

MEMORANDUM

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS
FROM: CAROLYNN PETRU, AICP, DEPUTY CITY MANAGER 
DATE: AUGUST 6, 2013
SUBJECT: BORDER ISSUES STATUS REPORT
REVIEWED: CAROLYN LEHR, CITY MANAGER 
Project Manager: Kit Fox, AICP, Senior Administrative Analyst 

RECOMMENDATION

1) Receive and file the current report on the status of Border Issues; and 2) adopt Resolution No. 2013-___, expressing an official City Council position opposing the current *Ponte Vista* proposal.

EXECUTIVE SUMMARY

This month's report includes:

- A report on the release of the Final Environmental Impact Report (FEIR) for the *Ponte Vista* project at the former Navy housing site on Western Avenue in Los Angeles (San Pedro);
- An update on the Los Angeles County General Plan Update affecting the unincorporated areas of the Peninsula;
- An update on recent issues and events related to the Rancho LPG butane storage facility in Los Angeles (San Pedro); and,
- A report on the release of the Final Program Environmental Impact Report (FPEIR) for the Port Master Plan Update in the Port of Los Angeles (San Pedro).

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/2013/20130806_BorderIssues_StatusRpt.cfm

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DISCUSSION

Current Border Issues

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

On June 27, 2013, the City of Los Angeles released the Final Environmental Impact Report (FEIR) for the *Ponte Vista* project on Western Avenue in San Pedro. The FEIR and appendices are available for review on-line at the following link:

<http://planning.lacity.org/eir/PonteVistaProj2/FEIR/FEIR%20Ponte%20Vista%20Project.html>

Staff posted a link to PDFs of the FEIR and appendices under the "Spotlight" feature on the City's home page, and the FEIR was also made available for review in digital form at the Miraleste Branch Library on Palos Verdes Drive East.

Although the 1,135-unit plan is still officially the "proposed" project, the FEIR makes it clear that it is the developer's intention to pursue the reduced-density, 830-unit proposal (Alternative 'C'). The FEIR includes detailed analysis of two (2) additional alternatives: a 169-unit detached, single-family alternative that complies with the current site zoning (R1-1XL and OS-1XL); and a 477-unit mixed-use alternative that includes commercial and office space, a branch library and a 6-acre public park. However, both of these new alternatives are rejected as financially infeasible. The FEIR also includes a detailed summary and analysis of the project's relationship to the Rancho LPG facility.

A public hearing on the development entitlements and FEIR before the Deputy Advisory Agency and the City Planning Commission Hearing Officer was initially scheduled for Wednesday, July 24, 2013, at 10:00 AM at Los Angeles City Hall on Downtown Los Angeles. Mayor Brooks contacted Los Angeles City Councilman Joe Buscaino to ask for a change of venue for the public hearing, as had been done for the previous 2,300-unit *Ponte Vista* proposal in 2008-2009. On July 3, 2013, Staff learned that the *Ponte Vista* hearing had been moved to the Port of Los Angeles Administration Building in Downtown San Pedro at 10:00 AM on Tuesday, July 30, 2013 (see attached revised notice). Staff immediately notified subscribers to our Border Issues listserv group of these changes. However, it should also be noted that the purpose of the public hearing is only to receive public testimony on the development entitlements and FEIR. Based upon public comment submitted at the hearing, a Staff report and recommendation will be prepared for the consideration of the Los Angeles City Planning Commission at a future date. The project will also need to be approved by the Los Angeles City Council.

On July 1, 2013, the Planning and Land Use Committee of the Northwest San Pedro Neighborhood Council (NWSPNC) met to discuss the *Ponte Vista* FEIR. At that meeting, the developer's community outreach representative reported that the 830-unit proposal had been further modified to:

- Provide a 3.5-acre open space/park area along the access roadway to Mary Star-of-the-Sea High School;

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- Incorporate a business center into the proposed resident community center;
- Allow for an on-site daycare center within the project site; and,
- Provide an emergency egress driveway from the adjacent Seaport Townhomes condominiums.

Even with these further modifications, the NWSPNC remained concerned about the FEIR and the proposed project and specific plan. However, NWSPNC refrained at that time from expressing formal opposition to the project in the interest of maintaining open lines of communication with the developer.

Shortly after the July 1st NWSPNC meeting, the developer's community outreach team contacted Staff about meeting to discuss our City's concerns about the project. Although we were unable to arrange a meeting before the July 30th public hearing, we did ask if the developer would be able to make a brief presentation of the project to the City Council at tonight's meeting. As of the date that this report was completed, the developer had yet to confirm whether or not they would be able to attend tonight's meeting. However, it should be noted that Staff has tentatively scheduled a meeting with the developer's community outreach team on August 15, 2013.

Staff has reviewed the FEIR and the City of Los Angeles' responses to our previous comments on the Draft EIR. On July 29, 2013, Staff transmitted the attached comments on the project and FEIR to the City of Los Angeles. We acknowledged that the applicant had responded extensively to all of the comments that we had made about the Draft EIR. However, we also noted that we had lingering concerns with respect to:

- Emergency access along Western Avenue;
- Traffic impacts related to student drop-off/pick-up at Dodson Middle School;
- Increased public demand and wear-and-tear at Eastview Park;
- Traffic mitigation measures along Western Avenue; and,
- The rejection of several project alternatives as financially infeasible.

The public hearing on July 30, 2013, was well attended by members of the surrounding community and included both proponents of and opponents to the project (see attached agenda). This included Mayor Pro Tem Duhovic and Councilmen Campbell and Missetich. The developer presented an extensive overview of the history of the site and the proposed project, and the NWSPNC was allotted equal time to express its opposition to the proposed project. Following these presentations, public comments from the audience were accepted, including those of Councilmen Campbell and Missetich and a representative of Los Angeles Councilman Buscaino's office.

Given that the *Ponte Vista* project is now entering the phase during which final development entitlements may be granted (or not) by the City of Los Angeles in the near future, Staff believes that the City Council may wish to consider taking a formal position in support of or opposition to the project as currently proposed. In their comments at the July 30th public hearing, Councilmen Campbell and Missetich suggested adopting a resolution expressing the City Council's formal position on the

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current *Ponte Vista* proposal. Therefore, Staff has prepared the attached draft resolution for the City Council's consideration.

At the July 30th public hearing, the hearing officer noted that the Los Angeles City Planning Commission (CPC) was tentatively scheduled to consider the *Ponte Vista* project on Thursday, September 12, 2013, at Los Angeles City Hall in Downtown Los Angeles. However, he also noted that it appeared unlikely that the CPC Staff report could be completed in time to make it on that agenda. Based upon our experience with the previous 2,300-unit *Ponte Vista* proposal in 2008-2009, Staff anticipates that it may be October or November before the CPC reviews this project. Staff will continue to monitor this project in future Border Issues reports.

Los Angeles County General Plan Update, Unincorporated Areas of the Peninsula

On June 27, 2013, the City received notice of the revised Notice of Preparation of an Environmental Impact Report (EIR) for the Los Angeles County General Plan Update (see attachment). Similar to the issues of concern that we had raised with respect to the unincorporated areas of the Peninsula in 2004 and 2007, Staff submitted the attached comments to the County on July 26, 2013. These comments included landslides and slope stability; private sewage disposal systems, biological resource impacts; impacts upon local school facilities and changes in land use. Staff now awaits the release of the draft EIR associated with the General Plan update, and will continue to monitor this project in future Border Issues reports.

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

At the June 4, 2013, City Council meeting, the City Council directed Staff to prepare letters to Los Angeles Councilman Joe Buscaino, U.S. Congresswoman Janice Hahn and U.S. Congressman Henry Waxman regarding the Rancho LPG facility. The letters were completed and signed by the Mayor on June 18, 2013 (see attachments). Copies of these letters were also provided to State Senator Ted Lieu and State Assemblymember Al Muratsuchi.

On July 8, 2013, Staff received a phone call from the EPA, advising us that Rancho LPG had submitted written responses to their March 14, 2013, notice, and that the EPA was reviewing these responses. Subsequently, in response to the Mayor's letter of June 18, 2013, Congresswoman Hahn also sent the attached letter to the EPA on July 10, 2013, asking the EPA to expedite its review of Rancho LPG's response to the violations alleged in the EPA's notice of March 14, 2013. In addition, on July 31, 2013, Congressman Waxman sent the attached letter to the Department of Homeland Security (DHS), asking for an explanation of apparent discrepancies between the assessment of the risks posed by the Rancho LPG facility to DHS and EPA.

In the past two (2) months, several interested parties have forwarded items via e-mail, drawing comparisons between the Rancho LPG facility and other recent hazard issues and events. These have included:

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- The Chevron refinery fire in Richmond, CA in August 2012;
- The fertilizer plant explosion in West, TX in April 2013;
- The train derailment and resulting fire in Quebec, Canada in July 2013, and,
- A gas plant explosion in Florida in July 2013.

Copies of these e-mails are attached to tonight's report. Staff will continue to monitor this project in future Border Issues reports.

Port Master Plan Update, Port of Los Angeles

On July 26, 2013, the City received the attached notice of the Final Program Environmental Impact Report (FPEIR) for the Port Master Plan Update (PMPU). This notice included responses to our previous comments on the Draft PEIR and the PMPU itself (see attachments). Staff has reviewed these responses and is generally satisfied with that the issues that we raised have been addressed.

The Board of Harbor Commissioners (BHC) is scheduled to conduct a public hearing to consider certification of the FPEIR on Thursday, August 8, 2103 at 8:00 AM at the Port of Los Angeles Administration Building, 425 S. Palos Verdes St., San Pedro, CA 90731. Staff will continue to monitor this project in future Border Issues reports.

New Border Issues

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

Attachments:

- Draft Resolution No. 2013-__
- Revised notice for *Ponte Vista* hearing (received 7/8/13)
- Excerpts from FEIR for *Ponte Vista* project:
 - Introduction (Section I)
 - Response to Comments – Topical Responses (Section III.A)
 - Response to Comments – Rancho Palos Verdes (Section III.B)
 - Corrections and Additions to Draft EIR (Section IV)
 - Mitigation Monitoring and Reporting Program (Section V)
- NWSPNC Planning & Land Use Committee agenda (dated 7/1/13)
- Comments on *Ponte Vista* project and FEIR:
 - Rancho Palos Verdes
 - NWSPNC
 - R Neighborhoods R1
 - E-mail from Barbara Velez
- *Daily Breeze* article regarding *Ponte Vista* project (published 7/29/13)
- Public hearing agenda for *Ponte Vista* project (dated 7/30/13)
- Revised NOP for Los Angeles County General Plan Update (received 6/27/13)
- City comments on NOP for Los Angeles County General Plan Update (dated 7/26/13)

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Attachments (cont'd):

- Letters to Councilman Buscaino, Congresswoman Hahn and Congressman Waxman regarding Rancho LPG facility (dated 6/18/13)
- Letter from Congresswoman Hahn to EPA regarding Rancho LPG facility (dated 7/10/13)
- Letter from Congressman Waxman to DHS regarding Rancho LPG facility (dated 7/31/13)
- E-mails regarding Rancho LPG facility (miscellaneous dates)
- Notice of FPEIR for Port Master Plan Update (received 7/26/13)
- Excerpts from FPEIR and Port Master Plan Update:
 - Introduction
 - Response to City comments on FPEIR
 - Response to City comments on Port Master Plan Update

Draft Resolution No. 2013-__

RESOLUTION NO. 2013-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, OPPOSING THE CURRENT, 830-UNIT PROPOSAL FOR THE *PONTE VISTA* PROJECT AT THE FORMER SAN PEDRO NAVY HOUSING SITE AT 26900 WESTERN AVENUE IN THE CITY OF LOS ANGELES, AND RECOMMENDING THAT THE PROJECT BE REDESIGNED TO FURTHER REDUCE ITS OVERALL RESIDENTIAL DENSITY AND TO INCORPORATE A GREATER PERCENTAGE OF TRADITIONAL, DETACHED SINGLE-FAMILY (I.E., "R-1") HOMES

WHEREAS, since its closure in the late 1990s, the City of Rancho Palos Verdes has monitored, commented upon and participated as a stakeholder in the development of plans for the reuse of the former San Pedro Navy housing site at 26900 Western Avenue in the City of Los Angeles; and,

WHEREAS, the Rancho Palos Verdes City Council was appreciative of the inclusion of several Rancho Palos Verdes residents on the *Ponte Vista* Community Advisory Committee in 2007 when the original 2,300-unit proposal for the site was under consideration; and,

WHEREAS, the Rancho Palos Verdes City Council went on record as supporting the recommendations of the *Ponte Vista* Community Advisory Committee, which rejected a revised 1,950-unit proposal and affirmed the current R-1 zoning and density for the property, believing that these recommendations were reflective of the desires of the majority of residents who live near the *Ponte Vista* site; and,

WHEREAS, the Rancho Palos Verdes City Council was subsequently pleased to learn that the Los Angeles Planning Staff and City Planning Commission ultimately recommended denial of the project in 2009, including recommendations for an un-gated community with a mix of housing types at an overall density that was more comparable with those of surrounding neighborhoods; and,

WHEREAS, the Rancho Palos Verdes City Council believes that the eventual redevelopment of the former San Pedro Navy housing site for residential purposes is in the best interest of the cities of Los Angeles and Rancho Palos Verdes and their respective residents in that it would remove a blighted, obsolete land use from the site; provide new home ownership opportunities in the Los Angeles Harbor area; provide construction jobs and support for local businesses in both Los Angeles and Rancho Palos Verdes; and contribute to the revitalization of the Western Avenue corridor; and,

WHEREAS, the Rancho Palos Verdes City Council has considered the project proponent's current, 830-unit *Ponte Vista* proposal, including the review of the project's Environmental Impact Report, draft specific plan and related development entitlements (City of Los Angeles Case Nos. CPC-2012-2558-GPA-ZC-SP, VTT-71886-MU and ENV-2005-4516-EIR).

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

Section 1: The City Council remains concerned about the impact of the proposed project upon emergency access along Western Avenue, which is the only point of ingress/egress for this project and for thousands of existing residents in surrounding neighborhoods in Rancho Palos Verdes and San Pedro.

Section 2: Based upon our decades-long experience with school circulation patterns in the project area, the assumption that middle-school students residing at *Ponte Vista* will desire (or even be permitted) to walk to Dodson Middle School is unrealistic. As such, the City Council believes that traffic impacts upon the *Rolling Hills Riviera* neighborhood surrounding the school have not been adequately or accurately addressed.

Section 3: Even with the developer's last-minute offer of some limited public open space within the *Ponte Vista* project, the City Council believes that the City's Eastview Park will experience increased demand and wear-and-tear as a result of the project, which will not be mitigated or offset by the payment of Quimby fees to the City of Los Angeles.

Section 4: Although the project's traffic study concludes that adverse project impacts can be fully mitigated, the City Council is concerned that some of these proposed mitigation measures along Western Avenue will be unacceptable to our City and/or CalTrans, thereby resulting in significant adverse traffic impacts that will not be mitigated to an insignificant level. As an example, we are informed that CalTrans will not permit the proposed signalization of the intersection of Western Avenue and Fitness Drive.

Section 5: The Final EIR rejects as infeasible several project alternatives that have lower residential density; include a greater mix of residential and non-residential uses; and/or conform to the existing zoning of the site, on the basis (at least in part) that such alternatives are financially infeasible. However, this is a condition that the City Council believes that the surrounding community is not obligated to accept as a rationale for maximizing the currently developer's profit due to the unrealistically high price paid for the property by previous developers.

Section 6: For all of the reasons articulated above, the City Council opposes the current, 830-unit *Ponte Vista* project.

Section 7: The City Council recommends redesigning the *Ponte Vista* project to further reduce its overall residential density and to incorporate a greater percentage of traditional, detached single-family (i.e., "R-1") homes than are provided under the current, 830-unit proposal.

Section 8: The City Clerk shall certify to the adoption of this Resolution, and shall cause this Resolution to be transmitted to the City of Los Angeles for inclusion as a part of the administrative record of the *Ponte Vista* project (City of Los Angeles Case Nos. CPC-2012-2558-GPA-ZC-SP, VTT-71886-MU and ENV-2005-4516-EIR).

PASSED, APPROVED, AND ADOPTED this ___th day of August 2013.

Mayor

Attest:

City Clerk

State of California)
County of Los Angeles) ss
City of Rancho Palos Verdes)

I, Carla Morreale, City Clerk of the City of Rancho Palos Verdes, hereby certify that the above Resolution No. 2013-__ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on August __, 2013.

City Clerk

- Two- and three-story detached single-family homes with alley-loaded private garages
- Three-story buildings containing townhomes and flats with elevators and motor-court private garages
- Two- and three-story townhome duplexes with alley-loaded private garages
- Three-story buildings containing townhomes and flats with alley-loaded private garages
- Three-story townhomes in row house buildings with alley-loaded private garages
- Four-story buildings containing flats with elevators and secured common garages
- Four-story buildings with elevators over a secured common basement garage containing apartments

As part of the Project, all existing improvements would be removed from the site, including 245 residential dwelling units, a community center, and a retail convenience facility that were constructed in approximately 1962 by the U.S. Navy for the purpose of housing personnel stationed at the Long Beach Naval Shipyard. All of these buildings and uses are vacant.

The Environmental Impact Report (EIR) for the Project evaluated the following alternatives to the proposed Project, which could be considered:

Alternative A: No Project Alternative/No Development; Alternative B: No Project Alternative/Single-Family Homes; Alternative C: Staff Recommendation/Reduced Density (Environmentally Superior Alternative); and Alternative D: Revised Site Plan.

**ALTERNATIVE
 ACCEPTED BY
 APPLICANT
 AS FILED:**

Alternative C – Staff Recommendation/Reduced Density, as described in the EIR, would develop the site at a Low Medium I Residential density and would add 830 residential dwelling units, comprised of 208 single-family dwellings, 404 residential townhomes and row houses and 218 apartment units, to the site. No public park would be developed. The amount of publicly-accessible open space associated with Alternative C would be less than that associated with the Proposed Project due to the elimination of the public park component, but would include access to the trail and landscaped open space area surrounding the perimeter of the Project Site and will also include pedestrian access to the open space areas through the Project Site. Alternative C would, however, provide a greater amount of open space for the use of Project residents. An access road from Western Avenue to Mary Star of the Sea High School would be provided in this alternative.

Alternative C would involve development of a project similar to the Proposed Project on the site, however the total number of residential units would be reduced from 1,135 to 830. A total of six different housing product types would be included under Alternative C as shown in the table below:

Alternative C Dwelling Unit Summary							
Housing Product Type	Description	Proposed # of Dwelling Units	Dwelling Units/ Acre (Gross)	Avg. # of Units/ Bldg.	Avg. Size/ Unit (sq. ft.)	Average # of Bedrooms/ Unit	Other Description of Units
1	Single-Family Housing (detached)	69	5.5	1.0	2,400	3.0	2/3 Story; Street Loaded
2	Single-Family Housing (detached)	60	9.0	1.0	2,000	3.0	2/3 Story; Alley Loaded
3	Single-Family Housing (detached)	79	11.1	1.0	1,540	3.0	2/3 Story; Alley Loaded
4A/4B	Townhomes/Flats Combination	224	16.0	9.7	1,300	2.2	Elevator/Non-Elevator; Alley Loaded
5A/5B	Row Houses	180	17.8	5.9	1,440	2.3	Alley Loaded
6	Apartments	218	55.9	43.5	820	1.4	Walk-Up; Alley Loaded
Totals		830	13.5 (average)				

Source: SFI Bridgeview, LLC.

Alternative A would demolish and remove all existing improvements from the Project Site, but would leave the Property undeveloped. It would avoid most of the Project's impacts and would normally be identified as the Environmentally Superior Alternative. However, CEQA mandates that when a "No Project" alternative is identified as environmentally superior, an additional development alternative should also be identified as "environmentally superior". Alternative C is also deemed the Environmentally Superior alternative in the EIR. The Applicant has accepted Alternative C. It is expected that the City Planning Commission will consider approval of Alternative C instead of the Proposed Project in the EIR.

REQUESTED ACTION: The Deputy Advisory Agency will consider:

1. Pursuant to Section 21082.1(c) of the California Public Resources Code, the adoption of the Certification of Environmental Impact Report, findings, Statement of Overriding Considerations and accompanying mitigation measures and Mitigation Monitoring and Reporting Program for ENV-2005-4516-EIR, SCH No. 2010101082;
2. Pursuant to Los Angeles Municipal Code (LAMC) Section 17.15, Vesting Tentative Tract Map 71886 for a 244-lot subdivision for 208 single family homes, 404 townhomes and row houses, and 218 apartment units with 1,642 parking spaces and 349 guest parking spaces on a 60.6 net acre site in the R1-1XL and OS-1XL zones.

The City Planning Commission Hearing Officer will consider:

1. Pursuant to Section 11.5.6 of the Municipal Code, a **General Plan Amendment** to the Wilmington-Harbor City Community Plan to change the land use designation from "Low Residential" and "Open Space" to "Low Medium I", "Low Medium II" and "Medium Residential";
2. Pursuant to Section 12.32 of the Municipal Code, a **Zone Change** from R1-1XL and OS-1XL to a Specific Plan zone to be created;
3. Pursuant to Section 11.5.7 of the Municipal Code, the establishment of the Ponte Vista at San Pedro Specific Plan to provide regulatory controls and the systematic execution of the General Plan within the Project area;

The purpose of the hearing is to obtain testimony from affected and/or interested persons regarding this project. The environmental document will be among the matters considered at the hearing. The decision maker will consider all the testimony presented at the hearing, written communication received prior to or at the hearing, and the merits of the project as it relates to existing environmental and land use regulations. After the hearing, the Hearing Officer will prepare a report, including a recommendation, which will be considered by the City Planning Commission at a later date.

EIR CERTIFICATION: An Environmental Impact Report (EIR) has been prepared for this project, as described above, to assess potential environmental impacts. An EIR is comprised of two parts, the Draft EIR and the Final EIR. A Draft EIR was made available and circulated for public review and comment, pursuant to the provisions of the California Environmental Quality Act (CEQA), for an extended 60-day public review period from November 8, 2012 to January 7, 2013. The Final EIR responds to the comments and includes text revisions to the Draft EIR in response to input received on the Draft EIR. Unlike the Draft EIR, comments on the Final EIR are not required to be responded to by the City. If written comments are received, they will be provided to the Planning Commission as part of the staff report for the project. The EIR will be submitted to the Planning Commission and City Council for requested certification and action on the Project.

EXHAUSTION OF ADMINISTRATIVE REMEDIES: If you challenge a City action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on these matters delivered to the Department before the action on this matter will become a part of the administrative record. Note: This may not be the last hearing on this matter.

ADVICE TO PUBLIC: The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to (Henry Chu at The Los Angeles Department of City Planning, Major Projects, City Hall, Room 750, 200 N. Spring Street, Los Angeles, CA 90012).

WRITTEN COMMUNICATION: Written communications should cite the Case Number indicated at the top of this notice and may be mailed to the attention of Henry Chu at The Los Angeles Department of City Planning, Major Projects, City Hall, Room 750, 200 N. Spring Street, Los Angeles, CA 90012.

REVIEW OF FILE: CPC-2012-2558-GPA-ZC-SP and VTT-71886-MU, including the application and the environmental assessment, are available for public inspection at this location between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday. Please call Henry Chu at (213) 978-1324 several days in advance to assure that the files will be available. **Case files will not be available for inspection on the day of the hearing.**

If you wish to review a copy of the Final Environmental Impact Report (FEIR) or the documents referenced in the FEIR, you may do so by appointment during our office hours of 8:00 a.m. to 4:00 p.m., at City Hall, 200 N. Spring Street, Room 750, Los Angeles CA 90012. Please call Erin Strelch at (213) 978-1351. Copies of the FEIR are also at the following Library Branches:

1. San Pedro Regional Branch Library, 931 S. Gaffey Street, San Pedro, CA 90731
2. Harbor City-Harbor Gateway Branch Library, 24000 S. Western Avenue, Harbor City, CA 90710
3. Wilmington Branch Library, 1300 N. Avalon Boulevard, Wilmington, CA 90744
4. Los Angeles Central Library, 630 W. 5th Street, Los Angeles, CA 90071

The Project Site is located near the jurisdictions of Los Angeles County, Lomita, and Rancho Palos Verdes. The DEIR will also be available in digital format for review at these libraries that are outside the City of Los Angeles Public Library system, due to their proximity to the Project Site:

5. Lomita Public Library (County of Los Angeles, Public Library), 24200 Narbonne Avenue, Lomita, CA 90717
6. Miraleste Library (City of Ranchos Palos Verdes), 29089 Palos Verdes Drive East, Rancho Palos Verdes, CA 90275

The FEIR is also available online at the Department of City Planning's website [<http://cityplanning.lacity.org>] (click on "Environmental" and then "Final Environmental Impact Reports"). The FEIRs can be purchased on CD-ROM for \$7.50 per copy. Contact Erin Strelch of the City of Los Angeles at (213) 978-1351 to purchase one.

ACCOMMODATIONS: 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. The hearing facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. *Como entidad cubierta bajo el Título II del Acto de los Americanos con Desabilidades, la Ciudad de Los Angeles no discrimina. La facilidad donde la junta se llevará a cabo y su estacionamiento son accesibles para sillas de ruedas. Traductores de Lengua de Muestra, dispositivos de oído, u otras ayudas auxiliares se pueden hacer disponibles si usted las pide en avance.*

Other services, such as translation between English and other languages, may also be provided upon request. *Otros servicios, como traducción de Inglés a otros idiomas, también pueden hacerse disponibles si usted los pide en avance.*

To ensure availability of services, please make your request no later than three working days (72 hours) prior to the hearing by calling the staff person referenced in this notice. *Para asegurar la disponibilidad de éstos servicios, por favor haga su petición al mínimo de tres días (72 horas) antes de la reunión, llamando a la persona del personal mencionada en este aviso.*

Excerpts from FEIR for *Ponte Vista* project:
Introduction (Section I)



City of Los Angeles

Department of City Planning • Environmental Analysis Section
City Hall • 200 N. Spring Street, Room 750 • Los Angeles, CA 90012



FINAL ENVIRONMENTAL IMPACT REPORT

WILMINGTON-HARBOR CITY COMMUNITY PLAN AREA

This document, together with the Draft EIR and its appendices, comprise the Final EIR as required under the California Environmental Quality Act

Ponte Vista Project

Case Number: ENV-2005-4516-EIR
State Clearinghouse Number: 2010101082

Project Location: 26900 South Western Avenue, Los Angeles, California, 90732

Council District: 15

Project Description:

The Project proposes a Specific Plan (proposed density is approximately 13.5 units per acre), General Plan Amendment, Zone Change, and Vesting Tentative Tract Map for the subdivision, construction, and operation of an 830-unit residential development. The Project's residential units would be comprised of single-family, townhome, flat, and apartment units ranging in size from 600 to approximately 2,800 square feet, within buildings constructed over and/or adjacent to residential parking garages. Up to 218 of the 830 units may be rental units. The Project would also provide an access road from Western Avenue to the off-site, private Mary Star of the Sea High School. The Project Site is approximately 61.5 acres. The Project would incorporate internal open space and recreational areas, including a community clubhouse and pool/recreation area and approximately 7.1 acres of park area. Additional recreational amenities would be distributed throughout the site. The Project would involve the demolition and removal of all existing improvements on the Site, which include 245 vacant residential units, a 2,161-square foot community center, and a 3,454-square foot retail convenience facility which were constructed in approximately 1962 by the U.S. Navy for the purpose of housing and accommodating personnel stationed at the Long Beach Naval Shipyard. The Site (formerly known as "San Pedro Housing") was closed in the late 1990s.

APPLICANT:
SFI Bridgeview, LLC

PREPARED BY:
CAJA Environmental Services

ON BEHALF OF:
The City of Los Angeles
Department of City Planning
Environmental Analysis Section

June 2013

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Appendix B	Alternatives Economic Feasibility Study
Appendix C	LACSD “Will Serve” Letter
Appendix D	Draft Ponte Vista Specific Plan

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I. INTRODUCTION

A. PURPOSE

Before approving a project, the California Environmental Quality Act (CEQA) requires the lead agency to prepare and certify a Final Environmental Impact Report (Final EIR). The contents of a Final EIR are specified in Section 15132 of the *CEQA Statute and Guidelines*, as follows:

The Final EIR shall consist of:

- (a) *The Draft EIR or a revision of the Draft.*
- (b) *Comments and recommendations received on the Revised Draft EIR either verbatim or in summary.*
- (c) *A list of persons, organizations, and public agencies commenting on the Revised Draft EIR.*
- (d) *The responses of the Lead Agency to significant environmental points raised in the review and consultation process.*
- (e) *Any other information added by the Lead Agency.*

The evaluation and response to public comments is an important part of the CEQA process as it allows the following: (1) the opportunity to review and comment on the methods of analysis contained within the Draft EIR; (2) the ability to detect any omissions which may have occurred during preparation of the Draft EIR; (3) the ability to check for accuracy of the analysis contained within the Draft EIR; (4) the ability to share expertise; and (5) the ability to discover public concerns.

B. PROCESS

As defined by Section 15050 of the CEQA Guidelines, the City of Los Angeles Planning Department is the Lead Agency for the Project. A Notice of Preparation (NOP) was prepared and circulated on October 26, 2010 through November 29, 2010 for the required 30-day review period.

The public review period for the Draft EIR for the Ponte Vista Project was November 8, 2012 to January 7, 2013, for a 61-day review period.

Comments on the Draft EIR were received during the comment period, and those comments are set forth and are responded to in this Final EIR.

The Draft EIR and this Final EIR will be submitted to the Planning Commission and City Council for requested certification and action on the Project.

C. ORGANIZATION OF THE FINAL EIR

Together with the Draft EIR and its appendices, this document constitutes the Final EIR for the Project and includes the following sections:

Section I. Introduction: This section provides an introduction to the Final EIR.

Section II. List of Commenters: This section includes a list of the persons and agencies that submitted comments on the Draft EIR.

Section III. Responses to Comments: This section includes responses to each of the comments submitted by persons and agencies listed in Section II.

Section IV. Corrections and Additions to the Draft EIR: This section provides corrections and additions to the Draft EIR, based on comments received during and after the public review period and based on staff-initiated text changes.

Section V. Mitigation Monitoring and Reporting Program: This section includes all of the mitigation measures identified to reduce or avoid environmental impacts of the project and notes the monitoring phase, the enforcement phase, and the applicable department or agency responsible for ensuring that each mitigation measure is implemented.

Appendices: The appendices to this document include copies of all the comments received on the Draft EIR and additional information cited to support the responses to comments.

D. CHANGE IN PROPOSED PROJECT

Subsequent to the conclusion of the public review period for the Draft EIR, the Project Applicant (SFI Bridgeview, LLC) formally requested the City to replace the original Proposed Project description (1,135 units) with a reduced density (830 units) site plan that was evaluated as “Alternative C” in the Draft EIR. Because this reduced density proposal was evaluated in the Draft EIR, the responses to comments contained in this document primarily address the 830-unit project proposal, rather than the 1,135-unit plan that was presented as the Proposed Project in the Draft EIR.

In addition, the Project Applicant is no longer requesting approval of a Development Agreement from the City for the Project. A secondary pedestrian/emergency vehicular access lane has also been added to the Project along the site’s southern boundary adjacent to the Seaport Village development.

Further discussion of these changes is presented in Section IV, Corrections and Additions to the Draft EIR.

E. REVIEW AND CERTIFICATION OF THE FINAL EIR

Consistent with State law (Public Resources Code 21092.5), responses to agency comments will be forwarded to each commenting agency at least 10 days prior to the public hearing. At the same time, responses will be distributed to all commenters who provided an address.

The Final EIR is available for public review at the following locations:

Erin Strellich
City of Los Angeles
Department of City Planning
200 Spring Street, Room 750
Los Angeles, CA 90012
Telephone: (213) 978-1351
E-Mail: erin.strellich@lacity.org

Central Library
630 W. 5th Street
Los Angeles, CA 90071

San Pedro Regional Branch Library
931 S. Gaffey Street
San Pedro, CA 90731

Harbor City-Harbor Gateway Branch Library
24000 S. Western Avenue
Harbor City, CA 90710

Wilmington Branch Library
1300 N. Avalon Boulevard
Wilmington, CA 90744

Lomita Public Library (County of Los Angeles)
24200 Narbonne Avenue
Lomita, CA 90717

Miraleste Library (City of Rancho Palos Verdes)
29089 Palos Verdes Drive East
Rancho Palos Verdes, CA 90275

The Final EIR is also available online at the Department of City Planning's website [<http://planning.lacity.org/> (click on "Environmental" and then "Final EIR")]. The Final EIR can be

purchased on CD-ROM for \$7.50 per copy. Contact Erin Strelch of the City of Los Angeles at erin.strelch@lacity.org or by phone at (213) 978-1351 to purchase one.

II. LIST OF COMMENTERS

The City of Los Angeles Department of City Planning received a total of 187 comment letters on the Draft EIR. Each comment letter has been assigned a corresponding number, and distinct comments within each comment letter are also numbered. For example, comment letter "A1" is from the State Clearinghouse and Office of Planning and Research. The comments in this letter are numbered "A1-1", etc.

The agencies, organizations and persons listed below provided written comments on the Draft EIR to the City of Los Angeles during and after the formal public review period, which was from November 8, 2012 to January 7, 2013. Copies of the comments are included in Appendix A to this document.

Public Agencies and Neighborhood Councils

- A1. State Clearinghouse and Office of Planning and Research (Scott Morgan) on January 8, 2013
- A2. City of Los Angeles, Bureau of Sanitation (Ali Poosti) on December 10, 2012
- A3. California Department of Fish and Game (Daniel Blankenship #1) on December 11, 2012
- A4. California Department of Fish and Game (Daniel Blankenship #2) on November 27, 2012
- A5. City of Lomita (Margaret Estrada, Mayor) on December 19, 2012
- A6. South Bay Parkland Conservancy on December 31, 2012
- A7. Metropolitan Transportation Authority (Scott Hartwell) on December 28, 2012
- A8. City of Rancho Palos Verdes (Kit Fox) on January 7, 2013
- A9. California Department of Transportation (Dianna Watson, Caltrans District 7) on January 7, 2013
- A10. County Sanitation Districts of Los Angeles County (Adriana Raza) on January 7, 2013
- A11. U.S. Department of the Navy (Captain M.H. Hardy) on January 4, 2013
- A12. South Coast Air Quality Management District (Cheryl Marshall) on January 4, 2013
- A13. U.S. Department of Defense, Defense Logistics Agency (David Rodriguez) on January 4, 2013
- A14. Native American Heritage Commission (Dave Singleton) on November 21, 2012
- A15. City of Los Angeles, Northwest San Pedro Neighborhood Council (Diana Nave) on January 7, 2013
- A16. City of Rolling Hills Estates (David Wahba) on January 3, 2013

Private Individuals, Homeowners Associations, and Private Organizations

- B1. Yeager, Elizabeth on December 4, 2012
- B2. Yeager, Walter on December 4, 2012
- B3. Frka, Mike and Lisa (#1) on December 4, 2012
- B4. Marks, William (#1) on December 4, 2012
- B5. Lund, Harold on November 12, 2012
- B6. Urwin, Jim on November 14, 2012
- B7. Nave, Pat on January 7, 2013
- B8. De Luca, Mike on December 17, 2012
- B9. Sandell, April on December 19, 2012
- B10. Thorsen, Rob on December 20, 2012
- B11. Smith, James on December 18, 2012
- B12. Kurata, Irene on December 29, 2012
- B13. Gossett, Linda on January 1, 2013
- B14. Robertson, Larry on January 1, 2013
- B15. Vaughn, Erin on January 2, 2013
- B16. Bero, Bryan on January 2, 2013
- B17. Penicks (no full name given) on January 2, 2013
- B18. Franklin, Jan on January 2, 2013
- B19. Huber, Sharon on January 2, 2013
- B20. McKim, Gale and Judy on January 2, 2013
- B21. Nelson, Dean on January 2, 2013
- B22. Van Lue, Nick and Jan on January 2, 2013

- B23. Murphy, Raye on January 2, 2013
- B24. Mattingly, Michael (#1) on January 2, 2013
- B25. Howard, Lucy on January 2, 2013
- B26. Macauley, Craig, on January 2, 2013
- B27. Muraro, Rose on January 2, 2013
- B28. Divona, Frank on January 2, 2013
- B29. Lanning, Joe on January 2, 2013
- B30. Dileva, Ralph (#1) on January 2, 2013
- B31. Sover, John and Suzanne on January 3, 2013
- B32. Munoz, Martha on January 2, 2013
- B33. Huskins, Robert and Marjorie on January 2, 2013
- B34. Nunez, Jay on January 2, 2013
- B35. Frka, Mike and Lisa (#2) on January 2, 2013
- B36. Marcia, Suzanne on January 2, 2013
- B37. Hester, Mary on January 2, 2013
- B38. Gonzalez, Steven on January 2, 2013
- B39. Stagnaro, Chris on January 2, 2013
- B40. Stallman, William on January 2, 2013
- B41. Ferree, Adrienne on January 2, 2013
- B42. Muaina, Evon on January 2, 2013
- B43. Wilson, Greg on January 3, 2013
- B44. Mosich, Joyette on January 3, 2013
- B45. Koehler, Jeff on January 3, 2013

- B46. DiBernardo, Mike on January 3, 2013
- B47. Marks, William and JoJean (#2) on January 3, 2013
- B48. Carnegis, Elaine and George on January 3, 2013
- B49. Grant, Mike and Julie on January 3, 2013
- B50. Rutter, Connie on January 3, 2013
- B51. Bonaventura, John on January 3, 2013
- B52. Winkler, John on January 3, 2013
- B53. Stinson, John on January 3, 2013
- B54. Horton, Bruce on January 3, 2013
- B55. Stinson, Debbie Sue on January 3, 2013
- B56. Magee, Steve on January 3, 2013
- B57. Carter, Sasha on January 3, 2013
- B58. Lindsey, Janis on January 3, 2013
- B59. Eckmier, Stuart on January 3, 2013
- B60. Carter, Curtis and Frances on January 3, 2013
- B61. Henderson, John on January 3, 2013
- B62. Lancaster, Brad on January 3, 2013
- B63. Mizuhashi, Masaki on January 3, 2013
- B64. Spinelli, Bill on January 3, 2013
- B65. Dileva, Ralph (#2) on January 3, 2013
- B66. Brandelli, Donna on January 3, 2013
- B67. Pearson, Holly on January 3, 2013
- B68. Campbell, Eliana on January 3, 2013

- B69. Brigden, N.K. on January 3, 2013
- B70. Gregory, Connie on January 4, 2013
- B71. Fly, Jonathan on January 4, 2013
- B72. Kohler, Kim on January 4, 2013
- B73. Arzoumanian, Douglas and Laura on January 4, 2013
- B74. Wagoner, Richard on January 4, 2013
- B75. Mendoza, Eddie and Christine on January 4, 2013
- B76. Bogdanovich, Yvonne on January 4, 2013
- B77. Gaines, Jerry on January 4, 2013
- B78. Harbor City/Harbor Gateway Chamber of Commerce (Joeann Valle) on January 4, 2013
- B79. Wells, Mark on January 4, 2013
- B80. Mattingly, Michael (#2) on January 4, 2013
- B81. Kinsey, Robert on January 5, 2013
- B82. Kaufman, Sheri on January 5, 2013
- B83. Bauer, Norma on January 5, 2013
- B84. San Pedro Peninsula Homeowners' Coalition (John Miller) on January 5, 2013
- B85. Chartrand, Patrick and Barbro on January 5, 2013
- B86. Dickson, Donald on January 5, 2013
- B87. Hart, Chuck on January 7, 2013
- B88. Sumich, Donna on January 5, 2013
- B89. Grayson, Ashley on January 5, 2013
- B90. Yablonovitz, Jeff on January 5, 2013
- B91. Hur, John and Tina on January 5, 2013

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- B92. Litzel, Jim on January 5, 2013
 - B93. Contreras, Julie on January 5, 2013
 - B94. Cornell, Glenn on January 2, 2013
 - B95. Begovich, Mark on January 6, 2013
 - B96. Harriman, David on January 6, 2013
 - B97. Noon, Gail on January 6, 2013
 - B98. Scanlon, Matthew on January 6, 2013
 - B99. Burger, Jeff on January 6, 2013
 - B100. Siegman, Craig on January 6, 2013
 - B101. Carrolle, Victoria and John on January 6, 2013
 - B102. Siegman, Anne Marie on January 6, 2013
 - B103. Hulett, Lupe on January 6, 2013
 - B104. Early, Jane on January 6, 2013
 - B105. Zuliani, Barbara on January 6, 2013
 - B106. Fuller Family on January 6, 2013
 - B107. Brunner, Richard on January 6, 2013
 - B108. Stockett, Marge on January 6, 2013
 - B109. Grajeda, Lupe on January 6, 2013
 - B110. Dooley, Diane on January 6, 2013
 - B111. Lauro, Janet on January 6, 2013
 - B112. Jones, Helen on January 6, 2013
 - B113. Grgas, Marijan on January 6, 2013
 - B114. Ritzke, Jeanne and Raymond on January 6, 2013

- B115. Moore, Cecelia on January 6, 2013
- B116. Spinelli, Margaret on January 6, 2013
- B117. Coloma, Deborah on January 6, 2013
- B118. Thorsen, Lucie on January 6, 2013
- B119. Pizzini, Helene and Quentin on January 6, 2013
- B120. McOsker, Connie on January 6, 2013
- B121. Akins, Patricia on January 7, 2013
- B122. Kivett, George on January 7, 2013
- B123. Misetich, Anthony (Rancho Palos Verdes City Councilman) on January 6, 2013
- B124. Paul, Marcia on January 7, 2013
- B125. R Neighborhoods R1 (Nancy Castiglione) on January 7, 2013
- B126. Nave, Diana on November 10, 2012
- B127. Welstead, Jim on January 7, 2013
- B128. Marshall, John on January 7, 2013
- B129. Herbert, Ruth on January 7, 2013
- B130. Mendoza, Irene on January 7, 2013
- B131. Mendoza, Ephraim on January 4, 2013
- B132. Epperhart, Douglas on January 7, 2013
- B133. Cantu, Cathy on January 7, 2013
- B134. O'Donnell, Beverly and Jim on January 7, 2013
- B135. Yoshimoto, Joy on January 7, 2013
- B136. Greene, David on January 7, 2013
- B137. Dray, Winnifred on January 7, 2013

- B138. Sierra Club, Palos Verdes-South Bay Regional Group (Alfred Sattler) on January 7, 2013
- B139. Allman, Scott on January 7, 2013
- B140. Verner, Winnie on January 7, 2013
- B141. Norton, John on January 7, 2013
- B142. Sattler, Barbara and Alfred on January 7, 2013
- B143. Bradley, Sandra on January 7, 2013
- B144. Viramontes, Rachel on January 7, 2013
- B145. Rivera, David on January 7, 2013
- B146. Houske, M. on January 7, 2013
- B147. Dillard, Joyce on January 7, 2013
- B148. Shea, Terri on January 7, 2013
- B149. Dominguez, Louis and Suzanne on January 7, 2013
- B150. Moen, Kathi on January 7, 2013
- B151. Morgan, Brent on January 7, 2013
- B152. Holmes, Vivian on January 7, 2013
- B153. San Pedro Peninsula Homeowners United, Inc. (Chuck Hart) (#1) on January 5, 2013
- B154. Campbell, Brian (Rancho Palos Verdes City Councilman) on January 7, 2013
- B155. Terzoli, Paola on January 7, 2013
- B156. Schoen, Tim and Sara on January 7, 2013
- B157. Abrahams, Dale on January 7, 2013
- B158. Pawlak, Bill and Marge on January 8, 2013
- B159. San Pedro Peninsula Homeowners United, Inc. (Chuck Hart) (#2) on January 3, 2013
- B160. Kurata, Yoshiko on December 30, 2012

- B161. Welsh, Richard on January 6, 2013
- B162. Khaleeli, Bizhan on January 7, 2013
- B163. Burchett, Bob on January 6, 2013
- B164. Harmatz, Mitch on January 7, 2013
- B165. Kumamoto, Kris on January 7, 2013
- B166. Schaaf-Gunter, Janet on January 5, 2013
- B167. Rolling Hills Riviera Homeowners' Association (Jeanne Lacombe) on December 30, 2012
- B168. Mah, Evelyn on January 4, 2013
- B169. Lacombe, Jeanne on December 30, 2012
- B170. Cornell, Taylor on January 3, 2013
- B171. Maya, John on January 17, 2013

Excerpts from FEIR for *Ponte Vista* project:
Response to Comments – Topical Responses (Section III.A)

III. RESPONSES TO COMMENTS

A. TOPICAL RESPONSES

During the comment period, the Lead Agency received a number of comments that make common claims and raise similar environmental issues. The Final EIR responds to all comments that were received during the comment period. The topical responses below (Topical Responses) provide a response to common themes presented in the comment letters, and thereby reduce the redundancy of responding to each common comment individually with the same response. Accordingly, the individual responses to each comment submitted will occasionally reference back to these Topical Responses.

This Final EIR presents the following Topical Responses:

1. Draft EIR Review Period Extension Request

Several comments on the Draft EIR requested an extension of the comment period. In accordance with the CEQA provisions, cited and discussed below, a 61-day public review period for the Draft EIR began on November 8, 2012, and ended on January 7, 2013. With respect to the public review period for a Draft EIR under CEQA, the California Public Resources Code, Section 21091(a) states:

The public review period for a draft environmental impact report may not be less than 30 days. If the draft environmental impact report is submitted to the State Clearinghouse for review, the review period shall be at least 45 days, and the lead agency shall provide a sufficient number of copies of the document to the State Clearinghouse for review and comment by state agencies.

In addition, Section 15105(a) of the State CEQA Guidelines states:

The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse.

Finally, Section 15203 of the State CEQA Guidelines, addresses “Adequate Time for Review and Comment” and states:

The Lead Agency shall provide adequate time for other public agencies and members of the public to review and comment on a draft EIR or Negative Declaration that it has prepared.

It also provides that:

Public agencies may establish time periods for review in their implementing procedures and shall notify the public and reviewing agencies of the time for receipt of comments on EIRs. These time periods shall be consistent with applicable statutes, the State CEQA Guidelines, and applicable Clearinghouse review periods.

Just prior to the public review period for the Draft EIR, a Notice of Availability of the Draft EIR was sent to owners and occupants within a 500-foot radius of the Project Site, as well as interested parties, persons that attended the scoping meeting for the Project, persons that commented on the Notice of Preparation of the Draft EIR, and those who requested notification. The Notice of Availability was also published in the *Los Angeles Times* and the *South Bay Daily Breeze* on November 8, 2012. At the beginning of the public review period, CD copies of the Draft EIR were provided to local neighborhood organizations and numerous public agencies. As of November 8, 2012, the Draft EIR was also made available for public review at five local libraries, at the City of Los Angeles Department of City Planning, Council Offices (both City Hall and the field offices), and the City Clerk's Office. The Draft EIR was also available for review on the City's website. Copies of the Draft EIR were also submitted to the State Clearinghouse.

Although CEQA allows for extensions to the standard 45-day comment period, CEQA does not require them, and they occur at the discretion of the Lead Agency. Because the minimum mandatory 45-day public comment period would have ended just before the Christmas and New Year's holiday period, the City extended the comment period by 16 additional days to January 7, 2013 to allow additional time for public review. As described above, the Draft EIR has been made available for widespread review and has been easily accessible by the public, including via the Internet. Moreover, the City received 187 comment letters, which indicates that a substantial number of public agencies and members of the public were able to review and comment on the Draft EIR within the statutory timeframe. The City has also recently limited review times of other Draft EIRs for significant projects, so the City is acting consistently with its current policy and practice. Thus, the City, as Lead Agency, has determined that the 61-day public comment period was consistent with both the letter and intent of CEQA.

In addition, Section I, Introduction/Summary, of the Draft EIR provides a comprehensive summary of the Draft EIR that includes a description of the Project, a summary of the environmental impacts and mitigation measures for each environmental issue evaluated within the Draft EIR, and an overview of the alternatives to the Project that were evaluated. Although the statutory review time for the Draft EIR has closed, the public will have several opportunities to provide comments regarding the Project during the upcoming public hearing process. Based on the above, the City of Los Angeles fully complied with the CEQA statutory time requirements for public review and notification of the Draft EIR for the Project.

Nevertheless, the comments requesting an extension of the comment period are noted and have been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

2. Traffic Analysis

Several comments raise concerns regarding the traffic that would be generated by the Project and the assumptions that were employed in the traffic analysis in Section IV.N (Transportation and Traffic) of the Draft EIR. This Topical Response responds to many of these comments, while additional responses to certain comments are contained in the letter-by-letter responses that follow.

Traffic Study Methodology

The traffic analysis in Section IV.N (Transportation and Traffic) of the Draft EIR is based on the Traffic Study included as Appendix IV.N-1 to the Draft EIR, which was prepared under the supervision of the City of Los Angeles Department of Transportation (LADOT), in accordance with LADOT's adopted policies, procedures, and standards as outlined in the LADOT *Traffic Study Policies and Procedures Manual*. In connection with the preparation of environmental impact reports by the City of Los Angeles, LADOT is responsible for the identification of potential traffic impacts of the project and recommended traffic mitigation measures. The analysis and findings of the Traffic Study contained in the Draft EIR, including the identification of potentially significant traffic impacts associated with the Project and the corresponding measures to mitigate the impacts to less than significant levels, were also affirmed in the LADOT letter dated April 10, 2012 and included as Appendix IV.N-1 to the Draft EIR.

The Traffic Study provides a comprehensive analysis of the potential traffic impacts associated with the Project. As noted in Section 15151, Standards for Adequacy of an EIR in the CEQA Guidelines:

"An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure."

Study Intersections

The Traffic Study uses several methods of evaluating potential traffic and transportation impacts in accordance with LADOT's *Policies and Procedures Manual*. The principal method is to evaluate traffic impacts based on a review of intersection performance. LADOT's methodology focuses on intersections because they are the points in the City's street network where congestion is most likely to occur and, therefore, are where the additional traffic generated by the project would have its greatest potential to cause adverse effects.

Following consultation with LADOT, and based on input received during the public scoping process, 56 area intersections were designated for study (Draft EIR, pp. IV.N-2 to IV.N-4). The study intersections cover a wide geographic region and include intersections located in the City of Los Angeles, the City of Rancho Palos Verdes, the City of Lomita and other nearby communities. A map of the study intersections is included as Figure IV.N-1 on page IV.N-5 of the Draft EIR.

Each of the 56 study intersections was examined using the traffic analysis procedures and significant impact thresholds adopted by the City of Los Angeles. In addition, although not required by LADOT

policy or CEQA, for those intersections located outside the City of Los Angeles, the Traffic Study supplements the City's analysis with analysis based on the procedures and methods used by the city in which the intersection is located. For example, intersections in the City of Rancho Palos Verdes were examined using the traffic impact analysis methods of both the City of Los Angeles and Rancho Palos Verdes.

Traffic Counts

In the traffic engineering practice, intersections are evaluated over a peak one-hour period of traffic volume. Typically, these peak periods of traffic occur during the weekday morning and/or afternoon commuter periods, and also correspond with times of the year when schools are in session. Observational data collected by the Institute of Transportation Engineers (ITE) for residential uses indicate that the Project will likely generate its highest amount of traffic onto the local street system during these weekday morning and afternoon peak hours. Also, data collected to establish baseline conditions shows that existing traffic experiences weekday morning and afternoon peak periods. Thus, the highest periods of traffic generation by the Project, in combination with peak levels of background traffic on the local street system, results in the weekday morning and afternoon peak hours as the time periods with the greatest potential for significant Project-level and cumulative traffic impacts of the Project to occur. Therefore, these weekday peak periods are appropriately analyzed in the Traffic Study.

To identify the morning and evening "peak" hour for each intersection, traffic counts were taken at the 56 study intersections during the weekday morning and afternoon commuter peak hours (7:00 to 10:00 AM and 3:00 to 6:00 PM). Also, based on feedback from local community groups, additional traffic counts were conducted during the 2:00-3:00 PM hour at the 12 study intersections located near schools to determine if the peak hour may occur earlier in the day as a result of student departure activities. Finally, additional counts were taken at intersections along Western Avenue during a Saturday midday peak period (11:00 AM to 2:00 PM). The peak one-hour period (e.g., 7:30-8:30 AM) was determined for each study intersection for weekday AM and PM periods, as well as Saturday midday. Traffic counts were generally conducted in September and October 2010 while local schools were in session.

Section 15125 of the CEQA Guidelines states, in relevant part:

"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, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant."

CEQA Guidelines Section 15126.2 also provides that:

“An EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced.”

The notice of preparation for the Project was published in October 2010 and the traffic counts for the Traffic Study occurred primarily in September and October 2010 (depending upon the individual intersection). Thus, the traffic count data was collected for the appropriate baseline period in accordance with CEQA’s Guidelines.

Modifications of Existing Conditions

Some comments have asserted that the traffic counts used in the Traffic Study were conducted during a period of relatively reduced levels of economic activity (locally and regionally), speculatively concluding that this resulted in lower traffic volumes that are not representative of “normal” conditions. The comments suggest that the traffic counts should be adjusted or redone. Such changes to the traffic count data, or new traffic counts, are not required or advisable based on the following:

- Modifying the existing traffic counts would conflict with Section 15125(a) of the CEQA Guidelines, which require that the effects of the Project be measured against conditions as they exist at the time the Notice of Preparation is published. Modifying the traffic counts or conducting new counts would represent a potential misrepresentation of the existing environment at the time the Notice of Preparation was published in October 2010.
- Hypothetically, if an adjustment were to be made to the 2010 traffic counts, it would be highly speculative to define a “normal” condition. It is possible, for example, that the traffic data collected in 2010 reflect a new “normal” condition, and that traffic conditions in the immediate years prior were atypical.
- The traffic study utilizes a highly conservative method to forecast future pre-Project traffic volumes at the study intersections. The method uses both an annual ambient traffic growth factor, plus estimates of traffic potentially attributable to cumulative development projects, and likely results in a substantial overstatement of future traffic volumes at the study intersections. As the traffic study analyzes Project-related impacts against both the 2010 baseline and the derived future background condition, any perceived “abnormalities” in the 2010 traffic baseline are addressed through the use of the highly conservative future pre-Project forecast.

Trip Generation Rate

The Traffic Study's forecast of Project traffic is based on rates recommended in the *Trip Generation* manual published by the Institute of Transportation Engineers (ITE). The ITE developed these trip rates based on traffic counts conducted at existing development sites throughout the country (e.g., existing condominium complexes, existing apartment complexes, etc.). ITE reviews the information submitted and determines the appropriate land use category to assign the data.

As noted in Table IV.J-10 in the Draft EIR, the following ITE trip generation rates were employed in the Traffic Study: ITE Land Use Code 210 (Single-Family Detached Housing) for the detached housing units, ITE Land Use Code 230 (Residential Condominium/Townhouse) for the for sale attached housing units, ITE Land Use Code 220 (Apartments) for the rental units, and ITE Land Use Code 412 (County Park) for the public park component. As explained below, the trip generation rates provide an appropriate and conservative forecast of the trips to be generated by the Project.

The ITE trip rates are derived from actual studies of existing developments within the land use category. Additionally, ITE requires data submissions of sites to be freestanding in nature. That is, as stated on page 17 in the ITE's *Trip Generation Handbook*, the sites evaluated for potential inclusion in the *Trip Generation* manual should have limited access to public transit services, as well as walk-in trips from adjacent parcels. The data received by ITE are plotted and summarized in the *Trip Generation* manual by both a weighted average and a fitted curve regression equation. The purpose of the fitted curve regression equation is to capture the trip generation characteristic of most land uses such that as the size of the development increases, the effective trip rate declines (e.g., a 500,000 square foot office building generates fewer trips per square foot as compared to a 50,000 square foot office building). For the Traffic Study, the weighted average trip rates were conservatively utilized for forecasting trips to be generated by the Project's residential components even though use of the regression equation would have resulted in an estimate of fewer trips generated by the Project.

Chapter 3 of the *Trip Generation Handbook, Second Edition* provides guidance in regards to the selection of the appropriate methodology for estimating trip generation for a particular land use. The order of preferred methodology is provided on page 9 of the *Trip Generation Handbook* and is listed below:

- Use the provided regression equation when provided for the land use if the independent variable (in the case of the Project, the number of residential units) is within the range of data, and the data plot has at least 20 points (or R-squared value is greater than or equal to 0.75).
- Use the weighted average rate if no regression equation is provided and there are at least three data points and the independent variable is within the range of data.
- Collect local data if the conditions above are not satisfied.

Review of the ITE *Trip Generation* manual for the three land use categories consulted in preparing the Project trip generation forecast – Single-Family Detached Housing (ITE Land Use Code 210), Apartment (ITE Land Use Code 220) and Residential Condominium/Townhouse (ITE Land Use Code 230) -- indicates that all criteria for using the regression equation apply. That is, regression equations are provided, the independent variable is within the range of the data set, and there are at least 20 data points. However, the Traffic Study conservatively utilizes the weighted average rate instead of the regression equation provided in the *Trip Generation* manual. Had the regression equations provided in the *Trip Generation* manual been utilized, the resulting calculation of trip generation associated with the Project would have been lower than the forecast provided in the Traffic Study. For example, using the regression equations, the forecast number of daily trips generated by the residential component of the Project would be 7,015, as compared to the forecast of 7,462 daily trips provided in the Traffic Study. Thus, the methodology used in the Traffic Study is highly conservative. Contrary to some comments on the Draft EIR, ITE does not recommend the use of the “higher end” of the midpoint (or weighted average).

Some comments argue that an individual residential unit must generate higher daily trips. However, the ITE data represents an aggregation of the overall vehicular trip generation characteristics occurring at a residential development. The ITE rates are not intended to estimate trip generation on a unit-by-unit basis. Thus, on any given day the trip generation characteristics vary considerably among different households. For example, one household may be a working couple with school-aged children. Another household may be an individual that works from home. One household may conduct its errands on the way to and from work. Another household may make separate trips. The ITE rates aggregate all of these, and other, behaviors. Similarly, on a peak hour basis, the trip generation characteristics will vary widely between units. For example, one neighbor may arrive home from work at 4:00 PM, a second neighbor may arrive home from work at 5:30 PM, while a third neighbor may arrive home from work at 7:00 PM. While each of these neighbors believes that they are driving home in “rush hour” traffic, in fact only one of the three neighbors is part of the actual *peak hour* of traffic evaluated in the Traffic Study. Thus, by evaluating traffic impacts for the one-hour period of highest traffic at the study intersections (e.g., for the 5:30 PM commuter), the corresponding traffic impacts and mitigation (if required) are sufficiently evaluated in the Traffic Study for the periods of slightly less traffic (e.g., for the 4:00 PM and 7:00 PM commuters). Each of these variations in daily and peak hour trip generation behavior is accounted for in the ITE trip rates for the overall residential development. More importantly, the ITE trip rates are based on empirical data obtained through actual traffic counts, and not theory or speculation.

Although the Project Site is directly served by a number of bus lines (see Table IV.N-8, Existing Transit Routes in Project Vicinity, and Figure IV.N-6, Existing Transit Routes in the Draft EIR) and commercial, educational, and recreational uses are located within walking distances of the Project, in order to provide a conservative assessment of the potential traffic impacts associated with the Project, no reductions or discounts were made to the Traffic Study’s Project trip generation forecast (which is based on the ITE trip rates assuming nearly all trips by private vehicle) to provide credit for these public transit or walking trips that are likely to replace some trips that would otherwise be made by a private vehicle.

It has been suggested that “local data” should be collected related to the trip generation characteristics of other residential developments. However, collection of additional data is not necessary due to the extremely high statistical correlation of the data in ITE Land Use Codes 210, 220 and 230. This high statistical correlation suggests that any additional data points would fall within close proximity to the best-fit line.

In summary, sufficient data points are readily available in the *Trip Generation* manual to conclude that the weighted average trip rates provide an adequately conservative forecast of trips associated with the Project. Further, based on the high correlation of data collected, it is reasonable to conclude that additional data points would not yield any meaningfully new information regarding the trip generation characteristics of residential projects.

Project Trip Assignment

The peak hour trips forecast to be generated by the Project were assigned to the 56 study intersections in conjunction with the assessment of potential impacts at each location. The relative percentage of Project-related trips by turning movement at each study intersection is provided in the Draft EIR on Figure IV.N-8. As described in the Traffic Study, the assignment is estimated based on the anticipated origins and destinations of Project-related trips, and therefore the corresponding routes (streets and intersections) used in traveling to and from the site. The distribution pattern reflected on Figure IV.N-8 was developed, in part, based on a review of existing travel patterns at the study intersections.

In review of Figure IV.N-8, it is noted that a relatively higher percentage of Project-related trips are forecast to travel to and from the site via Western Avenue north of the site as compared to the segment of Western Avenue south of the site. Specifically, as measured at the Western Avenue/Green Hills Drive and Western Avenue/Avenida Aprenda intersections (i.e., the two vehicular access points proposed to serve the Project Site), approximately 67% of Project-related trips are forecast to arrive at the site via southbound Western Avenue and 72% of Project-related trips are forecast to depart the site via northbound Western Avenue.

The relatively higher percentage of forecast Project-related turning movement percentages arriving and departing via Western Avenue north of the site was forecast based on the generally greater number of employment centers located north of the Project Site. In addition, the relative assignment of Project-related trips at the site access points was made, in part, based on a review of existing turning movement volumes at the Western Avenue/Peninsula Verde Drive and Western Avenue/Fitness Drive intersections, which are immediately north and south of the Project Site, respectively. These intersections are similar to the Project and its proposed access points because the existing residential units served by these streets only have vehicular access to Western Avenue. Thus, the relative geographic distribution (i.e., trips using Western Avenue north and south of these intersections) should be reasonably similar to the travel patterns seen at the Project Site following construction and occupancy of the proposed residential units. The existing turning movement volumes at the Western Avenue/Peninsula Verde Drive and Western

Avenue/Fitness Drive intersections are shown on Figure IV.N-3 for the AM peak hour, and Figure IV.N-4 for the PM peak hour.

Note that Figure IV.N-3 in the Draft EIR is incorrect and is being replaced in the Final EIR by the correct graphic, which was included in Appendix IV.N-1 to the Draft EIR as Figure 5-1 (see Section IV, Corrections and Additions to the Draft EIR). However, this revision does not change the conclusions of the Draft EIR.

Table III-1 below provides a summary of the turning movement volumes using Western Avenue north of the Peninsula Verde Drive and Fitness Drive intersections. As noted in the Project trip generation forecast provided in Table IV.N-10 of the Draft EIR, the majority of Project-related trips will be outbound during the AM peak hour (e.g., motorists leaving their homes and driving to work) and inbound during the PM peak hour. (e.g., motorists returning home after work). Thus, the data in the table below focus to outbound trips leaving Peninsula Verde Drive and Fitness Drive via northbound Western Avenue during the AM peak hour, as well as inbound trips entering Peninsula Verde Drive and Fitness Drive via southbound Western Avenue during the PM peak hour.

Table III-1
Existing Turning Movement Volumes
Western Avenue at Peninsula Verde Drive and Fitness Drive

Intersection	Existing Northbound Trips Out - AM Peak Hour			Existing Southbound Trips In - PM Peak Hour		
	NB Out	Total Out	% NB Out	SB In	Total In	% SB In
Western Avenue/ Peninsula Verde Drive	16	23	70%	15	25	60%
Western Avenue/ Fitness Drive	85	112	76%	50	78	64%
Total	101	135	75%	65	103	63%

As shown in Table III-1, approximately 75% of outbound trips leaving Peninsula Verde Drive and Fitness Drive travel northbound on Western Avenue during the AM peak hour (i.e., as compared to 72% used in the Traffic Study) and 63% of inbound trips arriving at Peninsula Verde Drive and Fitness Drive travel southbound on Western Avenue during the PM peak hour (i.e., as compared to 67% used in the Traffic Study). While traffic volumes (and turning movements) vary on a day-to-day basis, the data presented above indicates that the trip distribution percentages assigned in the Traffic Study represent a reasonable expectation of the relative proportion of Project-related trips using Western Avenue north of the Project site.

Future Pre-Project Conditions

At the time the Project is completed and occupied, additional traffic may be added to the street network from sources such as other projects and job growth. To account for this possibility, in addition to an analysis of traffic impacts on the baseline established by the NOP, the Traffic Study also estimates future pre-project traffic conditions in accordance with LADOT policies and procedures to provide a future baseline against which the Project's traffic impacts can be assessed. The Traffic Study uses 2017, the year the Project is expected to be built out, as the future baseline date.

To forecast year 2017 pre-Project conditions, the Traffic Study utilizes two separate, though overlapping, techniques in accordance with LADOT practices and policy. First, the Traffic Study assumes that traffic will grow by a factor of 1% each year until 2017 when the Project is completed. The use of the 1% annual growth factor is highly conservative when compared to the computer traffic modeling efforts prepared by Metro for sub-regions of Los Angeles County, including the South Bay/Harbor area, which forecasts an equivalent annual traffic growth rate of only 0.335%. As discussed in the Draft EIR at page IV.N-87, while the 1% factor is intended to account for all reasonably foreseeable traffic growth, in addition to the 1% annual growth factor, the Traffic Study also assumes the build-out of all identified cumulative development projects proposed in the City of Los Angeles and in other nearby communities in the vicinity of the Ponte Vista site. As a result of the scoping process conducted at the time the NOP was circulated for the Project in the fall of 2010, 154 cumulative projects were considered in the Traffic Study (see Table III-2 in the Draft EIR for a list of these cumulative projects).

Various comments identify individual projects that the comments assert were not, or in fact were not, included as cumulative projects in the Draft EIR. As discussed in Section III.C of the Draft EIR (at page III-22), the CEQA Guidelines indicate that lead agencies may use two alternative means of identifying the universe of past, present, and probable future projects in assessing the significance of cumulative impacts:

- *A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency; or*
- *A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact.*

Because projects are constantly being proposed, abandoned, and modified, CEQA also encourages the use of a cut-off date for identifying cumulative projects for analysis in a Draft EIR. CEQA Guidelines §15126.2 states that “[i]n assessing the impact of a proposed project on the environment, the Lead Agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation [NOP] is published[.]” (see also *San Franciscans for Reasonable Growth v. City and County of San Francisco*, 151 Cal. App. 3d 61, 75 n.14 (Cal. Ct. App. 1984) [“Projects are constantly being fed into the environmental review process. The

problem of where to draw the line on ‘projects under review’ that must be included in the cumulative impact analysis of a particular project could be solved by the use of a reasonable cutoff date which could be set for every project according to a standard procedure.”)].

In accordance with the CEQA Guidelines, the Draft EIR identified cumulative projects that were probable and foreseeable, using the Project’s NOP as a cut-off. The NOP for the Project was circulated between October 26, 2010 and November 29, 2010.

To obtain a list of cumulative projects, the preparers of the Draft EIR compiled information publicly available from the City of Los Angeles Departments of Planning and Transportation, City of Rancho Palos Verdes, City of Rolling Hills Estates, City of Carson, City of Long Beach, City of Torrance, City of Lomita, and the County of Los Angeles. Cumulative projects were also identified through public comments received during the NOP and scoping process for the Draft EIR. All projects identified through this manner were included in Table III-2 of the Draft EIR, except where specifically noted and discussed in the Draft EIR. Thus, the Draft EIR presented a comprehensive list of cumulative development projects at the time of the NOP based on the best information from responsible jurisdictions.

With respect to potential traffic, as well as air quality and noise effects, the analysis of the Draft EIR went beyond the minimum requirements of Section 15130 of the CEQA Guidelines to prepare a highly conservative cumulative impact scenario, as discussed in the Draft EIR at page IV.N-87. Specifically, to forecast future pre-Project conditions, the Draft EIR assumed that traffic will grow by a factor of 1% each year until 2017 when the Project is completed. In addition, although the 1% annual growth factor is intended to account for all traffic growth from development and other sources, the Draft EIR also assumed the build-out of all identified cumulative development projects proposed in Los Angeles and other nearby communities. Thus, the Draft EIR’s cumulative traffic, air quality, and noise analyses conservatively characterize future pre-Project conditions, against which the Project’s potential impacts are assessed.

Individual responses addressing each project newly identified during the Draft EIR comment period are provided in individual responses to comments. Some projects that commenters asserted were overlooked were verified to have been included in the Draft EIR. Others were proposed or modified after the NOP period cut-off date. A small number of projects had been proposed at the time of the NOP period cut-off date, but the agencies having jurisdiction failed to identify them to the EIR preparers or in comments during the NOP scoping period. These particular projects are not large and would not affect the results of the analysis. One of the reasons for using the conservative growth factor discussed above is to capture the growth in traffic from projects such as these in the overall analysis.

Finally, in accordance with LADOT practice and policy, the Traffic Study assumes that the cumulative projects will not be accompanied by any traffic mitigation measures. In actuality, however, most major projects are accompanied by traffic mitigation because of the requirements of CEQA and City CEQA traffic impact significance thresholds. The intention of this methodology is to provide a conservative scenario against which to assess potential traffic impacts and identify mitigation measures. As discussed

in the Traffic Study and Draft EIR, this methodology is likely to significantly overstate future traffic conditions in the vicinity of the Project, and provides a highly conservative basis for analyzing Project traffic impacts.

After carefully reviewing the comments received, the City concludes that the cumulative projects list and cumulative impact approach utilized in the Draft EIR is adequate for CEQA purposes. As discussed earlier, the traffic, air quality, and noise cumulative analyses of the Draft EIR were prepared so as to provide a highly conservative analysis of the potential cumulative effects of the Project and cumulative projects. CEQA does not require that every potential cumulative project be considered in an EIR if consideration is also given to planned or expected growth in an area. As noted in Section 15151, Standards for Adequacy of an EIR, in the CEQA Guidelines:

“An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.”

