

PUBLIC HEARING

Date: September 17, 2019

Subject:

Consideration and possible action to receive and file a report on the Updated Draft Environmental Impact Report (Draft EIR) for the Zone 2 Landslide Moratorium Ordinance Revisions and to obtain comments from the general public and the City Council.

Recommendation:

Receive and file a report on the Updated Draft EIR for the Zone 2 Landslide Moratorium Ordinance Revisions and to obtain comments from the general public and the City Council regarding the Draft EIR.

1. Report of Notice Given: City Clerk

2. Declare Public Hearing Open: Mayor Duhovic

3. Request for Staff Report: Mayor Duhovic

4. Staff Report & Recommendation: Octavio Silva, Senior Planner

5. Council Questions of Staff (*factual and without bias*):

6. Testimony from members of the public:

The normal time limit for each speaker is three (3) minutes. The Presiding Officer may grant additional time to a representative speaking for an entire group. The Mayor also may adjust the time limit for individual speakers depending upon the number of speakers who intend to speak.

7. Declare Hearing Closed/or Continue the Public Hearing to a later date: Mayor Duhovic

8. Council Deliberation:

The Council may ask staff to address questions raised by the testimony, or to clarify matters. Staff and/or Council may also answer questions posed by speakers during their testimony. The Council will then debate and/or make motions on the matter.

9. Council Action:

The Council may: vote on the item; offer amendments or substitute motions to decide the matter; reopen the hearing for additional testimony; continue the matter to a later date for a decision.

AGENDA DESCRIPTION:

Consideration and possible action to receive and file a report on the updated draft Environmental Impact Report (Draft EIR) for the Zone 2 Landslide Moratorium Ordinance Revisions and to obtain comments from the general public and the City Council

RECOMMENDED COUNCIL ACTION:

- (1) Receive and file a report on the updated Draft EIR for the Zone 2 Landslide Moratorium Ordinance Revisions and obtain comments from the general public and the City Council regarding the Draft EIR.

FISCAL IMPACT: There is no fiscal impact as a result of conducting a public hearing to obtain comments from the public and City Council on the Updated Draft EIR.

Amount Budgeted:	N/A
Additional Appropriation:	N/A
Account Number(s):	N/A

ORIGINATED BY: Octavio Silva, Senior Planner *O.S.*

REVIEWED BY: Ara Mihranian, AICP, Director of Community Development *A.M.*

APPROVED BY: Doug Wilmore, City Manager *D.W.*

ATTACHED SUPPORTING DOCUMENTS:

- A. Notice of Preparation dated November 8, 2019 (page A-1)
- B. Notice of Availability dated August 22, 2019 (page B-1)
- C. Executive Summary (page C-1)
- D. Public Comments (page D-1)

The updated Draft EIR is available on the City's website at the following link: <https://www.rpvca.gov/1140/Zone-2-Non-Monks-Lots>. The City Council was provided with a link to the updated Draft EIR on August 23, 2019. A hard copy can be provided to the City Council by contacting Staff. Hard copies are also available to view at:

- City Hall, Community Development Department
 - Palos Verdes Peninsula Library, Miraleste Branch
 - Peninsula Center Library
 - Fred Hesse Jr. Park Community Building
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BACKGROUND AND DISCUSSION:

Development in Zone 2 of the Landslide Moratorium Area

The City's Landslide Moratorium Area (LMA) is located within the Portuguese Bend area of the City. The LMA was originally established in 1978 in response to potentially unstable soil conditions and active landslide movement in an area encompassing approximately 1,200 acres. Since 1978, development activity has been strictly limited within the LMA. The specific restrictions imposed within the LMA are described in Chapter 15.20 (Landslide Moratorium) of the Rancho Palos Verdes Municipal Code (RPVMC). In general, properties in the LMA that are developed with residential structures are permitted to make limited improvements if the City grants a Landslide Moratorium Exception (Exception). Until 2009, new construction was not permitted on properties in the LMA that were not previously developed with residential structures unless a Moratorium Exclusion (Exclusion) was granted.

In 2002, a group of Portuguese Bend property owners filed an Exclusion application to exclude their undeveloped lots within the area known as Zone 2 from the provisions of the Landslide Moratorium. Shortly after the application was deemed incomplete for processing, the applicants filed suit against the City (*Monks v. Rancho Palos Verdes*). In December 2008, the California Court of Appeal reversed the favorable decision of the trial court and found that the City had "taken" the plaintiffs' property by virtue of the adoption of Resolution No. 2002-43, which required plaintiffs and other owners of undeveloped properties in Zone 2 to prove a zone-wide safety factor of 1.5 before individual development applications in that area could be approved by the City. Following the decision by the Court of Appeal, the City's options were either to pay damages to the plaintiffs or to remove the regulatory impediments that prevented the development of the 16 *Monks* plaintiffs' lots. Due to the potential economic impact to the City that would arise from paying damages to the owners of the Zone 2 properties, the City Council determined that the requirement that a zone-wide safety factor of 1.5 be shown to exist should be removed. Accordingly, the City Council immediately rescinded Resolution No. 2002-43.

As a result of the *Monks* decision, City Staff identified several alternatives in considering a proposed code amendment. The City Council at the time directed Staff to pursue a "two-track" parallel process, whereby a code amendment to allow development of the 16 *Monks* plaintiffs' lots would be pursued immediately, followed by a similar amendment to allow development of the other 31 undeveloped lots in Zone 2. The aerial photograph on the next page identifies the location of 16 *Monks* plaintiffs' lots along with the 31 undeveloped lots within Zone 2.



In September 2009, the City Council adopted Ordinance No. 498, which amended the Landslide Moratorium Ordinance to create a new Landslide Moratorium Exception Category P to allow the owners of the 16 *Monks* plaintiffs' lots to apply for Exceptions for the construction of new residences. In December 2009, the City Council adopted Ordinance No. 501U, further amending the Landslide Moratorium Ordinance to allow site grading for the development of each of the *Monks* plaintiffs lots not to exceed 1,000 cubic yards of combined cut and fill, and with no import in excess of 50 cubic yards. A Mitigated Negative Declaration was certified by the City Council in conjunction with these actions. Owners of previously developed lots in Zone 2 challenged the City Council's determination by filing a lawsuit (*Enstedt, et al. v. City of Rancho Palos Verdes*) alleging an environmental impact report should have been prepared instead of a Mitigated Negative Declaration. The City and the attorneys for the *Monks* plaintiffs defended the City's action, and the Superior Court ruled in the City's favor. The challengers filed an appeal, but the lawsuit was settled, and the appeal was dismissed. As of August 2019, eight *Monks* plaintiffs' lots have been developed with residences and ancillary improvements, with three additional lots currently under construction. In addition, the owner of one lot is pursuing building permit issuance while the owners of the remaining four lots have obtained Exceptions that have subsequently expired.

In October 2009, the City commenced the processing of a further revision to the Landslide Moratorium Ordinance to allow for the future development of the remaining 31 undeveloped lots in Zone 2. At that time, the City and its environmental consultant, Rincon Consultants, began the California Environmental Quality Act (CEQA) review of the Zone 2 Landslide Moratorium Ordinance revision, which proposed to expand Exception Category P to include the development of the 31 undeveloped lots, thereby allowing 47 undeveloped lots in Zone 2 to be developed with single-family residences. As a result of the CEQA review, in January 2011, the City distributed an Initial Study, accompanied by a Notice of Preparation of an Environmental Impact Report (EIR). In September 2012, the Draft EIR was made available to the public for review during the

60-day public comment period, which concluded in November 2012. Over the course of the next year, the City, along with Rincon Consultants, completed a review and analysis of the public comments received on the Draft EIR.

In March 2014, the Final EIR was completed. In April 2014, the Final EIR was presented to the City Council for certification, as was the approval of the proposed Code Amendment to expand Exception Category P. The City Council continued the public hearing to the following month to allow additional time for the public to submit comments on the proposed Zone 2 Landslide Moratorium Ordinance Revisions. In May 2014, the City Council continued the public hearing to June 2014, to allow City Staff and the City's consultants to address additional comments made by the public and issues raised by the City Council. In June 2014, the City Council continued the public hearing to August 2014 to accommodate the time and resources needed to review and address the public comments on the Final EIR. On August 5, 2014, the City Council, after considering evidence introduced in the record, tabled the certification of the Final EIR and the adoption of the proposed Landslide Moratorium Ordinance Revisions.

In November 2015, another lawsuit challenging the City's regulation of new development in Zone 2 (*Parks v. City of Rancho Palos Verdes*) was filed by another group of property owners seeking to build on their vacant lots.¹ Their petition alleged there was no justification for allowing the *Monks* property owners to build on their lots but not the other owners of vacant lots in Zone 2. The *Parks* plaintiffs lost at the trial court level largely on procedural grounds, and the trial court's favorable ruling was affirmed by a published appellate opinion on September 6, 2018.²

In November 2018, the City Council awarded a professional services agreement to Rincon Consultants (Rincon) to prepare and recirculate an updated Draft EIR for the proposed Zone 2 Landslide Moratorium Ordinance Revisions. The City re-initiated the process to allow all property owners in Zone 2 to develop their properties based on Exception Category P development criteria because several of the *Monks* lots had been developed or were in the process of being developed, which would allow the City to more accurately assess how the changed conditions in Zone 2 affect the surrounding environment.

Proposed Landslide Moratorium Ordinance Revisions

A code amendment is being considered that would amend Exception Category P of the City's Landslide Moratorium Ordinance to allow for the future submittal of Exception applications for 31 undeveloped lots within Zone 2 of the LMA. The development criteria for these lots would be consistent with existing Exception Category P requirements, which include the following:

¹ The case name subsequently changed to *Black, et al. v. City of Rancho Palos Verdes*, as the *Parks* plaintiffs pulled out of the case.

² *Black, et al. v. City of Rancho Palos Verdes*, California Court of Appeal Case No. B285935.

- 31 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 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 5 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.

Updated Draft EIR: Preparation & Availability

The City and Rincon re-initiated the environmental review process by circulating a Notice of Preparation (NOP) on November 8, 2019 (Attachment A), which provided for a 30-day public scoping period. The purpose of the NOP was to formally indicate that the City was preparing an updated Draft EIR for recirculation on the proposed Zone 2 Landslide Moratorium Ordinance Revisions, which covered the same environmental impact areas that were previously analyzed in the original Draft EIR circulated in 2012. The NOP also noted that the recirculated Draft EIR would be updated with new applicable data that may have changed since original circulation in 2012. The NOP was published in the Peninsula News and distributed to all responsible state and local agencies; to property owners located in and within a 500-foot radius of Zone 2; to those registered on the City's website listserv for this project; and the NOP was also posted on the City's website. The City received 24 comment letters in response to the NOP, which are included as Appendix A2 of the Draft EIR.

The Initial Study included in the re-circulated Draft EIR that was prepared in 2011 as part of the original environmental review for the Zone 2 Landslide Moratorium Ordinance Revisions. The Initial Study project description reflects the 47 lots that were undeveloped at that time. It also reflects the CEQA Guidelines environmental checklist that was in place at that time. Although the Initial Study was not updated when the new NOP was released in 2018, the updated Draft EIR reflects both the current number of undeveloped and unentitled lots (31) and new relevant issues (such as Tribal Cultural Resources) that are included in the current CEQA Guidelines. The 2011 Initial Study is included as Appendix A1 of the Updated Draft EIR.

After the NOP comment period ended, the Draft EIR was prepared taking into account comments that were submitted during the public scoping period. City Staff also met with members of the Portuguese Bend Community Association (PBCA) on January 10, 2019, to discuss the updated Draft EIR and to further discuss member concerns

expressed as part of the original Draft EIR circulated in 2012. City Staff also provided administrative draft copies of the Geology, Hydrology and Water Quality, Traffic and Circulation, and Utilities and Service Systems sections of the updated Draft EIR to members of the PBCA in order to receive preliminary comments. These sections were shared with PBCA members, as the sections were most relevant to the group's expressed concerns with the previously-prepared Draft EIR and the current document.

On August 22, 2019, the City issued a Notice of Availability (NOA) (Attachment B) informing responsible State and local agencies, interested parties and the public that the Updated Draft EIR was available for review, and providing for a 45-day public comment period, which will end on October 7, 2019. As of the preparation of this report, City Staff received fifteen public comments regarding the Updated Draft EIR, one of which requested that the September 17th public hearing be rescheduled to provide the public more time to submit comments (Attachment D). The NOA also informed the public that a public hearing would be held on September 17, 2019, as part of the City Council's regularly scheduled meeting, in order for the City to receive public oral comments regarding the Updated Draft EIR.

Updated Draft EIR: Analysis & Conclusions

As outlined in the Initial Study prepared in 2011 and reissued in 2018, a number of potential impacts were determined to be less than significant without the need for mitigation measures or further analysis in the Draft EIR. These impact categories include:

- Agricultural Resources
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation

Through the recent NOP scoping process, it was determined that the proposed project will have potentially significant environmental impacts on the factors discussed below, which are analyzed in greater detail in Section 4 (Environmental Impact Analysis) of the Draft EIR. The impacts and mitigation measures related to these environmental impacts are summarized in Table ES-1, in the Executive Summary section of the Draft EIR (Attachment C). The conclusions of the impact analyses for these factors are summarized as follows:

- Aesthetics

The Draft EIR identifies visual impacts that may arise as a result of developing the existing vacant parcels. This includes the visual impacts associated with the change from a vacant undeveloped parcel to a developed appearance. This also includes the visual impacts associated with the potential for removal or alteration

of existing mature trees and vegetation. The Draft EIR also identified light and glare, as observed from public and private viewpoints, as a less-than-significant impact with mitigation. The Draft EIR proposes mitigation measures that would reduce aesthetic impacts to a less-than-significant level, including the completion of Neighborhood Compatibility Assessments, strict adherence to the provisions of RPVMC Section 17.56.030 (Outdoor Lighting for Residential Uses), as well as tree replacement and maintenance consistent with the requirements of RPVMC Section 17.02.040 (View Preservation and Restoration). The analysis on Aesthetics can be found on pages 4.1-1 through 4.1-15 of the Draft EIR or by clicking [here](#).

- Air Quality

The Draft EIR identifies impacts relating to air quality based on short-term construction-related impacts, specifically with respect to fugitive dust. In terms of these short-term impacts, the Draft EIR states that mitigation measures can reduce the impacts to less-than-significant levels. These mitigation measures include construction methods and activities to control fugitive dust during construction. The Air Quality analysis can be found on pages 4.2-1 through 4.2-16 of the Draft EIR or by clicking [here](#).

- Biological Resources

The Draft EIR identifies potential impacts to sensitive plant communities, wetland habitat and jurisdictional drainages; wildlife movement; and consistency with the City's Natural Communities Conservation Plan and the Habitat Conservation Plan (NCCP/HCP). The impact analysis was based on a 2010 field survey of the general study area; a 2018 reconnaissance survey to document changes in the area; literature review and aerial imagery. Impacts are expected to be less than significant through the implementation of the recommended mitigation measures, including but not limited to, the preparation of a biological survey, habitat restoration and implementation construction best management practices (BMPs). The Biological Resources analysis can be found on page 4.3-1 through 4.3-27 or by clicking [here](#).

