for the reasons stated in the findings above. In addition, the Proposed Plan inclusive of the proposed zone change ordinances will be in conformity with public necessity, convenience, general welfare and good zoning practice for all of the reasons previously described. One of the objectives of the Proposed Plan and land use ordinances is to promote economic well-being and public convenience through the allocation and distribution of lands in sufficient quantities to satisfy the housing, commercial, retail, service, industrial, and open space needs of the community. The Proposed Plan accomplishes this by including policies that concentrate potential future growth in existing centers near public transportation and limit further intensification of existing single-family residential neighborhoods. The proposed zone change ordinances directly implement these policies. The Proposed Plan and zone change ordinances follow good zoning practice in implementing such policies by including development restrictions

such as height limitations in areas that transition between higher and lower density, restrictions on incompatible uses, and the prohibition of stand-alone residential uses in some commercial areas in order to maintain an adequate level of neighborhood commercial services.

4. **LAMC 12.32 C.2** – That in accordance with LAMC 12.32 C.2, the proposed zone change ordinances will have no adverse effect upon the General Plan, specific plans, or any other plans being created by the Department of City Planning in that the proposed zone change ordinances are consistent with the City's General Plan and directly implement the policies of the Framework Element for the reasons stated in the findings above. In addition, the proposed zone change ordinances will be in conformity with public necessity, convenience, general welfare and good zoning practice for all of the reasons previously described. The land use ordinances promote economic well-being and public convenience through the allocation and distribution of lands in sufficient quantities to satisfy the housing, commercial, retail, service, industrial, and open space needs of the community. The proposed zone change ordinances directly implement policies contained in the Proposed Plan that concentrate potential future growth in existing centers near public transportation and limit further intensification of existing single-family residential neighborhoods. The proposed zone change ordinances follow good zoning practice in implementing such policies by including development restrictions such as height limitations in areas that transition between higher and lower density, restrictions on incompatible uses, and the prohibition of stand-alone residential uses in some commercial areas in order to maintain an adequate level of neighborhood commercial services.

5. **LAMC 13.14 C.5** – That in accordance with LAMC 13.14 C.5, the proposed supplemental development regulations of the Community Plan Implementation Overlay (CPIO) District are consistent with and necessary to implement, the programs, policies, and urban design guidelines of the San Pedro Community Plan. The CPIO regulations are required to implement the policies of the San Pedro plan, and are consistent with the purpose of the CPIO to ensure that development enhances the unique architectural, environmental, and cultural qualities of the Community Plan area, integrates improvement and enhancements to the public right-of-way, and maintains compatible land uses, scale, intensity, and density.

   With regard to compatible land uses, the San Pedro CPIO implements the goals and policies of the San Pedro Community Plan through the use of regulations to limit incompatible uses in specific area, or to restrict certain uses to help achieve the goals and policies for a particular area. Auto-related uses, such as service stations and auto storage are prohibited in all commercial districts of the CPIO to further the goal of pedestrian-oriented neighborhoods in lively and walkable commercial districts. In the Industrial districts, the CPIO prohibits 100 percent retail/entertainment/restaurant development, limiting these uses to a maximum floor area in conjunction with industrial uses. In support of the goal of retaining neighborhood serving uses, the CPIO restricts residential use, permitting it only when developed in conjunction with non-residential uses.

   > *LU5.3 Limit specific uses. Discourage the following types of uses in all neighborhood commercial districts, and, require a CUP in other districts: auto parts stores, auto repair garages, auto sales offices, auto trailer parks, unenclosed automobile service stations, unenclosed drive-in establishments and used car lots.*
   >
   > *LU6.5 Limit new stand-alone residential uses. Discourage new residential-only uses in Neighborhood Commercial designated areas to maintain an adequate level of neighborhood commercial services.*

With regard to scale, the San Pedro CPIO implements the goals and policies of the San Pedro Community Plan through the use of regulations to implement development standards with height and floor area restrictions in addition to the height and floor area regulations of the underlying Zone and Height. In addition, scale is addresses through regulations that address transitions for neighboring residential uses. Regulations for transition require landscaping and stepbacks or setbacks one foot for every foot in height at the shared property line where the rear or side yard property line is contiguous with that of a residentially zoned lot.

LU5.4 Appropriate transitions. New development should respect and complement the architectural and building patterns of surrounding existing residential areas. New buildings that abut residential zones or are adjacent to residential neighborhoods that have lower development intensities and building heights should ease the scale of transition through use of downsizing scale, massing, heights, or setbacks.

LU15.1 Transitions. Require transitions for industrial uses, from intensive uses to less intensive uses, in those areas in close proximity to residential neighborhoods.

The CPIO includes regulations for height and floor area, landscaping, parking and vehicular access, signage, appurtenances such as mechanical equipment, building design, and requirements for open space. The building design regulations include those to address, scale, articulation, transparency, exterior surface material, massing and tower spacing.

LU5.8 Spaces for people. Integrate pedestrian amenities, traffic-calming features, plazas and public areas, attractive streetscapes and signage, lighting, shade trees, outdoor dining and open spaces to create destinations for area residents to shop and gather.

LU5.9 Enhanced pedestrian street activity. Incorporate retail and service-oriented commercial uses on the first floor street frontage of structures, including mixed-use projects and parking structures.

LU5.11 Buildings that engage the street. Require buildings to be oriented to and actively engage the public realm through such features as building orientation, build-to and setback lines, façade articulation, ground-floor transparency, and location of parking.

LU5.13 Improve design. Promote quality site, architectural and landscape design that incorporates walkable blocks, distinctive parks and open spaces, tree-lined streets, and varied architectural styles.

Policy LU5.15 Well-designed parking. Provide adequate employee and public parking for all commercial facilities that is complementary to adjacent uses, separating it from residential uses. Where possible, replace surface parking with structured parking, replace parking area drive aisles with pedestrian-friendly walkways, and infill parking areas with multi-story mixed-use buildings.

Goal LU15: Land use compatibility between industrial, residential and commercial uses, improving the aesthetic quality and design of industrial areas.

6. **Historic Preservation Overlay Zone** – That the Vinegar Hill HPOZ proposed Expansion Area is in substantial conformance with the purposes, intent, and provisions of the General Plan, and will be in conformity with public necessity, convenience, general welfare and good zoning practice in that it implements the following objectives of the Conservation and

Housing Elements of the General Plan and of the San Pedro Plan, a land use element of the General Plan:

Conservation Element of the General Plan

Cultural and Historical Objective: protect important cultural and historical sites and resources for historical, cultural, research, and community education purposes.

Policy to *"continue to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition or property modification activities."*

Adoption of the HPOZ will require that the Director of Planning approve major modifications to contributing structures, major additions, and new infill construction with recommendations from the HPOZ Board, and that the Harbor Area Planning Commission approve demolitions. This will help protect historically and architecturally significant structures and their corresponding character defining features.

Housing Element of the General Plan

Objective 2.2, maintain and upgrade existing housing stock to meet Health and Safety code requirements through enforcement of existing laws, rather than demolition when feasible.

Policy 2.2.1 promote the cost effectiveness of rehabilitation of older housing in order to conserve historical resources.

Through the HPOZ process, all major modifications, new construction, and demolitions are closely scrutinized resulting in the preservation of existing housing stock. In addition, the HPOZ Board, which is composed of construction and historic preservation professionals, and an architect, can assist property owners by offering guidance on how to rehabilitate their properties in a cost-effective and historically appropriate manner.

Objective 2.4, develop and preserve quality single and multi-family housing utilizing approved design standards which maintain the prevailing scale and character.

As a result of the adoption of the HPOZ, all new infill construction will be reviewed to ensure that its design is compatible with the area's architectural and historic character.

Objective 6.2, to identify and protect architecturally and historically significant residences and neighborhoods.

As a result of the Historic Resources Expansion survey, the number of significant structures identified in the Vinegar Hill HPOZ has increased. Thus, a greater number of historically significant structures in this neighborhood will be preserved. Through the implementation of the HPOZ, these historically significant buildings and the neighborhoods in which they are located will be protected by regulating alterations, additions or demolitions, which could negatively affect these historic resources.

San Pedro Community Plan

The regulations of historic preservation overlay zones ensure that the rehabilitation of historic houses takes place in a manner that respects the historic integrity of the structures and the

neighborhood. New development is also reviewed to assure that the character of the historic neighborhood is maintained.

Goal LU17: Preservation and restoration of cultural resources, neighborhoods, and landmarks which have historical and/or cultural significance.

Policy LU17.1 Celebrate history. Protect, preserve and enhance San Pedro's historically significant resources. Support the completion of SurveyLA within the San Pedro Community Plan Area.

Policy LU17.2 Retain historic elements. Protect, preserve and enhance the historic characteristics of distinctive historic neighborhoods such as Old San Pedro/Downtown, Vinegar Hill HPOZ and study the possible expansion of the HPOZ as well as Averill Park and the Cabrillo/27th/Gaffey neighborhood.

Policy LU3.1 Neighborhood stability. Stabilize and improve existing multi-family residential neighborhoods, allowing for growth in areas where there are sufficient public infrastructure and services and where quality of life can be maintained or improved.

Summary of CEQA Findings

The City of Los Angeles Planning Department prepared an Initial Study in January 2008, and determined an EIR was necessary to analyze the potential environmental effects of the Proposed Plan. The Notice of Preparation (NOP) for a draft EIR (the "Draft EIR") was circulated for a 33-day period beginning on January 31st and ending on March 3, 2008. A scoping meeting was held on February 20, 2008 for the purpose of soliciting comments as to the appropriate scope and content of the EIR. Based on public comments in response to the NOP and a review of environmental issues by the City, the Draft EIR analyzed the following environmental impact areas: Aesthetics; Air Quality; Biological Resources; Cultural Resources; Geology/Soils and Mineral Resources; Greenhouse Gas Emissions; Safety/Risk of Upset; Hydrology/Water Quality; Land Use Planning; Noise; Population, Housing and Employment; Public Services and Recreation; Transportation and Traffic; and Utilities/Service Systems.

The San Pedro Community Plan is designed to provide guidance regarding the ultimate development for the CPA at build-out, and its adoption would not constitute a commitment to any specific project or development. Therefore, the EIR considered issues at a broader program-level. Any future discretionary projects would need to be approved individually in compliance with CEQA. The Draft EIR found that the environmental impacts of most of the issue areas were either less-than-significant without mitigation measures or less-than-significant with mitigation. Additionally, the Draft EIR found that certain issue areas had impacts that were significant and unavoidable. Although future development projects are considered on a case-by-case basis, the specifics of these development projects are not known. Thus, due to this level of uncertainty, the impact is considered significant and unavoidable. These areas included the following: Aesthetics, Air Quality, Greenhouse Gas Emissions, Hydrology/Water Quality, Noise (Construction), Traffic, and Utilities/Services Systems (Water Supply).

Section 15088 of the CEQA Guidelines require the lead agency (DCP) to evaluate comments on environmental issues received from public agencies and interested parties who review the draft EIR and provide written responses. Throughout the environmental

phase of plan development, the lead agency received written comments on the Draft EIR from public agencies, groups and individuals. Responses to all comments received during the comment period will be included in the Final EIR. The Final EIR is currently being prepared and will be considered by the City Council prior to adoption.

PUBLIC HEARING AND COMMUNICATIONS

Public Participation

Preparation of the San Pedro Community Plan involved extensive outreach with Certified Neighborhood Councils (CNCs), local business groups, and other stakeholder organizations. The CNCs that have provided input to the Plan include: Central San Pedro Neighborhood Council, Northwest San Pedro Neighborhood Council, and Coastal Neighborhood Council. Meetings were held with CNC members prior to and after the Public Workshop, after publication of the Draft Plan, after publication of the Draft Environmental Impact Report, and throughout the development of the Plan recommended actions.

Between 2006 and 2007 a land use survey was conducted and focus group meetings were held throughout the community. Staff met with a total of 15 small groups during the period of October, 2006 through August, 2007, including the Neighborhood Councils, Community Redevelopment Agency, various recreational and community interest groups, Chamber of Commerce and other business groups, faith-based and educational interest groups, the San Pedro Historical Society and Vinegar Hill HPOZ, and the LA Maritime Institute. The input from the small group meetings was used by staff to better understand the issues and needs of the San Pedro community and to formulate preliminary general directions and themes for the Proposed Plan and possible solutions or measures to address issues, which were then discussed and further refined in subsequent public meetings and workshops.

The first Public Workshop, conducted on April 5, 2007, was attended by approximately 64 persons. This workshop was a Planning Open House for Downtown San Pedro, held to obtain input and provide information on the proposed Downtown San Pedro Community Design Overlay district and included stations addressing the preliminary objectives of the San Pedro Community Plan. The meeting was organized in an open house format, with multiple stations on different topics, including design improvements, new developments, the Port's waterfront plan, sidewalk dining, streetscape improvements, historic preservation, mobility plans, parks and public art projects. Representatives from the LA Department of Transportation, LA Department of Recreation and Parks, and Port of Los Angeles were also present to provide information and answer questions. The open house format enabled attendees to engage with representatives from various City departments and have one-on-one discussions of planning issues.

On February 20, 2008 a Scoping Meeting for the Environmental Impact Report was held to collect impact on environmental issues for consideration in analysis of the plan. This meeting was attended by approximately 30 persons.

The second Public Workshop was held on Wednesday, November 12, 2008 at the Peck Park Auditorium in San Pedro and was attended by approximately 75 persons, including representatives from invited agencies. The Public Workshop presented information on various topics, including transportation, industrial land policy, historic preservation and open space. The workshop provided attendees with conceptual level recommendations and the opportunity to discuss concerns with staff.

The City Planning Department in conjunction with the Harbor Area Community Redevelopment Agency (CRA/LA) hosted a community workshop for the proposed Vinegar Hill Historic Preservation Overlay Zone expansion project on August 31, 2010 at the Anderson Memorial Recreation Center in San Pedro. Notices were sent to property owners in both the Vinegar Hill expansion area and the existing Vinegar Hill HPOZ. Twenty-six (26) interested parties signed in. Department staff presented copies of the draft Historic Resources Expansion Survey and associated maps, distributed background information, historic preservation pamphlets, and answered questions from the community. In addition, comment forms were distributed; no comment forms were returned.

A publicly noticed regularly scheduled Vinegar Hill HPOZ Board meeting was held on November 14, 2012. A discussion of the proposed expansion and modification to the Vinegar Hill Preservation Plan were on the agenda. There were no members of the public in attendance. A public hearing for the update of the San Pedro Community Plan was held in the community on December 12, 2012. One general comment form was received in support of the Vinegar Hill HPOZ expansion. No comments were received in opposition.

A draft of the preliminary, partial Community Plan Text was provided to the neighborhood councils in December 2011 and again in April 2012. An updated draft version, incorporating comments received, was released in August 2012.

A Notice of Public Hearing was mailed to approximately 32,500 residents announcing an Open House and Public Hearing. Planning staff met with each of the three Neighborhood Councils during this time period.

An Open House and Public Hearing was held on Wednesday, December 12, 2012 at the Boys and Girls Club, 100 W. 5th Street, San Pedro, CA 90731. The public hearing was attended by 120 people and 23 persons gave verbal testimony on the plan during the one-and-a-half hour hearing. Approximately 20 written comments were received at the public hearing. Approximately 22 comments were received after the public hearing.

Summary of Public Hearing Testimony and Communications

Comments were received on a range of topics addressed by the Proposed Plan, including the land use recommendations for the area around 25th Street and Western Avenue, Rancho San Pedro, transportation and circulation, and the process for public outreach. Residents appreciated the public participation process and generally welcomed the recommendations of the Proposed Plan. Commenters also requested that a policy regarding Above Ground Facilities (AGF) be included for Single-Family residential areas. Commenters expressed conflicting desires with regard to including policies for the proposed Ponte Vista development, located outside the plan area, in the San Pedro Community Plan.

Two speakers expressed concern that the estimated job capacity for San Pedro is too large. One resident recommended that a policy be added to the Community Plan to report on infrastructure. Another commenter suggested that the Plan consider the SB1818 Density Bonus process in calculating the potential for population and housing growth in the EIR analysis. One commenter felt that current fire protection and emergency service response times are already impacted by the existing population, and growth would increase these times.

With respect to Downtown San Pedro, some felt that a structured parking facility would provide needed parking and encourage business establishment in the area. The Federal courthouse property downtown was identified as an opportunity site for a hotel, landmark building, or structured parking. One resident commented on the proposed 75-foot building height limit on 7th Street as inconsistent with the community's vision for Downtown. Mixed-use and preservation of existing historic buildings were generally supported.

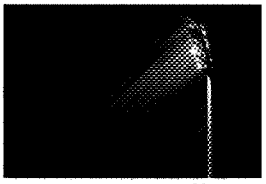
The most prevalent issue raised during the public testimony addressed concerns regarding proposed changes in Subarea 260, the commercial center at 25th Street and Western Avenue. Speakers, including a representative from Congresswoman Janice Hahn's office, were not in favor of establishing a proposed height limit of 75 feet, stating that it was too high for the surrounding single-family residential area and could possibly diminish the private views of the Pacific Ocean and Catalina Island that are greatly valued by residents. Other speakers were concerned that existing traffic would be exacerbated by additional development in this location, and also cited potential conflicts between autos, pedestrians and skateboarders. Speakers expressed a desire to preserve the existing neighborhood-serving commercial uses, with regulations to reduce noise and improve screening of uses that are viewed as incompatible with residential uses, such as the recycling center at 25th Street and Western Avenue.

There was support expressed for plan policies calling for the revitalization of the Rancho San Pedro housing facility operated by the Housing Authority of the City of Los Angeles (HACLA), stating that improvements to existing facilities would benefit kids in the community.

Additional opportunities were mentioned, including creating a cap park above Harbor Boulevard to provide direct access at 7th Street to 16th Street to Ports O' Call Village, and promoting youth-centered activities at Ports O' Call Village.

Commenters gave suggestions regarding bicycle facilities. It was suggested that 1st Street may not be an appropriate location for a bike lane due to traffic speeds. 13th Street was suggested as an alternative location for a bike lane, as the only opportunity for an east-west Class II Bicycle Lane, citing that the proposed bike lane on 25th Street is not feasible due to the slope of the street.

PVPUSD Superintendent Williams' statement
regarding stadium lights lawsuit



Update on Stadium Lights Committee Lawsuit

A Los Angeles Superior Court judge dismissed the lawsuit filed by the Peninsula Stadium Lights Steering Committee against the Palos Verdes Peninsula Unified School District (PVPUSD) on March 14th, effectively closing the chapter on litigation regarding the instillation of lights at Palos Verdes Peninsula High School's football field.

Judge Burt Pines ruled that PVPUSD was not responsible for damages sought by the Peninsula Stadium Lights Steering Committee (Lights Committee) for authorizing fund raising activities, developing documentation and the estimated costs associated with those efforts.

The court issued a three page ruling that even if all the allegations of the Lights Committee were true, the lawsuit against the district for breach of contract and fraud (among a total of five claimes) should still be dismissed.

The Lights Committee had proposed erecting permanent football stadium lights at Peninsula High School. The Palos Verdes Peninsula Board of Education voted in 2011 to terminate plans for the lights project, including fund raising efforts, citing that the detriments of the project outweighed the potential benefits.

This latest ruling comes nearly a year following the April 19, 2012 court ruling that PVPUSD could not be compelled to proceed with the stadium lights project or with an environmental impact report.

PVPUSD is disappointed that the Lights Committee believed filing a lawsuit was in the best interest of the children in our community. Judge Pines' dismissal of the case vindicates the district's position that the allegations made by the Lights Committee were unfounded.

"We want to put the divisiveness associated with the football stadium lights issue behind us and collectively work on programs and services that benefit all PVPUSD students," said Superintendent Walker Williams.

(Issued March 19, 2013)

Daily Breeze article regarding stadium lights lawsuit

Palos Verdes school district prevails in court case over football stadium lights

By Rob Kuznia Staff Writer rob.kuznia@dailybreeze.com @robkuznia on Twitter Daily Breeze
Posted:

DailyBreeze.com

It appears football games at Palos Verdes Peninsula High will be held under the light of the sun for many moons to come.

In a decision that effectively caps a yearlong clash between a group of parents and the Palos Verdes Unified School District, a Los Angeles Superior Court judge has dismissed a claim filed by the parents and alumni who sued the district when it squashed their efforts to erect stadium lights on the football field at Peninsula High School.

Judge Burt Pines last week ruled that the school district was not responsible for monetary damages sought by the Peninsula Stadium Lights Committee, which raised $250,000 with the understanding that the district would use some of the money to conduct a study determining the environmental impact of the lights. Most of that money had to be returned to people who donated to the campaign to light up the field at the Rolling Hills Estates campus.

The school board, which in July of 2010 had indeed given the group the official go-ahead to launch a fundraising campaign, ultimately decided against conducting an environmental impact report when it became apparent that the lighting proposal was divisive in a community that cherishes its world-class views of the ocean and sky. Thursday's ruling means the parent group will not receive the $100,000 it was seeking to compensate for services rendered by professionals, including plans that were submitted to the Division of the State Architect as well as soil studies and geotechnical analysis.

Martha Doty, legal counsel for the parents, expressed disappointment Tuesday.

"We believed there was evidence that the board's original authorizing resolution required it to compensate the committee for the damages it incurred on reliance of that resolution," she said. "We're hopeful a community-based solution to the issue might still be forged. "

Terry Tao, the attorney who represented Palos Verdes Peninsula Unified, said the district long ago tried to settle the case in an effort to preclude a drawn-out legal battle. Although the offer included no financial compensation, it would have provided the parents a way to save face by amicably ending a dispute that school district officials believed unwinnable by the parents.

"It would have been a kinder, gentler press release," Tao said. "We thought that the lawsuit was silly and kind of a waste of time. ... (But) the lights committee was pretty adamant they still wanted the lights. "

In a press release issued Tuesday, Palos Verdes Peninsula Unified Superintendent Walker Williams called for moving forward.

"We want to put the divisiveness associated with the football stadium lights issue behind us and collectively work on programs and services that benefit all PVPUSD students," he said.

Pine's ruling comes nearly a year after another judge handed the district a separate legal victory by deciding that it was not legally obligated to conduct an environmental impact report, which would have assessed how the project would have affected the area.

Also, in October, yet another judge ruled in favor of the district, but decided to give the parents another chance to

recast their arguments.

Peninsula High School is one of the last remaining comprehensive high schools in the South Bay whose main football field is not equipped with stadium lighting. (The stadium of its rival, Palos Verdes High School, is similarly unlit.)

Parents, coaches and players at the school have long felt deprived of the Friday night experience that many consider a quintessential American tradition. Due to the lack of lighting, their home games are played in the afternoon, precluding many parents and relatives from attending because they can't get off work that early.

Pines on Thursday also dismissed several other claims by the parents, including that the district had engaged in fraud or misrepresentation by first authorizing the fundraising campaign and then refusing to conduct the environmental study.

The size of the group of parents and alumni is unclear. Tao thought it might amount to four or five, but Doty said the original committee was composed of about 15 people.

E-mails from Staff and City Attorney to
Rancho LPG regarding insurance and liability coverage

Kit Fox

From: Kit Fox
Sent: Monday, February 11, 2013 11:55 AM
To: Ronald Conrow (Ronald.Conrow@plainsmidstream.com)
Cc: 'Carol W. Lynch'
Subject: Rancho LPG questions

Hi Ron:

We received the January 29th e-mail containing Mr. Kyles' response to City Attorney Carol Lynch regarding the City's request for insurance information for Rancho. A copy of this response was provided to the Rancho Palos Verdes City Council by Staff at the February 5th City Council meeting. The City Council has asked Staff to inquire further into the basis upon which Rancho determined that the information requested by the City of Rancho Palos Verdes is "proprietary." I believe that Ms. Lynch will be making a similar direct inquiry of Mr. Kyles.

Based upon City Council discussion at the February 5th meeting, the City Council also has the following questions:

1. Councilman Knight had previously asked—either during his tour of the Rancho facility or at the October 16th City Council meeting (or possibly both)—for a description of the method by which butane that might be spilled into the containment basin would be recaptured and returned to the storage tanks.
2. With respect to the recent flare event on the morning of January 30th, the City Council would like to know to which regulatory and/or emergency response agencies this event was reported.

Thank you very much for your assistance in these matters.

Sincerely,

Kit Fox, AICP
Senior Administrative Analyst
City Manager's Office
City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
T: (310) 544-5226
F: (310) 544-5291
E: kitf@rpv.com

Kit Fox

From: Carol W. Lynch <CLynch@rwglaw.com>
Sent: Thursday, February 14, 2013 2:29 PM
To: Kit Fox
Subject: FW: L6686B Response to City of Rancho Palos Verdes Insurance Information Request

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From: Carol W. Lynch
Sent: Saturday, February 09, 2013 9:27 PM
To: 'John H Kyles'
Subject: RE: L6686B Response to City of Rancho Palos Verdes Insurance Information Request

Dear Mr. Kyles:

Thank you again for your letter. In response, the Rancho Palos Verdes City Council has asked me to inquire as to the reason(s) why Rancho LPG believes that the information regarding the insurance coverage that will be available to reimburse the public in the event of an explosion of the tanks is proprietary. At the very least, the City Council has asked that the amount of the insurance coverage be provided even if the specifics of the policy are not provided.

Thank you for any information that you are able to provide in response to this request.

Carol W. Lynch

From: John H Kyles [mailto:JHKyles@paalp.com]
Sent: Tuesday, January 29, 2013 4:32 PM
To: Carol W. Lynch; 'Kit Fox'
Cc: Ronald Conrow; Daniel Johansen; Scott Sill; 'Hon. Rudy Svorinich, Jr.'; 'L6686B - San Pedro LPG Facility - Homeland Security (L6686B.law_commercial@law.paalp.com)'
Subject: RE: L6686B Response to City of Rancho Palos Verdes Insurance Information Request

Ms. Lynch,

Attached is Rancho LPG's response to the City of Rancho Palos Verdes' inquiry about their insurance coverage.

Do not hesitate to contact me if you have further questions or comments.

Many thanks,

John H. Kyles
Senior Attorney

Plains All American Pipeline, L.P.
☎:*713-993-5136* | 🖷: *713-646-4216* | ✉: *jhkyles@paalp.com*
Plains All American Pipeline, L.P. | 333 Clay Street, Suite 1600 | Houston, TX 77002

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient of this communication, or an employee or agent responsible for delivering this communication to the intended recipient, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

Kit Fox

From: Ronald Conrow <Ronald.Conrow@plainsmidstream.com>
Sent: Thursday, February 14, 2013 2:10 PM
To: Kit Fox
Subject: Random Lengths_02072013_Rancho Flare Event
Attachments: Random Lengths_02072013_RC Quote.pdf

NEWS Briefs

Rancho LPG Flaring Event Underscores Community Concerns

Details are belatedly coming out regarding an initially unreported flaring event at Rancho LPG on Wednesday, January 30. The incident was brought to our attention by long-time homeowner activist Andrew Mardesich, who took smartphone photos of the event early that morning. In response to inquiries from community activist Janet Gunter, Environmental Protection Agency administrator Mary Wesling contacted Rancho regarding the event, and forwarded the response they received. Ron Conrow, the Western District Manager for Rancho's corporate parent, Plains All American wrote, "The flaring event occurred at approximately 04:30 on 01/30/2013 and lasted approximately 10-minutes. A transmitter on (butane) storage tank T-1 malfunctioned resulting in a pressure control valve release from the tank to the flare."

He went on to say, "Another review of our permits our environmental and operations staff confirmed Rancho is not required to report a flaring event and we are not aware of any Rule requirement for LPG facilities to do so."

Wesling confirmed that there was no federal duty to report, but noted that state regulations differ. She in turn notified the AQMD and the LA Fire Department. There was also unrelated maintenance work on Naval Fuel Depot pipelines going on that same week.

"They had a flare. It's permitted by AQMD for use in emergencies, to safely burn excess propane gas," AQMD spokesman Sam Atwood told Random Lengths. "They did not notify us, and they are not required to notify us," he said, explaining that the notification rule specifically targets sulfur emissions.

"Ensuring the safety of the residents of the 15th District is my top priority," said Councilmember Joe Buscaino. "The Chief Legislative Analyst has been compiling a comprehensive report in response to questions raised by myself and other members of the Public Safety Committee, which I expect it to be complete in late February, and discussed in an upcoming Committee meeting in March. I look forward to advancing this investigation, and I encourage residents to stay engaged and participate in this open, transparent and public process."

E-mail and flyer from Janet Gunter for
February 23rd "Leadership Forum"

Kit Fox

From: Teresa Takaoka
Sent: Wednesday, February 13, 2013 11:41 AM
To: Kit Fox
Subject: FW: Leadership Forum at Taper Avenue School on Feb. 23rd @ 10 AM
Attachments: leadership_forum_flyer__2013.doc

From: Janet Gunter [mailto:arriane5@aol.com]
Sent: Wednesday, February 13, 2013 11:09 AM
To: CC; chateau4us@att.net
Cc: richard.vladovic@lausd.net; MrEnvirlaw@sbcglobal.net; det310@juno.com; jody.james@sbcglobal.net; connie@rutter.us
Subject: Leadership Forum at Taper Avenue School on Feb. 23rd @ 10 AM

Hello Everyone-

The Homeowners and Citizens for Responsible & Equal Environmental Protections (CREEP) are sponsoring this forum to try and get some politicians & candidates on the record regarding the Rancho LPG issue. LAUSD Superintendent Vladovic has been very cooperative on this issue due to his consistent concern related to the local schools. We have hired Gregg Perkins videographer to film the event and are hoping that Cox will air it afterwards on the City Channel. I know that I am able to watch your meetings in San Pedro on channel 3 so this would serve both areas of RPV and San Pedro. We are also hoping that Cox might advertise the event either in calendar form or as a public notice. We know that it will be important to have a request or an approval from your City Council to do this. We are respectfully requesting that approval. Please let us know any thoughts that you might have on the matter.
Thank you so much.

Janet G

Leadership Forum

How is Government going to protect Harbor Area residents from the elevated risk of Rancho LPG??

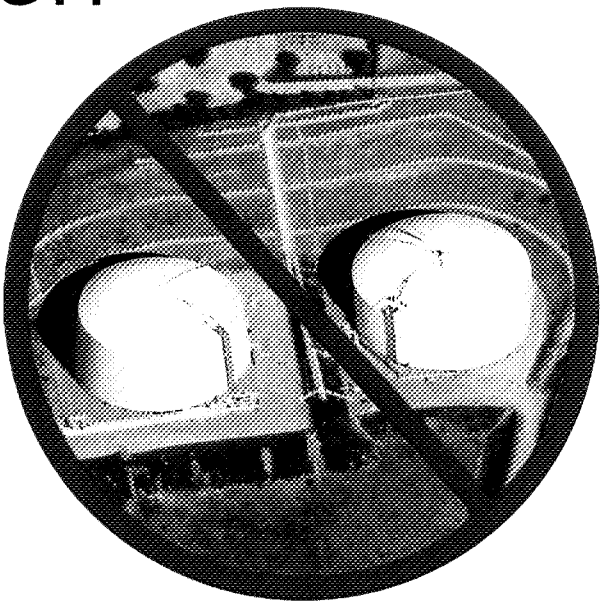
Saturday, February 23

10:00 AM

Taper Avenue Elementary School

1840 N Taper Avenue

San Pedro 90731



Come hear what your government representatives have to say.

List of those invited to attend and share their strategies for eliminating the risks from Rancho LPG:

State Senators:
Diane Feinstein
Barbara Boxer

Congresswoman Janice Hahn
Congressman Henry Waxman
Congresswoman Maxine Waters

Senator Rod Wright

Assemblywoman Bonnie Lowenthal

LA Mayor Antonio Villaraigosa
Candidates for LA Mayor:
Kevin James
Wendy Greuel
Jan Perry
Eric Garcetti
Norton Saddler
Emanuel Pleitez
YJ Draimen

LA City Attorney Carmen Trutanich
Candidates for City Attorney:
Gregory Smith
Mike Feuer
Noel Weiss

LA City Controller Candidates:

Dennis Zine
Cary Brazeman
Ron Galperin
Ankur Patel
Jeff Bornstein

15th District City Councilman Joe Buscaino
Candidates: James Law
Gina Harden

LAUSD Superintendent
Dr. Richard Vladovic

Event sponsors: San Pedro Peninsula Homeowners United, San Pedro & Peninsula Homeowners Coalition & Citizens for Responsible & Equal Environmental Protection

hazardsbegone.com

Daily Breeze article regarding February 23rd "Leadership Forum"

Citing 'accident' risk, Rancho LPG storage facility opponents want tanks moved

By Donna Littlejohn, Staff Writer Daily Breeze
Posted:

DailyBreeze.com

Described as a "ticking time bomb," San Pedro's Rancho LPG storage facility came under renewed fire on Saturday as residents gathered to hear a terrorism risk expert talk about the tanks.

