



agenda

**COASTAL
SAN PEDRO
NEIGHBORHOOD COUNCIL**

locally listening & leading ...  ..

SPECIAL MEETING: BOARD AND STAKEHOLDER MEETING AGENDA

Monday 18 May 2020 6:15 PM

Zoom Electronic Meeting Online or by Telephone

To join the meeting:

By telephone, **dial: 669-900-6833** then enter ID: **946 5500 0199** and **press #**
or

By computer, use Zoom from this URL: <https://zoom.us/j/94736588143>

In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the Coastal San Pedro Neighborhood Council meeting will be conducted entirely telephonically.

Every person wishing to address the Neighborhood Council must dial 669-900-6833, and enter 947 3658 8143 and then press # to join the meeting, or use URL <https://zoom.us/j/94736588143> to use the Zoom application. Instructions on how to sign up for public comment will be given to listeners at the start of the meeting.

PUBLIC INPUT AT NEIGHBORHOOD COUNCIL MEETINGS — The public is requested to dial *9, when prompted by the presiding officer, to address the assembly on any agenda item before action is taken on an item. Comments from the public on agenda items will be heard only when the respective item is being considered. Comments from the public on other matters not appearing on the agenda that are within the assembly's jurisdiction will be heard during the General Public Comment period. Please note that under the Brown Act, the assembly is prevented from acting on a matter that you bring to its attention during the General Public Comment period; however, the issue raised by a member of the public may become the subject of a future meeting. Public comment may be limited to a fixed time per speaker or a limited number of speakers by the presiding officer of the assembly. Those wishing to make comment, but not wanting to speak publicly, may submit written communications to the Board.

1. Technical checkout for online meeting (no substantive discussion or comment) [15 minutes]
[Board members and public are welcome to check to make sure telephone or computer access is working properly. NOTE: no comment or discussion relevant to Board matters is permitted — please reserve substantive comment for periods of public comment and agenda items.]
2. Public comment on non-agenda items.
3. Call to order and roll call.
4. Board member comment on non-agenda items. *[May include comment on Board members' own activities/brief announcements; brief response to statements made or questions posed by persons exercising their general public comment rights or asking questions for clarification; introduction of new issues for consideration by the Board at its next meeting; or requests for research and a report back to the Board.]*
5. Motion to provide \$5,000 to the Cabrillo Beach Boosters.
6. Motion to adopt the San Pedro–Wilmington Urban Waterfront Vision.
7. Motion recommending inclusion of Coastal Zone single-family neighborhoods in the Baseline Mansionization Ordinance.
8. Motion recommending approval of Accessory Dwelling Units only when they increase density/ housing units.
9. Motion to support the appeal of proposed project at 1309–1331 Pacific (CPC-2019-4908-DB-SPR/ENV-2019-4909-CE).
10. Motion requesting additional DASH bus stops.
11. Motion requesting City of Los Angeles provide hotel rooms or shelter for homeless during COVID-19 crisis.

12. Motion urging grooming of trails at Wilder's Annex while planning and repair of staircase is completed.
13. Motion to support Northwest San Pedro Neighborhood Council letter to Port of Los Angeles regarding rail transport of hazardous materials.
14. Motion to support Assembly Bill 2103 Dominguez Channel Watershed/Catalina Island.
15. Motion condemning use of "exhaustive efforts" by the Department of Neighborhood Empowerment
16. Motion condemning the threat of "pre-exhaustive efforts" by the Department of Neighborhood Empowerment
17. Motion condemning the action of the Department of Neighborhood Empowerment's actions against Sheryl Akerblom and request to rectify.
18. Motion supporting training in Robert's Rules of Order.
19. Treasurer's report.
20. Report from President on emergency expenditures:
\$1,000 to Feed and Be Fed, \$1,000 to Harbor Interfaith, and \$1,000 to Boys and Girls Club

Budget and Finance (Consent Calendar)

21. Approval of Monthly Expenditure Reports for February, March, April 2002.
22. Approval of Monthly Expenses, including approval of Treasurer's payment of all recurring Neighborhood Council expenses including (but not limited to) Lloyd Staffing, The Mailroom, Angels Gate Cultural Center meeting expenses, vendor(s) for meeting refreshments, and office supplies.
23. Motion to reallocate budget allocations
24. Appointments of committee officers, committee members, and Board representatives:
Appoint Kathleen Martin and Bob Gelfand as Emergency Preparedness and Resilience Liasons
Appoint budget representatives,
and other appointments as necessary.
25. Announcements.
26. Public comment on non-agenda items.
27. Adjournment.

5. Motion to provide \$5,000 to the Cabrillo Beach Boosters.

[Postponed by Board from February 2020 Board Meeting]

Resolved, the Coastal San Pedro Neighborhood Council shall provide \$5,000 to the Harbor Area Boosters Association, Inc. to purchase all-terrain vehicles (ATVs).

6. Motion to adopt the San Pedro–Wilmington Urban Waterfront Vision.

Planning and Transportation Committee

[Two-page attachment]

The Coastal San Pedro Neighborhood Council adopts the attached San Pedro-Wilmington Urban Waterfront Vision and forward it to the Wilmington, Harbor City and other San Pedro Neighborhood Councils for their consideration and input.

7. Motion recommending inclusion of Coastal Zone single-family neighborhoods in the Baseline Mansionization Ordinance.

Planning and Transportation Committee

Whereas, Coastal Zone single-family neighborhoods should have at least equal protection from mansionization as the non-Coastal Zone areas of the City.

Whereas, the exclusion of the Coastal Zone areas from the original Baseline Mansionization Ordinance (BMO) has meant that the San Pedro, Venice, Playa del Rey and Pacific Palisades Coastal Zone areas have been the only single-family neighborhoods in the entire City in which developers can build over sized homes under City law. It is nonsensical that the protected Coastal Zone areas have been the least protected areas of Los Angeles from over development.

Whereas, it is particularly important that San Pedro and Venice—both designated as Special Coastal Communities--be protected by the BMO because out of scale and size development shall not be allowed in designated special coastal communities, as per the California Coastal Plan.

Therefore be it Resolved, the Coastal San Pedro Neighborhood Council supports the City Council’s motion to amend the Baseline Mansionization Ordinance (BMO) to include the Coastal Zone single-family neighborhoods within the City of Los Angeles under the same standards as the City’s current BMO.

8. Motion recommending approval of Accessory Dwelling Units only when they increase density/housing units.

Planning and Transportation Committee

Whereas, the main motivation of the Accessory Dwelling Unit (ADU) law was to provide for additional housing stock by supporting the creation of NEW units that add to the overall rental housing supply; and the goal was to provide a more affordable housing option with the potential to provide significant amounts of new rental units.

Whereas, what we're seeing in the last year or so is that ADUs are playing a role in projects that are being submitted where applicants want to decrease density and essentially downzone by replacing multi-family structures, with large single-family homes with tiny ADUs.

Whereas, these projects are actually changing multi-family neighborhoods to single-family neighborhoods as they're gradually increasing the number of single-family dwellings in multi-family zones.

Whereas, for these projects, they don't intend to actually use the ADU as a rental unit, nor is the use as a rental unit enforced. They're being put in so as to supposedly maintain density, in order to get the permit, but much more likely than not, they will use the ADU as a part of their single-family dwelling and not as a rental unit.

Whereas, the evidence does not show that the accessory unit mitigates the loss of the existing normal rental unit, particularly with these tiny ADUs, which are usually a fraction of the size of the existing units they're supposedly replacing, as they're not livable for the same sized family.

Whereas, State Senator Skinner said during the SB 50 hearings, that most ADU units are too small and are not creating real, livable housing for our families.

Whereas, SB 330 requires maintenance of density and thus replacement of existing units.

Whereas, ADU's are meant to increase the supply of the state's housing and should not be used to purport to maintain the housing stock.

Whereas, we need to maintain our housing stock with real housing AND we need to increase our housing stock with real housing.

Whereas, this loophole and abuse of the ADU law must be stopped.

Therefore be it resolved, the Coastal San Pedro Neighborhood Council requests that the L.A. City Council, the Coastal Commission, and the State Legislature take action to stop the abuse of the Accessory Dwelling Unit (ADU) law and require that ADUs be approved only when they increase density/housing units (or when they are replacing an existing ADU), and that ADUs not count as replacement units under SB 330.

9. Motion to support the appeal of proposed project at 1309–1331 Pacific (CPC-2019-4908-DB-SPR/ENV-2019-4909-CE).

[Three attachments]

Whereas the Coastal San Pedro Neighborhood Council (CSPNC) Board recommended denial of and recommended significant changes to the proposed project at 2111-2139 Pacific, which is very similar to, and just seven blocks away from, the 1309-1331 Pacific project and has the same applicant and representative, and

Whereas both the 2111-2139 Pacific project and the 1309-1331 Pacific project are immediately adjacent to the Coastal Zone, the 2111-2139 Pacific project is in the CSPNC jurisdiction and the 1309-1331 Pacific project is immediately adjacent to the CSPNC jurisdiction, and

Whereas this is also the same applicant/developer as for the 1803 Mesa project, which is within the Coastal Zone and which CSPNC strongly opposed as it violated State Coastal Act and City law and was not compatible with the surrounding area, and

Whereas community members (Citizens Protecting San Pedro) have proven that the applicant and their representative, Jonathan Loner, submitted false information to City Planning in the project application and repeatedly misled the three San Pedro Neighborhood Councils' planning committees regarding this project, and

Whereas the plans and renderings for this project that were provided to the community, the City and the City Planning Commission (CPC) were materially in error and misleading, and

Whereas the applicant is requesting a 52% height bonus, a 77% FAR bonus, a 20% reduction in open space, and a 5 foot rear yard setback in lieu of the 16 feet otherwise required, but is only providing 12 very low income dwelling units out of the total 102 dwelling units, and