Traffic Mitigation

The Traffic Study outlines recommended measures to mitigate the potentially significant traffic impacts associated with the Project at 20 affected intersections to less than significant levels. The LADOT letter of April 10, 2012, included in Appendix IV.N-1 to the Draft EIR, affirms the findings of the Traffic Study relative to the potentially significant traffic impacts and corresponding mitigation measures. At several intersections, the Project’s traffic mitigation measures will result in an improvement over existing conditions with respect to intersection performance.

As discussed in the Draft EIR at page IV.N-160, the Project will be constructed in stages to account for market absorption. Therefore, as the build-out of the Project is anticipated to occur over an approximate five-year period, Project traffic mitigation will also be sequenced such that the improvements would be constructed prior to the occurrence of a potential traffic impact due to a particular level of Project occupancy. All measures involving improvement to the area roadway network must be funded and completed prior to overall Project completion and occupancy.

LADOT Bike Lane Installation

Subsequent to the conclusion of the Draft EIR public review period, LADOT, acting to implement portions of the *Los Angeles Bicycle Plan*, installed bike lanes on Westmont Drive and Capitol Drive in the

San Pedro area. Concerns have been raised with the City with respect to the potential for these new bike lanes to affect the data, analysis, and findings contained in Project Traffic Study.

In April 2013, bike lanes were installed by LADOT on the segments of Westmont Drive and Capitol Drive between Western Avenue on the west and Gaffey Street to the east. Generally, the bike lanes were created through the removal of one through travel lane in each direction of Westmont Drive and Capitol Drive (i.e., reducing the number of through travel lanes in each direction from two to one). These improvements were previously identified for Westmont Drive and Capitol Drive in the City's 2010 Bicycle Plan.¹ LADOT reviewed the project to install bike lanes on Westmont Drive and Capitol Drive and determined that implementation of the bike lanes would not adversely affect vehicular, bicycle or pedestrian traffic flow.

The following intersections along Westmont Drive and Capitol Drive were evaluated in the Project Traffic Study:

- No. 20: Western Avenue/Westmont Drive
- No. 23: Western Avenue/Capitol Drive
- No. 37: Gaffey Street/Westmont Drive
- No. 38: Gaffey Street/Capitol Drive

The existing lane configurations at these study intersections are provided in the Traffic Study on Figure 4-1 and in the Draft EIR on Figure IV.N-2. A recent field review of these intersections confirmed that the current lane configurations have not been altered as a result of the bike lane implementation project. Thus, the intersection Level of Service (LOS) calculations provided in the Draft EIR for the study intersections along Westmont Drive and Capitol Drive do not require revision as a result of the bike lane project.

The Project Traffic Study recommended mitigation measures that will result in minor changes to travel lane configurations at three of the four intersections listed above. The future lane configurations are generally shown on Figure 13-1 of the Traffic Study and Figure IV.N-31 of the Draft EIR. It has been determined that the recommended mitigation measures at the study intersections along Westmont Drive and Capitol Drive can be implemented even with consideration of the recent bike lane installations. Thus, no changes to the mitigation measures recommended in the Traffic Study and Draft EIR are required as a result of the bike lane project.

¹ 2010 Bicycle Plan, City of Los Angeles, Adopted March 1, 2011.

It has been reported anecdotally (e.g., in local newspaper articles) that the installation of the bike lanes on Westmont Drive and Capitol Drive has slowed the movement of vehicular traffic, primarily due to the removal of one of the travel lanes in each direction. While this may be correct, this change does not affect the data, analysis, and findings of the Project Traffic Study for the following reasons:

- While the movement of vehicular traffic may have slowed on Westmont Drive and Capitol Drive due to the removal of through travel lanes, motorists still have the potential to experience, on a relative basis, greater delay at the signalized intersections at Western Avenue and Gaffey Street. It is for this reason that the Traffic Study evaluates the potential traffic impacts of the Project at signalized intersections, and not on the mid-block street segments connecting these intersections. Therefore, it is appropriate that the Traffic Study evaluates the relative effects of traffic generated by the Project on Westmont Drive and Capitol Drive based on its relative impacts at the signalized intersections at Western Avenue and Gaffey Street.
- There is no reason to suspect that traffic volumes using Westmont Drive and Capitol Drive have changed substantially since the implementation of the bike lanes as there are no direct alternative east-west travel routes in the vicinity connecting Western Avenue and Gaffey Street. Thus, the intersection traffic volume data utilized in the Project Traffic Study remain valid.
- Within the Traffic Study, a relatively nominal amount of Project-related traffic is assigned to the segment of Westmont Drive between Western Avenue and Gaffey Street (i.e., 11 percent of Project-related traffic was assumed to use this segment of Westmont Drive). No Project-related traffic was assumed to use the segment of Capitol Drive between Western Avenue and Gaffey Street.

In summary, based on a review of the recent installation of bike lanes on Westmont Drive and Capitol Drive, it is concluded that these bike lanes do not affect the data, analysis and findings presented in the Project Traffic Study and Draft EIR.

3. Impacts of the Environment on the Proposed Project

CEQA does not require and is not intended to require an EIR to analyze or mitigate the impacts of the existing environment on a project. In this case, for example, the level of risk presented by nearby industrial facilities (e.g., the Navy Defense Fuel Support Point, ConocoPhillips refinery, and Rancho LPG facility) as a result of toxic air contaminant emissions and potential fire/spill hazards, represents an existing environmental condition that the Proposed Project would not alter or worsen. Although the Project would bring additional people near this existing environmental condition, the existing level of risk presented by industrial facilities in the Project vicinity is not an impact of the Project on the environment, and the Project would not affect the emissions from these facilities in any way. Instead, it is considered an impact of the environment, that is, the conditions that currently exist as a result of emissions from existing facilities, on the Project. There are many other state and federal laws that regulate toxic air emissions as well as the operation of potentially hazardous industrial facilities, but the purpose of CEQA

is to evaluate and mitigate impacts of a project on the environment. As numerous courts have affirmed, the purpose of CEQA is “not to protect proposed projects from the existing environment” (*Baird v. County of Contra Costa* (1995) 32 Cal.App.4th 1464; Pub. Res. Code Sections 21061, 21083(b), and 21060.5.) “[C]ourts have recognized that CEQA is not a weapon to be deployed against all possible development ills.” (*South Orange County Wastewater Authority v. City of Dana Point* (2011) 196 Cal. App. 4th 1604, 1614.) It has a limited role. “The Legislature did not enact CEQA to protect people from the environment.” (*Id.* at 1617-1618.) “We agree with [*SOCWA v. County of Orange*], that the Guidelines [15126.2]... is not an example of an environmental effect caused by development, but instead is an example of an effect on the project caused by the environment. Contrary to Guidelines section 15126.2, subdivision (a), we hold that an EIR need not identify or analyze such effects.... Although the Guidelines ordinarily are entitled to great weight, a Guidelines provision that is unauthorized under CEQA is invalid.” (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 474.)]

The Draft EIR, in order to fully disclose existing environmental conditions in the vicinity of the Project Site, evaluated, in a reasonable amount of detail, the level of risk that could be posed to future Project residents from the continued, unchanged operation of three nearby industrial facilities as well as the Ports of Los Angeles and Long Beach. However, CEQA does not obligate EIRs to include such analyses, as the characteristics they consider do not represent impacts of the Project on the environment. Many of the comments received on the Draft EIR, as well, address the effect on the Project that would or could be caused by the existing environment, including comment Letters A-11 from the U.S. Navy and A-13 from the Defense Logistics Agency pertaining to the DFSP facility. Although complete responses to the comments in these letters are provided in this Final EIR, many of these comments do not raise CEQA issues. Avoidance of spills and fires at the nearby industrial facilities, as well as compliance with applicable laws and regulations governing toxic air emissions, is a responsibility of the owners/operators of each facility, not the Project Applicant.

4. Rancho LPG Holdings

Several comments have raised concerns regarding the Rancho LPG Holdings storage facility, located approximately 0.7 mile to the east of the Project Site, adjacent to Gaffey Street. There has been a substantial amount of debate within the San Pedro/Harbor City/Rancho Palos Verdes community over the past several years concerning the Rancho LPG facility with respect to the risk it may represent as a result of product releases and/or catastrophic explosions and fires. This debate has occurred independently of any discussion concerning the Proposed Project at the Ponte Vista site. Generally, the comments pertaining to Rancho LPG that were submitted on the Draft EIR for the Ponte Vista Project have addressed two principal issues: (1) the potential risk presented to future Project residents by the Rancho LPG facility and (2) general concerns about the Rancho LPG facility, including the inadequacy of Rancho LPG’s Risk Management Plan (RMP) and on-site safety apparatus (and, by extension, the inadequacy of the Draft EIR’s analysis of the risk posed by the Rancho LPG facility to future Project residents given its

reliance upon the RMP). This topical response will address each of these issues and will provide a recent history of the community debate over the Rancho LPG facility as it relates to the Ponte Vista Project.

As discussed above in Topical Response 3, CEQA does not require that impacts of existing development upon a proposed project be considered in an EIR. This point is germane to this discussion because the Rancho LPG storage facility has been in existence since the early 1970s and is located across the street from existing residences that are themselves closer to the Rancho LPG facility than the proposed Ponte Vista Project would be. The Project would not have any direct impact upon the Rancho LPG facility and would not result in the alteration of its operation. Indirect impacts of the Proposed Project that may affect the Rancho LPG facility are limited to traffic on the roadways adjacent to the Rancho LPG facility. The Project's traffic impacts are described in Section IV.N (Transportation and Traffic) of the Draft EIR, which presents mitigation measures that would reduce each of the Project's significant impacts with respect to traffic to a less than significant level.

The Project would, however, place new residents within 0.7 to one mile of the storage tanks and containment basin at the Rancho LPG facility. Under the Applicant's preferred development plan for the Ponte Vista site (evaluated as Alternative C in the Draft EIR), an estimated 2,222 persons would eventually reside at the Project Site upon Project completion and full occupancy. It should be noted that the Project Site has previously been utilized for residential purposes and that previous residents at the site were also exposed to the same level of risk presented by the Rancho LPG facility as future Project residents would be.

Although CEQA does not require that an EIR consider the impact of the existing environment on a project, the Draft EIR did include an analysis of these types of issues in the interest of informing the public as well as providing a context for the discussion of land use compatibility. Specific to the Rancho LPG facility, Section IV.H (Hazards and Hazardous Materials) of the Draft EIR presents an analysis of the potential for toxic air contaminants emitted from the facility to present a significant cancer risk at the Project Site (see Draft EIR at page IV.H-25) as well as an analysis of the potential for the facility to present a significant risk of injury and/or property damage to the Project as a result from accidental releases of hazardous materials (including fires and explosions; see Draft EIR at page IV.H-36). This topical response addresses the second of these two analyses – that of an accidental release from the Rancho LPG facility – as it is the topic of the majority of comments received on the Draft EIR in relation to Rancho LPG. Comments specific to the issue of the health risk presented by toxic air emissions from Rancho LPG are addressed individually (see Section III.B of this Final EIR).

Risk of Upset Analysis

The Draft EIR's analysis of the risk of accidental hazardous material releases (generically referred to as "risk of upset") from the Rancho LPG facility states the following (from page IV.H-36 of the Draft EIR):

According to the RMP filed with City of Los Angeles Fire Department, the Rancho LPG (formerly Amerigas) facility may store up to 120 million pounds of butane and 640

thousand pounds of propane.² Under the RMP's offsite consequence analysis, a worst-case release of butane would spill into an on-site containment pit and could result in a vapor cloud explosion with an impact zone of 0.5 miles. A more likely alternative scenario for release of propane identified by the facility could result in a vapor cloud fire with an impact zone of 0.1 miles. There would be some quantifiable risk of upset from other activities such as product delivery by rail or truck. However, any such event would likely result in much smaller release amounts with a lower likelihood of vapor cloud explosion than quantified in the RMP, and thus, a much lower radius of impact than described in the RMP. Based on the worst-case RMP scenario and with the more likely releases having a much smaller radius impact than 0.5 miles, there would be *no impact* to the Project Site.

Multiple commenters on the Draft EIR have taken issue with this analysis due to its reliance upon the contents, assumptions, and methodology of the RMP for the Rancho LPG facility. Although some of these issues are addressed through the individual responses in Section III.B, a general explanation of the adequacy of the approach used for the Draft EIR is appropriate here as well.

Industrial facilities such as Rancho LPG are required to prepare Risk Management Plans (RMPs) that address potential hazards resulting from their operations and how they will be minimized or managed. RMPs are required by the federal Accidental Release Prevention Program (Title 40, Code of Federal Regulations, Part 68), which implements Section 112 (r)(7) of the Clean Air Act Amendments of 1990. California has similar requirements that are codified in the California Health and Safety Code (H&SC), Division 20, Chapter 6.95, Article 2 (commencing with Section 25531). The California program is known as the California Accidental Release Prevention (CalARP). The goal of the RMP, as required by the federal and CalARP programs, is to prevent accidental releases of substances that can cause serious harm to the public and the environment from short-term exposures and to mitigate the severity of releases that do occur.

Both the federal and CalARP programs require that facilities subject to the programs conduct an offsite consequence analysis (OCA) to provide information to the government and the public about the potential consequences of an accidental chemical release. Per 40 CFR, Part 68, §68.22-33 (federal program) and 29 CCR, Title 19, §2750 (California program), the OCA is required to consist of two elements:

1. Worst-Case Release Scenario – release of the largest quantity of a regulated substance from a single vessel or process line failure that results in the greatest distance to an endpoint.

² *Rancho LPG Holdings Risk Management Program filed with City of Los Angeles Fire Department, February 6, 2009.*

2. Alternative Release Scenario – release that is more likely to occur than the worst-case scenario and that reaches an endpoint off-site. This is considered to be the more reasonably foreseeable scenario.

The distance to the endpoint is the distance the flammable gas will travel before dissipating to the point that risk of combustion will no longer occur.

The scenarios are developed using a Process Hazards Analysis. A Process Hazard Analysis (PHA) is done as part of the RMP process and is codified in 40 CFR, Part 68, Section 68.67 and in 29 CCR, Title 19, Section 2760.2. The PHA focuses on equipment, instrumentation, utilities, human actions (routine and non routine), and external factors that might impact the process. These considerations assist in determining the hazards and potential failure points or failure modes in a process. The chief objective of the PHA process is to provide a safety review of engineering design efforts. PHA information is usually proprietary and updates are required at least once every five years or whenever there is a major change in the process.

The main components of a typical PHA process identify the following:

- Hazards associated with the process and regulated substances
- Opportunities for equipment malfunction or human error that could result in a release
- External events that could impact the process and result in a release
- Safeguards that will control the hazards or prevent the malfunction or error
- Steps to detect or monitor releases
- All process safety information and ensure that it is up-to-date

The Rancho LPG facility stores butane and propane gases and is required to prepare and maintain RMP documents. The RMP documents developed by Rancho LPG evaluated flammables, which include both butane and propane. The Rancho LPG RMP was most recently updated in February 2011, although the version utilized in the Draft EIR analysis is dated February 2009 and was the most recent iteration available at the time the analysis was conducted. The analyses of these potential release events in the RMP are not material- or product-specific, and apply to all fuels that are transported to and from the facility, including liquefied petroleum gas and butane.

The release scenario presented in the Rancho LPG RMP is a worst-case scenario, as defined by EPA's *Risk Management Program Guidance for Offsite Consequence Analysis* (OCA, April 2009). A worst-case scenario is defined as "the release of the largest quantity of a regulated substance from a vessel or process line failure, and the release that results in the greatest distance to the endpoint for the regulated toxic or flammable substance." For butane and propane, the endpoint is 1 psi overpressure for a vapor

cloud explosion. The worst-case release is defined without regard to cause and potential human or mechanical intervention. However, passive mitigation such as containment berms can be considered.

In its review of the RMP for application to the evaluation of risk of upset impact at the Ponte Vista Project Site for the Draft EIR, BlueScape Environmental concluded that Rancho LPG correctly followed the EPA regulatory guidance for release of refrigerated butane into a containment area (OCA, Section 5). The RMP analysis assumed that the entire contents of a full tank would empty into a containment basin over 10 minutes, with 10% of that quantity available for a vapor explosion. The maximum amount of refrigerated butane stored in either of two large tanks is 57 million pounds (lbs). Of that, 570,000 lbs. of refrigerated liquid butane was assumed to be released per minute for 10 minutes, with 57,000 lbs/min available to evaporate and for a vapor cloud explosion. From OCA Reference Table 13, even if all 570,000 lbs. were instantaneously available for a vapor cloud, the distance to 1 psi overpressure would be just over 0.6 miles. Measured from the edge of the containment areas for the refrigerated butane storage tanks, the Proposed Project would lie more than 0.7 miles distant, beyond the 0.5-mile worst-case scenario radius. Therefore, this worst-case scenario explosion, and explosions under other scenarios with lesser release quantities, were determined would not impact the Project Site at the significance level of 1 psi overpressure. Thus, the Draft EIR concluded that this scenario would have no impact upon future Project residents.

The Rancho LPG RMP also defines an alternative, or more likely, release scenario as a release that would occur when a truck pulls away after loading with a hose attached, with 14 lbs./min butane vapor released over a period of 10 minutes. The 140 lb. release leads to a 0.02-mile distance to overpressure of 1 psi, again, much closer to the facility than the Ponte Vista Project Site. The alternative release scenario considers such mitigation as manual or automated shutoff procedures. This alternative case and other similar scenarios are much more realistic of the types of releases that might occur at the Rancho LPG facility, including leaks from valves, valve failures, pipe breaks, and other scenarios. In addition, these scenarios account for the agency-required safety procedures that Rancho LPG must have in place to minimize the risk of these releases. The worst-case scenarios of total butane or propane storage tank failure lead to the furthest impacts to endpoint, but are also extremely unlikely to occur. Releases such as leaks and spills from product delivery by truck or rail are much more likely than the worst-case scenario, but exhibit significantly less chemical released over a longer period. Thus, the Draft EIR properly included that the Rancho LPG facility would have no impact on the Project under either the Worst-Case Release Scenario or the Alternative Release Scenario presented in the RMP.

Commenters have presented numerous objections to the methodology and conclusions presented in Rancho LPG's RMP. However, the RMP is filed with the Los Angeles City Fire Department (LAFD), the delegated agency for managing compliance with federal and state regulations governing butane and propane storage. The LAFD is charged with reviewing and approving the RMP document, completing inspections, and enforcing compliance. Given this, it was properly concluded that the RMP represents the most informed and reliable assessment of the potential product release scenarios at Rancho LPG and, thus, provide the best basis for an analysis of the facility's potential to affect the Project Site.

General Concerns About Rancho LPG

Many commenters on the Draft EIR have raised general objections to and concerns regarding the Rancho LPG facility, above and beyond the potential for accidental releases of hazardous materials to impact the Project Site specifically. These comments are understood as being presented within the context of an ongoing community debate over the Rancho LPG facility, a debate that pre-dates the advent of a redevelopment proposal for the Ponte Vista Project Site. It is clearly not within either the ability or the mandate of the EIR for the Proposed Project to address or resolve each of the concerns that has been expressed regarding Rancho LPG, nor would it be appropriate to attempt to do so. However, because the Draft EIR does contain a brief discussion of the recent community debate over Rancho LPG as context for the more direct analysis of Rancho LPG's potential to impact the Project, some general background and discussion of recent developments is warranted.

Its original owner, Petrolane, constructed the Rancho LPG facility beginning in 1973. An EIR for the project was certified by the City of Los Angeles in 1973 and the facility was granted all applicable permits from the relevant regulatory agencies prior to construction and initial operation. Although the Rancho LPG facility is not located within a designated surface fault rupture zone, the storage tanks were constructed with an adequate safety factor for the maximum credible seismic event associated at the time with the Palos Verdes Fault and have been subjected to routine evaluation to ensure that they meet current building standards, will not fail due to seismic hazard, and provide reasonable assurance that a loss of containment will not result in an offsite consequence of danger to the public.³ With respect to the most recent seismic evaluation of the Rancho LPG tanks, the CalARP seismic assessment (mandated every five years) for the facility was audited in 2011 with no violations reported.⁴

Additionally, Rancho LPG has engaged in a program of continual inspection and maintenance to ensure that all vessels, tanks, piping, and infrastructure are maintained in accordance with applicable regulations. The two large refrigerated butane tanks at the facility were internally and externally inspected in 2009 and 2012, with no major defects found. No major incidents, accidents, or releases have occurred in the Rancho LPG facility's 40 years of operation.⁵

In 2010, the Northwest San Pedro Neighborhood Council commissioned a Quantitative Risk Analysis of the Rancho LPG facility, prepared by Cornerstone Technologies, Inc. As discussed in the Draft EIR (at page IV.H-36), this analysis estimated larger zones of impact of up to 1.7 miles for a pool fire, 4.0 miles for a vapor cloud explosion, and 6.8 miles for a BLEVE than the RMP.⁶ The Draft EIR goes on to state:

³ Ron Conrow, Western District Manager, Plains/Rancho LPG Holdings, LLC, Written Correspondence to Michael LoGrande, Director, Department of City Planning, City of Los Angeles, December 21, 2012, p. 8.

⁴ *Ibid.*

⁵ *Ibid.*, p. 9.

⁶ Cornerstone Technologies, *Quantitative Risk Analysis for Amerigas Butane Storage Facility*, September 2010.

Importantly, however, the Cornerstone Technologies conclusions are based on conditions that are extremely unlikely to occur. First, a large magnitude earthquake from the Palos Verdes fault zone (up to 7.3 magnitude) is only expected to occur once every 400-900 years. Also, the probability that this earthquake would be centered at the Rancho LPG facility is moderate, since the fault zone extends for a distance of approximately 100 kilometers. Further, the tanks are designed with seismic safety features that reduce the risk of rupture in the event of an earthquake. In addition, it is highly unlikely that the vapor cloud would distribute and ignite before reaching its maximum radius, particularly with weather conditions in the harbor typically generating consistent yet variable wind speeds that would disperse the butane vapor more rapidly to prohibit dense, overpressure conditions upon ignition. Further, Cornerstone Technologies did not consider the presence of on-site passive mitigation at the Rancho LPG facility and the analysis does not incorporate the effects of those safety features.⁷ Therefore, the scenarios modeled by Cornerstone Technologies are considered unrepresentative, and therefore comprise remote and speculative characterizations of the foreseeable risks associated with the facility.

According to Rancho LPG, Cornerstone Technologies' study was prepared without any visit to the facility and in the absence of important facility-specific data and information, including consideration of designed facility safety measures and, thus, included unrealistic, physically impossible, and technically invalid scenarios.⁸

To respond to the Cornerstone report, Rancho LPG hired Quest Consultants, Inc. to perform a thorough technical review of the Cornerstone analysis and to prepare a comprehensive Quantitative Risk Analysis of the Rancho LPG facility. The Quest report disputed the conclusions reached by Cornerstone Technologies and concluded that simplistic, conservative assumptions and use of the RMP Comp Model led Cornerstone to substantially overestimate the distance to 1 psi overpressure. Additionally, Quest concluded that no "cataclysmic domino effect" could occur as a result of any incident at Rancho LPG.⁹

In 2011, the U.S. EPA hired an independent third-party consultant, Professor Daniel Crowl at Michigan Technological University, to perform a risk assessment and evaluation with respect to potential damage from a worst-case release of butane and/or propane from the Rancho LPG facility. In addition, Professor Crowl evaluated both the Cornerstone and Quest reports and concluded that the Quest report presented an accurate assessment of the true risks associated with the Rancho LPG facility.¹⁰ This third-party assessment is discussed in the Draft EIR at page IV.H-39. Subsequently, as is also discussed in the Draft

⁷ Correspondence from Rancho LPG Holdings to NW San Pedro Neighborhood Council on October 27, 2010.

⁸ Letter from Ron Conrow, p. 11.

⁹ *Ibid.*

¹⁰ Correspondence from Daniel A. Crowl, Professor, Michigan Technological University to Ms. Mary Wesling, EPCRA/RMP Enforcement Coordinator, U.S. EPA Region IX on April 11, 2011.

EIR, the City Attorney responded to local concerns regarding potential risk of upset at Rancho LPG, indicating that (1) operations at Rancho LPG are consistent with applicable regulations and requirements and that no violations were found during two inspections of the facility in 2011; (2) there has been no demonstration of facts leading to a claim of harm or damage caused as a result of Rancho LPG's activities; (3) no legal basis exists via which the City can enjoin permitted business activities or operations at Rancho LPG; and (4) that Rancho LPG's current operations were adequately addressed in previous CEQA documentation and analysis.¹¹

On June 27, 2012, the Public Safety Committee of the Los Angeles City Council held a meeting to discuss the safety of the Rancho LPG facility and others (*Safety Regulations and Precautions at Liquefied Petroleum Gas (LPG) Facilities*, February 19, 2013). The Committee meeting was attended by several agencies charged with overseeing compliance with safety regulations applicable to Rancho LPG. The report from this meeting reiterated the advantage of Rancho LPG storing butane as a liquid under pressure; that upon release into a containment area, only a small amount could become involved in a vapor cloud explosion. The containment area reduces the surface area for liquid butane to become vapor.

As far as oversight, the Committee requested that the Chief Legislative Analyst prepare a report on safety regulations and precautions at LPG facilities. This report was released in February 2013 and states that LAFD conducts routine inspections of tanks, fire suppression systems, fire hydrants, gas/liquid monitoring, inventory of process and stored substances, emergency planning, and security. In addition, the Department of Building and Safety (LADBS) performs annual inspections pursuant to the Municipal Code and state law. Relative to potential safety improvements, the report identifies two initiatives in consultation with LAFD and LADBS: one focusing on conducting an emergency exercise to further enhance the preparedness efforts of City first responders and to better engage community stakeholders and a second to 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.¹²

On March 14, 2013, the U.S. EPA issued a Notice of Potential Enforcement Action to Rancho LPG for violations of the Clean Air Act resulting from inspections it conducted of the facility in 2010 and 2011. The allegations cited in the notice include:¹³

- Failure to include the rail storage area in Rancho LPG's Risk Management Plan;
- Failure to adequately evaluate potential seismic stress on the support structure for the emergency flare;

¹¹ Correspondence from Carmen A. Trutanich, Los Angeles City Attorney, to Anthony G. Patchett, Esq. on September 22, 2011.

¹² Report of the Chief Legislative Analyst, *Safety Regulations and Precautions at LPG Facilities*, February 19, 2013.

¹³ Correspondence from Daniel A. Meer, Assistant Director, Superfund Division, U.S. Environmental Protection Agency, Region IX to Tony Puckett, Rancho LPG Holdings, LLC; March 14, 2013.

- Failure to appropriately address the consequences of a loss of the city water system for fire suppression in the event of an earthquake;
- Failure to internally inspect Tank 1 in accordance with required timetables;
- Failure to develop and adopt an adequate emergency response program; and
- Failure to ensure that the drainage pipe at the base of the containment basin and the valve located near Gaffey Street are included in the mechanical integrity program.

Rancho LPG has prepared a formal response to this notice and has submitted it to the EPA, which is currently reviewing the information and intends to meet with Rancho LPG in midsummer 2013 to discuss its response.¹⁴ However, it should be noted that none of the potential violations cited in the EPA notice directly pertain to the analysis in the Draft EIR of Rancho LPG's potential to impact the Proposed Project under one of the two modeled release scenarios discussed previously.

5. Emergency Evacuation and Response

Several comments raise concerns regarding the potential effect of the Project on emergency response and evacuation efforts in the event of a major emergency, either natural or manmade, in the San Pedro area; a situation that requires response beyond routinely occurring periodic police, fire, and ambulance response events. This Topical Response is intended to provide additional information in response to these comments, while additional responses to certain comments are contained in the letter-by-letter responses that follow.

As is discussed in the Draft EIR (see pages IV.H-39 through -43), the Safety Element of the General Plan is the governing policy document of the City of Los Angeles pertaining to response to disaster events. As part of the General Plan, the Safety Element anticipates housing growth in the City of Los Angeles. As discussed in the Draft EIR, the current Proposed Project (Draft EIR Alternative C) would provide about 67 percent of the additional housing units forecast for the Wilmington-Harbor City Community Plan areas from 2010-2017 and about 30 percent of forecast 2010-2027 housing growth. It is thus consistent with the Safety Element's growth assumptions, and would not interfere with implementation of the Safety Element.

Contrary to the assumptions of several comments, the City maintains and continuously updates and upgrades its emergency response plans and resources. After every significant emergency, City personnel evaluate the effectiveness of response, ways to improve response, and how to reduce potential loss of life, injury, and property damage in future similar events. Natural disasters within the City, as well as

¹⁴ E-mail correspondence from Mary Wesling, USEPA Region 9 with CAJA Environmental Services, LLC; June 17, 2013.

disasters in other parts of the world, have added to existing knowledge about disaster preparedness. See the Draft EIR (at page IV.H-39) for a discussion of the responsibilities of the City's Emergency Operations Organization's (EOO) Transportation Division.

Individual division emergency plans are maintained by the EOO's Airports Division, Animal Regulation Division, Building and Safety Division, Fire Suppression and Rescue Division, General Services Division, Harbor Division, Information Technology Agency, Personnel and Recruitment Division, Police Division, Public Welfare and Shelter Division, Public Works Division, Recovery and Reconstruction, Transportation Division, and Utilities Division. The Emergency Response Master Plan also contains individual protocols and procedures (entitled "Annexes") to deal with particular types of emergencies, including civil disturbances, earthquakes, hazardous materials releases, major aircraft accidents, major fires, non-declared emergencies, and storms.

Interagency agreements, both formal and informal, enable the closest available unit to respond to an emergency incident. Inter-jurisdictional assistance to assure public safety, protection and other assistance services today generally are in the form of "mutual aid" agreements (see Draft EIR at page IV.H-40). Mutual aid and other agreements provide for voluntary cooperative efforts and for provision or receipt of services and aid to or from other agencies or jurisdictions when local capabilities are exceeded by an emergency event. Through mutual aid agreements, the EOO and individual City agencies coordinate emergency response planning with adjacent cities, the County of Los Angeles, the State, federal agencies and other public and private organizations, such as the Los Angeles Unified School District and the American Red Cross. In addition, they share information so as to improve hazard mitigation efforts and coordinate resources for disaster response and recovery.

As discussed in the Draft EIR (at page IV.H-40), the EOO Harbor Division's emergency preparedness plan addresses various contingencies, including the potential that, in the event of a major disaster, the possibility exists that the Harbor would be geographically severed from the City making it impossible for other divisions to move equipment and personnel into the area. For this purpose, the Harbor Division maintains interagency cooperation agreements with the Port of Long Beach, U.S. Navy and the U.S. Coast Guard. The Harbor Department also maintains current lists of Harbor Department construction equipment, vehicles, vessels and radio equipment, and also a list of equipment in the area operated by private industry. In general, the San Pedro/Harbor area is considered to have the most advanced, well-developed set of emergency response and emergency evacuation procedures in the City of Los Angeles, as well as in the greater Los Angeles region.¹⁵

The City is constantly planning and working to respond to emergency contingencies in the best manner possible. The response to any given emergency depends on the particular emergency event that has occurred, the timing and location of the emergency event, and the scope of the emergency event. Given

¹⁵ Joan McNamara, Commanding Officer-Harbor Area, Los Angeles Police Department; personal communication, April 18, 2007.

the numerous permutations of possible events and circumstances, discussion of a hypothetical event is beyond the scope of this EIR.

In accordance with the Safety Element and Emergency Response Manual, in a state of emergency, the EOO assumes command and control and responds with maximum feasible speed. The EOO informs the public as to the steps that should be taken to protect themselves, and directs responding resources. As persons become aware of the state of emergency, ordinary public activities, such as persons engaged in shopping or work, are temporarily suspended. Public cooperation is assumed and public agencies assume control of public streets and facilities that are necessary to allow efficient emergency response, and where relevant, evacuation activities.

While emergency preparedness is intended to be flexible to respond to unknown contingencies, the Safety Element designates disaster routes, which for planning purposes are intended to function as primary thoroughfares for movement of emergency response traffic and access to critical facilities.¹⁶ Immediate emergency debris clearance and road/bridge repairs for short-term emergency operations will be emphasized along these routes. The selected disaster routes also provide a plan for inter-jurisdictional road reconstruction and rebuilding following a major disaster.

As is discussed in the Draft EIR (at page IV.H-40), within the vicinity of the Project Site, the Safety Element does not designate Western Avenue as a disaster route. The north-south disaster routes include: Western Avenue south of West Summerland Avenue, Gaffey Street, Pacific Avenue, and Harbor Boulevard. East-west disaster routes include 25th Street, 9th Street, West Summerland Avenue east of Western Avenue, Palos Verdes Drive North, Anaheim Street, Pacific Coast Highway, and Lomita Boulevard. Interstate 110 is the major north-south freeway route in the vicinity. The Harbor Area and San Pedro are also adjacent to surrounding cities and their disaster routes. Western Avenue would not be used as an evacuation route in the event of an incident occurring at the Port of Los Angeles because it is located too far to the west.¹⁷

Various comments posit a situation in which mass evacuation of the entire San Pedro/Harbor area would be necessary. As is discussed in the Draft EIR, this is a remote and speculative scenario. Foreseeable emergency situations such as explosions or hazardous material releases that would require evacuation as the best possible response are likely to be far more localized in terms of size and seriousness of the event, the geographic diversity and size of the surrounding area, the length of event, and influence of climactic conditions. As discussed on page IV.H-41 of the Draft EIR, a mass evacuation would be the response of last resort because a mass evacuation removes evacuees from their most ready shelter and supplies (their homes) and subjects them to the risks of travel in an emergency situation. Localized evacuations would be preferred, and would be for as short a duration as possible. Specific evacuation methods have been

¹⁶ City of Los Angeles, *General Plan Safety Element; Exhibit H (Critical Facilities and Lifeline Systems)*.

¹⁷ Dave Malin, *Harbor Department Emergency Preparedness Coordinator II*, personal communication, March 15, 2007.

developed for evacuations and inter-agency communication and coordination protocols, as well as public communication methods and protocols, have been identified so that evacuation procedures are implemented effectively and consistently among local agencies.¹⁸

As is stated in the Draft EIR, in the event of a localized emergency, normal traffic patterns would cease as the public becomes aware of the situation and as emergency personnel take control of streets. Traffic patterns along routes in the Project vicinity would be controlled. The availability of centrally controlled automated traffic signals, towards which the Project will contribute, would significantly improve emergency response preparedness in the area. For localized emergencies to which evacuation is the required response, the public would be instructed in accordance with a localized evacuation plan. Traffic would be carefully managed and emergency personnel would have the ability to direct traffic to flow in only one direction. For example, using the base traffic lane capacity assumed in the traffic analysis of 1,500 vehicles per lane per hour, Western Avenue could accommodate approximately 3,000 vehicles per hour in a two-way street scenario (i.e., two lanes northbound leaving San Pedro), and up to 6,000 vehicles per hour in a one-way street scenario (i.e., four lanes northbound leaving San Pedro).

Comments were submitted regarding the ability of the Los Angeles Fire Department (LAFD) and the Los Angeles Police Department (LAPD) to respond to emergency calls within the traffic study area of the Project, considering that several of the study intersections currently operate at poor levels of service (LOS). Although the Project would add traffic to the study area, the required mitigation measures set forth in Section IV.N (Transportation and Traffic) of the Draft EIR would reduce all of the Project's traffic impacts to less than significant levels. The Project's traffic would not cause traffic flow to "freeze," not allowing any vehicles, emergency or otherwise, to move through the study area. Traffic congestion is commonplace in the City of Los Angeles, and the LAFD and LAPD are familiar with the tactics needed to maneuver through traffic congestion during an emergency response, with the use of sirens, lights, traffic signals, and use of alternate routes during peak traffic hours. The LAFD and LAPD would continue to implement these tactics during the operation of the Project.

As stated previously, and on page IV.H-41 of the Draft EIR, for most emergency situations, emergency preparedness and shelter-in-place is the preferred approach to be implemented. In these situations, the emergency response plans focus on public awareness, education and communication methods and protocols designed to provide accurate, timely, and consistent information to the public. In addition, the plans include inter-agency communication and coordination protocols for shelter-in-place emergency situations.¹⁹ In hazardous materials releases and other emergencies, the danger is most often avoided or minimized by staying in place and indoors. In the event of a major catastrophe, damage, confusion and hazards may be widespread, making it difficult, and potentially more perilous, to travel. Sheltering-in-

¹⁸ Joan McNamara, Commanding Officer-Harbor Area, Los Angeles Police Department; personal communication, April 18, 2007.

¹⁹ *Ibid.*

place also enables emergency response personnel to gain control and stability more quickly and thoroughly by reducing panicked activity and interference in emergency response activities.²⁰

As a Project Design Feature, the Project would prepare and implement an emergency response plan for approval by the Los Angeles Fire Department (see pages IV.H-21 and IV.M-9 of the Draft EIR). The emergency response plan will include but not be limited to the following: mapping emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments. In developing the emergency response plan, the Project Applicant will consult with neighboring land uses, including but not limited to the U.S. Navy Defense Fuel Support Point (DFSP), the ConocoPhillips Refinery, Rancho LPG, the Port of Los Angeles, and Mary Star of the Sea High School. The Project will also include an additional emergency access point along its southern boundary adjacent to the Seaport Village development.

This emergency response plan will help implement the City's emergency response plan policies (described earlier in this Topical Response). Project access and design is already planned to conform to the requirements of LADOT, which has reviewed and approved preliminarily proposed Project circulation and access routes, as well as the requirements of the Fire Department. In addition, the Project would fund physical traffic capacity improvements to address Project and cumulative growth and would provide an access to Western Avenue for Mary Star of the Sea High School. Implementation of the Project's traffic mitigation measures would result in improved performance conditions at several of the intersections in comparison to existing conditions, even with the addition of Project traffic. Also, as stated on p. IV.N-9 of the Draft EIR, signalized intersections near the Project Site have traffic control improvements (ATSAC/ATCS and other similar computer-operated systems) that will assist in the centralized control and operation of traffic signals, resulting in more rapid and effective emergency response. Except in the event of a localized emergency of continuing duration, the reasonably foreseeable scenario is that Project residents and their immediate neighbors would be instructed to abide by the same measures as other area residents, avoid unnecessary travel, and remain inside their homes.²¹

As noted in the Draft EIR, the Project's emergency response plan will address the occupancy, number, location, and design of the structures approved for the Project at the conclusion of the entitlement process. It will require mapping of emergency exits, evacuation routes for vehicles and pedestrians within and from the Project Site, and location of nearest hospitals and fire departments. The Applicant must also consult with neighboring land uses, including but not limited to the DFSP and the Conoco-Phillips Refinery. The plan must be completed and approved based on final building plans before building permits for the Project's structures are issued. Once completed and approved by the Fire Department, this required plan would be integrated with the regional emergency response plans described above by the LAPD and LAFD and the other agencies responsible for emergency response measures. These

²⁰ *Ibid.*

²¹ *Ibid.*

requirements provide a mechanism for developing an integrated emergency response plan for the Project and the surrounding community.

Emergency response plans for the San Pedro/Harbor area are being continually reviewed and updated in response to changing land uses and population characteristics within the target area. Because land use and population patterns are dynamic, this updating of emergency response plans is an ongoing process led by the LAPD with involvement from the other agencies involved in implementing the plans, from the LAFD to the California Highway Patrol. Whenever new development occurs, emergency response plans are evaluated and, if necessary, revised to reflect the new development.²² The Project Site is not currently identified in any existing emergency response plan as a physical evacuee location or other location of public congregation or equipment/personnel mobilization. In light of the foregoing discussion, the Project would have no impact with respect to interference with the provisions of adopted emergency response plans.

With respect to non-state-of-emergency situations, as discussed in the Draft EIR at page IV.M-12, the Project impacts related to emergency access also would be less than significant. Emergency access to the Project Site (police, fire, and ambulance) would be provided via the two ingress/egress points off Western Avenue that would also provide general site access as well as via the additional emergency access lane connecting to the Seaport Village development at the Site's southern boundary. In addition, a reciprocal emergency access arrangement exists between Mary Star of the Sea High School and the Project that would allow for emergency access from Mary Star and Taper Avenue to Western Avenue. Project-specific impacts with respect to emergency response distance (police, fire and ambulance) would be less than significant (see Draft EIR, p. IV.M-11).

Several comments assert that the Project would have a significant impact by resulting in increased response times to fire, police, and emergency medical service calls within the area. Although no evidence has been presented to support such an assertion, the obligation to provide adequate fire and emergency medical services is the responsibility of the City (Cal. Const., art. XIII, Section 35, subd. (a)(2) ["The protection of the public safety is the first responsibility of local government and local officials have an obligation to give priority to the provision of adequate public safety services.]). In addition, the potential "need for additional fire protection services is not an *environmental* impact that CEQA requires a project proponent to mitigate. Section 15382 of the CEQA guidelines defines 'significant effect on the environment' as 'a substantial, or potentially substantial, adverse change in any of the physical conditions of the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of aesthetic or historic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.'" [*City of Hayward v Board of Trustees of the California State University*, First Dist. Court of Appeal, Case No. A131412

²² *Ibid.*

(May 2012) (Review pending)]. As is also stated in *City of Hayward*, “the potential dangers associated with delayed response times do not mandate a finding of significance under section 15065, subdivision (a)(4) of the Guidelines...” [*City of Hayward v Board of Trustees of the California State University*, First Dist. Court of Appeal, Case No. A131412 (May 2012) (Review pending)]. Thus, even if the Project were shown to have resulted in delayed response times for relevant public services, such effects are not considered to be environmental impacts under CEQA.

6. Alternatives to the Proposed Project

Several commenters have raised concerns over the range of alternatives to the Proposed Project that was evaluated in Section VI of the Draft EIR. Primary issues raised by commenters are (1) Alternative B (No Project Alternative/Existing Zoning – Single-Family Homes) does not account for the existing Open Space zoning on a portion of the Project Site and (2) the Draft EIR did not include a mixed-use alternative that would combine residential with neighborhood-serving commercial/retail and limited office space uses. These two issues are addressed in this topical response. Other specific comments pertaining to the alternatives evaluated in the Draft EIR as well as other suggested possible alternatives are addressed under the individual responses to comments in Section III.B.

Reasonable Range of Feasible Alternatives

As is discussed beginning on page VI-1 of the Draft EIR, the CEQA Guidelines require that EIRs include the identification and evaluation of a reasonable range of alternatives that are designed to reduce the significant environmental impacts of a project, while still satisfying the project objectives. Specifically, Section 15126.6(a) of the CEQA Guidelines states:

Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation. An EIR is not required to consider alternatives which are infeasible. The Lead Agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

Additionally, Section 15126.6(c) of the CEQA Guidelines states:

Selection of a range of reasonable alternatives. The range of potential alternatives to the Proposed Project shall include those that could feasibly accomplish most of the basic

objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the Lead Agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the Lead Agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

Two points are particularly relevant to the suggestions made by commenters on the Draft EIR: alternatives to a project must be potentially feasible and must feasibly accomplish most of the basic objectives of a project.

The objectives of the Proposed Project are presented on page VI-3 of the Draft EIR and are as follows:

1. To remove the abandoned improvements currently present on the site, in accordance with the contractual conditions of sale required by the U.S. Navy.
2. To provide new housing on unutilized land that will meaningfully contribute to meeting the projected 2017 and 2027 housing need in the Wilmington-Harbor City Community Plan area, as projected by the City's General Plan Framework and Southern California Association of Governments, without requiring the demolition of existing market-rate or rent-controlled housing stock.
3. To provide new housing that meets the housing needs of a broad spectrum of persons who desire to live in the San Pedro community.
4. To provide a residential project with substantial common amenities, landscaping, and open space for the use of its residents.
5. To provide a project that will invigorate the local economy, employment, and business opportunities through project construction, and through the expenditures of its future residents.
6. To mitigate potential significant environmental impacts, to the extent feasible.
7. To develop a project that fiscally benefits the City of Los Angeles.
8. To provide a project that ensures high-quality development and maintenance through the creation and adoption of a specific plan that will set land use, architectural, landscaping, streetscaping, and lighting standards.

As the Draft EIR states, based on market conditions and demands, the Project Applicant determined that residential development would best meet the objectives for the Project. The Applicant also determined

that all potential alternatives should involve private development projects that might be financially feasible to develop and market. All existing improvements must be removed from the Project Site pursuant to the contract under which the site was first transferred to private ownership. Further, the site, which was not graded or filled in accordance with current standards, must be comprehensively reengineered as part of any development.

The other CEQA-mandated consideration in establishing the range of alternatives to the Proposed Project to be evaluated in the Draft EIR is the extent to which the potential alternatives can either avoid or substantially lessen the significant environmental impacts of the Proposed Project. As discussed throughout Section IV of the Draft EIR, all of the Project's significant impacts can be mitigated to a less than significant level through the implementation of the proposed mitigation measures with the exception of impacts with respect to operational air emissions, construction-related noise and vibration, and operational exterior noise within the Project itself (not at any off-site locations). Although alternatives that were not evaluated in the Draft EIR may exist that would reduce some of the Project's other significant impacts (e.g., operational traffic), the fact that the identified Project mitigation measures would reduce these impacts to a less than significant level made it less critical to consider such alternatives, particularly if they were determined to either be infeasible to develop or incapable of attaining most of the defined project objectives listed above.

Thus, the ultimate selection of the range of alternatives to be evaluated in the Draft EIR was made based on their feasibility to develop, their ability to achieve most of the project objectives, and their ability to either avoid or substantially lessen the significant impacts of the Project that could not be mitigated to a less than significant level. Nonetheless, the Draft EIR does present a discussion of additional alternatives that were considered, but rejected from full evaluation (at page VI-5). These possible alternatives included a development plan similar to that contained in the 1999 Base Reuse Plan for the site, a mixed-use residential/commercial alternative, a fully commercial alternative, and an alternative site plan containing a dedicated senior-housing component. The rationale for not evaluating any of these other alternatives is discussed in Section VI of the Draft EIR.

Corrections to Draft EIR Alternative B

As was noted previously, multiple comments on the Draft EIR have stated that an alternative that would develop the Project Site under its existing zoning and General Plan designations was not evaluated and that the alternative in the Draft EIR (Alternative B) that purports to do exactly this, in fact, does not. With respect to this issue, the commenters are correct. Alternative B, discussed at pages I-10 and VI-10 of the Draft EIR, would redevelop the Project Site with 385 single-family homes but would not retain the site's existing zoning and General Plan land use designations, as the Draft EIR states. With respect to this latter point, the Draft EIR is in error and has been revised as described below.

As is described in Section IV.J (Land Use) of the Draft EIR, the Project Site is currently zoned for R-1 (single-family residential) development with the exception of 9.3 acres along the property’s northern boundary, which is zoned Open Space. The General Plan land use designations of the site track with the zoning. Thus, it would not be possible to develop 385 single-family homes on the site unless the zoning and land use designations of the property were changed to eliminate the 9.3 acres of Open Space. As a result, implementation of Alternative B would require that a Zone Change and General Plan Amendment be approved for the Project.

In order to correct this error in the Draft EIR, the following revisions have been made to Section I (Introduction/Summary) at page I-10 under the “Alternatives” section heading (see also Section IV, Corrections and Additions to the Draft EIR):

In order to provide informed decision-making in accordance with Section 15126.6 of the CEQA Guidelines, this Draft EIR considers a range of alternatives to the Project. The Draft EIR analyzes the following alternatives: (A) No Project Alternative/No Development; (B) ~~No Project Alternative/Single-Family Homes~~; (C) Staff Recommendation/Reduced Density; and (D) Revised Site Plan. Each alternative is described in full in Section VI, Alternatives to the Project, of this Draft EIR.

Alternative B: ~~No Project Alternative/Single-Family Homes~~

Alternative B presumes that the Project Site would be redeveloped ~~according to existing zoning and General Plan designation allowed uses and densities~~ in order to maximize the number of single-family residences at the site. Taking site planning considerations into account, including the required seismic setback, approximately 385 single-family homes could be developed on the Project Site under the ~~site’s existing R1 zoning and Low Residential General Plan designation~~. Such a site plan would require that the existing 9.3 acres of Open Space zoning and land use designation on the Project Site be eliminated. Alternative B would not include a 2.8-acre public park or an access road to Mary Star of the Sea High School from Western Avenue.

The following revisions have also been made to Section VI (Alternatives to the Proposed Project), first at the bottom of page VI-4 (see also Section IV, Corrections and Additions to the Draft EIR):

Alternative B: ~~No Project Alternative/Existing Zoning (Single-Family Homes)~~

Also at page VI-10 (see also Section IV, Corrections and Additions to the Draft EIR):

Alternative B: ~~No Project Alternative/Existing Zoning (Single-Family Homes)~~

Under Alternative B, the Project would not be developed on the Project Site. However, the Project Site would not remain in its current condition. Under the conditions of the ownership

transfer from the U.S. Department of Defense to the previous owner, all existing improvements on the Project Site must be removed. Accordingly, the existing vacant former Navy housing complex and associated roadways and other infrastructure would be demolished and all debris removed from the Project Site under this alternative. Under the current land use designation in the *Wilmington-Harbor City Community Plan*, a majority of the Project Site is designated for Low Density Residential (4 to 9 dwelling units per acre) land uses. The Planning and Zoning Code (Los Angeles Municipal Code [LAMC], Chapter 1), zones all but 9.3 acres of the Project Site R1-1XL (One-Family Zone, Extra Limited Height District No. 1). Single-family dwellings, among other specified land uses, are permitted within the R1 zone. The Extra Limited Height District No. 1 limits the height of buildings to two stories or 30 feet. The remaining 9.3 acres of the site is zoned and designated Open Space.

If a Zone Change and General Plan Amendment were approved to remove the 9.3 acres of Open Space zoning from the Project Site, the land use and zoning designations of the Project Site would permit up to 429 single-family homes. In addition, if a single-family project were to include below-market (moderate, low, and very-low income units), a potential density bonus of 35 percent under the City's existing rules and regulations, or 579 single-family units, might be developed on the Project Site. Because of the significant site acquisition and site preparation costs related to the Project, the Applicant indicates that it is unlikely that a single-family project with below-market units would be developed.

Under City of Los Angeles zoning criteria, R1 zoning requires that each lot have a minimum area of 5,000 square feet, a minimum width of 50 feet, front yards of not less than 20 percent of the depth of the lot, and rear yards of not less than 15 feet, with resulting dwelling unit densities of approximately six units per acre (taking streets into account). Due to high land prices in infill locations within the City of Los Angeles, fewer and fewer new subdivisions are being developed in accordance with R1 zoning. Instead, homebuilders seeking to develop single-family homes in infill locations routinely propose homes on smaller lots at significantly higher densities.

In addition, the requirement to incorporate a seismic setback zone across the site, described in Section IV.F, Geology and Soils, would eliminate approximately 44 potential lots from a single-family residential site plan, reducing the total number of potential home lots from 429 to 385.

While infill housing in areas like the Project Site is not typically being developed in accordance with traditional R1 zoning criteria, ~~for the purpose of complying with Section 15126.6(e)(2) of the CEQA Guidelines,~~ this alternatives analysis assumes that, under Alternative B, the Project Site would be developed as a single-family home project in accordance with R1 zoning with approximately 385 single-family homes and that a Zone Change and General Plan Amendment would be approved to remove the current Open Space zoning/land use designation from the northerly 9.3 acres of the site. A conceptual site plan for Alternative B is shown in Figure VI-1.

The number of homes in Alternative B is below the maximum density that could be developed ~~without a General Plan amendment or rezoning under the R1 zoning~~ in order to provide a street and lot plan consistent with a move-up/high-end home plan as well as to, as described above, incorporate the required seismic setback zone. ~~The development would be designed to be consistent with all existing planning and zoning requirements.~~

All of the homes under Alternative B would be developed for sale at market rates. Due to the same significant site acquisition and site preparation costs discussed previously, the Project Applicant indicates that it would be necessary to develop the Project Site with the maximum reasonable number of move-up/high-end single-family homes at the highest supportable prices in the market area (Los Angeles/Wilmington-Harbor City/San Pedro) that could be achieved. The Project Applicant estimates that such homes would range between 2,000 and 3,000 square feet and would need to sell for an average price of \$1 million. Given the current housing market and state of the local and regional economy, there is uncertainty that such prices could be realized. However, retaining the existing 9.3 acres of zoned Open Space on the site under Alternative B would eliminate approximately 81 additional single-family home lots from the site plan, which would likely make the alternative development economically infeasible to develop. For this reason, Alternative B proposes to eliminate the 9.3 acres of Open Space zoning from the Project Site.

The title of Figure VI-1 has been revised to read as follows (see also Section IV, Corrections and Additions to the Draft EIR):

Conceptual Site Plan – Alternative B (~~No Project Alternative/~~Single-Family Homes)

The following revisions have been made to the text on page VI-13 of the Draft EIR under the “Public Park/Open Space” subheading (see also Section IV, Corrections and Additions to the Draft EIR):

No public park would be developed. The existing 9.3 acres of zoned Open Space on-site would be eliminated through a Zone Change and General Plan Amendment process in order to allow for development of a sufficient number of single-family homes to render the site plan economically feasible. Although community open space and private park area would be located along the seismic setback zone crossing the center of the Site, the total amount of open space associated with Alternative B would be less than that associated with the Proposed Project due to the elimination of the public park component and existing zoned Open Space.

The following revisions have been made to the text on pages VI-70 and VI-71 of the Draft EIR under the “Impacts of Alternative B” subheading (see also Section IV, Corrections and Additions to the Draft EIR):

~~Contrary to the Proposed Project, Alternative B would be developed consistent with existing planning and zoning designations for the Project Site~~ require a Zone Change and a General Plan Amendment to re-designate the existing 9.3 acres of Open Space on-site to R1-1XL and Low

Density Residential to match the remainder of the site's existing zoning and land use designation. Lots for the 385 single-family homes would be created through the processing and recordation of a tentative tract map. Alternative B would contribute fewer additional housing units to meet area housing needs than the Project. In addition, it is expected that the sales price of homes developed pursuant to Alternative B would average approximately \$1,000,000. Thus, Alternative B would provide housing for only the most affluent segment of the housing market, rather than for a broad range of potential buyers and renters. Although it would contribute additional single-family housing, Alternative B would not implement recommended air quality and regional planning strategies to increase the density of infill housing so as to reduce urban sprawl impacts on natural resources, reduce air quality emissions due to VMT for commuting purposes, and to reduce regional congestion through VMT reduction. Alternative B would fail to promote further attainment of many City and regional planning objectives and would be either inconsistent or less consistent than the Proposed Project with several of the policies contained in the General Plan, particularly those relating to the provision of a range of housing opportunities and the promotion of higher densities in locations proximate to centers of employment and transit. Alternative B would not set aside and dedicate a 2.8-acre public park as proposed by the Project. In addition, the access road across the southern portion of the Project Site connecting Western Avenue to the Mary Star of the Sea High School campus would not be provided under this alternative, creating a potential land use incompatibility with the school that did not previously exist by forcing school traffic to pass through an existing single-family residential neighborhood (Taper Avenue). In summary, impacts would be less than significant but, on balance, slightly greater than those associated with the Proposed Project.

The following revisions have been made to the text on pages VI-103 of the Draft EIR under the "Impacts of Alternative B" subheading (see also Section IV, Corrections and Additions to the Draft EIR):

Alternative B represents development under ~~the existing R-1 entitlement for the Project Site~~ R1-1XL zoning and a Low Medium Residential land use designation. ~~Under this entitlement~~ With approval of these entitlements, a total of 385 single-family homes could be constructed on the Project Site. The vehicular access associated with Alternative B is assumed to be consistent with the access scheme currently planned for the Proposed Project.

The heading of Table VI-19 beginning on page VI-133 of the Draft EIR has been revised as follows (see also Section IV, Corrections and Additions to the Draft EIR):

~~Alternative B: No Project Alternative/Existing Zoning (Single-Family Homes)~~

The following revisions have been made to the text on pages VI-146 and VI-147 of the Draft EIR under the "Alternative B" subheading (see also Section IV, Corrections and Additions to the Draft EIR):

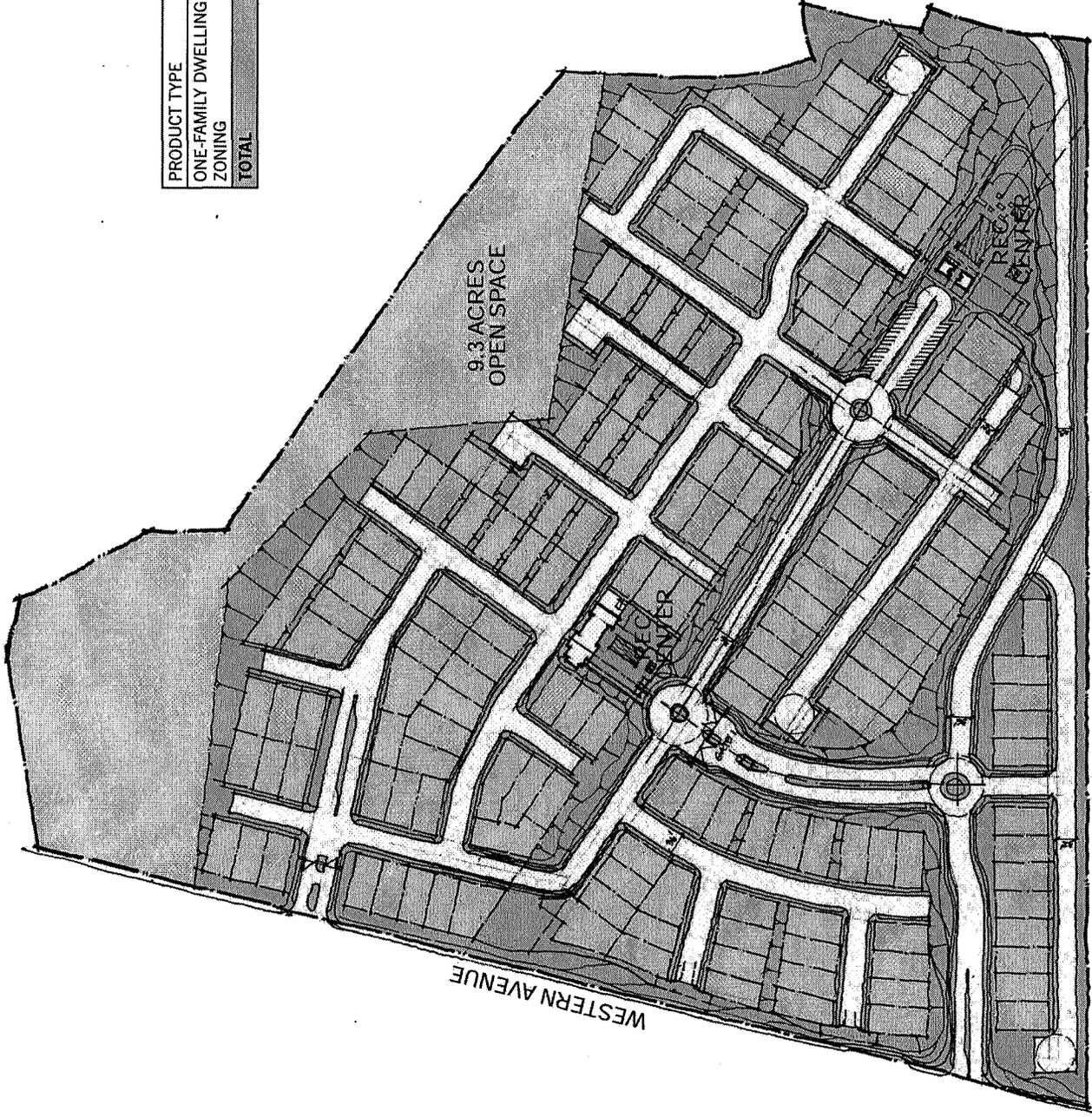
Alternative B would redevelop the Project Site with approximately 385 single-family homes, consistent with ~~existing zoning regulations governing the site~~ R1-1XL zoning and the Low

Medium Residential land use designation. As discussed at the start of this section, because Alternative B would not require a General Plan Amendment or and Zone Change to eliminate the existing Open Space zoning and land use designation from the northerly 9.3 acres of the site in order to be implemented, it is also considered to represent a “No Project” alternative, even though it would result in redevelopment of the site.

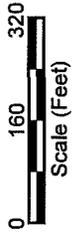
Existing Zoning Alternative Site Plan

In addition to pointing out the errors in the Draft EIR with respect to Alternative B (discussed above), several commenters have also requested that an evaluation of an alternative site plan that is fully consistent with the Project Site’s existing zoning and General Plan land use designations be added to the Draft EIR. Commenters have also requested that such an alternative site plan include the same public access roadway to Mary Star of the Sea High School that is proposed under the Project and under Alternatives C and D in the Draft EIR. Commenters have also requested that this alternative site plan contain full-sized single-family home lots consistent with R1 zoning (5,000 square feet or 50 feet by 100 feet). Under these design constraints, a conceptual site plan was developed that would result in development of 169 single-family homes at the Project Site. This plan would also incorporate the required seismic setback zone across the center of the site and would include two recreation centers as well as landscaped common area. The northernmost 9.3 acres of the Project Site would remain as open space, consistent with the current zoning and land use designation of this portion of the property. This area could be developed to some extent with park and recreation facilities for the use of the general public, although its configuration and topography would likely limit its suitability for dedication to the City as a neighborhood park. A conceptual site plan for this “Existing Zoning” alternative was developed and is shown in Figure III.A-1.

As discussed at the start of this topical response, under CEQA, alternatives to a project that are evaluated in a Draft EIR must be feasible to develop and must achieve a majority of the project’s objectives. They should also be capable of either avoiding or substantially reducing the project’s unmitigated significant impacts.



PRODUCT TYPE	# OF UNITS (DU)
ONE-FAMILY DWELLING, R-1 ZONING AREA MIN.	169 (50' WIDE, 5,000 SF LOT)
TOTAL	169



Source: Robert Hidey Architects, 02/27/2013.



Figure III.A-1
Existing Zoning Alternative
Conceptual Site Plan

Comparison to Project Objectives

With respect to being able to achieve most of the Project's objectives, the 169 single-family home "Existing Zoning" alternative site plan would achieve seven of the Project objectives, although some would be achieved to a substantially lesser extent than with the Proposed Project. The "Existing Zoning" alternative site plan would remove the existing buildings on the Project Site; provide new housing on unutilized land that would contribute to meeting the projected 2017 housing need in the area; provide a project that would invigorate the local economy; mitigate its environmental impacts to the extent feasible; provide substantial common open space along the site's northern boundary as well as two recreation centers for the use of residents, and provide a high-quality development. The "Existing Zoning" site plan would not provide new housing to meet the housing needs of a broad spectrum of persons desiring to live in the San Pedro community due to the economic imperative to develop high-end, large-lot single-family homes having a price well above the median for the region. While development of this "Existing Zoning" site plan would fiscally benefit the City, it would likely do so to a significantly lesser degree than the Proposed Project due to the reduced number of homes, even though the tax assessments would most likely be greater on a per unit average basis. Similarly, the "Existing Zoning" alternative site plan would not contribute to meeting the anticipated need for housing in the San Pedro area to the same degree as the Proposed Project due to the reduced number of homes that would be developed and the prices they would likely command.

Comparison to Project Impacts

The "Existing Zoning" alternative site plan would generally result in fewer impacts than the original Proposed Project or Alternatives B, C, and D in the Draft EIR (note that Alternative C, the reduced density alternative, is now the Applicant's preferred project), primarily due to the fewer number of homes that would be developed at the site. Impacts that would result from development of the "Existing Zoning" alternative site plan are summarized as follows:

- Aesthetics: The "Existing Zoning" site plan would have similar impacts with respect to visual character and views as the Proposed Project, although the development on the site itself would be of a lower scale and height. The existing visual character of the site would largely be retained, albeit with greater density and replacing abandoned structures with a well-maintained residential development. The northern slope of the property would not be developed but would instead be preserved as open space, thus lessening the overall developed footprint on-site in comparison to the Proposed Project or Alternatives B, C, and D. Building heights on the Project Site would be lower, which would reduce the prominence of the homes on the site as compared to the taller multi-family residential buildings of the Project when viewed from off-site locations. Overall impacts on views and visual character under this alternative would be less than significant and less than with the Proposed Project. Light and glare impacts would be reduced in comparison to the Proposed Project due to the elimination of the public park and open space lighting as well as

the lower building heights of the single-family homes. Similar to the Project, no shade/shadow impacts would occur.

- **Air Quality:** Compared to the Project, the “Existing Zoning” site plan would involve the construction of a smaller development and thus the duration and total construction-related air quality emissions would be reduced. However, it is assumed that the maximum daily emissions for the demolition, site preparation, grading and building construction phases would be similar to the Project. Furthermore, it is expected that the same mitigation measures included for the Project would also be required and implemented. As such, and similar to the Project, regional and localized construction emissions would be reduced to less than significant levels with the implementation of Mitigation Measures AQ-1 through AQ-3. The “Existing Zoning” site plan is expected to generate 1,638 trips during a typical weekday, representing an approximate 72 percent reduction compared to the Project. Motor vehicle trips are the primary source of daily operational emissions. Because the “Existing Zoning” alternative would generate fewer vehicle trips than the Project, it would also generate fewer average daily emissions. Modeled operational emissions associated with the “Existing Zoning” site plan (2017 Buildout) would not exceed the established SCAQMD threshold levels for any criteria pollutant. Thus, the “Existing Zoning” site plan would eliminate the Project’s (2017 Buildout) ROG and NO_x significant and unavoidable impacts. Additionally, localized CO impacts would also be reduced compared to the Project. Because the Project’s localized CO impacts at studied intersections under all scenarios resulted in less than significant impacts, it can be deduced that the “Existing Zoning” alternative would also result in less than significant CO impacts because it would involve substantially fewer vehicle trips. As such, localized CO impacts would be considered less than significant and reduced when compared to the Project.
- **Biological Resources:** The “Existing Zoning” alternative would avoid the Project’s less than significant impacts to the degraded CSS habitat on the previously graded northern slope of the property by removing this part of the site from the development footprint. However, this slope would not be revegetated and replaced with more extensive and higher functioning CSS habitat as would be the case with the Project. Thus, although impacts to CSS habitat and the CAGN and PVB would be less than significant, the Project’s beneficial impact would not be realized. Potential impacts on nesting birds would be similar to the Project. Similarly, potential impacts to roosting bats would be similar to those associated with the Project. Similar to the Project, the existing drainage channel crossing the southern portion of the site would be replaced and covered. Due to the need to fully develop the property to maximize the number of single-family homes, no opportunity to re-create riparian habitat along the channel would exist. Impacts would be significant before mitigation and similar to those of the Proposed Project. As with the Project, no substantial impediment to wildlife movement or gene flow could occur and the impact would be less than significant and equivalent to the Project. Most of the 330 trees on the Project Site would be removed, with the exception of those within the northerly 9.3 acres of the site. However, due to site plan constraints, a substantially fewer number of new trees would be planted

(approximately 428 net new trees) as compared to the Proposed Project. Nonetheless, impacts to trees, including protected trees, would be less than significant, and slightly less than with the Proposed Project. As with the Project, the “Existing Zoning” alternative would not conflict with any local policies or ordinances protecting biological resources, such as tree preservation policies or ordinances. Thus, no impact would occur.

- **Cultural Resources:** Potential archeological and paleontological resources impacts associated with the “Existing Zoning” alternative site plan would be largely the same as the Proposed Project and would be potentially significant. Therefore, the Compliance Measure and mitigation similar to Mitigation Measures CULT-1 through CULT-9 would be required in order to reduce potential impacts to a less than significant level. Any potential impacts along the northerly 9.3 acres would be avoided.
- **Geology and Soils:** The “Existing Zoning” site plan incorporates the required seismic setback zone through the central portion of the Project Site and would thus be in compliance with applicable City engineering requirements and would be similar to Alternative C, the current Proposed Project. Otherwise, potential geology and soils impacts would be virtually the same as the Proposed Project, although impacts along the northern slope of the site would largely be avoided. Measures similar to the Compliance Measures for the Project would reduce these impacts, although they would be less than significant.
- **Greenhouse Gas Emissions:** Compared to the Project, the “Existing Zoning” alternative site plan would involve the construction of a smaller development and thus the duration and total construction-related GHG emissions would be reduced. Furthermore, it is expected that the same mitigation measures included for the Project would also be required and implemented to reduce construction-related GHG emissions to the maximum extent feasible. The “Existing Zoning” alternative is expected to generate 1,638 trips during a typical weekday, representing an approximate 72 percent reduction compared to the Project. Motor vehicle trips are the primary source of daily operational GHG emissions. Because fewer vehicle trips would be generated than the Project, fewer average daily GHG emissions would be generated. Furthermore, as a substantially smaller development would be constructed, fewer operational GHG emissions would be generated from on-site sources and energy consumption. Specifically, it is estimated that the operation of the “Existing Zoning” alternative would generate approximately 3,496 CO₂e MTY assuming the same general sustainability measures outlined in MM AQ-4 for the Project would be implemented under this alternative. This represents an approximate 70 percent reduction compared to the Project. Similar to the Project, the “Existing Zoning” alternative would be consistent with all feasible and applicable strategies to reduce greenhouse gas emissions in California and the City of Los Angeles. As such, it would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Thus, GHG impacts would be considered less than significant and reduced compared to the Project.