About 70 people attended the two-hour discussion sponsored by a coalition of homeowners groups, neighborhood council members and an organization that sponsors the website HazardsBeGone.com/.

The tanks storing propane and butane at 2110 N. Gaffey St. have come under increasing scrutiny by those who say the materials pose a danger to tens of thousands of residents for miles around.

From street demonstrations to community forums and videos showing the potential damage of a tank disaster, activists have pushed their cause to move the Rancho LPG facility, owned by Plains LPG, out of the area.

And though chances are rare that a terrorism strike or natural disaster such as an earthquake would release what could be a widespread, fiery vapor cloud over the community, the possibility alone should be enough to force the facility out, critics argue.

"Folks, accidents happen," said Los Angeles Unified school board member Richard Vladovic, one of several speakers at the meeting held at Taper Avenue Elementary School, which is within sight of the tanks. "You couldn't build that here today, but a little grandfather clause allows it to be here."

Addressing the chance of a disaster, terrorism risk expert Carl Southwell said, "It's something that's highly unlikely to occur, but it's something that's possible. I think the best response to a disaster is to prevent it."

Los Angeles Councilman Joe Buscaino in a video released by his staff Friday addressing the topic - he was unable to attend the meeting due to a skate plaza groundbreaking at the same time - pledged to do everything he could to make sure the facility remained frequently inspected and compliant.

"I understand the frustration of those concerned about safety or that information doesn't get out there fast enough or that it's not easy to digest," he said. "I can also appreciate your wish to simply move these tanks. But we must remember that it's private property and not owned by the city or the Port of Los Angeles."

Rancho - established in 1976 by Petrolane and later operated by Amerigas - has a long-term lease on the privately owned land and has repeatedly been found in compliance with safety laws. Moving the facility would cost millions of dollars.

"There's no way to legally compel this facility to relocate without finding the hundreds of millions of dollars it would take," Buscaino said. "While I wish I could just pick them up and move them and turn all this land into open space or traditional office buildings, it's just not that simple."

The Los Angeles City Council requested a study on the issue several months ago and the chief legislative analyst's report, released Feb. 19, recommended implementing emergency exercises and better communication with the community when reporting on regular inspections.

Janet Gunter of San Pedro, a leading voice among the activists who have spearheaded the drive to move the tanks

out, called the city report "pretty disappointing."

"It really in no way talks about risk management and the issue of insurance," she said.

Inspections primarily by the Los Angeles City Fire Department and city Building and Safety are conducted several times a year, including some surprise inspections. The plant has been found to be in compliance.

But critics say that won't matter if there's a breach in one of the tanks because of a natural or man-made disaster.

"It can't be made safe," said science teacher Connie Rutter.

Three councilmen from nearby Rancho Palos Verdes also came to the meeting, saying the tanks had become a concern in their city as well.

"As far as jurisdiction goes, Rancho Palos Verdes has very limited jurisdiction," Rancho Palos Verdes Councilman Jerry Duhovic said. The city attorney, he said, "is looking into what legal recourse there may be, what other avenues there are to pursue."

Fellow Councilman Jim Knight likened Rancho to a dangerous crosswalk that doesn't get a traffic signal until someone is killed.

And while the facility operates as what is known in planning as an existing nonconforming use, Knight said "safety trumps all of that."

"We may not have physical jurisdiction, but we have a moral and ethical jurisdiction to look out for our residents," said RPV Councilman Brian Campbell.

Speakers specifically called on the company to be more forthcoming about its insurance. A company representative did not attend the meeting and could not be reached for comment.

"Obviously if this were a planned facility today, it probably would be cut off at the knees in the planning process," Southwell said. "However, the facility has broken no laws ... everything they do is within the letter of the law. "But there's been a problem with the way these facilities are built and grandfathered in."

Southwell added that the planning process typically favors the property owners.

"It's a policy problem," he said. "When something is there legally and it's not friendly to the neighborhood, policy makers and elected officials don't know what to do. So typically they do nothing."

Critics charge that even in the 1970s, the plant was not put under the requirements it should have been at that time.

Buscaino, in his video, said that while the company, like someone's noisy neighbors, cannot be forced to move, the city can be sure that the facility is frequently inspected and that safety and security standards are strictly enforced.

"I live nearby and have many friends and family who live by these tanks," Buscaino said. "I will do everything in my power to make sure that all these tanks are safe and that those of us who live nearby will be safe. This is a difficult and complicated issue."

donna.littlejohn@dailybreeze.com

CLA report on Rancho LPG facility

REPORT OF THE
CHIEF LEGISLATIVE ANALYST

DATE: February 19, 2013

TO: Honorable Members of the City Council

FROM: Gerry F. Miller
Chief Legislative Analyst

Council Files: 11-1813, 11-1813-S1
Assignment No: 13-01-0065

Safety Regulations and Precautions at Liquefied Petroleum Gas (LPG) Facilities

Summary

On June 27, 2012, the Public Safety Committee held a special off-site meeting in San Pedro to consider two motions:

- Motion (Perry—Krekorian) which instructed the Fire Department, Emergency Management Department, Department of Building and Safety, and City Attorney to report on the safety issues raised by San Pedro residents regarding the Amerigas/Rancho LPG storage tank facility at 2110 North Gaffey Street in San Pedro. (Council File 11-1813)

- Motion (Buscaino—Perry—Englander) which moved that the Public Safety Committee hold a special meeting in the Harbor Area and request the pertinent regulatory and enforcement agencies at the local, state, and federal level to provide a presentation regarding the permitting and safety requirements for liquid bulk storage facilities. (Council File 11-1813-S1)

At the Committee meeting, there were several agencies represented which have some level of oversight at facilities such as the Rancho LPG facility. Los Angeles City Departments represented at the meeting were the Fire Department (LAFD); Department of Building and Safety (LADBS); Police Department (LAPD); Emergency Management Department; City Attorney; Planning Department; Bureau of Sanitation; and Port of Los Angeles. Non-City agencies represented at the meeting were the United States Environmental Protection Agency (EPA); United States Defense Logistics Agency; United States Department of Labor, Occupational Safety & Health Administration (OSHA); California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA); and the South Coast Air Quality Management District (AQMD).

The aforementioned agencies each presented an overview of their oversight roles at the facility, including the types and frequency of inspections at the facility, and other safety measures and precautions required by law. After presentations and testimony from the various agencies, and

additional questions and comments from Committee members, a public comment period was provided for members of the community to address the Committee on this issue.

At the conclusion of the Public Safety Committee meeting, this Office was instructed to convene meetings and work with various City departments to identify recommendations to improve safety and hazard mitigation measures of liquid bulk storage (LBS) facilities, including Rancho LPG. The Committee also directed this Office to compile a list of similar facilities in the Harbor area. LAFD has compiled a list of facilities which will be transmitted separately from this report.

Recommendations

1. Instruct the Fire Department to develop potential options for a community outreach effort and preparedness exercise with City departments and stakeholders in the San Pedro area, including the facility operator, local Neighborhood Councils, homeowner groups, and other community based organizations.

2. Instruct the Fire Department and Department of Building and Safety, with the assistance of the Chief Legislative Analyst, to report back with a list of inspections conducted by non-City agencies at liquid bulk storage facilities that would benefit City agencies by receiving automatic notification of inspection deficiencies.

Background

The facility at 2110 North Gaffey Street in San Pedro is operated by Rancho LPG on privately-owned land. The site has two storage tanks of refrigerated butane with 12.6 million gallons of capacity, approximately 110 feet in height and 175 feet in diameter. Additionally, there are smaller horizontal tanks that store butane and propane, each with a capacity of 60,000 gallons. The storage of liquid chemicals and other sensitive materials has been referred to as liquid bulk storage (LBS). More specifically, butane and propane are both types of *liquefied* petroleum gas (LPG).

The Rancho LPG facility has been at this site since its construction in 1978. There has been extensive research and analysis conducted in the past relative to the site and its permitted uses. Further background information on these topics is available in reports issued in 2005 and 2006 from the Offices of the Chief Legislative Analyst and City Administrative Officer, City Planning Department and Port of Los Angeles (Council File 04-1645).

The two largest tanks on site store liquid butane. Prior scientific reviews of the facility have described the nature of butane as an LPG substance, as follows:

> Butane at room temperature and pressure is a gas, and butane is liquefied in order to decrease its volume to make it easier to store and ship. There are multiple approaches to storing butane as a liquid. One approach is to store butane in a high pressure vessel which exerts adequate pressure on the butane to maintain it in liquid form at room

temperature. Another approach is to refrigerate the butane to keep the temperature below its normal boiling point. Since the refrigeration, not the pressure, maintains the butane as a liquid, the butane liquid can be stored in a low pressure vessel.

To mitigate the impacts of a storage breach, using refrigeration is more advantageous since the storage vessel pressure is much lower, resulting in a lower discharge of liquid. With refrigerated butane, lesser amounts of butane will flash into vapor as it reaches a warmer ground surface temperature, which results in more butane remaining as a liquid in the containment pool. The consequences of using refrigeration are less than using higher pressure because the rate at which butane vapor is produced will be less, resulting in a smaller vapor cloud than with tanks that have higher pressure.

At the Rancho LPG facility, a containment basin exists a short distance from the storage vessels to collect and contain any liquid that is discharged during an emergency situation. Liquid butane that leaks out of the storage vessel is drained into the containment basin away from the storage vessels. Prior reviews of the facility have indicated that the containment basin is important for mitigating the risk of the storage tanks being directly exposed to a fire, in the event that any leaked butane catches on fire. In addition, the containment basin reduces the surface area of a potential pool of leaked butane, which lessens the evaporation rate of the butane under such a scenario.

Responsibilities of City Departments

Following the Public Safety Committee meeting, this Office worked in conjunction with the Offices of Councilmember Buscaino and Councilmember Perry to develop specific questions directed to City departments regarding safety oversight at Rancho LPG and LBS facilities. This Office received information and/or held follow-up meetings with the following City Departments: LAFD, LADBS, LAPD, Emergency Management, Port of Los Angeles, City Attorney, and Planning Department.

From a safety standpoint, the main City agencies responsible for oversight at LBS facilities are LAFD and LADBS. LAFD, as a Certified Unified Program Agency (CUPA), is responsible for regulatory oversight pursuant to the Los Angeles Municipal Code (LAMC) and applicable state requirements (described further below). Similarly, LADBS performs inspections pursuant to LAMC regulations and inspections required by state law. The LAPD, Hazardous Materials Division, is responsible for assisting LAFD in the event of an emergency incident at the facility which is deemed to be suspicious or criminal in nature.

LAFD's CUPA Section oversees the following regulations: Hazardous Materials Disclosure and Business Plan; Underground Storage Tank Program; Aboveground Petroleum Storage Act (APSA) Program; Aboveground Storage Tank Spill Prevention Control and Countermeasure (SPCC) Plan; Hazardous Waste Generator Program; and California Accidental Release Prevention (CalARP) Program.

At LBS facilities such as Rancho LPG, LAFD performs inspections pursuant to the City's Fire Code (contained in the LAMC) and two of the CUPA programs mandated by State law: CalARP and APSA. These regulations cover inspections associated with facility access, location of tanks, fire protection systems, fire hydrants containment areas, gas/liquid monitoring, inventory and separation of process/stored substances, emergency planning, and facility security. While the Rancho LPG facility is the primary focus of this review, LAFD has indicated that 49 other facilities in the City of Los Angeles are also subject to these regulations.

LADBS performs inspections required by the State of California Title 8 Pressure Vessel Safety Code and the City of Los Angeles Pressure Vessel Code (LAMC Article 7, Chapter IX). Inspections pursuant to the City's LAMC requirements occur on an annual basis. Inspections conducted by State of California inspectors occur once every three to five years; however, since LADBS inspectors are authorized ("cross-deputized") by the State, LADBS inspectors also perform the State-required inspections on an annual basis. Relative to the two largest tanks at the Rancho facility, which are maintained at an operating pressure of approximately 1.5 pounds per square inch (psi), LADBS indicated that Pressure Vessel inspection requirements only apply to storage tanks with operating pressure greater than 15 psi.

Emergency Plans and Safety Considerations

The CalARP Program covers "Regulated Substances" such as flammable gases, and toxic gases and liquids. CalARP regulations are designed to prevent releases and accidents for the protection of public safety. CalARP regulations require a facility operator to conduct hazard assessment and hazard analysis studies, and submit a Risk Management Plan (RMP) to the LAFD and EPA. The operator is required to implement all applicable elements of the prevention program. LAFD reviews all submitted RMPs for completeness, technical accuracy, and the appropriate level of detail. LAFD inspects every stationary source of Regulated Substances registered pursuant to CalARP at least once every three years to determine compliance with the regulations.

CalARP regulations also require the facility operator to have an emergency plan which is made available to LAFD CUPA and other inspection agencies. The emergency plan must be reviewed and/or updated every three years, and any changes to the plan require notification to LAFD. The emergency plan requires certification of periodic training of individual plan components, including the date, types of training, and personnel involved. Separate from the facility operator's emergency plan, LAFD has indicated that its training program includes preparing for, and responding to, accidents at LBS facilities and other facilities with sensitive materials. For emergencies requiring an evacuation, LAFD and LAPD work in coordination using established policies and procedures.

Safety Improvements

Relative to potential safety improvements, there are two initiatives that have been identified in consultation with the City's primary safety inspection agencies, LAFD and LADBS. One

initiative focuses on conducting an emergency exercise to further enhance the preparedness efforts of City first responders and to better engage community stakeholders. A second initiative would explore the specific levels of coordination between City and non-City inspection agencies to determine the feasibility and benefits of automatic cross-notification of inspections by these agencies.

LAFD has indicated that an initiative to engage community stakeholders through a preparedness exercise would be beneficial to the issue of ensuring adequate safety precautions at facilities such as the Rancho LPG facility. Such an effort would increase the awareness of safety regulations, and could potentially lead to the identification of new protocols or requirements to strengthen existing regulations. Additionally, community stakeholders and residents may have more direct insight of the protocols used by both first responder agencies and the facility operator, in the event of a real emergency situation on site. In the past, LAFD has conducted similar efforts to increase awareness of why safety regulations are in effect and how they are used to protect the public.

In addition, since there are several agencies and jurisdictions involved in regulating and inspecting LBS facilities, cross-coordination among agencies is crucial to ensure that facility operators are consistently in compliance with all applicable laws. LAFD and LADBS have indicated that not all inspections conducted by non-City agencies are subject to automatic notification to City agencies in the event corrective orders have been issued or deficiencies identified. A process that provides more timely notification may enable City agencies to better observe the ongoing compliance of facilities with all applicable laws. Similarly, enabling summary information of regulatory compliance to be posted online may be beneficial to all concerned stakeholders.

Given the variety and technical nature of the inspections performed on site, it is recommended that LAFD and LADBS be instructed to report back with a list of these inspections performed by non-City agencies and determine which inspections should be subject to automatic notification. If there are inspection types that would benefit City agencies by receiving automatic notification in the event of a deficiency, it may be appropriate to pursue changes to the applicable laws and regulations that govern these inspections. However, it should be noted that the City of Los Angeles can only makes changes to laws under its jurisdiction; separate efforts would also need to be pursued at the state and federal level.

Jon Dearing
Analyst

GFM:SMT:jrd

Community e-mail responses to CLA report on Rancho LPG facility

Kit Fox

From: Carolynn Petru
Sent: Wednesday, February 20, 2013 10:01 AM
To: Kit Fox
Subject: FW: Chief Legislative Analysis Report on Risk (?) of Rancho LPG.....(PATHETIC....TRULY)

From: Noel Weiss [mailto:noelweiss@ca.rr.com]
Sent: Wednesday, February 20, 2013 9:40 AM
To: MrEnvirlaw@sbcglobal.net; carl.southwell@gmail.com; BeaRAMS@gmail.com; CC; chateau4us@att.net; bonbon90731@gmail.com; marciesmiller@sbcglobal.net; burling102@aol.com; pmwarren@cox.net; det310@juno.com; igornla@cox.net; dwgkaw@hotmail.com; dlrivera@prodigy.net; mandm8602@att.net; diananave@gmail.com; overbid2002@yahoo.com; jody.james@sbcglobal.net; dakotahpat@sbcglobal.net; konnica@ca.rr.com; erray007@aol.com; lljonesin33@yahoo.com; fbmjet@aol.com; carriescoville@yahoo.com; grgrysmth@aol.com; mary@graybillcom.com; Janet Gunter
Subject: Re: Chief Legislative Analysis Report on Risk (?) of Rancho LPG.....(PATHETIC....TRULY)

Hoping to see everyone this Saturday. . . . . at the 'presser'. . . . .

The need for some real citizen action is apparent by the paucity, putrid, and pitiful nature of this report. . . It is truly an embarrassment to the City of Los Angeles. . . .and more specifically to the Chief Legislative Analyst's office which generally does very thorough work. . . .

There is no substitute for the power of ideas or the power of the people, properly focused, and well-executed.

What can never be accepted is mediocrity in the face of challenge

We need to put the politics on the side of the people here, not this special interest. . . . . If the people want to socialize the risk of Rancho's operation, that's one thing. . . But I don't sense that is where the people's proclivities lie. . . Asking Rancho to properly insure their operation and fully assume the risk of their operation on the surrounding community is not unreasonable. . Nor is it unreasonable to request our political leaders fulfill their duties as stewards of the public trust which is the City of Los Angeles to meaningfully, thoroughly, competently, and (it would appear) courageously assume their responsibilities in this situation to protect the broader public interest over this narrow private interest. . . where, as here, we are talking about the storage of an incredibly hazardous chemical which, if negligently managed, can cause untold (uninsured) harm to the people and their property. . .

We need to demand more of our leaders in this situation. . . . I don't believe any are for 'socialism'. . . so why should we permit the potential losses from this facility's operation to be socialized and absorbed by the people while the gains and profits are privatized? There should be some symmetry here. . Privatize both the gains and the losses.

Time for the people's voice to be heard and acted upon. . . . Pander, deflection, and head-fakes with reports such as this cannot be accepted.

Noel
(310) 822-0239

From: Janet Gunter
Sent: Tuesday, February 19, 2013 6:35 PM
To: MrEnvirlaw@sbcglobal.net ; noelweiss@ca.rr.com ; carl.southwell@gmail.com ; BeaRAMS@gmail.com ; cc@rpv.com ; chateau4us@att.net ; bonbon90731@gmail.com ; marciesmiller@sbcglobal.net ; burling102@aol.com ; pmwarren@cox.net ; det310@juno.com ; igornla@cox.net ; dwgkaw@hotmail.com ; dlrivera@prodigy.net ; mandm8602@att.net ; diananave@gmail.com ; overbid2002@yahoo.com ; jody.james@sbcglobal.net ; dakotahpat@sbcglobal.net ; konnica@ca.rr.com ; erray007@aol.com ; lljonesin33@yahoo.com ; fbmjet@aol.com ; carriescoville@yahoo.com ; grgrysmth@aol.com ; mary@graybillcom.com
Subject: Chief Legislative Analysist Report on Risk (?) of Rancho LPG.....(PATHETIC....TRULY)

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Tuesday, February 26, 2013 10:14 AM
To: dan.weikel@latimes.com; rich.connell@latimes.com
Subject: Fwd: BP Cost cutting over safety

Today's article on the first day of the BP trial quotes Professor Bob Bea extensively. Bea has reviewed the Rancho/Plains LPG situation....and has repeatedly emphasized the high risks at Rancho that could prompt "a domino effect" of the multiple adjacent fuel resources cascading into an inferno in the Harbor that would be "unimaginable". The factors present here are unique and offer a disaster potential that is not typical. That is why this is an important story that needs to be told and needs to be dealt with "prior" to the tragedy happening.
Thanks,
Janet

-----Original Message-----
From: Anthony Patchett <mrenvirlaw@sbcglobal.net>
To: Janet Gunter <arriane5@aol.com>
Cc: Connie <connie@rutter.us>; patricia mc pherson <patriciamcpherson1@verizon.net>
Sent: Tue, Feb 26, 2013 10:01 am
Subject: BP Cost cutting over safety

– BP Plc fostered a culture that put cost-cutting over safety before the deadly 2010 Gulf of Mexico oil spill, a noted forensic engineer said in the first day of testimony in the federal civil trial centered on the disaster.
"There is ample evidence of intense pressure within the system to save time and money," said Bob Bea, co-founder of the Center for Catastrophic Risk Management at the University of California, Berkeley. "With stress and pressure come sacrifices to safety."
Bea was the first witness for the plaintiffs, the U.S. Justice Department and U.S. Gulf Coast states suing well owner BP, rig owner Transocean Ltd and well cement provider Halliburton Co .
The plaintiffs plan to call Lamar McKay, chairman and president of BP America, to testify as a hostile witness once Bea wraps up. McKay is a member of the London-based oil company's executive committee, alongside Chief Executive Officer Bob Dudley.
Bea consulted with the White House commission that investigated the spill and prepared a report faulting BP for the plaintiffs in the case. He also had consulted with BP on risk management prior to 2005.
He said BP cut its Gulf of Mexico costs by 22 percent from 2008 to 2009 while increasing oil and gas output by 55 percent.
Bea said during questioning by Robert Cunningham, a lawyer for the plaintiffs, that he had told BP that "money isn't everything" and that incentives for major accident prevention should be on equal footing with incentives for profits.
"It's a culture of every dollar counts," Bea said.
He had yet to be cross-examined by BP lawyer Mike Brock.
The April 2010 blowout caused an explosion that killed 11 men, sank a rig and spewed more than 4 million barrels of crude oil into the Gulf.
Well-known in New Orleans, the site of the trial, Bea was a key witness in litigation over failed levees when Hurricane Katrina hit in 2005, flooding much of the city and leaving more than 1,800 people dead.
The nonjury trial before U.S. District Judge Carl Barbier is split into three phases, with the first focused on allocating blame among the defendants and the severity of their negligence.
(Reporting By Kristen Hays; Editing by Lisa Von Ahn)

Read more: http://www.foxbusiness.com/news/2013/02/26/first-bp-trial-witness-says-company-put-cost-cuts-over-safety/#ixzz2M1sBqRdu

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Tuesday, February 26, 2013 12:02 PM
To: MrEnvirlaw@sbcglobal.net; det310@juno.com; connie@rutter.us; jody.james@sbcglobal.net; marciesmiller@sbcglobal.net; burling102@aol.com; overbid2002@yahoo.com; igornla@cox.net; dwgkaw@hotmail.com; diananave@gmail.com; roamerbill@yahoo.com; paul_h_rosenberg@hotmail.com; Donna.Littlejohn@DailyBreeze.com; dan.weikel@latimes.com; carriescoville@yahoo.com; dgdavidgreene@yahoo.com; fbmjet@aol.com; lljonesin33@yahoo.com; Kit Fox; noelweiss@ca.rr.com; cary@carybrazeman.com; djgoldstein@cbs.com; ronkil@aol.com; Tena.Ezzeddine@nbcuni.com; BeaRAMS@gmail.com; carl.southwell@gmail.com; pmwarren@cox.net; bonbon90731@gmail.com; dlrivera@prodigy.net; mandm8602@att.net
Subject: GENESIS OF BUSCAINO'S DISREGARD OF RANCHO.....

Apparently, the reason why Joe Buscaino has continued to disregard the issue of Rancho LPG...and has managed to dissuade others from taking any action... is because a poll was conducted that reflected that only 8% of the people in the area have concerns about them. Obviously, that is because so few people UNDERSTAND what the risk actually IS! This is where "leadership" begins in basically what is a "parent/child" situation...where the innocent public is **supposed** to be "protected" by their representative who is in the know...and has the power to do that job. Just another sad reality of the situation and of the lack of true leadership we are faced with.
Janet

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Friday, March 08, 2013 8:54 AM
To: det310@juno.com; chateau4us@att.net; bonbon90731@gmail.com; Kit Fox; marciesmiller@sbcglobal.net; jody.james@sbcglobal.net; igornla@cox.net; dwgkaw@hotmail.com; roamerbill@yahoo.com; stanley.mosler@cox.net; carl.southwell@gmail.com; mandm8602@att.net; dlrivera@prodigy.net; burling102@aol.com; pmwarren@cox.net; guillermovillagran@sbcglobal.net
Subject: Fwd: What is a Nuisance, Anyway? Article
Attachments: Photo_of_So_Cal_Gas_Explosion.pdf; Mediator's_Report.pdf; Expansion_of_the_Field.pdf; Grassroots_Coalition_-_Scientific_Proof_of_the_dangers_of_developing_Playa_Vista.htm

fyi

-----Original Message-----
From: Anthony Patchett <mrenvirlaw@sbcglobal.net>
To: Janet Gunter <arriane5@aol.com>
Cc: Connie <connie@rutter.us>
Sent: Fri, Mar 8, 2013 7:11 am
Subject: What is a Nuisance, Anyway? Article

Janet & Connie
I'm getting some good stuff on my Playa del Rey case.
The photo is the Jan 6,2013 explosion at the So Cal Gas Playa del Rey facility.
There have been 3 previous explosions.
Tony

----- Forwarded Message ----
From: Johntommy Rosas <tattnlaw@gmail.com>
To: Anthony Patchett <mrenvirlaw@sbcglobal.net>
Sent: Thu, March 7, 2013 10:53:55 PM
Subject: Fwd: Daily digest for March 8, 2013

---------- Forwarded message ----------
From: **Legal Planet: Environmental Law and Policy** <donotreply@wordpress.com>
Date: Thu, Mar 7, 2013 at 10:28 PM
Subject: Daily digest for March 8, 2013
To: tattnlaw@gmail.com

Jonathan Zasloff posted: "If you're a Property teacher, you have probably taught nuisance law. If you are a Land Use teacher, you have probably taught Lucas v. South Carolina Coastal Council, which relies on nuisance law to establishing "inherent limitations on title." More spec"

New post on **Legal Planet:**

Environmental Law and Policy

What IS a Nuisance, Anyway?

by Jonathan Zasloff

If you're a Property teacher, you have probably taught nuisance law. If you are a Land Use teacher, you have probably taught *Lucas v. South Carolina Coastal Council,* which relies on nuisance law to establishing "inherent limitations on title." More specifically, you have probably taught the Restatement standard for nuisance, which states that an activity is a nuisance if 1) the gravity of the harm exceeds the utility of conduct; or 2) the harm is serious and the defendant can abate it without shutting down.

So far, so good. But of course the question then arises: how in the world is a court supposed to measure the "gravity of the harm" and the "utility of the conduct"? Basically, it's sort of a formless grab-bag, involving the extent and character of the harm, the suitability of the activity to the area in question, the ability of the plaintiff to avoid the harm etc. etc. But one aspect of the prongs recently jumped out at me.

the social value ***that the law attaches*** to the type of use or enjoyment invaded, and Section 828(a) says that we partially measure the utility of the conduct examining the social value ***that the law attaches*** to the primary purpose of the conduct.

So what's the difference between the "social value" of an activity and the "social value that the law attaches" to an activity? Is there even a difference? For most of my teaching career, I've assumed not, and have told students that they could make an argument for a nuisance defendant by arguing, for example, that it provides a lot of jobs. Certainly that's what the New York Court of Appeals did in *Boomer v. Atlantic Cement* when it refused to enjoin the activities of a cement factory because of the economic impact of a plant shutdown.

But that isn't really the social value *that the law attaches* to the plant. Instead, if we take the Restatement language seriously, we would actually look at how the rest of the law treats the activity. For example, in *Lucas* itself, the plaintiff wanted to build a single-family house, which was a permitted use in the (coastal) zone in question. That would certainly seem to indicate that the law attaches a high social value to it: you don't even need a permit. Conversely, if there is a complex regulatory structure to get something approved -- for a liquor license, say -- one might say that the law attaches a lot less social value to it. On this scheme, single-family homes would also be less likely to be a nuisance if the zoning was cumulative, for single-family homes are permitted uses in every zone under a cumulative scheme. One could begin to tease out other ways of determining whether "the law attaches" social value to something. Is it subsidized? Is it taxed?

In the Takings context, this could lead to some circularity, which is why *Lucas* might have misstated the Restatement standard. If we take seriously the notion that a nuisance is concerned with whether "the law attaches" social value to something, in a Takings case we already know that the answer is "no" because usually the plaintiff is challenging a statute or regulation! But one could, I suppose, simply say that in a *Lucas* case, the inquiry focuses on the law *prior*

to or apart from the challenged regulation.

Dean Prosser famously described public nuisance law as an "impenetrable jungle, wherein the word 'nuisance' means all things to all people, and has been applied indiscriminately to everything from an alarming advertisement to a cockroach baked in a pie." I'm not sure that my framework here really hacks out much from the jungle (and it is more concerned with private nuisance anyway). But it does give us some concrete examples and method of how to analyze nuisance problems, and does get us away from looking at nuisance as simply a matter of cost-benefit analysis and utilitarian ethics.

Jonathan Zasloff | March 7, 2013 at 6:54 pm | Tags: Boomer v. Atlantic Cement, cumulative zoning, Lucas v. South Carolina Coastal Council, nuisance law, regulatory takings, Takings Law, William Prosser, zoning | Categories: Land Use, Litigation | URL: http://wp.me/prxko-5eC

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http://legalplanet.wordpress.com/2013/03/07/what-is-a-nuisance-anyway/

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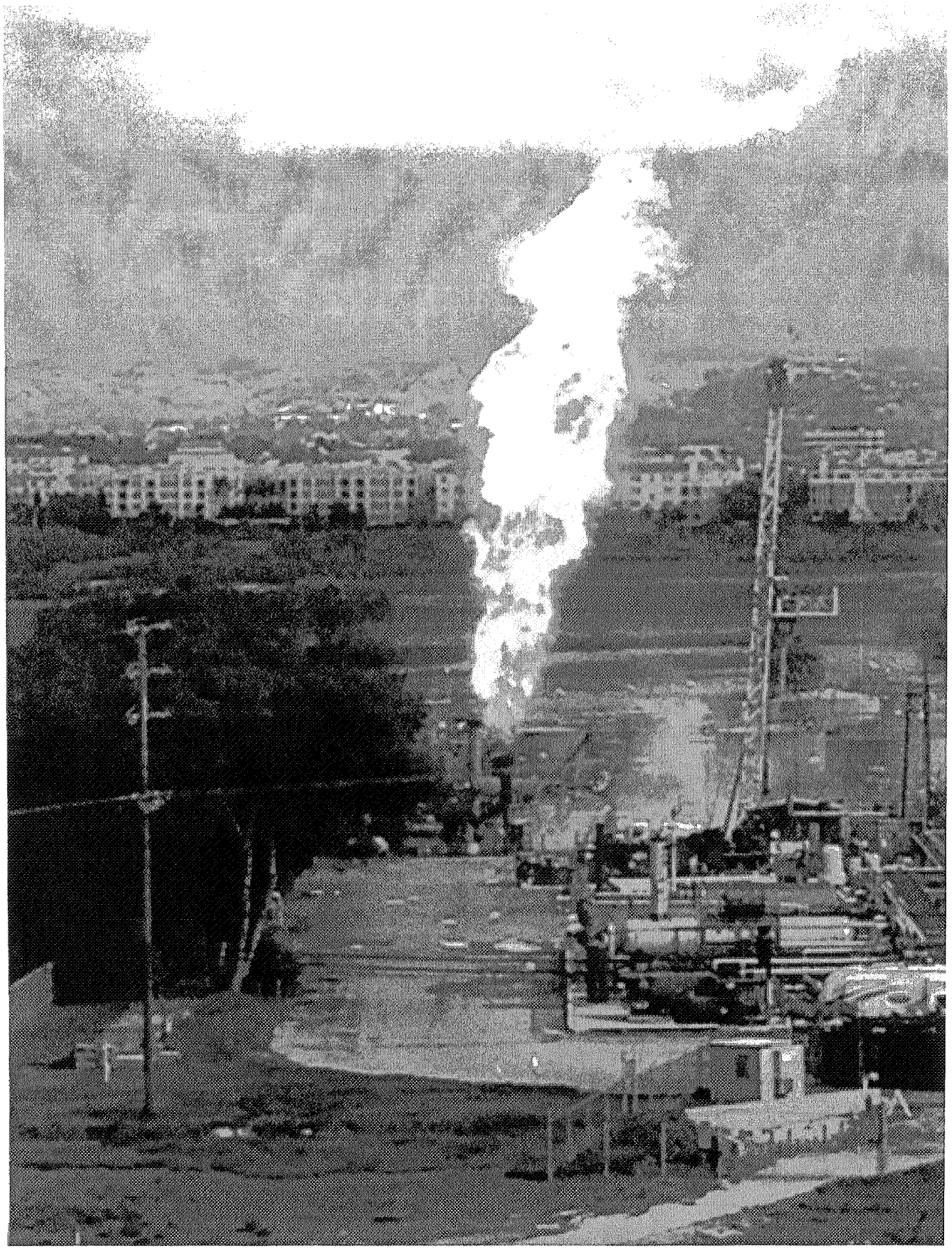
TRUTH IS OUR VICTORY AND HONOR IS OUR PRIZE >TATTN ©



MEDIATOR'S REPORT

Southern California Gas Company (SoCalGas) argues that its ownership of mineral rights does not impose on it the duty to be responsible for "native" gas migrating through the ground at Playa Del Rey in a natural manner unconnected with the utility's activities; that it takes full responsibility for the consequences of its own operations and understands its legal liability should it fail to do so in a safe manner; and that it believes its participation in any additional surface monitoring or other activities to mitigate any potential dangers from escaping gas unconnected with its operations could place it at odds with the rights of the owners of the surface lands overlying its gas storage facility and create new legal liabilities for itself and its ratepayers.

