

8.0 COMMENTS and RESPONSES

This section includes comments received during the circulation of the Draft Environmental Impact Report (EIR) for the Zone 2 Landslide Moratorium Ordinance Revisions; responses to the comments on the Draft EIR; and corrections and information added to the Final EIR, where appropriate, in response to comments related to the proposed project's environmental effects. Corrections or additional text discussed in the responses to comments are also shown in the text of the Final EIR in ~~strike through~~ (for deleted text) and underline (for added text) format. (Other minor clarifications and corrections to typographical errors are also shown as corrected in this format, including corrections not based on responses to comments. These changes do not introduce new information or otherwise affect the analysis or conclusions of the EIR).

The Draft EIR was circulated for a 60-day public review period that began on September 21, 2012, and concluded on November 20, 2012. The City received 34 comment letters on the Draft EIR. Commenters and the page number on which each commenter's letter can be found are listed below.

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In addition to soliciting public and agency comments on the Draft EIR pursuant to CEQA, during the public review period verbal comments were taken on the Draft EIR at the City Council hearing of November 7, 2012. Responses to environmental issues raised in the hearing are included in this section following the written comments and responses.

In Section 15088, the CEQA Guidelines require that “[t]he lead agency shall evaluate *comments on environmental issues* received from persons who reviewed the draft EIR and shall prepare a written response.” (Italics added for emphasis.) Consistent with the Guidelines, the responses to comments focus on those comments that pertain to environmental issues.



8.1 TOPICAL RESPONSES TO COMMENTS ON THE DRAFT EIR

This subsection includes the Topical Responses, which provide responses to recurring written and verbal comments received by the City relating to the environmental analysis and conclusions in the Draft EIR.

a. Topical Response: Hydrology, Water Quality and Drainage.

(1) Existing Drainage Conditions and Analysis

A number of comments questioned the Draft EIR's description of the drainage and hydrology for the project area, and the capacity of the existing systems as well as the impacts that would result from development on the 47 lots.

A detailed field survey was not conducted to determine the exact size and location of every drainage facility located on the site because sufficient information is available to allow for analysis of the potential impacts and identification of appropriate mitigation to address potential environmental impacts. The existing drainage facilities were based upon record data provided by the City and supplemented by a visual field inspection by the City's hydrology and drainage EIR subconsultant of the roads and areas immediately adjacent to the roads. Because the proposed project is the development of individual lots located within a partially developed neighborhood with no changes proposed to the existing roads, culverts, and open drainage conveyances (natural and constructed) at this time, a detailed survey and analysis was not required at this time. The EIR analysis was prepared at a programmatic level¹ and addressed the impacts due to changes in the watershed resulting from the construction of the 47 undeveloped lots. The impacts are described quantitatively as increases in runoff rates and volumes, and mitigation required to attenuate the increase in runoff so that no net change occurs. Regardless of the localized flooding that may occur under existing conditions, if no net change occurs due to the development of the 47 undeveloped lots, detailing the existing flooding is not required to determine project related impacts. Nevertheless, a number of changes were made to Section 4.8, *Hydrology and Water Quality*, of the Final EIR (and corresponding changes to the Hydrology Report contained in Appendix E to the EIR) based on the comments and questions received and to enhance and focus the mitigation program. The changes are shown in strikeout and underline format in the Final EIR (as are all the changes from the draft to final EIR). Of particular note are the following changes to Mitigation Measure HWQ-4.

Mitigation Measures. As discussed in Section 4.5, *Geology*, Mitigation Measure GEO-3 (a and b) would be required. Mitigation Measure GEO-3 (a and b) would require that storm drainage improvements that address drainage deficiencies and avoid increases in ~~to reduce lot~~ infiltration of ~~run-off~~ stormwater ~~be~~ are designed to the satisfaction of the Director of Public Works ~~and approved by the City~~ prior to issuance

¹ Pursuant to the state CEQA *Guidelines*, A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: 1) Geographically, 2) As logical parts in the chain of contemplated actions, 3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or 4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.



of building permits on the individual subject lots; all lot drainage deficiencies, if any, identified by City staff are corrected; and that runoff from all buildings and paved areas is collected and directed to the street or to an approved drainage course as approved by the City Engineer. In addition, Mitigation Measure HWQ-4 would be required to reduce impacts related to flooding to a less than significant level.

HWQ-4 Flooding. Prior to issuance of any grading permit or building permit, the applicant for any individual construction project shall comply with the following, pursuant to the review and approval by the ~~Director of Public Works~~ Building Official:

- A detailed Hydrology Study and Drainage Plan shall be prepared by a Licensed Civil Engineer for review and approval by the City. The study shall address impacts to the proposed building site, as well as upstream and downstream properties. The analysis shall include the SUSMP 2-year, 5-year, 10-year, 25-year, 50-year, and Capital Storms to determine impacts. The analysis will follow the methodology outlined in the Los Angeles County Hydrology and Sedimentation Manual (latest edition), the Los Angeles County Low Impact Development Manual, and Los Angeles County Stormwater Best Management Practices Design and Maintenance Manual for preparation of the design calculations. Improvements will be based upon the policies and codes of the City. The drainage plan shall demonstrate that:
 - Post-construction lot infiltration and runoff rates and volume shall be made equal to pre-construction conditions through use of appropriate low impact development principles such as, but not limited to, detaining peak flows and use of cisterns, bio-retention areas, green roofs and permeable hardscape.
 - Illustrate that point (concentrated) flow on each of the properties is either normalized, attenuated adequately, or will reach an acceptable conveyance such as a storm drain, channel, roadway or natural drainage course. All runoff shall be directed to an acceptable conveyance and shall not be allowed to drain to localized sumps or catchment areas with no outlet.
 - Avoid changes to the character of the runoff at property lines. Changes in character include obstructing or diverting existing runoff entering the site, changing the depth and frequency of flooding, concentration of flow outletting onto adjacent properties or streets, and increasing the frequency or duration of runoff outletting onto adjacent properties or streets.
 - Minimize "Dry Weather" infiltration which could add to the total infiltration from the project.
- ~~Illustrate that point (concentrated) flow on each of the properties is either normalized, attenuated adequately, or will reach an acceptable conveyance such as a storm drain, channel, or natural drainage course. All runoff shall be directed to an acceptable conveyance and shall not be allowed to drain to localized sumps or catchment areas with no outlet.~~



- *Maintain existing drainage patterns and outlet at historical outlet points*
- *Minimize changes to the character of the runoff at property lines. Changes in character include concentration of flow outletting onto adjacent properties or increasing the frequency or duration of runoff outletting onto adjacent properties*
- *Reduce increases in runoff by utilizing appropriate and applicable low impact development principles*
- *Provide onsite detention facilities or conveyance to acceptable off lot conveyance devices*
- *Minimize "Dry Weather" runoff which could add to the total infiltration from the project*

(2) Existing Flooding and Altamira Canyon Erosion

Many commenters raised the issue of erosion in Altamira Canyon and flooding within the existing development as being an issue that needs to be addressed and improved. Section 4.8, *Hydrology and Water Quality*, of the Final EIR has been revised to recognize that flooding and erosion occurs in the neighborhood and within Altamira Canyon under the existing conditions. While adding drainage improvements to the neighborhood, lining Altamira Canyon, and reducing upstream runoff into Altamira Canyon was discussed as desirable, these improvements to address existing deficiencies are not required to mitigate the specific impacts from developing the 47 undeveloped lots. The lots would be required on a project-by-project basis to mitigate impacts by maintaining post-development drainage conditions at the same level as existing conditions, thus avoiding both individual lot impacts as well as the cumulative impact of developing 47 lots. By maintaining post-development drainage conditions at the same level as existing conditions, no increase in runoff rates and volumes to Altamira Canyon would occur. Any flooding and erosion that occurs under the existing condition is a regional issue, and not an impact of developing the 47 undeveloped lots; therefore, no additional mitigation such as adding drainage improvements to the neighborhood, lining Altamira Canyon, and reducing upstream runoff into Altamira Canyon is proposed.

(3) Mitigation Measures for Hydrology Impacts

A number of commenters were skeptical of the ability to mitigate the increase in runoff and/or assure that it is implemented. Section 4.8, *Hydrology and Water Quality*, of the Final EIR has been revised to specifically add the requirement that a detailed hydrological analysis be prepared for each individual lot demonstrating that no net increase in runoff rates and volumes leaving the site occurs, no net increase in total infiltration occurs, and no diversion of flow occurs. The hydrology study must be prepared by a licensed civil engineer and approved by the City prior to the issuance of any grading permit or building permit, consistent with the mitigation measure.



b. Topical Response: Geology.

(1) “Factor of Safety” Standard and Slope Stability Impacts.

A number of commenters questioned the approach to assessing geologic hazards, including slope stability, used in the Draft EIR. Several commenters stated an opinion that a 1.5 “factor of safety” standard should be the threshold for significance in the EIR.

In reviewing numerous letters with regard to gross slope stability, several commenters further suggest that the method of review would be arbitrary because the standard for reviewing this area has been “reduced” to one of “shall not aggravate the existing condition.”

First, it is not the City’s opinion that the evaluation of gross slope stability is an arbitrary system of evaluation; rather, it is a systematic and valuable tool in assessing hillsides because it uses both a quantitative and qualitative perspective. Second, under the circumstances, the standard of reviewing the Zone 2 area under the premise of “shall not aggravate the existing condition” (a more dominantly qualitative perspective) is reasonable. This is because of the differences between various geotechnical reviewers who interpreted the landslide masses from a quantitative perspective (i.e., the 1.5 value), and got widely differing answers, and secondly, because the grade changes that could be allowed for the various home sites are so insignificant they can not reasonably be entered into the mathematical equation of quantitative slope stability analysis for Zone 2 slope stability review (Matthew Hawley, LGC Valley Geotechnical Consultants, 2013). It is important to understand that the quantitative case is not being ignored during this evaluation process; it is still considered in interpretation of slope stability, which at this level of review always occurs together. It is only controversial because of the inherent differences in the two types of studies and because the qualitative perspective is emphasized.

The Draft EIR does not ignore the factor-of-safety (FOS) standard of 1.5. Because of the range of results in previous studies concerning the factor of safety for this area and the varying conclusions, and consistent with the court decision to allow property owners the right to build on their properties, the Draft EIR reviews the subject area in terms of a significant threat to life, limb and property. It is the City’s opinion that the addition of residences within Zone 2, under the scenario and with the mitigation measures included in the Draft EIR, would not significantly alter either the geological conditions or therefore the risks inherent at the site.

Numerous slope stability analyses have been performed by numerous geotechnical firms in this area, and the results of these analyses were varied, as indicated in the Draft EIR, with FOS ranging from below 1.0 (moving) to above 1.5 (the current standard for hill slopes). As indicated in the Draft EIR, the City reviewed many of these reports and analyses and based on the data therein conclude that the FOS is likely between 1.0 and 1.5 for the Zone 2 area. This appears to be the same conclusion reached by the judge in the Monks case, in which he indicates that it is difficult to determine the actual FOS for the Zone 2 area because the variables and methods that are used in slope stability analyses are subject to interpretation and thus variation. However, the overall stability can be *qualitatively* assessed, in that the movement in this area, if any, is very slow and not an immediate or significant threat to life, limb or property, and that the construction of additional homes in the Zone 2 area will not significantly affect this area in terms of additional building weight, slight re-configuration of soils through grading, or



supplemental surface water, provided ground water levels are controlled. It was this conclusion that informed the impact determination in the Draft EIR; namely that impact levels would be less than significant with implementation of mitigation measures GEO-3(a) and GEO-3(b).

It should also be noted that regardless of the amount of additional surface water that may fall during rain storms and flow across streets and into Altamira Canyon, and regardless of the permeability of the landslide mass and the additional percentages of water that may enter the landslide, during any type of storm event, it is the control of ground water that is most important to Zone 2 and Zone 5 long term slope stability. This fact is the basis for the recommendations contained in the Draft EIR of proper maintenance of ground water wells within and/or around the ACL (Zone 5). The addition of structures in the Zone 2 area, the supplemental surface water run-off that may occur, and the minimal re-arrangement of soil at the ground surface to develop pads for home sites, are inconsequential to any slope stability analysis in this area. Rather, it is the build-up of ground water and the control of ground water that is paramount. It appears that ACLAD understands this, and should now plan for improving, if necessary and to the best of its ability, the ground water withdrawal plans for the Zone 2/Zone 5 area under the expectation that additional homes will be constructed within Zone 2. As noted above, buildout under the proposed landslide moratorium ordinance revisions would not result in a substantial increase in groundwater infiltration. Finally, it should be noted that the City of Rancho Palos Verdes has allocated funding for two additional wells and rehabilitation of one existing well to further control groundwater in the landside mass (see adopted Resolution No. 2013-43, A Resolution Of The City Council Of The City Of Rancho Palos Verdes, Approving A Budget Appropriation And Adopting The Operating And Capital Improvement Budget For FY13-14.)

(2) Relationship of Zone 2 with Zones 5 and 6.

Several commenters stated an opinion that the relationship between Zone 2 and zones 5 and 6 was not fully accounted for in the Draft EIR. The relationship between the landslide zones is discussed on pages 4.5-2 and 4.5-3 of the Draft EIR, under Project Area Geology.

Zone 5, known as the Abalone Cove Landslide, and Zone 6, known as the Portuguese Bend Landslide, are located immediately adjacent to Zone 2 to the south and east, respectively. As indicated in the Draft EIR, there is a common geologic link between these Zones in that they share the same basic underlying conditions of bedrock structure, make-up and strength. In addition, all these zones are a part of the Ancient Portuguese Bend Landslide Complex. (APBCC) However, zones 5 and 6 are re-activated portions of the APBLC while Zone 2 is not. In addition, because of their natural association, Zone 2 receives some of its overall stabilization from zones 5 and 6 because these massive areas provide a buttressing support.

As indicated in the Draft EIR, it appears that landslide movement within the Portuguese Bend area results when groundwater levels rise and lower parcels of land, eroded by beach erosion, move, resulting in an insufficient buttressing of parcels uphill. Thus a “shingle” effect takes place where lower parcels move more frequently and more dramatically than up-slope properties. Thus maintaining low ground water levels within zones 5 and 6 is not only critical to reduce movement within these two active landslide masses, but to also maintain the additional natural support to Zone 2.



(3) Local vs. Gross Slope Stability/Construction Traffic.

Several commenters expressed concern that because of the geologic conditions in the project area, construction traffic associated with buildout under the proposed ordinance amendments would cause slope instability and resulting traffic safety and access problems in Zone 2.

The Portuguese Bend area would experience additional construction traffic due to the build-out of the Lots in Zone 2. From a geotechnical perspective, these conditions are considered temporary from a slope stability perspective and therefore not a significant threat to structures. The condition of each segment of road and the slopes ascending to and from these roads is not within the scope of the Draft EIR. In terms of slope stability, the movement of traffic across a road is considered a temporary condition and thus is held to a lower standard than long term slope stability from permanent loads. Since the performance of all possible roads and slopes from potential traffic loads can not be assessed here, it is assumed that the Portuguese Bend Community Association would review road conditions for signs of cracking associated with slope movements when construction traffic is high. Should such a condition occur, evaluation of that portion of the road would be performed at that time. The Portuguese Bend Community Association has the authority to regulate the streets under its control, including repair of damage caused by any construction traffic; because they are not public (i.e. City) streets, the Association has jurisdiction over them and responsibility for their maintenance and repair. With normal diligence in road evaluation and repair, no significant impacts to the environment or safety are anticipated. (Temporary loading due to the weight of construction traffic and trucks is so small that it cannot be meaningfully factored into the stability calculations for movement of the landslide mass.)

(4) Infiltration of Runoff in the Context of Geologic Hazards.

Many commenters expressed the opinion that buildout under the proposed ordinance revisions would result in an increase of runoff and infiltration that would lead to further landslide risks in the project area. As discussed in the Draft EIR, any potential additional percolation into the landslide from the buildout of the subject lots would be negligible, and would not significantly increase landslide risks. Please see also Topical Response 8.1.a: Hydrology, Water Quality and Drainage, above.

As stated in the Draft EIR and elsewhere in these responses, the most viable method to control landslide stability within zones 2, 5 and 6 is to continue with the ground water monitoring and pumping program. As iterated previously, additional pumping wells may be necessary to maintain suitable low ground water levels within the various land masses, and it is the recommendation of the City's environmental consultants that should the current system of wells be insufficient to maintain low ground water levels, that new wells be installed as necessary (see "Factor of Safety" Standard and Slope Stability Impacts Topical response, above).

Finally, Mitigation Measure GEO-3(a) has been modified as follows to address a potential inconsistency with efforts to properly direct stormwater:

Mitigation Measures. Mitigation measures GEO-3(a) and GEO-3(b) would be required to address impacts related to soil instability and landslides. ~~Among other~~



standards, Mitigation Measure GEO-3 would require control of groundwater and reduction in infiltration of water. Compliance with Mitigation Measure GEO-3(a) and GEO-3(b) would reduce impacts to a less than significant level.

GEO-3(a) Geotechnical Recommendations. Prior to issuance of any Grading Permit or Building Permit, individual project applicants shall comply with all recommendations contained within the Geotechnical Study prepared by LGC Valley, Inc., dated March 29, 2011, including the following, which shall be reflected in the geotechnical/soils reports for individual projects:

- *Conform to the City of Rancho Palos Verdes Landslide Moratorium Ordinance (Rancho Palos Verdes Municipal Code Chapter 15.20).*
- *Less than 1,000 cubic yards of grading (cut and fill combined) per lot, with no more than 50 cubic yards of imported fill per lot.*
- *The property owners shall agree to participate in the Abalone Cove Landslide Abatement District and/or other recognized or approved districts whose purpose is to maintain the land in a geologically stable condition. No proposed building activity may cause lessening of stability in the zone.*
- *Prior to issuance of a building permit, a geotechnical report shall be submitted to and approved by the City's geotechnical reviewers indicating what, if any, lot-local and immediately adjacent geologic hazards must be addressed and/or corrected prior to, or during construction. Said report shall specify foundation designs based on field and laboratory studies.*
- *Post-construction lot infiltration and runoff rates and volume shall be made equal to pre-construction conditions through use of appropriate low impact development principles such as, but not limited to, detaining peak flows and use of cisterns, bio-retention areas, green roofs and permeable hardscape.*
- *All houses shall connect to a public sanitary sewer system. Any necessary easements shall be provided.*
- ~~*Storm drainage improvements to reduce lot infiltration of run-off shall be designed and approved by the City prior to issuance of building permits.*~~
- ~~*All lot drainage deficiencies, if any, identified by the Director of Public Works City staff shall be corrected. The design of pools, ponds and sumps shall be subject to City review and approval.*~~
- *Runoff from all buildings and paved areas not infiltrated or retained/detained on site to match existing conditions shall be collected and directed to the street or to an approved drainage course as approved by the ~~City Engineer~~ Director of Public Works.*
- *All other relevant building code requirements shall be met.*



c. Topical Response: Traffic and Circulation.

(1) Access Roadways and Pavement Integrity.

The Portuguese Bend Community Association is a private development and all roadways, including the two main access roadways of Peppertree Drive and Narcissa Drive, are private streets. As such, the City of Rancho Palos Verdes does not have the responsibility nor the authority to maintain the roadways as originally reviewed and approved by the County of Los Angeles. In addition, the State of California Vehicle Code specifically states in Section 21107.5(b) "No ordinance or resolution enacted under subdivision (a) shall apply to any road on which the owner has erected a notice of a size, shape and color as to be readily legible during daylight hours from a distance of 100 feet to the effect that the road is privately owned and maintained and that is not subject to public traffic regulations or control." Therefore, the Portuguese Bend Community and associated roadway system is private (as gates are provided north of Palos Verdes Drive South and the community is signed as such) and the City does not have the authority or responsibility to enforce traffic regulations or maintain the roadways.

The Portuguese Bend Community Homeowner Association (HOA) has the responsibility and authority to impose fees and assessments in order to maintain facilities, including the private roadway system. Therefore, the City encourages the HOA in their capacity as owners to study, monitor and perform maintenance as required.

It is important to note that the roadway system was originally engineered for full development and buildout of the residential tract and as such the street were designed to accommodate the envisioned loading, including construction vehicles associated with the construction of the envisioned buildout, as originally reviewed and approved by the County of Los Angeles.

(2) Summary of Emergency Access and Evacuation.

The traffic consultant (Linscott, Law & Greenspan, Engineers) prepared an emergency access and evacuation review for the proposed Zone 2 Landslide Moratorium - Portuguese Bend project in response to comments received during the Notice of Preparation process as part of the Draft EIR. In addition, an evaluation was prepared to determine the estimated amount of time (i.e., clearing time) needed for area residents of the Portuguese Bend community to evacuate the area in the event of a major incident (e.g., wildland fire). This analysis was performed assuming existing and full buildout under the proposed ordinance revisions (i.e., 47 additional single family homes).

The City utilizes Los Angeles County for fire suppression, fire prevention, fire safety and awareness, vegetation management/brush clearance, Community Liaison services, Community Emergency Response Team (CERT) coordination, general public safety services and emergency "first responder" responsibilities. The CERT program involves City staff as well as citizen volunteers from the general public. In the case of the August 27, 2009 brush fire in the Portuguese Bend area of the City, while the County was the primary responding agency, the City played an important and supporting role during the incident to disseminate information to the residents, City Council and City staff. A summary report following the incident was prepared and presented to the City Council (report dated October 20, 2009). That report provided an overview of lessons learned as well as details regarding the Los Angeles County



Emergency Mass Notification System, emergency communications procedures, the management and coordination of recovery operations, among others.

Research has been conducted with respect to existing emergency evacuation procedures. Residents are directed to several preparedness documents and procedures, such as those contained in the *Ready! Set! Go! Your Personal Wildfire Action Plan*, published by the County of Los Angeles Fire Department. Several fire protection plans for various communities were also researched. In addition, an evacuation study entitled *Modeling Small Area Evacuation: Can Existing Transportation Infrastructure Impede Public Safety?*, April 2002 prepared by Vehicle Intelligence and Transportation Analysis Laboratory, University of California, Santa Barbara and a paper entitled *Public Safety in the Urban-Wildland Interface: Should Fire-Prone Communities Have a Maximum Occupancy?*, contained in the National Hazards Review, August 2005, were reviewed in detail.

Emergency Access Summary.

The Portuguese Bend area of Rancho Palos Verdes is a private community that is served by two primary access points; one access point via Narcissa Drive (on the west end) and one access point via Peppertree Drive (on the east end). Both of these access points are gated north of Palos Verdes Drive South and are used by residents to access other local roads and their respective homes. A total of approximately 165 homes were planned within the Portuguese Bend community/association, including 111 homes in the Zone 2 project area (i.e., which includes the 47 additional single family homes analyzed as part of the proposed project as well as 64 developed lots within the project area).

General field observations were conducted in order to obtain a general understanding of existing signage, traffic control and pavement widths associated with the private roadways within the Portuguese Bend area. Based on those general observations, Narcissa Drive has a pavement width of roughly 23 feet north of the existing gate (north of Palos Verdes Drive South) and the pavement width generally varies between 22 feet and 24 feet in width along its length. Peppertree Drive has a pavement width of roughly 22 feet north of the existing gate (north of Palos Verdes Drive South) and the pavement width generally varies between 22 feet and 24 feet in width along its length. (Based on field observations conducted along the private roadways it is recommended that these access roads be posted with “No Parking – Fire Lane” signs.) The roadways are of sufficient width to allow large vehicles (i.e., fire engine type trucks) to access the Portuguese Bend area. It should also be noted that the majority of the roadways are not fully improved (e.g., with formal curb and gutter) thus, the above widths and measurements reflect the edge of pavement widths and would need to be formally verified by the Association as all roadways are private and not under City jurisdiction. Additional (i.e., unimproved) width is available along many portions of the roadways.

Two fire stations are located within the project study area: Fire Station #53 (located at 6124 Palos Verdes Drive South, Rancho Palos Verdes, CA 90275) and Fire Station #83 (located at 83 Miraleste Plaza, Rancho Palos Verdes, CA 90275). In addition, it is important to note that the County’s Division I Battalion 14 Headquarters is located at Fire Station #106 in Rolling Hills Estates. These first response teams will utilize Palos Verdes Drive South to access either Narcissa Drive or Peppertree Drive in order to respond to a fire incident as well as other fire



access roads. Further, it expected that the gates located at both public gateways will be set/controlled to remain open during an evacuation period.

As part of controlling access to and from an evacuation area for a wildland fire within the Portuguese Bend area, nearby roadways will be closed by law enforcement agencies to inbound traffic with the exception for public safety vehicles. Therefore, a minimum of one travel lane will remain open at all times. Any closed roads or traffic closure points would be identified by County emergency personnel and fire staging areas would be set up for public safety officials and equipment. These staging areas would be located where resources can be placed while waiting for tactical assignment to combat wildland fires.

Further, as required by the California Vehicle Code (Section 21806, authorized Emergency Vehicles), motorists are required to pull to the right side of the highway and stop to allow an emergency vehicle to pass. If required, drivers of emergency vehicles are trained to utilize center turn lanes, or travel in opposing through lanes to pass through and traverse crowded or tight areas. Thus, the respect entitled to emergency vehicles and driver training allow emergency vehicles to negotiate typical as well as atypical street conditions in urban and rural areas.

Evacuation Summary.

Evacuation from a wildfire should be the number one priority that the public can take to protect themselves. The law enforcement agencies' primary responsibility during a wildland fire is to assist in evacuation of an area. Residents are expected to follow the evacuation routes as communicated and directed by Los Angeles County fire personnel via local roads and onto either Narcissa Drive or Peppertree Drive to exit the area via Palos Verdes Drive South.

Evacuation Evaluation.

An evaluation was prepared to determine the estimated amount of time (i.e., clearing time) needed for area residents to evacuate the Portuguese Bend area in the event of a nearby wildland fire.

Number of Residential Units in the Portuguese Bend Area to be Evacuated.

A study documenting the number of existing residential units and potential future residential units for the Portuguese Bend area that would utilize either Narcissa Drive or Peppertree Drive to evacuate was prepared. The existing and future residential units were separated by street segment first and then combined. As stated above, the number of existing and potential units for the entire Portuguese Bend community was forecast to total approximately 165 units. Based on field observations and use of aerial photography, a total of roughly 54 homes exist outside of the project area, with roughly 26 expected to predominantly utilize Narcissa Drive and 28 expected to predominantly utilize Peppertree Drive during an evacuation. The project area consists of approximately 64 developed lots as well as the potential development of up to 47 additional lots. Given an overall gateway distribution of 56 percent via Narcissa Drive and 44 percent via Peppertree Drive associated with the future potential homes (i.e., 26 via Narcissa Drive and 21 via Peppertree Drive) the total number of existing and future homes expected to



evacuate via Narcissa Drive totals 86 homes (i.e., 60 existing and up to 26 future homes) and via Peppertree Drive totals 79 homes (i.e., 58 existing and up to 21 future homes).

Forecast Trip Generation and Evacuation Clearing Times – Future Conditions.

Based on the above-referenced technical documents, it was conservatively estimated that during an evacuation, two vehicles per residential unit would be evacuated. It should be noted that this is a highly conservative assumption, as not every residential unit would be occupied during an evacuation nor would every home have two drivers present in order to evacuate two vehicles or choose/need to evacuate in separate vehicles. The total forecast trip generation for the existing and future homes within the Portuguese Bend area by gateway was calculated. Approximately 172 vehicles were forecast to exit via Narcissa Drive and 158 vehicles were forecast to exit via Peppertree Drive.

An evacuation study, *Modeling Small Area Evacuation: Can Existing Transportation Infrastructure Impede Public Safety?*, April 2002 was prepared by Vehicle Intelligence and Transportation Analysis Laboratory, University of California, Santa Barbara to document the modeled clearing times for a neighborhood similar in nature to the Portuguese Bend community in Rancho Palos Verdes. That neighborhood contained a total of two access points and the internal roadways comprised of one lane in each direction. As part of the study, three five-minute intervals were used to separate the forecast trip generation in which 30 percent of the total number of vehicles evacuate within the first five minutes, 50 percent evacuated in the next five minutes, and 20 percent evacuate in the next five minutes.

The *Modeling Small Area Evacuation: Can Existing Transportation Infrastructure Impede Public Safety?* study modeled the evacuation clearing times for several scenarios. For the purposes the evaluation, it was assumed that some traffic closures and traffic control officers would be posted at the critical intersections to quickly process vehicles evacuating the area. The referenced study modeled an evacuation clearing time for residential units, with two vehicles evacuating per unit, traffic closures, and traffic control at 74.9 vehicles per minute. The average 74.9 vehicles per minute evacuation clearing time was therefore used to determine the evacuation clearing time for the Portuguese Bend area.

For the condition with the highest amount of vehicles evacuating (i.e., 50 percent evacuated in the second five minutes), it was estimated that the clearing time to evacuate the vehicles traveling south on Narcissa Drive was approximately 1.1 minutes and the time to evacuate the vehicles traveling south on Peppertree Drive was approximately 1.1 minutes. Based on the modeling study referenced above and the assumption that 30%, 50%, and 20% of all residents evacuate in the first, second and third five minute time intervals, respectively, all vehicles would clear the Portuguese Bend neighborhood in less than 15 minutes as verified in the above analysis. The modeling study notes that once an evacuation clearance time level of 20 minutes or more is reached, it is possible that the time taken by residents to clear a neighborhood is larger than the amount of time that an event such as a wildfire might overtake a neighborhood. The findings associated with this particular neighborhood, therefore, are within an acceptable range for evacuation purposes.



Further, with intervention (i.e., traffic control) and education, evacuation problems can be avoided. First, education is important so that neighborhood residents know to park their vehicles facing the street during high fire risk periods. Second, education is needed to convince residents that taking all of their vehicles, while it would save personal property, would add additional time beyond what is absolutely needed to clear the neighborhood during an emergency. Finally, residents can take action (e.g., clearing brush) that may mitigate the extreme conditions of a wildfire near their homes.

Proposed Minimum Exits – For Evacuations.

Table 4 (Proposed Minimum Exits Table for Interface Communities) contained in the *Public Safety in the Urban-Wildland Interface: Should Fire-Prone Communities Have a Maximum Occupancy?*, National Hazards Review, August 2005 article, was also reviewed in detail in order to verify the validity of the number of exiting roadways to adequately serve the Portuguese Bend community during times of an emergency evacuation.

As indicated in the above referenced table, for a total number of households of between 51 and 300 homes, the minimum number of exiting roads is two and the maximum number of households per exit totals 150 homes. As the community has been constructed with two exiting roads and a total of 86 and 79 total households are forecast to exit the Narcissa Drive and Peppertree Drive gateways, respectively, the design of the roadway system with respect to number of exiting roadways and number of households per exit is concluded to be adequate for emergency evacuation purposes.

Equestrian Evacuation.

The Los Angeles County Equine Response Team has previously addressed the City of Rancho Palos Verdes Equestrian Committee regarding the Fire Department's coordination and request regarding preplans for equine evacuation in case of a wildland fire. The Equine Response Team has sites that can be used for emergency equine evacuation pick-up, thus allowing the Equine Response Team to pick up horse(s) and transport them to emergency shelters. Given that one inbound travel lane will be maintained during an evacuation period to allow for entry of emergency vehicles, equestrian evacuation will be possible, although it has been subsequently learned that the horse owners and horse boarders would likely shelter their horses in place and rely on sprinklers.

Construction Traffic Implications during an Evacuation.

Several comments received during the formal Notice of Preparation process noted some concern regarding possible implications of construction traffic during an emergency evacuation. As concluded above, it was estimated that the clearing time to evacuate resident vehicles traveling south on Narcissa Drive is approximately 1.1 minutes and the time to evacuate the resident vehicles traveling south on Peppertree Drive is also approximately 1.1 minutes. These estimates assume that all 47 homes proposed as part of the project have been completed and the findings were found to be within an acceptable range for evacuation purposes.

Based on the construction analysis contained in the Draft EIR, it was conservatively determined that the maximum construction activity in terms of construction trip generation would occur



during the building construction phase given the highly unlikely scenario of all 47 homes being under construction at the same time. Accounting for the addition of the construction worker and construction truck trip generation/vehicles (while subtracting the future resident vehicles from the evacuation analysis), the above evacuation clearance times could increase slightly to 1.4 minutes for Narcissa Drive and 1.3 minutes for Peppertree Drive, respectively. It should also be noted that the provisions for resident evacuation would also apply to construction-related vehicles and personnel. Therefore, it can be concluded that these clearance times would increase by 0.3 minutes (18 seconds) and 0.2 minutes (12 seconds) for the Narcissa Drive and Peppertree Drive access points, respectively.

(3) Construction Traffic Analysis.

As it relates to the quantification of construction-related traffic, the Draft EIR provided a copy of a separate Construction Impact Analysis memorandum prepared by LLG Engineers. Refer to Appendix G of the Draft EIR for a full summary of the forecast construction volumes during construction. As stated in Section 4.10, *Traffic and Circulation*, of the Draft EIR, on Page 4.10-24, the forecast of heavy construction vehicles was based on the highly conservative assumption that all 47 lots would be under construction concurrently. Even with this conservative assumption, the number of haul trucks and delivery trucks expected to utilize either Peppertree Drive or Narcissa Drive to/from Palos Verdes Drive South was forecast to total no more than four vehicles at each of gateway study intersections during either the AM or PM peak hours. As noted in the Traffic Impact Study contained in Appendix G of the Draft EIR, the gateway intersections were forecast to be projected to operate at LOS D as a result of the proposed project and as shown in Tables 4.10-12 and 4.10-13 of the Draft EIR, these temporary increases would not result in any significant impacts based on the City's significance criteria.

(4) Analysis of Future Cumulative Development

As discussed in Section 4.10 (Traffic and Circulation Section of the Draft EIR), page 4.10-22 of the Draft EIR and Section 6.0 of the Traffic impact Study contained in Appendix G of the Draft EIR, the forecast of future pre-project conditions was prepared in accordance with procedures outlined in Section 15130 of the California Environmental Quality Act (CEQA) *Guidelines*. Specifically, the CEQA *Guidelines* provides two options for developing the future traffic volume forecast:

“(A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the [lead] agency, or

(B) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional



modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.”

The traffic analysis is conservative in that for the future year 2020 pre-project condition, both option “A” and “B” have been incorporated into the analysis as outlined the CEQA Guidelines for purposes of developing the future year 2020 forecasts.

As stated on Page 31 of the Traffic Impact Study, the status of other known development projects (related projects) in the area at the time of the preparation of the Draft EIR was researched at the City of Rancho Palos Verdes, City of Rolling Hills Estates, and City of Los Angeles. With this information, the potential impact of the proposed project could be evaluated within the context of the cumulative impact of all ongoing development. Based on that research, 34 related projects were known at the time and located in the project vicinity that had either been built, but not yet fully occupied, or were being processed for approval. These 34 related projects were included as part of the cumulative background setting in Year 2020 and were conservatively assumed to all be completed by the year 2020.

In addition to the detailed list of related projects, horizon year, background traffic growth estimates were calculated by using an ambient traffic growth factor. The ambient traffic growth factor is intended to include unknown related projects in the study area, as well as account for typical growth in traffic volumes due to the development of projects outside the study area. The future growth in traffic volumes was calculated at 0.6 percent (0.6%) per year. The ambient growth factor was based on review of the background traffic growth estimates for the Palos Verdes area published in the *2010 Congestion Management Program for Los Angeles County*, which indicated that existing traffic volumes would be expected to increase at an annual rate of approximately 0.51 percent (0.51% per year) between years 2010 and 2020. However, in order to provide a conservative analysis, the higher ambient growth factor of 0.60 percent (0.60% per year) contained in the *2004 Congestion Management Program for Los Angeles County* was utilized in the traffic analysis. Application of the ambient traffic growth factor to existing traffic volumes (i.e., at 0.6 percent per year) resulted in a 6.0 percent (6.0%) increase in existing traffic volumes to horizon Year 2020.

A detailed review of other related projects has been completed as part of the Final EIR preparation, as a response to comments suggesting that additional projects should have been considered. Through coordination with the City’s Planning Department, it has been indicated that the “Plumtree” project was revised and is no longer a subdivision. The project commonly referred to as “Downhill” currently reflects a four-lot subdivision and is proposed at 20 Vanderlip Drive. As such, with City Council approval of Moratorium Exclusions to allow these moratorium-prohibited projects to move forward, an additional three single family homes could potentially be developed. A trip generation forecast for up to three additional single family homes has been prepared and could potentially add an additional two vehicle trips during the AM peak hour and three additional vehicle trips during the PM peak hour. As both Peppertree Drive and Narcissa Drive can be utilized for access to/from Palos Verdes Drive South, each gateway could receive one or two vehicle trips due to future development. It is important to note that application of the ambient traffic growth factor to existing traffic volumes (i.e., at 0.6 percent per year) used in the traffic study (i.e., which resulted in a six percent



increase in existing traffic volumes to horizon Year 2020) more than account for this related project at these access points as well as throughout the traffic analysis study area.

Based on further coordination with the City's Planning staff, none of the other referenced projects can be considered planned, proposed, or pending and their inclusion in a cumulative analysis would be speculative. Therefore, no further analysis is required.



8.2 COMMENTS AND RESPONSES ON THE DRAFT EIR - LETTERS AND EMAILS

The comment letters and the City's responses follow. Each comment letter has been numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a letter. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue. Response 2.1, for example, indicates that the response is for the first issue raised in comment Letter 2.





EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

November 7, 2012

Letter 1

Eduardo Schonborn
City of Rancho Palos Verdes
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

Subject: Zone 2 Landslide Moratorium Ordinance Revisions (Planning Case No. ZON2009-00409)
SCH#: 2010121073

Dear Eduardo Schonborn:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 5, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

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COMMUNITY DEVELOPMENT
DEPARTMENT

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2010121073
Project Title Zone 2 Landslide Moratorium Ordinance Revisions (Planning Case No. ZON2009-00409)
Lead Agency Rancho Palos Verdes, City of

Type EIR Draft EIR
Description Revisions to the City's landslide moratorium regulations (Chapter 15.20 of the Rancho Palos Verdes Municipal Code) to allow for submittal of landslide moratorium exception (LME) applications for 47 undeveloped or undeveloped lots within Zone 2. The potential granting of up to 47 LME requests under the proposed ordinance revisions would permit individual property owners to then apply for individual entitlements to develop their lots. Potential development on the 47 lots would occur over a period of at least 10 years from adoption of the ordinance revisions in a manner consistent with the private architectural standards adopted by the Portuguese Bend Community Association and the City's underlying RS-1 and RS-2 zoning regulations.

Lead Agency Contact

Name Eduardo Schonborn
Agency City of Rancho Palos Verdes
Phone (310) 544-5228 **Fax**
email kitf@rpv.com
Address 30940 Hawthorne Boulevard
City Rancho Palos Verdes **State** CA **Zip** 90275

Project Location

County Los Angeles
City Rancho Palos Verdes
Region
Lat / Long 33° 44' 53" N / 118° 22' .75" W
Cross Streets N. intersection of Palos Verdes Dr. S. & Narcissa Dr.
Parcel No. Multiple
Township **Range** **Section** **Base**

Proximity to:

Highways
Airports
Railways
Waterways Pacific Ocean, Altamira Canyon
Schools PV ES, Ridgecrest, etc...
Land Use Residential
 Residential, 1-2 DU/acre
 Z: Residential, 1-2 DU/acre

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues; Aesthetic/Visual

Reviewing Agencies Resources Agency; Colorado River Board; Department of Fish and Game, Region 5; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Management Agency, California; California Highway Patrol; Caltrans, District 7; Regional Water Quality Control Board, Region 4; Native American Heritage Commission

Date Received 09/21/2012 **Start of Review** 09/21/2012 **End of Review** 11/05/2012

Letter 1

COMMENTER: Scott Morgan, Director, State Clearinghouse, California Governor's Office of Planning and Research

DATE: November 7, 2012

RESPONSE:

The commenter states that the Draft EIR was distributed to state agencies for review as part of the State Clearinghouse's CEQA document process. The commenter confirms that the City has complied with the Clearinghouse's review requirements for Draft EIRs. These comments are noted. Two state agencies provided comment letters; please see letters 2 and 3 below for the comments and responses.



NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 ds_nahc@pacbell.net



Letter 2

October 3, 2012

RECEIVED

OCT 05 2012

COMMUNITY DEVELOPMENT
 DEPARTMENT

Mr. Eduardo Schonborn, AICP, Planner

City of Rancho Palos Verdes

30940 Hawthorne Boulevard
 Rancho Palos Verdes, CA 90275

Re: SCH#2010121073; CEQA Notice of Completion; draft Environmental Impact Report (DEIR); for the "Zone 2 Landslide Moratorium Ordinance Revisions Project (Case #ZON2009-00409)" located in the City of Rancho Palos Verdes; Los Angeles County, California

Dear Mr. Schonborn:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC recommends that the lead agency request that the NAHC do a Sacred Lands File search as part of the careful planning for the proposed project.

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and California Public Resources Code Section 21083.2 (Archaeological Resources) that requires documentation, data recovery of cultural resources, construction to avoid sites and the possible use of covenant easements to protect sites.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq.*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

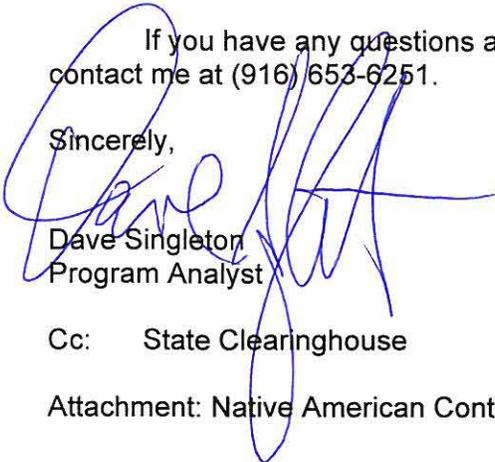
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

**Native American Contacts
Los Angeles County
October 3, 2012**

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th St, Rm. 403
Los Angeles , CA 90020
randrade@css.lacounty.gov
(213) 351-5324
(213) 386-3995 FAX

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3094 Mace Avenue, Apt. B Gabrielino
Costa Mesa, , CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva
,
tattnlaw@gmail.com
310-570-6567

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX

Gabrielino Tongva Nation
Sam Dunlap, Cultural Resources Director
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
samdunlap@earthlink.net

(909) 262-9351 - cell

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

Gabrielino-Tongva Tribe
Bernie Acuna
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
(619) 294-6660-work
(310) 428-5690 - cell
(310) 587-0170 - FAX
bacuna1@gabrieinotribe.org

Gabrielino-Tongva Tribe
Linda Candelaria, Chairwoman
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
lcandelaria1@gabrielinoTribe.org
626-676-1184- cell
(310) 587-0170 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2010121073; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Zone 2 Landslide Moratorium Ordinance Revisions Project (Case #ZON2009-00409); located in the City of Rancho Palos Verdes; Los Angeles County, California.

**Native American Contacts
Los Angeles County
October 3, 2012**

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina , CA 91723
(626) 926-4131
gabrielenoindians@yahoo.
com

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2010121073; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Zone 2 Landslide Moratorium Ordinance Revisions Project (Case #ZON2009-00409); located in the City of Rancho Palos Verdes; Los Angeles County, California.

Letter 2

COMMENTER: Dave Singleton, Program Analyst, Native American Heritage Commission

DATE: October 3, 2012

RESPONSE:

The commenter states that the Native American Heritage Commission (NAHC) is the state “trustee agency” for the protection and preservation of California’s Native American Cultural Resources. The commenter recommends that the City request that the NAHC do a Sacred Lands File search as part of the careful planning for the proposed project. The commenter also urges that the City make contact with the list of Native American contacts provided in the letter. The commenter further states that if cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends avoidance of the site.

The comments provided do not question or otherwise indicate changes to the analysis or conclusions of the Draft EIR. Cultural resources impacts and mitigation measures are discussed in Section 4.4, *Cultural Resources*, of the EIR. As discussed therein, several sites of archaeological significance have been identified within ½-mile of the property. However, the likelihood of finding intact significant cultural resources is low due to historic grading and development on many properties, as well as grading limitations put in place by the Portuguese Bend Community Association and the City’s zoning regulations. Nevertheless, because resources have been identified within ½-mile, Mitigation Measure CR-1 requires that, prior to the grading for individual projects, the applicant must retain a qualified archeologist to monitor grading and excavation. In the event undetected buried cultural resources are encountered during grading and excavation, work must be halted or diverted from the resource area and the archeologist shall evaluate the remains and propose an appropriate mitigation program for City review and approval.

It should also be noted that, as discussed in Section 4.4, *Cultural Resources*, of the EIR, a record search performed by archaeologist Wayne Bonner of the South Central Coastal Information Center on April 15, 2010 indicated that no previously recorded prehistoric or historic archaeological sites or historic properties exist within the project area. The Native American Heritage Commission (NAHC) was contacted by letter on April 18, 2010 for any information regarding Native American concerns for the project area. No response was received to date. The City did not specifically contact each of the parties on the list attached to the letter, based on the preliminary analysis and due to the nature of the project: potentially allowing 47 additional single-family homes to be built on individual lots located in various locations in an existing and mostly built-out subdivision.



COLORADO RIVER BOARD OF CALIFORNIA

770 FAIRMONT AVENUE, SUITE 100
GLENDALE, CA 91203-1068
(818) 500-1625
(818) 543-4685 FAX



CRB
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OCT 19 2012

October 17, 2012

STATE CLEARING HOUSE

State Clearinghouse
1400 Tenth Street
P.O. Box 3044
Sacramento, CA 95812-3044

Letter 3

Regarding: SCH# 2010 121 073, Notice of Completion & Environmental Document Transmittal for a Draft Environmental Impact Report (DEIR) for Zone 2 Landslide Moratorium Ordinance Revisions (Planning Case No. ZON2009-00409), City of Rancho Palos Verdes, Los Angeles County, California

To Whom It May Concern:

The Colorado River Board of California (CRB) has received and reviewed a copy of a Draft Environmental Impact Report (DEIR) for Zone 2 Landslide Moratorium Ordinance Revisions (Planning Case No. ZON2009-00409), City of Rancho Palos Verdes, Los Angeles County, California.

At this juncture, the CRB has determined that it has no comments regarding the Notice. If you have any questions, please feel free to contact me at (818) 500-1625.

Sincerely,

Tanya M. Trujillo
Executive Director

Letter 3

COMMENTER: Tanya M. Trujillo, Executive Director, Colorado River Board of California

DATE: October 17, 2012

RESPONSE:

The commenter states that the Colorado River Board of California has no comments. This information is noted.





COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2401

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COMMUNITY DEVELOPMENT
DEPARTMENT

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

October 12, 2012

Letter 4

Eduardo Schonborn, Senior Planner
Community Development Department
City of Rancho Palos Verdes
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

Dear Mr. Schonborn:

DRAFT ENVIRONMENTAL IMPACT REPORT, NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED ZONE 2 LANDSLIDE MORATORIUM ORDINANCE REVISIONS, PLANNING CASE NO. ZON2009-00409, (SCH # 2010121073), REQUESTING EXCEPTIONS TO THE EXISTING MORATORIUM ON THE FILING, PROCESSING, APPROVAL OR ISSUANCE OF BUILDING, NORTH OF THE INTERSECTION OF PALOS VERDES DRIVE SOUTH AND NARCISSA DRIVE, RANCHO PALOS VERDES (FFER #201200133)

The Draft Environmental Impact Report has been reviewed by the Planning Division, Land Development Unit, Forestry Division and Health Hazardous Materials Division of the County of Los Angeles Fire Department. The following are their comments:

PLANNING DIVISION:

1. We have no comments at this time.

LAND DEVELOPMENT UNIT:

1. The County of Los Angeles Fire Department has no objection to future submittal of Landslide Moratorium Exception applications at this time.
2. The County of Los Angeles Fire Department, Land Development Unit appreciates the opportunity to comment on this project.

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

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

Eduardo Schonborn, Senior Planner
October 12, 2012
Page 2

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

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

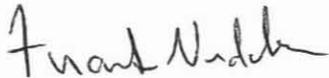
1. The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources and the County Oak Tree Ordinance.
2. The areas germane to the statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division have been addressed.

HEALTH HAZARDOUS MATERIALS DIVISION:

1. The Health Hazardous Materials Division has no objection to the proposed project.

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

Very truly yours,



FRANK VIDALES, ACTING CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

FV:ij

Letter 4

COMMENTER: Frank Vidales, Acting Chief, Forestry Division, Prevention Services Bureau,
County of Los Angeles Fire Department

DATE: October 12, 2012

RESPONSE:

This letter includes comments from the Fire Department's Planning Division, Land Development Unit, Forestry Division and Health Hazardous Materials Division. Each division stated either that they have no comment on the Draft EIR or that they have no objections to the proposed project. These comments are noted.



Abalone Cove Landslide Abatement District (ACLAD)

**A State of California Geohazard District
PMB 169-P.O. Box 7000
Rolling Hills Estates, CA 90274
(310) 787-7111, x3 FAX (310) 787-7193**

Letter 5

To: Joel Rojas, Director, Community Development Department, RPV

From: Robert Douglas, Chairman, Board of Directors, ACLAD

Date: November 16, 2012

Cc: Eduardo Schonborn, Planning Division, Community Development Department, RPV
eduardos@rpv.com

Subject: ACLAD response to the Draft EIR for Zone 2 Landslide
Proposed Moratorium Ordinance Revisions

The Abalone Cove Landslide Abatement District (ACLAD) is a state based geohazard district, responsible for the remediation of the Abalone Cove landslide. To achieve this goal, the District maintains dewatering wells to remove groundwater, monitors rainwater storm discharge and conducts limited geological investigations. After reviewing the Geology (including appendix D, Geotechnical Study) and Hydrology sections of the draft EIR for Zone 2, ACLAD believes that these sections do not adequately address some of the important issues involving slope-stability and storm water runoff and need to be revised. Below we outline our major concerns:

Slope-stability and landslide movement

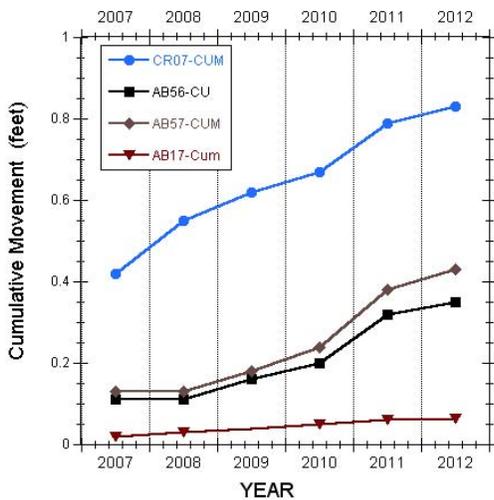
The satellite-based GPS network with survey monuments distributed across the several landslides was established in 1994 to provide accurate measurements of the landslide movement. Measurement of the network array has been conducted annually up to the present time (2012). In 2007, after questions were raised about the data quality and accuracy of some of the earlier surveys, McGee Surveying took over the survey and upgraded and modernized the network. Since then, both the resolution and precision of the surveys have improved. Accuracy of horizontal measurements is 0.02 feet at the 95% Level of Confidence as demonstrated by the measured vector residues, repeatability of measurement of stable points

5.1



and Deflection Analysis. This improvement in the accuracy of the surveys is very important because it has made it possible to consider not only the movement occurring within the active landslides, but more importantly, to determine if there is credible evidence of movement occurring in the areas outside the active landslides, in areas considered to be “stable”.

Prior to 2007 there was evidence of such movement but it was clouded in uncertainty because of questions involving data quality. Based on the improved accuracy of the surveys, nine of the thirteen stations within the “stable” area of the ancient landslide (north of the Abalone Cove landslide) are undergoing slow rates of movement (creep), typically measured in tenths of inches per year. The trend of this data agrees with the older data set but differs in the rates of movement.



Examples of the slow movement (creep) occurring in the “stable” area located north of the active Abalone cove landslide. Shown is the cummulative movement since 2007. The “most stable” station is AB17, located on upper Fruit Tree Lane; AB 56 and 57 are located east and west of the Vanderlip estate and CR 07 is on the Crenshaw Extension, near where the road crosses Portuguese Canyon.

5.1

Only the four northern-most stations, located on the Crenshaw Extension road show no movement. Interestingly, these stations are resting on the north-dipping limb of an anticline that underlies the Peacock Flats block. In the past ACLAD was uncertain about the readings because of the data quality problem, but the existence of creep in the “stable” ancient landslide area is now considered credible for four reasons: the improved accuracy of the measurements, consistency in the rates and directional trends of the measurements, and the fact that they do not correlate with rainfall patterns. To fully document the movement in the “stable” area will require additional years of high quality GPS measurments.

The pattern of creep in the “stable” ancient landslide is consistent with the entire area being part of a slow, continuous moving landslide in which the rate of movement is largely controlled by groundwater. When groundwater levels (pore-water pressure levels at depth) are controlled and prevented from building up, as the dewatering wells do in the Abalone cove landslide area, creep rates are measured in the tenths of inch per year or less. Unfortunately, the very slow rates have been mis-interpreted as indicating that the landslide has come to a halt. When control of the groundwater levels is not possible, as in the Portuguese Bend

landslide, groundwater levels can vary significantly and quickly and rates of movement accelerate to inches per day.



Based on this analysis, ACLAD believes that: (1) the landslides never come to a complete halt because it is impossible to completely “dry them out” (prevent the introduction of rainwater/groundwater), (2) control of groundwater is the only effective remediation, and (3) the areas outside the active landslides are unstable and under the right conditions, large-scale failure is possible. This model calls into question some of the assumptions used in past slope-stability analysis, such as the Factor of Safety (FOS)calculations and what the FOS calculations actually mean.

Rain water and Groundwater:

Because rainfall is the source of groundwater and groundwater is the activator of slope instability, the key to remediating slow, continuous moving landslides is to control the build-up and movement of water in the ground. ACLAD has discovered empirically that groundwater flow in the area is complex; it does not always fit preconceived notions. In general, there is a shallow flow of groundwater recharged by quick infiltration from the surface, fracture zones and through the canyon bottoms (mostly Altamira Canyon) and a deeper flow that comes from slow infiltration in the upper reaches of the containment basin. Shallow groundwater is typically months to several years old; deep groundwater can be up to 40 years or more in age. As rain water infiltrates the soil and bedrock, the weight of the water exerts pressure on the water beneath it and generates a pressure wave that moves through the subsurface and effects groundwater levels and landslide movement further down-slope.

Controlling rainwater discharge from storms is important and the various measures outlined in the DEIR to control rainwater discharge are generally in the right direction. Whether there is a house and driveway on a lot or the lot is undeveloped, the same amount of rainwater falls on the area, it is the runoff characteristics that change and these can be important. Basically hardsurfaces result in faster run off which has two negative effects. The run off can overwhelm the strom drain system, which is basicly the roads, and the other is the runoff delivers more water quicker into Altamira Canyon. The requirement of adding 1500 gal holding tanks to new residences with the idea of controlling the rate of run off appears to be well intended but in the long run is probably an ineffective solution.

5.2

Storm water that collects from just west of Altamira Canyon to the ends of Narcissa and Sweetbay Road, eventually flows into Altamira canyon and enters the canyon at several places above the Abalone Cove landslide. It is important to limit any increase in the amount of runoff entering the Canyon above the Abalone Cove landslide because major fractures in the bottom of the canyon act as conduits directing the water into the subsurface. Measurements of rainwater discharge in Altamira Canyon between upper and lower Narcissa indicate that as much as 60% of the water can be lost to infiltration through the canyon bottom. As the open lots along Sweetbay and upper Narcissa are developed, these houses will contribute additional



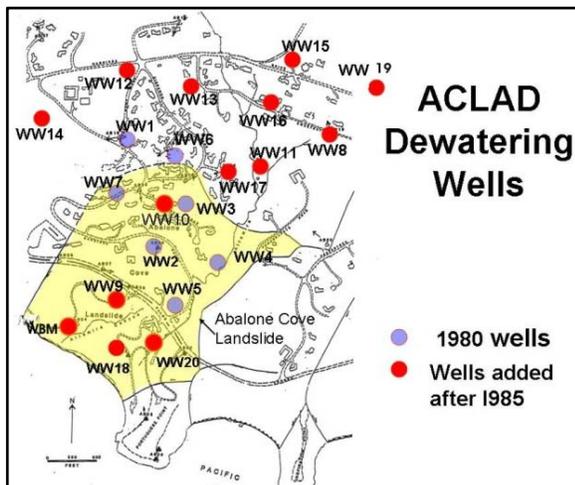
storm water that will be delivered more quickly to Altamira Canyon. The DEIR needs to address how this problem can be remediated. It may be that the only effective way to prevent this water from adding to the groundwater is to place an impermeable lining in the bottom of Altamira Canyon between Sweetbay Road and the 10 foot culvert at lower Narcissa. This has been proposed in the past but proved to be either too costly or no appropriate lining could be found. The advent of new engineering material in the past decade makes this idea worth a new look.

Storm water that collects to the west of Altamira Canyon, is conveyed into culverts that enter the Canyon behind the residence of M. Chiles at the end of Fig Tree lane. This water flows across the most unstable portion of the Abalone Cove landslide, the toe area. It is clear from the well production of wells located close to the course of the canyon that the groundwater is being quickly recharged. Extension of the existing 10 foot culvert from its current terminus at Palos Verdes Drive South to the ocean is a highly desirable solution.

Lining the bottom of Altamira Canyon with an impermeable material and extending the culvert to the ocean are without doubt the two most effective remediation measures that can be made to control the recharge of groundwater. Both are essential.

Additional dewatering wells

The single most effective tool in controlling the landslide movement has been the removal of groundwater by pumping. Since the beginning of remediation efforts in 1979, 21 sites have been drilled for dewatering wells in the Abalone Cove landslide abatement district; 15 wells are currently operational. Several wells within the landslide have been lost over the years due to iron-oxide clay in the groundwater which plugs pumps and reduces permeability in the area surrounding the well or by landslide movement at depth shearing the casing.. Currently only one well out of the original four in the toe area, WW18, is operational. Eleven wells are located in the area north of the landslide to intercept groundwater before it enters the landslide area.



Dewatering wells that have been drilled in the abatement district since 1979; currently 15 wells are removing about 160,000 gallons of groundwater per day.



5.3

As additional housing is added to the area it will generate an increase in storm-drain water flowing into Altamira Canyon which will add to the groundwater recharge. In addition to the suggestion of lining the bottom of Altamira Canyon with an impermeable material and extending the culvert to the ocean , additional dewatering wells will be needed within the the landslide, especially in the toe area south of PVDS to offset the increase in groundwater from stormwater discharge. Additional wells are also needed to counter periods of high rainfall. Since the early 2000s, the area has experienced a drought with below average rainfall. Even so, about 160,000gallons of groundwater are being removed daily. However, as occurred in the 1990s, periods of high rainfall when annual precipitation exceeds 20 inches are also normal. Currently the network of dewatering wells is adequate to control groundwater levels effective when precipitation levels are average (15 inches) or less. Prolonged periods of higher rainfall generate a slow increase in groundwater levels. New wells should be drilled in the upslope area, including areas that are now managed by the PVPLC to intercept the downslope migration of groundwater. To intercept deep water flow, the wells need to be drilled to 350 feet or deeper.



Geological Standard for Development

As a result of the Monks et al. vs City of Rancho Palos Verdes lawsuit, the use of Factor of Safety (FOS) as the primary criterion for evaluating slope stability was rejected and a new standard proposed, the somewhat nebulous “shall not aggravate the existing condition”. While the uncritical use of the FOS generated problems of interpretation in the past, current improved techniques and methods of calculation, if applied properly, overcome many of these problems. Notwithstanding these short comings, FOS is widely used and understood in the geotechnical profession and provides a criterion that can be universally applied and evaluated. It is highly recommended that the City of Rancho Palos Verdes develop, in conjunction with appropriate geologists and engineers from the State of California and the geoengineering profession a replacement or revision of the FOS. Otherwise, the process of evaluating local and gross slope stability will become even more arbitrary and the results of questionable value. Short of a replacement of the FOS the City will need to rationally define the existing conditions which might be aggravated requiring higher scrutiny during the design stage of new construction and the implementation of measures to effectively counter the aggravating factors of these conditions.

5.4

Cc: anthony.misetich@rpv.com, brian.campbell@rpv.com, susan.brooks@rpv.com, jerry.duhovic@rpv.com, jim.knight@rpv.com ,

Letter 5

COMMENTER: Robert Douglas, Chairman, Board of Directors, Abalone Cove Landslide Abatement District

DATE: November 16, 2012

RESPONSE:

Response 5.1

The commenter states an opinion that the Geology and Hydrology sections and studies of the Draft EIR do not adequately address important issues involving slope-stability and storm water runoff and need to be revised. The commenter then goes on to provide information on the Abalone Cove Landslide Abatement District's monitoring of landslide movement since 1994 and the indications in regard to landslide movement, finally stating the commenter's conclusions regarding the status of and strategies for remediation of the landslide movement. This comment does not directly question or challenge specific information in the Draft EIR, as do subsequent comments. However, the information provided is noted.

The commenter also states an opinion that the slow rates of current landslide movement "have been mis-interpreted [sic] as indicating that that landslide has come to a halt." Any such misinterpretation is not reflected in the Draft EIR, which states in Section 4.5, *Geology*, that "Within Zone 2, pumping wells have lowered the groundwater table, drainage has been improved, and the movement on the adjacent ACL has slowed substantially."

Finally, the commenter states that control of groundwater is the only effective remediation for landslide instability, and that large-scale failure is otherwise possible outside of the landslides. The commenter is correct, and these statements are consistent with the EIR's emphasis on groundwater control for the existing and ongoing stability concerns. The EIR concludes that the proposed project would not add to groundwater infiltration or a significant decrease in stability within or outside of the landslide areas.

Response 5.2

The commenter states an opinion that detaining runoff from the subject Zone 2 lots, which is one of the drainage measures listed in Mitigation Measure HWQ-4, would be ineffective for controlling the introduction of water into the landslide area and associated landslide stability effects. The commenter does not provide information or evidence in support of this assertion; therefore a meaningful response is not possible. The commenter goes on to opine that potential development under the proposed ordinance revisions would contribute additional storm water that would be delivered more quickly to Altamira Canyon, a source of groundwater recharge, and that the Draft EIR must address this problem. Finally, the commenter suggests two methods to mitigate infusion of groundwater: extension of an existing 10-foot culvert from its terminus at Palos Verdes Drive South to the ocean, and lining the bottom of Altamira Canyon with an impermeable material. Although these methods may decrease infiltration of stormwater in Zone 2 and adjacent areas, they are not proposed as mitigation for the project because the project would not result in substantial increases of infiltration. As discussed in



Section 4.8, *Hydrology and Water Quality*, and further clarified in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, the project, with the mitigation identified, would not result in a significant increase of groundwater infusion; therefore additional mitigation is not required.

Response 5.3

The commenter suggests adding new dewatering wells to the toe of the landslide area and also in the upslope areas to further reduce landslide movement. As noted in Response 5.2, additional mitigation for groundwater recharge is not required because the project would not result in substantial increases of infiltration. In addition, as discussed in *Topical Response 8.1.b: Geology* in subsection 8.1, the City of Rancho Palos Verdes has allocated funding for two additional wells and rehabilitation of one existing well to further control groundwater in the landside mass.. Please see *Topical Response 8.1.b: Geology* in subsection 8.1, above, for additional information to address this and other related comments.

Response 5.4

The commenter states an opinion that the Draft EIR should use “factor of safety” as the primary criterion for evaluating slope stability and significance of related impacts in the Draft EIR. Please see *Topical Response 8.1.b: Geology* in subsection 8.1, above, for a discussion of this issue that responds to this and other related comments.



California Native Plant Society

South Coast Chapter

Letter 6

November 20, 2012

City of Rancho Palos Verdes
Community Development Department
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275-5391
ATTN: Senior Planner Eduardo Schonborn

RE: DEIR for Zone 2 Landslide Moratorium Ordinance Revisions

Dear Mr. Schonborn:

The Board of the South Coast Chapter of the California Native Plant Society (CNPS) wishes to go on record in regard to the potential impact on two plant populations if the DEIR for the Zone 2 Landslide Moratorium Ordinance Revisions is adopted.

Leptosyne maritime, formerly known as *Coreopsis maritima*, is a rare, threatened, or endangered plant species in California. (CNPS list 2.2) The only population on the Palos Verdes Peninsula is located just above the canyon in Lower Altamira.

The DEIR calls for the new housing to have cisterns and permeable paving, but in the event of a downpour or a season of El Nino, the cisterns will fill quickly and permeable pavers will not allow adequate water absorption. Added to other hardscape features, the increased runoff that will be directed into Altamira Canyon could have serious consequences for the stability of the canyon walls. Should the canyon walls be undercut by the rushing water, this species of concern could be in jeopardy.

6.1

We are also concerned about the potential impacts to Abalone Cove Shoreline Preserve intertidal life and kelp forest due to siltation caused by the above scenario.

6.2

We ask that all of the above points be addressed by the City when considering approval of this draft EIR.

Yours truly,



David Berman, President
South Coast Chapter, California Native Plant Society
23600 Telo Avenue, Suite 130
Torrance, CA 90505

cc: Planning Commission, City of Rancho Palos Verdes

Letter 6

COMMENTER: David Berman, President, California Native Plant Society, South Coast Chapter

DATE: November 20, 2012

RESPONSE:

Response 6.1

The commenter states that the only known population of *Coreopsis maritima*, a special status plant species, is located just above the canyon in Lower Altamira. The commenter goes on to express concern that the project will result in runoff to Altamira Canyon that could increase erosion and thus jeopardize this species in proximity to the creek.

As discussed in the Draft EIR in Sections 4.5, *Geology*, Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, buildout under the proposed ordinance revisions, with the mitigation identified, would not result in a significant increase in runoff or in erosion in Altamira Canyon. Specifically, Altamira Canyon has and continues to experience erosion due to runoff from the existing on and off site developments. During a high storm event scenario, the additional proposed development would add little volume to the peak runoff because soils are already saturated or otherwise unable to absorb the water quickly enough. Consequentially, peak flow volumes would not increase substantially and little difference exists in the potential for erosion to damage the canyon walls as compared to existing conditions. Please refer to Table 4.8-1 of Section 4.8, wherein the peak (Q) flow of the 50-year and Capital storm events change by 0.7% and 0.6%, respectively. As stated in the EIR, changes to the peak runoff rates for the design storm events (2, 5, 10, 25, 50-year and capital storm) are minimal. Therefore, while erosive conditions in Altamira Canyon may exist, the proposed project would not cause a significant increase in erosive flows and no significant indirect impacts to *Coreopsis maritima* are anticipated as a result of the proposed project.

Response 6.2

The commenter expresses concern regarding potential impacts to Abalone Cove Shoreline Preserve intertidal life due to siltation from increased runoff and erosion caused by the potential development under the proposed ordinance revisions. As discussed in Sections 4.5, *Geology*, and 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in Subsection 8.1, above, buildout under the proposed ordinance revisions, with the mitigation identified, would not result in a significant increase in runoff or in erosion in Altamira Canyon, and thus would not result in water quality impacts to intertidal or marine habitat or species. It should be noted specifically that over the long term, landscaped residential yard areas have more stable (less erosive) soils than vacant lots that are continually disced for fire management purposes.





PRESERVING LAND AND RESTORING HABITAT FOR THE EDUCATION AND ENJOYMENT OF ALL

November 20, 2012

Letter 7

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

Subject: Comments to the Draft EIR for Zone 2 Landslide Moratorium Ordinance Revisions

Dear Eduardo,

The PVPLC has reviewed the draft EIR for the Zone 2 Landslide Moratorium Ordinance Revisions, and would like to make the following comments:

1. The Draft EIR states that the Predator Control Plan from 2007 recommends cowbird trapping in the reserve (p4.3-23, paragraph 4) and that one trap as indicated in the previous Predator Control Plan “should be sufficient” to control increased cowbirds (p 4.3-23, paragraph 5).

7.1

Recent surveys have not identified cowbirds, and PVPLC does not currently trap cowbirds. Therefore, any increase in cowbirds would be an impact on covered birds.

2. Regarding the impact of domestic animals on wildlife, the Draft EIR: states that there would be no additional impact to wildlife from predation due to domestic animals (p4.3-24). Based on the NCCP requirements listed below (Section 5.6.2):

Fencing, barriers or functional edge treatment will be required for all new projects developed on existing vacant lots abutting the Preserve and shall be designed to prevent intrusion of domestic animals into the Preserve. This requirement may be waived with written approval from the Wildlife Agencies.

7.2

Prohibiting the use of gates, openings, or other entry means in project fencing, barriers and edge treatment that would allow direct human access to the Preserve, which would degrade the natural habitat. This requirement may be waived with written approval from the Wildlife Agencies.

PVPLC would like to request that fencing be required on all vacant lots abutting the Preserve to keep domestic animals out of the Preserve, and to keep people from accessing the Reserve at points that are not official trailheads.

3. There is a population of *Coreopsis maritima* in the lower section of Altamira canyon. *Coreopsis maritima* is a CNPS List 2.2 plant species. While the plant doesn't have state or federal status, we are not aware of any other location in Los Angeles County for this rare plant. We therefore recommend that the presence of this species be considered when analyzing the impact of increased water flow and the potential erosion of Altamira Canyon.

7.3

Sincerely,



Andrea Vona
Executive Director

Letter 7

COMMENTER: Andrea Vona, Executive Director, Palos Verdes Land Conservancy

DATE: November 20, 2012

RESPONSE:

Response 7.1

The commenter refers to the discussion in the Draft EIR regarding trapping of cowbirds to decrease their impacts on protected birds. The commenter states that the manager of the adjacent preserve, the Palos Verdes Peninsula Land Conservancy, does not currently trap cowbirds and that recent surveys have not identified cowbirds, and that any increase in cowbirds would be an impact on covered birds.

Given that no cowbirds are currently present, no cowbird trapping is necessary. However, if cowbirds do begin to occur in the area, it does not necessarily mean that they are associated with the proposed project as compared to the many existing livestock facilities. Therefore, the potential for cowbirds to occur will remain an ongoing management issue for the Palos Verdes Nature Preserve regardless of whether or not infill development occurs. The text in Section 4.3, *Biological Resources*, has been edited as shown below to clarify that cowbirds are not currently known to be present.

Brown-headed cowbirds are typically associated with land uses that have abundant grass seed, such as equestrian facilities, barns with livestock, and golf courses. Many of the residential lots currently within the study area have horses and other livestock, and an equestrian facility is located in the west portion of the project site. The proposed project would not alter the ability of lot owners to house livestock on their lots, and would not change the extent to which such facilities could occur within the site under existing conditions. If the owners of the lots choose to have large animals, additional waste grain food sources for the brown-headed cowbird could develop, but the potential for cowbird to occur is already present. Development of the lots would not change the current presence of brown-headed cowbirds in the area, although it has the potential to increase the population of cowbirds in the local vicinity. Per the Palos Verdes Peninsula Land Conservancy (see Comment Letter No. 7), recent surveys have not detected cowbirds. Nonetheless, cowbird management is likely to be an ongoing management issue for the Palos Verdes Nature Preserve because of existing land uses that ability to support cowbird populations. In the event that cowbirds populations increase appear in the area in the future, the single trap recommended in the 2007 PCP for the Reserve to control populations in the area of known coastal California gnatcatcher nesting is anticipated to be sufficient.



Response 7.2

The commenter re-states information from the NCCP requirements regarding fencing for perimeter lots and directly requests that fencing be required on all vacant lots abutting the Preserve to prevent egress by people and domestic animals.

Recommended Mitigation Measure BIO-6(b) in the Final EIR would require that lots adjoining the Preserve be fenced. The comment is noted to the decision-makers regarding the PVPLC request, which could be accommodated by adopting Mitigation Measure BIO-6(b). It should also be noted that the NCCP currently requires this measure for all lots adjoining the preserve, separately from the mitigation measure.

Response 7.3

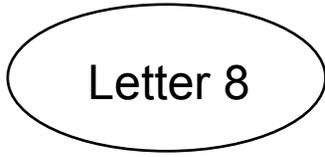
The commenter notes the presence of *Coreopsis maritima* in Altamira Canyon and suggests that its presence be considered when analyzing hydrologic effects of the proposed project on the canyon.

As discussed in Sections 4.5, *Geology*, and 4.8, *Hydrology and Water Quality*, under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, and Response to Comment 6.1, above, buildout under the proposed ordinance revisions, with the mitigation identified, would not result in a significant increase in runoff or in erosion in Altamira Canyon. The proposed project does not cause a significant increase in erosive flows and no significant indirect impacts to *Coreopsis maritima* are anticipated as a result of the proposed project.



TO:

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



Subject: Zone 2 Landslide Moratorium Ordinance Revisions DEIR dated Sept. 2012

The Portuguese Bend Community Association, Board of Directors offers the following comments regarding the subject report:

1. The storm water drainage system in the study area is via the community streets and into Altamira Canyon. The study concludes that the impact of additional storm water runoff, resulting from the development of 47 additional lots, would have insignificant impact on Altamira canyon given that these lots were included in the original development plan. The DEIR assumes that the original, nearly century-old, design was adequate and that all other given conditions have remained unchanged. The following considerations must be included in the EIR study:
 - a. Modern engineering practices would surely consider this drainage design to be substandard.
 - b. Land movement has affected grading slopes, compaction and contiguous drainage paths.
 - c. Land movement has created fractures throughout the study zone and the floor of Altamira Canyon, creating direct pathways for water intrusion into the slide plane. (As demonstrated at a recent RPV landslide workshop)
 - d. Grading and resulting hardscape from large residential developments, upstream from Portuguese Bend, have added significant storm water volume to Altamira Canyon since the Portuguese Bend development started in the early 1900's.
 - e. Over the last forty years, numerous studies have concluded that Altamira Canyon is a major contributor of water intrusion into the slide plane, with repeated recommendations to perform mitigation measures.
 - f. Before any additional storm water volume is added into Altamira Canyon, significant structural mitigation measures need to be addressed.
 - g. A structural failure within Altamira Canyon would be catastrophic to adjacent homes and the entire community.
2. The DEIR has excluded the Portuguese Bend private roads from its study stating that any necessary upgrades would be the responsibility of the community. Any decision to allow additional development, bears with it, the responsibility to identify all impacts and identify

8.1

8.2

8.3

feasible mitigation measures. The private roads within the Portuguese Bend community were designed and constructed in a time when families owned a single vehicle, service and construction equipment were smaller and lighter, and most homeowners did not have gardeners and other daily hired services. The community roads are not adequate to withstand the added daily volume that would be created by 47 additional residences and especially the tremendous volume of heavy construction traffic associated with those construction activities. Visual deterioration is evident just from the four projects started in the last year.

- 3. The DEIR ignores decades of geological studies and expert opinions that recommend against additional development in the current moratorium zones. 8.4
- 4. The DEIR ignores the accepted factor-of-safety standard of 1.5 while acknowledging that it is likely much lower.
- 5. The DEIR ignores the cumulative impact of potential, future residential development in adjacent properties. (i.e. the Point View property and Plumtree projects) 8.5
- 6. The PBCA feels that much of the CEQA protocol and much of the historical geological study data has been minimized or ignored in the subject DEIR. 8.6

Mr. Jim Knight, a community resident who has substantial historical knowledge with this issue, has submitted a very comprehensive comments document (attached) that captures the substantive concerns of the subject document. Also, Mr. Bob Douglas, a community resident and professional geologist has submitted a document representing ACLAD. The PBCA Board of Directors, on behalf of the association members, concur with these submittals and request that all related comments be fully addressed. We thank you for your conscientious consideration of these and all other individual comments submitted by members of our community. Many residents have valuable historical information and personal experiences with areas of concern in the subject DEIR. 8.7

Respectfully;

Robert Cumby

President, Board of Directors

Portuguese Bend Community Association

Letter 8

COMMENTER: Robert Cumby, President, Board of Directors, Portuguese Bend Community Association

DATE: Undated

RESPONSE:

Response 8.1

The commenter states an opinion that the existing drainage system for Zone 2 is substandard, and that land movement in the project area has affected grading slopes, compaction and contiguous drainage paths. As discussed in Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, buildout under the proposed ordinance revisions, with the mitigation identified, would not substantially change existing runoff amounts or rates and thus would not contribute to any deficiencies in the drainage system that may exist.

Response 8.2

The commenter states an opinion that fractures in Altamira Canyon allow for water to enter the landslide mass, that upstream development has increased water in the canyon, that measures are needed to improve the canyon before additional development is allowed, and that a structural failure in the canyon would jeopardize adjacent residences and the surrounding community. As discussed in Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, buildout under the proposed ordinance revisions, with the mitigation identified, would not substantially change existing infiltration either on the subject lots or via flows to Altamira Canyon. Thus, no additional mitigation is required.

Response 8.3

The commenter requests additional study of the private roads in Portuguese Bend and states an opinion that the roads are not adequate to accommodate project-related operational and construction traffic, citing the impacts of recent construction in the project area.

As stated in *Topical Response 8.1.c: Traffic and Circulation*, a total of approximately 165 homes were planned within the Portuguese Bend community with the original subdivision, including 111 homes in the Zone 2 project area, which includes the 47 additional single family homes analyzed as part of the proposed project as well as 64 developed lots within the project area. Using the Institute of Transportation Engineers (ITE) Land Use Code 210 (Single Family Detached Housing) trip generation average rate of 9.57 daily trips per dwelling unit (DU), the total daily trip generation for the entire Portuguese Bend community area (i.e., all 165 existing and future homes) would equate to approximately 1,580 average daily trips (ADTs), or 790 inbound vehicle trips and 790 outbound vehicle trips per day). These rates account for all operational traffic associated with single family homes, including deliveries, gardeners, visitors, etc. in addition to traffic volumes generated by the residents themselves.



Using the gateway peak hour traffic volumes for the Year 2020 Future With Project conditions at both Narcissa and Peppertree Drives, north of Palos Verdes Drive South (i.e., which assumes full development of all 47 lots with single family homes, builds upon the actual existing peak hour gateway traffic counts, and also assumes that the PM peak hour gateway traffic volumes comprises roughly 10 percent of the average daily traffic volumes), ADT volumes of 870 vehicles and 670 vehicles are forecast for the Narcissa and Peppertree Drive gateway access points, respectively. When combined, these total 1,540 vehicles per day, which is very close to the above forecast of 1,580 vehicles per day with application of the ITE average daily trip rate to all 165 planned homes within the Portuguese Bend area.

It is important to note that the farther a motorist traverses away from Palos Verdes Drive South and into the Portuguese Bend roadway system, the lower and lower the roadway segment ADT volumes become due to the household origins and destinations and the locations of driveways/lots. While none of the private roads within the Portuguese Bend area were formally analyzed in the Draft EIR because they are private roads and located outside of the jurisdiction of the City of Rancho Palos Verdes, the City's adopted significant traffic impact criteria are not applicable. Average daily traffic volumes of less than 1,600 vehicles per day are well below what is considered in the transportation planning industry as a theoretical "environmental capacity" for local roadways (i.e., a volume of less 2,500 vehicles per day for local roads) and no significant traffic impacts are expected. It should also be noted that the Portuguese Bend Association has the responsibility and authority to impose fees and assessments in order to maintain facilities, including the private roadway system. Therefore, the City encourages the HOA in their capacity as owners to study, monitor and perform maintenance as required.

Response 8.4

The commenter states an opinion that the Draft EIR "ignores decades of geological studies and expert opinions that recommend against additional development in the current moratorium zones." The geotechnical study used in the Draft EIR included review of dozens of past studies performed for the project area that make up the vast bulk of technical investigations of area geology and hazards. These are listed in Appendix A of the EIR Geotechnical Study, which is contained in Appendix D to the Draft EIR. The commenter does not cite specific studies not included on this list; thus it is impossible to provide a specific response. The commenter further opines that the Draft EIR "ignores the accepted factor-of-safety standard of 1.5 while acknowledging that it is likely much lower." Please see *Topical Response 8.1.b: Geology* in subsection 8.1, above, for a discussion of this issue that responds to this and other comments on this topic. It should also be noted that the City is precluded from determining a zone-wide analysis of factor-of-safety pursuant to the Monks decision, but must rather make that determination on a site-specific basis.

Response 8.5

The commenter states an opinion that the Draft EIR cumulative development setting is incomplete, and cites the Point View and Plumtree "projects" as not accounted for in the Draft EIR. A number of commenters listed these properties and others, including "Downhill," "York," "Vanderlip," "Bean Field," "Del Cerro," and "Island View" and stated opinions that



they would add to the cumulative development scenario. City staff reviewed these properties and determined that, with the exception of the Downhill property, no projects are known that can be considered planned, proposed or pending, and that their inclusion in a cumulative analysis would be speculative. There is a parcel map proposed for the Downhill property that would add three new residential parcels in the project vicinity. The cumulative development scenario in Section 3.0 *Environmental Setting* has been updated in the Final EIR to reflect this change (see tables 3-1 and 3-2). Please see also *Topical Response 8.1.c: Traffic and Circulation* in subsection 8.1, above, for a discussion of how this change affects the traffic analysis. The addition of these three new parcels would incrementally increase impacts in several issue areas, but in no case would this result in new or substantially increased impacts, or require new or modified mitigation measures.

Response 8.6

The commenter states that the Portuguese Bend Community Association “feels that much of the CEQA protocol and much of the historical geological study data has been minimized or ignored in the subject DEIR.” This comment is noted, however as the commenter does not provide specifics on what geologic information or “CEQA protocol” is minimized or ignored, a specific response is not possible. Geology and geologic hazards are discussed in Section 4.5, *Geology*, of the Draft EIR. As discussed therein, all impacts on this topic were determined to be less than significant or potentially significant but mitigable. Please also see Response 8.4 above.

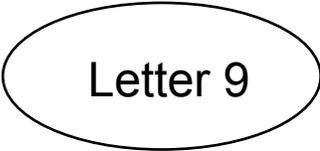
Response 8.7

The commenter expressed agreement with letters submitted by Robert Douglas and Jim Knight. These letters are included in this section as letters 5 and 24, respectively. This comment is noted.



November 20, 2012

Eduardo Schonborn, Senior Planner
City of Rancho Palos Verdes



RE: DEIR Zone 2 Landslide Moratorium Ordinance Revisions

Dear Mr. Schonborn:

In my opinion, the DEIR is woefully inadequate in addressing the hydrology and potential impacts to Altamira Canyon by the increased runoff if the proposed development is approved. Altamira Canyon is the primary drainage for Zone 2 and is currently unable to handle runoff when heavy rain occurs. With the increased runoff from the already approved development and the potential new developed lots, Altamira Canyon could see catastrophic canyon wall failures that would lead to loss of property in the upper and lower canyon. Mitigation by use of interlocking pavers is useful for rain showers and drizzle, but is not able to absorb moisture during serious rain events and cisterns will fill to capacity very quickly in a downpour. The resulting runoff will create torrential flooding in Altamira Canyon.

9.1

9.2

Also not addressed in the DEIR are potential negative impacts to the Abalone Cove Shoreline Preserve by the additional runoff that will cloud the water and in the event of canyon wall failures can create siltation in the tide pools and adversely impact the kelp forest.

9.3

Sincerely
Tony Baker
16 Limetree Lane
Rancho Palos Verdes
Ca. 90275
(310) 377-2536

Letter 9

COMMENTER: Tony Baker

DATE: November 20, 2012

RESPONSE:

Response 9.1

The commenter states an opinion that Altamira Canyon is currently unable to handle runoff when heavy rain occurs, and that development allowed under the proposed project could cause catastrophic canyon wall failures that would lead to loss of property in the upper and lower canyon. As discussed in Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, buildout under the proposed ordinance revisions, with the mitigation identified, would not substantially change runoff conditions on the subject lots and therefore would not contribute significantly to flows in Altamira Canyon.

Response 9.2

The commenter states an opinion that interlocking pavers are not able to absorb moisture during serious rain events; that cisterns will fill to capacity quickly in a downpour; and that the resulting runoff will create torrential flooding in Altamira Canyon. Please note that the use of permeable hardscape materials and/or detention tanks are not relied on solely in the Draft EIR for mitigation of localized flooding or erosion, but rather may be part of a larger suite of potential methods to ensure that development allowed under the proposed ordinance revisions does not result in significant flooding or erosion impacts. Please see also *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, for further discussion of potential impacts related to stormwater runoff and erosion in Altamira Canyon.

Response 9.3

The commenter states an opinion that the Draft EIR does not adequately address potential project impacts to the Abalone Cove Shoreline Preserve, tide pools and the kelp forest. As discussed in Sections 4.5, *Geology*, and 4.8, *Hydrology and Water Quality*, under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, and Response to Comment 6.1, above, buildout under the proposed ordinance revisions, with the mitigation identified, would not result in a significant increase in runoff or in erosion in Altamira Canyon. Further, each applicant would be required to prepare a Construction Erosion Control and Water Quality Plan for the review and approval of the Building Official (Mitigation Measure HWQ-1) to reduce possible sediment transport problems during construction activity. With general respect to development, landscaped residential yards have more stable soils (less erosive) than the current lots that are continually disced for fire management purposes.



Letter 10

*Jeremy R. Davies
36 Cinnamon Lane
Rancho Palos Verdes
California 90275
Email: jdavies@kubooa.com*

November 15, 2012

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

Dear Mr Schonborn,

*DEIR FOR ZONE 2 LANDSLIDE PROPOSED MORATORIUM
ORDINANCE
REVISIONS*

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

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

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

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

SCOPE OF PROJECT

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

10.1

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

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

10.2

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

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

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

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

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

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



10.3

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

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

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

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



10.4

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

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

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

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

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



10.5



10.6

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



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

10.7

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

10.8

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

10.9

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

10.10

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



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



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

10.11

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

10.12

AESTHETICS

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

10.13

AIR QUALITY

13) AQ-1 It is good to know that the construction workers will wear face masks to reduce inhalation of dust which may contain the fungus which causes San Joaquin Valley Fever. What measures are being taken to advise residents of this risk and what actions should they take? | 10.14

14) AQ-1b Please reference that the Community has more restrictive times allowed for construction than the city's ordinance. | 10.15

15) Even though there are restrictions for parking on the streets, in the case of Upper Cinnamon because of the narrow street and short street ending in a cul de sac and concentration of the project in this small area, we ask that development be restricted to one lot at a time otherwise there will be serious traffic issues, human safety and fire safety issues. | 10.16

BIOLOGICAL RESOURCES

16) There is evidence of massive amounts of debris and silt being deposited into a State protected Marine Reserve established by the California Department of Fish and Game. Explain and justify why this is not addressed in the DEIR. | 10.17

17) BIO 3 Establishing whether an individual lot is within the drainage channel
"within" Altamira Canyon is not adequate. Many of the lots in the project may not be directly "within" the drainage channel of Altamira Canyon but ultimately by using the street system enter this Canyon .
The cumulative effect from the project on the Canyon needs to be quantified. | 10.18

GEOLOGY AND SOILS

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

10.19

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

10.20

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

HYDROLOGY AND WATER QUALITY

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

10.21

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

10.22

- | | |
|--|--------------|
| <p>22) The map supposedly showing the drainage system is inaccurate based on attempts by residents to find such drainage courses. Existing culverts and pipes are seriously undersized and in some cases severed. Please explain and justify the DEIR's inaccurate mapping. The City and its consultants should visit the area during heavy rains and reconsider their conclusions as to the adequacy of the conclusion in 1) above.</p> | <p>10.23</p> |
| <p>23) Additional storm water run off into the landslide prone Zone 5 area as a result of this project poses a potentially significant impact directly to Zone 5 and indirectly to Zone 2. Please explain and justify why this is not addressed.</p> | <p>10.24</p> |
| <p>24) Mitigation HWQ-4 does not quantify the amount or rate of storm water run off that should be allowed from future construction from onsite detention facilities. Nor does it quantify standards for new hardscaping. The Monks lot owners are using pavers on driveways but the DEIR does not address what kind of pavers (pervious or non-pervious) and what grout line is adequate to prevent run off from going into the storm drain system (streets).</p> | <p>10.25</p> |
| <p>25) There are inconsistencies between the conclusions in the DEIR regarding the impact of storm water run off, volume and amounts that go into the soils and Altimira Canyon, which create further destabilization, and the conclusions at the City's own storm water run off workshop held in July of 2012. Please explain and justify these inconsistencies.</p> | <p>10.26</p> |

FIRE PROTECTION

26) The DEIR does not address whether or not the fire hydrants are large enough to address the impacts of the project and Community, assuming full build out. Please explain and justify why. | 10.27

27) The open lots lining the northern section of Zone 2 (Upper Cinnamon Lane) allow the fire department to access the open space in the event of fire. The DEIR does not address how the development of these lots will impact the safety of the area by cutting off this access for emergency services. Please explain and justify why. | 10.28

28) The Community is a high fire hazard area. Mitigation measures need to specifically ban any construction workers from smoking in the open while working in the Community. | 10.29

TRAFFIC AND CIRCULATION (see DEIR SCOPE section)

29) There are restrictions for parking on the streets in the DEIR. However, in the case of Upper Cinnamon because of the concentration of the project in this small area, because of the narrow street and the short street ending in a cul de sac, we ask that development be restricted to one lot at a time otherwise there will be serious traffic issues, human safety and fire safety issues. | 10.30

OTHER

30) Are the Monks plaintiff plans that have been approved or are in the approval process required to comply with ALL the mitigation measures that will be in the final EIR in accordance with CEQA? If not which measures specifically are excluded? If not, please explain and justify this segmentation of a project under CEQA. | 10.31

Letter 10

COMMENTER: Jeremy R. Davies

DATE: November 15, 2012

RESPONSE:

Response 10.1

The commenter asks the bases of the statement in the Draft EIR that the existing drainage system was designed for the entire Portuguese Bend development, including the 47 undeveloped lots, and that each lot is therefore assumed to have a proportional share of the existing drainage capacity in Zone 2. Please see *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, for a discussion of this issue that responds to this and other comments on this topic. It should be noted that the City is not in possession of a plan for the subdivision and infrastructure of the Zone 2 area that specifically states which lots were accommodated in the plan for drainage. However, it may be reasonably assumed that the roads and drainage system were constructed to service all of the lots that were created with the subdivision. Nevertheless, the impacts would remain the same regardless; as discussed in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, the the mitigation measures have been modified to clearly require that infiltration and runoff quantities remain generally the same for pre- and post-construction conditions, thereby avoiding changes in runoff and infiltration rates and volumes.

Response 10.2

The commenter requests a separate hydrology study specifically for upper Cinnamon Lane for potential development under the proposed project in this portion of the project area. This comment is noted. However, as new development would be required to ensure that existing drainage patterns and quantities are maintained, such a study is not required in order to assess impacts. The EIR is a programmatic document that addresses impacts for the program as a whole; individual drainage studies would not be appropriate, as no specific projects are associated with the proposed ordinance revisions. The mitigation measures for stormwater runoff are designed to be applied to all projects proposed pursuant to the ordinance revisions that are not included in the Monks decision and associated adopted Mitigated Negative Declaration, but allow for flexibility and require site-specific study of each project to ensure that overall mitigation goals and performance standards are met. For example, Measure HWQ-4 states what performance measures must be met to avoid adding additional runoff to the storm drainage system, allowing for individual lots to be engineered specifically to meet that goal to the satisfaction of the Director of Public Works. See also *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, for further discussion of this topic. Finally, the commenter requests that yucca plants near his residence be kept in place. This comment is noted; however, the City does not have the authority to require this except as part of a related permit request. .



Response 10.3

The commenter states an opinion that the private roads within and adjacent to the project area are not designed for heavy construction equipment and materials. Please see *Topical Response 8.1.b: Geology* and *Topical Response 8.1.c: Traffic and Circulation* in subsection 8.1, above, for a discussion of this issue that responds to this and other comments on this topic. The commenter goes on to state concerns regarding the potential effects of landslide movement on Zone 2's main access roads and regarding the potential effects that vibrations associated with construction equipment on the roads may have on localized landslides.

Ground vibration is normally measured in terms of particle velocity (in inches/second or millimeters/second), which is the local movement of soil materials as an earth borne vibration passes through the soil. This can be likened to a bobbing cork as a wave passes by. The US Bureau of Mines has set a "safe blast limit" of two inches/second below which virtually no risk of building damage is likely. However, vibrations are felt at a much lower level, and this safe limit is applicable only to a single event. Caltrans (September 2008, Vibration Report - Linden Avenue and Casitas pass Road Interchanges Project, and February 2002, Transportation Related Earthborne Vibrations) uses a criterion of 0.2 inches/second peak particle velocity (PPV) as the "architectural damage risk level" for continuous vibrations to evaluate the severity of vibration problems. This is one-tenth the US Bureau of Mines level for single events. A lower level of 0.08 inches/second is the recommended upper level for ancient monuments and ruins, as these structures are often in unstable condition. The PPV at 25 feet for a loaded truck is 0.076 inches/second, which is less than the recommended upper limit for ruins.

The ability of construction equipment to cause movement of a non-active landslide, or increased/reinitiated movement of an active landslide, is related to the mass of the construction equipment relative to the landslide mass. In most cases, the mass of the landslide is so great that the additional mass and associated vibration of the construction equipment is insignificant. In this instance, the Abalone Cove and Portuguese Bend Landslides are both deep-seated (ie: sliding surface is mostly deeply below the maximum rooting depth of trees, greater than 30 feet deep) and massive (estimated weight of the Abalone Cove Landslide is millions of tons, as compared to a loaded concrete truck of approximately 35 tons). If the landslides were to be considered "ruins," the effective distance to which a loaded truck could affect the landslide is less than 25 feet as noted above, which is far less than the size of the mass that would need to be moved. Therefore, it is highly unlikely that the transit of construction vehicles along either Narcissa Drive or Peppertree Drive could create additional movement. As noted in the Geotechnical Study (Appendix D of the EIR), the landslide movement occurs because of adverse geological conditions associated with the weak bentonite clay beds and the excessive intrusion of groundwater, with slippage along a bedding plane located about 100 feet below the surface. Local surface ground vibrations caused by passing construction equipment are not associated with these primary causes of the landslide movement.

