

8.0 RESPONSES TO COMMENTS ON THE DRAFT EIR

This section includes comments received during the circulation of the Draft Environmental Impact Report prepared for the Zone 2 Landslide Moratorium Ordinance Revisions Project (Project).

The Draft EIR was circulated for a 45-day public review period that began on August 22, 2019 and ended on October 7, 2019. The City of Rancho Palos Verdes received 65 comment letters on the Draft EIR. The commenters and the page number on which each commenter's letter appear are listed below.

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Section 8.0 Responses to Comments on the Draft EIR

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The Rancho Palos Verdes City Council held a public hearing on September 17, 2019 at which the Council received public comments on the Draft EIR. Twelve individuals spoke at the hearing. Their comments are summarized at the end of this section along with responses to the comments.

The comments and responses follow. The comments have been numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1). In cases where Draft EIR language was updated, the deleted text is shown as a ~~strike through~~ and added text is shown as underline.



Letter 1

DEPARTMENT OF TRANSPORTATION

DISTRICT 7 – Office of Regional Planning
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 897-9140
FAX (213) 897-1337
TTY 711
www.dot.ca.gov



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SEP 30 2019

September 26, 2019

COMMUNITY DEVELOPMENT
DEPARTMENT

Ms. Octavia Silva
City of Rancho Palos Verdes
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

RE: Zone 2 Landslide Moratorium Ordinance
Revisions – Draft Environmental Impact
Report (DEIR)
SCH # 2010121073
GTS # 07-LA-2018-02782
Vic. LA-213/PM: 1.099

Ms. Octavia Silva:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project's Draft Environmental Impact Report (DEIR). This proposed code amendment focuses on Zone 2 of the Landslide Moratorium Area (LMA) on the Palos Verdes Peninsula, north of the intersection of Palos Verdes Drive S. and Narcissa Drive. This plan consists of making code amendments to Exception "P" of Title 15.20.040 of the Ranchos Palos Verdes Municipal Code, pertaining to Zone 2. The proposed code amendment would apply to the 112-acre LMA of Zone 2 that is currently no longer allowing Landslide Moratorium Exemption (LME) applications. This proposed code amendment would predominantly impact the 31 undeveloped lots in Zone 2.

1.1

After reviewing the DEIR, Caltrans does not expect project approval to result in a direct adverse impact to the existing State transportation facilities.

Further information included for your consideration:

Greenhouse gas reduction by way of reduced vehicle miles traveled (VMT) is critical. The essential component of walkable communities is mixed-use zoning. Residential and appropriate commercial uses should be intertwined to increase accessibility and allow residents to utilize active transportation modes.

1.2

Caltrans encourages the Lead Agency to consider any reduction in vehicle speeds to benefit pedestrian and bicyclist safety, as there is a direct link between impact speeds and the likelihood of fatality or serious injury. These methods include the construction of physically separated facilities such as wide sidewalks, raised medians, refuge islands, and off-road paths and trails, or a reduction in crossing distances through roadway narrowing. These suggestions can reduce pedestrian and bicyclist exposure to vehicles ensuring safety by lessening the time that the user is in the likely path of a motor vehicle.

1.3

Signal timing can be adjusted to include Leading Pedestrian Intervals, giving pedestrians a seven second head start. Pedestrian and bicyclist warning signage, flashing beacons, high-visibility continental crosswalks, scramble crossings, flashing yellow turn signals, high-visibility green bike lanes, other signage and buffer striping should be used to indicate to motorists that they should expect to see

1.4

and yield to pedestrians and bicyclists.

↑ 1.4
Cont.

Any development should keep livability in mind by providing shade trees, native landscaping, bioswales, street furniture, bicycle parking, bus shelters and trash cans. Bus bulb-outs can reduce conflict between bicycles and buses on busy roads. Bus only lanes are encouraged to reduce travel times and make public transit more appealing to discretionary users. Any gated communities should provide pedestrian paths and doors to ensure access to transit, shopping centers, schools and main roads. Whenever possible, a grid pattern with short blocks is recommended to promote walking. Permeable paving materials should be incorporated whenever possible. Signage can be reinforced by road design features such as lane widths, landscaping, street furniture, and other design elements.

1.5

Storm water run-off is a sensitive issue for Los Angeles County. Please be mindful that projects should be designed to discharge clean run-off water. Discharge of storm water run-off is not permitted onto State Highway facilities without a storm water management plan.

1.6

As a reminder, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods.

If you have any questions regarding these comments, please contact Reece Allen, the project coordinator, at reece.allen@dot.ca.gov, and refer to GTS # 07-LA-2018-02782.

Sincerely,



MIYA EDMONSON
IGR/CEQA Branch Chief

1.7

cc: Scott Morgan, State Clearinghouse

Letter 1

COMMENTER: Miya Edmonson, IGR/CEQA Branch Chief, Department of Transportation

DATE: September 28, 2019

Response 1.1

The commenter thanks the City for including Caltrans in the environmental review process, correctly describes the project, and states that the project would not have a direct effect on Caltrans facilities.

This comment is noted, but raises no issues with respect to the adequacy of the Draft EIR.

Response 1.2

The commenter suggests that mixed-use zoning is critical for reducing vehicle miles traveled (VMT) and associated greenhouse gas (GHG) emissions.

This comment is noted, but raises no specific issues with respect to the adequacy of the Draft EIR. The current project area is an established residential neighborhood that would not be appropriate for mixed-use zoning.

Response 1.3

The commenter notes that Caltrans encourages methods to slow vehicle speeds and benefit pedestrian and bicyclist safety.

This comment is noted, but raises no specific issues with respect to the adequacy of the Draft EIR. As noted in response 1.2, the current project area is an established residential neighborhood. The project area does not experience high levels of vehicle traffic because it is a gated area with private streets.

Response 1.4

The commenter notes that signal timing can be adjusted to improve conditions for pedestrians and bicyclists.

This comment is noted, but raises no specific issues with respect to the adequacy of the Draft EIR. The City will consider the commenter's suggestions as it evaluates operation of existing and planned traffic signals.

Response 1.5

The commenter suggests that livability is an important consideration and suggests several methods to maintain and improve livability.

This comment is noted, but raises no specific issues with respect to the adequacy of the Draft EIR. New development in the project area would be required to comply with



applicable City and Portuguese Bend Community Association (PBCA) standards, which are aimed in part at maintaining livability.

Response 1.6

The commenter states that projects should be designed to discharge clean run-off water.

This comment is noted, but raises no specific issues with respect to the adequacy of the Draft EIR. Water quality issues are discussed in Section 4.8, *Hydrology and Water Quality*, of the Draft EIR. With mitigation, impacts related to water quality were found to be less than significant.

Response 1.7

The commenter notes that oversize transport vehicles on Caltrans facilities would need a permit and suggests limiting large truck trips to off-peak hours.

Individual property owners would obtain any necessary Caltrans permits prior to project area construction projects. Mitigation Measure T-4(c) in Section 4.10, *Traffic and Circulation*, would limit receipt of construction materials to non-peak travel periods and require coordinated deliveries to reduce the potential of trucks waiting to unload for extended periods of time. In addition, a city-approved haul route permit is required for haul trucks and loaded haul trucks are prohibited through portions of the landslide area on Palos Verdes Drive South.





Letter 2

October 3, 2019

Octavio Silva, Senior Planner
 City of Rancho Palos Verdes Planning Division
 30940 Hawthorne Boulevard
 Rancho Palos Verdes, CA 90275

Subject: Comments on the Draft Environmental Impact Report for proposed code amendments to Exception “P” of Title 15.20.040 (Landslide Moratorium Ordinance) of the Rancho Palos Verdes Municipal Code pertaining to Zone 2 (SCH #2010121073)

Dear Mr. Silva:

The Department of Fish and Wildlife (Department) has reviewed the August 2019 Draft Environmental Impact Report (DEIR) for the proposed code amendments to Exception “P” of Title 15.20.040 (Landslide Moratorium Ordinance) of the Rancho Palos Verdes Municipal Code pertaining to Zone 2 (Project). The City of Rancho Palos Verdes (City) originally prepared and circulated a DEIR for this Project in 2012, but the final EIR was never certified and the amendments were never approved. The 2019 DEIR is an updated version of the 2012 document and reflects applicable data that is new or has changed since 2012, as well as pertinent information provided in the comments received on the original DEIR.

The following statements and comments have been prepared pursuant to the Department’s authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program. The City of Rancho Palos Verdes (City) is currently participating in the NCCP program through the preparation of the City of Rancho Palos Verdes final draft NCCP/Habitat Conservation Plan (NCCP/HCP) that was submitted to the Federal Register on October 31, 2018, and again on April 4, 2019.

The proposed amendments apply to the 112-acre Zone 2 Landslide Moratorium Area (LMA) located in the Portuguese Bend area of the City and would allow for future submittal of Landslide Moratorium Exception (LME) applications for an additional 31 undeveloped or underdeveloped lots within Zone 2 of the LMA. These properties are located outside of the City’s habitat Preserve (Preserve) that was established as part of the NCCP/HCP; however, some properties abut the Preserve and there is potential for direct and indirect impacts to biological resources as a result of future approvals of LME applications on all parcels. The Department and the U.S. Fish and Wildlife Service (collectively the Wildlife Agencies) reviewed and submitted comments on the Notice of Preparation for the 2019 DEIR, which are documented in our December 12, 2018, letter. The Department appreciates the City’s consideration and incorporation of these comments into the August 2019 DEIR and offers the

2.1

below recommendations to further assist the City in minimizing impacts to biological resources and ensuring the Project is consistent with its NCCP/HCP.



2.1
Cont.

1. The 2019 DEIR indicates that review of aerial photography in advance of the 2010 biological resources surveys suggested the presence of coastal sage scrub (CSS)-dominated plant communities along the perimeter of the Project. In addition, mapping documents that were prepared for the 2004 draft NCCP/HCP showed the presence of host plants, ocean locoweed (*Astragalus trichopodus* var. *lonchus*) and deerweed (*Acemison glaber*), for the Palos Verdes blue butterfly and CSS habitat adjacent to the northwestern portion of the Project area within the Filiarum Reserve, and CSS habitat along Altamira Canyon. The 2010 biological surveys documented that the perimeter of the Project area had been mowed or trimmed for fire clearance and the CSS habitats were no longer intact. Follow-up surveys conducted in 2018 in advance of the 2019 DEIR documented similar conditions on site (see page 4.3-2 of 2019 DEIR). It is unclear in the 2019 DEIR whether these fuel modification activities were authorized and whether they were performed in a manner that is consistent with the NCCP/HCP. The Department recommends that the City confirm whether impacts to CSS habitats within the Preserve were appropriately deducted from their allotted total for "Preserve Fuel Modification," and provide confirmation that impacts to CSS habitat outside of the Preserve were appropriately mitigated in accordance with Section 5.3.3 of the NCCP/HCP (i.e. through payment of the in-lieu fee). This information should be included in the final EIR for the Project.

2.2

2. Mitigation Measure BIO-3(a) of the 2019 DEIR states that mitigation for impacts to wetland and riparian habitats would require restoration of such habitat at a minimum ratio of 2:1 for temporary losses and 3:1 for permanent losses. Please note that it is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion that would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks that preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations.

For activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, or stream, or lake or use material from a river, stream, or lake, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. If an LSAA is required, the Department will evaluate the project for impacts to wetland and riparian habitat and determine appropriate compensatory mitigation to be included as part of the agreement based on the functional value the impacted habitat provides. Compensatory mitigation may or may not reflect the ratios proposed in BIO-3(a) of the DEIR and may include but is not limited to, creation, restoration, or enhancement of riparian and/or wetland habitats, restoration monitoring and reporting commitments, and permanent long-term site protections and funding for long-term management.

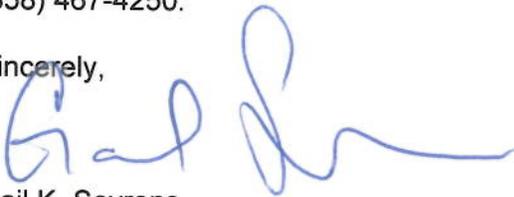
2.3

3. Raptors readily utilize eucalyptus and other ornamental tree species that have been identified in the Project area for nesting, and commonly forage in open patches of non-native grassland. Given the presence of both of these elements in the Project area, there is a high likelihood of potential use by raptor species. Therefore, we recommend updating Mitigation Measure BIO-4 to reflect the nesting dates that are identified in the NCCP/HCP for raptors (NCCP/HCP Section 5.5). In addition, the Wildlife Agencies should be notified if a buffer of less than 500 feet is recommended around any active raptor nests, in accordance with Section 5.5 of the NCCP/HCP. 2.4

4. In order to fully minimize potential indirect impacts to the Preserve, the NCCP/HCP requires development projects that abut the Preserve to incorporate specific minimization measures as enforceable conditions in all City permits, operations, and authorizations to proceed with work (NCCP/HCP Section 5.7). The majority of these measures are addressed and included in the 2019 DEIR under Mitigation Measure BIO-6. However, there currently are no measures to prevent the potential introduction of non-native and invasive plant species into the Preserve. We recommend updating Mitigation Measure BIO-6 to include the language from the NCCP/HCP regarding ornamental landscaping on properties abutting the Preserve (see NCCP/HCP Section 5.7). 2.5

Thank you for the opportunity to comment on the 2019 DEIR and the incorporation of our past recommendations. We appreciate the City's ongoing efforts to implement the NCCP/HCP and to minimize impacts to biological resources. If you have any questions regarding the content of this letter or would like to discuss any of these items further, please contact Kyle Rice at (858) 467-4250.

Sincerely,



Gail K. Sevens
Environmental Program Manager
South Coast Region

ec: State Clearinghouse
Eric Porter, U.S. Fish and Wildlife Service

Letter 2

COMMENTER: Gail K. Stevens, Environmental Program Manager, California Department of Fish and Wildlife

DATE: October 3, 2019

Response 2.1

The commenter notes CDFW's role in the CEQA process, correctly describes the project, and thanks the City for considering CDFW's comments.

This comment is noted. Specific comments on the Draft EIR are addressed in responses 2.2 through 2.5.

Response 2.2

The commenter requests clarification regarding whether fuel modification activities conducted since 2010 were performed in a manner that is consistent with the NCCP/HCP and confirmation that impacts to CSS habitat were appropriately mitigated in accordance with Section 5.3.3 of the NCCP/HCP.

Fuel modification activities in the project area have been conducted in accordance with applicable NCCP/HCP requirements. It should be noted that the purpose of the current EIR is to assess the impacts of the currently proposed project, which would involve the development of 31 undeveloped Zone 2 lots. Future construction of new residences within the project area that require fuel modification will be subject to the requirements of the City's NCCP/HCP.

Response 2.3

The commenter notes that CDFW discourages development in wetlands and describes the process that individual property owners would need to follow if alterations to wetlands or riparian areas are proposed.

As discussed in Section 4.3, *Biological Resources*, of the Draft EIR (under Impact BIO-3), future development in five project area lots may have the potential to adversely affect jurisdictional drainages. Although the specific impacts of future developments cannot be predicted with certainty, the Draft EIR includes mitigation requiring agency coordination and providing minimum requirements for replacement of any lost riparian/wetland habitat to reduce impacts below a level of significance. It is understood that permitting agencies, including CDFW, may require additional mitigation beyond the minimum requirements described in the Draft EIR.

Response 2.4

The commenter notes a high likelihood of use of the project area by raptors and suggests some minor changes to Measure BIO-4 to reflect the NCCP/HCP.



The comment regarding raptors is noted. In response to this comment, Measure BIO-4 has been revised to read as follows:

BIO-4 Nesting Bird Surveys and Avoidance. The City shall require that tree pruning and removal be conducted outside of the bird breeding season (generally ~~February 1~~ January 31 through ~~August 31~~ September 30). If vegetation clearing (including tree pruning and removal) or other project construction is to be initiated during the bird breeding season, pre-construction nesting bird surveys shall be conducted by a City-approved biologist. To avoid the destruction of active nests and to protect the reproductive success of birds protected by MBTA and the Fish and Game Code of California, the nesting bird surveys shall be performed twice per week during the three weeks prior to the scheduled felling of the trees on the site. If any active non-raptor bird nests are found, the tree(s) or vegetation shall not be cut down; a suitable buffer area (varying from ~~25-100~~-300 feet), depending on the particular species found, shall be established around the nest and avoided until the nest becomes inactive (vacated). If any active raptor bird nests are found, a suitable buffer area (~~typically 250~~-at least 500 feet from the nest) depending upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site, shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the City-approved biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting birds surveys are not required for construction activities occurring from ~~September~~ October 1 to January 30 ~~31~~.

Response 2.5

The commenter notes that the Draft EIR does not include measures to prevent the potential introduction of nonnative and invasive plant species and recommend updating mitigation requirements to include the language from the NCCP/HCP regarding ornamental landscaping on properties abutting the Preserve.

In response to this comment, the following measure as been added to Section 4.3, *Biological Resources*:

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



maintained to avoid overspray or runoff into the Preserve
(NCCP/HCP Section 5.7.4).





COUNTY OF LOS ANGELES FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2401
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Letter 3

September 26, 2019

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

Dear Mr. Silva:

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT, "ZONE 2 LANDSLIDE MORATORIUM ORDINANCE," CONSISTS OF 11 INDIVIDUAL LOTS, OF WHICH 69 LOTS HAVE BEEN DEVELOPED WITH RESIDENTIAL STRUCTURES, 11 LOTS HAVE OBTAINED PLANNING ENTITLEMENTS FOR DEVELOPMENT AND 31 LOTS REMAIN UNDEVELOPED, RANCHO PALOS VERDES, FFER 2019005107

The Notice of Completion and Availability of a Draft Environmental Impact Report has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department.

3.1

The following are their comments:

PLANNING DIVISION:

We have no comments.

For any questions regarding this response, please contact Loretta Bagwell, Planning Analyst, at (323) 881-2404 or Loretta.Bagwell@fire.lacounty.gov.

LAND DEVELOPMENT UNIT:

This project does not propose construction of structures or any other improvements at this time. Therefore, until actual construction is proposed the project will not have a significant impact to the Fire Department Fire Prevention Land Development Unit.

3.2

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

- | | | | | | | |
|--------------|-------------|------------------|----------------------|----------------------|-----------------------|------------------|
| AGOURA HILLS | CALABASAS | EL MONTE | INDUSTRY | LAWNDALE | PARAMOUNT | SIGNAL HILL |
| ARTESIA | CARSON | GARDENA | INGLEWOOD | LOMITA | PICO RIVERA | SOUTH EL MONTE |
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| BELL GARDENS | COVINA | HERMOSA BEACH | LA MIRADA | NORWALK | ROLLING HILLS ESTATES | WEST HOLLYWOOD |
| BELLFLOWER | CUDAHY | HIDDEN HILLS | LA PUENTE | PALMDALE | ROSEMEAD | WESTLAKE VILLAGE |
| BRADBURY | DIAMOND BAR | HUNTINGTON PARK | LAKEWOOD | PALOS VERDES ESTATES | SAN DIMAS | WHITTIER |
| | DUARTE | | LANCASTER | | SANTA CLARITA | |

Should any questions arise regarding subdivision, water system, or access, please contact the County of Los Angeles Fire Department Land Development Unit's Inspector Nancy Rodeheffer at (323)890-4243.

3.2
Cont.

The County of Los Angeles Fire Department's Fire Prevention, Land Development Unit appreciates the opportunity to comment on this project.

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

The statutory responsibilities of the County of Los Angeles Fire Department's Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed.

Under the Los Angeles County Oak tree Ordinance, a permit is required to cut, destroy, remove, relocate, inflict damage or encroach into the protected zone of any tree of the Oak genus which is 25 inches or more in circumference (eight inches in diameter), as measured 4 1/2 feet above mean natural grade.

3.3

If Oak trees are known to exist in the proposed project area further field studies should be conducted to determine the presence of this species on the project site.

The County of Los Angeles Fire Department's Forestry Division has no further comments regarding this project.

For any questions regarding this response, please contact Forestry Assistant, Joseph Brunet at (818) 890-5719.

HEALTH HAZARDOUS MATERIALS DIVISION:

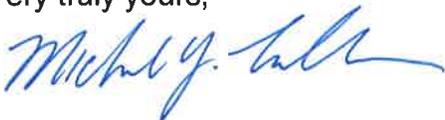
The Health Hazardous Materials Division of the Los Angeles County Fire Department has no comments or requirements for the project at this time.

Please contact HHMD senior typist-clerk, Perla Garcia at (323) 890-4035 or Perla.garcia@fire.lacounty.gov if you have any questions.

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

3.4

Very truly yours,



MICHAEL Y. TAKESHITA, ACTING CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

Letter 3

COMMENTER: Michael Y. Takeshita, County of Los Angeles Fire Department, Acting Chief, Forestry Division, Prevention Services Bureau

DATE: September 26, 2019

Response 3.1

The Planning Division has no comments.

No response is necessary.

Response 3.2

The Land Development Unit notes that no impacts would occur until actual construction is proposed, but has no specific comments on the Draft EIR.

No response is necessary.

Response 3.3

The Forestry Division notes its responsibilities and the requirements of the County Oak tree ordinance.

The comments about the County's Oak Tree ordinance are noted and would apply if properties within the project area have oak trees as reflected in the submittal of a required landscape plan.

Response 3.4

The Health Hazardous Materials Division has no comments.

No response is necessary.



Letter 4

Crockett &
Associates

Robert D. Crockett
23929 Valencia Boulevard No. 303
Valencia, California 91355
323-487-1101 | 323-843-9711 fax
bob@bobcrockettlaw.com

September 12, 2019

By Federal Express and Email

Mayor Jerry V. Dhuovic
jerry.duhovic@rpvca.gov
Mayor Pro Tem John Cruikshank
john.cruikshank@rpvca.gov
Councilman Eric Alegria
eric.alegria@rpvca.gov
Councilwoman Susan M. Brooks
susan.brooks@rpvca.gov
Councilman Ken Dyda
ken.dyda@rpvca.gov
City of Rancho Palos Verdes
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

Octavio Silva, Senior Planner
City of Rancho Palos Verdes
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275
OctavioS@rpvca.gov

Re: *Public Hearing Agenda Item No. 1; September 17, 2019*

Dear Councilpersons and Mr. Silva:

I represent eight lot owners within Zone 2. I write to express our support for the EIR. The City proposes to amend Exception P of the Landslide Moratorium Ordinance (“LMO”) to permit the development of 31 undeveloped lots within Zone 2.

The DEIR identifies no significant impacts from the proposed ordinance other than traffic impacts. The DEIR identifies Impact T-1 (Via Rivera and Hawthorne intersection), which impact would be mitigated to less than significant with a traffic signal. The DEIR identifies Impact T-2, or Palos Verdes Drive South east of Narcissa Drive. The DEIR identifies Impact T-4, or construction impacts in the area. I will address these impacts below.

4.1

The DEIR identifies *no* impacts to the historic landslide or impacts from the historic landslide. The reason for the LMO was to protect against such impacts.

As several of my clients reported to you in their individual letters, Dr. Perry Ehlig, the City's geologist, originally recommended creating Zone 2 as a means to segregate non-impacted lots from lots impacted by the landslide.

In a letter to Mr. and Mrs. Calvin Clark on September 25, 1992 (Exh. A hereto), Dr. Ehlig reported there "are no sound geotechnical reasons for preventing future residential development" in then-future Zone 2 provided that certain geotechnical conditions be met, including monitoring wells, the installation of a sanitary sewer system and surface drainage improvements. All those improvements have been made.

In 1993, the City decided to carve the risk-free part of the moratorium area into a separate "Zone 2." (*Monks v. City of Rancho Palos Verdes* (2008) 167 Cal.App.4th 263, 271 [84 Cal.Rptr.3d 75].) The *Monks* decision refers to a May 26, 1993, memorandum from Dr. Ehlig to the City Council about Zone 2. Dr. Ehlig reported that the purpose for the zonal classifications was to break the moratorium area up into areas affected by the landslide and areas not affected by the landslide. Ehlig reported: "Zone 2 - Subdivided land unaffected by large historic landslides." Ehlig made recommendations to the City Council about building in Zone 2, which included fees to defray the cost of monitoring wells, recommendations about building foundations and directing drainage to the street.

No geotechnical report since Dr. Ehlig has reported any kind of risk posed by the landslide to lots in Zone 2.

Yet, the City has permitted the piecemeal approval of development of Zone 2 to the point that it is nearly completely developed, leaving many owners of undeveloped lots questioning their inability to obtain building permits for the remainder.

The City's proposed amendment to Exception P would remedy this problem and create a space of fundamental fairness with minimal impact.

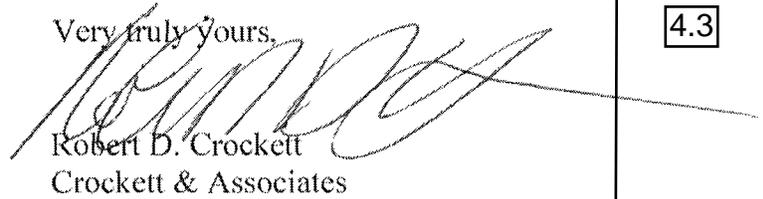
As to the traffic issues raised in the DEIR, the impacts of T-1, T-2 and T-4 all assume immediate and full buildout. T-4, especially, assumes full and concurrent buildout of all 31 lots. The impacts of T-1, T-2 and T-4 may never be felt if only a few of the lots are actually built, or are staggered over many years. The impact from development of the lots may likely never be felt.

4.1
Cont.

4.2

We thus commend the City's proposed amendment of Exception P.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert D. Crockett', is written over a horizontal line. The signature is fluid and cursive.

Robert D. Crockett
Crockett & Associates

4.3

EXHIBIT A

Dr. Perry L. Ehlig
Consulting Geologist
1560 Via del Rey
South Pasadena, CA 91030
(213) 255-7873

September 5, 1992

Mr. and Mrs. E. Calvin Clark
P.O. Box 2285
Palm Springs, CA 92263

Dear Mr. and Mrs. Clark:

This letter is in response to a request from Sharon Hegetschweiler, Broker Associate of Palos Verdes Realty, for a statement regarding geologic conditions affecting your lot on Thyme Place in the Abalone Cove area of Rancho Palos Verdes. The location of your lot is shown on Figure 1, based on information provided by Mrs. Hegetschweiler. I understand this letter will be used to provide geologic information for selling the subject lot.

This letter was prepared by me as a public service because of my unique knowledge of this area and the nearby Abalone Cove landslide. I have been the principal geotechnical person working on the landslide's stabilization since it began moving in 1978. I am geologist for the Abalone Cove Landslide Abatement District (ACLAD) and the City of Rancho Palos Verdes Redevelopment Agency. I am a member of the Abalone Cove Landslide Technical Panel which was established to recommend measures to permanently stabilize the slide. The Rancho Palos Verdes Redevelopment Agency is responsible for implementing recommendations of the Technical Panel using bond moneys obtained from the settlement of the Horan, et al., versus County of Los Angeles, et al., lawsuit.

Your lot is within the central part of a prehistoric landslide. Available evidence indicates the central and uphill parts of the prehistoric landslide moved during a single episode of activity about 100,000 years ago and have remained inactive since then. The downhill part of the landslide has experienced recurrent movement during the last 10,000 years, primarily because wave erosion has reduced support along the downhill edge of the slide. The land mass affected by recurrent movement is referred to as the Abalone Cove landslide in the area downhill from your lot. This 80-acre landslide was active from 1978 to 1985. Since then, movement is limited to local creep and readjustments. The slide activity was caused by a rise in the water table. Movement began at the end of the third rainiest winter in the history of Los Angeles. The slide was stabilized by removing ground water from vertical wells and reducing ground water recharge by improving surface drainage. Abatement activities are paid for by ACLAD through taxation of the benefiting properties. Your lot is within ACLAD and is taxed as a benefiting property.

Your lot is 300 feet northeast of the uphill edge of the Abalone Cove landslide. It is in an area where the ground surface descends eastward to the bottom of Altamira Canyon. The stream channel forms the eastern boundary of the lot. The surface elevation is 366 feet above sea level at Thyme Place and descends to about 295 feet above sea level in the stream channel at the southeast corner of the property. Surface slopes range from about 5:1 (horizontal to vertical) in the uphill part of the lot adjacent to Thyme Place to about 1.5:1 in the steepest parts of the lot.

Your lot is probably suitable for residential development if such development is permitted in this area at some future time. However, a geotechnical study will

Ehlig letter of 9/5/92 to Mr. and Mrs. Clark, page 2.

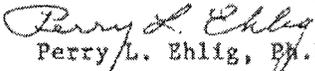
be needed to determine the suitability of geologic conditions beneath the surface. If conditions are suitable for development, additional studies will be needed to establish criteria for foundation designs.

Because your lot is within the existing Landslide Moratorium area, it can not be developed under existing regulations. I am frequently asked if the improvement of geologic conditions by landslide abatement activities will permit lifting of the moratorium. I offer no opinions regarding whether or not the moratorium will be lifted in the near future. However, in my opinion, there are no sound geotechnical reasons for preventing future residential development in the vicinity of your lot providing the following conditions are met:

1. The system of dewatering wells must be permanently maintained and operated so as to keep the water table below the level that existed when the Abalone Cove landslide was active. This may require the installation of more wells than currently exist.
2. The system of monitoring wells must be expanded and frequently monitored in order to keep a close watch on the water table throughout the Abalone Cove Landslide Abatement District. This will permit timely recommendations to be made when necessary to prevent the water table from rising above a safe level.
3. A sewer system must be installed to eliminate on site sewage disposal. This will eliminate a substantial source of groundwater recharge.
4. Surface drainage improvements recommended by the Abalone Cove Technical Panel must be completed. This will reduce groundwater recharge from storm runoff.
5. Any other mitigation measures recommended by the Abalone Cove Panel must be completed.

Please feel free to call upon me if you have questions regarding this letter.

Sincerely,


Perry L. Ehlig, Ph.D., C.E.G. 533

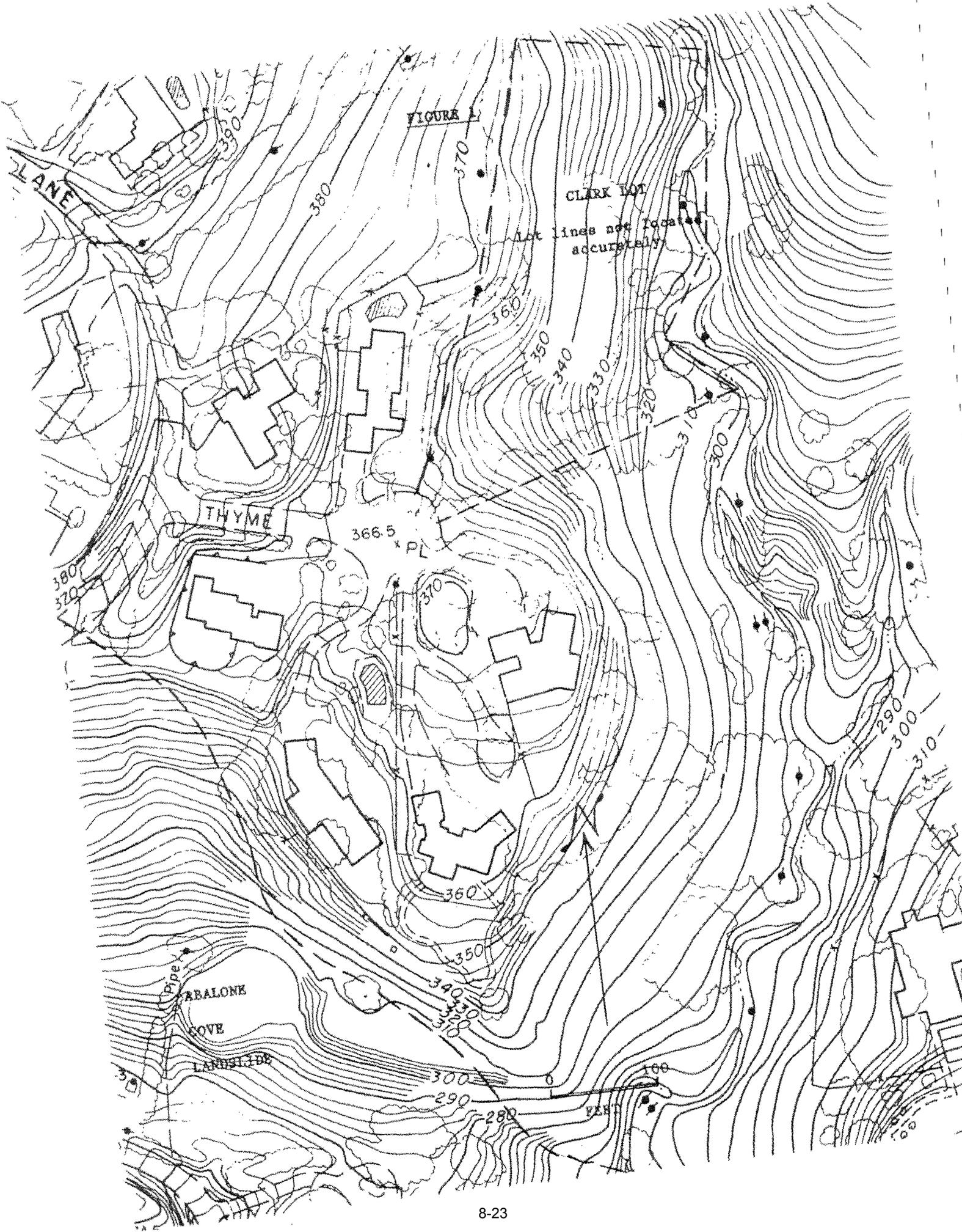


FIGURE 1

CLARK LOT

Lot lines not located accurately

THYME

366.5
x PL

LANE

ABALONE

COVE

LANDSLIDE

PIPE

FEET

EXHIBIT B

MEMORANDUM

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

May 26, 1993

FROM: Perry L. Ehlig, City Geologist

SUBJECT: Suggested Guidelines for Permitting Development in the Moratorium Area

ESTABLISHMENT OF MORATORIUM ZONES

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

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

DESCRIPTIONS OF ZONES AND SUGGESTED GUIDELINES FOR PERMITTING DEVELOPMENT

ZONE 1

Background

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

3

13-173

Memo of 5/26/93 from P. Ehlig to T. Pulliam, page 2.

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

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

Suggested Guidelines

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

4

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ZONE 2

Background

Zone 2 includes about 130 acres within existing Tract 14195 and Tract 14500 (except lots 1, 2, 3 and 4 which are in the Portuguese Bend landslide), and the subdivided land served by Vanderlip Drive. It is an area of subdued topography within the central part of the large ancient landslide. Slopes of 5:1 and less prevail over most of the central and downhill parts of Zone 2. Slopes generally range between 5:1 and 3:1 in the uphill part.

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

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

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

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

Suggested Guidelines

Development of undeveloped lots shall be permitted in existing Tract 14195 and Tract 14500 (except lots 1, 2, 3 and 4 which are in the Portuguese Bend landslide), and the subdivided land served by Vanderlip Drive subject to the following stipulations:

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

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

ZONE 3

Background

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

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

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

Suggested Guidelines

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

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

(6)

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

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

ZONE 4

Background

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

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

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

Suggested Guidelines

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

⑦

13-177

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

Zone 5

Background

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

Suggested Guidelines

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

Zone 6

Background

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

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

8

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

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

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

Suggested Guidelines

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

ZONE 7

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

(9)

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

Zone 8

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

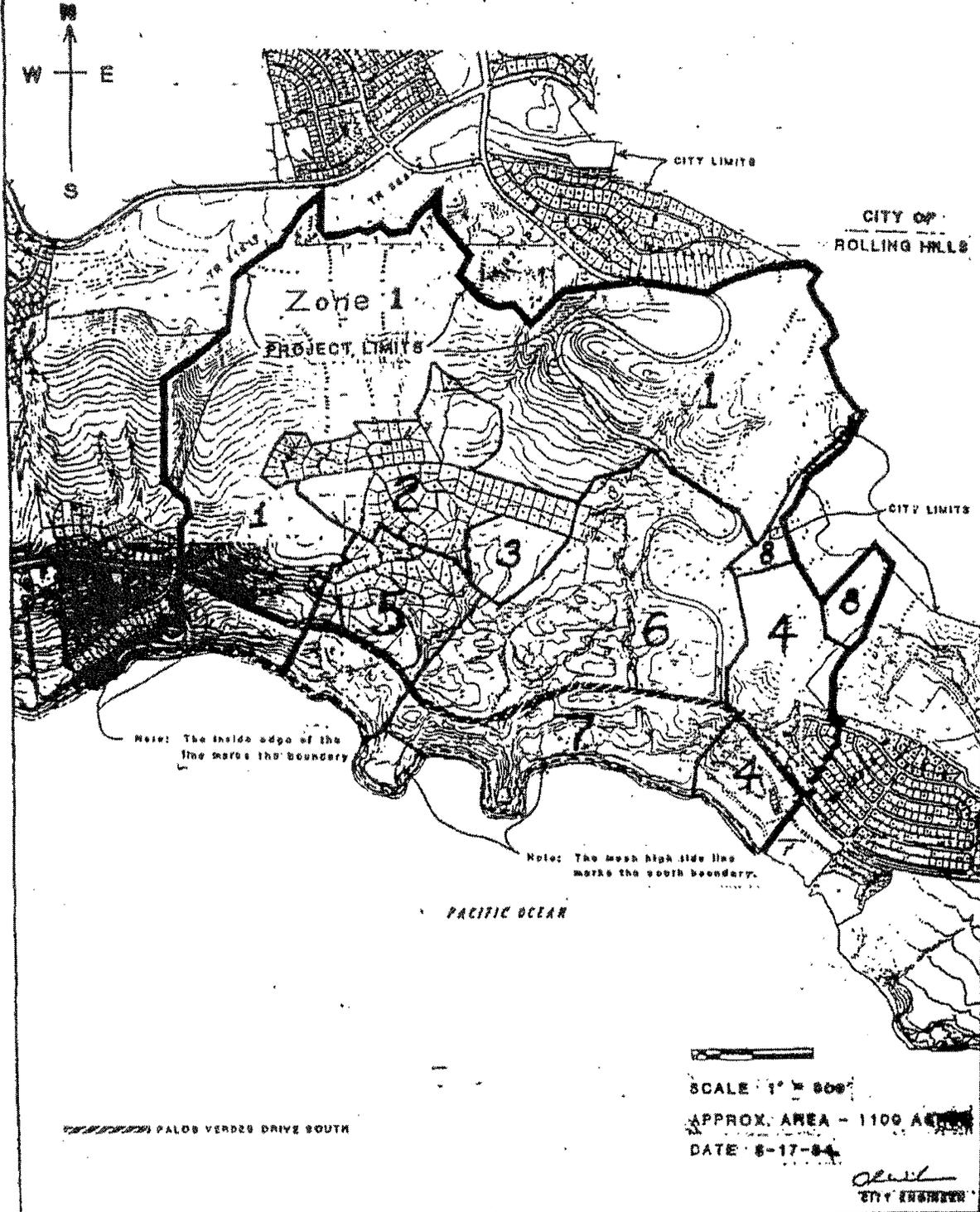
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13-180

RANCHO PALOS VERDES REDEVELOPMENT AGENCY

LANDSLIDE AREA

CITY OF RANCHO PALOS VERDES



(11)

13-181

Letter 4

COMMENTER: Robert D. Crockett

DATE: September 12, 2019

Response 4.1

The commenter states support for the EIR and the project, notes that the only significant and unavoidable impacts relate to traffic, and describes some of the history of Zone 2.

The support for the EIR and project is noted. Please see response 5.3 for a discussion of significant and unavoidable traffic related impacts.

Response 4.2

The commenter notes that the traffic analysis contained in Section 4.10, *Traffic and Circulation*, of the Draft EIR assumes full buildout of the project area and concurrent buildout of all 31 undeveloped lots and suggests that, as such, the impact described in the Draft EIR may never be felt.

The commenter is correct that the analysis assumes full buildout of the project area and the construction impact analysis assumes that construction on all 31 undeveloped lots occurs concurrently. It is unknown if or when full buildout would occur and it is unlikely that construction on all lots would occur concurrently so the Draft EIR analysis is conservative. It should also be noted that the analysis assumes full buildout of all projects on the cumulative projects list in Table 3-1 in Section 3.0, *Environmental Setting*. This is another conservative assumption. Finally, it should be noted that the mitigation measures for traffic have been revised to suggest that the City will continue to track traffic levels and, if determined to be necessary, implement the improvements described in the measures.

Response 4.3

The comment commends the proposed amendment.

This comment is noted.



September 30, 2019

Octavio Silva
Senior Planner
City of Rancho Palos Verdes
Community Development Department
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

Re: Rancho Palos Verdes, Zone 2 Owners;
DEIR Comments

Dear Mr. Silva:

On behalf of lot owners in Zone 2 whom I represent, I offer the following DEIR comments.

1. “Adoption of the proposed ordinance would allow for the construction of up to 31 single-family homes in the project area. Several of the single-family homes could be constructed in an area in which there is a potential for flood hazards.” HWQ-5

The environment’s impact upon the project is not a legitimate CEQA inquiry. Such impacts are resolved by standard building and safety considerations, not CEQA. (*See Cal. Bldg. Indus. Ass'n v. Bay Area Air Quality Mgmt. Dist. (2015) 62 Cal. 4th 369, 388 [196 Cal. Rptr. 3d 94]* (“[W]e must distinguish between requirements that consider the environment's effects on a project and those that contemplate the project's impacts on the existing environment. The former, in light of our analysis of section 21083 and other relevant language in CEQA, are invalid.”).

2. “Altamira Canyon is the main natural drainage course that drains the project area and off-site tributary areas. Altamira Canyon has experienced and continues to experience erosion that is partially due to

5.1

5.2

runoff from the existing development in and outside of the project area.”
DEIR 4.8.1.

“The flood hazard zones are shown in Figure 4.8-1. As shown on Figure 4.8-1, nine of the 31 lots that could be developed as a result of the project are partially or completely located within the Zone D designation.” DEIR 4.8.1.

According to studies made over many years by Dr. Robert Douglas, a USC geologist (and long-time Portuguese Bend resident), the water in Altamira Canyon is collected from a wide area, far larger than the residential area of Portuguese Bend, and therefore the additional contribution to water volume in Altamira Canyon from the development of the remaining 31 residential lots in Zone 2 would be *de minimus*, especially in light of the requirements for collecting and retaining rain water on each new building site. We believe that your experts will come to the same conclusion, especially if they do something that Dr. Douglas did: plot on a map the entire area that feeds water into Altamira Canyon, and then also plot on that same map the 31 undeveloped lots. Such a map makes it easy to see that the incremental contribution from those 31 lots is insignificant. We recommend that you have your experts prepare such a map, and include it in the EIR.

5.2
Cont.

We point out that the DEIR states on page 4.8-9: *“The increase in peak runoff rates as a result of buildout of the 31 lots for the design storm events (10, 25, 50-year, and Capital Storm) ranges from 0.5% to 1% for the entire watershed.”* This shows that your experts have arrived at the same conclusion that Dr. Douglas arrived at, e.g., the additional contribution to water volume in Altamira Canyon from the development of the remaining 31 residential lots in Zone 2 would be *de minimus*.

We also point out that the DEIR also states on page 4.8-14:

“Furthermore, City staff is of the opinion that, provided that best engineering practices are employed and holding tanks are maintained and operational during storm events, the incorporation of similar mitigation measures would ensure that the future development of 31 lots would not cause any significant increase in runoff during rain events in the project area.”

3. Impact T-1: The potential increase in vehicles traveling on the surrounding roadway network from buildout under the proposed ordinance revisions would result in significant impacts at four of the study area intersections under existing plus project conditions. In addition, the increase in vehicle trips under cumulative conditions would result in significant impacts at five of the study area intersections. Mitigation

5.3

Measures T-1(a) through T-1(d) would reduce impacts to a less than significant level at four of the five intersections that would experience significant impacts. However, because feasible mitigation is not available at the Via Rivera/Hawthorne Boulevard intersection, the impact at that location would be Class 1, *significant and unavoidable*.

4. Impact T-2: The proposed project would increase traffic levels along roadways in the vicinity of the project area and result in a significant impact at one of two study roadway segments under cumulative conditions. Although Mitigation Measure T-2 would reduce impacts to a less than significant level, this measure may be infeasible. Therefore, the impact to this roadway segment would remain Class 1, *significant and unavoidable*.

5. Impact T-4: Access to the project area during construction activity and during the operational phase of the project would be provided via Palos Verdes Drive South. Although construction traffic would be temporary, it could potentially exceed City significance thresholds during peak construction periods. Mitigation would reduce, but not avoid this potential. Therefore, temporary construction impacts related to access and circulation would be Class 1, *significant and unavoidable*.

As to T1, T2 and T4, the long-ago decision to zone these 31 lots for residential development carried with it a determination that the roads for ingress and egress are adequate for both routine and emergency use. There is no need to conduct a CEQA evaluation for a project which has been previously approved by the City Council pursuant to then-legal requirements.

We do support reasonable mitigation measures regarding traffic, e.g., restrictions on the number of simultaneous construction projects, limitations on hours of access for large construction equipment, restrictions on on-street parking, and so forth. If the City is able to negotiate an agreement with Mr. York for an additional emergency access across his property, that would be well-and-good, but ought not to be a condition for approval of this EIR and the associated amendment to the LME; the prior zoning decision is a firm statement that the two existing roads are suitable for routine and emergency access for the full complement of lots within Zone 2. We recommend that you add a statement that such additional access would be nice to have, but is not necessary, as your analysis has found that the existing two roads are adequate for both routine and emergency use.

It is our view that the mitigation measures proposed by the City staff in this regard are both reasonable and sufficient. We ask you to bear in mind that thousands of people already live on the south side of Palos Verdes; we do not believe that the contribution of 31 additional homes will be material on the large scale (e.g., Hawthorne Boulevard and

5.3
Cont.

5.4

Palos Verdes Drive South). On the small scale (e.g., within the Portuguese Bend gated community), we again point out that the long-ago decision to zone these 31 lots for residential development carried with it a determination that the roads for ingress and egress are adequate for both routine and emergency use. We ask that you clarify this distinction between *large-scale* traffic concerns (e.g., the entire south side of the peninsula) and *small-scale* traffic concerns (e.g., within the gated Portuguese Bend community itself) in the EIR.

