

## Appendix A2

### 2018 NOP and NOP Responses

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## NOTICE OF PREPARATION

**To:** Interested Persons

**From:** City of Rancho Palos Verdes  
Community Development Department  
30940 Hawthorne Blvd.  
Rancho Palos Verdes, California 90275-5391  
310-544-5228 or [planning@rpvca.gov](mailto:planning@rpvca.gov)

**Subject:** **Notice of Preparation of an Environmental Impact Report (EIR) pursuant to the Requirements of the California Environmental Quality Act (CEQA) for proposed code amendments to Exception "P" of Title 15.20.040 (Landslide Moratorium Ordinance) of the Rancho Palos Verdes Municipal Code pertaining to Zone 2**

The City of Rancho Palos Verdes originally prepared and circulated a Draft Environmental Impact Report (EIR) for the project identified below in 2012. The purpose of this Notice of Preparation is to inform those interested that as the CEQA Lead Agency, the City of Rancho Palos Verdes will recirculate an updated Draft EIR for this project. The recirculated updated Draft EIR will cover the same environmental issue areas that were previously analyzed in the original Draft EIR circulated in 2012. However, the recirculated Draft EIR will be updated with applicable data that is new or has changed since circulation in 2012, as well as pertinent information provided in comments received on the original Draft EIR. The project description has not changed since the City originally circulated the Draft EIR in 2012. We need to know the views of you or your agency as to the scope and content of the environmental information which is germane to you or your agency's statutory responsibilities in connection with the proposed project, particular with regards to new or updated information.

**Project Title:** Proposed Code Amendments to Exception "P" of Title 15.20.040 (Landslide Moratorium Ordinance) of the Rancho Palos Verdes Municipal Code pertaining to Zone 2

**Location:** The proposed code amendment would apply to the approximately 112-acre "Zone 2 Landslide Moratorium Ordinance" area, located north of the intersection of Palos Verdes Drive South and Narcissa Drive in the Portuguese Bend area of the Palos Verdes Peninsula, within the City of Rancho Palos Verdes, County of Los Angeles, California. The Zone 2 area, located on the hills above the south-central coastline of the City, is within the City's larger (approximately 1,200-acre) Landslide Moratorium Area (LMA). Zone 2 consists of 111 individual lots, of which 69 lots have been developed with residential structures (includes 5 Monks Plaintiffs' lots), 11 lots have obtained Planning entitlements for development (via Exception "P") and 31 lots remain undeveloped. These latter 31 lots is the focus of the recirculated EIR, consistent with the focus in the original EIR circulated in 2012.

**Project Description:** The project description, presented below, has not changed since the City of Rancho Palos Verdes circulated the original Draft EIR in 2012.

Landslide Moratorium Ordinance Revisions. Section 15.20.040 of the Rancho Palos Verdes Municipal Code establishes the process for requesting exceptions to the existing moratorium on "the filing, processing, approval or issuance of building, grading or other permits" within the existing LMA. The proposed code amendment to the City's Landslide Moratorium Ordinance would revise existing Exception "P" to allow for the future submittal of Landslide Moratorium Exception (LME) applications for 31 undeveloped or underdeveloped lots within Zone 2. It should be noted that the granting of an LME does not constitute approval of a specific project request, but simply grants the property owner the ability to submit the appropriate application(s) for consideration of a specific project request.



Future Development Potential. The potential granting of up to 31 LME requests under the proposed ordinance revisions would permit individual property owners to then apply for individual entitlements to develop their lots. The undeveloped lots within Zone 2 are held in multiple private ownerships so the timing and scope of future development is not known. For the purposes of the EIR, it will be assumed that development would occur over a period of at least 10 years from adoption of the ordinance revisions in a manner consistent with the private architectural standards adopted by the Portuguese Bend Community Association and the City's underlying RS-1 and RS-2 zoning regulations. Therefore, the future development assumptions for Zone 2 include the following:

- Thirty-one single-story, ranch-style residences with attached or detached three-car garages, with minimum living area of 1,500 square feet and maximum living area of 4,000 square feet or 15% of gross lot area, whichever is less;
- Less than 1,000 cubic yards of grading (cut and fill combined) per lot, with no more than 50 cubic yards of imported fill and up to a 1,000 cubic yards of export per lot;
- Maximum 25% (RS-1) or 40% (RS-2) net lot coverage;
- Maximum building height of 16 feet for residences and 12 feet for detached accessory structures;
- Minimum front setbacks of 20 feet, minimum rear setbacks of 15 feet, minimum street-side setbacks of 10 feet, and minimum interior side setbacks of five feet, with setbacks along private street rights-of-way measured from the easement line rather than the property line; and
- No subdivision of existing lots within Zone 2.

The recirculated updated Draft EIR will cover the same environmental issues areas that were previously analyzed in the original Draft EIR that was circulated in 2012. These issue areas include:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Fire Protection
- Hydrology and Water Quality
- Noise
- Traffic
- Utilities and Service Systems

You are receiving this notice since City records indicate that you are an interested person or agency, or own property within a 500-foot radius of the project area. If you wish to provide comments on the scope and content of the EIR, please submit your comments to:

Octavio Silva,  
Senior Planner  
City of Rancho Palos Verdes, Planning Division  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275  
Phone: (310) 544-5234  
Email: [Octavios@rpvca.gov](mailto:Octavios@rpvca.gov)

Due to the time limits mandated by State law, written comments on the scope and content of the EIR must be sent no later than 30 days after receipt of this notice, or by December 12, 2018. **Please note that City Hall offices will be closed on November 12<sup>th</sup> in observance of Veteran's Day, and November 22<sup>nd</sup> and November 23<sup>rd</sup> in observance of Thanksgiving.** Responsible agencies are requested to indicate their statutory responsibilities in connection with this project when responding.



Please contact Mr. Octavio Silva at 310-544-5234 or via e-mail at [Octavios@rpvca.gov](mailto:Octavios@rpvca.gov) for further information.

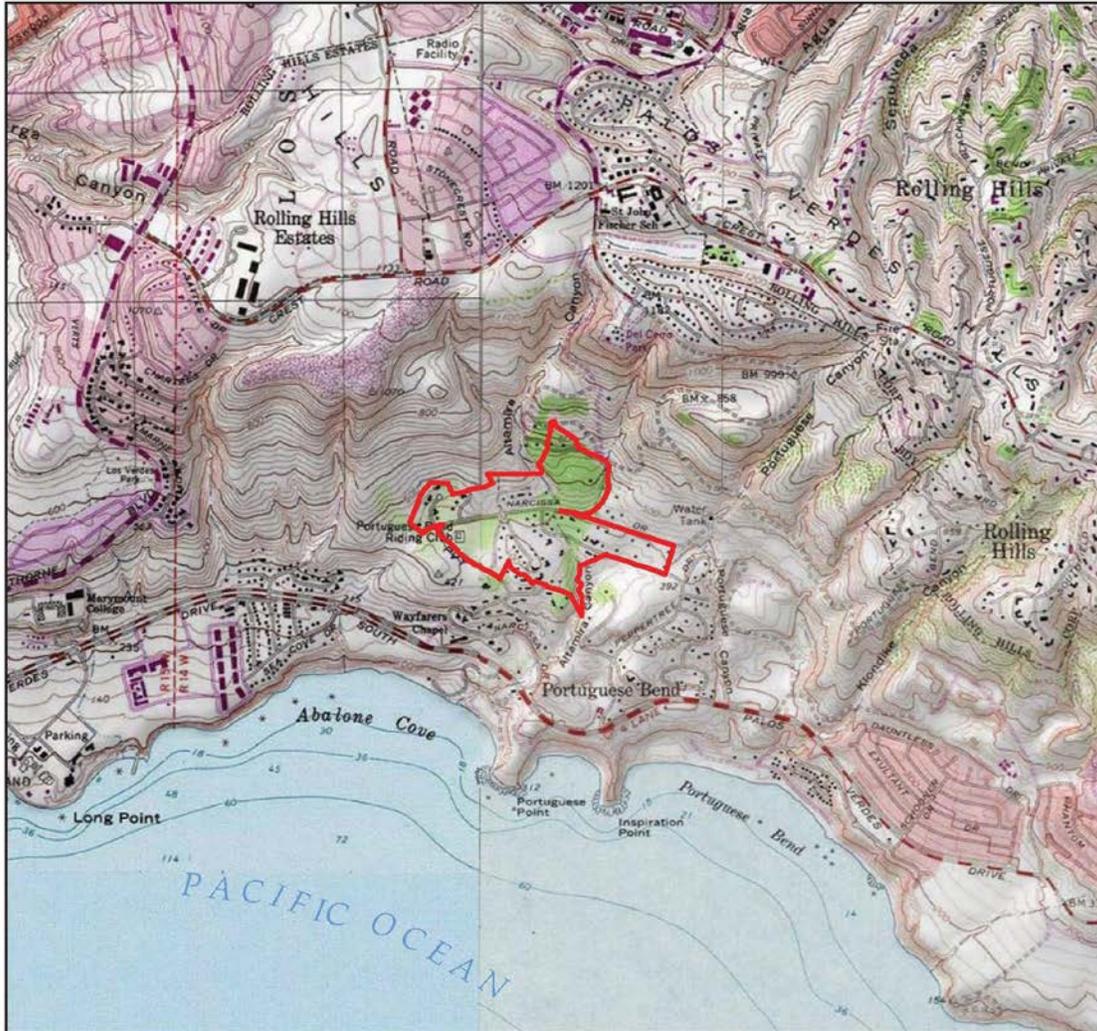
Date: November 8, 2018

Signature \_\_\_\_\_

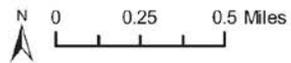
Name and Title: Ara Mihranian, Director of Community  
Development



# RANCHO PALOS VERDES



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★ Project Location



## Project Location Map

Zone 2 Landslide Moratorium Ordinance Revisions



U. S. Fish and Wildlife Service  
Carlsbad Fish and Wildlife Office  
2177 Salk Avenue, Suite 250  
Carlsbad, California 92008  
(760) 431-9440  
FAX (760) 431-9624



California Department of Fish and Wildlife  
South Coast Region  
3883 Ruffin Road  
San Diego, California 92123  
(858) 467-4201  
FAX (858) 467-4239

In Reply Refer To:  
FWS/CDFW-19B0053-19CPA0065

December 13, 2018

Octavio Silva, Senior Planner  
City of Rancho Palos Verdes  
Planning Division  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, California 90275

Subject: Comments on the Notice of Preparation of an Environmental Impact Report (EIR) for proposed code amendments to Exception "P" of Title 15.20.040 (Landslide Moratorium Ordinance) of the Rancho Palos Verdes Municipal Code pertaining to Zone 2

Dear Mr. Silva,

The U.S Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the above-referenced Notice of Preparation (NOP) dated November 8, 2018. The project details provided herein are based on the information provided in the NOP and associated documents.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act (Act) of 1973, as amended (16 U.S.C. *1531 et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1)(B) of the Act. The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§ 15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA; Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of Rancho Palos Verdes (City) is currently participating in the NCCP program through the preparation of a draft NCCP/HCP Subarea Plan (NCCP/HCP) that was submitted to the Federal Register on October 31, 2018.

The proposed amendments to Exception "P" of Title 15.20.040 (Landslide Moratorium Ordinance) of the Rancho Palos Verdes Municipal Code pertaining to Zone 2 (Project) would apply to the 112-acre Zone 2 Landslide Moratorium Area (LMA) located in the Portuguese Bend area of the City. The amendments would allow for future submittal of Landslide Moratorium Exception (LME) applications for an additional 31 undeveloped or underdeveloped lots within Zone 2 of the LMA. Currently, these lots are not eligible to submit an LME application under Exception "P". The City intends to update and recirculate the Draft EIR (DEIR) that was originally prepared in 2012 for this Project. The Wildlife Agencies offer the following comments and recommendations to assist the City in their update of the DEIR and to ensure the Project is consistent with ongoing regional habitat conservation planning efforts.

1. The Wildlife Agencies recommend the City include information in the updated DEIR on the current status of the updated NCCP/HCP, including reference to the City Council's review and approval in March 2018 and submittal to the Federal Register on October 31, 2018; make all appropriate changes to existing NCCP/HCP references in the DEIR; and include any new applicable NCCP/HCP references or references to associated documents. In addition, the City should ensure all habitat impacts associated with future development of the subject parcels will be tracked in accordance with the requirements of the NCCP/HCP (NCCP/HCP Section 9.0).
2. Since the completion of the original DEIR, new monitoring data for NCCP/HCP covered species has been collected as part of the mandatory monitoring requirements of the NCCP/HCP. We recommend the City utilize these monitoring reports when updating the occurrence information for biological resources present in, or adjacent to, the Project area. This would include referencing the most recent survey results for coastal California gnatcatcher (*Polioptila californica californica*) and cactus wren (*Campylorhynchus brunneicapillus*) as reported in "Palos Verdes Nature Preserve Survey for the California Gnatcatcher and the Cactus Wren" (Cooper 2018).

We appreciate the opportunity to comment on this NOP and look forward to continuing to work with the City to finalize and successfully implement the NCCP/HCP. If you have questions or comments regarding this letter, please contact Eric Porter of the Service (760) 431-9440 extension 285 or Kyle Rice of the Department at (858) 467 4250.

Sincerely,



For Karen Goebel  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service

Gail K. Sevrens  
Environmental Program Manager  
California Department of Fish and Wildlife

cc: State Clearinghouse

Ara Mhuranian (City of Rancho Palos Verdes)  
[AraM@rpvca.gov](mailto:AraM@rpvca.gov)

Reference

Cooper, D. S. 2018. "Palos Verdes Nature Preserve Survey for the California Gnatcatcher and the Cactus Wren, Final Report." Prepared for Palos Verdes Peninsula Land Conservancy August 9, 2018.



COOPER ECOLOGICAL MONITORING, INC.  
EIN 72-1598095  
DANIEL S. COOPER, PRESIDENT  
255 SATINWOOD AVE  
OAK PARK, CA 91377  
(323) 397-3562; DAN@COOPERECOLOGICAL.COM

Stacey Love  
Recovery Permit Coordinator  
USFWS  
2177 Salk Ave., Suite 250  
Carlsbad, CA 92008

August 9, 2018

Ms. Love,

I certify that the information in this survey report and attached exhibits fully and accurately represents my work.

Daniel S. Cooper  
President, CEM, Inc.  
USFWS Permit #TE 100008-3

Palos Verdes Nature Preserve Survey for the California Gnatcatcher and the  
Cactus Wren  
Palos Verdes Peninsula Land Conservancy  
Los Angeles County

2018  
Final Report



San Ramon Reserve, Palos Verdes Peninsula, Feb. 17, 2018

This image is illustrative of the challenging conditions for the two focal bird species, showing essentially no foliage on the native shrubs (*Encelia californica* in the foreground), no forbs along footpaths and between shrubs, and dried weeds from 2016-17 (here *Brassica nigra*) overtopping the remaining cactus patches

Photo by Daniel S. Cooper

*Prepared by:*  
Daniel S. Cooper  
Cooper Ecological Monitoring, Inc.  
255 Satinwood Ave.  
Oak Park, CA 91377

*Prepared for:*  
Palos Verdes Peninsula Land Conservancy  
916 Silver Spur Rd., Suite 207  
Rolling Hills Estates, CA 90274

August 9, 2018

## Introduction and Summary

We report on a single-season survey of two sensitive bird species, the (coastal) California gnatcatcher *Poliophtila californica californica* (Federally Threatened) and the coastal-slope population of the cactus wren *Campylorhynchus brunneicapillus* (formerly a Candidate for federal listing; now treated as a California Bird Species of Special Concern<sup>1</sup>) on the Palos Verdes peninsula in 2018. Our study area extended across nine reserves covering a combined 1,225 acres managed by the Palos Verdes Peninsula Land Conservancy (Figures 1a and 1b). Our survey may be compared with previous surveys for these two birds conducted at most of the same sites in 2006, 2009, 2012 and 2015 (Dudek 2007, Hamilton 2009, CEM 2013, CEM 2015), as well as with more limited surveys conducted at various locations on the peninsula since 2010 (e.g., CEM 2011, 2013, and 2014).

For 2018, we estimate 19 territories of California gnatcatcher this year, and just five territories of cactus wren. Compared with previous surveys, the estimate of California gnatcatcher territories for 2018 is down by roughly half, and for cactus wrens is down roughly 75%. This unprecedented drop is extremely alarming, particularly for cactus wren, which may not survive many more years. Both California gnatcatcher and cactus wren were present together at three reserves early in the year, but only at two reserves, Three Sisters/Filiorum, by late spring (vs. five reserves in 2015). The California gnatcatcher was absent (or presumed absent) at two (vs. one in 2015), and the Cactus wren absent at seven of the nine reserves<sup>2</sup>; and unlike in prior years, neither focal species was detected at Agua Amarga Reserve. We attribute these declines to the combination of prolonged drought, cold/wet spring conditions in 2018, the continued degradation of native scrub habitat through growth in invasive shrubs, and an increase in local predators. However, it is not clear which of these factors is driving the decline, nor is it clear that any change in (human) management of the habitat would be able to reverse it.

## Methods

We conducted targeted surveys for the California gnatcatcher and the cactus wren on 19 days to eight of nine reserves managed by Palos Verdes Peninsula Land Conservancy (collectively known as the Palos Verdes Nature Preserve) at the southwestern tip of the Palos Verdes peninsula (Table 1; Figures 1a, 1b) between 17 Feb. and 13 June 2018 (Tables 1 and 2). More than one site was visited on most days, for a total of c. 47 survey hours (Table 2). We used a two-visit protocol, with surveys spread at least one week apart, with one early-

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<sup>1</sup> In 2008, coastal populations of the cactus wren north of southern Orange County were deemed distinct from those in southern Orange County (termed *C. b. sandiegensis*) by the most recent publication of California Bird Species of Special Concern (Shuford and Gardali 2008). However, this view is not widely held within the ornithological community, and due to their extreme isolation and a life history that is essentially identical with coastal-slope populations to the south into San Diego County, we, as well as regulatory agencies like the Calif. Dept. of Fish and Game (CDFG; L. Comrack, pers. comm., April 2008), treat the Palos Verdes birds as a sensitive species under state law. In addition, CDFG requires that all playback surveys for the cactus wren in coastal-slope Los Angeles Co. (and Ventura Co.) be conducted under a Memorandum of Understanding reserved for special-status species.

<sup>2</sup> We elected not to survey Vista del Norte in 2018; we have not detected either target species in the 10+ years of focal surveys on the peninsula, and there are no verifiable records of either from this reserve (e.g., [www.ebird.org](http://www.ebird.org)), and virtually no coastal sage scrub.

season visit from late Feb. to early April (“Round 1”) and one late-season visit during mid-May to mid-June (“Round 2”)<sup>3</sup>. Data from a popular online bird sighting reporting platform (eBird; [www.ebird.org](http://www.ebird.org)) were incorporated into our analysis, as applicable, since many of the reserves were visited by competent birders during the same survey windows.

Following established protocol for California gnatcatcher surveys (USFWS 1997), visits were made between 6:00 a.m. and noon, typically beginning late morning when ambient morning temperatures were above (or were predicted to rise above) 55 degrees F. Surveys were not conducted under extreme weather (temperature, wind) conditions. Taped vocalizations of each species were employed on all surveys, as outlined in guidelines provided by PVPLC and approved by U.S. Fish and Wildlife Service/Department of Fish and Game (“7.3.2 Animal Species Monitoring”). A “zigzag” walking route was used to cover each reserve, following as closely to the most recent (2009) survey as possible (Appendix A). No more than 80 acres of coastal sage scrub was surveyed on any single day, following USFWS (1997) guidelines. The survey routes used in 2018 were intended to follow those used by previous surveyors (Dudek 2007, Hamilton 2009, etc.), though portions of several reserves contained only scattered patches of coastal sage scrub, or had inaccessible areas that could not be reached during the survey; these were generally skipped in 2018 to focus most efficiently on prime coastal sage scrub and cactus habitat within the preserve network, as was done in prior years (Appendix A).

Most surveys were carried out by Daniel S. Cooper (TE 100008-3; SC-10615), assisted by Robert A. Hamilton (TE 799557). Both Cooper and Hamilton have extensive experience with California gnatcatcher surveys throughout Los Angeles and other counties, and have conducted similar target bird surveys at the Portuguese Bend Reserve in prior years for the Palos Verdes Peninsula Land Conservancy.

In addition to recording aural detections of both species, visual scans (using Leica 8x42 Ultravid binoculars) were made of all cactus habitat for cactus wren nests, and sightings of the brown-headed cowbird (*Molothrus ater*), a known parasite of songbird nests, as well as other sensitive species were noted. Basic weather conditions were observed at the start and end of each visit (Table 2). All observations of the two target species were recorded directly onto aerial photographs, with special attention paid to documenting the number and breeding/territorial status of each in notes. For each sighting of a target species, we recorded:

- Date and start time of sighting (sightings were typically very brief, so stop times were typically not recorded unless more than a few seconds);
- Sex/age of individual(s) (if known);
- Banding information (color-banded, metal-banded, etc.);
- Habitat type where found (only if not coastal sage scrub for California gnatcatcher or cactus scrub for cactus wren);
- Number of birds associated with individual (e.g., family group, pair, etc.); and
- Breeding activity observed

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<sup>3</sup> The 2006 preserve-wide surveys had used a 3-visit protocol; a reduction in effort for 2009 and 2012 was made per the NCCP guidelines for RPV.

Locations of all target/special-interest species were transferred from field maps onto Google Earth maps and converted to digital files (.kmz). These are presented in Appendix B.

From these sightings, we estimated the number of territories for each reserve, cognizant that two visits were insufficient to provide a confident estimate of either territory boundaries. Therefore, our territory numbers should be treated as rough approximations, rather than indications of actual population estimates. To allow for the most useful comparisons with prior surveys, we follow Hamilton's (2009) definition of a "territory" to include any discrete location where a territorial bird (male, in the case of the gnatcatcher) or pair was present on at least one visit. Locations where we detected an unmated adult bird of either species, or juvenile(s) of either species away from adults, were not considered "territories". In mapping locations of birds, we noted movements with arrows on our field maps, but mapped only the site of initial detection on the digital maps (otherwise, they would be nearly impossible to read, particularly given multiple visits).

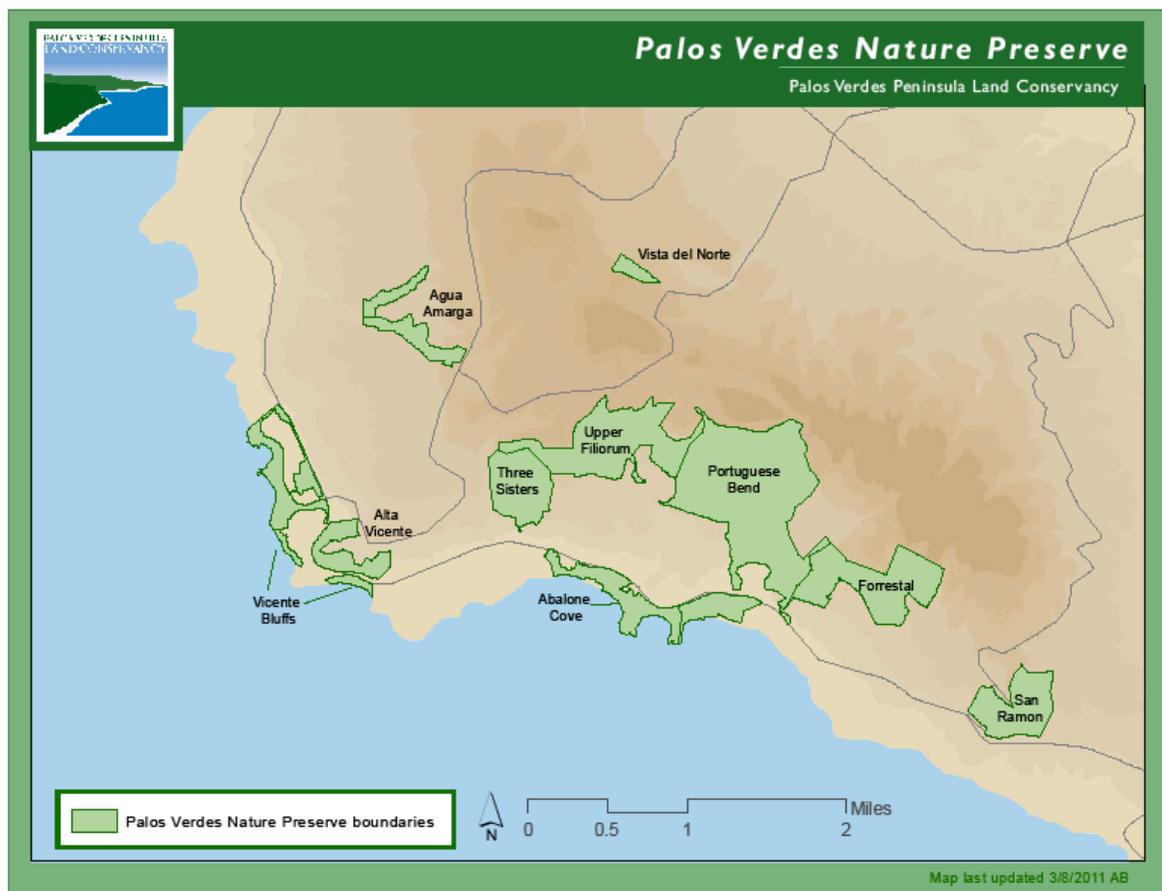


Figure 1a. Reserves in the Palos Verdes Nature Preserve in Rancho Palos Verdes (indicated in top of legend) surveyed during this study (and prior ones). Figure courtesy PVPLC.



Figure 1b. Aerial view of reserves. Clockwise, from upper left: L = Agua Amarga (formerly “Lunada Cyn.”); N = Vista del Norte, U = Filiorum; C = Portuguese Bend (formerly “Canyons”); F = Forrestal; R = San Ramon; A = Abalone Cove (east and west); T = Three Sisters; B = Vicente Bluffs (upper and lower); V = Alta Vicente. Figure from Hamilton 2009, courtesy of PVPLC.

Table 1. Reserve acreage and total survey hours, 2012-18. Note that multiple sites were surveyed on some days (see Table 2 for additional detail).

<b>Reserve</b>	<b>Acres</b>	<b>Days surveyed 2012</b>	<b>Time afield 2012</b>	<b>Days surveyed 2015</b>	<b>Time afield 2015</b>	<b>Days surveyed 2018</b>	<b>Time afield 2018</b>
Abalone Cove	64	3	7:10	6	5:17	4	4:28
Agua Amarga	59	2	5:05	3	3:21	3	3:26
Alta Vicente	55	2	4:35	4	4:52	2	6:04
Forrestal	155	4	8:40	4	4:05	2	6:02
Portuguese Bend	399	4	12:00	5	6:51	2	11:42
San Ramon	95	3	4:10	2	2:05	2	3:07
Three Sisters/Filiorum (combined)	300	4	10:35	7	9:43	2	10:01
Vicente Bluffs	84	2	4:40	2	2:42	2	2:28
Vista del Norte	14	2	1:05	1	0:20	0	0
<b>TOTAL</b>	<b>1,225</b>	<b>26</b>	<b>58 hrs</b>	<b>34</b>	<b>c. 40 hrs<sup>4</sup></b>	<b>19</b>	<b>c. 47 hrs<sup>5</sup></b>

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<sup>4</sup> Actual time surveying: 39:16

<sup>5</sup> Actual time surveying: 46:58

Table 2. Summary and description of survey effort in 2018. Number of birds listed is the maximum number of adults estimated (both visits). Letters after the reserve names refer to the abbreviations in Figure 1b.

Date	Survey round	Time	T. start (F)	T. end (F)	Sky/Wind	Subarea	# CAGN	# CACW	
Abalone Cove (A)									
9 March	1	9:15-12:15	61	63	OC/3-5 mph		1	0	RAH
28 March	1	10:50-11:40	67	67	Clear/calm		4	0	DSC
18 May	2	10:34-10:54	N/A	N/A	N/A		3	0	DSC
31 May	2	10:26-11:44	62	67	PC/calm		2	0	DSC
Agua Amarga (L)									
17 Feb	1	11:03-11:15	69	60	Clear/calm	Eastern	0	0	DSC
28 Mar	1	7:42-9:01	57	57	Clear/calm		0	0	DSC
7 June	2	10:41-12:13	64	64	PC/calm		0	0	DSC
Alta Vicente (V)									
23 Feb	1	8:15-11:15	48	53	Clear/4-8 mph		4	2	RAH
24 May	2	8:20-11:24	58	59	Fog/calm		6	0	DSC
Forrestal (F)									
4 Apr	1	7:48-10:56	55	55	OC/calm		2	0	DSC
31 May	2	7:21-10:15	59	62	PC/0-3 mph		5	0	DSC
Portuguese Bend (C)									
21 Feb	1	8:20-11:20	50	57	Clear/3-5 mph	North	0	0	RAH
21 Feb	1	8:07-11:05	50	57	Clear/3-8 mph	South	2	0	DSC
18 May	2	8:20-11:40	61	66	OC/3-5 mph	North	2	0	RAH
18 May	2	7:56-10:20	60	65	OC/calm	South	3 <sup>6</sup>	0	DSC
San Ramon (R)									
17 Feb	1	9:01-10:46	61	61	Clear/calm		2	0	DSC
7 June	2	9:04-10:26	62	64	OC/5-0 mph		2	0	DSC
Three Sisters (T)									
29 Mar	1	8:20-11:05	53	60	PC/3 mph		2	4	RAH
13 June	2	8:10-10:20	64	66	Fog/3-5 mph		6	3	RAH
Filiorum (U)									
29 Mar	1	8:13-10:51	58	58	Clear/calm		10	2	DSC
13 June	2	8:04-10:32	64	68	PC/calm		5	2	DSC
Vicente Bluffs (B)									
28 Mar	1	9:09-10:39	61	64	Clear/3-5 mph		4	0	DSC
24 May	2	11:33-12:31	59	61	OC/calm		6	0	DSC
Vista del Norte (N)									
N/A									

<sup>6</sup> An apparent family group (3-4 birds) was observed just south of the reserve boundary as the survey ended, which likely wandered down from the mapped territory in the southern portion of the reserve, and is not included here.

## Results

We estimate 19 territories of California gnatcatcher, and five territories of cactus wren, during the 2018 breeding season (Table 3). This represents a drop of 54% and 74%, respectively, from the prior survey in 2015, and an even larger drop from the 2009-2015 average. Cactus Wren territories have never been estimated to be in the single-digits since monitoring began, and we only had birds survive the season at two (adjacent) reserves, Three Sisters and Filiorum. A former stronghold of the species on the peninsula, Alta Vicente reserve (13 territories estimated in 2012) had zero active territories by June 2018 (the single pair observed in February appeared to be absent as of March 2018). Agua Amarga Reserve, which had at least three territories each of California gnatcatcher and cactus wren in both 2009 and 2015, had zero territories in 2018 (we surveyed there on three separate days, and visited each “arm” of the reserve at least twice). The pattern noted in 2015 held in 2018, that cactus wren was not recorded at any reserve where absent on the prior survey. This year we can add three “new” extirpation locations for the species, Alta Vicente, Agua Amarga, and San Ramon. Maps showing all locations of California gnatcatcher and cactus wren observations, including nests, from the 2018 survey are provided in Appendix B, and are detailed in a table in Appendix C. No brown-headed cowbirds were noted during the 2015 (just one was detected in 2012).

Table 3. Estimates of territories of California gnatcatcher (CAGN) and cactus wren (CACW), by reserve.

		Abalone Cove	Agua Amarga	Alta Vicente	Forrestal	Port. Bend	San Ramon	Three Sisters	Filiorum <sup>7</sup>	Vicente Bluffs	Vista del Norte
<b>2006 (65 CAGN/c. 30 CACW<sup>8</sup>)</b>											
	CAGN	8	4	8	12	14	7	8	N/A	4	0
	CACW	9 ad.	4 ad.	4 pr, 7 ad.	6 ad.	4 ad.	10 ad.	7 pr., 1 ad.	N/A	0	0
<b>2009 (40 CAGN/18 CACW)</b>											
	CAGN	3	3	5	5	7	4	4	N/A	10	0
	CACW	0	4	4	2	2	1	5	N/A	0	0
<b>2012 (33 CAGN/38 CACW)</b>											
	CAGN	5	1	5	9	6	1	2	0	4	0
	CACW	3	6	13	1	3	2	10	9	0	0
<b>2015 (33 CAGN/19 CACW)</b>											
	CAGN	1	3	4	7	6	2	2	4	4	0
	CACW	0	3	5	0	0	3	8	6	0	0
<b>2018 (19 CAGN/5 CACW)</b>											
	CAGN	2	0	2	2	3	1	2	4	3	0
	CACW	0	0	0 <sup>9</sup>	0	0	0	3	2	0	0

<sup>7</sup> Filiorum was not censused prior to 2012; 10 territories of cactus wrens were detected on Filiorum in 2012 (preserve-wide total: 48).

<sup>8</sup> Assuming two adults per territory. Note that Dudek (2007) conducted three visits during the 2006 survey, while subsequent surveys made two.

