

## **BORDER ISSUES STATUS REPORT**

### **Revised August 6, 2013**

*The following is a listing of the history and most recent status of all of the Border Issues that are currently being monitored by the City.*

#### **SAN PEDRO FACILITY RESTORATION ADVISORY BOARD (DEPARTMENT OF DEFENSE)**

- *Last Update: February 5, 2013*

On August 19, 2002, the City received public notice for the annual meeting of the San Pedro Facility Restoration Advisory Board (RAB). The meeting was intended to provide an open forum for the discussion of the environmental investigations and clean-up activities at the Defense Fuel Support Point San Pedro Facility and adjacent housing areas on Western Avenue and Palos Verdes Drive North. Staff attended the August 28, 2002 meeting, at which Navy personnel presented updates on a variety of on-going soil remediation programs on the site, including:

- The repair of ten leaking underground fuel storage tanks;
- A phytoremediation test site, which is testing the effectiveness of using plants to treat groundwater contamination;
- The timelines and funding availability for the clean-up of three other contaminated dump sites on the property; and,
- Monitoring of a capped dump site adjacent to the Palos Verdes housing site, a portion of which is leased to Marymount College.

There was also a presentation by the Peninsula Land Conservancy regarding its efforts to restore coastal sage scrub habitat and monitor the population of the Palos Verdes blue butterflies on the site.

There was no new information presented at the RAB meeting regarding the status of the transfer of the San Pedro and Palos Verdes housing sites to the various agencies identified by the San Pedro Reuse Committee in 1999. A portion of the housing along Taper Avenue was transferred to the Archdiocese of Los Angeles in 2001 for the possible future expansion of Mary Star of the Sea High School.

At the January 7, 2003 City Council meeting, Councilmember McTaggart reported that he had received a copy of the Finding of No Significant Impact (FONSI) for an Integrated Natural Resources Management Plan (INRMP) for the Navy's Defense Fuel Support Point (DFSP) San Pedro. The adoption of the INRMP is related to the clean-up of soil contamination at DFSP San Pedro and the transfer of the former Navy housing sites.

On October 1, 2003, the RAB held its annual meeting. Staff attended the meeting, at which Navy personnel presented updates on a variety of on-going soil remediation programs on the site, including:

- The repairing and relining leaking underground fuel storage tanks;
- A progress report on the phytoremediation test site, which is testing the effectiveness of using poplar trees to treat groundwater contamination;
- The timelines and funding availability for the clean-up of three other contaminated dump sites on the property, which is not likely to begin until 2007;
- The monitoring of a capped dump site adjacent to the Palos Verdes housing site, a portion of which is leased to Marymount College;
- A presentation by the Palos Verdes Peninsula Land Conservancy regarding its on-going efforts to restore coastal sage scrub and Palos Verdes blue butterfly habitat on the site; and,
- An update on the environmental clearances for the former Navy housing sites.

With respect to this last issue, Navy personnel stated that the Navy had issued a Finding of Suitability to Transfer (FOST) for the San Pedro/John Montgomery site, thereby clearing the way for its sale. However, a FOST had not yet been issued for the Palos Verdes site.

On August 18, 2004, the RAB held its annual meeting. Staff attended the meeting, at which Navy personnel presented updates on a variety of on-going soil remediation programs on the site, including:

- A progress report on the remediation of contaminated soils and groundwater along North Gaffey Street, including the phytoremediation test site which uses poplar trees to treat groundwater contamination;
- The latest timelines and funding availability for the clean-up of three remaining contaminated dump sites on the Navy property, which is not likely to begin until 2007 and be completed until 2009;
- A presentation by the Navy's natural resources expert regarding its on-going efforts to restore critical habitat, monitor population and conduct captive breeding of the Palos Verdes blue butterfly on the site;
- The status report of the regular monitoring of a capped dump site within the former Palos Verdes housing site, portion of which have been transferred to Marymount College and Rolling Hills Preparatory School; and
- An update on the status of the transfer of the remainder of the former Navy housing sites.

With respect to this last issue, Navy personnel stated that portions of the Palos Verdes housing site had been quitclaimed to Marymount College and Rolling Hills Preparatory School in April 2004 and August 2004, respectively. It was also announced that the seventy-six (76) units of homeless housing on the Palos Verdes site would be granted to Volunteers of America (VOA) rather than to South Bay Crossings. Navy personnel also commented briefly upon the upcoming Internet auction of the San Pedro/John

Montgomery housing site.

On October 27, 2005, the Restoration Advisory Board (RAB) held its annual meeting. Staff attended the meeting, at which Navy personnel presented updates on a variety of on-going soil remediation programs on the site, including:

- The latest timelines and funding availability for the clean-up of the three (3) remaining contaminated dump sites on the Navy property, which is scheduled to begin in 2007 and be completed by 2009;
- The status report of the regular monitoring of a capped dump sites within the former Palos Verdes housing site, the remaining portions of which have been transferred to Marymount College, Rolling Hills Preparatory School and Volunteers of America in accordance with the approved 1999 reuse plan, and the status of the disposal of the remaining property containing the Palos Verdes blue butterfly habitat to an appropriate stewardship group or agency;
- A progress report on the remediation of contaminated soils and groundwater along North Gaffey Street, including the phytoremediation test site which uses poplar trees to treat groundwater contamination, and the regular repair and maintenance of the existing underground and aboveground fuel storage tanks; and,
- A presentation by the Barbara Dye of the Palos Verdes Peninsula Land Conservancy regarding on-going efforts to restore critical habitat, monitor population and conduct captive breeding of the Palos Verdes blue butterfly on the site;

At the conclusion of the meeting, the RAB members in attendance agreed to receive annual updates on these issues from the Navy, but to only meet biannually. As such, the next RAB meeting was expected to be held in Fall 2007, although Staff received no notice of any such meeting. However, Staff did recently receive a fact sheet on August 7, 2008.

Based upon the information in this fact sheet, it appears that the Navy is preparing to “close the books” on some formerly-contaminated portions of the Palos Verdes Navy Housing site so that they may be transferred to Marymount College, Rolling Hills Preparatory School and Volunteers of America.

The San Pedro Facility Restoration Advisory Board (RAB) met on December 15, 2009. Staff was unable to attend the meeting, but based upon the meeting agenda, it appears that the Navy has “closed the books” on the environmental remediation of the former San Pedro and Palos Verdes Drive North housing sites. The former San Pedro site is now the location of the proposed *Ponte Vista* project, while the former Palos Verdes Drive North site has been transferred to Marymount College, Rolling Hills Preparatory School and Volunteers of America. In the future, the RAB will only deal with environmental remediation at the active Defense Fuel Support Point (DFSP) San Pedro.

On June 30, 2010, the RAB was scheduled to meet for the second time that year. The agenda for that meeting confirmed that the RAB's future activities will focus on active, environmental remediation efforts on the DFSP site, but will no longer include either of the former Navy housing sites.

The San Pedro Facility Restoration Advisory Board (RAB) met on December 8, 2010. The RAB is now only dealing with environmental remediation at the active Defense Fuel Support Point (DFSP), not the former San Pedro and Palos Verdes Drive North housing sites.

The San Pedro Facility Restoration Advisory Board (RAB) met on June 29, 2011. The RAB now deals only with environmental remediation at the active Defense Fuel Support Point (DFSP) San Pedro. Discussion at the most recent meeting centered upon the status of the remediation plans for so-called "Site 32," which is located in the southeasterly portion of the facility near North Gaffey Street. Planning for the remediation of so-called "Site 31"—which is located in the northwesterly portion of the facility, closer to Western Avenue and the City's *Peninsula Verde* neighborhood and Green Hills Memorial Park—is expected to begin in 2012. Site 31 has been identified as having a "low" probable risk to human health, whereas Site 32 has been identified as a "medium" risk site.

The San Pedro Facility Restoration Advisory Board (RAB) met on December 19, 2011. Discussion at the most recent meeting again focused primarily on the remediation plans for so-called "Site 32," which is located in the southeasterly portion of the facility near North Gaffey Street. Planning for the remediation of so-called "Site 31"—which is located in the northwesterly portion of the facility, closer to Western Avenue and the City's *Peninsula Verde* neighborhood and Green Hills Memorial Park—may begin sometime later this year.

The San Pedro Facility Restoration Advisory Board (RAB) held its most recent meeting on June 21, 2012. The RAB continues to deal only with environmental remediation at the active Defense Fuel Support Point (DFSP) San Pedro, not the former Navy housing sites.

There was little new information to report at the most recent RAB meeting, although attendees did take a few moments to acknowledge the recent passing of RAB Community Co-Chair (and Rancho Palos Verdes resident) Gil Alberio. Lomita Planning Commissioner Dan Jones was appointed as interim RAB Community Co-Chair, and the Navy expects to begin public outreach efforts later this year to select a permanent Community Co-Chair and new members for the RAB. The next RAB meeting is tentatively scheduled for January 17, 2013.

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

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

### **PONTE VISTA PROJECT AT FORMER SAN PEDRO NAVY HOUSING SITE (CITY OF LOS ANGELES/SAN PEDRO)**

- *Last Update: August 6, 2013*

There was no new information presented at the August 28, 2002 San Pedro Facility Restoration Advisory Board (RAB) meeting regarding the status of the transfer of the San Pedro and Palos Verdes housing sites to the various agencies identified by the San Pedro Reuse Committee in 1999. A portion of the housing along Taper Avenue was transferred to the Archdiocese of Los Angeles in 2001 for the possible future expansion of Mary Star of the Sea High School.

On September 13, 2002, Staff spoke with Navy personnel regarding the transfer of the housing sites. According to the Minutes of the August 2001 RAB meeting, the transfer of these properties was being held up by the issue of Palos Verdes blue butterfly habitat on and adjacent to the housing sites. Consultations between the Navy and the US Fish and Wildlife Service (USFWS) over the Navy's proposed habitat plan reached an impasse in early 2002, which was only broken when the Navy agreed that it would retain ownership of a critical habitat area adjacent to the Palos Verdes housing site. Under this scenario, the various proposed recipients of the properties—including Marymount College—would be responsible for dealing individually with USFWS if any critical habitat issues arose on their respective properties as a result of their proposed reuse and/or redevelopment. However, the City of Los Angeles apparently objects to this scenario and has asked the Department of Housing and Urban Development (HUD)—which is the last Federal agency that needs to approve the transfer of the properties—to withhold any action on the San Pedro Reuse Plan until its concerns are addressed. Navy personnel indicated that HUD could unilaterally approve the Reuse Plan over the City of Los Angeles' objections but has been understandably reluctant to do so. Nevertheless, the Navy believed that the transfer of the housing sites could be finalized by early 2003.

On October 28, 2002, the *Daily Breeze* reported that the impasse regarding the transfer of the former Navy housing sites had been broken, largely due to the efforts of Congresswoman Jane Harman and Los Angeles City Councilwoman Janice Hahn. The transfer of the property to the City of Los Angeles was expected to be complete by the end of 2002. As a part of the property transfer, the Navy will set aside a 10-acre fenced preserve for the Palos Verdes blue butterfly, to be maintained and monitored by the a land conservancy group. The housing sites will ultimately be transferred to Marymount

College, Rolling Hills Preparatory School, South Bay Crossings and the Kenny Nickelson Memorial Foundation for Homeless Veterans, all of whom were identified in the 1999 base reuse plan. However, the Harbor-UCLA Research and Education Institute (REI), which was slated to redevelop approximately 46.5 acres of the Western Avenue housing site, withdrew its plans for the site. With the withdrawal of REI, its portion of the San Pedro housing site will be put up for bid sale by the Navy in early 2003. The former REI portion—which is zoned R-1 and contains approximately 190 dwelling units—is expected to generate interest from the residential development community.

On January 18, 2003, the Los Angeles *Times* reported that HUD was slated to make a final decision on the 1999 reuse plan in late January 2003, pending resolution of a revived dispute between the City of Los Angeles and Volunteers of America (VOA), a homeless advocacy group. VOA was one of the original applicants for the reuse of the former Navy housing, but was not one of the final recipients identified in the 1999 plan. VOA had been trying to increase the number of dwelling units set aside for low-income families and the homeless, particularly since the units formerly allocated to REI are now “up for grabs” with the withdrawal of REI’s proposal for the San Pedro housing site. The South Bay *Daily Breeze* subsequently reported on February 5, 2003, that the City of Los Angeles and VOA failed to reach a compromise, and the 1999 reuse plan was forwarded to HUD as originally approved.

On March 8 and 9, 2003, the *Times* and the *Daily Breeze*, respectively, reported that HUD had rejected the 1999 reuse plan for the former Navy housing sites. In a letter to the City of Los Angeles, HUD stated that the 1999 reuse plan did not adequately balance economic development and the needs of the community’s homeless. HUD further suggested that at least seventy-six (76) additional dwelling units be set aside for low-income housing, possibly within the San Pedro housing site on Western Avenue. HUD has given the City of Los Angeles ninety (90) days to develop a revised plan to address its concerns.

On May 6, 2003, Staff in the office of Los Angeles City Councilwoman Janice Hahn advised the City that neither Councilwoman Hahn nor Los Angeles Mayor James Hahn proposed or supported any alteration to the 1999 reuse plan. The Councilwoman’s Staff indicated that the City of Los Angeles was working on a response to HUD’s concerns, which was scheduled to be transmitted to HUD. Ultimately, the City of Los Angeles did not respond to HUD’s concerns by the June 7, 2003 deadline, effectively reiterating its endorsement of the original 1999 reuse plan.

On June 20, 2003, Staff contacted Navy personnel regarding the next steps in the property transfer process. Based upon the City of Los Angeles response (or lack thereof) to HUD’s comments about the 1999 reuse plan, HUD has sixty (60) days to issue a final determination regarding the disposal of the property. If HUD stands by its previous position that at least seventy-six (76) additional units be set aside for low-income housing, then HUD has the authority to decide what agency or entity will receive those units. Pending HUD’s final determination, the Navy has made no decision

regarding the disposition of the housing sites. However, once a final determination is issued, the Navy will transfer the property based upon the allocation program outlined in the 1999 reuse plan (as modified by HUD). Any unallocated portions of the property (i.e., the former Harbor-UCLA Research and Education Institute portion) will be put up for public sale to the highest bidder.

HUD rejected the 1999 reuse plan for the former Navy housing sites in San Pedro on August 13, 2003. According to Los Angeles City Councilwoman Janice Hahn's office, the Navy now plans to auction off the Western Avenue portion of the property to the highest bidder. As mentioned previously, the property is zoned R-1 and would be expected to be developed with market-rate single-family homes.

On September 8, 2003, a representative of Councilwoman Hahn's office made a presentation to the Northwest San Pedro Neighborhood Council regarding the disposition of the former Navy housing sites in light of HUD's rejection of the 1999 reuse plan. Also present at the meeting were representatives of Marymount College, Rolling Hills Preparatory School and Volunteers of America (VOA).

Councilwoman Hahn's representative made it clear that HUD's request for seventy-six (76) additional units for the homeless was only a recommendation to the Navy, which has the final authority to determine the allocation of the property. She further stated that the Navy has indicated that it intends to comply with "spirit" of the 1999 reuse plan and the "intent" of HUD's recommendation. To this end, the Navy expects to transfer all of the property on the Palos Verdes site in general accordance with the 1999 reuse plan. However, with the exception of one acre and two structures allocated to the Kenny Nickelson Memorial Foundation for Homeless Veterans, the balance of the San Pedro/John Montgomery site—containing two hundred forty-five (245) dwelling units—will be put up for Internet bid auction, and potential bidders will be advised of their obligation to provide for seventy-six (76) units of homeless housing. This obligation can be satisfied by 1) buying out the homeless services providers (i.e., VOA and San Pedro Enterprise Community (SPEC)) for the value of the units; 2) agreeing to provide the units on-site as a part of a future development project; or 3) some combination of both of these alternatives. The Navy now hopes to dispose of all of its former housing by the end of 2003.