Whereas this project has been awarded a CEQA Categorical Exemption (CE) by the CPC, in error, which is due to falsified data provided by the developer and other deviations from the law, and

Whereas the CPC was obligated to provide a new public hearing when the project's entitlement request was materially changed AT the CPC hearing for the FAR bonus, from ministerial as per Density Bonus ordinance requirements (on menu) to discretionary (off menu), and

Whereas we believe this change was made because the community had provided evidence to prove that the FAR bonus entitlement did not qualify under the on-menu Density Bonus regulations, and

Whereas under the law if the FAR Density Bonus does not meet the specific limits of the Density Bonus regulations it cannot just be transferred to an "off menu" discretionary request instead, and

Whereas the project is approximately 1.8 times (almost double) the FAR/size of, and is significantly out of conformance with, what is allowed in the San Pedro Community Plan and the San Pedro Community Plan Implementation Overlay District (CPIO), and

Whereas the Pacific Corridor Development Plan requires that "development projects occupying more than 50% of a length of one side of a street block should provide public open space in the form of a plaza, outdoor dining area or other similar space" and this project does not meet that requirement, and

Whereas the project does not provide for any infrastructure upgrades for water, sewer, streets, power or cable, and

Whereas the project is not compatible with the character of the surrounding area or in conformance with the applicable design guidelines, and

Whereas the cumulative impact of this project, together with the proposed "sister" project at 2111-2139 Pacific and the ten similar other large projects just completed, proposed or under construction in the general area, will destroy the existing community character of San Pedro, and

Whereas we are in favor of a project at this location but we insist that Councilman Buscaino and the City not allow a project to become a precedent for San Pedro that does not adhere to the law, that is requesting such outrageous bonuses compared to the affordable housing provided, that undermines our San Pedro Community Plan, and that contributes to a significant adverse cumulative impact on the area surrounding the project location as well as all of San Pedro, and

Whereas we specifically do not want this project to become a precedent for the proposed project at 2111-2139 Pacific.

Resolved, the Coastal San Pedro Neighborhood Council supports an appeal to City Council of the City Planning Commission's decision to approve the project at 1309-1331 Pacific, requests Councilman Buscaino's support of the appeal, and requests that the Planning and Land Use Management Committee (PLUM) and City Council uphold the appeal and deny the project.

10. Motion requesting additional DASH bus stops.

Resolved, the Coastal San Pedro Neighborhood Council requests that the Department of Transportation establish additional DASH bus stops on South Palos Verdes St., one at 11th Street and one at 15th Street.

11. Motion requesting City of Los Angeles provide hotel rooms or shelter for homeless during COVID-19 crisis.

Resolved, the Coastal San Pedro Neighborhood Council requests that the City of Los Angeles respond to the COVID pandemic by immediately providing hotel rooms or appropriate emergency shelter to save the lives and give a fighting chance for each person experiencing homelessness in the City of Los Angeles.

12. Motion urging grooming of trails at Wilder's Annex while planning and repair of staircase is completed.

Coastline and Parks Committee

Whereas the stairway beach access at Wilder's Annex has been closed by the city for over three years, and

Whereas Wilder's Annex is the only beach access point for 2.5 miles which, according to the California Coastal Commission, is required to be open to public access,

Resolved, the Coastal San Pedro Neighborhood Council urges the Department of Recreation and Parks to groom the existing natural path to the beach east of the stairway and open the gates to the far west of Wilder's Annex and groom the existing trail there as well so the public can safely access the beach while the city works on plans to restore the stairway.

13. Motion to support Northwest San Pedro Neighborhood Council letter to Port of Los Angeles regarding rail transport of hazardous materials.

Joint San Pedro Neighborhood Council Environment and Sustainability Committee

[Detailed letter attachment]

Resolved, the Coastal San Pedro Neighborhood Council shall adopt the following position and forward a letter to the Port of Los Angeles:

Please consider that the Coastal San Pedro Neighborhood Council supports the February 10, 2020 letter submitted by the Northwest San Pedro Neighborhood Council (NWSPNC) regarding “Follow-up questions regarding the transport of hazardous materials over Port-owned rail lines.”

We stand with the NWSPNC with request for answer to the specific questions detailed in the letter and summarized below.

1. What routes do tank car shipments of hazardous materials take over port-owned rail tracks?
 - a. Along what routes are LPG (specifically propane and butane) transported by rail?
2. Please document and explain which specific local, state and federal laws and agency regulations would be duplicated or contradicted by extending the Port’s risk analysis to include the rail transport of hazardous materials.
3. Please identify and provide copies of risk analyses conducted by other agencies regarding the rail transport of hazardous LPG along the North Gaffey rail spur from the Rancho LPG facility (for example) and elsewhere on Port- owned rail lines.
4. To what extent are the Port’s overarching policy principles and goals regarding the impact of Port related operations, on-site and off-site, required to be consistent?
5. Should there be a potentially life-threatening incident on any of the rail tracks at issue, who will notify the public?

14. Motion to support Assembly Bill 2103 Dominguez Channel Watershed/Catalina Island.

Joint San Pedro Neighborhood Council Environment and Sustainability Committee

Resolved, the Coastal San Pedro Neighborhood Council urges the City Council to support Assembly Bill 2103, which would add the Dominguez Channel watershed and Santa Catalina Island to the territory of the “San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy” in the Natural Resources Agency, and to update the “San Gabriel and Lower Los Angeles Parkway and Open Space Plan” to include the priorities for conservation and enhanced public use within the Dominguez Channel watershed and Santa Catalina Island.

15. Motion condemning use of “exhaustive efforts” by the Department of Neighborhood Empowerment

Whereas, in 2018, the Department of Neighborhood Empowerment (DONE) put the Central San Pedro Neighborhood Council (CeSPNC) under what it refers to as “exhaustive efforts.” This involves taking control of a neighborhood council, not allowing that council to hold meetings or otherwise exercise its normal rights, except with the permission and under the direct supervision of DONE. The law of the city of Los Angeles allows for the use of this process by DONE, but the law is clear in requiring that DONE specify the acts, rules violations, or violations of the law that justify the use of exhaustive efforts. In spite of numerous requests that DONE explain and specify its justification for that action, DONE has never done so.

Therefore resolved, the Coastal San Pedro Neighborhood Council condemns the Department of Neighborhood Empowerment’s failure to obey the law and condemns its refusal to explain its actions of that time. The Coastal San Pedro Neighborhood Council advises the city of Los Angeles that the current system for invoking exhaustive efforts is flawed and that neighborhood councils being threatened with exhaustive efforts or actually in exhaustive efforts must have available to them an appeal process that involves fact finding and due process.

16. Motion condemning the threat of “pre-exhaustive efforts” by the Department of Neighborhood Empowerment

Whereas, in 2019, the Department of Neighborhood Empowerment presented a letter to the Central San Pedro Neighborhood Council (CeSPNC) which referred to “pre-exhaustive efforts” and which advised CeSPNC that its actions in an upcoming board meeting would be evaluated and might result in the imposition of exhaustive efforts. The action that was under consideration involved CeSPNC’s right to remove its president from that office by majority vote of its governing board. Such action would have been entirely within the rights of the CeSPNC.

Therefore resolved, the Coastal San Pedro Neighborhood Council condemns the Department of Neighborhood Empowerment (DONE) for its course of action invoking “pre-exhaustive efforts”, since it constituted a threat to Central San Pedro Neighborhood Council (CeSPNC), to its autonomy as a neighborhood council, and to the free exercise of rights by all neighborhood councils in the Los Angeles system. CSPNC further argues that DONE should not threaten any neighborhood council with exhaustive efforts absent a clearly stated, legal requirement, as required by the city’s code.

17. Motion condemning the action of the Department of Neighborhood Empowerment’s actions against Sheryl Akerblom and request to rectify.

Whereas, Sheryl Akerblom has worked on behalf of several neighborhood councils in the Los Angeles harbor area for several years. She has functioned as a note-taker, as the scribe who creates and communicates the draft minutes of governing board and other meetings, and in some cases by assisting the treasurer, by creating the books and other records, and by drawing up financial reports. These actions by Sheryl Akerblom were carried out at the express request and by consent of the neighborhood councils and under the supervision of elected officers of those councils. In late 2019, the Department of Neighborhood Empowerment acted to remove Sheryl Akerblom from her ability to work on behalf of neighborhood councils and therefore to prevent her from making a living in this way. When neighborhood councils asked to be told the reasons for this action, DONE representatives including General Manager Raquel Beltran and staff members Thomas Soone and Octaviano Rios said that they would not answer these questions in order to maintain confidentiality. Sheryl Akerblom, as the target of this action, should have the right to be informed as to any charges being made against her. Akerblom asserts that she has not been so informed. When neighborhood council representatives asked DONE representatives whether they had, in fact, explained their actions to Akerblom, even then they would not answer whether or not they had so explained to Akerblom. Given Akerblom’s statement and DONE’s refusal to even answer the question, we find that it is likely that DONE has never fully explained to Sheryl Akerblom the reasons for the actions they have taken. There have been conversations between the president of CSPNC and assistant City Attorneys regarding this issue. The City Attorney’s office states that the General Manager of DONE has the right to control spending by neighborhood councils, and that neighborhood council protests are and will be to no avail.

Therefore resolved, the Coastal San Pedro Neighborhood Council (CSPNC) finds that there is some evidence that Akerblom is being discriminated against, either due to her gender or for some other reason, and that the actions taken against her are therefore improper and possibly illegal. The CSPNC condemns the Department of Neighborhood Empowerment for its actions with regard to Sheryl Akerblom and calls on the city of Los Angeles to investigate this situation and to set things right.

