

CITY OF RANCHO PALOS VERDES CITY COUNCIL RESOLUTION NO. _____

EXHIBIT "A"

**STATEMENT OF FACTS AND FINDINGS AND STATEMENT
OF OVERRIDING CONSIDERATIONS REGARDING THE
ENVIRONMENTAL EFFECTS FOR THE
ZONE 2 LANDSLIDE MORATORIUM ORDINANCE REVISIONS**

SCH # 2010121073

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STATEMENT OF FACTS AND FINDINGS

I INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a Lead Agency issue two sets of findings prior to approving a project that will generate a significant impact on the environment. The Statement of Facts and Findings is the first set of findings where the Lead Agency identifies the significant impacts, presents facts supporting the conclusions reached in the analysis, makes one or more of three findings for each impact, and explains the reasoning behind the agency's findings.

The following statement of facts and findings has been prepared in accordance with the California Environmental Quality Act (CEQA) and Public Resources Code Section 21081. *CEQA Guidelines* Section 15091 (a) provides that:

No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.

There are three possible finding categories available for the Statement of Facts and Findings pursuant to Section 15091 (a) of the *CEQA Guidelines*.

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

These findings relevant to the project are presented in Sections V and VI.

The Statement of Overriding Considerations is the second set of findings. Where a project will cause unavoidable significant impacts, the Lead Agency may still approve the project where its benefits outweigh the adverse impacts. Further, as provided in the Statement of Overriding Considerations, the Lead Agency sets forth specific reasoning by which benefits are balanced against effects, and approves the project.



The City of Rancho Palos Verdes, the CEQA Lead Agency, finds and declares that the proposed Zone 2 Landslide Moratorium Ordinance Revisions Environmental Impact Report (EIR) has been completed in compliance with CEQA and the *CEQA Guidelines*. The City of Rancho Palos Verdes finds and certifies that the EIR was reviewed and information contained in the EIR was considered prior to approving the proposed Zone 2 Landslide Moratorium Ordinance Revisions, herein referred to as the “project.”

Based upon its review of the EIR, the Lead Agency finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the proposed project, represents the independent judgment of the Lead Agency, and sets forth an adequate range of alternatives to this project. The City Council of the City of Rancho Palos Verdes certified the Final EIR at its meeting of November 19, 2019.

The Final EIR is comprised of the following elements:

- The Zone 2 Landslide Moratorium Ordinance Revisions EIR, including the responses to comments on the Draft EIR and changes made to the EIR based on the comments received; and
- Mitigation monitoring and reporting program.

The remainder of this document is organized as follows:

- II. Description of project proposed for approval;
- III. Effects determined to be less than significant in the Initial Study/Notice of Preparation;
- IV. Effects determined to be less than significant;
- V. Effects determined to be less than significant with mitigation and findings;
- VI. Environmental effects that remain significant and unavoidable after mitigation and findings;
- VII. Alternatives to the proposed project; and
- VIII. Statement of Overriding Considerations.



II DESCRIPTION OF PROJECT PROPOSED FOR APPROVAL

The proposed Zone 2 Landslide Moratorium Ordinance Revisions project applies 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, 72 lots are developed with residences and accessory structures (including 8 Monks Plaintiffs’ lots), 3 additional lots are currently in construction, the owner of 1 lot is currently pursuing building permit issuance, owners of 4 lots have obtained Landslide Moratorium Exception (LME) permits that have subsequently expired, and 31 are undeveloped lots with no entitlements. These latter 31 are the focus of the EIR.

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 *Monks* plaintiffs’ lots. This would allow for the future submittal of LMEs for all undeveloped

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”.



lots. However, that the granting of an LME does not constitute approval of a specific project, but simply grants the property owner the ability to submit the appropriate application(s) for consideration of a specific project.

Future Development Potential. The potential granting of up to 31 LME requests under the proposed ordinance revisions would permit individual property owners to 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 underlying RS-1 and 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;²
- Maximum building height of 16 feet for residences and 12 feet for detached accessory structures, based on the City's "building pad" height requirements;
- 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.

² The development assumption of a maximum 40% net lot coverage for RS-2 parcels was utilized for the analysis of the proposed project's impacts in the EIR. As discussed in Section 4.8, *Hydrology and Water Quality*, of the EIR, Mitigation Measure HWQ-3(a) would change maximum lot coverage for RS-2 parcels to 25%.



III EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT IN THE INITIAL STUDY/NOTICE OF PREPARATION

The City of Rancho Palos Verdes conducted an Initial Study to determine the potentially significant effects of the project. The Initial Study was prepared in 2011 as part of the original environmental review for the Zone 2 Landslide Moratorium Ordinance Revisions. The Initial Study analysis reflects the 47 lots that were either undeveloped or had no development entitlement 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 recirculated Draft EIR reflects both the current number of undeveloped/unentitled lots (31) and new relevant issues (such as tribal cultural resources) that are included in the current CEQA Guidelines. In the course of the Initial Study evaluation, certain impacts of the project were found to be less than significant due to the inability of a project of this scope to create such impacts or the absence of project characteristics producing effects of this type. The effects determined not to be significant are not included in primary analysis sections of the Final EIR (refer to Appendix A, *Initial Study and Notice of Preparation*, of the Final EIR).

AGRICULTURAL RESOURCES

Will the Project:

Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The project area is not located in an area designated as Prime or Unique Farmland, or within Farmland of Statewide Importance.

Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The project area is not zoned or otherwise designated for agricultural uses, nor is any portion of the project area subject to a Williamson Act contract. The project area is not located adjacent to agricultural operations and currently contains no significant agricultural operations. As such, no conflicts with a Williamson Act contract or existing zoning for agricultural use would occur. The project would not involve conversion of forest land to non-forest uses.

Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The project area is located in a residential area in the City of Rancho Palos Verdes. As such, project area development would not have the potential to result in the loss or conversion of farmland to non-agricultural use.



Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The project area is located in a residential neighborhood that is designated for residential use by the General Plan and the Municipal Code. The project would not involve conversion of forest land to non-forest uses.

Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

No Impact. The proposed project would not involve other changes that could result in conversion of Farmland to non-agricultural uses.