At the annual San Pedro Facility RAB meeting on October 1, 2003, Navy personnel stated that the Navy had issued a Finding of Suitability to Transfer (FOST) for the San Pedro/John Montgomery housing site, thereby clearing the way for its sale. However, a FOST had not yet been issued for the Palos Verdes site.

In response to Councilman Clark's comments at the October 7, 2003 City Council meeting, Staff contacted Los Angeles City Councilwoman Janice Hahn's office regarding any further action by the City regarding the transfer of the housing sites. According to Staff in the Councilwoman's office, the transfer of the housing sites is proceeding and the City of Los Angeles is not taking any further action to delay it or to re-open the process to another reuse committee. On November 5, 2003, Staff prepared

a draft letter to the Navy expressing the City Council's position that the reuse plan should be implemented and the housing sites transferred as approved by the reuse committee and the Los Angeles City Council in 1999. This letter was finalized and sent to the Navy on November 6, 2003.

On March 10, 2004, Staff and Councilman Wolowicz attended a meeting with Navy representatives to discuss the status of the transfer of the former Navy housing site with 25 to 30 concerned residents in the area, including Rancho Palos Verdes residents from the *Rolling Hills Riviera* and *Palo de Encino* neighborhoods. The meeting featured Elise Swanson of Los Angeles Councilwoman Janice Hahn's office, John Hill and Kimberly Kessler with the Navy and Chad Molnar of U.S. Congresswoman Jane Harman's office.

Mr. Hill briefly recapped the history of the 1999 reuse plan and its rejection by the U.S. Department of Housing and Urban Development (HUD) in August 2003. He reported that the educational conveyances of portions of the Palos Verdes site to Marymount College and Rolling Hills Preparatory School were moving forward. He noted that the conveyance of 76 units of the Palos Verdes site to South Bay Crossings for homeless housing was still held up with HUD, which is assessing South Bay Crossings' ability (financial and otherwise) to implement their proposed project. He also reconfirmed that the San Pedro site would be put up for public bid auction this summer, with the winning bidder obligated to provide 76 units of homeless housing for Volunteers of America (VOA). This obligation could be met by providing these units on site, or negotiating to "buy out" VOA for the value of all or a part of these units. Mr. Hill also stated that, in the event that HUD does not "sign off" South Bay Crossings' proposal, the 76 units on the Palos Verdes site would also be awarded to VOA.

In response to many attendees' concerns about VOA's intentions regarding the San Pedro site, Ms. Swanson stated Councilwoman Hahn has been working actively with VOA to find an alternative off-site location for these 76 units of homeless housing. She said that the Councilwoman has met with VOA and representatives of a church in Watts to discuss such an alternative, and that VOA has expressed interest in other site options for these units.

Many attendees questioned HUD's determination rejecting the 1999 reuse plan, and asked what (if anything) could be done now to change this determination. It was the consensus of Mr. Hill, Ms. Kessler and Ms. Swanson that there was little or no chance of changing HUD's determination. Mr. Hill stated that the Navy would not question or challenge HUD's determination regarding the additional 76 homeless units because the Federal statute regulating the procedures for base closures gave this authority to HUD, while the Navy has no expertise in homeless housing matters. He also stated that this was the only case of which he was aware where HUD rejected the reuse plan for former Navy property, and that there were no provisions in the Federal statute to allow the community to formally "step back into" the process if a reuse plan is rejected. In response to questions from attendees, Mr. Molnar stated that he would try to find out the basis for HUD's selection of 76 as the number of additional homeless units needed, which appeared to be an arbitrary number to many people.



Marymount College's acquisition of an 11.3-acre portion of the former Navy housing site on Palos Verdes Drive North on May 10, 2004 was reported in the *Daily Breeze* and *Palos Verdes Peninsula News* on May 11<sup>th</sup> and May 13<sup>th</sup>, respectively. The 86 townhouse units had been leased from the Navy for student and faculty housing since 1998.

Staff understands that the Navy has been pre-qualifying bidders for the auction of the San Pedro housing site. One of the potential bidders is the Westgate Group, who is proposing to construct a 140-unit condominium project on adjacent property in the City of Los Angeles (see discussion below). The website for the auction of the Navy housing site (<http://www.PonteVista.com>) was up and running by the end of July 2004. The property is being marketed as *Ponte Vista* to homebuilders through Colliers Seeley, a major international commercial real estate brokerage. According to the *Ponte Vista* website, an Invitation for Bid (IFB) is expected to be released this fall, with the bidding period to be open for a 30- to 45-day period after release of the IFB.

At the annual San Pedro Facility RAB meeting on August 18, 2004, Navy personnel stated that portions of the Palos Verdes housing site had been quitclaimed to Marymount College and Rolling Hills Preparatory School in April 2004 and August 2004, respectively. It was also announced that the seventy-six (76) units of homeless housing on the Palos Verdes site would be granted to Volunteers of America (VOA) since South Bay Crossings failed to demonstrate its ability to fulfill its obligations under the 1999 reuse plan. Navy personnel also discussed the upcoming Internet auction of the San Pedro/John Montgomery housing site.

As of late-October 2004, the Navy had not yet issued the IFB to begin the on-line auction of the *Ponte Vista* property. However, the auction website had been updated to include additional, detailed information about the portions of the property to be conveyed to VOA and the Kenny Nickelson Memorial Foundation (KNMF) for homeless housing and related services. At the end of the auction and prior to close of escrow, the winning bidder will have the opportunity to negotiate an alternative agreement with VOA and/or KNMF to "buy out" their interests, which total approximately twenty (20) acres of the 62-acre site and include seventy-six (76) existing residences and two (2) non-residential buildings. The Navy shall have final authority to approve any alternative agreement reached by winning bidder and the homeless services providers. In the event that an alternative agreement is not approved and/or executed, the Navy shall quitclaim the designated portions of the site to VOA and/or KNMF.

On November 1, 2004, the Navy issued the IFB to begin the on-line auction process for the *Ponte Vista* property. The auction itself was scheduled to begin on December 1, 2004, with a minimum opening bid of twenty-five million dollars (\$25,000,000) for the 61.53-acre site. Prospective bidders were required to post a registration deposit of one million two hundred fifty thousand dollars (\$1,250,000). The IFB also advised bidders of the obligation to provide for the designated homeless service providers (HSPs), either through an alternative agreement between the HSPs and the high bidder or through

direct conveyance of nearly twenty (20) acres of the site to the HSPs. The auction is expected to continue until at least mid- to late-December 2004.

The on-line auction for the *Ponte Vista* property began on December 1, 2004, but got off to a slow start, with only one bid submitted after nearly three weeks. On December 16, 2004, the Navy issued an amendment to the Invitation for Bids (IFB) for a revised easement description related to the homeless services providers' (HSPs') parcels. Due to the amended IFB, the auction is not expected to end until early January 2005. Once the auction ends and during the 60-day escrow period, the final high bidder will have the opportunity to negotiate alternate agreements with the designated HSPs to possibly acquire their respective interests in the *Ponte Vista* site, which encompass seventy-six (76) units and two (2) non-residential buildings on a 19.58-acre portion of the site. The Navy retains the authority to approve or disapprove any alternate agreement(s) between the high bidder and the HSPs.

The 72-hour "Call for Final Bids" in the on-line auction for the *Ponte Vista* property was issued on January 3, 2005. The number of bidders then increased to at least four (4), and the pace of bidding suddenly picked up at this point. The Navy issued an amendment to the IFB on February 17, 2005, to increase the minimum bid increment to \$500,000, presumably to speed up the conclusion of the auction. The Navy issued another IFB amendment on February 25, 2005, to increase the minimum bid increment to \$1,000,000. Shortly thereafter, the on-line auction ended on March 7, 2005. The high bid of \$88,000,000—which equates to nearly \$2,100,000 per acre—was submitted by "guildmortge" and the second highest bidder was "richmar." The high bidder is only guaranteed to receive a 41.95-acre portion of the 61.53-acre property, with the remaining balance of the property to be conveyed to the designated HSPs unless alternate agreements are reached between the high bidder and the HSPs. The actual identities of the two highest bidders had not been revealed by the time this report was completed. Also, in a *Daily Breeze* article on March 9, 2005, Los Angeles City Councilwoman Janice Hahn—in whose district the *Ponte Vista* property is located—was quoted as supporting the inclusion of Little League fields in the future residential development project. Staff continued to monitor the progress of the sale through the end of the auction and the 60-day escrow period, including the status of any alternate agreements that may be reached between the final high bidder and the HSPs.

In a *Daily Breeze* article on April 6, 2005, the high bidder in the *Ponte Vista* auction ("guildmortge") identified himself as Bob Bisno of Century City-based Bisno Development Company. Based upon comments attributed to Mr. Bisno, it appears that he intends to develop the site with high-density multi-family units, and to construct substantially more units than the two hundred forty-five (245) homes that currently exist on the site. The property is currently zoned R-1 by the City of Los Angeles, so it is expected that a change in zoning will be required to implement the developer's proposal. However, Mr. Bisno has expressed confidence that he will reach agreements with the designated HSPs to buy out their interests in a 19.58-acre portion of the 61.53-acre site.

A *Daily Breeze* article on July 13, 2005, reported that Bisno Development was preparing to submit an application to develop the former Navy housing site with 2,300 townhouses and condominiums. As part of the project, a portion of the development would be dedicated for senior housing and a senior recreation center. Additionally, it was reported that the developer proposed to set aside forty percent (40%) of the project site as open space, and to construct four (4) baseball diamonds for San Pedro's Eastview Little League. Plans were expected to be submitted to the City of Los Angeles during the week of July 18<sup>th</sup>. The *Daily Breeze* article noted the concerns of neighboring homeowners' associations and Councilwoman Janice Hahn's office regarding the scale of the project and the potential impacts it would have on the environment and surrounding neighborhoods.

On August 22, 2005, City Staff met with the developer's representatives on the project site. At that meeting, City Staff was informed that project plans had been submitted to the City of Los Angeles and were being reviewed for completeness. The developer's representatives confirmed that the project proposed 1,725 multi-family housing units and 575 senior housing units for a total of 2,300 housing units on a site that previously accommodated 245 housing units. City Staff was also informed that the 76-unit transitional homeless housing facility was no longer a part of the project.

After hearing the developer's presentation, City Staff raised brief concerns regarding impacts to Western Avenue, specifically regarding traffic volumes related to the high density of the project and the design of the street entry points to the project site. The developer's representatives informed City Staff that an advisory board, consisting of the project team and community members, would be formed to address public concerns. When asked if a community representative from the City was on the advisory board, the developer's representatives said that there was but they could not recall the individual's name. To date, it is still unknown who (if anyone) has been asked to serve on the advisory board on the City's behalf. It should also be noted that the developer's representatives intend to participate in the Western Avenue Task Force process.

On September 15, 2005, the City received a Notice of Preparation (NOP) from the City of Los Angeles notifying interested parties that an EIR would be prepared for the *Ponte Vista* project and that a public scoping meeting would be held on October 6, 2005. The public comment period was scheduled to end on October 14, 2005. Staff intended to attend the scoping meeting and report back to the Council.

At the October 6<sup>th</sup> scoping meeting, many Rancho Palos Verdes, San Pedro and Harbor City residents expressed their concerns about the project. These concerns included (but were not limited to): traffic impacts related to existing and proposed development surrounding the project site; proposed residential density that is nearly ten (10) times the number of existing units on the project site; impacts upon local schools and other public services and infrastructure; the gating of the community and limiting public access to the project's recreational amenities; the close proximity of the proposed Little League fields to the adjoining condominiums and other issues related to the design of the site; air quality impacts to surrounding residences during and after project

construction; and hazardous materials issues and the close proximity of the site to the adjoining Navy fuel depot. The City of Los Angeles also announced that the public comment period for the Notice of Preparation (NOP) would be extended to November 30, 2005 (it was originally scheduled to end on October 14, 2005). Staff prepared draft comments on the NOP for the City Council's review at the November 1, 2005, meeting, prior to their submittal to Los Angeles City Planning staff.

On November 9, 2005, a second community meeting was held for the *Ponte Vista* project. No new project information was presented at this meeting, which served primarily to give the developer's project team an opportunity to present information to the public about the project. It was also interesting to note that the developer was actively soliciting public opposition (in the form a petition) to the selection of the *Ponte Vista* site as the preferred site for a new public high school, and that the Ponte Vista Community Advisory Board was characterized to Staff by the community outreach coordinator as "friends of *Ponte Vista*." Staff asked to be provided with the names of the Rancho Palos Verdes representatives to the Advisory Board, but the developer had not done so by the date that this report was completed. Therefore, in response to the City Council's direction on November 1, 2005, the final comments on the scope of the Environmental Impact Report (EIR) for the *Ponte Vista* project were forwarded to the City of Los Angeles on November 14, 2005. The public comment period on the scope of the EIR ended on November 30, 2005. Staff expects that a draft EIR for the project may be available for public review and comment by the second quarter of 2006.

Based upon direction from the City Council at the December 6, 2005, meeting, a letter from the Mayor to Los Angeles City Councilwoman Janice Hahn was prepared on December 22, 2005. Staff continues to monitor this project, and awaits the release of the draft EIR.

On February 13, 2006, the Northwest San Pedro Neighborhood Council (NWSPNC) agendized a motion opposing a proposal by Los Angeles City Councilwoman Janice Hahn for a specific plan for the *Ponte Vista* project. The NWSPNC agreed that the entire site should be master planned, but was concerned that the NWSPNC needed a role in the process and that the Los Angeles Unified School District (LAUSD) should be included as a project stakeholder. In last-minute discussions with Councilwoman Hahn, however, she agreed to a 3-phase Neighborhood Assessment Process for the project. The phases would include an assessment of existing conditions in the northwest San Pedro area, including a proposed subdivision and new Target store at Capitol Drive and Gaffey Street; a series of focus groups in the community; and the preparation of a specific plan for the *Ponte Vista* site. Based upon these changes in Councilwoman Hahn's proposal, the NWSPNC withdrew its opposition. Staff continues to monitor this project, and awaits the release of the draft EIR.

As of late March 2006, the City had yet to receive a formal response to the December 2005 letter from Mayor Wolowicz to Los Angeles City Councilwoman Janice Hahn expressing concern about the role and function of the developer's *Ponte Vista* Advisory Board. In the meantime, on March 22, 2006, the City received a newsletter from the

*Ponte Vista* developer, announcing (among other things) the formation of the *Ponte Vista* Advisory Board. The Board members were characterized as “goodwill ambassadors to the community” who “assist in selecting recipients of the *Ponte Vista* community contribution grants.”

In addition to the *Ponte Vista* project, Staff has been recently made aware of two other projects in the northwest San Pedro area that may have impacts upon congestion in the Western Avenue corridor. On March 13, 2006, the Northwest San Pedro Neighborhood Council (NWSPNC) received a preliminary presentation regarding the proposed Target store on the former DiCarlo Bakery site at the northwest corner of Capitol Drive and North Gaffey Street. In addition, on March 17, 2006, the City received a public hearing notice for a proposed 134-unit condominium project on the former Kinder-Morgan tank farm site near the southwest corner of Capitol Drive and North Gaffey Street. Staff will continue to monitor these projects in the future.

In April 2006, received another community newsletter from the developer of the *Ponte Vista* project, this one focusing on the senior housing component of the project. Staff also learned that Elise Swanson, the former Director of Community Development in Los Angeles City Councilwoman Janice Hahn’s office, had left the Councilwoman’s office and been hired by Bisno Development, the *Ponte Vista* developer. Mr. Bisno also recently addressed the Northwest San Pedro Neighborhood Council (NWSPNC), although Staff was unable to attend this meeting.