18. Motion supporting training in Robert's Rules of Order.

Whereas, in 2019, the Board of Neighborhood Commissioners engaged in extensive debate regarding imposing some sort of training requirements on neighborhood council participants, such training to be in addition to the already legally required training such as the state ethics training requirement. In response to the Covid-19 pandemic, the governor of the State of California, along with the mayor of Los Angeles, have put limitations on public meetings. Neighborhood Councils were informed early on that they were to hold no public meetings of any kind. More recently, DONE has put together a system by which neighborhood councils may hold online meetings. As part of that process, DONE has, so far, held online training sessions of 3 and 2 hour duration, respectively.

Therefore resolved, the Coastal San Pedro Neighborhood Council supports and applauds the inclusion of training in Roberts Rules of Order in the new system, and urges all current and prospective governing board members to train themselves in Roberts Rules. However, the initial online sessions were of great length and without much content, and as such served more to waste the time of board members than to create a new and reformed system. CSPNC points out that nowhere during those 5 hours was there a straightforward explanation of how to set up an online meeting.

23. Motion to reallocate budget allocations.

Resolved, the budget allocations of the Coastal San Pedro Neighborhood Council shall be reallocated to accommodate expenditures made during the COVID-19 emergency period, and to accommodate any further expenditures.

For more information, please call 310-918-8650; write to CSPNC, 1840 S. Gaffey Street #34, San Pedro, CA 90731; or visit the Coastal San Pedro Neighborhood Council website at www.cspnc.org.

STATE OF CALIFORNIA PENAL CODE SECTION 403 (Amended by Stats. 1994, Ch. 923, Sec. 159. Effective January 1, 1995.) — Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 302 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor.

NOTICE TO PAID REPRESENTATIVES — If you are compensated to monitor, attend, or speak at this meeting, City law may require you to register as a lobbyist and report your activity. See Los Angeles Municipal Code §§48.01 et seq. More information is available at ethics.lacity.org/lobbying. For assistance, please contact the Ethics Commission at (213) 978-1960 or ethics.commission@lacity.org

PUBLIC ACCESS OF RECORDS — In compliance with government code section 54957.5, non-exempt writings that are distributed to all or a majority of the Board members in advance of a meeting may be viewed at 1840 S Gaffey St, San Pedro, CA 90731, at our website: <http://www.cspnc.org>, or at a scheduled meeting. In addition if you would like a copy of any record related to an item on the Agenda, please contact the Coastal San Pedro Neighborhood Council at 310-918-8650.

PUBLIC POSTING OF AGENDAS — Coastal San Pedro Neighborhood Council agendas are posted for public review as follows: 1840 S Gaffey St, San Pedro, CA 90731 and <http://www.cspnc.org> You can also receive our agendas via email by subscribing to L.A. City's Early Notification System at: <http://www.lacity.org/government/Subscriptions/NeighborhoodCouncils/index.htm>

RECONSIDERATION AND GRIEVANCE PROCESS — For information on the Coastal San Pedro Neighborhood Council's process for board action reconsideration, stakeholder grievance policy, or any other procedural matters related to this Council, please consult the CSPNC Bylaws. The Bylaws are available at our Board meetings and our website <http://www.cspnc.org>

THE AMERICAN WITH DISABILITIES ACT — As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assisted listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services please make your request at least 3 business days (72 hours) prior to the meeting by contacting the CSPNC secretary at 310-918-8650.

SERVICIOS DE TRADUCCION — Si requiere servicios de traducción, favor de avisar al Concejo Vecinal 3 días de trabajo (72 horas) antes del evento. Por favor contacte a the CSPNC Secretary, al 310-918-8650 por correo electrónico board@cspnc.org para avisar al Concejo Vecinal.

San Pedro-Wilmington Urban Waterfront Vision

Adapted from the Urban Waterfront Manifesto, © 1999 The Waterfront Center. This document may not be reproduced without express permission from [The Waterfront Center](#).

We, the Coastal San Pedro Neighborhood Council, [other neighborhood councils and other civic organizations?] commit to support socially and environmentally sensitive, site-specific planning and development so that our urban waterfront reflects the character and cultures of our community. We further commit to pursue (together with community partners) waterfront policies and practices that provide fair access to jobs, support local businesses, protect the environment, and make our communities attractive to both residents and visitors. We are mindful of potential problems from over-building and excessive privatization along urban waterfronts today and seek to avoid them in our community.

We are skeptical of formulaic approaches to waterfront development— copying elements of strategies used at other locations without meaningful local review or any meaningful effort to solicit community input or to adapt such strategies to local priorities. Development of our waterfront should not be a cookie-cutter process, but should reflect the unique aspects of the San Pedro-Wilmington harbor area.

San Pedro-Wilmington Waterfront Manifesto

Water is a vital resource in our lives and livelihoods, and access to water fundamentally shapes the character of our waterfront communities. In a time of pervasive sameness and homogenization, our waterfronts give our communities significant distinguishing features and resources.

We support the following principles, encouraging communities to value, preserve, and highlight their uniqueness as they balance pressures to simultaneously develop and conserve waterfront resources.

- It is essential to keep in mind the inherent public interest in waterfronts. The California State Constitution, California Coastal Act, and numerous court decisions all enshrine the public ownership of water and the public trust interests in maintaining water quality and access, both today and for future generations. Waterfront planning must reflect these central public interests.
- Waterfront planning should be long-range, comprehensive and holistic, encouraging sustainable growth and operation within a framework integrating relevant historical, cultural, ecological, aesthetic, recreational and commercial elements and accommodating multiple uses relating to these elements.
- Ongoing and meaningful community involvement—through digital and print media, community meetings and presentations to Neighborhood Councils and other community organizations—is integral to valid waterfront planning and development.
- Our waterfront is an integral part of a watershed inter-connected by rainfall, creeks, and ocean tides. Surviving remnants of the original wetlands include the

Los Angeles River, Dominguez Channel, Wilmington Drain, Bixby Marshland, Madrona Marsh, and the Salinas de San Pedro salt marsh. Waterfront development must preserve these features highlight them where appropriate.

- Ports and waterfronts are global crossroads at the intersection of land and sea. Our port should continue to build on its engagement in maritime and global research, education, and stewardship, as reflected in work of the Southern California Marine Institute, AltaSea, the Long Beach and Cabrillo Marine Aquaria, the Port of Los Angeles High School, the John and Muriel Olguin Marine Science Campus of San Pedro High School, the Los Angeles Maritime Institute, the Marine Mammal Care Center, the International Bird Rescue Center, Ken Malloy Harbor Regional Park, and the White Point Nature Education Center. The port should continue work to develop relationships with other marine research and educational institutions.
- Preserving and interpreting the tangible aspects of the history of a place provides character and meaning to waterfront development. Waterfronts present unparalleled opportunities for interpretation of natural values, community history and culture, and for preserving the industrial and transportation activities that often preceded today's developments. The San Pedro-Wilmington waterfront area is replete with such historical landmarks, including the Los Angeles Maritime Museum, the Banning Mansion and Drum Barracks Museum, Banning's Landing, the Battleship Iowa Museum, the Muller House Museum, the SS Lane Victory and the Lomita Railroad Museum, and their preservation must be considered in any future waterfront planning.
- Public access to and along the urban waterfront should be the hallmark of all projects, including residential developments. This means physically and psychologically welcoming access. Visual access to the water likewise should be a pervading objective.
- It is vital that communities distinguish between learning from good examples of waterfront planning and development elsewhere and blindly copying them. Waterfront concepts and projects should flow from the nature of each place and embody its essential spirit.
- Where possible, a diversity of uses should be included along waterfronts, from passive parks to vibrant commercial attractions. People of all income levels and cultures should feel welcome, reflecting the public trust nature of the waterfront. Nighttime activities as well as daytime can be provided. Distinctive places for children as well as the elderly should be included.
- Public art installations should be encouraged and the active participation of each city's arts community sought from the outset of waterfront planning, to ensure that [local] artists' special way of seeing things is incorporated.

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April 20, 2020

VIA EMAIL ONLY to cpc@lacity.org¹

Los Angeles City Planning Commission
Los Angeles City Hall
200 N. Spring Street
Los Angeles, CA 90012

RE: CPC-2019-4908-DB-SPR / ENV-2019-4909-CE
1309-1331 S. Pacific Avenue, San Pedro Community Plan area

Dear President Millman and Honorable Commissioners:

This submission is made on behalf of Citizens Preserving San Pedro (“Citizens”) in response to the Department of City Planning Recommendation Report.² Citizens objects to approval of the proposed 1309-1331 S. Pacific Avenue Project (the “Project”) and entitlements for the reasons contained herein as well as reasons previously provided to the hearing officer and administrative record by community members. Among other objections, the Project does not qualify for a Floor Area Ratio of 2.65:1, the waiver of height standard is beyond the permissible density bonus height incentive and is inconsistent with the zoning code and San Pedro Community Plan, the Project has unanalyzed potential cumulative impacts due to traffic and lack of parking, which will disrupt local traffic circulation. Finally, the Project is not entitled to a categorical exemption.

Citizens notes the Planning Commission’s April 23 hearing will take place telephonically due to the COVID-19 pandemic. Orders by the governor, mayor, and county public health officer require citizens and non-essential workers to remain at home. The Department of City Planning has undertaken some effort to make project documents available electronically, which Citizens appreciates. Nonetheless, the complete project files are unavailable. Citizens therefore regretfully reserves its right to pursue any and all due process claims as a result of its inability to fully review the relevant case files to prepare a complete response to the Recommendation Report.³

I. The Planning Commission Must Deny the Density Bonus Compliance Review, Waiver of Development Standards, and Site Plan Review.

¹ This submission is made in accord with instructions provided on the City Planning Commission’s hearing notice for April 23, 2020, which provides, in part: “Secondary Submissions in response to a Staff Recommendation Report or additional comments must be received electronically no later than 48-hours before the Commission meeting. Submissions shall not exceed ten (10) pages, including exhibits, and must be submitted electronically to cpc@lacity.org.”