5.4
Cont.

3. Appendix E (Flood and Hydrology), p. 12. We note that the existing street and drainage development are reported to be adequate for the development of the undeveloped Zone 2 lots. We support water run-off mitigation measures, especially on-site holding tanks and catch basins, and support also enforcement measures to ensure that during and after construction those requirements for retaining water are properly implemented. We believe these to be entirely effective mitigation measures. We do also ask you to bear in mind that in this neighborhood, the streets for most of the neighborhood *are* the storm drains, and the videos of water running down the streets during a rainstorm simply show that the streets are serving this function as designed and as intended. We recommend that you add a statement to the EIR noting that in this neighborhood, the streets for most of the neighborhood *are* the storm drains.

5.5

4. A comment was raised during the public hearing regarding seismic-induced landslide hazards. By the City’s own definition of Zone 2 that this zone is *not* a landslide area (Zone 2 is described and titled as “Subdivided land *unaffected* by large historic landslides”); Zone 2 was included in the original moratorium only because it was *near* to actual landslide areas, rather than itself being a landslide area. In any case, your geologists are capable of assessing this risk; we remind you that both Dr. Ehlig and Dr. Douglas studied this matter, and both concluded that (quoting Dr. Ehlig) “The undeveloped lots . . . could be developed *without adversely affecting* the stability of the large ancient landslide”. We recommend that you add a statement that cites the very title of Zone 2, and note that local seismic issues have never triggered a landslide in Zone 2.

5.6

6. We see no reason to limit lot coverage to less than is allowed for other lots with the same zoning designation. If there are issues that arise from the specific configuration of an individual lot regarding drainage or other matters, that is best addressed during the permitting process.

5.7

Very truly yours,



Robert D. Crockett
Crockett & Associates

Letter 5

COMMENTER: Robert D. Crockett

DATE: September 30, 2019

Response 5.1

The commenter suggests that the potential for flooding to affect future homes (Impact HWQ-5) is not a legitimate CEQA inquiry.

The commenter is correct that the cited decision suggests that CEQA's focus is on impacts of projects on the environment and the impacts of the environment on a project (such as from flooding) are not "significant impacts" under CEQA unless the project would exacerbate the impact. However, in addition to potentially being subject to flooding, new development could incrementally increase the potential for flooding elsewhere by adding impervious surfaces and diverting flood waters. Mitigation Measure HWQ-5, as discussed in Section 4.8, *Hydrology and Water Quality*, of the Draft EIR, would reduce this potential to a less than significant level. The discussion under Impact HWQ-5 has been revised as follows to clarify the nature of this impact:

The FIRM issued by FEMA for Zone 2 and the surrounding area (Map ID 06037C2026F) indicates that the project area and surroundings are contained in Zone X and Zone D. Zone X designates an area with a minimal risk of flooding (not within the 100-year flood zone) and Zone D designates an area in which flood hazards are undetermined, but possible. 9 of the 31 lots that could be developed as a result of the project are partially or completely located within the Zone D designation, as shown in Figure 4.8-1. Therefore, flooding could occur and new development could incrementally increase flooding on downstream properties, which could cause damage to structures and could be hazardous to humans during a storm event. Impacts would be potentially significant.

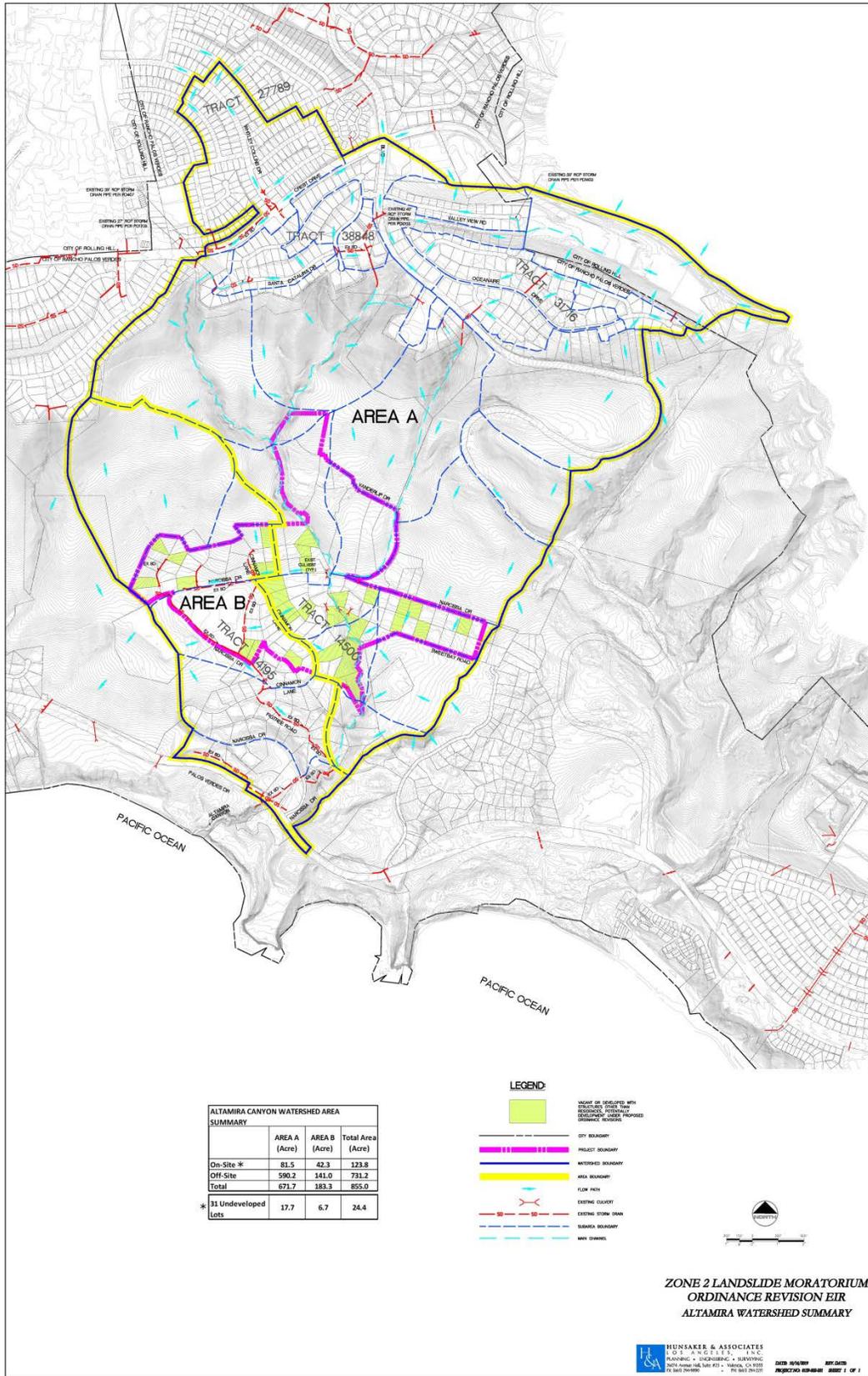
Response 5.2

The commenter notes that the increase in water volume in Altamira Canyon from new project area development would be de minimis and suggests the addition of a map to the Final EIR showing the entire area that drains into Altamira Canyon and the 31 undeveloped lots.

It is agreed that the increase in water volume draining into Altamira Canyon would be minimal and, as discussed in Section 4.8, *Hydrology and Water Quality*, of the Draft EIR, such impacts can be reduced to a less than significant level with standard engineering practices. A map of the Altamira Canyon Watershed is included as Figure 8.0-1 below.



Zone 2 Landslide Moratorium Ordinance Revisions EIR
Section 8.0 Responses to Comments on the Draft EIR



Altamira Watershed

Figure 8.0-1



Response 5.3

The commenter suggests that existing roads are adequate for ingress and egress to the project area, that the mitigation measures proposed by City staff are adequate, and that the 31 additional homes would not affect traffic levels on either a large scale or a small scale. The commenter also requests clarification of the distinction between large scale and small scale traffic concerns and suggests that analysis of a previously approved project is not necessary.

Section 4.10, *Traffic and Circulation*, of the Draft EIR addresses both neighborhood access (what the commenter refers to as small scale traffic issues) under Impact T-4 and impacts to the regional road network (what the commenter refers to as large scale traffic issues) under impacts T-1 through T-3. Impacts related to emergency access are identified as less than significant, but construction-related impacts to the local road network are identified as significant based on City criteria. Mitigation measures that would reduce ingress/egress issues for both routine and emergency use are proposed. As the commenter notes, an additional emergency access point would further enhance egress, but is not needed to address a significant impact under CEQA. Impacts to the regional road network are identified as significant at several study intersections based on applicable City criteria. Although mitigation measures are proposed, impacts would be significant and unavoidable at certain locations because feasible mitigation either is not available or cannot be assured. As the commenter notes, the Draft EIR analysis is conservative insofar as it assumes: (1) that construction of all 31 possible future houses occurs concurrently; (2) that all 31 lots are developed; and (3) that all developments on the planned and pending projects list in Table 3-1 of Section 3.0, *Environmental Setting*, will be built. In reality, all of the “worst case” assumptions are not likely to occur. With respect to whether environmental analysis of the current project is necessary, the proposed ordinance amendment is a discretionary action; therefore, it is a “project” that is subject to CEQA.

Response 5.4

The commenter states that proposed mitigation measures for storm water runoff are adequate and that area streets are serving their intended function as storm drains.

The analysis in Section 4.8, *Hydrology and Water Quality*, concludes that implementation of standard requirements, in combination with proposed mitigation measures, would reduce impacts related to storm water runoff to a less than significant level. However, based on comments received in response to the Draft EIR, the measures have been augmented with additional requirements to further reduce the effects of storm water runoff (please see response 8).

Response 5.5

The commenter notes that experts have concluded that the undeveloped lots in the project area could be developed without adversely affecting landslide conditions.

This comment is noted. Landslide issues are discussed in detail in Section 4.5, *Geology*, of the Draft EIR, which concludes that with standard engineering practices and proposed mitigation measures, development of the additional lots could occur without exacerbating



landslide conditions. Thus, the Draft EIR concludes that landslide-related impacts can be reduced to a less than significant level.

Response 5.6

The commenter states that there is no reason to limit lot coverage to less than is allowed on other lots in the same zone.

This opinion is noted. However, as discussed in response 8, Mitigation Measure HWQ-3(a) has been amended to limit lot coverage to 25% on RS-1 and RS-2 zoned properties. Pursuant to Section 17.20.040 of the RPVMC, lot coverage is defined as that portion of a lot or building site which is occupied by any building or structure, including trellises; decks over 30 inches in height (as measured from existing adjacent grade); parking areas; driveways; or impervious surfaces (impervious surfaces less than five feet in width and/or one patio area less than 500 square feet in area shall be excluded from the lot coverage calculation). The proposal to limit lot coverage to 25% is to reduce water run-off from the project lots by designing or accommodating more on-site pervious surfaces. A review of the records for the entitlements of the Monks lots, determined that a maximum 25% or below lot coverage is consistent with the average development or proposed development of the Monks Lots.



Letter 6

Comments on Zone 2 DEIR
9-19-19
by Jim Knight

My comments are in italics.

GEOLOGY

- 1) P. 4.5-4 “Additional data collected by the City of Rancho Palos Verdes Public Works Department from 2007 to 2017...indicates more substantial movement (up to about 1.4 inches per year) along the eastern edge of Zone 2 where a few of the remaining vacant lots are located.”

Any movement of 1.4 inches per year, especially differential movement, could, within a few years, destroy new home foundations in this area of Zone 2. This has a potentially significant impact to these lots in Zone 2 that is not addressed in this DEIR.

In addition, the DEIR does not discuss the potential significant liability impact when the City has previous knowledge of this recorded GPS data then approves development permits in this area of Zone 2 without any mitigation.

6.1

- 2) P. 4.5-4

The 1979 Robert Stone and Associates report said Zone 2 can lose support as a result of movement of the ACL. Despite the ongoing ACLAD dewatering well production, RPV Public Works has confirmed constant movement in the ACL even before this project has been implemented.

No mitigation of this DEIR has reduced this down slope ACL potential significant destabilizing impact to Zone 2. Nor is there any discussion as to the potential liability the City may inherit if they issue permits having been warned of this fact beforehand.

6.2

- 3) 4.5-5 “With the exception of differences of opinion with regard to why or even if there is true land movement in ACL and Zone 2, it appears that these conditions have generally been met, and that the uncertainty with regard to landslide control has been abated.”

This statement is contradicted by evidence from within the DEIR. For example:

-4.5-4 City data shows substantial movement on the eastern edge of Zone 2;

-4.5-4 Public Works has confirmed constant movement in the ACL. The ACL area is the uphill support for this project;

6.3

4.5-10 The probability of seismically-induced landslides is considered moderate, not abated.

↑ 6.3
Cont.

4) Seismic induced movement

4.5-7 “The Palos Verdes Fault is located approximately four miles from the project area and is considered to have the most substantial effect on the site from a probabilistic design standpoint.”

The DEIR needs to be updated and include the Wilmington Blind Thrust fault which has been reassessed by the U.S. Geological Survey as now being active with a potential of a 6.4 on its own and a 7.0 when combined with other faults.

6.4

4.5-8 “Moderate to severe ground shaking would be experienced in the project area if a large magnitude earthquake occurs on one of the nearby faults.”

4.5-10 The probability of seismically-induced landslides is considered moderate (LGC Valley, Inc. 2011).

-Is not a project area prone to seismically induced landslide not a significant impact? And who is assuming those risks? Landowners? The City for permitting development with this inherent risk warning?

-There is no evaluation of how mitigations GEO-3(a) and (b) overcome the fact that the project area is landslide prone and is subject to inherent risks associated with seismically-induced landslides.

6.5

-Certainly site-specific geology reports do not suffice as mitigation for this impact. Individual lot by lot mitigation under GEO-3 (a) and (b) does not address this seismic risk posed by the larger “landslide prone area” underlying those individual lots.

5) Gross Stability

4.5-11 “The standard of practice in Southern California is to achieve a factor of safety in which the resisting forces are 1.5 times greater than the driving forces (factor of safety of 1.5).”

4.5-12 “Based on their review and geotechnical expertise, LGC Valley, Inc. concluded that site slope stability is likely somewhere higher than 1.0, but less than 1.5.”

The gross stability of this project has a FOS of less than the industry standard of 1.5, which is a significant impact not addressed in this DEIR. The City, the RPV residents and future Zone 2 property owners, have the right to understand what impact there is in the City issuing development

↓ 6.6

permits within an area that has a FOS of less than the industry standard, including future legal liabilities.

↑ 6.6
Cont.

- 6) 4.5-12 “LGC Valley, Inc. also concludes that the development of the 31 undeveloped lots in Zone 2 would not have a negative effect on the overall stability of the ancient or active landslides or the remainder of Zone 2...”

This statement has it backwards. What impact will the gross stability of a FOS of less than 1.5 have on the development of the individual lots? None of the mitigations of this DEIR with the conditions of approval have anything to do with the underlying gross stability. To paraphrase former RPV Councilmember Peter Gardner “It made no difference that the deck chairs on the Titanic were securely bolted down”. Unlike the Titanic, at least with this project DEIR, we know ahead of time that the underlying gross land stability is less than the industry standard of 1.5.

6.7

- 7) 4.5-16 **Mitigation GEO-1**

This conclusion is based upon an individual building structures on a lot by lot basis. It does not address the significant impact of the gross stability analysis which concludes on p. 4.5-12 that the project area is below the industry standard of a 1.5 FOS.

- 8) 4.5-17 **Mitigation GEO-2**

HWQ-3 mitigations have been shown to not be working by the video evidence presented in my Appendix A.

There is significant hardscape runoff and cistern drainage onto the drainage system during even light storm events. Therefore a significant impact has not been mitigated.

6.8

In addition, the DEIR only references surface flooding and erosion impacts. This does not take into consideration the significant impact of destabilizing the area with infusion of storm water runoff into the subsurface landslide plane via fissures in Altamira Cyn.

The DEIR has failed to disclose the August 2000 report “Geochemical and Hydrological Assessment of Groundwater of the Portuguese Bend Landslide” by Christi Hill in which there was a measurement of the Altamira Cyn. runoff and the report found that only 27% of the stormwater runoff from the Sweetbay inlet made it to the Narcissa outlet. This means that 73% of the stormwater is infused into the subsurface. This creates a significantly different geological impact dynamic than the sole concern of this DEIR which is surface erosion and flooding. Any contribution by hardscape stormwater runoff from this project into Altamira Cyn. will exacerbate this existing condition.

6.9
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-The Hill report on p. 29 quantifies the amount of water infused into the subsurface. “It is estimated that 1.8×10^5 or approx. 146 acre ft. entered the Altamira Cyn. subsurface through fractures in the canyon over the entire 1997-98 study representing approx. 9-15% of the total rainfall over the basin for this period. “

(Remember, this report was done before any additional hardscape contribution from development of Zone 2 and while ACLAD dewatering wells were working.)

-The Hill report goes on to point out other land stability issues not covered in the DEIR. Quotes from the Hill report:

-p.8 “Both calcium and sodium montmorillonite interlayer cation are present in the landslide area. In the downhill areas more sodium is retained, resulting in clay material that hold more water and is weaker overall.”

This chemical profile shows that downhill land is more unstable than Zone 2 and will be exacerbated by additional Zone 2 runoff infusing subsurface water into Altamira Cyn.

-p. 56,57 “Southerly downgradient piezometer reading from Ehlig and Yen (1997) showed ~10 ft. of hydraulic head beneath the rupture surface and none above creating upward hydraulic pore pressure on the underside of the rupture surface”.

This undersurface pore pressure dynamic can actually lift a hard bentonite clay layer creating land instability. There is no evidence presented in this DEIR that assures the water table is below this hydraulic head pore pressure point or that project stormwater will not contribute to this hydraulic head.

-Given that the DEIR tells us that Zone 2 is geologically interconnected to the ACL and is affected by loss of support from down-slope revetment, the DEIR should address these potentially significant hydro-geologic issues raised in the Hill report and re-evaluate potential impacts and mitigation measures.

-This study represents an expert opinion that must be addressed by the Lead Agency as defined in State CEQA Guidelines Sections 15064 and 15065. This study reaches the threshold of significance and is backed by substantial evidence, which is defined in the CEQA statute to mean “facts, reasonable assumptions predicated on facts, and expert opinion supported by facts” (14 CCR § 15064.7(b)).

-In the previous version of this DEIR Robert Douglass, USC geology professor and Chair of ACLAD, had sent in the same comments to the RPV staff. See p. 10-11 of Appendix B.



6.9
Cont.



6.10

-Appendix C is a map put together by RPV City Geologist Perry Ehlig showing fissures at the toe of the ACL and is a part of City records.

↑ 6.10
Cont.

- 9) 4.5-18 “While it may be desirable to resolve the site flooding and erosion in Altamira Canyon and other natural drainage courses, this existing condition affecting the larger area would need to be addressed separately from these proposed ordinance revisions.”

*In the Appendix entitled Geotechnical Study-the scope of project the geologist included geological impacts to both Zone 2 **and the surrounding area**. The surrounding area of great significance is stormwater into Altamira Cyn.*

This is a bifurcation of impacts of the project through fragmentation. The impacts of this project outside of the project area could be significant not only to the down slope property owners but ultimately to the stability of the project area itself. (4.5-4)

As discussed above, the conclusions of the effectiveness of the proposed ordinance revisions does not reduce the project impacts to less than significant and project subsurface runoff in Altamira Cyn. creates a significant impact not addressed in this DEIR (Comment #8).

This restriction of analysis and mitigation only to the project area and not downstream impacts is an inconsistent City policy when compared to the action of the City to instigate a Feasibility Study for the Portuguese Bend Landslide Complex (July 2018).

This study addresses impacts and mitigations that should be a part of this DEIR.

6.11

Recommendations of the July 2018 Feasibility Study include:

- Conducting an engineering analysis and evaluation of the existing stormwater drainage system to assist in the design and construction of an updated system to convey runoff to the ocean and eliminate ponding areas that have been created over the years due to land settlement. (There are areas of ponding downstream from the project area in Altamira Cyn.)

-Design and installation of an environmentally friendly flexible liner system in the watershed canyons where the stormwater significantly infiltrates groundwater to minimize infiltration.

See my comment #8 regarding infiltration into Altamira Cyn.

- Identify existing surface fractures and install land surface fracture sealing with environmentally friendly material to minimize direct uncontrolled stormwater infiltration which currently percolates into groundwater. Check and maintain these sealed surface fractures annually prior to the rainy season. See my comment #8.

↓

If the City has this level of concern and mitigations for the PBLC to stabilize a road, then it would seem reasonable all of these recommendations should be applied to this project to avoid significant impacts to their constituents that own property downstream of Zone 2, as well as the stability of Zone 2 itself. These mitigations need to be addressed within this DEIR instead of fragmenting these issues outside of the DEIR project area.

6.11
Cont.

- 10)p.4.5-19 **GEO 3** “The project area and surrounding areas are within the boundaries of the APBL and the area is upslope of the well investigated, studied and mapped Abalone Cove and Portuguese Bend landslides.”

This statement is not entirely accurate. The APBL to the east runs above, parallel to and down slope of the project area. The substantial movement (up to about 1.4 inches per year) along the eastern edge of Zone 2 (4.5-4), and in the opinion of several geologists, the PBL is pulling this section of the project area downhill with it. The former RPV City geologist, Perry Ehlig, has reported that the PBL and the project area are geologically connected. According to the Feasibility Study for the Portuguese Bend Landslide Complex (July 2018) slope failure in the PBL is up to 8 ft. per year. This rate of down slope failure impact to Zone 2 must be disclosed and addressed in this the EIR

6.12

Mitigations proposed in the Feasibility Study for the Portuguese Bend Landslide Complex (July 2018) (comment #9) could mitigate this potentially significant impact.

- 11)p.4.5-20 **GEO 3 (a)**

The video submitted to this DEIR in my Appendix A clearly shows that these mitigations are not working.

6.13

- 12)p.4.5-21 **GEO 4**

This mitigation only addresses impacts on the basis of lot by lot development. It does not address seismic impacts nor gross stability underlying the entire project area.

6.14

Hydrology and Water

- 13)4.8-1 “The City Public Works Department conducted field observations in Zone 2 to assess the adequacy of the Council-adopted mitigation measures currently being implemented as part of Monks Lots residential development associated with Exception “P” of the Landslide Moratorium Ordinance. “

It is not clear as to which properties were being compared, but my videos submitted in Appendix A clearly shows that that the intended mitigation measures implemented for the existing Monks lots is

6.15

not working as intended. Hardscape driveways and cistern holding tank outfalls were pouring storm water onto the drainage system well beyond pre-construction levels.

6.15
Cont.

One observation by the RPV Public Works department is a collapse in the Portuguese Bend road in Zone 2 that they say could be a fissure opening up. The DEIR needs to find out from the City as to the cause of this road collapse and disclose their findings to the DEIR.

- 14)4.8-8 “Impacts would be considered potentially significant if the proposed project would: Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.”

This statement clearly shows a lack of understanding of the project ambient conditions. ACLAD has a mission to maintain dewatering wells within the ACL specifically to “interfere with groundwater recharge” and to “lower local groundwater table levels”. So either this statement needs to be modified or this DEIR needs to acknowledge that the proposed project will have this significant impact.

6.16

Clarifying this discrepancy is especially important as one of the mitigations offered in this DEIR is for future lot owners of Zone 2 to join ACLAD.

15)4.8-9 **Mitigation HWQ-1**

These same HWQ-1 mitigations were applied to the Monks lots in Zone 2. Clearly on the video entitled PB Storm Drain 3 and 4 submitted to this DEIR in Appendix A this mitigation did not stop large amounts of sediment from entering the storm drains system, of which drains to an Abalone Cove Marine Preserve and intertidal zone with sensitive tide pools. This also may have significant impacts to the NPDES regulations.

6.17

16)p. 4.8-10 **Mitigation HWQ-2**

See comment #15. This DEIR has not disclosed any reports from the NPDES consultant review of this silty runoff.

6.18

17)p. 4.8-17 **Impact HWQ-3**

Again, the DEIR acknowledges the project will accumulatively create a significant increase in runoff and cause flooding yet it states that the City is independently investigating methods to address erosion and flooding issues of the project. This is fragmentation of the project impacts. See comment #9. In addition, by limiting its analysis to flooding or erosion the DEIR is not disclosing other potential impacts of subsurface infusion of stormwater as described in comment #8.

6.19

18)p. 4.8-19 **HWQ-3 Drainage Plan.**

“The study/plan shall be paid for by the project applicant and shall address impacts to the proposed building site, as well as upstream and downstream properties. “

It is clear that a Licensed Civil Engineer will say that one individual lot will not significantly contribute to any storm drain issues, upstream or downstream. But this mitigation is lot by lot. It does not address the accumulative impact identified above in comment #9.

6.20

“ Post-construction lot infiltration and runoff rates and volume shall be made equal to pre-construction conditions through use of appropriate low impact development principles such as, but not limited to, detaining peak flows and use of cisterns, bio-retention areas, green roofs and permeable hardscape.”

This same condition was set upon the Monks developed lots in this same project area and videos #1 and #2 submitted in my Appendix A clearly shows that hardscape driveways and cistern drainage pipe outlets of the Monks development shed large amounts of water (post-construction) while the adjacent native soil (pre-construction condition) does not shed any water.

There was apparently no mitigation to monitor the effectiveness of this mitigation in the Monks MND and the DEIR does not acknowledge the failure of this mitigation. Based upon the Monks MND mitigations not working, this DEIR should address corrections to these mitigations and include monitoring as a part of that mitigation.

6.21

19)p. 4.8-19 **Impact HWQ-4**

“With implementation of these measures, there would be no net increase in stormwater runoff rates.”

See the videos in my Appendix A showing the net increase of stormwater runoff rates.

6.22

20)p. 4.8-21 **C. Accumulative impacts**

“However, with implementation of mitigation measures similar to those required for the proposed project, the post development peak discharges would not substantially increase peak flood flows or increase flooding.”

“However, like the proposed project, all future development would be subject to implementation of appropriate Best Management Practices (BMPs) in accordance with City, State and Federal requirements.”

As I have shown in my previous comments, this DEIR is not addressing accumulative impacts by any of the mitigations proposed. Whatever BMPs were implemented for the Monk development, my video #3 and #4 of Appendix A obviously shows it did not work as mitigation.

6.23

Traffic

P. 4.10-25

The DEIR admits there is a possibility of roadway damage from construction activities but only offers that "...individual property owners developing properties would be responsible for repair of any damage to roadways caused by construction vehicles."

The suggestion of mitigation for this potentially significant impact is being put off to a future payment by project property owners. Under CEQA, significant impacts cannot be put off to some indefinite future. In addition, there is no indication as to how this mitigation would be implemented with no specific criteria or standard of performance being provided.

Then the DEIR goes on to state that this is not a potential environmental effect under CEQA. I do not see any categorical exemption for this potential environmental impact.

Nor does it follow the spirit or guidance of CEQA Section 15002.

Following the guidelines of CEQA Section 15384, the community has had damages to the roads and it is reasonable to infer that heavy construction vehicles have had a part in that damage. The roads were asphalted sometime in the 1940s with no engineering report of the integrity of the substrate. They were certainly not designed for today's heavy trucks. Cement trucks today can weigh as much as 70,000lbs or 35 tons. This level of weight for construction trucks did not exist in the 1940s.

6.24

Thank you and I look forward to the issues I raised to be properly addressed in the Final EIR.

Jim Knight

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

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

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

Date: July, 2013

cc: Eduardo Schonborn, Planning Division, Community Development Department, City of RPV

Subject: **Follow-up to the Draft EIR for the Landslide Moratorium Ordinance Revision for Zone 2**

INTRODUCTION

In an earlier memorandum (Miscellaneous Document, November 16, 2012) ACLAD concluded after reviewing the Geology (including appendix D, Geotechnical Study) and Hydrology and Water Quality sections of the draft EIR for Zone 2 that there were important issues that were not fully addressed in the report. In reviewing the most recent draft EIR, we continue to have concerns that important issues are either not adequately addressed or are based on incorrect assumptions that alter the significance of the impacts. We address two: Flooding/Hydrology and Geology

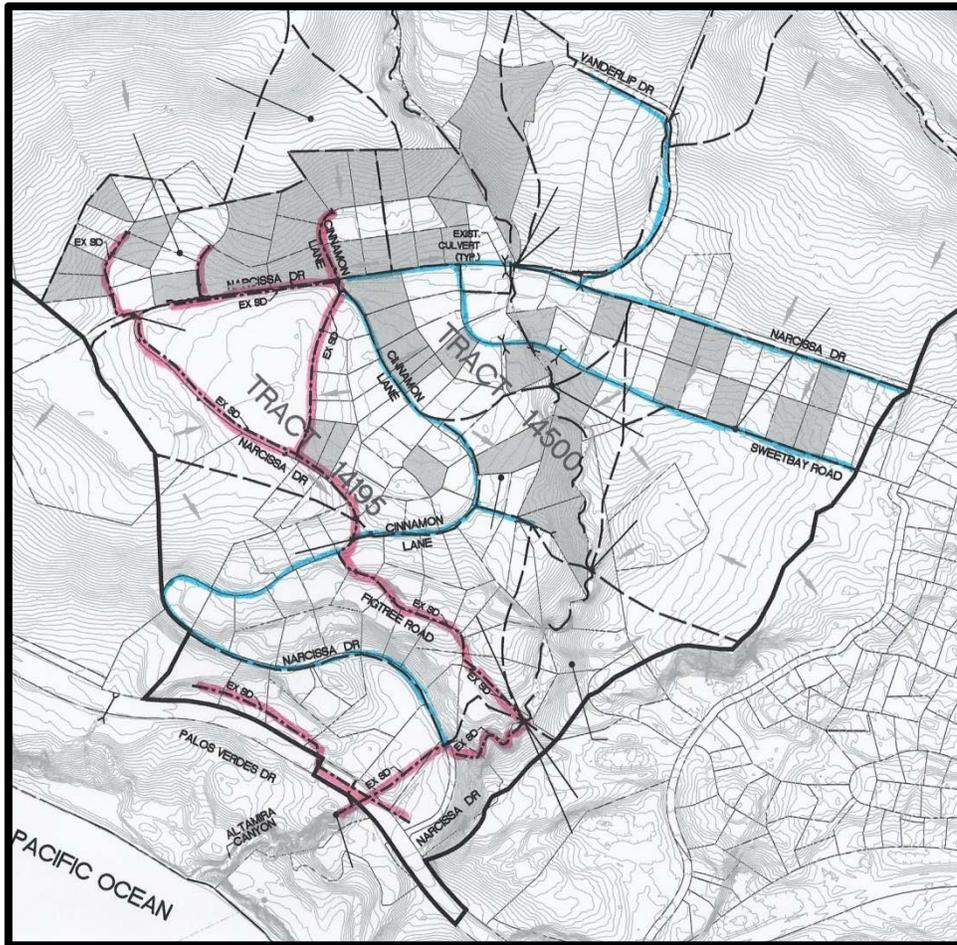
FLOOD /HYDROLOGY

Current Storm Drain System

The present storm drain system in Zone 2 and adjacent areas (shown below) is taken from the Draft EIR section on flooding and hydrology, figure 4.8-1. The storm drain system shown in red on the map is based on the City of RPV 2004 revised edition of the city's storm drains. Unfortunately, as shown it is incomplete and only covers the west side of the community. The

illustration omits the storm drain system in the rest of Zone 2, mostly the east side. In blue is the rest of the system covering Vanderlip Drive, upper Narcissa Drive, lower Cinnamon Lane, Sweetbay Road and lower Narcissa within the Abalone Cove landslide, all of which are important in conveying storm water runoff into Altamira Canyon. Also note that the 300 feet of Altamira Canyon located between the end of the culvert exiting Fig Tree Road and the 120" CMP culvert at the entrance (beneath the park) is included in the City/EIR's storm drain system.

It is important to recognize the complete system because all of the streets and culverts in the community are involved in conveying storm water runoff from houses and open lots into Altamira Canyon. All parts of the system are important and must function successfully in order to prevent flooding and the type of problems that have plagued the community for years.



The storm drainage system in Zone 2 and adjacent areas. Outlined in red is the system illustrated in the revised Draft EIR report (fig. 4.8-1). Shown in blue is the rest of the functioning storm drain system in Zone 2 and adjacent community.

Under-capacity of the Current Drainage System, Flooding and increased Infiltration

In the Conclusions and Recommendations (p.7), the EIR states that “flood/hydrology impacts would be considered significant if the proposed project would:

1. *Create or contribute runoff water which would exceed the capacity of existing or planned storm drain storm water drainage systems*
2. *Increase infiltration which could affect the stability of existing landslides in the project vicinity.”*

ACLAD believes that both statements are in fact correct and therefore each one constitutes a significant impact. In **section A** we present evidence of the inadequacies of the storm drain system and in **section B** discuss the impact of runoff on groundwater infiltration:

Section A

A.1 Under-capacity of the Existing Storm Drain System

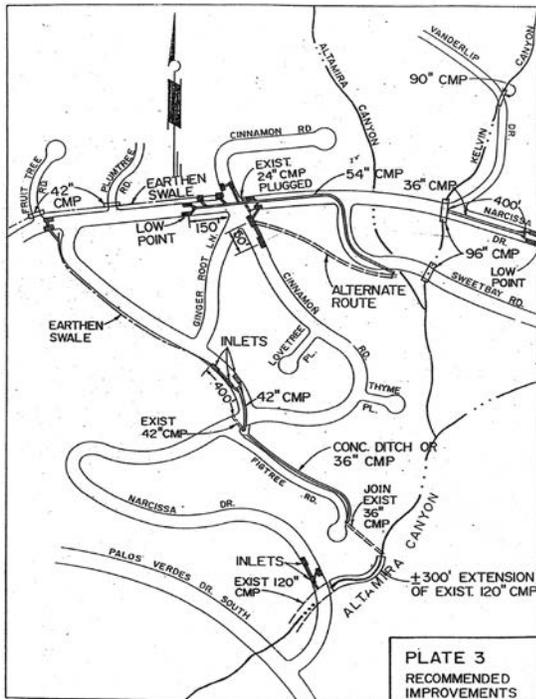
In the EIR, the hydrologic analyses determined that post-development conditions would result in an increase in storm drain runoff as a result of the increase in impervious area that would occur when the 47 lots are developed. However, they conclude that the combined impact from the development is insignificant for the following reasons:

- The existing (natural) drainage patterns are maintained and the combination of natural and constructed drainage conveyance and the surface flow has the capacity to convey the runoff from the project site

The EIR report assumes that because the current drainage system has existed for many years that it is adequate to convey rainfall runoff. This assumption is incorrect and in fact the system does not have the capacity to convey storm runoff from the project area in major rain storms.

Background: The EIR statement that the “existing drainage system was designed for the entire Portuguese Bend development, including the 47 undeveloped lots” is an overstatement. The storm drain system in Zone 2 is the streets in the community, with a few culverts that connect streets and convey storm water into Altamira Canyon. The streets in Zone 2 are simply the paved over dirt roads established by farmers early in the 20th century and addition and modification to the streets during development in the 1940-1950s was to maximize the number of buildable lots, not to improve storm water drainage. It is safe to say that the current street “system” was never “designed” for anything other than to provide access to the community.

The inadequacy of the streets as a storm drain system was recognized in the 1970s when a number of significant flood events occurred in the community. Following reactivation of the Abalone Cove landslide, the Panel of Experts recommended upgrading the culverts and other parts of the system



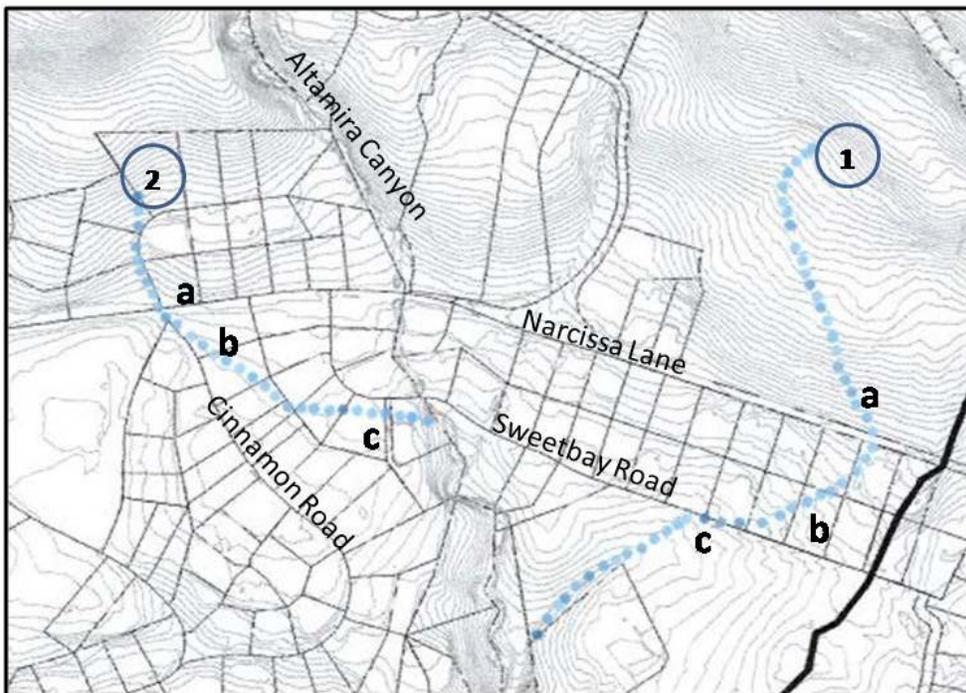
In 1990 ASL Consulting Engineers recommended eight major improvements to upgrading the storm drain system (left) but only two minor modifications to the then existing system were made and the system today remains basically as it was in pre-1990.

to achieve better control of storm water runoff. In 1990 ASL consulting Engineers was retained by the Redevelopment Agency of the City of RPV to perform hydrology and hydraulic studies to determine the storm runoff for the area located in the Altamira Canyon watershed. The area they studied is the same as in the current EIR report. At the request of the City, the study examined the effects of runoff from storms having a probability of recurring once in 50 year and 100 year. The study highlighted serious deficiencies in the then existing storm runoff system and made major recommendations to improve it. Except for a few modifications, the recommendations were never implemented and the system remains a slightly modified version of 1990. It is basically a make-do series of paved streets with berms added over the years to bandage the biggest problems. The major problems occur during major storms when rainfall exceeds 0.5 in/hr and storm totals are over 6 in/24 hours. During these rain storms such as occurred in 2005 and 2010, storm water fills and overflows the streets, causing significant local flooding and erosion. The development of the 471 lots will, as stated in the analyses increase storm water runoff from individual lots by 10-15% and for the project by 2.9-4.5%. There is good reason to believe that this increase will be the proverbial straw to an already over burdened/under-capacity system.

(see Appendix A, For photographic examples of the problems and deficiencies in the storm drain system during the major storms of 2005 and 2010.)

A.2 Unresolved drainage problems

There are two unresolved drainage problems that have affected the project area for many years and impact the adequacy of the current system. Both are old, natural drainage channels which collect rain water from upslope areas above Zone 2. They can be identified in old topographic maps, aerial photos and surface photographs and were never adequately addressed in development of the storm drain system. During major rain storms storm water flows through the channels, spills out on to adjacent lots and causes local flooding and erosion. Both channels cross open, undeveloped lots and should be addressed before development of the lots.



The location of old, natural drainage channels (shown in blue) which drain upslope areas and convey surface runoff water in major rain storm events. Channel 1 drains the area generally south of the old Crenshaw Extension and Channel 2 drains upslope areas north of upper Cinnamon Road. Letters identify location of the photos.

A.2.1 Old drainage channels at Location 1



Location 1a, (left) drainage ditch cut into the slope to direct water into the inlet (lower right) to the culvert that runs under upper Narcissa Drive. Sheet flow from upslope areas overflowed the ditch and culvert and flooded Narcissa Lane during high rainfall years in the 1990s (e.g. 1995, 1998) and 2000s (2001, 2005, 2010). In the February, 2005 storm runoff that originated in the area north of Peacock Flats, flowed (raced) down the Crenshaw Extension dirt road, jumping the road at the sharp curve east of Kelvin Canyon and flowed down the slope above Narcissa Drive. The storm water flooded upper Narcissa and over whelmed the channels between Narcissa and Sweetbay Road.



1b *Channels crossing the open lots north of Sweetbay. The northern (left) channel was over two feet deep and conveyed a stream with 6-8 inches of water following the winter storm of 2005. In*

the area in the immediate foreground, next to Sweetbay Road, water ponds during storms and overflows onto the road. The two channels merge into one under the vegetation in the distance and eventually connect to the culvert that crosses Narcissa Drive (see 1a). Disking the fields for weed control has partially filled in the channels over the past few years.

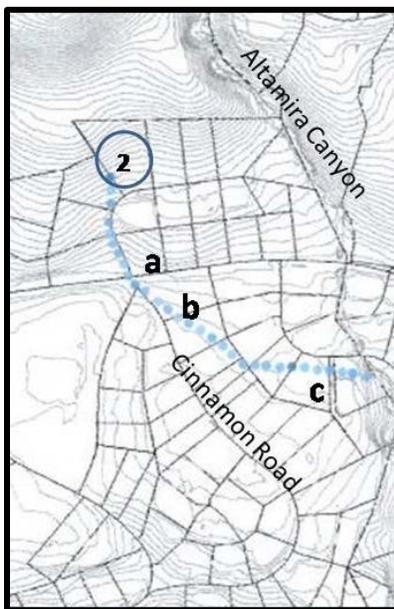


(left) The California Water Service water main exposed by erosion in the northern channel following the 2005 storm (it remains exposed today).



1c (right) Storm water flows (west) across Sweetbay Road and exists at the trees (1c) into the continuation of the old channel. Storm water eventually flows into Altamira Canyon

A.2.2 Old drainage channel at Location 2, Extending from upper Cinnamon to the five-points intersection to Sweetbay Road.



Path of the drainage channel which begins above upper Cinnamon and extends across 5-point intersection (a) , through the corral at “Right to Fly” and across the open lots (b) to the King property (c) that at Sweetbay Road , crosses another horse corral and finally empties into Altamira Canyon.

2a Fine-points intersection (view looking north) of Narcissa (right to left), Cinnamon (north to south) and Ginger Root Lane (off photo to the lower left). Originally, storm water drained down upper Cinnamon (towards the viewer), crossed Narcissa and exited to the right by the stop sign. A culvert (now buried) extends under Narcissa to convey the flow. Storm water continues



across the horse corral of “Ride-to-fly” and then into a channel which crosses open lots before eventually exiting into Altamira Canyon south of Sweetbay Road. Because of repeated flooding, the roads at the intersection were re-pitched to force storm water to flow across the intersection and down Ginger Root Lane. During major storms, storm water splits at the intersection, part flowing along the course of the old channel and part down Ginger Root Lane.



2b Portions of the channel which extends from the corral at “Ride to Fly” (left) behind the houses which front onto Sweetbay Road and to the King property at Sweetbay Road.



2b Flooded backyards of the houses adjacent to the channel when the channel overflowed in the winter storm of 2005. **2c** (below) The continuation of the channel shown in 2b across the King lot at Sweetbay Road, today (left) and flooded in the winter storm of 2005(right).



2c Continuation of the channel, today(left) and flooded during the winter storm of 2005 (right). To the left of this channel (towards Sweetbay Road) is located dewatering well WW 13 which was partially flooded by overflow water which flowed as a sheet across the lot to Sweetbay Road (below).