On May 8, 2006, the Northwest San Pedro Neighborhood Council (NWSPNC) received a brief presentation from Councilwoman Janice Hahn’s Staff’s regarding the task force that she is assembling. The 15-member task force will advise the Los Angeles city planner assigned to the *Ponte Vista* project. The task force is expected to begin meeting in June 2006. The Rancho Palos Verdes City Council recently appointed representatives from the *Rolling Hills Riviera*, *Peninsula Verde* and *Mira Vista* neighborhoods to the *Ponte Vista* task force. Also, at the May 8<sup>th</sup> NWSPNC meeting, a representative of Bisno Development stated that the Draft EIR for the project was expected to be released for public review by the end of June 2006.

The City recently received a newsletter regarding the active adult (i.e., senior) housing component of the proposed *Ponte Vista* project.

On August 10, 2006, the Los Angeles Councilwoman Janice Hahn’s *Ponte Vista* Advisory Board convened its first meeting. The 13-member Board includes representatives of the *Peninsula Verde*, *Rolling Hills Riviera* and *Mira Verde* homeowners’ associations in the City of Rancho Palos Verdes.

In opening remarks by Councilwoman Janice Hahn, she reiterated her position that 2,300 units were too much for the 62-acre site. In response, developer Bob Bisno expressed confidence that, through the specific plan process, he would demonstrate that this density was appropriate for the site. Los Angeles Principal City Planner Betsy Weisman briefly discussed the specific plan process, and its relationship to the city’s

General Plan and zoning regulations. She also noted that, as reported in the *Daily Breeze* and *Peninsula News* on August 10, 2006, the City of Los Angeles will be hiring a city planner who would be assigned specifically to the processing of the *Ponte Vista* project.

On September 14 and 21, 2006, the *Ponte Vista* Community Advisory Committee (PVCAC) held its second and third meetings, respectively. Staff was not able to attend the September 14<sup>th</sup> meeting, but from the agenda, we understand that it was primarily a “team building” meeting for PVCAC and its facilitator to identify general goals and objectives and work out how future meetings would be conducted.

The September 21<sup>st</sup> PVCAC meeting began with the distribution of a meeting schedule for the PVCAC that was prepared by the developer and the PVCAC chairman and facilitator. The schedule was immediately criticized as too aggressive, calling upon PVCAC to complete its review of the project’s specific plan by March 2007. The developer distributed a binder of information submitted to the City of Los Angeles for its proposed general plan amendment, community plan amendment and zone change. Staff obtained one of these binders, and it is available for review during regular Planning Division public counter hours. The developer also stated that this information will be posted on the *Ponte Vista* website (<http://www.pontevista.com>). Los Angeles City Planning Staff also provided a brief overview of the specific plan process, although no specific plan documents have yet been provided to PVCAC. There was also discussion about the availability of the project’s traffic study for public review. The developer stated that he was awaiting authorization from the City of Los Angeles Planning Department and Department of Transportation (LADOT) before releasing the study.

The draft environmental impact report (DEIR) for the *Ponte Vista* project was released on November 2, 2006, for a 90-day public comment period. Staff distributed a copy of the executive summary from the DEIR as late correspondence at the November 7, 2006, City Council meeting. The public comment period for the DEIR ends on January 30, 2007. Staff intends to prepare comments for the City Council’s review on January 19, 2007. The DEIR is available for review on-line at:

<http://www.pontevista.com/deir/> and <http://cityplanning.lacity.org/>

The *Ponte Vista* Community Advisory Committee (PVCAC) met on November 9, 2006, and November 30, 2006, and began reviewing the DEIR. Much of the discussion focused on the traffic study and project alternatives. PVCAC met again on January 11, 2006, and conducted a public forum to accept input on the project’s DEIR on January 18, 2006. Hundreds of people—both in support of and in opposition to the proposed project—were allowed to express their concerns directly to PVCAC. Both Staff and Councilman Wolowicz addressed PVCAC expressing the City’s concerns about the project. Los Angeles City Councilwoman Janice Hahn addressed PVCAC and forum attendees, stating that traffic was clearly the number one issue on everyone’s list of concerns about the project, and pledging to continue to pressure the Navy to gain access from the project site directly to Gaffey Street. She also stated that she opposed

LAUSD's proposal for a 2,025-seat high school on the site, suggesting that the District's needs could be better met with several smaller campuses on property that the District already owns and/or occupies in the Wilmington, Harbor City and San Pedro areas. The public comment period on the DEIR ended on January 30, 2007.

The *Ponte Vista* Community Advisory Committee (PVCAC) met on February 8 and 27, 2007. At the February 8<sup>th</sup> meeting, Chairman John Greenwood a statement regarding PVCAC's concerns about the project's environmental impact analysis. However, the bulk of the meeting was devoted to a presentation by Los Angeles City Planning Staff regarding a proposed schedule of meetings to formulate the specific plan for the project. This process was set to begin at the February 27<sup>th</sup> meeting with a "Planning 101"-type overview of the specific plan process and basic urban design principles.

The PVCAC met on March 8 and 22, 2007. At the March 8<sup>th</sup> meeting, Los Angeles City Planning Staff facilitated the first part of a "visioning" workshop to identify the desired mix of residential, commercial, open space and linkages for the *Ponte Vista* project. PVCAC members broke into three (3) roundtable groups with Los Angeles Urban Planning Staff members. The vision plans bore some similarities to one another in terms of the mix of uses desired for the site, and all of them envisioned that some significant portion of the proposed residential units would be at a higher density than the current R-1 zoning would otherwise permit. At the March 22<sup>nd</sup> meeting, Los Angeles City Planning Staff further refined the site plans developed by the PVCAC members. The Committee reviewed and commented on the refined plans and also received a presentation from Los Angeles City Planning Staff regarding the demographics (i.e., population, housing, income, etc.) of the San Pedro Community Plan Area. During public comments, representatives of San Pedro Homeowners United and the San Pedro Peninsula Homeowners' Coalition expressed support for retaining the existing R-1 zoning of the *Ponte Vista* site. Rancho Palos Verdes Committee member Mark Wells also announced his resignation from PVCAC due to his appointment to the City's Traffic Safety Commission.

The *Ponte Vista* Community Advisory Committee (PVCAC) met on April 12 and 26, 2007. At the April 12<sup>th</sup> meeting, Los Angeles City Planning Staff presented a composite site plan based upon the three (3) conceptual site plans and input provided by the Committee at the PVCAC meetings in March 2007. The composite site plan depicted higher density development around the perimeter of the project site, but with open space and ball fields along the southerly side. Small-scale mixed-used development was designated for the central portion of the site. The use of small groupings of attached single-family row houses along Western Avenue would preserve view corridors over the site. Accommodation was also made for the possible future site of a school. Members of the Committee were concerned that the composite plans still did not identify specific densities for the site or the location of the seniors-only portion of the project. Several members of the public spoke in favor and in opposition to both the original project proposal and the composite site plan presented at the meeting. On the whole, almost no one was satisfied that the composite site plan was reflective of the direction that the Committee saw for the *Ponte Vista* site. At the April 26<sup>th</sup> meeting,

PVCAC was scheduled to discuss traffic issues with Staff from the Los Angeles Department of Transportation (LADOT).

The *Ponte Vista* Community Advisory Committee (PVCAC) met on April 26, May 10 and May 22, 2007. At the April 26<sup>th</sup> meeting, Los Angeles Department of Transportation (LADOT) presented a summary of its additional analysis of the project's traffic study. Since the traffic study from the DEIR used existing traffic counts taken when Western Avenue was impacted by construction related to the sinkholes, new traffic counts were taken in March 2007. LADOT Staff stated that the new counts—which were higher at some locations and lower at others—did not change the basic conclusions of the developer's traffic study. However, LADOT Staff stated that the developer's use of a trip generation rate for a high-rise condominium resulted in much lower trip generation than would the use of a townhouse/condominium rate (such as was used for the *Playa Vista* project in West Los Angeles). The Committee asked LADOT to recalculate the trip generation for the project using more conservative assumptions, and determine if the proposed traffic mitigation would still be adequate to address the project's impacts. The Committee also began to discuss reaching consensus on certain key provisions of the project for its ultimate recommendations to Councilwoman Hahn. The majority of the Committee agreed that the project should include an access road for Mary Star-of-the-Sea High School, and a separate seniors-only component with transportation service for residents. However, several other key issues remained to be addressed.

At the May 10<sup>th</sup> meeting, the Committee received a follow-up report from LADOT. Based upon more conservative trip generation assumptions, LADOT concluded that the number of market-rate condominiums proposed would need to be reduced by more than one-quarter in order for the developer's currently-proposed mitigation measures to fully address the project's traffic impacts. The Committee also received a presentation from Los Angeles Unified School District (LAUSD) Staff regarding the proposed revisions to South Region High School No. 14 on the *Ponte Vista* site, which has now been scaled back from 2,025 seats to 810 seats. Finally, the Committee received a presentation from PVCAC member Jerry Gaines, based upon traffic data gleaned and studies from his experience with the Western Avenue Task Force.

At the outset of the May 22<sup>nd</sup> meeting, developer Bob Bisno announced that a revised project proposal would be announced publicly at the June 18, 2007, PVCAC meeting. PVCAC member Jerry Gaines then elaborated on his previous presentation regarding various development scenarios for the site, based upon their traffic impacts. These scenarios compared the average daily trips generated by various combinations of unit types and numbers as compared to the "by right" R-1 zoning that would permit four hundred twenty-nine (429) single-family homes. The scenarios also factored in LAUSD's proposed 810-seat high school. The Committee also discussed further refinement of and public input on the issues of traffic mitigation measures and density. Upcoming PVCAC meetings are scheduled for June 7 and 18, 2007. The June 7<sup>th</sup> meeting is scheduled to focus on density and open space, while the June 18<sup>th</sup> meeting is scheduled to focus on the developer's revised proposal.



The *Ponte Vista* Community Advisory Committee (PVCAC) met on June 7, June 18 and June 28, 2007. At the June 7<sup>th</sup> meeting, Committee Member Gerry Gaines discussed a recent meeting between the developer and a subcommittee of PVCAC to discuss additional traffic-related improvement that could be made. In addition to the mitigation measures identified in the draft EIR, these included the recommended intersection improvements from the Western Avenue Task Force, as well as the establishment of a transportation mitigation trust fund and a mitigation monitoring program. The Committee also began to discuss possible recommendations for the density and mix of housing types for the project, but tabled the matter until the developer announces his revised project propose on June 18, 2007.

At the June 18<sup>th</sup> meeting, Bob Bisno presented his revised project proposal. The table below summarizes the major project components in the original and revised proposals.

<b>Component</b>	<b>Original Project</b>	<b>Revised Project</b>	<b>Notes</b>
Senior Housing	575 units	850 units	Senior units will remain gated
Multi-family condos and townhomes	1,725 units	1,000 units	Non-senior units no longer gated
Single-family townhomes	N/A	100 units	
Total Dwelling Units	2,300 units	1,950 units	15% reduction
Commercial	10,000 SF (private)	10,000 SF (public)	No change, but now all accessible to the public
Parks/Open Space	6 acres (public) and 6 acres (private)	12 acres (public)	
Access Road	Connecting to Mary Star-of-the-Sea High School	Connecting to Mary Star-of-the-Sea High School	Possible connection to condos on Fitness Drive

Mr. Bisno stated that the revised project will include a “San Pedro First” program, which will give purchase priority and 5-percent price discounts to local residents and other “preferred buyers” (i.e., seniors, teachers, nurses, firefighters, police officers, port workers, etc.). The senior and non-senior condominium and townhouse units with shared garages are expected to range from 600 square feet to 2,200 square feet in size, with prices from \$330,000 to \$1,100,000. The single-family townhouse units with private garages are expected to range from 2,000 to 2,400 square feet in size, with prices from \$900,000 to \$1,100,000. As noted above, all of the parks and open space would now be open to the public. In addition, Mr. Bisno is exploring the possibility of providing access to the Fitness Drive condominiums from the Mary Star-of-the-Sea High School road. With respect to traffic impacts, Mr. Bisno will fund a \$1,000,000 trust fund for intersection improvement projects on Western Avenue that were identified as priorities by the Western Avenue Task Force. A traffic signal will be added at Western Avenue and Peninsula Verde Drive, and computerized signal controls on Western Avenue will be extended further south from Weymouth Avenue to 25<sup>th</sup> Street. Mr. Bisno also agreed to pay an additional \$1,000,000 in traffic mitigation fees if the actual trip generation rates of the project exceed the projections of the project’s traffic study.

The project's traffic consultant now estimates that the PM peak-hour trip generation for the revised project will result in fewer trips than a detached single-family project under the current R-1 zoning. However, the Committee and Los Angeles City Planning Staff were skeptical of Mr. Bisno's assumptions of the maximum number of detached single-family homes possible from the property under R-1 zoning. The Draft EIR for the project estimated that 430 homes could be built, based upon 5,000 square feet of lot area per unit per net acre. However, Mr. Bisno now asserts that 724 homes could be built, based upon 5,000 square feet of lot area per unit per gross acre, plus a 35-percent State-mandated density bonus for providing affordable housing units.

Los Angeles City Councilwoman Janice Hahn attended the meeting. She stated that she was "very disappointed" with the revised proposal, noting that after two (2) years of review and public comment, a 15-percent reduction in the number of units did not seem like much of a compromise on Mr. Bisno's part.

Following the presentation of the revised proposal, the Committee continued its discussion of recommendations for the project's specific plan. At this point, the Committee seems divided between a majority who appear to support a project of roughly 1,200 or fewer units, and a minority who support limiting the number of homes to the maximum number permitted under the current R-1 zoning (whatever that number ends up actually being). The division appears to be falling largely along jurisdictional lines, with Rancho Palos Verdes Committee members supporting the R-1 concept.

At the June 28<sup>th</sup> meeting, the Committee met in closed session to discuss the process to develop its recommendations for the specific plan. The next public PVCAC meeting is scheduled for July 24, 2007. Staff will continue to attend and report upon these meetings.

The *Ponte Vista* Community Advisory Committee (PVCAC) met on July 24, 2007. At that meeting, Chairman John Greenwood announced that the Northwest San Pedro Neighborhood Council (NWSPNC) has adopted a resolution supporting the current R-1 zoning of the *Ponte Vista* site. Subsequently, the Committee adopted two (2) resolutions. The first resolution rejected the developer's revised 1,950-unit project, which had been presented to the Committee and the public on June 18, 2007. The second resolution supported limiting the number of dwelling units to the maximum density permitted under the current R-1 zoning (roughly 429 to 535 units), and also recommended that the *Ponte Vista* site be "transferred" from the jurisdiction of the Wilmington-Harbor City Community Plan Area to the San Pedro Community Plan Area. The Committee also briefly reviewed its draft findings and recommendations to Los Angeles City Councilwoman Janice Hahn on the specific plan for the site. The final PVCAC report is scheduled to be presented for the Committee's consideration and approval on August 20, 2007, which will be its final meeting.

As the City Council directed on August 7, 2007, a letter was sent to Los Angeles City Councilwoman Janice Hahn, support the resolutions adopted by the Committee. The

*Ponte Vista* Community Advisory Committee (PVCAC) met for the final time on August 20, 2007. At that meeting, the Committee presented its draft final report. There were some minor modifications discussed by the Committee at the meeting that will be incorporated into the final version of the report. It should also be noted that the report included a “minority opinion” signed by five (5) of the thirteen (13) Committee members. On the whole, the Committee expressed dissatisfaction with the support provided by the City of Los Angeles over the year that the Committee deliberated, particularly the Department of Transportation.

The City of Los Angeles Planning Department continues to process Bisno Development’s revised 1,950-unit proposal, including the completion of the project EIR. Staff will continue to monitor this project and report on it in future Border Issues reports.