- Cultural Resources

The Draft EIR identifies potential impacts to as-yet undetected areas of prehistoric archaeological significance as a result of on-site grading and earth movement activities on the undeveloped lots. The analysis is based on findings collected as part of a Cultural Resources Records Search Summary performed in April 2010 and a supplemental paleontological study conducted in January 2011. There is no evidence to suggest that cultural or paleontological conditions have changed in the project area since the preparation of the initial surveys. The Cultural Resources analysis determined that potential impacts can be reduced to a level that is less than significant with the implementation of the recommended

mitigation measure, which requires a City-approved qualified archeologist to monitor a project site during grading and excavation. It should be noted that the Draft EIR includes a separate analysis of Tribal Cultural Resources (Section 4.12), which is discussed below. The Cultural Resources analysis can be found on pages 4.4-1 through 4.4-12 of the Draft EIR or by clicking [here](#).

- Geology

The Draft EIR evaluates potential impacts to geologic and soil conditions in the project area in terms of slope stability, erosion, soil contamination, faulting and seismicity, liquefaction and bedrock subsidence. The Geology analysis is based on literature review and geotechnical investigation of the project area conducted by LGC Valley, Inc. in March 2011 along with supplemental information in the City's Updated General Plan and landslide data collected by the City's Public Works Department from 2007 to 2017. The Geology analysis that was included in the Draft EIR was also reviewed by the City's geo-technical consultant, Cotton, Shires and Associates. The Draft EIR identified potential impacts, including but not limited to, strong seismic ground shaking, landslides and soil erosion. Impacts are expected to be less than significant through the implementation of recommended mitigation measures, which include limiting the amount of grading on each lot, imposing a maximum structure size, requirements regarding construction methods, and recordation of covenants that require an applicant to construct the project strictly in accordance with the approved plans and agreeing to prohibit further development on the subject site without first filing an application with the City. The Geology analysis can be found on pages 4.5-1 through 4.5-24 of the Draft EIR or by clicking [here](#).

- Greenhouse Gas (GHG) Emissions

The Draft EIR identifies less-than-significant impacts to existing GHG conditions in the area. More specifically, the residential development that could be facilitated by the proposed Landslide Moratorium Ordinance Revisions would generate additional GHG emissions beyond existing conditions. However, GHG emissions generated by full development potential of the 31 undeveloped lots would be consistent with regional and local GHG emission policies and would also not exceed relevant significance thresholds. As such, the GHG Emissions analysis determined impacts to be less than significant with no mitigation required. The GHG Emissions analysis can be found on pages 4.6-1 through 4.6-16 of the Draft EIR or by clicking [here](#).

- Fire Protection

The Draft EIR identifies potential impacts to fire protection as a result of Zone 2 being located in a Very High Fire Hazard Severity Zone. However, with the implementation of the recommended mitigation measures requiring a fuel modification plan be approved pursuant to the standards of the Los Angeles

County Fire Department prior to grading and/or building permit issuance, this impact would be reduced to a less-than-significant level. The Fire Protection analysis can be found on pages 4.7-1 through 4.7-5 of the Draft EIR or by clicking [here](#).

- Hydrology and Water Quality

The Draft EIR evaluates potential impacts on hydrology, water quality and water supply as they relate to existing conditions and changes resulting from the project. The Draft EIR also evaluates conditions relating to hydrology and water quality on a short- and long-term basis. Mitigation measures to address short-term impacts include Low Impact Development (LID) and National Pollutant Discharge Elimination System (NPDES) reviews and implementing BMPs to deal with construction-related impacts. The long-term impacts are due to the increase in impermeable surface area for each developed lot, which may increase the amount of storm water flows and localized flooding, and flood hazards. This is a concern that is being raised by the PBCA. As part of the Draft EIR, the City's Public Works Department conducted field observations in Zone 2 to assess the adequacy of Council-adopted mitigation measures currently being implemented as part of *Monks Lots* residential development associated with Exception P of the Landslide Moratorium Ordinance, including the overall performance of on-site storm water runoff detention devices (holding tanks). More specifically, the observations assessed whether water runoff from recently developed Zone 2 properties exceeded pre-development water runoff conditions. The field observations were conducted during rain events on February 2, 2019 and February 9, 2019. Runoff was observed during these storm events from properties with and without water holding tanks. The observed runoff appeared to be less on the properties with holding tanks. Mitigation measures to address long-term impacts include a requirement that each lot provide an on-site storm water holding tank and conveyance system, maintaining existing drainage patterns and minimizing run-off from the developed lots. The proposed mitigation measures are intended to reduce the impacts to a less-than-significant level by requiring post-construction and pre-construction runoff rates to be equalized so that there are no changes in the character of runoff at property lines of the project sites. This would prevent substantial increases in the rate, volume, and duration of runoff leaving lots after they are developed, thereby reducing the potential for flooding or exceeding the capacity of stormwater drainage systems. Impacts related to alteration of drainage patterns, the potential for the proposed project to result in flooding, and the capacity of storm water drainage systems would be less than significant with implementation of the mitigation measures. The Hydrology and Water Quality analysis can be found on pages 4.8-1 through 4.8-19 or by clicking [here](#).

- Noise

The Draft EIR evaluates potential impacts related to noise on a short-term (construction period) and long-term basis. Based on the analysis conducted, the Draft EIR concludes that short-term noise impacts from construction would intermittently generate high noise levels on and adjacent to the site. Noise impacts would be reduced to a less than significant level, through the incorporation of recommended mitigation measures, including but not limited to strict adherence to the City's allowable days and hours of construction. The Noise analysis can be found on pages 4.9-1 through 4.9-13 of the Draft EIR or by clicking [here](#).

- Traffic and Circulation

The Draft EIR evaluates the potential for the proposed project to result in significant impacts on traffic and circulation, including impacts to the local and regional roadway system, intersections, and ingress/egress from the project site. The analysis contained in the Draft EIR is based on the Transportation Impact Study prepared by Linscott, Law and Greenspan, Engineers (LLG) in January 2019. The Traffic Analysis was reviewed by the City's Community Development and Public Works Departments. The Draft EIR concludes that under existing-plus-project conditions, the proposed project would result in significant impacts at four intersections in the City including Via Rivera/Hawthorne Boulevard, Seahill Drive-Tramonto Drive/Palos Verdes Drive South, Narcissa Drive/Palos Verdes Drive South and Forrestal Drive/Palos Verdes Drive South. In addition, the Draft EIR concluded that under cumulative conditions in 2030, the proposed project would also result in significant impacts at the intersection of Palos Verdes Drive East/Palos Verdes Drive South. In order to reduce impacts to less-than-significant levels, the Draft EIR recommends the incorporation of mitigation measures that include specific infrastructure improvements at four of the five identified intersections that are to be completed by the City within five years of the adoption of the proposed Landslide Moratorium Ordinance Revisions. The installation of a traffic signal at the Via Rivera/Hawthorne Boulevard intersection could reduce the project impact at that location to a less-than-significant level, as was studied in the Transportation Impact Study. However, as further analysis would be required to determine when a signal would be needed, how it would be funded, and whether it may have secondary effects, this mitigation measure is not considered feasible at this time. As such, traffic impacts the Via Rivera/Hawthorne Boulevard intersection would remain significant and unavoidable, requiring the adoption of a Statement of Overriding Considerations as a part of any Final EIR.

The Draft EIR also concluded that construction traffic, although temporary, could potentially exceed City significance thresholds during peak construction periods. The Draft EIR recommends the incorporation of mitigation measures so as to reduce the impact level, including but not limited to scheduling construction material deliveries during non-peak travel periods and limiting lane closures. Nevertheless, because impacts could temporarily exceed City thresholds,

construction traffic impacts are conservatively determined to be significant and unavoidable, also triggering a Statement of Overriding Considerations. The Statement of Overriding Considerations for the two significant and unavoidable traffic and circulation impacts would be presented to the City Council prior to certification of the Final EIR and adoption of the Landslide Moratorium Ordinance Revisions. The Traffic and Circulation analysis can be found on pages 4.10-1 through 4.10-31 of the Draft EIR or by clicking [here](#).

- Utilities and Service Systems

The Draft EIR evaluates potential impacts to the City's wastewater conveyance infrastructure system (i.e., sewer system). The Utilities and Service Systems analysis was reviewed by the City's Public Works Department. The analysis indicates that the existing Abalone Cove sewer system within the project area has the capacity to handle the additional 31 new residences that could result as part of the Landslide Moratorium Ordinance Revisions. This determination is based on information previously analyzed in the original Draft EIR circulated in 2012 and the Abalone Cove Sewer Capacity Report prepared in 2019, which is included in the Draft EIR as part of Appendix H. The analysis also determined that conveyance systems from the vacant lots to the existing sewer line would be required as part of the residential development of the lots. Impacts would be reduced to a less-than-significant level through the incorporation of recommended mitigation measures that include project applicant participation in geotechnical hazard abatement and the biannual update of the Abalone Cove Sewer Capacity Report by the City to assess deficiencies in the project area sewer system. The Utilities and Service Systems analysis can be found on pages 4.11-1 through 4.11-5 of the Draft EIR or by clicking [here](#).

- Tribal Cultural Resources

The Draft EIR identifies potential impacts to yet-to-be discovered Tribal Cultural Resources in the project area. The potential impacts would be a result of earthwork such as grading and trenching to accommodate construction activity for the residential units that could be allowed under the proposed Landslide Moratorium Ordinance Revisions. Tribal Cultural Resources were not previously analyzed in the prior Draft EIR circulated in 2012. As of July 1, 2015, California Assembly Bill 52 (AB 52) was enacted to expand CEQA by defining Tribal Cultural Resources as a new resource category. AB 52 establishes a formal consultation process between lead agencies and California tribes regarding Tribal Cultural Resources. As part of the preparation of the Draft EIR, City Staff and representatives from the Gabrieleño Band of Mission Indians-Kizh Nation participated in the AB 52 consultation process. The Tribal Cultural Resources analysis determined that potential impacts can be reduced to a level that is less than significant with the implementation of the recommended mitigation measure, which requires a City-approved qualified archeologist to monitor a project site during grading and excavation. The applicant is also required to notify Native

American tribes that have informed the City that they are traditionally and culturally affiliated with the geographic area of the proposed project and invite the tribes to observe any ground disturbance activities, if the tribes wish to monitor. In the event that a tribal cultural resource is found, the proposed mitigation measure also provides step-by-step requirements to protect and preserve those resources. The Tribal Cultural Resources analysis can be found on pages 4.12-1 through 4.12-3 of the Draft EIR or by clicking [here](#).

Public Hearing

The purpose of tonight's public hearing is to provide an additional forum for the public to provide oral comments on the Draft EIR. No decision or recommendation on the project will be made at the public hearing. Therefore, comments on the merits of the proposed Landslide Moratorium Ordinance Revisions should be held until the public hearing(s) on the code revisions are conducted. Such hearings will be held after the completion of the Final EIR, most likely in November 2019. All interested parties will be notified of those hearings in the same manner by which this public hearing was advertised.

All written comments and oral testimony received during the meeting and through the comment period (concluding on October 7, 2019) will be provided to the City's environmental consultant, who will provide written responses to each comment in the Final EIR. The Final EIR will contain formal responses to the comments received, including any changes to the EIR text as a result of the comments.



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

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

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 12th in observance of Veteran's Day, 22nd and November 23rd in observance of Thanksgiving.** Responsible agencies are requested to indicate their statutory responsibilities in connection with this project when responding.



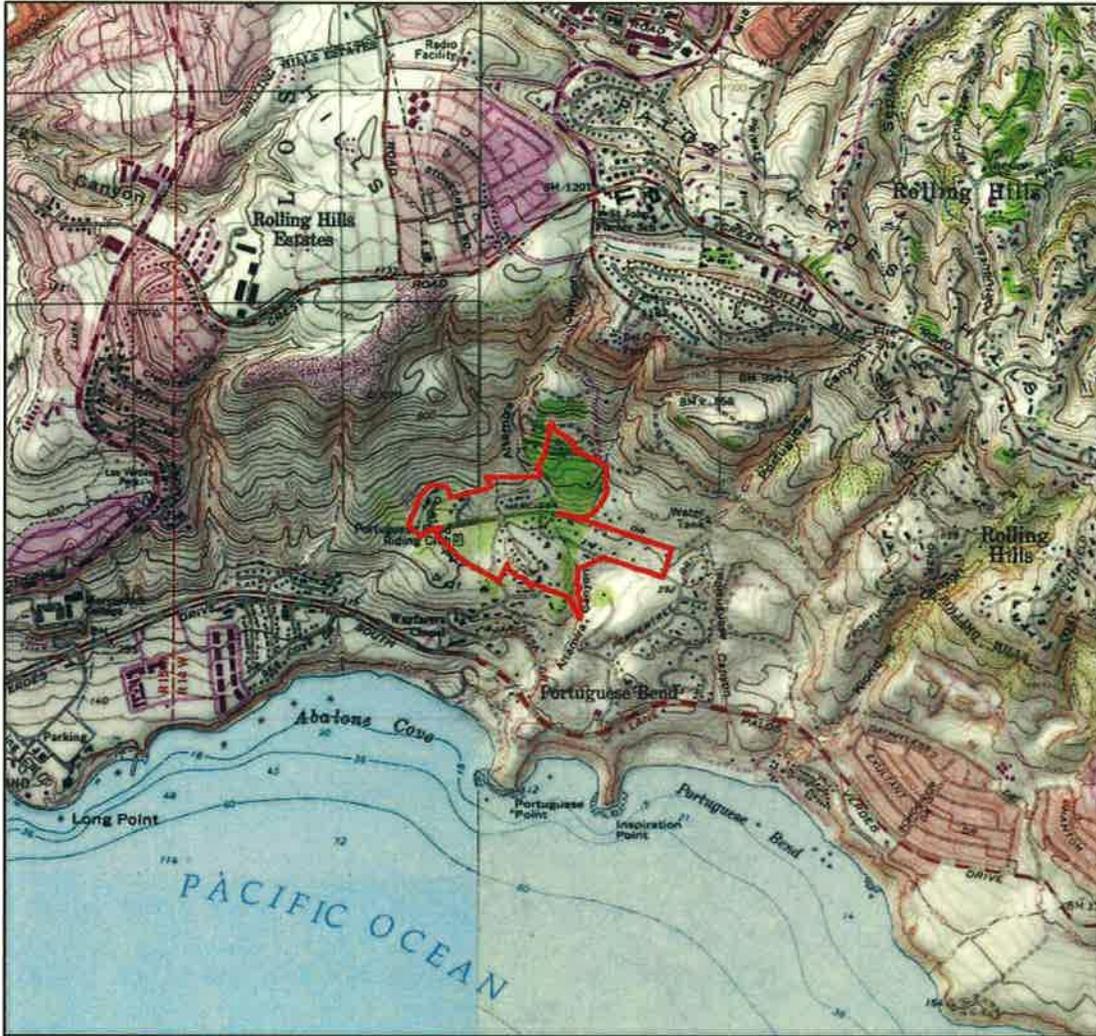
Please contact Mr. Octavio Silva at 310-544-5234 or via e-mail at Octavios@rpvca.gov for further information.