Grassroots (GR) argues that SoCalGas' activities in overpressurizing its storage facilities are already increasing the migration of native gases; that storage gasses and "native" gasses mix and become indistinguishable; that the precise scope of SoCalGas' ownership interests is unknown and should be clarified through deeds, etc.; that SoCalGas is violating a conditional use permit issued by Los Angeles; and that SoCalGas is refusing to undertake common-sense monitoring and mitigation measures that its own experts recommend and that it previously promised to undertake. GR claims SoCalGas' property rights arguments are not exceptionally relevant, since it believes SoCalGas' current activities are creating the environmental consequences it is observing and seeking to mitigate.

From a basic property rights perspective, SoCalGas has the better argument, in that the mere ownership of mineral rights does not make it responsible for naturally occurring gas migration or other events that are in fact not causally connected to the utility's activities. SoCalGas appears willing to take responsibility for the actual consequences of its actions, and wary of undertaking new actions that could, arguably, in some situations create new sources of potential legal liability.

GR's position has merit to the extent it notes that SoCalGas must take responsibility for, and seek to mitigate, any consequences that do in fact directly or indirectly result from the utility's gas storage field activities. This position is consistent with that taken by SoCalGas. But the existence of environmental harm resulting from SoCalGas' current activities is not clear on this record. The multitude of environmental assessments conducted by the Commission do not draw the clear link between SoCalGas' activities and the possibly migrating gas that GR contends is obvious even to the utility's own employees. And GR's attempt to involve the Commission in the enforcement of a Los Angeles Conditional Use Permit is misplaced. Any remedy for any actual permit violation lies with the entity that issued the permit, or the courts empowered to review any such alleged violation.

275102

The Commission's abstract evaluation of opposing property rights arguments does not appear critical to the resolution of this complaint proceeding. As noted in *Camp Meeker Water System, Inc. v. Public Utilities Commission* (1990) 51 Cal. 3d 845, 849-850, the Commission may construe deeds conveying real property and easements for the purpose of ascertaining facts relevant to its regulatory responsibilities, but does not have the power courts do to adjudicate incidents of title. In the Camp Meeker proceeding, the Commission construed deeds that conveyed real property and easements to determine facts relevant to a ratemaking proceeding, not for the purpose of resolving disputes between parties claiming rights under the deeds or to enforce rights conveyed under the deeds.

The heart of this complaint, as relevant to the Commission's authority, appears to be GR's desire that the Commission order SoCalGas to undertake monitoring, mitigation, and warning activities over a wide swath of property overlying and/or surrounding SoCalGas' gas storage facilities in order to allay the hazards associated with the utility's current and future gas storage activities, and SoCalGas' desire to avoid becoming engaged in new activities that may subject it to new legal liability, when it believes it is already taking full responsibility for its actual activities.

If GR were correct in its assumption that SoCalGas' current or anticipated future activities, especially its high pressurization of storage fields in a region replete with abandoned wells (some of which are in various stages of deterioration) is creating interactions with "native" gases that create underground gas migrations or surface venting of gases that would not otherwise take place, then the imposition of monitoring and mitigation requirements would be reasonable, since those monitoring and mitigation activities would then be directly associated with SoCalGas' utility activities. SoCalGas' legal argument that such activities would place it conflict with surface property owners would then largely fail on a basis suggested by SoCalGas' own briefs.

SoCalGas states that mineral rights are analogous to easements, in that they give the owner the right to do certain things upon the land of another (*e.g.*, the surface owner), just as easements give their owner the right to undertake certain actions on the land burdened by the easement. In *Camp Meeker, supra*, the California Supreme Court noted that "It is axiomatic, as the commission recognized, that an easement conveys rights in and over the land *of another*. 'An easement involves primarily the privilege of doing a certain act on, or to the detriment of, another's property. To the creation of an appurtenant easement, two tenements are necessary, a dominant one in favor of which the obligation exists, and a servient one upon which the obligation rests.' (*Wright v. Best* (1942) 19 Cal.2d 368, 381 ....)" (*Camp Meeker, supra*, 51 Cal. 3d at 865 (emphasis in original).) The Court quoted Civil Code § 806 "The extent of a servitude is determined by the terms of the grant, or the nature of the enjoyment by which it was acquired." and noted that easements created by implication, and express easements when the extent of the easement is in question, are to be measured by such uses as might reasonably have been expected from the future uses of the dominant tenement, assuming that they parties anticipated such uses as might reasonably be required by a normal development of the dominant tenement." (*Camp Meeker, supra*, 51 Cal.3d at 866-867.) Here, the mineral rights owner hold the dominant

tenement – to continue the easement analogy – and the servient tenement owner – the surface landowner – must be held to anticipate that during the extractive process the mineral rights owner might drill or use wells that affect to surface of the land and take other steps necessary to exercise its mineral rights in a safe and effective manner.

Thus, to the extent that SoCalGas' mineral rights give it an easement-like right to do something underground that affects surface lands, it must also give the utility to undertake certain on-the-surface activities related to its exercise of its rights. Just as it has the right to drill wells or undertake other activities to permit it to "capture" the wild natural gas or other mineral resources underground, even though those surface activities may discommode the surface owner to some extent, it would have the right to undertake monitoring activities, or install monitoring sensors, in connection with its exercise of its mineral rights. In such circumstances, the utility would be legally liable for any adverse results of such activities, but no more so than the utility is already liable for activities relating to its underground exercise of its mineral rights.

If GR's assumption that SoCalGas' current or anticipated activities are in fact creating current adverse hazardous consequences for those living aboveground is just plain wrong, then the utility's participation in new monitoring or mitigation procedures unrelated to its actual activities would indeed create a new set of activities that the utility could be held responsible if bad things happened and the occurrence of these bad things could be traced to the negligent conduct of the utility. In a Commission investigation of Southern California Edison's power line safety practices, the Commission made clear that utilities are responsible for constructing maintaining, and operating their facilities safely, including the adequate inspection and monitoring of such facilities in accord with Commission General Orders, other authority, and common sense. (D.04-04-065 (2004) 2004 Cal. PUC LEXIS 207.) While the Commission declined to adopt civil negligence principles as a prerequisite for a finding that a utility violated Commission rules, it recognized that in tort proceedings utilities may in some circumstances be found negligent *per se* if they violated government adopted safety rules. It would not serve the utility, its ratepayers, or the Commission, well if the Commission created a truly unnecessary new set of extensive regulatory obligations that could then be held against the utility in expensive litigation.

The seemingly obviously ambiguous nature of gas migration in the Playa Del Rey region suggests the wisdom of great caution in establishing hard and fast new and extensive monitoring, mitigation, and warning requirements of the type advocated by GR. If the Commission's own extensive record of scientific research concerning gas migration and venting issues at Play Del Rey produced more of a smoking gun pointing from SoCalGas' actual activities, there would be little question that extensive monitoring and other mitigation activities would be necessary and appropriate, and well within the Commission's right to impose under Public Utilities Code §§ 762, 768, and so on.

On the other hand, it appears equally obvious that SoCalGas should continue to engage in adequate monitoring and mitigation procedures to ensure that its actual activities are not, and do

not in the future become a source of hazardous gas emissions or other dangers to people and property. As the utility notes, it is already fully legally liable for the consequences of its own actions, and must not be negligent in taking all reasonable steps necessary to avoid personal injuries and other adverse consequences that could result from failure to undertake those activities responsibly.

A final equally obvious issue is the ever-changing nature of the world in which we live. It is at least conceivable that local earthquakes, human activities; and changes in SoCalGas' own activities could, ins some circumstances, independently operate or combine to create new hazardous situations where none currently exist. Again, the Commission assumes that SoCalGas' common-sense will continue to dictate a degree of monitoring adequate to detect any such future hazards as they arise. There very real and current legal liability SoCalGas confronts when undertaking its utility operations should act as an adequate incentive for some future monitoring activities.

Thus, we decline to impose new and extensive monitoring, mitigation, and warning requirements on SoCalGas at this point, given the paucity of convincing evidence that its current activities are creating real hazards of the type argued by GR and the possibility that such activities could subject SoCalGas to substantial new liability unassociated with the utility's current activities. We strongly admonish SoCalGas, however, to make certain it conducts its operations safely and takes all reasonable steps necessary to make sure its activities continue to impose no adverse impacts on humans and the environment.

Form 56—2M—4-54

BEFORE THE CITY PLANNING COMMISSION

Los Angeles, California

SUMMARY OF PUBLIC HEARING

City Plan Case No. 6162

Applicant Southern California Gas Co.

Decision Date: April 7, 1955
Hearing Date: March 15, 1955
Planning Examiner: J. Harry Jobe
Place of Hearing: Room 150, City Hall
Los Angeles, California

Request: For permission to establish and maintain a plant for the storage and distribution of gas, including the injection and withdrawal of gas by means of compressor engines, to construct an office building, parking lot and garage and other incidental uses in connection with such plant, to construct tanks for the treatment and separation of oil and water and for storage purposes, to operate and redrill certain wells for the injection and withdrawal of gas and to drill new wells for such purpose, and to install and maintain pipe lines for the transportation of gas

(Cont'd on Page 2)

Appearing in Favor:

Several representatives of the applicant company, including a consulting petroleum engineer.

Appearing in Opposition:

The attorney for the Civic Union of Playa del Rey, and approximately 22 other persons from the area appeared in conditional objection. An attorney for the Hughes Tool Co. appeared on a similar basis also.

Written Communications in Favor:

The applicant company submitted communications and reports from the Public Utilities Commission, State of California, 2 communications from an engineer and sound consultant.

Written Communications in Opposition:

Five communications have been received.

SPECIAL COMMUNICATIONS: Communications have been received from the Illinois Institute of Technology and from the Armour Research Foundation.

Testimony in Favor:

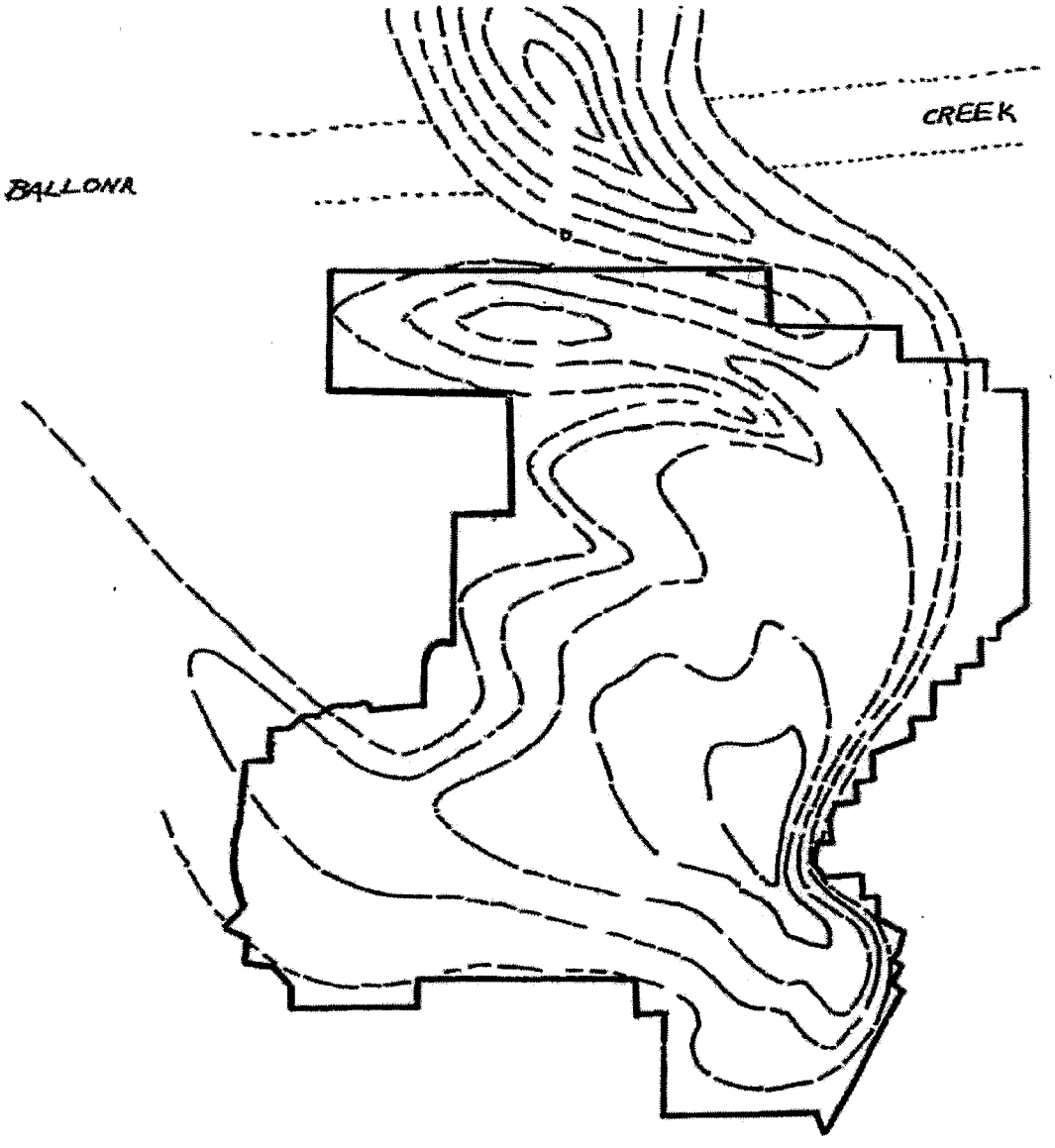
See reporter's transcript of the public hearing.

TESTIMONY IN OPPOSITION:

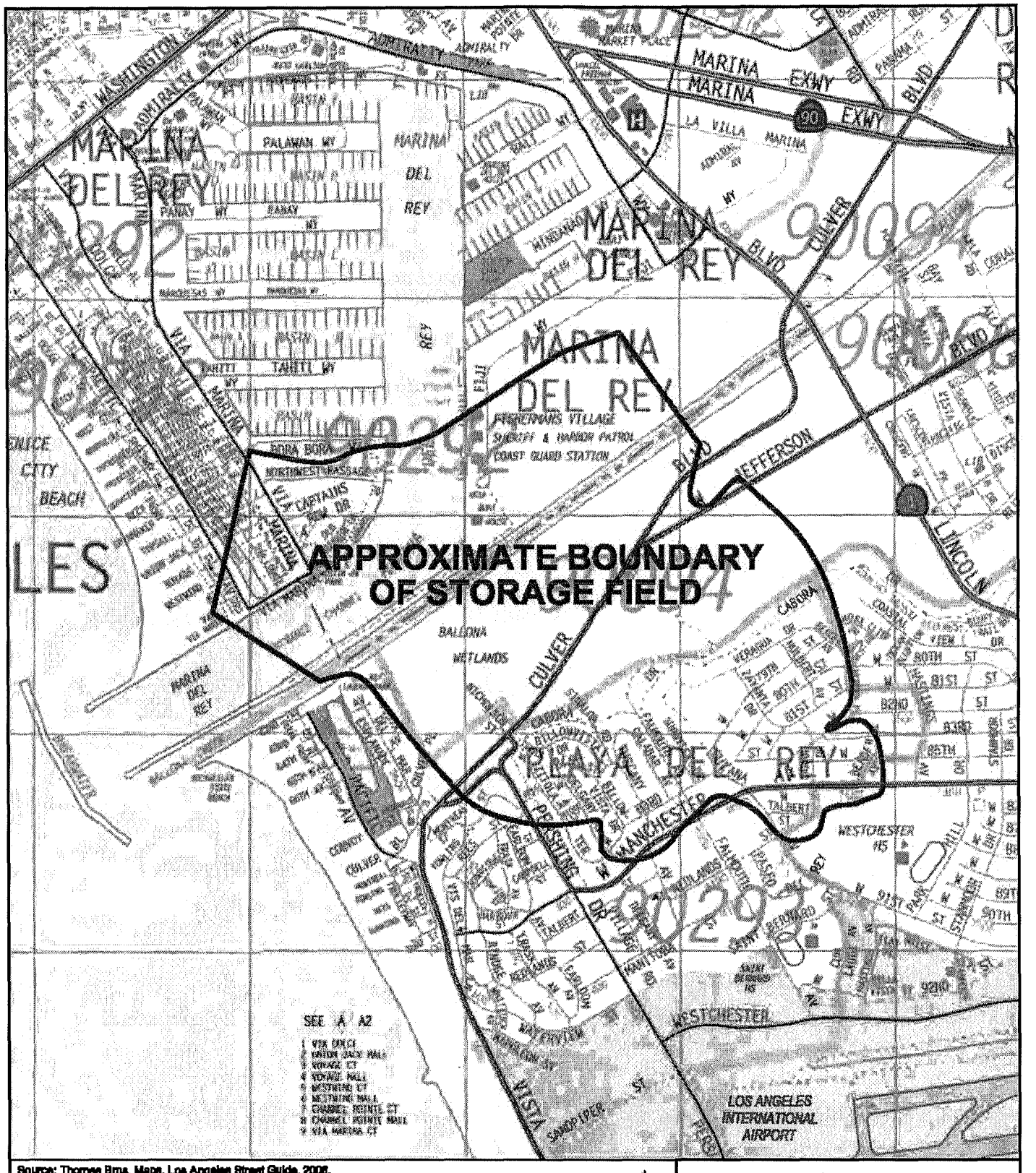
See reporter's transcript of the public hearing.

EXAMINER'S CONCLUSION AND RECOMMENDATION:

The property involved in this request comprises almost half of a 240-acre area which extends northerly of the City limits into County unincorporated territory, to the northwest. The mineral



LA CITY CONDITIONAL USE PERMIT
CPUC APPROVAL
240 ACRES



Source: Thomas Bros. Maps, Los Angeles Street Guide, 2008.

Note: Limits of approximate boundary of storage field provided by SoCal Gas on 10/14/2009.

0 1600' 3200'

Scale in Feet

N

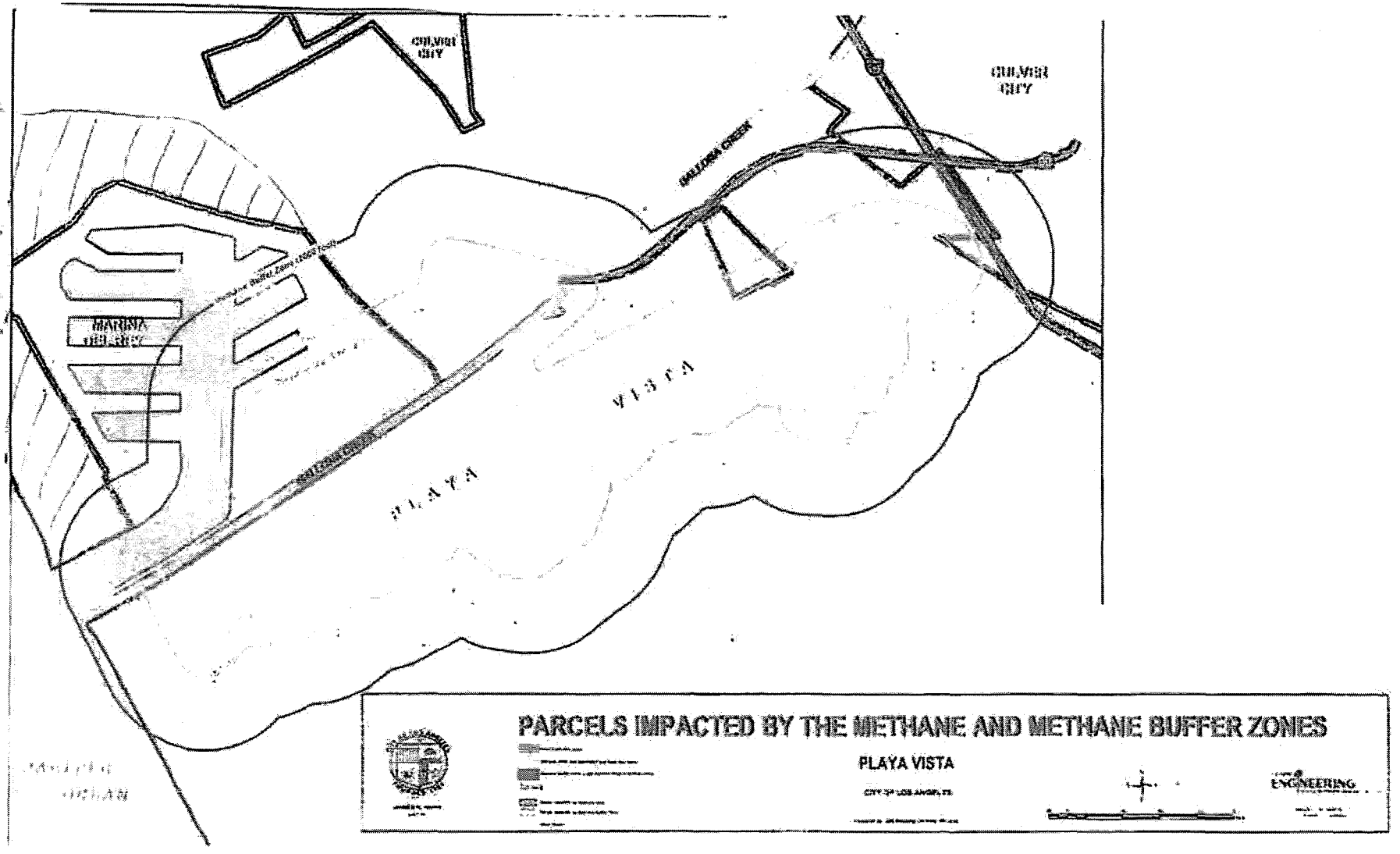
URS Corporation

SITE PLAN

Proj. No.: 29668871	Date: MAR 2009
Project: SoCal Gas Playa Del Rey Storage Facility	Figure: 2

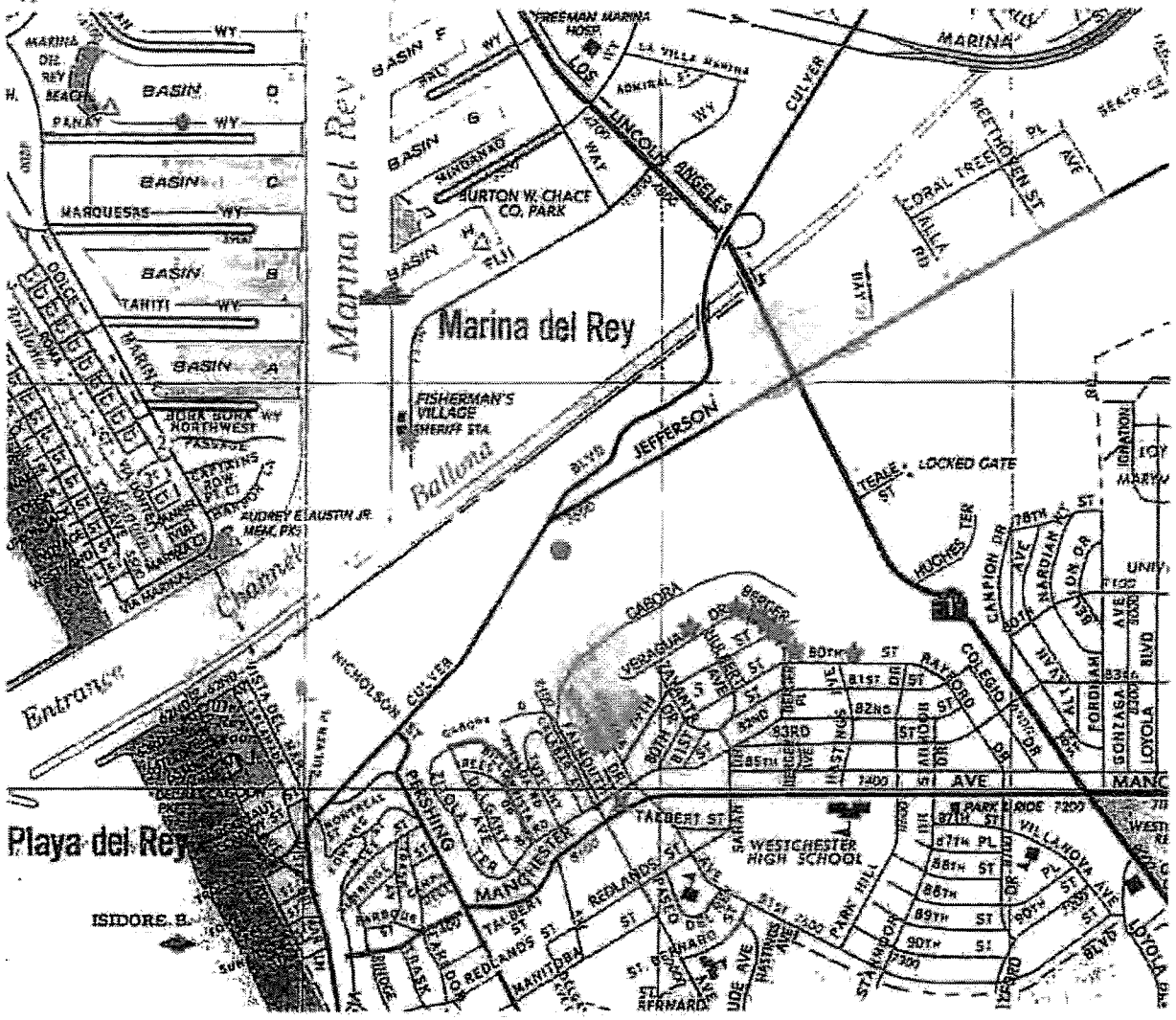
T:\2009\29668871 Playa Del Rey\Work Plan\Figures\Fac Loc Map And Site Plan.dwg , File date: 10/20/2009 2:51 PM, Print date: 10/20/2009 2:52 PM by: Gabriel Nagrala

See City Wide Methane Map



Source: The California Public Utilities Commission – Safety Branch Investigation

Playa del Rey 851 Application and Complaint Case
Approximate Locations of Facilities and Complaints



SOURCE: Automobile Club of Southern California 1997 and MHA Environmental Consulting Inc.

Legend

- SCG Facility
- Gas Storage
- Playa Vista
- Odor, health and cancer complaints as a result of emissions from the gas facility
- H_2S cloud exposure, health complaint
- Cancer, health complaints as a result of emissions from a well
- Subsidence complaint
- Odor, respiratory complaints from emissions in the wetlands
- Reported cancer cluster on Billowvista

Problematic wells

1. Playa del Rey 18
2. Townsite 2
3. Townsite 3
4. Block 11
5. Big Ben 1

1000 ft

N

USEPA “Notification of Potential Enforcement” to Rancho LPG

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

MAR 14 2013

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

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

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

Dear Mr. Puckett:

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

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

Specifically, the anticipated allegations against the Companies include:

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

2. The Companies failed to adequately evaluate potential seismic stresses on the support structure for the emergency flare in accordance with design codes. As a consequence, the Companies violated Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. § 68.65(a) and(d)(2-3), which requires that the owner or operator ensure that complete process safety information is compiled on the technology of the process and that the equipment complies with recognized and generally accepted good engineering practices.

3. The Companies did not appropriately address the consequences of a loss of the city water system for fire suppression in the event of an earthquake. This omission is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. § 68.67(c)(4), which requires that the owner or operator address the consequences of the failure of engineering and administrative controls in the process hazard analysis.

4. The Companies failed to internally inspect Tank 1 according to a timetable set forth in API Standard 653, in violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. § 68.73(d)(2), which require that the owner or operator ensure that inspection and testing procedures follow recognized and generally accepted good engineering practices.

5. The Facility's emergency response plan identified the facility as a responding facility for which employees will take response action in the event of a release, per 40 C.F.R. 68.90(a). However, the Facility's emergency response plan developed under paragraph (a)(1) of that part was not coordinated with the community emergency response plan developed under 42 U.S.C. 11003. In addition, the Facility Manager and employees stated to EPA that they are not emergency responders for the Facility, but are only authorized to take life safety and evacuation actions. The Companies failed to develop and implement an emergency response program for the purpose of protecting public health and the environment, including at a minimum, procedures for informing the public and emergency response agencies in the event of a release. The Facility failed to clearly indicate to their own employees whether they would be emergency responders or would evacuate. This is in violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. § 68.95(a)(1)(i), which requires an owner or operator to develop and implement an emergency response program including a plan that shall be maintained at the stationary source and contain procedures for informing the public and local emergency response agencies about accidental releases.

6. The Companies failed to ensure that the drain pipe located in the base of the containment basin and the valve located near Gaffey Street were included in the mechanical integrity program. This is in violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. § 68.73(d), which requires inspection and testing procedures to follow recognized and generally accepted good engineering practices.

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

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

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

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

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

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[1] http://www.epa.gov/compliance/resources/policies/civil/seps/fnlsup-hermn-mem.pdf, and http://cfpub.epa.gov/compliance/resources/policies/civil/seps/.

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

Thank you for your prompt attention to this matter.

Sincerely,

Daniel A. Meer, Assistant Director
Superfund Division

Enclosures:
Final CAA §112(r) Combined Enforcement Policy

cc (w/enclosures):
T. Puckett, Plains LPG Services, LLC, Houston, TX
M. Wesling, U.S. EPA Region IX
A. Helmlinger, U.S. EPA Region IX

ENCLOSURE

INSTRUCTIONS

1. Please provide a separate response to each request, and identify each response by the number of the request to which it corresponds. For each document produced, identify the request to which it is responsive.

2. Knowledge or information that has not been memorialized in any document, but is nonetheless responsive to a request, must be provided in a narrative form.

3. The scope of this Information Request includes all information and documents obtained or independently developed by the Companies, their attorneys, consultants or any of their agents, consultants, or employees.

4. The Companies may not withhold any information from EPA on the grounds that it is confidential business information. EPA has promulgated regulations, under 40 C.F.R. Part 2, Subpart B, to protect confidential business information that it receives. The Companies may assert a business confidentiality claim (in the manner specified in 40 C.F.R. § 2.203(b)) for all or part of the information requested by EPA. However, business information is entitled to confidential treatment only if it satisfies the criteria set forth in 40 C.F.R. § 2.208. EPA will disclose business information entitled to confidential treatment only as authorized by 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies the information at the time EPA receives it, EPA may make it available to the public without further notice.

5. Notice is hereby given, pursuant to 40 C.F.R. § 2.310(h), that EPA may disclose confidential information provided by the Companies to EPA's authorized representatives, including its contractor, Science Applications International Corporation ("SAIC"). Confidential information may be disclosed to EPA's authorized representatives for the following reasons: to assist with document handling, inventory and indexing; to assist with document review and analysis for verification of completeness; and to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. § 2.310(h), the Companies may submit, along with its response to this Information Request, any comments regarding EPA's disclosure of confidential information to its authorized representatives.

6. If information or documents not known or available to the Companies at the time of any response to this Information Request later become known or available to it, it must supplement its response to EPA. Moreover, should the Companies find at any time after the submission of any response that any portion of the submitted information is false or misrepresents the truth, the Companies must notify EPA as soon as possible and provide EPA with a corrected response.

7. If information responsive to a request is not in the Companies' possession, custody, or control, identify the persons or entities from whom such information may be obtained. For each individual or entity that possesses responsive information, please provide the following: name, last known or current address, telephone number, and affiliation with the Companies or the Facility.

