

Item 10

CF 12-0460-s4

Summary: On March 27, 2019, the Wilmington Neighborhood Council APPROVED to file a Community Impact Statement to OPPOSE the above-referenced matter. The proposal must be returned to the Planning Department for corrections at least as follows: 1. INCLUDE certified Neighborhood Councils as a body with authority under the Zoning Code. By City Charter, the Planning Department and City Council MUST provide notice to and seek input from Neighborhood Councils on all developments before the City, including the holding of public hearings before the neighborhood councils as delegated by City Council. 2. INCLUDE the Early Notification System requiring the Planning Department notice and obtain input from the Neighborhood Councils. 3. MAKE CLEAR THAT City Council is not delegating its powers and legislative authority on zoning and land use matters. We object to delegation of legislative authority to an unelected appointee like the Director of Planning or to any delegation or elimination of Council's authority to override a mayoral veto or to pull a particular zoning matter from planning or a commission. 4. DO NOT expand the authority of the Director of Planning or the mayor. 5. DO NOT reduce or curtail notice, appeal and participation rights of citizens and residents and do not allow the Director or any unelected official to do so. 6. DO NOT reference or incorporate State law in violation of our City Charter. 7. DO NOT include any substantive changes and make it clear that the Director of Planning has no authority to make final decisions for the City as a whole. 8. DO NOT reclassify or redefine discretionary actions requiring application, notice and a public hearing as ministerial matters which permit "back room" approvals. 9. DO NOT ALLOW UPZONING without affordable housing. 10. DO NOT ALLOW for reduction of parking by 20% below minimal amounts already without any affordable housing component. 11. DO NOT ELIMINATE HPOZ Boards. 12. DO NOT ELIMINATE project notices to residents and neighbors. 13. FULL COMPLIANCE of all CUGU regulations.

This ordinance would make the Director of Planning (an unelected official) a virtual land Czar on most planning and land use issues giving him full authority, it eliminates the public process and is in direct violation of the City Charter Section 556-558.

Date: 3/3/20

Submitted in: PLUM Committee

Case File: 20-0033

10

Communication from the Public

Item 10

### 3.2.3 Surrounding Land Uses

The site is located to the northwest of the intersection of Eubank Avenue and Pacific Coast Highway in the Wilmington – Harbor City Community Plan area, approximately 1.4 miles to the east of the 110 Freeway and approximately 0.9 miles to the west of the 47 Freeway (Alameda Street).

Eubank Avenue is designated as a Collector Street with a designated right-of-way width of 66 feet and designated roadway width of 40 feet. The dedicated right-of-way is approximately 50 feet and dedicated roadway is approximately 40 feet. There is a 5-foot easement along the Eubank frontage that includes a portion of the existing sidewalk, which extends to the public right-of-way and includes a parkway, curb, and gutter.

Pacific Coast Highway is approximately 230 feet to the south of the subject site, and is designated as a Boulevard II with a designated right-of-way width of 110 feet and roadway width of 80 feet. The project does not have frontage along Pacific Coast Highway.

The surrounding area is improved with a variety of land uses including vacant land (immediately to the north), single-family residential (further to the north and immediately west), commercial uses (immediately to the south), open space (to the east and further to the south), multi-family residential (further to the southeast), and industrial uses (further to the northeast).

The adjoining property to the south has frontage along the north side of Pacific Coast Highway, and is zoned [Q]C2-1VL-O-CUGU and developed with a public storage facility with structures ranging from 1 to 2 stories in height. The adjoining property to the north is an 11-foot wide strip of vacant land that is under separate ownership and fenced off from Eubank Avenue. Neighboring properties further north and to the west are zoned R1-1XL-O-CUGU and developed with single-family homes fronting along Deepwater Avenue and Seagrove Avenue which dead-end at a cul-de-sac north of the site. Across Eubank Avenue to the east is the Wilmington Cemetery on an OS-1XL-CUGU zoned lot, and across Pacific Coast Highway to the south is The Banning Residence Museum and Wilmington Senior Citizen Center on an OS-1XL-O-CUGU zoned lot. Other surrounding properties across the intersection of Eubank Avenue and Pacific Coast Highway and O Street to the southeast are zoned [Q]R2-1XL-O-CUGU and improved with multi-family and single-family residences ranging from 1 to 2 stories in height. Properties further north along Eubank Avenue are zoned [T][Q]MR2-1VL-CUGU and improved as shipping container storage.

