



MEMORANDUM

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS
FROM: JOEL ROJAS, AICP, COMMUNITY DEVELOPMENT DIRECTOR
DATE: NOVEMBER 4, 2010
SUBJECT: BORDER ISSUES STATUS REPORT
REVIEWED: CAROLYN LEHR, CITY MANAGER
Project Manager: Kit Fox, AICP, Associate Planner

RECOMMENDATION

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

EXECUTIVE SUMMARY

This month's report includes:

- An update on the *Butcher Ranch* subdivision in Rolling Hills Estates;
- An update on the announcement of a scaled-back 1,135-unit proposal for the *Ponte Vista* project in Los Angeles (San Pedro);
- An update on the *Chandler Ranch/Rolling Hills Country Club* project in Rolling Hills Estates and Torrance;
- A report on community concerns regarding the AmeriGas butane storage facility at Gaffey Street and Westmont Drive in Los Angeles (San Pedro); and,
- An update on Volunteers of America's renovation of seventy-six (76) units of former Navy housing on Palos Verdes Drive North in Los Angeles (Wilmington/Harbor City).

BACKGROUND

The following is the regular bi-monthly report to the City Council on various "Border Issues" potentially affecting the residents of Rancho Palos Verdes. The complete text of the current status report is available for review on the City's website at:

http://palosverdes.com/rpv/planning/border_issues/2010/20101104_BorderIssues_StatusRpt.cfm

MEMORANDUM: Border Issues Status Report

November 4, 2010

Page 2

DISCUSSION

Current Border Issues

Butcher Ranch Subdivision, Rolling Hills Estates

On April 19, 2010, the Rolling Hills Estates Planning Commission last considered the revised, 11-home project at the northeast corner of Palos Verdes Drive East and Palos Verdes Drive North. However, jurisdictional conflicts with the Department of Fish and Game regarding the biological impacts of site grading and the placement of fill in the ravine remained unresolved at that time. On September 16, 2010, the City received notice of the revised, re-circulated Mitigated Negative Declaration (MND) for the project, including notification that the Planning Commission would consider the project again on October 18, 2010. The revised MND included additional analysis of the drainage and biological impacts of the project. It also included a response to our previous comments of March 8, 2010.

At its October 18, 2010 meeting, the Rolling Hills Estates Planning Commission considered the revised project and directed its Staff to prepare a resolution of approval for adoption on November 1, 2010. The project also requires final approval by the Rolling Hills Estates City Council, which is scheduled for November 9, 2010. Staff will continue to monitor this project in future Border Issues reports.

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

On September 24, 2010, the *Daily Breeze* reported that iStar Financial, the latest owners of the *Ponte Vista* project, were announcing that the revised project to be presented to the City of Los Angeles would now encompass 1,135 units. Most recently, the previous project owners had stated in June 2009 that the project would include 1,395 units, reduced from previous proposals for 1,950 units in June 2007 and 2,300 units in July 2005. Reportedly, Los Angeles City Councilwoman Janice Hahn received word of the reduced project proposal favorably, stating that it was "much closer to what makes sense in this part of San Pedro." The developer indicated that a new EIR will be prepared and circulated for this revised proposal. However, only a few days after announcing the revised project, the *Daily Breeze* and other media outlets reported that iStar Financial was considering a bankruptcy filing.

On October 19, 2010, legal counsel for the new owners of the *Ponte Vista* project contacted Staff about meeting with the Mayor to present the revised proposal to him and to Planning Staff. Apparently, there is also a "scoping meeting" scheduled for the new project EIR on November 10, 2010 at Peck Park in San Pedro. As of the date that this report was completed, the City had received no formal notice of this upcoming meeting or any details about the revised project. Staff will continue to monitor this project in future Border Issues reports.

MEMORANDUM: Border Issues Status Report

November 4, 2010

Page 3

Chandler Ranch/Rolling Hills Country Club Project, Rolling Hills Estates and Torrance

On October 4, 2010, the Rolling Hills Estates Planning Commission held its first public hearing on the *Chandler Ranch/Rolling Hills Country Club* project, including the Final Environmental Impact Report (FEIR). The FEIR included a response to our previous comments of June 22, 2009. At the public hearing, major issues of concern to the Planning Commission included the proposed removal of the Horse Overlay from most of the project site; the adequacy of the analysis of the project's impacts upon cultural resources; and the treatment and handling of site runoff. The public hearing was continued to November 1, 2010. Staff will continue to monitor this project in future Border Issues reports.

New Border Issues

AmeriGas Butane Storage Facility, Los Angeles (San Pedro)

For many years, residents in San Pedro and the *Eastview* area of Rancho Palos Verdes have been concerned about the existing AmeriGas butane storage facility at 2110 North Gaffey Street. The AmeriGas facility is a 20-acre site located at the northeast corner of Gaffey Street and Westmont Drive, across the street from Home Depot and roughly three-quarters of a mile from the nearest homes in Rancho Palos Verdes. The site's most visually-prominent features are two (2) large refrigerated butane storage tanks with a combined capacity of over twenty-five (25) million gallons. Nearby residents have actively sought the relocation of the Amerigas facility to another site, most recently to Pier 400 in the Port of Los Angeles (POLA).

The AmeriGas facility handles and stores butane—a by-product of petroleum refining—from the nearby Valero and BP refineries in Wilmington and Carson, respectively. In the past, the transportation of butane from the site utilized an underground pipeline to nearby Berth 120 in Los Angeles Harbor. In 2004, POLA declined to renew AmeriGas' lease for Berth 120. Currently, butane is transported from the facility via rail car and tanker truck. However, Staff understands that AmeriGas may be pursuing a new lease with POLA to resume the use of the existing underground pipeline.

The explosion of an underground natural gas transmission line in a residential neighborhood in San Bruno, CA, on September 9, 2010, has renewed concerns about the AmeriGas facility among nearby residents. On September 15, 2010, the *Daily Breeze* reported on a closed-door meeting held by the new owners of the AmeriGas facility, Plains LPG. Another *Daily Breeze* article on October 18, 2010, reported that the City of Los Angeles' Northwest San Pedro Neighborhood Council (NWSPNC) had commissioned an independent risk assessment of the AmeriGas facility (see attachments). The September 2010 Quantitative Risk Assessment (QRA) has identified a variety of possible accident scenarios for the facility. These range from a relatively small, on-site mishap with impacts mainly contained to the site, to a sudden, catastrophic failure of the butane storage tanks with impacts extending within a 5- to 7-mile radius from the facility.

MEMORANDUM: Border Issues Status Report

November 4, 2010

Page 4



AmeriGas Propane, LP, 2110 N. Gaffey St., San Pedro, CA 90731

The NWSPNC Planning and Land Use Committee was scheduled to meet to discuss the AmeriGas facility and the QRA on October 28, 2010. Staff planned to attend this meeting, and to continue to monitor this project in future Border Issues reports.

Former Border Issues

Re-Use of Former Navy Housing Facilities, Los Angeles (Wilmington/Harbor City)

In late 2009, Volunteers of America (VOA) submitted applications to the City of Los Angeles related to its renovation of seventy-six (76) existing dwelling units at the former Navy housing facility on Palos Verdes Drive North. The applications included a Zoning Administrator's Adjustment and a Private Street Map. These applications were required because the transfer of the units from the Navy to VOA did not create lots with access to a public right-of-way or that met the minimum property-line setbacks for the existing structures. The proposed Private Street Map would create legal access, while the Zoning Administrator's Adjustment would legalize non-conforming property-line setbacks for the existing structures. Staff did not comment upon the review and/or issuance of these permits by the City of Los Angeles.

On August 27, 2010, Staff received a notice from the City of Los Angeles regarding the Zoning Administrator's Adjustment, indicating that the reduced property-line setbacks requested had been approved. This notice also indicated that the requested Private Street Map was still pending before the City's Advisory Agency, which reviews subdivision proposals. Staff subsequently received notice that the Advisory Agency would consider the Private Street Map at a hearing on September 23, 2010.

MEMORANDUM: Border Issues Status Report

November 4, 2010

Page 5

Attachments:

- Notice of Availability for the recirculated *Butcher Ranch* MND (received 9/16/10)
- RHE PC agenda and Staff report for the *Butcher Ranch* project (dated 10/18/10)
- *Daily Breeze* article regarding the *Butcher Ranch* project (published 10/17/10)
- *Daily Breeze* and *PV News* articles regarding the *Ponte Vista* project (published 9/24/10, 9/29/10 & 10/7/10)
- *Daily Breeze* article regarding the *Chandler Ranch/Rolling Hills Country Club* EIR (published 8/26/10)
- Response to RPV comments on the *Chandler Ranch/Rolling Hills Country Club* EIR (received 10/1/10)
- *Daily Breeze* article regarding the *Chandler Ranch/Rolling Hills Country Club* project (published 10/2/10)
- RHE PC agenda and Staff report for the *Chandler Ranch/Rolling Hills Country Club* project (dated 10/4/10)
- *Daily Breeze* and *PV News* articles regarding the *Chandler Ranch/Rolling Hills Country Club* project (published 10/6/10 & 10/7/10)
- *Daily Breeze* articles regarding AmeriGas butane storage facility (published 9/15/10 & 10/18/10)
- Qualitative Risk Assessment for AmeriGas butane storage facility
- Notice of Decision for VOA's Zoning Administrator's Adjustment (received 8/26/10)
- Public hearing notice for VOA's Private Street Map (received 9/13/10)
- Staff report for VOA's Private Street Map (received 9/17/10)

RECEIVED

SEP 16 2010

PLANNING, BUILDING AND
CODE ENFORCEMENT

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



Project Title:

BUTCHER RANCH – TENTATIVE TRACT MAP NO. 52214

Project Location: The 8.55-acre project site is located at the northeast corner of the Palos Verdes Drive North/Palos Verdes Drive East intersection in the City of Rolling Hills Estates, Los Angeles County, CA. The site includes two assessed parcels, 7551-041-003 and 7551-041-002, and the existing Casaba Road right-of-way.

Project Description: The proposed project consists of a Tentative Tract Map to subdivide the 8.55-acre site into 14 lots (Lots 1-13 and Lot A) and the vacation of the Casaba Road right-of-way on the project site. Eleven (11) of the lots (Lots 2-12) would be developed with single family residential units, with opportunities for private equestrian facilities (i.e., horse arenas). The residential lots would have a minimum lot size of 20,000 ft² and the proposed residential units would range in size from 3,500-4,700 ft². Lot 1 would be improved with an 11,187-ft² mini-park for passive use to be dedicated to the City. Lot 13 would comprise 25,526 ft² along the north side of Casaba Road at Monticello Drive, would remain vacant, and would be zoned for Commercial Recreation (C-R). Lot A would include the site's private access drive (Casaba Road) and a landscape buffer (to be maintained by the homeowners association) that would separate Casaba Road from PV Drive North.

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

- Tentative Tract Map
- Vacation of the Casaba Road Right-of-Way
- Neighborhood Compatibility Determination
- Grading Application

Presence of the Site on Hazardous Waste-Related Lists: The project site is not included on any lists of hazardous waste sites enumerated pursuant to Section 65962.5 of the California Government Code.

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

Public Review Period:

September 16, 2010 to October 18, 2010

Date, Time, and Location of Public Hearing, if any: Public hearings to consider the project will be held by both the Rolling Hills Estates Planning Commission and the Rolling Hills Estates City Council. The Planning Commission is scheduled to hold a public hearing to consider the project on October 18, 2010 at 7:30 p.m. at the Rolling Hills Estates City Council Chambers, 4045 Palos Verdes Drive North, Rolling Hills Estates, CA, 90274. A public hearing with the City Council to consider the project has not been scheduled to date.

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

City of Rolling Hills Estates City Hall

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

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

Peninsula Center Library

701 Silver Spur Road, Rolling Hills Estates, CA 90274

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

City of Rolling Hills Estates Website

<http://www.ci.rolling-hills-estates.ca.us/index.aspx?page=209&recordid=36>

(City of Rolling Hills Estates Website; ↳What's New tab; ↳Project Updates tab; ↳Butcher Ranch Subdivision tab)

Please send written comments to: Kelley Thom, Associate Planner, City of Rolling Hills Estates, 4045 Palos Verdes Drive North, Rolling Hills Estates, CA, 90274, tel: 310.377.1577 ext. 106, fax: (310) 377-4468, email: kelleyt@ci.rolling-hills-estates.ca.us


Douglas R. Prichard, City Clerk

9-15-10
Date



PLANNING COMMISSION AGENDA

October 18, 2010, 7:30 pm

Regular Meeting

Reports and documents relating to each agenda item are on file available for public inspection on our website.

1. CALL MEETING TO ORDER.
2. SALUTE TO THE FLAG.
3. ROLL CALL.
4. APPROVAL OF MINUTES ([October 4, 2010](#)).
5. AUDIENCE ITEMS.
6. CONSENT CALENDAR. The following routine matters will be approved in a single motion with the unanimous consent of the Planning Commission. There will be no separate discussion of these items unless good cause is shown by a member of the Commission or the public expressed under audience items prior to the roll call vote. (Items removed will be considered under Business Items.)
 - A. Waive reading in full of all resolutions that are presented for Planning Commission consideration on tonight's agenda and all such resolutions shall be read by title only.
 - B. [PLANNING APPLICATION NO. 25-10](#); APPLICANT: The Bar Method; LOCATION: 2-E Peninsula Center. A Precise Plan of Design to allow a logo on two business identification signs. (KT)
7. BUSINESS ITEMS.

None
8. PUBLIC HEARINGS.
 - A. [PLANNING APPLICATION NO. 17-10](#); APPLICANT: City of Rolling Hills Estates; LOCATION: City-wide; To amend the Municipal Code to clarify the type of vehicles that can be parked in a yard contiguous to a street or highway, including but not limited to commercial vehicles and recreational vehicles. (DW)
 - B. [PLANNING APPLICATION NO. 33-04](#); APPLICANT: D&M Eight Limited Partnership; LOCATION: N/W corner PVDN/PVDE; Request for a Tentative Tract Map No. 52214, Neighborhood Compatibility Determination, Grading Plan and a Mitigated Negative Declaration to establish a residential subdivision. (KT)
 - [Staff Report & Attachments 1-2](#)
 - [Attachments 3-4](#)
9. COMMISSION ITEMS.
10. DIRECTOR'S ITEMS.
11. MATTERS OF INFORMATION.
 - A. Park and Activities Minutes ([October 5, 2010](#)).
 - B. City Council Actions ([October 12, 2010](#)).
 - C. Equestrian Committee Minutes ([September 27, 2010](#)).
12. ADJOURNMENT.



Staff Report

City of Rolling Hills Estates

AGENDA
OCT 18 2010
ITEM NO. 8B

DATE: OCTOBER 18, 2010
TO: PLANNING COMMISSION
FROM: KELLEY THOM, ASSOCIATE PLANNER
SUBJECT: PLANNING APPLICATION 33-04
APPLICANT: THE D&M LIMITED PARTNERSHIP
LOCATION: NORTHEAST CORNER OF PALOS VERDES DRIVE NORTH AND
PALOS VERDES DRIVE EAST

OVERVIEW

The subject request is for approval of a Tentative Tract Map No. 52214, a Neighborhood Compatibility Determination and a Grading Plan to establish a subdivision including 11 residential lots, two landscape lots, and one Commercial Recreation (C-R) designated lot in the RA-20,000 and C-R Zones, 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.

BACKGROUND

Revised Application Filed:	4.30.09
Application Deemed Complete:	5.14.09
Re-circulated IS/MND	9.16.10
Public Notices Mailed:	9.16.10
Public Notices Posted:	9.16.10
Public Notices Published:	9.16.10

On April 19, 2010, the Planning Commission opened the public hearing, took no public testimony, and continued the application to a date uncertain.

Approval of a Tentative Tract Map is required under Section 66426 of the California Government Code and Chapter 16.12 of the Municipal Code.

Approval of a Grading application is required under Section 15.04.040 of the Municipal Code for any importation onto or exportation from any site in the City which exceeds 20 cubic yards of earth or any vertical change in the grade of any site which is 3' or more.

Approval of a Mitigated Negative Declaration is required under the California Environmental Quality Act (CEQA), finding that the project, with appropriate mitigation measures as stated in the Initial Study, will not have a significant impact on the environment.

The subject property is located on the northeast corner of Palos Verdes Drive North (PVDN) and Palos Verdes Drive East (PVDE) and is zoned RA-20,000 and Commercial Recreation (C-R). The General Plan Land Use designation for the site is Low Density Residential and Commercial Recreation, and the property is located in General Plan Land Use Planning Area Number 1. As discussed further below, the project site is subject to the Horse, Cultural Resource, Scenic Corridor, and Ecological Resource Overlay designations in the General Plan.

The subject property is 8.55 acres in size and presently vacant except the southwesterly corner which is developed with a small office building (formerly used by ReMax). The remaining portion of the site includes a ravine with riparian woodland and disturbed/non-native woodland areas.

The site is generally surrounded by residential, commercial recreation, and open space uses. To the north is the Rolling Hills Country Club and Jack Kramer Tennis Club zoned C-R. To the east, across Montecillo Drive, is the Montecillo residential community zoned RA-20,000 and a portion of Rolling Hills Covenant Church zoned Institutional. To the south, across PVDN, is the Palos Verdes Reservoir zoned Open Space/Recreation (OS-R) as well as a portion of Rolling Hills Covenant Church zoned Institutional. To the west, across PVDE, is Dapplegray Park and the Dapplegray residential community zoned RA-20,000.

DISCUSSION

Revised Plans

In response to the comments received on the previous Initial Study and Mitigated Negative Declaration (IS/MND), and from the April 19th Planning Commission public hearing, additional studies have been conducted. As a result, the IS/MND was re-circulated and the project has been revised to include, as follows:

- As recommended by California Department of Fish and Game (CDFG), the applicant's environmental consultant, ECORP Consulting Inc. (ECORP) conducted a jurisdictional delineation of the project site. As a result, a "Notification of Lake or Streambed Alteration" (NLSA) application was filed with the CDFG, and a "Conceptual Restoration Plan" was prepared for the revised project (included separately).
- Additional biological assessments were conducted at the subject site during the spring/summer of 2010, which are noted in the biological section of the re-circulated IS/MND.
- An updated Tree Survey Report has been prepared which inventoried the trees as to their species, health and aesthetic considerations (included separately).
- A revised hydrology study has been prepared and the project has been redesigned to address the drainage issues on and off the proposed site, including enhancement and restoration of the natural drainage course through the development with the creation of a bioswale and detention basin, which is noted in the hydrology section of the re-circulated IS/MND.
- To reduce the amount of visual and physical access between the proposed Equestrian Trail and the Jack Kramer Tennis Club, the proposed trail has been relocated along the property lines of Lots 11 and 12, as shown on the revised Tentative Map and Preliminary Grading Plan (included separately).

- The applicant has prepared a “Letter of Intent for the Public Record Concerning Offer of Exchange of Properties” which addresses the land swap offer with the adjacent Jack Kramer Tennis Club. As part of the offer, Lot 13 would become property of the Tennis Club, to be developed with a surface parking lot for the Tennis Club, and the existing undeveloped residential lot in the northwest corner of the PVDN/Montecillo Drive intersection (labeled “Not a Part” on project plans) would become part of the Butcher Ranch residential tract to be developed with a 12th residential unit (attached).

Under the revised proposal, the site grading would consist of 23,858 cubic yards for cut, 22,614 cubic yards for fill, and a net of 1,244 cubic yards for proposed mound extension (berm) on PVDN. In response to the Commission’s comments regarding drainage issues and material impacts the project will have on the Montecillo neighborhood, overland flow and underground systems have been incorporated to direct water off the proposed street and to the riparian area located to the rear of the proposed lots. The riparian area will be used for both bioinfiltration and infiltration, and a new storm drain outlet will be installed connecting to the existing catch basin in the golf course, with the balance of the site to flow to Montecillo Drive.

As shown on the revised Tentative Map and Preliminary Grading Plan (included separately), a bioswale and bioretention basin are incorporated to create a designated flow path for both on-site runoff and off-site storm water flows that are currently directed into the site’s existing ravine. In addition, the proposed bioretention basin would provide the equivalent of the pre-development storm water retention, with runoff for areas not captured by the bioretention basin to be mitigated. In addition, three drainage areas are incorporated to reduce the volume of storm water flowing from the site into the storm drain system at Montecillo. For further information, please see the hydrology section of the re-circulated IS/MND (attached separately).

To accommodate the proposed building pads and street, large trees on-site are proposed to be removed. Previously, staff recommended a condition of approval for the project requiring a tree survey to determine whether some of the on-site trees can be preserved in place, or relocated on site, in conjunction with the subject application. As a response to the Commission’s comments, the applicant has prepared an updated tree survey which inventories the trees as to their species, health, and aesthetic considerations, and based on this report, 98 trees would be removed due to site development/grading and replaced with 24” box trees. It should be noted that per the Conceptual Restoration Plan (attached), approximately 51 trees in the jurisdictional area (existing ravine) would be removed and replaced at 1:1 for a net removal of zero.

Zoning Applicability

C-R Zone

As discussed in previous staff reports, the Jack Kramer Tennis Club representatives have expressed potential interest in purchasing Lot 13 (formerly known as Lot 14) for incorporation into its facilities. Incorporation of the lot into this larger facility would result in an overall development of over two acres for the entire Jack Kramer Tennis Club in conformance with zoning requirements. It can also be noted that Butcher representatives expressed interest in purchasing a property located at the southwest corner of Montecillo Drive and Casaba Road (immediately adjacent to the subject subdivision) which is owned by the Jack Kramer Club and zoned RA-20,000.

If the proposed project is approved, the applicant envisions a future land swap with the adjacent Jack Kramer Tennis Club, and has prepared a “Letter of Intent for the Public Record Concerning Offer of Exchange of Properties” which addresses the land swap offer (attached). In the land swap scenario, Lot 13 would become property of the Tennis Club, to be developed with a surface parking lot for the Tennis Club, and the existing undeveloped residential lot in the

northeast corner of the PVDN/Montecillo Drive intersection (labeled "Not a Part" on project plans) would become part of the Butcher Ranch residential tract to be developed with a 12th residential unit.

It also should be noted that this agreement would be contingent upon the approval of the proposed subdivision by the City. However, the offer in the Letter of Intent will terminate on December 1, 2012, unless the Jack Kramer Tennis Club has accepted the offer and escrow has closed on or before that date. For further information, please see the Project Description section and Figures 4 and 5 in the re-circulated IS/MND (included separately).

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

The proposed development has been defined as a project under the California Environmental Quality Act (CEQA), which requires completion of an Initial Study to determine if the project would have significant impacts on the environment. As a result of comments received on the previous Initial Study and Mitigated Negative Declaration (IS/MND), and from the April 19th Planning Commission public hearing, additional studies have been conducted. As a result, the IS/MND was re-circulated with a 30-day public comment period beginning on September 16, 2010 and ending on October 18, 2010. The Notice of Intent to Adopt a Mitigated Negative Declaration, and the Initial Study and Mitigated Negative Declaration, were routed to the State Clearinghouse, adjacent cities, all property owners within 500' of the project site, and other interested parties. The notice provides a brief description of the project, the Planning Commission public hearing date/time/location, how to obtain detailed information about the project (including the Initial Study document), and the Planning Commission's intent to adopt the Mitigated Negative Declaration. The Initial Study was posted on the City's website and provided at the public counter for review. Copies of the IS/MND and Notice were also provided to the adjacent Peninsula cities and the County of Los Angeles.

Mitigation Measures are included in the IS/MND for the categories of Land Use/Planning, Aesthetics, including Neighborhood Compatibility Analysis, Transportation/Traffic, Air Quality, including Greenhouse Gas (GHG) Emissions, Biological Resources, Cultural Resources, Geology and Soils, Hydrology, and Utilities and Service Systems.

Response to Comments

Currently, two letters were received on the re-circulated IS/MND during the public review period. The comment letters, which are accompanied by staff's response to the Response to Comments document (attached), include discussion of the project's wastewater discharge and project impacts on potential cultural resources. In addition, although no formal comments have been received at this time from CDFG on the re-circulated IS/MND, the City's consultant is currently in discussion with CDFG regarding the project's site maintenance issues, which may result in the Streambed Alteration Agreement being revised. In addition, any comment letters received after the date this report was written will be provided to the Commission on the dais at the October 18th Public Hearing.

John Bellas of Willdan Associates, who prepared the Initial Study, will be at the public hearing to answer any related questions.

RECOMMENDATION

Because the project involves review and approval of a Tentative Tract Map, as mentioned previously, the Planning Commission acts only in an advisory role to the City Council for the project. Thus, staff recommends that the Planning Commission:

1. Take Public Testimony
2. Discuss the issues;
3. Continue the Public Hearing; and
4. Direct staff to prepare a Resolution recommending to the City Council approval of PA-33-04 as well as the adoption of the associated Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) for the next Planning Commission meeting of November 1, 2010.

Exhibits

Attached

1. Response to Comments for the September 15, 2010 Initial Study and Mitigated Negative Declaration
2. Updated Response to Comments for the February 16, 2010 Initial Study and Mitigated Negative Declaration
3. Minutes and Staff Reports dated April 19, 2010
4. Letter of Intent for the Public Record Concerning Offer of Exchange of Properties, dated July 8, 2010

Separate

1. Revised Initial Study and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, dated September 16, 2010
2. Notification of Lake or Streambed Alteration Agreement and Conceptual Restoration Plan, dated July 21, 2010
3. Updated Tree Report, dated June 21, 2010
4. Architectural Drawings, dated October 4, 2010
5. Revised Tentative Tract Map No. 52214 and Preliminary Grading Plan, dated October 1, 2010

PA-33-04 pm – 10.18.10

**BUTCHER RANCH – TENTATIVE TRACT NO. 52214
INITIAL STUDY AND
PROPOSED MITIGATED NEGATIVE DECLARATION
SEPTEMBER 15, 2010 ITERATION
COMMENTS AND RESPONSES**

**PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES THAT
COMMENTED ON THE PROPOSED MITIGATED NEGATIVE
DECLARATION**

The public review period for the Initial Study and Proposed Mitigated Negative Declaration for the Butcher Ranch – Tentative Tract No. 52214 Project commenced on September 16, 2010 and ended on October 18, 2010. Table 1 lists the persons, organizations, and public agencies that provided comments to the City of Rolling Hills Estates on the Proposed Mitigated Negative Declaration.

Table 1		
Commenters on the Draft EIR		
Agency, Organization, and/or Person	Date Received	Date of Letter
County Sanitation Districts of Los Angeles County Raza, Adriana	9/29/2010	9/28/2010
Native American Heritage Commission Singleton, Dave	9/24/2010	9/22/2010

COMMENTS AND RESPONSES

The comment letters received on the Proposed Mitigated Negative Declaration are presented below along with the Lead Agency’s responses to the environmental points that were raised. Each point raised in these comment letters was assigned a number (e.g. XY-1). The Lead Agency’s response to each enumerated comment is provided after the respective comment letter. The comment letters and corresponding responses appear in the same order as they are listed in Table 1.

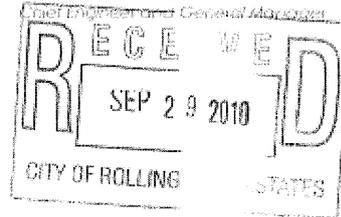
LETTER FROM: COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY, ADRIANA RAZA, CUSTOMER SERVICE SPECIALIST



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lcsd.org

STEPHEN R. MAGUIN



September 28, 2010

File No: 05-00.04-00

Ms. Kelley Thom, Associate Planner
Planning Department
City of Rolling Hills Estates
4045 Palos Verdes Drive North
Rolling Hills Estates, CA 90274

Dear Ms. Thom:

Butcher Ranch, Tentative Tract Map No. 52214

The County Sanitation Districts of Los Angeles County (Districts) received a Notice of Intent to Prepare a Negative Declaration for the subject project on September 17, 2010. The proposed development is located within the jurisdictional boundaries of District No. 5. We offer the following comments:

- Previous comments submitted by the Districts in correspondence dated March 4, 2010 (copy enclosed), still apply to the subject project with the following updated information.
- The Joint Water Pollution Control Plant currently processes an average flow of 280.5 million gallons per day.

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717.

Very truly yours,

Stephen R. Maguin

Adriana Raza
Customer Service Specialist
Facilities Planning Department

AR:ar

Enclosure

Doc #: 1648837.1



RESPONSES

SD-b1: The commenter provides opening remarks. No response is required.

SD-b2: Responses to comments submitted by the County Sanitation Districts on March 4, 2010 are provided as part of the responses to comments on the February 16, 2010 iteration of the Initial Study.

SD-b3: The commenter clarifies that the Joint Water Pollution Control Plant (JWPCP) currently processes an average flow of 280.5 million gallons per day (mgd). The Initial Study assumed the JWPCP processed an average flow of 319.6 mgd, compared to the facility's 385 mgd capacity. Thus, the facility has more available capacity than what was considered in the Initial Study. Impacts remain less than significant.

SD-b4: The commenter provides closing remarks. No response required.

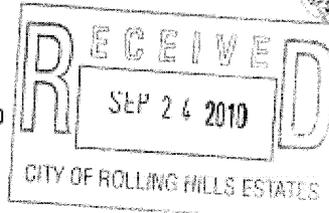
LETTER FROM: NATIVE AMERICAN HERITAGE COMMISSION, DAVE SINGLETON, PROGRAM ANALYST

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net



September 22, 2010

Ms. Kelley Thom, Planner
CITY OF ROLLING HILLS ESTATES
4045 Palos Verdes Drive North
Rolling Hills Estates, CA 90274

Re: SCH#2005081098: CEQA Notice of Completion: proposed Mitigated Negative Declaration for the Butcher Ranch – Tentative Tract No. 52214 Project Project located in the City of Rolling Hills Estates: Los Angeles County, California.

Dear Ms. Thom:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see *Environmental Protection Information Center v. Johnson* (1985) 170 Cal App. 3rd 604). The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amendment effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance. The lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. State law also addresses Native American Religious Expression in Public Resources Code §5097.9.

NAHC-1

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources were not identified within one-half mile radius of the 'area of potential effect (APE)'. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

NAHC-2

Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for archaeological data. (916) 653-7278.

NAHC-3

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f]) *et seq.*, 36 CFR Part 800.3, the President's Council on Environmental Quality (CSQ: 42 U.S.C. 4371 *et seq.*) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including *cultural landscapes*. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

NAHC-4

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'. Discussion of these should be included in your environmental documents, as appropriate.

NAHC-5

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of 'historic properties of religious and cultural significance' may also be protected under Section 304 of the NHPA or at the Secretary of the Interior's discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C. 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

NAHC-6

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as 'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 SB 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

NAHC-7

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or

NAHC-8

2

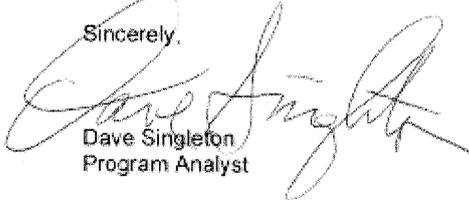
medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

NAHC-8
(cont.)

Please feel free to contact me at (916) 653-6251 if you have any questions.

NAHC-9

Sincerely,



Dave Singleton
Program Analyst

Attachment: List of Culturally Affiliated Native American Contacts

Cc: State Clearinghouse

Native American Contacts
 Los Angeles County
 September 22, 2010

Charles Cooke
 32835 Santiago Road
 Acton, CA 93510
 suscol@intox.net

 (661) 733-1812 - cell
 suscol@intox.net

Chumash
 Fernandeno
 Tataviam
 Kitanemuk

Gabrieleno/Tongva San Gabriel Band of Mission
 Anthony Morales, Chairperson
 PO Box 693
 San Gabriel, CA 91778
 GTTribalcouncil@aol.com
 (626) 286-1632
 (626) 286-1758 - Home
 (626) 286-1262 -FAX

Gabrielino Tongva

LA City/County Native American Indian Comm
 Ron Andrade, Director
 3175 West 6th Street, Rm.
 Los Angeles, CA 90020
 randrade@css.lacounty.gov
 (213) 351-5324
 (213) 386-3995 FAX

Gabrielino Tongva Nation
 Sam Dunlap, Chairperson
 P.O. Box 86908
 Los Angeles, CA 90086
samdunlap@earthlink.net

Gabrielino Tongva

(909) 262-9351 - cell

Ti'At Society
 Cindi Alvitre
 6515 E. Seaside Walk, #C
 Long Beach, CA 90803
 calvitre@yahoo.com
 (714) 504-2468 Cell

Gabrielino

Gabrielino Tongva Indians of California Tribal Council
 Robert F. Doramae, Tribal Chair/Cultural
 P.O. Box 490
 Bellflower, CA 90707
gtongva@verizon.net
 562-761-6417 - voice
 562-925-7989 - fax

Gabrielino Tongva

Tongva Ancestral Territorial Tribal Nation
 John Tommy Rosas, Tribal Admin.

tattnlaw@gmail.com
 310-570-6567

Gabrielino Tongva

Gabrielino-Tongva Tribe
 Bernie Acuna
 1875 Century Pk East #1500
 Los Angeles, CA 90067
 (310) 428-7720 - cell
 (310) 587-2281

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed sCH#2005081098; CEQA Notice of Completion; proposed Mitigated Negative Declaration and Initial Study for the Butcher Ranch - Tentative Tract No. 52214 Project; located in the City of Rolling Hills Estates; Los Angeles County, California.