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

INFORMATION REQUEST

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

2. Provide a statement and supporting documentation indicating the Companies' present net worth.

LA *Times* and *Daily Breeze* articles regarding
USEPA notice to Rancho LPG facility

latimes.com/news/local/la-me-epa-suit-20130318,0,5593381.story

latimes.com

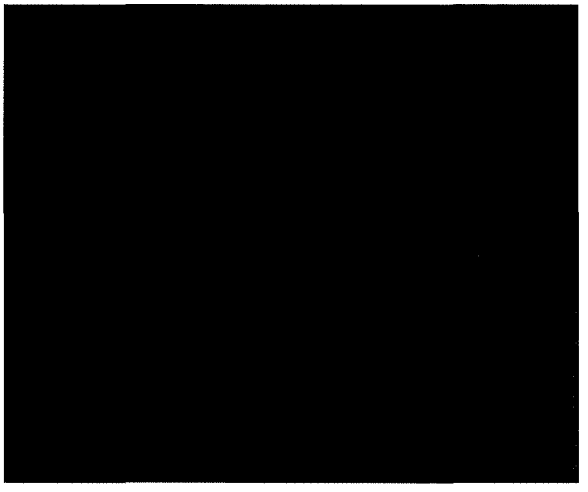
EPA threatens to sue fuel-storage facility in San Pedro

The 40-year-old tank farm holds up to 25 million gallons of flammable butane. The EPA says it wants to make sure the facility is following a federal safety law.

By Louis Sahagun, Los Angeles Times

2:56 AM PDT, March 18, 2013

advertisement



The U.S. Environmental Protection Agency has notified the owners of a 40-year-old San Pedro tank farm, which has up to 25 million gallons of highly flammable butane, that it is prepared to sue to ensure compliance with federal law.

The formal notification of potential federal enforcement against the San Pedro Terminal, owned by Plains LPG Services and operated by Rancho LPG Holdings, was based on investigations of the facility, EPA officials said Saturday. The terminal, perched on a hill, is one of the largest and oldest aboveground fuel-storage facilities of its kind in the country.

"We are not aware of any previous state or federal enforcement action against the facility," said Dan Meer, assistant director of the superfund division in EPA Region 9.

The owner of the storage facility was not immediately available for comment.

One of the EPA's chief concerns is that the facility allegedly has not addressed the consequences of a loss of city water for fire suppression in the event of an earthquake, Meer said.

The EPA said the omission is in violation of a federal law requiring owners and operators to design and maintain a safe facility by taking steps necessary to prevent releases and minimize the consequences of accidental releases of hazardous substances.

Neighbors and public officials have complained for decades that the collection of domed, 80-foot-tall tanks had the makings of a potential catastrophe.

"We are delighted with the EPA's action," said Janet Schaaf-Gunter of San Pedro and Peninsula Homeowners United. "That facility is far more dangerous today than it ever was because it sits on a 40-year-old infrastructure."

In 2011, Rancho LPG Holdings said its tanks were well-maintained and equipped with an array of safety measures, including monitors, sprinkler systems, automatic shut-off valves and dikes to contain a gas spill.

They also noted that homes, built before the tanks, are located about 1,000 feet from the site.

Failure to comply with federal regulations could result in enforcement actions, including civil and administrative penalties of up to $37,500 per day of noncompliance, according to the notice sent to the facility Thursday.

louis.sahagun@latimes.com

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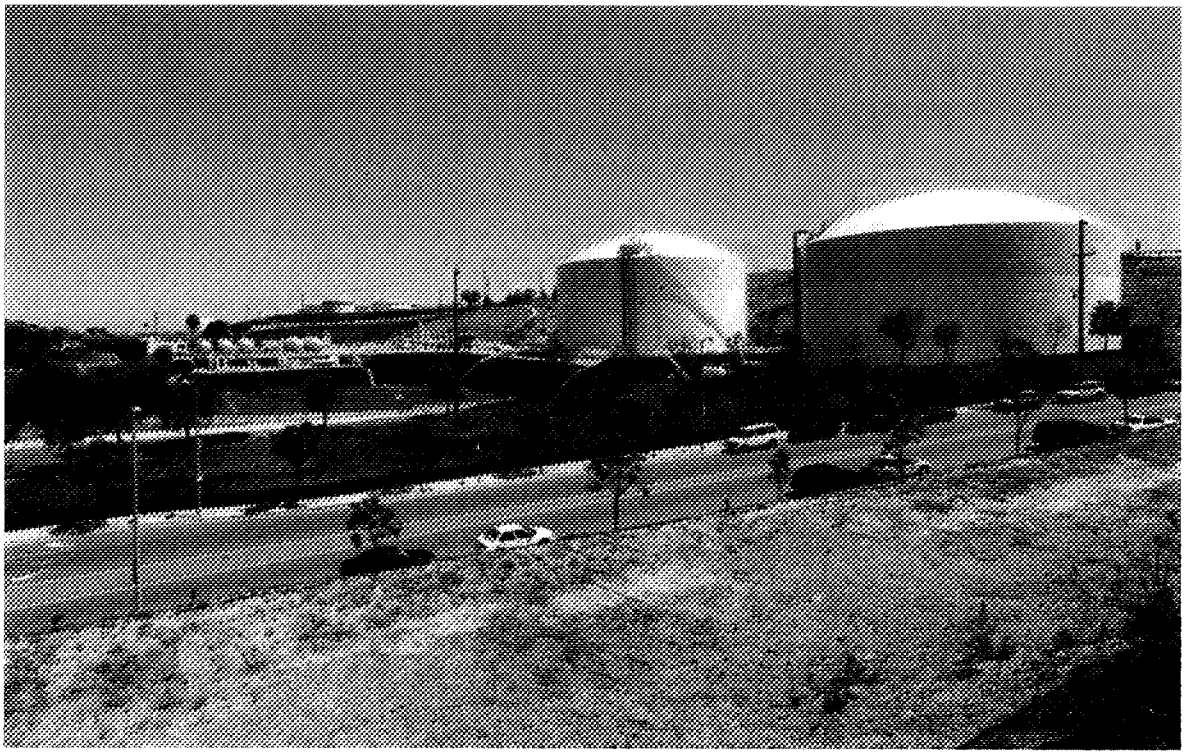

The EPA is concerned one of the nation's largest above ground storage facilities for liquefied petroleum gas in San Pedro is concerned the facility does not have ready access to water to put out a fire in the case of an earthquake. (Christina House, For the Times / August 1, 2011)

EPA: San Pedro petroleum storage facility might violate environmental law

By Brian Sumers brian.sumers@dailybreeze.com @briansumers on Twitter Daily Breeze
Posted:

DailyBreeze.com

A San Pedro petroleum products storage facility might not be in compliance with environmental regulations, according to a letter released by the San Francisco office of the U.S. Environmental Protection Agency.

The letter threatens Rancho LPG Holdings, LLC with civil administration action for a failure to follow the federal Clean Air Act. According to its website, Rancho's facility on Gaffey Street stores butane and propane in two 12.5-million-gallon refrigerated tanks and five 60,000-gallon horizontal storage tanks. The website states the facility has not had a major safety problem in its 38-year history.

Officials with the company, a subsidiary of Houston-based Plains All American Pipeline, LP said they received the letter Monday and are still evaluating it. But spokesman Brad Leone said the company has already moved to fix most of the allegations cited by the EPA.

"We will continue to cooperate with the EPA and other agencies to ensure we remain in compliance with applicable regulations," Leone said in an email.

The EPA's letter to Rancho LPG, dated March 14, accuses the company of several violations found during inspections on April 14, 2010, and Jan. 11, 2011. The investigators found problems with the storage facility's risk management plan, as well as the emergency response plan.

The company also is accused of failing to inspect one of its tanks according to an established timetable. And it was told that it did not adequately have a plan for how it would suppress a fire during an earthquake, if the city's water system malfunctioned.

In the letter, the company was asked to prepare a response by April 15. The EPA expressed its plan to file a complaint by mid-May unless the company can adequately refute the allegations.

Janet Schaaf-Gunter, a San Pedro Peninsula Homeowners United member who for many years has tried to get the facility closed, said she was pleased with the EPA investigation. She said she has long been concerned the facility might be especially dangerous during a natural disaster.

"I think the homeowners are extremely happy about the fact that we have finally gotten the issue on the radar screen of the EPA," she said. "The fact that we are finally seeing a modicum of action it is extremely gratifying. "

Community e-mail responses to USEPA notice to Rancho LPG facility

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Friday, March 15, 2013 9:50 PM
To: igornla@cox.net; dwgkaw@hotmail.com; Kit Fox; marciesmiller@sbcglobal.net; burling102@aol.com; pmwarren@cox.net; diananave@gmail.com; overbid2002@yahoo.com; mandm8602@att.net; dlrivera@prodigy.net; peter.burmeister@sbcglobal.net; lljonesin33@yahoo.com; owsqueen@yahoo.com; fbmjet@aol.com
Cc: Donna.Littlejohn@DailyBreeze.com
Subject: Fwd: Rancho LPG Facility in San Pedro, CA - Executed EPA Show Cause Letter to Rancho LPG Holdings, Inc.
Attachments: Rancho_LPG_-_EPA_Show_Cause_Letter.pdf

FINALLY....FINALLY....FINALLY!!! We are only scratching the surface.....please....let's move together on this forcefully and united.

-----Original Message-----
From: Wilensky, Aaron <Aaron.Wilensky@mail.house.gov>
To: connie <connie@rutter.us>; arriane5 <arriane5@aol.com>; sphomeunited <sphomeunited@earthlink.net>
Cc: Pinto, Lisa <Lisa.Pinto@mail.house.gov>
Sent: Fri, Mar 15, 2013 4:24 pm
Subject: Rancho LPG Facility in San Pedro, CA - Executed EPA Show Cause Letter to Rancho LPG Holdings, Inc.

Hello Janet, Jeanne, Connie, and Chuck,

We wanted to forward you the above show cause letter from the U.S. EPA for your review.

Sincerely,
Aaron

Aaron Wilensky
Office of Representative Henry A. Waxman (CA-33)
p: 323-651-1040
p: 310-321-7664

Kit Fox

From: Noel Weiss <noelweiss@ca.rr.com>
Sent: Sunday, March 17, 2013 11:02 AM
To: MrEnvirlaw@sbcglobal.net; det310@juno.com; connie@rutter.us; jody.james@sbcglobal.net; marciesmiller@sbcglobal.net; Betwixt1@yahoo.com; tdramsay@gmail.com; Brian Campbell <b.camp@cox.net>; Kit Fox; W.Gunter@sbcglobal.net; wguntersd@gmail.com; brighton224 @gmail.com; adcanizales@yahoo.com; dwgkaw@hotmail.com; igornla@cox.net; chateau4us@att.net; Janet Gunter
Subject: Re: Fwd: story

Another reason for the Port (Harbor Commission) to immediately give 30 days and terminate the rail spur permit until Rancho corrects these problems and provides an adequate amount of insurance to protect the public from all adverse impacts stemming from its operations.

I would encourage everyone to write letters and/or emails to every Port Commissioner asking that the Port take this up immediately.

It would also be terrific if the RPV City Attorney provided a written opinion as to whether the Port has liability to RPV and its residents should the Port fail to do the reasonable thing and direct that its 'tenant' (or permittee) (Rancho) provide an adequate amount of insurance. . . .

The failure of the Port to do so constitutes an indirect subsidy of 'Tidelands Trust Funds' to Rancho's operations. . . which is contrary to the Tidelands Trust Doctrine which says that the funds from Port Operations are supposed to go to service and support Port Operations and not be diverted to support a private enterprise which lends no support to the Port's operations. Included within that subsidy is the low 'rent' which Rancho pays the Port for the permit. . It is far beneath what would constitute a 'fair market value' for the use rights of the Port's rail spur.

Lastly, it would be appreciated if Rancho's City Attorney would also be directed to include in the letter a statement expressing disappointment at Rancho's breach of its promise to provide to RPV full information about the full nature and extent of Rancho's insurance coverage. . . .

If Rancho can breach this simple promise, then how can its word be relied upon, particularly since Rancho has continually (and now it appears falsely) represented that its operations are in keeping with all current legal obligations. These alleged violations go back over two years. . . . .

The fact that the Los Angeles City Attorney has a conflict of interest in representing both the Port and the City also creates an impediment to the solution of this problem. . . . If and to the extent that the RPV City Attorney would or could weigh in on this aspect of the problem, it would also help because the State Bar and/or the State Legislature needs to get involved. . .This ethical violation is prejudicing the ability of the citizens to get a fair, direct, honest, open, and transparent discussion of this issue. The Los Angeles City Attorney needs to resign from representing the Port and instead concentrate on representing the interests of the people of Los Angeles, who elect the City Attorney and who pay the City Attorney. This argument assumes that the City of Los Angeles is a public trust and the Municipal Corporation set up in the City Charter is the trustee of the public trust. As the attorney for the trustee, the Los Angeles City Attorney owes a fiduciary duty to the people of Los Angeles (the beneficiaries of the public trust). . . which he is violating by his failure to immediately bring a public nuisance abatement lawsuit against Rancho based on these EPA allegations . . . and his failure to insist that any permit given to Rancho by the Port contain provisions which protect the City and its citizens from all damages occasioned by Rancho's operations.

Therefore, if and to the extent RPV'S City Attorney could opine on this issue (and possibly join in a complaint to the state bar over what I contend is an ongoing ethical breach borne out of the LA City Attorney's dual representation of potentially conflicting parties without a formal (informed) waiver by either entity (the Port or the City), it would help move things forward in a positive direction so the City of Los Angeles can obtain the benefit of competent (unconflcted) legal advice on this critically important issue.

With such a letter from RPV'S City Attorney, efforts can then be made to persuade the Los Angeles City Council to finally and meaningfully move on this issue. . . . and to insist that Congressman Waxman and Congresswoman Hahn lead an effort to have the Congressional Port Caucus hold hearings in San Pedro on Rancho and related Port safety issues.

Noel
(310) 822-0239

From: Janet Gunter
Sent: Sunday, March 17, 2013 10:24 AM
To: MrEnvirlaw@sbcglobal.net ; det310@juno.com ; connie@rutter.us ; jody.james@sbcglobal.net ; marciesmiller@sbcglobal.net ; noelweiss@ca.rr.com ; Betwixt1@yahoo.com ; tdramsay@gmail.com ; b.camp@cox.net ; kitf@rpv.com ; W.Gunter@sbcglobal.net ; wguntersd@gmail.com ; brighton224@gmail.com ; adcanizales@yahoo.com ; dwgkaw@hotmail.com ; igornla@cox.net ; chateau4us@att.net
Subject: Fwd: story

I'm almost "giddy". My quotes are lame...but, so happy that we are making some headway. PLEASE...ANYONE WHO CAN....I AM IN VEGAS UNTIL TUESDAY. THE COASTAL NC MEETING IS TOMORROW NIGHT AND RANCHO HAS BEEN INVITED. WE NEED SOME OF OUR TEAM TO BE THERE TO SUPPORT OUR SIDE. Please be there if you can.
Let's keep this ball rolling!
jg

-----Original Message-----
From: Peter Warren <pmwarren@cox.net>
To: Janet Gunter <arriane5@aol.com>
Sent: Sun, Mar 17, 2013 1:09 pm
Subject: Fwd: story

here is a link to what sahagun ran.

best phone for me

310-519-1585

I invited Rancho to CSPNC and PORT.
Port declined.

Times: http://latimesblogs.latimes.com/lanow/2013/03/epa-san-pedro-tank-farm.html

Return to Full List

Tank Farm
Date: 03-16-2013 2:00 PM - Word Count: 673

Tank Farm

Controversial San Pedro LPG Farm Faces Sanctions: EPA

By HANS LAETZ

City News Service

LOS ANGELES (CNS) - Federal regulators have just sided with San Pedro-area activists who claim that a tank farm storing up to 26 million gallons of liquid petroleum gas sits in an earthquake danger zone and is otherwise unsafe.

The Environmental Protection Agency late last week told Plains LPG Services it will soon be sued over alleged violations of Clean Air Act that stem from safety risks at the tank farm.

``This means the beginning of the end for them," said Janet Schaaf-Gunter, leader of the San Pedro Peninsula Homeowners United group. That group has been campaigning for years to shut down the tank farm, which activists contend could trigger an accidental blast with a radius of 3.6 miles.

No one could be reached at Plains LPG's Gaffey Street offices today. The company is owned by a Canadian subsidiary of Plains All American Pipeline in Houston, according to its web site, and no one was available in Texas today.

An EPA notice was served on Plains LPG late last week and obtained by City News Service today. It said the EPA's Superfund Division -- which is in charge of major environmental cleanups -- inspected the tank farm in 2010 and 2011 and found it does not comply with laws that address pollution caused by possible disasters.

Residents have contended that the company's LPG tanks sit in the midst of the Palos Verdes Peninsula Fault's fracture zone, and are in an area that will liquefy and crack in an earthquake. ``The tanks were built 40 years ago to withstand a magnitude 5.5 to 6.0 quake, and we know now that the local fault can generate a 7.3," Schaaf-Gunter told CNS.

The EPA told the company that its mandatory emergency plans did not consider possible seismic stresses on the tanks from the fault. The tanks therefore do not comply with federal laws that require they be built with recognized good engineering practices.

``It is obvious that there is no way they can make that problem safe," Schaaf-Gunter said.

The EPA letter also contends that officials at the tank farm have not worked out plans to coordinate with local firefighters in the event of a problem, have failed to tell its employees whether to fight a fire or evacuate, and has failed to create a way to warn nearby residents of an release of butane gas.

That gas can asphyxiate people, and once diluted by air it can ignite in an explosive, destructive flash.

The company has not set up a plan for firefighting if city water supplies are cut by an earthquake, the EPA charged. And it failed to consider fire dangers in a rail storage yard, where tanker cars are stored and transfer cargo.

And Plains LPG failed to inspect the insides of one large tank for internal safety, the EPA charged.

The federal notice said Plains will be sued in May unless the company can persuade EPA officials that it has taken mitigation steps since the inspections. The plant was built by a company called Petrolane in the 1970s, and then sold to a company called Amerigas.

Although no one could be reached at the company, it has a web page that says tank construction technology has not changed since the 1970s, and says its tanks are not in an earthquake fault zone.

The company also says it passed 14 safety audits in 2011, is not in a liquefaction zone, and has a maximum ``potential impact zone" of 700 feet.

Schaaf-Gunter said the EPA notice came after years of complaints about the dangers from the plant have been ignored by Los Angeles officials, including Mayor Anthony Villaraigosa and City Attorney Carmen Trutanich.

``We have been dismissed and pretty much sneered at and told that we were inflating things," she said in an interview. ``This is important, because I cannot imagine that (the company) can respond in any way to make this plant safe."

CNS-03-16-2013 14:00

Return to Full List

On Sat, Mar 16, 2013 at 6:32 PM, Hans Laetz <hanslaetz@gmail.com> wrote:
Yes.

Haven't seen it on the web. I'll send you a link when it appears. My boss gets all huffy I send out CNS copy before it's printed somewhere.

On Sat, Mar 16, 2013 at 5:40 PM, Peter Warren <pmwarren@cox.net> wrote:
Hans,
so did you storify that item about Rancho and the EPA letter?
can you send me a copy or link?
peter

--
Standard legal boilerplate: If you are reading this message and you are not the person to whom it was intended, please be aware that reading, forwarding, printing, publishing, broadcasting, web site posting, hyperlinking to, saving to disk, or copying any or all of this file or its contents without my express permission is strictly prohibited by law. This file's contents are confidential, intended only for the use of the recipient named above, and may be legally privileged. If you have received this communication in error, kindly let me know (hanslaetz@gmail.com) and delete the original message and any copy of it from your computer system. This message and attachments are (c) 2005-2013 by Hans Laetz, and all rights are reserved. Thank you.

--
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Notice of Decision for parcel map associated with
Marymount College San Pedro Campus project

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

CITY PLANNING COMMISSION
WILLIAM ROSCHEN
PRESIDENT
REGINA M. FREER
VICE-PRESIDENT
SEAN O. BURTON
DIEGO CARDOSO
GEORGE HOVAGUIMIAN
ROBERT LESSIN
DANA M. PERLMAN
BARBARA ROMERO
VACANT

JAMES WILLIAMS
COMMISSION EXECUTIVE ASSISTANT II
(213) 978-1300

CITY OF LOS ANGELES

CALIFORNIA

ANTONIO R. VILLARAIGOSA
MAYOR

City of Rancho Palos Verdes

MAR 18 2013

City Manager's Office

EXECUTIVE OFFICES

MICHAEL J. LOGRANDE
DIRECTOR
(213) 978-1271

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DEPUTY DIRECTOR
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(213) 978-1274

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DEPUTY DIRECTOR
(213) 978-1273

FAX: (213) 978-1275

INFORMATION
www.planning.lacity.org

Decision Date: March 15, 2013

Appeal Period Ends: April 1, 2013

James R. Krause (R)
Non-Profit Ventures
4007 Coogan Circle
Culver City, CA 90232

Case No. AA-2011-2479-PMLA
Related Case: CPC-2011-2480-CU
1600 West Palos Verdes Dr N
Wilmington-Harbor City Planning Area
Zone : RD6-1XL
D.M. : 030B193
C. D. : 15
CEQA: ENV-2011-2478-MND
Legal Description: Lot PTH, TRACT Partition of Rancho Palos Verdes

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

This revised map has been filed for merger and one-parcel educational and student/faculty housing subdivision purposes over a parcel of land in the existing RD6-1XL zone. The subdivision layout is generally satisfactory as submitted.

There is an existing sewer located in Palos Verdes Drive North adjoining the subdivision. The construction of house connection sewers will be required to serve the subdivision.

I recommend that the revised Preliminary Parcel Map L.A. No. AA-2011-2974-PMLA stamp dated December 14, 2012, be approved, subject to the following conditions:

1. That Department of Transportation in a letter to Advisory Agency state that they have no objection in merger of an approximately 60-foot wide and variable width strip of land along Palos Verdes Drive North.

2. That in the event a no objection letter has received from the Department of Transportation, then an approximately 60-foot wide and variable width strip of land along Palos Verdes Drive North, a minimum of 2 feet behind the back of the existing walk/bike path be permitted to be merged with the remainder of the subdivision pursuant to Section 66499.20 ½ of the State Government Code, and in addition, the following conditions be executed by the applicant and administrated by the City Engineer:

   a. That consents to the street being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.

   b. That satisfactory arrangement be made with all public utility agencies maintaining existing facilities within the area being merged.

   Note: The Advisory Agency hereby finds that the dedications to be merge are unnecessary for the present or prospective public purposes and all owners of the interest in the real property within the subdivision have or will have consented to the merger prior to the recordation of the final map.

3. That any surcharge fee in connection with the street merger be paid.

4. That a detail survey of the existing walk/bike path be submitted to the City Engineer prior to recordation of the final map to establish the limits of the street merger area and boundary of the final parcel map at a minimum of 2 feet behind the back of the walk/bike path.

5. That two copies of a parking area and driveway plan be submitted to the Harbor District Office of the Bureau of Engineering for review and approval or that a Covenant and Agreement be recorded agreeing to do the same prior to the issuance of a building permit.

6. That the subdivider make a request to the Harbor District Office of the Bureau of Engineering to determine the capacity of the existing sewers in this area.

7. That all the proposed parcel map boundary lines be properly established in accordance with Section 17.07D of the Los Angeles Municipal Code prior to the recordation of the final map satisfactory to the City Engineer.

8. That a fee of $872.00 be paid for review of the revised Preliminary Parcel Map engineering report prior to recordation of the final map.

9. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

   a. Construct the necessary house connections to serve the subdivision.

Any questions regarding this report should 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

10. 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

11. 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

12. A minimum of 60-foot reservoir space be provided between any security gate(s) and the property line.

13. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk.

14. 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.

15. This determination does not include approval of the project'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.

16. 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

17. Submit plot plans for Fire Department review and <u>approval prior to recordation of this Parcel Map Action</u>. Access for Fire Department apparatus and personnel to and into all structures shall be required.

DEPARTMENT OF RECREATION AND PARKS

18. That the Quimby fee be based on the RD Zone.

LOS ANGELES UNIFIED SCHOOL DISTRICT (LAUSD)

19. 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 CONDTIONS

20. 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.

    In the event the subdivider decides not to request a permit before the recordation of the final map, the following statement shall appear on the plan and be recorded as a covenant and agreement satisfactory to the Advisory Agency guaranteeing that:

        i. The planting and irrigation system shall be completed by the developer/builder prior to the close of escrow of each housing unit.

        ii. The developer/builder shall maintain the landscaping and irrigation after completion of the landscape and irrigation installation until close of escrow.

        iii. The developer/builder shall guarantee all trees and irrigation for a period of six (6) months and all other plants for a period of 60 days after landscape and irrigation installation, or close of escrow, whichever comes last.

    d. **Plans.** Prior to the issuance of building permits, detailed development plans, including a project design plan shall be prepared consistent with the Community Plan.

e. **Solar Report.** That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit. **Take out Solar report requirement for any existing buildings to remain.** Map Act 66473.1(d) exempts requirement for existing building when no new structure is added.

f. **Energy Conservation.** That the subdivider consider the use of natural gas and/or solar energy and consult with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.

g. **Air Filtration.** The applicant shall install air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 8 or better in order to reduce the effects of diminished air quality on the occupants of the project.

h. **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.

21. That prior to the issuance of the building permit or the recordation of the final map, a copy of the Conditional Use shall be submitted to the satisfaction of the Advisory Agency.

22. That prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770 and Exhibit CP-6770. M) in a manner satisfactory to the Planning Department requiring the subdivider to identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by **Condition Nos.15** of the Parcel Map approval satisfactory to the Advisory Agency. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, post construction/maintenance) to ensure continued implementation of the above mentioned mitigation items.

23. Prior to recordation of the final map, a Covenant and Agreement be recorded satisfactory to the Advisory Agency, binding the subdivider and all successors to all the environmental mitigation measures stated in the related ENV 2011-2478- MND:

MM-1 Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish,

garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.

MM-2 The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.15.

MM-3 The applicant shall affix or paint a plainly visible sign, on publically accessible portions of the construction barriers, with the following language: "POST NO BILLS".

MM-4 Such language shall appear at intervals of no less than 25 feet along the length of the publically accessible portions of the barrier.

MM-5 The applicant shall be responsible for maintaining the visibility of the required signage and for maintaining the construction barrier free and clear of any unauthorized signs within 48 hours of occurrence.

MM-6 The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.

MM-7 All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.

MM-8 All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.

MM-9 All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.

MM-10 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

MM-11 Trucks having no current hauling activity shall not idle but be turned off.

MM-12 An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety.

MM-13 If any archaeological materials are encountered during the course of project development, all further development activity shall halt.

MM-14 The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist, who

shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.

MM-15 The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.

MM-16 The applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study or report.

MM-17 Project development activities may resume once copies of the archaeological survey, study or report are submitted to: SCCIC Department of Anthropology, McCarthy Hall 477, CSU Fullerton, 800 North State College Boulevard, Fullerton, CA 92834.

MM-18 Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered.

MM-19 A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

MM-20 The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.

MM-21 The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.

MM-22 Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:

a. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.

b. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

MM-23 Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

MM-24 Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.

MM-25 All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site Drip pans or drop clothes shall be used to catch drips and spills.

MM-26 Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.

MM-27 Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.

MM-28 Project applicants are required to implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.

MM-29 Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.

MM-30 Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.

MM-31 Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.

MM-32 Promote natural vegetation by using parking lot islands and other landscaped areas.

MM-33 Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.

MM-34 Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing a rock outlet protection. Rock outlet protection is physical devise composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe-outlet. Inspect, repair, and maintain the outlet protection after each significant rain.

MM-35 All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.

MM-36 Legibility of stencils and signs must be maintained.

MM-37 Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.

MM-38 The storage area must be paved and sufficiently impervious to contain leaks and spills.

MM-39 The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.

MM-40 The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.

MM-41 Trash container areas must have drainage from adjoining roofs and pavement diverted around the area(s).

MM-42 Trash container areas must be screened or walled to prevent off-site transport of trash.

MM-43 Reduce impervious land coverage of parking lot areas.

MM-44 Infiltrate runoff before it reaches the storm drain system.

MM-45 Runoff must be treated prior to release into the storm drain. Three types of treatments are available, (1) dynamic flow separator; (2) a filtration or (3) infiltration. Dynamic flow separator uses hydrodynamic force to remove debris, and oil and grease, and are located underground. Filtration involves catch basins with filter inserts. Filter inserts must be inspected every six months and after major storms, cleaned at least twice a year. Infiltration methods are typically constructed on-site and are determined by various factors such as soil types and groundwater table.

MM-46 Prescriptive Methods detailing BMPs specific to this project category are available. Applicants are encouraged to incorporate the prescriptive methods into the design plans. These Prescriptive Methods can be obtained at the Public Counter or downloaded from the City's website at: www.lastormwater.org. (See Exhibit D).

MM-47 The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

MM-48 Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.

MM-49 Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

MM-50 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

MM-51 Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

MM-52 If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.

MM-53 Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.

MM-54 Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.

MM-55 A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.

MM-56 Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

MM-57 Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.

MM-58 Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

MM-59 Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

MM-60 **(Construction/Demolition)** Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.

MM-61 **(Construction/Demolition)** To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.

MM-62 Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

MM-63 All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle demolition and construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, bricks, metals, wood, and vegetation. Non-recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.

FINDINGS OF FACT (CEQA):

Staff of the Planning Department issued a Mitigated Negative Declaration No. ENV-2011-2478-MND on September 19, 2012, with condition to mitigate environmental impacts associated to the related conditional use permit. On January 14, 2012, staff amended the MND project description to account for the impacts of the proposed re-subdivision and merger. As such, the Advisory Agency certifies that Mitigated Negative Declaration No. ENV-2011-2478-MND, represents the independent Judgment of the lead agency, and determined that the project would not have a significant effect upon the environment.

FINDINGS OF FACT (SUBDIVISION MAP ACT):

In connection with the approval of Parcel Map No. AA-2011-2479-PMLA pursuant to Section 66474 of the State of California Government Code (the Subdivision Map Act), the Advisory Agency of the City of Los Angeles makes the prescribed findings as follows:

(a) PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The adopted Wilmington-Harbor Community Plan designates the 11.66 acre subject property as Low Residential with a corresponding zones of RD6-1XL, OS. A Conditional Use Permit request for a five-phase master plan college campus is being processed concurrently with the above parcel map case. The adopted Plan zone allows for the proposed subdivision. Therefore, as conditioned, the proposed parcel map is consistent with the intent and purpose of the General Plan.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The site is one of many underimproved properties in the vicinity. The development of this parcel is an infill of an otherwise low dense area consisting of educational institutional uses, unimproved open space and residential neighborhoods.

The site is in a hillside mountainous terrain within the Palos Verdes Fault zone, however, is not located in a slope stability study area, high erosion hazard area, or a fault-rupture study zone.

The soils and geology reports for the proposed subdivision were found to be adequate by the Grading Division of the Department of Building and Safety.

The proposed educational campus is consistent with general area and with the intent of the General Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The proposed campus is well suited for the proposed site as it is accessed by Palos Verdes Drive North, a major six-lane arterial roadway. Campus housing Is separated from the existing residential neighborhood to the north by over 200 Feet and is self-contained as an educational institutions in its own park setting.

Directly to the east of the project will be Rolling Hills Preparatory School, an abutting neighbor, which will serve Pre-K through Grade 12 students. Together, the two institutions will provide the pre-school through graduate educational components of the educational park plan developed by the City of Los Angeles, San Pedro Area Reuse Committee (SPARC), and approved by the Los Angeles Planning Commission.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

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 site is well suited for the proposed campus as it is accessed by Palos Verdes Drive North, a major six-lane arterial roadway. Campus housing will be separated from existing residential neighborhoods to the north by 200 feet and will be self-contained as an educational institution in its own park setting.

To the east border is the Rolling Hills Preparatory School, an abutting neighbor that will serve Pre-K through Grade 12. The entire southern boundary of the campus faces 400 acres of federal fuel storage depot, essentially unimproved open space. On the Western border is a regional facility for the Los Angeles City Department of Recreation and Parks.

The site is of sufficient size for an education park and the density is consistent with that of adjoining land uses.

(e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Initial Study prepared for the project identifies no potential adverse impact on fish or wildlife resources, as far as earth, air, water, plant life, and risk of upset are concerned,

Although the Initial Study did find that the project potentially could have significant impacts on the environment. However, the measures prescribed as part of this approval will satisfactorily mitigate the above mentioned impacts to a less than significant level.