Storm water from the channel (above) which overflowed onto Sweetbay Road (in the background)



2c *Detail of the 15" CMP culvert (usually filled) that drains from the King lot, under the adjacent property and empties directly in to the horse corral at 26 Sweetbay Road. During major winter rain storms the corral floods before the water flow exists into Sweetbay Road and Altamira Canyon.*



B. Increased infiltration

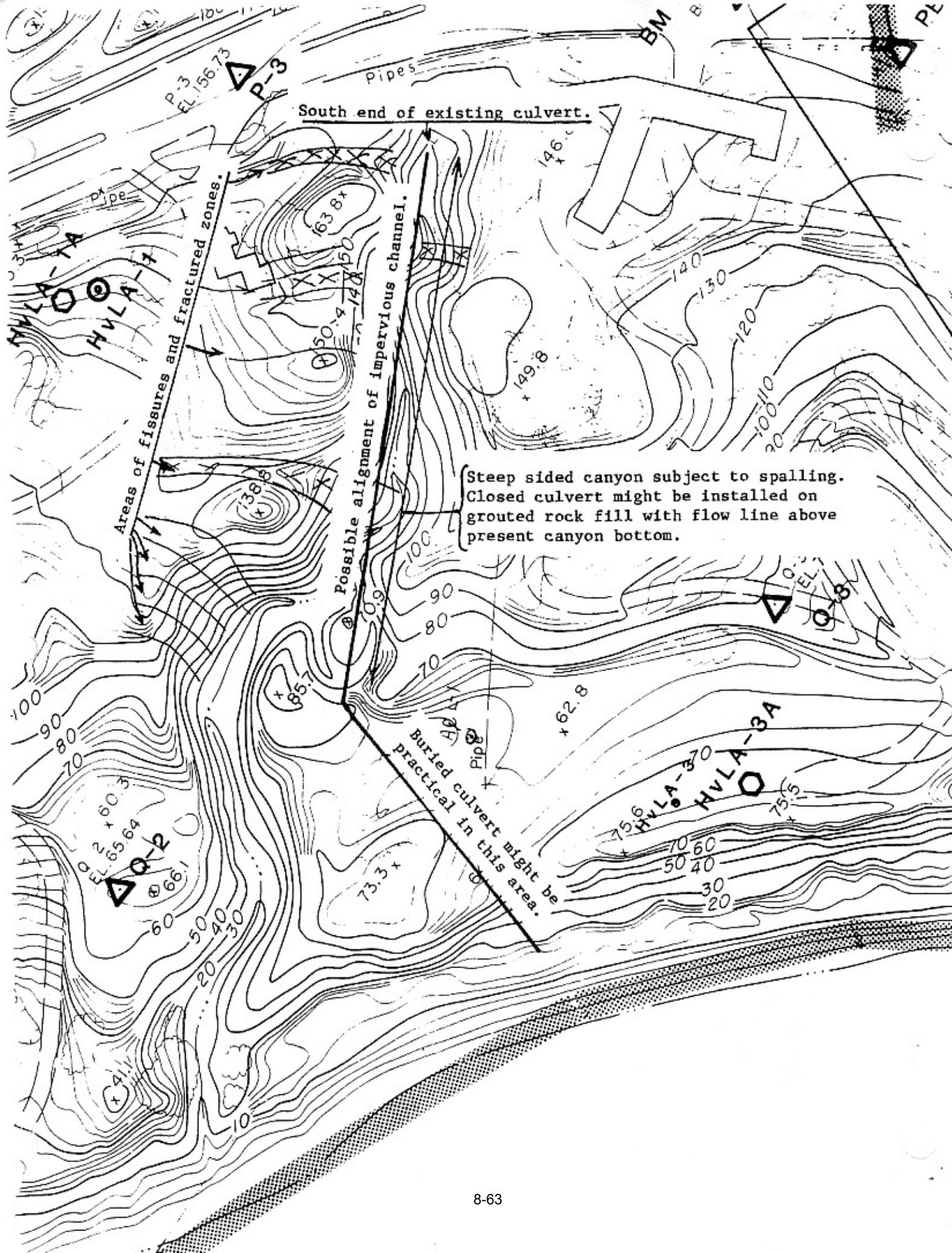
The EIR analysis indicates that “the addition of impervious areas (new houses) will reduce the total infiltration in the project site and due to the low permeability of the soils and steepness of the canyon sides, for a given storm event, the total infiltration will not exceed the existing condition”. This hardly seems possible when, as the analyses states, more runoff water will be entering the streets with the development of the 47 lots and, eventually, into Altamira Canyon. Studies (Hill, 2000; Hill, et al, 2007) reveal that the infiltration in the bottom of Altamira Canyon is one of the major sources of recharging the groundwater. The photos below, taken about 15-20 minutes apart in December 2010 , illustrate the problem: On the left is

storm water discharging from the 120" CMP culvert in Altamira Canyon at the crossing with upper Narcissa Drive.



Storm water discharge in Altamira Canyon, December 2010. Both photos were taken on the same day, the one on the left is discharge from the 120" CMP at upper Narcissa Drive and taken about 15-20 minutes earlier than the one on the right which is in Altamira Canyon at the inlet to the 120" CMP that extends under the park at the entrance. The two sites are about 0.6 miles apart.

The flow is estimated at several hundred cubic feet per second. The photo on the right, taken 15-20 minutes later is the flow in Altamira Canyon at the inlet to the 120" CPM that extends under Narcissa Drive near the entrance to the community. Where did the discharge water go? It infiltrated into the bottom of the canyon between upper Narcissa and the entrance, especially where the Abalone Cove landslide and other major fractures cross the canyon. About 60-70% of the flow infiltrated over a distance of approximately 0.6 miles. Along that distance there are other sources of runoff water, from the Fig Tree Road drain (which drains all of the west side of the community) and tributaries entering the Altamira Canyon south of Sweetbay Road. Hill (2000) found that between 1-18% of the storm water discharge measured at the culvert at Sweetbay Road existed into the ocean. Her investigation and later ones conducted by ACLAD, estimate that between 55 to 75% of the discharge water in Altamira Canyon is infiltrating into the bottom of the canyon to recharge the ground water. Even small increases in the rain storm runoff entering the street storm-drain system are important as they ultimately feed into the ground water.



South end of existing culvert.

Areas of fissures and fractured zones.

Possible alignment of impervious channel.

Steep sided canyon subject to spalling. Closed culvert might be installed on grouted rock fill with flow line above present canyon bottom.

Buried culvert might be practical in this area.

Letter 6

COMMENTS: Jim Knight

DATE: September 9, 2019

Response 6.1

The commenter states that land movement could destroy new home foundations and that the Draft EIR does not discuss liability impacts regarding new developments in Zone 2.

There is an abundant data set available for Zone 2 and the adjacent Zones that can be used to determine potential geologic hazards for each Lot. Each Lot owner would be required to assess their individual property by hiring a professional geotechnical firm to address their Lot-specific conditions and determine if it is feasible to build upon those areas. It is possible that some lots may prove to be infeasible to build. Furthermore, the potential residential development of undeveloped lots would be required to comply with applicable State and Local Building Code requirements and be subject to inspections by the City's Building and Safety Division. Liability impacts discussed by the commenter are not within the scope of CEQA. Nevertheless, as part of the land use entitlement and development process, the City requires a property owner to release the City from all liability through acceptance of the Conditions of Approval, such as those identified in Section 15.20.050 (Landslide Mitigation Measure Required) of Title 15 of the RPVMC.

Response 6.2

The commenter states that there is no mitigation in the EIR to reduce the downslope landslide impact and that there is no discussion of potential liability that the City may inherit if they issue permits in this area.

It is not the purpose of the EIR to provide mitigation measures to the Abalone Cove Landslide (ACL) but to assess the overall stability of Zone 5 based on the future development of Zone 2 Lots. It is the conclusion of the EIR preparers that buildout of Zone 2, with the mitigation measures provided within the Draft EIR, would not negatively affect adjacent areas. Liability impacts discussed by the commenter are not within the scope of CEQA. Nevertheless, as part of the land use entitlement and development process, the City requires a property owner to release the City from all liability through acceptance of the Conditions of Approval, such as those identified in Section 15.20.050 (Landslide Mitigation Measure Required) of Title 15 of the RPVMC.

Response 6.3

The commenter states the City data shows that there is substantial movement on the eastern edge of Zone 2 and that the probability of seismically-induced landslides is moderate, not abated.

It is agreed that land movement remains a concern in portions of the project area. This is an existing environmental condition, not an impact of the project. All future development in Zone 2 would need to comply with applicable safety standards, but the impact of new



development would be significant only to the degree that it would exacerbate landslide conditions. New development is not expected to worsen this existing condition.

Response 6.4

The commenter states that the EIR should be updated to include the Wilmington Blind Thrust fault.

The EIR preparers are aware of the re-classification of the Wilmington Blind Thrust fault. Awareness of this fault does not change the inherent risks to the subject area; the inherent risks are both known and unknown. Each lot to be developed would need to address the potential for seismic shaking in foundation and building design. This is standard practice in southern California. The Wilmington Blind Thrust fault is located north of the project area, along or just north of the mapped trace of the Palos Verdes Hills fault. The developers of Zone 2 lots would need to review the potential of seismic shaking from this and other nearby faults and incorporate appropriate requirements into the design of structures. Since the purpose of this EIR is to address the Zone 2 lots and not to address the gross or seismic slope stability of the APBL, ACL or PBL, the re-discovery of this fault does not change the conclusion that development of the Zone 2 Lots would not negatively affect adjacent properties. Zone 2 lot owners would need to evaluate the potential from seismic shaking prior to development to determine if the proposed improvement is feasible.

Response 6.5

The commenter states concern regarding potential landslide hazards and that mitigation measure GEO-3(a) and (b) do not mitigate the risks presented from landslides.

Site-specific reports prepared by individual lot owners would be necessary to account for seismic shaking by this and other nearby active faults in site design and construction. Seismic consideration in the design and development of structures is a common, standard-of-practice review process throughout southern California.

Response 6.6

The commenter states that the project has a factor of safety (FOS) of less than the industry standard of 1.5 and that this is a significant impact not addressed in the EIR. In addition, the commenter states that current residents and future Zone 2 property owners have the right to understand what this type of impact presents, including future legal liabilities.

LGC generally concludes that the gross slope stability factor of safety for Zone 2 is somewhere between 1.1 and 1.5. This is based on review of numerous slope stability analyses performed by multiple geotechnical firms that have evaluated the site along with LGC's experience with landslides and slope stability review overall. Substantial change to the landscape and/or groundwater regime would be required to re-initiate movement in this area. Neither of these is proposed or would be initiated by the development of the Zone 2 Lots that comply with mitigation measures in the Draft EIR.

Because the addition of future homes into the Zone 2 area would not substantially change the overall weight or balance of the ancient landslide, the addition of the homes is



considered so negligible as to be irrelevant, for slope stability review in this area. The method of analysis and review used in this EIR is a common standard-of-practice for such massive features.

Response 6.7

The commenter asks what impact the gross stability of a FOS of less than 1.5 would have on the development on individual lots. In addition, the commenter states that the mitigations included in the EIR do not address underlying gross stability.

Substantially improving the gross slope stability of Zone 2 and other Zones adjacent such that they meet a factor of safety of 1.5 are not the goal of the EIR review. The assessment performed as part of the EIR review is to ascertain the development of the 31 lots would negatively affect Zone 2 and adjacent areas and the Draft EIR concludes that development would not.

Substantially altering the factor of safety against sliding in this area through mass grading or another similar or combined technique has generally been concluded as a monumental task that is not suitable for the area, based, in part, on the current status of occupied homes and general land use in this area of the Palos Verdes Peninsula.

Rather than trying to achieve that which cannot reasonably be achieved, secondary considerations such as controlling one of the most critical factors involved in creating slope instability (groundwater) has been established as the best method for providing a suitable level of slope stability. The Draft EIR concludes that maintaining and even improving on this elemental factor, which was established long prior to the EIR, is the single best option for long term stability of the overall area.

Responses 6.8 and 6.9

The commenter states that requirements presented in HWQ-3 have been shown to be ineffective, that there is a significant impact from hardscape runoff and cistern drainage onto the drainage system during light rain events, and that the Draft EIR does not address the impact of destabilizing the area with infusion of storm water runoff into the subsurface landslide plane via fissure in Altamira Canyon.

Cisterns and other measures have been recommended for capturing and controlling a portion of rainfall events such that the built condition is equal to or better than the current unbuilt condition. It is recommended that groundwater withdrawal continue within ACLAD's purview and that these wells be properly maintained such that they are working as efficiently as possible during and after rainfall events to reduce the potential negative effects from infiltrating water.

Response 6.10

The commenter states that Professor Robert Douglass previously sent in the same comments to City staff in the previous version of the EIR. In addition, the commenter provides an Appendix map put together by Professor Ehlig showing fissures at the toe of the ACL.



It is agreed that fissures or ground cracks are likely in Altamira Canyon in the ACL area, allowing rainfall and tributary water access to the subsurface. However, this is an existing condition, not an impact of the proposed project. Nevertheless, Section 4.8, *Hydrology and Water Quality*; proposes a number of mitigation measures including HWQ-3(a) and HWQ-3(b) to reduce the potential that the development of the 31 lots to further exacerbate existing conditions.

Response 6.11

The commenter states a concern regarding the area of study, the bifurcation of impacts from the project through fragmentation, and the inclusion of recommendations from a July 2018 Feasibility Study on the Portuguese Bend Landslide Remediation Project.

The project mitigation measures are provided to reduce the impacts from Zone 2 buildout such that the effect to others is marginalized, but not to necessarily significantly improve in or outside of Zone 2. If the proposed mitigation measures are an improvement to the previous condition this is an additional benefit of the mitigation measure. However, it should be kept in mind that the goal is to not have the lot improvements worsen conditions.

Based on the study and review performed as a part of this EIR, the proposed lot buildout would not make existing conditions worse and the Zone 2 improvements would not negatively affect the surrounding areas provided the mitigation measures identified in the Draft EIR are followed and implemented.

Response 6.12

The commenter states disagreement regarding the project and surrounding areas in relation to the Abalone Cove and Portuguese Bend landslide areas. In addition, the commenter states that the rate of down slope failure impact to Zone 2 must be disclosed and addressed in the EIR, and that mitigations provided in the July 2018 Feasibility Study for the Portuguese Bend Landslide Remediation Project would mitigate this impact.

Professor Ehlig's meaning regarding the geologic connectivity of the area also reflects the depositional and formational history of the Peninsula and not solely the physical characteristics of the formational soils at depth. The Portuguese Bend Landslide is a newly-formed separate feature from the APBL that may or may not be sliding on the same ancient basal rupture surface. Regardless, it is detaching itself from the surrounding bedrock and/or APBL due to a local, confined high groundwater, past grading activities and erosion of soil at the landslide toe. The PBL is physically separated from the surrounding bedrock/ APBL through one or more series of shears and fractures. These shears separate the PBL landslide from the surrounding material, in similar fashion to a piece of paper held between fingers. Thus, the land masses appear to be touching even though they are not yet. Forces between the two land masses remain.

The relationship of landslides to the land surrounding them is basically three-fold: the portion of landslide that has pulled away from the original ground (the area of tension); the portion that is sliding by the in-place ground (translational zone) and the area that is receiving the material (the area of compression and accumulation). As there are different



zones, there are different effects to the neighboring “in-place” ground. Relative to Zone 2, we perceive that most of the effect of the PBL to Zone 2 is primarily that of translational, which has the least effect on the original ground mass as this area neither loses or receives material or is adjacent to a free-face that can result in up-slope material collapsing or moving into it. It is concluded that local portions of Zone 2 may have areas where the ground has pulled away or lowered, thus leaving a portion that could relax and slump or fail into that void.

Relative to development of the Zone 2 lots, it is anticipated that each lot owner would retain a geotechnical consultant to help them identify the geologic hazards relative to their Lots. It is possible that future construction on some lots may not be economically feasible due to the effects of neighboring areas.

Data suggests that the rate of land movement in Zone 2 is less than the maximum rate occurring in the Portuguese Bend Landslide Complex. Nevertheless, regarding the rate of down slope failure, the EIR on Page 4.8-12, in Section 4.8, *Hydrology and Water Quality*, has been revised as follows:

The Final Feasibility Study for the Portuguese Bend Landslide Complex (July 2018) prepared for the City by Daniel B. Stephens & Associates, Inc. addresses land movement and slope failure issues in the area, stating that land movement and slope failure continues throughout the Portuguese Bend area at varying rates. The study ~~and~~ identifies a number of technologies as options for the City to consider regarding storm water control and groundwater extraction to achieve manageable and sustainable land stability.

Response 6.13

The commenter states that the video he submitted shows that the mitigation measure in GEO-3(a) is not working.

The video shows drainage and erosion, which are natural processes, at work. It is not clear from the video that similar erosion did not occur before construction in Zone 2 and would not occur after due to the relative steepness of the drainages in the APBL area and the amount of intense rainfall that can occur in Rancho Palos Verdes, as the Peninsula is the first landmass adjacent to the Pacific Ocean, thus bearing the brunt of Pacific winter storms. Nevertheless, Section 4.8, *Hydrology and Water Quality*; proposes a number of mitigation measures including HWQ-3(a) and HWQ-3(b) to reduce the potential that the development of the 31 lots to further exacerbate existing conditions.

Response 6.14

The commenter states that the mitigation in GEO-4 only addresses impacts on the basis of lot by lot development and does not address seismic impacts or gross stability underlying the entire project area.

This is correct. The purpose of this review is to address the potential of near-surface effects from new home construction in Zone 2 to Zone 2 and areas adjacent.



It is not the purpose of this EIR to address gross slope stability for Zone 2 or areas adjacent as that task is essentially infeasible. Rather, the purpose is to address the environmental impacts of development of the 31 remaining undeveloped lots in Zone 2. It is recommended through the mitigation measures presented in the Draft EIR to maintain, or if possible, slightly improve gross slope stability, by controlling subsurface water as is currently being practiced and by implementing recommended mitigation measures.

Response 6.15

The commenter suggests that drainage measures imposed on the Monks properties that have been developed to date are not working and that the EIR needs to disclose the City's findings regarding a collapse in a Portuguese Bend road that could be a fissure opening up.

Mitigation measure HWQ-3(a) and HWQ-3(b) requires pre and post-construction flow rates and volumes to be equal, as well as maintenance of pre and post-construction flow characteristics at the property lines which should address any concerns with what occurred with previous construction on Monks properties. The City will review and approve all proposed improvements, and if deficiencies occur, can direct the property owner to correct them consistent with the City Code. The requirements of Mitigation Measure HWQ-3(a) and HWQ-3(b) have been augmented as explained in in Response 8.

Generally speaking, mitigation of peak flood rates are dependent upon the size of the cisterns – they need to have adequate capacity to detain peak flood rates, and can be large – on the order of 1,000 – 2,000 cubic feet or more for a typical lot, depending upon the design features.

Please see response 16 regarding the road collapse.

Response 6.16

The commenter suggests that the significance threshold regarding groundwater is inappropriate.

This threshold is taken directly from Appendix G of the *CEQA Guidelines*. It is acknowledged that in this particular case, loss of groundwater recharge capability is not the applicable concern. Sections 4.5 and 4.8 of the Draft EIR explain that additional infiltration and groundwater recharge are not desirable in the project area and the mitigation proposed is specifically aimed at limiting infiltration to pre-project levels.

Response 6.17

The commenter suggests that the mitigation measures in the Draft EIR related to drainage have been applied elsewhere and will not work.

Mitigation in the Draft EIR includes best management practices (BMPs) commonly applied on projects throughout southern California, augmented with other approaches that are specific to the proposed project. Other BMPs (such as lined settling or containment pools) can be employed if determined to be appropriate by the Project Engineer and City. Proper



design, implementation, and monitoring must be employed for these mitigation measures to be effective. Also, please see responses 6.15 and 8.

Response 6.18

The commenter states that the Draft EIR has not disclosed reports from the NPDES consultant review regarding silty runoff.

The Draft EIR is a program EIR that analyzes the potential effects of future buildout of 31 undeveloped lots. Specific site plans and drainage studies for individual lots are not available at this time, though the Draft EIR provides specific requirements that will need to be implemented on a case-by-case basis as individual lots are developed.

Response 6.19

The commenter suggests that the project would create cumulatively significant runoff increases and that the Draft EIR fragments project impacts by limiting its analysis to flooding or erosion.

The Draft EIR addresses impacts specific to the 31 lots and mitigates only impacts resulting from development of those lots. Mitigation Measure HWQ-3(a) and HWQ-3(b) specifically limits post-project runoff and infiltration to pre-project levels so would address the project's contribution to drainage issues in the area. Flood or erosion issues that occur regardless of the project improvements are not analyzed as a part of this EIR because the owners of these lots are not responsible for mitigating existing environmental conditions. The City is addressing the larger drainage issues in the area separately through a variety of efforts, as described in various locations in the Draft EIR.

Response 6.20

The commenter states that a Licensed Civil Engineer will say that one individual lot will not significantly contribute to any storm drain issues, upstream or downstream, but that this mitigation is lot by lot and does not address the cumulative impact.

The developer of each lot is required to mitigate his/her impacts. If the post-development condition is equal to the pre-development condition, there is no impact from the lot and no contribution to any cumulative effect. The Licensed Civil Engineer is required to provide a hydrology study and drainage plan for approval by the Director of Public Works. The contents of the study and plan are subject to the requirements of the Director of Public Works, and typically include all necessary calculations and design documents that demonstrate no net impacts occur.

If development on a lot does not alter pre-development conditions (as is required by Measure HWQ-3(a) and HWQ-3(b), there is no cumulative impact due to the development of the lot. There may be long-term drainage issues based on current conditions in the area; however, such issues exist regardless of whether the 31 lots studied in this EIR are developed or not.



Response 6.21

The commenter suggests that there was no monitoring of the effectiveness of mitigation in the Monks MND and that the Draft EIR does not acknowledge the failure of this mitigation.

The current EIR evaluates the environmental effects of the currently proposed project, which involves buildout of the 31 undeveloped lots in Zone 2. It does not study the Monks lots so the specific mitigation measures that were developed for the Monks lots do not apply. The Draft EIR includes specific measures aimed at mitigating the impacts of the current project and a mitigation monitoring and reporting program (MMRP) that identifies how the City will ensure implementation of required mitigation accompanies the Final EIR. Also, please see response 8 for additional requirements included in Measure HWQ-3(a) and HWQ-3(b).

Response 6.22

The commenter references videos showing storm runoff.

The videos are noted, but videos that capture a specific event in time cannot confirm if there was a net increase in runoff. The occurrence of flooding is not an indicator of an adverse impact, but could be evidence of a pre-existing condition. Comparative analysis of the pre and post-development design conditions, mitigation measures, and video of previous events would help if determining and impact actually occurred.

Regardless, the existing condition depicted in the video is not an impact of the currently proposed project. The Draft EIR includes specific mitigation measures aimed at avoiding an increase in surface runoff from the 31 undeveloped Zone 2 lots.

Response 6.23

The commenter reiterates a statement that the Draft EIR does not address cumulative impacts and that BMPs implemented for the Monk's development did not work.

Please see responses 6.19 through 6.22.



To: Octavia Silva, Senior Planner
Rancho Palos Verdes Community Development Department

From: Lisa A. Lawson
20 Vanderlip Dr., RPV, 90275

Subject: Public comment: Zone 2 Draft EIR

Letter 7

Octavio et al,

Introduction and Background:

I am the trustee of Jack Downhill's estate. Dad, soon after returning from Vietnam (late 1960s), invested in the purchase of 20 Vanderlip Drive originally as a part owner and eventually sole owner. Dad's intention from day one was to maximize the value of the property to pass down to his heirs. Although our family did not live in Portuguese Bend until Dad rebuilt his home in 1980, which was destroyed by fire in 1973, we were as permanent as the local residents. We owned, rode and stabled as many as 11 horses on the property before RPV incorporation in 1973, rode in Pony Club and dad was the Pony Club DC for several years. I was part of Bill Donahower's road crew and helped build the school bus stops around the community, dad and I worked a two man saw in the construction of the telephone pole/chain barrier on the rock wall turn near Wayfarers Chapel, I ran Roy McCarrell's John Deere tractors for community weed abatement and helped in the original construction of the corrals and barns that are now the "Ride the Fly" facility. I was in junior high at Margate then and now my 3 siblings and I are nearing retirement. We watched and shared in dad's never-ending patience and disappointing attempts in his quest to subdivide his lot into 4 parcels. (4 parcels-4 kids). My task as fiduciary of the estate is to continue the pursuit of what seems to be an extremely logical and straightforward decision based on all evidence and previous rulings.

7.1

Factors making the parcel split/subdivision inclusion in EIR and eventual acceptance seem obvious:

The 1969 and 1977 Moore and Taber's Geologic Investigation and Examinations report findings including results from MT-59 24" drilled borehole and MT-10/103 that are on our property and well as MT-58 and others nearby. Various other geology reports filed and approved by RPV for adjacent areas with meaningful data for our property. The allowance of the lot split of the Vanderlip lot directly adjacent to our lot on or about 1989. Dad's involvement in the creation of in 1980 and continual participating in ACLAD for the benefit of the 6.94 acres. Dad granting an easement to RPV for the installation of the sewer system. Dad was told at the time, and was his understanding, that it was sized for and provided lateral connections to accommodate the maximum lots permitted by zoning. Robert Douglas Report 2015. There is overwhelming evidence now, after years of study and monitoring, which supports it.

7.2

Current Questions relating to DEIR:

While RPV has spent exorbitant amounts of money developing (revive and update) and are considering acceptance of the EIR in regards to its application of amending exception "P" of title 15.20.40 as they apply to the 47 lots (31 undeveloped or underdeveloped) in Zone 2 of the 15.20 moratorium, Why would you again exclude the 100% related multi-acre underdeveloped lots in the very stable Vanderlip Drive access area, that are completely within Zone 2, along with their specific desire for subdividing? (In our case the very limiting lot parceling split)

Three specific Zone 2 Vanderlip Drive lots are underdeveloped in the manner of not being utilized in their "highest and best use" although they have existing residences. For our lot that is approx. 3000sq ft. residence on 6.9 acres. Why are the Vanderlip Drive multi-acre lots being denied the equity allowed the Monks lots (by reason of inverse condemnation) that were granted exceptions to build along with the proposed 31 additional home sites addressed in this EIR?

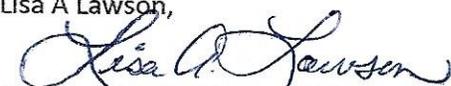
Note: Your report uses and references Dr. Perry Ehlig's zoning and determination that has verbiage specific to Vanderlip Drive parcels. " ... parcels served by Vanderlip Drive could be developed without affecting the stability of the large, ancient landslide. In fact, If development were combined with Installation of additional wells, stability would be improved."

7.3

READ THAT AGAIN! Development of our lots would **improve stability** if we add additional dewatering wells with our plans. Not a negative but a positive impact!

Per Memorandum from Dr. Perry Ehlig dated May 26, 1993, "Zone 2 - Subdivided land unaffected by large historic landslides. (about 130 acres). Will you please change your EIR to reflect this as "about 130 acres instead of the 112 stated?"

Lisa A Lawson,



Successor FTEE, The Jack E Downhill Living Trust

Letter 7

COMMENTER: Lisa A. Lawson

DATE: October 1, 2019

Response 7.1

The commenter notes that she is the trustee of a project area property owner's estate and that her task is to continue the pursuit of a decision regarding the project based on all evidence and previous rulings.

This comment is noted, but does not pertain to directly to the Draft EIR. No response is necessary.

Response 7.2

The commenter notes the findings of previous geologic investigations and that the area sewer system was sized to support development of her father's property.

This comment is noted, but does not pertain to directly to the Draft EIR. No response is necessary.

Response 7.3

The commenter asks why the Draft EIR does not consider the lots in the Vanderlip Drive area.

Properties along Vanderlip Drive, which are located in Zone 2 of the LMA, are improved with residential uses and structures. The proposed code amendments would apply to vacant or underdeveloped properties in Zone 2. Improvements on developed lots in Zone 2 could be made pursuant to the City's Landslide Moratorium Ordinance (Section 15.20.040 of the RPVMC).



Letter 8

Storm water drainage in Portuguese Bend Landslide Complex

The current philosophy for storm water drainage in new construction in the Portuguese Bend area is to use detention tanks to capture the peak flow rate during rainstorms. This method captures approximately 10% of the water during a storm and then releases over the next 24 hours to alleviate the peak flow in Altamira Canyon. Significant efforts have been made by the individual lot owners to limit water from percolating into the landslide slip plane. The other 90% of the storm water is directed to the streets and drains directly into Altamira Canyon. The speed of this flow is greatly increased by the large amounts of hardscape in modern homes. The problem with our current approach is that the water drains directly into zone 5 of the landslide where Altamira Canyon has significant fissures. The Hydrologic study of Altamira Canyon in 2000 measured that only 27% of the water that flows into the canyon makes it to the ocean. The remaining 63% of water is absorbed into the fissures and goes directly into the landslide slip plane.

Zone 2 is serviced by 17 dewatering wells that remove over 300,000 gallons of water a day to lower the water table. This system is currently adequate for all of the area in zone 2, including the vacant lots. By contrast, as new hardscape is added and 100% of the water is directed through the streets to Altamira Canyon then 73% of the water will flow directly into the foot of the landslide instead of removed by dewatering wells.

I recommend that the majority of the storm water on individual lots be contained on the lot similar to the pre-construction state. The inclusion of bio-swales in the landscaping can limit the percolation by transpiration of the landscaping which will both reduce water into the landslide and saves irrigation water. The fast moving roof water should still be collected in a detention tank for later release onto the lot. The balance of the water that percolates deep into the ground will be removed by the dewatering wells as it is today.

Suggested mitigation measures:

1. Limit storm water run-off to pre-construction levels
2. Detain roof water with delayed release onto the lot.
3. Limit non-permeable hardscape to 25% lot coverage
4. Divert hardscape run-off to bio-swales or other onsite containment systems and maximize transpiration through landscaping
5. Perform Geologic and Hydrologic study of Altamira Canyon and modify canyon to accept current and additional water flow without loss into the fissures and landslide.

Letter 8

COMMENTER: Gordon and Claire Leon

DATE: (No date)

The commenter notes that most storm water generated in the project area is directed to streets where it flows directly into Altamira Canyon, where much of it flows directly into the foot of the ancient landslide. Based on this concern, the commenter recommends several specific measures aimed at containing storm water on individual lots, similar to the pre-construction state.

The commenter is correct that Section 15.20.050 of the RPVMC suggests that roof runoff from buildings and structures is to be contained and directed to the streets or an approved drainage course. Mitigation Measure HWQ-3(a) in Section 4.8, *Hydrology and Water Quality*, requires each new project area developer to implement a drainage plan prepared by a Licensed Civil Engineer that follows the methodology outlined in the Los Angeles County Hydrology and Sedimentation Manual (latest edition), the Los Angeles County Low Impact Development Manual, and Los Angeles County Stormwater Best Management Practices Design and Maintenance Manual for preparation of the design calculations. The measure specifies that post-construction lot infiltration and runoff rates and volume shall be made equal to pre-construction conditions through use of appropriate low impact development principles such as, but not limited to, detaining peak flows and use of cisterns, holding tanks, detention basins, bio-retention areas, green roofs and permeable hardscape, and installation and maintenance of holding tanks. In response to this comment, the measure has been revised to read as follows:

HWQ-3(a) Drainage Plan. Prior to issuance of any grading or building permit, a Licensed Civil Engineer shall prepare a detailed hydrology study and drainage plan subject to approval by the Director of Public Works. The study/plan shall be paid for by the project applicant and shall be designed to accommodate for a minimum of a 75 year rain event, and address impacts to the proposed building site, as well as upstream and downstream properties. The analysis will follow the methodology outlined in the Los Angeles County Hydrology and Sedimentation Manual (latest edition), the Los Angeles County Low Impact Development Manual, and Los Angeles County Stormwater Best Management Practices Design and Maintenance Manual for preparation of the design calculations. Improvements will be based upon the policies and codes of the City. The drainage plan shall address impacts to the immediate vicinity as well as downstream facilities including culverts, roads, open drainage courses, and Altamira Canyon, and shall demonstrate that:

- *Post-construction lot infiltration and runoff rates and volume shall be made equal to pre-construction conditions through use of appropriate low impact development principles such as, but not limited to, detaining peak flows and use of cisterns, holding tanks, detention basins, bio-*



retention areas or swales, green roofs that detain water with delayed release onto the lot and permeable hardscape, and installation and maintenance of holding tanks.

- *Illustrate that point (concentrated) flow on each of the properties is either normalized, attenuated adequately, or will reach an acceptable conveyance such as a storm drain, channel, roadway or natural drainage course. All runoff shall be directed to an acceptable conveyance (one that is adequate to convey any increase in runoff without causing additional impacts such as flooding and erosion) and shall not be allowed to drain to localized sumps or catchment areas with no outlet.*
- *Avoid changes to the character of the runoff at property lines have been avoided. Changes in character include obstructing or diverting existing runoff entering the site, changing the depth and frequency of flooding, concentration of flow outletting onto adjacent properties or streets, and increasing the frequency or duration of runoff outletting onto adjacent properties or streets.*
- *Minimize "Dry Weather" infiltration that could add to the total infiltration from the project is minimized.*
- *Holding tanks will be installed and maintained and operated as designed. Annual third-party certification by a licensed engineer that the system is operational as designed is required.*
- *Maximum 25 percent net coverage for RS-1 and RS-2 zoned properties.*
- *Transpiration through landscaping is maximized.*
- *For developments on sloped sites, driveways shall incorporate a serpentine design to the extent possible to minimize the possibility of flooding onto adjacent properties.*

Runoff shall be infiltrated on-lot where feasible. However, because the area is subject to geotechnical hazards, any use of techniques involving infiltration will need review by a geotechnical engineer under contract to the applicant and approval by the City Public Works Department. Infiltration may be allowed on a lot by lot basis or consistent with existing conditions if no hazard is determined to exist. If runoff cannot be infiltrated, a combination of detention and infiltration of the change in runoff volume will mitigate some of the impacts due to hydromodification.

As listed in Mitigation Measure HWQ-3(a), lot coverage for RS-2 parcels has been reduced to a maximum of 25%. This change would serve to minimize impervious surface coverage and further reduce water run off. Mitigation Measure HWQ-3(b) has been added to Section 4.8, *Hydrology and Water Quality* section of the EIR to ensure that requirements established by Mitigation Measure HWQ-3(a) are continually being implemented. Mitigation Measure HWQ-3(b) is listed below:

HWQ-3(b) Certification. The property owner shall submit, after the installation of the drainage improvements and at the property owner's expense, a



hydrology study, prepared, stamped and signed by a Licensed Civil Engineer certifying that the site drainage is operating according to City approvals. Specifically, the report shall certify that the post-construction lot infiltration and runoff rates and volume are equal to pre-construction conditions. The study shall be approved by the Director of Public Works or his/her designee.

With respect to the suggestion that the City perform a geologic and hydrologic study of Altamira Canyon and modify the canyon to accept current and additional water flow without loss into the fissures and landslide, the City will continue to investigate this issue and, as feasible, implement actions to minimize landslide potential. However, such a study is beyond the scope of the current EIR, which is focused on identifying and mitigating the effects of the currently proposed project (in other words, avoiding an increase in landslide potential due to development of the 31 undeveloped project area lots).



Letter 9

From: Jeremy Davies <[REDACTED]>
Sent: Tuesday, September 24, 2019 12:42 PM
To: Octavio Silva <OctavioS@rpvca.gov>; [REDACTED]; Ara
Mihranian <[REDACTED]>
Subject: Volume of vehicles on one building site 33 Cinnamon Lane 9/24

Dear Octavio

See the volume of vehicles for one building site. Please consider whether City will have to control number of sites under simultaneous construction going forward to meet fire road requirements and hazards to neighbors Best Jeremy



Letter 9

COMMENTER: Jeremy Davies

DATE: September 24, 2019

The commenter provides a photograph showing several construction vehicles on a site and asks the City to consider whether it will need to control the number of sites under simultaneous construction to avoid emergency evacuation issues.

Emergency access/evacuation is analyzed in Section 4.10, *Traffic and Circulation*, of the Draft EIR, under Impact T-4. Even based on a “worst case” assumption that construction occurs on all 31 undeveloped lots simultaneously, the analysis concludes that emergency evacuation impacts would not be significant based on evacuation time and the two available exit roads. Nevertheless, in response to this concern, the following mitigation measure has been added to Section 4.10 of the Final EIR:

T-4(f) Construction Activity Tracking. The Community Development Department will maintain a database of ongoing construction activity on the 31 undeveloped project area lots that identifies construction site locations and makes the information available to the public. This will allow project area residents and City staff to effectively track construction activity and ensure compliance with applicable standards and requirements.



Letter 10

From: Jeremy Davies [REDACTED]
Sent: Monday, September 30, 2019 5:13 PM
To: Ara Mihanian <AraM@rpvca.gov>; Octavio Silva <OctavioS@rpvca.gov>
Cc: Jim Knight <[REDACTED]>; Gordon & Claire Leon <[REDACTED]>; Dennis Gardner <[REDACTED]>; kimmelson <[REDACTED]>; Monika Bauer <[REDACTED]> Claudia Gutierrez <[REDACTED]>; Professor Ohlaker <[REDACTED]>; Blair Van Buren <[REDACTED]> Lewis Enstedt <[REDACTED]>
Subject: DEIR August 22, 2019

Dear Ara and Octavio,
Below are my suggestions for strengthening the mitigation measures necessary before additional development. Please note items to which City has not yet responded. We appreciate the changes made to the DEIR since our earlier issues raised to the City.
Jeremy Davies

COMMENTS ON DEIR DISTRIBUTED AUGUST 22, 2019 BY CITY OF RPV PERTAINING TO ZONE 2

10.1

The concerns expressed below are not intended as a “no more development under any circumstances” document but as suggestions to request more stringent mitigation actions needed prior to and during further development. Many of these mitigation measures have been requested by concerned citizens and recommended by specialists and consultants for more than 40 years and not acted upon by the City. These concerns also incorporate additional knowledge from the very early impacts from a few of the completed Monks properties.

Hydrology and Storm Drain System

The statement is made “the existing drainage system was designed in 1940 for the entire Portuguese Bend Development” (4.8-1). The City should provide this plan otherwise this is an unsupported assertion and therefore not in accordance with CEQA.

10.2

A constant conclusion in the various geology and hydrology studies and EIRs carried out over the last 30 or more years has been that storm water run off and its consequent impact on groundwater replenishment enters the fissures in Altamira Canyon. Groundwater was concluded to be the most likely agent responsible for the slide movement of the ACL (4.5-5). Currently, groundwater is the only factor that can be reasonably manipulated to minimize slide movement for all areas within the APBL complex (4.5-6).

10.3

The DEIR repeatedly states that “the build out under the ordinance revisions would result in a flow rate generally similar (what does “generally” mean?) to existing conditions (HWQ3 (4.8-9). “Under the drainage plan that post-construction lot infiltration and run off rates and volume shall be made equal to pre-construction conditions” (HWQ-3 4.8-15).

10.4

This is patently untrue as the City has no records and has not provided any evidence that it has evidence of run off rates from individual lots pre construction. It is an unsupported assumption and therefore not in compliance with CEQA.

Furthermore the field observations regarding storm water run off conducted February 2 and 9 2019 (4.8-1) and the conclusion that the observed run off “appeared” to be less on the small number of Monks properties with holding tanks is strongly contested as follows:

- 1) Storm water run off from #31 Cinnamon Lane shows water cascading into Cinnamon Lane on 1/14/2019 in a video submitted to the City by Jim Knight . This was not a heavy storm event.
- 2) On the same day storm run off from undeveloped lot #35 Cinnamon Lane which is a larger lot with a considerably higher slope than #31 Cinnamon Lane showed a trickle of run off which did not even cross Cinnamon Lane to my home at #36 Cinnamon Lane.
- 3) The holding tanks installed as a mitigation measure by the City can only hold about one inch of storm water at a time after which they become useless in controlling run off. This is supported by evidence from #57 Narcissa Drive which has a tank of 3,700 gallons for a home of 2,800 sq ft (smaller than the latest Monks developments) and # 27 Cinnamon Lane with a tank of 3,500 gallons for a property of 3,307 sq ft.
- 4) The holding tanks were installed to control run off from roofs and not the total hardscape further negating their effectiveness.

10.4
Cont.

I strongly suggest the City give up on trying to convince the public that it can replicate run off rates prior to construction (no evidence provided of actual pre construction run off rates) and concentrate on additional mitigation measures (see below) to minimize the impacts from storm run off.

10.5

The City should take action on the mitigation measures that have been recommended to it by citizens, specialists and consultants for at least the last 40 years before any additional development.

10.6

Furthermore much emphasis in the DEIR regarding the impact of storm water run off is focused on the potential of accelerated downstream erosion (GEO-2 4.5-17,18,19) of Altamira Canyon. While this is important, the issue of increased storm water entering the fissures which add to landslide movement and increase instability is more important.

The City claims that “the portions of Altamira Canyon that would receive drainage from the project area are generally steep and as such do not contribute substantially to groundwater recharge as water moves quickly over the land surface, minimizing infiltration”(4.5-19).

10.7

This is not true. The ACLAD follow up letter to the City of July 2013 demonstrates dramatically the storm water discharge in Altamira Canyon in December 2010 and its 70% disappearance into fissures over a 0.6 mile distance. It is estimated that only 1%-18% of the storm water run off entered the Ocean.

It should be noted that the late Professor Robert Douglas reported to the City six years ago that “the drainage system does not have the capacity to convey storm water from the project area in major rain storms. The storm drain system in Zone 2 is the streets in the community with a few culverts that connect streets and convey water into Altamira Canyon. The streets in Zone 2 are simply the paved over dirt roads established by farmers in the early 20th Century. Addition and modification to the streets during development in the 1940-1950s was to maximize the number of buildable lots, not to improve the storm water drainage. It is safe to say that the current street system was never designed for anything other than to provide access to the community”.

10.8

In 1979 Robert Stone recommended that the surface drainage needed improving but little or no action was taken. In 1990 ASL Consulting “highlighted serious deficiencies in the then existing storm run off system and made major recommendations.” These recommendations have not been implemented and the City continues to deny to act on mitigation measures recommended even in this updated DEIR. Professor Douglas concluded “There is good reason that this increase (additional development) will be the proverbial straw to an already overburdened/under capacity system”

10.9

As recommended by the recent Daniel Stephens & Associates Feasibility Study and accepted by the City in August 2019 the additional mitigation measures that should be implemented before additional development include:

1) Conduct an engineering analysis and evaluation of the existing storm water drainage system of this area to assist in the design and construction of an updated system to convey run off to the ocean and eliminate ponding areas that have been created over the years due to land settlement.

2) Identify existing surface fractures in Altamira Canyon and install land surface sealing with environmentally friendly material to minimize direct (and indirect) uncontrolled storm water infiltration which currently percolates into groundwater. Check and maintain these sealed surface fractures annually prior to the rainy season (4.8-12).

3) Design and install an environmentally friendly and flexible liner system in the watershed canyons where storm water significantly infiltrates groundwater to minimize infiltration.

4) The DEIR states that the City is working toward implementation of the recommendations. To not implement these agreed recommendations before further development makes no logical sense when the City is trying to stabilize PVDS from further movement (4.8-12). If the City insists in not carrying out these mitigation measures before further development the reasons should be justified in writing by the City under CEQA.

5) With respect to driveway design for future lot developments on slopes the driveways should be snaked to minimize the possibility of flooding into adjacent properties and help infiltration on site. For example this was done for #37 Cinnamon Lane. This has not been done for # 33 Cinnamon Lane which has the longest driveway of all facing straight into the property at 34 Cinnamon Lane and with possible impacts for 36 Cinnamon Lane. This design should not have

10.10

been allowed by the City. Its impact has yet to be experienced in the next winter rains. However, the City should monitor its effects in 2019/2020 and request further mitigation measures if necessary.

↑ 10.10
Cont.

Traffic and Circulation and Geology

We appreciate your making reference to PBCA standards for construction and other areas of importance (ES-2, ES-4, 4.10-30). I feel that 4.10-30 should emphasize the reasons why large truck deliveries must enter and exit through the Peppertree Gate and not Narcissa Drive. It is for human safety reasons due to the tight right turn on Narcissa Drive and the fragility of the road system and a potential collapse onto Wayfarers Chapel.

10.11

Recent developments not explained are subsidence at the right hand corner of Narcissa Drive and the buckling of PVDS below Wayfarers Chapel (explanation for this was requested to the City some two months ago and has not been received). The City must conclude whether these developments are indicative of new activation of the ABL.

10.12

As stated in the DEIR large and heavy construction trucks and equipment and cement trucks are to use Peppertree Drive to access Zone 2 lots. However, for the first time in the nearly 30 years I have lived here a sink hole has recently developed at the junction of Narcissa Drive and Sweetbay where these trucks must pass. The City has stated September 13, 2019 that the openings in the road surface are due to land movement associated with the winter rains (which were not particularly severe at any time in the winter of 2018/19). If there is instability here or new fissures opening up, large trucks may not be able to enter Zone 2 safely. This requires further analysis and inclusion in the DEIR.

10.13

Geology

The DEIR acknowledges that the slope factor of safety in California is 1.5 (4.4-11). LGC Valley Inc and others state that the actual slope factor of safety is less than 1.5. The City must justify in writing to the public, homeowners and lot owners why it is prepared to accept a less than the industry standard for the project as a whole.

10.14

Under artificial fill (4.5-2) LGC Valley Inc concludes that some of the cracking observed in roadways are due to poorly compacted fill soils. We requested Rincon to conclude whether such cracking could also be the result of continuing landslide movement in Zone 2. This has not been addressed.

10.15

Utilities and service systems

Thank you for the additional information requested regarding the sewer system and failures (4.11-1). The EIR states that the Abalone Cove Sewer System was installed pursuant to applicable code regulations at the time of installation (2001). However in information submitted to the City in January 2019 questions were asked regarding non-compliance with standards established by the 1998 California Plumbing Code. The City was asked to confirm specifically (rather than a generalization) that the system complies with State, County and City standards

10.16
↓

including compliance with the California Plumbing Code since a list of observed infractions was submitted to the City to which responses have not been received.

↑ 10.16
Cont.

Traffic and Circulation

The statement that substantial road damage from construction has not been reported on 4.10-28 is not quite true. It has not been reported to the City until now but has been reported to the PBCA. The results of construction damage on Upper Cinnamon Lane from three Monks properties has resulted in subsidence and considerable cracking and will require extensive filling and total resurfacing once current construction is finished.

10.17

The study regarding evacuation times (4.10-29) is understated based on times it takes me to evacuate from Upper Cinnamon Lane and provided to the City on July 17, 2019 (3 minutes 50 seconds to the Peppertree gate and 3 minutes and 14 seconds to the Narcissa Drive gate at the Association speed limit with no traffic at all). The study should address the following:

10.18

Time to evacuate horse trailers

Have one exit road closed due to fire

Time to evacuate construction traffic where multiple sites are under construction simultaneously

Include the impact from homeowners and residents exiting from Vanderlip Drive

Letter 10

COMMENTER: Jeremy Davies

DATE: September 30, 2019

Response 10.1

The commenter states that suggestions contained in his letter are not intended to prohibit project area development and incorporate knowledge based on impacts at developed properties in the area.

This comment is noted. Specific comments and suggestions are addressed in responses 10.2 through 10.18.

Response 10.2

The commenter presents a quote from the Draft EIR which reads, “the existing drainage system was designed in 1940 for the entire Portuguese Bend Development” (4.8-1). The commenter suggests that the City should provide the original plan for the Portuguese Bend development to support the assertion that it was designed for the entire development.

The original project and surrounding area was subdivided and developed under County Permits. A plan of the drainage system in the Portuguese Bend Development at the time of County permitting is not available to City staff. The EIR analysis determined that the site drainage includes a network of culverts, storm drains, roads, and natural drainage courses that convey runoff from the entire site. All lots are allowed to drain to the conveyances to which they have historically drained. The first sentence of the third paragraph under subsection a on page 4.8-1 of the EIR has been revised as follows in response to this comment:

The existing drainage system Portuguese Bend Development, including the 31 undeveloped lots, was originally permitted by the County designed in 1940 for the entire Portuguese Bend Development, including the 31 undeveloped lots.