Native American Contacts
Los Angeles County
September 22, 2010

Shoshoneon Gabrieleno Band of Mission Indians
Andy Salas, Chairperson

PO Box 393 Gabrieleno
Covina , CA 91723
(626)926-4111
gabirelenoindians@yahoo.
com
213) 688-0181 - FAX

Gabrielino-Tongva Tribe
Linda Candelaria, Chairwoman
1875 Century Park East, Suite 1500
Los Angeles , CA 90067 Gabrielino
lcandelaria1@gabrielinoTribe.org
310-428-5767- cell
(310) 587-2281

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed sCH#2005081098; CEQA Notice of Completion; proposed Mitigated Negative Declaration and Initial Study for the Butcher Ranch - Tentative Tract No. 52214 Project; located in the City of Rolling Hills Estates; Los Angeles County, California.

RESPONSES

NAHC-1: Introductory remarks are made and background information is provided. No response is required.

NAHC-2: The negative results of the Sacred Lands File Inventory and the provided Native American contacts are noted.

NAHC-3: A Phase I Cultural Survey was prepared for the project site by John Minch and Associates, Inc., dated October 22, 1998. Research for this Phase I included a review of the South Central Coastal Information Center's (SCCIC) archives, which was the most comprehensive and appropriate database of archaeological resource information at the time of the survey.

NAHC-4: The project is not a federal action and does not require any federal approvals. Therefore, the project is not subject to the requirements of the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA), Section 4(f) of the Department of Transportation Act, 36 CFR Part 800.3, the guidance of President's Council on Environmental Quality, or the Native American Graves Protection and Repatriation Act (NAGPRA). Statements regarding the Secretary of the Interior's Standards for the Treatment of Historic Properties are noted.

NAHC-5: Recommendations are noted. See Mitigation Measure CULT-1, which address CEQA considerations and applicable Health & Safety Code sections.

NAHC-6: The confidentiality of the Sacred Lands Inventory information is noted.

NAHC-7: The NAHC's interpretations of CEQA Guidelines Section 15064.5(d) are noted. Mitigation Measure CULT-1 is consistent with this section of the CEQA Guidelines and requires consultation with affiliated Native Americans in the event that cultural materials are discovered during construction/monitoring.

The project is an electric transmission corridor and, therefore, the Federal Energy Policy Act of 2005 does not apply.

NAHC-8: The requirements of Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, and the guidance provided by Section 15064.5(d) of the State CEQA Guidelines are noted.

NAHC-9: Closing remarks are made. No response is required.

**BUTCHER RANCH – TENTATIVE TRACT NO. 52214
INITIAL STUDY
FEBRUARY 16, 2010 ITERATION
COMMENTS AND RESPONSES**

PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES THAT COMMENTED ON THE PROPOSED MITIGATED NEGATIVE DECLARATION

An iteration of the Initial Study and Proposed Mitigated Negative Declaration for the Butcher Ranch – Tentative Tract No. 52214 Project was published on February 16, 2010 for a 30-day public review period, which ended on March 18, 2010. Table 1 lists the persons, organizations, and public agencies that provided comments to the City of Rolling Hills Estates during that review.

Table 1 Commenters on the Draft EIR		
Agency, Organization, and/or Person	Date Received	Date of Letter
County Sanitation Districts of Los Angeles County Raza, Adriana	3/5/2010	3/4/2010
City of Rancho Palos Verdes Fox, Kit	3/8/2010	3/8/2010
California Department of Fish and Game Pert, Edmund; Harris, Scott	3/11/2010	3/11/2010
California Native Plant Society, South Coast Chapter Sattler, Barbara	3/17/2010	3/17/2010

COMMENTS AND RESPONSES

The comment letters received on the Proposed Mitigated Negative Declaration are presented below along with the Lead Agency’s responses to the environmental points that were raised. Each point raised in these comment letters was assigned a number (e.g. XY-1). The Lead Agency’s response to each enumerated comment is provided after the respective comment letter. The comment letters and corresponding responses appear in the same order as they are listed in Table 1.

LETTER FROM: COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY, ADRIANA RAZA, CUSTOMER SERVICE SPECIALIST



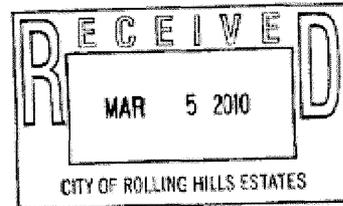
COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

STEPHEN R. MAGUIN
Chief Engineer and General Manager

March 4, 2010

File No: 05-00.04-00



Ms. Kelly Thom, Associate Planner
Planning Department
City of Rolling Hills Estates
4045 Palos Verdes Drive North
Rolling Hills Estates, CA 90274

Dear Ms. Thom:

Butcher Ranch, Tentative Tract Map No. 52214

The County Sanitation Districts of Los Angeles County (Districts) received a Notice of Intent to Adopt a Mitigated Negative Declaration for the subject project on February 18, 2010. The proposed development is located within the jurisdictional boundaries of District No. 5. We offer the following comments regarding sewerage service:

- 1. The wastewater flow originating from the proposed project will discharge directly to the Districts' Narbone Avenue Trunk Sewer, Section 3, located in Palos Verdes Drive East at Palos Verdes Drive North. This 10-inch diameter trunk sewer has a design capacity of 2.6 million gallons per day (mgd) and conveyed a peak flow of 0.5 mgd when last measured in 2007. A direct connection to a Districts' trunk sewer requires a Trunk Sewer Connection Permit, issued by the Districts. For information regarding the permit, please contact the Public Counter at extension 1205.
2. The wastewater generated by the proposed project will be treated at the Joint Water Pollution Control Plant located in the City of Carson, which has a design capacity of 400 mgd and currently processes an average flow of mgd. 282.2.
3. The expected average wastewater flow from the project site is 2,860 gallons per day. For a copy of the Districts' average wastewater generation factors, go to www.lacsd.org, Information Center, Will Serve Program, Obtain Will Serve Letter, and click on the appropriate link on page 2.
4. The Districts are authorized by the California Health and Safety Code to charge a fee for the privilege of connecting (directly or indirectly) to the Districts' Sewerage System or increasing the strength or quantity of wastewater attributable to a particular parcel or operation already connected. This connection fee is a capital facilities fee that is imposed in an amount sufficient to construct an incremental expansion of the Sewerage System to accommodate the proposed project. Payment of a connection fee will be required before a permit to connect to the sewer is issued. For a copy of the Connection Fee Information Sheet, go to www.lacsd.org, Information Center, Will Serve Program, Obtain Will Serve Letter, and click on the appropriate link on page 2. For more specific information

SD-1

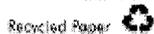
SD-2

SD-3

SD-4

SD-5

Doc# 1511458.1



Page 2

3103774468

Rolling Hills Estates

MAR 08 2010 10:35AM

Ms. Kelly Thom, Associate Planner

-2-

March 4, 2010

regarding the connection fee application procedure and fees, please contact the Connection Fee Counter at extension 2727.

SD-5
(cont.)

- 5. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the design capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CAA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but is to advise you that the Districts intend to provide this service up to the levels that are legally permitted and to inform you of the currently existing capacity and any proposed expansion of the Districts' facilities.

SD-6

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717.

SD-7

Very truly yours,

Stephen R. Maguin

Adriana Raza
Customer Service Specialist
Facilities Planning Department

AR:ar

Doc #: 1511451.1

Page 3

3103774468

Mar 08 2010 10:35AM ROLLING HILLS Estates

RESPONSES

SD-1: The commenter provides opening remarks. No response is required.

SD-2: The commenter provides information regarding the wastewater system in the project vicinity and identifies the potential need for a “Trunk Sewer Connection Permit”. The information is noted. No response is required.

SD-3: The commenter identifies that project-generated wastewater would be treated at the Joint Water Pollution Control Plant in Carson, CA, and identifies the capacity of that facility. The information is noted. No response is required.

SD-4: The commenter identifies that the project is anticipated to generate 2,860 gallons per day of wastewater, which is less than the amount of wastewater generation considered in the Initial Study (3,380 gallons per day). As such, Initial Study Response XVI(a, e) has been revised accordingly. Regardless, since the wastewater generation considered in the Initial Study is greater than the volume of wastewater anticipated by the Sanitation District, the conclusions of the Initial Study remain unchanged.

SD-5: The comments/information is noted. No response is required.

SD-6: The comments/information is noted. No response is required.

SD-7: The commenter provides closing remarks. No response required.

LETTER FROM: CITY OF RANCHO PALOS VERDES, KIT FOX, ASSOCIATE PLANNER



8 March 2010

Kelley Thom, Associate Planner
City of Rolling Hills Estates
4045 Palos Verdes Dr. N.
Rolling Hills Estates, CA 90274

SUBJECT: Comments in Response to the Notice of Intent to Adopt a Mitigated Negative Declaration for the *Butcher Ranch* Subdivision at 2483 Palos Verdes Drive North (PA No. 33-04)

Dear ^{Kelley}Ms. Thom:

The City of Rancho Palos Verdes appreciates the opportunity to comment upon the proposed Mitigated Negative Declaration (MND) for the above-mentioned project. We have reviewed the MND and project exhibits, and are pleased to see the extensive revisions made to the project since it was last considered by the Rolling Hills Estates Planning Commission and City Council in 2006. These revisions appear to have substantially reduced the scope and environmental impacts of the project. Accordingly, we have no comments to offer on the revised project at this time.

RPV-1

Again, thank you for the opportunity to comment upon this important project. If you have any questions or need additional information, please feel free to contact me at (310) 544-5228 or via e-mail at kitf@rpv.com.

Sincerely,

Kit Fox, AICP
Associate Planner

cc: Mayor Wolowicz and City Council
Carolyn Lehr, City Manager
Joe! Rojas, Community Development Director

M:\Border Issues\Butcher Ranch Subdivision\2010\3306_MNDComments.doc

30340 Hillburne Blvd. / Rancho Palos Verdes, CA 90275-5951
PLANNING / CODE ENFORCEMENT (310) 544-5228 / BUILDING (310) 266-7860 / DEPT. TAX (310) 544-5293 / E-MAIL: PLANNING@RPV.CITY

RESPONSES

RPV-1: Mr. Fox states that the City of Rancho Palos Verdes has no comments on the project at this time. Remarks are noted. No response is required.

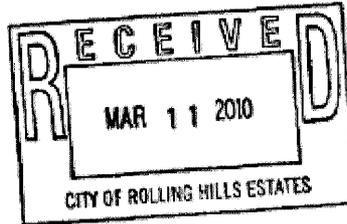
LETTER FROM: CALIFORNIA DEPARTMENT OF FISH AND GAME, EDMUND PERT, REGIONAL MANAGER, AND SCOTT HARRIS, ENVIRONMENTAL SCIENTIST

Mar 11 2010 2:14PM Rolling Hills Estates 3103774468 page 2
03/11/2010 13 29 FAX 18584874299 DFG R5 Southcoast Region 001/011



California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201
http://www.dfg.ca.gov

ARNOLD SCHWARZENEGGER, Governor
JOHN MCCAMMAN, Director



March 11, 2010

Ms. Kelly Thom
City of Rolling Hills Estates
4045 Palos Verdes Drive North
Rolling Hills Estates, CA 90274

Subject: Draft Mitigated Negative Declaration for Butcher Ranch Subdivision,
Rolling Hills Estates, Los Angeles County SCH# 2005081098

Dear Ms. Thom:

The Department of Fish and Game (Department) has reviewed the draft Initial Study (IS) and Draft Mitigated Negative Declaration (DMND) for the subdivision of 8.55 acres into 14 lots located at the corner of Palos Verdes Drive North and Palos Verdes Drive East, City of Rolling Hills Estates, Los Angeles County. Eleven of the lots would be developed into single-family residential units with access to a proposed equestrian arena facility. The proposed site plan includes a greenbelt that would not be dedicated as open space but rather remain a feature within the proposed residential lots. One lot is proposed for a mini park, one lot to remain vacant and continue to be zoned for Commercial Recreation and one lot for a road construction and an adjacent landscape buffer. The project also includes demolition of the existing structure, grading, construction of a 15' wide equestrian trail and local access road, and installation of drainage facilities.

According to the IS, the site is currently undeveloped except for a single small commercial building on one corner. Most of the undeveloped portions of the site are fairly level and consist of cleared, open fields vegetated with ruderal herbaceous species and non-native grasses. The site includes a ravine with native riparian vegetation including mature willow trees. Several species of non-native trees are also present on the project site. The proposed project will result in the grading and filling of approximately 1/3 of the approximately 65,000 square foot riparian ravine area on site.

The Department has prepared the following statements and comments pursuant to our authority as Trustee Agency with jurisdiction over natural resources affected by the project under the California Environmental Quality Act (CEQA Section 15386) and Responsible Agency (Section 15381) over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code Section 2050 et seq.) and Fish and Game Code Section 1600 et seq. regarding impacts to streams and lakes.

Impacts to Biological Resources

1. Special Status Species Assessment— The IS references a biological resources survey of the site in 2002, a vegetation survey of the Remax lot in 2001 and a biological assessment of the site conducted in 2003 and updated in 2005 (reports). Based upon the reports, the IS concluded that the site does not support habitat for the California gnatcatcher and no other agency-listed threatened, endangered or other species of special concern were detected during the surveys and none would be expected to occur within the area.

Conserving California's Wildlife Since 1870

DFG-1

DFG-2

Ms. Kelly Thom
March 11, 2010
Page 2 of 4

a. The IS did not include any of the referenced reports and therefore the Department cannot concur with the survey methodologies and conclusions in the DMND regarding the presence or absence of, and level of project impact significance to special status species.

DFG-3

b. The site appears to support suitable habitat for the state and federal listed least Bell's vireo (LBV). However, the IS did not include a discussion for this species. Due to LBV recovery efforts, this species continues to expand into its historical range including riparian areas surrounded by residential development receiving natural and/or urban runoff. The Department recommends focused surveys for LBV and further consultation with the Department under the California Endangered Species Act if the project will result in take of LBV.

DFG-4

c. The project site may support suitable habitat for western spadefoot (spadefoot) a California Species of Special Concern. The IS states that western toad and Pacific tree frogs exist on the site and so the site appears to support standing water at appropriate times of the year for the persistence of amphibian species. Spadefoot are pond-breeding amphibians and spend most of the year underground in burrows created and maintained by burrowing rodents (ground squirrels, pocket gophers, kangaroo rats, pocket mice, etc.). Spadefoot are easily overlooked and are under-represented in available inventory records such as the Natural Diversity Data Base. The Department recommends further effort in the MND to address spadefoot presence or absence, avoidance and/or mitigation measures. Loss of occupied spadefoot habitat would be considered a significant impact under CEQA (CEQA Guidelines Sections 15380 (d), 15065 (a)). Significant adverse impacts to spadefoot would require the preparation of an EIR unless appropriate avoidance and/or mitigation measures are implemented. Appropriate mitigation measures could include avoidance and onsite preservation of appropriate pooling and upland habitat and/or off site acquisition and preservation of suitable habitat for this species.

DFG-5

2. The IS states in Mitigation Measure BIO-4 that special status plant surveys shall take place prior to any earth moving or vegetation disturbances. Mitigation Measure BIO-5 states that impacts to sensitive plant species will be avoided within the designated greenbelt that will be developed into equestrian arenas and an equestrian trail.

DFG-6

a. It appears that only selected portions of proposed disturbance areas, apparently not including wildfire abatement areas and the residential lots, will be subject to avoidance of any detected special status plant species. The Department recommends that BIO-4 plant surveys be conducted in all areas of the project site subject to disturbances that may provide habitat for special status plant species. Adverse project impacts to state and federally threatened and/or endangered plant species, and plants listed as 1A, 1B and 2 under the California Native Plant Society Inventory of Rare and Endangered Vascular Plants of California are considered significant under CEQA. (CEQA Guidelines Sections 15380 (d), 15065 (a)) Significant adverse impacts to sensitive plant communities would require the preparation of an EIR unless appropriate avoidance and/or mitigation measures are implemented. The Department recommends avoidance of impacts and/or onsite preservation or offsite acquisition and preservation of habitat of equal or greater value to mitigate for direct, indirect and cumulative impacts to sensitive species below a significant level under CEQA.

DFG-7

b. The Department recommends all botanical surveys follow the Department's recommendations found in the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (attached).

DFG-8

Ms. Kelly Thom
March 11, 2010
Page 3 of 4

3. Impacts to Native Bird Species - The project supports nesting habitat for native birds that will be impacted by the proposed project. The IS recommends bird surveys be conducted commencing February 15.

a. Commencing bird surveys on February 15 may miss early nesting raptor species. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).

b. Proposed project activities (including disturbances to native and non-native vegetation, demolition of structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).

c. If avoidance of the breeding bird season is not feasible, the Department recommends that beginning thirty days prior to the disturbance of suitable nesting habitat, the project proponent should arrange for weekly bird surveys to detect protected native birds occurring in the habitat that is to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys should be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys should continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of clearance/construction work. If a protected native bird is found, the project proponent should delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31. Alternatively, the qualified biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, must be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing marking the protected area 300 feet (or 500 feet) from the nest. Construction personnel should be instructed on the sensitivity of the area. The project proponent should record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

DFG-9

4. Riparian Resources - The DMND states that the project supports riparian habitat within a ravine on the project site and that "in 1979, the ravine area was subject to a California Department of Fish and Game arbitration decision (No.V-78-490), which determined that (1) that the water that accumulated in the ravine intermittently is the result of an old drain pipe originally serving a sand and gravel pit, (2) that the ravine has been previously shortened by construction of the golf course and club house eliminating the areas downstream of the golf course of drainage water; (3) that adjacent uses make the property's value as a resource to wildlife minimal, and 4) that the project site is not subject to DFG jurisdiction. DFG was contacted in 2006, and did not indicate any need to change the 1979 decision."

DFG-10

a. The IS did not provide any detailed documentation regarding consultation with the Department and so the Department cannot concur with statements and/or conclusions in the IS of the presence or absence of Department jurisdictional drainages without conducting a site

Mar 11 2010 2:16PM Rolling Hills Estates 3103774468 page 5
03/11/2010 13:30 FAX 18584674293 DFG R5 Southcoast Region 004/011

Ms. Kelly Thom
March 11, 2010
Page 4 of 4

inspection. The Department has broad jurisdiction over drainages including intermittent, ephemeral and/or man-made drainages. Drainage features that are often overlooked by initial biological constraints analysis done by entities other than the Department may in fact be jurisdictional.

b. The Department requires a Streambed Alteration Agreement (SAA), pursuant to Section 1800 of seq. of the Fish and Game Code, with the applicant prior to any direct or indirect impact to a lake or stream bed, bank or channel or associated riparian resources. The Department's issuance of a SAA is considered a project that is subject to CEQA. To facilitate our issuance of the SAA, the Department as a responsible agency under CEQA may consider the local jurisdiction's (lead agency) document for the project. To minimize additional requirements by the Department under CEQA the document should fully identify the potential impacts to the lake, stream or riparian resources and any listed species and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the SAA. Early consultation is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. Further information on the Department's Lake and Streambed Alteration Program and initiating a Department streambed jurisdiction determination may be found at: www.dfg.ca.gov/1800/index.html.

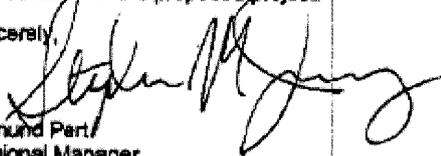
DFG-10
(cont.)

In order to justify the noticing of a MND for the project, the Department recommends that the CEQA document address the Department's concerns for the benefit of wildlife and supporting natural resources.

DFG-11

Thank you for this opportunity to provide comment. Please contact Mr. Scott Harris, Environmental Scientist, at (626) 797-3170 if you should have any questions and for further coordination on the proposed project.

Sincerely,



Edmund Part
Regional Manager
South Coast Region

FBA

Attachment

cc: Ms. Helen Birss, Los Alamitos
Ms. Terri Dickerson, Laguna Niguel
Mr. Kelly Schmoker
Mr. Scott Harris, Pasadena
Mr. Rick Mayfield, Oxnard
State Clearinghouse, Sacramento
Sierra Club, Los Angeles Chapter

Mr. Mickey Long, California Native Plant Society
San Gabriel Mountains Chapter
1750 North Altadena Drive
Pasadena, California 91107-1046

Mr. Gary Butcher
The D&M Eight Ltd. Partnership
2371 Torrance Boulevard
Torrance, CA 90501

Mar 11 2010 2:17PM Rolling Hills Estates 3103774468
 03/11/2010 13:30 FAX 18584874298 DFB R5 Southeast Region

page 6
 005/011

Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities

State of California
 CALIFORNIA NATURAL RESOURCES AGENCY
 Department of Fish and Game
 November 24, 2009¹

INTRODUCTION AND PURPOSE

The conservation of special status native plants and their habitats, as well as natural communities, is integral to maintaining biological diversity. The purpose of these protocols is to facilitate a consistent and systematic approach to the survey and assessment of special status native plants and natural communities so that reliable information is produced and the potential of locating a special status plant species or natural community is maximized. They may also help those who prepare and review environmental documents determine when a botanical survey is needed, how field surveys may be conducted, what information to include in a survey report, and what qualifications to consider for surveyors. The protocols may help avoid delays caused when inadequate biological information is provided during the environmental review process; assist lead, trustee and responsible reviewing agencies to make an informed decision regarding the direct, indirect, and cumulative effects of a proposed development, activity, or action on special status native plants and natural communities; meet California Environmental Quality Act (CEQA)² requirements for adequate disclosure of potential impacts; and conserve public trust resources.

DEPARTMENT OF FISH AND GAME TRUSTEE AND RESPONSIBLE AGENCY MISSION

The mission of the Department of Fish and Game (DFG) is to manage California's diverse wildlife and native plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. DFG has jurisdiction over the conservation, protection, and management of wildlife, native plants, and habitat necessary to maintain biologically sustainable populations (Fish and Game Code §1802). DFG, as trustee agency under CEQA §15386, provides expertise in reviewing and commenting on environmental documents and makes protocols regarding potential negative impacts to those resources held in trust for the people of California.

Certain species are in danger of extinction because their habitats have been severely reduced in acreage, are threatened with destruction or adverse modification, or because of a combination of these and other factors. The California Endangered Species Act (CESA) provides additional protections for such species, including take prohibitions (Fish and Game Code §2050 et seq.). As a responsible agency, DFG has the authority to issue permits for the take of species listed under CESA if the take is incidental to an otherwise lawful activity; DFG has determined that the impacts of the take have been minimized and fully mitigated; and, the take would not jeopardize the continued existence of the species (Fish and Game Code §2081). Surveys are one of the preliminary steps to detect a listed or special status plant species or natural community that may be impacted significantly by a project.

DEFINITIONS

Botanical surveys provide information used to determine the potential environmental effects of proposed projects on all special status plants and natural communities as required by law (i.e., CEQA, CESA, and Federal Endangered Species Act (ESA)). Some key terms in this document appear in bold font for assistance in use of the document.

For the purposes of this document, **special status plants** include all plant species that meet one or more of the following criteria³:

- ¹ This document replaces the DFG document entitled "Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened and Endangered Plants and Natural Communities."
- ² <http://ceqa.ca.gov/ceqa/>
- ³ Adapted from the East Alameda County Conservation Strategy available at http://www.fws.gov/sacramento/EACCS/Documents/080228_Species_Evaluation_EACCS.pdf

Survey Protocols
 Page 1 of 7

- Listed or proposed for listing as threatened or endangered under ESA or candidates for possible future listing as threatened or endangered under the ESA (50 CFR §17.12).
- Listed^a or candidates for listing by the State of California as threatened or endangered under CESA (Fish and Game Code §2050 et seq.). A species, subspecies, or variety of plant is endangered when the prospects of its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, over-exploitation, predation, competition, disease, or other factors (Fish and Game Code §2052). A plant is threatened when it is likely to become endangered in the foreseeable future in the absence of special protection and management measures (Fish and Game Code §2057).
- Listed as rare under the California Native Plant Protection Act (Fish and Game Code §1900 et seq.). A plant is rare when, although not presently threatened with extinction, the species, subspecies, or variety is found in such small numbers throughout its range that it may be endangered if its environment worsens (Fish and Game Code §1901).
- Meet the definition of rare or endangered under CEQA §15380(b) and (d). Species that may meet the definition of rare or endangered include the following:
 - Species considered by the California Native Plant Society (CNPS) to be 'rare, threatened or endangered in California' (Lists 1A, 1B and 2);
 - Species that may warrant consideration on the basis of local significance or recent biological information^b;
 - Some species included on the California Natural Diversity Database's (CNDDDB) *Special Plants, Bryophytes, and Lichens List* (California Department of Fish and Game 2008)^c;
- Considered a locally significant species, that is, a species that is not rare from a statewide perspective but is rare or uncommon in a local context such as within a county or region (CEQA §15125 (c)) or is so designated in local or regional plans, policies, or ordinances (CEQA Guidelines, Appendix G). Examples include a species at the outer limits of its known range or a species occurring on an uncommon soil type.

Special status natural communities are communities that are of limited distribution statewide or within a county or region and are often vulnerable to environmental effects of projects. These communities may or may not contain special status species or their habitat. The most current version of the Department's *List of California Terrestrial Natural Communities*^d indicates which natural communities are of special status given the current state of the California classification.

Most types of wetlands and riparian communities are considered special status natural communities due to their limited distribution in California. These natural communities often contain special status plants such as those described above. These protocols may be used in conjunction with protocols formulated by other agencies, for example, those developed by the U.S. Army Corps of Engineers to delineate jurisdictional wetlands^e or by the U.S. Fish and Wildlife Service to survey for the presence of special status plants^f.

^a Refer to current online published lists available at: <http://www.dfg.ca.gov/biodiversity>.
^b In general, CNPS List 3 plants (plants about which more information is needed) and List 4 plants (plants of limited distribution) may not warrant consideration under CEQA §15380. These plants may be included on special status plant lists such as those developed by counties where they would be addressed under CEQA §15380. List 3 plants may be analyzed under CEQA §15380 if sufficient information is available to assess potential impacts to such plants. Factors such as regional rarity vs. statewide rarity should be considered in determining whether cumulative impacts to a List 4 plant are significant even if individual project impacts are not. List 3 and 4 plants are also included in the California Natural Diversity Database's (CNDDDB) *Special Plants, Bryophytes, and Lichens List*. (Refer to the current online published list available at: <http://www.dfg.ca.gov/biodiversity>.) Data on Lists 3 and 4 plants should be submitted to CNDDDB. Such data aids in determining or revising priority ranking.
^c Refer to current online published lists available at: <http://www.dfg.ca.gov/biodiversity>.
^d <http://www.dfg.ca.gov/biodiversity/ceqa/np/eds/na/comm/1st.pdf>. The rare natural communities are asterisked on this list.
^e <http://www.wetlands.com/regaff02a.htm>
^f U.S. Fish and Wildlife Service Survey Guidelines available at: <http://www.fws.gov/wetlands/np/eds/na/np/ceqa/1000010001.pdf>

BOTANICAL SURVEYS

Conduct botanical surveys prior to the commencement of any activities that may modify vegetation, such as clearing, mowing, or ground-breaking activities. It is appropriate to conduct a botanical field survey when:

- Natural (or naturalized) vegetation occurs on the site, and it is unknown if special status plant species or natural communities occur on the site, and the project has the potential for direct or indirect effects on vegetation; or
- Special status plants or natural communities have historically been identified on the project site; or
- Special status plants or natural communities occur on sites with similar physical and biological properties as the project site.

SURVEY OBJECTIVES

Conduct field surveys in a manner which maximizes the likelihood of locating special status plant species or special status natural communities that may be present. Surveys should be floristic in nature, meaning that every plant taxon that occurs on site is identified to the taxonomic level necessary to determine rarity and listing status. "Focused surveys" that are limited to habitats known to support special status species or are restricted to lists of likely potential species are not considered floristic in nature and are not adequate to identify all plant taxa on site to the level necessary to determine rarity and listing status. Include a list of plants and natural communities detected on the site for each botanical survey conducted. More than one field visit may be necessary to adequately capture the floristic diversity of a site. An indication of the prevalence (estimated total numbers, percent cover, density, etc.) of the species and communities on the site is also useful to assess the significance of a particular population.

SURVEY PREPARATION

Before field surveys are conducted, compile relevant botanical information in the general project area to provide a regional context for the investigators. Consult the CNDDS¹⁰ and BIOS¹¹ for known occurrences of special status plants and natural communities in the project area prior to field surveys. Generally, identify vegetation and habitat types potentially occurring in the project area based on biological and physical properties of the site and surrounding ecoregion¹², unless a larger assessment area is appropriate. Then, develop a list of special status plants with the potential to occur within these vegetation types. This list can serve as a tool for the investigators and facilitate the use of reference sites; however, special status plants on site might not be limited to those on the list. Field surveys and subsequent reporting should be comprehensive and floristic in nature and not restricted to or focused only on this list. Include in the survey report the list of potential special status species and natural communities, and the list of references used to compile the background botanical information for the site.

SURVEY EXTENT

Surveys should be comprehensive over the entire site, including areas that will be directly or indirectly impacted by the project. Adjoining properties should also be surveyed where direct or indirect project effects, such as those from fuel modification or herbicide application, could potentially extend offsite. Pre-project surveys restricted to known CNDCB rare plant locations may not identify all special status plants and communities present and do not provide a sufficient level of information to determine potential impacts.

FIELD SURVEY METHOD

Conduct surveys using systematic field techniques in all habitats of the site to ensure thorough coverage of potential impact areas. The level of effort required per given area and habitat is dependent upon the vegetation and its overall diversity and structural complexity, which determines the distance at which plants can be identified. Conduct surveys by walking over the entire site to ensure thorough coverage, noting all plant taxa

¹⁰ Available at <http://www.sfg.ca.gov/bloq/cddsr/cnnds>

¹¹ <http://www.bios.sfg.ca.gov>

¹² Ecological Subregions of California, available at <http://www.fs.fed.us/Species/areacoreqion.htm>

Mar 11 2010 2:20PM Rolling Hills Estates 3103774468
03/11/2010 13 31 FAX 18584674298 DFB R5 Southeast Region

page 9

008/011

observed. The level of effort should be sufficient to provide comprehensive reporting. For example, one person-hour per eight acres per survey date is needed for a comprehensive field survey in grassland with medium diversity and moderate terrain¹³, with additional time allocated for species identification.

TIMING AND NUMBER OF VISITS

Conduct surveys in the field at the time of year when species are both evident and identifiable. Usually this is during flowering or fruiting. Space visits throughout the growing season to accurately determine what plants exist on site. Many times this may involve multiple visits to the same site (e.g. in early, mid, and late-season for flowering plants) to capture the floristic diversity at a level necessary to determine if special status plants are present¹⁴. The timing and number of visits are determined by geographic location, the natural communities present, and the weather patterns of the year(s) in which the surveys are conducted.

REFERENCE SITES

When special status plants are known to occur in the type(s) of habitat present in the project area, observe reference sites (nearby accessible occurrences of the plants) to determine whether those species are identifiable at the time of the survey and to obtain a visual image of the target species, associated habitat, and associated natural community.

USE OF EXISTING SURVEYS

For some sites, floristic inventories or special status plant surveys may already exist. Additional surveys may be necessary for the following reasons:

- Surveys are not current¹⁵; or
- Surveys were conducted in natural systems that commonly experience year to year fluctuations such as periods of drought or flooding (e.g. vernal pool habitats or riverine systems); or
- Surveys are not comprehensive in nature; or fire history, land use, physical conditions of the site, or climatic conditions have changed since the last survey was conducted¹⁶; or
- Surveys were conducted in natural systems where special status plants may not be observed if an annual above ground phase is not visible (e.g. flowers from a bulb); or
- Changes in vegetation or species distribution may have occurred since the last survey was conducted, due to habitat alteration, fluctuations in species abundance and/or seed bank dynamics.

NEGATIVE SURVEYS

Adverse conditions may prevent investigators from determining the presence of, or accurately identifying, some species in potential habitat of target species. Disease, drought, predation, or herbivory may preclude the presence or identification of target species in any given year. Discuss such conditions in the report.

The failure to locate a known special status plant occurrence during one field season does not constitute evidence that this plant occurrence no longer exists at this location, particularly if adverse conditions are present. For example, surveys over a number of years may be necessary if the species is an annual plant having a persistent, long-lived seed bank and is known not to germinate every year. Visits to the site in more

¹³ Adapted from U.S. Fish and Wildlife Service kit for survey guidelines available at www.fws.gov/sacramento/ia/documents/wlfa_hd_protocol.pdf

¹⁴ U.S. Fish and Wildlife Service Survey Guidelines available at <http://www.fws.gov/sacramento/ia/protocol.htm>

¹⁵ Habitats, such as grasslands or desert plant communities that have annual and short-lived perennial plants as major floristic components may require yearly surveys to accurately document baseline conditions for purposes of impact assessment. In forested areas, however, surveys at intervals of five years may adequately represent current conditions. For forested areas, refer to "Guidelines for Conservation of Sensitive Plant Resources Within the Timber Harvest Review Process and During Timber Harvesting Operations", available at <http://w1.cfdce.gov/ia/ia/Reports/2010/12/THP/BotanicalGuidelinesJuly2006.pdf>

¹⁶ U.S. Fish and Wildlife Service Survey Guidelines available at http://www.fws.gov/vermont/species/ia/protocol_guidelines/docs/istancainventory.pdf

than one year increase the likelihood of detection of a special status plant especially if conditions change. To further substantiate negative findings for a known occurrence, a visit to a nearby reference site may ensure that the timing of the survey was appropriate.

REPORTING AND DATA COLLECTION

Adequate information about special status plants and natural communities present in a project area will enable reviewing agencies and the public to effectively assess potential impacts to special status plants or natural communities¹⁷ and will guide the development of minimization and mitigation measures. The next section describes necessary information to assess impacts. For comprehensive, systematic surveys where no special status species or natural communities were found, reporting and data collection responsibilities for investigators remain as described below, excluding specific occurrence information.