## Discussion

Overall, 2018 found the lowest numbers of both California gnatcatchers and cactus wrens since required every-three-year monitoring began in 2006. The reasons for this are not entirely clear, but it likely a combination of the following factors<sup>10</sup>:

- Crippling drought that started after 2012 and which has continued into 2018, which resulted in virtually no new foliage or flowering on shrubs/forbs by spring 2018 (and which likely reduced the available food tremendously);
- A relatively wet winter in 2016-17 that resulted in an explosion of weedy growth across the peninsula (esp. black mustard *Brassica nigra*) that altered the structure of the native low scrub habitat and rendered it less suitable for the two focal species;
- Unseasonably cool (and wet) conditions during early spring 2018 (in 2018, temperature data indicate that no survey date reached an air temperature in the 70s, only five days saw end temperatures >65F, and rain canceled several survey dates; by contrast, in 2015, 10 survey dates ended with temperatures at or above 70F);
- The continuing decline of cactus plants from drought and insect pests;
- The continued growth of invasive shrubs such as acacia (*Acacia* spp.) and others; and
- The continuing increase in predators such as Cooper's hawk (*Accipiter cooperii*) peninsula-wide.

It is also possible that the dramatic loss of cactus wrens is being accelerated by a genetic bottleneck, where viable young are not being produced at a rate that would sustain the population, and with essentially no immigration of new individuals, we're simply waiting for the remaining adults to die. Thus, these seemingly adverse environmental conditions may not be operating on a "normal" population, but one already struggling with low population size.

The following is a more detailed description of observations of California gnatcatcher and cactus wren by site, with reference to results from prior surveys.

### Abalone Cove

Following the pattern of steep decline observed in 2015 when just a single California gnatcatcher territory (and no cactus wren) was noted, with one breeding territory again in the restored coastal sage scrub on the point near the center of the reserve (adult bringing in food to a likely nest site in May) (Figure 2). Encouragingly, this year (2018), we also noted a pair in a newer restoration area of the reserve west of here, where the PVPLC had been clearing weeds and planting native shrubs. The area around the main parking lot, and the trail down to the beach, continues to be unsuitable for either species, due to invasion by both non-

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<sup>9</sup> A pair of cactus wrens were recorded here during the February survey (23 Feb. 2018); however, they were not observed during the subsequent survey (24 May 2018), and no reports beyond March 2018 have been entered into eBird.

<sup>10</sup> We base these insights on our own combined 70 year of birding/surveying experience in the Los Angeles region, and on conversations over the years with local biologists who have also worked with cactus wrens, including Dana Kamada, Barbara Kus, Milan Mitrovich, Kristine Preston, Tom Ryan, and Trish Smith.

natives such as acacia and large evergreen native shrubs such as lemonadeberry (*Rhus integrifolia*)<sup>11</sup>.

For cactus wrens, we note that while wrens were absent in 2009, they recolonized in 2012, so it is probable that Abalone Cove is a somewhat peripheral site, supporting the species when the population on the peninsula is high, and winking out when fewer pairs are around. It is possible that (at least during “good years”) it supports spillover pairs from the adjacent Filiorum Reserve, located just to the north across Palos Verdes Dr. However, we noted again that the cactus stands at Abalone Cove look even more sickly and sparse than in prior years, and clearly unsuitable for nesting wrens at this time<sup>12</sup>. The last pair of birds reported to ebird from Abalone Cove was in May 2013 (<https://ebird.org/view/checklist/S14162696>).



Figure 2. California gnatcatcher territories (white boxes), Abalone Cove. Note: far eastern portion of reserve was not visited in 2018.

<sup>11</sup> The far eastern area of the reserve adjacent to Portuguese Bend is no longer part of the Nature Preserve, yet had at least one bird in 2006, was graded in 2009, and had recovered enough to support at least one territory in 2012. So, it is possible another pair was present here in 2018. Elsewhere on the reserve, again in 2018 essentially none of the archery range area appeared suitable for gnatcatcher, either because of vegetation clearing or due to drought causing the scrub to be extremely sparse.

<sup>12</sup> While vegetation was not quantitatively measured or assessed, the stands of cactus here were fairly short (i.e., 1-meter tall or lower), did not cover large, impenetrable blocks (as at Filiorum Reserve, for example), and appear to have shrunk in extent, based on “standing dead” individuals observed.

### Agua Amarga

With no territories of either species, not much may be said about Agua Amarga. The habitat looks essentially unchanged here, though a relatively large area of weeds had been cleared within northern “arm” of Lunada Canyon (part of Agua Amarga Reserve), and the cactus stands throughout the reserve appear to have suffered due to weed invasion and drought (a phenomenon noted peninsula-wide). On a possibly positive note, a pair of cactus wrens was reported to ebird in April 2018 (<https://ebird.org/view/checklist/S44439942>), but the exact location was not noted.

### Alta Vicente

Perhaps the most surprising change at all the reserves was at Alta Vicente, which had supported a relatively robust population of both California gnatcatchers and cactus wrens in prior years, but in 2018 was down to two – and possibly just one – territory of gnatcatchers and zero wrens (Figure 3); one of the two gnatcatcher pairs (“CAGN 2” at Alta Vicente) was not noted during the June visit, and while it may have fledged young and dispersed by the second survey round, it is possible that only a single (successful) gnatcatcher pair nested at Alta Vicente in 2018 (juveniles noted in June). The loss of cactus wren from this site seems part of a trend since 2012; as we wrote in the 2015 report, “several areas with fresh nests in 2012 were found to not support either nests or birds; thus, the drop in numbers is likely real, and was more similar to the estimate for 2009 (4 territories), and well below that estimated in 2006 (4 pairs plus 7 individuals).” The last pair reported to ebird at Alta Vicente was in March 2018 (<https://ebird.org/view/checklist/S43840127>).

It is likely that the continuing invasion of the cactus patch areas by weeds (including *Echium*) and acacia is not helping; as noted in 2015, “substantial stands of both cholla and prickly-pear cactus remain here, and while acacia shrubs continue to expand and overtake these native stands, wrens are continuing to build nests in cactus at the edge of these shrubs.” It appears that these shrubs may have altered the cactus scrub community to such a degree that these birds could not persist. The increase in Cooper’s hawk (*Accipiter cooperii*) may also be a factor, and multiple Cooper’s hawks were noted each survey day throughout the study area, including directly over cactus wren habitat.



Figure 3. California gnatcatcher territories (white boxes), Alta Vicente (right) and Vicente Bluffs (left).

#### Forrestal

One of the steepest declines of either species came from Forrestal in 2018, when just two active California gnatcatcher territories were mapped (Figure 4), down from the 5-12 territories estimated since 2006. These territories appear to be in similar areas as in prior years, and at least one had young (female bringing in food 31 May) suggesting that several “peripheral” territories may have been lost, leaving only the highest-quality areas occupied, split between the western and eastern halves of the reserve.

As in 2015, cactus wren was entirely missed here, and the species therefore considered extirpated from the reserve, with no old or new wren nests observed. The last pair reported to ebird was in March 2011 (<https://ebird.org/view/checklist/S7806016>), with the last single here in March 2016.

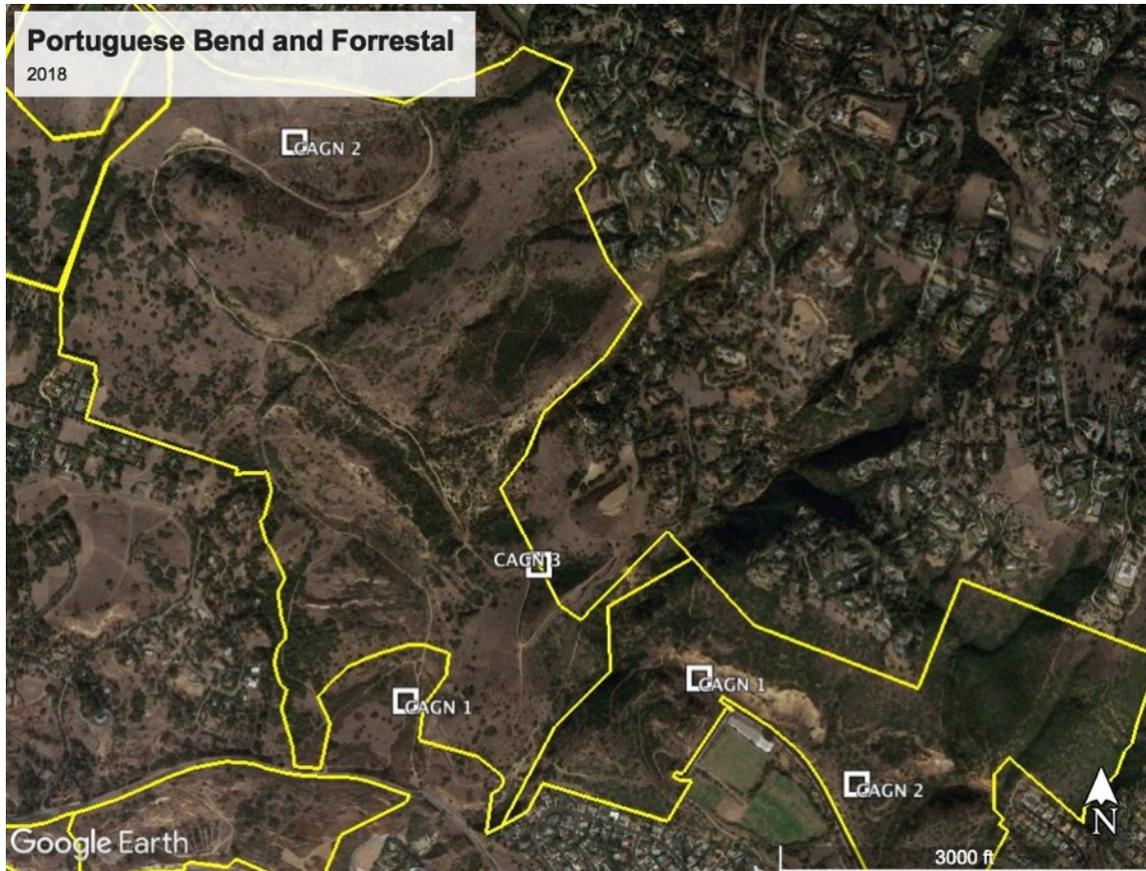


Figure 4. California gnatcatcher territories (white boxes), Forrestral (right) and Portuguese Bend (left).

#### Portuguese Bend

Unlike in prior surveys, the 2018 survey documented just 2-3 territories of California gnatcatchers (Figure 4) from what had been a local stronghold for the species (from 2015: the pattern of 5-7 territories, most in the southern half, with a smattering of sightings in the northern half, has held since (2009)”. Interestingly, one of the two documented/potential nesting areas was within the large restoration area in the northern half of the reserve, which had not had regular sightings in prior surveys.

We note that active gnatcatcher territories were almost concentrated in restoration areas in other reserves, with both of the Abalone Cove territories in restored habitat, Alta Vicente one of the 1-2 territories in an active restoration area, and all three of the Vicente Bluffs territories in restoration habitat. This suggests that birds may be finding scarce resources in these “artificially productive” (via irrigation, weeding) zones.

The pair of cactus wrens noted along the “Barn Owl Trail” at the far eastern edge of Portuguese Bend on July 9, 2015 (CEM 2015) appear to have been the last known record of the species from the reserve (none have been reported to ebird since 2013).

### San Ramon

One of the smallest reserves with relatively little coastal sage scrub, San Ramon was down to a single pair of California gnatcatcher 2018 (Figure 5), which was showing no indication of nesting. Therefore, this species – along with cactus wren, which went undetected here – may be vanishing from the reserve. While restoration planting evaluation was not part of our study, very little successfully restored habitat was noted. Whether traffic noise was a factor in this decline (as speculated on in 2015) is unknown, but given the steep declines at every other reserve, it would only be a contributing factor at most.



Figure 5. California gnatcatcher territories (white boxes); cactus wren territories (yellow boxes), San Ramon.

### Three Sisters/Filiorum

Note: These reserves are directly adjacent to one another, and so will be discussed together here.

Together, these two adjacent reserves appear to support the last remaining pairs of cactus wrens on the peninsula, as well as an estimated six territories of California gnatcatchers. Additional gnatcatchers may be present in inaccessible areas that border each of these reserves (due to their loud calls, it is unlikely we missed any cactus wrens, however). Most troubling, however, is the loss of multiple pairs of cactus wrens at Three Sisters similar to the situation at Alta Vicente (from six pairs in 2015 to one pair in the upper portion of the

reserve in 2018, and the outright loss of all four pairs in the canyon between the two reserves since 2012) despite the persistence of extensive cactus scrub.

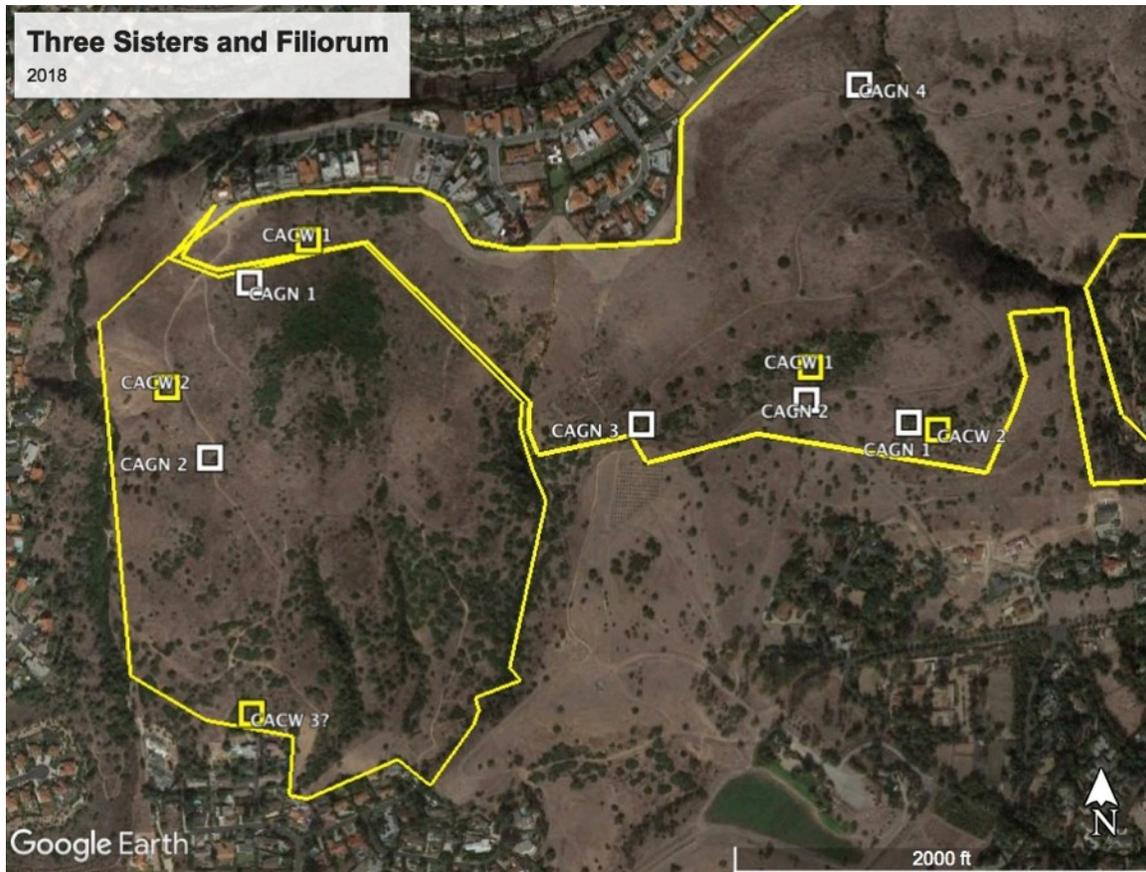


Figure 6. California gnatcatcher territories (white boxes); cactus wren territories (yellow boxes), Three Sisters (left) and Filiorium (right).

#### Vicente Bluffs

Unlike virtually any other reserve, Vicente Bluffs saw its population of California gnatcatcher remain stable, as in prior years, with three pairs in the main restoration area (Figure 2). The eastern portion of the reserve (located c. 100 meters east of the main reserve, and just west of Palos Verdes Dr., adjacent to a small debris basin; see Figure B-2) that supported a single territory in prior years (“territory 4” in 2015) was inaccessible in 2018 so was not surveyed (a “forest” of black mustard *Brassica nigra* blocked entry to the area that had supported coastal sage scrub in prior years). Cactus wren were again absent here, and with no large cactus patches, will remain so.

#### **Additional notes**

Reviewing what we wrote about the 2012 survey (Cooper 2013):

“The apparent declines in gnatcatcher territories and increases in cactus wren territories should be interpreted with caution. These were based on as few as four visits, over four years, for many reserves, which is far too few to make claims of population trends. So, while these surveys are probably sufficient for presence/absence information – such as that neither species has colonized Vista del Norte reserve, or that California gnatcatcher may be nearing extirpation at Agua Amarga – numbers of both species vary naturally annually, and from decade to decade.”

And,

“Atwood et al. (1998b) noted [gnatcatcher] population swings of c. 50% during annual surveys on the peninsula from 1993-1997, ranging from a high of 56 in 1994 to a low of 26 pairs the following year (1995); our 2012 [and 2015] estimate of 33 pairs fits within this range, as does Hamilton’s in 2009 (40 pairs) which used similar methodology. Therefore, only through repeated surveys over multiple years will we be able to assess trends with any confidence.”

The 2018 estimate of 19 territories of gnatcatchers falls below Atwood’s low of 26 pairs in 1995, though a handful of pairs are present on the peninsula in areas not visited by our survey (e.g., Trump National Golf Course/Ocean Trails, Terranea, and Shoreline Park, etc.). Still, it could be said that 2018 may be a very low ebb of a low period for the species. It is also clear that they are not “holding their own” at Agua Amarga or San Ramon, as suggested in 2015, but rather have retreated to a handful of the densest, most extensive vegetation at a handful of restoration areas (e.g., Vicente Bluffs) and in the most extensive blocks of natural habitat such as Three Sisters/Filiorum.

For cactus wrens, the situation can only be described as dire. A population down to five pairs – of any bird or animal species – is mathematically unlikely to sustain itself without immediate immigration of new individuals. In the case of the Palos Verdes peninsula, given its isolation, this seems essentially impossible in the long term (coastal cactus wren sightings away from nesting territories are virtually unknown in the Los Angeles area, even though stray gnatcatchers are fairly regular and widespread, albeit in low numbers). Even if there is still a pair or two in patches of cactus away from the reserves (e.g., at Ocean Trails, where a single bird was reported to eBird into June 2018), a population below c. 10 pairs is probably unsustainable.

Reversing this trend will be challenging, since these birds only breed in spring/early summer, and tend to occur in small, highly social groups that construct numbers of nests throughout large, adjacent patches of cactus. Having single pairs – much less individuals – at widely-spaced patches may not result in new young produced. Still, we would recommend the following measures be considered to attempt to save this population:

- Immediate and permanent removal (i.e., including the roots) of large acacia, *Caesalpinia*, *Echium*, and other invasive non-native trees and shrubs at Three Sisters, Filiorum, and Alta Vicente (the three last reserves that support/supported cactus wren);

- Installation of cactus wren nest boxes (e.g., similar to those deployed by Irvine Ranch Conservancy and other reserves in Orange County);
- Limiting human use of certain trails that run through prime cactus wren habitat, such as at Alta Vicente and Three Sisters, to reduce stress on the remaining pairs;
- Reducing supplemental irrigation of restoration zones near areas of recent cactus wren use (since this *may* be supporting/encouraging more weeds, more rodents, and possibly more raptors/predators);
- Removal of tall (non-native) trees on the periphery of the preserve known or likely to support nesting Cooper's hawks (e.g., pines, ficus); and
- (if necessary) Translocation of birds from Orange County or Ventura County populations to supplement the breeding population on the peninsula.

Translocation has proven successful in other parts of the birds' range, including Upper Newport Bay, where a population vanished and has subsequently been reestablished, and we will provide PVPLC with information on this as soon as we compile it.

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## APPENDICES

**Appendix A.** Approximate walking routes taken by surveyor (Cooper) in 2015. Different colors represent routes taken on different survey days.

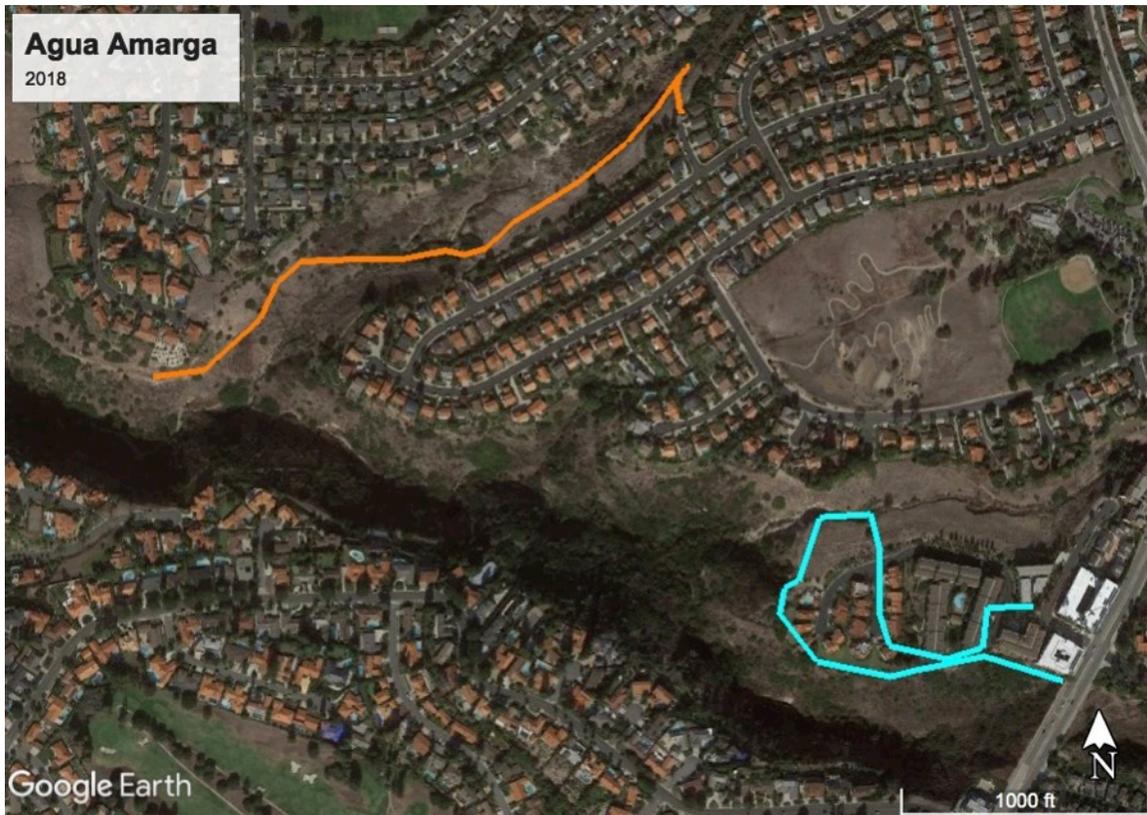


Figure A-1. Agua Amarga routes.



Figure A-2. Abalone Cove routes.

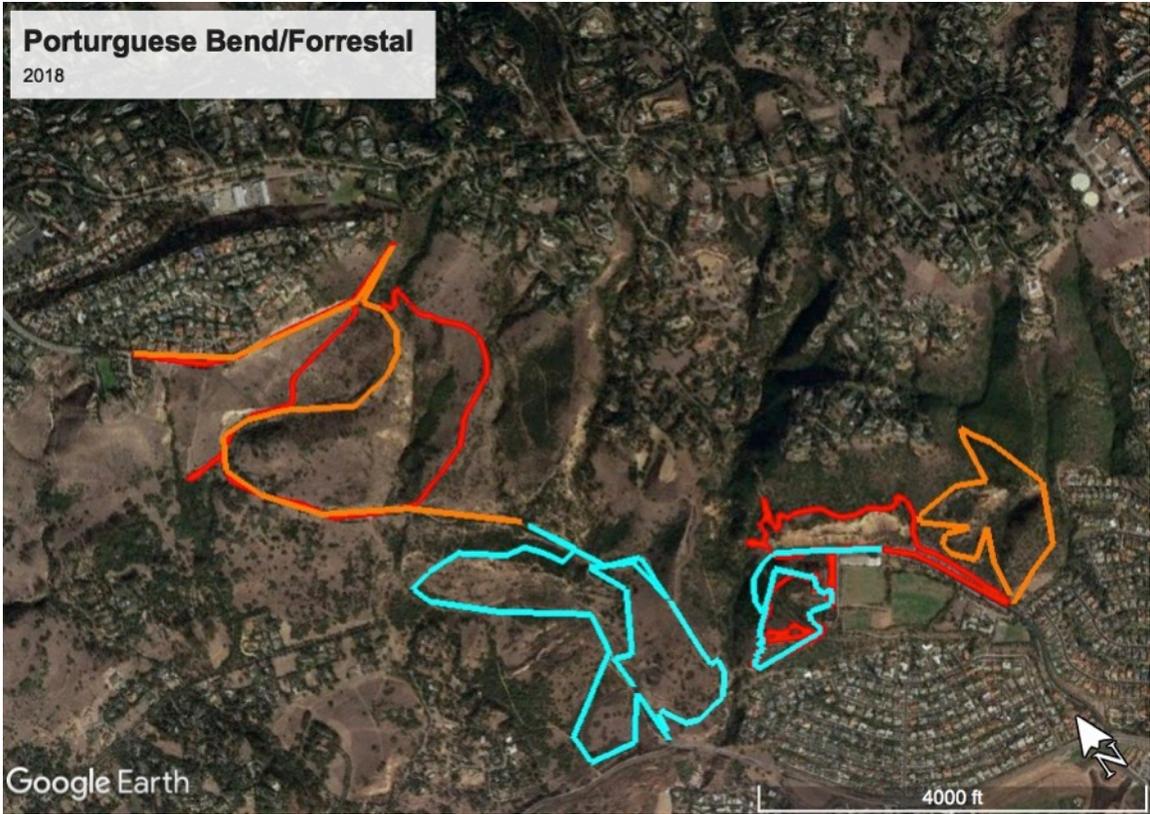


Figure A-3. Forrestal/Portuguese Bend routes.



Figure A-4. San Ramon route.

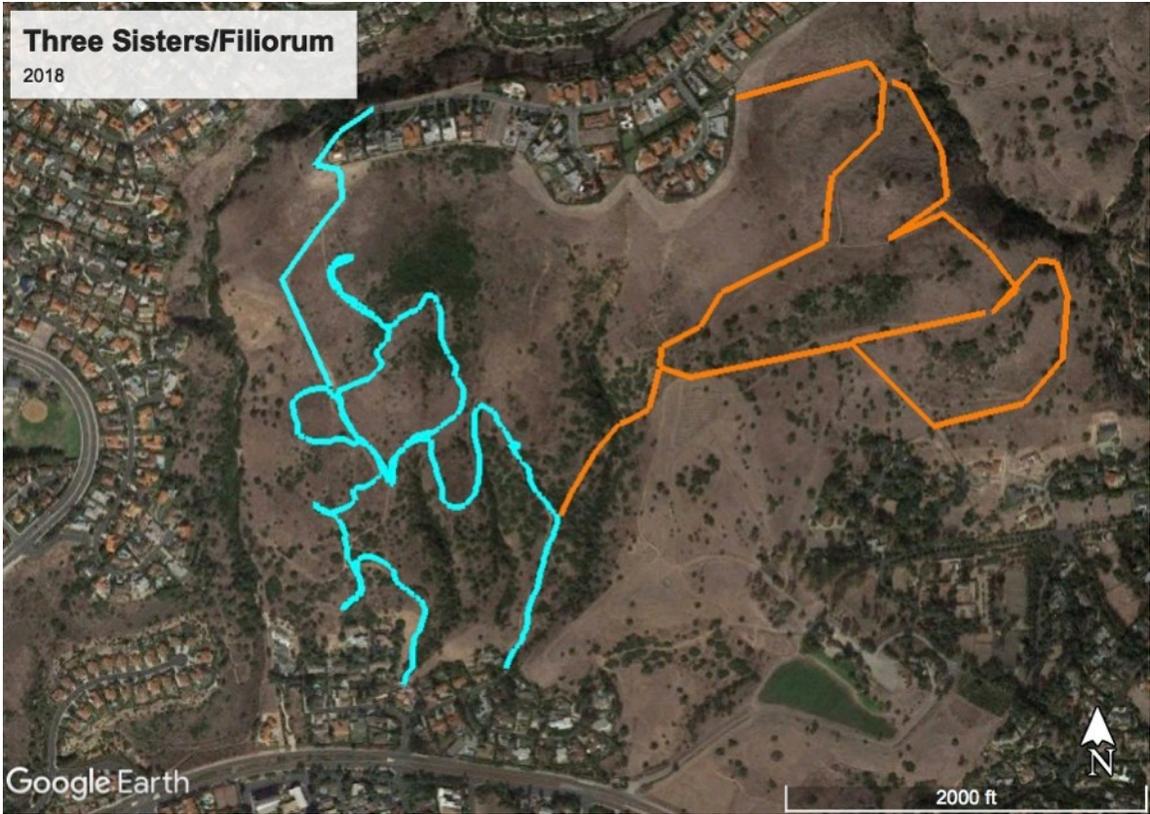


Figure A-5. Three Sisters/Filiorum routes.

**Appendix B.** Maps of all California gnatcatcher/cactus wren detections, including nests, 2018. Yellow pins represent gnatcatchers, green pins represent cactus wrens. Please refer to Appendix C for additional details on each.



Figure B-1. California gnatcatcher and cactus wren observations, Abalone Cove.



Figure B-2. California gnatcatcher and cactus wren observations, Alta Vicente (right) and Vicente Bluffs (left). Note that Vicente Bluffs is split into a main reserve and an “eastern extension”.

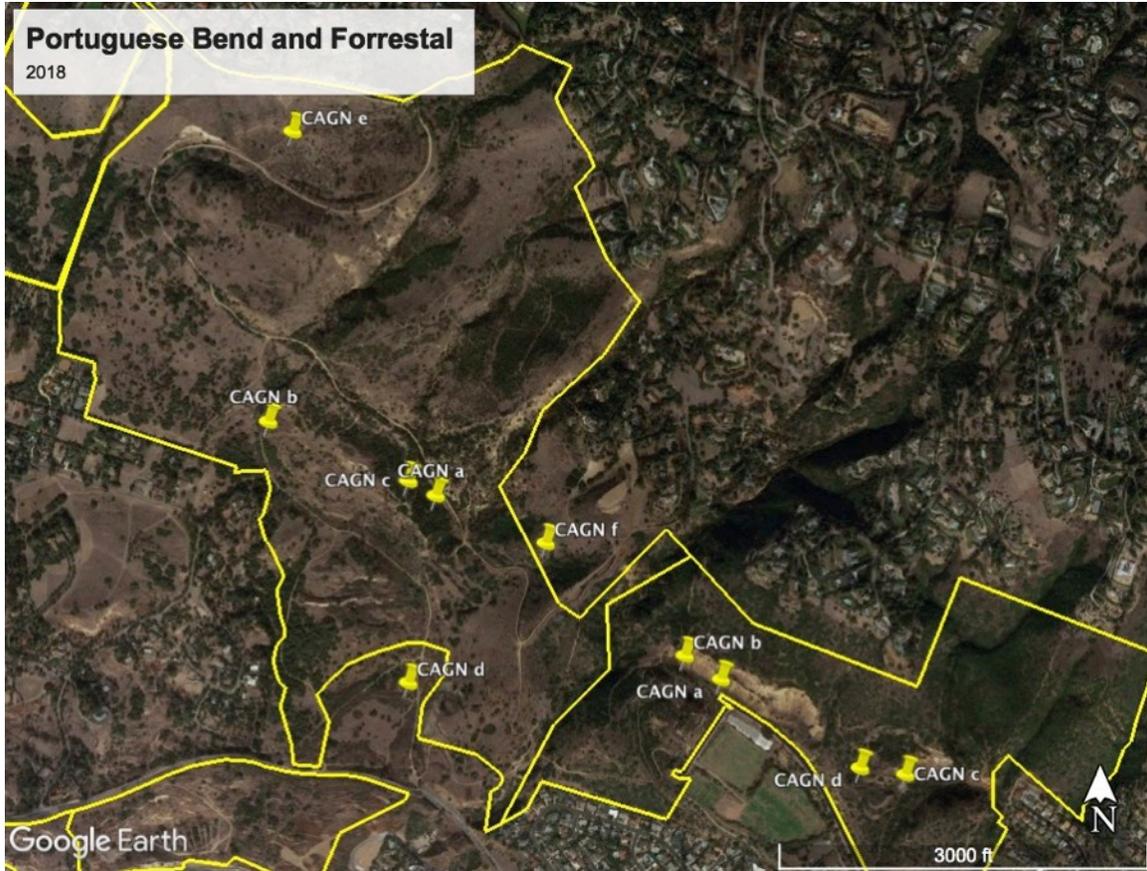


Figure B-3. California gnatcatcher and cactus wren observations, Forrester and Portuguese Bend.



Figure B-4. California gnatcatcher and cactus wren observations, San Ramon.