- Hazards and Hazardous Materials: As with the Project, the “Existing Zoning” alternative site plan would entail demolition of all existing structures and improvements, excavation and grading, and construction of new buildings, improvements, utilities, and landscaping. Implementation of Mitigation Measure HAZ-1 would therefore be required to ensure that petroleum-impacted soils are characterized during Project excavation and grading activities and are either remediated on-site or, if necessary, transported to an appropriate facility for disposal, thus reducing the impact to a less than significant level, equivalent to the Project. Similarly, implementation of Mitigation Measures HAZ-2 and HAZ-3 would be required to insure that ACMs and LBP in the existing on-site structures are properly abated and that potential risks from ACMs and LBP are reduced to a less than significant level, equivalent to the Project. DPM emissions generated during construction would be reduced in duration compared to the Project due to the anticipated shorter construction period; however, estimated daily emissions would be comparable to those of the Project and would be less than significant. The types of hazardous materials associated with routine, day-to-day operation would be expected to be comparable to those associated with the Project. Nonetheless, the transport, use, and disposal of these materials would not be expected to pose a significant hazard to the public or the environment and impacts would be less than significant. The risk of upset potential associated with separation distances between the site and the ConocoPhillips Refinery, DFSP, and Rancho LPG facilities would be virtually the same as with the Project, and therefore less than significant. The human health risk associated with emissions from these off-site facilities would also be identical to the Project, and therefore less than significant. Because fewer residents would be present at the site (approximately 458 persons, or a 79 percent reduction compared to the Project), any emergency response plan for the site would need to consider and manage a fewer number of residents. In summary, overall impacts related to hazards and hazardous materials would be less than significant with mitigation and less than the Project.
- Hydrology and Water Quality: Unlike the Project, the “Existing Zoning” alternative would not redevelop the entire site, but would leave the northernmost 9.3 acres as under existing, undeveloped conditions. Under future conditions, general drainage patterns on the site would remain substantially the same as under existing conditions, although the existing open drainage channel crossing the southern portion of the site would be undergrounded and covered in approximately its existing location, as with the current Proposed Project (Draft EIR Alternative C). As with the Project, a new internal storm drainage system would be installed within the residential on-site street system and would connect to the County/City storm drainage facility at the southern edge of the property. The amount of stormwater runoff generated at the site would be slightly less than that associated with the Project due to the avoidance of any impervious surface area in the northerly 9.3 acres. Thus, this alternative would not have an adverse impact with respect to storm drain capacity and no mitigation measures would be required. Similarly, the development would have a less than significant impact on storm drainage infrastructure and flooding resulting from the alteration of existing drainage patterns and the increase in overall site imperviousness. Impacts would be less than significant and slightly less than the Proposed

Project. Impacts associated with the amount of runoff contributed to the Harbor and the movement of surface water would be less than significant and slightly less than the Proposed Project. Impacts associated with flooding, including the very slight risk of flooding resulting from the complete, instantaneous failure of the Palos Verdes Reservoir, would be less than significant and less than with the Project due to the fewer number of future residents to be located on the site. Water quality impacts would be less than significant and similar to those of the Project.

- **Land Use and Planning:** Contrary to the Proposed Project, the “Existing Zoning” alternative would be developed consistent with existing planning and zoning designations for the Project Site. Lots for the 169 single-family homes would be created through the processing and recordation of a tentative tract map. This alternative would contribute fewer additional housing units to meet area housing needs than the Project. In addition, in order for this alternative to avoid a financial loss for the Applicant, a top line sales price of \$1.57 million for homes developed under the existing zoning would need to be achieved.²³ Thus, the “Existing Zoning” alternative would provide housing for only the most affluent segment of the housing market, rather than for a broad range of potential buyers and renters. Although it would contribute additional single-family housing, this alternative would not implement recommended air quality and regional planning strategies to increase the density of infill housing so as to reduce urban sprawl impacts on natural resources, reduce air quality emissions due to VMT for commuting purposes, and to reduce regional congestion through VMT reduction. The “Existing Zoning” alternative would fail to promote further attainment of many City and regional planning objectives and would be either inconsistent or less consistent than the Proposed Project with several of the policies contained in the General Plan, particularly those relating to the provision of a range of housing opportunities. In summary, impacts would be less than significant but, on balance, slightly greater than those associated with the Proposed Project.
- **Noise:** Given the size and location of the site, the requirement to demolish existing improvements, and the need to re-engineer and grade existing soils, redevelopment of the site under virtually any development scenario would result in significant temporary construction noise and vibration (human annoyance) impacts to the identified sensitive receptors. Similar to the Project, it is expected that the “Existing Zoning” alternative would include mitigation comparable to the Project’s Mitigation Measure’s NO-1 through NO-11 aimed at reducing construction related noise and vibration to the maximum extent feasible. Nevertheless, construction-related noise and vibration impacts would be significant although reduced compared to the Project due to the shorter anticipated construction period. Stationary noise impacts associated with HVAC systems would be less than significant and reduced compared to the Project. Because the

²³ The Concord Group, “Economic Feasibility Analysis Relative to the Development of the Ponte Vista Property, San Pedro, CA”, Final Report, June 18, 2013, p. 2.

“Existing Zoning” alternative would result in fewer daily vehicle trips than the Project, off-site roadway noise impacts would also be less than significant and reduced compared to the Project. As with the Proposed Project, this alternative would result in generally unacceptable exterior noise levels for the proposed residential and open space uses fronting Western Avenue on the Project Site. Compared to the Project, fewer residences would be placed in the generally unacceptable ambient noise level areas. This significant and unavoidable impact would be essentially equivalent to the Project, although fewer residences would be impacted.

- **Population and Housing:** As with the Proposed Project, no construction-related housing impacts would be anticipated under the “Existing Zoning” alternative. The direct impact would be 169 single-family detached housing units. Including indirect/induced households, the total households/housing unit impact at the Subregion level would be 252 households/housing units. Within the Wilmington-Harbor City Community Plan area, the “Existing Zoning” alternative would represent about 14 percent of 2010-2017 household growth; and about six percent of 2010-2027 household growth. Therefore, like the Project, this alternative would not induce substantial housing growth, because it would meet a portion of forecasted housing need rather than exceed the housing growth forecast for the City of Los Angeles Subregion. The housing impact would be less than significant and less than the Proposed Project. The “Existing Zoning” alternative would achieve some of the Project’s housing objectives, although to a substantially lesser extent than with the Proposed Project, as discussed previously. The “Existing Zoning” alternative would accommodate a population of 458 and would generate Subregion-level indirect/induced population impact of 159 persons for a total Project population impact of 617 persons. This alternative’s direct plus indirect/induced population would represent about 21 percent of 2010-2017 population growth; and about nine percent of 2010-2027 population growth within the Wilmington-Harbor City Community Plan Area. Therefore, like the Project, this alternative would not induce substantial population growth, because it would accommodate a portion of forecasted population rather than exceed the population growth forecast for the City of Los Angeles Subregion and Wilmington-Harbor City Community Plan area. Therefore, the population impact would be less than significant and less than the Proposed Project.
- **Public Services – Fire Protection:** Fire protection service demands would generally be less than for the Project due to the fewer number of residences to be constructed at the site. The proposed plot plan for would be subject to LAFD review for compliance with applicable Los Angeles Fire Code, California Fire Code, City of Los Angeles Building Code, and National Fire Protection Association standards, thereby ensuring that this alternative would not create a fire hazard. For the above reasons, impacts related to fire services and emergency access would be less than significant and less than the Project.
- **Public Services – Police Protection:** Police protection service demands would be generally less than for the Project due to the fewer number of residences to be constructed at the site. Therefore, impacts to LAPD services and response times would be somewhat less than under the

Proposed Project, given the reduced amount of overall development and, as with the Project's impacts, would be less than significant.

- Public Services – Schools: The “Existing Zoning” alternative site plan would generate approximately 29 elementary school students, 13 middle school students, and 17 high school students at any one time. As compared to the Project, this alternative would generate 77 fewer elementary school students, 39 fewer middle school students, and 47 fewer high school students, which would generally create less of a demand for school services than the Project. Single-family homes typically generate a greater number of students on a per/home basis than do multi-family and rental dwelling units. With the addition of these students to existing school enrollments utilized in the Draft EIR, Taper Elementary School would operate under capacity by 195 students, Dodson Middle School would operate under capacity by 377 students, and Narbonne High School would operate under capacity by 210 students. Similar to the Proposed Project, new development under this alternative would be required to pay School Fees as a Compliance Measure. These fees would be used to construct facilities, which according to LAUSD, are necessary to serve overall student enrollment growth district-wide associated with new development, and are deemed to mitigate CEQA school impacts by State law. Therefore, impacts to LAUSD services would be less than significant and less than under the Proposed Project, given the reduced amount of overall development.
- Public Services – Parks and Recreation: The “Existing Zoning” alternative would include 9.3 acres of undeveloped, common open space area along the site's northern boundary. This area could be developed with publicly accessible recreational facilities to some extent, although the configuration of this area and its comparatively steeply sloping topography would likely render it unsuitable for use as a dedicated neighborhood park. Nonetheless, this area would provide additional public open space on the Project Site and would represent a significant increase compared to what would be available under the Proposed Project. In addition, this alternative would include two recreation centers for the use of residents, as well as additional landscaped open space and common areas scattered throughout the Site. The “Existing Zoning” alternative would represent a substantial increase in the amount of public open space available when compared to the Proposed Project. This open space area, coupled with the proposed recreation centers on-site, would provide more than enough acreage to satisfy the parkland goals for the population generated by development of this alternative. Thus, impacts on parks and recreation would be less than significant and less than those of the Proposed Project.
- Public Services – Libraries: The “Existing Zoning” alternative would result in a smaller impact to library services than the Proposed Project, as it would accommodate fewer residents. Thus, impacts on library services would be less than significant and less than those of the Proposed Project.

- Transportation and Traffic: Development of the “Existing Zoning” alternative site plan would generate substantially less traffic at the Project Site following completion and full occupancy. Specifically, this alternative would be expected to generate 32 inbound and 95 outbound trips during the weekday AM peak hour, and 108 inbound and 64 outbound trips during the weekday PM peak hour. Over a 24-hour period, this alternative is forecast to generate a total of 1,638 trips during a typical weekday. Compared to the Project’s forecast 5,788 weekday trips (Draft EIR Alternative C), the “Existing Zoning” alternative would generate 72 percent fewer daily total trips. The alternative would create significant traffic impacts at five of the study intersections, as compared to 16 under the Proposed Project (Draft EIR Alternative C). As with the Project, all of the significant impacts that would be produced could be mitigated to a less than significant level via the implementation of the traffic mitigations identified in the Draft EIR. Thus, traffic impacts would be less than significant with mitigation and substantially less than those of the Proposed Project.
- Utilities and Service Systems – Water: The “Existing Zoning” alternative site plan would result in an increase in water consumption within the LADWP’s service jurisdiction due to the construction of 169 single-family homes and would generate a demand for approximately 43.57 AFY of water (approximately 38,870 gpd). This amounts to approximately 126 AFY less water than the Project. Because LADWP has determined that adequate water supplies would be available to serve the Project, it is reasonably inferred that the same would be true with respect to the reduced demand for water under this alternative. Thus, as with the Proposed Project, the alternative would result in a less than significant impact to water supplies, and less than the Project.
- Utilities and Service Systems – Wastewater: Wastewater would be generated at the Project Site by long-term operation of the single-family residential units. The “Existing Zoning” alternative would generate approximately 38,870 gpd of wastewater. This amounts to approximately 124,650 fewer gpd than the Project. Because sufficient wastewater treatment capacity at the TIWRP exists for the larger Project wastewater generation, it can therefore be reasonably concluded that sufficient treatment capacity for the reduced demand under this alternative would also be available. Therefore, impacts would be less than those under the Project and, as with the Project, would be less than significant. Similarly, given that the total amount of wastewater generated by this alternative would be less than the Project, impacts with regard to wastewater conveyance would be less than significant and less than the impacts under the Project.
- Utilities and Service Systems – Solid Waste: The amount of solid waste generated during demolition and site preparation would be approximately the same as that generated by the Proposed Project during the same stages of construction. Solid waste generated during home construction under the “Existing Zoning” alternative would be less than that associated with the construction of the Proposed Project due to the reduced total square footage to be developed. As such, and similar to the Project, the landfills would have adequate capacity to accommodate the

average daily construction waste generated over the multi-year construction period, and construction-related solid waste impacts would be less than significant. This alternative would generate approximately 1.03 tons (2,067 pounds) of solid waste per day during its operation, assuming a minimum 30 percent solid waste diversion rate (or 1.47 tons per day less than the Project). The remaining combined daily intake of the Sunshine Canyon Landfill and the Chiquita Canyon Landfill is 7,329 tons per day. As such, they would have adequate capacity to accommodate the daily operational waste generated by this alternative. Operational solid waste impacts would be less than significant and less than with the Proposed Project.

- Utilities and Service Systems – Energy: Similar to the Proposed Project, the “Existing Zoning” alternative would require a line extension from the existing off-site lines to the premises, on-site transformation facilities, and conduit and cable throughout the property to provide electricity to the Project Site. The alternative itself would not require new (off-site) energy supply facilities and distribution infrastructure. The conservatively estimated Alternative-related annual electricity consumption of 950,879 kWh/year would represent a reduction of approximately 3,519,116 kWh/year when compared to the Proposed Project. Therefore, it is anticipated that LADWP’s existing and planned electricity capacity and electricity supplies would be sufficient to support the alternative’s electricity consumption. Less demand for natural gas would be created by this alternative as compared to the Proposed Project. The alternative is forecast to increase natural gas consumption by approximately 1.13 million cubic feet per month, which would be approximately 2.26 million cubic feet per month less than the Proposed Project. Similar to the Proposed Project, impacts related to natural gas would be less than significant and less than those associated with the Proposed Project.

To summarize the impacts of the “Existing Zoning” alternative site plan in comparison to those of the Proposed Project (Alternative C in the Draft EIR), this alternative has the potential to reduce or avoid the following significant impacts:

- Regional operational air emissions
- Project-related traffic impacts at intersections within the Project area

The “Existing Zoning” alternative would not have the potential to reduce or avoid the Proposed Project’s potential impacts involving regional and local construction-associated air emissions, potential impacts on nesting birds and/or roosting bats during construction, impacts to jurisdictional resources on-site, potential impacts to archaeological and/or paleontological resources, potential impacts relating to hydrocarbon-impacted soils, disturbance of asbestos-containing materials (ACMs) and lead-based paint (LBP) that are present in the existing abandoned structures on-site, construction-related noise and groundborne vibration, exterior noise at homes fronting Western Avenue, and potential traffic impacts associated with the installation of water service infrastructure. Other impacts associated with the Project,

although less than significant, would be substantially reduced under this alternative due to the fewer number of residences that would be developed on-site.

Feasibility

As discussed at the start of this topical response, under CEQA, alternatives to a project that are evaluated in a Draft EIR must be feasible to develop. With respect to the “Existing Zoning” alternative site plan that has been requested by numerous commenters on the Draft EIR, nothing would physically prevent the alternative from being developed at the Project Site. Therefore, the determination of its feasibility is limited to its ability to produce a positive return on investment to the Applicant. In order to evaluate the economic feasibility of the “Existing Zoning” alternative, a study was prepared by The Concord Group (attached as Appendix B) in June 2013. The study concludes that the “Existing Zoning” alternative (Alternative 1 in the Concord Group report) would be economically infeasible to develop due to the substantial level of fixed costs associated with infrastructure and land that remain largely the same irrespective of the total number of lots developed at the site.²⁴ The “Existing Zoning” alternative could only become economically feasible (e.g., avoid an economic loss for the Applicant) if it could achieve a top line home sale price of \$1.57 million (\$525 per square foot of home), a level that is currently unsupported in the market. The nearest new home project, Harbor Highlands, generates an average home price of \$554,000 (\$300 per square foot) for a small-lot detached home. Nearby resales in Rancho Palos Verdes, across Western Avenue from the Project Site, generate an average sale price of \$721,000. In light of the comparables proximate to Ponte Vista, any development at the Project Site would not support home values in excess of \$1 million.²⁵ Given the realities of the current residential real estate market, development of the “Existing Zoning” alternative at the Project Site would result in a loss of approximately \$87 million.

Conclusions

CEQA requires that a Draft EIR identify an “environmentally superior alternative”. Section VI.D of the Draft EIR contains this discussion and concludes that Alternative C (the reduced density alternative that now represents the Applicant’s preferred project) is the environmentally superior alternative among the development alternatives that were evaluated. Although the “Existing Zoning” alternative discussed in this topical response was not included in the Draft EIR, it would, as discussed above, substantially reduce many of the Project’s less than significant impacts and would avoid the Project’s significant, unmitigated operational air quality impact and reduce the Project’s significant but mitigated traffic impacts. Thus, an argument could be advanced that the “Existing Zoning” alternative could be the environmentally superior alternative. However, as noted previously, CEQA requires that the range of alternatives evaluated in a Draft EIR be feasible to develop. As has been shown above, the “Existing Zoning” alternative would not be economically feasible to develop at the Project Site.

²⁴ *Ibid.*

²⁵ *Ibid.*

Because the “Existing Zoning” alternative is economically infeasible, therefore, it is not the environmentally superior alternative and will not be added to the EIR. Instead, the text on page VI-5 of the Draft EIR, under the heading “Alternatives Considered But Rejected From Further Consideration” has been revised as follows:

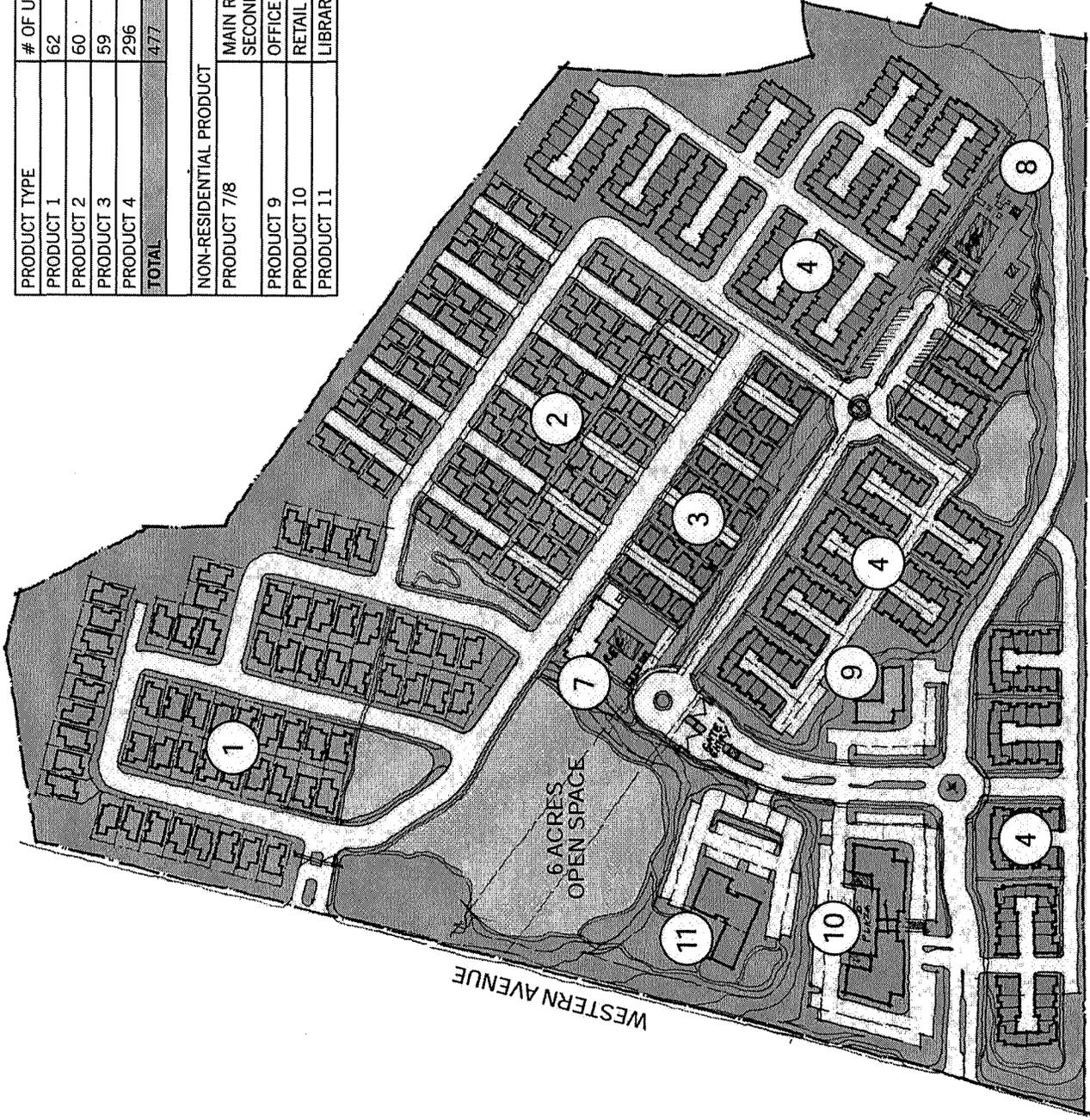
Alternatives that clearly would not be financially feasible to develop and market (considering such factors as the cost of site acquisition and the costs to plan, permit, and develop the project), such as public parks, were not considered. Included among such alternatives is development of the Project Site under the existing zoning and General Plan land use designations, which would retain 9.3 acres of the site as undeveloped open space and develop the remainder with 169 5,000 square foot single-family home lots consistent with the R1-1XL zoning. Such an alternative has been determined to be economically infeasible to develop at the Project Site. However, an alternative that would develop the site exclusively with single-family homes is discussed and evaluated below as Alternative B.

Mixed Use Alternative Site Plan

Several commenters have also requested that an evaluation of a mixed-use residential/commercial alternative site plan be added to the Draft EIR. Commenters have also requested that such an alternative site plan include the same public access roadway to Mary Star of the Sea High School that is proposed under the Project and under Alternatives C and D in the Draft EIR. Commenters have also requested that this alternative site plan contain neighborhood-serving retail space, limited office space intended to serve future Project residents, a six-acre public neighborhood park, and space for development of a neighborhood branch library. Under these design constraints, a conceptual site plan was developed that consists of 477 residential units in a mix of housing product types ranging from single-family homes to townhomes and flats. A total of 181 single-family homes and 296 condominium units could be developed under this alternative. In addition, 5,000 square feet of office space, 20,000 square feet of retail/commercial space, and a site for a 20,000 square foot public library, as well as a 6-acre central neighborhood park, are included in this alternative. This alternative would provide public access across the site to Mary Star of the Sea High School from Western Avenue. This plan would also incorporate the required seismic setback zone across the center of the site and would include a central recreation center as well as landscaped common area. A conceptual site plan for this “Mixed Use” alternative was developed and is shown in Figure III.A-2.

As discussed at the start of this topical response, under CEQA, alternatives to a project that are evaluated in a Draft EIR must be feasible to develop and must achieve a majority of the project’s objectives. They should also be capable of either avoiding or substantially reducing the project’s unmitigated significant impacts.

PRODUCT TYPE	# OF UNITS (DU)
PRODUCT 1	62
PRODUCT 2	60
PRODUCT 3	59
PRODUCT 4	296
TOTAL	477
NON-RESIDENTIAL PRODUCT	
PRODUCT 7/8	MAIN RECREATION AREA (6,732 SF) SECONDARY RECREATION ARE (1,415 SF)
PRODUCT 9	OFFICE BUILDING (5,000 SF)
PRODUCT 10	RETAIL / COMMERCIAL (20,000 SF)
PRODUCT 11	LIBRARY BUILDING (20,000 SF)



Source: Robert Hidey Architects, 02/27/2013.



Figure III.A-2
Mixed Use Alternative
Conceptual Site Plan

Comparison to Project Objectives

With respect to being able to achieve most of the Project's objectives, the "Mixed Use" alternative site plan would achieve each of the Project objectives, although some would be achieved to a substantially lesser extent than with the Proposed Project. The "Mixed Use" alternative site plan would remove the existing buildings on the Project Site; provide new housing on unutilized land that would contribute to meeting the projected 2017 housing need in the area; provide a project that would invigorate the local economy; mitigate its environmental impacts to the extent feasible; provide substantial common open space and park area as well as a recreation center for the use of residents; and provide a high-quality development. The "Mixed Use" site plan would provide new housing to meet the housing needs of a broad spectrum of persons desiring to live in the San Pedro community but to a lesser degree than the Project due to the fewer number of units and housing product types to be developed. While development of this "Mixed Use" site plan would fiscally benefit the City, it would likely do so to a significantly lesser degree than the Proposed Project due to the reduced number of homes. Similarly, the "Mixed Use" alternative site plan would not contribute to meeting the anticipated need for housing in the San Pedro area to the same degree as the Proposed Project due to the reduced number of homes that would be developed.

Comparison to Project Impacts

The "Mixed Use" alternative site plan would generally result in similar impacts as the Proposed Project, with the differences primarily due to the fewer number of homes that would be developed at the site and/or the addition of commercial/retail and public library and park uses. Impacts that would result from development of the "Mixed Use" alternative site plan are summarized as follows:

- **Aesthetics:** The "Mixed Use" site plan would have similar impacts with respect to visual character and views as the Proposed Project, although the development on the site itself would be of a lower scale and height. The existing visual character of the site would largely be retained, albeit with greater density and replacing abandoned structures with a well-maintained residential development. Building heights on the Project Site would be lower due to the replacement of the apartments along the site's southern border with two-story townhomes, which would reduce the prominence of the homes on the site as compared to the taller multi-family residential buildings of the Project when viewed from off-site locations. Overall impacts on views and visual character under this alternative would be less than significant and marginally less than with the Proposed Project. However, light and glare impacts would be somewhat increased in comparison to the Proposed Project due to outdoor lighting for the six-acre public park and exterior lighting at the library and commercial/retail and office buildings. The location of the park, however, would be separated from the existing off-site residences to the south, thus ameliorating the potential impact. In addition, mitigation would be applied to restrict lighting hours to protect adjacent on-

site residences, ensuring that the impact would be less than significant. Similar to the Project, no shade/shadow impacts would occur.

- **Air Quality:** Compared to the Project, the “Mixed Use” site plan would involve the construction of a smaller development and thus the duration and total construction-related air quality emissions would be reduced. However, it is assumed that the maximum daily emissions for the demolition, site preparation, grading and building construction phases would be similar to the Project. Furthermore, it is expected that the same mitigation measures included for the Project would also be required and implemented. As such, and similar to the Project, regional and localized construction emissions would be reduced to less than significant levels with the implementation of Mitigation Measures AQ-1 through AQ-3. The “Mixed Use” site plan is expected to generate 4,720 trips during a typical weekday, representing an approximate 18 percent reduction compared to the Project. Motor vehicle trips are the primary source of daily operational emissions. Because the “Mixed Use” alternative would generate fewer vehicle trips than the Project, it would also generate fewer average daily emissions. Modeled operational emissions associated with the “Mixed Use” site plan (2017 Buildout) would exceed the established SCAQMD threshold levels for NO_x during the summertime (smog season) and wintertime (non-smog season). Thus, the “Mixed Use” alternative would eliminate the Project’s (2017 Buildout) ROG significant and unavoidable impact. Additionally, localized CO impacts would also be reduced compared to the Project. Because the Project’s localized CO impacts at studied intersections under all scenarios resulted in less than significant impacts, it can be deduced that the “Mixed Use” alternative would also result in less than significant CO impacts because it would involve substantially fewer vehicle trips. As such, localized CO impacts would be considered less than significant and reduced when compared to the Project.
- **Biological Resources:** The “Mixed Use” alternative would result in virtually the same level of impact to biological resources as the Proposed Project. Impacts to the degraded CSS habitat and on the site’s northerly slope would be less than significant and identical to those of the Project. As with the Project, this north slope area would be regraded, re-engineered, and revegetated with native species, including CSS species. Potential impacts on nesting birds would be similar to the Project. Similarly, potential impacts to roosting bats would be similar to those associated with the Project. Similar to the Project, the existing drainage channel crossing the southern portion of the site would be replaced and covered. Due to the need to fully develop the property, no opportunity to re-create riparian habitat along the channel would exist. Impacts would be significant before mitigation and similar to those of the Proposed Project. As with the Project, no substantial impediment to wildlife movement or gene flow could occur and the impact would be less than significant and equivalent to the Project. As with the Project, all of the 330 trees on the Project Site would be removed. However, due to site plan constraints, a substantially fewer number of new trees would be planted (approximately 1,207 net new trees) as compared to the Proposed Project. Nonetheless, impacts to trees, including protected trees, would be less than significant, and identical to those of the Proposed Project. As with the Project, the “Mixed Use”

alternative would not conflict with any local policies or ordinances protecting biological resources, such as tree preservation policies or ordinances. Thus, no impact would occur.

- **Cultural Resources:** Potential archeological and paleontological resources impacts associated with the “Mixed Use” alternative site plan would be identical to those of the Proposed Project and would be potentially significant. Therefore, the Compliance Measure and mitigation similar to Mitigation Measures CULT-1 through CULT-9 would be required in order to reduce potential impacts to a less than significant level.
- **Geology and Soils:** The “Mixed Use” site plan incorporates the required seismic setback zone through the central portion of the Project Site and would thus be in compliance with applicable City engineering requirements and would be similar to Alternative C, the current Proposed Project. Otherwise, potential geology and soils impacts would be virtually the same as the Proposed Project. Measures similar to the Compliance Measures for the Project would reduce these impacts, although they would be less than significant.
- **Greenhouse Gas Emissions:** Compared to the Project, the “Mixed Use” alternative site plan would involve the construction of a smaller development and thus the duration and total construction-related GHG emissions would be reduced. Furthermore, it is expected that the same mitigation measures included for the Project would also be required and implemented to reduce construction-related GHG emissions to the maximum extent feasible. The “Mixed Use” alternative is expected to generate 4,720 vehicle trips during a typical weekday, representing an approximate 18 percent reduction compared to the Project. Motor vehicle trips are the primary source of daily operational GHG emissions. Because fewer vehicle trips would be generated than the Project, fewer average daily GHG emissions would be generated. Furthermore, as a smaller development would be constructed, fewer operational GHG emissions would be generated from on-site sources and energy consumption. Specifically, it is estimated that the operation of the “Mixed Use” alternative would generate approximately 9,109 CO₂e MTY assuming the same general sustainability measures outlined in MM AQ-4 for the Project would be implemented under this alternative. This represents an approximate 21 percent reduction compared to the Project. Similar to the Project, the “Mixed Use” alternative would be consistent with all feasible and applicable strategies to reduce greenhouse gas emissions in California and the City of Los Angeles. As such, it would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Thus, GHG impacts would be considered less than significant and reduced compared to the Project.
- **Hazards and Hazardous Materials:** As with the Project, the “Mixed Use” alternative site plan would entail demolition of all existing structures and improvements, excavation and grading, and construction of new buildings, improvements, utilities, and landscaping. Implementation of Mitigation Measure HAZ-1 would therefore be required to ensure that petroleum-impacted soils are characterized during Project excavation and grading activities and are either remediated on-

site or, if necessary, transported to an appropriate facility for disposal, thus reducing the impact to a less than significant level, equivalent to the Project. Similarly, implementation of Mitigation Measures HAZ-2 and HAZ-3 would be required to insure that ACMs and LBP in the existing on-site structures are properly abated and that potential risks from ACMs and LBP are reduced to a less than significant level, equivalent to the Project. DPM emissions generated during construction would be reduced in duration compared to the Project due to the anticipated shorter construction period; however, estimated daily emissions would be comparable to those of the Project and would be less than significant. The types of hazardous materials associated with routine, day-to-day operation would be expected to be somewhat different than those associated with the Project due to the commercial/retail and office components of the site plan. Nonetheless, the transport, use, and disposal of these materials would not be expected to pose a significant hazard to the public or the environment and impacts would be less than significant. The risk of upset potential associated with separation distances between the site and the ConocoPhillips Refinery, DFSP, and Rancho LPG facilities would be virtually the same as with the Project, and therefore less than significant. The human health risk associated with emissions from these off-site facilities would also be identical to the Project, and therefore less than significant. Because fewer residents would be present at the site (approximately 1,766 persons, or a 21 percent reduction compared to the Project), any emergency response plan for the site would need to consider and manage a fewer number of residents. In summary, overall impacts related to hazards and hazardous materials would be less than significant with mitigation and less than the Project.

- Hydrology and Water Quality: As with the Project, the “Mixed Use” alternative would redevelop the entire site. Under future conditions, general drainage patterns on the site would remain substantially the same as under existing conditions, although the existing open drainage channel crossing the southern portion of the site would be undergrounded and covered in approximately its existing location, as with the current Proposed Project (Draft EIR Alternative C). As with the Project, a new internal storm drainage system would be installed within the residential on-site street system and would connect to the County/City storm drainage facility at the southern edge of the property. The amount of stormwater runoff generated at the site would be slightly less than that associated with the Project due to the greater amount of pervious surface area, primarily in the vicinity of the proposed six-acre public park. Thus, this alternative would not have an adverse impact with respect to storm drain capacity and no mitigation measures would be required. Similarly, the development would have a less than significant impact on storm drainage infrastructure and flooding resulting from the alteration of existing drainage patterns and the increase in overall site imperviousness. Impacts would be less than significant and slightly less than the Proposed Project. Impacts associated with the amount of runoff contributed to the Harbor and the movement of surface water would be less than significant and slightly less than the Proposed Project. Impacts associated with flooding, including the very slight risk of flooding resulting from the complete, instantaneous failure of the Palos Verdes Reservoir, would be less than significant and less than with the Project due to the fewer number of future residents to be

located on the site. Water quality impacts would be less than significant and similar to those of the Project.

- **Land Use and Planning:** As with the Proposed Project, the “Mixed Use” alternative would require a Zone Change and General Plan Amendment to create a new Specific Plan zone and land use designation for the Project Site. This alternative would contribute fewer additional housing units to meet area housing needs than the Project. Although it would contribute additional single- and multi-family housing, this alternative would not implement recommended air quality and regional planning strategies to increase the density of infill housing so as to reduce urban sprawl impacts on natural resources and to reduce regional congestion through VMT reduction to the same degree as the Proposed Project. On the other hand, the provision of Project- and neighborhood-serving retail/commercial space on-site as well as the availability of office space that could be utilized by future residents of the Project and surrounding neighborhood would help implement planning policies encouraging mixed use development in order to produce a consequent reduction in local VMT and vehicle trips. The “Mixed Use” alternative would be less consistent than the Proposed Project with several of the policies contained in the General Plan, particularly those relating to the provision of a range of housing opportunities. In summary, impacts would be less than significant and, on balance, approximately the same as those associated with the Proposed Project.
- **Noise:** Given the size and location of the site, the requirement to demolish existing improvements, and the need to re-engineer and grade existing soils, redevelopment of the site under virtually any development scenario would result in significant temporary construction noise and vibration (human annoyance) impacts to the identified sensitive receptors. Similar to the Project, it is expected that the “Mixed Use” alternative would include mitigation comparable to the Project’s Mitigation Measure’s NO-1 through NO-11 aimed at reducing construction related noise and vibration to the maximum extent feasible. Nevertheless, construction-related noise and vibration impacts would be significant although reduced compared to the Project due to the shorter anticipated construction period. Stationary noise impacts associated with HVAC systems would be less than significant and essentially equivalent to the Project. Because the “Mixed Use” alternative would result in fewer daily vehicle trips than the Project, off-site roadway noise impacts would also be less than significant and reduced compared to the Project. As with the Proposed Project, this alternative would result in generally unacceptable exterior noise levels for the proposed residential and open space uses fronting Western Avenue on the Project Site. Compared to the Project, fewer residences would be placed in the generally unacceptable ambient noise level areas. Thus, while the exterior noise level along Western Avenue remains essentially equivalent to the Project, the significant and unavoidable impact would be reduced because fewer residences would be impacted.
- **Population and Housing:** As with the Proposed Project, no construction-related housing impacts would be anticipated under the “Mixed Use” alternative. Within the Wilmington-Harbor City

Community Plan area, the “Mixed Use” alternative would represent about 40 percent of 2010-2017 household growth; and about 17 percent of 2010-2027 household growth. Therefore, like the Project, this alternative would not induce substantial housing growth, because it would meet a portion of forecasted housing need rather than exceed the housing growth forecast for the City of Los Angeles Subregion. The housing impact would be less than significant and less than the Proposed Project. The “Mixed Use” alternative would achieve some of the Project’s housing objectives, although to a lesser extent than with the Proposed Project, as discussed previously. The “Mixed Use” alternative would generate a population growth of 1,766 persons and would generate Subregion-level indirect/induced population impact of 449 persons for a total Project population impact of 2,215 persons. This alternative’s direct plus indirect/induced population would represent about 59 percent of 2010-2017 population growth; and about 25 percent of 2010-2027 population growth within the Wilmington-Harbor City Community Plan Area. Therefore, like the Project, this alternative would not induce substantial population growth, because it would accommodate a portion of forecasted population rather than exceed the population growth forecast for the City of Los Angeles Subregion and Wilmington-Harbor City Community Plan area. Therefore, the population impact would be less than significant and less than the Proposed Project.

- Public Services – Fire Protection: Fire protection service demands would be approximately the same as for the Project. Although fewer residences would be constructed, the provision of the library, office and commercial/retail space would also be expected to generate fire protection service demand. The proposed plot plan for would be subject to LAFD review for compliance with applicable Los Angeles Fire Code, California Fire Code, City of Los Angeles Building Code, and National Fire Protection Association standards, thereby ensuring that this alternative would not create a fire hazard. For the above reasons, impacts related to fire services and emergency access would be less than significant and essentially equivalent to the Project.
- Public Services – Police Protection: Police protection service demands would be approximately the same as for the Project. Although fewer residences would be constructed, the provision of the library, office and commercial/retail space would also be expected to generate police protection service demand. Therefore, impacts to LAPD services and response times would be essentially equivalent to those of the Proposed Project and, as with the Project’s impacts, would be less than significant.
- Public Services – Schools: The “Mixed Use” alternative site plan would generate approximately 75 elementary school students, 40 middle school students, and 49 high school students at any one time. As compared to the Project, this alternative would generate 31 fewer elementary school students, 12 fewer middle school students, and 15 fewer high school students, which would generally create less of a demand for school services than the Project. With the addition of these students to existing school enrollments utilized in the Draft EIR, Taper Elementary School would operate under capacity by 149 students, Dodson Middle School would operate under capacity by

350 students, and Narbonne High School would operate under capacity by 178 students. Similar to the Proposed Project, new development under this alternative would be required to pay School Fees as a Compliance Measure. These fees would be used to construct facilities, which according to LAUSD, are necessary to serve overall student enrollment growth district-wide associated with new development, and are deemed to mitigate CEQA school impacts by State law. Therefore, impacts to LAUSD services would be less than significant and less than under the Proposed Project, given the reduced amount of overall development.

- **Public Services – Parks and Recreation:** The “Mixed Use” alternative would include a six-acre public neighborhood park in the west central portion of the site, adjacent to Western Avenue. In addition, the alternative would include main and secondary recreation centers for the use of Project residents. Landscaped common areas and other general open space areas would be integrated throughout the site plan. Thus, the total amount of park/open space area under the “Mixed Use” alternative would represent a significant increase compared to what would be available under the Proposed Project. The “Mixed Use” alternative would also represent a substantial increase in the amount of publicly accessible open space available on-site when compared to the Proposed Project. This open space area, coupled with the proposed recreation centers on-site, would provide more than enough acreage to satisfy the parkland goals for the population generated by development of this alternative. Thus, impacts on parks and recreation would be less than significant and less than those of the Proposed Project.
- **Public Services – Libraries:** The “Mixed Use” alternative would include the dedication of land area for construction of a 20,000 square foot neighborhood branch public library. The Los Angeles Public Library would need to construct the library, as the Applicant would merely donate the land for it. Nonetheless, such a library would not only be more than sufficient to meet the need for library services generated by the Project, but also would serve the broader San Pedro community. Irrespective of the potential on-site library, the “Mixed Use” alternative would result in a smaller impact to library services than the Proposed Project, as it would accommodate fewer residents. Thus, impacts on library services would be beneficial.
- **Transportation and Traffic:** Development of the “Mixed Use” alternative site plan would generate less traffic at the Project Site following completion and full occupancy. Specifically, this alternative would be expected to generate 79 inbound and 216 outbound trips during the weekday AM peak hour, and 286 inbound and 199 outbound trips during the weekday PM peak hour. Over a 24-hour period, this alternative is forecast to generate a total of 4,720 trips during a typical weekday. Compared to the Project’s forecast 5,788 weekday trips (Draft EIR Alternative C), the “Mixed Use” alternative would generate 18 percent fewer daily total trips. The alternative would still create significant traffic impacts at 16 of the study intersections, the same number of intersections as under the Proposed Project (Draft EIR Alternative C). As with the Project, all of the significant impacts that would be produced could be mitigated to a less than significant level via the implementation of the traffic mitigations identified in the Draft EIR. Thus, traffic impacts

would be less than significant with mitigation and less than those of the Proposed Project due to the approximately 18% reduction in daily vehicle trips.

- Utilities and Service Systems – Water: The “Mixed Use” alternative site plan would result in an increase in water consumption within the LADWP’s service jurisdiction due to the construction of 477 residential units and the associated mixed-use development and would generate a demand that would be slightly less than that of the Proposed Project due to the fewer number of residential units. This reduction would be partially offset by water demand associated with the office, retail/commercial, library, and public park uses under this alternative. Because LADWP has determined that adequate water supplies would be available to serve the Project, it is reasonably inferred that the same would be true with respect to the reduced demand for water under this alternative. Thus, as with the Proposed Project, the alternative would result in a less than significant impact to water supplies, and less than the Project.
- Utilities and Service Systems – Wastewater: The “Mixed Use” alternative would generate slightly less wastewater than the Proposed Project due to the fewer number of residential units. This reduction would be partially offset by wastewater generated from the office, retail/commercial, library, and public park uses under this alternative. Because sufficient wastewater treatment capacity at the TIWRP exists for the larger Project wastewater generation, it can therefore be reasonably concluded that sufficient treatment capacity for the reduced demand under this alternative would also be available. Therefore, impacts would be less than those under the Project and, as with the Project, would be less than significant. Similarly, given that the total amount of wastewater generated by this alternative would be less than the Project, impacts with regard to wastewater conveyance would be less than significant and less than the impacts under the Project.
- Utilities and Service Systems – Solid Waste: The amount of solid waste generated during demolition and site preparation would be approximately the same as that generated by the Proposed Project during the same stages of construction. Solid waste generated during home construction under the “Mixed Use” alternative would be somewhat less than that associated with the construction of the Proposed Project due to the reduced total square footage to be developed. As such, and similar to the Project, the landfills would have adequate capacity to accommodate the average daily construction waste generated over the multi-year construction period, and construction-related solid waste impacts would be less than significant. This alternative would generate slightly less solid waste during Project operation than the Proposed Project due to the fewer number of residential units. This reduction would be partially offset by solid waste generated from the office, retail/commercial, library, and public park uses under this alternative. As such, and as with the Project, area landfills would have adequate capacity to accommodate the daily operational waste generated by this alternative. Operational solid waste impacts would be less than significant and slightly less than with the Proposed Project.

- Utilities and Service Systems – Energy: Similar to the Proposed Project, the “Mixed Use” alternative would require a line extension from the existing off-site lines to the premises, on-site transformation facilities, and conduit and cable throughout the property. The alternative itself would not require new (off-site) energy supply facilities and distribution infrastructure. Electricity and natural gas consumption at the Project Site is anticipated to be essentially equivalent to that of the Proposed Project. Therefore, as with the Project, it is anticipated that LADWP’s existing and planned electricity capacity and electricity supplies would be sufficient to support the alternative’s electricity consumption. Similar to the Proposed Project, impacts related to natural gas would be less than significant.

To summarize the impacts of the “Mixed Use” alternative site plan in comparison to those of the Proposed Project (Alternative C in the Draft EIR), this alternative has the potential to reduce or avoid the following significant impacts:

- Regional operational air emissions
- Exterior noise at some Project residences
- Traffic (daily vehicle trips only)

The “Mixed Use” alternative would not have the potential to reduce or avoid the Proposed Project’s potential impacts involving regional and local construction-associated air emissions, potential impacts on nesting birds and/or roosting bats during construction, impacts to jurisdictional resources on-site, potential impacts to archaeological and/or paleontological resources, potential impacts relating to hydrocarbon-impacted soils, disturbance of asbestos-containing materials (ACMs) and lead-based paint (LBP) that are present in the existing abandoned structures on-site, construction-related noise and groundborne vibration, significant traffic impacts at study intersections, and potential traffic impacts associated with the installation of water service infrastructure. Other impacts associated with the Project, although less than significant, would be either equivalent or reduced to some degree under this alternative due to the fewer number of residences that would be developed on-site.

Feasibility

As discussed at the start of this topical response, under CEQA, alternatives to a project that are evaluated in a Draft EIR must be feasible to develop. With respect to the “Mixed Use” alternative site plan that has been requested by numerous commenters on the Draft EIR, nothing would physically prevent the alternative from being developed at the Project Site. Therefore, the determination of its feasibility is limited to its ability to produce a positive return on investment to the Applicant. In order to evaluate the economic feasibility of the “Mixed Use” alternative, a study was prepared by The Concord Group (attached as Appendix B) in June 2013. The study concludes that the “Mixed Use” alternative (Alternative 2 in the Concord Group report) would be economically infeasible to develop due to the

substantial level of fixed costs associated with infrastructure and land that remain largely the same irrespective of the total number of lots developed at the site.²⁶ In addition, the “Mixed Use” alternative would donate acreage on-site to the Los Angeles Public Library for construction of a neighborhood branch library and, thus, would return no economic value to the Applicant. Recently reviewed vacancy reports for the area surrounding the Project Site indicate that 1,073,992 square feet of available (vacant) office space exists within a five-mile radius of the Site and that 166,675 square feet of available (vacant) retail space exists within a two-mile radius of the Site. These figures represent a relatively large amount of vacant office and retail space and would likely present challenges to developing economically viable commercial and retail uses at the Project Site. Given the realities of the current residential, office, and retail real estate market, it is estimated that development of the “Mixed Use” alternative at the Project Site would result in a loss of approximately \$37 million.²⁷

Conclusions

CEQA requires that a Draft EIR identify an “environmentally superior alternative”. Section VI.D of the Draft EIR contains this discussion and concludes that Alternative C (the reduced density alternative that now represents the Applicant’s preferred project) is the environmentally superior alternative among the development alternatives that were evaluated. Although the “Mixed Use” alternative discussed in this topical response was not included in the Draft EIR, it would, as discussed above, marginally reduce some of the Project’s less than significant impacts and would reduce the Project’s significant, unmitigated operational air quality impact. Thus, an argument could be advanced that the “Mixed Use” alternative could be the environmentally superior alternative. However, as noted previously, CEQA requires that the range of alternatives evaluated in a Draft EIR be feasible to develop. As has been shown above, the “Mixed Use” alternative would not be economically feasible to develop at the Project Site.

Because the “Mixed Use” alternative is economically infeasible, therefore, it is not the environmentally superior alternative and will not be added to the EIR.

²⁶ *Ibid.*

²⁷ *Ibid.*

Excerpts from FEIR for *Ponte Vista* project:
Response to Comments – Rancho Palos Verdes (Section III.B)

Comment No. A7-3**MTA's Response to the Notice of Preparation**

There is no indication in the Draft EIR or its appendices that the lead agency received MTA's response to the Notice of Preparation for the proposed project. The letter is dated November 10th, 2010 and is attached for your reference.

If you have any questions regarding these comments, please contact me at 213-922-2836 or by email at hartwells@metro.net. Please send the Final EIR to the following address:

MTA CEQA Review Coordination
One Gateway Plaza MS 99-23-2
Los Angeles, CA 90012-2952
Attn: Scott Hartwell

Response to Comment No. A7-3

The comment notes that Metro provided a comment letter in response to the Notice of Preparation circulated for the Proposed Project in November 2010 but correctly states that this letter was not included or referenced in the Draft EIR. This was an inadvertent omission and has been corrected in this Final EIR. The comments raised in the November 2010 NOP Response from Metro were considered in the preparation of the Draft EIR.

Appendix I-2 of the Draft EIR has been revised to include the November 10, 2010 NOP response letter from Metro (see also Section IV, Corrections and Additions to this Draft EIR).

LETTER NO. A8 – CITY OF RANCHO PALOS VERDES

City of Rancho Palos Verdes
Kit Fox
Senior Administrative Analyst
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275-5391

Comment No. A8-1

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

1) From the outset, the City of Rancho Palos Verdes would like to take this opportunity to remind the City of Los Angeles that the purpose of an EIR is to disclose and describe the environmental impacts of a

proposed project in a logical and concise manner so that decision makers are able to make fully informed decisions before taking action on the proposed project in question. In the case of this EIR, however, it is clear that the project proponent has no intention of building or seeking entitlements to build the so-called "proposed" project, but instead intends to pursue Alternative C, as described in Section VI of the DEIR. Nevertheless, thousands of pages of descriptions, diagrams, analyses and technical appendices are expended on the "proposed" project in the DEIR, while fewer than one hundred fifty (150) pages at the back of the DEIR are devoted to the analysis of all four (4) project alternatives combined. We appreciate that the project proponent's decision to abandon the "proposed" project in favor of 830-unit Alternative C or 1,135-unit Alternative D may have been in response to significant geotechnical issues that were identified on the site after the initial circulation of the Notice of Preparation (NOP) in October 2010. However, at that point, the project description should have been revised to address these changed circumstances and the NOP recirculated. Instead, we are now presented with a DEIR that includes a minutely-detailed analysis of a "proposed" project that the project proponent has no interest in pursuing, and superficial analyses of the "real" project proposal (i.e., Alternative C or D). Therefore, before we comment in more detail on the DEIR as presented, the City of Rancho Palos Verdes wishes to go on record as requesting that the DEIR be completely re-written with either Alternative C or Alternative D as the "proposed" project accompanied by appropriately re-written descriptions, diagrams, analyses and technical appendices and re-circulated for a new public review and comment period.

Response to Comment No. A8-1

The comment asserts that the Project Applicant has no intention of building the original 1,135-unit version of the Proposed Project that was evaluated in the Draft EIR. As is discussed in Section I, Introduction, of this Final EIR, the Project Applicant decided to replace the original version of the Proposed Project with the reduced density 830-unit version that was evaluated in the Draft EIR as Alternative C following the close of the public comment period on the Draft EIR and in response to the public comments received. Prior to that, the Project Applicant had indicated that the preferred Project was one that included 1,135 units, as discussed on page II-1 of the Draft EIR. As presented on Table VI-1 in the Draft EIR, the residential product types in both the original 1,135-unit plan and the reduced 830-unit plan are very similar, with the only significant difference being in the number of units proposed. The two site plans are largely the same, with the primary differences being the presence of the seismic setback across the central portion of the site and the elimination of the proposed public park. These differences between the two plans were evaluated in detail in Section VI (Alternatives to the Proposed Project) of the Draft EIR. In all other areas, the impacts of the smaller 830-unit Alternative C were reviewed and found to be either the same or less than those that would result from the larger 1,135-unit Proposed Project. Thus, there is no requirement or justification for completely revising and recirculating a new Draft EIR, as the comment suggests. All of the impacts associated with the current version of the Proposed Project (Alternative C in the Draft EIR) were fully evaluated and disclosed in the Draft EIR, with appropriate mitigation measures identified.

With respect to the “significant geotechnical issues” cited by the comment, as noted on page IV.F-5 of the Draft EIR, a splay of the Palos Verdes Fault was determined to cross the central portion of the Project Site during the geotechnical investigation work for the EIR. Due to the uncertainty over the nature of this fault splay and, in particular, its degree of activity, the Lead Agency conservatively treated the fault splay as potentially active, classified the resulting impact as significant, and imposed Mitigation Measure GEO-1 requiring the inclusion of a 50-foot wide structural seismic setback zone along the fault splay. In order to evaluate any additional level of environmental impact that might be associated with the implementation of this mitigation measure, Alternative D was added to the Draft EIR to study how the modified site plan could be developed while still retaining the original number of proposed residential units. According to the Project Applicant, the decision to reduce the overall Project from 1,135 to 830 units was made subsequent to and completely apart from the discovery of the fault splay. Regardless, the potential environmental impacts of the original 1,135-unit project, the 1,135-unit plan incorporating Mitigation Measure GEO-1, and the reduced density 830-unit current Proposed Project were each fully evaluated in the Draft EIR.

CEQA Section 21092.1 and CEQA Guidelines Section 15088.5 provide the triggers for recirculation, which fall into three general categories: (1) new or substantially more severe significant, unavoidable impacts; (2) new, feasible mitigation, considerably different from the Draft EIR, that a project proponent refuses to adopt; and (3) a Draft EIR so conclusory or otherwise inadequate that it precludes meaningful public comment. The designation of either Alternative C or D as the “proposed Project” is not sufficient to trigger a need to recirculate the Draft EIR since both alternatives were fully evaluated in the document and the public was afforded an opportunity to review and comment on these evaluations. Recirculation is the exception, rather than the rule. The purpose of public review and comment on Draft EIRs is “not to promote endless rounds of revision and recirculation.” *Save Our Peninsula Assn. v. County of Monterey*, 87 Cal. App. 4th 99 (2001).

Comment No. A8-2

2) The City respectfully takes exception with some of the "important planning issues" purportedly addressed by the "proposed" project (pp. 1-8 to 1-9):

a) The introduction states that the "site's size and relative physical isolation make it possible to avoid or reduce many of the typical 'adjacency' impacts that result from infill development." While the proposed project may be remote from the developed areas to the north and east by virtue of the adjacent Defense Fuel Support Point San Pedro, no comparable buffer is provided from the adjacent neighborhoods in San Pedro to the south or Rancho Palos Verdes to the west.

Response to Comment No. A8-2

The Draft EIR citation notes that the Project Site offers “relative physical isolation” with respect to surrounding residential land uses. The Project Site is buffered from development to the west by Western Avenue, a 94-foot-wide State Highway (including sidewalks) carrying 35,000 vehicles per day.

Additionally, Project buildings would be set back between 18-80 feet from Western Avenue along the site's western frontage, further separating the Project from single-family uses located in the City of Rancho Palos Verdes across Western Avenue. Although there is no existing buffer between the Project Site and existing residential buildings to the south, the Project would include a landscaped perimeter trail and open space system surrounding the entire site. The Project's residential buildings would also be set back up to 80 feet from the Project Site's southern property line with the aforementioned perimeter open space serving as a buffer between the developments. Additionally, densities would be modulated across the Project Site, with the highest densities occurring adjacent to, and consistent with, multi-family development immediately south of the Project Site. As acknowledged by the comment, the Defense Fuel Support Point provides significant buffering to the north and east. The Project Site is unique because typical infill development projects do not offer this amount of buffering. Because the site is relatively isolated, the impacts on surrounding residential uses will be diminished or avoided as compared to more typical infill projects.

Comment No. A8-3

b) Furthermore, the introduction asserts that the increased residential density proposed is necessary to meet regional housing needs, and notes that the project site is located near "the Ports of Los Angeles and Long Beach, which are among the region's largest employers." However, as far as we can tell, the "proposed" project includes absolutely no provisions to ensure that any of the proposed housing units would be made affordable or accessible to Port or Port-related employees, other than by virtue of mere physical proximity.

Response to Comment No. A8-3

The environmental impact analysis of the Draft EIR does not make assumptions about particular locations where Project residents would in fact be employed. Rather, the Draft EIR states that the Project is consistent with City and regional planning policy objectives to add housing to locations with employment opportunities, and that the general vicinity of the Project, including the Ports of Los Angeles and Long Beach, is one of the region's major job centers. Current regional planning policies, including but not limited to air quality and transportation planning, are based on the assumption that if housing opportunities are located closer to employment centers, commuting distances (and vehicle miles traveled) will tend to be reduced and urban sprawl will tend to be discouraged. As discussed in the Draft EIR, while the South Bay area has been one of the region's most significant and growing employment centers, comparatively little new housing has been added to the Wilmington-Harbor City Community Plan area in the past several years. As discussed in the Draft EIR, by providing 1,135 new dwelling units (830 units in the currently Proposed Project) across a spectrum of prices and unit configurations on an infill site that is close to some of the region's major job centers, the Project provides opportunities for residents and local employees to avoid long-distance commutes to other locations and is consistent with widely accepted local and regional planning policies designed to encourage more efficient growth patterns.

Comment No. A8-4

3) The City appreciates that a much more comprehensive assessment of the aesthetic impacts of the "proposed" project was conducted in the current DEIR than was the case for the previous 2,300-unit proposal in 2007. This included the acknowledgement that adverse impacts upon views characterized by manmade features such as those that occur in and around Los Angeles Harbor are potentially significant. Views of the Harbor area - especially at night - are a prominent visual feature of Rancho Palos Verdes neighborhoods along Western Avenue, and the City of Rancho Palos Verdes frequently considers (and protects) city-light views of the harbor when considering development proposals. Unfortunately, the DEIR dismisses adverse impacts to views from private property in the City of Rancho Palos Verdes as less than significant. This includes views from Green Hills Memorial Park and from homes in the *Rolling Hills Riviera* neighborhood on the west side of Western Avenue. The City of Rancho Palos Verdes takes this opportunity to formally object to this assessment.

Response to Comment No. A8-4

The Draft EIR evaluates views from private property surrounding the Project Site beginning on page IV.B-7. Views from private vantage points, including those within the City of Rancho Palos Verdes on the west side of Western Avenue, are described for both the existing condition and the future with-Project condition. The likely impacts to these views are disclosed in the Draft EIR beginning on page IV.B-45. As is stated in the Draft EIR, neither the *CEQA Guidelines* nor the City's *CEQA Thresholds Guide* consider changes to private views to be significant impacts. Project impacts to views from both Green Hills Memorial Park and individual homes within the Rolling Hills Riviera neighborhood are described, and in the case of the former location, simulated in the Draft EIR (see Figure IV.B-17). It is not possible to individually assess the Project's impact to views from each private parcel surrounding the site, nor do City planning policies and ordinances explicitly protect views from privately owned properties. CEQA does not require analysis of impacts to specific people, only on the environment, and the Draft EIR properly focuses on public views, including those from potentially affected neighborhoods. Thus, the evaluation of the Project's impacts on views as presented in the Draft EIR was presented in accordance with the requirements of CEQA and City policy. The Draft EIR does not merely "dismiss" the impacts referenced in the comment. To the contrary, they are discussed in the document. Many of the available views are fleeting and would not be substantially obscured by the Project. Nonetheless, the comment's objection to this methodology is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment No. A8-5

We also offer the following specific comments on Section IV.B (Aesthetics):

- a) There are repeated references in Section IV.B to homes on "Palondra Drive" in Rancho Palos Verdes. There is no such street in the City, and we are unsure what homes the DEIR is referring to.

Response to Comment No. A8-5

The references in the Draft EIR to Palondra Drive were made in error; the street being referred to is correctly known as Palmeras Place, which is a signed street located immediately adjacent and parallel to Western Avenue on its west side, connecting Redondela Drive to Avenida Aprenda. It is a short street that is separated from Western Avenue by a small landscaped median containing a bus stop. The street extends south of Avenida Aprenda for a short distance before it ends in a cul-de-sac. A total of four single-family homes within the City of Rancho Palos Verdes with direct driveway access from Palmeras Place currently have direct views of the southwestern corner of the Project Site.

The following revisions have been made to the Draft EIR to correct this error (see also Section IV, Corrections and Additions to the Draft EIR):

On page IV.B-19 in Section IV.B (Aesthetics), replace all references to “Palondra Drive” in the fourth paragraph with “Palmeras Place”.

On page IV.B-20 in Section IV.B (Aesthetics), replace the reference to “Palondra Drive” in the last paragraph with “Palmeras Place”.

On page IV.B-48 in Section IV.B (Aesthetics), replace the reference to “Palondra Drive” in the first partial paragraph with “Palmeras Place”.

Comment No. A8-6

b) The description of private viewing areas in Rancho Palos Verdes (pp. IV.B-19 to IV.B-20) identifies two (2) neighborhoods on the west side of Western Avenue to the south of Green Hills Memorial Park that overlook the project site. In fact, there is only one (1) residential neighborhood in this area, which is known as *Rolling Hills Riviera*

Response to Comment No. A8-6

The description in the Draft EIR that is referred to by the comment is intended to communicate the fact that elevations within the neighborhood the comment refers to as the Rolling Hills Riviera relative to the Project Site are substantially different north of Avenida Aprenda. This is an important fact to consider in the assessment of both the existing viewshed and potential Project effects on views from these areas. The two areas may be part of the same neighborhood for the purposes of the City of Rancho Palos Verdes, but they will experience different effects on views of and over the Project Site as a result of the Proposed Project.

Nonetheless, the following clarifying revisions have been made to the fourth and fifth paragraphs on page IV.B-19 of the Draft EIR (see also Section IV, Corrections and Additions to the Draft EIR):

~~Two~~ A single-family residential areas neighborhood within the City of Rancho Palos Verdes known as Rolling Hills Riviera is ~~are~~ located on the west side of Western Avenue, across from the Project Site, and to the south of Green Hills Memorial Park. For purposes of this analysis, the Rolling Hills Riviera neighborhood can be divided into two parts based on their respective elevations relative to the Project Site. The first of these ~~neighborhoods~~ areas is located along Redondela Drive, ~~Palondra Drive~~, Palmeras Place, Tarrasa Drive, and Avenida Feliciano and is situated at a lower elevation than either Green Hills to the north or the adjacent ~~neighborhood~~ portion of the Rolling Hills Riviera neighborhood to the south. Views of and across the Project Site from this ~~neighborhood~~ area are limited due to the north-south orientation of most of the homes and the low elevation of the area. A few homes along the east side of Tarrasa Drive and ~~Palondra Drive~~ Palmeras Place border Western Avenue and thus would have partial direct views of the Site's western frontage. These views are blocked to some degree by the embankment along which Western Avenue ascends the slope to the north. Where the Project Site is visible, views largely consist of the chain-link fence along its Western Avenue frontage, scattered trees, and portions of the abandoned duplexes. A few homes along ~~Palondra Drive~~ Palmeras Place have limited views of the riparian vegetation on-site. No views across the Project Site to areas beyond are available from this ~~neighborhood~~ lower elevation portion of the Rolling Hills Riviera neighborhood.

The second ~~neighborhood~~ part of the Rolling Hills Riviera neighborhood to be considered is located west of Western Avenue and south of the Redondela/Feliciano ~~neighborhood~~ area discussed above. ~~This neighborhood is~~ Homes in this area are located on a sloping hillside along Avenida Aprenda and Pontevedra Drive and ~~is~~ are situated at a substantially higher elevation (between 200 and 375 feet above sea level) than the Project Site (approximately 180 feet above sea level). Although most of the homes in this ~~neighborhood~~ area are oriented north-south and therefore do not directly overlook the Project Site, the backyards of some homes along Pontevedra Drive and the lower portion of Avenida Aprenda have direct northeasterly views of and across the Project Site. These views include the riparian vegetation on-site as well as portions of the abandoned housing complex. To the north, the hillside along the Site's northern boundary with the DFSP is visible as a low ridgeline. Due to topography, no views north onto the DFSP itself are available from this area. Views to the east across the Project Site to the harbor area are not generally available from homes in this ~~neighborhood~~ area due to their principal north-south orientation as well as to the visual blockage provided by the Seaport Homes and Casa Verde Apartment complexes adjacent to the Site's southern boundary. A representative view from this portion of the Rolling Hills Riviera neighborhood is shown in Figure IV.B-12.

Comment No. A8-7

c) The "before-and-after" photographic simulations included in Section IV.B - which we find to be crude, at best - should be placed closer to one another in the DEIR so as to make it easier for

readers to compare the photos and draw their own conclusions. In the current DEIR, these "before-and-after" images are separated by two (2) dozen or more pages of text.

Response to Comment No. A8-7

The comment does not state a specific question regarding the adequacy of the Draft EIR in identifying and analyzing the environmental impacts of the Project. However, the comment does suggest that the Draft EIR could be made more user-friendly by reordering the placement of the figures in Section IV.B, Aesthetics. As such, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment No. A8-8

4) We were surprised to learn (as, we suspect, was the project proponent) of the existence of a subsurface fault crossing the subject property, as described in Section IV.F (Geology & Soils). As mentioned above, we appreciate that this discovery drove changes in the site plans of the project alternatives so as to protect future residents, resulting in the designation of a 100-foot-wide seismic setback zone (Mitigation Measure GEO-1). However, we believe that the discovery of this issue should have resulted in complete reconsideration of the description of the "proposed" project and recirculation of the DEIR, as described above in Comment 1.

Response to Comment No. A8-8

See Response to Comment A8-1. It should also be noted that, because the fault splay was discovered during preparation of the Draft EIR, no new information in addition to that which was provided in the Draft EIR has been presented.

Comment No. A8-9

5) We have several comments with respect to the assessment of Hazards and Hazardous Materials in the DEIR (Section IV.H):

a) Section IV.H describes the health risk assessment (HRA) conducted in relation to toxic air contaminant (TAC) emissions from several industrial sources near the project site (i.e., DFSP, ConocoPhillips and the Port of Los Angeles). However, we were surprised to read that among the sites that were not included in the HRA was the Rancho LPG facility at North Gaffey Street and Westmont Drive (p. IV.H-25). This omission is of particular concern due to recent incidences of TAC emissions (i.e., leaks) at both ConocoPhillips (September 2012) and Rancho LPG (October 2012), both of which we understand are under investigation by the AQMD.

Response to Comment No. A8-9

The comment's reference to the Rancho LPG facility appears to be with respect to a health risk assessment (HRA) for routine, operational toxic air contaminant (TACs) emissions (see Draft EIR, page IV.H-5). As noted in the Draft EIR, the Rancho LPG facility was not included in the HRA conducted for the Ponte Vista Project Site due to the comparatively small quantity of its emissions relative to the nearby ConocoPhillips refinery (see Draft EIR, page IV.H-31). It was determined that including documented TAC emissions from the Rancho LPG facility in the HRA for the Project Site would not increase either the chronic or acute hazard indices for the site appreciably closer to the significance thresholds for cancer risk. For this reason, the Rancho LPG facility was excluded from the HRA.

The comment also references recent leaks at the ConocoPhillips and Rancho LPG facilities; leaks, it should be noted, that apparently occurred at approximately the same time the Draft EIR was being published for public review. These leaks, however, are not the same as the types of operational TAC emissions that are evaluated in HRAs and which were considered in the HRA conducted for the Project Site. Hazardous material spills and chemical releases from process upsets such as leaks or accidental spills are a different category of risk and are addressed in Section IV.H (Hazards and Hazardous Materials) of the Draft EIR at pages IV.H-15-16, 21, 25, 33, 36-39, 42, and IV.J-17. See also Topical Response 4 with respect to the Rancho LPG facility. Although the effects of these facilities were described in the Draft EIR for informational purposes, they represent impacts of the environment on the Project and are not, therefore, required for analysis and mitigation (see Topical Response 3).

Comment No. A8-10

b) The analysis of off-site releases of hazardous materials notes that an independent risk-of-upset hazard analysis was performed in relation to the DFSP and ConocoPhillips, but not Rancho LPG. Given the high level of public concern about the Rancho LPG facility in recent years, we believe that it would have been most prudent to include all three (3) of these facilities in the independent risk-of-upset hazard analysis.

Response to Comment No. A8-10

The comment is incorrect in his statement that no risk of upset hazard analysis was presented in the Draft EIR with respect to the Rancho LPG facility. The analysis of potential releases of hazardous materials from the Rancho LPG facility is presented at pages IV.H-35 to -38 of the Draft EIR. See also Response to Comment A8-9 and Topical Responses 3 and 4 for a discussion of this category of impacts as well as of the Rancho LPG facility.

Comment No. A8-11

c) The DEIR concludes that the "proposed" project has no impact with respect to conflicts with adopted emergency response plans, based (at least in part) upon an assertion that the City of

Rancho Palos Verdes has not designated Western Avenue as an emergency evacuation route along the frontage of the project site (p. IV.H-41). The DEIR cites an exhibit in the Safety Element of the Rancho Palos Verdes General Plan (Figure 39, Disaster Routes) that was not updated after the *Eastview* area was annexed by Rancho Palos Verdes in 1983. However, the text accompanying this exhibit notes that routes depicted on Figure 39 are conceptual and that the designation of evacuation routes is found in the Emergency Operations Plan (EOP) and Standard Operating Procedures (SOP), not in the General Plan. Furthermore, the City of Rancho Palos Verdes is currently updating its General Plan, and expects that Western Avenue - the major north-south arterial serving the *Eastview* area of the City - will be incorporated into the updated version of Figure 39. As such, the City of Rancho Palos Verdes believes that the "proposed" project is very likely to have an effect upon emergency response in the *Eastview* area of the City, and that this effect should be analyzed in the DEIR.

Response to Comment No. A8-11

The evaluation of existing designated emergency evacuation routes in the Draft EIR was based on the most current available information in existence at the time the NOP for the Project was circulated in the fall of 2010. The screening threshold for potential impacts is whether a project would conflict with an adopted emergency response plan. The comment acknowledges that Western Avenue is not identified as an official emergency evacuation route on the relevant exhibit in the Safety Element of the City of Rancho Palos Verdes' General Plan. Regardless of whether or not Western Avenue is ultimately added to this exhibit as an official emergency evacuation route, the Draft EIR evaluated the potential for the Project to adversely impact the use of Western Avenue for emergency evacuation purposes (see page IV.H-38 through IV.H-42, Draft EIR). The comment offers no evidence to support the assertion that the Proposed Project is likely to have an effect upon emergency response in the City of Rancho Palos Verdes, contrary to the conclusions of the Draft EIR. See also Topical Response 5 for a more detailed discussion of emergency response.

Comment No. A8-12

d) Finally, notwithstanding the discussion on p. IV.H-18 of the DEIR, the City of Rancho Palos Verdes believes that the project site is within a 2-mile radius of Torrance Municipal Airport (TOA), so that the potential aircraft safety hazards posed for future residents should be assessed in the DEIR.

Response to Comment No. A8-12

According to Google Maps, the Project Site is approximately 11,000 feet (direct line measurement) from the Torrance Airport at their closest points of proximity, which is just over two miles. For this reason, the Draft EIR did not include an analysis of the potential impact of the Project upon operations at Torrance Airport. Nonetheless, the Project consists of residential buildings no taller than approximately 65 feet. Such structures are of a comparable height to existing buildings in the immediate vicinity and would not

represent a potential aircraft safety hazard due to both their low height and their distance from Torrance Airport.