AIR QUALITY

Will the Project:

Create objectionable odors affecting a substantial number of people?

No Impact. The proposed revisions to the Landslide Moratorium Ordinance would allow for potential development of up to 31 new residential units. However, the proposed project would not generate objectionable odors that would affect a substantial number of people. Residential uses are not included on Figure 5-5 Land Uses Associated with Odor Complaints of the 1993 SCAQMD CEQA Air Quality Handbook. Therefore, the proposed project would not generate objectionable odors affecting a substantial number of people.

CULTURAL RESOURCES

Will the Project:

Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

No Impact. The proposed revisions to the Landslide Moratorium Ordinance would facilitate potential development of up to 31 new residential units on lots that are currently undeveloped or underdeveloped. Based on the type of structures that may be demolished for construction of residences on the 31 lots (mostly small sheds or equestrian accessory buildings), impacts to historical resources are not expected

Geology and Soils

Will the Project:

Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?



Less Than Significant Impact. There are no Alquist-Priolo Earthquake Fault Zones in the City (Ranch Palos Verdes General Plan, 1975). Because no active faults are located in the project area, the potential for surface rupture at the project area is considered low.

Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

Less Than Significant Impact. According to the Department of Conservation Seismic Hazard Zones Map, Zone 2 is located in an area that has low to no potential for liquefaction (DOC, 1999).

Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Less Than Significant Impact. The City has constructed a sanitary sewer system that serves the Portuguese Bend community. This system was designed to reduce the amount of groundwater within the Landslide Moratorium Area by eliminating the use of private septic systems, thereby attempting to slow or stop land movement. New residences that may be constructed in the project area would be required to connect to either the existing sanitary sewer system or to a City approved holding tank system if the sanitary sewer system is not available at the time of building permit issuance. In such cases, when the sanitary sewer system becomes available, the holding tank system would be removed and a connection to the sanitary sewer system would be made. With these requirements, any impacts related to septic systems would be less than significant.

HAZARDS AND HAZARDOUS MATERIALS

Will the project:

Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact. The proposed project involves revisions to the City's Landslide Moratorium Ordinance that would facilitate potential development of up to 31 residential units on the undeveloped lots in the project area. By their nature, the proposed use residences would not involve the transport, use, or disposal of substantial quantities of hazardous materials and would not introduce any unusual hazardous materials to the area.

Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?



Less Than Significant Impact. The project would not emit hazardous emissions or involve handling of hazardous materials.

Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?

Less Than Significant Impact. The project area is located ¼ mile from the Portuguese Bend Nursery School. Additional impermeable surfaces such as driveways would accumulate deposits of oil, grease, and other vehicle fluids and hydrocarbons. In addition, proposed new landscaping, such as lawn areas, could introduce chemical inputs such as pesticides and herbicides. However, all new development would comply with applicable federal, state, and local water quality regulations and the incremental increase in impervious surfaces would not result in significant concentrations of hazardous substances near the nursery school or elsewhere.

Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less Than Significant Impact. The project area does not appear on the CERCLIS, Geotracker, DTSC's Envirostor Database or the Cortese list. Therefore, no known soil or groundwater contamination is currently present.

For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

No Impact. The project area is located approximately 14 miles from both Los Angeles International Airport and Long Beach Airport, and more than 2 miles from Torrance Municipal Airport, and is not included in an airport land use plan. Therefore, significant airport safety hazards would not occur.

For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No Impact. The project area is located approximately 14 miles from both Los Angeles International Airport and Long Beach Airport, and more than 2 miles from Torrance Municipal Airport, and is not included in an airport land use plan. Therefore, significant airport safety hazards are not anticipated.

Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. The proposed project involves revisions to the City's Landslide Moratorium Ordinance that would facilitate potential development of up to 31 residential units on the undeveloped lots in the project area. Future development



would be on existing lots, and would be served by existing road networks. Evacuation routes from the project area to Palos Verdes Drive South would include Cinnamon Lane and Fruitree Road to Narcissa Drive and Sweetbay Road to Peppertree Drive. The project would not interfere with any emergency response plan or evacuation route.

HYDROLOGY AND WATER QUALITY

Will the Project:

Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

No Impact. No dams or levees are located in the vicinity of the project area. In addition, the project area does not lay in any known dam inundation zones (City of Rancho Palos Verdes General Plan Safety Element 2018).

Expose people or structures to a significant risk of loss, injury, or death from inundation by seiche, tsunami or mudflow?

Less Than Significant Impact. The Safety Element of the City of Rancho Palos Verdes General Plan states that south-facing coastal strips should observe special caution during a tsunami alert (General Plan Safety Element, 1975). However, the project area sits inland of steep coastal bluffs above the Pacific Ocean at an average elevation of approximately 350 feet above sea level. In addition, according to the Department of Conservation Tsunami Inundation Map for the Redondo Beach (South) Quadrangle, the project area is located outside a tsunami inundation area (DOC 2009).

LAND USE AND PLANNING

Would the Project:

Physically divide an established community?

No Impact. The project would facilitate potential development of 31 existing residential lots in a residential subdivision. No new roads are proposed, and no changes in land uses patterns would result. The project would not physically divide an established community.

Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Less Than Significant Impact. The project area has City of Rancho Palos Verdes General Plan designations of Residential, <1 Dwelling Unit/acre and Residential, 1-2 Dwelling Unit/acre. As specified in the General Plan, areas within the



Residential 1 dwelling unit per acre designation “possess one or both of the following conditions: natural areas delineated in the Natural Environment element as possessing significant habitats (this density is also compatible with the surrounding areas and reflects the general treatment that has been used in the past under similar conditions); areas where governmental bodies (Coastal Commission) and community organizations will possibly have input into the intensity and type of land use to take place, but at this time it is undetermined as to exact definition of this control. A Specific Plan District (see Specific Plan District section) is denoted on the latter areas in order to indicate that further input from other agencies may affect their final use, and that the City must prepare more detailed analysis and plans. The 1-2 Dwelling Units per Acre land use designation includes “Areas containing low or moderate physical constraints with little or no natural significance were denoted within this general density range. This is the density that the original Palos Verdes Project called for and represents a density which is most compatible with the Peninsula's environment.”