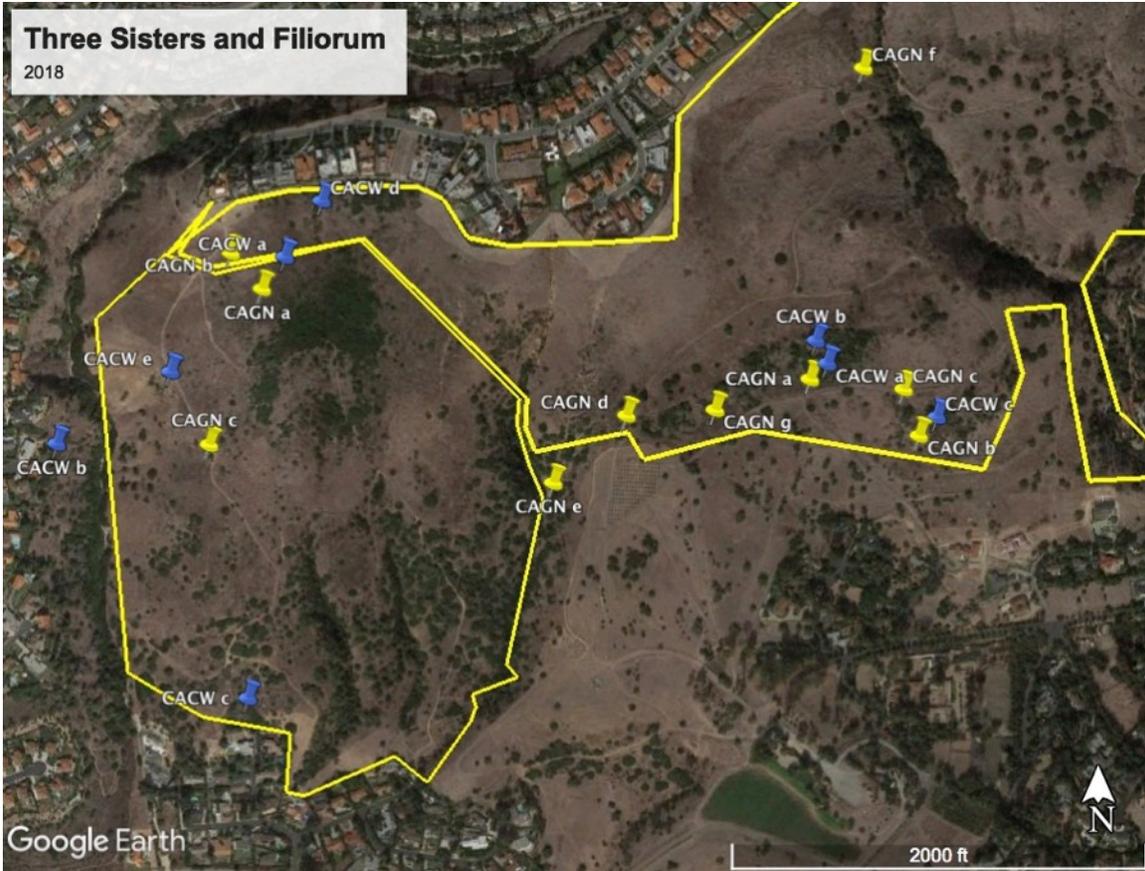


Figure B-5. California gnatcatcher and cactus wren observations, Three Sisters and Filiorum.

**Appendix C.** List of all California gnatcatcher (“CAGN” shaded) and coastal cactus wren (CACW) observations during 2015 survey, by reserve.

“Status”: P = Pair; S = Single; F = Family group; J = Juvenile; N = Nest m/f = male/female; CF = Carrying food; NM = (Carrying) nesting material

Abalone Cove						
Subarea	Date	Species	Status	Time	Notes	
	19 Mar.	CAGN g	Sm	N/A		33.742252°, -118.376977°
	28 Mar.	CAGN a	P	10:58	Calling; male giving ‘chuck’ notes (nest?)	33.737537°, -118.374510°
	28 Mar.	CAGN b	Sm?	11:03	Poss. alarm calls (unseen)	33.738523°, -118.373875°
	28 Mar.	CAGN c	S	11:13	Loud mewing (heard from archery gate)	33.740415°, -118.366707°
	18 May	CAGN d	S?	10:39	Silent, foraging; same or different bird called from slope just to north	33.738794°, -118.373269°
	18 May	CAGN e	P, N?	10:53	Female flew in w/ food	33.7380, -118.3740
	31 May	CAGN f	P	10:47	Flew in to rec., foraging; 3 <sup>rd</sup> bird seen?	33.7401, -118.3753
Agua Amarga						
Subarea	Date	Species	Status	Time	Notes	
No CAGN or CACW were detected at Agua Amarga Reserve during 2018 survey						
Alta Vicente						
Subarea	Date	Species	Status	Time	Notes	
	23 Feb	CAGN d	P	N/A		33.743617°, -118.406280°
	23 Feb	CAGN e	P	N/A		33.742807°, -118.403049°
	24 May	CAGN a	P	8:42	“Frantically foraging?”; made long flight north to main trail (heard again @ 11:07)	33.7428, -118.4065
	24 May	CAGN b	J (2), S	9:07	2 quiet J’s, occ. calls; male seen same area 9:31.	33.7441, -118.4080
	24 May	CAGN c	Sm	10:28	Calling; long flight to east	33.7440, -118.4013
	23 Feb	CACW b	P			33.744148°, -118.406690°
	24 May	CACW a	N	N/A	Single fresh nest <sup>13</sup>	33.7425, -118.4033
Filiorum						
Subarea	Date	Species	Status	Time	Notes	
	29 Mar.	CAGN a	P, Sm	9:10	Mewing pair @ fence corner (male w/ line above eye); 2 <sup>nd</sup> male (partial cap) just south of pair called 1x and flew c. 80 m south into	33.751876°, -118.378685°

<sup>13</sup> This appears to have been the last Cactus Wren nest in the reserve, presumably built in early spring (March?) 2018 and then unused as the last remaining pair was extirpated. At least 3 old/dilapidated nests observed 5/24 in the northeastern corner of the reserve (near the tennis courts), but not in use, and no birds were detected during the May survey.

					pepper.	
	29 Mar.	CAGN b	S(f)	9:26	Mewing, flying around	33.751129°, -118.376957°
	29 Mar.	CAGN c	P	9:32	Single, then 2 <sup>nd</sup> bird joined from north side of cactus patch	33.751744°, -118.377200°
	29 Mar.	CAGN d	P	10:09	Resp. to call	33.7514, -118.3816
	29 Mar.	CAGN e	P	10:27	Foraging slowly up cyn.; atypical habitat	33.7503, -118.3828
	13 June	CAGN f	P?	8:10	Two birds, one possibly CF, quiet mewing; no resp. to rec., moved east	33.7560, -118.3778
	13 June	CAGN g	F	9:30	1 <sup>st</sup> heard from distance, then narrowed-down loc. Male (alarm call) + 1-2 others	33.7515, -118.3802
	29 Mar.	CACW a	P, N	9:10	Adult w/ NM, 2 <sup>nd</sup> adult calling c. 20 m west.	33.7521, -118.3784
	13 June	CACW b	S, N	9:00	Ad. calling @ (old?) nest. 2 <sup>nd</sup> bird possibly heard calling same patch @ 10:03.	33.7524, -118.3786
	13 June	CACW c	S, N	9:24	Strong response to recording; 2 nests in patch, one old, the other fair condition	33.751372°, -118.376679°
<b>Forrestal</b>						
<b>Subarea</b>	<b>Date</b>	<b>Species</b>	<b>Status</b>	<b>Time</b>	<b>Notes</b>	
West	4 Apr	CAGN a	P	9:22	Male w/ full cap	33.742073°, -118.351733°
West	31 May	CAGN b	P	8:31	Flew in to rec.	33.7426, -118.3527
East	31 May	CAGN c	Sf	9:39	Foraging constantly, didn't resp. to rec.	33.739953°, -118.346801°
East	31 May	CAGN d	P, N?	10:02	Female CF	33.7401, -118.3480
<b>Portuguese Bend</b>						
South	21 Feb	CAGN a	S <sup>214</sup>	09:58	See note	33.746171°, -118.359365°
South	21 Feb	CAGN b	S	10:18	Distant mew heard from general area	33.747818°, -118.363846°
South	18 May	CAGN c	S	9:16	Mewing	33.7465, -118.3601
South	18 May	CAGN d	S,S (J?)	9:52	Both probable J, 1 w/ odd alarm-type call	33.7420, -118.3601
North	18 May	CAGN e	Sm, N	N/A	Male at nest	33.754285°, -118.363195°
North	18 May	CAGN f	Sm	N/A		33.745111°, -118.356422°
<b>Vicente Bluffs</b>						
<b>Subarea</b>	<b>Date</b>	<b>Species</b>	<b>Status</b>	<b>Time</b>	<b>Notes</b>	
	28 Mar.	CAGN a	P,Sm	9:37	Pair (quiet, furtive) plus single active/vocal male	33.747049°, -118.412482°
	28 Mar.	CAGN b	Sm	9:49	Calling, unresponsive	33.750979°, -118.412948°
	24 May	CAGN c	P, FL?	11:40	Flew in from north (across trail), frantically foraging, FL possibly heard nearby (faint buzzing calls)	33.7467, -118.4130
	24 May	CAGN d	P	12:02	Resp. to call (2 <sup>nd</sup> pair?);	33.7477, -118.4121

<sup>14</sup> "Gnatcatcher sp." flew across trail (twice), called once (equivocal as to species), and vanished.

					flew in from northeast	
	24 May	CAGN e	P	12:23	Flew in in resp. to call	33.7520, -118.4134
<b>San Ramon</b>						
<b>Subarea</b>	<b>Date</b>	<b>Species</b>	<b>Status</b>	<b>Time</b>	<b>Notes</b>	<b>Lat/Long</b>
	17 Feb	CAGN a	P	10:08	Foraging quietly	33.728661°, -118.332498°
	7 June	CAGN b	P	9:46	No CF observed; male flew in to rec. and did odd wing-tremble display; silent; neither actively foraging	33.7285, -118.3337
<b>Three Sisters</b>						
<b>Subarea</b>	<b>Date</b>	<b>Species</b>	<b>Status</b>	<b>Time</b>	<b>Notes</b>	
	29 Mar	CAGN a	P	N/A		33.753067°, -118.387376°
	13 June	CAGN b	F	N/A		33.753540°, -118.387870°
	13 June	CAGN c	P	N/A		33.751010°, -118.388215°
	29 Mar	CACW a	P	N/A		33.753487°, -118.387016°
	29 Mar	CACW b	S	N/A	Male, calling	33.751018°, -118.390635°
	29 Mar	CACW c	S	N/A	Male, calling	33.747658°, -118.387603°
	13 June	CACW d	S	N/A	Male	33.754227°, -118.386432°
	13 June	CACW e	P	N/A		33.751969°, -118.388832°

**DEPARTMENT OF TRANSPORTATION**

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LOS ANGELES, CA 90012  
PHONE (213) 897-9140  
FAX (213) 897-1337  
TTY 711  
www.dot.ca.gov



*Making Conservation  
a California Way of Life.*

December 5, 2018

Octavio Silva  
City of Rancho Palos Verdes  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275

RE: NOP for Zone 2 Draft EIR  
Palos Verdes Drive S. & Narcissa Drive  
SCH # 2010121073  
GTS # 07-LA-2018-02065

Dear Octavio Silva:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Rancho Palos Verdes Zone 2 Landslide Moratorium Ordinance (LMO) Revisions draft Environmental Impact Report.

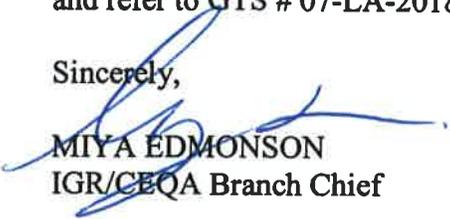
This proposed code amendment focuses on Zone 2 of the Landslide Moratorium Area (LMA) on the Palos Verdes Peninsula, north of the intersection of Palos Verdes Drive S. and Narcissa Drive. This plan consists of making code amendments to Exception "P" of Title 15.20.040 of the Rancho Palos Verdes Municipal Code, pertaining to Zone 2. The proposed code amendment would apply to the 112-acre LMA of Zone 2 that is currently no longer allowing Landslide Moratorium Exemption (LME) applications. This proposed code amendment would predominantly impact the 31 undeveloped lots in Zone 2.

Based on the review of this NOP for the draft EIR and the lead agencies general plan, Caltrans has the following comments:

By review of this NOP it is evident that the impact to Caltrans facilities would be minimal. The expected project area is over five miles away from the nearest Caltrans facility and if approved would build ~30 homes over multiple years which would not over encumber Caltrans facilities.

If you have any questions, please contact Reece Allen, the project coordinator, at [reece.allen@dot.ca.gov](mailto:reece.allen@dot.ca.gov), and refer to GTS # 07-LA-2018-02065

Sincerely,

  
MIYA EDMONSON  
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

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DEC 10 2018

Building & Safety  
City of Rancho Palos Verdes

## NATIVE AMERICAN HERITAGE COMMISSION

Cultural and Environmental Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710  
Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
Website: <http://www.nahc.ca.gov>  
Twitter: @CA\_NAHC



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DEC 07 2018

Building & Safety  
City of Rancho Palos Verdes

December 3, 2018

Octavio Silva  
City of Rancho Palos Verdes  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275

RE: SCH# 2010121073 Zone 2 Landslide Moratorium Ordinance Revisions (Planning Case No. ZON2009-00409), Los Angeles County

Dear Mr. Silvia:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

## AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
  - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
  
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
  
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
  
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
  
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: [Katy.Sanchez@nahc.ca.gov](mailto:Katy.Sanchez@nahc.ca.gov).

Sincerely,

*Katy Sanchez*

for  
Katy Sanchez  
Associate Environmental Planner

cc: State Clearinghouse



# COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

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

GRACE ROBINSON HYDE  
Chief Engineer and General Manager

December 27, 2018

Ref. Doc. No.: 4815796

Mr. Octovio Silva, Senior Planner  
Planning Division  
City of Rancho Palos Verdes  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275

Dear Mr. Silva:

**NOP Response to the Proposed Code Amendments to  
Exception "P" of Title 15.20.040 (Landslide Moratorium Ordinance)  
of the Rancho Palos Verdes Municipal Code pertaining to Zone 2**

The Sanitation Districts of Los Angeles County (Districts) received a Notice of Preparation of a Draft Environmental Impact Report for the subject project on November 9, 2018. The proposed project is located within the jurisdictional boundaries of District No. 5.

- The notice states the potential granting of up to 31 Landslide Moratorium Exceptions which would permit individual property owners to then apply for individual entitlements to develop their lots. The Districts should review individual developments within the City to determine whether or not sufficient trunk sewer capacity exists to serve each project and if Districts' facilities will be affected by the project.

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

Very truly yours,

Adriana Raza  
Customer Service Specialist  
Facilities Planning Department

AR:ar

cc: A. Schmidt  
A. Howard

RECEIVED

JAN 03 2019



**COUNTY OF LOS ANGELES  
FIRE DEPARTMENT**

1320 NORTH EASTERN AVENUE  
LOS ANGELES, CALIFORNIA 90063-3294  
(323) 881-2401  
www.fire.lacounty.gov

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**BOARD OF SUPERVISORS**

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SHEILA KUEHL  
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KATHRYN BARGER  
FIFTH DISTRICT

DARYL L. OSBY  
FIRE CHIEF  
FORESTER & FIRE WARDEN

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**DEC 19 2018**

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

December 12, 2018

Octavio Silva, Senior Planner  
City of Rancho Palos Verdes  
Planning Division  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275

Dear Mr. Silva:

**NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT, "ZONE 2  
LANDSLIDE MORATORIUM ORDINANCE," CONSISTS OF 11 INDIVIDUAL LOTS, OF  
WHICH 69 LOTS HAVE BEEN DEVELOPED WITH RESIDENTIAL STRUCTURES, 11  
LOTS HAVE OBTAINED PLANNING ENTITLEMENTS FOR DEVELOPMENT AND 31  
LOTS REMAIN UNDEVELOPED, RANCHO PALOS VERDES, FFER 201800127**

The Notice of Preparation of an Environmental Impact Report has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department.

The following are their comments:

**PLANNING DIVISION:**

We will reserve our comments for the Draft EIR.

**LAND DEVELOPMENT UNIT:**

1. The development of all future projects shall comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows, and fire hydrants.

**SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:**

AGOURA HILLS	CALABASAS	EL MONTE	INDUSTRY	LAWNDALE	PARAMOUNT	SIGNAL HILL
ARTESIA	CARSON	GARDENA	INGLEWOOD	LOMITA	PICO RIVERA	SOUTH EL MONTE
AZUSA	CERRITOS	GLENDORA	IRWINDALE	LYNWOOD	POMONA	SOUTH GATE
BALDWIN PARK	CLAREMONT	HAWAIIAN GARDENS	LA CANADA-FLINTRIDGE	MALIBU	RANCHO PALOS VERDES	TEMPLE CITY
BELL	COMMERCE	HAWTHORNE	LA HABRA	MAYWOOD	ROLLING HILLS	WALNUT
BELL GARDENS	COVINA	HERMOSA BEACH	LA MIRADA	NORWALK	ROLLING HILLS ESTATES	WEST HOLLYWOOD
BELLFLOWER	CUDAHY	HIDDEN HILLS	LA PUENTE	PALMDALE	ROSEMEAD	WESTLAKE VILLAGE
BRADBURY	DIAMOND BAR	HUNTINGTON PARK	LAKWOOD	PALOS VERDES ESTATES	SAN DIMAS	WHITTIER
	DUARTE		LANCASTER		SANTA CLARITA	

2. The statutory responsibilities of the County of Los Angeles Fire Department's Land Development Unit are the review of, and comment on, all projects within the unincorporated areas of the County of Los Angeles. Our emphasis is on the availability of sufficient water supplies for firefighting operations and local/regional access issues. However, we review all projects for issues that may have a significant impact on the County of Los Angeles Fire Department. We are responsible for the review of all projects within contract cities (cities that contract with the County of Los Angeles Fire Department for fire protection services). We are responsible for all County facilities located within non-contract cities. The County of Los Angeles Fire Department's Land Development Unit may also comment on conditions that may be imposed on a project by the Fire Prevention Division which may create a potentially significant impact to the environment.
3. This project does not propose construction of structures or any other improvements at this time. Therefore, until actual construction is proposed the project will not have a significant impact to the Fire Department's Land Development Unit.

Should any questions arise regarding subdivision, water systems, or access, please contact the County of Los Angeles Fire Department's Land Development Unit, Inspector Nancy Rodeheffer at (323) 890-4243.

The County of Los Angeles Fire Department's Land Development Unit appreciates the opportunity to comment on this project.

**FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:**

The statutory responsibilities of the County of Los Angeles Fire Department's Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed.

Under the Los Angeles County Oak tree Ordinance, a permit is required to cut, destroy, remove, relocate, inflict damage or encroach into the protected zone of any tree of the Oak genus which is 25 inches or more in circumference (eight inches in diameter), as measured 4 1/2 feet above mean natural grade.

If Oak trees are known to exist in the proposed project area further field studies should be conducted to determine the presence of this species on the project site.

The County of Los Angeles Fire Department's Forestry Division has no further comments regarding this project.

Octavio Silva, Senior Planner  
December 12, 2018  
Page 3

**HEALTH HAZARDOUS MATERIALS DIVISION:**

The Health Hazardous Materials Division of the Los Angeles County Fire Department has no comments or requirements for the project at this time.

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Michael Y. Takeshita", with a long horizontal flourish extending to the right.

MICHAEL Y. TAKESHITA, ACTING CHIEF, FORESTRY DIVISION  
PREVENTION SERVICES BUREAU

MYT:ac

Octavio Silva,  
Senior Planner  
City of Rancho Palos Verdes, Planning Division  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275  
Email: Octavios@rpvca.gov

Dear Mr. Silva,

The following are comments on the re-submitted EIR to amend the City's existing Landslide Moratorium Ordinance by expanding Exception Category P.

First, many of the responses to public comments in this EIR by the City's consultant are inadequate. They really do not fully address the concerns and requests for disclosure expressed in those comments. I will not respond comment by comment but rather will cover just a few below that stand out.

- 1) The EIR has stated it is a Program EIR. The program EIR is a device originally developed by federal agencies under NEPA (*County of Inyo v. Yorty*) and was designed to enable the lead agency to examine the *overall* effects of the proposed course of action and to take steps to avoid unnecessary adverse environmental effects.

CEQA Section 15168 requires that the Program EIR analysis ensure consideration of cumulative impacts, including regional or secondary impacts that might be slighted and not properly analyzed/mitigated by using a case-by-case analysis.

This EIR has reduced significant impacts to less than significant by deferring mitigations through city code requirements on a lot by lot basis when lot owners independently apply for permits rather than addressing and mitigating the cumulative impacts of the project as a whole.

- 2) Mitigation of project impacts is addressed by adopting development code criteria that is to be "identical to the criteria that were adopted for the *Monks* plaintiffs' lots." The Monks lots did not go through a full EIR analysis and was shortened to an MND due to pressure from the Appellate Court to not create any delays or obstacles to those lots being developed. This "borrowed" mitigation standard of the Monks lots falls short of a full EIR accumulative impact analysis needed for proper mitigation of this project.
- 3) By using the identical development criteria of the Monks lots, it is not clear whether or not the city will be using the Monk's geologic safety standard that

lot development “shall not aggravate the existing condition”. First, the EIR acknowledges a FOS of 1.5 is an industry geologic standard and if the Monks standard is used the city will be in conflict with this normal standard used by all other municipalities. Second, the Monks standard of this project is not used in the same zoning elsewhere in the city creating internal inconsistencies in zoning practice. Third, even if the city were to use a 1.5 FOS, the analysis, conclusions and mitigation of applying an FOS of 1.5 is proposed to be lot by lot, permit by permit, is very different than determining a gross project area stability of 1.5. As one prior RPV Councilman put it, it would have made no difference whether or not deck chairs were properly bolted down on the Titanic.

- 4) The EIR is using this distinction of Zone 2 as its scope based upon the city dividing the larger PBLC into Moratorium zones. Yet the EIR acknowledges that the geology of Zone 2 and Zone 5 are connected within the larger Portuguese Bend Landslide Complex (PBLC) and that that the downhill Zone 5 is supporting the uphill project area of Zone 2. Geologist Bob Douglas confirms that “One of the problems in tracing the landslide from one location to another across the area is that there are very few distinctive beds that can be used to correlate from one borehole to another.”

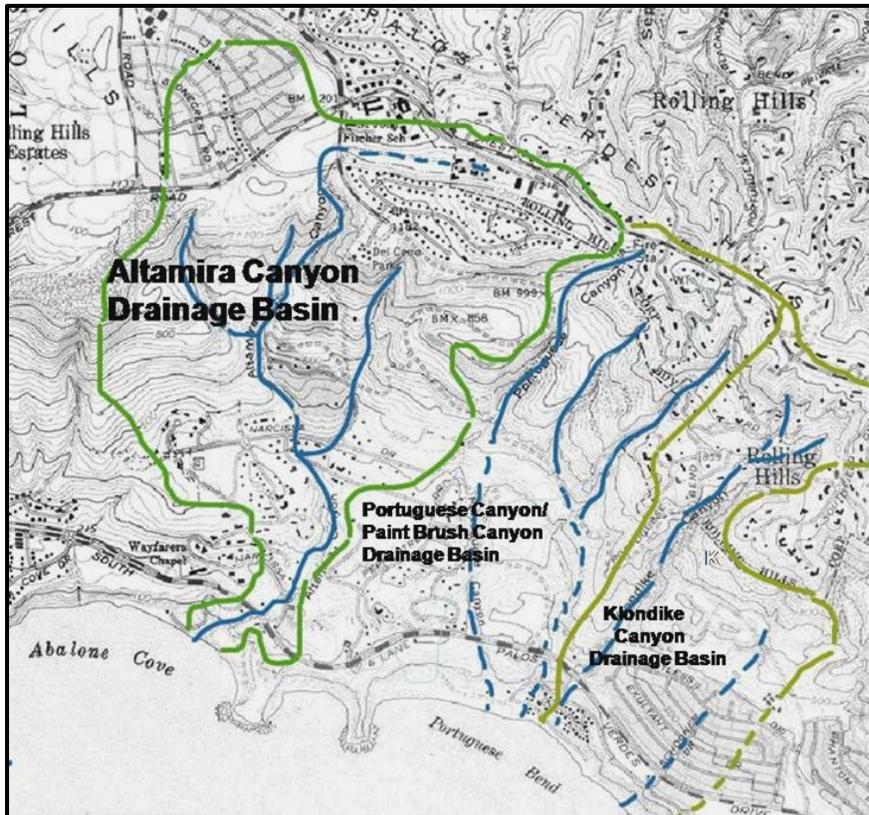
The proposed project amendment to the Landslide Moratorium Ordinance applies to only one section of the PBLC. The separation of Zone 2 and Zone 5 is a man-made delineation and is based upon one activation of one area of the larger PBLC. Dewatering wells in the project area of Zone 2 have help stabilize areas for the moment in both Zone 2 and Zone 5 as evidenced by the GPS monitoring. But any geologist will tell you that this is an ongoing story and that the Abalone Cove Landslide could migrate uphill into the project area. The two areas are geologically and hydrologically connected.

By the EIR applying a development code to one area of the larger PBLC and not another is ignoring this fact and cannot be justified by merely setting the scope of the project area as Zone 2 alone.

- 5) The EIR states “Flood / Hydrology impacts would be considered significant if the proposed project would create or contribute runoff water which would exceed the capacity of existing or planned storm drain storm water drainage systems.” Then concludes that this impact would be less than significant because “The existing drainage system for the Portuguese Bend development was designed for the entire development, including the 47 undeveloped lots. “ One Appendix does have some drawings of engineered storm drains on several 1960-1970 developments above the project area but there is no

evidence of any documentation to support the claim that the current storm drain system (streets, culverts and Altamira Canyon) within the project area was designed for full build-out of all lots. If anything, historic observations of the storm water flooding and property damage clearly show that it was not designed for this many homes and hardscape.

- 6) Beyond the lack of documentation supporting the storm drain engineering design of the project area, the Altamira Canyon watershed has significantly expanded since the project area was originally subdivided. This map was taken from Bob Douglas' book "Creepy Landslides of Portuguese Bend".



Notice that it includes hardscape runoff of developments in Island View and Del Cerro which were built after the Portuguese Bend storm drain system was in place. The orographic effect of these higher elevation drainage basins receives on average about 40 percent more rain than the lower elevations in Portuguese Bend (Hill, 2000). This higher rainfall occurs over the most urbanized area with extensive "hard-surfaces" (pavement, houses, roofs,

sidewalks, etc.) that prevent infiltration into the ground and it generates higher storm run-off into the lower Altamira Canyon areas.

The EIR has not addressed that these upslope developments contribute a significant amount of additional storm water runoff *after* the project's storm drain system was designed.

Thank you and I hope these, as well as other comments, are adequately addressed before Council is asked to deliberate the FEIR.

Jim Knight

Bob Nelson  
6612 Channelview Court  
Rancho Palos Verdes, CA 90275

Octavio Silva  
Senior Planner  
City of Rancho Palos Verdes  
Planning Division  
Rancho Palos Verdes, CA 90275

December 11, 2018

Zone 2 EIR Comments

**RECEIVED**

**DEC 11 2018**

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Response to Your Notice of Preparation (NOP) for an EIR to Complete the Revisions to Zone 2 of the Landslide Area's Ordinance (Case No. PLCA2018-0004)  
(Responses due NLT 12/12/18)

*The view(s), opinion(s) and content expressed/contained in this email do not necessarily reflect the view(s), opinion(s), official positions or policies of the Rancho Palos Verdes City Council, the City of Rancho Palos Verdes or any of its employees, agents, contractors, Commissions or Committees (the "City"). It should be interpreted solely as the view(s), opinion(s) and/or work product of the individual author and should not be relied upon as the official position, direction or decision of the City.*

Octavio,

For your information I first became interested in land use issues surrounding Zone 2's Environmental Impact Report (EIR), its potential revisions and subsequent City Council action to incorporate (or not) these into our Landslide Moratorium's Ordinance, when Jack Downhill, then residing at 20 Vanderlip Drive, in Zone 2, appraised me of his long history of requesting ability to subdivide his 6.9 acre lot. 50 years ago Jack bought this lot for investment and 40 years ago his city instigated a moratorium affecting his lot, basically preventing his and his neighbors' investment goals and any full use of their property.

**So, now that Jack has passed away, I feel I have a duty to bring forward his objectives for inclusion in our EIR revisions.**

1. Prior EIRs omitted Vanderlip Drive lots, which are the northeast corner of Zone 2.
2. **This revision, as a matter of equity, should include the Vanderlip Road lots. Having the Ordinance continue to deny the owners of these lots equitable use, at a time when 31 lots are being considered for development, is contra any doctrine of fairness.**
3. **These lots do not belong to the Portuguese Bend Community Association.** Being outside of it, they are not bound by any of this Association's policies, rules or dicta. Their access, Vanderlip Drive, is shown to be under Palos Verdes Land Conservatory management, zoned Open Space Preserve and therefore maintained by the city, not the Community Association. **That is, these are independent lots, subject to RPV codes.**
4. **Zoned R-1, these large lots should have the ability to subdivide (lot split). That was Jack's decades long objective, lot split ability for his lot #20.** It makes little sense to have his R-1 6.9 acre lot deemed 'built out' with two small, historic structures and a garage. **One structure was the Vanderlip's bird keeper's home!**
5. The current EIR NOP clearly states 'No lot splits' however, the 31 lots are of normal size and it makes little sense to split them (though the enacted state law re 'auxiliary dwelling units' would apply). **But to refuse a landowner lot split ability for his 6.9 acre lot, zoned R-1 (one unit per acre), now might be seen, given the development objective of this EIR, as basically a denial of use / enjoyment of his property.**
6. **Nowhere can I find sensible rationale for not allowing a large lot like 20 Vanderlip to be split. Actually the owners, I understand, have simply been told 'no lot split.'**

Thank you for this opportunity. I look forward to this EIR recognizing and providing equity, after decades of waiting, to 20 Vanderlip Drive and its neighbors.



