



MEMORANDUM

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS
FROM: KIT FOX, AICP, SENIOR ADMINISTRATIVE ANALYST 
DATE: OCTOBER 6, 2015
SUBJECT: BORDER ISSUES STATUS REPORT
REVIEWED BY: DOUG WILLMORE, CITY MANAGER 

RECOMMENDATION

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

EXECUTIVE SUMMARY

This month's report includes:

- An update on recent issues and events related to the Rancho LPG butane storage facility in Los Angeles (San Pedro);
- An update on the proposed 4-unit detached condominium project at 5883 Crest Road in Rolling Hills Estates; and,
- An update on the proposed closure of the Defense Fuel Support Point (DFSP) San Pedro.

FISCAL IMPACT

There is no fiscal impact associated with the bi-monthly review of Border Issues.

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://www.rpvca.gov/781/Border-Issues-Status-Report>

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DISCUSSION

Current Border Issues

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

A public hearing on the safety of the Rancho LPG butane storage facility that was to be hosted by 35th District State Senator Isadore Hall on October 3, 2015, was canceled on September 15, 2015. Staff understands that this hearing may be rescheduled for some time during the first quarter of 2016.

In the past two (2) months, interested parties have continued to forward items regarding and related to the Rancho LPG facility and its owner/operator via e-mail. Copies of these e-mails are attached to tonight's report. Staff will continue to monitor this project in future Border Issues reports.

5883 Crest Road Condominium Project, Rolling Hills Estates

The Rolling Hills Estates City Council reviewed this 4-unit, detached condominium project at the northeast corner of Crest and Highridge roads on August 11, 2015. At its meeting on July 6, 2015, the Rolling Hills Estates Planning Commission had adopted a resolution recommending denial of the project to the City Council. However, the City Council remanded the project back to the Planning Commission, with direction to the applicant to address the Planning Commission's concerns about the project's density, bulk and mass.

As of the date that this report was completed, a new Planning Commission hearing date had not yet been set. Staff will continue to monitor this project in future Border Issues reports.

Closure of Defense Fuel Support Point San Pedro, Los Angeles (San Pedro)

On August 7, 2015, the City was notified that the Draft Environmental Assessment (EA) for the possible closure of the Navy fuel depot in San Pedro had been released for public review and comment. Comments on the Draft EA were due by August 24, 2015 (despite requests from many interested parties for a longer public review period, a minimum 15-day public comment period was provided). The Planning & Land Use Committee of the Northwest San Pedro Neighborhood Council reviewed the Draft EA at its meeting on August 19, 2015 and Staff attended this meeting. Staff subsequently submitted the attached comments on the Draft EA on August 24, 2015. For reference, also attached to tonight's report are comments submitted by:

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- The Northwest San Pedro Neighborhood Council;
- The Sierra Club; and,
- A consortium of other environmental and neighborhood advocacy groups.

The consortium of environmental and neighborhood advocacy groups reached out to Congressman Ted Lieu's office to hold a briefing with his staff about the closure of DFSP San Pedro. The meeting was held on September 17, 2015, at Congressman Lieu's Los Angeles office, and Staff participated via teleconference. Other participants included representatives of the Northwest San Pedro Neighborhood Council, the Sierra Club, the Audubon Society and the California Native Plant Society. Each participant reiterated their concerns about the possible future closure of DFSP San Pedro to Congressman Lieu's staff, focusing primarily on biological resource impacts. City Staff and other participants also noted our concerns about the possible future reuse of the property, with general agreement among the participants that the property should be preserved as open space.

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:

- E-mails related to the Rancho LPG facility (miscellaneous dates) (page 4)
- RHE City Council Staff report (dated 8/11/15) (page 43)
- Comments on Draft EA for possible closure of DFSP San Pedro from:
 - Rancho Palos Verdes (dated 8/24/15) (page 62)
 - Northwest San Pedro Neighborhood Council (dated 8/22/15) (page 65)
 - Sierra Club (dated 8/24/15) (page 70)
 - Navy Neighbors of San Pedro & Palos Verdes, *et al.* (dated 8/21/15) (page 74)

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Wednesday, August 12, 2015 11:33 AM
To: MrEnvirlaw@sbcglobal.net; det310@juno.com; amartinez@earthjustice.org; noelweiss@ca.rr.com; connie@rutter.us; marciesmiller@sbcglobal.net; igornla@cox.net; dwgkaw@hotmail.com; darlenezavalney@aol.com; rreg55@hotmail.com; jdimon77@yahoo.com; president@centralsanpedro.org; burling102@aol.com; pmwarren@cox.net; jhwinkler@me.com; chateau4us@att.net; hvybags@cox.net; leneebilski@hotmail.com; claudia.r.mcculloch@gmail.com; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; dlrivera@prodigy.net; peter.burmeister@sbcglobal.net; Kit Fox; john@nrcwater.com; irene@miraclegirlproductions.org; carl.southwell@gmail.com; rgb251@berkeley.edu; lpryor@usc.edu; ahricko@usc.edu; jnm4ej@yahoo.com; mr.rpulido@gmail.com; joethedoor@sbcglobal.net; joegalliani@gmail.com; marguello@psr-la.org; fxfeeney@aol.com; kaiephron@yahoo.com
Cc: heather.hutt@sen.ca.gov; laurie.saroff@mail.house.gov; lisa.pinto@mail.house.gov; gene_seroka@portla.org
Subject: HUGE EXPLOSION AT CHINESE PORT CITY!!!

And, the LA Harbor area bomb of Plains/Rancho LPG just keeps on tickin.....

http://www.theguardian.com/world/2015/aug/12/explosion-chinese-port-city-tianjin?CMP=Share_AndroidApp_Gmail

Kit Fox

From: Marcie Miller <marciesmiller@sbcglobal.net>
Sent: Wednesday, August 12, 2015 11:54 AM
To: Janet Gunter
Cc: MrEnvirlaw@sbcglobal.net; det310@juno.com; amartinez@earthjustice.org; noelweiss@ca.rr.com; connie@rutter.us; igornla@cox.net; dwgkaw@hotmail.com; darlenezavalney@aol.com; rreg55@hotmail.com; jdimon77@yahoo.com; president@centralsanpedro.org; burling102@aol.com; pmwarren@cox.net; jhwinkler@me.com; chateau4us@att.net; hvybags@cox.net; leneebilski@hotmail.com; claudia.r.mcculloch@gmail.com; lhermanpg@cox.net; pjwrome@yahoo.com; katiyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; dlrivera@prodigy.net; peter.burmeister@sbcglobal.net; Kit Fox; john@nrcwater.com; irene@miraclegirlproductions.org; carl.southwell@gmail.com; rgb251@berkeley.edu; lpryor@usc.edu; ahricko@usc.edu; jnm4ej@yahoo.com; mr.rpulido@gmail.com; joethedoor@sbcglobal.net; joegalliani@gmail.com; marguello@psr-la.org; fxfeeney@aol.com; kaiephron@yahoo.com; heather.hutt@sen.ca.gov; laurie.saroff@mail.house.gov; lisa.pinto@mail.house.gov; gene_seroka@portla.org
Subject: Re: HUGE EXPLOSION AT CHINESE PORT CITY!!!

<https://www.vopak.com/newsroom/news/vopak-expands-terminal-tianjin-china-storage-lpg>

On Aug 12, 2015, at 11:32 AM, Janet Gunter <arriane5@aol.com> wrote:

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http://www.theguardian.com/world/2015/aug/12/explosion-chinese-port-city-tianjin?CMP=Share_AndroidApp_Gmail

Kit Fox

From: burling102@aol.com
Sent: Wednesday, August 12, 2015 11:58 AM
To: marciesmiller@sbcglobal.net; arriane5@aol.com
Cc: MrEnvirlaw@sbcglobal.net; det310@juno.com; amartinez@earthjustice.org; noelweiss@ca.rr.com; connie@rutter.us; igornla@cox.net; dwgkaw@hotmail.com; darlenezavalney@aol.com; rreg55@hotmail.com; jdimon77@yahoo.com; president@centralsanpedro.org; pmwarren@cox.net; jhwinkler@me.com; chateau4us@att.net; hvybags@cox.net; leneebilski@hotmail.com; claudia.r.mcculloch@gmail.com; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; dlivera@prodigy.net; peter.burmeister@sbcglobal.net; Kit Fox; john@nrcwater.com; irene@miraclegirlproductions.org; carl.southwell@gmail.com; rgb251@berkeley.edu; lpryor@usc.edu; ahricko@usc.edu; jnm4ej@yahoo.com; mr.rpulido@gmail.com; joethedoor@sbcglobal.net; joegalliani@gmail.com; marguello@psr-la.org; fxfeeney@aol.com; kaiephron@yahoo.com; heather.hutt@sen.ca.gov; laurie.saroff@mail.house.gov; lisa.pinto@mail.house.gov; gene_seroka@portla.org
Subject: Re: HUGE EXPLOSION AT CHINESE PORT CITY!!!

Do you think it will make the "nightly news"?

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

From: Marcie Miller <marciesmiller@sbcglobal.net>
To: Janet Gunter <arriane5@aol.com>
Cc: MrEnvirlaw <MrEnvirlaw@sbcglobal.net>; det310 <det310@juno.com>; amartinez <amartinez@earthjustice.org>; noelweiss <noelweiss@ca.rr.com>; connie <connie@rutter.us>; igornla <igornla@cox.net>; dwgkaw <dwgkaw@hotmail.com>; darlenezavalney <darlenezavalney@aol.com>; rreg55 <rreg55@hotmail.com>; jdimon77 <jdimon77@yahoo.com>; president <president@centralsanpedro.org>; burling102 <burling102@aol.com>; pmwarren <pmwarren@cox.net>; jhwinkler <jhwinkler@me.com>; chateau4us <chateau4us@att.net>; hvybags <hvybags@cox.net>; leneebilski <leneebilski@hotmail.com>; claudia.r.mcculloch <claudia.r.mcculloch@gmail.com>; lhermanpg <lhermanpg@cox.net>; pjwrome <pjwrome@yahoo.com>; katyw <katyw@pacbell.net>; jwebb <jwebb@usc.edu>; c.jjkondon <c.jjkondon@earthlink.net>; rcraemer <rcraemer@aol.com>; goarlene <goarlene@cox.net>; dlivera <dlivera@prodigy.net>; peter.burmeister <peter.burmeister@sbcglobal.net>; kiff <kiff@rpv.com>; john <john@nrcwater.com>; irene <irene@miraclegirlproductions.org>; carl.southwell <carl.southwell@gmail.com>; rgb251 <rgb251@berkeley.edu>; lpryor <lpryor@usc.edu>; ahricko <ahricko@usc.edu>; jnm4ej <jnm4ej@yahoo.com>; mr.rpulido <mr.rpulido@gmail.com>; joethedoor <joethedoor@sbcglobal.net>; joegalliani <joegalliani@gmail.com>; marguello <marguello@psr-la.org>; fxfeeney <fxfeeney@aol.com>; kaiephron <kaiephron@yahoo.com>; heather.hutt <heather.hutt@sen.ca.gov>; laurie.saroff <laurie.saroff@mail.house.gov>; lisa.pinto <lisa.pinto@mail.house.gov>; gene_seroka <gene_seroka@portla.org>
Sent: Wed, Aug 12, 2015 11:53 am
Subject: Re: HUGE EXPLOSION AT CHINESE PORT CITY!!!

<https://www.vopak.com/newsroom/news/vopak-expands-terminal-tianjin-china-storage-lpg>

On Aug 12, 2015, at 11:32 AM, Janet Gunter <arriane5@aol.com> wrote:

And, the LA Harbor area bomb of Plains/Rancho LPG just keeps on tickin.....

Kit Fox

From: Marcie Miller <marciesmiller@sbcglobal.net>
Sent: Wednesday, August 12, 2015 11:59 AM
To: Janet Gunter
Cc: MrEnvirlaw@sbcglobal.net; det310@juno.com; amartinez@earthjustice.org; noelweiss@ca.rr.com; connie@rutter.us; igornla@cox.net; dwgkaw@hotmail.com; darlenezavalney@aol.com; rreg55@hotmail.com; jdimon77@yahoo.com; president@centralsanpedro.org; burling102@aol.com; pmwarren@cox.net; jhwinkler@me.com; chateau4us@att.net; hvybags@cox.net; leneebilski@hotmail.com; claudia.r.mcculloch@gmail.com; lhermanpg@cox.net; pjwrome@yahoo.com; katiw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; dlrivera@prodigy.net; peter.burmeister@sbcglobal.net; Kit Fox; john@nrcwater.com; irene@miraclegirlproductions.org; carl.southwell@gmail.com; rgb251@berkeley.edu; lpryor@usc.edu; ahricko@usc.edu; jnm4ej@yahoo.com; mr.rpulido@gmail.com; joethedoor@sbcglobal.net; joegalliani@gmail.com; marguello@psr-la.org; fxfeeney@aol.com; kaiephron@yahoo.com; heather.hutt@sen.ca.gov; laurie.saroff@mail.house.gov; lisa.pinto@mail.house.gov; gene_seroka@portla.org
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<http://www.cnn.com/2014/04/10/riding-shale-boom-us-to-become-major-lpg-supplier-to-china.html>

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From: Carl Southwell <carl.southwell@gmail.com>
Sent: Wednesday, August 12, 2015 12:00 PM
To: Marcie Miller
Cc: Janet Gunter; AGPatchett; chuck hart; amartinez@earthjustice.org; Noel Weiss; Connie; John Miller; Kathleen Woodfield; darlenezavalney@aol.com; rreg55@hotmail.com; James Dimon; president@centralsanpedro.org; June Smith; Peter Warren; jhwinkler@me.com; chateau4us@att.net; Susan Phuckoff; leneebilski@hotmail.com; claudia.r.mcculloch@gmail.com; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; dlivera@prodigy.net; peter.burmeister@sbcglobal.net; Kit Fox; john@nrcwater.com; irene@miraclegirlproductions.org; rgb251@berkeley.edu; Pryor, Lawrence; ahricko@usc.edu; Jesse Marquez; Ricardo Pulido; joethedoor@sbcglobal.net; joegalliani@gmail.com; marguello@psr-la.org; fxfeeny@aol.com; kaiephron@yahoo.com; heather.hutt@sen.ca.gov; laurie.saroff@mail.house.gov; lisa.pinto@mail.house.gov; gene_seroka@portla.org
Subject: Re: HUGE EXPLOSION AT CHINESE PORT CITY!!!



A photo of the alleged site of the explosion. Source: <http://www.mirror.co.uk/news/world-news/china-explosion-live-updates-massive-6241984>

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http://www.theguardian.com/world/2015/aug/12/explosion-chinese-port-city-tianjin?CMP=Share_AndroidApp_Gmail

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Carl Southwell

Contact me at (use whichever you prefer) :

carl.southwell@gmail.com

carl.southwell@riskandpolicy.org

Visit: www.pressfriends.org

Making writing fun for elementary school kids, empowering kids to become mentors and leaders, and creating friendships among youth from diverse backgrounds.

Kit Fox

From: Marcie Miller <marciesmiller@sbcglobal.net>
Sent: Wednesday, August 12, 2015 12:19 PM
To: Carl Southwell
Cc: Janet Gunter; AGPatchett; chuck hart; amartinez@earthjustice.org; Noel Weiss; Connie; John Miller; Kathleen Woodfield; darlenezavalney@aol.com; rreg55@hotmail.com; James Dimon; president@centralsanpedro.org; June Smith; Peter Warren; jhwinkler@me.com; chateau4us@att.net; Susan Phuckoff; leneebilski@hotmail.com; claudia.r.mcculloch@gmail.com; lhermanpg@cox.net; pjwrome@yahoo.com; katiw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; dlrivera@prodigy.net; peter.burmeister@sbcglobal.net; Kit Fox; john@nrcwater.com; irene@miraclegirlproductions.org; rgb251@berkeley.edu; Pryor, Lawrence; ahricco@usc.edu; Jesse Marquez; Ricardo Pulido; joethedor@sbcglobal.net; joegalliani@gmail.com; marguello@psr-la.org; fxfeeney@aol.com; kaiephron@yahoo.com; heather.hutt@sen.ca.gov; laurie.saroff@mail.house.gov; lisa.pinto@mail.house.gov; gene_seroka@portla.org
Subject: Re: HUGE EXPLOSION AT CHINESE PORT CITY!!!

http://viewer.zmags.com/publication/f06c96ab?WT.mc_id=ACGL201510SM_Top250_InsightAds_Mass&WT.tsrc=Eloqua#/f06c96ab/1

On Aug 12, 2015, at 12:00 PM, Carl Southwell <carl.southwell@gmail.com> wrote:



A photo of the alleged site of the explosion. Source: <http://www.mirror.co.uk/news/world-news/china-explosion-live-updates-massive-6241984>

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Thursday, August 13, 2015 7:52 PM
To: gene_seroka@portla.org; mayor.garcetti@lacity.org; emmanuelle.lopez@lacity.org; jacob.haik@lacity.org
Cc: heather.hutt@sen.ca.gov; laurie.saroff@mail.house.gov; lisa.pinto@mail.house.gov; richard.vladovic@lausd.net; Kit Fox; rgb251@berkeley.edu; lpryor@usc.edu
Subject: 1ST confirmation that the China was storing "gas"! (1st para) RANCHO LPG MUST BE DEALT WITH!

THIS IS A PROBLEM! THE CITY AND ALL PUBLIC OFFICIALS NEED TO ADDRESS THE RANCHO LPG SITUATION AND REMOVE THE THREAT IMMEDIATELY! THE DAMAGES IN CHINA WERE REDUCED DUE TO THE FACT THAT THE LOCATION OF THE CHINESE HAZARDOUS FACILITY WAS ON A NEWLY CREATED REMOTE SECTION OF THEIR PORT! (sound familiar? Energy Island concept that the Port completely disregarded?)... UNLIKE RANCHO LPG, THE CHINESE FACILITY WAS NOT WITHIN 1,000 FEET OF HOMES, SCHOOLS, SHOPS, HIGHWAYS AND A 10 LANE PUBLIC FREEWAY! THE COSTS TO HUMAN LIFE AND PROPERTY FROM AN EXPLOSION AT RANCHO IS OFF THE CHARTS!!! UNACCEPTABLE!!!

Please see first paragraph of Reuters link below:

Plains All American/Rancho LPG is a looming hazard that was brought about by the port and City of LA. It is time to relocate this facility NOW in the interest of public safety! Below is a reference to the \$3.4 million grant given to the port to enhance security. I suggest that the Port and City use this grant to address the obvious danger presented by this Plains All American/ Rancho LPG facility and that a request for additional grants be made, if necessary, to deal with this specific and highly explosive problem. The Rancho LPG facility offers an extraordinary disaster potential of overwhelming proportions from a variety of opportunities including; Terrorism, earthquake, antiquated infrastructure failure, accident, and simple human error. Continuing to ignore this indisputable, highly explosive, and massive....25 Million gallon butane and propane gas risk in the face of what has happened in China would be beyond despicable.

It is TIME!
Janet Gunter

<http://www.reuters.com/article/2015/08/13/us-china-blast-idUSKCN0QH2B220150813>

Port Awarded \$3.4 Million for Security

FEMA funds will be used to enhance current projects

Aug. 13, 2015

The Federal Emergency Management Agency has awarded the Port of Long Beach's Security Division \$3.4 million in grants to fund ongoing projects that protect the Port.

The grants will enhance port security systems such as physical security equipment and monitoring and detection systems, including the Virtual Port System, and improve the resiliency of port security systems.



"Protecting workers and the community, as well as ensuring business continuity, are top priorities at the Port of Long Beach," said Lori Ann Guzmán, President of the Long Beach Board of Harbor Commissioners. "FEMA's grant money will help us carry out important security projects and enhance our abilities to work with our security partners at the Port.

FEMA, which is part of the U.S. Department of Homeland Security, offers the grants for port security initiatives, and recipients like the Port of Long Beach must provide at least 25 percent of the cost of the project.

The trade that flows through the Port of Long Beach sustains about 1.4 million jobs across the United States, making the Port a valuable economic resource. To safeguard that resource, security operations at the Port have been greatly enhanced by \$136 million in grants received since Sept. 11, 2001.

The Long Beach Harbor Department's Security Division partners with local, state and federal law enforcement and security and emergency-response agencies including the Long Beach Police and Fire departments, FBI, U.S. Customs and Border Protection and the U.S. Coast Guard.

The Port of Long Beach is one of the world's premier seaports, a gateway for trans-Pacific trade and a trailblazer in goods movement and environmental stewardship. With 175 shipping lines connecting Long Beach to 217 seaports, the Port handles \$180 billion in trade annually, supporting hundreds of thousands of Southern California jobs.

Media Contact: Art Wong, Assistant Director of Communications/PIO, (562) 283-7715 (office), (562) 519-2177 (cell), art.wong@polb.com

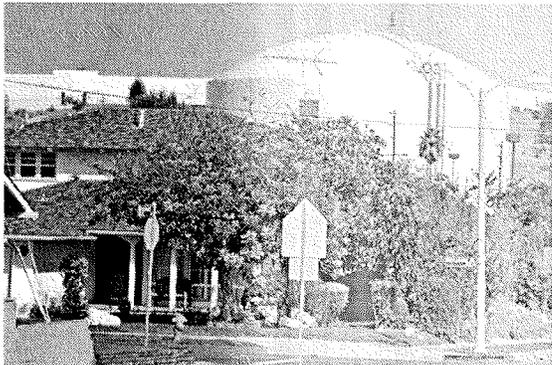
The truth of the Plains/Rancho LPG hazard from the community perspective:
https://m.youtube.com/watch?v=TBGt_XKNpRk

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Friday, August 14, 2015 2:13 PM
To: heather.hutt@sen.ca.gov; lisa.pinto@mail.house.gov; laurie.saroff@mail.house.gov; richard.vladovic@lausd.net; Kit Fox; kevin.schmidt@ltg.ca.gov; abaker@sco.ca.gov; alan.gordon@treasurer.ca.gov; jennifer.lucchesi@slc.ca.gov; brian.hembacher@doj.ca.gov; wesling.mary@epa.gov; helmlinger.andrew@epa.gov; blumenfeld.jared@epa.gov; attorneygeneral@doj.ca.gov
Cc: rgb251@berkeley.edu; ahricko@hsc.usc.edu; lpryor@usc.edu; meshkati@usc.edu; southers@price.usc.edu; amartinez@earthjustice.org; david.pettit@nrdc.org; coneill2@law.pace.edu; MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; det310@juno.com; igornla@cox.net; carl.southwell@gmail.com
Subject: Perhaps this catastrophe can act FINALLY as a wake up call that will deliver action??????? Why do innocent people have to die before we "get it"??

See LA Times article "Chinese blasts raise questions about having a hazardous site near housing."

WHY IS 25 MILLION GALLONS OF HIGHLY EXPLOSIVE BUTANE AND PROPANE GASES BEING STORED WITHIN 1000 FEET (333 yards) OF RESIDENCES, SCHOOLS, SHOPS AND PUBLIC HIGHWAY??? WHY IS IT ALLOWED TO SIT ON THE INNER HARBOR THREATENING THE DESTRUCTION OF BOTH PORTS OF LA AND LONG BEACH.....



AND ALL OF THOSE WITHIN A 3 MILE BLAST RADIUS??!!

SEE LA TIMES ARTICLE LINK BELOW!

<http://www.latimes.com/world/asia/la-fg-china-explosions-ruihai-company-20150814-story.html#detd>

https://m.youtube.com/watch?v=TBGt_XKNpRk

AFTER IGNORING OVER 40 YEARS OF PLEAS BY RESIDENTS TO REMOVE THIS THREAT ...WHY HAS GOVERNMENT NOT RESPONDED????? THIS OUTRAGEOUS HIGH RISK EXPOSURE CANNOT CONTINUE!