The proposed project would not involve changes to the existing residential land use and zoning designations. The potential residences facilitated by the proposed ordinance revisions would maintain the existing rural and open character of the area by being limited to the existing lot configurations and allowed densities (i.e., one to two units per acre). The proposed residential uses would be compatible with existing residential land uses and development in Zone 2. All residential development would be required to comply with the same existing General Plan policies as development on the other lots in Zone 2.

The project would involve revisions to the landslide Moratorium Ordinance that would facilitate potential development of 31 new residences in Zone 2. This use is permitted under the City's Municipal Code, but for the current moratorium. Any new development would be required to adhere to all existing Municipal Code standards.

Conflict with an applicable habitat conservation plan or natural community conservation plan?

Less Than Significant Impact. The Citywide Natural Communities Conservation Planning (NCCP) Subarea Plan identifies Biological Resource Areas and establishes habitat preserves. The Rancho Palos Verdes NCCP provides for conservation and protection of special-status species, while permitting impacts from development to potential habitat for the covered species, including Coastal Sage Scrub habitat. Portions of the project area are in Coastal Sage Scrub habitat, Exotic Woodland, Disturbed, and Grassland areas.

MINERAL RESOURCES

Would the Project:



Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. No mineral resources are present in the community that would be economically feasible for extraction. Potential buildout of 31 residences on lots within an existing residential subdivision would not result in the loss of the availability of a known mineral resource that would be of value locally, regionally, or to the State (California Geological Survey/U.S. Geological Survey, 2003).

NOISE

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

No Impact. The project area is not included in an airport land use plan, and is approximately 14 miles from Los Angeles and Long Beach airports, and more than 2 miles from Torrance Municipal Airport. The project area is not in the vicinity of a private airstrip.

POPULATION AND HOUSING

Will the project:

Induce substantial population growth in an area, either directly or indirectly?

Less Than Significant Impact. The proposed project involves revisions to the Landslide Moratorium Ordinance, which would facilitate potential development of up to 31 new residences in Zone 2. Because project area development would be consistent with the General Plan, this level of growth in the project area is anticipated in local growth forecasts.

Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact. The proposed project would involve revisions to the landslide moratorium ordinance that could permit up to 31 new residences in Zone 2. Existing residences in Zone 2 would remain and the project would not displace existing housing or people.

PUBLIC SERVICES

Would the project:



Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public services?

Less Than Significant Impact. The proposed project would not adversely affect any services.

RECREATION

Will the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?

Less than Significant. The proposed project involves revisions to the landslide moratorium ordinance that would potentially facilitate development of up to 31 new residences within Zone 2. These residences would incrementally increase the City's population, which could increase the use of local recreational facilities. However, the population increase would not cause substantial physical deterioration of recreational facilities. The project area contains existing residential uses and is adequately served by recreational facilities. Additionally, the project would not include recreational facilities or require the construction or expansion of recreational facilities.

TRANSPORTATION/TRAFFIC

Will the Project:

Result in change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. The project would not result in any change in air traffic patterns.

UTILITIES AND SERVICE SYSTEMS

Will the Project:

Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Less Than Significant Impact. Puente Hills Landfill is the primary landfill used by the City. Although the project would incrementally increase solid waste generation, the daily solid waste generation associated with the project would be within the available capacity at the Puente Hills Landfill.

Comply with federal, state, and local statutes and regulations related to solid waste?



Less Than Significant Impact. Although the project would incrementally increase solid waste generation, project area development would be required to comply with local regulations regarding solid waste reduction.



IV EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT IN THE EIR

The City of Rancho Palos Verdes found that the project would have a less than significant impact with respect to a number of environmental topics discussed in the EIR, without the need for mitigation. A less than significant environmental impact determination was made for each topic area listed below.

AIR QUALITY

Operation of the Project. 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, NOX, CO, PM₁₀ and PM_{2.5}. Therefore, operational air quality impacts would be less than significant.

Consistency with Regional Plans. The proposed project would generate population growth, but such growth is within the population projections upon which the Air Quality Management Plan (AQMP) is based. Therefore, the proposed project would be consistent with the AQMP and impacts would be less than significant.

Carbon Monoxide Concentrations from Increased Traffic. 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 less than significant.

BIOLOGICAL RESOURCES

Candidate, Sensitive or Special Status Species. The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Impacts would be less than significant.

Local Policies or Ordinances. The proposed ordinance revisions would not conflict with local policies or ordinances protecting biological resources. Impacts would be less than significant.

CULTURAL RESOURCES

Paleontological Resources. 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 less than significant.



Disturbance of Human Remains. 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 less than significant.

GEOLOGY

Seismically-Induced Ground Shaking. 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 California Building Code requirements would reduce impacts to a less than significant level.

Liquefaction, Ground Lurching, Lateral Spreading or Seismic Settlement. The project area is not susceptible to liquefaction, ground lurching, lateral spreading or seismic settlement. Impacts would be less than significant.

GREENHOUSE GAS EMISSIONS

Generation of Greenhouse Gas Emissions. The proposed project would generate additional GHG emissions beyond existing conditions. However, GHG emissions generated by the project would not exceed the applicable significance thresholds. Impacts would be less than significant.

Consistency with Adopted Plans, Policies or Regulations. Development facilitated by the proposed project would result in an incremental increase in GHG emissions. However, the proposed project would be consistent with the GHG reduction strategies set forth by the Climate Action Team GHG reduction strategies, the 2008 Attorney General Greenhouse Gas Reduction Measures and the CAPCOA GHG Model Policies Guide. Impacts would be less than significant.

HYDROLOGY AND WATER QUALITY

Water Supply and Demand. The project would generate additional demand for water. However, based on current and projected water supplies and demand for the West Basin Municipal Water District, sufficient water would be available to meet demand associated with the project. Impacts would be less than significant.

NOISE

Construction Noise. 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 existing thresholds. Therefore, impacts would be less than significant.



Traffic Noise. 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 less than significant.