Bob Nelson

*Jeremy R. Davies  
36 Cinnamon Lane  
Rancho Palos Verdes  
California 90275  
Email: [jdavies@kubooa.com](mailto:jdavies@kubooa.com)*

*November 15, 2012*

*Mr Eduardo Schonborn  
Planning Division, Community Development Department,  
City of Rancho Palos Verdes,  
30940 Hawthorne Blvd,  
Rancho Palos Verdes, CA 90275*

*Dear Mr Schonborn,*

*DEIR FOR ZONE 2 LANDSLIDE PROPOSED MORATORIUM  
ORDINANCE  
REVISIONS*

*This letter includes the concerns I expressed at the City Public hearing on November 7, 2012 and additional observations, comments and suggested mitigation measures.*

*I am taking the liberty of sending this letter to the Mayor and Council Members particularly since they may not have been involved in the earlier pre Monks settlement hearings. We would like them to fully appreciate and understand the extent and depth of our Community's concerns regarding having adequate scope for the EIR and appropriate mitigation measures in place before considering expanding development in Zone 2.*

*We have resided at the above address for over 20 years. Upper Cinnamon Lane currently has four residences, is a short Cul de Sac and will have 30% or 14 of the proposed new 47 residences constructed immediately adjacent to these existing four homes.*

*I respectfully submit the following observations, comments and suggested additional mitigation measures regarding the DEIR:*

#### *SCOPE OF PROJECT*

*1) 4.8a states "Since the existing drainage system was designed for the entire Portuguese Bend development, including the 47 undeveloped lots, each lot is assumed to have a proportional share of the existing drainage capacity provided for the Portuguese Bend development. In other words, regardless of when the lots are constructed, each lot is allowed to drain into the existing drainage system based upon the size of the lot." The original plan for Portuguese Bend goes back to 1949. The DEIR does not spell out where the assumption comes from nor the assumptions used regarding size of homes and garages, number of vehicles per home, hardscape and landscape areas, cumulative storm water run off, standards used for engineering the roads, etc. Please explain and justify the bases for the DEIR's conclusion that the drainage system is adequate for this proposed development 60 years later.*

*2) Geology section GEO-2 states in the mitigation section " Illustrate that point flow on each of the properties is either normalized, attenuated adequately, or will reach an acceptable conveyance such as a storm drain, channel, or natural drainage course. All runoff shall be directed to an acceptable conveyance and shall not be allowed to drain to localized sumps or catchment areas with no outlet."*

*A further mitigation measure contained in the DEIR is to "Minimize changes to the character of the runoff at property lines. Changes in character include concentration of flow outletting onto adjacent properties or increasing the frequency or duration of runoff outletting onto adjacent properties."*

*In the 20 plus years we have lived on Upper Cinnamon Lane we have not experienced any flooding as the result of run off from the lots*

*above our home. This has been the result of trees, bushes, foliage, grasses and plants on the lots and the protection of yucca plants along the roadside. . With development pending, the slopes (5:1-3:1) are now largely denuded, though the yuccas are for the most part intact at this time of writing. The camber of the road is not appropriate to receive run off from hardscape and landscape and may not even be adequate to receive holding tanks releasing water in a controlled manner without the threat of flooding. The camber of the street will not direct run off to the culvert at the end of Upper Cinnamon which flows into Altamira Canyon nor be carried down Upper Cinnamon to Narcissa and the road system which is the storm drain system for the project.*

*Given the state of permit issuances there is an URGENT NEED for a separate hydrology study to be made specifically for the proposed development on Upper Cinnamon Lane. This study should contain the cumulative (not single lot) impact of run off from hardscape and landscape assuming all new residences have been constructed and using sensitivity analyses assuming different levels of storms.*

*Adequately dimensioned channels are needed at the bottom of the lots on Upper Cinnamon to carry storm run off from hardscape and the landscape either to the culvert at the end of the cul de sac, which flows into Altamira Canyon, or to Narcissa Drive. The culvert needs to be assessed as to its capability to bear these new flows without further mitigation measures.*

*Until construction is completed the yucca plants which provide some protection against flooding should be kept in place. They should not be removed to install underground SCE power.*

*3) Appendix D states "It should be plainly understood that because of the inherent potential for instability within adjacent landslides and the fact that Zone 2 is atop a landslide, that should additional significant movement occur in adjacent areas, it is our opinion the loss of support*

*currently provided from the Abalone Cove and Portuguese Bend Landslides could result in significant structural damage within Zone 2". And I would add within Zones 5 & 6.*

*The roads for accessing and exiting Zone 2 are located in Zones 5 and 6, namely in the adjacent Abalone landslide area or the Portuguese landslide area. These roads were built some 60 years ago and were not designed for heavy construction equipment and materials. In the case of Narcissa Drive there is at least one location where heavy equipment can barely leave room for vehicles traveling in the opposite direction to pass. Because of this safety issue the largest and widest traffic will use Peppertree Drive. This street is in an even more active landslide zone. Furthermore, the vibration of this equipment passes homes that are in a particularly sensitive soils and landslide area and where gas lines and water lines have been placed above ground due to the constant landslide movement.*

*The traffic and circulation section of the DEIR assumes conservatively that all 47 lots are under construction concurrently. This would generate approximately 852 vehicle trips per day for construction worker vehicles and trucks. Furthermore, the City in its 5 year plan, states that "property values tend to suffer from poorly maintained streets. The city completes a full detailed assessment of all streets every 3 years which helps identify any serious issues", including safety. This City policy provides additional justification why a detailed assessment of the impact of concurrent construction on the two access streets is needed.*

*It is not adequate to merely state that the infrastructure is the responsibility of the Community. The Community has already experienced a historic wall being destroyed by a large cement carrying truck, entrance key pads have been severely damaged and a private property owner's wall has been damaged by construction trucks involved in a Monk's litigant development. In a worst case scenario Wayfarers Chapel is at risk of serious damage if there is road failure. By allowing further development the City will be IMPOSING on*

*the Community potential road access/exit failures with consequent impacts on human safety, fire safety, etc*

*Please explain and justify why the DEIR does not contain a detailed analysis of load bearing pressures on these two delicate road systems, potential impacts on slope stability, impacts on the homes adjacent to these streets and identify any mitigation measures that are needed. Such a study should assume that all 47 lots will be under construction concurrently (this is the assumption contained in "impact T-4 of the EIR).*

4) Many studies and documents in the City's records going back to the 1970s, state that no additional development should take place until Altamira Canyon is appropriately made impervious. This is in order to prevent ground water recharge by storm water run offs and includes grading and sealing ground fissures and depressions in the area, correcting street and culvert drainage, and placing fill along the beach. These mitigation measures are not addressed in the DEIR. Altamira Canyon has been identified as a need in the City's Capital Improvement Plans for many years. Councilmember Brian Campbell called Altamira Canyon a "mini San Ramon Canyon" problem at the public hearing on November 7, 2012.

The DEIR must acknowledge that Altamira Canyon is already a deficient storm drain system. Numerous City sponsored reports conclude that the drainage system is already inadequate and is causing property damage. The project will result in additional storm water run off entering Altamira Canyon. Please explain and justify why Altamira Canyon is excluded from the DEIR regarding mitigation measures.

*5) ACLAD is stated as a responsible Agency. Have they been consulted by the DEIR consultants and, if so, has ACLAD agreed with the conclusions regarding Altamira Canyon in the DEIR and associated mitigation measures? Have they agreed with the conclusions*

*regarding the efficacy of the dewatering wells in "stopping" the Abalone landslide, particularly as it applies to the conditions of the Narcissa Drive access road and impact of heavy construction equipment? Are they satisfied that there are adequate dewatering wells to handle the additional storm water run off impact from the project development? Are they in agreement with all of the mitigation measures regarding hydrology and geology? If not please explain whether the City is to modify the mitigation measures to take into account ACLAD's recommendations and if not justify why not.*

*6) 3.3 states that CEQA requires an EIR to consider potential cumulative impacts of all currently planned or pending projects. Please explain and justify why the impacts of the following potential projects (already known to the City) are excluded from the DEIR: Plumtree, Mr York, Vanderlip, Mr Downhill. Lot subdivisions should be included in considering the cumulative impacts or the City should state specifically that no subdivisions can take place now or in the future.*

*7) The DEIR assumes that there will be no subdivision of the 111 lots, nor has it considered that existing homeowners may wish to expand their homes from an average of under 2,500sq ft to 4,000 sq ft plus garages as allowed for the project lots. Please justify and explain why.*

*8) The Public submitted many comments at the Initial Study stage regarding inadequacy of scope but the City has not responded to each question and comment. Is the Initial Study phase an integral part of the CEQA DEIR? If so why haven't responses been sent to those who wrote to the City as required by CEQA? If it is not considered part of the CEQA process, please explain and justify.*

*9) Given the public's concerns about scope limitations during the Initial Study phase, please have the DEIR consultants respond directly to the public the following:*

*Did the City instruct the consultants regarding scope of the DEIR?*

*If so were there any restrictions imposed on the Consultants?  
If not why have the consultants not incorporated into the DEIR the scope concerns of the public at the Initial Study phase in the DEIR?*

*10) The DEIR uses four separate assumptions regarding build out of the 47 lots. The Traffic and Circulation section assumes concurrent build out; the Air Quality section assumes all lots will be built out by 2015, a 2/3 year period; the Executive Summary in its Future Development Potential assumes a ten year build out; and the Notice of Completion and Environmental Document Transmittal assumes a period of at least ten years. The most conservative assumption should be adopted for all sections of the DEIR. This assumes a concurrent build out and all mitigation measures should be designed on this basis. Please explain and justify why different build out assumptions are used and why the conservative assumption of concurrent build out is not used consistently throughout the DEIR and in designing mitigation measures.*

11) Zones 5 & 6 are contiguous with Zone 2. The EIR does not explain Zones 5 & 6 as unstable areas that could migrate upslope into the project area nor does it address the impacts of drainage into Zones 5 & 6. Please explain and justify why.

## AESTHETICS

12) AES -3 requires that all new residences shall be subject to neighborhood compatibility analysis. Some of the more recent project plans have been allowing a "Mediterranean style" home. This has already impacted negatively the neighborhood compatibility which historically has comprised for the most part of single story ranch house style homes. Since the City refers in various parts of the DEIR to "ranch house style" we ask that the City hold to this standard in its issuance of any new permits.

## AIR QUALITY

13) AQ-1 It is good to know that the construction workers will wear face masks to reduce inhalation of dust which may contain the fungus which causes San Joaquin Valley Fever. What measures are being taken to advise residents of this risk and what actions should they take?

14) AQ-1b Please reference that the Community has more restrictive times allowed for construction than the city's ordinance.

15) Even though there are restrictions for parking on the streets, in the case of Upper Cinnamon because of the narrow street and short street ending in a cul de sac and concentration of the project in this small area, we ask that development be restricted to one lot at a time otherwise there will be serious traffic issues, human safety and fire safety issues.

## BIOLOGICAL RESOURCES

16) There is evidence of massive amounts of debris and silt being deposited into a State protected Marine Reserve established by the California Department of Fish and Game. Explain and justify why this is not addressed in the DEIR.

17) BIO 3 Establishing whether an individual lot is within the drainage channel

"within" Altamira Canyon is not adequate. Many of the lots in the project may not be directly "within" the drainage channel of Altamira Canyon but ultimately by using the street system enter this Canyon . The cumulative effect from the project on the Canyon needs to be quantified.

## GEOLOGY AND SOILS

18) Zone 5 is contiguous to this project and is the location of the recent Abalone Cove Landslide. The DEIR has not disclosed this fact nor what impact the cumulative storm water runoff from the project will have on the stability of Zone 5.

19) The DEIR is not disclosing a significant impact if the geological review standard is changed from the current 1.5 factor of safety to the project proposal of "shall not aggravate the existing condition". GEO-3 states that " no proposed building activity may cause lessening of stability in the Zone".

The DEIR must address how this new nebulous, non-quantifiable standard of this project description may have a cumulative impact. In addition, this subjective standard could be used for surrounding areas that are not part of this project leading to further development, which under the old standard may not be allowed. Please explain and justify why an industry acceptable standard for slope stability for this project is not being used?

#### HYDROLOGY AND WATER QUALITY

20) The DEIR fails to address the impacts of storm water run off to the sensitive intertidal species in the State Abalone Ecological Reserve which is the direct recipient of this storm water run off. Please explain and justify why.

21) Photographic evidence that the street systems are inadequate to handle storm run off in a regular rain season were shown to the City Council on November 7, 2012. This film showed a significant portion of a property owners's land being destroyed (adjacent to the lower part of Altamira Canyon). Comments on the floods of 1969 and TV coverage were explained. We suggest that the consultants and the Mayor and Council Members visit the Community at a time of heavy rains so as to appreciate first hand the concerns of the Community and before the EIR is finalized.

22) The map supposedly showing the drainage system is inaccurate based on attempts by residents to find such drainage courses. Existing culverts and pipes are seriously undersized and in some cases severed. Please explain and justify the DEIR's inaccurate mapping. The City and its consultants should visit the area during heavy rains and reconsider their conclusions as to the adequacy of the conclusion in 1) above.

23) Additional storm water run off into the landslide prone Zone 5 area as a result of this project poses a potentially significant impact directly to Zone 5 and indirectly to Zone 2. Please explain and justify why this is not addressed.

24) Mitigation HWQ-4 does not quantify the amount or rate of storm water run off that should be allowed from future construction from onsite detention facilities. Nor does it quantify standards for new hardscaping. The Monks lot owners are using pavers on driveways but the DEIR does not address what kind of pavers (pervious or non-pervious) and what grout line is adequate to prevent run off from going into the storm drain system (streets).

25) There are inconsistencies between the conclusions in the DEIR regarding the impact of storm water run off, volume and amounts that go into the soils and Altimira Canyon, which create further destabilization, and the conclusions at the City's own storm water run off workshop held in July of 2012. Please explain and justify these inconsistencies.

## FIRE PROTECTION

26) The DEIR does not address whether or not the fire hydrants are large enough to address the impacts of the project and Community, assuming full build out. Please explain and justify why.

27) The open lots lining the northern section of Zone 2 (Upper Cinnamon Lane) allow the fire department to access the open space in the event of fire. The DEIR does not address how the development of these lots will impact the safety of the area by cutting off this access for emergency services. Please explain and justify why.

28) The Community is a high fire hazard area. Mitigation measures need to specifically ban any construction workers from smoking in the open while working in the Community.

#### TRAFFIC AND CIRCULATION (see DEIR SCOPE section)

29) There are restrictions for parking on the streets in the DEIR. However, in the case of Upper Cinnamon because of the concentration of the project in this small area, because of the narrow street and the short street ending in a cul de sac, we ask that development be restricted to one lot at a time otherwise there will be serious traffic issues, human safety and fire safety issues.

#### OTHER

30) Are the Monks plaintiff plans that have been approved or are in the approval process required to comply with ALL the mitigation measures that will be in the final EIR in accordance with CEQA? If not which measures specifically are excluded? If not, please explain and justify this segmentation of a project under CEQA.

FEIR DETAILED ADDITIONAL SUPPORT-JEREMY DAVIES LETTER TO MR  
EDUARDO SCHONBORN –APRIL 29, 2014

References are to the items in the separate letter for the same date.

**1) Access Roadways and Pavement Integrity**

My letter to you of November 15, 2012 item #3 refers to Appendix D of the DEIR which states *“It should be plainly understood that because of the inherent potential for instability within adjacent landslides and the fact that Zone 2 is atop a landslide, that should additional significant movement occur in adjacent areas, it is our opinion that the loss of support currently provided from the Abalone Cove and Portuguese Bend Landslides could result in significant structural damage within Zone 2.”* I added “and Zones 5 and 6” (FEIR Pages 8-56-8-58).

Within the context of the access roads and pavement integrity, I raised questions regarding the access road infrastructure for Zone 2 potential development. These access roads transit Zones 5 and 6 and the impact of large and heavy construction vehicles for which the roads were not designed and the potential impact on human life and safety requires further study. I requested an explanation and justification why the DEIR does not contain a detailed analysis of load bearing pressures on these two delicate road systems, potential impacts on slope stability, impacts on homes adjacent to the two roads and identifying any mitigation measures that are needed.

The Response (Page 8-66) of the consultants’ (and presumably of the City) in the FEIR is to refer me to Section 8.1c Topical Response: Traffic and Circulation “Access Roadways and Pavement Integrity” which uses unsubstantiated evidence (see letter attached).

There is no evidence provided by the City or consultants to support their assumptions regarding the integrity of the current road system to bear safely the construction traffic for the build out that would be imposed on the PBCA if additional building permits are issued.

In addition, the consultants confirm that *“the performance of all possible roads and slopes can not be assessed here”* (Page 8-8). But they have already assumed that *“the roadway system was originally engineered for full development and build out of the residential tract and as such the street(s) were designed to accommodate the envisioned loading, including construction vehicles associated with the construction of the envisioned build out as originally reviewed and approved by the County of Los Angeles”* for which they have no evidence. These are conflicting statements.

The consultants also state that *“Surface slope stability may be a potential hazard to some of the proposed home sites within the project area”* (Page 4.5-12).

*“The material near the toe of the landslide has a distinctly different and chaotic structure with very low strength”* (Page 4.5-3) which reinforces the need for an in depth assessment of the access roadways leading to Zone 2.

Therefore I repeat my request that an in depth infrastructural study be carried out on the road system including drainage based on current standards and best City practices for safety. Such study must be specific to the present road and underlying soil and slide conditions of Zones 2,5 and 6 for the following additional reasons:

Many of the homes constructed in the early years of development (and before the reactivated landslides took place) were no more that 1,200 square feet and many had only one bedroom. This compares with the average size of new permits under the Monks settlement of 3,500-4,000 square feet plus 600 square feet for garages.

Construction truck sizes and loads were much smaller and building materials lighter when the original development was started in the late 1940s.

The study must contain loading factor conclusions not based on average soils and compaction standards but specific to the road, soil and slide conditions in Zones 2, 5 and 6.

It should be noted that dewatering wells in Zone 5 adjacent to Narcissi have sheared (WW2 several times since the 1980s with continued land movement) indicating the danger to that road as an access for heavy construction traffic. This should be factored into the study as should additional storm water run off volume from new construction that runs into land adjacent to the road access systems. *“The uncertainty with regards to landslide control has been abated”*(Page 4.5-4). This contradicts conclusions of ACLAD.

## **2) Hydrology**

The Palos Verdes General Plan states *“prohibit activities that --- increase canyon wall erosion”* (section 4.8 Page 4.8-6) and *“stringently regulate...natural drainage ...in new development uses affecting existing or potential slide areas”*(Page 4.8-7). The FEIR contains several conflicting statements (in addition to those contained in the accompanying letter) regarding storm run off and drainage and related information and ignores totally or in part the two areas above contained in the General Plan:

*“Runoff to match existing conditions”* (ES-14)

*“Avoid changes to the character of the runoff at property lines including increasing the concentration of flow out letting onto adjacent properties* (HWQ-4 Page ES-20)

*“By maintaining post-development drainage conditions at the same level as existing conditions, no increase in runoff rates and volumes to Altamira Canyon would occur”* (Page 8-5).

*“A detailed hydrological analysis be prepared for each individual lot demonstrating that no net increase in runoff rates and volumes leaving the site occurs, no increase in total infiltration occurs, and no diversion of flows occurs”* (Page 8-5).

*” Any new development would maintain, and would not exacerbate, the existing runoff and infiltration conditions”* (Page 4.8-11 HWQ-3).

*“Avoid changes to the character of the runoff at property lines”. “Changes in character include ...changing the depth and frequency of flooding, concentration of flow out letting onto adjacent properties or streets”*(Page 4.8-18)

*“Post development peak discharges will not substantially increase peak flood flows or increase flooding”*(Page 4.8-20)

*“Roof runoff from all buildings and structures on the site shall be contained and directed to the streets or an approved drainage course”* (Page 4.5-14). However the FEIR is relying on an “approved” drainage course for which there are no records-see item 1 above.

Many commenters on the DEIR who have lived in the community for many years based on facts and observations indicated that the drainage system is inadequate. The FEIR (Page 4.8-1) concludes that *“the existing drainage system was designed for the entire Portuguese Development, including the 47 undeveloped lots”*. As explained in item 1) above the consultants and City are unable to provide evidence of such drainage design.

Ground water *“is also the only factor that can be reasonably manipulated to minimize the slide movement for all areas within the Ancient Portuguese Bend Landslide (APBL) complex.” “Control of groundwater is the only effective remediation for landslide instability, and that large- scale failure is otherwise possible outside of the landslides. The commenter is correct”* (Response 5.1 Page 8-39). Another reason for Altamira Canyon to be resolved.

#### **4) Traffic and Circulation-Emergency Evacuation**

The FEIR states *“the LLG analysis recommends that the City consider posting these access roads with “no parking-Fire Lane signs”* (Page 4.10-26). It would appear that the consultants did not visit the project site since such signs are posted and have been for many years.

Jeremy Davies, 36 Cinnamon Lane, RPV

Remarks to RPV City Council on responses to the FEIR for the proposed  
Landslide Moratorium Ordinance Revisions – August 5, 2014 meeting

Mr. Mayor, Mayor Pro-Tem, Council Members and Staff

Thank you for the opportunity to emphasize two points regarding the FEIR.

1) Topical response Section 8.1a of the Hydrology and Drainage Section of the FEIR states that the drainage system was designed for the full build out of all 111 lots, which includes both the Monks lots and the remaining 31 lots. The FEIR also recognizes that the roads are an integral part of the drainage system. The assertion is made that this design was reviewed, approved and permitted by LA County.

Topical response Section 8.1c which includes the Access Roadways and Pavement Integrity Section of the FEIR recognizes that the roadway system was originally designed for the full build out of all 111 lots and was reviewed and approved by LA County. The roadway system passes through zones 5 and 6, both active landslide areas which, incidentally, had not been reactivated at the time of the supposed approved design for the full build out.

In addition, the FEIR asserts that the streets were designed to accommodate the envisioned loading, including construction vehicles associated with the construction of the envisioned build out as originally reviewed and approved by the County of Los Angeles.

On request the City was unable to provide any proof of the assertion regarding the design, review, approval and permitting by LA County for the full build out of the 111 lots.

CEQA section 15384 requires substantial evidence that relevant information is provided to support a conclusion. The conclusions contained in Sections 8.1a and 8.1c of the FEIR are of major importance to the integrity of the FEIR. The FEIR fails on this count.

In responding to the 35 public comment letters the FEIR extensively uses the unsubstantiated assertions contained in these two Sections. The Responses rely on Section 8.1a 110 times and on Section 8.1c 35 times to justify their conclusions and responses to the public comments. In addition, in the Responses to the oral comments made at the City Council Public Hearing of November 7, 2012 these unsubstantiated assertions are used a further 9 times.

Clearly the FEIR fails CEQA section 15384 in at least 154 responses to the public's concerns. I urge you not to approve an FEIR based so extensively on unsubstantiated assertions.

2) Secondly, it is instructive that not one of the 31 remaining lot owners who belong to the Portuguese Bend Homeowners Association submitted any critical analysis of the FEIR. This lack of involvement in the FEIR process leads one to assume that these lot owners are convinced that the City intends to rubber stamp approval of the FEIR allowing them to build, independent of whether the FEIR is adequate or not or whether the mitigation measures are adequate or not and whether major assertions are evidenced or not.

If the City approves this project based on an incomplete FEIR containing unsupported assertions, the public would be right in concluding that the City is more interested in favoring short term profit motives over constituents' safety or a potentially severe impact to the Community and the City.

Finally a personal comment. If I were asked to approve this non compliant CEQA EIR, my professional integrity and my conscience would not allow me to approve such a document.

*Jeremy Davies OBE  
36 Cinnamon Lane  
Rancho Palos Verdes  
California 90275  
Email: [jdavies@kubaaa.com](mailto:jdavies@kubaaa.com)*

*April 29, 2014*

Mr Eduardo Schonborn  
Planning Division, Community Development Department,  
City of Rancho Palos Verdes,  
30940 Hawthorne Blvd,  
Rancho Palos Verdes, CA 90275

Dear Mr Schonborn,

**FEIR FOR ZONE 2 LANDSLIDE PROPOSED MORATORIUM ORDINANCE  
REVISIONS**

I am taking the liberty of sending this letter to the Mayor and Council Members. We hope they can fully appreciate and understand the extent and depth of our Community's concerns before considering expanding development in Zone 2.

We have resided at the above address for over 22 years. Upper Cinnamon Lane is a short cul de sac and will have 30% or 14 of the proposed new 47 residences constructed immediately adjacent to the existing four homes.

I summarize below topics that have not been addressed adequately in the FEIR or where the FEIR is deficient or inaccurate and/or does not comply with CEQA. These topics warrant careful consideration by the City Council before making their final decision. Quotes from the DEIR or FEIR are in italics and emphasis has been indicated by bold type in the quotes.

Additional support to the concerns addressed in this letter are attached as a separate document.

**1) Access Roadways and Pavement Integrity**

**The FEIR makes unsubstantiated assumptions that the roadways, pavement integrity and drainage systems (as they use the roadway system) were engineered as though they were**

**public roads. This leads the reader to false conclusions. CEQA Section 15384 –Substantial Evidence requires that enough relevant information is provided to support a conclusion.**

Section 8 Comments and Responses Page 10 of the FEIR states *“It is important to note that the roadway system was originally engineered for full development and build out of the residential tract and as such the street(s) were designed to accommodate the envisioned loading, including construction vehicles associated with the construction of the envisioned build out as originally reviewed and approved by the County of Los Angeles”*.

On investigation this turns out to be pure conjecture as the City has no record of studies, reports etc. (confirmed to me in writing on April 4, 2014 by the City). The City’s response on April 4, 2014 to my question about the original permit for development is “I researched our archives regarding the original approvals/documentation from LA County, but could not locate any studies, reports, etc”. The City goes on to state that “it is reasonable to conclude that the subdivision was approved with improvements and infrastructure designed to the standards in place at the time to handle build out of the tract”. This unsubstantiated answer has been used to respond to many other commenters who also expressed concern about the road infrastructure.

For the City to presume “reasonableness” at that time when only a few years later the Portuguese Bend landslide was reactivated due to County incompetence would appear inappropriate. This landslide resulted in the loss of 134 homes and still impacts others in our Community.

Furthermore, the assumptions made in referring to a LA County review and approval predates the reactivation of the Portuguese Bend and the Abalone Cove landslides. So even if a study did exist it is irrelevant since the County could not have foreseen the future impacts of the landslides and the destabilization of the Zones 2,5 and 6.

Without a detailed in depth infrastructural study of the roadway system that provides access to Zone 2, the City will be placing its reliance on approving the project as it applies to access road and pavement conditions, the impact of storm runoff on the road system and related safety issues based on a document that makes an assumption which has no supporting evidence.

*“CEQA requires specific performance standards that must be met and ways to meet those standards”* (Page 8-86 of the Comments and Responses section).

The City has discretionary authority over the proposed project (Page 2-12). If this infrastructural study is not carried out and the City continues to depend on unsubstantiated assumptions and conjectures, as explained above, and there is an accident or major failure of the road system resulting in harm to human life, the City, Council members and the consultants could be at best considered irresponsible for not carrying out this study, and at worst, grossly negligent. The City and Council members should carefully consider their fiduciary responsibility in this regard.

## **2) Hydrology**

**a) The FEIR contains conflicting statements regarding storm water runoff impacts. The FEIR admits that Altamira Canyon is a problem that should be addressed but claims infeasibility before full project build out without full discussion as to why and what mitigation measures could be taken. CEQA Sections 15141 and 15384 -Substantial Evidence and Standards for an EIR require information to be contained in the FEIR and enough information to support the conclusions.**

The FEIR contains several conflicting statements regarding the impacts of storm run off, for example:

*“Runoff rates, runoff volumes and infiltration would remain **generally** the same as under existing conditions with adherence to mitigation measures in HWQ-4”. “Localized flood effects **may** occur on an individual lot basis”. “**Increases** in runoff from an individual lot **would** range from approximately 9.8% to 15.1%” (Page 4.8-15). “The proposed ordinance revisions **would not significantly increase** lot runoff or contribute significantly to the drainage system after mitigation” (Page 8-127). “**Regardless of the localized flooding that may occur under existing conditions, if no net change occurs due to the development of the 47 lots,...**”(Page 8-3). Several of the above statements are at variance with the assertion that there will be” **no increase in runoff rates and volumes to Altamira Canyon**”(Page 8-5).*

By permitting development above Zone 2 e.g. Island View, Del Cerro and Valley View etc., the City has already added to the instability of the land in Zones 5,6 and 2 by creating conditions for additional infiltration from runoff from these developments into Altamira Canyon. The FEIR now denies the need for this situation to be fixed before further compounding the infiltration problem by approving further development. The need to resolve the Altamira Canyon issue before any additional development is well documented in City capital plans, the Horan settlement, public statements by Council members and a City workshop on landslides held in July 2012. All ignored or considered infeasible in the FEIR.

It should be noted that Page 8-79 acknowledges that mitigation at Altamira Canyon was discussed by the consultants with the City but no further explanation is given as to the nature of the discussions and conclusions and their rationale. *“While it may be desirable to resolve the site flooding and erosion in Altamira Canyon and other natural drainage courses, it is an existing condition affecting the larger area that **would be addressed separately** from these proposed ordinance revisions”* (Page 4.8-17). How is the City to address this issue raised in the FEIR but not explained?

The argument that it is infeasible from an economic perspective to line Altamira Canyon no longer is valid given the money being spent on remediation measures adopted in the case of San Ramon Canyon (\$17.8 million as reported in the Daily Breeze April 2013). Furthermore, on February 18, 2014 alternative phased solutions to start to remedy the Altamira Canyon situation were proposed to the City Council which are not discussed in the FEIR.

City deliberations on this issue should consider recent slope failures and other major projects dealing with storm water conditions in the City and adjacent regions and their implications e.g. Paseo Del Mar in San Pedro, Trump Golf Course, the San Ramon project and Bluff Cove, PVE. In addition, national disasters involving slide failures such as Oso, Washington, Jackson, Wyoming and Laguna Niguel, draw additional attention to poor City development standards being adopted, sometimes under economic pressures, ultimate loss of life, property damage and liabilities resulting from these poor decisions. As ACLAD states “*The reactivation of the landslides in the Portuguese Bend area are all related to human activities that led to an increase in groundwater*” (ACLAD 2012).

The City and Council members personally have a fiduciary responsibility to deal with this matter before considering any additional development or alternatively to deny the project.

**b) The FEIR uses LA County averages for its calculations for runoff from new construction rather than project specific conditions and makes assumptions on preconstruction conditions that do not reflect actual conditions. This conflicts with CEQA 15151 which requires a sufficient degree of analysis to support a conclusion.**

*“Post-construction lot infiltration and runoff rates and volume shall be made equal to pre-construction conditions through use of appropriate low impact development principles....”*  
(GEO-3(a)-Page ES-14).

Pre-construction conditions are neither quantified nor spelled out in the FEIR. The calculations which the consultants have used are not reflective of local conditions in Zone 2 since they use County averages and soil conditions in a non-slide situation which are irrelevant to the project conditions (see HWQ-4 Page ES-19). The likelihood of new developments’ storm water runoff creating damage to adjacent properties may constitute both a private and public nuisance.

In 22 years of living in Zone 2 we have not experienced flooding from the land above us in a pre-construction stage. The combination of trees, yucca plants, grasses and absorbent soil conditions (the nature of the landslide soil is capable of absorbing significant storm water before any runoff occurs) has protected us from flooding. By increasing the impervious surface area on the lots above us (steep slopes) by 38% it will not be possible to “*effect post-construction lot infiltration and runoff rates and volume equal to pre-construction condition*”. This comment is based on 22 years of experience of actual conditions and not on hypothetical calculations using County averages (as opposed to using actual conditions in Zone 2).

For example, runoff rates for 37 Cinnamon Lane in a 50 year storm rise to approximately 1400 gallons per minute. With a 1600 gallon holding tank capacity it is not logical that serious flooding conditions and potential damage to the properties below this site can be avoided (source

are the planning documents held by the City). Therefore the conclusion that “*runoff from all buildings and runoff areas not infiltrated or retained on site to match existing conditions shall be collected and directed to the street or to an approved drainage course as approved by the City*” (Page ES-14) is highly suspect.

### 3) Hydrology - Hold Harmless Agreement

**The mitigation does not clarify if the hold harmless letter applies to damages suffered by residents outside the project area. The City is potentially opening itself up to a future Horan type litigation.**

The City is to require a Hold Harmless Agreement to defend, indemnify and hold the City harmless from any claims or damages resulting from the requested project prior to issuance of a building permit. This is a distinct inequality of treatment in the event that the individual home owner and the PB Homeowners Association is also potentially damaged by flooding and other consequences etc. resulting from this City authorized and imposed project, if approved. It is noted that the City is required to approve the plan that demonstrates that the individual's lot's drainage does not impact the surrounding properties (Page 8-159). The City should require indemnification for homeowners and the PBCA for damages to existing homeowners and the PBCA as part of their indemnification letter.

### 4) Traffic and Circulation-Emergency Evacuation

**a) The FEIR is deficient in that it ignores the possibility of fire closing one of the two access and egress roads and the estimated evacuation times used in the FEIR are unrealistic. CEQA Section 15384 in determining “substantial evidence” requires providing enough relevant information to support a conclusion.**

Section 4.10 page 4.10-26 concludes that the design of the roadway system is adequate for emergency evacuation purposes. This is predicated on both Peppertree and Narcissi being open and available in the event of a fire. What the FEIR does not consider is if a fire starts at the lower part of Narcissa thus causing that street to be impassable. The City needs to restudy this eventuality and factor it into the FEIR calculations. The FEIR also “*concludes that additional width is available among many portions of the roadways*” (Page 4.10-25). This conclusion overlooks the fact that any additional width for streets cannot be obtained without a seizure of homeowners' property or obtainment of an easement.

The estimated clearance times contained on page 8-14 are totally unrealistic. On April 21 it took me 3 minutes to reach the Narcissa gate from my home and 3 and ½ minutes to reach the Peppertree gate. I drove at the posted speed and stopped at all stop signs. There were no other vehicles on the streets at the time, no equestrian evacuation, no construction vehicle evacuation

no other residence evacuation, no fire vehicles on the streets and it assumed that both streets were available for evacuation.

Furthermore the statement on Page 8-14 that *“it has been subsequently learned that the horse owners and horse boarders would likely shelter their horses in place and rely on sprinklers”* only applies to Portuguese Bend club members and not to a large number of other horse owners who are not within the club but are within and adjacent to the project .

**b) The FEIR is deficient in that it does not address fire vehicle and team access to land above Upper Cinnamon Lane after the full build out. This appears to be a physical change resulting in a significant effect requiring mitigation under CEQA Section 15382. There is a lack of sufficient analysis under CEQA Section 15131.**

Once full build out of the project is completed there is no access to land above Upper Cinnamon Lane, an area which has experienced previous brush fires.

## **5) Environmental Setting-Cumulative Projects Setting**

**Recent drillings have taken place in 2014 on two potential property developments which questions the FEIR conclusion that no projects are known that can be considered proposed.**

The FEIR considers no projects are known that can be considered planned, apart from Downhill, for inclusion in the cumulative development setting (Page 8-51). The Response to several commenters regarding the impact of the cumulative development setting excludes any potential impact from the “Point View” or the “Beanfield” on the basis that these are speculative future projects. Yet there have been drillings taking place in early 2014 on both sites. It is unlikely that the owners would incur these costs if they did not plan to develop their properties. This raises the question of incompleteness of the FEIR and additional analysis of the impacts of these projects being required to be included in the FEIR.

**6) CEQA requires all comments received during the circulation of the DEIR to be fully answered. This has not been done in all cases and in some cases answers have depended upon unsubstantiated evidence as described above.**

In addition to the topics contained in items 1-5 above, the following questions raised in my letter of November 15, 2012 are either not answered or are incomplete in their content or are referred back to the City:

No response to question # 11 regarding drainage into Zones 5 and 6.

Response to question # 14 explaining that more restrictive construction times are contained in the PBCA architectural standards and as such should also be included in the mitigation measures is

merely “noted” (reference to other PBCA standards are referred to in the FEIR e.g. ranch house style homes).