Janet Gunter

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Monday, August 17, 2015 10:18 AM
To: det310@juno.com; amartinez@earthjustice.org; noelweiss@ca.rr.com; MrEnvirlaw@sbcglobal.net; connie@rutter.us; marciesmiller@sbcglobal.net; igornla@cox.net; dwgkaw@hotmail.com; jhwinkler@me.com; jnm4ej@yahoo.com; mr.rpulido@gmail.com; heather.hutt@sen.ca.gov; laurie.saroff@mail.house.gov; lisa.pinto@mail.house.gov; miraclegirl2@verizon.net; joethedoor@sbcglobal.net; 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; Kit Fox; john@nrcwater.com; bonbon90731@gmail.com; sarahnvaldez@gmail.com; lynneyres@yahoo.com; pmwarren@cox.net; burling102@aol.com; darlenezavalney@aol.com; rreg55@hotmail.com; hvybags@cox.net; leonardo.poareo@gmail.com; david.wulf@hq.dhs.gov; gene_seroka@portla.org
Cc: rgb251@berkeley.edu; ahricko@usc.edu; meshkati@usc.edu; attorneygeneral@doj.ca.gov; carl.southwell@gmail.com; lpryor@usc.edu; brian.hembacher@doj.ca.gov; dan.tillema@csb.gov; don.holmstrom@csb.gov
Subject: The Incredibly HIGH RISK EXPOSURE FOR DISASTER IN LA HARBOR MUST BE ADDRESSED

In the wake of China's massive destruction, deaths and casualties in their port city.....and recently what seems like a never ending stream of ruptured pipelines, toxic contamination, and devastating explosions and fires.....our society's reckless ambivalence to disaster prevention appears to be catching up with us!

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When will the relentless disregard for public safety end? When will the political "will" to prevent these cataclysmic losses kick in????

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

Kit Fox

From: Lenée Bilski <leneebilski@hotmail.com>
Sent: Monday, August 17, 2015 11:43 PM
To: Janet Gunter; det310@juno.com; amartinez@earthjustice.org; Noel Weiss; MrEnvirlaw@sbcglobal.net; connie@rutter.us; marciesmiller@sbcglobal.net; igornla@cox.net; dwgkaw@hotmail.com; jhwinkler@me.com; jnm4ej@yahoo.com; mr.rpulido@gmail.com; heather.hutt@sen.ca.gov; laurie.saroff@mail.house.gov; lisa.pinto@mail.house.gov; miraclegirl2@verizon.net; joethedoor@sbcglobal.net; lhermanpg@cox.net; pjwrome@yahoo.com; katiyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; claudia.r.mcculloch@gmail.com; Kit Fox; john@nrcwater.com; bonbon90731@gmail.com; sarahnvaldez@gmail.com; lynneyres@yahoo.com; pmwarren@cox.net; burling102@aol.com; darlenezavalney@aol.com; rreg55@hotmail.com; hvybags@cox.net; leonardo.poareo@gmail.com; david.wulf@hq.dhs.gov; gene_seroka@portla.org
Cc: rgb251@berkeley.edu; ahricko@usc.edu; meshkati@usc.edu; attorneygeneral@doj.ca.gov; carl.southwell@gmail.com; lpryor@usc.edu; brian.hembacher@doj.ca.gov; dan.tillema@csb.gov; don.holmstrom@csb.gov
Subject: WSJ article RE: The Incredibly HIGH RISK EXPOSURE FOR DISASTER IN LA HARBOR MUST BE ADDRESSED

Here's an article from the Wall Street Journal

<http://www.wsj.com/articles/warehouse-in-china-blasts-was-closer-to-homes-than-allowed-1439570892?cb=logged0.006051782751455903>

Why doesn't the media pick up on the story of Plains/All American tanks in San Pedro ? Have any responded to you?

Lenée

Date: Mon, 17 Aug 2015 13:18:00 -0400

From: arriane5@aol.com

To: det310@juno.com; amartinez@earthjustice.org; noelweiss@ca.rr.com; MrEnvirlaw@sbcglobal.net; connie@rutter.us; marciesmiller@sbcglobal.net; igornla@cox.net; dwgkaw@hotmail.com; jhwinkler@me.com; jnm4ej@yahoo.com; mr.rpulido@gmail.com; heather.hutt@sen.ca.gov; laurie.saroff@mail.house.gov; lisa.pinto@mail.house.gov; miraclegirl2@verizon.net; joethedoor@sbcglobal.net; lhermanpg@cox.net; pjwrome@yahoo.com; katiyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; leneebilski@hotmail.com; claudia.r.mcculloch@gmail.com; kitf@rpv.com; john@nrcwater.com; bonbon90731@gmail.com; sarahnvaldez@gmail.com; lynneyres@yahoo.com; pmwarren@cox.net; burling102@aol.com; darlenezavalney@aol.com; rreg55@hotmail.com; hvybags@cox.net; leonardo.poareo@gmail.com; david.wulf@hq.dhs.gov; gene_seroka@portla.org
CC: rgb251@berkeley.edu; ahricko@usc.edu; meshkati@usc.edu; attorneygeneral@doj.ca.gov; carl.southwell@gmail.com; lpryor@usc.edu; brian.hembacher@doj.ca.gov; dan.tillema@csb.gov; don.holmstrom@csb.gov
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Janet Gunter

Member: San Pedro Peninsula Homeowners United, INC.

Kit Fox

From: Joe <joethedoor@sbcglobal.net>
Sent: Tuesday, August 18, 2015 1:16 AM
To: Janet Gunter
Cc: det310@juno.com; amartinez@earthjustice.org; noelweiss@ca.rr.com; MrEnvirlaw@sbcglobal.net; connie@rutter.us; marciesmiller@sbcglobal.net; igornla@cox.net; dwgkaw@hotmail.com; jhwinkler@me.com; jnm4ej@yahoo.com; mr.rpulido@gmail.com; heather.hutt@sen.ca.gov; laurie.saroff@mail.house.gov; lisa.pinto@mail.house.gov; miraclegirl2@verizon.net; 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; Kit Fox; john@nrcwater.com; bonbon90731@gmail.com; sarahnvaldez@gmail.com; lynneyres@yahoo.com; pmwarren@cox.net; burling102@aol.com; darlenezavalney@aol.com; rreg55@hotmail.com; hvybags@cox.net; leonardo.poareo@gmail.com; david.wulf@hq.dhs.gov; gene_seroka@portla.org; rgb251@berkeley.edu; ahricko@usc.edu; meshkati@usc.edu; attorneygeneral@doj.ca.gov; carl.southwell@gmail.com; lpryor@usc.edu; brian.hembacher@doj.ca.gov; dan.tillema@csb.gov; don.holmstrom@csb.gov
Subject: Re: The Incredibly HIGH RISK EXPOSURE FOR DISASTER IN LA HARBOR MUST BE ADDRESSED

Janet, well said! Let's talk soon, Joe P.

Sent from my iPad

On Aug 17, 2015, at 10:18 AM, Janet Gunter <arriane5@aol.com> wrote:

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From: Janet Gunter <arriane5@aol.com>
Sent: Tuesday, August 18, 2015 8:51 AM
To: leneebilski@hotmail.com; det310@juno.com; amartinez@earthjustice.org; noelweiss@ca.rr.com; mrenvirlaw@sbcglobal.net; connie@rutter.us; marciesmiller@sbcglobal.net; igornla@cox.net; dwgkaw@hotmail.com; jhwinkler@me.com; jnm4ej@yahoo.com; mr.rpulido@gmail.com; heather.hutt@sen.ca.gov; laurie.saroff@mail.house.gov; lisa.pinto@mail.house.gov; miraclegirl2@verizon.net; joethedoor@sbcglobal.net; lhermanpg@cox.net; pjwrome@yahoo.com; katiyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; claudia.r.mcculloch@gmail.com; Kit Fox; john@nrcwater.com; bonbon90731@gmail.com; sarahnvaldez@gmail.com; lynneyres@yahoo.com; pmwarren@cox.net; burling102@aol.com; darlenezavalney@aol.com; rreg55@hotmail.com; hvybags@cox.net; leonardo.poareo@gmail.com; david.wulf@hq.dhs.gov; gene_seroka@portla.org
Cc: rgb251@berkeley.edu; ahricko@usc.edu; meshkati@usc.edu; attorneygeneral@doj.ca.gov; carl.southwell@gmail.com; lpryor@usc.edu; brian.hembacher@doj.ca.gov; dan.tillema@csb.gov; don.holmstrom@csb.gov; jim.carlton@wsj.com; erica.phillips@wsj.com
Subject: Re: WSJ article RE: The Incredibly HIGH RISK EXPOSURE FOR DISASTER IN LA HARBOR MUST BE ADDRESSED

Lenee.....I have no clue why....except that until this facility blows up...it appears that it has no news value to them. The rhetoric from one news source is that the tanks were reported on previously.....end of subject. The particular amplified relevance of the story today, due to the prime example in Tianjin, China, seems to be completely lost. The Chinese regulation for distance between hazardous facilities and housing is listed at 1,000 YARDS (obviously, still not far enough).....the Plains/Rancho site is within 333 YARDS....or 1,000 FEET of homes and schools! The end goal of all of us who understand the jeopardy has always been to "circumvent" the impending disaster at Plains/Rancho LPG. That will never happen unless the serious explosive opportunity becomes obvious to the larger public and the outrage of that high risk exposure is expressed to those who have the power to resolve the problem. We just keep trying to make a difference here. Too many lives and too extreme of a threat to ignore. Thanks for noticing the media's ambivalence.
Janet

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

From: Lenée Bilski <leneebilski@hotmail.com>
To: Janet Gunter <arriane5@aol.com>; det310 <det310@juno.com>; amartinez <amartinez@earthjustice.org>; Noel Weiss <noelweiss@ca.rr.com>; MrEnvirlaw@sbcglobal.net <mrenvirlaw@sbcglobal.net>; connie <connie@rutter.us>; marciesmiller <marciesmiller@sbcglobal.net>; igornla <igornla@cox.net>; dwgkaw <dwgkaw@hotmail.com>; jhwinkler <jhwinkler@me.com>; jnm4ej <jnm4ej@yahoo.com>; mr.rpulido <mr.rpulido@gmail.com>; heather.hutt <heather.hutt@sen.ca.gov>; laurie.saroff <laurie.saroff@mail.house.gov>; lisa.pinto <lisa.pinto@mail.house.gov>; miraclegirl2 <miraclegirl2@verizon.net>; joethedoor <joethedoor@sbcglobal.net>; lhermanpg <lhermanpg@cox.net>; pjwrome <pjwrome@yahoo.com>; katiyw <katiyw@pacbell.net>; jwebb <jwebb@usc.edu>; c.jjkondon <c.jjkondon@earthlink.net>; rcraemer <rcraemer@aol.com>; goarlene <goarlene@cox.net>; claudia.r.mcculloch <claudia.r.mcculloch@gmail.com>; Kit Fox <kitf@rpv.com>; john <john@nrcwater.com>; bonbon90731 <bonbon90731@gmail.com>; sarahnvaldez <sarahnvaldez@gmail.com>; lynneyres <lynneyres@yahoo.com>; pmwarren <pmwarren@cox.net>; burling102 <burling102@aol.com>; darlenezavalney <darlenezavalney@aol.com>; rreg55 <rreg55@hotmail.com>; hvybags <hvybags@cox.net>; leonardo.poareo <leonardo.poareo@gmail.com>; david.wulf <david.wulf@hq.dhs.gov>; gene_seroka <gene_seroka@portla.org>
Cc: rgb251 <rgb251@berkeley.edu>; ahricko <ahricko@usc.edu>; meshkati <meshkati@usc.edu>; attorneygeneral <attorneygeneral@doj.ca.gov>; carl.southwell <carl.southwell@gmail.com>; lpryor <lpryor@usc.edu>; brian.hembacher <brian.hembacher@doj.ca.gov>; dan.tillema <dan.tillema@csb.gov>; don.holmstrom <don.holmstrom@csb.gov>
Sent: Mon, Aug 17, 2015 11:42 pm

Kit Fox

From: Noel Weiss <noelweiss@ca.rr.com>
Sent: Tuesday, August 18, 2015 4:06 PM
To: Hutt, Heather; Janet Gunter
Cc: leneebilski@hotmail.com; det310@juno.com; amartinez@earthjustice.org; mrenvirlaw@sbcglobal.net; connie@rutter.us; marciesmiller@sbcglobal.net; igornla@cox.net; dwgkaw@hotmail.com; jhwinkler@me.com; jnm4ej@yahoo.com; mr.rpulido@gmail.com; laurie.saroff@mail.house.gov; lisa.pinto@mail.house.gov; miraclegirl2@verizon.net; joethedoor@sbcglobal.net; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; claudia.r.mcculloch@gmail.com; Kit Fox; john@nrcwater.com; bonbon90731@gmail.com; sarahnvaldez@gmail.com; lynneyres@yahoo.com; pmwarren@cox.net; burling102@aol.com; darlenezavalney@aol.com; rreg55@hotmail.com; hvybags@cox.net; leonardo.poareo@gmail.com; david.wulf@hq.dhs.gov; gene_seroka@portla.org; rgb251@berkeley.edu; ahricko@usc.edu; meshkati@usc.edu; attorneygeneral@doj.ca.gov; carl.southwell@gmail.com; lpryor@usc.edu; brian.hembacher@doj.ca.gov; dan.tillema@csb.gov; don.holmstrom@csb.gov; jim.carlton@wsj.com; erica.phillips@wsj.com

Subject: Re: WSJ article RE: The Incredibly HIGH RISK EXPOSURE FOR DISASTER IN LA HARBOR MUST BE ADDRESSED

Attachments: sb_399_bill_20150716_amended_asm_v97.pdf; sb_295_bill_20150624_amended_asm_v98.pdf; Zimas Map of Rancho Facility - With Annotations.pdf

Heather:

How absolutely terrific for you to write.

August 25th at 3:00 works for me. . . .

Heather I am in the course of completing a rather extensive email to you which will combine thoughts relative to the following matters:

1. A suggested list of attendees at the hearing;
2. Suggested language which Senator Hall can use in proposing the very simple and basic legislation he unconditionally promised he would introduce in support of the community's needs to rebalance the risk of loss from an accident at the Plains/Rancho facility. That risk is now 100% "socialized" on the backs of the people (that includes the Port) and property. The State's investigation into the Exxon accident (which Senator Hall vigorously decried) found Exxon's negligence to have been "willful". . . reflective of years of neglect. . . The bottom line Heather, as we have discussed, accidents happen (Senator Hall should consider legislation raising the fines. . they are pitifully low). . as Plains All American Pipeline, LP (the de facto operator of the Rancho facility (which I now refer to as the "Plains/Rancho Facility") found out when the Plains' oil pipeline leaked over 100,000 gallons of oil into the ocean near Santa Barbara. . . (By Plains own admission, Plains' will incur costs of over \$200 Million for the clean-up, replacement, and settlement of the numerous (4 or 5) class action lawsuits which have been filed (not included is the damages incurred by Exxon in being prevented from getting its oil to be refined. . . Exxon has had to cease or suspend off shore operations). The best vehicle to achieve that purpose would appear to be Senator Hall's bill – SB 399 (copy enclosed). . which seeks to give the Port the right to extend any 50 year lease another 25 years. . . . The motivation here appears to be to facilitate the redevelopment of Ports of Call. . .As a legislative vehicle to meet the safety needs of the community, Senator Hall can amend SB 399 to direct the Port to refrain from leasing to any entity which is insolvent as an independent going concern. . as is the case with Plains/Rancho. . which loses (as of the end of December, 2013) approx. \$1.1 Million per year and is financially insolvent as an independent going concern. . . By way of an add of one or two sentences, the lease of the tidelands trust assets to Plains/Rancho (the rail lines used by Plains/Rancho to transport propane through the Port (for, it is believed,

non-Port purposes) would require the provision of insurance or a surety to adequately compensate the public and Port for the risk of loss from an accident at the Plains/Rancho facility. This is completely consistent with the purpose of SB 399. . . because the developer of the Ports of Call is less likely to make a huge long-term investment in renovation if those dollars could or would be wiped out or seriously impaired in an accident. . . . If the City wants the renovation, then SB 399 is the perfect vehicle to jump-start some serious negotiations between the City of LA and its citizens over the steps the City can take to reallocate the risk of loss by putting more of that risk on Plains/Rancho. Heather, the situation is exacerbated by the fact that Plains All American Pipeline, LP is a highly leveraged company. . . which has used the ZIRP (zero interest rate policy) to borrow and borrow and borrow. . . . monies which have been used to buy-back stock and pay dividends. . . This kind of leveraged formula is going to confront a new reality. . . low revenues (because of low oil prices) combined with higher interest rates (borrowing costs). . . for a highly leveraged company like Plains, this raises the risk of cost-cutting to save dollars. . . Add to it the risk of accidents and the public welfare from this money-losing operation is further undermined. . . Heather, the Port and the City are engaged in an extremely reckless circumstance here. . . relying exclusively on the "hope" that Plains/Rancho will not experience an accident (or a terrorist event – it is an inviting terrorist target – particularly being so close to the Port). . . . or a cyber-attack (either from nature or induced by man). . . . As things stand now, the Port's own Risk Management policy is being ignored when it comes to Plains/Rancho; these tidelands trust assets (the rail lines) are being used in direct contravention of the Port's own Operating Agreement with PHL (Pacific Harbor Line). . . . all of which adds to the utter recklessness of the City's conduct here. . . . If the Port is damaged, will the Port's insurance company pay off in a circumstance where the Port has willfully (i.e. by purposeful neglect) allowed this propane to be transported over tidelands trust property (i.e. the Port) in direct contravention of the Port's Operating Agreement with PHL. How stupid is this from any perspective one chooses to view the matter? Then there is the City of LA. . . which would lose revenue and have its bond rating adversely impacted (as would be the case with the Port). . . . Then there is the cost to the physical infrastructure. . . . The loss of property. . the loss of life (and how well are we prepared. . . including beds to treat the injured?).

Is it reasonable for the City, the Port, and the People (including the people of Rancho Palos Verdes) to run the risk of loss under these circumstances? How can we mitigate the risk and rebalance the risk of loss in the short-to-middle term while we work to eventually get this facility out of there? Are there tangible things the City can do right now? You bet. . . . Very simple mitigation solutions. . . which will be the subject of Senator Hall's hearing in October. . . . Heather, since the current legislative session ends in mid-September, given the fact that so much is always done at the last minute, there is every reason to think that if the City of LA wants that extra 25 years (the State Lands Commission has some serious questions about such an extension. . . tidelands trust assets are not to be sold. . . a 75 year lease comes much closer to being a "sale" than does a 50 year lease). . . . the City of LA will cease its recklessness and embrace meaningful solutions which will rebalance the risk of loss (two easy ones: (1) the Port pays LAFD an extra \$500K under the Port's contract with LAFD to provide fire services. . That extra money can pay fire inspectors to ride herd over the Plains/Rancho facility on a monthly basis. . . . armed with the authority to shut it down immediately in the event any (and I mean any) violation (state, local, or federal) is found. . . . (2) The City can enact a strict liability law which says that Plains/Rancho is responsible for any and all damages occasioned by any accident from the facility. . . regardless of the cause. . . . Back this law with a permit requirement where Plains/Rancho has to renew an operating permit on a yearly basis. . . .

This is just the start Heather. . . But if the City wants this extra 25 years, then let the City embrace some fiscal responsibility, common sense, and intellectual competence and coherence as it relates to the Plains/Rancho facility. Plains/Rancho can give Senator Hall or any other politician tours of the facility up the kazoo, that amounts to nothing more than pretentious pandering and phony public relations. . . . From the Santa Barbara oil line spill we learn that Plains had not a clue how thin (i.e. corroded) that pipe was. . . and refused and continues to refuse to install automatic shutoff valves because Plains has no confidence that an automatic shut-off in one part of the system will not result in a problem elsewhere. . . . If Plains' financial statement contained a specific "self-insured" line item where (self-insurance) dollars were set aside to compensate for the loss occasioned by accidents stemming from Plains' operations, that would at least be something. . . . With the Santa Barbara spill, the situation is not pretty. . . . particularly for an extremely leveraged company like Plains where the near and mid-term prospects are going in the opposite direction (interest rates going up. . no more cheap money. . banks more reluctant to loan to energy companies or renew credit lines. . . and revenues going down. . . . with \$200 million (and counting) already heading out the door. . . All it will take is another serious accident somewhere in the Plains "universe" of subsidiary companies for the urge to cut costs or ignore problems to grow. . . . So again, Heather, it is simply mind-boggling how the financial and economic welfare of LA (and the State) and the safety of the people are being entrusted to a company like Plains. . . particularly under these circumstances. Then to add further absurdity to the equation, the Port (with the mindless consent of the LA City Council) wants to sell to the public up to \$200 Million in short-term (yes short-term. . . . meaning one year or less) commercial paper (bonds). . . . Because the Port needs the money? Not necessarily because the Port earns revenues and issues its own bonds for capital improvements. So why? According to the Port, it wants to go into the "finance business" (a little late now that interest rates are going up). . . The money will be used to finance capital improvements of the Port's tenants (no answer to the obvious question (which went unasked by any LA City Councilperson) as to why the Port's customers are unable to procure their own financing). I put in a letter to the Council committee to the effect that the offering memorandum

needs to identify the Plains/Rancho problem because an accident at the facility will undermine (if not defeat) the Port's ability to repay these monies. . . . leading (of course) to lawsuits by disgruntled investors. . . . possibly by the SEC (if it ever gets off its rear-end and really starts protecting the public instead of the crony (oligarchic) capitalists. . . . and most definitely a lower bond rating for the Port and the City. . . . The Council ignored the warning.

The point here is that the damages to the Port are needlessly going to be further exacerbated by an accident at the Plains/Rancho facility if that accident is serious enough where 12.5 million gallons (or 25 million gallons if both 12.5 million gallon tanks blow) of butane explode (and butane fires, as I understand it. . . Senator Hall's hearing will bring this out. . . .

Heather, this \$200 Million credit line is going to be "facilitated" by a line of credit from a commercial bank. . . that credit line to the bank will be secured by Port Revenues. . . Heather, these Port Revenues are tidelands trust assets. This is one of the rare examples of "socialism" we have in this Country. . . where the assets are owned by the state and administered for the benefit of the people (all the people. . . another example is the Alaska Oil Trust. . . where under the Alaska Constitution, the oil belongs to all the people. . . who get a cut of every dollar off the top. . . Think if the Iraq constitution had been set up similarly. . . . This would have economically empowered all the people instead of the privileged few. . . .

Anyway, tideland trust assets are being imperiled. . . . by the Port's own negligence, inaction, and incompetence in (a) failing to adhere to its own Risk Management Plan as regards Plains/Rancho (to be noted here, by the way, is that a portion of the tidelands trust assets (i.e. the rail line over which propane is transported by and through the Port proper) are located within the boundaries of the Plains/Rancho property. . . So the Port's contention that it is powerless to do anything is directly defeated by the fact that the Port possesses a tidelands trust asset (the rail line used by Plains/Rancho for its own private purposes. . . for which, by the way, it pays nothing (as in "zero dollars"). . . an unlawful give-a-way of public assets. . . (b) The Port's refusal to enforce the December, 1997 Operating Agreement with PHL (reflective of the Port's gross negligence; a fact which will diminish if not completely defeat the Port's ability to collect on any insurance policy. . . The risk being assumed by the Insurance Company assumes the Port is competently following the terms of its own agreements, particularly those agreements designed and intended to mitigate against the very risk about which we are concerned and which was the cause of the accident (this assumes a rail car carrying propane through the Port (in contravention of the Operating Agreement (how unbelievable is this?) was contributing cause of the accident. . . (c) and in failing to competently mitigate the Port's exposure by regularly inspecting the Plains/Rancho facility. . .

