



MEMORANDUM

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS

FROM: JOEL ROJAS, AICP, DIRECTOR OF PLANNING, BUILDING AND CODE ENFORCEMENT

DATE: MARCH 3, 2009

SUBJECT: PLANNING CASE NO. ZON2009-00007 (CODE AMENDMENT AND ENVIRONMENTAL ASSESSMENT): REVISIONS TO THE LANDSLIDE MORATORIUM ORDINANCE (CHAPTER 15.20 OF THE RANCHO PALOS VERDES MUNICIPAL CODE) TO ESTABLISH AN EXCEPTION CATEGORY TO ALLOW THE DEVELOPMENT OF UNDEVELOPED LOTS IN ZONE 2

REVIEWED: CAROLYN LEHR, CITY MANAGER

Project Manager: Kit Fox, AICP, Associate Planner

RECOMMENDATION

- 1) Receive public comments on the proposed Mitigated Negative Declaration;
- 2) Introduce Ordinance No. ____, revising the City's Landslide Moratorium Ordinance to establish an exception category to allow the development of undeveloped lots in Zone 2;
- 3) Continue this matter to a date certain on or after March 11, 2009; and,
- 4) Authorize Staff to create a 5-member technical panel to review the entire Landslide Moratorium Area in light of the *Monks* decision and make recommendations to the City Council regarding future actions that should be taken.

BACKGROUND

On December 17, 2008, the California Supreme Court denied the City's petition for review in the case of *Monks v. City of Rancho Palos Verdes*. Accordingly, the City Council must take the actions that are necessary to comply with the Court of Appeal's decision. As discussed in a previous Staff report, the City has a choice of either purchasing the

MEMORANDUM: Moratorium Ordinance Revisions (Case No. ZON2009-00007)

March 3, 2009

Page 2

plaintiffs' properties (for an amount that is estimated to be between \$16 and \$32 million) or removing the City's regulations that the Court of Appeal found to be impermissible impediments to development of the plaintiffs' lots.

Since the City does not have sufficient funds in its reserves to purchase the plaintiffs' properties, the first step in the process was the repeal of Resolution No. 2002-43. That resolution required property owners in Landslide Moratorium Area Zone 2 to establish a 1.5:1 factor of safety before they could develop their lots, and was the purported catalyst for the filing of the *Monks* lawsuit. On January 21, 2009, the City Council adopted Resolution No. 2009-06, which repealed Resolution No. 2002-43.

The second step in response to the Court of Appeal's decision is to enact revisions to the current Landslide Moratorium Ordinance to allow the development of undeveloped lots in Zone 2. The *Monks* plaintiffs own sixteen (16) undeveloped lots in the area identified as "Zone 2" in the memorandum of May 26, 1993, by the late Dr. Perry Ehlig, within which a total of forty-seven (47) undeveloped lots have been identified. The revisions proposed by Staff tonight would simply allow the development of the undeveloped lots in Zone 2, but would not alter the Landslide Moratorium Ordinance affecting any other zones or areas and would not allow the subdivision of any of the existing lots.

DISCUSSION

Proposed Ordinance

The proposed revisions to the current Moratorium Ordinance will allow the development of undeveloped lots in Zone 2 by creating a new exception category (i.e., Category 'P'), which is similar to the former Category 'K' for the *Seaview* area (i.e., the "Area Outlined in Blue") in that it allows the development of new residences, accessory structures and minor, non-remedial grading on undeveloped lots. As defined in the Development Code, "minor grading" is limited to less than fifty cubic yards (<50 CY) of combined cut and fill with a maximum depth of less than five feet (<5'-0") on slopes of less than thirty-five percent (<35%) steepness. Zone 2 would be defined as the "Area Outlined in Green" on a map to be retained in the City's files and posted on the City's website. The proposed language for Section 15.20.040(P) would be as follows:

The construction of residential buildings, accessory structures, and minor grading (as defined in Section 17.76.040.B.1 of the Rancho Palos Verdes Municipal Code) in Zone 2 of the "Landslide Moratorium Area" as outlined in green on the landslide moratorium map on file in the Director's office; 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. If the Director of Public Works determines that the sanitary sewer system cannot accommodate the project at the time of building permit issuance, the project shall be connected to a City-approved holding tank system until such time as the sanitary sewer system can accommodate the project. In such cases, once the sanitary sewer system becomes available to serve the project, as determined by the Director of Public Works, the holding tank system shall be removed, and the project shall be connected to the 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.

In addition to this language, cross-references to this new exception category would be added in Sections 15.20.050 (Landslide Mitigation Measures Required), 15.20.060 (Application) and 15.20.110 (Required Connection to Operational Sanitary Sewer System).

The direct effect of these revisions would be to allow the owners of the forty-seven (47) undeveloped lots in Zone 2 to apply for landslide moratorium exception (LME) permits for the development of new, single-family residences and related accessory structures (except pools and spas). With the approval of an LME, property owners would then be allowed to apply for the necessary Planning and Building approvals to build new, permanent structures on undeveloped lots. Such structures would be subject to all of the underlying zoning restrictions and development standards that apply to similarly zoned properties located elsewhere in the City, including (but not limited to) an approved geology report, which analyzes the particular property and the proposed project, and a finding of compatibility with the character of the immediate neighborhood. Other types of projects on the developed lots in Zone 2—such as additions and reconstruction of residences damaged or destroyed by land movement or other hazards—would still be permitted under the current provisions and restrictions imposed by exception Categories 'B', 'H', 'K' and 'L'.

If adopted, this proposal would extend the results of the *Monks* decision to all of the owners of undeveloped lots in Zone 2. Staff recommends this action because none of the geologists who have analyzed the geology of Zone 2 geology, including Dr. Ehlig and Cotton Shires, have drawn any distinction between the plaintiffs' sixteen (16) lots and the other thirty-one (31) undeveloped lots located within Zone 2. Accordingly, the proposed ordinance and exception category would apply to all of the forty-seven (47) undeveloped lots in Zone 2.

MEMORANDUM: Moratorium Ordinance Revisions (Case No. ZON2009-00007)

March 3, 2009

Page 4

CEQA Compliance

Based upon the scope of the proposed revisions to the Landslide Moratorium Ordinance, Staff determined that the proposed project could have significant impacts upon the environment unless mitigation measures were imposed. Accordingly, a draft Mitigated Negative Declaration (MND) was prepared for the project, and is being circulated in accordance with CEQA. The 30-day public comment period for the MND ends on March 11, 2009. For this reason, Staff is only recommending that the City Council accept public comment on the project and MND at tonight's meeting, with final action to be taken on a future date certain. This will allow time for Staff to prepare any needed response to public comments on the MND prior to its certification by the City Council.

The draft MND identified several potential environmental effects that require mitigation to reduce their impacts to less-than-significant levels. Many of these effects are short-term and construction-related, such as air quality, biological resources, cultural resources, geology, noise and the like. Others are longer-term operational impacts such as aesthetics, hazards, hydrology, utilities and service systems. Staff believes that the recommended mitigation measures will reduce all of the impacts identified to less-than-significant levels.

Public correspondence received in response to the notice for the MND is attached to tonight's report. Subsequent correspondence that is received after the distribution of tonight's agenda packet will be distributed as "Late Correspondence" at tonight's meeting. A summary of the issues raised and Staff's responses (as of the date this report was completed) are as follows:

- Gabrieliño-Tongva Nation: The Gabrieliño-Tongva tribal secretary acknowledges receipt of the notice for the MND, and states that the project would have no impact upon known cultural resources of the tribe. It should be noted, however, that Staff recommends the adoption of mitigation measures to ensure that impacts to any unknown subsurface cultural resources will be less than significant.
- Jack Downhill: Mr. Downhill states that he is in favor of the Zone 2 Landslide Moratorium Ordinance Revisions, but asks for them to be expanded to allow the subdivision of developed and undeveloped lots. Mr. Downhill owns a 6.94-acre developed property at 20 Vanderlip Drive. Section 15.20.020 of the Rancho Palos Verdes Municipal Code prohibits the filing of subdivision maps throughout the Landslide Moratorium Area. However, the filing of subdivision map would be allowed pursuant to the approval of a Moratorium Exclusion request. The *Monks* plaintiffs did not raise the issue of subdivision in their claim nor was this an issue addressed in the Court of Appeal's decision. Although it may be appropriate to consider the issue of subdivision within the Landslide Moratorium Area in the future,

MEMORANDUM: Moratorium Ordinance Revisions (Case No. ZON2009-00007)

March 3, 2009

Page 5

Staff does not believe that it is necessary or prudent to include this issue as a part of the City's current response to the *Monks* decision.

- Blair Van Buren, Jeremy Davies & Lew Enstedt: The owners of the developed properties at 34, 36 and 40 Cinnamon Lane raise concerns about the impact of ground-borne vibration on surrounding properties as a result of the grading and recompaction of lots in Zone 2. Although not stated explicitly, Staff presumes that these concerns arose as a result of the on-going redevelopment of the residence at 38 Cinnamon Lane. The letter's authors recommend limiting the weight of grading equipment as a means to address this concern. Staff believes that this may be a reasonable suggestion. It should also be noted that Staff recommends limiting non-remedial grading on undeveloped lots to less than fifty cubic yards (<50 CY).
- Kathy Snell: Ms. Snell, the owner of a 4.03-acre developed property at 8 Vanderlip Drive, raises a number of questions about the Initial Study/Mitigated Negative Declaration and asks for responses to these questions. Ms. Snell also raises the issue of allowing subdivision within Zone 2 that was raised by Mr. Downhill. Ms. Snell's questions and Staff's responses are attached to tonight's report.
- Michael & Sheri Hastings: The Hastings own a 3.78-acre developed property at 10 Vanderlip Drive. They, too, support adding provisions to the Landslide Moratorium Ordinance to permit subdivision, as suggested by Mr. Downhill and Ms. Snell.
- Dan & Vicki Pinkham: The Pinkhams own and occupy the Narcissa gatehouse at 1 Narcissa Drive. Their developed, 2.04-acre property is located in Zone 5 and would not be subject to the proposed Code Amendment. However, the Pinkhams express concern about the impacts that the approval of the proposed Code Amendment would have in terms of construction traffic impacts upon roadways and developed properties in Zone 5; the introduction of additional surface runoff into Altamira Canyon; and the adequacy of emergency access for the *Portuguese Bend* community. The expected traffic that might be generated by the additional residences does not meet the City's threshold for a traffic impacts analysis. Also, as a mitigation measure, Staff recommends requiring the control of runoff from new structures and landscaping.

CONCLUSION

As discussed above, the City Council has already taken the first step to address the Court of Appeal's decision by repealing Resolution No. 2002-43. Revising the Landslide Moratorium Ordinance to allow the development of the forty-seven (47) undeveloped lots in Zone 2 would be the next step in the implementation the Court's decision. By allowing the owners of undeveloped lots in Zone 2 to pursue the development of these properties, Staff believes that

MEMORANDUM: Moratorium Ordinance Revisions (Case No. ZON2009-00007)

March 3, 2009

Page 6

the City will avoid having to pay compensation to the *Monks* plaintiffs (or other owners of undeveloped properties in Zone 2) for the taking of their properties, and will eliminate the second impediment to the filing of applications to develop the undeveloped properties in Zone 2.

In conclusion, Staff recommends that the City Council receive public comments on the proposed Mitigated Negative Declaration; introduce Ordinance No. ____, revising the City's Landslide Moratorium Ordinance to establish an exception category to allow the development of all forty-seven (47) undeveloped lots in Zone 2; and continue this matter to a date certain on or after March 11, 2009, for the certification of the Mitigated Negative Declaration and the adoption of Ordinance No. ____.

ADDITIONAL INFORMATION

Next Steps

With the repeal of Resolution No. 2002-43 and the adoption of Staff's proposed revisions to the Landslide Moratorium Ordinance, the *Monks* plaintiffs will be allowed to file applications to develop their undeveloped properties, as will the owners of the other thirty-one (31) undeveloped lots in Zone 2. However, these actions do not address the development of undeveloped lots in other portions of the Landslide Moratorium Area or the subdivision of large parcels that are located within and outside of Zone 2, nor do they resolve any actual or perceived inequities in the treatment of developed versus undeveloped lots. To address these outstanding issues, Staff recommends seeking the advice of a technical panel of geologists and geotechnical engineers to provide guidance to the City Council regarding the next steps that should be taken to address the impact of the *Monks* decision on the greater Landslide Moratorium Area. The charge given to the panel would be to determine whether there is a reasonable probability of significant damage to persons or property if development were allowed in each of the geologic areas that are within the boundaries of the Landslide Moratorium Area, so that development either should be prevented or allowed in each of those geologic areas. Possible outcomes of such a review might include (but not be limited to):

- Repealing the entire Landslide Moratorium Ordinance and establishing criteria that would allow for safe development within each geologic area; or,
- Refining the boundaries of the "undevelopable area" under the Landslide Moratorium Ordinance to include only those areas where there is a reasonable probability of significant damage or injury to persons or property.

Staff recommends that a 5-member panel be created comprised of three (3) geologists or geotechnical engineers who are familiar with the City and its landslides and two (2) other

MEMORANDUM: Moratorium Ordinance Revisions (Case No. ZON2009-00007)

March 3, 2009

Page 7

well-known geologists who have not performed work within the City. Staff intends, with the City Council's authorization, to present the recommendations of the technical review panel later this year. However, in order to proceed with this review, Staff will need to bring a request for a budget adjustment back to the City Council for consideration at a future meeting. As the City Council may recall, in May 2006 the City Council authorized a \$50,000 budget adjustment for a geotechnical review panel to study surface cracking in the *Seaview* tract (i.e., "Zone 4" of the Landslide Moratorium Area). Given that the scope of the task to be undertaken by the 5-member review panel includes the review of the entire Landslide Moratorium Area, Staff expects that the cost of this review will be at least \$100,000.

FISCAL IMPACT

Revising the Moratorium Ordinance to allow the development of undeveloped lots in Zone 2 may lead to increased revenues in the form of Planning and Building permit fees. The development of these undeveloped lots will also increase their assessed valuation, leading to increased property tax revenue to the City and the Redevelopment Agency. In addition, the adoption of these revisions is the second step in the process that that will avoid having the City spend money to purchase the *Monks* plaintiffs' properties as a result of the decision in the *Monks* case. With respect to the work of the 5-member review panel, Staff estimates that this may cost the City well upwards of \$100,000.

Attachments:

- Draft Ordinance No. ____
- Draft Mitigated Negative Declaration
- Resolution No. 2009-06 (repealing Resolution No. 2002-43)
- Map of Zone 2
- List of Zone 2 Lots
- Dr. Ehlig's memorandum of May 26, 1993
- Public correspondence

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES
ADOPTING AMENDMENTS TO CHAPTER 15.20 (MORATORIUM ON
LAND USE PERMITS) OF THE RANCHO PALOS VERDES MUNICIPAL
CODE TO ESTABLISH AN EXCEPTION CATEGORY FOR THE
DEVELOPMENT OF UNDEVELOPED LOTS IN ZONE 2**

WHEREAS, on December 17, 2008, the California Supreme Court denied the City's petition for review in the case of *Monks v. City of Rancho Palos Verdes*, so the City Council must consider the actions that are necessary to comply with the Court of Appeal's decision; and,

WHEREAS, on January 21, 2009, the City Council adopted Resolution No. 2009-06 repealing Resolution No. 2002-43, which had required property owners in Zone 2 to establish a 1.5:1 factor of safety before they could develop their lots and was the purported catalyst for the filing of the *Monks* lawsuit; and,

WHEREAS, next action necessary to comply with the Court of Appeal's decision is to enact revisions to the current Moratorium Ordinance to allow the development of undeveloped lots in Zone 2, which include the sixteen (16) lots owned by the *Monks* plaintiffs and thirty-one (31) other undeveloped lots; and,

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 *et seq.* ("CEQA"), the State's CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 *et seq.*, the City's Local CEQA Guidelines, and Government Code Section 65962.5(f) (Hazardous Waste and Substances Statement), the City of Rancho Palos Verdes prepared an Initial Study and determined that, by incorporating mitigation measures into the Negative Declaration, there is no substantial evidence that the approval of Planning Case No. ZON2009-00007 would result in a significant adverse effect on the environment. Accordingly, a Draft Mitigated Negative Declaration was prepared and circulated for public review for thirty (30) days between February 9, 2009 and March 11, 2009, and notice of that fact was given in the manner required by law; and,

WHEREAS, after notice issued pursuant to the provisions of the Rancho Palos Verdes Municipal Code, the City Council conducted a public hearing on March 3, 2009, and _____, 2009, at which time all interested parties were given an opportunity to be heard and present evidence regarding the proposed revisions to Chapter 15.20 as set forth in the City Council Staff reports of those dates; and,

WHEREAS, at its _____, 2009, meeting, after hearing public testimony, the City Council adopted Resolution No. 2009-__ making certain findings related to the requirements of the California Environmental Quality Act (CEQA) and adopting a Mitigation Monitoring Program and Mitigated Negative Declaration for the proposed project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES ORDAIN AS FOLLOWS:

Section 1: The City Council has reviewed and considered the amendments to Chapter 15.20 of Title 15 of the Municipal Code.

Section 2: The City Council finds that the amendments to Chapter 15.20 of Title 15 of the Municipal Code are consistent with the Rancho Palos Verdes General Plan in that they uphold, and do not hinder, the goals and policies of those plans, in particular to balance the rights of owners of undeveloped properties within the Landslide Moratorium Area to make reasonable use of their properties while limiting the potential impacts resulting from such use upon landslide movement, soil stability and public safety within and adjacent to the Landslide Moratorium Area.

Section 3: The City Council further finds that the amendments to Chapter 15.20 of Title 15 of the Municipal Code are consistent Court of Appeal's decision in *Monks v. City of Rancho Palos Verdes* in that they will allow the potential future development of the undeveloped lots within Zone 2 of the Landslide Moratorium Area with new, single-family residences, thereby achieving parity with the rights enjoyed by the owners of the developed lots in Zone 2 of the Landslide Moratorium Area.

Section 4: The City Council further finds that there is no substantial evidence that the amendments to Chapter 15.20 of Title 15 of the Municipal Code would result in significant environmental effects or a substantial increase in the severity of such effects. The City Council considered the Mitigated Negative Declaration prior to making its decision regarding the code amendments contemplated herein.

Section 5: The City Council further finds that the amendments to Chapter 15.20 of Title 15 of the Municipal Code are necessary to protect the public health, safety, and general welfare in the area.

