

1.0 INTRODUCTION

This document is a ~~recirculated Draft~~ Final Environmental Impact Report (EIR) that examines the environmental effects of the proposed Zone 2 Landslide Moratorium Ordinance revisions, which involve changes to Section 15.20.040 of the City of Rancho Palos Verdes Municipal Code that would establish an exception category to allow for the future residential development on 31 undeveloped lots located in Zone 2 of the existing Landslide Moratorium Area. Specifically, the existing individual lots that would gain development potential as a result of the proposed project are located in the Portuguese Bend community. The proposed ordinance revisions to the City's Municipal Code would be subject to applicable policies of the Rancho Palos Verdes General Plan, adopted in 2018.

This section discusses: (1) the environmental impact report (EIR) background; (2) the legal basis for preparing an EIR; (3) the scope and content of the EIR; (4) lead, responsible, and trustee agencies; and (5) the environmental review process required under the California Environmental Quality Act (CEQA). The proposed project is described in greater detail in Section 2.0, *Project Description*.

This Final EIR incorporates comments received on the Draft EIR, which circulated for a 45-day period from August 22, 2019 to October 7, 2019. The comment letters and responses thereto are included in Section 8.0, *Responses to Comments on the Draft EIR*. Changes to the text of the EIR resulting from comments received, other than minor typographical corrections, are shown in underline/strikeout format.

1.1 ENVIRONMENTAL IMPACT REPORT BACKGROUND

The Municipal Code revisions studied in this EIR are similar to those raised in the past are regulatory takings case regarding properties in Zone 2 of the area subject to the City's landslide ordinance. In July 2002, the plaintiffs in the case (John Monks et al.) filed an inverse condemnation action against the City of Rancho Palos Verdes, alleging that the City had exacted a regulatory taking under the California Constitution (Cal. Const., art. I, § 19) by enacting a resolution that precluded them from building homes on their vacant lots and requiring a costly geotechnical study of all of Zone 2. Following a series of legal rulings, the parties settled the plaintiffs' temporary takings claim and the City paid the plaintiffs \$4.25 million. The City also amended the Municipal Code to include the Exception "P" Category to allow the property owners involved in the Monks case to build on their properties, subject to conditions.

Following adoption of the Exception Category "P" for the Monks lots, the City initiated the CEQA review to consider expansion of the Exception Category "P" to allow development of other lots in Zone 2.

A Notice of Preparation (NOP) of an EIR was distributed for a 30-day agency- and public-review period, along with the draft Initial Study, on January 3, 2011. The Initial Study concluded that the proposed project required an EIR due to the possibility of significant and unavoidable impacts in several environmental issue areas. The City received 25 letters in response to the NOP. The Initial Study, NOP, and NOP comment letters are presented in Appendix A to this EIR. In addition, the City Council received 6 public comments at a scoping



session regarding the NOP and Initial Study held on February 1, 2010. A summary of the environmental topics of concern discussed in the comment letters and at the 2011 public scoping session follows in Table 1-1.

**Table 1-1
 Scoping Comments Received in Response to 2011 NOP**

Subject	Where Subject is Addressed in the EIR
Geographic scope of the EIR	<ul style="list-style-type: none"> • EIR Section 2.0, <i>Project description</i> • EIR Section 4.8, <i>Hydrology and Water Quality</i>
Subdivision potential for affected lots	<ul style="list-style-type: none"> • EIR Section 2.0, <i>Project description</i> • EIR Section 6.0, <i>Alternatives</i>, see Alternative 3, <i>Subdivision of Larger Lots Alternative</i> • Initial Study (Appendix A)
Cumulative Impacts	<ul style="list-style-type: none"> • EIR Section 3.0, <i>Environmental Setting</i> • EIR Section 4.0, <i>Environmental Impact Analysis</i>
Aesthetics – new construction	EIR Section 4.1, <i>Aesthetics</i>
Air Quality	<ul style="list-style-type: none"> • EIR Section 4.2, <i>Air Quality</i> • Initial Study (Appendix A)
Biologic resources, including coastal sage scrub and NCCP-HCP Consistency	EIR Section 4.3, <i>Biological Resources</i>
Drainage and water quality	EIR Section 4.8, <i>Hydrology and Water Quality</i>
Geologic Hazards; erosion	<ul style="list-style-type: none"> • EIR Section 4.5, <i>Geology</i> • EIR Section 4.8, <i>Hydrology and Water Quality</i>
Cultural Resources	<ul style="list-style-type: none"> • EIR Section 4.4, <i>Cultural Resources</i> • Initial Study (Appendix A)
Greenhouse gas emissions	EIR Section Section 4.6 <i>Greenhouse Gas Emissions</i>
Hazards and Hazardous Materials	Initial Study (Appendix A)
Fire Protection	<ul style="list-style-type: none"> • EIR Section 4.7, <i>Fire Protection</i> • Initial Study (Appendix A)
Land Use	Initial Study (Appendix A)
Construction noise and vibration	EIR Section 4.9, <i>Noise</i>
Population and Housing	Initial Study (Appendix A)
Traffic, including construction traffic and emergency access	EIR Section 4.10, <i>Traffic and Circulation</i>
Utilities, including sewer	<ul style="list-style-type: none"> • EIR Section 4.11, <i>Utilities and Service Systems</i> • Initial Study (Appendix A)
Water supply and infrastructure	<ul style="list-style-type: none"> • Initial Study (Appendix A) • EIR Section 4.8, <i>Hydrology and Water Quality</i>

