



RANCHO PALOS VERDES  
COMMUNITY DEVELOPMENT DEPARTMENT

December 13, 2017

**NOTICE OF DECISION**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Rancho Palos Verdes has adopted P.C. Resolution Nos. 2017-45 and 2017-46, thereby certifying a Mitigated Negative Declaration and approving a Major Grading Permit and Coastal Development Permit for 6,414yd<sup>3</sup> of after-the-fact grading with 794yd<sup>3</sup> of export to regrade the contours where unpermitted grading occurred over the 5500 Palos Verdes Drive South property and the City-owned Abalone Cove Reserve Property (ZON2017-00115).

**LOCATION:**

**5500 Palos Verdes Drive South &  
Abalone Cove Reserve**

**APPLICANT & LANDOWNERS:**

**Allen & Charlotte Ginsburg &  
City of Rancho Palos Verdes**

Said decision is subject to the Mitigation Measures and Conditions of Approval set forth in the attached P.C. Resolution Nos. 2017-45 and 2017-46.

This decision may be appealed, in writing, to the City Council. The appeal must be filed with the City, in writing, setting forth the grounds of the appeal and any specific actions requested by the Appellant, and accompanied by a \$2,275 appeal fee, no later than 15 days following December 12, 2017, the date of the Planning Commission's final action.

If you would like the opportunity to review the approved Staff Report and approved plans, they are on file in the Community Development Department at 30940 Hawthorne Boulevard, Rancho Palos Verdes, and are available for review from 7:30 AM to 5:30 PM Monday through Thursday, and from 7:30 AM to 4:30 PM Friday. Please note that City Hall will be closed from December 25, 2017 and will re-open for regular business on January 2, 2017.

If you have any questions regarding this application, please contact So Kim, Deputy Director/Planning Manager at (310) 544-5228 or via email at [sok@rpvca.gov](mailto:sok@rpvca.gov).

Ara Mihranian, AICP  
Community Development Director

Enclosure

**P.C. RESOLUTION NO. 2017-45**

**A RESOLUTION OF PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES CERTIFYING A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR A MAJOR GRADING PERMIT AND COASTAL DEVELOPMENT PERMIT FOR 6,414YD<sup>3</sup> OF AFTER-THE-FACT GRADING WITH 794YD<sup>3</sup> OF EXPORT TO REGRADE THE CONTOURS WHERE UNPERMITTED GRADING OCCURRED OVER THE 5500 PALOS VERDES DRIVE SOUTH PROPERTY AND THE CITY-OWNED ABALONE COVE RESERVE PROPERTY (CASE NO. ZON2017-00115).**

WHEREAS, on May 13, 2015, during a site visit, City Staff found that grading and vegetation removal of sensitive habitat occurred without City approvals on the subject property at 5500 Palos Verdes Drive South (PVDS) and portions of the City-owned Abalone Cove Reserve property. On the same day, the City's Code Enforcement Division sent a letter to the property owners informing them that the unpermitted activity must cease immediately and to contact City Staff to develop a plan to rectify the situation; and,

WHEREAS, on May 16, 2015, the Code Enforcement Division observed continued unpermitted activity on the subject property and issued the property owners a stop work order; and,

WHEREAS, on June 18, 2015, the Code Enforcement Division sent a letter to the property owners identifying specific actions to remedy the situation including submitting appropriate planning applications to regrade the contours and replant the vegetation. Since then, the property owners have been working with the City to address the unpermitted work including the submittal of a property line survey and a geotechnical report; and,

WHEREAS, on March 24, 2017, the property owners submitted an after-the-fact Grading Permit and Coastal Development Permit to conduct 6,414yd<sup>3</sup> of grading with 794yd<sup>3</sup> export to regrade the contours where unpermitted grading occurred over the subject property and the City-owned Abalone Cove Reserve property. After initial review of the submitted application package, Staff deemed the application incomplete due to insufficient information. Subsequently, the property owner submitted additional information and the application was deemed complete on May 8, 2017; and,

WHEREAS, on December 12, 2017, the Planning Commission continued the public hearing to September 26, 2017 to address the requirements of the California Environmental Quality Act; and,

WHEREAS, on November 16, 2017, notice of the draft Mitigated Negative Declaration and the proposed after-the-fact Grading Permit and Coastal Development Permit was sent to all property owners within 500' of the subject site and appropriate public agencies for a comment period exceeding 20-days, commencing on November 16, 2017 and concluding on December 12, 2017. Additionally, the notice was published on the same day in the *Palos Verdes Peninsula News*. Staff did not receive any comments in response to the public notice; and,

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 et. seq. ("CEQA"), the State's CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et. seq., the City's Local CEQA

Guidelines, and Government Code Section 65962.5(f) (Hazardous Waste and Substances Statement), the City of Rancho Palos Verdes prepared an Initial Study and determined that there is no substantial evidence that the approval for the after-the-fact Grading Permit and Coastal Development Permit would result in a significant adverse effect on the environment, provided appropriate mitigation measures are imposed on the project. Thus, a Mitigated Negative Declaration was prepared and notice thereof was given in the manner required by law; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on December 12, 2017, at which time all interested parties were given an opportunity to be heard and present evidence.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

**Section 1:** The Planning Commission has independently reviewed and considered the proposed Mitigated Negative Declaration, the public comments upon it, and other evidence and finds that the Mitigated Negative Declaration was prepared in the manner required by law, and there is no substantial evidence, provided appropriate mitigation measures are imposed, that the approval of Case No. ZON2017-00115 (Major Grading Permit and Coastal Development Permit) would result in a significant adverse effect upon the environment.

**Section 2:** With the imposition of the following mitigation measures that address impacts upon air quality, biological resources, cultural resources, geology/soils, hydrology/water quality, and noise in the community and as set forth in the Mitigation Monitoring Program, Exhibit "B", which is attached hereto and incorporated herein by this reference, the proposed project's potential significant impacts will be reduced below a level of significance:

- AQ-1. During construction, including grading, excavating, and land clearing, storage piles and unpaved disturbed areas shall be continuously stabilized or covered when material is not being added to or removed from the pile.
- AQ-2. During construction, including grading, excavating, and land clearing, measures should be taken to prevent emitting dust and to minimize visible emissions from crossing the boundary line.
- AQ-3. During construction, including grading, excavating, and land clearing, construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off site.
- AQ-4. During construction, including grading, excavating, and land clearing, the Applicant shall be responsible for minimizing bulk material or other debris from being tracked onto the City's public roadways, and if tracked, the Applicant's contractor shall be responsible for cleaning up the impacted City's public roadways.
- AQ-5. During construction, including grading, excavating, and land clearing, no trucks shall be allowed to transport excavated material off-site unless the trucks are maintained such that no spillage can occur from holes or other openings in cargo compartments, and loads are either: covered with tarps; wetted and loaded such that the material does not touch the front, back, or sides of the cargo compartment at any point less than 6" from the top and that no point of the load extends above the top of the cargo compartment.

AQ-6. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall demonstrate to the Director of Community Development's satisfaction that dust generated by grading activities shall comply with the South Coast Air Quality Management District Rule 403 and the City Municipal Code requirements that require regular watering for the control of dust.

AQ-7. During construction, including grading, excavating, and land clearing, all excavating and grading activities shall cease when winds gusts (as instantaneous gusts) exceed 25 mph. To assure compliance with this measure, grading activities are subject to periodic inspections by City staff.

AQ-8. During construction, including grading, excavating, and land clearing, construction equipment shall be kept in proper operating condition, including proper engine tuning and exhaust control systems.

BIO-1. Prior to any grading or permit issuance, vegetation previously impacted by the unpermitted grading and vegetation needed to be cleared for fuel modification shall be offset by the property owner using a 3:1 ratio for CSS, a 0.5:1 ratio for non-native grassland, and a 3:1 ratio for native grassland as described in the Council-adopted NCCP for loss occurring in an area greater than 0.3 acres by using one of the following three methods: 1) With the approval of the City, PVPLC, and the Wildlife Agencies, the property owner shall dedicate additional acreage to the Palos Verdes Nature Preserve that will add to the biological function of the Preserve and the property owner shall provide management funding for the additional acreage according to a Property Analysis Record or similar method; 2) Revegetation of impacted habitat at the Abalone Cove Reserve and the payment of a mitigation fee to the City's Habitat Restoration Fund for the remaining mitigation, pursuant to the City's NCCP Subarea Plan; or 3) With the approval of the City, PVPLC, and the Wildlife Agencies, the property owner shall dedicate additional acreage to the Palos Verdes Nature Preserve that will add to the biological function of the Preserve and submit payment of a mitigation fee to the City's Habitat Restoration Fund for the remaining mitigation, pursuant to the City's NCCP Subarea Plan. If the revegetation option is selected, the property shall prepare a Revegetation Plan for review and approval by the Director of Community Development, Wildlife Agencies, and the Palos Verdes Peninsula Land Conservancy (PVPLC) shall be hired by the City, at the property owner's expense, to grow and plant the required vegetation.

BIO-2. Prior to commencing construction, the construction area shall be clearly delineated with fencing or other boundary markers. Temporary fencing (with silt barriers) shall be installed at the limits of Project impacts to prevent habitat impacts and prevent the spread of silt from the construction zone into adjacent habitats (i.e. Altamira Canyon). Fencing shall be installed in a manner that does not affect adjacent habitats to be avoided and in compliance with Section 17.56.020.C of the RPVMC.

BIO-3. Prior to commencing construction, the Project limits shall be clearly marked on Project maps provided to the construction contractor and areas outside of the Project limits shall be designated as "no construction" zones.

BIO-4. During construction, construction workers shall strictly limit their activities, vehicles, equipment, and construction materials to the designated construction limits.

BIO-5. During construction, all equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas within the fenced Project limits. These designated areas shall be located in previously compacted and disturbed areas, in such a manner to prevent runoff into adjacent areas and shall be shown on the construction plans. Fueling of equipment shall take place on level surfaces and contractor equipment shall be checked daily for leaks prior to operation and repaired as necessary.

BIO-6. During construction, the construction work zone shall be kept as clean of debris as possible to avoid attracting predators of native and sensitive wildlife. All food-related trash items shall be enclosed in sealed containers and removed daily from the construction work zone.

BIO-7. In order to avoid unnecessary impacts, should any non-listed species be found within the property, they shall be avoided and allowed to leave the Project site on their own volition, or a qualified biologist shall relocate them outside of the Project site.

BIO-8. Pets of Project personnel shall not be allowed on the Project site during construction.

BIO-9. During construction, equipment for immediate cleanup shall be kept at the staging area. This plan shall also include erosion control measures to control surface runoff, erosion, and sedimentation outside of the project footprints.

BIO-10. A qualified biologist shall monitor construction during clearing, grubbing, and initial excavation activities, as needed.

BIO-11. The clearance of vegetation and any construction shall occur outside of the nesting season (generally February 1 through September 1). If avoiding the nesting season is not practicable, the following additional measures shall be employed:

A pre-construction nesting survey shall be conducted by a qualified biologist within 3 days prior to the start of construction activities to determine whether active nests are present within or directly adjacent to the construction zone. All nests found shall be recorded.

If construction activities must occur within 300 feet of an active nest of any passerine bird or within 500 feet of an active nest of any raptor, with the exception of an emergency, a qualified biologist shall monitor the nest on a weekly basis, and the construction activity shall be postponed until the biologist determines that the nest is no longer active.

If the recommended nest avoidance zone is not feasible, the qualified biologist shall determine whether an exception is possible and obtain concurrence from the resource agencies before construction work can resume within the avoidance buffer zone. All work shall cease within the avoidance buffer zone until either agency concurrence is obtained or the biologist determines that the adults and young are no longer reliant on the nest site.

CUL-1. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall consult with the South Central Coastal Information Center (SCCIC) regarding any known archaeological sites on or within a half-mile radius of the subject property.

CUL-2. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall conduct a Phase 1 archaeological survey of the property for approval by the Director of Community Development.

CUL-3. Prior to the commencement of grading, the Applicant shall retain a qualified paleontologist and archeologist to monitor grading and excavation. In the event undetected buried cultural resources are encountered during grading and excavation, work shall be halted or diverted from the resource area and the archeologist and/or paleontologist shall evaluate the remains and propose appropriate mitigation measures.

GEO-1. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall submit any information required by the City Geologist, including a soils report, and/or a geotechnical report, for the review and approval of the City Geologist. The Applicant shall comply with any requirements imposed by the City Geologist and shall substantially repair the geologic conditions to the satisfaction of the City Geologist.

GEO-2. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, a Hold Harmless Agreement, satisfactory to the City Attorney promising to defend, indemnify, and hold the City harmless from any claims or damages resulting from the requested project, shall be submitted to the Director of Community Development for recordation with the Los Angeles County Recorders Office.

GEO-3. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall submit for recordation a covenant, satisfactory to the City Attorney, agreeing to construct the project strictly in accordance with the approved plans; and agreeing to prohibit further projects on the subject site without first filing an application with the Director. Such covenant shall be submitted to the Director of Community Development for recordation with the Los Angeles County Recorders Office.

GEO-4. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall prepare an erosion control plan for the review and approval of the Building Official. The Applicant shall be responsible for continuous and effective implementation of the erosion control plan during project construction.

HYD-1. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall submit for review and approval by the City's Building Official an Erosion Control Plan that shall include BMPs for erosion, sedimentation and run-off control during construction activities to protect the water quality.