Date: November 8, 2018

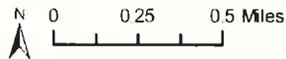
Signature  FOR AM
Name and Title: Ara Mihranian, Director of Community
Development



RANCHO PALOS VERDES



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★ Project Location



Project Location Map

Zone 2 Landslide Moratorium Ordinance Revisions

**NOTICE OF AVAILABILITY
of
DRAFT ENVIRONMENTAL IMPACT REPORT**

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

Subject: **Notice of Availability of a Draft Environmental Impact Report 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 (SCH#2010121073)**

The City of Rancho Palos Verdes originally prepared and circulated a Draft Environmental Impact Report (DEIR) 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 is recirculating an updated DEIR for this project. The updated DEIR covers the same environmental issue areas that were previously analyzed in the original DEIR circulated in 2012. However, the updated DEIR reflects applicable data that is new or has changed since 2012, as well as pertinent information provided in comments received on the original DEIR. The project description has not changed since the City originally circulated the DEIR in 2012. The City seeks 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

Project

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. The remaining 31 undeveloped lots is the focus of the recirculated DEIR, consistent with the original 2012 DEIR.

Project

Description: The project description, presented below, has not changed since the original DEIR circulated 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 include allowing the future submittal of Landslide Moratorium Exception (LME) applications for the 31 undeveloped lots, in addition to the 16 Monks 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 planning 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 amendment 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 DEIR, it is assumed that development would occur over a period of at least 10 years from adoption of the ordinance amendment 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:

- 31 single-story, ranch-style residences with attached or detached 3-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.

**Public
Review
Period:**

The City has made this DEIR available for public review and comment pursuant to California Code of Regulations, Title 14, Section 15082(b). Your response must be sent as soon as possible but **not later than 45 days after receipt of this notice**. All comments must be submitted in writing to the address below. The period during which the City will receive comments on the DEIR is:

Starting Date: August 22, 2019

Ending Date: October 7, 2019

**Document
Availability:**

The DEIR is available for public review during regular business hours at the following locations:

- City of Rancho Palos Verdes, Community Development Department , 30940 Hawthorne Boulevard, Rancho Palos Verdes, CA 90275
- Palos Verdes Peninsula Library, Miraleste Branch, 29089 Palos Verdes Drive East, Rancho Palos Verdes, CA 90275

- Palos Verdes Palos Verdes Main Library, 650 Deep Valley Drive, Rolling Hills Estates, CA 90274
- Fred Hesse Park Community Building, 29301 Hawthorne Blvd., Rancho Palos Verdes, CA 90275

The DEIR may also be viewed on the City's website at <http://www.rpvca.gov/1140/Zone-2-Non-Monks-Lots>

Comments: Written comments must be submitted to the City of Rancho Palos Verdes Community Development Department. Please indicate a contact person for your agency or organization and send your comments to:

Octavio Silva
Senior Planner
City of Rancho Palos Verdes, Community Development Department
30940 Hawthorne Boulevard
Rancho Palos Verdes, California 90275
Tel.: (310) 544-5234 or via E-mail to: octavios@rpvca.gov

All comments must be received no later than 5:30 PM on Monday, October 7, 2019.

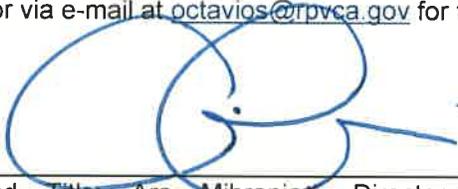
Public

Meetings:

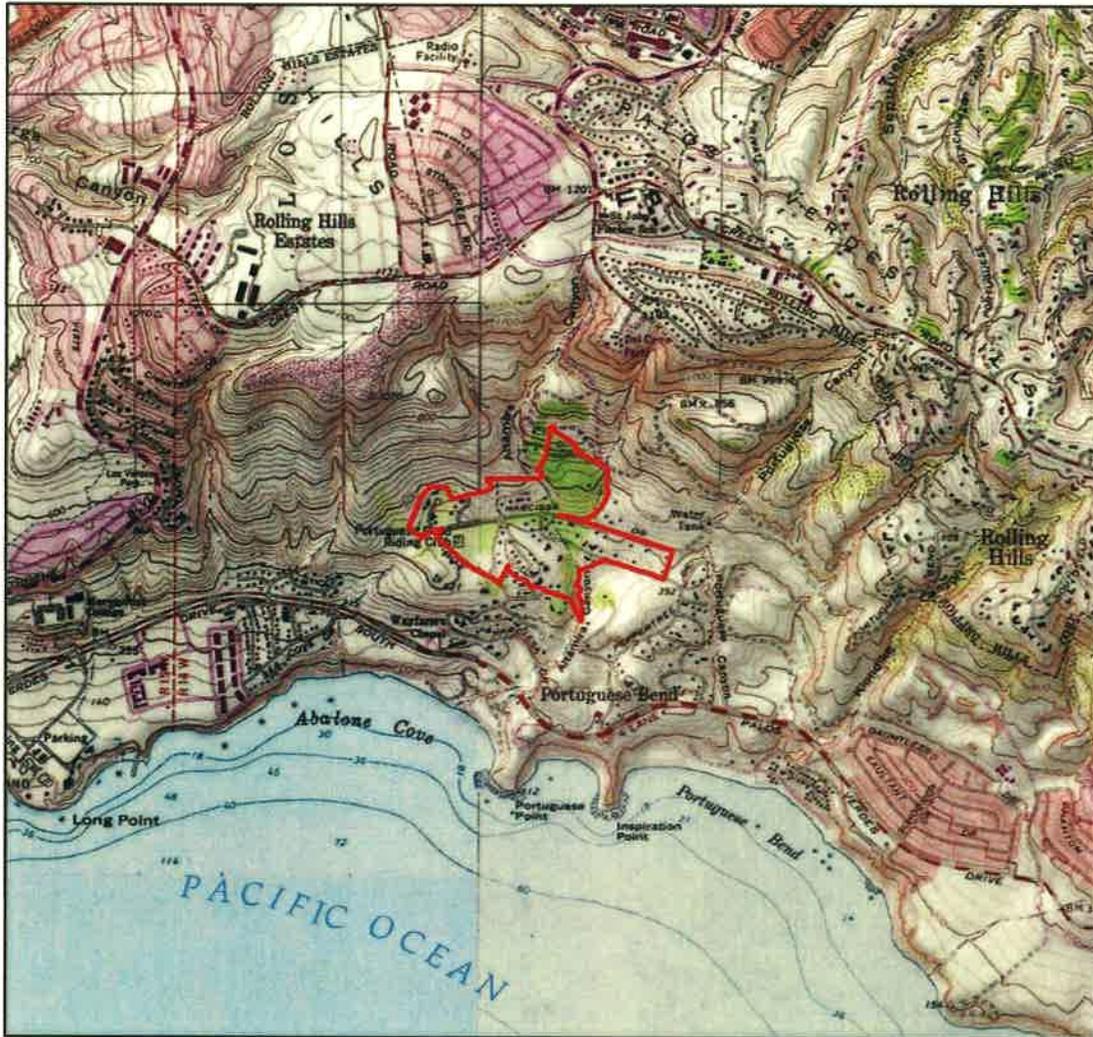
The City of Rancho Palos Verdes will receive public oral comments regarding the DEIR at a regularly scheduled City Council meeting on **Tuesday, September 17, 2019 at 7:00 p.m.** at Fred Hesse Park Community Building located at 29301 Hawthorne Blvd., Rancho Palos Verdes. Following the DEIR's public review period, the Final EIR including Response to Comments will be prepared and notice will be provided for an additional City Council meeting where certification of the Final EIR will be considered.

Please contact Mr. Octavio Silva at 310-544-5234 or via e-mail at octavios@rpvca.gov for further information.

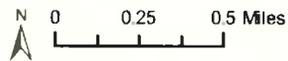
Date: August 22, 2019

Signature 

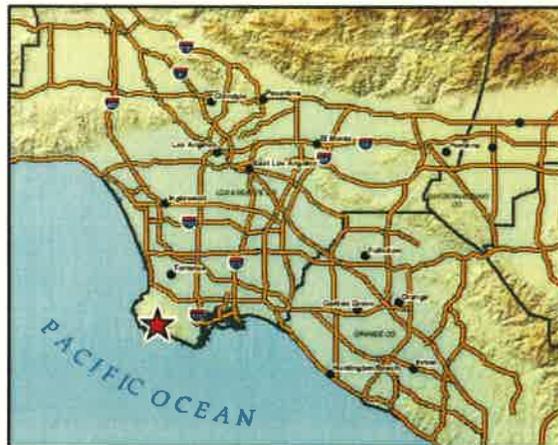
Name and Title: Ara Mhuranian, Director of Community Development



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★ Project Location



Project Location Map

Zone 2 Landslide Moratorium Ordinance Revisions

EXECUTIVE SUMMARY

This section summarizes the characteristics of the proposed project and the environmental impacts, mitigation measures, and residual impacts associated with the proposed project.

PROJECT SYNOPSIS

Project Sponsor

City of Rancho Palos Verdes
Community Development Department
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275
Contact: Octavio Silva, (310) 544-5234, octavios@rpvca.gov

Project Description

The proposed ordinance revisions would apply to the approximately 112-acre “Zone 2 Landslide Moratorium Ordinance”¹ 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. This area, located on the hills above the south-central coastline of the City, is in the City’s larger (approximately 1,200-acre) Landslide Moratorium Area (LMA). Zone 2 consists of 111 individual lots. Of these, 69 are developed with residences and accessory structures, 11 lots have obtained planning entitlements for development via Exception “P” and 31 are undeveloped lots or lots developed with structures other than residences. These latter 31 lots are the focus of this EIR.

Project Background. In 2002, a group of Portuguese Bend property owners filed a Landslide Moratorium Exception (LME) application to exclude their undeveloped lots within the area known as “Zone 2” from the LMA. Shortly after this application was deemed incomplete for processing, the applicants filed suit against the City. As part of the decision in the case (*Monks v. City of Rancho Palos Verdes*), the City was ordered to remove regulatory impediments in its Municipal Code that prevent the development of the 16 *Monks* plaintiffs’ lots. The City began this process with an Ordinance to allow the *Monks* plaintiffs to apply for LMEs for their lots. As of August 2019, eight *Monks* plaintiffs’ lots have been developed with residences and ancillary improvements with three additional lots currently in construction. In addition, the owner of one lot is currently pursuing building permit issuance while the remaining four lots have obtained LME permits that have subsequently expired. The City now desires to consider broader revisions to the Landslide Moratorium Ordinance that could also permit the owners of the other 31 undeveloped lots in Zone 2 to be developed with new residences. This would result in the possible future development of up to 31 new residences on existing legal lots in Zone 2 within the Portuguese Bend community.

¹ According to the June 1, 1993 “[Dr. Perry] Ehlig memo”, Zone 2 includes “Subdivided land unaffected by large historic landslides”. And, “Zone 2 includes about 130 acres within existing Tract 14195 and Tract 14500 (except lots 1, 2, 3 and 4, which are in the Portuguese Bend landslide), and the subdivided land served by Vanderlip Drive. It is an area of subdued topography within the central part of the large ancient landslide. Slopes of 5:1 and less prevail over most of the central and downhill parts of Zone 2. Slopes generally range between 5:1 and 3:1 in the uphill part”.



Landslide Moratorium Ordinance Revisions. Section 15.20.040 of the Rancho Palos Verdes Municipal Code establishes the process for requesting exceptions from the City's landslide moratorium regulations. The current (amended in 2009) Municipal Code Section 15.20.040(P) includes the following category of exception to the moratorium on "the filing, processing, approval or issuance of building, grading or other permits" within the existing landslide moratorium area:

The moratorium shall not be applicable to any of the following:...

- ...P. The construction of residential buildings, accessory structures, and grading totaling less than one thousand cubic yards of combined cut and fill and including no more than fifty cubic yards of imported fill material on the sixteen undeveloped lots in Zone 2 of the "Landslide Moratorium Area" as outlined in green on the landslide moratorium map on file in the Director's office, identified as belonging to the plaintiffs in the case "Monks v. City of Rancho Palos Verdes, 167 Cal. App. 4th 263, 84 Cal. Rptr. 3d 75 (Cal. App. 2 Dist., 2008)"; provided, that a landslide moratorium exception permit is approved by the Director, and provided that the project complies with the criteria set forth in Section 15.20.050 of this Chapter. Such projects shall qualify for a landslide moratorium exception permit only if all applicable requirements of this Code are satisfied, and the parcel is served by a sanitary sewer system. Prior to the issuance of a landslide moratorium exception permit, the applicant shall submit to the Director any geological or geotechnical studies reasonably required by the City to demonstrate to the satisfaction of the City geotechnical staff that the proposed project will not aggravate the existing situation.*

The proposed landslide moratorium ordinance revisions would revise the language of this section to encompass all 31 undeveloped lots in Zone 2, rather than restricting it to only the 16 *Monks* plaintiffs' lots. This would allow for the future submittal of LMEs for all of these undeveloped lots. It should be noted, however, that the granting of an LME does not constitute approval of a specific project permit request, but simply grants the property owner the ability to submit the appropriate entitlement 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 this EIR, it is 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 applicable underlying RS-1 or RS-2 zoning regulations. Therefore, the future development assumptions for Zone 2 include the following:

- *31 one-story, ranch-style residences with attached or detached three-car garages, with minimum living area of 1,500 square feet and an approximate maximum living area of 4,000 square feet or 15% of gross lot area, whichever is less;*
- *Up to 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 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.*

As noted above, the City has been ordered to remove regulatory impediments in its Municipal Code that prevent the development of the 16 *Monks* plaintiffs' lots. This was accomplished by the 2009 addition to the moratorium exceptions, cited above. This EIR considers the potential environmental impacts of buildout of the additional 31 undeveloped and underdeveloped lots within Zone 2 under the parameters listed above.

ALTERNATIVES

As required by Section 15126.6 of the *State CEQA Guidelines*, this EIR examines a range of reasonable alternatives to the proposed project. The following alternatives were evaluated:

- *Alternative 1: No Project - This alternative assumes that the Landslide Moratorium Ordinance revisions would not be adopted and that the 31 vacant parcels or undeveloped parcels would not be developed and would remain in their current condition.*
- *Alternative 2: Reduced Building Area Alternative - Similar to the proposed project, this alternative assumes that the proposed ordinance revisions would potentially allow up to 31 LME requests, which would permit individual property owners to then apply for individual entitlements to develop their lots. However, under this alternative the ordinance revisions would further restrict allowable development on each lot so that allowed building size would be reduced by approximately 38% and the amount of grading allowed for development would be reduced by 50%.*

Both alternatives would be environmentally superior to the proposed project. Alternative 1 would avoid all project impacts. Alternative 2 would incrementally reduce, but not eliminate, the significant effects of the project. Alternative 2 would meet the basic project objectives, but Alternative 1 would not.

AREAS OF CONTROVERSY/ISSUES TO BE RESOLVED

Based on public comments raised during the original scoping period on the Notice of Preparation, as well as the Notice of Preparation issued in 2018 for this updated Draft EIR, areas of controversy have been identified in several issue areas, most notably in relation to potential geologic hazards; area drainage and potential water quality impacts; and traffic, including construction and emergency access.

SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Table ES-1 summarizes the proposed project's significant environmental impacts, recommended mitigation, and residual impacts. Significant and unavoidable impacts have been identified in the area of traffic and circulation. The City would need to adopt a Statement of Overriding Considerations for these impacts if it approves the project.