(f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There are no apparent health problems that might be caused by the design or construction of the proposed education campus. The Bureau of Engineering has reported than existing sanitary sewer is available under Palos Verdes Drive North adjoining the subdivision. This development is required to be connected to the City's sewer system where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards.

(g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.
No such easements are known to exist. However, needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed Parcel Map.

Figueroa Plaza
201 N. Figueroa Street, 4th 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.

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. MAR 15 2016.

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

JIM TOKUNAGA
Deputy Advisory Agency

ML:JT:DW:thb

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)

Notice of Availability and Executive Summary for
draft PEIR for Port Master Plan Update

RECEIVED
FEB 26 2013
COMMUNITY DEVELOPMENT DEPARTMENT

THE PORT OF LOS ANGELES
425 S. Palos Verdes Street Post Office Box 151 San Pedro, CA 90733-0151 TEL/TDD 310 SEA-PORT www.portoflosangeles.org

Antonio R. Villaraigosa | Mayor, City of Los Angeles
Board of Harbor Commissioners | Cindy Miscikowski, President | David Arian, Vice President | Robin M. Kramer | Douglas P. Krause | Sung Won Sohn, Ph.D.
Geraldine Knatz, Ph.D. | Executive Director

February 21, 2012

SUBJECT: NOTICE OF AVAILABILITY OF DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR) FOR THE PORT MASTER PLAN UPDATE

The City of Los Angeles Harbor Department (LAHD) has prepared a Draft Program Environmental Impact Report (PEIR) for the following program:

Port Master Plan Update (PMPU or proposed Program)

The Draft PEIR is included for your review, in accordance with current City of Los Angeles Guidelines for the Implementation of the California Environmental Quality Act (CEQA) of 1970, Article I; the State CEQA Guidelines, Article 7, Sections 15086-15087; and the California Public Resources Code Section 21153.

The PMPU area includes facilities and sites that are identified on the State of California Hazardous Waste and Substances Site List (also known as the Cortese List, Government Code 65962.5).

Availability:

The Draft PEIR is available for review at: Los Angeles Public Library, Central Branch, 630 West 5th Street, Los Angeles, California 90071; Los Angeles Public Library, San Pedro Branch, 931 South Gaffey Street, San Pedro, California 90731; Los Angeles Public Library, Wilmington Branch, 1300 North Avalon, Wilmington, California 90744; and the LAHD Environmental Management Division, 222 West 6th Street, San Pedro, California 90731.

The Draft PEIR is also available on the LAHD website: http://www.portoflosangeles.org. A limited number of hard copies of the Draft PEIR are also available at the LAHD Environmental Management Division offices to purchase and is available on CD for no charge.

Public Meeting:

The Port will conduct a public meeting to receive comments on the Draft PEIR on March 13, 2013 from 6:00 to 8:00 pm at Banning's Landing Community Center, 100 E. Water Street, Wilmington, California 90744. Participation at the meeting by federal, state, and local agencies and other interested organizations and persons is encouraged. The meeting will be conducted in English with simultaneous English/Spanish translation services available.

Comments:

Written comments on the Draft PEIR can be submitted until April 8, 2013 and should be sent to:

Christopher Cannon
Director of Environmental Management
Los Angeles Harbor Department
425 South Palos Verdes Street
San Pedro, California 90731

Comment may also be sent via email to ceqacomments@portla.org. Please remember to:

- Send your comments in letter format as an attachment to the email;
- Include a mailing address in the comment letter; and,
- Include "Port Master Plan Update" in the email subject line.

For additional information, please contact the LAHD Environmental Management Division at (310) 732-3675. Information regarding the PMPU planning process and public hearing is available on the LAHD website: http://www.portoflosangeles.org/planning/update.asp.

Sincerely,

CHRISTOPHER CANNON
Director of Environmental Management

ADP No.: 110518-060

Enclosure

ES

EXECUTIVE SUMMARY

ES.1 Introduction

This Draft Program Environmental Impact Report (PEIR) evaluates environmental impacts related to the Port Master Plan Update (PMPU or proposed Program). The Draft PEIR has been prepared by the Los Angeles Harbor Department (LAHD) as the lead agency pursuant to the California Environmental Quality Act (CEQA) and California Public Resources Code (PRC) Section 21000 *et seq*. A Notice of Preparation (NOP) was prepared pursuant to CEQA (CEQA Guidelines Section 15082) to inform responsible agencies and the public of the LAHD's intention to prepare this Draft PEIR. The NOP included an Initial Study (IS) that described the proposed Program and summarized potential impacts of the proposed Program. The NOP was released for agency and public comment on July 26, 2012, and the comments that were received have informed the preparation of this Draft PEIR.

The PMPU serves as a long-range plan to establish policies and guidelines for future development at the Port of Los Angeles (Port), located in San Pedro Bay approximately 20 miles south of downtown Los Angeles (Figure ES-1). (A copy of the Draft PMPU as it existed at the time of the Draft PEIR is included as Appendix A. The Draft PMPU is subject to modifications; however, no substantial revisions are anticipated at this time.) The PMPU focuses on the portion of the Port that is within the coastal zone (i.e., the Port's coastal zone boundary), as required under the California Coastal Act (CCA) (Figure ES-2). In general, the PMPU area is bounded by the community of Wilmington to the north, lands surrounding the Consolidated Slip to the northeast, the City of Los Angeles boundary and lands surrounding the Cerritos Channel to the east, the Pacific Ocean to the south, and the community of San Pedro to the west.

The Draft PEIR describes the affected resources and evaluates the potential impacts to those resources as a result of implementing the proposed Program, and will be used to inform decision makers and the public about the potential environmental impacts. The PEIR analyzes potential environmental impacts from a Port-wide perspective that is programmatic in nature. Project-specific analysis would be undertaken in environmental documents prepared when the proposed appealable/fill projects are initiated and carried forward for environmental review.

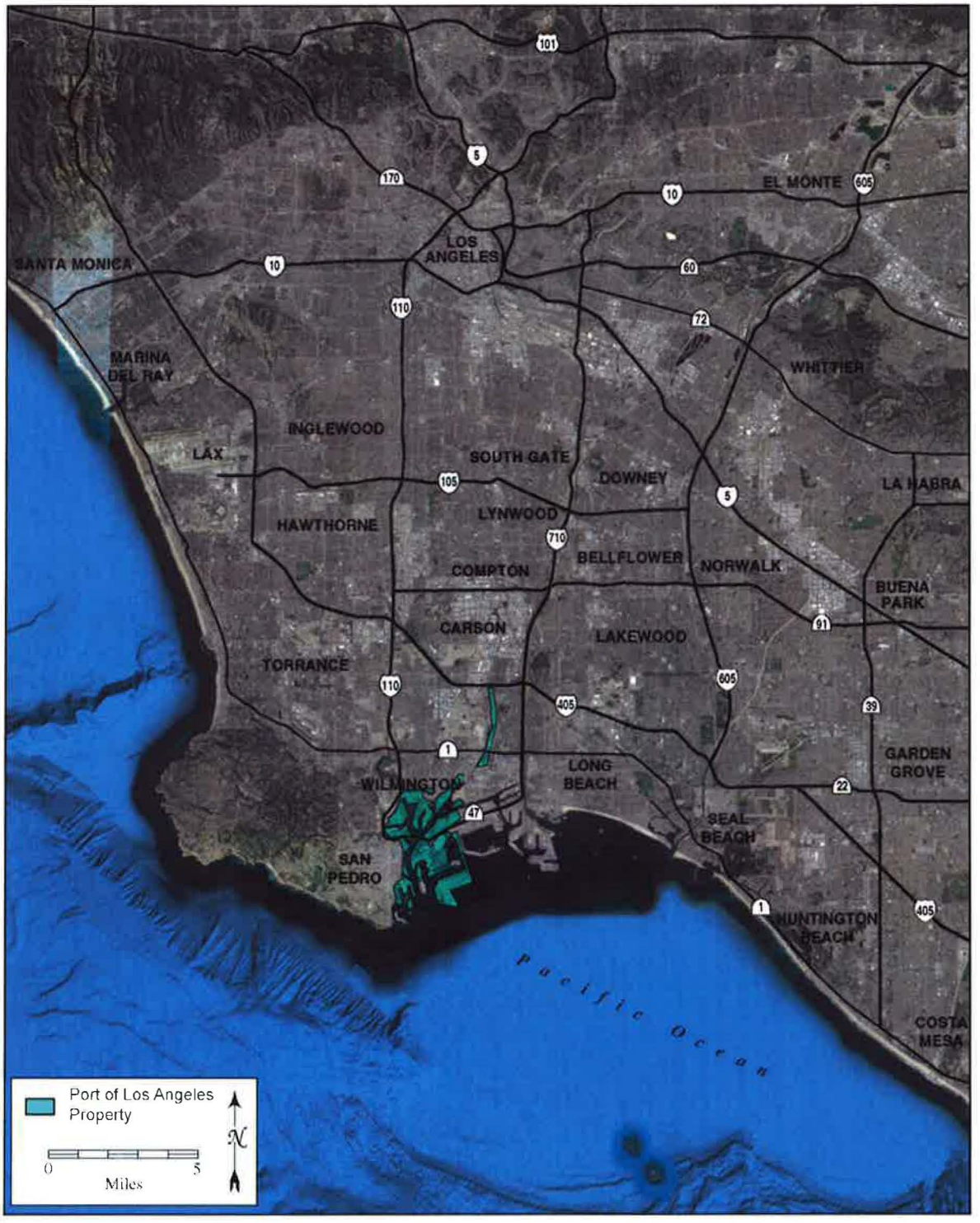

Figure ES-1. Regional Location

1

Figure ES-2. PMPU and Coastal Zone Boundaries

This Executive Summary has been prepared in accordance with CEQA Guidelines Section 15123(b), which states that the Environmental Impact Report (EIR) should contain a brief summary of the proposed actions and its consequences and should identify: 1) each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect; 2) areas of controversy known to the lead agency; and, 3) issues to be resolved including the choice among alternatives and whether or how to mitigate significant effects. The Executive Summary references various chapters and sections in the Draft PEIR where detailed information and analysis can be reviewed.

ES.2 CEQA and the Purpose of a Program EIR

CEQA was enacted by the California Legislature in 1970 and requires public agency decision makers to consider the environmental impacts of their actions. In accordance with CEQA Guidelines Section 15121(a), the purpose of an EIR is to serve as an informational document that "will inform public agency decision-makers and the public generally of the significant environmental impact of a project, identify possible ways to minimize the significant impacts, and describe reasonable alternatives to the project."

Although this proposed Program requires discretionary approval from the LAHD and, therefore, would normally be subject to the requirements of CEQA, a PMP amendment is subject to approval by the California Coastal Commission (CCC), which operates under its own regulatory programs that replace the EIR with a comparable form of environmental review. This Draft PEIR has been prepared in accordance with the requirements of CEQA to assist the CCC in conducting mandated environmental review and is, therefore, considered the appropriate document because it is a type of EIR that is prepared for a series of actions that can be characterized as one large program and that are related as follows, per CEQA Guidelines Section 15168:

- Geographically;
- As logical parts in the chain of contemplated actions;
- In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or,
- As individual activities carried out under the same authorizing statutory or regulatory authority, and having generally similar environmental impacts that can be mitigated in similar ways.

Subsequent activities in the program must be examined in light of the PEIR to determine whether an additional environmental document must be prepared. If a later activity would have impacts that were not examined in the PEIR, a new IS would need to be prepared leading to either an EIR or a Negative Declaration. If the agency finds that no new impacts would occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the PEIR and no new environmental document would be required. An agency should incorporate feasible mitigation measures and alternatives developed in the PEIR into subsequent actions in the program (CEQA Guidelines Section 15168).

The use of a PEIR may serve as a first-tier document for later CEQA review of individual projects included within a program. A PEIR is intended as a process to

simplify the task of preparing subsequent environmental documents (CEQA Guidelines Section 15168). Accordingly, a PEIR can:

- Provide the basis in an IS for determining whether the later activity may have any significant impacts;
- Be incorporated by reference to deal with regional influences, secondary impacts, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole; and/or,
- Focus an EIR on a subsequent project to permit discussion solely of new impacts that had not been considered before.

In general, the LAHD expects that although this PEIR will help focus the review of the proposed appealable/fill projects, most of the projects that are included in this PEIR would require separate environmental documents.

This Draft PEIR is being provided to the public for review and comment, and to assist them in participating in the planning process. After public review and comment, a Final PEIR will be prepared, including responses to comments on the Draft PEIR received from agencies, organizations, and individuals. The Final PEIR will provide the basis for decision making by the CEQA lead agency, as described below, and other responsible agencies.

ES.2.1 Program Purpose and Objectives

The overall purpose of the PMPU is to create a consolidated planning document that clarifies LAHD's short- and long-term plans in an easily accessible manner. The PMPU is needed to update historically outdated language in the 1980 Port Master Plan (PMP), as amended, with policies and guidelines that reflect current community and environmental conditions and account for trends in foreign and domestic waterborne commerce, navigation, and fisheries that influence needs for future development in the Port.

The overall objectives of the PMPU are to:

- Develop the Port in a manner that is consistent with federal, state, county, and city laws, including the CCA and Charter of the City of Los Angeles;
- Integrate economic, engineering, environmental, and safety considerations into the Port development process for measuring the long-term impact of varying development options on the Port's natural and economic environment;
- Promote the orderly, long-term development and growth of the Port by establishing functional areas for Port facilities and operations; and,
- Allow the Port to adapt to changing technology, cargo trends, regulations, and competition from other U.S. and foreign ports.

ES.2.2 CEQA Baseline

CEQA Guidelines state that "an EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the

notice of preparation is published…from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which the Lead Agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project and its alternatives" (CEQA Guidelines Section 15125[a]).

The PEIR must identify significant impacts that would be expected to result from implementation of the PMPU by comparing the proposed Program to a baseline condition. The difference between the proposed Program and the baseline is then compared to a threshold of significance to determine if the difference between the two is considered significant. The baseline normally represents existing conditions in the vicinity of a proposed project as they exist at the time the NOP is published (CEQA Guidelines Section 15125). For the purposes of this PEIR, the baseline is calendar year 2011, the time period which is considered representative of existing conditions and for which the most recent and relevant data are available.

It is important to acknowledge that growth in the port complex will increase substantially by 2035 with or without implementation of the PMPU. Therefore, the cumulative analysis for some resources in Chapter 4.0, Cumulative Analysis, includes a comparison of expected future conditions with and without the PMPU. This comparison is included in the PEIR for informational purposes only and does not constitute the baseline condition by which the LAHD will determine whether an impact is significant.

ES.3 Proposed Program

The PMPU addresses all elements required under CCA Chapter 8, Article 3 (Section 30711[a] and [b]), including permitted uses, design and location of land use areas, estimates of development effects on environmental resources, and anticipated projects listed as appealable.

The PEIR includes the following elements in the program description:

- Changes to the number and boundaries of existing planning areas;
- Changes to existing PMP land use categories;
- Revisions to allowable land uses within the planning areas;
- Descriptions of the proposed appealable/fill projects; and,
- A list of the other projects that have been approved in a certified CEQA document and/or are undefined (i.e., in the conceptual design stage) that are identified for public disclosure purposes consistent with the PMPU.

ES.3.1 Background

LAHD operates the Port under the legal mandates of the Port of Los Angeles Tidelands Trust (Los Angeles City Charter, Article VI, Sec. 601; California Tidelands Trust Act of 1911) and the CCA (PRC Division 20, Section 30700, *et seq.*), which identify the Port and its facilities as a primary economic/coastal resource

of the state and an essential element of the national maritime industry for promotion of commerce, navigation, fisheries, and harbor operations. Activities should be water-dependent and give highest priority to navigation, shipping, and necessary support and access facilities to accommodate the demands of foreign and domestic waterborne commerce. LAHD is chartered to develop and operate the Port to benefit maritime, commercial, navigation, and fishery uses, and functions as a landlord by leasing Port properties to more than 300 tenant businesses.

ES.3.2 Overview

The PMPU would serve as a long-range plan to establish policies and guidelines for future use of Port lands within the coastal zone, as required under the CCA. Port lands outside the coastal zone are not subject to Coastal Development Permits (CDPs), and therefore are not evaluated in the PEIR. The PMPU would also update existing PMP language related to the procedures to approve or deny CDPs, as well as the process to review liquid bulk development proposals.

The PMPU would consolidate areas characterized by predominant land use patterns, thereby reducing the number of planning areas, and would allocate a single allowable land use to most sites. The PMPU includes all required sections under CCA Chapter 8, Article 3 (Section 30711[a] and [b]), including permitted uses, design and location of land use areas, estimates of the effects of development on environmental resources, and anticipated projects listed as appealable. The PMPU would include appealable/fill projects and other projects that have been approved in a certified CEQA document and/or are currently undefined (i.e., in the conceptual design stage). The proposed appealable/fill projects included in the PMPU are in various planning stages and are expected to be initiated or completed within the next 5 years.

This PEIR focuses on land use changes that would result in changes and/or intensification of activities with the potential for impacting the physical environment, as well as the proposed appealable/fill projects, as defined under CCA Section 30715. The PEIR does not analyze the impacts of other projects included in the PMPU that have already been evaluated in a certified CEQA document. Furthermore, since some projects included in the PMPU are in the conceptual design stage, sufficient project details are not available to support a programmatic evaluation of potential impacts. These other projects are listed in the PEIR for purposes of public disclosure and are addressed in Chapter 4.0, Cumulative Analysis.

ES.3.3 Changes to Existing Planning Areas

The PMPU would result in three principal changes to the existing planning areas:

- Consolidate the number of land uses within the planning areas and specify a single land use for most sites;
- Reduce the number of planning areas from nine to five; and,
- Modify the boundaries of the individual planning areas.

The reduction in the number of planning areas is intended to consolidate general areas with predominant land use patterns within the Port. These changes are largely

administrative and would cause no impacts to the physical environment. The locations, acreages, and allowable land uses for the new planning areas are described in Table ES-1. The existing and proposed boundaries for each planning area are shown in Figures ES-3 and ES-4, respectively. Figure ES-5 depicts the allowable land uses within the proposed planning areas.

Table ES-1. Proposed PMPU Planning Areas and Allowable Land Uses

Planning Area	*Location*	*Acreage*	*Allowable Land Uses**
1 (San Pedro)	From the Breakwater up to the Vincent Thomas Bridge	414	Recreational Boating, Commercial, Break Bulk, Open Space, Institutional, Cruise Operations, and Maritime Support
2 (West Basin and Wilmington)	From the Vincent Thomas Bridge to north of the Cerritos Channel	1,095	Container, Open Space, Liquid Bulk, Break Bulk, Dry Bulk, Maritime Support, Recreational Boating, and Commercial
3 (Terminal Island)	Terminal Island, excluding Fish Harbor	2,156	Container, Liquid Bulk, Dry Bulk, Maritime Support, Open Space
4 (Fish Harbor)	Fish Harbor, including former Southwest Marine site	92	Commercial Fishing, Maritime Support, Break Bulk, and Institutional
5 (Water)	All water excluding areas adjacent to marinas	3,211	Navigable Waterways, Maneuvering Areas, Anchorage Areas, and Shallow Water Habitat

Note: *Proposed land uses would be confined to the specific sites identified on the PMPU Land Use Designations Map (Figure ES-5).

ES.3.4 PMPU Land Use Categories

The PMPU land use plan would consolidate the number of land uses within the planning areas and specify a single land use for most sites. For much of the PMPU area, the revised land use categories would be compatible with or less intensive than existing land uses, potentially resulting in fewer impacts to the physical environment compared to existing conditions. The proposed changes to land use categories are listed in Table ES-2.

Table ES-2. Changes in Land Use Categories

Existing PMP Land Use Categories	*PMPU Land Use Categories*	*Comments*
General Cargo	Container Break Bulk Cruise Operations	The General Cargo land use category is divided into three categories to provide more specificity.
Liquid Bulk Other Liquid Bulk	Liquid Bulk	Liquid Bulk and Other Liquid Bulk (nonhazardous) are consolidated into one category.
Dry Bulk	Dry Bulk	No change.
Commercial Fishing	Commercial Fishing	No change.
Recreational	Recreational Boating Open Space	This category is divided to differentiate marinas from parks/beaches due to their different land use and water requirements.
Industrial	Maritime Support	This category is renamed to provide more clarity to the land use description.
Institutional	Institutional	No change.
Commercial	Visitor Serving Commercial	This category is renamed to provide more clarity to the land use description.
Other	N/A	This land use category is no longer needed.

Figure ES-3. Existing PMP Planning Areas

Figure ES-4. Proposed PMPU Planning Areas

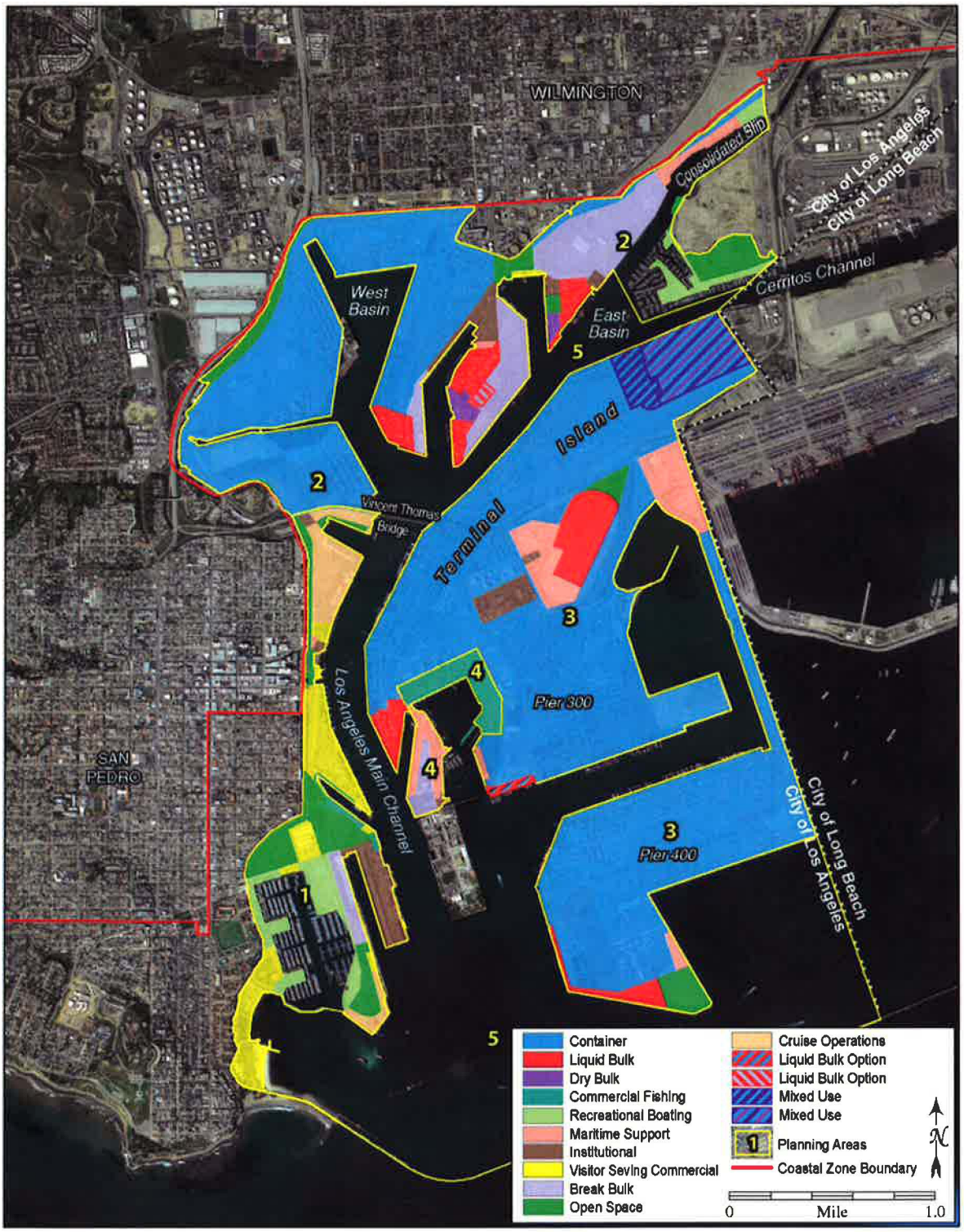

Figure ES-5. Proposed PMPU Land Use Designations

The proposed PMPU land and water use definitions are provided in Table ES-3. The examples of these uses are not comprehensive, but are intended to be illustrative of the types of activities that may occur for the various land and water use categories.

Table ES-3. Proposed PMPU Land and Water Use Definitions

Land Use	*Description*	*Examples*
	Land Use	
Container	Water-dependent uses focused on container cargo handling and movement.	▪ Container Terminal ▪ Chassis Storage ▪ On-Dock Rail Yard ▪ Omni Terminal
Dry Bulk	Water-dependent uses focused on non-containerized, dry bulk cargoes shipped in large, unpackaged amounts.	▪ Cement ▪ Potash and similar ▪ Grain; ▪ Scrap Metal
Break Bulk	Water-dependent uses focused on non-containerized, bulk cargoes packaged as a unit.	▪ Roll-On Roll-Off Cargoes ▪ Steel Slabs ▪ Neo Bulk ▪ Fruit ▪ Automobiles
Cruise Operations	Water-dependent operations focused on cruise operations and passenger handling.	▪ Cruise Facilities ▪ Baggage Handling Facilities
Liquid Bulk	Water-dependent uses focused on storage, receipt, and delivery of liquid bulk commodities.	▪ Crude Oil Terminal ▪ Petroleum Products Terminal ▪ Non-petroleum Products and Other Liquid Bulk Commodities
Maritime Support	Water-dependent and non water-dependent operations necessary to support cargo handling and other maritime activities.	▪ Barge/Tugboat ▪ Boatyard and Ship Repair ▪ Marine Fueling Station ▪ Marine Service Contractors, (e.g., diving, and emergency response services) ▪ Water Taxi ▪ Cargo Fumigation
Commercial Fishing	Facilities related to commercial fishing and processing.	▪ Fish Processing ▪ Cold Storage/Fish Unloading/Ice House ▪ Fishing Vessel Moorage
Recreational Boating	Recreational boating activities generally associated with marinas.	▪ Marinas ▪ Upland Boat Storage
Visitor-Serving Commercial	Visitor serving commercial uses for the public, including museums.	▪ Restaurant ▪ Maritime Related Office ▪ Visitor Serving Retail ▪ Harbor Tour Vessels ▪ Sport Fishing ▪ Museums ▪ Community Centers/Conference Centers
Open Space	Open spaces reserved for the general public such as parks and beaches or open areas reserved for environmental protection.	▪ Public Beaches ▪ Parks ▪ Environmentally Protected Area
Institutional	Uses and facilities operated by government agencies.	▪ Public Safety (Police and Fire) ▪ Other Federal, State, and Local Agencies ▪ Educational ▪ Marine Research Facility

Table ES-3. Proposed PMPU Land and Water Use Definitions

Land Use	*Description*	*Examples*
	Water Use	
Navigation	Water areas devoted to anchorage of vessels, movement and maneuvering of vessels.	▪ Main Channel ▪ East and West Turning Basin
Environmental Mitigation	Water areas dedicated to environmental protection and not suitable for the navigation of cargo moving vessels.	▪ Shallow Water Habitat
Recreational Boating	Water areas associated with the mooring of recreational vessels.	▪ Marina Slip Areas
Berthing	Water areas directly adjacent to cargo berths. These areas are dedicated to the berthing of cargo vessels.	▪ Cargo Berths

LAHD would be responsible for determining the land use category for all projects. Significant deviation from an allowable land use would require an amendment to the PMPU; however, slight boundary modifications would not require an amendment. Projects characterized by ancillary uses that are inconsistent with a site's land use designation would be permitted, but the predominant land use must be consistent with its PMPU land use designation. Determinations of consistency are the responsibility of the LAHD. Temporary permits are not restricted by the land use designations, but applicants must seek approval by the LAHD before activities commence (e.g., Temporary Entry and Access Permits, Filming Permits, etc.). Existing facilities that are not consistent with the land use designation of the PMPU would be a nonconforming use. General maintenance and facility repairs would still be allowed under the PMPU, but proposals for expansions and increases in the intensity of use of such facilities would not be allowed and would require an amendment to the PMPU.

An amendment would be required if a land use is proposed on a site that differs from the PMPU land use plan. Amendments must be certified by the CCC. After an amendment is approved and certified by the CCC, the land use plan would be updated and would supersede the previous version of the PMPU land use plan.

ES.3.5 Changes to Land Uses and Proposed Appealable/Fill Projects within the PMPU Planning Areas

The proposed Program includes land use changes and proposed appealable/fill projects (Table ES-4 and Figures ES-6 and ES-7). The PEIR focuses on land use changes that would result in changes and/or intensification of activities with the potential for impacting the physical environment, as well as the proposed appealable/fill projects, as defined under CCA Section 30715. Appealable projects include: liquefied natural gas and crude oil projects that could have a significant impact on oil and gas supplies; wastewater treatment facilities except those producing incidental amounts associated with Port activities; road or highway projects that are not principally for internal circulation within the Port; office and residential buildings not associated with Port administrative activities; hotels, motels, and shopping facilities not associated with commercial goods for water-oriented purposes; commercial fishing facilities; recreational small craft marina related facilities; oil refineries; and, petrochemical production plants.

Table ES-4. Proposed PMPU Appealable/Fill Projects and Land Use Changes

Planning Area	*Appealable/Fill Project*[a,b]	*Land Use Change*[c]
		Planning Area 1
Planning Area 1: San Pedro	None	None
		Planning Area 2
Planning Area 2: West Basin and Wilmington	Berths 187-189 Liquid Bulk Relocation	1: The liquid bulk terminal at Berths 187-189 (Vopak) would be relocated to Berths 191-194. Berths 187-189 would consist of open space and institutional land uses.
	Yang Ming Terminal Redevelopment, including Cut and Fill (3-acre cut; 6-acre fill)	2: An additional 6 acres of fill at Berths 120-121 and cut of 3 acres of land at Berths 121-127 for the Yang Ming Terminal would be designated as container area.
		3: The liquid bulk facility at Berths 118-120 (Kinder Morgan) would be eliminated and replaced with container cargo uses.
	China Shipping Fill (16-acre fill)	4: An additional 16 acres of fill would be added at Berth 102 for the China Shipping container terminal and designated for container cargo uses.
	None	5: (Optional Land Use Site): Vacant land on Mormon Island between San Clemente Avenue and Hermosa Street would be changed to liquid bulk or break bulk.
		Planning Area 3
Planning Area 3: Terminal Island	Berth 300 Development (18-acre fill)	6: An additional 18 acres of fill would be added at Pier 300 and designated for container cargo uses.
	None	7: (Mixed Land Use Sites): Vacant land at Berths 206-209 would be changed to container, break bulk, and/or dry bulk and dry bulk land at Berths 210-211 would be changed to dry bulk and/or container.
		8: Vacant land between Seaside Avenue and Reeves Avenue and south of Reeves Avenue would be changed to maritime support.
		9: Vacant land along Ferry Street would be changed to maritime support.
		10: The land use consisting of the existing liquid bulk area (ExxonMobil) north of the Terminal Island Water Reclamation Plant (TIWRP) would be replaced with container cargo uses.
		11[d]: The institutional area south of Pier 400 would be changed to open space (least tern habitat).
		12: Existing container area on Pier 400 would be changed to maritime support.
		13: Vacant land, commercial fishing, and industrial areas near Fish Harbor would be changed to container cargo uses.
		14: (Optional Land Use Site); Existing maritime support uses at Berth 301 would be changed to container or liquid bulk.
		Planning Area 4
Planning Area 4: Fish Harbor	Tri Marine Expansion	None
	338 Cannery Street Adaptive Reuse	None
	Al Larson Marina	15: Land use change from recreational boating to maritime support.
	None	16: Vacant land at Southwest Marine Shipyard would be changed to maritime support and break bulk.
		17: Vacant land, commercial fishing, liquid bulk, and institutional land uses at Fish Harbor would be replaced with commercial fishing and maritime support.
		Planning Area 5
Planning Area 5: Water	None	None

Notes:
a. These projects are appealable to the CCC, as defined under CCA Section 30715. Refer to Section ES.3.5, Changes to Land Uses and Proposed Appealable/Fill Projects within the PMPU Planning Areas, for additional details.
b. Proposed fill projects would be consistent with the PMPU, once certified, and would not require an amendment. Appealable/fill projects that would have fill or cut and fill are bolded.
c. Refer to Figure ES-6 (Proposed PMPU Land Use Changes) for the specific locations of the proposed land use changes. The numbers included in this column correspond to the number of the land use change depicted in Figure ES-6.
d. This land use change is administrative because it only changes the definition of the land use; no impacts to the physical environment would occur. Therefore, this land use change is not carried forward for analysis in the PEIR.