Section 6: Based upon the foregoing, Section 15.20.040 of Chapter 15.20 of Title 15 of the Rancho Palos Verdes Municipal Code is amended to read as follows:

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

- A. *Maintenance of existing structures or facilities which do not increase the land coverage of those facilities or add to the water usage of those facilities;*
- B. *Replacement, repair or restoration of a residential building or structure which has been damaged or destroyed due to one of the following hazards, 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:*
 - 1. *A Geologic Hazard. Such structure may be replaced, repaired or restored to original condition; provided, that such construction shall be limited to the same square footage and in the same general location on the property*

and such construction will not aggravate any hazardous geologic condition, if a hazardous geologic condition remains. Prior to the approval 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 applicant shall comply with any requirements imposed by the city's geotechnical staff and shall substantially repair the geologic condition to the satisfaction of the city geotechnical staff prior to the issuance of a final building permit. Upon application to the director, setbacks may conform to the setbacks listed below:

Minimum Setback Standards

Front	Interior side	Street side	Rear
20	5	10	15

- 2. *A Hazard Other Than a Geologic Hazard. Such structure may be replaced, repaired or restored to original condition; provided, that such construction shall be limited to the same square footage and in the same general location on the property and such construction will not aggravate any hazardous condition, if a hazardous condition remains. Prior to the approval 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. Upon application to the director, setbacks may conform to the setbacks listed in subsection (B)(1) of this section;*
- C. *Building permits for existing structures which were constructed prior to October 5, 1978, for which permits were not previously granted, in order to legalize such structure(s). Such permits may only be granted if the structure is brought into substantial compliance with the Uniform Building Code;*
- D. *The approval of an environmental assessment or environmental impact report for a project as to which the city or redevelopment agency is the project applicant;*
- E. *Projects that are to be performed or constructed by the city or by the Rancho Palos Verdes redevelopment agency to mitigate the potential for landslide or to otherwise enhance public safety;*
- F. *Remedial grading to correct problems caused by landslide or to otherwise enhance public safety, performed pursuant to a permit issued pursuant to Section 17.76.040(B)(3) of this Code;*

- G. *Geologic Investigation Permits. Prior to the approval of such a 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 investigation will not aggravate the existing situation;*
- H. *Minor projects on a lot that is in the "landslide moratorium area," as outlined in red on the landslide moratorium map on file in the director's office, and currently is developed with a residential structure or other lawfully existing nonresidential structure and involves an addition to an existing structure, enclosed patio, conversion of an existing garage to habitable space or construction of a permanent attached or detached accessory structure and does not exceed a cumulative project(s) total of one thousand two hundred square feet per parcel; 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 and does not include any additional plumbing fixtures, unless the lot is served by a sanitary sewer system. The one thousand two hundred square foot limitation on cumulative projects that can be approved on a lot pursuant to this subsection includes the construction of a new garage, which can be approved pursuant to subsection L of this section. November 5, 2002, is the date that shall be used for determining the baseline square footage, based upon city and county building permit records, for purposes of calculating the square footage of any cumulative project(s) and of any additions that may be constructed pursuant to this subsection. Minor projects involving the construction of an enclosed permanent detached accessory structure, which are located in an area that is not served by a sanitary sewer system, shall include a requirement that a use restriction covenant, in a form acceptable to the city, that prevents the enclosed permanent detached accessory structure from being used as a separate dwelling unit shall be recorded with the Los Angeles County register-recorder. Such covenant shall be submitted to the director prior to the issuance of a building permit. Prior to the approval of a landslide moratorium exception permit for such minor projects, 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;*
- I. *Construction or installation of temporary minor nonresidential structures which are no more than three hundred twenty square feet in size, with no plumbing fixtures and which do not increase water use, may be approved by the director. If the lot is served by a sanitary sewer system, the permit may allow the installation of plumbing fixtures. All permits shall include a requirement that a use restriction covenant, in a form acceptable to the city which prevents the structure from*

being used for any purpose other than a nonhabitable use, is recorded with the Los Angeles County registrar-recorder. A minor nonresidential structure is defined as temporary if the Building Code does not require it to be erected upon or attached to a fixed, permanent foundation and if, in fact, it will not be erected upon or attached to such a foundation. Prior to approval of the application, 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;

J. Submittal of a lot-line adjustment application;

K. Minor projects on a lot that is in the "landslide moratorium area," as outlined in blue on the landslide moratorium map on file in the director's office, and currently is developed with a residential structure or other lawfully existing nonresidential structure and involves an addition to an existing structure, enclosed patio, conversion of an existing garage to habitable space or construction of a permanent attached or detached accessory structure and does not exceed a cumulative project(s) total of one thousand two hundred square feet per parcel; 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 and does not include any additional plumbing fixtures, unless the lot is served by a sanitary sewer system. The one thousand two hundred square foot limitation on cumulative projects that can be approved on a lot pursuant to this subsection includes the construction of a new garage, which can be approved pursuant to subsection L of this section. November 5, 2002, is the date that shall be used for determining the baseline square footage, based upon city and county building permit records, for purposes of calculating the square footage of any cumulative project(s) and of any additions that may be constructed pursuant to this subsection. Minor projects involving the construction of an enclosed permanent detached accessory structure, which are located in an area that is not served by a sanitary sewer system, shall include a requirement that a use restriction covenant, in a form acceptable to the city, that prevents the enclosed permanent detached accessory structure from being used as a separate dwelling unit shall be recorded with the Los Angeles County register-recorder. Such covenant shall be submitted to the director prior to the issuance of a building permit. Prior the approval of a landslide moratorium exception permit for such minor projects, 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;

- L. *Construction of one attached or detached garage per parcel that does not exceed an area of six hundred square feet, without windows or any plumbing fixtures, on a lot that currently is developed with a residential structure or other lawfully existing nonresidential structure; 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. If the lot is served by a sanitary sewer system, the permit may allow the installation of windows and plumbing fixtures in the garage. The approval of a landslide moratorium exception permit for such a project shall be conditioned to require that a use restriction covenant, in a form acceptable to the city, that prevents the garage from being used for any purpose other than parking of vehicles and storage of personal property is recorded with the Los Angeles County registrar-recorder. Such covenant shall be submitted to the director prior to the issuance of a building permit. Prior to the approval of a landslide moratorium exception permit for such garage, 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's geotechnical staff that the proposed project will not aggravate the existing situation;*
- M. *Submittal of applications for discretionary planning permits for structures or uses which are ancillary to the primary use of the lot or parcel, where there is no possibility of any adverse impact upon soil stability. Examples of these types of applications include special use permits for minor, temporary uses and events; fence, wall and hedge permits that do not involve grading or the construction of retaining walls; permits for the keeping of large domestic animals and exotic animals; conditional use permits for the establishment of a use or activity at or on an existing structure where no structural modifications are required; and such other uses, activities and structures that the city geotechnical staff determines to have no potential for adverse impacts on landslide conditions;*
- N. *Minor projects on those lots which are currently developed with a residential structure, which do not involve new habitable space, which cannot be used as a gathering space and viewing area, and which do not constitute lot coverage;*
- O. *Permits issued pursuant to Section 15.20.110 of this chapter to connect existing structures with functional plumbing fixtures to an operational sewer system;*
- P. *The construction of residential buildings, accessory structures, and minor grading (as defined in Section 17.76.040(B)(1) of the Rancho Palos Verdes Municipal Code) in Zone 2 of the "landslide moratorium area" as outlined in green on the landslide moratorium map on file in the director's office; 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. If the director of public works determines that the sanitary sewer system cannot accommodate the project at the time of building permit issuance, the project shall be connected to a city-approved holding tank system until such time as the sanitary sewer system can accommodate the project. In such cases, once the sanitary sewer system becomes available to serve the project, as determined by the director of public works, the holding tank system shall be removed, and the project shall be connected to the 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.

Section 7: Based upon the foregoing, Section 15.20.050 of Chapter 15.20 of Title 15 of the Rancho Palos Verdes Municipal Code is amended to read as follows:

Within the landslide moratorium area as identified in Section 15.20.020 of this chapter, the city shall require that appropriate landslide abatement measures be implemented as conditions of issuance of any permit issued pursuant to this chapter. With respect to proposed projects and uses requiring a landslide moratorium exception permit pursuant to Sections 15.20.040(B), (H), (K), (L) and (P), which must satisfy all of the criteria set forth in this section, the conditions imposed by the city shall include, but not be limited to, the following:

- A. If lot drainage deficiencies are identified by the director of public works, all such deficiencies shall be corrected by the applicant.*
- B. If the project involves additional plumbing fixtures, or additions of habitable space which exceed two hundred square feet, or could be used as a new bedroom, bathroom, laundry room or kitchen, and if the lot or parcel is not served by a sanitary sewer system, septic systems shall be replaced with approved holding tank systems in which to dispose of on-site waste water. The capacity of the required holding tank system shall be subject to the review and approval of the city's building official. For the purposes of this subsection, the addition of a sink to an existing bathroom, kitchen or laundry room shall not be construed to be an additional plumbing fixture. For those projects which involve additions of less than two hundred square feet in total area and which are not to be used as a new bedroom, bathroom, laundry room or kitchen, the applicant shall submit for recordation a covenant specifically agreeing that the addition of the habitable space will not be used for those purposes. Such covenant shall be submitted to the director for recordation prior to the issuance of a building permit. For lots or parcels which are to be served by a sanitary sewer system on or after the effective date of the ordinance codified in this section (July 6, 2000), additional plumbing fixtures may be permitted and the requirement for a holding tank may*

- be waived, provided that the lot or parcel is to be connected to the sanitary sewer system. If a sanitary sewer system is approved and/or under construction but is not yet operational at the time that a project requiring a landslide moratorium exception permit is approved, the requirement for a holding tank may be waived, provided that the lot or parcel is required to be connected to the sanitary sewer system pursuant to Section 15.20.110 of this chapter, or by an agreement or condition of project approval.
- C. Roof runoff from all buildings and structures on the site shall be contained and directed to the streets or an approved drainage course.
 - D. If required by the city geotechnical staff, the applicant shall submit a soils report, and/or a geotechnical report, for the review and approval of the city geotechnical staff.
 - E. If the lot or parcel is not served by a sanitary sewer system, the applicant shall submit for recordation a covenant agreeing to support and participate in existing or future sewer and/or storm drain assessment districts and any other geological and geotechnical hazard abatement measures required by the city. Such covenant shall be submitted to the director prior to the issuance of a building permit.
 - F. If the lot or parcel is not served by a sanitary sewer system, the applicant shall submit for recordation a covenant agreeing to an irrevocable offer to dedicate to the city a sewer and storm drain easement on the subject property, as well as any other easement required by the city to mitigate landslide conditions. Such covenant shall be submitted to the director prior to the issuance of a building permit.
 - G. A hold harmless agreement satisfactory to the city attorney promising to defend, indemnify and hold the city harmless from any claims or damages resulting from the requested project. Such agreement shall be submitted to the director prior to the issuance of a building permit.
 - H. The applicant shall submit for recordation a covenant agreeing to construct the project strictly in accordance with the approved plans; and agreeing to prohibit further projects on the subject site without first filing an application with the director pursuant to the terms of this chapter. Such covenant shall be submitted to the director for recordation prior to the issuance of a building permit.
 - I. All landscaping irrigation systems shall be part of a water management system approved by the director of public works. Irrigation for landscaping shall be permitted only as necessary to maintain the yard and garden.
 - J. If the lot or parcel is served by a sanitary sewer system, the sewer lateral that serves the applicant's property shall be inspected to verify that there are no cracks, breaks or leaks and, if such deficiencies are present, the sewer lateral shall be repaired or reconstructed to eliminate them, prior to the issuance of a

building permit for the project that is being approved pursuant to the issuance of the moratorium exception permit.

- K. *All other necessary permits and approvals required pursuant to this code or any other applicable statute, law or ordinance shall be obtained.*

Section 8: Based on the foregoing, Section 15.20.060 of Chapter 15.20 of Title 15 of the Rancho Palos Verdes Municipal Code is amended to read as follows:

- A. *Applicants for an exception to this chapter under Sections 15.20.040(B), (H), (K), (L) and (P), shall file an application for a landslide moratorium exception permit with the director. The application shall be signed by the property owner, and shall include the following:*
1. *A letter, signed by the property owner, setting forth the reason for request, as well as a full description of the project;*
 2. *Copies of a site plan, showing accurate lot dimensions; the location, dimensions, and heights of all existing and proposed structures; the location of the existing and proposed septic systems and/or holding tank systems; and the location of the existing and/or proposed sanitary sewer system, if the site is or will be served by a sanitary sewer system. The number of copies required shall be determined by the director;*
 3. *Information satisfactory to the city's geotechnical staff (including but not limited to geological, geotechnical, soils or other reports) reasonably required by the city to demonstrate that the proposed project will not aggravate the existing situation;*
 4. *A fee as established by resolution of the city council;*
 5. *If grading is proposed, a grading plan showing the topography of the lot and all areas of project cut and fill, including a breakdown of the earthwork quantities.*
- B. *A landslide moratorium exception permit application shall become null and void if, after submitting the required application to the director, the application is administratively withdrawn by the director because the application is allowed to remain incomplete by the applicant for a period which exceeds one hundred eighty days, or if the application is withdrawn by the applicant.*

Section 9: Based on the foregoing, Section 15.20.110 of Chapter 15.20 of Title 15 of the Rancho Palos Verdes Municipal Code is amended to read as follows:

Any owner of a lot or parcel within the "landslide moratorium area," as outlined in red or green on the landslide moratorium map on file in the director's office, which is developed with a residential structure or any other structure that contains one or more operational plumbing fixtures and is served by a sanitary sewer system, as defined in this chapter, shall connect such structure(s) to the sanitary sewer system within six months after the commencement of operation of the sanitary sewer system. Either the

director or the director of public works shall determine whether a lot or parcel is served by a sanitary sewer system, whether a structure contains one or more operational plumbing fixtures, or whether the connection to the sewer system is performed properly, including, without limitation, removal, or the discontinuation of the use, of any existing septic system.

Section 10: After the effective date of this Ordinance, it shall apply to all landslide moratorium exception permits and any subsequent development applications submitted on or after the effective date of this Ordinance.

Section 11: The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in the manner prescribed by law.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF _____ 2009.

MAYOR

ATTEST:

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss
CITY OF RANCHO PALOS VERDES)

I, CARLA MORREALE, City Clerk of the City of Rancho Palos Verdes, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. ____ passed first reading on _____, 2009, was duly and regularly adopted by the City Council of said City at a regular meeting thereof held on _____, 2009, and that the same was passed and adopted by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY CLERK

**City of Rancho Palos Verdes
ENVIRONMENTAL CHECKLIST FORM**



1. Project title:

Zone 2 Landslide Moratorium Ordinance Revisions
Planning Case No. ZON2009-00007.
(Code Amendment and Environmental Assessment)

2. Lead agency name/ address:

City of Rancho Palos Verdes
Department of Planning, Building & Code Enforcement
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

3. Contact person and phone number:

Kit Fox, AICP, Associate Planner
City of Rancho Palos Verdes
(310) 544-5228

4. Project location:

"Zone 2" of the Landslide Moratorium Area (as depicted in Figure 1 below)
City of Rancho Palos Verdes
County of Los Angeles

5. Project sponsor's name and address:

City of Rancho Palos Verdes
Department of Planning, Building & Code Enforcement
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

6. General plan designation:

Residential, ≤ 1 DU/acre and Residential, 1-2 DU/acre

7. Coastal plan designation:

Not applicable

8. Zoning:

RS-1 and RS-2

9. Description of project:

The proposed "Zone 2 Landslide Moratorium Ordinance Revisions" would create a new exception category in the City's Landslide Moratorium Ordinance (Chapter 15.20 of the Rancho Palos Verdes Municipal Code) to allow the development of undeveloped lots in Zone 2 of the City's Landslide Moratorium Area. This action is in response to the California State Court of Appeal's decision in the case of *Monks v. Rancho Palos Verdes*, which found that the City's prohibition against the development of undeveloped lots in Zone 2 was a taking and an impermissible impediment to the development of the plaintiffs' lots. Within

**Environmental Checklist
Case No. ZON2009-00007
February 9, 2009**

Zone 2, there are currently forty-seven (47) undeveloped lots, of which sixteen (16) lots are owned by the plaintiffs in the *Monks* case.

The proposed substantive revisions to the Landslide Moratorium Ordinance include the addition of subsection P to Section 15.20.040 (Exceptions), to wit:

The construction of residential buildings, accessory structures, and minor grading (as defined in Section 17.76.040.B.1 of the Rancho Palos Verdes Municipal Code) in Zone 2 of the "Landslide Moratorium Area" as outlined in green on the landslide moratorium map on file in the Director's office; 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. If the Director of Public Works determines that the sanitary sewer system cannot accommodate the project at the time of building permit issuance, the project shall be connected to a City-approved holding tank system until such time as the sanitary sewer system can accommodate the project. In such cases, once the sanitary sewer system becomes available to serve the project, as determined by the Director of Public Works, the holding tank system shall be removed, and the project shall be connected to the 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.

Non-substantive revisions to the Landslide Moratorium Ordinance that are also proposed include the addition of cross-references to the new subsection P and the map of Zone 2 in Sections 15.20.050 (Landslide Mitigation Measures Required), 15.20.060 (Application) and 15.20.110 (Required Connection to Operational Sanitary Sewer System).

10. Description of project site (as it currently exists):

The project site measures approximately one hundred twelve (112) acres and consists of one hundred eleven (111) lots, of which sixty-four (64) lots are developed and forty-seven (47) lots are undeveloped. The vast majority of the developed lots are improved with single-family residences and related accessory structures and uses. The largest developed lot in Zone 2 is occupied by the Portuguese Bend Riding Club, a nonconforming commercial stable that was established prior to the City's incorporation in 1973. Private streets within Zone 2 are maintained by the Portuguese Bend Community Association. The majority of the undeveloped lots contain non-native vegetation, and some have small, non-habitable structures (i.e., sheds, stables, fences, etc.) for horsekeeping or horticultural uses.

11. Surrounding land uses and setting:

	Land Uses	Significant Features
On-site	Developed and undeveloped residential lots in the <i>Portuguese Bend</i> community, including the Portuguese Bend Riding Club	See description above.
Northeast	Developed residential lots in the <i>Portuguese Bend</i> community and City-owned open space land in the Portuguese Bend Reserve of the Palos Verdes Nature Preserve	Three (3) developed residential lots are located at the northeast corner of Narcissa Drive and Vanderlip Drive, within Zone 1 of the Landslide Moratorium Area. The Portuguese Bend Reserve, acquired by the City in 2005 and also within Zone 1, contains a variety of natural vegetation communities and is a part of the larger Palos Verdes Nature Preserve.
Northwest & West	Developed residential lots in the <i>Portuguese Bend</i> community and vacant, residentially-zoned land owned by York Long Point Associates (Upper & Lower Filiorum)	The Vanderlip Estate is located at the northerly terminus of Vanderlip Drive, within Zone 1 of the Landslide Moratorium Area. Also within Zone 1 are the Filiorum properties. Upper Filiorum contains a variety of natural vegetation communities, and the City is in on-going negotiations to acquire this property as an extension of the larger Palos Verdes Nature Preserve. Lower Filiorum is the subject of a current application for a Moratorium Exclusion to allow for future residential development.
South, Southeast & East	Developed and undeveloped residential lots in the <i>Portuguese Bend</i> community	Surrounding lots in these areas are located in Zone 5 (the area affected by the 1978 Abalone Cove landslide), Zone 6 (the active Portuguese Bend landslide area) and Zone 3 (located between Altamira Canyon and the westerly edge of the Portuguese Bend landslide area). Some existing residences in these areas have experienced distress as the result and past and current land movement.

10. Other public agencies whose approval is required:
None.

Figure 1



Aerial Photo and Boundary of "Zone 2," Identifying Undeveloped Lots

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

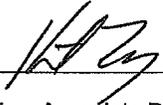
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION:

On the basis of this initial evaluation:

- I find that the project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required but must analyze only the effects that remain to be addressed.
- I find that, although the proposed project could have a significant effect on the environment, because all potentially significant effects, (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed on the proposed project, nothing further is required.

Signature:  Date: February 9, 2009
Printed Name: Kit Fox, Associate Planner For: City of Rancho Palos Verdes

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

EVALUATION OF ENVIRONMENTAL IMPACTS:

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS: Would the project					
a) Have a substantial effect on a scenic vista?	1				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historical buildings, within a state scenic highway?	8			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	11		X		
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	11		X		
<p>Comments:</p> <p>a) Zone 2 does not fall within any scenic vista identified in the City's General Plan. As such, the proposed project will have no substantial effect upon a scenic vista.</p> <p>b) The approval of the proposed project could lead to the future development of up to forty-seven (47) single-family residences on lots that have remained undeveloped since they were created in the late 1940s. Since these lots are undeveloped, there are no historical buildings or other structures that could be damaged as a result of the approval of the proposed project, although it is possible that some mature shrubs and trees might be removed as a result of future development. As such, damage to any scenic resources as a result of the proposed project will be less than significant.</p> <p>c) The approval of the proposed project could lead to the future development of up to forty-seven (47) single-family residences on lots that have remained undeveloped since they were created in the late 1940s. The development of these lots may alter the semi-rural visual character of Zone 2 by increasing the number and density of man-made structures in the neighborhood. Therefore, in order to reduce the visual character impacts of the proposed project to less-than-significant levels, the following mitigation measure is recommended: <u>AES-1:</u> 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.</p> <p>d) The approval of the proposed project could lead to the future development of up to forty-seven (47) single-family residences on lots that have remained undeveloped since they were created in the late 1940s. Zone 2 is a semi-rural area and does not have street lights, so nighttime illumination of the neighborhood is generally limited to exterior lighting for existing single-family residences. The potential construction of forty-seven (47) new single-family residences will increase the amount of nighttime lighting in the neighborhood. Therefore, in order to reduce the light and glare impacts of the proposed project to less-than-significant levels, the following mitigation measure is recommended: <u>AES-2:</u> 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.</p>					

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. AGRICULTURE RESOURCES Would the project					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resource Agency, to non-agricultural use?	8				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	8				X
c) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland, to a non-agricultural use?	8				X
Comments: a-c) Zone 2 is zoned for single-family residential use at densities of up to two (2) dwelling units per acre (i.e., RS-1 and RS-2). Although non-commercial agricultural use is permitted in these zones, there is no agricultural use in the area at present. The approval of the proposed project could lead to the future development of up to forty-seven (47) single-family residences on lots that have remained undeveloped since they were created in the late 1940s. However, none of these lots qualify as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, nor are any of the lots in Zone 2 subject to a Williamson Act contract. Therefore, the proposed project will have no impact upon agricultural resources.					
3. AIR QUALITY Would the project					
a) Conflict with or obstruct implementation of the applicable air quality plan?	3		X		
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	3		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	3		X		
d) Expose sensitive receptors to substantial pollutant concentrations?	3		X		

1 In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as a optional model to use in assessing impacts on agriculture and farmland.

2 Where available, the significant criteria established by the applicable air quality management or air pollution control districts may be relied upon to make the following determinations.