SPECIAL STATUS PLANT OR NATURAL COMMUNITY OBSERVATIONS

Record the following information for locations of each special status plant or natural community detected during a field survey of a project site.

- A detailed map (1:24,000 or larger) showing locations and boundaries of each special status species occurrence or natural community found as related to the proposed project. Mark occurrences and boundaries as accurately as possible. Locations documented by use of global positioning system (GPS) coordinates must include the datum¹⁸ in which they were collected;
- The site-specific characteristics of occurrences, such as associated species, habitat and microhabitat, structure of vegetation, topographic features, soil type, texture, and soil parent material. If the species is associated with a wetland, provide a description of the direction of flow and integrity of surface or subsurface hydrology and adjacent off-site hydrological influences as appropriate;
- The number of individuals in each special status plant population as counted (if population is small) or estimated (if population is large);
- If applicable, information about the percentage of individuals in each life stage such as seedlings vs. reproductive individuals;
- The number of individuals of the species per unit area, identifying areas of relatively high, medium and low density of the species over the project site; and
- Digital images of the target species and representative habitats to support information and descriptions.

FIELD SURVEY FORMS

When a special status plant or natural community is located, complete and submit to the CNDDDB a California Native Species (or Community) Field Survey Form¹⁹ or equivalent written report, accompanied by a copy of the relevant portion of a 7.5 minute topographic map with the occurrence mapped. Present locations documented by use of GPS coordinates in map and digital form. Data submitted in digital form must include the datum²⁰ in which it was collected. If a potentially undescribed special status natural community is found on the site, document it with a Rapid Assessment or Relativé form²¹ and submit it with the CNDDDB form.

VOUCHER COLLECTION

Voucher specimens provide verifiable documentation of species presence and identification as well as a public record of conditions. This information is vital to all conservation efforts. Collection of voucher specimens should

¹⁷ Refer to current online published lists available at: <http://www.dfg.ca.gov/biogeodata>. For Timber Harvest Plans (THPs) please refer to the "Guidelines for Conservation of Sensitive Plant Resources Within the Timber Harvest Review Process and During Timber Harvesting Operations", available at <http://dfg.ca.gov/berarb/Pdfs/02THPBotanicalGuidelinesJuly2005.pdf>

¹⁸ NAD83, NAD27 or WGS84

¹⁹ <http://www.dfr.ca.gov/biodiversity>

²⁰ NAD83, NAD27 or WGS84

²¹ http://www.dfg.ca.gov/biogeodata/vegcomp/veg_publications_protocols.asp

Mar 11 2010 2:22PM Rolling Hills Estates 3103774468
03/11/2010 13:31 FAX 18584674299 OFB R5 Southcoast Region

page 11

010/011

be conducted in a manner that is consistent with conservation ethics, and is in accordance with applicable state and federal permit requirements (e.g. incidental take permit, scientific collection permit). Voucher collections of special status species (or suspected special status species) should be made only when such actions would not jeopardize the continued existence of the population or species.

Deposit voucher specimens with an indexed regional herbarium²² no later than 60 days after the collections have been made. Digital imagery can be used to supplement plant identification and document habitat. Record all relevant permittee names and permit numbers on specimen labels. A collecting permit is required prior to the collection of State-listed plant species²³.

BOTANICAL SURVEY REPORTS

Include reports of botanical field surveys containing the following information with project environmental documents:

- **Project and site description**
 - A description of the proposed project;
 - A detailed map of the project location and study area that identifies topographic and landscape features and includes a north arrow and bar scale; and,
 - A written description of the biological setting, including vegetation²⁴ and structure of the vegetation, geological and hydrological characteristics, and land use or management history.
- **Detailed description of survey methodology and results**
 - Dates of field surveys (indicating which areas were surveyed on which dates), name of field investigator(s), and total person-hours spent on field surveys;
 - A discussion of how the timing of the surveys affects the comprehensiveness of the survey;
 - A list of potential special status species or natural communities;
 - A description of the area surveyed relative to the project area;
 - References cited, persons contacted, and herbaria visited;
 - Description of reference site(s), if visited, and phenological development of special status plant(s);
 - A list of all taxa occurring on the project site. Identify plants to the taxonomic level necessary to determine whether or not they are a special status species;
 - Any use of existing surveys and a discussion of applicability to this project;
 - A discussion of the potential for a false negative survey;
 - Provide detailed data and maps for all special plants detected. Information specified above under the headings "Special Status Plant or Natural Community Observations," and "Field Survey Forms," should be provided for locations of each special status plant detected;
 - Copies of all California Native Species Field Survey Forms or Natural Community Field Survey Forms should be sent to the CNDDB and included in the environmental document as an Appendix. It is not necessary to submit entire environmental documents to the CNDDB; and
 - The location of voucher specimens, if collected.

²² For a complete list of indexed herbaria, see: Holmgren, P., N. Holmgren and L. Barnett. 1990. Index Herbariorum. Part 1: Herbaria of the World. New York Botanic Garden, Bronx, New York. 893 pp. Or: <http://www.nybg.org/botlib/wh.html>

²³ Refer to current online published lists available at: <http://www.cfb.ca/cm/00spc00data>

²⁴ A vegetation map that uses the National Vegetation Classification System (<http://brdwr.usgs.gov/nbvcr/mcs.html>), for example A Manual of California Vegetation, and highlights any special status natural communities. If another vegetation classification system is used, the report should reference the system, provide the reason for its use, and provide a crosswalk to the National Vegetation Classification System.

Mar 11 2010 2:22PM Rolling Hills Estates 3103774468
03/11/2010 13 32 FAX 18584674298 DEB R5 Southcoast Region

page 12

011/011

- **Assessment of potential impacts**
 - A discussion of the significance of special status plant populations in the project area considering nearby populations and total species distribution;
 - A discussion of the significance of special status natural communities in the project area considering nearby occurrences and natural community distribution;
 - A discussion of direct, indirect, and cumulative impacts to the plants and natural communities;
 - A discussion of threats, including those from invasive species, to the plants and natural communities;
 - A discussion of the degree of impact, if any, of the proposed project on unoccupied, potential habitat of the species;
 - A discussion of the immediacy of potential impacts; and
 - Recommended measures to avoid, minimize, or mitigate impacts.

QUALIFICATIONS

Botanical consultants should possess the following qualifications:

- Knowledge of plant taxonomy and natural community ecology;
- Familiarity with the plants of the area, including special status species;
- Familiarity with natural communities of the area, including special status natural communities;
- Experience conducting floristic field surveys or experience with floristic surveys conducted under the direction of an experienced surveyor;
- Familiarity with the appropriate state and federal statutes related to plants and plant collecting; and
- Experience with analyzing impacts of development on native plant species and natural communities.

SUGGESTED REFERENCES

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- Leppig, G. and J.W. White. 2006. *Conservation of peripheral plant populations in California*. *Madrone* 53:264-274.
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- Van der Maarel, E. 2005. *Vegetation Ecology*. Blackwell Science Ltd., Malden, MA.

Survey Protocols
Page 7 of 7

DFG-1: The commenter makes opening remarks. No response is required.

DFG-2: The commenter correctly identifies certain conclusions of the Initial Study. No response is required.

DFG-3: The City provided copies of all of the project's biological resource related documents and correspondence to Matt Chirdon, Environmental Scientist, of the Department of Fish and Game (DFG) on May 28, 2009. In response to the DFG's comment letter, the City resubmitted these materials to Scott Harris, Environment Scientist, of the DFG on March 26, 2010.

DFG-4: Based on this comment, the lead agency commissioned a protocol survey for the least Bell's Vireo. The results of this survey are presented in the Initial Study and Proposed Mitigated Negative Declaration that was circulated for public review on September 15, 2010.

DFG-5: Based on this comment, the lead agency commissioned a focused survey for western spadefoot. The results of this survey are presented in the Initial Study and Proposed Mitigated Negative Declaration that was circulated for public review on September 15, 2010.

DFG-6: The commenter accurately summarizes Mitigation Measure BIO-4. For clarification, Mitigation Measure BIO-5 identifies specific restrictions on any vegetation removal in the designated "Greenbelt" area identified on the proposed Tentative Tract map.

DFG-7: Mitigation Measure BIO-4 requires preconstruction surveys for rare plant for the entire site. Mitigation Measure BIO-5 identifies additional restrictions on the removal of vegetation after construction.

DFG-8: Recommendation is noted.

DFG-9: Comments noted. Mitigation Measure BIO-3 has been replaced with the following measure, which is based on the DFG's recommendations:

Clearing, grubbing, removal of vegetation, and/or removal of structures and substrates shall be conducted outside the bird-nesting season (i.e., between September 1-February 28). Any such activities conducted during the bird nesting season (i.e., between March 1-August 31) will require a nesting survey by a qualified biologist beginning 30 days prior to the activity and weekly thereafter, with the last survey conducted no more than 3 days prior to the initiation of clearance construction work. If discovered, all active nests shall be avoided and provided with a buffer zone of 300 feet (500 feet for all raptor nests) or a buffer zone that otherwise meets the minimum requirements of the California Department of Fish and Game. Once buffer zones are established, work shall not commence/resume within the buffer until a qualified biologist confirms that all fledglings have left the nest, which would likely not occur until the end of the nesting season, and that there is no evidence of subsequent attempts at nesting. The project proponent shall record the results of the avoidance/protection efforts undertaken to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

DFG-10: Based on this comment, the project applicant prepared and submitted a “Notification of Lake or Streambed Alteration” (NLSA) application to the CDFG in accordance with Section 1602 of the Fish and Game Code. The results of the NLSA process are presented in the Initial Study and Proposed Mitigated Negative Declaration that was circulated for public review on September 15, 2010.

DFG-11: The commenter provides closing remarks. No response required.

LETTER FROM: CALIFORNIA NATIVE PLANT SOCIETY, SOUTH COAST CHAPTER BARBARA SATTLER

California Native Plant Society

South Coast Chapter

March 17, 2010

Kelley Thorn
Associate Planner
City of Rolling Hills Estates
4045 Palos Verdes Drive North
Rolling Hills Estates, CA 90274

Re: Butcher Ranch – Tentative Tract Map No. 52214
Notice of Intent to Adopt a Mitigated Negative Declaration

Dear Ms. Thorn and Planning Commissioners:

CNPS finds the Initial Study (IS) and Proposed Mitigated Negative Declaration (MND) for the Butcher Ranch Tentative Tract Map No. 52214 to be inadequate and flawed regarding its Biological determinations. We therefore recommend that the MND for this project not be approved. The IS / MND fails to recognize the biological value of the onsite riparian area; fails to fully identify impacts to that riparian area; and fails to provide any mitigation for those impacts.

NPS-1

At first glance, the revised project appears to be an improvement over the 2005 version of the project. However, the prominent "Greenbelt" shown on the project plan does not really provide substantial long term biological protection to the ravine area. The IS / MND only considers impacts from the initial project grading. However, the riparian area would be also be additionally impacted by the proposed equestrian trail, by the anticipated future grading and vegetation clearing by individual lot owners, and by the concentration of equine waste into the ravine. There is also no consideration of whether the fire department might require even more clearing of vegetation around the proposed homes. Thus the total impacts of the proposed project to the riparian ravine area have not been fully revealed by this IS / MND.

NPS-2

CNPS commented extensively on the earlier version of this proposed project in 2005, and the majority of our comments remain relevant. We have attached copies for your reference.

NPS-3

Previous biological studies as well as communications from the California Department of Fish and Game (CDFG) have all established that a riparian vegetation community exists on the site. It is acknowledged that the vegetation has been degraded by human interference over the years, that there is a mix of native and non-native species, and that the original water course in the ravine has been altered. Nonetheless, riparian communities have become so rare that even degraded riparian areas have important biological value. This value needs to be acknowledged by the MND.

NPS-4



Dedicated to the preservation of California native flora

Page 1 of 2, March 17, 2010

The IS / MND consistently attempts to downplay the concerns of the California Department of Fish and Game regarding impacts to the riparian area onsite that would result from this project. However, a September 13, 2005 letter from CDFG states:

As acknowledged in the Butcher report, "Riparian habitats in southern California, including a variety of willow scrub, willow and cottonwood woodland or forest formations, are listed as highest inventory priority communities by the CDFG." Riparian woodlands and other wetland habitats support a variety of resident and migratory wildlife species. Past loss of these habitat types is well recognized as significant, and continuing, incremental loss must be avoided in order to maintain the diversity of natural resources in the region. Because of this, the Department consistently recommends mitigation for the loss of these habitat types. Although avoidance and minimization of the impact is preferred, compensation for the loss of habitat by providing restoration of similar nearby habitats is also acceptable mitigation. Compensatory mitigation for the loss of the riparian woodland is typically in the range of 5:1, for impacts to higher quality sites, to 2:1 for more degraded sites. The appropriate ratio for this site would be dependent on the additional analysis described above, but based on preliminary information, may be at the lower end of this range.
(underlines added for emphasis)

NPS-4
(cont.)

By selectively understating the biological value of the riparian area, the IS / MND falsely presumes that impacts to that area can be casually dismissed. It also fails to identify the impacts of grading and removal of vegetation that are identified as future elements in the plan, but not immediately scheduled for implementation. This appears to be an attempt to defer the evaluation of the grading and vegetation impacts for the proposed equestrian trail and for the trails and horse arenas for the individual lots to a later time so that these impacts can be separated away from the current examination of environmental impacts. Such piecemealing of impacts is in violation of CEQA.

NPS-5

Section 15378 (a) of the CEQA Guidelines defines a project as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment".

Section 15378 (c) further states that "The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term "project" does not mean each separate governmental approval."

The totality of biological impacts emanating from this entire proposed project must be clearly determined and acknowledged as a part of the environmental impact review. A spring plant survey should be conducted before any evaluations are completed or permissions granted. Appropriate mitigation for the impacts must be included in the project plan and the MND. A full EIR may be more appropriate.

NPS-6

We concur with CDFG's recommended range of mitigation ratios for impacts to degraded riparian areas. Mitigation for biological impacts of the proposed project might be accomplished by creating real protections for the "Greenbelt" as riparian habitat and / or by providing riparian habitat restoration per the CDFG ratio.

NPS-7

Sincerely,

Barbara Sattler
South Coast Chapter
California Native Plant Society

Delivered via Email with Attachment:
2005-2006 comments re Butcher MND.pdf

cc: California Department of Fish and Game



Dedicated to the preservation of California native flora

NPS-1: The commenter provides opening remarks and introduces alleged inadequacies of the Initial Study and proposed Mitigated Negative Declaration. Such alleged inadequacies are detailed in subsequent paragraphs of the California Native Plant Society's (CNPS's) letter. Corresponding responses are provided below.

NPS-2: In contrast to the commenter's assertions, the Initial Study does recognize the impacts of potential future activities on the proposed Greenbelt. Specifically, page 31 of the Initial Study states:

...While the vegetation in the greenbelt would not be removed for project grading or construction, future homeowners onsite could choose to remove vegetation from the greenbelt area for property improvements or maintenance purposes if not otherwise restricted. Of note, the horse arena locations for lots 3 and 4 are within the identified greenbelt, as is approximately 450 linear feet of the proposed 15-ft equestrian trail easement. If these equestrian improvements are undertaken, an additional ~8,350-10,150 ft² of the greenbelt would be cleared of vegetation (depending on the size of the horse arenas).

Additionally, Mitigation Measure BIO-5 specifically identifies restrictions on the long-term removal of vegetation from within the proposed Greenbelt.

NPS-3: Previously submitted comments are noted. See the City's previous responses to such comments, which were included in an attachment to the project's Nov 1, 2005 Planning Commission staff report.

NPS-4: The project's impacts on riparian vegetation is fully disclosed and analyzed in section VII (a-f) of the Initial Study.

NPS-5: See response to comment NPS-2, above.

NPS-6: Comments are noted. Section VII (a-f) of the Initial Study provides a comprehensive analysis of the project's potential impacts on biological resources, and Mitigation Measures BIO-1 through BIO-5 identify measures to reduce such impacts to a less than significant level. The suggestion that "a full EIR may be more appropriate" is unsubstantiated and is not supported by or predicated upon fact.

NPS-7: Recommendations are noted. See responses to comments NPS-2, NPS-4, and NPS-6, above.

Butcher Ranch could finally make the Rolling Hills Estates cut

By Melissa Pamer Staff Writer

Posted: 10/16/2010 07:11:26 AM PDT

Updated: 10/17/2010 04:43:01 PM PDT

Plans for a small subdivision that have met rejection in Rolling Hills Estates for more than three decades may finally be on the road to approval.

An 11-home project is going before the Planning Commission on Monday. Known as Butcher Ranch, it would occupy an 8.5-acre wooded area and field at the northeast corner of Palos Verdes Drive East and Palos Verdes Drive North.

It's a seemingly simple proposal that has met with no resistance from other area residents. Unlike controversial large-scale plans for a luxury residential development at nearby Rolling Hills Country Club and Chandler gravel pit, the Butcher Ranch homes would include amenities for horse owners.

But a variety of concerns over the decades have thwarted plans brought by Dan Butcher, a local developer and two-time City Council aspirant who died within the past few years. His son, a Rancho Palos Verdes resident also named Dan Butcher, is pursuing the current incarnation of

the project.

Now most issues appear resolved, though Butcher will still need to complete an agreement to swap land with the neighboring Jack Kramer Club, a private tennis and pool complex. Both parties appear to be waiting for city approval, city officials said.

"This is the closest in the 20 years I've been here to having a chance for this project to be approved," said Planning Director David Wahba.

Dan Butcher the elder first began submitting plans for this property more than a decade

before he ran unsuccessfully for City Council in 1985, according to Daily Breeze archives. In 1987, Butcher ran for council again alongside his son-in-law, Carl Robertson.

Butcher was a general contractor and developer who once owned Butcher Hill, the 22-acre Torrance property that became the now-halted Sunrise Assisted Living project on Hawthorne Boulevard.

His plans for the much smaller property in Rolling Hills Estates have been scaled back in the wake of other development proposals that failed in the 1970s and '80s.

In 1996, he won a judgment against Rolling Hills Country Club because grading at the club's golf course negatively affected drainage on the Butcher property, Wahba said.



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Then, after acquiring a parcel at the corner of Palos Verdes Drive East and North that housed a former real estate office, the Butcher family "went back to the drawing board" about a decade ago, Wahba said.

"It's taken quite some time with the back and forth with the city and the developer," he said.

Dan Butcher Jr. declined to comment on the project.

Since it was last voted down by the commission in 2006, the project has shrunk from 13 to 11 homes.

Following a commission meeting in April, the Butchers have funded additional environmental studies on the property. Those were needed in part because of new concerns from the California Department of Fish and Game about impacts to 2.7 acres of streambed and riparian habitat that collects runoff.

The biggest changes are plans for nearly an acre of habitat restoration and a bioswale - a built-in natural water filtration system - and other measures to address water quality effects.

A ravine that's about 30 feet deep will be partially filled. An area would be dedicated to the city for a "mini-park," and a new equestrian trail would be built behind the homes.

The homes, in architectural styles termed Traditional, Craftsman and French Country, would range from 3,500 to 4,700 square feet on

lots of at least 20,000 square feet. A new street - Casaba Road - would be built off Montecillo Drive to access the properties.

City staff is recommending the commission send the project on to the City Council for final approval - a meeting that Wahba said would likely happen in January.

melissa.pamer@dailybreeze.com

Want to go?

What: Rolling Hills Estates Planning Commission hearing on Butcher Ranch. Public comment is due by Monday.

Where: 7:30 p.m. Monday

Where: 4045 Palos Verdes Drive North

More information: <http://ci.rolling-hills-estates.ca.us>, under "What's New" and "Project Updates."

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Ponte Vista developers offer new scaled-back plan

By Donna Littlejohn Staff Writer

Posted: 09/23/2010 07:08:13 PM PDT

Updated: 09/23/2010 07:28:51 PM PDT

After months of silence, developers of San Pedro's controversial Ponte Vista housing project have announced another revision that further reduces the number of homes proposed.

They also indicated an entire new round of traffic and other studies will be conducted on the new proposal for the site, which has been vacant since 1997.

The latest incarnation - which already has a received favorable reaction from Los Angeles City Councilwoman Janice Hahn - calls for 1,135 homes to be built on the 62.5-acre former Navy housing site on Western Avenue.

That's less than half the original number - 2,300 homes - proposed in 2005. But it's still higher than than the 800 to 900 homes that many critics had called for to keep the development within its current zoning.

"My thoughts are it's higher than my particular preference of 831, which is the equivalent of the housing density of the Gardens (a nearby San

Pedro town house project)," said Mark Wells, a long-standing and early critic of Ponte Vista.

But he added that the scaled-down numbers may be enough to finally move the stalled project forward.

"I am certainly encouraged by the new management team's ability to work with the community and to come up with better plans," Wells said.

John Stinson of the Coastal San Pedro Neighborhood Council said the new housing proposal is "a nice place to start negotiations from" but that the issue "is still about protecting our quality of

life here in San Pedro and on the Peninsula."

In a written statement, Hahn said she was encouraged by a private meeting she'd had recently with iStar Financial, the owner of the Ponte Vista property.

"... This number is much closer to what makes sense in this part of San Pedro," she said.

As part of the revised proposal, a new environmental impact report - which will include new traffic studies - will now be done. That will take about a year.

Steve Magee, vice president of iStar Financial, said in a written statement that developers were "committed to working with the community to ensure that the project reflects the unique



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character of the Harbor Area."

While no details or drawings have been released, Magee said the project will be of "high quality" with a mix of housing types, including "town homes, condominiums and apartments" for a range of income levels.

Stinson said whatever happens next, "it should be an open, public and transparent" process.

Ponte Vista has been mired in controversy since former developer Bob Bisno first rolled out the plans five years ago.

Bisno Development, which had become a lightning rod in the community during Ponte Vista's first few years, was bumped from the project in December 2008. Credit Suisse and DLJ Real Estate Capital Partners took over the project after that and, in April 2009, the Los Angeles Planning Commission directed developers to work more with the community to bring the housing numbers down.

Five months ago, iStar took the reins and has been reviewing alternatives since then.

Traffic and housing density have been the major sticking points with critics who say Western Avenue already is too congested.

But the project also has had its supporters in the community who contend that more housing stock, especially for seniors wishing to downsize, is needed.

Meanwhile, the stretch of abandoned Navy housing at 26900 S. Western Ave., across from Green Hills Memorial Park and just south of Palos Verdes Drive North, has become an eyesore in the northwest part of town.

In a 2007 letter published in the Daily Breeze, Wells called building 1,950 units on the property "irresponsible, unreasonable, unrealistic and, most importantly, disrespectful to the community. ..."

Will a reduction to 1,135 homes be enough to mollify critics?

Perhaps, he said, although it will depend on the new studies that are yet to be done.

"I wonder if most of us on the board (of the opposition organization) will simply kind of travel into the sunset after we make our comments," Wells said.

Others, like Stinson, aren't so sure.

When Hahn called him Thursday to advise him of the new proposal, Stinson said, "I tried to curb my enthusiasm. ... I was wondering when the issue would rise again like a monster from the deep."

donna.littlejohn@dailybreeze.com



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New Ponte Vista development company is considering bankruptcy

By Donna Littlejohn Staff Writer

Posted: 09/28/2010 06:15:27 PM PDT

Updated: 09/28/2010 06:26:57 PM PDT

Officials with iStar Financial Inc., the new developers of Ponte Vista in San Pedro, said Tuesday they remain "strongly committed" to the housing development despite reports that the company is considering bankruptcy.

"We have budgeted substantial resources, put together a strong development team and are pressing ahead through the city's entitlement process, which will include many opportunities for public input," said Steven Magee, senior vice president and land portfolio manager for iStar.

"Since taking over this project, iStar has carefully studied and weighed development alternatives for Ponte Vista. We fully intend to develop the site to be consistent with the unique character of San Pedro and the Harbor Area."

Bloomberg Businessweek reported on Sept. 21 that the commercial real estate lender was trying to restructure some of its \$8.6 billion of debt and may seek bankruptcy protection.

The company will negotiate terms of a

reorganization with its stakeholders before filing for Chapter 11 protection. In that way, the process can be completed in weeks or months as opposed to years.

The company will meet with creditors in coming weeks to discuss potential terms of a so-called prepackaged bankruptcy, Bloomberg reported. The bankruptcy wouldn't occur until sometime next year, sources said.

The company last week announced that it had pared proposed housing numbers down to 1,135 for the 62.5-acre former Navy housing

property on Western Avenue.

The original number was 2,300 homes, first proposed in 2005 by Bisno Development.

Andrew G. Backman, iStar's senior vice president of investor relations and marketing, said in a statement that plans were proceeding.

"iStar continues to run its business as usual," Backman said. "We have ample near-term liquidity and continue to assess all of our options to realign our asset and liability maturities."

Magee said iStar "is strongly committed to the new Ponte Vista project."

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Ponte Vista owner presents new plans

By Ashley Ratcliff, Peninsula News
Thursday, October 7, 2010 11:20 AM PDT

SAN PEDRO — A project that seeks to develop homes on a parcel land, vacant since 1997, has undergone yet another transformation — units were reduced to less than half of the figure originally proposed.

In its first iteration, the proposed Ponte Vista project — located on the site of 245 former U.S. Navy houses in San Pedro — included 2,300 for-sale residential units for an estimated 4,300 people. Its most recent proposal, recently presented to Los Angeles City Councilwoman Janice Hahn, includes 1,135 homes on a 61.5-acre site that borders the city of Rancho Palos Verdes.

“For years, I have joined with the community to push for a smaller project at the Ponte Vista site, and I was encouraged by my recent meeting with [developers] iStar [Financial Inc.],” Hahn said in a statement. “They have been listening and it looks like the concerns of the community, and the recommendations of the planning department, have finally been heard — as this number is much closer to what makes sense in this part of San Pedro.”

“It’s a step in the right direction,” added Mark Wells, an eastern RPV resident. “I prefer no more than 831 units there, because that’s the dwelling density equivalent to The Gardens, which is the large condominium development next to it.”

The L.A. Planning Department had previously recommended a density of 775 to 885 units on the property, located at 26900 S. Western Ave., directly across the street from Green Hills Memorial Park in RPV, just south of Palos Verdes Drive North.

Developers in L.A. are granted a “density bonus” if affordable housing is offered. With the bonus, the Planning Department’s number would increase to 1,195 units, according to Hahn.

However, Hahn said she is working to ensure that a density bonus will be prohibited at the site, limiting the total number of units to a maximum of 1,135.

Steve Magee, iStar Financial’s vice president, said the development will include a mix of housing types, such as townhomes and condominiums, which will be “accessible to a variety of households and income levels.”

While the plan, previously under the direction of Bisno Development Co., specified that 575 units would be reserved for senior housing for those ages 55 and older, the new proposal has eliminated that component altogether.

“The idea that older San Pedrans would move from their larger homes into condos at Ponte Vista [has] basically vanished,” Wells wrote in a blog post. “I don’t like that at all.”

RPV residents whose homes are adjacent to the proposed development are concerned about Ponte Vista because Western Avenue would be the only major thoroughfare for the project.

RPV Mayor Steve Wolowicz attended a June 2008 public hearing to speak on behalf of his constituents, which he called “the neighbor most affected by all of this.” He urged the developer to maintain RPV homeowners’ quality of life.

“This is not a NIMBY response on our part. It is not in our backyard — as a matter of fact, it is in our front

yard," then-Councilman Wolowicz said.

Wells said residents should be concerned about the Ponte Vista project for four reasons: traffic, the density bonus, the stability of iStar Financial — which, according to Bloomberg News report, may be on the verge of filing bankruptcy — and a general question of whether the new development will benefit or hurt the San Pedro community economically.

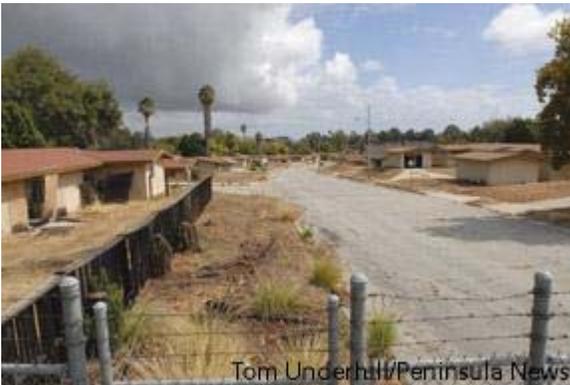
According to Wells, the climate has changed dramatically from prior interactions with Bob Bisno of former developer Bisno Development.

"I do appreciate very much how iStar Financial is trying to work with the community," Wells said.

A new environmental impact report and traffic study currently are under way; however, the conceptual drawings have not been released and there hasn't been any word of a public meeting concerning the latest project updates.

"We know the community shares our desire to improve this blighted piece of property with a development that addresses San Pedro's needs for high-quality and mixed-income housing, while employing local workers to build the project," Magee said in a statement. "As we finalize the site plans and begin the process of getting Ponte Vista built, we look forward to ongoing conversations with our neighbors, Councilwoman Hahn, and the community."

aratcliff@pvnews.com



The proposed Ponte Vista housing project, located on Western Avenue in San Pedro, is situated on a 61.5-acre site that formerly was used for Navy residences. Developers iStar Financial Inc. recently released a scaled-back project with 1,135 units.



Print Page

Further archaeological study requested at golf course site

By Mary Scott, Peninsula News
Thursday, August 26, 2010 10:29 AM PDT

RHE — The Rolling Hills Country Club has filed its application with the city of Rolling Hills Estates requesting zone changes and general plan amendments for its 228-acre project, which includes 114 new single-family homes, a reconfigured 18-hole golf course designed by golf legend Arnold Palmer, and a new 61,000-square-foot clubhouse.

The proposed project would use the club's existing property, as well as that of Chandler's Palos Verdes Sand and Gravel facility and adjacent vacant land.

Because there are documented prehistoric sites within the project site, and in light of a recent discovery nearby, the city of RHE, if it approves the project, will require that an archaeological monitor and a Native American representative be present at the site during demolition and grading phases of construction, and during any activity that will disturb the soil.

Monitors will use the standard archaeological method of trenching, which will provide up to a 3-percent sample of the area tested.

This is a change from the original plan.

"In the re-circulated environmental impact report, the mitigation measure for cultural resources was modified to require additional testing prior to construction," RHE Principal Planner Niki Cutler said.

But some feel that these modified measures still are inadequate to cover the large, proposed project.

"The battle is to see how much we can study this site and rescue what's down there before they start the construction," RHE resident Gary Johnson said.

It was Johnson who made the recent discovery of what is believed to be a 3,000-year-old occupation site. The location, now named Thunderhawk Hill, is near the club's proposed project site. Johnson told the News that he believes the two areas are connected.

"We know there are human remains down there. It's in the EIR; they know that remains were found there 50 years ago. ... We are assuming, and it is an assumption, that there's a lot more down there, because we know they're not separated little sites," he continued. "That doesn't make any sense. It is one part of a huge occupation area."

One point Johnson and Dr. Carl Lipo, an associate professor in California State University, Long Beach's anthropology department, make regarding the EIR is that the consultant, McKenna et al, an archaeological company in Whittier, did not test deep enough below the surface during the review process in 2006. The human remains discovered in 1960 by D.L. True were 8 to 15 feet below the surface. Subsurface testing of this site by McKenna did not go to those depths.

In a letter to Cutler, Lipo wrote that with the historically documented buried material and the new find at Thunderhawk Hill, there is a "significant chance of encountering cultural resources" at the site during work on the project that could be negatively affected or destroyed.

"Given the importance of prehistoric remains to our understanding of the history of the region and rarity of

intact archaeological deposits in the intensely developed Los Angeles basin, it is vital that all possible precautions be taken before and during the project development process," he wrote.

Lipo asked the city to use multiple experts to examine any samples during the pre-construction phase, and to consider other excavation techniques at the site.

Lipo recommended small-hole coring, seismic sensing, magnetometry and ground penetrating radar, all of which are nondestructive and would provide better testing at deeper depths and for a larger area.

"Future work should be conducted to best evaluate the area for buried deposits as informed by an accurate reconstruction of the historic and prehistoric landscape and all appropriate techniques (not just trenching) should be put into use to make this possible," Lipo wrote.

Previous finds

One of the most significant finds of prehistoric artifacts in Southern California was that in the Malaga Cove area in Palos Verdes Estates in the 1930s.

Edwin Walker and a group of Eagle Scouts uncovered artifacts at depths of 36 feet that were carbon-dated up to 7,100 years old.

Many residents since have found pieces in their backyards.

In 1961, according to the News archives, PVE resident Larry Ames found remnants of a village in his backyard during the construction of a tennis club just behind his home.

Dr. William Wallace, then a professor at Long Beach State University, conducted the excavation of the Ames' property. The dig yielded several hundred pieces, including soapstone bowls, mortars and pestles, projectile points, blades, scrappers and three human skeletal remains.

Ames became an avid amateur archaeologist after that and assisted Wallace in other areas.

Most finds, Ames told the News in 1964, are "family curios" and "are valueless."

"Unless they are uncovered systematically, they tell nothing of the culture that existed there," he said.

During Wallace's time excavating the Peninsula, he determined that the area was heavily populated from Lunada Bay in PVE to Point Vicente and Long Point in Rancho Palos Verdes prior to the arrival of the Spaniards.

In 1971, concerned that these sites would be lost forever to development, Wallace told the Los Angeles Times that "of the 70 known sites only about half-dozen to a dozen have been left untouched."

Only a few of those sites, he said, were investigated before the land was developed.

"I think when they put the golf course down it will still be preserved underneath," Johnson said. "But putting foundations in for homes — it's going to be a different story. ... Once there are houses there, it's lost forever."