Please also see *Topical Response 8.1.b: Geology* in subsection 8.1, above.



Response 10.4

The commenter requests a detailed assessment of the impact of construction of all of the potential 47 new residences concurrently on the structural integrity of Zone 2's two primary access roads and adjacent structures. Please see *Topical Response 8.1.b: Geology* and *Topical Response 8.1.c: Traffic and Circulation* in subsection 8.1, above, for a discussion of this issue that responds to this and other comments on this topic.

Response 10.5

The commenter refers to unspecified studies that indicate that Altamira Canyon is a source of groundwater recharge and that recommend that development be suspended until the canyon is made impervious. The commenter further requests that the EIR acknowledge that Altamira Canyon is "already a deficient storm drain system" and opines that the proposed ordinance revisions would result in additional stormwater runoff entering Altamira Canyon. As discussed in Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, buildout under the proposed ordinance revisions as mitigated would not result in a significant increase in runoff entering Altamira Canyon or in groundwater recharge.

Response 10.6

The commenter asks whether the Abalone Cove Landslide Abatement District (ACLAD) was consulted on a number of aspects of the project and Draft EIR. The District was included in the scoping process, wherein they reviewed and commented on the Notice of Preparation and Initial Study (please see their letter to the City of January 28, 2011 in Appendix A to the EIR) and in the Draft EIR review process, wherein they reviewed and commented on the Draft EIR (please see Letter 5, above and the responses thereto).

Response 10.7

The commenter suggests that the Draft EIR cumulative development setting is incomplete, and cites the "Plumtree," Mr. York, Vanderlip, Mr. Downhill projects as not accounted for in the Draft EIR. Please see Response 8.5, above, for a response to this comment. The commenter further opines that potential future, as-yet unproposed subdivisions should be included in considering the cumulative impacts or the City should state specifically that no subdivisions can take place now or in the future. It would be speculative to assume that all or selected property owners may wish to subdivide their lots in the future; CEQA does not require speculation of this nature. It should be noted that subdivisions in the Moratorium Area are currently prohibited by the City's Landslide Moratorium Ordinance, and would only be possible with the approval of Moratorium Exclusion applications by the City Council which would require full City review on their individual merits and their own CEQA review, if and when ultimately proposed. Further, allowing subdivisions is not part of the proposed ordinance revisions. Please also note that Alternative 3, the Subdivision of Large Lots Alternative, includes subdivision of the 47 subject undeveloped or underdeveloped lots in the project area that are divisible to the minimum lot sizes allowed under their respective zoning designations. Alternative 3 would result in similar and/or slightly more severe impacts than the



proposed project, and may require additional mitigation measures, but would not likely result in additional significant and unavoidable impacts.

Response 10.8

The commenter asks why the Draft EIR does not analyze expansion of existing houses in the buildout projections. Such expansions are not currently proposed and would not be facilitated by the proposed ordinance revisions. It would be speculative to forecast whether, when, how many and by how much existing residences might be expanded.

Response 10.9

The commenter questions whether CEQA requires written responses to public comments received on the Notice of Preparation. Under CEQA, written responses to commenters on the Notice of Preparation and Initial Study are not required. Rather, the lead agency (the City, in this case) must “consider all information and comments received” (CEQA *Guidelines* Section 15084(c)). The City must respond in writing to written comments on the Draft EIR (which includes the Initial Study) submitted during the Draft EIR public review period. The comments received on the Notice of Preparation and Initial Study for the proposed ordinance revisions were taken into account during preparation of the Draft EIR, and the issues were addressed in the Draft EIR analysis. Please see Section 1.1 and Table 1-1 in the Draft EIR, in Section 1.0, *Introduction*.

Response 10.10

The commenter asks the following questions:

- *Did the City instruct the consultants regarding scope of the Draft EIR?*
- *If so were there any restrictions imposed on the Consultants?*
- *If not why have the consultants not incorporated into the Draft EIR the scope concerns of the public at the Initial Study phase in the Draft EIR?*

City staff and the consultant team worked together to define the general scope of the Draft EIR, a process that continued during the analysis and during consideration of the comments received during the scoping process. Regarding restrictions on the consultants, the City’s contract with the consultants is public information and may be reviewed on request to the City Clerk. The commenter does not provide specific examples of “scope concerns” that the commenter feels were not addressed. However, it should be noted that the purpose of an EIR is to provide sufficient environmental information to inform the City’s decision makers and the public of the environmental impacts of the proposed project – a good-faith effort at full disclosure – rather than technical perfection or exhaustive analysis (CEQA *Guidelines* sections 15003 and 15151).

Response 10.11

The commenter cites the range of assumption used in the Draft EIR for potential buildout under the proposed ordinance revisions, and asks why the most conservative assumption was not



used throughout. A 10-year buildout assumption, which is the overall approach used, is a reasonable projection for buildout of 47 individually owned lots that each require 1) the respective owners to decide to develop their lot, 2) the owners complete the studies and multi-step permitting process to obtain and permit, and 3) construct their permitted residence. The other assumptions used for traffic and air quality are overly conservative to provide a maximum impact scenario for analytical purposes. Thus the assumptions used for technical analysis tend to be highly conservative; the project description is drafted to describe, as accurately as possible, the likely realistic development time frame given the various unknowns regarding actual development by the property owners.

Response 10.12

The commenter states an opinion that the Draft EIR does not disclose the geologic hazards in zones 5 and 6 or the impacts of additional drainage into those zones. As discussed in Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, buildout under the proposed ordinance revisions as mitigated would not result in a significant increase in runoff from the subject lots.

Response 10.13

The commenter requests that future residences that could potentially be built under the proposed ordinance revisions reflect a “ranch house style” design. This comment on the project (rather than the Draft EIR) is noted and will be forwarded to the City Council for their consideration.

Response 10.14

Referring to Mitigation Measure AQ-1, the commenter asks what the general public – in contrast to construction workers, who are named in the measure – should do during grading to protect them from inhalation of dust which may contain the fungus which causes San Joaquin Valley Fever. The California Department of Public Health recommends that if one must be exposed directly to dust from grading they should consider respiratory protection, such as a mask, during exposure. It should be noted that in California the fungus is found mainly in the San Joaquin Valley (Central Valley), and also that those most likely to be affected are construction workers, farm workers, and others who work close to the source in areas where Valley Fever is common.

Response 10.15

The commenter states that the Portuguese Bend Community has more restrictive times allowed for construction than the City’s ordinance cited in the Draft EIR. This comment is noted.

Response 10.16

The commenter states an opinion that, because of the narrowness of the private road, if more than one house in the Upper Cinnamon area is under construction at one time “there will be serious traffic issues, human safety and fire safety issues,” and requests that construction be



limited accordingly. Construction on more than one lot does occur in rural and hillside areas, and if properly coordinated is not expected to be a threat to human safety. The Portuguese Bend Community Association has the ability to further address construction management issues through parking limitations and construction coordination. Nevertheless, this comment is noted.

Response 10.17

The commenter states an opinion that “massive amounts” of debris and silt are being deposited into the Abalone Cove Ecological Reserve and that this is not addressed in the Draft EIR. Impact discussions HWQ-1 and HWQ-2 in Section 4.8, *Hydrology and Water Quality*, address the potential for downstream water quality impacts during project construction as well as operation. As discussed therein and in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, mitigation is included in the Draft EIR to ensure that buildout under the ordinance does not substantially increase erosion or polluted runoff that could significantly impact sensitive marine resources downstream from the project area.

Response 10.18

The commenter states that additional lots other than those discussed under Impact BIO-3 contribute runoff to the canyon. Although the commenter is correct in that regard (as discussed in Section 4.8, *Hydrology and Water Quality*), Impact BIO-3 relates to jurisdictional areas (e.g., as delineated for the jurisdiction of such agencies as the California Department of Fish and Game and US Army Corps of Engineers) associated with Altamira Canyon rather than eventual drainage to the canyon.

Response 10.19

The commenter states an opinion that the Draft EIR does not disclose that Zone 5 is contiguous to Zone 2, nor what impact the cumulative storm water runoff from the potential additional development would have on the stability of Zone 5. As discussed in Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, buildout under the proposed ordinance revisions as mitigated would not result in a significant increase in groundwater recharge. See also Master Response *Topical Response 8.1.b: Geology* for further information regarding the areas surrounding Zone 2 and their relationship with Zone 2.

Response 10.20

The commenter states an opinion that the 1.5 factor of safety standard should be used as the significance threshold for geologic hazards in the EIR, and that by not relying on this standard the EIR overlooks a significant impact. The commenter further opines that the EIR approach could set a precedent and thus result in a cumulative impact. Please see *Topical Response 8.1.b: Geology* in subsection 8.1, above, for a discussion of this issue that responds to this and other comments on this topic.



Response 10.21

The commenter states an opinion that the Abalone Cove Reserve is the direct recipient of runoff from the project area and that the Draft EIR fails to address the impacts of storm water run off to the sensitive intertidal species in the reserve. As discussed in Sections 4.5, *Geology*, and 4.8, *Hydrology and Water Quality* of the Draft EIR; under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1; and in Response to Comment 6.1, above, buildout under the proposed ordinance revisions, with the mitigation identified, would not result in a significant increase in runoff or in erosion in Altamira Canyon. The primary problem associated with erosion in Altamira Canyon is the runoff from existing development and other portions of the watershed. Mitigation measures are recommended for development of the lots to minimize increases in the quantity, duration, and frequency of runoff through the use of detention facilities and the application of low impact development principles. By releasing the runoff from the lots in a controlled manner, Altamira Canyon would experience little or no measurable incremental increase in erosion directly attributable to the lots. Further, with respect to sedimentation effects, landscaped residential lots have more stable soils (less erosive) than the current lots that are continually disced for weed management. With respect to water pollutants associated with residential development, low impact development measures that divert run-off from the lots into control features (infiltration trenches, cisterns, bio-retention areas, or similar facilities) also serve to remove pollutants from the run-off prior to discharge to the offshore environment. For the same reasons, impacts of stormwater runoff to intertidal habitat and species in Abalone Cove would be less than significant, as the project would not result in a significant increase in sediment or pollutants reaching the ocean.

Response 10.22

The commenter suggests suggest that the consultants and the Mayor and Council Members visit the project area at a time of heavy rains so as to appreciate first hand the concerns of the community and before the EIR is finalized. This suggestion is noted. The Final EIR in Section 4.8, *Hydrology and Water Quality* acknowledges that the project area is subject to localized flooding and inadequate drainage facilities, based upon photographic and anecdotal evidence from local residents. The analysis in the EIR was prepared based on a theoretical model and the existing topography. As such, the analysis does not include a detailed discussion of specific localized conditions.

Response 10.23

The commenter states an opinion that the map of project area drainage (EIR Figure 4.8-1) is inaccurate. This comment is noted; however, as the commenter does not provide specifics or examples of incorrect mapping, a specific response is not possible. Please also see *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, for more on this topic.

Response 10.24

The commenter states an opinion that additional storm water run off into the landslide-prone Zone 5 area as a result of the proposed ordinance revisions poses a potentially significant



impact directly to Zone 5 and indirectly to Zone 2, and that the Draft EIR does not address these impacts. Impacts related to groundwater recharge to the landslide complex are discussed under Impact GEO-3 in Section 4.5 *Geology*. Impacts were determined to be less than significant with mitigation.

Response 10.25

The commenter states that Mitigation Measure HWQ-4 does not precisely quantify the amount or rate of storm water run off that would be allowed from the subject lots, quantify standards for new hardscaping, or prescribe specific types of pavers or grouting. The Draft EIR is a programmatic document analyzing ordinance revisions rather than specific projects. Site plans or projects have not been submitted for each of the individual subject lots. The Draft EIR uses a programmatic approach to mitigation, setting overall goals and performance standards. As discussed in the Draft EIR, each individual lot would have demonstrate compliance with the mitigation measures through site-specific plans and studies requiring City review and approval. Please also see *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, for more on this topic.

Response 10.26

The commenter asserts that the conclusions in the Draft EIR regarding the impact of stormwater runoff to Altamira Canyon and landslide stability are inconsistent with the conclusions at the City's stormwater runoff workshop held in July of 2012. The commenter does not provide specifics or examples; therefore a specific response is not possible.

Response 10.27

The commenter notes that the Draft EIR does not address whether or not fire hydrants in the project area are adequate to provide fire protection under full buildout conditions. The Los Angeles County Fire Department provides fire prevention, fire suppression, and life safety services within the project area. Through the EIR scoping and Draft EIR review processes, the Department has the responsibility to bring potentially significant impacts related to fire protection to the City's attention. In correspondence to date (see Letter 4 above) the Department has not indicated a deficiency in this area. The Department also reviews plans for new residences and can impose conditions, including upgrades to hydrants and water delivery infrastructure, to ensure that facilities are adequate to serve the project. Finally, it should be noted that buildout under the proposed ordinance revisions would occur on infill lots in an existing subdivision already served by fire protection services and infrastructure.

Response 10.28

The commenter states an opinion that the open lots lining the northern section of Zone 2 allow the Fire Department to access the open space in the event of fire, and that the Draft EIR should address how the development of these lots would impact the safety of the area by cutting off this access for emergency services. As noted above, the Los Angeles County Fire Department provides fire prevention, fire suppression, and life safety services within the project area. Through the EIR scoping and Draft EIR review processes, the Department has the responsibility



to bring potentially significant impacts related to fire protection to the City's attention. In correspondence to date (see Letter 4 above) the Department has not indicated a concern with development of the lots referenced by the commenter. The Department also reviews plans for new residences and can impose conditions, including easements, to ensure that the Department has adequate access for fire suppression. Finally, it should be noted that the lots in question are private property and their owners could erect barriers to passage at any time without the need for permits in the absence of access easements or agreements.

Response 10.29

The commenter suggests that mitigation be included that bans construction workers from smoking in the open while working within the project area. It should be noted that those residents and their guests and service providers who smoke do so currently within the project area, and construction workers who smoke would not be expected to substantially increase the existing fire danger from irresponsible smoking activities. As a potentially significant impact has not been identified, such mitigation is not required, but will be forwarded to the City Council for their consideration. It should be noted that City staff could impose a noticing requirement on applicants to inform their workers that the area is a sensitive fire area, and to be responsible in all aspects of their conduct while working in the area.

Response 10.30

The commenter reiterates the request that construction be allowed for only one residence at a time in the Upper Cinnamon Lane area. Please see *Topical Response 8.1.c: Traffic and Circulation* and Response 10.16, above. The traffic analysis contained as part of the Draft EIR assumes concurrent construction of all 47 lots at the same time so as to report worst-case conditions. Further, such a condition is not needed to reduce a significant environmental impact.

Response 10.31

The commenter asks whether the Monks plaintiff's projects would be required to comply with the mitigation measures of the Zone 2 Landslide Moratorium Ordinance Revisions EIR, if certified. The commenter then appears to imply that if not, it would be segmentation of a project and contrary to CEQA.

The Monks lots have been allowed to apply for Landslide Moratorium Exception requests with required compliance with the mitigation measures identified in the Mitigated Negative Declaration (MND) adopted for the ordinance change required to effectuate court's decision in the Monks' case. The mitigation measures identified in this EIR are considered infeasible because the City lacks the legal authority to impose the new mitigation requirements on the Monks lots. As to the comment regarding segmentation, please note that the EIR analysis includes the potential development on the Monks lots as studied in the prior MND, so the whole of the project – the Monks lots and the additional 31 potentially developable lots not covered by the Monks decision – is studied in the current EIR. However, the legal limits on the City associated with the Monks decision preclude the City from imposing new or different mitigation measures on those lots. It should be noted that certain mitigation measures identified in this EIR would be applicable to the Monks lots, when there is separate and independent



authority requiring compliance. Examples include the requirement that lots adjacent to the preserve be fenced in accordance with the adopted NCCP, and NPDES measures to ensure that significant impacts related to stormwater runoff are avoided.



Letter 11

Nov 5, 2012

Subject: Zone 2 EIR.

To: RPV, Director of Community Development.

The Zone 2 EIR document dated Nov. 2012 currently under review contains data and analysis which while mathematically correct, are grossly misleading when examined more closely by including the topography of the parcel in question and accessibility of possible building sites.

The original Subdivision including those parcels identified as Monks, Undeveloped and Currently Occupied would produce Zero additional, the one exception being the eleven acre parcel currently in use as a Stable and Riding School. The numbers of parcels it would produce would be fewer than the number projected when utilities, streets, sewers and drainage, not to mention marketability, are included. Hence, the number of additional lots that might ever result from subdividing the Riding School property would be significantly lower than the 22 estimated in the EIR. The possibility of this ever being proposed is believed to be unlikely.

The number of additional building sites which would be likely from the properties north of Narcissa Dr. fronting on Vanderlip Dr. and Narcissa, applying the above considerations and the fact of current Zoning of these parcels:

98 Vanderlip Dr.	1 Monks and possibly 1 additional
Downhill property	1 currently and 3 additional
Hastings property	1 currently and 1 additional
Snell property	1 currently and 2 additional

Total number of additions which would merit consideration would be 7 as opposed to 14 suggested in the EIR.

Signed:



Jack Downhill,

Note: My ownership of this property commenced on Oct. 9, 1968 with the purchase of a 25% interest followed by the purchase of the entire property in 1972. The zoning of the property at 1 unit per acre has existed over that entire time and various taxes and annual fees have been consistently elevated reflecting that zoning and the entitlements there with.

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Letter 11

COMMENTER: Jack Downhill

DATE: November 5, 2012

RESPONSE:

The commenter suggests that the Draft EIR overestimates the number of potential new lots that could be created through future subdivisions. As no subdivisions are assumed in the potential buildout estimates under the proposed ordinance revisions (see Section 2.0, *Project Description*) and allowing subdivision is not part of the proposed ordinance revisions, it appears that the commenter is referring to the description of the Subdivision of Larger Lots Alternative (described and analyzed in subsection 6.3 of Section 6.0, *Alternatives*). The commenter may be correct that, given existing constraints, it is likely that fewer lots could be created through the City's discretionary subdivision than assumed in the alternative. This comment is noted; however, the conservative assumptions used in the analysis are considered appropriate for study and alternative comparison purposes.



Comments on Recent Zone 2 Draft EIR (DEIR)

In general, the DEIR is a “paper wash” document with absolutely zero quantitative analysis, even lacking a hydrologic analysis which the original Zone 2 Preliminary EIR stated would be included in the next EIR. It appears to be a low budget document – i.e., “trust me – trust staff to find good solutions, if approved.”

12.1

I’ve chosen to comment on the hydrologic impact of the proposed development because of the nonlinear impact of runoff on erosion and the history of property damage from erosion in the Altamira Canyon watercourse. I’m a retired geophysicist with substantial experience in hydrology.

I will provide a first order assessment of the probable impact of the proposed Zone 2 development with notes on my assumptions and unknowns. The analysis is not complete, but highlights the possible impact on runoff erosion and the need for a rigorous analysis before this project goes forward.

Altamira Canyon (AC) is fed by runoff from Island View, Del Cerro and Valley View development along Crenshaw Blvd, by open space above Portuguese Bend Club and by runoff within Portuguese Bend Club. I’ve quantified the homes along Crenshaw Blvd. contributing runoff into AC.

Del Cerro comprises 120 lots with 94 draining into AC. Island View has 95 lots with 53 feeding AC. Valley View has 33 lots, all feeding AC. These total 180 lots.

12.2

The Zone 2 DEIR proposes 63 new lots (including lot splits).

I have not evaluated the number of existing Portuguese Bend homes draining into AC. A competent EIR team can add these to this assessment.

The proposed Zone 2 63-lot development would add approximately 63/180, or 35%, to the existing developed lot conditions which are already causing significant damage to properties along AC drainage, most notably to the Gate House and Strauss properties.

I’ve assumed that open space runoff contributes 50% of the runoff feeding AC so that the net impact of the proposed Zone 2 additions is a 17.5% increase in runoff.

The ability of moving water to carry particles (dirt, sand, rocks) is nonlinear and increases as approximately the 7th power of water velocity. Thus a 17.5% increase in runoff could potentially increase AC erosion by $(1.175)^7 = 309.2\%$. This is a scary number, underscoring why more analysis must be undertaken before approving the DEIR. The DEIR does note that the existing Portuguese Bend Club drainage is inadequate and is a significant concern.

Hope you find the above helpful.

Best regards,

Al Edgerton

Letter 12

COMMENTER: Al Edgerton

DATE: Undated

RESPONSE:

Response 12.1

The commenter states an opinion that the Draft EIR lacks quantitative analysis. The commenter is referred to the quantitative analyses of traffic impacts, air quality emissions, noise impacts, greenhouse gas emissions, utilities and, in particular, to the hydrologic modeling presented in Section 4.8, *Hydrology and Water Quality*, and Appendix E, among others. "Quantitative" generally means "of, relating to, or involving the measurement of quantity or amount," which is the approach to these and other impact analyses in the Draft EIR.

Response 12.2

The commenter provides his own calculations for estimating additional runoff that could be generated by buildout under the proposed ordinance revisions. The commenter does not explain why his methodology or calculations are more correct than those used in the Draft EIR.

The hydrological analysis was performed consistent with the methods accepted by the City and the County of Los Angeles. The hydrological analysis was based upon the County of Los Angeles Hydrology manual and utilizes the normal factors such as topography, rainfall data, soil factors, and land uses. A more detailed discussion can be found in the Drainage Concept Report in the EIR Appendices. The analysis compared pre- and post-development conditions for a typical lot, the project area, and the cumulative watershed utilizing the SUSMP, 2, 5, 10, 25, 50-year, and Capital storms events. Approximately 400 offsite lots drain to Altamira Canyon, in addition to approximately 60 lots located within the project site. As such, the level of detail provided is adequate to identify impacts and potential mitigation measures.

Using the rough estimation of runoff provided by the commenter, and the number of developed lots provided above, the increase in runoff would be 47/460, or roughly 5%. The increase in runoff for all storm events (SUSMP, 2, 5, 10, 25, 50-year, Capital Storms) analyzed are 0.5% - 6.7% for the entire watershed, 3.1% - 19.2% for the project area, and 10.8% - 64.8% for an individual median lot. Because of the many factors and non-linear equations used in the hydrological models, the increases vary depending upon the condition analyzed. Note that the increases determined are pre-mitigation values, which were identified as significant, but mitigable.

To address the concern of the residents, the EIR was revised to include enhanced mitigation measures, and requires each individual homeowner to submit a hydrology Study when specific development is proposed and prior to issuance of a grading or building permit, that demonstrate there is no change in runoff rates and volume, or demonstrates that no impact would occur, subject to the review and approval by the Director of Public Works.



While many of the existing residents expressed the need to mitigate the erosion in Altamira Canyon, it is an existing condition, and not within the scope of the project related impacts analysis. The mitigation measures address the impacts related to any potential increase in runoff rates and volumes, and therefore, Altamira Canyon is not further impacted by the development of the additional 47 lots. Consistent with current Low Impact Design practices, the mitigation is provided at the source (each lot) rather than providing mitigation at the receiving water body. The final design solution(s) may vary by lot and location, and therefore, no single solution was required, other than meeting the performance standard.

Mitigation at Altamira Canyon was discussed with the City, however, it adds other impacts such as biological and resource impacts, grading impacts, as well as encroachment onto private property. In addition, the development and drainage systems are privately owned and maintained and the responsibility of the Portuguese Bend Community Association;

In addition, please see *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, for further discussion of this issue.



Letter 13

Dear Council Members and Planning.

Please review a brief 20 second video showing the effect of surface runoff to street flooding in Portuguese Bend during a storm on January 19, 2010. The area shown is Narcissa Dr., just east of Vanderlip Dr, moving toward 75 Narcissa Dr. From Vanderlip Dr. to the end of Narcissa, there exist only 3 upslope homes, yet their contribution to street flood in a large storm is significant.

I am submitting this for the review of the DEIR consultant and as part of the administrative record.

If requested, other footage is available for review.

Sincerely,

Lewis A. Enstedt

Letter 13

COMMENTER: Lewis A. Enstedt

DATE: Undated

RESPONSE:

This comment was sent by email, and attached to the email was a video showing water running off of a paved driveway onto the street during a rain event. The commenter states an opinion that the video indicates that “there exist only 3 upslope homes, yet their contribution to street flood in a large storm is significant.” Without context or measurements, it is impossible to determine whether the video shows any conditions or visual information that conflict with the analysis and conclusions of the Draft EIR. In addition, as discussed in Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, buildout under the proposed ordinance revisions as mitigated would not result in a significant increase in runoff from the subject lots post-development.



November 19, 2012

Letter 14

Mayor Anthony Misetich
Mayor Pro Tem Brian Campbell
Councilwoman Susan Brooks
Councilman Jerry Duhovic
Councilman James Knight
Director of Planning

Re: Draft Environmental Impact Report for Zone 2.

Dear Mayor Misetich, Mayor Pro Tem Campbell, Councilwoman Brooks,
Councilmen Duhovic and Knight, Director of Planning:

It is my opinion that the Draft Environmental Impact Report for development in the Zone 2 area of Portuguese Bend is flawed and requires serious reconsideration.

Some concerns are:

- The DEIR limits the study of impacts to Z-2, completely ignoring the intimate interrelationship of Z-2 to other, more fragile surrounding areas of Z-5 and Z-6. This omission is extremely irresponsible and exposes the entire region to future dangers. Z-2 does not exist in a vacuum! 14.1
- The DEIR incorrectly fails to consider and anticipate the cumulative impacts on Hydrology, Geology, Traffic, Fire Protection, Utilities, etc, from reasonably foreseeable future and past projects (Plumtree, Pointview, Beanfield, Del Cerro, Island View). 14.2
- While the Geology section illustrates the correlation of increased groundwater to increased instability, it relies upon questionable conclusions reached in the Hydrology section regarding the significance of runoff, in order to minimize the impact of such runoff on the geologic stability of the area. The Geology report states "...it is our opinion that the further downslope movement of the PBL and especially the ACL be kept at minimums as much as possible in order to provide long term support to the developments planned in Zone 2". How does the infusion of additional groundwater resulting from development, without proper mitigation, achieve this goal? 14.3
- The May 15 2007 Report from Zisler Kling, city geologist states, "From a risk assessment standpoint, it is our professional opinion that any grading above the 20 cubic yard threshold could raise the risk above an acceptable level". However, in constructing the MND for the Monks Plaintiffs, this level was increased to 1000 cubic yards through an "Emergency Ordinance" that was approved without any considered study. How is it that this threshold is deemed acceptable in this DEIR for all the other lots in Zone 2? 14.4
- The statement on pg 13 of the Hydrology study that: "water quality impacts would be considered significant if the proposed project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge such 14.5

that there would be a net deficit in aquifer volume or a lowering of the groundwater table". This statement is the complete opposite of what is pertinent for the project area, and brings into question the veracity of the study, making it seem almost "boilerplate" in nature.



Considering Hydrology, this study makes the incorrect assumption that the current drainage system is adequate. The streets in Portuguese Bend that serve as our drainage system were designed nearly 70 years ago, before:

- there were any known landslides in the area.
- the ramifications of directing stormwater into the canyon drainage were known.
- there was an additional great burden to canyon drainages from subsequent "uphill" development.
- the relationship between increased groundwater and geologic instability of the region was understood.
- landslide-induced fissures appeared in Alta Mira Canyon that act as a direct conduit for this recharge of groundwater.

14.6

Certainly, the current condition of our streets, as regards drainage, would in no way pass muster given today's standards. Previous expert recommendations to improve street surface drainage, curbs, gutters, etc., are omitted from this study. It is stated, "*the individual homeowners will need to provide mitigation onsite prior to out letting runoff from their property*". This is an improper deferral of analysis, and makes any analysis or individual mitigations "piecemeal". It also ignores the debatable ability of the existing storm drain system to handle this additional flow volume.

My comments regarding the four dubious conclusions reached in the **FLOOD/(Hydrology)** section of the Hydrology study (pg11-12, appendix E) that are used to justify a finding of "insignificant" for impacts from development are, in order:

- Re conclusion 1: The "*constructed drainage conveyances*" are deficient, as noted above. It should be noted that the drainage from the southeast corner of Narcissa and Sweetbay roads tracks across vacant land: diagonally across the middle of the first two lots on Cinnamon Ln that lie southeast of this intersection, then along and through a portion of the backyard of #30 Sweetbay Rd., continuing diagonally across the middle of the lot just to the SE, then across the driveway and front yard of #28 Sweetbay, finally across the horse corral at the front of #26 Sweetbay, before entering the Alta Mira Canyon system (video evidence available upon request). Drainage from the eastern end of Narcissa Ln moves across the NW portion of #88 Narcissa, crossing the SE corner of the vacant lot at #86 Narcissa, continuing diagonally across the two vacant lots just to the W of #6 Sweetbay Rd., then reaching the Sweetbay Rd. before ultimately entering Alta Mira Canyon. Both of these examples, no doubt, lead to increased "*siltation*".

14.7

- Re conclusion 2: The statement “*Should any deficiencies exist, it is a regional issue and should be addressed accordingly*” is meaningless and defers analysis, while failing to identify any mitigations. 14.8
- Re conclusion 3: A substantial increase in the surface runoff *volume* can be expected. Here, the discussion is limited to peak runoff *rates* to reach a conclusion of insignificance. I fail to understand how **a potential increase in volume of up to 6.6 acre-feet of additional runoff, the equivalent of 2,150,000 gallons** (pg 16, Table 1- 50 Year Storm) can be considered insignificant. 14.9
- Re conclusion 4: The statement that *infiltration is likely to be low and not exceed the existing condition* is both unbelievable and in distinct contrast to the statements from the City’s July 2012 Landslide Workshop. There, it was asserted that upward of 95% of flow infiltrates, recharging the groundwater (using pictorial examples of Alta Mira Canyon). How is this glaring contradiction to be reconciled? 14.10

Will onsite detention be enough to alleviate runoff problems? Who knows? There is no analysis of what would be an adequate design. Merely stating that these systems should be a requirement is another deferral of study. 14.11

Will requiring homeowners to join ACLAD alleviate the problems associated with increased groundwater? Who knows? Joining ACLAD doesn’t insure the placement of further dewatering wells, the necessity of which ACLAD has made quite clear to the city. This recommendation is yet one more example of analysis deferral. The EIR Consultant should be working intimately with ACLAD to gain the knowledge necessary for the effective design of more dewatering wells if increased development is contemplated. 14.12

Further, regarding runoff, in a December 3, 2002 memorandum from the Director of Public Works to the Council, it is stated that “**Channel improvements for the Alta Mira Canyon is a project recommended by the Geological Panel of Experts to reduce the amount of groundwater entering the slide plane of the Abalone Cove landslide**”. 14.13

Why is this admission of the inadequacy of Alta Mira canyon to handle more groundwater completely ignored in the DEIR?

It is time for the city to show leadership. Present and future residents of this community deserve a sincere, thoughtful and rigorous study of the potential impacts of development and their proper mitigation, and this DEIR is not it.

Thank You,



Lewis A. Enstedt, DDS

Letter 14

COMMENTER: Lewis A. Enstedt

DATE: November 5, 2012

RESPONSE:

Response 14.1

The commenter states an opinion that the Draft EIR ignores the relationship between Zone 2 and the adjacent zones 5 and 6. Please see *Topical Response 8.1.b: Geology* in subsection 8.1, above, for a discussion of this issue that responds to this and other comments on this topic.

Response 14.2

The commenter states an opinion that the Draft EIR cumulative development setting and analysis are incomplete, and cites the Point View, Plumtree, Bean Field, Del Cerro and Island View projects as not accounted for in the Draft EIR. Please see Response 8.5, above, for a response to this comment. Based on further coordination with the City's Planning staff, other than the Downhill project none of the other referenced projects can be considered planned, proposed, or pending and their inclusion in a cumulative analysis would be speculative (e.g., referred to as "Pointview," "Beanfield," "Del Cerro," and "Island View"). Therefore, no further analysis is required.

Response 14.3

The commenter states an opinion that the proposed ordinance revisions would result in an increase of groundwater infusion, and that that would conflict with geologic stability goals. As discussed in Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, buildout under the proposed ordinance revisions as mitigated would not result in a significant increase in groundwater infusion.

Response 14.4

The commenter cites a previous geologic study that suggested that grading of more than 20 cubic yards in Zone 2 would result in unacceptable risks, and asks why, in that light, grading of up to 1,000 cubic yards would be allowed under the proposed ordinance revisions.

The comments prepared by Zeiser Kling in 2007 were in accord with the lower limit of the City of Rancho Palos Verdes Municipal Code at that time. However, it should be noted that there is no analysis in the referenced report to indicate that increasing grading levels above a 20 cubic yard threshold would be a substantial threat to any lot, or that any value less than 20 cubic yards would not be a threat; it is a value based on experience and risk assessment.

Currently, these values have changed due to the decision in the case of *Monks v. Rancho Palos Verdes*. The values currently within the City of Rancho Palos Verdes Municipal Code, Chapter 15.20, Subsection P have increased grading to accommodate up to 1,000 cubic yards of cut and



fill grading, with an additional 50 cubic yards, not 20 cubic yards, of import soil for construction purposes.

In the opinion of the City's geotechnical consultant for the Draft EIR, the 1,000 cubic yards of grading is not of significant concern because it is simply the redistribution of existing on site soil. Such practice is common and is generally used to make nearly level building pads. The allowance of 50 cubic yards of import soil (commonly for the backfill of utilities and walls) is also negligible from an impact perspective. This is because the landslide mass that has been analyzed is composed of many millions of cubic yards of soil. Thus the combined import of 47 lots at 50 cubic yards each is insignificant at this scale when reviewing and accounting for global landslide stability.

Regardless, the City understands that there can be a local effect from adjacent lots and there could be a potential for localized slope instability due to grading and re-distribution of site soil. The City of Rancho Palos Verdes remains the lead agency, and approval of site- and project-specific geotechnical reports by the City's geotechnical consultant are required prior to issuance of a grading or building permit. Such localized conditions should be reviewed by a qualified consultant and peer reviewed by the City or its chosen representative to help ensure that slopes and property and safety would be accounted in the design review process, when the details of specific lot development are known.

Response 14.5

The commenter notes that adding groundwater in Zone 2 is undesirable, and states an opinion that this is not consistent with the cited CEQA checklist question regarding groundwater supplies. The CEQA checklist question is not a City policy, project goal or recommendation of the Draft EIR. It is an environmental topic suggested for study in CEQA documents as part of the state CEQA *Guidelines*. Please note that the analysis in sections 4.5 *Geology* and 4.8 *Hydrology and Water Quality* do not suggest that lowering of groundwater in the project area would be an adverse impact.

Response 14.6

This comment is similar to comments 8.1 and 8.2 above. Please see responses 8.1 and 8.2. The commenter also states an opinion that the programmatic mitigation provided for individual lot runoff is deferring analysis. Under CEQA, mitigation may not be improperly deferred by, for example, requiring future studies that will then identify specific mitigation. However, an EIR may identify general or programmatic mitigation when full project information necessary to develop specific measures is not available and when general or programmatic mitigation will lead to specific mitigation results. In this case, measures must include specific performance standards that must be met and ways to meet those standards, as those in the EIR do. Please also see the modifications to selected mitigation measures in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* above.



Response 14.7

The commenter describes his observation of specific drainage conditions in a portion of the project area and states an opinion that existing drainage conditions are deficient. The commenter further opines that existing conditions lead to siltation. As discussed in Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, buildout under the proposed ordinance revisions as mitigated would not result in a significant increase in runoff or siltation from the subject lots. It should also be noted that, over the long term, developed and landscaped lots have more stable (less erosive) soils than vacant lots that are continually disced for fire management purposes.

Response 14.8

The commenter states an opinion that the statement in Appendix E to the Draft EIR that “Should any deficiencies exist, it is a regional issue and should be addressed accordingly” is “meaningless,” defers analysis, and does not identify mitigation. The cited statement differentiates between existing drainage deficiencies in Zone 2 and the impacts of the proposed ordinance revisions. The EIR addresses project impacts on existing conditions, and is not intended to mitigate existing problems that are not caused by the proposed project, although these should be acknowledged. Further, CEQA does not require analysis of the impact of the environment (i.e., the existing conditions) on the project. See also Response 14.6 above regarding deferral of mitigation and *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1 for more information on existing conditions and project impacts related to hydrology.

Response 14.9

The commenter states an opinion that the proposed ordinance revisions would result in a 2,150,000-gallon increase in stormwater runoff and that this would be a significant impact. As discussed in Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, buildout under the proposed ordinance revisions as mitigated would not result in a significant increase in runoff from the subject lots with the identified mitigation incorporated.

Response 14.10

The commenter disagrees with the statements from the hydrology report that “Due to the low permeability of the existing soils (clays) and steepness of the natural canyons, infiltration in the natural areas is likely to be low. For a given storm event, the total infiltration will not exceed the existing condition.” The commenter states that this is in conflict with information presented to the City indicating that much of the flow in Altamira Canyon infiltrates before reaching the ocean. This information has been revised in the Final EIR. In addition, as discussed in Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, buildout under the proposed ordinance revisions as mitigated would not result in a significant increase in runoff entering Altamira Canyon or in groundwater recharge.



Response 14.11

The commenter states an opinion that it is unknown whether onsite detention for individual lots would be sufficient to meet the mitigation performance standards. As stated above, each applicant would need to provide studies and engineered plans demonstrating that the performance standards in Mitigation Measure HWQ-4 are met before development could proceed.

Response 14.12

Referring to Mitigation Measure GEO-3(a), the commenter states an opinion that participating in ACLAD may not ensure that impacts are mitigated. It should be noted that this requirement is one of a number of measures required in GEO-3(a). Furthermore, as discussed in Section 4.8 *Hydrology and Water Quality* and further explained in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, the proposed ordinance revisions would not significantly increase infiltration into groundwater in the landslide area. See also *Topical Response 8.1.b: Geology* regarding additional dewatering wells.

Response 14.13

The commenter states that Altamira Canyon should be improved to decrease infiltration and states an opinion that Altamira Canyon cannot “handle more groundwater” and that the Draft EIR ignores this. As discussed in Section 4.8 *Hydrology and Water Quality* and further explained in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, the proposed ordinance revisions would not significantly increase runoff into Altamira Canyon with incorporation of the identified mitigation measures.



From: Joe Gallagher [mailto:jgallagher@dslextreme.com]
Sent: Monday, November 12, 2012 12:22 PM
To: Eduardo Schonborn
Cc: Anthony Misetich; 'bbrianrian'; Susan Brooks; Jerry Duhovic; Jim Knight
Subject: FW: NOTES ON MEETING OF CONCERNED PBCA RESIDENTS SATURDAY NOVEMBER 10, 2012

Sir. I have sent you a copy of Leanne Twidwell's mail which she sent to members of our community. I am in total agreement with everything she addressed to you in her memo, which is attached here. If you need any clarification, please contact me. Joseph Gallagher. 9Ginger Root lane. Rancho Palos Verdes 90275, or by E-Mail

From: Leanne Twidwell [mailto:leetwid@yahoo.com]
Sent: Sunday, November 11, 2012 7:37 PM
To: mcmawell@verizon.net; Mikegrif@aol.com; mab@barthlaw.com; cooperconstruction44@yahoo.com; mkechiles@ymail.com; 1scalpal@gmail.com; mbauer_200@msn.com; rmbst5@msn.com; nadiashahin@msn.com; jgallagher@dslextreme.com; pamela.kelterborn@verizon.net; phoran@webtv.net; pszask@cox.net; peter.gasteiger@cox.net; pdavies@kubooa.com; robhilden@juno.com; robert.cumby@cox.net; rrmaxwell@verizon.net; robertjpedersen@cox.net; rburchett@rwwusa.com; ronnykaaren@aol.com; rsmcclella@aol.com; sparks1240@cox.net; staceyg@adventresources.com; steveshriver@cox.net; sunshinerpv@aol.com; iamsusieeastman@gmail.com; suzannejoyblack@yahoo.com; shoffman@kcc.com; suze.harrington@comcast.net; olliver8@msn.com; tkellyrpv@aol.com; tim.vaughan@cbre.com; comptonhoffman@yahoo.com; tjmattis1@verizon.net; toniexley@yahoo.com; hollysqrtaol@aol.com; amissingcloset@gmail.com; spydersports2@gmail.com
Subject: NOTES ON MEETING OF CONCERNED PBCA RESIDENTS SATURDAY NOVEMBER 10, 2012

DRAFT EIR (ENVIRONMENTAL IMPACT REPORT) ON ZONE 2 LANDSLIDE –PROPOSED MORATORIUM ORDINANCE REVISIONS TO ALLOW CONSTRUCTION OF 47 LOTS IN ZONE 2

NOTES ON MEETING OF CONCERNED PBCA RESIDENTS SATURDAY NOVEMBER 10, 2012

A group of some 25 PBCA residents met informally to share their concerns regarding the Draft EIR and to share the comments that 12 residents made to the City Council on Wednesday November 7, 2012. The objective was to help each other understand the issues that will affect the Community if the project moves ahead and the mitigating measures being proposed in the draft EIR are accepted by the City Council. There appear to be many holes in the EIR and it is critical that each member of the PBCA writes their own letters to the City. Bob Cumby President of the PBCA has also asked that as many concerned citizens as possible write to the City. Bob also presented at the City meeting on November 7, 2012 and we understand that the PBCA also will be writing a letter to the City setting out its concerns on the DEIR and project.

We have tried to capture as many issues as possible in the accompanying document which is in WORD format. So you can cut and paste and put your concerns into your own words. These issues are at a summary level and you may wish to expand as well as include your own concerns as they apply to your property. The full DEIR can be found at

http://palosverdes.com/rpv/planning/Zone_2_Landslide_Moratorium/index.cfm

Your comments and observations must be with the City before 5 pm on Tuesday November 20. Because the City must legally answer each of your comments we suggest you formulate your concerns and pose questions to the City so that they must reply to you under the requirements of CEQA (this is the California Environmental Quality Act which is the framework for the DEIR). For example you might write:

15.1

“The traffic and circulation section of the DEIR assumes conservatively that all 47 lots are under construction at the same time. This would generate approximately 852 vehicle trips per day for construction worker vehicles and trucks. However, the DEIR ignores the impacts of this on the access roads which are in active landslide areas and which were never designed for this level of activity. Please explain and justify why the DEIR ignores the impact on the road infrastructure and homes adjacent to these two streets.”

Your letters (preferably e-mails since time is short) should be sent to:

Mr Eduardo Schonborn, Planning Division, Community Development Department, City of Rancho Palos Verdes, 30940 Hawthorne Blvd, Rancho Palos Verdes, CA 90275. Eduardo’s e-mail address is eduardos@rpv.com.

Because of the importance of this to our Community and the City we also suggest you copy the Mayor and Councilmembers whose e-mails are:

anthony.misetich@rpv.com
bbrianrian.campbell@rpv.com
susan.brooks@rpv.com
jerry.duhovic@rpv.com
jim.knight@rpv.com

A document with the text that follows also is attached to this email as a Microsoft word document. But for those residents who are not comfortable with attachments, it is reproduced here, in full.

DRAFT EIR FOR ZONE 2 LANDSLIDE PROPOSED MORATORIUM ORDINANCE REVISIONS

ISSUES RAISED AT PBCA INFORMAL MEETING NOVEMBER 10, 2012

No attempt has been made to prioritize the issues below. Each resident will have their own ideas as to which are the most important issues to them when they write to the City.

It is most important that you have your comments in before 5 pm November 20, 2012 otherwise they will not be considered. They may not be considered either when the final version of the EIR is issued for comment.

SCOPE OF PROJECT

1) The Hydrology section of the DEIR states “The existing drainage system in the project area was designed for the 111 lots within the 112- acre Portuguese Bend area (the Zone 2 area), including the 47 lots that could be developed as part of the project. The existing drainage system was designed for the entire Portuguese Bend development, including the 47 undeveloped lots”. The original plan for Portuguese Bend goes back to 1949. The DEIR does not spell out where this assumption comes from nor

15.2

the assumptions used regarding size of homes, number of vehicles per home, hardscape areas, cumulative storm water run off, standards used for engineering the roads, etc. Please explain and justify the bases for the DEIR's conclusion that the drainage system is adequate for the proposed development 60 years later.



2) The traffic study goes miles outside the immediate vicinity of the project but does not address traffic impacts to substandard, narrow roads contiguous to the project.

The City states in its five year plan that property values tend to suffer from poorly maintained streets. The City completes a full independent assessment of all streets every three years which helps identify serious issues including safety

The traffic and circulation section of the DEIR assumes conservatively that all 47 lots are under construction at the same time. This would generate approximately 852 vehicle trips per day for construction worker vehicles and trucks. However, the DEIR ignores the impacts of this on the access roads which are in active landslide areas and which were never designed for this level of activity. Because of the tight corner on Narcissa Drive the largest and widest vehicles use Peppertree Drive which has the more active landslide movement. It also fails to assess the impact of construction traffic vibration on the homes that are adjacent to these two streets. Additional vibration damage on and adjacent to Peppertree Drive could result impacting negatively the water lines and gas lines which are placed above ground because of constant landslide movement and create human safety issues. Please explain and justify why the DEIR does not contain a loading impact study and ignores completely the traffic impact on the road infrastructure and homes adjacent to these two streets.

15.3

One historic wall has already been destroyed by a large cement carrying truck, entrance key pads have been severely damaged and a private property owner's wall has been damaged by the construction trucks to service the early development of a Monks' litigant development.

3) The DEIR assumes that there will be no subdivision of any of the 111 lots, nor has it considered that existing homeowners may wish to expand their homes from an average of under 2500 sq ft to 4000 sq ft plus garages. These are the dimensions being allowed for the project owners. Please explain and justify.

15.4

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

15.5

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

15.6



The DEIR must acknowledge that Altamira Canyon is already a deficient storm drain system. Numerous City sponsored reports conclude that the drainage system, that the project will be contributing additional storm water run off to, is already inadequate and is causing property damage.



6) The DEIR uses three separate assumptions regarding build out of the 47 lots. The traffic and circulation section assumes a concurrent build out, the Air Quality section assumes all lots will be built out by 2015, a 2-3 year build out period and the Executive Summary in its Future Development Potential assumes a ten year build out. The most conservative assumption should be adopted for all sections of the DEIR, i.e. a concurrent build out, and all mitigation measures should be designed on this basis. Please explain and justify why different build out periods are used in the DEIR.

15.7

7) CEQA requires that the cumulative impact of all potential projects be included in the EIR. Please explain and justify why the following known to the City projects have not been included in the DEIR: Plumtree, York, Vanderlip and Downhill (including the effects of any potential subdivision).

15.8

HYDROLOGY AND WATER QUALITY

8) Photographic evidence that the street systems are inadequate to handle storm run off in a regular rain season were shown to the City Council on November 7, 2012. This film showed a significant portion of a property owners' land being destroyed (adjacent to the lower part of Altamira Canyon). Comments on the floods of 1969 and TV coverage were explained.