HYD-2. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall submit and obtain approval of a Drainage Plan by the City's Building & Safety Division and the City's Public Works Director. If lot drainage deficiencies are identified by the Public Works Director, all such deficiencies shall be corrected by the Applicant.

N-1. Permitted hours and days for construction activity are 7:00 AM to 6:00 PM, Monday through Friday, 9:00AM to 5:00PM on Saturday, with no construction activity permitted on Sundays or on the legal holidays specified in Section 17.96.920 of the Rancho Palos Verdes Development Code. During demolition, construction and/or grading operations, trucks shall not park, queue and/or idle at the project site or in the adjoining street rights-of-way before 7AM Monday through Friday and before 9AM on Saturday, in accordance

with the permitted hours of construction stated in this condition. When feasible to do so, the construction contractor shall provide staging areas on-site to minimize off-site transportation of heavy construction equipment. These areas shall be located to maximize the distance between staging activities and neighboring properties, subject to approval by the building official.

- N-2. The project shall utilize construction equipment equipped with standard noise insulating features during construction to reduce source noise levels.
- N-3. All project construction equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts is generated during construction.

**Section 3:** For the foregoing reasons and based on the information and findings included in the Staff Report, Minutes and other records of proceedings, the Planning Commission of the City of Rancho Palos Verdes hereby adopts P.C. Resolution No 2017-45, determining that the project as conditioned and mitigated will not have a significant adverse impact on the environment and also finds that the preparation of the Mitigated Negative Declaration attached hereto complies with CEQA. Therefore, the Planning Commission hereby adopts the Mitigated Negative Declaration, which is attached hereto as Exhibit "A" and Mitigation Monitoring Program, which is attached hereto as Exhibit 'B' and incorporated herein by this reference, making certain environmental findings to allow 6,414yd<sup>3</sup> of grading with 794yd<sup>3</sup> of export to regrade the contours where unpermitted grading occurred over the 5500 Palos Verdes Drive South property and portions of the City-owned Abalone Cove Reserve property, subject to the conditions of approval contained in the attached Exhibit "A" (Case No. ZON2017-00115).

PASSED, APPROVED AND ADOPTED this 12<sup>th</sup> day of December 2017, by the following vote:

**AYES: COMMISSIONERS NELSON, BRADLEY, EMENHISER, TOMBLIN, AND VICE CHAIRMAN JAMES**

**NOES: COMMISSIONER LEON**

**ABSTENTIONS: NONE**

**RECUSALS: NONE**

**ABSENT: NONE**



William J. James,  
Vice Chairman



Ara Mihranian, AICP  
Director of Community Development and  
Secretary of the Planning Commission

# City of Rancho Palos Verdes ENVIRONMENTAL CHECKLIST FORM



## 1. Project title:

After-the-fact Major Grading Permit and Coastal Development Permit (ZON2017-00115)

## 2. Lead agency name/ address:

City of Rancho Palos Verdes  
Community Development Department  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275

## 3. Contact person and phone number:

So Kim, Deputy Director/Planning Manager  
City of Rancho Palos Verdes  
(310) 544-5222

## 4. Project location:

5500 Palos Verdes Drive South and Abalone Cove Reserve  
City of Rancho Palos Verdes  
County of Los Angeles

## 5. Project sponsor's name and address:

Allen & Charlotte Ginsburg  
3046 Crownview Drive  
Rancho Palos Verdes, CA 90275

## 6. General Plan designation:

Residential (<1 du/acre) & Natural Environment/Hazard

## 7. Coastal Plan designation:

Coastal Zone, Subregion 5

## 8. Zoning:

Single-Family Residential District (RS-1), Open Space-Recreational (OR) and Urban Design Overlay Control District (OC-3)

## 9. Description of project:

The proposed project involves 6,414yd<sup>3</sup> of grading (3,604yd<sup>3</sup> of cut and 2,810yd<sup>3</sup> of fill) with 794yd<sup>3</sup> of export to regrade the contours where unpermitted grading occurred over portions of a private property (5500 PVDS) and the City-owned Abalone Cove Reserve property. The proposed grading will occur on both sides of the shared property line, disturbing approximately 32,100ft<sup>2</sup> of total area.

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

The 5500 Palos Verdes Drive South project site is 2.06-acres in size and developed with two dwelling units totaling 6,179ft<sup>2</sup> in size and an attached 5-car garage. The Abalone Cove Reserve property is part of the City's Palos Verdes Nature Preserve and is approximately

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110 acres in size. The Preserve provides passive public recreational opportunities and the protection of biological resources.

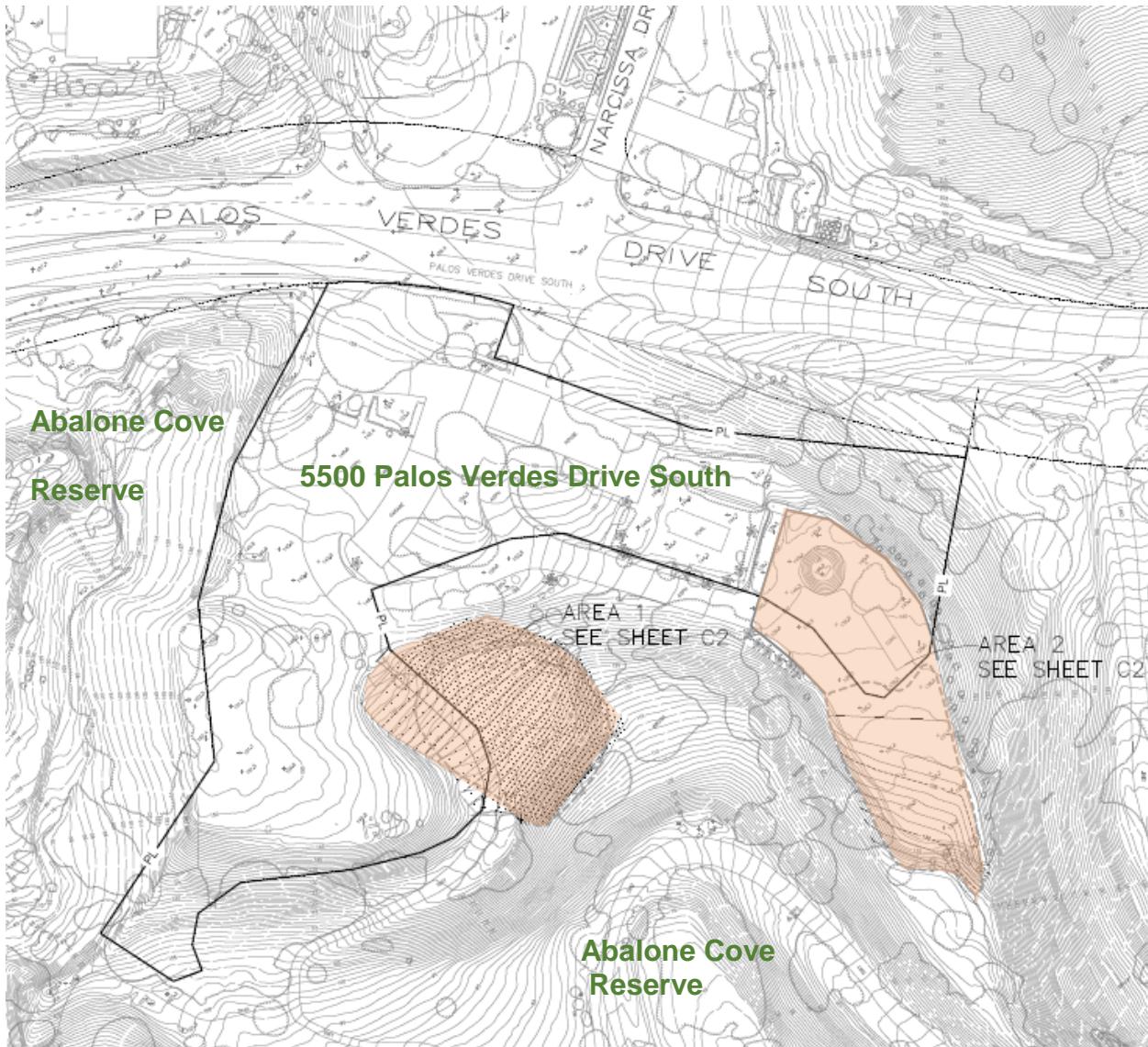
**11. Surrounding land uses and setting:**

	<b>Land Uses</b>	<b>Significant Features</b>
Project Area	Privately-owned Single-family residential and Abalone Cove Reserve	The private property has a building pad with descending slopes to the east and west, improved with residential development. Abalone Cove Reserve is a public park by the ocean featuring two beaches, trails, caves, and picnic areas.
East, West, and South	City-owned Abalone Cove Reserve	Public park by the ocean featuring two beaches, trails, caves, and picnic areas.
North	Single-family residential	These residential properties are located with the City's designated Portuguese Bend Landslide Moratorium Area.

**12. Other public agencies whose approval is required:**

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**Figure 1**  
**Grading Plan for portions of 5500 PVDS and Abalone Cove Reserve**



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**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**DETERMINATION:**

On the basis of this initial evaluation:

I find that the project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required but must analyze only the effects that remain to be addressed.

I find that, although the proposed project could have a significant effect on the environment, because all potentially significant effects, (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed on the proposed project, nothing further is required.

Signature:  Date: December 12, 2017

Printed Name: So Kim, Deputy Director/Plng Manager For: City of Rancho Palos Verdes

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**EVALUATION OF ENVIRONMENTAL IMPACTS:**

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS. Would the project:</b>					
a) Have a substantial effect on a scenic vista?	1				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historical buildings, within a state scenic highway?	1		X		
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	1, 9		X		
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	9				X
<b>Comments:</b>					
<p>a) The proposed project area does not fall within any scenic vista identified in the City's General Plan. Therefore, there would be no impact caused by the proposed project.</p> <p>b) The existing residential development at 5500 PVDS is better known as the Harden Estate, which is identified as a historical resource in the City. It is the oldest remaining structures in the City, designed by architect Gordon Kaufmann and the landscape by Frederick Olmstead. The proposed project will not impact or alter the Harden Estate with exception to two separate areas below the building pad area along the south property line. The proposed grading area was previously altered without City approvals by the property owner to increase future parking areas. As a result of the past unpermitted grading, 21,780ft<sup>2</sup> of protected habitat was impacted. With the mitigation measured recommended under the Biological Resources Sections of this Initial Study, the proposed project would cause less than significant impact.</p> <p>c) Unpermitted grading occurred in the past on portions of the private property and the City's Abalone Cove Reserve that degraded the aesthetic visual character by disturbing natural slopes and existing mature vegetation. The proposed project involves restoring the site contours by regrading and recontouring unpermitted graded slopes. The finished contours will not impact the visual character of the site or its surroundings as the grading occurs on descending slopes below the building pad area of the 5500 PVDS. Additionally, the unpermitted past grading area will be recompacted and excess fill will be exported off site. As such, the unsuitable fill existing on site will be removed and the proposed grading will re-stabilize the immediate area. The finished contours will appear more natural and blend in with the surrounding contours. By implementing and adhering to avoidance and minimization measures recommended under the Biological Resources and Hydrology Sections of this Initial Study, the proposed project would cause less than significant impact.</p> <p>d) The proposed project does not introduce new light sources that may affect day or nighttime views. Therefore, there would be no impact caused by the proposed project.</p>					
<b>II. AGRICULTURE RESOURCES. Would the project:</b>					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resource Agency, to non-agricultural use?	1, 2, 7				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	1, 2, 7				X

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Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code §12220(g)), timberland (as defined by Public Resources Code §4526), or timberland zoned Timberland Production (as defined by Government Code §51104(g))?	1, 2, 7				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?	1, 2, 7				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	1, 2, 7				X
<b>Comments:</b>					
a-e) The project site includes portions of a private property with an existing land use of single-family residential and City-owned property that is part of the Abalone Cove Preserve, a sub-area of the Palos Verdes Nature Preserve. Neither property is zoned for agriculture or forestry use. Additionally, the project site does not include any farmland, forest land, or timberland and therefore, not in conflict with the Williamson Act. Therefore, there would be no impact caused by the proposed project.					
<b>III. AIR QUALITY. Would the project:</b>					
a) Conflict with or obstruct implementation of the applicable air quality plan?	3		X		
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	3		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	3		X		
d) Expose sensitive receptors to substantial pollutant concentrations?	3		X		