Response 10.3

The commenter notes that stormwater runoff and its consequent impact on groundwater replenishment enters the fissures in Altamira Canyon and is the most likely agent responsible for slide movement.

The Draft EIR acknowledges the possible causes of landslide movement, erosion in Altamira Canyon, and the capacity of the drainage system. However, as required by CEQA, the EIR and associated mitigation measures are specific to the development of the 31 undeveloped lots that are the focus of the environmental review. Mitigation in the Draft EIR would allow the lots to be developed as long they do not change pre-development conditions or add to overall storm runoff into Altamira Canyon.



Response 10.4

The commenter asks what a flow rate “generally similar” to current conditions means and suggests that the requirement that post-construction lot infiltration and run off rates and volume shall be made equal to pre-construction conditions is an unrealistic assumption.

The 31 lots that could be developed under the proposed project constitute about 3 percent of the overall watershed that drains into Altamira Canyon so development of these lots (which would allow 25 percent lot coverage) would increase the overall impervious surface area within the watershed by less than 1 percent. This would have minimal effect on overall runoff levels in the watershed and thus overall water flow would be generally similar to current conditions.

With respect to the suggestion about what is described as an assumption that infiltration and runoff rates and volume would be made equal to pre-construction conditions, it should be noted that this is not an assumption, but rather a requirement per Mitigation Measure HWQ-3(a) and HWQ-3(b). In accordance with that measure, the developers of individual Zone 2 lots would be required to demonstrate that infiltration and runoff would not exceed pre-project conditions. The measure provides a range of methods, including but not limited to the use of holding tanks, to achieve this standard. Also, please see responses 8 and 10.10.

Response 10.5

The commenter suggests that the City give up trying to convince the public that it can replicate runoff rates prior to construction and concentrate on additional mitigation measures to minimize the impacts from storm runoff.

This opinion is noted. As discussed in Response 10.4, Measure HWQ-3(a) limits post-construction runoff to pre-development levels and provides a variety of mechanisms to achieve this standard. Also, please see responses 8 and 10.10 regarding additional mitigation options.

Response 10.6

The commenters suggests that the City should take action on the mitigation measures that have been recommended to it by citizens, specialists and consultants.

This comment is noted. Please see responses 10.4 and 10.5.

Response 10.7

The commenter notes the importance of the issue of increased stormwater entering the fissures in Altamira Canyon, which adds to landslide movement and increase instability. The commenter also suggests that a statement that the portions of Altamira Canyon that would receive runoff from the project area are generally steep and do not contribute substantially to groundwater recharge is inaccurate.

The importance of the fissures is noted and does not conflict with any statements in the Draft EIR. Also, although it may be true that most drainage runoff in Altamira Canyon ultimately infiltrates, the statement in the Draft EIR pertains to the steeper portions of the



canyon where water tends to run off rather than infiltrate into the groundwater basin. Regardless, this is an existing condition and not an impact of the proposed project. The purpose of the EIR is to analyze the environmental effects of the proposed project and the Draft EIR includes mitigation that would limit runoff from individual lots to pre-project levels, thus avoiding any increase in water draining into Altamira Canyon.

Response 10.8

The commenter notes that the Zone 2 drainage system does not have the capacity to convey storm water from the project area in major rain storms.

This fact is acknowledged, but as discussed in Response 10.7, the purpose of the EIR is to analyze and, when possible, mitigate the effects of the proposed project. The situation described by the commenter is an existing condition, not an impact of the proposed project.

Response 10.9

The commenter notes that previous studies have identified deficiencies in the Zone 2 storm runoff system and suggests that mitigation measures recommended in the Draft EIR will not be sufficient.

This comment is noted. The project area has been the subject of various geologic and hydrologic studies and the drainage and landslide issues present in the area are well understood and described in the Draft EIR (Sections 4.5, *Geology*, and 4.8, *Hydrology and Water Quality*). The mitigation measures included in the Draft EIR are aimed at avoiding any further contribution to landslide or drainage issues. Also, please see responses 8 and 10.10 regarding mitigation.

Response 10.10

The commenter suggests five mitigation measures for inclusion in the Draft EIR, all of which were taken from the Daniel Stephens & Associates Feasibility Study that is discussed in the Draft EIR.

With the exception of No. 5, the mitigation measures listed by the commenter apply to Altamira Canyon, not to the 31 lots that are the subject of this EIR. While the City is pursuing implementation of these recommendations, these are aimed at addressing an existing condition rather than an environmental impact of the currently proposed project. As such, their inclusion in the EIR would not be appropriate. In response to this comment, the following bullet point has been added to Mitigation Measure HWQ-3(a) in Section 4.8, *Hydrology and Water Quality*:

- *For developments on sloped sites, driveways shall incorporate a serpentine design to the extent possible to minimize the possibility of flooding onto adjacent properties.*



Response 10.11

The commenter makes a statement of appreciation for the references in the Draft EIR pertaining to the Portuguese Bend Community Association (PBCA) Building Regulations and Architectural standards. The commenter believes that the Draft EIR should also emphasize the reasons why large truck deliveries must enter and exit through the Peppertree Drive gate and not through the Narcissa Drive gate. The commenter then states an opinion as to the reasons why, including the tight right-turn on Narcissa Drive and the fragility of the road system and potential collapse onto Wayfarers Chapel.

While Linscott, Law & Greenspan, Engineers, the transportation subconsultant who prepared the Draft EIR transportation impact study (included as Appendix G of the Draft EIR) is not aware of the specific reason for this limitation, the following statements are noted:

- *The Narcissa Drive access point has two concrete/plaster entry columns that are located approximately 65-70' north of the southbound approach stop limit line that in essence narrows the roadway to approximately 19 to 20 feet in width. Just north of these columns the roadway is 22 feet in width.*
- *While Peppertree Drive is gated north of its intersection with Palos Verdes Drive South, between the concrete/plaster columns a width of between 25 and 26 feet exists, rendering it wider than Narcissa Drive for access by large truck deliveries.*
- *Narcissa Drive, approximately 2,400 feet beyond entering the Portuguese Bend community from Palos Verdes Drive South, does exhibit one of the tightest roadway curves within the community.*

Regarding the fragility of Narcissa Drive and the roadway system, it is recognized that these private roads have not necessarily been built to City standards and the potential for damage from construction vehicles is discussed in Section 4.10, *Traffic and Circulation*, of the Draft EIR, on page 4.10-28. Potential road damage is not an environmental impact under CEQA and because the road is private, maintenance is the responsibility of the Portuguese Bend Community Association. Nevertheless, it is presumed that construction contractors would be responsible for repair of any damage they cause to private roads in the project area. Of course, any new homeowners would use project area private roads in the same manner that existing homeowners do, but no available evidence suggests that the trips generated by 31 additional homes would adversely affect safety conditions or cause levels of damage beyond that which already occurs as existing residents drive on project area roads.

Response 10.12

The commenter questions whether new geologic impacts are a result of new activation of the ABL.

It is important to note that the purpose of the Draft EIR is to identify and, when possible, mitigate the environmental impacts of the currently proposed project, which involves the development of the remaining 31 undeveloped lots in Zone 2. The possible future developers of those lots are not responsible for resolving pre-existing conditions and are instead only responsible for mitigating their development's contribution, if any, to the



exacerbation of such conditions. Therefore, although existing landslide conditions in the area remain a concern that the City continues to address through a variety of mechanisms, the presence of these existing conditions does not constitute a significant environmental impact under CEQA unless the proposed action would exacerbate the conditions.

The City acknowledges the land movement and slope failure issues in the area, which are addressed in detail in Draft EIR Sections 4.5 and 4.8. As discussed in the Draft EIR, the City is making ongoing efforts to address these existing conditions in accordance with the Final Feasibility Study for the Portuguese Bend Landslide Complex (July 2018) prepared for the City by Daniel B. Stephens & Associates, Inc. That study addresses land movement and slope failure issues in the area and identifies a number of technologies as options for achieving storm water control and groundwater extraction to achieve manageable and sustainable land stability. The study was adopted by the City and the Public Works Department is in the process of implementing the study's recommendations. Therefore, the City is relying on the expertise of geologists and professional engineers to address areawide issues related to landslide and drainage. In addition, as required as part of standard City practice and mitigation measures included in the Draft EIR, the City requires professional geotechnical and drainage studies in support of all development in the project area and all such studies are subject to review and approval by the City's Public Works Department.

Response 10.13

The commenter states that a sink hole has recently developed at the junction of Narcissa Drive and Sweetbay. The commenter then proceeds to state that if there is instability in this area and new fissures are opening, large trucks may not be able to enter Zone 2 safely.

It is possible that subsidence or other similar phenomena may occur in the project area since the entire area is within the APBL. If such conditions impact streets, it would be expected that those areas would receive local "treatment" in the form of repair to the street section or substrate. It is also anticipated that similar features may occur during the shipping and movement of home building materials during the development of undeveloped lots in Zone 2. Again, these features should be remedied on a case-by-case basis and should not be confused with overall gross slope stability of the area.

Response 10.14

The commenter states that Draft EIR acknowledges the factor of safety is less than 1.5. The commenter states that the City must justify in writing to the public, homeowners, and lot owners why the City is prepared to accept a less than the industry standard for the project as a whole.

It is acknowledged that the standard factor of safety for slopes in southern California is 1.5. However, such a standard would not be achieved in the project area or in any of the zones in the local area. It is clear that homeowners in Zone 2 and adjacent areas such as Zones 3, 5 and 6 have sufficiently managed with small land movements where these criteria are not met. Having a factor of safety less than 1.5 does not mean that any particular site is unstable. Rather, it is stable but does not meet the generally accepted factor of safety of slopes criteria.



The entire Portuguese Bend area (Zones 1 through 7) does not meet the 1.5 factor-of-safety criteria. As such, the EIR is premised on what is reasonable within the framework of the overall area. At this time, it is concluded that a factor-of-safety above 1.1 but less than 1.5, with the understanding of the limitations provided by site geology, human factors and the mitigation measures provided within the Draft EIR, is suitable for the intended use, which reduces to a reasonable factor the risk associated with building atop the APBL.

Response 10.15

The commenter requests conclusion in regards to whether the cracking observed in roadways could also be a result of continuing landslide movement in Zone 2.

It is possible that cracking observed in roadways and other areas is due to solely or a combination of poorly compacted fills, expansion properties of project area soils, or cracks associated with continued landslide movement.

Response 10.16

The commenter states a concern regarding the Abalone Cove Sewer System and whether the system complies with State, County, and City standards. The commenter states that a list of observed infractions was submitted to the City to which responses were not received.

Impacts related to the area sewer system are addressed in section 4.11, *Utilities and Services Systems*, of the Draft EIR. The analysis focuses on the impacts of the proposed project and concludes that, with mitigation, any impacts related to future construction on the 31 undeveloped Zone 2 lots would not be significant. It is not the function of the EIR to address infractions with the existing sewer system.

Response 10.17

The commenter states that substantial road damage from construction has not been reported to the City until now, but has been previously reported to the PBCA. The commenter states that construction damage has resulted in subsidence and considerable cracking, and would require extensive filling and total resurfacing once current construction is finished.

Please see responses 10.11 and 10.12.

Response 10.18

The commenter suggests that the Draft EIR underestimates the evacuation time from the project area.

The commenter's statements of his own experienced travel/drive times to exit the community via either the Narcissa Drive or Peppertree Drive gateways is noted and has been forwarded to the decision-makers for their required review and consideration prior to taking any action on the project. It is noted however, that these travel times do not reflect traffic control and emergency responders directing traffic and control of inbound vehicles during an emergency and these times also account for required stops at posted stop signs. Section 12.0, beginning on page 64 of Appendix G of the Draft EIR, contains a full summary



of the emergency access and evacuation review. The commenter also notes four specific topics and requests that the study address them. The following responses are provided for each noted topic:

Topic 1 - Time to evacuate horse trailers

A discussion of equestrian evacuation is contained in the Draft EIR (refer to Section 12.4 of the Draft EIR transportation impact study, contained within Appendix G of the Draft EIR). As stated on page 70 of Appendix G of the Draft EIR, several preparedness documents and procedures are available for horse owners, such as those contained in the *Are You and Your Horses Prepared for an Emergency Event?*, published by the County of Los Angeles Department of Animal Care and Control. Owners are urged to evacuate early, as soon as an Evacuation Warning is issued rather than wait for an Evacuation Order. It is vital for horses to be evacuated early as the roads can become too crowded to safely move a horse trailer from threatened areas and to prevent horse trailers from interfering with emergency response vehicles. Horse owners are encouraged to teach/train horses to load into a trailer and have a working trailer available during the fire season. It is important to note that the evacuation clearing times contained in the Draft EIR assume that equestrian owners and the Los Angeles County Equine Response Team have voluntarily evacuated their horses and that the owners return to evacuate via their personal vehicle(s).

The Los Angeles County Equine Response Team (ERT) has previously addressed the City of Rancho Palos Verdes Equestrian Committee regarding the Fire Department's coordination and request regarding preplans for equine evacuation in case of a wildland fire. ERT is a team of specially trained volunteers that provide emergency evacuation and temporary sheltering for horses and livestock in need of evacuation care. ERT has sites that can be used for emergency equine evacuation pick-up, thus allowing the ERT to pick-up the horse(s) and transport them to emergency shelters. Given that one inbound travel lane will be maintained during an evacuation period to allow for entry of emergency vehicles, equestrian evacuation will be possible.

Topic 2 - Have one exit road closed due to fire

As discussed in Response 5.3, impacts related to emergency access are identified as less than significant and are based on two points of egress. Mitigation measures that would reduce ingress/egress issues for both routine and emergency use are proposed. It is acknowledged that an additional emergency access point would further enhance egress, but is not needed to address a significant impact under CEQA. In addition, at the September 17, 2019 City Council meeting, a commenter requested that two potential additional points of egress be considered (i.e., emergency egress through the York property to the west and a potential connection to Burma Road). Based on the above referenced analysis contained in the Draft EIR, evacuation of the entire Portuguese Bend community was determined to be able to be accommodated well within 15 minutes. As stated in Section 12.3.2 (page 69 of Appendix G of the Draft EIR), it is recommended within the transportation industry that a total evacuation time of 20 minutes or less is ideal, but in no case should exceed 30 minutes. The clearance time interval findings reported in the Draft EIR were determined to be within an acceptable range for evacuation purposes. In addition, as a point of clarification, the total



time to evacuate over the course of the three five (5) minute evacuation intervals¹ was 2.3 and 2.1 minutes for the Narcissa Drive and Peppertree Drive access routes, respectively.

Topic 3 - Time to evacuate construction traffic where multiple sites are under construction simultaneously

The commenter is not correct in noting that the emergency evacuation analysis contained in the Draft EIR transportation impact study (refer to Section 12.0, beginning on page 64 of Appendix G of the Draft EIR) did not include construction traffic. The primary analysis considers a build-out condition whereby all 31 homes have been completed and are fully occupied. An additional analysis was prepared assuming construction traffic but did not assume the overlap of construction worker shifts. Having stated the above, an alternate emergency evacuation analysis has been prepared as part of the Final EIR, which reflects a condition whereby none of the 31 homes are built and occupied and all 31 homes are under construction at the same time with both shifts of construction workers overlapping within the Portuguese Bend community at the same time. This table is shown below and is contained in Appendix G of the Final EIR.

¹ As discussed in the Draft EIR transportation impact study (Appendix G of the Draft EIR), three five-minute intervals were used to separate the forecast trip generation in which 30 percent of the total number of vehicles evacuate within the first five minutes, 50 percent evacuated in the next five minutes, and 20 percent evacuate in the next five minutes.



**Alternate Table 12-2
 FORECAST OF TRIP GENERATION BY GATEWAY
 PORTUGUESE BEND AREA - WITH ALL 31 HOMES UNDER CONSTRUCTION
 EVACUATION ROUTE SCENARIO**

Location	[1]	[2]		[3]		[4]	
	Total Gateway Evacuation Forecast Trips [a]	First Five Minutes of		Second Five Minutes of		Third Five Minutes of	
		Evacuation [b] Forecast Trips [a]	Clearing Time [c] (Minutes)	Evacuation [b] Forecast Trips [a]	Clearing Time [c] (Minutes)	Evacuation [b] Forecast Trips [a]	Clearing Time [c] (Minutes)
Narcissa Drive - North of PVDS							
- Household Vehicle Trips	136	41	0.5	68	0.9	27	0.4
- Const. Worker & Truck PCE Vehicle Trips (220 worker vehicles and 24 PCE truck trips)	137	41	0.5	68	0.9	27	0.4
Peppertree Drive - North of PVDS							
- Household Vehicle Trips	132	40	0.5	66	0.9	26	0.3
- Const. Worker & Truck PCE Vehicle Trips (220 worker vehicles and 24 PCE truck trips)	107	32	0.4	54	0.7	21	0.3

[a] It is estimated that two vehicles per residential unit would be used during evacuation. Note that this is a conservative assumption as not every residential unit would be occupied during evacuation. A total of 68 and 66 existing homes are expected to evacuate via the Narcissa Drive and Peppertree Drive gateways, respectively. A total of 244 PCE construction trucks and worker trips are forecast and were distributed with 56% exiting via the Narcissa Drive gate and 44% exiting via the Peppertree Drive gate in the case of an emergency evacuation. This assumes all 31 homes are under construction at the same time.

[b] The forecast trips were separated into three five-minute intervals in which 30% of the total number of vehicles evacuate in the first five minutes, 50% evacuate in the next five minutes, and 20% evacuate in the next five minutes. The five-minute intervals were based on information documented in the "Modeling Small Area Evacuation: Can Existing Transportation Infrastructure Impede Public Safety", by Vehicle Intelligence & Transportation Analysis Laboratory, University of California, Santa Barbara, April 2002.

Note: An average of 74.9 cars per minute was used to determine the clearing time during evacuation. This average was based on the clearing times documented in the "Modeling Small Area Evacuation: Can Existing Transportation Infrastructure Impede Public Safety", by Vehicle Intelligence & Transportation Analysis Laboratory, University of California, Santa Barbara, April 2002. It should be noted that the 74.9 cars per minute rate assumes traffic control and inbound traffic closures in the area.



As shown in the table, when totaling all of the clearance times for all trip types for both gateways, it can be concluded that evacuation of the entire Portuguese Bend community can still be accommodated within 15 minutes. Similar to the Draft EIR analysis, this alternate and extremely conservative analysis assumes that both gateways will be evacuated concurrently. As stated in Section 12.3.2 (page 69 of Appendix G of the Draft EIR), it is recommended within the transportation industry that a total evacuation time of 20 minutes or less is ideal, but in no case should exceed 30 minutes. Therefore, the clearance time interval findings assuming all 31 homes are under construction at the same time is determined to be within an acceptable range for evacuation purposes.

Topic 4 - Include the impact from homeowners and residents exiting from Vanderlip Drive

As a point of clarification, the homes on Vanderlip Drive have been included in the Draft EIR emergency evacuation analysis. As stated on page 66 of the Draft EIR transportation impact study (Appendix G of the Draft EIR), the number of existing and potential housing units for the entire Portuguese Bend community was forecast to total approximately 165 units. Based on field observations and use of aerial photography, a total of roughly 54 homes exist outside of the project area, with roughly 26 expected to predominantly utilize Narcissa Drive and 28 expected to predominantly utilize Peppertree Drive during an evacuation. The project area consists of approximately 80 developed lots (assuming all of the 16 Monks lots are developed) as well as the potential development of up to 31 additional lots. Given an overall gateway distribution of 56 percent via Narcissa Drive and 44 percent via Peppertree Drive associated with the future potential homes (i.e., 18 via Narcissa Drive and 13 via Peppertree Drive) the total number of existing and future homes expected to evacuate via Narcissa Drive totaled 86 homes (i.e., 68 existing and entitled and up to 18 future homes) and via Peppertree Drive totaled 79 homes (i.e., 66 existing and entitled and up to 13 future homes).



Letter 11

From: Lisa Gladstone <[REDACTED]>
Sent: Tuesday, October 1, 2019 11:22 AM
To: Ara Mihranian <AraM@rpvca.gov>; Octavio Silva <OctavioS@rpvca.gov>
Subject: DEIR August 22, 2019

My husband and I fully agree with Mr. Davies and appreciate the effort he has made at speaking directly to each point of the DEIR.

11.1

For those of us who've lived here for many years, the risks of building here seem obvious. Those of us who hike the surrounding trails and drive on P.V South see first hand the land movement. Now we have a sink hole in our community. It seems your 'mitigations' of each issue is an attempt to allow building in an unstable area. That said, specifically speaking, the mitigation of the concrete trucks is to allow only one at a time. Who would be coordinating the oversight of all the projects to be sure that only one is planned for the day?! None of our current rules about entering and exiting thru the Peppertree gate has been enforced. Maybe the contractors need a guard at each gate to direct traffic. Parking on the street, leaving trash on the job sites are also not enforced. It's ridiculous to expect each contractor to know what is happening daily with the onsite crews.

11.2

Trying to drive onto upper Cinnamon is frequently met with a traffic jam, especially on Thursdays when we can add the trash pick up to the traffic. Evacuating a fire would be impossible.

I understand this message is an emotional one, not a technical one, but this is an emotional issue for those of us concerned about our safety and that of the community.

11.3

Sincerely,
Lisa Gladstone
Milt Owens
[REDACTED]

Letter 11

COMMENTER: Lisa Gladstone

DATE: October 1, 2019

Response 11.1

The commenter agrees with Mr. Davies.

Please see responses to comment Letters 9 and 10.

Response 11.2

The commenter states concern about a sinkhole and enforcement of requirements aimed at limiting the effects of construction (e.g., truck traffic, parking, trash).

As discussed in Section 4.10, *Traffic and Circulation*, of the Draft EIR under Impact T-4, proposed measures would limit construction materials deliveries to off-peak hours and prohibit construction workers from parking on neighborhood streets. The manner in which these measures will be enforced is described in the Mitigation Monitoring and Reporting Plan (MMRP) for the project. The City will be responsible for ensuring that applicable requirements are adhered to. The Draft EIR does not specifically address impacts related to trash, but enforcement of littering restrictions would be part of normal code compliance monitoring.

Response 11.3

The commenter notes that driving on upper Cinnamon is difficult, especially when trash pick up occurs, and suggests that evacuating during a fire would be impossible.

Emergency access/evacuation is analyzed in Section 4.10, *Traffic and Circulation*, of the Draft EIR, under Impact T-4. Even based on a “worst case” assumption that construction occurs on all 31 undeveloped lots simultaneously, the analysis concludes that emergency evacuation impacts would not be significant based on evacuation time and the two available exit roads.

The City utilizes Los Angeles County for fire suppression, fire prevention, fire safety and awareness, vegetation management/brush clearance, Community Liaison services, Community Emergency Response Team (CERT) coordination, general public safety services and emergency “first responder” responsibilities. The CERT program involves City staff as well as citizen volunteers from the general public.

The project area is a private community that is served by two primary access points (Narcissa Drive on the west end and Peppertree Drive on the east end), both of which are gated north of Palos Verdes Drive South and are used by residents to access other local roads and their homes. Narcissa Drive has a pavement width of roughly 23 feet north of the existing gate (north of Palos Verdes Drive South) and the pavement width generally varies



between 22 feet and 24 feet in width along its length. Peppertree Drive has a pavement width of roughly 22 feet north of the existing gate (north of Palos Verdes Drive South) and the pavement width generally varies between 22 feet and 24 feet in width along its length. Both roads are of sufficient width to allow large vehicles (i.e., fire engine type trucks) to access the Portuguese Bend area. It should be noted that neither road is fully improved with formal curb and gutter; thus, the above widths and measurements reflect the edge of pavement widths. Additional (i.e., unimproved) width is available along portions of the roadways.

Two fire stations are located in the area: Fire Station #53 (located at 6124 Palos Verdes Drive South, Rancho Palos Verdes, CA 90275) and Fire Station #83 (located at 83 Miraleste Plaza, Rancho Palos Verdes, CA 90275). In addition, it is important to note that the County's Division I Battalion 14 Headquarters is located at Fire Station #106 in Rolling Hills Estates. These first response teams would utilize Palos Verdes Drive South to access either Narcissa Drive or Peppertree Drive in order to respond to a fire incident as well as other fire access roads. Further, it is expected that the gates located at both public gateways will be set/controlled to remain open during an evacuation period.

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

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



Letter 12

From: Jesus Jesse Gutierrez <[REDACTED]>
Sent: Tuesday, September 17, 2019 9:54 PM
To: Octavio Silva <OctavioS@rpvca.gov>
Subject: Public Comment-M Gutierrez

Good evening,

My name is Maria Gutierrez, I am trustee for 2 undeveloped lots in Zone 2 of the Portuguese Bend Community (55 Narcissa Drive and 44 Cinnamon Lane).

I am here tonight to ask you to approve the Draft EIR as written.

In 1992 my parents purchased two lots in Rancho Palos Verdes with the belief and assurances from the city that the Zone 2 landslide building moratorium would soon be lifted. My parents paid to have water and electrical hookups installed on the properties. When the sewers were put in during the late 90's they were again told that Zone 2 would soon be open for development. It was their dream to build adjacent homes, so that they could live next door to their grandkids.

Since 2002 the only lots that were given an LME were the 16 lots that were part of the Monk lawsuit. However, this is not the only new construction that has taken place in Zone 2. Individuals that have purchased lots with homes on them have been permitted to do large scale remodels (new construction), while those of us with undeveloped lots continue to be subjected to the existing building moratorium.

In recent years, all the properties surrounding our two lots have been developed. Geological core testing of land just yards from our lots have been found to be stable and buildable, but despite this my two lots remain a moratorium island surrounded by new construction. This arbitrary application of the moratorium to similarly situated lots like mine significantly diminishes the value of my property.

Photos:

- #1 SE corner of 55 Narcissa (new construction on #57)
- #2 front view of 55 Narcissa (shows stability of the curb)
- #3 SW corner of 55 Narcissa (new construction on #53- Monk Lot)
- #4 NE corner of 44 Cinnamon Lane (new construction on #48)
- #5 View east from 44 Cinnamon Lane (new construction on #57)

Thank you for your consideration and I ask that you vote in favor of the DEIR that would lift the Zone 2 landslide moratorium for the remaining 31 lots.

Letter 12

COMMENTER: Maria Gutierrez

DATE: September 17, 2019

The commenter requests approval of the EIR as written and notes that the moratorium on development in certain areas of Zone 2 diminishes property values.

This comment is noted, but raises no specific issues related to the Draft EIR. No response is necessary.



Letter 13

From: Jesus Jesse Gutierrez <[REDACTED]>
Sent: Monday, September 23, 2019 6:52 PM
To: Octavio Silva <OctavioS@rpvca.gov>
Subject: EIR support as written

I would like to start by saying I support the Draft EIR as written.

In 1992 My late wife and I were given the opportunity to purchase two lots from the estate of Frank Vanderlip. We were given assurances at that time that the land was stable and buildable. The RPV city staff had been given information from a leading authority on the geology of the area that confirmed it.

Over the years I have attended so many meetings and heard so many arguments against the development of my property. Broken promises and assurances are not new to my ancestors or my family. As a part of the Native American community of the greater Los Angeles basin. We are not strangers to the way the government treats us; or let's say Tolerates Our Existence.

The first words that a neighbor in the community told me as he came onto my property, (I was there working on clearing the bushes and pruning the trees), these words came out of his mouth:

“You Will Never Live On or Develop This Property.”

Since then I've had to endure people in the community setting my teepee on fire with gasoline, stealing tools that were left out, calling the police every time I had family and friends up there- only to be told by the police that they were sorry for coming, but a neighbor had complained. Also, someone coming onto the property and turning on the water faucets and letting the water run until I arrived to shut them off. Sometimes the water would be running into the streets, and no one in the community had the courtesy to notify me that my water was running, or to walk onto the property and turn off the water.

My hopes have long faded - first with the death of my son who died In 1994 while in the service of the United States Navy. Then in 2010, my beautiful wife Mary, who wanted to live there, passed away after just one year of retirement from the Los Angeles School District as an elementary school teacher for 32 years.

You may ask “Why is he telling me all this?” Because these were my dreams- we all have dreams, and we work so hard to make dreams come true, for without dreams what are we? I have passed my dreams and the lots onto my daughter and granddaughters. It is my hope that this time the RPV city council will see through the smoke of our neighbor’s arguments and finally approve the EIR.

Thank you for letting me express myself.

Jesus Gutierrez

Letter 13

COMMENTER: Jesus Gutierrez

DATE: September 23, 2019

The commenter states support for the EIR as written and provides some personal history.

This comment is noted, but raises no specific issues related to the Draft EIR. No response is necessary.



Letter 14

From: Subhash Mendonca <[REDACTED]>
Sent: Tuesday, September 17, 2019 5:23 PM
To: Octavio Silva <OctavioS@rpvca.gov>
Cc: CC <CC@rpvca.gov>
Subject: Letter in support of to ratify the revised EIR

Dear Mr. Silva,

Thank you for providing the Notice of Availability of Draft Environmental Impact Report for Zone 2 Landslide Moratorium Revisions. I support the finding of this EIR and strongly urge the city council to approve and ratify the revised environmental impact report (EIR).

I own a non-monk lot in Zone 2. I bought this lot in 2013 with the plan of building a home for my family. Our soils application is still waiting approval. Our geologist is the same geologist who did most of the Monk lot soils reports. These monk lots now have houses built on their lot.

We hope that by passing this EIR, the city will create a fair and just, equal standard for all property owners in Zone 2. It will also justify the huge expense of paying for the tabled EIR Report of four years ago. It will forestall future unnecessary litigation and costs to the taxpayers of this city.

Sincerely,

Subhash Mendonca
[REDACTED]

Letter 14

COMMENTER: Subhash Mendonca

DATE: September 17, 2019

The commenter states support for the EIR, notes some personal history, and expresses hope that the City will create an equitable standard for all Zone 2 property owners.

This comment is noted, but raises no specific issues related to the Draft EIR. No response is necessary.



Letter 15

From: Peter Nopper <[REDACTED]>
Sent: Thursday, September 26, 2019 1:02 PM
To: CC <CC@rpvca.gov>; Octavio Silva <OctavioS@rpvca.gov>
Subject: DEIR - storm runoff into Altamira Canyon

Claims of additional storm runoff into Altamira Canyon are misleading and not true.

I would like to address some people's stated concerns on additional water runoff into the Altamira Canyon if exception P is expanded. I am pleased to see the city has already put a significant effort into addressing these concerns. I would like to give praise to the city planning department on doing a quality and professional analysis of the Altamira watershed. I notice in the DEIR on page 4.8-9:

"The increase in peak runoff rates as a result of buildout of the 31 lots for the design storm events (10, 25, 50-year, and Capital Storm) ranges from 0.5% to 1% for the entire watershed."

That statement really puts the expansion of exception P in perspective, 1% or less of the entire watershed. The DEIR also states on page 4.8-14:

"Furthermore, City staff is of the opinion that, provided that best engineering practices are employed and holding tanks are maintained and operational during storm events, the incorporation of similar mitigation measures would ensure that the future development of 31 lots would not cause any significant increase in runoff during rain events in the project area."

This really sets my mind at ease when I consider any possible impact of adding 31 more houses on the watershed area. There simply would not be any significant impact of increased runoff. I really feel comfortable knowing the city did the proper due diligence in evaluating this project. None of the 16 Monk's applications were denied by the city for Altamira drainage or any other reason. I do not see any reason to treat the remaining 31 lots differently than other properties in the Altamira watershed. Please approve the DEIR as it stands.

Thank you again for your time,
Peter Nopper

Letter 15

COMMENTER: Peter Nopper

DATE: September 26, 2019

The commenter states support for the EIR and suggests that claims that development of the 31 lots would increase storm runoff into Altamira Canyon are not true.

Section 4.8, *Hydrology and Water Quality*, of the Draft EIR analyzes potential impacts related to storm water runoff and concludes that, with mitigation, the potential increase in runoff from individual project area lots could be reduced to a less than significant level and that development of the lots would not significantly increase landslide potential in Altamira Canyon (also, see Section 4.5, *Geology*).



Letter 16

From: Ellen Wright [REDACTED]
Sent: Wednesday, September 25, 2019 5:30 PM
To: Octavio Silva <OctavioS@rpvca.gov>
Subject: Sink hole

Good Evening Octavio, Thank you for meeting with us today and sharing the proposed plans on the York property.

When we attended the last city council meeting there was conversation about a sink hole located on Narcissa and cross street of Sweetbay. Could you elaborate on this possibility?

Respectfully,

Ellen Wright

Letter 16

COMMENTER: Ellen Wright

DATE: September 25, 2019

The commenter requests additional information about a possible sinkhole in the project area.

The City is aware of land movement in the location in question at Sweetbay and Narcissa Drive, but the rupture in the asphalt pavement does not look like a sink hole. The City's Public Works Department has sewer lines in the area that were video inspected after being notified of the issue. The video showed that sewer pipes were functioning as designed and in good condition without any cracks, deviations, or breaks. Accordingly, the sewer system has not caused the condition that currently exists to occur. Cal Water also has pipes in the intersection and at last report residents were working with Cal Water to repair the roadway. This issue is not, however, pertinent to the Draft EIR.



Letter 17

From: Kathy <ksnell0001@aol.com>
Sent: Tuesday, September 17, 2019 4:06 AM
To: CC
Cc: CityClerk; Octavio Silva; knell0001@aol.com
Subject: Public Hearing: 1. EIR The Zone 2 map needs to be corrected or the EIR is incomplete.

Dr Elig first presented his Zone map to the Panel of Geologists and Charlie Abbott for the plan to build over 500 new homes under RDA. Zone 1 was not to include any existing homes. Dr Elig used an outdated Assessors map that did not show the subdivided properties on Vanderlip and parts of Narcissa. Dr Elig accidentally showed 100 Vanderlip, 75, 79 & 83 Narcissa within Zone 1 on the Zone map. During all of Dr Elig's RDA and sewer presentations, he repeatedly commented that only those unsubdivided parcel **not built on** were in Zone 1.

Reference Dr Elig's description of Zone 2. "Zone 2 includes about 130 acres within existing Tract 14195 and Tract 14500 (except lots 1~ 2, 3 and 4 which are in the Portuguese Bend landslide), **and the subdivided land served by Vanderlip Drive...**"

The Zone 2 map needs to be corrected to include 75, 79 & 83 Narcissa and 100 Vanderlip, or the EIR is incomplete.

Regards,
Kathy Snell
8 Vanderlip Drive
Rancho Palos Verdes

Sent from my iPhone

Letter 17

COMMENTS: Kathy Snell

DATE: September 17, 2019

The commenter notes that the Zone 2 map needs to be corrected to include 75, 79, and 83 Narcissa and 100 Vanderlip Drive.

The properties at 75, 79, and 83 Narcissa Drive and 100 Vanderlip Drive are located in Zone 1 of the LMA. The proposed code amendment applies to properties in Zone 2 of the LMA and does not include consideration of including additional properties in Zone 2. The commenter's request is not pertinent to the Draft EIR.



Letter 18

From: Kathy <ksnell0001@aol.com>
Sent: Tuesday, September 17, 2019 7:48 AM
To: CC
Cc: Octavio Silva; CityClerk; knell0001@aol.com
Subject: Public Hearing EIR Zone 2

It all goes back to lot splits. I believe the State of California will mandate housing before the city allows lot splits. What the State mandates will be unbelievable. The City can allow Zone 2 to have lot splits making the State's mandate unnecessary.

Is it true that the City's and Staff's position is to not allow lot splits so those parcels within 500 feet of the Preserve can be controlled like the Preserve under NCCP?

Isn't the denial of lot splits contrary to "best use" of property as the NCCP calls for?

I bought my four acres 45 years ago with the intent of splitting into one acre parcels. In about 1985, the right to split was suspended on a "temporary basis." Mr. Monk said he would be dead before he was allowed to build. Jack Downhill always felt that he would be able to build before he died. Kathy Snell thinks it could be rigged after 40 years of watching property rights being lost.

My four acres are more stable than all of the Monk properties that are allowed to be built on. Please let me know why the City is not allowing lot splits.

Respectfully,
Kathy Snell
8 Vanderlip Drive
Rancho Palos Verdes



Letter 18

COMMENTER: Kathy Snell

DATE: September 17, 2019

The commenter states concerns about not allowing lot splits and asks why lot splitting is not allowed.

The request/concern is noted, but does not pertain to the analysis or conclusions of the Draft EIR. The proposed project is not to increase the number of lots in the Zone 2 of the LMA, but to allow the remaining undeveloped lots to be developed.



Letter 19

From: Kathy <ksnell0001@aol.com>
Sent: Tuesday, September 17, 2019 9:28 AM
To: Ken Dyda
Cc: CityClerk; Octavio Silva; knell0001@aol.com
Subject: EIR Public Hearing Zone 2. No lot split.

Mr. Dyda,

I understand that you came up with the benefit formula for Abalone Cove Abatement District. For those who have been assessed one unit per acre for future benefit use of undeveloped land, why have you not voted to allow lot splits in Zone 2?

If one can't use their property for 40 years but has paid the "benefit" formula annually, is it time to change the formula or allow a lot split?

Respectfully,

Kathy Snell
8 Vanderlip Driveway
Rancho Palos Verdes

Letter 19

COMMENTER: Kathy Snell

DATE: September 17, 2019

The commenter asks whether it is time to change the Abalone Cove Abatement District benefit formula or allow a lot split for those who have been unable to use their property for 40 years.

The question is noted, but the comment does not question or challenge the analysis in the Draft EIR. The purpose of the proposed project is to allow development of remaining vacant lots in Zone 2. Please see the response to Letter 18.



Letter 20

Sept. 2019 Zone 2 DEIR Comments

Bob Nelson
6612 Channelview Court
Rancho Palos Verdes, CA 90275

City Council Meeting 9/17/2019
Late Correspondence

RECEIVED

Octavio Silva, Senior Planner
City of Rancho Palos Verdes
Community Development Department
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA ()275

SEP 16 2019

COMMUNITY DEVELOPMENT
DEPARTMENT

September 16, 2019

Subject: Public Comment: Zone 2 Draft Environmental Impact Report (DEIR)

The view(s), opinion(s) and content expressed/contained in this email do not necessarily reflect the view(s), opinion(s), official positions or policies of the Rancho Palos Verdes City Council, the City of Rancho Palos Verdes or any of its employees, agents, contractors, Commissions or Committees (the "City"). It should be interpreted solely as the view(s), opinion(s) and/or work product of the individual author and should not be relied upon as the official position, direction or decision of the City.

Octavio,

Jack Downhill was a personal friend of mine and RPV WWII hero. He often expressed his disgust and frustration with our city's refusal, despite Monks' legal precedent, to allow his 6.9-acre lot, zoned R1, to be split, that is, for him to realize the "highest and best use" of his land investment. Upon his death, his estate requested I take a look at the trail of Jack's years of requests, delays and denials. Therefore, I have been involved in the last two Zone 2 DEIRs and, here, am trying to give voice to some of Jack Downhill and his estate's positions / questions.

But first: Wow! Took time to print all 1,225 pages of this DEIR! (Our General Plan printed is about 400!) This **DEIR's conclusion: intersection of Via Rivera and Hawthorne, though 3 miles away from these 31 lots, needs a signal light** due to the traffic these 31 lots will add! **What?** Statistics I've found can easily provide "what do you want the answer to be?" **Remember no Via Rivera / Hawthorne signal light was required for Terranea Resort traffic, 1½ miles away, with over 1,000 employees and equal number of guests!! This Zone 2 DEIR signal light requirement defies common sense** – and our City Council very properly, I believe, declined consideration of this signal anyway!

20.1

Comment 1: In several places it clearly states this DEIR covers all of Zone 2 ... it doesn't. Proposed moratorium amendments cover only 31 home sites, all in the Portuguese Bend Community Association (PBCA). Homes in Zone 2, but not in the PBCA, are not addressed.

For example, 3 multi-acre lots on Zone 2's Vanderlip Drive continue to be always addressed with a stern staff / City Council message 'lot splits are not allowed,' despite **P. Ehlg's 1993 determination " ... parcels served by Vanderlip Drive could be developed without affecting the stability of the large, ancient landslide. In fact, if development were combined with installation of additional wells, stability would be improved."** Owners are being told their multi-acre lots are 'fully built' despite being zoned R1!

The comment question is 'why are these homes denied the equity of the Monks homes and the 31 home sites? Simply, the ability to use your land to the highest and best use our city is being granted to those 47 lots but not these 3 lots, though they are part of this Zone 2 DEIR. Why?

page 1

Comment 2: 41 years ago, (Sept. 5, 1978) lot owners found themselves subject to RPV City Council's Landslide Moratorium Ordinance. That's a long time to be denied use of land. Your children can be born, graduate from college, put 19 years into a career but you are still waiting to get the highest and best use of your land! RPV citizens do get fed up with city bureaucracy. For example, in July 2002, almost a quarter of a century after 1978, John Monks et al brought an inverse condemnation suit (regulatory taking of their land) against RPV. (*Zone 2 DEIR Introduction, pg. 1.1*) **In Appellate Court RPV settled; paid the Monks litigants \$4.5 million and changed the Moratorium to permit building on their 16 lots. (ditto source).**

\$4.5 million, 16 lots, and this DEIR involves 31 lots, mostly lots neighboring Monks lots! A second land use suit, the Blacks case, found some of these 31 owners losing on procedural grounds (they had not exhausted their administrative remedies). Now some have filed to start that process.

20.2

Yet, RPV continues Vanderlip Drive's exclusion from these land use decisions, despite inverse condemnation legal precedent. Three Zone 2 multi-acre Vanderlip Drive lots (#8,10, 20), are inside but outside this Zone 2 DEIR; 41 years – always 'no.'

In the case of Jack Downhill, (Vanderlip Drive, lot 20, 6.9 acres, zoned R1) there is a long chronology of lot split requests and city's various delays, denials evidenced in 50 some odd pages of documents named below. Prior to submittal deadline, these will be submitted in full to you and Federal Agencies involved in this DEIR's corollary, our Natural Community Conservation Plan (NCCP), since Jack's estate also similarity commented on our NCCP saga.

Comment 3: You would think, with a Monks lot bordering the Jack Downhill estate's 20 Vanderlip Drive, equity would be almost automatic. However, after 10 years of RPV denials, you can conclude equity is not any part of RPV's thinking processes for Vanderlip Drive lots. You could say RPV's 'highest and best use' of these lots is forcing owners through more years of bureaucratic positioning ('need this' then 'need more information,' – repeat for years and continuous staff 'no').

20.3

Positive finding: At least, now Vanderlip Drive's lots 8, 10 and 20 have an applicable 1,225-page DEIR for their future plans and will not have to duplicate what's in it!

Conclusion: Jack Downhill fought the good fight, died, is buried in Arlington; now his family estate asks, after frustration, disappointment and interminable delays:

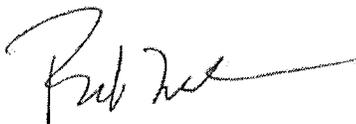
Will our Federal Agencies reviewing this document in line with RPV Council's NCCP, ask / instruct Jack's city to include these properties in this Moratorium amendment? Obviously, based on history, his city will not. After years of continued land use inequity, RPV's denial of allowing 'highest and best use' of these multi-acre lots by refusing lot splits, is a topic very apropos to this Zone 2 DEIR document and for future referral, if and when necessary.

20.4

Basically, some say these documents could be non-court, common law pleadings for long overdue land use equity. I'm not an attorney, however, it does make sense! Equity! Simple!

Thanks for taking time to read this. Attached, fyi, is a list of some of the documents illustrating what Jack Downhill, his family - now his estate, and his neighbors have been been put through. Complete copies will be part of my written submission.

Bob Nelson



Jack Downhill: Partial Trail of Documents re Vanderlip #20 Lot Split.

JD = Jack Downhill communication

Lawson = Lisa Downhill Lawson: Jack Downhill Estate Trustee

-  190506 KathyS V...ip Lot Splits ltr.pdf
-  1993 P Ehlg Zone 2 Def Uses.pdf
-  2014 Pix EIR Monks Lots.pdf
-  090218 JD ltr.pdf
-  090222 Snell ltr.pdf
-  090223 Hastings ltr.pdf
-  090303 JD CC Mtng.pdf
-  110114 Riordan Ltr.pdf
-  110118 JD Ltr.pdf
-  110119 Jim York Ltr.pdf
-  110130 Kathy JD Draft.pdf
-  110131 Davies Ltr.pdf
-  110131 KS email.pdf
-  120720 Div of Land App.pdf
-  120720 Eviron Info Form.pdf
-  121017 Weber RPV Respon1.pdf
-  121105 JD Lot Split Numbers.pdf
-  131018 JD EIR Ltr.pdf
-  140404 JD EIR ltr.pdf
-  140421 Weber JD EIR ltr.pdf
-  140425 Geology Soil Rpt Waived.pdf
-  140429 Davies Ltr.pdf
-  180906 Black Case.pdf
-  181112 Johnson Ltr.pdf
-  181211 Lawson Foote Ltr.pdf
-  181211 Nelson ltr.pdf
-  181212 Twidwell Ltr.pdf

Letter 20

COMMENTER: Bob Nelson

DATE: September 16, 2019

Response 20.1

The commenter suggests that the Draft EIR does not cover all of Zone 2 and asks why the owners of three multi-acre lots on Vanderlip Drive are denied the equity of the Monks homes and the 31 lots considered in the Draft EIR. In addition, the commenter states the signal light at the Via Rivera and Hawthorne intersection defies common sense.

The lots on Vanderlip Drive are located in Zone 2 of the LMA. However, the lots are not vacant or underdeveloped. The proposed code amendment involves vacant or undeveloped lots in Zone 2. Any new development on the Vanderlip lots would be subject to requirements and restrictions of the City's Landslide Moratorium Ordinance. Please see response 40.2 and 44 regarding the Via Rivera and Hawthorne intersection.

Response 20.2

The commenter questions why lots along Vanderlip Drive have been excluded.

The properties on Vanderlip Drive are improved with residential uses and structures so the commenter should be able to utilize the property for residential purposes, as well as improvements pursuant to Section 15.20.040 of the RPVMC.