At the invitation of its chairman, Staff attended the monthly meeting of the Planning and Land Use Committee of the Northwest San Pedro Neighborhood Council (NWSPNC) on November 29, 2007. Among the topics discussed—focusing mainly on development projects along the Western Avenue corridor in Rancho Palos Verdes—was a request for the City to formally ask for the Draft EIR for the *Ponte Vista* project to be recirculated. On December 12, 2007, Staff received a similar request from Mark Wells, former member of the *Ponte Vista* Community Advisory Committee and current Rancho Palos Verdes Traffic Safety Commissioner. Although Staff believes that the Draft EIR should probably be recirculated, rather than allowing the developer to simply address these issues in the “Response to Comments” in the Final EIR, at this time the City of Los Angeles (i.e. the lead agency) has not determined whether or not the document will be recirculated. If the City of Los Angeles decides not to recirculate the Draft EIR, Staff will bring this matter back to the City Council for possible action in the form of a letter to the City of Los Angeles.

On June 2, 2008, the City received notice that a public hearing would be held on the proposed *Ponte Vista* project in the City of Los Angeles. The public hearing was held on June 26, 2008, and was conducted by the City of Los Angeles’ local Advisory Agency and Hearing Officer for the purpose of accepting public testimony only. This hearing was a precursor to future public hearings before the Los Angeles City Planning Commission and the Los Angeles City Council. In the past, 15<sup>th</sup> District Los Angeles City Councilmember Janice Hahn has gone on record as opposing the project as currently proposed.

On June 13, 2008, the City received notice for the Final Environmental Impact Report (FEIR) for the *Ponte Vista* project. The FEIR must be certified by the Los Angeles City Council before any final decision is made on the project.

Councilman Wolowicz and Staff attended the *Ponte Vista* public hearing on June 26, 2008, and presented our concerns to the Hearing Officer. Los Angeles City Councilwoman Janice Hahn was also in attendance and reiterated her support of the recommendations of her *Ponte Vista* Community Advisory Committee, rejecting the 1,950-unit project and supporting the current R-1 density on the site. The deadline to

submit comments to the Hearing Officer was extended to Friday, July 11, 2008. A letter from the Mayor was sent to the City of Los Angeles. The *Ponte Vista* project is not expected to be heard by the Los Angeles City Planning Commission until October 2008.

On August 18, 2008, Staff received a copy of an e-mail exchange between Rancho Palos Verdes resident April Sandell and Los Angeles City Planner David Olivo regarding our City's authority over *Ponte Vista* traffic mitigation measures within our jurisdiction. In his reply, Mr. Olivo stated that "any mitigation measures that occur within [Rancho Palos Verdes'] boundaries need to be approved by [Rancho Palos Verdes]." However, Staff and the City Attorney have reviewed this issue and believe that the matter is not free from doubt.

As discussed in the Draft EIR, the proposed traffic mitigation measures within the Rancho Palos Verdes segment of Western Avenue are limited to synchronization of all signalized intersections and the addition of (one) 1 northbound lane along the project frontage. There are also modifications proposed to Traffic Study Intersection Nos. 18 (Western Avenue and Avenida Aprenda) and 19 (Western Avenue and Delasonde Drive). These modifications propose restriping on Avenida Aprenda and Delasonde Drive within our City limits to add left-turn lanes. Furthermore, the proposed modifications on Delasonde Drive are expected to result in the loss of three (3) on-street parking spaces on each side of the street. In our comments on the Draft EIR, we expressed concern about the loss of these six (6) on-street parking spaces on Delasonde Drive and its impact upon the *Rolling Hills Riviera* neighborhood. These are the only mitigation measures within our City limits that were identified in the Draft EIR as being necessary to reduce the project's traffic impacts to less-than-significant levels.

In response to great public skepticism about the project's traffic study, as well as discussion by Councilwoman Hahn's *Ponte Vista* Community Advisory Committee, the developer eventually volunteered to fund the right-of-way improvements that were identified in the report prepared by the Western Avenue Task Force (WATF). This was offered as appeasement to the community, but the WATF-recommended "mitigation" is not necessary to reduce the traffic impacts of the project to less-than-significant levels (based upon the developer's traffic study and the Draft EIR). The developer has also volunteered to install a traffic signal at Western Avenue and Peninsula Verde Drive, which was also not a mitigation measure identified as necessary in the Draft EIR.

Western Avenue is a state highway (State Route 213) and its right-of-way is under the jurisdiction of CalTrans. As such, the City does not have the authority to approve or deny any of the proposed traffic mitigation measures within the Western Avenue right-of-way. CalTrans reviewed and commented upon the Draft EIR, but its comments give no indication that CalTrans would not approve the proposed mitigation measures within its jurisdiction. It should also be noted that, although some of the WATF recommendations include modifying private driveway access points along Western Avenue within the City—over which we would retain jurisdiction—the developer's offer to make these improvements is completely voluntary because they are not proposed as mitigation measures. As such it appears that the only required traffic mitigation measures over which the City has any direct authority are the proposed re-striping projects to create left

-turn lanes on Avenida Aprenda and Delasonde Drive. Our City's refusal to allow these modifications to be made could force the developer to find other ways to mitigate traffic impacts to less-than-significant levels, or could force the Los Angeles City Council to consider adopting a "Statement of Overriding Considerations" with respect to traffic impacts for the Final EIR. Given these circumstances, our City's refusal to allow these mitigation measures to be implemented might not be sufficient to prevent the City of Los Angeles' approval of the *Ponte Vista* project. Accordingly, if the City of Los Angeles were to certify the EIR and approve the project, litigation challenging those decisions is an option that the City Council would need to consider in order to prevent the project from proceeding.

The work plan for the Traffic Safety Commission, which the City Council approved at the August 19<sup>th</sup> meeting, included having the Commission conduct a "public forum" regarding the traffic impacts of this project. The City Council could direct the City's Traffic Engineer to review and evaluate the traffic studies that were prepared in connection with the EIR and prepare a report for the Commission to review. If the Traffic Engineer finds that the traffic analysis and proposed mitigation set forth in the EIR are inadequate, that report could be presented to the City of Los Angeles. Although the public comment period on the EIR has been closed (so that the City of Los Angeles could assert that it is too late for the report to be submitted), the report could provide further support for the positions that the City of Rancho Palos Verdes already has asserted, and could be used by the City to buttress its position in a lawsuit challenging the certification of the EIR and approval of the project, if that were to occur.

As a part of the recently-approved work plan for the Traffic Safety Commission, the Commission conducted a "public forum" regarding the potential traffic impacts of the proposed *Ponte Vista* project at its regular meeting on September 22, 2008. The meeting was attended by roughly a dozen concerned citizens, including the representatives of the "R Neighborhoods Are 1" group, the Northwest San Pedro Neighborhood Council and the former *Ponte Vista* Community Advisory Committee. Public comments focused upon the perceived inadequacies of the traffic impact analysis and proposed mitigation measures identified in the *Ponte Vista* EIR. The City's Traffic Engineer was in attendance at the meeting, but she had not yet completed her review of the traffic impact analysis and proposed mitigation. However, she will be preparing a summary report of her review of the project EIR and the public comments that were received at the Traffic Safety Commission meeting. In addition, there will be minutes of the meeting to memorialize the comments of the public and members of the Traffic Safety Commission.

On a related note, Staff was informed that the City of Los Angeles' Citywide Planning Commission (CPC) is tentatively scheduled to hold a public hearing on the *Ponte Vista* project on December 11, 2008. A public hearing before the Harbor Area Planning Commission will be held sometime just before the CPC hearing, but the exact date has not yet been set by early October 2008.

The City's Traffic Engineer completed her review of the traffic impact analysis and proposed mitigation for the *Ponte Vista* project on October 22, 2008. The major conclusions of this review were that:

- The traffic impact analysis is technically adequate and contains "no obvious errors in...methodology or conclusions....";
- The reduced 1,950-unit project will have less impact on Rancho Palos Verdes residents than the original 2,300-unit proposal, but these impacts will still be significant; and,
- The proposed parking for the Little League baseball fields will not be adequate without additional mitigation measures.

On a related note, Staff received confirmation of two (2) upcoming public hearings on the *Ponte Vista* project. A public hearing before the Harbor Area Planning Commission (HAPC) will be held on Tuesday, November 18, 2008, at 4:30 PM at the Port of Los Angeles administrative offices, 425 S. Palos Verdes St., San Pedro, CA 90731. A public hearing before the City of Los Angeles' Citywide Planning Commission (CPC) will be held on Thursday, December 11, 2008, at 8:30 AM at Los Angeles City Hall, 200 N. Spring St., Los Angeles, CA 90012. It should be noted that, on October 21, 2008, the Coastal San Pedro Neighborhood Council asked the Los Angeles City Attorney to opine on potential conflicts of interest for three (3) HAPC members. If these Commissioners all recuse themselves, there may not be a quorum present to consider the *Ponte Vista* project at the November 18, 2008 public hearing. Staff planned to attend both public hearings.

On November 6, 2008, the City received notice that the vesting tentative tract map (VTTM 63399) associated with the *Ponte Vista* development entitlements had been denied by the City of Los Angeles Advisory Agency. In denying VTTM 63399, the Hearing Officer for the Advisory Agency found that:

- The proposed subdivision map was inconsistent with the Wilmington-Harbor City Community Plan with respect to the proposed density of the development relative to surrounding neighborhoods;
- The design of the proposed subdivision was inconsistent with the Wilmington-Harbor City Community Plan with respect to its lack of access to major commercial centers and transit routes;
- The project site was not suitable for the type of development proposed, particularly with respect to certain designated open-space lots; and,
- The project site was not suitable for the proposed density of development when compared to surrounding neighborhoods.

The Advisory Agency's decision was appealable to the City of Los Angeles Citywide Planning Commission (CPC). Staff has been advised that the project developer has filed an appeal of the denial of VTTM 63399.

On November 12, 2008, the City was advised that the venue for the upcoming public hearing before the Harbor Area Planning Commission (HAPC) on November 18, 2008, had been changed from the Port of Los Angeles headquarters to the Warner Grand Theatre in San Pedro. However, on November 14, 2008, the City received notice that the HAPC meeting was canceled without explanation. Los Angeles City Planning Staff indicated that the hearing might be rescheduled or might not be held at all, since the function of the hearing is solely to accept testimony and forward comments (but not recommendations) to the CPC. On November 20, 2008, Staff learned that the HAPC hearing has apparently been rescheduled for Tuesday, December 2, 2008, at 4:30 PM at the Boys' and Girls' Club, 100 W. 5<sup>th</sup> St., San Pedro, CA 90731.

On November 21, 2008, the Los Angeles City Planning Department released the draft Staff report for the December 11, 2008, public hearing before the Los Angeles City Planning Commission (CPC). The draft Staff report recommends denial of the *Ponte Vista* project as proposed, on the basis of inconsistency with the Los Angeles General Plan Framework and the Wilmington-Harbor City and San Pedro community plans, as well as the latest and best trends and practices in urban in-fill development. The draft report also recommends denying the developer's appeal of the recent denial of the vesting tentative tract map associated with the project, and recommends not certifying the project's EIR. The report goes on to offer constructive guidelines to revise the *Ponte Vista* project so as to achieve a design that would be more compatible with the surrounding communities in both San Pedro and Rancho Palos Verdes. These guidelines include limiting the density of the project so as to allow between 775 and 886 dwelling units on the site.

Shortly after the release of the draft Staff report recommending denial of the project, the developer asked for the continuance of the December 11, 2008, CPC public hearing. On December 1, 2008, the Los Angeles City Planning Department agreed to reschedule the CPC hearing for February 12, 2009. In the meantime, however, the project was still set for HAPC review on December 2, 2008.

As reported previously, project opponents had challenged the HAPC's authority to conduct a public hearing on the *Ponte Vista* project on the basis that three (3) of the five (5) Commissioners had conflicts of interest. The matter was referred to the Los Angeles City Attorney's office. Ultimately, two (2) Commissioners recused themselves from discussion of the project. In addition, one Commissioner resigned from the HAPC (reportedly for reasons not related to the *Ponte Vista* project) and another was unable to attend the December 2, 2008, meeting. Therefore, the only Commissioner available and eligible was HAPC President Michael Ponce.

On December 2, 2008, HAPC President Ponce conducted a "special meeting," accompanied by HAPC Staff and representatives of the Los Angeles City Planning Department. Planning Staff presented an overview of the draft Staff report and recommendation. The developer's legal counsel appeared briefly but made no presentation. Among the crowd of roughly a hundred (100) people, there appeared to be no project supporters or members of the developer's public outreach team. Of the

twenty (20) or so public speakers, only the developer's attorney spoke in favor of the project. The other speakers—including representatives of the Northwest and Coastal San Pedro neighborhood councils, the cities of Rancho Palos Verdes and Lomita, and several homeowners' associations—all voiced support for the draft Staff report. Los Angeles City Councilwoman Janice Hahn was also in attendance, and she encouraged the developer to carefully consider Planning Staff's recommendations and to revise the project accordingly. At the conclusion of public testimony, HAPC President Ponce "discussed" the matter and made a "recommendation" in support of Councilwoman Hahn's comment, although he noted that he believed that the maximum permitted density of the project should be allowed to exceed the current R-1 zoning.

On December 12, 2008, the *Daily Breeze* reported that developer Bob Bisno had been "ousted" by the project's major investor, Credit Suisse. Shortly after the first of the year, the *Ponte Vista* website stated that the developer intended to ask for a continuance of the February 12, 2009 CPC hearing. On January 12, 2009, Staff confirmed that the CPC hearing on *Ponte Vista* had been rescheduled for Thursday, April 9, 2009, at 8:30 AM at Los Angeles City Hall, 200 N. Spring St., Los Angeles, CA 90012. The CPC will consider both the development applications and the appeal of the vesting tentative tract map denial.

On February 3, 2009, Staff was contacted by the head of the developer's public outreach team, Elise Swanson, to set up stakeholder interviews regarding the revised *Ponte Vista* project. Staff and Mayor Pro Tem Wolowicz were scheduled to meet with the interview facilitator on February 25, 2009. As of the date that this report was completed, Mayor Clark was also attempting to schedule a meeting with the facilitator.

An open house to solicit input on the revised project from the general public was scheduled for Thursday, March 12, 2009 from 4:00 PM to 8:00 PM at Peck Park Community Center, 560 N. Western Ave., San Pedro, CA 90732. In addition, as of the date of this report the Los Angeles Citywide Planning Commission (CPC) is still scheduled to consider the *Ponte Vista* project on Thursday, April 9, 2009.

On February 25, 2009, Staff and Mayor Pro Tem Wolowicz met with the developer's interview facilitator, Jim Oswald. We expressed our continued concerns about the traffic impacts and proposed density of the project. We again suggested that the project's Environmental Impact Report (EIR) was flawed and needed to be revised and recirculated by the City of Los Angeles. We recommended that the developer make a more concerted effort to obtain alternate access to the project site from Gaffey Street so as to relieve the traffic burden on Western Avenue. We noted that the previous developer's "threat" of invoking State density bonus law had only served to antagonize the community and introduce greater uncertainty into the project. We expressed skepticism at the developer's ability to respond to stakeholders' comments and revise the project accordingly in time to have the matter heard by the Los Angeles Citywide Planning Commission (CPC) on April 9, 2009. We also expressed our disappointment at the previous developer's disingenuous "public outreach" efforts, and our hope that the new development team would truly take the community's concerns about the project to



heart.

An open house to solicit input on the revised project from the general public was held on March 12, 2009, at Peck Park in San Pedro. Staff attended the open house for about an hour. There was no formal presentation; instead the developer set up “stations” around the room to solicit public input on specific topics and issues. The developer did not present a detailed revised plan or project description. However, the developer did state that the revised “land-use plan” would include the following:

- A total unit count of 1,375 to 1,475 units, consisting of:
  - 625 to 700 townhomes
  - 300 to 450 age-restricted (i.e., senior) condominiums
  - 350 to 425 non-age-restricted condominiums
- A set-aside of twenty percent (20%) of all units as “workforce housing,” but no statutorily affordable units or density bonus request
- 8,000 to 10,000 square feet of commercial space available to residents and the general public
- Elimination of youth baseball fields
- Building heights, residential density and number of access points on Western Avenue in excess of the Los Angeles Planning Department’s recommendations

A second community open house was scheduled for Saturday, March 28, 2009, at the Boys’ and Girls’ Club in San Pedro. As of the date that this report was completed, the developer still intended to present the revised project to the Los Angeles Citywide Planning Commission (CPC) on April 9, 2009.