Here's an irony for you Heather. . . . The cost of the bank facility (this is just for the privilege of having the bank as a back-up secured lender to the Port) is \$662,000 per year (yes, per year!). The cost to the Port to pay LAFD inspectors (hired specifically for this purpose. . . they would also inspect other tank farms in LA. . . those that store oil as well as LPG (Liquefied Petroleum Gas – i.e. butane and propane) and LNG (Liquefied Natural Gas). . . . \$500,000. . . . So we have the Port spending more for the credit facility that it would cost to rebalance the risk of loss here in favor of the people. . . .

As between the two, which is a better expenditure of dollars? I say the \$500,000. . . . because without that \$500K, the entire \$200 Million could go up in smoke. . . . We are talking here about neglect. . . . gross neglect in fact. . . . utter recklessness (because it is premised solely on hope. . . . when one is dealing in economic ramifications that run into the billions of dollars, a strategy premised on hope is the hornbook definition of reckless. . . . and incompetence in the extreme. . . . because the LA City Controller (who has subpoena power – and he can subpoena Plains/Rancho's insurance policy) does nothing; the Mayor (who has subpoena power and can convene a Mayor's task force backed by the subpoena power) does nothing (instead he supports the 25 year extension of a lease to renovate Ports of Call (which would be either completely destroyed or severely damaged if there was an accident); a City Council (who has subpoena power) who does nothing (but allows the Port to incur another \$200 Million in short-term (commercial paper) liability, secured by tidelands trust assets, the repayment of which will be seriously impaired if there is an accident. . . . a Harbor Commission who does nothing (although we did meet with the Executive Director earlier this month with two simple requests. . . . (1) Retain independent counsel (the City Attorney is conflicted (representing both the Port and the City) and the conflict should not be waived) to advise the Port on the nature and extent of its legal liability in light of the Port's mismanagement of the tidelands trust assets it is permitting Plains/Rancho to use in the event of an accident at the Plains/Rancho facility, and precisely to whom that liability would run and why given the foregoing; (2) have the Harbor Commission agendaize the Plains/Rancho matter so that the Harbor Commissioners (who, at least in theory, may have personal liability for their errors and omissions stemming from neglectful oversight (premiered on the notion the Harbor Commissioners occupy a unique role. . . they are not just Commissioners. . . they are fiduciaries of the tidelands trust assets they administer as trustees of the public (tidelands) trust). . . . My suspicion is that nothing affirmative will have been done by the time of Senator Hall's October 3rd hearing. . . which will give Senator Hall adequate reason to ask the Port representative what the Port intends to do in response to the need to rebalance the risk of loss.

Which is why this October 3rd hearing is so very important. . . . I assume Senator Hall will make room for any politician who wishes to participate to do so. . . . We can go over that as part of the outline. . .

3. Suggested language Senator Hall can present to Senator Beth-Jackson in support of her current bill to require the State Fire Marshal to annually inspect intrastate pipeline. . adding a provision which would empower the State Fire Marshal to inspect annually above-ground tanks which contain LPG or LNG. . . . No such provision exists anywhere in law today.

Heather, thanks again for everything you are doing.

If a time can be arranged where Senator Hall can briefly call in during our meeting of the 25th, that would be terrific. If not, then would you please inquire of Senator Hall whether he would be available to meet (even if it on a weekend) for 15-20 minutes to reconfirm the approach and strategy going forward relative in support of the foregoing legislative remediation measures. Both will go a long way toward accomplishing the objectives the community seeks.

Please thank Senator Hall for his anticipated future efforts on the community's behalf. The least desirable alternative here is to do nothing. . . . Just keeping the pressure on aids in making Plains/Rancho think twice before deciding to cut costs or to refrain from taking an action which, although costly, would further protect the public.

Because we are dealing with tidelands trust assets here (i.e. the rail lines) as we discussed at the three State Lands Commission Hearings over which Alan Gordon (at the direction of John Chaing) presided, the State of California has liability exposure as well in the event there is an accident. I have enclosed a ZIMAS Map of the Plains/Rancho facility which you will have to enlarge. . . But it shows four separate categories of the tidelands trust (rail) assets at issue. Most significant are the rail lines (after-acquired tidelands trust assets) which lie **within the boundary** of the Rancho/Plains property. . . . Plains/Rancho pays zero to the Port or to the State for the use of these assets. . . . whose use benefits solely Plains/Rancho. (the Rancho/Plains property is outlined in blue).

Then, just below the southerly boundary of the Plains/Rancho property lies a portion of the rail line (for which Plains/Rancho also pays a big fat zero) outlined in Cyan. These rail tracks are outside Plains/Rancho's property. . . They are owned by the Port. . . . But it is not clear (we are checking) who owns the surface over which these tracks lie. . . .

Then there is the rail spur (outlined in red) which is owned by the Port. The rail spur was built in 1974 and leased to Plains/Rancho predecessor (Petrolane). In 1974, Petrolane's operations were connected to the Port. . There was a pipeline from the tanks (the banks were built without permits. . . later "legalized" after the fact, along with a subsequent "spot zone" by the City) to the Port. . That pipeline was terminated in 2005 and dug up in 2010. . . so it no longer exists. . . . But the rail spur does. . . So its use in the context of a Port connection is a complete anachronism (this rail spur was renewed (it is terminable on 30 days notice) at a monthly rent of \$1187 (a pittance). . as reflected by the fact that the last rent paid under the old permit was \$1,539. . . . So (embarrassingly) the Port makes a deal which yields less money for undertaking more risk, which is, in all events, in direct contravention of the current operable Port's Operating Agreement with PHL (Pacific Harbor Line – the intra-port short-line rail road which overlay the Port's (tidelands trust) property (another reason the Port needs a look at this entire arrangement by independent counsel. . . The City Attorney of LA is committing legal and political malpractice by allowing this circumstance to abide. . . . presiding over complete and utter lawlessness. . . . all at great risk (legally, economically, physically) to the Port and the people (including the residents of Rancho Palos Verdes). I do not understand how the City Attorney can remain silent on this issue. . . But the Port is the client. . . and the Port needs to be pro-active because the Port is administering an asset owned and managed by the State which exists for the benefit of all of the people. . . . Which is why we wanted the State Lands Commission to be more pro-active. . . . An effort we will continue. . . hopefully with a more informed public after Senator Hall has concluded his hearing.

Lastly, there is the rail line just to the south of the rail spur which runs to and through the Port.

So we have four separate categories of tidelands trust (rail) assets which are being misused in contravention of competent management and oversight. While the position of State Lands so far has been that it does not want to micromanage the Port, that concern did not dissuade State Lands from considering and then taking a position in Opposition to SB 339 (seeking that extra 25 years over the 50 year lease term currently allowable under the provisions of the state's tidelands trust grant to the Port of LA). In this case, with the risks so high and the degree of recklessness practiced so excessive (objectively beyond the bounds of reasonableness), the State needs to take a more pro-active role in the Plains/Rancho situation. particularly now that it is clear that one segment of the (tidelands trust) rail assets lie within the boundaries of the Plains/Rancho property. I believe this is a significant and important fact because

it puts to rest the Port's excuse of being able to do nothing because the Plains/Rancho property lies outside the Port's boundaries (i.e. the Port has no jurisdiction over Plains/Rancho's operations).

Here the Port's (tidelands trust) asset lies within Plains/Rancho's property. So to the extent of the lawful and proper administration of the asset, the state (and the State Lands Commission) has every right, power, and authority to control the full nature and extent of how that asset is to be used. . . and the conditions attendant to that use.

These are questions which Senator Hall can also bring out at the hearing without taking too much time. . . . It would be terrific if we could have someone from the State Attorney General's office. . . . Certainly, the City Attorney, the Controller, the Mayor, and Councilman Busciano and Councilman Bob Blumenfield (Chairman of the Council's Trade, Commerce, and Technology Committee) should also be offered an opportunity to attend (along with the other political leaders whose constituents are impacted (i.e. those members of the Rancho Palos Verdes City Council who wish to attend, Congressman Ted Lieu, and Congresswoman Janice Hahn).

See you on the 25th.

Thanks again Heather.

Noel
(310) 822-0239

From: Hutt, Heather

Sent: Tuesday, August 18, 2015 11:26 AM

To: Janet Gunter

Cc: leneebilski@hotmail.com ; det310@juno.com ; amartinez@earthjustice.org ; noelweiss@ca.rr.com ; mrenvirlaw@sbcglobal.net ; connie@rutter.us ; marciesmiller@sbcglobal.net ; igornla@cox.net ; dwgkaw@hotmail.com ; jhwinkler@me.com ; jnm4ej@yahoo.com ; mr.rpulido@gmail.com ; laurie.saroff@mail.house.gov ; lisa.pinto@mail.house.gov ; miraclegirl2@verizon.net ; joethedoor@sbcglobal.net ; lhermanpg@cox.net ; pjwrome@yahoo.com ; katyw@pacbell.net ; jwebb@usc.edu ; c.jjkondon@earthlink.net ; rcraemer@aol.com ; goarlene@cox.net ; claudia.r.mcculloch@gmail.com ; kitf@rpv.com ; john@nrcwater.com ; bonbon90731@gmail.com ; sarahvaldez@gmail.com ; lynneyres@yahoo.com ; pmwarren@cox.net ; burling102@aol.com ; darlenezavalney@aol.com ; rreg55@hotmail.com ; hvybags@cox.net ; leonardo.poareo@gmail.com ; david.wulf@hq.dhs.gov ; gene_seroka@portla.org ; rgb251@berkeley.edu ; ahricko@usc.edu ; meshkati@usc.edu ; attorneygeneral@doj.ca.gov ; carl.southwell@gmail.com ; lpryor@usc.edu ; brian.hembacher@doj.ca.gov ; dan.tillema@csb.gov ; don.holmstrom@csb.gov ; jim.carlton@wsj.com ; erica.phillips@wsj.com
Subject: Re: WSJ article RE: The Incredibly HIGH RISK EXPOSURE FOR DISASTER IN LA HARBOR MUST BE ADDRESSED

Hi Janet

I haven't gotten an outline from the group. Can we meet next Tuesday, August 25th at 3pm in our office conference room so we can work on the outline together ?

I look to hear from you soon.

Heather

Sent from my iPhone

On Aug 18, 2015, at 8:50 AM, Janet Gunter <arriane5@aol.com> wrote:

Lenee.....I have no clue why....except that until this facility blows up...it appears that it has no news value to them. The rhetoric from one news source is that the tanks were reported on previously.....end of subject. The particular amplified relevance of the story today, due to the prime example in Tianjin, China, seems to be completely lost. The Chinese regulation for distance between hazardous facilities and housing is listed at 1,000 YARDS (obviously, still not far enough).....the Plains/Rancho site is within 333 YARDS....or 1,000 FEET of homes and schools! The end goal of all of us who understand the jeopardy has always been to "circumvent" the impending disaster at Plains/Rancho LPG. That will never happen

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Thursday, August 20, 2015 3:09 PM
To: gene_seroka@portla.org; heather.hutt@sen.ca.gov; lisa.pinto@mail.house.gov; laurie.saroff@mail.house.gov; david.wulf@hq.dhs.gov; abaker@sco.ca.gov; jennifer.lucchesi@slc.ca.gov; alan.gordon@treasurer.ca.gov; brian.hembacher@doj.ca.gov; Kit Fox; jacob.haik@lacity.org; jwolf@countyofsb.org; rob.wilcox@lacity.org
Cc: det310@juno.com; noelweiss@ca.rr.com; amartinez@earthjustice.org; MrEnvirlaw@sbcglobal.net; tattnlaw@gmail.com; connie@rutter.us; carl.southwell@gmail.com; rgb251@berkeley.edu; lpryor@usc.edu; meshkati@usc.edu; ahricko@hsc.usc.edu; miraclegirl2@verizon.net; burling102@aol.com; pmwarren@cox.net; vdogregg@aol.com; marciesmiller@sbcglobal.net; igornla@cox.net; darlenezavalney@aol.com; rreg55@hotmail.com; jdimon77@yahoo.com; president@centralsanpedro.org; diananave@gmail.com; lonna@cope-preparedness.org; sarahnvaldez@gmail.com; pedrolaurie@yahoo.com; leewilliams@kw.com
Subject: The Flagrant Manipulation by Rancho LPG's owners Plains All American Pipeline...as reported.

This article describes who the City of LA and public officials are dealing and compromising with... while you allow the continued operation of Rancho LPG LLC / Plains All American Pipeline's incredibly explosive, 25 Million Gallon LPG facility. The explosive opportunity of 25 million gallons of butane gas would seriously dwarf the 21 ton TNT explosion that was just witnessed in China. When will this reality be recognized? Could we just NOT wait for the explosion to prove the point?!!! Why are you even listening to the cast of characters from "Plains" who have caused such devastation elsewhere already? The Chinese have a regulation of 1000 Yards between homes and hazardous facilities. Where's ours??? Pre-existing homes and schools sit within 333 yards of Rancho LPG. The City of LA in their "infinite wisdom" just approved the Ponte Vista Housing project that will welcome yet another 600+ new homes and an additional 1200 to 1800 residents within the "Chinese buffer zone" of 1,000 Yards (now recognized as a deficient distance). Do we ever think?? Just when will we start???

See article:
<http://www.independent.com/news/2015/jun/25/big-oil-big-brother/>

Janet Gunter

Kit Fox

From: Peter Warren <pmwarren@cox.net>
Sent: Thursday, August 20, 2015 3:17 PM
To: Janet Gunter
Cc: gene_seroka@portla.org; heather.hutt@sen.ca.gov; lisa.pinto@mail.house.gov; laurie.saroff@mail.house.gov; david.wulf@hq.dhs.gov; abaker@sco.ca.gov; jennifer.lucchesi@slc.ca.gov; alan.gordon@treasurer.ca.gov; brian.hembacher@doj.ca.gov; Kit Fox; jacob.haik@lacity.org; jwolf@countyofsb.org; rob.wilcox@lacity.org; det310@juno.com; noelweiss@ca.rr.com; amartinez@earthjustice.org; MrEnvirlaw@sbcglobal.net; tattnlaw@gmail.com; connie@rutter.us; carl.southwell@gmail.com; rgb251@berkeley.edu; lpryor@usc.edu; meshkati@usc.edu; ahricko@hsc.usc.edu; miraclegirl2@verizon.net; June Smith; vdogregg@aol.com; marciesmiller@sbcglobal.net; igornla@cox.net; darlenezavalney@aol.com; rreg55@hotmail.com; James Dimon; president@centralsanpedro.org; diananave@gmail.com; lonna@cope-preparedness.org; sarahnvaldez@gmail.com; pedrolaurie@yahoo.com; leewilliams@kw.com
Subject: Re: The Flagrant Manipulation by Rancho LPG's owners Plains All American Pipeline...as reported.

thanks Janet for your continuing work on this.

I am still amazed that our elected officials, from the neighborhood councils to the legislature, can get all excited about trying to keep the Red Car but not these deadly tanks.

On Aug 20, 2015, at 3:09 PM, Janet Gunter <arriane5@aol.com> wrote:

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Janet Gunter

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Thursday, August 20, 2015 4:05 PM
To: pmwarren@cox.net
Cc: gene_seroka@portla.org; heather.hutt@sen.ca.gov; lisa.pinto@mail.house.gov; laurie.saroff@mail.house.gov; david.wulf@hq.dhs.gov; abaker@sco.ca.gov; jennifer.lucchesi@slc.ca.gov; alan.gordon@treasurer.ca.gov; brian.hembacher@doj.ca.gov; Kit Fox; jacob.haik@lacity.org; jwolf@countyofsb.org; rob.wilcox@lacity.org; det310@juno.com; noelweiss@ca.rr.com; amartinez@earthjustice.org; MrEnvirlaw@sbcglobal.net; tattnlaw@gmail.com; connie@rutter.us; carl.southwell@gmail.com; rgb251@berkeley.edu; lpryor@usc.edu; meshkati@usc.edu; ahricko@hsc.usc.edu; miraclegirl2@verizon.net; burling102@aol.com; vdogregg@aol.com; marciesmiller@sbcglobal.net; igornla@cox.net; darlenezavalney@aol.com; rreg55@hotmail.com; jdimon77@yahoo.com; president@centralsanpedro.org; diananave@gmail.com; lonna@cope-preparedness.org; sarahnvaldez@gmail.com; pedrolaurie@yahoo.com; leewilliams@kw.com; jody.james@sbcglobal.net; leonardo.poareo@gmail.com
Subject: Re: TNT Equivalency of 25 Million Gallons of Butane vs. Tianjin, China TNT Equivalency.. Blast comparison
Attachments: Calculations of tons of TNT vs.2doc.doc

Greater than 1000 times the blast of Tianjin, China.....See calculations attached.

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

From: Peter Warren <pmwarren@cox.net>
To: Janet Gunter <arriane5@aol.com>
Cc: gene_seroka <gene_seroka@portla.org>; heather.hutt <heather.hutt@sen.ca.gov>; lisa.pinto <lisa.pinto@mail.house.gov>; laurie.saroff <laurie.saroff@mail.house.gov>; david.wulf <david.wulf@hq.dhs.gov>; abaker <abaker@sco.ca.gov>; jennifer.lucchesi <jennifer.lucchesi@slc.ca.gov>; alan.gordon <alan.gordon@treasurer.ca.gov>; brian.hembacher <brian.hembacher@doj.ca.gov>; kitf <kitf@rpv.com>; jacob.haik <jacob.haik@lacity.org>; jwolf <jwolf@countyofsb.org>; rob.wilcox <rob.wilcox@lacity.org>; det310 <det310@juno.com>; noelweiss <noelweiss@ca.rr.com>; amartinez <amartinez@earthjustice.org>; MrEnvirlaw <MrEnvirlaw@sbcglobal.net>; tattnlaw <tattnlaw@gmail.com>; connie <connie@rutter.us>; carl.southwell <carl.southwell@gmail.com>; rgb251 <rgb251@berkeley.edu>; lpryor <lpryor@usc.edu>; meshkati <meshkati@usc.edu>; ahricko <ahricko@hsc.usc.edu>; miraclegirl2 <miraclegirl2@verizon.net>; June Smith <burling102@aol.com>; vdogregg <vdogregg@aol.com>; marciesmiller <marciesmiller@sbcglobal.net>; igornla <igornla@cox.net>; darlenezavalney <darlenezavalney@aol.com>; rreg55 <rreg55@hotmail.com>; James Dimon <jdimon77@yahoo.com>; president <president@centralsanpedro.org>; diananave <diananave@gmail.com>; lonna <lonna@cope-preparedness.org>; sarahnvaldez <sarahnvaldez@gmail.com>; pedrolaurie <pedrolaurie@yahoo.com>; leewilliams <leewilliams@kw.com>
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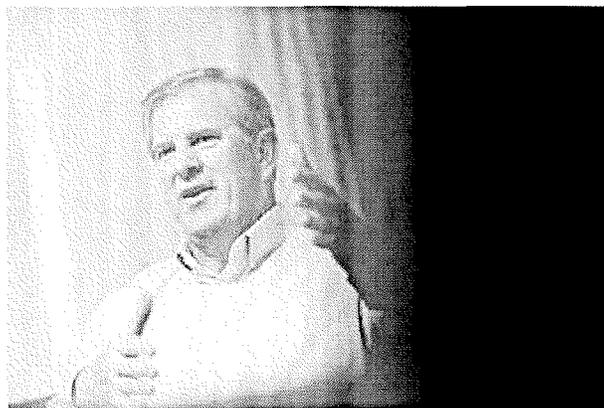
Kit Fox

From: Johntommy Rosas <tattnlaw@gmail.com>
Sent: Thursday, August 20, 2015 6:22 PM
To: Peter Warren
Cc: Janet Gunter; gene_seroka@portla.org; heather.hutt@sen.ca.gov; lisa.pinto@mail.house.gov; laurie.saroff@mail.house.gov; david.wulf@hq.dhs.gov; abaker@sco.ca.gov; jennifer.lucchesi@slc.ca.gov; alan.gordon@treasurer.ca.gov; Brian.Hembacher@doj.ca.gov; Kit Fox; jacob.haik@lacity.org; jwolf@countyofsb.org; rob.wilcox@lacity.org; Chuck Hart; Noel Weiss; Adrian Martinez; Anthony Patchett; Connie; Carl Southwell; rgb251@berkeley.edu; Larry Pryor; meshkati@usc.edu; ahricko@hsc.usc.edu; miraclegirl2@verizon.net; June Smith; vdogregg@aol.com; Marcie Miller; Miller Terry and John; darlenezavalney@aol.com; rreg55@hotmail.com; James Dimon; president@centralsanpedro.org; dianasave@gmail.com; lonna@cope-preparedness.org; Sarah Valdez; pedrolaurie@yahoo.com; leewilliams@kw.com
Subject: Re: The Flagrant Manipulation by Rancho LPG's owners Plains All American Pipeline...as reported.

now theres 3 lawfirms litigating class action for their own shareholders
good ammo for rancho lpg actions -same deception -and issues by plains=rancho -imo

Plains All American Pipeline California oil spill brings shareholder lawsuit

Aug 18, 2015, 2:42pm CDT



Chris Curry/HBJ

Greg Armstrong, CEO at Houston-based Plains All American Pipeline LP



Suzanne Edwards

Reporter- *Houston Business Journal*

Email | Twitter

Houston-based **Plains All American Pipeline LP** (NYSE: PAA) faces a class-action lawsuit filed by the Jacksonville Police and Fire Pension Fund filed on Aug. 14, in which the plaintiff alleges that Plains concealed issues with pipeline maintenance and regulatory compliance leading up to the May 19 pipeline rupture off the coast of California. Plains declined to comment for this story.

"Plains, Plains Holdings, and their senior executives misled investors throughout the Class Period by concealing pervasive and systemic oil pipeline monitoring and maintenance failures, inadequate spill response measures, repeated failures to comply with federal regulations and other misconduct that led to the largest oil spill in California in 25 years," the initial complaint read.

The class period covers the time between Oct. 16, 2013, and Aug. 4, 2015.

The complaint filing goes on to say that the plunge in share price that occurred after the pipeline rupture, which caused an estimated 143,000 gallons of oil to leak into the coastal waters near Refugio State Beach, wrought financial losses on the plaintiff, which is now seeking damages.

"Plains Common Units declined \$2.03 per unit, or over 4 percent, from \$49.59 per unit on May 19, 2015 to \$47.56 per unit on May 21, 2015 – a significant decline on extraordinarily large trading volume that occurred when the overall S&P 500 actually had a gain," the complaint said.

Plains reported an operating income of \$209 million in the second quarter, a 42.7 percent decline from \$365 million a year ago. Zacks Equity Research cast the oil spill costs as just one of multiple factors in the company's losses that quarter.

After the May pipeline burst, analysts calculated what kind of impact the incident would have on investors.

Retail investors reacted quickly and sold their Plains stock, Sunil Sibal, director and master limited partnership analyst at Global Hunter Securities, a division of New York-based Seaport Global Securities LLC, told the Houston Business Journal in May.

Institutional investors, however, would wait and see what the clean-up cost would amount to, and what litigation might arise as a result, said Sibal. Such investors would also be looking to Plains' safety record to get a handle on whether or not the pipe ruptures were indicative of more intrinsic problems.

Suzanne Edwards covers energy for the Houston Business Journal. Follow her on Twitter for more.

On Thu, Aug 20, 2015 at 3:17 PM, Peter Warren <pmwarren@cox.net> wrote:

thanks Janet for your continuing work on this.

I am still amazed that our elected officials, from the neighborhood councils to the legislature, can get all excited about trying to keep the Red Car but not these deadly tanks.