## 3.3 DESCRIPTION OF PROJECT

### 3.3.1 Project Overview

The project is for the construction, use, and maintenance of a multi-family residential building. The project will provide 56 dwelling units (100% restricted to Very Low Income households exclusive of one manager's unit). The project will include supportive services on-site including a community room and office spaces on the ground floor. The project will provide 18 units on the ground floor, 19 units on the second floor, and 19 units on the third floor. The building will be 3 stories with a maximum building height of 36 feet, and will have 51,202 square feet of floor area and a Floor Area Ratio ("FAR") of 0.92:1.

### **3.3.2 Site Plan and Design**

The building will be up to 36 feet and 3 stories in height, with a width of approximately 60 feet (facing Eubank Avenue) and length of 270 feet. The building will be set back approximately 86 feet from Eubank Avenue and provide a 4,738 square foot open space amenity area along the Eubank Avenue frontage. The building will have a 1,468 square foot community room and entrance that overlooks the open space amenity area. A secondary residential entrance is provided along the northern façade. A third residential entrance is provided along the rear westerly façade, and is accessible by a 6-foot wide pedestrian pathway that runs along the southern property line of the site.

Driveway access will be provided along the northern property line of the subject site with a 26-foot wide drive aisle that provides access to 9 surface parking spaces within the front portion of the site and 10 surface parking spaces within the rear portion of the site.

The building is articulated with a modulated roofline, changes in building plane, and changes in building materials and finishes ranging from fiber cement nickel gap siding, stucco, and metal awnings. See Figure A-4 Conceptual Site Plan, Figure A-5 Upper Floor Plans, Figure A-6 Elevations, and Figure A-7 Renderings.

**b) Generation of, excessive groundborne vibration or groundborne noise levels?**

**Less-Than-Significant Impact.** Construction activities can generate varying degrees of vibration, depending on the construction procedures and the type of construction equipment used. The operation of construction equipment generates vibrations that spread through the ground and diminish with distance from the source. Unless heavy construction activities are conducted extremely close (within a few feet) to the neighboring structures, vibrations from construction activities rarely reach the levels that damage structures. The adjoining property to the north is an 11-foot wide strip of vacant land that is under separate ownership, and serves as a buffer from the single-family residential neighborhood further north. In addition, the resulting building will be constructed approximately 30 feet from the northern property line. Therefore, by complying with regulations, the project would result in a less-than-significant impact related to construction vibration.

**c) For a project located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

**No Impact.** A significant impact would occur if the proposed project would expose people residing or working in the project area to excessive noise levels from a private airstrip, airport land use plan, or a public airport or public use airport. The proposed project is not located within two miles of a public airport or public use airport. The project site is outside of the Los Angeles International Airport Land Use Plan. Accordingly, the proposed project would not expose people working or residing in the project area to excessive noise levels from a private airstrip, airport land use plan, or a public airport or public use airport. Therefore, no impact would occur.

# PROPOSED HOUSING IN WILMINGTON

*Itan10*

## SITE PROFILE

**Wilmington  
community,  
City of Los Angeles**  
Population: 53,815



- 1.34-acre site
- 56 apartments
- Seniors who have experienced homelessness
- Estimated cost in 2019: \$28,825,000

## Features of Site:

- Community room
- Laundry facilities
- Leasing rental office parking
- Wide range of social and supportive services
- Convenient access to public transportation, shopping, and services



These apartments will create 56 affordable homes in a superior housing community for seniors who have experienced homelessness. Residents will receive intensive case management services from The People Concern and additional support to program through LINC Care's resident services.



Half of the apartments will be reserved for eligible households who have experienced homelessness and are often considered as being at-risk individuals.