RHCC's application is on the RHE Planning Commission agenda for Tuesday, Sept. 7.

mscott@pvnews.com



Rolling Hills Country Club's 228-acre project includes Chandler's Palos Verdes Sand and Gravel facility, as well as adjacent vacant land. Because there are a minimum of eight documented archaeological sites, mostly pertaining to the Tongva tribe who lived in the area prior to the arrival of the Spaniards, the city of Rolling Hills Estates is requesting a monitoring team, which is to include a tribe member and an archaeologist, during the preconstruction phase. Some residents believe there should be more testing prior to construction.

September 30, 2010

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Kit Fox, AICP, Associate Planner
City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

Subject: Chandler Ranch/Rolling Hills Country Club Project Environmental
Impact Report (SCH# 2008011027) – Responses to Comments

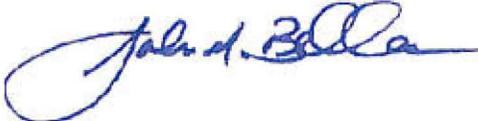
Dear Mr. Fox:

Thank you for your comments on the Draft Environmental Impact Report (EIR)
for the Chandler Ranch/Rolling Hills Country Club Project in the City of Rolling
Hills Estates. Enclosed please find written responses to comments you or your
agency provided.

For questions, please contact Ms. Niki Cutler, AICP, Principal Planner, City of
Rolling Hills Estates at (310) 377-1577, extension 115.

Respectfully,

WILLDAN



John M. Bellas, LEED AP
Deputy Director of Planning

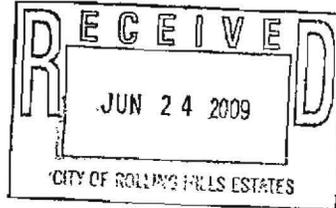
Enclosure

Copy: Ms. Niki Cutler, AICP, Principal Planner, City of Rolling Hills Estates



22 June 2009

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



SUBJECT: Comments In Response to the Notice of Completion/Notice of Availability (NOC/NOA) for the Draft Environmental Impact Report (DEIR) for the Chandler Ranch/Rolling Hills Country Club Project (PA-29-07)

Dear ^{MY} ~~Ms.~~ Cutler:

The City of Rancho Palos Verdes appreciates the opportunity to comment upon the Draft Environmental Impact Report (DEIR) for the above-mentioned project. We have reviewed the DEIR and offer the following comments:

RPV-1

1. The discussion of Land Use and Planning impacts (Section 3.08) notes that the proposed project conflicts with current land use and zoning designations, which result in significant environmental impacts. In particular, the project proposes to eliminate the current Horse Overlay designation for nearly the entire project site, leaving only one (1) of the proposed one hundred fourteen (114) residential lots available for private equestrian use. As you will recall, several attendees at the scoping meeting expressed concern about the loss of potential future horsekeeping properties with the removal of the Horse Overlay. This is a concern that is shared by many residents within our own Equestrian Overlay (Q) districts, one of which is located along Palos Verdes Drive East to the south of the project site. The equestrian areas of the Palos Verdes Peninsula are key components of the semi-rural lifestyle enjoyed by all Peninsula residents, and we are concerned that the degradation of equestrian areas within any one city may have "spillover" effects upon similar areas of the other cities on the Peninsula. We appreciate that you have identified the imposition of a requirement to provide an equestrian trail as a part of this project—apparently over the developer's objections—as a mitigation measure to reduce the inconsistency of the proposal with the City of Rolling Hills Estates' General Plan and zoning regulations. Nevertheless, we urge you to carefully consider the intent of the framers of the Rolling Hills Estates General Plan—who clearly envisioned equestrian use and access on the Chandler Quarry site—before allowing such potential future use to be lost forever as a result of the proposed project.

RPV-2

2. The discussion of Transportation and Circulation impacts (Section 3.14) identifies significant environmental impacts related to this project. Even without the proposed project, most of the dozen intersections studied would be operating at unacceptable levels of service (LOS) by 2025. The proposed project is forecast to make significant contributions to these unacceptable LOS conditions at eight (8) intersections, thereby

RPV-3

Niki Cutler
22 June 2009
Page 2

warranting the imposition of mitigation measures in the form of construction of or "fair share" contributions to future right-of-way improvements. Surprisingly (to the City of Rancho Palos Verdes, at least), impacts at Palos Verdes Drive North/Palos Verdes Drive East and Palos Verdes Drive North/Western Avenue were not identified as warranting mitigation. These are intersections through which much of the traffic on and off the Peninsula passes in order to reach the Harbor (I-110) Freeway. Based upon the current project design, all project traffic would access Palos Verdes Drive East at a single point. Palos Verdes Drive East is a narrow and winding major thoroughfare that serves the *Miraleste* area of the City of Rancho Palos Verdes. Even small increases in traffic on Palos Verdes Drive East have significant adverse impacts upon residents in this area of the City, both in daily driving and in the event of an emergency. We respectfully suggest that your consultant reconsider the need to mitigate the project's traffic impacts at the intersections of Palos Verdes Drive North/Palos Verdes Drive East and Palos Verdes Drive North/Western Avenue.

RPV-3
(cont.)

3. The discussion of Alternatives (Section 4.0) identifies Alternative 2 as the Environmentally Superior Alternative to the proposed project. This alternative achieves consistency with the residential density envisioned under the existing land use and zoning for the project site; retains the Horse Overlay designation so as to preserve future horsekeeping opportunities; provides an opportunity for affordable housing; provides for the modernization and expansion of the Rolling Hills Country Club facilities; eliminates the negative environmental effects associated with the continued operation of the Chandler Quarry landfill; and reduces traffic impacts (compared to the proposed project) since fewer homes would be built. As such, the City of Rancho Palos Verdes supports the consideration of Alternative 2 rather than the proposed project.

RPV-4

Again, thank you for the opportunity to comment upon this important project. If you have any questions or need additional information, please feel free to contact me at (310) 544-5228 or via e-mail at kitt@rpv.com.

RPV-5

Sincerely,



Kit Fox, AICP
Associate Planner

cc: Mayor Clark and City Council
Carolyn Lehr, City Manager
Joel Rojas, Director of Planning, Building and Code Enforcement

M:\Border Issues\Chandler Ranch-Rolling Hills Country Club Project\20090622_DEIRComments.doc

RESPONSES

RPV-1: The commenter provides opening remarks. No response is required.

RPV-2: The commenter expresses the City of Rancho Palos Verdes' concerns for the removal of land from Rolling Hills Estates' Horse Overlay. These concerns are duly noted. See also Topical Response 1 in the Final Environmental Impact Report (EIR).

RPV-3: It should be noted that the current uses on the project site contribute trips to the surrounding intersections and that the project is anticipated to contribute a net total of 13 trips during the AM peak hour and 118 trips during the PM peak hour to the intersection of Palos Verdes Drive North/Palos Verdes Drive East (see EIR Figure 3.14.13). These represent increases of 0.3% and 2.5% during the AM and PM peak hours, respectively, for 2025 conditions. At the intersection of Palos Verdes Drive North/Western Avenue, the increases are projected to be 0 net trips for a 0% increase during the AM peak hour and 11 net trips for a 0.2% increase during the PM peak hour, respectively, for 2025 conditions.

The determination of significant impacts requiring mitigation was based on appropriate City and County standards and the project's impact would be well below the significant impact levels required for mitigation. During the AM peak hour, the project would cause no change in the ICU at the intersection of Palos Verdes Drive North/Palos Verdes Drive East and would actually cause a reduction in the ICU at the intersection of Palos Verdes Drive North/Western Avenue. It should also be noted that the project incorporates extensive improvements on Palos Verdes Drive East at the project intersection to provide adequate queuing distance and stopping sight distance. The project will also reduce the number of intersections on Palos Verdes Drive East by reducing the number of project driveways from the current three to just one, thereby reducing the points of conflict and lowering the accident potential.

RPV-4: The City of Rancho Palos Verdes' support for Alternative 2 is noted.

RPV-5: The commenter provides closing remarks. No response is required.

RHE commission will consider Chandler Ranch plan

By Melissa Pamer Staff Writer

Posted: 10/02/2010 07:12:57 AM PDT

Updated: 10/02/2010 11:03:55 PM PDT

An ambitious plan to turn a former quarry and neighboring private golf course into a luxury residential development and new country club is set for its first official hearing in Rolling Hills Estates on Monday.

The city's Planning Commission will weigh an environmental report and related planning applications for a proposal from Rolling Hills Country Club and Chandler's Palos Verdes Sand and Gravel.

Together, the two neighboring facilities hope to build 114 homes and an Arnold Palmer-designed golf course on 228 acres in the northeast part of the city.

The project - which has been discussed in concept for decades and only gained speed in the past two years - is dubbed Chandler Ranch.

It's expected to cost more than \$350million.

The massive undertaking involves a land swap with the city of Torrance, among other

complications.

Chandler Ranch's backers have earned the ire of some in the city's well-established equestrian community.

They are concerned in part about the implications of the development's planned removal from the city's "horse overlay" zone, meaning homeowners could not keep horses.

Other critics worry that the project would disturb American Indian remains they believe are buried under the existing golf course.

Chandler Ranch backers say they will be replacing an eyesore - the former quarry - and source of regular truck traffic with a high-end residential community. And the project

will ensure the future of the country club, which leases about two-thirds of its land from the Chandler's facility.

The City Council has final authority over the project; the Planning Commission is set only to make an advisory recommendation.

It promises to be a long meeting, city Principal Planner Niki Cutler said.

"Bring a blanket and some hot cocoa," she joked.

Want to go?

What: Rolling Hills Estates Planning Commission hearing on Chandler Ranch, a 114-home luxury



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development and golf course

When: 7:30 p.m. Monday

Where: 4045 Palos Verdes Drive North

melissa.pamer@dailybreeze.com

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PLANNING COMMISSION AGENDA

October 4, 2010, 7:30 pm

Regular Meeting

Reports and documents relating to each agenda item are on file available for public inspection on our website.

1. CALL MEETING TO ORDER.
2. SALUTE TO THE FLAG.
3. ROLL CALL.
4. APPROVAL OF MINUTES ([September 20, 2010](#)).
5. AUDIENCE ITEMS.
6. CONSENT CALENDAR.
None
7. BUSINESS ITEMS.
None
8. PUBLIC HEARINGS.
 - A. PLANNING APPLICATION NO. 29-07; APPLICANT: Michael Cope, Chandler Ranch Properties, LLC; LOCATION: 26311 and 27000 Palos Verdes Drive East. A Vesting Tentative Tract Map, General Plan Amendments, Zone Changes, Zone Text Amendment, Grading Plan, Development Agreement, Conditional Use Permits, Neighborhood Compatibility Determination, an Annexation/Deannexation, and an Environmental Impact Report under the California Environmental Quality Act (CEQA) for the development of a 114 home single family subdivision, a reconfigured/relocated 18-hole golf course, and a new clubhouse complex on the site of the existing Chandler Sand and Gravel and Rolling Hills Country Club facilities. (NC)
 - [Staff Report](#)
 - [Attachments 1-4](#)
 - [Attachments 5-6](#)
 - [Attachments 7-9](#)
9. COMMISSION ITEMS.
10. DIRECTOR'S ITEMS.
11. MATTERS OF INFORMATION.
 - A. Park and Activities Minutes (September 21, 2010).
 - B. City Council Actions (September 28, 2010).
 - C. Equestrian Committee Minutes (August 23, 2010).
12. ADJOURNMENT.



Staff Report

City of Rolling Hills Estates

AGENDA

OCT 4 = 2010

ITEM NO. 4

DATE: OCTOBER 4, 2010

TO: PLANNING COMMISSION

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

SUBJECT: PLANNING APPLICATION NO. 29-07
APPLICANT: MICHAEL COPE;
LOCATION: 26311 AND 27000 PALOS VERDES DRIVE EAST

OVERVIEW

The subject request is for approval of a Vesting Tentative Tract Map, General Plan Amendments, Zone Changes, Zone Text Amendment, Grading Plan, Development Agreement, Conditional Use Permits, Neighborhood Compatibility Determination, an Annexation/Deannexation, and an Environmental Impact Report under the California Environmental Quality Act (CEQA) for the development of a 114 home single family subdivision, a reconfigured/relocated 18-hole golf course, and a new clubhouse complex on the site of the existing Chandler Sand and Gravel and Rolling Hills Country Club facilities.

BACKGROUND

Application Filed: 7/15/08*
Public Notices
Mailed: 9/20/10
Posted: 9/23/10
Published: 9/23/10 (*Peninsula News*)
9/25/10 (*Daily Breeze*)

*Application was originally submitted on 1/4/07. The applicant temporarily suspended processing of the application and resubmitted on 7/15/08.

Approval of a Tentative Tract Map is required under Section 66426 of the California Government Code and Chapter 16.12 of the Municipal Code.

Approval of amendments to the Land Use Element of the General Plan are requested to remove the entire project site (except Lot 114) from the Horse Overlay designation, to redesignate portions of the project area from C-R (Commercial Recreation) to Low Density Residential, and to redesignate portion of the project site from Very Low Density Residential to Low Density Residential. It can be noted that, initially, approval of an amendment to the Housing Element of the General Plan was required in conjunction with the project given that the former Housing Element, approved in 1994, provided for a Chandler Reuse Program that included a provision for affordable housing on the site. The City, however, adopted a new Housing Element, in June

of 2009, which provides for affordable housing in the City's commercial district. Thus, an amendment to the Housing Element is no longer required.

Approval of Zone Change and Zoning Text Amendments are requested to amend Sections 17.22.050(D) and 17.222.050(E) of the C-R district related to maximum building coverage and maximum building height, to remove the Horse Overlay Designation from the entire project site (except Lot 114) and to redesignate portions of the project site from:

- Q (Quarry) to C-R;
- A (Agricultural) to C-R;
- RA-20,000 to C-R;
- Q to RPD; and
- A to RPD.

Approval of a Grading application is required under Section 15.04.040 of the Municipal Code for any importation onto or exportation from any site in the City which exceeds 20 cubic yards of earth or any vertical change in the grade of any site which is 3' or more.

Approval of a Development Agreement is requested to further secure vested development rights.

Approval of Conditional Use Permits are required pursuant to Sections 17.18.020(B) for a Residential Planned Development (RPD) subdivision and for a golf course/clubhouse pursuant to 17.22.020(I)(1).

Approval of a Neighborhood Compatibility Determination is required to review the natural amenities, neighborhood character, style, privacy, and landscaping of the proposal.

Approval of an annexation/deannexation with the City of Torrance is required to allow for all residential uses to be located within the City of Rolling Hills Estates and golf course and open space use in the City of Torrance.

Certification of an Environmental Impact Report and approval of Statement of Overriding Considerations are required under the California Environmental Quality Act (CEQA).

The project site is approximately 228 acres in size and used as the Chandler Sand and Gravel landfill (26311 Palos Verdes Drive East) and Rolling Hills Country Club (27000 Palos Verdes Drive East). The Chandler facility is located on the west side of Palos Verdes Drive East where the City borders the cities of Torrance and Lomita. The Chandler facility includes an inert landfill with a quarry pit at a depth of 45 to 165 ft above mean sea level (amsl), a material storage area at roughly 200 to 205 amsl, and the Standard Concrete batch plant. The Rolling Hills Country Club clubhouse, driving range and parking structure are located on the east side of Palos Verdes Drive East, north of Palos Verdes Drive North. Additional golf holes and limited parking are located on the west side of Palos Verdes Drive East. As discussed further below, the project site is subject to the Horse, Cultural Resources, Parks Development, and Hazards Management Overlay designations in the General Plan.

The Rolling Hills Country Club and Chandler facility sites are generally surrounded by residential, commercial recreation, and open space uses. To the south of Rolling Hills Country Club is the Jack Kramer Tennis Club zoned C-R, and the Country Club Estates and Dapplegray neighborhoods zoned RA-20,000. The Strawberry Lane neighborhood, zoned RAE, is also located to the south. The Montecillo residential community, zoned RA-20,000, is located to the east and north of the facility. The Chandler facility is also located to the north of the westerly portion of the golf course.

North of the Chandler facility are residential uses in the cities of Torrance and Lomita as well as the Cypress Street Reservoir. To the south is the westerly portion of the Rolling Hills Country Club golf course. To the east, across Palos Verdes Drive East, is the Bridlewood Circle residential neighborhood zoned RA-20,000. To the west are open space and residential uses in the City of Torrance.

The following is a list of past discretionary permits for the subject property that are relevant to the subject request:

Rolling Hills Country Club:

- A-106-58: Exception to the A-2 (Heavy Agriculture) zone in order to establish, operate and maintain a private country club.
- CUP-104-66: Approved construction and operation of Rolling Hills Country Club golf course.
- CUP-100-72: Approved remodeling and extension of Rolling Hills Country Club golf course.
- CUP-101-75: Approved construction of four tennis courts.
- CUP-102-80: Approved construction of additions to Rolling Hills Country Club.
- CUP-101-87: Approved expansion of existing clubhouse for additional dining area and expanded locker rooms.
- V-111-87: Approved expansion of clubhouse to exceed maximum permitted lot coverage of 10,000 square feet by 5,516 square feet and to allow the clubhouse to exceed the 20' height limit by a maximum of 12'.

Chandler Sand and Gravel:

The sand and gravel quarry began operation at the site in the 1930's, well before the City's 1957 incorporation. No related entitlement history is available. However, related entitlements for its closure and reuse are:

- CUP-103-66: Approved operation of a refuse disposal facility by Chandler's Palos Verdes Sand and Gravel Company.
- CUP-106-87: Approved compaction and engineering of landfill materials.

On July 13, 1975, the City Council adopted Ordinance No. 314 which amended the Q (Quarry) zone to permit only Class III sanitary landfill materials to be deposited. Following this, in the early 1980's, a Chandler Reuse Subcommittee was formed to address the future use of the Chandler Quarry facility. Over the next several years, discussion ensued related to the development of residential uses accompanied by golf course uses of the Rolling Hills Country Club. In 1985, the City initiated a request for a Zone Change to the "Planned Community" zoning for the property which was never effectuated.

In 2002, the Chandler Reuse Subcommittee was re-established to discuss plans for the reuse of the Chandler Quarry/Rolling Hills Country Club properties under the current proposal. Subcommittee members included representatives from the City Council, Planning Commission, staff, and community from Torrance and Rolling Hills Estates (including representatives from the Bridlewood Circle, Montecillo, Dapplegray, and Country Club Estates homeowner's associations). The Subcommittee was disbanded in 2005 as project plans were finalized and prepared for formal entitlement processing.

It can also be noted that the project was reviewed at a joint meeting of the City Council/Planning Commission on September 7, 2004 and again on June 26, 2007. Minutes of these meetings are included herein as Attachments 1 and 2.

Senate Bill (SB) 18 requires, outside of the CEQA process, consultation with Native American tribes during the preparation, updating or amendment of General/Specific Plans to identify and preserve specified places, features, and objects located within the City's jurisdiction that have a unique and significant meaning to California native Americans. In conformance with SB 18, staff consulted with the Native American Heritage Commission in December, 2007 and January, 2008 who identified eight Native American tribes to be consulted regarding the subject project. Staff received one response via email from Anthony Morales of the Gabrieleno/Tongva San Gabriel Band of Mission Indians requesting that any proposed project in the subject area be monitored during any tasks related to ground preparation for redevelopment (see Attachment 3). It can be noted that Mr. Morales was involved in the cultural resource studies completed by McKenna et al. in 2005-2006 at the subject project site. Additional discussion related to cultural resources is provided later in this report.

Several letters were received during the public review period for this public hearing. The letters are included herein as Attachment 4.

The purpose of this staff report is to provide an overview of the project description, discuss major environmental issues and discuss project General Plan, zoning and entitlement implications. As you know, an extensive project Draft Environmental Impact Report (DEIR) and Recirculated portions of the DEIR were provided to the Planning Commission previously. The DEIR fully describes the project and related environmental issues and includes exhibits that will be referenced in this report. It can also be noted that full DEIR as well as the Recirculated Portions of the DEIR can be accessed on the City's website.

Attached separately to this report is the Final Environmental Impact Report. Responses to Comments received on the DEIR and Recirculated Portions of the DEIR are provided in Chapters 9 and 10 of the Final EIR.

Also attached separately to this report are project plans for the Vesting Tentative Tract Map, single family residences, and the Rolling Hills Country Club clubhouse complex. A materials and color board for the clubhouse and paint samples for the homes will be available at the meeting.

DISCUSSION

Project Overview

The applicant proposes construction of 114 single family homes known as the Chandler Ranch Subdivision, the reconfiguration of the 18-hole Rolling Hills Country Club golf course, and a new golf course clubhouse complex on the approximately 228-acre project site. In general, portions of the existing golf course facility to the south and west of the existing Chandler facility would be used for the residential development while the reconfigured golf course facility would be located on the existing Chandler facility site. The purpose of this configuration is that the existing golf course facility would provide for more compacted earth materials necessary for the construction of residential uses while the golf course would be located on former quarry land.

Thirty-two acres of the project site are located in the jurisdictional boundaries of the City of Torrance. In January of 2008, the City Councils of Rolling Hills Estates and Torrance entered into a Boundary Modification Agreement to allow for the annexation/deannexation of land between the two cities. Subsequent to approval by the City of Rolling Hills Estates, the project

would require approval of the City of Torrance and processing before the Local Agency Formation Commission to effectuate the annexation/deannexation.

One hundred and thirteen of the 114 homes and the new clubhouse facility would be accessible off of Palos Verdes Drive East by a new street ("A" Street) located south of the Bridlewood Circle neighborhood westerly of Palos Verdes Drive East. One additional home site (Lot 114) would be located north of Palos Verdes Drive North and west of (and accessible by) Palos Verdes Drive East. Golf course holes 6 and 7 as well as a maintenance area would be located east of Palos Verdes Drive East while all remaining golf course holes would be located west of Palos Verdes Drive East.

The residential subdivision would consist of lots ranging from 8,601 to 34,914 sf with homes ranging in size from 2,700 to 6,500 sf. The subdivision would also include two neighborhood parks, three parkette/overlook lots, and a pedestrian trail. The neighborhood is not proposed to be gated. Additional information about the homes can be found in the Neighborhood Compatibility section of this report below.

The golf course clubhouse facility would consist of a 61,411 sf clubhouse (including offices, lobby area, lockers, a restaurant/lounge, ball room, fitness center, meeting rooms, and a library), four lighted tennis courts, a pool, a spa, golf cart maintenance storage area, and 303 parking spaces. The clubhouse facility would be located nearest the entrance to "A" Street with homesites located further west.

The existing clubhouse, located east of Palos Verdes Drive East, would be demolished as part of this application. The existing parking structure would remain to be used for maintenance and administrative purposes.

The proposed golf course would be an Arnold Palmer Course Design Company "Signature Course", with 18 holes, a non-lighted practice range, two practice greens, and five new lakes/water features. The course would be 1,038 feet longer than the existing golf course. The course design provides that all existing golf-front homes would remain golf-front homes.

No lighting is proposed for the golf course, driving range, or internal residential streets. Clubhouse facility lighting includes entry drive, parking area, and tennis courts lights. A photometric plan is provided on Page 3.1-13 of the DEIR. A condition of approval will require that a precise lighting plan for the clubhouse facility be reviewed and approved by the Planning Commission subsequent to project approval.

A Traffic Impact Report was prepared assessing project impacts. As described in the Transportation and Circulation portion of the DEIR, improvements would be needed as follows to mitigate impacts of the project, for which the applicant would be required to pay his fair share:

- PCH/Crenshaw Boulevard: Install right-turn overlap phasing for the northbound right turn movement on Crenshaw Boulevard to allow vehicles turning right onto eastbound PCH to go concurrently with the westbound left turn movement on PCH. To eliminate conflicts, also install "No U-turn" signs for the westbound left turn movement on PCH.
- PCH/Narbonne Avenue: Stripe in a second northbound left turn lane on Narbonne Avenue.
- Palos Verdes Drive East/"A" Street (project entrance): Stripe in a two-way-left-turn lane on Palos Verdes Drive East between "A" Street and Bridlewood Circle to the north, to create a refuge area for drivers who are trying to make an eastbound left turn from "A" Street to northbound Palos Verdes Drive East. The two-way-left-turn lane would mirror the new northbound left turn lane on Palos Verdes Drive East at "A" Street.
- Palos Verdes Drive East/Club View Lane: To assist drivers trying to make an eastbound left turn from Club View Lane onto northbound Palos Verdes Drive East, modify the existing

painted median on the north leg of the intersection to provide an acceleration/merge lane. The purpose of the current painted median is to mirror the northbound left turn lane on Palos Verdes Drive East at Club View Lane. Since the roadway narrows to the north, an additional right-of-way may need to be dedicated from the project site.

- Palos Verdes Drive North/Hawthorne Boulevard: Construct a second westbound through lane on PV Drive North to provide additional capacity for the westbound through movement.
- Palos Verdes Drive North/Crenshaw Boulevard: Convert the northbound through lane on Crenshaw Boulevard to a shared through and right turn lane, providing additional right-turning capacity.
- Palos Verdes Drive North/Rolling Hills Road: Convert the eastbound right turn lane into a shared through and right turn lane, to provide additional capacity for the eastbound through movement.
- Palos Verdes Drive North/Dapplegray School Road: Widen the road to provide a second eastbound through lane on Palos Verdes Drive North, to provide additional capacity for the eastbound movement. This would be a localized improvement that would not generally extend beyond the intersection, but would merge back to one through lane east of the intersection.

A Development Agreement is requested by the applicant to further secure vested rights to develop. The term of the development agreement would be ten years with an option for one five year extension, not to be unreasonably withheld, approvable by the City Council. A draft of the Development Agreement is provided herein as Attachment 5. It can be noted that the City Attorney continues to review the Development Agreement with the working draft provided for review of the Planning Commission herein.

General Plan Applicability

The purpose of the General Plan is to provide a comprehensive, long-range plan designed to serve as a guide for the physical development of the City. The General Plan consists of an integrated and internally consistent set of goals, policies, and implementation measures. The Municipal Code is a tool to implement the General Plan's goals, policies, and implementation measures. The City's present General Plan was adopted on August 18, 1992 (Housing Element – June 23, 2009) in accordance with Title 7, Chapter 3, Article 5 of the Government Code.

Two existing General Plan designations are applicable to the project site. The Very Low Density Residential designation applies to the very northwesterly portion of the project site and provides for the single family detached residential units at a maximum density of one unit per five acres or one unit per acre and a population density of three persons per acre. The remainder of the project site is located in the Commercial Recreation General Plan designation. This designation provides for recreation-related uses including riding, tennis and golf clubs. With implementation of the project proposal, the portions of the project site related to the golf course and clubhouse uses would be designated Commercial Recreation in the General Plan, while the residential uses would be designated Low Density Residential consistent with the proposed Residential Planned Development (RPD) zoning designation.

A portion of the project site on the east side of Palos Verdes Drive East is located in Planning Area 1 while the majority of the project site is located in Planning Area 2 of the General Plan. The portions of the project site in Planning Area 1 are included in the Cultural Resources Overlay and Horse Overlay designations as discussed further below.

Residential land uses in Planning Area 2 include primarily Low Density Residential neighborhoods in the Dapplegray and Country Club Estates neighborhoods with Very Low Density Residential uses located on Strawberry Lane. Commercial Recreation uses associated with the golf course and Open Space uses associated with the Chandler Trust property are also

located in the immediate vicinity of the project site. The development policies for Planning Area 2 indicate:

- A *Cultural Overlay* should be designated on the property to protect any cultural resources that may be present on the site.
- Maintain the existing golf course (the course should be designation as *Commercial Recreation* in the General Plan).
- The certified compacted portion of the quarry should be designated as *Very Low Density Residential* with a maximum density of 1 unit per acre with an “H” Overlay.
- Maintain the historic Empty Saddle Club and General Store uses.
- The portions of the site that are uncertified fill should be reserved for *Commercial Recreation* as an extension of the existing golf course.
- The undeveloped portions of the landfill next to the water company property should be designated in such a way to promote affordable housing.
- Palos Verdes Drive East could be straightened with a parkland buffer between Palos Verdes Drive East and Bridlewood Circle neighborhood.

With regard to the above, it can be noted that the public right-of-way that would have been used to straighten the roadway was sold by the City to Chandler for incorporation into this project. Thus, straightening of Palos Verdes Drive East is not a part of this project nor envisioned in the future. Also, the City’s Housing Element was certified in 2009 and provides for affordable housing opportunities in the City’s commercial district. No affordable housing is proposed as part of this proposal.

The project site is further subject to three General Plan Overlay designations as described below. A discussion of the applicability of the overlay designation to the subject project is also provided.

Horse Overlay - This designation identifies areas where the keeping of horses is permitted and requires that horsekeeping areas are required to be preserved. The project proposes an amendment to the General Plan to remove the entire project site, with the exception of Lot 114, from the horse overlay designation and would not propose horse-keeping areas or facilities on the homesites.

Exhibit 6-1 of the Open Space and Recreation Element of the General Plan shows an equestrian trail around the border of the Chandler facility site including along the west side of Palos Verdes Drive East (see Attachment 6). It can be noted that this trail was included in the General Plan at the policy level and was not engineered or considered in conjunction with topography and steep slopes associated with the Chandler facility. More precise examination of the trail by the project applicant and staff indicates that the location of the representative trail would not be desirable for trail purposes. The applicant does propose, and Mitigation Measure LU-1 requires, that the applicant establish a horse trail along Palos Verdes Drive East that is linked to an existing publicly-accessible trail(s) and that minimally extends to the City of Lomita’s Cypress Street Reservoir Site. The final design of this trail would be submitted to the Equestrian Committee and City Council for final review and approval. Attachment 7 provides a map indicating the trail proposed by the applicant.

Cultural Resources Overlay – This designation applies to those areas that have been designated as having a high sensitivity for cultural resources and where future development may affect these resources. The Conservation Element of the General Plan details appropriate actions that must be followed when property is included within this designation. Given that the subject property is within an area designated as high sensitivity for cultural resource, a Phase I Cultural Resources Investigation, Paleontological Overview was completed in 2009 by McKenna et al. as required by General Plan Policy 3.1 and Implementation Policy 3.1.1 of the Conservation Element. The Phase I study indicated seven previously recorded archeological sites in the project site vicinity, three outside of the project site and four within it. Subsequently, in December 2006, McKenna conducted a Phase II Cultural Resources Testing Program at three prehistoric sites in the area based on a finding from the Phase I report indicating that site is sensitive for cultural and paleontological resources. Also, one additional resource site was found subsequent to the Phase I and II investigations making a total of eight sites in the project vicinity.

Based on the studies completed by McKenna et al., and given that the site is known to be sensitive for cultural resources, Mitigation Measure CULT-1 and Mitigation Measure CULT-2 (as included in the DEIR and revised in the Recirculated Portions of the DEIR), require archaeological and paleontological monitors to be present onsite during the demolition and grading phases of project construction, and during other construction activities that disturb soils, such as trenching for pipes and foundations. In addition, Mitigation Measure CULT-1, requires a focused, pre-grading testing program (minimally trenching) preferably after golf play has been suspended. Investigation techniques/survey methodology shall be subject to review and approval of the City. If resources are identified, they shall be assessed in a Phase II report prior to the mass grading program.

Hazards Management Overlay – This designation applies to the northernmost portion of the Chandler facility area where it is traversed by the Palos Verdes fault. The fault line runs along the northeastern section of the Palos Verdes Hills crossing the northeastern tip of the City of Rolling Hills. Studies conducted by Earth Consultants International and, subsequently, by Neblett & Associates examined the potential for ground rupture along lineaments related to the fault. Conclusions indicate that the lineaments do not constitute “active” faults and would not affect future development of the project site.

Structures designed for human habitation are required to meet standards of the California Uniform Building Code (Seismic Zone 4). In addition, the City’s Seismic Safety Ordinance requires structural engineering review of development proposed in the subject area. Mitigation Measure GEO-3 requires this review including measures to reduce potential landslide hazards.

The City’s General Plan notes that Palos Verdes Drive East is a scenic corridor in on Exhibit 5-2 in the Conservation Element of the General Plan, but does not mention a scenic corridor overlay for the street in describing overlay designation in Planning Areas 1 or 2 nor on Page 5-19 of the General Plan. Regardless, the DEIR analyzes impacts to Palos Verdes Drive East on page 3.1-20 of the DEIR, and the applicant has provided cross section of the development relative to Palos Verdes Drive East on Sheet 10 of the Vesting Tentative Tract Map drawings. Drawings show that proposed homes will be lower than existing homes. Staff believes that the continued appearance of golf course uses accompanied by the new site entrance to the residential tract/clubhouse complex (as seen on page 3.1-27 of the DEIR) will provide a low-scale and aesthetically pleasing appearance along Palos Verdes Drive East.

As discussed above, and in consideration of project Mitigation Measures as described, staff believes that the subject request conforms to the policies identified for the General Plan Overlay designations with the requested General Plan amendments.

Zoning Applicability

Currently, zone designations are Q (Quarry) for the existing Chandler facility, and A (Agricultural), C-R (Commercial Recreation) and RA-20,000 for the golf course facility. The applicant requests zone changes to redesignate the project site to C-R for the golf course facility/clubhouse complex and RPD (Residential Planned Development) for the residential subdivision.

Requirements of the C-R Zone are set forth in Chapter 17.22 of the Municipal Code which provides for golf courses and/or golf driving ranges as a conditionally permitted use. The project complies with development standards for the C-R Zone related to a minimum lot area of two acres, setbacks of 25 feet (fully landscaped) between a C-R use and residential use, screening of service entrances from residential uses, and a minimum of 20% (5% of the parking lot area) of the site to be landscaped.