On Aug 20, 2015, at 3:09 PM, Janet Gunter <arriane5@aol.com> wrote:

This article describes who the City of LA and public officials are dealing and compromising with... while you allow the continued operation of Rancho LPG LLC / Plains All American Pipeline's incredibly explosive, 25 Million Gallon LPG facility. The explosive opportunity of 25 million gallons of butane gas would seriously dwarf the 21 ton TNT explosion that was just witnessed in China. When will this reality be recognized? Could we just NOT wait for the explosion to prove the point?!!! Why are you even listening to the cast of characters from "Plains" who have caused such devastation elsewhere already? The Chinese have a regulation of 1000 Yards between homes and hazardous facilities. Where's ours??? Pre-existing homes and schools sit within 333 yards of Rancho LPG. The City of LA in their "infinite wisdom" just approved the Ponte Vista Housing project that will welcome yet another 600+ new homes and an additional 1200 to 1800 residents within the "Chinese buffer zone" of 1,000 Yards (now recognized as a deficient distance). Do we ever think?? Just when will we start???

See article:

<http://www.independent.com/news/2015/jun/25/big-oil-big-brother/>

Janet Gunter

--

JOHN TOMMY ROSAS

TRIBAL ADMINISTRATOR

TRIBAL LITIGATOR

TONGVA ANCESTRAL TERRITORIAL TRIBAL NATION

A TRIBAL SOVEREIGN NATION UNDER UNDRIP

AND AS A CALIFORNIA NATIVE AMERICAN TRIBE / SB18-AJ52-AJR 42

25 U.S. Code § 1679 - Public Law 85-671

August 18, 1958 | [H. R. 2824] 72 Stat. 619

Tribal sovereignty in the United States is the inherent authority of indigenous tribes to govern themselves within and outside the borders and waters of the United States of America .

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tongvanation.org

Kit Fox

From: Joe <joethedoor@sbcglobal.net>
Sent: Friday, August 21, 2015 5:01 PM
To: Janet Gunter
Cc: pmwarren@cox.net; gene_seroka@portla.org; heather.hutt@sen.ca.gov; lisa.pinto@mail.house.gov; laurie.saroff@mail.house.gov; david.wulf@hq.dhs.gov; abaker@sco.ca.gov; jennifer.lucchesi@slc.ca.gov; alan.gordon@treasurer.ca.gov; brian.hembacher@doj.ca.gov; Kit Fox; jacob.haik@lacity.org; jwolf@countyofsb.org; rob.wilcox@lacity.org; det310@juno.com; noelweiss@ca.rr.com; amartinez@earthjustice.org; MrEnvirlaw@sbcglobal.net; tattnlaw@gmail.com; connie@rutter.us; carl.southwell@gmail.com; rgb251@berkeley.edu; lpryor@usc.edu; meshkati@usc.edu; ahricko@hsc.usc.edu; miraclegirl2@verizon.net; burling102@aol.com; vdogregg@aol.com; marciesmiller@sbcglobal.net; igornla@cox.net; darlenezavalney@aol.com; rreg55@hotmail.com; jdimon77@yahoo.com; president@centralsanpedro.org; diananave@gmail.com; lonna@cope-preparedness.org; sarahnvaldez@gmail.com; pedrolaurie@yahoo.com; leewilliams@kw.com; jody.james@sbcglobal.net; leonardo.poareo@gmail.com
Subject: Re: TNT Equivalency of 25 Million Gallons of Butane vs. Tianjin, China TNT Equivalency.. Blast comparison

A proposal for a petition to be signed by Mayor Garcetti and councilman Buscaino:
We are well aware of the lethal threat posed by the butane tanks situated at the Rancho LPG facility in the community of San Pedro. We pledge to ignore this danger and to do nothing to safeguard the safety of the community. We will continue to take donations from Plains All-American and ignore our loved ones our families and our businesses that are at tremendous threat from an explosion that could devastate this area and have tremendous impact on the whole nations economy were it to occur at this facility. We take this pledge knowing full well what it means to our beloved town.
Yours truly, Joseph Puerta
Sent from my iPad

On Aug 20, 2015, at 4:05 PM, Janet Gunter <arriane5@aol.com> wrote:

Greater than 1000 times the blast of Tianjin, China.....See calculations attached.

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

From: Peter Warren <pmwarren@cox.net>
To: Janet Gunter <arriane5@aol.com>
Cc: gene_seroka <gene_seroka@portla.org>; heather.hutt <heather.hutt@sen.ca.gov>; lisa.pinto <lisa.pinto@mail.house.gov>; laurie.saroff <laurie.saroff@mail.house.gov>; david.wulf <david.wulf@hq.dhs.gov>; abaker <abaker@sco.ca.gov>; jennifer.lucchesi <jennifer.lucchesi@slc.ca.gov>; alan.gordon <alan.gordon@treasurer.ca.gov>; brian.hembacher <brian.hembacher@doj.ca.gov>; kitf <kitf@rpv.com>; jacob.haik <jacob.haik@lacity.org>; jwolf <jwolf@countyofsb.org>; rob.wilcox <rob.wilcox@lacity.org>; det310 <det310@juno.com>; noelweiss <noelweiss@ca.rr.com>; amartinez <amartinez@earthjustice.org>; MrEnvirlaw <MrEnvirlaw@sbcglobal.net>; tattnlaw <tattnlaw@gmail.com>; connie <connie@rutter.us>; carl.southwell <carl.southwell@gmail.com>; rgb251 <rgb251@berkeley.edu>; lpryor <lpryor@usc.edu>; meshkati <meshkati@usc.edu>; ahricko <ahricko@hsc.usc.edu>; miraclegirl2 <miraclegirl2@verizon.net>; June Smith <burling102@aol.com>; vdogregg <vdogregg@aol.com>; marciesmiller <marciesmiller@sbcglobal.net>; igornla <igornla@cox.net>; darlenezavalney <darlenezavalney@aol.com>; rreg55 <rreg55@hotmail.com>; James Dimon <jdimon77@yahoo.com>; president <president@centralsanpedro.org>; diananave <diananave@gmail.com>; lonna <lonna@cope-

Kit Fox

From: Peter Warren <pmwarren@cox.net>
Sent: Friday, August 21, 2015 5:07 PM
To: Joe
Cc: Janet Gunter; gene_seroka@portla.org; heather.hutt@sen.ca.gov; lisa.pinto@mail.house.gov; laurie.saroff@mail.house.gov; david.wulf@hq.dhs.gov; abaker@sco.ca.gov; jennifer.lucchesi@slc.ca.gov; alan.gordon@treasurer.ca.gov; brian.hembacher@doj.ca.gov; Kit Fox; jacob.haik@lacity.org; jwolf@countyofsb.org; rob.wilcox@lacity.org; det310@juno.com; noelweiss@ca.rr.com; amartinez@earthjustice.org; MrEnvirlaw@sbcglobal.net; tattnlaw@gmail.com; connie@rutter.us; carl.southwell@gmail.com; rgb251@berkeley.edu; lpryor@usc.edu; meshkati@usc.edu; ahricko@hsc.usc.edu; miraclegirl2@verizon.net; June Smith; vdogregg@aol.com; marciesmiller@sbcglobal.net; igornla@cox.net; darlenezavalney@aol.com; rreg55@hotmail.com; James Dimon; president@centralsanpedro.org; diananave@gmail.com; lonna@cope-preparedness.org; sarahnvaldez@gmail.com; pedrolaurie@yahoo.com; leewilliams@kw.com; jody.james@sbcglobal.net; leonardo.poareo@gmail.com
Subject: Re: TNT Equivalency of 25 Million Gallons of Butane vs. Tianjin, China TNT Equivalency.. Blast comparison

as much as the community needs a discussion of the homeless issue, we need a forum at the warner grand on why Plains' Butane Bombs are allowed to stay in our community, too.

On Aug 21, 2015, at 5:01 PM, Joe <joethedoor@sbcglobal.net> wrote:

A proposal for a petition to be signed by Mayor Garcetti and councilman Buscaino: We are well aware of the lethal threat posed by the butane tanks situated at the Rancho LPG facility in the community of San Pedro. We pledge to ignore this danger and to do nothing to safeguard the safety of the community. We will continue to take donations from Plains All-American and ignore our loved ones our families and our businesses that are at tremendous threat from an explosion that could devastate this area and have tremendous impact on the whole nations economy were it to occur at this facility. We take this pledge knowing full well what it means to our beloved town.

Yours truly, Joseph Puerta
Sent from my iPad

On Aug 20, 2015, at 4:05 PM, Janet Gunter <arriane5@aol.com> wrote:

Greater than 1000 times the blast of Tianjin, China.....See calculations attached.

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

From: Peter Warren <pmwarren@cox.net>
To: Janet Gunter <arriane5@aol.com>
Cc: gene_seroka <gene_seroka@portla.org>; heather.hutt <heather.hutt@sen.ca.gov>; lisa.pinto <lisa.pinto@mail.house.gov>; laurie.saroff <laurie.saroff@mail.house.gov>; david.wulf <david.wulf@hq.dhs.gov>; abaker <abaker@sco.ca.gov>; jennifer.lucchesi <jennifer.lucchesi@slc.ca.gov>; alan.gordon <alan.gordon@treasurer.ca.gov>; brian.hembacher <brian.hembacher@doj.ca.gov>; kitf <kitf@rpv.com>; jacob.haik <jacob.haik@lacity.org>; jwolf <jwolf@countyofsb.org>; rob.wilcox <rob.wilcox@lacity.org>; det310 <det310@juno.com>; noelweiss

Kit Fox

From: Marcie Miller <marciesmiller@sbcglobal.net>
Sent: Friday, August 21, 2015 5:13 PM
To: Joe
Cc: Janet Gunter; pmwarren@cox.net; gene_seroka@portla.org; heather.hutt@sen.ca.gov; lisa.pinto@mail.house.gov; laurie.saroff@mail.house.gov; david.wulf@hq.dhs.gov; abaker@sco.ca.gov; jennifer.lucchesi@slc.ca.gov; alan.gordon@treasurer.ca.gov; brian.hembacher@doj.ca.gov; Kit Fox; jacob.haik@lacity.org; jwolf@countyofsb.org; rob.wilcox@lacity.org; det310@juno.com; noelweiss@ca.rr.com; amartinez@earthjustice.org; MrEnvirlaw@sbcglobal.net; tattnlaw@gmail.com; connie@rutter.us; carl.southwell@gmail.com; rgb251@berkeley.edu; lpryor@usc.edu; meshkati@usc.edu; ahricko@hsc.usc.edu; miraclegirl2@verizon.net; burling102@aol.com; vdogregg@aol.com; igornla@cox.net; darlenezavalney@aol.com; rreg55@hotmail.com; jdimon77@yahoo.com; president@centralsanpedro.org; diananave@gmail.com; lonna@cope-preparedness.org; sarahnvaldez@gmail.com; pedrolaurie@yahoo.com; leewilliams@kw.com; jody.james@sbcglobal.net; leonardo.poareo@gmail.com
Subject: Re: TNT Equivalency of 25 Million Gallons of Butane vs. Tianjin, China TNT Equivalency.. Blast comparison

Thank you, Joe Puerta, you nailed it!

Marcie
Sent from my iPhone

On Aug 21, 2015, at 5:01 PM, Joe <joethedoor@sbcglobal.net> wrote:

A proposal for a petition to be signed by Mayor Garcetti and councilman Buscaino: We are well aware of the lethal threat posed by the butane tanks situated at the Rancho LPG facility in the community of San Pedro. We pledge to ignore this danger and to do nothing to safeguard the safety of the community. We will continue to take donations from Plains All-American and ignore our loved ones our families and our businesses that are at tremendous threat from an explosion that could devastate this area and have tremendous impact on the whole nations economy were it to occur at this facility. We take this pledge knowing full well what it means to our beloved town.

Yours truly, Joseph Puerta
Sent from my iPad

On Aug 20, 2015, at 4:05 PM, Janet Gunter <arriane5@aol.com> wrote:

Greater than 1000 times the blast of Tianjin, China.....See calculations attached.

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

From: Peter Warren <pmwarren@cox.net>
To: Janet Gunter <arriane5@aol.com>
Cc: gene_seroka <gene_seroka@portla.org>; heather.hutt <heather.hutt@sen.ca.gov>; lisa.pinto <lisa.pinto@mail.house.gov>; laurie.saroff <laurie.saroff@mail.house.gov>; david.wulf <david.wulf@hq.dhs.gov>; abaker <abaker@sco.ca.gov>; jennifer.lucchesi <jennifer.lucchesi@slc.ca.gov>; alan.gordon <alan.gordon@treasurer.ca.gov>; brian.hembacher <brian.hembacher@doj.ca.gov>; kitf <kitf@rpv.com>; jacob.haik

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Tuesday, September 01, 2015 11:38 AM
To: noelweiss@ca.rr.com; MrEnvirlaw@sbcglobal.net; amartinez@earthjustice.org; det310@juno.com; connie@rutter.us; marciesmiller@sbcglobal.net; jhwinkler@me.com; igornla@cox.net; dwgkaw@hotmail.com; burling102@aol.com; pmwarren@cox.net; darlenezavalney@aol.com; rreg55@hotmail.com; pedrolaurie@yahoo.com; sarahnvaldez@gmail.com; leonardo.poareo@gmail.com; carl.southwell@gmail.com; miraclegirl2@verizon.net; fxfeeney@aol.com; vdogregg@aol.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; Kit Fox
Cc: heather.hutt@sen.ca.gov; avelino.valencia@sen.ca.gov; lisa.pinto@mail.house.gov; laurie.saroff@mail.house.gov
Subject: Rancho "Ron" from Plains/ Rancho LPG delivers the "same" Plains rhetoric, "RANCHO LPG IS SAFE"! No?

"We are safe"....."Only" until one of the **multitude of ripe opportunities for disaster there strikes!**

http://finance.yahoo.com/news/investor-alert-investigation-plains-american-211800951.html?soc_src=mediacontentstory&soc_trk=fb

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Tuesday, September 01, 2015 10:31 PM
To: det310@juno.com; noelweiss@ca.rr.com; connie@rutter.us; MrEnvirlaw@sbcglobal.net; amartinez@earthjustice.org; jhwinkler@me.com; marciesmiller@sbcglobal.net; igornla@cox.net; dwgkaw@hotmail.com; darlenezavalney@aol.com; rreg55@hotmail.com; jdimon77@yahoo.com; president@centralsanpedro.org; ljonesin33@yahoo.com; owsqueen@yahoo.com; hvybags@cox.net; burling102@aol.com; pmwarren@cox.net; Kit Fox; miraclegirl2@verizon.net; fxfeeney@aol.com; VernCHE@aol.com; amartinez@earthjustice.org; sarahnvaldez@gmail.com; pedrolaurie@yahoo.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
Cc: heather.hutt@sen.ca.gov; lisa.pinto@mail.house.gov; laurie.saroff@mail.house.gov
Subject: California's Katrina Is Coming

Another warning by Professor Bea.... aside from the massive butane gas storage facility of Plains All American Pipeline owned, "Rancho LPG"

I thought you would be interested in this story I found on MSN: California's Katrina Is Coming <http://a.msn.com/01/en-us/AAdPGkP?ocid=se>

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Saturday, September 12, 2015 11:43 AM
To: amartinez@earthjustice.org; MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; det310@juno.com; connie@rutter.us; igornla@cox.net; jhwinkler@me.com; darlenezavalney@aol.com; rreg55@hotmail.com; radlsmith@cox.net; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; jdimon77@yahoo.com; president@centralsanpedro.org; leonardo.poareo@gmail.com; dwgkaw@hotmail.com; hvybags@cox.net; chateau4us@att.net; tattnlaw@gmail.com; vdogregg@aol.com; sarahnvaldez@gmail.com; pedrolaurie@yahoo.com; jwilliamgibson@ca.rr.com; jody.james@sbcglobal.net; marciesmiller@sbcglobal.net; lynneyres@yahoo.com; leneebilski@hotmail.com; claudia.r.mcculloch@gmail.com; burling102@aol.com; pmwarren@cox.net; owsqueen@yahoo.com
Cc: heather.hutt@sen.ca.gov; laurie.saroff@mail.house.gov; brian.mineghino@asm.ca.gov; lisa.pinto@mail.house.gov; Kit Fox; rick.jacobs@lacity.org; jacob.haik@lacity.org; michael.picker@gov.ca.gov; gene_seroka@portla.org; rgb251@berkeley.edu; carl.southwell@gmail.com; meshkati@usc.edu; ahricko@usc.edu; lpryor@usc.edu
Subject: Professor Bea is quoted in AP article Regarding "Shoddy maintenance of Plains All American Pipeline"

Professor Bea's fears and warnings of Plain's owned and operated Rancho LPG facility's high risk posed to the LA Harbor region should NOT be ignored!

<http://fuelfix.com/blog/2015/09/11/regulators-find-plains-all-american-kept-shoddy-records/>

Kit Fox

From: Johntommy Rosas <tattnlaw@gmail.com>
Sent: Saturday, September 12, 2015 2:43 PM
To: Janet Gunter
Cc: Adrian Martinez; Anthony Patchett; Noel Weiss; Chuck Hart; Connie; Miller Terry and John; John Winkler; darlenezavalney@aol.com; rreg55@hotmail.com; radlsmith@cox.net; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; James Dimon; president@centralsanpedro.org; leonardo.poareo@gmail.com; dwgkaw@hotmail.com; Susan Phuckoff; Jeanne Lacombe; vdogregg@aol.com; Sarah Valdez; pedrolaurie@yahoo.com; jwilliamgibson@ca.rr.com; Jody James; Marcie Miller; lynneyres@yahoo.com; leneebilski@hotmail.com; claudia.r.mcculloch@gmail.com; June Smith; Peter Warren; owsqueen@yahoo.com; heather.hutt@sen.ca.gov; laurie.saroff@mail.house.gov; brian.mineghino@asm.ca.gov; lisa.pinto@mail.house.gov; Kit Fox; rick.jacobs@lacity.org; jacob.haik@lacity.org; michael.picker@gov.ca.gov; gene_seroka@portla.org; rgb251@berkeley.edu; Carl Southwell; meshkati@usc.edu; ahricko@usc.edu; Larry Pryor
Subject: Re: Professor Bea is quoted in AP article Regarding "Shoddy maintenance of Plains All American Pipeline"

your welcome I sent that out yesterday to all you folks sorry you missed that

On Sat, Sep 12, 2015 at 11:42 AM, Janet Gunter <arriane5@aol.com> wrote:

Professor Bea's fears and warnings of Plain's owned and operated Rancho LPG facility's high risk posed to the LA Harbor region should NOT be ignored!

<http://fuelfix.com/blog/2015/09/11/regulators-find-plains-all-american-kept-shoddy-records/>

--

JOHN TOMMY ROSAS

TRIBAL ADMINISTRATOR

TRIBAL LITIGATOR

TONGVA ANCESTRAL TERRITORIAL TRIBAL NATION

A TRIBAL SOVEREIGN NATION UNDER UNDRIP

AND AS A CALIFORNIA NATIVE AMERICAN TRIBE / SB18-AJ52-AJR 42

25 U.S. Code § 1679 - Public Law 85-671

August 18, 1958 | [H. R. 2824] 72 Stat. 619

Tribal sovereignty in the United States is the inherent authority of indigenous tribes to govern themselves within and outside the borders and waters of the United States of America .

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tongvanation.org

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Saturday, September 12, 2015 11:24 PM
To: det310@juno.com; connie@rutter.us; marciesmiller@sbcglobal.net; MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; igornla@cox.net; dwgkaw@hotmail.com; hvybags@cox.net; jhwinkler@me.com; amartinez@earthjustice.org; oespino-padron@earthjustice.org; john@nrcwater.com; miraclegirl2@verizon.net; fxfeeney@aol.com; rueski@cox.net; rueski1@cox.net; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; tdramsay@gmail.com; tattnlaw@gmail.com; dlivera@prodigy.net; peter.burmeister@sbcglobal.net; pmwarren@cox.net; darlenezavalney@aol.com; rreg55@hotmail.com; jdimon77@yahoo.com; president@centralsanpedro.org; burling102@aol.com; leneebilski@hotmail.com; radlsmith@cox.net; claudia.r.mcculloch@gmail.com
Cc: heather.hutt@sen.ca.gov; lisa.pinto@mail.house.gov; brian.mineghino@asm.ca.gov; Kit Fox; laurie.saroff@mail.house.gov; michael.picker@gov.ca.gov; helmlinger.andrew@epa.gov; wesling.mary@epamail.epa.gov; don.holmstrom@csb.gov; dan.tillema@csb.gov; rob.wilcox@lacity.org; rick.jacobs@lacity.org; neeraj.bhatnagar@lacity.org; jacob.haik@lacity.org
Subject: Footage of the Sansinena LA Harbor explosion1976 (Ref. Plains All American/Rancho LPG)

Cut & paste into browser:

<https://www.youtube.com/watch?v=VRc6u0TbfSQ>

This video is very informative.....vapor explosion cause very similar to what would occur with Plains/Rancho LPG...but for Rancho's far, far greater blast and intensely hellacious fire, causing burns for miles. This film emphasizes how easily these types of vapors are ignited. Changes have been made to ships...but, NOT to antiquated facilities like Plains/Rancho LPG! Remember that the volume of gas in those tanks is extraordinary.....and again tank contents represent over 1000 times the TNT equivalency of the recent China explosion! The reason why Plains All American Pipeline wants to hang onto this existing facility is that tanks of this size could NEVER be built in this area today, nor built to its highly deficient and vulnerable conditions. It should NOT be there now...it has to be moved or closed down before the "imminent" tragedy occurs!

Janet Gunter

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Monday, September 14, 2015 11:21 AM
To: rick.jacobs@lacity.org; michael.picker@gov.ca.gov; jacob.haik@lacity.org;
rob.wilcox@lacity.org; heather.hutt@sen.ca.gov; lisa.pinto@mail.house.gov;
laurie.saroff@mail.house.gov; brian.mineghino@asm.ca.gov;
wesling.mary@epamail.epa.gov; helmlinger.andrew@epa.gov; don.holmstrom@csb.gov;
Kit Fox; gene_seroka@portla.org; david.wulf@hq.dhs.gov; McCarthy@stateseismic.com;
mccarthy.gina@epa.gov; jones@usgs.gov; rick.wilson@conservation.ca.gov;
kevin.miller@calema.ca.gov; mwilson@dir.ca.gov
Cc: MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; amartinez@earthjustice.org; espino-
padron@earthjustice.org; rgb251@berkeley.edu; carl.southwell@gmail.com
Subject: PHMSA Issues Warnings, Compliance Order to Company Cited in California Pipeline
Spill, More

And so, where is the major investigation and action regarding the Plains All American Pipeline owned, Rancho LPG's (near Port of LA) antiquated, 42 year old massive butane gas tanks that were built "without building permits" to a seismic substandard of 5.5, sitting on the Palos Verdes earthquake fault of mag. 7.3, on soil identified as "landslide and liquefaction areas"????? What is the emergency plan?? LPG fires "cannot" be extinguished with water, and burn at temps over 3400 degrees causing burns to those exposed for MILES. So what are all of you going to do? Since the blast wave of 25 million gallons of butane gas equates to **over 1,000 times greater equivalency than the 21 Ton TNT blast of Tianjin, China**....exactly WHAT are public officials doing NOW to prevent the inevitable catastrophe??? The consequences of ignoring this extraordinary threat will severely dwarf any recent disasters. Yes....Janet Gunter (AGAIN!)