A Draft EIR was circulated for a 60-day public review period that began on September 21, 2012, and concluded on November 20, 2012. Following the public review period the City prepared a Final EIR (dated March 2014), including responses to comments received on the Draft EIR. The City Council held public hearings on the project and EIR in 2014, but the EIR was never certified and the exception to the category was never approved.



In 2018, the City decided to reconsider amending the exception categories to allow the remaining 31 lots within Zone 2 to be developed with residences and to reinitiate the CEQA review. Thus, the City prepared and circulated another NOP in November 2018. The purpose of this NOP was to inform those interested that as the CEQA Lead Agency, the City of Rancho Palos Verdes ~~is recirculating~~ recirculated an updated Draft EIR for this project. This document is the update ~~Draft~~ Final EIR for the project. The updated and recirculated Draft EIR reflects current conditions and reestablishes the baseline for analysis as November 2018 when the new NOP was circulated. Baseline information used in ~~the~~ this Draft EIR has been updated to reflect current conditions and the project's impacts are compared to the November 2018 baseline.

The NOP was circulated for a 30-day period, ending on December 12, 2018. The City received 24 letters in response to the 2018 NOP, pertaining generally to the same subjects presented above in Table 1-1. A copy of this NOP and NOP comment letters are also presented in Appendix A to this EIR, alongside the original NOP circulated in January 2011.

1.2 PURPOSE AND LEGAL AUTHORITY

The proposed project requires the discretionary approval of the City of Rancho Palos Verdes City Council. The project is also subject to the environmental review requirements of CEQA. In accordance with Section 15121 of the *CEQA Guidelines*, the purpose of this EIR is to serve as an informational document that:

...will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

This EIR has been prepared as a Project EIR pursuant to Section 15161 of the *CEQA Guidelines*. A Project EIR is appropriate for this project, as the legislative planning decision will lead to future development. The Zone 2 proposed Landslide Moratorium Ordinance revisions are a legislative planning decision. As stated in the *CEQA Guidelines*:

This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project, including planning, construction, and operation.

This EIR is to serve as an informational document for the public and City of Rancho Palos Verdes decision-makers. The process will culminate with a City Council hearing to consider certification of a Final EIR and approval of the proposed Landslide Moratorium Ordinance Revision.

1.3 SCOPE AND CONTENT

This EIR addresses potential impacts of several issue areas identified by the Initial Study to be potentially significant. The following issues were found to include potentially significant impacts and are studied in the EIR:



- *Aesthetics*
- *Air Quality*
- *Biological Resources*
- *Cultural Resources*
- *Fire Protection*
- *Geology and Soils*
- *Greenhouse Gas Emissions*
- *Hydrology and Water Quality*
- *Noise*
- *Transportation/Circulation*
- *Utilities and Services Systems*
- *Tribal Cultural Resources*

All other issues are addressed in the Initial Study in Appendix A. As indicated in the Initial Study, there is no evidence that significant impacts would occur in any issue areas not listed above.

In preparing the EIR, use was made of pertinent City policies and guidelines, certified EIRs and adopted CEQA documents, and background documents prepared by the City. A full reference list is contained in Section 7.0, *References and Report Preparers*.