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

15.9

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

15.10

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

15.11

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

15.12

12) It is known that the landslides work upwards from the toe. Since Altamira Canyon passes through both Zones 5 and 6, which contain the two access roads to the project and abut Zone 2, the EIR should address the cumulative impact of storm water runoff assuming all 47 lots are developed concurrently

15.13



(being the most conservative assumption) to determine the mitigation measures necessary. The DEIR ignores such a calculation and its impact on slope stability, groundwater levels, transportation of sediment into Altamira Canyon and ultimately the Ocean and the State Ecological Reserve, a highly sensitive resource. Please explain and justify why these matters have not been addressed in the DEIR.



13) The hydrology section uses averages and one lot at a time calculations for the impact of storm run off. This is inadequate in several instances. An example is Upper Cinnamon Lane where the four existing homes will experience 30% of the project build out being adjacent to their properties. (Plumtree and Figtree may also need separate assessments of storm run off). The undeveloped lots above Upper Cinnamon have the greatest slopes (5:1-3:1). The roads are inadequate and their camber was not planned to handle new structures' storm water run off without flooding the existing homes. The lots have largely been denuded of vegetation, the flow will not naturally enter the culvert at the end of the cul de sac or naturally flow down to Narcissa without the installation of channels that capture and direct the hardscape and lot storm water run off. There needs to be a separate hydrology study carried out for Upper Cinnamon assuming the impact of a total build out. Mathematically derived calculations and guidance to constructors is necessary.

15.14

Please explain and justify why the DEIR believes a separate lot storm run off estimate versus the cumulative impact of total development is adequate for all areas of the project.

14) ACLAD is a responsible Agency in the DEIR. Have they been consulted formally? If not, please explain and justify why they have not been consulted since they have a large amount of experience of the geology and hydrology issues.

15.15

15) Is ACLAD in agreement with the geology and hydrology conclusions in the DEIR? Are they satisfied that the mitigation measures are adequate or do they recommend additional mitigation measures? Are they satisfied that there are adequate numbers of dewatering wells to handle additional runoff from new development? Do they agree with the conclusion that the Abalone landslide has been stopped as it affects Zone 5 and Narcissa Drive?

BIOLOGICAL RESOURCES

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

15.16

GEOLOGY AND SOILS

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

15.17

18) The DEIR is not disclosing a significant impact if the geological review standard is changed from the current 1.5 factor of safety to the project proposal of "shall not aggravate the existing condition". The DEIR must address how this new nebulous, non-quantifiable standard of this project description may have an accumulative impact in that the standard could be used for surrounding areas that are not part of this project leading to further development that under the old standard may not be allowed. Please explain and justify why an industry acceptable standard for slope stability for this project is not being used?

15.18

HYDROLOGY AND WATER QUALITY

19) The DEIR fails to address the impacts of storm water run off to the sensitive intertidal species in the State Abalone Ecological Reserve which is the direct recipient of this storm water run off. Please explain and justify why. | 15.19

FIRE PROTECTION

20) The DEIR does not address whether or not the fire hydrants are large enough to address the impacts of the project and Community, assuming full build out. Explain and justify why. | 15.20

21) The open lots lining the northern section of Zone 2 (Upper Cinnamon Lane) allow the fire department to access the open space in the event of fire. The DEIR does not address how the development of these lots will impact the safety of the area by cutting off this access for emergency services. Please explain and justify why. | 15.21

TRAFFIC AND CIRCULATION (see DEIR SCOPE section)

OTHER

22) Are the Monks plaintiff plans that have been approved or are in the approval process required to comply with all the mitigation measures that will be in the final EIR in accordance with CEQA? If not which measures specifically are excluded? If not, please explain and justify this segmentation of a project under CEQA. | 15.22

Letter 15

COMMENTER: Joe Gallagher

DATE: November 12, 2012

RESPONSE:

Response 15.1

The commenter provides an introduction to the comments to follow, which includes an “example” comment. This comment is included and responded to below in the response 15.3.

Response 15.2

This comment regarding the adequacy of the drainage system in the project area and the EIR’s assumptions in that regard is similar to comments 8.1 and 8.2. Please see Responses 8.1 and 8.2 above.

Response 15.3

This comment regarding the scope of the traffic study, concerns about project area roads to accommodate project and construction traffic, and trip-related damage to roads and infrastructure is similar to comments 10.3 and 10.4. Please see responses 10.3 and 10.4, above.

Response 15.4

This comment is similar to Comment 10.8. Please see Response 10.8, above.

Response 15.5

This comment is similar to Comment 10.12. Please see Response 10.12, above.

Response 15.6

This comment is similar to Comment 10.5. Please see Response 10.5, above.

Response 15.7

This comment is similar to Comment 10.11. Please see Response 10.11, above.

Response 15.8

This comment is similar to Comment 10.7. Please see Response 10.7, above.



Response 15.9

This comment is similar to comments 10.22 and 10.23. Please see response 10.22 and 10.23, above.

Response 15.10

This comment is similar to Comment 10.24. Please see Response 10.24, above.

Response 15.11

This comment is similar to Comment 10.25. Please see Response 10.25, above.

Response 15.12

This comment is similar to Comment 10.26. Please see Response 10.26, above.

Response 15.13

The commenter states an opinion that The Draft EIR ignores the cumulative impact of storm water runoff assuming all 47 lots are developed concurrently on slope stability, including the safety of the project area's access roads; groundwater levels; and transportation of sediment into Altamira Canyon and ultimately the ocean and the Abalone Cove Ecological Reserve. As discussed in Sections 4.5, *Geology*, and 4.8, *Hydrology and Water Quality*, under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, and responses to comments 6.1 and 6.2, above, buildout under the proposed ordinance revisions, with the mitigation identified, would not result in a significant increase in runoff or in erosion in Altamira Canyon. The primary problem associated with erosion in Altamira Canyon is the runoff from existing development and other portions of the watershed. Mitigation measures are recommended for development of the lots to minimize increases in the quantity, duration, and frequency of runoff through the use of detention facilities and the application of low impact development principles. By releasing the runoff from the lots in a controlled manner, Altamira Canyon will experience little or no measurable incremental increase in erosion directly attributable to development of the lots. Further with respect to sedimentation effects, landscaped residential yards have more stable soils (less erosive) than the current lots that are continually disced for weed management.

Response 15.14

This comment is similar to Comment 10.2. Please see Response 10.2, above.

Response 15.15

This comment is similar to Comment 10.6. Please see Response 10.6, above.



Response 15.16

This comment is similar to Comment 10.17. Please see Response 10.17, above.

Response 15.17

This comment is similar to Comment 10.19. Please see Response 10.19, above.

Response 15.18

This comment is similar to Comment 10.20. Please see Response 10.20, above.

Response 15.19

This comment is similar to Comment 10.21. Please see Response 10.21, above.

Response 15.20

This comment is similar to Comment 10.27. Please see Response 10.27, above.

Response 15.21

This comment is similar to Comment 10.28. Please see Response 10.28, above.

Response 15.22

This comment is similar to Comment 10.31. Please see Response 10.31, above.



Mr. Eduardo Schonborn
Planning Division, Community Development
Dept.,
30940 Hawthorne Blvd,
Rancho Palos Verdes, CA 90275

Peter Gasteiger, Guri Otterlei
38 Cinnamon Lane
Rancho PV, CA 90275
Phone: 424.206.9771
Email: guri.otterlei@cox.net

Letter 16

November 20, 2012

To Mr. Schonborn:

Re. DEIR FOR ZONE 2 LANDSLIDE PROPOSED MORATORIUM ORDINANCE REVISIONS

Along with the rest of the Portuguese Bend Community, and as current residents, we are very concerned about the proposed large new development projects in and around our community. We share all of the same concerns as articulated in the letter submitted by Mr. Jeremy Davis, dated 11/15/2012 (entitled DEIR for Zone 2 Landslide Proposed Moratorium Revisions). This letter is to express full support to this letter, and to provide a few additional comments and questions to points described in his letter.

16.1

Of greatest concern to us is the obvious scope limitations described in Mr. Davis' letter items 1)-11). The report omits many additional projects that, if approved, would also effect this small community in the next years (listed in Mr. Davis' letter item 6). This would have a cumulative effect, as pointed out, and should have never been omitted.

In item 7 of the letter (subdivision of lots, expansion of homes), note that most of the existing homes (built in 1950-60) do NOT have efficient drainage systems compliant with current standards (i.e., no gutters/ area drains/ drainage pipes to road). Instead, rain water sinks into the ground and lawns, and does NOT even reach the "drainage system" (roads and canyons). Any changes or additions to these old homes would require upgrade to current standards and city codes, and this would put significant additional pressure on the drainage system, and would increase volumes by possibly many times more than today, just from these homes. Has this been taken into consideration, and if not, why not?

16.2

Also notable in the DEIR report is that it seems to skip over the obvious: The lack of a drainage system adequate to handle additional run-off in this delicate, active landslide area. As described in item 1 of the letter, the DEIR report made an assumption that the drainage system was sized to handle a full build-out of these lots. Such an assumption strongly suggests unfamiliarity with this area by the authors of the report. We have been in the community for 4 years, and have seen how the streets flood and the roads turn into rivers and waterfalls during heavy rain. The drainage system is barely sized to handle the amount of water as it is today

16.3

Also, further to point 3 of Mr. Davis' letter (infrastructure is the responsibility of the

16.4



Community), it must be understood that the Portuguese Bend is not a wealthy community, but consisting mostly of modest, small homes (in RPV context). The community association fees are small, and the association has worked hard to keep fees down and affordable. To impose on the small community the burden to pay for an upgrade of the drainage systems - to handle new building of large, new homes on empty lots - is not sustainable, and should not be an option. It was unforeseen by people living here today that they would become responsible for such a huge financial burden. The DEIR should put the legal and financial responsibility of any and all modifications and upgrade necessary to sustain or make possible the new construction on the Monk litigants' lots and all other lots that will depend on Portuguese Bend Community drainage.



On point 15 (restrict development to one lot at a time on Upper Cinnamon Lane), it should be added also that in 2 of the 4 existing homes have small children under the age of 10.

16.5

We look forward to getting justified answers to each and every question asked by Mr. Davies, other members of the community, and this letter.

Regards,

Guri Otterlei and Peter Gasteiger

Letter 16

COMMENTER: Peter Gasteiger and Guri Otterlei

DATE: November 20, 2012

RESPONSE:

Response 16.1

The commenters express agreement with Letter 10. This comment is noted. Please refer to the responses to Letter 10, above.

Response 16.2

The commenters state an opinion that most of the existing homes in Zone 2 do not have efficient drainage systems that meet current standards, and that as a result rain water infiltrates on site rather than reaching the drainage system. This comment is noted. The commenter further opines that changes or additions to existing homes would require upgrading to current standards and city codes, that this would put significant additional pressure on the drainage system, and that this should be taken into account. As discussed in Section 4.8 *Hydrology and Water Quality* and further explained in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, the proposed ordinance revisions would not, with mitigation, significantly change runoff from the subject lots. The potential for projects on other lots with existing development to affect the drainage system is not analyzed in the Draft EIR because 1) such projects are not part of the proposed project; 2) whether and where such projects might occur is not known and would be speculative to include in the cumulative scenario; and 3) such projects would not affect the impacts of the proposed ordinance revisions on drainage, because projects built under the proposed ordinance revisions would be required to be engineered to mimic existing runoff conditions and thus would not significantly contribute to existing drainage volumes or deficiencies.

Response 16.3

The commenters state an opinion that the existing drainage system in the project area is inadequate to accommodate existing runoff conditions. Please see *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, for a discussion of this issue that responds to this and other comments on this topic.

Response 16.4

The commenters state an opinion that owners of existing homes should not be required to fund potentially required drainage system upgrades. As noted above, mitigation measures in the EIR, including Measure HWQ-4, would not significantly add to the load on the existing drainage system. Any upgrades undertaken and funded by the homeowner's association would be addressing existing system deficiencies. It should also be noted that this comment addresses economic rather than environmental considerations, and thus is outside the scope of the EIR. Nevertheless, it will be forwarded to to City Council for their consideration.



Response 16.5

The commenters endorse Comment 10.16 above (please see Response 10.16), and also state that two of the four existing homes in the area mentioned in that comment have small children under the age of 10. This comment is noted; however, as it does not question the analysis or conclusions of the Draft EIR, a specific response is not possible.



Eduardo Schonborn

From: Lisa Gladstone [lisa@coastalobesity.com]
Sent: Monday, November 19, 2012 11:22 AM
To: Eduardo Schonborn
Cc: Anthony Misetich; Brian Campbell; Susan Brooks; Jerry Duhovic; Jim Knight
Subject: DEIR

Letter 17

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

Dr. Mr. Schonborn,
This letter is in regards to DEIR for Zone 2 Landslide Proposed Moratorium Ordinance Revisions.

I've been a resident of Portuguese Bend for approximately 15 years, and am now a homeowner of 18 Cinnamon Lane. My husband and I hosted a meeting of a very concerned citizenry of Portuguese Bend last week. There were approximately 25 in attendance, including Robert Maxwell, who I assume has voiced to you, the unified voice of the group as planned.

As property owners and participants of the meeting, my husband and I wish to sign on to the letters of Jeremy Davies, Gordon Leon, Cassie Jones and Lew Enstead, Mike Childs, Jim Knight and others who have laid out their concerns, including the limited scope of the E.I.R for reasons of water drainage, landslide impact, existing and obvious problems with Altimura Canyon, the need for additional Hydrology to study the cumulative impact of runoff of proposed lots on the 4 existing residences on upper Cinnamon who will be impacted by 30% of the proposed building. We would like to encourage identification of the stated drainage system the community currently has in place.

In addition, we would encourage language written into the E.I.R. that would guarantee the continued involvement of the city in all issues that they determine mitigated. If issues arise as we believe that they will, the city should re study and respond to whatever situations, thought to have been mitigated, but proven wrong. Our community should not have to accept responsibility for dealing with the realities of the findings by the city if proven wrong.

17.1

Additional concerns that may not be aware of:

The roads for accessing Zone 2 for the proposed construction are located in Zone 5 and 6 and are not engineered to the same standards as city streets. These roads provide poor access for those who use them to get to and from their own homes in any rainstorm. In addition, these streets provide the only trail access for the many young riders of Pony Club of America, on the corner of Peppertree and Pomegranate, as well as every horse owner on the East side of the Portuguese Bend Community. The route of the construction vehicles will not only seriously endanger them, but as the trucks continue into Zone 2, they will have a huge safety impact on Ride to Fly; an equine program for handicapped children at the corner of Narcissa and upper Cinnamon Lane. Handicapped children atop a horse are flanked by 4 or 5 attendants to safely walk through the streets. The truck traffic will further be menacing to every rider at Portuguese Bend Riding Club who uses our rural community streets to access the trails, since being cut off from trail access due to the York development and fencing. Our community is zoned for horses, enjoyed by residents but now seriously threatened; trucks, horses and the safety of our community members do not mix. Any proposed

17.2

development should include safe and full access to the trails to the community who've had access for over 50 years.

I'd like to request that the council respond to the concerns voiced in this letter.

Sincerely,

Lisa Gladstone

18 Cinnamon Lane

Rancho Palos Verdes

Ca. 90275

310 977 0976

Letter 17

COMMENTER: Lisa Gladstone

DATE: November 19, 2012

RESPONSE:

Response 17.1

The commenter refers to a number of issues and comments that are included in the letters above, including concerns about existing conditions and potential project impacts related to drainage, landslide stability and Altamira Canyon, and reiterates a request for specific hydrology studies for Upper Cinnamon Lane. Please see the responses to letter 10 in particular for responses to the comments referred to.

The commenter also requests that the City remain involved in mitigation monitoring for the project. Please see the Mitigation Monitoring and Reporting Program in the appendices to the Final EIR for details on how this will be accomplished.

Response 17.2

The commenter notes that Zone 2's main access roads traverse zones 5 and 6, and states an opinion that they provide poor access in rainy conditions. Please see *Topical Response 8.1.b: Geology* and *Topical Response 8.1.c: Traffic and Circulation* in subsection 8.1, above, for a discussion of this issue that responds to this and other comments on this topic. The commenter also states concern that construction traffic would conflict with and endanger equestrians and equestrian-related traffic in the area, including disabled children in the "Ride to Fly" program. As all roads within the Portuguese Bend community are private streets and beyond the control of the City, it is recommended that all motorists (residents, construction-related vehicles, etc.) comply with the Rules of Road, as outlined in the State of California Vehicle Code. Drivers of vehicles are required to exercise due care for the safety of any pedestrian upon a roadway. In addition, as it relates to pedestrians, consistent with the State of California Vehicle Code, it is recommended that no pedestrian walk upon any roadway otherwise than close to his/her left-hand edge of the roadway. It is envisioned that access to existing trails (both hiking and equestrian) would be maintained. Finally, the Portuguese Bend Community Association (PBCA) could assert their ability to determine which routes may be used by trucks within the private street network.



Eduardo Schonborn

From: JoNeeen Ohlaker [bugs.buni@verizon.net]
Sent: Monday, November 19, 2012 10:50 PM
To: Eduardo Schonborn
Cc: Anthony Missetich; Brian Campbell; Susan Brooks; Jerry Duhovic; Jim Knight
Subject: DEIR - Proposed Moratorium Ordinance Revisions

11/19/2012

Letter 18

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

Dear Mr Schonborn:

The traffic and circulation section of the DEIR assumes conservatively that all 47 lots are under construction at the same time. This would generate approximately 852 vehicle trips per day for construction worker vehicles and trucks. However, the DEIR ignores the impacts of this on the access roads, which are in active landslide areas and which were never designed for this level of activity. Please explain and justify why the DEIR ignores the impact on the road infrastructure and homes adjacent to these two streets.

18.1

The DEIR also assumes that there will be no subdivision of any of the 111 lots, nor has it considered that existing homeowners may wish to expand their homes from an average of under 2500 sq ft to 4000 sq ft, plus garages. These are the dimensions being allowed for the project owners. Please explain and justify.

18.2

Many studies and documents in the city’s records – going back to the 1970’s – state that no additional development should take place until Altamira Canyon is appropriately made in impervious. This in order to prevent ground water recharge by storm water runoffs and includes grading and sealing ground fissures in the area, correcting street and culvert drainage, and placing fill along the beach. These mitigation measures are not addressed in the DEIR. Altamira Canyon has been identified as a need in the city’s capital improvement plans for many

18.3

years. Councilmember Brian Campbell called Alta Mira Canyon a “mini San Ramon Canyon” problem at the public hearing on November 7, 2012. Please explain and justify why Altamira Canyon is excluded from the DEIR regarding mitigation measures.

It is imperative that the DEIR acknowledge that Altamira Canyon is already a deficient storm drain system. Numerous city sponsored reports conclude that the drainage system – that the problem will be contributing additional storm water runoff to – is already inadequate and is causing property damage.

Certainly other important questions that must be answered include: Is ACLAD in agreement with the geology and hydrology conclusions in the DEIR? Are they satisfied that the mitigation measures are adequate or do they recommend additional mitigation measures? Are they satisfied that there are adequate numbers of dewatering wells to handle additional run off from new development? Do they agree with the conclusion that the Abalone landslide has been stopped as it affects Zone 5 and Narcissa Drive?

Of great importance is to understand if the Monks approved plaintiff plans (or are in the approval process) are required to comply with all the mitigation measures - that will be in the final EIR - in accordance with CEQA? If not, which measures specifically are excluded? Please explain and justify this segmentation of the project under CEQA.

Together, these are just a few the outstanding concerns raised with the draft EIR, shared by our community residents. It is critical for the city to address these concerns before any further discussion of building takes place.

Respectfully,

Magnus & JoNeen Ohlåker, 84 Narcissa Drive, RPV, CA 90275
 Bob & Diana Halderman, 88 Narcissa Drive, RPV, CA 90275

Letter 18

COMMENTER: Magnus & JoNeen Ohlaker

DATE: November 19, 2012

RESPONSE:

Response 18.1

This comment is similar to Comment 10.4. Please see Response 10.4, above.

Response 18.2

This comment is similar to Comment 10.8. Please see Response 10.8, above.

Response 18.3

This comment is similar to Comment 10.5. Please see Response 10.5, above.

Response 18.4

This comment is similar to Comment 10.5. Please see Response 10.5, above.

Response 18.5

This comment is similar to Comment 10.6. Please see Response 10.6, above.

Response 18.6

This comment is similar to Comment 10.31. Please see Response 10.31, above.



Eduardo Schonborn

Letter 19

From: tom hoffman [comptonhoffman@yahoo.com]
Sent: Thursday, November 15, 2012 11:04 AM
To: Eduardo Schonborn
Cc: Anthony Misetich; Brian Campbell; Susan Brooks; Jerry Duhovic; Jim Knight; lewisenedt@hotmail.com
Subject: Landslide

Dear Mr. Schonborn,

I would like to go on record with the Planning Commission with my concerns over the safety of our community if the full scale development that is being contemplated is allowed to proceed without a complete EIR. I have a wide range of concerns that focus on the quality of life that would be sacrificed to new development, but I would like you and your commission to focus on one paramount issue with regard to our unique situation of being atop an active landslide. The most glaring omission in the DEIR is the lack of attention to hydrology. There is literally no detail behind the assumption that with minimum mitigation procedures serious flooding can be avoided with the system that is in place. The streets cannot handle the runoff today should we be deluged by a winter storm. I am concerned with the real probability of property damage as well as aggravation of the slide plane with the additional runoff that would result from full development. I would ask you to focus the commission's attention on the one completed house that is a part of the Monks' suit.

19.1

I would like to have a geologist/hydrologist prepare a report on the additional runoff that will result from the deveopment on the corner of Narcissa and Cinnamon. I would like to see a detailed comparison of the runoff from a normal winter storm off the hillside before full development and from the developed lot as it stands today. The grading, brush clearance and hardscape will definately contribute a much greater runoff than the natural hillside would have. The question is how much greater? This is a relatively simple question and easily answered by a professional. All that remains is to extrapolate the findings from one lot to include the entire 47 lots. If the additional runoff is still "significant but mitigable", then my concerns would be proven baseless. However, only a true scientific analysis can satisfy my concerns. As it stands, the DEIR is woefully insufficient on this issue as well as many more.

19.2

Sincerely,

Suzanne Hoffman
5 Plumtree Road
310 265 0200

Letter 19

COMMENTER: Suzanne Hoffman

DATE: November 15, 2012

RESPONSE:

Response 19.1

The commenter states concerns regarding stability of the landslide areas, and states an opinion that hydrology is not studied sufficiently in the Draft EIR and that conclusions that hydrology impacts would be less than significant with mitigation is not supported by the analysis. These comments are noted. Landslide stability and area hydrology are discussed in sections 4.5 *Geology* and 4.8 *Hydrology and Water Quality*, respectively. Impacts were determined to be less than significant with mitigation. The commenter does not provide specific details or analysis on which to base a more detailed response. The commenter also states an opinion that the existing drainage system is deficient. Please see *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, for a discussion of this issue that responds to this and other comments on this topic. Finally, the commenter asks that the City's Planning Commission note the residence completed under the Monks decision. This comment is noted and will be forwarded to the Community Development Director, as it was the Community Development Director and not the Planning Commission that was involved with the approval of any residences completed under the Monks decision.

Response 19.2

This comment is similar to Comment 10.2. Please see Response 10.2, above.



Eduardo Schonborn

Letter 20

From: tom hoffman [comptonhoffman@yahoo.com]
Sent: Monday, November 12, 2012 12:38 PM
To: Eduardo Schonborn
Cc: anthonymisetich@rpv.com; Brian Campbell; Susan Brooks; Jerry Duhovic; Jim Knight; Lou Ensted; Suzanne
Subject: Draft Einvironmental Impact Report (DEIR)

Dear Mr. Sconborn,

As a 15 year resident of Portuguese Bend (5 Plumtree), I am more than a bit concerned about the cavalier attitude the City Council has taken toward the full development of our community. I am quite puzzled at the about face that occured after the ruling in the Monks case. The concern for the safety and stability of the residents of our community was replaced by a desire to cater to the lot owners/developers regardless of the obvious risks inherent in large scale development upon an active landslide and upon a fragile infrastructre. Whatever happened to the geolgical survey that the city paid for which was unable to certify an adequate level of safety for development in zone two? Why do the council members feel bound to relieve the lot owners of the responsibility of a full EIR? The judge said nothing about easing what is a statutory responsibilty. The DEIR is nothing more than a carte blanche to the developers; current residents de damned.

20.1

The DEIR is full of assumptions that are not factually based. For instance, it assumes that the development of the all the potential lots (47) "will occur on a piecemeal basis over a period of many years". This is demonstrably false since it is easy to prove that most of the lot owners have been actively seeking the right to build over decades. The granting of the Mitigaed Negative Declaration (MND) in place of the full EIR has been used only in situations where levels of safety and certainty were issues of common sense; not scientific facts. In the DEIR questions of scientific fact go unanswered.

20.2

The first and most puzzling assumption is the ability of our existing infrastructure to handle heavy rain and heavy equipment. Our roads were built some 60 years ago. Were they designed to handle run off for an additional 47 homes? I personally can attest to the consequences of extensive land clearing. I think it was in 08 and 09 that I experienced flash flooding of my patio as well as my house; my bedroom wall was six ineches deep in mud all due to the ground clearing of my neighbor to the north and some by York. The hardscape and brush clearance of even a portion of the 47 lots will overload the abilty of our current infrastucture resulting in property damage. This issue is blithley passed over without proof of safety.

20.3

Then there is the issue of the integrity of the access roads; Narcissa and Peppertree. Each crosses zone five and each will be impacted extremly hard by heavy equipment. Where is the study that allays these concerns? An MND should be granted only in situations where there is a level of certainty about soil conditions and drainage. Our community sits upon an active landslide. This fact alone should rule out the MND. California Code 14Regs.15064(b) states "an activity which may not be significant in an urban area may be significant in a rural area" Our area is not only rural but geologically compromised.

20.4

The DEIR considerd traffic safety issues miles outside our community without a word about the impact in our community. The blind curve at Narcissa is an accident waiting to happen with the equipment that is already moving in and out. Our roads are all fire roads without parking so fire equipment can travel freely. What was the conclusion on traffic safety and ease of access for emergency vehicles inside our community? There was none. Where was the consideration of fire truck access to upper filiorum and the PB Land Conservancy when all the lots that border these areas are developed? Was the Fire Dept. asked for an opinion? It is very peculiar that the agency

20.5



most familiar and most concerned with this area, ACLAD, was not formally approached for input.



Finally, I have only addressed the the most glaring problems with the DEIR. Things like noise, lighting and pollution are marginal but important ones that need a much more detailed discussion. As a frequent swimmer in Abalone Cove, I am very concerned about the damage to the delicate tidal areas that would inevitably occur with a significant increase in run-off. This area is marine sanctuary supervised by the Dept. of Fish and Game; why weren't they consulted? Why too wasn't the Coastal Commission queried? Along with ACLAD and the Fire dept. it appears that four agencies relevant to this discussion were ignored. Why? I have only one more observation; the phrase "significant but mitigable" is repeated ad-nauseum without proof of the mitigability.

20.6

20.7

Respectfully,

Tom Hoffman
5 Plumtree Road
RPV, CA 310 265 0200.

Letter 20

COMMENTER: Tom Hoffman

DATE: November 12, 2012

RESPONSE:

Response 20.1

The commenter states opposition to the proposed ordinance revisions and an opinion that the Draft EIR does not include sufficient mitigation. These comments are noted; however, as they do not provide specifics related to the environmental analysis a specific response is not possible. The commenter also inquires about a previous geologic study that the commenter states “was unable to certify an adequate level of safety for development” in Zone 2. The commenter does not cite the study in question; however, please note that the geotechnical study used in the Draft EIR included review of dozens of past studies performed for the project area that make up the vast bulk of technical investigations of area geology and hazards. These are listed in Appendix A of the EIR Geotechnical Study, which is contained in Appendix D to the Draft EIR. The conclusions of the Draft EIR are based on review of all of these studies, some of which vary in their individual conclusions.

Response 20.2

The commenter states an opinion that the Draft EIR is not based on “scientific fact.” This opinion is noted; however, in the absence of specifics no further response is possible. The commenter also disagrees with the buildout assumptions used in the Draft EIR of up to 10 years. Please see Response 10.11, above.

Response 20.3

The commenter states an opinion that the existing drainage system in Zone 2 is inadequate to handle runoff from potential buildout under the proposed ordinance revisions. As discussed in Section 4.8, *Hydrology and Water Quality*, and further explained in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, with the mitigation identified the proposed ordinance revisions would not significantly increase runoff from individual subject lots. The commenter also conveys personal experience indicating that vegetation removal increases erosion during rain events. Erosion potential is discussed under Impact HWQ-1 in Section 4.8, *Hydrology and Water Quality*. Mitigation Measure HWQ-1 requires each applicant to prepare a Construction Erosion Control and Water Quality Plan for the review and approval of the Building Official prior to issuance of permits. The erosion control best management practices listed in the measure are field-tested and are understood to be effective at reducing erosion during construction. The Building Official may also require additional techniques such as planting vegetation to further minimize erosion.

Response 20.4

This comment is similar to Comment 10.3. Please see Response 10.3, above.



Response 20.5

The commenter states a number of concerns about safety, access and consultation with the Fire Department and ACLAD stated by previous commenters and addressed above. Please refer to Responses 10.6 and 10.27. The commenter also states an opinion that the Draft EIR lacks “conclusion on traffic safety and ease of access for emergency vehicles.” These topics are discussed in the Draft EIR under impact T-4 in Section 4.10, *Traffic and Circulation*.

Response 20.6

The commenter states that additional issues such as noise, lighting and pollution need further study in the EIR, but does not state what further study is needed or why. Please see sections 4.1, *Aesthetics*, 4.2, *Air Quality*, and 4.9, *Noise*, for detailed discussions of these topics. The commenter also asks why the California Department of Fish & Game (CDFG) and California Coastal Commission were not included in the environmental review process. CDFG was included in the scoping process and Draft EIR review process. In their scoping letter of January 28, 2012, included in Appendix A to the Draft EIR, CDFG brought up a number of suggested issues for study; however, a potential impact to the intertidal/marine ecosystem in Abalone Cove was not among them. The California Coastal Commission was not included because the project area is not within or adjacent to the Coastal Zone and the Commission is not a responsible or trustee agency for the proposed project.

Response 20.7

The commenter states an opinion that the phrase “significant but mitigable” is “repeated ad-nauseum without proof of the mitigability.” The commenter does not provide specific instances where “proof” is lacking in the document. It should also be noted that although the conclusions of the Draft EIR must be supported by adequate information, “proof” is not a term used in CEQA for such information. The purpose of an EIR is to provide sufficient environmental information to inform the City’s decision on the proposed project – a good-faith effort at full disclosure – rather than technical perfection or exhaustive analysis (CEQA *Guidelines* sections 15003 and 15151).



Letter 21

From: Lee Jester [<mailto:leejester@verizon.net>]
Sent: Tuesday, November 20, 2012 3:23 PM
To: Eduardo Schonborn
Cc: robert.cumby@cox.net
Subject: Draft EIR - Zone 2 Landslide Moratorium Ordinance Revisions

Lois Jester
20 Narcissa Dr.
Rancho Palos Verdes, CA

November 20, 2012

Eduardo Schonborn, AICP
Senior Planner
Community Development Department
City of Rancho Palos Verdes

Re: Draft EIR - Zone 2 Landslide Moratorium Ordinance Revisions

Dear Mr. Schonborn,

As a property owner in Zone 5 of the Landslide Moratorium Area, I am concerned about the inadequate mitigation measures suggested in the DEIR if the remaining 31 lots are allowed to apply for Landslide Moratorium Exceptions. A few of my concerns are noted below:

1) Zones 5 & 6 are contiguous with Zone 2. The DEIR does not acknowledge Zones 5 & 6 as unstable areas that could migrate upslope into the project area. Nor does it address the impacts of drainage into Zones 5 & 6. Please explain. | 21.1

2) Many studies and documents in the City’s records going back to the 1970s, state that no additional development should take place until Altamira Canyon is appropriately made impervious. This is in order to prevent ground water recharge by storm water run-off. Corrective measures include grading and sealing ground fissures and depressions in the area, correcting street and culvert drainage, and placing fill along the beach. Altamira Canyon has been identified as a need in the City’s Capital Improvement Plans for many years. These mitigation measures are not addressed in the DEIR. The DEIR must acknowledge that Altamira Canyon is already a deficient storm drain system and is causing property damage, and the project will contribute additional storm water run-off. Please explain why improvements to Altamira Canyon are excluded from the DEIR regarding mitigation measures. | 21.2

3) The existing storm drain system in Portuguese Bend is already inadequate. Additional storm water run-off into the landslide prone Zone 5 area as a result of this project poses a potentially significant impact directly to Zone 5 and indirectly to Zone 2. Please explain why the DEIR assumes otherwise, notwithstanding Mitigation Measures GEO-2, GEO-3a and HWQ-4. | 21.3

4) What opinion does ACLAD have on the geology and hydrology conclusions in the DEIR? Are they satisfied that the mitigation measures are adequate or do they recommend additional mitigation measures? Are they satisfied that there are adequate numbers of dewatering wells to handle additional runoff from new development? Do they agree with the conclusion that the Abalone landslide has been stopped as it affects Zone 5 and Narcissa Drive? Although land movement at my home at 20 Narcissa Drive has slowed, continual remedial grading and repairs are required which attest to the fact that the Abalone Cove Landslide has not stopped.

21.4

4) The traffic study addresses intersections far from the project but does not address traffic impacts to substandard, narrow roads which access the project area. Please explain how impacts to the privately maintained roads will be alleviated and any damage remedied.

21.5

Sincerely,

Lois Jester

Letter 21

COMMENTER: Lois Jester

DATE: November 20, 2012

RESPONSE:

Response 21.1

This comment is similar to Comment 10.12. Please see Response 10.12, above.

Response 21.2

This comment is similar to Comment 10.5. Please see Response 10.5, above.

Response 21.3

This comment is similar to comments 8.1, 8.2 and 10.24. Please see responses 8.1, 8.2 and 10.24, above.

Response 21.4

This comment is similar to Comment 10.6. Please see Response 10.6, above. The commenter also states an opinion that the Abalone Cove Landslide has not stopped. This is consistent with the discussion in the Draft EIR under subsection 4.5.1.b. in Section 4.5, *Geology*.

Response 21.5

This comment is similar to comments 8.3 and 10.4. Please see Response 8.3 and 10.4, above.



11/11/2012

Letter 22

Hn. Mayor and City Council
Project Director, DEIR Landslide Moratorium Revisions
City of Rancho Palos Verdes
Rancho Palos Verdes, CA 90275

RE: Draft EIR Landslide Moratorium Revisions

Honorable Mayor Misetich and Members of the Council,

I implore the City Council to pay close attention to the comment letters from residents and other agencies and reject much of the content and conclusions of the Draft EIR. Residents and interested parties speak as single voices but they also speak as one. I remind the Council to remember CEQA's Objectives when reviewing the proposal. Those objectives, among others, include:

- Disclose to decision makers and the public the potential significant environmental effects of proposed activities.
- Identify ways to avoid or reduce environmental damage.
- Prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures.
- Disclose to the public reasons for approval of projects with significant environmental effects.
- Enhance public participation in the planning process.

There are two particularly critical sections in this report: Geology and Hydrology. This is not to minimize any other sections but rather to provide focus for this letter.

Please read the cover letter and the entire Executive Summary provided in the Geology Section in detail. Note that their comments are carefully worded to steer the reader away from concern in the end. However, the Executive Summary makes it clear that

22.1

“...groundwater resulting from additional home sites could have serious consequences if not strictly controlled. Several recommendations with regard to water collection devices, **control of water to streets and other structures**, and the addition of all future homeowners within Zone 2 into ACLAD, which encourages the development of additional monitoring and/or pumping wells, **should be mandatory. This recommendation is imperative because Zone 2 is and always will be a community linked by a common geological risk, and ground water control is the only reasonable geotechnical mitigation technique available to control the potential for landslides and ground movement in the Zone 2 area.**” (Emphasis added) Yet, it goes on to conclude that the project “will not have a negative impact to the gross stability of either Zone 2 or adjacent areas, provided the recommendations of the architectural standards adopted by the Portuguese Bend Community Association and the City’s Landslide Moratorium Exception Conditions are implemented.” Sounds great, but the PBCA’s architectural standards do not address landslide instability. They are primarily concerned with neighborhood compatibility issues. This recommendation seems to make light of the seriousness of the situation. Whether or not a house is Ranch Style or Mid-Century Modern is irrelevant when it comes to this discussion.

More importantly, the final statement in the Executive Summary is this: “However, it should be plainly understood that because of the inherent potential for instability within adjacent landslides and the fact that Zone 2 is atop a landslide, that should additional significant movement occur in adjacent areas, it is our opinion the loss of support currently provided from the Abalone Cove and Portuguese Bend Landslides could result in significant structural damage within Zone 2.”

These “adjacent areas” include Zone 5 and direct damage to Zone 5 is likely with the addition of more water into Altamira Canyon. The Hydrology Section does not prevent more water from entering the canyon nor does it prevent this increased water from entering the groundwater complex after it enters the canyon. In fact, it encourages it by assuming that these homes are connected to an adequate, engineered and well-maintained storm drain system that dumps into the canyon!



22.2

The Hydrology section is flawed. It is based on an assumption of the current adequacy of a storm drain system designed nearly 70 years ago, before the occurrence of the Portuguese Bend and Abalone Cove landslides. The City acknowledges in its July 2012 Landslide Workshop that, among other things

1. The Abalone Cove and Portuguese Bend landslides “reactivated with development of the area”.
2. “Fractures provide direct conduits for rainwater to enter the subsurface”.
3. “Upwards of 99% (82-99%) of storm water discharge in the canyons infiltrates to become groundwater” and shows explicit photographic evidence of this in Altamira Canyon.

The Hydrology Section attempts to minimize the perceived impact of the additional water runoff into the canyon. It refers to increases of 9-15% runoff on individual lots and 3% for the watershed overall. As these seem like “small numbers” to most readers, one is led to believe that amount of water entering the canyon is minimally increased. Yet when reading the tables carefully, the numbers referred to represent the increase in the rate of water flow- the increase in the speed at which water is running off the land, NOT the increase in the volume of water runoff. The volume of water entering the canyon is what recharges the landslide. The rate is not unimportant; it has an impact on erosion, surely. *Any* positive number is an *increase* in the rate of flow of the water, and one could conclude it translates into an increase in erosion. The DEIR states that most of this water will not infiltrate anyway due to clay soil type and the steepness of the canyon, “...as water moves quickly over the land surface, minimizing infiltration”, completely ignoring the City’s own workshop findings. How does the City reconcile this discrepancy? Also, how steep is it? I have walked the whole canyon myself several times. Did they?

You have previously been sent photos of the impact erosion presents to the canyon, showing the undercutting of power poles adjacent to high-pressure gas lines 100 feet from homes. Multiple power poles and at least one high-pressure gas line suffer from the powerful flow of water in the canyon generated primarily by storm runoff from the residential development at the top of the hill. The DEIR’s own calculated *volume* of



22.3

water increase is 10-20% in Zone 2 and up to 80% on individual lots. Those individual lots drain directly to the roads. The roads ARE the storm drains and they cannot take on that much more water. How much water is it? Their own estimates are as high as 6 acre-feet, over 2 million gallons in a big rainstorm. If the studies have been done to show the roads and canyon can handle the increased flow, then those studies should be presented for review. Actually, there are no references to past engineering of the storm drains and roads because no studies have taken place, and there never was an engineered design for the storm drain “system”. It is simply bad science to predicate your conclusions on non-existent studies and flawed hypotheses.

The mitigation of a holding tank of, say, 1000 gallons (47,000 gallons for the whole project) is literally a drop in the bucket. And then the bucket just gets emptied back on to the roads and the water continues on to its final destination- the canyon. (I get to choose the size of the tank because the specifics are left to chance; deferred for future study.)

Some clear-cut recommendations from the July 2012 City Landslide Workshop include:

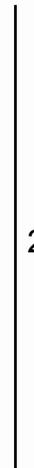
1. Line portions of Altamira Canyon, prevent storm water infiltration
2. Rehabbing and adding new dewatering wells
3. Collection of surface drainage runoff (it doesn't specify how)

Historically you must consider the result of the Horan Settlement and the recommendations by a panel of experts as to how best to deal with this problem. At the top of that first list was dealing with the canyon and at the bottom was installing a system of sewers. Well, the sewers got installed and some rain gutters and a few curbs were installed but the bulk of the \$10M settlement was studied into oblivion and now the issue of the canyon doesn't even appear on the list of items to be dealt with in the DEIR. I know that correcting the drainage deficiencies will be expensive and that the DEIR assumes the Portuguese Bend community will shoulder that burden but, personally, the logic for installing the storm drains at City expense is the same logic that applied to the sewer mitigation where the initial costs were not borne by the affected residents.

The DEIR incorrectly places the burden for any deficiencies in the current storm drain system on the Portuguese Bend Community Association alone. The main area in



22.4



22.5



question in this EIR is not the PBCA, but rather Zone 2, which includes properties outside the PBCA. *To require the Association to be responsible for the drainage of properties for which it is not accountable and from which it receives no compensation places an unfair and excessive burden on the Association and shifts the responsibility from the City, where it belongs in a case like this.* The drainage system failed, there has been a landslide attributed to it. The City imposed a building moratorium with severe restrictions over the entire area precluding extensive construction and grading for over 30 years. The City received compensation upwards of \$10,000,00.00 for this and yet failed to correct undeniably the single most important contributor to the landslide: drainage into Altamira Canyon. In fact, the City had dollars left over which, as the clock for using the funds was running out, they “sold” to the City of Torrance for 60 cents on the dollar.



EIR Issues

The scope of this EIR remains inadequate. The City cannot divide a single project, such as this project, into smaller individual subprojects, a “two-pronged approach,” to avoid responsibility for considering the environmental impact of the project as a whole, as it does here by first preparing the MND to analyze the development of the *Monks* lots and conducting a full blown EIR at this later date to analyze the impact of the development of the entire forty-seven (47) lots at the Project site. CEQA “cannot be avoided by chopping up proposed projects into bite-sized pieces which, individually considered, might be found to have no significant effect on the environment or to be only ministerial.” The City’s two-pronged approach is nothing more than an attempt to evade its obligations under CEQA with regards to the development of these lots. To include the 16 lots in the project and then study the alternative of No Project *that still includes development of these lots* shows the faulty (at best) logic of this approach.

22.6



The EIR does not fully address the project impacts of current and future storm water runoff in combination with this project, thereby avoiding a complete analysis and creating segmentation. CEQA Guidelines sec. 15165 requires projects past, present and which are reasonably foreseeable in the future in the vicinity of the project to be evaluated with all phases of the proposed project. Past projects would include the

22.7



original development in Portuguese Bend and at least the additional developments draining in to Altamira Canyon from the top of the hill. This would also include projects for which applications have been received (Plumtree, Point View), projects in capital improvement plans (money certainly was available for remediation of drainage issues in Altamira Canyon), projects identified in adopted plans (such remediation was funded and pursued in 2001), those that are later phases of earlier projects (as the continuation of building in Zone 2 may be considered) and those for which money has been budgeted (there was money budgeted for Altamira Canyon as recently as 10 years ago). It also must consider projects that have been publicly announced (Point View, Plumtree), those for which applications are likely to be submitted (Bean Field) and other reasonably foreseeable future projects in the immediate vicinity. The City was advised in March 2009 that there is substantial evidence that the Landslide Revisions may result in the development of more than 47 new residences, which may have a significant effect on the environment that may or may not be mitigated. The zoning for properties adjacent to this project is Residential (Zone 1, Yamaguchi's Bean Field (Zone 3), PointView) and some of these residences will likely only be accessible through the roads of the project in question (Plumtree development and Yamaguchi's Field development as well as continued "in-fill" in zone 5). As these properties are zoned Residential, for planning purposes it must be assumed that they *will be* residential communities some day. They make a "cumulatively considerable contribution." This must be a consideration because of the particular topography or geography and shared infrastructure that intertwines all of these parcels. More simply stated, if you have 50 acres of land zoned R2 you can assume you will have no more than 100 homes built and it would be sound to consider the impact of 100 homes, not the impact of one house at a time or of only 47 houses.

Yet, the City failed to address the issues raised in March, 2009. Instead, the City conceded that an EIR would be necessary to study the impact of the future development of 47 lots, but, in order to expedite development on the 16 *Monks* lots, improperly narrowed the scope of review by bifurcating it. The City is legally obligated to review and mitigate if necessary the environmental impacts resulting from the development of all 47 lots. The City must consider the whole of the action and cannot divide a single project into smaller individual subprojects to avoid responsibility.



22.8

As if segmentation in space weren't significant enough, segmentation in time is also occurring here. The proposed project assumes through the DEIR that the area in question can be built out because the original design of the storm drain system was for a full build out of the area. However, the studies and documentation for the original project are not provided or referred to in the DEIR. The entire Hydrology section is predicated on building permits, studies, codes and procedures put in place for a project designed in the 1940's without any reference to any documentation that actually states or quantifies this underlying assumption. Subsequently, projects have been built uphill from the one in question (Island View, Del Cerro areas) and no reference has been made to the adequacy of the studies of their EIRs with respect to the impact on drainage downhill in the current project location. Correct me if I am wrong, but I believe drainage was improperly placed into Altamira Canyon, rather than further west toward Barkentine, for which the penalty was payment of a fee. Did the fee go to helping shore up the canyon downstream? This segmentation of projects in time is not permissible. These are not to be considered as isolated events as they each affect each other along the entire watershed.

22.9

The RPV City General Plan specifically prohibits activity that could create canyon wall erosion or result in a landslide, among other things. This DEIR attempts to prove that those things won't happen because the storm drains were built to accommodate building on all of the lots. Again, this "plan" is never cited; it is only an assumption. Given that the storm drain system includes the canyon and that subsequent to it being built there has been additional building higher up the canyon AND there has been failure of the system (the Abalone Cove Landslide), the assumption is faulty and the conclusions are as well. Also, any actual physical inspection of Altamira Canyon will reveal many areas of moderate to severe erosion. It is easy for a city to state an ambitious goal such as "no further canyon wall erosion," but, obviously, difficult to make manifest that goal.

22.10

Throughout the DEIR there are many instances of so-called mitigation that are merely plans to defer analysis to a later date. Some of these instances are listed below by reference to the document itself.

22.11

AES-3 Compatibility Analysis- deferred, piecemeal over years

BIO-2 Biological Survey- deferred study. Instead of actually mitigating the impact of the development on the CSS habitat, this essentially requires implementation of mitigation measures to be recommended in a future study. This is an unacceptable mitigation measure. Moreover, The DEIR does not even consider the possibility of design measures that could preserve habitat for sensitive species on site, but identifies as its mitigation measure “payment of a mitigation fee.” This is no mitigation but the admission of a potential significant impact. Is this development considered for the NCCP?