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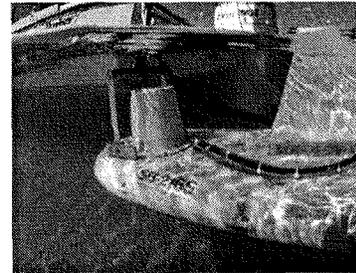


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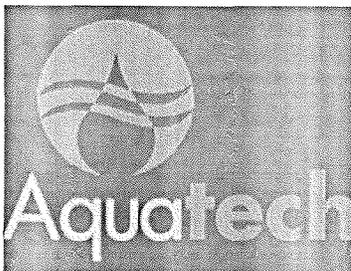
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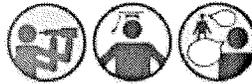
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Staff Report

City of Rolling Hills Estates

AGENDA

AUG 11 2015

ITEM NO. 8B

DATE: AUGUST 11, 2015
TO: MAYOR AND CITY COUNCIL
FROM: DAVID WAHBA, PLANNING DIRECTOR
KELLEY THOM, ASSOCIATE PLANNER
SUBJECT: PLANNING APPLICATION 25-14
APPLICANT: MS. JUDY CHAI
LOCATION: 5883 CREST ROAD

OVERVIEW

The following is a request to approve:

1. A General Plan Amendment to change the land use designation from Neighborhood Commercial to High Density Residential;
2. A Zone Change from Commercial Limited (CL) to Residential Planned Development (RPD);
3. A Zone Text Amendment for development standards for lot size in the RPD Zone;
4. A Tentative Parcel Map for a one-lot subdivision;
5. A Grading Application;
6. A Conditional Use Permit for a Residential Planned Development;
7. A Neighborhood Compatibility Determination for the construction of four single-family patio homes; and
8. A Mitigated Negative Declaration (IS/MND) under the California Environmental Quality Act (CEQA), finding that the project, with mitigation measures, will not have a significant impact on the environment.

BACKGROUND/DISCUSSION

Revised Application Filed:	5.14.15
Application Deemed Complete:	5.19.15
Public Notices Mailed:	7.30.15*
Public Notices Posted:	7.30.15*
Public Notices Published:	7.30.15*

*Dates for 8/11/15 City Council meeting only.

This application is before the City Council as the Planning Commission acts in an advisory capacity to the City Council for General Plan Amendments, Zoning Changes/Text Amendments, and Parcel Maps. Therefore, the City Council has the final authority to ultimately approve or disapprove this application.

The purpose of this report is to provide a general summary of the actions that have taken place to date for this project. Please refer to the attached information for a complete understanding of this application.

This project began with a "First Look" meeting held before the City Council and Planning Commission on July 9, 2013, to discuss conversion of the subject property from Commercial – Limited (C-L) to residential (Residential Planned Development (RPD)) and the development of four free-standing patio homes. At the First Look meeting, there was general support of the project in terms of residential use, however it is important to note that there was no decision made to approve this project in the manner it was first presented, as has been incorrectly stated in some of the attached correspondence. Rather, there was general direction provided by Council to further pursue a formal application before the Planning Commission, which entailed completion of all the necessary plans and an Initial Study under the California Environmental Quality Act (CEQA), and a public hearing as required for processing an application.

Three public hearings were held to review this application before the Planning Commission (12/1/14, 5/4/15, and 6/1/15). The project was ultimately recommended by the Commission to be denied by the City Council on July 6, 2015, finding the proposed application to be incompatible on a number of fronts, all of which are fully detailed in the attached staff reports and resolution to Council. Note that if the applicant had chosen to make further revisions to their plans, the project may have received a favorable recommendation from the Commission.

The project proposes the following:

A one-lot subdivision with four, two-story patio homes (each with 2,431 sq.ft. in livable area and a two two-car garage) designed in a Spanish/Monterey-style, on the .51-acre property. Two homes would be located on either side of a shared driveway accessible from Highridge Road. In order to approve this application, the following entitlements must be granted: 1) A General Plan Amendment to change the land use designation from Neighborhood Commercial to High Density Residential; 2) A Zone Change from Commercial Limited (CL) to Residential Planned Development (RPD); 3) A Zone Text Amendment for development standards for lot size in the RPD Zone; 4) A Tentative Parcel Map for a one-lot subdivision; 5) A Grading Application; 6) A Conditional Use Permit for a Residential Planned Development; 7) A Neighborhood Compatibility Determination for the construction of four single-family patio homes; and 8) A Mitigated Negative Declaration (MND) under the California Environmental Quality Act (CEQA). For a more detailed analysis on the required entitlements, please refer to the attached staff reports and to the plans, included as a separate exhibit.

In response to the Commission's previous comments, the applicant made a number of revisions to minimize the appearance of the proposed development, including reducing the home sizes from 2,880 sq. ft. to 2,431 sq. ft., reducing the building depth, second floor roof areas and second floor mass at corners, increasing the building setbacks along Crest Road, reducing and/or eliminating the private yard walls to create more open space and landscaped area, and increasing the number of guest parking spaces from four to six. The lot coverage was also decreased from 33% to 29.6% (30% maximum allowed) to eliminate a previously requested Minor Deviation application.

It should be noted that the adjacent neighbors and the homeowners' association of the Seaview Villas townhome development are in support of the project, and not a commercial project as the property is presently zoned. However, a nearby Rancho Palos Verdes resident opposes the project on the basis of it not being compatible with the types of lower-density developments in the immediate vicinity of the site.

Please note that the site was re-silhouetted to reflect the reduction in home sizes. Prior to the meeting, the City Council should visit the property to better understand the characteristics of the property, the proposed project and its immediate surroundings.

As of this writing, several letters have been received from the applicant and the applicant's

representatives (attached). The applicant will also be making a PowerPoint presentation at the City Council meeting.

The following provides a brief summary of the project's review before the Planning Commission:

Public hearings for the project were held before the Planning Commission on December 1, 2014, May 4, 2015, and June 1, 2015. Staff report and minutes are attached.

- At the December 1, 2014 Planning Commission meeting, the Commission expressed concerns about the project's compliance with Neighborhood Compatibility, including density, home size, building massing, lot coverage, parking, and a potential driveway hazard, and continued the project to allow the applicant the opportunity to address the issues.
- At the May 4, 2015 Planning Commission meeting, the applicant requested a continuance of the project to the June 1, 2015 meeting.
- At the June 1, 2015 Planning Commission meeting, the project was revised to reduce the visual massing of the homes, including decreasing the home sizes and increasing the building setback and open space on the site. As a result, the lot coverage was reduced to eliminate the Minor Deviation. The Commission discussed the project's density, the revised home sizes and building mass, and stated that the project still needed to integrate, and be more consistent with, the adjoining Seaview development. As a result, the applicant requested that the project be reviewed by the City Council and the Commission directed staff to prepare a resolution, recommending City Council denial of the project.
- At the July 6, 2015 Planning Commission meeting, the Commission adopted Resolution No. PA-25-14, recommending City Council denial of a General Plan Amendment to change the land use designation from neighborhood commercial to high density residential, a Zone Change from Commercial Limited (CL) to Residential Planned Development (RPD), a Zone Text Amendment for development standards for lot size in the RPD zone, a Tentative Parcel Map for a one-lot subdivision, a Grading Application, a Conditional Use Permit for a Residential Planned Development, a Neighborhood Compatibility Determination; and a Mitigated Negative Declaration (MND) under the California Environmental Quality Act (CEQA), finding that the project, with mitigation measures, will not have a significant impact on the environment for the subdivision and grading of land for the construction of four single-family patio homes on a 0.51-acre parcel in the Commercial Limited (CL) zone.

Initial Study and Mitigated Negative Declaration (MND) for the California Environmental Quality Act (CEQA)

Under the California Environmental Quality Act (CEQA), an Initial Study and Mitigated Negative Declaration (MND) were prepared for this project last year (attached). Staff is of the opinion that the project revisions do not require the IS/MND to be re-circulated, as the project revisions are essentially minimal and would not result in any new potential impacts that would require additional study for mitigation. Also note that this document, which favors approval of the project with mitigation, is provided as an "informational tool" to allow the decision makers to provide an environmental basis in which to approve or disapprove a project. Because a project could be approved with mitigation measures, CEQA does not require the City Council to approve the project. Rather, it can still be denied, particularly in this case, if the proposed land use, for example, is found to be incompatible with that of the General Plan.

STAFF FINDINGS & CONCLUSION

The applicant, Ms. Judy Chai, has been working with the City for quite some time now to develop the subject site, which is presently vacant. The history of the property first included an automobile service station and then a garden nursery in more recent years, both of which uses ultimately were not economically viable. Over the years, this broader location at the top of the hill has been essentially redeveloped and/or built out with mostly single family homes and multifamily attached homes in the immediate vicinity to the north east of the property, known as Seaview Villas South. For example, the Northrop site was rezoned from Scientific Research Development (SRD) to Residential Planned Development (RPD), whereby 67 single family homes (Vantage Pointe) were built in the late 90s and early 2000s. Also, Pepper Tree Lane (34 patio style free-standing homes) was built shortly after Vantage Pointe, where a shopping center once stood at the northeast corner of Hawthorne Blvd. and Crest Road. Lastly, the neighborhoods of Hillcrest Meadows and Manors and Wallace Ranch, all located along Highridge Road, were built on sites originally slated for a high school and on an old antenna farm.

As the immediate area has become essentially all residential, the need for a commercial use on the subject property has essentially vanished. In fact, Council may recall that several years ago, a small 5,000 sq.ft. +/- commercial building was approved here, but there was little market demand given its relatively remote location for commercial purposes, and hence abandoned.

Given that the parcel is only about a half-acre in size, this has presented many challenges for development. While there appears to be clear direction that the site should be rezoned from Commercial-Limited (C-L) to residential, the type and density of development remains a challenge. Given the ocean views from the adjacent Seaview Villa townhomes, the height of a proposed building(s) remains a challenge, but should be doable at about 24' as studied with the staking and flagging on the site.

Staff and the Planning Commission (in their recent review of the proposed project) have explored many alternatives with the applicant over the past several years, ranging from one to two single family homes, to three to four patio homes (as proposed), to one single building with three to four units, similar to that of the adjacent Seaview Villas. In a perfect world, this site would have been absorbed by Seaview Villas and made part of their development in the 1970s. Incidentally, this avenue too has been explored in recent times, but has not proven to be financially beneficial to either party.

Given all the possibilities for residential development that has been explored for this site, the applicant is still adamant that four two-story patio homes as proposed is the only economic viable option for the property. As summarized by the Planning Commission in their resolution recommending denial of the project to Council, the applicant should reconsider a revised project that would involve a single building option with three to four units, with a livable area of 2,000 sq.ft. for each unit, similar to the massing and orientation of the adjacent Seaview Villas project. Alternatively, if a free-standing patio home option is still preferable, then, the project should consider eliminating the corner unit on Crest and Highridge to improve the open space and landscaping of the project when viewed from the roadway intersection. The single building option, if considered, should also be setback to the rear corner of the site to achieve this same goal of maximizing corner open space and landscaping.

RECOMMENDATION

Staff recommends that the City Council:

1. Open the Public Hearing;
2. Take Public Testimony;
3. Choose One of the Following Two Options:
 - A. Close the Public Hearing and Direct Staff to Bring Back a City Council Resolution denying PA-25-14, Upholding the Planning Commission's Recommendation; OR
 - B. Remand PA-25-14 Back to the Planning Commission for Further Consideration of Three Free-standing Patio Homes (instead of four) OR One Single Building with Three to Four Attached Units.

EXHIBITS

Attached

1. Planning Commission Resolution No. PA-25-14
2. Minutes and Staff Reports dated July 9, 2013, December 1, 2014, May 4, 2015 and June 1, 2015
3. Letters to City Council received from the applicant
4. Draft Initial Study and Mitigated Negative Declaration (IS/MND) dated October 9, 2014

Separate

1. Architectural Drawings, dated June 1, 2015

PLANNING COMMISSION
CITY OF ROLLING HILLS ESTATES
LOS ANGELES COUNTY, CALIFORNIA
RESOLUTION NO. PA-25-14

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING CITY COUNCIL DENIAL OF PA-25-14 A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION FROM NEIGHBORHOOD COMMERCIAL TO HIGH DENSITY RESIDENTIAL, A ZONE CHANGE FROM COMMERCIAL LIMITED (CL) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD), A ZONE TEXT AMENDMENT FOR DEVELOPMENT STANDARDS FOR LOT SIZE IN THE RPD ZONE, A TENTATIVE PARCEL MAP FOR A ONE-LOT SUBDIVISION, A GRADING APPLICATION, A CONDITIONAL USE PERMIT FOR A RESIDENTIAL PLANNED DEVELOPMENT, A NEIGHBORHOOD COMPATIBILITY DETERMINATION; AND A MITIGATED NEGATIVE DECLARATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), FINDING THAT THE PROJECT, WITH MITIGATION MEASURES, WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT FOR THE SUBDIVISION AND GRADING OF LAND FOR THE CONSTRUCTION OF FOUR SINGLE-FAMILY PATIO HOMES ON A 0.51-ACRE PARCEL IN THE COMMERCIAL LIMITED (CL) ZONE. APPLICANT: JUDY CHAI. LOCATION: 5883 CREST ROAD.

WHEREAS, Ms. Judy Chai filed an application with the Planning Department requesting approval a General Plan Amendment to change the land use designation from Neighborhood Commercial to High Density Residential, a Zone Change from Commercial Limited (CL) to Residential Planned Development (RPD), Zone Text Amendment for development standards for lot size in the RPD Zone, a Tentative Parcel Map for a one-lot subdivision, a Grading Application, a Conditional Use Permit for a Residential Planned Development, a Neighborhood Compatibility Determination for the construction of four single-family patio homes on an 0.51-acre parcel in the Commercial Limited (CL) Zone (see Exhibit A); such an application as required by Chapters 16.12, 17.07, 17.18, 17.62 and 17.68 of the Rolling Hills Estates Municipal Code; and

WHEREAS, an Initial Study was prepared by the City in conformance with the requirements of the California Environmental Quality Act (CEQA). It was found that the project would not have a significant impact on the environment with proper mitigation. As such, a Mitigated Negative Declaration was prepared; and

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

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

WHEREAS, upon giving the required notice, the Planning Commission conducted Public Hearings on the 1st day of December, 2014, the 4TH day of May, and the 1st day of June, 2015. All interested parties were given full opportunity to be heard and to present evidence; and

WHEREAS, there was general consensus of the Planning Commission that the site should be re-zoned from Commercial Limited (CL) to Residential Planned Development (RPD) and linked to the adjacent Seaview Villas development which is also zoned RPD, providing the Code's minimum 10 acres for an RPD project; and

WHEREAS, there was general consensus of the Planning Commission that a commercial use on this property does not lend itself to the surrounding land uses which are all residential, consisting of single-family homes and attached condominiums or townhomes; and

WHEREAS, there was general consensus of the Planning Commission that four free-standing two-story patio homes as presented in the revised project plans of June 1, 2015, is not consistent with the residential pattern (neighborhood character) of development in the immediate vicinity of the project site; and

WHEREAS, the Planning Commission suggested that the application be re-designed to incorporate a style of development more consistent with the Seaview Villas project, which consist of two-story townhomes, located in attached buildings, typically with three to five units per building and averaging about 1,900 sq. ft. in livable area; and

WHEREAS, the Planning Commission suggested that the proposed architectural style and materials be more compatible with the adjacent Seaview Villas project; and

WHEREAS, the Planning Commission suggested that the project's CC&Rs incorporate a common maintenance program and a "tie" to the CC&Rs of Seaview Villas to ensure that the project is consistently maintained with its adjacent development, in terms of general architectural style, landscaping and maintenance; and

WHEREAS, the driveway entrance to the project on Highridge Road should be set back as far as feasible from the intersection of Crest and Highridge Roads (towards the rear of the site) and the driveway grade exiting the project should not be too steep so as to create a visibility issue from motorists to pedestrians on the sidewalk; and

WHEREAS, the project applicant was given the opportunity to address the Planning Commission's suggestions, as summarized above in a project re-design; however, the applicant chose to request a determination by the Planning Commission of the project as presented with four two-story patio homes; and

WHEREAS, the Planning Commission, for reasons stated above, is unable to recommend City Council approval of this project as designed and attached as Exhibited A, and hereby recommends that the City Council deny the project; and

WHEREAS, Chapter 16.04 of the Rolling Hills Estates Municipal Code requires the Planning Commission to act in an advisory capacity to the City Council, which body shall approve, conditionally approve, or deny such application for a subdivision map; and

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

SECTION 1. That the foregoing facts constitute conditions necessary to recommend denial of a General Plan Amendment, Zone Change, Zone Text Amendment, Tentative Parcel Map, Conditional Use Permit, Grading Application, Neighborhood Compatibility Determination, and associated Mitigated Negative Declaration.

ADOPTED this 6th day of July, 2015.


TIM SCOTT, CHAIRMAN

ATTEST:


DOUGLAS R. PRICHARD, CITY CLERK

I HEREBY CERTIFY that the foregoing Resolution No. PA-25-14 was adopted by the Planning Commission of the City of Rolling Hills Estates at a regular meeting held thereof on the 6th day of July, 2015, by the following vote:

AYES: Schmitz, Schachter, Southwell, Conway, Scott

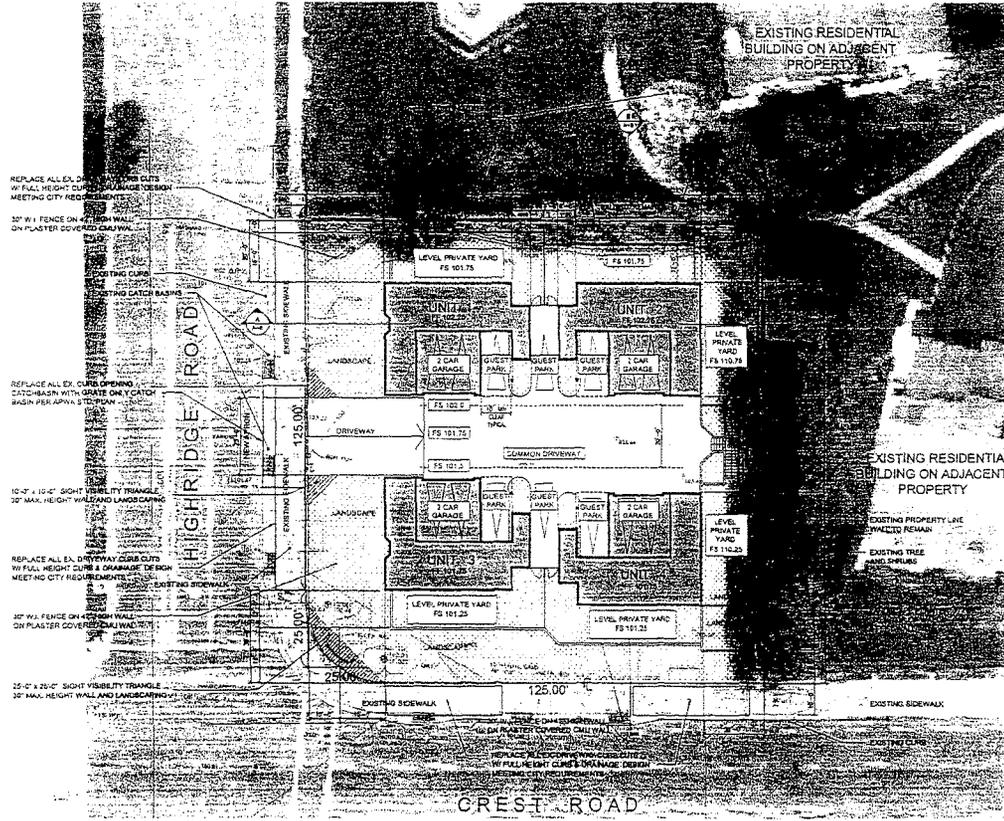
NOES:

ABSENT: Yoo, Medawar

ABSTAIN:


DOUGLAS R. PRICHARD, CITY CLERK

5883 CREST ROAD RESIDENTIAL PLANNED DEVELOPMENT 4 DETACHED HOMES



1 SITE PLAN SEE EXISTING SURVEY FOR ADDITIONAL INFORMATION
SCALE 1/8" = 1'-0"



SHEET INDEX

- A-1 COVER SHEET & SITE PLAN
- A-2 FIRST FLOOR PLANS
- A-3 SECOND FLOOR PLANS
- A-4 ROOF PLANS
- A-5 STREET ELEVATIONS
- A-6 BUILDING ELEVATIONS
- A-7 BUILDING ELEVATIONS
- A-8 SITE SECTIONS
- SURVEY FOR REFERENCE
- TENTATIVE PARCEL MAP
- & PRELIMINARY GRADING PLAN
- SUSMP SITE PLAN

EXHIBIT A
PAGE 1 OF 11

PROJECT DATA

ADDRESS 5883 CREST ROAD
LEGAL DESCRIPTION PARCEL 1, BOOK 2, PAGES 38
APN 7674-003-085
LOT AREA 22,366 S.F.
DENSITY 7.8 UNITS / ACRE
GARAGE PARKING 8 SPACES 2 SPACES PER UNIT
GUEST PARKING 6 SPACES 1.5 PER UNIT

FLOOR AREA SUMMARY

FIRST FLOOR LIVABLE PER HOME 1,015 S.F.
SECOND FLOOR LIVABLE PER HOME 1,416 S.F.
TOTAL LIVABLE AREA PER HOME 2,431 S.F.
NUMBER OF HOMES 4
TOTAL PROJECT FLOOR AREA 9,724 S.F.
PROJECT FLOOR AREA / SITE RATIO 43.4%

LOT COVERAGE SUMMARY

FIRST FLOOR 1015 x 4 = 4,060 S.F.
GARAGE 421 x 4 = 1,708 S.F.
CARPORT 215 x 4 = 860 S.F.
TOTAL 1,657 x 4 = 6,628 S.F.
TOTAL LOT COVERAGE 6,628 (4) 22,366 = 29.6%

FRONT YARD COVERAGE SUMMARY

FRONT YARD AREA 3,818 S.F.
FRONT YARD DRIVEWAY AREA 478 S.F.
FRONT YARD COVERAGE ** 13.2%

** SEE APPLICATION FOR ADDITIONAL LOT COVERAGE DATA
WALKWAYS LESS THAN 4 FEET WIDE
NO SECONDARY DRIVEWAY
NO PATIO
SAVES LESS THAN 4 FEET WIDE

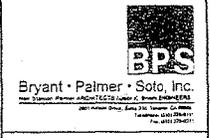
GRADING SUMMARY

PROPOSED RAW CUT 1,150 C.Y.
PROPOSED RAW FILL 650 C.Y.
PROPOSED EXPORT 9105 SFCY

LANDSCAPE SUMMARY

PROPOSED LANDSCAPE AREA 11,661 S.F. (52%)
LANDSCAPING AND IRRIGATION TO BE IN ACCORDANCE WITH
CHAPTER 17.58 WATER EFFICIENT LANDSCAPE OF THE
ROLLING HILLS ESTATES ZONING ORDINANCE.