Response 20.3

The commenter reiterates concerns about equity regarding the development process for homes on Vanderlip Drive.

It is understood that because some of the Vanderlip Drive lots are larger (i.e., 3 to 6 acres), the commenter seeks to subdivide the lots. However, as noted above, the proposed code amendment pertains to allowing development of currently undeveloped lots, not the subdivision of already developed Zone 2 lots. Also, please see the response to comment letter 18.

Response 20.4

The commenter notes that the owner of one property on Vanderlip Drive passed away and again states frustration regarding a perceived lack of equity related to lots in that area.

The frustration is noted, but this issue is not relevant to the currently proposed project. Please see the response to letter 18 and responses 20.1 through 20.3.



Letter 21

From: Teresa Takaoka
Sent: Monday, September 16, 2019 8:43 AM
To: CityClerk
Subject: FW: Q. No A. Re: Zone 2 Environmental Impact Report. September 17, 2019 Agenda Item 1

LC

From: SUNSHINE <sunshinerpv@aol.com>
Sent: Friday, September 13, 2019 8:09 PM
To: Octavio Silva <OctavioS@rpvca.gov>
Cc: dennisggardner@me.com; robert.cumby@cox.net; theyorkproperties@gmail.com; ksnell0001@aol.com; idsloan@aol.com; info@pvpwatch.com; cprotem73@cox.net; MrsRPV@aol.com; Dave Emenhiser <emenhiser@aol.com> <emenhiser@aol.com>; PC <PC@rpvca.gov>; CC <CC@rpvca.gov>
Subject: Q. No A. Re: Zone 2 Environmental Impact Report. September 17, 2019 Agenda Item 1

Hi Octavio,

In case you didn't know, copying the City Clerk gets emails with an Agenda reference delivered to City Council as "late correspondence". I addressed this to you with the hope that Staff might give the situation some thought and you come off in your oral presentation as though you know something about what these proposed changes in the RPV Development Codes mean to the people who live here. An EIR is an exercise for robots.

See you Tuesday evening. ...S

In a message dated 9/13/2019 7:44:11 AM Pacific Standard Time, OctavioS@rpvca.gov writes:

Good Morning Sunshine,

I received your email and comments. Your comments will be forwarded to the City Council for consideration as late correspondence.

Thank you,

Octavio Silva

Senior Planner

City of Rancho Palos Verdes

Community Development Department

30940 Hawthorne Blvd.

Rancho Palos Verdes, CA 90275

www.rpvca.gov

octavios@rpvca.gov

(310) 544-5234

From: SUNSHINE [<mailto:sunshinerpv@aol.com>]

Sent: Thursday, September 12, 2019 2:02 PM

To: Octavio Silva <OctavioS@rpvca.gov>

Cc: CityClerk <CityClerk@rpvca.gov>; dennisggardner@me.com; robert.cumby@cox.net; theyorkproperties@gmail.com; ksnell0001@aol.com; idsloan@aol.com; info@pvpwatch.com; cprotem73@cox.net; MrsRPV@aol.com; Dave Emenhiser <emenhiser@aol.com> <emenhiser@aol.com>; PC <PC@rpvca.gov>

Subject: Zone 2 Environmental Impact Report. September 17, 2019 Agenda Item 1

Hi Octavio,

Thank you for returning my call. This is one of my "bigger picture" thoughts which I can't seem to find a way to get onto a Council Study Session Agenda. Given the fact that the City knows so much more about the landslide complex than they did when the Landslide Moratorium Ordinances were created and given the Court's ruling in the Monks Case, why does Staff continue to recommend tweaking the small issues instead of presenting an argument to make the bureaucratic hodge-podge go away?

21.1

Does or, does not, this EIR exercise show that the City's non-Moratorium Development Codes are adequate to produce appropriate geologic factor of safety decisions prior to the issuance of Grading Permits?

21.2

Given the fact that the City has permitted the construction of pre-fab/modular homes in both Zone 2 and Zone 6, what is accomplished by having a plethora of Zone-specific hoops to jump through before a development application can be declared "complete"?

21.3

I can't see any mitigation recommendations which are different from what is required all over the City. Isn't this a lot like dealing with a new subdivision proposal? In this case, the City is the "Applicant" and the roadways, sewers and storm drains as proposed, are sub-standard.

21.4

Bottom line. **When is somebody going to analyze the purpose of Moratorium Exemption Permits in such a way that the City Council can decide whether or not their cost of processing is justified?**

21.5

On September 17, 2019, the City Council will receive public comments at its regularly scheduled meeting regarding the updated Draft Environmental Impact Report for the proposed Zone 2 Landslide Moratorium Ordinance Revisions. The staff report is now available for review:

[September 17, 2019 Staff Report \(PDF\)](#)

For questions, please contact Octavio Silva, Senior Planner, at (310) 544-5234 or via email at octavios@rpvca.gov

Letter 21

COMMENTER: Sunshine

DATE: September 12, 2019

Response 21.1

The commenter asks why the City continues to “tweak” small issues rather than presenting an argument to resolve the bureaucratic “hodge-podge” in Zone 2.

Although the City is trying to resolve the larger issues regarding Zone 2, it must also comply with applicable laws related to discretionary actions that it is considering. Among the legal requirements is compliance with CEQA. The Draft EIR is intended to comply with CEQA’s environmental review requirements to ensure that City decision makers understand the environmental implications of discretionary actions that they are considering.

Response 21.2

The commenter asks whether the EIR shows that City code requirements are sufficient to meet appropriate geologic factors of safety.

As discussed in Section 4.5, *Geology*, of the Draft EIR, with implementation of code requirements and proposed mitigation measures, development of the 31 undeveloped lots in the project area is not expected to increase landslide potential in or near the project area. Thus, project impacts would be less than significant under CEQA. However, although compliance with code requirements would limit landslide hazards to the degree feasible, the industry standard factor of safety cannot be met in all instances due to existing landslide conditions in the project area. The factor of safety would, however, be similar to what is met at some or all of the Monks lots.

Response 21.3

The commenter asks what is accomplished by having Zone 2 specific requirements.

The specific requirements for Zone 2 as outlined in Draft EIR mitigation measures are intended to address the specific environmental impacts identified in the Draft EIR analysis. It is true that in some cases, the requirements are in part duplicative of standard requirements that would apply anywhere in the City, but inclusion of such requirements as mitigation measures provides additional assurance that they will be implemented on a project-by-project basis as Zone 2 lots develop over time.

Response 21.4

The commenter again suggests that many of the proposed requirements are similar to what is required elsewhere in the City.

Please see response 21.3.



Response 21.5

The commenter asks when someone will analyze the Moratorium Exemption Permits in a way that will enable the Council to decide whether the cost of processing the permits is justified.

Cost-benefit analysis is not part of CEQA or the Draft EIR, which is focused on identifying and mitigating environmental effects of proposed actions. Costs of mitigation or permit requirements are, however, concerns that City decision makers will consider as they review the EIR and project.



Letter 22

From: Octavio Silva
Sent: Monday, September 16, 2019 10:17 AM
To: CityClerk
Subject: FW: Support of Revised EIR & Support of Proposed Change to City Landslide Moratorium Ordinance

Late correspondence for Zone 2 Draft EIR

Thank you,
Octavio

-----Original Message-----

From: Meg Vaughn <[REDACTED]>
Sent: Monday, September 16, 2019 9:47 AM
To: Octavio Silva <OctavioS@rpvca.gov>
Subject: Support of Revised EIR & Support of Proposed Change to City Landslide Moratorium Ordinance

Dear Members of the City Council Of Rancho Palos Verdes:

My husband and I have owned a lot in Zone 2 on Cinnamon Lane for 25 years. We both support adoption of the revised EIR and the change to the moratorium ordinance (revision to subsection P to Section 15.20.040, undeveloped lots in Zone 2). We have always hoped to build a home on our lot and believe these steps will lead to fulfilling that dream.

Thank you for your consideration.

Sincerely,
Margaret Vaughn
[REDACTED]



Letter 22

COMMENTER: Margaret Vaughn

DATE: September 16, 2019

The commenters state support for the EIR and adoption of the ordinance revisions.

The support is noted. No response is necessary.



Letter 23

From: Octavio Silva
Sent: Monday, September 16, 2019 10:15 AM
To: CityClerk
Subject: FW: Supporting the revised EIR and proposed changes to the City Landslide Moratorium Ordinance.

Late correspondence for Zone 2 Draft EIR

Thank you,
Octavio

From: southroof <[REDACTED]>
Sent: Monday, September 16, 2019 10:13 AM
To: Octavio Silva <OctavioS@rpvca.gov>
Subject: Re: Supporting the revised EIR and proposed changes to the City Landslide Moratorium Ordinance.

Dear RPV councilmembers, My wife and I have owned a lot on Cinammon Lane for over 25 years and were residents for almost 15 years. Over these many years I have attended many meetings concerning the Portuguese Bend landslide Moratorium. I feel I have been very patient in letting this process play out. Judging from the findings of the DEIR it seems like now we should be able safely build on our lot.

My wife and I are in support of adopting the revised EIR and in support of the change to the city landslide moratorium ordnance.

Thank you,

Robert M. Bacon

Sent from my Verizon, Samsung Galaxy smartphone



Letter 23

COMMENTER: Robert M. Bacon

DATE: September 16, 2019

The commenters note that they are Zone 2 residents and state support for the EIR and ordinance revisions.

The support is noted. No response is necessary.



Letter 24

From: Teresa Takaoka <TeriT@rpvca.gov>
Sent: Monday, September 16, 2019 3:36 PM
To: CityClerk <CityClerk@rpvca.gov>
Subject: FW: Letter in support of the revised EIR

LC

From: Jen Mendonca [REDACTED]
Sent: Monday, September 16, 2019 3:31 PM
To: octavious@rpvca.gov
Cc: Ara Mihranian <AraM@rpvca.gov>; CC <CC@rpvca.gov>
Subject: Letter in support of the revised EIR

Dear Mr. Silva:

Thank you for providing the Notice of Availability of Draft Environmental Impact Report for Zone 2 Landslide Moratorium Revisions

We are in support of this EIR and strongly urge the city council to approve the revised environmental impact report (EIR). I own a non-monk lot in Zone 2 on 86 Narcissa Dr. I bought this lot in 2013 with the plan of building a home for my family to live in this beautiful city. Its been six years now and we still have to break ground. I have been paying taxes on my lot and maintaining the upkeep for the past 6 years but still cannot reap the benefit. Our soil application is still awaiting approval. There are houses all around my lot on every side and a Monk lot house, build just last year right behind my lot. This goes to show that there is stable land all around my lot. I commend both Ara and you and the city staff for bringing the EIR back and giving us a pathway to move forward. We trust the city officials will make a fair and unbiased decision this time around, based on the recommendations in the EIR study.

Thank you,
Jennifer Mendonca

Letter 24

COMMENTER: Jennifer Mendonca

DATE: September 16, 2019

The commenter notes she is a Zone 2 resident, states support for the EIR and ordinance revisions, and states that the fact that other lots near her property have been developed suggests that the land near her lot is stable.

This comment is noted. Slope stability issues are addressed in Section 4.5, *Geology*, of the Draft EIR. Impacts related to landslides were determined to be less than significant with mitigation.



Letter 25

From: Octavio Silva
Sent: Sunday, September 15, 2019 6:59 PM
To: Teresa Takaoka; Nathan Zweizig
Subject: FW: Zone 2 Draft Environmental Impact Report

Late Correspondence for Zone 2 EIR public hearing item.

Thanks

From: Leanne Twidwell [mailto: [REDACTED]]
Sent: Friday, September 13, 2019 5:13 PM
To: Octavio Silva <OctavioS@rpvca.gov>
Subject: re: Zone 2 Draft Environmental Impact Report

Dear Mr. Silva and members of the Rancho Palos Verdes City Council,

As 45 year residents of Portuguese Bend, as well as a Zone 2 lot owners, we would like to thank you for reconsidering the issue of the development of the remaining Zone 2 lots in Portuguese Bend.

We have waited patiently throughout the Monks lawsuit, and the subsequent development of their lots over the past few years. We have been happy to see no negative results from any of the developments, (aside from the noise created by the workers on the lot during grading and building of the respective houses, which admittedly has irritated some of the residents, but is NOT sufficient reason to delay any further development of the other lots.) .

We were also delighted to see that the Draft Environmental Impact Report appears to agree with our observations, finding no significant impact would result from the development of the remaining 31 lots.

Given these facts, we urge you to approve the Draft Environmental Impact Report as written, at your earliest convenience.

Sincerely,

George and Leanne Twidwell
[REDACTED]
Rancho Palos Verdes, CA 90275
[REDACTED]

Letter 25

COMMENTER: George and Leanne Twidwell

DATE: September 13, 2019

The commenters note that they are Zone 2 residents, state support for the EIR and ordinance revisions, and believe that development of the remaining 31 Zone 2 lots would not result in significant environmental effects.

This comment is noted. The Draft EIR actually identifies unavoidably significant impacts related to traffic (see Section 4.10, *Traffic and Circulation*). Other impacts, including noise, are identified either as less than significant or less than significant with mitigation.



Letter 26

From: Octavio Silva
Sent: Friday, September 13, 2019 12:48 PM
To: Teresa Takaoka; Nathan Zweizig
Subject: FW: In support of the updated EIR report

Late correspondence for Zone 2 Draft EIR.

Thanks

Octavio Silva
Senior Planner
City of Rancho Palos Verdes
Community Development Department
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
www.rpvca.gov
octavios@rpvca.gov
(310) 544-5234

From: Maria Gutierrez [mailto:]
Sent: Friday, September 13, 2019 10:45 AM
To: Octavio Silva <OctavioS@rpvca.gov>
Subject: In support of the updated EIR report

To the Rancho Palos Verdes City Council:

I am in favor of approving the DEIR as currently written and revising subsection P to Section 15.20.040 (Exceptions) of the Landslide Moratorium Ordinance to apply to all undeveloped lots in Zone 2.

In the mid-90's my parents purchased two lots (44 Cinnamon Lane and 55 Narcissa Drive) in Rancho Palos Verdes with the belief that the Zone 2 landslide building moratorium that had been in place would soon be lifted and that we would be able to build adjacent houses. It was my mother's dream to live next door to her grand kids.

The geologist report by Dr Perry Ehlig in 1993 found that zone 2 "could be developed without adversely affecting the stability of the large ancient landslide". In fact, Dr. Ehlig found no evidence of recent landslide activity in Zone 2.

In the intervening years, due to the Monk law suit, all the properties surrounding our two lots have been developed. Geological core testing of land just yards from our lots have been found to be stable and buildable, but despite this my two lots remain a moratorium island surrounded by new construction on all sides.

Thank you for your consideration and I ask that you vote in favor of the DEIR that would lift the Zone 2 landslide moratorium for the remaining 31 lots.

Maria Gutierrez, Trustee
APN#'s 7572 010 019, 7572 010 010

Letter 26

COMMENTER: Maria Gutierrez

DATE: September 13, 2019

The commenter notes that her parents purchased two Zone 2 lots, states support for the EIR and ordinance revisions, and suggests that available evidence indicates that the potential for landslide activity would not preclude Zone 2 development.

This comment is noted. Slope stability issues are addressed in Section 4.5, *Geology*, of the Draft EIR. Impacts related to landslides were determined to be less than significant with mitigation.



Letter 27

From: Steve Otera [mailto: [REDACTED]]
Sent: Friday, September 13, 2019 10:29 AM
To: Octavio Silva <OctavioS@rpvca.gov>
Subject: Landslide Moratorium, Portuguese Bend

Octavio Silva
Senior Planner
City of Rancho Palos Verdes, Community Development Department
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
octavios@rpvca.gov

Dear Mr. Silva,

I am a homeowner and resident of Rancho Palos Verdes.

I am in favor of approving the Draft EIR and expanding subsection P to Section 15.20.040 of the Landslide Moratorium Ordinance to apply to all undeveloped lots in Zone 2 of Portuguese Bend.

I understand that the City of Rancho Palos Verdes has had this issue in front of them for many years. There have been consultants hired, lawsuits filed, reports written, Draft and Final EIRs prepared, and lots of taxpayer money spent. We are again at a juncture where we can move forward and approve the expansion of the Landslide Moratorium Ordinance to include all undeveloped lots in Zone 2. The DEIR very effectively provides details on the proposed project's significant environmental impacts, the recommended mitigation, and residual impacts. The DEIR is very thorough and well thought out.

Please move forward with the DEIR and finally put this issue to rest.

Thank you,

Steve Otera

Letter 27

COMMENTER: Steve Otera

DATE: September 13, 2019

The commenter states support for the EIR.

The support is noted. No response is necessary.



Letter 28

From: Teresa Takaoka
Sent: Thursday, September 12, 2019 8:07 AM
To: Nathan Zweizig; Enyssa Momoli
Subject: FW: 31 Zone 2 Homes
Attachments: FIRE_EIR_SEPT11_2019_MadeleineMCJONES.pdf; CONCRETE_EIR_SEPT11_2019_MadeleineMCJONES.pdf; GPSEIR_SEPT11_2019_MadeleineMCJONES.pdf

From: Octavio Silva <OctavioS@rpvca.gov>
Sent: Thursday, September 12, 2019 7:46 AM
To: Teresa Takaoka <TerIT@rpvca.gov>; Nathan Zweizig <NathanZ@rpvca.gov>
Subject: FW: 31 Zone 2 Homes

Late Correspondence for Item No. 1 under the Public Hearing section of the 9/17 City Council Agenda.

This email has attachments that should be printed.

Thank you,

Octavio Silva
Senior Planner
City of Rancho Palos Verdes
Community Development Department
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
www.rpvca.gov
octavios@rpvca.gov
(310) 544-5234

From: Madeleine McJones [<mailto:Madeleine.McJones@csulb.edu>]
Sent: Wednesday, September 11, 2019 4:09 PM
To: Octavio Silva <OctavioS@rpvca.gov>
Subject: RE: 31 Zone 2 Homes

Octavio

That is one monster report I have attached my concerns over the ZONE 2 BUILDING.

1. The Traffic Routed over the most active hazard zone roads and landslides is crazy
2. The Fire Safety for future residents is not even really addressed
3. GPS you do not even really know where the PBCA roads and homes currently are – show us the LAND TRACTS.

Aside:

I take this objection with Hunters numbers My home does not use 240 Gallons of water a day – 100 Percent of any surface water in our community evaporates before reaching the slip plane or becoming groundwater. The groundwater that is the problem you seek is from another city above the landslide it always has been it always will be.

28.1

28.2

28.3

28.4

Letter 28

COMMENTER: Madeleine McJones

DATE: September 11, 2019

Response 28.1

The commenter suggests that routing traffic over active hazard zones is “crazy.”

Any traffic through the project area would use the existing road network, which like much of the project area is potentially subject to land movement. However, as discussed in Section 4.10, *Traffic and Circulation*, development of the remaining 31 lots in Zone 2 would not significantly affect emergency access or evacuation. Also, please see response 1.7.

Response 28.2

The commenter states that fire safety for future residents is not addressed.

Section 4.7, *Fire Hazards*, of the Draft EIR specifically addresses potential impacts related to fire safety and includes specific mitigation measures to ensure that future development meets applicable fire safety standards. Implementation of proposed mitigation would reduce fire-related impacts to a less than significant level.

In addition to the required measure, Section 8.08.010 of the RPVMC adopts by reference the Los Angeles County Fire Code, Title 32, as the Fire Code of the City of Rancho Palos Verdes. The County maintains fire safety requirements, development standards and regulations, and standard fees, for new development. Building standards for fire hazards, including roof coverings, construction materials, structural components, and clearing of brush and vegetative growth, are administered by the LACFD and the City’s Building and Safety Division. For areas located in the Very High Fire Hazard Severity Zone (VHFHSZ), County Fire Code Sections 325.2.1.2, 328.10, 1117.2.1 and 4908.1 require completion and approval of a land development plan and fuel modification plan. Appendices B and C of the Fire Code specify that for single-family dwellings located on a lot of one acre or more in a VHFHSZ, the fire-flow must be 1,000 gallons per minute for a duration of two hours and hydrants must be spaced not more than 600 feet apart. Additionally, the City’s Building and Safety Division mandates wildfire protection building construction requirements intended to mitigate wildfire exposure in an urban interface area.

The LACFD Fuel Modification Unit provides guidelines for the VHFHSZ to create a defensible space for effective fire protection in newly constructed and/or remodeled homes. Fuel modification zones in the project area are strategically placed strips of land where combustible native or ornamental vegetation has been modified or replaced with drought-tolerant, low-fuel-volume plants, creating a buffer to areas of natural vegetation surrounding the perimeter of a single-family dwelling. A fuel modification plan identifies specific zones on a property which are subject to fuel modification. Plans vary in complexity and fuel modification distances are estimated based on the fire history, the amount and type of vegetation, the arrangement of the fuels, topography, local weather patterns, and



construction, design and placement of structures. The plan must also include an irrigation plan, a landscape plan, zone delineation for setbacks, irrigation, and thinning, and the identification of responsible parties for the plan's installation and maintenance.

Also, the 2014 City of Rancho Palos Verdes and City of Rolling Hills Estates Multi-jurisdictional Hazard Mitigation Plan seeks to promote sound public policy designed to protect citizens, critical facilities, infrastructure, private property, and the environment from natural hazards, such as wildfires. The mitigation plan provides a list of specific activities that may assist the City in reducing risk and preventing loss from future natural hazard events.

Response 28.3

The commenter requests an image showing the Zone 2 land tracts.

Figure 2-2 in Section 2.0, *Project Description*, of the Draft EIR shows the locations of the 31 undeveloped lots that are the focus on the EIR analysis. Figures in other Draft EIR sections show these lots relative to various environmental constraints that are present in the project area (e.g., biological resources, landslide hazards).

Response 28.4

The commenter states that her home does not use 240 gallons of water per day.

This comment is noted. The estimate of water used per residence is based on average figures for the region. Of course, actual water use for any individual home will vary.



Letter 29

Madeleine McJones

p: 562.985.4924

w: [send me web changes](#)

m: [send me cob news](#)



College of Business

From: Octavio Silva <OctavioS@rpvca.gov>
Sent: Wednesday, September 11, 2019 9:18 AM
To: Madeleine McJones <Madeleine.McJones@csulb.edu>
Subject: RE: 31 Zone 2 Homes

Hello Madeleine,

I've attached a copy of the City Council Staff Report for the updated Draft EIR related to proposed Zone 2 Landslide Moratorium Ordinance Revisions.

Please feel free to contact me if you have any questions.

Thank you,

Octavio Silva

From: Madeleine McJones <Madeleine.McJones@csulb.edu>
Sent: Tuesday, November 13, 2018 1:21 PM
To: Octavio Silva <OctavioS@rpvca.gov>
Subject: 31 Zone 2 Homes

Subject: Notice of Preparation of an Environmental Impact Report (EIR) pursuant to the Requirements of the California Environmental Quality Act (CEQA) for proposed code amendments to Exception "P" of Title 15.20.040 (Landslide Moratorium Ordinance) of the Rancho Palos Verdes Municipal Code pertaining to Zone 2

The City of Rancho Palos Verdes originally prepared and circulated a Draft Environmental Impact Report (EIR)

This is not fair to the people living in this community or using our NOT zone 2 roads for free to haul cement and building material this impacts our way of life for how long 20 + years of construction.

Please have a DEADLINE date to close this building window this is not a new neighborhood you are building many people purchased here for quiet and paid for much need peace and a future of peaceful living you are taking that away for untold unending construction. There needs to be coordination on Dumping and Cements Drop schedules, people are having lives here.

These trucks need to STAY OFF of our ZONED landslide roads. They shake my landslide property and are causing my property damage and my road damage. They need to go up NARCSSIA not active PEPPERTREE with active cracks within 100 feet. This will also impact PV drive South damage.

Letter 29

COMMENTER: Madeleine McJones

DATE: September 11, 2019

The commenter suggests that allowing continued construction in Zone 2 is “not fair” to existing residents and adversely affects their way of life.

This comment is noted. Impacts related to construction activity (air quality, noise, traffic) are discussed in Sections 4.2, 4.9, and 4.10 of the Draft EIR. Temporary construction traffic impacts have been identified as significant and unavoidable, but impacts related to air quality and noise would be less than significant with incorporation of standard requirements and/or proposed mitigation measures. It is understood that construction activity creates temporary inconveniences for area residents. The City will continue to enforce conditions that minimize this inconvenience including but not limited to the observation of days and hours of construction activities.



MADELEINE MCJONES

3 Tangerine Road RPV · 3102134392
homecoding@gmail.com ·

Octavio Silva
Senior Planner
City of RPV
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

September 11, 2019

FIRE SAFETY and EIR Development in Zone 2 of the Landslide Moratorium Area

Please read this concern, I do not think this report addresses evacuation and control with enough concern for community safety.

I have addressed this to the board of directors and the local fire enforcement and verbally they all agree but this report does not reflect any of this but it loads 31 more homes in to our community.

When we have an emergency incident the two access roads become unsafe and congested. One large fire truck will block a whole intersection and we would also have people loading and moving large horse trailers. We very clearly could have a situations where people are going to burn in their cars.

I do not feel the FIRE SAFETY and evacuation has been address adequate in the presented EIR report.

OVERGROWTH Is not controlled Current empty lots are not being disked like they used to they are over grown and dangerous. The recent wet season has made many lots unpassable. There has been little enforcement of the overgrowth laws.

THERE IS NO POSSIBLE SAFE WAY FOR HUMAN AND EQUINE EVACUATION IN THE PBCA UNDER THE CURRENT POOR ROAD ACCESS AND TWO GATES YOU MUST CONSIDER ANOTHER GATE BE INSTALLED AND THE ROAD IMPROVED AT THE CHERRY HILL EASEMENT.

Madeleine McJones

Letter 30

COMMENTER: Madeleine McJones

DATE: September 11, 2019

The commenter again notes concerns about fire safety and suggests that another gate needs to be installed.

This concern is addressed in response 11.3 and 28.2.



MADELEINE MCJONES

3 Tangerine Road RPV · 3102134392
homecoding@gmail.com ·

Octavio Silva
Senior Planner
City of RPV
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

September 11, 2019

N-1 CONCRETE TRUCKS THRU THE HAZARD ZONE

I take extreme objection to the statement **less than significant impact** as the route of cement trucks over the on unstable HIGH HAZARD ZONE roads that get the least care but get the MOST DAMAGE next to homes and on roads with CLEAR open fissures.

I WILL HAVE DAMAGES and MY HOME WILL BE MOVED

I have lost plates and collectables, we have to relevel and lift the home after each cement attack, I now your fancy reports think you can just hook us up but when **you visit and we pick up the home two feet** perhaps you will understand we cannot just “Hook up” to things. We had to pick up the home with the last building traffic. My home will be moved to a new **GPS location when your route this many CEMENT Minutes trucks** next to active LANDSLIDE CRACKS. Who is going to redraw my tract parcel lines after the trucks move my home?

RPV NOT GOING TO ENFORCE THIS

Enforce dumping issues in our community is not available now, that record is historically clear – You do not have the staff. I have tried to work with you. I have had to follow dump trucks, because your staff cannot “catch them” dumping you will not catch cement trucks either. I call this plan a joke to say any of this will be enforced. There is little to zero truck or building control in our community, none that really stops bad law breaking behavior. The concrete will roll each every ten minutes all day.

N-1(b) PBCA Conditions of

Approval. All project area construction contractors shall comply with the following standard Portuguese Bend Community Association conditions:

Large truck deliveries must enter and exit from the Peppertree Gate. Semi-trucks allowed for heavyequipment delivery only. All other deliveries limited to 3 axle or smaller trucks.

*Concrete Deliveries: Only one truck on-site at a time. Second and third trucks can stay on Narcissa or Sweetbay. **No more than three trucks in PBCA at a time.** All trucks must enter and exit through the Peppertree Gate.*

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

The routing of these trucks into HAZARD ZONE with the worst maintained roads and the most active damage of our community it is **insane** that the city of RPV would route any traffic on to the ACTIVE LANDSLIDE, These trucks can go up NARCISSA which is much more stable. Our SAFETY AND HOME REPAIRS after this weight and movement onslaught needs to be reconsidered.

Madeleine McJones

Letter 31

COMMENTER: Madeleine McJones

DATE: September 11, 2019

The commenter states concerns about construction traffic and dumping, suggesting that the City will not enforce construction conditions.

The concerns about construction are addressed in response 9 and the responses to comment letters 29 and 30. The cited PBCA conditions of approval will continue to be enforced on new construction projects in Zone 2. Although dumping/littering is not an environmental impact under CEQA, the City will continue to enforce laws related to this issue as new construction occurs.



MADELEINE MCJONES

3 Tangerine Road RPV · 3102134392
homecoding@gmail.com ·

Octavio Silva
Senior Planner
City of RPV
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

September 11, 2019

GPS LOT/ PARCEL LOCATIONS PROPERTY OWNERSHIP

Most of our community property is not on current GPS parcel land how can you determine where any lots in any of the Zones are in this community if you are not sure where homes are, even the Glass Church is not on its original GPS Lot Lines, the road in front of the glass church is active this as your report clearly states is an extremely seismic active area. I do not feel it is valid to allow building until all lot lines are secured. Also all community roads are also in debate and many of the community easements are also not mapped or maintained so how can you determine where the lots really are to build on.

Basically I am asking the city to secure property ownership and lot lines with the county of Los Angeles before building in this moving area. If you do not know where our community roads are located, service easements and property lines. My neighbor is in court yesterday saying that his home has slipped on to my GPS land and that I own no more land, the whole community has slipped on GPS lines, how do you determine the property lines and road easments in our community.

Nothing in this report shows the Los Angeles County GPS property coordinates or lines on this EIR that I can see. Or the Easements based on GPS property lines and real land and real home locations. You only show some fuzzy poor pixel maps not high resolution overlays. When I come to your office you make it clear the city is using LA County GPS lines and in recent enforcement you use GPS lines.

Before this EIR can be considered you must determine true ownership of all parcel and current PBCA tracks and where the roads actual are and easements that have been lost or not maintained and now are blocked and consumed by greedy neighbors.

I do not feel this is unreasonable and it was clearly avoided in this document.

Madeleine McJones

Letter 32

COMMENTS: Madeleine McJones

DATE: September 11, 2019

The commenter restates concerns about the location of residential improvements in relation to maps in the Draft EIR.

The maps in the Draft EIR are at an appropriate level of detail for programmatic environmental analysis for the project. More detailed mapping would not aid in this effort or communicate additional meaningful information about environmental impacts associated with the proposed project. The City maintains more detailed maps showing precise property boundaries for purposes analyzing individual development proposals and requires surveys and accurate development, grading, and other plans in conjunction with the review of development proposals.



Letter 33

From: Octavio Silva
Sent: Thursday, September 12, 2019 1:21 PM
To: Teresa Takaoka; Nathan Zweizig
Subject: FW: 31 Zone 2 Homes
Attachments: REROUTING_EIR_SEPT12_2019_MadeleineMCJONES.pdf

[Late Correspondence with attachment for DEIR public hearing item.](#)

Thanks

Octavio Silva
Senior Planner
City of Rancho Palos Verdes
Community Development Department
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
www.rpvca.gov
octavios@rpvca.gov
(310) 544-5234

From: Madeleine McJones [mailto:Madeleine.McJones@csulb.edu]
Sent: Thursday, September 12, 2019 10:58 AM
To: Octavio Silva <OctavioS@rpvca.gov>
Subject: RE: 31 Zone 2 Homes

Octavio Silva
OctavioS@rpvca.gov
Senior Planner
City of RPV
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

September 12, 2019

Hello,

This letter it to address **NOA- Zone 2 DEIR** routing of Cement trucks times 31 Homes in Zone2 onto the active hazard zone using the private road Peppertree in PBCA that will impact the family homes and property safety of the residents.

I would like to propose that your team and PBCA consider **the re-routing of the Cement trucks though the York Property called Catalina View Gardens**. This simple change will mitigate landslide impact, road damage, house damage and home values. It is also a greener approach.

This Catalina View Gardens is more stable and has fewer active land slide scarped cracks. This route is much closer and will save on EMISSIONS and FUEL USE.

I do not feel this an unreasonable idea, please seriously consider this alternative routing.

Thank you,
Madeleine McJones



Madeleine McJones

p: 562.985.4924

w: [send me web changes](#)

n: [send me cob news](#)



College of Business

From: Octavio Silva <OctavioS@rpvca.gov>
Sent: Wednesday, September 11, 2019 9:18 AM
To: Madeleine McJones <Madeleine.McJones@csulb.edu>
Subject: RE: 31 Zone 2 Homes

Hello Madeleine,

I've attached a copy of the City Council Staff Report for the updated Draft EIR related to proposed Zone 2 Landslide Moratorium Ordinance Revisions.

Please feel free to contact me if you have any questions.

Thank you,

Octavio Silva

From: Madeleine McJones <Madeleine.McJones@csulb.edu>
Sent: Tuesday, November 13, 2018 1:21 PM
To: Octavio Silva <OctavioS@rpvca.gov>
Subject: 31 Zone 2 Homes

Letter 33

COMMENTS: Madeleine McJones

DATE: September 12, 2019

The commenter suggests re-routing of construction traffic through the York property called Catalina View Gardens.

The York property is private property and the connection between Palos Verdes Drive South and Narcissa Drive is a driveway that cannot be legally required to accommodate construction traffic. Also, please see Section 4.10, *Traffic and Circulation*, and response 11.3 for further discussion of construction traffic.



Letter 34

From: Teresa Takaoka
Sent: Thursday, September 12, 2019 8:09 AM
To: Nathan Zweizig; Enyssa Momoli
Subject: FW: Pass the Draft Environmental Impact Report and expansion of exception P

Late corr

From: Octavio Silva <OctavioS@rpvca.gov>
Sent: Thursday, September 12, 2019 7:42 AM
To: Teresa Takaoka <TeriT@rpvca.gov>; Nathan Zweizig <NathanZ@rpvca.gov>
Subject: FW: Pass the Draft Environmental Impact Report and expansion of exception P

Late Correspondence for Item No. 1 under the Public Hearing section of the 9/17 City Council Agenda.

Thank you,

Octavio Silva
Senior Planner
City of Rancho Palos Verdes
Community Development Department
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
www.rpvca.gov
octavios@rpvca.gov
(310) 544-5234

From: Peter Nopper [<mailto:pnopper@outlook.com>]
Sent: Wednesday, September 11, 2019 6:29 PM
To: Octavio Silva <OctavioS@rpvca.gov>
Cc: mikenopper@aol.com
Subject: RE: Pass the Draft Environmental Impact Report and expansion of exception P

Hello Octavio,

I actually do have a concern. At the PBCA HOA meeting on Monday night it was mentioned some of the Monk's developed lots with very large driveways were creating excessive water runoff during a storm. It was also suggested by some people to write the city and ask for the net lot coverage of RS-2 lots be reduced from 40% to 25%. I am asking that you do not make that change on any revised drafts.

If there is concern about excessive runoff then it should be addressed on a case by case basis. My lot is a smaller lot (APN 7572-010-014), and the HOA requires a three car garage which increases the building roof size. If I have to reduce my net coverage from 40% to 25%, then it would limit my reasonable sized house and hardscape plans. I already have conceptual plans that exceed 25%.

I am asking that the city leave the lot net coverage at 40% for RS-2 lots.

Thank you again for your time,

Peter

From: Octavio Silva <OctavioS@rpvca.gov>

Sent: Wednesday, September 11, 2019 9:09 AM

To: Peter Nopper <pnopper@outlook.com>

Subject: RE: Pass the Draft Environmental Impact Report and expansion of exception P

Hello Peter,

I've attached a copy of the City Council Staff Report for the updated Draft EIR related to proposed Zone 2 Landslide Moratorium Ordinance Revisions.

Please feel free to contact me if you have any questions.

Thank you,

Octavio Silva

From: Peter Nopper <pnopper@outlook.com>

Sent: Sunday, September 8, 2019 11:01 AM

To: Octavio Silva <OctavioS@rpvca.gov>

Subject: Pass the Draft Environmental Impact Report and expansion of exception P

Please accept this letter in support of passing the DEIR.

There is a group of self-serving individuals within the PBC HOA who would like to preserve open space next to their houses for their own enjoyment. They have been abusing the city and rightful lot owners by forming a lobby to use the undeveloped lots for their own enjoyment of open space. They have been doing this by making claims of hydraulic, geologic and traffic issues that are completely unfounded and not backed by any scientific studies.

The true lot owners have not been able to exorcize their property rights due to this abuse. This is unacceptable. Our family has been trying to build on our property for 10 years and I have the 2009 soils application to prove it. My father had a stroke right before the 2014 City Council meeting to pass the EIR last time. He was not able to speak in defense of the city and EIR. He then died three years later never being able to fulfill his dream of building on our lot. Selfish HOA members of the PBCA robbed him of his dream by overwhelming the 2014 city council meeting to push their agenda.

The city of RPV has now made scientific studies for a second time in this current EIR draft. The studies still conclude it is perfectly acceptable to build on the 31 undeveloped lots especially when following outlined mitigation measures. Please do not let selfish neighbors who formed a lobby group coerce you into wasting city money again by not passing the EIR. That would also be a second injustice to my family since 2014.

Thank you,

Peter Nopper

Letter 34

COMMENTER: Peter Nopper

DATE: September 11, 2019

The commenter states support for the EIR and suggests keeping the maximum lot coverage for Zone 2 properties at 40 percent rather than reducing it to 25 percent.

The support for the EIR is noted. As discussed in the response to Letter 8, Mitigation Measure HWQ-3(a) proposes to limit coverage on RS-1 and RS-2 zoned properties to a maximum net lot coverage of 25%. Pursuant to Section 17.20.040 of the RPVMC, lot coverage is defined as that portion of a lot or building site which is occupied by any building or structure, including trellises; decks over 30 inches in height (as measured from existing adjacent grade); parking areas; driveways; or impervious surfaces (impervious surfaces less than five feet in width and/or one patio area less than 500 square feet in area shall be excluded from the lot coverage calculation). The proposal to limit lot coverage to 25% is to reduce water run-off from the project lots by designing or accommodating more on-site pervious surfaces. A review of the records for the entitlements of the Monks lots, determined that a maximum 25% or below lot coverage is consistent with the average development or proposed development of the Monks Lots.



Letter 35

From: Teresa Takaoka
Sent: Thursday, September 12, 2019 8:08 AM
To: Nathan Zweizig; Enyssa Momoli
Subject: FW: August 22, 2019 Zone 2 DEIR

Late corr

From: Octavio Silva <OctavioS@rpvca.gov>
Sent: Thursday, September 12, 2019 7:45 AM
To: Teresa Takaoka <TeriT@rpvca.gov>; Nathan Zweizig <NathanZ@rpvca.gov>
Subject: FW: August 22, 2019 Zone 2 DEIR

Late Correspondence for Item No. 1 under the Public Hearing section of the 9/17 City Council Agenda.

Thank you,

Octavio Silva
Senior Planner
City of Rancho Palos Verdes
Community Development Department
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
www.rpvca.gov
octavios@rpvca.gov
(310) 544-5234

From: Jeremy Davies [<mailto:jeremydavies2014@gmail.com>]
Sent: Wednesday, September 11, 2019 4:43 PM
To: Octavio Silva <OctavioS@rpvca.gov>
Cc: Ara Mihanian <AraM@rpvca.gov>; Jim Knight <knightjim33@gmail.com> <knightjim33@gmail.com>; Gordon & Claire Leon <gordon.leon@gmail.com>; Dennis Gardner <dennisggardner@me.com>; kimnelson <kimnelson@cox.net>
Subject: Re: August 22, 2019 Zone 2 DEIR

Dear Octavio

On page 5 of the Staff report it is stated that "City Staff also met with members of the Portuguese Bend Community Association (PBCA) on January 10". This needs to clearly state that the Staff met with residents who are also members of the PBCA but that these individuals were not representing the PBCA but were providing their input as individual residents".

Thank you.
Jeremy

On Wed, Sep 11, 2019 at 9:21 AM Octavio Silva <OctavioS@rpvca.gov> wrote:

Hello Jeremy,

I've attached a copy of the City Council Staff Report for the updated Draft EIR related to proposed Zone 2 Landslide Moratorium Ordinance Revisions.

Please feel free to contact me if you have any questions.

Thank you,

Octavio Silva

From: Jeremy Davies <jeremydavies2014@gmail.com>
Sent: Monday, September 9, 2019 3:40 PM
To: Ara Mhrianian <AraM@rpvca.gov>; Octavio Silva <OctavioS@rpvca.gov>
Cc: Jim Knight <knightjim33@gmail.com> <knightjim33@gmail.com>; Gordon & Claire Leon <gordon.leon@gmail.com>;
Dennis Gardner <dennisggardner@me.com>; kimnelson <kimnelson@cox.net>
Subject: August 22, 2019 Zone 2 DEIR

Dear Octavio

You sent an e-mail June 28 2019 to certain individuals of the PBCA along with sections of the latest ADEIR. You also stated "As a result of meetings with the City it was stated that Staff would share sections of the Administrative Draft EIR (ADEIR) with individuals from the PBCA to collect feedback and ensure that expressed comments/concerns have been addressed and or/identified. Based on an overview of the comments submitted by PBCA members, for your review, I've attached draft copies of the ADEIR that include the Geology, Hydrology & Water Quality, Traffic and Utilities and Service Systems sections. I've also attached a reference document to the Utilities and Service Systems Section."

35.2

On July 17, 2019 a small group of PBCA residents sent a number of concerns to the City on this earlier version of the ADEIR . We asked as a service to assist us in tracking the changes incorporated as a result of our concerns that the next DEIR be redlined to show the changes incorporated. This request was to facilitate both the identification of the changes incorporated in response to our earlier extensive reviews and concerns and to speed up our review of the updated ADEIR (August 22, 2019). This has not been done.

We would have assumed that you have identified, tracked and monitored the changes to the earlier ADEIR sent to us. in June 2019. Please provide us a redlined version of the August 22, 2019 DEIR showing the changes resulting from our comments and concerns since the June version of the DEIR.

Many thanks

Jeremy

Letter 35

COMMENTER: Jeremy Davies

DATE: September 9 and September 11, 2019

Response 35.1

The commenter quotes from a staff report that states “City Staff also met with members of the Portuguese Bend Community Association (PCBA) on January 10th.” The commenter then states that this should be rewritten to state that Staff met with residents who are also members of the PBCA but that these individuals were not representing the PBCA but were providing their input as individual residents.

This comment is noted, but raises no issues with respect to the adequacy of the Draft EIR.

Response 35.2

The commenter references comments provided on the Draft EIR and states that the Draft EIR does not indicate what changed from the Administrative Draft EIR that several PBCA residents reviewed prior to circulation of the Draft EIR.

The EIR team does not typically save versions of internal draft documents once a Draft EIR is published so the “tracked changes” version of the document that the commenter is requesting is unavailable. Changes between the Draft EIR and the Final EIR are indicated in the Final EIR. It should be noted that the Administrative Draft EIR was provided to concerned residents as a courtesy. This review step is atypical and not required as part of the environmental review process under CEQA. The specific issues raised by the commenter are addressed in the responses to letters 9 and 10.



Letter 36

RECEIVED

October 2, 2019

OCT 07 2019

Octavio Silva, Senior planner
City of Rancho Palos Verdes, Community development department
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
email to: Octavios@rpvca.gov

COMMUNITY DEVELOPMENT
DEPARTMENT

Regarding: NOTICE OF AVAILABILITY of DRAFT ENVIRONMENTAL
IMPACT REPORT dated August 22, 2019

Summary: The above referenced report : (1) fails to consider the impact of the process of importing the building materials for the new developments, (2) fails to consider the added unspecified amount of weight, to the land, from the proposed development of the lots, and (3) fails to consider the naturally occurring groundwater in the area.

36.1

1. The report does not address any impact from the importing of building materials for the new development, nor address whether the importing of building materials on the existing roads could cause more land movement.

The only access to the proposed development is on either Narcissa Drive or Peppertree Drive. Both roads are about 20 feet wide maximum. Narcissa drive has a sharp corner, uphill from wayfarers Chapel. The city, and the Association, instructs everybody hauling construction materials to use Peppertree drive. However Peppertree drive is through an actively moving landslide area with houses adjacent to Peppertree drive. Therefore, all the cement trucks, all the heavily loaded lumber trucks, all the trucks bringing gravel in, all the trucks bringing in earth moving equipment, all the tucks loaded with sheet-rock/ drywall, all the trucks hauling dirt out from the lots, and all other construction related traffic, needs to use, and uses, Peppertree drive.

36.2

The weight of the material used in, and removed from, the proposed 42 new houses is not specified in the reports. However, it is reasonable to assume that the engineers designing the houses for this landslide area will require the maximum amount of cement and steel rebar for their own liability reasons. If each house weighed about 200 tons each, then 42 new houses will be at least 8,400 tons of material. All this material will be carried up Peppertree drive, which is well within the active landslide area which the city calls zone six, where building is prohibited partly because of adding weight to the area.

36.2
Cont.

Therefore, there needs to be a study of whether this hauling activity will cause the houses in zone six, some of which are within a few feet of Peppertree drive, to be damaged, or will cause other land movement than the amount already occurring. The executive summary of the geotechnical report, on page 1, at the bottom states, “it is our opinion the loss of support currently provided from the Abalone Cove and Portuguese Bend landslides could result in significant structural damage within zone 2 .” Thus, the report’s approval of development depends on support from the Portuguese Bend slide, which is still sliding, and an unknown tonnage of weight will be hauled over the sliding area, on Peppertree Drive.

2. The reports do not consider the effect of adding any amount of weight to the land where development is proposed.

The EXECUTIVE SUMMARY merely states, “... The weight of homes atop the landslides in response to lot development will have a negligible effect to overall stability.” However, this statement is completely conclusory, and an unsupported statement, because there are no specifics in the report about the amount of the weight being added.