Comment No. A8-13

6) The discussion of Land Use/Planning impacts suggests that the "proposed" project is necessary to meet a variety of perceived housing needs, even though the existing residential density of the project site would be increased by more than four (4) times. We do not believe that the DEIR adequately demonstrates the need for higher-density residential development on this site or in the surrounding community. In fact, we would point out that existing, unsold higher density developments located to the south of the project site and in downtown San Pedro actually demonstrate that there is a glut of this type of housing in the local market. The City remains concerned that a proposal for residential densities in excess of eighteen (18) units per acre for this site will be out of character with the surrounding patterns of development, both in Rancho Palos Verdes and Los Angeles.

Response to Comment No. A8-13

The comment raises concerns about the Proposed Project's density and relationship to unidentified unsold higher density developments located to the south of the project site (but which may refer to the development known as Seaport Homes Community, located at 28000 South Western Avenue) and in downtown San Pedro. It is not the intent or responsibility of the Draft EIR to demonstrate the "need" for higher-density residential development on the Project Site or in the surrounding community. Rather, the purpose of the Draft EIR is to inform City decision makers and the public about the Proposed Project's impact on the physical environment. As analyzed in the Draft EIR, the Project includes a range of housing types, including 2- and 3-story single family homes, town homes, row houses and apartments, which range in density from 11 units per acre to 34 units per acre. This housing mix is very different from the one housing type (i.e., condos) situated in four "stacked flats" residential levels over podium parking in the Seaport Homes development, which was developed at a density of about 75 units to the acre.⁵

Although it does not concern an impact on the physical environment, the fact that some existing developments, including Seaport Homes, may have unsold units is not necessarily an indicator of a "glut" of housing in the Wilmington-San Pedro area. Existing vacancies in particular buildings occur for many reasons, including lack of demand for particular types or configurations of units, the asking purchase price or rent of the units, available unit or building amenities, development location relative to off-site amenities, among others. Due to data limitations at the time it was prepared, the Draft EIR reported total residential vacancy rates (i.e., for the combination of for-sale and for-rent) only for the City of Los Angeles (4.0%) and for the combination of the Wilmington-Harbor City and San Pedro Community Plan

⁵ Source: ZIMAS information available from the Dept. of City Planning Web site (<http://zimas.lacity.org>), which lists the Seaport Homes development as 136 units on a 1.81-acre site.

areas (6.3%).⁶ These data reflect depressed housing market conditions resulting from the 2007-2009 Great Recession, and housing market conditions have generally improved since then.⁷

Although it is not exactly the same vacancy measure as used by the U.S. Census Bureau, the percentage of idle utility meters is often used as an indicator of monthly and annual residential vacancies. According to the most recent data available, 3.7 percent of multi-family utility meters were idle in the generalized "San Pedro" area of the City of Los Angeles as of December 2012. This percentage was lower than in Central Los Angeles (4.2%), West Los Angeles (3.8%), and the City of Los Angeles as a whole (3.8%), although higher than in the San Fernando Valley (3.1%).⁸ These readings do not suggest an unusually high vacancy rate in the Project vicinity that would reflect a "glut" of vacant units, as mentioned in the comment.

The comment expresses an opinion concerning the Project's design and its compatibility with the character of surrounding land uses in both the City of Rancho Palos Verdes and City of Los Angeles. The compatibility of the Project with surrounding land uses is addressed in Section IV.J of the Draft EIR. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment No. A8-14

7) The analysis of Noise impacts in the DEIR (Section IV.K) concludes that there will be significant and unavoidable exterior noise impacts of the "proposed" project upon certain project residences located along the Western Avenue frontage of the site. We question if there may be similar, adverse exterior noise impacts to existing residences on the west side of Western Avenue in Rancho Palos Verdes that have not been adequately addressed in the DEIR

Response to Comment No. A8-14

This comment misinterprets the operational noise impact statements for the Project in the Draft EIR. The Project would not result in significant long-term operational noise generation impacts. Rather, as proposed under the Project, the placement of sensitive land uses (Project residences) in a generally loud urban location, such as the Project Site, was determined to be a significant and unavoidable impact. Specifically, page IV.K-24 of the Draft EIR states:

With respect to placing future Project residences fronting Western Avenue, Table IV.K-13 indicates that cumulative roadway noise levels at distances of 50 feet from the

⁶ See Draft EIR Appendix IV.L-1, Population and Housing Study, Table III-1, page 33.

⁷ See for example, Jim Puzanghera, "Home prices up 9.7% year-over-year in January, CoreLogic reports," Los Angeles Times, March 5, 2013 (available at: <http://www.latimes.com/business/money/la-fi-mo-home-prices-corelogic-housing-20130305,0,2245458.story?track=rss>).

⁸ Ibid.

subregion (p. IV.L-22). However, the "proposed" project includes no assurances that any of the project's 2,923 new residents would be employed locally, nor that any of the project's 1,135 new units would be affordable to current employees of the Port or other nearby institutional or private employers.

Response to Comment No. A8-15

The comment presents an opinion about whether the project's unit counts and population would be beneficial. The Draft EIR does not make assumptions about particular locations where Project residents would in fact be employed. With respect to jobs-housing balance, the information presented in the Draft EIR (see p. IV.L-22), as noted in the comment, is measured at the scale of the City of Los Angeles subregion, because that is the only geography for which there are existing adopted planning policies. Given the scale of this subregion (i.e., the entire City of Los Angeles, the City of San Fernando, plus various unincorporated areas and federal government property), it is reasonable to assume that most employed Project residents would work within that geographic area. The wide range of housing types in the Proposed Project, ranging from detached single-family to apartments and including both for-sale and rental units, also indicates a range of housing prices that would be consistent with demand in the housing market surrounding the Project Site. Unlike SCAG and its system of subregions, the City of Los Angeles does not have any official policy with respect to jobs-housing balance within the City or any of its Community Plan areas, including the Wilmington-Harbor City Community Plan. Accordingly, there is no basis for making a significance determination with respect to the Project's impact on a "local" jobs-housing balance. See also Response to Comment A8-3 for additional discussion of this topic.

Comment No. A8-16

9) The discussion of Public Services-Schools impacts concludes that, based upon LAUSD estimates, sixty-eight (68) children residing in the "proposed" project are expected to attend Dodson Middle School in the City of Rancho Palos Verdes at any given time (Table IV.M-8). Although LAUSD may represent the Dodson campus as being well under capacity, it is the City's and the surrounding residents' actual experience that the current level of enrollment at Dodson results in significant noise, traffic and other nuisance impacts (i.e., trash, graffiti, etc.) in the surrounding *Rolling Hills Riviera* neighborhood. We suspect that the addition of even sixty-eight (68) more students to the campus population will have significant adverse impacts upon the *Rolling Hills Riviera* neighborhood.

Response to Comment No. A8-16

The comment presents concerns regarding existing neighborhood impacts associated with the operation of the Los Angeles Unified School District's (LAUSD) Dodson Middle School and the potential of the Project to exacerbate these impacts. According to the Draft EIR's analysis, sufficient capacity currently exists at Dodson Middle School to accommodate the number of students estimated to be generated by the Project. Thus, it is the responsibility of the LAUSD to operate Dodson Middle School in such a manner as to ameliorate the types of impacts described by the comment, including noise, trash, graffiti, and traffic. Any traffic or traffic-related noise impacts associated with Project-related student attendance at

Dodson Middle School are included in the analysis of those environmental topics in the Draft EIR, as the environmental baseline for these impacts includes current enrollment and use patterns at Dodson. The “nuisance impact” allegations related to the behavior of 68 students (e.g., noise, trash, graffiti) are speculative and therefore are not addressed in the Draft EIR. Further, given the relatively close proximity of the Dodson Middle School to the Project Site, it is possible that some students would walk to school rather than be transported in a private vehicle. Thus, the traffic generated by the middle school students related to the Project is considered to be relatively minor. In conclusion, given the uncertainty of the actual attendance location for Project-related middle school students, as well as the relatively small number of vehicle trips generated by these middle school students, the Traffic Study in the Draft EIR appropriately assigned the middle school related trips to the regional street system consistent with the overall assignment of Project-related traffic. Nonetheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment No. A8-17

10) The discussion of Public Services-Recreation impacts concludes that the impact of the "proposed" project will be less than significant as the result of the payment of Quimby fees to the City of Los Angeles, and the provision of 4.1 acres of publicly-accessible parks and open space, and 16.5 acres of private parks, landscaping and recreational amenities. The City of Rancho Palos Verdes respectfully notes, however, that the nearest public park to the project site is Rancho Palos Verdes' Eastview Park, located at 1700 Westmont Drive (Figure IV.M-4). The payment of Quimby fees to Los Angeles will do nothing to offset impacts to nearby Rancho Palos Verdes park facilities from future project residents. Furthermore, since Alternatives C and D no longer contain a public park, we believe that the project's off-site recreational impacts will be significant and should be more fully assessed in the DEIR.

Response to Comment No. A8-17

The comment is correct to note that Eastview Park in the City of Rancho Palos Verdes is the closest neighborhood park to the Project Site. The currently Proposed Project (830 units) would result in an estimated population of 2,222 persons at the Project Site, as described on page VI-83 of the Draft EIR. As presented in Table IV-10 of the Draft EIR, the current Proposed Project (830 units; Draft EIR Alternative C) would contain 20.5 total acres of open space and recreational amenities, including 8.1 acres of dedicated park area and outdoor recreational spaces. The majority of this space would be reserved for the use of Project residents and their guests, although pedestrian access would be provided to the general public. Based upon the City's Public Recreation Plan neighborhood park area goals, the Project would exceed its generated private (non-rental) neighborhood park need by 4.1 acres, but would create a net unmet 0.3-acre demand for publicly accessible neighborhood park area.

Although the Project would provide other passive open space and landscaped common area amenities that would bring the overall on-site open space acreage to 20.5 acres and would provide additional indoor recreational amenities (fitness rooms, etc.) to residents of both the public and private portions of the Project, it is likely that the majority of the Project-generated need for recreational facilities will be met

on-site. Nonetheless, the Draft EIR acknowledges (at page VI-93) that the net unmet demand for publicly accessible neighborhood park area would result in an increased demand at other neighborhood and community parks within the surrounding area. It is not possible with any degree of certainty to ascertain which specific parks this additional demand would affect, although it is likely that at least some of this usage would occur at Eastview Park in the City of Rancho Palos Verdes.

The comment is correct that the payment of Quimby Fees and DUCT fees by the Project Applicant would go to the City of Los Angeles for improvement of park areas throughout the City and would not contribute to the improvement and/or expansion of park facilities in the City of Rancho Palos Verdes, including Eastview Park. However, it is speculative to assume that future Project residents would use Eastview Park for their recreation to such an extent that the park would suffer from overcrowding. If the City of Rancho Palos Verdes believes that residents of the City of Los Angeles, both now and in the future, are using its park and recreational facilities to such an extent that they are being degraded, the City has the ability to limit such usage by restricting use of its facilities to residents of Rancho Palos Verdes. Nonetheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment No. A8-18

11) The discussion of Transportation and Traffic impacts (Section IV.N) raises several issues of concern to the City:

- a) Vehicular access to and from Mary Star of Sea High School will be maintained through the project site, but will be shifted from its current access point at the Green Hills Drive intersection to the Avenida Aprenda intersection. A queue analysis needs to be conducted to justify the appropriate increase to the existing left-turn pockets on Western Avenue at the Green Hills Drive and Avenida Aprenda intersections.

Response to Comment No. A8-18

Project Design Features are described beginning on Page IV.N-46 of the Draft EIR. As noted on Page IV.N-47 of the Draft EIR, the length of the southbound left turn pockets on Western Avenue at intersections serving the Project Site would be modified as needed based on the forecast left-turn movement. Note that the final design of the left-turn pockets will be determined as part of the permit process related to construction of the improvements.

Comment No. A8-19

- b) The project is proposing left-turn signal phasing at the intersections of Western Avenue at Green Hills Drive and Avenida Aprenda as a project feature. Prior to approval, the applicant must provide justification for appropriate left-turn phase sequencing to maximize operational benefits while minimizing safety impacts.

Response to Comment No. A8-19

See Response to Comment A8-18 regarding Project Design Features. Left turn phasing is not required at the Western Avenue intersections serving the Project Site, but is proposed as a project feature. Design issues such as timing and sequencing are determined as part of the permit process related to the construction of the improvements.

Comment No. A8-20

c) On page 55 of the traffic study, the reports states that certain improvements have been implemented along Western Avenue as a result of the Western Corridor Improvement Project Plan. To date, none of the improvements, as recommended by this study, have been implemented.

Response to Comment No. A8-20

Pages IV.N-14 and IV.N-15 of the Draft EIR describe the Western Avenue Task Force. As noted in the Draft EIR, the recommendation in the Western Avenue Task Force report to coordinate and synchronize traffic signals along Western Avenue has already been completed.⁹

Comment No. A8-21

d) Removal of the raised concrete median at various intersections along Western Avenue poses a huge safety concern. There is existing evidence of operational issues at many of these intersections, especially the left-turn movements. Removing the raised concrete median nose opens the opportunity for other safety-related concerns. Please provide an alternative to striping for safety purposes.

Response to Comment No. A8-21

The comment refers to mitigation measures TRANS-5, TRANS-8 and TRANS-9 described on pages IV.N-161 and IV.N-162 of the Draft EIR. The comment does not provide or reference the “evidence” of existing operational issues at these intersections associated with left-turn movements, nor how removal or modification of the medians would adversely affect these conditions. Note that the final design of the left-turn lanes, including modifications of the raised medians, is to be determined as part of the permit process related to construction of the improvements.

For TRANS-8 (Western Avenue/Westmont Drive) and TRANS-9 (Western Avenue/Capitol Drive), the concept plans of the recommended traffic mitigation measures contained in the Traffic Study appendices indicate a removal of the existing raised median on Western Avenue, but provide a four-foot wide “nose” on both the north and south legs of Western Avenue adjacent to the left-turn lane, which may be utilized

⁹ Caltrans, District 7, “Inside Seven”, April 2013 issue.

as a striped median, or a raised concrete median. The final design of the median noses (i.e., striped or raised concrete) at the affected intersections will be determined by Caltrans.

For TRANS-5 (Western Avenue/Palos Verdes Drive North), the concept plan in the Traffic Study shows removal of the raised median on the south leg of the intersection. If required by Caltrans, a raised median could be provided through modification of travel lane widths.

Comment No. A8-22

e) The City is concerned about the retention of the wide northbound No. 2 lanes that invite motorists to create a third travel lane. With the project distributing and attracting approximately 60% of the project trips from the north and approximately 30% of project trips from the south along Western Avenue, there is a potential for many vehicles to attempt to avoid the traffic in the striped travel lanes and utilize the wide shoulder area to create a third lane. This pattern exists today.

Response to Comment No. A8-22

The comment appears to assert that the existing physical condition of Western Avenue south of the Project Site facilitates the potentially unsafe and illegal use of the shoulder area as a de facto traffic lane. Further, the comment appears to assert that the Project may lead to an increase in this undesirable motorist behavior. See Topical Response 2 for a discussion of the analysis of traffic impacts due to the Project as evaluated in the Draft EIR. For intersections along Western Avenue, the Draft EIR determines either: 1) the Project-related impact is less than significant; or 2) the impact of the Project is significant, but can be mitigated to less than significant levels based on implementation of the recommended mitigation measures. In both cases, the effect of the Project on Western Avenue intersections is such that the levels of congestion that might induce motorists use the shoulder areas as traffic lanes would be no different than pre-Project conditions, and therefore, it is reasonable to conclude that the Project would not cause a noticeable increase in such undesirable behaviors. Although the Project improvements would add a third travel lane to Western Avenue adjacent to the Project Site, the potential for motorists to utilize the shoulder both north and south of the Site on Western Avenue would remain unchanged.

Comment No. A8-23

12) It is the City's understanding that the conveyance of wastewater from the "proposed" project will be via a connection to the City of Los Angeles' sewer system within the right-of-way of Taper Avenue (p. IV.O-25), not via the former connection to the Los Angeles County Sanitation Districts' Western Avenue Pumping Plant (WAPP) in the City of Rancho Palos Verdes. We presume that this will also be the case in any of the alternatives to the "proposed" project. The City of Rancho Palos Verdes is concerned that any proposal or alternative that might continue to utilize the former WAPP connection for this site could place a burden upon the County sewer system that serves the City's residents.

Response to Comment No. A8-23

See Response to Comment A2-1. As evidenced by the LACSD "will serve" letter (see Appendix C), the existing LACSD facilities, including the adjacent WAPP facility, have adequate sewer conveyance and treatment capacities to serve the Project (and each of the Project alternatives) should the Project Applicant ultimately decide to utilize LACSD for wastewater service for the Project. At this time, however, the Applicant intends for the Project to be served by City of Los Angeles Bureau of Sanitation sewer conveyance and treatment facilities.

Comment No. A8-24

13) The DEIR identifies significant unavoidable impacts in the areas of operational air emissions and construction-related air quality, noise and vibration impacts (p. V-1). Residents in Rancho Palos Verdes' Rolling Hills Riviera neighborhood are likely to feel the brunt of these impacts, being the nearest single-family residential neighborhood to the project site. It hardly seems equitable that the City of Los Angeles will reap the benefits (if any) of the "proposed" project while the residents of the City of Rancho Palos Verdes will be forced to live with its day-to-day impacts upon their lives.

Response to Comment No. A8-24

This comment incorrectly characterizes the Project's significant and unavoidable impacts. As summarized on page V-1 of the Draft EIR, construction-related air emissions would be less than significant. With respect to Project noise and vibration construction impacts on the Rancho Palos Verdes' Rolling Hills Riviera neighborhood, it should be noted that construction-related noise and vibration impacts would be a relatively short-term nuisance and would not have a long-term impact on the neighborhood. Additionally, and contrary to the comment, residents of Los Angeles would also experience such impacts on a short-term basis, as described in the Draft EIR. Mitigation Measures NO-1 to NO-8 would ensure that these impacts would be reduced to the maximum extent feasible.

The only off-site significant and unavoidable operational impact of the Project described in the Draft EIR is regional air quality emissions. These emissions are primarily associated with the operation of mobile vehicles, are typical for a residential project of this size, and there is no feasible mitigation to reduce these emissions to a less than significant level. It should be noted that the significant and unavoidable operational air quality emissions for the Project would exceed the SCAQMDs *regional* thresholds of significance. Thus, these air quality emissions would be released over a large geographic area and associated network of roadways. Localized automobile emissions generated by the Project were evaluated at potential CO hotspot locations, including intersections near the Rancho Palos Verdes' Rolling Hills Riviera neighborhood along Western Avenue. The Draft EIR concluded that localized CO hotspot impacts would be less than significant for all sensitive receptors near the following studied intersections: Western Avenue and Palos Verdes Drive North (Intersection No. 15), Western Avenue and Peninsula Verde Drive (Intersection No. 16), and Western Avenue and Westmont Drive (Intersection No. 20). Thus, all studied intersections in the Draft EIR were determined to have less than significant impacts

with respect to CO hotspots, and localized operational air quality impacts would be less than significant for the Rancho Palos Verdes' Rolling Hills Riviera neighborhood.

Also, as described in Section I of this Final EIR, the Applicant is now proposing the development of reduced density Alternative C, rather than the original Proposed Project, in response to public comments. If Alternative C is ultimately developed rather than the Project, operational air quality impacts would be reduced. Specifically, Alternative C would involve development of a project similar to the Proposed Project on the site, however the total number of residential units would be reduced from 1,135 to 830. Alternative C is expected to generate 5,788 trips during a typical weekday and 5,781 trips during a typical Saturday, representing approximately 22 and 30 percent reductions (respectively) compared to the original Project. Because Alternative C would generate fewer vehicle trips than the Project, it would also generate fewer average daily emissions. As illustrated in Tables VI-5 and VI-6 of the Draft EIR, although Alternative C would reduce air quality emissions and nearly eliminate the Project's ROG impact, regional operational emissions would remain significant for Alternative C, although reduced compared to the original Project.

Comment No. A8-25

The discussion of Alternatives to the Proposed Project (Section VI) raises several issues of concern to the City:

- a) As mentioned in Comment 1 above, the City of Rancho Palos Verdes is concerned that the DEIR primarily analyzes the impacts of a "proposed" project that the project proponent is not interested in pursuing, and provides only a cursory assessment of the developer's preferred proposal(s) in the discussion of alternatives. We believe that this approach is needlessly confusing and does not serve to improve the transparency of the development review process for the Ponte Vista project.

Response to Comment No. A8-25

See Response to Comment A8-1 for a discussion of the format and analysis of the Project and alternatives in the Draft EIR.

Comment No. A8-26

- b) With respect to Alternatives A and B, the City of Rancho Palos Verdes is dismayed to learn that it would be the project proponent's intent to revoke the access currently provided to Mary Star of the Sea High School under these development scenarios. We believe that this simply a mean-spirited attempt by the project proponent to diminish the feasibility and community acceptance of these alternatives to the "proposed" project.

Response to Comment No. A8-26

As noted in the Draft EIR (pages VI-8 and VI-13), the responsibility for securing vehicular access to Mary Star of the Sea High School rests with the Archdiocese. The Project Applicant is under no obligation to construct an improved, permanent access from Western Avenue across the Project Site for the school. Alternative A in the Draft EIR is a no project, no development alternative, and the Applicant is contractually obligated to remove all existing Navy-constructed improvements from the site, including the street network. It is certainly possible under this alternative that Mary Star of the Sea High School could enter some arrangement with the Applicant to secure the property needed for the access road; however, this is not an obligation that has been placed on the property owner of the Ponte Vista site and thus cannot be assumed as part of the no project, no development alternative.

With respect to Alternative B in the Draft EIR, the rationale for eliminating the access road is presented on page VI-13. Inclusion of the access road would result in the elimination of approximately 30 single family home sites from the site plan, which would further reduce the feasibility of an already potentially economically infeasible (due to the estimated sale price of the homes) plan. For this reason, the access road was eliminated from the alternative. As noted above, the Project Applicant is under no obligation to provide the access.

Comment No. A8-27

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

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

Response to Comment No. A8-27

The discovery of the potential geologic constraint to development across the central portion of the Project Site made inclusion of the larger public park infeasible for Alternatives B, C, and D. Instead, Alternatives C and D incorporate an approximately equivalent amount of park and open space area throughout the site. Although most of this area would only be fully accessible to Project residents, each alternative does retain the landscaped perimeter open space area that would include a walking/jogging path surrounding the property. This area would be accessible to the general public. In addition, the interior park and open space areas within the Project would be accessible to pedestrians. Due to the need to evaluate the effects of Mitigation Measure GEO-5 on a development plan with 1,135 units, Alternative B could not feasibly

provide an equivalent amount of public park and open space area. See also Response to Comment A8-17 for a discussion of the Project's parkland impacts.

LETTER NO. 09 – CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

Department of Transportation
District 7, Office of Transportation Planning
IGR/CEQA Branch
Dianna Watson
IGR/CEQA Program Manager
100 Main Street, MS #16
Los Angeles, CA 90012-3606

Comment No. A9-1

The California Department of Transportation (Caltrans) has reviewed the Transportation and Traffic section of the Draft Environmental Impact Report (DEIR) prepared for the proposed Ponte Vista development. The proposed project consists of the development of a residential community comprised of 1,135 dwelling units featuring a combination of for-sale and rental single-family homes, duplexes, townhomes, and flats. The proposed project site location is the former U.S. Navy San Pedro Housing complex and is bordered by Western Avenue (State Route 213) to the west.

Response to Comment No. A9-1

This comment is an introduction and does not state a specific concern or question regarding the adequacy of the Draft EIR in identifying and analyzing the environmental impacts of the Project. The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment No. A9-2

Based on the traffic information included in the DEIR, we have the following comments: The proposed project is estimated to generate approximately 7468 average daily weekday trips with 570 occurring during the AM peak hour and 700 during the PM peak hour. As these trips are distributed and assigned to the surrounding roadway network, they are projected to significantly impact various intersections along Western Avenue (State Route 213) and Pacific Coast Highway (State Route 1). The traffic study report recommends mitigation improvements on Western Avenue at the following intersections: Lomita Avenue (TRANS-3), Pacific Coast Highway (TRANS-4 and TRANS 15), Palos Verdes Drive North (TRANS-5), Peninsula Verdes Drive (TRANS-6), Fitness Drive (TRANS-7), Westmont Drive (TRANS-8), Capitol Drive (TRANS-9), Summerland Avenue (TRANS-10).

Excerpts from FEIR for *Ponte Vista* project:
Corrections and Additions to Draft EIR (Section IV)

IV. CORRECTIONS AND ADDITIONS TO THE DRAFT EIR

INTRODUCTION

This section presents corrections and additions that have been made to the text of the Draft EIR. These changes include revisions resulting from responses to comments and others that are necessary to provide clarifications to the project description and analysis and to correct non-substantive errors. The revisions are organized by section and page number as they appear in the Draft EIR. Text deleted from the Draft EIR is shown in ~~strike through~~, and new text is underlined. For corrections resulting from a response to a comment on the documents, references refer to the comment letter number and name of commenter.

Table of Contents

1. Page viii under List of Figures, revise the title of Figure VI-1 to read:

Figure VI-1, Conceptual Site Plan - Alternative B (~~No Project Alternative/Single-Family Homes~~) VI-11

Section I Introduction/Summary

2. Page I-7, the bottom paragraph is revised to read:

The discretionary land use approvals necessary for the Project include the following: (1) a General Plan amendment; (2) a Zone Change and Specific Plan are proposed to provide zoning, architectural, landscape and streetscape standards to guide the project's development (at residential densities ranging from 11 dwelling units per acre to approximately 34 dwelling units per acre, the project will fall within the City of Los Angeles' Low-Medium I, Low-Medium II and Medium General Plan Land Use Designations)¹; and (3) a Vesting Tentative Tract Map, ~~and (4) a Development Agreement~~. The project is anticipated to be completed within five years of the time construction has commenced.

3. Page I-10 the paragraph under the heading "E. ALTERNATIVES" is revised to read:

In order to provide informed decision-making in accordance with Section 15126.6 of the CEQA Guidelines, this Draft EIR considers a range of alternatives to the Project. The Draft EIR analyzes the following alternatives: (A) No Project Alternative/No Development; (B) ~~No Project Alternative/Single-Family Homes~~; (C) Staff Recommendation/Reduced Density; and (D) Revised

¹ By way of comparison, the City of Los Angeles' medium-density multiple family residential zoning category, "R3", permits approximately 54 units per acre, while the City's lower density multi-family residential category, "RU 1.5", permits approximately 28 units per acre.

Site Plan. Each alternative is described in full in Section VI, Alternatives to the Project, of this Draft EIR.

- Page I-10 the heading and paragraph describing Alternative B are revised to read:

Alternative B: No Project Alternative/Single-Family Homes

Alternative B presumes that the Project Site would be redeveloped ~~according to existing zoning and General Plan designation allowed uses and densities~~ in order to maximize the number of single-family residences at the site. Taking site planning considerations into account, including the required seismic setback, approximately 385 single-family homes could be developed on the Project Site under the ~~site's existing R1 zoning and Low Residential General Plan designation~~. Such a site plan would require that the existing 9.3 acres of Open Space zoning and land use designation on the Project Site be eliminated. Alternative B would not include a 2.8-acre public park or an access road to Mary Star of the Sea High School from Western Avenue.

- Table I-1, Executive Summary of Project Impacts, Mitigation Measures, and Impacts After Mitigation – The table's "Required Mitigation Measures" column will be modified to include the changes, revisions, and additions of the mitigation measures identified below for Air Quality, Biological Resources, Noise, and Transportation/Traffic.

Section II Project Description

- Page II-2, Table II-1 is revised as follows:

5, 6	Row Houses	5/6	0	262	262	2223/27	5.9	1,320	2.5	Alley Loaded
7	Apartments	7	392	0	392	<u>2434</u>	43.5	975	1.5	Walk-Up; Alley Loaded

- Page II-17, the following is added to the end of the second full paragraph:

The Project would also provide an emergency access only lane connecting the new roadway across the Site's southern portion with the southern property boundary adjacent to the off-site Seaport Village development. All non-emergency vehicular access would be prohibited.

- Figure II-10, Proposed Land Use Plan, is revised to remove the text paragraph discussing the Development Agreement under the heading "Requested Entitlements".
- Page II-34, the last full paragraph is revised as follows:

While the Project Applicant intends to complete Project construction by the end of 2017, it is at least possible that the Project might not be completed until as late as 2027 due to the potential utilization of extensions that are available to the Applicant through the Vesting Tentative Tract Map process. As

~~noted below, the Project Applicant requests approval of a Development Agreement (DA) which would confer on the Project Applicant a vested right to develop the Project throughout the term of the agreement. It is expected that the DA would be approved in 2013 and that the term of the agreement would be for a period of 15 years, thus expiring in 2027. Due to the possibility of an extended Project buildout during the DA period, an "Extended Buildout Analysis" is addressed briefly under each of the environmental issue discussions in Sections IV and VI of this Draft EIR for both the proposed Project and the alternatives to the proposed Project.~~

10. Page II-37, the fifth bullet under the "F. Discretionary Actions" section heading is revised as follows:

- ~~• Development Agreement between the project developer and the City of Los Angeles in order to provide reasonable assurances and certainty to the developer concerning applicable regulations while providing the City of Los Angeles with public benefits;~~

Section III Environmental Setting

11. Page III-2, the second footnote is revised as follows:

An "Extended Buildout Analysis" is also addressed throughout this Draft EIR in order to account for the possibility that completion of the Project does not occur until as late as 2027, ~~or the ending year of the Development Agreement being requested by the Project Applicant.~~

Section IV.B Aesthetics

12. In response to Comment Letter No. A8 (City of Rancho Palos Verdes), page IV.B-19, fourth and fifth paragraphs are revised to read:

~~Two~~ A single-family residential areas neighborhood within the City of Rancho Palos Verdes known as Rolling Hills Riviera ~~is~~ located on the west side of Western Avenue, across from the Project Site, and to the south of Green Hills Memorial Park. For purposes of this analysis, the Rolling Hills Riviera neighborhood can be divided into two parts based on their respective elevations relative to the Project Site. The first of these ~~neighborhoods~~ areas is located along Redondela Drive, ~~Palondra Drive~~ Palmeras Place, Tarrasa Drive, and Avenida Feliciano and is situated at a lower elevation than either Green Hills to the north or the adjacent ~~neighborhood~~ portion of the Rolling Hills Riviera neighborhood to the south. Views of and across the Project Site from this ~~neighborhood~~ area are limited due to the north-south orientation of most of the homes and the low elevation of the area. A few homes along the east side of Tarrasa Drive and ~~Palondra Drive~~ Palmeras Place border Western Avenue and thus would have partial direct views of the Site's western frontage. These views are blocked to some degree by the embankment along which Western Avenue ascends the slope to the north. Where the Project Site is visible, views largely consist of the chain-link fence along its Western Avenue frontage, scattered trees, and portions of the abandoned duplexes. A few homes along ~~Palondra Drive~~ Palmeras Place have

limited views of the riparian vegetation on-site. No views across the Project Site to areas beyond are available from this ~~neighborhood~~ lower elevation portion of the Rolling Hills Riviera neighborhood.

The second ~~neighborhood~~ part of the Rolling Hills Riviera neighborhood to be considered is located west of Western Avenue and south of the Redondela/Feliciano ~~neighborhood~~ area discussed above. ~~This neighborhood is~~ Homes in this area are located on a sloping hillside along Avenida Aprenda and Pontevedra Drive and ~~is~~ are situated at a substantially higher elevation (between 200 and 375 feet above sea level) than the Project Site (approximately 180 feet above sea level). Although most of the homes in this ~~neighborhood~~ area are oriented north-south and therefore do not directly overlook the Project Site, the backyards of some homes along Pontevedra Drive and the lower portion of Avenida Aprenda have direct northeasterly views of and across the Project Site. These views include the riparian vegetation on-site as well as portions of the abandoned housing complex. To the north, the hillside along the Site's northern boundary with the DFSP is visible as a low ridgeline. Due to topography, no views north onto the DFSP itself are available from this area. Views to the east across the Project Site to the harbor area are not generally available from homes in this ~~neighborhood~~ area due to their principal north-south orientation as well as to the visual blockage provided by the Seaport Homes and Casa Verde Apartment complexes adjacent to the Site's southern boundary. A representative view from this portion of the Rolling Hills Riviera neighborhood is shown in Figure IV.B-12.

13. In response to Comment Letter No. A8 (City of Rancho Palos Verdes), page IV.B-20, the first sentence of the last paragraph is revised to read:

Direct views of the Site's frontage along Western Avenue are also available from portions of Avenida Aprenda, Tarrasa Drive, Redondela Drive, and ~~Palondra Drive~~ Palmeras Place to the west.

14. In response to Comment Letter No. A8 (City of Rancho Palos Verdes), page IV.B-47, the third sentence of the last paragraph is revised to read:

Private view locations consist of single-family residences located along portions of Tarrasa Drive, Redondela Drive, and ~~Palondra Drive~~ Palmeras Place to the west of Western Avenue.

15. Page IV.B-69, the first sentence of the paragraph under the sub-heading "Extended Buildout Analysis" is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to ~~coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027~~ accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

Section IV.C Air Quality

16. Page IV.C-50, the first sentence of the paragraph under the sub-heading “Extended Buildout Analysis” is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to ~~coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027~~ accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

17. In response to Comment Letter No. A12 (South Coast Air Quality Management District), the following additional mitigation measures have been added to Section IV.C, Air Quality, of the Draft EIR:

AQ-3: The Project shall provide electric outlets on residential balconies and common areas for electric barbeques to the extent that such uses are permitted on balconies and common areas per the Covenants, Conditions and Restrictions recorded for the property.

AQ-4: The Project shall use electric lawn mowers and leaf blowers, and electric or alternatively fueled sweepers with HEPA filters, for maintenance of the Project.

Section IV.D Biological Resources

18. Page IV.D-51 under the heading “Project Design Features” is revised to read:

To this end, the following Project Design Features ~~has~~ have been identified for the Proposed Project:

19. In response to Comment Letter No. B101 (Carrolle, Victoria and John), the following additional Project Design Feature has been added to Section IV.D, Biological Resources, of the Draft EIR (at page IV.D-51):

Prior to the start of demolition activities at the Project Site, the Project Applicant shall contract with a pest control/pest extermination company to perform a survey of potential rodent issues on the Project Site. This survey will consist of setting traps for a period of time to establish whether or not a rodent problem exists. If a rodent problem is found, remediation shall begin approximately one month prior to the start of any demolition.

20. Page IV.D-55, the first sentence of the paragraph under the sub-heading “Extended Buildout Analysis” is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to ~~coincide with the anticipated expiration of the term of the~~

Development Agreement (DA) in 2027 accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

21. In Mitigation Measures BIO-1 through BIO-4, all references to the California Department of Fish and Game or “CDFG” are revised as follows:

California Department of Fish and ~~Game~~ Wildlife

CDFGW

Section IV.E Cultural Resources

22. Page IV.E-15, the first sentence of the paragraph under the sub-heading “Extended Buildout Analysis” is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to ~~coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027~~ accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

23. Page IV.E-22, the first sentence of the paragraph under the sub-heading “Extended Buildout Analysis” is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to ~~coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027~~ accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

24. Page IV.E-35, the first sentence of the paragraph under the sub-heading “Extended Buildout Analysis” is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to ~~coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027~~ accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

Section IV.F Geology and Soils

25. In response to Comment Letters No. A11 (U.S. Department of the Navy) and A13 (U.S. Defense Logistics Agency), the following Project Design Feature has been added to Section IV.F, Geology and Soils, of the Draft EIR (at page IV.F-22):

~~No Project Design Features relating to potential impacts with respect to geology and soils have been identified for the Proposed Project. The following Project Design Feature pertaining to geology and soils has been identified for the Proposed Project:~~

- The Project Applicant shall confer with the Navy and/or Defense Logistics Agency, as operators of the Defense Fuel Support Point (DFSP) facility, with respect to potential slope-stability-related impacts to the integrity of DFSP tanks, piping, and other infrastructure, during Project construction.

26. Page IV.F-30, the first sentence of the paragraph under the sub-heading “Extended Buildout Analysis” is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to ~~coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027~~ accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

Section IV.G Greenhouse Gas Emissions

27. Page IV.G-26, the first sentence of the paragraph under the sub-heading “Extended Buildout Analysis” is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to ~~coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027~~ accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

Section IV.H Hazards and Hazardous Materials

28. In response to Comment Letter No. A15 (Northwest San Pedro Neighborhood Council), the Project Design Feature under Section IV.H, Hazards and Hazardous Materials, of the Draft EIR (at page IV.H-21) is revised to read:

Prior to the initial occupancy of any residential unit in the Project, the Project Applicant would submit an emergency response plan for approval by the Los Angeles Fire Department (LAFD). The emergency response plan will include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments. In developing the emergency response plan, the Project Applicant shall consult with neighboring land uses, including but not limited to the U.S. Navy Defense Fuel Support Point (DFSP), the ConocoPhillips Refinery, Rancho LPG, the Port of Los Angeles, the City of Rancho Palos Verdes, and Mary Star of the Sea High School.

29. Page IV.H-42, the second sentence of the last paragraph is revised as follows:

Emergency access to the Project Site (police, fire, and ambulance) would be provided by the two ingress/egress points on Western Avenue that would also provide general site access, as well as via an emergency-only lane connecting the southern Project roadway to the southern site boundary adjacent to the off-site Seaport Village development.

30. Page IV.H-43, the first sentence of the paragraph under the sub-heading “Extended Buildout Analysis” is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to ~~coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027~~ accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

Section IV.I Hydrology and Water Quality

31. Page IV.I-56, the first sentence of the paragraph under the sub-heading “Extended Buildout Analysis” is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to ~~coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027~~ accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

Section IV.J Land Use and Planning

32. Page IV.J-8, second full paragraph is revised to read:

The Project Site is presently designated a combination of “Low Residential” and “Open Space” in the Community Plan. The majority of the property is designated “Low Residential.” An estimated ~~9.43~~ 9.3 acres of the ~~northwestern corner of the site, generally parallel to its northern boundary with (along Western Avenue and adjacent to the U.S. Navy’s DFSP property)~~ is designated “Open Space.”

33. Page IV.J-13, first paragraph under the “OS-1XL” heading is revised to read:

An estimated ~~9.4~~ 9.3 acres of the northwestern corner of the Project Site (along Western Avenue and adjacent to the U.S. Navy’s DFSP property) is zoned OS-1XL.² Generally, the City’s Open Space zone is used to identify public, recreational, park, or natural resource land. At the time the

² Estimated using City of Los Angeles Zoning Information and Map Access System (ZIMAS), website: <http://zimas.lacity.org/>, August 29, 2011.

Project Site was annexed to the City of Los Angeles in 1980, it was fully developed with a Navy Housing complex (under public ownership). No portion of the Project Site was identified as a recreational, park, or natural resource area.

34. Page IV.J-17, the first paragraph is revised to read:

The Project is also located adjacent to the Navy DFSP, which is a fuel and oil storage facility. Fuel storage facilities at the DFSP primarily consist of underground tanks, with fuel transfer accomplished largely through delivery via pipeline. ~~Because the bulk of the facilities are located underground, the property, although off limits to the public, functions in some aspects as open space, including providing protected habitat to the threatened Palos Verdes Blue Butterfly and visually natural, open space views for the community.~~³ Other loading facilities at the DFSP are located away from the Project Site along Gaffey Street to the east. ~~Fuel and oil storage is a passive activity.~~ The risks and potential health hazards associated with the adjacent DFSP are addressed in Sections IV.C (Air Quality) and IV.H (Hazards and Hazardous Materials) of this Draft EIR.

35. Page IV.J-18, first sentence of bottom paragraph is revised to read:

An estimated ~~9.1~~ 9.3 acres of the northwestern corner of the Project Site (along Western Avenue and adjacent to the U.S. Navy's DFSP property) is zoned OS.

36. In response to Comment Letter No. A15 (Northwest San Pedro Neighborhood Council), the following discussion is added to page IV.J-55, above the "Impact Summary" subheading:

Urban Design Principles

The Proposed Project would incorporate each of the City's ten Urban Design Principles to varying degrees as follows:

- Usable and Accessible Transit Areas: The Proposed Project would help to implement this principle through the creation of a network of pedestrian and bicycle paths both within the Project and connecting the Project with Western Avenue. In addition, the Project would provide a bus turnout lane on Western Avenue and bus stop facilities at bus stops adjacent to the Project Site (see Mitigation Measure TRANS-27). Bicycle storage areas would also be provided at the Project Site, and the Project would also coordinate with local and regional transit operators to develop and implement strategies to increase transit use by Project residents (see Mitigation Measure TRANS-26), as well as coordinate with

³ ~~Palos Verdes Land Conservancy, The Defense Fuel Support Point and Nursery webpage: <http://www.pvplc.org/lands/dfsppn.asp>, accessed 10/12/12.~~

LADOT to potentially extend the existing San Pedro DASH route northerly on Western Avenue to serve the Project Site (see Mitigation Measure TRANS-28).

- Reinforce Walkability and Wellbeing: The Proposed Project would help to implement this principle through the creation of a network of pedestrian pathways throughout the site, including a walking/jogging path around the perimeter of the Project. These paths would connect to the existing sidewalk along Western Avenue adjacent to the site. Pedestrian access would also be provided along the new road across the site between Western Avenue and Mary Star of the Sea High School. In addition, recreational facilities for the use of Project residents would be provided within each of the housing products in the Project. All of the pedestrian areas within the Project would be landscaped.
- Bridging the Past and the Future: This principle is not directly applicable to the Project Site in that the local vicinity does not contain notable examples of historical architecture and/or historical areas.
- Accentuate Visual Interest: The Project would establish detailed design guidelines within its Specific Plan with the purpose of creating a unified, appealing, and distinct visual presentation for the Project Site. These guidelines will address building facades, awnings, signage, architectural treatments, utilities, building setbacks, and other components of the Project, including pedestrian access.
- Nurture Neighborhood Character: The Project Site is a relatively challenging location given its current isolation from surrounding land uses as well as the variety of contiguous land uses surrounding it. The Project would help to implement this design guideline by modulating development in different areas of the site, precisely to vary the density according to the context of the surrounding uses. Overall, density within the Project generally increases as one moves across the Project Site from north/northeast to south/southwest, with the lowest densities nearest the DFSP, Green Hills Memorial Park, and single-family residential communities west of Western Avenue and north of Avenida Aprenda. The Project would improve the connection of Mary Star of the Sea High School to the community, but would not provide direct connections to the multi-family developments to the south or the single-family neighborhood to the east.
- Develop Street Furnishings: The Project would help to implement this guideline by establishing consistent guidelines through its Specific Plan for landscaping, streetscaping, paving materials, lighting, and benches along the public perimeter pathway and other walking paths.
- Emphasize Early Implementation and Long Term Maintenance: This principle is not directly applicable to the Project, being directed primarily at City Planners. Nonetheless,

the Project's Specific Plan would ensure that all development at the site attains an approved standard. In addition, the Project would include a Homeowners' Association and CC&Rs to ensure maintenance of the site and Project roadways.

- Stimulate Sustainability and Innovation: The Project would help to implement this guideline through both compliance with the City's Green Building Code and the implementation of Project Design Features, including biofiltration of stormwater runoff, drought tolerant landscaping, and accessibility to reclaimed water delivery infrastructure.
- Improve Equity and Opportunity: The Project would help to partially implement this guideline by developing a range of housing product types oriented toward different segments of the market.
- Generate Public Open Space: The Project would partially implement this guideline by providing a substantial amount of open space accessible to all residents of the Project as well as to the general public via pedestrian accessways, including a central recreation area and multiple park areas, as well as additional open space accessible to the general public.
- Navigation, Connection, and Flow: The Project would help to implement this guideline by providing a network of walking, bicycle, and automobile circulation routes to be developed according to the design specifications in the Specific Plan. These routes would be signed, lighted, and treated with aesthetically consistent paving surfaces.

It should be noted that few projects will be consistent with each of these principles. The Urban Design Principles recognize that areas and communities within the City have a variety of unique elements that do not necessarily apply throughout the City and therefore should not be uniformly applied throughout the City. As noted above, the Project is either partially or fully consistent with each of the applicable Urban Design Principles. However, the Project's partial inconsistency with some of these planning objectives does not mean that the Project is necessarily inappropriate for the Project Site, nor does it constitute an adverse environmental impact. Indeed, the Urban Design Principles are presented with the caveat that not every location within the City is an appropriate site for the utilization of these planning objectives.

37. In response to Comment Letter No. A15 (Northwest San Pedro Neighborhood Council), the following discussion is added to page IV.J-55, above the "Impact Summary" subheading:

Walkability Checklist

The Proposed Project would incorporate each of the objectives presented in the City's Walkability Checklist to varying degrees as follows:

- Sidewalks: The Project would address this objective by providing pedestrian connections from the sidewalk along Western Avenue to the proposed perimeter walking/jogging path surrounding the Project Site. Benches and other amenities would be provided within this landscaped public perimeter open space. Additional pathways would connect to the interior of the Project.
- Crosswalks/Street Crossings: The Project would address this objective through its Specific Plan, which would contain guidelines for the design and placement of crosswalks and pedestrian/bicycle street crossings within the Project.
- On-Street Parking: The Project would offer a limited amount of public, on-street parking along the proposed access road to Mary Star of the Sea High School.
- Utilities: The Project would be consistent with this objective by placing all utilities underground and buffering aboveground utility extensions with landscaping.
- Building Orientation: Although this objective is primarily oriented toward retail developments, the Project would partially address the concept by making building entrances visible from pedestrian pathways and providing direct pathways from the Project's interior to the transit stops on Western Avenue. The Project would also provide architectural continuity along the Western Avenue frontage.
- Off-Street Parking and Driveways: Parking for the Project would primarily consist of off-street garages and understructure spaces. This parking would be virtually invisible from Western Avenue due both to Project buildings and landscaping. The Project would be generally consistent with this objective.
- On-Site Landscaping: The Project would be consistent with this objective by incorporating extensive, visually interesting landscaping throughout the site, including over 3,000 new trees. Pedestrian pathways would be landscaped both within the Project itself and around the site's perimeter.
- Building Façade: The Project's building design would include features intended to promote visual interest and diversity when viewed from public frontages. Views from the Western Avenue frontage into the Project interior would be available from the pedestrian pathway. Blank walls would be minimized and articulated massing would be incorporated into Project building design. The Project would be largely consistent with this objective.
- Building Signage and Lighting: The Project would provide a consistent signage theme as specified in the Specific Plan. Lighting design and placement would also be similarly coordinated for the Project via the Specific Plan. Both would be consistent with this

objective by being oriented to assist both pedestrians and automobile passengers and being “dark sky” compliant.

Notwithstanding the discussion provided above, the objectives and goals included in the Walkability Checklist are not mandatory, and not every objective or goal would be appropriate for every project. The primary objective is to achieve the implementation of some of these objectives in every project, thereby improving pedestrian access, comfort and safety. As noted above, the Project is either partially or fully consistent with applicable items of the Walkability Checklist. However, the Project’s partial inconsistency with some of these planning objectives does not mean that the Project is necessarily inappropriate for the Project Site, nor does it constitute an adverse environmental impact. Indeed, the Walkability Checklist is presented with the caveat that not every location within the City is an appropriate site for the utilization of each of these planning objectives.

38. Page IV.J-55, the first sentence of the paragraph under the sub-heading “Extended Buildout Analysis” is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027 accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

Section IV.K Noise

39. Page IV.K-29, the first sentence of the paragraph under the sub-heading “Extended Buildout Analysis” is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027 accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

40. In response to Comment Letter No. A5 (City of Lomita), the following mitigation measures in Section IV.K, Noise, of the Draft EIR (at page IV.K-33) have been revised as follows:

NO-6 All construction truck traffic shall be restricted to truck routes approved by the City of Los Angeles Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the extent feasible. Prior to the commencement of construction at the Project Site, a meeting shall be held with appropriate representatives of the Cities of Rancho Palos Verdes, Torrance, and Lomita. The purpose of the meeting will be to designate truck routes for off-site load hauling vehicles and other construction-related vehicles.

NO-7 Two weeks prior to the commencement of construction at the Project Site, notification shall be provided to the immediate surrounding cities and off-site residential, school, and memorial park properties that discloses the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period.

Section IV.M.1 Public Services – Fire Protection

41. In response to Comment Letter No. B151 (Morgan, Brett), the text of the Draft EIR on page IV.M-2 (bottom paragraph) has been revised as follows:

In addition, backup support for fire protection services in the Project area is provided through an informal mutual aid agreement between the LAFD and the Los Angeles County Fire Department (LACFD). The decision as to which agency responds to a particular emergency in any service area is made on a case-by-case basis, based on the nature and location of the emergency, and the availability of fire protection equipment at the time.⁴ There are two LACFD fire stations within a ~~two-mile radius~~ the vicinity (as shown in Figure IV.M-1) of the Project Site: Station 6 located at 25517 S. Narbonne Avenue in Lomita (approximately two miles from the Project Site), and Station 83 located at 83 Miraleste Plaza in Rancho Palos Verdes (approximately ~~1.5~~ 2.6 miles driving distance from the Project Site).

42. In response to Comment Letter No. A15 (Northwest San Pedro Neighborhood Council), the Project Design Feature under Section IV.M.1, Fire Protection, of the Draft EIR (at page IV.M-9) is revised to read:

Prior to the initial occupancy of any residential unit in the Project, the Project Applicant would submit an emergency response plan for approval by the Los Angeles Fire Department (LAFD). The emergency response plan will include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments. In developing the emergency response plan, the Project Applicant shall consult with neighboring land uses, including but not limited to the U.S. Navy Defense Fuel Support Point (DFSP), the ConocoPhillips Refinery, Rancho LPG, the Port of Los Angeles, the City of Rancho Palos Verdes, and Mary Star of the Sea High School.

Section IV.L Population and Housing

43. Page IV.L-26, the first sentence of the paragraph under the sub-heading “Extended Buildout Analysis” is revised as follows:

⁴ *Mutual aid and interagency coordination is discussed on page I-2 of the Safety Element of the City of Los Angeles City General Plan: <http://cityplanning.lacity.org/cwd/gnlpln/SafetyElt.pdf>*

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to ~~coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027~~ accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

Section IV.M Public Services

44. Page IV.M-12, the first paragraph is revised as follows:

General and emergency access to the Project would be provided from Western Avenue at the two existing signalized intersections with Green Hills Drive and Avenida Aprenda on the north and south, respectively. The northern access point would be gated with restricted public access; however, the gates would be designed with key or code access for emergency vehicles. The southern access point would be a public street across the Project Site. Gated access from this street to the non-apartment residential areas of the Project would also be provided. As with the northern access point, this gate would be designed with key or code access for emergency vehicles. An additional emergency access point would be located along the Site's southern boundary and would connect the southern Project roadway to the off-site Seaport Village development. This emergency-only lane would be gated with key or code access for emergency vehicles. The Project Site's internal roadway system would enable any of these emergency access points to be reached from any location in the Project. In addition, as part of a reciprocal emergency access arrangement, the Project Site would have emergency access from its southern access point through the Mary Star of the Sea High School to Taper Avenue. Thus, the Project Site would be able to take emergency access from an additional street other than Western Avenue.⁵

45. Page IV.M-13, the first sentence of the paragraph under the sub-heading "Extended Buildout Analysis" is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to ~~coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027~~ accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

46. Page IV.M-22, the first sentence of the paragraph under the sub-heading "Extended Buildout Analysis" is revised as follows:

⁵ Use of the Taper Avenue emergency access would be strictly limited to emergency conditions necessitating access to the Project Site from locations other than Western Avenue. In all other circumstances, access to the Project Site would be taken from Western Avenue.

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to ~~coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027~~ accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

47. Page IV.M-35, the first sentence of the paragraph under the sub-heading “Extended Buildout Analysis” is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to ~~coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027~~ accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

48. Page IV.M-54, the first sentence of the paragraph under the sub-heading “Extended Buildout Analysis” is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to ~~coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027~~ accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

49. Page IV.M-60, the first sentence of the paragraph under the sub-heading “Extended Buildout Analysis” is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to ~~coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027~~ accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

Section IV.N Transportation and Traffic

50. In response to Comment Letter No. A5 (City of Lomita), the following references in the Draft EIR to the intersection of Arlington Avenue/Lomita Boulevard are revised as follows:

- Intersection No. 8 in Tables IV.N-1, IV.N-4, IV.N-6, IV.N-7, IV.N-11, IV.N-12, IV.N-13, IV.N-16, IV.N-17, IV.N-18, IV.N-19, IV.N-20, IV.N-21, IV.N-22, IV.N-23, IV.N-24, and IV.N-25 is revised as follows:

~~Arlington Avenue~~ Narbonne Avenue/Lomita Boulevard

- Intersection No. 8 on Figures IV.N-2, IV.N-3, IV.N-4, IV.N-8, IV.N-9, IV.N-10, IV.N-12, IV.N-13, IV.N-16, IV.N-17, IV.N-19, IV.N-20, IV.N-22, IV.N-23, IV.N-25, IV.N-26, IV.N-28, IV.N-29, and IV.N-31 is revised as follows:

Arlington Avenue Narbonne Avenue/Lomita Boulevard

51. Figure IV.N-3 in Section IV.N, Transportation and Traffic, is replaced with revised Figure 5-1 from the Project Traffic Study (Appendix IV.N-1 to the Draft EIR), retaining the same figure title.
52. In response to Comment Letter No. A9 (Caltrans), the first full paragraph on page IV.N-86 is revised to read:

Construction of the Project would not require any temporary street closures or closures of two or more traffic lanes. It is possible that portions of traffic lanes adjacent to the Project Site could be temporarily blocked off to allow for installation of utility connections. However, the Project Applicant would be required to install signage in appropriate locations to notify travelers of the temporary lane closures. The degree to which signage and/or a traffic management plan would be required of the Project Applicant to minimize temporary traffic impacts during the construction phase would be determined by LADOT, in consultation with Caltrans, at the time the Applicant applies for permits that are required for the temporary lane closure.

53. Page IV.N-86, the first sentence of the paragraph under the sub-heading “Extended Buildout Analysis” is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to ~~coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027~~ accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

54. Page IV.N-87, the last sentence of the third full paragraph is revised as follows:

This corresponds to an annual growth rate of approximately 0.355 percent, or a total growth of 6.04 percent for the period 2010 through 2027 ~~(end of the proposed Development Agreement).~~

55. In response to Comment Letter No. A7 (Metro), sub-part (b) of Mitigation Measure TRANS-12 on page IV.N-162 of the Draft EIR is revised to read:

Relocate the existing southbound near-side Metro bus stop on Gaffey Street to the far side of the intersection (i.e., south of the intersection) where a full bus pad is to be installed in the street;

56. Mitigation Measure TRANS-27 is revised as follows:

In conjunction with the street widening of Western Avenue adjacent to the Project Site, the Applicant shall provide a bus turnout lane and bus stop facilities (shelter, bench and schedule information) at bus stops adjacent to the Site.

Section IV.O Utilities and Service Systems

57. Page IV.O-14, the first sentence of the paragraph under the sub-heading “Extended Buildout Analysis” is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to ~~coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027~~ accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

58. Page IV.O-22 under the heading “Current Project Site Wastewater Generation” is revised to read:

The Project Site is currently developed with 245 residential units, a 2,161-square foot community center, and a 3,454-square foot retail convenience facility. All of the existing residences and buildings have been vacated and currently generate no wastewater. ~~Although the~~ The Project Site is now within the wastewater jurisdiction of the City of Los Angeles Bureau of Sanitation, which is overseen by the Department of Public Works, historically it was served by the Los Angeles County Sanitation Districts (LACSD) District No. 5.

The LACSD are a confederation of independent special districts that provide wastewater and solid waste management for approximately 5.1 million people in Los Angeles County. The LACSD’s 1,400 miles of main trunk sewers and 11 wastewater treatment plants convey and treat approximately 510 million gallons per day (mgd) of wastewater, 190 mgd of which are available for reuse.⁶ The LACSD’s service area covers approximately 800 square miles and encompasses 78 cities and unincorporated territory within the County. The areas ~~surrounding~~ adjacent to the Project Site on the west and south also falls within LACSD’s District No. 5, which generally includes the Cities of Rancho Palos Verdes, Rolling Hills, Rolling Hills Estates, Torrance, Gardena, Lawndale, Hawthorne, and Inglewood.

~~Although the Project Site is located within the service area of the City of Los Angeles Bureau of Sanitation, the~~ The former Navy Housing uses at the site Project Site did not discharge wastewater to the City Bureau of Sanitation system. Rather, as described below, wastewater was sent to the County sewer infrastructure for conveyance to LACSD treatment facilities; specifically, the Joint Water Pollution Control Plant (JWPCP) operated by the LACSD and located in the City of Carson, approximately four miles from the Project Site.

59. Page IV.O-24, add the following discussion under the heading “Project Impacts”:

⁶ *Sanitation Districts of Los Angeles County, General Information, website:*
<http://www.lacsd.org/csinfo.htm#Wastewater%20Management>, June 2011.

As discussed above, the majority of the Project Site is located within the boundaries of LACSD District No. 5. A portion of the site is located within the sewer service area boundaries of the City's Bureau of Sanitation system. Thus, the Project would have two ultimate sewer service connection options: (1) service by the City's Bureau of Sanitation; or (2) service by the LACSD. Under the first option, the Project would connect to the existing City sewer facility located in Taper Avenue, adjacent and to the east of the Project's eastern property boundary. Under the second option, the Project would connect via a new sewer lateral to the existing LACSD facilities located across and adjacent to the site's southwest corner, within the Western Avenue right-of-way.

The Project Applicant's preferred option is to deliver all Project wastewater to the City Bureau of Sanitation's sewer system for conveyance and treatment. However, in order to connect to the City's sewer system, the Project Applicant must first pursue and perfect a de-annexation from the LACSD service area for the majority of the Project Site and, subsequently, annexation to the City Bureau of Sanitation service area. This process requires approval by the Local Agency Formation Commission (LAFCO) as well as by the two wastewater service agencies. Although the Project Applicant has initiated this process, it is not estimated to be completed until mid-2013. Although, as is discussed below, both the LACSD and City Bureau of Sanitation have opined that adequate conveyance and treatment capacity exists with which to serve the Proposed Project, in the event that the transfer of the majority of the Project Site out of the LACSD service area and into the City's service area is not approved, analyses of Project wastewater conveyance and treatment by both the City Bureau of Sanitation and the LACSD are presented in this section.

60. Page IV.O-25, under the heading "Wastewater Conveyance" is revised to read:

Proposed Sewer System

Preferred City Option

The Project Applicant's preferred proposed sewer design for the Project includes a sewer discharge connection to the existing City system at the LADPW's 8-inch gravity sewer main within the Taper Avenue right-of-way (Record Plan D-19444). Sewage effluent from the Project would be discharged into the existing 8-inch sewer main via a sewer line connection to the existing upstream terminus manhole (station number 17+25.41 per record plan D-19444). The preliminary design concept for the proposed on-site sewer system includes new sewer main infrastructure consisting of a new lift station/force main package, manholes, and 6-inch, 8-inch and 10-inch sewer piping elements. The final on-site sewer infrastructure layout and design will be a function of the sewer confluence point locations coupled with the specified pipe sloping and fall conditions.

The Project's on-site sewer system would discharge into a single connection point to the 8-inch sewer main at the end of Taper Avenue, approximately where the existing Mary Star of the Sea

High School campus abuts the eastern edge of the Project Site. This location represents the current upstream end of this sewer main; no upstream sewage effluent would exist in the main at the point where the Project would connect to it. Maintenance of the on-site portion of the Project's wastewater collection and conveyance system would eventually be the responsibility of the future homeowners' association (HOA).

Alternative County Option

In the event that transfer of the majority of the Project Site from the LACSD's sewer service jurisdiction to the City Bureau of Sanitation's service area is not approved, an alternate sewer system would be developed to serve the Project. Preliminary designs for the internal Project sewer system would include new on-site sewer main infrastructure consisting of a new on-site lift station/force main package, manholes, and 6-inch, 8-inch, and 10-inch sewer piping elements. Based upon the LACDPW methodology for calculating the wastewater conveyance requirements of existing and proposed land uses, the Project would produce a daily average sewer flow of 203,100 gpd and a peak daily flow of 507,750 gpd. When combined with the existing off-site wastewater flows from the apartment and condominium units located on the adjacent tracts (45060 and 34044-C) to the south of the site, the total wastewater conveyance delivered through the existing 8-inch sewer lateral crossing Western Avenue southwest of the site would be 215,841 gpd (average daily) and 539,603 gpd (peak daily).

Off-Site Conveyance Capacity

Preferred City Option

The LADPW analyzes the impacts of a proposed development on the surrounding existing sewer infrastructure through an applicant-driven process called a Sewer Capacity Availability Request (SCAR). Through this process, the Project Applicant requested that the City analyze its existing infrastructure and issue either an agreement or a denial to service the Proposed Project's sewage effluent. A SCAR was filed with the Bureau of Sanitation requesting the City's agreement to service the Project's sewage effluent as tabulated in Table IV.O-3 above. The City then analyzed the existing sewer system and determined that sufficient residual conveyance and treatment capacity exists in the sewer lines to which the Project is proposing to discharge. Specifically, the Project's estimated wastewater flow would constitute approximately 35 percent of the available capacity in the 8-inch Taper Avenue sewer main.

Consequently, the City issued a SCAR response in essence committing to serve the Project (see Appendix IV.O-2).⁷ The City's sewer system has sufficient capacity to accommodate the total

⁷ *Approved SCAR, Bureau of Engineering, Department of Public Works, City of Los Angeles, May 24, 2012.*

flow for the Project, therefore Project impacts with regard to wastewater conveyance would be *less than significant*.

Alternative County Option

In the event that transfer of the majority of the Project Site from the LACSD's sewer service jurisdiction to the City Bureau of Sanitation's service area is not approved, the County system would provide off-site conveyance of Project wastewater. The LACSD's WAPP facility would serve all sewers flowing from the existing LACDPW 8-inch sewer line crossing Western Avenue, including the Project's wastewater. In terms of off-site sewer conveyance, the existing LACDPW 8-inch sewer line in Western Avenue has a "50 percent full" design flow capacity of 0.63 cfs and a "75 percent full" design flow capacity of 1.15 cfs. The existing sewer peak flow generated from the existing off-site development to the south is 0.049 cfs. When the Project's wastewater is added to this existing off-site wastewater (peak flow), the total amount requiring conveyance would be 0.835 cfs. Given the 8-inch sewer pipe's existing size slope and material, the proposed total sewer flow of 0.835 cfs would utilize 59 percent of the full pipe capacity, which is 32 percent more than would be permitted under the "50 percent full" design flow capacity. This condition would yield a flow velocity of 3.9 feet per second, which is above the 3 feet per second standard utilized by LACDPW. Because the proposed flow depth/velocity would fall under LACDPW special case consideration, specific approval from LACDPW is required. This approval was sought and granted on July 20, 2011. Therefore, Project impacts with regard to wastewater conveyance would be *less than significant*.

61. Page IV.O-26 under the heading "Wastewater Treatment" is revised to read:

Preferred City Option

Wastewater from the Project Site would be subsequently conveyed to the TIWRP, which has a remaining treatment capacity of approximately 14 mgd. The 205,950 gpd net increase in wastewater generation that would be created by the Project represents approximately 1.5 percent of the remaining capacity at the TIWRP. Therefore, TIWRP has enough remaining capacity to accommodate treatment of Project-generated wastewater. The Project's additional wastewater flows would not substantially or incrementally exceed the future scheduled capacity of any treatment plant by generating flows greater than those anticipated in the Integrated Resources Plan, Sewer System Management Plan, or General Plan. Impacts upon wastewater treatment capacity as a result of the Project would be *less than significant*.

Alternative County Option

In the event that transfer of the majority of the Project Site from the LACSD's sewer service jurisdiction to the City Bureau of Sanitation's service area is not approved, the County system would provide off-site treatment of Project wastewater. The Joint Water Pollution Control Plant

(JWPCP) is operated by the LACSD and is located in the City of Carson, approximately four miles from the Project Site. The plant began operation in 1928 and has a permitted design treatment capacity of 400 million gallons per day (mgd) of wastewater with an approximated current average flow of 300 mgd.⁸ The operation at JWPCP consists of screening, grit removal, primary sedimentation, pure oxygen activated sludge reactors, secondary clarification, and chlorination. The 205,950 gpd net increase in wastewater generation that would be created by the Project represents approximately 0.2 percent of the remaining capacity at the TIWRP. Therefore, TIWRP has enough remaining capacity to accommodate treatment of Project-generated wastewater. Impacts upon wastewater treatment capacity as a result of the Project would be *less than significant*.

62. Page IV.O-26 under the heading “Construction Impacts” has been revised to read:

Preferred City Option

The required sewer connection and related infrastructure upgrades would not be expected to create a significant impact to the physical environment because: (1) existing service would not be disrupted; (2) replacement of the sewer lines would be within public and private rights-of-way; and (3) the existing infrastructure would be replaced with improved infrastructure in areas that have already been significantly disturbed. Furthermore, the Project Applicant would pay for needed upgrades. All of the proposed sewer improvements would occur on-site and away from existing traffic flows, with the lone exception of where the Project’s new discharge connection would connect to an existing manhole located in Taper Avenue. Because the existing manhole is located at the end of a private local street (on the Mary Star of the Sea High School campus), the interim construction window of a few days to make the sewer connection would not create a disruption to the surrounding community. The proposed sewer connection to the upstream terminus end of the sewer line would not result in an interruption in service to any existing downstream properties serviced by the line. Therefore, Project impacts with regard to wastewater infrastructure installation/improvement would be *less than significant*.

Alternative County Option

The required sewer connection and related infrastructure upgrades would not be expected to create a significant impact to the physical environment because: (1) existing service would not be disrupted; (2) replacement of the sewer lines would be within public and private rights-of-way; and (3) the existing infrastructure would be replaced with improved infrastructure in areas that have already been significantly disturbed. Furthermore, the Project Applicant would pay for

⁸ LACSD Joint Water Pollution Control Plant facility information; http://www.lacsd.org/about/wastewater_facilities/jwpcp/default.asp, accessed September 16, 2011.

needed upgrades. Where the Project's new force main would connect to the existing manhole No. 174 located along Western Avenue, impacts to traffic flows on Western Avenue are not expected to occur because the manhole is located in the unpaved parkway area along the east side of the street rather than within the street itself. Therefore, Project impacts with regard to wastewater infrastructure installation/improvement would be *less than significant*.

63. Page IV.O-27, the first sentence of the paragraph under the sub-heading "Extended Buildout Analysis" is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027 accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

64. Page IV.O-27 under the heading "Cumulative Impacts" has been revised to add the following sub-heading:

Preferred City Option

65. Page IV.O-28, discussion under the heading "Cumulative Impacts" and just above Table IV.O-4 is revised to read:

Alternative County Option

In the event that transfer of the majority of the Project Site from the LACSD's sewer service jurisdiction to the City Bureau of Sanitation's service area is not approved, the County system would provide off-site collection, conveyance, and treatment of Project wastewater. Thus, in order to present the most conservative cumulative impact assessment, it has been assumed that all of the 154 cumulative projects, along with the Project, would discharge to the LACSD's treatment facility at the JWPCP.

As shown in Table IV.O-4, development of the cumulative projects would increase the generation of wastewater in the Project area to approximately 1.83 mgd (average daily). Including the Project's wastewater generation to this total yields a cumulative wastewater generation of approximately 2.03 mgd (average daily). The JWPCP currently has capacity for an additional 122.5 mgd. Therefore, the JWPCP would have adequate capacity to treat cumulative wastewater flows from the Project and cumulative projects.

Furthermore, each of the individual cumulative projects would be subject to the LACDWP's determination of whether there is allotted sewer conveyance capacity available prior to the formal acceptance of plans and specifications by the construction permitting authorities within each jurisdiction where the cumulative projects are to be developed. Therefore, the cumulative impact of the cumulative and proposed projects on wastewater would be *less than significant*.

66. Page IV.O-52, the first sentence of the paragraph under the sub-heading “Extended Buildout Analysis” is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to ~~coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027~~ accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

67. Page IV.O-69, the first sentence of the paragraph under the sub-heading “Extended Buildout Analysis” is revised as follows:

As discussed in Section II (Project Description), the potential exists for the Project buildout year to be extended by 10 years to ~~coincide with the anticipated expiration of the term of the Development Agreement (DA) in 2027~~ accommodate potential extensions allowed under the Vesting Tentative Tract Map process.

Section VI Alternatives to the Proposed Project

68. Page VI-4 at bottom, revise Alternative B title to read:

Alternative B: ~~No Project Alternative/Existing Zoning~~ (Single-Family Homes)

69. Page VI-5 under the heading “Alternatives Considered But Rejected From Further Consideration” is revised to read:

Alternatives that clearly would not be financially feasible to develop and market (considering such factors as the cost of site acquisition and the costs to plan, permit, and develop the project), such as public parks, were not considered. Included among such alternatives is development of the Project Site under the existing zoning and General Plan land use designations, which would retain 9.3 acres of the site as undeveloped open space and develop the remainder with 169 5,000 square foot single-family home lots consistent with the R1-1XL zoning. Such an alternative has been determined to be economically infeasible to develop at the Project Site. However, an alternative that would develop the site exclusively with single-family homes is discussed and evaluated below as Alternative B.

70. Page VI-10, revise Alternative B title and discussion to read:

Alternative B: ~~No Project Alternative/Existing Zoning~~ (Single-Family Homes)

Under Alternative B, the Project would not be developed on the Project Site. However, the Project Site would not remain in its current condition. Under the conditions of the ownership transfer from the U.S. Department of Defense to the previous owner, all existing improvements on the Project Site must be removed. Accordingly, the existing vacant former Navy housing

complex and associated roadways and other infrastructure would be demolished and all debris removed from the Project Site under this alternative. Under the current land use designation in the *Wilmington-Harbor City Community Plan*, a majority of the Project Site is designated for Low Density Residential (4 to 9 dwelling units per acre) land uses. The Planning and Zoning Code (Los Angeles Municipal Code [LAMC], Chapter 1), zones all but 9.3 acres of the Project Site R1-1XL (One-Family Zone, Extra Limited Height District No. 1). Single-family dwellings, among other specified land uses, are permitted within the R1 zone. The Extra Limited Height District No. 1 limits the height of buildings to two stories or 30 feet. The remaining 9.3 acres of the site is zoned and designated Open Space.

