

August 13, 2008

U.S. Army Corps of Engineers  
Los Angeles District, c/o Dr. Spencer D. MacNeil  
ATTN: CESPL-RG-2004-00917-SDM  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Dr. Ralph G. Appy, Director Environmental Management Division  
425 S. Palos Verdes Street  
San Pedro, CA 90731

Subject: Comments Submittal for the Draft Supplemental EIR/Subsequent EIS for Pier  
400, Berth 408 Project/Pacific L.A. Marine Terminal LLC

Dear Dr. Appy and Dr. MacNeil,

Thank you for this opportunity to respond to the above referenced DEIR/DEIS for the Pacific L.A. Marine Terminal project. I would like to make the following comments:

**Port Master Plan/Energy Island**

1. The Port of Los Angeles Port Master Plan indicates that Energy Island is to be a re-location site for dry and liquid bulk facilities as a way of protecting nearby communities from the potential dangers associated with hazardous bulk storage. Pier 400 was later built by the Port of Los Angeles to be the Energy Island that is referenced in the Port Master Plan. The Port requested and received Federal funding predicated on the need for re-location in order to protect and preserve public safety. However, the Port never re-located any facilities to Pier 400. Instead, it immediately constructed the Mearsk container terminal. Building this new facility will render it impossible to re-locate any existing bulk facilities as there will be no more space. Currently, there is a fraud case regarding this issue against the Port of Los Angeles and the City of Los Angeles filed by Stanley Mosler. Please review this case and indicate how this project meets the requirements under which the Federal funding was obtained, including an assessment of the amount of acreage dedicated to liquid bulk storage.

**Incompatible Use**

2. The proposed Pacific L.A. Marine Terminal crude oil facility is incompatible with the existing Maersk container terminal. This incompatible land use and all its related safety issues will need to be resolved. Please indicate how this is to be achieved. Please include an analysis of an evacuation plan for Mearsk employees if there is to be an "event" at the proposed project. "Event" meaning leak, breach, explosion, rupture or any other phenomenon to any component of the project, including ships, storage tanks, pipelines, etc. that may cause eminent danger to any human life.

**Disaster Preparedness**

3. The City Controller, Laura N. Chick, recently released a report entitled "Performance Audit of the City of Los Angeles' Emergency Planning Efforts and Citywide Disaster Preparedness." This report is attached. Also attached is a press release from the City Controller's office summarizing some of her findings of pervasive deficiencies as follows:

Each City Department has its own emergency plan and many have not been up-dated in years, are not of high-quality, and don't meet national standards.

Emergency preparedness exercises and training are not well-coordinated or planned and corrective actions are not tracked or followed for implementation.

Administration of about \$200 million in Homeland Security and other public safety grants has been hampered by weak program management, excessive delays in spending the money, and not having an outcome assessment of the overall grant program performance.

The City's collaboration with other government, private and non-profit entities, including the Red Cross, needs to be strengthened.

The proposed project will add to the need for proper and effective emergency preparedness. Yet, clearly, the City and the Port do not have effective programs in place at this time. Please indicate how the Port will protect the community of San Pedro and the region if an "event" is to occur at either of the two locations within the proposed project. This project should not be constructed until the Port and the City can demonstrate that it can properly protect the community of San Pedro, and any effected outlying region, if there is an "event" at any of the components of the proposed project.

#### Evacuation Plan

4. Also, an effective evacuation plan does not exist for the community of San Pedro and its residents. Please indicate how the Port and City will evacuate the citizens of this region and this community if there is to be an "event" at either the Pier 400 site of this proposed project or the storage tank(s) site of this proposed project. Please explain in detail the evacuation plan for the community of San Pedro. Please also evaluate the impact that the proposed Bisno project on Western Avenue will have on any evacuation plan or evacuation efforts. Please include analysis that evaluates the impact of evacuating three cruise ships each containing up to 7,000 people. Please also evaluate the impact that the additional truck traffic on the 110 freeway and its on/off ramps due to the China Shipping expansion project will have on evacuation efforts. Please do the same with the additional traffic brought by the proposed additional cruise terminal and cruise industry activity. This project should not be constructed until the Port and the City can demonstrate that it can properly evacuate the community of San Pedro, and any effected outlying region, if there is an "event" at any of the components of the proposed project. An evacuation plan for the Community of San Pedro must be created as a mitigation measure.