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people?	2, 11			X	
<p>Comments:</p> <p>a-d) Zone 2 is located within the South Coast Air Basin, which is an area of non-attainment for Federal air quality standards for ozone (O₃), carbon monoxide (CO), and suspended particulate matter (PM¹⁰ and PM^{2.5}). The proposed project would limit the amount of non-remedial grading for the development of up to forty-seven (47) new single-family residences to less than fifty cubic yards (50 CY) each, for a cumulative total of less than 2,350 cubic yards. The forty-seven (47) undeveloped lots in Zone 2 are owned by forty-five (45) separate private individuals or entities. Since the subject lots are owned by numerous individual owners, they are very unlikely to be developed concurrently, but rather on a piecemeal basis over a period of many years. The average site size for the undeveloped lots in Zone 2 is one (1) acre. The movement of soil and the operation of construction equipment have the potential to create short-term construction-related air quality impacts upon nearby sensitive receptors, such as single-family residences. Based upon the South Coast Air Quality Management District (SCAQMD) guidelines for estimating air quality impacts from construction activities, the development of individual 1-acre parcels would not exceed Localized Significance Thresholds (LSTs) for nitrous oxides (NO_x), CO, PM¹⁰ or PM^{2.5}. In a "worst case" scenario wherein all of the undeveloped lots were developed simultaneously, the total quantity of earth movement would still be less than 2,350 cubic yards, and with the imposition of the recommended mitigation measures, the impacts of this grading would still be less than significant. In addition, some of the proposed residences might have fireplaces. SCAQMD has adopted rules regulating wood-burning devices, which include a prohibition against the installation of wood-burning fireplaces in new construction beginning in March 2009. Therefore, in order to reduce the air quality impacts of the proposed project to less-than-significant levels, the following mitigation measures are recommended:</p> <p>AIR-1: During construction, the applicant shall be responsible for the implementation of all dust and erosion control measures required by the Building Official.</p> <p>AIR-2: Trucks and other construction vehicles shall not park, queue and/or idle at the project sites or in the adjoining public or private rights-of-way before 7:00 AM, Monday through Saturday, in accordance with the permitted hours of construction stated in Section 17.56.020.B of the Rancho Palos Verdes Municipal Code.</p> <p>e) Since the zoning in Zone 2 does not permit industrial or commercial uses, no objectionable odors are expected to be generated as a result of the proposed project.</p>					
<p>4. BIOLOGICAL RESOURCES: Would the project:</p>					
a) 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?	6, 8		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	6, 8		X		

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means?	6, 8		X		
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	6, 8			X	
e) Conflict with any local polices or ordinances protecting biological resources, such as tree preservation policy or ordinance?	11			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	6		X		
<p>Comments:</p> <p>a-c, f) According to the City's vegetation maps, most of Zone 2 is depicted as "Developed" or "Disturbed," with some smaller patches of "Grassland" and "Exotic Woodland." These vegetation communities are generally not identified as sensitive by State and Federal resource agencies. However, there are some isolated patches of coastal sage scrub (CSS) habitat identified in Altamira Canyon, which traverses several developed and undeveloped lots in Zone 2. In addition, several of the undeveloped lots in Zone 2 abut the City-owned Portuguese Bend Reserve or the privately-owned Filiorum properties, both of which contain more substantial and cohesive patches of CSS habitat nearby. The Portuguese Bend Preserve is currently a part of the City's larger Palos Verdes Nature Reserve, and the City has been actively pursuing the acquisition of portions of the Upper Filiorum property for inclusion in the Reserve for many years. As such, it is possible that the development of some of the undeveloped lots in Zone 2 might have significant impacts upon sensitive CSS 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 Reserve) after construction of new residences is complete. Therefore, in order to reduce the biological resources impacts of the proposed project to less-than-significant levels, the following mitigation measure is recommended:</p> <p>BIO-1: For lots that are 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, the applicant shall be required to prepare a biological survey as a part of a complete application for the construction of a new, single-family residence. Said survey shall identify the presence or absence of sensitive plant and animal species on the subject property, and shall quantify the direct and indirect impacts of the 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.</p> <p>d) According to the City's vegetation maps, most of Zone 2 is depicted as "Developed" or "Disturbed," with some smaller patches of "Grassland" and "Exotic Woodland." These vegetation communities are mainly located around the perimeter of Zone 2 and are generally not identified as sensitive by State and Federal resource agencies. Although there are patches of "Exotic Woodland" and CSS habitat along Altamira Canyon, these patches are small and isolated,</p>					

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
providing limited connectivity for movement or migration through Zone 2. As such, the impact of the proposed project upon wildlife corridors is expected to be less than significant.					
e) The City has a Coastal Sage Scrub Conservation and Management Ordinance, which is codified as Chapter 17.41 of the Rancho Palos Verdes Municipal Code. However, this ordinance only applies to parcels over two (2) acres in size that contain CSS habitat. Only one (1) of the undeveloped lots in Zone 2 exceeds this size threshold and contains CSS habitat. As such, any conflicts of the proposed project with local policies or ordinances protecting biological resources are expected to be less than significant.					
5. CULTURAL RESOURCES: Would the project					
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	8				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	5		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	5		X		
d) Disturbed any human remains, including those interred outside of formal cemeteries?	5		X		
Comments:					
a) The approval of the proposed project could lead to the future development of up to forty-seven (47) single-family residences on undeveloped lots. However, since the lots have remained undeveloped since their creation in the late 1940s, their future development would have no impact upon any historical resources.					
b-d) According to the City's Archaeology Map, the subject site is within a possible area of archaeological resources. The approval of the proposed project would only permit shallow surface excavations less than five feet (5'-0") in depth. In addition, past disking and brush clearance of these undeveloped lots have repeatedly disturbed the ground surface over a period of many years. Nevertheless, it is possible that subsurface cultural resources may exist on some of the undeveloped lots in Zone 2. Therefore, in order to reduce the cultural resources impacts of the proposed project to less-than-significant levels, the following mitigation measure is recommended: <u>CUL-1:</u> Prior to the issuance of a grading permit, the applicant shall consult with the South Central Coastal Information Center (SCCIC) regarding any known archaeological sites on or within a half-mile radius of the subject property. <u>CUL-2:</u> Prior to the issuance of a grading permit, the applicant shall conduct a Phase 1 archaeological survey of the property. The survey results shall be provided to the Director of Planning, Building and Code Enforcement for review prior to grading permit issuance. <u>CUL-3:</u> Prior to the commencement of grading, the applicant shall retain a qualified paleontologist and archeologist to monitor grading and excavation. In the event undetected buried cultural resources are encountered during grading and excavation, work shall be halted or diverted from the resource area and the archeologist and/or paleontologist shall evaluate the remains and propose appropriate mitigation measures.					
6. GEOLOGY/SOILS: Would the project					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
i) 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? ³			X		
ii) Strong seismic ground shaking?			X		
iii) Seismic-related ground failure, including liquefaction?			X		
iv) Landslides?			X		
b) Result in substantial soil erosion or the loss of topsoil?				X	
c) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X		
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), thus creating substantial risks to life or property?			X		
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?				X	
<p>Comments:</p> <p>a, c-d) The proposed project could result in up to 2,350 cubic yards of grading related to the construction of up to forty-seven (47) new single-family residences. The maximum permitted depth of cut and/or fill for such grading would be less than five feet (<5'-0"). Zone 2 is a subarea within the larger Landslide Moratorium Area of the City. According to the Official Maps of Seismic Hazard Zones provided by the State of California Department of Conservation, the entirety of Zone 2 is located within an area that is potentially subject to earthquake-induced landslides. The subject property is within the vicinity of the Palos Verdes fault zone, although there is no evidence of active faulting within Zone 2. The soils of the Palos Verdes Peninsula are also generally known to be expansive and occasionally unstable. Given the known and presumed soils conditions in and around Zone 2, it is expected that soil investigations, reviewed and conceptually approved by the City's geotechnical consultant, will be required prior to the development of any new residences. Therefore, in order to reduce the geology/soils impacts of the proposed project to less-than-significant levels, the following mitigation measures are recommended:</p> <p>GEO-1: If required by the City geotechnical staff, the applicant shall submit a soils report, and/or a geotechnical report, for the review and approval of the City geotechnical staff.</p> <p>GEO-2: A hold-harmless agreement satisfactory to the City Attorney, promising to defend, indemnify and hold the city harmless from any claims or damages resulting from the requested project, shall be submitted to the Director prior to the issuance of a building permit.</p>					

3 Refer to Division of Mines and Geology Special Publication 42.

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>GEO-3: The applicant shall submit for recordation a covenant agreeing to construct the project strictly in accordance with the approved plans; and agreeing to prohibit further projects on the subject site without first filing an application with the Director pursuant to the terms of Chapter 15.20 of the Rancho Palos Verdes Municipal Code. Such covenant shall be submitted to the Director for recordation prior to the issuance of a building permit.</p>					
<p>GEO-4: All other necessary permits and approvals required pursuant to the Rancho Palos Verdes Municipal Code or any other applicable statute, law or ordinance shall be obtained.</p>					
<p>b) During grading and construction operations for any new residences, top soil will be exposed and removed from individual properties. It is the City's standard practice to require the preparation and implementation of an erosion control plan for wind- and waterborne soil for construction projects. Therefore, in order to reduce the erosion impacts of the proposed project to less-than-significant levels, the following mitigation measures are recommended:</p>					
<p>GEO-5: Prior to building permit issuance, the applicant shall prepare an erosion control plan for the review and approval of the Building Official. The applicant shall be responsible for continuous and effective implementation of the erosion control plan during project construction.</p>					
<p>e) The City has constructed a sanitary sewer system that serves Zone 2 and other areas of the Portuguese Bend community. The purpose of constructing this system was to reduce the amount of groundwater within the Landslide Moratorium Area by eliminating the use of private septic systems, with the ultimate goal of slowing or stopping land movement. New residences constructed in Zone 2 will be required to connect to either the existing sanitary sewer system or to an approved holding tank system if the sanitary sewer system is not available at the time of building permit issuance. In such cases, if the sanitary sewer system later becomes available, the holding tank system shall be removed and a connection made to the sanitary sewer system. With these requirements, any geology/soils impacts related to septic systems will be less than significant.</p>					
<p>7 GREENHOUSE GAS EMISSIONS: Would the project:</p>					
<p>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, based on any applicable threshold of significance?</p>				X	
<p>b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?</p>				X	
<p>Comments:</p>					
<p>a) The approval of the proposed project could lead to the future development of up to forty-seven (47) single-family residences on undeveloped lots. Based upon data obtained from <i>CoolCalifornia.org</i>, the average California household generates thirty-eight (38) tons of carbon dioxide (CO₂) emissions annually. For the proposed project, this could result in increased CO₂ output of at least 1,786 tons per year at the complete build-out of the undeveloped lots in Zone 2. Currently, there are no generally-accepted significance thresholds for assessing greenhouse gas (GHG) emissions. However, the future development of residences on the undeveloped lots in Zone 2 would include features that tend to offset the carbon footprint of their development. For example, the use of water would continue to be carefully controlled within the Landslide Moratorium Area in the interest of minimizing the infiltration of groundwater as a means to enhance soil stability. Reducing the use of water reduces energy use related to the transport of water. New residences would be constructed to the most current energy efficiency standards of the current Building Code (i.e., Title 24). The development of new homes on the undeveloped lots in Zone 2 would tend to counteract the negative effects of sprawl by "in-filling" an established residential neighborhood rather than converting raw land to urban use. For all of these reasons, the GHG emissions associated with the proposed project would be less than significant.</p>					
<p>b) California's major initiatives for reducing climate change or greenhouse gas (GHG) emissions are outlined in Assembly Bill 32 (signed into law in 2006), a 2005 Executive Order and a 2004 Air Resources Board (ARB) regulation to</p>					

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>reduce passenger-car GHG emissions. These efforts aim at reducing GHG emissions to 1990 levels by 2020 (a reduction of approximately 30 percent) and then an 80-percent reduction below 1990 levels by 2050. Currently, there are no adopted plans, policies or regulations for the purpose of reducing GHG emissions for the development of new, single-family residences. However, as such plans, policies and regulations are adopted in the future, the development of new homes on the undeveloped lots in Zone 2 would be subject to and consistent with them. For this reason, the GHG emissions associated with the proposed project would be less than significant.</p>					
<p>8. HAZARDS & HAZARDOUS MATERIALS Would the project</p>					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X	
b) 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?				X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	8				X
d) Be located on a site which is included on a list of hazardous materials 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?	12				X
e) 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?	8				X
f) 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?	8				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	13			X	

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	9		X		
<p>Comments:</p> <p>a-b) The approval of the proposed project could lead to the future development of up to forty-seven (47) single-family residences on lots that have remained undeveloped since they were created in the late 1940s. Said development could also involve up to 2,350 cubic yards of grading. No hazardous materials or conditions are known or expected to exist on any of the undeveloped lots in Zone 2. The development of these lots is expected to utilize conventional, residential construction methods and materials that would not involve the use or transport of hazardous materials. Therefore, the hazards and hazardous materials impacts of the proposed project are expected to be less than significant.</p> <p>c) The nearest school in the vicinity of Zone 2 is the Portuguese Bend Nursery School at Abalone Cove Shoreline Park. At its closest point, Zone 2 is approximately one-third (1/3) of a mile from the nursery school.</p> <p>d) There are no properties within Zone 2 site that are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.</p> <p>e-f) Zone 2 is not located within two (2) miles of Torrance Municipal Airport or in the vicinity of any private airstrip.</p> <p>g) In 2004, the cities of Rancho Palos Verdes and Rolling Hills Estates adopted a Joint Natural Hazards Mitigation Plan (JNHMP). The purpose of the JNHMP is "to promote sound public policy designed to protect citizens, critical facilities, infrastructure, private property, and the environment from natural hazards." The approval of the proposed project is not incompatible with the purpose of the JNHMP.</p> <p>h) Based upon the most recent maps prepared by the California Department of Forestry and Fire Protection (CalFire), the entire Palos Verdes Peninsula is within a Very High Fire Hazard Severity Zone. The undeveloped lots in Zone 2 are generally interspersed between developed lots. However, the Zone 2 area does abut City- and privately-owned open areas to the north and west. Therefore, in order to reduce the wildfire hazard impacts of the proposed project to less-than-significant levels, the following mitigation measure is recommended: HAZ-1: New, single-family residences and related accessory structures shall be designed to incorporate all fire protection requirements of the City's most recently adopted Building Code, to the satisfaction of the Building Official.</p>					
9. HYDROLOGY/WATER QUALITY - Would the project:					
a) Violate any water quality standards or wastewater discharge requirements?			X		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?					X

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X		
d) Substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?			X		
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X		
f) Otherwise substantially degrade water quality?			X		
g) Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate map or other flood hazard delineation map?	8				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	8				X
i) 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?	8				X
j) Inundation by seiche, tsunami, or mudflow?	8				X
<p>Comments:</p> <p>a, c-f) The possible future development of up to forty-seven (47) single-family residences would alter the topography of the undeveloped lots in Zone 2 and increase the amount of impermeable surface area. This will result in changes to the current drainage patterns of the area, as well as the potential for erosion and run-off during construction. Some of the undeveloped lots in Zone 2 fall within a designated Environmentally Sensitive Area (ESA) that would require the review and approval by the City's National Pollutant Discharge Elimination System (NPDES) consultant for any project involving the creation of two thousand five hundred square feet or more ($\geq 2,500$ SF) of impervious surface. Therefore, in order to reduce the hydrology/water quality impacts of the proposed project to less-than-significant levels, the following mitigation measures are recommended:</p> <p>HYD-1: 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 the review and approval by the City's National Pollutant Discharge Elimination System (NPDES) consultant prior to building permit issuance.</p>					

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>HYD-2: If lot drainage deficiencies are identified by the Director of Public Works, all such deficiencies shall be corrected by the applicant.</p> <p>HYD-3: Roof runoff from all buildings and structures on the site shall be contained and directed to the streets or an approved drainage course.</p> <p>HYD-4: All landscaping irrigation systems shall be part of a water management system approved by the Director of Public Works. Irrigation for landscaping shall be permitted only as necessary to maintain the yard and garden.</p> <p>b) The possible future development of up to forty-seven (47) single-family residences will not involve or require the withdrawal of groundwater because water service to these properties will be provided by the California Water Service Company.</p> <p>g-h) There are no Federally-mapped 100-year flood hazard areas in the City of Rancho Palos Verdes.</p> <p>i) There is no dam or levee anywhere in the vicinity of Zone 2.</p> <p>j) Zone 2 does not adjoin an ocean, lake or other body of water, so there is no risk of inundation by seiche, tsunami or mudflow. Furthermore, the lowest elevation of any portion of an undeveloped lot in Zone 2 is roughly 260 feet above mean sea level (MSL).</p>					
10. LAND USE/PLANNING: Would the project:					
a) Physically divide an established community?	8, 2				X
b) 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 plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	1, 2				X
c) Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?	6		X		
Comments:					
a) The approval of the proposed project could lead to the future development of up to forty-seven (47) single-family residences on lots that have remained undeveloped since they were created in the late 1940s. These lots are interspersed with the sixty-four (64) developed lots in Zone 2. The development of these lots would not divide the <i>Portuguese Bend</i> community; rather, they would constitute "in-fill" development within the community.					
b) The approval of the proposed project could lead to the future development of up to forty-seven (47) single-family residences on lots that have remained undeveloped since they were created in the late 1940s. Underlying zoning designations in Zone 2 (i.e., RS-1 and RS-2) allow single-family residences as the primary permitted use on the zone.					
c) See Mitigation Measure BIO-1 above.					
11. MINERAL RESOURCES: Would the project:					
a) 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?	1				X

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) 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?	1				X
Comments:					
a-b) There are no mineral resources known or expected to exist on the undeveloped lots within Zone 2. In addition, the approval of the proposed project would only permit shallow surface excavations less than five feet (5'-0") in depth.					
12 NOISE Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	1			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		
e) 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 a public use airport, would the project expose people residing or working in the project area to excessive noise levels?	8				X
f) 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?	8				X
Comments:					
a) The City of Rancho Palos Verdes does not have a noise ordinance. However, General Plan Noise Policy No. 5 "[requires] residential uses in the 70 dB(A) location range to provide regulatory screening or some other noise-inhibiting agent to ensure compliance with the noise ordinance." The Noise Levels Contour diagram in the General Plan does not depict the undeveloped lots in Zone 2 falling with a 70 db(A) noise contour. Therefore, noise impacts upon future residents are expected to be less than significant.					
b-d) The approval of the proposed project could result in a cumulative total of 2,350 cubic yards of grading and the construction of forty-seven (47) single-family residences. The addition of up to forty-seven (47) new residences will increase ambient noise levels in the area as a result of household and vehicle noise. The large lot sizes in the area (i.e., averaging an acre in size) and the presence of existing mature foliage along the private rights-of-way will serve as					

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>buffers to the "operational" noise associated with new residences. The movement of soil and the operation of construction equipment have the potential to create short-term construction-related noise and vibration impacts upon nearby sensitive receptors, such as existing single-family residences in Zone 2. Therefore, in order to reduce the construction noise impacts of the proposed project to less-than-significant levels, the following mitigation measure is recommended:</p> <p>NOI-1: Permitted hours and days for construction activity are 7:00 AM to 7:00 PM, Monday through Saturday, with no construction activity permitted on Sundays or on the legal holidays specified in Section 17.96.920 of the Rancho Palos Verdes Municipal Code without a special construction permit.</p> <p>e-f) Zone 2 is not located within two (2) miles of Torrance Municipal Airport or in the vicinity of any private airstrip.</p>					
<p>12. POPULATION/HOUSING Would the project:</p>					
a) Induce substantial growth in an area either directly (e.g., by proposing new homes or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	14			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	8				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	8				X
<p>Comments:</p> <p>a) The proposed project could result in the construction of up to forty-seven (47) new dwelling units. Based upon the 2007 estimates from the State Department of Finance (DOF) of 2.769 persons per household in the City of Rancho Palos Verdes, these new residences would be expected to accommodate one hundred thirty (130) new residents. The DOF estimates the 2007 population of the City of Rancho Palos Verdes as 43,092 persons, so the proposed project would result in increase of only 0.2%. Furthermore, the most recent Regional Housing Needs Assessment (RHNA) allotment for the City of Rancho Palos Verdes is sixty (60) additional housing units during the period from July 1, 2005 through June 30, 2014. The proposed project could increase the number of housing units in the City, but would not exceed the total number of units allocated to the City by the Southern California Association of Governments (SCAG) for the current reporting period. Therefore, the population and housing impacts of the proposed project are expected to be less than significant.</p> <p>b-c) The approval of the proposed project could lead to the future development of up to forty-seven (47) single-family residences on lots that have remained undeveloped since they were created in the late 1940s. No housing or persons would be displaced as a result of the proposed project.</p>					

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
14 PUBLIC SERVICES					
a) 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 any of the following public services:					
i) Fire protection?				X	
ii) Police protection?				X	
iii) Schools?				X	
iv) Parks?				X	
v) Other public facilities?				X	
Comments:					
a) The estimated population of the forty-seven (47) new residences that could result from the proposed project is one hundred thirty (130), which amounts to only a 0.2% increase in the City's 2007 estimated population of 43,092. This small increase in population is not expected to place significant additional demands upon public safety services (i.e., fire and police) or other public services (i.e., parks, libraries, etc.). As standard requirements of the construction of new residences, applicants will be required to pay fees to the Palos Verdes Peninsula Unified School District (PVPUSD). Therefore, the public services impacts of the project are expected to be less than significant.					
15 RECREATION					
a) Would the project increase the use of neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?					X
Comments:					
a) The proposed project is expected to potentially increase the City's population by one hundred thirty (130) persons. Although this amounts to only a 0.2% population increase (based upon 2007 estimates), additional residents will place some additional demands on the City's recreational facilities. However, these impacts upon the use of recreational facilities are expected to be less than significant.					
b) The proposed project would not include or allow for the development of recreation facilities, based upon the underlying zoning within Zone 2.					