If a Zone Change and General Plan Amendment were approved to remove the 9.3 acres of Open Space zoning from the Project Site, the land use and zoning designations of the Project Site would permit up to 429 single-family homes. In addition, if a single-family project were to include below-market (moderate, low, and very-low income units), a potential density bonus of 35 percent under the City's existing rules and regulations, or 579 single-family units, might be developed on the Project Site. Because of the significant site acquisition and site preparation costs related to the Project, the Applicant indicates that it is unlikely that a single-family project with below-market units would be developed.

Under City of Los Angeles zoning criteria, R1 zoning requires that each lot have a minimum area of 5,000 square feet, a minimum width of 50 feet, front yards of not less than 20 percent of the depth of the lot, and rear yards of not less than 15 feet, with resulting dwelling unit densities of approximately six units per acre (taking streets into account). Due to high land prices in infill locations within the City of Los Angeles, fewer and fewer new subdivisions are being developed in accordance with R1 zoning. Instead, homebuilders seeking to develop single-family homes in infill locations routinely propose homes on smaller lots at significantly higher densities.

In addition, the requirement to incorporate a seismic setback zone across the site, described in Section IV.F, Geology and Soils, would eliminate approximately 44 potential lots from a single-family residential site plan, reducing the total number of potential home lots from 429 to 385.

While infill housing in areas like the Project Site is not typically being developed in accordance with traditional R1 zoning criteria, ~~for the purpose of complying with Section 15126.6(e)(2) of the CEQA Guidelines,~~ this alternatives analysis assumes that, under Alternative B, the Project Site would be developed as a single-family home project in accordance with R1 zoning with approximately 385 single-family homes and that a Zone Change and General Plan Amendment would be approved to remove the current Open Space zoning/land use designation from the northerly 9.3 acres of the site. A conceptual site plan for Alternative B is shown in Figure VI-1.

The number of homes in Alternative B is below the maximum density that could be developed ~~without a General Plan amendment or rezoning~~ under the R1 zoning in order to provide a street and lot plan consistent with a move-up/high-end home plan as well as to, as described above,

incorporate the required seismic setback zone.—~~The development would be designed to be consistent with all existing planning and zoning requirements.~~

All of the homes under Alternative B would be developed for sale at market rates. Due to the same significant site acquisition and site preparation costs discussed previously, the Project Applicant indicates that it would be necessary to develop the Project Site with the maximum reasonable number of move-up/high-end single-family homes at the highest supportable prices in the market area (Los Angeles/Wilmington-Harbor City/San Pedro) that could be achieved. The Project Applicant estimates that such homes would range between 2,000 and 3,000 square feet and would need to sell for an average price ~~of~~ approaching \$1 million. Given the current housing market and state of the local and regional economy, there is uncertainty that such prices could be realized. However, retaining the existing 9.3 acres of zoned Open Space on the site under Alternative B would eliminate approximately 81 additional single-family home lots from the site plan, which would likely make the alternative development economically infeasible to develop. For this reason, Alternative B proposes to eliminate the 9.3 acres of Open Space zoning from the Project Site.

71. Figure VI-1, revise the figure title to read:

Conceptual Site Plan – Alternative B (~~No Project Alternative~~/Single-Family Homes)

72. Page VI-13 under the “Public Park/Open Space” subheading is revised to read:

No public park would be developed. The existing 9.3 acres of zoned Open Space on-site would be eliminated through a Zone Change and General Plan Amendment process in order to allow for development of a sufficient number of single-family homes to render the site plan potentially feasible. Although community open space and private park area would be located along the seismic setback zone crossing the center of the Site, the total amount of open space associated with Alternative B would be less than that associated with the Proposed Project due to the elimination of the public park component and existing zoned Open Space.

73. Page VI-16, the last paragraph is revised to read:

Vehicular access to the Alternative C project would be from Western Avenue at the two existing signalized intersections with Green Hills Drive and Avenida Aprenda on the north and south, respectively. The proposed southerly Project entrance at the Western Avenue/Avenida Aprenda intersection would feed into a new east-west road crossing the southern portion of the Project Site that would provide access to the Mary Star of the Sea High School campus adjacent to the Project Site on the east. As with the Proposed Project, additional emergency-only vehicular access would be provided along the Site’s southern boundary adjacent to the off-site Seaport Village development.

74. Page VI-17, the second paragraph is revised to read:

When completed, Alternative C would redevelop 100 percent of the Project Site. Alternative C would incorporate a seismic setback area along the fault splay crossing the center of the site (see Section IV.F, Geology and Soils, for more detail). Alternative C would not include the 2.8-acre public community park that is included in the Proposed Project. However, Alternative C would incorporate approximately 20 acres of total open space, consisting of approximately one acre of outdoor recreational amenity space (including a recreation center with adjacent community clubhouse and pool/event lawn area in the central portion of the site), approximately 7.1 acres of dedicated park area (including the open space/trail network around the perimeter of the Project Site), 10.2 acres of landscaped common area throughout the Project, and an additional 2.1 acres of general open space, resulting in a total amount of open space similar to that provided by the Proposed Project (20.5 acres versus 20.6 acres). All of this open space would be accessible to the general public via pedestrian access points. Additional indoor recreational amenities (e.g., rec rooms, fitness centers, etc.) would be distributed across the site and are not included in the acreages above. These recreational facilities would be for the private use of residents and their guests and would not be accessible to the general public. ~~The walking/jogging path surrounding the perimeter of the Project and extending through the landscaped open space surrounding the Site would be open to the general public, although the other open space areas of the Project would not.~~

75. Page VI-18, the paragraph under the “Public Park/Open Space” sub-heading is revised to read:

No public park would be developed. The amount of publicly-accessible open space associated with Alternative C would be ~~less than~~ approximately the same as that associated with the Proposed Project ~~due to the elimination of the public park component and would be limited to the trail and landscaped open space area surrounding the perimeter of the Project Site.~~ Alternative C would, ~~however,~~ provide a greater amount of private open space for the use of Project residents.

76. Page VI-23, the second full paragraph is revised to read:

Vehicular access to the Alternative D project would be from Western Avenue at the two existing signalized intersections with Green Hills Drive and Avenida Aprenda on the north and south, respectively. The proposed southerly Project entrance at the Western Avenue/Avenida Aprenda intersection would feed into a new east-west road crossing the southern portion of the Project Site that would provide access to the Mary Star of the Sea High School campus adjacent to the Project Site on the east. As with the Proposed Project, additional emergency-only vehicular access would be provided along the Site’s southern boundary adjacent to the off-site Seaport Village development.

77. Pages VI-70 and VI-71 under the “Impacts of Alternative B” subheading are revised to read:

~~Contrary to the Proposed Project, Alternative B would be developed consistent with existing planning and zoning designations for the Project Site require a Zone Change and a General Plan Amendment to re-designate the existing 9.3 acres of Open Space on-site to R1-1XL and Low Density Residential to match the remainder of the site's existing zoning and land use designation.~~ Lots for the 385 single-family homes would be created through the processing and recordation of a tentative tract map. Alternative B would contribute fewer additional housing units to meet area housing needs than the Project. In addition, it is expected that the sales price of homes developed pursuant to Alternative B would ~~average approximately approach~~ \$1,000,000. Thus, Alternative B would provide housing for only the most affluent segment of the housing market, rather than for a broad range of potential buyers and renters. Although it would contribute additional single-family housing, Alternative B would not implement recommended air quality and regional planning strategies to increase the density of infill housing so as to reduce urban sprawl impacts on natural resources, reduce air quality emissions due to VMT for commuting purposes, and to reduce regional congestion through VMT reduction. Alternative B would fail to promote further attainment of many City and regional planning objectives and would be either inconsistent or less consistent than the Proposed Project with several of the policies contained in the General Plan, particularly those relating to the provision of a range of housing opportunities and the promotion of higher densities in locations proximate to centers of employment and transit. Alternative B would not set aside and dedicate a 2.8-acre public park as proposed by the Project. In addition, the access road across the southern portion of the Project Site connecting Western Avenue to the Mary Star of the Sea High School campus would not be provided under this alternative, creating a potential land use incompatibility with the school that did not previously exist by forcing school traffic to pass through an existing single-family residential neighborhood (Taper Avenue). In summary, impacts would be less than significant but, on balance, slightly greater than those associated with the Proposed Project.

78. Page VI-93, the first paragraph under the sub-heading "Parks and Recreation" has been revised to read:

Approximately 33 percent of Alternative C's post-development acreage (or 20.5 acres) would consist of a combination of open space, landscaped common areas, recreational amenities, and parks, as shown conceptually in Figure VI-5 and tabulated in Table VI-10. Of this total, 0.5 acre would be ~~accessible to the general public located outside the gated portion of the Project~~ and 20 acres would be ~~accessible only to the residents of the private (non-rental) located inside the gated portion of the Project.~~ Alternative C would exceed its generated private (non-rental) neighborhood park need by 4.1 acres, but would create a net unmet 0.3-acre demand for publicly accessible neighborhood park area. Non-vehicular public access to the parks and open space within the gated portion of the Project would be provided via pedestrian access points.

79. Page VI-103 under the "Impacts of Alternative B" subheading is revised to read:

Alternative B represents development under the ~~existing R-1 entitlement for the Project Site R1-1XL zoning and a Low Medium Residential land use designation~~. Under this entitlement With approval of these entitlements, a total of 385 single-family homes could be constructed on the Project Site. The vehicular access associated with Alternative B is assumed to be consistent with the access scheme currently planned for the Proposed Project.

80. Table VI-19, the repeating header beginning on page VI-133, is revised for Alternative B to read:

Alternative B: ~~No Project Alternative/Existing Zoning (Single-Family Homes)~~

81. Pages VI-146 and VI-147 under the “Alternative B” subheading are revised to read:

Alternative B would redevelop the Project Site with approximately 385 single-family homes, consistent with ~~existing zoning regulations governing the site R1-1XL zoning and the Low Medium Residential land use designation~~. As discussed at the start of this section, ~~because Alternative B would not require a General Plan Amendment or and Zone Change to eliminate the existing Open Space zoning and land use designation from the northerly 9.3 acres of the site in order to be implemented, it is also considered to represent a “No Project” alternative, even though it would result in redevelopment of the site.~~

Appendix I-2, Responses to the NOP

82. In response to Comment Letter No. A7 (Metro), Appendix I-2 of the Draft EIR has been revised to include the November 10, 2010 NOP response letter from Metro.



REQUESTED ENTITLEMENTS

General Plan Amendment to the Wilmington - Harbor City Community Plan from "Low Residential" to "Low Medium I Residential," "Low Medium II Residential" and "Medium Residential." (Per LAMC § 11.5.6)

Zone Change from the existing R1-1XL and OS-1XL to a new Specific Plan Zone. (Per LAMC § 12.32)

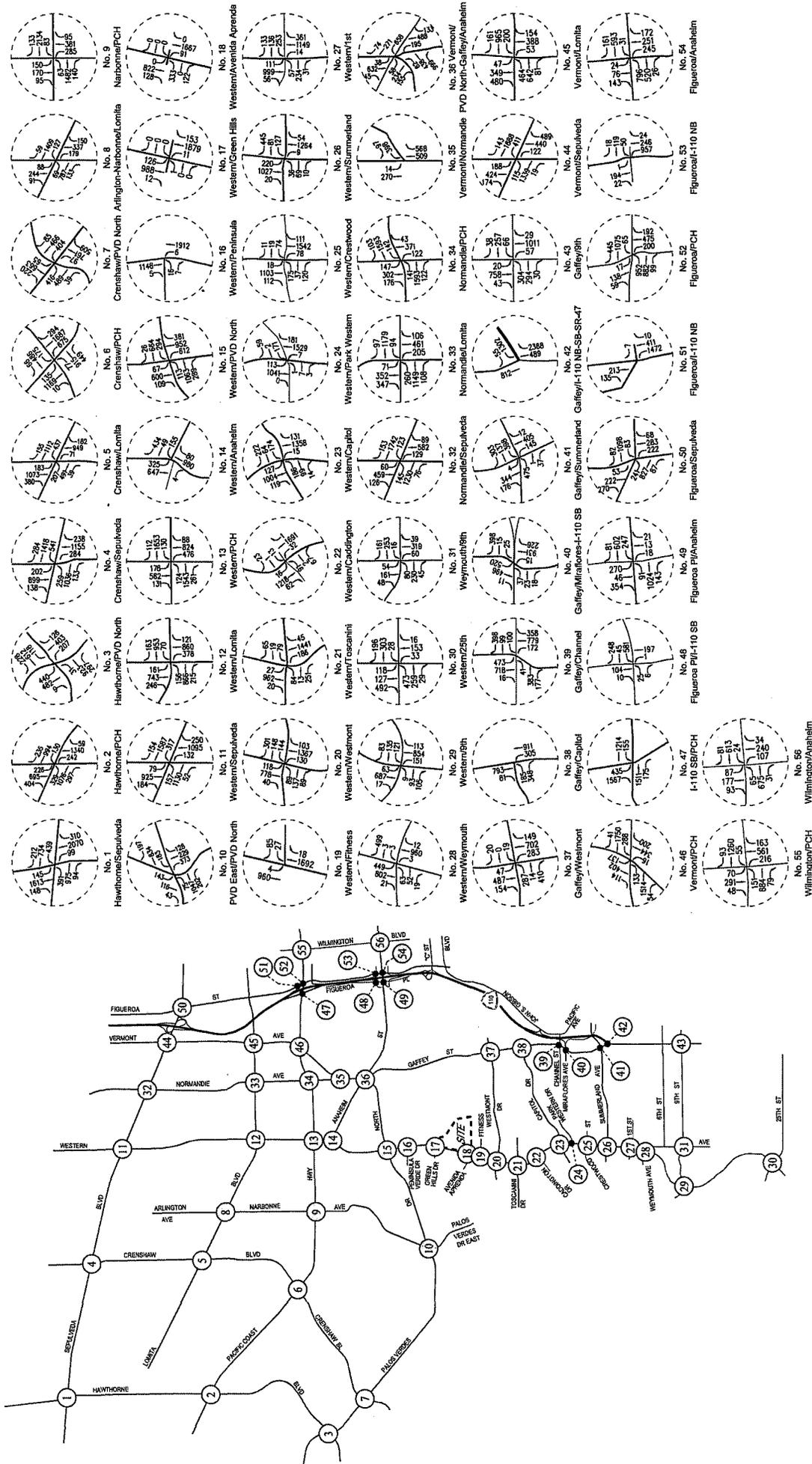
Specific Plan adopted for Ponte Vista, establishing project-specific development standards and guidelines. (Per LAMC § 12.32)

Vesting Tract Map for the development of 1,135 residential condominium units on the 61.5 acre Ponte Vista site. (LAMC § 17.00 et. seq.)

Legend

General Plan Land Use Designation	DU	AC
Low Medium I	353	27.6
Low Medium II	390	16.5
Medium	392	11.7
	1,135	55.8
Other Land Uses		
Public Park	2.8	
Open Space	2.9	
Total Site	61.5	

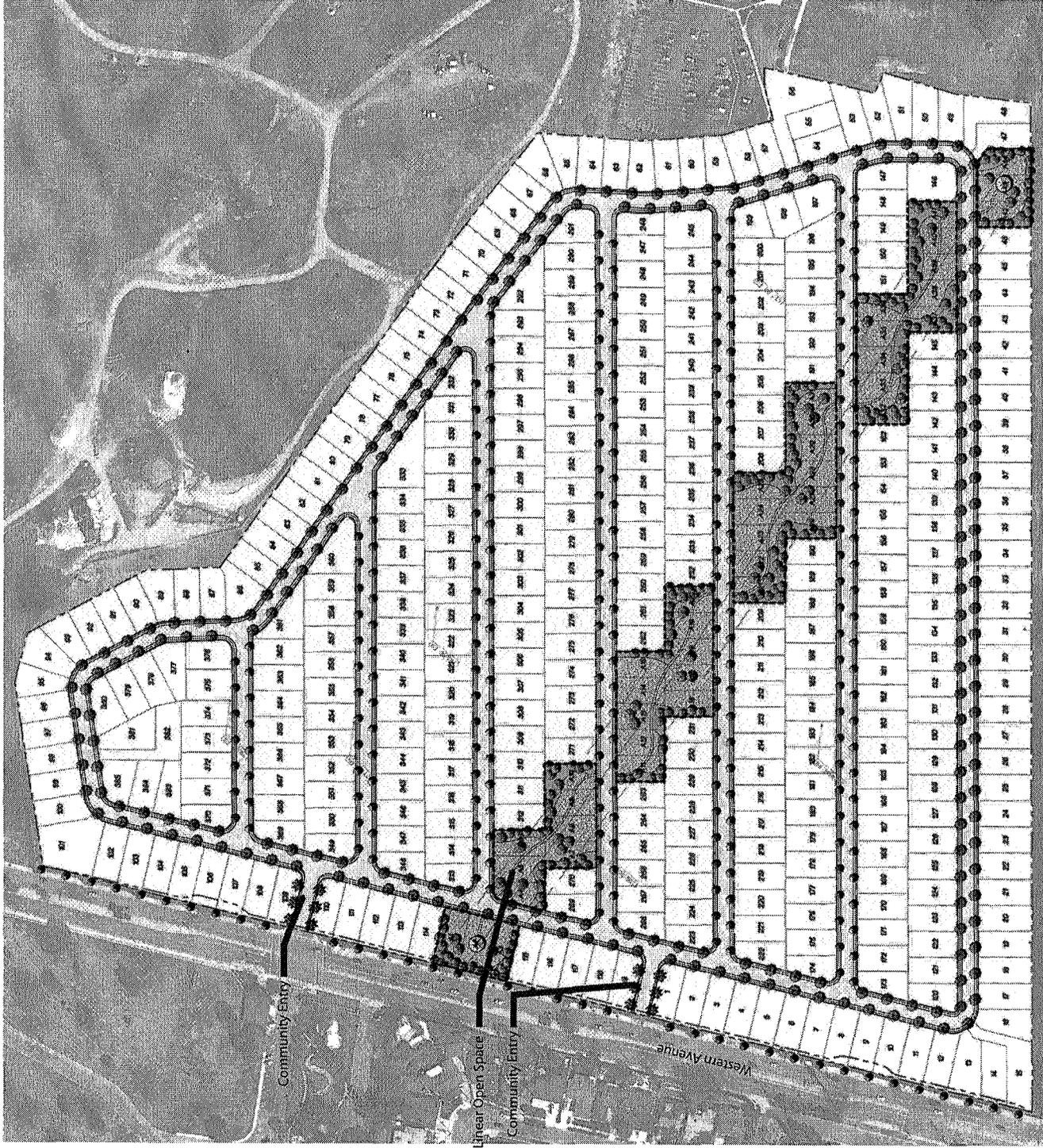
Source: Ponte Vista, San Pedro, 2011.



Not to Scale

Source: Linscott, Law & Greenspan, Engineers, 03/08/2012.

Figure IV.N-3
Existing AM Traffic Volumes



Source: FUSCOE Engineering, June 18, 2012.

Excerpts from FEIR for *Ponte Vista* project:
Mitigation Monitoring and Reporting Program (Section V)

V. MITIGATION MONITORING AND REPORTING PROGRAM

A. INTRODUCTION

Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a “reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment” (Mitigation Monitoring and Reporting Program).

Section 15097 of the *CEQA Guidelines* provides additional direction on mitigation monitoring or reporting):

15097. MITIGATION MONITORING OR REPORTING.

(a) This section applies when a public agency has made the findings required under paragraph (1) of subdivision (a) of Section 15091 relative to an EIR or adopted a mitigated negative declaration in conjunction with approving a project. In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The City of Los Angeles is the Lead Agency for the Project. Any agency listed below is assumed to be within the City of Los Angeles, unless its jurisdiction is listed separately.

An Environmental Impact Report (EIR) has been prepared to address the potential environmental impacts of the Project. This Mitigation Monitoring and Reporting Program (MMRP) is designed to monitor implementation of the mitigation measures identified for the Project. The MMRP is subject to review and approval by the Lead Agency as part of the certification of the EIR and adoption of project conditions. The required mitigation measures are listed and categorized by impact area, as identified in the Draft EIR and Final EIR, with an accompanying identification of the following:

- Monitoring Phase, the phase of the Project during which the mitigation measure shall be monitored;
 - Pre-Construction, including the design phase
 - Construction
 - Pre-Occupancy (prior to issuance of a Certificate of Occupancy)

- Occupancy (post-construction)
 - Enforcement Agency, the agency with the power to enforce the mitigation measure; and
 - Monitoring Agency, the agency to which reports including feasibility, compliance, implementation, and development are made.
 - Monitoring Frequency, the frequency at which the mitigation measure shall be monitored.
 - Action(s) Indicating Compliance, the action(s) of which the Enforcement or Monitoring Agency indicates that compliance with the identified mitigation measure has been implemented.

The Project Applicant shall be responsible for implementing all mitigation measures unless otherwise noted. The MMRP performance shall be monitored annually to determine the effectiveness of the measures implemented in any given year and reevaluate the mitigation needs for the upcoming year.

Program Modification

After review and approval of the MMRP by the Lead Agency, minor changes and modifications to the MMRP are permitted, but can only be made by the Applicant or its successor(s) subject to approval by the City of Los Angeles. This flexibility is necessary due to the nature of the MMRP, and the need to protect the environment with a workable program. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. No changes will be permitted unless the MMRP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

B. MITIGATION MONITORING AND REPORTING PROGRAM

Section IV.A. Impacts Found to be Less Than Significant

No mitigation measures required.

Section IV.B. Aesthetics

No mitigation measures required.

Section IV.C. Air Quality

AQ-1 The following equipment specifications shall be implemented for construction activity, consistent with recent SCAQMD recommendations.¹ If these exact specifications cannot be feasibly

¹ Based on a review of SCAQMD Project-level comment letters published in 2011;

attained, the Project Applicant shall include a comparable measure demonstrating an equivalent effectiveness at reducing construction related air quality emissions.

- Three excavators shall meet Tier 3 off-road emissions standards;
- One grader shall meet Tier 3 off-road emissions standards;
- Two scrapers shall meet Tier 3 off-road emissions standards; and
- Six rubber-tired dozers shall meet Tier 3 off-road emissions standards and Diesel Particulate Filters (DPF) Level 2.²

Monitoring Phase:	Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Quarterly, during the time the listed equipment will be used
Action Indicating Compliance:	Compliance report submitted by contractor

AQ-2 The Project Applicant shall ensure that construction contractors use super-compliant architectural coatings as defined by the SCAQMD (VOC standard of less than ten grams per liter).³

Monitoring Phase:	Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Once, for each phase of development
Action Indicating Compliance:	Compliance report submitted by contractor prior to use

<http://www.aqmd.gov/ceqa/letters.html>, accessed April 13, 2011.

² *SCAQMD off-road mitigation measures; <http://www.aqmd.gov/ceqa/handbook/mitigation/offroad/TableII.xls>; and <http://www.aqmd.gov/ceqa/handbook/mitigation/offroad/TableIII.doc>; accessed April 13, 2011.*

³ *SCAQMD, Super-Compliant Architectural Coatings Manufacturers and Industrial Maintenance Coatings List, <http://www.aqmd.gov/prdas/Coatings/super-compliantlist.htm>.*

AQ-3 The Project shall provide electric outlets on residential balconies and common areas for electric barbeques to the extent that such uses are permitted on balconies and common areas per the Covenants, Conditions and Restrictions recorded for the property.

- Monitoring Phase:** Construction
- Enforcement Agency:** Department of Building and Safety
- Monitoring Agency:** Department of Building and Safety
- Monitoring Frequency:** Once, for each phase of development
- Action Indicating Compliance:** Compliance report submitted by contractor prior to use

AQ-4 The Project shall use electric lawn mowers and leaf blowers, and electric or alternatively fueled sweepers with HEPA filters, for maintenance of the Project.

- Monitoring Phase:** Occupancy
- Enforcement Agency:** Department of Building and Safety
- Monitoring Agency:** Department of Building and Safety
- Monitoring Frequency:** Annual
- Action Indicating Compliance:** Compliance report submitted by Project Homeowners Association

Section IV.D. Biological Resources

BIO-1 Potential impacts to nesting birds, migratory birds, and raptors shall be avoided either by scheduling grading, vegetation removal and demolition during the non-nesting period (August 30th through February 14th), or if this is not feasible, by conducting a pre-construction survey for raptor nests and avoiding disturbance of active nests. Provisions of the pre-construction survey and nest avoidance, if necessary, shall include the following:

- If grading or vegetation removal is scheduled during the active nesting period (February 15th through August 31st), a qualified wildlife biologist shall conduct a pre-construction raptor and

nesting bird survey no more than 30 days prior to initiation of grading to provide confirmation on presence or absence of active nests in the vicinity.

- If active nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with the CDFW and implemented to prevent abandonment of the active nest. At a minimum, grading in the vicinity of the nest shall be deferred until the young birds have fledged. A nest-setback zone of at least 300 feet for all raptors and 100 feet for loggerhead shrike and other non-raptors shall be established within which all construction-related disturbances shall be prohibited. The perimeter of the nest-setback zone shall be fenced or adequately demarcated with staked flagging at 20-foot intervals, and construction personnel restricted from the area.
- If permanent avoidance of the nest is not feasible, impacts shall be minimized by prohibiting disturbance within the nest-setback zone until a qualified biologist verifies that the birds have either a) not begun egg-laying and incubation, or b) that the juveniles from the nest are foraging independently and capable of independent survival at an earlier date.
- A survey report by the qualified biologist verifying that the young have fledged shall be submitted to the City prior to initiation of grading in any nest-setback zone.

Monitoring Phase:	Pre-Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	California Department of Fish and Wildlife
Monitoring Frequency:	Once, prior to grading or vegetation removal, if grading or vegetation removal is scheduled during the active nesting period (February 15 th through August 31 st), and at any time, in the event that avoidance of a nest becomes infeasible during grading or vegetation removal.
Action Indicating Compliance:	Survey report by qualified biologist

BIO-2 Prior to issuance of a demolition or grading permit, the Project Applicant shall have a qualified biologist conduct Phase 3 entry surveys within the interior of all buildings at the Project Site identified as having a high to moderate potential to provide bat roost habitat. These surveys shall involve accessing the attic and other areas (if warranted) to look for evidence of bats and utilizing heterodyne-style bat detectors to aid in the acoustic detection and identification of potentially roosting bats.

If bats or bat sign are not encountered during the Phase 3 surveys, the buildings shall be daylighted prior to demolition. Daylighting includes removal of substantial portions of the roof to create a well-lit, well-ventilated attic preventing bats from establishing in these buildings. Daylighting shall occur under the supervision of a qualified biologist at least 48 hours prior to building demolition. If bats are encountered during daylighting, all disturbance activities within the structure and within 200 feet shall be halted until: (a) the roost is vacated, or (b) a qualified biologist has coordinated with CDFW to develop alternative impact avoidance measures, up to and including bat removal.

If bats or bat sign are encountered during Phase 3 Surveys, the qualified biologists shall leave the building immediately to avoid further disturbance to roosting bats and conduct an emergence survey. Emergence surveys shall be conducted at dusk to determine where bats are exiting the building. Emergence surveys shall be conducted to determine the ingress/egress location, estimate the approximate number of bats using the roost, and identify the species occupying the roost using an ultrasonic bat detector. Demolition of occupied roosts shall be postponed until appropriate exclusion and mitigation measures have been determined in consultation with CDFW. Examples of exclusion measures include one-way barriers installed at the ingress/egress site that allow bats to exit the roost but not return.

Monitoring Phase:	Pre-Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	California Department of Fish and Wildlife
Monitoring Frequency:	Once, prior to demolition or grading of each vacated housing structure Once, during an emergence survey if bats are encountered
Action Indicating Compliance:	Survey report by qualified biologist; final report upon completion of demolition

BIO-3 Palm trees at the Project Site shall have the dead frond skirts removed between October 1 and March 31 before being felled to avoid impacts to roosting Southwestern Yellow Bats. A qualified arborist shall supervise removal of palm frond skirts in a systematic manner beginning with the top fronds and working towards the base of the tree. If bats are encountered during this process, trimming should halt and remain halted until (a) the roost is confirmed to have been vacated by a qualified biologist, or (b) a qualified biologist has coordinated with CDFW to develop alternative measures up to and including bat removal from the trees.

Monitoring Phase: Pre-Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: California Department of Fish and Wildlife

Monitoring Frequency: Daily, during removal of palm trees

Actions Indicating Compliance: Compliance report submitted by contractor;
Survey report and final report by qualified biologist, if bats are encountered

BIO-4 Prior to issuance of a grading permit, the Project Applicant shall enter into a Streambed Alteration Agreement or other documentation (satisfactory to CDFW) with CDFW to provide a 1:1 replacement of 0.86 acre of suitable streambed and associated riparian habitat either on-site as additional habitat creation, off-site either through habitat creation or purchase of credits in an approved mitigation bank in the Los Angeles Basin, or via a combination of these approaches.

Monitoring Phase: Pre-Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: California Department of Fish and Wildlife

Monitoring Frequency: Once, prior to issuance of grading permit

Action Indicating Compliance: Streambed Alteration Agreement or other documentation to the satisfaction of the CDFW; submittal of same to Department of Building and Safety

Section IV.E.1. Cultural Resources – Archaeological Resources

CULT-1: A qualified archaeologist shall be present to monitor all ground-disturbing activities associated with the Project.

Monitoring Phase: Pre-Construction; Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of City Planning

Monitoring Frequency: Daily, during ground-disturbing activities

Action Indicating Compliance: Quarterly compliance report submitted by qualified archaeologist

CULT-2: Prior to initiation of ground-disturbing activities, the archaeological monitor shall conduct a brief awareness training session for the benefit of all construction workers and supervisory personnel. The training, which could be held in conjunction with the Project’s initial on-site safety meeting, shall explain the importance of and legal basis for the protection of significant archaeological resources. Each worker shall also learn the proper procedures to follow in the event that cultural resources or human remains/burials are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection and the immediate contact of the site supervisor and the archaeological monitor. It is recommended that this worker education session include visual images of artifacts that might be found in the Project vicinity.

Monitoring Phase: Pre-Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of City Planning

Monitoring Frequency: Once, prior to ground-disturbing activities

Action Indicating Compliance: Compliance report submitted by qualified archaeologist

CULT-3: In the event that cultural resources are exposed during construction, work in the immediate vicinity of the find shall stop until a qualified archaeologist can evaluate the significance of the find. Construction activities may continue in other areas.

Monitoring Phase: Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of City Planning

Monitoring Frequency: Daily, during ground-disturbing activities

Action Indicating Compliance: Quarterly compliance report submitted by contractor

Section IV.E.2. Cultural Resources - Paleontological Resources

CULT-4: Prior to ground disturbance, the vertebrate fossils observed at locality JLD102210-02 (see Appendix IV.E-2) shall be collected. A bulk sample of the matrix (approximately 2,000 pounds) containing the invertebrate specimens shall also be collected and screened. Following matrix sampling, this area shall be closely monitored during construction grading to ensure the recovery of any additional scientifically significant fossil specimens.

Monitoring Phase: Pre-Construction; Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of City Planning

Monitoring Frequency: Once, prior to ground-disturbing activities;
Daily, during ground-disturbing activities

Action Indicating Compliance: Vertebrate fossil collected;
Compliance report for fossil collection submitted by qualified paleontologist;
Quarterly compliance report for daily monitoring

CULT-5: Prior to ground disturbance, a qualified paleontologist shall be retained to produce a Paleontological Monitoring and Mitigation Plan for the Project and to supervise monitoring of construction excavations. Paleontological resource monitoring shall include inspection of exposed rock units during active excavations within sensitive geologic sediments. The monitor shall have authority to temporarily divert grading away from exposed fossils to professionally and efficiently recover the fossil specimens and collect associated data.

Monitoring Phase: Pre-Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of City Planning

Monitoring Frequency: Once, prior to ground-disturbing activities

Action Indicating Compliance: Produce a Paleontological Monitoring and Mitigation Plan;
Quarterly compliance report submitted by qualified paleontologist per mitigation measure CULT-6, below

CULT-6: All Project-related ground disturbance that could potentially affect the San Pedro Sand and Palos Verdes Sand shall be monitored by a qualified paleontological monitor on a full-time basis. Part-time monitoring shall be conducted in all Project-related ground disturbances affecting younger Quaternary alluvium.

Monitoring Phase: Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of City Planning

Monitoring Frequency: Daily, during ground-disturbing activities

Action Indicating Compliance: Quarterly compliance report submitted by qualified paleontologist

CULT-7: At each fossil locality, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples shall be collected and submitted for analysis.

Monitoring Phase: Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of City Planning

Monitoring Frequency: Prior to ground-disturbing activities;
Daily, during ground-disturbing activities if a new fossil locality is discovered

Action Indicating Compliance: Field data forms and sediment samples collected by qualified paleontologist

CULT-8: Recovered fossils shall be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and repositied in a designated paleontological curation facility.

Monitoring Phase: Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of City Planning

Monitoring Frequency: As fossils are recovered

Action Indicating Compliance: Submittal of identified fossils and associated information by qualified paleontologist

CULT-9: The qualified paleontologist shall prepare a final monitoring and mitigation report to be filed with the City, the Project Applicant, and the repository.

Monitoring Phase: Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of City Planning

Monitoring Frequency: Once, at end of the construction phase

Action Indicating Compliance: Submittal of final monitoring and mitigation report by qualified paleontologist

Section IV.E.3. Cultural Resources - Historic Resources

No mitigation measures required.

Section IV.F. Geology & Soils

GEO-1 A 50-foot wide structural setback zone shall be designated on each side of the interpreted centerline of the surface projection of Fault A (100-foot total width), as shown in Figure IV.F-4. No habitable structures shall be located within this setback zone.

Monitoring Phase:	Pre-Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Once, during Plan Check
Action Indicating Compliance:	Plan approval

Section IV.G. Greenhouse Gas Emissions

No mitigation measures required.

Section IV.H. Hazards and Hazardous Materials

HAZ-1 Hydrocarbon-impacted soils encountered during grading and excavation work at the Project Site shall be characterized. Any soils containing hydrocarbons at levels of concern shall be either remediated on-site prior to reuse or removed and disposed of in accordance with all applicable laws and regulations, including those promulgated by the California Department of Toxic Substances Control (DTSC). All necessary approvals shall be obtained from the lead enforcement agency including, but not limited to, the Los Angeles County Fire Department Health and Hazardous Materials Division.

Monitoring Phase:	Construction
Enforcement Agency:	Los Angeles County Fire Department Health and Hazardous Materials Division
Monitoring Agency:	Department of Building and Safety

Monitoring Frequency: Once, prior to grading and excavation work
Once, after remediation is complete, if necessary

Actions Indicating Compliance: Characterization of hydrocarbon-impacted soils by contractor;
Approvals Los Angeles County Fire Department Health and Hazardous Materials Division

HAZ-2 Prior to demolition activities, an investigation for asbestos containing materials (ACMs) shall be conducted and identified asbestos shall be abated in accordance with the South Coast Air Quality Management District (SCAQMD)'s Rule 1403, as well as all other applicable City, state, and federal regulations.

Monitoring Phase: Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Monitoring Frequency: Once, prior to issuance of demolition permit

Actions Indicating Compliance: Issuance of demolition permit

HAZ-3 Prior to demolition activities, an investigation for lead-based paint (LBP) shall be conducted and identified LBP shall be abated in accordance with applicable City, State, and federal regulations. Construction workers shall be properly trained in lead-related construction in order to avoid exposure of such workers to lead-containing material.

Monitoring Phase: Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Monitoring Frequency: Once, prior to issuance of demolition permit

Actions Indicating Compliance: Issuance of demolition permit

Section IV.I. Hydrology and Water Quality

No mitigation measures required

Section IV.J. Land Use and Planning

No mitigation measures required.

Section IV.K. Noise

NO-1 Noise and groundborne vibration construction activities whose specific location on the Project Site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses.

- Monitoring Phase:** Construction
- Enforcement Agency:** Department of Building and Safety
- Monitoring Agency:** Department of Building and Safety
- Monitoring Frequency:** Periodic field inspections during construction
- Actions Indicating Compliance:** Field inspection sign-off;
Quarterly compliance report submitted by contractor

NO-2 When possible, construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

- Monitoring Phase:** Construction
- Enforcement Agency:** Department of Building and Safety
- Monitoring Agency:** Department of Building and Safety
- Monitoring Frequency:** Periodic field inspections during construction
- Actions Indicating Compliance:** Field inspection sign-off;
Quarterly compliance report submitted by contractor

NO-3 Flexible sound control curtains shall be placed around all drilling apparatuses, drill rigs, and jackhammers when in use.

Monitoring Phase: Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Monitoring Frequency: Periodic field inspections during construction

Actions Indicating Compliance: Field inspection sign-off;
Quarterly compliance report submitted by contractor

NO-4 The Project contractor shall use power construction equipment fitted with the best available technology in noise shielding and muffling devices.

Monitoring Phase: Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Monitoring Frequency: At initiation of construction activities, and quarterly thereafter

Action Indicating Compliance: Quarterly compliance report submitted by contractor

NO-5 Barriers such as plywood structures or flexible sound control curtains extending eight-feet high shall be erected around the Project Site boundary to minimize the amount of noise on the surrounding noise-sensitive receptors to the maximum extent feasible during construction.

Monitoring Phase: Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Monitoring Frequency: Prior to construction activities, then periodic field inspections during construction

Actions Indicating Compliance: Field inspection sign-off;

Quarterly compliance report submitted by contractor

NO-6 All construction truck traffic shall be restricted to truck routes approved by the City of Los Angeles Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the extent feasible. Prior to the commencement of construction at the Project Site, a meeting shall be held with appropriate representatives of the Cities of Rancho Palos Verdes, Torrance, and Lomita. The purpose of the meeting will be to designate truck routes for off-site load hauling vehicles and other construction-related vehicles.

- Monitoring Phase:** Construction
- Enforcement Agency:** Department of Building and Safety
- Monitoring Agency:** Department of Building and Safety
- Monitoring Frequency:** Periodic field inspections during construction
- Action Indicating Compliance:** Approval of Haul Route; quarterly compliance report submitted by contractor

NO-7 Two weeks prior to the commencement of construction at the Project Site, notification shall be provided to the immediate surrounding cities and off-site residential, school, and memorial park properties that discloses the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period.

- Monitoring Phase:** Pre-Construction
- Enforcement Agency:** Department of Building and Safety
- Monitoring Agency:** Department of Building and Safety
- Monitoring Frequency:** Once, 2 weeks prior to construction
- Actions Indicating Compliance:** Compliance report submitted by contractor

NO-8 Equipment warm-up areas, water tanks, and equipment storage areas shall be located a minimum of 45 feet from abutting sensitive receptors.

- Monitoring Phase:** Construction

Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Once, at initiation of construction; Periodic field inspections during construction
Actions Indicating Compliance:	Field inspection sign-off; Quarterly compliance report submitted by contractor

Section IV.L. Population and Housing

No mitigation measures required.

Section IV.M.1. Public Services - Fire Protection

No mitigation measures required.

Section IV.M.2. Public Services - Police Protection

No mitigation measures required.

Section IV.M.3. Public Services - Schools

No mitigation measures required.

Section IV.M.4. Public Services - Parks and Recreation

No mitigation measures required.

Section IV.M.5. Public Services - Libraries

No mitigation measures required.

Section IV.N. Transportation and Traffic

TRANS-1 Prior to the generation of 451 PM peak hour trips at the site, the Project Applicant shall do the following:

- a. Restripe the southbound approach and median islands on Crenshaw Boulevard at Pacific Coast Highway to accommodate a second left-turn lane; and

- b. Modify the traffic signal to accommodate the installation of the second southbound left-turn lane.

Monitoring Phase:	Occupancy
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Transportation
Monitoring Frequency:	Once, prior to issuance of a certificate of occupancy for a mix of uses that would generate 451 PM peak hour trips
Action Indicating Compliance:	Field inspection sign-off for the listed modifications

TRANS-2 Prior to the generation of 301 PM peak hour trips at the site, the Project Applicant shall modify the existing traffic signal at the intersection of Crenshaw Boulevard and Palos Verdes Drive North to provide a northbound right-turn signal phase on Crenshaw Boulevard that would overlap with the westbound left-turn signal phase on Palos Verdes Drive North. To accommodate this signal phasing, U-turn movements on the westbound approach of Palos Verdes Drive North shall become prohibited.

Monitoring Phase:	Pre-Occupancy
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Transportation
Monitoring Frequency:	Once, prior to issuance of certificate of occupancy for a mix of uses that would generate 301 PM peak hour trips
Action Indicating Compliance:	Field inspection sign-off for the listed modifications

TRANS-3 Prior to the generation of 151 PM peak hour trips at the site, the Project Applicant shall do the following:

- a. Restripe the southbound approach on Western Avenue at Lomita Boulevard to accommodate installation of a right-turn only lane; and

- b. Modify the existing traffic signal at Western Avenue and Lomita Boulevard to provide a southbound right-turn signal phase on Western Avenue that would overlap with the eastbound left-turn signal phase on Lomita Boulevard.

Monitoring Phase:	Occupancy
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Transportation
Monitoring Frequency:	Once, prior to issuance of a certificate of occupancy for a mix of uses that would generate 151 PM peak hour trips
Action Indicating Compliance:	Field inspection sign-off for the listed modifications

TRANS-4 Prior to the generation of 1 PM peak hour trip at the site, the Project Applicant shall do the following:

- a. Modify the southbound approach on Western Avenue at Pacific Coast Highway to install a second left-turn lane and a third through lane; and
- b. Modify the existing traffic signal at the intersection of Western Avenue and Pacific Coast Highway to accommodate the modification to the southbound approach.

Monitoring Phase:	Pre-Occupancy
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Transportation
Monitoring Frequency:	Once, prior to issuance of the first certificate of occupancy for the Project
Action Indicating Compliance:	Field inspection sign-off

TRANS-5 Prior to the generation of 1 PM peak hour trip at the site, the Project Applicant shall do the following:

- a. Modify the westbound approach on Palos Verdes Drive North at Western Avenue to install a second left-turn lane;

- b. Modify the existing median on Palos Verdes Drive North and the existing traffic signal at the intersection of Palos Verdes Drive North and Western Avenue to accommodate the modification to the westbound approach;
- c. Modify the existing median and restripe the northbound approach on Western Avenue at Palos Verdes Drive North to install a right-turn only lane;
- d. Restripe the southbound approach on Western Avenue at Palos Verdes Drive North to install a right-turn lane.

Monitoring Phase: Pre-Occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Transportation

Monitoring Frequency: Once, prior to issuance of the first certificate of occupancy for the Project

Action Indicating Compliance: Field inspection sign-off

TRANS-6 Prior to the generation of 1 PM peak hour trip at the site, the Project Applicant shall install a traffic signal at the intersection of Western Avenue and Peninsula Verde Drive.

Monitoring Phase: Pre-Occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Transportation

Monitoring Frequency: Once, prior to issuance of the first certificate of occupancy for the Project

Action Indicating Compliance: Field inspection sign-off

TRANS-7 Prior to the generation of 451 PM peak hour trips at the site, the Project Applicant shall install a traffic signal at the intersection of Western Avenue and Fitness Drive.

Monitoring Phase: Occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Transportation

Monitoring Frequency: Once, prior to issuance of a certificate of occupancy for a mix of uses that would generate 451 PM peak hour trips

Action Indicating Compliance: Field inspection sign-off for the listed modifications

TRANS-8 Prior to the generation of 151 PM peak hour trips at the site, the Project Applicant shall do the following:

- a. Modify the northbound approach on Western Avenue at Westmont Drive to install a right-turn only lane; and
- b. Restripe the eastbound approach on Westmont Drive at Western Avenue to provide one left-turn lane.

Monitoring Phase: Occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Transportation

Monitoring Frequency: Once, prior to issuance of a certificate of occupancy for a mix of uses that would generate 151 PM peak hour trips

Action Indicating Compliance: Field inspection sign-off for the listed modifications

TRANS-9 Prior to the generation of 301 PM peak hour trips at the site, the Project Applicant shall restripe the northbound approach on Western Avenue at Capitol Drive and modify the raised median to install a right-turn only lane.

Monitoring Phase: Occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Transportation

Monitoring Frequency: Once, prior to issuance of a certificate of occupancy for a mix of uses that would generate 301 PM peak hour trips

Action Indicating Compliance: Field inspection sign-off for the listed modifications

TRANS-10 Prior to the generation of 451 PM peak hour trips at the site, the Project Applicant shall modify the existing traffic signal to provide a westbound right-turn signal phase on Summerland Avenue that would overlap with the southbound left-turn signal phase on Western Avenue at the Summerland Avenue intersection.

Monitoring Phase: Occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Transportation

Monitoring Frequency: Once, prior to issuance of a certificate of occupancy for a mix of uses that would generate 451 PM peak hour trips

Action Indicating Compliance: Field inspection sign-off for the listed modifications

TRANS-11 Prior to the generation of 151 PM peak hour trips at the site, the Project Applicant shall widen the south side of Anaheim Street west of Vermont Avenue by approximately 12 feet to accommodate a 180-foot long turn pocket and install a right-turn only lane at the eastbound approach to the intersection.

Monitoring Phase: Occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Transportation

Monitoring Frequency: Once, prior to issuance of a certificate of occupancy for a mix of uses that would generate 151 PM peak hour trips

Action Indicating Compliance: Field inspection sign-off for the listed modifications

TRANS-12 Prior to the generation of 151 PM peak hour trips at the site, the Project Applicant shall do the following:

- a. Widen Gaffey Street north of Westmont Drive to accommodate installation of a right-turn only lane at the southbound approach to the intersection;

- b. Relocate the existing southbound near-side Metro bus stop on Gaffey Street to the far side of the intersection (i.e., south of the intersection) where a full bus pad is to be installed in the street;
- c. Modify the existing traffic signal to provide a southbound right-turn signal phase on Gaffey Street that would overlap with the eastbound left-turn signal phase on Westmont Drive at the Gaffey Street intersection; and
- d. Enhanced signage shall be provided as needed to guide the right-turn motorists from the eastbound Anaheim Street approach to Gaffey Street and Palos Verdes Drive North.

It is noted that the southbound approach on Gaffey Street can be modified to include continuation of the existing bicycle lane and the southbound right-turn only lane.

Monitoring Phase:	Occupancy
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Transportation
Monitoring Frequency:	Once, prior to issuance of a certificate of occupancy for a mix of uses that would generate 151 PM peak hour trips
Action Indicating Compliance:	Field inspection sign-off for the listed modifications

TRANS-13 Prior to the generation of 301 PM peak hour trips at the site, the Project Applicant shall do the following:

- a. Restripe the southbound approach on Gaffey Street at Summerland Avenue to accommodate the installation of a right-turn only lane, and
- b. Modify the existing traffic signal to provide a southbound right-turn signal phase on Gaffey Street that would overlap with the eastbound left-turn signal phase on Summerland Avenue at the Gaffey Street intersection.

Monitoring Phase:	Occupancy
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Transportation

Monitoring Frequency: Once, prior to issuance of a certificate of occupancy for a mix of uses that would generate 301 PM peak hour trips

Action Indicating Compliance: Field inspection sign-off for the listed modifications

TRANS-14 Prior to the generation of 451 PM peak hour trips at the site, the Project Applicant shall do the following:

- a. Modify the westbound approach on Sepulveda Boulevard to accommodate the installation of a second left-turn lane at the Vermont Avenue intersection;
- b. Remove the existing raised median island on Sepulveda Boulevard, east of Vermont Avenue, to accommodate installation of the second westbound left-turn lane; and
- c. Modify the traffic signal to accommodate the installation of the second westbound left-turn lane.

Monitoring Phase: Occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Transportation

Monitoring Frequency: Once, prior to issuance of a certificate of occupancy for a mix of uses that would generate 451 PM peak hour trips

Action Indicating Compliance: Field inspection sign-off for the listed modifications

TRANS-15 Prior to the generation of 301 PM peak hour trips at the site, the Project Applicant shall do the following:

- a. Widen the north and south sides of Pacific Coast Highway east and west of Vermont Avenue to provide up to a 42-foot half roadway on the 50-foot half right-of-way;
- b. Install a second left-turn lane at the westbound approach; and
- c. Modify the existing traffic signal and roadway striping at the intersection as needed.

Monitoring Phase: Occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Transportation

Monitoring Frequency: Once, prior to issuance of a certificate of occupancy for a mix of uses that would generate 301 PM peak hour trips

Action Indicating Compliance: Field inspection sign-off for the listed modifications

TRANS-16 Prior to the generation of 1 PM peak hour trip at the site, the Project Applicant shall do the following:

- a. Modify the existing traffic signal at Figueroa Place/Anaheim Street to provide a southbound right-turn signal phase on Figueroa Place that would overlap with the eastbound left-turn and through phase sufficiently long enough to accommodate the southbound right-turn volumes; and
- b. Install a new traffic signal at Figueroa Place/I-110 Southbound Off-ramp (north of Anaheim Street).

Monitoring Phase: Pre-Occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Transportation

Monitoring Frequency: Once, prior to issuance of the first certificate of occupancy for the Project

Action Indicating Compliance: Field inspection sign-off

TRANS-17 Prior to the generation of 301 PM peak hour trips at the site, the Project Applicant shall do the following:

- a. Modify the southbound approach on Figueroa Street at the Harbor Freeway Northbound On-ramp (north of Pacific Coast Highway) to accommodate the installation of a right-turn-only lane;
- b. Adjust the median to accommodate the right-turn-only lane; and

c. Modify the traffic control equipment as needed.

Monitoring Phase: Occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Transportation

Monitoring Frequency: Once, prior to issuance of a certificate of occupancy for a mix of uses that would generate 301 PM peak hour trips

Action Indicating Compliance: Field inspection sign-off for the listed modifications

TRANS-18 Prior to the generation of 301 PM peak hour trips at the site, the Project Applicant shall modify the westbound approach on Pacific Coast Highway at Figueroa Street to accommodate a fourth through lane.

Monitoring Phase: Occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Transportation

Monitoring Frequency: Once, prior to issuance of a certificate of occupancy for a mix of uses that would generate 301 PM peak hour trips

Action Indicating Compliance: Field inspection sign-off for the listed modifications

TRANS-19 Prior to the generation of 1 PM peak hour trip at the site, the Project Applicant shall install a traffic signal at the Figueroa Street/Harbor Freeway Northbound On-ramp intersection (north of Anaheim Street). In addition, the existing roadway striping at the northbound approach to the intersection would be adjusted based on direction from LADOT.

Monitoring Phase: Pre-Occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Transportation

Monitoring Frequency: Once, prior to issuance of the first certificate of occupancy for the Project

Action Indicating Compliance: Field inspection sign-off

TRANS-20 Prior to the generation of 301 PM peak hour trips at the site, the Project Applicant shall widen the westbound approach on Anaheim Street at Figueroa Street by approximately 10 feet to accommodate a 120-foot long turn pocket and install a right-turn-only lane.

Monitoring Phase: Occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Transportation

Monitoring Frequency: Once, prior to issuance of a certificate of occupancy for a mix of uses that would generate 301 PM peak hour trips

Action Indicating Compliance: Field inspection sign-off for the listed modifications

TRANS-21 Prior to completion of the Project, the Project Applicant shall make a fair-share payment toward the installation of the County's traffic signal synchronization system for the Normandie Avenue/Sepulveda Boulevard intersection.

Monitoring Phase: Pre-Occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Los Angeles County Department of Transportation

Monitoring Frequency: Once, prior to issuance of the first certificate of occupancy for the Project

Action Indicating Compliance: Field inspection sign-off

TRANS-22 Prior to completion of the Project, the Project Applicant shall make a fair-share payment toward the following:

- a. Modify the northbound approach on Normandie Avenue to accommodate the installation of a second left-turn lane at the Lomita Boulevard intersection; and
- b. Remove the raised median island on Normandie Avenue, south of Lomita Boulevard, to accommodate the installation of the second northbound left-turn lane.

It is noted that the northbound approach on Normandie Avenue can be modified to include continuation of the existing bicycle lane and the second northbound left-turn lane.

Monitoring Phase: Pre-Occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Transportation

Monitoring Frequency: Once, prior to issuance of the first certificate of occupancy for the Project

Action Indicating Compliance: Field inspection sign-off

TRANS-23 Prior to completion of the Project, the Project Applicant shall make a fair-share payment toward the following improvements:

- a. Modify the northbound and southbound approaches on Vermont Avenue at Sepulveda Boulevard to accommodate the installation of a second right-turn only lane; and
- b. Remove the existing raised median island on Vermont Avenue, south of Sepulveda Boulevard, and modify the existing raised median island on Vermont Avenue, north of the intersection, to accommodate the installation of the second right-turn lane.

Monitoring Phase: Pre-Occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Transportation

Monitoring Frequency: Once, prior to issuance of the first certificate of occupancy for the Project

Action Indicating Compliance: Field inspection sign-off

TRANS-24 Prior to completion of the Project, the Project Applicant shall make a fair-share payment toward the following improvements:

- a. Modify the eastbound approach on Lomita Boulevard, west of Vermont Avenue, to accommodate the installation of a second left-turn lane;
- b. Remove the existing raised median island on Lomita Boulevard, west of Vermont Avenue, and modify the striping on the east leg of the intersection as needed; and
- c. Modify the traffic signal to accommodate the installation of the second southbound left-turn lane.

Monitoring Phase: Pre-Occupancy

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Transportation

Monitoring Frequency: Once, prior to issuance of the first certificate of occupancy for the Project

Action Indicating Compliance: Field inspection sign-off

TRANS-25 Prior to the issuance of Building Permits for each residential building within the Project, the Project Applicant shall perform, to the satisfaction of LADOT, a trip generation analysis for the units to be constructed. The results of these studies shall indicate which of the intersection improvements shown above in Mitigation Measures TRANS-1 through TRANS-20 must be operational prior to the occupancy of the subject residential units.

Monitoring Phase: Pre-Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Transportation

Monitoring Frequency: As specified for TRANS-1 to TRANS-24, above

Action Indicating Compliance: Trip Generation analysis approval by LADOT

TRANS-26 The Project Applicant shall coordinate with local and regional transit operators, including Metro and LADOT, to develop and implement strategies to increase transit utilization by Project residents. These transportation demand management (TDM) strategies could include, but would not be limited to, providing bus schedules and transit route information to residents, providing bicycle racks and information regarding optimal bike routes to local destinations to residents, and a carpooling information exchange.

Monitoring Phase: Pre-Occupancy, Occupancy

Enforcement Agency: Department of Transportation

Monitoring Agency: Department of Transportation

Monitoring Frequency: Once, prior to issuance of a certificate of occupancy for each residential structure;
Annually, during occupancy

Action Indicating Compliance: Annual compliance report submitted by building management

TRANS-27 In conjunction with the street widening of Western Avenue adjacent to the Project Site, the Applicant shall provide a bus turnout lane and bus stop facilities (shelter, bench and schedule information) at bus stops adjacent to the Site.

Monitoring Phase: Pre-Occupancy

Enforcement Agency: Department of Transportation

Monitoring Agency: Department of Transportation

Monitoring Frequency: Once, prior to issuance of the first certificate of occupancy for the Project

Action Indicating Compliance: Field inspection sign-off

TRANS-28 The Project Applicant shall coordinate with LADOT to potentially extend the existing San Pedro DASH route northerly on Western Avenue to serve the Project Site. If deemed

necessary, the Project Applicant shall provide appropriate turnaround facilities to allow the DASH vehicles to utilize the Project Site as an end point on the route.

Monitoring Phase:	Pre-Occupancy
Enforcement Agency:	Department of Transportation
Monitoring Agency:	Department of Transportation
Monitoring Frequency:	Once, prior to issuance of the first certificate of occupancy for the Project
Actions Indicating Compliance:	Determination by LADOT regarding the DASH Route; Field inspection sign-off

Section IV.O.1. Utilities and Service Systems - Water

UTIL-1 In the event of full or partial public street closures, the Project Applicant shall employ flagmen during the construction of new water lines, to facilitate the flow of traffic.

Monitoring Phase:	Construction
Enforcement Agency:	Department of Transportation
Monitoring Agency:	Department of Transportation
Monitoring Frequency:	Periodic field inspections during closures
Actions Indicating Compliance:	Field inspection sign-off; Compliance report submitted by contractor

Section IV.O.2. Utilities and Service Systems - Wastewater

No mitigation measures required.

Section IV.O.3. Utilities and Service Systems - Solid Waste

No mitigation measures required.

Section IV.O.4. Utilities and Service Systems - Energy

No mitigation measures required.

NWSPNC Planning & Land Use Committee agenda



***Northwest San Pedro Neighborhood Council
Planning and Land Use Committee Agenda***

Monday, July 1, 2013, 6:00 p.m.

San Pedro City Hall

638 S. Beacon St.

Room 452

1. Welcome/Introductions

2. Ponte Vista

- Specific Plan
- EIR Release
- Motion

3. Rancho Holdings - Motion

4. Public Comment on Non-Agenda Items

5. Adjourn – To Be Announced

Note: Anything on this Agenda Could Result in a Motion

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.

Comments on *Ponte Vista* project and FEIR:
Rancho Palos Verdes



CITY OF RANCHO PALOS VERDES
CITY MANAGER'S OFFICE
ADMINISTRATION

29 July 2013

VIA ELECTRONIC & U.S. MAIL

Henry Chu, City Planner
Los Angeles Department of City Planning, Major Projects
200 N. Spring St., Rm. 750
Los Angeles, CA 90012

SUBJECT: Comments on the *Ponte Vista* Project (Case Nos. CPC-2012-2558-GPA-ZC-SP, VTT-71886-MU & ENV-2005-4516-EIR)

Dear Mr. Chu:

Thank you for providing the City of Rancho Palos Verdes with the opportunity to comment on the *Ponte Vista* project. I plan to attend tomorrow's public hearing in San Pedro but also wanted to enter these written comments into the record.

The City of Rancho Palos Verdes has monitored the reuse of the former San Pedro Navy Housing site for many years, and we were appreciative of the inclusion of several Rancho Palos Verdes residents on the *Ponte Vista* Community Advisory Committee in 2007 when the original 2,300-unit proposal for the site was under consideration. At that time, our City Council went on record as supporting the recommendations of the Advisory Committee, which rejected a revised 1,950-unit proposal and affirmed the current R-1 zoning and density for the property. Our City Council believed that these recommendations were reflective of the desires of the majority of residents who live near the *Ponte Vista* site, and we were pleased to see that the Los Angeles Planning Staff and City Planning Commission ultimately agreed (at least in part) in 2009.

Beginning in 2011, we began meeting with the new *Ponte Vista* development team under the auspices of the Northwest San Pedro Neighborhood Council's Planning and Land Use Committee. These meetings initially focused on the new traffic study being prepared for the revised 1,135-unit proposal, but eventually included other aspects of the proposed project, including the draft EIR and Specific Plan.

In January 2013, we submitted extensive comments on the Draft EIR for the revised *Ponte Vista* project. We appreciate that the recently-released Final EIR includes extensive and detailed responses to all of our comments. However, we would take this opportunity to respectfully raise several issues of concern about the *Ponte Vista* project and EIR that we believe have not been adequately addressed:

- We remain concerned about the impact of the proposed project upon emergency access along Western Avenue, which is the only point of ingress/egress for this project and for thousands of existing residents in surrounding neighborhoods in Rancho Palos Verdes and San Pedro.
- Based upon our decades-long experience with school circulation patterns in the project area, the assumption that middle-school students residing at *Ponte Vista* will desire (or even be permitted) to walk to Dodson Middle School is unrealistic.
- Even with the developer's last-minute offer of some limited public open space within the project, we believe that the City's Eastview Park will experience increased demand and wear-and-tear as a result of the project, which will not be offset by the payment of Quimby fees to the City of Los Angeles.
- Although the project's traffic study concludes that adverse project impacts can be mitigated, we are concerned that some of these proposed mitigation measures along Western Avenue will be unacceptable to our City and/or CalTrans, thereby resulting in significant adverse traffic impacts that cannot be mitigated.
- The Final EIR rejects as infeasible several project alternatives that have lower residential density; include a greater mix of residential and non-residential uses; and/or conform to the existing zoning of the site, on the basis (at least in part) that such alternatives are financially infeasible. However, this is a condition that the City believes that the surrounding community is not obligated to accept as a rationale for maximizing the currently developer's profit due to the unrealistically high price paid for the property by previous developers.

Thank you for your consideration of the concerns of the City of Rancho Palos Verdes regarding the *Ponte Vista* project. If you have any questions or need additional information, please feel free to contact me at (310) 544-5226 or via e-mail at kitf@rpv.com.

Sincerely,



Kit Fox, AICP
Senior Administrative Analyst

cc: Mayor Susan Brooks and Rancho Palos Verdes City Council
Carolyn Lehr, City Manager
Carolynn Petru, Deputy City Manager

Comments on *Ponte Vista* project and FEIR:
NWSPNC

PONTE VISTA: FEIR COMMENTS AND CONSIDERATIONS

On Tuesday, **July 30, 2013**, the City of Los Angeles will conduct a public hearing discussing the final EIR for the Ponte Vista Development located at 26900 S. Western Ave., San Pedro. **Starting at 10:00 A.M., the hearing will be located at the Port of Los Angeles Administration Building, 425 S. Palos Verdes St., Harbor Commission Board Room, San Pedro, CA 90731.**

Formally military housing, the Ponte Vista Project will prove to be one of San Pedro's most significant developments with 61.5 acres of high density housing proposed. On this parcel of land, 830 units are projected. We invite you to participate in the hearing process and voice your thoughts, interest or concerns.

As you may be aware, the Northwest San Pedro Neighborhood Council (NWSPNC) has examined the draft EIR submitted by the applicant and have found many areas of concern. The Council filed an extensive response to the draft EIR. Additionally, the NWSPNC, invited the applicant to sit with representatives to discuss our concerns for quite a while. Recently, discussions occurred with the applicant making minor modifications to their plans. Earlier this month, the applicant presented portions of their revised drawings of the project to the NWSPNC highlighting a small change to the proposed open space associated with the project. The applicant has yet to produce a complete set of the revised application – it appears the applicant may not know or have all parts of their application ready. **It is the position of the Northwest San Pedro Neighborhood Council that a public hearing should only be called after the applicant has submitted a complete and stable application packet giving staff and the community adequate time to review the packet before the hearing.**

Therefore, the Northwest San Pedro Neighborhood Council will request at the public hearing next Tuesday, the hearing panel to continue the hearing to allow the applicant to finish the revised packet and allow adequate review time for the community.

At its last board meeting on July 8, 2013, the NWSPNC adopted a resolution that expressed "serious concerns about the project as proposed." **In part, the concerns expressed include; a lack of traditional single family housing; no senior housing; a lack of public open space and no jobs for local community unemployed or underemployed.** The resolution states; "At a minimum the plan should : 1) Include at least as much real public space as the existing zoning (requires); 2) Have public roads, not gated; 3) Include senior housing; 4) Include on-site amenities to reduce need to travel from site and 5) Be consistent with the character of San Pedro." The resolution left the door open for further negotiations with the applicant. Since then, we have had two meetings with the applicant and their technical staff. The applicant has expressed willingness to edit some of the shortcomings of their specific plan to address some of our concerns with the document. From their perspective, the number of units and exclusive private auto access nature of the project remain unchanged.

PONTE VISTA: FEIR COMMENTS AND CONSIDERATIONS

Besides the density and gated nature, our review and discussion has focused on the:

- 1) Incompleteness of Specific Plan;
- 2) Inconsistency with San Pedro Community Plan;
- 3) Lack of Meaningful Public Participation Opportunity;
- 4) Disregard of the Local Context;
- 5) Lack of making a publicly accessible and desirable place with public open spaces and recreational amenities that are walkable and diverse like many of our traditional neighborhoods.

The Northwest San Pedro Neighborhood Council invites you to participate in this public hearing and support your neighborhood council to express the above-listed issues and other points that may be of interest you.

Comments on *Ponte Vista* project and FEIR:
R Neighborhoods R1

Planning Department
City of Los Angeles
200 N. Spring St.
Los Angeles, Ca. 90012

Attn: Henry Chu
Major Projects
Room 750C

Case No.: CPC-2012-2558-GPA-ZC-SP, VTT-71886-MU
CEQA No.: ENV-2005-4516-EIR
Hearing Date: July 30, 2013

Re: Single Family Alternative Feasibility Analysis

Dear Mr. Chu,

1. The FEIR analyzes no "build by right" alternative.

The FEIR contains no analysis of a "build by right", single-family home alternative. It is difficult to see how it can be approved without a good faith analysis of such an alternative.

The DEIR contained two "no project" alternatives; Alternative A, a "do nothing" alternative, and Alternative B, a 385 single-family housing project. However, Alternative B was not a true "no project" alternative because it had no Open Space component even though part of the site is zoned as Open Space.

Applicant now claims that it can only build 169 homes and needs a zone change to do even that. It has dropped its Alternative B. The claim that it can only build 169 shows that Alternative B for 385 homes was a sham.

The FEIR does not include an alternative that analyzes what the applicant could build on the property under a claim of right, by ministerial actions of the City with no zone change required. The failure to include a build-by-right alternative is a serious and flagrant omission. Because of this, the FEIR is inadequate and cannot be approved. The applicant and City should prepare a good faith R1 alternative and circulate it for comment.

2. The Applicant's 169 unit analysis is unsupported by substantial evidence.

The applicant might claim that its 169 home project discussed in Topical Comment 6 and in its Concord Group Economic Feasibility Analysis is the single-family alternative, even though it requires discretionary approval by the City. In it, they say they cannot build more than 169 single family homes because an

earthquake fault takes away buildable space, and that they need more land for a public road to Mary Star so that they can still have private roads in the project site. As for feasibility, they say that building costs are very high because land compaction is needed, and the project is not feasible because the land acquisition cost was \$120 million.

There have been a number of R1 numbers thrown about, i.e. 385, 166, 291. The one thing they all have in common, as applicant acknowledges, is that each is far superior environmentally while achieving most of the project objectives. They say, however, that any single family proposal does not achieve the objective of furnishing a range of housing options, and are not feasible to build.

We agree that the single-family options are superior environmental proposals; it would be hard to argue to the contrary. We do not agree however, that their analysis is complete or legally sufficient. For example:

[a] They have not discussed nor explained why they cannot use existing lots and street layouts; we note that the Navy constructed 245 units on the existing pads so it is hard to understand why the applicant can only build 169. They have also not addressed the open area where they intend to build six story apartments. That area is at least six acres. If anything, their claim that only 169 units can be constructed, shows that an analysis of 385 units in Alternative B was superficial.

[b] They have not explained whether soil compaction applies only for the large buildings they propose, or why it would be required for homes on the lots where they now exist.

[c] They have not explained why two roads, one private and one public, are necessary in order to achieve project objectives.

[d] They have not analyzed, not discussed in any way, whether they can furnish a range of housing options using existing R1 zoning. Their analysis does not even consider how variety might be achieved, and worse, places their "range of options" objective on a pedestal without ever considering the damage to the City's efforts to revitalize downtown San Pedro by building competing product types.

[e] With respect to economic feasibility, they have not

1/ explained who Bridgeview LLC is nor explained their relationship to IStar Financial;

2/ explained why they use \$120 million as a land cost value. If IStar is the owner, did anyone pay down any part of the amount owed before IStar took back

the property? If so, how much did they pay and how much is the real base for IStar? Did anyone, perhaps Credit Suisse, pay down the amount Bisno et al. owed, perhaps \$40 to \$50 million, to avoid a filed foreclosure action so that IStar's base is actually much lower, perhaps between \$62.5 and \$72.5 million rather than \$120 million?

3/ explained the justification for using a land value based on speculation of a zone change rather than a value based on existing zoning.

We also do not agree with their cost feasibility analysis; they use the speculation value of the property as their cost basis. They should be using the value of the land for an R1 development, the use for which it is zoned, and not the speculation value Bisno paid for it based on a zone change for 2230 units. They have also used the original bid price for the land value, not the amount that is their actual cost basis.

To allow an applicant to use a price-paid, speculative cost basis invites massive manipulation. For example, what would prevent an owner from establishing a subsidiary, selling the property to the subsidiary at a very high price and taking a note for the payment, then having the subsidiary apply for a zone change and increased density using the high note value as a cost basis because a less dense development is no longer feasible?² Or, what if an applicant says the land value with high-rise office buildings on it is \$600 Million? Would they be entitled to claim a land value of \$600 Million to show that an R1 project is infeasible?

3. An R1 project is both reasonable and feasible.

The applicant did not propose a zone compliant project, but the earlier RNeighborhoodsR1 comment letter did. It used 291 units for analysis, based on 15 acres of Open Space zoning. Since then, we have taken into account the applicants calculation that the correct figure is 9.8 acres and that our earlier comment letter did not include certain land preparation expenses.

Based on that data, we have modified our numbers. While the pro rata reduction from 385 would be 323, we have instead used seven houses per acre for R1, or 360 single family homes based on 51.7 acres zoned R1. Further, we have addressed the variety of housing options objective by providing for a range of house sizes, with 90 each in sizes from 1400 sf to 2600 sf at increments of 400 sf. While this alone achieves some range of housing options, further design can achieve even more, with clustering, shared open areas, shared common yards, for example.

² We note that both the buyer and seller end up with inflated assets accounts on their balance sheets through this device.

As in our earlier comment letter, we use the State of California publication on residential building costs but have updated the data to 2013 numbers, now available at <http://www.boe.ca.gov/proptaxes/pdf/ah53113.pdf>. We once again use six corner construction with post 1990 Modern quality level D-8³ and used the 1.4 cost adjustment specified for Los Angeles County for each of the house sizes⁴. We then added land development costs per lot of \$95,000, a calculation we did not include in our earlier comment letter.⁵ The big difference however, is that we also use land values reflecting a wider range of land values, several of which reflect the actual zoning rather than the inflated, speculation number used by the applicant.⁶

SF	PSF Cost ⁷	Build Total	Land Prep ⁸	Cost Plus Prep
1400 sf	178.40	249,760	92,000	341,760
1800 sf	168.52	303,336	92,000	395,336
2200 sf	162.22	356,884	92,000	448,884
2600 sf	157.47	409,422	92,000	501,422

For ease of illustration, we then use a uniform price per lot, based on land cost.