Figure ES-6. Proposed PMPU Land Use Changes

Figure ES-7. Proposed PMPU Appealable/Fill Projects

The proposed appealable/fill projects are in various planning stages and are anticipated to be initiated or completed within the next 5 years. Following the completion of project-specific CEQA reviews for the proposed appealable/fill projects, the LAHD would issue CDPs for approved projects. Future environmental documents for the proposed appealable/fill projects would incorporate this PEIR by reference and concentrate on the site-specific issues related to the proposed appealable/fill project at the appropriate phase of the planning process. However, it would not be necessary to seek a PMPU amendment from the CCC regarding the proposed fill projects analyzed herein.

Other projects included in the PMPU that have been approved in a certified CEQA document and/or are currently undefined (i.e., in the conceptual design stage are addressed in Chapter 4.0, Cumulative Analysis, and listed in Table ES-5.

Revisions to allowable land uses and proposed appealable/fill projects for each of the five proposed PMPU planning areas are described below.

Table ES-5. Other PMPU Projects and Land Use Changes[a]

Planning Area	*Other Projects*	*Appealable*	*Land Use Changes*	*Comments*
			Planning Area 1	
Planning Area 1: San Pedro	Outer Harbor Cruise Terminal and Outer Harbor Park	No	Vacant land would be changed to cruise operations and open space.	This project was previously evaluated in the certified San Pedro Waterfront Project EIS/EIR.
	City Dock No. 1 Marine Research Project	No	The break bulk area east of East Channel (Berths 57-71) would be changed to institutional.	This project was previously evaluated in the certified City Dock No. 1 Marine Research Project EIR.
	Ports O'Call Redevelopment	No	Industrial uses along Harbor Boulevard would be changed to commercial.	This project was previously evaluated in the certified San Pedro Waterfront Project EIS/EIR.
	Various	No	A variety of projects occurring along the San Pedro Waterfront have associated land use changes which eliminate industrial land uses and result in increased public access to the waterfront (open spaces), additional visitor-serving commercial development within the Port, and expanded cruise operations.	These land use changes were previously evaluated in the certified San Pedro Waterfront Project EIS/EIR and the certified Cabrillo Marina Phase II Development Project EIR.
			Planning Area 2	
Planning Area 2: West Basin and Wilmington	Wilmington Waterfront Development Project	No	Institutional and industrial areas near Wilmington (north of Berths 184-185) would be changed to open space.	This project was previously evaluated in the certified Wilmington Waterfront Development Project EIS/EIR.

Table ES-5. Other PMPU Projects and Land Use Changes[a]

Planning Area	*Other Projects*	*Appealable*	*Land Use Changes*	*Comments*
	Anchorage Road Soil Storage Site (ARSSS) Open Space	No	None	This is not a proposed project. Specific details are currently not available.
	Berths 176-181 Break Bulk Terminal Redevelopment	No	The Mormon Island container area (Berths 174-181) would be changed to break bulk.	This is not a proposed project. Specific details are currently not available.
	East Basin Marina Improvements	Yes	Vacant land east of Yacht Haven Marina (Berths 201-203) would be changed to open space.	This is not a proposed project. Specific details are currently not available.
Planning Area 3				
Planning Area 3: Terminal Island	Pier 500 (200-acre fill)	No	None	This is not a proposed project. Specific details are currently not available.
	Trucking Support Center	No	None	This is not a proposed project. Specific details are currently not available.
	Terminal Island On-Dock Rail Facility	No	None	This is not a proposed project. Specific details are currently not available.
	Relocation of SA Recycling	No	None	This is not a proposed project. Specific details are currently not available.
Planning Area 4				
Planning Area 4: Fish Harbor	Jankovich Marine Fueling Station	Yes	None	This project was previously evaluated in the certified San Pedro Waterfront Project EIS/EIR.

Notes:

a. The PEIR does not analyze the impacts of other projects included in the PMPU that have already been evaluated in a certified CEQA document. Furthermore, as some projects included in the PMPU are in the conceptual design stage, sufficient project details are not available to support a programmatic evaluation of potential impacts. These other projects are listed in the PEIR for purposes of public disclosure and addressed in Chapter 4.0, Cumulative Analysis.

b. These projects are appealable to the CCC, as defined under CCA Section 30715. Please refer to Section ES.3.5, Changes to Land Uses and Proposed Appealable/Fill Projects within the PMPU Planning Areas, for additional details.

ES.3.5.1 Planning Area 1: San Pedro

ES.3.5.1.1 General Overview

Planning Area 1 would encompass the San Pedro Waterfront, extending from the breakwater to the Vincent Thomas Bridge along the western boundary of the Port (Figure ES-8). This area includes Berths 19-95, the Port's cruise operations, institutional uses, and recreational activities. Planning Area 1 includes land uses focused on public access to the waterfront, but also has limited cargo operations and commercial fishing activities. Planning Area 1 emphasizes waterfront access through a waterfront promenade, parks, museums, academic uses, and visitor-serving commercial uses and attractions. No land use changes would occur in Planning Area 1.

ES.3.5.1.2 Appealable/Fill Projects

No appealable/fill projects would occur within Planning Area 1.

ES.3.5.2 Planning Area 2: West Basin and Wilmington

ES.3.5.2.1 General Overview

Planning Area 2 would encompass the West Basin and Wilmington areas, and includes Berth 96 through Berth 204 (Figure ES-9). The West Basin consists of container terminals, while the remaining Wilmington areas consist of a variety of uses ranging from liquid bulk at Berths 148-150, liquid bulk and dry bulk uses on Mormon Island, to recreational boating and open space along Anchorage Road. Public access to the waterfront is provided at Berths 183-186. The planning framework for Planning Area 2 addressed in the PMPU is based on the *Wilmington Waterfront Plan*, Berths 97-109 (China Shipping) Container Terminal Project, Berths 136-147 (TraPac) Container Terminal Project, the *Anchorage Road Soil Storage Site (ARSSS) Concept Plan*, and *Wilmington Marinas Plan*. Vacant land on Mormon Island between San Clemente Avenue and Hermosa Street would be an optional use site and allow liquid or break bulk uses. Additional land use changes are associated with the proposed appealable/fill projects in Planning Area 2.

ES.3.5.2.2 Appealable/Fill Projects

Berth 187-189 Liquid Bulk Relocation

This project would relocate existing liquid bulk berthing operations at Berths 187-189 to Berths 191-194. Tankage located along Berths 187-189 would also be removed and replaced with new tankage at Berths 191-194. A new Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS)-compliant wharf and equipment would be constructed at Berths 191-194. Land uses at Berths 187-189 would change from liquid bulk to open space and institutional.

Figure ES-8. Proposed PMPU Planning Area 1 Land Use Designations

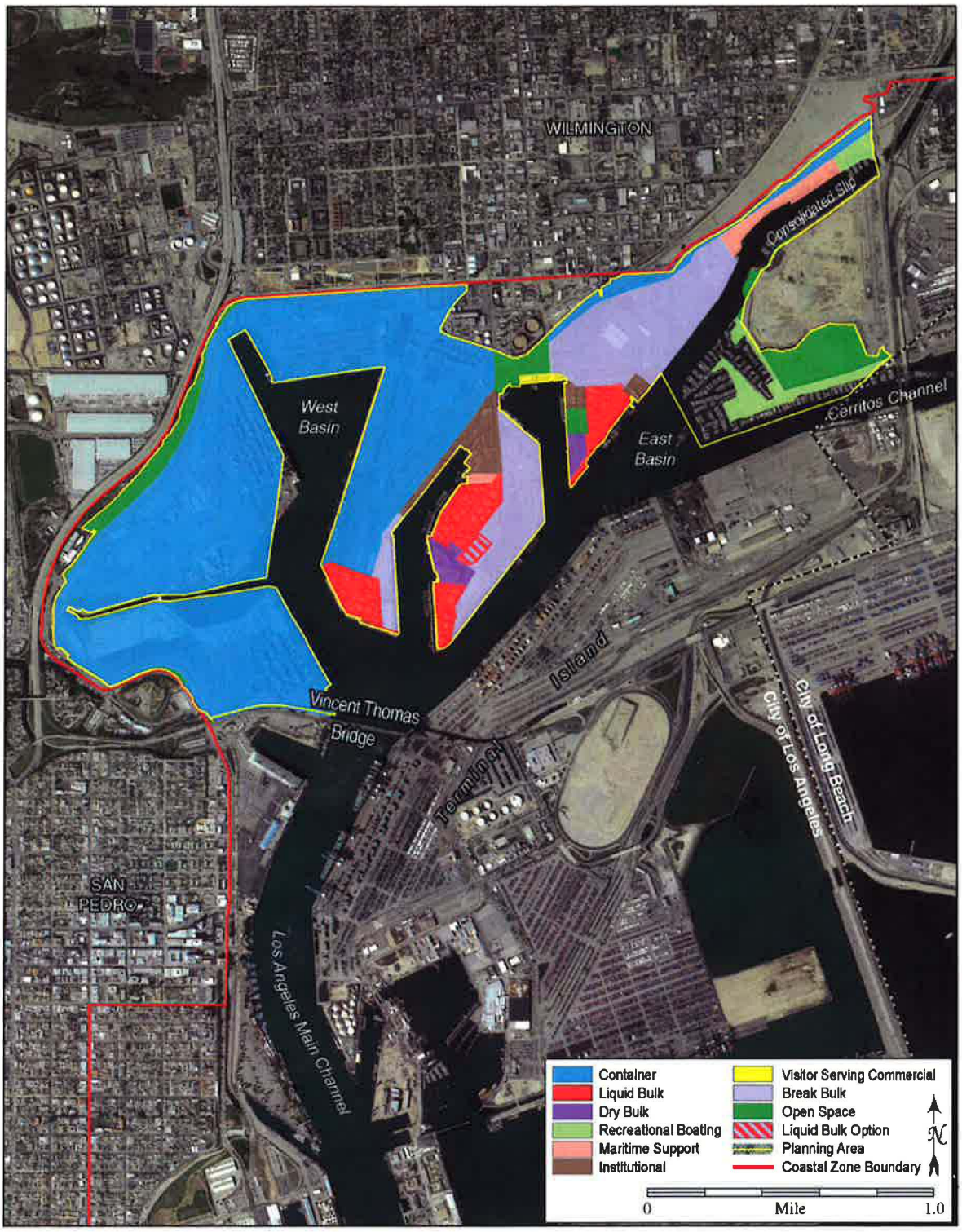

Figure ES-9. Proposed PMPU Planning Area 2 Land Use Designations

Yang Ming Terminal Redevelopment

This project would include filling approximately 6 acres of the harbor at Berths 120-121 and cutting (i.e., creating open water) approximately 3 acres of land at Berths 121-127 to facilitate redevelopment of the West Basin Container Terminal. The proposed cut and fill, combined with wharf redevelopment, would create approximately 3,400 feet of new wharf. The project would also include a land use change near Berths 118-120 from liquid bulk to container terminal and would accommodate an approximately 20-acre backland expansion.

China Shipping Fill

This project would fill approximately 16 acres of a slip at Berth 102 to add additional backland to the existing China Shipping container terminal.

ES.3.5.3 Planning Area 3: Terminal Island

ES.3.5.3.1 General Overview

Planning Area 3, located on Terminal Island, would be the largest planning area and would focus on container operations. The proposed area comprises all of Terminal Island, with the exception of Fish Harbor, which would be in Planning Area 4 (Figure ES-10). Of the six container terminals at the Port, four are located in Planning Area 3. The *Terminal Island Land Use Plan* provides the framework for land uses located in Planning Area 3. The plan optimizes cargo-handling operations on Terminal Island, while restricting non-cargo and non water-dependent uses.

Open space is located along the southern tip of Pier 400 as an environmentally protected area for least terns and the urban forest area north of the Los Angeles Export Terminal (LAXT) rail loop. The proposed appealable/fill project and land used changes would provide additional space for expanding container and liquid bulk cargoes by clearing underutilized and vacant facilities, reconfiguring existing operations, and completing approximately 18 acres of land expansion/filling. The following land use changes would occur within Planning Area 3:

- The land use consisting of the existing ExxonMobil liquid bulk facility north of the Terminal Island Water Reclamation Plant (TIWRP) would be replaced with container uses;
- Planning Area 3 includes two mixed use sites that would allow break bulk, dry bulk, and/or container uses at Berths 206-209 and dry bulk and/or container uses at Berths 211-212;
- Berth 301 would be an optional use site that would allow conversion of existing maritime support uses to either container or liquid bulk;
- Vacant land between Seaside Avenue and Reeves Avenue and south of Reeves Avenue would be changed to maritime support;
- Vacant land along Ferry Street would be changed to maritime support;

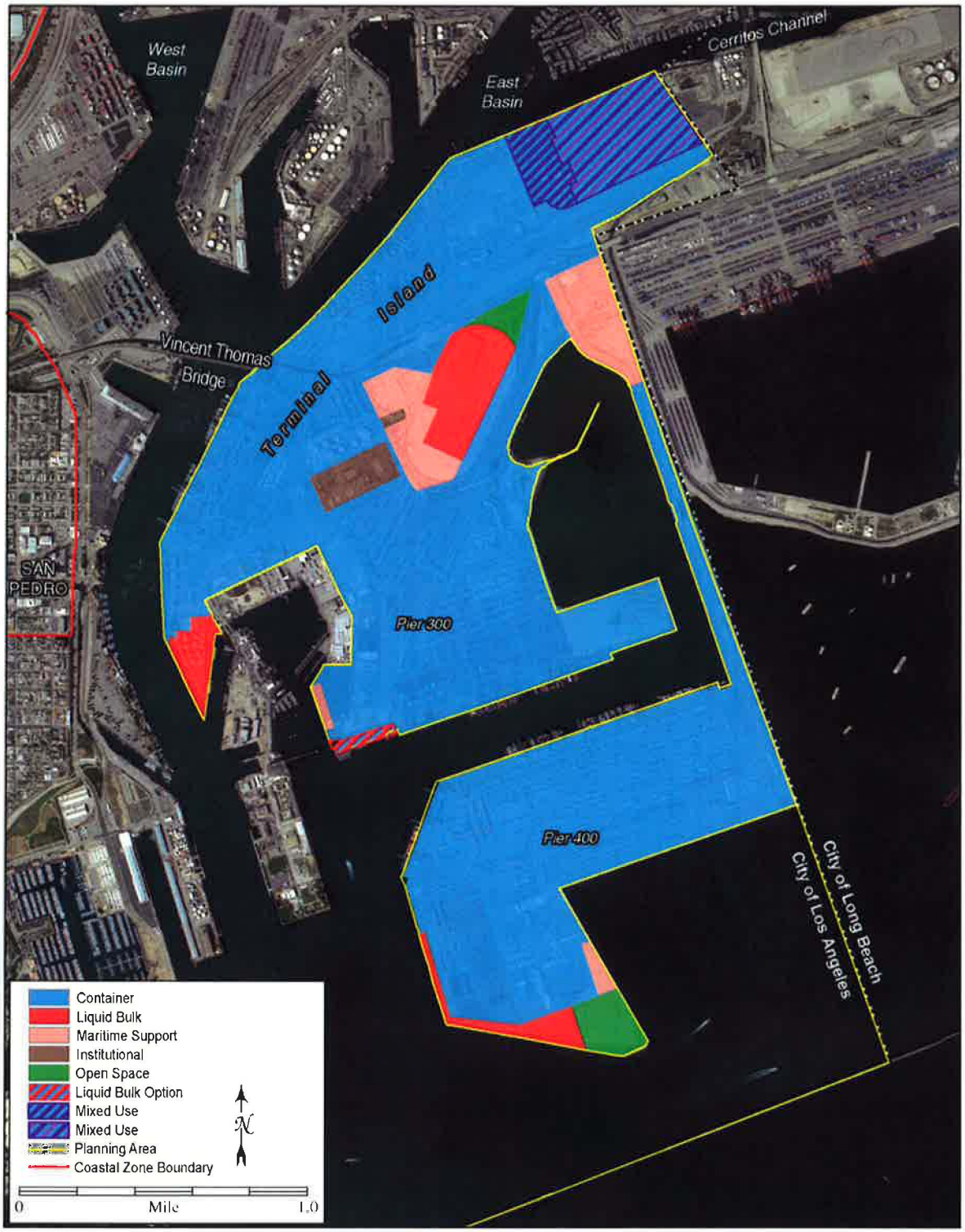

Figure ES-10. Proposed PMPU Planning Area 3 Land Use Designations

- Vacant land, commercial fishing, and industrial areas near Fish Harbor would be changed to container cargo uses; and,
- Existing container area on Pier 400 would be converted to maritime support.

ES.3.5.3.2 Appealable/Fill Projects

Berth 300 Development

This project would fill approximately 18 acres of water behind Berths 270-271 and Berth 301 to create additional container backland. This project would include berthing for maritime support.

ES.3.5.4 Planning Area 4: Fish Harbor

ES.3.5.4.1 General Overview

Planning Area 4 would contain Fish Harbor and focus on expanding commercial fishing while maintaining adequate acreages for maritime support uses. Commercial fishing would remain in the northern and eastern portions of Fish Harbor, while maritime support and other institutional uses would be focused along the western portion of Fish Harbor (Figure ES-11). Break bulk cargo handling is anticipated at Berths 240-241 and the backland area. The *Terminal Island Land Use Plan* also provides the framework for Planning Area 4.

ES.3.5.4.2 Appealable/Fill Projects

Tri Marine Expansion

This project would expand Tri Marine's current fish processing facility at Berth 264. The expanded facility would include fish processing operations, cold storage, and office space. A new fish pump to transfer fish from the fishing boats to the new facility would be constructed to complement the existing fish pump at the facility.

338 Cannery Street Adaptive Reuse

This project would redevelop a 9-acre site located in Fish Harbor at Berth 265 by adaptive reuse of the existing historic buildings for commercial fishing development. Improvements would complement and maintain existing historic structures, while helping to create a financially sustainable commercial fishing development.

Al Larson Marina

This project would remove approximately 125 recreational boating slips at Berths 256-257 to allow for the expansion of the boatyard located directly north of the marina.

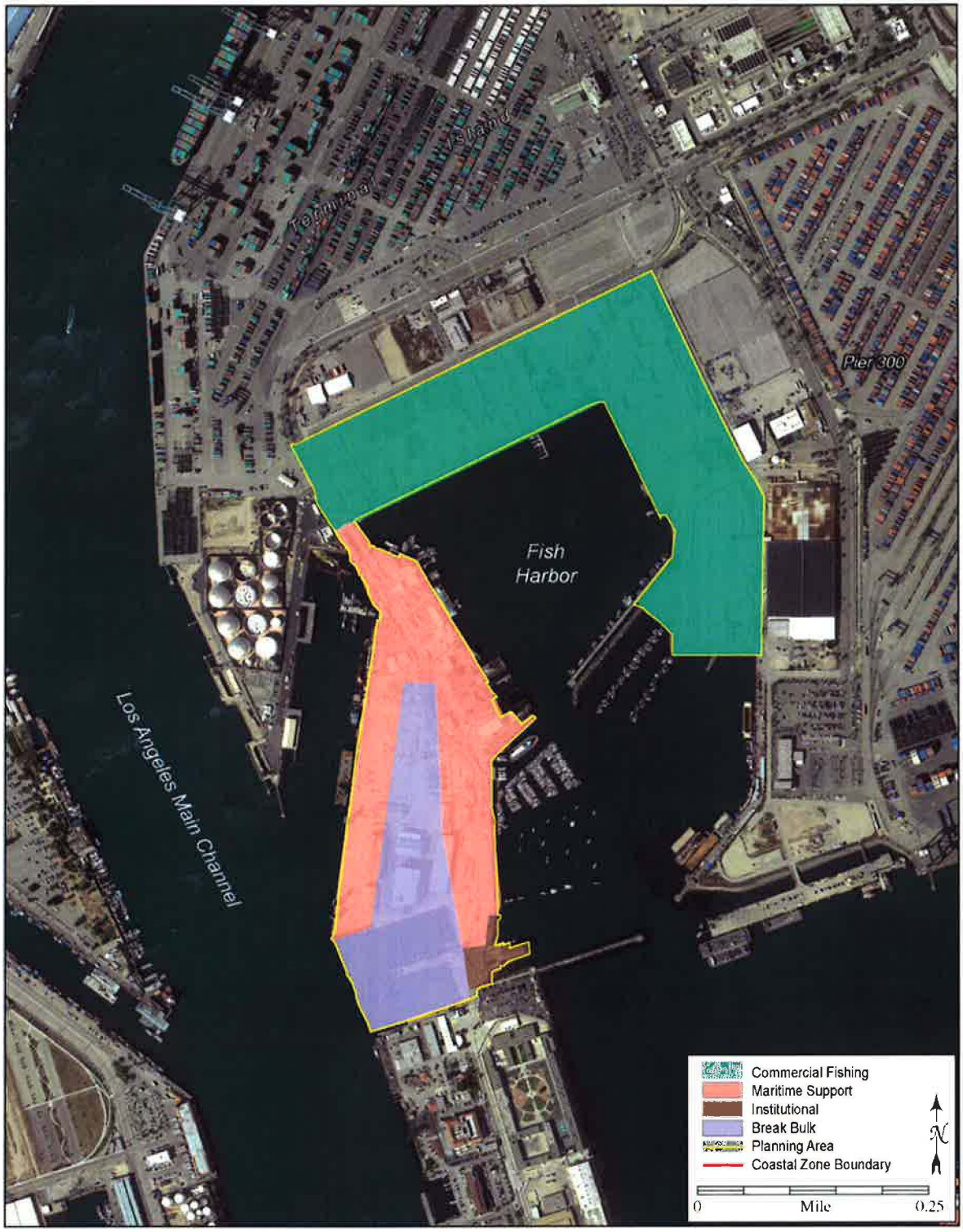

Figure ES-11. Proposed PMPU Planning Area 4 Land Use Designations

ES.3.5.5 Planning Area 5: Waterways

ES.3.5.5.1 General Overview

Planning Area 5 would consist of water areas in the Port. Water uses allowed in Planning Area 5 include general navigation, areas designated for environmental mitigation, recreational boating, and berthing (Figure ES-12). No land use changes would occur in Planning Area 5.

ES.3.5.5.2 Appealable/Fill Projects

No appealable/fill projects would occur within Planning Area 5.

ES.3.6 Changes in Land Use Acreage

The proposed changes in land use would result in changes to the total acreages associated with individual land use categories. Table ES-6 provides a summary of the land use changes (acres by land use type) that would occur with implementation of the PMPU, shown as differences between existing baseline conditions, defined as those occurring in 2011, and proposed conditions.

Table ES-6. Summary of Proposed PMPU Land Use Changes

Land Use Type	*Existing (2011) (acres)*[a]	*Proposed Changes Evaluated in the PEIR (acres)*	*Previously Analyzed Changes (acres)*[b]	*Overall Difference (acres)*	*PMPU Acreage (acres)*
Container	2,050	288	33	321	2,371
Liquid Bulk	119	-17	66	49	168
Dry Bulk	45	-30	1	-29	15
Commercial Fishing	20	36	2	38	58
Recreational Marina (Recreational Boating)	66	0	23	23	88
Industrial (Maritime Support)	45	81	13	94	139
Institutional	115	-31	15	-16	98
Commercial (Visitor Serving/Commercial)	88	0	36	36	124
Break Bulk	160	15	38	53	213
Open Space	92	28	89	117	210
Passengers/Supporting Commercial (Cruise Operations)	54	0	15	15	69
Vacant	658	-333	-325	-658	0
Open Water[c]	3,224	-37	-5	-42	3,182
Total[d]	6,735	0	0	0	6,735

Notes:
a. All acreages are approximate. Acreages for mixed use and optional land use sites are associated with the "worst case" or most intensive land use for an individual site, as evaluated in this PEIR.
b. The PEIR does not analyze the impacts of the land use changes included in the PMPU that have already been evaluated in a certified CEQA document.
c. Acreages do not include the Reservation Point Area (i.e., 64 acres). This is not LAHD controlled property.
d. The total area includes open water acreage and all unassigned acreage in Planning Areas 1-4 and boundary differences.

Figure ES-12. Proposed PMPU Planning Area 5 Land Use Designations

ES.4 Alternatives to the Program

ES.4.1 CEQA Requirements

CEQA Guidelines Section 15126.6 requires that an EIR present a range of reasonable alternatives to a proposed project, or to the location of a project that could feasibly achieve a majority of the basic project objectives, but would avoid or substantially lessen one or more significant environmental impacts of the project. The range of alternatives required in an EIR is governed by a "rule of reason" that requires an EIR to set forth only those alternatives necessary to permit a reasoned choice. An EIR need not consider every conceivable alternative to a project. Rather, the alternatives should be limited to those meeting the project objectives, are ostensibly feasible, and would avoid or substantially lessen at least one of the significant environmental effects of the project (CEQA Guidelines Section 15126.6[f]). The EIR must also identify the environmentally superior alternative, which cannot be the No Project (No-Program) Alternative. Alternatives may be eliminated from detailed consideration in the EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid or substantially lessen any significant environmental effects (CEQA Guidelines Section 15126.6[c]).

According to CEQA regulations, the alternatives section of an EIR is required to:

- Rigorously explore and objectively evaluate a reasonable range of alternatives;
- Include reasonable alternatives not within the lead agency's jurisdiction or congressional mandate, if applicable;
- Include a "no project" alternative;
- Develop substantial treatment to each alternative, including the proposed action, so that reviewers may evaluate their comparative merits;
- Identify the environmentally superior alternative;
- Include appropriate mitigation measures (when not already part of the proposed action or alternatives); and,
- Present the alternatives that were eliminated from detailed study and briefly discuss the reasons for elimination.

ES.4.2 Selection Criteria

This Draft PEIR presents a reasonable range of alternatives, pursuant to CEQA, that are consistent with LAHD's legal mandates under the Port of Los Angeles Tidelands Trust (Los Angeles City Charter, Article VI, Section 601), its leasing policy (LAHD 2006), and the CCA (20 PRC 30700 *et seq.*). The selection, development, and evaluation of alternatives analyzed in this Draft PEIR are in accordance with CCA policies that identify the coastal zone as a distinct and valuable natural resource. The Port is one of only five locations in the state identified in the CCA for the purposes of international maritime commerce (PRC Sections 30700 and 30701). LAHD's mandates identify that the Port and its facilities are a primary economic/coastal resource of the state and an essential element of the national maritime industry for

promotion of commerce, navigation, fisheries, environmental preservation, and public recreation.

The alternative selection process considered the state's basic goals for the coastal zone, as codified in Section 30001.5 of the CCA, which are to: 1) protect, maintain, enhance, and restore the quality of the coastal zone environment and its natural and artificial resources; 2) assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of the state; 3) maximize public access to and along the coast and public recreational opportunities in the coastal zone, consistent with sound resource conservation principles and the rights of private property owners; and, 4) assure priority for coastal-dependent and coastal-related development over other development on the coast.

The overall purpose of the PMPU is to create a consolidated planning document that updates the existing PMP, as amended, with policies and guidelines that reflect current community and environmental conditions and account for trends in foreign and domestic waterborne commerce, navigation, and fisheries. LAHD identified several selection criteria to develop reasonable alternatives that meet the majority of the PMPU's objectives. These criteria include a planning document that would:

- Allow the Port to develop in a manner that is consistent with federal, state, county, and city laws, including the CCA and Charter of the City of Los Angeles;
- Integrate economic, engineering, environmental, and safety considerations into the Port development process for measuring the long-term impact of varying development options on the Port's natural and economic environment;
- Promote the orderly, long-term development and growth of the Port by establishing functional areas for Port facilities and operations; and,
- Allow the Port to adapt to changing technology, cargo trends, regulations, and competition from other U.S. and foreign ports.

ES.4.3 Screening Process

LAHD conducted a screening process per CEQA Guidelines to determine which alternatives would be evaluated in detail in the Draft PEIR and which would be eliminated from further consideration. In screening the alternatives, LAHD considered the following factors:

- Would the alternative achieve the Program objectives?
- Would the alternative avoid or reduce any significant environmental effects?
- Is the alternative feasible?

As discussed in Chapter 2.0, Program Description, the screening process reflects input from Port stakeholders, including tenants, Port customers, government agencies, and the community, provided during public workshops, tenant outreach, and formal planning processes, such as the *Terminal Island Land Use Plan*. During this process, LAHD received comments on a variety of issues including land use designations, preservation of historic resources, implementation of environmental

conservation efforts, increasing cargo diversity, and providing public access opportunities for the San Pedro and Wilmington communities. As part of the Terminal Island Land Use Plan process, LAHD also assessed the land use and facilities requests of commercial fishermen, the presence of historical properties, the scrap metal industry, and demand for commercial boatyard facilities in the region. LAHD considered this input as part of their alternatives screening process.

Alternatives consisting of minor changes to the land use plan were not considered viable alternatives to the proposed Program. The PMPU uses a Port-wide approach for achieving the planning objectives of minimizing conflicts, maximizing accessibility, and allocating land uses to accommodate future trends in waterborne commerce. LAHD considered the configuration of planning areas and land use designations as the most effective approach for achieving the PMPU objectives. Additionally, alternatives consisting of minor reassignments of land uses for individual properties would not be expected to significantly reduce environmental impacts. For these reasons, LAHD did not consider minor changes to the land use plan as viable alternatives to the proposed Program.

Other possible alternatives that would result in substantially different uses for the Port, such as a residential land uses, would be inconsistent with legal mandates under the Port of Los Angeles Tidelands Trust and CCA, which identify the Port as an essential element of the national maritime industry for promotion of commerce, navigation, fisheries, and harbor operations. In addition, land uses that do not give highest priority to navigation, shipping, and necessary support and access facilities to accommodate the demands of foreign and domestic waterborne commerce would be inconsistent with the *Port of Los Angeles Strategic Plan 2012-2017* and the Port's Leasing Policy. Therefore, the Port does not consider land use plans that would deviate from the Port's legal mandate, strategic plan, and Leasing Policy to be viable alternatives to the proposed Program.

ES.4.4 Alternatives Considered But Eliminated from Further Consideration

ES.4.4.1 PCAC Port Master Plan

The Port Community Advisory Committee (PCAC) submitted proposed changes to the PMP that focused on creating a "bridge to breakwater" non-industrialized community area along the San Pedro and Wilmington waterfronts (PCAC 2004). The proposed revisions consisted of boundary and land use designation changes, including a focus on modifying PMP planning area boundaries to adequately define the "bridge to breakwater" area and updating allowable land uses to ensure adequate public access to the waterfront. Key elements of the PCAC plan were incorporated into the PMPU; such as:

- Areas of the Port that are adjacent to the community of San Pedro would not allow general cargo or liquid bulk land uses;
- The Wilmington Waterfront area is designated for recreational, commercial, and institutional land uses. Cargo handling designations, including container, liquid bulk, commercial fishing, dry bulk, and industrial would not be allowed;

- The Anchorage Soil Storage Site would be designated an open space land use;
- The existing Wilmington marinas would continue to be designated recreational boating;
- Terminal Island would continue to focus on heavy cargo handling land use designations, including container, liquid bulk, dry bulk, and institutional; and,
- Fish harbor would continue to be focused on commercial fishing land uses.

Other elements of the PCAC plan were inconsistent with Program objectives. In particular, the alternative in the PCAC plan that would not allow liquid bulk land uses near Wilmington was eliminated for the following reasons:

- This PCAC alternative would not avoid or reduce significant environmental impacts. The RMP ensures that liquid bulk terminals located at the Port do not overlap with vulnerable resources, including visitor serving areas. Terminals that are not in compliance with the RMP must become consistent with the plan either by making safety improvements, changing the commodity mix they handle, or by relocating. Existing liquid bulk terminals, including those located in PMPU area, are consistent with the RMP. Furthermore, the development of new liquid bulk facilities would be consistent with the RMP;
- The PCAC recommendation to relocate liquid bulk uses to Terminal Island is infeasible. Terminal Island is not a suitable relocation site since there is insufficient berthing capacity. The majority of Terminal Island is held in long term leases with cargo terminals. The only berthing opportunities for liquid bulk ships would be at Berths 240 and 301. A berth is available at the southernmost face of Pier 400, however it would be extremely costly to develop a marine oil terminal there because the berth would be constructed in the Outer Harbor, and a complex network of pipelines would be required to reach backlands that could accommodate a tank farm; and,
- Another consideration is that it would economically infeasible for existing tenants to relocate. Proposed relocations would require costly site remediation for their current facilities, in addition to the cost of berth, pipeline, and storage tank improvements. It would be extremely difficult for the LAHD to retain liquid bulk tenants if relocations were forced upon them, because of the cost burden. This could significantly impact the Port's ability to import liquid bulk commodities and receive their associated revenues.