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Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people?	1, 2				X
<b>Comments:</b>					
a-d) The project area is located within the South Coast Air Basin, which is an area of non-attainment for Federal air quality standards for ozone (O <sub>3</sub> ), carbon monoxide (CO), and suspended particulate matter (PM <sup>10</sup> and PM <sup>2.5</sup> ). The proposed movement of soil and the operation of construction equipment may have the potential to create short-term construction-related air quality impacts upon nearby sensitive receptors, such as single-family residences and federally and state protected species, such as the California gnatcatcher. Based upon the South Coast Air Quality Management District (SCAQMD) guidelines for estimating air quality impacts from construction activities, the project area of less than 1-acre would not exceed Localized Significance Thresholds (LSTs) for nitrous oxides (NO <sub>x</sub> ), CO, PM <sup>10</sup> or PM <sup>2.5</sup> . With the incorporation of the following mitigation measures, the proposed project would cause less than significant impacts:					
<p><b>AQ-1:</b> During construction, including grading, excavating, and land clearing, storage piles and unpaved disturbed areas shall be continuously stabilized or covered when material is not being added to or removed from the pile.</p> <p><b>AQ-2:</b> During construction, including grading, excavating, and land clearing, measures should be taken to prevent emitting dust and to minimize visible emissions from crossing the boundary line.</p> <p><b>AQ-3:</b> During construction, including grading, excavating, and land clearing, construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off site.</p> <p><b>AQ-4:</b> During construction, including grading, excavating, and land clearing, the Applicant shall be responsible for minimizing bulk material or other debris from being tracked onto the City's public roadways, and if tracked, the Applicant's contractor shall be responsible for cleaning up the impacted City's public roadways.</p> <p><b>AQ-5:</b> During construction, including grading, excavating, and land clearing, no trucks shall be allowed to transport excavated material off-site unless the trucks are maintained such that no spillage can occur from holes or other openings in cargo compartments, and loads are either: covered with tarps; wetted and loaded such that the material does not touch the front, back, or sides of the cargo compartment at any point less than 6" from the top and that no point of the load extends above the top of the cargo compartment.</p> <p><b>AQ-6:</b> Prior to the Building/Grading Permit issuance, the Applicant shall demonstrate to the Director of Community Development's satisfaction that dust generated by grading activities shall comply with the South Coast Air Quality Management District Rule 403 and the City Municipal Code requirements that require regular watering for the control of dust.</p> <p><b>AQ-7:</b> During construction, including grading, excavating, and land clearing, all excavating and grading activities shall cease when winds gusts (as instantaneous gusts) exceed 25 mph. To assure compliance with this measure, grading activities are subject to periodic inspections by City staff.</p> <p><b>AQ-8:</b> During construction, including grading, excavating, and land clearing, construction equipment shall be kept in proper operating condition, including proper engine tuning and exhaust control systems.</p> <p>e) The zoning of the subject lot does not permit industrial or commercial uses. Therefore, no objectionable odors are expected to be generated as a result of the proposed project.</p>					
<b>IV. BIOLOGICAL RESOURCES. Would the project:</b>					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status	6, 7, 13, 14		X		

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species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?					
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	6, 7, 13, 14		X		
c) Have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means?	6, 7, 13, 14				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	6, 7, 13, 14		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	6, 7, 13, 14		X		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	6, 7, 13, 14		X		
<b>Comments:</b>					
a, b, e, f) Portions of the project site within the Abalone Cove Reserve are within the designated Natural Communities Conservation Planning (NCCP) Subarea Plan Reserve Area, also known as a sub-area of the Palos Verdes Nature Preserve (Preserve). The Palos Verdes Peninsula Land Conservancy (PVPLC), the City's land manager for the Preserve, at the request of the City conducted field surveys and reviewed historical aerial imagery and determined that 0.5 acres of Coastal Sage Scrub (CSS) was impacted by the unpermitted grading. Specifically, this disturbance includes 0.4 acres within the Abalone Cove Reserve and 0.1 acres on private property (5500 PVDS). This 0.5 acres of impact is considered significant. However, by implementing the guidelines in the NCCP Subarea Plan, as provided in Mitigation Measure BIO-1 below, the direct impacts to CSS would be compensated and therefore, considered less than significant.					
<b>BIO-1    <u>PRIOR TO BUILDING/GRADING PERMIT ISSUANCE</u></b> , vegetation previously impacted by the unpermitted grading and vegetation needed to be cleared for fuel modification shall be offset by the property owner using a 3:1 ratio for CSS, a 0.5:1 ratio for non-native grassland, and a 3:1 ratio for native grassland as described in the Council-adopted NCCP for loss occurring in an area greater than 0.3 acres by using one of the following two methods: 1) With the approval of the City, PVPLC, and the Wildlife Agencies, the property owner shall dedicate additional acreage to the Palos Verdes Nature Preserve that will add to the biological function of the					

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<p>Preserve and the property owner shall provide management funding for the additional acreage according to a Property Analysis Record or similar method; 2) Revegetation of impacted habitat at the Abalone Cove Reserve and the payment of a mitigation fee to the City's Habitat Restoration Fund for the remaining mitigation, pursuant to the City's NCCP Subarea Plan; or 3) With the approval of the City, PVPLC, and the Wildlife Agencies, the property owner shall dedicate additional acreage to the Palos Verdes Nature Preserve that will add to the biological function of the Preserve and submit payment of a mitigation fee to the City's Habitat Restoration Fund for the remaining mitigation, pursuant to the City's NCCP Subarea Plan. If the revegetation option is selected, the property shall prepare a Revegetation Plan for review and approval by the Director of Community Development, Wildlife Agencies, and the Palos Verdes Peninsula Land Conservancy (PVPLC) shall be hired by the City, at the property owner's expense, to grow and plant the required vegetation.</p> <p>LSA Associates, Inc. also conducted a field survey and found that the proposed area to be regraded, which was previously disturbed by unpermitted grading, was comprised entirely of nonnative/ruderal vegetation and bare ground. While the proposed project areas may not contain any habitat, the PVPLC determined that some native habitat consisting of lemonade berry and mature Coastal Sage Scrub adjacent to the project areas may be impacted during grading and erosion control measures. However, by implementing and adhering to avoidance and minimization measures provided in Mitigation Measures BIO-2 through BIO-11 below, along with mitigation measures recommended under the Air Quality and Hydrology Sections of this Initial Study, indirect impacts to the surrounding sensitive natural community would be less than significant.</p> <p><b>BIO-2</b> Prior to commencing construction, the construction area shall be clearly delineated with fencing or other boundary markers. Temporary fencing (with silt barriers) shall be installed at the limits of Project impacts to prevent further habitat impacts and prevent the spread of silt from the construction zone into adjacent habitat areas (i.e. Altamira Canyon). Fencing shall be installed in a manner that does not affect adjacent habitats to be avoided and in compliance with Section 17.56.020(C) of the RPVMC.</p> <p><b>BIO-3</b> Prior to commencing construction, the Project limits shall be clearly marked on Project maps, deemed acceptable by the Director of Community Development, and provided to the construction contractor and areas outside of the Project limits shall be designated as "no construction" zones.</p> <p><b>BIO-4</b> During construction, construction workers shall strictly limit their activities, vehicles, equipment, and construction materials to the designated construction limits.</p> <p><b>BIO-5</b> During construction, all equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas within the fenced Project limits. These designated areas shall be located in previously compacted and disturbed areas, in such a manner to prevent runoff into adjacent areas and shall be shown on the construction plans. Fueling of equipment shall take place on level surfaces and contractor equipment shall be checked daily for leaks prior to operation and repaired as necessary.</p> <p><b>BIO-6</b> During construction, the construction work zone shall be kept as clean of debris as possible to avoid attracting predators of native and sensitive wildlife. All food-related trash items shall be enclosed in sealed containers and removed daily from the construction work zone.</p> <p><b>BIO-7</b> In order to avoid unnecessary impacts to protected species, should any non-listed species be found within the property, they shall be avoided and allowed to leave the Project site on their own volition, or a qualified biologist shall relocate them outside of the Project site.</p> <p><b>BIO-8</b> Pets of Project personnel shall not be allowed on the Project site during construction.</p> <p><b>BIO-9</b> During construction, equipment for immediate cleanup shall be kept at the staging area. This plan shall also include erosion control measures to control surface runoff, erosion, and sedimentation outside of the project footprints.</p>					

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Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>BIO-10</b> A qualified biologist shall monitor construction during clearing, grubbing, and initial excavation activities, as needed.</p> <p><b>BIO-11</b> The clearance of vegetation and any construction shall occur outside of the nesting season (generally February 1 through September 1). If avoiding the nesting season is not practicable, the following additional measures shall be employed:</p> <ul style="list-style-type: none"> <li>• A pre-construction nesting survey shall be conducted by a qualified biologist within 3 days prior to the start of construction activities to determine whether active nests are present within or directly adjacent to the construction zone. All nests found shall be recorded.</li> <li>• If construction activities must occur within 300 feet of an active nest of any passerine bird or within 500 feet of an active nest of any raptor, with the exception of an emergency, a qualified biologist shall monitor the nest on a weekly basis, and the construction activity shall be postponed until the biologist determines that the nest is no longer active.</li> <li>• If the recommended nest avoidance zone is not feasible, the qualified biologist shall determine whether an exception is possible and obtain concurrence from the resource agencies before construction work can resume within the avoidance buffer zone. All work shall cease within the avoidance buffer zone until either agency concurrence is obtained or the biologist determines that the adults and young are no longer reliant on the nest site.</li> </ul> <p>c) Altamira Canyon is an ephemeral stream that occurs along the northwestern perimeter of the subject site and receives protection under the Clean Water Act and California Fish and Game Code. The limits of ground disturbance as a result of the proposed project will be over 100' away from the top of the stream bank. As a result, permits from regulatory agencies for impacts to waters pursuant to CWA Section 404, and waters of the State pursuant to CFGC Sections 1600-1670 are not required.</p> <p>d) The subject site represents a small area and is primarily composed of non-native species that are generally unsuitable to support wildlife movement. Additionally, indirect effects of construction on wildlife movement would be temporary in nature, restricted to the project construction time period. Furthermore, implementation of Mitigation Measures BIO-2 through BIO-10 above would ensure impacts to a wildlife movement corridor are less than significant.</p>					
<b>V. CULTURAL RESOURCES. Would the project:</b>					
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	1				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	1, 5		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	1, 5		X		
d) Disturb any human remains, including those interred outside of formal cemeteries?	1, 5		X		
<b>Comments:</b>					
a) Harden Estate located at 5500 PVDS is identified as a major historical resource in the City's General Plan. The regrading is proposed to occur in an undeveloped portion of the subject property in order to recontour and stabilize the site. Therefore, there would be no impacts to the Harden Estate caused by the proposed project.					

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b-d) According to the City's Archaeology Map, the project area is identified as a probable area of archaeological resources. The General Plan describes that there are locations along the coastline where the Gabrielinos had established campsites for many years and also a few locations indicating trade centers. For these reasons, the coastal area is generally considered as "archaeologically sensitive". While the proposed project is to recontour previously altered area, to ensure that the proposed project would cause less than significant impacts to cultural resources, the following mitigation measures will be incorporated:					
<b>CUL-1</b> Prior to the Building/Grading Permit issuance, the Applicant shall consult with the South Central Coastal Information Center (SCCIC) regarding any known archaeological sites on or within a half-mile radius of the subject property.					
<b>CUL-2</b> Prior to the Building/Grading Permit issuance, the Applicant shall conduct a Phase 1 archaeological survey of the property for approval by the Director of Community Development.					
<b>CUL-3</b> Prior to the commencement of grading, the Applicant shall retain a qualified paleontologist and archeologist to monitor grading and excavation. In the event undetected buried cultural resources are encountered during grading and excavation, work shall be halted or diverted from the resource area and the archeologist and/or paleontologist shall evaluate the remains and propose appropriate mitigation measures.					
<b>VI. GEOLOGY/SOILS. Would the project:</b>					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	4		X		
ii) Strong seismic ground shaking?	4		X		
iii) Seismic-related ground failure, including liquefaction?	4		X		
iv) Landslides?	4		X		
b) Result in substantial soil erosion or the loss of topsoil?	4		X		
c) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	4		X		
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), thus creating substantial risks to life or property?	4		X		
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal	4, 7				X

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Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
systems where sewers are not available for the disposal of wastewater?					
<b>Comments:</b>					
a, c-d) On October 20, 2016, the City Geologist reviewed the proposed project and required additional input during the Building & Safety plan check process. According to the Official Maps of Seismic Hazard Zones provided by the State of California Department of Conservation, the subject lot is located within an area that is potentially subject to earthquake-induced landslides. Cabrillo Fault dissects the City from the northwest border to the east and the Palos Verdes fault runs in the same direction, but outside of the City borders. The project site is located at the southwestern edge of the City and there is no evidence of active faulting on the subject site. The soils of the Palos Verdes Peninsula are also generally known to be expansive and occasionally unstable. Given the known and presumed soils conditions in and around the subject site, it is expected that soil investigations, reviewed and approved by the City's geotechnical consultant, will be required prior to construction. With the incorporation of the following mitigation measures, the proposed project would cause less than significant impacts:					
<p><b>GEO-1</b> Prior to the Building/Grading Permit issuance, the Applicant shall submit any information required by the City Geologist, including a soils report, and/or a geotechnical report, for the review and approval of the City Geologist. The Applicant shall comply with any requirements imposed by the City Geologist and shall substantially repair the geologic conditions to the satisfaction of the City Geologist.</p> <p><b>GEO-2</b> Prior to the Building/Grading Permit issuance, a Hold Harmless Agreement, satisfactory to the City Attorney, promising to defend, indemnify, and hold the City harmless from any claims or damages resulting from the requested project, shall be submitted to the Director of Community Development for recordation with the Los Angeles County Recorders Office.</p> <p><b>GEO-3</b> Prior to the Building/Grading Permit issuance, the Applicant shall submit for recordation a covenant, satisfactory to the City Attorney, agreeing to construct the project strictly in accordance with the approved plans; and agreeing to prohibit further projects on the subject site without first filing an application with the Planning Division of the Community Development Department. Such covenant shall be submitted to the Director of Community Development for recordation with the Los Angeles County Recorders Office prior to any grading permit issuance.</p> <p>b) It is the City's standard practice to require the preparation and implementation of an erosion control plan for wind- and waterborne soil for projects. With the incorporation of the following mitigation measures, the proposed project would cause less than significant impacts:</p> <p><b>GEO-4</b> Prior to the Building/Grading Permit issuance, the Applicant shall prepare an erosion control plan for the review and approval of the Building Official. The Applicant shall be responsible for continuous and effective implementation of the erosion control plan during project construction.</p> <p>e) The proposed project involves regrading over previously altered area for stabilization purposes and does not include new structures. Therefore, there will be no impacts.</p>					
<b>VII. GREENHOUSE GAS EMISSIONS. Would the project:</b>					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	16				X
b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	16				X