² The online file including the Recommendation Report and related files is currently located at [https://planning.lacity.org/odocument/035cdbc7-1012-4c64-9a3c-2c4ff3a0655b/CPC-2019-4908_\(2\).pdf](https://planning.lacity.org/odocument/035cdbc7-1012-4c64-9a3c-2c4ff3a0655b/CPC-2019-4908_(2).pdf).

³ Citizens reserves this right on its own behalf and on behalf of any interested San Pedro stakeholders who might have provided public comment to the Planning Commission but did not receive email or internet notice, or if they received notice by physical mail, had no ability to access project materials because they lack personal internet access or rely on public internet facilities closed due to the COVID-19 pandemic.

The Floor Area Ratio bonus incentive exceeds what is permitted under the zoning code.

The City Planning Commission must deny the applicant's Density Bonus Compliance Review. While some aspects of the Project comply with the City's density bonus ordinance (see Los Angeles Municipal Code ["LAMC"] section 12.22.A(25)), the proposed density bonus incentives exceed what is permitted. Granting density bonus incentives that do not comply with zoning code requirements or that are inconsistent with the applicable community plan is improper, and results in unaccounted-for land use impacts, which negates the class 32 categorical exemption.

The first density bonus incentive requested per the Planning Commission hearing notice is for a 2.65:1 Floor Area Ratio (FAR) in lieu of the otherwise applicable 1.5:1 FAR. (Recommendation Report, pp. 1-2.) The municipal code grants FAR bonuses equal to the density bonus for a project, but not to exceed 35%. (LAMC § 12.22.A(25)(f)(4)(i).) A density bonus project may receive up to a 3:1 FAR if the project parcel(s) are located in a commercial zone in Height District 1 (including 1XL), fronts on a Major Highway as identified in the City's General Plan, the project qualifies for a 35% density bonus, and 50% or more of the commercially zoned parcel is located in or within 1,500 feet of a Transit Stop/Major Employment Center. (LAMC § 12.22.A(25)(f)(4)(ii).) The zoning code defines "Transit Stop/Major Employment Center" as "any one of the following:

- (1) A station stop for a fixed transit guideway or a fixed rail system that is currently in use or whose location is proposed and for which a full funding contract has been signed by all funding partners, or one for which a resolution to fund a preferred alignment has been adopted by the Los Angeles County Metropolitan Transportation Authority or its successor agency; or
- (2) A Metro Rapid Bus stop located along a Metro Rapid Bus route; or, for a Housing Development Project consisting entirely of Restricted Affordable Units, any bus stop located along a Metro Rapid Bus route; or
- (3) The boundaries of the following three major economic activity areas, identified in the General Plan Framework Element: Downtown, LAX and the Port of Los Angeles; or
- (4) The boundaries of a college or university campus with an enrollment exceeding 10,000 students." [LAMC § 12.22.A(25)(b).]

The Recommendation Report does not mention fixed transit guideways or fixed rail systems, boundaries of a major economic activity area, or boundaries of a college or university campus with an enrollment exceeding 10,000 students. Thus, the only Transit Stop/Major Employment Center category on which the Project may rely to entitle a FAR greater than 35% above the otherwise applicable 1.5:1 FAR is its alleged proximity to a Metro Rapid Bus stop or route. The Project does not consist entirely of Restricted Affordable Units (it has only 12 VLI units of 102 total), therefore in addition to other code requirements, for the Project to be granted a 3:1 FAR, a Metro Rapid Bus stop must be located within 1,500 feet of 50% of the Project site. (*Ibid.*)

The proposed Project appears to qualify for a 35% density bonus and is located in a commercial zone in Height District 1. The Project parcels, however, do *not* front on a Major Highway. Pacific Avenue is designated as a "Modified Avenue II," and 14th Street, one of the side

boundaries for the Project, is designated as a “Local Street – Standard.” (Recommendation Report, p. A-2.) These designations mean a FAR greater than 35% bonus cannot be granted.

The Recommendation Report notes the Project “is within 400 feet of a bus stop located at the intersection of Pacific Avenue and 15th Street, which serves the Los Angeles County Metropolitan Transit Authority (“Metro”) Silver Line and 246 bus lines. The surrounding area is served by several other bus lines including the Metro 550 bus line, and the Los Angeles Department of Transportation (“LADOT”) DASH San Pedro and Commuter Express 142 bus line.” (*Id.*) But the Report does not identify which, if any, of these are a Metro Rapid Bus route or where the nearest Metro Rapid Bus stop is located. Review of Metro’s bus routes for the South Bay / Gateway Cities area discloses no Metro Rapid Bus route or stop located within 1,500 of the Project site.⁴ The closest Metro Rapid Bus routes appear to be either the Metro Rapid 710 line or Metro Rapid 762 line, both of which appear to be in excess of 10 miles away.

To summarize, the Project does not qualify for a 2.65:1 FAR density bonus incentive, because the Project does not front on a Major Highway and is not within 1,500 feet of a Metro Rapid Bus stop. The maximum FAR available to the Project is thus 2.025:1, which is a 35% bonus above the otherwise permitted 1.5:1 FAR.

There is no justification to treat the residential-adjacent rear yard as a side yard.

The Project seeks a 5-foot rear yard setback in lieu of the required 16 feet otherwise required by the C2-1XL-CPIO zone. (Recommendation Report, p. 2.) Review of the Recommendation Report doesn’t disclose why the City is processing the Project, with its front yard on S. Pacific Avenue clearly to the east, with a “rear” yard located adjacent to commercially zoned parcel to the north, which ought to be considered the side yard, rather than the true rear yard between the Project and adjacent residential properties to the west, and on this basis Citizens objects to the rear and side yard setback locations and calculations.

Additionally, Citizens notes the true rear yard to the west purports to only be required to have a seven-foot setback (see Recommendation Report, pp. F-9 to F-10), but if properly considered as a rear yard the Project structure improperly intrudes in what should be an open setback area. The Project’s exterior wall cuts into the required 16-foot setback by one foot, and second and third story balconies intrude into the setback as well, as described in the Project Findings. (*Ibid.*)

The Waiver of Development Standard for a project height of 45’ 5” is not justified and is inconsistent with the City’s density bonus ordinance and San Pedro Community Plan.

The Recommendation Report describes the requested Waiver of Development Standard to allow a Project height of 45’ 5” in lieu of the otherwise required 30’ as required by the San Pedro Community Plan CPIO, due to the need for a 14-foot first story. (Recommendation Report, p. A-5.) The Report justifies the grant of a Waiver of Development Standard to allow a greater height

⁴ Metro’s map for the South Bay / Gateway Cities is available online at: http://media.metro.net/riding_metro/maps/images/south_bay.pdf.

than is permitted by either the underlying zoning or the density bonus ordinance on an exceptionally thin basis:

The project would be allowed an 11-foot height increase for a maximum 41-foot building height through an On-Menu Incentive under the Density Bonus program. However, as stated by the applicant's representative at the public hearing, the project required additional height requiring a Waiver of Development Standard due to the 14 foot Ground Floor height requirement of the CPIO. [Recommendation Report, p. A-5.]

The zoning code provides for waivers of development standards that are not already included in the "Menu of Incentives" found in municipal code section 12.22.A(25)(f). (See LAMC § 12.25.A(25)(g)(3), subsections (i) and (ii).)⁵ But a height incentive *is* included in the Menu of Incentives, and is therefore not available as a Waiver of Development Standards. The proper entitlement for a project seeking a height bonus is an On-Menu incentive in municipal code section 12.25.A(25)(f)(5), subject to the procedures described in section 12.25.A(25)(g)(2). As the Recommendation Report admits, the maximum height incentive for the Project is 11 feet on top of the 30-foot height limit of the C2-1XL-CPIO zone, for a total of 41 feet.

The Recommendation Report fails to explain why it is more appropriate for the City to grant a Waiver of Development Standard to allow this excess height that is dramatically greater than what would ordinarily be granted as a density bonus on-menu height incentive instead of a Waiver of Development Standard for a reduction in first floor height otherwise required by the community plan's requirement for a 14-foot ground floor. Waiving the taller first floor would preserve massing consistency in the community plan area, which the Project Findings admit the Project exceeds. (Recommendation Report, p. F-9.) Nothing explains why waiving the community plan's total height requirement is superior to waiving the ground floor height, or why finding a balance between the two competing community plan policies isn't possible.

Granting a Waiver on the basis that the Community Plan demands a taller first story and therefore the Project is not only permitted but is *required* to have a greater height than what is contemplated by the City's carefully calibrated density bonus ordinance creates a Project in excess of the massing and height standards of the community plan area for no additional benefit to the community. The excess height is granted in exchange for 12 affordable units out of a building with 102 units total, 90 of which will be market rate. Waiver does not allow a single additional affordable unit. This outcome is not supported by the zoning code or common sense.

The Site Plan Review Findings are inaccurate and do not support Site Plan Approval.

In addition to the inaccuracies in the Site Plan Review findings described above with respect to the Waiver of Development Standard for height, and separately with respect to the rear and side yard setback issues, the Site Plan Review Findings admit that the "proposed project massing

⁵ LAMC § 12.25.A(25)(g)(3)(i): "For Housing Development Projects that qualify for a Density Bonus and for which the applicant request a waiver or modification of any development standard(s) *that is not included on the Menu of Incentives in Paragraph (f)...*

LAMC § 12.25.A(25)(g)(3)(ii): For Housing Development Projects requesting waiver or modification of any development standard(s) *not included on the Menu of Incentives in Paragraph (f)...*"

exceeds the existing prevailing development pattern” before falsely asserting that “the overall height is comparable to the maximum building height allowable under the On-Menu Density Bonus Program.” (*Id.*, p. F-9.) This assertion is untrue.