On March 28, 2009, Staff attended the developer’s second open house for the revised *Ponte Vista* project. At the developer’s previous open house on March 12, 2009, the developer only provided a possible range of units, indicating the project would be reduced from 1,950 units to between 1,375 and 1,475 units. At the March 28<sup>th</sup> open house, the developer confirmed that the revised project now proposes 1,395 units, consisting of 630 townhomes, 385 condominiums and 380 age-restricted (i.e., senior) condominiums.

On April 9, 2009, Staff and Mayor Pro Tem Wolowicz attended the Los Angeles City Planning Commission (CPC) meeting on downtown Los Angeles. Los Angeles City planning Staff presented their recommendation to deny the 1,950-unit proposal and the related appeal of the tentative tract map. The developer presented an overview of the new 1,395-unit proposal to the CPC, asking for “approval in concept” of this revised proposal in spite of the fact that it had not yet been reviewed by Planning Staff. The developer also stated that he was willing to waive his right to request a density bonus pursuant to SB 1818.

Los Angeles City Councilwoman Janice Hahn addressed the CPC, stating that she supports the Planning Staff’s recommendation of 775 to 886 units on the *Ponte Vista* property. She acknowledged that the developer’s revised proposal was a step in the

right direction, but stated that the size of the project had still not been reduced enough. She stated that the traffic study for the project must be re-done. She asked for an opinion from the City Attorney regarding the enforceability of the developer's offer to waive his rights under SB 1818. She also questioned if the ATSAC improvements for Western Avenue were already funded, and if so, could the monies that the developer proposed to expend to implement ATSAC be spent on other traffic mitigation.

Mayor Pro Tem Wolowicz addressed the CPC, providing an overview of our city's past comments and concerns about the *Ponte Vista* project. He stated that the developer's proposal to reduce the size of the project was still not adequate to address the adverse impacts that the project would have upon residents and businesses in both San Pedro and Rancho Palos Verdes. He observed that Western Avenue has no excess capacity to absorb the traffic from the *Ponte Vista* project as currently proposed, and stated that our city supported the Planning Staff's recommendations. A representative of the City of Lomita also addressed the CPC and expressed similar concerns to our own. The CPC then received roughly one-half hour each of public comments from project proponents and opponents.

After closing the public hearing, the CPC questioned Planning Staff and deliberated for another half-hour or so. At the conclusion of its deliberations, the CPC unanimously accepted the Planning Staff recommendation to reject the 1,950-unit proposal and the related appeal of the tentative tract map. Included in the motion, however, was direction for Planning Staff to continue to work with the developer on the revision of the project to implement Planning Staff's recommendations. A status report is expected to be presented to the CPC at its regular meeting on Thursday, August 13, 2009. Staff intends to attend this meeting.

On June 3, 2009, the *Daily Breeze* reported that the new development team for the *Ponte Vista* project was launching another round of community interviews to solicit public input on the revised 1,395-unit proposal. Staff has not been contacted for additional input, nor is Staff aware that any City officials have been approached by the *Ponte Vista* development team. At this time, the Los Angeles Citywide Planning Commission (CPC) is still scheduled to receive a status report on the revised project on August 13, 2009.

On August 4, 2009, Planning Staff and the City Manager met with the developer's interview facilitator, Jim Oswald. We expressed our continued concerns about the traffic impacts and proposed density of the revised 1,395-unit project. Mr. Oswald indicated that the developer was in discussions with the Department of City Planning on a proposal with fewer units, although no firm number had yet been reached. He also indicated that the project's Environmental Impact Report (EIR) was going to be revised and recirculated by the City of Los Angeles. Mr. Oswald said that the developer hoped to have a revised proposal to present to the public by Fall 2009.

On August 13, 2009, the Los Angeles City Planning Commission (CPC) received a status update on the project from the Department of City Planning. Since there was no

formal revised project to be discussed by the CPC, Staff did not attend the meeting. However, we understand that the project planner, David Olivo, told the CPC that Planning Staff has met several times with the developer to go over development concepts in light of the Planning Staff-recommended guidelines and parameters that were presented to the CPC at the previous public hearing in April 2009. Mr. Olivo said that he expects another couple of months of dialogue with the developer before the revised project is finalized and the revised EIR is re-circulated.

On September 8, 2009, the *Daily Breeze* reported that former *Ponte Vista* developer Bob Bisno had filed for bankruptcy.

On April 2, 2010, the *Ponte Vista* development team announced that the ownership of the property had been assumed by iStar Financial, Inc., which has been the primary lender for the project since 2005. The iStar subsidiary "SFI Bridgeview, LLC" will continue to pursue entitlements to redevelop the 62-acre former Navy housing site located at 26900 South Western Avenue in San Pedro. According to a report in the *Daily Breeze* on April 6, 2010, a revised project proposal for the site may be announced by the new developer by this summer.

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.

Subsequent to the completion of the November 2010 Border Issues Status Report, Staff received the Notice of Preparation (NOP) for the Environmental Impact Report (EIR) for the revised *Ponte Vista* project, which has now been reduced to 1,135 units. Staff also received a copy of the Initial Study (IS) for the revised proposal on November 10, 2010. A public meeting to receive input on the scope of the project EIR was scheduled for November 10, 2010, at Peck Park, with written comments on the scope of the revised project EIR due to the City of Los Angeles by November 29, 2010.

The table below briefly summarizes the differences between the current 1,135-unit proposal by iStar Financial; the previous 1,395-unit proposal by Credit Suisse from 2008; and the original 2,300-unit proposal by Bisno Development from 2005.

<b>Project Component</b>	<b>2003 Proposal</b>	<b>2008 Proposal</b>	<b>Current Proposal</b>
Senior housing	575 units	380 units	N/A
Multi-family condos and townhomes	1,725 units	1,015 units	600 units
Single-family homes	N/A	N/A	143 units
Apartments	N/A	N/A	392 units
Total dwelling units	2,300 units	1,395 units	1,135 units
Residential density	37.4 DU/acre	22.7 DU/acre	18.5 DU/acre
Commercial	10,000 SF	8,000 SF	N/A
Parks/open space	6 acres (public) & 6 acres (private)	12 acres (public)	2.8 acres (public) & 2.0 acres (private)
Access road	Access road to be provided connecting Western Avenue to Mary Star-of-the-Sea High School		

On November 10, 2010, the scoping meeting for the revised 1,135-unit *Ponte Vista* project was held at Peck Park in San Pedro. The “scoping meeting” was conducted as an open house hosted by the developer’s public relations/community outreach team. Key points regarding the revised proposal that Staff noted at this meeting included:

- The developer will be asking the City of Los Angeles for the approval of a General Plan Amendment, a Zone Change, a Specific Plan, a Vesting Tentative Tract Map and a Development Agreement, the environmental effects of which will be analyzed in the revised EIR.
- The developer no longer proposes to voluntarily implement the various recommendations (i.e., turn lanes, acceleration/deceleration lanes, driveway modifications, etc.) of the Western Avenue Task Force as traffic impact mitigation for the project, unless such mitigation measures are identified as necessary in the revised traffic impact analysis.
- As with the previous proposals, no site access from Gaffey Street—vehicular or otherwise—is contemplated.
- The 143 single-family units proposed will probably be detached condominium units rather than “traditional” detached single-family residences.
- For the revised traffic impact analysis, the 392 apartment units proposed will be analyzed assuming higher trip-generation rates than the other 743 for-sale units, even though the apartment units will be identical to condominium units elsewhere in the project.
- Although there are no age-restricted or statutorily affordable housing units proposed in the revised project, the developer is still maintaining that some units will be “accessible” to senior citizens and/or “affordable” as “workforce housing.”

- Based upon current and anticipated future real estate market conditions, the developer expects build-out of the revised project to take seven (7) years.

On November 17, 2010, Staff forwarded comments on the NOP for the revised project to the City of Los Angeles, prior to the close of the public comment period on November 29, 2010. Many of these comments echoed those from 2005 on the NOP for the original 2,300-unit proposal. Based upon conversations with the developer's representatives at the scoping meeting, Staff does not expect to see the revised Draft EIR for the project released for public review and comment until Spring 2011.

On January 11, 2011, Elise Swanson, most recently a member of the *Ponte Vista* development team, advised Staff that she was returning to Los Angeles City Councilwoman Janice Hahn's staff as Deputy Chief of Staff. Ms. Swanson was previously on Councilwoman Hahn's Staff in the early- to mid- 2000s, but left to join the Bisno Development team in about 2005.

On February 24, 2011, the Planning and Land Use Committee of the Northwest San Pedro Neighborhood Council (NWSPNC) received a presentation on the preparation of the new traffic study for the revised, 1,135-unit *Ponte Vista* project. The developer's traffic consultant reviewed the methodology to be employed in the preparation of the report, including the gathering of new traffic count data in Fall 2010; the new trip-generation assumptions to be used for the project; and the addition of several more study intersections (based upon public comments on the traffic study for the previous proposal), including Western Avenue and Peninsula Verde Drive. A follow-up session to present preliminary traffic study results to the Planning and Land Use Committee was tentatively scheduled for March 24, 2011.

The City's Public Works Staff was contacted by the *Ponte Vista* developer's engineer to inquire about connecting that development's sewage outfall to Rancho Palos Verdes' sewage collection system as a means to access the Los Angeles County Sanitation Districts' (LACSD) trunk line, pumping station and (ultimately) treatment facility. Doing so would subject Rancho Palos Verdes to liability and responsibility for the consequences of overflows in those lines, including potential clean up costs, system improvements and regulatory fines. Public Works Staff did not believe it would be appropriate for a development outside of Rancho Palos Verdes to use the City's sewage collection system to transmit sewage to LACSD facilities. Community Development Staff concurred with this assessment.

Public Works Staff subsequently contacted the Los Angeles County Department of Public Works (LADPW), who maintains our City's sewer system, as well as LACSD, and has advised them both of the City's position in this matter. LADPW Staff opined that the development's collection system leading to the trunk line should become the responsibility of the City of Los Angeles, in which the development is actually located. As such, Public Works Staff advised the developer's engineer to contact LACSD to pursue a direct connection to the LACSD trunk line in Western Avenue.

On November 17, 2011, the developer's traffic consultant presented preliminary findings from the traffic study for the *Ponte Vista* project to the Planning and Land Use Committee of the Northwest San Pedro Neighborhood Council (NWSPNC). At this time, the City of Los Angeles Department of Transportation (LADOT) has not yet approved the traffic study's assumptions and the Draft Environmental Impact Report (DEIR) is not expected to be released for public review and comment until the first quarter of 2012. Nevertheless, the preliminary findings of the traffic study have identified significant impacts at four (4) Western Avenue intersections that are located (at least partially) within Rancho Palos Verdes: Peninsula Verde Drive, Avenida Aprenda, Delasonde Drive/Westmont Drive and Trudie Drive/Capitol Drive. In order to mitigate these impacts to less-than-significant levels, it is likely that right-of-way modifications (i.e., restriping, narrowing the median, adding/modifying traffic signals, etc.) will be required, some of which could occur within Rancho Palos Verdes' jurisdiction and would require our concurrence prior to implementation. Staff will continue to monitor this project in future Border Issues reports.

On December 13, 2011, Staff was alerted by the Northwest San Pedro Neighborhood Council (NWSPNC) that the release of the Draft Environmental Impact Report (DEIR) for the 1,135-unit *Ponte Vista* project is anticipated for March 2012. If so, Staff expected to have a more detailed report on the DEIR as a part of the April 2012 Border Issues report.

On August 25, 2012, the *Daily Breeze* reported that the release of the Draft Environmental Impact Report (DEIR) for the 1,135-unit *Ponte Vista* project is anticipated by October 2012. If so, Staff expects to provide a more detailed report on the DEIR as a part of the December 2012 Border Issues report.

On November 8, 2012, the City of Los Angeles released the Draft EIR (DEIR) for the revised, 1,135-unit *Ponte Vista* project at the former Navy housing site on Western Avenue in San Pedro. Among the alternatives analyzed in the DEIR are:

- A 385-unit single-family alternative that is consistent with the current R-1 zoning; and,
- An 830-unit proposal that is consistent with previous Los Angeles Planning Department Staff recommendations.

The public comment period for the DEIR is scheduled to end on Monday, January 7, 2013, at 4:00 PM. City Staff will be reviewing the DEIR and submitting comments prior to the end of the public comment period. The DEIR and appendices may be reviewed on-line at the following link:

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

Staff attended the Northwest San Pedro Neighborhood Council (NWSPNC) Board Meeting on November 12, 2012, to hear a presentation by the project developer. The presentation was somewhat confusing in that the site plan of the developer's 1,135-unit

proposal did not match the proposed 1,135-unit project that is depicted and described in the DEIR. Upon further research, Staff found that the plan presented by the developer is actually Alternative D, which is a revised version of the 1,135-unit project that has been modified to avoid an earthquake fault running through the property. Alternative D does not include the 2.8-acre public park and other public amenities that are described in the DEIR as a part of the “proposed” project. There was also a great deal of discussion by the developer regarding Alternative C, which is the revised 830-unit plan that is purportedly consistent with the Los Angeles City Planning Department’s previous recommendations for the site. It appears to Staff that it is the developer’s preference to obtain entitlements to build either Alternative C or Alternative D rather than the “proposed” project described in the DEIR.

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

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

Staff was provided with copies of DEIR comments from several other stakeholder groups. They include:

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

Shortly after the end of the public comment period, the developer formally announced that it would pursue the 830-unit proposal described as Alternative C in the DEIR. The *Daily Breeze* and *PV News* also reported on this announcement, which came as no surprise to Staff.

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

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

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

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

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

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

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

- Provide a 3.5-acre open space/park area along the access roadway to Mary Star -of-the-Sea High School;
- Incorporate a business center into the proposed resident community center;
- Allow for an on-site daycare center within the project site; and,
- Provide an emergency egress driveway from the adjacent Seaport Townhomes condominiums.



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

Shortly after the July 1<sup>st</sup> NWSPNC meeting, the developer's community outreach team contacted Staff about meeting to discuss our City's concerns about the project. Although we were unable to arrange a meeting before the July 30<sup>th</sup> public hearing, we did ask if the developer would be able to make a brief presentation of the project to the City Council at tonight's meeting. As of the date that this report was completed, the developer had yet to confirm whether or not they would be able to attend the August 6<sup>th</sup> City Council meeting. However, it should be noted that Staff has tentatively scheduled a meeting with the developer's community outreach team on August 15, 2013.

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

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

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

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

**LOS ANGELES COUNTY GENERAL PLAN UPDATE (COUNTY OF LOS ANGELES)**

- *Last Update: August 6, 2013*

On November 22, 2002, the City received a copy of the Notice of Preparation (NOP) and Initial Study for a comprehensive update and amendment to the Los Angeles County General Plan. The project generally proposes to revise County growth policies by updating population and housing projections; revise and expand the boundaries of Significant Ecological Areas (SEA's) to reflect recent biological surveys; revise the land use policy maps and other related general plan maps, plans and exhibits, and convert them to a digital computer format; revise the transportation policy maps to reflect recent updates and revisions to the County's transportation network; revise the Conservation and Open Space element to incorporate the requirements of the National Pollutant Discharge and Elimination System (NPDES); and revise the boundaries of several County "islands" to reflect recent incorporations.

The Initial Study identifies a number of potentially significant environmental impacts in the general areas of hazards, resources, services and other categories. Revisions to the County's general plan would potentially affect the use and development of property on the Peninsula within the *Academy Hills*, *Westfield* and *The Estates* communities, as well as the South Coast Botanic Garden. In addition, Crenshaw Boulevard between Palos Verdes Drive North and Silver Spur Road is located in unincorporated territory, while Hawthorne Boulevard from Pacific Coast Highway to Palos Verdes Drive West is a designated County highway (Route N7). It should also be noted that the SEA's depicted in the project description appear to include the landslide moratorium area and other large portions of the City, as well as the entire coastline of the Peninsula.