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<b>Comments:</b>					
a-b) The United States Environmental Protection Agency explains that the primary sources of greenhouse gas emissions are electricity production, transportation, industry, commercial/residential, agriculture, and land use and forestry. The proposed project involves grading to recontour and stabilize a undeveloped area of the project site and therefore will not have any impacts to greenhouse gases or related policies.					
<b>VIII. HAZARDS &amp; HAZARDOUS MATERIALS. Would the project:</b>					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?					X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?					X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	7				X
d) Be located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	11				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	7				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	7				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	12				X
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	7				X

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Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Comments:</b>					
a-b) No hazardous materials or conditions are known or expected to exist on the subject property. The proposed grading will utilize conventional methods will not involve the use or transport of hazardous materials. Therefore, there would be no impacts caused by the proposed project.					
c) The nearest school in the vicinity of the subject property is the Portuguese Bend Nursery School at Abalone Cove. At its closest point, the subject property is over 1,200' away from the nursery school. Therefore, there would be no impact caused by the proposed project.					
d) The subject lot is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, there would be no impact caused by the proposed project.					
e-f) The subject lot is not located within 2 miles of Torrance Municipal Airport or in the vicinity of any private airstrip. Therefore, there would be no impact caused by the proposed project.					
g) In 2014, the cities of Rancho Palos Verdes and Rolling Hills Estates adopted a Joint Natural Hazards Mitigation Plan (JNHMP). The purpose of the JNHMP is "to promote sound public policy designed to protect citizens, critical facilities, infrastructure, private property, and the environment from natural hazards." The proposed project is to recontour and stabilize areas that contain unsuitable fill as a result of past unpermitted grading. The finished project will reinforce the slope and the improvements beyond. Therefore, the proposed project would be consistent and not interfere with adopted emergency response or evacuation plan. Therefore, there would be no impacts caused by the proposed project.					
h) Based upon the most recent maps prepared by the California Department of Forestry and Fire Protection (CalFire), the entire Palos Verdes Peninsula is within a Very High Fire Hazard Severity Zone. The project site is located partially on a private residential property and the City's Abalone Cove Reserve, surrounded by open space to the east, south and west, with an arterial street (Palos Verdes Drive South) to the north. As the proposed project involves regrading an area that is unimproved and that was previously disturbed through unpermitted grading, there will be no impacts to increased or exposed risks to people or structures.					
<b>IX. HYDROLOGY/WATER QUALITY. Would the project:</b>					
a) Violate any water quality standards or wastewater discharge requirements?	9		X		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	9				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	7		X		
d) Substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	9		X		

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e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	9		X		
f) Otherwise substantially degrade water quality?	9		X		
g) Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate map or other flood hazard delineation map?	9				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	9				X
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	7				X
j) Inundation by seiche, tsunami, or mudflow?	7				X
<b>Comments:</b>					
a, c-f) While the proposed project will not result in changes to the current drainage patterns of the area as the finished grades will be relatively the same as what exists, there may be potential for erosion and run-off during construction. With the incorporation of the following mitigation measures, the proposed project would cause less than significant impacts:					
<b>HYD-1</b> Prior to the Building/Grading Permit issuance, the Applicant shall submit for review and approval by the City's Building Official an Erosion Control Plan that shall include BMPs for erosion, sedimentation and run-off control during construction activities to protect the water quality.					
<b>HYD-2</b> Prior to the Building/Grading Permit issuance, the Applicant shall submit and obtain approval of a Drainage Plan by the City's Building & Safety Division and the City's Public Works Director. If lot drainage deficiencies are identified by the Public Works Director, all such deficiencies shall be corrected by the Applicant.					
b) The proposed project involves regrading of a previous graded vacant area. Therefore, there would no impact caused by the proposed project.					
g-h) The proposed project does not involve structures. Therefore, there would be no impact caused by the proposed project.					
i) There is no dam or levee anywhere in the vicinity of the subject lot. Therefore, there would be no impact caused by the proposed project.					
j) The lowest elevation of the project area is at least 110' above mean sea level (MSL). Therefore, there would be less no impact caused by the proposed project.					
<b>X. LAND USE/PLANNING. Would the project:</b>					
a) Physically divide an established community?	1, 2, 7				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project	1, 2, 7				X

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(including, but not limited to the general plan, specific plan, local coastal plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?					
c) Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?	6, 7, 13, 14		X		
<b>Comments:</b>					
<p>a) The proposed project involves regrading over a previously graded vacant area. Therefore, there would be no impact caused by the proposed project.</p> <p>b-c) See Section IV, Biological Resources section above.</p>					
<b>XI. MINERAL RESOURCES. Would the project:</b>					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	1				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	1				X
<b>Comments:</b>					
<p>a-b) There are no mineral resources known or expected to exist on the project area. Therefore, there would be no impact caused by the proposed project.</p>					
<b>XII. NOISE. Would the project result in:</b>					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	1		X		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X		
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport,	7				X

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would the project expose people residing or working in the project area to excessive noise levels?					
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	7				X

**Comments:**

a) The proposed project area includes and is surrounded by City-owned open space area (Abalone Cove Reserve) and the closest residential properties are at least 100' away, across an arterial street (Palos Verdes Drive South) to the north. Nevertheless, the proposed grading operation may have the potential to create short-term construction-related noise and vibration impacts to those residential properties across Palos Verdes Drive South. With the incorporation of the following mitigation measure, the proposed project would cause less than significant impacts:

**N-1:** Permitted hours and days for construction activity are 7:00 AM to 6:00 PM, Monday through Friday, 9:00AM to 5:00PM on Saturday, with no construction activity permitted on Sundays or on the legal holidays specified in Section 17.96.920 of the Rancho Palos Verdes Development Code. During demolition, construction and/or grading operations, trucks shall not park, queue and/or idle at the project site or in the adjoining street rights-of-way before 7:00 AM Monday through Friday and before 9:00 AM on Saturday, in accordance with the permitted hours of construction stated in this condition. When feasible to do so, the construction contractor shall provide staging areas on-site to minimize off-site transportation of heavy construction equipment. These areas shall be located to maximize the distance between staging activities and neighboring properties, subject to approval by the building official.

**N-2:** The project shall utilize construction equipment equipped with standard noise insulating features during construction to reduce source noise levels.

**N-3:** All project construction equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts is generated during construction.

e-f) The subject lot is not located within 2 miles of Torrance Municipal Airport or in the vicinity of any private airstrip. Therefore, there would be no impact caused by the proposed project.

**XIII. POPULATION/HOUSING. Would the project:**

a) Induce substantial growth in an area either directly (e.g., by proposing new homes or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	9			X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	9			X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	9			X

**Comments:**

a-c) The proposed project does not involve new construction or demolition of existing structures. Therefore, there would be no impact caused by the proposed project.

**XIV. PUBLIC SERVICES.**

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Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:					
i) Fire protection?					X
ii) Police protection?					X
iii) Schools?					X
iv) Parks?					X
v) Other public facilities?					X
<b>Comments:</b>					
a) The proposed project involves grading to recontour and stabilize an undevelopable vacant area. There would be no impact to public services caused by the proposed project.					
<b>XV. RECREATION.</b>					
a) Would the project increase the use of neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?					X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?					X
<b>Comments:</b>					
a-b) The proposed project involves grading to recontour and stabilize an undevelopable vacant area. The project area consists of an undeveloped area absent of public trails, facilities, and/or amenities. Therefore, there would be no impact to recreational uses or facilities caused by the proposed project.					
<b>XVI. TRANSPORTATION/TRAFFIC. Would the project:</b>					
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass					X

**Environmental Checklist****Case No. ZON2017-00115**

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
transit?					
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?					X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?					X
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?					X
e) Result in inadequate emergency access?	9, 12				X
f) Conflicts with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?					X
<b>Comments:</b>					
a-f) The proposed project involves grading to recontour and stabilize an undevelopable vacant area. Therefore, the proposed project would not impact circulation patterns, congestion management programs, air traffic patterns, and alternative transportation. Additionally, the proposed grading is not to create any street or driveway design features that may increase hazards or impact existing emergency access. As such, there would be no impact caused by the proposed project.					
<b>XVII. UTILITIES/SERVICE SYSTEMS. Would the project:</b>					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?					X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?					X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?					X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?					X

## Environmental Checklist

Case No. ZON2017-00115

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?					X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?					X
g) Comply with federal, state, and local statutes and regulations related to solid waste?					X
<b>Comments:</b> a-g) The proposed project involves grading to recontour and stabilize an undevelopable vacant area. Therefore, the proposed project would have no impacts to wastewater and its facilities, storm water drainage facilities, water supplies, landfill for solid waste disposal, and solid waste regulations.					
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>					
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X		
<b>Comments:</b> The proposed project, with mitigation, will not degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or reduce the number or restrict the range of a rare or endangered plant or animal. The proposed project will not eliminate important examples of the major periods of California history or pre-history.					
b) Does the project have impacts that are individually limited, but cumulatively considerable? <sup>1</sup>			X		
<b>Comments:</b> The proposed project is to regrade a previously graded area for stabilization purposes. While there would be temporary construction related impacts, with the imposition of the recommended mitigation measures, these potential cumulative impacts will be reduced to less-than-significant levels.					
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X	

<sup>1</sup> "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.

**Environmental Checklist**  
**Case No. ZON2017-00115**

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Comments:</b>					
As discussed above, all potentially-significant environmental effects of the proposed project can be mitigated to less-than-significant levels. Therefore, the proposed project will have no substantial adverse effects on human beings, either directly or indirectly.					
<b>XIV. EARLIER ANALYSES.</b>					
Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063 (c) (3) (D). In this case a discussion should identify the following items:					
a) <b>Earlier analysis used.</b> Identify and state where they are available for review.					
<b>Comments:</b> Not applicable.					
b) <b>Impacts adequately addressed.</b> Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.					
<b>Comments:</b> Not applicable.					
c) <b>Mitigation measures.</b> For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions of the project.					
<b>Comments:</b> Not applicable.					
<b>Authority:</b> Public Resources Code Sections 21083 and 21087.					
<b>Reference:</b> Public Resources Code Sections 21080 (c), 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 321094, 21151; <i>Sundstrom v. County of Mendocino</i> , 202 Cal. App. 3d 296 (1988); <i>Leonoff v. Monterey Board of Supervisors</i> , 222 Cal. App. 3d 1337 (1990).					
<b>20. SOURCE REFERENCES.</b>					
1	City of Rancho Palos Verdes, <u>Rancho Palos Verdes General Plan</u> , and associated Environmental Impact Report. Rancho Palos Verdes, California as amended through August 2001.				
2	City of Rancho Palos Verdes Zoning Map				
3	South Coast Air Quality Management District. <u>CEQA AIR Quality Handbook</u> . Diamond Bar, California: November 1993 (as amended).				
4	Official Maps of Seismic Hazard Zones provided by the Department of Conservation of the State of California, Division of Mines and Geology				
5	City of Rancho Palos Verdes Archeology Map.				
6	City of Rancho Palos Verdes, <u>Natural Communities Conservation Plan</u> . Rancho Palos Verdes, California as adopted August 2004				
7	City of Rancho Palos Verdes Geographic Information System (GIS) database and maps				
8	State of California, Department of Forestry and Fire Protection, <u>Very High Fire Hazard Severity Zone Maps</u> . Sacramento, California, accessed via website, March 2008				
9	Project Plans				
10	City of Rancho Palos Verdes Municipal Code				
11	Hazardous Waste and Substances Site List (i.e., "Cortese List")				
12	Cities of Rancho Palos Verdes and Rolling Hills Estates Joint Natural Hazards Mitigation Plan				
13	Gould, Bo (LSA). (2017, September 8). <i>Biological Resources Technical Memorandum for 5500 Palos Verdes Drive South, City of Rancho Palos Verdes, Los Angeles County, California</i> .				

**Environmental Checklist**  
**Case No. ZON2017-00115**

<b>Issues and Supporting Information Sources</b>		<b>Sources</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
14	Mohan, Adrienne (Palos Verdes Peninsula Land Conservancy). (2017, October 27). <i>Habitat impact assessment of past and future grading areas at 5500 Palos Verdes Drive South.</i>					
15	Lancaster, James (Kling Consulting Group, Inc). (2016, December 2). City of Rancho Palos Verdes Geotechnical Report Response Checklist.					
16	United States Environmental Protection Agency, Overview of Greenhouse Gases. Accessed via website, November 2017.					