OWNER: JUDY CHAI
P.O. BOX 2803
PALMS VERDES PENNSYLVANIA
(312) 541-1005



5883 CREST ROAD
ROLLING HILLS ESTATES

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SUBMITTALS

MARK	DATE	DESCRIPTION
02/19/2014	PLANNING SUBMITTAL	
02/19/2014	PLANNING SUBMITTAL	
02/14/2015	PLANNING RESUBMITTAL	

REVISIONS

MARK	DATE	DESCRIPTION
1	1/20/2014	PLANNING REVISIONS
2	02/09/2014	PROGRESS REVISIONS

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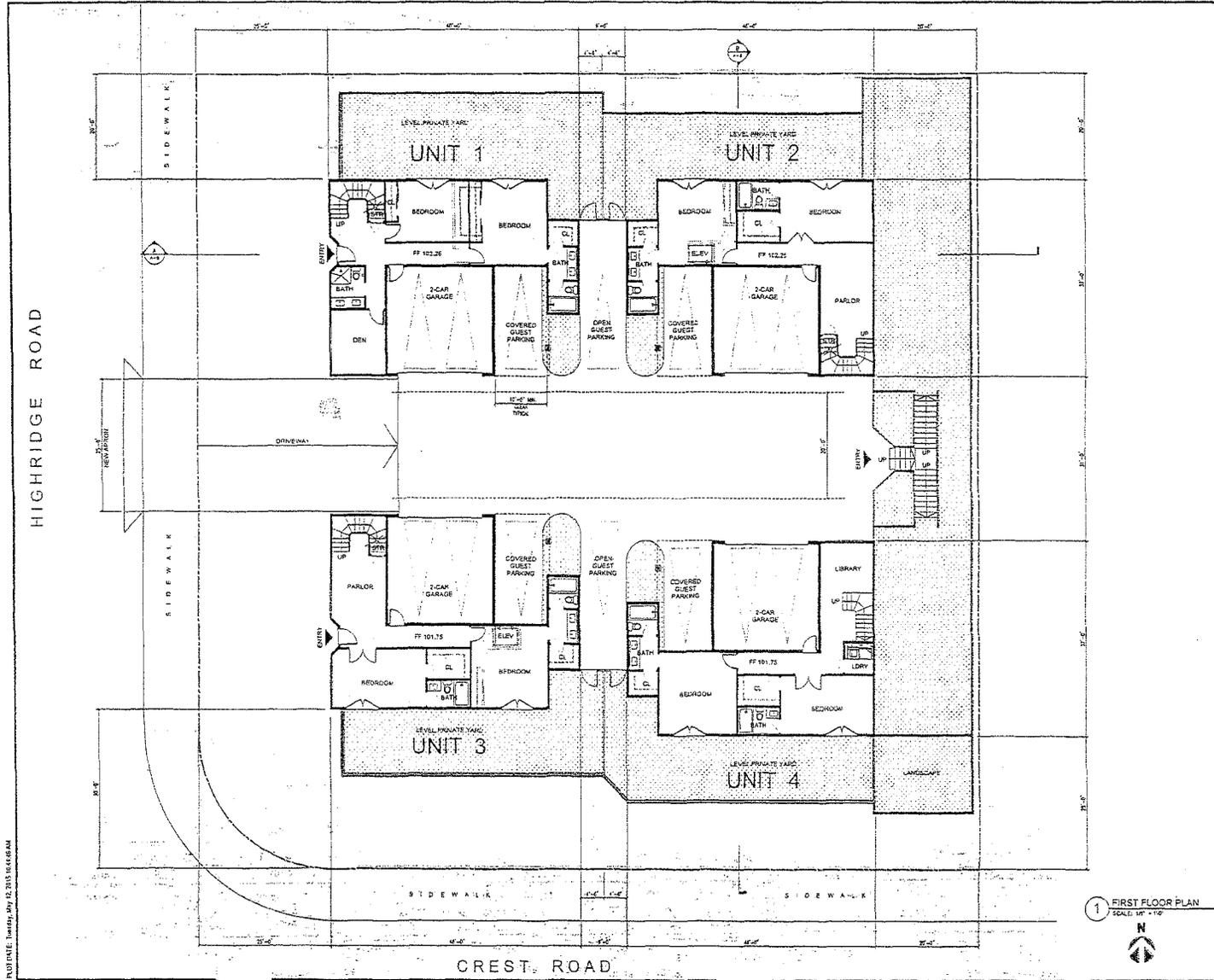
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CADD FILE	22-1043-001.dwg
PRINTED DATE	04/10/13
DRAWN BY	DC
CHECKED BY	KP
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COVER SHEET AND
SITE PLAN

Sheet
A-1

DA - 7.5 - 14

PLOT DATE: Tuesday, May 12, 2015 10:48:49 AM



PLOT DATE: Tuesday, July 12, 2011 10:43:06 AM



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FIRST FLOOR PLANS

A-2

2 OF 11



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3 OF 11



PLOT DATE: Thursday, May 12, 2016 10:44:49 AM

1 SECOND FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 N

Project
 5883 CREST ROAD
 ROLLING HILLS ESTATES

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SUBMITTALS

MARK	DATE	DESCRIPTION
	05/10/2016	PLANNING SUBMITTAL
	05/10/2016	PLANNING SUBMITTAL
	05/14/2016	PLANNING REVISIONS

REVISIONS

MARK	DATE	DESCRIPTION
	12/08/2014	PLANNING REVISIONS
	02/02/2015	PROGRESS REVISIONS

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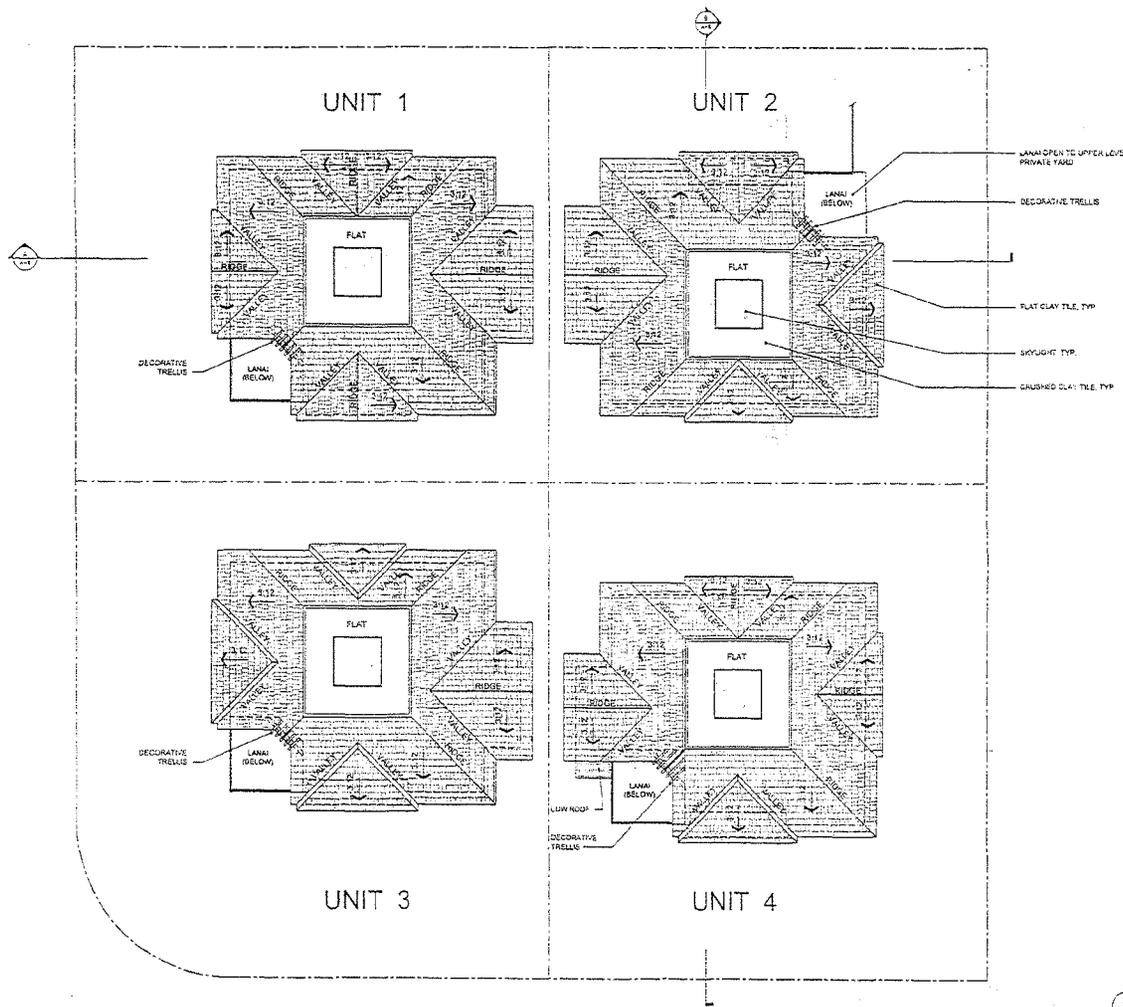
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 CALD FILE: 03-1043201-001
 Project Start Date: 04-16-13
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 Checked By: KP
 Scale: AS NOTED
 Drawing Title:

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 Sheet
 A-3



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5883 CREST ROAD
 ROLLING HILLS ESTATES

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MARK	DATE	DESCRIPTION
	03/18/2014	PLANNING SUBMITTAL
	02/18/2014	PLANNING SUBMITTAL
	02/14/2014	PLANNING SUBMITTAL

MARK	DATE	DESCRIPTION
	12/02/2014	PLANNING REVISIONS
	10/09/2014	PROGRESS REVISIONS

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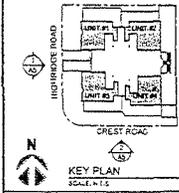
JOB No.	04-1043-001
CADD FILE	
Project Start Date	04-16-13
Drawn By	DC
Checked By	KP
Scale	AS NOTED
Drawing Title	

ROOF PLANS
 Sheet: A-4

PLOT/DRAWN: Tuesday, May 12, 2015 10:44:45 AM



Bryant • Palmer • Soto, Inc.
 ARCHITECTS
 1000 W. 10th Street, Suite 100
 Santa Barbara, CA 93101
 Phone: (805) 964-1111
 Fax: (805) 964-1112



Project
5883 CREST ROAD
ROLLING HILLS ESTATES

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DESIGNED BY:
 ALL OTHERS: BPS

SUBMITTALS

MARK	DATE	DESCRIPTION
1	05/05/2014	PLANNING SUBMITTAL
2	05/16/2014	PLANNING SUBMITTAL
3	05/14/2015	PLANNING SUBMITTAL

REVISIONS

MARK	DATE	DESCRIPTION
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2	05/06/2015	PROGRESS REVISIONS

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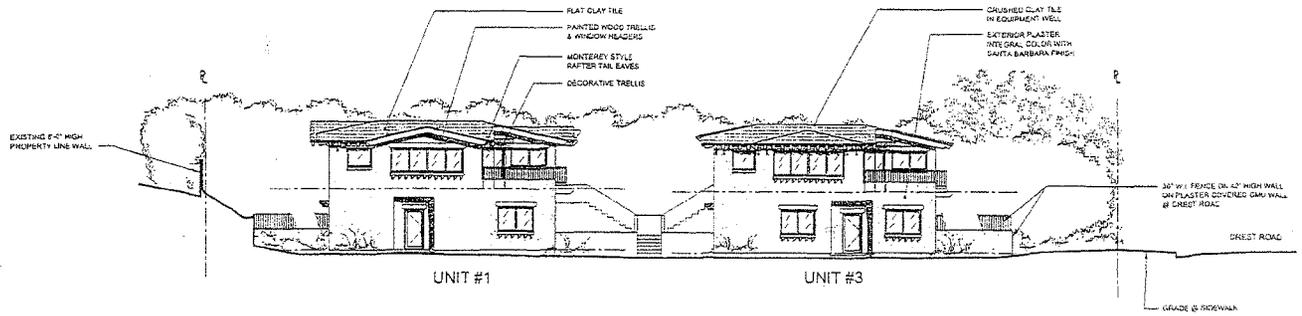
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Job No.: 05-104-020
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 Checked By: XT
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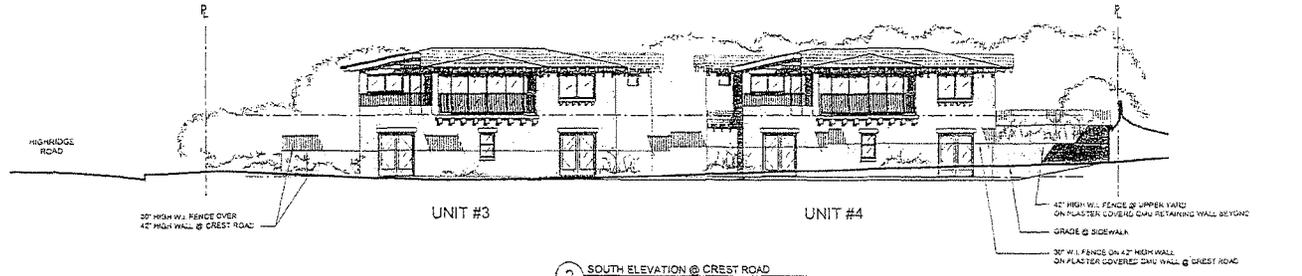
STREET ELEVATIONS

Sheet: **A-5**

5 OF 11

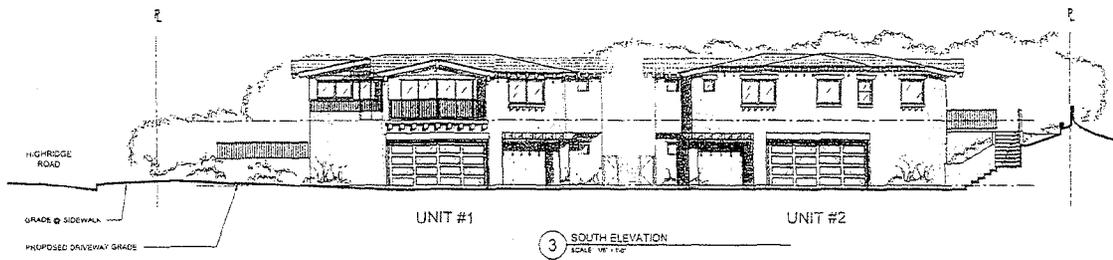


1 WEST ELEVATION @ HIGHRIDGE ROAD
 SCALE: 1/8" = 1'-0"

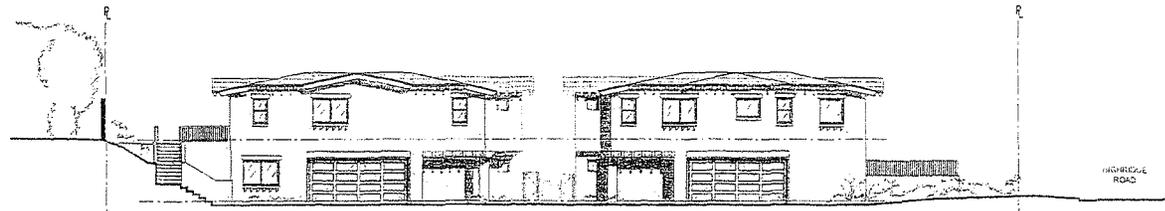


2 SOUTH ELEVATION @ CREST ROAD
 SCALE: 1/8" = 1'-0"

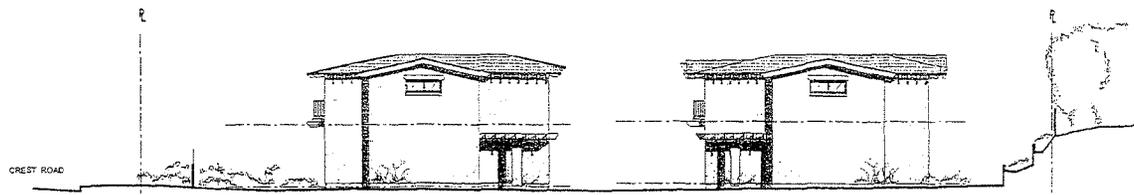
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3 SOUTH ELEVATION
SCALE 1/8" = 1'-0"

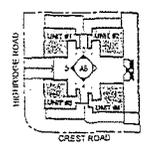


4 NORTH ELEVATION
SCALE 1/8" = 1'-0"



5 EAST ELEVATION
SCALE 1/8" = 1'-0"

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N
KEY PLAN
SCALE 1/8" = 1'-0"

5883 CREST ROAD
ROLLING HILLS ESTATES

SEE EXHIBIT A FOR SITE PLAN, EXHIBIT B FOR FLOOR PLANS, EXHIBIT C FOR SECTIONAL ELEVATIONS, EXHIBIT D FOR EXTERIOR ELEVATIONS, EXHIBIT E FOR EXTERIOR FINISHES, EXHIBIT F FOR EXTERIOR LIGHTING, EXHIBIT G FOR EXTERIOR LANDSCAPE, EXHIBIT H FOR EXTERIOR MATERIALS, EXHIBIT I FOR EXTERIOR PAINTS, EXHIBIT J FOR EXTERIOR FURNITURE, EXHIBIT K FOR EXTERIOR ACCESSORIES, EXHIBIT L FOR EXTERIOR DETAILS, EXHIBIT M FOR EXTERIOR NOTES, EXHIBIT N FOR EXTERIOR SPECIFICATIONS, EXHIBIT O FOR EXTERIOR SCHEDULES, EXHIBIT P FOR EXTERIOR REFERENCES, EXHIBIT Q FOR EXTERIOR BIBLIOGRAPHY, EXHIBIT R FOR EXTERIOR GLOSSARY, EXHIBIT S FOR EXTERIOR INDEX, EXHIBIT T FOR EXTERIOR APPENDICES, EXHIBIT U FOR EXTERIOR SUPPLEMENTAL INFORMATION, EXHIBIT V FOR EXTERIOR ADDITIONAL INFORMATION, EXHIBIT W FOR EXTERIOR FURTHER INFORMATION, EXHIBIT X FOR EXTERIOR ADDITIONAL INFORMATION, EXHIBIT Y FOR EXTERIOR FURTHER INFORMATION, EXHIBIT Z FOR EXTERIOR ADDITIONAL INFORMATION.

SUBMITTALS

MARK	DATE	DESCRIPTION
1	01/15/2014	PLANNING SUBMITTAL
2	02/12/2014	PLANNING SUBMITTAL
3	03/10/2014	PLANNING RESUBMITTAL

REVISIONS

MARK	DATE	DESCRIPTION
1	01/15/2014	PLANNING REVISIONS
2	02/12/2014	PROGRESS REVISIONS

Stamp
DO NOT SCALE THE DRAWING. SCALES INDICATED ARE FOR REFERENCE ONLY. DIMENSIONS SHALL GOVERN OVER SCALE.

Job No: 07-1043-001
CAD: P.S.
Project Start Date: 04-18-13
Created By: DC
Checked By: KP
Scale: AS NOTED
Drawing Title: ELEVATIONS

ELEVATIONS

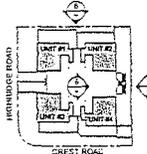
Sheet: A-6

6 OF 11

PRINT DATE: Tuesday, May 12, 2014 10:14:42 AM



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 2881 Avenida Encinas, Suite 100, Santa Barbara, CA 93101
 Phone: (805) 964-1000 Fax: (805) 964-1001



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

5883 CREST ROAD
 ROLLING HILLS ESTATES

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SUBMITTALS

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	05/18/2014	PLANNING SUBMITTAL
	05/14/2015	PLANNING SUBMITTAL

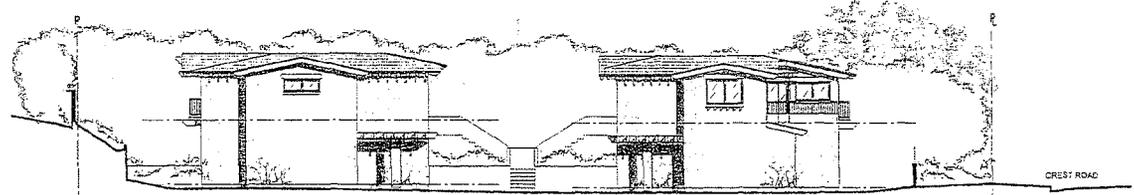
REVISIONS

MARK	DATE	DESCRIPTION
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	05/05/2015	PROGRESS REVISIONS

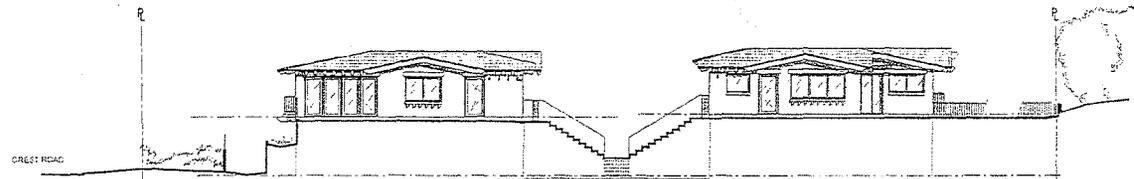
DO NOT SCALE THE DRAWINGS
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JOB NO.: 02-1643-001
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 Project Start Date: 04-10-12
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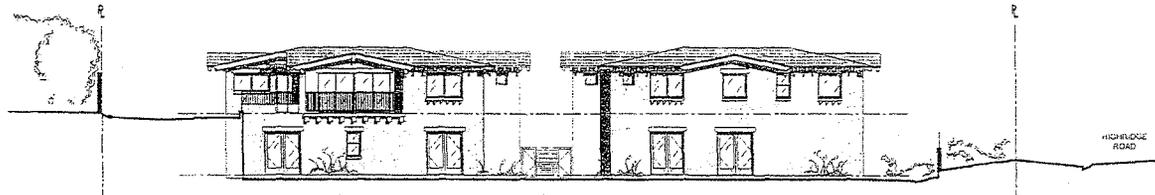
ELEVATIONS
 Sheet: A-7



6 WEST ELEVATION
 SCALE: 1/8" = 1'-0"



7 EAST ELEVATION
 SCALE: 1/8" = 1'-0"



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

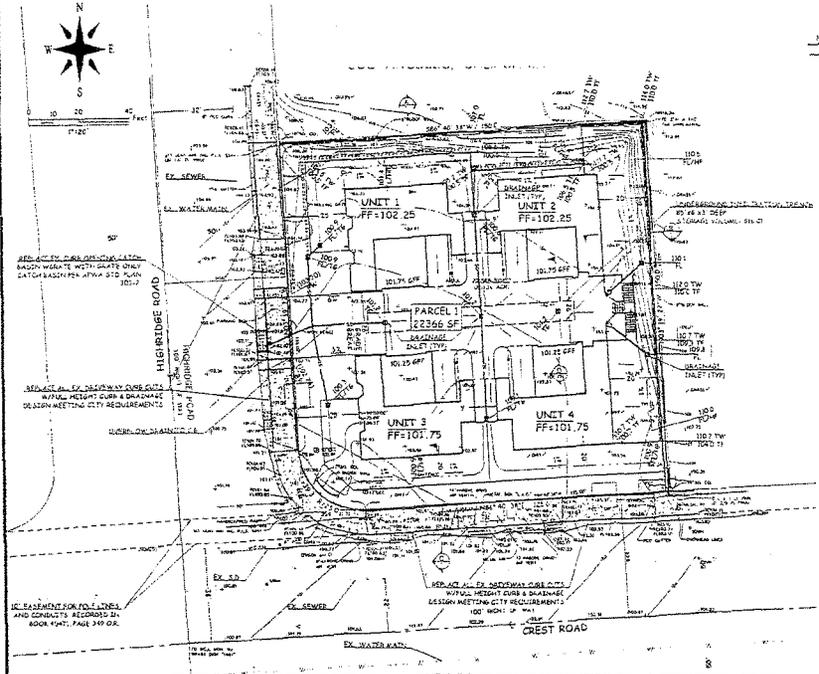
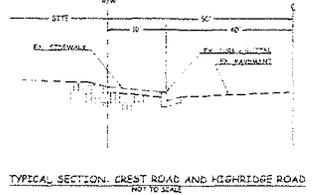
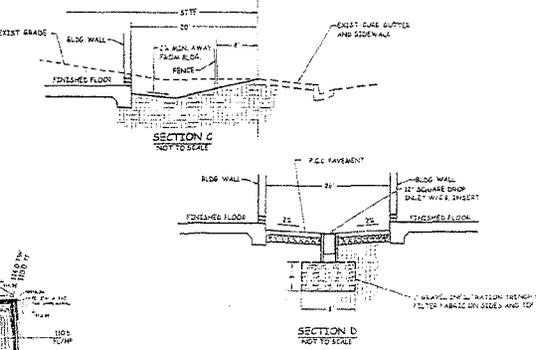
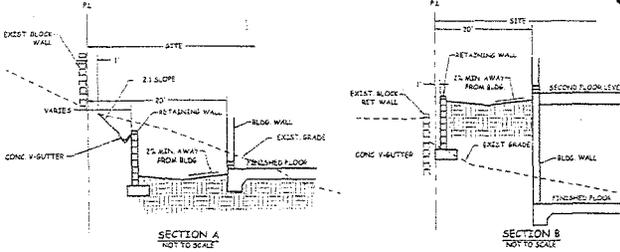
PLOT DATE: Thursday, May 12, 2016 11:46:34 AM

7 OF 11

FOR CONDOMINIUM PURPOSES Tentative Parcel Map No. 104-107 & Preliminary Grading Plan

PARCEL 1 IN THE CITY OF HOLING WILLS ESTATES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 2, PAGE 28 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

DATE OF PREPARATION: August 2014



AREA SUMMARY TABLE		
PARCEL #	AREA (SQ. FT.)	AREA (ACRES)
1	11,304	0.258



NOTES:
EXISTING DRAINAGE AND UTILITY LINES NOT SHOWN. CONTRACTOR TO VERIFY LOCATION AND DEPTH OF ALL EXISTING UTILITIES AND DRAINAGE PRIOR TO CONSTRUCTION. NO LOTS OR PARCELS TO BE DEDICATED.