The C-R Zone indicates that parking shall be established for each use by the Planning Director and that there shall be sufficient onsite parking to meet the needs of the specific use. A parking analysis was included in the Traffic Impact Report (see Appendix J of DEIR). The project proposes 303 parking spaces for the clubhouse and golf course with additional capacity by attendant service. The minimum number of required parking spaces was estimated using *Parking Generation*, 3rd Edition published by the Institute of Transportation Engineers (ITE). Not all of the golf courses that were the basis of ITE's parking generation rates include restaurant and banquet facilities. To ensure that all of the banquet facilities are accounted for, the 85th percentile rate was used instead of the usual average rate.

As shown in the Table below, it is estimated that the proposed development would need a minimum of 210 parking spaces:

LAND USE	ITE CODE	SIZE		PEAK PERIOD PARKING DEMAND	MINIMUM REQUIRED PARKING SPACES
Golf Course	430	18	Holes	9.83 spaces/hole	157
Fitness Center	492	7.150	Thousand Square feet	5.19 spaces/thousand square feet	37
Tennis Courts	490	5	Courts	3.2	16
Total Minimum Required Parking Spaces					210

Thus, the 303 parking spaces proposed are expected to be more than adequate providing 93 extra spaces.

In addition, the project applicant requests to remove the Horse Overlay District, as described in Chapter 17.36 of the Municipal Code, from the entire project site, except Lot 114. Discussion regarding this request can be found above in the General Plan portion of this report.

Zone Text Amendments

The project proposes Zone Text Amendments related to the permitted building height in the C-R Zone and the permitted lot coverage. The C-R Zone limits building height to 20 feet or one story, except that buildings may be 35 feet or two stories where the building is farther than 50 feet from the property line. The applicant proposes the main roof line of the clubhouse as measured on the front elevation with tower elements to be approximately 33 and 40 feet in height. On the west elevation, it can be noted that a 43 foot high tower is proposed while the main roof line is approximately 40.5 feet in height. The rear (north) roof line is generally 40.5 feet in height as well.

Other conditionally permitted uses in the C-R Zone include bicycle riding tracks, clubs providing game playing areas with spectator facilities (including tennis handball and volley ball courts, baseball diamonds and football/soccer fields, racket tennis, basketball, and squash) swimming pools and farms and/or ranches and accessory buildings. Staff believes that the maximum building height in the C-R Zone for these conditionally permitted uses should be raised to a maximum of 44 feet in height subject to discretionary review through the Conditional Use Permit (CUP) process. The 44 foot height maximum would be consistent with the maximum permitted height in the C-G (Commercial General) Zone. Staff believes that this would provide increased flexibility in designing clubs and facilities consistent with modern standards.

It can be noted that the DEIR indicates that that tower elements are 48 and 56 feet in height. These measurements would be provided if the highest tower elements on the front elevation were measured from the lowest point of the rear elevation. This, however, is inconsistent with how height is measured in the City which is from the lowest finished grade at the side of the building. The heights described in this report, therefore, are more representative of how height is measured in the City.

Should the Planning Commission decide that the proposed Zone Text Amendment should not be pursued, please note that Mitigation Measure AES-1 would require the applicant to reduce the proposed clubhouse's building height, including accent towers, to 35 feet or less.

The maximum lot coverage in the C-R Zone is 10% up to a maximum of 10,000 square feet, and the project proposes lot coverage of 10.75% in the clubhouse complex inclusive of the clubhouse, exterior covered areas, and decks. Staff believes that 10% lot coverage is antiquated and recommends that the lot coverage in the C-R Zone be amended to allow 20% lot coverage. While this would double the permitted lot coverage in the C-R Zone, it would provide consistency with the I (Institutional) Zone. The 20% lot coverage would also be less than the 25% provided for in the C-O (Commercial Office) and C-L (Commercial Limited) Zones, and less than the up to 45% provided for in C-G (Commercial General) Zone.

Conditional Use Permits

As mentioned previously, a CUP is required to establish a golf course/driving range in the C-R Zone. Further, a CUP is required to establish a Residential Planned Development (RPD) community. Requirements for CUP's are provided in Chapter 17.68 of the Municipal Code. Section 17.68.010 of the Municipal Code indicates that conditionally permitted uses may be allowed when such uses are necessary to the development of the community, and which uses are in no way detrimental to existing uses or to those permitted in the district. In no case shall a CUP be issued for a specifically prohibited use.

Although a new CUP is required for the golf course facility, it can be noted that the Rolling Hills Country Club has been operating as a conditionally permitted use for decades and has been an asset to the community. The new CUP allows the City to place conditions on the development and operation of the project to minimize impacts to the surrounding neighborhoods.

Staff reviewed previous CUP's for the use and was unable to find conditions regulating hours of operation. The Planning Commission generally provides a condition of approval allowing for hours of operation for conditionally permitted uses. The applicant proposes hours of operation to be as follows:

Tennis Courts – 7:00 am to 10:00 pm

Clubhouse – 7:00 am to 12:00 am, with minimal special events lasting until 2:00 am

Golf Course – Daylight to Sundown

Staff reviewed hours of operation for the Jack Kramer Tennis Club and found that their hours of operation are 6:00 am to 10:00 pm, seven days a week, except that hours are 6:00 am to 8:00 pm on weekends during the months of October through May. Accordingly, staff finds that the tennis hours proposed by Rolling Hills Country Club are generally consistent with those of the Jack Kramer Tennis Club. Staff does recommend a condition of approval requiring that tennis court lighting be shut off by 10:00 pm every night or when the courts are no longer scheduled for use on any evening.

With regard to the clubhouse, Mitigation Measure NOI-5 indicates that no outdoor dining, music or activities can occur after 10:00 pm or before 7:00 am. Further, Mitigation Measure NOI-6 requires that all exterior windows and doors at the clubhouse shall be kept closed between 10:00 pm and 7:00 am. The applicant proposes that indoor clubhouse activities would occur until 12:00 am, except that uses may occur until 2:00 am a couple of times a year, such as on New Year's Eve. Staff recommends a condition of approval requiring a written request to be submitted no later than 10 days prior to any event anticipated to occur after 12:00 am for review and approval of the City Manager. With these requirements, staff recommends the hours of operation for the clubhouse be approved as proposed.

The Planning Commission may also wish to note that Mitigation Measure NOI-10 indicates that truck deliveries may only occur between the hours of 7:00 am and 10:00 pm. Also, Mitigation Measure NOI-12 indicates that no trash pickup can occur between 8:00 pm and 8:00 am. These measures, along with all mitigation measures, will be incorporated into the project approval and will be required of the project operation.

Like the subject golf course, the Los Verdes Golf Course in the City of Rancho Palos Verdes is flanked by residences. Staff reviewed the hours of operation for the Los Verdes Golf Course and found tee times can be set as early as 5:00 am and as late as 7:30 pm, which roughly corresponds to daylight hours. Therefore, staff believes that permitting golf during daylight hours would be appropriate for the project as requested.

The RPD development standards are described in Chapter 17.18 of the Municipal Code. The intent of the zone is to provide for cluster housing and common open space and recreation oriented areas. The Section 17.18.020(B) of the Municipal Code provides that a planned residential development is permitted subject to a CUP based upon findings that the plan provides for adequate light and air, public safety and convenience, protection of property values in the neighborhood and preservation of the community.

A minimum of ten acres is required for an RPD development with a maximum project density of two units per acre. For the subject application, the residential portion is approximately 60 acres, and the applicant has provided a one-acre grid map indicating that the permitted density will not be exceeded. Said map will be available at the public hearing. The RPD Zone permits single family detached homes as proposed, and off street parking is provided at two covered parking spaces in a fully-enclosed private garage for each dwelling unit as further required.

The RPD Zone also requires that common and private open space areas shall comprise not less than 70% of the land area. As proposed, the project proposes only approximately 17% of the RPD designated land for building coverage (less than the 30% maximum permitted by Code), leaving 83% for common and private open space.

Two neighborhood parks, three parkette/overlook lots, and a pedestrian trail are proposed as common open space features. Section 17.18.040(B)(8) requires that a development schedule indicating the development of common open space related to the construction of dwelling units be provided to the Planning Commission. Accordingly, that applicant indicates the Lot 135 will be constructed with Phase 1 (30 homes plus nine models), Lots 129, 130 and 131 will be

constructed with Phase 2 (32 homes), and Lot 136 will be constructed with Phase 4 (19 homes). This schedule will be included as a condition of project approval. Also, a landscaping plan for all common areas is required to be reviewed by the Planning Commission pursuant to Section 17.18.040(B)(11) of the Code. A condition of approval will require this plan to be reviewed accordingly.

With regard to the tentative subdivision map, the RPD Zone indicates that the applicant may be required to provide a plan of design which shall specify and include:

- The location size, bulk, height and number of stories of all buildings and structures, including walls, signs and fences;
- The location, size and dimensions of yards, courts, setbacks, and all other open spaces between buildings and structures;
- The location, dimensions and method of improvement of all driveways, parking area, walkways and means of access, ingress and egress, and drainage; and
- The location, dimensions and method of improvement of all property to be dedicated to the public or for use of public utilities.

Accordingly, the applicant has provided a site plan, floor plans and elevation drawings for the proposed homes in the residential subdivision. It can be noted that, as discussed in the Neighborhood Compatibility section below, the homes as indicated are schematic at this time and will be subject to further revision and review when the applicant has secured a home builder. Conceptually, the Planning Commission may use these plans accompanied by the DEIR to consider, as required by Section 17.18.040(B)(12) of the Code, the factors of noise, light, heat, vibrations, fire hazard, traffic, population density, landscaping and relationship of structures to each other on the subject parcel and to adjoining property.

Staff believes that the home sites and types are relatively consistent with other RPD designated residential subdivisions that have been permitted in the City (i.e., The Ranch, Vantage Pointe, and Hillcrest Manor) in terms of providing individual home site private yards as well as common parkette/open space amenities.

Staff believes that the relationship of structures to each other, proposed landscaping, and the factors of noise, light, heat, and vibrations will not be adverse given the design and layout of the residential subdivision. In addition, fire hazard, traffic and population density will not create significant impacts with mitigation indicated in the project DEIR.

Neighborhood Compatibility

Neighborhood Compatibility requirements are set forth in Chapter 17.62 of the Municipal Code for residential uses. No requirement for Neighborhood Compatibility is required for buildings in the C-R Zone pursuant to Chapter 17.22 of the Code.

Residential floor plans, roof plans, and elevations are provided in the project drawings. Three primary home types are proposed to be “cottages”, “villas” and “estates”. In total, nine floor plans are proposed with three elevations each for a total of 27 elevations. The proposed residences (as well as the golf course clubhouse) are “neo-Mediterranean” in style combining Spanish and Italian building elements of exterior gallerias or loggias, covered balconies, symmetric ranks of tall, arched window and door openings, terra-cotta barrel roof ties, shallow roof pitches, stucco facades, rough-hewn wooden doors and decorative ironwork. Facade ornamentation may include inset tilework and carved stone (or pre-cast replica stonework). Although the project is not proposed to be gated, as encouraged in Policy 1.2 of the Housing Element of the General Plan, it does propose a “carriage house” to be located near the project entry that matches the style of the homes and clubhouse.

The style of the homes was discussed at the Joint City Council/Planning Commission meetings previously. Some concern was expressed relative to architectural style and massing of buildings which do not represent the City's ranch style particularly for the northeastern section of the City. While the Bridlewood Circle neighborhood expresses a "modern Ranch" style, the County Club Estates neighborhood expresses a mixture of Mediterranean and Ranch style homes. The applicant did incorporate an "Adobe Ranch" style home subsequent to these meetings. Staff believes that the adobe ranch elevation does not go far enough in representing ranch style and could be further enhanced.

As previously mentioned in this report, a home builder has not yet been identified. Thus, while, the homes as presented can be used for neighborhood compatibility discussion, further revision to home architecture and, accordingly, review of neighborhood compatibility is anticipated. Thus, should the Planning Commission desire, conditions of approval could require the incorporation of additional ranch style architectural features and elements or an authentic ranch style elevation. Also, the Commission could require less subtle and more dramatic style differences such as an authentic Craftsman, French Country, Mission or Arts and Crafts style home as has been done for other developments. Past developments (i.e., Peppertree and The Vantage Pointe) were considered neighborhoods onto themselves that still incorporated a mixture of architectural homes including a ranch style.

Section 17.62.030 of the Municipal Code requires residential construction proposals to address Neighborhood Compatibility objectives such as natural amenities, neighborhood character, scale, style, preservation of open space, privacy, and views. To maintain Neighborhood Compatibility, residential construction proposals shall address the following objectives:

1. Natural Amenities. Improvements to residential property shall respect and preserve to the greatest extent possible existing topography, landscaping, and natural features.

The existing topography will not be preserved on the Chandler facility site which will improve the site condition. Grading appropriate for home and golf course uses will also occur (see Grading section below). Project grading, while massive, will provide a more uniform appearance of the project site. Also, the applicant has completed a tree survey of 188 trees on the project site. Of these, about 35% are in poor condition or dead, and 48% are in fair condition. Twenty-seven trees have the potential to remain if well protected, and 20 trees are transplant candidates. A condition of approval will require the 27 identified trees to remain onsite and 20 transplant trees to be relocated.

2. Neighborhood Character. Proposals shall be compatible with the existing neighborhood character in terms of scale of development, architectural style and materials.

Pursuant to the discussion above, there is a mix of Mediterranean and "modern ranch" homes in the project vicinity, and staff believes that a better mix of home styles could be incorporated for further neighborhood compatibility review.

3. Scale. Designs should minimize the appearance of overbuilt property to both public and private view. The square footage of the residence and total lot coverage should reflect the rural character of the City and neighborhood.

Overall, for the proposed RPD-zoned subdivision, staff believes that the approximately 83% open space versus the 17% building coverage will minimize the appearance of an overbuilt property. As home sizes are adjusted with the selection of a builder and the plans are brought back for further neighborhood compatibility review, staff and the Planning Commission can further ensure that the largest homes are placed on the largest lots and the smaller homes on

smaller lots. It is also anticipated that the square footage of the homes will be reduced which can also be reviewed at that time.

4. **Style.** Proposals shall address the following design elements: façade treatments (avoid stark and unbroken walls), structure height(s), open spaces, roof design, appurtenances, mass and bulk. These design elements should be compatible with the existing home and neighborhood and in all instances seek to minimize the appearance of a massive structure.

As discussed above, the style of homes could be addressed through conditions of approval should the Commission so choose. Staff also believes the number of blank walls that are proposed in the architecture should be reduced and that the lack of setbacks for second floors over first floors, which has been a City priority in past applications, should be addressed.

5. **Privacy.** Proposals shall maintain an adequate separation between the proposed structures and adjacent property lines. In addition, proposed balconies, decks and windows shall respect the existing privacy of surrounding properties.

While it appears that distance between homes may provide for privacy, this issue will need to be further addressed when the specific home styles are brought back for review by the Planning Commission after a home builder has been selected. An analysis will need to be provided indicating that windows will not directly look into neighboring windows.

6. **Views.** Designs should respect existing neighboring views.

This finding has been met because the proposed homes are located down slope from any home above and will not block views. In addition, all existing golf-front homes will remain golf-front homes.

When the project is brought back for further neighborhood compatibility review, staff suggests, at a minimum, a condition of approval requiring a better mix of authentic architectural style including a more authentic Ranch design, a better “wedding cake” massing of second floors over first floors, and an analysis of privacy between individual buildings indicating that windows will not look directly into neighboring windows.

Grading

Requirements for grading in residential districts are set forth in Chapter 17.07 of the Municipal Code. The purpose of the chapter is to preserve and promote the City’s rural character through development that protects the hillsides and topography and the public health, safety and general welfare of the residents of the city.

The project proposes 3.2 million cubic yard of earthwork which would be balanced onsite. The majority of cut area would be from the western and southern rims of the quarry pit and on the existing golf course adjacent to the southern rim of the pit. Fill areas would be primarily within the pit and valleys in the southwestern portion of the site. Grading would also occur for building pads and golf course purposes.

Manufactured slopes would be located throughout the project site with the largest slope in public view located in the westerly portion of the site below Alta Loma Park. This landscaped slope would be approximately 60 feet in height and would contain two concrete “V” ditches for drainage. In addition, a Verdura retaining wall is proposed. Verdura walls are modular, interlocking concrete cells that form a strong, flexible soil retention matrix that can be planted and irrigated. The wall is proposed to be located south of the clubhouse, north of Lots 1 through

6, and would be 500 feet long and 16 to 28 feet tall (see Loffel and Retaining Wall Exhibit in project plans). Examples of Verdura walls are provided on Page 3.1-11 of the DEIR.

It is estimated that project grading would last 30 months. Initial construction activities would include demolition, grading and installation of infrastructure which would occur as one phase for the entire project, except that the existing clubhouse would remain operational until the new clubhouse is operational. Construction of residential phases would occur subsequently concurrent with construction of the clubhouse complex and new golf course.

Staff believes that the grading of the project site would provide for a better and more compatible site than the existing quarry (inclusive of the pit). Although high retaining walls are proposed, staff believes that their appearance can be adequately screened by extensive landscaping. A condition of approval will require that the retaining walls located near the project entrance (south of the clubhouse) and below Alta Loma park be fully landscaped and maintained at all times.

Vesting Tentative Tract Map

Regarding tract maps, Chapter 16.12 of the Municipal Code requires that the plan must be prepared by a registered civil engineer for all public works improvements to be constructed as a condition of the subdivision and for all site development including (but not limited) to grading, drainage facilities, and structures in accordance with the City standards. Furthermore, plans for all irrigation and landscaping subject to the approval of the Planning Director and a plot plan showing details of the entire development and all improvements to be constructed are required. Pursuant to Chapter 16.04 of the Municipal Code, the Planning Commission's actions shall be as an advisory agency only, and all actions of the Planning Commission with reference to tract maps shall be reported to the City Council who shall act approve, deny or conditionally approve the map. Thus, the Planning Commission's action on the subject request shall serve only as a recommendation to the City Council.

The Vesting Tentative Tract Map was routed to other affected public agencies and service providers for review, and some conditions of approval were provided. These conditions generally involve requirements pursuant to the Subdivision Map Act as well as project level requirements specific to the development. Staff supports approval of the Vesting Tentative Tract Map subject to these conditions which will appear in the resolution recommending approval of the project to the City Council which will be presented for review by the Planning Commission. The City Engineer will be present at the public hearing to answer any questions related to the Vesting Tentative Tract Map.

Proposed Infiltration System and Machado Lake Nutrient Total Maximum Daily Loads

At a Joint City Council/Planning Commission meeting held on October 13, 2009, the City's Environmental Consultant provided an update on the Regional Water Quality Control Board's new Total Maximum Daily Loads (TMDL) for Machado Lake. This Nutrient TMDL is intended to correct impairment of water quality in Machado Lake with respect to algae, ammonia, odors, eutrophic conditions that result from excessive nitrogen and phosphorous (nutrients) in the lake. The City is required by new regulations to evaluate and establish compliance with the nutrient TMDL. The City's Environmental Consultant specifically mentioned the existing benefit that the Chandler pit provides by allowing for 200 acre feet of detention capacity. As provided in the DEIR, the project initially intended to divert water into Machado Lake from the project site providing only 12.7 acre feet of detention after project construction.

In response to the new regulations and the City's related concern, the applicant designed and proposed a new infiltration system for the project in the area of the existing quarry pit. The system is designed to percolate up to 242 cubic feet per second rather than discharge flow into

the Project 77 storm drain to Machado Lake. The infiltration system would filter flows through a geo-fabric lining, a gravel bed, and the underlying soil matrix, which would remove pollutants from percolating water. With the proposed infiltration system, the site's infiltration capacity would be maintained. Mitigation Measures in the Recirculated Portions of the DEIR provide for the required maintenance of the infiltration system.

Environmental Review Pursuant to the California Environmental Quality Act (CEQA)

The proposed development was defined as a project under the California Environmental Quality Act (CEQA), which requires completion of an Initial Study to determine if the project would have significant impacts on the environment. The City contracted with Willdan Associates to perform the Initial Study and, subsequently, the Draft Environmental Impact Report (DEIR) to analyze project environmental impacts. The DEIR was circulated for public review from May 1, 2009 through June 30, 2009. The DEIR was provided to the Planning Commission under separate cover on May 4, 2009. In response to comments received, and to address additional hydrology mitigation proposed by the applicant, the project description, alternatives, air quality, biological resources, cultural resources, and hydrology and water quality portions of the DEIR were recirculated from June 21, 2010 until August 4, 2010. The Recirculated Portions of the DEIR were provided to the Commission on June 21, 2010.

As required by CEQA, all affected properties within 500' of the project, the City's environmental notification list including adjacent/affected cities, and the State Clearinghouse were noticed of the availability of the DEIR and Recirculated Portions of the DEIR. The notice provided a brief description of the project and how to obtain detailed information. The DEIR and Recirculated Portions of the DEIR were posted on the City's website, provided at the public counter for review, posted at the Los Angeles County Clerk/Recorder's Office and delivered to the Peninsula Library for accessibility at the Reference Desk.

Upon completion of the DEIR and Recirculated Portions of the DEIR, staff determined that, with proper mitigation as specified in the Recirculated Portions of the DEIR, the proposed project will not have a significant impact on the environment with respect to aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation and open space, transportation and circulation, or utilities and service systems. However, significant impacts to air quality and noise would occur with construction and maintenance of the proposed project as follows. (Attachment 8 provides Findings related to these and other impacts that can be mitigated):

- Construction of the proposed project would generate criteria air pollutants, which would contribute to the regional ambient air quality conditions of the South Coast Air Basin. Before mitigation, project construction would generate NO_x, PM₁₀, and PM_{2.5} in excess of the South Coast Air Quality Management District's Mass Daily Thresholds. After mitigation, the project's construction NO_x emissions would be less than significant, however, project construction PM₁₀ and PM_{2.5} emissions would remain significant. This is a significant impact that cannot be mitigated.
- Construction of the proposed project would generate criteria air pollutants, which would affect localized air quality. PM₁₀ and PM_{2.5} emissions generated by project construction would exceed the South Coast Air Quality Management District's Screening Thresholds for Localized Significance, both before and after mitigation, and NO₂ emissions generated by project construction would exceed the District's Screening Thresholds before mitigation. Dispersion modeling indicates that the project's construction emissions would exceed the District's significance thresholds for localized concentrations of NO₂ (1-hour standard only), PM₁₀ (1-hour and annual standards), and PM_{2.5} (1-hour and annual standards). This is a significant impact that cannot be mitigated.

- The proposed project involves construction activities, which could temporarily and periodically affect noise levels and impact existing nearby sensitive receptors and future onsite residents. This is a significant impact that cannot be mitigated to a less than significant level.
- Operation and maintenance of the proposed reconstructed golf course and clubhouse would generate noise that could affect existing nearby residents. Clubhouse activity noise can be mitigated to a less than significant level. However, even after mitigation, nearby residents would be significantly impacted by noise generated by golf course maintenance. This is a significant impact that cannot be mitigated to a less than significant level.
- Future residents of the proposed development and patrons of the golf course and country club would be exposed to external and internal traffic noise and noise generated by activities onsite, including golf course maintenance and clubhouse events. Traffic-related noise and clubhouse activity noise can be mitigated to a less than significant level. However, even after mitigation, future onsite residents would be significantly impacted by noise generated by golf course maintenance. This is a significant impact that cannot be mitigated to a less than significant level.

Given that significant impacts would result from construction and operation of the project, the City is required to adopt a Statement of Overriding Considerations for the project which is provided herein as Attachment 9.

John Bellas of Willdan Associates, who prepared the environmental documentation, will be at the public hearing to answer any related questions.

RECOMMENDATION

Staff recommends the Planning Commission:

1. Open the Public Hearing;
2. Take Public Testimony;
3. Discuss the issues;
4. Continue the public hearing to the meeting of October 18, 2010 and direct staff to prepare a Resolution recommending to the City Council that the project Final Environmental Impact be certified and that Planning Application No. 29-07 be approved, subject to the conditions identified in this report.

Exhibits

Attached

1. Minutes of Joint City Council/Planning Commission Meeting (9/7/2004)
2. Minutes of Joint City Council/Planning Commission Meeting (6/26/2007)
3. Email from Anthony Morales (2/19/08)
4. Letters Received Prior to Public Hearing
5. Draft Development Agreement
6. General Plan Exhibit 6-1: Equestrian Trails
7. Applicant's New Proposed Equestrian Trail
8. City of Rolling Hills Estates Findings
9. Statement of Overriding Considerations

Separate

1. Final Environmental Impact Report
2. Project Plans

P niki Pa29-07 pm

Rolling Hills Estates holds first hearing on Chandler development project

By Melissa Pamer Staff Writer

Posted: 10/05/2010 07:12:09 PM PDT

Updated: 10/05/2010 07:16:54 PM PDT

In a packed meeting room, a Rolling Hills Estates commission this week held its first official hearing on a long-planned project to replace a massive rock quarry and neighboring country club with a new golf course and 114 luxury homes.

The Planning Commission made no decision on the project at a Tuesday evening meeting that brought out more than 100 city residents.

The panel is set to meet again Nov. 1 on the project, which is being pursued jointly by the Rolling Hills Country Club and Chandler's Palos Verdes Sand & Gravel facility.

City Planning Director David Wahba said he wanted to give commissioners time to "digest" comments made by critics and supporters of the project, known as Chandler Ranch.

Several meetings may be necessary before the commission makes a recommendation to the City

Council, which has final say over the controversial 228-acre project off Palos Verdes Drive East.

Tuesday's two-hour meeting rehearsed a now-familiar set of disagreements over the impact of the proposal.

"It's going to create an attractive gateway into the city of Rolling Hills Estates. That should enhance property values," said country club board member Kevin Jennings.

"This project is a win win win. It's a win for Rolling Hills Estates. It's a win for Rolling Hills Country Club because we get to be in control of our own destiny. And it's a win for the Chandler family because they get to exchange one incoming-producing

asset and exchange it for another one."

The project would join the steeply contoured quarry property - now a landfill for inert construction waste - with the country club's existing 18-hole golf course. Part of a newly configured course would replace the quarry, while homes would be built close together on a portion of the former golf course.

But the subdivision would be removed from the city's horse overlay zone, meaning residents could not keep the four-legged creatures that have defined the equestrian-friendly city. That and other factors has prompted criticism from some local equestrians, who would like to see changes in the project.



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"It should take in to consideration what the residents want, not just what the developer wants," said Dale Allen, president of the Palos Verdes Peninsula Horsemens Association.

Several speakers called for further investigation of Indian artifacts that have been found in the area, specifically asking for ground-penetrating radar to look beneath the site.

Jacob Gutierrez, a representative of the San Gabriel band of Mission Indians, contested claims from the project's backers that a thorough archaeological investigation had already been performed.

"By not doing the right thing, it's called erasure. You're erasing our history," Gutierrez said.

Others who live nearby said they support the project in part because they want to see the Chandler pit - an eyesore for many decades - covered.

Bob Bennett, a member of the private country club and a horse-owner, noted that many city residents do not keep horses.

"The issue is not that there's not enough capacity" for horses, Bennett said. "The issue is that there's not enough demand."

Commissioners said little to indicate their perceptions of the project.

They asked about the effect of keeping the project in the horse overlay zone and about the

use of ground-penetrating radar. They also wanted more information about a water filtration system meant to prevent pollution down the hill in Machado Lake, as well as effects on traffic and a rare bird species.

Responses to those issues should be available at the Nov. 1 meeting.

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RHCC: no formal decision made

Thursday, October 7, 2010 11:20 AM PDT

Public hearing continued to Nov. 1 at the Planning Commission level.

By Rebecca Villaneda, Peninsula News

RHE — The Rolling Hills Country Club's proposed project was discussed at

Monday night's Rolling Hills Estates Planning Commission meeting to an overflow audience eager to hear how the new addition would affect their community and to urge further archaeological testing. Others were there to applaud the project.

The development — 114 single-family homes, an 18-hole Arnold Palmer-signature course, and a new clubhouse complex on 228 acres, is the largest development in the city's history, according to Planning Director David Wahba.

The equestrian community questioned the matter of removing the horse overlay designation from the entire site — except one area: lot 114.

"RHCC is very supportive of our equestrian friends and neighbors and many of our members are also equestrians, and that is why we understand those issues and are sensitive to them," said Kevin Jennings, a country club board member and the chairman of the long-range planning committee for RHCC.

The horse overlay designation identifies areas where horses are permitted and it requires those areas to be preserved, according to a staff report.

"The applicant doesn't want the project zoned for horses," Wahba said. "Simply because they feel it's not conducive to golf course play and the types of homes they are designing, which are cluster homes.

"They have the right as anyone to apply for [it]," he added.

As a good faith effort, RHCC is proposing to constructing and maintaining a one-mile trail along Palos Verdes Drive East, at the outskirts of the development.

Dale Allen, president of the Peninsula Horsemen's Association said removing the horse overlay zoning would be a big takeaway from the equestrian community.

"We are not against either the golf course expanding and improving, or Chandler putting houses there. We just want it to be done in a responsible manner," he said. "This would make a large change to the demographics to the city."

Bob Bennett, an RHE resident and member of the RHCC said the Horsemen's Association argument does not make sense.

"The issue is that there is not enough capacity for horses ... the issue is there is not enough demand," he said.

Proponents of the project, including longtime Montecillo-area resident, Bill Pomerenz, who overlooks the

quarry, called the project "amazing."

"I probably have the house in RHE that is most affected by the project because I sit in a house that overlooks the quarry, and for 40 years, we've put up with the 16,000 loads," he said referring to the trucks that come to and from the landfill located on the proposed project site.

"We live next to an industrial site. Those of us who live in Montecillo have been counting [on] for many years a redevelopment project on that site," Pomerenz.

As it was the first time the project as-is was given time at a public hearing, Planning Commission members made no comments on the development, but did request more investigation about the infiltration system and how it will affect Machado Lake.

"And how or if there is on-site retention of all runoff at this time?" said Commissioner Michael Conway, who added that a resident's comment about the California gnatcatcher and its endangered species designation be investigated.

Chairman Carl Southwell said he was concerned with maintaining cultural sensitivity.

"The comments about the archeological significance at this site should be looked at more carefully," he said. "I'm also interested in whether the paleontological aspect of this site has been looked into at all. It's well known that that area is one of the richest concentrations of places to see marine invertebrates, and perhaps there should be some consultation on the potential for a last look by a paleontologist at that site before it's permanently closed."

Jacob Guterrez, a Tongva Indian, said an "extensive" study isn't sufficient.

"We're not trying to stop this development, we're just trying to take the position of responsibility, that's all we're asking," he said.

Linda Bentz, a San Pedro resident and a Palos Verdes Peninsula Unified School District fourth-grade teacher who teaches archeology suggested ground penetrating radar and boring "to get a larger idea of what is happening in Palos Verdes with the Tongva and get a deeper sample," she said. "It also shows respect for the first people in Palos Verdes."

The Chandler family

Currently, the RHCC owns 34 acres of the proposed site and the Chandler family owns the remaining 194.

"We lease 2/3 of the country club land from the Chandler family, and that lease expires in 2022. This project allows us to get fee ownership of a 163-acre golf course and water rights," Jennings said. "Approval as presented will allow for the long-term survival and growth of RHCC and the survival of a valuable community asset."

Mike Cope, who represents the Chandler family said the project as proposed will generate approximately \$15 million in revenue for the city, to go toward park and recreation and the library district, and toward both the Palos Verdes Peninsula and Torrance school districts.

"It seems to me that the issues that need to be decided here is, Do we want a land pit at the gateway to the city of [RHE] ... or do we want to have green space with a nice housing tract and one-mile long horse trail and world-class recreational facilities to go along with a world-class city?" said Larry Hadley, an RHE resident.

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San Bruno explosion raises questions about San Pedro butane facility

By Donna Littlejohn Staff Writer

Posted: 09/14/2010 07:10:33 PM PDT

Updated: 09/14/2010 07:14:18 PM PDT

The gas line explosion last week near San Francisco has renewed neighborhood fears over a butane tank facility that operates near hundreds of homes in San Pedro.

Residents have pushed to move the facility for years, but with little success.

On Tuesday, about 20 demonstrators showed up at a closed-door meeting held by the company that owns the 20-acre private facility at 2110 N. Gaffey St., waving signs and chanting demands that the tanks be relocated.

The company stores some 12 million gallons of butane gas in two above-ground tanks.

Plains LPG, the company that operates the tanks formerly under Amerigas, denied media access to the meeting at the Crowne Plaza Hotel in downtown San Pedro, saying it was one of three regular updates given to invited community leaders in an effort to maintain communication with neighbors.

"These meetings provide the opportunity to reaffirm our commitment to professional, prudent and safe operations," said a company statement issued later in the day. "Further, we adhere to a stringent schedule of inspections and maintenance. ... In addition to being manned 24 hours a day, seven days a week, our facility is equipped with various safety measures including automated fire suppression and shut-down systems."

"We've been on this for years," said Jeanne Lacombe of Rancho Palos Verdes, president of the Rolling Hills Riviera Homeowners Association. She was one of about 20 Harbor Area residents who

showed up to stand outside the meeting.

Los Angeles City Councilwoman Janice Hahn also issued a resolution calling for new federal regulations that include additional requirements for above-ground storage facilities near residential areas.

Under AmeriGas, butane was transported from the storage tanks to ocean vessels through an underground pipeline. In 2004, the Los Angeles harbor commission declined to renew the company's berth and pipeline leases.

But the company continues to store butane and transport it by truck and rail instead of pipeline.

Demonstrators stood outside the meeting holding signs reading "Relocate!" and "What happened to Energy Island?"



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Pier 400, constructed by the Port of Los Angeles as a so-called energy island to house hazardous facilities, is now the site of a large shipping terminal and natural bird habitat.

Port spokesman Arley Baker said the port made "an extensive effort" to move port liquid bulk tenants to the area. But "in the end," he said, "those tenants either removed their facilities or made the necessary changes and mitigations to their operations would be consistent with our risk management plan."