As discussed above, the zoning code provision relevant to the density bonus on-menu height incentive states that “[i]n any zone in which the height or number of stories is limited, this height increase shall permit a maximum of eleven additional feet or one additional story, whichever is lower...” (LAMC § 12.22.A(25)(f)(5)) The Project is in a zone in which the height is limited to 30 feet. (See Recommendation Report, p. 2.) Therefore the maximum On-Menu height limit is 41 feet, reflecting 30 feet plus a maximum height incentive of an additional 11 feet. The Recommendation Report admits as much: “The project would be allowed an 11-foot height increase for a maximum 41-foot building height through an On-Menu Incentive under the Density Bonus program.” (Recommendation Report, p. A-5.)

The Site Plan Review Findings instead suggest the Project would be permitted to be 45’ 5” high, which substantially exceeds the 41’ height limit admitted by the Recommendation Report as appropriate for a C2-1XL-CPIO zoned property requesting a density bonus height incentive. This is grossly inaccurate.

The Site Plan Review Findings are also premised on the incorrect conclusion that a 2.65:1 FAR is permissible. (Recommendation Report, p. F-9.) As discussed above, that is not correct.

Finally, the Site Plan Review approval necessarily relies on the Project site plan attached to the Recommendation Report as Exhibit A. Several of the site plan pages are inaccurate in that they purport to show Grand Avenue, which is minimally hundreds of feet to the west of the Project site, is located directly adjacent to west side of the Project. (See, e.g., site plan sheets A2.0 and A3.2.) The Project site plans must be corrected and resubmitted before they can be approved.

Based on these inaccuracies, the Site Plan Review Findings are incorrect and inadequate and do not support approval of the Site Plan Review entitlement.

II. The Proposed Class 32 Categorical Exemption is Inapplicable to the Project.

The proposed class 32 categorical exemption is not available to the Project. Pursuant to the California Environmental Quality Act (CEQA), the class 32 exemption is allowed only for projects that are “consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations.” (14 Cal. Code Regs. [hereafter “CEQA Guidelines”] § 15332(a).) As described at length above, the Project as proposed does not comply with all applicable zoning code regulations, as it must.

The specific zoning provisions to which the Project does not comply include numerous provisions within the City’s density bonus ordinance. (See LAMC § 12.25.A(25)). For example, the Project does not qualify for a FAR density bonus incentive in excess of 35% of the base FAR, but the Recommendation supports grant of a 2.65:1 FAR, much greater than a 35% FAR bonus. In addition, the Waiver of Development Standards incentive purports to allow a project height of 45’ 5” in lieu of the otherwise applicable 30’ of the underlying zone and Community Plan, but the available density bonus height incentive is limited to the lesser of 11 feet or one

additional story for a total of 41 feet. The Site Plan Review Finding admits that the “proposed project massing exceeds the existing prevailing development pattern” and falsely asserts “the overall height is comparable to the maximum building height allowable under the On-Menu Density Bonus Program.” (Recommendation Report, p. F-9.) But the Recommendation Report also admits the Project “would be allowed an 11-foot height increase for a maximum 41-foot building height through an On-Menu Incentive under the Density Bonus program.” (*Id.*, p. A-5.)

Any one of the above inconsistencies is sufficient to defeat use of the categorical exemption. Because the Project is not consistent with all applicable zoning code regulations, especially the City’s density bonus ordinance, and the San Pedro Community Plan, the class 32 exemption cannot be used. To approve the Project, the City must undertake adequate environmental review.

Even if the class 32 categorical exemption were available to this Project, and it is not, the cumulative impact exception found in CEQA Guidelines section 15300.2(b) would apply and defeat its application. (“All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.”)

The Justification for Project Exemption (“Justification”) acknowledges that a proposed project exists “approximately one-half mile from the subject site, located at 2111-2139 S. Pacific Avenue (Case No. CPC-2019-4884-CUB-CB-SPR), which is proposed for the construction of a 4-story mixed-use building containing 100 dwelling units and approximately 1,997 square feet of ground-floor retail.” (Justification, p. 4.)⁶ The Justification goes on to state: “the project at 2111-2139 South Pacific Avenue is not adjacent to nor within 500 feet of the subject site, and does not constitute a project in [sic] the same type and place as the subject project.” (*Ibid.*) But the Justification cites a fictitious legal standard in disregarding the second project because it is not adjacent or within 500 feet. There is no such legal standard found in the Public Resources Code, CEQA Guidelines, or California law that says a similar project cannot be considered as being a successive project in the same place for purposes of Guidelines section 15300.2(b) if it is not adjacent or within 500 feet.

In *Robinson v. City and County of San Francisco*, the Court acknowledged that the “meaning of the term ‘the same place’ . . . is not self-evident.” (*Robinson v. City and County of San Francisco* (2012) 208 Cal.App.4th 950, 958.) The *Robinson* Court noted:

Given the overall purpose and logic of CEQA and the Guidelines, we construe “the same place” to refer to an area *whose size and configuration depend on the nature of the potential environmental impact of the specific project under consideration*. For example, in determining whether there may be a cumulative impact from an otherwise categorically exempt project that may affect water quality in a stream, consideration must be given to potential similar projects located in the watershed of the same stream. For a project producing noise pollution, the area to be considered would be that within which the noise could be expected to be audible. (208 Cal.App.4th at 959 [emphasis added].)

⁶ Using the distance-measuring tool available on Google maps, it is evident that the two projects are approximately 2,400 linear feet apart, slightly less than half a mile (which is 2,640 feet).

The 2111-2139 S. Pacific project is remarkably similar to the instant Project. Both have the same applicant and representative. Both are four stories, both have a proposed height of 45' 5", both have approximately 100 residential units, both are located on Pacific Avenue in San Pedro, both are located on C2-1XL-CPIO zoned lots, and both have approximately 20,000 cubic yards of grading export (and likely will share a similar, if not identical, haul route).⁷

But the companion project is not the only project the City should consider for its potentially significant cumulative impacts with the Project. A recent article published in San Pedro Today lists the Project, its companion at 2111-2139 S. Pacific Avenue, and *ten* other local housing developments planned for San Pedro.⁸ The cumulative impact analysis considers only the Project, and entirely disregards 2111-2139 S. Pacific as not of the same type or in the same place because it is not adjacent or within 500 feet, a fictional legal standard.

The potentially significant cumulative impacts here are those identified in this letter with respect to land use impacts due to Project conflicts with the zoning code and community plan, as well as public comments already in the record with respect to parking, traffic, air quality, and haul route impacts, among others. Under the standard explained in *Robinson*, at least the two companion projects must be considered as potentially cumulatively considerable. The City's failure to identify any other local projects despite public awareness of their pendency evinces a complete disregard for the thorough preliminary review required to justify use of a categorical exemption for the Project. The cumulative impact analysis fails entirely to identify or consider any past projects or likely future projects and is thus inadequate.

III. Conclusion.

For all the reasons described above, as well as the additional reasons described in the numerous objection letters and public comments received to date, Citizens Preserving San Pedro respectfully urges the Planning Commission to deny all requested entitlements and reject the proffered categorical exemption for the Project.

Sincerely,



John Given

⁷ City Planning Commission cancellation notice, CPC-2019-4884-CU-DB-SPR (attached). The cancellation notice shows the 2111-2139 S Pacific Ave. project description including the details described.

⁸ Steve Marconi, *If You Think Traffic Is Bad Now, Just Wait*, San Pedro Today, March 3, 2020, available at <https://sanpedrotoday.com/if-you-think-traffic-is-bad-now-just-wait/> (and attached).



CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING
City Hall 200 North Spring Street Los Angeles CA 90012

NOTICE OF PUBLIC HEARING

To Owners: Within a 100-Foot Radius
 Within a 500-Foot Radius
 Abutting a Proposed Development Site

And Occupants: Within a 100-Foot Radius
 Within a 500-Foot Radius
And: Interested Parties/Others

CANCELLATION

The public hearing for the below project that had been scheduled for March 12 before the City Planning Commission has been cancelled. The public hearing for the project will be rescheduled to a date uncertain. Subsequent noticing will be sent out with the new hearing date, time, and location.

This notice is sent to you because you own property or are an occupant residing near a site for which an application was filed with the Department of City Planning. All interested persons are invited to attend the public hearing where you may listen, ask questions, and/or present testimony regarding the project. The environmental document, will be among the matters considered at the hearing. The hearing officer or decision-maker may consider all the testimony presented at the hearing, written communications received prior to or at the hearing, and the merits of the project as it relates to existing environmental and land use regulations. **Please note that your attendance at the hearing is optional. This notice is for a second public hearing for this project. The notice includes modifications to the project's requested actions and project description as underlined below.**

Project Site: 2111 – 2139 S. Pacific Avenue

Case No. CPC-2019-4884-CU-DB-SPR

Council District: 15 - Buscaino

CEQA No. ENV-2019-4885-CE

Related Cases: None

Held By: City Planning Commission

Date: ~~March 12, 2020~~

Plan Area San Pedro

Time: ~~After 8:30 a.m.~~

Zone: C2-1XL-CPIO

Place: Los Angeles City Hall
Council Chambers, Room 340
200 N. Spring St., Los Angeles, CA 90012
(Please use the 201 N. Main St. entrance)

Plan Overlay: San Pedro CPIO: Coastal Commercial A

Land Use: Neighborhood Commercial

Staff Contact: Shannon Ryan, City Planner
200 N. Spring Street, Room 720
Los Angeles, CA 90012
Shannon.Ryan@lacity.org
(213) 978-1322

Applicant: RKD 2111 Pacific, LLC

Representative: Jonathan Lonner, Kristen Lonner, Josh Guyer, and Dave Zohn,
Burns & Bouchard, Inc.