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. TRANSPORTATION/TRAFFIC: Would the project:					
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	7			X	
b) Exceed either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	7			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?					X
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?					X
e) Result in inadequate emergency access?	13				X
f) Result in inadequate parking capacity?	11				X
g) Conflicts with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?					X
Comments:					
<p>a-b) Based upon the current 7th Edition ITE Trip Generation Manual (Land Use 210, Single-Family Detached Housing, pp. 268-304), the development of forty-seven (47) new single-family residences in Zone 2 is expected to result in four hundred fifty (450) additional average daily trips, thirty-five (35) additional AM peak-hour trips and forty-seven (47) additional PM peak-hour trips. The City's project thresholds for potentially significant traffic impacts are projects expected to generate more than five hundred (500) average daily trips and/or more than fifty (50) peak-hour trips. With respect to construction traffic, the forty-seven (47) undeveloped lots in Zone 2 are owned by forty-five (45) separate private individuals or entities. Since the subject lots are owned by numerous individual owners, they are very unlikely to be developed concurrently, but rather on a piecemeal basis over a period of many years. Therefore, the transportation/traffic impacts of the project are expected to be less than significant.</p> <p>c) The proposed project could result in the development of up to forty-seven (47) new, single-family residences. The construction of these residences will have no impact upon air traffic patterns.</p> <p>d-e) The proposed project does not include any modifications to existing public or private rights-of-way or changes in current land-use patterns that would create or increase hazardous conditions or hamper emergency access in and to Zone 2.</p> <p>f) Pursuant to Section 17.02.030.E of the Rancho Palos Verdes Municipal Code, new single-family residences are required to provide enclosed, off-street parking for two (2) vehicles for residences with less than five thousand square feet (<5,000 SF) of living area, and for three (3) vehicles for residences with five thousand square feet or more (>=5,000</p>					

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
SF) of living area. New residences within Zone 2 will be required to provide sufficient off-street parking to meet these requirements.					
g) Given the semi-rural character of the area, there are no adopted policies, plans, or programs supporting alternative transportation that include Zone 2 and/or any abutting public or private rights-of-way.					
17 UTILITIES/SERVICE SYSTEMS. Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	15, 10		X		
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	15, 10		X		
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	15, 10		X		
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	15, 10		X		
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X	
<p>Comments:</p> <p>a-c, e) The City has constructed a sanitary sewer system that serves Zone 2 and other areas of the Portuguese Bend community (i.e., the Abalone Cove Sewer System). The purpose of constructing the Abalone Cove system was to reduce the amount of groundwater within the Landslide Moratorium Area by eliminating the use of private septic systems, with the ultimate goal of slowing or stopping land movement. According to the EIR prepared for the project, the Abalone Cove system was originally intended to serve one hundred ten (110) developed and forty-six (46) undeveloped lots in the Abalone Cove area or the <i>Portuguese Bend</i> community, which includes Zone 2. As such, the potential future development of up to forty-seven (47) new residences in Zone 2 should be consistent with the planned sewer system capacity. Although the sewer system EIR indicated that the Abalone Cove system could probably support forty-seven (47) additional connections, the City's Public Works Department does not have enough data to confirm this assumption at present.</p>					

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>The Public Works Department believes that increasing the load to the Abalone Cove system by allowing these additional connections—accommodating unknown quantities of waste water—could pose a problem. Public Works needs additional information, some of which will be addressed during the update of the City's Sewer Master Plan (expected in May 2009), before the impacts of increasing the capacity of the Abalone Cove system currently in place can be fully understood. Additionally, the City's equipment supplier for the grinder pumps used in the Abalone Cove system has informed the City that their manufacturer no longer recommends the same method of connecting to the system that was used previously. As such, the Public Works Department believes that before additional connections are made to the Abalone Cove system, or it is presumed that the system can accommodate additional loads, system evaluations are needed in order to facilitate its continued safe operation. In summary, although the sewer system EIR suggested that up to forty-seven (47) additional connections to the system would be consistent with the Planning document, due to changes in the standard of practice, the Public Works Department is in the process of verifying equipment configuration requirements and verifying actual system capabilities and related expansion requirements. Therefore, in order to reduce the utilities/service systems impacts of the proposed project to less-than-significant levels, the following mitigation measures are recommended:</p> <p><u>UTL-1:</u> If the Director of Public Works determines that the sanitary sewer system cannot accommodate a new connection at the time of building permit issuance, the project shall be connected to a City-approved holding tank system until such time as the sanitary sewer system can accommodate the project. In such cases, once the sanitary sewer system becomes available to serve the project, as determined by the Director of Public Works, the holding tank system shall be removed, and the project shall be connected to the sanitary sewer system.</p> <p><u>UTL-2:</u> If the project involves additional plumbing fixtures, or additions of habitable space which exceed two hundred square feet, or could be used as a new bedroom, bathroom, laundry room or kitchen, and if the lot or parcel is not served by a sanitary sewer system, septic systems shall be replaced with approved holding tank systems in which to dispose of on-site waste water. The capacity of the required holding tank system shall be subject to the review and approval of the City's Building Official. For the purposes of this mitigation measure, the addition of a sink to an existing bathroom, kitchen or laundry room shall not be construed to be an additional plumbing fixture. For those projects which involve additions of less than two hundred square feet in total area and which are not to be used as a new bedroom, bathroom, laundry room or kitchen, the applicant shall submit for recordation a covenant specifically agreeing that the addition of the habitable space will not be used for those purposes. Such covenant shall be submitted to the Director for recordation prior to the issuance of a building permit. For lots or parcels which are to be served by a sanitary sewer system on or after July 6, 2000, additional plumbing fixtures may be permitted and the requirement for a holding tank may be waived, provided that the lot or parcel is to be connected to the sanitary sewer system. If a sanitary sewer system is approved and/or under construction but is not yet operational at the time that a project requiring a landslide moratorium exception permit is approved, the requirement for a holding tank may be waived, provided that the lot or parcel is required to be connected to the sanitary sewer system pursuant to Section 15.20.110 of the Rancho Palos Verdes Municipal Code, or by an agreement or condition of project approval.</p> <p><u>UTL-3:</u> If the lot or parcel is not served by a sanitary sewer system, the applicant shall submit for recordation a covenant agreeing to support and participate in existing or future sewer and/or storm drain assessment districts and any other geological and geotechnical hazard abatement measures required by the City. Such covenant shall be submitted to the Director prior to the issuance of a building permit.</p> <p><u>UTL-4:</u> If the lot or parcel is not served by a sanitary sewer system, the applicant shall submit for recordation a covenant agreeing to an irrevocable offer to dedicate to the City a sewer and storm drain easement on the subject property, as well as any other easement required by the City to mitigate landslide conditions. Such covenant shall be submitted to the Director prior to the issuance of a building permit.</p> <p><u>UTL-5:</u> If the lot or parcel is served by a sanitary sewer system, the sewer lateral that serves the applicant's property shall be inspected to verify that there are no cracks, breaks or leaks and, if such deficiencies are present, the sewer lateral shall be repaired or reconstructed to eliminate them, prior to the issuance of a building permit for the project that is being approved pursuant to the issuance of a moratorium exception permit.</p> <p>d) California Water Service Company (Cal Water) provides the City's water service. Given that the proposed project could increase the number of households and persons in the City by only 0.2%, the increase in demand for</p>					

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>water attributable to this project is expected to be minimal compared to the amount of water used in the Cal Water service area. Individual property owners would be responsible for connecting to existing water-distribution facilities in the area, including the costs of making such connections. As such, the water supply impacts of the proposed project are expected to be to less-than-significant.</p> <p>f-g) The proposed project could result in the construction of up to forty-seven (47) new dwelling units, which equates to only a 0.2% increase in the number of dwelling units in the City (based upon 2007 estimates). The undeveloped lots in Zone 2 have access to solid waste disposal services through existing City contracts with residential waste haulers. Given the limited potential scope of the proposed project, the solid waste disposal impacts are expected to be less-than-significant.</p>					
18. MANDATORY FINDINGS OF SIGNIFICANCE					
<p>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p>			X		
<p>Comments: The proposed project, with mitigation, will not degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or reduce the number or restrict the range of a rare or endangered plant or animal. The proposed project will not eliminate important examples of the major periods of California history or pre-history.</p>					
<p>b) Does the project have impacts that are individually limited, but cumulatively considerable?⁴</p>				X	
<p>Comments: The proposed project could result in the development of up to forty-seven (47) new, single family residences on existing undeveloped lots. On an individual basis, the development of a single-family residence on an existing lot would not be expected to have any adverse impact upon the environment. While the cumulative effects of the near-simultaneous development of up to forty-seven (47) such residences may have significant adverse effects, it should be noted that the forty-seven (47) undeveloped lots in Zone 2 are owned by forty-five (45) separate private individuals or entities. Since the subject lots are owned by numerous individual owners, they are very unlikely to be developed concurrently, but rather on a piecemeal basis over a period of many years. Furthermore, with the imposition of the recommended mitigation measures, these potential cumulative impacts will be reduced to less-than-significant levels.</p>					
<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>				X	

⁴ "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Comments: As discussed above, all potentially-significant environmental effects of the proposed project can be mitigated to less-than-significant levels. Therefore, the proposed project will have no substantial adverse effects on human beings, either directly or indirectly.</p>					
<p>19. EARLIER ANALYSES:</p>					
<p>Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063 (c) (3) (D). In this case a discussion should identify the following items:</p>					
<p>a) Earlier analysis used. Identify and state where they are available for review.</p>					
<p>Comments: A Supplemental Environmental Impact Report (SEIR) was prepared for the Abalone Cove Sewer System in 1996. A supplement to the SEIR was subsequent prepared in 1998. Copies of these documents are available for review at the Public Works Department of the City of Rancho Palos Verdes, 30940 Hawthorne Boulevard, Rancho Palos Verdes, CA 90275. These documents were utilized as source of background data related to the installation of the Abalone Cove Sewer System, but not as a basis for the analysis of the environmental impacts of the proposed "Zone 2 Landslide Moratorium Ordinance Revisions."</p>					
<p>b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.</p>					
<p>Comments: Not applicable.</p>					
<p>c) Mitigation measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions of the project.</p>					
<p>Comments: Not applicable.</p>					
<p>Authority: Public Resources Code Sections 21083 and 21087. Reference: Public Resources Code Sections 21080 (c), 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 321094, 21151; <i>Sundstrom v. County of Mendocino</i>, 202 Cal. App. 3d 296 (1988); <i>Leonoff v. Monterey Board of Supervisors</i>, 222 Cal. App. 3d 1337 (1990).</p>					
<p>20. SOURCE REFERENCES</p>					
1	City of Rancho Palos Verdes, <u>Rancho Palos Verdes General Plan</u> , and associated Environmental Impact Report. Rancho Palos Verdes, California as amended through August 2001.				
2	City of Rancho Palos Verdes Zoning Map				
3	South Coast Air Quality Management District. <u>CEQA AIR Quality Handbook</u> . Diamond Bar, California: November 1993 (as amended).				
4	Official Maps of Seismic Hazard Zones provided by the Department of Conservation of the State of California, Division of Mines and Geology				
5	City of Rancho Palos Verdes Archeology Map.				
6	City of Rancho Palos Verdes, <u>Natural Communities Conservation Plan</u> . Rancho Palos Verdes, California as adopted August 2004				
7	Institute of Traffic Engineers, <u>ITE Trip Generation</u> , 7 th Edition.				

Environmental Checklist
Case No. ZON2009-00007
February 9, 2009

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8	City of Rancho Palos Verdes Geographic Information System (GIS) database and maps				
9	State of California, Department of Forestry and Fire Protection, <u>Very High Fire Hazard Severity Zone Maps</u> , Sacramento, California, accessed via website, March 2008				
10	Email correspondence with Senior Engineer Ron Dragoo (February 5, 2009)				
11	City of Rancho Palos Verdes Municipal Code				
12	Hazardous Waste and Substances Site List (i.e., "Cortese List")				
13	Cities of Rancho Palos Verdes and Rolling Hills Estates Joint Natural Hazards Mitigation Plan				
14	City of Rancho Palos Verdes General Plan Housing Element				
15	Abalone Cove Sewer System Supplement Environmental Impact Report				

ATTACHMENTS:

Mitigation Monitoring Program

RESOLUTION NO. 2009-06

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF RANCHO PALOS VERDES REPEALING
RESOLUTION NO. 2002-43 IN RESPONSE TO THE
COURT OF APPEAL'S DECISION IN THE *MONKS V. CITY
OF RANCHO PALOS VERDES* CASE**

WHEREAS, pursuant to the direction of the City Council, Cotton, Shires & Associates prepared a report dated January 14, 2002; and

WHEREAS, on May 20, 2002, at a duly noticed public meeting, the City Council of the City of Rancho Palos Verdes reviewed the report that was prepared by Cotton, Shires & Associates and discussed certain findings that should be made as a result of the report; and

WHEREAS, on June 12, 2002, the City Council adopted Resolution No. 2002-43, which set forth its findings regarding the report that was prepared by Cotton Shires, and directed City Staff to continue to deny requests for development permits for new homes in the Zone 2 area of the Portuguese Bend landslide complex, until an applicant submits a complete Landslide Moratorium Exclusion application that is supported by adequate geologic data demonstrating a factor of safety of 1.5 or greater of the Zone 2 area, which is the same standard that is applied throughout the City, to the satisfaction of the City Geologist; and the City Council approves the Landslide Moratorium Exclusion application, and all other required permits to develop are issued by the City; and

WHEREAS, following the adoption of Resolution No. 2002-43, the owners of sixteen lots within Zone 2 filed a lawsuit entitled *Monks v. City of Rancho Palos Verdes*, alleging an inverse condemnation claim under the State Constitution; and

WHEREAS, the trial court determined that a permanent taking had not occurred and found in favor of the City; and

WHEREAS, on October 22, 2008, the California Court of Appeal reversed the decision of the trial court, finding that since City has allowed existing homes to remain and has allowed the rebuilding and expansion of those homes, preventing the construction of new homes on the plaintiffs' lots was not justified, even though the Factor of Safety for Zone 2 has not been specifically ascertained. The Court of Appeal then stated that: "Uncertainty' is not a sufficient basis for depriving a property owner of a home. The city must establish a reasonable probability of significant harm to obtain an injunction against a nuisance." The Court of Appeal then held that the City's refusal to allow the plaintiffs to construct homes on their lots is a permanent taking of property for which compensation must be paid by the City; and

WHEREAS, On December 17, 2008, the California Supreme Court denied the City's petition for review in the *Monks* case; and

WHEREAS, the Court of Appeal has issued its remittitur sending the case back to the trial court "for further proceedings to determine an appropriate remedy for the permanent taking exacted by the city;"

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. In response to the decision of the California Court of Appeal in the *Monks* case, and as the initial step that will be taken by the City to avoid having to pay compensation to the plaintiffs for a permanent taking of their properties, the City Council of the City of Rancho Palos Verdes hereby repeals Resolution No. 2002-43 so that as of this date, Resolution No. 2002-43 is of no further force and effect.

PASSED, APPROVED AND ADOPTED this 21st day of January 2009.

/s/ Larry Clark
Mayor

ATTEST:

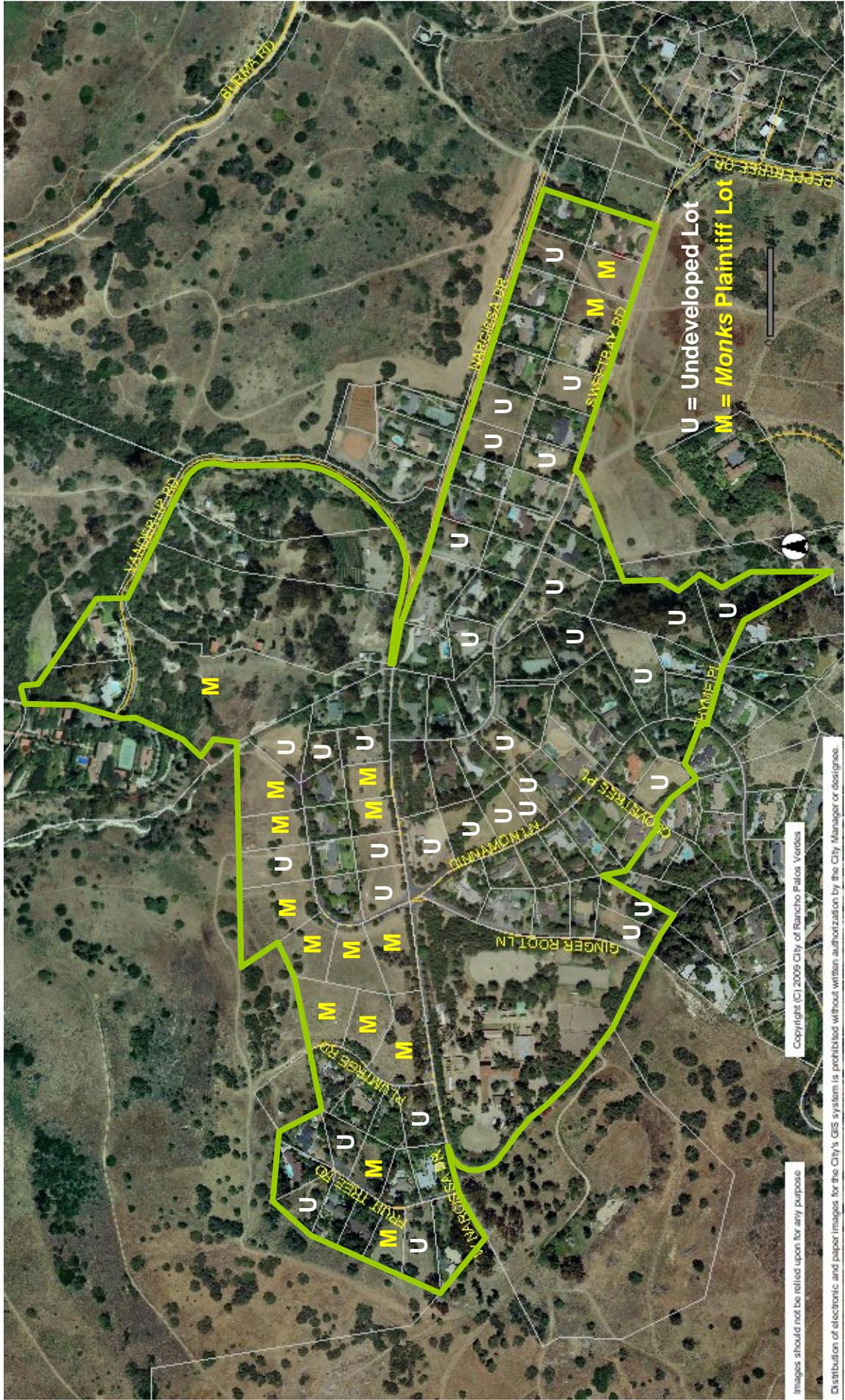
/s/ Carla Morreale
City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF RANCHO PALOS VERDES)

I, Carla Morreale, City Clerk of the City of Rancho Palos Verdes, do hereby certify that the above Resolution No. 2009-06 was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on January 21, 2009.