**ATTACHMENTS:**

Mitigation Monitoring Program

## Exhibit “B”

# Mitigation Monitoring Program

**Project:** After-the-Fact Major Grading Permit and Coastal Development Permit (ZON2017-00115)

**Location:** 5500 Palos Verdes Drive South and Abalone Cove Shoreline Park Reserve  
City of Rancho Palos Verdes  
County of Los Angeles

**Applicant/Landowner:** Allen & Charlotte Ginsburg

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## I. INTRODUCTION

### PURPOSE

This Mitigation Monitoring Program (MMP) is to allow the following project at 5500 Palos Verdes Drive South and Abalone Cove Reserve in the City of Rancho Palos Verdes:

Conduct 6,414yd<sup>3</sup> of grading (3,604yd<sup>3</sup> of cut and 2,810yd<sup>3</sup> of fill) with 794yd<sup>3</sup> of export to regrade the contours where unpermitted grading occurred over portions of a private property (5500 PVDS) and the City-owned Abalone Cove Reserve property. The proposed grading will occur on both sides of the shared property line, disturbing approximately 32,100ft<sup>2</sup> of total area.

The MMP responds to Section 21081.6 of the Public Resources Code, which requires a lead or responsible agency that approves or carries out a project where a Mitigated Negative Declaration has identified significant environmental effects, to adopt a "reporting or monitoring program for adopted or required changes to mitigate or avoid significant environmental effects." The City of Rancho Palos Verdes is acting as lead agency for the project.

An Initial Study/Mitigated Negative Declaration was prepared to address the potential environmental impacts of the project. Where appropriate, this environmental document recommended mitigation measures to mitigate or avoid impacts identified. Consistent with Section 21080 (2)(c) of the Public Resources Code, a mitigation reporting or monitoring program is required to ensure that the adopted mitigation measures under the jurisdiction of the City are implemented. The City will adopt this MMP when adopting the Mitigated Negative Declaration.

### ENVIRONMENTAL PROCEDURES

This MMP has been prepared in accordance with the California Environmental Quality Act of 1970 (CEQA), as amended (Public Resources Code Section 21000 et seq.) and the State Guidelines for Implementation of CEQA (CEQA Guidelines), as amended (California Administrative Code Section 15000 et seq.). This MMP complies with the rules, regulations, and procedures adopted by the City of Rancho Palos Verdes for implementation of CEQA.

### MITIGATION MONITORING PROGRAM REQUIREMENTS

Section 21081.6 of the Public Resources Code states: "When making the findings required by subdivision (a) of Section 21081 or when adopting a negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21081, the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of an agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program."

## **II. MANAGEMENT OF THE MITIGATION MONITORING PROGRAM**

### **ROLES AND RESPONSIBILITIES**

The MMP for the project will be in place through all phases of the project including final design, pre-grading, construction, and operation. The City will have the primary enforcement role for the mitigation measures.

### **MITIGATION MONITORING PROGRAM PROCEDURES**

The mitigation monitoring procedures for this MMP consists of, filing requirements, and compliance verification. The Mitigation Monitoring Checklist and procedures for its use are outlined below.

#### **Mitigation Monitoring Program Checklist**

The MMP Checklist provides a comprehensive list of the required mitigation measures. In addition, the Mitigation Monitoring Checklist includes: the implementing action when the mitigation measure will occur; the method of verification of compliance; the timing of verification; the department or agency responsible for implementing the mitigation measures; and compliance verification. Section III provides the MMP Checklist.

#### **Mitigation Monitoring Program Files**

Files shall be established to document and retain the records of this MMP. The files shall be established, organized, and retained by the City of Rancho Palos Verdes Department of Community Development

#### **Compliance Verification**

The MMP Checklist shall be signed when compliance of the mitigation measure is met according to the City of Rancho Palos Verdes Community Development Director. The compliance verification section of the MMP Checklist shall be signed, for mitigation measures requiring ongoing monitoring, and when the monitoring of a mitigation measure is completed.

### **MITIGATION MONITORING OPERATIONS**

The following steps shall be followed for implementation, monitoring, and verification of each mitigation measure:

1. The City of Rancho Palos Verdes, Community Development Director shall designate a party responsible for monitoring of the mitigation measures.
2. The City of Rancho Palos Verdes, Community Development Director shall provide to the party responsible for the monitoring of a given mitigation measure, a copy of the MMP Checklist indicating the mitigation measures for which the person is responsible and other pertinent information.
3. The party responsible for monitoring shall then verify compliance and sign the Compliance Verification column of the MMP Checklist for the appropriate mitigation measures.

Mitigation measures shall be implemented as specified by the MMP Checklist. During any project phase, unanticipated circumstances may arise requiring the refinement or addition of mitigation measures. The City of Rancho Palos Verdes, Director of Community Development with advice from Staff or another City Department, is responsible for recommending changes to the mitigation measures, if needed. If mitigation measures are refined, the Director of Community Development would document the change and shall notify the appropriate design,

construction, or operations personnel about refined requirements.

### III. MITIGATION MONITORING PROGRAM CHECKLIST

#### INTRODUCTION

This section provides the MMP Checklist for the project as approved by the Planning Commission of the City of Rancho Palos Verdes on December 12, 2017. Mitigation measures are listed in the order in which they appear in the Initial Study.

- \* **Types** of measures are *project design, construction, operational, or cumulative*.
- \* **Time of Implementation** indicates **when** the measure is to be implemented.
- \* **Responsible Entity** indicates **who** is responsible for implementation.
- \* **Compliance Verification** provides space for future reference and notation that compliance has been monitored, verified, and is consistent with these mitigation measures.

MITIGATION MEASURES	TYPE	TIME OF IMPLEMENTATION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
<b>1. AIR QUALITY</b>				
AQ-1. During construction, including grading, excavating, and land clearing, storage piles and unpaved disturbed areas shall be continuously stabilized or covered when material is not being added to or removed from the pile.	Construction	During construction	Property Owner / Applicant.	Community Development Department
AQ-2. During construction, including grading, excavating, and land clearing, measures should be taken to prevent emitting dust and to minimize visible emissions from crossing the boundary line.	Construction	During construction	Property Owner / Applicant.	Community Development Department
AQ-3. During construction, including grading, excavating, and land clearing, construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off site.	Construction	During construction	Property Owner / Applicant.	Community Development Department
AQ-4. During construction, including grading, excavating, and land clearing, the Applicant shall be responsible for minimizing bulk material or other debris from being tracked onto the City's public roadways, and if tracked, the Applicant's contractor shall be responsible for cleaning up the impacted City's public roadways.	Construction	During construction	Property Owner / Applicant.	Community Development Department
AQ-5. During construction, including grading, excavating, and land clearing, no trucks shall be allowed to transport excavated material off-site unless the trucks are maintained such that no spillage can occur from holes or other openings in cargo compartments, and loads are either: covered with tarps; wetted and loaded such that the material does not touch the front, back, or sides of the cargo compartment at any point less than 6" from the top and that no point of the load extends above the top of the cargo compartment.	Construction	During construction	Property Owner / Applicant.	Community Development Department
AQ-6. Prior to the Building/Grading Permit issuance, the Applicant shall demonstrate to the Director of Community Development's satisfaction that dust generated by grading activities shall comply with the	Plan Check	Prior to Building & Safety permit issuance	Property Owner / Applicant.	Community Development Department

MITIGATION MEASURES	TYPE	TIME OF IMPLEMENTATION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
South Coast Air Quality Management District Rule 403 and the City Municipal Code requirements that require regular watering for the control of dust.				
AQ-7. During construction, including grading, excavating, and land clearing, all excavating and grading activities shall cease when winds gusts (as instantaneous gusts) exceed 25 mph. To assure compliance with this measure, grading activities are subject to periodic inspections by City staff.	Construction	During Construction	Property Owner / Applicant.	Community Development Department
AQ-8. During construction, including grading, excavating, and land clearing, construction equipment shall be kept in proper operating condition, including proper engine tuning and exhaust control systems.	Construction	During Construction	Property Owner / Applicant.	Community Development Department
<b>2. BIOLOGICAL RESOURCES</b>				
BIO-1. Prior to Building/Grading Permit issuance, vegetation previously impacted by the unpermitted grading and vegetation needed to be cleared for fuel modification shall be offset by the property owner using a 3:1 ratio for CSS, a 0.5:1 ratio for non-native grassland, and a 3:1 ratio for native grassland as described in the Council-adopted NCCP for loss occurring in an area greater than 0.3 acres by using one of the following two methods: 1) With the approval of the City, PVPLC, and the Wildlife Agencies, the property owner shall dedicate additional acreage to the Palos Verdes Nature Preserve that will add to the biological function of the Preserve and the property owner shall provide management funding for the additional acreage according to a Property Analysis Record or similar method; 2) Revegetation of impacted habitat at the Abalone Cove Reserve and the payment of a mitigation fee to the City's Habitat Restoration Fund for the remaining mitigation, pursuant to the City's NCCP Subarea Plan; or 3) With the approval of the	Planning Review	Prior to Building & Safety permit issuance	Property Owner / Applicant.	Community Development Department

MITIGATION MEASURES	TYPE	TIME OF IMPLEMENTATION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
City, PVPLC, and the Wildlife Agencies, the property owner shall dedicate additional acreage to the Palos Verdes Nature Preserve that will add to the biological function of the Preserve and submit payment of a mitigation fee to the City's Habitat Restoration Fund for the remaining mitigation, pursuant to the City's NCCP Subarea Plan. If the revegetation option is selected, the property shall prepare a Revegetation Plan for review and approval by the Director of Community Development, Wildlife Agencies, and the Palos Verdes Peninsula Land Conservancy (PVPLC) shall be hired by the City, at the property owner's expense, to grow and plant the required vegetation.				
BIO-2. Prior to commencing construction, the construction area shall be clearly delineated with fencing or other boundary markers. Temporary fencing (with silt barriers) shall be installed at the limits of Project impacts to prevent habitat impacts and prevent the spread of silt from the construction zone into adjacent habitats (i.e. Altamira Canyon). Fencing shall be installed in a manner that does not affect adjacent habitats to be avoided and in compliance with Section 17.56.020.C of the RPVMC.	Construction	Prior to Construction	Property Owner / Applicant.	Community Development Department
BIO-3. Prior to commencing construction, the Project limits shall be clearly marked on Project maps provided to the construction contractor and areas outside of the Project limits shall be designated as "no construction" zones.	Construction	Prior to Construction	Property Owner / Applicant.	Community Development Department
BIO-4. During construction, construction workers shall strictly limit their activities, vehicles, equipment, and construction materials to the designated construction limits.	Construction	During Construction	Property Owner / Applicant.	Community Development Department
BIO-5. During construction, all equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas within the fenced Project limits. These designated areas shall be located in	Construction	During Construction	Property Owner / Applicant.	Community Development Department

MITIGATION MEASURES	TYPE	TIME OF IMPLEMENTATION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
previously compacted and disturbed areas, in such a manner to prevent runoff into adjacent areas and shall be shown on the construction plans. Fueling of equipment shall take place on level surfaces and contractor equipment shall be checked daily for leaks prior to operation and repaired as necessary.				
BIO-6. During construction, the construction work zone shall be kept as clean of debris as possible to avoid attracting predators of native and sensitive wildlife. All food-related trash items shall be enclosed in sealed containers and removed daily from the construction work zone.	Construction	During Construction	Property Owner / Applicant.	Community Development Department
BIO-7. In order to avoid unnecessary impacts, should any non-listed species be found within the property, they shall be avoided and allowed to leave the Project site on their own volition, or a qualified biologist shall relocate them outside of the Project site.	Construction	Prior to Construction	Property Owner / Applicant.	Community Development Department
BIO-8. Pets of Project personnel shall not be allowed on the Project site during construction.	Construction	During Construction	Property Owner / Applicant.	Community Development Department
BIO-9. During construction, equipment for immediate cleanup shall be kept at the staging area. This plan shall also include erosion control measures to control surface runoff, erosion, and sedimentation outside of the project footprints.	Plan Check	Prior to Building & Safety permit issuance	Property Owner / Applicant.	Community Development Department
BIO-10. A qualified biologist shall monitor construction during clearing, grubbing, and initial excavation activities, as needed.	Plan Check and Construction	Prior to and During Construction	Property Owner / Applicant.	Community Development Department
BIO-11. The clearance of vegetation and any construction shall occur outside of the nesting season (generally February 1 through September 1). If avoiding the nesting season is not practicable, the following additional measures shall be employed: <ul style="list-style-type: none"> <li>• A pre-construction nesting survey shall be conducted by a qualified biologist within 3 days prior</li> </ul>	Construction	During Construction	Property Owner / Applicant.	Community Development Department