PROPOSED PROJECT:

Demolition and removal of all existing uses on the Project Site, and the development of a new 4-story, 45-foot and 5-inch tall mixed-use building comprised of 100 dwelling units (including 11 units restricted to Very Low Income Households) with two retail spaces (994 sq. ft. and 1,003 sq. ft.). The project will provide 75 parking spaces in 2 subterranean levels and 75 long term and 8 short term bicycle parking spaces. The project will be 77,945 square feet in floor area and have a Floor Area Ratio (FAR) of 3.26:1. The project will cover an entire block face and is separated by adjacent residential uses via an alley. The site is currently improved with a 1,490 sq. ft. single tenant bar, surface parking lot, and vacant lot, with 10 trees on the subject site and 11 trees along the public right-of-way, all of which will be removed to clear the lot. The project proposes 20,000 cubic yards of grading and the export of 20,000 cubic yards of soil.

REQUESTED ACTION(S): *The Hearing Officer shall consider:*

1. Pursuant to CEQA Guidelines, Section 15332, Class 32, an Exemption from CEQA and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies; and
2. Pursuant to Section 12.22 A.25(g)(3) of the Los Angeles Municipal Code, a Density Bonus/Affordable Housing Incentive Program Review to permit the following Off-Menu Incentives for a Housing Development Project totaling 100 units, reserving 11 units for Very Low Income Households for a period of 55 years:

March 2020
 San Pedro Today *Magazine*

IF YOU THINK TRAFFIC IS BAD NOW, JUST WAIT

by Steve Marconi



It's an analogy appropriate for the town that was once the nation's fishing capital, but apparently housing developers want San Pedrans packed in like sardines.

To get a clear picture of the horror descending on our once sleepy little town, check out urbanize.la online and click on San Pedro (warning: graphic visuals). For those who don't do computers, here's a rundown on under-construction or planned housing for the near future:

- 111 N. Harbor Blvd., 120 units, seven stories
- 407 N. Harbor Blvd., 63 units, six stories
- 511 N. Harbor Blvd., 137 units,

- eight stories (The Grinder location)
- 222 W. 6th St., 228 units (replacing commercial in the Topaz building)
- 1300 block of Pacific Ave., 102 units, four stories *1309 Pacific*
- 337 W. 7th St., 32 units, five stories
- 444 W. 5th St., 99 units, eight stories
- 420 W. 9th St., 56 units
- 500 block of S. Palos Verdes St., 375 units, seven stories
- 2100 block of Pacific Ave., 101 units, four stories *2111 Pacific*
- 200 block of 8th St., 24 townhomes, three stories
- 1801 Mesa, 22 townhomes, three stories

That's 12 — count 'em, 12 — new housing developments. And it's noteworthy that none of them are in what some real estate agents would call a desirable area. Even those

*We Have 7 HDTVs to see all the games!
 Now with 6 beers on tap!*

Choose from
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 Salads • Sandwiches
 Calzones • Pasta Dishes
 Dinner Entrees & Desserts



Gluten Free Pizza
 Crust is here!

Big Nick's
Pizza

FAST DELIVERY

310.732.5800



What A Deal!

Pick Up Special
 Large 1 Topping
\$11.99

Not valid with any other offer
 excludes gourmet toppings &
 extra cheese 310.732-5800
 Limited time only.

Me Familia

Large Pizza
 with up to 2 Toppings
 1 Dozen Wings & 2 Liter Soda
\$29.99

Not valid with any other offer
 excludes gourmet toppings &
 extra cheese 310.732-5800
 Limited time only.

Double Trouble

2 Large Pizzas
 with up to 2 Toppings each
\$27.99

Not valid with any other offer
 excludes gourmet toppings &
 extra cheese 310.732-5800
 Limited time only.

with harbor views are bordered by arguably some of San Pedro's more questionable neighborhoods. And I doubt that "homeless encampment views" is included in the sales brochure for the townhomes on 8th Street, which reportedly are starting at nearly \$800,000. Good luck with that.

Here's the bottom line: 1,313 apartments and 46 townhomes.

Figuring a minimum of three people for each townhome and two per apartment (some units are studios), that's an increase in population of 2,764.

Figuring two cars for each townhome and just one for each tenant, which you know is low, that's an additional 1,405 cars, and if you're paying attention, all those new units are between Pacific and Harbor Boulevard. You can picture for yourself the parking nightmare, even with the planned garages.

Can you say urban disaster? I used to think San Pedro had a density limit, but apparently not, and as for zoning, I guess some of those developments are getting around it by having retail on the bottom floor. Adding retail to lower San Pedro, where it seems every other storefront is vacant now, sounds like a bad joke.

I'm sure local business is excited by the prospects of all these new customers, but what about the rest of us, the vast majority of San Pedrans who live here and already face gridlock on a daily basis? We all know there is a housing shortage in Southern California and rents, especially in San Pedro, are through the roof, but there is no doubt all these new developments will negatively impact our quality of life. Some will say this is just a NIMBY attitude. It is, because San Pedro's backyards are full and have been for some time.

The road diet on south Pacific already makes life miserable for Point Fermin residents. Gaffey at rush hour is almost impossible now with cars going on and coming off the 110. What will Gaffey be like when all those new residents on the Pacific corridor want to get on the freeway? Or Harbor Boulevard, already a traffic jam for special events on the waterfront and without the Public Market.

Our infrastructure can't handle

the current population. Just look at northwest San Pedro.

I thought maybe I was done ranting about Western Avenue after last month's column, but like Western Avenue itself, I'm far from done.

I almost choked on my morning coffee when I read "the worst is over" in our "local" paper after Western Avenue was down to one lane for most of January for work on medians.

Only someone who doesn't live in the area, like most of our developers, would say something that dumb. The worst is far from over, folks. What's it going to be like when those 800 units open at Ponte Vista? We're talking a minimum of 1,600 cars (two per household) added to Western Avenue traffic, which can't handle the current load. And adding a new light at Peninsula Verde Drive? How's that going to improve traffic flow from Ponte Vista to Palos Verdes Drive North? I'm sure that light is being put in just for the handful of people who live on Peninsula Verde, because without it, how would they ever get out once Ponte Vista is done?

The best we can hope for is that residents of Ponte Vista will resist the urge to drive their children the few blocks to Dodson and Taper Avenue schools and let them walk or ride bicycles (do kids do that anymore?).

And the "genius" traffic engineers who have created this mess have decided that the solution to the congestion at Taper Avenue and Westmont when Mary Star lets out is to close the Taper gate and funnel all of the Mary Star cars onto Western. Of course, that doesn't solve the problem, it just moves it from one street to another.

Is it any wonder more and more San Pedrans are moving away or thinking of leaving? This beautiful town that we love so much is disappearing. Those hilarious tsunami warnings along the waterfront no longer seem so funny: A tidal wave of people and vehicles will soon make this town unlivable. spt

Steve Marconi can be reached at spmarconi@yahoo.com.

From: Yahoo inc <afranz@pacbell.net>

Subject: Zoom conference Monday May 11 regarding proposed project at 2111 South Pacific Avenue

Date: May 10, 2020 at 1:52:06 PM PDT

To: "joe.buscaino@lacity.org" <joe.buscaino@lacity.org>, "alison.becker@lacity.org" <alison.becker@lacity.org>

Reply-To: Yahoo inc <afranz@pacbell.net>

May 10, 2020

RE: 5/11 Zoom meeting regarding the proposed project at 2111 South Pacific Avenue

Councilman Joe Buscaino and Senior Advisor Alison Becker,

I was a participant in the Feb. 24 meeting of community advocates with Alison Becker, addressing the project proposed at 2111 South Pacific Avenue in Coastal San Pedro. However, since my computer lacks both camera and microphone, I will be unable to provide oral input during the follow-up Zoom conference scheduled for 1:00 pm on Monday, April 11.

In lieu of being able to comment during the Zoom session, I'm attaching a slightly updated copy of the letter I had previously sent to the planning commission, which contains the main points I hope will be addressed during Monday's Zoom conference.

By way of contextualizing my comments: Councilman Buscaino came into office at a time when San Pedro needed additional housing, and he has dedicated considerable energy to bringing housing to San Pedro. At this point, though, there is a growing consensus across San Pedro—as reflected in remarks delivered to the Joint San Pedro Planning and Land Use Committee and its component Neighborhood Councils—that the need for housing is already substantially met, and at this point we no longer need to pander to excessive demands of carpetbagging developers. Indeed, at least two of San Pedro's three Neighborhood Councils (Central and Coastal) have been drafting statements of principle addressing this situation since well before the COVID-19 shutdown.

What the Neighborhood Councils' draft statements ask for is more emphasis on maintaining and enhancing an attractive, livable community that preserves key features of its history and environment, limits congestion, and provides recreational space for children, green spaces for all ages, and adequate parking for residents, businesses, and visitors. Unfortunately, the project proposed for 2111 South Pacific—like its companion project at 1309 South Pacific Avenue—works directly against all of these priorities.

Many political careers have ended when politicians came to be perceived as doormats for developers and special interests, rather than servants of their constituents. Particularly in the context of the COVID-19 pandemic, which highlights some of the risks of overcrowding and lack of open space, we request that you place the wishes and interests of constituents above the interests of RKD 13 PAC., LP, the outside investment group behind this project. They would still be able to turn a handsome profit with a project more consistent with municipal code, the San Pedro Community Plan, and the current needs of the community.

Thank you for your consideration.

Allen Franz
1336 W 26th Pl
San Pedro, CA 90732



2100 Pacific Ave
updated PL_1020.docx
360 KB

Shannon Ryan, City Planner
200 N. Spring Street, Room 720
Los Angeles, CA 90012
Shannon.Ryan@lacity.org

RE: 2111 –2139 S. Pacific Avenue
Case No.CPC-2019-4884-CU-DB-SPR

I write to express concerns over the development proposed for the west side of the 2100 block of Pacific Avenue in Coastal San Pedro, and to oppose the excessive variances requested by the developers.

I urge the City to use discretion to balance the developers' interests with the interests of the wider community—both in terms of setting a precedent for disregarding community plans and neighborhood concerns, and also in disregarding the cumulative impacts of multiple high-density projects recently or currently in development along the Pacific Avenue Corridor and extending eastward toward the Port.