36.3

It is unknown whether the houses could be 100 tons each or 200 tons each, or 400 tons each, or more, or less. There is no proposed weight limit for each house, nor an estimated weight for each house. Therefore, it is unknown what amount of weight could be added to this area where development is

proposed, which area the geotechnical report admits contains, “general threat to property located atop landslide features”. (EXECUTIVE SUMMARY page 1 paragraph one)

Thus, the flood gates would be opened to an unlimited amount of weight being added. Ultimately, the weight added to the land could be well over 8,400 tons. The amount of weight being added is completely unknown.

Also, the geotechnical report admits that, “slight creep and movement may be occurring in local areas of zone 2 as a result of the loss of support from the slow, downslope movement of the adjacent... landslides.” (EXECUTIVE SUMMARY page 1, first paragraph)

A sinkhole recently occurred, in the past month, near Narcissa Drive and Sweetbay Road, in the middle of the area involved.

The reports are only of studies of the land as it currently exists. There is not a study stating that adding *any specified* amount of weight will not affect the landslide, or that adding weight to the area will not cause movement. The EXECUTIVE SUMMARY on page 1, 4th paragraph, of the geotechnical report, merely and vaguely states, “development of the 47 lots within zone to will not have a negative impact to the gross stability... provided the recommendations of the architectural standards... and the city’s landslide moratorium exception conditions are implemented into all future design and construction.” This is too vague as to how much weight could be added to an area which the geotechnical report admits is, “atop a landslide”. (EXECUTIVE SUMMARY, page 1, fourth paragraph)

3. Furthermore, the geotechnical report admits that groundwater, “could have *serious consequences if not strictly controlled*”. (EXECUTIVE SUMMARY, page 1, third paragraph) However, the report does not address any control of the groundwater which is the result of natural springs and water in the landslide area. A natural spring delivers water to the surface in the approximate center area of the proposed development and the water runs down hill, in a year-round stream. The landslide must be lubricated by water.

36.3
Cont.

36.4

The EXECUTIVE SUMMARY admits that the, “landslides are quite thick, the depth to the basal rupture surface is deep.” However, there is no study about how the groundwater in, “the basal rupture surface,” which is deep, is being, or can be controlled. Thus, it can only be concluded that this groundwater which is lubricating the landslide which is quite thick and deep must be currently *out of control*. Therefore, even if it were true that, “the weight of homes atop the landslide’s in response to lot development will have a negligible effect to overall stability”, that does not address the question of whether *uncontrolled* deep groundwater might not increase the landslide.

36.4
Cont.

Also, the report does *not* state that the lot development will have no effect to overall stability, because instead the report merely states, “lot development will have a *negligible* effect to overall stability.” Thus *some effect is admitted on overall stability* is admitted.

The EXECUTIVE SUMMARY, page 1, second paragraph, states, “water control processes have reduced movement... to minute displacements... of fractions of an inch/year, and such displacement is not considered a threat to life and limb.” However, fractions of an inch per year can easily add up to one or two inches in 10 or 20 years.

Therefore, in 10 or 20 years, there could be one or two inch wide cracks in the cement footings. This would derogate the strength of the cement, and allow the rebar to rust and weaken or break. The engineering of the foundation of a house *assumes that the foundation will remain together as one piece* and that the rebar reinforcing will not be exposed to water and deteriorate from rust. It may be true that such minor movement is not a “threat to life and limb”, as stated in the EXECUTIVE SUMMARY, in the near future. However, during the lifespan of the house, which may be 70 or 80 years, or more, an earthquake could cause unknown damage which is increased by having damaged foundations from cracks that could be 2 to 4 inches wide, according to the EXECUTIVE SUMMARY. The EXECUTIVE SUMMARY, page 1, second paragraph, states, “... displacements on the order of fractions of an inch/year”. This could mean almost an inch per year which

36.5

could mean almost 70 or 80 inch “displacements” in 70 or 80 years. 72 inches is six (6) feet of “displacement”. Most of the houses currently in the area are about 70 years old.

Sincerely,
Anonymous



36.5
Cont.

Letter 36

COMMENTER: Anonymous

DATE: October 2, 2019

Response 36.1

The commenter suggests that the Draft EIR fails to consider the impact of importing building materials for new developments, additional weight added to lots, and naturally occurring groundwater.

Environmental impacts related to construction activity are addressed throughout the Draft EIR, including sections 4.2, *Air Quality*, 4.9, *Noise*, and 4.10, *Traffic and Circulation*. Groundwater issues as they relate to landsliding are addressed in Section 4.5, *Geology*. Adding weight to the land would not result in any known environmental impacts. These concerns are addressed in greater detail in responses 36.2 through 36.5.

Response 36.2

The commenter states their concern regarding impacts from importing new building materials and whether this weight could cause more land movement.

Slope stability analysis views truck traffic as transitory. That is, it is not permanent and thus applicable to temporary slope stability concerns only. Though it is anticipated that most slopes and roads would be suitable for the transport of building materials, it is possible that local conditions may result in local deformations to roadways. The Portuguese Bend Community Association would provide standard repair options to those portions of the roadway that become untenable for regular vehicular traffic.

Response 36.3

The commenter states their concern regarding increased weight from new homes in the area.

For frame of reference and scale, the APBL is approximately 900 acres in area. Assuming a conservative average depth to the basal rupture surface of 100 feet, and a soil unit weight of approximately 110 lbs/ft³, the entire weight of the APBL is approximately:

- *1 acre = 43,560 sf, the APBL is 900 acres, therefore 900 acres = 39,204,000 sf.*
- *If the average depth to the basal rupture surface is 100 feet, then the volume = 3,920,400,000 cubic feet (cf).*
- *If the average site unit soil weight is 110 lbs/cf, then 110 x 3,920,400,000 = 4.312 x 10¹¹ lbs. 431,244,000,000 lbs (4.3 billion pounds).*
- *If a 4,000 sf home weighs 800,000 lbs and Zone 2 could have as many as 31 additional 4k sf homes, then the additional weight in the Zone 2 area is 24,800,000 lbs or (25 million pounds).*



- *Accepting the premise of the above values, this increased weight to the total landslide mass is 0.057% of the total weight of the APBL. That's 57 thousandths of a percent of the total mass of the APBL.*

Though this is a generalized value that uses the entire landslide mass, it reflects that the value and scale of the additional weight of all homes relative to the APBL as so small as to be negligible. Even if half or a quarter of the APBL value is used (as Zone 2 only crosses along the upper reaches of the APBL), then the additional weight of the homes is still a tiny fraction of the overall land mass. And though these values are considered and confirmed through the slope stability review process, this relatively negligible change is why the weight of the homes is not included in any geotechnical formula for determine gross or seismic slope stability: the programs and math formulas used in the analyses do not deal with size ranges this small when the land masses under review are this large.

Response 36.4

The commenter states a concern that the geotechnical report prepared for the project does not address any control of groundwater, which is the result of natural springs and water in the landslide area.

As has been previous stated, groundwater levels in the substrate need to be controlled through the dewatering program administered by ACLAD. Groundwater pumping and administration indicates a "control" over the groundwater level in the various soils to essentially eliminate out-of-control groundwater build-up.

Response 36.5

The commenter states a concern regarding displacement during the lifespan of a home.

It is expected that any new home built in Zone 2 would undergo regular maintenance similar to any structure over the lifetime of that structure. Therefore, any openings or fractures of any kind in soil or cement, etc., that develop, can be administered to relieve or alleviate the potential damage to homes.



Letter 37

Oct 6, 2019

Octavio Silva
Senior Planner
RPV

Dear Mr. Silva, City Planners and City Council and RPV citizens,

As residents in the Portuguese Bend Community for 20 years, we have attended City, public and private meetings and discussions about the stability of the most studied and notorious landslide in California. We were close friends with Dr. Robert Douglas, head of the USC Geology Dept and acknowledged expert on the geology of this area. He remained very concerned with additional development within the Abalone Cove Landslide. We, and everyone but owners of lots affected by the moratorium, took his views as THE best guidance for the future safety of our community of neighbors.

37.1

You will have received numerous comments about the geology of the area under consideration for additional building. We would also like to remind you all that the lawsuit to prevent additional building was won on merits in the courts. It was overturned on appeal, wrongly, we believe, in part because the impartiality of the appellate judge did not appear to be above question. That was then, unfortunately.

Once again we bring to your attention the **unaddressed elephant** in the room: emergency ingress/egress. As the City well knows, there are only 2 narrow access roads to Portuguese Bend. The Fire Department has complained for years about our narrow roads. They have done a fantastic job for us in the past, nevertheless. BUT, in an emergency requiring evacuation we are already faced with significant problems, which are multiplied by every additional household. In the confusion of people trying to pack up and leave, we will have cars coming in to reach homes, families and pets. We will have multiple cars per household attempting to leave. On our narrow roads just one parked car in the midst of evacuation, could trap others behind them, prevent people from reaching their homes or exiting the community. Add to this the very real complication of horse trailers being brought in during an evacuation to pick up the many horses in this community. There is no adequate parking, loading and turning for all of them and it would CERTAINLY be made worse by horses that may be panicked by fire or flood and/or handled by owners who are not experienced enough maneuvering trailers or loading horses. NOW, Into this traffic snarl add the problem elephant of large fire truck, paramedics and other emergency vehicles and personnel trying to get where they are needed as quickly as possible, needing to thread their way through all of these vehicles!

37.2

We have *personally* seen how just one medical emergency results in a road and/or intersection blocked by the fire dept/paramedics we are SO grateful for! (We have stood in the major intersection of Narcissa and Cinnamon to help direct traffic for emergency vehicles during the medical emergencies of one dear neighbor.)

Those of us who have lived here since before the moratorium was broken, chose to live here after evaluating the situation. The breaking of the moratorium by the Monks lawsuit changed our factoring. How many extra persons, homes now need protecting? How many more cars will already choke an evacuation? How many more cars per household if you allow the remaining lots to develop? People who bought lots within a moratorium were gambling with their money. Will the City gamble with the safety of settled residents?

If the City allows more homes built in this community, DESPITE the known landslide issues, you geometrically increase the time it will take for our neighbors and us to safely evacuate. If there is an emergency and more homes are damaged or people injured because they can't get out in a reasonable and manageable way, the City will bear some of the actual responsibility for that harm. The City IS aware of this as a problem. Exacerbate it and your liability increases exponentially.

Please know that suing the City for possible future harm holds NO comfort! Money doesn't replace a home, a life, a community.

Sincerely,

Bill and Marianne Hunter



37.2
Cont.

Letter 37

COMMENTER: Bill and Marianne Hunter

DATE: October 6, 2019

Response 37.1

The commenter states concerns about geologic hazards, notes that the City has received numerous comments about this issue, and questions the impartiality of an appellate judge.

The comment about the judge is noted, but is not relevant to the EIR. Geologic hazards, notably landsliding, are addressed in detail in Section 4.5, *Geology*, of the Draft EIR, which includes several mitigation measures that would reduce impacts to geologic hazards to a less than significant level under CEQA. Also, please be aware that additional mitigation measures related to hydrology that would partially further address landslide concerns have been added to the Final EIR. Please see the response to comment letter 8.

Response 37.2

The commenter states concerns about emergency ingress/egress.

Please see response 5.3.



Letter 38

10/6/2019

Octavio Silva

Planning Department

City of Rancho Palos Verdes

Re: Draft EIR Zone 2

Mr. Silva,

This letter provides commentary and asks questions regarding the content of the DEIR. Excerpts for reference from the DEIR are in quotation marks, my comments and questions in italics.

There are three main areas of concern under the headings of Geology, Hydrology and Traffic.

Geology

“Zone 2 is geologically interconnected to the rest of the LMA.”

This means zone 2 is interconnected to the adjacent zones, 5 and 6 in particular. It is those zones that currently experience the most land movement through which all residents must travel to reach any destination in zone 2. The EIR attempts to carve out a total of 47 lots from zone 2 from the greater landslide complex, segregating or segmenting the project into such tiny pieces that the big picture of the end result, that of the safety and wisdom of building homes in a landslide complex, is lost.

38.1

“Landslides in the South Shore occurred approximately 16,200 years ago, and historical landsliding of the Portuguese Bend Landslide (PBL) and Abalone Cove Landslide (ACL) indicate that mass movements still occur in the area today. Thus, it is reasonable to conclude that landsliding occurs nearly continuously, at least in geologic terms, throughout the APBL complex and that landsliding will continue into the future.”

This is a reasonable conclusion. It is part of the reason that the factor of safety in zone 2 is about 1.25. DOWNSLOPE FAILURES are of concern by residents and should be of concern by the City.

“From 1994 to 2006, movement of the ACL indicated the magnitude of displacement at the toe of the ACL to be approximately 1.9 feet, the mid-portion 0.8 feet, and the head area approximately 0.6 feet (LGC Valley, Inc. 2011). This movement roughly correlates to a yearly slip of 1.9 inches, 0.8 inches and 0.6 inches, respectively, though the movement is not steady on a year-to-year basis. Instead, the data appears to indicate that movement occurs in pulses typically regulated by rainfall. This movement is not considered to be a hazard to life and limb as long as the abatement activities (groundwater dewatering and monitoring) within the ACL continue. Monuments within Zone 2 indicate average movement of approximately 0.3 inches per year or three inches every 10-year period. Additional data collected by the City of Rancho Palos Verdes Public Works Department from 2007 to 2017 shows relatively little

38.2

movement in much of the project area over that time, but indicates more substantial movement (up to about 1.4 inches per year) along the eastern edge of Zone 2 where a few of the remaining vacant lots are located.”

It is unclear if these measurements are merely lateral movement, vertical movement or a hypotenuse-like number incorporating both dimensions. Regardless, you don’t want foundations, roads, sewers and other infrastructure moving 1.4 inches even every few years. That is damaging. If the number is only the lateral movement, then it is minimizing the displacement significantly, as you can see by the tremendous dropping of the road in zone 6 and now reoccurring in zone 5 below the Wayfarers Chapel. This movement is on an almost daily basis. The “life and limb” criterion for significant damage is an interesting criterion for building in a landslide-prone area, as if those were the only important things at risk of damage. Explain the origin of that, please.

38.2
Cont.

“Over several decades, numerous attempts to stabilize the landslide have failed. These include the installation of 23 steel-reinforced concrete caissons; earth re-distribution across the landslide; the installation of dewatering wells, attempts to control beach erosion through the installation of gabions, drainage improvements, and the sealing of fissures.”

The City is currently working on yet another proposal to stabilize landslide movement. Given the track record, seeing how that works out first before putting more homes at risk is the smart way to conduct business. Let’s see how slowing the landslides is going to work before claiming victory too soon. This includes investigating the increasing movement in zone 5. It has accelerated and there may be causative agents. There is always rainwater but now we have added more runoff into the Canyon from half a dozen new homes, revitalized orchards and agriculture projects. In the previous, tabled, version of this EIR ACLAD was charged with installing more dewatering wells. Despite whatever abatement has been done since then by ACLAD, it has not stopped more damage to the supporting road. The mitigation effort required for building the first 16 homes should be studied for its effectiveness and compliance. We have seen private citizen video of failure of these measures to prevent massive runoff, not to mention the inability to provide actual pre-construction runoff levels. There is also private resident video showing virtually if not absolutely no runoff from some very steep undeveloped lots in very heavy rains where these lots were covered with even modest vegetation. Denuded lots, as from grading or equestrian use, shed tremendous amounts of water and mud on to the roads and into the canyon, ultimately some of it makes it out to sea in the marine protected areas.

38.3

“Currently, groundwater is interpreted as the controlling factor in initiating slide movement. It is also the only factor that can be reasonably manipulated to minimize slide movement for all areas within the APBL complex.”

This is a very important statement and should be the guiding principle for development in the APBL complex. The entire complex is a part of the picture and this EIR seems to try to separate zone 2 from the whole. The proposals for the PB slide area should be modified where needed to apply to the Abalone Cove slide area. These downslope portions of the APBL are intricately related to the stability of zone 2 and this EIR should address the big picture.

38.4

“The number or frequency of large magnitude earthquakes that may occur during the life of the project cannot be predicted. However, it is probable the project area will experience at least one major earthquake during the next 50 years.”

38.5

You are aware of the announcement of the “newly active” earthquake fault only recently publicized, August 31, 2019 In the Los Angeles Times. It is the Wilmington Blind-Thrust fault that runs from Huntington Beach, under the harbor through the east side of the Palos Verdes peninsula and into the Santa Monica bay. This fault is considered capable of production a magnitude 6.4-7 event.

38.5
Cont.

“Unstable soils can be subject to landslides, debris flows, and rock falls. All of these phenomena are manifestations of gravity driven flows of earth materials due to slope instability. Hillsides naturally have a tendency to fail. Unless engineered properly, development in hillside areas tends to increase the potential for slope failures...”

38.6

This, of course, is true. It is true even in areas where the land under it has a factor of safety above 1.5. This area does not have that level of inherent stability underlying it. There may be hope from further abatement of the active landslides in the APBL complex but that mitigation or abatement should come prior to putting more homes a risk for damage and failure of access due to road failure downslope.

“The probability of seismically-induced landslides is considered moderate (LGC Valley, Inc. 2011). “

38.7

This statement was true even before the revelation of the newer Wilmington Blind-Thrust fault. It may need to be revised to something more than moderate.

“...and that control of groundwater is fundamental for minimizing long term in stability.”

If controlling groundwater is fundamental, that should be done prior to building. The recommendations for this should be completed and studied for efficacy prior to putting more homes at risk. The DEIR should require this be mitigated first. Why are additional dewatering wells not contemplated as a mitigation?

38.8

“The location atop an already failed landslide suggests that the factor-of -safety is roughly 1.25, which is a common result after reviewing landslide movement after failure and is a typical starting point for beginning landslide relative slope stability analysis. It should be noted that this conclusion is predicated on a number of downhill factors that could result in movement in this area should they “fail” over time. However, the probability of failure is considered low since numerous measures are in place and proposed to help achieve a positive, non-failing result (the primary one being keeping groundwater levels low.”

38.9

The continued movement and visual evidence of lack of effectiveness of these measures should preclude adding more homes until the community at large can be assured the measures in place are actually working.

“Although some portion of the project area currently experience flooding and erosion issues during periods of heavy precipitation, future project area development is responsible for mitigating only its incremental increase in flooding and erosion, not for mitigating for existing conditions that are the result of past project area developments. While it may be desirable to resolve the site flooding and erosion in Altamira Canyon and other natural drainage courses, this existing condition affecting the larger area would need to be addressed separately from these proposed ordinance revisions.”

38.10

And indeed, they should be addressed. If addressed separately, they should be addressed first. There is no logic in doing it in tandem or otherwise. Fragmentation and bifurcation of the project occurs here and cannot be allowed. Why would it not be desirable? I find the claim that it “may be desirable” a very

unprofessional assessment on the part of the author of this report. The flooding and erosion strike at the heart of the problem, that of groundwater infiltration destabilizing the area. Of course, it is desirable!

↑ 38.10
Cont.

“In addition, pursuant to Mitigation Measure HWQ-3 in Section 4.8, Hydrology and Water Quality, each individual developer would be required to comply with the following, pursuant to the review and approval by the City Building Official...”

Evaluation of the effectiveness mitigation measures for the 16 previous lots should take place before allowing more homes to be built. As private citizen video shows, these measures aren’t measuring up and are, in fact, inadequate. The City has not done this homework and would have virtually no knowledge of the flooding had residents not taken it in to their own hands to record. The enforcement and follow-up by the City in preparing for this EIR is not finished.

38.11

“However, the slope stability in the project area is likely between 1.0 and 1.5. Therefore, the 1.5 factor of safety standard is not met. As a result, structures constructed on these slopes could potentially succumb to slope failure or structural damage. Impacts could extend to surrounding off-site structures depending on the size of the slope instability. Impacts would be potentially significant.”

38.12

That statement says a lot. Allowing more building in an area with a sub-standard factor of safety does not leave the City looking particularly concerned about its residents or the City’s bank account.

“Grading for residences and accessory structures would be required to adhere to grading practices as outlined in the County of Los Angeles and City of Rancho Palos Verdes grading ordinances in order to address issues specific to each lot’s surficial slope stability. Due to the unique circumstances in the project area, impacts related to large deep-seated landslides would be potentially significant and further mitigation in terms of ground water control is warranted.”

38.13

This is an important statement not fully addressed by the EIR. What is the “further mitigation” referred to here? Should that not be detailed and attempted/completed prior to adoption of this ordinance?

“However, the portions of Altamira Canyon that would receive drainage from the project area are generally steep, and as such do not contribute substantially to groundwater recharge as water moves quickly over the land surface, minimizing infiltration. Therefore, the incremental increase in surface water from the project area as a result of the development of an additional 31 lots would not substantially increase infiltration in Altamira Canyon or related effects on landslide potential (LGC Valley, Inc. 2011). Because adding impervious surfaces in the project area would reduce infiltration on the subject lots, that aspect of the potential new development would not contribute to groundwater-related landslide concerns.”

38.14

Adding impervious surfaces certainly does reduce the water that soaks into the surface during a rainstorm. However, most of that water will evaporate before contributing significantly to ground water recharge. Impervious surfaces mainline the water to the road and directly into Altamira Canyon. In fact, there is very little runoff, even after 3 days of downpours, from vegetated vacant lots. These videos have been submitted many times and seem to be ignored. And 70% of that water entering the canyon does not make it out to sea. It goes straight into the fissures, recharging the ground water. This has been brought up many times and never gets address beyond a “duly noted” comment, yet is really the critical part of the discussion. You can’t have it both ways: impervious surfaces that do not allow for water to

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infiltrate the surface (and subsequently transpire through vegetation and routine evaporation) AND pervious surfaces that keep water from running off a property.

↑ 38.14
Cont.

“Collect runoff from all buildings and paved areas not infiltrated or retained/detained on-site to match existing pre-construction conditions and direct runoff to the street or to an approved drainage course as approved by the Director of Public Works.”

The Director of Public Works has never designed or maintained the drainage courses in the community and, I believe, does not regularly inspect them for viability and effectiveness. The PBCA is the responsible party and likely should provide such studies and repairs to the City on a regular basis. Allowing building predicated on a storm drainage system that is effective and does not continually recharge the landslide every time it rains would be a good mitigation for a building project such as this. I realize the City and the PBCA don't currently work together on these things, but mitigating the issues with the canyon and landslides (big picture) before putting more homes at risk (micro pictures) makes sense.

38.15

The City is attempting to inappropriately limit the scope by not including an evaluation and mitigation and repair for a failing storm drain system.

“Although development of the 31 residences that could occur as part of the proposed project would not eliminate existing landslide hazards in the area, the possible exposure of development to an existing hazard is not a significant environmental effect under CEQA.”

No, but the deliberate exposure of development to a known existing hazard is bad governance and bad policy. That statement is incorporating commentary by including the word “possible.” That is irresponsible writing on the part of the author. Any development would be exposed to an existing hazard.

38.16

“Limit post-construction lot infiltration and runoff rates and volume to pre-construction levels through use of appropriate low impact development principles such as, but not limited to, detaining peak flows and use of cisterns, holding tanks, detention basins, bio-retention areas, green roofs, and permeable hardscape.

Collect runoff from all buildings and paved areas not infiltrated or retained/detained on-site to match existing pre-construction conditions and direct runoff to the street or to an approved drainage course as approved by the Director of Public Works.”

38.17

These two statements are contradictory and imply the pre-construction runoff is known for each lot. There is little runoff, if any, on vegetated vacant lots. Public Works has nothing to do with the roads and storm drains in this community. To provide meaningful approval, Public Works would need to get involved with the design, repair and maintenance of the roads and storm drains for this to be a meaningful requirement.

“Regarding erosion in Altamira Canyon, as discussed above, based upon the total runoff quantities and the proposed project’s relatively small contribution to the drainage that is a factor in ongoing erosion, the project’s contribution as mitigated would not be cumulatively considerable and project area development would not increase instability in adjacent areas.”

38.18
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Previous statements regarding the critical nature of controlling water entering the canyon are not supported by allowing even a little more water in to the canyon without a plan for keeping it from affecting the landslide.

↑ 38.18
Cont.

Hydrology

“The existing drainage system was designed in 1940 for the entire Portuguese Bend Development, including the 31 undeveloped lots. Since that time, the City adopted the Landslide Moratorium and there has been development above Altamira Canyon that drains into the project area, all of which contributes to overall runoff in the project area. Observations from area residents suggest that the existing system is inadequate to convey runoff from the developed lots.”

The statement that “The existing drainage system was designed in 1940 for the entire Portuguese Bend Development, including the 31 undeveloped lots,” is an assumption. Can you provide any engineering, traffic or hydrology studies or documents showing this “design?” Were the assumptions then the same as now? Home sizes and cars were quite different in the 1940’s. When were these studies updated to reflect and include such factors as two bread-winner families with multiple cars, including teenage drivers and homes more than twice the original average foot print (in the 1800-2000 sq. ft. range max)? Did the design studies get updated with the activation of the landslides and the understanding of the seriousness of the impact of water on the stability of the area? Please provide these designs and their updates before using this statement as the basis for implementing these revisions.

38.19

The statement “Observations from area residents suggest that the existing system is inadequate to convey runoff from the developed lots” has not been explored. *Studies of the existing system would be important and would more accurately inform on the nature and quality of the current system and provide a baseline for repairs or mitigation to improve drainage such that it could someday accommodate the additional runoff from the building of more homes. This may involve the City and the Portuguese Bend Community Association collaborating on an infrastructure project that needs to take place before we allow additional water into the Canyon.*

“The City Public Works Department conducted field observations in Zone 2 to assess the adequacy of the Council-adopted mitigation measures currently being implemented as part of Monks Lots residential development associated with Exception “P” of the Landslide Moratorium Ordinance. More specifically, the observation assessed whether water runoff from recently developed Zone 2 properties exceeded pre-development water runoff conditions. The field observations were conducted during rain events on February 2, 2019 and February 9, 2019. Runoff was observed during these storm events from properties with and without water runoff detention devices (holding tanks). The observed runoff appeared to be less on the properties with holding tanks.”

38.20

If field observations were to “...assess(ed) whether water runoff from recently developed Zone 2 properties exceeded pre-development water runoff conditions” and the conclusion was “The observed runoff appeared to be less on the properties with holding tanks,” *does that mean water runoff was or was not held to preconstruction levels? There is extensive documentation of minimal runoff on undeveloped, vegetated lots prior to grading or construction, so any amount of runoff afterward is more*

than the true pre-construction amount. Was the pre-construction amount just a mathematical calculation or a real measurement? **The conclusion reached and the question asked are not related.**

↑ 38.20
Cont.

“Zone 2 Landslide Moratorium Ordinance Revisions EIR Section 4.8 Hydrology and Water Quality City of Rancho Palos Verdes 04.8-7 implementing an effective combination of BMPs (as approved in Regional Board Resolution No. 99-03), such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes...”

38.21

BMPs are already in place. Evidence of failure to comply with this was presented at the council meeting on Sept. 27th. Wind events have similarly dispersed construction materials and silt over several acres. This was resident witnessed and not recorded by the City as far as I am aware. Are there requirements for the City to enforce this?

“Although resolving existing conditions is not part of the mitigation required for the proposed project’s impacts, the City is actively investigating methods for addressing earth movement, erosion, and flooding issues in the project area. The Final Feasibility Study for the Portuguese Bend Landslide Complex (July 2018) prepared for the City by Daniel B. Stephens & Associates, Inc. addresses land movement and slope failure issues in the area..”

38.22

These recommendations are based on fixing what is going on now. They seem appropriate. Once these recommendations have been followed, and I would expect a number of them apply to the Abalone Cove Landslide as well, then, assuming they do address the constant land movement, only then would it be appropriate to consider adding more residences in an at-risk area. Not before. The building of more homes before you can better guarantee continued stability of the area and access to them is placing the proverbial cart before the horse.

“If lot drainage deficiencies are identified by the Director of Public Works, all such deficiencies shall be corrected by the applicant. Roof runoff from all buildings and structures on the site shall be contained and directed to the streets or an approved drainage course.”

The drainage course for most if not all of these projects are the roads in the community. Please describe how these courses of drainage have been approved and how they are inspected and maintained to continue to garner this approval. Please describe and provide engineering studies showing how they have been engineered to meet the City’s or County’s standards to garner such approval.

The City seems to wash its hands of the water/runoff once it hits the streets in this community. The constant dumping of more and more water onto the roads and into the canyon, recharging the landslide and polluting the ocean, could be a factor in the recent acceleration of movement in zone 5. Has this been studied?

38.23

Proper landscaping adds so much to the esthetic and functional value of a property. Appropriate plant palettes for the area can also help tremendously with erosion and fire control. Requirements for landscaping to be in place prior to issuing a Certificate of Occupancy is a step in the right direction. However, that is not noted here and recent projects with Certificate of Occupancy approval have not had to fulfill this condition. It does not bring confidence in the City’s ability to enforce these principles.

“As a result of the observations, it is City staff’s opinion that holding tanks that have been installed on recently developed Zone 2 properties are operating to control runoff as designed and runoff is not exceeding pre-development conditions. Furthermore, City staff is of the opinion that, provided that best engineering practices are employed and holding tanks are maintained and operational during storm events, the incorporation of similar mitigation measures would ensure that the future development of 31 lots would not cause any significant increase in runoff during rain events in the project area. Nonetheless, impacts would be potentially significant because individual developments could result in localized changes in surface hydrology.”

38.24

This EIR was commissioned by the City so for the authors to cite City opinion as statement of fact is eyebrow raising. Employment of Best engineering practices and maintenance of holding tanks may be a requirement placed on the individual lots as they are developed but the City should have a requirement to document and inspect that the practices are indeed being followed and if they are truly effective. Perhaps that should be include in the DEIR.

And, let’s not forget that the pre-development condition is, essentially, very minimal runoff from the vegetated, vacant lots.

“However, all future development would be subject to implementation of appropriate Best Management Practices (BMPs) in accordance with City, State and Federal requirements.”

I think current development is subject to BMPs and that isn’t working out so well. The runoff and pollution control from construction lots has been abysmal. Again, private citizen and firsthand information belies any studies I have seen from the City regarding the effectiveness in reality vs in theory of the current BMPs. Please show proof that what you are requiring is really effective before foisting more mud and debris upon the roads.

38.25

Traffic and Circulation

*Reading through this section one is struck by how much need there is currently for improvement in this area. The major intersections studied all received very poor to failing grades. **Providing these improvements “within 5 years of adoption of the Moratorium Revision” puts these vitally needed improvements at the mercy of passing this ordinance.** (Mitigation Measure T-1) These improvements are needed now. Addressing traffic and other infrastructure issues after adding to their troubles is backwards.*

38.26

Mitigation Measure T-2 is already deemed possibly infeasible by the document, so it is no plan for mitigation at all. Therefore, the impact remains significant and unavoidable. A statement of overriding considerations is the City declining to do what needs to be done for safe and reasonable traffic conditions to exist without an attempt to correct the problem.

“The study estimates that the clearing time to evacuate the vehicles traveling south on Narcissa Drive would be approximately 1.1 minutes and the time to evacuate the vehicles traveling south on Peppertree Drive would be approximately 1.1 minutes.”

38.27

I question these estimates and would request to know how they were calculated. I live on Cinnamon and it is almost exactly 1 mile to the closest gate (Narcissa). Currently, with three speed bumps to contend with, rather than speed humps, there is no way I could get out in 1.1 minutes unless I

could drive faster than 60 miles an hour, through three stop signs, over three speed bumps in a 25mph zone. A lot of people live more than ½ mile from an exit.

↑ 38.27
Cont.

T-4(a) Maintain Access. "Maintain existing access for land uses in proximity to the project area."

38.28

Just wondering what this statement means or requires. Please clarify. Who is responsible for maintaining what exactly?

In response to the summary of the Traffic section, the summary states mitigation and indeed reduction in impacts to less than significant for 4 out of 7 intersections. However, all of these intersections already receive D,E and F grades and, whereas there is some mitigation described for some of the intersections improving their grades slightly upward, it is presumed but the grade level is not provided, from an E or F (this is considered "mitigated"), 3 of the intersections will have no impact on them from mitigation and remain in the D,E F category. The analysis is not providing the full picture here. The traffic situation is bad already and the project will make it worse Many of these mitigations are already planned and so have no bearing on whether this project is approved or not- they need to be done anyway. If that can be accomplished first, then the City can see just how effective those measures were before adding more traffic to the equation. But until the things that already need to be done get accomplished, don't add traffic incidents and accidents and injuries to the mix. Making left turns on to and away from PV Drive is becoming, often, a collision risk with oncoming traffic.

38.29

Alternatives

There are three alternatives and they each have merit.

38.30

Thank you for your attention to this matter.

Cassie Jones

Letter 38

COMMENTER: Cassie Jones

DATE: October 6, 2019

Response 38.1

The commenter suggests that landsliding will continue to occur in the project area.

Landslides are a concern to the City and are considered in this EIR. However, the addition of 31 homes in Zone 2 would not appreciably affect the methods of slope stability review. As iterated in other responses, it is not the weight of the additional homes that is of concern, it is additional water flowing into the substrate that needs to be controlled as this is the only major contributor to slope instability that can be monitored and adjusted. As previously iterated, future homeowners should be contributors to ACLAD to help maintain and administer to the various groundwater pumping wells in the area.

Response 38.2

The commenter requests clarification regarding land movement in the project area and information regarding the “life and limb” criterion for landslide-related damage.

The “life and limb” criterion is used as a measure to indicate immediate danger to persons or property as a result of a geologic hazard (i.e., the need to run from a particular hazard or immediately vacate a property). The rates of movement and the geologic features observed in Zone 2 do not meet that criteria.

It should be noted that each lot in Zone 2 would require a separate geotechnical investigation into the feasibility of construction. Based upon site-specific review, some lots may be considered economically infeasible for construction.

Response 38.3

The commenter notes some of the history of attempts to stabilize slopes in the project area, suggests that measures used to control runoff on past project area developments have been unsuccessful, and suggests that stabilizing landslides before allowing more development is a “smart way to conduct business.”

It is generally concluded that stabilization of the ACL and PBL is economically infeasible at this time. Previous attempts to provide additional stabilization appear half-hearted in light of the overall mass, but may have been the best attempts possible in light of the current usage in the area. That is, greater stabilization methods could work if access to all areas in the ACL and PBL were possible.

As stated previously, the best way to address movement of the ACL and PBL is to continue or even accelerate dewatering within these landslides. Until generous access is granted to large swaths of both areas, this appears to be the only feasible method for reducing landslide risk at this time.



The purpose of this EIR is to identify and mitigate the impacts of developing the 31 undeveloped lots in Zone 2. The owners of these 31 lots are not responsible for mitigating existing conditions such as those present in the project area and described by the commenter. However, as discussed in the Draft EIR, the City is undertaking ongoing efforts to reduce land movement and associated impacts in the area.

Response 38.4

The commenter suggests that the EIR needs to consider the “big picture” and the “connectivity” of the various zones in the area.

The EIR preparers are aware of the big picture and the connectivity of the geology from zone to zone and throughout the peninsula. However, there is a physical separation between Zone 2 and Zone 5. The rupture surface and shears developed as part of the Abalone Cove Landslide, which is now a separate feature. Any movement in Zone 2 toward Zone 5 is likely due to the relaxing of material into the upper head scarp area the ACL/Zone 5. However, based on the data set, we conclude that these low rates can be addressed for most lots in Zone 2 through foundation design. There is the possibility that some lots may prove economically infeasible to build.

Response 38.5

The commenter notes the presence of the “newly active” Wilmington Blind Thrust fault.

See response 6.4. The EIR preparers are aware of the re-classification of the Wilmington Blind Thrust fault. Awareness of this fault does not change the inherent risks to the subject area; the inherent risks are both known and unknown. Each lot to be developed would need to address the potential for seismic shaking in foundation and building design. This is standard practice in southern California.

Response 38.6

The commenter again suggests that existing landslide hazards should be addressed before allowing the construction of new homes in the project area.

There are no plans for substantial mitigation measures to increase the slope stability factor of safety of landslides in the Portuguese Bend area above its current values. Rather, the goal is to reduce the potential of creating negative impacts. Mitigation measures tied to all future development lots in Zone 2 are included in the Draft EIR and have been augmented in the Final EIR (please see the response to letter 8).

Response 38.7

The commenter suggests that the probability of seismically-induced landslides may be greater than moderate based on the presence of the Wilmington Blind Thrust fault.

Even with the knowledge of the Wilmington Blind Thrust fault, that the probability of seismically-induced landslides is considered moderate. The Draft EIR conclusion remains



the same due primarily to the recurrence rate anticipated for this revised fault. Please also see response 6.4.

Response 38.8

The commenter asks why dewatering has not been added as mitigation.

The process of dewatering is typically undergone when major excavation and ground disturbing activity results in the uncovering of groundwater. The construction of additional single family residences in the area would not result in substantial ground disturbance and excavation that would interfere with the groundwater table, thus requiring dewatering. Therefore no mitigation related to dewatering has been included.

Response 38.9

The commenter again suggests that new homes should not be added until the effectiveness of measures to control landslides can be assured.

This comment is noted. The City will continue to undertake efforts to reduce landslide potential in the project area, but the purpose of this EIR is to identify and mitigate the specific impacts of the currently proposed project. The City has no legal authority to require the owners of the 31 undeveloped lots in Zone 2 to mitigate existing conditions other than to the degree that development of their lots exacerbates such conditions.

Response 38.10

The commenter reiterates an opinion that larger drainage and landslide issues need to be addressed as part of the EIR.

Please see response 38.9. It is the conclusion of this EIR that the mitigation measures provided in the Draft EIR should be implemented and followed such that additional burden to adjacent properties would not occur.

Response 38.11

The commenter suggests that the effectiveness of mitigation measures for the Monks lots should be verified before allowing more development in Zone 2.

This opinion is noted. The City conducts ongoing monitoring of conditions in the project area and of construction sites. The mitigation measures included in the Draft EIR are specific to the 31 lots that are the subject of this EIR. Also, please see the response to letter 8 for additional mitigation requirements that have been added in response to comments on the Draft EIR.

Response 38.12

The commenter suggests that allowing more building in an area with a sub-standard factor of safety does not indicate concerns about “residents or the City’s bank account.”



The purpose of indicating a range of potential factors-of-safety for slope stability is to make future builders aware of the inherent risks of this area should they decide to move forward with any new construction. The mitigation measures in this EIR are provided to reduce the potential negative effects from future building but not to necessarily improve gross slope stability in Zone 2 or Zones adjacent. The City has legal ability to prohibit landowners from developing their property as long as development proposals meet applicable standards and code requirements.

Response 38.13

The commenter asks what further mitigation is warranted to control groundwater.

Continued or improved groundwater withdrawal is the technique most commonly referred to for reducing the negative impacts of groundwater to gross slope stability. The need for additional dewatering wells or improvement to existing dewatering wells should be reviewed by ACLAD as they are the stewards of these implementation of these measures. Again, however, this technique is aimed at addressing the existing groundwater condition in the project area, not an impact of the proposed project.

Response 38.14

The commenter notes that adding impervious surfaces reducing infiltration, that much water that flows into Altamira Canyon does not make it to the ocean, and that attempts to avoid both infiltration and increased runoff are in conflict.

The impervious surfaces in gentle terrain areas is a benefit as that reduces groundwater recharge in that location. It is clear that much of Zone 2 rainfall runoff is directed to Altamira and other canyons and is a natural result that cannot and will not be fully eliminated. It is agreed that fissures and cracks exist in the canyon and contribute, as conduits, to groundwater recharge. However, there is no suitable mitigation for the canyon; large scale grading operations or the lining of the canyon are not considered suitable and are overly invasive and exceed the scale of supplemental water that may result from the home construction within Zone 2. Rather, the attempt is to leave the canyon in its natural state and use groundwater withdrawal to account for water that enters the substrate that can negatively affect slope stability. Mitigation included in the Draft EIR is aimed at maintaining pre-development conditions with respect to both surface runoff and infiltration through implementation of a variety of techniques and has been augmented with recommendations from commenters on the Draft EIR (please see the response to letter 8).

Response 38.15

The commenter suggests that the City has not designed or maintained drainage courses in the project area and that mitigating “big picture” issues before putting more homes at risk makes sense.

It is true that the PBCA is primarily responsible for maintaining the project area drainage system. While addressing “big picture” existing conditions is not the purpose of this EIR, the City will continue to work cooperatively with the PBCA to reduce hazards in Zone 2 related to drainage and land movement. As noted in previous response, it is not this EIR’s



purpose or the responsibility of the owners of the 31 undeveloped lots in Zone 2 to address existing infrastructure deficiencies other than to the degree that development of the lots would exacerbate such deficiencies.

Response 38.16

The commenter suggests that exposure of new development to hazards is not good governance.

This opinion is noted, but the City does not have the legal authority to prohibit development that meets applicable standards and code requirements.

Response 38.17

The commenter again notes that the goals of limiting both runoff and infiltration are in conflict and suggests that the Public Works Department would need to be involved in the design, repair, and maintenance of roads and storm drains for proposed requirements to be meaningful.

As previously noted, mitigation included in the Draft EIR is aimed at maintaining pre-project runoff and infiltration levels on all development lots through a variety of approaches and has been augmented with ideas presented by commenters on the Draft EIR (please see the response to letter 8). The City's Public Works Department would be responsible for review, approval, and monitoring of proposed drainage systems on all new Zone 2 development.

Response 38.18

The commenter suggests allowing even a little more water to flow into Altamira Canyon would have deleterious effects.

The plan for addressing any additional water into the substrate is to use the mitigation measures provided in this EIR primarily (as described in response 38.17), in combination with the dewatering wells under the purview of ACLAD.

Response 38.19

The commenter asks about the original design of the Portuguese Bend development and suggests that studies of the existing system should be conducted before allowing more development in the project area.

Please see response 10.2. The Portuguese Bend development was originally permitted by the County and presumably met standards in place at the time of approval. However, standards have changed over time and, as the commenter notes, it is clear that infrastructure systems in place do not meet current standards in all cases. The EIR analysis considers existing conditions as the baseline for the analysis of project impacts, but it is not this EIR's purpose to analyze or mitigate existing conditions other than to the extent that the proposed project may exacerbate such conditions.



Response 38.20

The commenter requests explanation of observations conducted on construction sites in Zone 2.

As noted in the Draft EIR, City Public Works staff made field observations at Zone 2 sites during rain events in February 2019. Although observations suggested that runoff was lower on sites with holding tanks than on sites lacking hold tanks, runoff levels were not measured at that time or pre-construction so it is not known with any degree of certainty whether there was any change in runoff levels. Regardless, as discussed in other responses, it is not this EIR's purpose to evaluate existing conditions. This EIR includes specific mitigation measures with which future developers in Zone 2 would need to comply. The mitigation in the Draft EIR has been augmented with additional requirements in response to comments received on the Draft EIR.

Response 38.21

The commenter suggests that BMPs are in place on other Zone 2 sites and that evidence of failure to comply has been presented. The commenter also asks if the City has enforcement requirements.

The evidence of non-compliance at other construction sites is noted, but is not relevant to the currently proposed project or the Draft EIR, which analyzes and mitigates the impact of possible future development on the 31 undeveloped lots in Zone 2. The Draft EIR includes mitigation requirements pertaining to drainage/runoff that are augmented in the response to letter 8. The City will adopt a mitigation monitoring and reporting program (MMRP) outlining the City's requirements for ensuring implementation of all adopted mitigation measures.

Response 38.22

The commenter suggests that recommendations for the Final Feasibility Study for the Portuguese Bend Landslide Complex are appropriate and again reiterates the position that new development should not occur until Feasibility Study recommendations are completed.

This comment is noted. The City is in the process of implementing the recommendations of the Feasibility Study, but as noted in previous responses, the owners of the 31 lots that are the subject of this EIR are not responsible for mitigating the existing conditions that the Feasibility Study is aimed at addressing.

Response 38.23

The commenter reiterates concerns about the project area drainage system, requests engineering studies to show how standards can be met, and suggests that landscaping can help with aesthetics and erosion and fire control.

Please see response to Letter 8 for a discussion of the drainage system. Engineering studies for individual development projects cannot be carried out at this time because the City has no specific development plans for any of the 31 lots that are the subject of this EIR. Standard



City requirements and mitigation measures in this EIR require engineering studies for all new Zone 2 developments demonstrating compliance with applicable requirements. As indicated in the response to letter 8, requirements pertaining to landscaping have been added to Mitigation Measure HWQ-3(a).

Response 38.24

The commenter states a concern that City opinion is presented as fact and suggests that the City should require inspection of development sites to ensure that proposed drainage systems are working properly.

The City's observations are provided as background information, but are clearly presented as opinion, not fact. The project mitigation measures include cisterns as one of many alternatives available to the individual property owners to mitigate their runoff. They can utilize one or more mitigation measures to address their impacts. Most well-designed projects utilize several measures to achieve the desired mitigation level. BMPs selected should be appropriate for the condition to be mitigated. As previously noted, the City will adopt an MMRP that outlines how the City will ensure implementation of and compliance with approved mitigation measures.

Response 38.25

The commenter reiterates the opinion that current BMPs are not working and requests proof that what is being required is working.

As noted in previous responses, it is not this EIR's purpose to analyze previously approved projects. The purpose is to analyze and mitigate the effects of the currently proposed project and this EIR includes specific mitigation measures aimed at reducing the impacts of future development on the 31 lots that are the subject of this EIR to below a level of significance.

Response 38.26

The commenter states that transportation improvements are needed immediately and that Mitigation Measure T-2 is possibly infeasible and does not address the current problems. In addition, the commenter states their opinion that a statement of overriding considerations is a result of the City declining to address the current problems.

The comments pertaining to Mitigation Measures T-1 and T-2 have been forwarded to decision-makers for their required review and consideration prior to taking any action on the proposed project. The Draft EIR notes that the T-2 mitigation measure would require the elimination of the existing bicycle lanes along Palos Verdes Drive South, which may not be feasible. Therefore, assuming that the elimination of bicycle lanes is not feasible, a Statement of Overriding Considerations would be needed for the street segment impact (i.e., for Palos Verdes Drive South, east of Narcissa Drive) in order for the City to approve the project. Also, please see responses 10.11, 10.12, 42.4, and 42.5 for a full discussion regarding the internal Portuguese Bend Community Association (PBCA) roadways and infrastructure, pavement integrity, truck access limitations, and the provisions of the Covenants, Conditions and Restrictions (CC&Rs) for the PBCA.