The County conducted a series of public scoping meetings between December 2, 2002 and December 10, 2002 to solicit input on the preparation of the draft Environmental Impact Report (EIR) for this project. The deadline for public comments on the NOP was originally December 23, 2002, but has been extended to February 23, 2003.

Based upon the City Council's input at the January 7, 2003 City Council meeting, Staff forwarded comments on the NOP to the County on January 14, 2003. Staff anticipated that a draft Environmental Impact Report and a draft County General Plan would be available for review and comment in late Spring 2003, although this was not the case.

On January 20, 2004, the City received notice of the release of a Draft Preliminary General Plan from the County. The deadline for comments on the document is June 1, 2004, and a community workshop was held in the unincorporated Rosewood community (near El Segundo Boulevard and the Harbor (110) Freeway) on March 9, 2004. The workshop was very lightly attended. County Staff presented an overview of the general plan update process, and distributed copies of the County's *Shaping the Future 2025*, which presents County Staff's draft language for the general plan goals and policies. Several more workshops were held during March 2004, and two more will be held during April 2004.

County Staff expects to have a draft of the General Plan and EIR prepared by the end of this year, with hearings before the Regional Planning Commission and the Board of Supervisors in 2005. On April 6, 2004 and May 4, 2004, Staff presented draft comments on the County General Plan update for the City Council's review. Staff finalized these comments and submitted them to the County on May 6, 2004.

The City previously commented on the County's General Plan update on May 6, 2004, raising many issues of concern with respect to the unincorporated areas of the Peninsula. On July 6, 2007, Staff was advised of the availability of the Draft Preliminary General Plan. Public comments on the document are due by August 30, 2007. Staff will review the preliminary draft to see if our previous comments have been adequately addressed, and will forward comments to the County by the end of the comment period. The document is available for review on-line at:

<http://planning.lacounty.gov/spGPMMain.htm>

On September 18, 2007, the City received acknowledgement from the County of our comments on the Preliminary Draft General Plan. Our comments of August 30, 2007, raised many of the same issues of concern with respect to the unincorporated areas of the Peninsula that we had originally raised in 2004. These included the potential 50-percent increase in residential density in the *Westfield* and *Academy Hills* neighborhoods; corrections to the County's Highway Plan maps; inaccurate depictions of sensitive habitat areas on the Peninsula; noise impacts associated with major roadway traffic and aircraft over-flights; the future use of the former Palos Verdes Landfill site; and the anticipated number of new housing units to be allocated to the unincorporated area of the Peninsula by SCAG.

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

#### **CALWATER PALOS VERDES PIPELINE PROJECT IN PALOS VERDES DRIVE NORTH (CITIES OF ROLLING HILLS ESTATES AND RANCHO PALOS VERDES AND UNINCORPORATED LOS ANGELES COUNTY)**

- *Last Update: February 7, 2012*

California Water Service Company (CWSC) made a presentation to the City Council regarding its master plan for the Palos Verdes District on February 17, 2004. Part of this plan envisioned placing two (2) new water mains under Palos Verdes Drive North to

replace an existing line serving the westerly Peninsula (the so-called “D-500 System”); and to supplement existing supply lines to the existing reservoirs at the top of the Peninsula (the so-called “Ridge System”). Another previous Border Issue upon which the City commented in 2003 was the Harbor-South Bay Water Recycling Project, proposed jointly by the Army Corps of Engineers (ACOE) and the West Basin Municipal Water District (WBMWD) to provide reclaimed water for irrigation purposes. One of the proposed lines for this project (Lateral 6B) would be placed under Palos Verdes Drive North to serve existing and proposed golf courses and parks in Rolling Hills Estates, Palos Verdes Estates and County territory, as well as Green Hills Memorial Park in Rancho Palos Verdes. Adding to these water line projects is a plan by Southern California Edison (SCE) to underground existing utility lines along Palos Verdes Drive North between Rolling Hills Road and Montecillo Drive. All of these projects would require construction within the public right-of-way of Palos Verdes Drive North, which is already severely impacted by traffic during peak-hour periods.

On February 22, 2005, the Rolling Hills Estates City Council heard a joint presentation by CWSC, WBMWD and SCE representatives of plans to coordinate these three infrastructure projects as a single, large project. The traffic control measures proposed to accomplish these combined projects would involve phased closures of segments of Palos Verdes Drive North over a period of at least fifteen (15) months, assuming 2-shift, 16-hour workdays. Although controlled local access to residences, businesses and schools along Palos Verdes Drive North would be maintained throughout the project, both local and through traffic would be detoured at various times onto Hawthorne Boulevard, Crenshaw Boulevard, Rolling Hills Road, Palos Verdes Drive East/Narbonne Avenue and Pacific Coast Highway.

Both the RHE City Council and members of the public had significant concerns about the proposed project. Of primary concern were the justification for elements of the project; and the number and scope of possible alternatives considered. At the conclusion of the workshop, it was the City Council’s consensus that additional public workshops were necessary, as was the preparation of a formal Initial Study (IS) to identify all of the environmental effects of the proposed project. Staff intended to continue to monitor this project, and to review and comment upon the IS once it is completed.

Previously, Staff has monitored and reported on this project under the title “Joint CalWater-West Basin MWD-Edison Infrastructure Project.” However, it came to Staff’s attention in late 2011 that the scope of the project has changed in that it has reduced the amount of construction activity within Palos Verdes Drive North, and no longer involves reclaimed water or electrical lines.

The primary purposes of the CalWater Palos Verdes Pipeline Project are to “increase water system reliability, improve fire-fighting capability, and reduce the risk of property loss or damage on the Palos Verdes Peninsula.” The two-phase project proposes to replace an existing pipeline that currently traverses multiple private properties within the City of Rolling Hills Estates with two (2) new pipelines to be located primarily within

street and bridle trail rights-of-way. One of the new pipelines (the so-called "Crenshaw/Ridge Supply Project") would extend southward along Crenshaw Boulevard (mainly through unincorporated County territory) to a new reservoir and pump station to be constructed at the northwest corner of Crenshaw Boulevard and Silver Spur Road in the City of Rolling Hills Estates. This pipeline would then continue southward along Crenshaw Boulevard through the City of Rancho Palos Verdes to tie into an existing pipeline in Crest Road that supplies CalWater's reservoir near the intersection of Crest and Highridge roads.

CalWater is currently conducting engineering and technical studies to identify the environmental impacts of the proposed project, as required pursuant to CEQA. Public Works Staff is aware of this proposal and will be working with CalWater on those portions of the project that are located within our jurisdiction. Staff will also continue to monitor this project in future Border Issues reports.

### **BRICKWALK, LLC CONDOMINIUMS (CITY OF ROLLING HILLS ESTATES)**

- *Last Update: June 4, 2013*

On January 31, 2007, the City received a Notice of Preparation and Initial Study (NOP/IS) for a draft Environmental Impact Report (DEIR) for a proposed mixed-use project consisting of one hundred sixty-three (163) units, 14,200 square feet of commercial space and associated off-street parking. The project proponent, Laing Urban, is also the developer of the proposed Crestridge senior housing project in Rancho Palos Verdes, which is located immediately upslope across Indian Peak Road. The proposed project would replace existing office buildings at 655-683 Deep Valley Drive and 924-950 Indian Peak Road, and would also involve stabilization of and construction on the failed slope behind the "Brickwalk" project. This project falls within the boundaries of Rolling Hills Estates' proposed Peninsula Village Overlay Zone (PVOZ), for which a Final EIR has not yet been prepared. A variance has been requested for building height, setbacks and lot coverage since the project proposes to comply with the proposed PVOZ standards, not with the existing Mixed-Use Overlay District (MUOD) standards.

The Initial Study identifies several potentially significant environmental impacts that will need to be addressed in the draft EIR. Staff attended the scoping meeting for the project on February 21, 2007, at which many issues of concern were discussed. These included geotechnical issues regarding construction on the recent landslide area; the adequacy of the proposed off-street parking; traffic impacts; and the relationship to the PVOZ project and DPEIR. On February 28, 2007, Staff forwarded comments on the scope of the DEIR for this 163-unit mixed-use project to the City of Rolling Hills Estates. The public comment period ended on March 2, 2007. Once a DEIR is released for public review and comment, Staff will bring this matter back to the City Council. In the meantime, Staff will continue to monitor this and other development projects in the *Peninsula Village* area.

On May 8, 2007, the Rolling Hills Estates City Council and Planning Commission conducted a public “first look” workshop on the Laing Urban mixed-use project. The developer provided an overview of the project, pointing out that in most respects it complied with the City’s existing Mixed-Use Overlay District (MUOD) standards. The developer also noted that the project would stabilize the failed slope that destroyed office buildings on the site several years ago. On June 23, 2007, the Palos Verdes *Peninsula News* reported that Laing Urban has offered to pay half the projected \$16-\$18 million cost to repair the landslide on the site of its proposed 169-unit mixed-use project.

On July 2, 2012, Staff received the Notice of Completion/Availability for the Draft Environmental Impact Report (DEIR) for the Brickwalk, LLC mixed-use condominium project in Rolling Hills Estates. The proposed project would replace existing office buildings at 655-683 Deep Valley Drive and 924-950 Indian Peak Road, and would also involve stabilization of and construction on the failed slope behind the “Brickwalk” commercial center on Deep Valley Drive. Staff originally commented on this project when it was first proposed in early 2007. Since that time, the number of condominium units proposed has been reduced from one hundred sixty-three (163) to one hundred forty-eight (148). The revised project still proposes 14,200 square feet of commercial space and associated off-street parking for both residential and commercial uses.

The public comment period for the DEIR was scheduled to end at 5:30 PM on Monday, August 6, 2012. Staff coordinated with the City’s geotechnical consultant and the Public Works Department to offer technical comments on the project’s impacts with respect to soils and geology; transportation and traffic; and drainage and infrastructure systems, and expected to transmit our comments on the DEIR to Rolling Hills Estates by the end of the public comment period. A public hearing on this project before the Rolling Hills Estates Planning Commission is scheduled for Tuesday, September 4, 2012 at 7:00 PM at Rolling Hills Estates City Hall, 4045 Palos Verdes Drive North, Rolling Hills Estates, CA 90274.

On August 2, 2012, Staff forwarded the comments on the Draft Environmental Impact Report (DEIR) for the Brickwalk, LLC mixed-use condominium project to the City of Rolling Hills Estates. The major issues raised in our comments include:

- Potential aesthetic and view impacts of portions of the new townhomes exceeding the curb elevation along Indian Peak Road and Crenshaw Boulevard;
- Consistency of the project with “best management practices” (BMPs) for the adjacent Crestridge Reserve in the City’s Palos Verdes Nature Preserve;
- Geotechnical and hydrology/water quality issues regarding proposed site grading/landslide remediation and the City’s abutting public rights-of-way (i.e., Indian Peak Road and Crenshaw Boulevard);
- Justification for the requested variance for 26-foot/1-story building-height increase;
- Noise impacts upon residents of the City’s *Mirandela* senior apartment community;

- Provision of affordable housing units as a part of the project;
- Clarifications and corrections to the traffic impact analysis and proposed mitigation for the project related to the City's public rights-of-way; and,
- Support for the "Reduced Project Alternative," which reduces the number of residential units and the amount of new commercial development by twenty percent (20%).

On September 4, 2012, Staff attended the Rolling Hills Estates Planning Commission public hearing for the DEIR. After receiving a presentation from the project proponent, six (6) public speakers expressed their concerns about the project to the Planning Commission. Staff noted that we had not yet had adequate time to evaluate the responses to our technical comments on the DEIR, particularly those related to biological resources, geology and transportation/traffic. Several of the Planning Commissioners also expressed reservations about some aspects of the proposed project.

At the conclusion of the evening's discussion, the public hearing was left open and the matter continued to October 15, 2012.

On October 15, 2012, Staff attended the Rolling Hills Estates Planning Commission's continued public hearing for the DEIR. After receiving a presentation from the project's traffic consultant, the public hearing was left open and the matter continued to December 3, 2012.

On December 3, 2012, the Rolling Hills Estates Planning Commission continued its discussion of the Brickwalk, LLC project. It approved the project and gave direction to its Planning Staff to bring back a resolution for adoption on December 17, 2012. The Rolling Hills Estates City Council is now expected to consider and ratify the Planning Commission's action on February 12, 2013.

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

On May 14, 2013, the Rolling Hills Estates City Council again considered the Brickwalk, LLC project. The Staff report noted that previous deficiencies with respect to the provision of community space and the lack of affordable housing had been addressed by the developer with the inclusion of a 1,000-square-foot community room and three

(3) affordable housing units. The developer also provided detailed financial information about the project regarding the cost of construction and landslide remediation.

The Rolling Hills Estates City Council continued to express concern about the efficacy of the proposed landslide remediation efforts and the adequacy of insurance and other surety to ensure that the project could be completed once construction begins. At the conclusion of its deliberations, the Rolling Hills Estates City Council directed its Staff to obtain a 3<sup>rd</sup>-party independent review of the proposed project and Final EIR, and continued this matter to a future hearing date to be determined. Staff will continue to monitor this project in future Border Issues reports.

### **SAN PEDRO COMMUNITY PLAN UPDATE (CITY OF LOS ANGELES)**

- *Last Update: April 2, 2013*

On February 4, 2008, the City received the Notice of Preparation (NOP) for the Draft EIR for the San Pedro Community Plan update. The proposed project would guide development in the San Pedro area through 2030; amend the Mobility (Transportation) Element of the General Plan with respect to policies pertinent to San Pedro; and implement Plan Amendments, Zone Changes and Overlay Districts as needed to accomplish the goals and objectives of the Community Plan. A public scoping meeting on the Draft EIR was held on February 20, 2008, and the 30-day public comment period for the NOP was set to end on March 3, 2008. Staff submitted comments to the City of Los Angeles on February 12, 2008, which included a request to extend the public comment period to forty-five (45) days. We will also continue to monitor this project as the Draft EIR is prepared and circulated for additional public review and comment.

On December 8, 2011, Staff of the City of Los Angeles Planning Department met jointly with the Planning and Land Use committees of the Northwest, Central and Costal San Pedro neighborhood councils to present a status report on the San Pedro Community Plan Update. We had previously commented upon this project in February 2008, requesting that:

- The community plan update should include focused attention on the Western Avenue commercial corridor shared by Rancho Palos Verdes and Los Angeles;
- The community plan update should include the “annexation” of the *Ponte Vista* site and three (3) adjacent condominium projects from the Wilmington/Harbor City Community Plan Area; and,
- The community plan update could provide an opportunity to correct certain “anomalies” in the city boundary between Rancho Palos Verdes and Los Angeles

As presented at the December 8, 2011, meeting, the City of Los Angeles is proposing changes to a variety of existing zoning and land use regulations throughout San Pedro. In the areas that immediately abut Rancho Palos Verdes, most of these are proposed nomenclature changes, meaning that the names of the zones and land use areas would



change, but the existing development standards and permitted uses would not change. At a couple of locations along Western Avenue (i.e., the *Garden Village* shopping center and the condominiums next to the *Harbor Cove* shopping center), existing inconsistencies between the actual land use and the designated zoning would be resolved by making the zoning consistent with the existing development at each location. Staff does not anticipate that these nomenclature changes or the resolution of land use/zoning inconsistencies will have an adverse effect upon Rancho Palos Verdes and its residents.