TRAFFIC AND CIRCULATION

CMP Arterial Monitoring Intersections. 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 less than significant

Alternative Transportation Policies, Plans or Programs. Development facilitated by the proposed project would not conflict with adopted policies, plans, or programs supporting alternative transportation. Impacts would be less than significant.



V EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT WITH MITIGATION AND FINDINGS

The City of Rancho Palos Verdes, having reviewed and considered the information contained in the Final EIR, the Technical Appendices and the administrative record, finds, pursuant to California Public Resources Code 21081 (a)(1) and *CEQA Guidelines* 15091 (a)(1) that changes or alterations have been required in, or incorporated into, the proposed project that would avoid or substantially lessen to below a level of significance potentially significant environmental effects identified in the Final EIR in the following categories: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology, Fire Protection, Hydrology and Water Quality, Noise, Traffic and Circulation, Utilities and Service Systems, and Tribal Cultural Resources. The potentially significant adverse environmental impacts that can be mitigated to below a level of significance are discussed below. The City of Rancho Palos Verdes City Council finds that these potentially significant adverse impacts can be mitigated to a less than significant level after implementation of mitigation measures identified in the Final EIR, which is incorporated by reference.

AESTHETICS

The project's potential impacts with regard to aesthetics that can be mitigated or are otherwise less than significant are discussed in Section 4.1, *Aesthetics*, of the Final EIR.

Changes to Scenic Vistas. 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 impact would be less than significant with mitigation incorporated.

Finding

- *Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts to aesthetics from changes in scenic vistas have been eliminated or substantially lessened to a less than significant level by virtue of the following mitigation measures:

Measure AES-3 under Impact AES-3 would ensure compliance with applicable provisions of Section 17.02.030 of the RPVMC and PBCA architectural standards.

Removal of Trees. 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 less than significant with mitigation incorporated.

Finding

- *Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts to aesthetics from removal of trees have been eliminated or substantially lessened to a less than significant level by virtue of the following mitigation measure:

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 grow to full stature, would be less likely to result in obstruction of views for adjacent properties.

Changes in Project Area Character. 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 less than significant with mitigation incorporated.

Finding

- *Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts to aesthetics from changes in visual character have been eliminated or substantially lessened to a less than significant level by virtue of the following mitigation measure:

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 Section 17.02.040 of the RPVMC. 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.

Light and Glare. 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 impact would be less than significant with mitigation incorporated.

Finding

- *Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts to aesthetics from the addition of sources of light and glare have been eliminated or substantially lessened to a less than significant level by virtue of the following mitigation measure:

- 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 Rancho Palos Verdes Municipal Code. Key standards that must be adhered to include the following:
- 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 one thousand 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 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.
 - 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, more than 10 feet above grade.

AIR QUALITY

The project's potential impacts with regard to air quality that can be mitigated or are otherwise less than significant are discussed in Section 4.2, *Air Quality*, of the Final EIR and discussed in the Initial Study, Appendix A to the Final EIR.



Construction-Related Air Emissions. Project area construction activity would generate temporary air pollutant emissions. However, emissions would not exceed SCAQMD regional or LST construction thresholds for ROC, NOX, CO, PM₁₀ and PM_{2.5}. Nevertheless, mitigation has been proposed to further reduce emissions.

Finding

- *Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts to air quality from construction activities have been eliminated or substantially lessened by virtue of the following mitigation measures:

- AQ-1(a) Fugitive Dust Control Measures.** The following shall be implemented during construction to minimize fugitive dust emissions:
- *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.*
 - *Trucks transporting material must be tarped from the point of origin or must maintain at least two feet of freeboard.*
 - *Soil stabilizers must be applied to unpaved roads to prevent excess amounts of dust.*
 - *All material excavated or graded must be treated with soil binders preferably in the morning, midday and after work is done for the day.*
 - *Ground cover must be replaced in disturbed areas as quickly as possible.*
 - *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.*
 - *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.*
 - *All material transported off-site must be securely covered to prevent excessive amounts of dust.*
 - *Face masks must be used by all employees involved in grading or excavation operations during dry periods to reduce inhalation of dust which may contain the fungus which causes San Joaquin Valley Fever.*
 - *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.

- *Visible dust beyond the property line emanating from the project must be prevented to the maximum extent feasible.*
- *These control techniques must be indicated in project specifications. Compliance with the measure shall be subject to periodic site inspections by the City.*

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.

BIOLOGICAL RESOURCES

The project's potential impacts with regard to biological resources that can be mitigated or are otherwise less than significant are discussed in Section 4.3, *Biological Resources*, of the Final EIR and discussed in the Initial Study, Appendix A to the Final EIR.

Sensitive Plant Communities. 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 new residences. This impact would be less than significant with mitigation incorporated.

Finding

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts to sensitive plant communities associated with the proposed project have been eliminated or substantially lessened to a less than significant level by virtue of the following mitigation measure:

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 as part of a 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.

Wetland Habitat and Jurisdictional Drainages. Construction activities on five lots adjacent to Altamira Canyon could potentially affect jurisdictional drainage areas. This impact would be less than significant with mitigation incorporated.

Finding

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts to wetland habitat and jurisdictional drainages associated with the proposed project have been eliminated or substantially lessened to a less than significant level by virtue of the following mitigation measures:

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.

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.

Wildlife Movement. 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. This impact would be less than significant with mitigation incorporated.

Finding

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts to wildlife movement associated with the proposed project have been eliminated or substantially lessened to a less than significant level by virtue of the following mitigation measure:

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 January 31 through September 30). 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. 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 100-300 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 (at least 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 October 1 to January 30.

NCCP/HCP Conflicts. Potential development under the proposed ordinance revisions would have the potential to conflict with guidelines of the NCCP/HCP. This impact would be less than significant with mitigation incorporated.

Finding



- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts related to NCCP/HCP conflicts have been eliminated or substantially lessened to a less than significant level by virtue of the following mitigation measures:

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.

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 Preserve shall be permitted.