Community areas will include group-purpose space to host a variety of resident programs including case management, physical and mental health care, medication management, benefits assistance, substance use and addictive substance services, and wellness and life skill interventions.



Item 10

Council File: 19-0002s159 and AB 1197

Categorical Exemption from the (CEQA) California Environmental Quality Act

District 15 Joe Buscaino

Name: Valerie Contreras

Date submitted:

Board Action: Opposing/Against

On September 24, 2019 the Wilmington Neighborhood Council held a Brown Act public meeting and the board approved a motion to file a community impact statement against CF 19-0002s159 and opposing AB 1197.

The California Environmental Quality Act was put in place to protect the people of California including Los Angeles. It would unfairly deprive Los Angeles of crucial environmental protections and longstanding legal rights which were granted to us by the State.

It would defeat the purpose to have the Los Angeles City officials impose a categorical exemption from it. To build housing on contaminated lands puts everyone's health at risk. Homeless crisis or not. Homeless housing should be built with the same CEQA regulations and other set building standards as the rest of the State.

There is no sure outcome that supportive housings will solve the problem since there is nothing previously done with a sure success rate to compare it to. **Should these housing projects later be used for a different purpose, our future generations will be at risk.**

Additionally, the CEQA provides a process for evaluating the environmental effect of a project, including but not limited to, water quality, land use and agricultural resources, transportation and circulations, air quality and greenhouse gas emission. Therefore, this would greatly change the quality of life for all in our small community of Wilmington leaving our residents with many possible health risks.

The Wilmington Neighborhood Council strongly opposing this Council file 19-000s159 associated with AB 1197 State bill.

Council File 19-0002s159 would negatively affect our small community that is already overwhelmed by environment pollution from the LA Port, refineries, railroads and it sits on a methane zone. We are one (1) of only three communities in Los Angeles that are part of the City's "Clean up, Green up" Ordinance to help clean up our environment.

We strongly oppose it.

Item 10

COUNCIL FILE – 17-0090-S

<https://planning.lacity.org/ordinances/docs/PermanenSupportiveHousing/FAQ.pdf>

Ordinance CPC-2017-3136-CA Permanent Supportive Housing Impact on residents' quality of life, public safety.

The Wilmington Neighborhood Council has serious reservations with regard to Permanent Supportive Housing.

These concerns include, but are not limited to the impacts on the environment, parking, public safety, traffic, infrastructure. Before any ordinance is prepared for Wilmington, significant opportunities for public discussion and input should be scheduled through our community of Wilmington.

The Wilmington Planning & Land Use Committee has strong concerns about the long-term effects of the following details of the permanent supportive housing. Although we **do not support PSH for our community** we recommend the following for our community plan should this move forward. New requirements for the following must be implemented first. Proposed amended PSH for our community.

1. The dwelling must have a "Buffer zone of 3000 feet from current residents since there could be health and safety risk involved. Existing residence shall have the right to enjoy their property as they purchased; privacy concerns of existing residence shall come first.
2. Motel conversion must have a change of use specific plan prior to reconstruction
3. Limitations on height of the housing. We request the height be no more than 3 stories high. PSH structures shall not interfere with existing views of oceans, lakes, parks, mountains etc., shall be protected against buildings eclipsing facades and open space.
4. Any PSH must present and obtain approval from the City Council District and the WNC
5. Shall not allow for rentals if the State funding is lost. i.e. section 8 housing
6. A time limit be imposed of no greater than 3 years for temporary disabilities. Drop the 55 years resident term.
7. Enforcement Mechanism: Define clearly disqualifications and immediately removal from program for undesirable actions committed by the target demographic, i.e. felonies, unruly behavior, drug use.
8. Screening of candidates upon entry into a PSH community and continuous random welfare follow-up with appropriate funding mechanisms such as drug testing, driver pull program, background checks, etc.
9. Conduct regular comprehensive studies such as EIRs, area and regional traffic studies, infrastructure services such as sewer/water. Consideration be given to parking, free space etc. Over population and not enough schools, public facilities, access to jobs, police coverage, etc.
10. PSH be limited to commercial or industrial designated areas only with respect to proper zoning.