The response to question #25 which refers to the City workshop is that no response can be given since no specifics have been provided. I assumed that the consultants had access to the workshop discussions, slides and conclusions and therefore already had specifics to which they could respond.

Response to my concern that a ban on constructors’ employees from smoking be included in mitigation measures (question #28) is referred back to the City for their consideration. As a high fire hazard area it should not be so difficult to include such a ban since also it is posted at the gates.

Question #30 which reads “Are all Monks plaintiff plans that have been approved or are in the approval process required to comply with all the mitigation measures that will be in the FEIR in accordance with CEQA? If not which measures specifically are excluded? The response does not address this question.

Sincerely,

Jeremy Davies OBE

*Cc*

*Mayor [Jerry.Duhovic@rpv.com](mailto:Jerry.Duhovic@rpv.com)*

*Mayor Pro Tem [Jim.Knight@rpv.com](mailto:Jim.Knight@rpv.com)*

*Councilwoman [Susan.Brooks@rpv.com](mailto:Susan.Brooks@rpv.com)*

*Councilman [Brian.Campbell@rpv.com](mailto:Brian.Campbell@rpv.com)*

*Councilman [Anthony.Misetich@rpv.com](mailto:Anthony.Misetich@rpv.com)*

Subject: FW: Zone 2 EIR

From: Leanne Twidwell [mailto:leetwid@yahoo.com]

Sent: Wednesday, December 12, 2018 5:18 PM

To: Octavio Silva <OctavioS@rpvca.gov>

Subject: Zone 2 EIR

Dear Mr. Silva,

We are happy to see that the city has decided to re-visit the Zone 2 Environmental Impact Report.

There were many objections to the original report, and countless predictions of doom should any development be permitted in Zone 2 of Portuguese Bend. However, it is interesting to note that in the interim, at least 14 of the so-called Monks lots now have very large homes on them, and there have been no adverse effects resulting from any of this recent development.

This leads us to believe that the predictions of slipping, sliding and general chaos were wrong and that the remaining lots in Zone 2 could be developed safely using the same parameters that the city has applied to the Monks lots.

We have lived in Portuguese Bend for 42 years and in addition to our home at 32 Sweetbay Road, we also own a lot at 50 Narcissa, which has been the home of Ride to Fly, a developmental horseback riding program, for many years.

We thank you for your efforts on this project and look forward to a positive result this time around.

Sincerely,

George and Leanne Twidwell  
310 541-1003

Lisa A. Lawson  
Trustee, Jack E. Downhill Trust  
Judith H. Foote  
Successor Trustee, Jack E. Downhill Trust  
20 Vanderlip Drive  
Rancho Palos Verdes, CA 90275

Dec. 11, 2018



RECEIVED

DEC 11 2018

Octavio Silva, Senior Planner  
City of Rancho Palos Verdes, Planning Division  
30940 Hawthorne Blvd  
Rancho Palos Verdes, CA 90274

COMMUNITY DEVELOPMENT  
DEPARTMENT

This is submitted in response to the Nov. 8, 2018, City of Rancho Palos Verdes (**RPV**) Notice of Preparation (**NOP**) of an Environmental Impact Report (**EIR**) "to complete the EIR associated with proposed revisions to Zone 2 of the Landslide Moratorium Ordinance (**Case No. PLCA2018-0004**)." *(City Council (CC) Agenda 9/18/2018, pg.7)*

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**Summary:**

Zone 2 EIR documents do not include all Zone 2 lots! Lots #8, #10 and #20 on Vanderlip Drive have been omitted from any development discussion. These are large, multi-acre lots. Lisa Lawson is Trustee of the Jack Downhill Trust, owner of lot #20, a 6.94-acre parcel zoned R-1. Her father, Lt. Col. Jack Downhill, purchased the lot in 1968, 50 years ago, for investment.

1. We request lot #20 be included in this Zone 2 EIR, since it is in Zone 2.
2. We request the ability for a lot split: lot #20 is 6.94 acres, zoned R-1. With that acreage and zoning, any further denial of long-requested lot 20 split we request be corrected in your EIR.
3. Geological evaluations in 1969, 1977 and 1993 support lot development.
4. Lot #20 already has utilities, including 6 Abalone Cove Landslide Abatement District (**ACLAD**) sewer hookups the Trust has been paying since the inception of sewers.
5. Lot #20 has fire hydrants at the northeast and southwest corners.
6. Both upper and lower portions have water meters in place.
7. Gas and electric are already in place for the upper portion and are within 10 feet of the lower portion.

**Again, Zone 2's Vanderlip Drive lot #20 needs to be included in your EIR and your EIR recognize the ability to split its 6.94 acres, zoned R-1.**

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What follows is expansion and further detail of these two requests. Referenced documents quoted herein are available in RPV's Planning Division but are not included here because of their bulk. Our quotes are concise, to the point.

**1.** This Zone 2 EIR will provide 'build out' parameters for Zone 2 since, of the 111 individual lots, only 28% (31) remain subject to a 40-year old Moratorium dating

from 1978. Owners need these so, at long last, they may use / enjoy their property, as all other Zone 2 owners have or can. After 40 years!

2. However, 3 lots are not included. Considerably larger than the 31, these have also waited 40 years to provide their owners full lot use, an ability to split their lots.

**Now, as Trustee and Successor Trustee of the Jack Downhill Trust, owner of Zone 2's 6.9 acre lot at 20 Vanderlip, we again ask, at last, your EIR specifically include this lot and the ability to split it; a lot outside the Portuguese Bend Community Association. (acreage ref: 2010 Assessor's Map)**

It adjoins two other large, multi-acre lots off Vanderlip Drive (#8 and #10). **All three lot owners have requested the ability to split their lots.**

#### 4. Brief History:

**RPV's 'Moratorium' has completed its 40th year.** There are **at least 3-4 thousand pages** apropos to Zone 2 and updating EIR efforts. For example: **our Feb. 2014 final EIR is 491 pages alone!** Reviewing these is a daunting task!

5. **'In the beginning' - 40 years ago in 1978, RPV CC established a "Moratorium" on development** in a landslide area largely known as Portuguese Bend. **15 years later, in 1993, this area was broken into numerical 'zones,' corresponding to a professional judgment on that zone's potential for or actual landslide. This EIR covers zone #2.**

6. In the past RPV has required site-specific geologic studies.

**1969 the first of these happened on lot #20.** Consultant Moore and Taber included borings on lot #20 providing evidence ***"the area is not being part of an active landslide ... no ground water was encountered ... these slides have not moved for several hundred thousand years ... factor of safety ... significantly and possibly substantially greater than one."*** Weber 10-17-12 letter, pg. 2)

**In 1977,** as a result of rebuilding the Vanderlip's 'Bird Keeper house' on lot #20 after the 1973 fire, Moore and Taber again provide site-specific geological study concluding ***"the proposed construction is feasible, it will be insignificant with respect to ... the gross stability of the area ... no direct or adverse affect on adjacent property."*** (ibid, pg. 3)

**In 1993 Zone # 2 was professionally described as "Subdivided land unaffected by large historic landslides (about 130 acres)."** (Ehlig Memo: 5/26/93, pg. 1). Further, Dr. Ehlig states, **"The 25 undeveloped lots ... and an undetermined number of parcels served by Vanderlip Drive, could be developed without adversely affecting the stability of the large, ancient landslide. In fact, if development were combined with installation of additional wells stability, would be improved."** (ibid, pg. 3)

Dr. Ehlig's **'Suggested Guidelines'** for Zone 2 start with, **"Development of undeveloped lots shall be permitted in ... and the subdivided land served by Vanderlip Drive subject to the following stipulations:"** (ibid, pg.3)

7. Time marched on and over these 40 years RPV's CC Minutes reflect **two major Zone 2 Moratorium Ordinance Revision EIR attempts**. The first is found in a draft EIR dated September 2012. The second in a final EIR dated February 2014.

**8. What happened? CC Minutes for their August 5, 2014, meeting show that on a motion by Councilman Misetich, seconded by Councilwoman Brooks, this final EIR was 'tabled,' some 36 years after the moratorium's 1978 initiation!**

**At that meeting** numerous local Zone 2 residents continued speaking, as they had for those many years, against any ordinance revisions and **one (Stuart Miller) - threatened another lawsuit**. (*CC Minutes 8/5/14, pg. 3*) (For the record RPV had already undergone Monks 1, Monks 2 lawsuits which concluded with 16 Zone 2 lots having the courts finally provide their ability to be developed). And currently the 'Black' case, just concluded, again involved Zone 2 lot development (*2<sup>nd</sup> Appellate District, Div. 1.; No. B285135, certified for publication 9/6/18*).

**9. Now, in 2018, 40 years after the instigation of RPV's Moratorium, this 2014 'Final' EIR is being resurrected for 'review and update' and CC action on a tight 7 month schedule. Rincon, the consultant for this and both 2012 and 2014 EIRs, had their 'kick-off' meeting Oct. 15, 2018. Given Rincon's 7-month schedule, our CC should see the EIR in May 2019.**

**10. Our request:** Have the EIR include giving **20 Vanderlip Drive (6.9 acres)** the **ability to split the lot. In the past #8 (4.03 acres) and #10 Vanderlip (3.78 acres) have also requested the ability to apply for splitting their large Zone 2 lots.** (*acreage per Assessor's 2010 map*)

**THIS IS NOT A NEW REQUEST.**

**11. 2009: All three homeowners requested lot split** in their Feb. 2009 letters to CC re its 3/3/2009 Meeting re changing 15.20 of our Municipal Code to accommodate court required development of the previous undevelopable 16 Monks lots. (*Planning Case No. 2009-00007*) These letters state:

One, from Kathy Snell, (#8 Vanderlip Dr.) states that **"In approximately 1985, the then-Mayor Jackie Bacharach and the City Council took away the right of subdividing in the Moratorium area with the promise it would be reinstated in a few years after the slide was abated. Mayor Bacharach further stated that paying the "benefit assessment" to ACLAD would benefit the property owners by stopping the slide and allowing subdivision and building to take place."** She further cites a **1990's lot split for John Vanderlip, creating 98 Vanderlip Drive.** That Los Angeles County allowed #8, 10 and 20 Vanderlip splits and continued lot splits into the 1980's until CC placed restrictions on them.

Hastings (#10 Vanderlip Drive) in their 2/23/09 lot split request letter commented that in **2006 he 'approached the Director of Planning and asked about a lot split...'**

***Jack Downhill's 2/18/2009 letter asks the term 'undeveloped' (later included 'underdeveloped' lots which better describes these 3 lots) recognize the lots, because of their size, should be able to be subdivided or lot split into individual lots consistent with the zoning of the immediate properties.*** He states his property is zoned RS-1, one unit per acre. **He has 6 sewer hookups, established gas lines and an electric pole on his property. That is, ACLAD foresaw splitting his lot and installed the necessary hookups – for which #20 Vanderlip now pays for all 6, though only 2 are in use.** A second letter (undated but referencing CC March 3, 2009 agenda) for this item, details his frustration at the Staff Report and past city actions regarding his property. And again, Jack asked for equity, for equal treatment.

**12. 2011:** January 2011 and a draft EIR. **At that time we'd been under the 1978 Moratorium 33 years!**

**Jan. 2011:** Jeremy Davies, in his 'Initial Study January 2011' letter concludes “ ***(the draft EIR) ignores other known current developments and potential developments (... Downhill, Vanderlip ...).***”

**13. Jan. 18, 2011:** Jack Downhill's letter notes he is paying taxes and fees on his 6.9 acre lot as though it would be subdivided in the future. He ***asks his property be included in the draft EIR with those listed as 'underdeveloped.'***

**Jan. 19, 2011:** Jim York's letter addressed concerns that include, ***“under the proposed ordinance, no existing lots in Zone 2 would be permitted to subdivide. We understand some existing, legal lots in Zone 2 exceed the minimum lot size that was established as far back as 1975 (Ordinance 75-78). Therefore, a provision should be made in the ordinance to allow a subdivision, subject to the underlying zoning and development standards.”***

**14. July 20, 2012: Landslide Moratorium Exclusion Application (LME)**

Jack Downhill submitted Landslide Moratorium Exclusion Application (ZON2012-00232), deemed incomplete by RPV in a letter dated August 10, 2012, wanting numerous additional details /information then provided in an Oct. 17, 2012 letter.

**October 17, 2012:** *Jack and Weber Consulting responded to RPV; supporting Jack's Landslide Moratorium Exclusion application for lot #20 with a 30 page letter including responses directly addressing RPV's requests in their August letter; lot 20's legal description; draft grading approval application; fee payment proof; division of land application and 17 pages of an Environmental Information Form. The city stated LME must contain geologic and geotechnical studies that “ must be site and project specific.” Jack's letter and item #6 above (pg. 2) presents Lot #20's results of three acknowledged geologic studies, all concluding positively for lot #20 development, including one stating such development would improve stability!*

**15. 2012:** The EIR had a second comment period, ending Nov. 20, 2012.

**Nov. 6, 2012: Jack Downhill** wrote “**Letter 11**” (ref. the assigned comment number) in which **he found the number of lots cited as subdivision lots to be “grossly misleading.”** In the case of **Vanderlip Drive** the EIR suggests **14 lots** whereas “applying current zoning ... **the number of additions that would merit consideration ... are 7**” (not 14). He detailed: **98 Vanderlip = 1 additional; Downhill = 3; Hastings = 1 and Snell = 2** for the **7 additional meriting consideration.** He included his **Parcel Map** dated **July 2012**, showing a potential 4-lot subdivision for 20 Vanderlip.

**16. Nov. 8, 2012: RPV’s consultant (KCG Kling Consulting Group) letter re Jack’s 7/20/2012 LME Application (#14 above)**

**Jack would now be required to submit:**

*“... **geologic and geotechnical reports that are project and site specific** ... reference and use any geologic and geotechnical reports available for the area (i.e., Zone 2) and specific site, signed by a licensed engineering geologist (CEG) and engineer (PE/GE) and demonstrate that the site may be excluded (removed) from the landslide moratorium area. This requires the site be demonstrated to be not part of the landslide or that the hazard will be eliminated.... (lot split project) falls under the auspices of the Seismic Hazards Mapping Act and SP 117A.”*

**Given 3 completed previous geologic studies** cited above (item #6) how could these be considered, by any means, “onerous” as Jack labeled them?

**Oct. 18, 2013: Jack Downhill** wrote **Attachment 1-146** (to the Zone 2 Draft EIR). His frustration with the EIR’s statement of work ignoring lot splits comes through. **“It is my contention that all properties in Zone 2 must be treated fairly and equally, considering historic as well as current zoning and density factors; undeveloped as well as underdeveloped.”** He cites the **three Vanderlip Drive properties, designated R-1**, each of several acres currently improved with a single unit. “Another factor relating to my property is the adjoining lot to the west, a Monks lot, created in Nov. 1989 by a ‘lot split’ which was allowed under the Moratorium language which still remains unchanged.” He refers to his Parcel Map showing the 4 lots all subject to the same qualifications as the Monks lots and other undeveloped lots. ... sewer laterals to service these are already in place. He cites **lots on the “very edge of earth movement ... are OK to develop whereas the properties on Vanderlip Drive, the most distant from any slide activity, are essentially removed from Zone 2.”** He concludes, “These factors need, absolutely, to be included in any final determination.”

**April 4, 2014: Jack Downhill** wrote **Attachment 1-118** highlighting that **Staff and the EIR document “fail to provide objective, in essence, any at all, treatment of the omission of the three properties Nos. 8, 10 and 20 Vanderlip Dr.. These properties occupy the entire northeast corner of Zone 2 and deserve explicit inclusion, with limited parceling, in the Mitigated category being recommended for allowing development.”**

**He goes on to cite the 1989 lot split of the adjacent parcel ... one of the Monks properties.**

**A second Downhill letter that date formally requests #8, 10 and 20 Vanderlip be included with the 31 “undeveloped lots” for mitigated negative declaration treatment ... “with a stipulation of limited parceling.”**

**April 24, 2014: Jack Downhill submitted ‘Weber Consulting’ analysis of the landslide moratorium ordinance revisions as they should relate to his property. It cites Jack’s 1968 acquisition of 20 Vanderlip Drive and his long record of desiring to subdivide only to be ‘thwarted’ for decades by regulatory impediments, including his filing a Moratorium Exclusion Application (ZON2012-00232) requesting a 4 lot subdivide which came back with” onerous” geological requirements (see #16 above) that, based on experience, **would far exceed those required of the Monks lots**, evidencing city’s differential treatment of neighbors, something Jack didn’t believe was the city’s intent. However, it was reality for his property.**

This was Jack’s last correspondence before his death. Lt. Col. Downhill, a pilot in 3 wars (WW II, Korea, Vietnam), was buried with full military honors in Arlington National Cemetery Dec. 3, 2018. Like Monks, Jack didn’t live to see the full use and value of his 1968 Lot #20 acquisition. **1968 – 50 years of waiting.**

**17.** Now his estate carries on, reiterating Jack’s April 24, 2014, letter where he asked the EIR and resulting city Ordinance permit all Zone 2 properties to be fully developed (including Vanderlip Drive lot split ability) ... that any new /revised Moratorium Ordinance treat Zone 2 owners fairly, with equity.

Submitted by:

Lisa Downhill, Trustee, Jack Downhill Trust  
Judy Braue-Foote (Successor Trustee and 20 Vanderlip resident)

**Since pictures are worth 1,000 words, attached here are:**

- 1. Google Earth 2018: illustrating size of 20 Vanderlip compared to Zone 2 neighborhood.**
- 2. Assessors 2010 map of Vanderlip Drive showing acreages**
- 3. RPV Map of Project Area and Affected Parcels**
- 4. RPV Map of Monks and Undeveloped Lots**
- 5. Jack Downhill’s July 20, 2012, Vanderlip Drive, Lot 20, proposed split, stamped “Received” by Community Development Department**

**Held in our Planning Division are full copies of these (referenced herein).**

- 1. May 26, 1993: Ehlig Memo (Numbered landslide into zones & described each)**
- 2. Feb. 18, 2009: Downhill letter (10-63) (con’t)**

He goes on to cite the 1989 lot split of the adjacent parcel ... one of the Monks properties.

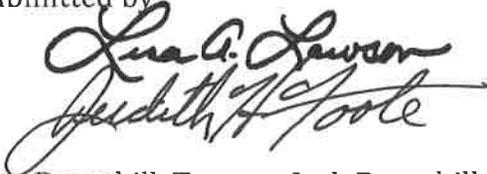
**A second Downhill letter that date formally requests #8, 10 and 20 Vanderlip be included with the 31 “undeveloped lots” for mitigated negative declaration treatment ... “with a stipulation of limited parceling.”**

**April 24, 2014: Jack Downhill submitted ‘Weber Consulting’ analysis of the landslide moratorium ordinance revisions as they should relate to his property. It cites Jack’s 1968 acquisition of 20 Vanderlip Drive and his long record of desiring to subdivide only to be ‘thwarted’ for decades by regulatory impediments, including his filing a Moratorium Exclusion Application (ZON2012-00232) requesting a 4 lot subdivide which came back with “onerous” geological requirements (see #16 above) that, based on experience, **would far exceed those required of the Monks lots**, evidencing city’s differential treatment of neighbors, something Jack didn’t believe was the city’s intent. However, it was reality for his property.**

This was Jack’s last correspondence before his death. Lt. Col. Downhill, a pilot in 3 wars (WW II, Korea, Vietnam), was buried with full military honors in Arlington National Cemetery Dec. 3, 2018. Like Monks, Jack didn’t live to see the full use and value of his 1968 Lot #20 acquisition. **1968 – 50 years of waiting.**

**17.** Now his estate carries on, reiterating Jack’s April 24, 2014, letter where he asked the EIR and resulting city Ordinance permit all Zone 2 properties to be fully developed (including Vanderlip Drive lot split ability) ... that any new /revised Moratorium Ordinance treat Zone 2 owners fairly, with equity.

Submitted by:



Lisa Downhill, Trustee, Jack Downhill Trust  
Judy Braue-Foote (Successor Trustee and 20 Vanderlip resident)

**Since pictures are worth 1,000 words, attached here are:**

- 1. Google Earth 2018: illustrating size of 20 Vanderlip compared to Zone 2 neighborhood.**
- 2. Assessors 2010 map of Vanderlip Drive showing acreages**
- 3. RPV Map of Project Area and Affected Parcels**
- 4. RPV Map of Monks and Undeveloped Lots**
- 5. Jack Downhill’s July 20, 2012, Vanderlip Drive, Lot 20, proposed split, stamped “Received” by Community Development Department**

**Held in our Planning Division are full copies of these (referenced herein).**

- 1. May 26, 1993: Ehlig Memo (Numbered landslide into zones & described each)**
- 2. Feb. 18, 2009: Downhill letter (10-63) (con’t)**

Rincon Comment re Zone 2 EIR Review

3. Feb. 22, 2009: Kathy Snell letter (10-65)
4. Feb. 23, 2009: Michael & Sheri Hastings letter (10-83)
5. Undated 2009: Downhill letter (Case ZON-2009-00007)
6. Jan. 2011: Davies letter (Zone 2 LME revisions)
7. Jan. 18, 2011: Downhill letter (Zone 2 LME revisions)
8. Jan. 19, 2011: Arizona Land Asso. – York letter (Zone 2 LME revisions)
9. Jan. 31, 2011: Snell letter re Zone 2 LME revisions & 1989 lot split
10. Oct. 17, 2012: Weber Consulting on behalf of Downhill: LME response
11. Nov. 5, 2012: Downhill letter (Letter 11 and city response)
12. Oct. 18, 2013: Downhill letter: (1-146)
13. 2012: Downhill Parcel Map (4 lots) – goes with Oct. 18, 2013 letter)
14. Nov. 8, 2012: KCG Kling Consulting Group letter re LME geologic reqmnts
15. April 4, 2014: Downhill letter (Attachment 1-118)
16. April 4, 2014: Downhill paragraph: added to letter
17. April 21, 2014: Weber Consulting on behalf of Downhill (attachment 1-112)
18. Aug. 5, 2014: RPV Council Minutes (tabled Zone 2 Final EIR)
19. Dec. 15, 2015: RPV Landslide Moratorium Exception Permit (16 pages)
20. Sept. 6, 2018: Black vs. RPV: 2<sup>nd</sup> Appellate District, Division B2851365
21. Sept. 18, 2018: City Council Staff Report (1<sup>st</sup> 6 of 53 pages)\*\*
22. Sept. 18, 2018: Minutes of City Council Award of Rincon Contract
23. Oct. 18, 2018: Rincon Kick-Off Mtng Complete
24. Nov. 8, 2018: Notice of Preparation of zone 2 EIR

End 12/11/2018

**20 Vanderlip Drive  
Rancho Palos Verdes, CA 90275**

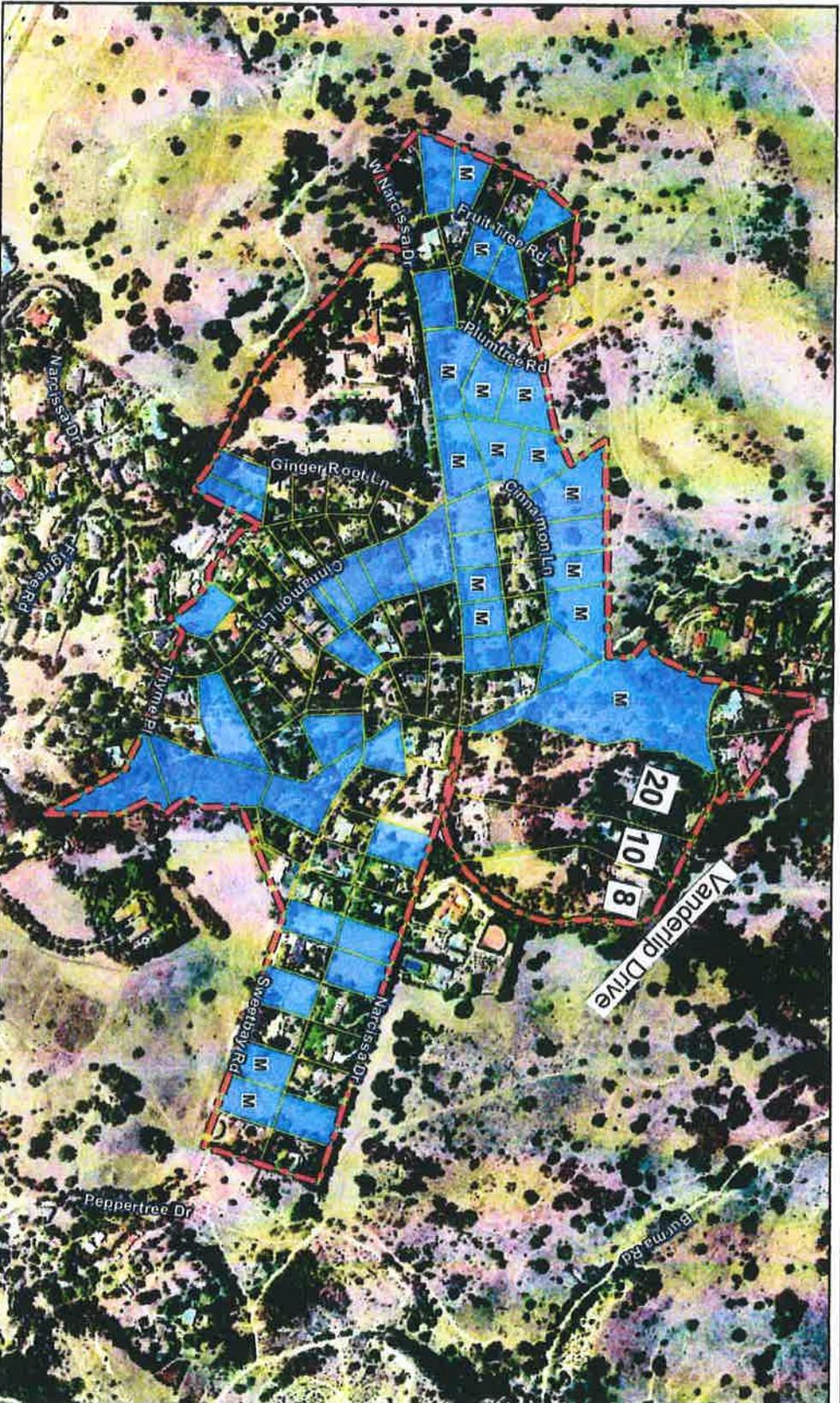
**6.94 acres  
Zoned: R-1 (1 unit per acre)**

**2019 ZONE 2 EIR REVISIONS:  
INCLUDE 20 VANDERLIP;  
ABILITY TO SPLIT LOT**

**THOUGH THIS 7 ACRE LOT IS ZONED R-1,  
OWNERS WERE TOLD 20 VANDERLIP LOT  
IS "COMPLETELY BUILT OUT AND THEY  
CANNOT SPLIT THEIR LOT."**

**WE ASK YOU COMPARE 20 VANDERLIP  
TO THE ZONE 2 'BUILT OUT' NEIGHBORS  
AND CONFIRM LOT 20 IS 'BUILT OUT!'**

Zone 2 Landslide Moratorium Ordinance Revisions EIR  
 Section 2.0 Project Description

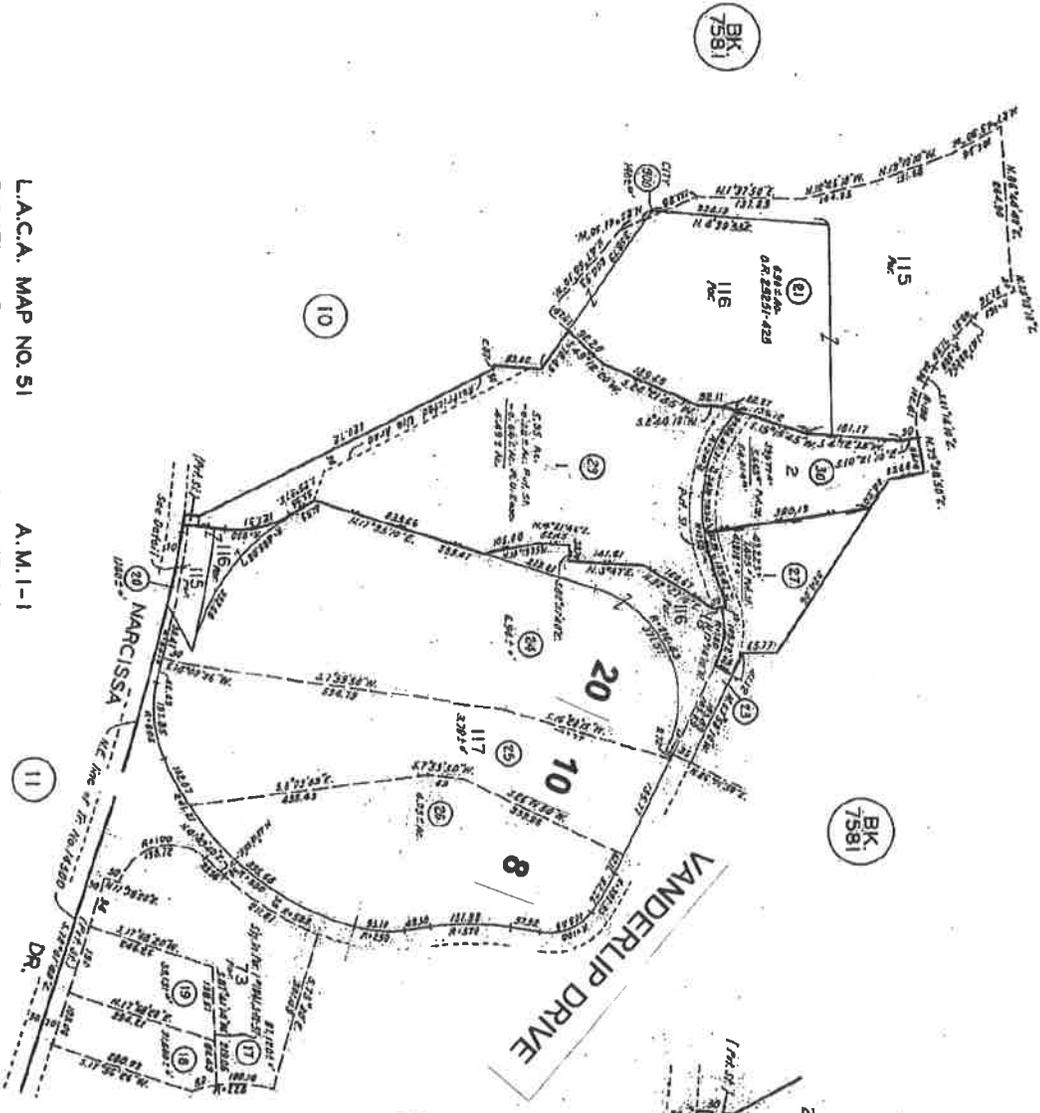


Map images copyright © 2010 ESRI and its licensors. All rights reserved. Used by permission. Additional data layer from Los Angeles County Assessor, August, 2010.

- Legend**
- Project Boundary
  - Vacant or Underdeveloped, Potentially Developable under Proposed Ordinance Revisions
  - Morks Plaintiff Lot

Project Area and Affected Parcels

7572 2  
2010  
200'



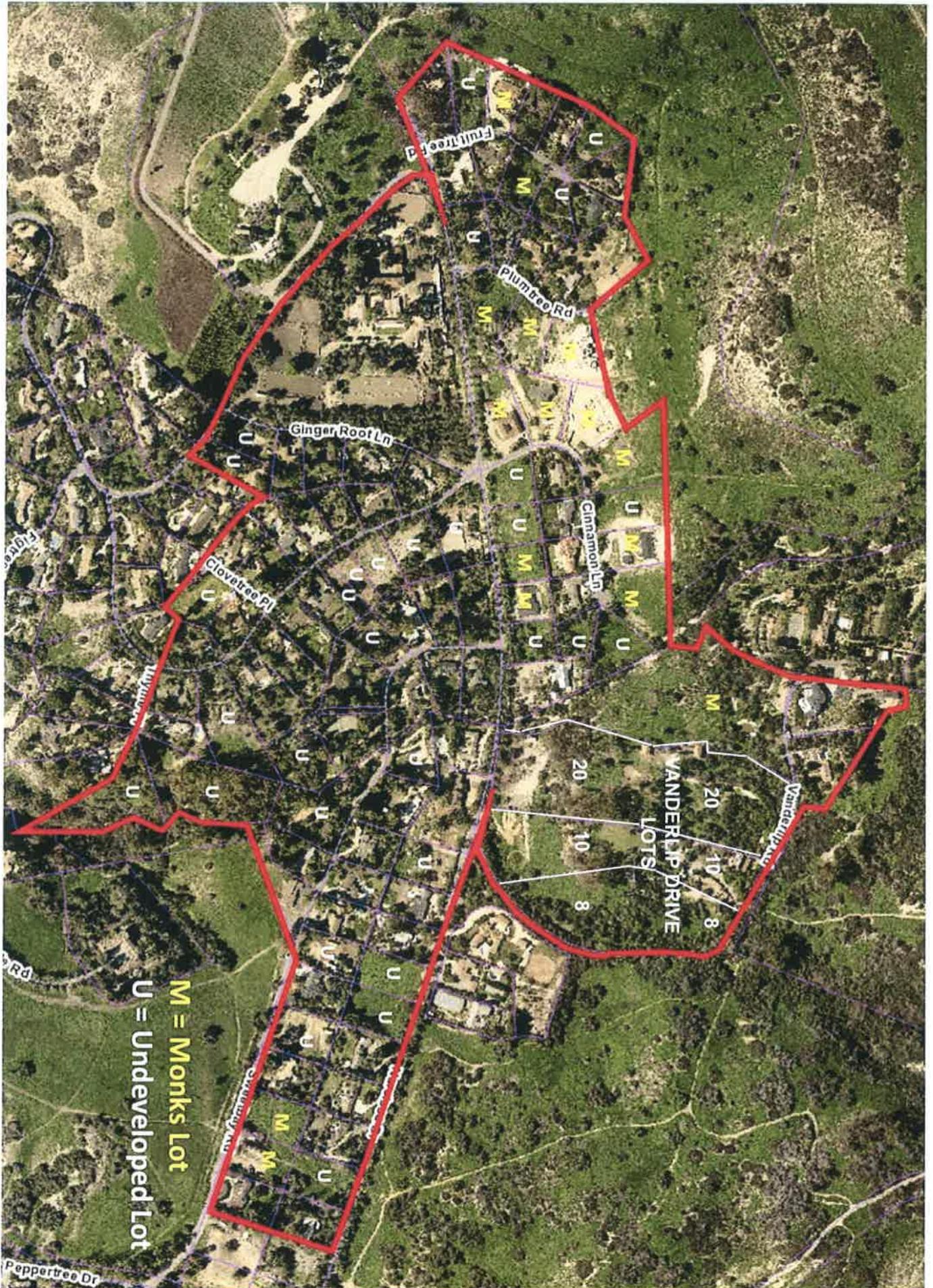
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L.A.C.A. MAP NO. 51  
PARCEL MAP  
PARCEL MAP  
A.M. 1-1  
P.M. 47-24  
P.M. 149-53-54

<http://maps.assessor.lacounty.gov/Geocortex/Essentials/REST/sites/PAIS/VirtualDirectory/AssessorMaps/ViewMap.html?val=7572-002>

ASSASSOR MAP  
COUNTY OF LOS ANGELES, CALIF.