The alternatives section of the EIR (Section 6.0) was prepared in accordance with Section 15126.6 of the *CEQA Guidelines*. The alternatives discussion evaluates the CEQA-required “no project” alternative and alternative development scenarios for the site. It also identifies the environmentally superior alternative among the alternatives assessed.

The level of detail contained throughout this EIR is consistent with the requirements of CEQA and applicable court decisions. The *CEQA Guidelines* provide the standard of adequacy on which this document is based. The *Guidelines* state:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure. (Section 15151)

1.4 LEAD, RESPONSIBLE, AND TRUSTEE AGENCIES

The *CEQA Guidelines* define lead, responsible and trustee agencies. The City of Rancho Palos Verdes is the lead agency for the project because it holds principal responsibility for approving the project. Responsible and trustee agencies for the purposes of CEQA, and other entities in addition to the City of Rancho Palos Verdes (Lead Agency) that may use this EIR in their decision-making process or for informational purposes include, but may not be limited to, the following:

- *Portuguse Bend Sewer District*
- *Abalone Cove Landslide Abatement District*
- *California Regional Water Quality Control Board;*
- *County of Los Angeles Public Works;*
- *County of Los Angeles Public Works – Environmental Management;*



- *County Sanitation Districts of Los Angeles County;*
- *Los Angeles County Fire Department;*
- *Los Angeles County Flood Control District;*
- *Los Angeles County Health Department;*
- *Los Angeles County Sheriff's Department;*
- *Palos Verdes Library District;*
- *Palos Verdes Peninsula Unified School District;*
- *South Coast Air Quality Management District;*
- *Southern California Association of Governments;*
- *State of California Department of Fish and Wildlife;*
- *State of California Department of Transportation;*
- *State Water Resources Control Board;*
- *U.S. Army Corps of Engineers; and*
- *U.S. Fish and Wildlife Service (USFWS).*

1.5 ENVIRONMENTAL REVIEW PROCESS

The major steps in the environmental review process, as required under CEQA, are outlined below and illustrated on Figure 1-1. The steps are presented in sequential order.