Please note that a number of potential impacts are addressed in the Initial Study (Appendix A to the EIR), where they were determined to be less than significant without the need for mitigation measures or further analysis in the EIR. These include impacts related to:

- *Agricultural Resources*
- *Land Use and Planning*
- *Mineral Resources*
- *Population and Housing*
- *Public Services*
- *Recreation*

Please refer to the Initial Study, Appendix A to this EIR, for further information related to these issues.

**Table ES-1
 Summary of Significant Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Significance After Mitigation
AESTHETICS		
<p>AES-1 The project area is located in a scenic public viewshed of the Pacific Ocean and the Palos Verdes hillsides and coastline. Individual lots and some private roads in the project area also have views of the ocean, hillsides and open space. However, with compliance with applicable standards of the RPVMC, the potential development of up to 31 new single-family residences would not have a substantial adverse effect on a scenic vista. This is impact would be Class II, <i>less than significant with mitigation incorporated.</i></p>	<p>Measures AES-3(a) and AES-3(b) under Impact AES-3 would ensure compliance with applicable provisions of the Section 17.02.030 of the RPVMC and PBCA architectural standards. Additional mitigation is not required.</p>	<p>Less than significant with mitigation incorporated.</p>
<p>AES-2 Parcels in Zone 2 contain vegetation of varying types and densities, and the development of residences on up to 31 undeveloped and underdeveloped private lots within the project area would likely result in the removal of mature trees and vegetation. Because tree groupings in the project area have been identified as scenic resources in the General Plan, impacts would be Class II, <i>less than significant with mitigation incorporated.</i></p>	<p>AES-2 Avoidance of Tree Removal. As part of approvals for development on the individual subject lots, the City shall require that future development on the affected lots avoid removal of or substantial damage to existing trees to the extent feasible and provided that such trees do not obstruct views in accordance with Section 17.02.040 of the RPVMC. Where tree removal or substantial damage cannot be feasibly avoided during development, tree replacement shall be required using a ratio, stock, species and monitoring requirements sufficient to ensure a minimum 1:1 replacement five or more years after removal. When selecting replacement tree species, consideration should be given to species that, as they</p>	<p>Less than significant with mitigation incorporated.</p>



**Table ES-1
 Summary of Significant Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Significance After Mitigation
	grow to full stature, would be less likely to result in obstruction of views for adjacent properties.	
<p>AES-3 The potential development of additional residences in the Zone 2 project area would introduce new structures and new landscaping and hardscape on up to 31 open and mostly undeveloped sites throughout the Portuguese Bend community. This would incrementally increase the density of development throughout the 112-acre project area. Although the general land use pattern and scale and type of development would be maintained, impacts to the existing visual character and quality of the project area and its surroundings would be Class II, <i>less than significant with mitigation incorporated</i></p>	<p>AES-3 Consistency with RPVMC Section 17.02.030. All new residences shall be consistent with the standards contained in Section 17.02.030 of the RPVMC or will be subject to the requirements of RPVMC Section 17.02.040. Prior to any grading or building permit issuance, all new residences shall be subject to neighborhood compatibility analysis under the provisions of Section 17.02.030.B (Neighborhood Compatibility) of the Rancho Palos Verdes Municipal Code to verify consistency.</p>	<p>Less than significant with mitigation incorporated.</p>
<p>AES-4 The proposed ordinance revisions would result in new sources of light and glare within the project area due to introduction of up to 31 new residences and associated lighting. Some of the new light and glare would be visible from public and private viewpoints. This would be a Class II, <i>less than significant impact with mitigation incorporated</i>.</p>	<p>AES-4 Exterior Illumination. Exterior illumination for new residences shall be subject to the provisions of Section 17.56.030 (Outdoor Lighting for Residential Uses) of the RPVMC. Key standards that must be adhered to include the following:</p> <ul style="list-style-type: none"> • <i>No outdoor lighting shall be permitted where the light source is directed toward or results in direct illumination of a parcel of property or properties other than that upon which such light source is physically located. Individual, nonreflector, incandescent light bulbs, not exceeding 150 watts each, or an aggregate of 1,000 watts for each lot or parcel shall be permitted. On lots exceeding 15,000 square feet, an additional 100 watts in the aggregate shall be permitted for each 1,500 hundred square feet of area or major fraction thereof, by which the lot or parcel exceeds 15,000 square feet; provided, that in no event shall the aggregate exceed 2,000 watts. As used herein, the term "watts" is irrespective of the voltage.</i> • <i>No outdoor lighting shall be permitted where the light source or fixture, if located on a building, above the line of the eaves, or if located on a standard or pole, [is] more than 10' feet above grade.</i> 	<p>Less than significant with mitigation incorporated.</p>



**Table ES-1
 Summary of Significant Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Significance After Mitigation
AIR QUALITY		
<p>AQ-1 On-site construction activity would generate temporary air pollutant emissions. However, emissions would not exceed SCAQMD regional or LST construction thresholds for ROC, NO_x, CO, PM₁₀ and PM_{2.5}. Therefore, construction-related air quality impacts would be Class III, <i>less than significant</i>.</p>	<p>Construction emissions would not exceed SCAQMD regional or LST thresholds. Nevertheless, the following mitigation measures, consistent with RPVMC Section 17.56.020 and SCAQMD Rule 403, could be implemented to further reduce construction emissions.</p> <p>AQ-1(a) Fugitive Dust Control Measures. The following shall be implemented during construction to minimize fugitive dust emissions:</p> <ul style="list-style-type: none"> • <i>Soil with 5% or greater silt content that is stockpiled for more than two days must be covered and treated with soil binders to prevent dust generation.</i> • <i>Trucks transporting material must be tarped from the point of origin or must maintain at least two feet of freeboard.</i> • <i>Soil stabilizers must be applied to unpaved roads to prevent excess amounts of dust.</i> • <i>All material excavated or graded must be treated with soil binders preferably in the morning, midday and after work is done for the day.</i> • <i>Ground cover must be replaced in disturbed areas as quickly as possible.</i> • <i>All clearing, grading, earth moving, or excavation activities must cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) so as to prevent excessive amounts of dust.</i> • <i>The contractor must provide adequate loading/unloading areas that limit track-out onto adjacent roadways through the utilization of wheel washing, rumble plates, or another method achieving the same intent.</i> • <i>All material transported off-site must be securely covered to prevent excessive amounts of dust.</i> • <i>Face masks must be used by all employees involved in grading or excavation operations during dry periods to reduce inhalation of dust</i> 	<p>Less than significant without mitigation.</p>



**Table ES-1
 Summary of Significant Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Significance After Mitigation
	<p><i>which may contain the fungus which causes San Joaquin Valley Fever.</i></p> <ul style="list-style-type: none"> • <i>All residential units located within 500' of the construction site must be sent a notice regarding the construction schedule of the proposed project. A sign legible at a distance of 50' must also be posted in a prominent and visible location at the construction site, and must be maintained throughout the construction process. All notices and the signs must indicate the dates and duration of construction activities, as well as provide a telephone number where residents can inquire about the construction process and register complaints.</i> • <i>Visible dust beyond the property line emanating from the project must be prevented to the maximum extent feasible.</i> • <i>These control techniques must be indicated in project specifications. Compliance with the measure shall be subject to periodic site inspections by the City.</i> <p>AQ-1(b) Construction Vehicles. Trucks and other construction vehicles shall not park, queue and/or idle at the construction sites or in the adjoining public or private rights-of-way before 7:00 AM Monday through Friday and before 9:00 AM on Saturday, in accordance with the permitted hours of construction stated in Section 17.56.020.B of the RPVMC.</p>	
<p>AQ-2 Operation of new residences that could be built as a result of the proposed ordinance revisions would generate air pollutant emissions. However, emissions would not exceed SCAQMD operational significance thresholds for ROG, NO_x, CO, PM₁₀ and PM_{2.5}. Therefore, operational air quality impacts would be Class III, <i>less than significant.</i></p>	<p>None required.</p>	<p>Less than significant without mitigation.</p>



**Table ES-1
 Summary of Significant Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Significance After Mitigation
<p>AQ-3 Traffic that could be generated by new residences constructed as a result of adoption of the proposed ordinance revisions, together with cumulative traffic growth in the area, would not create carbon monoxide concentrations exceeding state or federal standards. Localized air quality impacts would therefore be Class III, <i>less than significant</i>.</p>	<p>Measures T-1(a-d) under Impact T-1 would reduce congestion at affected intersections.</p>	<p>Less than significant without mitigation.</p>
<p>AQ-4 Adoption of the proposed ordinance revision to allow 31 lots to be developed with single-family residences would have the potential to increase the City's population by approximately 84 persons. However, such growth would be a marginal increase above the City's existing population of 42,723 and population projections upon which the Air Quality Management Plan (AQMP) are based. Therefore, impacts associated with AQMP consistency for the project would be Class III, <i>less than significant</i>.</p>	<p>None required.</p>	<p>Less than significant without mitigation.</p>
<p>BIOLOGICAL RESOURCES</p>		
<p>BIO-1 Potential development that would be facilitated by the proposed ordinance revisions would not significantly affect special status species due to the lack of suitable habitat, level and frequency of existing human disturbance in the project area, and existing regulations under the Natural Overlay Control District (OC-1) that would restrict construction to areas not likely occupied by the San Diego desert woodrat. While the increased human presence is considered adverse, it would not be substantially different or increased over existing conditions, and no significant effect is anticipated. Therefore, impacts to Special Status Species would be Class III, <i>less than significant</i>.</p>	<p>None required.</p>	<p>Less than significant without mitigation.</p>
<p>BIO-2 Development of some of the undeveloped lots in Zone 2 has the potential to significantly impact existing or regrown Coastal Sage Scrub habitat, either through the direct removal of habitat during construction or as a result of Fire Department-mandated fuel modification on- and/or off-site (i.e., in the Reserves) after construction of</p>	<p>BIO-2 Habitat Mitigation. For lots identified as containing sensitive habitat on the City's most-recent vegetation maps and/or that abut any portion of the current or proposed future boundary of the Palos Verdes Nature Preserve, each applicant shall be required to prepare a biological survey, by a City-approved biologist, as part of a</p>	<p>Less than significant with mitigation incorporated.</p>



**Table ES-1
 Summary of Significant Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Significance After Mitigation
<p>new residences. In that event, effects to this sensitive plant community would be Class II, <i>less than significant with mitigation incorporated.</i></p>	<p>complete application for the development of the lot. Said survey shall identify the presence or absence of sensitive plant and animal species identified in the City's adopted NCCP/HCP on the subject property, and shall quantify the direct and indirect impacts of construction of the residence upon such species, including off-site habitat impacts as a result of Fire Department-mandated fuel modification. The applicant and/or any successors in interest to the subject property shall be required to mitigate such habitat loss through the payment of a mitigation fee to the City's Habitat Restoration Fund in compliance with the NCCP/HCP Section 8.2.1.1 prior to issuance of any grading or building permit.</p>	
<p>BIO-3 Construction activities within five lots adjacent to Altamira Canyon could potentially affect jurisdictional drainage areas. This impact would be Class II, <i>less than significant with mitigation incorporated.</i></p>	<p>BIO 3(a) Agency Coordination. The City shall review each application for construction and determine if proposed development is within the drainage channel in Altamira Canyon. If so, the applicant shall be required to obtain permits, agreements, and/or water quality certifications or correspondence indicating that none are necessary from applicable state and federal agencies regarding compliance with state and federal laws governing work within jurisdictional waters. Such agencies would include the California Department of Fish and Wildlife, the United States Army Corps of Engineers, and the Los Angeles Regional Water Quality Control Board. The applicant shall provide such permits and/or agreements to the City prior to issuance of any grading or building permit.</p> <p>BIO-3(b)Habitat Restoration. In the event that an application for construction would result in the loss of riparian or wetland vegetation, the applicant shall restore such habitat at a minimum ratio of 2:1 for temporary loss and 3:1 for permanent loss. Such restoration can occur either on-site or in disturbed areas of the Palos Verdes Nature Preserve as determined and approved by the City.</p>	<p>Less than significant with mitigation incorporated.</p>



**Table ES-1
 Summary of Significant Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Significance After Mitigation
<p>BIO-4 No significant impacts are anticipated with respect to night lighting and noise given the existing residential use of the area. Although the regionally important habitat area (RIHA) is protected by the policies of the Natural Overlay Control District (OC-1), tree removal associated with development facilitated by the proposed project could affect birds including the California gnatcatcher. Impacts to nesting birds as a result of tree removal would be Class II, <i>less than significant with mitigation incorporated.</i></p>	<p>BIO-4 Nesting Bird Surveys and Avoidance. The City shall require that tree pruning and removal be conducted outside of the bird breeding season (generally February 1 through August 31). If vegetation clearing (including tree pruning and removal) or other project construction is to be initiated during the bird breeding season, pre-construction nesting bird surveys shall be conducted by a City-approved biologist. To avoid the destruction of active nests and to protect the reproductive success of birds protected by MBTA and the Fish and Game Code of California, the nesting bird surveys shall be performed twice per week during the three weeks prior to the scheduled felling of the trees on the site. The surveys shall be conducted by a qualified biologist approved by the Community Development Director. If any active non-raptor bird nests are found, the tree(s) or vegetation shall not be cut down, a suitable buffer area (varying from 25-300 feet) depending on the particular species found, shall be established around the nest and avoided until the nest becomes inactive (vacated). If any active raptor bird nests are found, a suitable buffer area (typically 250-500 feet from the nest) depending upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site, shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the City-approved biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting birds surveys are not required for construction activities occurring from September 1 to January 31.</p>	<p>Less than significant with mitigation incorporated.</p>



**Table ES-1
 Summary of Significant Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Significance After Mitigation
<p>BIO-5 The proposed ordinance revisions would not conflict with local policies or ordinances protecting biological resources. Impacts would be Class III, <i>less than significant</i>.</p>	<p>None required.</p>	<p>Less than significant without mitigation.</p>
<p>BIO-6 Potential development under the proposed ordinance revisions would have the potential to conflict with guidelines of the NCCP/HCP. Therefore, impacts would be Class II, <i>less than significant with mitigation incorporated</i>.</p>	<p>BIO-6(a) Structure Location. To avoid the need for continued fuel management within the Filiorum Reserve, the City shall require that all structures for those lots abutting the Palos Verdes Nature Preserve property boundary are located at least 100 feet from that boundary.</p> <p>BIO-6(b) Perimeter Fences. As part of approvals for development on the individual subject lots, the City shall require that lots adjoining the Palos Verdes Nature Preserve are fenced sufficiently to prevent the ready egress of domestic animals into the Preserve. In addition, no gates or other means of ingress into the Palos Verdes Nature Preserve shall be permitted.</p> <p>BIO-6(c) Construction Best Management Practices. The following measures shall be required for those lots that abut the Palos Verdes Nature Preserve as part of construction monitoring for the site:</p> <ul style="list-style-type: none"> • <i>Contractors shall be educated regarding the off-site Preserve and the need to keep equipment and personnel on the construction site prior to the initiation of construction.</i> • <i>Temporary construction fencing shall be placed at the planned limits of disturbance adjacent to the Preserve.</i> • <i>Construction should be scheduled to avoid the bird nesting season (see Mitigation Measure BIO-4 above).</i> • <i>Construction grading adjacent to drainages shall be scheduled for the dry season whenever feasible.</i> <p>BIO-6(d) Construction Staging and Stockpiling Areas. Grading and building plans submitted for City review and approval for those lots abutting the Palos Verdes Nature Preserve shall identify areas for construction staging, fueling and stockpiling if needed. These areas shall be located as far as practical from the Palos Verdes Nature</p>	<p>Less than significant with mitigation incorporated.</p>