Not too long ago, San Pedro was desperate for market-rate housing—but there are now several thousand units at various stages of development. San Pedro is no longer so desperate for market-rate housing that it needs to support whatever extravagant concessions developers may request, in order to attract market-rate development. To the contrary, the current project, as currently planned, imposes an unjustified burden on the surrounding community—as detailed below—while providing minimal benefit in addressing the community's current need for affordable housing. The project is a solution to a problem that no longer exists, fails to meaningfully address current needs, and sacrifices the interests of the local community for out-of-town developers whose only interest is to cram in as many units as possible to maximize quick profit.

Most members of the community support compatible development of the property at issue—no one is happy with the current, barren lot—but that doesn't translate to uncritical support for whatever concessions and preferential conditions the developers may wish! Some of the central concerns that members of the community have expressed include the following:

- The proposed development would be entirely out of scale with the surrounding neighborhood, as it proposes to double the number of floors approved in the CPIO. Municipal Code provides incentive concessions

allowing for variance from building height rules of UP TO a MAXIMUM of 35%, but the applicants are requesting a density bonus of 47%—exceeding the MAXIMUM-allowable bonus by over a third! The proposed development sets aside LESS THAN the BARE MINIMUM proportion of very low-income units necessary to qualify for the maximum variance—and then asks to exceed the maximum allowed variance by 34%!

- The proposed project packs in too many units, seeking approval for a Floor Area Ratio of 3.26:1—more than DOUBLE the MAXIMUM 1.5:1 FAR called for in the CPIO—and far exceeding the MAXIMUM 20% incentive bonus authorized in the Code. How does this overcrowding benefit the community [particularly in the context of the COVID-19 pandemic]? Furthermore, the proposal includes many one- and two-bedroom units—some of which will inevitably house children—but offers NO meaningful RECREATIONAL SPACE or play facilities for children, and appears to count hallways and the elevator lobby as “open space!” Where are children supposed to play? Along Pacific Avenue? At a park a half mile away, across busy Pacific Avenue and through a neighborhood with multiple group residential facilities for addiction recovery and the mentally ill?
- The plan provides grossly insufficient parking for residents, let alone business customers, delivery vehicles, guests, and others; By-right incentives specify a MINIMUM of 1 space for one-bedroom units and 2 spaces for two-bedrooms. The 61 spaces proposed for this 100-unit development fall at least 39 spaces short of the MINIMUM allowable standard of a 1:1 ratio—IF all units were single-bedroom—and this in an area already starved for parking, particularly at night and over weekends. Municipal Code allows for a density bonus of no more than 20% when 10% of units are dedicated as very low-income units—but this is based on the assumption that low-income households are less likely to own cars, when in reality there is no significant drop in car ownership in low-income households; both market rate and low income households are likely to have at least one car—and often two—per unit. A recent UCLA study has demonstrated that low- and moderate-income households do not rely heavily on mass transit for commuting to work and other essential trips—particularly when public transit services are not conveniently located or consistently available, as is the case here—and do not rely on bicycles or scooters when their typical commute to work is 15 miles (as is the case in San Pedro), so it’s predictable that most units will house two adults and will have at least one, and often two, cars—and need two parking spaces. If at most 61 residents’ cars can park in the spaces provided in the current proposal—that’s assuming no parking from business operators, business clientele, delivery vehicles, facility management, etc.—that leaves perhaps 100 vehicles to park on the street. Given that the average midsize car is roughly 15 feet in length,

this would require a minimum of 1500 feet--well over a quarter-mile--of curbside parking in a neighborhood already cramped for parking. Factoring in three feet of space between parked vehicles, this eliminate over a third of a mile of street parking previously available to existing homeowners and businesses. THE LIKELY OVERFLOW PARKING DEMAND FOR THIS ONE PROJECT WOULD BE EQUIVALENT TO FILLING EVERY PARKING SPACE ON BOTH SIDES OF PACIFIC AVENUE FROM 18TH St. to 22ND St.--displacing the vehicles of other residents and business enterprises, along with their visitors and customers. This is an unacceptable impact on the community, and would aggravate congestion and double-parking, as well as access for emergency vehicles and other essential services.

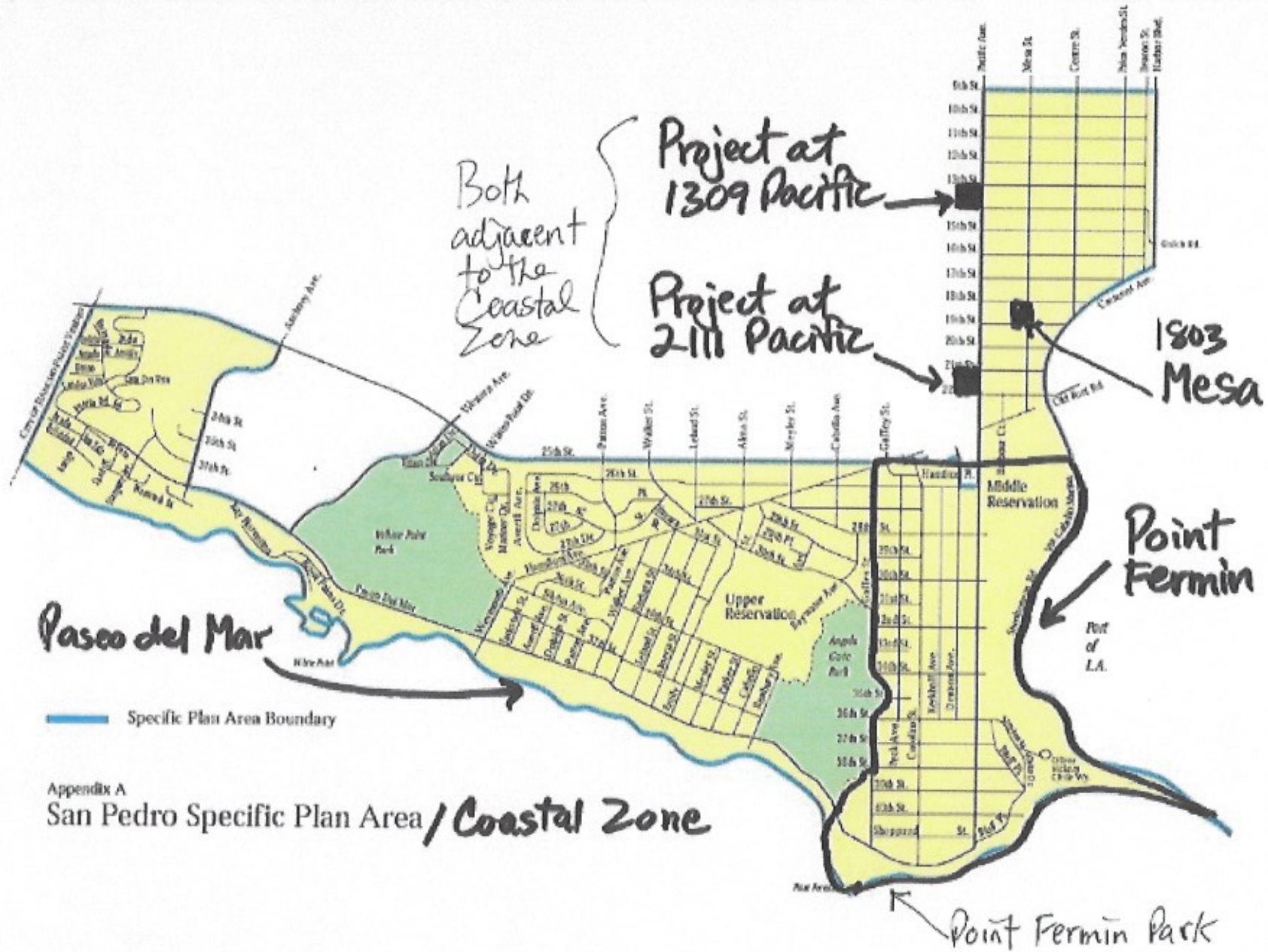
- Broadly speaking, the scale of the proposed development is simply incompatible with the surrounding community. The code exceptions requested in this plan would be rejected in short order if they were proposed directly across the street, since the east side of Pacific Avenue falls within the state Coastal Zone. If the proposed project doesn't belong on one side of the street, does it belong on the other?

The project as presented requests excessive waivers from key standards laid out in CEQA, the San Pedro Community Plan and CPIO, municipal code, and several City ordinances. With all due respect to the rights of the developers, these standards were in place when the developers acquired the property, and they have no inherent right to override the will of the state's voters, of community members who negotiated the local land use standards, or of surrounding residents whose quality of life would be degraded—and whose property values would be reduced—by the development as proposed.

Recent massive, high-density, monolithic developments in San Pedro, such as Seaport Luxury Homes on Western Ave. and Holland Partners' Harborfront development on Palos Verdes St., (pictured below) have all the charm and appeal of Robert Taylor Homes--or state correctional facilities like San Quentin. This project simply doesn't fit in San Pedro, with its strong sense of its own history, projected in part by its land use and architecture.