#### Pipeline

5. The pipeline route is excessive and cumbersome. It should be streamlined and redirected under Pier 400. Please evaluate redirecting the pipeline to run under Pier 400 and directly to Terminal Island.

#### Berth Location

6. The berth should be on the East side (Face E) of Pier 400 in order to reduce noise, aesthetic impacts, recreational impacts and air quality impacts to the community and in order to better contain a potential oil spill. Please conduct a co-equal analysis of an East side (Face E) berth location. The potential gains are large enough to warrant this analysis.

#### Purchasing Credits outside of effected area

7. The credits to off-set air pollution should not be purchased for areas outside of the Port. The Port communities are experiencing all of the impacts of the project and should be the recipients of any mitigation. There are wetland opportunities within the Port of Los Angeles that can be remediated. Yet credits were purchased to remediate wetlands in affluent areas outside the Port communities. Please evaluate this practice in terms of environmental justice. Credits should be spent on remediating wetland areas within the Port and the immediately adjacent communities. The Port needs to follow-through on its promise to identify potential wetland restoration areas in the San Pedro Bay so that this can be done. Please assess this opportunity.

#### Cabrillo Beach

8. Cabrillo Beach has an F rating for water quality. Please assess how this proposed project contributes or potentially contributes to the degraded conditions at Cabrillo Beach, including decreased water circulation and potential for oil spills.

#### Air Quality

9. There is a zero baseline in terms of air quality impacts for this proposed project since there is currently no project on the site. All emissions from this operation are additional and feeding into a Federal non-attainment area. The California Air Resources Board has recently established that 24,000 Californians die prematurely every year due to air pollution. This proposed project will increase air emissions and, therefore, increase air pollution. I therefore request the following:

that the Port require the mitigation efforts for the Project as defined in the CAAP and if projected emissions still create residual significant air quality impacts after full application of all feasible mitigation measures, that mitigation measures be required for existing sources in closest proximity to the Project. The mitigations applicable to sources other than the Project provide the opportunity to reduce the residual emissions to below significant levels on a port-wide basis. The Port and the Corps of Engineers has the capability and the responsibility to require the application of currently available mitigations such that the impacts to air quality can be reduced to a level that will not require application of Overriding Considerations.

The proposed project includes a 30 year lease and 30 months of construction, during which time 720,000 Californians will die prematurely due to air pollution using the most recent CARB statistics. Considering the magnitude of this project and the substantial emissions from tanker ships, some of these deaths will be attributed to this project. This finding must be fully and candidly evaluated.

#### AMP Schedule

10. The Alternative Marine Power (AMP) schedule is too sluggish and needs to be improved. A more appropriate schedule would be:

By end of year 2 of operations – 50%

By end of year 3 of operations – 75%

By end of year 5 of operations – 100%

#### Aesthetics

11. Their DEIR indicates that there is no aesthetic impact. This finding is false and needs to be re-evaluated. The DEIR made this finding based on the false premise that the existing berth has a visiting ship approximately 3 times per year and that this is somehow aesthetically equivalent to having a much larger ship berth at that same location almost every day of the year. A more appropriate evaluation is necessary. Large Tanker ships are viewed by many as ominous and provide an unpleasant background in which enjoy the beach, recreate, enjoy views, etc.. Furthermore, the initial creation of Pier 400 was done without any mitigation for aesthetics and no finding of aesthetic impact. This outrageous “rob” of the community needs to be rectified and it should be done under this project.

Where impacts are downplayed due to the currently degraded nature of views, views have been degraded by other port activities. The Pacific L.A. Marine Terminal project would contribute to cumulative impacts from other past and present projects.

The restrictive standard for determination of impacts will set a precedent for evaluation of impacts for other, future projects which will also contribute to cumulative impacts. We are also concerned that declaring impacts to be insignificant when the community finds the same impacts to be significant and adverse reduces the possibility that any such impacts will ever be mitigated.

#### Recreational Use

12. The creation of Pier 400 reduced Recreational Use within the Harbor. This area was heavily used by recreational boaters. Yet, the loss of this recreational use due to the creation of Pier 400 was never mitigated. The loss of recreational use and its effect on the community needs to be mitigated and it should be done so through this project, since this project is sited at Pier 400.