The Wilmington community is impacted by the homeless problem but we wish to have the quality of life remain the same for all current residents. The long-term effects of PSH is unknown, therefore, we urge you to allow our community sufficient input and to have the City of Los Angeles provide detailed answers to the above question prior to any conversion or new construction in Wilmington, Los Angeles California.





# WILMINGTON NEIGHBORHOOD COUNCIL

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Website: [Wilmingtonneighborhoodcouncil.com](http://Wilmingtonneighborhoodcouncil.com)  
LA's 1<sup>st</sup> Certified Neighborhood Council



Valerie Contreras, Chair  
Carlos Sanchez, Co-Chair  
Santiago Sediño, Secretary  
Gina Martinez, Treasurer  
Barbara Zepeda, Parliamentarian

LA City Planning Commissioners & City Planning Department  
City Council & Committees  
Mayor Garcetti  
CUGU

October 22, 2019,

Greetings,

Council files previously submitted: **CF17-0090s**, CF 08-0651, CF 17-1432, (18-0600-S2 ref.)

The Wilmington Neighborhood Council has taken action to oppose the proposed housing project by LINC at 1424 Deepwater Avenue, Wilmington, CA 90744.

Among our concerns are:

- 1. Seven (7) capped/abandoned oil wells on this property.** As it stands right now there is a Mitigated Negative Declaration. One of these oil wells will have to be recapped but what about the others? It is a proven fact that **capped oil wells leak**. One example is, (the Carousel Tract) Recently, it was discovered that this entire housing development, less than a mile from this location, was built on top of several capped oil wells that leaked and are now all victims of contamination. Residents have had to be evacuated while their properties are cleaned of contamination and many have suffered from cancer among other illnesses. The cleanups that started in 2017 will not likely be finish prior to the year 2022. **The devastating effect it will have on our community and future generations should be considered.** Any person who is a tenant of an apartment can easily be relocated but what about the homeowners directly next door. This project will decrease the value of their homes and should the land become contaminated they will be left no option but to lose the investment they put into their homes or be forced to live with the contamination. Why aren't the homeowners being considered?
- 2. Also, this project directly goes against the Wilmington Harbor City Community Plan.** Page 1-4 of our plan specifically states there is a "need to maintain the low-density character of single-family neighborhoods and protect them from other incompatible uses." This property is in an R1 zone. This is reserved for single family homes. The Wilmington Community Profile that can be found within the Community Plan tells us that over 1/3 of our single-family homes in Wilmington are over 75 years old. It also tells us that over another 1/3 of our single-family homes are between 55 -74 years old. This profile within the Community Plan further tells us that Wilmington has less single-family homes than most communities in the city of Los Angeles. We need to preserve are R1 zoning.
- 3. How can we expect our children to return and invest to purchase homes in our community if we have no single- family homes for our children? We need to protect our R1 zones and we do not agree with changing our R1 zones.** Our Community Plan offers a solution on where to build residential and mixed-use development. **The solution is not to pick away at our residential zones but rather to build along our commercial corridors such as Anaheim Street. This project would fit nicely along the Anaheim corridor between Broad Avenue and Alameda.** There would be no need for rezoning of this project in that area.
- 4. We further have concerns with regards to parking and traffic.** At the LINC housings presentation, the LINC spokesperson named Sunny advised the stakeholders that there would be only 19 parking spaces for all 56 units and staff. She informed the stakeholders that 10 of these spaces would be for staff and 1 space would be for the manager. That leaves **8 parking spaces for 55 residents.** Although the address states it will be located on Deepwater, the LINC Spokesperson Sunny advised that the only street that will have access to exit or enter this project is Eubank Avenue. Eubank Avenue is an extremely

narrow street that prohibits any parking as it is part of a commercial truck route that provides access to semi-tractor trailers hauling freight. The closest cross-street is Pacific Coast Hwy which also prohibits parking. There is no strategy whatsoever to address parking or any mitigating measure put in place. The lack of parking within our community has also been duly noted within our Community Plan specifically on page I-4. **This project will only exasperate an already exasperating parking issue.**