City Clerk



**Boundary of Zone 2 (“Area Outlined in Green”),
Based upon Perry Ehlig’s 1993 Map and Description**

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APN	Address	Legal Description	Owner	Status
7572-002-024	20 Vanderlip Drive	Lots 115, 116 & 117 (por.), LACA 51	Downhill	Developed
7572-002-025	10 Vanderlip Drive	Lot 117 (por.), LACA 51	Roberts	Developed
7572-002-026	8 Vanderlip Drive	Lot 117 (por.), LACA 51	Snell	Developed
7572-002-027	85 Vanderlip Drive	Parcel 1, Parcel Map 2703	Horton	Developed
7572-002-029	N/A (Vanderlip Drive)	Parcel 1, Parcel Map 8947	Vanderlip	Undeveloped
7572-002-030	99 Vanderlip Drive	Parcel 2, Parcel Map 8947	Vanderlip	Developed
7572-009-005	N/A (Plumtree Road)	Lot 20, Block 3, Tract 14195	Monks	Undeveloped
7572-009-006	N/A (Plumtree Road)	Lot 21, Block 3, Tract 14195	Monks	Undeveloped
7572-009-007	N/A (Plumtree Road)	Lot 22, Block 3, Tract 14195	Haber	Undeveloped
7572-009-009	5 Plumtree Road	Lot 2, Block 4, Tract 14195	Hoffman	Developed
7572-009-010	3 Plumtree Road	Lot 3, Block 4, Tract 14195	Horn-Trickett	Developed
7572-009-011	N/A (Plumtree Road)	Lot 4, Block 4, Tract 14195	Horn-Trickett	Undeveloped
7572-009-012	5 Fruit Tree Road	Lot 5, Block 4, Tract 14195	Maertens	Developed
7572-009-013	6 Fruit Tree Road	Lot 6, Block 4, Tract 14195	Kelly	Developed
7572-009-014	N/A (Fruit Tree Road)	Lot 7, Block 4, Tract 14195	Stewart	Undeveloped
7572-009-015	N/A (Fruit Tree Road)	Lot 8, Block 4, Tract 14195	Parks	Undeveloped
7572-009-016	15 Fruit Tree Road	Lot 9, Block 4, Tract 14195	Parks	Developed
7572-009-017	13 Fruit Tree Road	Lot 10, Block 4, Tract 14195	Black	Developed
7572-009-018	N/A (Fruit Tree Road)	Lot 11, Block 4, Tract 14195	Griffith-Black	Undeveloped
7572-009-019	9 Fruit Tree Road	Lot 12, Block 4, Tract 14195	Heller	Developed
7572-009-020	7 Fruit Tree Road	Lot 13, Block 4, Tract 14195	Ehlenberger	Developed
7572-009-021	N/A (Fruit Tree Road)	Lot 14, Block 4, Tract 14195	Barnett	Undeveloped
7572-009-022	N/A (Fruit Tree Road)	Lot 15, Block 4, Tract 14195	Westergaard	Undeveloped
7572-009-023	1 Fruit Tree Road	Lot 16, Block 4, Tract 14195	Wright	Developed
7572-009-024	7 Plumtree Road	Parcel B, LLA SUB2004-00001	Tarcha	Developed
7572-010-009	57 Narcissa Drive	Lot 1, Block 3, Tract 14195	Gonzalez	Developed
7572-010-010	N/A (Narcissa Drive)	Lot 2, Block 3, Tract 14195	Gutierrez, J.	Undeveloped
7572-010-011	N/A (Narcissa Drive)	Lot 3, Block 3, Tract 14195	Smith, G.	Undeveloped
7572-010-012	N/A (Narcissa Drive)	Lot 4, Block 3, Tract 14195	Broz	Undeveloped
7572-010-013	N/A (Narcissa Drive)	Lot 5, Block 3, Tract 14195	Ermon	Undeveloped
7572-010-014	N/A (Narcissa Drive)	Lot 6, Block 3, Tract 14195	Nopper	Undeveloped

APN	Address	Legal Description	Owner	Status
7572-010-015	34 Cinnamon Lane	Lot 7, Block 3, Tract 14195	VanBuren	Developed
7572-010-016	36 Cinnamon Lane	Lot 8, Block 3, Tract 14195	Davies	Developed
7572-010-017	38 Cinnamon Lane	Lot 9, Block 3, Tract 14195	Gasteiger-Otterlei	Developed
7572-010-018	40 Cinnamon Lane	Lot 10, Block 3, Tract 14195	Enstedt-Jones	Developed
7572-010-019	N/A (Cinnamon Lane)	Lot 11, Block 3, Tract 14195	Gutierrez, J.	Undeveloped
7572-010-020	N/A (Cinnamon Lane)	Lot 12, Block 3, Tract 14195	Joannou	Undeveloped
7572-010-021	N/A (Cinnamon Lane)	Lot 13, Block 3, Tract 14195	Ruth	Undeveloped
7572-010-022	N/A (Cinnamon Lane)	Lot 14, Block 3, Tract 14195	Agahee	Undeveloped
7572-010-023	N/A (Cinnamon Lane)	Lot 15, Block 3, Tract 14195	Arizona Land Assoc.	Undeveloped
7572-010-024	N/A (Cinnamon Lane)	Lot 16, Block 3, Tract 14195	Case	Undeveloped
7572-010-025	N/A (Cinnamon Lane)	Lot 17, Block 3, Tract 14195	Clark	Undeveloped
7572-010-026	N/A (Cinnamon Lane)	Lot 18, Block 3, Tract 14195	Cruce-Compton	Undeveloped
7572-010-027	N/A (Cinnamon Lane)	Lot 19, Block 3, Tract 14195	Tabor	Undeveloped
7572-011-005	6 Sweetbay Road	Lot 5, Tract 14500	Russi	Developed
7572-011-006	88 Narcissa Drive	Lot 6, Tract 14500	Halderman	Developed
7572-011-007	N/A (Narcissa Drive)	Lot 7, Tract 14500	Goradia	Undeveloped
7572-011-008	N/A (Sweetbay Road)	Lot 8, Tract 14500	Teh	Undeveloped
7572-011-009	N/A (Sweetbay Road)	Lot 9, Tract 14500	Kiss	Undeveloped
7572-011-010	84 Narcissa Drive	Lot 10, Tract 14500	Ohlaker	Developed
7572-011-011	82 Narcissa Drive	Lot 11, Tract 14500	Newsome	Developed
7572-011-012	12 Sweetbay Road	Lot 12, Tract 14500	Taylor	Developed
7572-011-013	N/A (Sweetbay Road)	Lot 13, Tract 14500	Petak	Undeveloped
7572-011-014	80 Narcissa Drive	Lot 14, Tract 14500	Stuart	Developed
7572-011-015	N/A (Narcissa Drive)	Lot 15, Tract 14500	Johnson	Undeveloped
7572-011-016	15 Sweetbay Road	Lot 16, Tract 14500	Stokoe	Developed
7572-011-017	N/A (Sweetbay Road)	Lot 17, Tract 14500	Binder	Undeveloped
7572-011-018	N/A (Narcissa Drive)	Lot 18, Tract 14500	Bostrom	Undeveloped
7572-011-019	76 Narcissa Drive	Lot 19, Tract 14500	Venanzi-Worth	Developed
7572-011-020	19 Sweetbay Road	Lot 20, Tract 14500	Peters	Developed
7572-011-021	21 Sweetbay Road	Lot 21, Tract 14500	Sheridan	Developed
7572-011-022	72 Narcissa Drive	Lot 22, Tract 14500	Hilden	Developed

APN	Address	Legal Description	Owner	Status
7572-011-023	N/A (Narcissa Drive)	Lot 23, Tract 14500	Bauer	Undeveloped
7572-011-024	23 Sweetbay Road	Lot 24, Tract 14500	Major	Developed
7572-011-025	25 Sweetbay Road	Lot 25, Tract 14500	Petak	Developed
7572-011-026	68 Narcissa Drive	Lot 26, Tract 14500	Bauer	Developed
7572-011-027	60 Narcissa Drive	Lot 27, Tract 14500	McClellan	Developed
7572-011-028	N/A (Sweetbay Road)	Lot 28, Tract 14500	McClellan	Undeveloped
7572-011-029	29 Sweetbay Road	Lot 29, Tract 14500	Barth	Developed
7572-011-030	31 Sweetbay Road	Lot 30, Tract 14500	Burt	Developed
7572-011-031	33 Sweetbay Road	Lot 31, Tract 14500	Douglas	Developed
7572-012-016	40 Narcissa Drive	Lot 1, Block 1, Tract 14195	Wolf	Developed
7572-013-001	34 Sweetbay Road	Lot 32, Tract 14500	Teague	Developed
7572-013-002	N/A (Narcissa Drive)	Lot 33, Tract 14500	Twidwell	Undeveloped
7572-013-003	N/A (Cinnamon Lane)	Lot 34, Tract 14500	Bacon-Vaughn	Undeveloped
7572-013-004	32 Sweetbay Road	Lot 35, Tract 14500	Twidwell	Developed
7572-013-005	30 Sweetbay Road	Lot 36 (North ½), Tract 14500	King	Developed
7572-013-006	N/A (Sweetbay Road)	Lot 36 (South ½), Tract 14500	King	Undeveloped
7572-013-007	N/A (Cinnamon Lane)	Lot 37 (North ½), Tract 14500	Stegel-Friend	Undeveloped
7572-013-008	N/A (Cinnamon Lane)	Lot 37 (South ½), Tract 14500	Reese	Undeveloped
7572-013-009	N/A (Cinnamon Lane)	Lot 38 (North ½), Tract 14500	Reese	Undeveloped
7572-013-010	22 Cinnamon Lane	Lot 38 (South ½), Tract 14500	Towle	Developed
7572-013-011	28 Sweetbay Road	Lot 39 Tract 14500	Weiss	Developed
7572-013-012	20 Cinnamon Lane	Lot 40 (North ½), Tract 14500	Greene	Developed
7572-013-013	18 Cinnamon Lane	Lot 40 (South ½), Tract 14500	Saban	Developed
7572-013-014	16 Cinnamon Lane	Lot 41, Tract 14500	Taylor	Developed
7572-013-015	N/A (Sweetbay Road)	Lot 42 (South ½), Tract 14500	Smith, R.	Undeveloped
7572-013-016	26 Sweetbay Road	Lot 42 (North ½), Tract 14500	Smith, R.	Developed
7572-013-017	N/A (Sweetbay Road)	Lot 43, Tract 14500	Donahower	Undeveloped
7572-013-018	20 Sweetbay Road	Lot 44 (West ½), Tract 14500	Fairchild	Developed
7572-013-019	18 Sweetbay Road	Lot 44 (East ½), Tract 14500	Turner	Developed
7572-014-012	9 Ginger Root Lane	Lot 1, Block 2, Tract 14195	Gallagher	Developed
7572-014-013	7 Ginger Root Lane	Lot 2, Block 2, Tract 14195	MacConnell	Developed

APN	Address	Legal Description	Owner	Status
7572-014-014	5 Ginger Root Lane	Lot 3, Block 2, Tract 14195	Griffin	Developed
7572-014-015	3 Ginger Root Lane	Lot 4, Block 2, Tract 14195	Cooper	Developed
7572-014-016	N/A (Narcissa Drive)	Lot 5, Block 2, Tract 14195	Poiteo	Undeveloped
7572-014-017	N/A (Narcissa Drive)	Lot 6, Block 2, Tract 14195	Leon	Undeveloped
7572-014-023	7 Cinnamon Lane	Lot 12, Block 2, Tract 14195	Eads	Developed
7572-014-024	9 Cinnamon Lane	Lot 13, Block 2, Tract 14195	Maxwell	Developed
7572-014-025	N/A (Clovetree Place)	Lot 14, Block 2, Tract 14195	Miller	Undeveloped
7572-014-028	3 Clovetree Place	Lot 17, Block 2, Tract 14195	Gutierrez, C.	Developed
7572-014-029	11 Cinnamon Lane	Lot 18, Block 2, Tract 14195	Such	Developed
7572-014-030	13 Cinnamon Lane	Lot 19, Block 2, Tract 14195	Albuja	Developed
7572-014-031	15 Cinnamon Lane	Lot 20, Block 2, Tract 14195	Vaughan	Developed
7572-014-032	21 Cinnamon Lane	Lot 21, Block 2, Tract 14195	Zumwalt	Developed
7572-014-033	19 Cinnamon Lane	Lot 22, Block 2, Tract 14195	Deane	Developed
7572-016-010	N/A (Thyme Place)	Lot 45, Tract 14500	Siegel-Friend	Undeveloped
7572-016-011	N/A (Cinnamon Lane)	Lot 46, Tract 14500	Parks	Undeveloped
7572-016-012	3 Thyme Place	Lot 47 (East ½), Tract 14500	Mattis	Developed
7572-016-013	12 Cinnamon Lane	Lot 47 (West ½), Tract 14500	Parks	Developed
7572-016-014	N/A (Thyme Place)	Lot 48, Tract 14500	Reeves	Undeveloped

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#1.20



RANCHO PALOS VERDES

MEMORANDUM

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: DIRECTOR OF PUBLIC WORKS

DATE: JUNE 1, 1993

SUBJECT: GUIDELINES FOR DEVELOPMENT IN THE MORATORIUM AREA

RECOMMENDATION

If Council so desires, direct staff to prepare an ordinance establishing overlay zones to allow development in the Moratorium area under specific guidelines.

BACKGROUND

Council, after discussion with staff including the City Attorney and Dr. Perry Ehlig, previously instructed staff to draft a set of guidelines to be used for potential development in the Moratorium area which considers the unique characteristics of the various areas. We have worked with Dr. Perry Ehlig to draft some guidelines for Council consideration.

ANALYSIS

Staff has investigated the possibility of allowing development of certain areas within the boundaries of the Moratorium area under specified conditions and restrictions. With help from our geologist, Dr. Perry Ehlig, potentially developable zones have been identified which have similar geologic characteristics. Attached is a report which specifically describes these zones and under what conditions and restrictions development could occur.

Rather than remove potentially developable area from the Moratorium area, it is suggested that those areas be granted an exception for development within the specified area. It is clear that there are some areas in the Moratorium can be developed under specific restrictions and conditions.

CONCLUSION

Should Council decide to permit development in the Moratorium area, staff should be directed to prepare an ordinance to facilitate such development.

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ALTERNATIVES

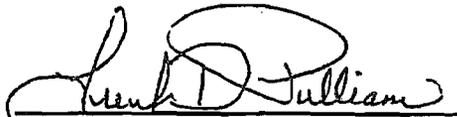
The primary alternative is not to allow development at this time and revisit this issue at a future date.

Other alternatives could include restricting development to only one or more of the identified areas.

FISCAL IMPACT

Under the recommended action to prepare an ordinance, the primary cost would be for staff time and the City Attorney to prepare the ordinance along the suggested guidelines. There has not been a budget prepared for this work however, the cost should be somewhat less than \$3,000 to complete the ordinance. The positive fiscal impacts on City revenues from permitting development would be substantially although not quantified at this time.

Respectfully Submitted,



Trent D. Pulliam
Director of Public Works

Reviewed,



Paul D. Bussey
City Manager

MEMORANDUM

TO: Trent Pulliam, Director of Public Works
City of Rancho Palos Verdes

May 26, 1993

FROM: Perry L. Ehlig, City Geologist

SUBJECT: Suggested Guidelines for Permitting Development in the Moratorium Area

ESTABLISHMENT OF MORATORIUM ZONES

For the purpose of these guidelines, the Moratorium area is divided into the eight zones listed below and shown on the Moratorium Map.

- Zone 1 - Unsubdivided land unaffected by large historic landslides and located uphill or to the west of subdivided areas. (about 550 acres)
- Zone 2 - Subdivided land unaffected by large historic landslides. (about 130 acres)
- Zone 3 - Unsubdivided land unaffected by large historic landslides and located seaward of Sweetbay Road. (about 15 acres)
- Zone 4 - Land affected by the Klondike Canyon landslide and adjacent land included in the Klondike Canyon Geologic Hazard Abatement District. (about 100 acres)
- Zone 5 - Land affected by the Abalone Cove landslide and adjacent land where minor movement has occurred due to loss of lateral support. (about 90 acres)
- Zone 6 - The uphill, westerly and central parts of the Portuguese Bend landslide, where movement can be stopped through mitigation without requiring shoreline protection. (about 210 acres)
- Zone 7 - The seaward part of the Portuguese Bend landslide where control of movement requires shoreline protection. (about 75 acres)
- Zone 8 - Land affected by the Flying Triangle landslide including immediately adjacent land. (about 25 acres)

DESCRIPTIONS OF ZONES AND SUGGESTED GUIDELINES FOR PERMITTING DEVELOPMENT

ZONE 1

Background

Zone 1 includes about 550 acres of undeveloped land. Most is within the uphill part of a large ancient landslide that was last active about 100,000 years ago. Landslide topography is modified by erosion of canyons, filling of slide depressions and smoothing and flattening of slide scarps. Zone 1 contains some broad areas where slopes are less than 5:1 (horizontal to vertical) but the majority of the area has slopes ranging between 5:1 and 2:1. Slopes steeper than 2:1 occur locally along the sides of canyons.

3

The large ancient landslide does not underlie all of Zone 1. Land adjoining Palos Verdes Drive South in the southwest part of the zone is unaffected by sliding and probably has a factor of safety in excess of 1.50. Land in the eastern part of the zone is also outside of the large landslide but it contains local landslides.

Extensive geotechnical studies have been conducted throughout Zone 1. Major goals of the studies include (1) locating and determining the configuration of the deepest slide plane, (2) determining ground water conditions beneath the area, and (3) analyzing the stability of the ancient landslide, and (4) evaluating methods of improving the areas stability. Geotechnical studies are essentially complete in the eastern half of Zone 1 but more are needed in the western half.

Suggested Guidelines

1. Any land in Zone 1 which can be shown to have a safety factor of 1.5 or greater in regard to landsliding, or is correctable to a factor of safety of 1.5 through remedial grading, and will upon development have no adverse impact on the stability of adjacent land, shall be granted an exception for habitable development upon completion of all necessary remedial work. (This is consistent with existing City code.)
2. Any land in Zone 1 which can be shown to have a safety factor between 1.30 and 1.50 in regard to the large ancient landslide and has a factor of safety of 1.50 or greater in regard to local slope stability shall be granted an exception for habitable development providing it meets all other requirements in guideline 1 (above) and the following stipulations:
 - a. A network of monitoring and producing wells must be installed in accordance with a plan approved by the Rancho Palos Verdes Redevelopment Agency (RDA).
 - b. A covenant must be attached to each deed agreeing to participate in the Abalone Cove Geologic Hazard Abatement District (ACLAD) and any other district established for the purpose of maintaining the land in a geologically stable condition.
 - c. Surface drainage improvements must be installed in accordance with a plan approved by the RDA.
 - d. A sewer system must be installed to serve all habitable structures.
 - e. All other RDA and City requirements must be met.
3. Any land in Zone 1 which is to be used for purposes other than habitable structures may be granted an exception for nonhabitable development providing it has a safety factor of 1.15 or greater in regard to the large ancient landslide and it meets the following stipulations:
 - a. No land modification may be made which will adversely affect the local or regional stability of the land.
 - b. A network of monitoring and production wells must be installed in accordance with a plan approved by the RDA.
 - c. A covenant must be signed agreeing to support and participate in ACLAD and any other district established for the purpose of maintaining the land in a geologically stable condition.
 - d. Surface drainage improvements must be installed in accordance with a plan approved by the RDA.
 - e. All other RDA and City requirements must be met.

(A)

ZONE 2

Background

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.

The flattest parts of Zone 2 overlie a gentle trough in the bedrock structure beneath the slide. The slide base followed the bedrock structure as the slide mass translated across this area. This caused a surface hollow to develop in an east-west direction across this area while the slide was active. The hollow was subsequently filled by stream and slope wash deposits. This created the gentle slopes which drain toward the channels of Altamira Canyon.

Available geologic data indicate the base of the ancient landslide is at depths ranging from 180 to 260 feet below the ground surface in most parts of Zone 2. Four to six deep core holes would be desirable to more precisely establish the location of the slide base beneath parts of this area but new findings are unlikely to have a significant impact on existing interpretations. The slide base is sufficiently flat in the area seaward of upper Narcissa Drive that the overlying slide mass resists movement providing the water table does not rise above its historic levels. Based on well data, the water table was at a depth of 50 to 60 feet beneath most of this area prior to the start of pumping in 1980. The water table is currently at an average depth of about 70 feet.

The 25 undeveloped lots in Tract 14195 and 15 in Tract 14500, and an undetermined number in parcels served by Vanderlip Drive, could be developed without adversely affecting the stability of the large ancient landslide. In fact, if development were combined with installation of additional wells, stability would be improved. Most lots can be developed with minimal grading and without a net import or export of earth. Such grading would have no impact on the stability of the deep-seated slide.

Ground water is the only variable within Zone 2 which affects its stability. Zone 2 currently contains one monitoring well and four producing wells. Eight to ten more monitoring wells are needed to provide a detailed picture of ground water conditions within Zone 2. Four to six more producing wells are needed to better control ground water conditions. If the cost of the needed wells were funded from fees paid for permission to develop vacant lots, development would improve the stability of the large ancient landslide.

Suggested Guidelines

Development of undeveloped lots shall be permitted in 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 subject to the following stipulations:

- a. The lot owner must sign a covenant agreeing to participate in ACLAD and any other district whose purpose is to maintain the land in a geologically stable condition.

- b. The lot owner must pay a fee to help defray the cost of installing additional monitoring and producing wells. Said fee shall not exceed the differential between the sum of ACLAD fees previously assessed to an equivalent sized developed lot and the sum previously assessed to the undeveloped lot. (The annual tax difference between a developed lot and an undeveloped of equal size is determined by the square footage of improvements.)
- c. Prior to issuance of a building permit, a geotechnical report must be submitted to and approved by the City's geotechnical reviewers indicating what, if any, local geologic hazards must be corrected prior to construction, and shall specify foundation designs based on field and laboratory studies. Grading exceeding 250 cubic yards shall require special approval by the City staff.
- d. If building occurs prior to installation of a sewer system; a covenant must be signed agreeing to a sewer system and providing necessary easements for one.
- e. All lot drainage deficiencies, if any, identified by the City staff must be corrected.
- f. Runoff from all buildings and paved areas must be contained and directed to the street or to an approved drainage course.
- g. All other relevant building code requirements must be met.

ZONE 3

Background

About 15 acres of undeveloped land is present within the area bounded by the main channel of Altamira Canyon on the west, Sweetbay Road on the north, and the edge of the Portuguese Bend landslide on the east and southeast. Most of this land has gentle rolling topography and could be developed into residential lots with only minor grading.

Available data indicates the base of the large ancient landslide is nearly horizontal beneath this area and is at a depth of 200 to 250 feet below the ground surface. Three to five deep core holes are needed to confirm this.

Ground water conditions are the main variable affecting the stability of the large ancient landslide beneath this area. The area should remain stable as long as the water table rises no higher than its historic high level. The area contains two producing wells but no monitoring wells. Data from the two wells and projections from wells in the adjoining area indicates the water table is 10 to 15 feet lower than it was in 1983. At present, the water table ranges from about 60 to as much as 130 feet below the ground surface. Three to five monitoring wells and one or two additional producing wells should be installed during development of this area.

Suggested Guidelines

Additional geologic studies are needed to accurately locate the base of the large ancient landslide beneath this area. If the results of such studies are favorable, development could be permitted contingent upon meeting all City requirements pertaining to development of residential tracts and subject to the following stipulations:

- a. Ground water monitoring and production wells must be installed in accordance with a plan approved by the RDA.
- b. Surface drainage channels must be paved in accordance with a plan approved by the RDA.

6

- c. A sewer system must be installed.
- d. A covenant must be attached to each deed requiring the owner to participate in ACLAD and any other district whose purpose is to maintain the land in a geologically stable condition.
- e. All other RDA and City requirements must be met.