Land Cost	Cost per Lot	Sale Price[Cost per lot plus cost plus prep]			
		1400	1800	2200	2600
30 Million	83,333	425,093	478,669	532,217	584,755
60 Million	166,666	508,426	562,002	615,550	668,088
75 Million	208,333	550,093	603,669	657,217	709,755

All of these prices are lower than the average in the area and many of them are lower than the psf costs in Harbor Highlands.

While we believe that using the \$120 million speculation price paid by the original buyer, Bisno, is inappropriate and not legally defensible, even that cost figure results in sale prices that are lower than the high end of the range in the area:

³ See page 70 of the link for a description. We note that the description there appears to be superior to the construction types in the surrounding areas.

⁴ See pages 32 and 76 of the link.

⁵ This approximates the cost used by applicant's consultant.

⁶ It appears that IStar's actual cost base is between \$62.5 and \$72.5 million. We have included a cost figure of \$75 million. We still assert that the proper figure is what the land is worth as zoned, not what it might be worth if the City rezones it for them.

⁷ Per State Guidelines, includes builder profit

⁸ Includes developer profit. If developer uses existing streets and lots, it is hard to see why this cost would be this high.

Land Cost	Cost per Lot	Sale Price[Cost per lot plus cost plus prep]			
		1400	1800	2200	2600
120 Million	333,332	675,092	728,668	782,216	834,75

Land valuation is almost the entire point of the applicant's feasibility argument. Bisno, the original borrower through a LLC, paid a little over \$120 million for the property based on the hope that he could secure a zone change, and applied for 2,230 units very soon after winning the bid. That is not an indication of the land value for R1 zoning nor has the applicant proved that it is its actual cost basis; the LLC borrowed about \$112.5 million from IStar and later, when Bisno could not entitle the project, IStar reportedly received \$40 to \$50 million from one or more of the persons involved in the project in order to avoid a formal foreclosure action. Since the figure of \$120 million is essential to the applicant's claim that an R1 alternative is infeasible, the City ought to require proof of its claim.

Please note that the Concord Group Economic Feasibility Analysis changes dramatically with a truer cost basis. For example, its analysis of a mixed use project of 477 units plus commercial space shows a loss of \$37 million using a cost basis of \$120 million. We have a lot of issues with the study, but even using their figures, that project would show a profit with any cost basis below \$83 million.

Applicant essentially admits that its cost figure is a speculation price when it says it is infeasible to build a project that complies with present zoning. It is doubtful that a feasibility analysis under CEQA permits the use of an inflated value, a value based on some other use.

As between the applicant and the City, who should reward the applicant's speculative behavior? Should it be the applicant who pays the price for its speculative behavior or should it be the citizens who bail them out, who pay through increased traffic, damage to downtown revitalization, etc.?

At any rate, their claim that a R1 alternative is infeasible is a claim that they could not use the property as it was zoned and that the \$120 million claimed cost basis is a speculation number. Nor is their claim that it is infeasible accurate. They should be required to do a legally sufficient analysis of an honest R1 alternative.

Please include these comments on behalf of RNeighborhoodsR1.

Sincerely,

Jonathon P. Nave
for RNeighborhoodsR1

Comments on Ponte Vista project and FEIR:
E-mail from Barbara Velez

Kit Fox

From:Carolynn Petru
Sent:Tuesday, July 30, 2013 10:58 AM
To:Kit Fox
Subject:FW: Ponte Vista property- IStar Properties

FYI

From: Sherry Hernandez [<mailto:renoira@sbcglobal.net>]
Sent: Tuesday, July 30, 2013 10:07 AM
To: CC
Cc: councildistrict15@lacity.org
Subject: Fwd: Ponte Vista property- IStar Properties

Begin forwarded message:

From: Sherry Hernandez <renoira@sbcglobal.net>
Date: July 30, 2013 10:02:28 AM PDT
To: councilmember.buscaino@lacity.org
Cc: cc@rpv.org, councildistrict@lacity.org
Subject: Re: Ponte Vista property- IStar Properties

On Jul 30, 2013, at 9:57 AM, Sherry Hernandez wrote:

I am writing regarding the Ponte Vista Property and the many problems that are alined with its development. As a resident of this area, along with other residents we have very crucial concerns and cannot understand why this has even become a consideration for our city. This property is zones as R1 and the congestion and problems already plaguing our growing city along Western Avenue would not environmentally accommodate multiple dwellings.

Why would our local officials even give a moments thought to accommodating I-Star Financial and their problems since it would cause our community numerous problems? Lots of citizens have worked long hours fighting off the Bisno project, why would we now accept a project from a company that is not an intricate part of our community, a company that would not have to cope with the numerous problems it would leave in it's wake should this project continue?

In lieu of the Environmental Impact Report, the numerous citizens objections, studies and reports, in lieu of the recent economic bubble that we are still recuperating from, why would our city even consider such a project?

Please stand with the citizens of this city and reject the upcoming project. As public servants, it should be your responsibility to stand with the citizens of the cities you represent.

Thank you in advance for your consideration,

Barbara Velez

Daily Breeze article regarding *Ponte Vista* project

San Pedro: Latest Ponte Vista housing plan moves to Planning Commission

By Donna Littlejohn donna.littlejohn@dailybreeze.com @donnalittlejohn on Twitter Daily Breeze

Posted:

DailyBreeze.com

Long-stalled development plans for the former Navy housing property in San Pedro move to the Los Angeles Planning Commission on Tuesday, when the latest vision for the Ponte Vista project will be reviewed.

A hearing on the city's final environmental impact report, released June 27, will be held during the commission's 10 a.m. meeting at the Port of Los Angeles Administration Building at 425 S. Palos Verdes St. in San Pedro.

While the new Ponte Vista plan calls for developing 830 homes -- much smaller than earlier proposals that went as high as 2,300 homes -- there remains strong opposition among those who want the 61.2-acre property to remain R-1, which would cut the numbers back even further.

If you go

What: Los Angeles Planning Commission hearing on the final EIR for the Ponte Vista housing development in San Pedro

When: 10 a.m. Tuesday, July 30, 2013

Where: Port of Los Angeles Administration Building, 425 S. Palos Verdes St., San Pedro

Information: <http://bit.ly/1bshD3N/>. For those who cannot attend, send comments via email to henry.chu@lacity.org with a copy to joe.buscaino@lacity.org. Include reference number ENV-2005-4516-EIR in the subject line.

Board members of the Northwest San Pedro Neighborhood Council continued to express "serious concerns" about the proposal in its July 8 resolution. Those concerns include a lack of traditional single-family housing in the plan, no dedicated senior housing and not enough public open space.

Supporters, including the San Pedro Chamber of Commerce, believe the project will work in concept.

Developing the entire parcel at 26900 S. Western Ave. with detached single-family homes would not be financially feasible, according to iStar, which currently owns the property.

Supporters also say it's time to move forward on the project after nearly a decade of discussion.

As originally planned in 2005, Ponte Vista called for building 2,300 homes on a long-vacant and dilapidated site still dotted with old Navy homes.

The proposal encountered widespread opposition from residents who said it was too dense and would cause more traffic congestion in the area.

The project went through numerous revisions after that as the property also changed hands. It was purchased by iStar Financial in 2010.

Public hearing agenda for *Ponte Vista* project

CITY OF LOS ANGELES
AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

HEARING AGENDA – SUBDIVISIONS – HEARING OFFICER

Tuesday, July 30, 2013
425 South Palos Verdes Street,
Harbor Commission Board Room,
San Pedro, CA 90731

APPROXIMATE TIME	CASE NO.	CD	OWNER / ENGINEER	PROPERTY ADDRESS/ COMMUNITY PLAN	ZONE
1. 10:00 A.M. Henry Chu (213) 978-1324	VTT-71886-MU, CPC-2012-2558-GPA-ZC-SP; ENV-2005-4516-EIR (830 dwelling units featuring a combination of single-family homes, duplexes, townhomes, and flats); General Plan Amendment from Low Residential and Open Space to Low Medium I and II and Medium Residential, Zone Change, Establishment of a Specific Plan)	15	SFI Bridgeview, LLC/ Cox, Castle & Nicholson, LLP and Fuscoe Engineering	26900 S. Western Avenue (Ponte Vista) / Wilmington – Harbor City Community Plan	Existing: R1-1XL & OS-1XL Proposed: Ponta Vista Specific Plan designation.

Abbreviations: APC- Area Planning Case; APT- Apartments ; C- Condominium; CC- Condominium Conversion; CDP- Coastal Development Permit; CM- Commercial; CMC- Commercial Condominium; CMCC- Commercial Condo Conversion; CPC- City Planning Case; ENV- Environmental Assessment Case; IND- Industrial; INDC- Industrial Condominiums; INDCC- Industrial Condo Conversion; MANF- Manufacturing; MF- Multiple-Family; MOD- Modification; PP- Project Permit; PS- Private Street; RV- Reversion to Acreage; SC- Stock Cooperative; SF- Single-Family; SUB- Subdivision; ZC- Zone Change
EIR- Environmental Impact Report; MND- Mitigated Negative Declaration; ND- Negative Declaration; CE- Categorical Exemption

NOTE: Per State Government Code Section 65009(b)(2):

If you challenge any agenda items in court, you may be limited to raising only those issues raised in person at the public hearing, or in correspondence received at or before 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.

- ❖ **FACILITY AND PARKING ARE WHEELCHAIR ACCESSIBLE**
- ❖ **SIGN LANGUAGE INTERPRETERS, ASSISTIVE LISTENING DEVICES, OR OTHER AUXILIARY AIDS AND/OR SERVICES MAY BE PROVIDED IF REQUESTED AT LEAST 72-HOURS PRIOR TO THIS MEETING BY CALLING (213) 847-6564.**

Revised NOP for
Los Angeles County General Plan Update



REVISED NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND NOTICE OF PUBLIC SCOPING MEETING

To: State Clearinghouse, Responsible and Trustee Agencies, and Interested Individuals
Date: June 20, 2013
Subject: Notice of Preparation of a Draft Environmental Impact Report and Notice of Public Scoping Meeting
Project: Los Angeles County General Plan Update
Lead Agency: Los Angeles County

NOTICE IS HEREBY GIVEN that County of Los Angeles, through the Department of Regional Planning (Department), will be the Lead Agency for the preparation of an Environmental Impact Report (EIR) in accordance with the California Environmental Quality Act (CEQA) for the project described below. The County released the Notice of Preparation (NOP) for a public review period of 30 days for this process from August 15, 2011 to September 14, 2011. The project description in the August 15, 2011 NOP included an update to the General Plan (excluding the Housing Element) and an update to the Antelope Valley Area Plan. This notice advises interested parties and responsible agencies that the project description has been revised to exclude the Antelope Valley Area Plan Update. The revisions to the proposed project result in changes to the scope of the upcoming EIR from what was previously identified in the August 15, 2011 NOP. An EIR for the Antelope Valley Area Plan Update will be processed and noticed separately.

PROJECT INFORMATION: The project is a comprehensive update of the Los Angeles County General Plan. The project includes goals, policies, implementation programs and ordinances. The project covers the unincorporated areas of Los Angeles County and accommodates new housing and employment opportunities in anticipation of population growth in the County and the region. The General Plan Update focuses growth in the unincorporated areas with access to services and infrastructure and reduces the potential for growth in the County's environmentally sensitive and hazardous areas. The project will replace the adopted General Plan.

For a comprehensive project description and additional information on the General Plan Update, please visit <http://planning.lacounty.gov/generalplan>, or contact the General Plan Development and Housing Section at (213) 974-6417 or genplan@planning.lacounty.gov.

NOTICE OF PREPARATION: A Revised NOP for the EIR, which describes the project and outlines the potential environmental impacts, has been prepared. The Revised NOP will be available for review from **June 28, 2013** to **July 29, 2013** on the Department's website at <http://planning.lacounty.gov/generalplan/ceqa>. Hardcopies will be available at the Department's main office and field office locations listed at the following link: <http://planning.lacounty.gov/locations>; all County libraries; Calabasas Library located at 200 Civic Center Way, Calabasas, CA 91302; and Altadena Library (Main Library) located at 600 East Mariposa Street, Altadena, CA 91001.

The Department is seeking input from both agencies and members of the public on the scope and content of the environmental information and analysis to be contained in the EIR. Any correspondence related to the General Plan Update received as part of the first NOP does not have to be resubmitted; it has already been incorporated as part of the environmental review process for the project. Due to the time limits mandated by State law, written comments must be sent via mail, e-mail, or fax no later than 5:00 PM on **Monday, July 29, 2013**. Please send your comments at the earliest possible date to:

Connie Chung, AICP
Supervising Regional Planner
Los Angeles County
Department of Regional Planning
320 W. Temple Street, Room 1356
Los Angeles, CA 90012
Email: genplan@planning.lacounty.gov
Fax: (213) 626-0434

PUBLIC SCOPING MEETING: Pursuant to the California Public Resources Code Section 21803.9, Los Angeles County will conduct a public scoping meeting. This meeting will provide a public forum for information dissemination and dialogue regarding the components of the proposed project, the overall process, and the draft EIR. While staff will summarize the issues raised at these meetings, anyone wishing to make formal comments on the NOP must do so in writing. The public scoping meeting will be held at the time and location listed below:

Date: July 11, 2013
Time: 5:00 p.m. to 6:00 p.m.
Location: Los Angeles County
Department of Regional Planning
320 W. Temple Street, Room 150
Los Angeles, CA 90012

The scoping meeting will also be streamed live at the following link:
<http://streaming.planning.lacounty.gov/meeting>. Afterward, the recorded presentation and meeting will also be posted at the following link: <http://planning.lacounty.gov/generalplan/ceqa>.



REVISED NOTICE OF PREPARATION (NOP)

County of Los Angeles, Department of Regional Planning

Project Title: Los Angeles County General Plan Update

Introduction: The County of Los Angeles will be the Lead Agency and will prepare an environmental impact report for the comprehensive update of the Los Angeles County General Plan. The project includes goals, policies, implementation programs and ordinances. The project covers the unincorporated areas of Los Angeles County and accommodates new housing and employment opportunities in anticipation of population growth in the County and the region. The project will replace the adopted General Plan.

The County released the NOP for a public review period of 30 days for this process from August 15, 2011 to September 14, 2011. The project description in the August 15, 2011 NOP included an update to the General Plan (excluding the Housing Element) and an update to the Antelope Valley Area Plan. This notice advises interested parties and responsible agencies that the project description has been revised to exclude the Antelope Valley Area Plan Update. The revisions to the proposed project result in changes to the scope of the upcoming EIR from what was previously identified in the August 15, 2011 NOP. An EIR for the Antelope Valley Area Plan Update will be processed and noticed separately.

1. ENVIRONMENTAL SETTING

1.1 Project Location

Los Angeles County is geographically one of the largest counties in the country with approximately 4,083 square miles. The County stretches along 75 miles of the Pacific Coast of Southern California and is bordered to the east by Orange County and San Bernardino County, to the north by Kern County, and to the west by Ventura County. The County also includes two offshore islands, Santa Catalina Island and San Clemente Island, as shown in Figure 1, *Regional Location*. The unincorporated areas account for approximately 65 percent of the total land area of the County.

The unincorporated areas in the northern portion of the County are covered by large amounts of sparsely populated land and include the Angeles National Forest, part of the Los Padres National Forest, and the Mojave Desert. The unincorporated areas in the southern portion of the County consist of 58 noncontiguous land areas, which are often referred to as the County's unincorporated urban islands. The County's governmental structure comprises five Supervisorial Districts with the Los Angeles County Board of Supervisors as the governing body responsible for making all legislative land use decisions for the unincorporated areas. Maps of the Supervisorial Districts and unincorporated areas of the County are available online on the Department of Regional Planning's website: <http://planning.lacounty.gov/generalplan>.

1.2 General Plan and Planning Areas Framework

The Los Angeles County General Plan is the guide for growth and development for the unincorporated areas of Los Angeles County. The General Plan guides the long-term physical development and conservation of the County's land and environment through a framework of goals, policies, and implementation programs. The California Government Code requires that each city and county adopt a general plan "for the physical development of the county or city, and any land outside its boundaries which bears relation to its planning." Long-range planning provides the opportunity to responsibly manage and direct future development, conserve natural areas, support economic development objectives, and improve mobility in the region.

The Los Angeles County General Plan serves as the framework for existing community-based plans, including Area Plans, Community Plans, Neighborhood Plans, and Local Coastal Land Use Plans. Area Plans provide additional details to General Plan goals and policies, focusing on sub regional land use issues and other policy needs that are specific to the Planning Area. Community Plans and Neighborhood Plans cover smaller geographic areas within the Planning Area, and address neighborhood and/or community level land use policy issues. Local Coastal Land Use Plans are components of the Local Coastal Program (LCP), which consist of land use plans, zoning ordinances and maps, and implementing actions to protect coastal resources within the state designated coastal zone. All community-based plans are components of the General Plan and must be consistent with General Plan goals and policies. The following is a list of adopted community-based plans:

Area Plans

- Antelope Valley Area Plan (adopted 1986)
- Santa Clarita Valley Area Plan (adopted 1984; updated 2012)
- Santa Monica Mountains North Area Plan (adopted 2000)

Community Plans

- Altadena Community Plan (adopted 1986)
- East Los Angeles Community Plan (adopted 1988)
- Hacienda Heights Community Plan (adopted 1978; updated 2011)
- Rowland Heights Community Plan (adopted 1981)
- Twin Lakes Community Plan (adopted 1991)
- Walnut Park Neighborhood Plan (adopted 1987)
- West Athens-Westmont Community Plan (adopted 1990)

Local Coastal Land Use Plans

- Marina del Rey Local Coastal Land Use Plan (adopted; certified Local Coastal Program 1996; updated 2012)
- Malibu Local Coastal Land Use Plan (adopted 1986)
- Santa Catalina Island Local Coastal Land Use Plan (adopted; certified Local Coastal Program 1983)

1.3 Adopted General Plan

The County's efforts to prepare a General Plan for the unincorporated areas began in the 1970's with the creation of the Environmental Development Guide. In 1973, the County adopted its first General Plan, followed by a comprehensive update in 1980. The County's adopted General Plan and community-based plans can be found online at <http://planning.lacounty.gov/plans/adopted>.

2. PROJECT DESCRIPTION

The proposed project is a comprehensive update of the Los Angeles County General Plan. The project includes goals, policies, implementing programs, and ordinances. The project covers the unincorporated areas of Los Angeles County and accommodates new housing and employment opportunities in anticipation of population growth in the County and the region. The General Plan Update focuses growth in the unincorporated areas with access to services and infrastructure and reduces the potential for growth in the County's environmentally sensitive and hazardous areas.

2.1 Draft General Plan

The proposed project is the preparation of a comprehensive update of the County's 1980 General Plan that meets California Code requirements for a general plan. The Draft General Plan accommodates new housing and jobs within the unincorporated area in anticipation of population growth in the County and the region through the year 2035. The theme of the Draft General Plan is sustainability. Sustainability requires that planning practices meet the County's needs without compromising the ability of future generations to realize their economic, social, and environmental goals. The Draft General Plan has been designed to utilize, promote, and implement policies that promote healthy, livable, and sustainable communities. Five guiding principles—Smart Growth; Sufficient

Community Services and Infrastructure; Strong and Diversified Economy; Environmental Resource Management; and Healthy, Livable and Equitable Communities—are supported by community-identified goals and stakeholder input, and further the overall goal of sustainability throughout the Draft General Plan.

The Draft General Plan consists of the following elements (the update to the Housing Element, which is a component of the General Plan, is underway through a separate effort):

- Land Use Element
- Mobility Element
- Air Quality Element
- Conservation and Open Space Element
- Parks and Recreation Element
- Noise Element
- Safety Element
- Public Services and Facilities Element
- Economic Development Element

To clarify the framework of the General Plan and to facilitate the planning of the unincorporated areas, the Draft General Plan establishes 11 Planning Areas, as shown online at <http://planning.lacounty.gov/generalplan>.

- Antelope Valley Planning Area
- Coastal Islands Planning Area
- East San Gabriel Valley Planning Area
- Gateway Planning Area
- Metro Planning Area
- San Fernando Planning Area
- Santa Clarita Valley Planning Area
- Santa Monica Mountains Planning Area
- South Bay Planning Area
- West San Gabriel Valley Planning Area
- Westside Planning Area

The Draft General Plan provides a framework of goals and policies to achieve countywide planning objectives within the 11 Planning Areas, and serves as the foundation for all existing and future community-based plans. Furthermore, the Draft General Plan involves a revision to the current General Plan land use policy map, and revisions to elements required by the State of California and optional elements. Table 1, *Proposed General Plan*, provides a description of the land uses designations proposed in the Land Use Plan. The following describe the major land use policies in the Draft General Plan, which are supported by goals, policies, programs and strategic changes to the land use policy maps:

Transit Oriented Districts: Transit Oriented Districts (TOD) are areas within a 1/2 mile radius from a major transit stop. TOD areas are located in proximity to major transit stops, provide the best opportunities for infill development, and are well-suited for higher density housing, mixed uses, and civic activities. The TODs guide the increase of residential densities and the allowance of mixed uses along major corridors in the draft land use policy maps. All TODs are envisioned in the future to have a TOD specific plan with standards, regulations, and capital improvement plans that tailor to the unique characteristics and needs of each community.

Special Management Areas: The County's Special Management Areas require additional development regulations that are necessary to prevent the loss of life and property, and to protect the natural environment and important resources. Special Management Areas include but are not limited to Agricultural Resource Areas, Airport Influence Areas, Seismic Hazard Zones, Flood Hazard Zones, Significant Ecological Areas, Hillside Management Areas, and Very High Fire Hazard Severity Zones. The Draft General Plan minimizes

risks to hazards and limits development in Special Management Areas through goals, policies and programs. The Draft General Plan also includes the Hazard, Environmental, and Resource Constraints Model, which is a visual representation of the Special Management Areas and serves 1) as a tool to inform land use policies for future community-based planning initiatives; 2) to inform applicants and planners of potential site constraints and regulations; and 3) to direct land use policies and the development of planning regulations and procedures to address hazard, environmental, and resource constraints.

Preservation of Industrial Land: Planning for future growth and the appropriate land use mix has major impacts on the local and regional economy. The Draft General Plan includes land uses and policies that protect the remaining industrial land in the unincorporated areas. The Draft General Plan identifies Employment Protection Districts, which are economically viable industrial land and employment-rich lands, with policies to prevent the conversion of industrial land to non-industrial uses.

**Table 1
Proposed General Plan**

<i>Land Use Designation</i>	<i>Acres³</i>	<i>Density / Intensity⁴</i>	<i>Units</i>	<i>Population⁵</i>	<i>Bldg. Sq. Footage (in thousands)</i>	<i>Jobs⁵</i>
COUNTYWIDE GENERAL PLAN (NOT IN A COMMUNITY PLAN) ²						
PROPOSED GENERAL PLAN	106,621	--	194,142	666,588	561,542	176,161
Commercial	962	--	0	0	20,982	41,872
CG - General Commercial	961.14	0.5 (F)	0	0	20,933	41,842
CM - Major Commercial	0.64	1.5 (F)	0	0	42	17
CR - Rural Commercial	0.62	0.25 (F)	0	0	7	13
Industrial	3,560	--	0	0	77,531	59,365
IH - Heavy Industrial	1,706	0.5 (F)	0	0	37,167	28,458
IL - Light Industrial	1,853	0.5 (F)	0	0	40,365	30,907
IO - Industrial Office	0	1 (F)	0	0	0	0
Mixed Use & Specific Plan	459	--	19,003	53,019	10,347	38,949
MU - Mixed Use	158	120 (D) / 1.5 (F)	19,003	53,019	10,347	20,249
SP - Universal Studios Specific Plan	301	--	0	0	0	18,700
Open Space	57,374	--	0	0	0	1,933
OS-BLM - Bureau of Land Management	76	--	0	0	0	0
OS-C - Conservation	7,648	--	0	0	0	0
OS-ML - Military Land	36,615	--	0	0	0	0
OS-MR - Mineral Resources	1,088	--	0	0	0	0
OS-NF - National Forest	2,777	--	0	0	0	0
OS-PR - Parks and Recreation	7,105	--	0	0	0	1,625
OS-W - Water	2,065	--	0	0	0	307
Public / Semi-Public	6,917	--	0	0	452,681	29,267
P - Public and Semi-Public	6,917	1.5 (F)	0	0	452,681	29,267
Rural	16,324	--	2,080	8,008.70	0	101
RL40 - Rural Land 40	38	0.03 (D)	1	4	0	0

**Table 1
Proposed General Plan**

<i>Land Use Designation</i>	<i>Acres³</i>	<i>Density / Intensity⁴</i>	<i>Units</i>	<i>Population⁵</i>	<i>Bldg. Sq. Footage (in thousands)</i>	<i>Jobs⁵</i>
RL20 - Rural Land 20	12,759	0.05 (D)	638	2,456	0	0
RL10 - Rural Land 10	2,247	0.1 (D)	225	865	0	0
RL2 - Rural Land 2	126	0.5 (D)	63	243	0	0
RL1 - Rural Land 1	1,153	1 (D)	1,153	4,440	0	101
Residential	21,025	--	173,058	605,560	0	4,674
H2 - Residential 2	1,462	1.6 (D)	2,340	9,007	0	100
H5 - Residential 5	1,768	4 (D)	7,073	27,229	0	100
H9 - Residential 9	14,394	7.2 (D)	103,640	373,103	0	3,086
H18 - Residential 18	2,469.36	14.4 (D)	35,559	128,011	0	711
H30 - Residential 30	808.31	24 (D)	19,337	53,951	0	427
H50 - Residential 50	117.90	40 (D)	4,716	13,157	0	250
H100 - Residential 100	4.93	80 (D)	395	1,101	0	0
COMMUNITY PLANS²						
ALTADENA	5,604	--	16,240	61,359	9,996	18,463
Commercial	64	--	0	0	2,784	9,376
GC - General Commercial	64	1 (F)	0	0	2,784	9,376
Industrial	38	--	0	0	1,004	3,075
BP - Business Park	38	0.6 (F)	0	0	1,004	3,075
Infrastructure	815	--	0	0	0	0
Public Streets	815	--	0	0	0	0
Mixed Use & Specific Plan	255	--	904	2,800	2,226	4,561
MU - Mixed Use "Center"	37	17.6 (D) / 1.4 (F)	642	1,792	2,226	4,411
SP - La Vina Specific Plan	219	--	262	1,008	0	150
Public & Open Space	915	--	0	0	3,981	1,066
I - Institutions	183	0.5 (F)	0	0	3,981	803
MOS - Miscellaneous Open Space	68	--	0	0	0	100
NF - National Forest and National Forest Managed Lands	416	--	0	0	0	0
PR - Public and Private Recreation	103	--	0	0	0	164
U - Utilities	145	--	0	0	0	0
Residential	3,516	--	15,335	58,558	0	386
E - Estate/Equestrian	93	0.4 (D)	37	144	0	5
N - Non-Urban	327	1 (D)	105	403	0	0
LD - Low Density Residential	3,068	4.8 (D)	14,726	56,694	0	377
LMD - Low/Medium Density Residential	1	9.6 (D)	12	46	0	0
MD - Medium Density Residential	26	17.6 (D)	456	1,271	0	4

**Table 1
Proposed General Plan**

<i>Land Use Designation</i>	<i>Acres³</i>	<i>Density / Intensity⁴</i>	<i>Units</i>	<i>Population⁵</i>	<i>Bldg. Sq. Footage (in thousands)</i>	<i>Jobs⁵</i>
ANTELOPE VALLEY AREA PLAN⁷	1,132,744	--	278,158	1,070,571	46,870	51,219
Commercial	902	--	0	0	19,652	38,329
C - Commercial	902	0.5 (F)	0	0	19,652	38,329
Industrial	579	--	0	0	12,606	9,652
M - Industry	579	0.5 (F)	0	0	12,606	9,652
Open Space	583,967	--	0	0	0	524
OS-BLM - Bureau of Land Management	2,436	--	0	0	0	0
O - Open Space	70,471	--	0	0	0	324
O-NF - National Forest	510,413	--	0	0	0	200
O-W - Water Body	648	--	0	0	0	0
Public / Semi-Public	17,029	--	0	0	14,613	767
Airport	16,358		0	0	0	50
P - Public and Semi-Public Facility	671	1.5 (F)	0	0	14,613	717
Rural	522,077	--	261,773	1,007,826	0	1,361
N1 - Non-Urban 1	502,174	0.5 (D)	242,712	934,440	0	926
N2 - Non-Urban 2	19,903	1.0 (D)	19,061	73,385	0	436
Residential	5,541	--	16,385	62,746	0	485
U1 - Urban 1	4,450	2.6 (D)	11,411	43,931	0	335
U1.5 - Urban 1.5	140	1.6 (D)	224	862	0	0
U2 - Urban 2	738	5.3 (D)	3,248	12,505	0	150
U2-D - Urban 2 (specific development criteria)	50	3.2 (D)	160	614	0	0
U3 - Urban 3	9	12.0 (D)	105	377	0	0
U3-D - Urban 3 (specific development criteria)	155	8.0 (D)	1,238	4,457	0	0
Infrastructure	2,649	--	0	0	0	100
TC - Transportation Corridor	2,649	--	0	0	0	100
EAST LOS ANGELES COMMUNITY PLAN	3,381	--	41,608	128,487	44,199	42,459
Commercial	338	--	0	0	21,255	26,156
CC - Community Commercial	150	1.5 (F)	0	0	9,778	19,239
CM - Commercial Manufacturing	93	1.3 (F)	0	0	5,252	4,289
MC - Major Commercial	95	1.5 (F)	0	0	6,225	2,627
Industrial	158	--	0	0	6,873	5,234
I - Industrial	158	1 (F)	0	0	6,873	5,234
Mixed Use & Specific Plan	65	--	1,563	4,361	3,404	6,848

**Table 1
Proposed General Plan**

<i>Land Use Designation</i>	<i>Acres³</i>	<i>Density / Intensity⁴</i>	<i>Units</i>	<i>Population⁵</i>	<i>Bldg. Sq. Footage (in thousands)</i>	<i>Jobs⁵</i>
CR - Commercial Residential	65	24 (D) / 1.2 (F)	1,563	4,361	3,404	6,848
Other	21	--	0	0	0	0
RP - Residential Parking	21	--	0	0	0	0
Public & Open Space	582	--	0	0	12,667	2,753
P - Public Use	582	0.5 (F)	0	0	12,667	2,753
Residential	2,218	--	40,045	124,127	0	1,469
LD - Low Density Residential	132	6.4 (D)	843	3,246	0	0
LMD - Low/Medium Density Residential	1,045	13.6 (D)	14,207	51,146	0	565
MD - Medium Density Residential	1,041	24 (D)	24,994	69,735	0	904
HACIENDA HEIGHTS COMMUNITY PLAN	6,360	--	17,433	65,833	9,864	13,310
Commercial	131	--	0	0	5,708	11,194
CG - General Commercial	131	1 (F)	0	0	5,708	11,194
Industrial	28	--	0	0	609	466
IL - Light Industrial	28	0.5 (F)	0	0	609	466
Public & Open Space	1,709	--	0	0	3,547	300
OS-C - Open Space Conservation	403	--	0	0	0	0
OS-PR - Open Space Parks and Recreation	1,131	--	0	0	0	200
P-CS - Public and Semi-Public Community Serving	42	0.5 (F)	0	0	651	100
P-TF - Public and Semi-Public Transportation Facilities	0	--	0	0	0	0
P-UF - Public and Semi-Public Utilities and Facilities	133	0.5 (F)	0	0	2,896	0
Rural	862	--	145	559	0	35
RL10 - Rural Lands 10	714	0.1 (D)	71	275	0	0
RL2 - Rural Lands 2	148	0.5 (D)	74	284	0	35
Residential	3,630	--	17,288	65,274	0	1,315
H2 - Residential 2	719	1.6 (D)	1,150	4,429	0	100
H5 - Residential 5	2,110	4 (D)	8,441	32,499	0	1,000
H9 - Residential 9	582	7.2 (D)	4,277	16,466	0	200
H18 - Residential 18	201	14.4 (D)	2,889	10,402	0	15
H30 - Residential 30	10	24 (D)	248	693	0	0
H50 - Residential 50	7	40 (D)	281	785	0	0

**Table 1
Proposed General Plan**

<i>Land Use Designation</i>	<i>Acres³</i>	<i>Density / Intensity⁴</i>	<i>Units</i>	<i>Population⁵</i>	<i>Bldg. Sq. Footage (in thousands)</i>	<i>Jobs⁵</i>
MALIBU LOCAL COASTAL LAND USE PLAN	51,141	--	4,347	16,729	15,239	22,138
Commercial	729	--	0	0	6,352	11,929
12 - Rural Business	18	0.2 (F)	0	0	158	309
13 - General Commercial	0.45	0.2 (F)	0	0	4	8
14 - Office/Commercial Services	0.18	0.2 (F)	0	0	2	5
16 - Low-Intensity Visitor-Serving Commercial Recreation	710	0.2 (F)	0	0	6,187	11,603
17 - Recreation-Serving Commercial	0.20	0.2 (F)	0	0	2	3
Mixed Use & Specific Plan	39	--	0	0	336	672
MU - Mixed Use - Specific Plan Required	39	0.2 (F)	0	0	336	672
Public & Open Space	16,423	--	0	0	8,551	7,776
11 - Institution and Public Facilities	982	0.2 (F)	0	0	8,551	7,600
18 - Parks	15,441	--	0	0	0	175
Rural	32,945	--	3,298	12,697	0	1,761
M2 - Mountain Land	23,051	0.05 (D)	1,153	4,437	0	1,603
5 - Rural Land III	2,615	0.5 (D)	1,196	4,604	0	120
4 - Rural Land II	3,375	0.2 (D)	603	2,320	0	15
3 - Rural Land I	3,905	0.1 (D)	347	1,336	0	23
Residential	1,005	--	1,049	4,032	0	0
6 - Residential I	903	1 (D)	674	2,595	0	0
8A - Residential III(A)	21	3.2 (D)	31	121	0	0
8B - Residential III(B)	75	4.8 (D)	331	1,273	0	0
9B - Residential IV(B)	5	8 (D)	7	29	0	0
9C - Residential IV(C)	0.47	16 (D)	5	15	0	0
MARINA DEL REY LOCAL COASTAL LAND USE PLAN	694	--	7,684	21,439	1,861	4,493
Commercial	86	--	0	0	1,413	4,111
H - Hotel	26	1027 rooms	0	0	0	1,027
MC - Marine Commercial	24	0.5 (F)	0	0	521	1,020
O - Office	5	1 (F)	0	0	235	780
VS/CC - Visitor-Serving / Convenience Commercial	30	0.5 (F)	0	0	656	1,284
Industrial	5	--	0	0	112	250
PF - Public Facilities	5	0.5 (F)	0	0	112	250
Other	401	--	0	0	82	82
B - Boat Storage	19	0.1 (F)	0	0	82	82

**Table 1
Proposed General Plan**

<i>Land Use Designation</i>	<i>Acres³</i>	<i>Density / Intensity⁴</i>	<i>Units</i>	<i>Population⁵</i>	<i>Bldg. Sq. Footage (in thousands)</i>	<i>Jobs⁵</i>
P - Parking	17	--	0	0	0	0
W - Water	366	--	0	0	0	0
Public & Open Space	42	--	0	0	0	0
OS - Open Space	42	--	0	0	0	0
Residential	159	--	7,684	21,439	254	50
R III - Residential III	38	28 (D)	1,063	2,966	0	0
R IV - Residential IV	23	36 (D)	814	2,270	0	0
R V - Residential V	97	60 (D)	5,807	16,202	0	0
SA - Senior Accommodations	2	--	0	0	254	50
ROWLAND HEIGHTS COMMUNITY PLAN	7,422	--	14,115	50,900	12,134	20,661
Commercial	192	--	0	0	8,378	15,764
C - Commercial	192	1 (F)	0	0	8,378	15,764
Industrial	144	--	0	0	3,756	3,027
I - Industrial	144	0.6 (F)	0	0	3,756	3,027
Other	793	--	723	2,783	0	0
TOS - Transitional Open Space (N1)	272	0.2 (D)	54	210	0	0
TOS - Transitional Open Space (N2)	268	1 (D)	181	695	0	0
TOS - Transitional Open Space (U1)	252	2.56 (D)	488	1,878	0	0
Public & Open Space	1,566	--	0	0	0	194
O - Open Space	1,566	--	0	0	0	194
Residential	4,727	--	13,392	48,117	0	1,676
N1 - Non-Urban 1	1,459	0.2 (D)	292	1,124	0	0
N2 - Non-Urban 2	510	1 (D)	449	1,730	0	200
U1 - Urban 1	1,276	2.56 (D)	2,857	10,998	0	401
U2 - Urban 2	1,278	4.8 (D)	5,903	22,728	0	1,075
U3 - Urban 3	68	9.6 (D)	643	2,477	0	0
U4 - Urban 4	51	17.6 (D)	902	2,517	0	0
U5 - Urban 5	84	28 (D)	2,345	6,543	0	0
SANTA CATALINA ISLAND LOCAL COASTAL LAND USE PLAN	46,137	--	21	0	0	570
Commercial	26	--	0	0	0	7
Commercial - Two Harbors	3	--	0	0	0	7
Lodges/Inns - Two Harbors	14	--	0	0	0	0
Marine Commercial - Two Harbors	3	--	0	0	0	0
Utilities/Services - Two Harbors	7	--	0	0	0	0

**Table 1
Proposed General Plan**

<i>Land Use Designation</i>	<i>Acres³</i>	<i>Density / Intensity⁴</i>	<i>Units</i>	<i>Population⁵</i>	<i>Bldg. Sq. Footage (in thousands)</i>	<i>Jobs⁵</i>
Industrial	690	--	0	0	0	6
Extractive Use - Catalina	514	--	0	0	0	0
Industrial/Transportation - Two Harbors	5	--	0	0	0	0
Industrial/Transportation/Utilities - Catalina	172	--	0	0	0	6
Other	87	--	0	0	0	0
undefined* - Two Harbors	3	--	0	0	0	0
View Corridor - Two Harbors	84	--	0	0	0	0
Public & Open Space	45,197	--	0	0	0	557
Conservation/Primitive Recreation - Catalina	20,212	--	0	0	0	32
Conservation/Recreation - Two Harbors	820	--	0	0	0	17
Open Space/Recreation - Two Harbors	108	--	0	0	0	2
Open Space/Structured Recreation - Catalina	24,057	--	0	0	0	505
Residential	136	--	21	0	0	0
Residential Land Uses - Two Harbors	136	0.25 (D)	21	0	0	0
SANTA CLARITA VALLEY AREA PLAN⁶	270,889	--	77,155	237,638		105,881
Residential	--	--	77,155	237,638	--	--
Non-Residential	--	--	--	--	--	81,265-107,123
SANTA MONICA MOUNTAINS NORTH AREA PLAN	20,162	--	2,441	9,398.95	14,428	6,569
Commercial	166	--	0	0	3,215	5,959
C - Commercial	120	0.5 (F)	0	0	2,604	4,764
CR - Commercial Recreation - Limited Intensity	47	0.3 (F)	0	0	611	1,195
Infrastructure	0	--	0	0	0	0
TC - Transportation Corridor	0	--	0	0	0	0
Public & Open Space	6,651	--	0	0	11,214	73
OS - Open Space	775	--	0	0	0	0
OS-DR - Open Space Deed Restricted	591	--	0	0	0	0
OS-P - Open Space Parks	4,731	--	0	0	0	62
OS-W - Open Space Water	39	--	0	0	0	11
P - Public and Semi-Public Facilities	515	0.5 (F)	0	0	11,214	0
Rural	12,920	--	1,601	6,164	0	537

**Table 1
Proposed General Plan**

<i>Land Use Designation</i>	<i>Acres³</i>	<i>Density / Intensity⁴</i>	<i>Units</i>	<i>Population⁵</i>	<i>Bldg. Sq. Footage (in thousands)</i>	<i>Jobs⁵</i>
N20 - Mountain Lands 20	5,505	0.05 (D)	275	1,060	0	16
N10 - Mountain Lands 10	4,265	0.1 (D)	369	1,419	0	200
N5 - Mountain Lands 5	2,028	0.2 (D)	361	1,388	0	200
N2 - Rural Residential 2	668	0.5 (D)	292	1,124	0	100
N1 - Rural Residential 1	454	1 (D)	305	1,173	0	21
Residential	425	--	840	3,235	0	0
U2 - Residential 2	252	1.6 (D)	360	1,386	0	0
U4 - Residential 4	148	3.2 (D)	344	1,323	0	0
U8 - Residential 8	26	6.4 (D)	137	526	0	0
TWIN LAKES COMMUNITY PLAN	45	--	45	174	0	0
Rural	45	--	45	174	0	0
RC - Rural Communities	45	1 (D)	45	174	0	0
WALNUT PARK NEIGHBORHOOD PLAN	369	--	4,338	13,717	2,558	5,044
Commercial	41	--	0	0	2,135	4,358
GC - General Commercial	35	1.3 (F)	0	0	1,963	3,786
OC - Office Commercial	7	0.6 (F)	0	0	173	572
Industrial	8	--	0	0	180	112
PU/I - Public Use / Institutional	8	0.5 (F)	0	0	180	112
Mixed Use & Specific Plan	11	--	0	0	242	474
MC - Mixed Commercial	11	0.5 (F)	0	0	242	474
Other	4	--	26	100	0	0
R/P - Residential / Parking	4	7.2 (D)	26	100	0	0
Residential	305	--	4,312	13,617	0	100
NP I - Neighborhood Preservation I	167	7.2 (D)	1,200	4,619	0	100
NP II - Neighborhood Preservation II	21	14.4 (D)	298	1,146	0	0
NR - Neighborhood Revitalization	117	24 (D)	2,814	7,852	0	0
WEST ATHENS - WESTMONT NEIGHBORHOOD PLAN	1,489	--	11,185	40,539	10,820	10,894
Commercial	155	--	0	0	6,047	8,456
C.1 - Regional Commercial	45	1 (F)	0	0	1,940	1,060
C.2 - Community Commercial	81	1 (F)	0	0	3,513	6,994
C.3 - Neighborhood Commercial	2	0.5 (F)	0	0	41	79
C.4 - Commercial Manufacturing	15	0.64 (F)	0	0	416	318
CR - Commercial Recreation	13	0.25 (F)	0	0	137	5
Public & Open Space	278	--	0	0	4,773	1,813

**Table 1
Proposed General Plan**

Land Use Designation	Acres³	Density / Intensity⁴	Units	Population⁵	Bldg. Sq. Footage (in thousands)	Jobs⁵
OS.1 - Recreation / Open Space	122	--	0	0	0	70
PL.1 - Public/Quasi-Public Use	157	0.7 (F)	0	0	4,773	1,743
Residential	1,057	--	11,185	40,539	0	625
RD 2.3 - Single Family Residence	485	6.4 (D)	3,103	11,945	0	325
RD 3.1 - Two Family Residence	549	13.6 (D)	7,463	26,868	0	200
RD 3.2 - Medium Density Bonus	19	24 (D)	463	1,292	0	100
SCD - Senior Citizen Density Bonus	4	40 (D)	156	434	0	0
Grand Total	1,653,056	--	668,911	2,383,373	729,510	477,862

Notes:

- Historically, jurisdiction-wide buildout levels do not achieve the maximum allowable density/intensity on every parcel and are, on average, lower than allowed by the General Plan. Accordingly, the buildout projections in this General Plan do not assume buildout at the maximum density or intensity and instead are adjusted downward to account for variations in buildout intensity.
- The County has adopted a total of 13 community-based plans. The adoption date of these community-based plans vary and the boundaries of the community plans may or may not be coterminous with a specific plan.
- Acres are given as adjusted gross acreages, which do not include the right-of-way for roadways, flood control facilities, or railroads.
- The density/intensity figure shown reflects the projected density/intensity for buildout purposes, which is generally 80% of the maximum density/intensity permitted for that land use category. (D) denotes residential density and (F) denotes Floor Area Ratio.
- Projections of population by residential designation are based on a persons-per-household factor that varies by housing type. Additionally, the projections of jobs by designation are based on an employment generation factor that varies by employment category, or actual number of jobs.
- The figures for the unincorporated Santa Clarita Valley reference the figures in the Environmental Impact Report for the Santa Clarita Valley Area Plan Update. The methodology used to derive the figures for the unincorporated Santa Clarita Valley differs from the methodology used to generate the figures for other unincorporated areas and, therefore, they cannot be broken down by Land Use Category.
- The Antelope Valley Area Plan represents the adopted plan, with the exception of the portion that overlaps with the Proposed General Plan community of 'Kagel / Lopez Canyons'. Therefore, the total acreage of the Antelope Valley represented here is less than the actual area of the adopted plan boundary.

The project will replace the adopted General Plan, including all of the elements (excluding the Housing Element), land use distribution maps, and circulation maps. Other components of the comprehensive General Plan Update include, but are not limited to:

- Update the Special Management Areas including but not limited to Agricultural Resource Areas, Seismic Hazard Zones, Flood Hazard Zones, Significant Ecological Areas, Hillside Management Areas, and Very High Fire Hazard Severity Zones.
- Update Significant Ecological Areas boundaries.
- Update of the Highway Plan.
- Amendments to the existing County ordinances and/or adoption of new County ordinances as necessary to implement the updated General Plan, including but not limited to the SEA CUP Ordinance, Hillside Management Ordinance, and the addition of new zones to implement portions of the land use legend.
- Rezoning as necessary to implement and/or maintain consistency with the updated General Plan.
- Rescinding or updating outdated policies, ordinances, manuals, codes and other guidance documents and enacting new implementing policies, ordinances, manuals, and other guidance documents as needed to reflect current law and the updated General Plan
- Digitizing, parcelizing, and refining land use policy maps for existing community-based plans, as needed.

3. PROBABLE ENVIRONMENTAL EFFECTS

Environmental Issues:

The County has determined that a Program EIR will be prepared for the proposed comprehensive General Plan Update. Section 15168 of the CEQA Guidelines states that a Program EIR may be prepared on a series of actions that can be characterized as one large project and are related either: 1) geographically; 2) as logical parts in the chain of contemplated actions; 3) in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or 4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects that can be mitigated in similar ways. The Program EIR will be prepared in accordance with the requirements of CEQA Statutes and Guidelines, as amended. Pursuant to Section 15146 of the CEQA Guidelines the degree of specificity in the Program EIR will correspond to the degree of specificity involved in the comprehensive General Plan Update. The EIR will focus on the primary effects that can be expected to follow from adoption of the comprehensive General Plan Update and will not be as detailed as an EIR on the specific development or construction projects that may follow. Based on the County's preliminary analysis of the project, the following environmental issues will be examined in the Program EIR:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agricultural and Forest Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology / Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality |
| <input checked="" type="checkbox"/> Land Use / Planning | <input checked="" type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Population / Housing | <input checked="" type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation / Traffic | <input checked="" type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

The Draft EIR will address the short- and long-term effects of the Los Angeles County General Plan Update on the environment. Mitigation measures will be proposed for those impacts that are determined to be significant. A mitigation monitoring program will also be developed as required by Section 15150 of the CEQA Guidelines.

REVIEW PERIOD: This Revised NOP will be available for review from **June 28, 2013** to **July 29, 2013** on the Department of Regional Planning (Department) website at <http://planning.lacounty.gov/generalplan/ceqa>. Hardcopies will be available at the Department's main office and field office locations listed at the following link: <http://planning.lacounty.gov/locations>; all County libraries; Calabasas Library located at 200 Civic Center Way, Calabasas, CA 91302; and Altadena Library (Main Library) located at 600 East Mariposa Street, Altadena, CA 91001.

The Department is seeking input from both agencies and members of the public on the scope and content of the environmental information and analysis to be contained in the EIR. Any correspondence related to the General Plan Update received as part of the first NOP does not have to be resubmitted; it has already been incorporated as part of the environmental review process for the project. Due to the time limits mandated by State law, written comments must be sent via mail, e-mail, or fax no later than 5:00 PM on **Monday, July 29, 2013**. Please send your comments at the earliest possible date to:

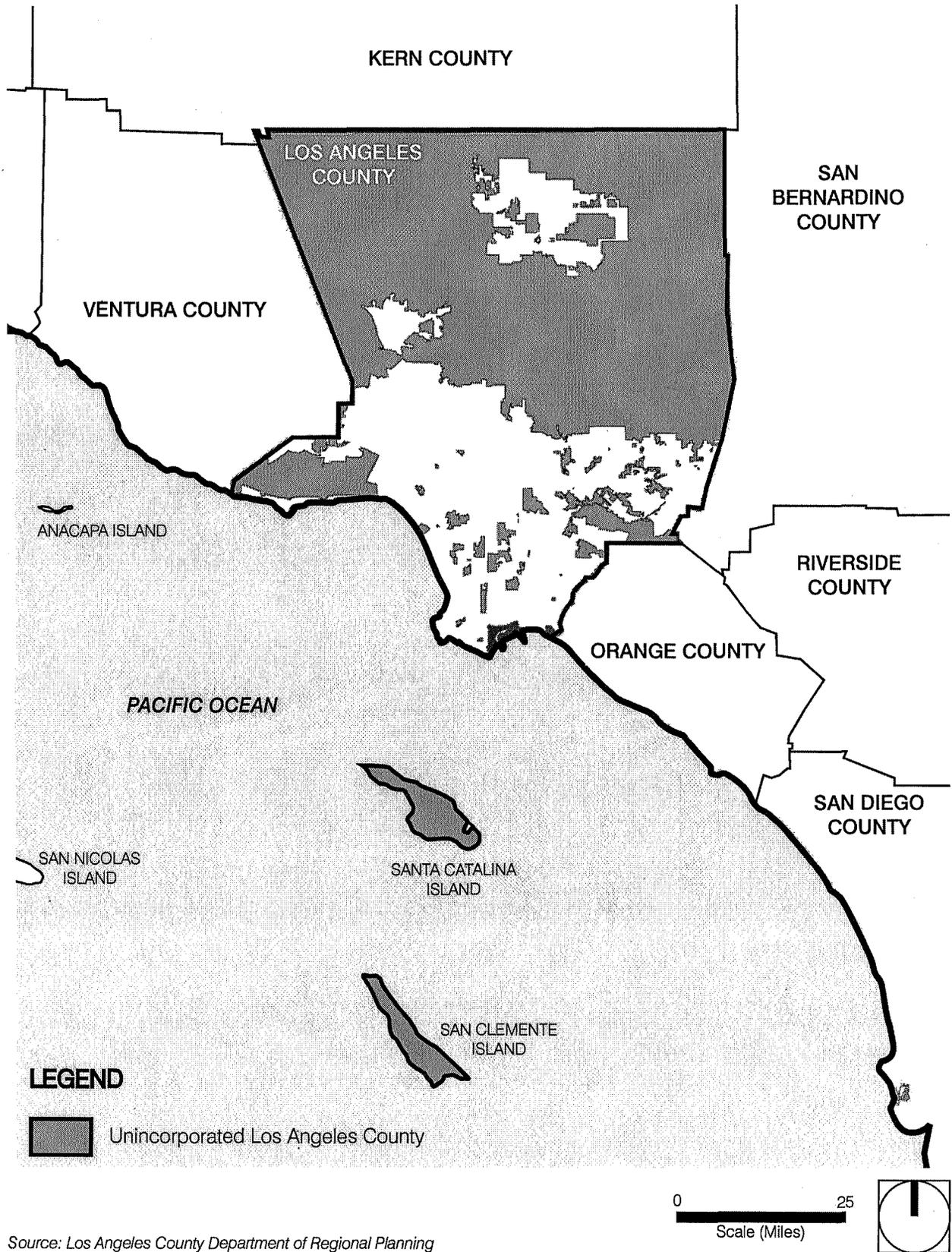
Connie Chung, AICP
Supervising Regional Planner
Los Angeles County
Department of Regional Planning
320 W. Temple Street, Room 1356
Los Angeles, CA 90012
Email: genplan@planning.lacounty.gov
Fax: (213) 626-043

PUBLIC SCOPING MEETING: Pursuant to the California Public Resources Code Section 21803.9, Los Angeles County will conduct a public scoping meeting. This meeting will provide a public forum for information dissemination and dialogue regarding the components of the proposed project, the overall process, and the draft EIR. While staff will summarize the issues raised at these meetings, anyone wishing to make formal comments on the NOP must do so in writing. The public scoping meeting will be held at the time and location listed below:

Date: July 11, 2013
Time: 5:00 p.m. to 6:00 p.m.
Location: Los Angeles County
Department of Regional Planning
320 W. Temple Street, Room 150
Los Angeles, CA 90012

The scoping meeting will also be streamed live at the following link:
<http://streaming.planning.lacounty.gov/meeting>. Afterward, the recorded presentation and meeting will also be posted at the following link: <http://planning.lacounty.gov/generalplan/ceqa>.

Regional Location



Source: Los Angeles County Department of Regional Planning

Los Angeles County General Plan Update

The Planning Center | DC&E • Figure 1

City comments on NOP for
Los Angeles County General Plan Update

26 July 2013

VIA ELECTRONIC AND U.S. MAIL

County of Los Angeles
Department of Regional Planning
ATTN: Connie Chung, AICP, Supervising Regional Planner
320 W. Temple St., Rm. 1356
Los Angeles, CA 90012

SUBJECT Comments in Response to the Revised Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meeting for Los Angeles County General Plan 2035

Dear Ms. Chung:

The City of Rancho Palos Verdes appreciates the opportunity to comment upon the revised Notice of Preparation (NOP) for the above-mentioned project. The City respectfully requests the inclusion of the following issues within the scope of the potential environmental impacts analyzed in conjunction with the proposed general plan update and amendment:

- 1) Many areas of the Palos Verdes Peninsula—which includes the Westfield Urban County Island (UCI)—are characterized by areas containing major landslides and/or exhibiting high slope instability. The discussion of geotechnical hazards in the Draft Environmental Impact Report (DEIR) should carefully consider these potential impacts as they apply in the Westfield UCI.
- 2) The Palos Verdes Peninsula is perhaps most accurately characterized as a semi-rural area, where traffic is the most common source of “nuisance” noise. The project description in the Initial Study indicates the Mobility Element will be amended. On the Palos Verdes Peninsula, a 1.25-mile segment of Crenshaw Boulevard traverses the Westfield UCI (between Palos Verdes Drive North and Silver Spur Road), while the entire length of Hawthorne Boulevard from Pacific Coast Highway to Palos Verdes Drive West is a designated County highway (Route N7). If any changes are proposed to the classification, configuration or alignment of either of these thoroughfares as a part of the proposed General Plan update, the associated noise impacts upon adjacent land uses should also be fully analyzed in the DEIR for this project.

- 3) A significant portion of the Westfield UCI currently utilizes private sewage disposal systems. Such systems have potential negative impacts upon groundwater quality, as well as upon landslides and slope instability (see Comment 1 above). Therefore, we suggest that the discussion of water quality resource impacts in the DEIR should address the expansion of private sewage disposal systems.
- 4) Biological surveys conducted in association with the City's Natural Communities Conservation Plan (NCCP) program identified coastal sage scrub habitat on the side slopes within Agua Negra Canyon, which extends from Palos Verdes Drive North to Silver Spur Road and is bisected by Crenshaw Boulevard (see Comment 2 above). As such, the City believes that biological resource impacts will almost certainly occur within the Westfield UCI, and should be carefully considered in the DEIR for this project.
- 5) Please note that the intersection of Western Avenue and Toscanini Drive in the City of Rancho Palos Verdes is one of the intersections that are monitored for compliance with the County's Congestion Management Plan (CMP). As such, the City requests that the traffic impact analysis in the DEIR for the proposed project include the intersection of Western Avenue and Toscanini Drive.
- 6) Residents in the Westfield UCI are served by the Palos Verdes Peninsula Unified School District (PVPUSD), which, in the past decade, has re-opened several closed campuses in the face of increased demand from the community. Any proposed amendments to the General Plan that directly or indirectly induce additional population growth in the Westfield UCI have the potential to exacerbate this condition. The City suggests that the County should consult with all affected school districts serving the unincorporated areas of the County—not just the Los Angeles Unified School District (LAUSD)—in its assessment of the potential environmental effects of the proposed project.
- 7) We understand that changes in land use designation may be proposed to reflect existing land use patterns that are not depicted on the current Land Use Policy Map. This may have the effect of "legalizing" existing nonconforming land uses, thereby providing greater opportunities for the expansion of these uses in the future. Within the Westfield UCI, there is an existing office building at the southeast corner of Crenshaw Boulevard and Palos Verdes Drive North that is designated "Residential 1–Low Density" on the current Land Use Policy Map. There may also be portions of residential neighborhoods in the Westfield UCI (also designated "Residential 1–Low Density") that were built out at higher densities prior to the adoption of the current County General Plan. The DEIR for

Connie Chung
26 July 2013
Page 3

this project should analyze the potential growth-inducing effects that land use changes involving existing nonconforming uses could generate.

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

Sincerely,



Kit Fox, AICP
Senior Administrative Analyst

cc: Mayor Susan Brooks and City Council
Carolyn Lehr, City Manager
Carolynn Petru, Deputy City Manager

Letters to Councilman Buscaino, Congresswoman Hahn and
Congressman Waxman regarding Rancho LPG facility



CITY OF RANCHO PALOS VERDES

SUSAN BROOKS, MAYOR

JERRY V. DUHOVIC, MAYOR PRO TEM

June 18, 2013

BRIAN CAMPBELL, COUNCILMAN

JIM KNIGHT, COUNCILMAN

ANTHONY M. MISETICH, COUNCILMAN

The Honorable Joe Buscaino
City of Los Angeles, 15th Council District
200 N. Spring St., Rm. 425
Los Angeles, CA 90012

SUBJECT: Resolution of Issues Related to the Rancho LPG Facility, 2110 North Gaffey Street, San Pedro, California

Dear Councilman Buscaino:

Since your election to the Los Angeles City Council in 2011, my City Council colleagues and I have very much appreciated your leadership in addressing community concerns about the Rancho LPG facility. As you know, the operation of this facility has potential impacts upon residents in both of our cities. Our City Council receives regular updates related to the facility from our Staff. However, there are several issues for which we have sought (unsuccessfully) answers to our questions about the facility, and for which we now turn to you for assistance.

Rancho LPG Insurance Information

At a public meeting before the Rancho Palos Verdes City Council in October 2012, a representative of Rancho LPG expressed willingness to provide our City with information about the insurance and liability coverage for the Rancho LPG facility. However, in January 2013, Rancho LPG subsequently refused to provide this information on the grounds that it was "proprietary information" (see enclosures). We seek any assistance that you and the Los Angeles City Attorney's Office can provide in obtaining copies of Rancho LPG's insurance information.

Chief Legislative Analyst's Recommendations

In February 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." 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

Councilman Joe Buscaino
June 18, 2013
Page 2

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.

Recently, we forwarded to your staff information about a possible grant funding opportunity for emergency preparedness that might help to implement the CLA's recommendations (see enclosure). We would appreciate an update on the status of the implementation of the CLA's recommendations regarding the Rancho LPG facility.

Environmental Protection Agency Enforcement Action

In March 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 (see enclosure). This notice apparently stemmed from site inspections conducted by the EPA in 2010 and 2011. The allegations against Rancho LPG include:

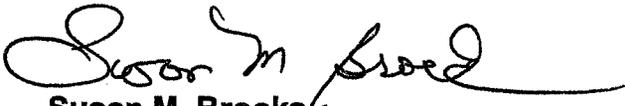
- Failing to include the rail storage area of the site in its Risk Management Plan;
- Failing to adequately evaluate seismic impacts upon the facility's emergency flare;
- Failing to address the consequences of a loss of City water for fire suppression during an earthquake;
- Failing to conduct a timely 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 was given until April 15, 2013, to file responses to EPA's allegations. Our Staff contacted the EPA on May 6, 2013, to inquire into the status of Rancho LPG's response, but we have received no response to our inquiry from EPA. We seek your assistance in getting an update from EPA in this matter.

Councilman Joe Buscaino
June 18, 2013
Page 3

Again, I thank you for your continued leadership in addressing this issue affecting all of our constituents. If you have questions or need additional information, please contact Senior Administrative Analyst Kit Fox at (310) 544-5226 or *kitf@rpv.com*.

Sincerely yours,


Susan M. Brooks
Mayor

enclosures

cc: Rancho Palos Verdes City Council
Carolyn Lehr, Rancho Palos Verdes City Manager
Mayor Margaret Estrada and the Lomita City Council
Michael Rock, Lomita City Manager
Mayor James F. Goodhart and the Palos Verdes Estates City Council
Anton Dahlerbruch, Palos Verdes Estates City Manager
Mayor Frank E. Hill and the Rolling Hills City Council
Steve Burrell, Rolling Hills Interim City Manager
Mayor Frank V. Zerunyan and the Rolling Hills Estates City Council
Doug Prichard, Rolling Hills Estates City Manager
Kit Fox, Senior Administrative Analyst



RANCHO

LPG Holdings LLC

John H. Kyles
Senior Attorney

Phone: (713) 993-5136
Fax: (713) 646-4216

January 29, 2013

Carol W. Lynch, Esq.
City Attorney, City of Rancho Palos Verdes
c/o: Richards, Watson & Gershon
355 South Grand Avenue 40th Floor
Los Angeles, CA 90071

RE: Rancho LPG Holdings LLC
San Pedro Terminal, 2110 North Gaffey, San Pedro, CA

City of Rancho Palos Verdes, CA Information Request Response
(Plains File: L6686A)

Dear Ms. Lynch,

You and Mr. Kit Fox have inquired about the insurance coverage that Rancho LPG has in place in case of a catastrophic event involving the storage tanks at Rancho's facility. After internal review, Rancho LPG has concluded that the requested information is proprietary. Therefore, Rancho will not make the insurance policies and their details available to the City.

However, Rancho LPG wants Rancho Palos Verdes City government to know that Rancho works closely with its underwriters and has been advised that Rancho has an appropriate level of insurance for a facility of this type.

Thank you for your consideration and cooperation in this matter.

Sincerely,

John H. Kyles

Cc:

Kit Fox, AICP
Senior Admin Analyst
City Manager's Office
City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho, Palos Verdes, CA
90275

Ron Conrow
Western District Manager
Plains LPG Services, LP
Shafter, CA

Dan Johansen
San Pedro Terminal
2110 North Gaffey,
San Pedro, CA 90731

Scott Sill
Managing Director, LPG Operations
1400, 607-8 Avenue SW
Calgary AB T2POA7

Hon. Rudy Svorinich, Jr.
1891 N. Gaffey Street
Suite 221
San Pedro, CA 90731

FACT SHEET

CalEMA Hazardous Materials Emergency Preparedness Grant (HMEP)

Funding Information and Application Requirements

FAST FACTS

1	Application Deadline	Applications are due to California's Local Emergency Planning Committees (LEPCs) approximately July 15, 2013. Check with your LEPC chair to confirm their internal deadline date. LEPCs contact information is located at the end of this fact sheet. LEPCs are to submit applications to Cal EMA by August 15, 2013.
2	Workshops (if any)	There are no workshops scheduled at this time.
3	Eligible Applicants	State or local agencies and federally recognized tribal governments. Local governments are defined as, "A county, municipality, city, town, township, local public authority such as school district, special district, intrastate district, council of governments...any other regional or interstate government entity, or any agency or instrumentality of a local government."
4	Purpose of Program	For public sector planning and training in support of the emergency planning and training efforts of States, Indian tribes, and local communities to deal with hazardous materials emergencies, particularly those involving transportation.
5	Success Rate Last Year	2012: 11 applications were received and nine were funded. Success rate was 82 percent. 2011: 15 applications were received and all were funded. Success rate was 100 percent.
6	Authorizing Resolution Required?	Not stated as required.

FUNDING INFORMATION

7	Total Funds Available	Anticipated funding \$738,380.
8	High, Low, Average Grant Last Year	High: \$64,000; Average: \$27,753; Low: \$10,422
9	Maximum Funding Request	There is no stated maximum.
10	Local Match Required	20 percent of the total cost of the approved project with non-Federal funds.
11	Funding Cycle	Annual

PROJECT INFORMATION

12	Examples of Funded Projects	<ul style="list-style-type: none"> • Corona Fire Department – Area Plan Update: a minimum of 75% of the HMEP Planning grant allocation is made available to the LEPCs for allowable projects via a sub-grant process that requires the LEPCs to approve and prioritize all applications for
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their region. \$11,000.

- **City of Lancaster** – HazMat Needs/Hazards Assessment and Response Exercise: To fund a Needs/Hazards Assessment of the existing HazMat transportation conditions in the City, create a database and GIS maps to document existing facilities and thoroughfares that use or transport Hazardous Materials, and share the data with the existing EOC software programs and all first responders. This data would also be used to design, conduct, and evaluate a full-scale exercise that evaluates the current readiness levels of the EOC, field response crews, and CERT volunteers to determine future needs. The scenario will involve a tanker truck accident and resulting spill. Results of the assessment and exercise lessons learned will directly relate to an intended 2013-14 application to fund the development of a HazMat Transportation Emergency Area Plan. \$10,422.
- **Trinity County** - Rural HazMat Decon Team Revitalization Project: Project is to design and conduct a multi-jurisdictional, multi-discipline full-scale HazMat exercise involving a transportation element, including the decontamination of ambulatory and non-ambulatory victims and responders. An after-action report and corrective action plan will support future updates to the HazMat Area Plan. Supplies and equipment necessary to support this exercise – and future training, exercises, and responses – include Level B Chemical Protective Clothing, ICS ID vests, and a transport trailer. The \$10,880 being requested is 40% of the identified Total Project Costs versus the allowable 80%. This project will deliver long-term life safety benefits to responders by improving timeliness and effectiveness of essential victim & responder decontamination and by improving coordination between local and regional HazMat response resources. \$10,880.

13 **Priorities**

A minimum of 75% of the HMEP Planning grant allocation is made available to the LEPCs for allowable projects via a sub-grant process that requires the LEPCs to approve and prioritize all applications for their region.

14 **Eligible Project Types**

- Project **MUST** be HazMat and Transportation related.
- Development, improvement, and implementation of emergency plans required under the EPCRA.
- Enhancement of emergency plans, including hazards analysis, and response procedures for emergencies involving transportation of hazardous materials, including radioactive materials.
- An assessment to determine the flow patterns of hazardous materials within the state, between states or Native American lands, and development and maintenance of a system to keep such information current.
- An assessment of the need for regional hazardous materials

		<p>emergency response teams.</p> <ul style="list-style-type: none"> • An assessment of local response capabilities. • HazMat emergency response drills and exercises to test capabilities and identify gaps in training. (Allowable costs include planning and design, participation, evaluation, and after action review costs.) • Provision of technical staff to support the planning effort. • Additional activities appropriate to implement the scope of work for the proposed project plan and approved in the grant. (These activities must be approved by Cal EMA before initiated.)
15	Ineligible Activities	<ul style="list-style-type: none"> • Costs incurred outside the performance period. • Equipment purchases – Some equipment necessary for the completion of allowable project activities may be approved on a case-by-case basis, but will likely be funded at less than 80 percent of the total cost. • Overtime wages or Call Backs/Backfill • Food items • Software – with the exception of CAMEO • Weapons of Mass Destruction (WMD) planning or exercise activities • All-hazards or fixed-facility only planning or exercise activities • Community Emergency Response Team (CERT), Neighborhood Watch, and other community planning organization activities
16	Project Readiness	The grant performance period is October 1 through September 30.
HOW TO APPLY		
17	Application Requirements	<ul style="list-style-type: none"> • Application Form • Project Narrative (limited to two pages) • Designation Statement • Budget Worksheet and Budget Narrative • Work Schedule and Deliverables Form • Grant Assurances
18	Submission Requirements	Eligible public agencies must submit their planning grant applications to the LEPCs for review, prioritization, and approval.
HOW APPLICATIONS WILL BE SCORED		
19	Evaluation Criteria and Process	<ul style="list-style-type: none"> • Each LEPC is responsible for evaluating, approving and prioritizing the HMEP Planning sub-grant applications from within their region. • Once Cal EMA receives the applications, they are evaluated to determine if they are allowable, reasonable, and allocable to the HMEP grant program. • Additionally, the project is evaluated against the goals, objectives, and planning priorities for that grant cycle and whether the criteria listed on the application forms' instructions have been met. • Awards are expected September 30, 2013.