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:

- *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.*
- *Temporary construction fencing shall be placed at the planned limits of disturbance adjacent to the Preserve.*
- *Construction should be scheduled to avoid the bird nesting season (see Mitigation Measure BIO-4 above).*
- *Construction grading adjacent to drainages shall be scheduled for the dry season whenever feasible.*

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 Preserve and not closer than 50 feet from the Preserve boundary.

BIO-6(e) - Landscaping. For those properties adjacent to the Palos Verdes Nature Preserve, to prevent the spread of non-native and invasive plant species, landscaping shall avoid those species listed on the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory. In addition, irrigation shall be designed and maintained to avoid overspray or runoff into the Preserve (NCCP/HCP Section 5.7.4).



CULTURAL RESOURCES

The project's potential impacts with regard to cultural resources that can be mitigated or are otherwise less than significant are discussed in Section 4.4, *Cultural Resources*, of the Final EIR and discussed in the Initial Study, Appendix A to the Final EIR.

Potential to Disturb Undiscovered Archaeological Resources. 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 impact would be less than significant with mitigation incorporated.

Finding

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

Potential impacts to archaeological resources associated with the proposed project have been eliminated or substantially lessened to a less than significant level by virtue of the following mitigation measure:

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.

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.



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 the process set forth below:

1. *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.*
2. *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.*
3. *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.*
4. *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.*
5. *If the applicant, or its successor, does not accept a particular 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.

6. *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.*
7. *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.*
8. *Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or 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.*
9. *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.*

GEOLOGY

The project's potential impacts with regard to geology that can be mitigated or are otherwise less than significant are discussed in Section 4.5, *Geology*, of the Final EIR and discussed in the Initial Study, Appendix A to the Final EIR.

Erosion. 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 in the project area, could potentially cause or accelerate downstream erosion. This impact would be less than significant with mitigation incorporated.

Finding

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts associated with erosion as a result of the proposed project have been eliminated or substantially lessened to a less than significant level by virtue of the following mitigation measures:



Mitigation Measures HWQ-1 and HWQ-3(a and b) in Section 4.8, *Hydrology and Water Quality*, would be required and would reduce erosion during construction to a less than significant level.

Slope Stability. 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. This impact would be less than significant with mitigation incorporated.

Finding

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts from slope stability as a result of the proposed project have been eliminated or substantially lessened to a less than significant level by virtue of the following mitigation measures:

GEO-3(a) Geotechnical Recommendations. Prior to issuance of any grading permit or building permit, individual project applicants shall comply with all recommendations contained in 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:

- *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 outlined below.*
- *Limit grading to less than 1,000 cubic yards (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.*
- *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.*
- *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.*
- *Limit post-construction lot infiltration and runoff rates and volume to pre-construction levels 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.*



- *Connect all houses to a public sanitary sewer system and maintained at the property owner's expense. Any necessary easements shall be provided.*
- *Correct all lot drainage deficiencies, if any, identified by the Director of Public Works.*
- *Collect 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.*
- *Comply with all other relevant building code requirements.*

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.

Landslides. 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. This impact would be less than significant with mitigation incorporated.

Finding

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts from landslides as a result of the proposed project have been eliminated or substantially lessened to a less than significant level by virtue of the following mitigation measures.

Mitigation measures GEO-3(a) and GEO-3(b) above would be required to reduce impacts to a less than significant level. In particular, Mitigation 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 construction. In addition, Mitigation 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.

Expansive Soils. Soils in the project area are moderately to highly expansive. This impact would be less than significant with mitigation incorporated.



Finding

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts from expansive soils as a result of the proposed project have been eliminated or substantially lessened to a less than significant level by virtue of the following mitigation measures.

Mitigation measures GEO-3(a) and GEO-3(b) would be required to reduce impacts related to expansive soils. Mitigation Measure GEO-3(a), as described above, 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 construction. Further, Mitigation 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.

FIRE PROTECTION

Wildland Fires. 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. This impact would be less than significant with mitigation incorporated.

Finding

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts from wildland fires as a result of the proposed project have been eliminated or substantially lessened to a less than significant level by virtue of the following mitigation measures:

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 grading or building permit. The fuel modification plan shall at a minimum include the following:



- *Vegetation clearance requirements around all new structures with a minimum 100' buffer, or greater, as determined by LACFD;*
- *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*
- *A regularly scheduled brush clearance of vegetation on and adjacent to all applicable access roads, power lines, and structures.*

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.

HYDROLOGY AND WATER QUALITY

The project's potential impacts with regard to hydrology and water quality that can be mitigated or are otherwise less than significant are discussed in Section 4.8, *Hydrology and Water Quality*, of the Final EIR and discussed in the Initial Study, Appendix A to the Final EIR.

Sediment and Pollutant Discharge. 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. This impact would be less than significant with mitigation incorporated.

Finding

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts related to sediment and pollutant discharge have been eliminated or substantially lessened to a less than significant level by virtue of the following mitigation measure:

HWQ-1 Construction pollution, sediment and erosion control. Prior to issuance of any Grading Permit or Building Permit, each applicant shall prepare a Low Impact Development (LID) plan for the review and approval of the 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:

- *Erosion Control. 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.

- *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.*
- *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.*
- *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.*
- *Recycling/Disposal. Maintain a clean site. This includes proper recycling of construction-related materials and equipment fluids.*
- *Construction Waste Disposal. Clean up and dispose of small construction wastes (i.e., dry concrete) in accordance with applicable regulations and requirements.*

Surface Water Quality. 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. This impact would be less than significant with mitigation incorporated.

Finding

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts related to surface water quality have been eliminated or substantially lessened to a less than significant level by virtue of the following mitigation measure:



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 ($\geq 2,500$ SF) of impervious surface shall require review and approval by the City's NPDES consultant for compliance with applicable NPDES requirements prior to any building or grading permit issuance. Construction must comply with any required NPDES General Construction Permit requirements.

Storm Water. Potential buildout under the proposed ordinance revisions would incrementally increase the amount of on-site impermeable surface area, which could have the potential to increase storm water flows and create localized flooding. This impact would be less than significant with mitigation incorporated.