5. LINC spokesperson Sunny, also was not transparent during her October presentation with the community. She stated that this project would be strictly for homeless seniors. LINC's own literature tells a different story and states that only 50% of these units will be for seniors. There is no information about who will occupy these other units. Why isn't LINC being transparent with the community?
6. We also would like to note that this project is not aesthetically appealing to the area where the project is proposed. Should this project proceed it will be one of the three largest buildings within our community. The other 2 buildings are the Don Hotel located on Avalon Blvd. and the Best Western Hotel on Pacific Coast Hwy, also in a commercial area. **This behemoth of this project would strip all surrounding residents of their privacy as tenants will be able to peer in the surrounding residents' yards with an unobstructed view.** It will be so large that it will tower over all structures within the immediate vicinity.
7. **As a neighborhood council, it is our duty to advise this agency in the best interest of our stakeholders.** In 2017 the Wilmington Neighborhood Council took official action and filed not one or two community impact statements but three (3) community impact statements opposing Permanent Supporting Housing, Bridge Housing, and Homeless housing of any kind for our community with specific reasons being noted above. Regardless if this housing is needed, we have voiced on behalf of our community stakeholders and have taken action on their behalf and for the long-term effects, so it can be built elsewhere.
8. Additionally, our Councilmember of CD 15 has worked his way around the City Charter to create his own process for community input and hand picking his own working group to collect information on homeless in our community and take official action on those findings. **The Neighborhood council is the official elected body to voice for the stakeholders of our community and take it back to City Council, not some working group compiled of non-profits who advocate for their own agenda, not developers who have their own stake in this and certainly not someone who leads this group and is not even an elected neighborhood council board member but an investor. This is directly against the City Charter and should be considered when allowing developers to come into our community and dictate what will happen in our single family R1 area. Something even Councilmember Joe wouldn't approve for his family.**
9. The large majority of the homeless in this community have been brought here they are not individuals who experienced homelessness while once living here. We have a mission in Wilmington and individuals are dropped here from surrounding non- LA City communities. The officers confirmed this.

Although the Wilmington Neighborhood Council always encourages development within our community, we cannot support this project as the disadvantages and health risks from this project far outweigh the advantages that it will provide our stakeholders.

Respectfully,

*Valerie Contreras*

Valerie Contreras, Chair

The Wilmington Neighborhood Council



Original Date: August 19, 2019  
Revised date: September 18, 2019

**VIA EMAIL**

Mr. Cody Snyder  
LINC Housing Corporation  
3590 Elm Avenue  
Long Beach, CA 90807-3903  
[csnyder@linchousing.org](mailto:csnyder@linchousing.org)

Ms. Connie Chauv  
City of Los Angeles  
Department of City Planning  
200 North Spring Street, Room 720/721  
Los Angeles, CA 90012  
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Division Reference Number: **CSWR ID 1011650**  
Assessor Parcel Number: 7422-023-047  
Project Address: 1424 Deepwater Avenue, Wilmington, CA 90744  
Property Owner: LINC Housing Corporation  
Project Name: LINC Housing Project – Wilmington Apts.

Dear Mr. Snyder, Ms. Chauv, and Mr. Carlin:

The Division of Oil, Gas, and Geothermal Resources' (Division) authority is set forth in Division 3 of the Public Resources Code (PRC), and Title 14 of the California Code of Regulations (CCR). PRC § 3208.1 establishes well reabandonment responsibility when a previously plugged and abandoned well may be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, or geothermal wells.

The Division has received and reviewed the above referenced project application dated June 24, 2019. To assist local permitting agencies, property owners, and developers in

Division Reference Number: **CSWR ID 1011650**  
 Project Name: LINC Housing Project – Wilmington Apts.  
 Revised Date: September 18, 2019

making wise land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides the following well evaluations.

The project is located in Los Angeles county, within the boundaries of the Wilmington oil field. Our records indicate there are seven known oil, gas, or geothermal wells located within the project boundary as identified in the application.

The proposed project is for a housing development with 56 apartment units in one three-story apartment building on an undeveloped lot.