In a related development, City Councilman Bill Rosendahl on Tuesday introduced a motion calling for Los Angeles city agencies to present compliance records and a response plan in the event of a pipeline explosion in the city.

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Butane tanks worry San Pedro residents

By Donna Littlejohn Staff Writer

Posted: 10/17/2010 07:04:50 AM PDT

Updated: 10/18/2010 07:41:44 AM PDT



Fuel tanks at the Plains LPG (formerly Amerigas) site loom in the background of the North San Pedro neighborhood near Westmont Drive. (Scott Varley)

For as long as most folks in San Pedro can remember, the storage tanks on North Gaffey Street caused some worry.

"For years this has been an issue that has frustrated people," said John Greenwood of the Northwest San Pedro Neighborhood Council. "It shouldn't have been built in that area. ... They would not be able to put it there now. But it's there, so what do we do about it?"

Earlier this year, the neighborhood council decided to spend \$10,000 of its \$40,000 annual budget to commission an independent study that would assess exactly what the risk is of storing hazardous chemicals less than a mile from stores and single-family homes.

The report, prepared by Cornerstone Technologies Inc. of Long Beach, indicates that a worst-case scenario is unlikely to happen.

But it also states that devastating impacts could be experienced in up to a 6.8-mile radius. That would take in the Palos Verdes Peninsula on the west and reach Long Beach on the east, also traveling toward Redondo Beach and Gardena.

The most likely cause of an accident at the Rancho LPG tanks would be a large magnitude earthquake - up to 7.3 - on the Palos Verdes fault zone.

Unlikely as that is, it was a sobering message to members of the neighborhood council.

"None of these are likely scenarios, but whenever you have an accident it is not a likely scenario," Greenwood said. "My concern is how can we reduce the chances of something happening and ensure



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that it's safe here."

The neighborhood council's Planning and Land Use Committee will discuss the issue at its next public meeting, set for 6:30 p.m. Oct. 28 at San Pedro City Hall, 638 S. Beacon St.

Concerns about the tanks at 2110 N. Gaffey St. have moved back to the forefront following September's gas line explosion near San Francisco.

The 20-acre facility, which was developed in the early 1970s by Petrolane and later operated under Amerigas, features two above-ground butane storage tanks, each with a capacity of 12.6 million gallons. There also are smaller tanks on the premises and the facility, now under Plains LPG, can store a total of 25.3 million gallons of butane.

The company has a long-term lease on the property with an option to buy. Moving, the company has said, would cost tens of millions of dollars.

"I think our next step is to hopefully work with people at the facility," Greenwood said.

The new company, Greenwood said, has been "more open" with the community than earlier operators. But he said more needs to be done to address the concerns.

A representative for the company could not be reached for comment. But in September, a Plains LPG spokesman said the company adhered "to a

stringent schedule of inspections and maintenance. ... In addition to being manned 24 hours a day, seven days a week, our facility is equipped with various safety measures, including automated fire suppression and shut-down systems."

Greenwood's nervousness goes back to the 1970s, when he was a staffer for then-Assemblyman Vincent Thomas and toured the facility.

Demonstrating the safety devices at the plant, a worker lit a cigarette lighter and put it directly under one of the sensors.

The sensor alarm never went off.

"Nothing happened," Greenwood said.

With the neighborhood council report now in hand, residents say they finally have some specifics regarding the potential dangers.

"We've never had any credible information about the tanks," Greenwood said. "This is a great study and we've never had this kind of information before."

But going to the next step in creating a plan to reduce the threat to the community won't be easy, he said.

"This is a huge, huge safety issue," said Greenwood's wife, Karen. "The issue is that a (vapor) cloud would go four (or more) miles. We're talking about Lomita, Rancho Palos

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Want to go?

What: Meeting of the Northwest San Pedro Neighborhood Council's Planning and Land Use Committee to discuss a risk report focusing on the butane storage tanks at 2110 N. Gaffey St.

Where: San Pedro City Hall, 638 S. Beacon St.

When: 6:30 p.m. Oct. 28

Information: www.nwsanpedro.org

The report conducted by Cornerstone Technologies Inc. can be viewed at www.nwsanpedro.org/pdfs/RISK%20ANALYSIS%20ON%20TANKS-PDF2.pdf

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Quantitative Risk Analysis for Amerigas Butane Storage Facility

Prepared in Consideration of:

Amerigas Propane L. P.

**2110 North Gaffey Street
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September 2010

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TABLE OF CONTENTS

SECTION

- 1.0 Introduction**
- 2.0 Objective, Scope, and Methodology of Study**
- 3.0 Facility Location and Site Description**
- 4.0 Quantitative Risk Analysis Methodology**
- 5.0 Hazards Posed by Amerigas Butane Storage Facility**
- 6.0 Results of Quantitative Risk Analysis**
- 7.0 Conclusions of the Study**

APPENDICES

- Appendix 1: Release Scenario #1 – Vapor Cloud Explosion (Distance <0.1 miles)
- Appendix 2: Release Scenario #2 – Vapor Cloud Explosion (Distance <0.1 miles)
- Appendix 3: Release Scenario #3 – Pool Fire (Distance 0.4 miles)
- Appendix 4: Release Scenario #4 – Pool Fire (Distance 1.7 miles)
- Appendix 5: Release Scenario #5 – Vapor Cloud Explosion (Distance 3.2 miles)
- Appendix 6: Release Scenario #6 – Vapor Cloud Explosion (Distance 4.0 miles)
- Appendix 7: Release Scenario #7 – BLEVE (Distance 5.2 miles)
- Appendix 8: Release Scenario #8 – BLEVE (Distance 6.8 miles)

1.0 Introduction

This report is intended to provide a quantitative risk analysis associated with butane at the Amerigas facility located at 2110 North Gaffey Street, San Pedro, California. The purpose is to provide the surrounding community with an informed evaluation of the potential health and safety risks that are inherent in this type of industrial setting.

Amerigas handles a number of industrial chemicals at this address. This report will focus exclusively on the butane storage and transport activities associated with the facility. Butane is usually received and/or distributed through a pipeline, railcar, or transport trucks. Based on the facility's Regulated Substances Registration, two refrigerated storage tanks located on the western border of the facility are designated for butane storage, each with a capacity of 12.6 million gallons. Butane can additionally be stored in two smaller horizontal vessels, each with a capacity of 60,000 gallons. When considering all storage activities involving butane, this location can store approximately 25.32 million gallons of butane.

2.0 Objective, Scope, and Methodology of Study

The aim of the analysis is to assess the risk to safety of people living and working in the adjacent neighborhoods surrounding the Amerigas facility. The specific objectives of this analysis include:

- Identification of the typical hazardous incidents that relate to the operation of the facility;
- Assessing the significance of each incident that could occur in terms of its potential off-site impact;
- Assessing and quantifying the off-site levels of risk to people, property and the environment due to the proposed facility operations, using a quantitative risk analysis method; and
- Providing a clear, concise report of the analysis to determine the health risk associated with the operation of the facility.

In order to meet the necessary objectives of this study, the following items are included for consideration:

- Identification of the typical hazards present on the site and development of incident scenarios;
- Assessment of the consequences of the identified potential risk events;
- An assessment of the risk in relation to established risk guidelines.

The Quantitative Risk Analysis includes a systematic approach to the analysis of what potential hazards can occur within the storage facility. The normal conditions of

operation of the system are defined and the following questions are provided best-approximation answers:

- (1) What accidental events can occur within the storage system?
- (2) What are the consequences of each accidental event?
- (3) What is the significance of the calculated risk levels?

By objectively quantifying the potential risks from each part of the system, a quantitative risk analysis enables identification of more effective measures to reduce such risks. The methodology begins by defining the system through compiling and assimilating the facility information that is readily available to the public domain. Following the characterization of the facility, common hazards are recognized, in which internal and external events are identified which may cause the release of hazardous materials. The consequence and frequency of such events is modeled based on available information. A risk assessment is conducted, which calculates the potential facility-wide risk and compares the result to other accidental health risk hazards.

In this way, the facility is objectively defined, analyzed, and quantified in order to provide a more accurate evaluation of its safety risk potential for the facility operators and the general public.

3.0 Facility Location and Site Description

Location

The Amerigas facility located on Gaffey Street encompasses approximately 20 acres of land and was previously owned and operated by Petrolane prior to Amerigas' purchase of the facility in 1993. The facility is connected via pipeline to a berth in the Port of Los Angeles which has been used in the past to load ships with butane for export. The facility provides access for vehicles and rail lines as alternative means of shipping or receiving butane and other LPGs.

While the facility is predominantly surrounded by other industrial operations on the north, south, and east sides, to the west across North Gaffey are very dense residential areas and commercial buildings. Based on a survey of the available aerial maps for this region, it is estimated that the nearest commercial receptor is roughly 0.13 miles (~675 feet) from the largest butane storage tanks. The nearest residential receptor is approximately 0.24 miles (1,290 feet) from the largest butane storage tanks. The relatively short distance between the largest butane storage tanks and areas where civilians live and work has generated cause for alarm for the residents near the Amerigas facility.

Geological Description

The facility is relatively level, and records indicate the land was used as a dump and fill area in the past. Numerous chunks of asphalt and concrete were present in the foundation, and the subsurface conditions are known to be relatively uniform for at least a depth of 35 feet. The fill materials that had been previously dumped in the subsurface varied between five and ten feet in thickness and had consistencies ranging from loose to medium-soft. After a depth of about 60 feet, it is postulated that the underlying geological materials consist of medium-firm clays and medium-firm to firm silts. Below this depth, it is estimated that the ground materials are dense deposits of sands and silts.

H. M. Scott and Associates of Rosemead, California, developed the site and excavated unsightly and problematic dump materials from the subsurface, consequently recompacting the area with earth excavated from a bluff at the back of the site. Grading work commenced in October 1972 and completed in December 1972.

The site was originally developed by Petrolane because of the geology of the subject site. It was determined that the large refrigerated tanks could be developed and installed on sand deposits by cutting into an existing slope. This would allow for the tanks to be stored on sturdy, natural foundations. Before development of the site, test borings and an earthquake engineering study were performed by Converse, Davis, and Associates of Pasadena, California. The evaluation included analysis of past statistical data and acceleration level-return period relationship, probability distribution of accelerations and earthquake magnitude, nature and activity of faults in the area of the site, and response spectra of various ground motions.

Facility Description

The facility is divided into two different parts. One portion is a storage facility on Gaffey Street, which includes two 12.6 million gallon butane tanks, transportation vehicles and pipeline and rail shipping capabilities. The second portion of the facility is a berth in the Port of Los Angeles which is used for the export of butane and other LPG products. A 16" pipeline, buried 10 feet below ground, connects the storage tanks to the export operations. At the time of preparing this report, it is our understanding that while the berth is not currently in use, Amerigas is negotiating with the Port for a new berth and renewed use of the pipeline from the tanks to the Port.

While most of the storage, transport, and rail car delivery is located farthest from Gaffey Street, the two largest butane storage tanks are located closest to the western boundary of the facility, which is closest to the nearest residential and commercial areas.

4.0 Quantitative Risk Analysis Methodology

By understanding the configuration of the facility and by describing the storage configuration of the liquid butane, a quantitative risk analysis can provide three primary conclusions:

- (1) Determination of potential releases that could result in significant hazardous conditions outside the boundaries of the facility.
- (2) For each potential release that is identified, the potentially lethal hazard zones can be defined.
- (3) And using a consistent, accepted methodology, a measure of the “risk” posed to the public can be calculated.

It is assumed that a release of butane from the Amerigas storage facility could potentially result in one or more of the following health hazards:

- (1) Exposure to thermal radiation, which is heat radiated by combustion of materials.
- (2) Exposure to a blast wave from explosion of storage tanks from over-pressure or ignition of materials.

These possible health hazards can be divided more specifically to include pool, torch, and flash fires, vapor cloud explosions, and physical tank explosions. A more thorough description of these potential outcomes is discussed.

Release Risks and Modeling Assumptions

The physical consequences of a butane release are dependent on the quantity released, the rate of release, and for fire and explosion events, when ignition occurs. The quantity of the release will depend on the size of the release (equivalent hole diameter) and duration of release (how soon can the release be detected and isolated). The release rate from a hole will be assumed to be from a circular orifice and estimation is based on the maximum flow-rate from a given hole area.

As butane liquid may be released, it may pool and generate vapors. Ignition of the vapors arising from the butane pool could result in a flash back or a pool fire, both of which may cause intense thermal radiation around the burning pool. If the evaporating pool does not ignite immediately, then the evaporated vapor may form dispersions within the ambient air. These dispersions are affected by the atmospheric conditions, weather, and wind speed during the occurrence. Vapor will remain close to the pool at first, since the vapor is heavier than ambient air, but as time progresses and mixing occurs, the vapor is assumed to more readily disperse. Ignition of such a dispersion could create a flash fire or a vapor cloud explosion. Areas of confinement or congestion are most vulnerable to the impact caused by a vapor cloud explosion.

Most of the representative release scenarios are summations of many individual events (e.g. a tank rupture can occur at various locations, and have varied release outcomes). The frequency of each possible outcome is normally derived using event tree analysis. Starting with an initial butane release, the event tree follows various possible outcomes such as ignition, exposure of persons within the impact radius, and types of injury. Probability of such occurrences are further defined and quantified by considering the detection and mitigating protocols which may decrease or prevent exposure to such incidents. Other factors, such as ambient air conditions, wind flow rates, puncture location, etc., can alter the release scenarios either beneficially or detrimentally.

The prediction modeling thus makes some assumptions to evaluate generalized occurrences and outcomes, since specific modeling data and outcomes are difficult to quantify. The failure modeling assumptions are as follows:

- (1) All releases are assumed to be oriented horizontally (parallel to the ground) in the direction that the wind is blowing. All other release orientations would result in smaller hazard zones. Thus, this assumption would allow for a conservative prediction of hazards and their associated risks.
- (2) If a release does not immediately ignite upon release, it is assumed to grow to its full extent before ignition. This conservative estimation of the risk would not consider intermediate, smaller ignitions which would create smaller hazard zones.
- (3) A very conservative estimate is provided in consideration of tank rupture due to earthquakes, since detailed knowledge of the seismic reinforcements of these tanks is not available. Furthermore, there are limited studies and historical data on how refrigerated butane tanks respond to catastrophic earthquake events. Thus, the analysis provides a very conservative tank failure rate in light of the difficulty in predicting a tank's response to such a geological impact.

Additional assumptions must be made concerning the emergency systems in place at the facility:

- (1) It is likely that the facility has installed required mitigation technologies, such as fire control systems, including the fire sprinkler and fire deluge systems. However, the modeling scenarios assume that these mitigation technologies will not immediately reduce the potential of a fire-induced explosion due to catastrophic malfunction, human error, or other worst-case scenario influences.
- (2) All significant release events are assumed to occur for at least five minutes before the emergency mitigation and abatement systems are capable of maintaining the situation to full capacity. This considers the probability that some emergency response systems may fail due to unforeseen circumstances associated with accidental releases.

Since the risk analysis also must consider the human factor during evaluation, the following assumptions are made regarding the surrounding population and neighborhoods:

- (1) The area surrounding the storage facility is assumed to be occupied by members of the general public at all times. This means that accidental risk hazards could impact the nearby population 365 days a year, 24 hours a day. This is a conservative approach toward the risk analysis, as population density and prevalence will vary considerably based on the time of day and day of the week. However, given the relatively close residential proximity to the facility, the assumption that individuals will be near the release incident at anytime is justifiable.
- (2) No external ignition sources (vehicles, spark-ignition equipment, etc.) were assumed to cause any accidental release hazards, given the storage tanks' proximity to nearby receptors and the probability that a release cloud could travel such a distance before combusting.

Influence of the Palos Verdes Fault Zone of Failure Analysis

The potential of a catastrophic earthquake occurring, which would cause rupture of the significant storage tanks at the facility, is estimated based on presently available information on the Palos Verdes fault zone, which is the nearest fault zone to the facility. The fault zone is estimated to extend over 100 km from Lasuen Knoll in the south, across the San Pedro Shelf, along the northeastern base of the onshore Palos Verdes Hills, and cross Santa Monica Bay. The fault zone has been shown to have a maximum exhibited slip rate of about 3.0 mm per year, but has been known to exhibit slip as low as 0.2 mm per year.

The probability of a moderate or major earthquake along the Palos Verdes fault is low when compared to the potential for movements on either the Newport-Inglewood or San Andreas faults. However, this fault is capable of producing strong to intense ground motion and ground surface rupture. The Palos Verdes fault zone has not been designated as an Alquist-Priolo Special Studies Zone by the California Geological Survey; however, the segment of the fault zone that extends through the harbor area has been identified as a Fault Rupture Study Area by the City of Los Angeles General Plan, Safety Element. During a survey conducted in 1996, it was concluded that Los Angeles region of the fault zone could anticipate a >7.0 magnitude earthquake resulting from the fault zone every 400 to 900 years. More recent approximations set the maximum possible magnitude around 7.3.

5.0 Hazards Posed by Amerigas Butane Storage Facility

Hazardous Properties of Butane

Butane inherently presents a human health risk due to its physical properties. Butane vapor is very flammable, and when ignition of vapors occurs, the combustion will flash back to the liquid surface. Butane vapor is colorless and non-toxic, with a potential for asphyxiation at high concentrations due to depletion of ambient oxygen. Asphyxiation is not as common of a health risk, since the risks associated with combustion of the butane are much more likely to occur under normal circumstances.

Heat radiation or direct fire burns occurring from instances of jet fire, pool fire, or flash fire, are also possible during butane leaks. Jet fire occurs when combustion of butane vapor is released from an orifice in the storage tank, which creates a powerful stream of flame as the evacuated butane vapor is rapidly combusted. A pool fire occurs when butane liquid is released and ignited on the surface of the ground or other area. A flash fire occurs when concentrations of released butane vapors mix with ambient air, disperse, and then are later ignited. The ignition can cause the gas cloud to burn back to the source of the spill or leak, and can cause a very rapid, unexpected onset of injury or even death.

Injuries from butane can result from overpressure of the storage tank due to rapid phase transition, resulting in vessel explosion. Overpressure from a vapor cloud explosion or an explosion in a confined space likewise present a risk of severe injuries or death.

Radius of Overpressure Blast Wave

Materials stored at the Amerigas facility may allow overpressure to be generated in two ways. The first type of occurrence is generated as a result of rapid burning (deflagration) of a vapor cloud, which could result in a low overpressure value (~0.15 psig) that could result in windows and glass materials shattering for open, unconfined spaces. Overpressures reaching over 1 psig are commonly associated with the boundary where building structural damage can begin to occur. Overpressure explosions occurring in confined spaces, or in areas where obstructions exist, can achieve such potentially damaging values.

The second type of mechanism by which damaging overpressure can occur results when a blast wave is created by failure of a pressure vessel. When storage tanks fail due to the buildup of vapor pressure from fire or from the absence of the cooling mechanisms, the internal energy of the butane can be converted to a pressure wave. A conservative estimate considers all the internal energy of butane converted to a pressure wave. This is unlikely to ever occur, but provides a worst-case scenario for a blast wave occurrence.

Radius of Fire Radiation Generation

It is assumed that the largest credible hazard that would extend beyond the facility boundaries of the Amerigas facility is the thermal radiation that could be released as a result of the combustion of vapor originating from pooled butane that may have escaped during accidental or catastrophic failure of the storage tank. This calculation considers the worst case scenario whereupon an earthquake could cause catastrophic failure of the largest butane storage tanks simultaneously. Vapor released from such an event would disperse and travel downwind until a combustion source ignited the vapor. It is likely that the flash fire would travel back to the pool source, igniting the dense concentration of vapor within that region and producing a tall column of flames capable of subjecting the immediate vicinity to hazardous amounts of thermal radiation. Other possible fire events are possible, but would result in a potentially smaller hazard zone with decreased exposure of individuals to harmful fire radiation.

6.0 Results of Quantitative Risk Analysis

Eight separate, distinct release scenarios were considered when evaluating the different types of hazards that could occur as a result of a release incident from the butane storage tanks. The scenarios ranged from minor release scenarios where a puncture was made in the walls of the storage tank, to catastrophic release events caused by severe earthquakes, whereupon the entirety of the butane stored in the largest tanks were to release and combust. For purposes of this risk analysis, EPA's RMP*Comp Ver 1.07 was used to calculate the projected release scenarios. A detailed explanation of each release scenario is presented as follows.

Alternative Release – Vapor Cloud Explosion #1

This scenario considers the release incident that may occur from a small puncture in a butane storage tank near the ground level of the tank. Such a puncture could be caused by improper operation of forklifts or other transportation vehicles. In such a situation, the release of butane from the punctured area would be initiated by the pressure of materials above the puncture area. In this model, the puncture area is assumed to be nine (9) square inches, 75 feet below the maximum fill height of the storage tank. The release rate is assumed to be 7,790 pounds per minute based on puncture conditions. Assuming a vapor cloud explosion to be the most likely ignition of the released materials, the impact distance is calculated to be roughly <0.1 miles in radius. In such a scenario, the explosion diameter would reach North Gaffey Street and slightly extend past Westmont Drive to the south. A summary of the projected conditions and represented aerial impact map are shown in *Appendix 1*.

Alternative Release – Vapor Cloud Explosion #2

This scenario considers the incident that may occur from any general release from the storage tank that is caused by the formation of a vapor cloud. The release can occur from the pressure release valve during instances where excess venting may be required due to tank overpressure (due to refrigeration failure, for instance). Other causes may result from improper tank construction and maintenance, which could cause leaks due to material fatigue. In this type of instance, the release rate is lower than an accidental puncture incident. The release rate is assumed to be 1,000 pounds per minute or less. Assuming a vapor cloud explosion to be the most likely ignition of the released materials, the impact distance is calculated to be roughly <0.1 miles in radius. Like the first vapor cloud explosion scenario caused by a puncture, the explosion diameter would reach North Gaffey Street and slightly extend passed Westmont Drive to the south. This indicates that the resulting release incident caused by a puncture or small leak result in equivalent damage scenarios. A summary of the projected conditions and represented aerial impact map are shown in *Appendix 2*.

Alternative Release – Pool Fire #1

This scenario considers a pool fire that may occur when liquid butane is released from a storage tank due to a general release. This may result from improper tank construction and maintenance, which could cause leaks due to material fatigue. The release rate is assumed to be 500 pounds per minute or less. This scenario considers the impact a pool fire would have on the surrounding area. The pool fire would occur once ignition of vapor returned to the dispersed butane liquid collecting near the release point. The consequent ignition of the liquid would result in a large plume of flames fueled by the pooled liquid. The amount of butane present will cause a larger plume of flame, which increases the possibility of exposure to fire radiation. The outer boundary of the projected area of such an event is the furthest area where an individual would suffer second degree burns if exposure to the fire radiation were to exceed thirty seconds.

Assuming a release duration of 360 minutes, occurrence of a pool fire under this scenario would cause an impact radius of 0.4 miles in radius from the source. This release would extend to the west past North Gaffey Street, impacting some residential areas to the west and southwest of the facility. A summary of the projected conditions and represented aerial impact map are shown in *Appendix 3*.

Alternative Release – Pool Fire #2

This scenario considers the incident that may occur when liquid butane is released from a storage tank due to a rupture, similar to an incident postulated in the first vapor cloud explosion scenario. The release rate is expected to be larger than the scenario addressed in “Pool Fire #1” for this study. It is assumed to be 7,790 pounds per minute or less. This scenario considers the impact a pool fire would have on the surrounding area.

Assuming a release duration of 360 minutes, occurrence of a pool fire under this scenario would cause an impact radius of 1.7 miles from the source. This release would extend to the west as far as South Western Ave. (Highway 213), to the north as far as Ken Malloy Harbor Regional Park, and to the south as far as Highway 47 (Vincent Thomas Bridge), causing a devastating impact to residential and commercial centers. To the east, the impact area includes several major container terminals in the port of Los Angeles. A summary of the projected conditions and represented aerial impact map are shown in *Appendix 4*.

Worst-Case Scenario – Vapor Cloud Explosion #1

Worst-case scenario assumes that a catastrophic earthquake would cause complete tank failure and instant release of the stored butane. In this model, only one butane tank is considered to completely fail under such a circumstance. The model assumes instantaneous and rapid release of butane vapor from the collective 63 million pounds that would be present at the time of failure. The scenario considers that the vapor cloud will disperse its maximum distance before ignition by an external, uncontrolled source. The model assumes vapor cloud explosion, whereupon the entirety of the butane is in vapor form and is instantly ignited upon full dispersion.

In this scenario, the impact radius would be 3.2 miles. The impact would cause large scale structural and physical damage due to rapid overpressure caused by the explosion. The explosion is shown to extend east into predominant shipping yards in the Long Beach harbor, to the north towards West Carson, to the south towards the coast of San Pedro, and to the west as far as the boundary of Rancho Palos Verdes. The impact would encompass terminals in Long Beach and includes nearly all the Port of Los Angeles terminals, as well as the visitor serving areas of the new Wilmington Waterfront project, the proposed San Pedro Waterfront project, and the Los Angeles Cruise Terminals. A summary of the projected conditions and represented aerial impact map are shown in *Appendix 5*.

Worst-Case Scenario – Vapor Cloud Explosion #2

Worst-case scenario assumes that a catastrophic earthquake would cause complete tank failure and instant release of the stored butane. In this model, all of the butane tanks on-site are considered to completely fail under such a circumstance. The scenario assumes instantaneous and rapid release of butane vapor from the collective 126.5 million pounds that would be present at the time of failure. The scenario considers that the vapor cloud will disperse its maximum distance before ignition by an external, uncontrolled source. The model assumes vapor cloud explosion, whereupon the entirety of the butane is in vapor form and is instantly ignited upon full dispersion.

In this scenario, the impact radius would be 4.0 miles. The impact would cause large scale structural and physical damage due to rapid overpressure caused by the explosion. The explosion is shown to extend east into predominant shipping yards in the Long

Beach harbor, to the north towards Carson, to the south towards the coast of San Pedro, and to the west as far as the boundary of Rancho Palos Verdes. A summary of the projected conditions and represented aerial impact map are shown in *Appendix 6*.

Alternative Release – BLEVE #1

This model is another worst-case scenario like the previous two scenarios, though the resulting release type is considered alternative to the more common type of release mode vapor cloud explosions. BLEVE (Boiling Liquid Expanding Vapor Explosion) occurs when a sudden drop in pressure inside a container causes violent boiling of the liquid, which rapidly liberates large amounts of vapor. The pressure of this vapor can be extremely high, causing a significant wave of overpressure (explosion) which may completely destroy the storage vessel and project fragments over the surrounding area. The harm involved with such an incident can include injury from shrapnel, explosion, and fire radiation.

The first model assumes catastrophic failure of only one butane storage tank due to an earthquake. Again, this represents roughly 63 million pounds of butane released. If BLEVE were to occur, the projected release radius is approximately 5.2 miles. This would expand to the east towards downtown Long Beach, to the north near the 405 Freeway, to the west into central Rancho Palos Verdes, and to the south past the coastline and over the Pacific Ocean. The projected impact covers nearly half of Palos Verdes Hills. A summary of the projected conditions and represented aerial impact map are shown in *Appendix 7*.

Alternative Release – BLEVE #2

The final BLEVE model assumes catastrophic failure of all the butane storage tanks on-site due to an earthquake. Again, this represents roughly 126.5 million pounds of butane released. If BLEVE were to occur, the projected release radius is approximately 6.8 miles. This would expand to the east past downtown Long Beach, to the north towards Gardena, to the west towards Redondo Beach, and to the south past the coastline and over the Pacific Ocean. A summary of the projected conditions and represented aerial impact map are shown in *Appendix 8*.

Though this is a worst-case scenario projection, it is highly unlikely to occur, and contains some considerations that may not occur in practicality.

First, a large magnitude earthquake from the Palos Verdes fault zone (up to 7.3 magnitude), is only expected to occur once every 400-900 years. Likewise, the probability this would be centered near the Amerigas facility is moderate, since the fault zone extends nearly 100 kilometers. Similarly, it is not confirmed that such a large earthquake would rupture the tanks, since historical and test data is limited for such an occurrence.

Second, it is highly likely that the vapor cloud will distribute and ignite before reaching its maximum radius, so BLEVE may not occur. The numerous electrical sources in the area will likely ignite the vapor cloud before this can occur. When considering an earthquake failure, exposed electrical sources are anticipated to be more abundant and will likely act as instantaneous ignition sources.

Finally, weather conditions along the harbor are anticipated to generate consistent yet variable wind speeds that would disperse the butane vapor more rapidly to prohibit dense, overpressure conditions upon ignition.

7.0 Conclusions of the Study

In the event of unexpected release of butane from the Amerigas storage facility, a variety of accidental risks can occur, which include types of combustion (pool, flash, and jet fires) and types of overpressure explosions (overpressure in storage tank, BLEVE, etc.). The worst case scenario of a large-scale release hazard is projected to occur during the night when population density of the nearest receptors is highest. Low wind velocity is considered, as this would cause a dense vapor cloud of evaporated butane to collect within the facility, producing a powerful blast wave upon ignition. The largest combustion incident is projected to occur, whereupon BLEVE will occur as the result of simultaneous tank failure due to catastrophic earthquake, creating an intense overpressure that would result in a large-scale explosion, projectile shrapnel, and fire radiation exposure.

A summary of the release scenarios and statistics is shown in the following table:

Release Description	Wind Speed (m/s)	Air Temperature (°F)	Release Rate (lb/min.)	Impact Radius (miles)
Vapor Cloud Explosion	3.0	77.0	7,790	<0.1
Vapor Cloud Explosion	3.0	77.0	1,000	<0.1
Pool Fire	3.0	77.0	500	0.4
Pool Fire	3.0	77.0	7,790	1.7
Vapor Cloud Explosion	1.5	77.0	Instantaneous	3.2
Vapor Cloud Explosion	1.5	77.0	Instantaneous	4.0
BLEVE	3.0	77.0	Instantaneous	5.2
BLEVE	3.0	77.0	Instantaneous	6.8

It is important to note that the analysis is conducted based on a number of assumptions. This may result in an over-conservative conclusion in regards to toxic and flammable hazard zones. These assumptions were necessary, however, due to the lack of historical data and lack of access to facility-specific data.

While the probability of larger-scale release scenarios is very low, the smaller incidents that may occur from ruptures or leaks still pose a threat to the local communities surrounding the facility. Thus, while incidents resulting from large magnitude earthquakes are not likely, factors such as accidental release or rupture can still pose an inherent risk to surrounding residential and commercial areas.