#### 13. Property Values

The EIS/EIR ignores the fact that as a result of decades of Port activity, property values especially in Wilmington and "near Port" areas of San Pedro have long-term been much lower than those in communities by the sea but without the Port nearby. It also ignores the much slower rise in values in recent years vs. other ocean communities. Additionally of course we are at present in a period of dramatically dropping prices (never mind merely "stagnant"). We assert that this project *will* adversely affect property values in this area. Few people want to live near a giant hazardous liquid bulk facility operating all hours of the day and night. Please see attached: Median Home Sales Prices Coastal Los Angeles County.

As the results of studies such as those of the CARB and AQMD, there will be fewer buyers interested in buying a home in "The Diesel Death Zone". This DEIS/EIR admits it will make this situation worse even with all mitigation measures in place. I request that SCAQMD's Draft Report MATES-III Jan 2008 (and subsequent Final Report) be made a part of the administrative record on this matter. Please see attached : Median Home Sales Prices Coastal Los Angel County.

#### Environmental Justice

14. Blight as a long term result of Port and Port related activities both on and off Port land does exist in the communities of Wilmington and San Pedro. This was described in a document titled "Review of Previous Environmental Documents" August 24, 2004 which was presented to PCAC and BOHC from this committee. The central finding was that "*A substantial backlog exists of unmitigated impacts especially on air quality, traffic, and off port community impacts (Blight).*" [Italics in the original.] The document identified some factors contributing to this. Please include this document in the Administrative Record on this matter

## Socioeconomics

15. The issue of externalized costs that will be attributable to this project must be evaluated. These costs come in the form of added healthcare costs for those who will unavoidably be made to become sick or die as a result of the additional pollution the project will create. Additionally, externalized costs will occur due to increased potential for hazards and increased need for homeland security. These must be evaluated.

### Overriding Considerations:

I have great concern over the possible use of Overriding Considerations by the BOHC to grant approval for this project despite the significant unavoidable adverse effects identified in the EIS/EIR. If this is the case, then an analysis of project benefits— such as direct and indirect employment – will need to be balanced by an equally comprehensive analysis of project costs. Costs include:

1. Costs born by the public due to impacts on health, in both dollars and quality of life
2. Costs born by the public for infrastructure
3. Costs born by the public for homeland security
4. Costs born by local business to balance emissions created by port activities
5. Job loss as businesses leave the region due to congestion and/or emissions restrictions

Identification and consideration of these costs are necessary for the public and decision-makers to make an informed decision about the proposed project.

The enormous healthcare costs that we have all learned are being created by diesel exhaust air pollution are not analyzed. As the region's largest single source of air pollution, activities associated with the twin Ports are responsible for 21 to 25% of the total air pollution in the South Coast Air Basin. Recently the CARB has tripled its estimate of the number of annual deaths statewide due to air pollution. A recent L.A. Times article was headlined "Up to 24,000 deaths per year in California are linked to Air Pollution" with the lead-in line of "New research finds rates of heart attacks, strokes and other serious disease increase exponentially after exposure to even slightly higher amounts of particulate matter" (*L.A. Times* article 5/22/08).

We assert that this region is most likely disproportionately represented in that horrifying annual death toll. We do live in the area with the nation's worst air quality. We further assert that this project will increase that death toll through the pollution it will unavoidably create. Further consistent with the principle that the polluter pays for the damages they cause, it is time for this and all Port related pollution sources to pay for the externalized health care costs they have created.

A complete analysis cannot include direct and indirect benefits (including benefits generated "off-port"), without also including direct and indirect (externalized) costs generated by port growth and port pollution.

We call for a study to be done by an independent, credible third party institution that fairly compares the positive effects of this (and all other ) Port projects versus the less well recognized negative effects such as premature death and health care costs. Absent such a study, any findings regarding economic benefits would be arbitrary and capricious.

#### The EIR Process

17. I am concerned about any environmental review process in which the Lead Agency, the Sponsoring Agency, the Reviewing Agency, and the Approving Agency (via BOHC) are all the same as is the case once again with this project. No matter what the merits of a project may be, this situation builds in conflicts of interest directly into the CEQA process.

#### TraPac MOU Adjustment

18. The EIR/EIS requires revision to incorporate the mitigations required in the recent TraPac EIR/EIS Memorandum of Understanding established through Settlement with the Claimants to the TraPac EIR/EIS.