ZONE 4

Background

The Klondike Canyon Geologic Hazard Abatement District has controlled the Klondike Canyon landslide. The maximum measured horizontal displacement is only 2.5 feet, all of which occurred prior to 1987. The primary cause of instability was the buildup of artesian water pressure beneath the downhill part of the landslide. Control was obtained by pumping water from a well at the beach. Infiltration was reduced by installing a culvert in Klondike Canyon from Palos Verdes Drive South to the beach. Infiltration can be further reduced by lining Klondike Canyon at least as far upstream as the head of the Klondike Canyon landslide. This would reduce the likelihood of renewed movement in the uphill part of the slide during periods of high rainfall.

The factor of safety is not an issue in the Klondike Canyon landslide. The slide is unconventional in that the downhill edge of the slide's base terminates more than 100 feet below the ground surface. This was made possible by upward bending of the downhill part of the slide. Artesian ground water pressure facilitated the uplift. The factor of safety has not been calculated because of the slide's unconventional nature. Calculations would almost certainly yield a factor of safety well above 1.5 providing there is no artesian uplift pressure.

Zone 4 contains part of the Seaview tract (Tract 22835) and the Portuguese Bend Club. Most lots are already developed within these tracts. About half of Zone 4 consists of undeveloped land located on the ridge between Klondike Canyon and the Portuguese Bend landslide.

Suggested Guidelines

1. Lot owners in the Seaview tract and Portuguese Bend Club may rebuild or make additions to existing buildings subject to the following stipulations:
 - a. The owner must sign a covenant agreeing to support and participate in the Klondike Canyon Geologic Hazard Abatement District and any other district whose purpose is to maintain the land in a geologically stable condition.
 - b. The building must connect to the Los Angeles County sewer system or to an approved holding tank. There shall be no on-site disposal of waste water.
 - c. Prior to issuance of a building permit, a geotechnical report must be submitted to and approved by the City's geotechnical reviewers indicating what, if any, local geologic hazards must be corrected prior to construction, and specifying foundation designs based on field and laboratory studies.
 - d. Roof runoff from all buildings and paved areas on the site must be contained and directed to the street or an approved drainage course.
 - e. All lot drainage deficiencies, if any, identified by the City staff must be corrected.
 - f. All other relevant building code requirements must be met.

7

2. Undeveloped land within the Klondike Canyon Geologic Hazard Abatement District is mainly west of Klondike Canyon and north of Palos Verdes Drive South and is accessed from the east edge of the active Portuguese Bend landslide. Development of this land shall be held in obedience until the adjacent part of the Portuguese Bend landslide is stabilized.

Zone 5

Background

The Abalone Cove landslide has been stabilized by lowering the water table. Most movement occurred prior to 1985. Only creep at rates of less than an inch per year and local readjustments have occurred since 1985. Existing abatement activities appear adequate to prevent renewed slide movement during rainy periods. Nonetheless, it would be prudent to limit building to that permitted by the current City guidelines for this area until slide creep has stopped and planned abatement measures, such as drainage improvements, sewers and shoreline protection are completed.

Suggested Guidelines

1. Development shall be limited to that currently permitted by City guidelines for this area until after planned remediation is completed and slide creep has stopped.
2. After the above condition are met, building shall be permitted subject to all conditions imposed in Zone 2, and:
 - a. a sewer system must either be in operation or a holding tank must be utilized. No on site sewage disposal will be permitted.
 - b. A geotechnical study must be made to determine the suitability of the site for all proposed improvements and to provide foundation design specifications for proposed buildings. In addition, foundations must be inspected and approved by a geotechnical consultant during construction.
 - c. A covenant must be signed by the owner specifying that the City shall be held harmless in the event that ground settlement or other forms of ground movement damage improvements.

Zone 6

Background

The Portuguese Bend landslide can be divided into a landward zone (Zone 6) which can be stabilized without shoreline protection, and a seaward zone (Zone 7) which requires shoreline protection for stabilization. Palos Verdes Drive South forms the approximate boundary between the two zones.

Zone 6 includes about 210 acres in and adjacent to the landward and central parts of the Portuguese Bend landslide. As a result of remediation, movement has stopped or nearly stopped in the northern and western parts of Zone 6. Movement continues at a rate of one to three feet per year in the central and southeastern part of Zone 6 but is less than one-tenth the rate of movement prior to remedial grading in 1986.

8

Remediation to date includes (1) removal of water from 17 wells distributed throughout the area, (2) the moving of about one million cubic yards of earth so as to restore drainage and reduce driving force in the northern and eastern parts of the area, and (3) installation of a temporary culvert to conduct runoff to the ocean. Movement can be stopped throughout Zone 6 by additional improvements in surface drainage and additional remedial grading.

In the area west of Portuguese Canyon most of Zone 6 is subdivided into lots, part of which have houses on them. This and the subsurface structure of the landslide limit slide abatement to installation of wells, improvements in surface drainage and installation of a sewer system in most parts of the subdivided area. Lot boundaries should be reestablished before major surface modifications are permitted. The slide has displaced lot improvements, streets and utilities from their original locations. As a result, lots are no longer in their legally described locations. The amount of displacement varies from one part of the slide to another. In places, the original lot boundaries have been distorted and fragmented by abrupt changes in displacement across slide ruptures. The only viable solution is to void the original descriptions of lot locations and establish new ones.

East of Portuguese Canyon, Zone 6 is undeveloped. As a result, remedial grading can be performed without interference from existing improvements. The slide base is relatively shallow in the northeast part of this area. It may be feasible to remove the northeast part of slide and replace it with compacted fill founded on firm bedrock. This would create a slide-free area with a factor of safety in excess of 1.50.

Suggested Guidelines

1. As long as this part of the slide continues to move, improvements shall be limited to landslide abatement and other improvements permitted by current City guidelines for this area.
2. After the landslide has stopped moving and there is reasonable assurance that movement will not resume at a future time, land ownership boundaries shall be reestablished. This may be done under the auspices of the Redevelopment Agency but the costs must be paid by land owners.
3. Following reestablishment of legal lot boundaries, building shall be permitted in the subdivided part of Zone 6 subject to the same conditions imposed in Zone 5 under suggested guideline 2.
4. After reestablishment of legal land ownership boundaries, the unsubdivided parts of Zone 6 shall be subject to the same suggested guidelines as Zone 1.

ZONE 7

The 75 acres of the Portuguese Bend landslide located seaward of Palos Verdes Drive South is poorly controlled by existing abatement activities. Permanent control will require shoreline protection. No development should be permitted in this area until after enactment of a plan of control which includes shoreline protection.

9

Memo of 5/26/93 from P. Ehlig to T. Pulliam, page 8.

Zone 8

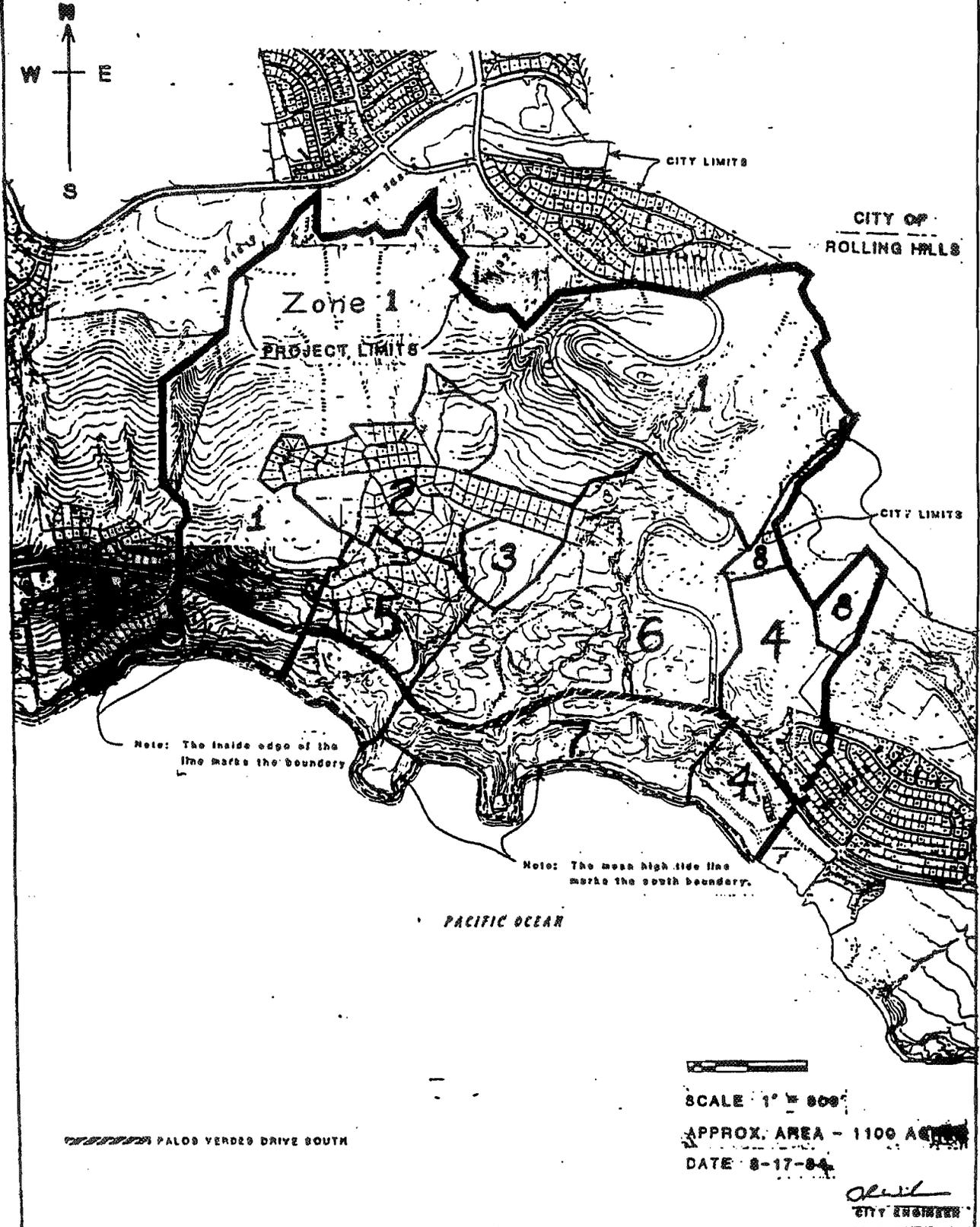
The Flying Triangle is currently uncontrolled. No development should be permitted within it or land affected by it until the Flying Triangle landslide has stopped moving and is under the control of an abatement district.

(10)

RANCHO PALOS VERDES REDEVELOPMENT AGENCY

LANDSLIDE AREA

CITY OF RANCHO PALOS VERDES



(11)



Gabrielino Tongva Nation

A California Tribal Sovereign

Post Office Box 86908 - Los Angeles, CA 90086

February 13, 2009

RECEIVED

FEB 17 2009

**PLANNING, BUILDING AND
CODE ENFORCEMENT**

Council of Elders

Department of Provisory
Government

Sam Dunlap
Tribal Secretary

Joel Rojas
Director of Planning, Building &
Code Enforcement
City of Rancho Palos Verdes
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275-5391

Re: Notice of Proposed Mitigated Negative Declaration - Planning Case No. ZON2009-00007
(Code Amendment & Environmental Assessment) - "Zone 2 Landslide Moratorium
Ordinance Revisions"

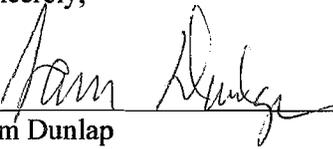
Dear Mr. Rojas,

This letter is in response to your request for comments on the proposed Mitigated Negative Declaration. Since the City of Rancho Palos Verdes is within the traditional tribal territory of the Gabrielino Tongva Nation it is my responsibility to respond with the concern that the proposed revisions as described in your correspondence may have an impact to the cultural resources of our tribe.

I have no objections to the proposed revisions at this time.

I look forward to corresponding with you on cultural resource issues and matters of environmental compliance. Please feel free to contact me at any time.

Sincerely,



Sam Dunlap
Tribal Secretary
(909) 262-9351 cell
samdunlap@earthlink.net

To: The Director of Planning, Building and Code Enforcement

Rancho Palos Verdes, CA> 90275

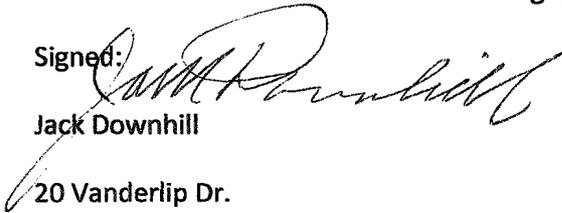
Subject: Proposed Mitigated Negative Declaration

Planning Case No: ZON2009=00007

As the owner of one of the lots in Zone 2 of the Landslide Moratorium Area I wish to be on record as follows:

1. I am in favor of the enactment of the Ordinance Revisions.
2. I would like to request that the Code amendment be modified to explicitly clarify the term "Undeveloped" to recognize the existence of certain lots which because of their size should be eligible to be subdivided or lot split into several individual lots consistent with the overall zoning of the immediately surrounding properties. Failure to do so would constitute an unconstitutional taking of my property under the California Constitution.
3. My property in particular Tax ID #7572-002-024 is 6.9399 acres which in another location could be subdivided into six, or perhaps even seven, separate parcels. Obviously all of the provisions of this process, in general, would need to be observed as well as those specific to this area such as sewer provisions.
4. Every aspect of governance of this parcel over a period of years such as: ACLAD, County Flood Control, County Park, and West Basin Standby Fees etc. have been applied in a manner consistent with allowable separation of this property into several building lots. The zoning designation of this property in accordance with City Ordinance No. 405 Code Table 02A Exhibit "B" is District RS-1. which means one unit per acre. I have found that my tax on that kind of Tax item to be between 7 and 8 times larger than those of RS-3 and smaller Districts.

Signed:


Jack Downhill

20 Vanderlip Dr.

Rancho Palos Verdes, CA 90275

February 18, 2009
RECEIVED

FEB 18 2009

PLANNING, BUILDING AND
CODE ENFORCEMENT

RECEIVED

FEB 18 2009

PLANNING, BUILDING AND
CODE ENFORCEMENT

34, 36 and 40 Cinnamon Lane
Rancho Palos Verdes
California 90275

February 13, 2009

Mr Joel Rojas
Director of Planning, Building and Code Enforcement
City of Rancho Palos Verdes
30940 Hawthorne Blvd
RPV CA 90275-5391

Construction Standards Zone 2 Landslide Moratorium Ordinance Revisions
and
38 Cinnamon Lane Soil Compaction

Dear Mr Rojas,

We the undersigned homeowners of the three above properties were subjected to three days of a 10,000 lb soil compactor the week before last on the property at 38 Cinnamon Lane which is being reconstructed. The vibration to our homes was frightening and may have resulted in new cracks on our properties.

The new owners of the property confirmed that the geologist's report filed as part of the planning process required that the soil be compacted with this equipment. This means that the City in issuing its building permit approved such use of an equipment that is inappropriate in an area such as ours subject to potential landslide and instability. In addition, use of such heavy equipment close to existing constructed homes is clearly a potential threat to home and personal safety, an aggravation to existing instability and a nuisance.

We urge you in considering what criteria you select to permit construction on empty lots in this delicate environment that you do not permit 10,000lb compaction equipment. We understand that soil compaction can be achieved with much less intrusive machines. Furthermore, having compacted the soil on this lot about 75% has now been removed through digging trenches and holes for foundations!

Also in issuing permits we request that the City criteria clearly identify in its Moratorium Exclusion Documents and in its heading on every building permit issued reference to the court decision on the Monks case and reference to previously filed public documents as appropriate.

Respectfully,



Blair Van Buren



Jeremy Davies



Lew Enstedt

Cc Mayor and Council Members

Kit Fox

From: KSnell0001@aol.com
Sent: Sunday, February 22, 2009 7:10 PM
To: planning@rpv.com; cityclerk@rpv.com; kitf@rpv.com
Cc: KSnell0001@aol.com
Subject: Zone 2 Landslide Moratorium Ordinance Revisions - Case No ZON2009-00007

February 22, 2009

City Council of Rancho Palos Verdes
 30940 Hawthorne Boulevard
 Rancho Palos Verdes, Ca 90275

Re: Proposed Mitigated Negative Declaration for Planning Case No.ZON2009-00007 (Code Amendment and Environmental Assessment) for the proposed "Zone 2 Landslide Moratorium Ordinance Revisions"

To be included in Public Meeting March 3, 2009 or when heard by the City Council

Mayor and Council members:

The proposed "Zone 2 Landslide Moratorium Ordinance Revisions" have neglected to add a pathway for the four parcel owners of 8, 10, 20 & 98 Vanderlip Driveway in Zone 2 to request a lot split to have R-1 one acre lots as designated by the RPV zoning code. The owner of the parcel at 98 Vanderlip Driveway is a plaintiff in the case of Monks v. Rancho Palos Verdes.

The City's prohibition against lot splits in Zone 2 is a "taking and an impermissible impediment to the development" of the parcel owners' property. A case can be made showing a "taking" based on the California State Court of Appeal's decision in the case of Monks v. Rancho Palos Verdes. Why are the parcel owners on Vanderlip Drive being discriminated against? Will it be opening the door to development in Zone 1? Wasn't the door opened with the Court of Appeals decision in favor of the plaintiffs?

#60 Narcissa and an adjacent lot totaling 1.5 acres sold for \$2,436,525.00 last September. This is an example of property values in Zone 2 and represents potential losses for those parcel owners in Zone 2 who are not allowed to split their parcels. Estimate value of one acre housing site in Zone 2 = One million dollars.

Property off of Vanderlip Driveway has a higher degree of stability (exceeding 1.5) than most of the other properties located in Zone 2. A new exception category in the City's Landslide Moratorium Ordinance is requested to provide the ability to request lot splits in Zone 2. Allowing lot splits in Zone 2 would provide up to 15 new building sites, one of which is now included in "...sixteen (16) lots that are owned by the plaintiffs in the Monks case."

The plan of Rancho Palos Verdes Redevelopment Agency called for over 500 new homes. Tax increment funding continues to be received by the RDA based on the RDA's plan to remove blight and allow the construction of the new homes including low income housing.

The RDA planned for the same 15 building sites off of Vanderlip Driveway in Zone 2 once "the blight" was cleared. Building homes on 1 acre sites can't be realized without a revision in the "Zone 2 Landslide Moratorium Ordinance" to allow a process to apply for a lot split.

The Abalone Cover Sewer line capacity was designed to accommodate these same potential 15 building sites off of Vanderlip Driveway. Sewer line laterals to serve the future homes were installed in anticipation of the lot splits and construction as promised by the former City Council members.

Abalone Cove Abatement District (ACLAD) assesses an annual Benefit Assessment to pay for landslide abatement. The parcels on Vanderlip Drive in Zone 2 have paid annually since 1984 based on 1 acre=1 unit. The parcel owners in Zone 2 on Vanderlip Drive have paid ACLAD over \$150,000.00 since 1984 to abate the slide so they can sub-divide and build. Zone 2 hasn't moved for over 100,000 years.

Miss-information about the GPS monument on upper Cinnamon moving was reported by a City Council member during the last hearings on the Moratorium Ordinance. I was surprised by this very serious accusation made by a council member during the hearing and gave up asking for the right to build. Factual information was released after the hearings that the monument was moved during street paving. When the monument was placed back, it was not placed exactly back in the same spot. LOL>

Roads, utilities and sewers are in for the 15 new building sites in Zone 2 on Vanderlip Driveway. Minor grading will be necessary for some of the lot after one acre lot splits are allowed.

In approximately 1985, the then Mayor Jackie Bacharach and City Council took away the right of sub-dividing in the moratorium area with the promise that it would be reinstated in a few years after the slide was abated. Mayor Bacharach further stated that paying the "benefit assessment" to ACLAD would benefit the property owners by stopping the slide and allowing subdivision and building to take place. LOL>

The City of Rancho Palos Verdes approved a lot split for John & Suzanne Vanderlip in the 1990's that created the lot on the south side known as 98 Vanderlip. A Monk litigate now owns the property. Los Angeles County allowed lot splits of 8, 10 and 20 Vanderlip Drive in the early 1970's. L. A. County continued granting lot splits and sub-divisions through the mid 1980's until the City placed restrictions on them. Lot splits were granted after that by exception until the City Council placed severe restrictions on the Moratorium area with the coming of the NCCP. All lots were not sub-divided back in the 1940's.

Perry L. Ehlig, City Geologist recommended guidelines for permitting development in the moratorium area to the City Council dated May 26, 1993. Zones were established by Dr. Ehlig and approved by the City Council. Dr. Ehlig reported for Zone 2:

"...parcels served by Vanderlip Drive could be developed without adversely affecting the stability of the large ancient landslide. Most lots can be developed with minimal grading."

Allowing the lot splits in Zone 2 will improve fire safety with developed lots next to the potential Nature Preserve. Now there are weeds. The increased payments to ACLAD will assist with de-watering and projects. The increase tax increment going to RDA will allow further slide abatement for Zones 4, 5, 6, 7 and 8.

In the 1990's, John and Suzanne Vanderlip were allowed to build a double lined pool to Dr. Ehlig's pool specifications in the Moratorium area. Not allowing the construction of pools and fountains in the Moratorium area is also a further taking of property rights.

Your earliest attention to allowing a path for lot splits is required to prevent further financial loss and hardship to the property owners in Zone 2 on Vanderlip Driveway. Additional delays or Court action will cause substantial losses due to property values going down with the declining economy. Time is critical to stop the losses. I would like to split off and sell 2 lots to reduce the burden of maintenance, responsibility and cost then retire.