WHO TO CONTACT

20	Agency	Cal EMA
21	Contact Name/Phone Number	Neverley Shoemake at: (916) 845-8765 or neverley.shoemake@calema.ca.gov
22	Web Site	http://www.calema.ca.gov/HazardousMaterials/Pages/HMEP-Grant.aspx

**LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) CHAIRS
CALIFORNIA EMERGENCY MANAGEMENT AGENCY (CALEMA) STAFF**

Planning: Neverley Shoemake (916) 845-8765; CSTI Training: Susan Kocher (805) 549-3534 or Annabelle Dixon (805) 549-3544
E-mail: neverley.shoemake@calema.ca.gov; susan.kocher@calema.ca.gov; Annabelle.dixon@calema.ca.gov

Chair	CalEMA Staff
<p><u>Region I</u> RANDY ALVA Los Angeles County Fire Department 18239 W. Soledad Canyon Road Canyon Country, CA 91351 Phone: (510) 238-7759 E-mail: aalva@fire.lacounty.gov</p>	<p><u>Region I</u> JERI SIEGEL CalEMA, Southern Region 4671 Liberty Avenue Los Alamitos, CA 90720-5158 Phone: (805) 473-3035; Fax. (805) 679-1996 E-mail: jeri.seigel@calema.ca.gov</p>
<p><u>Region II</u> DAVE DEARBORN California Highway Patrol 1551 Benicia Road Vallejo, CA 94591 Phone: (707) 373-7719 E-mail: ddearborn@chp.ca.gov</p>	<p><u>Region II</u> SANDRA MCKENZIE CalEMA, Coastal Region 1300 Clay Street, Suite 400 Oakland, CA 94612 Phone: (510) 286-6748; Fax. (510) 286-0853 E-mail: sandra.mckenzie@calema.ca.gov</p>
<p><u>Region III</u> WILLIAM FULLER Yuba City Fire Department 824 Clark Avenue Yuba City, CA 95991 Phone: (530) 822-4809; Fax. (530) 822-7561 E-mail: wfuller@yubacity.net</p>	<p><u>Region III</u> DEBORAH VERCAMMEN CalEMA, Inland Region (North) 20645 Gas Point Rd. Cottonwood, CA 96022 Phone: (530) 347-6494; Fax. (530) 347-6456 E-mail: deborah.vercammen@calema.ca.gov</p>
<p><u>Region IV</u> MICHAEL PARISSI San Joaquin County Environmental Health Department 1868 East Hazelton Avenue Stockton, CA 95205 Phone: (209) 953-6213; Fax: (209) 468-3433 E-mail: dave.johnston@edcgov.us</p>	<p><u>Region IV</u> DANA OWENS CalEMA, Inland Region 3650 Schriever Avenue Mather, CA 95655 Phone: (916) 845-8482; Fax. (916) 845-8474 E-mail: dana.owens@calema.ca.gov</p>
<p><u>Region V</u> CRAIG PERKINS Bakersfield Fire Department 2101 H Street Bakersfield, CA 93301 Phone: (661) 326-3684; Fax: (661) 852-2171 E-mail: ctperkins@bakersfieldfire.us</p>	<p><u>Region V</u> KEVIN NAGATA CalEMA, Inland Region (South) 2550 Mariposa Mall, Room 181 Fresno, CA 93721 Phone: (559) 445-6125; Fax. (559) 445-5987 E-mail: kevin.nagata@calema.ca.gov</p>
<p><u>Region VI</u> NICK VENT County of San Diego Hazardous Materials Division P.O. Box 129261 San Diego, CA 92112-9261 Phone: (858) 505-6693; Fax. (858) 694-3705 E-mail: nick.vent@sdcounty.ca.gov</p>	<p><u>Region VI</u> JOANNE PHILLIPS CalEMA, Southern Region 4050 Taylor Street, M5243 San Diego, CA 92110 Phone: (619) 220-5369; Fax. (619) 278-3793 E-mail: joanne.phillips@calema.ca.gov</p>

Revision date: 5/13/2013



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

MAR 14 2013

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

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

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

Dear Mr. Puckett:

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

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

Specifically, the anticipated allegations against the Companies include:

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

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

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

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

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

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

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

///

¹<http://www.epa.gov/compliance/resources/policies/civil/seps/fnl-sup-herrn-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.



SUSAN BROOKS, MAYOR

JERRY V. DUHOVIC, MAYOR PRO TEM

June 18, 2013

BRIAN CAMPBELL, COUNCILMAN

JIM KNIGHT, COUNCILMAN

ANTHONY M. MISETICH, COUNCILMAN

The Honorable Janice Hahn
44th Congressional District of California
United States House of Representatives
400 Cannon House Office Building
Washington, DC 20515

SUBJECT: Resolution of Issues Related to the Rancho LPG Facility, 2110 North Gaffey Street, San Pedro, California

Dear Congresswoman Hahn:

During your tenure on the Los Angeles City Council and in your current capacity representing the 44th Congressional District of California, my City Council colleagues and I have very much appreciated your leadership in addressing community concerns about the Rancho LPG facility. As you know, the operation of this facility has potential impacts upon residents in both the cities of the 44th District and residents on the Palos Verdes Peninsula in the adjoining 33rd District. Our City Council receives regular updates related to the facility from our Staff. However, there are several issues for which we have sought (unsuccessfully) answers to our questions about the facility, and for which we now turn to you for assistance.

Rancho LPG Insurance Information

At a public meeting before the Rancho Palos Verdes City Council in October 2012, a representative of Rancho LPG expressed willingness to provide our City with information about the insurance and liability coverage for the Rancho LPG facility. However, in January 2013, Rancho LPG subsequently refused to provide this information on the grounds that it was "proprietary information" (see enclosures). We seek any assistance that you can provide in obtaining copies of Rancho LPG's insurance information.

Chief Legislative Analyst's Recommendations

In February 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." The report was prepared in response to several motions by your successor, 15th District Los Angeles City Councilman Joe Buscaino. After summarizing

Congresswoman Janice Hahn

June 18, 2013

Page 2

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.

Recently, we forwarded to Councilman Buscaino's staff information about a possible grant funding opportunity for emergency preparedness that might help to implement the CLA's recommendations (see enclosure). We would appreciate any assistance that you might offer to the City of Los Angeles in pursuing these grant funds to assist in the implementation of the CLA's recommendations regarding the Rancho LPG facility.

Environmental Protection Agency Enforcement Action

In March 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 (see enclosure). This notice apparently stemmed from site inspections conducted by the EPA in 2010 and 2011. The allegations against Rancho LPG include:

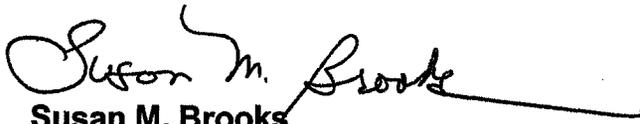
- Failing to include the rail storage area of the site in its Risk Management Plan;
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- Failing to develop an Emergency Response Plan to protect public health and the environment; and,
- Failing to include a drain pipe and valve in the containment basin in the Mechanical Integrity Program.

Congresswoman Janice Hahn
June 18, 2013
Page 3

Rancho LPG was given until April 15, 2013, to file responses to EPA's allegations. Our Staff contacted the EPA on May 6, 2013, to inquire into the status of Rancho LPG's response, but we have received no response to our inquiry from EPA. We seek your assistance in getting an update from EPA in this matter.

Again, I thank you for your continued leadership in addressing this issue affecting all of our constituents. If you have questions or need additional information, please contact Senior Administrative Analyst Kit Fox at (310) 544-5226 or kitt@rpv.com.

Sincerely yours,


Susan M. Brooks
Mayor

enclosures

cc: Rancho Palos Verdes City Council
Carolyn Lehr, Rancho Palos Verdes City Manager
Mayor Margaret Estrada and the Lomita City Council
Michael Rock, Lomita City Manager
Mayor James F. Goodhart and the Palos Verdes Estates City Council
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Steve Burrell, Rolling Hills Interim City Manager
Mayor Frank V. Zerunyan and the Rolling Hills Estates City Council
Doug Prichard, Rolling Hills Estates City Manager
Kit Fox, Senior Administrative Analyst



CITY OF RANCHO PALOS VERDES

SUSAN BROOKS, MAYOR

JERRY V. DUHOVIC, MAYOR PRO TEM

June 18, 2013

BRIAN CAMPBELL, COUNCILMAN

JIM KNIGHT, COUNCILMAN

ANTHONY M. MISETICH, COUNCILMAN

The Honorable Henry A. Waxman
33rd Congressional District of California
United States House of Representatives
2204 Rayburn House Office Building
Washington, DC 20515

SUBJECT: Resolution of Issues Related to the Rancho LPG Facility, 2110 North Gaffey Street, San Pedro, California

Dear Congressman Waxman:

My City Council colleagues and I are pleased to welcome you as the U.S. Congressional Representative for the City of Rancho Palos Verdes and the other cities and communities on the Palos Verdes Peninsula. As you may be aware, an issue of concern to many residents in this portion of the 33rd District is the Rancho LPG facility in San Pedro, which stores and handles more than 25 million gallons of butane and propane in a densely-populated area near the Port of Los Angeles. The operation of this facility has potential impacts upon residents in both the cities of the 33rd District and those in the adjoining 44th District. Our City Council receives regular updates related to the facility from our Staff. However, there are several issues for which we have sought (unsuccessfully) answers to our questions about the facility, and for which we now turn to you for assistance.

Rancho LPG Insurance Information

At a public meeting before the Rancho Palos Verdes City Council in October 2012, a representative of Rancho LPG expressed willingness to provide our City with information about the insurance and liability coverage for the Rancho LPG facility. However, in January 2013, Rancho LPG subsequently refused to provide this information on the grounds that it was "proprietary information" (see enclosures). We seek any assistance that you can provide in obtaining copies of Rancho LPG's insurance information.

Chief Legislative Analyst's Recommendations

In February 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.” The report was prepared in response to several motions by 15th District 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.

Recently, we forwarded to Councilman Buscaino’s staff information about a possible grant funding opportunity for emergency preparedness that might help to implement the CLA’s recommendations (see enclosure). We would appreciate any assistance that you might offer to the City of Los Angeles in pursuing these grant funds to assist in the implementation of the CLA’s recommendations regarding the Rancho LPG facility.

Environmental Protection Agency Enforcement Action

In March 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 (see enclosure). This notice apparently stemmed from site inspections conducted by the EPA in 2010 and 2011. The allegations against Rancho LPG include:

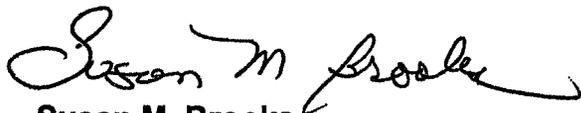
- Failing to include the rail storage area of the site in its Risk Management Plan;
- Failing to adequately evaluate seismic impacts upon the facility’s emergency flare;
- Failing to address the consequences of a loss of City water for fire suppression during an earthquake;
- Failing to conduct a timely 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.

Congressman Henry A. Waxman
June 18, 2013
Page 3

Rancho LPG was given until April 15, 2013, to file responses to EPA's allegations. Our Staff contacted the EPA on May 6, 2013, to inquire into the status of Rancho LPG's response, but we have received no response to our inquiry from EPA. We seek your assistance in getting an update from EPA in this matter.

Again, I thank you for your leadership in addressing this issue affecting all of our constituents. If you have questions or need additional information, please contact Senior Administrative Analyst Kit Fox at (310) 544-5226 or kitf@rpv.com.

Sincerely yours,



Susan M. Brooks
Mayor

enclosures

cc: Rancho Palos Verdes City Council
Carolyn Lehr, Rancho Palos Verdes City Manager
Mayor Margaret Estrada and the Lomita City Council
Michael Rock, Lomita City Manager
Mayor James F. Goodhart and the Palos Verdes Estates City Council
Anton Dahlerbruch, Palos Verdes Estates City Manager
Mayor Frank E. Hill and the Rolling Hills City Council
Steve Burrell, Rolling Hills Interim City Manager
Mayor Frank V. Zerunyan and the Rolling Hills Estates City Council
Doug Prichard, Rolling Hills Estates City Manager
Kit Fox, Senior Administrative Analyst

Letter from Congresswoman Hahn to EPA
regarding Rancho LPG facility

JANICE HAHN
44TH DISTRICT, CALIFORNIA



COMMITTEES:
TRANSPORTATION AND
INFRASTRUCTURE

SMALL BUSINESS

PORTS CAUCUS
FOUNDER AND CO-CHAIR

SOUTHERN CALIFORNIA REGIONAL WHIP

GUN VIOLENCE PREVENTION TASK FORCE

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

July 10, 2013

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WASHINGTON, DC 20515
(202) 225-8220
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140 W. 6TH STREET
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(310) 831-1799
FAX: (310) 831-1885

HTTP://HAHN.HOUSE.GOV

The Honorable Jared Blumenfeld
Regional Administrator
U.S. Environmental Protection Agency
75 Hawthorne St. (OPA-3)
San Francisco, CA 94105

Dear Administrator Blumenfeld,

As you are aware, I am deeply concerned with the safety of members of my community who live, work, and send their children to school in the shadow of the Rancho LPG Facility in San Pedro. I greatly appreciated your taking the time to come to my district office last year to hear directly from community leaders who expressed their continuing concern about the safety of the site.

In March 2013, the EPA issued a "Notification of Potential Enforcement Action for Violation of Section 112(r) (7) of the Clean Air Act" to the Rancho Facility and Rancho was given until April 15, 2013 to respond. I was gratified to see the EPA pursuing the safety concerns of my constituents so forthrightly, and I want to thank you again for your vigilance.

I understand that the EPA wants to schedule a meeting with Rancho LLP to address their response in August. The community is eager to see this matter resolved as quickly as possible, and so I write to request that the meeting be held this month.

I continue to believe that the relocation of these tanks is the only permanent solution to the threat posed by the Rancho facility. Until we achieve that, however, I know the community would appreciate a report as soon as possible about the steps EPA is taking to aggressively confront and correct any and all possible violations at the facility.

Thank you for attention to this matter. If you have any questions, please call my District Director, Elise Swanson at (310) 831-1799.

Sincerely,

Janice Hahn
Member of Congress

CC: Councilmember Joe Buscaino, Los Angeles City Council
Mayor Susan Brooks, City of Rancho Palos Verdes

5-246

Letter from Congressman Waxman to DHS
regarding Rancho LPG facility

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

July 31, 2013

The Honorable Janet Napolitano
Secretary of Homeland Security
Washington, DC 20528

Dear Madame Secretary:

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

In my district, there is a facility with much larger tanks that stores liquefied gas. My investigation indicates that the Department does not appear to be taking the steps necessary to protect the public from the risks of explosions. In fact, the Department is reaching conclusions that conflict with those of EPA inspectors, creating confusion and potentially delaying safety measures. I am writing to call this facility to your attention and to urge the Department to take all necessary steps to safeguard the local community.

Earlier this year, community leaders brought to my attention the liquefied petroleum gas storage facility owned by Rancho LPG Holdings LLC in San Pedro, California. Like the Blue Rhino facility that exploded in Florida, Rancho holds significant quantities of flammable gases, including propane. Unlike the Florida facility, the Rancho facility's holdings are stored in large tanks, posing a threat of a larger scale explosion than what was seen in Florida.

The community leaders in Rancho Palos Verdes are concerned about the risks Rancho poses to its neighboring residents. They told me that unexplained flaring has occurred at the site without proper notification and that mitigation measures have not been performed at the site to prevent an accident or terrorist attack. They are concerned that the tanks are simply too close to homes and schools, given the possibility of a large-scale explosion.

On March 14, 2013, the U.S. Environmental Protection Agency (EPA) initiated an enforcement action against Rancho for violations of legal requirements of EPA's Risk Management Program. Rancho was cited for failure to share the facility's emergency response plan with first responders who would have a role in responding to a release at the facility, failure

The Honorable Janet Napolitano
July 31, 2013
Page 2

to assess risks in its rail storage area, and a failure to properly plan for seismic events. Essentially, EPA said that Rancho is not prepared for an earthquake or accident.

When I learned of these facts, my staff contacted the Department of Homeland Security (DHS) to learn what the Department was doing to protect the community. Under the current system, federal oversight of a facility like Rancho is split between EPA, which is charged with protecting against chemical accidents, and DHS, which is charged with protecting against chemical releases that are caused by terrorist or criminal acts.

What we learned from DHS was surprising. While EPA has taken action to protect the community from deficiencies in the Rancho facility's preparedness, DHS found no significant or disqualifying problems at Rancho. An official of the Department told my staff that the facility had just undergone a "successful CFATS inspection."¹ No explanation was given as to how Rancho could be a danger to the community according to EPA but perfectly safe according to the Department of Homeland Security.

Last week, my staff reviewed the records from that inspection, and they reveal serious inadequacies in the DHS inspection at the facility. Most of the information DHS relied upon was self-reported by the facility. And when the inspectors went to the facility to conduct the inspections, their verification efforts were minimal.

For example, the DHS inspector "verified" that the facility's emergency response plan had been communicated to local emergency responders based on an interview with a senior representative of the company's management who did not work at the facility, whereas EPA found by checking with employees and local emergency responders that the facility's emergency response plan was not on file.

Similarly, the DHS inspector "verified" that employees had been trained on their roles and responsibilities in emergency situations by reviewing training records and interviewing the same senior manager, but EPA discovered by checking with the employees that they did not know what their roles and responsibilities are for emergency response.

As I hope you can understand, the DHS actions have the potential to create considerable confusion for the community. EPA says Rancho is not prepared for an accident; DHS says the company is prepared for an intentional attack. The EPA inspection appears thorough; the DHS inspection seems cursory. The EPA findings are alarming; the DHS conclusions are reassuring.

I believe the root cause of the problem may be deficiencies in the Chemical Facility Anti-Terrorism Standards (CFATS) program administered by DHS. The CFATS program has a long

¹ Oral communication between DHS staff and Energy and Commerce Committee staff (Mar. 21, 2013).

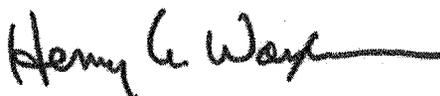
The Honorable Janet Napolitano
July 31, 2013
Page 3

record of ineffectiveness. As Rep. Bennie Thompson, the Ranking Member of the Committee on Homeland Security, and I wrote President Obama earlier this year, CFATS appears to be a “failing” program that has shown a “distressing lack of progress in securing these facilities since the program was established nearly six years ago.”² Now, this example suggests that the benchmarks for progress through the CFATS program are not reliable indicators of a facility’s security. It is troubling to think that we might never have become aware of the deficiencies in the CFATS inspection if not for EPA’s work. Significant changes to the CFATS program appear warranted.

I urge you to review the Department’s actions at Rancho and the larger CFATS program. I hope you will then take whatever steps are necessary to ensure public safety.

Thank you for your attention to this matter.

Sincerely,



Henry A. Waxman
Ranking Member

² Letter from Rep. Henry A. Waxman, Energy and Commerce Committee Ranking Member, and Rep. Bennie Thompson, Homeland Security Committee Ranking Member, to President Barack Obama (May 2, 2013) (online at <http://democrats.energycommerce.house.gov/index.php?q=news/ranking-members-waxman-and-thompson-urge-president-to-establish-blue-ribbon-commission-on-chemi>).

E-mails regarding Rancho LPG facility

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Wednesday, June 19, 2013 11:29 PM
To: MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; det310@juno.com; connie@rutter.us; jody.james@sbcglobal.net; Kit Fox; chateau4us@att.net; connie@rutter.us; lisa.pinto@mail.house.gov; aaron.wilensky@mail.house.gov; dan.tillema@csb.gov; don.holmstrom@csb.gov; Beth.Rosenberg@csb.gov; Mark.Griffon@csb.gov; Rafael.Moure-Eraso@csb.gov; wesling.mary@epamail.epa.gov; meer.daniel@epa.gov; helmlinger.andrew@epa.gov; blumenfeld.jared@epa.gov; marciesmiller@sbcglobal.net; pmwarren@cox.net; igornla@cox.net; dwgkaw@hotmail.com; burling102@aol.com; jacob.haik@lacity.org; richard.vladovic@lausd.net; bonbon90731@gmail.com; nancy.lauer@lapd.lacity.org
Cc: lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; leneebilski@hotmail.com; overbid2002@yahoo.com; diananave@gmail.com; mandm8602@att.net; dlrivera@prodigy.net; peter.burmeister@sbcglobal.net; ronkil@aol.com; lpryor@usc.edu; carl.southwell@gmail.com
Subject: Another article on Prof. Bea who has acknowledged the extremely high risk of Rancho LPG in San Pedro

<http://discovermagazine.com/2013/june/14-master-of-disaster#.UckZUufVC-1>

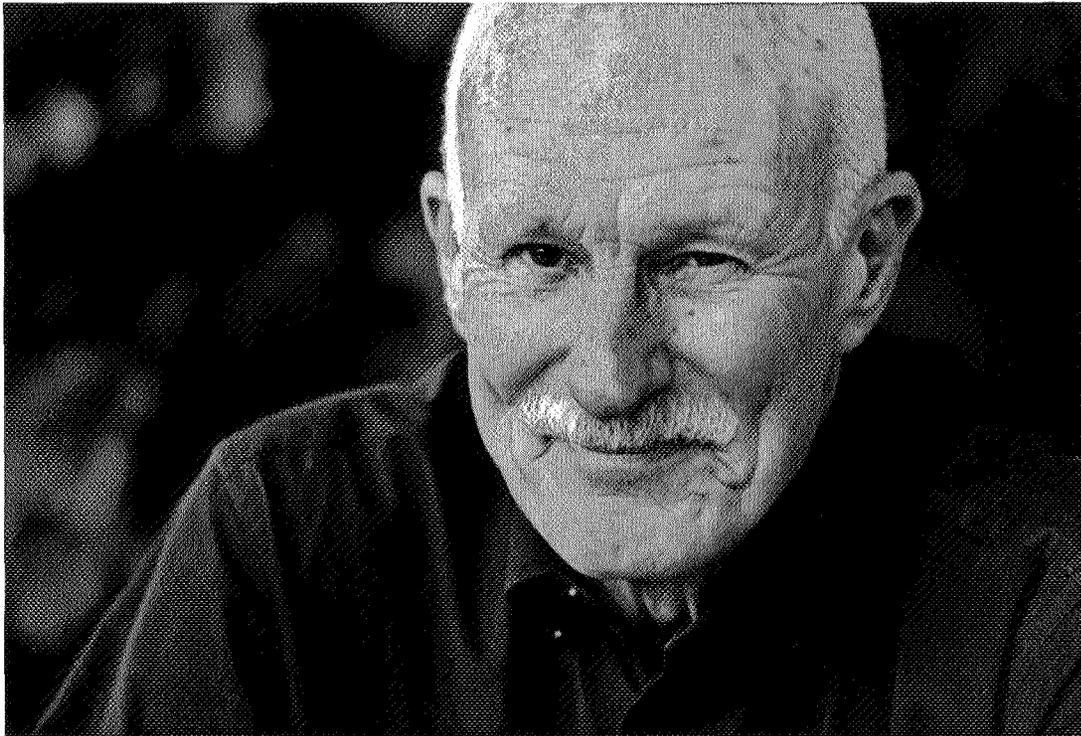
FROM THE JUNE 2013 ISSUE

Master of Disaster

Earthquakes and hurricanes will always wreak havoc, but risk management expert Robert Bea says the greatest tragedies result from hubris and greed.

By Linda Marsa | Thursday, May 23, 2013

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Paul Chinn/San Francisco Chronicle/Corbis

Robert Bea has an unusual specialty: He studies disasters. As one of the world's leading experts in catastrophic risk management, the former Shell Oil Co. executive sifts through the wreckage to unravel the chain of events that triggers accidents. The blunt-spoken civil engineer has spent more than a half-century investigating high-profile engineering failures, from the space shuttle *Columbia's* horrific end to the explosion of the Deepwater Horizon oil-drilling rig in the Gulf.

A professor emeritus of civil engineering at the University of California, Berkeley, Bea's disaster autopsy methods — such as looking at the organizational breakdowns that lead to calamities — have been widely adopted. Although policymakers and corporate honchos seek his counsel, sometimes they don't like what he has to say — witness the flak he took from BP during the Deepwater Horizon probe.

Now in his mid-70s, Bea's voice is raspier, but his critical faculties are undimmed. On a crisp fall day, he talked with DISCOVER in his comfortable one-story house in Moraga, a leafy suburb east of

Berkeley, about what causes catastrophes.

You have said that engineering failures aren't the chief culprits behind disasters, pointing instead to human and organizational failures — inadequate safety protocols, corporate hierarchies, conflicting egos or just plain laziness. Was there an “aha moment” when this became apparent?

When I was involved in the investigation into the Piper Alpha disaster, when an explosion destroyed an Occidental Petroleum oil-drilling platform in the North Sea, killing 167 men in 1988. The external investigation team that had been hired by Occidental into what caused Piper Alpha found it was a corporate culture that had gone bad, had lost its way.

I was part of that team all the way through the Lord Cullen Commission hearings in London, and I had to listen to one of my friends explain to the Cullen Commission why he and his colleagues had turned off the smoke alarms on the platform because the operating crew was doing a routine maintenance procedure late in the evening. Unfortunately, for over a month, certain alarms had been disabled to prevent unnecessary shutdowns on the rig — in some cases as a response to practical jokes. But turning off the alarms was one of the reasons they got caught by surprise.

Ironically, two years before, I was brought in to advise Occidental on risk management for Piper Alpha because they were having gas releases, pipes were leaking. Of course, you didn't have to be very smart to say, “Yeah, we've got a problem — it's called rusty pipes. And we've got problems with people not doing what they should be doing, and people who don't understand what's happening.”

One evening, during the first year of the investigation, I saw spread out on the reception table of the Occidental offices a copy of the *London Times* newspaper with a great, big, bold headline that said, “Occidental puts profit before safety.”

It had a picture of one of the bandaged, beat-up, horribly scarred survivors from the disaster who was telling this to the newspaper. What this survivor was observing is true. If you don't have profitability, you don't have the resources to invest in achieving adequate protection. What the tension is, is having the discipline and the foresight to make those investments before you're in trouble.

When I came back to Berkeley after the investigation was completed, I realized that for the past 50-some-odd years of my career, I'd been working on 10 percent of the problems. I'd been working on normal engineering things, and 90 percent of the problems are humans and/or organizations.

We often have ample warnings before catastrophes hit, but we tend to ignore them until it's too late. Why?

The problem is attention span, particularly in this country because we are a pretty young country. Our knowledge of history is very limited. We are extremely blessed. Lots of good things attract our attention. It's a noisy environment, really noisy. It's unusual to find people who are comfortable sitting in a room by themselves thinking.

You could say the eruption of Mount St. Helens was certainly painful, but it actually affected relatively few people and then disappeared into that strong noise environment. At that point people say, "Well, it's never happened to me.

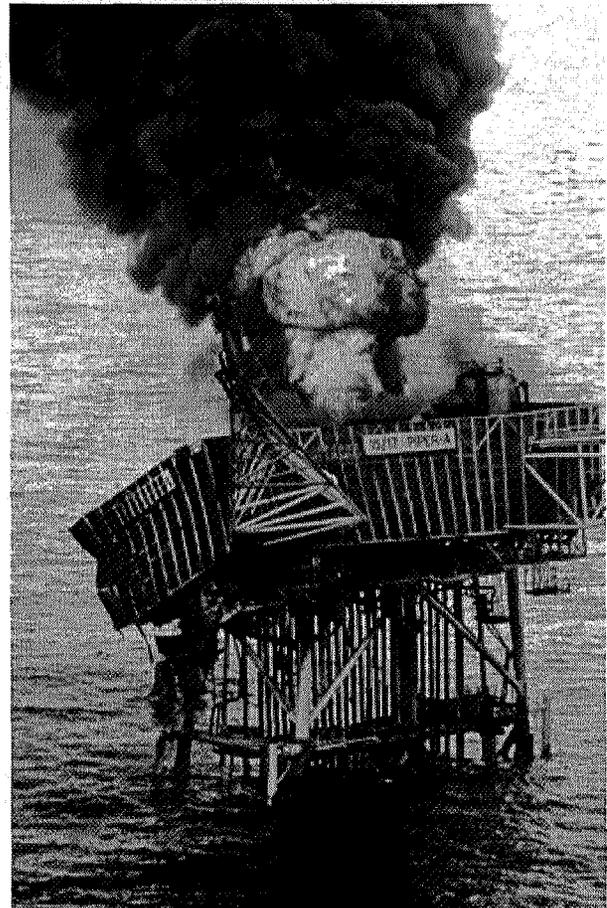
I can't even remember my parents talking about it, and I've got these new things to play with, and they require attention," like Facebook and Twitter. And suddenly, we have flitted from something that is difficult and painful to think about back to something that is enjoyable.

You seem to be suggesting that people have trouble dealing with issues over the long term. Are there other examples?

Well, global climate change is a perfect one, or rising sea levels. It's happening slowly. People love living by the beach, so they build a beautiful home on a concrete slab, on top of the sand a few feet above sea level, and [ignore the fact] that the sea level is [rising]. So thinking about these slowly evolving long-term things, it is painful. It says, "Well, I might have to move my home. I really enjoy the beach," and we don't like to give those things up.

Is this inability to think long term also true of organizations — corporations or government agencies?

Yes. The equation for disaster is $A + B = C$. A is natural hazards, things like hurricanes, gases and liquids under pressure that are extremely volatile. They're volcanoes. They're tsunamis. They're natural, and there's nothing unusual about them.



Robert Bea helped investigate the 1988 Piper Alpha disaster, where an exploding oil platform killed 167 in the North Sea.

Press Association/AP

B is organizational hazards: people and their hubris, their arrogance, their greed. The real killer is our indolence.

So human error is the kindling that escalates a natural hazard — a hurricane, a tsunami, chemicals under pressure — into C, a catastrophic disaster. Can you give me some examples?

Hurricane Ike. Galveston, Texas, got completely wiped out in 1900. Thousands of people got killed. So the U.S. Army Corps of Engineers built a seawall on Galveston Island, and that sucker has gone through every major hurricane since 1900.

But people think that if a storm hasn't happened since they lived there, somehow it can't happen to them. This is where B comes in — the hubris and shortsightedness. Because a hurricane hadn't flattened the city in decades, civic leaders decided to let people build at sea level again. And when Hurricane Ike came through in 2008, it was just like Berlin at the end of the second world war. Everything was gone.

Before Superstorm Sandy, I wrote that the subways were going to flood, but no one did anything. Mayor Bloomberg even hired some of my engineer friends from the Netherlands to come to New York City and advise him about building gates to cut off incoming hurricane surges.

But here we're back to B — hubris and shortsightedness. People think because they've never seen a storm like what happened in New Jersey or they've never seen the tunnels flooded in New York City that it can't happen, or that they need to think about building a levee.

When I lived in New Orleans, we lost everything in Hurricane Betsy [in 1965]: our house, wedding photographs, marriage license, birth certificates. Yet 40 years later, after Katrina, I go back to the same place. There's a new home built on the foundation, and the owners are dragging wet, oily mattresses out the front door.

Luckily I had no one with me that morning, but I broke down and cried. It wasn't tears of sadness. It was tears of frustration at such a miserable, despicable mess. While we can't prevent disaster, we can do things that are more sensible to mitigate risks, like maybe not building homes in floodplains.

But the cities are already there. Are you going to move entire cities?

In some cases, yes. We did it in the Mississippi River Valley after the 1993 floods. We actually moved entire towns to higher ground, like Valmeyer, Ill., and Rhineland, Mo., because we suddenly

recognized they'd rebuilt them five times in the same damn place. Doing it six times doesn't quite make sense. But there is not a "one size fits all" answer.

In other cases, there are intermediate solutions that can work, such as occupying only what you can defend properly and in a sustainable manner. An example is the "new New Orleans," where parts of the city outside of the defended perimeter of the levee system can be expected to flood severely and frequently. Individuals there are building structures on higher ground and making them stronger, and preparing to take care of themselves in future storms.



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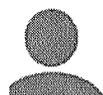
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Linda Jablonowski · a month ago

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Thursday, June 27, 2013 5:29 PM
To: MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; det310@juno.com; jody.james@sbcglobal.net; connie@rutter.us; marciesmiller@sbcglobal.net; dwgkaw@hotmail.com; igornla@cox.net; fbmjet@aol.com; owsqueen@yahoo.com; lljonesin33@yahoo.com; dan.weikel@latimes.com; paul_h_rosenberg@hotmail.com; stanley.mosler@cox.net; bonbon90731@gmail.com; dlrivera@prodigy.net; overbid2002@yahoo.com; diananave@gmail.com; burling102@aol.com; pmwarren@cox.net; carriescoveille@yahoo.com; chateau4us@att.net; Kit Fox; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; leneebilski@hotmail.com; mary_gligorov@yahoo.com; ksmith@klct.com; robertrnch@aol.com; richard.vladovic@lausd.net; nancy.lauer@lapd.lacity.org; lisa.pinto@mail.house.gov; aaron.wilensky@mail.house.gov; lprior@usc.edu; carl.southwell@gmail.com
Subject: Fwd: Testimony of CSB Chairperson Before the U.S. Senate Committee on Environment and Public Works

Wake up everybody!!!

If Professor Bob Bea is concerned...don't you think **everybody** should be?????!!! The "Premiere Authority" on Risk in the United States has confirmed that there is a serious problem in San Pedro with extraordinary risk exposure. Why is Rancho going to have to **blow up** before **anyone** responds to this flagrant hazard??!!

Janet G

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

From: Robert G. BEA <rgb251@berkeley.edu>
To: Janet Gunter - San Pedro LPG Risk <arriane5@aol.com>
Sent: Thu, Jun 27, 2013 2:49 pm
Subject: Fwd: Fw: Testimony of CSB Chairperson Before the U.S. Senate Committee on Environment and Public Works

"...tragedies of the kind that should be prevented..."

To view this message in a browser, please click [here](#)



[CLICK HERE](#) to view the written statement

[CLICK HERE](#) to view the CSB's preliminary findings

BEGIN TESTIMONY

Chairman Boxer, Senator Vitter, and distinguished Committee members – thank you for inviting me today. I am CSB Chairperson Rafael Moure-Eraso.

The two explosions we are discussing today – West Fertilizer and Williams Olefins – are tragedies of the kind that should be prevented.

The destruction I personally saw in West – the obliteration of homes, schools, and businesses by an ammonium

nitrate explosion – was almost beyond imagination. The loss of life was horrible.

The CSB has determined that ammonium nitrate fertilizer storage falls under a patchwork of U.S. safety standards and guidance – a patchwork that has many large holes.

These holes include: the use of combustible wooden buildings and wooden storage bins, sprinklers generally not required, and no federal, state, or local rules restricting the storage of large amounts of ammonium nitrate near homes, schools and hospitals.

Voluntary fire codes have some useful provisions for ammonium nitrate. But Texas and most of its counties have no fire code. So at West, these fire code provisions were strictly voluntary, and West Fertilizer had not volunteered. Our investigators learned that combustible seeds were stored near the ammonium nitrate, not separated by any fire-resistant partition.

OSHA has some similar provisions for ammonium nitrate fertilizer in its Explosives standard, 1910.109. However, OSHA has not focused extensively on ammonium nitrate storage and hadn't inspected West since 1985.

Other nations have gone much further than the U.S. on ammonium nitrate safety. The UK recommends dedicated, noncombustible storage buildings and noncombustible bins. The U.S. manufacturer, CF Industries, recommends the same and urges sprinklers as well.

But the fertilizer industry tells us that U.S. sites commonly store ammonium nitrate in wooden buildings and bins – even near homes, schools, or other vulnerable facilities. This situation must be addressed.

Preventing the risk of fire essentially eliminates the potential for an explosion like we saw in West, by removing one of the preconditions for detonation.

Facilities like West fall outside existing federal process safety standards, which were developed in the 1990's and are list-based.

Ammonium nitrate would likely have been included, if the EPA had adopted our 2002 recommendation to cover reactive chemicals under its Risk Management Program.

But the modestly sized RMP program is no panacea; it already covers large refineries and petrochemical sites – including Williams Olefins – and yet we still see serious accidents.

The Williams plant has over a hundred workers, producing ethylene and propylene.

On June 13, there was a catastrophic failure involving a heat exchanger and associated piping which broke loose from a distillation tower. The ensuing explosion led to the deaths of two employees. We join in mourning their loss.

It is too soon in our investigation to tell why the equipment failure occurred.

The bigger picture in process safety is that EPA and OSHA resources are under duress. Regulations need to be modernized – but more inspection and prevention are needed as well.

Meantime, we are finding encouraging alternatives to the current situation:

Following the Chevron refinery fire last year, and acting upon CSB recommendations, California is poised to triple the number of dedicated process safety inspectors ... funded by industry fees.

Another promising approach is the 'safety case'— successfully used in other nations, which insurers say have much lower petrochemical accident rates than we do.

Companies identify and commit to follow the best safety standards from around the world, subject to approval and oversight by a competent, well-funded regulator. Many experts believe this is the best safety regime for complex, technological industries, rather than the U.S. system which calls upon a prescriptive and often outdated rule book.

Thank you again for the opportunity to testify today.

END TESTIMONY

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Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Saturday, July 06, 2013 8:22 PM
To: MrEnvirlaw@sbcglobal.net; det310@juno.com; jody.james@sbcglobal.net; connie@rutter.us; chateau4us@att.net; Kit Fox; burling102@aol.com; marciesmiller@sbcglobal.net; dwgkaw@hotmail.com; igornla@cox.net; fbmjet@aol.com; robertrnch@aol.com; bonbon90731@gmail.com; pmwarren@cox.net; ksmith@klct.com; kyle_chapman@boxer.senate.gov; maurice_lyles@boxer.senate.gov; michael_davies@feinstein.senate.gov; michael.picker@gov.ca.gov; lisa.pinto@mail.house.gov; aaron.wilensky@mail.house.gov; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; leneebilski@hotmail.com
Cc: bea@ce.berkeley.edu; lpryor@usc.edu; carl.southwell@gmail.com
Subject: LPG Fires re: today's Canada rail explosion. Attention to 2nd link as it relates to the "domino effect"

Remember that San Pedro's Rancho LPG LLC's 25 Million Gallons of Butane & 300,000 Gallons of Propane are surrounded on three sides by more jet propellants (in huge underground storage tanks across the street) at the Naval Fuel Depot (west) and a host of other types of oil and gasses (including additional butane) at the abutting Phillips 66 refinery (north). Let's not forget the full array of marine oil terminals within 1/2 mile (east) or the multitude of chemical and fuel pipelines running directly underneath the Rancho facility. The massive volume of butane and propane at this site is extraordinary....and the geologic vulnerabilities along with the antiquated infrastructure make the Rancho facility a concern of great urgency. Not only would it annihilate people for miles, but decimate both ports of LA and Long Beach. See videos at these links:

<http://www.youtube.com/watch?v=nNY2YsVjcd4>

<http://www.youtube.com/watch?v=UFFDLk1fXcU>

<http://www.youtube.com/watch?v=Xf3WKTwHplU>

It's time to do something.
Jiminy Cricket

www.hazardsbegone.com

Kit Fox

From: Noel Weiss <noelweiss@ca.rr.com>
Sent: Saturday, July 06, 2013 9:12 PM
To: Paul Rosenberg; Janet Gunter; Anthony Patchett; Connie Rutter; Jody James; det310@juno.com; June Smith; marciesmiller@sbcglobal.net; chateau4us@att.net; Peter M. Warren; hanslaetz@gmail.com; Kit Fox
Subject: Re: LPG Railcar Explosion today in Canada
Attachments: National Fire Protection Association - 2009 - Safe Tank Separation Requirements.pdf; Rancho - Revocable PERMIT_RP_10-05.o.pdf; Contra Costa County Risk Management Ordinance.o.pdf; Janice Hahn Motion on Rancho - September 14, 2010.pdf; RIGZONE - Alberta Government Charges Plains Midstream Over Oil Spill-April, 2013.pdf

Paul:

Thanks for the invite. . . . and thanks for the terrific and informed coverage from Random Lengths over the years. . . .

I believe Paul that there are tank cars in varying numbers (I am not sure how many) that line up near the facility to receive (and possibly deliver) butane for transport. . .

This does raise an issue of infrastructure and the integrity of the rail spur owned by the Port and leased to Rancho (very, very cheaply. . . possibly so cheaply that it represents a de facto subsidy by the Port to Rancho which would be a violation of the Tidelands Trust Doctrine which makes unlawful the use of tidelands trust monies and assets monies to benefit a private entity not part of the tidelands grant – which is the reason neither the Port revenues or the Airport revenues can be used for anything other than the operation and maintenance of the airport and the port (as the case may be)). . . .

|
Who maintains the rail spur?

Note that the permit says the Port can control what happens on the rail spur. . This language arguably is broad enough to include direction by the Board to Rancho on how Rancho operates the facility since what occurs in the facility impacts on the integrity of the rail spur (if Rancho ever 'blew', is there any doubt the rail spur would be destroyed or seriously damaged. . . But the language is so incredibly poorly written, that needless confusion arises, which prejudices the people's safety, to say nothing of the Port's contractual rights. . . Our (former) incompetent City Attorney in action. . The hope is now Paul that this Rail Spur Permit gets rewritten by someone who knows how to write a contract that protects the people, and includes a requirement that Rancho provide insurance and an indemnity to protect the Port, the City, and the people from all damages occasioned by the Rancho's operations. . . . The kind of thing I am thinking of are things (beside insurance) such as:

1. Limiting the use of the tanks to just one tank instead of two until some kind of wall is built in front of the facility which makes it just a little more difficult for a terrorist to plug a bunch of high-powered bullets into the tanks from the street;
2. Requiring the tanks be separated by a safe distance, and controlling the amount of butane on-site to (say half) until the tanks are safely separated;
3. Including a provision in the contract that says that Rancho is strictly liable for all damages to the people, the Port, and the City occasioned by its operations. . . . period, end of story.
. . . .
4. Rancho files with the Port and the City (with the right of public inspection) a clear, unambiguous Risk Management Program of the type contemplated by the Risk Management Ordinance enacted by Contra Costa County;
5. That the rent be raised to pay for the costs of bi-annual inspections whose results are open to the public;
6. That the lease incorporate any changes to existing laws passed by the City of Los Angeles. . and in the meantime, have Rancho fully comply with the provisions of the Contra Costa County Ordinance (which could be incorporated into the rail spur permit; plus provide an adequate amount of insurance (\$1.5 Billion Minimum) to protect the people, the Port, and the City. . . .; (Keep in mind Paul, that the permit is revocable without cause on 30 days notice. . so the Port and the City of LA could make these changes post-haste to take effect within 60-90 days, or else the permit would be terminated);

7. Clarify that the use of the rail spur tracks are to facilitate Rancho's business activities, clearly identified (storage, sale, and transport of butane and propane). . . the rail spur permit is unclear and ambiguous in this regard;

8. Clarify that it is Rancho who is to maintain the rail spur. . . . Because the permit is a 'form' document applied to buildings instead of rail spurs, the maintenance provisions are confusing and therefore ambiguous. . .

9. Revise totally Paragraph 13 (which says that Rancho shall not permit hazardous materials to be used on the rail spur. . in quantities that would require reporting to the Feds or the State. .) .Seems, therefore, on the face of it, that using the rail spur to transport butane would not be allowed under this language. . Of course, it is part of the incredibly poor lawyering done by the City Attorney's office who, of course, is completely conflicted out because the City Attorney represents conflicting sides. . The Port (against whom the City will have a claim if there ever is an explosion that necessitates police and fire) and the City (the Port has not agreed to indemnity and insure the City. . . something the City should insist upon. . .relying instead on Rancho's promise of indemnity. . backed by a small insurance policy. . . but in any event, the City has claims against the Port for the Port's negligent management of this rail spur permit. . . Being on both sides of this situation puts the City Attorney in an impossible ethical conflict which could be and should be obviated in the absence of a clear and informed waiver by the City Council and the Port. . . a waiver which should never occur. . . Trutanich and Delgadillo were either blind to this ethical slight or ignored it. . Meanwhile, the people are prejudiced and the City Attorney's fiduciary duties to the people violated (The fiduciary duties are borne out of the fact that the City of Los Angeles is a public trust, operated by the Trustee (the municipal corporation created by the Charter), for the benefit of the people, who are the beneficiaries of that public trust. . That makes each City Council person, the Mayor, the City Attorney, and the Controller Trustees (or agents of the Trustee-Municipal Corporation). . . and as public Trustees of the public trust, they owe special fiduciary duties to the trust beneficiaries (in this case, us (we the people). . .So Mike Feurer needs to resign from representing the Port, who should retain its own council. . .The job of the City Attorney is not to run political interference for the Council or the Port Commissioners (or the Mayor). . But to be a check and a balance on political excess, political favoritism, and crony-capitalist insider City Hall dealings. . . If Feurer fails to do so, he is committing legal and political malpractice. . . But regardless, this piece of garbage that masquerades as a legal contract (a permit) needs serious, serious revision to protect the people's interest. . .

My contention is that Rancho is in violation of Paragraph 17. . the use of this rail spur is not consistent with the Tidelands Trust Doctrine because the Port is making a gift of public assets to Rancho by leasing the rail spur for a pittance (\$1187 per month - where they came up with that number. . who knows. .) when the value is much, much more. . . particularly when taking into account that the rail spur is the only way the butane gets to 'market', whatever that is. . . .

Which, by the way, leads to another avenue of inquiry Paul. . . . With all of the new drilling and fracking going on, natural gasses (including butane) are in plentiful supply. . . Meanwhile, the demand is down. . which means the price for butane is low. . . . It would appear, however, that Rancho may be gambling with the public safety by using this facility to speculate in the butane market. . by purchasing butane and storing it during the summer months (when the price is especially low), and then selling it at a profit during the winter months when demand picks up due to the requirement that butane be used as an additive in gasoline. . . . If true, this is 'rank' speculation on the backs of the people. . Given that accidents will happen (even when companies flush with bucks like Exxon Mobil, Chevron, and PG&E fail to spend what is necessary to properly maintain their facilities and pipelines) and Plains All America (which really owns Rancho) just had an oil spill in Alberta last month. . . and a major pipeline leak two years ago, for which the government of Alberta is now going after it (seemingly) big-time for its rank obduracy in failing to be responsible and responsive to the core needs of the situation. it is reasonable to assume that some accident will occur at the facility. . and if it does, then the question to Rancho is: Why should the public bear the risk of loss from Rancho's operations? Is that fair? Is that right? Is that good public policy?

The Port should use what leverage this rail spur permit gives it to insist on a much greater degree of safety. . .for the Port's own good and its own pocketbook, if for nothing else. . . .

That leads to a question of whether the Port is insured for the costs occasioned by an accident at the Rancho facility. . and if so, the Port needs to let us know what kind of insurance it has which covers its exposure. . which, by the way, includes exposure to the Citizens of Rancho Palos Verdes. . . .

If the Port does not have insurance to cover its liability exposure, it needs to go out and get it (again, \$1.5 Billion Minimum) and then charge Rancho for the cost. . and if Rancho can't pay, then Rancho needs to shut-down and the rail spur permit revoked. . . . The Rail spur permit is so poorly written, that this issue is simply not clear. . .

So the core question for the Port is. . . "Why are you acting so incredibly recklessly in allowing Rancho to socialize the losses this way. . . ? It is not a lawful expenditure of port funds or assets to allow a private enterprise like Rancho to exploit the people, the Port, and the City. . Frankly, apart from appearing reckless, the Port Commissioners and the

Executive Director look like idiots. . . Who, in their right mind, would expose the Port, the People, and the City to this kind of risk. . . ."? Conoco may store 6 million gallons of butane on its property, but Conoco has its own fire department. . . and while I haven't seen a picture of Conoco's facility, my guess is that those 6 million gallons are not concentrated in one tank. . . . but are probably split up among several tanks. . .

It just seems so incredibly reckless to allow such a large concentration of such a flammable gas like butane. . . . at an exposed facility. . where there is no serious risk management program in place. . and where the public confronts the specter of having to pay for Rancho's negligence or a terrorist act. . when both should be Rancho's responsibility. . . .

As currently written, the rail spur permit allows Rancho to privatize its gains while the losses are socialized on the people. . . . Not acceptable. . . .and it should not be allowed to continue. . . Joe Busciano, where are you?\

The rail spur permit needs to clearly and unequivocally state that the losses are to be 'strictly' borne by Rancho. . . not by the people, Rancho. . Not by the Port. . Rancho. . Not by the City. . But by Rancho. . Not by the People of Rancho Palos Verdes. . But by Rancho. . . .

Another question: When was the last time the rail spur was inspected?

Paragraph 16 of the Rail Spur Permit does give the Port the right to inspect the tanks. . . . Has the Port done so. . . Ever? This clause is the one that could impose on the Port liability to the City should there be a problem. . . If the Port fails to exercise the rights it has under the rail spur permit to inspect, then the Port would be negligent. . . If the City has to respond and expend resources in the process, then the Port should be liable to the City. . . There should be some Memorandum of Understanding along those lines. . . Is there? If not, why not? The Port should exercise the power it has under the rail spur permit (poorly written as it is), particularly now that Rancho has been cited by the EPA. In fact, the Port should send a letter to Rancho insisting on proof of adequate insurance, coupled with proof that Rancho has fully complied with the EPA mandate. . . as well as all other Federal mandates. . . This is an appropriate line of inquiry Paul directed to the Port. . Namely: "Have you?"

The LA City Controller could subpoena all of this documentation under Section 217 of the City Charter. . . . including Rancho's insurance. . . as part of an objective evaluation of the cost to the City of having to respond to an accident at Rancho (including the costs of having to reimburse the County Fire and Sheriff's Department, if any). . . Ditto the Mayor. . Ditto the Harbor Commission. . Ditto the City Council, the President of the City Council, and the Public Safety Committee. . So it is reasonable to ask these people why they are sitting on their hands. . . Because Rancho says no, it will not provide the documents, or that they are proprietary? Are you kidding me? I don't recall any of these people running for office saying that if elected, they will let Rancho decide what is in the public interest. . . . So now they are in power, it is not unreasonable to expect them to represent the broader public safety interest. . not Rancho's interest. . Rancho has its own lobbyists and lawyers. .Who has the public got? The elected trustees of the public trust which is the City of Los Angeles. . . .Time for them to do their job.

So technically, the City of Los Angeles and the Port have the ability to protect the people. . . until those tanks are eventually made to go. . . . But have they done so? If not, it is time the people insist on openness, transparency, and action. . . Paul, I don't believe Rancho can survive such scrutiny. . . . It needs to go. . The tanks need to go. . Meanwhile, the pressure needs to be maintained so the people are protected in the meantime. . . .

Ask Joe Busciano why he has not re-introduced Janice Hahn's motion of September 14, 2010? (Copy enclosed). . . Ask Joe Busciano why he has refused to push his motions forward. . If they are bottled up in Committee, Rule 54 of the Council Rules empowers the full council to vote to bring them out of committee. Joe can fight much harder for the people here. . . .

Ask Joe Busciano what is stopping him from pushing the LA City Council to pass a risk-management ordinance modeled off of the risk-management ordinance in force in Contra Costa County (and fully accepted by the refineries there. . particularly after the explosion at the Richmond refinery that occurred first in 1999, then in August, 2012. . . . ?

Ask Ron Galperin whether he will subpoena Rancho's insurance policy. . and the Port records of inspection of Rancho's tanks and operation?

Ask Eric Garcetti whether he will use the subpoena power he has under Section 217 of the Charter to get Rancho's documents and insurance policy, and convene a task force to study and evaluate the risk?

Ask the Port Commissioners why they don't commission an independent study of the risk and charge it to Rancho under the rail spur permit lease?

Ask Janice Hahn why she doesn't use her position as Co-Founder of the Port Caucus to hold a hearing of her Port Caucus (or members) on Rancho and Port Security at the Port. . at which the City officials can attend, along with EPA and DOT personnel (and Janice Hahn is also a member of the Transportation Committee of the House). . .On September 14,2010, Janice asked Jane Harman to step-up and provide assistance to the City in providing more vigorous enforcement of Rancho's operations.. . . Today, Janice sits where Jane sat. . . So the question to Janice is when she is going to pick up the (proverbial) 'phone call' she placed to Jane back in September, 2010, now that it is Janice on the receiving end. . .

Ask Henry Waxman whether he will join the Port Caucus and stand with the need to remove this blight on the public safety; or short of that, insist that Rancho cease using this business model of socializing the losses onto the people while it privatizes the gains. . . .

Ask the Port Director what kind of insurance Rancho has submitted to the Port as part of the insurance and indemnity provisions of the rail spur permit (the figure of \$1 Million is mentioned; but the permit gives the Director the discretion to ask for more. . .Has she? If not, why not? If so, then the Port should produce the insurance in response to a public records request (which the City of Rancho Palos Verdes can make also. . and the rail spur permit can request that the City of Rancho Palos Verdes and its citizens be named additional insureds, along with the people of the City of Los Angeles. . . . and then raise the amount from \$1 Million to \$1.5 Billion. . .). .Given the situation and the risks, the current conditions require greater insurance be mandated. . and if the Port fails to require it, then the Port stands exposed to liability. . . . That is an opinion I would hope to get (eventually) from the City Attorney of Rancho Palos Verdes (rendered at the request of the Council) . . . armed with that opinion, I can then go to the City Attorney of Los Angeles, the City Council of Los Angeles, the Mayor, and the Controller in support of my advocacy for the passage of a Risk-Management Ordinance modeled after the Risk-Management Ordinance passed by the County of Contra Costa.

Why did the Port not get Plains All-America to guarantee Rancho's performance under the rail spur permit? I'm not sure the Rail Spur Permit is even properly signed (I don't have the version which is stamped approved by the Board. . I assume one exists. . .Perhaps you can check that out. . .). But Rancho is stated to be a Delaware Limited Partnership located in Calgary, Alberta. . . . Yet the document is signed by some 'Vice-President' (actually someone for the Vice-President. . someone who we don't even know has the authority to sign. . or what is the entity on whose behalf he is signing. . . . The question is: "Vice President" of what? If Rancho is a Delaware limited partnership, then who is the general partner. . If it is a corporation, then who is the corporation? What are its assets?

Rancho is said to be a subsidiary of Plains Mainstream Canada (the same entity that had the oil spill in May, 2013, and was responsible for the second largest oil pipeline spill in Alberta, Canada history in 2011 (see attached) and is now being charged by the Canadian authorities with failing to competently remediate the problems stemming from its negligence. .I don't know if these are civil or criminal charges. . But the point is that it is this same Canadian entity that owns Rancho that screwed up twice in the last two years in connection with their Canadian operations. . and has been cited now by the EPA. . . .

Meanwhile, Plains Mainstream Canada is a subsidiary of Plains All America. . . . So who knows if the signature on the Rail Spur Permit is even correct. . . . and really binds Rancho to anything (One wonders which entity actually pays the rent). . . So Paragraph 27 of the Rail Spur Permit has to be read in this context. . It says the permit is void if 25% of the shares of Rancho LPG Holdings, LLC are ever transferred. . Kind of touch to know when it is not clear the City ever took steps to find out precisely what is going on with Rancho's ownership. . But at a minimum, it would not be took much to ask that the rail spur permit be signed by the General Partner. . . (It is also kind of funny that Rancho is identified as a 'Delaware Limited Partnership in the First Paragraph of the Rail Spur Permit), but is denominated with the letters 'LLC' which usually refers to a 'limited liability corporation'. . So who knows what it is we are dealing with here. . . . The LA City Attorney approved the document as to form and content. . . but one has to ask. . What were they thinking? or Were they thinking?

This whole thing almost has an Enron-like quality about it where some insiders at Plains All American set up this separate limited partnership to buy the facility and make some easy insider money for themselves by setting up this special limited purpose entity (be it an LLC (limited liability corporation) or Limited Partnership (LP) to own and operate the Rancho facility. . . where they could make some easy cash by purchasing butane (and possibly propane) at low prices during the summer, and resell the product at higher prices during the winter months when demand tightens due to the need for butane as a gasoline additive. . . Again Paul, this is worthy of some investigation. . . . because it is not right for the Port of Los Angeles to allow its property (the rail spur) to be used by a private company to speculate in the purchase, sale, or storage of butane. . . . Regardless, Rancho's ownership structure needs to be fully disclosed. . . particularly given the risks inherent in the storage and transport of this concentrated quantity of butane. .

In short, Paul, there is a lot that can be done here by an inquiring media type such as yourself. . . Talents that simply are absent from the LA Times or the Daily News. . . .

PAA (Plains All American) bonds are rated BBB+. . . Not great. . . . So Plains is seriously leveraged. . . . How that impacts on whether Plains is going to spend all the money needed to safely operate this facility is an open question. . . We need to find out. . . . Rancho has a duty to this community . . . and that duty entails more openness and transparency than has been exhibited to date. . . .

If Rancho is storing butane for others at the site, I can assure you Paul that Rancho's storage contract with its customers has Rancho indemnifying and insuring them against all liability occasioned by Rancho's operations. . . So if Rancho has to indemnify and insure its customers, Rancho can and should certainly indemnify and insure the people, the Port, and the City. . . .

This issue of insurance may come to be relevant on the Keystone Pipeline issue. . . . There should be a requirement for the Keystone Pipeline, if it is approved. . . that the operator assume strict liability for all spills or damages flowing from its operation, and that adequate insurance be in place to protect the people. . . If there is not a market for insurance, then the Federal Government should provide it, subject to strict requirements of safety. . which could include a requirement that the company abide by risk management laws enacted in the local jurisdictions through which the pipeline will flow. . .If that can't be done. . then no pipeline. . .

If such a provision were enacted pertaining to Rancho, then the City of LA could pass a risk-management ordinance modeled after the Contra-Costa County Ordinance. . an ordinance which Senator Boxer praised in the hearings she held last month on the Texas fertilizer plant explosion and the Chemical Plant explosion in Louisiana. . . .

Meanwhile, speak to the members of the Rancho Palos Verdes City Council. . Mayor Susan Brooks sent letters to Janice Hahn, Henry Waxman, and Joe Busciano asking them to advise what they are doing about Rancho. . and in the case of Joe Busciano, why the City of LA is not applying for HAZ-Mat (Hazardous Materials) Funding Grants from the State which will assist in the ability of the fire department to keep people safe. . If Joe can't see his way clear to even do that, what is he doing on the City Council?. . A nice smile can only get one so far. . . In this case, the people need some tangible action and some tangible results. . so far, neither of which have been forthcoming. . . .

So I am counting on the City of Rancho Palos Verdes to provide a kick-start to this process. . . . the 'spark' (no pun intended) to ignite action. . . all eventually leading to at a minimum, a safer facility, the passage by the City of Los Angeles of a competent risk-management ordinance, and our political leaders (Joe Busciano, Janice Hahn, and Henry Waxman) truly stepping up and fulfilling their . . duties to the people. . . .

If Rancho can't hack it, then Rancho has to leave. . .

Abiding such a reckless situation is poor public policy. . . .

Failing to even discuss it, and thereby allowing Rancho to hide behind lobbyists or politicians who spike public discussion of the issue is morally corrupt. . . .

Joe Busciano is paid a lot of money. . over \$200K in cash and non-cash benefits. . .

He is not paid to simply smile. . He is paid to act as a co-public trustee of the public trust which is the City of Los Angeles. . . In that capacity he has a fiduciary duty to the people. . .

It is time he take that responsibility seriously. . .

Thanks again Paul for your continuing interest in Rancho. . . .

My confidence now rests with the RPV City Council to help us all 'jump-start' this process. . . Hopefully by one or more formal resolutions asking Joe Busciano, Janice Hahn, and Henry Waxman to report personally to the Council. . along with eventually procuring an opinion from the Rancho Palos Verdes City Attorney on the legal liabilities attendant to this situation which run in favor of RPV and its citizens and against the Port and the City of Los Angeles – an opinion I can then take to the LA City Attorney and the City Council as part of the effort to 'shame' the City of Los Angeles into being much more pro-active in protecting the broader public interest instead of Rancho's narrow private interest. Once that happens, I expect Joe Busciano and Janice Hahn to move. . . . and I will insist that the new Controller, the new City Attorney, and the new Mayor aggressively join the effort. I also hope and expect this process can and will be facilitated by serious, well-directed, and thoughtful public participation from RPV residents and from City of Los Angeles residents. . working together for the collective good. . . . reflective of the kind of citizen action that makes our democracy 'hum' and our Country special. . true political empowerment of the people to make the system work as it should.

Noel
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From: Paul Rosenberg
Sent: Saturday, July 06, 2013 4:02 PM
To: Janet Gunter ; Anthony Patchett ; Connie Rutter ; Jody James ; det310@juno.com ; June Smith ; marciesmiller@sbcglobal.net ; chateau4us@att.net ; Peter M. Warren ; hanslaetz@gmail.com ; kitf@rpv.com ; noelweiss@ca.rr.com
Subject: RE: LPG Railcar Explosion today in Canada

Comments, anyone?

Random Lengths will at least do a news brief on this. But I'd like to have folks thoughts, whether or not we can go to press with them right now. Obviously our ongoing coverage of Rancho LPG will continue.

Paul Rosenberg
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Subject: LPG Railcar Explosion today in Canada
From: arriane5@aol.com
Date: Sat, 6 Jul 2013 12:56:44 -0400

<http://www.yalibnan.com/2013/07/06/several-missing-after-rail-tanker-cars-explode-in-canada/>

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Tuesday, July 16, 2013 12:20 PM
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Subject: IMPORTANT CONNECTION TO RANCHO LPG...Action on Refinery Safety.....see link

http://www.dailybreeze.com/news/ci_23664107/california-panel-urges-stringent-refinery-safety-oversight-after

California panel urges stringent refinery safety oversight after Richmond Chevron fire

By Robert Rogers, Contra Costa Times Daily Breeze
Posted:

DailyBreeze.com

RICHMOND - A state panel convened in the wake of last year's Chevron refinery fire has recommended the creation of a refinery safety task force, with broad powers to impose stiffer penalties and improve air-quality monitoring standards.

A report released last week by the Interagency Working Group on Refinery Safety, a panel formed by Gov. Jerry Brown in response to the Aug. 6 fire, recommended that existing regulators work together under a single task force that would be created within the California Environmental Protection Agency by Sept. 1.

Known as the Interagency Refinery Task Force, it would bring together the work of all the state agencies with a role in regulating refinery operations and ensure they all freely share and have access to the same information. The task force would have greater control over penalties related to refinery accidents and develop a real-time, air-quality monitoring system.

The report states personnel at Chevron's El Segundo refinery, a near duplicate of the northern facility, found "significant thinning" in piping in a crude unit -- which is where the failure occurred in Richmond. Workers made upgrades with what were deemed to be safer construction materials.

The U.S. Chemical Safety Board conducted a lengthy investigation into the Richmond fire and released a preliminary report earlier this year blaming the blaze on a badly corroded pipe that should have been replaced and warned of ongoing safety shortcomings at the aging refinery.

Chairman Rafael Moure-Eraso hailed the working group's findings.

"This report represents an important step forward in improving oil refinery safety and environmental performance both in California and nationally," Moure-Eraso said in a statement. " ... Not only are more preventive inspections by highly competent inspectors needed, but more rigorous major accident prevention requirements are necessary as well."

Chevron referred questions about the state report to the Western States Petroleum Association, an industry group that represents refineries in six states, including 11 in California.

Association President Catherine Reheis-Boyd said the group has worked alongside the governor's office and other regulators and is "committed to the ongoing work of refinery safety."

Reheis-Boyd said she welcomes the call for additional inspectors, paid for by fees levied on refineries.

"It's clear that there needs to be better coordination among (regulatory) agencies," Reheis-Boyd said. "That's an essential element" to reform.

Of the recommendation for stiffer fines and penalties on refineries, Reheis-Boyd said, "We just want to make sure it's fair and representative of whatever has occurred."

Chevron has said repeatedly in recent months that it welcomes the scrutiny after the fire and looks forward to working with regulators and government officials to enhance safety and prevent future accidents.

Federal, state and local officials all have weighed in recently on the need for stronger refinery regulations and oversight.

At Richmond City Hall on Thursday, the Planning Commission unanimously passed a resolution calling for city inspectors to declare the Chevron refinery a "dangerous building" and to use powers under the city charter to more aggressively regulate and inspect the 2,900-acre facility.

"There is additional corrosion all over the refinery," said Roger Lin, an attorney for Communities for a Better Environment, a local activist group. "We are concerned the refinery could explode any day."

Chevron spokeswoman Melissa Ritchie said the company is opposed to the resolution.

Andres Soto of Communities for a Better Environment said it is time for "local bureaucrats to stop dragging their feet" and use their powers to impose greater scrutiny on the refinery.

The state report gives a grim view of refinery safety in California that "raises significant issues relevant to the state's other 14 refineries."

Calls Monday to Chevron's El Segundo refinery were not immediately returned. Staff writer Kristin S. Agostoni contributed to this report.

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Friday, July 19, 2013 11:21 AM
To: MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; jody.james@sbcglobal.net; connie@rutter.us; det310@juno.com; chateau4us@att.net; Kit Fox; kyle_chapman@boxer.senate.org; maurice_lyles@boxer.senate.gov; lisa.pinto@mail.house.gov; aaron.wilensky@mail.house.gov; elise.swanson@mail.house.gov; michael.picker@gov.ca.gov; dan.tillema@csb.gov; don.holmstrom@csb.gov; Beth.Rosenberg@csb.gov; Rafael.Moure-Eraso@csb.gov; Mark.Griffon@csb.gov; lpryor@usc.edu; carl.southwell@gmail.com; burling102@aol.com; marciesmiller@sbcglobal.net; pmwarren@cox.net; mandm8602@att.net; dlrivera@prodigy.net; peter.burmeister@sbcglobal.net; Zenponee@aol.com; tdramsay@gmail.com; igornla@cox.net; dwgkaw@hotmail.com; jacob.haik@lacity.org; john@nrcwater.com; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; leneebilski@hotmail.com; claudia.r.mcculloch@gmail.com; bonbon90731@gmail.com; fmillar@erols.com; Betwixt1@yahoo.com; bmsacks@gmail.com
Subject: RL report on Disaster in Quebec and relevance to San Pedro's Rancho LPG Storage facility. & Sen. Boxer

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http://issuu.com/randomlengthsnews/docs/rln_07-11-13_edition/7?e=4576045/4004393

Turn to p. 6.

The Inside Scoop On Going Nude This Summer 2013



Read now

L SET RET=ON

@PJL SET ECONOMODE=OFF

@PJL SET TRAY1TEMP=NORMAL

@PJL SET RESOLUTION=60

Kit Fox

From: Fred Millar <fmillarfoe@gmail.com>
Sent: Friday, July 19, 2013 12:17 PM
To: Janet Gunter
Cc: AGPatchett .; noelweiss@ca.rr.com; Jody James; connie@rutter.us; det310@juno.com; chateau4us@att.net; Kit Fox; kyle_chapman@boxer.senate.org; maurice_lyles@boxer.senate.gov; lisa.pinto@mail.house.gov; aaron.wilensky@mail.house.gov; elise.swanson@mail.house.gov; michael.picker@gov.ca.gov; dan.tillema@csb.gov; Don. Holmstrom; Beth.Rosenberg@csb.gov; Rafael. Moure-Eraso; Mark. Griffon; lpryor@usc.edu; carl.southwell@gmail.com; burling102@aol.com; marciesmiller@sbcglobal.net; pmwarren@cox.net; mandm8602@att.net; dlivera@prodigy.net; peter.burmeister@sbcglobal.net; Zenponee@aol.com; tdramsay@gmail.com; igornla@cox.net; dwgkaw@hotmail.com; jacob.haik@lacity.org; john@nrcwater.com; lhermanpg@cox.net; pjwrome@yahoo.com; katiw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; leneebilski@hotmail.com; claudia.r.mcculloch@gmail.com; bonbon90731@gmail.com; Fmillar@Erols. Com; Betwixt1@yahoo.com; bmsacks@gmail.com
Subject: Re: RL report on Disaster in Quebec and relevance to San Pedro's Rancho LPG Storage facility. & Sen. Boxer

You all might have noticed that the owner of the est, TX fertilizer plant whose Ammonium Nitrate blew up, killing 15 including all 12 firefighters who responded, had only \$1million in insurance for the disaster costing an estimated \$100 million in property damage alone.

No state or local agency has info on how much insurance your butane facility has?

Fred

On Fri, Jul 19, 2013 at 2:20 PM, Janet Gunter <arriane5@aol.com> wrote:
Cut and paste into your browser for article

http://issuu.com/randomlengthsnews/docs/rln_07-11-13_edition/7?e=4576045/4004393

Turn to p. 6.

--

Fred Millar
915 S. Buchanan St No. 29
Arlington VA 22204
703-979-9191

Kit Fox

From: San Pedro Peninsula Homeowners United <sphomeunited@gmail.com>
Sent: Sunday, July 28, 2013 12:47 PM
To: lisa.pinto@mail.house.gov; aaron.wilensky@mail.house.gov; elise.swanson@mail.house.gov; hamilton cloud; jacob.haik@lacity.org; helmlinger.andrew@epa.gov; mary wesling; kyle_chapman@boxer.senate.gov; maurice_lyles@boxer.senate.gov; michael davies; Kit Fox; jeanne lacomb; norma fassler-katz; jim.clark@lacity.org; jcynthiaperry@aol.com; dan tillema (chemical safety board); don.holmstrom@csb.gov; blumenfeld.jared@epa.gov; The.Secretary@hq.doe.gov; sally magnani; jennifer.lucchesi@slc.ca.gov; Beth.Rosenberg@csb.gov; Raphael.Moure-Eraso@csb.gov; Mark.Griffon@csb.gov
Cc: mrenvirlaw@sbc.global.net; noel weiss; Bonnie Christensen; richard.vladovic@lausd.net; cynthia gonyea; Diana Nave; Iljonesin33@yahoo.com; pmwarren@cox.net; richard.havenick@cox.net; john miller; Kathleen Woodfield; Guillermo Villagran; peter.burmeister@sbcglobal.net; david rivera; Carl Southwell; lawrence pryor; Jody James; June Smith; marcie miller
Subject: Fwd: Letter to email to legislators....
Attachments: spphuranchobeareferraljuly2013sig.doc

We are currently in possession of de-classified documents from the Nixon administration that reveal the emphasis placed on the introduction of the Petrolane/Amerigas/Rancho Liquid Petroleum Gas facility. These documents help to explain why the facility was allowed to escape a proper review process and receive exemptions making its installation possible in the early 70's. The existence of this facility and the elevated threat that it represents is unacceptable to the public and to the safety of the Ports of LA & Long Beach. This attached letter was written prior to receipt of these documents. Obviously, it is a very reasonable request. We urge all government officials copied on this letter to use their influence to address this crucial issue. Thank you.



San Pedro Peninsula Homeowners United, Inc.

Post Office Box 6455, San Pedro, CA 90734

Email: sphomeunited@gmail.com - Fax (310) 548-4255

July 21, 2013

Ron Conrow
Western District Manager
Plains LPG Service, LP
19430 Beech Ave.
Shafter, CA 93263

RE: REQUEST THAT RANCHO LPG/PLAINS ALL AMERICAN PIPELINE EMPLOY THE EXPERT ADVICE OF PROFESSOR BOB BEA IN DEVELOPING A PROBABALISTIC RISK ASSESSMENT AND MANAGEMENT PROCESSES ON RANCHO LPG FACILITY, SAN PEDRO

Dear Mr. Armstrong:

Your company and its subsidiary, Rancho LPG LLC, have been adamant in your consistent position that Rancho LPG poses no real threat to the safety of the adjacent residents and Ports of LA and Long Beach.