**Table ES-1
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Impact	Mitigation Measures	Significance After Mitigation
	Preserve and not closer than 50' from the Preserve.	
CULTURAL RESOURCES		
<p>CR-1 Potential development that the proposed ordinance revisions could facilitate on the undeveloped lots, which could include up to 1,000 cubic yards of grading per lot, has the potential to disturb as-yet undetected areas of prehistoric archaeological and/or tribal cultural significance. This is a Class II, <i>less than significant with mitigation incorporated.</i> .</p>	<p>CR-1 Cultural Resources Monitoring and Avoidance. Prior to the issuance of any grading permit, each applicant shall retain and pay for a City-approved qualified archaeologist to monitor all ground disturbance activities associated with the project including, but not limited to, grading, excavating, clearing, leveling and backfilling. The evaluation shall be conducted by an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for prehistoric archaeology (National Park Service 1983) and that is qualified to identify subsurface tribal cultural resources. The archaeologist shall observe all ground disturbing activities on construction sites at times that ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations in the project area, an archaeologist shall be required to monitor each location where the ground disturbance activities are occurring.</p> <p>Prior to the commencement of any ground disturbance activities at a construction site, the applicant, or its successor, shall notify any California Native American tribes that have informed the City that they are traditionally and culturally affiliated with the geographic area of the proposed project that ground disturbance activities are about to commence and invite the tribes to observe the ground disturbance activities, if the tribes wish to monitor.</p> <p>In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of the ground disturbance activities, all such activities shall temporarily cease in the area of discovery, the radius of which shall be determined by the qualified archaeologist, until the potential tribal cultural resources are properly assessed and addressed pursuant to</p>	<p>Less than significant with mitigation incorporated.</p>



**Table ES-1
 Summary of Significant Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Significance After Mitigation
	<p>the process set forth below:</p> <ol style="list-style-type: none"> 1. <i>Upon a discovery of a potential tribal cultural resource, an applicant, or its successor, shall immediately stop all ground disturbance activities, and contact the following: (1) all California Native American Tribes that have informed the City that they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the City's Community Development Department, Planning Division.</i> 2. <i>If the City determines, pursuant to Public Records Code Section 21704 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.</i> 3. <i>The applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the applicant, or its successor, reasonably concludes that the tribe's recommendations are reasonable and feasible.</i> 4. <i>In addition to any recommendations from the applicable tribe(s), the applicant's City-approved qualified archaeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state, or local law, rule or regulation.</i> 5. <i>If the applicant, or its successor, does not accept a particular</i> 	



**Table ES-1
 Summary of Significant Environmental Impacts,
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Impact	Mitigation Measures	Significance After Mitigation
	<p><i>recommendation determined to be reasonable and feasible by the qualified archaeologist, the applicant, or its successor, may request mediation by the City's mediator. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may: (1) require the recommendation be implemented as originally proposed by the archaeologist; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation to be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate any significant impacts to tribal cultural resources. The applicant, or its successor, shall pay all costs and fees associated with the mediation.</i></p> <p>6. <i>The applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by a qualified archaeologist and determined to be reasonable and appropriate.</i></p> <p>7. <i>The applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has compiled with all the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 5 above.</i></p> <p>8. <i>Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or</i></p>	



**Table ES-1
 Summary of Significant Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Significance After Mitigation
	<p><i>report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Scared Lands File.</i></p> <p>9. <i>Notwithstanding paragraph 8 above, any information determined to be confidential in nature, by the City Attorney's Office, shall be excluded from submission to the SCCIC or the general public under the provisions of the California Public Records Act, California Public Resources Code.</i></p>	
<p>CR-2 Grading for development that could be facilitated by the proposed ordinance revisions has low potential to disturb any paleontological resources. Impacts to paleontological resources would be Class III, <i>less than significant</i>.</p>	<p>None required.</p>	<p>Less than significant without mitigation.</p>
<p>CR-3 Grading for development that could be facilitated by the proposed ordinance revisions has the potential to disturb human remains, including those interred outside of formal cemeteries. With adherence to existing regulations that address discovery of human remains during grading and construction, impacts would be Class III, <i>less than significant</i>.</p>	<p>None required.</p>	<p>Less than significant without mitigation.</p>
<p>GEOLOGY</p>		
<p>GEO-1 Seismically-induced ground shaking could result in the exposure of people and structures that could be introduced to the area as a result of the proposed ordinance revisions to adverse effects. However, mandatory compliance with applicable CBC requirements would reduce impacts to a Class III, <i>less than significant</i>, level.</p>	<p>None required.</p>	<p>Less than significant without mitigation.</p>
<p>GEO-2 Construction on individual lots in Zone 2 facilitated by the proposed ordinance revisions could cause or accelerate erosion, such that slope failure could occur. Operation of the project, which would allow for 31 single-family homes to be developed</p>	<p>Measures HWQ-1 and HWQ-2 under Impacts HWQ-1 and HWQ-2 would reduce erosion during construction and require individual developers to comply with guidelines related to drainage and runoff, pursuant to the review and approval by the City Building Official.</p>	<p>Less than significant with mitigation incorporated.</p>



**Table ES-1
 Summary of Significant Environmental Impacts,
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Impact	Mitigation Measures	Significance After Mitigation
<p>in the project area, could potentially cause or accelerate downstream erosion. However, with implementation of Mitigation Measure HWQ-1 and Mitigation Measure HWQ-3 identified in Section 4.8, <i>Hydrology and Water Quality</i>, impacts would be Class II, <i>less than significant with mitigation incorporated.</i></p>	<p>Additional mitigation is not required.</p>	
<p>GEO-3 The project area is located on a geologic unit that could be unstable or could potentially become unstable as a result of development facilitated by the proposed ordinance revisions. With implementation of mitigation measures GEO-3(a) and GEO-3(b), impacts would be Class II, <i>significant with mitigation incorporated.</i></p>	<p>GEO-3(a) Geotechnical Recommendations. Prior to issuance of any grading permit or building permit, individual project applicants shall comply with all recommendations contained within the Geotechnical Study prepared by LGC Valley, Inc., dated March 29, 2011, including the following, which shall be reflected in the geotechnical/soils reports for individual projects:</p> <ul style="list-style-type: none"> • <i>Conform to applicable requirements of the City of Rancho Palos Verdes Landslide Moratorium Ordinance (Rancho Palos Verdes Municipal Code Chapter 15.20.050, some of which are outlines below).</i> • <i>Limit grading to less than 1,000 cubic yards of grading (cut and fill combined including export and import) per lot, with no more than 50 cubic yards of imported fill per lot and 1,000 cubic yards of export.</i> • <i>Agree to participate in the Abalone Cove Landslide Abatement District and/or other recognized or approved districts whose purpose is to maintain the land in a geologically stable condition. No proposed building activity may cause lessening of stability in the zone.</i> • <i>Submit a geotechnical report to the City indicating what, if any, lot-local and immediately adjacent geologic hazards must be addressed and/or corrected prior to, or during construction. Said report shall specify foundation designs based on field and laboratory studies and must be approved by the City's geotechnical reviewers.</i> • <i>Limit post-construction lot infiltration and runoff rates and volume to pre-construction levels through use of</i> 	<p>Less than significant with mitigation incorporated.</p>



**Table ES-1
 Summary of Significant Environmental Impacts,
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Impact	Mitigation Measures	Significance After Mitigation
	<p><i>appropriate low impact development principles such as, but not limited to, detaining peak flows and use of cisterns, holding tanks, detention basins, bio-retention areas, green roofs, and permeable hardscape.</i></p> <ul style="list-style-type: none"> • <i>Connect all houses to a public sanitary sewer system maintained at the property owner's expense. Any necessary easements shall be provided.</i> • <i>Correct all lot drainage deficiencies, if any, identified by the Director of Public Works .</i> • <i>Correct runoff from all buildings and paved areas not infiltrated or retained/detained on-site to match existing pre-construction conditions and direct runoff to the street or to an approved drainage course as approved by the Director of Public Works.</i> • <i>Comply with all other relevant building code requirements.</i> <p>GEO-3(b) Covenant. Individual project applicants shall submit for recordation a covenant agreeing to construct the project strictly in accordance with the approved plans and agreeing to prohibit further development on the subject site without first filing an application with the Director pursuant to the terms of Chapter 15.20 of the RPVMC. Such covenant shall be submitted to the Director for recordation prior to the issuance of any grading or building permit.</p>	
<p>GEO-4 The project area is in a Seismic Hazard Zone for earthquake-induced landslides. Therefore, project area development would inherently be subject to risks associated with seismically-induced landslides. However, with implementation of mitigation measures GEO-3(a) and GEO-3(b) requiring design of potential new construction on each lot in compliance with site-specific geotechnical recommendations, impacts would be Class II, <i>less than significant with mitigation incorporated.</i></p>	<p>Measure GEO-3(a) would require each applicant to submit a geotechnical report for review and approval by the City's Geotechnical reviewers indicating any geologic hazards that need to be addressed and/or corrected prior to issuance of any grading or building permit. Measure GEO-3(b) would require each individual project applicant to record a covenant agreeing to construct the project strictly in accordance with the approved plans prior to issuance of any grading or building permit issuance.</p>	<p>Less than significant with mitigation incorporated.</p>



**Table ES-1
 Summary of Significant Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Significance After Mitigation
GEO-5 The project area is not susceptible to liquefaction, ground lurching, lateral spreading or seismic settlement. Impacts would be Class III, <i>less than significant</i> .	None required.	Less than significant without mitigation.
GEO-6 Soils in the project area are moderately to highly expansive. With implementation of mitigation measures GEO-3(a) and GEO-3(b), impacts related to expansive soils would be Class II, <i>less than significant with mitigation incorporated</i> .	Measure GEO-3(a) requires that the project conform to the City of Rancho Palos Verdes Landslide Moratorium Ordinance, grade up to 1,000 cubic yards per lot, participate in ACLAD and/or other recognized or approved districts whose purpose is to maintain the land in a geologically stable condition, and submit a geotechnical report to the City's geotechnical reviewers prior to issuance of any grading or building permit. Measure GEO-3(b) would ensure that these geotechnical report recommendations are actually implemented into the project by requiring individual project applicants to record a covenant agreeing to construct the project strictly in accordance with the approved plans.	Less than significant with mitigation incorporated.
GREENHOUSE GAS EMISSIONS		
GHG-1 Development that could be facilitated by the proposed ordinance revisions would generate additional GHG emissions beyond existing conditions. However, GHG emissions generated by full development potential within Zone 2 would not exceed relevant significance thresholds. Further, the proposed project would be generally consistent with the City's ERAP, the SCAG Regional Transportation Plan/ Sustainable Communities Strategy (RTP/SCS), and the CARB 2017 Scoping Plan. Impacts would be Class III, <i>less than significant</i> .	None required.	Less than significant without mitigation.
FIRE PROTECTION		
FIRE-1 The project area is located in a Very High Fire Hazard Severity Zone and is adjacent to the Portuguese Bend and Filiorum Reserves subareas of the Palos Verdes Nature Preserve on the north, east and west. New residences constructed as a result of adoption of the proposed ordinance revisions could expose people or structures to risks associated with wildland fires.	FIRE-1(a) Fuel-Load Vegetation Management. Each applicant shall be required to prepare a fuel modification plan pursuant to the requirements of LACFD. The City will verify that the LACFD has reviewed and approved the plan prior to issuance of any building or grading permit. The fuel modification plan shall, at a minimum, include the following:	Less than significant with mitigation incorporated.



**Table ES-1
 Summary of Significant Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Significance After Mitigation
<p>Impacts would be Class II, <i>less than significant with mitigation incorporated.</i></p>	<ul style="list-style-type: none"> • <i>Vegetation clearance requirements around all new structures with a minimum 100' buffer, or greater, as determined by LACFD;</i> • <i>A landscaping plan using plants recommended for the Rancho Palos Verdes area and selected from the desirable plant list for setback, irrigated, or thinning zone; and</i> • <i>A regularly scheduled brush clearance of vegetation on and adjacent to all applicable access roads, power lines, and structures.</i> <p>FIRE-1(b) Fire Protection Requirements. Prior to any grading or building permit issuance, new single-family residences and related accessory structures shall be designed to incorporate all fire protection requirements of the City's most recently adopted Building Code, to the satisfaction of the Building Official.</p>	
HYDROLOGY AND WATER QUALITY		
<p>HWQ-1 During construction of the proposed project, the soil surface would be subject to erosion and the downstream watershed, including the Pacific Ocean, could be subject to temporary sedimentation and discharges of various pollutants. However, with implementation of Mitigation Measure HWQ-1, impacts relating to the potential for discharge of various pollutants, including sediment, would be Class II, <i>less than significant with mitigation incorporated.</i></p>	<p>HWQ-1 Construction pollution, sediment and erosion control. Prior to issuance of any grading or building permit, each applicant shall prepare a Low Impact Development (LID) plan for the review and approval of the City Building Official. The applicant shall be responsible for continuous and effective implementation of the plan during construction of each residence. The LID plan shall include Best Management Practices that may include, but not be limited to, the following:</p> <ul style="list-style-type: none"> • <i><u>Erosion Control.</u> Eroded sediments from areas disturbed by construction and from stockpiles of soil shall be retained on-site to minimize sediment transport from the site to streets, drainage facilities or adjacent properties via runoff, vehicle tracking or wind. Utilize erosion control techniques, such as soil stabilizers, covering soil during construction, wind blocking devices, cease grading during high winds, use of soil binders (watering graded soils should be avoided), filtration devices, and stabilizing ingress/egress points. Reduce fugitive dust to the maximum extent practicable.</i> 	<p>Less than significant with mitigation incorporated.</p>



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 Summary of Significant Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Significance After Mitigation
	<ul style="list-style-type: none"> • <i>BMPs. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs (as approved in Regional Board Resolution No. 99-03), such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.</i> • <i>Pollutant Detainment Methods. Protect downstream drainages from escaping pollutants by capturing materials carried in runoff and preventing transport from the site. Examples of detainment methods that retard movement of water and separate sediment and other contaminants are silt fences, hay bales, sand bags, berms, silt and debris basins.</i> • <i>Construction Materials Control. Construction related materials, wastes, spills or residues shall be retained on-site to minimize transport from the site to streets, drainage facilities or adjoining properties by wind or runoff. Runoff from equipment and vehicle washing shall be contained at construction sites unless treated to remove sediment and pollutants. Non-stormwater runoff from equipment and vehicle washing and any other activity shall be contained at the construction site.</i> • <i>Recycling/Disposal. Maintain a clean site. This includes proper recycling of construction related materials and equipment fluids.</i> • <i>Construction Waste Disposal. Clean up and dispose of small construction wastes (i.e., dry concrete) in accordance with applicable regulations and requirements.</i> 	
<p>HWQ-2 Development facilitated by the proposed ordinance revisions would incrementally increase the amount of impermeable surfaces in the project area, and potential new development would also generate various urban pollutants such as oil, herbicides and pesticides, which could adversely affect surface water quality. With implementation of</p>	<p>HWQ-2 NPDES Review. Any development proposal located within, adjacent to or draining into a designated Environmentally Sensitive Area (ESA) and involving the creation of two thousand five hundred square feet or more (> 2,500 SF) of impervious surface shall require review and approval by the City's National Pollutant Discharge Elimination System (NPDES)</p>	<p>Less than significant with mitigation incorporated.</p>