The well listed below is not abandoned to current Division requirements as prescribed by law, and based upon information provided, is projected to be built over or have future access impeded. **The Division expects this well to be abandoned or reabandoned in compliance with current Division requirements prior to development.**

Well	Status
<b>Exxon Mobil Corporation</b> WTU-1812 API no. 03721986	The record review process shows that the subject well is <b>not</b> abandoned consistent with current PRC and CCR as of August 19, 2019.  Based on well records: <ol style="list-style-type: none"> <li>1. Ranger zonal isolation plug is not present (CCR § 1723.1).</li> <li>2. Upper Termina zonal isolation plug is present (CCR § 1723.1).</li> </ol> Note: No well leak test reported.

The wells listed below are abandoned to current Division requirements as prescribed by law, and based upon information provided, are projected to be built over or have future access impeded.

Well	Status
<b>Exxon Mobil Corporation</b> WTU-1810 API no. 03721656	The record review process shows that the subject well is abandoned consistent with current PRC and CCR as of August 19, 2019  Note: No well leak test reported.
<b>Exxon Mobil Corporation</b> WTU-1811 API no. 03721657	The record review process shows that the subject well is abandoned consistent with current PRC and CCR as of August 9, 2019.  Note: No well leak test reported.

Division Reference Number: **CSWR ID 1011650**  
 Project Name: LINC Housing Project – Wilmington Apts.  
 Revised Date: September 18, 2019

<b>Exxon Mobil Corporation</b> WTU-1854 API no. 03722097	The record review process shows that the subject well is abandoned consistent with current PRC and CCR as of August 9, 2019.  Note: No well leak test reported.
<b>Exxon Mobil Corporation</b> WTU-1855 API no. 03722100	The record review process shows that the subject well is abandoned consistent with current PRC and CCR as of August 9, 2019.  Note: No well leak test reported.
<b>Exxon Mobil Corporation</b> WTU-1856 API no. 03722101	The record review process shows that the subject well is abandoned consistent with current PRC and CCR as of August 9, 2019.  Note: No well leak test reported.
<b>Exxon Mobil Corporation</b> WTU-1857 API no. 03722102	The record review process shows that the subject well is abandoned consistent with current PRC and CCR as of August 9, 2019.  Note: No well leak test reported.

**The Division categorically advises against building over, or in any way impeding access to, oil, gas, or geothermal wells.** Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access including, but not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, roadways, and decking. Maintaining sufficient access is considered the ability for a well servicing unit and associated necessary equipment to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure.

There are no guarantees a well abandoned in compliance with current Division requirements will not start leaking in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges wells plugged and abandoned to the most current standards have a lower probability of leaking in the future, however there is no guarantee that such abandonments will not leak.

**The Division advises that all wells identified on the development parcel prior to, or during, development activities be tested for liquid and gas leakage.** Surveyed locations should be provided to the Division in Latitude and Longitude, NAD 83 decimal format. The Division expects any wells found leaking to be reported to it immediately.

*Item 10*

# Oil waste eating away plumbing in contaminated Carousel tract neighborhood, study says

By **SANDY MAZZA** | [sandymazza@hotmail.com](mailto:sandymazza@hotmail.com) |

PUBLISHED: September 16, 2017 at 6:32 pm | UPDATED: September 26, 2017 at 10:56 am

Years of state-led environmental investigations into massive oil contamination at Carson's Carousel tract neighborhood missed a key problem for residents living amid the mess: the sewer pipes under some homes are literally corroded into dust.

Beyond the high cost of replacing sewer lines, the oil-degraded pipelines could present yet another major health concern for residents across the 50-acre community, a new city-commissioned study has found.

"The leaking, degraded, broken sewer pipes can no longer protect the occupants of the home from direct exposure to sewer gases," the report states. "Sewer gases like hydrogen sulfide, for example, are extremely harmful to human health at certain levels. The potentially dangerous and harmful conditions ... need to be addressed presently."

The issue was discovered last year after several residents questioned whether they had stumbled on yet another pollution-related concern when their kitchen sinks backed up.

Plumbers, unable to do anything to clear the lines, put cameras down the pipes and saw complete carnage.