Why does one have to sue to protect property rights? Will my neighbors and I follow the path of John Monks before we are able to split and build?

In Memory of John Monks:

"...I think we all agree that the right for individuals to own and make use of property is absolutely basic in a free, democratic society. Governmental prohibitions, conditions and restrictions on such ownership and use only be imposed for good and clear cause and even then, if severe, may require compensation..."

John Monks September 13, 2000

"...the financial burden has been extreme and I wish to have the right to use and build on my land which is stable. You must agree with me that is unreasonable that while I continue to pay taxes and upkeep on my land, it is not I who benefits..." John Monks October 4, 2000

I am personally very sad that John Monks didn't live long enough to enjoy his property. As a resident and tax payer in Rancho Palos Verdes, I am very disturbed over the amount of attorney's fees the City of Rancho Palos Verdes pays for litigation when a good negotiator could work most things out.

References:

Monks V. Rancho Palos Verdes including but not limited to California State Court of Appeal's decision, testimony & depositions of all experts, all court transcripts and everything related to the case including RPV Hearing records, correspondence and attachments.

Palos Verdes MLS for the last 10 years for homes that have sold in and outside the Moratorium area.

Les Evans' memorandum of January 25, 1997 and its attachments

Report of Keith Ehler, C.E.G. 1242 & Stephen W. Ng, 6E 637.

Executive Summary of Panel of Experts stating Zone 2 meets 1.5 stability factor locally.

Rancho Palos Verdes Redevelopment Agency EIR and Plan. Records receipts of Tax Increments that have been paid to RPV RDA, to date, and disbursements including low income housing funds

L. A. County & Friends of the Bend VS Rancho Palos Verdes Redevelopment Agency

Abalone Cove Sewer District EIR and Plan, amendments, supplements, hearings and correspondence

Stuart et al VS County of Los Angeles, Rancho Palos Verdes, (RDA)

Horan vs County of Los Angeles, Rancho Palos Verdes,

Rancho Palos Verdes Municipal Code & General Plan and all amendments

Changes to Rancho Palos Verdes Landslide Moratorium Area from 1973 to current date, all Environmental Impact Reports, staff correspondence, hearing documents

MEMORANDUM: To: Trent Pulliam From: Perry L. Ehlig, City Geologist dated May 26, 1993

Establishment of Moratorium Zones & map

All correspondence to/from Perry Ehlig and Rancho Palos Verdes

Records of Lot Split for John & Suzanne Vanderlip for the parcel of 99 Vanderlip Driveway creating 98; 75, 79 & 83 Narcissa; 8, 10,20 Vanderlip and all other lot splits and boundary realignments.

Records of Dr. Ehlig's pool double walled guidelines

Records of approval of pool for John & Suzanne Vanderlip for 99 Vanderlip Driveway

Records of Fountains & Pool permits within moratorium area

All filmed Rancho Palos Verdes City Council meetings and Redevelopment meetings back to 1979

Thank you for your consideration in protecting property rights.

Kathy Snell
8 Vanderlip Driveway
Rancho Palos Verdes, Ca 90275
310 707 8876

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

Kit Fox

From: KSnell0001@aol.com
Sent: Sunday, February 22, 2009 7:10 PM
To: PLANNING@RPV.COM; cityclerk@rpv.com; kitf@rpv.com
Cc: KSnell0001@aol.com
Subject: PROPOSED MITIGATED NEGATIVE DECLARATION - Comments ZON2009-00007

February 22, 2009

City of Rancho Palos Verdes
30940 Hawthorne Boulevard
Rancho Palos Verdes, Ca 90275

Re: Comments to Proposed Mitigated Negative Declaration for Planning Case No.ZON2009-00007

Gentlepersons,

Please reference the Checklist Form:

9. Description of project:

Why were the parcels on Vanderlip Driveway in Zone 2 excluded? Does not allowing lot-splits cause "...a taking and an impermissible impediment to the development of..." property?

If not, why are the NON-Monks litigants with lots in Zone 2 allowed to build?

10. Description of project site

The description is not correct because Dr. Ehlig's memo of May 26, 1993, described:

"Zone 2- Subdivided land unaffected by large historic landslides. (about 130 acres)

Background

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."

Dr. Ehlig's original map indicated that 75, 79 and 83 Narcissa, 85, 99 and 100 Vanderlip Drive were in Zone 1 but his explanation in his memo of May 26, 1993 indicates Zone 2:

Zone 1 includes about 550 acres of **undeveloped** land.

In addition, Dr. Ehlig always made it very clear at all hearing and meetings that he drew the Zones along property lines and kept all home out of Zone 1 (undeveloped). The map Dr. Ehlig used was pre-lot splits on Vanderlip Driveway and upper Narcissa causing the upper Narcissa lots and 3 developed parcels on Vanderlip to be accidentally excluded on Dr. Ehlig's map.

The map needs to be updated to match Dr. Ehlig's memo.

11. Surrounding land uses and setting:

Northeast:

The three developed residential lots are not in Zone 1. They are in Zone 2 as confirmed by Dr Ehlig's memo of May 26, 1993, (Zone 1 is all undeveloped).

Northwest & West:

The Vanderlip Estate, 100 Vanderlip Drive, is not in Zone 1 but in Zone 2 There are NO homes within Zone 1.

Figure 1, Page 4

The Zone 2 boundary lines needs to be moved to show 75, 79 and 83 Narcissa and 85, 99 and 100 Vanderlip included. The L A County map that Dr. Ehlig used didn't show newer lot-splits so he neglected to draw them into Zone 2 but his written explanation of the zones clearly includes all homes in other than Zone 1.

Vanderlip **RD** should be Vanderlip **DR**

Are the lot line adjustments for York included in Zone 1 or Zone 2? Where are they shown on the map?

Determination: Page 5

"...revisions in the project have been made by or agreed to by the project proponent."

Who is the project proponent?

Evaluation of Environmental Impacts: Page 6, 7, 10 comments a)

Comments: b) c) d)

"...on lots that have remained undeveloped since they were created in the late 1940's."

Correction: 98 Vanderlip was created in the 1990's. Lots were created in 1990's, 1980's and 1970's. Are lot line adjustments included?

Interior bright lights, when placed in-front of windows, can shine into neighbors' homes and can be very disturbing to the occupants.

Issues and Supporting information. Geo-5 e) Page 12

"The City has constructed a sanitary sewer system..."

Meetings, hearings, EIR's all show that the Rancho Palos Verdes RDA had the system constructed not the City. Settlement money from the Horan Law suit paid for the sewer. Has RDA transferred ownership to the City?

The sewer design was to include enough capacity for Zones 2, 3 and 5. The pipe on PVDS was designed to handle Zone 6 (Peppertree area) to connect to sewer on Palos Verdes Drive South and carry all to the West. Laterals were put in for all vacant lots and potential home sites on parcels needing lot-splits.

If the sewer system was not designed properly that could be very serious. Where is the sewer system overloaded? Wouldn't it be less expensive to correct the sewer system than digging holes and buying sewer holding tanks, then incurring the expense to remove them?

Vanderlip Driveway and some homes NE of Altamira Canyon were to have a gravity flow sewer system. Since Narcissa would have to be closed overnight due to the too big drainage pipe that Charlie Abbott had put in at Altamira Canyon at Upper Narcissa, Dean Allison made a decision on site to have the gravity flow sewage re-routed to the pump going down Sweetbay. Then the sewage gets pumped back up to Narcissa where it came from. Rather than replacing the pump, the gravity line should be put in crossing the Canyon and continuing by gravity to the L. A. County pumping station on PVDS. Correcting the sewer line to where it was designed to go would free up space in the sewer lines on Sweetbay.

Issues and Supporting Information

Comments: a) b) "...lots that remained undeveloped...late 1940's..."

Correction: 98 Vanderlip was created in the 1990's. Other "lots" were created in 1990's, 1980's and 1970's. Are lot line adjustments included?

h) "Very High Fire Hazard Severity Zone" Allowing lot-splits in Zone 2 will enable the new lots to be built upon thus removing weeds that fuel the fires. Not allowing the lot-splits and building will keep the weeds on parcels on Vanderlip Driveway. The weeds act like wicks spreading fire. The current Fire Code only provides for a 200' weed abatement set back from existing structures. Some parcels are 1000' long. Once the lots are split and the houses built, Vanderlip Driveway residents will provide a buffer to stop wild fire from coming into the community from the NCCP area.

10. Land Use/Planning Page 16

a) Does this plan conform with the RDA? Where are the low to moderate income homes?

By not having a path to apply for lot splits within Zone 2 and giving space to lot owners in the sewer system, discriminate against the parcel owners who have had to pay two and three times more for ACAD projects than the lot owners? Once the parcel owners sue and win in court to be granted lot splits, all of the sewer capacity may be gone.

Comments:

b) "...undeveloped since they were created in the late 1940's."

Correction: 98 Vanderlip was created in the 1990's. Other "lots" were created in 1990's, 1980's and 1970's. Are lot line adjustments included?

12. Noise Comments: Page 17

a) My neighbor drives an ATV up and down their 3.9 acres and on the street. The ATV is so LOUD. The mature foliage does not buffer the noise.

b-d) The large lot sizes in the area do **not** average one acre in size unless lot splits are included.

Comments: b-c) Page 18

Correction: 98 Vanderlip was created in the 1990's. Other "lots" were created in 1990's, 1980's and 1970's. Are lot line adjustments included?

17. Utilities/Service Systems Page 21

Comments:

a-c, e) "The City has constructed a sewer..."

Meetings, hearings, EIR's all show that the Rancho Palos Verdes RDA had the system constructed not the City. Has the RDA transferred ownership of the sewer to the City?

"The Abalone Cove system was originally intended to serve on hundred ten (110) developed and forty-six (46) undeveloped lots in the Abalone Cove area..."

During The Abalone Cove Sewer EIR hearings, the Envirodyne Engineers from Consoer Townsend in Federal Way, Washington said that the capacity would be designed to accommodate the Abalone Cove Landslide area built out to maximum density based on zoning. Under Horan Settlement Funds, part of the judgement was set aside to help stabilize the slide and paid for the sewers in Zone 2, Zone 3 and Zone 5. Zone 1 was excluded from the sewer funding.

How many existing homes were there when the "110 developed" sites were computed. Does that include extra capacity for parcels that have houses and would be allowed to split later? Did sewer capacity allow for the parcel on Sweetbay (Zone 3)? Why would laterals be put in to service future homes on parcels that required lot-splits if the capacity was not planned for? Was fraud involved? Who made the mistake by not allowing for enough capacity?

The Abalone Cover Sewer line capacity was to be designed to accommodate Zone 2, 3 and 5 that included existing houses, vacant lots, and potential building sites off of Vanderlip Driveway and Zone 3. Sewer line laterals to serve the future home sites were installed in anticipation of the lot splits and construction as promised by the former City Council.

Page 22:

"...manufacturer no longer recommends the same method of connecting to the system that was used previously...?"

Why does the manufacturer of the grinder pump not recommend this method? When did it change? What went wrong?

UTL-1 through 5. What does UTL stand for?

Is the language in 1-5 now in the Moratorium Ordinance or is it going to be?

Where can I find the attachment: Mitigation Monitoring Program?

This negative declaration is incomplete because it does not include the additional 15 home sites that will be created when a pathway to request a lot splits is added to the Zone 2 Landslide Moratorium Ordinance Revisions."

Thank you in advance for your answers to my questions.

Kathy Snell
#8 Vanderlip Driveway
Rancho Palos Verdes, Ca 90275
310 707 8876

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25 February 2009

Kathy Snell
8 Vanderlip Driveway
Rancho Palos Verdes, CA 90275

SUBJECT: Response to Your Comments on the Draft Mitigated Negative Declaration for the Zone 2 Landslide Moratorium Ordinance Revisions

Dear Ms. Snell:

Thank you for your email of 22 February 2009. Since you specifically requested a response to your questions, I have prepared this letter for your reference. It will be provided to the City Council along with a copy of your email as a part of the March 3, 2009, Staff report.

Your comments are reproduced in **bold face** type below, followed by Staff's responses in regular type:

9. Description of project:

Why were the parcels on Vanderlip Driveway in Zone 2 excluded? Does not allowing lot-splits cause "...a taking and an impermissible impediment to the development of..." property? If not, why are the non-*Monks* litigants with lots in Zone 2 allowed to build?

Response 1: Developed and undeveloped parcels on Vanderlip Drive are not excluded from Zone 2, with the exception of 100 Vanderlip Drive. The issue of allowing subdivision in Zone 2 is not now at issue because it was not an issue raised in the *Monks* case. This does not mean, however, that this issue might not be explored in the future. With respect to the issue of takings, any lot that currently is developed with a residential single-family dwelling would not be in the same situation as a completely undeveloped lot, which was the situation in the *Monks* case where the court found that a property owner cannot make reasonable use of his or her property under the City's current standards. Of course, this would be an issue that a court would be required to decide. The City Council has the option to limit the scope of this Code Amendment to the sixteen (16) *Monks* plaintiffs' lots. As a worst-case scenario, however, the Initial Study/Mitigated Negative Declaration assumes that all forty-seven (47) undeveloped lots in Zone 2 might be allowed to develop.

10. Description of project site:

The description is not correct because Dr. Ehlig's memo of May 26, 1993, described:

"Zone 2- Subdivided land unaffected by large historic landslides. (about 130 acres)

Background

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."

Dr. Ehlig's original map indicated that 75, 79 and 83 Narcissa, 85, 99 and 100 Vanderlip Drive were in Zone 1 but his explanation in his memo of May 26, 1993 indicates Zone 2:

"Zone 1 includes about 550 acres of undeveloped land."

In addition, Dr. Ehlig always made it very clear at all hearing and meetings that he drew the Zones along property lines and kept all home out of Zone 1 (undeveloped). The map Dr. Ehlig used was pre-lot splits on Vanderlip Driveway and upper Narcissa causing the upper Narcissa lots and 3 developed parcels on Vanderlip to be accidentally excluded on Dr. Ehlig's map.

The map needs to be updated to match Dr. Ehlig's memo.

Response 2: Staff respectfully disagrees with your interpretation of the boundary of Zone 2. Based upon our review of Dr. Ehlig's 1993 map and memorandum, Staff believes that 100 Vanderlip Drive and 75, 79 and 83 Narcissa Drive are in Zone 1, not Zone 2.

11. Surrounding land uses and setting:

Northeast:

The three developed residential lots are not in Zone 1. They are in Zone 2 as confirmed by Dr Ehlig's memo of May 26, 1993 (Zone 1 is all undeveloped).

Northwest & West:

The Vanderlip Estate, 100 Vanderlip Drive, is not in Zone 1 but in Zone 2. There are NO homes within Zone 1.

Response 3: See Response 2 above.

Kathy Snell
25 February 2009
Page 3

Figure 1, Page 4

The Zone 2 boundary lines needs to be moved to show 75, 79 and 83 Narcissa and 85, 99 and 100 Vanderlip included. The LA County map that Dr. Ehlig used didn't show newer lot-splits so he neglected to draw them into Zone 2 but his written explanation of the zones clearly includes all homes in other than Zone 1.

Vanderlip RD should be Vanderlip DR.

Response 4: The Zone 2 boundary line on Figure 1 does include 85 and 99 Vanderlip Drive. As stated above in Response 2, based upon our review of Dr. Ehlig's 1993 map and memorandum, Staff believes that 100 Vanderlip Drive and 75, 79 and 83 Narcissa Drive are in Zone 1, not Zone 2. Your comment about "Vanderlip Road" is duly noted; this was an error in the City's geographic information system (GIS), which we have now corrected.

Are the lot line adjustments for York included in Zone 1 or Zone 2? Where are they shown on the map?

Response 5: The only approved lot line adjustment involving the holdings of York Long Point Associates and Zone 2 occurred at the north end of Plumtree Road. The approval of this lot line adjustment did not change the boundary of Zone 2 as delineated by Dr. Ehlig in 1993.

Determination: Page 5

"...revisions in the project have been made by or agreed to by the project proponent."

Who is the project proponent?

Response 6: The City is the project proponent for this Code Amendment.

Evaluation of Environmental Impacts: Page 6, 7, 10 comments a)

Comments: b) c) d)

"...on lots that have remained undeveloped since they were created in the late 1940's."

Correction: 98 Vanderlip was created in the 1990's. Lots were created in 1990's, 1980's and 1970's. Are lot line adjustments included?

Response 7: Parcel Map No. 8947, which created the properties at 98 and 99 Vanderlip Drive, was recorded in February 1982. It appears that this subdivision was allowed to occur because it was in the Planning review process before the City prohibited the submittal of

new parcel maps in the Landslide Moratorium Area. Although most of the undeveloped lots in Zone 2 were created in the late 1940s, Staff will revise the language in the Initial Study/Mitigated Negative Declaration to indicate that some undeveloped lots in Zone 2 were created at later dates. With respect to lot line adjustments, new undeveloped lots cannot be created by this method. However, any existing undeveloped lots in Zone 2 that were the result of previously-approved lot line adjustments would be covered under the Code Amendment as currently proposed.

Interior bright lights, when placed in front of windows, can shine into neighbors' homes and can be very disturbing to the occupants.

Response 8: The City's Municipal Code does not regulate interior illumination in single-family residences. As such, Staff does not find that this is a significant environmental impact that warrants mitigation.

Issues and Supporting information. Geo-5 e) Page 12

"The City has constructed a sanitary sewer system..."

Meetings, hearings, EIR's all show that the Rancho Palos Verdes RDA had the system constructed not the City. Settlement money from the Horan Law suit paid for the sewer. Has RDA transferred ownership to the City?

The sewer design was to include enough capacity for Zones 2, 3 and 5. The pipe on PVDS was designed to handle Zone 6 (Peppertree area) to connect to sewer on Palos Verdes Drive South and carry all to the West. Laterals were put in for all vacant lots and potential home sites on parcels needing lot-splits.

If the sewer system was not designed properly that could be very serious. Where is the sewer system overloaded? Wouldn't it be less expensive to correct the sewer system then digging holes and buying sewer holding tanks, then incurring the expense to remove them?

Vanderlip Driveway and some homes NE of Altamira Canyon were to have a gravity flow sewer system. Since Narcissa would have to be closed overnight due to the too big drainage pipe that Charlie Abbott had put in at Altamira Canyon at Upper Narcissa, Dean Allison made a decision on site to have the gravity flow sewage re-routed to the pump going down Sweetbay. Then the sewage gets pumped back up to Narcissa where it came from. Rather than replacing the pump, the gravity line should be put in crossing the Canyon and continuing by gravity to the L.A. County pumping station on PVDS. Correcting the sewer line to where it was designed to go would free up space in the sewer lines on Sweetbay.

Response 9: The Abalone Cove Sewer System was constructed under the supervision of the City's Public Works Department, but you are correct in noting that it was actually a project of the City's Redevelopment Agency. Staff will endeavor to correctly distinguish between the activities of the City and the Agency throughout the Initial Study/Mitigated Negative Declaration. With respect to the capacity of the sewer system, the Public Works Department is currently undertaking an update to the City's Sewer Master Plan, which will help to determine the capacity of the existing sewer system to accommodate additional connections. Until this assessment is complete, it is premature to speculate about possible "corrections" to the system or its actual capacity to serve additional connections. In addition, the system was not designed to accommodate the subdivision of existing lots.

Issues and Supporting Information

Comments: a) b) "...lots that remained undeveloped...late 1940's..."

Correction: 98 Vanderlip was created in the 1990's. Other "lots" were created in 1990's, 1980's and 1970's. Are lot line adjustments included?

Response 10: See Response 7 above.

h) "Very High Fire Hazard Severity Zone." Allowing lot-splits in Zone 2 will enable the new lots to be built upon thus removing weeds that fuel the fires. Not allowing the lot-splits and building will keep the weeds on parcels on Vanderlip Driveway. The weeds act like wicks spreading fire. The current Fire Code only provides for a 200' weed abatement set back from existing structures. Some parcels are 1000' long. Once the lots are split and the houses built, Vanderlip Driveway residents will provide a buffer to stop wild fire from coming into the community from the NCCP area.

Response 11: As noted in Response 1 above, the issue of allowing subdivision in Zone 2 is not now at issue because it was not an issue raised in the *Monks* case. This does not mean, however, that this issue might not be explored in the future. In the meantime, the City continues to rely upon annual weed abatement for both developed and undeveloped lots as a means of fuel modification to control the spread of wildfire throughout the City. In addition, the City implements the latest Building Code requirements for fire protection for new construction and additions/remodeling.

10. Land Use/Planning: Page 16

a) Does this plan conform with the RDA? Where are the low to moderate income homes?

Response 12: Allowing the development of one home on each lot within Zone 2, in accordance with the same requirements and regulations that govern the repair or

reconstruction of existing structures in a manner that does not affect the stability of the area and properly directs water from such projects, does not conflict with the Redevelopment Plan and its purposes. There is no relationship between the Redevelopment Agency's activities and the proposed Code Amendment, other than the fact that the subject properties fall within the Agency project area. The proposed Code Amendment would not change the underlying zoning of or permitted uses for these properties, which are regulated by the City. State law gives the Board of the Agency the authority to determine if lower-income housing is to be built within the project area or elsewhere within the City. This is not an issue that is before the City Council as a part of this Code Amendment.