MITIGATION MEASURES	TYPE	TIME OF IMPLEMENTATION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
<p>to the start of construction activities to determine whether active nests are present within or directly adjacent to the construction zone. All nests found shall be recorded.</p> <ul style="list-style-type: none"> <li>• If construction activities must occur within 300 feet of an active nest of any passerine bird or within 500 feet of an active nest of any raptor, with the exception of an emergency, a qualified biologist shall monitor the nest on a weekly basis, and the construction activity shall be postponed until the biologist determines that the nest is no longer active.</li> </ul> <p>If the recommended nest avoidance zone is not feasible, the qualified biologist shall determine whether an exception is possible and obtain concurrence from the resource agencies before construction work can resume within the avoidance buffer zone. All work shall cease within the avoidance buffer zone until either agency concurrence is obtained or the biologist determines that the adults and young are no longer reliant on the nest site.</p>				
<b>3. CULTURAL RESOURCES</b>				
CUL-1. Prior to the Building/Grading Permit issuance, the Applicant shall consult with the South Central Coastal Information Center (SCCIC) regarding any known archaeological sites on or within a half-mile radius of the subject property.	Plan Check	Prior to Building & Safety permit issuance	Property Owner / Applicant.	Community Development Department
CUL-2. Prior to the Building/Grading Permit issuance, the Applicant shall conduct a Phase 1 archaeological survey of the property for approval by the Director of Community Development.	Plan Check	Prior to Building & Safety permit issuance	Property Owner / Applicant.	Community Development Department
CUL-3. Prior to the commencement of grading, the Applicant shall retain a qualified paleontologist and archeologist to monitor grading and excavation. In	Construction	Prior to Construction	Property Owner / Applicant.	Community Development Department

MITIGATION MEASURES	TYPE	TIME OF IMPLEMENTATION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
the event undetected buried cultural resources are encountered during grading and excavation, work shall be halted or diverted from the resource area and the archeologist and/or paleontologist shall evaluate the remains and propose appropriate mitigation measures.				
<b>4. GEOLOGY/SOILS</b>				
GEO-1. Prior to the Building/Grading Permit issuance, the Applicant shall submit any information required by the City Geologist, including a soils report, and/or a geotechnical report, for the review and approval of the City Geologist. The Applicant shall comply with any requirements imposed by the City Geologist and shall substantially repair the geologic conditions to the satisfaction of the City Geologist.	Plan Check	Prior to Building & Safety permit issuance	Property Owner / Applicant.	Community Development Department
GEO-2. Prior to the Building/Grading Permit issuance, a Hold Harmless Agreement, satisfactory to the City Attorney promising to defend, indemnify, and hold the City harmless from any claims or damages resulting from the requested project, shall be submitted to the Community Development Director for recordation with the Los Angeles County Recorders Office.	Plan Check	Prior to Building & Safety permit issuance	Property Owner / Applicant.	Community Development Department
GEO-3. Prior to the Building/Grading Permit issuance, the Applicant shall submit for recordation a covenant, satisfactory to the City Attorney, agreeing to construct the project strictly in accordance with the approved plans; and agreeing to prohibit further projects on the subject site without first filing an application with the Director. Such covenant shall be submitted to the Community Development Director for recordation with the Los Angeles County Recorders Office.	Plan Check	Prior to Building & Safety permit issuance	Property Owner / Applicant.	Community Development Department
GEO-4. Prior to the Building/Grading Permit issuance, the Applicant shall prepare an erosion control plan for the review and approval of the Building Official. The Applicant shall be responsible for continuous and effective implementation of the erosion control plan during project construction.	Plan Check	Prior to Building & Safety permit issuance	Property Owner / Applicant.	Community Development Department

MITIGATION MEASURES	TYPE	TIME OF IMPLEMENTATION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
<b>5. HYDROLOGY/WATER QUALITY</b>				
HYD-1. Prior to the Building/Grading Permit issuance, the Applicant shall submit for review and approval by the City's Building Official an Erosion Control Plan that shall include BMPs for erosion, sedimentation and run-off control during construction activities to protect the water quality.	Plan Check	Prior to Building & Safety permit issuance	Property Owner / Applicant.	Community Development Department
HYD-2. Prior to the Building/Grading Permit issuance, the Applicant shall submit and obtain approval of a Drainage Plan by the City's Building & Safety Division and the City's Public Works Director. If lot drainage deficiencies are identified by the Public Works Director, all such deficiencies shall be corrected by the Applicant.	Plan Check	Prior to Building & Safety permit issuance	Property Owner / Applicant.	Community Development Department
<b>6. NOISE</b>				
N-1. Permitted hours and days for construction activity are 7:00 AM to 6:00 PM, Monday through Friday, 9:00AM to 5:00PM on Saturday, with no construction activity permitted on Sundays or on the legal holidays specified in Section 17.96.920 of the Rancho Palos Verdes Development Code. During demolition, construction and/or grading operations, trucks shall not park, queue and/or idle at the project site or in the adjoining street rights-of-way before 7AM Monday through Friday and before 9AM on Saturday, in accordance with the permitted hours of construction stated in this condition. When feasible to do so, the construction contractor shall provide staging areas on-site to minimize off-site transportation of heavy construction equipment. These areas shall be located to maximize the distance between staging activities and neighboring properties, subject to approval by the building official.	Construction	During Construction	Property Owner / Applicant.	Community Development Department
N-2. The project shall utilize construction equipment equipped with standard noise insulating features during construction to reduce source noise levels.	Construction	During Construction	Property Owner / Applicant.	Community Development Department
N-3. All project construction equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts is generated during construction.	Construction	During Construction	Property Owner / Applicant.	Community Development Department



**P.C. RESOLUTION NO. 2017-46**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES APPROVING A MAJOR GRADING PERMIT AND COASTAL DEVELOPMENT PERMIT FOR 6,414YD<sup>3</sup> OF AFTER-THE-FACT GRADING WITH 794YD<sup>3</sup> OF EXPORT TO REGRADE THE CONTOURS WHERE UNPERMITTED GRADING OCCURRED OVER THE 5500 PALOS VERDES DRIVE SOUTH PROPERTY AND THE CITY-OWNED ABALONE COVE RESERVE PROPERTY (CASE NO. ZON2017-00115).**

WHEREAS, on May 13, 2015, during a site visit, City Staff found that grading and vegetation removal of sensitive habitat occurred without City approvals on the subject property at 5500 Palos Verdes Drive South (PVDS) and portions of the City-owned Abalone Cove Reserve property. On the same day, the City's Code Enforcement Division sent a letter to the property owners informing them that the unpermitted activity must cease immediately and to contact City Staff to develop a plan to rectify the situation; and,

WHEREAS, on May 16, 2015, the Code Enforcement Division observed continued unpermitted activity on the subject property and issued the property owners a stop work order; and,

WHEREAS, on June 18, 2015, the Code Enforcement Division sent a letter to the property owners identifying specific actions to remedy the situation including submitting appropriate planning applications to regrade the contours and replant the vegetation. Since then, the property owners have been working with the City to address the unpermitted work including the submittal of a property line survey and a geotechnical report; and,

WHEREAS, on March 24, 2017, the property owners submitted an after-the-fact Grading Permit and Coastal Development Permit to conduct 6,414yd<sup>3</sup> of grading with 794yd<sup>3</sup> export to regrade the contours where unpermitted grading occurred over the subject property and the City-owned Abalone Cove Reserve property; and,

WHEREAS, on May 8, 2017, the application was deemed complete for processing, setting the action deadline to November 4, 2017; and,

WHEREAS, on June 13, 2017, the Planning Commission conducted a duly noticed public hearing and continued the matter to September 26, 2017 to address the requirements of the California Environmental Quality Act; and,

WHEREAS, on October 24, 2017, the Applicant granted a one-time 90-day extension, setting the action deadline to February 2, 2018; and,

WHEREAS, on November 16, 2017, notice of the draft Mitigated Negative Declaration and the proposed After-the-fact Major Grading Permit and Coastal Development Permit was sent to all property owners within 500' of the subject site and appropriate public agencies for a comment period exceeding 20-days, commencing on November 16, 2017 and concluding on December 12, 2017. Additionally, the notice was published on the same day in the *Palos Verdes Peninsula News*. Staff did not receive any comments in response to the public notice; and,

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 et. seq. ("CEQA"), the State's CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et. seq., the City's Local CEQA Guidelines, and Government Code Section 65962.5(f) (Hazardous Waste and Substances Statement), the Planning Commission of the City of Rancho Palos Verdes adopted P.C. Resolution No. 2017-45, determining there is no substantial evidence that the approval for the Major Grading Permit and Coastal Development Permit would result in a significant adverse effect on the environment, provided appropriate mitigation measures are imposed on the project; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on December 12, 2017, at which time all interested parties were given an opportunity to be heard and present evidence.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

**Section 1:** A Major Grading Permit is approved for 6,414yd<sup>3</sup> of grading with 794yd<sup>3</sup> export to regrade the contours where unpermitted grading occurred over the subject property and the City-owned Abalone Cove Reserve property because:

A. The grading does not exceed that which is necessary for the permitted primary use of the lot. The primary use of the subject lot is residential and the City-owned lot is open space for preservation and passive recreational purposes. The after-the-fact grading is to regrade the unpermitted disturbed areas over a portion of the rear yard of the 5500 PVDS property and the adjacent slopes on the City-owned Preserve property. This grading is limited to the previously disturbed area with unpermitted fill prior to the Applicant's current ownership. The City Geologist determined that the unpermitted fill areas are approximately 50' to 150' in width and range between approximately 2' and 25' in depth. The previous unpermitted fill is not suitable to support additional fill material, structures or utility lines because of the lack of appropriate compaction. Therefore, grading will include recompaction of the existing unpermitted fill for stabilization purposes and to recontour the area so that the finished contours blend in with the existing surrounding slopes. As engineered, the proposed recompaction and recontoured slopes will further stabilize the condition of the site which would benefit the Applicant and the City.

B. The grading does not significantly adversely affect the visual relationships with, nor the views from the viewing area of neighboring properties because the neighboring properties to the north is at least 15' lower than the street elevation and screened behind the existing residential and ancillary structures. Neighboring properties to the west and east are located at least 2,700' and 4,000' away from the nearest property lines and therefore, the proposed grading area will not be readily visible. South of the proposed grading area is the larger Abalone Cove Reserve area and the ocean.

C. The nature of the grading minimizes disturbance to the natural contours and finished contours are reasonably natural by ensuring the finished grades seamlessly blends with the surrounding slopes. The finished contours will maintain a maximum of 2:1 slopes, which is consistent with the surrounding slopes.

D. The grading takes into account the preservation of natural topographic features and appearances by means of land sculpturing so as to blend any man-made or manufactured slope into the natural topography. Manufactured slopes of 2:1 maximum will be created to blend in the proposed grading areas with the surrounding contours.

E. The grading would not cause excessive and unnecessary disturbance of the natural landscape or wildlife habitat through removal of vegetation. The unpermitted grading resulted in the unauthorized removal of protected habitat from both the subject property and the City-owned Abalone Cove Reserve property. In October 2017, the Palos Verdes Peninsula Land Conservancy identified the area of habitat loss as measuring approximately 0.5 acres (0.1 acres on private and 0.4 acres on public property). Pursuant to the 2004 Council-adopted Draft NCCP, the following Mitigation Measure BIO-1 has been added to the attached Exhibit "A" to mitigate for the habitat loss:

BIO-1. Prior to any grading or permit issuance, vegetation previously impacted by the unpermitted grading and vegetation needed to be cleared for fuel modification shall be offset by the property owner using a 3:1 ratio for CSS, a 0.5:1 ratio for non-native grassland, and a 3:1 ratio for native grassland as described in the Council-adopted NCCP for loss occurring in an area greater than 0.3 acres by using one of the following three methods: 1) With the approval of the City, PVPLC, and the Wildlife Agencies, the property owner shall dedicate additional acreage to the Palos Verdes Nature Preserve that will add to the biological function of the Preserve and the property owner shall provide management funding for the additional acreage according to a Property Analysis Record or similar method; 2) Revegetation of impacted habitat at the Abalone Cove Reserve and the payment of a mitigation fee to the City's Habitat Restoration Fund for the remaining mitigation, pursuant to the City's NCCP Subarea Plan; or 3) With the approval of the City, PVPLC, and the Wildlife Agencies, the property owner shall dedicate additional acreage to the Palos Verdes Nature Preserve that will add to the biological function of the Preserve and submit payment of a mitigation fee to the City's Habitat Restoration Fund for the remaining mitigation, pursuant to the City's NCCP Subarea Plan. If the revegetation option is selected, the property shall prepare a Revegetation Plan for review and approval by the Director of Community Development, Wildlife Agencies, and the Palos Verdes Peninsula Land Conservancy (PVPLC) shall be hired by the City, at the property owner's expense, to grow and plant the required vegetation.

F. The grading conforms to the grading standards for grading on slopes over 35% steepness and maximum depth of cut or fill. The grading does not conform to the grading standards that limit the gradient of the maximum finished slopes to 35% steepness and grading on slopes over 50% steepness. The proposed project is to rectify the unpermitted grading that resulted in unsuitable fill that may be prone to erosion, settlement and potential slope failure. The grading involves recontouring the areas over 35% gradient and overexcavation in excess of 5' in depth to stabilize the area and create manufactured slopes around the boundary of the unpermitted grading area to blend it with the existing surrounding contours. The proposed grading is therefore, consistent with the purposes of the Grading Permit to promote the public health, safety and general welfare as set forth in the Municipal Code. While the proposed grading is not typically permitted for other properties in the vicinity, given the uniqueness of the matter and

safety considerations, the proposed grading over 35% gradient and 5' in depth is necessary. The City Geologist and the Building Official will be required to review and approve engineered grading plans prior to grading permit issuance and will be required to conduct inspections throughout the grading process. Therefore, the proposed grading in excess of the maximum allowed gradient for finished slopes and over 50% steepness is warranted.