Finding

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts related to storm flows/flooding have been eliminated or substantially lessened to a less than significant level by virtue of the following mitigation measures:

HWQ-3(a) 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 be designed to accommodate for a minimum of a 75 year rain event, 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:

- *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 or swales, green roofs that detain water with*



delayed release onto the lot and permeable hardscape, and installation and maintenance of holding tanks.

- *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 localized sumps or catchment areas with no outlet.*
- *Changes to the character of the runoff at property lines have been avoided. 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.*
- *“Dry Weather” infiltration that could add to the total infiltration from the project is minimized.*
- *Holding tanks will be installed and maintained and operated as designed. Annual third-party certification by a licensed engineer that the system is operational as designed is required.*
- *Maximum 25 percent net coverage for RS-1 and RS-2 zoned properties.*
- *Transpiration through landscaping is maximized.*
- *For developments on sloped sites, driveways shall incorporate a serpentine design to the extent possible to minimize the possibility of flooding onto adjacent properties.*

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 review by a geotechnical engineer under contract to the applicant and approval by the City Public Works Department. 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.

- HWQ-3(b) Certification.** The property owner shall submit, after the installation of the drainage improvements and at the property owner’s expense, a hydrology study, prepared, stamped and signed by a Licensed Civil Engineer certifying that the site drainage is operating according to City approvals. Specifically, the report shall certify that the post-construction lot infiltration and runoff rates and volume are equal to pre-construction conditions. The study shall be approved by the Director of Public Works or his/her designee.



Groundwater. Potential development under the proposed ordinance revisions would incrementally increase the amount of impermeable surface in the project area, which could affect the location and amount of groundwater infiltration. This impact would be less than significant with mitigation incorporated.

Finding

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts related to groundwater have been eliminated or substantially lessened to a less than significant level by virtue of the following mitigation measure:

Mitigation Measures GEO-3 (a and b) and HWQ-3(a and b) require on-site infiltration and management of precipitation such that runoff rates do not increase above existing conditions following development of a lot. Additional mitigation is not required.

Flood Hazards. Adoption of the proposed ordinance revisions would allow for the construction of up to 31 single-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. This impact would be less than significant with mitigation incorporated.

Finding

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts related to flood hazards have been eliminated or substantially lessened to a less than significant level by virtue of the mitigation measure identified in the Final EIR.

HWQ-5 Standards of Construction in a Flood Zone D Area. Prior to issuance of any grading permit or building permit, 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:

- *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*
- *All new construction shall be constructed with materials and utility equipment resistant to flood damage*



- *All new construction shall be constructed using methods and practices that minimize flood damage*
- *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*

NOISE

The project's potential impacts with regard to noise that can be mitigated or are otherwise less than significant are discussed in Section 4.9, *Noise*, of the Final EIR.

Short-Term Project Construction. Temporary project construction would intermittently generate high noise levels in and adjacent to the project area. This impact would be less than significant with mitigation incorporated.

Finding

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts related to construction noise have been eliminated or substantially lessened to a less than significant level by virtue of the mitigation measures identified in the Final EIR.

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.

N-1(b) PBCA Conditions of Approval. All project area construction contractors shall comply with the following standard Portuguese Bend Community Association conditions:

- *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.*
- *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.*
- *Noise from radios or other amplified sound devices shall not be audible beyond the property.*



UTILITIES AND SERVICE SYSTEMS

The project's potential impacts with regard to utilities that can be mitigated or are otherwise less than significant are discussed in Section 4.11, *Utilities and Service Systems*, of the Final EIR and discussed in the Initial Study, Appendix A to the Final EIR.

Wastewater Conveyance. Wastewater conveyance and treatment systems are adequate to serve new residences that could be built in the project area. However, the 31 individual new residences that could be constructed under the proposed ordinance revisions would require the extension of wastewater conveyance facilities. This impact would be less than significant with mitigation incorporated.

Finding

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts related to wastewater conveyance facilities have been eliminated or substantially lessened to a less than significant level by virtue of the following mitigation measures:

- U-1(a) Participation in Geotechnical Hazard Abatement.** Future project area applicants shall participate in existing or future geological and geotechnical hazard abatement requirements of the City, including but not limited to any easement required by the City to mitigate landslide conditions and the items listed in Measures GEO-3(a) and GEO-3(b) in Section 4.5, *Geology*. Compliance with such measures shall be verified by the Director of Community Development or his/her designee, prior to the issuance of any grading or building permit.
- U-1(b) Review and, as Necessary, Upgrade of Project Area Sewer System.** The City shall update the Abalone Cove Sewer Capacity Report biennially. If deficiencies in the project area sewer system are identified as part of the biennial 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.

TRIBAL CULTURAL RESOURCES

The project's potential impacts with regard to tribal cultural resources that can be mitigated or are otherwise less than significant are discussed in Section 4.12, *Tribal Cultural Resources*, of the Final EIR and discussed in the Initial Study, Appendix A to the EIR.

Tribal Cultural Resources. 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 impact would be less than significant with mitigation incorporated.

Finding

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*

Facts in Support of Finding

The potential impacts related to tribal cultural resources have been eliminated or substantially lessened to a less than significant level by virtue of the following mitigation measure:

Measure CR-1 in Section 4.4, *Cultural Resources*, would eliminate impacts to as-yet unknown tribal cultural resources through monitoring of construction activity, consultation with Native American tribes, and avoidance and of any identified significant resources.



VI ENVIRONMENTAL EFFECTS THAT REMAIN SIGNIFICANT AND UNAVOIDABLE AFTER MITIGATION AND FINDINGS

The Final EIR for the Zone 2 Landslide Moratorium Ordinance Revisions Project identifies potentially significant environmental impacts with respect to one issue area that cannot be fully mitigated and is therefore considered significant and unavoidable (“Class I”). These impacts relate to Traffic and Circulation. The City of Rancho Palos Verdes, having reviewed and considered the information contained in the Final EIR, Technical Appendices and the administrative record, finds, pursuant to California Public Resources Code 21081 (a)(3) and *CEQA Guidelines* 15091 (a)(3), that to the extent this impact remains significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations, included as Section VIII of these Findings. The significant and unavoidable impacts identified in the Final EIR are discussed below, along with the appropriate findings per CEQA Guidelines Section 15091.