Some of the proposed changes to the community plan include the designation of so-called “opportunity areas,” which are generally seen as “under-utilized” areas of the San Pedro community that may deserve special, focused attention. One of these opportunity areas is identified as the commercial district surrounding the intersection of Western Avenue and West 25<sup>th</sup> Street, which is located along a major path of travel for residents and visitors entering and leaving Rancho Palos Verdes. As currently envisioned, the development standards in this area would be revised to increase both the density/intensity of development and the maximum height of buildings to create a sub-regional commercial and residential center for the southwesterly portion of San Pedro. Staff has some initial concerns about this proposal and will continue to monitor it in future iterations of the community plan update. We also note that the City of Los Angeles does not intend to “shift” the *Ponte Vista* site into the San Pedro Community Plan Area, even though most people seem to associate that property much more with San Pedro than with Wilmington or Harbor City.

On April 26, 2012, Staff of the City of Los Angeles Planning Department met again jointly with the Planning and Land Use committees of the Northwest, Central and Coastal San Pedro neighborhood councils to present a status report on the San Pedro Community Plan Update. City Planning Staff presented an updated version of the draft community plan that included more detail about the proposed revisions to the existing plan. An issue of concern to many meeting attendees with the revised plan was revised policy language regarding the *Ponte Vista* project that seemed to support a higher density of development than had been discussed at the previous meeting in December 2011. Attendees also had many questions about the reclassification of roadways in the proposed “Mobility” chapter of the revised plan.

City Planning Staff indicated that the “Implementation” chapter of the revised plan was still forthcoming, as was the associated draft Environmental Impact Report (DEIR). The complete draft community plan and DEIR are expected to be released for public review and comment by late spring/early summer of this year, with the goal of presenting the updated community plan to the Los Angeles City Council for adoption by the end of 2012.

On April 30, 2012, Staff forwarded comments on the draft community plan to the City of Los Angeles. Staff awaits the release of the DEIR.

On August 9, 2012, the City of Los Angeles released the Draft Environmental Impact Report (DEIR) for the San Pedro Community Plan Update, along with the Draft Community Plan itself. This began a 45-day public comment period that was set to end on September 24, 2012.

On September 5, 2012, Staff of the City of Los Angeles Planning Department met again jointly with the Planning and Land Use committees of the Northwest, Central and Coastal San Pedro neighborhood councils to present the Draft Community Plan and DEIR. We expressed our concerns about proposed increases in the density/intensity of development that could occur surrounding the intersection of Western Avenue and 25<sup>th</sup> Street under the updated plan, as well as how the updated plan would affect the continued operation of the Rancho LPG butane storage facility on Gaffey Street. We noted that the City's traffic engineer was still reviewing the proposed Mobility Element of the plan and Transportation Improvement Mitigation Program (TIMP), particularly as they relate to roadways and bikeways that link and/or intersect with those in Rancho Palos Verdes.

Following this meeting, we formally asked for a 15-day extension of the public comment period for the DEIR. As of the date that this report was completed, we had not yet received a response to this request. If an extension is not granted, Staff intends to at least submit comments on the DEIR by the September 24, 2012, deadline.

In response to requests from the Northwest San Pedro Neighborhood Council (NWSPNC) and other interested parties (including Staff), the City of Los Angeles granted a 15-day extension of the public comment period on the Draft Environmental Impact Report (DEIR) for the San Pedro Community Plan Update to October 9, 2012. On that date, Staff transmitted the comments to the City of Los Angeles. Staff's comments focus upon issues related to two (2) subareas, encompassing the Rancho LPG facility and the commercial area surrounding the intersection of Western Avenue and 25<sup>th</sup> Street. Staff also noted concerns regarding proposed modifications to 25<sup>th</sup> Street that could adversely impact traffic on Palos Verdes Drive South.

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

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

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

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

### **PROMENADE ON THE PENINSULA MIXED-USE PROJECT (CITY OF ROLLING HILLS ESTATES)**

- *Last Update: February 3, 2009*

On December 15, 2008, the Rolling Hills Estates City Council and Planning Commission met jointly for a "first look" at the *Promenade on the Peninsula* mixed-use project at 520, 550 and 580 Deep Valley Drive. The project proposes sixty-six (66) residential condominiums and 16,620 square feet of additional retail space at the existing *Promenade on the Peninsula* mall. Six (6) of the proposed residences would be designated as affordable to low-income families. The project is located within Rolling Hills Estates' Mixed-Use Overlay District (MUOD), which permits residential densities of up to twenty-two (22) dwelling units per acre. This equates to a base density of fifty-five (55) units. However, the project applicant has requested a 20-percent density bonus under State law, along with a requested development concession to substantially exceed the 44-foot building height with up to five (5) stories of condominium units above the existing commercial buildings. The additional retail space would be constructed within the mall proper and in the existing surface parking lot at the northeast corner of Crossfield Drive and Deep Valley Drive.

The Staff report noted that, given the height and number of stories proposed, Staff was concerned that the project appeared too massive. Staff recommended that the residential units be located in a less stacked and more dispersed manner. Staff further recommended that no residential component be more than two (2) stories above existing commercial uses if the units remain where currently proposed. If the residential uses were proposed in other portions of the project site, Staff recommended that they be integrated into the existing shopping center such that the overall height of the affected commercial area is no higher or more massive than the existing condition. Staff also expressed concern about the adequacy of off-street parking for the shopping

center and residential uses, especially since the new commercial building would reduce the number of available parking spaces. In discussions with Staff, project representatives indicated a willingness to consider integrating a small “boutique” hotel within the project.

At the joint meeting, the project proponents presented a revised project that reduced the height of the residential components of the project; increased the anticipated number of dwelling units to sixty-eight (68); and increased the size and height of the proposed retail building in the surface parking lot near Crossfield Drive and Deep Valley Drive. The Rolling Hills Estates City Council and Planning Commission questioned the potential to “re-purpose” the former Saks Fifth Avenue space as a small hotel; the adequacy of the existing parking structure to meet the needs of the proposed project; the staging and phasing of construction so as to minimize disruption to existing businesses in the mall; the validity of the developer’s assumptions about the positive effects of residential units on the mall, in light of the City’s recent economic analysis of the Peninsula Center district; the design and orientation of some of the proposed dwelling units with respect to the availability of natural light and ventilation; and shade effects upon the existing open areas of the mall. There was general support of project components that would provide more street-level retail space along the perimeter of the mall, especially along Drybank Drive. However, several Councilmembers and Commissioners appeared skeptical about the project as a whole.

Staff expects that an Initial Study (IS) will be prepared for the project in the future. Staff intends to comment on the IS once it is released for public review, and will continue to monitor this project in future Border Issues reports.

## **INTERMODAL CONTAINER TERMINAL FACILITY MODERNIZATION (PORTS OF LOS ANGELES & LONG BEACH)**

- *Last Update: March 3, 2009*

On January 12, 2009, Staff received the Notice of Preparation/Initial Study (NOP/IS) for the proposed modernization of the Intermodal Container Transfer Facility (ICTF) serving the Ports of Los Angeles and Long Beach. The ICTF currently serves as a transfer point to interstate rail lines for containerized freight entering the ports. The project proposes to upgrade and modernize the existing facility with the goals of:

- Reducing emissions at the ICTF by replacing diesel-powered equipment with electric-powered equipment;
- Providing additional near-dock rail capacity and container throughput by increasing operation efficiencies consistent with the Ports’ Rail Master Plan Study and minimizing surface transportation congestion and/or delays;
- Providing enhanced cargo security through new technologies, including biometrics; and,
- Continuing to promote the direct transfer of cargo from port to rail with minimal surface transportation congestion and/or delays.

The NOP/IS will be circulated for a 48-day public review period, which will end on February 25, 2009. A public scoping meeting will be held on February 11, 2009, at 6:00 PM at Stephens Middle School, 1830 W. Columbia St., Long Beach, CA 90810. Staff intended to comment on the NOP.

On February 12, 2009, Staff forwarded comments on the Notice of Preparation (NOP) for the proposed modernization of the Intermodal Container Transfer Facility (ICTF) to the ICTF Joint Powers Authority. Staff will continue to monitor this project in future Border Issues reports.

### **RANCHO LPG BUTANE STORAGE FACILITY (CITY OF LOS ANGELES)**

- *Last Update: August 6, 2013*

For many years, residents in San Pedro and the *Eastview* area of Rancho Palos Verdes have been concerned about the existing Rancho LPG (formerly AmeriGas) butane storage facility at 2110 North Gaffey Street. The Rancho LPG 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 former Amerigas facility to another site, most recently to Pier 400 in the Port of Los Angeles (POLA).

The Rancho LPG 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 Rancho LPG 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 Rancho LPG facility among nearby residents. On September 15, 2010, the *Daily Breeze* reported on a closed-door meeting held by the new owners of the 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 Rancho LPG facility. 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.

The NWSPNC Planning and Land Use Committee was scheduled to meet to discuss the Rancho LPG facility and the QRA on October 28, 2010. Staff planned to attend this meeting.

The Planning and Land Use Committee of the Northwest San Pedro Neighborhood Council (NWSPNC) met on October 28, 2010 to discuss the September 2010 quantitative risk assessment of the Rancho LPG butane storage facility that it commissioned earlier that year. The meeting was attended by roughly two (2) dozen residents and interested parties. NWSPNC's consultant, Cornerstone Technologies, did not attend the meeting to answer questions about its report. Rancho LPG did send representatives to refute the findings and conclusions of the Cornerstone report. Rancho LPG asserts that the Cornerstone report is inaccurate, not credible and not a "true" risk assessment. Of the eight (8) scenarios analyzed in the Cornerstone report, Rancho LPG claims that four (4) were incorrectly modeled and the other four (4)—including the most catastrophic scenarios—are "impossible."

Rancho LPG indicated that it is preparing its own risk assessment for the facility, which it planned to release to the public in January 2011. Staff sent a letter to Rancho LPG on November 5, 2010, asking to be invited to the meeting at which the risk assessment would be presented. In telephone conversations on November 10, 2010, and November 29, 2010, Rancho LPG representatives confirmed that the City would be invited to attend this meeting, which was tentatively set for January 11, 2011.

At the November 30, 2010, City Council meeting, several San Pedro and Rancho Palos Verdes residents addressed the City Council (under "Audience Comments") expressing their concerns about the Rancho LPG facility. Language for a draft resolution was presented to the City Council by members of the San Pedro and Peninsula Homeowners' Coalition. Rather than adopting a resolution, however, Staff recommended sending a letter from the Mayor to Los Angeles City Councilwoman Janice Hahn, relaying our residents' concerns about this facility. A draft letter for this purpose was prepared for the City Council's review and consideration on December 21, 2010.

On December 17, 2010, Staff received an invitation from Rancho LPG Holdings, LLC to attend a January 11, 2011, community meeting regarding the risk analysis for the Rancho LPG facility on North Gaffey Street in San Pedro. The invitation to attend this meeting was extended to elected and appointed community representatives, mostly from San Pedro and its neighborhood councils (Northwest, Central and Coastal).

On December 21, 2010, the City Council considered a letter from Mayor Long to Los Angeles City Councilwoman Hahn regarding the Rancho LPG facility. The letter was approved with modifications that evening, and sent to Councilwoman Hahn on January 6, 2011. Staff has provided a copy of this letter to Rancho LPG.

The January 11, 2011, meeting hosted by Rancho LPG was held at the Crowne Plaza Hotel in San Pedro. It was the first opportunity for Rancho LPG to present its own risk analysis for the butane storage facility. At the outset, Rancho LPG representatives re-stated their position that the type of catastrophic explosion that occurred in 2010 in San Bruno, CA could not occur at its San Pedro facility; and that the report prepared in 2010 on behalf of the Northwest San Pedro Neighborhood Council (NWSPNC) by Cornerstone Technologies was flawed and could not be relied upon as a “true” quantitative risk analysis for the facility.

Rancho LPG’s consultant, Quest Consultants, presented an extremely detailed 2½-hour oral presentation about the preparation of quantitative risk analyses (in general) and the risks associated with the Rancho LPG facility (specifically). The analysis concluded that the area potentially affected by the most catastrophic events that could realistically occur at the Rancho LPG facility would be several orders of magnitude less than the nearly 7-mile radius affected under the most-catastrophic scenario identified in the Cornerstone report. As modeled by Quest, the nearest residents to the Rancho LPG facility would experience a risk of fatality that is consistent with international standards of “acceptable risk” for similar facilities. It should be noted that seismic risk was not addressed in Quest’s analysis of the Rancho LPG facility. The explanation provided was that there is insufficient data available on the frequency of seismic events for Quest’s risk analysis models to generate meaningful results. However, it was noted that the refrigerated butane storage tanks have passed recent inspections and that they comply with the current International Building Code (IBC). Finally, the Quest representative touched briefly upon the risk of intentional/terrorist attacks upon the facility. Rancho LPG expected to conduct another similar meeting with elected and appointed community representatives in May 2011.

At the April 5, 2011, City Council meeting, a representative of the San Pedro and Peninsula Homeowners’ Coalition addressed the Council and asked it to direct Staff to prepare a letter to U.S. Senators Dianne Feinstein and Barbara Boxer regarding the Rancho LPG facility. A draft letter and other materials were submitted as “Late Correspondence” at that meeting. The City Council received these materials and the comments of the speaker, but did not provide direction to Staff regarding the request for letters to be sent to our U.S. Senators regarding this matter.

On May 11, 2011, Staff attended Rancho LPG’s community relations meeting in San Pedro. At that meeting, a representative of Rancho LPG provided updates on a number of topics related to the facility for the 2010 calendar year, including:

- Incident (i.e., accident) rates for the Rancho LPG facility—which has never had a “significant release event”—were roughly one-third ( $\frac{1}{3}$ ) of the industry standard for similar facilities;
- Facility security has been enhanced with upgraded fencing, video surveillance and security personnel;

- The facility operators have worked with the Department of Homeland Security (DHS) and the Los Angeles Police Department (LAPD) on counter-terrorism issues and training;
- Facility operations have been upgraded by the addition of personnel and the implementation of system automation;
- Under the auspices of the California Accidental Release Prevention (CalARP) program, facility infrastructure has been inspected and (where needed) brought into compliance with the most recent building codes; and,
- A geotechnical seismic evaluation found negligible risks of surface rupture, slope failure or liquefaction at the facility.

Rancho LPG planned to hold another community relations meeting in September 2011.

At the June 7, 2011, City Council meeting, the City Council discussed the previous request to send letters to U.S. Senators Dianne Feinstein and Barbara Boxer regarding the Rancho LPG facility. Staff subsequently prepared these letters for the Mayor's signature, which were sent to Senator Feinstein and Senator Boxer on June 21, 2011.

On August 26, 2011, a member of San Pedro and Peninsula Homeowners United e-mailed Staff, asking for the City Council to support a letter being written to Los Angeles City Attorney Carmen Trutanich. Staff responded that we believed that previous letters from the Mayor that were sent to then-Councilwoman (now-Congresswoman) Janice Hahn, Senator Dianne Feinstein and Senator Barbara Boxer expressed the City Council's concerns and position regarding the Rancho LPG facility. We understood from a report published in the *Daily Breeze* on September 2, 2011, that a similar request was made by this group to the Los Angeles Board of Harbor Commissioners on September 1, 2011.

On September 14, 2011, Staff attended Rancho LPG's latest community relations meeting in San Pedro. At that meeting, a representative of Rancho LPG provided updates on a number of topics related to the facility for the 2011 calendar year. He also distributed copies of a 3<sup>rd</sup>-party independent assessment of the Fall 2010 Cornerstone Technologies and Quest Consultants risk assessment reports for the facility, which was prepared at the request of the Environmental Protection Agency (EPA) by Dr. Daniel Crowl with the Department of Chemical Engineering at Michigan Technical University. Dr. Crowl's assessment concluded (in general) that the Cornerstone report was flawed in its analysis of the risk of catastrophic upset at the Rancho LPG facility, while the Quest report defined more realistic scenarios that were indicative of the actual risk posed by the facility upon the surrounding community. Unfortunately, the meeting deteriorated into a rather heated discussion about the credibility of the analysis on each side of the argument, and the perceived lack of transparency about the operation of the facility.

On September 21, 2011, Staff received a follow-up letter from Rancho LPG. Staff believes that Rancho LPG plans to continue holding community relations meetings in the future.