By not having a path to apply for lot splits within Zone 2 and giving space to lot owners in the sewer system, discriminate against the parcel owners who have had to pay two and three times more for ACLAD projects than the lot owners? Once the parcel owners sue and win in court to be granted lot splits, all of the sewer capacity may be gone.

Response 13: See Responses 1 and 9 above.

Comments:

b)"...undeveloped since they were created in the late 1940's."

Correction: 98 Vanderlip was created in the 1990's. Other "lots" were created in 1990's, 1980's and 1970's. Are lot line adjustments included?

Response 14: See Response 7 above.

12. Noise Comments: Page 17

a) My neighbor drives an ATV up and down their 3.9 acres and on the street. The ATV is so LOUD. The mature foliage does not buffer the noise.

Response 15: Mature foliage is frequently utilized for sound attenuation, especially along roadways. This is discussed in the Sensory Environment Element of the City's General Plan. The focus of the noise impact analysis in the Initial Study/Mitigated Negative Declaration is typical single-family household and vehicle noise, as well as temporary construction-related noise.

b-d) The large lot sizes in the area do not average one acre in size unless lot splits are included.

Response 16: Staff has calculated the total acreage of the one hundred eleven (111) developed and undeveloped lots in Zone 2—based upon the County Assessor's figures—as 111.97 acres. This averages out to 1.01 acre per lot, based upon the existing lot sizes.

Kathy Snell
25 February 2009
Page 7

Comments: b-c) Page 18

Correction: 98 Vanderlip was created in the 1990's. Other "lots" were created in 1990's, 1980's and 1970's. Are lot line adjustments included?

Response 17: See Response 7 above.

17. Utilities/Service Systems Page 21

Comments:

a-c, e) "The City has constructed a sewer..."

Meetings, hearings, EIR's all show that the Rancho Palos Verdes RDA had the system constructed not the City. Has the RDA transferred ownership of the sewer to the City?

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During The Abalone Cove Sewer EIR hearings, the Envirodyne Engineers from Consoer Townsend in Federal Way, Washington said that the capacity would be designed to accommodate the Abalone Cove Landslide area built out to maximum density based on zoning. Under Horan Settlement Funds, part of the judgment was set aside to help stabilize the slide and paid for the sewers in Zone 2, Zone 3 and Zone 5. Zone 1 was excluded from the sewer funding.

How many existing homes were there when the "110 developed" sites were computed. Does that include extra capacity for parcels that have houses and would be allowed to split later? Did sewer capacity allow for the parcel on Sweetbay (Zone 3)? Why would laterals be put in to service future homes on parcels that required lot-splits if the capacity was not planned for? Was fraud involved? Who made the mistake by not allowing for enough capacity?

The Abalone Cover Sewer line capacity was to be designed to accommodate Zone 2, 3 and 5 that included existing houses, vacant lots, and potential building sites off of Vanderlip Driveway and Zone 3. Sewer line laterals to serve the future home sites were installed in anticipation of the lot splits and construction as promised by the former City Council.

Page 22:

"...manufacturer no longer recommends the same method of connecting to the system that was used previously...?"

Why does the manufacturer of the grinder pump not recommend this method? When did it change? What went wrong?

Response 18: See response 9 above. Also, the 1996 Final Environmental Impact Report for the Abalone Cove Sewer System states that it was intended to serve one hundred ten (110) "existing dwelling units" and forty-six (46) "vacant parcels within the community of Abalone Cove." Thus, the subdivision of existing lots was not contemplated at that time.

UTL-1 through 5. What does UTL stand for?

Is the language in 1-5 now in the Moratorium Ordinance or is it going to be?

Response 19: "UTL" is merely an abbreviation for "Utilities/Service Systems." Similar 3-letter abbreviations are used to identify mitigation measures throughout the Initial Study/Mitigated Negative Declaration. Proposed Mitigation Measures UTL-2 through UTL-5 reflect existing language in Section 15.20.050 of the Landslide Moratorium Ordinance. Proposed Mitigation Measure UTL-1 is new language that would be added as a part of proposed Section 15.20.040(P).

Where can I find the attachment: Mitigation Monitoring Program?

Response 20: The Mitigation Monitoring Program will be prepared and attached once the City Council is ready to take action on the Mitigated Negative Declaration. It will list all of the mitigation measures identified in the Initial Study/Mitigated Negative Declaration and adopted by the City Council; the timing of their implementation; and who is responsible for their implementation and monitoring. At this point, Staff is only soliciting comments on the Initial Study/Mitigated Negative Declaration and is not recommending that the City Council take action on it.

This negative declaration is incomplete because it does not include the additional 15 home sites that will be created when a pathway to request a lot splits is added to the Zone 2 Landslide Moratorium Ordinance Revisions.

Response 21: See Response 1 above. Also, if and when the City Council decides to consider allowing subdivision in the Landslide Moratorium Area, that future Code Amendment will also be subject to the review of its environmental impacts. Since subdivision is not within the current scope of this project, Staff respectfully disagrees that the Initial Study/Mitigated Negative Declaration is "incomplete."

Kathy Snell
25 February 2009
Page 9

If you have any questions or need additional information, please feel free to contact me at (310) 544-5228 or via e-mail at kittf@rpv.com.

Sincerely,



Kit Fox, AICP
Associate Planner

cc: Carolyn Lehr, City Manager
Carol Lynch, City Attorney
Joel Rojas, Director of Planning, Building and Code Enforcement
Greg Pfost, Deputy Planning Director
Jim Bell, Director of Public Works
Ron Dragoo, Senior Engineer
Project file (ZON2009-00007)

For K.H. Fox

Michael and Sheri Hastings,
10 Vanderlip Drive,
Rancho Palos Verdes, CA 90275

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FEB 23 2009

PLANNING, BUILDING AND
CODE ENFORCEMENT

RECEIVED

FEB 23 2009

BUILDING & SAFETY

February 19, 2009

Dear Sir,

This is a written comment in response to the "MITIGATED NEGATIVE DECLARATION" regarding the proposed "Zone 2 Landslide Moratorium Ordinance Revisions" letter dated February 9, 2009.

The Hastings own the property at 10 Vanderlip Drive which is within the Zone 2 area of the Landslide Moratorium. We support the revisions to the Landslide Moratorium Ordinance and the addition of subsection P to Section 15.20.040. In addition we would like to add the provisions for property owners in the Zone 2 area to be able to submit to the City of Rancho Palos Verdes, applications for a lot split.

The current Landslide Moratorium Ordinance document mentions provisions for a lot line adjustment but does not reference applications for lot splits at all. In April of 2006 I approached the Director of Planning for the City of Rancho Palos Verdes and asked about applying for a lot split on our property at 10 Vanderlip Drive and was told that lot splits were not allowed in the Landslide Moratorium area since development was not allowed on undeveloped lots. With the proposed change in subsection P to allow development of undeveloped lots in Zone 2, property owners in Zone 2 should be allowed to apply for a lot split. The City needs to add a paragraph in the Landslide Moratorium Ordinance document that specifies the City's position on lot splits within the Landslide Area and Zone 2.

Thank You,

Michael Hastings
Michael Hastings

Sheri Hastings - 310-544-1064

Kit Fox

From: KSnell0001@aol.com
Sent: Monday, February 23, 2009 9:56 PM
To: kitf@rpv.com
Cc: KSnell0001@aol.com
Subject: PROPOSED MITIGATED NEGATIVE DECLARATION - Comments ZON2009-00007

February 23, 2009

City of Rancho Palos Verdes
 30940 Hawthorne Boulevard
 Rancho Palos Verdes, Ca 90275

Re: Comments to Proposed Mitigated Negative Declaration for Planning Case No.ZON2009-00007

Mayor and Council members,

Please reference the Environmental Checklist:

6. Geology/Soils

When the Island View area was developed, all drain water was re-directed away from the Portuguese Bend slide, the East fork of Altamira Canyon and Hawthorne Blvd. to Altamira Canyon. Today one can watch a car being washed near the Crest and Crenshaw area and follow the water to Altamira Canyon, not down the canyon that nature would have taken the water.

Altamira Canyon Abatement District installed de-watering wells that pumps out the underground water coming from Island View. Why do people downstream have to pay to pump this water out of the ground? The water has overburdened and eroded Altamira Canyon in Zone 5 to the point that additional water could be disastrous.

Without a controlled drainage channel through Altamira Canyon, an increase in run off could devastate the walls in the canyon below the project area in Zone 5. A 10 foot pipe properly lined with concrete would be appropriate. With the right design and ensuring that there is no stored water on site, the property owners on Altamira Canyon in Zone 5 would agree to allow an easements for the pipe.

Reference the Altamira Canyon Drainage Repair Report by Los Angeles County. This report called for the pipe/lining of Altamira Canyon in the early 1970's. Lois LaRue called the head of Altamira Canyon...Boulder Dam. When one sees the water that crashes down the canyon from Island View area, they know why Lois called it Boulder Dam.

Funding for the pipe or lining:

The interest on the \$1,000,000.00 from the Horan Settlement Agreement could pay for all of the maintenance of the ACLAD de-watering wells which is permitted under the Horan Settlement Agreement. ACLAD would assess for a pipe/lining project to line Altamira Canyon in segments and build it as money is received. The RDA tax increment funds will

increase as more homes are built and assessed (including Vanderlip Driveway). The new tax increment funds could further pay for the project. A drainage fee would be collected during the permit process based on the amount of area that becomes impervious.

Has the City considered giving a credit (discount in cost of building permits) to home owners who install holding tanks to capture rain water from their roofs and/or a tank to store shower water to use for irrigation?

Home owners in Zone 5 on the canyon have reported that their homes may be taken by erosion. More drainage water could cause the instability of the area including Palos Verdes Drive South and the beach.

Thank you for your consideration.

Kathy Snell
#8 Vanderlip Driveway
Rancho Palos Verdes, Ca 90275
310 707 8876

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1

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FEB 24 2009

PLANNING, BUILDING AND
CODE ENFORCEMENT

To: Rancho Palos Verdes City Hall
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

Larry Clark-Mayor
Steve Wolowicz-Mayor Pro Tem
Thomas D. Long-councilmember
Douglas W. Stern-councilmember
Peter Gardiner-councilmember

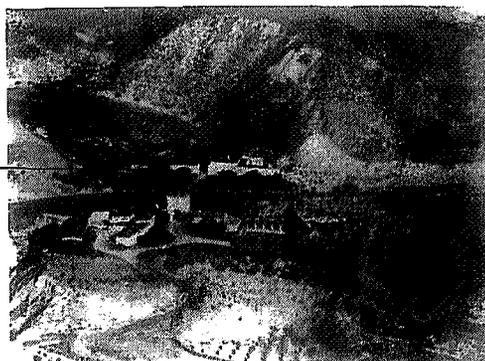
Joel Rojas, Director of Planning, Building and
Code Enforcement

From: Dan and Vicki Pinkham
#1 Narcissa Drive, RPV, CA 90275

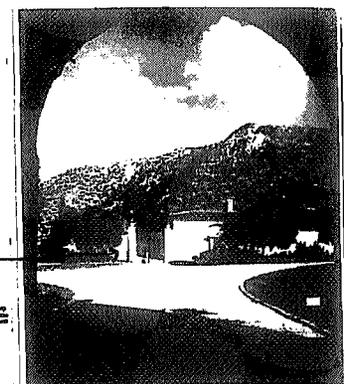
PROPOSED MITIGATED NEGATIVE DECLARATION

My husband and I live at #1 Narcissa Drive. Our house is in zone 5, and was the first house built on Palos Verdes Drive South. It is situated at the right hand side entrance of the Portuguese Bend Homeowners Association, often referred to as the Gate House.

ORIGINAL
1 LANE
1929



ORIGINAL
1929
ENTRANCE



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pictorial record of the Palos Verdes Peninsula, California
published as an anniversary supplement by "The Golfista"

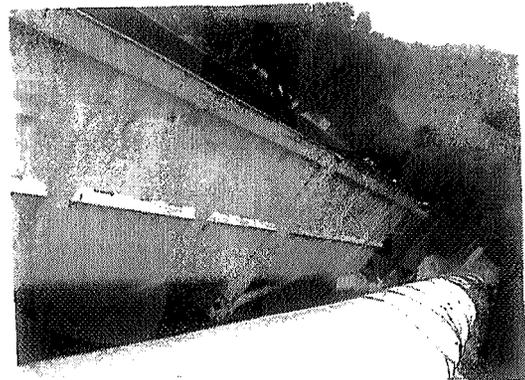
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Since 1925, this entrance road has gone from a small single lane to a very narrow two-lane road.

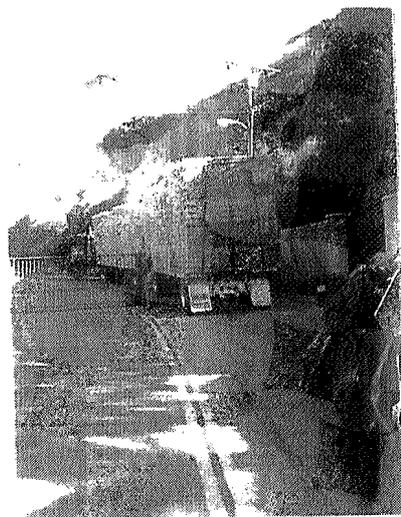


In 1925, before the 1929 stock market crash, there were not to be as many lots. Then, with the new economic crisis, smaller lots and more lots were incorporated for the sell off. Our home, the Gate House, and Narcissa Drive had already been built and designed for lighter vehicles and less traffic. Over the years, there have been enormous life style changes. Besides the increase in number of homes, there has been a huge rise in traffic ranging from gardeners, maintenance, housekeeping, healthcare workers, several different trash collectors, traffic to service the commercial stables, an increase in large horse trailers and horse boarders making daily trips to care for and ride their horses. Additionally, many private residents have rented out rooms and sections of their property for horse boarding. Even the Vanderlip estate has many additional rentals.

This brings us to many real concerns. This potential development will increase the very large, oversized and massive construction trucks that will pass through a very fragile zone 5. Example, land graders, tractor trailers, cement trucks, containers for brush removal and hundreds of subcontractors trucks each driving within 28" INCHES of our home and 1" INCH from our pillars and walls.



Remember, there are now 47 lots (NOT including future possible subdivision plans on Vanderlip Drive and the Bean Field) that can be individually contracted out with MANY different contractors, not a single development company. Traffic is not regulated as far as hours, days or weight. The existing heavy traffic already sends shock waves and vibrations to our home, windows, foundation and exterior pillars and walls.



The speed in which all cars and trucks enter and exit 24 hours a day, is often determined if the gates are already opened or closed. If the gates are closed, large trucks, usually diesel, etc., idle at the keypad without the code, shaking even our dishes in our cupboards. If the gate is open, the speed in which vehicles drive past our home in order to catch the open gate is definitely a safety hazard.



Another mandatory issue that must be dealt with is the additional water run off from new construction into Altamira Canyon. The Altamira drainage system cannot handle the runoff with the current number of homes, not to mention the proposed additional construction. We have enclosed a home video of our property in Altamira Canyon during a typical rainstorm. As is evident, the hillside is collapsing before your eyes. The rain causes a torrent of destructive force, taking a considerable amount of the hillside (our private property) with each passing storm.

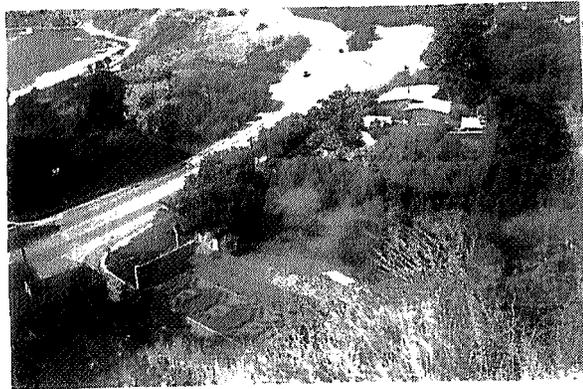


This runoff ultimately ends up at the shoreline. The water and silt will aggravate shoreline erosion which ultimately washes away more of the resistive force of the Abalone Cove Landslide while also, filling the tide pools with silt. During the last several months, a RPV City engineer doing minor repair on the City's metal corrugated steel pipe on our property, observed that this canyon could certainly not handle any additional water run off. Our concern is that additional homes would only add to the water runoff on the private streets and our already overloaded canyons, resulting in a "taking" of our valuable private property.

Thirdly, Fire Department Access to the community is critical and compromised. During the 2005 large Portuguese Bend Fire, the earth moving fire equipment was UNABLE to enter the narrow Narcissa entrance to the community to fight the ragging fire. (Photos are included, showing the Fire Department's equipment unable to enter the narrow entrance)



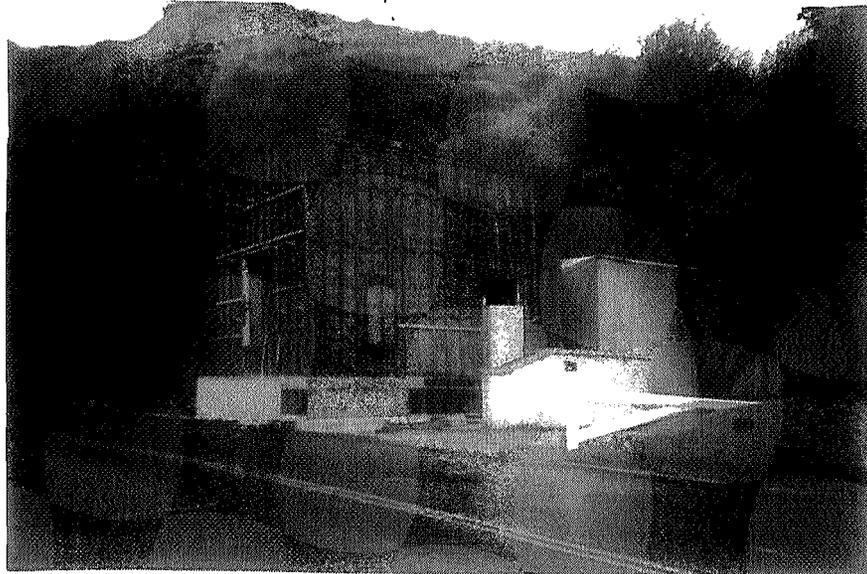
With additional homes, we find it more important than ever, that the entrance road be moved and widened to accommodate emergency vehicles to protect the residents of this ENTIRE community. This we have an easy solution to. The Association does have property that could be used to move and widen their entrance. This action would also divert the traffic further away from our home in the fragile zone 5.



Another concern might be the factor of safety that is no longer required. If a lot owner does not have to prove this once universally recognized standard of 1.5, what if any factor of safety is required?

To sum up our comments, Narcissa Drive in Zone 5, cannot take any additional heavy equipment, or any additional water in our canyons or roads. The entrance to

this community must also be able to accept all sizes of fire fighting equipment. We have given back to Portuguese Bend and the City of RPV an original landmark. (See our home as we purchased it in 1998)



In doing so, we have elevated the character and value of beauty along our coastal community. We value our community, neighbors, home and property very much. The concerns we have listed will cause us loss of property, probable damage to our home and foundation, possible health problems, stress, and in a real way, a “taking” of our property rights.

Kit Fox

From: Kit Fox [kitf@rpv.com]
Sent: Tuesday, February 24, 2009 11:46 AM
To: 'Jeremy Davies'
Subject: RE: Comments on Zone 2

Dear Mr. Davies:

Yes, your letter and emails will be provided to the City Council for its deliberations.

Kit Fox, AICP

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From: Jeremy Davies [mailto:jdavies@kubooa.com]
Sent: Tuesday, February 24, 2009 11:42 AM
To: Kit Fox
Cc: joelr@rpv.com; tkellyrpv@aol.com; Marianne Hunter
Subject: Re: Comments on Zone 2

Dear Mr Fox

Thank you for your e-mail. I had indeed seen the Zone 2 amendment Initial study. The purpose of my e-mail is to have you consider the nature of the matters I have mentioned in my letter to Mr Rojas and to request that take into account these sorts of issues as you develop your amendment and the conditions needed to approve both the moratorium exemptions and the planning permits and engineering considerations in this delicate land area. Please confirm that my comments will be considered in your deliberations.

Many thanks
Jeremy Davies

On Fri, Feb 20, 2009 at 5:15 PM, Kit Fox <kitf@rpv.com> wrote:

Dear Mr. Davies:

Joel passed your letter along to me the other day since I am the planner working on the Zone 2 code amendment. In case you have not already discovered it, the Initial Study/Mitigated Negative Declaration for this matter is posted on the City's website at http://www.palosverdes.com/rpv/planning/Zone_2_Landslide_Moratorium/index.cfm.

Kit Fox, AICP

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From: Jeremy Davies [<mailto:jdavies@kubooa.com>]
Sent: Friday, February 20, 2009 3:22 PM
To: joelr@rpv.com; EduardoS@rpv.com
Cc: Douglas.Stern@cox.net; clark@rpv.com; steve@rpv.com; peter.gardiner@rpv.com;
tomlong@palosverdes.com; CLynch@rwglaw.com; planning@rpv.com
Subject: 38 Cinnamon Lane and Construction Permits and Landslide Moratorium Exemptions

Dear Mr Rojas

This e-mail copies the above with the letter I mailed you a few days ago as you determine what regulations you are going to require for settling the Monks case as instructed by the Court.

Best regards

Jeremy Davies