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Impact	Mitigation Measures	Significance After Mitigation
<p>Mitigation Measure HWQ-2, impacts related to surface water quality would be Class II, <i>less than significant with mitigation incorporated.</i></p>	<p>consultant for compliance with applicable NPDES requirements prior to any grading or building permit issuance. Construction must comply with any required NPDES General Construction Permit requirements.</p>	
<p>HWQ-3 Potential buildout under the proposed ordinance revisions would incrementally increase the amount of on-site impermeable surface, which could have the potential to increase storm water flows and create localized flooding. However, with implementation of Mitigation Measures GEO-3 (a and b) and HWQ-3, buildout under the ordinance revisions would result in a flow rate generally similar to existing conditions. Therefore, impacts related to storm water runoff would be Class II, <i>less than significant with mitigation incorporated.</i></p>	<p>HWQ-3 Drainage Plan. Prior to issuance of any grading or building permit, a Licensed Civil Engineer shall prepare a detailed hydrology study and drainage plan subject to approval by the Director of Public Works. The study/plan shall be paid for by the project applicant and shall address impacts to the proposed building site, as well as upstream and downstream properties. The analysis will follow the methodology outlined in the Los Angeles County Hydrology and Sedimentation Manual (latest edition), the Los Angeles County Low Impact Development Manual, and Los Angeles County Stormwater Best Management Practices Design and Maintenance Manual for preparation of the design calculations. Improvements will be based upon the policies and codes of the City. The drainage plan shall address impacts to the immediate vicinity as well as downstream facilities including culverts, roads, open drainage courses, and Altamira Canyon, and shall demonstrate that:</p> <ul style="list-style-type: none"> • <i>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 such as, but not limited to, detaining peak flows and use of cisterns, holding tanks, detention basins, bio-retention areas, green roofs and permeable hardscape.</i> • <i>Illustrate that point (concentrated) flow on each of the properties is either normalized, attenuated adequately, or will reach an acceptable conveyance such as a storm drain, channel, roadway or natural drainage course. All runoff shall be directed to an acceptable conveyance (one that is adequate to convey any increase in runoff without causing additional impacts such as flooding and erosion) and shall not be allowed to drain to</i> 	<p>Less than significant with mitigation incorporated.</p>



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Impact	Mitigation Measures	Significance After Mitigation
	<p><i>localized sumps or catchment areas with no outlet.</i></p> <ul style="list-style-type: none"> • <i>Avoid changes to the character of the runoff at property lines. Changes in character include obstructing or diverting existing runoff entering the site, changing the depth and frequency of flooding, concentration of flow outletting onto adjacent properties or streets, and increasing the frequency or duration of runoff outletting onto adjacent properties or streets</i> • <i>Minimize “Dry Weather” infiltration that could add to the total infiltration from the project.</i> <p>Runoff shall be infiltrated on-lot where feasible. However, because the area is subject to geotechnical hazards, any use of techniques involving infiltration will need the approval of a geotechnical engineer. Infiltration may be allowed on a lot by lot basis or consistent with existing conditions if no hazard is determined to exist. If runoff cannot be infiltrated, a combination of detention and infiltration of the change in runoff volume will mitigate some of the impacts due to hydromodification.</p> <p>Measures GEO-3 (a and b) would require storm drainage systems be designed to avoid increases in infiltration of stormwater to the satisfaction of the Director of Public Works.</p>	
<p>HWQ-4 Potential development under the proposed ordinance revisions would incrementally increase the amount of on-site impermeable surface in the project area, which could affect the location and amount of groundwater infiltration. However, with adherence to existing regulations related to drainage design and with implementation of Measures GEO-3(a and b) and HWQ-3, impacts related to groundwater recharge would be Class II, <i>less than significant with mitigation incorporated.</i></p>	<p>Mitigation beyond measures GEO-3 (a and b) and HWQ-3 is not required. These mitigation measures require on-site infiltration and management of precipitation such that runoff rates do not increase above existing conditions following development of a lot.</p>	<p>Less than significant with mitigation incorporated.</p>
<p>HWQ-5 Adoption of the proposed ordinance revisions would allow for the construction of up to 31 single-</p>	<p>HWQ-5 Standards of Construction in a Flood Zone D Area. Prior to issuance of any grading permit or building permit,</p>	<p>Less than significant with mitigation incorporated.</p>



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Impact	Mitigation Measures	Significance After Mitigation
<p>family homes in the project area. Several of the single-family homes could be constructed in an area in which there is a potential for flood hazards. However, with implementation of Mitigation Measure HWQ-5, flooding impacts would be Class II, <i>less than significant with mitigation incorporated.</i></p>	<p>the applicant for any construction project located in an area designated as Zone D by FEMA shall comply with the following, pursuant to Section 15.42.120 of the RPVMC. Plans shall be reviewed and approved accordingly by the City Building Official prior to issuance of any grading or building permit:</p> <ul style="list-style-type: none"> • <i>All new construction shall be designed to be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy</i> • <i>All new construction shall be constructed with materials and utility equipment resistant to flood damage</i> • <i>All new construction shall be constructed using methods and practices that minimize flood damage</i> • <i>All new construction shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding</i> 	
NOISE		
<p>N-1 Temporary project construction would intermittently generate high noise levels in and adjacent to the project area. This would be a Class III, <i>less than significant</i>, impact, though mitigation has been added to ensure compliance with applicable requirements. .</p>	<p>No mitigation measures are required, but the following measures would ensure compliance with the RPVMC's allowed construction days and hours, as well as with Portuguese Bend Community Association (PBCA) Architectural Conditions of Approval related to construction noise.</p> <p>N-1(a) Construction Schedule. Permitted hours and days of construction activity are 7:00 AM to 6:00 PM, Monday through Friday and 9:00 AM to 5:00 PM Saturday, with no construction activity permitted on Sundays or on the legal holidays specified in Section 17.56.020 of the Rancho Palos Verdes Municipal Code without a special construction permit.</p> <p>N-1(b) PBCA Conditions of Approval. All project area construction contractors shall comply with the</p>	<p>Less than significant without mitigation.</p>



**Table ES-1
 Summary of Significant Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Significance After Mitigation
	following standard Portuguese Bend Community Association conditions: <ul style="list-style-type: none"> • <i>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.</i> • <i>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.</i> • <i>Noise from radios or other amplified sound devices shall not be audible beyond the property</i> 	
<p>N-2 Construction facilitated by the proposed ordinance revisions could generate intermittent levels of groundborne vibration affecting residences and other buildings near the project area. However, these impacts are temporary in nature and would not exceed thresholds. Therefore, impacts would be Class III, <i>less than significant</i>.</p>	None required.	Less than significant without mitigation.
<p>N-3 Traffic generated by the potential development of up to 31 new residences in Zone 2 would incrementally increase noise levels on area roadways. However, the increase in noise would not exceed significance thresholds and would therefore be Class III, <i>less than significant</i>.</p>	None required.	Less than significant without mitigation.
TRAFFIC AND CIRCULATION		
<p>Impact T-1 The potential increase in vehicles traveling on the surrounding roadway network from buildout under the proposed ordinance revisions would result in significant impacts at four of the study area intersections under existing plus project conditions. In addition, the increase in vehicle trips under cumulative conditions would result in significant impacts at five of the study area intersections. Mitigation Measures T-1(a) through T-1(d) would reduce impacts to a less than significant level at four of the five intersections that would experience significant impacts. However,</p>	<p>T-1(a) Seahill Drive-Tramonto Drive/Palos Verdes Drive South. The City shall provide a two-way left-turn lane on Palos Verdes Drive South within five years of adoption of the Moratorium Ordinance revisions to better facilitate the northbound left-turn movement (i.e., from Seahill Drive) onto westbound Palos Verdes Drive South. (Note that this improvement is listed in the City of Rancho Palos Verdes General Plan Update).</p> <p>T-1(b) Narcissa Drive/Palos Verdes Drive South. The City shall provide a two-way left-turn lane on Palos Verdes Drive South, east of Narcissa Drive,</p>	Significant and unavoidable for the Via Rivera/ Hawthorne Boulevard intersection because, although installation of a traffic signal could mitigate the impact at that location, such a signal is not considered feasible at this time..



**Table ES-1
 Summary of Significant Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Significance After Mitigation
<p>because feasible mitigation is not available at the Via Rivera/Hawthorne Boulevard intersection, the impact at that location would be Class I, <i>significant and unavoidable</i>.</p>	<p>within five years of adoption of the Moratorium Ordinance revisions to better facilitate the southbound left-turn movement (i.e., exiting from Narcissa Drive) onto eastbound Palos Verdes Drive South. The existing westbound left-turn lane at Narcissa Drive (which serves one single family home) shall also be converted to a two-way left-turn lane in order to provide a refuge area for exiting Narcissa Drive motorists to turn into and wait prior to accelerating to merge with the eastbound Palos Verdes Drive South traffic flow.</p> <p>T-1(c) Forrestal Drive/Palos Verdes Drive South. The City shall provide a two-way left-turn lane on Palos Verdes Drive South within five years of adoption of the Moratorium Ordinance revisions to provide a deceleration and storage area for left-turn vehicles traveling in either direction. (Note that this improvement is listed in the City of Rancho Palos Verdes General Plan Update).</p> <p>T-1(d) Palos Verdes Drive East/Palos Verdes Drive South. The City shall provide a two-way left-turn lane on Palos Verdes Drive South within five years of adoption of the Moratorium Ordinance revisions to provide a deceleration and storage area for left-turn vehicles traveling in either direction. (Note that this improvement is listed in the City of Rancho Palos Verdes General Plan Update).</p> <p>Installation of a traffic signal at the Via Rivera/Hawthorne Boulevard intersection could reduce the impact at that location to a less than significant level, as indicated in the Traffic Impact Study in Appendix G. This potential improvement is listed in the City of Rancho Palos Verdes General Plan Update. However, further study would be required to determine when a signal would be needed, how it would be funded, and whether it may have secondary effects that make it undesirable. Consequently, requiring a signal at the Via Rivera/Hawthorne Boulevard intersection is not considered</p>	



**Table ES-1
 Summary of Significant Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Significance After Mitigation
	feasible at this time.	
<p>T-2 The proposed project would increase traffic levels along roadways in the vicinity of the project area and result in a significant impact at one of two study roadway segments under cumulative conditions. Although Mitigation Measure T-2 would reduce impacts to a less than significant level, this measure may be infeasible. Therefore, the impact to this roadway segment would remain Class I, <i>significant and unavoidable</i>.</p>	<p>T-2 Palos Verdes Drive South east of Narcissa Drive. Palos Verdes Drive South shall be converted from a 2-lane divided arterial to a 4-lane divided arterial. (Note that this improvement is listed in the City of Rancho Palos Verdes General Plan Update).</p>	<p>Significant and unavoidable because removal of bike lanes that would be required for the mitigation measure may not be feasible.</p>
<p>T-3 Based on Los Angeles County CMP criteria, impacts to CMP identified freeway monitoring segments and arterial intersections as a result of buildout under the proposed project would be Class III, <i>less than significant</i>.</p>	<p>None required.</p>	<p>Less than significant without mitigation.</p>
<p>T-4 Access to the project area during construction activity and during the operational phase of the project would be provided via Palos Verdes Drive South. Although construction traffic would be temporary, it could potentially exceed City significance thresholds during peak construction periods. Mitigation would reduce, but not avoid this potential. Therefore, temporary construction impacts related to access and circulation would be Class I, significant and unavoidable.</p>	<p>T-4(a) Maintain Access. Maintain existing access for land uses in proximity to the project area.</p> <p>T-4(b) Lane Closure Restrictions. Limit any potential lane closures to off-peak travel periods.</p> <p>T-4(c) Material Deliveries. Schedule receipt of construction materials during non-peak travel periods and coordinate deliveries to reduce the potential of trucks waiting to unload for extended periods of time.</p> <p>T-4(d) Parking Restrictions. Prohibit parking by construction workers on adjacent streets and direct construction workers to available parking as determined in conjunction with City staff.</p>	<p>Significant and unavoidable.</p>
<p>T-5 Development facilitated by the proposed project would not conflict with adopted policies, plans, or programs supporting alternative transportation. Impacts relating to alternative transportation would be Class III, <i>less than significant</i>.</p>	<p>None required.</p>	<p>Less than significant without mitigation.</p>
UTILITIES AND SERVICE SYSTEMS		
<p>U-1 Wastewater conveyance and treatment systems are adequate to serve the potential for up to 42 new residences to be built in the project area. However, the 31 individual</p>	<p>U-1(a) Participation in Geotechnical Hazard Abatement. Future project area applicants shall participate in existing or future geological and geotechnical hazard abatement measures required</p>	<p>Less than significant with mitigation incorporated.</p>



**Table ES-1
 Summary of Significant Environmental Impacts,
 Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Significance After Mitigation
<p>new residences that could be constructed under the proposed ordinance revisions would require the extension of wastewater conveyance facilities. This impact would be Class II, <i>less than significant with mitigation incorporated.</i></p>	<p>by the City, including but not limited to any easement required by the City to mitigate landslide conditions. Compliance with such measures shall be verified by the Director prior to the issuance of any grading or building permit.</p> <p>U-1(b) Review and, as Necessary, Upgrade of Project Area Sewer System. The City shall update the Abalone Cove Sewer Capacity Report biannually. If deficiencies in the project area sewer system are identified as part of the biannual update, such deficiencies shall be corrected to the satisfaction of the City prior to or in conjunction with any future project area development that would add to or be affected by such deficiencies.</p>	
TRIBAL CULTURAL RESOURCES		
<p>Impact TCR-1 Potential development that the proposed ordinance revisions could facilitate on the undeveloped lots, which could include up to 1,000 cubic yards of grading per lot, has the potential to disturb as-yet undetected areas of tribal cultural significance. This is a Class II, <i>less than significant with mitigation incorporated</i>, impact.</p>	<p>See Measure CR-1 in Section 4.4, <i>Cultural Resources</i>.</p>	<p>Less than significant.</p>



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From: [Dennis Gardner](#)
To: [Octavio Silva](#)
Cc: [Jeremy & Pippa Davies](#); [Gordon & Claire Leon](#); [Jim Knight <knightjim33@gmail.com>](#)
Subject: September Council Meeting DEIR
Date: Thursday, August 29, 2019 12:03:12 PM

Octavio,

Because of the length of the document and the short time to review and comment it seems that the timing for public comments at the September meeting is inadequate.

Written comments are due on October 7th. After that time it may be appropriate to discuss at a public meeting.

Please consider an extension of the public meeting till after the October deadline.