22.12

GEO-2 deferral of mitigation measures here as well

22.13

GEO-3a deferral of study/design and mitigation measures. The City has no control over ACLAD functions or ACLAD’s budget. Merely agreeing to participate in ACLAD shirks the City’s duty to assure that more dewatering wells are built as a protection for the rest of the residents of the City as well as the City’s arterial infrastructure at Palos Verdes Drive South. Imagine the public outcry and economic catastrophe of severe damage to the highway in the region between Trump National and Terranea. If ACLAD cannot provide further dewatering wells, this main artery, Palos Verdes Drive South, through the Abalone Cove Landslide could be lost. A crack regularly appears below the Wayfarer’s Chapel after heavy rainy periods and several homes directly above it regularly continue to show signs of movement with each rainy period (Horan and Jester homes on Narcissa specifically). It is a superior mitigation to actually *require* that additional dewatering wells be built. The mitigation should not be punted or deferred elsewhere. Most GHADs (geologic hazard abatement districts) are not private entities as is ACLAD. Most are municipal (city, county, etc.) districts and as such governmental bodies can direct their actions. You have little control over what ACLAD does.

22.14

GEO-3b not mitigation at all. The mitigation of a covenant is no mitigation at all.

Requiring the owners of these lots to sign such an agreement does not preclude the City from inspections insuring that the residences actually are built as designed. That is what code enforcement officers should be doing. This is a particularly onerous burden to place on inexpert but observant neighbors.

22.15

GEO-4 defers study and makes study piecemeal on a per lot basis.

22.16

GEO-6 also defers study and makes study piecemeal on a per lot basis.	22.17
FIRE-1(a) deferral of study and mitigation, also faulty premise- the fire hydrants and emergency vehicle access are already substandard in the general area.	22.18
HWQ-1 deferral and piecemeal	22.19
HWQ-2 deferral of study	
HWQ-3 flat-out untrue as referenced in the City’s Landslide Workshop. The impact of ground water entering through the canyon is immense. According to the Hydrology calculations, as many as 6.6 acre-feet of additional water would fall translating to over 2.1 million added gallons each time there is a big storm.	22.20
HWQ-4 deferring study and mitigation, no criteria for design, maintenance or even efficacy of “onsite detention facilities.” Besides, 47,000 gallons more or less, is not going to do much in the face of more than 2 million gallons of estimated runoff. Also no criteria for “minimizing” dry weather runoff.	22.21
N-1 Construction Schedule- should not allow a construction schedule that is in disagreement with the Portuguese Bend Community Association’s schedule of allowed construction hours.	22.22
T-1(c) Traffic requirement for a signal at Forrestal- It is not the DEIR’s place to provide the City with an excuse if, for “policy reasons,” they do not wish to install a signal. If a signal is required, that is what should be stated. Then one can then only hope no one gets killed turning left there if the City decides not to do it.	22.23
T-4 Faulty conclusion, impact could be quite significant. The geology section acknowledges and describes the uncertainty of the road base and compaction in the area; a simple drive through the streets shows the narrowness of the roads. All roads are fire roads and storm drains.	22.24
U-1 Holding Tank System- deferring study and deferring mitigation. This information should already be known and accounted for. What if the sewer system cannot ever accommodate all of the additional projects- are temporary holding tanks the <i>only</i> recourse? “[i]f the Director of Public Works determines that the sanitary sewer system	22.25 ↓

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.” This is wholly unacceptable. The City has previously stated in a proposed MND of August 2009 that a possible significant environmental impact may exist with regards to the sewer system. This current document does nothing more to mitigate it than to punt the problem down the road to the Director of Public Works at the time of permit issuance. This undermines the intent of the environmental review process, which must take into account the cumulative and reasonably foreseeable effects of a project before its approval. Review cannot be done on a piecemeal basis after the fact. Furthermore, such a holding tank will itself result in likely environmental impacts, yet the DEIR doesn’t even discuss those impacts.



U-2 Additional plumbing- deferred analysis “subject to review” at a future date not acceptable.

22.26

I appreciate the opportunity to comment. I expect each item to be considered thoughtfully. After you have done so, see if you are comfortable that CEQA Objectives have been met. Does the DEIR:

- Disclose to decision makers and the public the potential significant environmental effects of proposed activities?
- Identify ways to avoid or reduce environmental damage?
- Prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures?
- Disclose to the public reasons for approval of projects with significant environmental effects?
- Enhance public participation in the planning process?

22.27

Thank you,

Cassie L. Jones
Rancho Palos Verdes

Letter 22

COMMENTER: Cassie L. Jones

DATE: November 11, 2012

RESPONSE:

Response 22.1

The commenter summarizes the purposes of CEQA, and then goes on to request that the mitigation measures in the Draft EIR for minimizing geologic risks be made mandatory. Please note that the regulations referenced and the mitigation measures proposed in Section 4.5, *Geology*, are intended to be mandatory. The commenter also disagrees that the Portuguese Bend Community Association's architectural standards would mitigate landslide instability. Note that the mitigation measures in the Draft EIR do not reference adherence to these standards, but rely rather on other approaches listed under Impact GEO-3 and Mitigation Measure GEO-3 (a and b), such as requiring a site-specific geotechnical report and maintaining existing stormwater runoff/infiltration quantities.

Response 22.2

The commenter states an opinion that even after mitigation buildout under the proposed ordinance revisions would increase water in the drainage system, in Altamira Canyon, and infiltration of runoff into the groundwater. As discussed in Section 4.8 *Hydrology and Water Quality* and further explained in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, the proposed ordinance revisions, with mitigation, would not significantly increase lot runoff, infiltration into groundwater in the landslide area, or erosion. The commenter also disagrees with the statement in the EIR that infiltration would be minimized by the soil types and steepness of the canyon. As also discussed in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage*, this statement has been modified in the Final EIR.

Response 22.3

The commenter states an opinion that the drainage system cannot accommodate additional runoff from the undeveloped lots. As discussed in Section 4.8 *Hydrology and Water Quality* and further explained in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, the proposed ordinance revisions would not significantly increase lot runoff or contribute significantly to the drainage system after mitigation.

Response 22.4

The commenter states an opinion that 1,000 gallons would not be adequate for a detention tank for lot drainage management purposes, and also appears to imply that individual lot owners could choose the size of tanks. On the contrary, as described in Mitigation Measure HWQ-4 in Section 4.8, *Hydrology and Water Quality*, and further discussed above under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, individual applicants would be required to submit engineered plans demonstrating that the existing runoff conditions would be



maintained for their lot. There a number of ways to achieve this, detention tanks being one of them if used in combination with other treatments.

The commenter goes on to suggest three ways to reduce groundwater in the landslide area: line portions of Altamira Canyon to prevent infiltration; rehabilitate existing and add new dewatering wells; and collect surface drainage runoff. These measures would reduce groundwater but need not be mitigation for the proposed ordinance revisions because construction of 47 new residences in compliance with the specified mitigation measures would not result in significant impacts related to groundwater recharge. See also *Topical Response 8.1.b: Geology* in subsection 8.1 for additional information on this topic.

Response 22.5

The commenter discusses financial responsibility for improvements to the existing drainage system for the project area. As discussed above, additional mitigation in the form of improvements to the drainage system is not required because impacts would be less than significant with the mitigation identified. The economic impact of alleviating existing deficiencies that would not be significantly impacted by the proposed project is outside the scope of the EIR.

Response 22.6

The commenter states an opinion that the City has piecemealed the environmental review for the project by studying part of it in an MND and part in an EIR. This could perhaps be argued if the City had studied only the additional 31 (i.e., non-Monks) lots in the EIR. However, as the EIR analyzes all potentially developable lots including the Monks lots, the entire project is analyzed in one document. The ordinance revisions for the Monks lots proceeded first under the MND for those revisions; the Draft EIR for all 47 lots (16 Monks plus the 31 additional that would be eligible under the current proposal) is intended to provide a complete analysis of the impacts that might result from buildout of all 47 lots. The commenter also suggests that development of the Monks lots should not be considered part of the “No Project” scenario. This would be misleading, however, because the City has already adopted ordinance amendments allowing for a moratorium exemption process for those lots.

Response 22.7

The commenter states an opinion that the Draft EIR cumulative development setting is incomplete, and cites the Point View, Plumtree, Bean Field, and Altamira Canyon improvement projects as not accounted for in the Draft EIR. Please see Response 8.5, above, for a response to this comment. Plans for improvements to Altamira Canyon were not considered in order to provide a conservative analysis because any improvements that may occur in the future are not imminent. The commenter also opines that projects that are already built and occupied should be included in the cumulative development analysis; however, such projects are more appropriately included in the existing conditions baseline.

The commenter also states an opinion that potential future, as-yet unproposed subdivisions should be included in considering the cumulative impacts. It would be speculative to assume



that all or selected property owners may wish to subdivide their lots in the future. It should be noted that subdivisions in the Moratorium Area are currently prohibited by the City's Landslide Moratorium Ordinance, and would only be possible with the approval of Moratorium Exclusion applications by the City Council which would require full City review on their individual merits and their own CEQA review if ultimately requested. Further, allowing subdivisions is not part of the proposed ordinance revisions and is not necessary to avoid any identified significant impacts. Please also note that Alternative 3, the Subdivision of Large Lots Alternative, includes subdivision of the 47 subject undeveloped or underdeveloped lots in the project area that are divisible to the minimum lot sizes allowed under their respective zoning designations. Alternative 3 would result in similar and/or slightly more severe impacts than the proposed project, and may require additional mitigation measures, but would not likely result in additional significant and unavoidable impacts.

Response 22.8

This comment is similar to comments 22.6 and 10.31. Please see responses 22.6 and 10.31, above.

Response 22.9

This commenter states an opinion that the existing drainage system is inadequate to handle existing and project runoff. As discussed in Section 4.8 *Hydrology and Water Quality* and further explained in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, the proposed ordinance revisions would not significantly increase lot runoff or contribute significantly to the drainage system after mitigation. The commenter also appears to be stating an opinion that by certifying past EIRs on upstream projects and considering this EIR, it is "segmenting a project in time." The intent of this comment is unclear. It is not reasonable to prepare an EIR that examines past and proposed future projects simultaneously. Rather, the EIR bases the analysis of potential project impacts on the existing setting at the time of EIR preparation, when existing setting takes into account what occurs as a result of prior development.

Response 22.10

The commenter states an opinion that buildout under the proposed ordinance revisions would contribute to erosion in Altamira Canyon. As discussed in Section 4.8 *Hydrology and Water Quality* and further explained in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, the proposed ordinance revisions would not significantly increase lot runoff or contribute significantly to erosion in Altamira Canyon after mitigation.

Response 22.11

The commenter states an opinion that Mitigation Measure AES-3 is deferred, and "piecemeal over years." This measure is programmatic, rather than deferred. See Response 14.6 for further discussion of this distinction. Compatibility analysis on each potential new residence that could be permitted under the proposed ordinance is not possible because no plans have been submitted for the subject lots at this time. Thus, it would be speculative to try to undertake the



analysis at this time.

Response 22.12

The commenter states an opinion that Mitigation Measure BIO-1 is deferred.

As stated in the EIR, the various proposed lots do not currently contain significant coastal sage scrub areas because these have been reduced to small patches. One lot that does contain some coastal sage scrub is directly subject to the City's Coastal Sage Scrub (CCS) Conservation and Management Ordinance, which specifically mitigates for coastal sage scrub losses. Because build-out is anticipated to occur over an extended period of time and depending on fuel management practices, coastal sage scrub vegetation could become re-established on other lots and some lots along Altamira Canyon may still retain some intact coastal sage scrub. Whether or not such current patches would be directly affected by a structure or its fuel management area is unknown at this time because it is dependent on lot by lot design, which is not currently available. Therefore, the recommended mitigation measures are to specifically identify whether or not sensitive habitat would be affected at the future time that an actual lot development would occur. Any such losses are to be mitigated through payment at the future mitigation fee rate to the City's Habitat Restoration Fund. This measure is programmatic, rather than deferred, and it establishes a performance standard that will adequately mitigate potential losses at such future time that the actual extent of those losses are knowable. The purpose of the future study is not to recommend the mitigation measure, but rather to quantify the impact to determine the specific amount of fees to be paid.

The commenter also states an opinion that payment of fees would be required, but specific on-site mitigation would not. However, existing City policies are for mitigation to occur onsite and through site design first to the extent feasible, and the above performance standard states the required mitigation needed to ensure that impacts are fully mitigated and reduced to a level of insignificance. Further, specific mitigation measures to reduce potential impacts to the adjacent Reserve lands containing coastal sage scrub are listed under Mitigation Measures BIO 6(a-d).

It is unknown what is meant by the comment "Is this development considered for the NCCP?" Assuming that this question refers to whether development of these properties is consistent with the City's NCCP, these undeveloped properties are not designated a Preserve properties and the NCCP identifies project design review guidelines for the development of properties abutting the Preserve. Furthermore, it is a covered activity under that plan.

Response 22.13

The commenter states an opinion that Mitigation Measure GEO-2 is deferred. There is no Mitigation measure GEO-2 in the Draft EIR. That discussion refers, however, to measures HWQ-1 and HWQ-4. Again, these measures are programmatic, rather than deferred. See Response 14.6 for further discussion of this distinction.



Response 22.14

The commenter states an opinion that Mitigation Measure GEO-3(a) would be ineffective because ACLAD is not a municipal entity and the City does not control what ACLAD does to fulfill its mission. It should be noted that the requirement to participate in ACLAD is one of a list of measures that, taken in total, would reduce impacts. It should also be noted that buildout under the proposed ordinance revisions would not cause an increase in groundwater infiltration compared to current conditions. Please also see *Topical Response 8.1.b: Geology* and *Topical Response 8.1.c: Traffic and Circulation* for additional information on this topic.

Response 22.15

The commenter states an opinion that Mitigation Measure GEO-3(b) is not mitigation, and appears to interpret the measure as requiring that enforcement would be the responsibility of neighbors rather than the City. This is incorrect, and there is no language in the measure that implies this. Enforcement of this condition would be the responsibility of the City of Rancho Palos Verdes. See also Response 17.1 for more information about mitigation monitoring.

Response 22.16

The commenter states an opinion that Mitigation Measure GEO-4 is deferred. There is no Mitigation measure GEO-4 in the Draft EIR. That discussion refers, however, to measures GEO-3(a) and GEO-3(b). Again, these measures are programmatic, rather than deferred. See Response 14.6 for further discussion of this distinction, and Response 22.15 for more information regarding GEO-3(b).

Response 22.17

The commenter states an opinion that Mitigation Measure GEO-6 is deferred. There is no Mitigation measure GEO-6 in the Draft EIR. That discussion refers, however, to measures GEO-3(a) and GEO-3(b). Again, these measures are programmatic, rather than deferred. See Response 14.6 for further discussion of this distinction, and Response 22.15 for more information regarding GEO-3(b).

Response 22.18

The commenter states an opinion that Mitigation Measure FIRE-1(a) is deferred. This measure is programmatic, rather than deferred. See Response 14.6 for further discussion of this distinction. The commenter also opines that fire hydrants and emergency vehicle access are already substandard in the project area. Emergency vehicle access is discussed in the Draft EIR under impact T-4 in Section 4.10, *Traffic and Circulation*. Impacts were determined to be less than significant. See Response 10.27, above, regarding fire hydrant adequacy.

Response 22.19

The commenter states an opinion that mitigation measure HWQ-1 and HWQ-2 are deferred and “piecemeal.” However, the commenter does not provide any information or analysis to support



this opinion. These measures are programmatic, rather than deferred. See Response 14.6 for further discussion of this distinction.

Response 22.20

The commenter states an opinion that the proposed project would result in additional water infiltration. As discussed in Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, buildout under the proposed ordinance revisions as mitigated would not result in a significant increase in runoff entering Altamira Canyon or in groundwater recharge.

Response 22.21

This comment is similar to comment 22.4. Please see Response 22.4, above. The commenter also states an opinion that the Draft EIR does not include criteria for minimizing dry weather runoff. Chapter 15.34, *Water Efficient Landscaping*, of the City's municipal code requires preparation of a landscape design plan to minimize irrigation on developer-installed landscaped areas for single-family homes greater than 2,500 square feet and homeowner-installed landscaped areas greater than 5,000 square feet. City review of landscaping and irrigation plans, as well as stormwater control measures for individual projects would ensure that dry-season irrigation that could lead to infiltration or lot runoff would not substantially increase over current conditions.

Response 22.22

The commenter states an opinion that the permitted hours of construction in Mitigation Measure N-1 should not conflict with those of the homeowner's association. The PBCA has the option to enforce its more strict construction hours to address this issue. However, the City can only enforce the permitted hours of construction contained in the City's Municipal Code.

Response 22.23

The commenter states an opinion that "It is not the DEIR's place to provide the City with an excuse if, for 'policy reasons,' they do not wish to install a signal. If a signal is required, that is what should be stated." However, the EIR is not external to the City process; it is a City document that reflects City policies. In order to certify the EIR, the City Council must find that it reflects its independent judgment.

The Draft EIR Traffic Impact Study provides a summary of the mitigation measures (refer to Section 10.0 [Transportation Improvement Measures], and specifically Page 57 of Appendix G of the Draft EIR.) With respect to the intersection of Forrestal Drive/Palos Verdes Drive South, the following discussion was/is provided:

- *Int. No. 6: Forrestal Drive/Palos Verdes Drive South*
Several mitigation alternatives were considered for this location and some involved the construction of additional travel lanes along Palos Verdes Drive South. While these mitigation alternatives were reviewed, they were subsequently removed from further consideration as they were determined to be



in conflict with adopted City policy and the overall goals of the General Plan due to the likely removal of the bicycle lanes. It is important to note that the southbound approach is the most heavily constrained approach as southbound left-turning vehicles must yield to both the eastbound and westbound through vehicles on Palos Verdes Drive South.

Another mitigation alternative consists of the funding for the design and installation of a traffic signal at this intersection in order to improve overall operations and assignment of motorist right-of-way. This measure is anticipated to reduce the potentially significant cumulative impact to less than significant levels. The improvement is expected to improve operations to 0.739 (LOS C) from 78.6 seconds of delay (LOS F) during the AM peak hour and to 0.708 (LOS C) from 91.9 seconds of delay (LOS F) during the PM peak hour. However, it is important to note that for this intersection it has been conservatively assumed for purposes of the Draft EIR that a significant and unavoidable cumulative traffic impact would remain at the intersection due to current uncertainty regarding the approval of a traffic signal installation.

Therefore, as the approval and subsequent funding of the traffic signal could not be stated as “obtained” for purposes of the Draft EIR, a conservative conclusion with respect to the significance of the traffic impact was made (i.e., an unavoidable cumulative traffic impact would remain, absent construction of a mitigation measure).

Response 22.24

The commenter states an opinion that impacts related to emergency access and access during construction would be significant, due to existing road conditions and widths and geologic and flooding conditions. Please see responses 8.3, 10.3 and 10.4 above.

Response 22.25

The commenter states an opinion that Mitigation Measure U-1 is deferred mitigation, and that there is a potential for significant impacts related to sewer facilities that is not mitigated in the Draft EIR. As discussed under Impact U-1, the sewer system and treatment facilities are adequate to serve the additional 47 residences that could be permitted under the proposed ordinance revisions. The wording of the mitigation measure may be misleading, as it appears to refer to the system as potentially unable to accommodate wastewater from additional connections. In fact, the measure was intended to address a situation where the system may be temporarily unavailable for connection due to unexpected circumstances. Upon further review by City staff the measure has been determined to be unnecessary, because in the event that the system is not operational or available for a connection, a connection would not be allowed, at least until the system is operational and available. Therefore, the measure has been deleted from the Final EIR.

The commenter also states an opinion that potential secondary effects of installation of holding tanks if required must be studied in the Final EIR. As the measure regarding holding tanks has been deleted, such a discussion is not necessary.



Response 22.26

The commenter states an opinion that having additional plumbing requirements “subject to the review and approval of the City’s Building Official” is deferral of mitigation. Again, this is a programmatic mitigation measure and is not deferred. See Response 14.6 for further discussion of this distinction.

Response 22.27

The commenter restates objectives of CEQA and asks that the City consider the EIR in light of these objectives. This comment is noted and will be forwarded to the City Council for their consideration.



Letter 23

Joan and Tim Kelly
6 Fruit Tree Road
Rancho Palos Verdes CA 90275
Email: katelinkelly@aol.com

RECEIVED

November 19, 2012

NOV 20 2012

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

COMMUNITY DEVELOPMENT
DEPARTMENT

cc Members of Council:

Mayor Misetich,
Mayor Pro Tempore Campbell,
Council member Brooks,
Council member Duhovic
Council member Knight

DEIR for Zone 2 Landslide Proposed Moratorium Ordinance Revisions
2012

Dear Mr. Schonborn,

We are gravely concerned about any future construction in the Zone 2 area of the Portuguese Bend landslide complex and the surrounding area. We have fought this for many years with much expense and time taken. The area has a known geological risk with no guarantees of successful remediation. This land is delicate and the Zone 2 area -- from everything we have studied over many years -- is an island of relative stability in a sea of slides.

23.1

Our greatest concerns are as follows:

The only ingress to and egress from the Portuguese Bend Community are Narcissa Drive and Peppertree Drive.

23.2
↓

Narcissa is windy and steep and was constructed to access the Vanderlip residences back in the 1920's and has never been much improved upon since then. Parts of Narcissa Drive are in Zone 5 where the utility pipes are above ground and the building safety factor is below the standard for any construction. Narcissa Drive is currently used as part of the community drainage system, but it was never engineered for that usage.

If something were to happen to Narcissa Drive our property values would be adversely affected.

Peppertree Drive runs up through the active landslide area of Portuguese Bend on the east side. We have noticed due to the recent construction most of the trucks and heavy equipment are forced to use Peppertree Drive because the road is straighter than Narcissa Drive. This equipment is accessing through the active landslide area. Is the EIR taking into consideration the possible adverse affect this could have on an already unstable area? Is this EIR going to address vibration and pollution to the surrounding areas?

Some of the vehicles are huge especially those used for the delivery of building materials. Many are so large that they have to use smaller fork lift trucks to get the materials up to the job site as we saw on Fruit Tree Road from Narcissa Drive. Meanwhile the large vehicles are parked, blocking much of the road, and have to somehow reverse to resume their way back in the direction from which they came.

Will the EIR take into consideration the amount of construction on each street? The cui de sacs are of most concern - how will this be addressed? There have been times when I could barely make it out of the driveway because of the narrowness caused by construction vehicles parked across the street. Fruit Tree Road is very narrow and there have been times when a fire truck and or the paramedics would not have made it through in an emergency.

We chose to put pavers down on our driveway in 1998 to avoid cracking and when it rains the water runs down into a drain by the front of the house. We can tell you the sand becomes like concrete between the pavers. It does not percolate, it runs off. Is the EIR going to suggest other hardscape ideas for driveways?

The house across the street from us has been under construction for over two years. The property is extremely steep and the slope has



23.3

23.4

been completely denuded for at least a year now. It is lucky we didn't get the heavy rains that we experienced here in 1995. Will the EIR address the issue of denudation on steeper lots during construction? There should be a stipulated, limited amount of time beyond which a slope needs to be protected, stabilized and landscaped. Will the EIR put in place such a provision?



Will all electric and cable be undergrounded to avoid fires and for aesthetic reasons? With so many new homes it would make sense to incorporate this into the EIR.

23.5

The situation here is unique. The impact to the area is that of a complete new development with existing homes in a known geologically unstable area.

23.6

We recommend that new drains be designed and fully implemented before any further development take place. Altamira Canyon must be remediated in its entirety to take the additional run off that will come about with so many new homes.

23.7

We attended the Abalone Cove Landslide Abatement District (ACLAD) meeting on Wednesday the 14th of November and were dismayed to learn that according to the ongoing readings of the GPS markers there is indeed continual creep in the Zone 2 area of the Portuguese Bend Landslide complex. This is consistent with the entire area being part of a slow moving landslide with ground water being the greatest cause.

23.8

Will the EIR address this and insist that this most unusual geologic situation be accounted for? Will the implementation of more wells guarantee a future factor of at least a 1.5 degree of safety knowing that there is this creep and unknown risk?

Going forward, we feel that the city will have to make sure in this EIR any future development be done with the building safety factor no less than the most stringent for the state of California given the known risk and the unknown outcome. We fear that the city will be liable either way. The lot owners can sue to build and then they can sue if their homes start to crack. A hold harmless agreement is an acknowledgement that there is something wrong. Palos Verdes Estates suffered a great financial loss when Bluff Cove slid and homes were lost due to the failure of a storm drain. It cost the city and the residents millions of dollars.

23.9



We hope that the city of Rancho Palos Verdes will take a strong stand for the future of a known geological risk area and implement an EIR that may have to stand up to possible litigation in the future.



We are enclosing two news articles that are reminders of past tragic events that may have been avoided.

23.10

We thank you for your attention to these matters and look forward to having your responses in the near future.

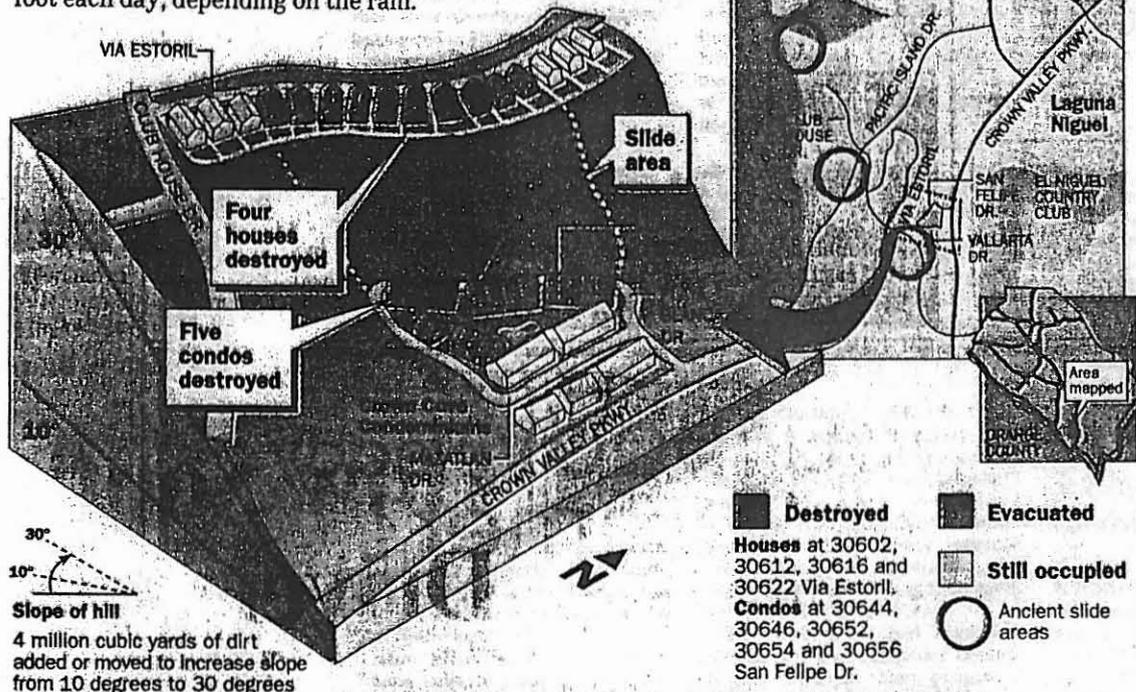
Sincerely,

Tim Kelly

Joan Kelly

Still Sliding

Four houses and five condominiums were destroyed, others are doomed and 30 households have been evacuated since the March landslides in Laguna Niguel. Around the upscale development are at least six more ancient landslides that experts believe have been stabilized. Geologists continue to monitor the slope, which is moving between 3 inches and a foot each day, depending on the rain.



Developers Knew of Landslide Risk, Lawsuit Contends

■ Court: Stability in area where six homes were lost was deemed 'generally less than acceptable' a decade ago, documents show. County officials defend permit process.

By ROBERT OURLIAN
TIMES STAFF WRITER

LAGUNA NIGUEL—Developers of a subdivision where four homes tumbled down a hillside in March were warned a decade ago about building on unstable ancient landslides but produced their own geological reports that persuaded county officials to let the project proceed, documents show.

Six landslides—places where layers of the earth once slipped—were identified in 1985 on a 900-acre tract where Hon Development proposed building more than 1,500 houses. Hon was told by its geological consultant that the stability levels of the six landslide areas were "generally less than acceptable," according to newly obtained documents, and that large parts of the parcel were "probably unstable."

But ultimately, the consultant and the developer believed that by excavating and buttressing the uneven slopes and redistributing 4 million cubic yards of earth, they could fortify the area and build safely, according to geological studies filed with the county.

Work on the Niguel Summit development commenced in 1986 but was halted that same year when residents of an existing condominium complex downhill from the development complained of cracking walls and buckling roads. But once more, Hon and its geological consultant, Leighton and Associates of Irvine, conducted a study and produced reports that persuaded the county that the tract could still be developed safely.

The problem on the hill, however, turned out to be what some experts working for the homeowners now say is a seventh old landslide that reactivated. On March 19, it upended condominiums and sent houses crashing into the ravine—11 years after developers

TIMELINE

1979-1980: Crown Cove condominiums built
1980-1986: No reported signs of distress in the condos
Summer 1986: Slope grading begun for 1,529-home Niguel Summit project by Hon Development and several homebuilders, including J.M. Peters
Late 1986: Extensive grading is undertaken on the hillsides and ridge tops, a Crown Cove

retaining wall leans, roads buckle and condo owners begin reporting cracks. Work was halted by county.
1987: After a series of reports by Hon's geotechnical firm urging resumption of construction, building resumes
1988: Homeowners begin moving in on Via Estoril, just up the hill from Crown Cove
1992: More buckling reported by condo owners

1994: Condo owners sue Niguel Summit developers
1996: Several homeowners on Via Estoril report stress damage; sue developers
Dec. 1997: Five homes and five condos evacuated
March 1998: Slope fails, homes slide down hill, five condos are upended
April 1998: Slope moving about 3 inches a day

SLIDE: Homeowners' Suit Seeks Damages From Subdivision Developers

Continued from A3

had concluded they had solved the problem.

"Obviously, they were wrong," said Kenneth Kasdan, an Irvine attorney representing 26 homeowners who are suing the developer and others for the lost value of their houses located near those that were destroyed. The homes are valued at \$500,000 or more.

According to more than 3,000 pages of records related to Niguel Summit, the early stages of construction were stormy:

- Development repeatedly was halted after complaints of mudslides, slope washouts, erosion and dust.

- Grading was interrupted nearly 40 times in two years over concerns that work was not done correctly and did not follow detailed plans filed with the county.

- Permits were blocked—temporarily—when the slope behind the houses on Via Estoril showed signs of failing in 1986 and 1987.

County Defends Process

County officials said the process worked properly. The landowner has the burden of hiring the experts to show the project can be safely and legally built.

Hon officials did not return phone calls to comment for this story. In a previous interview, Robert Smart, Hon vice president for finance, said the company is primarily interested in fixing the crumbling slope and settling with homeowners who have been displaced.

But charges of impropriety have been leveled in civil suits by homeowners and by owners of condominiums that also were damaged in the March 19 landslide.

"Builders do shop for their own geotechnical engineers," said Thomas E. Miller, a Newport Beach construction defects expert and attorney for the 41 condominium owners, half of whom have been evacuated from their homes. "We've even seen where builders have shopped around various soil engineers until they get the an-

swer they want."

An official with Leighton and Associates said no professional geological firm would provide a developer with misleading information.

"Knowing the state of the art at the time, the standard of care that was adhered to is what any other geotechnical firm consulting at the time would have done," said Frederick Gebhardt, director of risk management for the firm. "It's one of those unknowns that comes back and bites you."

Though not risk-free, building above ancient landslides is generally accepted by experts if the landslides have been stabilized or removed by excavation.

But attorney Kasdan said the homeowners were not told about the old landslide activity when they were given subdivision reports at the time of their home purchases starting in the late 1980s.

"The documents given to them indicate a geological report was prepared. But they were not aware there were landslides in the area," he said.

When Hon proposed Niguel Summit in 1985, county officials were trying to monitor nearly 10,000 new houses being built each year, most in South County.

Maps and plans had identified the six previous landslides around Niguel Summit. Hon proposed building over portions of four of them. And county geologists agreed—though hesitantly at times—that those areas could be developed safely. Two other landslide areas were at the edge of the site. They were left undeveloped.

Once the earthmoving began, complaints started pouring in. Retaining ponds in the hills overflowed and caused mudslides that blocked Crown Valley Parkway. Blasting rocked area residents. Dust and noise were aggravating to residents. Leaders of the unincorporated area that would become Laguna Niguel in 1989 questioned whether the county could adequately police developers.

Thomas F. Riley, then the 5th District supervisor, stepped into the frame. In 1986, the usually

pro-development supervisor accused development firm owner Barry Hon of putting him in a politically uncomfortable position.

"The stream of complaints . . . has had an effect on your reputation in the community and has put me in a very difficult position and left me looking as if I cannot control the developers of my own district," Riley wrote Hon.

Riley called for greater cooperation "so we can return this development project to normal."

Documents show that the developer was forced to stop work in 1986 because of the apparent seventh landslide, which was blamed for damaging the Crown Cove condominiums at the bottom of the slope. The project was delayed for much of the next year.

The Leighton firm designed a series of thick, deep concrete pilings that they believed would buttress the bottom of the hill against further movement from the top, the documents say.

Seventh Landslide

Other geologists retained by attorneys representing the homeowners say Leighton's plan wasn't sound. The pilings may have worked, but the geologists say they weren't sunk deeply enough and weren't grounded in bedrock—a charge Leighton officials deny. Leighton also disputes that last month's slope failure resulted from a seventh ancient landslide. However, they declined to explain why the slope failed.

"There is no ancient landslide out there," Gebhardt from Leighton said, referring to the site behind Via Estoril.

The homeowners' geologists disagree.

"Way back when, the land moved, and now it wants to move again," said Awtar Singh of the Los Angeles firm Lockwood-Singh, working for condominium owners displaced by the landslide. "It wants to move in the same place [it moved before]. It's not unusual."

Geologist Balraj Jeffrey re-

searching the hillside for the Niguel Summit Homeowners Assn. agreed, saying the ancient slide, like the current failure, is in the underground Monterey formation, a notoriously weak geological structure.

"It's a formation prone to landslides throughout Southern California," Jeffrey said.

At Niguel Summit, Hon and its contractors added and moved dirt to create terraced building pads so that nearly every lot was afforded glorious coastal vistas.

"Land becomes fairly scarce and the choice land is gone," said Miller, the condo owners' attorney. "So the more the developers can fill in the canyons with fill soils and

build more building platforms, the more money they can make."

Geologists said they can never be absolutely certain of the stability of land. Even if they detect an old, potentially active slide, they can't say for sure if, let alone when, it could fail. None of the other six landslide sites have shown signs of instability.

"There are a lot of risks evident in building any hillside development in California," said Gebhardt of Leighton. "We try to reduce those risks to as small as possible. We have to weigh the pressures of deadlines against the analysis that we're doing."

And at some point, a developer and local regulators have to use

their best judgment, geologist Singh said.

"Science goes only so far. . . . These errors are made sometimes," Singh said.

The Leighton firm pioneered the practice of making landslide-prone areas safe for building and has been helping develop Southern California for 40 years, said Gebhardt. However, the firm has never had a problem of the magnitude of the Niguel Summit collapse, he said.

"No one likes to see things like this," Gebhardt said. "It grieves us that a project we worked on has an impact on families and dreams. It's not our intent to impose that trauma on anyone."

Sunday, August 28, 2005

latimes.com/realestate

A fresh calamity?

First a landslide, now a safety net rips. New bankruptcy laws won't let owners walk.

By EVAN HALPER
Times Staff Writer

WHEN the drafters of the new federal bankruptcy law set out to crack down on America's deadbeats, they probably didn't have folks like Todd MacCullum in mind.

The Laguna Beach resident hasn't maxed out his credit cards on lavish purchases. Nor has he made some outrageously irresponsible investment decision. Yet he finds himself caught in the crosshairs of the new regulations, which take effect Oct. 17.

MacCullum's offense: His home happened to sit in the path of a June 1 landslide.

Now, as he juggles a million-dollar mortgage on a house that will be unlivable for at least a year, paying rent on temporary shelter for his family and working with the city to rebuild the hillside that collapsed onto his residence,

MacCullum is left wondering if what he sees as the worst possible outcome of all — a bankruptcy — is going to get even worse come October.

"Everybody who has been affected by this is aware of the new law," MacCullum said. "It is on everybody's mind."

Under the new bankruptcy regulations, homeowners will no longer necessarily be able to hand the keys to the bank and move on. Lenders will, in many cases, have the option of coming after them for virtually everything else they've got — income, money in bank accounts and other assets.

Homeowners who have refinanced may have unwittingly put themselves at the greatest risk. State regulations will still offer financial protections for buyers who have their original mortgages.

"There is no doubt [See Bankruptcy, Page K6]

Disaster victims may also see finances destroyed

[Bankruptcy, from Page K1] this law will make it harder for some people to walk away," said Gary Painter, a professor at the USC School of Policy, Planning and Development. "It definitely could hurt homeowners."

Congress changed the law to discourage Americans from piling up debt, filing for bankruptcy and leaving banks holding the bag. But there are no exemptions for a small group that was never the intended target of the legislation: those who have been displaced by extraordinary circumstances.

In extreme cases, homeowners could find themselves fighting to keep the bank from seeking a court order to garnish their wages as a result of something they'd never considered and are not insured against — such as a landslide, flood or earthquake.

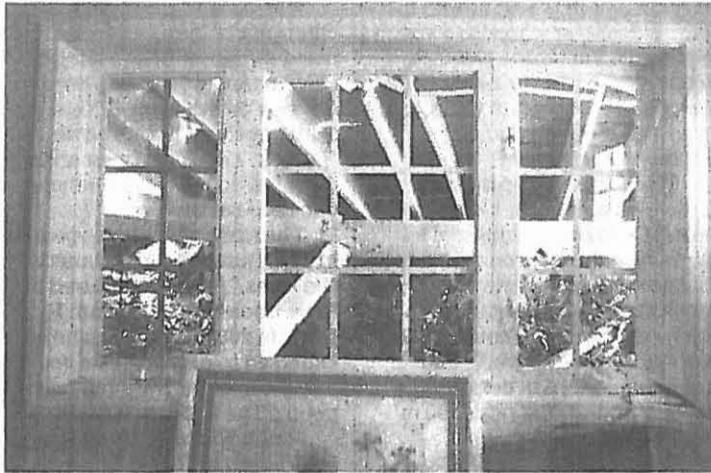
"There are no special exceptions for these people," said L.A. bankruptcy attorney Howard M. Ehrenberg. "Homeowners who have their finances in order and generally do not think about bankruptcy may find that after this kind of natural disaster they won't be eligible for relief."

The reason homeowners who have refinanced are at risk is because state law does not allow banks to go after the assets or income of the holder of an original mortgage following a foreclosure. But borrowers are often asked to waive those protections when they refinance — and many do so without even knowing it.

"Most people think that if they buy a house in California and lose it, they have no exposure," said Orange County bankruptcy attorney Marc J. Winthrop. "But there are new wrinkles for people who have refinanced."

Consider a home that is washed away in a flood and has a \$1-million mortgage left on it.

If the borrower has never refinanced, even under the new law



DON KELSEN Los Angeles Times

THE UNEXPECTED: A bedroom view shows damage done to Todd MacCullum's Laguna Beach home in the June 1 slide.

he or she could default, and the bank could then seize the property — but nothing else.

But homeowners who have refinanced and waived the state protections will no longer be able to protect their paychecks, savings or personal property when filing a Chapter 7 bankruptcy. In the past, such a filing could wreak havoc on a person's credit, but it would keep their assets from being taken.

Chapter 7, which allows discharge of debts and a fresh start, will only be available to families of four living on less than \$68,000 per year. Others could find themselves on the hook for the remaining balance of their mortgage.

As Oct. 17 approaches, insurers are urging homeowners to make sure they are adequately covered. But insurance isn't available for every conceivable disaster — coverage rarely includes landslides, for example. And only 13% of Californians carry earthquake insurance.

The scenario that played out many times after the 1994 Northridge earthquake will not be an option.

"It's not like it used to be," said Pete Moraga, spokesman for the Insurance Information Network of California. "A lot of people who had just purchased homes were able to throw their keys at the mortgage companies and say, 'You deal with this.' The new law is such that you can't automatically walk away anymore."

But what about relief from the Federal Emergency Management Agency? It won't help the Laguna Beach slide victims; FEMA said last week that the June landslide wasn't linked to the winter rains and, as such, rejected the city's request for emergency aid to repair the hillside.

Moraga warns homeowners not to assume the government will always come around to bail them out. In cases where FEMA does step in, it is usually in the form of low-interest loans that must be repaid, and the loans aren't always available after an earthquake. In some cases, homes and businesses are destroyed, but the damage is not widespread enough for an area to qualify as a federal disaster area. Such was the case in a re-

cent earthquake off Central California.

Not all protections are lost for homeowners affected by the new law. The law doesn't go so far as to give lenders carte blanche to take whatever assets they choose. Far from it. Seizing assets will continue to be a complicated, drawn-out legal process.

The procedure must go through a bankruptcy court and can drag on for months. All the while, payments aren't being made to the lender and the sale of the property is being delayed.

Raymond Eshaghian, president of TMSF Holdings, a residential mortgage lender, predicts banks will continue to try to avoid the bankruptcy process altogether. Getting the borrowers back on their feet and working out a payment plan is always going to be preferable to driving them into poverty.

"Lenders are not in the business of pursuing lawsuits," Eshaghian said. "There is no money to be made off of that. We are looking for the least amount of trouble."

Back in Laguna Beach, MacCullum and other landslide victims are trying to hammer out agreements with their lenders that will at least allow them to postpone their mortgage payments several months. But the families have been surprised by how little other help is available to them. "There is a perception out there that we are all wealthy and can afford this disaster," said MacCullum, who had refinanced and learned only after the landslides that he could lose more than just his house should he declare bankruptcy after Oct. 17.

"Bankruptcy may well become an issue for all of us if things don't start moving," he said.

"You will have a bunch of families whose financial future is destroyed."

Letter 23

COMMENTER: Joan and Tim Kelly

DATE: November 19, 2012

RESPONSE:

Response 23.1

The commenters state that the project area has a known geological risk with no guarantees of successful remediation, and that Zone 2 is “an island of relative stability in a sea of slides.” This comment is noted. Existing geologic hazards in the project area and surroundings are discussed in subsection 4.5.1, Setting, in Section 4.5, *Geology*, of the Draft EIR.

Response 23.2

The commenters state a number of concerns related to access in the project area and the continued integrity of access roads, particularly via Narcissa and Peppertree drives, during construction of residences that could be permitted under the proposed ordinance revisions. The commenters also ask whether construction vehicles on local roads could affect landslide stability. Impacts related to construction traffic are discussed under Impact T-4 in Section 4.10, *Traffic and Circulation*, of the Draft EIR. Please see also *Topical Response 8.1.b: Geology* and *Topical Response 8.1.c: Traffic and Circulation* in subsection 8.1, above, for a discussion of these issues that responds to these and other comments on this topic.

Response 23.3

The commenters state an opinion that pavers are ineffective for achieving surface permeability. Please note that the use of permeable hardscape materials are not relied on solely in the Draft EIR for mitigation of localized flooding or erosion, but rather may be part of a larger suite of potential methods to ensure that development allowed under the proposed ordinance revisions does not result in significant flooding or erosion impacts (see Mitigation Measure HWQ-4 in Section 4.8, *Hydrology and Water Quality*, and as modified in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* above). Please see also responses 9.2 and 10.25.

Response 23.4

Stating concerns about erosion and slope stability, the commenters ask whether the EIR will address the issue of vegetation removal on steeper lots during construction, and opine that there should be a stipulated, limited amount of time beyond which a slope needs to be protected, stabilized and landscaped. Please see Response 20.3, above, for a discussion of this topic.

Response 23.5

The commenters ask whether undergrounding of electrical and cable lines will be required for fires safety and aesthetic reasons. Pursuant to Palos Verdes Municipal Code Section 17.54.020,



Underground Utilities, all utility lines installed to serve new construction must be placed underground from an existing power pole or other point of connection off-site, unless waived by the planning commission or city council where conditions warrant.

Response 23.6

The commenters state an opinion that the impact of potential buildout under the proposed ordinance revisions would be “that of a complete new development with existing homes in a known geologically unstable area.” This comment is noted; however, lacking specifics, a more specific response is not possible. Impacts related to geologic hazards are discussed in Section 4.5. *Geology*, and would be less than significant with mitigation incorporated.

Response 23.7

The commenters state an opinion that new drainage infrastructure should be designed and fully installed before any further development takes place, and that Altamira Canyon must be remediated in its entirety to take the additional runoff that would result from the project. As discussed in Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, buildout under the proposed ordinance revisions as mitigated would not result in a significant increase in runoff from the subject lots to the area drainage system or Altamira Canyon.

Response 23.8

The commenters state an opinion that there is continued movement in the Portuguese Bend Landslide complex, and that groundwater is the greatest cause of movement. This is generally consistent with the discussion in the Draft EIR. See subsection 4.5.1, *Setting*, in Section 4.5, *Geology*, of the Draft EIR. The commenters also ask whether installation of additional dewatering wells would guarantee a future factor of at least a 1.5 factor of safety. Please see *Topical Response 8.1.b: Geology* in subsection 8.1, above, for a discussion of these issues that responds to this and other related comments.

Response 23.9

The commenters state concerns over legal and financial liabilities for potential structural damage associated with building within the larger landslide area. This comment is noted and will be forwarded to the City Council for their consideration; however, economic and legal concerns are generally outside of the scope of environmental review under CEQA.

Response 23.10

The commenters enclose two news articles related to geologic hazards. These will be forwarded to the City Council as part of the Final EIR.



Comments on Zone 2 Landslide Moratorium Ordinance Revisions DEIR dated Sept., 2012

From Jim Knight as a member of the community

Letter 24

Nov. 18, 2012

1) PROJECT DESCRIPTION

Throughout this DEIR, there is general confusion of the relationship of the 16 Monk's lots to the other lots covered under this project description.

A) The DEIR must explain why the Monk's 16 lots only required an MND when this project, which includes the Monk's lots, now requires an EIR.

B) In the City Staff report dated Nov. 7, 2012 describes how the City will be "pursuing a 'two-track' environmental review". It goes on to explain that the Monk's certified MND as the "first track" and this EIR with all of Zone 2 as the "second track". The DEIR must explain how these 16 lots included in this project were previously reviewed under a separate MND and are now are included in this CEQA analysis without having created a segmentation of this project.

24.1

C) The Monk's lots already have a certified MND, have been issued Planning entitlements to construct structures and hardscape yet they will be included under this CEQA review again. The DEIR must explain which mitigations, previously certified MND or this EIR, will apply to these Monk's lots and why. Further, how can a portion of the project description already be built, or entitled to be built, and already be under an exemption to the very ordinance that this DEIR is asking to change?

24.2

D) Title 14, Chapter 3, Article 9 Sec. 15124 of CEQA states an EIR project description shall contain "a statement of objectives sought by the proposed project". Please point out in this EIR the statement of objectives and why this project is necessary. There has been no nexus established between this Monk's Court case and entitlements to other non-Monk's Zone 2 property owners who were not a party to that Court case.

24.3

This affects the adequacy of the Alternatives Section analysis of this DEIR. Compatibility with project objectives is one of the criteria for selecting a reasonable range of project alternatives. Clear project objectives simplify the selection process by providing a standard against which to measure possible alternatives.