82030007  
050311-05  
Z000014500000-14



**M = Monks Lot**  
**U = Undeveloped Lot**



To: Octavio Silva  
Subject: RE: 31 new HOME in PBCA?

From: Madeleine McJones [mailto:Madeleine.McJones@csulb.edu]  
Sent: Tuesday, November 13, 2018 12:54 PM  
To: Octavio Silva <OctavioS@rpvca.gov>  
Subject: 31 new HOME in PBCA?

Hello,

31 homes in Construction will all drive up PEPPERTREE active landslide zone. Will our community getting compensated for road damage these are private roads and some are unpaved because we have NO MONEY, can we coordinate the dumptrucks and cement trucks events? Each home brings in hundreds of trucks, Please we do not need more soil here. Our PBCA East roads are in the Active Landslide not ZONE 2 this impacts Zone that are LANDSLIDING.

We have roads sections not paved for 20 years on the East side! 31 new homes is so much traffic can we get temporary road access for these builders? Can we limit the home building to so many a year?

This means no peace in this community for many years. Keep these trucks off of PEPPERTREE in PBCA.

Madeleine McJones  
Website Developer  
Instructional Technology  
College of Business CSULB  
562.985.4924 – ROOM 253

To: Octavio Silva  
Subject: RE: 31 Zone 2 Homes

From: Madeleine McJones [mailto:Madeleine.McJones@csulb.edu]  
Sent: Tuesday, November 13, 2018 1:21 PM  
To: Octavio Silva <OctavioS@rpvca.gov>  
Subject: 31 Zone 2 Homes

This is not fair to the people living in this community or using our NOT zone 2 roads for free to haul cement and building material this impacts our way of life for how long 20 + years of construction.

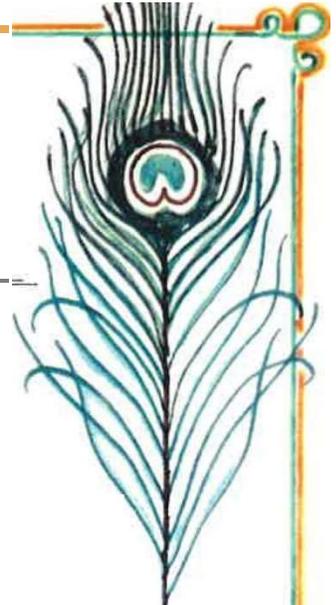
Please have a DEADLINE date to close this building window this is not a new neighborhood you are building many people purchased here for quiet and paid for much need peace and a future of peaceful living you are taking that away for untold unending construction. There needs to be coordination on Dumping and Cements Drop schedules, people are having lives here.

These trucks need to STAY OFF of our ZONED landslide roads. They shake my landslide property and are causing my property damage and my road damage. They need to go up NARCSSIA not active PEPPERTREE with active cracks within 100 feet. This will also impact PV drive South damage.

Madeleine McJones  
Website Developer  
Instructional Technology  
College of Business CSULB  
562.985.4924 – ROOM 253



**Portuguese Bend**  
COMMUNITY ASSOCIATION INC.



# Portuguese Bend Community Association

**10-1-92**

## Building Regulations and Architectural Standards

Revision J

12/3/2018



## Revision History

Revision	Date of Incorporation	Summary Description
A	6/1/1991	Revised Equine Criteria
B	3/12/1993	Prohibition of horse keeping on vacant lots not adjacent to residents
C	10/1/2010	Misc. building standards additions and revisions
D	3/1/2012	Changes to Fees and Building Height
E	4/1/2013	For Sale Sign and open house time restrictions
F	4/30/2013	Added Architectural Review and Variance Request Forms
G	1/7/2013	Added compliance penalties, truck routes, allowed soil export
H	10/5/2016	Modified Easements to prohibit on-street parking and require tree Trimming, add "sheds" to accessory structures. Incorporated missed language from Revision D & E. Also added notes for Conditions of Approval and Penalty Procedures and revised document formatting.
J	12/3/2018	Increased Fees and Penalties. Add rules for Concrete Trucks and Noise to conditions and Site Sign. Added Table of Contents. Minor formatting and typo corrections.

These revisions were approved by the PBCA Board of Directors. The revisions add to and/or supersede the 10/1/1992 Document. All revisions are attached at the end of this document.

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# PORTUGUESE BEND COMMUNITY ASSOCIATION

10-1-92

## BUILDING REGULATIONS/ARCHITECTURAL STANDARDS

### SCOPE AND PURPOSE

"Pursuant to the authority granted to the Portuguese Bend Community Association Inc., a California Non-Profit Mutual Benefit Corporation (hereinafter "Association"), by various deed restrictions, the following Building Regulations/Architectural Standards shall apply to the construction, alteration or repair of any building or structure within the area under the jurisdiction and control of the Association, which area is defined in the deed restrictions. These Building Regulations may be amended from time to time. It is the responsibility of the property owner to insure that he or she and their architect are working with the most recent of REGULATIONS.

"The purpose of these Building Regulations is to preserve the attractiveness of the entire area under the jurisdiction of the Association and to prohibit by erection, alteration, maintenance or repair of existing structures, the creation of undesirable or inharmonious types or designs which detract from the aesthetic effects of the proposed construction on neighboring property, protection of privacy, protection and enhancement of landscaping, avoidance of erosion or subsidence and overall protection of property values.

"It is not the purpose or intent of these Building Regulations to control the safety factor of the proposed building or structure, or to provide guidelines or standards concerning either geological conditions or the stability of the soil on which the building or structure is proposed to be constructed. Additions, alterations, and repairs on all buildings and structures shall comply with the provisions herein for new buildings, except as may be modified or permitted by the Board of Directors of the Portuguese Bend Community Association.

"Personal appearance before the Architectural Committee of the Association is not encouraged as it is not the purpose of this Committee to design or engineer any proposed building or structure. The committee's function is to adhere to the principals of good architecture for the purpose of preserving the aesthetic value of all building and structures in the area under the control and jurisdiction of the Association, including those already in existence.

"The approval process begins with the applicant submitting plans to the Architectural Committee. The Architectural Committee, after review of the submitted plans, will give its recommendation to the Board of Directors of the Association who will provide the applicant with written approval or denial of plans submitted.

# I

## **BUILDING DESIGN AND CONSTRUCTION**

### **A) GENERAL DESIGN REQUIREMENTS**

- 1) Design must be of a type or kind as will, in the opinion of the Committee, be appropriate to its site, harmonize with the surroundings, and maintain the quality of the neighborhood. The design must be viewed as "reasonably good of its kind". Pre-fab, modular, and/or mobile homes are not permitted.

The Architectural Committee need not necessarily be bound by the approval of previous designs or architectural details of existing structures.

- 2) New residences and additions to existing residences shall be of a design that will follow the contour of the ground and provide a low silhouette in general form. Step down floor levels and roof planes conforming to natural grade are encouraged, as are porches and terraces.
  - a) The California Ranch house was developed out of the turn-of-the-century Craftsman bungalow and the period style bungalows of the twenties. The ranch house is a single-floor dwelling, low in profile and closely related to terraces and gardens. Its specific historic images were both the nineteenth-century California adobe house and the nineteenth-century California single wall, board-and-batten, rural farm buildings. The characteristic ranch house did and still does employ a variety of historic images, but the classic design mingles modern imagery with the Colonial. Versions of the California Ranch house were designed as early as the 1920s. But its "hey-day" was in the post-World War II years.

#### Characteristics:

- Single-floor dwelling, composed of informal arrangements of volumes.
  - Low-pitched hip or gable roof with wide eaves.
  - Sheathed in stucco, board and batten, shingles, clap-board, or a combination of one or more of these.
  - Windows often treated as horizontal bands.
  - Glass sliding doors or French type doors (multi-pane) lead to covered porches, terraces, or pergolas.
  - Interior spaces open, and of low horizontal scale.
- 3) Plans for new residences shall provide a minimum living area of 1500 square feet of floor space and a maximum living area of 4000 square feet of floor space or maximum of 15% lot coverage (building area to lot area) whichever is smaller, exclusive of garages, porches and terraces.
  - 4) Each new residence shall have a fully-enclosed garage with a capacity for three cars. Additional garage requirements will be reviewed on a case-by-case basis.
  - 5) The construction or erection of an accessory building, swimming pool, tennis court may not precede construction of the residential building; may be built concurrently but no use of accessory structure may be made until a certificate of occupancy is issued.
  - 6) In the case of multiple lot ownership, lots must be connected at side or rear lot lines to the residential lot to be used for swimming pool, tennis court, accessory building and/or horse-keeping facilities. Residential

building must be completed with a certificate of occupancy on file with the city of Rancho Palos Verdes prior to the construction of any and all accessory facilities. HORSES MAY NOT UNDER ANY CIRCUMSTANCES BE KEPT ON A VACANT LOT UNLESS THE PROPERTY OF THE OWNER OF THE ADJOINING RESIDENCE. (Clarification 03-12-93).7)

- 7) Cellars are defined as those portions of a building below the living area floor and which are wholly or partially below grade.
  - a) Cellars of minimal size are permitted for use for mechanical equipment and/or storage, but not for habitation purposes and shall not exceed 200 square feet in size.
  - b) Cellar outside entrance, access, and/or windows are prohibited.
- 8) Any improvement, whether proposed to be temporary, portable or permanent, shall meet the standards set forth herein for permanent structures.
- 9) The maximum height permitted from finished floor level of residence to finished grade is 5'-0". Encouraged are residences designed to hug the ground and provide low silhouette. The difference between the finished grade and finished floor level across on elevation should average no more than 2'-6" with maximum difference of 5'-0". In addition, a maximum difference between existing or "natural grade" and finished grade must be 3'-6".
- 10) There shall generally be no habitable area superimposed above another, unless, in the judgment of the Architectural Committee, such construction, because of the topography and contour of the land will allow a building harmonious with the general type, design, and appearance of other buildings in the neighborhood and community.

#### **B) GUIDELINES FOR SUBMITTAL OF NEW RESIDENCES**

Before any application for permits for new residence or additions are obtained from the City of Rancho Palos Verdes, final land-use plans must be submitted to the Architectural Committee for approval, which shall include the following:

- 1) Rough grading plan showing grade elevations of pads or proposed floor elevations. (Show only the "footprint" of perimeter of residence and accessory buildings.). Rough grading plan shall show any proposed changes in existing topography.
- 2) Approximate area computation of the residence as well as the exterior configuration. Floor plan and exterior elevations are required.
- 3) Gross area and net area of property. Show lot coverage percentage (Structures shall not cover more than 15% of the gross lot area, not to exceed 4000 square feet for inhabitable improvements, excluding garage and porches.
- 4) Plans to include the following:
  - a) Driveway with material specified, walkway and decking location and grade. b) Garage, stable and accessory buildings.
  - c) Tennis court, pool or spa.
  - d) Location and distance of proposed improvements and distance of all existing improvements from contiguous properties.
  - e) View angles (tennis court, pool, riding ring, stable, etc.)

- f) Prevailing wind direction.
  - g) Direction north.
  - h) Dimension setbacks. Call out on plan.
  - i) Easements. No grading is permitted in easements.
  - j) Geology status letter from a license geologist or soils engineer.
  - k) Any known flood or water drainage hazards.
  - l) Major existing trees with trunk diameters.
  - m) Any known natural drainage courses.
- 5) Landscaping plans must accompany architectural plans and be installed within two months of completion of improvement.

**C) MATERIALS**

- 1) Exterior walls may be of wood boarding or siding, stucco or approved masonry left natural or painted.

**D) ROOFS**

- 1) The minimum of pitch of all roofs shall be 3:12 and the maximum of 5:12. Flat roofs are prohibited. "M" roofs are not permitted. Shed roofs are not permitted.
- 2) Skylights are to be parallel to the roof plane, (4" curb See Section N). Plastic bubble lights are not permitted except on the rear of house.
- 3) Beam-ends may extend a maximum of 6" beyond roof.
- 4) Soffits may be plastered or left exposed but overhead electrical fixtures must be concealed.
- 5) Roofing materials shall meet a minimum Class A fire retardant. No wood shingles or wood shake roofs are permitted. Sample of proposed roofing material to be submitted with architectural plans.

**E) WINDOWS AND DOORS**

- 1) Beveled glass, leaded stained glass and lightly tinted glass windows are permitted. No mirror-finish glass is allowed.
- 2) Windows in a cellar are prohibited.
- 3) Clerestory windows are permitted.

**F) DECKS**

- 1) Decks which are more than 2'-0" above grade must be closed from their undersurface to grade. Decks shall not project more than one foot beyond understructure.

- 2) Decks shall not be more than 5'-0" above grade, averaging no more than 2'-6" above grade, and may not be of excessive size in relation to the house.
- 3) Railings as required by City of Rancho Palos Verdes Building and Safety Dept. shall be provided. Design of railing shall be submitted for approval.

**G) PAIN, TRIM AND ORNAMENTATION**

- 1) Exterior walls and trim are to be painted a color submitted for approval, by Architectural Committee. Retaining walls not attached to residence shall be painted to match adjacent soil.
- 2) Residence walls and chimneys of natural stone need not be painted.
- 3) The finish of other walls, fences or enclosures must be approved by the Architectural Committee.
- 4) Wrought iron or other ornamentation must be approved by the Architectural Committee.
- 5) Metal or plastic awnings for window coverings are prohibited.

**H) EXTERIOR LIGHTING**

- 1) All exterior lighting must be approved by the Architectural Committee and should be in harmony with, and not encroach upon the privacy and sensitivity of other property owners.

Details of exterior lighting shall be shown on plans or working drawings showing locations of all lighting fixtures or uprights supporting fixtures and the type of light bulb or tube, the candle power thereof, the total wattage expended therewith, and the area affected by the operation of said lights or system of lights. Motion security lights are permitted.

- 2) Lighting shall be only that necessary to provide adequate visibility and shall meet the following requirements:
  - a) All glass shall be smoked, frosted or obscure.
  - b) All garden lights must be designed or equipped with umbrella type shades to cast light downward. Up lighting is only permitted where low voltage equipment is used.
  - c) Exterior lights on all structures, except those at the front entryway of the main residence, shall be limited to those required for the functional use of the household and not intrude upon privacy of other property owners.
  - d) The lighting of tennis courts is prohibited.

**I) SPAS POOLS AND TENNIS COURTS**

- 1) Pools and tennis courts must comply with all appropriate requirements of these Building Regulations, and in addition, all tennis court fencing shall be either black or dark green vinyl coated chain link, and shall not extend more than ten (10) feet in height. Tennis court fencing may require landscaping as determined by the Architectural Committee. (See Grading, Lighting and Fences) To the extent that grading is permitted tennis courts shall be constructed at the lowest elevation possible to aid in noise abatement.
- 2) All windscreens used on tennis courts must be approved. All types of windscreens for pool areas must be approved.
- 3) The courts shall not be located on steep slopes, sides or bottoms of canyons.

- 4) Courts shall not be located in the front yard.
- 5) Each spa, pool or court must have an area adequate in width on all sides for the maintenance and planting of landscaping. See B) Types of Fencing 4) Other Requirement E).
- 6) The views of adjacent properties and noise abatement measures must be taken into consideration when siting the tennis court.
- 7) An adequate drainage system must be incorporated into the overall plan of the court, which drainage system must be approved by the Engineer for the City of Rancho Palos Verdes.
- 8) The construction of the proposed court shall conform to the lot coverage limitations set forth in Site Requirements, Section II, Paragraph A of these Building Regulations.
- 9) Retaining walls incorporated as part of the overall plan of the court shall not be greater than 5'-0" from finished grade to top of wall, averaging no more than 2'-6" in height, providing an acceptable landscape design is submitted.

**J) MAILBOXES**

- 1) Mailbox posts shall be compatible with the chosen style of house and landscaping.
- 2) Name sign, if any, shall use only the peacock emblem and association approved paint color(s) and shape.

**K) SATELLITE DISH ANTENNAS**

The following requirements apply to the installation of a satellite antenna.

- 1) Submit a "to scale" plot plan showing proposed location of antenna, proposed landscaping, picture of proposed antenna and easements and property line setbacks.
- 2) Antenna must be located no closer than 10 feet to the side or rear property lines or easements and must not be visible from streets or adjacent properties.
- 3) Antenna must be installed in a location unobtrusive to surrounding properties.
- 4) Antenna to be dark flat colored mesh and screened at time of installation. Mature planting to height equal to antenna. No planting permitted within easements.
- 5) Brochure for satellite dish antenna describing dimension, installation height, providing a general picture of appearance and other particulars regarding the proposed installation, must accompany submittal request.

**L) DETACHED ACCESORRY BUILDINGS and SHEDS**

- 1) Size of detached building limited to a maximum of 400 square feet.
- 2) Accessory building is to be consistent, architecturally, with style of main residence. Design must be of a type or kind as will, in the opinion of the Architectural Committee, be appropriate to its site, harmonize with the surroundings, and maintain the quality of the neighborhood. The design must be viewed as "reasonably good of its kind."

- 3) Accessory building may be used as cabana, studio, workshop, greenhouse or other hobby use.
- 4) There shall be a maximum of one accessory building per residence. The exception is a house with a swimming pool. Such a property may have an additional accessory building large enough to house the pool equipment and other pool related mechanical equipment, but no larger than necessary for the purpose of enclosing the equipment.
- 5) Accessory building shall never be used as a guest house or rented or used as a residence. There shall be no private or separate entrance to the accessory building
- 6) Sheds of under 120 SF are allowed within rear setbacks. The height must be no more than 8' from finished grade and located more than 5' from the property line, unless the written approval is obtained from the adjacent property owner. Sheds must be painted an earth tone color.

**M) SKYLIGHTS**

- 1) Skylights shall be located as to not be offensive to neighbors, present or future. Location, color, size and quantity will be evaluated on individual basis. Skylight curb may be 4" maximum height, flat and parallel to roof slope and dark colored aluminum frame. Bubble skylights are permitted on non-street frontage sides of house. N)

**N) STABLE CONSTRUCTION**

- 1) Revised Equine Criteria is to be adhered to for the keeping of horses. See attached Exhibit A.
- 2) Stables must comply with materials, roof paint and trim requirements applicable to houses.
- 3) Stables shall be one story. Barns and stables are for the exclusive use of keeping permitted domestic animals provided that any such structure for the keeping of horses, cows, goats or other farm pets is located not less than thirty-five feet from any residence and not less than one hundred feet from nearest other house or activity area. Stable cannot have lavatory facilities. Stable not to be less than 400 square feet.
- 4) All corrals must be located a minimum of thirty-five feet from owner's main residence and a minimum of one hundred feet from the nearest other house. Fencing confining the animals shall be located a minimum of fifty feet from nearest other house and a minimum of twenty-five feet from neighboring property line.
- 5) Vehicular access to stable area must be provided for delivery of feed and removal of waste. Such access need not be paved, but grade must not exceed 25% or 1" in 4'-0".

**O) RECREATIONAL VEHICLES**

- 1) Recreational vehicles must not be visible from road. P)

**P) CARPORTS**

- 1) Carports are not permitted.

## II

### SITE REQUIREMENTS

#### A) GENERAL

- 1) Only one single-family dwelling shall be constructed on each lot. Main buildings, accessory buildings, structures, tennis courts, spas, swimming pools, stables, driveways, parking spaces, walks, patios, decks and asphalt or concrete paving of any kind shall Not cover more than twenty five (25%) of the net lot area. Prior to final approval the Architectural Committee shall require a silhouette of proposed construction through the use of flags and poles.
- 2) The definition of the term "gross area" shall exclude all perimeter easements to a maximum of ten feet and that portion of the lot which is used for roadway purposes, and shall also exclude any private drive or driveway which provides ingress and egress to any other lot or parcel of land and access strip portion of any flag lot.
- 3) Any construction proposed for a front yard requires approval of the Architectural Committee.
- 4) The posting or erecting of signs of any kind is prohibited, except as sanctioned by the association.

#### B) EASEMENTS

- 1) Easements are perimeter areas of one's property dedicated to the Community Association and are reserved for roads, streets and public utilities. Hence, no planting, building, pool fence, pole (except public utility), drainage structure, grading, paving or any obstruction may be placed on any easement.
- 2) Parking is prohibited on all PBCA roads and right-of-ways. Upon complaint from any PBCA member, the board will post a warning on the vehicle and, after 24 hours, may have any car, truck, trailer, or other vehicle located on PBCA roadways towed at the owner's expense.
- 3) Owners are responsible for maintaining trees and foliage clear of the roadways. No foliage may extend past the edge of the paved roadway less than 13' in height, to provide safe clearance for cars and trucks. In the event that an owner does not maintain the road clearance, the board will provide a 30 day notice and shall have the foliage trimmed at the owner's expense. The expenses may be added to the annual assessment fees.

#### C) DRAINAGE

- 1) Proper drainage facilities shall be provided by the use of non-erosive means.
- 2) There shall be no open drainage ditches, berms or swales across or in any road easement. D)

#### D) SETBACKS

- 1) New residence or additions shall be located on the lot so as to provide:
  - a) Front Yard: Not less than 60 feet from the front lot line (to the middle of the road if the residence fronts on a street) Cul-de-sac will be treated on a case by case basis.

- b) Side Yard: All parcels of land containing building sites shall have side yards, the widths of which shall be determined by the Architectural Committee, provided that in no event the width of the side yards be less than 20'-0" or City of Rancho Palos Verdes code, whichever is greater, measured from the boundary line of the parcel; provided further that if the side yard abuts on an easement 25'-0" in width, the side yard shall be not less than 10'-0" from the interior boundary of the easement.
  - c) Rear Yard: Not less than 50 feet from rear easement or lot line. Accessory buildings may be constructed within the rear yard provided they conform to other requirements of these guidelines.
- 2) Cornices, eaves, belt courses, sills, buttresses or other similar architectural features may not extend or project into a side yard more than two and one-half (2 1/2") for each one (1) foot of the maximum required width of such side yard and may not extend or project into the front or rear yard more than four (4) feet.

**E) DRIVEWAYS**

- 1) Driveway surface must be hard surface, i.e. paved surface.

**F) LANDSCAPING**

- 1) Landscaping shall be incorporated in and around new residences and on cut and fill banks, and shall be planted within two (2) months of completion of the structure. Replacement of de-watering types of trees is encouraged.
- 2) Cut and fill bank must be planted in accordance with City of Rancho Palos Verdes requirements.
- 3) Landscape plan should identify the type and size of plants to be planted provided in each location and a grading plan with grades shown. Grading plan shall show slopes and be prepared on 5'-0" contour map.
- 4) NO PLANTING OR CONSTRUCTION IS PERMITTED IN ASSOCIATION EASEMENTS USED FOR ACCESS.
- 5) Do not abbreviate common or scientific names of plants on plans. Adherence to water conserving and drought tolerance planting should be considered.
- 6) Provide irrigation plan at time of submittal.
- 7) Highly flammable shrubs and trees such as acacia are discouraged. Applicant and his agent are encouraged to consult local fire department on selection of landscape materials.
- 8) For every tree removed for construction purposes, one tree must be planted on site. Trees, particularly peppertrees are considered good de-watering trees.

**G) RETAINING WALLS**

- 1) Retaining walls must be of a construction compatible with the building materials of the residence. City of Rancho Palos Verdes codes regulating retaining walls must be adhered to by the owner and his agent.

**H) EXCAVATIONS**

- 1) City of Rancho Palos Verdes codes regulating excavations must be adhered to by the owner and his agents. Redistributed site material may remain on project site. Import of soil is prohibited. Export of soil is allowed with prior coordination with the Architecture Committee.
- 2) The maximum difference between existing or "natural grade" and finished grade must be 3'-6".

**I) SLOPE LIMITS**

- 1) City of Rancho Palos Verdes codes regulating slope limits must be adhered to by the owner and his agents.

**J) CONSTRUCTION IN CANYONS**

- 1) City of Rancho Palos Verdes codes regulating construction in canyons must be adhered to by the owner and his agents. See Section 1, Item I, No.3).

### III

#### FENCING

##### A) FENCING

1) The use of walls as fencing enclosures is prohibited. Any such fence or enclosure on or near the exterior boundary line of any lot or building site, or which appears to enclose the Site, shall be deemed an enclosure of the exterior or boundary lines of any lot or building site. No enclosure of the exterior or boundary lines of any site, lot or parcel may be erected or maintained except a wooden fence.

##### B) TYPES OF FENCING

- 1) Country Estate Fence: Committee members approve P.V.C. Country Estate Fence with the following requirements.
  - a) 3-rail P.V.C. fencing should align with existing wooden fencing, if any.
  - b) If bracketed fencing is used, brackets should be placed on side of posts away from the street.
  - c) Caps should be flat.
  - d) Posts should be placed at 8-foot intervals in concrete. e)  
Height of fence posts to be 4'-6".
- 2) Heritage Three-Rail Fences: Approved with flat cap on posts.
- 3) Solid wood fencing of a natural color shall be allowed on lot lines between properties, provided there is a residence on at least one of the properties, and further provided both owners of the directly affected lots are in agreement with the proposed fence. Said fence shall be no closer to the street than the front of the house and shall comply with all height and setback requirements.
- 4) Chain Link Fences: Chain link fences or pipe fences for rear areas and corrals are permissible with the approval of the Committee.
- 5) Other Requirements:
  - a) No fences shall be erected on, constructed in, or enclose any association access easement unless otherwise permitted.
  - b) Fences enclosing pools and/or tennis courts may be of chain link or other material with the approval of the Committee.
  - c) Barbed wire fences are prohibited. Electric fences are prohibited except for purposes of restraining animals if permitted by the City of Rancho Palos Verdes.
  - d) Gates used with three rail fences are to follow the same style. All other gates are to be approved by the Committee.
  - e) Equipment for pools and other mechanical apparatus shall be housed or fenced and screened by landscaping. No roof shall be provided unless it cannot be seen from road and the enclosure shall be no larger than that required by the Equipment. If grape stake is used, it may be left natural to blend with the landscaping.

## IV

### PROCEDURES

No person shall erect, construct, enlarge, alter or have any building or structure or fence in the area under control of the Association without first obtaining approval from the Association. Such approval fee proceeds are to be used to maintain and/or repair road network due to possible stress from heavy vehicle usage during construction period and to defray architect consulting fees and Committee staff fees. The members of the Architectural Committee and the Board of Directors are not reimbursed for their volunteer activity.

#### A) FILING PLANS

- 1) Association support of applicant following final approval of plans by the Board of Directors, based on recommendation of the Architectural Committee. The president of the association will stamp the applicant's final plans and provide the applicant with a cover letter of support and a copy forwarded to the City of Rancho Palos Verdes Planning Department.
- 3) All plans must be to scale and legible.
- 4) Plans for new residences, residence additions, and remodels over 1000 Sq Ft. shall be submitted to the Committee in PRELIMINARY FORM for conceptual approval early in the design process to ensure compliance. Building and Safety Permit Drawing shall be submitted to the Committee concurrent with the RPV submittal for PBCA Final Design Approval. (See B) GUIDELINES FOR SUBMITTAL OF NEW RESIDENCES RE; SUBMITTAL FORM)
- 5) All plans shall show the name and address of the owner of the property, lot and tract number, if any, and the name and address of the Architect preparing the plans. Should corrections be necessary, the original plan filed shall remain with the Committee.
- 7) One Copy of all plans for new construction shall be submitted in the form of prints on clean white drawing paper, floor plans for final working drawings shall be drawn to a scale of 1/4 inch to 1 foot for Architectural Plans and 1/8 inch to 1 foot for plot plans. Plans must be legible with materials plainly marked. A pdf file of plans must also be submitted.
- 8) All plans must include a plot plan, grading plan, floor plan and elevations of ALL sides, roof plan, and such sections as may be required for clarity; exterior color scheme and square footage chart of the building shall also be included. ALL OVERHANGS ON ROOF PLAN SHALL BE MARKED WITH DIMENSIONS. Pool and tennis court plans must be submitted separately. The Committee may require a perspective, if, in its opinion, the design is not clearly shown on the plans. Complete elevations affected by the additions or remodeling must be shown on the plans submitted.
- 9) Plot plan shall include:
  - a) Roads, driveways and easements with the width thereof.
  - b) Terraces, pools and paved areas. (Including walks, driveways and all decks paved or otherwise.)
  - c) Building plan outline, lot dimensions, setbacks, and north arrow.
  - d) All existing and proposed structures, including fences and service yard areas.
  - e) A minimum scale of 1" = 10'-0" shall be used.
  - f) Complete lot must be shown. Small key plan allowed; house area is shown at large scale. g) See

attached example of plot plan.

- 10) All plans shall be filed by mailing, or hand delivered to an Architectural Board member, to Portuguese Bend Community Association, P. O. Box 2908, Palos Verdes Peninsula, CA 90274. The Committee meets on the first Monday of each month. Plans should be made available to the Committee one week prior to the meeting. Sec IV-B1.
- 11) City of Rancho Palos Verdes approval, permit and inspection process must be adhered to by the owner and his agents. All contractors and sub-contractors of the owner must be currently licensed and insured.
- 12) One set of approved plans shall be retained in the Association files and may be released only to responsible blueprint companies for duplication and must be returned to Association files.

**B) TIME PROVISIONS**

- 1) The sequence of filing procedure is:
  - 1st. Conceptual drawing one week prior to a regularly scheduled Architectural Committee meeting.
  - 2nd. Architectural Committee renders decision on conceptual drawing within fourteen (14) Days.
  - 3rd. Applicant files actual plans fourteen (14) days prior to a regularly scheduled Architectural Committee meeting.
  - 4th. Architectural Committee renders preliminary decision on actual plans within fourteen (14) days of meeting at which plans are reviewed. Architectural Committee will work with due diligence on all projects submitted for review. Applicant will be notified by mail if a delay is anticipated.
  - 5th. Poles and flags for silhouette shall be erected by applicant (or his agent) within two weeks of applicant receiving preliminary approval.
    - a) Opportunity for neighbor input.
  - 6th. Final decision of the Architectural Committee within four weeks of erection of flags and poles.
  - 7th. Architectural Committee recommendation made to Board of Directors at next regularly scheduled Board of Directors Monthly Meeting.
  - 8th. Board of Directors votes on applicant's plans (N AI). Plans will be stamped and returned to the applicant with a cover letter to the applicant and a copy to the City of Rancho Palos Verdes.

Applicant must copy Architectural Committee on all changes made by City of Rancho Palos Verdes upon notification by the City.
- 2) Final plans of new residences shall be submitted to the Committee within one year after approval by the Committee of the preliminary plans.
- 4) If the proposed building, structure or work is not commenced within one year from the approval of the final plans, then the plans shall be null and void and new plans must be resubmitted.

**C) INSPECTION**

- I) A set of plans, which shall have affixed stamp of approval of the Association, shall be on the job site at all times.