Thank you,

Dennis Gardner

Octavio Silva

From: Andrea Joannou <andrearpv@gmail.com>
Sent: Saturday, August 24, 2019 3:54 PM
To: Octavio Silva
Subject: Fwd: Zone 2 Landslide Moratorium Ordinance Revisions

----- Forwarded message -----

From: **Andrea Joannou** <andrearpv@gmail.com>
Date: Sat, Aug 24, 2019 at 3:49 PM
Subject: Zone 2 Landslide Moratorium Ordinance Revisions
To: <octavious@rpvca.gov>, Ara Mihranian <AraM@rpv.com>, <cc@rpv.com>

Dear Octavious and Ara,

I am writing this email in reference to a notice I received for the Zone 2 Landslide Moratorium Ordinance Revision.

Let me say this. I commend the City of Rancho Palos Verdes for putting this item on the agenda and I fully support the Ordinance Revision which will hopefully take place to allow all of the remaining 31 Zone 2 lots to be built sooner than later.

It's about time.

These folk who own the lots have suffered years of abuse from other property owners in our community who have tried to stop the ordinance change which have prevented them from moving forward and building. It's been a political battle and I am glad it will now change. These folk have been paying their property taxes for years and years for their lots in which they have had no enjoyment from or use. It's been so unfair to them. Ara, I am so thankful to you especially for pushing this through quickly as you realize it's the right thing to do. I look forward to more new homes in our neighbourhood in which the City will prosper in the future with property taxes etc.

I am looking forward to helping any Zone 2 lot owner who needs help with any questions about the building process.

Thank you again all and let's get this done.

Andrea Joannou

Tel: (310) 941-0777 | andrearpv@gmail.com

"People don't care what you know, until they know that you care"

Andrea Joannou

Tel: (310) 941-0777 | andrearpv@gmail.com

"People don't care what you know, until they know that you care"

Neil Siegel, Ph.D.
Lot owner at 7 Thyme Place
Rancho Palos Verdes, CA 90275
(please direct correspondence to siegel.neil@gmail.com)
310-375-9907

26 August 2019

Subject: Letter in *support* of the revised EIR, and in support of the proposed change to the City landslide moratorium ordinance

Dear members of the City Council of Rancho Palos Verdes:

I write in strong support of having the Rancho Palos Verdes City Council *approve the revised Environmental Impact Report (EIR) as currently proposed*, and also of having the Rancho Palos Verdes City Council *approve the change to City landslide moratorium ordinance* (15.20.040) so as to allow all of the currently-undeveloped lots within “Zone 2” to be able to apply for development under the same rules and procedures as are currently in force for the “Monks lots” within that same Zone 2.

I have been both the president of the Portuguese Bend Community Association, and a long-term member of the Abalone Cove Landslide Abatement District board of directors. These experiences have provided me with some knowledge of the matter at issue.

The original (1993) document that divided the Portuguese Bend area into geologic zones – written by geologist Dr. Perry Ehlig – titled Zone 2 as “Subdivided land *unaffected* by large historic landslides”, and stated that “The undeveloped lots . . . could be developed *without adversely affecting* the stability of the large ancient landslide” (emphasis added).

Bear in mind that all of these undeveloped lots within Zone 2 are *already* zoned for single-family residences. Many of the normal considerations of development – density, traffic, and so forth – ought therefore to be considered as having been resolved by that previous zoning action.

Given the undeniable fact that these lots are already 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 decision” – and the City Council at the time showed that it *agreed* with that decision (as memorialized by the City Council’s change to the City code – section 15.20.040 – that allowed such development). Since Dr. Ehlig – the geologist who divided the Portuguese Bend area into geologic zones – stated that the area-wide geology *within* each single zone is similar (that was his basis for defining the zones), this makes it clear that the other undeveloped zone-2 lots can also safely be developed. That was most definitely Dr. Ehlig’s written opinion (as cited above) – I knew him personally and professionally. It was also the professional opinion of Dr. Robert Douglas, a professor of geology at USC who studied the landslide and Zone 2 for decades, and was the chairman of the Abalone Cove Landslide Abatement District board of directors for the entire decade that I served on that board.

Dr. Ehlig and Dr. Douglas are the world’s foremost experts on the Portuguese Bend landslides; they each spent *decades* studying the geology of that area. No other geologist in the world has knowledge of these landslides that remotely approaches theirs on this matter; their professional opinions on this subject merit the deepest respect and consideration.

Neil Siegel, Ph.D.
Lot owner at 7 Thyme Place
Rancho Palos Verdes, CA 90275
(please direct correspondence to siegel.neil@gmail.com)
310-375-9907

Of course, additional proof that such development is safe is provided by the fact that since the Monks decision (and the change to the City landslide moratorium ordinance that allowed their development), a number of those lots have in fact been developed, and no adverse consequences have ensued. This indicates that *the rules that the City of Rancho Palos Verdes have established for the Monks lots are adequate to ensure safe development within Zone 2*, and therefore, I believe that it is fair and equitable that the City allow development under those same rules for the *remaining* undeveloped lots within Zone 2.

Therefore, I strongly believe that the Rancho Palos Verdes City Council ought at this time to approve the revised EIR as currently proposed, and also ought at this time to *approve the change to the City landslide moratorium ordinance* (15.20.040) so as to allow all of the currently-undeveloped lots within "Zone 2" to be developed under the same rules and procedures as are currently in force for the "Monks lots" within that same Zone 2.

I anticipate that you will receive a lot of highly-emotional inputs, both written and verbal, against these recommendations. Having listened to similar inputs for years in my capacity both as the president of the Portuguese Bend Community Association, and a long-term member of the Abalone Cove Landslide Abatement District board of directors, I can tell you that if you strip off the emotions, and consider the *facts* presented by those who oppose development on the remaining Zone 2 lots, their concerns are for preservation of open space; they actually have no facts in support of their opinion that are based on geologic safety. The best action, however, for anyone in the neighborhood who wishes to preserve the open space near their house is to buy the empty lot in question from the current owner. A number of Portuguese Bend residents have already done exactly that.

Thank you for listening to my opinion on this matter.

Yours truly,



Neil Siegel, Ph.D.
(contact information: siegel.neil@gmail.com)

Robyn Friend, Ph.D.
19 Golden Spar Place
Rolling Hills Estates, CA 90274
(please use this address for correspondence, or robyn@robyfriend.com)
310-375-9907

27 August 2019

Subject: Letter in *support* of the revised EIR, and in support of the proposed change to the City landslide moratorium ordinance

To the members of the City Council of Rancho Palos Verdes:

I write in strong support of having the Rancho Palos Verdes City Council *approve the revised Environmental Impact Report (EIR) as currently proposed*, and also of having the Rancho Palos Verdes City Council *approve the change to the City's landslide moratorium ordinance* (15.20.040) so as to allow all of the currently-undeveloped lots within "Zone 2" to be able to apply for development under the same rules and procedures as are currently in force for the "Monks lots" within that same Zone 2.

My husband and I own a lot within Zone 2 of the Portuguese Bend community, and previously lived in that community for many years.

The original (1993) document that divided the Portuguese Bend area into geologic zones – written by geologist Dr. Perry Ehlig – titled Zone 2 as "Subdivided land *unaffected* by large historic landslides", and stated that "The undeveloped lots . . . could be developed *without adversely affecting* the stability of the large ancient landslide" (emphasis added).

Bear in mind that all of these undeveloped lots within Zone 2 are *already* zoned for single-family residences. Many of the normal considerations of development – density, traffic, and so forth – ought therefore to be considered as having been resolved by that previous zoning action.

Given the undeniable fact that these lots are already 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 decision" – and the City Council at the time showed that it *agreed* with that decision (as memorialized by the City Council's change to the City code – section 15.20.040 – that allowed such development). Since Dr. Ehlig – the geologist who divided the Portuguese Bend area into geologic zones – stated that the area-wide geology *within* each single zone is similar (that was his basis for defining the zones), this makes it clear that the other undeveloped zone-2 lots can also safely be developed. That was most definitely Dr. Ehlig's written opinion (as cited above).

That these lots could safely be developed was also the professional opinion of Dr. Robert Douglas, a professor of geology at USC who studied the landslide and Zone 2 for decades, and was the chairman of the Abalone Cove Landslide Abatement District board of directors for many years.

Dr. Ehlig and Dr. Douglas are the world's foremost experts on the Portuguese Bend landslides; they each spent *decades* studying the geology of that area. No other geologist in the world has knowledge of these landslides that remotely approaches theirs on this matter; their professional opinions on this subject merit the deepest respect and consideration.

Robyn Friend, Ph.D.
19 Golden Spar Place
Rolling Hills Estates, CA 90274
(please use this address for correspondence, or robyn@robynfriend.com)
310-375-9907

Of course, additional proof that such development is safe is provided by the fact that since the Monks decision (and the change to the City landslide moratorium ordinance that allowed their development), a number of those lots have in fact been developed, and no adverse consequences have ensued. This indicates that ***the rules that the City of Rancho Palos Verdes have established for the Monks lots are adequate to ensure safe development within Zone 2***, and therefore, I believe that it is fair and equitable that the City allow development under those same rules for the ***remaining*** undeveloped lots within Zone 2.

Therefore, I strongly believe that the Rancho Palos Verdes City Council ought at this time to approve the revised EIR as currently proposed, and also ought at this time to ***approve the change to the City landslide moratorium ordinance*** (15.20.040) so as to allow all of the currently-undeveloped lots within "Zone 2" to be developed under the same rules and procedures as are currently in force for the "Monks lots" within that same Zone 2.

I anticipate that you will receive a lot of highly-emotional inputs, both written and verbal, against these recommendations. Having listened to similar inputs for years while living in the Portuguese Bend community, I can tell you that if you strip off the emotions, and consider the ***facts*** presented by those who oppose development on the remaining Zone 2 lots, their concerns are for preservation of open space; they actually have no facts in support of their opinion that are based on geologic safety. The best action, however, for anyone in the neighborhood who wishes to preserve the open space near their house is to buy the empty lot in question from the current owner. A number of Portuguese Bend residents have already done exactly that.

Thank you for listening to my opinion on this matter.

Yours truly,



Robyn Friend, Ph.D.
(contact information: robyn@robynfriend.com)

Michael E Nopper
3802 Rosecrans St #365
San Diego, CA 92110
619-761-3172
mikenopper@aol.com

To:
Octavio Silva, Senior Planner
City of Rancho Palos Verdes
Community Development Department
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
octavios@rpvca.gov
(310) 544-5234

September 1, 2019

Subject: Letter in support of the revised EIR, and in support of the proposed change to the City landslide moratorium ordinance

Dear members of the City Council of Rancho Palos Verdes,

I write in strong support of having the Rancho Palos Verdes City Council **approve the Environmental Impact Report (EIR) as currently written**, and also of having the RPV City Council **approve the change to the City ordinance** so as to allow all of the currently-undeveloped lots within “Zone 2” to be developed under the same rules as are currently in force for the “Monks lots” within that same Zone 2.

My brother and I are the proud heirs of a lot on the corner of Cinnamon and Narcissa in Zone 2 of Portuguese Bend. The lot has been our family for nearly 40 years, and my father always intended to build on it. Sadly he passed away 2 years ago, before he was able to realize his dream. We are also trustee-beneficiaries of a home in the PBC beach club.

The original (1993) document that divided the Portuguese Bend area into geologic zones – written by geologist Dr. Perry Ehlig – titled Zone 2 as “Subdivided land **unaffected** by large historic landslides”, and stated that “The undeveloped lots . . . could be developed **without adversely affecting** the stability of the large ancient landslide” (emphasis added).

All of these “Zone 2” properties are already zoned for single-family residences. Normal considerations of development – density, traffic, and so forth would have been resolved by that previous zoning action.

The fact is that these lots are already zoned for single-family residences. The only justifiable basis for denying the owners of Zone 2 the right to develop their properties would be proof that it would be unsafe. However, a court found that it was safe to develop lots within Zone 2 – (the so-called Monks properties, and the City **agreed**; as memorialized in the City’s change to the City code that allowed such development); because Dr. Ehlig – the geologist who divided the Portuguese Bend area into geologic zones – stated that the area-wide geology **within** each single zone is similar (that was his basis for defining the zones), this makes it clear that the other undeveloped zone-2 lots can also safely be developed. That was most definitely Dr. Ehlig’s written opinion (as cited above). It was also the professional opinion of Dr. Robert Douglas, a

professor of geology at USC who studied the landslide and Zone 2 for decades, and was the chairman of the Abalone Cove Landslide Abatement District board of directors for over a decade.

Dr. Ehlig and Dr. Douglas are the world's foremost experts on the Portuguese Bend landslides; they each spent *decades* studying the geology of that area. No other geologist has knowledge of these landslides that remotely approaches theirs on this matter; their professional opinions on this subject merit the deepest respect and consideration.

Additional proof that "Zone 2" development is safe is proven by the empirical fact that since the Monks decision (and the change to the City code that allowed their development), a number of those lots have been fully developed with no adverse consequences since then. This indicates that ***the rules that the City of Rancho Palos Verdes have established for the Monks lots are adequate to ensure safe development within Zone 2***, and therefore, I believe that it is fair and equitable that the City allow development under those same rules for the remaining undeveloped lots within Zone 2.

Therefore, I strongly believe that the RPV City Council should approve the EIR as currently written, and also to ***approve the change to the City ordinance*** so as to allow all of the currently-undeveloped lots within "Zone 2" to be developed under the same rules as are currently in force for the "Monks lots" within that same Zone 2.

It is expected that there will be great outcry from dozens of PBCA members who will employ highly charged and irrational arguments, both written and verbal, against adopting the EIR recommendations (based upon prior attempts to adopt the EIR). However, if you strip off the emotions, and consider the *facts* presented by those who oppose development on the remaining Zone 2 lots, their concerns are for preservation of open space in their neighborhood, while denying the lot owners their rightful ability to develop the lots, without economic compensation. All of those who call for open space preservation have no evidence to support their opinion of geologic danger, because it does not exist. And a smaller number of development deniers have actually used the extended building moratorium as an opportunity to buy vacant lots from aging or distressed lot owners for pennies on the dollar.

Thank you for considering my opinion on this matter.

Michael E Nopper

Rudolf Pfannerer
4232 Admirable Drive
Rolfgpfnnerer@cox.net

To:
Octavio Silva, Senior Planner
City of Rancho Palos Verdes
Community Development Department
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
octavios@rpvca.gov
(310) 544-5234

September 2, 2019

Subject: Letter in support of the revised EIR, and in support of the proposed change to the City landslide moratorium ordinance

Dear members of the City Council of Rancho Palos Verdes,

I write in strong support of having the Rancho Palos Verdes City Council *approve the Environmental Impact Report (EIR) as currently written*, and also of having the RPV City Council *approve the change to the City ordinance* so as to allow all of the currently-undeveloped lots within “Zone 2” to be developed under the same rules as are currently in force for the “Monks lots” within that same Zone 2.

I am a resident of RPV, I am a concerned friend of a PBC lot owner.

The original (1993) document that divided the Portuguese Bend area into geologic zones – written by geologist Dr. Perry Ehlig – titled Zone 2 as “Subdivided land *unaffected* by large historic landslides”, and stated that “The undeveloped lots . . . could be developed *without adversely affecting* the stability of the large ancient landslide” (emphasis added).

All of these “Zone 2” properties are already zoned for single-family residences. Normal considerations of development – density, traffic, and so forth would have been resolved by that previous zoning action.