2) SCOPE OF PROJECT

A) Under CEQA guidelines, the EIR must include a description of the environment in the vicinity of the project, as it exists before the commencement of the project, both from a local and regional perspective. The EIR must fully disclose that the project is contiguous to Zone 5 (Abalone Cove Landslide area) and Zone 6 landslide area of which could have both geologically and hydrological impacts from this project.

24.4

B) In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985) 172 Cal. App. 3d 151, the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. " The Abalone Cove Landslide damaged or destroyed many homes and resulted in significant economic impacts including lending and insurance companies seizing services to these residents. Concern of future land movement forced water, gas and sewer services to be placed above ground in Zone 5.

24.5

The EIR must include an analysis of this project's impacts, both physically and socially, to these areas that are contiguous to the project.

C) Under CEQA guidelines, a project description must include all relevant aspects of a project, including reasonably foreseeable future activities that are part of the project. This DEIR has taken the assumption that there will be no subdivision of any of the 111 lots. The EIR must analyze the impacts of the potential subdivision of some of the 111 lots of the project description thereby potentially increasing the scope and resulting impacts of this project. 24.6

4) OTHER AGENCY CONSULTATION

A) Sec. 15129 of CEQA states: “The EIR shall identify all federal, state, or local agencies, other organizations, and private individuals consulted in preparing the draft EIR, and the persons, firm, or agency preparing the draft EIR, by contract or other authorization.” Please explain why this EIR has not reached out to and consulted with the RPV Successor Redevelopment Agency, Improvement Authority or the Abalone Cove Landslide Abatement District (ACLAD). ACLAD has important information and studies that are very relevant to disclosure of potential impacts of this project. 24.7

5) AESTHETICS

A) AES-1 “no significant impact”. Above ground utility lines will create a significant visual impact to this rural, ocean view community. If the project is stable enough to allow development of homes it is certainly stable enough to allow underground utilities. 24.8

6) AIR QUALITY

A) Hunsaker and Assoc. report Appendix E P. 12 “Avoid watering graded soils during construction...” AQ-1 does not address the common practice of watering grading activity to keep fugitive dust within acceptable levels. The EIR must explain how fugitive dust control will be obtained without watering of grading activity. 24.9

7) BIOLOGICAL RESOURCES

A) There is no discussion of the possible impact of invasive species that may be planted in the project area near the NCCP Preserves. 24.10

B) From the Hunsaker and Assoc. report Appendix P. 13 “Water Quality impacts would be considered significant if the proposed project would create or contribute runoff water which would provide substantial additional sources of polluted runoff.”

The DEIR does not address the impact of sediment laden flow from the storm drain system affecting sensitive intertidal species protected under the jurisdiction of a Dept. of Fish & Game Reserve. On the Nov. 7 City Council meeting, there was a video showing massive amounts of sediment laden runoff being directed into this intertidal preserve. Attached is a picture of the shoreline just after a mild storm as recently as 2010. 24.11



Mud at Narcissa inlet into Altamira Cyn. 2010



Silted waters at Abalone Cove Intertidal Preserve from same 2010 storm

This EIR must consider this a significant impact per the Hunsaker and Assoc. recommendation.

C) This DEIR has not included documentation from the General Plan CO-23 (7/06/11 version, Conservation and Open Space) raising this historic concern of sedimentation into Abalone Cove: “More recently, erosion and sedimentation have threatened the kelp beds off the Palos Verdes Peninsula. Since 1980, an active landslide at Portuguese Bend on the Palos Verdes Peninsula has supplied more than seven times the suspended solids as the Whites Point outfall (LACSD 1997). When that sediment is carried into the ocean by storm runoff and excessive erosion from the landslide areas, the potential for kelp bed decline is present.”

8) STORM WATER RUNOFF

A) This EIR must address the contribution of additional storm water runoff into the landslide prone Zone 5 area as a result of this project which poses a potentially significant impact directly to Zone 5 and indirectly to Zone 2. (Any loss of stability in Zone 5 will migrate into the contiguous Zone 2 area). The City’s has administrative records from several decades that have documented Altamira Canyon’s deficiency in handling storm water runoff and the potential of land instability from the infusion of water into the canyon floor. Also in that documentation was a plan for the City to fix this inadequacy but the plan was never implemented. At the Nov. 7, 2012 hearing for EIR comments, a video clearly showed property damage and flooding problems and loss in lower Altamira Cyn. caused by storm water runoff.

24.12

The EIR must disclose this evidence of this flooding problem and respond as to why additional storm water runoff from this project is not a significant impact.

B) This DEIR inadequately describes the current storm drain system for this project and contiguous areas. Watershed runoff drains into the streets and flood into the surface of private backyards. A large amount of water off of the west end of Narcissa and Cinnamon Ln. ends up in the pervious open areas of the Portuguese Bend Riding Club, where it pools and infiltrates into the ground.

24.13

The DEIR fails to mention that, unlike normal drainage channels maintained by a municipality, all drainage discharges onto private property and is the responsibility of the Community Association. This could have significant financial impacts to the community as a result of this project.

C) The DEIR assumes the storm drain system was adequately designed similar to public storm drains. From the Hunsaker and Assoc. report Appendix E:

24.14

► #4 P. 8 “According to the Policy on Levels of Protection (Chapter 4, Hydrology Manual of Los Angeles County), **public storm drains** must at least carry flow from the 10-year storm event, the street or highway must carry the balance of the 25-year storm event”

When this report makes the assumption that storm drains are in public domain, it assumes a certain level of engineering. The “storm drain system” of this project area and the downslope contiguous areas is a combination of private streets, large open areas and resident’s backyards. This DEIR must disclose that it is unknown as to whether or not the storm drains system of this project is properly engineered to handle the runoff of the existing homes, let alone future development. There is ample evidence that this storm drain system is currently severely deficient.

► #7 P. 11 Flood / Hydrology impacts would be considered significant if the proposed project would “Create or contribute runoff water which would exceed the capacity of existing or planned storm drain storm water drainage systems.” It goes on to say impacts resulting from the development of the 47 lots is deemed to be insignificant because “The existing (natural) drainage patterns are maintained and the combination of the natural and constructed drainage conveyances and surface flow **has the capacity** to convey the runoff from the project site... The existing drainage system for the Portuguese Bend development was designed for the entire development, including the 47 undeveloped lots. “

This EIR must disclose the details of how this conclusion that storm drain system has been engineered for the all of Zone 2 was calculated. Evidence presented so far by the community suggests that it is not adequately designed to handle additional development.

D) This DEIR does not adequately mitigate storm water runoff impacts of the project post construction.

-HWQ-1 only address runoff control during construction.

- HWQ-2 only addresses water quality.

- HWQ-3 concludes that impermeable surfaces as a result of build-out would have a less than significant impact in ground water recharge is incorrect. There is overwhelming evidence in the numerous reports in C above indicating otherwise.

-HWQ-5 only deals with the construction phase.

E) HWQ-4 The EIR must quantify the amount of runoff currently as a baseline in a way that is intelligible to the public and decision makers so that the mitigation of “maintain existing drainage patterns” has any meaning.

Hunsaker and Assoc. report Appendix E P. 9 which states: “Any post-development runoff rates that exceed existing runoff rates will require drainage acceptance letters and / or mitigation.” It is understandable for the City to ignore the recommendation of requiring flood impacted residents to sign a “drainage acceptance letter”(which is unlikely to be granted by those affected by flooding) but the EIR must explain how, by allowing accumulative impervious surfaces post construction, the mitigation to “maintain existing drainage patterns” will occur.

As a part of the CEQA review of the Marymount Project, it was concluded that the project could not contribute any more storm water flow rate to a deficient storm drain system offsite than before the implementation of the project. The same standard should be applied to this project. If HWQ-4 were to truly “maintain existing drainage patterns” it would require a quantification of preconstruction flow rates then calculate the capacity of retention facilities and hardscape so as to not contribute to a flow greater than a preconstruction state as was required for the Marymount case.

From the Hunsaker and Assoc. report Appendix P. 14 “Provide mitigation for hydromodification to local natural drainage courses though flow – duration control methods. Use of onsite detention facilities, cisterns, or underground storage devices may be used.”

The EIR must explain what is meant by “onsite detention facilities”. If roof cisterns are meant then there is no quantification of the amount of water each roof cistern shall hold. 1 yr.? 50yrs.? 100 yr. storm? Nor is there any quantification of the flow rate at which the retained water shall be released. Nor is there any

24.15

24.16

mitigation of a monitoring program to assure these cisterns are functioning as designed, whether by a passive flow rate or a release of retained water by action of the homeowner.

It is apparently the intent of this EIR to allow hardscape runoff add to a deficient storm drain system. The EIR must explain why there is a mitigation for collecting roof runoff yet non recommended for hardscape. The DEIR has no intelligible quantification of the volume of water hardscaped driveways and patios will shed. The EIR must have an understandable calculation of runoff individually and accumulatively in order to disclose the impact.

F) Order of magnitude is an important concept in science. On p. 4.5-17 The DEIR discusses runoff as a percentage of the imperious surfaces of the project to the *total* watershed. This DEIR must explain to the public the percentage increase of hardscape runoff of this project compared to existing home hardscape in Zone 2. This distinction is critical as the project’s percentage contribution to runoff to the *streets* of Zone 2 will be greater than comparing the project to the entire watershed up the hill to Crest Road.



24.17

G) Under CEQA guidelines, formulation of mitigation measures should not be deferred until some future time. The DEIR states that the Natural Overlay Control District (OC-1) was established to “Enhance watershed management, control storm drainage and erosion... of urban runoff...” But then the conclusion of this discussion is that the consistency with this OC-1 Overlay District will be determined at the time the individual lots are proposed. This DEIR must explain why the consistency with OC-1 Overlay District is not being addressed now instead of in the future when the individual lots are proposed.

24.18

H) From the Hunsaker and Assoc. report Appendix E P. 13, “Water Quality impacts would be considered significant if the proposed project would 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 groundwater table level.”

Clearly this report does not understand the project area it is studying. It appears that the EIR is using boilerplate, and not site specific, disclosure. This blatant oversight affects the study’s credibility.

In fact, the project area has the exact opposite concern- *increasing* groundwater recharge would create a significant impact in the project area and the very goal of the dewatering wells of ACLAD is to pump as much water as possible out of the ground to mitigate landslides.

24.19

9) GEOLOGY and SOILS

A) This EIR must address ACLAD dewatering well production records which clearly show that large amounts of storm water is infiltrating directly into the toe of the ACL affecting land stability of Zone 5 and ultimately Zone 2. Recent records of water well (WW) 18 (on City owned land near the toe of the Abalone Cove Landslide seaward of PV Dr. South) showed a tremendous increase of well production immediately following a rain event late in December 2010 into Jan. 2011. It went from 4.91Kgals/day at the beginning of Dec. 2010 to an unprecedented 29.82 Kgals/day by Jan. 13, 2011. Normally, with most other wells within ACLAD, response to rain events occurs with several months of delay. These well production numbers for WW18 clearly indicate that water is infusing directly into lower aquifers through fissures and/or pooling on City land seaward of PV Dr. South. This phenomenon can lead to land instability in Zone 5 which can migrate into Zone 2.

24.20

This EIR must also address the statement from a Nov. 25, 1991 report of RPV's City Geologist Perry Ehlig: "No building construction may be undertaken prior to installation of storm drainage improvements to Altamira Canyon to prevent infiltration through the canyon bottom."

24.21

B) This DEIR does not include several past reports concluding that water does recharge groundwater in Altamira Canyon as well as showing the impact of upslope storm water runoff affecting stability of areas contiguous to this project. To name a few:

-Altamira Canyon Drainage Control Project EIR of June 1995 prepared for the City of Rancho Palos Verdes which identified the importance of properly lining the canyon bottom to address land stability issues.

-Nov. 25, 1991 Memorandum from RPV Geologist Perry Ehlig stated that fissures and fracture zones within unimproved segments of the Altamira channel are an important source of water recharge from storm runoff.

-In Aug. of 2000 Chris Hill produced a report entitled "A Geochemical and Hydrological Assessment of Groundwater in the Portuguese Bend Landslide, California" where she concludes that less than 5% of the storm water runoff that runs down Altamira Cyn. reaches the beach. (In dry streams such as Altamira Cyn., typically 20% of the water that enters leaves as outflow). This differential in water outflow she attributes to fissures in the canyon which directly recharge to the groundwater in the landslide. She calculated that approximately 146 acre feet of rainfall in the 97-98 study period entered the subsurface through fractures in Altamira Canyon.

24.22

-A 1992 report on Altamira Canyon by Kathleen Proffer.

-A 1979 report by Robert Stone and Associates recommending against further development in Zone 2 until slide movement was stopped within the ACL, the water table was lowered, and surface drainage was improved.

-A 1984 report by a technical panel entitled "Feasibility of Stabilizing Abalone Cove Landslide"

C) Section 15142 of CEQA states "An EIR shall be prepared using an interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the consideration of qualitative as well as quantitative factors."

RPV City geologists have concluded that development within areas of landslide hazards is unwise unless the landslide instability can be mitigated to a level consistent with at least the minimum standards of practice as exercised within the professional geologic and geotechnical community. (*Zieser Kling report May 15, 2007*). The accepted geotechnical industry standard of care for development is at least a factor of safety (FOS) of 1.5.

The project description suggests it will reject the quantifiable FOS of 1.5 as recommended by Zeiser Kling and will instead impose the Monk's qualitative court case standard of "shall not aggravate the existing situation". Under GEO 3(a) and (b) and GEO-4 it is not clear what geological standard will be used for the geotechnical study required.

This DEIR must explain how this switch from an industry standard, quantifiable analysis to a qualitative standard will not create a potentially significant impact. The DEIR must also explain how, when the LGC Valley Inc. geology report clearly agrees that the land mass upon which the project sits is less than the industry standard of a 1.5 factor of safety, that the city can allow additional development.

24.23

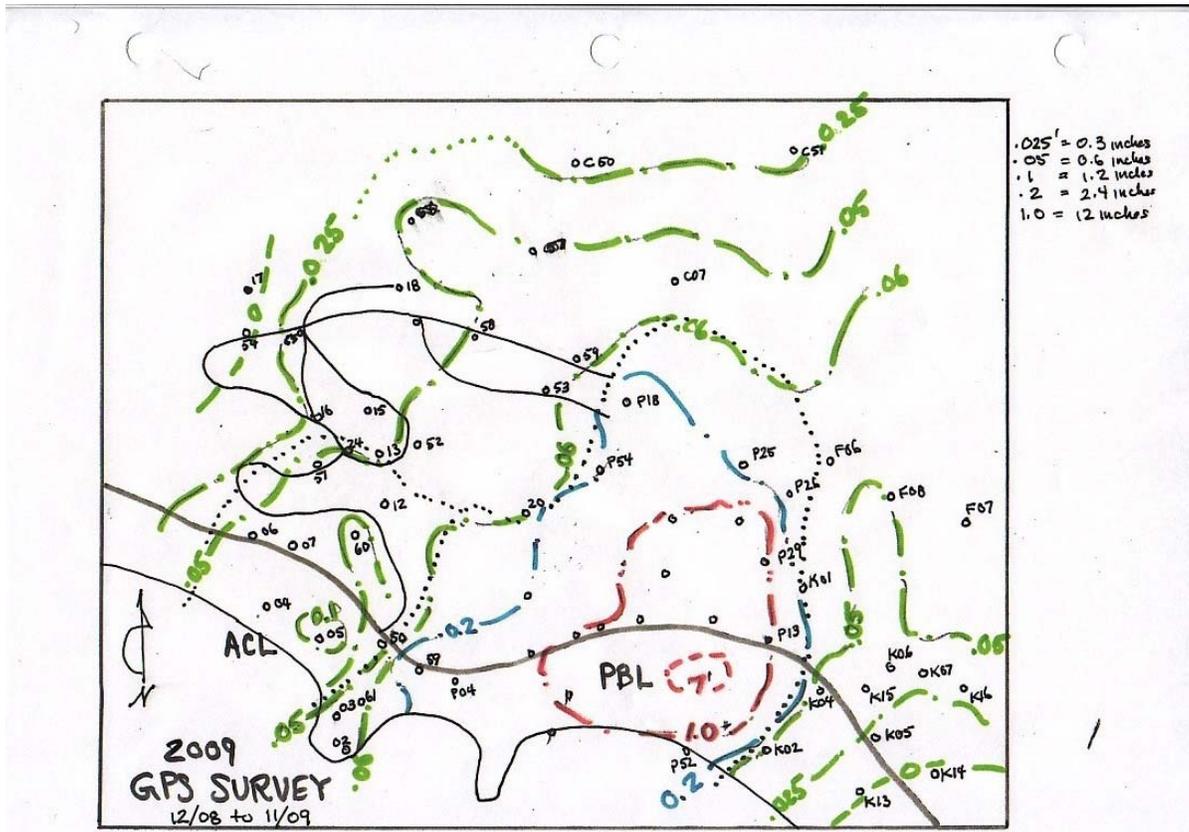
If the City finds a FOS to have some faults, then certainly an alternative geotechnical review method such as a panel of geologists using other quantifiable scientific analysis could be used. But clearly the Monk's Court qualitative standard used for this project, a standard asking whether development of new building "would further destabilize the area", does not use any quantitative science and is not a recognized standard by the geotechnical industry to determine slope stability and therefore does not disclose to the public, nor to the decision makers, the potential risks underlying this project.

If the mitigation is to restrict a geologist's opinion in their report to merely stating that "building houses will not aggravate the existing situation", then the public and decision makers are being denied the advantage of a full geotechnical opinion and disclosure of potential significant impacts.

D) GEO-3 assumes the existing sewer system is adequately designed for the addition of this project and assumes the exiting sewer system is functioning properly. Please see 13 C below questioning this conclusion.

24.24

E) The DIER concludes on p. 4.5-5 “Subsequent wells appear to have further reduced movement to negligible amounts”. Below is an ACLAD 2009 map showing GPS monitoring data collected. The green lines quantify differential movement within Zone 2. This is what geologists call “creep”, or a very slow moving landslide.



ACLAD 2009 GPS Monitoring Map

This EIR must explain why this GPS information was not disclosed, if this information would change the conclusions of this EIR and why this information does not show a FOS of less than 1.0.

24.25

F) The EIR must address regional dynamics/land stability and address the impacts of the project with respect to areas outside of the project description. Regional dynamics outside the project area can affect the stability of this project.

From the LGC Valley Inc. report of the DEIR appendix:

► P. 5, “As landslides fail into the beach zone due to loss of support from erosion, the material up-slope from these areas loses support and becomes susceptible to landsliding as well. Further instability comes from the now fractured nature of the landslide material which allows more water to infiltrate into the landslide mass, adding weight, creating buoyancy and further decreasing clay strength, while erosion from beach processes at the toe restrict the landslide masses from natural buttressing... Thus it is reasonable to conclude that landsliding occurs nearly continuously, at least in geologic terms, throughout the APBL complex and that landsliding is a very real potential that will continue into the future.”

24.26

► P.7“However, it should be plainly understood that because of the inherent potential for instability within adjacent landslides and the fact that Zone 2 is atop a landslide, that should additional significant movement occur in adjacent areas, it is our opinion the loss of support currently provided from the Abalone Cove and Portuguese Bend Landslides **could result in significant structural damage within Zone 2...**”

The report goes on: “Therefore, it is our opinion that further down slope movement of the PBL and especially the ACL be kept at minimums as much as possible in order to provide long term support to the developments planned in Zone 2.”

This EIR must disclose what mitigation is offered, or if no mitigation is possible, to address this potentially significant impact.

G) Mitigations mostly are concerned with lot slope stability. Geological studies take into consideration a multitude of factors well beyond merely surface slope stability before determining a regional 1.5 FOS. Major rain events can increase the hydrostatic pore pressure causing a reduction in soil cohesion or increasing pore pressure under a bentonite clay layer resulting in a lifting of an entire slide plane causing it to move downslope.

In Chris Hill’s study mentioned in 9 B above she states: “There may be a component of water that circulates deeper within the Peninsula. The presence of deeper circulating water could have important implications for landslide movement, potentially exerting hydraulic pressure from beneath the slide plane.”

Mitigation of this EIR only addresses surface grading and must disclose the full implication of what is meant by a FOS of 1.5 in light of the many geological opinions of the region of this project.

H) In the May 15, 2007 Report dealing with the Portuguese Bend Landslide from Zieser Kling, the City geologist states “From a risk assessment standpoint, it is our professional opinion that any grading above the 20 cubic yard threshold could raise the risk above an acceptable level”.

This EIR must justify why a 1,000 cu. yards of grading is allowed in light of this geological opinion.

I) LGC Valley report p. 14 Sec. 3.9 states: “Site specific testing should be completed on a lot by lot basis and concrete and corrosion design should be performed per the latest adopted building codes and American Concrete Institute (ACI) guidelines.” The DEIR does not specifically point out any mitigation to address corrosive soils.

J) By not including Zone 5 into the scope of this EIR, it has missed the fact that the Dept. of Conservation Seismic Hazard Zone Map shows an area seaward of PV Drive South within Zone 5 (and the Abalone Cove Landslide) has historic occurrence of liquefaction with local geological, geotechnical and groundwater conditions that indicate a potential for permanent ground displacements and that mitigations would be required. Additional storm water runoff from this project could impact this area and, as mentioned above, there is a geologically and hydrological contiguous interrelationship between what the city calls Zone 2 and Zone 5.

K) It has been stated by the City they will be requesting a “hold harmless agreement” from lot owners of the project as mitigation for developing in an area with unknown geological stability. The EIR has no such mitigation let alone any discussion of the mitigation. The EIR must include in this discussion the viability of such a covenant and the potential financial impact to the City, as well as whether or not there is any JPIA insurance to cover the City, if there were a court challenge of the covenant.

10) LAND USE/PLANNING

A) Please explain why the following mitigations measures recommended by the consultant LGC Valley Inc. have not been included in this DEIR: Report p. 5 “Architectural standards adopted by the Portuguese Bend Community Association should be implemented into all future design and construction.”

11) PUBLIC SERVICES

A) A majority of the “storm drain system” are streets which, during large storms, are heavily flooded and impair needed emergency access. The DEIR must disclose this and address mitigations for this impact. 24.33

B) Please explain why this DEIR does not address the physical change the project creates which could adversely affect fire protection for the community. Currently fire protection services can access the northerly open space area directly over the unobstructed vacant lots from streets such as upper Cinnamon Ln. This open space to the north of the project area has a well documented history of fires and there needs to be adequate fire protection access to this open space in order to provide the same level of fire protection to the entire community. Otherwise, the capacity for the fire dept. to access this open area will be cut off by this project creating a significant impact to the community. 24.34

Mitigation U-4 requires easements for sewer or storm drains as well as for landslide conditions (whatever that means). Certainly a fire dept. access easement between a strategically located lot wide enough to accommodate a fire truck should be required. The easement could have a chain/lock allowing only emergency access.

C) The DEIR only addresses the number and location of Fire Stations and not whether or not the hydrant service to the project area is adequate. It is my understanding that the Fire Dept. has stated hydrant service is inadequate for this project. 24.35

D) There are only two emergency access roads for the entire Portuguese Bend community onto P.V. Dr. South. We are surrounded by a large open space which has had fires recently. Persons, as well as a large equestrian community, need these roads for emergency access. 24.36

The EIR must explain how this project will affect this limited emergency access.

12) TRANSPORTATION

A) The DEIR traffic study extensively studies areas miles away from this project area. Yet existing roads within the Portuguese Bend community are very old, not compacted well and could be significantly deteriorated by accumulative heavy construction vehicle activity. Additionally, there are some very dangerous curves in which it has already been shown to be a safety issue with large trucks. The DEIR has not disclosed that construction trucks for the “first phase” of this project already underway have taken out a gate key pad, destroyed an historic entry wall and caused an accident around a tight curve on a very narrow road. 24.37

The EIR must analyze the potential significant impacts to the roads servicing the project.

13) UTILITIES AND SERVICES SYSTEMS

A) Mitigation U-4 only addresses easements for sewer and storm drains. Some lots within the project do not have direct access to water lines. For instance, homes on upper Cinnamon Ln. currently access the water distribution system from Narcissa Dr. via easements over other properties. The EIR must discuss how utilities will be accessed to the project, what easements would be required if any and what utility services have to provide in terms of additional main water supply lines to the lots in this project in order to maintain existing water pressure. Without this disclosure, it is unknown what impact the project will have on utility/services systems and what appropriate mitigations should be included. 24.38

B) With the addition of new water lines comes the increase of potential leaks or breakage. The project is located in an area prone to landslides with a deficient storm drain system. The EIR must address this impact and mitigate potential large volumes of water that can be discharged from a main break. One possible mitigation would be to require some type of automatic shutoff of the main system lines in the event of a line failure or earthquake induced failure. 24.39

C) When the City did an EIR for the sewer system in Zone 5 and 2, it concluded “[a]lthough the sewer system EIR indicated the Abalone Cove system could probably support 47 additional connections, the City’s 24.40

Public Works Department does not have enough data to confirm this assumption at present.” Please explain what data this EIR has now and what assumptions are being made that this sewer system can handle the additional connections of this project.

The EIR must have a full, independent engineering report to confirm that the current sewer system was designed for, and could handle, the addition of these 47 homes in order to have full disclosure of this potential significant impact.

D) This EIR does not address deficiencies of the current sewer system such as:

▶ The 1 ¼ inch size of the lines for the grinder pumps are too small per code.

▶ Dean Allison, the then RPV Public Works director, acknowledged that they did not install the above ground sewer lines according to code which requires they be 6” above ground to avoid electrolysis corrosion. (Sec. 701.1.1 Ca Plumbing Code). They should have at least been properly wrapped to insulate against corrosion and were not.

▶ The sewer contractor had connected pipes with the shipped thread protectors, not the required tapered fittings.

▶ There was a massive sewage spill into Altamira Cyn. as a result of improperly designed electrical supply to major collection discharge pump on Sweetbay.

14) ALTERNATIVES: NO PROJECT

A) Under CEQA guidelines, the “No Project” alternative means "no build" wherein the existing environmental setting is maintained. The DEIR places the 16 Monk’s lot as a part of the project so they cannot be part of a “no project” scenario. Yet these same 16 lots have been granted an exemption to the very ordinance that this project purports to be changing and are either already built or are entitled to be built under previously approved CEQA review. How can these lots be included in the “No Project” Alternative description when they are either built or entitled to be built?

Under CEQA guidelines, the purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The EIR must explain how, by comingling a “built” portion of the project in the project description, the EIR is complaint with CEQA guidelines.

B) Under CEQA, when the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the "no project" alternative will be the continuation of the existing plan, policy or operation into the future. The EIR fails to clarify that current City geological standards uses a FOS of 1.5 and explain how the 16 litigants of the Monk’s case, which are part of this project description, do not have to follow the 1.5 factor of safety.

Thank you for the opportunity to comment on the DEIR and I am in hopes that the FEIR will fully and adequately address all issues related to the project.

Jim Knight

↑
24.41
24.42
24.43

Letter 24

COMMENTER: Jim Knight

DATE: November 18, 2012

RESPONSE:

Response 24.1

This comment is similar to Comment 22.6. Please see Response 22.6, above. In addition, please note that while the 31 non-Monks lots are the focus of this EIR and additional entitlements, the 16 Monks lots, which were previously authorized through the code amendment and related environmental documentation (MND), are also included to ensure that the EIR adequately discloses potential cumulative impacts.

Response 24.2

This comment is similar to Comment 10.31. Please see Response 10.31, above.

Response 24.3

This comment asks where a statement of the City's objectives for the proposed ordinance revisions may be found in the Draft EIR. The objective may be found in subsection 2.5 of Section 2.0, *Project Description*, which reads as follows: "The objective of the proposed project is to establish an exception category to allow for the future development of 47 undeveloped or underdeveloped lots located in Zone 2 of the City's Landslide Moratorium Ordinance."

The commenter also states that there is no "nexus" between the Monks Court case and providing a potential regulatory pathway to process entitlement requests for other non-Monks Zone 2 property owners who were not a party to that court case. While the 31 non-Monks lots are the focus of this EIR and additional entitlements, the 16 Monks lots, which were previously authorized through the code amendment and related environmental documentation (MND) are also included to ensure that the EIR adequately discloses potential cumulative impacts.

Finally, the commenter notes that compatibility with project objectives is one of the criteria for selecting a reasonable range of project alternatives, and that clear project objectives simplify the selection process by providing a standard against which to measure possible alternatives. This comment is noted. Compatibility with objectives is discussed in Section 6.0, *Alternatives*, in subsections 6.5 and 6.6.

Response 24.4

The commenter suggests that the Draft EIR does not disclose that Zone 5 and Zone 6 are contiguous to Zone 2, and that these adjacent area could have both geologically and hydrological impacts from this project. Please see *Topical Response 8.1.b: Geology* in subsection 8.1, above, for a discussion of this issue that responds to this and other comments on this topic.



Response 24.5

The commenter states an opinion that the EIR must include an analysis of the proposed project's impacts, "both physically and socially," to areas that are contiguous to Zone 2. The commenter further notes that the Abalone Cove Landslide resulted in damage to residences and "resulted in significant economic impacts including lending and insurance companies [ceasing] services to these residents," and states that related concerns led to water, gas and sewer services being placed above ground in Zone 5. Please note that CEQA generally does not take into account social and economic issues unless such issues can be shown to lead to a physical impact on the environment. In this case, the landslide's physical impacts resulted in the social and economic impacts referred to by the commenter. Potential impacts to landslide hazards are discussed in Section 4.5, *Geology*. Impacts were determined to be less than significant with mitigation incorporated. The kinds of impacts that could affect stability in Zone 5, including groundwater infiltration, construction activities, and additional weight on the landslide mass are discussed therein and in Section 4.8, *Hydrology and Water Quality*, and are further clarified in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* and *Topical Response 8.1.b: Geology* in Section 8.1, above

Response 24.6

This comment is similar to comments 10.7 and 22.7. Please see responses 10.7 and 22.7, above. It should be noted that the analysis of future subdivision of property would require speculation. CEQA does not require speculation, partially because information based on speculation is not of value to the public or decision makers.

Response 24.7

This commenter states an opinion that the City did not involve ACLAD in the EIR process. Please see Response 10.6, above. ACLAD was notified of the preparation of the Draft EIR and was thus included in the scoping process (please see ACLAD's January 28, 2011 comment letter on the Notice of Preparation, which is included in Appendix A to the EIR). The commenter also asks why the City did not reach out to the City's successor redevelopment agency or Improvement Authority. There is no land in Zone 2 that the successor redevelopment agency has responsibilities for; neither the Improvement Authority nor the Redevelopment Agency owned or controlled land in Zone 2, and the purpose of the successor agency is to manage and/or dispose of former Redevelopment Agency-owned land.

Response 24.8

This comment is similar to Comment 23.5. Please see Response 23.5, above. The commenter requests that utility lines to new residences permitted under the proposed ordinance revisions be placed underground. Pursuant to Palos Verdes Municipal Code Section 17.54.020, *Underground Utilities*, all utility lines installed to serve new construction must be placed underground from an existing power pole or other point of connection off-site, unless waived by the planning commission or city council where conditions warrant.



Response 24.9

The commenter asks how fugitive dust control during grading would be achieved without watering of exposed soils. Measures for fugitive dust control during grading are listed in Mitigation Measure AQ-1. They include such techniques as the use of soil stabilizers and binders, suspending grading during high winds, and tarping haul loads. Watering is not included on this list and would not be recommended. (It should be noted that, even if a contractor erroneously did decide to use watering, watering of graded soils does not typically involve the duration or quantity of water that would allow for substantial groundwater infiltration.)

Response 24.10

The commenter states that the Draft EIR lacks a discussion of the possible impact of invasive species that may be planted in the project area near the adjacent NCCP Preserves. As stated in the EIR, a substantial supply of weedy exotics already exist within the project site because it is composed primarily of non-native annual grassland and exotic woodlands. The introduction of additional exotic invasive plants through planted landscape is not controlled for the existing developed lots, so the potential for such invasives already exists and development of these lots would not significantly alter that potential. The ongoing requirement for intensive fuel management at the perimeter of the community substantially reduces the potential for exotic plants to invade from the landscaped area because of the annual removal of flammable vegetation. Therefore, this effect is not considered significant. Further, the city's NCCP requires that only cut/fill slopes not subject to fuel modification on lots abutting the Preserve to be revegetated with appropriate native species.

Response 24.11

This comment is similar to Comment 10.17. Please see Response 10.17, above. The commenter also includes photographs of existing conditions of runoff into storm drain inlets and at Abalone Cove. These photographs, which help to document existing conditions, are acknowledged.

Response 24.12

The commenter states that the EIR must address the contribution of additional storm water runoff into the landslide prone Zone 5 area; that Altamira Canyon is deficient in handling storm water runoff; and that erosion is occurring in Altamira Canyon that results in property damage. As discussed in Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, buildout under the proposed ordinance revisions as mitigated would not result in a significant contribution to Zone 2's drainage system or to Altamira Canyon.



Response 24.13

The commenter states that the Draft EIR inadequately describes the existing storm drain system for Zone 2 and surrounding areas. Please see *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, for clarification of this information.

Response 24.14

The commenter states an opinion that the storm drain system serving Zone 2 is severely deficient and that it is not adequate to handle runoff from potential buildout under the proposed ordinance revisions. As discussed in Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, buildout under the proposed ordinance revisions as mitigated would not result in a significant increase in runoff from the subject lots with the identified mitigation incorporated. Although the concerns about existing drainage issues are acknowledged, the EIR focuses on impacts of the proposed project. As the individual lots would be engineered to imitate existing hydrologic conditions, impacts would be less than significant.

Response 24.15

The commenter states that the mitigation in the Draft EIR is not adequate to mitigate operational (post-construction) impacts related to hydrology. Please see *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, for a response to this and similar comments and for modifications to the information and mitigation measures in the Final EIR. Specifically, the commenter states that Mitigation Measure HWQ-1 only addresses runoff during construction (the commenter is correct); that Measure HWQ-2 only addresses water quality (the commenter is correct; please note that this measure addresses operational [post-construction] water quality impacts; and that Measure HWQ-5 only deals with the construction phase (the commenter is incorrect; although the methods to mitigate impacts related to construction within the Zone D flood hazard designation must be verified prior to issuance of permits, these methods required are intended to reduce impacts post-construction). The commenter also opines that the project would have significant impacts related to groundwater recharge. As discussed in topical responses *Hydrology, Water Quality and Drainage* and *Geology*, groundwater recharge would not increase as a result of the proposed project, including introduction of new impermeable surfaces.

Response 24.16

The commenter requests more information on existing and proposed hydrology, and for more details on how mitigation would be applied and would achieve the mitigation goals. Please see *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, for a response to this and similar comments. It should be noted that mitigation measures in the Draft EIR are programmatic, as no plans have been submitted for potential buildout under the proposed ordinance revisions. See responses 10.2, 10.25 and 14.6 for a brief discussion of programmatic review and mitigation.



Response 24.17

The commenter requests that the EIR explain the percentage increase of hardscape runoff that could result from the proposed project as compared to existing home hardscape in Zone 2, rather than comparing post-project conditions to the entire watershed. Typically, it is important to understand the range of conditions when assessing impacts from a project. Section 4.8, *Hydrology and Water Quality*, of the Draft EIR provided comparative results of flow rates and volumes for a typical lot, the proposed project, and cumulative project. Impacts can also occur for different storm events. The Draft EIR provided results for the full range of storm events accepted by the County and Regional Water Quality Control Board (SUSMP, 2, 5, 10, 25, 50-year, and Capital Storms). Looked at individually, an impact may appear to be large on a percentage basis, however, relative to the overall change, it may not be as significant. Since there are no plans for individual lots being analyzed, the analysis was based upon an average lot's impervious area.

The Final EIR has been revised to include specific language that states that individual homeowners would need to demonstrate there is no impact as a result of their development or mitigate the impacts of their runoff through a number of possible mitigation measures, including infiltration of runoff and detention. Considering that impacts can be local at the property lines or further downstream, if increases would potentially occur post-development, then it has to be demonstrated that the increase does not result in downstream impacts, or the flow needs to be outletted at an acceptable facility capable of conveying the runoff.

A licensed Civil Engineer is required to prepare a plan for hydrology and drainage that demonstrates that the individual lot's drainage does not impact surrounding properties. The City is required to approve the plan and hydrology before a permit can be issued. Long-term maintenance and monitoring of any installed mitigation measures is the responsibility of the homeowner, with potential enforcement by City staff. Please see *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above.

Response 24.18

The commenter states an opinion that the EIR must explain why consistency with the Natural Overlay Control District (OC-1) is not being addressed now instead of in the future when the individual lots are proposed. The Initial Study for the proposed ordinance revisions (see Appendix A to the EIR) includes a discussion of overall consistency of the project with this district, and concludes that the project would be consistent. In addition, as discussed in Draft EIR Section 4.3, *Biological Resources*, existing regulations and identified mitigation measures would ensure that individual projects built under the ordinance revisions would each maintain that consistency. It should be noted again that the EIR is a programmatic document, and that plans have not been submitted for individual residences that could be permitted under the proposed project. See responses 10.2, 10.25 and 14.6 for a additional discussion of programmatic review and mitigation.

Response 24.19

This comment is similar to Comment 14.5. Please see Response 14.5, above.



Response 24.20

The commenter states that the EIR should address ACLAD's well production numbers indicating that water is infusing into lower aquifers through fissures and/or pooling on City land seaward of Palos Verdes Drive South, and that this can lead to land instability in Zone 5 which can migrate into Zone 2. This information does not contradict the information in or conclusions of the Draft EIR. As discussed in Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, buildout under the proposed ordinance revisions as mitigated would not result in a significant increase in groundwater infiltration.

Response 24.21

The commenter cites a statement from a 1991 report by Perry Ehlig that "No building construction may be undertaken prior to installation of storm drainage improvements to Altamira Canyon to prevent infiltration through the canyon bottom" and states an opinion that the EIR must address this statement. The geotechnical study used in the Draft EIR included review of dozens of past studies performed for the project area that make up the vast bulk of technical investigations of area geology and hazards. These are listed in Appendix A of the EIR Geotechnical Study, which is contained in Appendix D to the Draft EIR. The geotechnical study concluded that the contribution of water from lots within Zone 2 from potential buildout under the proposed ordinance revisions would be minor, as indicated in the hydrologic analyses provided in the DEIR. Independent of that study and the conclusion derived from Mr. Ehlig, the City concluded that the best method for maintaining long term stability is through the use of ground water pumping wells. It has been demonstrated that the lowering of ground water within the various land masses provides the greatest factor in overall stability to all current and future home sites. Please see *Topical Response 8.1.b: Geology* and *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, for more information on this topic.

Response 24.22

The commenter cites several reports that indicate that water recharges groundwater in Altamira Canyon as well as showing the impact of upslope storm water runoff affecting stability of areas contiguous to this project. The EIR does not include all of the specific reports listed by the commenter. However, whether or not these specific reports are included in the EIR is not directly relevant to the conclusions of the EIR in this regard, primarily because the Final EIR as revised (see revisions to Section 4.8, *Hydrology and Water Quality*) acknowledges that groundwater from on-site and upslope rainfall recharges groundwater does in Altamira Canyon and that groundwater buildup affects the stability of areas contiguous to this project. Thus the EIR discussion and conclusions appears to be consistent with these reports as summarized by the commenter. As noted elsewhere in this section, buildout under the proposed ordinance revisions as mitigated would not result in a significant increase in groundwater infiltration. Please see topical responses *Hydrology, Water Quality and Drainage* and *Geology* in subsection 8.1, above, for a response to this and similar comments.



Response 24.23

The commenter states an opinion that the Draft EIR should use “factor of safety” as the primary criterion for evaluating slope stability and significance of related impacts in the Draft EIR, or support use of a different standard based on “quantifiable scientific analysis.” *Topical Response 8.1.b: Geology* in subsection 8.1, above, for a discussion of this issue that responds to this and other related comments.

Response 24.24

This comment refers to a subsequent comment; please see Response 24.40, below.

Response 24.25

The commenter refers to GPS monitoring data showing landslide movement, and asks why this GPS information was not disclosed and if it would change the conclusions of the EIR. The commenter also asks why this information does not show a factor of safety of less than 1.0.

Measurements taken on various soil types on sloping ground will show signs of movement over time. This “creep effect” occurs not only atop ancient landslide masses, but also atop soil slopes, engineered fill and bedrock. Therefore, very small movements measured over time for the Zone 2 area are not surprising, and are not considered indicative of landslide movement in their own right as the Zone 2 area is composed of sloping ground. Creep effects and landslide movement upon a basal rupture surface are different and not interchangeable as suggested in the comment.

The GPS data was provided to the City’s geotechnical reviewers in the referenced report GeoKinetics (2007). Based on review of this data, the City conclude that the measured changes within Zone 2 over time are on the order of tenths- to hundredths of an inch, and are the result of creep effects, rather than re-activation along a basal landslide rupture surface. Please note that other reviewers indicated human error during readings among other explanations to account for the very small changes recorded.

Overall, the referenced contour map is not a format for determining a factor of safety greater than or less than 1.0.

Response 24.26

The commenter states that the EIR must address regional dynamics/land stability and address the impacts of the project with respect to areas “outside of the project description.” The commenter goes on to request that the EIR include mitigation for these impacts or identify them as potentially significant. Please see *Topical Response 8.1.b: Geology* in subsection 8.1, above, for a discussion of this issue that responds to this and other related comments.



Response 24.27

The commenter states an opinion that mitigation measures in the Draft EIR for potential geologic hazard impacts only addresses surface grading and must disclose the full implication of what is meant by a factor of safety of 1.5, particularly in light of the potential for groundwater to increase landslide instability. Please see *Topical Response 8.1.b: Geology* in subsection 8.1, above, for a discussion of factor of safety. As discussed in Section 4.8, *Hydrology and Water Quality*, and further clarified in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, the project, with the mitigation identified, would not result in a significant increase of groundwater infusion; therefore additional mitigation is not required.

Response 24.28

This comment is similar to Comment 14.4. Please see Response 14.4, above.

Response 24.29

The commenter states an opinion that the Draft EIR should include mitigation for potential impacts related to corrosive soils. The presence of corrosive soils would be determined based on a lot-by-lot basis of testing as performed by the geotechnical engineer-of-record during the design development stage of lot construction. Values relating to corrosivity of soils are relative to the design of foundations and other elements that come in contact with site soils used for home construction. As this engineering detail is standard for construction in areas where corrosive soils may be present, it is not considered a potentially significant impact on the environment and no specific mitigation is required.

Response 24.30

The commenter states concerns regarding groundwater impacting landslide stability and the relationship between Zone 5 and Zone 2. As discussed in Section 4.8, *Hydrology and Water Quality*, and further clarified in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, the project, with the mitigation identified, would not result in a significant increase of groundwater infusion. See also Master Response *Topical Response 8.1.b: Geology* for more information about Zone 2's relationship with surrounding areas.

Response 24.31

The commenter states that the EIR must include a discussion of the viability of "hold harmless agreements" and the potential financial impact to the City, as well as whether or not there is any Joint Powers Insurance Authority insurance to cover the City, if there were a court challenge of the agreements. This comment will be forwarded to the City Council for their consideration. However, legal opinions, insurance coverage and economic impacts are beyond the scope of CEQA environmental review.



Response 24.32

The commenter asks why the LGC Valley recommendation that “Architectural standards adopted by the Portuguese Bend Community Association should be implemented into all future design and construction” is not included in the Draft EIR as mitigation. The reason is that this recommendation would not mitigate any potentially significant environmental impacts. The intent of this statement was to help ensure that future home sites are generally in accord with current construction practices that have occurred within the Portuguese Bend Community, and that future construction and grade changes do not result in home sites that have property conditions far different than the norm which could have a potential negative impact to local and or gross stability of the area. This could include lot drainage conditions, and site run-off flow patterns, among others. However, existing zoning standards, provisions of the proposed ordinance revisions, and existing Homeowner’s Association rules would ensure that these parameters are met to the extent necessary to ensure conditions are as projected.

Response 24.33

The commenter states that the Draft EIR must address concerns about how localized flooding of project area streets could impair emergency access to the project area. As discussed in Section 4.8, *Hydrology and Water Quality*, and further clarified in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, the project, with the mitigation identified, would not result in a significant contribution to localized flooding or to the stormwater drainage system. See also *Topical Response 8.1.b: Geology* and *Topical Response 8.1.c: Traffic and Circulation* for more information about potential emergency access impacts.

Response 24.34

This comment is similar to Comment 10.28. Please see Response 10.28, above.

Response 24.35

This comment is similar to Comment 10.27. Please see Response 10.27, above.

Response 24.36

The commenter states that the EIR must address the proposed ordinance revisions’ potential impacts on emergency access. This topic is discussed in the Draft EIR under impact T-4 in Section 4.10, *Traffic and Circulation*.

Response 24.37

This comment regarding the scope of the traffic study, concerns about project area roads to accommodate project and construction traffic, and trip-related damage to roads and infrastructure is similar to comments 10.3 and 10.4. Please see Responses 10.3 and 10.4, above.



Response 24.38

The commenter states that some lots within the project area do not have direct access to water lines, and may need to access the water distribution system via easements over other properties. The commenter goes on to state an opinion that the EIR must discuss how utilities will be accessed from the individual lots, what easements would be required if any, and what additional water supply would be required in order to maintain existing water pressure. The commenter is correct that utilities may require easements; such easements are a private matter between a property owner and his or her neighbors, and are not within the scope of the EIR. The California Water Service Company (CWSC) is the local purveyor of domestic water; as discussed in the Initial Study (see Appendix A to the Draft EIR), the CWSC, through its provider the West Basin Municipal Water District, has sufficient water availability to serve the additional residences that could be constructed under the proposed ordinance revisions. Maintaining water service (delivery, pressure etc.) to individual customers is the purview of the water provider and the specifics of this service provision are not directly relevant to the environmental topics requiring analysis in the EIR.

Response 24.39

The commenter states an opinion that water lines to potential new residences that could be built in the project area could leak or break and suggests as mitigation automatic shutoff of the main system lines in the event of a leak or break. It is assumed that new lines would be installed using up-to-date materials and methods that minimize this risk. As under the existing conditions for the rest of Zone 2, breaks are usually detected quickly and can be controlled through shutting down the line. The water provider and property owners would be expected to exercise due diligence to prevent leaks and breakages, and their possibility would not be considered a significant environmental impact.

Response 24.40

The commenter asks what data the EIR relies on to support the conclusion that that the sewer system has the capacity serve buildout under the proposed ordinance revisions. As discussed in the Draft EIR in Section 4.11, *Utilities and Services Systems*, in May 2006, the State Water Resources Control Board adopted Statewide General Waste Discharge Requirements (GWDR) for publicly owned sanitary sewer systems. As a result, the City of Rancho Palos Verdes Public Works Department prepared the City of Rancho Palos Verdes Sewer System Master Plan (SSMP), which was adopted in 2009. The SSMP included an inventory and evaluation of the Abalone Cove Sewer System. The SSMP identified that the Abalone Cove Sewer System was designed to provide sanitary service to the 111 individual lots in the service area. The SSMP indicates that there is sufficient capacity in the in the Abalone Cove Sewer System to provide service for 111 lots, including the 47 undeveloped lots.