PROPOSED LAND USE:
SINGLE FAMILY RESIDENTIAL PARCEL

EXISTING LAND USE:
VACANT

ASSESSOR'S PARCEL NUMBERS:
979102100

LEGAL DESCRIPTION:
PARCEL 1 IN THE CITY OF HOLING WILLS ESTATES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 2, PAGE 28 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

BASIS OF BEARINGS:
THE BEARINGS AND DISTANCES ARE BASED UPON THE CENTERLINE OF CREST ROAD BEARING NORTH 84°00'00" EAST AS SHOWN ON A MAP FILED IN BOOK 2, PAGE 28 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

OWNER:
JUDY THORNE TRUSTEES OF THE JUDY THORNE CHARITABLE TRUST
BY KATHY PALMER
BRANDY PALMER SOTO, DAC
3301 ASPEN DRIVE, SUITE 300
TORRANCE, CA 90503
TELEPHONE: (310) 251-9111

SITE ADDRESS:
1817 VIOLA PLACE
MOUNTAIN VIEW, CALIFORNIA 91454

FLOOD ZONE:
ZONE A, OUTSIDE THE 100-YEAR FLOOD ELEVATION

ESTIMATED GRADING QUANTITIES:
CUT: 100.00 CY
FILL: 100.00 CY
EXCAV: 500.00 CY

PREPARED BY:
ROBIN S. HAMMERS & ASSOC., INC.
334 E. 27th STREET, SUITE 200
LOS ANGELES, CALIFORNIA 90012
(310) 441-1111

LEGEND	
AC	ASPHALT CONCRETE
BW	BACK OF WALL
C	CENTERLINE
FG	FINISHED GRADE
W	WATER MAIN
SE	SEWER
TOP	TOP OF CURB
PL	PROPERTY LINE
CL	CENTERLINE
GW	GUTTER & GUTTER
DP	DRAIN PIPE
W	WATER MAIN
S	SEWER MAIN

PLAN REVIEW AT DEC. 01, 2014
SET FOR REFERENCE ONLY



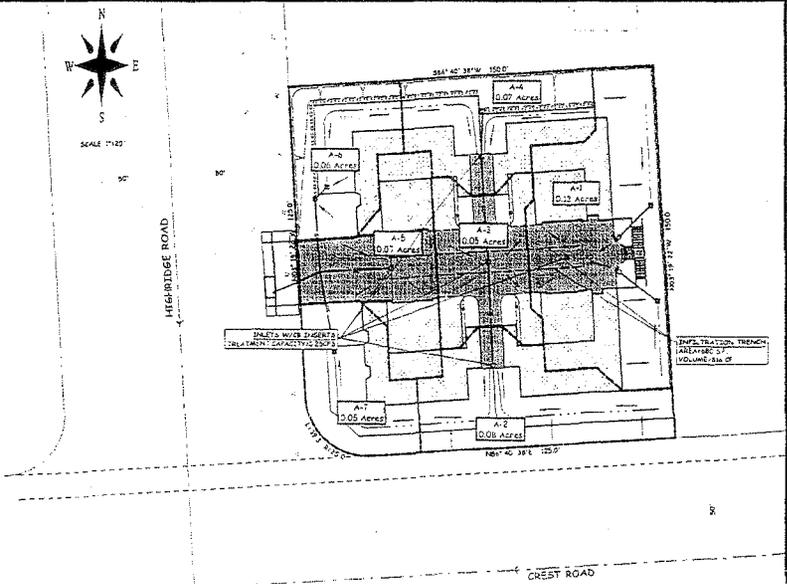
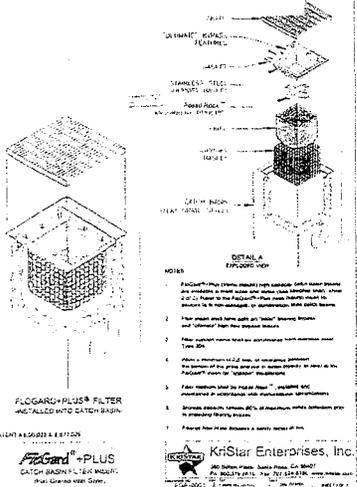
PREPARED BY:
ROBIN S. HAMMERS & ASSOC., INC.
CIVIL ENGINEERS
334 E. 27th STREET, SUITE 200
LOS ANGELES, CALIFORNIA 90012
(310) 441-1111

For Condominium Purposes
Tentative Parcel Map No. 104-107
& Preliminary Grading Plan
1817 VIOLA PLACE
MOUNTAIN VIEW, CA

SHEET
1
OF 1

10 OF 11

11 of 11



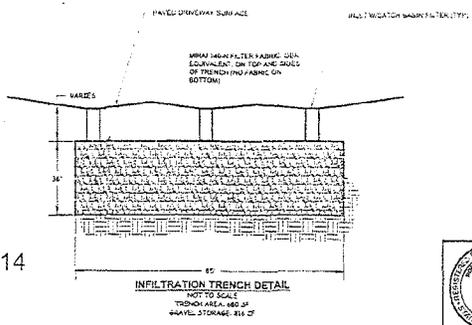
SITE DRAINAGE SYSTEM:

STREETS: HICKRIDGE ROAD, CREST ROAD

LOT AREAS: A-1 (0.08 Acres), A-2 (0.08 Acres), A-3 (0.12 Acres), A-4 (0.07 Acres), A-5 (0.07 Acres), A-6 (0.07 Acres), A-7 (0.07 Acres), A-8 (0.07 Acres), A-9 (0.07 Acres), A-10 (0.07 Acres)

IMPERVIOUS AREAS: A-1 (0.08 Acres), A-2 (0.08 Acres), A-3 (0.12 Acres), A-4 (0.07 Acres), A-5 (0.07 Acres), A-6 (0.07 Acres), A-7 (0.07 Acres), A-8 (0.07 Acres), A-9 (0.07 Acres), A-10 (0.07 Acres)

SCALE: 1/4" = 1'



PROJECT INFORMATION:

CATEGORY: DETACHED RESIDENTIAL

LOCATION: 5881 CREST ROAD, ROLLING HILLS ESTATES, CA

IMPERVIOUS AREA: 0.262 ACRES

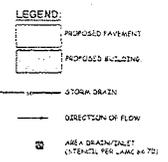
PERVIOUS AREA: 0.252 ACRES



STENCIL ALL AREA DRAINS AND INLETS PER L.A.M.C. 64.70

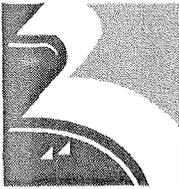
DRAIN INLET STENCIL DETAIL

NOT TO SCALE



PLAN REVIEW AT DEC. 01, 2014 SET FOR REFERENCE ONLY

	PREPARED BY: ROBIN B. HAMERS & ASSOC., INC. CIVIL ENGINEERS 234 E. 17TH STREET, SUITE 208 COSTA MESA, CALIFORNIA 92626 (949) 448-1592	SOILS ENGINEER & GEOLOGIST: HAMILTON & ASSOCIATES 2343 BORDEN AVE. SUITE 200 TORRANCE, CA 90503 (310) 518-2100	CITY OF ROLLING HILLS ESTATES DEPARTMENT OF BUILDING AND SAFETY
	DATE: 01/27/2014 DATE: 01/27/2014	DATE: 01/27/2014 DATE: 01/27/2014	SCALE: AS SHOWN DESIGNED: CHECKED: APPROVED: REVIEWED (CONS.):



CITY OF RANCHO PALOS VERDES
CITY MANAGER'S OFFICE
ADMINISTRATION

24 August 2015

VIA E-MAIL: nwssbpao@navy.mil

Naval Facilities Engineering Command Southwest
ATTN: Code JE20.GB
1220 Pacific Hwy., Bldg. 131
San Diego, CA 92132

SUBJECT: Comments on the Draft Environmental Assessment for the Proposed Closure of Defense Fuel Support Point (DFSP) San Pedro

Dear Sir/Madam:

The City of Rancho Palos Verdes has received the draft Environmental Assessment (EA) for the proposed closure of DFSP San Pedro, for which we previously submitted scoping comments on 1 April 2015. In these previous comments, we asked for a 45-day public comment period for the draft EA. With summer vacations and other family obligations, we were concerned that residents in Rancho Palos Verdes, the surrounding Los Angeles communities of San Pedro and Wilmington, and the City of Lomita would not have sufficient time to review and provide meaningful comments on the draft EA if only fifteen (15) days were provided to do so. We are dismayed that the Navy chose not to honor this request, which was also made by many other individuals, groups and agencies that commented on the scope of the draft EA.

Notwithstanding the short time period provided to review the draft EA, we offer the following comments:

1. We appreciate that the description of the project area for this proposal has been clarified to exclude the portions of the site utilized by the Palos Verdes Peninsula Land Conservancy (PVPLC) for a native plant nursery and captive breeding program for endangered Palos Verdes blue butterflies. PVPLC's operations at DFSP San Pedro are of vital importance to habitat preservation and restoration efforts on the Palos Verdes Peninsula. Given that Alternative 3 (Complete Closure with Complete Demolition) would have significant impacts upon biological resources on the site, we strongly suggest that the Navy reject Alternative 3 from further consideration.
2. In a similar vein, the draft EA concludes that Alternative 3 would have significant impacts with respect to geological resources. The site is in very close proximity to

the Palos Verdes fault zone. We believe that this is another important reason for this alternative to be rejected by the Navy.

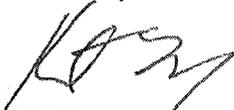
3. The analysis of transportation impacts in the draft EA seems to suggest that all demolition-related trips will utilize North Gaffey Street for access to and from the site. This appears to be at least part of the basis for determining that the project has no significant transportation impacts under any of the proposed alternatives. However, nowhere in the draft EA do we find explicit assurances that demolition-related traffic would not use Western Avenue for access to and from the site. The City of Rancho Palos Verdes believes that direct exposure of its residents to demolition-related traffic (including the attendant air quality and noise impacts) would be a significant impact that must be fully addressed in an Environmental Impact Statement (EIS).
4. With the recent commencement of demolition and site preparation for the adjacent *Ponte Vista* project, surrounding residents have begun to observe an increase in the numbers of rodents and larger predatory mammals appearing in their neighborhoods. With the proposed demolition and grading activity associated with each of the proposed alternatives, this problem is only likely to become worse. The draft EA should be revised to more fully assess the public health and safety impacts of displaced wildlife upon the neighborhoods surrounding the site.
5. For several years, the cities of Rancho Palos Verdes and Los Angeles have been working cooperatively on plans to improve the appearance and economic vitality of the Western Avenue corridor that we share. The existing aboveground storage tanks (ASTs) at the northwesterly corner of the site do not serve to enhance the image of this important regional corridor. With respect to the impact of the project upon visual resources, the City of Rancho Palos Verdes supports Alternative 1 (Complete Closure with Partial Demolition) because it is the only alternative (beside Alternative 3) that would result in the demolition and removal of these tanks. We also believe the project should include plans for visual enhancements to the Western Avenue frontage of the site, include perimeter fencing and foliage.
6. The assessment of the project's cumulative impacts concludes that there will be none, aside from the biological and geological impacts associated with Alternative 3. The only cumulative project analyzed in the draft EA is the adjacent *Ponte Vista* project. At several points in the cumulative impact analysis, the draft EA seems to suggest that the construction of the *Ponte Vista* project will be well underway or nearing completion by the time that any demolition activities at DFSP San Pedro might begin. However, recent media reports suggest that the *Ponte Vista* developer has been having difficulty getting a grading permit from the City of Los Angeles, and that site grading may not begin until late 2015 or early 2016. We respectfully suggest that the Navy should re-assess the cumulative impacts of this

project in light of the unrealistically optimistic construction timeline assumed for the *Ponte Vista* project.

7. In conclusion, and based upon the information available in the draft EA at this point, the City of Rancho Palos Verdes believes that the Navy should select Alternative 1 for the complete closure and partial demolition of DFSP San Pedro. Selecting this alternative avoids the significant biological and geological impacts under Alternative 3, and goes farther to address the visual impacts of the project along Western Avenue than do Alternative 2 (Complete Closure with Minimal Demolition), Alternative 4 (Partial Closure with Minimal Demolition) or the "No Action" Alternative.

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

Sincerely,



Kit Fox, AICP
Senior Administrative Analyst

cc: Mayor Jim Knight and Rancho Palos Verdes City Council
Doug Willmore, City Manager
Carolynn Petru, Deputy City Manager



Northwest San Pedro Neighborhood Council

"Your Community Voice"

August 22, 2015

Department of the Navy
Naval Facilities Engineering Command Southwest
Attn: Code JE20.TB
1220 Pacific Highway
San Diego, CA

Ray Regalado
President

Laurie Jacobs
Vice President

Sarah Valdez
Treasurer

Cynthia Gonyea
Secretary

RE: Comments on Draft Environmental Assessment for the Complete or Partial Closure of DFSP San Pedro

Thank you for the opportunity to comment on the draft Environmental Assessment (EA) for the DFSP property. The Northwest San Pedro Neighborhood Council, one of 95 certified Neighborhood Councils in the City of Los Angeles, represents approximately 20,000 stakeholders living adjacent to the DFSP. We are disappointed that in spite of requests by a number of organizations for a longer review time for the Draft Environmental Assessment (EA), no additional time was provided. Unfortunately the short review time, did not allow sufficient notice for this item to be heard by our full Board, however our Planning and Land Use Committee was able to review it at a public meeting and adopted the following comments:

This property is very important to our community as it is between two major entryways to San Pedro, Gaffey and Western Avenue. It provides important habitat for both the Gnatcatcher and the Palos Verdes Blue Butterfly, for which the Navy has been providing good protection.

While the future uses of this property were not a part of this study, as soon as possible the community would like to again raise the possibility of a road through the property connecting the Ponte Vista development to either Gaffey and/or Palos Verdes Drive North.

During the development of the Ponte Vista EIR and in the comments on the DEIR, there was extensive discussion of the possibility of putting in a road to Ponte Vista from Gaffey St. along the southern edge of the DFSP site. While noting that there would be emergency vehicle access on the road there, the military said that regular access would not be permitted due to national security concerns.

Now that fuel is no longer stored there, national security should not be a concern. Will the road be accessible for vehicle access to and from Gaffey Street and Ponte Vista? Is

the proponent obligated to discuss the growth-inducing impacts of the closure on the road access? We believe it is a likely impact that must be discussed in an EA.

In general, we are supportive of the demolition of the above ground tanks and pipelines and filling of the underground tanks and pipelines. We do not support Option 3 which includes removal of the underground tanks and which, as discussed in the EA, would have significant environmental impacts.

We are concerned about the lack of maintenance of the trees along Gaffey in the southern portion of the property which were planted by Homeowners United and until recently were maintained by our Neighborhood Council. About two or three years ago we were notified that we could no longer go on the property to maintain the trees. With the partial or full closure of the base the question arises of who will maintain the trees. We would appreciate a direct answer to this question.

General Comments

1. The EA states that utilities for ball fields and the pistol range will not be impacted under Alternatives 1, 2, & 4 however there is no mention of the utilities under Alternative 3; this needs to be clarified.
2. We request that an opportunity be provided for public input into the details of anticipated plans such as the haul routes and the replanting plan.

Comments on areas not studied

Socio-Economics – We request that a local hiring requirement be added for civilian contractors for demolition and/or repair/resumption of operation activities. This would have a beneficial socioeconomic impact and well as a positive environmental justice impact.

Protection of Children – The section should be amended to include the VOA housing, 73 units of former military housing that will house women veterans and their children. This property is located along USS Missouri and USS Princeton along the North side of the DFSP. The impact and mitigation measures of potential airborne pathogens, noise, dust, and equipment emissions on children should be addressed in the final EA.

Biological Resources

1. Particular attention needs to be paid to the PV Blue Butterfly habitat, particularly in light of the fact that none were found in either the 2014 or 2015 surveys. Because, as stated in the EA, reestablishment of their habitat takes three to four years, and reestablishment cannot start while the land is disturbed, it could potentially take 8 years for the habitat to be reestablished. The DFSP should **immediately** plant an equivalent area of habitat in an area where no soil disturbance is planned.

2. Revegetation provides a unique opportunity to increase habitat for PV Blue Butterfly, Gnatcatcher, and migratory birds. The planting restoration plan should require a significant increase in habitat as well as an overall increase in the ratio of native to non-native plants.
3. Coyotes and Rodents are both identified as being present on the property. The impact of the various alternatives on these populations should be discussed. Of particular concern to us is the impact on the surrounding residential areas. When grading began at the adjoining Ponte Vista property, we experienced an increase in both of these populations in our neighborhoods. Mitigation measures should be included to reduce that migration.
4. The discussion indicates that no Bald and Golden Eagles were found. While that may have been true, the *Daily Breeze* has documented sightings of at least one bald eagle in that vicinity. Rabbits, snakes and other small animals provide food for the hawks and eagles. These resources should be addressed in the EA.
5. A number of trees are identified on the property yet we did not find any specific mention as to what will happen to them. Language should be added to indicate that, to the extent possible, all trees should be preserved in place. If that is not possible, trees should be boxed, saved, replanted, and monitored to ensure their survival. Any trees not surviving replanting should be replaced at a ratio of 2:1.
6. Appendix B – Mitigation Measures
 - a. **B-13** should be amended to require the approval and monitoring of a watering schedule that will provide sufficient water for rapid habitat restoration

Rationale: Drought conditions may adversely impact habitat restoration. At the same time watering should be suspended during times of adequate rain.
 - b. **B-14** should be amended to strike the words “up to” and add an inspection after 6 months and then again at one year following completion of the project.

Rationale: If the re-seeding/re-planting, weed control, watering, and/or erosion control are not sufficient, this should be evident and addressed at the 6-month mark.
 - c. **B-15.b** should be amended to require eradication and elimination at least every six months (rather than annually)
 - d. **B-15.c** should be amended to include the time frame for required elimination
 - e. **B15.e.i** should be amended to increase the ratio of non-native plant to native plant cover from 1:1 to 1:2

Water Resources

Though the Navy Department offers a range of options for closing DFSP San Pedro it concludes that whatever one it may choose “[it] would not have a significant impact to water resources.” (pp 3-61 to 3-62). That may be a bit optimistic.

1. Runoff. The Navy's assessment does recognize that proposed demolition and remediation may impact runoff and acknowledges that more demolition and remediation will involve more soil disturbance and in turn will increase the likelihood of runoff. (p. 3-60). It fails to mention, however, another aspect of runoff-related problems -- time. The more work performed on the property, the longer the process is likely to take and, therefore, the greater the chances are that the job will extend into additional rainy seasons. Option 3, for example, is expected to take 4 years – one full year more (and at least one rainy season more) than Options 2 or 4. (Table 2-1). What is more, as the work period grows longer, chances increase that at least one of the rainy seasons will bring significant storms that will generate enough runoff to cause damage. In fact, prior year's storms have resulted in significant runoff and clogging of storm drains at the southern portion of the property along Gaffey, this without any disturbance to the soil.

Please consider developing a runoff recapture/reuse program to recycle water on-site.

Mitigation W-1.a should be amended to strengthen the requirements for erosion control.

2. Dust Control/Water Use. The assessment fails to address the amount of water that will be used to control dust during the proposed work. Dust control measures are usually implemented at any large-scale demolition project and typically involve obtaining water from a public source, such as a fire hydrant (i.e., the water is potable), and spraying it over the construction site. The more demolition performed, the more spraying, and the more potable water will be used. The assessment's authors estimate that 93 acres will be affected under Option 3, whereas only 25 acres and 16 acres will be impacted under Options 1 and 2, respectively. (Table ES-2, p. ES-5). Unfortunately, those authors provide no estimates of how much water it takes to control dust on one acre over the course of one year. (Approximately 326,000 gallons of water are needed to cover just one acre to a depth of one foot.) Also, the more extensive the demolition, the more likely the work will last into an additional dry season and necessitate spraying for another year.

A mitigation measure should be added to require the use of non-potable water for dust control.

Transportation

Clarification is needed on the proposed haul routes and we respectfully request that community members have the opportunity to comment on the proposed routes.

Cumulative Impacts

1. Section 4.2, second paragraph should be amended to
 - a. Add the expansion of Marymount College as an additional cumulative project. Marymount College is located to the North of the project area on Palos Verdes Drive North, on former military property.
 - b. Change the third sentence to read "...and then construct up to 700 new homes." This is the number actually approved by the City of Los Angeles (Ponte Vista Specific Plan page 13).
 - c. Edit the next to the last sentence to indicate that Ponte Vista is still working on obtaining a grading permit from the City of Los Angeles. As discussed in the Draft EIR for Ponte Vista (page IV.N-160) the Project will be constructed in stages for market absorption over approximately five-years.
2. Section 4.4.1, Biological Resources, acknowledges that "the Proposed Action's impact on even small amounts of habitat (most particularly PVB) [are] potentially significant when added to the aggregate effects of these past actions."

The second paragraph of this section should be amended to discuss the cumulative impacts on the biological resources of the recent removal of ALL biological resources from the Ponte Vista site including Gnatcatcher and PV Blue habitat and the stream and trees that abutted the southwest corner of the study area.
3. Section 4.4, Transportation, should be amended to delete the statement that "It is possible for construction of Ponte Vista to be winding down, as demolition/repair of DFSP San Pedro would be ramping up....no substantial change in LOS would occur." This statement is very misleading since Ponte Vista has not yet received a grading permit from the City of Los Angeles. They initially requested a 15-year development agreement from the City and have indicated that they plan to phase in the project over at least five years.

Should you have any questions or want further clarification of any of these items, please feel free to contact Diana Nave, Chair, NWSPNC Planning and Land Use Committee.

Ray Regalado
President, NWSPNC



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Palos Verdes - South Bay Group / Angeles Chapter

August 24, 2015

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NAVFAC_SW_DesertIPTPublicComments@navy.mil
cc: nwssbpao@navy.mil

Re: Defense Fuel Support Point Proposal for Closure

Thank you for the opportunity to review the Environmental Assessment (EA) for the proposed closure of the Defense Fuel Support Point (DFSP). We appreciate that the document addresses many of the concerns that we expressed in our April letter. We also appreciate the inclusion of maps showing overlays of potential demolition impacts in relationship to the habitat areas and sensitive species on site. However we have some questions about the representation of biological resources on the site, about potential project impacts to those resources and about mitigation for those impacts.

Mapping of Resources

Although the maps are extremely helpful, the scale of some of the overlays in relationship to the mapped elements makes interpretation difficult. For example, we note that there is a discrepancy between maps 3.1.6 and 3.1.8 in the depiction of the same potential Palos Verdes Blue Butterfly (PVB) habitat areas in the southern part of the site and along the northern border. Although that discrepancy may simply be due to an artifact of the stripes of the graphic overlays, it gives the impression that the two Alternatives have different impacts in those areas. We also note that the larger habitat areas seem to have several parallel boundaries adjacent to undefined linear elements (road? pipeline?) as well as several small islands or holes within the habitat area. These multiple heavy outlines can make it difficult to interpret the maps at page scale, especially in relationship to existing infrastructure or closure activities.