#### Conclusion

19. The Community of San Pedro bears a disproportionate burden of impacts to health and quality of life for the benefit of the State. More mitigation and give-back to the community needs to occur in order create better parity. Community members are becoming sick and some are dying due to the effects of air pollution generated from the Port of Los Angeles. This project will add to the already overwhelming and deadly air pollution. Additionally, this project contains significant adverse impacts that further degrade the quality of life for area residents. We can not approve of a project that adds to the already deadly air quality impacts and further puts the community at risk of hazardous explosions and spills, especially in the face of deficient disaster preparedness procedures and the lack of a comprehensive and effective evacuation plan for the residents of the community of San Pedro.

It has been indicated to us that this project can be retrofitted to an LNG facility. This should never be done.

This letter contains, in part, language from the PCAC EIR/Aesthetic Mitigation subcommittee, of which I am a co-author and co-signator. I submit these comments as an individual.

Respectfully,



Kathleen Woodfield  
San Pedro Resident  
P.O. Box 1106  
San Pedro, California 90733



John Miller, M.D. FACEP  
San Pedro Resident  
P.O. Box 1106  
San Pedro, California 90733

**Attachments:**

**Median Home Sales Prices Coastal Los Angeles County**

**Performance Audit of the City of Los Angeles' Emergency Planning Efforts**

**And Citywide Disaster Preparedness – prepared by Laura N. Chick**

**Press Release prepared by the office of Laura N. Chick**

**L.A. Times Article: Up to 24,000 Deaths a year in California area**

**Linked to air pollution, May 22, 2008, Janet Wilson**

**Methodology for Estimating Premature Deaths Associated with Long-term**

**Exposures to Fine Airborne Particulate Matter in California, CAL EPA/CARB**

**Median Home Sales Prices  
Coastal Los Angeles County**

City	Zip Code	2003 median	2007 median
Long Beach, port area	90813	\$199,000	\$420,000
Wilmington	90744	\$248,000	\$459,000
Long Beach, port area	90802	\$275,000	\$420,000
San Pedro	90731	\$362,000	<b>\$567,000</b>
	90732	\$470,000	<b>\$680,000</b>
Redondo Beach	90277	\$535,000	\$1,097,000
El Segundo	90245	\$557,000	\$850,000
Venice	90291	\$615,000	<b>\$1,050,000</b>
Long Beach south coast	90803	\$653,000	\$965,000
Rancho Palos Verdes	90275	\$775,000	<b>\$1,132,000</b>
Hermosa Beach	90254	\$779,000	\$1,199,000
	90405	\$783,000	\$1,275,000
Playa del Rey	90293	\$790,000	\$1,185,000
Marina del Rey	90292	\$908,000	\$1,500,000
	90403	\$1,035,000	\$1,489,000
Palos Verdes Penninsula	90274	\$1,050,000	\$1,450,000
Manhattan Beach	90266	\$1,050,000	\$1,625,000
Malibu	90265	\$1,305,000	\$2,176,000
Pacific Palisades	90272	\$1,328,000	\$1,985,000
cp	90402	\$1,510,000	\$2,725,000
Santa Monica	90401	\$1,845,000	\$2,125,000
<b>LA County</b>		<b>\$330,000</b>	<b>\$560,000</b>

Source: Dataquick Information Systems

# NEWS FROM

## CITY CONTROLLER

### LAURA CHICK

City Hall East, Room 300, 200 N. Main St., Los Angeles, CA 90012

**FOR IMMEDIATE RELEASE**

**Monday, July 14, 2008**

#### **CHICK FINDS DEFICIENCIES IN AUDIT OF CITY'S** **DISASTER PREPAREDNESS**

Los Angeles-- City Controller Laura Chick has found that the City lacks key components in its emergency and disaster preparedness

"The City of Los Angeles certainly has suffered from its share of natural disasters, such as earthquakes, fires and flash floods. Unfortunately, since 2001, we also know that terrorist attacks are now additional potential man-made disasters. It is only a matter of time before we face the next large-scale emergency and we must be better prepared than we are now," said Chick, who released an audit of the City's emergency planning efforts and disaster preparedness.

"This audit was conducted to ask and answer the question: Is the City of Los Angeles well-prepared for a major emergency? How can we say the City is well-prepared when it doesn't even have an overarching strategy that coordinates all the necessary pieces for a disaster recovery plan? How can we say the City is prepared when there is no follow-through to correct problems that are identified during training exercises?," said Chick.