Appendix 1

Release Scenario #1 – Vapor Cloud Explosion
(Distance <0.1 Miles Radius)

Appendix 1

Chemical: Butane
CAS #: 106-97-8
Form: Liquefied by Refrigeration
Category: Flammable Gas

Scenario: *Alternative Release*
Storage Parameters: *Tank Under Atmospheric Pressure*
Hole or Puncture Area: *9 square inches*
Height of Liquid Column Above Hole: *75 feet*
Release Rate to Outside Air: *7790 lbs/min (based on the condition of punctured area)*
Release Type: *Vapor Cloud Fire*
Release Duration: *360 Minutes*
Mitigation Measures: *None*
Lower Flammability Limit: *36 mg/L*

Assumptions about this scenario

Wind Speed: 3 meters per second (6.7 miles/hour)
Atmospheric Turbulence: D Class (Neutral)
Air Temperature: 77 degrees F (25 degrees C)

Estimated Distance to Lower Flammability Limit: < 0.1 miles radius (< 0.16 kilometers)



Appendix 2

Release Scenario #2 – Vapor Cloud Explosion
(Distance <0.1 Miles Radius)

Appendix 2

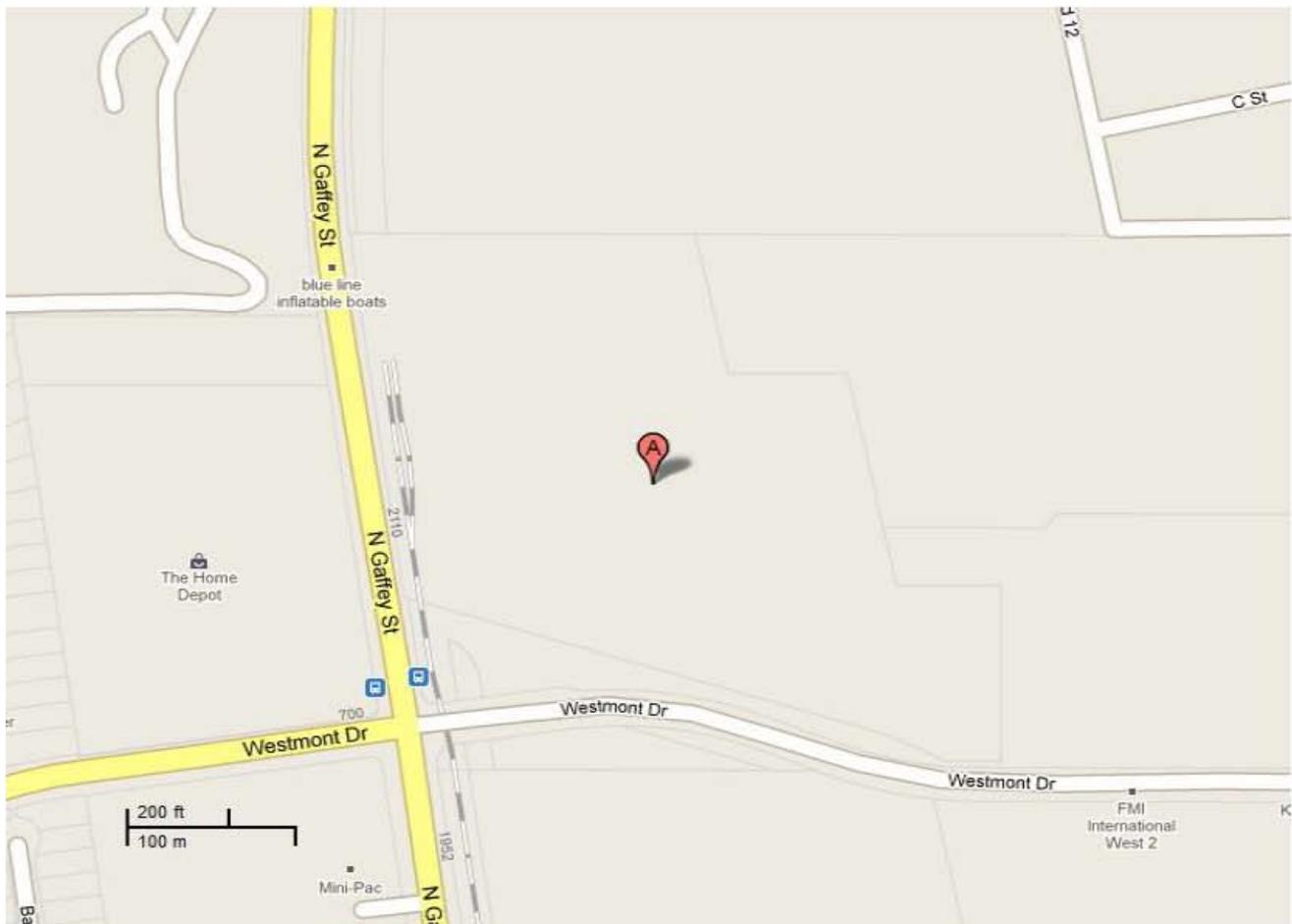
Chemical: Butane
CAS #: 106-97-8
Form: Liquefied by Refrigeration
Category: Flammable Gas

Scenario: *Alternative Release*
Storage Parameters: *Tank Under Atmospheric Pressure*
Release Rate to Outside Air: *1000 lbs/min*
Release Type: *Vapor Cloud Fire*
Release Duration: *360 Minutes*
Mitigation Measures: *None*
Lower Flammability Limit: *36 mg/L*

Assumptions about this scenario

Wind Speed: 3 meters per second (6.7 miles/hour)
Atmospheric Turbulence: D Class (Neutral)
Air Temperature: 77 degrees F (25 degrees C)

Estimated Distance to Lower Flammability Limit: < 0.1 miles radius (< 0.16 kilometers)



Appendix 3

Release Scenario #3 – Pool Fire
(Distance 0.4 Miles Radius)

Appendix 3

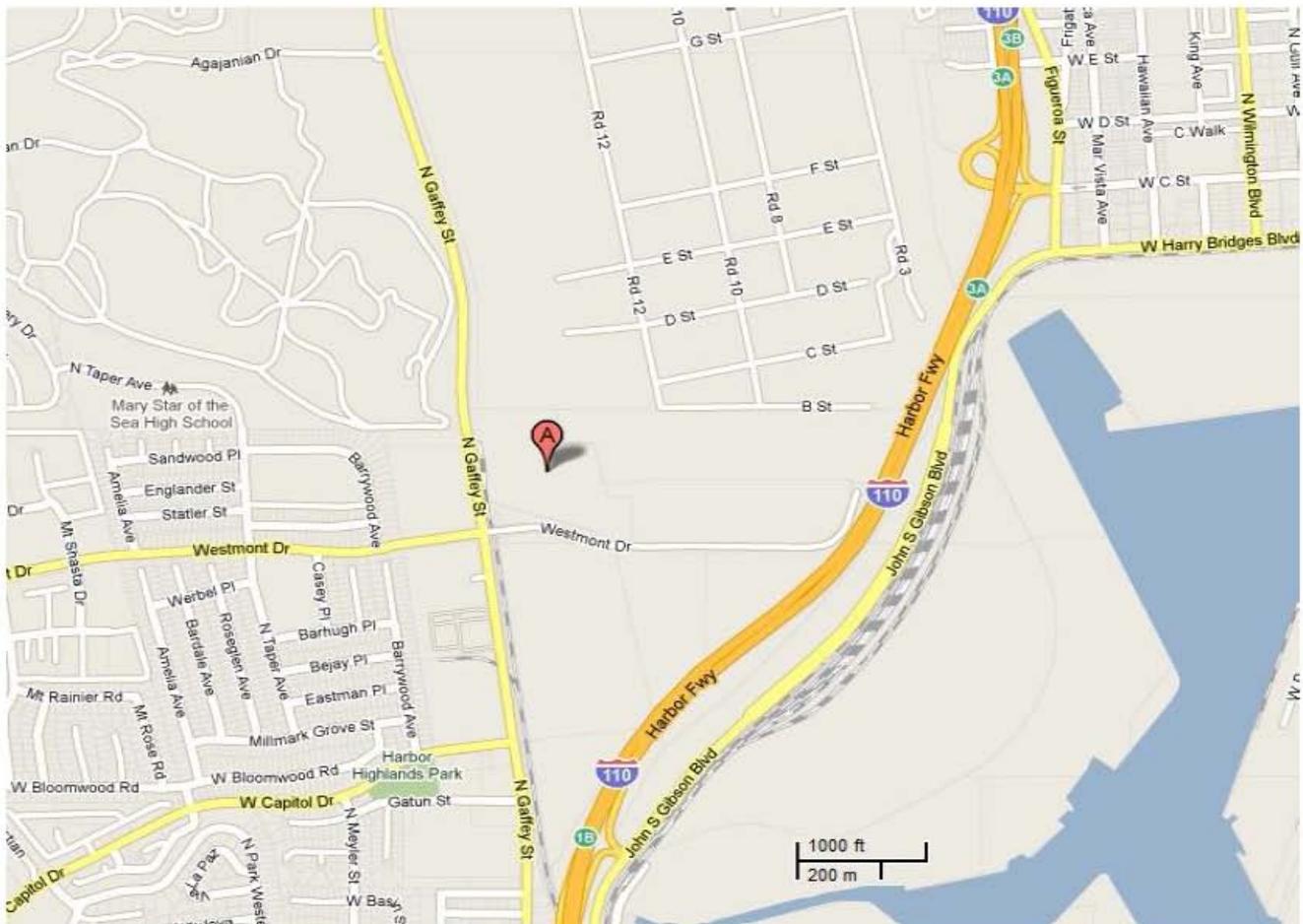
Chemical: Butane
CAS #: 106-97-8
Form: Liquefied by Refrigeration
Category: Flammable Gas

Scenario: *Alternative Release*
Storage Parameters: *Tank Under Atmospheric Pressure*
Release Rate to Outside Air: *500 lbs/min*
Release Type: *Pool Fire*
Release Duration: *360 Minutes*
Mitigation Measures: *None*
Topography: *Urban Surroundings (many obstacles in the immediate area)*

Assumptions about this scenario

Wind Speed: 3 meters per second (6.7 miles/hour)
Atmospheric Turbulence: D Class (Neutral)
Air Temperature: 77 degrees F (25 degrees C)

Estimated Distance to Heat Radiation Endpoints (5 kilowatts/square meter): 0.4 miles radius (0.7 kilometers)



Appendix 4

Release Scenario #4 – Pool Fire
(Distance 1.7 Miles Radius)

Appendix 4

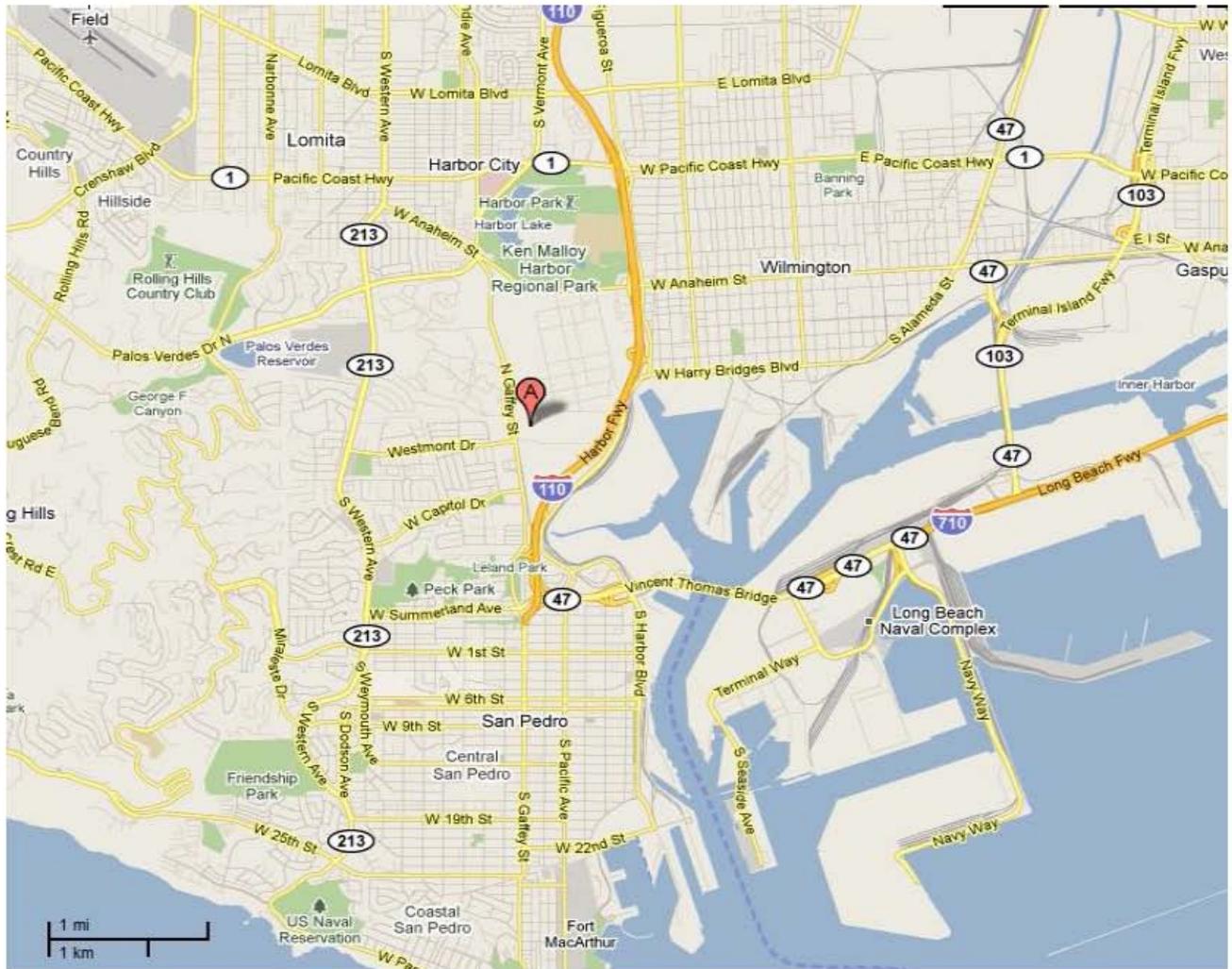
Chemical: Butane
CAS #: 106-97-8
Form: Liquefied by Refrigeration
Category: Flammable Gas

Scenario: *Alternative Release*
Storage Parameters: *Tank Under Atmospheric Pressure*
Hole or Puncture Area: *9 square inches*
Height of Liquid Column Above Hole: *75 feet*
Release Rate to Outside Air: *7790 lbs/min (based on the condition of punctured area)*
Release Type: *Pool Fire*
Release Duration: *360 Minutes*
Mitigation Measures: *None*
Topography: *Urban Surroundings (many obstacles in the immediate area)*

Assumptions about this scenario

Wind Speed: 3 meters per second (6.7 miles/hour)
Atmospheric Turbulence: D Class (Neutral)
Air Temperature: 77 degrees F (25 degrees C)

Estimated Distance to Heat Radiation Endpoints (5 kilowatts/square meter): 1.7 miles radius (2.7 kilometers)



Appendix 5

Release Scenario #5 – Vapor Cloud Explosion
(Distance 3.2 Miles Radius)

Appendix 5

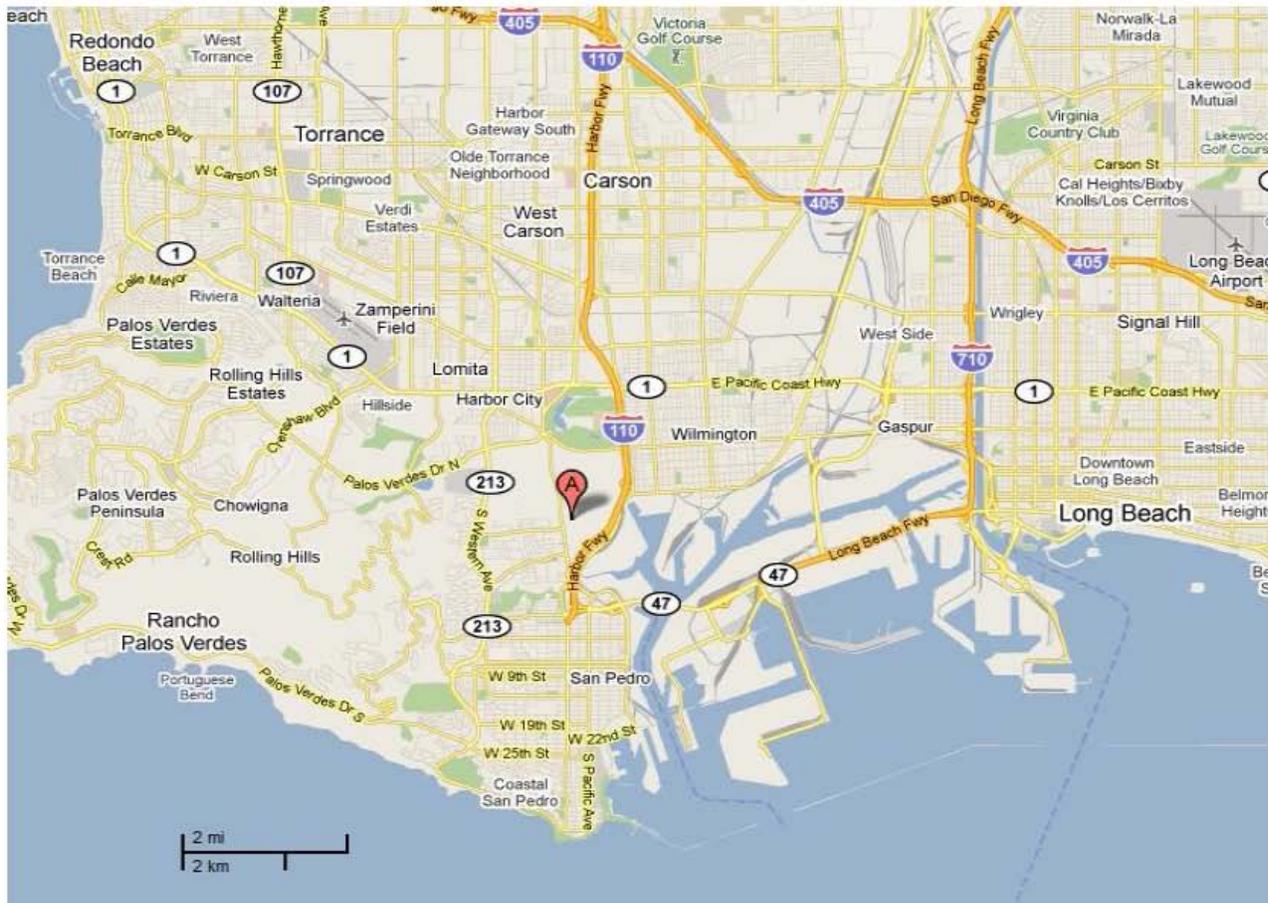
Chemical: Butane
CAS #: 106-97-8
Form: Liquefied by Refrigeration
Category: Flammable Gas

Scenario: *Worst-Case*
Quantity Released: *62,958,773 Pounds*
Release Type: *Vapor Cloud Explosion*
Mitigation Measures: *None*

Assumptions about this scenario

Wind Speed: 1.5 meters per second (3.4 miles/hour)
Atmospheric Turbulence: F Class (Stable)
Air Temperature: 77 degrees F (25 degrees C)

Estimated Distance to 1 psi overpressure: 3.2 miles radius (5.1 kilometers)



Appendix 6

Release Scenario #6 – Vapor Cloud Explosion
(Distance 4.0 Miles Radius)

Appendix 6

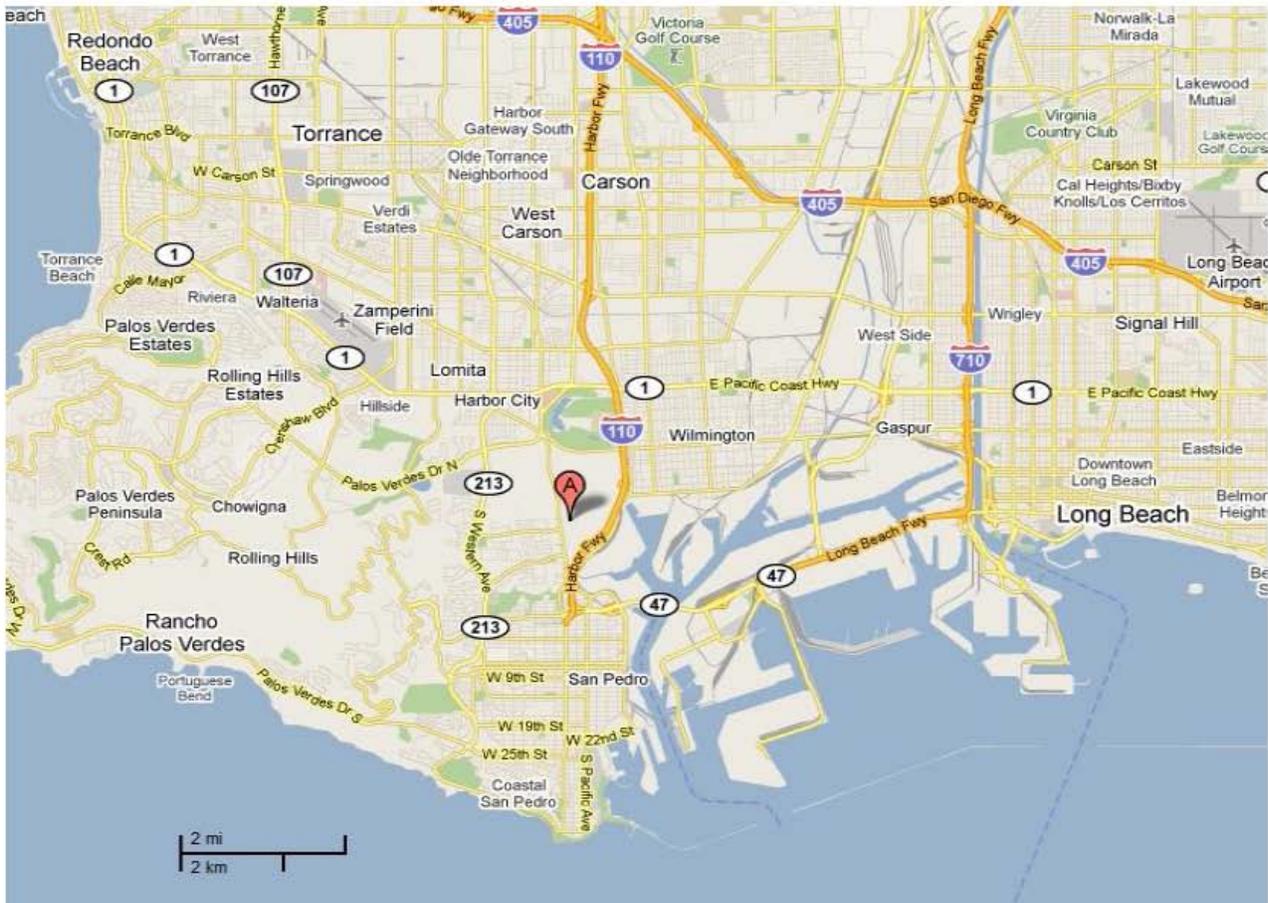
Chemical: Butane
CAS #: 106-97-8
Form: Liquefied by Refrigeration
Category: Flammable Gas

Scenario: *Worst-Case*
Quantity Released: *126,517,153 Pounds*
Release Type: *Vapor Cloud Explosion*
Mitigation Measures: *None*

Assumptions about this scenario

Wind Speed: 1.5 meters per second (3.4 miles/hour)
Atmospheric Turbulence: F Class (Stable)
Air Temperature: 77 degrees F (25 degrees C)

Estimated Distance to 1 psi overpressure: 4.0 miles radius (6.5 kilometers)



Appendix 7

Release Scenario #7 – BLEVE
(Distance 5.2 Miles Radius)

Appendix 7

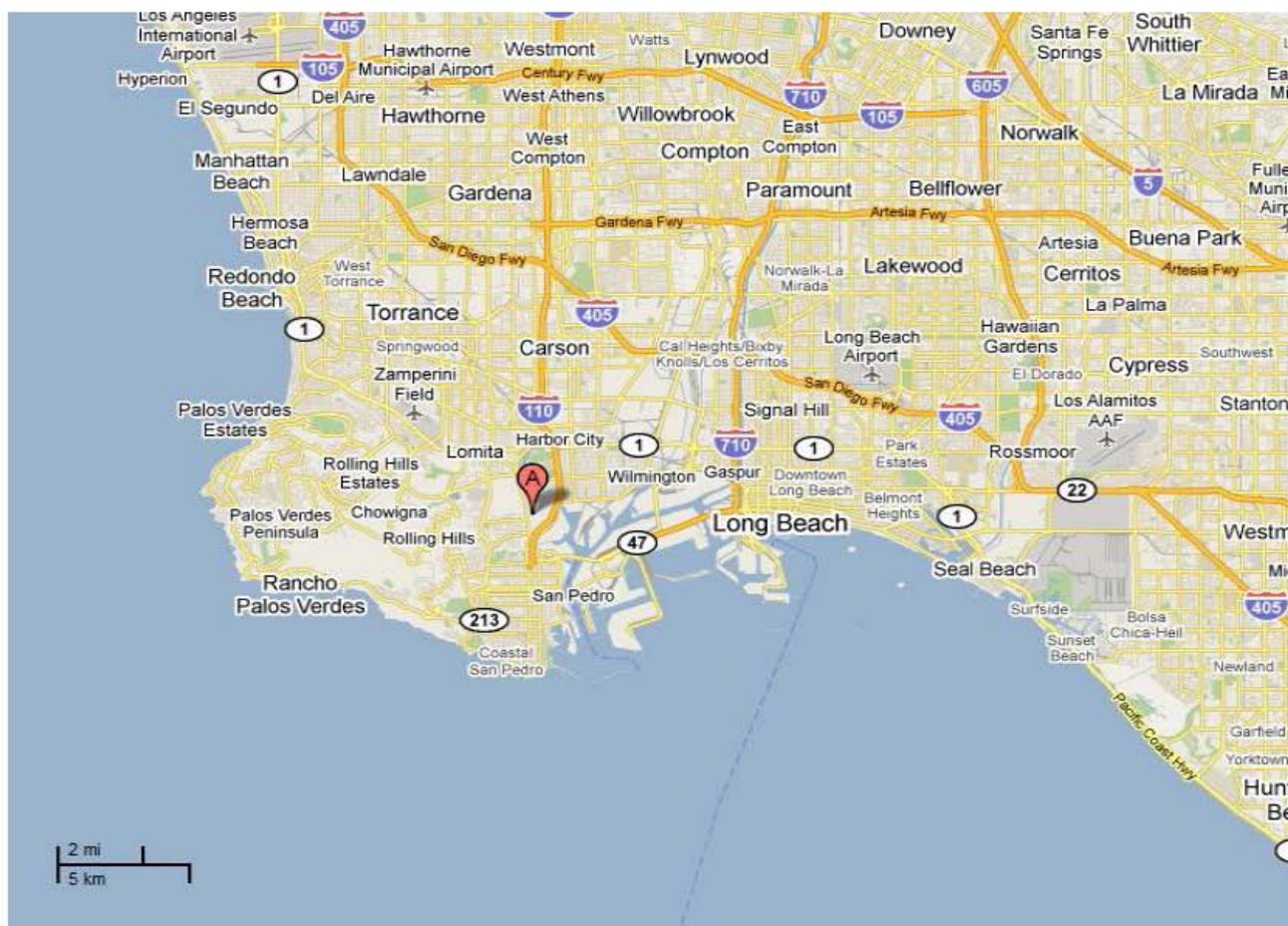
Chemical: Butane
CAS #: 106-97-8
Form: Liquefied by Refrigeration
Category: Flammable Gas

Scenario: *Alternative Release*
Quantity Released: *62,958,773 Pounds*
Release Type: *BLEVE (boiling liquid expanding vapor explosion)*
Mitigation Measures: *None*

Assumptions about this scenario

Wind Speed: 3 meters per second (6.7 miles/hour)
Atmospheric Turbulence: D Class (Neutral)
Air Temperature: 77 degrees F (25 degrees C)

Estimated Distance at which exposure may cause second-degree burns: 5.2 miles radius (8.4 kilometers)



Appendix 8

Release Scenario #8 – BLEVE
(Distance 6.8 Miles Radius)

Appendix 8

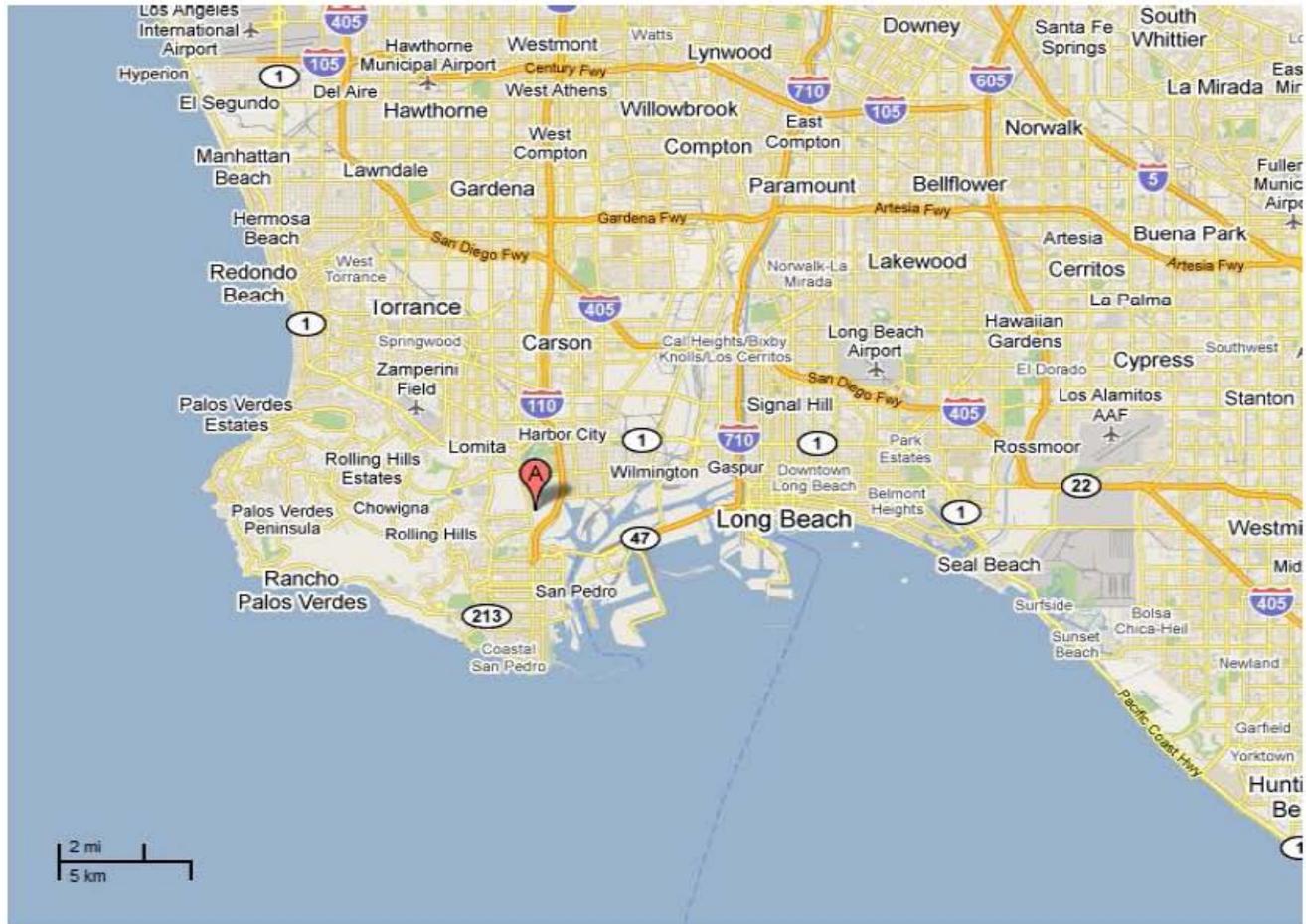
Chemical: Butane
CAS #: 106-97-8
Form: Liquefied by Refrigeration
Category: Flammable Gas

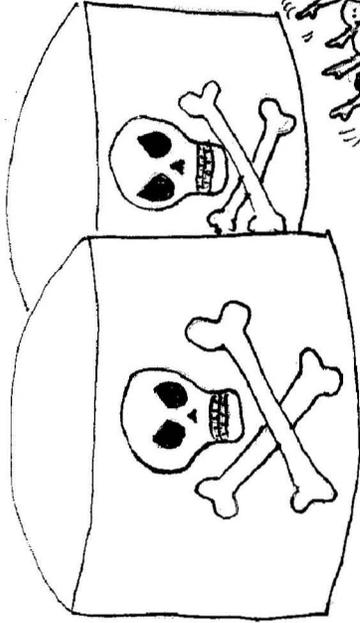
Scenario: *Alternative Release*
Quantity Released: *126,517,153 Pounds*
Release Type: *BLEVE (boiling liquid expanding vapor explosion)*
Mitigation Measures: *None*

Assumptions about this scenario

Wind Speed: 3 meters per second (6.7 miles/hour)
Atmospheric Turbulence: D Class (Neutral)
Air Temperature: 77 degrees F (25 degrees C)

Estimated Distance at which exposure may cause second-degree burns: 6.8 miles radius (11.0 kilometers)





25 MILLION

Gallons of Butane and LPG:

Join SPPHU (San Pedro and Peninsula

Homeowners United) and Coalition

along with health and safety advocates

from RPV, Harbor City and Wilmington!

Sat. Oct. 30th 12:00 noon

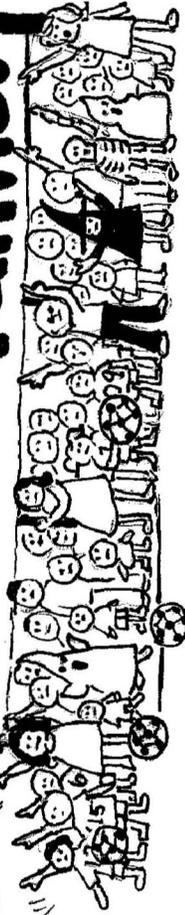
In San Pedro

by the tanks at N. Gaffey st. and Westmont!

**Help us rally support as we demand that
this ominous threat to our community be**

relocated away from our homes!

Relocate these Tanks!



An informed public is a positive force for our family's safety. Our homes were here before these tanks were built. The City of LA knew they were allowing the LPG tanks to be built on the P.V. Fault and in a liquefaction zone. The Port planned and built "Energy Island" for the safer location of hazardous facilities. Congresswoman Jane Harman brought millions of federal tax dollars to build it for "public safety".

It became a container terminal! **WE PAID. HAZARDS STAYED!** Worst case disaster information is withheld. **HOWEVER**, within a 3 mile radius there are 20 Elementary Schools, 9 High Schools, 2 hospitals, 9 LAFD and LAPD stations, the Coast Guard HQ, Harbor College, the Vincent Thomas Bridge, 110 Freeway, Gaffey St., Western Ave., many churches, thousands of homes and businesses, and the Port. LA, the Port, and Rancho LPG have repeatedly balked at moving this facility. Tell the City, State and Feds. that the cost of a catastrophe involving these tanks is huge!!!

The lack of consideration for human life **-(OURS!)-** is shocking! We need everyone's participation! Please be there! Bring our children -Halloween costumes are welcome. More information #310-519-0989

3-120

CITY OF LOS ANGELES
CALIFORNIA

DEPARTMENT OF
CITY PLANNING

MICHAEL LOGRANDE
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN
SUE CHANG
LOURDES GREEN
LINN K. WYATT
MAYA E. ZAITZEVSKY



ANTONIO R. VILLARAIGOSA
MAYOR

S. GAIL GOLDBERG, AICP
DIRECTOR

RECEIVED

AUG 26 2010

OFFICE OF
ZONING ADMINISTRATION

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012

(213) 978-1318

PLANNING, BUILDING AND CODE ENFORCEMENT
FAX: (213) 978-1334
www.lacity.org/PLN

August 25, 2010

Bob Pratt (A)(O)
Volunteers of America (VOA)
3600 Wilshire Boulevard, Suite 1500
Los Angeles, CA 90010

Brian Silveria (R)
The Katherman Company
1218 El Prado Avenue, Suite 128
Torrance, CA 90501

CASE NO. ZA 2009-2698(ZAA)
ZONING ADMINISTRATOR'S
ADJUSTMENT
1502 West Palos Verdes Drive North
Wilmington-Harbor City Planning Area
Zone : RD6-1XL
D. M. : 30B193
C. D. : 15
CEQA : ENV 2009-2699-MND(REC1)
Legal Description: Pt. Lot H, Partition of
Rancho Los Palos Verdes

Pursuant to Los Angeles Municipal Code Section 12.28, I hereby APPROVE:

an adjustment from Section 12.09.1-B,1 and 3 of the Municipal Code to allow a reduced front yard varying between 4 feet 7 inches to 8 feet 2 inches in lieu of 20 feet and a rear yard of 22 feet 6 inches in lieu of 25 feet, in conjunction with the renovation and maintenance of 76 units for affordable housing on property considered as one parcel,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.