Response 38.27

The commenter questions how the evacuation times listed in the transportation study were calculated and states their concern regarding these times.

Please see response 10.18 for a full discussion regarding the emergency evacuation analysis contained in the Draft EIR transportation impact study. As stated in Section 12.3.2 (page 69 of Appendix G of the Draft EIR), it is recommended in the transportation industry that a total evacuation time of 20 minutes or less is ideal, but in no case should exceed 30 minutes. The clearance time interval findings reported in the Draft EIR were determined to be within an acceptable range for evacuation purposes. In addition, the time to evacuate the three five (5) minute evacuation intervals was 2.3 and 2.1 minutes for the Narcissa Drive and Peppertree Drive access routes, respectively, not just the 1.1 minutes as referenced by the commenter. Further, as it relates to commenter's inference that in order to evacuate the neighborhood from a distance of one mile from the gateway a speed of greater than 60 miles per hour would be required, the following is offered as a point of reference. A speed of 25 miles per hour equates to 36.67 feet per second. This speed translates to a time of 2.4 minutes to traverse one mile (i.e., $[5,280 \text{ feet per mile}] / [36.67 \text{ feet/second}] / [60 \text{ seconds/minute}] = 2.399 \text{ minutes}$). This is consistent with the results shown in Table 12-2, page 68 of the Draft EIR transportation impact study (contained in Appendix G of the Draft EIR). This also assumes traffic control would be in place.

As stated on page 65 of the Draft EIR transportation impact study, with intervention (i.e., traffic control) and education, evacuation problems can be minimized. First, education is important so that neighborhood residents know to park their vehicles facing the street during high fire risk periods. Second, education is needed to convince residents that taking all of their vehicles, while it would save personal property, would add additional time beyond what is absolutely needed to clear the neighborhood during an emergency. Third, residents in high fire risk areas should be prepared with pre-packed emergency supplies and critical documents such that a quick departure from home can be achieved when the order to evacuate is given by City/County emergency response team(s). Finally, residents can take action (e.g., clearing brush) that may mitigate the extreme conditions of a wildfire near their homes.

Response 38.28

The commenter requests clarification of what Mitigation Measure T-4 means or requires and who is responsible for maintenance.

Mitigation Measure T-4(a) requires that construction contractors maintain existing access for land uses in proximity to the project area. This means that contractors cannot block a resident's driveway or preclude a resident from accessing the roadway(s). As discussed in Section 4.10, *Traffic and Circulation*, of the Draft EIR under Impact T-4, proposed measures would also limit construction materials deliveries to off-peak hours and prohibit construction workers from parking on neighborhood streets. The manner in which these measures will be enforced is described in the Mitigation Monitoring and Reporting Plan (MMRP) for the project. The City will be responsible for ensuring that applicable requirements are adhered to.



Response 38.29

The commenter questions the effectiveness of the proposed transportation mitigation measures and states that the measures to reduce existing impacts should be implemented prior to project generated impacts.

Regarding the effectiveness of the proposed mitigation measures, based on the City's adopted significance thresholds, a location is considered mitigated if the recommended improvement reduces the impact to less than significant levels (e.g., for an unsignalized intersection already operating at LOS E or F, a significant project-related traffic impact would be reduced to a less than significant level if the delay due to the project is less than 2.0 seconds after mitigation). Thus, in the example above, for the location to be considered mitigated the reported intersection LOS does not necessarily need to be improved. All that is necessary is to reduce the delay caused by project traffic to less than 2.0 seconds. Refer to response 42.7 for additional discussion regarding left-turns at the Palos Verdes Drive access locations.

Mitigation Measure T-1(b) requires that the City provide a two-way left-turn lane on Palos Verdes Drive South at Narcissa Drive to better facilitate the southbound and westbound left-turn traffic movements and to provide a refuge area for exiting Narcissa Drive motorists to turn into and wait prior to accelerating to merge with the eastbound Palos Verdes Drive South traffic flow. The existing westbound left-turn lane at Narcissa Drive (which serves only one single family home) shall be converted to allow the installation of the above improvement.

Response 38.30

The commenter states that each of the three alternatives considered in the Draft EIR has merit.

This comment is noted. The Draft EIR considers two alternatives, aside from the proposed project. Other alternatives that were previously considered have been removed because they are not considered feasible. No further response is necessary.



Letter 39

From: Hunter Studios [REDACTED]
Sent: Monday, October 07, 2019 2:40 PM
To: Octavio Silva <OctavioS@rpvca.gov>
Subject: Re non-monks eir

Mr. Octavio Silva

Please add to the comments re the Non-Monks EIR

This proposal is wrong on so many levels.

How is it that all of the problems we have been talking about for years are not solved before adding build-out in Portuguese Bend?

Inadequate drainage
Inadequate Ingress/egress
Active landslide
Inadequate infrastructure
Etc.

These problems are well documented and well known. Will the City continue to ignore these problems and move to increase them without first addressing them and without scientific proof of mitigation? Members of our community have already provided photos of our fragile community's barely working, overwhelmed drainage system.

Here in California we've recently watched tragedy unfold as a community was devastated by mud and water by a single "rogue" cloud system uncharacteristically hovering over it. That community looked a lot like ours. We can't depend any longer on weather norms. Weather patterns are shifting. There was an actual tornado funnel in SoCal last month. Our community is not equipped for a major downpour as it is now.

Until Altimira Canyon, community infrastructure and drainage are dealt with/ fixed, the question isn't if, but when we will have to deal with damage or disaster for some homes and families.

It seems that the City is considering moving ahead based on a best-guess strategy rather than solid science and engineering.

It is the City's responsibility, at the very least, to do no harm! One would hope protecting it's resident citizens would be it's priority. Don't foolishly ignore actual safety problems putting money over people.

Sincerely, William Hunter and Marianne Hunter

[REDACTED]

39.1

39.2

Letter 39

COMMENTER: Bill and Marianne Hunter

DATE: October 7, 2019

Response 39.1

The commenters suggest that the project is “wrong” and asks why additional development is being considered when various issues facing the community (drainage, landsliding, ingress/egress, infrastructure) have not been resolved.

The comment about the project is noted. The issues raised by the commenter are all addressed in the Draft EIR. Please see sections 4.5, *Geology*, 4.8, *Hydrology and Water Quality*, 4.10, *Traffic and Circulation*, and 4.11, *Utilities and Service Systems*. Although the Draft EIR identifies potentially significant impacts related to landslides, hydrological changes, and the provision of sewer service, mitigation measures to reduce such impacts to a less than significant level have been provided. Also, please see the responses to comment letter 8 for more information about hydrology, responses to comment letter 6 for more information about landsliding, and response 5.3 for more information about ingress/egress. It is important to note that the purpose of the Draft EIR is to identify and, when possible, mitigate the environmental impacts of the currently proposed project, which involves the development of the remaining 31 undeveloped lots in Zone 2. The potential future developers of those lots are not responsible for resolving pre-existing conditions and are instead only responsible for mitigating their development’s contribution, if any, to the exacerbation of such conditions. Therefore, although existing landslide conditions in the area remain a concern that the City continues to address through a variety of mechanisms, the presence of these existing conditions does not constitute a significant environmental impact under CEQA unless the proposed action would exacerbate the conditions.

Response 39.2

The commenters reiterate concerns about safety issues related to drainage and landsliding, suggests that such issues as they relate to Altamira Canyon need to be fixed, and states a belief that the City is acting without regarding to science or engineering.

Please see response 39.1. The City acknowledges the land movement and slope failure issues in the area, which are addressed in detail in Draft EIR sections 4.5 and 4.8. As discussed in the Draft EIR, the City is making ongoing efforts to address these existing conditions in accordance with the Final Feasibility Study for the Portuguese Bend Landslide Complex (July 2018) prepared for the City by Daniel B. Stephens & Associates, Inc. That study addresses land movement and slope failure issues in the area and identifies a number of technologies as options for achieving storm water control and groundwater extraction to achieve manageable and sustainable land stability. The study was adopted by the City and the Public Works Department is in the process of implementing the study’s recommendations.

Contrary to what is suggested, the City is relying on the expertise of geologists and professional engineers to address areawide issues related to landsliding and drainage. In



addition, as required as part of standard City practice and mitigation measures included in the Draft EIR, the City requires professional geotechnical and drainage studies in support of all development in the project area and all such studies are subject to review and approval by the City's Public Works Department.



Letter 40

Bob Nelson Public Comment/Questions: Zone 2 2019 DEIR

Bob Nelson
6612 Channelview Court
Rancho Palos Verdes, CA 90275
Octavio Silva, Senior Planner
City of Rancho Palos Verdes
Community Development Department
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

RECEIVED

OCT 04 2019

COMMUNITY DEVELOPMENT
DEPARTMENT

October 4, 2019

Subject: Public Comments /Questions: Zone 2 Draft Environmental Impact Report (DEIR)

The view(s), opinion(s) and content expressed/contained in this email do not necessarily reflect the view(s), opinion(s), official positions or policies of the Rancho Palos Verdes City Council, the City of Rancho Palos Verdes or any of its employees, agents, contractors, Commissions or Committees (the "City"). It should be interpreted solely as the view(s), opinion(s) and/or work product of the individual author and should not be relied upon as the official position, direction or decision of the City.

Octavio,

As one of our city's Planning Commissioners it is my pleasure and privilege to represent all 42,000 RPVeres. In this case Lt. Col. Jack Downhill (deceased) was a personal friend and now his estate carries on his desire to have his lot 20 6.9 acres split. One plan had lot 20 split into 4 lots, which could have been 'legacy' lots for his children to be able to enjoy Portuguese Bend.

However, this is being written with the full realization that my city's official position is and has been for over a decade firmly against allowing residents in Zone 2 living at 8, 10 and 20 Vanderlip Drive development of their multi-acre lots, despite the subject of this DEIR being to allow 31 homes to be built with the same constraints as our 16 homes.

However, Judy Foote (successor Trustee 20 Vanderlip Drive) and I have developed **over the past years at least 2 1/2 feet of historical documents asking for consideration to allow these owners to attain their lots 'fair market value based on the highest and best use' of their land.**

40.1

My city always opines that any such consideration violates their 40 year-old Moratorium against building, despite the fact that 47 homes (16 Calif Supreme Court Monks decision + 31 in this DEIR) apparently can be! 40 years – that is not a moratorium – moratoriums are temporary – for these Vanderlip lots it is permanent!

And lest we forget, the 16 Monks litigants were paid \$4.5 million by my city for their trouble! And we have 31 now asking for equal treatment! And of course, the 3 Vanderlip Drive lots can also ask and have – but are once again excluded.

This document is to serve as a vehicle for comments (above) and questions (below).

So my questions are:

- The 1,225 page DEIR concludes a signal light, 4 miles away, at Via Rivera and Hawthorne is an impediment to approval! 31 homes traffic will dilatorily affect traffic 4 miles away when the development of Terranea Resort, 1 1/2 miles away, with 1,700 employees and visitors did not! Defies my thought processes! This conclusion needs to be explained in language a non-professional can understand. **So how is it justified? In simple, understandable English. 31 houses, 4 miles away, require a signal light at an intersection! Don't give us the line it can't be mitigated! Almost everything else was!** Need a professional second opinion on this maneuver.

40.2

- In several places **the DEIR states it covers all of Zone 2.** Since it states it does, how were 8, 10 and 20 Vanderlip Drive overlooked for development, since 31 lots will be and the total to be developed is 47 lots? Of course, the phrases ‘built out,’ no lot splits in the Moratorium (though anyone who wants to dig will find there have been lot splits since the Moratorium (in the past 40 years!)), that a past Mayor who asked that Vanderlip Drive lot split applications be put aside until Abalone Cove slowed and then would be back on the table (she left office before making good on her promise), ‘you can apply for an ‘exemption,’ etc., etc. (In the case of the latter, Jack Downhill did apply for an exception and his application disappeared into the either of ‘more information needed.’ Jack died before he could satisfy all the requirements. But did pay \$10,000 to the state’s Dept. of Forestry as part of building a 3 car garage and providing an affordable housing unit! **Question: explain the equity in denying these 3 lots development while approving 47? Waiting 40 years is a long time to be denied ‘best use.’** Think: 40 years ago you were where? 40.3
- A question has been raised about **the authority that designated ‘Moratorium zones.’ When was this adopted as part of any ordinance, resolution, policy or Council order? Specifically, what document, when?**
- **Ditto denial of lot splits. What document, when, why? Note – when and why are part of this question.**
- **Please clearly state my city’s procedure for these lots to receive consideration for a split. In some detail. Not simply ‘apply for an exception to the Moratorium.’** That opens Pandora’s box for the infamous ‘more information needed’ scenario that happens all too often. **What is RPV’s Planning Department’s checklist that these owners can use to accomplish permission to split lots?** Please do not respond with ‘refer to (anything),’ here just give a 1-2-3 etc. checklist. 40.4
- The ‘site specific’ question. Since the Zone 2 DEIR applies to all of Zone 2 and the 31 homes will be able to apply to build, please confirm the same rights apply to 8, 10, 20 Vanderlip Drive. That is, each lot would not be considered separately with duplicative processes and city costs already covered by this DEIR. For example, lot 20 had boring (to over 270 feet down) done for their abandoned application and, since the land hasn’t moved, any boring request now is duplicative. **What ‘site specific’ requirements, if any, will each lot have to meet as part of their lot split applications?** The assumption: these will also be detailed on the check off list answered above.

Lots 8, 10 and 20’s DEIR questions could go on and on. They are not part of our Portuguese Bend Community Association and so as ‘orphan’ lots are subject only to my city’s rules and regulations.

Attached are the following:

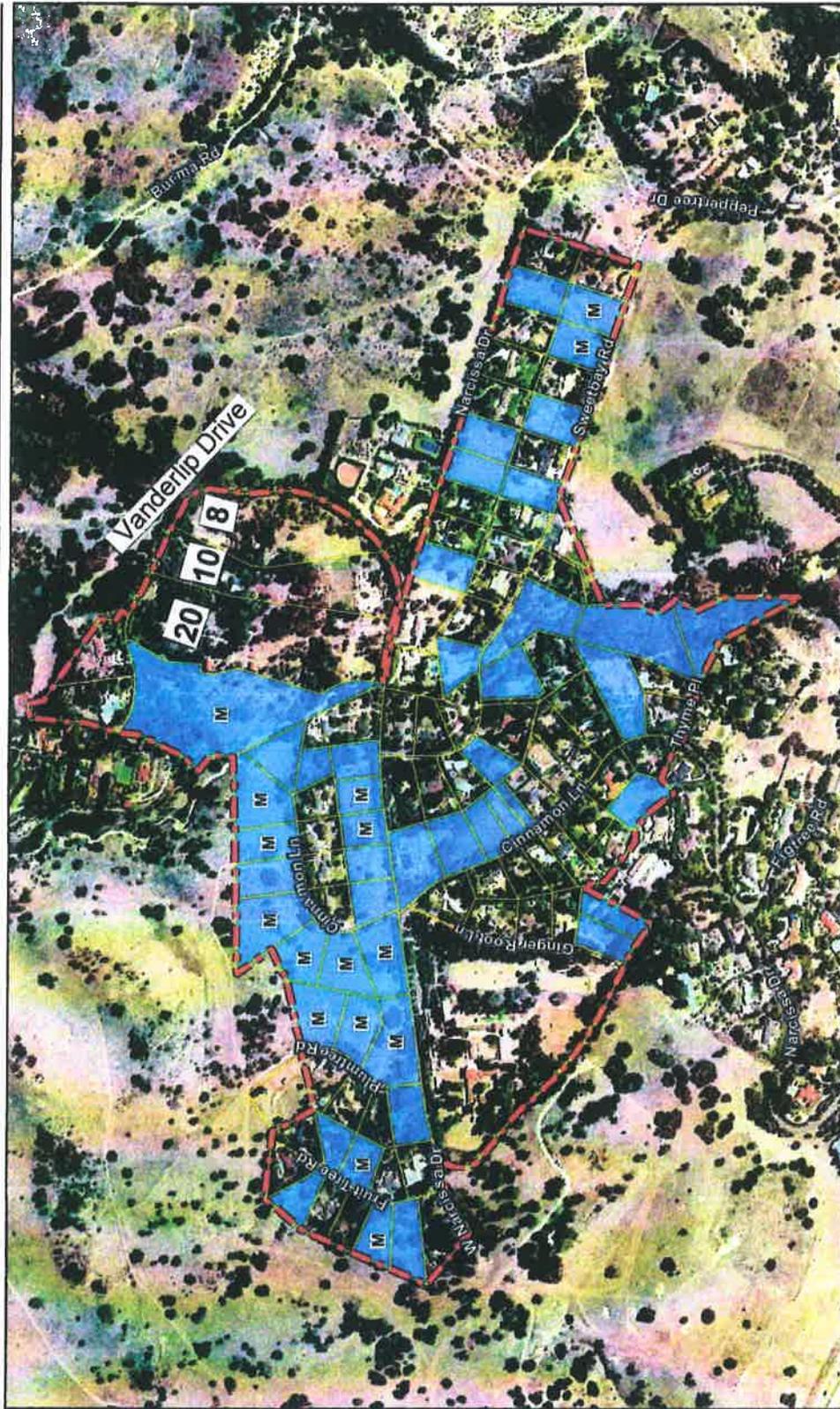
1. **My city’s Parcel Map showing Vanderlip Drive lots 8, 10 and 20 in comparison to Monks and the 31 subject lots. (A picture is worth a thousand words!)**
 2. **My ‘Late Correspondence’ on this subject for the recent Council meeting.**
 3. **Letters from 2009 from each lot owner re lot splits. (That’s 10 years ago!)**
 4. **A list of partial documentation we hold validating Jack Downhill’s historical lot split saga.**
- 40.5

Octavio, thank you for your extensive time and effort on this! Our Zone 2 DEIR is long overdue and we look forward to its approval as an important contribution to our city’s residential developments in the 21st Century! (Despite 8, 10 and 20 Vanderlip Drive once again being denied equity!)

Bob Nelson

THANK YOU
OCTAVIO!!
Bob Nelson

Zone 2 Landslide Moratorium Ordinance Revisions EIR
 Section 2.0 Project Description



Map images copyright © 2010 ESRI and its licensors. All rights reserved. Used by permission. Additional data layer from Los Angeles County Assessor, August, 2010.

- Legend**
- Project Boundary
 - Vacant or Underdeveloped, Potentially Developable under Proposed Ordinance Revisions
 - Monks Plaintiff Lot

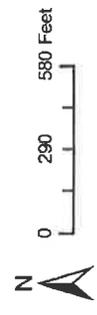


Figure 2-2

Project Area and Affected Parcels

City of Rancho Palos Verdes

**20 Vanderlip Drive
Rancho Palos Verdes, CA 90275**

**6.94 acres
Zoned: R-1 (1 unit per acre)**

**2019 ZONE 2 EIR REVISIONS:
INCLUDE 20 VANDERLIP;
ABILITY TO SPLIT LOT**

**THOUGH THIS 7 ACRE LOT IS ZONED R-1,
OWNERS WERE TOLD 20 VANDERLIP LOT
IS "COMPLETELY BUILT OUT AND THEY
CANNOT SPLIT THEIR LOT."**

**WE ASK YOU COMPARE 20 VANDERLIP
TO THE ZONE 2 'BUILT OUT' NEIGHBORS
AND CONFIRM LOT 20 IS 'BUILT OUT!'**



Bob Nelson
6612 Channelview Court
Rancho Palos Verdes, CA 90275

City Council Meeting 9/17/2019
Late Correspondence

RECEIVED

Octavio Silva, Senior Planner
City of Rancho Palos Verdes
Community Development Department
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA ()275

SEP 16 2019

COMMUNITY DEVELOPMENT
DEPARTMENT

September 16, 2019

Subject: Public Comment: Zone 2 Draft Environmental Impact Report (DEIR)

The view(s), opinion(s) and content expressed/contained in this email do not necessarily reflect the view(s), opinion(s), official positions or policies of the Rancho Palos Verdes City Council, the City of Rancho Palos Verdes or any of its employees, agents, contractors, Commissions or Committees (the "City"). It should be interpreted solely as the view(s), opinion(s) and/or work product of the individual author and should not be relied upon as the official position, direction or decision of the City.

Octavio,

Jack Downhill was a personal friend of mine and RPV WWII hero. He often expressed his disgust and frustration with our city's refusal, despite Monks' legal precedent, to allow his 6.9-acre lot, zoned R1, to be split, that is, for him to realize the "highest and best use" of his land investment. Upon his death, his estate requested I take a look at the trail of Jack's years of requests, delays and denials. Therefore, I have been involved in the last two Zone 2 DEIRs and, here, am trying to give voice to some of Jack Downhill and his estate's positions / questions.

But first: Wow! Took time to print all 1,225 pages of this DEIR! (Our General Plan printed is about 400!) **This DEIR's conclusion: intersection of Via Rivera and Hawthorne, though 3 miles away from these 31 lots, needs a signal light** due to the traffic these 31 lots will add! **What?** Statistics I've found can easily provide "what do you want the answer to be?" **Remember no Via Rivera / Hawthorne signal light was required for Terranea Resort traffic, 1½ miles away, with over 1,000 employees and equal number of guests!! This Zone 2 DEIR signal light requirement defies common sense** – and our City Council very properly, I believe, declined consideration of this signal anyway!

Comment 1: In several places it clearly states this DEIR covers all of Zone 2 ... It doesn't. Proposed moratorium amendments cover only 31 home sites, all in the Portuguese Bend Community Association (PBCA). Homes in Zone 2, but not in the PBCA, are not addressed.

For example, 3 multi-acre lots on Zone 2's Vanderlip Drive continue to be always addressed with a stern staff / City Council message 'lot splits are not allowed,' despite P. Ehlig's 1993 determination " ... parcels served by Vanderlip Drive could be developed without affecting the stability of the large, ancient landslide. In fact, if development were combined with installation of additional wells, stability would be improved." Owners are being told their multi-acre lots are 'fully built' despite being zoned R1!

The comment question is 'why are these homes denied the equity of the Monks homes and the 31 home sites? Simply, the ability to use your land to the highest and best use our city is being granted to those 47 lots but not these 3 lots, though they are part of this Zone 2 DEIR. Why?

Comment 2: 41 years ago, (Sept. 5, 1978) lot owners found themselves subject to RPV City Council's Landslide Moratorium Ordinance. That's a long time to be denied use of land. Your children can be born, graduate from college, put 19 years into a career but you are still waiting to get the highest and best use of your land! RPV citizens do get fed up with city bureaucracy. For example, in July 2002, almost a quarter of a century after 1978, John Monks et al brought an inverse condemnation suit (regulatory taking of their land) against RPV. (*Zone 2 DEIR Introduction, pg. 1.1*) **In Appellate Court RPV settled; paid the Monks litigants \$4.5 million and changed the Moratorium to permit building on their 16 lots. (ditto source).**

\$4.5 million, 16 lots, and this DEIR involves 31 lots, mostly lots neighboring Monks lots! A second land use suit, the Blacks case, found some of these 31 owners losing on procedural grounds (they had not exhausted their administrative remedies). Now some have filed to start that process.

Yet, RPV continues Vanderlip Drive's exclusion from these land use decisions, despite inverse condemnation legal precedent. Three Zone 2 multi-acre Vanderlip Drive lots (#8,10, 20), are inside but outside this Zone 2 DEIR; 41 years – always 'no.'

In the case of Jack Downhill, (Vanderlip Drive, lot 20, 6.9 acres, zoned R1) there is a long chronology of lot split requests and city's various delays, denials evidenced in 50 some odd pages of documents named below. Prior to submittal deadline, these will be submitted in full to you and Federal Agencies involved in this DEIR's corollary, our Natural Community Conservation Plan (NCCP), since Jack's estate also similarly commented on our NCCP saga.

Comment 3: You would think, with a Monks lot bordering the Jack Downhill estate's 20 Vanderlip Drive, equity would be almost automatic. However, after 10 years of RPV denials, you can conclude equity is not any part of RPV's thinking processes for Vanderlip Drive lots. You could say RPV's 'highest and best use' of these lots is forcing owners through more years of bureaucratic positioning ('need this' then 'need more information,' – repeat for years and continuous staff 'no').

Positive finding: At least, now Vanderlip Drive's lots 8, 10 and 20 have an applicable 1,225-page DEIR for their future plans and will not have to duplicate what's in it!

Conclusion: Jack Downhill fought the good fight, died, is buried in Arlington; now his family estate asks, after frustration, disappointment and interminable delays:

Will our Federal Agencies reviewing this document in line with RPV Council's NCCP, ask / instruct Jack's city to include these properties in this Moratorium amendment? Obviously, based on history, his city will not. After years of continued land use inequity, RPV's denial of allowing 'highest and best use' of these multi-acre lots by refusing lot splits, is a topic very apropos to this Zone 2 DEIR document and for future referral, if and when necessary.

Basically, some say these documents could be non-court, common law pleadings for long overdue land use equity. I'm not an attorney, however, it does make sense! Equity! Simple!

Thanks for taking time to read this. Attached, fyi, is a list of some of the documents illustrating what Jack Downhill, his family - now his estate, and his neighbors have been put through. Complete copies will be part of my written submission.

Bob Nelson



FEB. 22, 2009
SNELL LTR

Page 1 of 4

Klt Fox

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

February 22, 2009

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

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

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

Mayor and Council members:

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

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

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

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

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

2/23/2009

10-65

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

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

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

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

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

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

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

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

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

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

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

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

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

In Memory of John Monks:

"...I think we all agree that the right for individuals to own and make use of property is absolutely basic in a free, democratic society. Governmental prohibitions, conditions and restrictions on such ownership and use only be imposed for good and clear cause and even then, if severe, may require compensation..."
John Monks September 13, 2000

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

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

References:

Monks V. Rancho Palos Verdes including but not limited to California State Court of Appeal's decision, testimony & depositions of all experts, all court transcripts and everything related to the case including RPV Hearing records, correspondence and attachments.
Palos Verdes MLS for the last 10 years for homes that have sold in and outside the Moratorium area.
Les Evans' memorandum of January 25, 1997 and its attachments
Report of Keith Ehler, C.E.G. 1242 & Stephen W. Ng, 6E 637.
Executive Summary of Panel of Experts stating Zone 2 meets 1.5 stability factor locally.
Rancho Palos Verdes Redevelopment Agency EIR and Plan. Records receipts of Tax Increments that have been paid to RPV RDA, to date, and disbursements including low income housing funds
L. A. County & Friends of the Bend VS Rancho Palos Verdes Redevelopment Agency
Abalone Cove Sewer District EIR and Plan, amendments, supplements, hearings and correspondence
Stuart et al VS County of Los Angeles, Rancho Palos Verdes, (RDA)
Horan vs County of Los Angeles, Rancho Palos Verdes,
Rancho Palos Verdes Municipal Code & General Plan and all amendments
Changes to Rancho Palos Verdes Landslide Moratorium Area from 1973 to current date, all Environmental Impact Reports, staff correspondence, hearing documents
MEMORANDUM: To: Trent Pulliam From: Perry L. Ehlig, City Geologist dated May 26, 1993
Establishment of Moratorium Zones & map
All correspondence to/from Perry Ehlig and Rancho Palos Verdes
Records of Lot Split for John & Suzanne Vanderlip for the parcel of 99 Vanderlip Driveway creating 98; 75, 79 & 83 Narcissa; 8, 10,20 Vanderlip and all other lot splits and boundary realignments.
Records of Dr. Ehlig's pool double walled guidelines
Records of approval of pool for John & Suzanne Vanderlip for 99 Vanderlip Driveway
Records of Fountains & Pool permits within moratorium area
All filmed Rancho Palos Verdes City Council meetings and Redevelopment meetings back to 1979

Thank you for your consideration in protecting property rights.

FEB. 23, 2009
HASTINGS LETTER
FOR K.H. FOX

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

February 19, 2009

RECEIVED

FEB 23 2009

PLANNING, BUILDING AND
CODE ENFORCEMENT

RECEIVED

FEB 23 2009

BUILDING & SAFETY

Dear Sir,

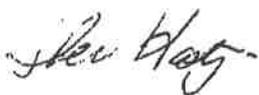
This is a written comment in response to the "MITIGATED NEGATIVE DECLARATION" regarding the proposed "Zone 2 Landslide Moratorium Ordinance Revisions" letter dated February 9, 2009.

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

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

Thank You


Michael Hastings

 Sheri Hastings 310-544-1064

10-83

UPDATED 2009
DOWNHILL LTR

TO: Director of Planning Building and Code Enforcement

Date / / 2009

Subject: Proposed Amendment to Landslide Moratorium to permit Building in Zone 2 of the Abalone Cove Landslide Area ↖, Planning Case No. ZON 2009-00007. ↗

I would like to add the following statements to those provided for the initial hearing on this subject considered at the March 3, 2009 City Council's public hearing:

It would be meaningful and perhaps legally required to elaborate on the distinction between a Subdivision and a Lot Split and /or a Lot Line Adjustment which are more likely processes to be proposed for my property at some undefined time in the future.

I believe it to be obligatory to acknowledge that there had been a split of the property contiguous with mine dating back to November 1989, and that that particular parcel is included as one of those to be allowed to be improved by the subject Code Amendment. At the very least, my proposal is consistent with that previous action by the City.

There is evidence in the Staff Report, page 10-47, that my particular property was made up of three parcels which are identified as lots 15 and 16 and a portion of lot 17 in that document. I do not believe the City, which came into existence subsequently, can legally deny any request to treat my property at the very least as three separate parcels.

A topic not discussed, but which is evidence that the City has historically considered my property dividable, is the fact that the sewer line which serves my property was installed with several laterals over the length of the N/S property line of my property.

With respect to the City Attorney's comment that "Mr. Downhill has enjoyed his property" I would like the record to include the following facts:

1. My dwelling was permitted as a replacement of the building destroyed in the 1973 fire. It was previously owned by the famous actor Charles Lawton and his wife Elsa Lanchester.
2. The City Staff denied my request to build an equivalent structure on a flat area central to the property boundaries which Geologists at that time considered not to be in any way disruptive of the stability of the property or surroundings. No excavations other than trenching for the foundations were required.
3. I was compelled to place the 2 level structure less than 12 feet from the property line in common with the adjoining property which in 1989 was allowed to be split into 2 parcels referenced above.
4. The 2 car garage required by newly adopted RPV Code was approved only to be located where the fire destroyed garage had been, nearly 300 ft. from the residence and approximately 10 ft. from the property line. This substituted for the 2 car attached garage in the flat area I had proposed.

Jack Downhill, Owner of the property at 20 Vanderlip Dr. RPV

Kit Fox

From: ksnell0001@aol.com
Sent: Monday, January 31, 2011 3:49 PM
To: klff@rpv.com; planning@rpv.com
Subject: Scope of EIR for proposed Zone 2 Landslide Moratorium Ordinance Revisions

The EIR is inadequate because it purposely is not including potential development in Zone 2 for those parcels at 8, 10, 20 & 98 Vanderlip Drive that would be entitled to lot splits in the future. By eliminating parcels in Zone 2 that will be split into one acre lots in the future from the scope of the EIR, the EIR is incomplete and does not properly represent the potential true impact of the future building in Zone 2. These parcels have much more stable land than all of the 47 lots that are being allowed to build homes.

A lot split was recorded in 1989 for John Vanderlip AFTER the moratorium was placed 4 years prior.
-Staff's Response 7 on page 10-76 that parcel map creating the 2 parcels was recorded in 1982 is incorrect.

Staff commented that Mr. Vanderlip was granted his lot split after the moratorium because he submitted his paper prior to the moratorium. Since William Roberts, 10 Vanderlip, submitted his request for lot splits prior to the moratorium, why wasn't Mr. Roberts allowed the same courtesy to complete his lot splits as was Mr. Vanderlip?

Why is RPV RDA receiving tax increment monies to "...clear the blight..." but won't allow lot splits to 1 acre minimum so the property owners can build on stable land (Vanderlip Drive)? The justification of RDA was to stabilize the property and open up building. Roads, utilities and sewer laterals are in place for the 15 new building sites on Vanderlip Dr. in anticipation of granting lot splits so these parcels need to be included in the EIR impact. Why can't the owners of the more stable property on Vanderlip Drive be allowed to apply for lot splits as outlined in the Community Redevelopment Plan?

The area above upper Narcissa (Vanderlip Dr.) had no land movement and has not moved in modern times.

This EIR is incomplete without evaluating all of the potential home sites in Zone 2 based on RPV zoning. By not including the potential home sites in the EIR, the true impact in the EIR can not be evaluated.

Response 9 page 10-76 from Staff

- "In addition, the system was not designed to accommodate the subdivision of existing lots."

The sewer system was designed to accommodate the subdivision of existing parcels within the ACLAD boundaries except for Zone 1. That is why additional sewer laterals were physically installed for 8, 10 and 20 for future development. Those laterals are still in place on the property and can be viewed if your records are incomplete. The parcel at the end East end of Narcissa was also figured into the sewer capacity based on 1 acre per building site.

Sincerely,

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

2/1/2011

190917 CC Zone Submit

Search

Search

Name	Date Modified	Size	Kind
190917 CC Public Zone 2 Submit.pdf	Sep 15, 2019 at 11:19 AM	32.1 MB	Adobe...cument
190506 KathyS Vanderlip Lot Splits ltr.pdf	Sep 13, 2019 at 5:29 PM	113 KB	Adobe...cument
1993 P Ehlg Zone 2 Def Uses.pdf	Sep 12, 2019 at 5:41 PM	1 MB	Adobe...cument
2014 Pix EIR Monks Lots.pdf	Sep 12, 2019 at 9:36 AM	2.9 MB	Adobe...cument
090218 JD ltr.pdf	Sep 12, 2019 at 2:31 PM	666 KB	Adobe...cument
090222 Snell ltr.pdf	Sep 12, 2019 at 2:36 PM	3.7 MB	Adobe...cument
090223 Hastings ltr.pdf	Sep 12, 2019 at 2:35 PM	1.1 MB	Adobe...cument
090303 JD CC Mtng.pdf	Sep 12, 2019 at 2:37 PM	906 KB	Adobe...cument
110114 Riordan Ltr.pdf	Sep 12, 2019 at 8:30 AM	1.3 MB	Adobe...cument
110118 JD Ltr.pdf	Sep 11, 2019 at 4:46 PM	394 KB	Adobe...cument
110119 Jim York Ltr.pdf	Sep 12, 2019 at 8:24 AM	1.3 MB	Adobe...cument
110130 Kathy JD Draft.pdf	Sep 12, 2019 at 5:28 PM	1.1 MB	Adobe...cument
110131 Davies Ltr.pdf	Sep 12, 2019 at 9:05 AM	392 KB	Adobe...cument
110131 KS email.pdf	Sep 12, 2019 at 7:57 AM	457 KB	Adobe...cument
120720 Div of Land App.pdf	Sep 12, 2019 at 2:47 PM	746 KB	Adobe...cument
120720 Eviron Info Form.pdf	Sep 12, 2019 at 2:39 PM	332 KB	Adobe...cument
121017 Weber RPV Respon1.pdf	Sep 12, 2019 at 2:45 PM	4.5 MB	Adobe...cument
121105 JD Lot Split Numbers.pdf	Sep 12, 2019 at 2:47 PM	712 KB	Adobe...cument
131018 JD EIR Ltr.pdf	Sep 12, 2019 at 2:48 PM	970 KB	Adobe...cument
140404 JD EIR ltr.pdf	Sep 12, 2019 at 2:50 PM	1.4 MB	Adobe...cument
140421 Weber JD EIR ltr.pdf	Sep 12, 2019 at 2:54 PM	2.4 MB	Adobe...cument
140425 Geology Soil Rpt Waived.pdf	Sep 15, 2019 at 11:20 AM	1.2 MB	Adobe...cument
140429 Davies Ltr.pdf	Sep 11, 2019 at 5:33 PM	580 KB	Adobe...cument
180906 Black Case.pdf	Sep 12, 2019 at 5:22 PM	2.3 MB	Adobe...cument
181112 Johnson Ltr.pdf	Sep 11, 2019 at 7:01 PM	183 KB	Adobe...cument
181211 Lawson Foote Ltr.pdf	Sep 11, 2019 at 5:39 PM	1.4 MB	Adobe...cument
181211 Nelson ltr.pdf	Sep 11, 2019 at 5:03 PM	82 KB	Adobe...cument
181212 Twidwell Ltr.pdf	Sep 12, 2019 at 9:17 AM	125 KB	Adobe...cument
190912 Zone 2 Email.pdf	Sep 26, 2019 at 4:48 PM	62 KB	Adobe...cument
190916 CC Zone 2 Ltr.pdf	Sep 16, 2019 at 4:09 PM	1.4 MB	Adobe...cument
Monks decision reasoning	Sep 16, 2019 at 7:06 PM	233 KB	PNG image

Letter 40

COMMENTER: Bob Nelson

DATE: October 4, 2019

Response 40.1

The commenter states concerns about exclusion of lots on Vanderlip Drive from the moratorium ordinance revisions.

Please see response 7.3.

Response 40.2

The commenter requests explanation of the identified significant traffic impact at the Via Rivera/Hawthorne intersection.

The primary reason for the significant impact at this location is the substandard existing level of service (LOS). The intersection currently operates at LOS F, which is a substandard operating condition, and at such intersections City criteria a significant impact would occur if project-generated traffic would create an additional delay of 2 seconds or more. As shown in tables 4.10-7 and 4.10-8 in Section 4.10, *Traffic and Circulation*, project generated traffic would create delays of 2 seconds or more during the AM and school peak periods under “existing plus project” conditions and during AM, school, and PM peak periods under the “cumulative plus project” condition. While the project-generated delays are relatively short (all less than 8 seconds), the City’s threshold at that location is very strict because of the poor existing LOS. A signal at that intersection would fully mitigate the project impact and improve the LOS compared to current conditions, but the City is still studying this mitigation option so the Draft EIR identifies an unavoidably significant impact.

Response 40.3

The commenter restates a concern about the exclusion of lots on Vanderlip Drive and notes that lot split applications for those lots have been put aside.

Please see responses 7.1, 17, and 20.1 through 20.4.

Response 40.4

The commenter restates concerns about the lots on Vanderlip Drive and wants to know what requirements the owners of these lots will need to meet as part of lot split applications.

Please see responses 7.1, 17, and 20.1 through 20.4.

Response 40.5

The commenter notes that the aforementioned lots on Vanderlip Drive are outside the Portuguese Bend Community Association and therefore are only subject to City rules and regulations. The commenter also references attached materials.



The commenter is correct. Only City rules and regulations apply to these lots. The attached materials are noted and included in the public record, but are not pertinent to the Draft EIR.



Letter 41

October 7, 2019

Octavio Silva

Sr. Planner, Rancho Palos Verdes

Dear Mr. Silva,

I am concerned that this DEIR once again fails to adequately address and mitigate the potentially dangerous impacts from development of the remaining 31 zone 2 lots.

41.1

From my reading, it seems the study area is limited to zone 2 and ignores impacts on the neighboring zone 5, to the south, the continued stability of which is integral to continued stability of zone 2.

It is well established that high groundwater levels were the greatest contributing factor to the initiation of the Abalone Cove Landslide (ACL), and lowering those levels has greatly stabilized this area. The continued stability of this area is extremely important for all residents of the community. Any policy that jeopardizes this current fragile equilibrium is irresponsible, bad governance. Past analyses show continued slight movement in zone 5 during wet years. Currently, there is continued movement as evidenced by the cracking of Palos Verdes Dr. S at Wayfarer’s Chapel. This area has been repaired within the last 2-3 months and is exhibiting new signs of cracking. Obviously, the land is moving.

What concerns me is that the new construction already completed may be contributing to this. Video evidence has been presented elsewhere by Mr. Jim Knight showing the very large amount of hardscape runoff and cistern drainage onto the streets even in a relatively light rain event. As is known, this runoff enters Altamira Canyon, where nearly 75% infiltrates through fissures and recharges the groundwater level. Keep in mind only 7 of the 16 Monks’ entitlements have been built out. Obviously, from the video, the mitigations imposed here to limit storm water runoff is clearly not working. What will happen when the remaining 9 Monks’ lots and 31 more are all contributing runoff onto our very inadequate drainage system? This DEIR only addresses the remaining 31 lots. How can you separate the cumulative impact?

41.2

The report states: *“While it may be desirable to resolve the site flooding and erosion in Altamira canyon and other natural drainage courses, this existing condition affecting the larger area would need to be addressed separately from these proposed ordinance provisions”.*

A simple question comes to mind: WHY! This is clearly a splitting of impacts through fragmentation.

For many known reasons, this is a demonstrably dangerous area and it seems so very irresponsible to push through the development of an additional 31 homes before effectively correcting problems that are known to contribute to the area’s instability. This is putting the cart well before the horse.

41.3

It seems to me that too many of the mitigations proposed are on a lot by lot basis and don’t take a more global view of the existing conditions, problems and solutions.

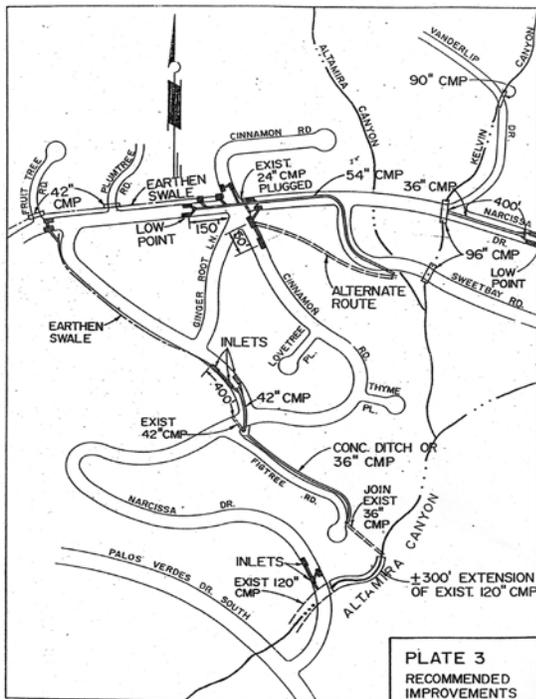
It seems completely unreasonable to not fix the underlying major problems that are vital to the safety of our community before allowing further development.

Fix the fissures in Altamira canyon so that storm water runoff doesn’t recharge the groundwater levels and destabilize zone 5.

Fix the poor drainage system that is our neighborhood streets. The report states the drainage system was “designed” in 1940. As stated by Professor Robert Douglass in his July 2013 letter to the City regarding the original DEIR:

“The EIR statement that the “existing drainage system was designed for the entire Portuguese Bend development, including the 47 undeveloped lots” is an overstatement. The storm drain system in Zone 2 is the streets in the community, with a few culverts that connect streets and convey storm water into Altamira Canyon. The streets in Zone 2 are simply the paved over dirt roads established by farmers early in the 20th century and addition and modification to the streets during development in the 1940-1950s was to maximize the number of buildable lots, not to improve storm water drainage. It is safe to say that the current street “system” was never “designed” for anything other than to provide access to the community.

The inadequacy of the streets as a storm drain system was recognized in the 1970s when a number of significant flood events occurred in the community. Following reactivation of the Abalone Cove landslide, the Panel of Experts recommended upgrading the culverts and other parts of the system



In 1990 ASL Consulting Engineers recommended eight major improvements to upgrading the storm drain system (left) but only two minor modifications to the then existing system were made and the system today remains basically as it was in pre-1990.

41.4

to achieve better control of storm water runoff. In 1990 ASL consulting Engineers was retained by the Redevelopment Agency of the City of RPV to perform hydrology and hydraulic studies to determine the storm runoff for the area located in the Altamira Canyon watershed. The area they studied is the same as in the current EIR report. At the request of the City, the study examined the effects of runoff from storms having a probability of recurring once in 50 year and 100 year. The study highlighted serious deficiencies in the then existing storm runoff system and made major recommendations to improve it. Except for a few modifications, the recommendations were never implemented and the system remains a slightly modified version of 1990. It is basically a make-do series of paved streets with berms added over the years to bandage the biggest problems. The major problems occur during major storms when rainfall exceeds 0.5 in/hr and storm totals are over 6 in/24 hours. During these rain storms such as occurred in 2005 and 2010,

storm water fills and overflows the streets, causing significant local flooding and erosion. The development of the 471 lots will, as stated in the analyses increase storm water runoff from individual lots by 10-15% and for the project by 2.9-4.5%. There is good reason to believe that this increase will be the proverbial straw to an already over burdened/under-capacity system”.

41.4
Cont.

Have the inadequacies of the existing sewer system been addressed? Was it installed to code?

Have any further seismic investigations been conducted since the recent discovery that the Wilmington Blind-Trust fault, previously thought to be dormant, has been found to be active and capable of causing a 6.7-7 magnitude event? This sleeping giant stretches from Huntington Beach, under the L.A./L.B harbor, past the east side of the peninsula and out toward Santa Monica Bay.

41.5

There also appear to be some inconsistencies in the report:

4.8.2 Impact Analysis: The report states that an *“impact would be potentially significant if the proposed project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge...”* This is EXACTLY the opposite of what is known to be beneficial to the area (less ground water-not more) and shows a potentially serious misunderstanding of the underlying geologic issues of the area.

41.6

Impact HWQ-3: In discussing this impact, the report states: *“An increase in impervious surfaces could increase the peak flow rate compared to existing conditions. This has the potential to create flooding and drainage problems, as the existing drainage system is inadequate to handle existing runoff rates [emphasis added].”* The proposed mitigation seeks to have no increase in runoff from new homes as compared to the previous condition. This seems seriously unrealistic in light of the video evidence (again, from Jim Knight) showing the inadequacy of the mitigations for stemming the extensive amount of runoff at 31 Cinnamon Ln (in a light rain event) at the same time runoff from the undeveloped lot at 35 Cinnamon was shown to be a trickle.

41.7

To state that *“Post-construction lot infiltration and runoff rates and volume shall be made equal to pre-construction conditions...”* seems a fallacy of the highest order. How could they ever be the same? It’s beyond comprehension.