Response 24.41

The commenter states that the EIR must have a full, independent engineering report to confirm that the current sewer system was designed for, and could handle, the addition 47 residences. See Response 24.40, above. The commenter discusses specific engineering issues related to the



sewer system, and states that improper design has led to a sewage spill. These comments will be forwarded to the Public Works director for consideration in maintaining and upgrading the sewer system.

Response 24.42

The commenter suggests that it is improper to include the construction of the Monks lots in the “No Project” Alternative description as they are either built or entitled to be built. If the proposed ordinance revisions are not adopted, this would be the condition; therefore, it would be illogical to analyze a “No Project” scenario in which the Monks lots would not be constructed. The City has already adopted ordinance amendments allowing for a moratorium exemption process for those lots. It should also be reiterated that the Draft EIR addresses impacts related to potential buildout on all 47 lots (16 Monks, even though they are already entitled to proceed with applications for development, plus the 31 additional that would be eligible under the current proposal) to provide a complete analysis of the cumulative impacts that might result from buildout of all 47 lots. See also Response 10.31 above.

Response 24.43

The commenter asks why the 16 litigants of the Monk’s case, which are part of this project description, do not have to follow the 1.5 factor of safety. This is because the 1.5 factor of safety is not a threshold or mitigation requirement in this EIR; in addition, in the Monks decision the court held that the City could not enforce the standard as to the Monks lots. See also *Topical Response 8.1.b: Geology* in subsection 8.1, above.



Letter 25

To: City of Rancho Palos Verdes Planning Dept.

November 20, 2012 RECEIVED

From: Gordon Leon

NOV 20 2012

Subject: Comments on the Zone 2 Landslide Moratorium DEIR (Sept 2012)

COMMUNITY DEVELOPMENT DEPARTMENT

Included below are comments to the Zone 2 Draft EIR. I provide these as a local resident and not as a representative of the Planning Commission. In general, the DEIR appears to have a boiler plate format and does not include several of the unique issues relevant to the Portuguese Bend area. Specifically, the landslide is noted in the text, but it has not been included in most of the analyses'. Also, most of the analysis associated with residential streets and storm drains appears not to be performed, perhaps due to the fact that both are private and not public infrastructure. My specific comments and recommendations follow:

DEIR Issues

- 1. Altimira Canyon: This is the primary drainage for storm water from PBCA
 - Significantly increased flow due to upstream neighborhoods that were intended to drain into Barkentine Canyon
 - RPV Landslide Workshop recommended no additional storm water loading
 - Most of the storm water is directly injected into fissures just past PVDr South and never gets to the ocean
 - Water injection into the slip plane is a known landslide accelerant
 - DEIR provided incorrect conclusion regarding ground water without any sensitivity to landslide issues. Use of boiler plate hydrology EIR from other locations puts in question the credibility of the DEIR in its application to Portuguese Bend.

25.1

Recommendation: Perform analysis of hydrologic effects on landslide for lower Altimira Canyon with recommended mitigations including but not limited to keeping the storm water out of the landslide fissures.

- 2. Narcissa Drive access through Zone 5: Primary access for residents, trucks and emergency vehicles
 - Additional traffic and storm water may destabilize lower Narcissa Dr and has not been addressed in the EIR

25.2

Recommendation: Provide impact analysis and mitigation for Narcissa Dr in Zone 5.

- 3. EIR asserts that PBCA storm drain system designed for build-out
 - System designed in late 1940s and does not anticipate the landslide or storm water from upstream neighborhoods

25.3

- Modern houses are significantly larger with more hardscape area and generate more storm water run-off
- Analysis only addressed Altimira Canyon and did not assess the impacts on the residential storm drains. The increase to Altimira Canyon may be a small percentage due to the use of the increase compared to the entire Altimira Canyon water shed. But the increase on local streets and drains will double or quadruple.

Recommendation: Include landslide geology issues in the Hydrology Analysis, drastically limit storm water run-off from individual lots (both roof and hardscape), define allowable rates and on-site holding capacities to slow storm water run-off from roofs and non-permeable hardscape, and, assess water retention capability of permeable hardscape and factor into analysis.

4. Impact of future Development not considered in EIR

- Plumtree Development
- York Development
- Vanderlip and other large sub dividable lots

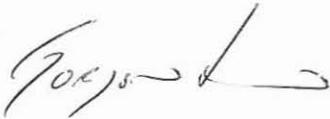
Recommendation: Include in overall analysis of possible impacts and mitigations

5. Impact of development on roads and traffic within Portuguese Bend not considered:

- The EIR should address both construction related traffic as well as residential traffic at build-out for the private roads with the Portuguese Bend community similar to how the EIR would treat public residential streets within other parts of the city
- Existing landslide conditions have damaged the roads to a sub-standard level of quality and functionality over the past 60 years
- Current access is through zone 5 which is very sensitive to destabilizing

Recommendation: Analyze the impacts of development on the private roads, including the impacts of the existing landslide.

Thank you for your consideration of these important issues. My goal is to properly assess the impacts and mitigations so that we can allow safe development in our community.



Gordon Leon

25.4

25.5

Letter 25

COMMENTER: Gordon Leon

DATE: November 20, 2012

RESPONSE:

Response 25.1

The commenter discusses issues related to the existing drainage system and infiltration into groundwater. These comments are noted, but relate to existing conditions rather than project impacts. The commenter also states an opinion that the Draft EIR's conclusions related to groundwater are incorrect, but does not provide specifics, and then recommends further study and mitigation to decrease infiltration. As discussed in Section 4.8, *Hydrology and Water Quality*, and further clarified in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, the project, with the mitigation identified, would not result in a significant increase of or change in stormwater runoff or groundwater infusion, and further mitigation is not required. See also Response 14.5, above.

Response 25.2

The commenter states a concern that additional traffic and stormwater could destabilize Narcissa Drive, a primary access road to Zone 2, and recommends impact analysis and mitigation accordingly. As discussed in Section 4.8, *Hydrology and Water Quality*, and further clarified in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, the project, with the mitigation identified, would not result in a significant increase of or change in stormwater runoff to area roads. Please also see *Topical Response 8.1.b: Geology* and *Topical Response 8.1.c: Traffic and Circulation* in subsection 8.1, above, for a discussion of impacts to private roads serving the project area.

Responses 25.3

This comment is similar to comments 8.1 and 8.2. Please see responses 8.1 and 8.2, above. The commenter also requests more specific mitigation standards for stormwater runoff for the potential new residences. This comment is similar to Comment 10.25. Please see Response 10.25, above.

Response 25.4

This comment is similar to Comment 10.7. Please see Response 10.7, above.

Response 25.5

The commenter states an opinion that the EIR should address both construction related traffic as well as residential traffic at buildout for the private roads within the project area, taking into account landslide damage and possibility of further destabilization. Construction traffic impacts are discussed under Impact T-4 in Section 4.10, *Traffic and Circulation*, of the Draft EIR.



Please see also Please also see *Topical Response 8.1.b: Geology* and *Topical Response 8.1.c: Traffic and Circulation* in subsection 8.1, in subsection 8.1, above, for a discussion of this issue that responds to this and other comments on this topic.



Letter 26

November 18, 2012

Dear RPV City Council Members,

I have read the DEIR on the proposed development of Zone 2 and was horrified to see that LGC Valley, Inc. stated on 4.5-12,13 that: **"The standard of practice within Southern California is to achieve a factor of safety in which the resisting forces are 1.5 greater times than the driving forces (factor of safety of 1.5)... The purpose of achieving a factor of safety of 1.5 is to account for those portions of the data set that are inconsistent or poorly understood... However, professional judgment and review, geotechnical analysis, and a recent judicial decision regarding the project area have resulted in a consensus that the site has an uncertain factor of safety (LGC Valley, 2011)." They went on to say that: "Based on their review and geotechnical expertise, LGC Valley, Inc. concluded that site slope stability is likely somewhere higher than 1.0, but less than 1.5."** They concluded that despite all of this, it is probably OK to develop the 47 lots anyway.

I have spent nearly 20 years of my life and about \$100,000 fighting the proposed Hon and York developments in the Building Moratorium in order to save my and my neighbors homes from a landslide and the City of Rancho Palos Verdes taxpayers from the over \$1 billion dollars in liability from the resulting home loss in a major landslide. (This is an outdated figure which the RPV Council of Homeowners Associations calculated about 20 years ago.) I did not do this alone, but with the help of hundreds of others, many who live in Portuguese Bend and above it. We hired numerous geologists, lawyers, etc. We learned a great deal about this area including how little is actually known about the geology, how geologically fragile it really is, and how very wrong geologists can be; e.g. 1) Perry Ehlig, RPV's geologist, speaking to concerned citizens about a small ancient landslide area in a proposed Hon/Zuckerman's golf course development- - don't worry it won't slide. (It slid before it even opened and is in the ocean below the Trump golf course now.) Perry went on to say that the Portuguese Bend Building Moratorium area is so much more fragile and risky that it was totally incomparable. 2) Leighton & Associates worked with Barry Hon to create the famous Laguna Nigel homes slide shown repeatedly on national news. (Both of these occurred while Leighton and Perry Ehlig were pushing to allow Barry Hon's development in the Building Moratorium area above the Portuguese Bend slide.)

26.1

Since parts of Zone 2 are identified as moving slightly now and it borders an active landslide; is very near the largest landslide in North America (the Portuguese Bend Landslide); and is included in the Landslide Moratorium Area, accepting a proven factor of safety of less than 1.5 borders on insanity. Given that this general area continues to slide after numerous "fixes" by a bevy of geologists have failed, the more logical, sensible, reasonable decision would be to raise the factor of safety required, not lower it!

It is clear that this project should not proceed until further geological projects and review have determined the answer to these questions in a revised EIR:

1. What is the factor of safety for Zone 2 and its surrounding area?
2. Can Zone 2 prove at least a 1.5 factor of safety? (If not, no development should be allowed.)
3. Is development in this area likely to further destabilize surrounding areas?

26.2

4. Given the high landslide risk created by water outlined in the DEIR (and any geological textbook) and the approximate 10 plus years of drought, what would be the impact of a return to normal rainfall (and also an abnormally high level of rainfall) for 10 years on geological stability? Both of these events are likely in coming years. | 26.3

5. What would be the impact on stability of all possible lots or lot divisions in Zone 2 occurring within a very short period of time (which is more likely given the lifting of the 30 year Moratorium implied by this DEIR)? What is the geological impact if the potential lots outside Zone 2, but still in the Moratorium, are added to this number? | 26.4

6. Why should the minimum 1.5 safety requirement for development be lowered in an area which has proven risks of instability, and continuing major levels of instability, to below that required throughout the entire State of California in much safer and normal areas? | 26.5

7. How can these new housing developments and the City of RPV assure that funds for existing and new dewatering wells and other required mitigations remain available for the next 100 plus years? If funding is not assured, then all of these mitigations should be excluded in calculating a factor of safety. (The Big Rock slide/home loss in Malibu was attributed to the current homeowners turning off the dewatering wells to save money, years after the development was finished.) | 26.6

8. What impact is the surrounding area likely to have on Zone 2 overtime? | 26.7

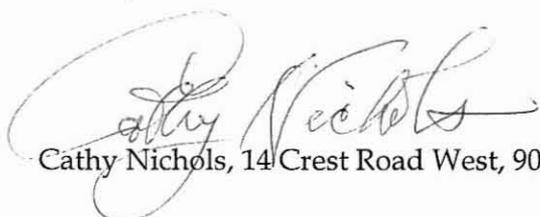
This is not to say that there are not numerous other obvious questions that need to be addressed. For instance, what will be the impact of all these heavy trucks and loads traveling through the sensitive, already moving parts of the community? What will they do to the roads (destroy them of course)? Who will pay for the destruction of the already deteriorating roads in this community and other necessary infrastructure to support this massive influx into a small rural community? | 26.8

In wildfires, how will all these additional people and road issues affect the community's ability to get out alive? Given that any geology text makes it clear that water and grading (and the weight shifts that this creates) are major triggers of landslides, what are the likely cumulative impacts of this whole potential development? Is it inappropriate to assess the risk one house or one small group of houses at a time? (I think it is obvious that it is.) | 26.9

If you allow this development without proper geological assessment, how will you avoid a disastrous outcome now and in the future? | 26.10

Having read the DEIR I am sure that you will receive many pages of critically important questions which will need to be addressed. Please take the time to do so. It is quite clear that failing to do so is likely to create a major disaster. The sad part is that so many homeowners have fought for years to protect their homes and this could make our fight worthless. Rest assured that I and others who have devoted untold time, money, and emotional heartache in this fight will sue and will win, if we are not protected. We have done everything legally possible to avoid loosing our homes. Please protect us from stupidity. | 26.11

Thank you,


Cathy Nichols, 14 Crest Road West, 90274

Letter 26

COMMENTER: Cathy Nichols

DATE: November 18, 2012

RESPONSE:

Response 26.1

The commenter discusses a number of concerns regarding geologic hazards in the project area, and concludes by stating an opinion that no development should be allowed if the City cannot prove that the factor of safety is at least 1.5. Please also see *Topical Response 8.1.b: Geology* in subsection 8.1, in subsection 8.1, above, for a discussion of this issue that responds to this and other related comments.

Response 26.2

The commenter asks whether development in Zone 2 is likely to destabilize other areas. Please see Draft EIR Section 4.5, *Geology*, for information on the geologic setting of the project area. Please also see *Topical Response 8.1.b: Geology* in subsection 8.1, for further information regarding the areas surrounding Zone 2 and their relationship with Zone 2.

Response 26.3

The commenter asks what would be the impact of a return to normal rainfall or an abnormally high level of rainfall) on geological stability in the landslide area. Stability of the Zone 2 area is predicated in part on the stability of the Abalone Cove Landslide and to a lesser extent on the stability of the Portuguese Bend Landslide. As indicated within the Draft EIR in Section 4.5, *Geology*, current stability was achieved through the implementation and use of ground water de-watering wells. Continued use of such wells including the addition of new wells, as applicable, should be performed to maintain or possibly improve stability in the Portuguese Bend community. During times of increased rainfall and/or shortly thereafter, pumping rates of wells will likely need to increase in order to maintain ground water at desired levels. Please also note that potential construction of an additional 47 residences would not significantly affect infiltration of groundwater in the area, as discussed in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above.

Response 26.4

This comment is similar to Comment 10.7. Please see Response 10.7, above. The commenter also asks what impacts would be if the projected 10-year buildout was shortened. As buildout within a shorter period is unlikely, this scenario does not need to be analyzed in the EIR. It should be noted that for several issue areas studied in the EIR, (e.g. traffic, air quality, greenhouse gas emissions and noise) a simultaneous buildout was assumed.



Response 26.5

The commenter asks why a factor of safety of less than 1.5 should be considered. Please see *Topical Response 8.1.b: Geology* in subsection 8.1, above, for a discussion of this issue that responds to this and other related comments.

Response 26.6

The commenter asks how continued dewatering can be assured into the future. The dewatering system is overseen and maintained by the Abalone Cove Landslide Abatement District (ACLAD). ACLAD is a geologic hazard abatement district created by the City of Rancho Palos Verdes and residences of the Abalone Cove community under special legislation passed by the California Legislature in 1980 for the purposes of prevention, mitigation, abatement or control of the Abalone Cove landslide. Under the California Improvement Act of 1911, the District may assess properties benefiting from the mitigation or abatement efforts for the cost of the improvements. There is no reason to expect that the district will dissolve or abandon its duties in this regard.

Response 26.7

The commenter asks what impact surrounding areas will have on Zone 2 over time. Please see Draft EIR Section 4.5, *Geology*, for information on the geologic setting of the project area. See also Master Response *Topical Response 8.1.b: Geology* for further information regarding the areas surrounding Zone 2 and their relationship with Zone 2.

Response 26.8

The commenter states concerns about potential damage to the area's private roads. Please see *Topical Response 8.1.b: Geology and Topical Response 8.1.c: Traffic and Circulation* in subsection 8.1, above, for a discussion of this issue that responds to this and other comments on this topic.

Response 26.9

The commenter states concerns about emergency evacuation in the case of wildfire. This topic is discussed under Impact T-4 in Section 4.10, *Traffic and Circulation*, of the Draft EIR. As discussed therein, impacts would be less than significant.

Response 26.10

The commenter asks what the geologic impacts of the project as a whole would be. The commenter does not provide specific comments or information that challenges the conclusions or information in the Draft EIR, therefore a specific response is not possible. The impacts of the project as a whole are discussed in Section 4.5, *Geology*, of the Draft EIR. Cumulative impacts are discussed at the end of the section, in subsection 4.5.2.c.



Response 26.11

The commenter requests that the City respond to all comments on the Draft EIR, and states that she will sue the City if she is not “protected.” These comments are noted.



RECEIVED
OCT 09 2012
COMMUNITY DEVELOPMENT
DEPARTMENT

October 5, 2012
642 W. 40th St., # 3
San Pedro, CA 90731-7149

City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275-5391

Letter 27

Attn: Planning, Building, & Code Enforcement

NO!!!!.....regarding allowing homes to be built on *ANY* of the Portuguese Bend landslide area !!!
That would be a really stupid decision, considering that not only does that land slide *CONSTANTLY*, but homes that were built in the 1950's -- had to be *REMOVED* after they were destroyed in an earthquake/landslide in the early 1960's !! (my family and I *saw* them, on a drive around the coastline of the peninsula when I was a child)
That *ENTIRE AREA* should be *KEPT* undeveloped into perpetuity, not only to provide needed open space, but because by now everybody *KNOWS* that that land (down to the bottom layer of the cliffs, and below) is composed of a type of dirt that turns into liquifaction every time it gets wet, *and* because that whole area is sloped downwards towards the ocean.

27.1

I find it disgusting that the City of Rancho Palos Verdes makes a strong decision, and then much later, after your memories have forgotten that decision of refusing whatever the issue was about, the continuing enticement of money causes you to suddenly reverse your previous decision.....2 examples : the recently reversed decision about the "Trump National Blvd." sign (Trump already has his name plastered on everything, we do not need to see it even more), and now this possible development of more homes on the landslide area.

27.2

Sincerely,
Gail Noon
Gail Noon
gailmaria51@att.net

Letter 27

COMMENTER: Gail Noon

DATE: October 5, 2012

RESPONSE:

Response 27.1

The commenter states an opinion that due to the existing geologic hazards in the area, the entire area should be kept undeveloped in perpetuity. Geologic conditions are discussed in Section 4.5, *Geology*, of the Draft EIR, and related impacts were found to be less than significant with mitigation. This commenter's suggestion is noted and will be forwarded to the City Council for their consideration.

Response 27.2

The commenter states an opinion that the City reverses its decisions, citing the proposed project and another project. This comment is noted.



To: eduardos@rpv.com
Mayor and City council members

From: Dan and Vicki Pinkham
#1 Narcissa Drive
Rancho Palos Verdes, CA 90275

Subject: Comments on the Draft Environmental Impact Report

Letter 28

SCOPE OF THE PROJECT AND PROJECT DESCRIPTION:

Please justify and explain why the DEIR ignores the impacts of this project on the two access roads, Peppertree and Narcissa Drive. Both streets are located in Zone 5, the most active and fragile areas of the landslide. These two narrow streets were never designed for this proposed level of activity, size of construction vehicles, vibration, or pollution. The traffic study goes miles outside the immediate vicinity of the project but does not address traffic impacts to the community's substandard, narrow and fragile entrance roads that are contiguous to the project.

28.1

Our home is located at the entrance of the community on Narcissa Drive. (*See image 1 and 2) Since the recent development began, we have experienced a significant amount of very serious concerns for our health, well-being and safety. Due to the proximity of our property to the road, we are unable to enter or exit our property without significant risk. (*See image 3) Even with the small amount of building at this time, the many trucks that come inches from our home actually shake our foundation. The soot, smoke and pollution from the trucks are directed onto our property and home, which is literally 27" from the road. (* See image 4) I have actually experienced a consistent chest cough since construction began. The noise pollution and emissions from the construction vehicles, negatively impacts our daily life.

28.2

My husband is a well-known American landscape painter and works in his studio at our home. The noise pollution, soot, smoke, and damaging vibrations significantly impact our ability to live a safe and quality filled life. The noise pollution is intrusive into our otherwise quiet environment, which is required to accomplish his line of work.

28.3

Since the construction has begun, due to the narrow entrance, a cement truck has already hit and destroyed the Narcissa entrance wall. (*See image 5) There was over \$43,000. worth of damage done to the entrance of the community. The character of this historic community was changed forever.

28.4

Several years ago there was a large fire that affected the entire community. The large earth moving fire equipment was NOT able to enter the community through either of the entrance gates. All the fire equipment parked on Palos Verdes Drive South while the fire continued to burn dangerously into Rolling Hills and PB. (*See image 6). This project is located in a very high fire severity zone; it is critical that large earth moving fire

28.5

equipment can navigate not only the gate entrance, but also our narrow and fragile community roads.

HYDROLOGY

Explain and justify why the DEIR did not study the impact of storm water run off in Zone 5, Altamira Canyon. Evidence was presented to the City Council, November 7, 2012, that showed the 2005 storm water actually eroding our property line as we were filming. The water level in the canyon was no less than 1" from rushing over the edge of the canyon into Narcissa Drive, the abutting community and city property. This is a very significant impact for us. Our safety is being jeopardized at the same time that our property line is eroding and further destabilization is occurring. Additional storm water run off into the landslide prone Zone 5 area would have a negative impact on our property, quality of life, the Portuguese Bend Community and the City.

28.6

Undoubtedly, there is a need for further study and research. The Scope of the project must consider the impacts on the fragile land that surrounds this project, NOT just the project itself. It seems only realistic to learn from the many years of previous research that have taught us much about this ancient landslide.

Date: 11/19/2012

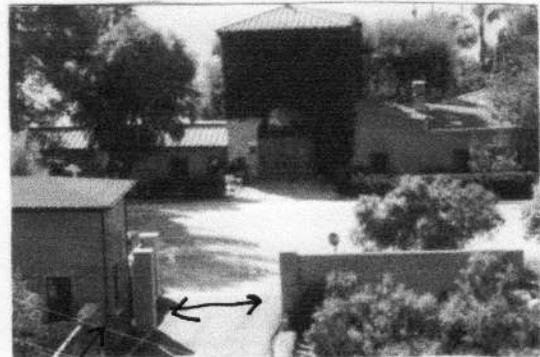
Signature: Daniel W. Pinkham
Daniel W. Pinkham
Victoria M. Pinkham
Victoria M. Pinkham

Subject: Images for Comments of the Draft Environmental Impact Report

From: Dan and Vicki Pinkham



#1 OUR HOME ENTRANCE TO COMMUNITY

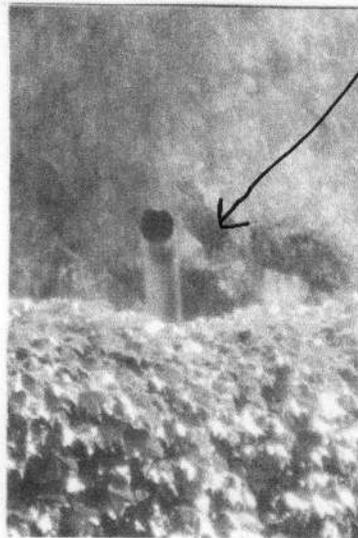


#2 ENTRANCE/NARCISSA OUR HOME

OUR HOME



#3 CONSTRUCTION TRUCKS INCHES FROM OUR HOME



DAILY DIESEL EXHAUST DUMPED OVER OUR WALL DIRECTLY INTO OUR WINDOW AND KITCHEN DOOR.

#4



#5 FRONT ENTRANCE

ALREADY DESTROYED BY CEMENT TRUCK ⁸⁻¹⁷⁹



#6 FIRE EQUIPMENT UNABLE TO ENTER THE COMMUNITY

Letter 28

COMMENTER: Dan and Vicki Pinkham

DATE: November 19, 2012

RESPONSE:

Response 28.1

The commenter states an opinion that the private roads accessing the project area were not designed for construction traffic and that the roads are substandard, and express concern about construction traffic near her house. Please see *Topical Response 8.1.c: Traffic and Circulation* in subsection 8.1, above, for a discussion of this issue that responds to this and other comments on this topic.

Response 28.2

The commenter expresses concern that construction traffic passing her house results in adverse noise and air quality impacts. The impacts of construction traffic related to air quality and noise are discussed in sections 4.1, *Air Quality*, and 4.9, *Noise*, respectively. Impacts from these activities were determined to be below established significance thresholds.

Response 28.3

The commenter states that construction traffic interferes with the ability of her husband to work at home. Please see Response 28.2, above.

Response 28.4

The commenter cites damage done by construction equipment. From time to time there are accidents on narrow roads and entry gates, and negligent drivers typically are required to compensate property owners for such accidents. Although this accident is unfortunate, the concern is understandable, and increased construction may technically increase the probability of additional accidents, this does not constitute a significant environmental impact per CEQA.

Response 28.5

The commenter cites an event where fire equipment was unable to access Zone 2 due to the narrow entry. This concern is noted. However, the proposed ordinance revisions would not change the existing gate or entrance road condition. In addition, the Fire Department does have suitable vehicles that can access the narrow entry gate, and would be expected to use the appropriate equipment for future fire events. The Fire Department did not raise this concern in their comment letter on the Draft EIR.



Response 28.6

The commenters discuss erosion on their property from storm water runoff, and opine that the Draft EIR “did not study the impact of storm water runoff in Zone 5, Altamira Canyon.” Storm water runoff and erosion in Altamira Canyon are discussed in the Draft EIR in sections 4.5, *Geology*, and 4.8, *Hydrology and Water Quality*. Erosion in Altamira Canyon is a recognized condition; however, as discussed further in Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, the project, with the mitigation identified, would not result in a significant increase of or change in stormwater runoff to Altamira Canyon.



Eduardo Schonborn

From: Jean Shriver [jeanshriver754@gmail.com]
Sent: Thursday, November 15, 2012 9:53 AM
To: Anthony Misetich; Brian Campbell; Eduardo Schonborn; Jerry Duhovic; Jim Knight; Susan Brooks
Subject: Draft EIR for Portuguese Bend

Letter 29

To the City Council Members and Eduardo Schonbrun

As almost thirty year residents of Portuguese Bend, we have a number of deep concerns regarding the draft EIR being considered by the Planning Commission and the Council. It seems to us that there are important matters not addressed or explained by this document.

29.1

For instance: it appears that the Monk lots have been included when they are actually not under its jurisdiction. Conversely, the properties on Vanderlip Drive and the Plumtree Partners which would be under this jurisdiction have not been mentioned. Can you explain this?

One of our greatest worries concerns the roads. Though we live in Zone 5, we expect that many trucks will access building sites through the Peppertree gate instead of through Narcissa. A truck has already destroyed the wall adjacent to the Narcissa Gate and ttraveling is difficult on the narrow road winding up tthe hill toward the planned building. There are many dangerous curves. However, Peppertree Drive is adjacent to some very fragile land which is already constantly moving. How can you justify allowing a parade of heavy duty trucks which will cause destabilizing vibrations so close to an active slide? Would the City be liable if a reactivated destroyed property?

29.2

We are particularly concerned with the effect of additonal hardscape in our area. This will increase the water runoff in the community. Until something on a large scale is done about Altamira Canyon (an expensive undertaking) rainwater will rush through this canyon gaining force and speed as it heads for the ocean. Our neighbor's house has already been seriously undermin by effects of this water. It seems irresponsible not to deal with the canyon before allowing more building in our area. The report mentions cisterns....but who would monitor those cisterns? And where are the storm drains mentioned in the report? Nobody seems to be able to locate them. Also, have you consulted ACLAD before drawing up your EIR? We would like to know what your plans are for dealing with additional water in our community?

29.3

29.4

29.5

We noticed traffic lights being mentiond on the other side of the hill, but nothing was said about mitigating traffic on our narrow and perilous roads. Or at our gates? Already since Trump and Terranea have opened, we have seen a great increase in passing ttraffic. The new home projected in your report would cause further congestion on PV Drive South.

29.6

In short, we are hoping for answers to some of these important questions before a draft EIR is approved.

Sincerely,
Jean and Charles Shriver, 21 West Pomegranate Road, Rancho Palos Verdes, CA 90275

Letter 29

COMMENTER: Jean and Charles Shriver

DATE: November 15, 2012

RESPONSE:

Response 29.1

The commenter states that “it appears that the Monk lots have been included when they are actually not under its jurisdiction.” It is not clear what is meant by this statement; however, it appears similar to Comment 22.6. Please see response 22.6, above. The commenter also states that the properties on Vanderlip Drive and the “Plumtree Partners” “have not been mentioned.” This comment appears to be similar to Comment 10.7. Please see response 10.7, above.

Response 29.2

The commenter states concerns about the potential for construction equipment to cause damage to private roads and adjacent structures, and about the potential for such equipment to affect landslide stability. Please see Response 28.4, above, and also *Topical Response 8.1.b: Geology* and *Topical Response 8.1.c: Traffic and Circulation* in subsection 8.1 for a discussion of this issue that responds to this and other comments on this topic.

Response 29.3

The commenter states an opinion that additional hardscape would increase the amount of runoff in the project area, and expresses concerns regarding erosion on private property and in Altamira Canyon. As discussed in Section 4.8, *Hydrology and Water Quality*, and further clarified in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, the project, with the mitigation identified, would not result in a significant increase of or change in stormwater runoff from the subject properties or to Altamira Canyon. The commenter also asks who would maintain drainage infrastructure on individual lots. These systems are designed to require minimal maintenance; in any case, it is the responsibility of individual property owners to maintain the facilities, although the City has permit compliance authority to monitor permit conditions of approval.

Response 29.4

This comment is similar to Comment 10.23. Please see Response 10.23, above.

Response 29.5

The commenter asks whether ACLAD was consulted during preparation of the Draft EIR. This comment is similar to Comment 10.6. Please see Response 10.6, above. ACLAD was included in the scoping process, wherein they reviewed and commented on the Notice of Preparation and Initial Study (please see their letter to the City of January 28, 2011 in Appendix A to the



EIR). The commenter also asks what the City’s plans are for “dealing with additional water in our community.” Potential buildout under the proposed ordinance revisions would not increase rainfall and, as discussed in Section 4.8, *Hydrology and Water Quality*, and further clarified in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, the project, with the mitigation identified, would not result in a significant increase of or change in stormwater runoff from or infiltration on the subject lots.

Response 29.6

The commenter inquires about traffic impacts on the private roads and at the entry gates serving the project area. Please see *Topical Response 8.1.c: Traffic and Circulation* in Section 8.1 above. The commenter further states concerns about increased traffic on Palos Verdes Drive South. Impacts to Palos Verdes Drive South are discussed in the Draft EIR under impact T-2 in Section 4.10, *Traffic and Circulation*. Impacts were determined to be less than significant based on an analysis of existing and potential future traffic volumes.



From: ksnell0001@aol.com [ksnell0001@aol.com]

Sent: Tuesday, November 06, 2012 9:53 PM

To: Anthony Misetich; Brian Campbell; Susan Brooks; Jerry Duhovic; Jim Knight

Cc: CityManager; CityClerk; Eduardo Schonborn; joel@rpv.com; Kit Fox

Subject: Comments on Zone 2 Landslide Moratorium Ordinance Revisions

Honorable Mayor and City Council Members,

Lot Splits not Subdivisions should be considered as an alternative to the EIR ordinance revisions.

Allowing lot splits of up to 4 lots per parcel would significantly reduce the single family residences potential as an alternative. The maximum new homes after "**lot splits**" not "subdivisions" of the 15 undeveloped or underdeveloped lots **will allow a maximum of 13 additional lots not 46**. Allowing LOT SPLITS will have little additional impact on the environment. Sewer capacity was planned and laterals were installed for future lot splits.

Allowing "lot splits" under this Zone 2 Landslide Moratorium Ordinance Revisions will save tremendous hours of staff time in the City, save legal costs and provide equity to small parcel owners who have been paying ACLAD assessments for their property based on the potential for future development but have not been able to split their property since about 1985 when the then City Council disallowed lot splits until "...the slide was controlled..." Later another City Council allowed a lot split of 99 Vanderlip Drive on a hardship case in November of 1989. Vanderlip Drive has a greater factor of safety than other areas in Zone 2.

RDA pre-planning for sewer capacity for future lot splits in Zone 2 was factored into the overall design of the sewer that was eventually installed. The sewer laterals were also installed for the future lot splits.

Continuing to impede an owners land use rights can most certainly guarantee continued litigation against the City for years to come.

4.11.1 Setting

a. Project Area Setting.

Part of the \$10,000,000.00 Horan Settlement money was used to fund the Abalone Cove Sewer System. The City provided no funding. L.A. County Sewer District refused to take over the maintenance of the sewer grinder pumps and pressure system so the City had to as the City's RDA wanted grinder pumps. The Abalone Cove Sewer System was designed to serve individual lots in Zone 5, Zone 3 (capacity based on future lot splits) and Zone 2, including capacity for 18 total dwellings allowing for potential lot splits for 8, 10, 20 and 98 Vanderlip Drive. Reference Abalone Cove Sewer EIR that provided sewer laterals for future lot splits on Vanderlip Drive and sewer laterals for all vacant lots in Zone 2 and Zone 3. Multiple sewer laterals for future lot splits were installed on Vanderlip Drive parcels with the understanding that the property owners would be given back their right to lot splits for accepting the grinder pump sewer system, giving sewer easements and not protesting the sewer district.

The additional capacity for the "potential" lot splits on Cinnamon, Narcissa and Sweetbay were not included in the sewer capacity plan. 7 Plumtree, 7572-009-024, was only considered for one existing home on 32,230 sf. The additional sf is in Zone 1.

Parcel owners on Vanderlip Drive provided sewer easements and have paid much larger "benefit assessments" to ACLAD with the understanding that they would be able to split their parcels and build once the sewers were installed.

The previous City Council members were going to open up building and allow lot splits in Zone 2 once the sewers were installed. Reference RDA EIR's and Dr. Perry Elig's Memorandum of May 26, 1993

"Suggested Guidelines for Permitting Development in the Moratorium Area ESTABLISHMENT OF MORATORIUM ZONES. The City's Community Redevelopment Agency received millions of dollars with the intension of opening building in Zone 2 as outlined in the RDA's EIR.

6.3 SUBDIVISION OF LARGER LOTS ALTERNATIVE

6.3.1 Alternative Description

This alternative would include subdivision of the 47 subject undeveloped or underdeveloped lots in the project area that are divisible to the minimum lot sizes allowed under their respective zoning designations. Of the 47 lots considered, 16 lots are potentially divisible according to the existing RS-1 and RS-2 zone stands. Based on preliminary analysis, this alternative assumes that these 16 divisible lots can be divided into 62 lots (net increase of 46 lots). Thus, under this alternative the potential number of new residences in the project area would be approximately 93 compared to the 47 residences considered by the proposed project (46 + 47).

The above calculations on potential number of lots that can be divided are erroneous thus leading to an Impact Analysis that incorrectly shows a far greater impact. With building code restrictions, set back requirements, easements, slopes, canyons and access limitations, the 15 divisible lots in Zone 2 can be divided into 37 lots with a net potential increase of 27. The EIR needs to be corrected.

Reference the attached chart from the EIR showing corrected potential lot splits allowing for set-backs, canyons, slopes, easements and roads.

7572-010-027 is now developed and there is no room for an additional lot split.

7572-009-024 at 9 Plumtree with 74,815 sf has been removed from the chart as the additional sf attached to the original lot is in Zone 1. The sewer capacity was calculated for the existing home with a lot size of 32,230 sf. The additional property is in Zone 1 and should not be considered as an additional 2 dwellings after lot splits in this EIR as the additional property is **not** in Zone 2. Reference Dr. Elig's zone map, copy attached.

7572-012-016 The riding stable was never considered as a parcel that would subdivide under the RDA's plan to develop nor does the owner wish to change the use.

6.3 SUBDIVISION OF LARGER LOTS ALTERNATIVE

Based on the correction of potential additional lots from 62 to 37 with a net increase changing from 46 to 27 for the potential subdivision list due to canyons, slopes, setbacks, access and road easements, this entire section must evaluate impact on the actual lot split potential to properly showing the environmental impacts. it is unjust to grossly inflate the potential number of subdivided lots when not accounting for the topography, set backs, and roads. The EIR is incomplete and inadequate.

Please allow lot splits in the Moratorium Ordinance Revisions for Zone 2.

Thank you for your consideration.

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

CORRECTED
To:

APN	Owner	Address/ Legal Description	Devel./ Undevel.?	Size (SF)	Maximum No. of Lots
7572-002-024	Downhill	20 Vanderlip Dr	D	302,306	6
7572-002-025	Hastings	10 Vanderlip Dr	D	164,656	3
7572-002-026	Snell	8 Vanderlip Dr	D	175,547	4
7572-002-029	Vanderlip	98 Vanderlip Dr	U	233,046	5
7572-009-005	Monks	Lot 20, Blk 3, Tr 14195	U	59,700	2 ✓
7572-009-007	Haber	Lot 22, Blk 3, Tr 14195	U	40,950	2 ✓
7572-009-023	Wright	1 Fruit Tree Rd	D	41,880	2 ✓
7572-009-024	Tarcha	7 Plumtree Rd	D	74,815*	3*
7572-010-009	Gonzalez	57 Narcissa Dr	D	48,730	2
7572-010-021	Ruth	Lot 13, Blk 3, Tr 14195	U	51,740	2
7572-010-024	Case	Lot 16, Blk 3, Tr 14195	U	62,750	3
7572-010-027	Tabor	Lot 19, Blk 3, Tr 14195	D ✓	49,100	2
7572-011-026	Bauer	68 Narcissa Dr	D	52,630	2
7572-012-016	Wolf	40 Narcissa Dr	D	442,569	22
7572-013-001	Teague	34 Sweetbay Rd	D	41,320	2
7572-013-002	Twidwell	30 Cinnamon Ln	U	50,324	2

4
2
3
1
2
2
1
Zone 1
1
1
2
1
1
14
1
1
37

- Of the ~~16~~ potentially-divisible lots:
 - ~~6~~ ○ ~~7~~ are undeveloped
 - 6 are owned by *Monks* plaintiffs
 - ~~10~~ ○ ~~9~~ are developed
- Maximum number of potential additional lots is ~~62~~ 37
 - Net potential increase of ~~46~~ lots 27
- Red = RS-1, blue = RS-2

Maximum number of lot splits have been reduced due to canyons, slopes, 20' side yard setbacks, access and road easements.

All properties except 40 Narcissa (a riding stable) can be developed to the maximum by using lot splits (1-4 lots) not by Subdivisions. Allowing lot splits for 23 lots will yield a net potential increase of 13 lots.

All "Monk" lots that have active building permits in process should be updated to D - Developed on this list.

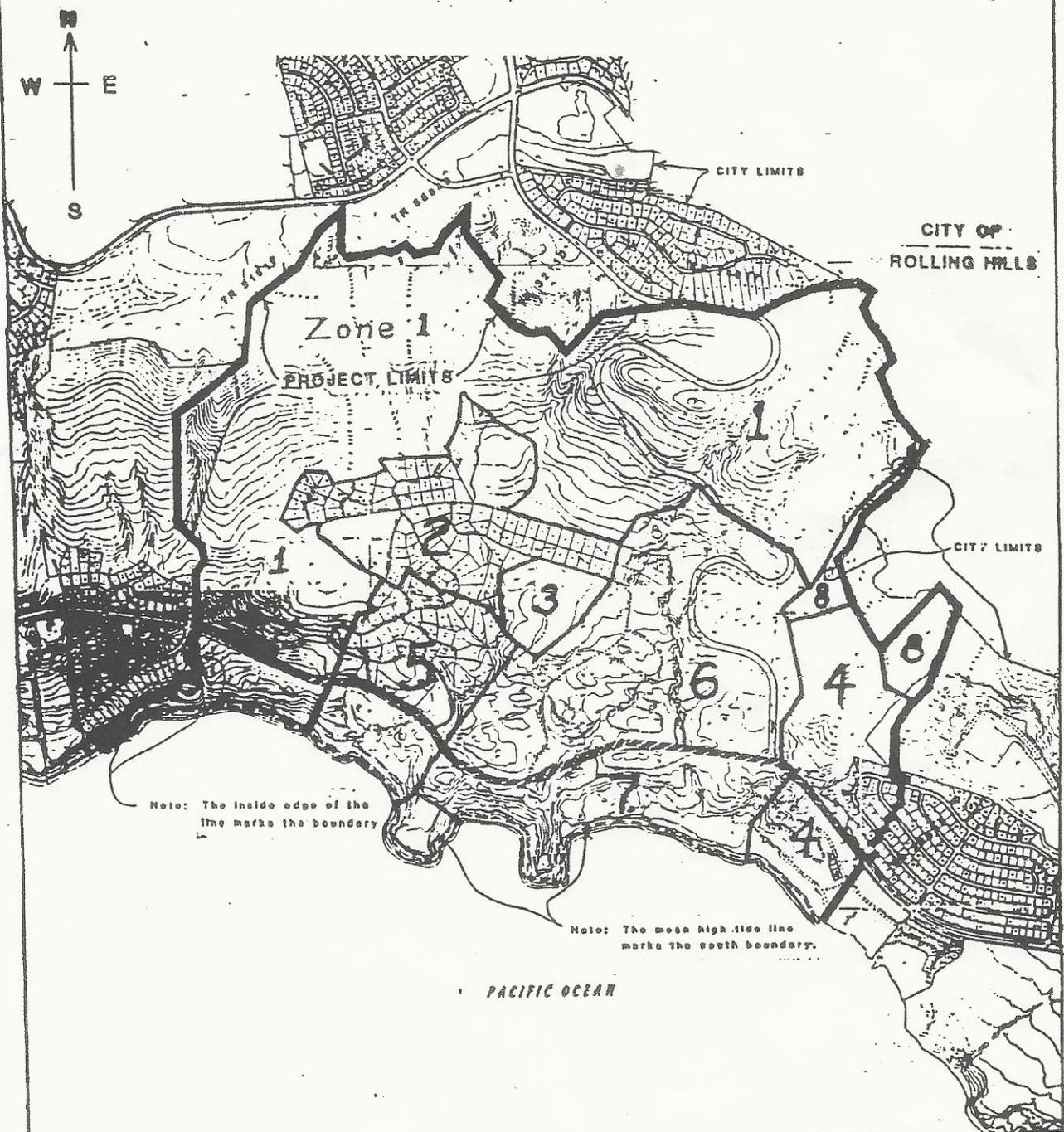
APN - 7572-009-024 / 7 Plumtree - 2 of the potential lots are in Zone 1 on Dr. Elig's Zone Map. Zone 1 should not be on this list.

** 20 Vanderlip has submitted a lot split request to the City for 4 lots, not 6.

RANCHO PALOS VERDES REDEVELOPMENT AGENCY

LANDSLIDE AREA

CITY OF RANCHO PALOS VERDES



Note: The inside edge of the line marks the boundary

Note: The mean high tide line marks the south boundary.

▨▨▨▨▨ PALOS VERDES DRIVE SOUTH



SCALE 1" = 800'

APPROX. AREA - 1100 AC.

DATE 8-17-84

John
CITY ENGINEER

Letter 30

COMMENTER: Kathy Snell

DATE: November 6, 2012

RESPONSE:

The comments in this letter focus on the description of Alternative 3 and the associated impact discussion. Rather than disagreeing with how the Draft EIR analyzed the impacts of the alternative, the commenter states an opinion that the description of the alternative is unrealistic, and that only 37, rather than 62, new lots could potentially be created. The comment and the commenter's calculations are noted. The alternative was developed using conservative assumptions, and is appropriate for the purpose of comparing the impacts of such an alternative with those of the proposed project. However, the City acknowledges that the assumptions in the alternative are conservative, and that in practical application the number of new lots under this alternative would likely be somewhat fewer when considering the individual constraints on each lot.

The commenter also requests that the City allow lot splits as part of the proposed ordinance revisions. This comment is on the project itself, rather than the Draft EIR, and will be forwarded to the City Council for its consideration.



Mr. and Mrs. George Twidwell
32 Sweetbay Road
Rancho Palos Verdes, CA 90275
Email: leetwid@yahoo.com

Letter 31

November 19, 2012

Mr. Eduardo Schonborn
Planning Division, Community Development Department
City of Rancho Palos Verdes
30940 Hawthorne Blvd
Rancho Palos Verdes CA 90275
eduardos@rpv.com

cc: RPV Mayor Anthony Missetich, (Anthony.Missetch@rpv.com), Mayor Pro Tem Brian Campbell, (Brian.Campbell@rpv.com), Councilman Susan Brooks, (susan.brooks@rpv.com), Jerry Duhovic (jerry.duhovic@rpv.com), and Jim Knight (jim.knight@rpv.com)

Re: Zone 2 Draft Environmental Impact Report

As both a homeowner and a lot owner in Portuguese Bend, we feel as if we have one foot on each side of the “development fence.” At some point, we, or our children, may wish to build on our lot at 50 Narcissa. On the other hand, we would not want such activity to negatively impact our home at 32 Sweetbay Road, or the homes of any other residents in Portuguese Bend.

History and the DEIR tell us that there are many problems associated with such development. One of the biggest, if not THE biggest, is drainage.

The DEIR says, in Scope of Project, 4.8a: *“Since the existing drainage system was designed for the entire Portuguese Bend development, including the 47 undeveloped lots, each lot is **assumed** to have a proportional share of the existing drainage capacity provided for the Portuguese Bend development. In other words, regardless of when the lots are constructed, each lot is allowed to drain into the existing drainage system based upon the size of the lot.”*

“Assume” can be a very risky word. In this case, it appears that the document’s authors *assume* that our existing drainage system works.

But it doesn’t, or at least, not very well.

It is clear to us after living in Portuguese Bend for 37 years and hearing and seeing individual resident’s battles with ongoing lot erosion and concurrent mud and water damage, and most important ---- land movement resulting from water that stays in the

31.1

ground---that drainage, or the lack thereof, is a huge problem for ALL of Portuguese Bend.

These drainage problems are not news. Anyone can Google “Portuguese Bend Landslide” and read pages and pages of geology reports going back 60 years on the origins and causes of the problem. All these documents, plus more recent gory details of water damage suffered by current Portuguese Bend residents, were available to the city prior to compilation of the DEIR. Among other things, it was known that drainage in Altamira Canyon topped the list of recommended remediation years ago in the Horan settlement. But nothing was ever done.

The latest information available reinforces the fact that, despite installation of dewatering wells and some work that has been done on Altamira Canyon by residents, the problems with poor drainage are ongoing. ACLAD, which monitors movement in the area, states that there still is movement in Zone 2, movement caused by groundwater. The ACLAD statement also notes that, *“It is important to limit any increase in the amount of runoff entering the Canyon above the Abalone Cove landslide because major fractures in the bottom of the canyon act as conduits directing the water into the subsurface. Measurements of rainwater discharge in Altamira Canyon between upper and lower Narcissa indicate that as much as 60% of the water can be lost to infiltration through the canyon bottom. As the open lots along Sweetbay and upper Narcissa are developed, these houses will contribute additional storm water that will be delivered more quickly to Altamira Canyon. The DEIR needs to address how this problem can be remediated.”*

Notwithstanding the availability of all this information, the DEIR addresses the drainage problem on a lot-by-lot basis, recommending remediation measures for each lot.