**Section 2:** A Coastal Permit is approved for the proposed project because:

A. The proposed development is consistent with the Coastal Specific Plan. The Coastal Specific Plan designation for the project site is Residential <1 Dwelling Unit/Acre (5500 PVDS) and Agriculture (City-owned Abalone Cove Reserve), located within an appealable portion of Subregion 5 of the Coastal Specific Plan (CSP) district. The discussion of Subregion 5 in the CSP notes that the Harden Estate gatehouse is the only residential development in the Subregion, and that it "serves as an important component in the Peninsula's few remaining historical sites." This is reiterated in the Socio-Cultural Element of the CSP, which calls upon the City to "[consider] the implementation of appropriate measures to protect the identified cultural resources" in the City's coastal zone. The CSP further describes the City-owned area to contain natural vegetation (Coastal Sage Scrub). The proposed project serves to protect a historical site (i.e. Harden Estate gatehouse) by stabilizing the surrounding slopes through the removal and recompaction of the unpermitted and unsuitable fill that was placed on the site over the years. The property owners will then be required, as mitigation to the habitat loss caused by the unpermitted grading, to either dedicate additional acreage to the City's Nature Preserve or revegetate the impacted habitat and pay a mitigation fee. The grading will stabilize the slopes on the City-owned Abalone Cove Reserve further protecting the natural resources and passive recreational trails. The proposed grading area will be limited to the previously graded area. Also, the proposed grading area is not located within a visual corridor identified in the Corridors Element of the CSP and therefore, there will have no adverse effects upon a public view from Palos Verdes Drive South.

B. The proposed development, when located between the sea and the first public road, is consistent with applicable public access and recreation policies of the Coastal Act. Although the project site is located seaward of the first public road (i.e., Palos Verdes Drive South), it is limited in area and is partially surrounded by the Harden Estate and partially surrounded by Abalone Cove Shoreline Park and does not extend to the mean high-tide line. As such, the property does not provide an opportunity for additional public access to coastal resources than what currently exists. By contrast, the surrounding City Park and Preserve provide extensive and existing opportunities for public access to coastal resources in the form of improved trails, trailheads, public beach access and public off-street parking. The grading will not impact any improved public trails, public beach access or parking. However, an unauthorized trail that leads from the 5500 PVDS property into the City-owned property will be closed and eventually revegetated with habitat.

**Section 3:** The proposed project complies with the purpose of the Urban Appearance Overlay Control District (OC-3), which is established to preserve, protect and maintain land and water areas, structures and other improvements which are of significant value because of their recreational, aesthetic and scenic qualities; preserve, protect and maintain significant views and vistas; ensure that site planning, grading, and landscape techniques will preserve, protect and enhance the visual character of the City; and preserve, protect and

maintain significant views of and from slope areas within the community which characterize the City's dominant land form. The grading is designed in a manner that does not adversely impact views, vistas, or the existing visual character of the City. The project is to regrade and stabilize the unsuitable fill areas as a result of unpermitted import. Additionally, the grading is limited to the previously graded area, which will be recontoured to blend in with the remaining contours. Lastly, the removed habitat as a result of unpermitted past grading will be revegetated in the City-owned Abalone Cove Reserve area.

**Section 4:** Any interested person aggrieved by this decision or by any portion of this decision may appeal to the City Council. Pursuant to Sections 17.02.040(C)(1)(g) of the Rancho Palos Verdes Municipal Code, any such appeal must be filed with the City, in writing, setting forth the grounds of the appeal and any specific actions requested by the appellant, and accompanied by the appropriate appeal fee, no later than fifteen (15) days following December 12, 2017, the date of the Planning Commission's final action.

**Section 5:** For the foregoing reasons and based on the information and findings included in the Staff Report, Minutes and other records of proceedings, the Planning Commission of the City of Rancho Palos Verdes hereby adopts P.C. Resolution No 2017-46, approving the requested after-the-fact Major Grading Permit and Coastal Development Permit to conduct 6,414yd<sup>3</sup> of grading with 794yd<sup>3</sup> of export to regrade the contours where unpermitted grading occurred over the 5500 Palos Verdes Drive South property and portions of the City-owned Abalone Cove Reserve property, subject to the Conditions of Approval contained in the attached Exhibit "A" (Case No. ZON2017-00115).

PASSED, APPROVED AND ADOPTED this 12<sup>th</sup> day of December 2017, by the following vote:

AYES: **COMMISSIONERS NELSON, BRADLEY, EMENHISER, TOMBLIN, AND VICE CHAIRMAN JAMES**

NOES: **COMMISSIONER LEON**

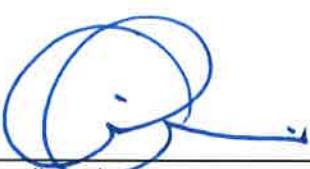
ABSTENTIONS: **NONE**

RECUSALS: **NONE**

ABSENT: **NONE**



William J. James  
Vice Chairman



Ara Mihranian, AICP  
Director of Community Development and  
Secretary of the Planning Commission

**EXHIBIT 'A'**  
**CONDITIONS OF APPROVAL**  
**AFTER-THE-FACT MAJOR GRADING PERMIT**  
**AND COASTAL DEVELOPMENT PERMIT (ZON2017-00115)**  
**5500 PALOS VERDES DRIVE SOUTH & ABALONE COVE RESERVE**

General Conditions:

1. Prior to the submittal of plans into Building and Safety plan check, the Applicant and the property owner shall submit to the City a statement, in writing, that they have read, understand, and agree to all conditions of approval contained in this Resolution. Failure to provide said written statement within ninety (90) days following the date of this approval shall render this approval null and void.
2. The Applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures) (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project.
3. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall submit to the City a Certificate of Insurance demonstrating that the Applicant or its applicable contractor has obtained a general liability insurance policy in an amount not less than \$5 million dollars per occurrence and in the aggregate to cover awards for any death, injury, loss or damage, arising out of the grading or construction of this project. Said insurance policy must be issued by an insurer that is authorized to do business in the State of California with a minimum rating of A-VII by Best's Insurance Guide or a rating of at least A by Standard & Poors. Such insurance shall name the City and past, present and future the members of its City Council, boards, committees, commissions, officers, employees, servants, attorneys, volunteers and agents serving as its independent contractors in the role of City officials, as additional insureds. A copy of this endorsement shall be provided to the City. Said insurance shall be maintained in effect at all times during actual project construction shall not be canceled or reduced during the grading or construction work without providing at least thirty (30) days prior written notice to the City. Further, the insurance shall remain in place for a minimum period of five (5) years following final inspection and approval.
4. **General liability insurance**. The contractor shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than \$2,000,000 per occurrence, \$4,000,000 general aggregate, for bodily injury, personal injury, and property damage, and a \$2,000,000 completed operations aggregate. The policy must include contractual liability that has not been

amended. Any endorsement restricting standard ISO "insured contract" language will not be accepted.

5. Workers Compensation Insurance. A policy of workers compensation insurance in such amount as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for the Contractor against any loss, claim or damage arising from any injuries or occupational diseases occurring to any worker employed by or any persons retained by the Contractor in the course of carrying out the work or services contemplated in this Agreement.
6. Automobile liability insurance. The contractor shall maintain automobile insurance at least as broad as Insurance Services Office form CA 00 01 covering bodily injury and property damage for all activities of the contractor arising out of or in connection with Work to be performed under this Agreement, including coverage for any owned, hired, non-owned or rented vehicles, in an amount not less than \$2,000,000 combined single limit for each accident.
7. Professional Liability. Professional liability insurance appropriate to the Contractor's profession. This coverage may be written on a "claims made" basis, and must include coverage for contractual liability. The professional liability insurance required by this Agreement must be endorsed to be applicable to claims based upon, arising out of or related to services performed under this Agreement. The insurance must be maintained for at least 5 consecutive years following the completion of Contractor's services or the termination of this Agreement. During this additional 5-year period, Contractor shall annually and upon request of the City submit written evidence of this continuous coverage.
8. Subcontractors. The contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and certified endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.
9. Prior to issuance of any grading permits, a bond, cash deposit, or other City-approved security, shall be posted to cover the costs of grading in an amount to be determined by the Director of Public Works. The bond, cash deposit, or other City-approved security, at a minimum, shall be sufficient to pay for the cost of restoring the project site to an acceptable condition, as determined by the Building Official and the Director of Public Works, in the event that the project is not completed and shall include, but not be limited to, stabilizing and hydro-seeding all slopes, completing all retaining walls that are required to maintain the slopes, installing erosion control improvements, and filling in grade depressions or holes. Said security shall be released after all grading related activities are completed and after the approval of the as-built grading plans by the Building Official.
10. Prior to conducting any work in the public right of way, such as for curb cuts, dumpsters, temporary improvements and/or permanent improvements, the Applicant shall obtain an encroachment permit from the Director of Public Works.
11. Approval of this permit shall not be construed as a waiver of applicable and appropriate zoning regulations, or any Federal, State, County and/or City laws and regulations. Unless otherwise expressly specified, all other requirements of the City of Rancho Palos

Verdes Municipal Code shall apply.

12. Pursuant to Section 17.78.040, Director of Community Development is authorized to make minor modifications to the approved plans and any of the conditions of approval if such modifications will achieve substantially the same results as would strict compliance with the approved plans and conditions. Substantial changes to the project shall be considered a revision and require approval by the final body that approved the original project, which may require new and separate environmental review and public notification.
13. The project development on the site shall conform to the specific standards contained in these conditions of approval or, if not addressed herein, shall conform to the residential development standards of the City's Municipal Code, including but not limited to height, setback and lot coverage standards.
14. Failure to comply with and adhere to all of these Conditions of Approval may be cause to revoke the approval of the project pursuant to the revocation procedures contained in Section 17.86.060 of the City's Municipal Code or administrative citations as described in Section 1.16 of the City's Municipal Code.
15. If the Applicant has not submitted an application for a grading permit or building permit for the approved project or not commenced the approved project as described in Section 17.86.070 of the City's Municipal Code within 90-days of the final effective date of this Resolution, approval of the project shall expire and be of no further effect unless, prior to expiration, a written request for extension is filed with the Community Development Department and approved by the Director.
16. In the event that any of these conditions conflict with the recommendations and/or requirements of another permitting agency or City department, the stricter standard shall apply.
17. In the event that a Condition of Approval is in conflict or is inconsistent with any Mitigation Measure for this project, the more restrictive shall govern.
18. Unless otherwise designated in these conditions, all construction shall be completed in substantial conformance with the plans stamped APPROVED by the City with the effective date of this Resolution.
19. This approval is only for the items described within these conditions and identified on the stamped APPROVED plans and is not an approval of any existing illegal or legal non-conforming structures on the property, unless the approval of such illegal or legal non-conforming structure is specifically identified within these conditions or on the stamped APPROVED plans.
20. The construction site and adjacent public and private properties and streets shall be kept free of all loose materials resembling trash and debris in excess of that material used for immediate construction purposes. Such excess material may include, but not be limited to: the accumulation of debris, garbage, lumber, scrap metal, concrete asphalt, piles of earth, salvage materials, abandoned or discarded furniture, appliances or other household fixtures.

21. All construction sites shall be maintained in a secure, safe, neat and orderly manner, to the satisfaction of the City's Building Official. All construction waste and debris resulting from a construction, alteration or repair project shall be removed on a weekly basis by the contractor or property owner. Existing or temporary portable bathrooms shall be provided during construction. Portable bathrooms shall be placed in a location that will minimize disturbance to the surrounding property owners, to the satisfaction of the City's Building Official.
22. If construction projects that are accessible from a street right-of-way or an abutting property and which remain in operation or expect to remain in operation for over 30 calendar days, the Applicant shall provide temporary construction fencing, as defined in Section 17.56.050(C) of the Development Code. Unless required to protect against a safety hazard, temporary construction fencing shall not be erected sooner than 15 days prior to commencement of construction.
23. For all grading, landscaping and construction activities, the Applicant shall employ effective dust control techniques, either through screening and/or watering.
24. The Applicant shall be required to pay the estimated amount of the cost of services to be provided on behalf of the City by any outside consultants that have been retained by the City to render services specifically in connection with this project, in the form of a trust deposit account, prior to commencement of such services (e.g. City Engineer, City Attorney, geotechnical consultants, biologist, landscape architect, City Arborist, noise consultant, environmental consultants, recycling consultants, etc.). The Applicant shall adequately fund said trust deposit accounts prior to the commencement of services, in amounts reasonably requested by the City, based upon an estimate of the cost of services for the period of at least 90 days for which services are rendered. In addition, the trust deposits shall be replenished within two weeks of receipt of notice from the City that additional funds are needed.
25. All existing easements shall remain in full force and effect unless expressly released by the holder of the easement.

Project Specific Conditions:

26. This approval is for 6,414yd<sup>3</sup> (3,604yd<sup>3</sup> of cut and 2,768yd<sup>3</sup> of fill) of grading over two separate areas with 794yd<sup>3</sup> export to regrade the contours where unpermitted grading occurred over the subject property and the City-owned Abalone Cove Reserve property as shown below.
  - A. Area 1
    - a. 5500 PVDS – 55yd<sup>3</sup> of grading (13yd<sup>3</sup> of cut and 42yd<sup>3</sup> of fill)
    - b. City Property – 789y<sup>3</sup> of grading (449yd<sup>3</sup> of cut and 340yd<sup>3</sup> of fill)
  - B. Area 2
    - a. 5500 PVDS – 7yd<sup>3</sup> of grading (5yd<sup>3</sup> of cut and 2yd<sup>3</sup> of fill)
    - b. City Property – 819y<sup>3</sup> of grading (765yd<sup>3</sup> of cut and 54yd<sup>3</sup> of fill)
  - C. Overexcavation and Recompaction on both Areas 1 and 2
    - a. 4,744yd<sup>3</sup> (2,372yd<sup>3</sup> of cut and 2372yd<sup>3</sup> of fill)

The maximum depth of cut is 15' and the maximum depth of fill is 14' (includes the height of over-excavation and recompaction).