4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. Prior to any sign-off of plans by the Zoning Administrator, a plot plan shall be submitted to the Fire Department for review and approval. Said approval shall be noted on the plans via a stamp from the Fire Department.
8. Environmental Conditions
 - a. Aesthetics (Vandalism)
 - 1) Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.
 - 2) The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to Municipal Code Section 91.8104.15. (ZA Note: Condition No. 4 of this action supercedes this measure.)
 - b. Aesthetics (Light)

Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
 - c. Air Pollution (Stationary)

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

d. Biological Resources

As applicable, all renovations and alterations to the property should be implemented in accordance with the Biological Opinion of US Fish and Wildlife Service letter dated September 4, 2002.

e. Seismic

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

f. Greenhouse Gas Emissions

- 1) Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s).
- 2) Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

g. Explosion/Release (Existing Toxic/Hazardous Containing Materials)

- 1) Asbestos) Prior to the issuance of the demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACM are present in the building. If ACM are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other state and federal rules and regulations.
- 2) Lead Paint) Prior to the issuance of any permit for demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

h. Creation of a Health Hazard

- 1) Prior to the issuance of a use of land or building permit, or issuance of a change of occupancy, the applicant shall obtain approval from the Fire Department and the Department of Public Works, for the transportation, creation, use, containment, treatment and disposal of the hazardous material(s).
- 2) Approved plans for the transport, creation, use, containment, treatment and disposal of the hazardous material(s) shall be submitted to the decision maker for retention in the case file.

i. Increased Noise Levels (Parking Wall):

- 1) A minimum 5-foot wide landscape buffer shall be planted adjacent to the residential use.
- 2) A landscape plan prepared by a licensed Landscape Architect shall be submitted and approved by the decision maker.

j. Public Services (Fire)

The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

k. Public Services (Police General):

The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to Design out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213) 485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits.

l. Public Services (Schools)

The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.

m. Recreation (Increase Demand For Parks Or Recreational Facilities)

Pursuant to Section 21.10.03 of the Los Angeles Municipal Code, the applicant shall pay the Dwelling Unit Construction Tax for construction of apartment buildings, if applicable.

n. Increased Vehicle Trips/Congestion:

- 1) Implementing measure(s) detailed in said Department's communication to the Planning Department dated 4-9-10 and attached shall be complied with. Such report and mitigation measure(s) are incorporated herein by reference.
- 2) The Los Angeles Department of Transportation has requested that a traffic monitoring program be required for the project. The program is to commence on an annual basis with the goal to verify the project's traffic impact and identify traffic demand management (TDM) measures to reduce this impact if needed.

o. Inadequate Emergency Access:

The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.

p. Utilities (Local Water Supplies - Landscaping)

- 1) The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g., use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
- 2) In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
 - a) Weather-based irrigation controller with rain shutoff.
 - b) Matched precipitation (flow) rates for sprinkler heads.
 - c) Drip/microspray/subsurface irrigation where appropriate.
 - d) Minimum irrigation system distribution uniformity of 75 percent;
 - e) Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials.
 - f) Use of landscape contouring to minimize precipitation runoff.

binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any valid condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public

agency. Furthermore, if any condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after SEPTEMBER 9, 2010, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

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

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, and the statements made at the public hearing before the Zoning Administrator on February 25, 2010, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the five requirements and prerequisites for granting an adjustment as enumerated in Section 12.28 of the Los Angeles Municipal Code have been established by the following facts:

BACKGROUND

On February 10, 2010, a request was before the Advisory Agency for the approval of Private Street No. 1422 of an existing 24-foot wide roadway easement as a private street

access to provide legal frontage to existing former navy housing complex located at 1556 West Palos Verdes Drive comprised of one building site. The site contains 9.28 acres (404,117 net square feet). The site is zoned RD6-1XL and OS-1VL and is designated for Low Residential in the Wilmington-Harbor City Community Plan Area. On February 10, 2010, the Advisory Agency continued the case for 60 days. A hearing on the matter is still pending.

The property is a sloping, irregular-shaped, interior parcel of land, consisting of approximately 9.27 acres,(approximately 404,117 square feet), having frontages along USS New Jersey, USS Princeton and USS Missouri. The site features a mild to moderate slope from south to north and is zoned RD6-1XL.

Adjoining property to the north is RD6-1XL and is developed with vacant two-story former U.S. Naval housing units similar to those mentioned in the instant case.

Adjoining property to the south is vacant upslope parcel of land zoned OS-1XL.

Adjoining property to the east is a vacant down slope parcel of land zoned OS-1XL.

Property to the west across USS New Jersey is an upslope parcel zoned OS-1XL and developed with asphalt paving and a small one-story structure.

West Palos Verdes Drive North, in the vicinity of the property to the north is a designated a divided major Highway dedicated a width varying from 200 to 220 feet and improved with curb, gutter and sidewalk.

USS Missouri, staff measured the roadway width and found that width to be 23 feet 11 inches with 3-foot 6-inch sidewalks on both sides of the street (not included in the right-of-way width). Both sides of the street are improved with curb and gutter.

USS Princeton Court, staff measured the roadway width and found that width to be 23 feet 8 inches with 3-foot 6-inch sidewalks on both sides of the street (not included in the right-of-way width). Both sides of the street are improved with curb and gutter.

USS New Jersey, staff measured the roadway width and found that width to be 23 feet 11 inches with a 3-foot 6-inch sidewalk on east side of the street (not included in the right-of-way width). The west side of the street is improved with curb and gutter. Both sides of the street are improved with curb and gutter.

Previous zoning related actions on the site include:

Case No. ZA 2002-4468(ZV) – On January 5, 2004, the Zoning Administrator approved the withdrawal of an application to allow an early start variance in lieu of a conditional use, to allow the construction/renovation, use and maintenance of former Naval Housing units into a private school (grades K-12).

MANDATED FINDINGS

In order for an adjustment from the zoning regulations to be granted, all five of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

1. **The granting of an adjustment will result in development compatible and consistent with the surrounding uses.**

The subject case entails a request for reduced yards triggered by the renovation and conversion of former Navy housing to affordable units for homeless veterans and their families. The request before the Zoning Administrator is only for the yards and not associated with any approval of the conversion. Other entitlements which include a request for a Private Street are separate and pending action by the City's Advisory Agency.

The property is developed with 15 buildings which contain a total of 76 units. It is accessed via Palos Verdes North. However, direct access is to be via a private street. The applicant's representative indicated that in taking such access, the easterly property line has been classified as the front yard for the entire property. As further explained by the applicant's architect, the property is considered one parcel with one front yard and one rear yard for all 15 buildings.

As classified, the reduced front yard varying between 4 feet 7 inches and 8 feet 2 inches occurs along only two buildings which are those closest to the terminus of the private street. These requested reduced setbacks occur along Building No. 4 Unit No. 18 and Building No. 9 Unit No. 44. Although defined as a front yard because of the classification of the property as one parcel, these setbacks are functionally side yards. Likewise, the request for a reduced rear yard occurs only at Building No. 1 Unit No. 1, which is adjacent to a 24-foot wide utility easement.

No physical changes have been requested which would result in any further encroachment into the required yards. The request maintains the status quo and allows for the continued utilization of the existing former Navy housing footprint. Thus, the granting of the adjustment will remain compatible with surrounding development.

2. **The granting of an adjustment will be in conformance with the intent and purpose of the General Plan.**

The Wilmington-Harbor City Plan Map designates the property for Low Residential land uses with corresponding zones of R1, RD6 and RU and Height District No. 1XL.

The basic use of the property is consistent with the Plan.

3. **The granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.**

The adjustment represents a retention of previously existing yards which remains in conformance with the spirit and intent of the provisions of the Code. With regards, specifically to front and rear yards, the Code seeks to create a separation between uses and to maintain continuous open areas along building frontages and open useable space along individual back yards. The intent of that provision is retained as the front and rear yard under consideration function as a typical side yard. The "functional" front yard is located along the interior streets with a "rear" yard behind each unit. These existing yard setbacks are consistent with the intent of the provisions for such yards. Thus, the intent of the provision associated with yard requirements is maintained in compliance with the provisions of the Code. Therefore, the request does not conflict with the spirit and intent of the Municipal Code.

4. **There are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.**

As conditioned, the request is not anticipated to create any detrimental effects on the character of the surrounding area. The footprint remains the same one that existed for the former Navy housing. The "front" yard abuts the side yard of the abutting use and the rear yard abuts a utility easement with no habitable development. A condition of this grant includes a review and approval by the Fire Department. The Fire Department will insure that emergency access remains optimum.

At the hearing, two speakers noted that there were other issues associated with resolution of other agreements regarding the property but recognized that the subject request did not have jurisdiction over such matters. A new environmental document was noted to be in preparation which resulted in the case being held under advisement until such document was completed. The applicant's representative also clarified that the project could not be permitted until the Private Street request is approved. A letter from the Northwest San Pedro Neighborhood Council dated June 13, 2010 was received on July 23, 2010. The letter noted support for the housing project and recommended certain conditions including but not limited to dealing with agreements with an adjacent school, meetings with a mobile home park and memorializing a shuttle and bus system. The recommendations extend beyond a nexus that could be established with the limited scope of setbacks of this request. The letter has been forwarded to the Advisory Agency for consideration, as appropriate, in its action on the private street. A Mitigated Negative Declaration was issued with mitigation measures which have been incorporated as conditions of this grant. Thus as proposed, the request is not anticipated to create any adverse impacts in the area.

5. **The site and/or existing improvements make strict adherence to the zoning regulations impractical or infeasible.**

Existing improvements on the site dictate certain established setbacks and siting options. The reduced yard adjustment does not arise out of any additions to the

existing development but rather out of the classification of the property as one property with a single front yard and single rear yard. As such, meeting the front yard requirement of 20 feet would result in the probable loss of two full units. Meeting the rear yard requirement of 25 feet would result in the partial removal of one of the dwelling units. The request is logical as it seeks to functionally integrate the existing improvements with a proposed conversion of units to affordable housing without physically changing any existing building footprints.

ADDITIONAL MANDATORY FINDINGS

6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
7. On July 26, 2010, a Mitigated Negative Declaration (ENV 2009-2699-MND(REC1) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that with the imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.



LOURDES GREEN
Associate Zoning Administrator
Direct Telephone No. (213) 978-1313

LG:lmc

cc: Councilmember Janice Hahn
Fifteenth District
Adjoining Property Owners

SEP 13 2010

CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNINGPLANNING, BUILDING AND
CODE ENFORCEMENTNOTICE OF PUBLIC HEARING
DEPUTY ADVISORY AGENCYPRIVATE STREET NO.1422
ENV-2009-2699-MNDCOUNCIL DISTRICT NO. 15
PLAN AREA: Wilmington-Harbor City

This notice is to inform you of a public hearing for Private Street No. 1422 where you and other interested persons as well as the applicant, may speak or submit written information relating to the environmental determination and to this proposed private street which will provide legal frontage and access located on approximately 404,177 square foot site in the RD6-1XL zone.

DATE: September 23, 2010

TIME: 9:40 A.M.

MEETING LOCATION: 200 North Spring Street, Room 1050(Main City Hall)
Los Angeles, CA 90012

PROJECT LOCATION: 1556 W. Palos Verdes Dr. N

The Deputy Advisory Agency invites your testimony or written comments. Written communications must be received by the City Planning Department Subdivision Section on or before the hearing date. Send Comments to:

Department of City Planning
Subdivision Unit, 7th Floor (Main City Hall), Room 750
200 North Spring Street
Los Angeles, California 90012

The complete file is available for public inspection in the City Planning Department Division of Land, 200 North Spring Street, Room 750, Los Angeles. Cases will not be available for inspection on the day of the hearing. For further information, please contact Lateef Sholebo at (213) 978-1454 or Lateef.Sholebo@lacity.org.

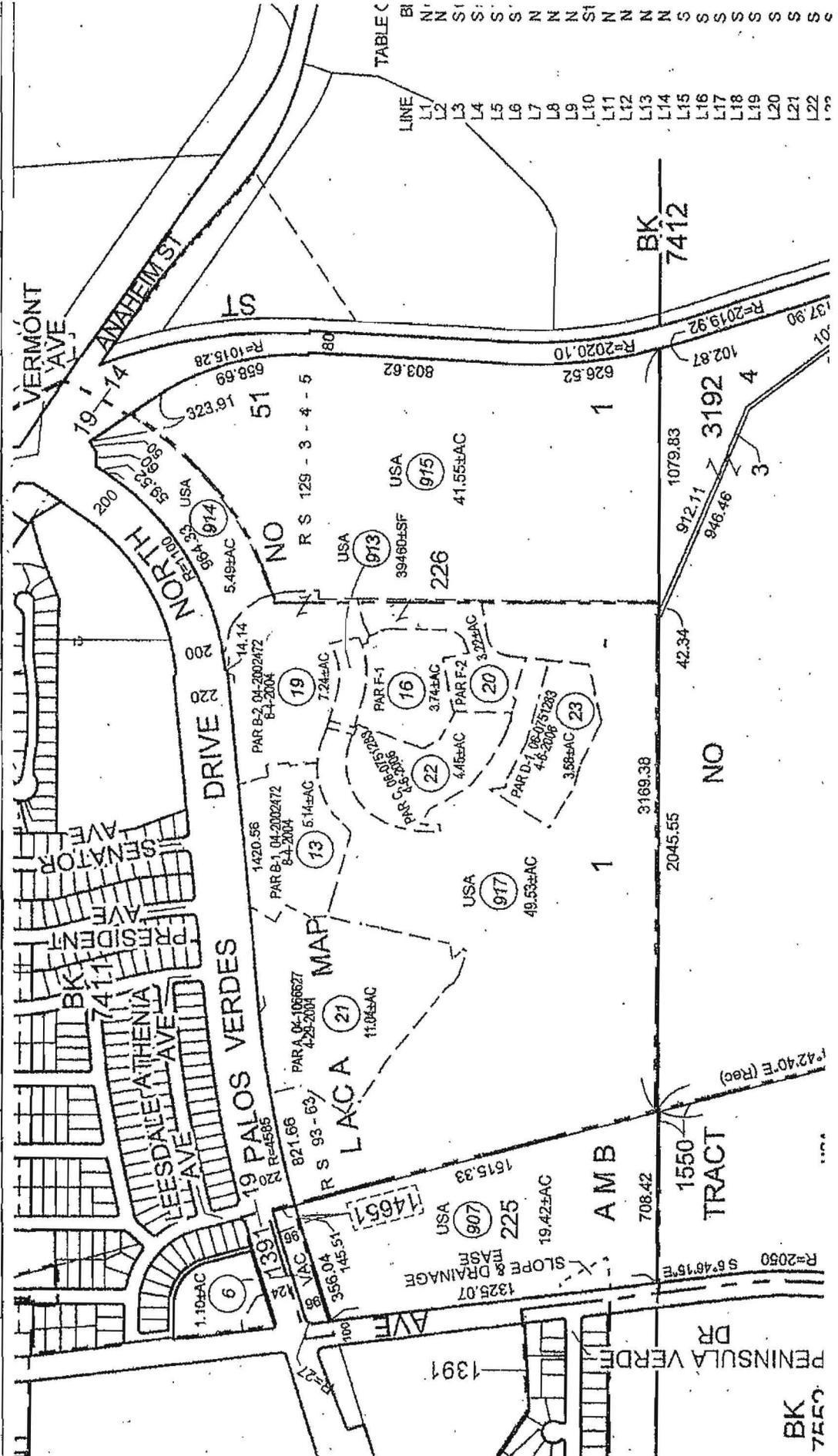
The determination of the Advisory Agency will become effective 10 days from the decision date unless an appeal to the Area Planning Commission has been received, accepted as complete and appeal fees paid at the public counter of the Department of City Planning prior to the above 10-day time limit. Such an appeal must be submitted in triplicate on Form CP-7769 and approved by the City Planning Department.

An Equal Employment Opportunity/Affirmative Action employer. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate. The meeting facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, please make your request not later than three working days (72-hours) prior to the meeting by calling the staff person referenced in this notice.

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

Private Street 1422

SEARCH NO	REVISED	2006121306003002-14-26	2008031902003001-26
1391	92012902001001-14	2006030102005001-26	2008031902004001-26
1550	1999060208010001-14	2006030102007001-26	2008030320
14651			



PRIVATE STREET NO. 1422 (stamped dated October 20, 2009)

HEARING DATE: September 23, 2010

RECEIVED
SEP 17 2010
PLANNING, BUILDING AND
CODE ENFORCEMENT

PLANNING DEPARTMENT STAFF REPORT

PURSUANT TO ORDINANCE 164,845, IF A CERTIFICATE OF POSTING HAS NOT BEEN SUBMITTED BEFORE THE DATE OF THE PUBLIC HEARING, IT MUST BE PRESENTED AT THE HEARING, OR THE CASE MUST BE CONTINUED.

REQUEST:

This is a request for the approval of Private Street No. 1422 of an existing 24 foot wide roadway easement as a private street access to provide legal frontage to existing 76 unit former Navy Housing complex located at 1556 W. Palos Verdes Drive comprised of one building site. The request also includes Zoning Administrator's Adjustment to allow a 4-foot 7 inches to 8-foot 2 inches front yard in lieu of the required 20-feet and 22-feet 6 inches rear yard in lieu of the required 25-feet.(under a separate application) The site contains 9.28 net acres (404,117 net square feet). The site is zoned RD6-1XL and OS-IVL and is designated for Low Residential in the Wilmington-Harbor City Community Plan Area.

RELEVANT CASES:

ON-SITE:

ZA-2009-2698-ZAA: Renovation of 76 units of Navy Housing to be used as affordable and subsidized housing serving homeless Veterans. 10% density bonus and 77% reduction in Front yard setbacks in conjunction with Private Street No.1422. This case was approved on August 25, 2010.

ENV-2009-2699-MND: Mitigated Negative Declaration determination issued for the Zoning Administrator's Adjustment Case ZA-2009-2698-ZAA related to Private Street No.1422.

OFF-SITE:

There are no previous or existing cases relevant to this private street.

PUBLIC RESPONSES:

No letters were received from the public.

GENERAL COMMENTS:

The request is an approval of the private street to provide legal frontage and access to a proposed former Navy Housing complex to be used as affordable and subsidizes housing for homeless veterans. The project is an existing 76-unit complex consisting of 15 separate 2-story buildings. The applicant is also requesting an adjustment for a reduced front yard setback under a separate application (ZA-2009-2698-ZAA).

The proposed private street width varies from 24-feet to 28-feet right-of-way and terminated at Palos Verdes Drive North which is a public street. The roadway easement is currently improved.

The site is located within a Hillside Grading Area. The City's database, ZIMAS, indicates the site is also located within a fault zone, methane buffer zone and a landslide area.

REPORTS RECEIVED:

BUREAU OF ENGINEERING: Recommends approval of the private street map subject to conditions pertaining to improvement of the private street as stated in the letter dated January 14, 2010. See recommended conditions in **Draft Private Street Report with Conditions** under department.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION: No comments were available at the writing of the staff report.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION: A clearance letter will be issued stating that no Building and Zoning Code violations exist on the subject site once the items identified in the memo dated March 16, 2010 have been satisfied. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

DEPARTMENT OF TRANSPORTATION: Recommends that the project be subject to conditions stated in the memo dated February 3, 2010. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

FIRE DEPARTMENT: No comments were available at the writing of the staff report.

DEPARTMENT OF WATER AND POWER: Reports that this tract can be supplied with water from the municipal system subject to LADWP's Water Services Organization's rules and requirements.

BUREAU OF STREET LIGHTING: Recommends that no street lighting requirement as stated in the memo dated November 20, 2009. See recommended conditions in **Draft Tentative Tract Report with Conditions** under department.

BUREAU OF SANITATION: The Department comments that there are sewer easements located within the project site. Any proposed development in close proximity to the easements must secure Department of Public Works approval.

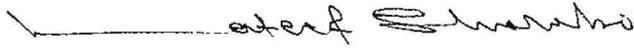
ENVIRONMENTAL CLEARANCE

The Environmental Staff Advisory Committee issued Mitigated Negative Declaration ENV-2009-2699-MND on May 19, 2010. See **Draft Tentative Tract Report with Conditions**.

STAFF RECOMMENDATIONS:

The Planning Department staff recommends approval of Private Street No.1422.

Prepared by:

A handwritten signature in black ink, appearing to read "Lateef Sholebo", written over a horizontal line.

Lateef Sholebo
City Planning Associate

Note(s): Recommendation does not constitute a decision. Changes may be made by the Director of Planning at the time of the public hearing.

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

CITY PLANNING COMMISSION

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COMMISSION EXECUTIVE ASSISTANT
(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

EXECUTIVE OFFICES

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(213) 978-1274
EVA YUAN-MCDANIEL
DEPUTY DIRECTOR
(213) 978-1273
FAX: (213) 978-1275

INFORMATION
www.planning.lacity.org

Decision Date:

Appeal End Date:

Volunteers of America
3600 Wilshire Boulevard., #1500
Los Angeles, CA 90010

Bryant Palmer Soto Inc.
2601 Airport Drive # 310
Torrance, CA 90505

RE: Private Street No.1422
Related Case: ZA 2009-2698(ZAA)
1556 West Palos Verdes Drive North
Wilmington-Harbor City Planning Area
Zone : RD6-1XL and OS-1VL
D.M. : 030-B-193 & 030-B-197
C.D. : 15
CEQA : ENV-2009-2699-MND
Legal Description: Tract: Partition of the Rancho
Los Palos Verdes, Lot: PT H

In accordance with provisions of Section 17.03 of the Los Angeles Municipal Code (LAMC), the Advisory Agency adopted Mitigated Negative Declaration ENV-2009-2699-MND as the environmental clearance for Private Street No. 1422 and pursuant to Chapter 1, Article 8 of the Los Angeles Municipal Code (LAMC), the Advisory Agency **approved Private Street No.1422**, providing legal frontage and access to one building site located at 1556 W. Palos Verdes Drive as shown on map stamp-dated October 20, 2009 in the Wilmington-Harbor City Community Plan. The Deputy to the Director of Planning will advise the Department of Building and Safety that the necessary permits may be issued pursuant to this approval following receipt of satisfactory evidence of compliance with the following conditions:

NOTE on clearing conditions: When two or more **agencies** must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

1. That a minimum 24-foot to 28-foot wide private street easement be provided including a turnaround area at location and alignment satisfactory to the City Engineer.
2. That any necessary street, sewer and drainage easements be dedicated to the satisfactory to the City Engineer. (The need for these easements is to be identified by the Harbor Engineering District Office).
3. That the owners of the property record a covenant and agreement stating that they will maintain the private street free and clear of obstructions and keep the private street in a safe condition for vehicular use at all times
4. That the private street be posted in a manner prescribed in Section 18.07 of the Los Angeles Municipal Code (LAMC) (Private Street Regulations).
5. That a copy of the private street easement be submitted to the City Engineer (Land Development Group of the Bureau of Engineering) for approval. An additional copy shall be submitted to the Harbor District office of Bureau of Engineering. (Recent title policy should be submitted as evidence for the private street easements).
6. That prior to release by the Deputy to the Director, proposed names for private streets shall be approved by the City Engineer. Any street name that would create confusion, be misleading, be unduly long or carry connotations offensive to good taste and decency shall be disapproved.
7. That the following improvements be constructed under permit in conformity with plans and specifications approved by the City Engineer or that the construction be suitably guaranteed satisfactory to the City Engineer. (All of the following conditions should be cleared by the West Los Angeles Engineering District Office):
 - a. Improve the private street from adjoining the parcels to the existing improvements in Public Street by repairing any broken concrete curbs, concrete gutters and 24-foot and 28-foot wide variable width roadway surfacing including the improvement of the turning area.
 - b. Construct the on-site sewers to serve each parcel.

Notes:

Any questions regarding this report should be directed to Mr. Georgic Avanesian of the Land Development Section, located at 201 North Figueroa Street, Suite 200, or by calling (213) 977-6335.

DEPARTMENT OF BUILDING AND SAFETY ZONING DIVISION

8. That prior to issuance of the Letter of Private Street Completion, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
- a. Provide proof of lot cut for Parcel "A".
 - b. Provide building plans to show compliance with current Los Angeles City Building Code concerning exterior wall/opening protection and exit requirements with respect to the new property lines. All noncompliance issues shall be corrected, required permits shall be obtained, and the final work inspected prior to a clearance letter being issued.
 - c. Show dimensions of setbacks from property lines. Indicate the number of stories, height, permitted use, and the type of construction for all buildings on the site.

Notes:

Any proposed structures or uses on the site have not been checked for and shall comply with Building and Zoning Code requirements. Plan check will be required before any construction, occupancy or change of use.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

9. That the project be subject to the following recommendations from the Department of Transportation.
- a. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line.
 - b. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Suite 400, Station 3. For an appointment, call (213) 482-7024.
 - c. That a fee in the amount of \$197 be paid for the Department of Transportation as required per Ordinance No. 180542 and Los Angeles Municipal Code (LAMC) Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

Please contact this section at (213) 482-7024 for any questions regarding the above.

FIRE DEPARTMENT

10. That prior to the issuance of the Letter of Private Street Completion, the owner shall make an arrangement satisfactory to the Fire Department with respect to the following:
 - a. Submit plot plans for Fire Department review and approval prior to recordation of Private Street action.

DEPARTMENT OF WATER AND POWER

11. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Planning Department.

BUREAU OF SANITATION

12. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering.

There are easements contained within the aforementioned property. Any proposed development in close proximity to the easements must secure Department of Public Works approval.

DEPARTMENT OF CITY PLANNING – SITE SPECIFIC CONDITIONS

13. That prior to issuance of the Letter of Private Street Completion, the subdivider will prepare and execute a covenant and agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
 - a. Limit the proposed development to the existing 76-unit housing complex in 15 separate buildings.
 - b. Provide a minimum of one covered off-street parking spaces per dwelling unit plus 5 guest parking spaces.
14. That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in accordance with CP-6730 prior to issuance of the Letter of Private Street Completion. The landscape plan shall identify tree replacement on a 1:1 basis by a minimum of 24-inch box trees for the unavoidable

loss of desirable trees on the site. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

In the event the subdivider decides not to request a permit before the issuance of the letter of Private Street completion, the following statement shall appear on the plan and be recorded as a covenant and agreement satisfactory to the Advisory Agency guaranteeing that:

- a. The planting and irrigation system shall be completed by the developer/builder prior to the close of escrow of 50 percent of the units of the project or phase.
 - b. Sixty days after landscape and irrigation installation, the landscape professional shall submit to the homeowners/property owners association a Certificate of Substantial Completion (Sec. 12.40-G Los Angeles Municipal Code (LAMC)).
 - c. The developer/builder shall maintain the landscaping and irrigation for 60 days after completion of the landscape and irrigation installation.
 - d. The developer/builder shall guarantee all trees and irrigation for a period of six months and all other plants for a period of 60 days after landscape and irrigation installation.
15. That prior to release by the Director of Planning, proposed names for the private street shall be approved by the City Engineer. Any street name that would create confusion, be misleading, be unduly long or carry connotations offensive to good taste and decency shall be disapproved.

DEPARTMENT OF CITY PLANNING – ENVIRONMENTAL MITIGATION MEASURES

16. That prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770 and Exhibit CP-6770. M) in a manner satisfactory to the Planning Department requiring the subdivider to identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition No(s). 17 of the Private Street approval satisfactory to the Advisory Agency. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.
17. Prior to the recordation of the final map, the subdivider will prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
- MM-1 Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish,

garbage, trash, overgrown vegetation or other similar material, pursuant to Los Angeles Municipal Code (LAMC) Section 91.8104.

- MM-2 The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to LAMC Section 91.8104.15.
- MM-3 Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.
- MM-4 An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 12, to the satisfaction of the Department of Building and Safety.
- MM-5 The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- MM-6 Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s).
- MM-7 Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.
- MM-8 (Asbestos) Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.
- MM-9 (Lead Paint) Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.
- MM10 Prior to the issuance of a use of land or building permit, or issuance of a change of occupancy, the applicant shall obtain approval from the Fire Department and the Department of Public Works, for the transport, creation, use, containment, treatment, and disposal of the hazardous material(s).

- MM11 Approved plans for the transport, creation, use, containment, treatment, and disposal of the hazardous material(s) shall be submitted to the decision-maker for retention in the case file.
- MM12 A minimum five-foot wide landscape buffer shall be planted adjacent to the residential use.
- MM13 A landscape plan prepared by a licensed Landscape Architect shall be submitted for review and approval by the decision maker.
- MM14 The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit.
- MM15 The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
- MM16 The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213)485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits.
- MM17 The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.
- MM18 Pursuant to Section 21.10.3 of the Los Angeles Municipal Code (LAMC), the applicant shall pay the Dwelling Unit Construction Tax for construction of apartment buildings, if applicable.
- MM19 Implementing measure(s) detailed in said Department's communication to the Planning Department dated 4-9-10 and attached shall be complied with. Such report and mitigation measure(s) are incorporated herein by reference.

- MM20 The Los Angeles Department of Transportation has requested that a traffic monitoring program be required for the project. The program is to commence on an annual basis with the goal to verify the project's traffic impact and identify traffic demand management (TDM) measures to reduce this impact if needed.
- MM21 The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.
- MM22 The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g., use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
- MM23 In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
- a Weather-based irrigation controller with rain shutoff
 - b Matched precipitation (flow) rates for sprinkler heads
 - c Drip/microspray/subsurface irrigation where appropriate
 - d Minimum irrigation system distribution uniformity of 75 percent
 - e Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials
 - f Use of landscape contouring to minimize precipitation runoff
 - g A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.
- MM24 Install/retrofit high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets in all restrooms as appropriate.
- MM25 Install/retrofit restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- MM26 Install/retrofit no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- MM27 Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units

and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

- MM28 Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- MM29 (Operational) Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
- MM30 All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle demolition and construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, bricks, metals, wood, and vegetation. Non recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.

FINDINGS OF FACT (CEQA)

The Environmental Staff Advisory Committee issued Mitigated Negative Declaration ENV-2009-2699-MND on May 19, 2010. The Committee found that potential negative impact could occur from the projects's implementation due to:

Aesthetics
 existing ambient air pollution levels.
 Risk of upset
 potential seismic activity.
 Public services
 consumption of non-renewable energy resources.
 need for landscaping.
 lack of open space.
 Utilities

The Deputy Advisory Agency, certifies that Mitigated Negative Declaration No. ENV-2009-2699-MND reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition **No(s). 17** of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

In accordance with Section 21081.6 of the Public Resources Code (AB3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition No. 16.

Furthermore, the Advisory Agency hereby finds that modification(s) to and/or correction(s) of specific mitigation measures have been required in order to assure appropriate and adequate mitigation of potential environmental impacts of the proposed use of this subdivision.

FINDINGS OF FACT (LAMC)

In connection with the approval of Private Street No. 1415, the Advisory Agency of the City of Los Angeles, pursuant to Section 18.02 of the Los Angeles Municipal Code (LAMC) (Private Street Regulations), makes the prescribed findings as follows:

- (a) THERE EXISTS ADEQUATE AND SAFE VEHICULAR ACCESS TO THE PROPERTY FROM A PUBLIC STREET OVER A PRIVATE STREET FOR POLICE, FIRE, SANITATION AND PUBLIC SERVICE VEHICLES.

The recommendations and/or requirements of the City Engineer, Fire Department, and the Department of Transportation have or will be incorporated in the conditions of approval to assure adequate and safe vehicular access to the property.

- (b) AN ADEQUATE WATER SUPPLY IS AVAILABLE TO THE PREMISES FOR DOMESTIC AND FIRE FIGHTING PURPOSES.

The Department of Water and Power and the Fire Department have reviewed the project and deemed the water supply adequate provided their conditions of approval are satisfied.

- (c) AN APPROVED METHOD OF SEWER DISPOSAL IS AVAILABLE.

The owner is required to construct a mainline house connection sewer to serve the proposed development. In the event there is no sufficient connection to a public sewer system then private septic system will be allowed satisfactory to the Department of Building and Safety.

- (d) THE LOT OR BUILDING SITE IS OR WILL BE GRADED AND ENGINEERED IN ACCORDANCE WITH THE GRADING REGULATIONS OF THE CITY OF LOS ANGELES AS SET FORTH IN ARTICLE I OF CHAPTER 3 OF THIS LAMC.

The buildings are existing and there will be no new construction involved. In addition, the proposed private street currently improved

- (e) ANY PROPOSED NAME OF A PRIVATE STREET HAS BEEN OR SHALL BE APPROVED BY THE CITY ENGINEER APPLYING THE STANDARDS SET FORTH IN SUBDIVISION 6 OF SUBSECTION A OF SECTION 17.52 OF THIS LAMC.

Condition No. 15 of this approval requires that prior to release by the Director of Planning; proposed names for the private street shall be approved by the City Engineer. Any street name that would create confusion, be misleading, be unduly long or carry connotations offensive to good taste and decency shall be disapproved.

Michael J. LoGrande
Director of Planning

David S. Weintraub
Deputy Advisory Agency

DSW:LS:mkc

Note: If you wish to file an appeal, it must be filed within 15 calendar days from the decision date as noted in this letter. For an appeal to be valid to the Area Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 15-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

Figueroa Plaza
201 North Figueroa Street
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

Forms are also available on-line at www.lacity.org/pln.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

If you have any questions, please call Subdivision staff at (213) 978-1362.