TRAFFIC AND CIRCULATION

Intersections. 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, because feasible mitigation is not available at the Via Rivera/Hawthorne Boulevard intersection, the impact at that location would be significant and unavoidable.

Findings

- *Specific economic, legal, social, technological, or other considerations, including considerations discussed in the Statement of Overriding Considerations, outweigh the unavoidable adverse environmental effects; therefore, the adverse environmental effects are considered acceptable.*

Facts in Support of Findings

The increase in vehicle trips would result in significant impacts at five study area intersections. The mitigation measures listed below would mitigate the impacts at four of these intersections to a less than significant level. Installation of a traffic signal at the Via Rivera/Hawthorne Boulevard intersection could also reduce the impact at that location to a less than significant level. 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 feasible at this time.



- T-1(a) Seahill Drive-Tramonto Drive/Palos Verdes Drive South.** The City shall monitor the level of service at this intersection annually and shall provide a two-way left-turn lane on Palos Verdes Drive South when the improvement is determined to be needed 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).*
- T-1(b) Narcissa Drive/Palos Verdes Drive South.** The City shall monitor the level of service at this intersection annually and shall provide a two-way left-turn lane on Palos Verdes Drive South, east of Narcissa Drive, when the improvement is determined to be needed 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.
- T-1(c) Forrestal Drive/Palos Verdes Drive South.** The City shall monitor the level of service at this intersection annually and shall provide a two-way left-turn lane on Palos Verdes Drive South when the improvement is determined to be needed 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).*
- T-1(d) Palos Verdes Drive East/Palos Verdes Drive South.** The City shall monitor the level of service at this location annually and shall provide a two-way left-turn lane on Palos Verdes Drive South when the improvement is determined to be needed 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).*

The overriding social, economic and other considerations set forth in the Statement of Overriding Considerations provide additional facts in support of these findings. Any remaining, unavoidable significant effects are acceptable when balanced against the facts set forth therein.

Roadway Segments. 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 significant and unavoidable.

Findings



- *Specific economic, legal, social, technological, or other considerations, including considerations discussed in the Statement of Overriding Considerations, outweigh the unavoidable adverse environmental effects; therefore, the adverse environmental effects are considered acceptable.*

Facts in Support of Findings

Mitigation Measure T-2 is designed to reduce impacts to the segment of Palos Verdes Drive South east of Narcissa Drive.

- 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).*

This measure would require elimination of the existing bicycle lanes along Palos Verdes Drive South, which may not be feasible.

The overriding social, economic and other considerations set forth in the Statement of Overriding Considerations provide additional facts in support of these findings. Any remaining, unavoidable significant effects are acceptable when balanced against the facts set forth therein.

Temporary Construction Impacts. 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 significant and unavoidable.

Findings

- *Specific economic, legal, social, technological, or other considerations, including considerations discussed in the Statement of Overriding Considerations, outweigh the unavoidable adverse environmental effects; therefore, the adverse environmental effects are considered acceptable.*

Facts in Support of Findings

The mitigation measures listed below would limit temporary construction impacts to the degree feasible and, as noted above, construction on all 31 properties is unlikely to occur simultaneously. Nevertheless, because impacts could temporarily exceed City thresholds, construction impacts are conservatively determined to be significant and unavoidable. All construction contractors would need to gain City approval of haul routes and construction traffic is generally expected to avoid peak traffic hours. In addition, the following measures are proposed to further minimize impacts:



- T-4(a) Maintain Access.** Maintain existing access for land uses in proximity to the project area.
- T-4(b) Lane Closure Restrictions.** Limit any potential lane closures to off-peak travel periods.
- 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.
- 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.
- T-4 (e) Portuguese Bend Community Association (PBCA) Building Regulations and Architectural Standards.** Construction activities shall adhere to the following PBCA regulations and standards:
- 1. All construction vehicles must be parked on-site and may not be parked on the streets within PBCA. The entrance gate parking area may be used if requested in advance and vehicles will be required to display parking passes.*
 - 2. Contractor shall not track mud on to the streets from construction vehicles*
 - 3. 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.*
 - 4. 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.*
- T-4(f) Construction Activity Tracking.** The Community Development Department will maintain a database of ongoing construction activity on the 31 undeveloped project area lots that identifies construction site locations and makes the information available to the public. This will allow project area residents and City staff to effectively track construction activity and ensure compliance with applicable standards and requirements.

The overriding social, economic and other considerations set forth in the Statement of Overriding Considerations provide additional facts in support of these findings. Any remaining, unavoidable significant effects are acceptable when balanced against the facts set forth therein.



VII ALTERNATIVES TO THE PROPOSED PROJECT

The Final EIR, in Section 6.0, *Alternatives*, discusses the environmental effects of alternatives to the proposed project. A description of these alternatives, a comparison of their environmental impacts to the proposed project, and the City's findings are listed below. These alternatives are compared against the project relative to the identified project impacts, summarized in sections V and VI, above, and to the project objectives, as stated in Section 2.0, *Project Description*, of the Final EIR. In making the following alternatives findings, the City of Rancho Palos Verdes certifies that it has independently reviewed and considered the information on alternatives provided in the Final EIR, including the information provided in the comments on the Final EIR and the responses thereto.

A NO PROJECT ALTERNATIVE

This alternative assumes that the Landslide Moratorium Ordinance revisions would not be adopted and that the 31 vacant parcels would not be developed, and they would remain in their current condition.

Finding

- *Specific economic, legal, social, technological, or other considerations, including potential legal risks to the City, as discussed in the Statement of Overriding Considerations, render this alternative infeasible.*

Facts in Support of Finding

The No Project alternative would avoid the proposed project's significant and unavoidable traffic and circulation impacts since it would not allow any further development in Zone 2. The proposed project's potentially significant but mitigable impacts related to aesthetics, biological resources, cultural resources, geology, fire hazards, hydrology/water quality, utilities/service systems, and tribal cultural resources would also be avoided.