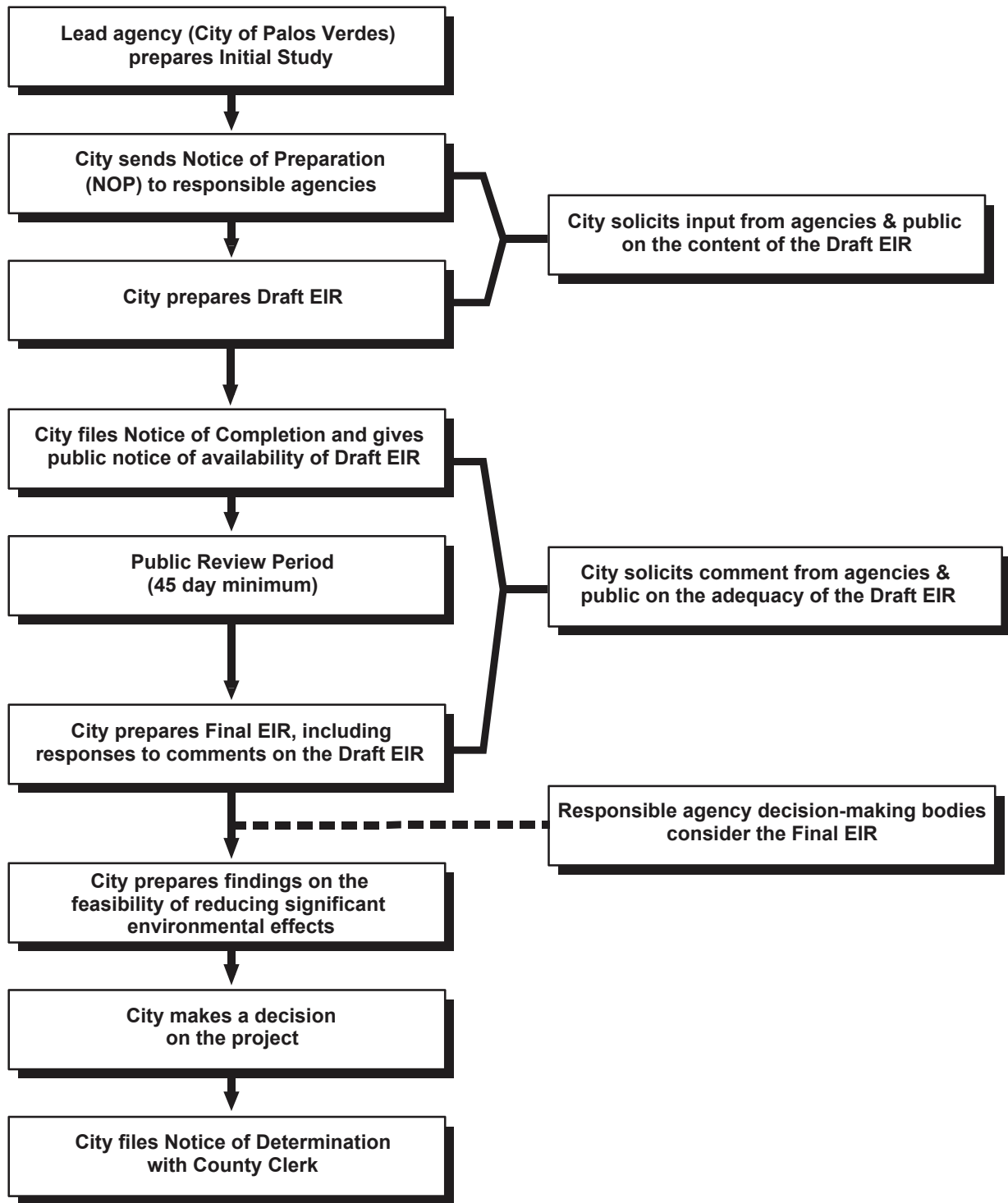
1. **Notice of Preparation (NOP).** After deciding that an EIR is required, the lead agency (City of Rancho Palos Verdes) must file an NOP soliciting input on the EIR scope to the State Clearinghouse (if the project is of statewide, regional or areawide significance pursuant to CEQA Guidelines Section 15206, which this project is not), other concerned agencies, and parties previously requesting notice in writing (*CEQA Guidelines* Section 15082; Public Resources Code Section 21092.2). The NOP must be posted in the County Clerk's office for 30 days. The NOP may be accompanied by an Initial Study that identifies the issue areas for which the proposed project could create significant environmental impacts.
2. **Draft Environmental Impact Report (DEIR) Prepared.** The DEIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; and h) discussion of irreversible changes.
3. **Notice of Completion.** The lead agency files a Notice of Completion with the State Clearinghouse when it completes a Draft EIR and prepares a Public Notice of Availability of a Draft EIR. The lead agency must place the Notice in the County Clerk's office for 30 days (Public Resources Code Section 21092) and send a copy of the Notice to anyone requesting it (*CEQA Guidelines* Section 15087). Additionally, public notice of DEIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project area; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit input from other agencies and the public, and respond in writing to all comments received (Public Resources Code Sections 21104 and 21253). The minimum public review period for a DEIR is 30 days. When a Draft EIR is sent to the State Clearinghouse for review, the public review period



must be 45 days unless the Clearinghouse (Public Resources Code 21091) approves a shorter period.

4. **Final EIR.** A Final EIR must include: a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments.
5. **Certification of FEIR.** Prior to making a decision on a proposed project, the lead agency must certify that: a) the FEIR has been completed in compliance with CEQA and reflects the independent judgment of the City; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project (*CEQA Guidelines* Section 15090).
6. **Lead Agency Project Decision.** The lead agency may: a) disapprove a project because of its significant environmental effects; b) require changes to a project to reduce or avoid significant environmental effects; or c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* Sections 15042 and 15043).
7. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (*CEQA Guidelines* Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.
8. **Mitigation Monitoring and Reporting Program.** When the lead agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.
9. **Notice of Determination.** The lead agency would file a Notice of Determination after deciding to approve a project for which an EIR is prepared (*CEQA Guidelines* Section 15094). A local agency must file the Notice with the County Clerk. The Notice must be posted for 30 days and sent to anyone previously requesting notice. Posting of the Notice starts a 30-day statute of limitations on CEQA legal challenges (Public Resources Code Section 21167[c]).





CEQA Environmental Review Process

Figure 1-1



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