"There was no bottom of the pipe at all," said one plumber, Andrew Velasquez of Rooter-Man. "It was unbelievable."

### **Living amid massive oil pollution**

This issue with sewer pipes is the latest development in a decade-long saga for Carousel tract residents.

Developers of the 285-home community, which borders Wilmington, secretly buried remains of a former Shell Oil tank farm a few feet beneath the homes in the 1960s.

The burial was kept secret until routine testing discovered soil pollution in 2008.

Then, the state's Los Angeles Regional Water Quality Control Board began investigating the extent of the problem and its threat to the health of thousands of residents exposed for decades to higher levels of benzene and other chemicals.

Despite five years of subsequent, extensive testing that included moving residents out of their homes for days to sample for contaminated air vapors, the agency failed to discover the plumbing issue.

However, the issue was moot by the time residents figured out what was happening. The water board's investigation had already closed, and the residents had settled lawsuits for damages against Shell Oil and the developer's owner, Dole Food Co.

### **City opened new investigation**

The new study, commissioned by city officials last year, removed and tested pieces of underground sewer pipes from underneath six homes.

Preliminary investigation results were made public for the first time last week, and the City Council is set to discuss the issue at its Tuesday meeting.

The report confirms just what residents and plumbers thought — the cast-iron sewer pipes are being eaten away as a result of sitting in wet, petroleum-soaked soil.

“Hydrocarbon-impacted soil has, in fact, caused, or has at least contributed to the cause of, premature degradation of cast-iron sewer pipes,” states the report, by HG Cornerstone. “The soil within the Carousel Tract is very tight and exhibits very poor drainage. Also, the concrete foundations for the former crude oil storage tanks left below grade act as a soil-water drainage barrier.”

The cast-iron pipes, it states, should last 100 to 150 years. But, at about 50 years old, some are corroded beyond repair.

Some residents are having their plumbing systems rebuilt at their own expense. Others can't afford the expense of tens of thousands of dollars. It's not clear if they will be reimbursed for the work, though water board officials have said they're paying close attention to the city's investigation.

Shell Oil officials said they are still reviewing the city's report.

“The condition of the soil exposed during our pipe sample excavation and removal work varied from un-noticeably impacted by petroleum hydrocarbons to obviously impacted by petroleum hydrocarbons (staining and odors observed),” the report states.

Tests found that pipes surrounded by moisture and hydrocarbons in the soil were covered with bacteria that can “produce waste products that are able to cause corrosion of cast iron.”

#### **Lengthy soil cleanup**

Since a massive, roughly \$150 million community cleanup began in May 2016, workers have replaced oil-soaked soil in unpaved areas — mostly yards — around a few dozen homes. The water board decided that soil directly beneath homes could be left as-is.

Residents whose properties are being cleaned are moved into hotels, but their neighbors are forced to contend with heavy-duty trucks and strange odors.



Altogether, there are 24 clusters of homes to be partially cleaned, with each cluster containing eight to 10 residences. After a year, the project has just reached the fifth cluster — indicating that the cleanup will continue through 2022.

# Daily Breeze

## Carson's contaminated Carousel tract wins \$120 million settlement

By **SANDY MAZZA** | [sandymazza@hotmail.com](mailto:sandymazza@hotmail.com) |

PUBLISHED: July 23, 2016 at 10:21 pm | UPDATED: September 6, 2017 at 4:59 am

Workers have only just begun removing millions of tons of oil-caked soil left buried for decades in the yards of Carson's Carousel tract, but a long-awaited financial settlement for the pain and suffering of residents likely will be disbursed before Christmas.

The final payout from two companies deemed responsible for the mess will be \$120 million for emotional and physical turmoil, according to an agreement between attorneys reached Friday.

The deal comes after more than a year of legal wrangling between Shell Oil Co., which operated the former oil-tank storage farm on the site, and Dole Food Co., which bought the tract's developer, Barclay Hollander Corp., and was named responsible for cleaning the property by the Los Angeles Regional Water Quality Control Board in 2015.