Professor Bob Bea, at UC Berkeley, is recognized as the pre-eminent authority on risk in the USA. Therefore, it would seem a prudent, wise and cost effective decision by Plains All American Pipeline to engage in a "comprehensive risk analysis" and "probabilistic risk assessment" utilizing a team of qualified professionals while engaging Professor Bea in an advisory capacity. Given the authoritative credentials of Professor Bea, his participation in establishing your facility's safety would go a long way to assure the public and allow the business of Rancho to move forward unimpeded by nervous homeowners and citizens of other local municipalities.

While Professor Bea has reviewed some details of your LPG operation, we would encourage your company to solicit his recommendation of analysis so that *all* details of the operation can be more fully examined and your claims of Rancho LPG's safety proven.

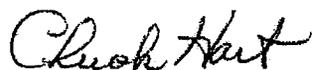
The federal Chemical Safety Commission and Senator Barbara Boxer have recognized the flagrant deficiencies in refinery and chemical storage operations that have led up to the devastating events of San Bruno, Richmond, West, Texas, and Louisiana. *Your own Plains Mid-Stream Canada pipeline spill in 2011 in Alberta (one of the worst spills on record) has added significantly to the existing trepidation of your operation.*

Great effort is now being focused on what can and should be done to "prevent" these catastrophes that have been and "are" entirely preventable. US Chemical Safety Commissioner Moure-Eraso said in a recent statement, " Not only are more preventive inspections by highly competent inspectors needed, but more rigorous major accident prevention requirements are necessary as well."

Engaging in this comprehensive risk analysis with Professor Bea's assistance would certainly help the neighbors in and around Rancho LPG, who have long feared for their safety, develop the sense that your company is not ambivalent to their very real concerns. This Study would be a gesture of great importance that could underscore a commitment by your company to the safety of the general public.

We sincerely hope that you will follow through with this recommendation and contact Professor Bea soon in the best interest of all involved parties.

Respectfully,

A handwritten signature in cursive script that reads "Chuck Hart".

Chuck Hart
President

Notice of FPEIR for Port Master Plan Update



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 Arlan Vice President

Robin M. Kramer

Douglas P. Krause

Sung Won Sohn, Ph.D.

Geraldine Knatz, Ph.D. Executive Director

RECEIVED JUL 26 2013

July 24, 2013

SUBJECT: TRANSMITTAL OF THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE PORT OF LOS ANGELES MASTER PLAN UPDATE (SCH NO. 2012071081)

The City of Los Angeles Harbor Department (LAHD) has released the Final Program Environmental Impact Report (PEIR) for the following project in the Port of Los Angeles (Port):

Port of Los Angeles Master Plan Update

The Final PEIR includes responses to comments on the Draft PEIR, as well as changes made to the document. The Board of Harbor Commissioners (Board) is scheduled to consider certification of the Final PEIR at 8:30 am on August 8, 2013 at the Port of Los Angeles, Administration Building, Board Hearing Room located at 425 South Palos Verdes Street, in San Pedro. In accordance with California Public Resources Code Section 21092.5, written responses to comments received by public agencies have been provided to those agencies at least 10 days prior to the Board's consideration of whether to certify the Final PEIR.

A copy of the Final PEIR is attached or available for review at: Los Angeles Public Library, Central Branch, 630 W. 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 W. 6th Street, San Pedro, California 90731. The Final PEIR is also available on the Port website: http://www.portoflosangeles.org.

For additional information, please contact James Bahng, CEQA Project Manager at (310) 732-3675.

Sincerely

CHRISTOPHER CANNON Director of Environmental Management

CC:JB:yo ADP No.: 110518-080

Excerpts from FPEIR and Port Master Plan Update:
Introduction

1.0

INTRODUCTION

1.1 Final Program EIR Organization

A Draft Program Environmental Impact Report (PEIR) was prepared and circulated for public comment to evaluate environmental impacts related to the Port of Los Angeles (Port) Master Plan Update (PMPU or proposed Program). The Draft PEIR analyzed 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.

The PMPU serves as a long-range plan to establish policies and guidelines for future development at the Port, located in San Pedro Bay approximately 20 miles south of downtown Los Angeles. 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). 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.

This chapter presents background and introductory information for the proposed Program. The proposed Program is described in detail along with a brief summary of general changes and modifications made to the Draft PEIR. Chapter 2.0, Response to Comments, presents information regarding the distribution of and comments on the Draft PEIR, and responses to those comments. Chapter 3.0, Modifications to the Draft Program Environmental Impact Report (EIR), presents the modifications to the Draft PEIR. This Final PEIR has been prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) (Public Resource Code [PRC] Section 21000 *et seq.*) and State CEQA Guidelines (California Code of Regulations [CCR] Title 14, Section 15000 *et seq.*). The Los Angeles Harbor Department (LAHD) is the lead agency.

1.2 CEQA Review Process

Preparation of the PEIR began in July 2012 with the publication of the Notice of Preparation (NOP) and will conclude with the consideration of the City of Los Angeles Board of Harbor Commissioners (Board) to certify the Final PEIR, which is

1 anticipated to occur in July 2013. The following describes the environmental review
2 process that LAHD has undertaken for the proposed Program.

3 **1.2.1 Notice of Preparation and Scoping Process**

4 On July 26, 2012, the LAHD issued a NOP and Initial Study (IS) to inform
5 responsible and trustee agencies, public agencies, and the public that the LAHD was
6 preparing a PEIR for the proposed Program, pursuant to CEQA. The NOP/IS (State
7 Clearinghouse Number 2012071081) was circulated for a 30-day comment period
8 from July 26, 2012 to August 24, 2012, to neighboring jurisdictions, responsible
9 agencies, other public agencies, and interested individuals in order to solicit input on
10 the scope of the environmental analysis to be included in the PEIR. The LAHD held
11 a public scoping meeting on August 14, 2012. A total of two individuals commented
12 at the meeting, and twenty comment letters were received during the public comment
13 period. Table 1.6-1 in Draft PEIR Section 1.6, Scope and Content of the Draft
14 Program EIR, presents a summary of the key comments received during the NOP/IS
15 public comment period. The NOP/IS and public comment letters received are
16 included in Appendix B of the Draft PEIR.

17 **1.2.2 Draft Program EIR and Public Review**

18 The Draft PEIR was released for public review on February 21, 2013 for a 45-day
19 public review period, which ended on April 8, 2013. Copies of the Draft PEIR were
20 distributed to various government agencies, organizations, individuals, and Port
21 tenants. The Draft PEIR was also available for public review on the LAHD website
22 and at the LAHD Environmental Management Division, Los Angeles Public Library
23 Central Branch, Los Angeles Public Library San Pedro Branch, and Los Angeles
24 Public Library Wilmington Branch.

25 LAHD conducted a public hearing regarding the Draft PEIR on March 13, 2013 to
26 provide an overview of the proposed Program and alternatives and accept public
27 comments on the Draft PEIR. A total of 8 individuals commented at the meeting and
28 3 comment cards were received during the public hearing. LAHD received a total of
29 28 comment letters during the public comment period.

30 **1.2.3 Final Program EIR and Certification**

31 This Final PEIR has been provided to the public for review, comment, and
32 participation in the planning process. This Final PEIR is being distributed to provide
33 the basis for decision making by the lead agency. Should the Board decide to approve
34 the proposed Program, it will adopt Findings of Fact to support a decision on the
35 PMPU (PRC Section 21081 and CEQA Guidelines Section 15091). Additionally,
36 because the PEIR identified significant and unavoidable impacts, the Board will
37 consider a Statement of Overriding Considerations, which finds that specific
38 overriding economic, legal, social, technological, or other benefits of the proposed
39 Program outweigh the unavoidable adverse environmental effects (PRC
40 Section 21081[b]; 14 CCR15093). Since the PEIR identified mitigation measures to
41 reduce certain environmental impacts, the Board must also adopt a mitigation
42 monitoring and reporting program (MMRP).

1.3 Existing Environmental Setting

1.3.1 Regional Setting

The Port is located at the southernmost end of the City of Los Angeles and comprises 43 miles of waterfront and 7,500 acres of land and water, with approximately 300 commercial berths. The Port is approximately 23 miles south of downtown Los Angeles and is surrounded by the community of San Pedro to the west, the Wilmington community to the north, the Port of Long Beach to the east, and the Pacific Ocean to the south (Figure 1.3-1).

The Port is an area of mixed uses that support various maritime-related activities. Port operations are predominantly centered on cargo shipping activities, including containerized, break bulk, dry bulk, liquid bulk, auto, and intermodal rail shipping; in 2011 the Port was the nation's largest seaport approximately 3,950 recreational vessels, 150 commercial fishing boats, 35 miscellaneous small service craft, and 15 charter vessels that handle sport fishing and harbor cruises. The Port has retail shops and restaurants, primarily along the west side of the Main Channel. It also has recreation, community, and educational facilities, such as a public swimming beach, Cabrillo Beach Youth Waterfront Sports Center, the Cabrillo Marine Aquarium, the Los Angeles Maritime Museum, 22nd Street Park, and the Wilmington Waterfront Park, by cargo volume. In addition to the large shipping industry at the Port, there is a cruise ship industry and a commercial fishing fleet. The Port also accommodates boat repair yards and provides slips for approximately 3,950 recreational vessels, 150 commercial fishing boats, 35 miscellaneous small service craft, and 15 charter vessels that handle sport fishing and harbor cruises. The Port has retail shops and restaurants, primarily along the west side of the Main Channel. It also has recreation, community, and educational facilities, such as a public swimming beach, Cabrillo Beach Youth Waterfront Sports Center, the Cabrillo Marine Aquarium, the Los Angeles Maritime Museum, 22nd Street Park, and the Wilmington Waterfront Park.

1.3.2 Program Setting

The PMPU area includes the entire Port boundary that lies within the coastal zone (i.e., the Port's coastal zone boundary). 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, Los Angeles Harbor to the south, and the community of San Pedro to the west (Figure 1.3-1).

The existing Port Master Plan (PMP) divides the Port into nine planning areas (Figure 1.3-2), as described in Sections 1.3.2.1 – 1.3.2.9, and allows a variety of land uses within each planning area (Tables 1.3-1 and 1.3-2).



Figure 1.3-1. Regional Location



Figure 1.3-2. Existing PMP Planning Areas

Table 1.3-1. Existing PMP Planning Areas and Allowable Land Uses

<i>Planning Area</i>	<i>Land Uses Allowed</i>
1	Recreation, Industrial (light), Liquid Bulk, General Cargo, Other
2	General Cargo, Liquid Bulk, Dry Bulk, Commercial Fishing, Commercial, Recreation, Institutional, Industrial, Other
3	General Cargo, Liquid Bulk, Commercial, Institutional, Industrial, Other
4	General Cargo, Liquid Bulk, Industrial, Other
5	General Cargo, Liquid Bulk, Other Liquid Bulk, Dry Bulk, Commercial Fishing, Commercial*, Recreational*, Institutional, Industrial, Other
6	Recreation, Liquid Bulk, Other
7	General Cargo, Liquid Bulk, Dry Bulk, Commercial Fishing, Institutional, Industrial, Other
8	General Cargo*, Dry Bulk*, Commercial Fishing, Recreation, Industrial, Liquid Bulk, Other
9	General Cargo, Liquid Bulk*, Dry Bulk, Commercial Fishing*, Institutional, Industrial, Other

Note: *Indicates allowed land uses based on PMP Amendments.

Table 1.3-2. Existing PMP Land Use Definitions

General Cargo	Generally including container, unit, break bulk, neo bulk, and passenger facilities.
Liquid Bulk	Comprising crude oil, petroleum products, petrochemical products, chemicals, and allied products.
Other Liquid Bulk	Comprising molasses, animal oils, and fats and vegetable oils.
Dry Bulk	Comprising metallic ores, some nonmetallic minerals, coal, chemicals, and allied products, primarily metal products, waste and scrap materials, and grains.
Commercial Fishing	Generally relating to the commercial fishing industry, including commercial fishing docks, fish canneries, fish waste treatment facilities, fish markets, and commercial fishing berthing areas.
Recreational	Uses include water-oriented parks, marinas, and related facilities, small craft launching ramps, museums, youth camping and water-oriented facilities, public beaches, public fishing piers, and sports fishing.
Industrial	Uses include shipbuilding/yard/repair facilities, light manufacturing/industrial activities, and ocean resource-oriented industries.
Institutional	Uses pertain to those lands that are either owned or leased by institutions of federal, state, or city governments.
Commercial	Uses include restaurants, tourist attractions, Ports O'Call office facilities, and retail activities.
Other	Uses include some vacant land, proposed acquisitions; rights of way for rail, utilities, and roads; and areas not designated for a specific short-term use.

1.3.2.1 Planning Area 1 (West Channel/Cabrillo Beach)

Planning Area 1 (West Channel/Cabrillo Beach) is located in the southwestern portion of the Port and encompasses approximately 110 acres. This area is generally designated for marine-oriented recreation activities. Existing land uses within Planning Area 1 include recreation, open space, commercial, institutional, and vacant lands (Figure 1.3-3).

1.3.2.2 Planning Area 2 (West Bank)

Planning Area 2 (West Bank) is located west of the Los Angeles Harbor Main Channel and south of Fourth Street. This area encompasses approximately 218 acres and contains a variety of land uses including liquid bulk, break bulk, commercial fishing, commercial, recreational, institutional, and vacant lands (Figure 1.3-3).

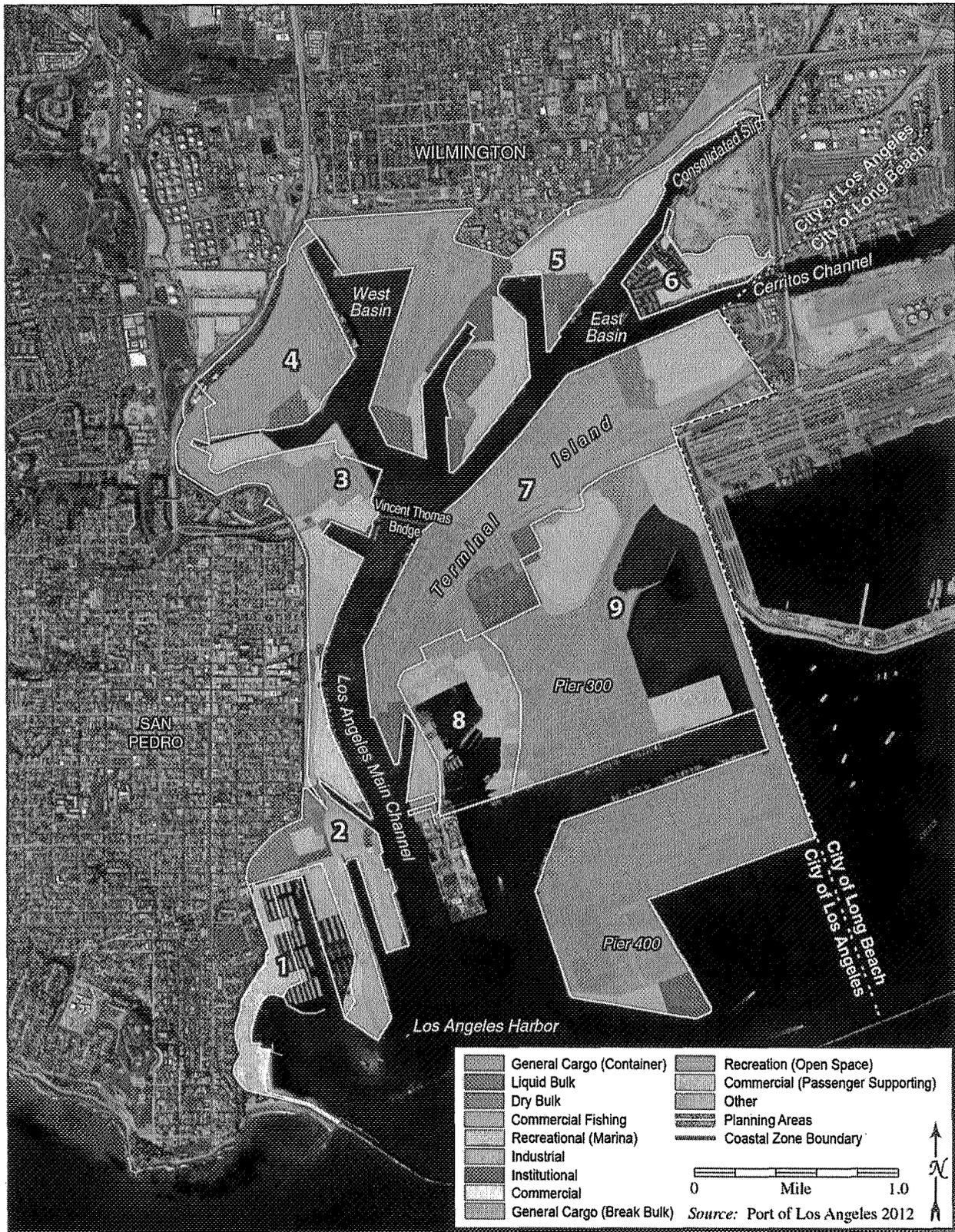


Figure 1.3-3. Existing Land Uses (2011)

1.3.2.3 Planning Area 3 (West Turning Basin)

Planning Area 3 (West Turning Basin) encompasses approximately 213 acres and extends from Berth 87 on the south to Berth 115 on the north. Existing land uses within this area include container cargo, liquid bulk, commercial, maritime support, institutional, open space, passenger, and vacant lands (Figure 1.3-3).

1.3.2.4 Planning Area 4 (West Basin)

Planning Area 4 (West Basin) encompasses 224 acres and is located between the Harbor Freeway and the West Basin area of the Inner Harbor. Existing land uses include container cargo, liquid bulk, break bulk, dry bulk, institutional, maritime support, and vacant lands (Figure 1.3-3).

1.3.2.5 Planning Area 5 (Wilmington District)

Planning Area 5 (Wilmington District) comprises approximately 622 acres encompassing the northern terminus of the Main Channel and includes areas adjacent to the community of Wilmington and the Consolidated Slip. Existing land uses include break bulk, dry bulk, liquid bulk, institutional, recreational, and vacant lands (Figure 1.3-3).

1.3.2.6 Planning Area 6 (Cerritos Channel)

Planning Area 6 (Cerritos Channel) is located in the northeastern portion of the Port between the East Basin and Cerritos Channel. This area encompasses approximately 59 acres and includes nine separate marinas and supporting facilities (e.g., boat repair and maintenance, administrative offices, marine supplies, and recreational areas). Existing land uses include recreational and open space (Figure 1.3-3).

1.3.2.7 Planning Area 7 (Terminal Island/Main Channel)

Planning Area 7 (Terminal Island/Main Channel) encompasses approximately 743 acres extending from Berth 206 to Reservation Point and is adjacent to the East Basin Channel, Turning Basin, and Main Channel. Fish Harbor and southern Terminal Island are situated on the southeastern boundary of this area. Existing land uses include container cargo, liquid bulk, dry bulk, institutional, and vacant lands (Figure 1.3-3).

1.3.2.8 Planning Area 8 (Fish Harbor)

Planning Area 8 (Fish Harbor) encompasses approximately 134 acres and is located in the southern portion of Terminal Island. Existing land uses include commercial fishing, container cargo, break bulk, commercial, liquid bulk, maritime support, institutional, and vacant lands (Figure 1.3-3).

1.3.2.9 Planning Area 9 (Terminal Island/Seaward Extension)

Planning Area 9 (Terminal Island/Seaward Extension) is generally located on the southern portion of Terminal Island and adjacent to the Outer Harbor. This area encompasses approximately 1,170 acres and supports container cargo, liquid bulk, institutional, open space, and vacant lands (Figure 1.3-3).

1.4 Program Purpose and Objectives

1.4.1 Program Purpose

The overall purpose of the PMPU is to create a consolidated planning document that clarifies LAHD's short- and long-term land-use plans in an easily accessible manner. The PMPU is needed to update historically outdated language in the 1980 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.

1.4.2 Program Objectives

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 United States (U.S.) and foreign ports.

1.5 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 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.

1.5.1 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 proposed planning areas are described in Table 1.5-1, and the boundaries and land use designations for each planning area are shown in Figures 1.5-1 and 1.5-2.

Table 1.5-1. Proposed PMPU Planning Areas and Allowable Land Uses

<i>Planning Area</i>	<i>Location</i>	<i>Acreage</i>	<i>Allowable Land Uses*</i>
1 (San Pedro)	From the Breakwater up to the Vincent Thomas Bridge	413	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	1,098	Container, Open Space, Liquid Bulk, Break Bulk, Dry Bulk, Maritime Support, Recreational Boating, and Commercial
3 (Terminal Island)	Terminal Island, excluding Fish Harbor	1,940	Container, Liquid Bulk, Dry Bulk, Maritime Support, Open Space
4 (Fish Harbor)	Fish Harbor, including former Southwest Marine Shipyard site	92	Commercial Fishing, Maritime Support, Break Bulk, and Institutional
5 (Water)	All water excluding areas adjacent to marinas	3,209	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 1.5-2).

1.5.2 PMPU Land Use Categories

The PMPU land use plan would consolidate the number of land uses within the planning areas and would 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 than under existing condition conditions. The proposed changes to land use categories are listed in Table 1.5-2.



Figure 1.5-1. Proposed PMPU Planning Areas



Figure 1.5-2. Proposed PMPU Land Use Designations

Table 1.5-2. Changes in Land Use Categories

<i>Existing PMP Land Use Categories</i>	<i>Proposed PMPU Land Use Categories</i>	<i>Comments</i>
General Cargo	Container	The General Cargo land use category is divided into three categories to provide more specificity.
	Break Bulk	
	Cruise Operations	
Liquid Bulk	Liquid Bulk	Liquid Bulk and Other Liquid Bulk (nonhazardous) are consolidated into one category.
Other Liquid Bulk		
Dry Bulk	Dry Bulk	No change.
Commercial Fishing	Commercial Fishing	No change.
Recreational	Recreational Boating	This category is divided to differentiate marinas from parks/beaches due to their different land use and water requirements.
	Open Space	
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	Not Applicable (N/A)	This land use category is no longer needed.

1 The proposed PMPU land and water use definitions are provided in Table 1.5-3; the
2 examples of these uses are not comprehensive, but are only meant to be illustrative of
3 the types of activities that may occur in the various land and water use categories.

Table 1.5-3. Proposed PMPU Land and Water Use Definitions

<i>Land Use</i>	<i>Description</i>	<i>Examples</i>
<i>Land Use</i>		
Container	Water-dependent uses focused on container cargo handling and movement.	<ul style="list-style-type: none"> ▪ 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.	<ul style="list-style-type: none"> ▪ Cement ▪ Potash and similar ▪ Grain; ▪ Scrap Metal
Break Bulk	Water-dependent uses focused on non-containerized, bulk cargoes packaged as a unit.	<ul style="list-style-type: none"> ▪ Roll-On Roll-Off Cargoes ▪ Steel Slabs ▪ Neo Bulk ▪ Fruit ▪ Automobiles
Cruise Operations	Water-dependent operations focused on cruise operations and passenger handling.	<ul style="list-style-type: none"> ▪ Cruise Facilities ▪ Baggage Handling Facilities
Liquid Bulk	Water-dependent uses focused on storage, receipt, and delivery of liquid bulk commodities.	<ul style="list-style-type: none"> ▪ Crude Oil Terminal ▪ Petroleum Products Terminal ▪ Non-petroleum Products and Other Liquid Bulk Commodities

Table 1.5-3. Proposed PMPU Land and Water Use Definitions

<i>Land Use</i>	<i>Description</i>	<i>Examples</i>
Maritime Support	Water-dependent and non water-dependent operations necessary to support cargo handling and other maritime activities.	<ul style="list-style-type: none"> ▪ 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.	<ul style="list-style-type: none"> ▪ Fish Processing ▪ Cold Storage/Fish Unloading/Ice House ▪ Fishing Vessel Moorage ▪ Fish Laboratories and Testing
Recreational Boating	Recreational boating activities generally associated with marinas.	<ul style="list-style-type: none"> ▪ Marinas ▪ Upland Boat Storage ▪ Yacht Clubs ▪ Marina-Related Retail
Visitor-Serving Commercial	Visitor serving commercial uses for the public, including museums.	<ul style="list-style-type: none"> ▪ Restaurant ▪ Maritime Related Office ▪ Visitor Serving Retail ▪ Harbor Tour Vessels ▪ Sport Fishing ▪ Museums ▪ Community Centers/Conference Centers ▪ Exhibit Space
Open Space	Open spaces reserved for the general public such as parks and beaches or open areas reserved for environmental protection.	<ul style="list-style-type: none"> ▪ Public Beaches ▪ Parks ▪ Environmentally Protected Area ▪ Wetlands
Institutional	Uses and facilities operated by government agencies.	<ul style="list-style-type: none"> ▪ Public Safety (Police and Fire) ▪ Other federal, state, and local agencies ▪ Educational ▪ Marine Research Facility ▪ Non-profit Organizations
<i>Water Use</i>		
Navigation	Water areas devoted to anchorage of vessels, movement and maneuvering of vessels.	<ul style="list-style-type: none"> ▪ 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.	<ul style="list-style-type: none"> ▪ Shallow Water Habitat
Recreational Boating	Water areas associated with the mooring of recreational vessels.	<ul style="list-style-type: none"> ▪ Marina Slip Areas
Berthing	Water areas directly adjacent to cargo berths. These areas are dedicated to the berthing of cargo vessels.	<ul style="list-style-type: none"> ▪ Cargo Berths
<p>Note: *In addition to the specific land use definitions and scope of activities, uses directly related to and supporting the land use are also permitted activities. Examples include but are not limited to an administrative office and/or maintenance and repair facility that support a container terminal or administrative offices and/or quality control laboratory that support commercial fishing processing activities.</p>		

1 LAHD would be responsible for determining the land use category for all projects.
2 Significant deviation from an allowable land use would require an amendment to the
3 PMPU; however, slight boundary modifications would not require an amendment.
4 Projects characterized by ancillary uses that are inconsistent with a site's land use
5 designation would be permitted, but the predominant land use must be consistent with
6 its PMPU land use designation; determinations of consistency are the responsibility of
7 the LAHD. Temporary permits are not restricted by the land use designations but
8 applicants must seek approval by the LAHD before activities commence
9 (e.g., Temporary Entry and Access Permits, Filming Permits, etc.). Existing facilities
10 that are not consistent with the land use designation of the PMPU would be a
11 nonconforming use. General maintenance and facility repairs would still be allowed
12 under the PMPU, but proposals for expansions and increases in the intensity of use of
13 such facilities would not be allowed and would require a PMPU amendment.

14 An amendment would be required if a land use is proposed on a site that differs from
15 the PMPU land use plan. Amendments must be certified by the California Coastal
16 Commission (CCC). After an amendment is approved and certified by the CCC, the
17 land use plan would be updated and would supersede the previous version of the
18 PMPU land use plan.

19 **1.5.3 Changes to Land Uses and Proposed** 20 **Appealable/Fill Projects within the PMPU** 21 **Planning Areas**

22 The proposed Program includes revisions to allowable land uses and proposed
23 appealable/fill projects (Figures 1.5-3 and 1.5-4 and Table 1.5-4). As previously
24 discussed, the PEIR focuses on land use changes that would result in changes and/or
25 intensification of activities with the potential for impacting the physical environment,
26 as well as the proposed appealable/fill projects, as defined under CCA Section 30715.
27 Appealable projects include: liquefied natural gas and crude oil projects that could
28 have a significant impact on oil and gas supplies; wastewater treatment facilities
29 except those producing incidental amounts associated with Port activities; road or
30 highway projects that are not principally for internal circulation within the Port;
31 office and residential buildings not associated with Port administrative activities;
32 hotels, motels, and shopping facilities not associated with commercial goods for
33 water-oriented purposes; commercial fishing facilities; recreational small craft
34 marina related facilities; oil refineries; and, petrochemical production plants. The
35 proposed appealable/fill projects are in various planning stages and are anticipated to
36 be initiated or completed within the next 5 years. Future environmental documents
37 for the proposed appealable/fill projects would incorporate this PEIR by reference
38 and concentrate on the site-specific issues related to the appealable/fill project at the
39 appropriate phase of the planning process. Following the completion of project-
40 specific CEQA reviews for the proposed appealable/fill projects, the LAHD would
41 issue Coastal Development Permits (CDPs) for approved projects.

42 Other projects included in the PMPU that have been approved in a certified CEQA
43 document and/or are currently undefined (i.e., in the conceptual design stage) are
44 addressed in Draft PEIR Chapter 4.0, Cumulative Analysis, and listed in Table 1.5-5.

45 Revisions to allowable land uses and proposed appealable/fill projects for each of the
46 five proposed PMPU planning areas are described below.



Figure 1.5-3. Proposed PMPU Land Use Changes



Figure 1.5-4. Proposed PMPU Appealable/Fill Projects

Table 1.5-4. Proposed PMPU Appealable/Fill Projects and Land Use Changes

<i>Planning Area</i>	<i>Appealable/Fill Project^{a,b}</i>	<i>Land Use Change^c</i>
<i>Planning Area 1</i>		
Planning Area 1: San Pedro	None	1: (Mixed Land Use Site): Existing institutional uses at Warehouse No. 1 would remain and/or be changed to visitor-serving commercial.
<i>Planning Area 2</i>		
Planning Area 2: West Basin and Wilmington	Berths 187-189 Liquid Bulk Relocation	2: 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)	3: 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. 4: 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)	5: 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	6: (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.
<i>Planning Area 3</i>		
Planning Area 3: Terminal Island	Berth 300 Development (18-acre fill)	7: An additional 18 acres of fill would be added at Pier 300 and designated for container cargo uses.
	None	8: (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. 9: Vacant land between Seaside Avenue and Reeves Avenue and south of Reeves Avenue would be changed to maritime support. 10: Vacant land along Ferry Street would be changed to maritime support. 11: 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. 12 ^d : The institutional area south of Pier 400 would be changed to open space (least tern habitat). 13: Existing container area on Pier 400 would be changed to maritime support. 14: Vacant land, commercial fishing, and industrial areas near Fish Harbor would be changed to container cargo uses. 15: (Optional Land Use Site): Existing maritime support uses at Berth 301 would be changed to container or liquid bulk.
<i>Planning Area 4</i>		
Planning Area 4: Fish Harbor	Tri Marine Expansion	None
	338 Cannery Street Adaptive Reuse	None
	Al Larson Marina	16: Land use change from recreational boating to maritime support.
	None	17: (Mixed Land Use Site): Vacant land at Southwest Marine Shipyard would be changed to break bulk and/or maritime support. The surrounding area would be changed to maritime support. 18: Vacant land, commercial fishing, liquid bulk, and institutional land uses at Fish Harbor would be replaced with commercial fishing and maritime support.
<i>Planning Area 5</i>		
Planning Area 5: Water	None	None
Notes:		
a. These projects are appealable to the CCC, as defined under CCA Section 30715. Refer to Section 1.5.3, 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 1.5-3 (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 1.5-3.		
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.		

Table 1.5-5. Other PMPU Projects and Land Use Changes^a

<i>Planning Area</i>	<i>Other Projects</i>	<i>Appealable^b</i>	<i>Land Use Changes</i>	<i>Comments</i>
<i>Planning Area 1</i>				
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 Environmental Impact Statement (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.
<i>Planning Area 2</i>				
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.
	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 recreational boating.	This is not a proposed project. Specific details are currently not available.

Table 1.5-5. Other PMPU Projects and Land Use Changes^a

Planning Area	Other Projects	Appealable ^b	Land Use Changes	Comments
<i>Planning Area 3</i>				
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.
	Berths 212-224 Container Terminal Expansion	No	None	This is not a proposed project. Specific details are currently not available.
	Relocation of ExxonMobil Storage Tanks	Yes	None	This is not a proposed project. Specific details are currently not available.
<i>Planning Area 4</i>				
Planning Area 4: Fish Harbor	Relocation of 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 Draft PEIR Chapter 4.0, Cumulative Analysis.				
b. These projects are appealable to the CCC, as defined under CCA Section 30715. Please refer to Section 1.5.3, Changes to Land Uses and Proposed Appealable/Fill Projects within the PMPU Planning Areas, for additional details.				

1 **1.5.3.1 Planning Area 1: San Pedro**

2 **1.5.3.1.1 General Overview**

3 Planning Area 1 would encompass the San Pedro Waterfront, extending from the
 4 breakwater to the Vincent Thomas Bridge along the western boundary of the Port
 5 (Figure 1.5-5). This area includes Berths 19-95, the Port’s cruise operations,
 6 institutional uses, open space (Cabrillo Beach), and recreational boating activities.
 7 Planning Area 1 includes land uses focused on public access to the waterfront, but also
 8 has limited cargo operations and commercial fishing activities. Planning Area 1
 9 emphasizes waterfront access through a waterfront promenade, parks, museums,
 10 academic uses, and visitor-serving commercial uses and attractions. In Planning
 11 Area 1, existing institutional uses at Warehouse No. 1 would remain and/or be changed
 12 to visitor-serving commercial. Adaptive reuse of Warehouse No. 1 would occur in
 13 conformance with LAHD’s *Built Environment Historic, Architectural, and Cultural*
 14 *Resource Policy*.

15 **1.5.3.1.2 Appealable/Fill Projects**

16 No appealable/fill projects would occur within Planning Area 1.



Figure 1.5-5. Proposed PMPU Planning Area 1 Land Use Designations

1.5.3.2 Planning Area 2: West Basin and Wilmington

1.5.3.2.1 General Overview

Planning Area 2 would encompass the West Basin and Wilmington areas, and includes Berth 96 through Berth 204 (Figure 1.5-6). 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 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.

1.5.3.2.2 Appealable/Fill Projects

Berths 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.

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.



Figure 1.5-6. Proposed PMPU Planning Area 2 Land Use Designations

1.5.3.3 Planning Area 3: Terminal Island

1.5.3.3.1 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 1.5-7). 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 projects 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;
- 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.

1.5.3.3.2 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.

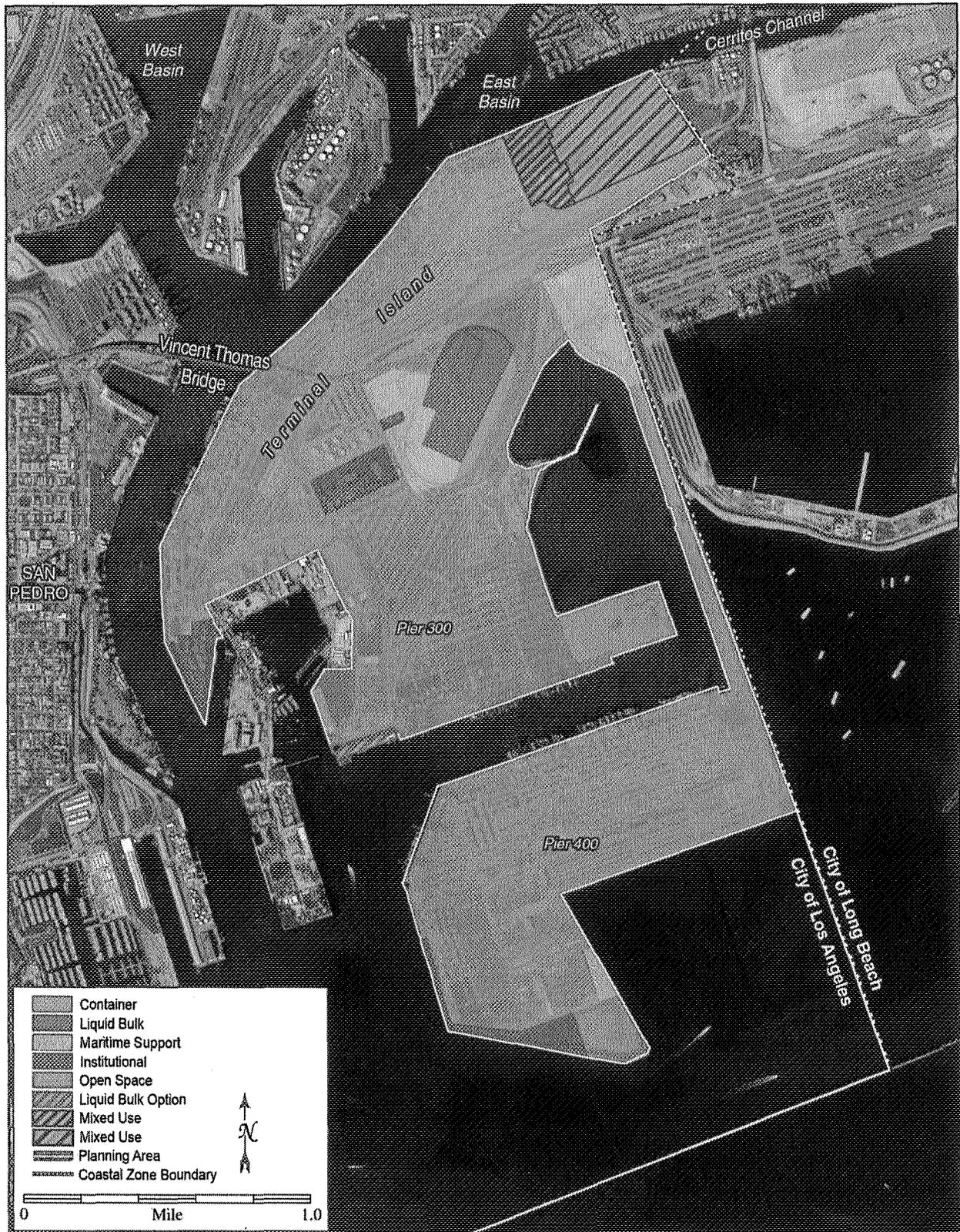


Figure 1.5-7. Proposed PMPU Planning Area 3 Land Use Designations

1.5.3.4 Planning Area 4: Fish Harbor

1.5.3.4.1 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, break bulk cargo, and other institutional uses would be located along the western portion of Fish Harbor (Figure 1.5-8). Vacant land at Southwest Marine Shipyard (Berths 240-241) would be a mixed land use site and would allow break bulk and/or maritime support uses. Additional land use changes are associated with the proposed appealable/fill projects in Planning Area 4. The *Terminal Island Land Use Plan* also provides the framework for Planning Area 4.

1.5.3.4.2 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 nine-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.

1.5.3.5 Planning Area 5: Waterways

1.5.3.5.1 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 1.5-9). No land use changes would occur in Planning Area 5.

1.5.3.5.2 Appealable/Fill Projects

No appealable/fill projects would occur within Planning Area 5.

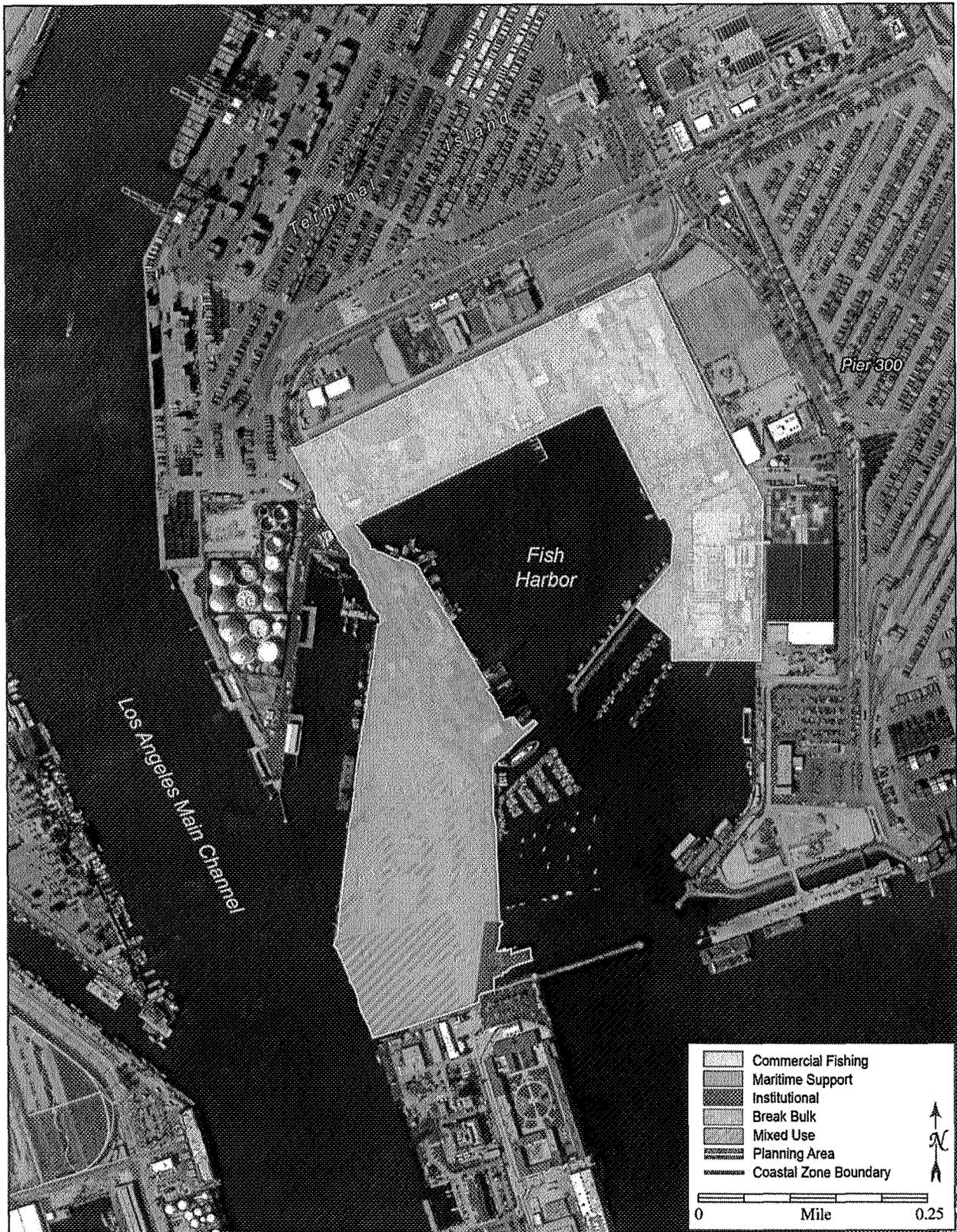


Figure 1.5-8. Proposed PMPU Planning Area 4 Land Use Designations



Figure 1.5-9. Proposed PMPU Planning Area 5 Land Use Designations

1.5.4 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 1.5-6 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. Section 1.5.3, Changes to Land Uses and Proposed Appealable/Fill Projects within the PMPU Planning Areas, provides details regarding land use changes within specific planning areas.

Table 1.5-6. Summary of Proposed PMPU Land Use Changes

<i>Land Use Type</i>	<i>Existing (2011) (acres)^a</i>	<i>Proposed Changes Evaluated in the PEIR (acres)</i>	<i>Previously Analyzed Changes (acres)^b</i>	<i>Overall Difference (acres)</i>	<i>PMPU Acreage (acres)</i>
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	25	25	91
Industrial (Maritime Support)	45	75	13	88	133
Institutional	115	-37	15	-22	92
Commercial (Visitor Serving/Commercial)	88	6	15	21	109
Break Bulk	160	21	38	59	219
Open Space	92	28	110	138	231
Passengers/Supporting Commercial (Cruise Operations)	54	0	15	15	69
Vacant	658	-333	-325	-658	0
Open Water ^c	3,224	-37	-7	-44	3,180
Total ^d	6,735	0	0	0	6,735

Notes:

- 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.
- 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.
- Acreages do not include the Reservation Point Area (i.e., 64 acres). This is not LAHD controlled property.
- The total area includes open water acreage and all unassigned acreage in Planning Areas 1-4 and boundary differences.

1.5.5 Program Schedule

Buildout of the proposed appealable/fill projects would occur in multiple phases, although the precise schedule, and in most cases the scope, of these projects is unknown or has not been developed in sufficient detail at this time. The LAHD anticipates, however, that the proposed appealable/fill projects described above would be implemented within the next 5 years. However, the analysis of the PMPU planning horizon extends out to year 2035.

1.5.6 Summary

In summary, the PMPU would consolidate areas characterized by predominant land use patterns within the Port and allocate a single land use to most sites. The PMPU would also include appealable/fill projects and other projects that have been approved in certified CEQA documents 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 directly or indirectly impacting the physical environment (CEQA Guidelines Section 15378(a)). 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.

This PEIR focuses on the proposed appealable/fill projects, as defined under CCA Section 30715, and provides a programmatic evaluation of impacts associated with buildout of these projects. In general, this PEIR is intended to simplify the task of preparing subsequent environmental documents for the proposed appealable/fill projects and will serve as the first-tier document for later CEQA review of the proposed appealable/fill projects included in the PMPU. The LAHD expects that most of the proposed appealable/fill projects that are included in this PEIR would require separate environmental documents. CDPs for the proposed appealable/fill projects would not be issued until those project-specific CEQA reviews are completed.

This PEIR does not analyze the impacts of other projects included in the PMPU that have already been evaluated in certified CEQA documents. 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 Draft PEIR Chapter 4.0, Cumulative Analysis.

1.6 Changes to the Draft Port Master Plan Update

A summary of the changes made to Draft PMPU is provided below. Revisions to the Draft PMPU that directly correspond to changes to the Draft PEIR are presented in Chapter 3.0, Modifications to the Draft Program EIR, of this Final PEIR. The Final PMPU is included in Appendix A, Port Master Plan, of this Final PEIR.

The key changes to the Draft PMPU include:

- Clarification of the PMPU Goals;
- Inclusion of additional PMPU land use examples;

- 1 ■ Clarification of public access infrastructure and programs at the Port;
- 2 ■ Modification of PMPU land use designations and boundaries;
- 3 ■ Clarification of land use acreages for the PMPU planning areas; and,
- 4 ■ Clarification of an existing and inclusion of an additional other project.

5 1.7 Changes to the Draft Program EIR

6 The Final PEIR discusses changes and modifications that have been made to the
7 Draft PEIR. Actual changes to the text, organized by chapters, sections, and
8 appendices, are presented in Chapter 3.0, Modifications to the Draft Program EIR, of
9 this Final PEIR.

10 Changes noted in Chapter 3.0, Modifications to the Draft Program EIR, are identified
11 by text ~~strikeout~~ and underline. These changes are referenced in Chapter 2.0,
12 Response to Comments, of this Final PEIR, where applicable. The changes and
13 clarifications presented in Chapter 3.0, Modifications to the Draft Program EIR, were
14 reviewed to determine whether or not they warranted recirculation of the PEIR prior
15 to certification according to CEQA Guidelines. The changes would not result in any
16 new significant environmental impacts or a substantial increase in the severity of an
17 existing environmental effect.

18 A summary of the key changes to the Draft PEIR include:

- 19 ■ Correction of the PMPU land use designation for Cabrillo Beach from visitor-
20 serving commercial to open space;
- 21 ■ Inclusion of the boat launch area at Cabrillo Beach into the total acreage
22 associated with the recreational boating land use category;
- 23 ■ Designation of Warehouse No. 1 in Planning Area 1 as a mixed land use site that
24 would allow institutional and/or visitor-serving commercial uses;
- 25 ■ Modification of the break bulk land use boundary in Planning Area 4 to include
26 all of the buildings at the Southwest Marine terminal site (Berth 240). This area
27 was also designated as a mixed land use site that would allow break bulk and/or
28 maritime support;
- 29 ■ Enhancement of mitigation measure **MM CR-3** to specify additional protective
30 measures (e.g., in-situ preservation, adaptive reuse, and relocation); and,
- 31 ■ Inclusion of additional freeway modeling and analyses completed for the
32 proposed Program.

**Excerpts from FPEIR and Port Master Plan Update:
Response to City comments on FPEIR**

2.0

RESPONSE TO COMMENTS

2.1 Distribution of the Draft Program EIR

The Draft PEIR was distributed to the public and regulatory agencies to review and comment from February 21, 2013 to April 8, 2013. Copies of the Draft PEIR were distributed to various government agencies, organizations, individuals, and Port tenants. In addition, postcards were mailed to all addresses in the communities of Wilmington and San Pedro. LAHD conducted a public hearing regarding the Draft PEIR on March 13, 2013 to provide an overview of the proposed Program and alternatives and accept public comments on the Draft PEIR.

The Draft PEIR was available for review at the following locations:

- LAHD, Environmental Management Division, 222 W. 6th Street, San Pedro, CA 90731;
- Los Angeles Public Library – Central Branch, 630 West 5th Street, Los Angeles, CA 90071;
- Los Angeles Public Library – San Pedro Branch, 931 S. Gaffey Street, San Pedro, CA 90731; and,
- Los Angeles Public Library – Wilmington Branch, 1300 North Avalon Boulevard, Wilmington, CA 90744.

In addition to printed copies of the Draft PEIR, electronic versions were made available, as requested by interested parties. Due to the size of the document, the electronic versions were prepared as series of PDF files to facilitate downloading and printing. The Draft PEIR was available in its entirety on the LAHD website at http://www.portoflosangeles.org/EIR/PMPU/DEIR/deir_pmpu.asp, and the public notice was available online at http://www.portoflosangeles.org/EIR/PMPU/DEIR/_Public_Notice.pdf.

2.2 Comments on the Draft Program EIR and Draft PMPU

The public comment and response component of the CEQA process serves an essential role. It allows the respective lead agencies to assess the impacts of a project, and it provides the opportunity to amplify and better explain the analyses that the lead agencies have undertaken to determine the potential environmental impacts of a project. To that extent, responses to comments are intended to provide complete and thorough explanations to commenting agencies and individuals, and to improve the overall understanding of the proposed Program for the decision making bodies.

The Draft PEIR and Draft PMPU were released on February 21, 2013 for a 45-day public review period ending on April 8, 2012. The LAHD received 28 comment letters, 3 public hearing comment cards, and 77 oral comments on these documents during the public review period. Table 2.2-1 presents a list of those agencies, organizations, and individuals who commented on the Draft PEIR and Draft PMPU.

Table 2.2-1. Public Comments Received on the Draft Program EIR and Draft PMPU

<i>Letter Code</i>	<i>Date</i>	<i>Organization/Individual</i>	<i>Page</i>
<i>State Government</i>			
NAHC	2/5/2013	Native American Heritage Commission	2-5
CSLC	4/8/2013	California State Lands Commission	2-11
DOT	4/10/2013	California Department of Transportation (Caltrans) District 7	2-17
<i>Local Government</i>			
RPV1	4/2/2013	City of Rancho Palos Verdes	2-31
RPV2	4/8/2013	City of Rancho Palos Verdes	2-35
BOS	4/11/2013	City of Los Angeles, Bureau of Sanitation	2-41
<i>Organizations</i>			
PTLA	4/5/2013	PortTechLA	2-47
PSL1	4/7/2013	Project Street Legal	2-51
CCA	4/8/2013	Coalition for Clean Air	2-55
LAC	4/8/2013	Los Angeles Conservancy	2-67
NTHP	4/8/2013	National Trust for Historic Preservation	2-85
AS	4/8/2013	The Art Spot	2-99
CFASE1	4/8/2013	Coalition For A Safe Environment	2-105
<i>Individuals</i>			
PR	3/25/2013	Patricia Ross	2-115
SG	3/29/2013	Stanley Green	2-119
LF	4/3/2013	Lawrence Fafarman	2-123
PB	4/3/2013	Philip Belfer	2-127
JR	4/6/2013	Jay Ross	2-131
DE	4/5/2013	Donna Ethington	2-135
LA	4/6/2013	Linda Alexander	2-143
SC	4/6/2013	Sue Castillo	2-147
CE	4/7/2013	Christine Esprabens	2-151
DSS	No Date	Denise and Stephen Smith	2-155
FA	No Date	Frank B. Anderson	2-159
<i>Businesses</i>			
SAR	4/2/2013	SA Recycling	2-163
EXXON1	4/4/2013	ExxonMobil Pipeline Company	2-173
GSNT	4/4/2013	Gresham Savage Nolan & Tilden	2-177
BH	4/8/2013	Brandt-Hawley Law Group	2-485

Table 2.2-1. Public Comments Received on the Draft Program EIR and Draft PMPU

<i>Letter Code</i>	<i>Date</i>	<i>Organization/Individual</i>	<i>Page</i>
<i>Comments Received at the Draft Program EIR and PMPU Public Hearings</i>			
<i>Draft Program EIR Public Hearing</i>			
CFASE2	3/13/2013	Coalition for a Safe Environment	2-489
EXXON2	3/13/2013	ExxonMobil	2-495
PSL2	3/13/2013	Project Street Legal	2-499
PT1	3/13/2013	Draft PEIR Public Transcripts	2-503
<i>Draft PMPU Public Hearing</i>			
PT2	4/4/2013	Draft PMPU Public Transcript	2-559

2.3 Responses to Comments

In accordance with CEQA (Guidelines Section 15088), LAHD has evaluated the comments on environmental issues received from agencies and other interested parties and has prepared written responses to each comment pertinent to the adequacy of the environmental analyses contained in the Draft PEIR. In specific compliance with CEQA Guidelines Section 15088(b), the written responses address the environmental issues raised. In addition, where appropriate, the basis for incorporating or not incorporating specific suggestions into the proposed Program is provided. In each case, LAHD has expended a good faith effort, supported by reasoned analysis, to respond to comments.

This section includes responses to the written and oral comments received during the Draft PEIR public review period. This section also includes all the comments received on the Draft PMPU. Information provided in the response to comments on the Draft PMPU is included in Appendix A, Final PMPU, of this Final PEIR. Some comments have prompted revisions to the text of the Draft PEIR, which are referenced and included in Chapter 3.0, Modifications to the Draft Program EIR. A copy of each comment letter is provided, with responses to each comment immediately following.

2.3.1 Public Comments and Responses to Comments



2 April 2013

VIA ELECTRONIC & U.S. MAIL

Port of Los Angeles
 Planning & Economic Development Division
 425 S. Palos Verdes St.
 San Pedro, CA 90731

SUBJECT: City of Rancho Palos Verdes' Comments on Draft Port Master Plan

To Whom It May Concern:

The City of Rancho Palos Verdes—located just west of the San Pedro community of the City of Los Angeles—appreciates the opportunity to review the Port of Los Angeles' Draft Port Master Plan. We have reviewed the Plan and offer the following comments: RPVI-1

1. Section 5.0 of the Plan describes the five (5) planning areas of the Plan, including the designation and acreage of land uses therein. We understand that the Plan proposes to eliminate liquid bulk storage within Planning Area 1 (located nearest to densely-populated areas in San Pedro and Rancho Palos Verdes) and to designate at least one hundred sixty-six acres (166 ac.) within Planning Areas 2 and 3 for liquid bulk storage. The City of Rancho Palos Verdes is supportive of any plan that would reduce the risk of exposing residents to the hazards related to the storage and transport of liquid bulk cargoes. We further suggest that the Port should make additional provisions in the Plan to facilitate the relocation of liquid bulk storage facilities to the harbor area, including the future 200-acre Pier 500 project within Planning Area 3 (i.e., Terminal Island).

2. Section 8.0 of the Plan describes the Risk Management Plan (RMP) for the Port. We understand that the stated intent of the RMP "is to assess the potential risks of the storage and transfer of hazardous commodities occurring at liquid bulk terminals within the Port." To this end, we offer the following observations: RPVI-2

a. Although apparently not mandated by the California Coastal Commission, we believe that the RMP should also include a "good faith" effort to assess the risks associated with the storage and handling of hazardous liquid bulk cargoes on vessels, tanker trucks, rail tank cars and in pipelines, at least within the areas covered by the Plan. To do so would demonstrate the

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- RPV1-2 ↑
 Port's willingness to provide more than the minimum, statutorily-required protection and notification to "vulnerable resources."
- RPV1-3 b. We note that the RMP identifies "[residents] living in the area around the Port [as] the largest and most vulnerable number of people exposed to risks." It also specifically identifies certain critical Port infrastructure (i.e., the Vincent Thomas and Badger Avenue bridges) as "vulnerable resources." The RMP discusses "hazard footprints" in terms of potential adverse impacts upon these "vulnerable resources," including radiant heat, toxic and/or flammable vapor cloud, blast overpressure and flying debris. However, the RMP provides no specifics or details regarding the location or extent of these "hazard footprints" for either existing or proposed liquid bulk facilities in the Port.
- RPV1-4 3. Section 9.0 of the Plan summarizes the Program Environmental Impact Report (PEIR) prepared for the Plan. The City of Rancho Palos Verdes will be commenting separately on the Draft PEIR, on or before the end of the public comment period on 8 April 2013.

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

Sincerely,



Kit Fox, AICP
 Senior Administrative Analyst

cc: Mayor Susan Brooks and City Council
 Carolyn Lehr, City Manager
 Carolynn Petru, Deputy City Manager
 Border Issues file

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1 **Comment Letter RPV1: City of Rancho Palos Verdes**

2 **Response to Comment RPV1-1:**

3 This comment addresses the PMPU and does not raise issues that require a response
4 under CEQA. Please refer to Final PEIR Appendix A, Final PMPU, for information
5 provided in response to this comment.

6 **Response to Comment RPV1-2:**

7 This comment addresses the PMPU and does not raise issues that require a response
8 under CEQA. Please refer to Final PEIR Appendix A, Final PMPU, for information
9 provided in response to this comment.

10 **Response to Comment RPV1-3:**

11 This comment addresses the PMPU and does not raise issues that require a response
12 under CEQA. Please refer to Final PEIR Appendix A, Final PMPU, for information
13 provided in response to this comment.

14 **Response to Comment RPV1-4:**

15 Thank you for your comment. Responses to the city's comments on the Draft PEIR
16 are provided in responses to Comments RPV2-1 through RPV2-4. The comment is
17 noted and is hereby part of the Final PEIR, and is therefore before the decision-
18 makers for their consideration prior to taking any action on the PMPU.

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8 April 2013

VIA ELECTRONIC & U.S. MAIL

Christopher Cannon, Director of Environmental Management
Los Angeles Harbor Department
425 S. Palos Verdes St.
San Pedro, CA 90731

SUBJECT: City of Rancho Palos Verdes' Comments on Draft Program Environmental Impact Report for the Port Master Plan Update

Dear Mr. Cannon:

The City of Rancho Palos Verdes appreciates the opportunity to review the draft Program Environmental Impact Report (PEIR) for the Port Master Plan Update (PMPU). We have reviewed the PEIR and offer the following comments: RPV2-1

1. Section 3.7 of the PEIR discusses the hazards and hazardous materials impacts of the PMPU. The two (2) relevant mitigation measures proposed in Section 3.7 are in response to "reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment" (i.e., Impact HAZ-2). However, the City of Rancho Palos Verdes respectfully suggests that Section 3.7 of the PEIR requires additional analysis in the following issue areas:
 - a. The analysis of Impact HAZ-1 (i.e., relating to "[hazards] to the public or the environment through the routine transport, use, or disposal of hazardous materials") concludes that impacts will be less-than-significant and that no mitigation is warranted because these activities are already "extensively regulated...to prevent releases and accidents, and ensure the capability to respond in the event of an accident." From our review of the draft PMPU document, we understand that the California Coastal Commission does not mandate the assessment of risks associated with the storage and handling of hazardous liquid bulk cargoes on vessels, tanker trucks, rail tank cars and in pipelines as a part of a port master plan. However, we believe that the PEIR should include a "good faith" effort to assess these risks as well. To do so would demonstrate the Port's willingness to provide more than the minimum, statutorily-required protection and notification to vulnerable resources and populations in the vicinity of the Port.

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Christopher Cannon
8 April 2013
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RPV2-2

- b. The analysis of Impact HAZ-2 (i.e., relating to "reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment") concludes that there are potentially-significant impacts related to the risk of hazardous materials releases into the waters of the Port, and suggests two (2) mitigation measures that would only apply to "projects involving hazardous liquid bulk facilities with in-water operations." The PEIR briefly discusses the Port's Risk Management Plan (RMP) as the means by which conflicts between liquid bulk facilities and vulnerable resources and populations are to be resolved. From our review of the draft PMPU document, we understand that this is to be done through the Port's assessment and identification of any overlapping "hazard footprints" for liquid bulk facilities and nearby vulnerable resources and/or populations. However, neither the PEIR nor the PMPU provides any specifics or details regarding the location or extent of these "hazard footprints" for either existing or proposed liquid bulk facilities in the Port. As such, we respectfully suggest that the conclusion that such environmental impacts are less-than-significant is not adequately supported by evidence provided in the PEIR.

RPV2-3

2. Section 5.0 of the PEIR discusses the program alternatives to the proposed PMPU. The PEIR notes that, although many key components of the program alternatives suggested by the Port Community Advisory Committee (PCAC) have been included in the PMPU, the PCAC recommendations related to liquid bulk storage facilities near the Wilmington community in the City of Los Angeles and on Terminal Island were rejected, respectively, as:

- Not avoiding or reducing significant environmental impacts; and,
- Being physically and financially infeasible.

The City of Rancho Palos Verdes offers the following comments with respect to the rejection of the PCAC alternative (Section 5.1.4.1) in the PEIR:

- a. With respect to the PCAC recommendations regarding liquid bulk storage near Wilmington, the PEIR (Page 5-4, Lines 32-39) again relies upon the Port's RMP to ensure that there are no significant adverse impacts upon "vulnerable resources." However, as we noted in our Comment 1.b above, we are concerned that the lack of details and specifics about the "hazard footprints" of existing or proposed liquid bulk facilities in the Port does not offer sufficient evidence to support this conclusion in the PEIR.

RPV2-4

- b. With respect to the PCAC recommendations regarding the relocation of liquid bulk storage to Terminal Island, the PEIR (Page 5-5, Lines 1-16) asserts that there is a lack of available berthing capacity and that the cost of such relocation would be economically infeasible. It is not clear if these

Christopher Cannon
8 April 2013
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conclusions took into account the possible future expansion and development of the "Pier 500" project on Terminal Island, as described in the draft PMPU document. Would the berthing capacity for the relocation of liquid bulk facilities still be inadequate on Terminal Island with the addition of Pier 500? Would the relocation of such facilities to Pier 500 still be infeasible?

↑
RPV2-4

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

Sincerely,



Kit Fox, AICP
Senior Administrative Analyst

cc: Mayor Susan Brooks and City Council
Carolyn Lehr, City Manager
Carolynn Petru, Deputy City Manager
Border Issues file

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1 **Comment Letter RPV2: City of Rancho Palos Verdes**

2 **Response to Comment RPV2-1:**

3 This comment addresses the PEIR and requests that Draft PEIR Section 3.7, Hazards
4 and Hazardous Materials, assess the risks to the public and environment (under
5 Impact HAZ-1) associated with storage and handling of liquid bulk cargoes on
6 vessels, tanker trucks, rail tank cars, and pipelines.

7 Draft PEIR Section 3.7.4.3, Impacts and Mitigation Measures, addresses the risks
8 under Impact HAZ-1 of routine transport, use, or disposal of hazardous materials.
9 The Draft PEIR does not address risks to the public and environment associated with
10 vessel or pipeline transport of liquid bulk from future liquid bulk facilities because
11 specific project details are not available. The Draft PEIR concludes that operation of
12 the proposed appealable/fill projects and land use changes would present a less than
13 significant risk to the public in part because transportation, storage, and use of
14 hazardous materials are extensively regulated. These safety regulations that govern
15 the shipping, transport, storage, and handling of hazardous materials (i.e., United
16 States Coast Guard [USCG], City of Los Angeles Fire Department [LAFD], and
17 United States Department of Transportation [USDOT] regulations and requirements)
18 will limit the severity and frequency of potential releases of hazardous materials. The
19 LAHD's Risk Management Plan (RMP) also contains rigorous policies to prevent or
20 minimize risks associated with operations of liquid bulk facilities in the Port.

21 Siting is another primary method of controlling risks, and the LAHD's RMP
22 precludes the siting of new hazardous liquid bulk facilities and modifications to
23 existing facilities near vulnerable resources that could be impacted. The RMP also
24 precludes vulnerable resources from being sited near existing hazardous liquid bulk
25 facilities. Additionally, siting of new vulnerable resources proximal to existing or
26 approved facilities that handle hazardous liquid bulk cargoes is not permitted.
27 Improvements or modifications to existing hazardous liquid bulk facilities or
28 operations that would expand a hazard footprint, and therefore result in an overlap
29 with vulnerable resources, are not permitted. For security reasons the LAHD does not
30 provide maps with hazard footprints in CEQA documents or the PMPU.
31 Nevertheless, the LAHD believes that risks of routine handling of hazardous
32 materials are adequately addressed in the Draft PEIR, and no further changes are
33 warranted.

34 **Response to Comment RPV2-2:**

35 This comment addresses the PEIR and states that the less than significant conclusion
36 under Impact HAZ-2 (refer to Draft PEIR Section 3.7, Hazards and Hazardous
37 Materials) is not adequately supported because the PEIR and PMPU do not show
38 hazard footprints and their relationships to sensitive resources.

39 Draft PEIR Section 3.7.4.3, Impacts and Mitigation Measures, addresses the risks
40 under Impact HAZ-2 of a release of hazardous materials to the environment through
41 reasonably foreseeable upset or accident conditions. As discussed in Response to
42 Comment RPV2-1, LAHD's RMP prohibits the siting of hazardous liquid bulk
43 facilities near vulnerable resources that could be impacted. Compliance with existing
44 regulations and requirements would appropriately limit the risk to the public from an

1 upset or accident involving hazardous materials associated with onshore operations
2 of the proposed appealable/fill projects and land use changes. The commenter
3 suggests that the PEIR should provide specifics or details regarding the location or
4 extent of hazard footprints for existing or proposed facilities. The determination of
5 hazard footprints for proposed facilities is not supported at the program level since
6 sufficient details regarding proposed liquid bulk facilities are not presently available.
7 Project specific environmental documentation would be required for future liquid
8 bulk facility developments. Hazardous footprint information for existing hazardous
9 liquid bulk facilities, as defined by the Port's RMP, is not released to the general
10 public for security reasons. Currently, no hazard footprints overlap with vulnerable
11 resources outside and/or within the Port.

12 **Response to Comment RPV2-3:**

13 Please see Response to Comment RPV2-2. The LAHD believes that sufficient
14 evidence is provided to support rejection of the Port Community Advisory
15 Committee (PCAC) recommendations regarding the relocation of liquid bulk
16 facilities to Terminal Island.

17 **Response to Comment RPV2-4:**

18 Please see Response to Comment RPV2-2. Pier 500 is not a proposed project because
19 specific details are currently undefined (i.e., in the conceptual design stage). This
20 comment addresses the PMPU and does not raise issues that require a response under
21 CEQA. Please refer to Final PEIR Appendix A, Final PMPU, for information
22 provided in response to this comment.

Excerpts from FPEIR and Port Master Plan Update:
Response to City comments on on Port Master Plan Update

Designating land uses for properties outside the Coastal Zone in the PMP would be inappropriate because they are not subject to the policies and procedures provided in the Coastal Act.

The previous approvals for the China Shipping Terminal, TraPac Terminal Expansion, and BNSF SCIG projects were consistent with the PMP. There are no properties to be obtained as part of the PMP. Properties previously acquired by the Port met all legal requirements.

b. States that the berth numbers described in the text are not identified on the maps.

Response: Maps with berth numbers can be found on the Port website (<http://www.portoflosangeles.org>).

c. States that wetland or potential wetlands were not identified in the PMP.

Response: "Wetlands" was added to the definition of the Open Space land use designation.

d. Asserts that the on-dock rail was not considered for the potential Pier 500 project.

Response: Pier 500 is not an approved project in the PMP. The current concept would designate Container use for the landfill. The comment incorrectly states that on-dock rail is not considered for Pier 500 since the definition of container use includes on-dock rail.

e. The comment requests a 90 day extension for public comment.

Response: The Draft PMP and Draft PEIR were released on February 21, 2013 and public comment was accepted until April 8, 2013. The 45 comment day period was consistent with both the Coastal Act and CEQA.

LOCAL GOVERNMENT

Kit Fox, City of Rancho Palos Verdes

a. Requests that the PMP facilitate the relocation of liquid bulk facilities to Planning Area 3 (Terminal Island), including Pier 500.

Response: All current liquid bulk facilities are consistent with the Risk Management Plan and therefore do not pose a risk.

b. Requests that the Port assess the risks associated with the movement of liquid bulk commodities (vessels, trucks, rail cars, and pipelines).

Response: As discussed in the Risk Management Plan, risk assessments of commodities either transiting on a vessel, tank truck, rail tank car or in a pipeline are not addressed in the Risk Management Plan due to their transitory nature. For example, tank cars transit into and out of a rail yard frequently carrying a variety of commodities. Therefore, it is difficult to determine at any one time what commodities may be inside a tank car and where that tank car might be located in the rail yard. The transitory nature of these operations, including vessels moving within the Port, prevents accurate and representative hazard footprints from being prepared.

c. Requests that the location or extent of hazard footprints generated by liquid bulk facilities at the port under the Risk Management Plan be publically disclosed.

Response: Hazardous footprint calculations from existing hazardous liquid bulk facilities, as defined by the Port's Risk Management Plan, are not released to the general public due to security/safety reasons expressed by the U.S. Coast Guard. Nevertheless, coastal permits on liquid bulk facilities before the Board of Harbor Commissioners are required to include information on whether the proposed project conforms to the Risk Management Plan. Presently, all existing liquid bulk facilities are consistent with the Risk Management Plan.

BUSINESSES

Barna Szabo, SA Recycling

- **Advocates for the PMP to allow for continued dry bulk operations at Berths 210-211, as well as for the possible addition of another wharf available for loading bulk cargo and the construction of an elevated connecting roadway between the two adjacent terminals.**

Response: The text relative to the potential relocation of SA Recycling was revised to include several options with regard to SA Recycling's existing facility. Under the new text, the existing dry bulk facility may be allowed to remain in its current location and potentially expand its operations, depending upon the operational scheme and acreage requirements for the container terminal expansion, including the elevated connected roadway. The land use plan for SA Recycling and Berths 206-209 are consistent with the options identified in the text, including the elevated roadway, since Berths 210-211