ES.4.4.2 Other Alternatives

As discussed in Chapter 2.0, Program Description, the *Terminal Island Land Use Plan* considered long-term land use and facility improvements for Terminal Island (Cargo Velocity LLC 2012), and applicable portions of the plan were incorporated into the PMPU. However, the Terminal Island Land Use Plan only considered Terminal Island and it did not address other planning areas within the PMPU area. Therefore, based on the relatively limited geographic scope the Terminal Island Land Use Plan was not considered a viable Program alternative.

LAHD also considered a cargo specialization alternative that would develop container and break bulk as the cargo handling facilities and phase out liquid bulk

and dry bulk operations at the Port. Visitor serving uses would remain, including commercial, open space, and recreational boating. This alternative potentially would streamline operations in the Port; focus infrastructure spending on specialized cargo uses; and reduce or eliminate environmental impacts associated with dry bulk and liquid bulk operations. However, LAHD dismissed this alternative for the following reasons: 1) the Port would be underutilized if demand for break bulk or container dropped; and, 2) this alternative would not meet the needs of the state with regard to liquid bulk and dry bulk cargo. Thus, this alternative would not fulfill the objective of accommodating cargo diversity and trends in waterborne commerce and would not be consistent with the state law objective regarding liquid bulk supplies.

The other program alternative considered by the LAHD is the No Fill Alternative, which is carried forward for evaluation in this PEIR (Section 5.3, Alternative 2 – No Fill Alternative).

ES.4.5 Alternatives Carried Forward for Analysis

Based on the screening analysis conducted by LAHD, two alternatives to the proposed Program were carried forward for analysis:

- Alternative 1 – No-Program Alternative; and,
- Alternative 2 – No Fill Alternative.

Similar to the analysis of the proposed Program (Chapter 3.0, Environmental Analysis), assessments of No-Program Alternative and the No Fill Alternative do not include detailed analysis of the proposed appealable/fill projects because sufficient project-specific information currently is not available. Analyses of individual appealable/fill projects are deferred to future project-specific environmental documents.

ES.4.5.1 Alternative 1 – No-Program Alternative

Under CEQA, the lead agency is required to evaluate a No-Project Alternative that represents what would reasonably be expected to occur in the foreseeable future if the proposed project (or Program) were not approved based on current plans and consistent with available infrastructure and community services. CEQA Guidelines, Section 15126.6(e) state:

> *"The specific alternative of "no project" shall also be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The no project alternative analysis is not the baseline for determining whether the proposed project's environmental impacts may be significant, unless it is identical to the existing environmental setting analysis which does establish that baseline.*
>
> *"When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the "no project" alternative will be the continuation of the existing plan, policy or operation into the future. Typically this is a*

situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan."

The No-Program Alternative would not update the PMP, and land uses would remain as specified in the existing (1980) PMP and certified amendments. The No-Program Alternative would allow buildout of future projects that are consistent with the existing PMP, including projects already approved and certified under the PMP and other appealable projects that would not require a PMP amendment. In contrast, cut and fill projects are not consistent with the PMP and are not included in the No-Program Alternative. Consequently, the only differences between the proposed Program and the No-Program Alternative are the anticipated projects with a cut/fill component and the associated land use changes that are included in the proposed Program. Further, the assessment of impacts associated with the No-Program Alternative does not consider project-specific and related cumulative impacts associated with the approved and certified projects because these impacts have been accounted for in the environmental documents prepared for those projects.

ES.4.5.2 Alternative 2 - No Fill Alternative

The No Fill Alternative would eliminate the cut/fill projects and associated land use changes (container storage) associated with the fill projects under the PMPU. All other appealable projects (i.e., Berths 187-189 Liquid Bulk Relocation, Tri Marine Expansion, 338 Cannery Street Adaptive Reuse, and Al Larson Marina) and land use changes in the proposed Program would be included in the No Fill Alternative.

ES.5 Environmental Impacts

ES.5.1 Scope of Analysis and Impacts Considered in the Program EIR

The scope of this Draft PEIR was established based on the NOP/IS prepared pursuant to CEQA and comments received during the NOP/IS review process (Appendix B). The analysis in this PEIR focuses on land use changes that would result in changes and/or intensification of activities with the potential for causing direct or indirect impacts on the physical environment, including the potential impacts of the proposed appealable/fill projects, as defined under CCA Section 30715. The PEIR does not include a detailed environmental review of the proposed appealable/fill projects and land use changes since, consistent with CEQA Guidelines Section 15168, sufficient details are not available. Therefore, for most resource areas, assessments of proposed appealable/fill project and land use changes in the PEIR rely primarily on qualitative assessments. Quantitative assessments are completed to the extent data allows. When appropriate levels of detail regarding the proposed appealable/fill projects become available, project-specific environmental documents will be prepared that incorporate this PEIR by reference, concentrate on the site-specific issues related to the proposed appealable/fill project, and focus on quantitative assessments. CDPs for the proposed appealable/fill projects would not be issued until the project-specific CEQA reviews

are completed. However, it would not be necessary to seek a PMPU amendment from the CCC in regard to the proposed fill projects analyzed herein.

The following issues were determined in the NOP/IS to have potential environmental impacts and therefore are evaluated in this Draft PEIR:

- Aesthetics/Visual Resources;
- Air Quality and Greenhouse Gases (GHGs);
- Biological Resources;
- Cultural Resources;
- Geology;
- Groundwater and Soils;
- Hazards and Hazardous Materials;
- Land Use;
- Noise;
- Public Services;
- Recreation;
- Transportation and Circulation—Ground and Marine;
- Utilities; and,
- Water Quality, Sediments, and Oceanography.

Although not required under CEQA, an assessment of potential disproportionate environmental effects to low-income or minority populations is provided in Chapter 6.0, Environmental Justice.

ES.5.2 Resources Not Considered in the Program EIR

The NOP/IS determined that agricultural resources, mineral resources, and population and housing would not be affected by the proposed Program. In accordance with CEQA, issues noted in the NOP/IS that would have no impact do not require further evaluation in the PEIR.

ES.5.3 Impacts of the Proposed Program

In general, evaluations of potential environmental impacts are based on the following:

- Existing conditions are summarized from reasonably representative existing documents, using mostly qualitative information;

- Program impact evaluations are summarized from cumulative sections in reasonably representative existing documents, focusing on the proposed appealable/fill projects and land use changes; and,
- Cumulative impacts consider all projects in the region.

Chapter 3.0, Environmental Analysis, discusses the issues that would be significantly affected by the proposed Program. The criteria for determining the significance of environmental impacts in this Draft PEIR analysis are described in the section titled "Thresholds of Significance" under each resource topic in Chapter 3.0, Environmental Analysis. Mitigation measures to reduce impacts to less-than-significant levels are proposed whenever feasible.

Chapter 4.0, Cumulative Analysis, addresses all projects in the region (within Port boundaries and others including the Port of Long Beach, depending on the resource) per CEQA guidelines.

Chapter 5.0, Program Alternatives, discusses the anticipated potential environmental effects of the alternatives. Chapter 6.0, Environmental Justice, evaluates the potential for the proposed Program to result in adverse impacts that would disproportionately affect low-income and/or minority populations.

Several changes proposed in the PMPU are administrative (e.g., changes to existing planning areas and land use categories/definitions) and would cause no impacts to the physical environment. For much of the PMPU area, proposed land use categories would be compatible with or less intensive than existing land uses, potentially resulting in fewer impacts to the physical environment compared to existing conditions. Consequently, these land use changes are not addressed in the individual resource sections. Further, since there are no proposed appealable/fill projects or land use changes associated with Planning Areas 1 and 5 (Section ES.3.5, Changes to Land Uses and Proposed Appealable/Fill Projects within the PMPU Planning Areas), evaluations are presented only for Planning Areas 2, 3, and 4 in the resource sections. A summary of the environmental impacts, mitigation measures, and residual impacts associated with the proposed Program is provided in Table ES-7. Detailed descriptions of the mitigation measures are presented in the respective resource sections in Chapter 3.0, Environmental Analysis.

Table ES-7. Summary of Potential Impacts and Mitigation Measures for the Proposed Program

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impact After Mitigation*
3.1 Aesthetics/Visual Resources			
Construction			
AES-1: Construction of the proposed Program would not cause substantial, adverse effects on a scenic vista.	No impact	No mitigation is required	No impact
AES-2: Construction of the proposed Program would not cause substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within [view from] a state scenic highway.	No impact	No mitigation is required	No impact
AES-3: Construction of the proposed Program would not cause a substantial degradation of existing visual character or quality of a site and its surroundings.	No impact	No mitigation is required	No impact
AES-4: Construction of the proposed Program would not result in a new source of substantial light or glare that would adversely affect day or nighttime views in the area.	No impact	No mitigation is required	No impact
AES-5: Construction of the proposed Program would not result in substantial shadow effects on nearby shadow-sensitive uses.	No impact	No mitigation is required	No impact
AES-6: Construction of the proposed Program would not result in impacts inconsistent with guidelines and regulations established to protect aesthetic/visual resources.	No impact	No mitigation is required	No impact
Operations			
AES-1: Operation of the proposed Program would not cause substantial, adverse effects on a scenic vista.	No impact	No mitigation is required	No impact
AES-2: Operation of the proposed Program would not cause substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within [view from] a state scenic highway.	No impact	No mitigation is required	No impact
AES-3: Operation of the proposed Program would not cause a substantial degradation of existing visual character or quality of a site and its surroundings.	No impact	No mitigation is required	No impact
AES-4: Operation of the proposed Program would not result in a new source of substantial light or glare that would adversely affect day or nighttime views in the area.	No impact	No mitigation is required	No impact

Table ES-7. Summary of Potential Impacts and Mitigation Measures for the Proposed Program

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impact After Mitigation*
AES-5: Operation of the proposed Program would not result in substantial shadow effects on nearby shadow-sensitive uses.	No impact	No mitigation is required	No impact
AES-6: Operation of the proposed Program would not result in impacts inconsistent with guidelines and regulations established to protect aesthetic/visual resources.	No impact	No mitigation is required	No impact
3.2 Air Quality and Greenhouse Gases			
Construction			
AQ-1: Construction of the proposed Program would produce emissions that exceed a South Coast Air Quality Management District (SCAQMD) daily emission threshold.	Significant	**MM AQ-1: Harbor Craft Used during Construction** **MM AQ-2: Cargo Ships Used During Construction** **MM AQ-3: Fleet Modernization for On-Road Trucks Used During Construction** **MM AQ-4: Fleet Modernization for Construction Equipment (except Vessels, Harbor Craft, and On-Road Trucks)** **MM AQ-5: Construction Best Management Practices** **MM AQ-6: Additional Fugitive Dust Controls** **MM AQ-7: General Mitigation Measure** **MM AQ-8: Special Precautions near Sensitive Sites**	Significant and unavoidable
AQ-2: Construction of the proposed Program would result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance.	Significant	**MM AQ-1 through MM AQ-8**	Significant and unavoidable
Operations			
AQ-3: Operation of the proposed Program would result in emissions that exceed a SCAQMD daily emission threshold and the volatile organic compound (VOC) 10 tons per year threshold.	Significant	**MM AQ-9: Alternative Maritime Power** **MM AQ-10: Vessel Speed Reduction Program** **MM AQ-11: Cleaner Ocean-Going Vessel (OGV) Engines** **MM AQ-12: OGV Engine Emissions Reduction Technology Improvements** **MM AQ-13: Yard Tractors at Terminals** **MM AQ-14: Yard Equipment at Rail Yards** **MM AQ-15: Yard Equipment at Terminals** **MM AQ-16: Truck Idling Reduction Measure**	Significant and unavoidable

Table ES-7. Summary of Potential Impacts and Mitigation Measures for the Proposed Program

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impact After Mitigation*
		MM AQ-17: Periodic Review of New Technology and Regulations **MM AQ-18: Substitution of New Technology**	
AQ-4: Operation of the proposed Program would result in ambient air pollutant concentrations that exceed a SCAQMD threshold of significance.	Significant	**MM AQ-9 through MM AQ-18**	Significant and unavoidable
AQ-5: Operation of the proposed Program would not generate on-road traffic that would contribute to an exceedance of the 1-hour or 8-hour carbon monoxide (CO) standards.	Less than significant	No mitigation is required	Less than significant
AQ-6: Operation of the proposed Program would not create an objectionable odor at the nearest sensitive receptor.	Less than significant	No mitigation is required	Less than significant
AQ-7: The proposed Program would expose receptors to significant levels of Toxic Air Contaminants (TACs).	Significant	**MM AQ-9 through MM AQ-18**	Significant and unavoidable
AQ-8: Operation of the proposed Program would not conflict with or obstruct implementation of an applicable Air Quality Management Plan (AQMP).	Less than significant	No mitigation is required	Less than significant
GHG-1: Operation of the proposed Program would produce GHG emissions that would exceed a CEQA threshold.	Significant	**MM AQ-2 through MM AQ-4, MM AQ-9, MM AQ-10, MM AQ-16** **MM GHG-1: Energy Efficient Light Bulbs** **MM GHG-2: Energy Audit** **MM GHG-3: Recycling** **MM GHG-4: Tree Planting** **MM GHG-5: Solar Panels** **MM GHG-6: Water Conservation**	Significant and unavoidable
GHG-2: Operation of the proposed Program would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of GHGs.	Less than significant	No mitigation is required	Less than significant
3.3 Biological Resources			
Construction			
BIO-1: Construction of the proposed Program would not result in the loss of individuals, or the reduction of existing habitat, of a state- or federally-listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or the loss of federally-listed critical habitat.	Significant	**MM BIO-1: Avoid Marine Mammals** **MM BIO-2: Minimize In-water Pile Driving Noise** **MM BIO-3: Avoid and Minimize Impacts to California Least Tern** **MM BIO-4: Conduct Nest Site Surveys**	Less than significant

Table ES-7. Summary of Potential Impacts and Mitigation Measures for the Proposed Program

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impact After Mitigation*
BIO-2: Construction of the proposed Program would not result in a substantial reduction of a state-, federally- or locally-designated natural habitat, special aquatic site, or plant community, including wetlands.	Significant	**MM BIO-5: Apply Credits from Existing Port Mitigation Banks**	Less than significant
BIO-3: Construction of the proposed Program would not result in interference with wildlife movement/migration that may diminish the long-term survival of a species.	Less than significant	No mitigation is required; however, **MM BIO-2** would reduce any potential for impact	Less than significant
BIO-4: Construction of the proposed Program would not result in a substantial disruption of local biological communities.	Less than significant	No mitigation is required; however, **MM BIO-2** and **MM BIO-4** would reduce any potential impact	Less than significant
BIO-5: Construction of the proposed Program would not result in a permanent loss of marine habitat.	Significant	**MM BIO-5: Apply Credits from Existing Port Mitigation Banks**	Less than significant
BIO-6: Construction of the proposed Program would not conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	Less than significant	No mitigation is required	Less than significant
Operations			
BIO-1: Operation of the proposed Program would not result in the loss of individuals, or the reduction of existing habitat, of a state- or federally-listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or the loss of federally-listed critical habitat.	Less than significant	No mitigation is required	Less than significant
BIO-2: Operation of the proposed Program would not result in a substantial reduction or alteration of a state-, federally- or locally-designated natural habitat, special aquatic site, or plant community, including wetlands.	Less than significant	No mitigation is required	Less than significant
BIO-3: Operation of the proposed Program would not result in interference with wildlife movement/migration that may diminish the long-term survival of a species.	Less than significant	No mitigation is required	Less than significant
BIO-4: Operation of the proposed Program would result in a substantial disruption of local biological communities.	Significant	No feasible mitigation is currently available to fully avoid the potential for invasive species introductions	Significant and unavoidable
BIO-5: Operation of the proposed Program would not result in a permanent loss of marine habitat.	Less than significant	No mitigation is required	Less than significant
BIO-6: Operation of the proposed Program would not conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	Less than significant	No mitigation is required	Less than significant

Table ES-7. Summary of Potential Impacts and Mitigation Measures for the Proposed Program

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impact After Mitigation*
3.4 Cultural Resources			
Construction			
CR-1: Construction of the proposed Program would not disturb, damage, or degrade archaeological or ethnographic resources, and thus cause a substantial adverse change in the significance of such resources as defined in §15064.5.	Significant	**MM CR-1: Cultural Resource Assessment** **MM CR-2: Unanticipated Discovery Procedures**	Less than significant
CR-2: Construction of the proposed Program would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.	Significant	**MM CR-3: Historical Resource Assessment**	Less than significant
CR-3: Construction of the proposed Program would not disturb, destroy, or eliminate access to unknown unique paleontological resources.	Significant	**MM CR-4: Paleontological Assessment** **MM CR-5: Unanticipated Discovery Procedures**	Less than significant
Operations			
CR-1: Operation of the proposed Program would not disturb, damage, or degrade archaeological or ethnographic resources, and thus cause a substantial adverse change in the significance of such resources as defined in §15064.5.	Less than significant	No mitigation is required	Less than significant
CR-2: Operation of the proposed Program would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.	Less than significant	No mitigation is required	Less than significant
CR-3: Operation of the proposed Program would not disturb, destroy, or eliminate access to unknown unique paleontological resources.	Less than significant	No mitigation is required	Less than significant
3.5 Geology			
Construction			
GEO-1: Construction of the proposed Program would not result in substantial damage to structures or infrastructure or expose people to substantial risk of injury from seismic activity along the Palos Verdes Fault Zone or other regional faults that could produce fault ruptures, seismic ground shaking, liquefaction, or other seismically induced ground failure.	Less than significant	No mitigation is required	Less than significant
GEO-2: Construction of the proposed Program would not expose people and structures to substantial risk involving tsunamis or seiches.	Significant	**MM GEO-1: Emergency Response Planning**	Less than significant

Table ES-7. Summary of Potential Impacts and Mitigation Measures for the Proposed Program

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impact After Mitigation*
GEO-3: Construction of the proposed Program would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from subsidence/soil settlement.	Less than significant	No mitigation is required	Less than significant
GEO-4: Construction of the proposed Program would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from soil expansion.	Less than significant	No mitigation is required	Less than significant
GEO-5: Construction of the proposed Program would not result in or expose people or property to a substantial risk of landslides or mudslides.	No impact	No mitigation is required	No impact
GEO-6: Construction of the proposed Program would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from unstable soil conditions from excavation, grading, or fill.	Less than significant	No mitigation is required	Less than significant
GEO-7: Construction of the proposed Program would not result in one or more distinct and prominent geologic or topographic features being destroyed, permanently covered, or materially and adversely modified.	No impact	No mitigation is required	No impact
GEO-8: Construction of the proposed Program within the limits of the oil field would not result in the permanent loss of availability of any mineral resource of regional, statewide, or local significance.	Less than significant	No mitigation is required	Less than significant
GEO-9: Construction of the proposed Program would not result in substantial damage to structures or infrastructure or expose people to substantial risk of injury from sea level rise.	Less than significant	No mitigation is required	Less than significant
Operations			
GEO-1: Operation of the proposed Program would not result in substantial damage to structures or infrastructure or expose people to substantial risk of injury from seismic activity along the Palos Verdes Fault Zone or other regional faults that could produce fault ruptures, seismic ground shaking, liquefaction, or other seismically induced ground failure.	Less than significant	No mitigation is required	Less than significant
GEO-2: Operation of the proposed Program would expose people and structures to substantial risk involving tsunamis or seiches.	Significant	**MM GEO-1: Emergency Response Planning**	Less than significant

Table ES-7. Summary of Potential Impacts and Mitigation Measures for the Proposed Program

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impact After Mitigation*
GEO-3: Operation of the proposed Program would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from subsidence/soil settlement.	Less than significant	No mitigation is required	Less than significant
GEO-4: Operation of the proposed Program would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from soil expansion.	Less than significant	No mitigation is required	Less than significant
GEO-5: Operation of the proposed Program would not result in or expose people or property to a substantial risk of landslides or mudslides.	No impact	No mitigation is required	No impact
GEO-6: Operation of the proposed Program would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from unstable soil conditions from excavation, grading, or fill.	Less than significant	No mitigation is required	Less than significant
GEO-7: Operation of the proposed Program would not result in one or more distinct and prominent geologic or topographic features being destroyed, permanently covered, or materially and adversely modified.	No impact	No mitigation is required	No impact
GEO-8: Operation of the proposed Program within the limits of the oil field would not result in the permanent loss of availability of any mineral resource of regional, statewide, or local significance.	Less than significant	No mitigation is required	Less than significant
GEO-9: Operation of the proposed Program would not result in substantial damage to structures or infrastructure or expose people to substantial risk of injury from sea level rise.	Less than significant	No mitigation is required	Less than significant
3.6 Groundwater and Soils			
Construction			
GW-1: Construction of the proposed Program would expose soils containing toxic substances and petroleum hydrocarbons, associated with prior operations, resulting in exposure to construction and operation personnel. The exposure would not be deleterious to humans, based on regulatory standards established by the lead agency for the site.	Less than significant	No mitigation is required; however Lease Measures GW-1 and GW-2 would reduce any potential for impact	Less than significant

Table ES-7. Summary of Potential Impacts and Mitigation Measures for the Proposed Program

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impact After Mitigation*
GW-2: Construction of the proposed Program would not result in changes in the rate or direction of movement of existing contaminants; expansion of the area affected by contaminants; or increases in the level of groundwater contamination, which would increase risk of harm to humans.	Less than significant	No mitigation is required; however Lease Measures GW-1 and GW-2 would reduce any potential for impact	Less than significant
GW-3: Construction of the proposed Program would not result in a demonstrable and sustained reduction in groundwater recharge capacity or change in potable water levels sufficient to reduce the ability of a water utility to use the groundwater basin for public water supplies, conjunctive use purposes, storage of imported water, or summer/winter peaking, or to respond to emergencies and drought; reduce yields of adjacent wells or well fields (public or private); or adversely change the rate or direction of groundwater flow.	No impact	No mitigation is required	No impact
GW-4: Construction of the proposed Program would not result in a violation of regulatory water quality standards at an existing production well, as defined in California Code of Regulations (CCR), Title 22, Division 4, Chapter 15 and in the Safe Drinking Water Act.	No impact	No mitigation is required	No impact
Operations			
GW-1: Operation of the proposed Program would expose soils containing toxic substances and petroleum hydrocarbons, associated with prior operations, resulting in exposure to construction and operation personnel. The exposure would not be deleterious to humans, based on regulatory standards established by the lead agency for the site.	Less than significant	No mitigation is required	Less than significant
GW-2: Operation of the proposed Program would not result in changes in the rate or direction of movement of existing contaminants; expansion of the area affected by contaminants; or increases in the level of groundwater contamination, which would increase risk of harm to humans.	Less than significant	No mitigation is required	Less than significant
GW-3: Operation of the proposed Program would not result in a demonstrable and sustained reduction in groundwater recharge capacity or change in potable water levels sufficient to reduce the ability of a water utility to use the groundwater basin for public	No impact	No mitigation is required	No impact

Table ES-7. Summary of Potential Impacts and Mitigation Measures for the Proposed Program

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impact After Mitigation*
water supplies, conjunctive use purposes, storage of imported water, or summer/winter peaking, or to respond to emergencies and drought; reduce yields of adjacent wells or well fields (public or private); or adversely change the rate or direction of groundwater flow.			
GW-4: Operation of the proposed Program would not result in a violation of regulatory water quality standards at an existing production well, as defined in CCR, Title 22, Division 4, Chapter 15 and in the Safe Drinking Water Act.	No impact	No mitigation is required	No impact
3.7 Hazards and Hazardous Materials			
Construction			
HAZ-1: Construction of the proposed Program would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	Less than significant	No mitigation is required	Less than significant
HAZ-2: Construction of the proposed Program would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	Less than significant	No mitigation is required	Less than significant
HAZ-3: Construction of the proposed Program would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	Less than significant	No mitigation is required	Less than significant
HAZ-4: Construction of the proposed Program would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	Less than significant	No mitigation is required	Less than significant
Operations			
HAZ-1: Operation of the proposed Program would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	Less than significant	No mitigation is required	Less than significant
HAZ-2: Operation of the proposed Program would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	Significant	**MM HAZ-1: General Mitigation Measure** **MM HAZ-2: Hazards and Operability Studies**	Less than significant

Table ES-7. Summary of Potential Impacts and Mitigation Measures for the Proposed Program

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impact After Mitigation*
HAZ-3: Operation of the proposed Program would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	Less than significant	No mitigation is required	Less than significant
HAZ-4: Operation of the proposed Program would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	Less than significant	No mitigation is required	Less than significant
3.8 Land Use			
Construction			
LU-1: Construction of the proposed Program would be consistent with the General Plan or adopted environmental goals or policies contained in other applicable plans adopted for the purpose of avoiding or mitigating an environmental impact.	Less than significant	No mitigation is required	Less than significant
Operations			
LU-1: Operation of the proposed Program would be consistent with the General Plan or adopted environmental goals or policies contained in other applicable plans adopted for the purpose of avoiding or mitigating an environmental impact.	Less than significant	No mitigation is required	Less than significant
3.9 Noise			
Construction			
NOI-1: Daytime construction activities lasting more than 10 days in a 3-month period would exceed existing ambient exterior noise levels by 5 decibels (dB) A-weighted (A) or more at a noise-sensitive use.	Significant	**MM NOI-1: Construction Hours** **MM NOI-2: Construction Days** **MM NOI-3: Construction Equipment** **MM NOI-4: Idling Prohibitions.** **MM NOI-5: Equipment Location** **MM NOI-6: Notification** **MM NOI-7: Use Quiet Equipment** **MM NOI-8: Use Electrical Power when feasible** **MM NOI-9: Disturbance Coordinator** **MM NOI-10: Restricted Pile Driving Hours** **MM NOI-11: Temporary Noise Barriers**	Significant and unavoidable

Table ES-7. Summary of Potential Impacts and Mitigation Measures for the Proposed Program

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impact After Mitigation*
NOI-2: Construction activities would not exceed the ambient noise level by 5 dB(A) at a noise-sensitive use between the hours of 9:00 P.M. and 7:00 A.M. Monday through Friday, before 8:00 A.M. or after 6:00 P.M. on Saturday, or at any time on Sunday.	No impact	No mitigation is required	No impact
NOI-3: Construction of would not expose persons to or generate excessive groundborne vibration or groundborne noise levels.	Less than significant	No mitigation is required	Less than significant
NOI-4: The ambient noise level measured at the property line of affected uses would not increase by 3 dB(A) in Community Noise Equivalent Level (CNEL) to or within the "normally unacceptable" or "clearly unacceptable" category, or any 5 dB(A) or greater noise increase, as defined by City thresholds.	No impact	No mitigation is required	No impact
Operations			
NOI-1: Daytime construction activities lasting more than 10 days in a 3-month period would not exceed existing ambient exterior noise levels by 5 dB(A) or more at a noise-sensitive use.	No impact	No mitigation is required	No impact
NOI-2: Construction activities would not exceed the ambient noise level by 5 dB(A) at a noise-sensitive use between the hours of 9:00 P.M. and 7:00 A.M. Monday through Friday, before 8:00 A.M. or after 6:00 P.M. on Saturday, or at any time on Sunday.	No impact	No mitigation is required	No impact
NOI-3: Operation would not expose persons to or generate excessive groundborne vibration or groundborne noise levels.	Less than significant	No mitigation is required	Less than significant
NOI-4: The ambient noise level measured at the property line of affected uses would not increase by 3 dB(A) in CNEL to or within the "normally unacceptable" or "clearly unacceptable" category, or any 5 dB(A) or greater noise increase, as defined by City thresholds.	Less than significant	No mitigation is required	Less than significant
3.10 Public Services			
Construction			
PS-1: Construction of the proposed Program would not burden existing U.S. Coast Guard (USCG), Los Angeles Police Department (LAPD), or Los Angeles Port Police (Port Police) staff levels and facilities, such that the USCG, LAPD, or Port Police would not be able to maintain an adequate level of service without constructing additional facilities that could cause significant environmental effects.	Significant	**MM PS-1: Prepare a Manual in Compliance with the Work Area Traffic Control Handbook (WATCH)**	Less than significant

Table ES-7. Summary of Potential Impacts and Mitigation Measures for the Proposed Program

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impact After Mitigation*
PS-2: Construction of the proposed Program would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility to maintain service.	Less than significant	No mitigation is required	Less than significant
Operations			
PS-1: Operation of the proposed Program would not burden existing USCG, LAPD, or Port Police staff levels and facilities such that the USCG, LAPD, or Port Police would not be able to maintain an adequate level of service without constructing additional facilities that could cause significant environmental effects.	Less than significant	No mitigation is required	Less than significant
PS-2: Operation of the proposed Program would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility to maintain service.	Less than significant	No mitigation is required	Less than significant
3.11 Recreation			
Construction			
REC-1: Construction of the proposed Program would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated.	Less than significant	No mitigation is required	Less than significant
REC-2: Construction of the proposed Program would not include recreational facilities or require the construction or expansion of recreational facilities that could have an adverse physical effect on the environment.	Less than significant	No mitigation is required	Less than significant
Operations			
REC-1: Operation of the proposed Program would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated.	Less than significant	No mitigation is required	Less than significant
REC-2: Operation of the proposed Program would not include recreational facilities or require the construction or expansion of recreational facilities that could have an adverse physical effect on the environment.	Less than significant	No mitigation is required	Less than significant

Table ES-7. Summary of Potential Impacts and Mitigation Measures for the Proposed Program

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impact After Mitigation*
3.12 Transportation and Circulation			
Construction			
TRANS-1: Construction of the proposed Program would not result in a short-term, temporary increase in truck and auto traffic.	Less than significant	No mitigation is required	Less than significant
TRANS-2: Construction of the proposed Program would not significantly impact at least one study location volume/capacity (V/C) ratios or level of service for long-term vehicular traffic.	Less than significant	No mitigation is required	Less than significant
TRANS-3: The proposed Program would not cause an increase in onsite employees due to operations, which would then result in a significant increase in public transit use.	No impact	No mitigation is required	No impact
TRANS-4: The proposed Program would not result in operations that would cause increases considered significant for freeway congestion.	No impact	No mitigation is required	No impact
TRANS-5: The proposed Program would not result in operations that would cause a significant impact in vehicular delay at railroad grade crossings.	No impact	No mitigation is required	No impact
TRANS-6: Construction of the proposed Program would not substantially increase hazards due to a design feature or incompatible uses.	Less than significant	No mitigation is required	Less than significant
TRANS-7: Construction of the proposed Program would not result in inadequate emergency access.	Less than significant	No mitigation is required	Less than significant
TRANS-8: Construction of the proposed Program would not conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	Less than significant	No mitigation is required	Less than significant
TRANS-9: Construction of the proposed Program would not result in inadequate parking capacity.	Less than significant	No mitigation is required	Less than significant
VT-1: Construction of the proposed Program would not interfere with the operation of designated vessel traffic lanes and/or adversely affect the safety of vessels navigating within the Port of Los Angeles and its approaches.	Less than significant	No mitigation is required	Less than significant

Table ES-7. Summary of Potential Impacts and Mitigation Measures for the Proposed Program

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impact After Mitigation*
Operations			
TRANS-1: The proposed Program would not result in a short-term, temporary increase in truck and auto traffic.	No impact	No mitigation is required	No impact
TRANS-2: Operation of the proposed Program would not significantly impact at least one study location V/C ratios or level of service for long-term vehicular traffic.	Less than significant	No mitigation is required	Less than significant
TRANS-3: Operation of the proposed Program would not cause an increase in onsite employees, which would then result in a significant increase in public transit use.	Less than significant	No mitigation is required	Less than significant
TRANS-4: Operation of the proposed Program would cause increases considered significant for freeway congestion.	Significant	**MM TRANS-1: Implement the Interstate (I)-710 Corridor Project**	Significant and unavoidable
TRANS-5: Operation of the proposed Program would not cause a significant impact in vehicular delay at railroad grade crossings.	Less than significant	No mitigation is required	Less than significant
TRANS-6: Operation of the proposed Program would not substantially increase hazards due to a design feature or incompatible uses.	Less than significant	No mitigation is required	Less than significant
TRANS-7: Operation of the proposed Program would not result in inadequate emergency access.	Less than significant	No mitigation is required	Less than significant
TRANS-8: Operation of the proposed Program would not conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	Less than significant	No mitigation is required	Less than significant
TRANS-9: Operation of the proposed Program would not result in inadequate parking capacity.	Less than significant	No mitigation is required	Less than significant
VT-1: Operation of the proposed Program would not interfere with the operation of designated vessel traffic lanes and/or adversely affect the safety of vessels navigating within the Port of Los Angeles and its approaches.	Less than significant	No mitigation is required	Less than significant