The board found fault in a contract Barclay Hollander signed in the 1960s with Shell to clean up the oil before building homes. Instead, the company just knocked down old tanks and covered the concrete and waste oil with a few feet of clean dirt, according to court documents.

Shell and Dole are still battling in court over who will ultimately pay for the \$146 million cleanup being done in groups of eight homes at a time and expected to last six years.

Shell, which was ordered to clean the property in 2011 — three years after the underground dump was discovered during routine testing — 7 Comments in late 2014. Hundreds of current and former residents have claimed damages for anxiety, cancerous tumors, asthma, blood disorders and other ailments related to longtime exposure to benzene and other chemicals in petroleum products. On Friday, Dole agreed to pay \$30 million to settle resident claims for emotional and physical damages. At least 95 percent of plaintiffs must sign off on that amount before it can be disbursed, but the agreement clears the way for attorneys to release Shell's \$90 million payout.

"The developer-defendants have agreed to settlement of their claims for additional payment of \$30 million above and beyond" the Shell settlement, said Bob Finnerty, an attorney with the Girardi & Keese law firm, which represents 1,491 current and former residents in the mass tort claim. "I forwarded to the city what I hope to be the final draft of that agreement (Friday). I'm optimistic that they will get money in 90 days."

City Attorney Sunny Soltani was not available for comment on Friday, but she promised residents at a City Council meeting this week to fast-track the process and ensure that they are well-represented. The city joined the lawsuit in 2012, hoping to help speed up the process.

Barbara Post, president of the Carousel Homeowners Association, told Carson council members Tuesday that she's skeptical attorneys will maximize the compensation for residents who have suffered the most.

"There is a distinct distrust of our (Girardi & Keese) attorneys by the Carousel residents," Post said. "We're sharing this (settlement) with

people across the street who have no contamination from Shell Oil, yet we're told we have to give them something.

"So we're sharing this with people who have not gone through what we've gone through, will not be going through what we've gone through. They do not have the same type of illnesses and deaths. They didn't have it oozing up in their yards like we have."

Finnerty said attorneys will take 40 percent of the settlement, which is more than the 33 percent Post said she was originally told.

Once the city signs off on the deal, attorneys can authorize a court-appointed "special master," a retired appellate justice with expertise in mediation and arbitration, to determine how much each plaintiff receives in damages, Finnerty said.

Residents all have to sign off on the additional \$30 million settlement before it can be paid out, but the special master will determine settlement amounts for each person using the full \$120 million figure, Finnerty said.

"We are very happy with our ability to actually get them these settlements in these amounts," Finnerty said.

Individual awards will be decided based on the extent of emotional and physical damage suffered.

However, the ongoing cleanup is still taking its toll, Post said.

In May, work began excavating soil and replacing it with uncontaminated dirt at the first cluster of homes in the tract. Affected residents were relocated to a hotel while a tall green temporary fence walled off the construction work from the rest of the neighborhood. Inside the fence, backhoes removed 5 to 10 feet of dirt, and new soil was trucked in to replace it. Shell is providing landscaping and a new paint job for residents.

But the work, originally expected to take three months per cluster, is running more than a month behind schedule, said Los Angeles Regional Water Quality Control Board spokesman Samuel Unger.

"The water board's major concern is the productivity at this point. The pace of the excavation is taking longer than expected," Unger said. "I think the challenges of working in such a confined space have proven to be more difficult than we anticipated.

"I think an analysis will have to be done after this first cluster is finished. The water board will meet with the responsible parties and the contractors to see what improvement can be made."

Odors and other negative effects have been minimal, though work had to be temporarily stopped at least once when the smell of oil became overpowering.

"I happened to take a peek in there, and I was horrified to see 10 homes dug 5 to 10 feet down right up to their foundation," Post said. "You have no idea the cancer that's in that tract. I started mapping it out and I stopped. I just cried. I thought, I cannot believe this has happened to the Carousel.

"Our latest case of cancer is a 14-year-old girl who spent her birthday in Children's Hospital. They have no insurance. We have other people in the tract who can't make their mortgages or buy medication. They need the money and we need the delays to stop."