San Pedro residents observe that the developers don't live anywhere near San Pedro--certainly not in the units they're building--and are motivated to cram in as many units as possible in order to maximize their profits, not to enhance the community. This proposed blockhouse on Pacific Ave--particularly considered in conjunction with the cumulative impacts of other nearby developments, including the same developer's comparably over-packed project a few blocks north on Pacific Avenue--would be an egregious detriment to the community. I ask the City to honor

SAN PEDRO COASTAL ZONE



1803 MESA, SAN PEDRO COASTAL ZONE



1803 MESA, SAN PEDRO COASTAL ZONE, SHOWN ADJACENT TO HOMES

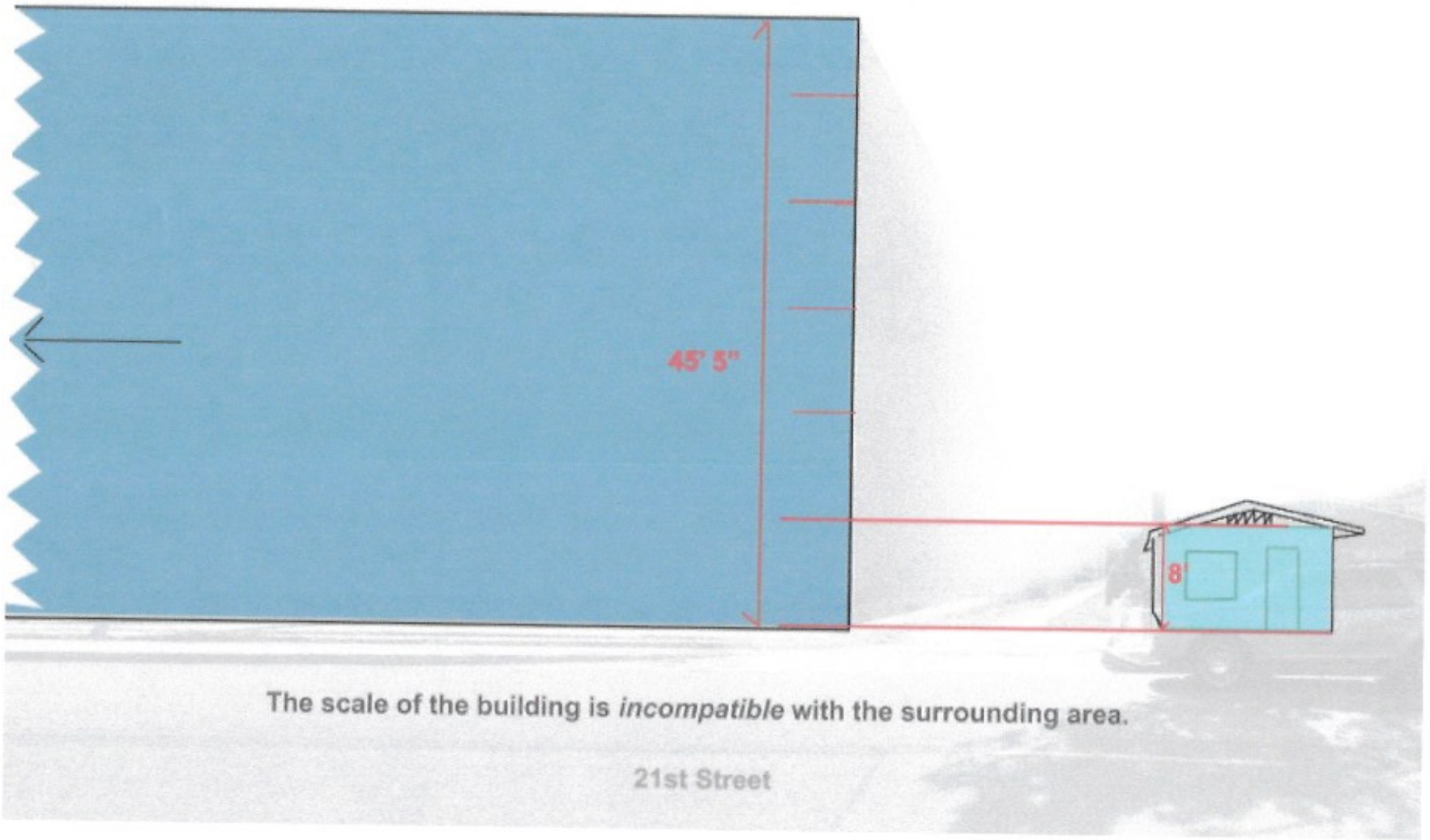


PROPOSED FOR 2111 PACIFIC, SAN PEDRO



101 UNIT APARTMENT

PROPOSED PROJECT AT 2111-2139 PACIFIC, SHOWN ADJACENT TO HOMES



The scale of the building is *incompatible* with the surrounding area.

21st Street

PROPOSED FOR 1309-1331 PACIFIC, SAN PEDRO



102 UNIT APARTMENT

February 10, 2020

Mr. Gene Seroka
Executive Director
Port of Los Angeles
425 S. Palo Verde Street
San Pedro, CA 90731

Re: Follow-up questions regarding the transport of hazardous materials over Port-owned rail lines

Dear Mr. Seroka,

In a July 22, 2017 letter we, the **Northwest San Pedro Neighborhood Council**, asked specific questions regarding the rail transport of Liquid Petroleum Gas (LPG) along the rail track paralleling North Gaffey Street. We cited the Port of Los Angeles Risk Management Plan (RMP) which states that “it is difficult to determine at any one time what commodities may be inside a tank car and where that tank car may be located... [Also] The transitory nature of these operations as well as vessels moving within the Port prevent accurate and representative hazard footprints from being prepared.” We expressed concerns that the routine transport of LPG by rail tank car along the North Gaffey rail spur may not be consistent with the criteria cited in the RMP. The Rancho LPG facility stores only propane and butane. Furthermore, the quantities and timing of rail shipments to and from this facility are recorded by the Pacific Harbor Line as part of managing rail traffic in and out of the Port. Given the short distance of the rail spur, it would not be hard to model one or more hazard footprints.

The Port provided its response in a September 22, 2017 letter stating that “The RMP, as part of the Port Master Plan, exists to help govern the issuance of coastal development permits...[regarding] the siting of structures.” Furthermore, “extending its analysis beyond that purpose would either duplicate or contradict other local, state, and federal laws and agency regulations that already govern areas outside the Ports’ Coastal Commission mandate...[therefore] the Port does not intend to change its RMP.” However, the Port did not provide detailed support for these statements, nor respond to the specific points that the routine transport of LPG by rail tank car along the North Gaffey rail spur may not be consistent with the criteria cited in the RMP.

We have some follow-up requests and questions, based on the Port’s September 22, 2017 response.

1. What routes do tank car shipments of hazardous materials take over port-owned rail tracks?
 - a. Along what routes are LPG (specifically propane and butane) transported by rail?
2. Please document and explain which specific local, state and federal laws and agency regulations would be duplicated or contradicted by extending the Port’s risk analysis to include the rail transport of hazardous materials.
3. Please identify and provide copies of risk analyses conducted by other agencies regarding the rail transport of hazardous LPG along the North Gaffey rail spur from the Rancho LPG facility (for example) and elsewhere on Port-owned rail lines.
4. To what extent are the Port’s overarching policy principles and goals regarding the impact of Port related operations, on-site and off-site, required to be consistent?

Example 1: The Port’s Clean Air Action Plan (CAAP) addresses the off-site risks and impacts of Port related pollution, and offers detailed mitigations and time frames for implementing these measures. The Port carefully coordinated the CAAP with rail operators, federal and state regulatory agencies, state law, state and local environmental agencies and private industry, and sought the input of environmental groups and the general public. However, the Port appears to be unwilling to apply the same policy standards, goals and approach to address the risks posed by the transport of hazardous LPG on port-owned rail lines for fear of duplicating or contradicting local, state, and federal laws and regulations or the risk analyses of other agencies.

Example 2: The Port of Los Angeles has Emergency Management and Communication procedures in place (including alerts and warnings for effective and timely dissemination of important information to the community)

<https://www.portoflosangeles.org/community/residents/emergency-management>

The port has adopted the Standardized Emergency Management System (SEMS), observes the National Incident Management System (NIMS) and the use of the Incident Command System (ICS) to improve local response operations. Another example of Port policy with facilitation of multi-agency, multi-jurisdictional communications, coordination and collaboration.

Furthermore, the Emergency Communication guidelines state:

“Success in saving lives and property is dependent upon timely dissemination of warning and emergency information to citizens in threatened areas. With the potential threat of earthquakes, wildfires, storms, and hazardous materials spills, it is important for residents to know how the Port of Los Angeles, City of Los Angeles and the Los Angeles County Operational Area would notify the community before, during, or after an emergency.”

We raise this issue due to concerns regarding an incident on December 1, 2019, where a train loaded with Propane Gas cargo tanks derailed on John S Gibson near the P66 facility. The community was not notified by any agency of the derailment nor given any follow-up information as to the resolution.

5. Should there be a potentially life-threatening incident on any of the rail tracks at issue, who will notify the public, or will organizations haggle over governance and no one notify the community?

We greatly appreciate your input in the matter.

Sincerely,

Raymond Regalado, President

On behalf of the Northwest San Pedro Neighborhood Council

Attached background materials:

DOC1 July 22, 2017 NWSPNC letter

DOC2 September 22, 2017 POLA response letter

DOC3 Photographs of derailment December 1, 2019

cc: Board of Harbor Commissioners

cc: Mayor Eric Garcetti

cc: Controller Ron Galperin

cc: Thomas Gazsi, Deputy ED, Chief of Public Safety and Emergency Management

cc: David Libatique, Deputy Executive Director of Stakeholder Engagement

cc: Councilmember Joe Buscaino

cc: Central San Pedro Neighborhood Council

cc: Coastal San Pedro Neighborhood Council

cc: Harbor City Neighborhood Council

cc: Harbor Gateway North Neighborhood Council

cc: Harbor Gateway South Neighborhood Council

cc: Wilmington Neighborhood Council

cc: Janice Hahn, Supervisor, 4th District, LA County Board of Supervisors

cc: California State Assemblymember Patrick O'Donnell

cc: The Honorable Nanette Barragan, United States Representative

cc: The Honorable Ted Lieu, United States Representative

cc: US Department of Transportation – PHMSA / OHMS

Marc Nichols, Director, Western Region, Pipeline and Hazardous Materials Safety Administration

Earl Whitley, Western Region Coordinator PHMSA's Hazardous Materials Safety Assistance Team