Table ES-7. Summary of Potential Impacts and Mitigation Measures for the Proposed Program

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impact After Mitigation*
3.13 Utilities			
Construction			
UT-1: Construction of the proposed Program would not result in a substantial increase in wastewater flows that would exceed the wastewater treatment requirements of the Los Angeles Regional Water Quality Control Board (RWQCB) or the capacity of existing treatment facilities.	Less than significant	No mitigation is required	Less than significant
UT-2: Construction of the proposed Program would not result in a substantial increase in water demand that would exceed the water supplies available from existing entitlements and resources, and new or expanded facilities or entitlements would be required.	Less than significant	No mitigation is required	Less than significant
UT-3: Construction of the proposed Program would not generate substantial surface runoff that would exceed the capacity of existing municipal storm drain systems.	Less than significant	No mitigation is required	Less than significant
UT-4: Construction of the proposed Program would not result in an increase in solid waste generation due to project operations that would exceed the capacity of existing solid waste handling and disposal facilities.	Less than significant	No mitigation is required	Less than significant
UT-5: Construction of the proposed Program would not require new, offsite energy supply and distribution infrastructure, or capacity-enhancing alterations to existing facilities that are not anticipated by adopted plans or programs.	Less than significant	No mitigation is required	Less than significant
Operations			
UT-1: Operation of the proposed Program would not result in a substantial increase in wastewater flows that would exceed the wastewater treatment requirements of the Los Angeles RWQCB or the capacity of existing treatment facilities.	Less than significant	No mitigation is required	Less than significant
UT-2: Operation of the proposed Program would not result in a substantial increase in water demand that would exceed the water supplies available from existing entitlements and resources, and new or expanded facilities or entitlements would be required.	Less than significant	No mitigation is required	Less than significant
UT-3: Operation of the proposed Program would not generate substantial surface runoff that would exceed the capacity of existing municipal storm drain systems.	Less than significant	No mitigation is required	Less than significant

Table ES-7. Summary of Potential Impacts and Mitigation Measures for the Proposed Program

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impact After Mitigation*
UT-4: Operation of the proposed Program would not result in an increase in solid waste generation due to project operations that would exceed the capacity of existing solid waste handling and disposal facilities.	Less than significant	No mitigation is required	Less than significant
UT-5: Operation of the proposed Program would not require new, offsite energy supply and distribution infrastructure, or capacity-enhancing alterations to existing facilities that are not anticipated by adopted plans or programs.	Less than significant	No mitigation is required	Less than significant
3.14 Water Quality, Sediments and Oceanography			
Construction			
WQ-1: Construction of the proposed Program would not result in discharges that create pollution, contamination, or nuisance as defined in Section 13050 of the California Water Code (CWC) or that cause regulatory standards to be violated.	Less than significant	No mitigation is required	Less than significant
WQ-2: Construction of the proposed Program would not substantially reduce or increase the amount of surface water in a water body.	Less than significant	No mitigation is required	Less than significant
WQ-3: Construction of the proposed Program would not cause permanent adverse changes to the movement of surface water sufficient to produce a substantial change in the current or direction of water flow.	Less than significant	No mitigation is required	Less than significant
WQ-4: Construction of the proposed Program would not accelerate natural processes of wind and water erosion and sedimentation, resulting in sediment runoff or deposition which would not be contained or controlled onsite.	Less than significant	No mitigation is required	Less than significant
Operations			
WQ-1: Operation of the proposed Program would not result in discharges that create pollution, contamination, or nuisance as defined in Section 13050 of the CWC or that cause regulatory standards to be violated.	Less than significant	No mitigation is required	Less than significant
WQ-2: Operation of the proposed Program would not substantially reduce or increase the amount of surface water in a water body.	Less than significant	No mitigation is required	Less than significant

Table ES-7. Summary of Potential Impacts and Mitigation Measures for the Proposed Program

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impact After Mitigation*
WQ-3: Operation of the proposed Program would not result in permanent adverse changes to the movement of surface water sufficient to produce a substantial change in the current or direction of water flow.	Less than significant	No mitigation is required	Less than significant
WQ-4: Operation of the proposed Program would not accelerate natural processes of wind and water erosion and sedimentation, resulting in sediment runoff or deposition which would not be contained or controlled onsite.	Less than significant	No mitigation is required	Less than significant

ES.5.4 Summary of Significant Unavoidable, Environmental Justice and Cumulative Impacts

ES.5.4.1 Significant Unavoidable Impacts

This Draft PEIR (Chapter 3.0, Environmental Analysis) determined that implementation of the proposed Program would result in significant and unavoidable impacts to the following resources:

- Air Quality and Greenhouse Gases;
- Biology;
- Noise; and,
- Transportation and Circulation.

Air Quality and Greenhouse Gases. As discussed in Section 3.2, Air Quality and Greenhouse Gases, construction and operation of the proposed appealable/fill projects and land use changes under the proposed Program would result in significant unavoidable impacts related to several impact criteria (Impacts AQ-1, AQ-2, AQ-3, AQ-4, AQ-7, and GHG-1). **MM AQ-1 through MM AQ-18** and **MM GHG-1 through MM GHG-6** wouldreduce the magnitude of impacts, but residual impacts would remain significant.

Biology. Increased vessel calls associated with the proposed appealable/fill projects under the proposed Program could increase the risk of introducing non-native invasive species. Federal and state regulations substantially reduce the risk of invasive species introductions by requiring seagoing vessels to comply with ballast water management, marine biofouling, and sediment management requirements. While more vessels will be required to comply with these requirements through 2016, treatment system technologies have yet to be proven 100 percent effective. Consequently, it is not possible to ensure that no non-native species are introduced to the harbor environment, nor is it possible to ensure that introduced species are not invasive. Accordingly, it is not possible to fully avoid the potential for invasive species introductions to disrupt marine biological communities. No feasible mitigation is currently available to totally prevent introduction of invasive species due to lack of proven technologies and the phased schedule of vessel compliance with new regulations.

Noise. Construction of the proposed appealable/fill projects under the proposed Program would generate noise levels that exceed thresholds associated with significant noise impacts (Impact NOI-1). Mitigation measures (**MM NOI-1 through MM NOI-11**) would be implemented to reduce noise levels where possible, but resulting noise levels would still exceed thresholds, and residual impacts would remain significant.

Transportation and Circulation. Operation of the proposed appealable/fill projects under the proposed Program (Impact TRANS-4) would result in significant traffic

impacts to Interstate (I)-710. **MM TRANS-1** would reduce potentials for traffic congestion. However, implementation of **MM TRANS-1** may not reduce the impact to less than significant levels. Therefore, residual impacts would remain significant if the I-710 Corridor Project is not implemented by 2035.

ES.5.4.2 Environmental Justice Impacts

This Draft PEIR (Chapter 6.0, Environmental Justice) determined that implementation of the proposed Program would result in individual and cumulative impacts that would cause disproportionately high and adverse effects on minority and low-income populations.

Impact AQ-1: Construction of the proposed Program would produce emissions that exceed a South Coast Air Quality Management District (SCAQMD) daily emission threshold. Because residential areas closest to portions of the Port within the coastal zone are predominantly minority and have a concentration of low-income populations relative to Los Angeles County, exposure to daily emissions that exceed SCAQMD thresholds would constitute a disproportionately high and adverse effect on minority and low-income populations. In addition, the proposed appealable/fill projects associated with the proposed Program would make a cumulatively considerable contribution to a significant cumulative air quality impact associated with emissions from construction, also resulting in a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-2: Construction of the proposed Program would result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance. Construction of the proposed appealable/fill projects under the proposed Program would result in offsite ambient concentrations of criteria air pollutants that would exceed SCAQMD thresholds of significance, even after implementation of mitigation measures. Although receptor points with maximum concentrations would not always occur in residential areas, residential areas would experience higher concentrations the closer they are to the Port. Because residential areas closest to the Port are predominantly minority and have a concentration of low-income populations relative to Los Angeles County, elevated ambient concentrations would constitute a disproportionately high and adverse effect on minority and low-income populations. In addition, the proposed Program would make a cumulatively considerable contribution to a significant cumulative air quality impact during construction. Because residential areas closest to the Port are predominantly minority and have a concentration of low-income populations, the elevated ambient concentrations of air pollutants would constitute a disproportionately high and adverse effect on minority and low-income populations.

Nitrogen dioxide (NO_2) is a primary pollutant of concern that occurs from proposed construction activities. Exposure to this pollutant can produce the following adverse effects: 1) aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; and, 2) produce a risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes. These adverse health effects may occur disproportionately among minority and low-income populations in the vicinity of the Port as a result of elevated ambient concentrations that exceed SCAQMD thresholds.

In addition, the proposed Program would make a cumulatively considerable contribution to a significant cumulative air quality impact related to NO_2 during construction. Because residential areas closest to the PMPU area are predominantly minority and have a concentration of low-income population, the elevated ambient concentrations of NO_2 would constitute a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-3: Operation of the proposed Program would result in emissions that exceed a SCAQMD daily emission threshold and the VOC 10 tons per year threshold. Because residential areas closest to the Port are predominantly minority and have a concentration of low-income populations relative to Los Angeles County, elevated daily emissions would constitute a disproportionately high and adverse effect on minority and low-income populations. In addition, the proposed Program would make cumulatively considerable contribution to a significant cumulative air quality impact from daily emissions during operation, and this cumulative impact would constitute a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-4: Operation of the proposed Program would result in ambient air pollutant concentrations that exceed a SCAQMD threshold of significance. Because residential areas closest to the Port are predominantly minority and have a concentration of low-income populations relative to Los Angeles County, elevated ambient concentrations of air pollutants would constitute a disproportionately high and adverse effect on minority and low-income populations. In addition, the proposed Program would make a cumulatively considerable contribution to significant cumulative air quality impacts because it would exceed pollutant thresholds of significance during operation, and this cumulative impact would constitute a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-7 (Residents only): The proposed Program would be associated with combined construction and operational activities that would produce emissions of toxic air contaminants (TACs) that would expose residents to significant cancer risks (i.e., an increase in cancer risk by more than 10 in 1 million) and acute non-cancer effects (exceeds health hazard index of 1.0). Because populations living closest to the Port are predominantly minority and have a concentration of low-income populations relative to Los Angeles County, significant cancer risks and acute non-cancer effects resulting from emissions of TACs would constitute a disproportionately high and adverse effect on minority and low-income populations. In addition, the proposed Program would make a cumulatively considerable contribution to significant cumulative cancer risk and acute non-cancer effects that would constitute a disproportionately high and adverse effect on minority and low-income populations living closest to the Port.

The following impacts would not cause disproportionately high and adverse effects on minority and low-income populations.

Impact AQ-7 (Port workers only): The proposed Program would be associated with combined construction and operational activities that would produce emissions of TACs that would expose Port workers to significant cancer risks and acute non-cancer effects. Combined construction and operational activities would produce emissions of TACs that would expose workers to significant cancer

risks and acute non-cancer effects. Combined construction and operational activities would produce emissions of TACs that would expose workers to significant cancer risks and acute non-cancer effects. Cancer risks and acute non-cancer effects to Port workers would not result in disproportionately high and adverse effects on minority and low-income populations.

Impact GHG-1: The proposed Program would be associated with operational activities that would produce GHG emissions that would exceed a CEQA threshold. Unlike criteria pollutants, GHG emissions do not cause direct adverse human health effects. The direct environmental effect of GHG emissions is an increase in global temperatures, which in turn has indirect effects on humans. The effect is not specific to the area surrounding the Port; it has global ramifications on a cumulative scale. Because the proposed Program's direct GHG emissions would not adversely affect the communities surrounding the Port to a greater degree than elsewhere, significant GHG impact would not represent a disproportionately high and adverse effect on minority and low-income populations.

Impact NOI-1: The proposed Program would include construction daytime activities lasting more than 10 days in a 3-month period which would exceed existing ambient exterior noise levels by 5 decibels (dB) A-weighted (A) or more and adversely affect sensitive receptors including liveaboards in marinas in the vicinity of the East Basin, therefore producing a significant program (and cumulative) noise impact. Liveaboards near proposed construction activities in Planning Areas 2 and 3 would be exposed to significant noise impacts involving pile driving. The construction associated with the Berths 187-189 Liquid Bulk Relocation Project is within 2,250 feet of marinas with liveaboards. Pile driving, especially at the face of Berths 191-194 or in the immediate upland vicinity for structure foundations would be another source of significant construction noise. Pile driving associated with the Berth 300 Development Project and Berth 301 land use change would generate noise impacts to liveaboards at the Al Larson Marina site. These liveaboards would be removed from the marina as a result of the proposed appealable/fill project. However, noise impacts potentially would occur at the Al Larson Marina if pile driving associated with any of appealable/fill projects or land use changes occurred before the Al Larson Marina Project was initiated. General construction not mentioned herein could occur within 400 feet of sensitive receptors and would potentially result in sensitive receptors being exposed to noise at Leq levels greater than 5 A-weighted sound level (dB(A)) above ambient.

Noise mitigation measures identified in Section 3.9, Noise, including **MM NOI-1 through MM NOI-11** would be implemented. However, these mitigations may not always be feasible or if feasible, may not be able to reduce construction noise impacts to less than significant.

Liveaboards who would be affected by significant construction noise impacts live in East Basin marinas contained in Census Tract 9800.14. The population in Census Tract 9800.14 is 23.4 percent minority and 16.7 percent low-income. Both the minority and low-income percentages for Census Tract 9800.14 are lower than that of the comparison population in Los Angeles County, which is over 50 percent minority and 19.2 percent low income. Because areas that would experience the greatest exposure to construction noise impacts are not predominantly minority and have lower concentrations of minority populations and low-income populations than the

comparison population, disproportionately high and adverse effects on minority and low-income populations would not occur and there would also be no disproportionate effects related to cumulative noise impacts.

Impact TRANS-1:The proposed Program would create a significant unavoidable traffic impact on the I-710 freeway at the Congestion Management Program (CMP) monitoring stations north of Pacific Coast Highway (PCH), north of I-405, and north of Firestone Boulevard. With implementation of **MM TRANS-1**, the LAHD would collaborate with the California Department of Transportation (Caltrans) and Los Angeles Metropolitan Transportation Authority (Metro) to secure funding and ensure timely implementation of the I-710 Corridor Project by 2035 to alleviate future Port area and regional traffic growth on the I-710. The I-710 Corridor EIS/EIR would address the traffic impact of overall Port area and regional growth on the I-710 corridor, which encompasses the significant impact determined as part of this analysis for the proposed Program. Until the I-710 Corridor Project is implemented, the proposed Program would cause a significant impact to the three freeway locations identified above along the I-710.

I-710 south of I-405 is dominated by Port traffic. Auto traffic primarily consists of residents of Long Beach and Wilmington. Primary destinations of regional commuters are the Port and downtown Long Beach. As such, congestion impacts on I-710 would not disproportionately affect minority or low-income populations because users of I-710 are traveling from a variety of (dispersed) areas rather than predominantly comprising residents of minority or low-income communities or areas near the Port.

ES.5.4.3 Significant Cumulative Impacts

This Draft PEIR (Chapter 4.0, Cumulative Analysis) determined that the proposed Program in combination with other past, present, and reasonably foreseeable future projects would result in cumulatively considerable contributions to significant cumulative impacts to the following resources:

- Air Quality and Greenhouse Gases;
- Biology; and,
- Noise.

Air Quality and Greenhouse Gases. Cumulative Impacts AQ-1, AQ-2, AQ-3, AQ-4, AQ-7, and GHG-1, related to emissions of pollutants, TACs, and GHGs from construction and operation of the proposed appealable/fill projects and land use changes under the proposed Program, were considered cumulatively considerable and unavoidable.

Biology. Cumulative Impact BIO-4, related to possible introduction of invasive species, associated with increased vessels call during operation of the proposed appealable/fill projects and land use changes under the proposed Program, was considered cumulatively considerable and unavoidable.

Noise. Cumulative Impact NOI-1, related to noise levels from construction of the proposed appealable/fill projects and land use changes under the proposed Program, was considered cumulatively considerable and unavoidable.

ES.5.5 Summary of the Alternatives Impact Analysis

Table ES-8 presents a summary of the results of the analysis for the resource areas for the proposed Program and alternatives (Alternative 1 – No-Program Alternative and Alternative 2 – No Fill Alternative).

Table ES-8. Summary of Impacts by Alternative

Environmental Resource Area	*Proposed Program*	*No-Program Alternative 1*	*No Fill Alternative 2*
Aesthetics/Visual Resources	N	N	N
Air Quality and Greenhouse Gases	S	S	S
Biological Resources	S	S	S
Cultural Resources	M	M	M
Geology	M	M	M
Groundwater and Soils	L	L	L
Hazards and Hazardous Materials	M	M	M
Land Use	L	N	L
Noise	S	S	S
Public Services	M	M	M
Recreation	L	L	L
Transportation and Circulation – Ground and Marine	S	S	S
Utilities	L	L	L
Water Quality, Sediments, and Oceanography	L	L	L

Notes:
L = Less than Significant
N = No Impact
M = Significant but Mitigable
S = Significant Unavoidable

ES.5.6 Environmentally Superior Alternative

CEQA requires identification of the environmentally superior alternative in an EIR. There is no established methodology for comparing the alternatives or determining the environmentally superior alternative under CEQA. Therefore, the environmentally superior alternative was determined based on a ranking system that assigned numerical scores comparing the impacts under each resource area for each alternative with the proposed Program. The scoring system ranged from -2 if impacts are considered to be substantially reduced when compared to the proposed Program, to +1 if impacts are considered to be somewhat greater when compared with the proposed Program. Table ES-9 presents the scoring system and rankings for each alternative.

Based on the above analysis, the No-Program Alternative and No Fill Alternative would have similar impacts, and both would have fewer impacts than the proposed Program. However, CEQA Guidelines Section 15126.6(e)(2) requires that in cases where the No-Program Alternative is determined to be the environmentally superior alternative, another alternative must be identified as environmentally superior. Consequently, the No Fill Alternative would be the environmentally superior alternative because it would have less activity than the proposed Program.

Table ES-9. Comparison of Alternatives to the Proposed Program (with Mitigation)

Environmental Resource Area	*Alternative 1/ No-Program*	*Alternative 2/ No Fill*
Air Quality and Greenhouse Gases	-1	-1
Biological Resources	-1	-1
Cultural Resources	0	0
Geology	0	0
Hazards and Hazardous Materials	0	0
Noise	-1	-1
Public Services	0	0
Transportation and Circulation—Ground and Marine	0	0
Total	**-3**	**-3**

Notes:

Only environmental resources with unavoidable significant impacts or significant but mitigable impacts are included in this table and the analysis used to rank alternatives; the analysis includes project-level impacts, not cumulative effects.

-2 = Impact considered to be substantially less when compared with the proposed Program

-1 = Impact considered to be somewhat less when compared with the proposed Program

0 = Impacts to be equal to the proposed Program

1 = Impact to be somewhat greater when compared with the proposed Program

2 = Impact to be substantially greater when compared with the proposed Program

Where significant unavoidable impacts would occur across different alternatives, but there are impact intensity differences between alternatives, numeric differences are used to differentiate (i.e., in some cases, there are differences at the individual impact level, such as differences in the number of impacts or relative intensity).

ES.6 Public Involvement

LAHD extends considerable effort to provide public outreach beyond the minimum required by CEQA. Under CEQA, noticing and public outreach for an EIR can be limited to sending the NOP to the State Clearinghouse and each responsible and trustee agency (CEQA Guidelines Section 15082). Additionally, scoping meetings are typically only required for projects of statewide, regional, or area-wide significance (CEQA Guidelines Section 15082[c]). This proposed Program is considered to be a project of local and regional importance. In its efforts to outreach beyond minimum CEQA requirements, LAHD is providing notice of public review of the Draft PEIR using the following procedures: mail to organizations and individuals previously requesting notice; publication of notices in multiple local and regional newspapers; posting of the notice on the LAHD website; and/or direct mailing to owners and occupants of property contiguous to the project site (CEQA Guidelines Section 15087). All NOPs/ISs and Draft EIRs are presented at public

meetings at locations and times estimated to be convenient for the affected community.

Notification of availability of documents is extensive and uses a variety of media. For example, CEQA notices are placed in five newspapers: the *Los Angeles Times*, *Daily Breeze*, *La Opinion*, *Long Beach Press Telegram*, and *Random Lengths*. Further, meeting notices are sent to all active community organizations and to anyone who has requested to be on the LAHD CEQA mailing list. Additionally, postcards noticing a document and any public meetings also are sent to all San Pedro and Wilmington addresses. A free copy of documents is also provided to community organizations.

LAHD also consults with affected community groups through the PCAC, a special stakeholder advisory committee of the Board. This committee, which meets monthly, includes representatives from a number of community groups. The PCAC also has subcommittees and focus groups that address a broad range of environmental issues, including studies on those impacts that might result in disproportionate impacts on relevant population.

ES.6.1 PMPU Planning Process and Community Involvement

The PMPU reflects input from Port stakeholders, including tenants, Port customers, government agencies, and the community. During the PMPU planning process, LAHD sponsored two public workshops on July 19 and October 25, 2012. The purpose of the workshops was to describe the planning process; identify the objectives of the PMPU; and discuss the primary changes in land uses and planning areas developed to date.

During the NOP/IS public review process, various individuals and organizations provided comments on the scope of the environmental analysis to be included in the PEIR. The following is a timeline of noticing and public involvement that has occurred to date within the environmental review process for the proposed Program.

- **July 26, 2012.** The NOP/IS was released and distributed to over 250 agencies, organizations, individuals, and the California Office of Planning and Research, State Clearinghouse. The proposed Program was assigned State Clearinghouse Number 11058-060. Over 9,000 postcards were distributed notifying the public of the date of the scoping meeting and the term of the comment period. Notice of the comment period and meeting were also posted in three local newspapers and on LAHD's website at: www.portoflosangeles.org.
- **July 26, 2012.** The NOP/IS was also filed with the Los Angeles City Clerk and the Los Angeles County Clerk.
- **August 14, 2012.** A public scoping meeting was held at the Banning's Landing Community Center in Wilmington, California. Two individuals commented at the meeting. Spanish translation services were made available at the meeting.
- **August 24, 2012.** The comment period ended. Twenty comment letters were received during the scoping period.

ES.6.2 Issues Raised/Resolution

Table ES-10 presents a summary of the key comments received during the NOP/IS public comment period, and references the sections of the Draft PEIR that address the comments.

Table ES-10. Summary of Key NOP Comments

Commenter	*Key Issues*	*Sections Where Addressed*
Caltrans District 7	▪ Increases in traffic generated by proposed appealable/fill projects under PMPU will require a traffic study to evaluate impacts on state highways. ▪ Recommends modifications to two I-110 interchanges and widening of the connector between State Route (SR)-47 to I-110. ▪ Identifies mitigation measures to minimize impacts on state highways. ▪ Recommends limiting oversized truck trips to off-peak commute periods. ▪ Caltrans encroachment permits will be required for work within State right-of-way.	Section 3.12, Transportation and Circulation
Governor's Office of Planning and Research	▪ NOP was circulated to all appropriate agencies.	Not applicable
State of California Public Utilities Commission	▪ Evaluate impacts from future development adjacent to railroad right-of-ways (increase traffic volumes, pedestrian circulation, and Americans with Disabilities Act [ADA] compliance). ▪ Recommends mitigation measures: grade separation, improve existing at-grade railroad crossings, barriers to limit trespassing.	Section 3.12, Transportation and Circulation
Central San Pedro Neighborhood Council	▪ Enhance waterfront areas. ▪ Expand diversity of Port's economic activities. ▪ Connect Red Car with Metro passenger rail system. ▪ Minimize truck traffic on city streets and address alternatives to reduce impacts. ▪ Provide more public access to ocean and channels. ▪ Ensure continued public recreational use of the Outer Harbor. ▪ Establish California Coastal Trail throughout the Port. ▪ Protect and preserve historic sites and buildings. ▪ Relocate hazardous material facilities owned and operated in San Pedro. ▪ Develop a renewable energy-based system. ▪ Concentrate industrial land uses on Terminal Island. ▪ Establish quiet zones for all rail activities adjacent to residential areas. ▪ Increase the percentage of rail cargo at the Port and provide access to Port via grade separations. ▪ Develop and expand nature preserves and marine habitats. ▪ Landscape areas between Port and adjacent communities.	Section 3.1, Aesthetics/Visual Resources; Section 3.3, Biological Resources; Section 3.4, Cultural Resources; Section 3.7, Hazards and Hazardous Materials; Section 3.9, Noise; Section 3.11, Recreation; Section 3.12, Transportation and Circulation; Section 3.13, Utilities

Table ES-10. Summary of Key NOP Comments

Commenter	*Key Issues*	*Sections Where Addressed*
City of Los Angeles Bureau of Sanitation	▪ The Wastewater Engineering Services Division determined the proposed Program is unrelated to sewers and does not require an analysis at this time.	Not applicable
Coalition for Clean Air	▪ Include the Port's GHG Emissions Reduction Plan in the PMPU.	Section 3.2, Air Quality and Greenhouse Gases
Communities for a Better Environment, Coalition for Clean Air, End Oil/ Communities for Clean Ports, Natural Resources Defense Council	▪ PMPU should maximize utilization of on-dock rail at the Port. ▪ PEIR should assess availability of existing and new lands to accommodate on-dock rail. ▪ PMPU should discourage new near-dock facilities (proposed Southern California International Gateway [SCIG] and Intermodal Container Transfer Facility [ICTF] facilities). ▪ Current diesel-fueled Port drayage fleet should be replaced with zero-emission systems. ▪ PEIR should evaluate the future of the *San Pedro Bay Ports Clean Air Action Plan* (CAAP) and measures such as the Clean Trucks Program (CTP) and Vessel Speed Reduction Program (VSRP). ▪ PEIR should include changes to CAAP and truck concession measures to reduce air pollution. ▪ PEIR should analyze mitigations that the Harbor Benefits Community Foundation can implement to mitigate impacts from Port growth.	Section 3.2, Air Quality and Greenhouse Gases; Section 3.12, Transportation and Circulation
ExxonMobil Pipeline Company	▪ PMPU should include options to relocate or expand current ExxonMobil facilities in Planning Area 2. ▪ Requests PMPU designate the site of ExxonMobil's facility in Planning Area 2 as dual use (container and liquid bulk). ▪ Recommends designating south end of former LAXT site as dual use (maritime support and liquid bulk) to accommodate future oil operations.	Chapter 5.0, Program Alternatives
Los Angeles Conservancy	▪ PMPU should establish policies and procedures for protecting historic resources. ▪ PEIR should include a comprehensive historic resources survey. ▪ PMPU should include policies that mandate periodic survey updates. ▪ PEIR should assess the compatibility and flexibility of existing and proposed land uses with historic resources. ▪ Allocating a single land use may limit reuse options for historic resources. ▪ PMPU should include a range of allowable land uses in the Fish Harbor and Terminal Island Planning Areas. ▪ PEIR should include a management plan for proposed appealable/fill projects that impact historic resources.	Section 3.4, Cultural Resources
Los Angeles County Metropolitan Transportation Authority	▪ PEIR should include a Traffic Impact Analysis that evaluates roadway and transit.	Section 3.12, Transportation and Circulation

Table ES-10. Summary of Key NOP Comments

Commenter	*Key Issues*	*Sections Where Addressed*
Native American Heritage Commission	▪ Recommends early consultation with Native American tribes. ▪ PEIR should consider the historical context and cultural landscape of the area of potential effects (APE). ▪ Requests avoidance of Native American burial sites. ▪ State regulations should be followed in the event of an inadvertent discovery of human remains.	Section 3.4, Cultural Resources; Section 3.8, Land Use
National Trust for Historic Preservation	▪ Encourage adaptive reuse of historic structures in Fish Harbor and Terminal Island/Main Channel. ▪ Allowable land uses should remain flexible to ensure that rehabilitation of historic structures is prioritized. ▪ Include a specific "Allowable Land Use" category that recognizes and prioritizes the Port's historic buildings for reuse.	Section 3.4, Cultural Resources; Section 3.8, Land Use
Port Community Advisory Committee	▪ Public safety should be a key focus of PMPU. ▪ PMPU should address all Port-owned and leased properties within and outside the coastal zone. ▪ Preserve historical buildings. ▪ PMPU should include several boatyards and repair facilities for small vessels. ▪ PMPU should include diversified land uses, not just container cargo uses. ▪ PMPU should ensure preservation of recreational uses in the Outer Harbor and prohibit development of a cruise ship terminal in this area and at Kaiser Point. ▪ PMPU should require relocation of hazardous materials from residential areas. ▪ I-710 Corridor Project Health Impact Assessment should be reviewed and incorporated into PMPU public record.	Chapter 2.0, Program Description; Section 3.2, Air Quality and Greenhouse Gases; Section 3.4, Cultural Resources; Section 3.7, Hazards and Hazardous Materials; Section 3.8, Land Use
Riverside County Transportation Commission	▪ PEIR should address potential impacts related to traffic (truck and rail) increases in Riverside County. ▪ PEIR should include mitigation measures and alternatives to reduce traffic impacts in Riverside County.	Section 3.12, Transportation and Circulation
SA Recycling	▪ SA Recycling should be allowed to stay at their current location. ▪ PEIR should evaluate a grade separation alternative that allows SA Recycling to stay at their current location. ▪ A new facility at the proposed relocation site is not financially or operationally feasible. ▪ Operations at the proposed relocation site would result in potential conflicts with small craft marina operations across the channel.	Section 3.8, Land Use; Chapter 5.0, Program Alternatives

Table ES-10. Summary of Key NOP Comments

Commenter	*Key Issues*	*Sections Where Addressed*
South Coast Air Quality Management District	▪ PEIR should evaluate mitigation measures that would apply to entire port complex (e.g., reduce emissions from vessels, locomotives, cargo handling equipment, and trucks). ▪ PMPU should establish programmatic policies that will minimize competitive advantages and disadvantages for Port operators. ▪ PEIR should consider mitigation measures that could become available over the next several years but after PEIR approval (zero and near-zero emission technologies and Tier 2 and 3 ocean-going vessel incentives). ▪ PEIR should include a requirement to review and implement technologies as they become available.	Section 3.2, Air Quality and Greenhouse Gases
Frank O'Brien	▪ PEIR land use analysis should include Port-owned lands outside coastal zone or off-port lands not owned by the Port but used to support Port activities.	Section 3.8, Land Use
Janet R. Gunter	▪ PMPU should require relocation of hazardous and liquid bulk facilities adjacent to Wilmington to Terminal Island and Pier 500. ▪ Hazardous and liquid bulk terminals should be consolidated and relocated as stipulated in original PMP. ▪ Relocate liquefied propane gas storage facility to protect the public.	Section 3.7, Hazards and Hazardous Materials; Chapter 5.0, Program Alternatives
Joyce Dillard	▪ PEIR should evaluate impacts on watersheds, Southern California Blight, sediment management, sea-level rise, flooding, air quality, geology and soils (methane and hazardous gas emissions), migratory birds, marine resources, and wetland mitigation banking. ▪ PMPU should include watershed regional management planning.	Section 3.2, Air Quality and Greenhouse Gases; Section 3.3, Biological Resources; Section 3.5, Geology; Section 3.7, Hazards and Hazardous Materials; Section 3.14, Water Quality, Sediments, and Oceanography
Lorna Salem	▪ Port should consider a high-rise hotel with amenities for visitors.	Section 3.8, Land Use
Kathleen Woodfield/ San Pedro Peninsula Homeowners' Coalition	▪ The PMPU should require relocation of hazardous and liquid bulk areas away from residential areas. ▪ Concerned about changing existing open space/recreational areas to industrial uses in San Pedro.	Section 3.7, Hazards and Hazardous Materials; Chapter 5.0, Program Alternatives
Carrie Scaville	▪ Requested clarification of the Scoping Meeting presentation.	Clarification provided