**D) CONSTRUCTION**

- 1) All work shall proceed with diligence and it shall be the obligation of the owner or his agent to provide portable chemical toilets placed inconspicuously on location.
- 2) During construction, the premises shall be kept free from scraps, rubbish, paper or other debris and there shall be no burning on the premises. Entire construction site shall be fenced to stop trespassing.
- 3) Building Hours for any construction and maintenance trades shall be allowed only between the hours of 7:30 AM to 5:30PM Monday through Friday, and 9 AM to 1PM on Saturday. No construction or maintenance trades shall be allowed to work on Sunday and/or holidays.
- 4) Construction parking for construction sites to be limited to "on-site" parking, with street parking limited to loading/un-loading only. Limited Variances will be granted on a case by case basis.
- 5) Large truck deliveries should enter and exit from the Peppertree Gate. Semi-trucks allowed for heavy equipment delivery only. All other deliveries limited to 3 axle or smaller trucks.
- 6) Concrete Deliveries: Only one truck on site at a time. Second and third trucks can stay on Narcissa or Sweetbay. Nor more than three trucks in BPCA at a time. All trucks must enter and exit through the Peppertree Gate.
- 7) Noise from radios or other amplified sound devices shall not be audible beyond the property.

**E) REAL ESTATE SIGNAGE and OPEN HOUSE TIMES AND PROCEEDURE**

- 1) No Real Estate "For Sale" signs are permitted with the exception of temporary "Open House" signs which are only allowed during the day of the open house. Agents may provide the PBCA board or Secretary with addresses of properties for sale including agent phone numbers. The information will be posted on the community bulletin boards at both gates.
- 2) Public Open House permitted on the first Sunday of each month from 1pm to 4pm. Brokers Open House permitted on the first Tuesday of each month (or the Tuesday preceding the Public Open House) from 11am to 2pm. Agents may request opening of the access gate during the open house hours and must not post the gate code. Parking is not allowed on streets and traffic laws will be enforced.

## DEFINITIONS

Words used in the present tense include the future tense; the singular includes the plural; work "person" includes a corporation, partnership, Association as well as individuals; the term "shall" is mandatory and "may" is permissive.

### A) BUILDING

A structure having a roof supported by columns or walls including underground fallout and bomb shelters.

- 1) Main Building: A building in which is conducted the principal use of the lot or building site on which it is located.
- 2) Accessory Building: A subordinate building on the same lot or building site, the use of which is incidental to that of the main building, and which is used exclusively by the occupants of the main building, and shall not include a business, or rental unit.
- 3) Garage: A building for the housing of not more than three (3) motor vehicles with a roof and enclosed on four (4) sides.
- 4) Single Family Dwelling: A residence or dwelling for one family alone having but one kitchen.
- 5) Story: That portion of a building or structure included between the surface of any floor and the finished ceiling above it. Applicant is referred to the City of Rancho Palos Verdes for study of City's ordinances relating to height and elevation requirements with respect to residence design.
- 6) Structure: Anything built, constructed or erected, of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground.
- 7) Abandonment: Shall mean the failure of the holder of a building permit for the construction or erection of an improvement, to show month to month progress toward completion or the halting or cessation of improvement within one year after the start or commencement of said work; or the halting or cessation of said work for a continuous period of four weeks, or the failure to have an active, working force of more than one person present and actively engaged in the work of completing said improvement for a period of more than four weeks.
- 8) Stable: A corral and three-sided covered area of 400 square feet per horse. In addition to the stable area, one single structure of 200 square feet total shall be attached to the stable area for storage of tack and hay. "Q" District requirements will always constitute a minimum.
- 9) Grandfathered: All structures and improvements approved or existing as of the date of issuance of these standards shall be deemed permissible. Should any of these planned or existing structures be entirely destroyed the new replacement construction must adhere to these Architectural Standards.
- 10) Cellars: Cellars are defined as those portions of a building below the living area floor and which are wholly or partially below grade with outside access or entrance only.

## B) LOTS

- 1) Any legal parcel of land, the description of which is recorded in the office of the County Recorder. No improvement to be made on other than a legal parcel.
- 2) Lot Lines: The boundary lines of lots are:
  - a) Front Lot Line: The line identified as the center of the road, or in a corner lot, only one street line shall be considered as a front lot line, and such front lot line shall be determined by the Architectural Committee of the Portuguese Bend Community Association.
  - b) Rear Lot Line: The line opposite the front lot line.
  - c) Side Lot Line: Any lot lines other than the front line or the rear lot line.
- 3) Easements: The area along the exterior boundary lines of any lot or building site reserved by a Declaration of Restriction, Reservation or Conveyance to be used for roads, streets, bridle trails, parkways, park areas, and for any public or quasi-public utility service or function beneath or above the surface of the ground.
- 4) Yard: An open space other than a court, on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in these Regulations.
  - a) Front Yard: A yard extending across the full width of the lot or building site between the side lot lines and measured between the front street or road easement and either the nearest line of the main building or the nearest line of any enclosed or covered porch or covered terrace attached thereto.
  - b) Rear Yard: A yard extending across the full width of the lot or building site between the side lot lines and measured between the rear lot line and the nearest line of any enclosed or covered porch or covered terrace. Where an easement traverses the rear portion of any lot and the owner of the servant tenement does not have the right to use the surface for building, then the rear lot line shall be considered to be the rear line of that portion of the lot to which the easement does not apply.
- 5) Gross Lot Area: Total square footage of lot as determined by either professional survey or Los Angeles County Tax Assessor (inclusive of road easement).

## VI

### **BUILDING APPROVAL FEES and PENALTIES**

No person shall paint, landscape, erect, construct, enlarge, alter or move any building, fence, or structure in the area under control of the Association without first obtaining approval from the Association. Such approval fee proceeds are to be used to maintain and/or repair road network due to possible stress from heavy vehicle usage during construction period and other related costs. The legal parcel owner shall be liable for any actual damage caused by heavy equipment to the roadway or any other improvement within the Portuguese Bend Community Association area.

City of Rancho Palos Verdes approval, permit and inspection process must be adhered to by the owner and his agents. All contractors and sub-contractors of the owner must be currently licensed and insured.

#### **1) FEES**

- a. New Home Construction (see definition below)
  - i. Conceptual Design Approval Fees
    1. \$1,500 for Architectural Review.
  - ii. Final Design Approval and Construction Fees
    1. Based on a price per square foot of \$5.00 per square foot of residence, out-buildings, garages, etc.
- b. Addition to Existing Structure (including remodels > 1000SF, room additions, out-buildings, garages, etc.)
  - i. Filing Fees
    1. \$500 for Architectural Review
  - ii. Construction Fees
    1. Based on a price per square foot of \$5.00 per square foot of room additions, out-buildings, garages, etc.
- c. Interior Remodel, Fences, or Home Improvement <1000 SF.
  - i. Filing Fees
    1. NONE
  - ii. Construction Fees
    1. NONE
- d. For new construction and extensive remodels: A refundable \$10,000 deposit shall be paid to PBCA for violations of the Conditions of Approval to be refunded at completion of the project (including landscaping) per the approved plans.

New Home Construction is defined as removal and replacement of 50% or more of existing walls. All fees and penalties subject to a 4% escalation to be calculated at Jan 1<sup>st</sup> each year after January 1<sup>st</sup>, 2019.

PLEASE NOTE: Your fees help support road and gate maintenance.

#### **2) PENALTIES**

- a) The Association has the right to liens on properties on which there exist violations of these regulations, which are not corrected in a timely manner. The amount of liens shall be commensurate with the expense the Association incurs to correct the violation. Those structures or other items in existence on the original date of issuance

of this document and covered by the terms of this document shall be "grandfathered".

In addition to any other remedies at law or equity that the Association or the Architectural Committee may have, any violation of the rules and regulations may be enjoined by a superior court having jurisdiction over the project. The prevailing party in any such litigation shall be entitled to reasonable attorney's fees and costs.

- 2) Fines for violations of the Conditions of Approval:
  - a. First Complaint: \$500
  - b. Second Complaint: \$1000
  - c. Third Complaint: \$2500
  - d. Fourth Complaint: \$3000
  - e. Fifth Complaint: \$3000
  
- 3) Appeals of the decisions of the Architectural Committee to the Association may be made at the next regularly scheduled Board of Directors meeting following notification to the owner or his agent by the Architectural Committee of its decision.

**Penalty Procedure:**

1. The Architectural Committee reacts only to neighbor complaints and will not be pro-active in enforcing the conditions of approval.
2. Owners must send an email with "Violation" in the subject line to the PBCA Board and the Architectural Committee stating the violation of Conditions of Approval. The complaint should include: The violation, the time and date and a date stamped picture would also be beneficial.
3. Owners are given a 3 violation grace period before PBCA assesses any penalties.
4. Each complaint will be followed up with a timely communication with the owner so that he/she can rectify the situation.
5. After 3 violations, any repeat violation will be forwarded to the board for assessing a fine per our Conditions of Approval. ( i.e. if a condition other than the first 3 is violated, then the owner will get a warning and not a fine) The board may assess a penalty by majority vote.
6. The PBCA Secretary will send a letter stating the amount that has been deducted from the Owner/Applicants deposit.



Revisions to  
Building Standards  
And  
Architectural Requirements

## REVISED EQUINE CRITERIA

June 1, 1991

All persons now keeping or intending to keep horses on their property must submit to the Architectural Committee plans in duplicate for the stables, fences, and related planning together with a plot plan or sketch indicating the size and location of all property lines, streets, houses, and activity areas necessary for the application of the criteria. All applicants shall sign a statement, indicating acceptance of these criteria in lieu of the CC&R's. Failure to sign such a statement will necessitate invocation of the CC&R's and the City of Rancho Palos Verdes "Q" District regulations.

All approvals shall be made conditional and revocable at any time on written notice by the Architectural Committee to the property owner, explaining the reason for such cancellation. Non-compliance with these criteria shall constitute reason for cancellation.

Permits will expire and be subject to review and re-issue at the end of two years.

When it is requested of the Committee that a stable permit be granted, all contiguous (including all road center boundaries) property owners will be consulted and advised of the intention to keep horses and of the number intended to be kept on the property. The notified property owners may notify the Committee of their position, or appear at a regular monthly Board meeting, when a decision on the issuance of a permit will be made.

Regardless of acreage, residents shall be limited to three horses per membership in the Association; all animals kept shall be for the personal use of the members of the family of the owner or lessee of the property. Where a bona fide need exists for extra animals for the use of family members, a variance may be sought and obtained. The minimum square footage per horse of stall and corral space is 400 square feet per horse. As of the printing of these criteria this minimum is reflective of the City's "Q" District requirements.

A grace period of three months will be given to come into compliance with these criteria; foals of up to a year in age will not be counted in the number of horses kept.

Property owners will accept, as a condition of the issuance of a permit, the Committee's right to make spot checks of the premises to determine compliance. Stables shall not be located less than 35 feet from the owner's house, and not less than 100 feet from the nearest other house or activity area, such as swimming pool or barbeque area. Stables shall be constructed with a minimum of three sides and roof. The materials used for such construction shall be the same as used for the property owner's house, i.e. wood siding painted the same color as the owner's house if located on the same lot as the property owner's house. If the stables are located on an adjacent lot, the stables can be painted a complimentary natural color or white. The roof of the stables shall be of the same style as that of the property owner's house and in any case, be of a fire retardant type to prevent, if possible, the spread of fire.

Fences confining the animals shall not be located less than 50 feet from the nearest other house or activity area, less than 25 feet from the neighboring property line; all fences and gates shall be of a construction sufficient to prevent the escape of the enclosed animals, and shall be maintained in good condition. By the term "good condition", the Architectural Committee intends to mean the fencing shall be painted white at all times and any sections showing deterioration from weather or the chewing of the horses or other causes that render the fencing unsightly shall be repaired in a timely manner, that is within a month of the observance of the condition by the property owner or notification by the Architectural Committee. Electrically charged wires may be used only as a supplement to other fencing, and must meet U.L. Standards. Barbed wire fences are prohibited. A minimum of 400 square feet per horse is required within the fenced area. All wood fencing shall be three rail painted white and shall be not less than four feet in height and of equivalent strength of a wood fence with four-by-four inch posts, no more than ten feet apart, with three two-by-six inch rails.

A weatherproof sign listing the name and address of the person responsible for the animals must be posted for information in the event of escaped animals or a fire or other emergency. In addition, a halter and lead rope for each animal will be provided in an accessible location in case of emergency.

Each property owner or lessee is responsible for the continuous maintenance of sanitary conditions including but not limited to the cleaning of corrals, stables, barns, and other areas to which animals have access, and for the disposal of manure and other refuse. Animal waste shall not be allowed to accumulate, since this is the prime cause of complaints from neighboring property owners, and must be disposed of by removal frequently enough to control insect and minimize offensive odors. Effectiveness of fly control will be determined by inspection upon complaints from neighboring residents.

Each lot and structure shall be maintained so that there is no standing surface water or ponding within areas in which large domestic animals are kept.

All buildings used for the keeping of large domestic animals and all corral or enclosure fences shall be constructed and maintained in a neat and orderly condition and kept in good repair. Landscaping or other screening as appropriate must be provided for stables, barns, corrals, and stored hay.

Small domestic animals, poultry, birds, etc. may not be kept in numbers sufficient to cause nuisance to neighboring residents. Validated complaints from neighboring residents as to noise and other nuisance factors shall determine when numbers are excessive.

I, we, do hereby accept the Revised Equine Criteria of the Portuguese Bend Community Association Architectural Committee, dated June 1, 1991 in lieu of the standards set forth in the CC&R's of said Association.

Date: \_\_\_\_\_ Name:

Name: \_\_\_\_\_ Address:

CLARIFICATION OF BUILDING REGULATIONS AND ARCHITECTURAL STANDARDS

A (6) P.2

To Read:

In case of ..... any and all accessory facilities. Horses may not under any circumstances be kept on a vacant lot unless the property of the owner of the adjoining residence.

This clarification was made on March 12, 1993 by telephone vote of the Board of Directors. The vote was unanimous in favor of the above clarification.

Amendments to Current Architectural Standards  
Portuguese Bend Community Association  
October 1, 2010

1.) Section III - FENCING, B) TYPES OF FENCING, shall be modified to clarify that solid wood fencing of a natural color shall be allowed on lot lines between properties, provided there is a residence on at least one of the properties, and further provided both owners of the directly affected lots are in agreement with the proposed fence. Said fence shall be no closer to the street than the front of the house and shall comply with all height and setback requirements.

2.) Remove Amendment #4-adopted May 13, 2002

L.) Detached Accessory Buildings 2)P.7:

Clarify that no Freestanding Accessory Buildings may be built prior to construction of a residence.

3.) Building Hours:

Building Hours for any construction and maintenance trades shall be allowed only between the hours of 7:30 AM to 5:30PM Monday through Friday, and 9 AM to 1 PM on Saturday. No construction or maintenance trades shall be allowed to work on Sunday and/or holidays.

4.) Drainage system impact:

All drawings for new construction submitted to Architectural Committee for approval shall show 1.) impact of drainage and water flow to adjoining property and/or streets and 2.) plans to contain or restrict excess flow.

5.) Construction traffic parking:

Parking for construction sites to be limited to "on-site" parking, with street parking limited to loading/un-loading only. Limited Variances will be granted on a case by case basis.

## CHANGES TO ARCHITECTURAL STANDARDS – March 2012

### IV. PROCEDURES (Superseded)

#### A) FILING PLANS

- 2)** Association support of applicant following final approval of plans by the Board of Directors, based on recommendation of the Architectural Committee. The president of the association will stamp the applicant's final plans and provide the applicant with a cover letter of support and a copy forwarded to the City of Rancho Palos Verdes Planning Department. A Final Construction Approval Letter will be provided to Applicant in exchange for a final payment well as a signature of Applicant, acknowledging understanding of certain issues revolving around Scope of Approval, Approval Term Expirations, Ownership Changes, Drainage, etc. ■
- 3)** Fees are as follows:
  - a.** New Home Construction (see definition below)
    - i.** Filing Fees
      - 1.** \$1,500 for Architectural Review.
    - ii.** Construction Fees
      - 1.** Based on a price per square foot of one dollar (\$1.00) per square foot of residence, out-buildings, garages, etc.
  - b.** Addition to Existing Structure (including room additions, out-buildings, garages, etc.)
    - i.** Filing Fees
      - 1.** \$500 for Architectural Review
    - ii.** Construction Fees
      - 1.** Based on a price per square foot of one dollar (\$1.00) per square foot of room additions, out-buildings, garages, etc.
  - c.** Interior Remodel or Home Improvement
    - i.** Filing Fees
      - 1.** NONE
    - ii.** Construction Fees
      - 1.** NONE

New Home Construction is defined as removal and replacement of 50% or more of existing exterior walls.

PLEASE NOTE: Your fees help support road and gate maintenance.

### I. BUILDING DESIGN AND CONSTRUCTION

#### A) General Building Requirements

- 9) The maximum height permitted from finished floor level of residence to finished grade is 5'-0". Encouraged are residences designed to hug the ground and provide low silhouette. The difference between the finished grade and finished floor level across on elevation should average no more than 2'-6" with maximum difference of 5'-0". In addition, a maximum difference between existing or "natural grade" and finished grade must be 3'-6".

## 4/1/2013 Amendment to the Architectural Standards

Note: Similar amendments were approved by the PBCA board of directors on August 3, 1992 and included in the minutes of that meeting.

REAL ESTATE SIGNAGE: No Real Estate “For Sale” signs are permitted with the exception of temporary “Open House” signs which are only allowed during the day of the open house. Agents may provide the PBCA board or Secretary with addresses of properties for sale including agent phone numbers. The information will be posted on the community bulletin boards at both gates.

OPEN HOUSE TIMES AND PROCEEDURE: Public Open House permitted on the first Sunday of each month from 1pm to 4pm. Brokers Open House permitted on the first Tuesday of each month (or the Tuesday preceding the Public Open House) from 11am to 2pm. Agents may request opening of the access gate during the open house hours and must not post the gate code. Parking is not allowed on streets and traffic laws will be enforced.

## **7/1/2013 Amendment to the Architectural Standards**

### Section IV, Subsection A #2. Filing Plans:

Amend paragraph to add: Violations of the Conditions of approval will result in a penalty of \$500 for each infraction, paid to the PBCA. A deposit of \$2000 will be collected in addition to the Final Approval Fee. Any remaining balance after any fines are deducted will be refunded to the applicant after completion of the project.

### Section IV, Subsection E. Construction

Amend Subsection E to add:

Large truck deliveries should enter and exit from the Peppertree Gate. Semi-trucks allowed for heavy equipment delivery only. All other deliveries limited to 3 axle or smaller trucks.

### Section II, Subsection Site Requirements H. Excavations

Amend Subsection H. to allow Export of soil with approval of the architectural committee and continue to prohibit import of soil.

## 10/5/2016 Proposed Architectural Standards Changes (Rev H)

SITE REQUIREMENTS , Section 2, Paragraph E. Easements

Is:

### B) EASEMENTS

- 1) Easements are perimeter areas of one's property dedicated to the Community Association and are reserved for roads, streets and public utilities. Hence, no planting, building, pool fence, pole (except public utility), drainage structure, grading, paving or any obstruction may be placed on any easement.

Add Sub Paragraph:

- 2) Parking is prohibited on all PBCA roads and right-of-ways. Upon complaint from any PBCA member, the board will post a warning on the vehicle and, after 24 hours, may have any car, truck, trailer, or other vehicle located on PBCA roadways towed at the owner's expense.
- 3) Owners are responsible for maintaining trees and foliage clear of the roadways. No foliage may extend past the edge of the paved roadway less than 13' in height, to provide safe clearance for cars and trucks. In the event that an owner does not maintain the road clearance, the board will provide a 30 day notice and shall have the foliage trimmed at the owner's expense. The expenses may be added to the annual assessment fees.

### In Building Design and Construction

L) Detached Accessory Structures

Add: "and Sheds"

Add section 6):

6) Sheds of under 120 SF are allowed within rear setbacks. The height must be no more than 8' from finished grade and located more than 5' from the property line, unless the written approval is obtained from the adjacent property owner. Sheds must be painted an earth tone color.

12/3/2018 Architectural Standards Changes (Revision J)

Added to Conditions of Approval:

- 10.** Owner must post a sign at the site with contact information so that neighbors can call with any complaints regarding the operation of construction
- 16.** Concrete Deliveries: Only one truck on site at a time. Second and third trucks can stay on Narcissa or Sweetbay. No more than three trucks in PBCA at a time. All trucks must enter and exit through the Peppertree Gate.
- 17.** Noise from radios or other amplified sound devices shall not be audible beyond the property.

Change to Penalties for violations of Conditions of Approvals (Approved 10/5/2018)

Change to Building Fees (Approved 12/3/2018)

Prohibit Mobil, Pre-Fabricated and Modular Homes construction

Added Job Site Sign (pg38)

## Portuguese Bend Architectural Review Application

Applicant:	Date:
Address:	Phone:
Email:	
Property address (if different)	
Project Description:	
<p><b>Filing Fees for Conceptual Approval:</b> House* (\$1, 500 + plot plan and elevations), Interior Remodeling &lt; 1000SF (No fee), Exterior Remodel/Garage/Accessory Structures (\$500 + plot plan and elevations)</p> <p><b>Construction Fees for Final Approval:</b> House* or Remodel &gt; 1000SF (\$5.00/SF + Final Plans: Plot, drainage, elevations, landscaping, grading) Exterior Remodel/Garage/Accessory Structures : (\$5.00/SF + Plot, elevations, grading/landscaping if changed )</p> <p>*New home construction defined as removal or replacement of more than 50% or exterior walls. Fee increase 4% per yr after 1/1/2019</p>	
<p>Please include information required for various approvals with a check to the Portuguese Bend Community Assoc. and mail to: Portuguese Bend Architectural Committee, Portuguese Bend Community Assoc, PO Box 2908, Palos Verdes Peninsula, Ca 90274, or hand deliver to member of Architectural Committee, or email to Gordon.Leon@gmail.com</p>	

## Variance Notification Letter

Date

Applicant:

Address:

Re: Property address \_\_\_\_\_

To Whom It May Concern:

Please be advised that your current plans for the proposed new residence / new addition located at the property address indicated above does not comply with the current PBCA Building Regulations/ Architectural Standards for the following reasons:

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If you would like to pursue further action, please follow one of the following procedures:

1. Make adjustments to your plans and resubmit for further review.
2. Complete the Request for Variance Form provided below.

If you have any further questions, please contact me at \_\_\_\_\_

Regards,

Gordon Leon

PBCA Architectural Committee

**Portuguese Bend Community Association**  
**Request for Variance to Building Regulations/ Architectural Standards**

Date: \_\_\_\_\_

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number & Email: \_\_\_\_\_

Property address: \_\_\_\_\_

Please provide a detailed description of your variance request:

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Please state the exceptional or extraordinary circumstances or conditions applicable to your project which do not generally apply to other properties in Portuguese Bend.

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Please describe measures taken to mitigate variance conditions and meet the spirit of the Architectural Standard Requirements.

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Attach drawings (with dimensions), worksheets, records, or other documentation that support your variance request. You may also be requested to gain approval from your adjacent neighbors.

**ARCHITECTURAL COMMITTEE ACTION**

Date & Description of restriction:

Your request has been:            **APPROVED**            **DENIED**

Conditions of Approval to be included in Construction Drawings and provided to all contractors working on site:

**PBCA Architectural Conditions of Approval**

- 1.** Construction work may only be performed on Monday through Fridays between 7:30am and 5:30pm, and from 9:00am to 1:00pm on Saturdays
- 2.** All construction vehicles must be parked on site and may not be parked on the streets within PBCA. The entrance gate parking area may be used if requested in advance and vehicles will be required to display parking passes.
- 3.** Owner must post a sign at the site with contact information so that neighbors can call with any complaints regarding the operation of construction
- 4.** All construction debris and trash must be contained on site and removed at regular intervals.
- 5.** Large rammers, vibrators, or impactors, or any other vibration generating compaction method, may not be used for compaction associated with pad or driveway grading, due to the sensitivity of the land slide and risk to neighboring properties.
- 6.** Storm water must be controlled to keep mud from draining on to the streets.
- 7.** Contractor shall not track mud on to the streets from construction vehicles
- 8.** Large truck deliveries must enter and exit from the Peppertree Gate. Semi-trucks allowed for heavy equipment delivery only. All other deliveries limited to 3 axle or smaller trucks.
- 9.** Concrete Deliveries: Only one truck on site at a time. Second and third trucks can stay on Narcissa or Sweetbay. No more than three trucks in PBCA at a time. All trucks must enter and exit through the Peppertree Gate.
- 10.** Noise from radios or other amplified sound devices shall not be audible beyond the property.
- 11.** Owner is responsible for any damage to the PBCA streets, gates, or structures, caused by vehicles associated with this construction project.
- 12.** Export of soil allowed with approval of the architectural committee and import of soil prohibited.
- 13.** Landscaping plans must accompany architectural plans and be installed within two months of completion of improvement.

- 14.** A refundable \$10,000 Deposit is required to ensure adherence to these conditions. The remaining balance of the deposit will be refunded at the completion of landscaping per approved plans.

Fine Schedule:

- First Complaint: \$500
- Second Complaint: \$1000
- Third Complaint: \$2500
- Fourth Complaint: \$3000
- Fifth Complaint: \$3000

- 15.** A copy of these conditions must be included with the notes on the final drawings and provided to each of the contractors working on this project and posted on the job site.

**Penalty Procedure:**

1. The Architectural Committee reacts only to neighbor complaints and will not be proactive in enforcing the conditions of approval.
2. Owners must send an email with "Complaint" in the subject line to PBCA and the Architectural Committee stating the violation of Conditions of Approval. The complaint should include: The violation, the time and date and a date stamped picture would also be beneficial.
3. Owners are given a 3 violation grace period before PBCA assesses any penalties.
4. Each complaint will be followed up with a timely communication with the owner so that he/she can rectify the situation.
5. After 3 violations, any repeat violation will be forwarded to the board for assessing a fine per our Conditions of Approval. ( i.e. if a condition other than the first 3 is violated, then the owner will get a warning and not a fine) The board may assess a penalty by majority vote.
6. The PBCA Secretary will send a letter stating the amount that has been deducted from the Owner/Applicants deposit.

Adopted May 2, 2016 by motion of PBCA Board of Directors

# WORK RULES

## **General Contractor:**

**Phone:**

**Email:**

**1. CONSTRUCTION AND DELIVERY HOURS**

**7:30-5:30 MONDAY – FRIDAY**

**9:00-1:00 SATURDAY**

**NO WORK ON SUNDAYS OR HOLIDAYS**

**1. NO PARKING ON PBCA STREETS**

**2. ALL DELIVERIES THRU PEPPERTREE GATE**

**3. ONLY ONE CONCRETE TRUCK ON SITE AT A TIME,  
STAGING ADDITIONAL 2 TRUCKS ON NARCISSA OR  
SWEETBAY. LIMIT OF 3 TRUCKS IN PBCA AT A TIME**

**4. CLEAN UP MUD ON STREETS IMMEDIATELY**

**5. NO LOUD MUSIC AUDIBLE OFF SITE**

**6. OBEY ALL TRAFFIC RULES, STOP SIGNS,  
NO SPEEDING**

**\$500 to \$6,000 FINES**

Laminate and Post on Jobsite Fence (24" x 36" Min)

To: Octavio Silva  
Subject: RE: Amended EIR for proposed amendments to the Landslide Moratorium Ordinance that pertains to 31 vacant lots (non-Monks Plaintiffs) in Zone 2 of the Landslide Moratorium Area.

-----Original Message-----

From: Jennifer Jones [mailto:nonmonks@yahoo.com]  
Sent: Wednesday, December 12, 2018 10:50 PM  
To: Octavio Silva <OctavioS@rpvca.gov>  
Subject: Amended EIR for proposed amendments to the Landslide Moratorium Ordinance that pertains to 31 vacant lots (non-Monks Plaintiffs) in Zone 2 of the Landslide Moratorium Area.

Dear Mr. Silva:

Thank you for providing the Notice of Preparation for the proposed amendments to the RPV Landslide Moratorium Ordinance.

We are in support of resuming an update to the EIR Report which was completed four years ago. We own a non-monk lot in Zone 2 and have been trying to build our home on our lot for the past five years. We purchased this lot in 2013 when our kids were in Kindergarten and Elementary school. We moved here right after we purchased this lot, renting an apartment with the expectation that we would be able to start building our home soon after the EIR decision, that would make the remaining 31 non-monk lots buildable. We had reason to believe this, as we could see construction in Zone 2 on the Monk lots all around us. We trusted the city officials would make a fair and unbiased decision based on the recommendations in the EIR study.

My kids are now in Middle School and High School. Our dream to build our home is still on hold due to the decision made to table the EIR. Since 2013, we have seen construction of Monk lot homes in Zone 2. There are houses all around my lot. The house right behind my lot is a Monk lot home that was built in 2018. This goes to show that there is stable land all around in Zone 2 but I cannot build on mine even though I pay taxes on it and maintain the upkeep. I hope this study when completed will give us the long awaited opportunity to build our home and live in this beautiful city before our kids move out for good.

Thank you for this consideration.

Sincerely,

Subhash & Jennifer Mendonca

To: Octavio Silva  
Subject: RE: comments on your 8 November notice of preparation: proposed amendments to the Landslide Moratorium Ordinance

From: Neil Siegel [mailto:siegel.neil@gmail.com]  
Sent: Friday, November 09, 2018 8:53 AM  
To: Octavio Silva <OctavioS@rpvca.gov>; Neil Siegel <siegel.neil@gmail.com>  
Subject: comments on your 8 November notice of preparation: proposed amendments to the Landslide Moratorium Ordinance

Dear Mr. Silva:

Thank you for providing the Notice of Preparation for the proposed amendments to the RPV Landslide Moratorium Ordinance. I offer the following comments:

Portuguese Bend was divided into geologic zones in a report commissioned by the City of Rancho Palos Verdes in 1993. This document was written by geologist Dr. Perry Ehlig. In this report, Zone 2 was given the title “Subdivided land unaffected (emphasis added) by large historic landslides”; Dr. Ehlig told me that he chose that particular title for Zone 2 because he found no evidence of recent or active landslide activity in Zone 2 (in contrast to some of the other zones defined in the same report, in which Dr. Ehlig did find evidence of active landslide activity). In the section of this report describing his findings about Zone 2, Dr. Ehlig stated that “The undeveloped lots . . . could be developed without adversely affecting the stability of the large ancient landslide” (emphasis added).

All of the undeveloped properties under consideration in your proposed ordinance are already zoned for single-family residences. Therefore, normal considerations of development – density, traffic, and so forth – ought to be considered resolved by that zoning.

Given that these properties are already each zoned for single-family residences, the only reasonable and proper basis for denying the owners of these properties the right to develop their properties would be proof that it would be unsafe. A court, however, found that it was safe to develop lots within Zone 2 – the so-called Monks properties. The City of Rancho Palos Verdes agreed with this assessment that such development was safe, as memorialized by their change to the City ordinance that allowed development on the Monks lots. Since this change to the City ordinance allowing development on the Monks lots, some of them have in fact safely been developed.

The late Dr. Ehlig’s written opinion was that all of the zone-2 lots could safely be developed, and that the geology was similar across all of the lots within Zone 2. This was also the opinion of the late Dr. Robert Douglas, a professor of geology at USC who studied the landslide and Zone 2 for decades, and also chaired the Abalone Cove Landslide Abatement district for many years. I personally knew both Dr. Ehlig and Dr. Douglas, and learned from Dr. Douglas for many years about the landslide during my long tenure as a board member of the Abalone Cove Landslide Abatement District, and during my (overlapping) tenure as a member and president of the Portuguese Bend Community Association.

So, the City’s proposal to proceed with change the Landslide Moratorium Ordinance (after completing the EIR) so as to allow development on the remaining (e.g., non-Monks) lots within Zone 2 is the fair and just thing for the City to do. Forty years of study by experts (e.g., Ehlig and Douglas) consistently concluded that it would be safe, and the experience of the houses built by those of the Monks plaintiffs provides a tangible indication that such development on the lots within Zone 2 is safe.

I also support the specific language offered in your current proposal, without change.

I applaud the City's willingness to move forward on this matter, and urge that you do so.

Thank you for listening to my opinion on this matter.

Dr. Neil Siegel  
(The IBM Professor of Engineering, USC)  
(Member, National Academy of Engineering)

To: Octavio Silva  
Subject: RE: EIR - UPDATE

-----Original Message-----

From: Melinda Politeo [mailto:m.politeo@gmail.com]  
Sent: Wednesday, December 12, 2018 8:35 AM  
To: listserv@civicplus.com  
Cc: Octavio Silva <OctavioS@rpvca.gov>  
Subject: Re: EIR - UPDATE

>> Dear Mr. Silva,

>> My name is Melinda Politeo, and I am the owner of an undeveloped lot in zone 2, Portuguese Bend RPV. My parents, Frank and Zdenka Politeo, purchased this lot in 1962 before any building moratorium was in effect. My parents paid fair market value for a buildable lot and planned on constructing a family home on our lot.

>>

>> Even though my mother died at 92 a few months ago, and my father is now 94, they never gave up hope that one day our family would be able to build a home on our Portuguese Bend lot.

>>

>> My corner lot is located at the south end of Ginger Root Lane, where Ginger Root intersects with Narcissa Drive, directly across the road from the equestrian center. APN is 7572-014-016.

>> Abutting my lot are occupied homes that were constructed before 1962, and both my lot and these homes have been and continue to be solid as a rock.

>> Therefore, my family supports completing the Zone 2 EIR as outlined on the NOP.

>> Thank you,

>> Melinda Politeo

>>

>>

>> Sent from my iPad

To: Octavio Silva  
Subject: RE: I am in favor of updating the Zone 2 EIR.