As “Late Correspondence” for the October 4, 2011, City Council meeting, Staff distributed a copy of a letter from Rancho LPG to the Central San Pedro Neighborhood Council, which included as an attachment a letter from Los Angeles City Attorney Carmen Trutanich to the attorney representing San Pedro and Peninsula Homeowners United. In essence, the letter concluded that the Los Angeles City Attorney’s office did not have sufficient evidence or grounds upon which to revoke Rancho LPG’s right to use a railroad line in Los Angeles city right-of-way or to compel the preparation of a new environmental impact report for the Rancho LPG butane storage facility.

Related to this issue, additional developments and information include the following:

- On October 4, 2011, “Late Correspondence” for that evening’s City Council meeting included an e-mail chain from Jeanne Lacombe.
- On October 7, 2011, Staff was copied on an e-mail from Janet Gunter to the City and Port of Los Angeles regarding the discussion of the Rancho LPG facility at the Board of Harbor Commissioner’s meeting on September 1, 2011.
- On October 10, 2011, the Los Angeles *Times* published an article regarding the Rancho LPG facility.
- On October 13, 2011, Janet Gunter forwarded to Staff a copy of the revocable permit granted to rancho LPG by the Port of Los Angeles for the use of a portion of the rail spur line serving the property.
- On October 17, 2011, Staff received a flyer announcing a community protest to be staged near the Rancho LPG facility on October 29, 2011 (the *Daily Breeze* subsequently reported on this protest on October 30, 2011).
- On October 21, 2011, Staff received a letter from Rancho LPG, which included a letter from the State Attorney General’s office concluding that the State had no grounds to issue an injunction to shut down the facility.
- On October 29, 2011, the Los Angeles *Times* reported that Los Angeles City Councilwoman Jan Perry was calling for an investigation of the Rancho LPG facility.
- On November 14, 2011, Jeanne Lacombe forwarded to Staff a copy of a proposed motion by the Northwest San Pedro Neighborhood Council regarding the insurance requirements for Rancho LPG (which was subsequently adopted).
- On November 20, 2011, Jody James forwarded to Staff a copy of the November 15, 2011, motion by the Port Community Advisory Committee (PCAC) demanding that the Port of Los Angeles revoke the permit allowing Rancho LPG to use the rail spur line serving the property.

On January 9, 2012, Staff received an invitation from Rancho LPG Holdings, LLC to attend the latest regular community relations meeting regarding the Rancho LPG facility. The invitation to attend this meeting was extended to elected and appointed community representatives, mostly from San Pedro and its neighborhood councils (Northwest, Central and Coastal).

On January 25, 2012, Staff attended Rancho LPG's community relations meeting in San Pedro. At that meeting, representatives of Rancho LPG provided updates on a number of topics related to the facility for the 2011 calendar year, including:

- Facility security continues to be enhanced with upgraded fencing, anti-vehicle measures and security personnel;
- The facility operators continue to work with the Department of Homeland Security (DHS) and the Los Angeles Police Department (LAPD) on counter-terrorism issues and training;
- Facility operations continue to be upgraded by the addition of personnel, the implementation of system automation and upgrades to the on-site rail spurs;
- Facility personnel completed a total of two hundred one (201) hours of safety training; and,
- The facility passed fourteen (14) audits by various oversight agencies, with no "Notices of Violation" issued.

It was noted that, during 2011, the facility received third-party validation of its regulatory and CEQA compliance from the Los Angeles City Attorney and the State Attorney General, as well as third-party validation of the Quest risk analysis by Michigan Tech under the direction of the Environmental Protection Agency (EPA). Also, the facility operator recently launched a new website (<http://www.RanchoLPG.com>) to provide information about the facility to the general public. During the question-and-answer session at the end of the presentation, however, it was clear that concerned members of the nearby community remain opposed to the presence of the facility on the site due to its proximity to homes, schools and businesses, regardless of how safely it may be operated by Rancho LPG.

Rancho LPG has not yet scheduled its next community relations meeting.

The following events have transpired since the last Border Issues update on this facility in early February 2012:

- On February 28, 2012, the *Daily Breeze* reported that LAUSD Board Vice President Richard Vladovic had sent a letter to Governor Brown asking for further investigations into the Rancho LPG facility;
- On March 8, 2012, Staff received an e-mail and photographs from Jody James after a collision between a truck and a train just outside the Rancho LPG facility at Gaffey Street and Westmont Drive;
- On March 12, 2012, Staff received another e-mail from Jody James announcing that the Board of Harbor Commissioners would be discussing the Rancho LPG facility at its meeting on March 15, 2012; and,
- On March 13, 2012, Staff received an e-mail from Jeanne Lacombe regarding the Los Angeles City Attorney's review of the Rancho LPG facility.

On May 1, 2012, Los Angeles 15<sup>th</sup> District City Councilman Joe Buscaino announced that he was asking the City Council's Public Safety Committee to hold a special meeting

in San Pedro to consider issues related to liquid bulk storage facilities in the harbor area. Councilman Buscaino posted a brief video of this announcement on the 15<sup>th</sup> District website (<http://www.la15th.com/>), which can also be viewed on YouTube at the following link:

[http://www.youtube.com/watch?feature=player\\_embedded&v=ptadTRmTQ3U](http://www.youtube.com/watch?feature=player_embedded&v=ptadTRmTQ3U)

In late May 2012, Staff received the e-mails from Janet Gunter regarding the June 7, 2012, Board of Harbor Commissioners (BHC) meeting as it related to a rail permit for the Rancho LPG butane storage facility in San Pedro. The rail permit in question covers a very short segment of the existing rail spur line adjacent to the Rancho LPG facility where it crosses Westmont Drive. A request for the BHC to revoke this permit was on the June 7<sup>th</sup> BHC agenda.

As a bit of background, in Fall 2011 the City of Los Angeles' Port Community Advisory Committee (PCAC) adopted a resolution recommending that the BHC revoke the permit for the rail spur line serving the Rancho LPG facility; perform risk assessments of the Rancho LPG facility and all hazardous commodities transported through the Port of Los Angeles; and establish a working group to examine the risks associated with the Rancho LPG facility. Port Staff recommended denying the PCAC recommendation, generally on the grounds that:

- Revoking the permit for the rail line would not prevent its continued use by Rancho LPG, but would deprive the Port of insurance coverage, indemnification and lease revenue related to the rail spur; and,
- The Port does not have jurisdiction over the operations of the Rancho LPG site because it is located outside of the Port Master Plan Area and the Coastal Zone.

The Staff report did suggest that the BHC had the authority to ask an agency with direct jurisdiction over the Rancho LPG facility to undertake the studies requested by PCAC. Prior to the BHC meeting, Staff was copied on an e-mail exchange between Janet Gunter and Port of Los Angeles Executive Director Geraldine Knatz regarding the acceptance of public comments on this topic at the BHC meeting. Ms. Knatz clarified that PCAC and Rancho LPG would each be allotted ten (10) minutes to address the BHC, with all other public speakers limited to the customary three (3) minutes each.

The BHC met on Thursday, June 7, 2012, at the Port of Los Angeles Administration Building in San Pedro to consider (among other things) the PCAC recommendation. The *Daily Breeze* subsequently reported on June 8, 2012, that the BHC had rejected the PCAC recommendation to revoke this permit.

On June 18, 2012, Staff was notified that San Pedro Peninsula Homeowners United, the San Pedro & Peninsula Homeowners' Coalition and other concerned community groups would be hosting a screening of their 12-minute video *Before the Ashes* on Thursday, June 21, 2012 at Holy Trinity Parish Center in San Pedro. Staff was unable to attend this screening.

On June 27, 2012, Los Angeles 15<sup>th</sup> District City Councilman Joe Buscaino hosted a meeting of the Los Angeles City Council's Public Safety Committee to investigate the potential risks and overall safety of liquid bulk storage facilities in the harbor area, including the Rancho LPG butane storage facility. Councilman Buscaino invited experts and regulators from numerous Federal, State, regional and city agencies to testify before the Committee, and concerned residents were encouraged to attend. The meeting was held at Taper Avenue Elementary School in San Pedro.

At the outset of the hearing, Councilman Buscaino invited elected officials to address the Committee. Dr. Richard Vladovic, Los Angeles Unified School District (LAUSD) Board of Education member representing the San Pedro area, expressed his concerns about the Rancho LPG facility and his desire to protect children attending nearby schools. Rancho Palos Verdes City Councilman Jerry Duhovic stated that he appreciated Councilman Buscaino's efforts in this matter, and noted that his family members and constituents on the east side of Rancho Palos Verdes were concerned about the Rancho LPG facility.

Councilman Buscaino was joined by Councilman Dennis Zine and Councilwoman Jan Perry at the dais. They began with questioning of a number of representatives of Federal, State and regional agencies regarding their respective jurisdictions over liquid bulk storage. Agencies represented included the California Occupational Safety and Health Administration (Cal-OSHA); the U.S. Environmental Protection Agency (USEPA); the Defense Logistics Agency (DLA), which operates the Navy fuel depot in San Pedro; the U.S. Occupational Safety and Health Administration (OSHA); and the South Coast Air Quality Management District (SCAQMD). Based upon the testimony provided, it was clear that each of these agencies has a very limited scope of authority over aspects of the operation of liquid bulk storage facilities.

The Committee then continued with questioning of representatives of a number of City of Los Angeles departments and agencies, including the Emergency Management Department, the Department of Sanitation, the Fire Department (LAFD), the Building and Safety Department, the Police Department (LAPD), the Planning Department, the Port of Los Angeles and the City Attorney's Office. Again, each agency appeared to have a limited scope of authority over liquid bulk storage (generally) and the Rancho LPG facility (specifically). However, based upon the discussion of the Committee, it appeared that the Emergency Management and Planning departments had the greatest potential to address the issue of the community impacts of liquid bulk storage on a more "global" scale.

After completing its questioning, the Committee offered members of the public to comment on the issue at hand. The vast majority of these comments expressed specific opposition to the Rancho LPG facility (rather than addressing the general topic of liquid bulk storage), and a desire for the City of Los Angeles to take action to remove this facility. Staff understands that representatives of Rancho LPG may have been in attendance at the hearing, but they were not questioned by nor did they address the

Committee. Videos of the entire hearing—both agency staff testimony and public comment—may be viewed on-line at <http://www.la15th.com/tanksafety>.

At the August 21, 2012, City Council meeting Councilwoman Susan Brooks presented an item regarding the Rancho LPG butane storage facility during the “Study Session” portion of the agenda. Two (2) members of the public addressed the City Council, urging it to consider taking a more proactive role in addressing community concern about the facility. The City Council unanimously agreed to direct Staff to agendize this matter for discussion at a future meeting, which is scheduled for October 16, 2012.

As was reported in the *Daily Breeze* on October 18, 2012, the City Council received a report from Staff laying out options to address community concerns about the Rancho LPG facility on October 16, 2012. The City Council unanimously agreed to “step up” monitoring of the facility as a part of the Border Issues Status Report; to reach out to surrounding jurisdictions and agencies; to evaluate the applicability of the Contra Costa County Risk Management Ordinance as model legislation; and to ask Rancho LPG to provide information about liability coverage for the facility. Staff is actively working on all of these initiatives.

On October 20, 2012, the *Daily Breeze* reported on complaints about an odor emanating from the Rancho LPG facility on October 18, 2012. Nearly forty (40) complaints were received from residents all over the South Bay. The South Coast Air Quality Management District (AQMD) has issued a notice of violation to Rancho LPG and launched an investigation.

In response to the City Council’s direction of October 16, 2012, Staff prepared a letter from the Mayor to Councilman Buscaino on November 7, 2012. The letter expresses support for Councilman Buscaino’s recent motions regarding the facility, and urges him to follow-up with the AQMD regarding the leak on October 18, 2012. Copies of this letter were provided to the City Councils and City Managers of Lomita, Palos Verdes Estates, Rolling Hills and Rolling Hills Estates.

Councilman Buscaino made a further motion regarding the Rancho LPG facility on November 13, 2012. This motion directs the Los Angeles City Attorney to report on the insurance requirements and liability coverage of Liquid Bulk Storage/Liquid Petroleum Gas facilities, and to suggest improvements to City laws in this respect.

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

As mentioned in the discussion of the *Ponte Vista* project above, Janet Gunter submitted extensive comments in opposition to the project on the basis that the risk of upset posed by the nearby Rancho LPG facility was not adequately addressed.

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

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

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

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

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

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

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

against Rancho LPG include:

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

Rancho LPG has been given until April 15, 2013, to file written responses to EPA's allegations. EPA anticipates filing its complaint by May 15, 2013. Both the Los Angeles *Times* and the *Daily Breeze* reported on this matter.

At the April 2, 2013, City Council meeting, Mayor Brooks noted that the U.S. Environmental Protection Agency (EPA) had issued a "Notification of Potential Enforcement Action for Violation of Section 112(r)(7) of the Clean Air Act" to the Rancho LPG facility. Rancho LPG was given until April 15, 2013, to file written responses to EPA's allegations. On May 6, 2013, Staff e-mailed the EPA to inquire into the status of Rancho LPG's response. However, as of the date that this report was last updated, Staff had received no response from the EPA.

Beginning in November 2012, San Pedro Peninsula Homeowners United has made several requests of the Los Angeles Department of City Planning (DCP) to initiate nuisance abatement proceedings against the Rancho LPG facility. DCP's response to each of these requests has been that there are no grounds upon which to pursue nuisance abatement against the facility.

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

- The Chevron refinery fire in Richmond, CA in August 2012
- The PG&E gas line explosion in San Bruno, CA in September 2010
- The fertilizer plant explosion in West, TX in April 2013
- Recent offshore earthquakes in May 2013

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

Muratsuchi.

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

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

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

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

#### **PORT MASTER PLAN UPDATE (PORT OF LOS ANGELES)**

- *Last Update: August 6, 2013*

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

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

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



100 E. Water St., Wilmington, CA 90744. The 45-day public comment period for the related draft PEIR will end on April 8, 2013. The final PEIR is expected to be complete later this spring and certified by the BHC this summer. Approval by the California Coastal Commission will also be required. Staff planned to attend the April 4th BHC hearing and to submit comments on the draft PEIR within the 45-day comment period.

Staff prepared comments on the Port Master Plan Update (PMPU) and the related the related draft Program Environmental Impact Report (PEIR). Our comments focused primarily upon the Port's Risk Management Plan and the storage and handling of hazardous liquid bulk cargoes.

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

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

## **LOS ANGELES COUNTY GENERAL PLAN HOUSING ELEMENT UPDATE (UNINCORPORATED AREAS OF THE PENINSULA)**

- *Last Update: June 4, 2013*

On April 23, 2013, the City was notified of the availability of the County's Draft Housing Element Update for public review and comment. As for all municipal jurisdictions in California, the State mandates regular updates to the General Plan Housing Element so as to ensure that adequate provision is made for appropriate housing at all income levels for current and expected future residents. The complete draft of the County's proposed Housing Element is available at <http://planning.lacounty.gov/housing/draft>.

Locally, the County's Housing Element serves as a policy framework for the improvement and development of housing and housing opportunities in the unincorporated areas of the Peninsula (i.e., *Westfield, Academy Hills, The Estates* and the South Coast Botanic Garden), known collectively as the 442-acre "Westfield Planning Area". Another nearby County "island" is the 135-acre "La Rambla Planning Area" in San Pedro, which is roughly bounded by West 1<sup>st</sup> Street, South Meyler Avenue, West 7<sup>th</sup> Street and South Weymouth Avenue.

On May 22, 2013 Staff forwarded comments to the County of Los Angeles. Our comments focused on the potential quality-of-life impacts that could result from significant new residential development in these two (2) planning areas, including increased density/intensity of development and traffic. The County is required to submit

its updated Housing Element to the State by October 15, 2013. Staff will continue to monitor and report on this issue in future Border Issues reports.