Additional proof that “Zone 2” development is safe is proven by the empirical fact that since the Monks decision (and the change to the City code that allowed their development), a number of those lots have been fully developed with no adverse consequences since then. This indicates that *the rules that the City of Rancho Palos Verdes have established for the Monks lots are adequate to ensure safe development within*

Zone 2, and therefore, I believe that it is fair and equitable that the City allow development under those same rules for the remaining undeveloped lots within Zone 2.

Therefore, I strongly believe that the RPV City Council should approve the EIR as currently written, and also to **approve the change to the City ordinance** so as to allow all of the currently-undeveloped lots within “Zone 2” to be developed under the same rules as are currently in force for the “Monks lots” within that same Zone 2.

Thank you for considering my opinion on this matter.

Rolf Pfannerer

To The City Council of The City of Rancho Palos Verdes,

Subject : Support for amending the City Landslide Moratorium Ordinance and acceptance of the proposed revised Environmental Impact Report.

The Portuguese Bend earth movement has been studied, analyzed, and researched for decades.

The proposed updated EIR is an exceptionally detailed history of its beginning and the affect it has had on property in RPV. An in-depth reading of the experts opinions and consideration of the facts determined by nationally recognized geologists reveal a consensus of opinion. Without exception, the scientists and the FACTS show that construction of single family residences in Zone 2 would present less than significant concern,

As a proponent of construction and a property owner in Zone 2, I am convinced by both the passage of time and the FACTS as they exist. Those individuals opposed to building appear to base their conclusion on emotions, conjecture, and not a little bit of self-interest. They claim passage of the proposed revised EIR forebodes ecological disaster, dire consequences , future chaos.

NONE of these predictions are supported by facts.

NONE of these catastrophes have taken place and scientists have opined they will not.

NONE of these things occurred when the Monks lots were allowed to build homes.

A misquoted but popular phrase from Hamlet aptly strengthens my point. "Me thinks thou dost protest too much." Suspiciously its beginning to seem that the residents who already have homes in Zone 2 want to preserve open space for themselves at the expense of their neighbors' property rights.

You, as members of RPV's Council have the opportunity to right a long standing injustice, however well intended when enacted. Cooler heads, wiser minds should see clearly that the passage of the proposed, revised EIR and amending the Landslide Moratorium Ordinance puts to rest this controversy.

Thank you,

Jerry Johnson,

Property Owner Zone 2

Octavio Silva

From: Jim York <theyorkproperties@gmail.com>
Sent: Wednesday, September 04, 2019 5:14 PM
To: Octavio Silva; Doug Willmore; Ara Mihranian; CC; PC
Subject: Re: Notice of Availability of Draft Environmental Impact Report_ Landslide Moratorium Revisions

Follow Up Flag: Follow up
Flag Status: Completed

Hi Octavio

Thanks for forwarding the Draft EIR for the proposed Zone 2 Landslide Moratorium Revisions. We strongly support allowing all legal lots in Zone 2 to have single family residences constructed.

We own a lot on Cinnamon Lane where homes have recently been constructed on either side of us. The geological and other conditions for these lots are identical to ours.

Many of the Zone 2 lot owners have been working for years trying to build homes. Now is the time to revise the Landslide Moratorium to allow construction. Please complete and approve the EIR

Jim York
President, York Capital Group
General Partner, Arizona Land Associates

> On Aug 22, 2019, at 4:30 PM, Octavio Silva <OctavioS@rpvca.gov> wrote:

>

> Hello,

>

> The Notice of Availability (NOA) of Draft Environmental Impact Report regarding the proposed Zone 2 Landslide Moratorium Revisions is now available. As an interested party, I have attached a copy of the NOA for your records.

>

> Please feel free to contact me at the information listed below for any further questions.

>

> Thank you,

>

> Octavio Silva

> Senior Planner

> City of Rancho Palos Verdes

> Community Development Department

> 30940 Hawthorne Blvd.

> Rancho Palos Verdes, CA 90275

> www.rpvca.gov<<http://www.rpvca.gov>>

> octavios@rpvca.gov<<mailto:octavios@rpvca.gov>>

> (310) 544-5234

>

> <Zone 2_DEIR NOA.pdf>

Octavio Silva

From: mnopperrpv@aol.com
Sent: Thursday, September 05, 2019 11:28 AM
To: Octavio Silva
Subject: Letter in support of the revised EIR, and in support of the proposed change to the City landslide moratorium ordinance

Magdalena Nopper
4109 Sea Horse Lane
Rancho Palos Verdes, CA 90275-6058
mnopperrpv@aol.com

To:
Octavia Silva, Senior Planner
City of Rancho Palos Verdes
Community Development Department
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
octavios@rpvca.gov
(310) 544-5234

September 5, 2019

Subject: Letter in support of the revised EIR, and in support of the proposed change to the City landslide moratorium ordinance

Dear members of the City Council of Rancho Palos Verdes,

I write in strong support of having the Rancho Palos Verdes City Council **approve the Environmental Impact Report (EIR) as currently written**, and also of having the RPV City Council **approve the change to the City ordinance** so as to allow all of the currently undeveloped lots within Zone 2 to be developed under the same rules as are currently in force for the "Monks lots" within that same Zone 2.

I am a resident of RPV, and the Stepmother of Michael and Peter Nopper, who are PBC lot owners.

The original (1993 document that divided the Portuguese Bend area into geologic zones - written by geologist Dr. Perry Ehlig - titled Zone 2 as "Subdivided land **unaffected** by large historic landslides", and stated that "The undeveloped lots . . . could be developed **without adversely affecting** the stability of the large ancient landslide" (emphasis added).

All of these Zone 2 properties are already zoned for single-family residences. Normal considerations of development - density, traffic, and so forth, would have been resolved by that previous zoning action.

Additional proof that Zone 2 development is safe, is proven by the empirical fact, that since the Monks decision (and the change to the City code that allowed their development), a number of those lots have been fully developed with no adverse consequences since then. This indicates that **the rules that the City of Rancho Palos Verdes has established for the Monks lots are adequate to ensure safe development within Zone 2, and therefore I believe, that it is fair and equitable that**

the City allow development under those same rules for the remaining undeveloped lots within Zone 2.

Therefore, I strongly believe that the RPV City Council should approve the EIR as currently written, and also to approve the change to the City ordinance so as to allow all of the currently undeveloped lots within "Zone 2" to be developed under the same rules as are currently in force for the "Monks lots" within that same Zone 2.

Thank you for considering my opinion on this matter.

Magdalena Nopper

Octavio Silva

From: Peter Nopper <pnopper@outlook.com>
Sent: Sunday, September 08, 2019 11:01 AM
To: Octavio Silva
Subject: Pass the Draft Environmental Impact Report and expansion of exception P

Follow Up Flag: Follow up
Flag Status: Completed

Please accept this letter in support of passing the DEIR.

There is a group of self-serving individuals within the PBC HOA who would like to preserve open space next to their houses for their own enjoyment. They have been abusing the city and rightful lot owners by forming a lobby to use the undeveloped lots for their own enjoyment of open space. They have been doing this by making claims of hydraulic, geologic and traffic issues that are completely unfounded and not backed by any scientific studies.

The true lot owners have not been able to exorcize their property rights due to this abuse. This is unacceptable. Our family has been trying to build on our property for 10 years and I have the 2009 soils application to prove it. My father had a stroke right before the 2014 City Council meeting to pass the EIR last time. He was not able to speak in defense of the city and EIR. He then died three years later never being able to fulfill his dream of building on our lot. Selfish HOA members of the PBCA robbed him of his dream by overwhelming the 2014 city council meeting to push their agenda.

The city of RPV has now made scientific studies for a second time in this current EIR draft. The studies still conclude it is perfectly acceptable to build on the 31 undeveloped lots especially when following outlined mitigation measures. Please do not let selfish neighbors who formed a lobby group coerce you into wasting city money again by not passing the EIR. That would also be a second injustice to my family since 2014.

Thank you,

Peter Nopper

Octavio Silva

From: suzanne black <suzannejoyblack@yahoo.com>
Sent: Monday, September 09, 2019 12:41 PM
To: Octavio Silva
Cc: Suzanne Griffith
Subject: Revision of Landslide Moratorium Ordinance - Non-Monks Lots

Follow Up Flag: Follow up
Flag Status: Flagged

Octavio Silva
Senior Planner
City of Rancho Palos Verdes, Community Development Department
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
octavios@rpvca.gov

Dear Octavio,

I am a resident and owner of a home located at 13 Fruit Tree Road in Portuguese Bend. I am also an Owner of a Zone 2 Lot located at 11 Fruit Tree Road.

I am in favor of approving the DEIR as currently written and revising subsection P to Section 15.20.040 (Exceptions) of the Landslide Moratorium Ordinance to apply to all undeveloped lots in Zone 2.

Since the Monk's Appellate decision in 2009, the City has had numerous meetings, reports, EIRs, and lawsuits. This is the SECOND EIR that was commissioned by the City of RPV, with the same conclusion: The development of the remaining undeveloped lots in Zone 2 should be allowed.

The Monks Plaintiffs have the right to build on their Zone 2 Lots. The Monk's lots are interspersed among the remaining undeveloped Zone 2

Lots -- so what is the difference? It is my understanding that not all Zone 2 Lot Owners want to build. Some Lot owners want to preserve the open land and not have any development – that is their right as property owners. All Lot owners should have the right to develop or not develop their property as they wish within the confines of the law and this second DEIR supports that conclusion.

There will be many people who are opposed to this proposed revision. Please look beyond the emotional outcry and focus on the facts, take the advice of your experts/consultants, and follow the law.

Please move forward with the revision to allow the Landslide Moratorium Ordinance to apply to all undeveloped lots in Zone 2.

Thank you for your attention. Please confirm your receipt of this email.

Sincerely,

Suzanne Black Griffith, Esq.

Dear Octavio,

It is with great sadness that I write this letter concerning the DEIR as it is with great sadness to learn the potential of developing further zone 2.

As you know we have been the most impacted by Mr. York's property but it will be the whole neighborhood on this project.

I can carry on with my woes but will be more direct with my questions. This neighborhood is an old neighborhood going forward with new homes, infrastructures, and ideas. We basically have one way in, one way out. How does the city look at safety and the abilities to fight fires? Does Mr. York's road come into effect of being able to get equipment into place should a fire or some kind of emergency take place? Will rules of the neighborhood be monitored and policed? Example, people park on the streets and on side areas that are just space? With Portuguese Bend people have been very relaxed with living amongst each other but with more people and development comes congestion, traffic, issues. Will zone 2 just open at once or will there be like a lottery on who gets to build first and time frame in which to complete their building? What is the expected time frame on when this will start?

Your time on this subject is greatly appreciated.

Respectfully,

Ellen Wright 9/9/2019

Octavio Silva

From: Mike Griffith <mikegrif@aol.com>
Sent: Monday, September 09, 2019 5:32 PM
To: Octavio Silva
Subject: Zone 2 Lots Approval; Section 15.20.040 (P) Letter of Support to Revise

Follow Up Flag: Follow up
Flag Status: Flagged

Octavio Silva, Senior Planner
City of Rancho Palos Verdes, Community Development Department
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

Dear Octavio,

I am a resident, with my wife, at 13 Fruit Tree Road in Portuguese Bend. I am also an Owner of a Zone 2 Lot located at 11 Fruit Tree Road next door to our home.

I am in favor of approving the DEIR as currently written and revising subsection P to Section 15.20.040 (Exceptions) of the Landslide Moratorium Ordinance to apply to all undeveloped lots in Zone 2.

Since the Monk's Appellate decision in 2009, the City has undertaken numerous meetings, reports, EIRs, and lawsuits regarding this issue. This is the SECOND EIR that was commissioned by the City of RPV, with the same conclusion: The development of the remaining undeveloped lots in Zone 2 should be allowed.

The Monks Plaintiffs have the right to build on their Zone 2 Lots. The Monk's lots are interspersed among the remaining undeveloped Zone 2 Lots -- so little argument can be made for a different ruling. I understand that not all Zone 2 Lot Owners want to build. Some Lot owners wish to preserve the open land and not have any development – that is their right as property owners, but not a consensus of all property owners. All Lot owners deserve the right to develop or not develop their private property as they wish within the confines of the law and this second DEIR paid for by the city and it supports this conclusion.

While there may be other residents with differing opinion, please look beyond the emotional outcry and focus on the facts. I urge you and the appropriate governmental bodies to take the advice of your own paid experts/consultants, and follow the law to approve the ability to develop the above referenced lots at each owner's choosing.

Please move forward with the revision to allow the Landslide Moratorium Ordinance to apply to all undeveloped lots in Zone 2.

Thank you for your attention. Please confirm your receipt of this email.

Sincerely,

Mike Griffith

13 Fruit Tree Road
Rancho Palos Verdes, CA 90275

Octavio Silva

From: Marlene Black <marlenecblack@gmail.com>
Sent: Tuesday, September 10, 2019 12:29 AM
To: Octavio Silva
Subject: Proposed Revisions to Landslide Moratorium Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

Octavio Silva
Senior Planner
City of Rancho Palos Verdes, Community Development Department
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
octavios@rpvca.gov

Mr. Silva,

I am a homeowner at 13 Fruit Tree Road in Rancho Palos Verdes.

I am in favor of moving forward with the proposed DEIR recommendations. Given the Monks ruling, it is only fair and just to revise the ordinance so that it applies to all undeveloped lots in Zone 2. They are all surrounded by each other so its unclear as to why one is being treated differently from the other.

Please move forward with the revision to allow the Landslide Moratorium Ordinance to apply to all undeveloped lots in Zone 2.

Thank you.

Marlene C. Black

Judith A. King
645 Old Topanga Canyon Road
Topanga, CA 90290

Lot owner of vacant lot between 30 Sweetbay and 28 Sweetbay
310-346-3902

September 9, 2019

Re: Letter **in support of the revised EIR**, and in support of proposed changes to the City landslide moratorium ordinance

Dear members of Rancho Palos Verdes City Council,

I write to urge the members of the City Council to approve the revised EIR as currently proposed. I am a long-time property owner in Portuguese Bend, owning a residence since 1974. My vacant lot sits next to our residence at 30 Sweetbay Road and we have enjoyed using it since my two children were little. We purchased it from the previous owner several decades ago, after trying for many years. Although we have moved away, I still own these properties and hope to move back soon. My children always urge me not to sell either of them!

I plan to leave the vacant lot to my children and am hoping they have the choice to develop it or not, which my ex-husband and I never had. We always supported the Landslide Abatement District and welcomed having a de-watering well on our property! I think the past few years the geologic opinion in favor of building out the remaining Zone 2 lots has become more certain which is thrilling for us.

I understand there are other issues, traffic and storm drains are major on the list! These are fixable problems, and traffic shouldn't be increased enough to cause major problems. When we moved into the area in 1974, there was only one stop sign and that **was** a problem! In consultation with the county traffic engineers we were able to add stop signs and resolve a

dangerous situation. I'm sure, working with traffic experts, changes can again be made that will resolve any dangerous traffic situations.

Drainage was a problem in Portuguese Bend from long before we bought our house and although improvements have been made, it remains a problem. Runoff is good for the groundwater table, when it is carefully channeled to the ocean. I trust the City of Rancho Palos Verdes, Los Angeles County Flood Control and the Abalone Cove Landslide Abatement District are looking carefully about this issue not just for Area 2 but for the slide region in general.

Thank you for reading this!

Sincerely,

Judith A. King

dendrochick@aol.com