However, the No Project alternative would not provide the opportunity for Zone 2 landowners to apply to develop their parcels to all landowners in the area. As such, this alternative would not meet the objective of the proposed project, which is to establish an exception category to allow for the future development of 31 undeveloped or underdeveloped lots located in Zone 2.

The findings for the proposed project set forth in this document and the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

B 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 the overall building area would be reduced by approximately 38%. Development assumptions for this alternative would 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 2,500 square feet or 15% of gross lot area, whichever is less;*
- *Less than 500 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.*

Finding

- *Specific economic, legal, social, technological, or other considerations, including considerations for equity in development potential, legal risks to the City, and only modest reductions in impacts, as discussed in the Statement of Overriding Considerations, render this alternative infeasible.*

Facts in Support of Finding

The intent of this alternative is to provide the public and City decision makers with a comparative analysis between the impacts of the proposed project and a reduced project that would reduce, but not avoid, the proposed project's significant and unavoidable traffic and circulation impacts. The Reduced Project Alternative would allow for the introduction of new developments that would require less grading and result in a reduction in building size. While the intensity of grading required for this alternative would be reduced when compared to the proposed project, alteration of the project area's slope and ridgeline topography would still be required to accommodate development in Zone 2.

Due to the reduction in allowable building size, this alternative would also incrementally reduce impacts related to aesthetics, air quality, biological resources, cultural resources, geology, greenhouse gases, and hydrology and water quality; however, these impacts would already be less than significant for the proposed project with implementation of mitigation measures included in the Final EIR. This alternative would not avoid the significant and unavoidable impact to traffic and circulation associated with the proposed project. This alternative would achieve some of the objectives of the proposed project, but not to the extent desired by the City. The impact reductions would be not be substantial enough to outweigh the loss of property value for Zone 2 land owners.



The findings for the proposed project set forth in this document and the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.



VIII STATEMENT OF OVERRIDING CONSIDERATIONS

A INTRODUCTION

The California Environmental Quality Act (CEQA) and the *CEQA Guidelines* provide in part the following:

- CEQA requires that decision makers balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of the proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- Where the decision of the public agency allows the occurrence of significant effects that are identified in the Environmental Impact Report (EIR) but are not avoided or substantially lessened, the agency must state in writing the reasons to support its action based on the EIR and/or other information in the record. This statement may be necessary if the agency also makes the finding under Section 15091 (a)(2) or (a)(3) of the *CEQA Guidelines*.
- If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination (Section 15093 of the *CEQA Guidelines*).

The City of Rancho Palos Verdes, having reviewed and considered the information contained in the EIR for the Zone 2 Landslide Moratorium Ordinance Revisions (the project), Responses to Comments and the public record, adopts the following Statement of Overriding Considerations that have been balanced against the unavoidable adverse impact in reaching a decision on the project.

B SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

Although mitigation measures have been included where feasible for potential project impacts as described in the preceding findings, there is no complete mitigation for the following project impacts:

- Traffic and Circulation – Intersections, Roadway Segments, and Temporary Construction Impacts

Details of these significant unavoidable adverse impacts are discussed in the Zone 2 Landslide Moratorium Ordinance Revisions EIR and are summarized in Section VI, *Environmental Effects That Remain Significant and Unavoidable After Mitigation, and Findings*, in the Statement of Facts and Findings.



C OVERRIDING CONSIDERATIONS

The Zone 2 Landslide Moratorium Ordinance Revisions require discretionary approvals from the Rancho Palos Verdes City Council. Analysis in the Final EIR for the proposed project has concluded that the project would result in impacts related to traffic and circulation that cannot be mitigated to a less than significant level. All other potential significant adverse project impacts can be mitigated to a less than significant level through mitigation measures included in the Final EIR.

The California Environmental Quality Act requires the lead agency to balance the benefits of a proposed project against its unavoidable environmental impacts in determining whether to approve the project.

The City of Rancho Palos Verdes has determined that the significant unavoidable adverse project impacts, which would remain significant after mitigation, are acceptable and are outweighed by social, economic and other benefits of the project. Further, the alternatives that were identified in the Final EIR would not provide the project benefits, as summarized below, to the same extent as the proposed project.

1. The City of Rancho Palos Verdes finds that all feasible mitigation measures have been imposed to lessen project impacts to a less than significant level and that alternatives to the project are infeasible because while they have similar or fewer/reduced environmental impacts, they do not provide all of the benefits of the project, or are otherwise socially or economically infeasible when compared to the project, as described in the Statement of Facts and Findings.
2. The City of Rancho Palos Verdes finds that the City could be exposed to legal challenge from the owners of the 31 developable non-*Monks* parcels if the Zone 2 Landslide Moratorium Ordinance Revisions are not adopted. The identified significant impacts would not be severe enough to outweigh the potential adverse impact to the City of a successful legal challenge, which could result in an outcome similar to the proposed ordinance revisions.
3. The City of Rancho Palos Verdes finds that it is in the best interest of the City and the Zone 2 property owners to allow all Zone 2 landowners the opportunity to apply to build single family residences on their parcels, a condition that already exists for other Zone 2 parcels, and that has existed in the past when the existing single-family residences and associated features were constructed.
4. The City of Rancho Palos Verdes finds that, while Mitigation Measure T-2 may not be feasible, the benefit of preserving the value of the semi-rural character of the proposed intersection area outweighs the significant impact on traffic and circulation in the area. It is in the best interest of the City and the Rancho Palos Verdes community to maintain the bike lanes rather than convert the bike lanes to additional motor vehicle lanes.



5. The City of Rancho Palos Verdes finds that installation of a traffic signal at Via Rivera/Hawthorne Boulevard may be feasible and may be implemented at some point if consistent with the City of Rancho Palos Verdes General Plan. City staff will continue to study the overall traffic patterns for that portion of the City to determine the best overall solutions. Therefore, implementation of a signal is not warranted at this time, particularly in light of the relatively small contribution of project-generated traffic at that location.

The City of Rancho Palos Verdes, having reviewed and considered the information contained in the Final EIR, Technical Appendices and the public record, adopts the Statement of Overriding Considerations that has been balanced against the unavoidable adverse impacts in reaching a decision on this project.