This misses the point entirely.

Drainage is a problem for ALL of Zone 2, in addition to the adjacent zones above and below. That means the entire drainage system—roads, canyons, culverts and dewatering wells—needs work. The Portuguese Bend Community association and ACLAD have done what they can to keep the area livable, but they lack the both the expertise and the financial resources to do the job correctly.

Given the history and on-going nature of these problems, and the availability of information about them, please explain why the DEIR ignores the **overall problem of drainage in Portuguese Bend.**

Sincerely,
George and Leanne Twidwell



31.2

Letter 31

COMMENTER: George and Leanne Twidwell

DATE: November 19, 2012

RESPONSE:

Response 31.1

The commenter states a number of concerns regarding potential adverse impacts of new development under the proposed ordinance associated with drainage and hydrology. The concerns relate primarily to increased groundwater infiltration or increased runoff and associated impacts to localized flooding and erosion both within and outside of Altamira Canyon. These concerns are noted. As discussed in Section 4.8, *Hydrology and Water Quality*, and further clarified in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, the project, with the mitigation identified, would not result in a significant increase of groundwater infusion or runoff from the subject lots.

Response 31.2

The commenter states an opinion that the larger drainage issues affecting Zone 2 and the surrounding area must be addressed in the Draft EIR in addition to the impacts of the proposed project. These issues are acknowledged and are discussed in Section 4.8, *Hydrology and Water Quality*, and *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1. However, the EIR is intended to analyze the impacts of the proposed project on existing conditions. Mitigation is included in the EIR to address the project's impacts on the existing environment, as the commenter notes, on a lot-by-lot basis consistent with the potential buildout that could be permitted. Notwithstanding that the larger drainage issues are beyond the scope of the EIR in terms of mitigation responsibilities associated with the project analyzed, the commenter's concerns in this regard will be forwarded to the City Council for their consideration.



**R. Timothy Vaughan
15 Cinnamon Lane
Rancho Palos Verdes, CA 90275
310.265.2599**

Letter 32

November 20, 2012

**Mr. Eduardo Schonborn
Planning Division, Community Development Dept.
City of Rancho Palos Verdes
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275**

Re: Concerns about Draft EIR

Dear Mr. Schonborn,

My wife, family and I are very concerned about the issues that were not adequately addressed in the draft EIR for the Portuguese Bend area. We assume that you will answer all potential questions with specific answers that address our unique area, and not rely on “canned boilerplate” responses and answers in the EIR. Some of our concerns are:

- 1. The streets in the neighborhood are the current storm water drainage. These streets are currently at capacity with storms, and cannot accommodate additional input from paved areas and hardscape. Please explain and justify how additional development will handle the increased runoff and the justify the accuracy of any assumptions.** | 32.1
- 2. Storm water runoff will be routed into more landslide prone areas including Zone 5 and Zone 2. Please describe why the impact of dumping water into those areas and triggering landslides below our neighborhood were not addressed.** | 32.2
- 3. Please address the increased traffic on the two main and only entrances to the neighborhood, both from a new resident basis, but also from the traffic from the construction vehicles. How will this increased traffic load and weight impact the existing streets and who will be responsible for the costs of repair/maintenance.** | 32.3
- 4. Please justify how the existing fire protection and fire hydrant system can support additional development.** | 32.4

Thank you for your response to these specific items. We have many more concerns about the overall accuracy of the Draft EIR and how it relates to our specific neighborhood.

**Sincerely,
Tim Vaughan**

Letter 32

COMMENTER: R. Timothy Vaughan

DATE: November 20, 2012

RESPONSE:

Response 32.1

The commenter states an opinion that the existing storm drain system is at capacity in a storm event, and that it cannot accommodate additional input from paved areas and hardscape. As discussed in Section 4.8, *Hydrology and Water Quality*, and further clarified in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, the project, with the mitigation identified, would not result in a significant increase of stormwater runoff from the subject lots.

Response 32.2

The commenter states an opinion that stormwater runoff from the subject lots would flow into more landslide prone areas including Zone 5. As discussed in Section 4.8, *Hydrology and Water Quality*, and further clarified in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, the project, with the mitigation identified, would not result in a significant increase of stormwater runoff from the subject lots or infiltration in the project area or surrounding areas.

Response 32.3

The commenter inquires about the impact of project construction and operational traffic on the area's private roads, and maintenance costs for those roads. Please see *Topical Response 8.1.c: Traffic and Circulation* in subsection 8.1, above, for a discussion of this issue that responds to this and other comments on this topic.

Response 32.4

This comment is similar to Comment 10.27. Please see Response 10.27, above.



WEBER CONSULTING
P.O. BOX 7, IDYLLWILD, CA 92549-0007
951-659-5544 TEL 951-659-5540 FAX GSW@HVW2.COM

November 19, 2012

VIA E-MAIL

Mr. Eduardo Schonborn, AICP
City of Rancho Palos Verdes
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

Letter 33

**RE: DRAFT ENVIRONMENTAL IMPACT REPORT
ZONE 2 LANDSLIDE MORATORIUM ORDINANCE REVISIONS**

Dear Mr. Schonborn:

This letter responds to the Notice of Availability for the Draft Environmental Impact Report (DEIR) for the Zone 2 Landslide Moratorium Ordinance Revisions. I am submitting this letter on behalf of Mr. Jack Downhill, who has owned the property at 20 Vanderlip Drive since 1968. Mr. Downhill has actively followed important events since the City's incorporation, such as adoption of the General Plan and Zoning Ordinance, the activation/stabilization of the Abalone Cove Landslide, adoption and revisions to the Landslide Moratorium Ordinance, and results of the Monks litigation.

Mr. Downhill's 6.94 acre parcel is located in the northernmost portion of the area designated by the City as Landslide Zone 2. As a Zone 2 "stakeholder", he has commented several times on the adequacy of the Landslide Moratorium Ordinance. In 1978, when the initial moratorium ordinance was adopted he opposed the Ordinance because it lacked clarity and was too vague. In 2009, he commented on the Proposed Mitigated Negative Declaration for Moratorium Ordinance Revision (ZON2009-00007), as well as the Revised Proposed Mitigated Negative Declaration for the Moratorium Ordinance Revisions. Most recently, he provided comments on the Notice of Preparation for the Draft EIR for the Ordinance Revisions and a letter to the City Council on November 5th as part of the DEIR public hearing on November 7th. For the record, he filed a Landslide Moratorium Exclusion (ZON2012-00232) on July 20, 2012 to allow subdivision of his property into four (4) parcels.

33.1

As a result of our review of the Draft EIR, we offer the following comments:

1. Pages ES-2 and 2-10: The DEIR does not provide the specific language of the proposed ordinance revision. Rather, the document simply states that the revision "*would revise the language of this section to encompass all 47 undeveloped lots in Zone 2, rather than restricting it to only the 16 Monks' plaintiffs lots*". For clarity and to avoid any misinterpretation, the City should provide the specific draft language proposed for the ordinance revision.
2. Pages ES-2 and 3 and 2-11: The document lists the "assumptions" for future development in Zone 2. Although some of these assumptions are cited in the existing ordinance, such as grading limits, it is not clear whether the remaining assumptions will be included in the revised

33.2

ordinance,. Generally, we have no objection to these development standards, however, the first and last bullets (Pages ES-3 and 2-11) should not be listed as development standards::

- The last bullet reads "*No subdivision of existing lots within Zone 2*". Whether intended to or not, it is our strong opinion that if this language is included in the revised Ordinance, it would essentially prohibit future subdivision of properties in Zone 2. This would violate property rights as established under the City's General Plan and Development Code. Under the RS-1 zoning, Mr. Downhill's 6.94 acre lot, theoretically, could be divided into 6 lots rather than the four which he proposes. (Note: The reference to "no subdivision" is found throughout the DEIR. This reference should be deleted or clarified in the FEIR to avoid any misunderstanding.)
 - We are also troubled by the assumption that all residences would be developed with a "ranch-style" architecture. This may be required within the Portuguese Bend Community Association (PBCA), but there are several lots in Zone 2 that do not fall within the jurisdiction of the PBCA. The ordinance should not dictate architectural style.
3. Pages ES-3, first full paragraph and 2-11: As stated in this paragraph, "*the City has been ordered to remove regulatory impediments in its Municipal Code that prevent development of the 16 Monks plaintiff's lots*". Since the purpose of the proposed ordinance revision is to remove regulatory impediments associated with the Moratorium Ordinance from the remaining Zone 2 lots, the reference to "no subdivision of existing lots within Zone 2" should be deleted. Prohibiting subdivision of a legally subdividable lot clearly falls within the realm of a regulatory impediment and should be allowed under the proposed ordinance. In fact, the Moratorium Ordinance should be revised to include a specific "exception" that would allow subdivision of any lot within Zone 2, subject to the standards in the Development Code and approval of the City Geologist.
4. Page 3-2 (Cumulative Projects Setting, Table 3-1): The Cumulative Projects discussion is difficult to assess. Table 3-1 should include a brief description of the status of entitlement and/or construction. For example, since the Golden Cove/Trader Joe's project was approved in 2008 and opened in 2010, well before the publication of the Initial Study/Notice of Preparation and traffic studies, we wonder whther traffic from this development included in the traffic study? Moreover, we question why Mr. Downhill's application for a Moratorium Exclusion (ZON2012-00232) has not been included in this analysis. The application was submitted in July 2012 and should have been recognized in the DEIR.
5. Page 4.1-10, Mitigation Measure AES-2: To our knowledge, the City doesn't have a tree ordinance to control removal of trees. How will the mitigation measure be enforced and what criteria will be used to determine when mitigation is required? Will this be part of the Moratorium Ordinance or will it be Citywide?
6. Page 4.1-13: This paragraph includes another reference inferring that the proposed ordinance revisions would prohibit subdivision of existing lots in the Zone 2 area. This needs to be thoroughly clarified.
7. Pages 6-12 through 6-18, Section 6.3 (Subdivision of Larger Lots Alternative):
- The General Plan Land Use Map designated the Portuguese Bend area (including Zone 2) as low density residential and established goals/policies to reduce environmental impacts. The Zone 2 DEIR should acknowledge that the 1975 General Plan recognized that residential growth would occur in the greater Portuguese Bend area, as well as elsewhere in the City.

- The DEIR should recognize that the subdivision "alternative" is consistent with, and was assumed, in the General Plan (and Zoning), and therefore, has been the foundation for development planning, infrastructure planning, population projections, and environmental impact evaluations, since 1975. 33.9
- The subdivision alternative concludes that if the larger lots were further subdivided there would be a potential net increase of up to 46 new units. Since detailed calculations of potential units have not been provided in the DEIR, it isn't possible to verify the accuracy of the 46-lot projection. However, when physical, environmental and jurisdictional constraints are considered, we suspect that this projection overstates what would actually occur and that few of these larger lots would be developed to their "statistical" maximum, as assumed in the DEIR. For example, Mr. Downhill's LME application requests to subdivide the 6.94 acre lot into four lots, rather than the six that are statistically possible. 33.10
- With respect to the capacity of Abalone Cove sewer system, it has always been our understanding that the system was designed to accommodate development pursuant to the General Plan land use designations. In fact, Mr. Downhill's property is currently connected to two laterals and two additional lateral connections ("tees") are available in Narcissa Drive to serve the southern portion of his property. Finally, he has been paying a higher benefit assessment for years, which assumes a higher development potential than a lot that can't be subdivided. 33.11
- The Zone 2 DEIR concludes that, even with 46 additional units, the subdivision alternative would be only "slightly inferior" to the proposed project. In fact, the analysis concludes that the potential impacts would be less than significant or could be mitigated to a level that is less than significant. This is particularly important, as it relates to geology, which is the fundamental concern with the Moratorium Ordinance. The DEIR concludes that with implementation of the proposed mitigation measures, the impact of this alternative would be less than significant. While not the environmentally superior alternative, this alternative should be adopted as the "proposed project" in the FEIR. 33.12

In summary, the DEIR clearly shows that an amendment to the current Moratorium Ordinance is warranted from an environmental point of view, including the alternative that would allow subdivision of larger lots. We urge the City Council to adopt the EIR and to approve a revised ordinance that would permit subdivision of larger lots, subject to an "exception" in the Ordinance.

Respectfully,



Gary S. Weber
Weber Consulting

CC: Jack Downhill

Letter 33

COMMENTER: Gary S. Weber

DATE: November 19, 2012

RESPONSE:

Response 33.1

The commenter summarizes Mr. Jack Downhill's involvement in planning and environmental processes for Zone 2, and states an opinion that the Draft EIR should include the specific language of the proposed ordinance revisions. The specific language for the proposed revisions has not been finalized. The Draft EIR project description includes sufficient information on the intent and parameters of the ordinance revisions on which to base a thorough environmental analysis of its potential impacts if implemented. The exact language will be available for public review in advance of hearings to consider adoption. If it differs substantially from the program described in the Draft EIR, additional environmental review may be required.

Response 33.2

Regarding the future development assumptions listed for the proposed EIR analysis in the Executive Summary, the commenter states an opinion that the ordinance should not dictate that no subdivisions would be allowed in Zone 2. These are assumptions on which the EIR analysis is based, rather than proposed new ordinance requirements. It should be noted that neither the project nor the measures in the EIR preclude future subdivision proposals, which would be processed pursuant to city ordinances, policies and standards.

Response 33.3

Regarding the future development assumptions listed for the proposed EIR analysis in the Executive Summary, the commenter states an opinion that the ordinance should not dictate that new residences must be "ranch style." These are assumptions on which the EIR analysis is based, rather than proposed new ordinance requirements.

Response 33.4

The commenter requests that the City not prohibit subdivision of existing lots within Zone 2. Please see Response 33.2. Subdivisions in the Moratorium Area are currently prohibited by the City's Landslide Moratorium Ordinance, and would only be possible with the approval of Moratorium Exclusion applications by the City Council which would require full City review on their individual merits and their own CEQA review if ultimately requested. Allowing subdivisions is not part of the proposed Ordinance revisions

Response 33.5

The commenter cites two projects in the City of Rancho Palos Verdes – a Trader Joe's store and a subdivision in Portuguese Bend – and asks whether they are accounted for in the cumulative



analysis. Please see *Topical Response 8.1.c: Traffic and Circulation* for a full discussion of the related projects and cumulative analysis contained in the Draft EIR Traffic Impact Study (contained in Appendix G of the Draft EIR).

With respect to the question regarding the referenced Golden Cove/Trader Joe's project approved in 2008 and opened in 2010, it was included in the related projects list in the Draft EIR Traffic Analysis as it was not fully operational at the time that the existing traffic counts were conducted for the Draft EIR analysis. Therefore, it is appropriate that projects which have been approved, but are not yet operational at the time that the existing traffic counts are conducted, be included as part of the related/cumulative projects list. As such, the traffic due to the operation of the project is accounted for in the future traffic volume forecast and corresponding impact analyses within the traffic analysis study area.

In addition, while Table 3-1 of the Draft EIR did not include the status of each related project, Table 6-1, beginning on Page 32 of the Traffic Study (contained in the Draft EIR as Appendix G) does show status of each project (e.g., proposed, approved, partially built, etc.). In order to be conservative, the traffic analysis assumed future traffic volumes associated with all related projects that were proposed or approved, but not yet fully operational at the time of the existing/baseline traffic counts.

With respect to the question of why Mr. Downhill's application for a Moratorium Exclusion was not specifically listed in the list of related (cumulative) projects, the commenter states that this application was made in July 2012. The Traffic Study is dated April 12, 2011, thus it was not known at the time the study was prepared. The commenter is also referred to *Topical Response 8.1.c: Traffic and Circulation* for a full discussion of the employment of an annual ambient traffic growth factor into the analysis which when incorporated into traffic analyses accounts for other related projects that may be proposed after the preparation of the related projects list as they continually change over time. Use of both a list of cumulative projects and application of an annual growth factor results in a conservative analysis.

Response 33.6

The commenter asks how Mitigation Measure ASE-2 would be enforced, what criteria would be used to determine when mitigation is required, and whether the mitigation measure would apply citywide. The measure clearly states that it would apply to "development on the individual subject lots," rather than citywide. It would be enforced through the City's standard review, conditioning and inspection of proposed new development. Mitigation would be required when tree removal or substantial damage to existing trees is proposed.

Response 33.7

The commenter restates a concern that the proposed ordinance revisions would prohibit subdivisions. The referenced text from the Draft EIR simply states that the revisions "would not facilitate subdivision of existing lots," which is accurate but does not imply new prohibition of subdivisions. As noted earlier, the City's current Moratorium Ordinance prohibits subdivisions; and, allowing subdivisions is not part of the proposed ordinance revisions.



Response 33.8

The commenter states an opinion that, in the context of the discussion of the Subdivision of Larger Lots Alternative, the Draft EIR should acknowledge that the 1975 General Plan recognized that residential growth would occur in the greater Portuguese Bend area, as well as elsewhere in the City. The commenter does not identify a deficiency in the Draft EIR, does not explain why such a statement is required, and does not cite specific language from the General Plan on this topic that is relevant to the environmental analysis. No changes to the EIR are warranted. Land Use and Planning impacts would be less than significant for the proposed project. The Subdivision of Larger Lots Alternative would be potentially consistent with adopted plans and policies as well. The consistency of individual subdivisions with the General Plan and zoning regulations is assessed during review of individual applications for such subdivisions.

Response 33.9

The commenter states an opinion that the EIR should acknowledge that the Subdivision of Larger Lots Alternative would be consistent with the General Plan and zoning regulations. Please see Response 33.8.

Response 33.10

The commenter states an opinion that the development assumption used in the Subdivision of Larger Lots Alternative are conservative, and that given various constraints actual feasible new lots would be fewer than assumed. The commenter is likely correct. A conservative assumption was used in the absence of specific subdivision plans for all potentially subdividable lots in Zone 2.

Response 33.11

The commenter states an opinion that the Abalone Cove Sewer System that the system was designed to accommodate development pursuant to the General Plan land use designations in the served area. This opinion is noted. As stated in the Draft EIR in Section 4.11, *Utilities and Service Systems*, "The Abalone Cove Sewer System was designed to serve the 111 single individual lots in the project area." The ability of the system to serve additional lots is assessed as part of the processing of individual subdivision applications.

Response 33.12

The commenter states an opinion that the Draft EIR concludes that with implementation of the proposed mitigation measures, the impacts of the Subdivision of Larger Lots Alternative would be less than significant. To be precise, the analysis concludes that the impacts could potentially be reduced to less than significant levels with mitigation. The applicant further opines that "this alternative should be adopted as the 'proposed project' in the FEIR." This opinion on the merits of this alternative will be forwarded to the City's decision makers for their consideration.





Portuguese Bend Riding Club

November 9, 2012

Letter 34

RECEIVED

NOV 14 2012

Eduardo Schonborn and City Staff
Community Development Department
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

Re: Zone 2 Landslide Moratorium Ordinance Revisions EIR

COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Mr. Schonborn and City Staff:

We are studying the impact of your proposed plans to develop our Portuguese Bend neighborhood and find them lacking in appreciation for our community members' concerns. With studies relating to the geology, water quality, air quality, noise, etc., going into the EIR, was there no thought to seeking input from those of us who live here as to what would best serve our needs?

34.1

We residents have chosen this special area for its solitude and natural beauty and do not desire that 47 new homes be constructed here. Understanding that the 16 Monk plaintiffs have won the right to erect houses on their lots, we request that the City restrict any further development to those 16 in our neighborhood and, instead, elect Alternative 1, No Project, thereby limiting future building and its related ramifications.

In the EIR no mention was made of the equestrian nature of the Portuguese Bend neighborhood. In addition to the horses stabled at our Riding Club, there are 50-60 additional horses boarded in Pony Club or back yard facilities in the area. As more homes are constructed along our narrow roads, it becomes increasingly dangerous for riders to negotiate our streets in order to reach the trails above Portuguese Bend. Rider (and horse) safety is a primary concern for us. Countless construction trucks passing our corner at Narcissa Drive this past year as four new homes are being erected within two blocks are not only noisy, but their drivers for the most part speed by horses being ridden along our streets.

34.2

Safety and noise are just two of the reasons we do not want any more construction than the absolute minimum on the Monk lots. Portuguese Bend is a Very High Fire Hazard Severity Zone, and we have, as required, two access roads for evacuation in case of wildfire. Although your EIR maintains that the whole neighborhood can be evacuated in a matter of 1.1 minute per car (really?), this would certainly not be the case with higher density from additional homes and with the arrival of incoming fire and rescue trucks at such a chaotic time. It would be even more difficult to evacuate horses in the event of a conflagration. Instead, we would confine our Riding Club horses to our rings and rely on sprinklers to wet the property, but we are very concerned about not having adequate water pressure, as the local hydrants would be in use by firemen. Clearly, this danger would be exacerbated if more houses were to be built.

34.3

To summarize, our main concerns for the proposed 47 additional homes in Portuguese Bend are inadequate emergency evacuation, decreased traffic safety, increased noise due to construction if we go from 64 to 111 developed lots (a whopping 73% increase), and a loss of the rural ambiance we chose when we moved to this area.

34.4

As Section 6.0 of the EIR discloses, Alternative 1, No Project, best suits our collective needs. Indeed, Section 6.6 of the EIR claims this to be the Environmentally Superior Alternative. We heartily disagree with the City's desire to build out this section of Rancho Palos Verdes, considering the negative impact to Portuguese Bend and its residents. We ask that you not approve this excessive development beyond the mandated Monk lots.

Sincerely,

Letter 34

COMMENTER: Lisa Wolf

DATE: November 9, 2012

RESPONSE:

Response 34.1

The commenter inquires whether the Portuguese Bend community's needs were taken into account during program development and EIR preparation. In addition, a scoping meeting was held on February 1, 2010, to solicit input on the scope of the EIR from the public and interested agencies, including the Portuguese Bend Community Association. Further, public and agency comments on the Draft EIR were solicited during the ##-day circulation period, between October ##, 2012 through November ##, 2012. The DEIR was posted on the City's website, and email notification of its availability was also sent to those listed on the City's listserve for this project. Further, City Staff attended a meeting at Ladera Linda on October 18, 2012, hosted by the Portuguese Bend Community Association. Lastly, on November 7, 2012, during the ##-day circulation period, the City Council held a public meeting for the sole purpose of obtaining comments on the DEIR from the general public and from the City Council. The commenter goes on to express opposition to the project and support for the No Project Alternative. These comments are noted.

Response 34.2

The commenter states concerns regarding safety and ease of equestrian use of the private roads in Zone 2 with the additional potential construction and project traffic. Please see *Topical Response 8.1.c: Traffic and Circulation* for a full discussion of the access roads as well as the construction traffic impact analysis. Refer also to Response 17.2 above for a discussion of the rules of the road as they relates to circulation and safety on private roadways.

Response 34.3

The commenter questions the EIR conclusions that the existing roads would be adequate for evacuation after full buildout of the subject 47 lots, but does not provide specific information or analysis in this regard. As discussed under Impact T-4 in Section 4.10, *Traffic and Circulation*, a study was completed for the EIR (see Appendix G) documenting the number of existing residential units and potential future residential units for the Portuguese Bend area that would need to evacuate during an emergency such as a fire. Based on this, during an emergency evacuation approximately 172 vehicles would be forecast to exit via Narcissa Drive and 158 vehicles via Peppertree Drive. The study estimated that the clearing time to evacuate the vehicles traveling south on Narcissa Drive would be approximately 1.1 minutes and the time to evacuate the vehicles traveling south on Peppertree Drive would be approximately 1.1 minutes. Please see also Topical Response c: *Traffic and Circulation* in Section 8.1 above.

The commenter further states concerns about evacuating horses in such an event, stating that although horse owners and boarders would likely shelter their horses in place and rely on



sprinklers, the commenter is concerned about adequate water pressure when hydrants are in use. The Fire Department requires that specific flow requirements are met at the time of individual permit applications. Minor upgrades to existing infrastructure in place may be required on a case by case basis.

Response 34.4

The commenter reiterates the concerns summarized above and states support for Alternative 1, No Project. This opinion is noted and will be forwarded to the City Council for their consideration.



From: Marianne Hunter [<mailto:2hunter@cox.net>]
Sent: Tuesday, November 20, 2012 6:11 PM
To: CC
Subject: DEIR comments
Importance: High

Letter 35

Dear City of RPV Representatives,
I've been in Washington D.C. on business for the past week and do not have time to rewrite this before submitting. Please overlook the lack of editing and take our comments on their merits.

Have a happy Thanksgiving holiday, all!
Best regards,

William & Marianne Hunter
www.hunter-studios.com
1 cinnamon Lane, RPV, CA 90275

SCOPE OF PROJECT

1. The Hydrology section of the DEIR states "The existing drainage system in the project area was designed for the 111 lots within the 112- acre Portuguese Bend area (the Zone 2 area), including the 47 lots that could be developed as part of the project. The existing drainage system was designed for the entire Portuguese Bend development, including the 47 undeveloped lots".

The original plan for Portuguese Bend goes back to 1949. The DEIR does not spell out where this assumption comes from nor the assumptions used regarding size of homes, number of vehicles per home, hardscape areas, cumulative storm water run off, standards used for engineering the roads, etc. **Please explain and justify the basis for the DEIR's conclusion that the drainage system is adequate for the proposed development 60 years later. Please address.**

35.1

- 2) The traffic study goes miles outside the immediate vicinity of the project but does not address traffic impacts to substandard, narrow roads contiguous to the project. **We already do not have adequate parking or emergency vehicle access.**

35.2

The City states in its five year plan that property values tend to suffer from poorly maintained streets. The City completes a full independent assessment of all streets every three years which helps identify serious issues including safety



The **traffic and circulation section** of the DEIR assumes conservatively that all 47 lots are under construction at the same time. This would generate approximately 852 vehicle trips per day for construction worker vehicles and trucks. However, the **DEIR ignores the impacts of this on the access roads which are in active landslide areas and which were never designed for this level of activity.**

Because of the tight and extremely fragile corner on Narcissa Drive, the largest and widest vehicles use Peppertree Drive located in the more active landslide movement. It also fails to assess the impact of construction traffic vibration on the homes that are adjacent to these two streets. Additional vibration damage on and adjacent to Peppertree Drive could result impacting negatively the water lines and gas lines which are placed above ground because of constant landslide movement and create human safety issues. **Please explain and justify why the DEIR does not contain a loading impact study and ignores completely the traffic, parking, emergency access impact on the road infrastructure and homes adjacent to these two streets. Please address.**

35.3

Note: One historic wall has already been destroyed by a large cement carrying truck, entrance key pads have been severely damaged several times, and a private property owner's wall has been damaged by the construction trucks to service the early development of a Monks' litigant development.

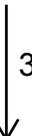
3) The DEIR assumes that there will be no subdivision of any of the 111 lots, nor has it considered that existing homeowners may wish to expand their homes from an average of under 2500 sq ft to 4000 sq ft plus garages. These are the dimensions being allowed for the project owners. **Please explain and justify. Please address.**

35.4

4) Zones 5 & 6 are contiguous with Zone 2. The EIR does not address the relationship of Zones 5 & 6 as unstable areas that could migrate upslope and further destabilize zone 2 and the project area. **It does not address the critical impacts of drainage into Zones 5 & 6. Please address.**

35.5

5) Many studies and documents in the City's records going back to the 1970s, state that no additional development should take place until Altamira Canyon is appropriately made impervious. This is in order to prevent ground water recharge by storm water run offs and includes grading and sealing



35.6

ground fissures and depressions in the area, correcting street and culvert drainage, and placing fill along the beach to protect the "toe" of the slide. Current erosion has taken private property and threatens homes. **These mitigation measures are not addressed in the DEIR.** Altamira Canyon has been identified as a need in the City's Capital Improvement Plans for many years. Councilmember Brian Campbell called Altamira Canyon a "mini San Ramon Canyon" problem at the public hearing on November 7, 2012. **Please explain and justify why Altamira Canyon is excluded from the DEIR regarding mitigation measures. Please address.**



The DEIR must acknowledge that Altamira Canyon is already a significantly deficient storm drain system.

6) The DEIR uses three separate assumptions regarding build out of the 47 lots. 1. traffic and circulation section assumes a concurrent build out, 2. Air Quality section assumes all lots will be built out by 2015, a 2-3 year build out period and 3. Executive Summary in its Future Development Potential assumes a ten year build out. The most conservative assumption should be adopted for all sections of the DEIR: concurrent build out, with all mitigation measures designed on this basis. **Please explain and justify why different build out periods are used in the DEIR. Please address.**

35.7

7) CEQA requires that the cumulative impact of all potential projects be included in the EIR. Please explain and justify why the following known to the City projects have not been included in the DEIR: Plumtree, York, Vanderlip and Downhill (including the effects of any potential subdivision).

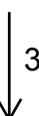
35.8

HYDROLOGY AND WATER QUALITY

8) A portion of the Photographic evidence that the street systems are inadequate to handle normal storm run off in a regular rain season were shown to the City Council on November 7, 2012. This film showed a significant portion of a property owner's land being destroyed (adjacent to the lower part of Altamira Canyon). Comments on the floods of 1969 and TV coverage were explained. The same short segment shows water flow so strong, that **one of the MAIN drainage inlets is simply bypassed by water rushing to fast to enter it.** **Please address.**

35.9

The Drainage System maps are based on non-existent infrastructure, based on attempts by residents to find such drainage courses. Existing culverts and pipes are seriously undersized and in some cases severed.



35.10

Please **explain and CORRECT the DEIR's inaccurate mapping. Please address.** The City and its consultants should visit the area during heavy rains and reconsider their conclusions as to the adequacy of the conclusion.



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

35.11

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

35.12

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

35.13

12) **It is known that the landslides work upwards from the toe.**

Altamira Canyon passes through both Zones 5 and 6, which contain the ONLY two access roads to the project AND THE ENTIRE COMMUNITY. the EIR should address the cumulative impact of storm water runoff (assuming all 47 lots are developed concurrently) to determine the mitigation measures necessary. The DEIR ignores such a calculation and its impact on slope stability, groundwater levels, transportation of sediment into Altamira Canyon and ultimately the Ocean and the State Ecological Reserve, a highly sensitive resource. **Please explain and justify why these matters have not been addressed in the DEIR. PLEASE ADDRESS**

35.14

13) The hydrology section uses averages and one lot at a time calculations for the impact of storm run off. This is inadequate. Example: on Upper Cinnamon Lane the four existing homes will experience 30% of the project build-out adjacent to their properties. The undeveloped lots above Upper Cinnamon have the greatest slopes (5:1-3:1. The roads are inadequate, their camber not adequate to handle additional storm water run off without flooding the existing homes. The lots have largely been recently denuded of vegetation and the increased flow will not naturally enter the culvert at the end of the cul de sac or naturally flow down to Narcissa without the installation of channels that capture and direct the hardscape and new storm



35.15

water run off. There needs to be a separate hydrology study carried out for Upper Cinnamon assuming the impact of a total build out. Mathematically derived calculations and guidance to constructors is necessary. Plumtree and Figtree may also need separate assessments of storm run off.

Please explain and justify why the DEIR believes a separate lot storm run off estimate versus the cumulative impact of total development is adequate for all areas of the project. Please address



14) **ACLAD is a responsible Agency in the DEIR**. Have they been consulted formally? If not, please explain and justify why they have not been consulted since they have a large amount of experience of the geology and hydrology issues. **Please address**

35.16

15) Is ACLAD in agreement with the geology and hydrology conclusions in the DEIR? Are they satisfied that the mitigation measures are adequate or do they recommend additional mitigation measures? Are they satisfied that there are adequate numbers of dewatering wells to handle additional runoff from new development? Do they agree with the conclusion that the Abalone landslide has been stopped as it affects Zone 5 and Narcissa Drive? **Please address**

35.17

BIOLOGICAL RESOURCES

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

35.18

GEOLOGY AND SOILS

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

35.19

18) **The DEIR is not disclosing a significant impact if the geological review standard is changed from the current 1.5 factor of safety to the project proposal of "shall not aggravate the existing condition"**. The DEIR must address that the new nebulous, non-quantifiable standard of this project description may have a significant, state-wide impact in that the standard could be used not only for surrounding areas, but lead to development in areas deemed unsafe by current standards. **Please explain and justify why an industry acceptable standard for slope stability for this project is not being used?**

35.20

WATER QUALITY

19) The DEIR fails to address the impacts of storm water run off to the sensitive intertidal species in the State Abalone Ecological Reserve which is the direct recipient of this storm water run off. Please explain and justify why. | 35.21

FIRE PROTECTION

20) **The DEIR does not address whether or not the fire hydrants are adequate** to address the impacts of the project and Community, assuming full build out. Explain and justify why. | 35.22

21) The open lots lining the northern section of Zone 2 (Upper Cinnamon Lane) allow the fire department to access the open space in the event of fire. The DEIR does not address how the development of these lots will impact the safety of the area by cutting off this access for emergency services. Please explain and justify why. | 35.23

It also does not address traffic flow in an emergency. Narrow roads with only 2 ingress/egress points can be easily blocked off by residents trying to leave or come in vying with emergency equipment. | 35.24

TRAFFIC AND CIRCULATION (see DEIR SCOPE section)

OTHER

22) Are the Monks plaintiff plans that have been approved or are in the approval process **required to comply with all the mitigation measures that will be in the final EIR in accordance with CEQA?** If not, which measures specifically are excluded? If not, please explain and justify this segmentation of a project under CEQA. **Please address.** | 35.25

William and Marianne Hunter

Letter 35

COMMENTER: William and Marianne Hunter

DATE: November 20, 2012

RESPONSE:

Response 35.1

This comment is similar to Comment 15.2. Please see Response 15.2, above.

Response 35.2

This comment is similar to Comment 15.3. Please see Response 15.3, above.

Response 35.3

This comment is similar to Comment 15.3. Please see Response 15.3, above.

Response 35.5

This comment is similar to Comment 10.12. Please see Response 10.12, above.

Response 35.6

This comment is similar to Comment 10.5. Please see Response 10.5, above.

Response 35.7

This comment is similar to Comment 10.11. Please see Response 10.11, above.

Response 35.8

This comment is similar to Comment 10.7. Please see Response 10.7, above.

Response 35.9

This comment is similar to Comment 10.22. Please see Response 10.22, above.

Response 35.10

This comment is similar to Comment 10.23. Please see Response 10.23, above.

Response 35.11

This comment is similar to Comment 10.24. Please see Response 10.24, above.



Response 35.12

This comment is similar to Comment 10.25. Please see Response 10.25, above.

Response 35.13

This comment is similar to Comment 10.26. Please see Response 10.26, above.

Response 35.14

This comment is similar to Comment 15.13. Please see Response 15.13, above.

Response 35.15

This comment is similar to Comment 15.14. Please see Response 15.14, above.

Response 35.16

This comment is similar to Comment 10.6. Please see Response 10.6, above.

Response 35.17

This comment is similar to Comment 10.6. Please see Response 10.6, above.

Response 35.18

This comment is similar to Comment 10.17. Please see Response 10.17, above.

Response 35.19

This comment is similar to Comment 10.19. Please see Response 10.19, above.

Response 35.20

This comment is similar to Comment 10.20. Please see Response 10.20, above.

Response 35.21

This comment is similar to Comment 10.21. Please see Response 10.21, above.

Response 35.22

This comment is similar to Comment 10.27. Please see Response 10.27, above.

Response 35.23

This comment is similar to Comment 10.28. Please see Response 10.28, above.



Response 35.24

This comment states an opinion that the Draft EIR does not address traffic flow in an emergency, particularly when emergency vehicles are attempting to access the area. As discussed under Impact T-4 in Section 4.10, *Traffic and Circulation*, a study was completed for the EIR (see Appendix G) documenting the number of existing residential units and potential future residential units for the Portuguese Bend area that would need to evacuate during an emergency such as a fire. Based on this, during an emergency evacuation approximately 172 vehicles would be forecast to exit via Narcissa Drive and 158 vehicles via Peppertree Drive. The study estimated that the clearing time to evacuate the vehicles traveling south on Narcissa Drive would be approximately 1.1 minutes and the time to evacuate the vehicles traveling south on Peppertree Drive would be approximately 1.1 minutes. Please see also *Topical Response 8.1.c: Traffic and Circulation* in Section 8.1 above.

Response 35.25

This comment is similar to Comment 10.31. Please see Response 10.31, above.





COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

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

GRACE ROBINSON CHAN
Chief Engineer and General Manager

November 20, 2012

Ref. File No: 2364412

Letter 36

RECEIVED

NOV 26 2012

COMMUNITY DEVELOPMENT DEPARTMENT 36.4

Mr. Eduardo Schonborn, AICP, Senior Planner
Community Development Department
City of Rancho Palos Verdes
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

Dear Mr. Schonborn:

Zone 2 Landslide Moratorium Ordinance Revisions (Planning Case No. ZON2009-00409)

The County Sanitation Districts of Los Angeles County (Districts) received a Draft Environmental Impact Report for the subject project on September 21, 2012. The proposed development is located within the jurisdictional boundaries of District No. 5. We offer the following comments regarding sewerage service:

1. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' Joint Outfall J Unit 1G Trunk Sewer, located in Palos Verdes Drive South just west of Seacove Drive. This 21-inch diameter trunk sewer has a design capacity of 4.5 million gallons per day (mgd) and conveyed a peak flow of 2.5 mgd when last measured in 2010.
2. The wastewater generated by the proposed project will be treated at the Joint Water Pollution Control Plant located in the City of Carson, which has a design capacity of 400 mgd and currently processes an average flow of 265.4 mgd. 36.1
3. The expected increase in average wastewater flow from the project site is 12,220 gallons per day. For a copy of the Districts' average wastewater generation factors, go to www.lacsd.org, Wastewater & Sewer Systems, Will Serve Program, and click on the Table 1, Loadings for Each Class of Land Use link.
4. The Districts are authorized by the California Health and Safety Code to charge a fee for the privilege of connecting (directly or indirectly) to the Districts' Sewerage System or increasing the strength or quantity of wastewater attributable to a particular parcel or operation already connected. This connection fee is a capital facilities fee that is imposed in an amount sufficient to construct an incremental expansion of the Sewerage System to accommodate the proposed project. Payment of a connection fee will be required before a permit to connect to the sewer is issued. For a copy of the Connection Fee Information Sheet, go to www.lacsd.org, Wastewater & Sewer Systems, Will Serve Program, and click on the appropriate link. For more specific 36.2

information regarding the connection fee application procedure and fees, please contact the Connection Fee Counter at extension 2727.

- 5. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the design capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CAA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but is to advise you that the Districts intend to provide this service up to the levels that are legally permitted and to inform you of the currently existing capacity and any proposed expansion of the Districts' facilities.

36.3

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

Very truly yours,

Grace Robinson Chan

Adriana Raza
Customer Service Specialist
Facilities Planning Department

AR: ar

c: M. Tremblay
J. Ganz

Letter 36

COMMENTER: Adriana Raza, Customer Service Specialist, Facilities Planning Department, County Sanitation Districts of Los Angeles County

DATE: November 20, 2012

RESPONSE:

Response 36.1

The commenter provides information about County wastewater facilities serving the project area, and gives updated average flows for the wastewater treatment plant serving the project area. The information does not affect the analysis or conclusions of the Draft EIR. The information is reflected in the Final EIR in Section 4.11, *Utilities and Service Systems*, on Page 4.11-1 as follows:

The Abalone Cove Sewer System consists of 44 grinder pumps, 130 manholes, one diversion structure, approximately 19,000 linear feet of gravity pipeline, 19,615 feet of low pressure pipeline, 2,505 linear feet of force main, and four lift stations. Wastewater from the Abalone Cove Sewer System is conveyed to a pump station, where it is connected to a trunk sewer network maintained by the CSDLAC. The flow would enter the Districts' Joint Outfall J Unit IG Trunk Sewer, located in Palos Verdes Drive South just west of Seacove Drive. This 21-inch diameter trunk sewer has a design capacity of 4.5 million gallons per day (mgd) and conveyed a peak flow of 2.5 mgd when last measured in 2010. Wastewater is conveyed via this trunk sewer network to the CSDLAC Joint Water Pollution Control Plant (JWPCP) located in the City of Carson. The JWPCP has a capacity of 400 million gallons per day and currently average daily flows are approximately 265.4380 million gallons per day (~~Ken Rademacher, JWPCP Plant Manager, pers. comm. 5/6/11~~ Adriana Raza, CSDLAC Facilities Planning Department, letter of November 20, 2012).

The commenter also confirms that the expected increase in average wastewater flow that would result from full buildout under the proposed ordinance revisions would be 12,220 gallons per day. This is consistent with the assumptions used in the Draft EIR (see Table 4.11-2 in Section 4.11, *Utilities and Service Systems*).

Response 36.2

The commenter states that connection to County's wastewater facilities may require payment of a connection fee. Although not pertinent to the analysis or conclusions of the Draft EIR, this comment is noted.



Response 36.3

The commenter states that all expansions of Districts' facilities must be sized and service phased in a manner consistent with the SCAG regional growth forecasts, and that the available capacity of the Districts' treatment facilities would be limited to levels associated with the approved growth identified by SCAG. This comment is noted.



Responses to Verbal Comments Received at the City Council Public Hearing of November 7, 2012:

The City of Rancho Palos Verdes City Council held a hearing on November 7, 2012 at which comments on the Draft EIR were received. The following twelve members of the public offered verbal comments on the Draft EIR or the project.

1. Jeremy Davies
2. Robert Maxwell
3. Cassie Jones
4. Jim Knight
5. Robert Cumby
6. Daniel Pinkham
7. Vicki Pinkham
8. Michael Chiles
9. Marianne Hunter
10. Gordon Leon
11. Monika Bauer
12. Joan McClellan

The comments received are summarized below by topic.

- *Altamira Canyon.* Erosion and stormwater volumes in Altamira Canyon were major themes among the commenters. Several commenters stated an opinion that the canyon is deficient, the existing level of erosion is unacceptable, and the canyon needs to be modified/improved to solve these problems. Some also opined that Altamira Canyon is the main contributor to landslide instability, e.g. by water infiltrating through fissures in the canyon, and that addressing the canyon's purported deficiencies would help alleviate that concern.

Response: As discussed in Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, buildout under the proposed ordinance revisions, with the mitigation identified, would not substantially change runoff conditions on the subject lots and therefore would not contribute significantly to flows in Altamira Canyon. Thus the proposed project would not significantly increase erosion in, or infiltration via, Altamira Canyon.

- *Overall Drainage/Stormwater Infrastructure.* Several speakers stated an opinion that the existing drainage system for Zone 2 is inadequate to handle rain events under existing conditions. Some further commented that the Draft EIR incorrectly assumes that original storm drain is sufficient to handle flows in rain events; and that upstream development and a trend towards larger houses have increased flows beyond what was originally anticipated. Several commenters said that, in their experience, stormwater runoff in the project area has caused flooding, erosion in Altamira Canyon, property damage and loss, and access concerns. Some further commented that the Draft EIR incorrectly describes the area's drainage infrastructure. Several commenters opined that the proposed project would result in significant impacts related to stormwater infrastructure capacity. Several also requested that the Draft EIR's mitigation measures for drainage impacts be improved with more specific structural measures and specific calculated numerical requirements for such components as retention tank size and maintenance.



Response: The EIR addresses project impacts on existing conditions, and is not intended to mitigate existing problems that are not caused by the proposed project, although these are acknowledged. The EIR has been updated to more accurately describe existing conditions, as discussed in *Topical Response 8.1.a: Hydrology, Water Quality and Drainage*. As also discussed there, buildout under the proposed ordinance revisions, with the mitigation identified, would not substantially change runoff conditions on the subject lots and therefore would not contribute significantly to the existing drainage system or exacerbate its deficiencies, erosion or flooding. Finally, Master Response *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* also discusses refinements to mitigation measures to add clarity for drainage performance standards.

- *Localized flooding.* A number of commenters described experiences with localized flooding during rain events within Zone 2. Some of these commenters requested that the Draft EIR provide specific analysis of and mitigation for each individual area that experiences localized flooding in Zone 2, and some stated an opinion that the project would significantly increase localized flooding. Upper Cinnamon Lane and Narcissa Drive were mentioned in this context. One commenter was concerned that vegetation removal for new development would exacerbate flooding, and suggested that only one lot should be allowed to be built out at a time.

Response: As discussed in Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, buildout under the proposed ordinance revisions, with the mitigation identified, would not substantially change runoff conditions on the subject lots and therefore would not contribute significantly to flows to the local drainage system. See also responses 10.2 and 20.3, above, for more information on the topics raised in these comments.

- *Geologic Hazards.* Several commenters stated concerns about the stability of the Portuguese Bend landslide complex and noted that portions are still moving. Several stated concerns about increased groundwater infiltration in Altamira Canyon causing instability in Zone 2 and also in Zone 5, and at the toe of the landslide. One commenter stated an opinion that the Draft EIR used an improper standard for assessing geologic impacts – a qualitative “nuisance” standard – and requested that the EIR use industry standard factors of safety for geologic hazards instead.

Response: As discussed in Section 4.8, *Hydrology and Water Quality*, and under *Topical Response 8.1.a: Hydrology, Water Quality and Drainage* in subsection 8.1, above, buildout under the proposed ordinance revisions, with the mitigation identified, would not substantially change runoff conditions and would not increase infiltration into groundwater. See also *Topical Response 8.1.b: Geology* for a discussion of factors of safety.

- *Traffic.* Several commenters stated an opinion that the EIR should study the potential for traffic impacts on the local, private Zone 2 roadways. Some opined that the private roads were not designed for the volume of traffic, both construction-related and operational, that would be generated by the proposed project. Other stated concerns about the potential for road damage from construction and operational traffic, and others were concerned about air quality and noise impacts from construction vehicles. Commenters also stated concerns about emergency access, and one opined that the gated entry is not big enough for fire trucks to safely enter.

Response: Please see *Topical Response 8.1.b: Geology* and *Topical Response 8.1.c: Traffic and*



Circulation in subsection 8.1, above, for a discussion of this issue that responds to this and other comments on this topic. See also responses 25.5, 28.2 and 28.4. Emissions and noise from construction are discussed in sections 4.2, *Air Quality*, and 4.9, *Noise*, respectively. Impacts would be less than significant with the mitigation identified in the EIR.

- *Cumulative Impacts*. A commenter asked why certain projects were not on the cumulative projects list, including projects he referred to as *Plumtree, Vanderlip* and others.

Response: Please see Response 8.5 and *Topical Response 8.1.c: Traffic and Circulation* for a response to this comment.

- *Other Topics*:

- *Only one lot should be built at a time*

Response: Please see Response 10.16.

- *Concerns about legal liability to the city and individual property owners from erosion and flooding*

Response: Please see Response 23.9 and Master Response *Topical Response 8.1.a: Hydrology, Water Quality and Drainage*.

- *Scope of the EIR is inadequate and needs to look at the surrounding areas, including Zone 5 and Zone 6*

Response: Please see Response 10.19 and *Topical Response 8.1.b: Geology*.

- *Pervious pavers are not effective at allowing infiltration because they get clogged with material over time.*

Response: Please see Response 9.2.



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