27. Prior to the final inspection of the precise grading, the Applicant shall provide the Building Official with a certified as-built grading plan prepared and wet-stamped by a licensed engineer.
28. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, a haul route shall be obtained from the Department of Public Works.
29. **PRIOR TO BUILDING/GRADING PERMIT FINAL**, an as-built wet-stamped survey shall be submitted to the satisfaction of the Director of Community Development.
30. Temporary construction fencing shall be installed in accordance with the RPVMC. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall submit a Temporary Construction Fence Plan, as part of the Construction Management Plan, that identifies items including, but not limited to, the type, the location and the time duration of construction fencing to be installed to address health and safety issues that are related to grading or other construction activities.
31. No overnight parking or storage of vehicles associated with construction shall be permitted in the public right-of-way or on the City-owned Abalone Cove Reserve property during construction.
32. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall submit to the Director of Public Works and the Director of Community Development, for review and approval, a Construction Management Plan. Said Plan shall include, but not be limited to, the proposed routes to and from the project site for all deliveries of equipment, materials, and supplies, and shall set forth the parking plan for construction employees, the installation of traffic control signs at and around the project site, hours of arrival and departure for construction workers, sound abatement measures, and street maintenance (street cleaning and repairs). All construction related parking must be accommodated on-site. No on-street construction related parking shall be permitted. The queuing and idling of construction worker vehicles and construction vehicles/equipment shall be prohibited on-site and on City streets. Furthermore, the Plan shall identify the staging area which shall not result in adverse impacts to the surrounding environment.
33. The Applicant shall be responsible for repairs to any public streets that may be damaged as a result of development of the project as required by the Director of Public Works.
34. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall film the public roads that will be used for construction traffic to and from the project site, as described in the City approved Construction Management Plan, to document the pre-construction road condition. Said film, in either a DVD or CD format, shall be submitted to the Director of Public Works and shall be used to document any roadway damage that may be associated with project construction.
35. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall submit security, in a form reasonably acceptable to the City, to cover any damage to existing public roadways caused by project construction. The amount of such security shall be determined by the Director of Public Works and shall not be released until all construction related activities have been completed and after final inspections by the City's Building Official.

36. **Prior to the release of the security to cover any damages to existing public roadways** (see above conditions), the Applicant shall repair or replace all curbs, gutters, and sidewalks that are damaged as a result of project construction, as determined by the Director of Public Works.
37. Recommendations made by the City Geologist, the City Engineer, and the Building and Safety Division during the ongoing review of the project shall be incorporated into the design and construction of the project.
38. Recommendations made by the project Applicant's geologist, as modified by comments from the City's Geologist, shall be incorporated into the design and construction of the project.
39. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the City's Geologist and Building Official shall review all applicable structural plans or design information and reports as deemed necessary by the City's Geologist, Building Official, or both, including but not limited to, geotechnical reports during the Plan Check review process to ensure that the proposed project will not threaten public health, safety, and welfare.
40. If applicable, as determined by the City Geologist, **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, a bond, cash deposit, or combination thereof, shall be posted to cover costs for any geologic hazard abatement in an amount to be determined by the Director of Public Works. Said security shall be released after all grading related activities are completed and after the approval of the as-built grading plans by the Building Official.
41. A revegetation Landscape Plan, including an irrigation plan, shall be prepared by a qualified Landscape Architect in accordance with the standards set forth in RPVMC. The Landscape Plan shall be reviewed and approved by the Director of Community Development, a qualified Landscape Architect, and an Arborist hired by the City, **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**. The Applicant shall establish a Trust Deposit account with the City prior to the submittal of Landscape Plans to cover all costs incurred by the City in conducting such review. The Landscape Plan shall include, at a minimum, the plant species (Latin and common names), growth rate, and maximum height at maturity for all proposed trees. Included in the Landscape Plan shall be a maintenance schedule as stated in these conditions. During the Director's review, the Landscape Plan shall also be made available to the public, including the PVPLC, for review and input.

The Landscape Plan shall comply with the water conservation concepts, the View Preservation Ordinance, the planting requirements, the irrigation system design criteria, and all other requirements of the RPVMC.

**Mitigation Measures:**

- AQ-1. During construction, including grading, excavating, and land clearing, storage piles and unpaved disturbed areas shall be continuously stabilized or covered when material is not being added to or removed from the pile.

- AQ-2. During construction, including grading, excavating, and land clearing, measures should be taken to prevent emitting dust and to minimize visible emissions from crossing the boundary line.
- AQ-3. During construction, including grading, excavating, and land clearing, construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off site.
- AQ-4. During construction, including grading, excavating, and land clearing, the Applicant shall be responsible for minimizing bulk material or other debris from being tracked onto the City's public roadways, and if tracked, the Applicant's contractor shall be responsible for cleaning up the impacted City's public roadways.
- AQ-5. During construction, including grading, excavating, and land clearing, no trucks shall be allowed to transport excavated material off-site unless the trucks are maintained such that no spillage can occur from holes or other openings in cargo compartments, and loads are either: covered with tarps; wetted and loaded such that the material does not touch the front, back, or sides of the cargo compartment at any point less than 6" from the top and that no point of the load extends above the top of the cargo compartment.
- AQ-6. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall demonstrate to the Director of Community Development's satisfaction that dust generated by grading activities shall comply with the South Coast Air Quality Management District Rule 403 and the City Municipal Code requirements that require regular watering for the control of dust.
- AQ-7. During construction, including grading, excavating, and land clearing, all excavating and grading activities shall cease when winds gusts (as instantaneous gusts) exceed 25 mph. To assure compliance with this measure, grading activities are subject to periodic inspections by City staff.
- AQ-8. During construction, including grading, excavating, and land clearing, construction equipment shall be kept in proper operating condition, including proper engine tuning and exhaust control systems.

- BIO-1. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, vegetation previously impacted by the unpermitted grading and vegetation needed to be cleared for fuel modification shall be offset by the property owner using a 3:1 ratio for CSS, a 0.5:1 ratio for non-native grassland, and a 3:1 ratio for native grassland as described in the Council-adopted NCCP for loss occurring in an area greater than 0.3 acres by using one of the following three methods: 1) With the approval of the City, PVPLC, and the Wildlife Agencies, the property owner shall dedicate additional acreage to the Palos Verdes Nature Preserve that will add to the biological function of the Preserve and the property owner shall provide management funding for the additional acreage according to a Property Analysis Record or similar method; 2) Revegetation of impacted habitat at the Abalone Cove Reserve and the payment of a mitigation fee to the City's Habitat Restoration Fund for the remaining mitigation, pursuant to the City's NCCP Subarea Plan; or 3) With the approval of the City, PVPLC, and the Wildlife Agencies, the property owner shall dedicate additional acreage to the Palos Verdes Nature Preserve that will add to the biological function of the Preserve and submit payment of a mitigation fee to the City's Habitat Restoration Fund for the remaining mitigation, pursuant to the City's

NCCP Subarea Plan. If the revegetation option is selected, the property shall prepare a Revegetation Plan for review and approval by the Director of Community Development, Wildlife Agencies, and the Palos Verdes Peninsula Land Conservancy (PVPLC) shall be hired by the City, at the property owner's expense, to grow and plant the required vegetation.

- BIO-2. Prior to commencing construction, the construction area shall be clearly delineated with fencing or other boundary markers. Temporary fencing (with silt barriers) shall be installed at the limits of Project impacts to prevent habitat impacts and prevent the spread of silt from the construction zone into adjacent habitats (i.e. Altamira Canyon). Fencing shall be installed in a manner that does not affect adjacent habitats to be avoided and in compliance with Section 17.56.020.C of the RPVMC.
- BIO-3. Prior to commencing construction, the Project limits shall be clearly marked on Project maps provided to the construction contractor and areas outside of the Project limits shall be designated as "no construction" zones.
- BIO-4. During construction, construction workers shall strictly limit their activities, vehicles, equipment, and construction materials to the designated construction limits.
- BIO-5. During construction, all equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas within the fenced Project limits. These designated areas shall be located in previously compacted and disturbed areas, in such a manner to prevent runoff into adjacent areas and shall be shown on the construction plans. Fueling of equipment shall take place on level surfaces and contractor equipment shall be checked daily for leaks prior to operation and repaired as necessary.
- BIO-6. During construction, the construction work zone shall be kept as clean of debris as possible to avoid attracting predators of native and sensitive wildlife. All food-related trash items shall be enclosed in sealed containers and removed daily from the construction work zone.
- BIO-7. In order to avoid unnecessary impacts, should any non-listed species be found within the property, they shall be avoided and allowed to leave the Project site on their own volition, or a qualified biologist shall relocate them outside of the Project site.
- BIO-8. Pets of Project personnel shall not be allowed on the Project site during construction.
- BIO-9. During construction, equipment for immediate cleanup shall be kept at the staging area. This plan shall also include erosion control measures to control surface runoff, erosion, and sedimentation outside of the project footprints.
- BIO-10. A qualified biologist shall monitor construction during clearing, grubbing, and initial excavation activities, as needed.
- BIO-11. The clearance of vegetation and any construction shall occur outside of the nesting season (generally February 1 through September 1). If avoiding the nesting season is not practicable, the following additional measures shall be employed:

A pre-construction nesting survey shall be conducted by a qualified biologist within 3 days prior to the start of construction activities to determine whether active nests are present within or directly adjacent to the construction zone. All nests found shall be recorded.

If construction activities must occur within 300 feet of an active nest of any passerine bird or within 500 feet of an active nest of any raptor, with the exception of an emergency, a qualified biologist shall monitor the nest on a weekly basis, and the construction activity shall be postponed until the biologist determines that the nest is no longer active.

If the recommended nest avoidance zone is not feasible, the qualified biologist shall determine whether an exception is possible and obtain concurrence from the resource agencies before construction work can resume within the avoidance buffer zone. All work shall cease within the avoidance buffer zone until either agency concurrence is obtained or the biologist determines that the adults and young are no longer reliant on the nest site.

**CUL-1. PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall consult with the South Central Coastal Information Center (SCCIC) regarding any known archaeological sites on or within a half-mile radius of the subject property.

**CUL-2. PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall conduct a Phase 1 archaeological survey of the property for approval by the Director of Community Development.

**CUL-3.** Prior to the commencement of grading, the Applicant shall retain a qualified paleontologist and archeologist to monitor grading and excavation. In the event undetected buried cultural resources are encountered during grading and excavation, work shall be halted or diverted from the resource area and the archeologist and/or paleontologist shall evaluate the remains and propose appropriate mitigation measures.

**GEO-1. PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall submit any information required by the City Geologist, including a soils report, and/or a geotechnical report, for the review and approval of the City Geologist. The Applicant shall comply with any requirements imposed by the City Geologist and shall substantially repair the geologic conditions to the satisfaction of the City Geologist.

**GEO-2. PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, a Hold Harmless Agreement, satisfactory to the City Attorney promising to defend, indemnify, and hold the City harmless from any claims or damages resulting from the requested project, shall be submitted to the Director of Community Development for recordation with the Los Angeles County Recorders Office.

**GEO-3. PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall submit for recordation a covenant, satisfactory to the City Attorney, agreeing to construct the project strictly in accordance with the approved plans; and agreeing to prohibit further projects on the subject site without first filing an application with the Director. Such covenant shall be submitted to the Director of Community Development for recordation with the Los Angeles County Recorders Office.

GEO-4. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall prepare an erosion control plan for the review and approval of the Building Official. The Applicant shall be responsible for continuous and effective implementation of the erosion control plan during project construction.

HYD-1. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall submit for review and approval by the City's Building Official an Erosion Control Plan that shall include BMPs for erosion, sedimentation and run-off control during construction activities to protect the water quality.

HYD-2. **PRIOR TO BUILDING/GRADING PERMIT ISSUANCE**, the Applicant shall submit and obtain approval of a Drainage Plan by the City's Building & Safety Division and the City's Public Works Director. If lot drainage deficiencies are identified by the Public Works Director, all such deficiencies shall be corrected by the Applicant.

- N-1. Permitted hours and days for construction activity are 7:00 AM to 6:00 PM, Monday through Friday, 9:00AM to 5:00PM on Saturday, with no construction activity permitted on Sundays or on the legal holidays specified in Section 17.96.920 of the Rancho Palos Verdes Development Code. During demolition, construction and/or grading operations, trucks shall not park, queue and/or idle at the project site or in the adjoining street rights-of-way before 7AM Monday through Friday and before 9AM on Saturday, in accordance with the permitted hours of construction stated in this condition. When feasible to do so, the construction contractor shall provide staging areas on-site to minimize off-site transportation of heavy construction equipment. These areas shall be located to maximize the distance between staging activities and neighboring properties, subject to approval by the building official.
- N-2. The project shall utilize construction equipment equipped with standard noise insulating features during construction to reduce source noise levels.
- N-3. All project construction equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts is generated during construction.