Furthermore, it is difficult to distinguish the green outlines of habitat areas from the green lines depicting PVB Survey transects in map 3.10.

Although the maps show vegetation classifications and the locations of some sensitive species, we find the information included on the maps to be inadequate in regard to evaluating conditions for and potential impacts to the PVB:

1. The EA clearly states that *"Non-native grasslands may also support some coastal sage scrub species, and in some areas encompass small patches of true coastal sage scrub, which are important corridors for birds or butterflies, wildlife and native seed sources. PVB host plants deerweed (Acmispon glaber) and coast locoweed (Astragalus trichopodus lonchus) are scattered throughout the grasslands."* p. 3-5

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Why then are the habitat values of the non-native grasslands not acknowledged in the biological resource maps or in the consideration of impacts to habitat and sensitive species?

2. Please explain why the location of only one of the PVB host plants, coast locoweed (*Astragalus trichopodus lonchus*), is clearly mapped, but the location of the second host plant, deerweed (*Acmispon glaber*), is not mapped. If both the deerweed and the coast locoweed are scattered throughout the non-native grassland, their presence there should be acknowledged on the maps, and impacts to them should be quantified.

3. The sensitive species maps indicate two significant clusters of astragalus near the center of the site, with one cluster located at the junction of several pipelines. Has the occurrence of PVB ever been checked for or noted in the vicinity of those host plants? Why is that cluster of host plants not considered and mapped as a potential PVB habitat area? What amount of acreage is represented by those two clusters?

Impacts to Biological Resources and Mitigation Measures

Cumulative Impacts to Habitat and Sensitive Species

The EA identifies the number of acres of Habitat Area potentially impacted by the various Alternatives. What is the cumulative impact when the ongoing IRP remediation/clean-up of existing contamination is factored in?

The effects of climate change on habitat and sensitive species should also be considered as a cumulative impact.

Concerns re PVB and Their Habitat Under Conditions of Extreme Drought

Given the current extreme drought conditions, the severe impacts that the drought has had to the host plants for PVB, and evidence of declining populations of PVB on site, we are especially concerned about issues of timing and impacts to the PVB and their habitat. Although we understand that soil disturbance can be beneficial to the PVB if it results in increased populations of the host plants, we are also concerned about potential risks of impacts to large areas of soil on PVB pupae that may exist in diapause in some soil areas. For these reasons, we would like to see procedures for timing and staging the demolition work to avoid and minimize such impacts spelled out in more detail as a Mitigation Measure.

We are especially concerned about potential impacts to PVB pupae in the vicinity of the astragalus clusters in the central area of the site where aboveground pipelines will be removed.

Significance of Impacts to PVB

This site is the only remaining natural habitat area for the PVB, therefore impacts to the butterfly at any life stage should be considered Significant. Under the extreme circumstances that now exist for the PVB, avoidance of impacts must be part of the Mitigation Measures. The risks are too high to rely only on future restoration of habitat and monitoring.

Table ES-2 indicates No Significant Impacts to PVB habitat for Alternatives 1 and 2, but fails to address what could be Significant impacts to the butterflies themselves if pupae in diapause are destroyed. Similarly, page 3-17 of the EA states, "*The excavation, demolition, and removal of underground infrastructure (e.g., pipelines and USTs [under certain alternatives]) would result in*

temporary impacts because the affected area would be replanted with a native species seed mix in the Operations Area and would be restored as habitat for PVB or CAGN in Listed Species Management/Habitat Opportunity Areas." Again, the document fails to address direct impacts to butterfly pupae.

Destroying any existing pupae cannot be considered a temporary impact when no PVB have been observed on site for the last two years. Impacts to pupae must be addressed specifically. Although restoration of suitable habitat for the PVB is an essential component of assuring the long term survival of that species – it is equally important to protect and avoid impacts to those PVB pupae which may remain viable on site.

Mitigation for PVB

We are concerned that the EA's evaluation of impacts to PVB may be overly reliant on the offsite captive breeding program. Although it is certainly a good thing that the captive breeding program exists, it would be reckless to unduly risk impacting what might be the few surviving viable pupae remaining on site on the assumption that they would be easily replaceable.

Mitigation Measure B16 for conserving the PVB at the DFSP should add avoidance of impacts to PVB pupae. For instance, it may be prudent to schedule disturbances incrementally rather than to impact large areas simultaneously. The demolition work should be staged area-by-area in a way that is responsive to weather conditions and observations of the biological status of the PVB and host plants.

Consideration of Alternatives

We would like to see closure and removal of much of the infrastructure at the DFSP. However, it is most important that any such closure be done with the least impacts and most benefits to native habitats and sensitive species. We are therefore opposed to Alternative 3, which would have the largest environmental impacts, and to Alternative 4 and the "No Action Alternative" which would resume operations.

We do not find any mapping of the underground pipes or underground storage tanks (USTs). Both Alternative 1 and Alternative 2 specify the removal of 9,600 linear feet of underground pipeline, but without knowing the location of that pipeline we cannot evaluate what the potential impacts to sensitive species or habitat might be due to that removal.

Likewise, it is difficult to evaluate the choice between filling the remaining USTs with soil, concrete or "foamcrete" without a reference map showing locations, disturbance areas, and impacts. The EA indicates that filling the remaining USTs with foamcrete or concrete would entail fewer disturbances than filling with soil. That's certainly a good thing. On the other hand, filling the USTs or underground pipelines with foamcrete or concrete would involve leaving behind additional debris that may at some future time need to be hauled to a dumpsite.

The EA states that the underground pipelines may be disconnected and plugged and/or filled with an inert solid via multiple injection points. What is the reasoning in making a determination of whether to fill the underground pipes or to simply plug them?

Alternatives 1 and 2 differ in the degree of demolition of existing infrastructure. We are in favor of removing as much of that infrastructure as possible as long as it is consistent with protecting habitat and sensitive species.

As stated above, we do not feel we have enough information to evaluate procedures to address the closure of the underground infrastructure at this point in time.

We are also particularly concerned about potential impacts to PVB as noted above.

If, for discussion purposes, Alternative 1 is considered as a baseline for maximum removal of infrastructure, we would be concerned about the following areas of the site:

1. The proposed removal of the cluster of aboveground infrastructure in the south east corner of the site. We are not able to determine from the maps provided whether removal of these items would have significant impacts to PVB or CAGN habitat.
2. The removal of aboveground pipelines in the central Operations Area adjacent to the occurrences of astragalus. This section might best be left in place, perhaps temporarily, if removal is likely to disturb PVB pupae while the population is at such a precariously low level.
3. The removal of aboveground infrastructure in the vicinity of the sensitive Kellogg's horkelia should only be done if impacts to that species can be avoided.

We again request that an incremental approach to the closure be adopted in the spirit of adaptive management.

In light of these outstanding questions, we request that a full EIS be prepared.

Thank you for this opportunity to address the alternative plans for closure of DFSP.

Very truly yours,

s/

Alfred Sattler
Chair
Palos Verdes-South Bay Regional Group
Sierra Club

s/

Eva Cicoria
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August 21, 2015

City of Rancho Palos Verdes

Via Email: NAVFAC_SW_DesertIPTPublicComments@navy.mil

AUG 24 2015

City Manager's Office

Department of the Navy
Naval Facilities Engineering Command Southwest
Attn: Code JE20.TB
1220 Pacific Highway San Diego, California 92132-5190

Re: Defense Fuel Support Point, San Pedro California (DFSP San Pedro)
Complete or Partial Closure of DFSP San Pedro
Draft Environmental Assessment

To: Naval Facilities Engineering Command Southwest

We submit this letter on behalf of the Center for Biological Diversity, Navy Neighbors of San Pedro and Palos Verdes, Palos Verdes/South Bay Audubon Society, Endangered Habitats League, and others to provide comments on the Draft Environmental Assessment (EA) prepared by the Navy for the proposed complete or partial closure of the Defense Fuel Support Point (DFSP), San Pedro.

As the Draft EA indicates, DFSP San Pedro Main Terminal contains critical habitat and endangered, threatened and regionally significant biological resources that coexist with the facility's fuel depot infrastructure. Preservation and enhancement of these resources is critical to maintaining the biodiversity of Southern California and should be an important objective of future uses of the site.

Preliminarily, we acknowledge the Navy's and Defense Logistic Agency's past and continuing environmental stewardship efforts at DFSP San Pedro, carried out in parallel with its mission support duties. Now that the Navy intends to close or partially close DFSP San Pedro, it is important to understand and address the future operations, maintenance practices, and management of biological resources that will occur on the closed facility. This is particularly urgent in light of the apparent 2014-2015 crash to zero of the Palos Verdes Blue Butterfly populations at DFSP San Pedro while the facility's biological resources were being managed under the current Integrated Natural Resources Management Plan (INRMP). (Table 3.1-3.)

In order to comply with the National Environmental Policy Act (NEPA), the Draft EA's fundamental defects should be corrected with more comprehensive analysis of impacts on biological resources of the Navy's proposed action, assessment of feasible alternatives and issuance of a revised draft environmental document. The EA's specific deficiencies are outlined below. Please note that these comments are limited to biological resources at the Main Terminal at San Pedro; we do not consider the Marine Terminal, associated pipelines or facility remediation in this comment letter.

A. The Draft Environmental Assessment Does Not Address Impacts on Biological Resources Arising from Ongoing Site Maintenance After Closure or Partial Closure; The Analysis is Improperly Limited to Evaluation of Temporary Impacts Associated With Demolition Activity.

An Environmental Assessment must evaluate the whole of an action. (40 C.F.R. § 1508.25(a)(1); *Wetlands Action Network v. U.S. Army Corps of Engineers*, 222 F.3d 1105 (9th Cir. 2000) [applying regulations to EAs].) Although the Navy may now close DFSP San Pedro, it is not abandoning the facility. While Alternatives 1, 2 and 3 all contemplate complete closure of DFSP San Pedro, Naval Weapons Station Seal Beach will continue as the Class I property owner of the site. Accordingly, NEPA requires that post-closure maintenance alternatives be considered in the environmental analysis.

At this time, the Navy has no plans for disposal or reuse of DFSP San Pedro. Because the property may be needed to support future Navy or DoD needs (which are currently unknown), this EA does not evaluate property disposal issues such as potential reuse of the site by the Navy or others. (EA, p. 2-1.) While potential future uses are speculative and therefore beyond the scope of the EA analysis, on-going site maintenance by NAVWPNSTA Seal Beach is an integral component of the facility plan under all alternative "complete closure" scenarios. Therefore post-closure maintenance of the site must be included in the project description and the environmental alternatives analysis.

At DFSP the question of ongoing maintenance is important considering that "[o]ver 90 percent of the Operations Area, which covers 208 acres, consists of non-native grasslands and developed land types that have little resource value for non-grassland species because a large portion of the area is *routinely mowed for fire abatement around active fuel tanks* (DLA 2014)." (EA, p. 3-2, emphasis added.)

The existing maintenance regime with routine mowing appears to be continued under Alternatives 4 (Partial Closure) and 5 (Reopen):

Under the No Action Alternative, operations would presumably resume to historical levels at DFSP San Pedro. Operations would continue to occur in compliance with measures developed through consultation with the USFWS to avoid/minimize impacts to biological resources from operations and maintenance

activities. In addition, biological resources would continue to be managed in accordance with the INRMP.

(EA, p. 3-138, 3-139.) However the complete closure options of Alternatives 1, 2 and 3 appear, based on information in the EA, to obviate the existing maintenance regime required for an active fuel handling facility. The fuel tanks will no longer be active under Alternatives 1, 2 or 3. Accordingly, the routine mowing now being carried out will no longer be required for fire protection. While it is reasonable to continue some level of mowing around the site perimeter, the EA does not provide any analysis of alternative mowing and other natural land maintenance activities should the facility be closed. On-going future maintenance of the site is an integral part of the project being evaluated by the Navy. Post-closure maintenance may have significant impacts on site biological resources. Therefore both closure demolition options and post-closure on-going maintenance must be included in the EA analysis.

B. In Making Its Findings as to Impacts on Biological Resources and Feasible Mitigation Measures, the Draft Environmental Assessment Relies on Documents Either Not Readily Available to the Public or Not Yet Completed and Issued.

The Environmental Analysis relies on several sources in reaching its conclusions as to potential impacts on Main Terminal biological resources from closure demolition and related activities.. These sources are listed at [3-2] and include:

- DFSP San Pedro Integrated Natural Resources Management Plan (INRMP); (NAVWPNSTA Seal Beach 2014);
- Biological Opinion (BO) for Routine Maintenance Operations, Defense Fuel Support Point San Pedro, Los Angeles County, California (USFWS 2010a);
- United States Fish and Wildlife Service (USFWS). (2010a). Formal Section 7 Consultation (Biological Opinion) for Routine Maintenance Operations, DFSP San Pedro, Los Angeles County California. FWS-LA-08B0606-08F0704. July 2;
- Biological Assessment (DLA). (2014) DFSP San Pedro Routine Operations and Maintenance Activities;
- Biological Assessment (BA). (2015) DSFP San Pedro Proposed Complete or Partial Closure (in preparation);

However reliance on these sources as presented in the current Environmental Analysis does not comply with NEPA requirements for the following reasons:

- a. The environmental document must directly present the evidence on which its main conclusions rely and not defer major questions of environmental impacts and related mitigation measures to future studies or, as here, assessments “in preparation” (*Kern v. U.S. Bureau of Land Management*, 284 F.3d 1062 (9th Cir. 2002));
- b. The environmental document must allow agencies and the public to evaluate evidence relied upon; however the referenced completed studies are not included in the EA, internet links to the studies are not provided, standard search engine inquiries do not return links to the studies, and telephone and internet information for US Navy and USFWS points-of-contact are not listed. Consequently, reviewers are unable to evaluate the sufficiency of environmental analysis and provide meaningful comment to the Navy on its proposed alternatives for future use of DFSP San Pedro (*see*, 40 C.F.R. § 1502.21, 40 C.F.R. § 1502.18);
- c. The 2014 Integrated Natural Resource Management Plan (INRMP) for the facility may be inadequate to protect site resources, as evidenced by the 2014-2015 apparent crash to zero of Blue Butterfly populations at the site (Table 3.1-3); reliance on practices listed in this plan is therefore insufficient to protect site resources. The failure to provide ready public access to the INRMP further prevents meaningful evaluation of the INRMP’s sufficiency and therefore of the sufficiency of the EA.

In order to adequately evaluate impacts on biological resources arising from closure and from on-going maintenance alternatives, the EA and NEPA process must:

1. Provide ready access to the environmental analysis on which it relies in reaching findings, especially the INRMP¹;

¹ NOTE: After this letter was in final form the Navy responded to telephone inquiries and was able to provide the 2014 INMRP via US Army Aviation and Missile Research and Development Engineering Center’s [AMRDEC] Safe Access File Exchange, as the file was too large to upload and send via standard email systems.

Initial review of the 2014 INMRP indicates it was prepared to guide activities at DFSP San Pedro under ongoing fuel depot operations and did not evaluate post-closure operations. A substantially revised INRMP would be required to reflect the new military mission of Alternatives 1, 2, 3 or 4 which envision a closed or partially closed DFSP San Pedro.

2. Include in public documents all relevant material such as a 2015 Biological Assessment for DFSP and not defer analysis and disclosure to the final EA document.

Without ready access to all underlying evidence documents, EA review cannot adequately evaluate fundamental EA determinations such as the statement that approximately 200 acres of operational areas regularly mowed do not have any biological resource value.

C. The Draft Environmental Assessment Must Identify Alternative Ongoing Site Maintenance Regimes And Evaluate Their Impacts on Site Biological Resources.

The DFSP site is regularly mowed for fire protection as an active fuel handling facility. However, DFSP San Pedro contains rare and critically endangered species onsite as well as a range of natural plant communities that have been nearly eliminated from urban Southern California. Thus, these mowing and other maintenance practices have adverse impacts on biological resources that require analysis under NEPA. Specifically, mowing and similar operations “subject the land to recurrent disturbance” which results in adverse impacts to native vegetation and associated species:

Ruderal Grassland Series is a plant community that is typically in early successional stages as a result of a severe disturbance by natural or human causes, or because the land is subject to recurrent disturbance. This plant community is dominated by annual and perennial, nonnative, pioneering, herbaceous plants that readily colonize disturbed ground. *Ruderal communities are a threat to the biodiversity of open areas such as DFSP San Pedro, since they continually distribute non-native propagules into native vegetation.* These exotic species colonize natural and human-influenced disturbances and create a competitive environment for the more desirable natives; however, if Ruderal Grassland is left undisturbed, it generally undergoes succession towards more stable and less weedy plant communities, such as Coastal Sage Scrub.

(Zedler et al. 1997.) (*in* David Magney Environmental Consulting. 2003. Botanical Assessment: Defense Fuel Support Point, San Pedro, California. 20 August 2003. (PN 03-0120.) Ojai, California. Prepared for The Environmental Company, Inc., Solana Beach, California. Page 8. *emphasis added.*)

In addition to threatening adjacent biological resources at native vegetation areas, the mowing practices harm fragments of native vegetation that exist within the non-native grassland areas. Other maintenance activities not specified in the EA may also occur. In

order to reduce or avoid these known adverse impacts to rare plant communities, the EA prepared for facility closure must evaluate alternatives to the current ongoing site maintenance and discuss their impacts on the site's biological resources. (NEPA § 102(2)(C)(iii), § 102(2)(E); 40 C.F.R. § 1502.14.)

The EA must identify feasible alternative on-going maintenance regimes that are consistent with the "Alternative Screening Factors" described in the EA. (EA, p. 2-1.) The EA must then evaluate these alternatives for their potential impacts on existing natural resources at DFSP San Pedro. Based on these "Alternative Screening Factors," information in the EA on biological resources and facility maintenance requirements, and expert assessments such as Zedler (1997) and Magney (2003), we recommend the following maintenance alternatives be evaluated in conjunction with closure alternatives 1,2 and 3:

- Maintenance Alternative A: Continue existing maintenance and mowing regime;
- Maintenance Alternative B: Significantly reduced mowing, with work limited to a perimeter buffer and other areas determined as necessary for public safety and facility security;
- Maintenance Alternative C: Significantly reduced mowing as under Alternative B, with the additional element of selective remediation and revegetation with native species of approximately 100 acres of grassland;
- Maintenance Alternative D: Significantly reduced mowing as under Alternative B, with the additional element of substantial remediation and revegetation with native species of approximately 200 acres of grassland;

The importance of restoring habitat for the Palos Verdes Blue Butterfly cannot be overstated. The Butterfly Conservation Initiative of the American Zoo and Aquarium Association states that recovery efforts should concentrate on providing more habitat for the species to offset weed control efforts, off-road vehicle use, non-native plant invasion, and fire suppression (such as that performed at DFSP) that have negatively impacted the butterfly's habitat. (See, The Butterfly Conservation Initiative. American Zoo and Aquarium Association. The Palos Verdes Blue Butterfly. Website http://www.butterflyrecovery.org/species_profiles/palos_verdes_blue/.)

D. The Cumulative Impacts Analysis Does Not Adequately Quantify and Evaluate the Impacts on Biological Resources from Past, Present and Reasonably Foreseeable Future Operation and / or Maintenance of the DFSP Site.

The EA's cumulative impacts analysis must evaluate impacts on biological

resources arising from establishment of the DFSP site and from the continued maintenance of the site by NAVWPNSTA Seal Beach. However, the cumulative impact analysis baseline should not be the degraded condition of the site arising from regular maintenance operations but the site's condition in the absence of continued activities at DFSP. The cumulative impacts analysis must also quantify the baseline critical natural habitat and endangered and threatened species population in measurable quantities such as:

- acres of natural habitat by type
- population of species by number

The EA analysis should not simply address impacts arising from the current contemplated facility closure demolition and on-going maintenance. (40 C.F.R. § 1502.16(b), 1508.8(b).) Rather, the EA analysis must include cumulative impacts on natural habitat and species populations from past, present and reasonably foreseeable future development in urban Los Angeles County and particularly on the Palos Verdes Peninsula. (*Kern v. U.S. Bureau of Land Management*, 284 F.3d 1062 (9th Cir. 2002.)) After many years of intensive human development in Southern California, DFSP San Pedro contains one of the few remaining "protected islands" of near-coast biodiversity in the region. Thus, any future adverse impacts to this habitat carry greater significance.

The EA must also evaluate cumulative impacts on biological resources within the boundaries during its 70-year operating history. For example, the active fuel facility operations and the continuing related maintenance / mowing of approximately 200 acres of non-native grasslands in the Operations Area constitutes a significant cumulative impact on biological resources.

The Center for Biological Diversity's analysis of cumulative regional impacts and DFSP San Pedro on-site cumulative impacts on Palos Verdes Blue butterfly habitat found:

Estimated PVB populations have fluctuated without a discernible trend since 1994 [7]. In 2003 the population dropped from an estimated 215 individuals to 30 but recovered to 282 in 2004 [7] and 204 in 2005 [3]. Large increases and decreases in population are expected since butterfly abundance is known to vary with environmental conditions, especially with weather, and because they may be capable of multi-year diapause [7]. Because this makes the detection of trends difficult, the number of locations that support the butterfly is likely more important than the total number of butterflies at those locations [7]. An analysis of occupancy trends at monitoring transects suggests a decline in area occupied by the PVB [7]. Although this could be due to actual declines, it could also indicate a shift in occupancy [6]. Monitoring transects have remained at fixed locations, and it is possible that the butterflies have moved as successional habitat matured [7].

The analysis concluded that:

(Regardless), recovery efforts should concentrate on providing more habitat for the PVB. Currently weed control efforts, off-road vehicle use, non-native plant invasion, and fire suppression negatively impact PVB

habitat [2].

(http://www.biologicaldiversity.org/campaigns/esa_works/profile_pages/PalosVerdesBlueButterfly.html)

We also request that the EA identify and evaluate cumulative impacts on biological resources at DFSP San Pedro from activities such as: dumping and fill of construction debris at site ravines and modifications to original landforms, watercourses and natural resources by the cutting / filling of earth and installation of concrete culverts and artificial drainage systems.

The EA should also identify feasible mitigation measures to reduce or eliminate these regional and on-site cumulative impacts, including possible new, less invasive maintenance regimes and a habitat restoration program reflecting the facility's new closed status.

Conclusion

As DFSP San Pedro has rare, critically endangered and nationally significant biological resources, particular care is required in evaluating and determining the future use of the facility. The current EA does not comply with NEPA requirements. The EA fails to provide sufficient information about the proposed project, potential impacts, possible mitigation measures and feasible alternatives necessary for the public, responsible agencies, and Navy decisionmakers to make informed judgments regarding the project. Accordingly, we respectfully request that the EA be revised to incorporate greater analysis of the proposed action's likely impacts on important biological resources and re-circulated to the public.

Thank you for the opportunity to provide these comments. We look forward to cooperating with the Navy, officials, and other interested parties to address and resolve questions raised during this environmental review process.

Sincerely,



Michelle Black, on behalf of
Navy Neighbors of San Pedro and Palos
Verdes

/s/

Lisa Belenky, on behalf of
Center for Biological Diversity

/s/

David Quadhamer, on behalf of
Palos Verdes / South Bay Audubon
Society



Dr. Dan Silver, on behalf of
Endangered Habitats League

Department of the Navy
August 21, 2015
Page 9

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Martin Byhower

/s/
Frank O'Brien

/s/
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/s/
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Via email mendel_stewart@fws.gov

Natural Resources Defense Council, Santa Monica: Damon Nagami
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Earthjustice, Los Angeles Office: Adrian Martinez
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