From: Jesus Jesse Gutierrez [mailto:lamaria.jesus43@gmail.com]  
Sent: Tuesday, December 11, 2018 9:17 AM  
To: Octavio Silva <OctavioS@rpvca.gov>  
Subject: I am in favor of updating the Zone 2 EIR.

To the City of Ranch Palos Verdes,

I am one of the 31 lot owners and I am in favor of updating the Zone 2 EIR.

My name is Jesus Jesse Gutierrez in 1992 my wife and I purchased two lots from the estate of the late Frank Vanderlip. At the time that we purchased the lots, our real estate agent Sharon gave us confidence the lots could be developed. The general assumption was that the CBA board would allow homes in the zone two area to be built if they followed and met certain criteria from the planning department and geologist of the city of Rancho PV. It was with that understanding that we purchased the lots.

It's now been 26 years going back-and-forth to determine whether Zone 2 lots can be developed. The rest of us lot owners still have our properties and would like to have a process in place for development. In the past few years all the empty lots surrounding my 2 lots have been built on. Ideally we would like the moratorium to be lifted completely. Baring that it would be helpful for a process granting exceptions to the existing moratorium to be put in place.

I hope that you can look at the facts that have already been compiled by independent contractors, geologists, and the RPV planning department, and finally put this matter to rest.

Sincerely yours,

Jesus Jesse Gutierrez

To: Octavio Silva  
Subject: RE: In favor of Zone 2 EIR updates

From: Maria Gutierrez [mailto:rainier@q.com]  
Sent: Tuesday, December 11, 2018 9:44 AM  
To: Octavio Silva <OctavioS@rpvca.gov>  
Subject: In favor of Zone 2 EIR updates

To the Rancho Palos Verdes City Council:

I am respectfully asking you to update the Environmental Impact Report from 2012 in order to create a process for the 31 lot owners of Zone 2 to be able to submit applications to build on their lots.

Since the mid-90's, when my parents purchased two lots (44 Cinnamon Lane and 55 Narcissa Drive) in Rancho Palos Verdes, we have been given assurance that the Zone 2 landslide building moratorium would be lifted one day.

It's now been years going back-and-forth to determine whether remaining 31-Zone 2 lots can be developed. The surrounding Monk lots have all been developed, while the remaining 31 lot owners still have our properties and would like to have a process in place for development. In just the past few years all the empty lots surrounding my 2 lots have been built on. Ideally we would like the moratorium to be lifted completely, baring that it would be helpful for a process granting exceptions to the existing moratorium to be put in place.

Thank you for your consideration and I ask that you proceed with updating the Zone 2 EIR landslide moratorium.

Maria Gutierrez, Trustee

APN#'s 7572 010 019, 7572 010 010

To: Octavio Silva  
Subject: RE: Notice of Preparation of an EIR pertaining to Zone 2 in Portuguese Bend

From: suzanne black [mailto:suzannejoyblack@yahoo.com]  
Sent: Wednesday, December 12, 2018 8:33 PM  
To: Octavio Silva <OctavioS@rpvca.gov>; Octavio Silva <OctavioS@rpvca.gov>  
Cc: suzannejoyblack@yahoo.com  
Subject: Notice of Preparation of an EIR pertaining to Zone 2 in Portuguese Bend

December 12, 2018

Octavio Silva  
Senior Planner  
City of Rancho Palos Verdes, Planning Division  
octavios@rpvca.gov

Subj: Notice of Preparation of an EIR pursuant to the Requirements of the CEQA for proposed code amendments to Exception "P" of Title 15.20.040 (Landslide Moratorium Ordinance) of the Rancho Palos Verdes Municipal Code pertaining to Zone 2.

Dear Octavio,

My husband and I are residents at 13 Fruit Tree Road in Zone 2 of Portuguese Bend. We also own a Zone 2 Lot at 11 Fruit Tree Road. We are in favor of moving forward with updating the EIR that was originally circulated in 2012.

There have been numerous Geological Studies analyzing Zone 2 for the suitability of construction. Most, if not all, have determined that Zone 2 is safe and construction will not have a negative impact on the community.

In addition, a detailed Final EIR was presented to the City Council approximately four years ago. The City chose to "table" their decision and has now brought up the EIR for updating.

Allowing the remainder of the Zone 2 lots to be developed is the right and lawful thing to do. Land owners should have the right to develop their land that has already been zoned for residential use. Let's not have continued litigation over this matter. I commend the City for moving forward and working through the CEQA process.

Please confirm your receipt of this letter that was "sent" via email on December 12, 2018 at 8:32 pm.

Thank you.

Mike & Suzanne Griffith

To: Octavio Silva  
Subject: RE: Notice of Preparation of an EIR pertaining to Zone 2

December 6, 2018

Dear Mayor and Council Members, Ara Miharanian and Otavio Silva,

Because of the importance to our community and the City of the subject below I am taking the liberty of including the Council Members in this e-mail.

Jeremy Davies

NOTICE OF PREPARATION OF AN EIR PURSUANT TO THE REQUIREMENTS OF CEQA FOR PROPOSED CODE AMENDMENTS TO EXCEPTION 'P' OF TITLE 15.20.040 (LANDSLIDE MORATORIUM ORDINANCE) OF THE RPV MUNICIPAL CODE PERTAINING TO ZONE 2

In response to the City's request for comments on the scope and content of the above EIR I submit the following matters which require addressing in a new EIR (not merely "updated" since so many of the public's concerns were not addressed and so many of the assertions were unsubstantiated as required by CEQA-see below).

Suggestions regarding the scope of the EIR should consider matters summarized in a)-e) below which are supported by the detailed comments contained in items 1-5:

- a) Incorporate the Portuguese Bend Feasibility Study recommendations into the EIR (items 1,2,4 and 5 below).
- b) Complete the Hydrology and Drainage Engineering and Analysis Studies prior to the EIR mitigation analysis (items 1,2 and 5 below).
- c) Perform an independent review and assessment of the Portuguese Bend hybrid sewer system prior to the EIR mitigation analysis (items 3 and 4 below).
- d) Assess roadway and pavement integrity prior to EIR mitigation analysis (items 1,2 and 4 below).
- e) Delay issuance of building permits until Altamira Canyon and Portuguese Bend Feasibility Study recommendations are in place (items 1,2,3 and 5 below).
- f) Ensure that substantial evidence be provided in the EIR for relevant information to support a conclusion- CEQA section 15384 requirement.

1) The notice acknowledges that the EIR must address the public's comments and input which were not addressed in the draft EIR circulated in 2012. Your notice also acknowledges the need for the ordinance revisions to be consistent with the PBCA private architectural standards. The 2012 draft EIR was shelved partially as the result of it being significantly based upon unsupported and inadequately detailed assertions contained in a

"LA County report" that could not be found. These unsubstantiated assertions concluded that the hydrology and drainage system, the access roadway and pavement integrity systems were designed appropriately for the full build out of the 111 lots in Zone 2 (of which the 47 project lots were included). The quoted report was apparently prepared in the late 1940s before the landslide even began, therefore rendering it totally inappropriate as a source upon which to be relied. Furthermore the size of residences, quantity of hardscape, number and size of vehicles, size and weight of construction equipment would have been very different at the time of the report.

The 2012 draft EIR does not disclose the fact that since the report on which so many assertions were based was also prior to the additional up-slope run off into Altamira Canyon from the hardscape of the developments including Del Cerro and Island View and septic tank systems. The addition of upstream development has placed additional drainage stress on Zone's 2 and 5 that was not anticipated with any Portuguese Bend development. The Draft EIR does not disclose this significant impact. Nor does it disclose that in a November 4, 2015 staff report the City recognized drainage deficiencies in Altamira Canyon and put out an RFP for a consultant to bid on correcting those deficiencies. The staff report stated that the "Altamira Canyon Drainage Project has been identified as a project that will provide additional safeguards to the Abalone Cove Landslide area. Reduction/minimization of groundwater infiltration is a primary target when considering methods to slow movement in landslides". The EIR should recognize this drainage deficiency as a significant impact and use this DB Stephens & Associates RFP as a proper mitigation for the impact of these additional 47 homes.

Since the 2012 draft EIR was prepared, the Council has held multiple meetings to address the Portuguese Bend Landslide Complex (PBLC). In August 2018 a Feasibility Study (FS) was approved by the Council. Staff and the FS recognize that hydrologic and engineering analysis and evaluation is required to identify where, how and to what extent storm water infiltrates into the groundwater into the Portuguese Bend Landslide Complex (PBLC). The City Landslide Committee also identified the need for a "complete characterization of the hydrology of the area". In a number of other areas of the FS the consultants identify the need for the landslide stabilization remediation to be implemented over an area larger than the PLBC or Red Zone itself. Because any construction development in Zone 2 impacts both Zones 5 and 6 (as explained below) and the PBLC, a professional approach to the new EIR scope must require that the matters below be an integral part of filling significant data gaps not addressed in the 2012 draft EIR. CEQA section 15384 requires that substantial evidence be provided for relevant information to support a conclusion.

There are a number of studies and remedial/mitigation actions

that are required before consideration of additional development in Zone 2. Several of these studies and remediation actions were requested by the public and were not adequately responded to by the 2012 draft EIR because it relied upon unsupported assertions.

The new EIR must require that the hydrology and drainage system, the access roadways and pavement integrity and the sewer systems are supported by current engineering and hydrology studies in order to support a conclusion that their design is adequate for the additional build out without negatively impacting the community as a whole or further aggravating landslide movement in the area, both Zone 2 and adjacent areas of the community. Remediation actions prior to any further development should be identified and should be consistent those identified by the FS as they apply to Zones 2, 5 and 6.

Failure of infrastructure and damage to homes due to further development approved by the City before the implementation of remediation measures could result in disastrous expense and hardship. Because the development could be construed as an imposition by the City on the PB community the community cannot be expected to bear any resultant expense. The City must recognize that many of the community are elderly and on fixed income pensions.

## 2) Hydrology and Drainage System

Prior to any development of the Monks properties much of the storm water in Zone 2 was absorbed by the soil of the undeveloped lots. Additions to hardscape through construction in Zone 2 will add to the volume of storm water entering Altamira Canyon and fissures in Zone 5 and the PBLC, even if there is some control of storm run off from roofs and gutters. Furthermore, Zone 5 which is located in an active landslide system (Abalone Cove) provides one of the only two access roads for traffic entering Zone 2 namely Narcissa Drive (see below the issues regarding Access Roads and Pavement Integrity).

Since only 5 of the 16 Monks properties have been constructed and since there has not been a significant long term rain event in the last six years the additional storm water runoff from Monks properties entering Altamira Canyon and landslide fissures (versus its absorption into the previously undeveloped land) has not been adequately evaluated. This requires specific engineering and evaluation similar to that suggested by the FS. CEQA guidelines require that an EIR must analyze the accumulative impacts of the project to the immediate and adjoining environments (see further comments on "immediate and adjoining relationships" in Zones 5 and 6 in comments 4 and 5 below).

The FS (and the public hearings on the landslide) calls for an understanding of the watershed including the canyons that source water that infiltrates into the ground water in the PBLC. This

understanding is needed to determine the remediation measures. This should be done before further development in Zone 2. FS calls for a full engineering and hydrologic study be made before the remediation measures are designed to provide liner and channel systems, including for Altamira Canyon, which passes through Zone 2 and 5 and impacts the "Red Zone" and the PBLC.

The new EIR should require an engineering analysis and evaluation of the adequacy of the existing storm water drainage system in Zone 2 and how it impacts the adjacent Zone 5. The evaluation should assume different levels of storm water occurrence and a full build out of the 47 properties. Zone 5 is an active landslide area. Zone 2 uses the streets to channel storm water into Altamira Canyon and fissures which in turn migrate into the "Red Zone" and other parts of the PBLC which the City is seeking to stabilize through remediation measures eventually recommended by the FS. Implementation of remediation actions regarding Altamira Canyon must be a prerequisite before, and not during or after, any further development can be considered.

### 3) Sewer System

The current sewer system serving Zone 2 has suffered several failures over the years and this is even before the 16 Monks lots have been built out. In my case we have had our grinder pump replaced multiple times. There have been leakages into the road system. The system as designed appears less than optimum.

The new EIR should require an independent (independent from the City) engineering study to analyze and evaluate the adequacy for additional residences using the current system. This engineering study should confirm that the current system meets all standards and regulations at the State, County, City and County Sanitation Department levels and will meet the demands of an additional 47 residences, taking into account that the average size of properties of any new development will be considerably larger than the pre Monks residences.

### 4) Access Roads and Pavement Integrity

Access by construction traffic to any Zone 2 developments are dependent upon either Narcissa Drive or Peppertree Drive, both of which transit through active landslide areas. Because of the danger to safety experienced by the community resulting from oversize construction equipment and cement trucks using Narcissa Drive for early Monks contractors, the PBCA Architectural Standards were modified to ban such equipment using Narcissa Drive. It is particularly dangerous at the right hand curve going up Narcissa. The City needs to endorse this remedial action regarding Narcissa Drive for any future development before a serious accident occurs or even results in a vehicle being driven off the road and falling onto Wayfarer Chapel grounds.

Consequently all oversize and heavy construction traffic must use Peppertree Drive. This is a fragile road system located in an even

more active landslide area (Portuguese Bend Landslide) than Narcissa Drive (Abalone Landslide).

The new EIR should require a separate engineering study that provides an analysis and evaluation of the condition of Peppertree Drive and its ability to handle the volume and size of all construction traffic without creating new safety risks or damage to the residents and their properties.

Such study should take into account the following:

Substrata soil conditions and land movements and additional vibration from all construction traffic

Include the impact of additional construction traffic and activities related to the construction of a proposed main sewer system planned by the FS to substitute the current septic systems from the residences that border Peppertree Drive the objective of which is to remediate water entering the subsurface of the landslide

Include the impact of additional construction traffic and activities for implementing the proposed horizontal drains adjacent to Peppertree Drive residences planned by the FS

Include the impact of additional construction traffic and activities planned by the FS to introduce extraction and monitoring wells on land adjacent to Peppertree Drive residences

Design and implement any remediation actions needed for safety and protecting the integrity of the roadway infrastructure before to handle additional developments in Zone 2.

##### 5) Geological, Hydrology Studies and Slope Stability

During the presentation to Council of the 2012 draft EIR and contained in many of the comments from the public there was a significant concern regarding the lack of a coordinated specific, (and not boilerplate), hydrology and geological study analyzing and evaluating the factor of stability in Zone 2 for additional development.

The new EIR should require such studies (and it is not adequate to just conclude that resolution #2002-43 was repealed). Such studies should also include the impact on the surrounding areas i.e. Zones 5 and 6 which are directly or indirectly impacted by Zone 2 storm water run off and by storm water run off into Altamira Canyon and other landslide fissures. Zones 5 and 6 will be additionally impacted by increased construction traffic volume. The City and not the Monks case must conclude on the stability standard to be used for development in Zone 2 and this standard must be supported by geological and hydrological data (CEQA section 15384 requires substantial evidence).

As to the relationships of Zone 2, 5 and 6, geologists including the late Bob Douglas (to whom Mayor Duhovic referred below), have stated that the relationship of these Zones, although not well understood, probably do have some hydrological connection. In the August 2018 FS for the PBLC, the City identified current

environmental issues of water infiltration into the PBLC including the costs of maintaining Palos Verdes Drive South, the possibility of cutting off emergency access for the community, damage to homes, impacts to a NCCP preserve as well as State designated sensitive tidal areas, and City liabilities. The EIR must disclose these potential impacts.

In addition here are some of the comments of the Council regarding the draft 2012 EIR on August 5, 2014:

Council Member Brooks "This EIR is fatally flawed. We are not just dealing with the drainage and hydrology but this issue of creating a Monks geological standard is really scary because the 1.5 stability standard has been in effect in this City for a long time"

Council Member Misetich "I have the same concerns as Council Member Brooks".

Mayor Duhovic "There will always be debate on an EIR but I defer to you on that. The biggest thing that jumps out at me is the commentary with respect to Altamira Canyon. I know we talked about that -it is a very large project. I step back and look at tragedy after tragedy with mudslides, this that and the other. You know I would be very troubled if something like that were to happen in this particular location but even more if we perpetrated that or allowed it to happen-so I am very sensitive to that.

Obviously the testimony of Dr Douglas weighs heavy on me also" (Dr Douglas's testimony on behalf of ACLAD disagreed with the staff findings and he stated that he believed that the Council should reject the EIR).

To proceed with further development in Zone 2 before appropriate studies are made and remediation measures are implemented, that are consistent with public safety and with the landslide stabilization objectives of the FS, could be considered both questionable and illogical.

Respectfully,  
Jeremy Davies

To: Octavio Silva  
Subject: RE: PBC Zone 2

From: Michael Nopper [mailto:mikenopper@aol.com]  
Sent: Tuesday, November 20, 2018 10:49 PM  
To: Octavio Silva <OctavioS@rpvca.gov>  
Subject: PBC Zone 2

Mike and Peter Nopper  
Owner of PBC Zone 2 lot  
mikenopper@aol.com  
619-761-3172

City of Rancho Palos Verdes  
Octavio Silva, Senior Planner  
octavios@rpvca.gov.  
310-544-5234

Dear Octavio Silva and City Council,

We are the owners of an undeveloped lot on Zone 2. With respect to your time, we will keep this message brief .

First, we appreciate that the City Council re-initiated the process to amend the City's Landslide Moratorium Ordinance to allow all property owners in Zone 2 of the Landslide Moratorium Area to develop on the same terms as the Monks plaintiffs' lots.

Secondly, We strongly support the proposed revisions to the Landslide Moratorium Ordinance to include the revision of subsection P to Section 15.20.040 (Exceptions) to apply to all 47 undeveloped lots in Zone 2.

Sincerely,  
Mike Nopper  
Peter Nopper

To: Octavio Silva  
Subject: RE: PBCA Architectural Standards

From: Gordon Leon [mailto:gordon.leon@gmail.com]  
Sent: Wednesday, December 19, 2018 7:05 PM  
To: Ara Mihranian <AraM@rpvca.gov>; Octavio Silva <OctavioS@rpvca.gov>  
Subject: PBCA Architectural Standards

Ara and Octavio,  
I have attached a set of PBCA Architectural Standards. The requirements we would like to see you use are:

Setbacks: 20' sideyard, 60' front yard (from center of road), 50' backyard  
Coverage area: less than 25%  
House SF: max 4000 SF + 600 SF garage  
Single story

I would think these could be justified by reducing drainage.

Here are our conditions of approval for new and major remodels:

#### PBCA Architectural Conditions of Approval

1. Construction work may only be performed on Monday through Fridays between 7:30am and 5:30pm, and from 9:00am to 1:00pm on Saturdays
2. All construction vehicles must be parked on site and may not be parked on the streets within PBCA. The entrance gate parking area may be used if requested in advance and vehicles will be required to display parking passes.
3. Owner must post a sign at the site with contact information so that neighbors can call with any complaints regarding the operation of construction
4. All construction debris and trash must be contained on site and removed at regular intervals.
5. Large rammers, vibrators, or impactors, or any other vibration generating compaction method, may not be used for compaction associated with pad or driveway grading, due to the sensitivity of the land slide and risk to neighboring properties.
6. Storm water must be controlled to keep mud from draining on to the streets.
7. Contractor shall not track mud on to the streets from construction vehicles
8. Large truck deliveries must enter and exit from the Peppertree Gate. Semi-trucks allowed for heavy equipment delivery only. All other deliveries limited to 3 axle or smaller trucks.
9. Concrete Deliveries: Only one truck on site at a time. Second and third trucks can stay on Narcissa or Sweetbay. No more than three trucks in PBCA at a time. All trucks must enter and exit through the Peppertree Gate.
10. Noise from radios or other amplified sound devices shall not be audible beyond the property.
11. Owner is responsible for any damage to the PBCA streets, gates, or structures, caused by vehicles associated with this construction project.
12. Export of soil allowed with approval of the architectural committee and import of soil prohibited.
13. Landscaping plans must accompany architectural plans and be installed within two months of completion of improvement.

14. A refundable \$10,000 Deposit is required to ensure adherence to these conditions. The remaining balance of the deposit will be refunded at the completion of landscaping per approved plans.

Fine Schedule:

First Complaint: \$500

Second Complaint: \$1000

Third Complaint: \$2500

Fourth Complaint: \$3000

Fifth Complaint: \$3000

15. A copy of these conditions must be included with the notes on the final drawings and provided to each of the contractors working on this project and posted on the job site.

I have attached a complete set of standards.

--

Gordon Leon  
310-463-9244

To: Octavio Silva  
Subject: RE: Requested comments on the City of Rancho Palos Verdes  
NOP:proposed amendments to the Landslide Moratorium Ordinance

From: Jerry Johnson [mailto:jjmountainman01@aol.com]  
Sent: Monday, November 12, 2018 4:44 PM  
To: Octavio Silva <OctavioS@rpvca.gov>  
Subject: Requested comments on the City of Rancho Palos Verdes NOP:proposed amendments to the Landslide Moratorium Ordinance

Zone 2 has been the subject of numerous studies and analyses over the years. The overwhelming majority have indicated no adverse consequences to constructing single family residences.

The EIR report which is being updated by Rincon Consultants was finalized four years ago and concluded that there would be no negative impact on Zone 2 or the surrounding areas if such building were allowed.

Since the Final Report was submitted for the City Council to consider several years ago, there have been construction projects completed in Zone 2 in perfect safety. By practical application and the passage of time

it is clear that the experts in the field of geology have been proven to be correct and accurate.

The Second District of the California Court of Appeal also agrees with the opinion that building in Zone 2 would be safe. This puts the Doomsayers who predicted an apocalyptic disaster of epic proportions in a difficult position. There exists no substantive basis for that conclusion.

Passing this amendment will create a fair and just, equal standard for all property owners in Zone 2. It will also justify the huge expense of the tabled EIR Report of four years ago. It will foreclose future unnecessary

litigation and costs to the taxpayers of this City.

I congratulate the City Council for their consideration of everyone who is a taxpayer, a voter, resident or member of our City and community!

Thank You

Jerry E Johnson, property owner Zone 2

To: Octavio Silva  
Subject: RE: Sewer System

From: Jeremy Davies [mailto:jeremydavies2014@gmail.com]  
Sent: Sunday, January 06, 2019 11:07 AM  
To: Ara Mihranian <AraM@rpvca.gov>; Octavio Silva <OctavioS@rpvca.gov>; Gordon & Claire Leon <gordon.leon@gmail.com>; Jim Knight <knightjim33@gmail.com> <knightjim33@gmail.com>; kimmelson <kimmelson@cox.net>; Dennis Gardner <dennisggardner@me.com>  
Subject: Fwd: Sewer System

Dear Ara and Octavio

Following the earlier comments on the sewer system that we have sent you, I recently obtained additional input regarding the PB sewer system which was installed under the direction of the City. The observations come from a PB resident who is also a former plumber. The code infractions were reported to Dean Allison, then City manager, who was unreceptive, unhelpful and did not respond formally to the reported issues. Here are the comments together with two attachments:

" I've attached two photos. One photo of the code itself and the second photo is of the discharge pipe and size that the City used. The CA Unified Plumbing Code states that when using a above ground grinder system for single family dwellings with a water closet the grinder pump systems discharge line has to be ( interior size diameter " I.D" ) 1 1/2" to 2" in diameter ( 2018 ). As you can see in the photo, all the discharge lines that were installed exiting the grinder pumps were NOT to CA CODE , up to two sizes too small. I believe the grinder pumps came from Oregon which could be the reason for the incorrect size. None the less, in 1998 CA required a 2" discharge line. The discharge line being small creates a load on the pumps which wear out faster. We have replaced ours 4 times so far ( none being new , but rebuilt and swapped out because those are no longer available new. This is what the contractor told me when he was here the last time replacing it . This whole system is suspect to me given when ours was installed I did not tell them I was a plumber. Earlier, during the night I had put a level on the whole run of drain line and they had installed it flowing backwards ( uphill ). So once he put his level on it he said , "Yeah , good eye , I'll give it more fall " \_\_\_\_\_ like the opposite direction, I thought . Well, I had no confidence by this time and after they left for the day , without filling in the ditch , I ran to my supply house and picked up 20 foot lengths of 3" abs and installed it myself for my pump. They were installing 10 foot lengths { Home Depot } and when I checked , they didn't even have the connections inserted all the way in .That creates issues no one can see after the burial of lines . Example , pipes pop out of fittings underground if any land moment. I could go on but..... lets just say , we should NOT inherit the level of mistakes that the city is trying to hand over to us.

## **RPV AUGUST 5, 2014 COUNCIL DELIBERATIONS ON THE FINAL ENVIRONMENTAL IMPACT REPORT**

Staff recommended that the Council “1) Adopt Resolution no 2014 certifying the EIR, making certain findings pursuant to CEQA, adopting a statement of Overriding Considerations and adopting a Mitigation Monitoring and Reporting Program; and 2) Introduce Ordinance No\_, revising the City’s Landslide Moratorium Ordinance to establish an exception category to allow the development of the 31 undeveloped (non-Monks plaintiff’s lots ) lots in Zone 2.”

The following are extracts of the Council Members’ deliberations following the public’s oral comments on the FEIR for Zone 2. Many of the public’s oral comments were also submitted to the Council in written form.

Mayor Duhovic requested Council deliberations and questions.

Council Member Brooks “What would be the outcome if this Council were to take no action, tabling the item, thereby not adopting any amendments to the landslide moratorium ordinance and not establishing an exception to allow development of the 31 lots. What would be the ramifications?”

City Attorney “The ramifications first of all would be that the owners of the other undeveloped properties would need to file a Moratorium Exclusion request if they intended to develop rather than rely on the exception category that was proposed. The EIR would not be certified, the ordinance would not be adopted. The owners of the lots could attempt to use that other vehicle –file an exclusion permit and proceed with development that way. If their application were denied it would be up to them to review at that point whether by litigation they challenge the decision to deny development.”

Mayor Duhovic “Lets get clarity on the 1949 study. Were we able to find it or not find it? Can we resolve it? Has anyone seen it, did we look for it?”

Staff responded “There is no study. We did in looking at the subdivision development in 1949 that it was required to abide by County standards at that time and the 1945 County ordinance.

City Attorney “We did find the 1945 ordinance. I do not believe we have found any studies”.

Mayor Duhovic to the EIR consultants “The issue of the zero additional run off. Mr Miller made the statement that that was not addressed at all by you. Would you concur with that? That was a pretty definitive statement by you.”

Consultant “This should be separated into two separate issues. One is the deficiency of the drainage issues and is acknowledged in the EIR. Secondly what would be the impacts

of the project on the drainage. In the final EIR the approach we took was to require that the lots to be developed be engineered to mimic existing preconstruction conditions. It is a fairly general engineering standards practice now and is becoming more so. This is what many if not most current applications require in new developments.”

Mayor Duhovic “So that I am clear you are saying that the drainage analysis that you did in your opinion the drainage conditions mimics the preconstruction conditions.”

Consultant “To be more precise the mitigation measures in the EIR requires that each lot to be developed is required to be engineered to have that result with no additional infiltration or run off”

Mayor Duhovic “ The ability to exit is paramount” Extensive comment from a consultant follows.

Mayor Duhovic “Maybe the consultant can talk to me on the consideration of the private roads versus non public roads issue”.

Consultant “For evacuation purposes we considered the roads as roads. For some of the pavement integrity and damage during construction and services and ongoing maintenance to repair cracks in the pavement we talked about the Association’s responsibility”

Mayor Duhovic “That’s all the questions I have. Deliberations, comments questions?”

Council Member Brooks “This has been going on for so many years. After my last stint on the Council all this came forward with development in a landslide area which seems to me to be an insane idea to begin with. This EIR is fatally flawed. We are not just dealing with the drainage and hydrology but this issue of creating a Monks geological standard is really scary because the 1.5 stability standard has been in effect in this City for a long long time.

It is the second or third time we have heard this now. It keeps coming back to us. This has taken a lot of time and money to put this together. I am in a position to not approve this EIR, it is incomplete, it has unsupported assertions that to go back to 1949 –we do have to realize that we are not dealing with the same level of standards here. I would be inclined to not reject the EIR as then the next question is are we going to address the issue in the future or whether we are going to table this item. This is a thousand piece puzzle with 500 pieces missing. Not even the edges are filled in.”

Mayor Duhovic “Nor Altamira Canyon”.

Council Member Misetich “I have the same concerns as Council Member Brooks. There are still many unanswered questions. I did my best to go through this document. But what I have heard and read to make findings of fact I have to be personally satisfied beyond reasonable doubt. I have some doubts and so I cannot make those findings that we are

being asked to in the staff report and so I feel the same way as Council Member Brooks. I cannot support this EIR and the question is how do we want to go to move forward on this. I still have concerns about evacuation of the Community. I still have concerns about the drainage addressing the issue of Altamira Canyon and quite frankly I just cannot support it at this time.

Mayor Duhovic “I appreciate my colleagues’ comments. I am looking at it from a little bit of a different standpoint and recognize there will always be debate on an EIR but I defer to you on that. I do not believe the timing is now. I don’t see an impending event, I don’t see a crisis, I don’t see really anything other than the desire to assimilate or standardize the code with respect to those particular laws. I don’t see any need to rush into this, especially with so many questions left pending. The biggest thing that jumps out at me is the commentary with respect to Altamira Canyon . I know we talked about that – that is a very large project.

I step back and look at tragedy after tragedy with mudslides, this and that and the other. You know I would obviously be very troubled if something like that were to happen in this particular location but even more if we perpetrated that or allowed it to happen-so I am very sensitive to that. Obviously the testimony of Dr Douglas weighs heavy on me also (Dr Douglas’s testimony on behalf of ACLAD disagreed with the staff findings and he stated that he believed that the Council should reject the EIR). Without really opining on the EIR notwithstanding the perception of flaws, I think it was a good exercise, a lot of things were brought forward and just to cut to the chase I concur with my colleagues that I am not prepared to support certification of this EIR right now. I think the question is whether we push this off for a date certain or we just table it indefinitely at this point.”

City Attorney “You can certainly table it if you are not going to certify the EIR which is obviously the unanimous sentiment then you can move to table the item.”

Council Member Misetich “And we could bring back this EIR some date in the future if we want?”

City Attorney “There is certainly always that possibility”

Council Member Misetich “I am just asking for the rule. I am not suggesting that is going to happen, I am just asking for the rule”

City Attorney “That is correct”

Council Member Misetich “I’ll make a motion we table this item.” Seconded by Council member Brooks.

Council Member Brooks “So this means alternative number three which means take no action and table the item”

Mayor Duhovic “Just to clear that means denying certification and not certifying the EIR just to be clear to the public”

City Attorney “That is correct Mr Mayor”.

Mayor Duhovic “We have a quorum here so press forward in the roll call please.”

Council Member Brooks - Yes  
Council Member Missetich - Yes  
Mayor Duhovic - Yes

Motion Passed

To: Ara Miharanian, Octavia Silva

11/12/18

From: Gordon Leon (Resident Portuguese Bend Community)

Subject: Zone 2 EIR

Here are my comments for the revised Portuguese Bend Zone 2 EIR

### **Hydrology/Altamira Canyon**

First of all, the Hydrology section needs to recognize the Portuguese Bend Landslide and the upslope developments occurred after the PBCA neighborhood drainage design was completed and fabricated so it is erroneous to assume that the current design is sufficient for the additional 47 houses. Water infiltration into the Portuguese Landslide substrata is the most significant enabler of land movement. The fissures located in Altamira Canyon direct almost 60% of the water into the substrata before it empties into the ocean. The storm drains in the Portuguese Bend Community Association were designed to drain directly into Altamira Canyon prior to the start of the landslide. Building in PBCA was halted in 1976 in part to limit additional runoff into the canyon. Subsequent to the Monk lawsuit entitling the construction of 16 residences, the city required a number of mitigation measures including water storage tanks to delay the gutter rainwater entry into the PBCA storm drains and thus reducing the loading on Altamira Canyon. The fire department is requiring much larger driveways which results in significant uncontrolled runoff. **I recommend requiring holding tanks, bio-swales, or other measures to mitigate the immediate runoff from driveways and hardscape** in addition to the requirement to store roof runoff.

### **Geology**

Zone 2 is in the “more stable” portion of the Portuguese Bend Landslide Complex. Mitigation measures need to be **imposed for limits on grading, soil imports, use of rammers for compaction, limiting trucks, and large equipment deliveries on the Narcissa curve** in the Abalone Cove slide area.

### **Traffic**

The additional houses will generate significantly more traffic at the corner of Narcissa and PV Drive South. PVDS has become much more crowded over the past few years making it difficult to make a left turn during morning and evening rush hours. **Some sort of traffic control needs to be put in place to mitigated traffic building up at the Narcissa gate.**

### **Sewer**

The pressurized sewer system in PBCA has been plagued by maintenance issues since it was installed. **Verify that the pressurized sewer system can handle the increased load base on the as-built performance.**

### **Aesthetics**

PBCA has Architectural Standards that are enshrined in the CC&Rs in 1992. These regulate aesthetics, setbacks, and a number of other neighborhood compatibility aspects of our community. **We would like the properties in Zone 2 to conform to the PBCA Architectural Standards as compliance with RPV Neighborhood Compatibility.**

**Exterior Lighting:** The Final 2014 EIR uses old code language (ie watts) and needs to be updated to the current regulations.