"With an utterance of a code word, the City's emergency plans should click inside the City as well as coordinate with leaders in the residential and business communities and key non-profits such as the Red Cross. To date, there is no integrated, comprehensive strategy that accomplishes this," said Chick.

The Chick Disaster Preparedness Report found the following deficiencies in the City:

- 1 Each City Department has its own emergency plan and many have not been updated in years, are not of high-quality, and don't meet national standards.
- 2 Emergency preparedness exercises and training are not well-coordinated or planned and corrective actions are not tracked or followed for implementation.

-more-

- 3 Administration of about \$200 million in Homeland Security and other public safety grants has been hampered by weak program management, excessive delays in spending the money, and not having an outcome assessment of the overall grant program performance.
- 4 The City's collaboration with other government, private and non-profit entities, including the Red Cross, needs to be strengthened.

"While a 2006 National Peer Review on plan sufficiency found Los Angeles at the top of State and national cities, it also made numerous recommendations for needed improvement. The City still has not implemented many of those recommendations," said Chick.

"An essential role of government is to ensure the safety of its residents. Being prepared for a major emergency is paramount to providing that protection. It is now up to us, the elected leadership of Los Angeles, to take swift and effective action to ensure that we are absolutely ready to meet any emergency or disaster that may come our way," concluded Chick.

The Chick Disaster Preparedness Report can be accessed on her web-site at [www.lacity.org/ctr](http://www.lacity.org/ctr).

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Californians exposed to high levels of fine particulates had their lives cut short on average by 10 years, researchers found

particulate pollution, triple the previous official estimate of 8,200, according to state researchers. The revised figures are based on a review of new research across the nation about the hazards posed by microscopic particles, which sink deep into the lungs

"Our report concludes these particles are 70% more dangerous than previously thought, based on several major studies that have occurred in the last five years," said Bart Croes, chief researcher for the California Air Resources Board. Croes will present his findings at a board meeting in Fresno this morning.

The studies, including one by USC tracking 23,000 people in greater Los Angeles, and another by the American Cancer Society monitoring 300,000 people across the United States, have found rates of heart attacks, strokes and other serious disease increase exponentially after exposure to even slightly higher amounts of metal or dust. It is difficult to attribute individual deaths to particulate pollution, Croes conceded, but he said long-term studies that account for smoking, obesity and other risks have increasingly zeroed in on fine particulate pollution as a killer.

"There's no death certificate that says specifically someone died of air pollution, but cities with higher rates of air pollution have much greater rates of death from cardiovascular diseases," he said.

Californians exposed to high levels of fine particulates had their lives cut short on average by 10 years, the board staff found. Researchers also found that when particulates are cut even temporarily, death rates fall. "When Dublin imposed a coal ban, when Hong Kong imposed reductions in sulfur dioxide, when there was a steel mill strike in Utah... they saw immediate reductions in deaths," Croes said.

More measures will be needed, air board officials said, including eventually lowering the maximum permissible levels of soot statewide. California already has the lowest thresholds in the world, at 12 micrograms per cubic meter, but researchers say no safe level of exposure has been found. More regulations are being drafted, including one requiring cleaner heavy-duty trucks.

"We must work even harder to cut short these life-shortening emissions," Air Resources Board Chairwoman Mary Nichols said in a statement.

## Up to 24,000 deaths a year in California are linked to air pollution

New research finds rates of heart attacks, strokes and other serious disease increase exponentially after exposure to even slightly higher amounts of particulate matter.

By Janet Wilson, Los Angeles Times Staff Writer  
May 22, 2008

As many as 24,000 deaths annually in California are linked to chronic exposure to fine

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Clean air advocates said they would be watching closely.

"These numbers are shocking; they're incredible," said Tim Carmichael, senior policy director for the Coalition for Clean Air, a statewide group. He and others said the board must strengthen a soot clean-up plan submitted to them by the San Joaquin Valley Air Pollution Control District. A hearing and vote on the plan is scheduled for today.

Numerous Central Valley public health groups wrote Nichols this week, urging bans on the use of industrial equipment on bad air days, tougher controls on boilers and crop drying equipment, and other action. The economic cost attributed to premature deaths and illnesses linked to particulate exposure in the Central Valley has been estimated at \$3 billion a year, and \$70 billion statewide, according to separate studies. Those figure are expected to be revised upward based on the new report.

janet.wilson@latimes.com



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once-dead yard into an oasis for their family, their 15 animals and 60,000 bees.



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