4.8.1 Setting: In the fourth paragraph of this section, the report states: *“...the observation assessed weather water runoff from recently developed zone 2 properties exceeded pre-development water runoff conditions.”* This would seem to indicate a comparison between developed and vacant lots (the pre-development condition). The report then describes unquantified observations of water runoff on two rain events, February 2 and 9, 2019. The report goes on to say: *“Runoff was observed during these storm events from properties with and without water runoff detention devices. The observed runoff appeared to be less on the properties with holding tanks”*. This indicates a comparison of newly developed properties with existing developed properties. This is a direct contradiction to the first cited

41.8

quote above. The appropriate comparison of run off should be between undeveloped lots and the newly developed ones. Video evidence submitted elsewhere clearly shows minimal runoff from undeveloped lots in rain events as compared to substantial runoff from recently developed properties in spite of detention tanks. Regarding detention tanks, assuming 4,000 sq. feet of only roof (not accounting for any hardscape) ½” of rain would equate to nearly 2,500 gallons of runoff from the roof system, which then gets released back onto the streets. Detention tanks seem like a wholly ineffective mitigation for runoff. I think it’s important to realize and admit greatly increased runoff is going to come from developed properties as compared to the pre-development condition, vacant lots. The responsible mitigation would be to improve the drainage conveyances in the area so that they can handle this increased drainage in a way that doesn’t jeopardize the future stability of the area, particularly, zone 5.

41.8
Cont.

When the issues of drainage, Altamira canyon, zone 5, increased groundwater, etc., were brought up to Council a few years ago during the first DEIR, Council wisely realized the inadequacy of the report and “shelved” it. It seems this report is purporting to solve these same problems by pushing the wholly unrealistic idea that the proposed mitigations will keep infiltration, runoff rate and volume the same in the post-construction state as in the pre. Hopefully Council sees through this and demands proper, strong mitigations be enacted prior to more building, for the benefit of all the stakeholders in the community.

41.9

In closing, more building is absolutely going to lead to significantly more runoff onto the streets and, ultimately, into Altamira canyon, potentially leading to reactivation of the ACL. Not truly mitigating serious impacts is Ostrich-like behavior of the highest order (and lazy, feckless governance, too).

Thank you for your consideration,

Lewis A. Enstedt

[REDACTED]

[REDACTED]

Letter 41

COMMENTER: Lewis A. Enstedt

DATE: October 7, 2019

Response 41.1

The commenter suggests that the Draft EIR only considers Zone 2 and ignores Zone 5, the stability of which is critical to Zone 2.

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

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

Although the Draft EIR analysis of geologic hazards contained in Section 4.5, *Geology*, focuses on Zone 2, it considers the larger context, including Zone 5 and other adjacent areas. It is important to note, however, that the purpose of the Draft EIR is to identify and, when possible, mitigate the environmental impacts of the currently proposed project, which involves the development of the remaining 31 undeveloped lots in Zone 2. The potential future developers of those lots are not responsible for resolving pre-existing conditions and are instead only responsible for mitigating their development’s contribution, if any, to any exacerbation of such conditions. Therefore, although existing landslide conditions in the area remain a concern that the City continues to address through a variety of mechanisms, the presence of these existing conditions does not constitute a significant environmental impact under CEQA unless the proposed action would exacerbate the conditions.

Response 41.2

The commenter notes that high groundwater levels were the greatest contributing factor to the initiation of the Abalone Cove Landslide (ACL) and that lowering those levels has greatly stabilized this area. He also suggests that recent new construction may be contributing to land movement.



It is acknowledged that groundwater levels are a contributing factor to landsliding in the area. However, concerns related to recent development in Zone 2 are not the subject of this EIR, which is focused on the impact of future development of the 31 undeveloped lots in Zone 2. Per mitigation required in the Draft EIR, new development would be required to maintain pre-development runoff rates, volumes, and flow characteristics. Compliance with these requirements would avoid the concerns noted by the commenter.

Response 41.3

The commenter asks why existing conditions affecting the larger area should be addressed separately from the currently proposed ordinance provisions.

The owners of the 31 undeveloped lots in Zone 2 are responsible for mitigating the impacts of development on their individual lots to below a level of significance (i.e., not significantly adding to environmental problems). However, they are only responsible for mitigating existing environmental hazards to the extent that development of their lots exacerbates the existing conditions. The City has no essential nexus to require the owners of individual lots to address existing conditions over which they have no control. As discussed in the Draft EIR, however, the City is separately carrying out various approaches to address the existing larger issues related to slope stability in the area.

Response 41.4

The commenter reiterates concerns about stormwater runoff, suggests that the existing drainage system is not adequate to handle runoff, and asks whether the inadequacies of the sewer system have been addressed.

Please see responses 41.2 and 41.3 and Draft EIR Section 4.8, *Hydrology and Water Quality*, regarding stormwater issues. The original project and surrounding area was subdivided and developed under County Permits. The site drainage includes a network of culverts, storm drains, roads, and natural drainage courses that convey runoff from the entire site. All lots are allowed to drain to the conveyances to which they have historically drained. Also, please see response 10.2 regarding the design of the drainage system. Finally, impacts related to the area sewer system are addressed in Section 4.11, *Utilities and Service Systems*, of the Draft EIR. With mitigation, the project's impact related to sewer infrastructure was found to be less than significant.

Response 41.5

The commenter asks whether any seismic investigation have been conducted since the discovery of the Wilmington Blind-Thrust fault.

Please see responses 6.4, 38.5, and 38.7.

Response 41.6

The commenter suggests that the significance threshold regarding groundwater is inappropriate.

Please see response 6.16.



Response 41.7

The commenter suggests that the mitigation measures in the Draft EIR related to drainage have been applied elsewhere and will not work.

The Monks properties that have been developed to date were constructed under different requirements than the mitigation measures outlined in this document. Mitigation measure HWQ-3(a) requires pre and post-construction flow rates and volumes to be equal, as well as maintenance of pre and post-construction flow characteristics at the property lines which should address any concerns with what occurred with previous construction on Monks properties. HWQ-3(b) requires the submittal of a hydrology report certifying the developed properties maintain pre and post-construction flow rates and volumes to be equal. The City will review and approve all proposed improvements, and if deficiencies occur, can direct the property owner to correct them consistent with the City Code.

Appropriate project design features have been demonstrated on many projects throughout Southern California to mitigate the impacts described in the EIR. The County Standards referred to in the EIR provide specific guidelines and measures for mitigating project impacts.

Also, please see response 6.17.

Response 41.8

The commenter reiterates concerns about the feasibility of mitigating runoff-related impacts based on observations at Monks lot construction sites and suggests additional mitigation.

Please see response 41.7 and the response to letter 8. The future developers of the 31 undeveloped lots in Zone 2 are required to ensure that post-development runoff rates and volumes do not exceed pre-project conditions.

Response 41.9

The commenter suggests that stronger mitigation is needed for runoff-related issues.

Please see responses 41.7 and 41.8 and the response to letter 8. Mitigation included in the Draft EIR has been augmented with suggestions that the City received in response to the Draft EIR.



Letter 42

David Leeper



Rancho Palos Verdes, CA 90275

October 7, 2019

Octavio Silva
City of Rancho Palos Verdes

Regarding: draft environmental impact report

The report fails to consider the fact that all the construction traffic and the homeowner traffic which is going to the closest freeway, will use Peppertree drive, and Peppertree drive is not suitable.

42.1

Peppertree drive is in an area where the land is moving and there are houses right next to Peppertree drive. Thus, the land is unstable and there will be an unknown number of tons of concrete and building material hauled up Peppertree drive.

42.2

Peppertree drive is not built like a normal road. Peppertree drive is built like an alley because the rain water drains down the middle of Peppertree drive. However unlike a normal alley which has cement in the middle for the rain water Peppertree drive is only asphalt. Also, Peppertree drive does not have the normal required base or thickness of asphalt or compaction for a normal road. Therefore, Peppertree drive has cracks in it which allows rain water to improperly saturate the road base.

42.3

Also, Peppertree drive, southerly of pomegranate road, has no horse trail next to it causing equestrians coming from the horse boarding facility at one Peppertree drive to ride horses up Peppertree drive. However there is a blind

42.4

corner just southerly of pomegranate road which causes downhill traffic to suddenly be faced with a horse and rider on the asphalt. Apparently the city issues a business license to the horse boarding facility. Obviously a horse could throw a writer onto the asphalt causing head injuries which could require medical care for 60 or 70 years and caused damages to be awarded in the amount of several million dollars, against any parties deemed responsible.

42.4
Cont.

Also, Peppertree drive is not wide enough, in most places, for two cement trucks, or other large vehicles, going in opposite directions, to pass each other.

42.5

Furthermore, there are five (5) blind intersections on Peppertree drive, only one of which has stop signs. The other four (4) blind intersections have no traffic control nor are there even warning signs. There has never been any traffic engineering or any engineering whatsoever, on Peppertree drive. Many places on Peppertree drive have absolutely no place for pedestrians to walk. Therefore, if people are walking, and vehicles come in opposite directions, there is no place for pedestrians to flee or try to get out of the way of the vehicles. People walk small children and even babies in baby carriages on Peppertree drive. Between Sweetbay Road and Tangerine road, the side of the road is about 1 to 2 feet lower than Peppertree drive and filled with bushes. Between Tangerine road and Limetree Road, right next to the road, there is a steep cliff, with no barricade, reflectors or warning signs. Some young people drive on Peppertree drive as fast as they can keep their car on the road ; there is no traffic law enforcement and any traffic enforcement would probably be void because Peppertree Drive is in a private community.

42.6

During the rainy season, people from the three, or more, horse boarding facilities, near Peppertree drive, walk, or ride, their horses up Peppertree drive in order to exercise their horses without going into the mud. There is no traffic control at the blind intersection at Sweetbay Road, so people who are eastbound on sweetbay road and turning right to go southbound on to

Peppertree drive, at that blind intersection, are suddenly faced with people riding horses up, (northerly), Peppertree drive.

Therefore, adding more construction traffic and regular traffic to Peppertree drive exacerbates an already dangerous condition. Peppertree drive is a 60 foot wide easement however is only 20 feet of asphalt or room to walk or ride horses on Peppertree drive. Peppertree drive is very curvy and even curves around a large Peppertree on the westerly side of Peppertree drive halfway between sweetbay road and tangerine road. There are other Peppertrees right next to Peppertree drive.

Although sink holes, fissures, and other places where land is pulled apart/ de-compacted, occur around Peppertree Drive, if geologists nevertheless determined that Peppertree Drive could be improved without causing vibrations and possible sliding to the area next to Peppertree drive, where the houses are located, then, the road would actually need to be reconstructed to provide for horses and pedestrians and to provide for the blind intersections and to have traffic control such as bumps, before adding any more traffic to Peppertree drive. Portuguese Bend Road, Southerly of the main gate to Rolling Hills is an example of a proper road, with horse trail and pedestrian space well away from a wide enough road.

Also, most traffic pulls out of Peppertree Drive, onto Palos Verdes Dr. South, in order to head Easterly, towards the Harbor Freeway. There is no traffic control at this intersection and people can only see about 200 feet either direction due to the blind curve to the West, and due to the subsided area to the East of the intersection. Traffic is coming at about 40 miles an hour from each direction. It is difficult to make this left turn from Peppertree on the Palos Verdes Dr. South in a vehicle which accelerates quickly. It is impossible to accelerate quickly enough in a heavy truck. Pedestrian crossing is dangerous at this intersection.

42.6
Cont.

42.7

The city is clearly liable for accidents related to dangerous road conditions at this intersection. Regarding other possible accidents on Peppertree drive, the lawyers for the victims of such accidents would probably argue that, even though Peppertree drive is a private road, the city still has responsibility for ensuring that a private road meets minimum engineered safety standards just like the city has responsibility for ensuring that private houses are built to minimum code required safety standards. One accident, involving a young girl throw on her head from a horse and disabled for life requiring lifetime care could be many millions of dollars which could easily exhaust the insurance coverage held by the homeowners association, thereby requiring the lawyers for the victim to try to collect from the city.

42.8

Letter 42

COMMENTER: David Leeper

DATE: October 7, 2019

Response 42.1

The commenter states that the Draft EIR fails to consider the fact that construction and homeowner traffic would use Peppertree Drive, which is not suitable.

The Draft EIR recognizes that both homeowners and construction contractors may use Peppertree Drive. It is recognized that this private road has not been built to City standards and the potential for damage from construction vehicles is discussed in Section 4.10, *Traffic and Circulation*, of the Draft EIR, on page 4.10-28. Potential road damage is not an environmental impact under CEQA and because the road is private, maintenance is the responsibility of the Community Association. The PBCA has the responsibility and authority to impose fees and assessments in order to maintain and improve facilities, including the private road system. Therefore, the PBCA in its capacity as owners can study, monitor and perform maintenance as required. Nevertheless, it is presumed that construction contractors would be responsible for repair of any damage they cause to private roads in the project area. Of course, any new homeowners would use project area private roads in the same manner that existing homeowners do, but there is no available evidence suggesting that the trips generated by 31 additional homes would adversely affect safety conditions or cause levels of damage beyond that which already occurs as existing residents drive on project area roads.

Response 42.2

The commenter notes that Peppertree Drive is in an area where the land is moving and unstable, and that concrete and building material would be hauled up this drive.

Please see the response to letter 9 and response 42.1. It is true that construction contractors may use Peppertree Drive, but there is no available evidence suggesting that construction vehicles for the 31 undeveloped lots would create any issues beyond those associated with past construction activity. It is anticipated that the lots would build out over a period of years and thus the disruption to the community would be minimal.

Response 42.3

The commenter reiterates the fact that Peppertree Drive is not built to City standards.

This is acknowledged. Please see responses 42.1 and 42.2.

Response 42.4

The commenter states their concern regarding the lack of a horse trail next to Peppertree Drive, south of Pomegranate Road, and potential safety and liability concerns because of this.



The commenter's statement that no equestrian trail exists along Peppertree Drive, south of Pomegranate Road is correct. However, this is not an environmental impact under CEQA and because the road is private, maintenance, improvements, and any and all enhancements are the responsibility of the Portuguese Bend Community Association (PBCA). As stated in Section 11.4, page 62 of the Draft EIR transportation impact study, further research was conducted of the Covenants, Conditions and Restrictions (CC&Rs) for the PBCA as it relates to the purposes, memberships and maintenance charges. The Association has the right and power to purchase, construct, improve, repair, maintain, among others, and hold easements for or the fee to improve, light and maintain streets, roads, alleys, trails, bridle paths, walks, gateways, among others. The owners of lots within the PBCA must therefore pay and fund the appropriate general charges, assessments and liens in this regard. Therefore, the fact that a portion of a particular roadway does not have an adjacent horse trail is a situation that can and should be raised by the commenter to the PBCA Board. Having stated the above, it is important to note provisions are contained of the State of California Vehicle Code as it pertains to equestrian riders upon a roadway and right-of-way assignment. Specifically, Section 21805(b) and (c) of the Vehicle Code contains the following provisions:

“(b) The driver of any vehicle shall yield the right-of-way to any horseback rider who is crossing the highway at any designated equestrian crossing which is marked by signs as prescribed in subdivision (a).”

“(c) Subdivision (b) does not relieve any horseback rider from the duty of using due care for his or her own safety. No horseback rider shall leave the curb or other place of safety and proceed suddenly into the path of a vehicle which is close enough to constitute a hazard.”

It is also recognized that residents of the PBCA are familiar with the roadway system, the existing land uses and businesses contained within the association and should be very aware to exercise caution when traversing roadways that are presently shared with equestrian riders. The commenter's concern regarding a potential accident involving a horse throwing a rider due to the presence of vehicles is not directly related to the Draft EIR; however, the comment is noted and has been forwarded to decision makers for their required review and consideration.

Although the commenter's concern about liability associated with a potential equestrian-related mishap is noted, it is important to understand that the purpose of the Draft EIR is to identify and, when possible, mitigate the environmental impacts of the currently proposed project, which involves the development of the remaining 31 undeveloped lots in Zone 2. The potential future developers of those lots are not responsible for resolving pre-existing conditions and are instead only responsible for mitigating their development's contribution, if any, to the exacerbation of such conditions.

Response 42.5

The commenter states that Peppertree Drive is not wide enough, in most places, for two cement trucks, or other large vehicles, going in opposite directions, to pass one another.

As noted in Appendix G of the Draft EIR, field observations were conducted in order to verify existing signage, traffic control and pavement widths associated with the private roadways within the Portuguese Bend area. Peppertree Drive has a pavement width of



roughly 22 feet north of the existing gate (north of Palos Verdes Drive South) and the pavement width generally varies between 22 feet and 24 feet in width along its length. Based on field observations conducted along the private roadways it was recommended that these access roads be posted with “No Parking – Fire Lane” signs. The roadways are of sufficient width to allow large vehicles (i.e., fire engine type trucks) to access the Portuguese Bend area. It should also be noted that the majority of the roadways are not fully improved (e.g., with formal curb and gutter) thus, the above widths and measurements reflect the edge of pavement widths. Additional (i.e., unimproved) width is available along many portions of the roadways, however. Having stated the above, the commenter’s statement that Peppertree Drive is not wide enough in most places for two cement trucks, or other large vehicles, going in opposite directions to pass each other may in fact be true. In these instances, as is common with material deliveries with large trucks, it is expected that the drivers of cement trucks may need to temporarily utilize an area beyond the edge of pavement or back-up and yield the right-of-way to each other so as to continue to traverse roadways on exit or entry to/from Palos Verdes Drive South.

Response 42.6

The commenter states their concern regarding potential blind intersections and pedestrian safety.

Regarding the existing roadway system within the PBCA and the expressed concerns, please see responses 42.4 and 42.5 for a discussion of the responsibility for maintenance, signage, lighting, etc. of roadways within the association area. Having stated the above, it is important to note provisions are contained of the State of California Vehicle Code as it pertains to pedestrians upon a roadway and right-of-way assignment. Specifically, Sections 21954 (Pedestrians Outside Crosswalks) and 21956 (Pedestrian on Roadway) of the States’ Vehicle Code contains the following provisions:

“21954.(a) Every pedestrian upon a roadway at any point other than within an marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway so near as to constitute an immediate hazard.

(b) The provision of this section shall not relieve the driver of a vehicle from the duty to exercise due care for the safety of any pedestrian upon a roadway.”

“21956.(a) No pedestrian may walk upon any roadway outside of a business or residence district otherwise than close to his or her left-hand edge of the roadway.

(b) A pedestrian may walk close to his or her right-hand edge of the roadway if a crosswalk or other means of safely crossing the roadway is not available or if existing traffic or other conditions would compromise the safety of a pedestrian attempting to cross the road.”

The comments pertaining to blind curves, equestrian rider routes taken during the rainy season, curve warning signage, reflectors, etc. are most appropriately raised with the PBCA Board. Also, please see response 10.12 for further discussion pertaining to existing conditions as it relates to pavement integrity for roadways in the PBCA. The commenter’s



statements are also noted and will be forwarded to the decision-makers for their required review and consideration.

Response 42.7

The commenter states their concern regarding vehicle and pedestrian safety at Peppertree Drive onto Palos Verdes Drive South and the lack of traffic control at the intersection.

The commenter's statement that there is no traffic control at the intersection of Peppertree Drive and Palos Verdes Drive South is not a valid statement. The southbound approach of Peppertree Drive is controlled via the installation of "STOP" pavement markings and signage. However, if the comment intends to imply that both eastbound and westbound Palos Verdes Drive South traffic is not controlled or required to stop, that is a correct statement. In order to address the concern regarding safety of the intersection, accident research was conducted at this location for the most recent three-year period from the Statewide Integrated Traffic Records System (SWITRS). Based on a review of these available records, no accidents on Palos Verdes Drive South occurred at either the Peppertree Drive or Narcissa Drive gateways. Thus, no accidents of a nature susceptible to correction via installation of additional traffic control (e.g., installation of a traffic signal) were found. With respect to the commenter's statement that pedestrian crossing is dangerous at this intersection, it is important to note that no sidewalks exist along Palos Verdes Drive South in either direction, on either side, at this location. Refer also to response 42.6 for a full discussion of the State of California Vehicle Code as it pertains to provisions regarding pedestrians upon a roadway and right-of-way assignment.

Based on a review of the available pedestrian counts conducted during weekday AM, school PM and PM peak hours (i.e., a total of six survey hours), only one pedestrian was documented to cross either the east or west legs of the Peppertree Drive/Palos Verdes Drive South intersection (i.e., crossing Palos Verdes Drive South). On the Saturday mid-day pedestrian count (i.e., a total of two survey hours), no pedestrians were documented to cross either the east or west legs of the Peppertree Drive/Palos Verdes Drive South intersection (i.e., crossing Palos Verdes Drive South).

Regarding the statement that it is difficult for motorists to turn out onto Palos Verdes Drive South from Peppertree Drive, it is forwarded to the decision-makers for their required review and consideration.

Response 42.8

The commenter suggests that the City would be liable for dangerous road conditions at the Palos Verdes Drive South/Peppertree Drive intersection.

The Palos Verdes Drive South/Peppertree Drive intersection is studied in Section 4.10, *Traffic and Circulation*, of the Draft EIR. As shown in tables 4.10-7 and 4.10-8, no significant impacts have been identified at that intersection as a result of the project. Although the commenter's concern about liability is noted, it is important to understand that the purpose of the Draft EIR is to identify and, when possible, mitigate the environmental impacts of the currently proposed project, which involves the development of the remaining 31



undeveloped lots in Zone 2. The potential future developers of those lots are not responsible for resolving pre-existing conditions and are instead only responsible for mitigating their development's contribution, if any, to the exacerbation of such conditions.



Letter 43

From: Michael Yancheson [REDACTED]
Sent: Sunday, October 06, 2019 1:15 PM
To: Octavio Silva <OctavioS@rpvca.gov>
Cc: Claudia Yancheson [REDACTED]
Subject: DEIR/Code Amendments to Exception "P" of Title 15.20.040 ...pertaining to Zone2"

Octavio,

I am writing to voice my concerns over the DEIR for 112 lots in the Portuguese Bend development. Please consider this communication by Michael Yancheson at 9 Fruit Tree Road as an objection to moving forward with the non-Monks units described in the Notice of Availability of Draft Environmental Impact Report. At this time, allowing the 31 owners of these plots to apply for permits to build constitutes a lack of sufficient understanding and/or investment to mitigate the Zone 2 issues. Also, this particular request of 31 new lots does not review or consider the general impact of current building, York Properties plans, and general economic shifts.

43.1

Jeremy Davis has submitted a very thoughtful account of the issues and each of his points should be considered red flags for communities well being. I echo his points which you should have on record. The biggest concern is the ability of significant precipitation events to drain into the ocean vs fill fractures and cause another landslide. I do not agree with the assessments the City has come to. A landslide event in currently stable areas would be cause for significant property value erosion and grounds for liability due to negligence.

43.2

Traffic issues are not given the attention it requires. Currently, the additional building that has occurred on Cinnamon, Narcissa, and Plum Tree has created significant traffic increases in the community. Recently I counted 15 vehicles coming down Narcissa to the gate between Fig Tree and the gate during a Sunday AM bicycle ride up Narcissa. That equates to about 1 every 30 seconds on a Sunday morning. Weekday traffic is 5x. Simply stating "we didn't measure the traffic in Portuguese Bend due to lack of access" is a strange excuse highlighted in the traffic analysis. The City of RPV has no issue accessing this neighborhood to assess contractor permits so RPV is simply negligent in this matter. Traffic increases have these negative effects:

43.3

- road erosion
- Fire evacuation concerns
- Ambulatory access
- Air quality- particularly with construction vehicles, equipment, landscaping.
- Noise
- unauthorized access/crime.

Ride shares, food delivery, Amazon/online delivery, general maintenance, additional family, etc all add significant overhead to the traffic concern. This is also a concern with the limited access to this part of RPV from the North and from the South. Additional requests for a similar sized development in the York Properties area creates a significant issue for even non-residents of Portuguese bend. Also consider the ongoing repairs on PV Drive in the landslide area. This is a significant drain on quality of life and stands to reduce property values.

43.4

From an opinion viewpoint, I understand the non-Monks owners' desire to build on this land. They most likely will not live here after owning for so long. They will sell the lots or build for profit without concern for those living here. I've seen commentary regarding the positive sentiment on a revision of the codes as a higher ratio than negative. I assume the Non Monks owners have all given positive reviews. Please understand many many people who live here are elderly and do not have great access to the online documents, may not understand how to use electronic media, and may not understand what is happening.

43.5

Sincerely,

Mike and Claudia Yancheson
[REDACTED]

Letter 43

COMMENTER: Michael and Claudia Yancheson

DATE: October 6, 2019

Response 43.1

The commenter suggests that allowing the 31 owners of undeveloped Zone 2 lots to apply for permits to build constitutes a lack of understanding of the need to mitigate Zone 2 issues. The commenter also states that the request of 31 new lots does not review or consider the general impact of current building, York Properties plans, and general economic shifts.

This opinion is noted. The Draft EIR acknowledges the environmental constraints (such as landslide and drainage issues) present in Zone 2 and discusses ongoing City efforts to address these issues (as discussed in sections 4.5, *Geology*, 4.8, *Hydrology and Water Quality*, and 4.11, *Utilities and Service Systems*). However, it is important to understand that the purpose of the Draft EIR is to identify and, when possible, mitigate the environmental impacts of the currently proposed project, which involves the development of the remaining 31 undeveloped lots in Zone 2. (It should also be noted that the Draft EIR analysis assumes full buildout of all projects on the cumulative projects list in Table 3-1 in Section 3.0, *Environmental Setting*.) The potential future developers of the 31 undeveloped lots in Zone 2 are not responsible for resolving pre-existing conditions and are instead only responsible for mitigating their development's contribution, if any, to the exacerbation of such conditions.

Response 43.2

The commenter references letters submitted by Jeremy Davies and echoes Mr. Davies' points, noting that a landslide event in currently stable areas would be cause for significant property value erosion and grounds for liability due to negligence.

Please see the responses to letters 9 and 10 regarding Mr. Davies' letters. Also, please see response 43.1. The purpose of the current Draft EIR is to analyze and, when possible, mitigate the significant environmental effects of the currently proposed project, which involves the development of 31 undeveloped Zone 2 lots. Although it is recognized that landslide and erosion issues are present in Zone 2, there is no evidence suggesting that development of the 31 lots, with mitigation, would increase the potential for landsliding or erosion or adversely affect other properties in or adjacent to Zone 2.

Response 43.3

The commenter states that traffic issues in general are not given enough attention and states their concern regarding traffic increases. The commenter provides a list of negative effects due to traffic increases.

Please see responses 10.11 and 10.12 for a discussion regarding roadway integrity. Also, please see response 10.18 regarding a full discussion of emergency/fire evacuation analysis contained in the Draft EIR transportation impact study and the extremely conservative alternate analysis prepared as part of the Final EIR, which also reflects the evacuation of construction workers and trucks given the very conservative and unlikely assumption that



all 31 homes are under construction at the same time. Refer to Section 12.1 of the Draft EIR transportation impact analysis, beginning on page 64 of Appendix G of the Draft EIR, for a full discussion of emergency vehicle access.

Response 43.4

The commenter states their concern regarding increased vehicle trips associated with rideshares, food deliveries, maintenance, etc. as well as concern regarding limited access.

For a full discussion of roadway integrity please refer to responses 10.11 and 10.12. Section 4.4, beginning on page 13 of the Draft EIR transportation impact study (Appendix G of the Draft EIR), provides a full description of the existing traffic counts conducted in the project study area. As shown in Table 4-3, page 18 of the Draft EIR transportation impact study, weekday AM, weekday PM and weekday School PM peak hour traffic counts were conducted at a total of six intersections along Palos Verdes Drive South. These counts included all vehicle types (i.e., including the commenter's referenced food deliveries, ride shares, Amazon/online delivery, general maintenance, and family-related vehicle trips).

Section 4.10, *Traffic and Circulation*, of the Draft EIR addresses both neighborhood access under Impact T-4 and impacts to the regional road network under impacts T-1 through T-3. Impacts related to emergency access are identified as less than significant, but construction-related impacts to the local road network are identified as significant based on City criteria. Mitigation measures that would reduce ingress/egress issues for both routine and emergency use are proposed. Impacts to the regional road network are identified as significant at several study intersections based on applicable City criteria. Although mitigation measures are proposed, impacts would be significant and unavoidable at certain locations because feasible mitigation either is not available or cannot be assured. The Draft EIR analysis is conservative insofar as it assumes: (1) that construction of all 31 possible future houses occurs concurrently; (2) that all 31 lots are developed; and (3) that all developments on the planned and pending projects list in Table 3-1 of Section 3.0, Environmental Setting, will be built. In reality, all of the "worst case" assumptions are not likely to occur.

Response 43.5

The commenter suggests that the owners of the 31 lots that are the subject of the Draft EIR likely will not live in the area and will build for profit without concern for those living in Zone 2. The commenter also notes that many people who live in the area are elderly and do not have great access to the online documents so may not understand how to use electronic media or what is happening.

This comment is noted, but is not relevant to the Draft EIR analysis or conclusions. The City has no authority to control who may or may not build on a particular lot or whether a property owner chooses to sell his or her property. With respect to area residents knowing what is happening, the City has complied with all CEQA requirements related to public notification of the Draft EIR availability and has made documents available both electronically and in print.



Letter 44

From: Rich Heffernan <[REDACTED]>
Sent: Thursday, October 3, 2019 1:16 PM
To: Jerry Duhovic <Jerry.Duhovic@rpvca.gov>; John Cruikshank <John.Cruikshank@rpvca.gov>; Eric Alegria <Eric.Alegria@rpvca.gov>; Susan Brooks <SusanB@rpvca.gov>; Ken Dyda <Ken.Dyda@rpvca.gov>; s [REDACTED] m; mrsrpv@aol.com; Dave Emehiser <[REDACTED]> <[REDACTED]>; David Bradley <david.bradley@rpvca.gov>; CC <CC@rpvca.gov>; Ara Mihranian <AraM@rpvca.gov>
Subject: Comment on Traffic Intersection of Via Rivera and Hawthorne Blvd.

I am writing to you regarding the intersection of Via Rivera and Hawthorne Blvd discussed in the Draft PB EIR.

The EIR study shows increased traffic delays and impacts to the Via Rivera intersection.

I feel strongly that a new traffic signal should be installed, (not a simple Statement of Overriding Considerations)

I've lived in Pt. Vincente neighborhood for over 40 years and have personally witnessed and experienced the dangers on driving down Hawthorne Blvd.

Please move forward with a new traffic signal at the intersection of Via Rivera and Hawthorne Blvd.

Regards,

Rich Heffernan
[REDACTED]

Uncle of Sean Heffernan - killed on Hawthorne Blvd, January 2013
Teacher - Palos Verdes High School (2 of my students - NOT the driver - were in the car that killed Marymount Professor Kammounr in 2009)
Friend of Nate Halverson - passenger in a car that was t-boned right at the intersection of Via Rivera & Hawthorne Blvd.

Letter 44

COMMENTER: Rich Heffernan

DATE: October 3, 2019

The commenter notes the significant impact at the Via Rivera/Hawthorne Boulevard intersection and requests the addition of a traffic signal at that location.

Installation of a traffic signal at the Via Rivera/Hawthorne Blvd. intersection could reduce the (traffic) impact(s) at that location to a less than significant level, as indicated in the Traffic Impact Study in Appendix G. This potential improvement is listed in the City of Rancho Palos Verdes General Plan Update. However, further study would be required to determine when a signal would be needed, how it would be funded, and whether it may have secondary effects that make it undesirable. Consequently, requiring a signal at the Via Rivera/ Hawthorne Blvd. intersection is not considered feasible at this time.



Letter 45

From: Judy <[REDACTED]>
Sent: Thursday, October 3, 2019 7:49 PM
To: "jerry.duhovic\"@rpvca.gov; "john.cruikshank\"@rpvca.gov; "eric.alegria\"@rpvca.gov; "susan.brooks\"@rpvca.gov; "ken.dyda\"@rpvca.gov; "steve\"@electperestam.com; "mrsrpv\"@aol.com; Dave Emenhiser <emenhiser@aol.com> <emenhiser@aol.com>; "Director Ara Mihranian aram\"@rpvca.gov; PublicWorks@aol.com; "Director Elias Sassoon esassoon\"@rpvca.gov; "City Council cc\"@rpvca.gov; "Mayor Jerry Duhovic jerry.duhovic\"@rpvca.gov; "Mayor Pro Tem John Cruikshank john.cruikshank\"@rpvca.gov; "Councilmember Eric Alegria eric.alegria\"@rpvca.gov; "Councilmember Susan Brooks susan.brooks\"@rpvca.gov; "Councilmember Ken Dyda ken.dyda\"@rpvca.gov; "Stephen Perestam [REDACTED]; "Barbara Ferraro [REDACTED]; "Dave Emenhiser [REDACTED]; "David Bradley david.bradley\"@rpvca.gov; CommunityDevelopment@aol.com; Ara Mihranian <AraM@rpvca.gov>; esasson@rpvca.gov
Subject: Portugese Bend EIR Comments

The EIR included a traffic study that said the Via Rivera/Hawthorne intersection needed traffic control measures. Sad to say, getting around this by declaring a Statement of Overriding Condition seems a somewhat lazy, almost 'cop out' way of dealing with this problem. A traffic light at that intersection is needed to resolve a major traffic problem that will increase and put lives at risk each day.

I write to urge the officials, staff, Council members and potential Council members of the city in which I've lived since before its inception, to consider the needs and safety of its residents in the Via Rivera neighborhood. We already have an intersection at Via Rivera/Hawthorne deemed unsafe by transportation experts. The remedy is simple and residents have made it abundantly clear that this is what we want.....a traffic light!

It appears the city is trying to circumvent the process of having residents let the Council and City staff know that they want a traffic light by deciding it's for 'the good of the city' to ignore their wishes.

Judy Maizlish

[REDACTED] or [REDACTED]

Letter 45

COMMENTER: Judy Maizlish

DATE: October 3, 2019

The commenter notes the significant impact at the Via Rivera/Hawthorne Boulevard intersection and requests the addition of a traffic signal at that location.

Please see the response to letter 44.



Letter 46

From: Sy Rubin <[REDACTED]>
Sent: Thursday, October 3, 2019 6:16 PM
To: CC <CC@rpvca.gov>; Jerry Duhovic <Jerry.Duhovic@rpvca.gov>; John Cruikshank <John.Cruikshank@rpvca.gov>; Eric Alegria <Eric.Alegria@rpvca.gov>; Susan Brooks <SusanB@rpvca.gov>; Ken Dyda <Ken.Dyda@rpvca.gov>; [REDACTED] <mrsrpv@aol.com>; Dave Emehiser <[REDACTED]>; David Bradley <david.bradley@rpvca.gov>; Ara Mihranian <AraM@rpvca.gov>; Elias Sassoon <esassoon@rpvca.gov>
Subject: Traffic Light At Via Rivera and Hawthorne

All:

I know you have been receiving emails and calls regarding the subject intersection. The complaints I have seen so far only mention traffic delays.

What I haven't seen and would like to strongly bring to your attention is the safety and life saving possibility of the traffic signal.

I have personally seen several awful accidents at that corner. Drivers come around a blind curve down hill at high speeds sometimes in excess of 60 MPH.

As a matter of fact, my wife and I were involved in one such an accident last year. One second later and I would not be here to write this.

Please consider the following. If you reject the idea of a light at the intersection after all your residents have requested it, and someone is killed or injured severely, the city could be in for massive lawsuits and possible liability.

So please consider the above issues and make the decision to put a light there for the safety of all of your citizens who daily use that intersection and deserve to held safe by their government.

Sy Rubin
[REDACTED]

Letter 46

COMMENTER: Sy Rubin

DATE: October 3, 2019

The commenter notes concerns about traffic safety at the Via Rivera/Hawthorne Boulevard intersection and requests the addition of a traffic signal at that location.

Please see the response to letter 44.



Letter 47

From: Sophia Deeds-Rubin <[REDACTED]>
Sent: Thursday, October 3, 2019 10:54 PM
To: CC <CC@rpvca.gov>; Jerry Duhovic <Jerry.Duhovic@rpvca.gov>; John Cruikshank <John.Cruikshank@rpvca.gov>; Eric Alegria <Eric.Alegria@rpvca.gov>; Susan Brooks <SusanB@rpvca.gov>; Ken Dyda <Ken.Dyda@rpvca.gov>; steve@electperestam.com; [REDACTED]; Dave Emehiser <[REDACTED]>; David Bradley <david.bradley@rpvca.gov>; Ara Mihranian <AraM@rpvca.gov>; Elias Sassoon <esassoon@rpvca.gov>
Subject: Traffic Light Consideration at Via Rivera & Hawthorne

Dear City Councilpersons,

The matter of installing a traffic light at Via Rivera and Hawthorne intersection has come up several times, and no action has been taken to this day. I live close to that intersection and witnessed several clean-ups after some major accidents. As a matter of fact, I was personally involved in a traffic collision at that exact intersection in the April of last year, after which I am still recovering.

The long wait is undesirable but can be lived with as a huge inconvenience, but risking people's lives because of the speeding traffic down the hill is a different matter. It is literally placing somebody's life at risk. Would you really want to have this on your conscience? Put yourselves in our position and please consider doing what is the safest for the neighborhood - traffic light.

Thank you for your consideration and attention to this matter,

Concerned neighbor,
Sophia Deeds-Rubin

Letter 47

COMMENTER: Sofia Deeds-Rubin

DATE: October 3, 2019

The commenter notes concerns about traffic safety at the Via Rivera/Hawthorne Boulevard intersection and requests the addition of a traffic signal at that location.

Please see the response to letter 44.



Letter 48

From: [REDACTED]

Sent: Friday, October 4, 2019 2:05 PM

To: CC <CC@rpvca.gov>; Jerry Duhovic <Jerry.Duhovic@rpvca.gov>; John Cruikshank <John.Cruikshank@rpvca.gov>; Eric Alegria <Eric.Alegria@rpvca.gov>; .brooks@rpvca.gov; Ken Dyda <Ken.Dyda@rpvca.gov>; steve@electperestam.com; mrsrpv@aol.com; Dave Emehiser <emehiser@aol.com> <emehiser@aol.com>; David Bradley <david.bradley@rpvca.gov>; Ara Mhuranian <AraM@rpvca.gov>; Elias Sassoon <esassoon@rpvca.gov>

Subject: The Draft PB EIR

I wish to express my opinion about what I want to occur at the intersection of Via Rivera and Hawthorne Blvd:

1. I do not want a simple "statement of overriding conditions" waiver.
2. A traffic signal is warranted and should be installed as the various Traffic Studies have shown. The EIR study shows increased traffic delays and impacts to the Via Rivera intersection.

This intersection has become increasingly unsafe with the development of both Terranea and Trump. I have lived here almost sixty years and have never seen such a high volume of vehicles using Hawthorne Blvd. This intersection is an accident waiting to happen. I have witnessed countless "near misses" and urge you to do the right thing and install a signal.

Thank you.

Harry Mahakian
[REDACTED]

Rancho Palos Verdes

Letter 48

COMMENTER: Harry Mahakian

DATE: October 4, 2019

The commenter notes concerns about traffic safety at the Via Rivera/Hawthorne Boulevard intersection and requests the addition of a traffic signal at that location.

Please see the response to letter 44.



Letter 49

From: Christopher Alley <[REDACTED]>
Sent: Friday, October 4, 2019 3:29 PM
To: CC <CC@rpvca.gov>; Jerry Duhovic <Jerry.Duhovic@rpvca.gov>; John Cruikshank <John.Cruikshank@rpvca.gov>; Eric Alegria <Eric.Alegria@rpvca.gov>; Susan Brooks <SusanB@rpvca.gov>; Ken Dyda <Ken.Dyda@rpvca.gov>; steve@electperestam.com; mrsrpv@aol.com; Dave Emehiser <emenhiser@aol.com> <emenhiser@aol.com>; David Bradley <david.bradley@rpvca.gov>; Ara Mihranian <AraM@rpvca.gov>; Elias Sassoon <esassoon@rpvca.gov>
Subject: Draft PB EIR comment

Members of the RPV City Council, Community Development and Public Works,

I am writing as a resident of Rancho Palos Verdes, living in the neighborhood that will be most impacted by the outcome of your upcoming meetings and decisions, regarding the needed traffic signal at the Via Rivera/Hawthorne intersection. Specifically, I feel that a new Smart traffic signal should be installed at the Via Rivera/Hawthorne location ASAP. It is a busy (sometimes very busy) and dangerous intersection. This intersection is especially dangerous during school drop off and pick up times as well as during the morning and evening times. Many cars line up to attempt the dangerous Left turn onto Hawthorne, while many others turn Right on Hawthorne and then immediately move to the left lane to make a U turn at the entrance to Golden Cove shopping area.

I believe that the City Council should follow the recommendations of the Traffic Safety Committee, traffic engineers and staff and install a smart traffic signal at the intersection of Via Rivera and Hawthorne. A Smart traffic signal is clearly the safest and most efficient way to handle this dangerous intersection, which will only become more congested and dangerous over time, as documented by the city's recent *Traffic Impact Study* and *Environmental Impact Report*. I urge the City Council and Staff to NOT adopt the Statement of Overriding Conditions (SOC) but rather address the real need for a traffic signal at Via Rivera/Hawthorne. I do not wish to see this SOC policy used in later discussions as a reason for RPV not needing a smart traffic signal at Via Rivera/Hawthorne.

Thank you for the work you do on our behalf as residents of Rancho Palos Verdes.

Chris Alley

[REDACTED]
Rancho Palos Verdes CA, 90275

Letter 49

COMMENTER: Christopher Alley

DATE: October 4, 2019

The commenter notes concerns about traffic safety at the Via Rivera/Hawthorne Boulevard intersection and requests the addition of a traffic signal at that location.

Please see the response to letter 44.



Letter 50

From: Anthony Guidera <[REDACTED]>
Sent: Friday, October 4, 2019 4:25 PM
To: CC <CC@rpvca.gov>; Jerry Duhovic <Jerry.Duhovic@rpvca.gov>; John Cruikshank <John.Cruikshank@rpvca.gov>; Eric Alegria <Eric.Alegria@rpvca.gov>; Susan Brooks <SusanB@rpvca.gov>; Ken Dyda <Ken.Dyda@rpvca.gov>; steve@electperestam.com; mrsrpv@aol.com; Dave Emehiser <emenhiser@aol.com> <emenhiser@aol.com>; David Bradley <david.bradley@rpvca.gov>; Ara Mihranian <AraM@rpvca.gov>; Elias Sassoon <esassoon@rpvca.gov>
Cc: rpvenews@gmail.com
Subject: The Draft PB EIR

- To RPV City Council, and Members'
-
- For the Council to Ignore the Residents AND the Study is disturbing. WHY will you not LISTEN to the Residents and return to the original recommendation of a new traffic signal at Via Rivera?
-
- This clearly displays a disregard and lack of concern for the residents and a lazy resolution, not wanting to deal with challenges, and take the easy way out.
-
- This approval of a TRAFFIC SIGNAL approach would not only satisfy the traffic report study and allow the City to move ahead with approval of the EIR, BUT remove the possibility of INCREASED TRAFFIC DELAYS in OUR neighborhood, which are ALREADY an increasing nuisance.
-
- I look forward to the favor of your reply.
-
- Sincere Regards,
- Anthony Guidera

--

No One Ever Fell to the Top of Any Ladder
-- Napoleon Hill

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Letter 50

COMMENTER: Anthony Guidera

DATE: October 4, 2019

The commenter notes concerns about traffic safety at the Via Rivera/Hawthorne Boulevard intersection and requests the addition of a traffic signal at that location.

Please see the response to letter 44.



Letter 51

From: Jim MacLellan <[REDACTED]>
Sent: Friday, October 4, 2019 4:51 PM
To: CC <CC@rpvca.gov>; Jerry Duhovic <Jerry.Duhovic@rpvca.gov>; John Cruikshank <John.Cruikshank@rpvca.gov>; Eric Alegria <Eric.Alegria@rpvca.gov>; Susan Brooks <SusanB@rpvca.gov>; Ken Dyda <Ken.Dyda@rpvca.gov>
Cc: steve@electperestam.com; mrsrpv@aol.com; Dave Emenhiser <emenhiser@aol.com> <emenhiser@aol.com>; David Bradley <david.bradley@rpvca.gov>; Ara Mihranian <AraM@rpvca.gov>; Elias Sassoon <esassoon@rpvca.gov>
Subject: Public Comment on Draft PB EIR

Dear Council Members

With regard to the Draft PB (Portuguese Bend) EIR,
we wish to register the following comment on the Draft PB EIR:

1. We do NOT wish to have a "Statement of Overriding Conditions" waiver on the intersection of Hawthorne Blvd. and Via Rivera.
2. For urgent reasons of public safety, supported by Traffic Studies, we need to have a traffic signal as soon as possible installed at the Hawthorne Blvd. and Via Rivera intersection.

The EIR study shows increased traffic delays and impacts to the Via Rivera intersection and we wish to repeat that we need a new traffic signal installed, not a simple Statement of Overriding Considerations which might result in no traffic signal.

With best regards,

Jim MacLellan
Gwen Butterfield
[REDACTED]
Rancho Palos Verdes, CA 90275

Copies To:

City Council

City Council Mayor Jerry Duhovic
Mayor Pro Tem John Cruikshank
Councilmember Eric Alegria
Councilmember Susan Brooks
Councilmember Ken Dyda

City Council Candidates

Stephen Perestam
Barbara Ferraro
Dave Emenhiser
David Bradley

Community Development

Director Ara Mihranian

Public Works

Director Elias Sassoon

Letter 51

COMMENTER: Jim McLellan and Gwen Butterfield

DATE: October 4, 2019

The commenter notes concerns about traffic safety at the Via Rivera/Hawthorne Boulevard intersection and requests the addition of a traffic signal at that location.

Please see the response to letter 44.



Letter 52

From: Lola Fantappie <[REDACTED]>
Sent: Friday, October 4, 2019 5:56 PM
To: Ara Mihranian <AraM@rpvca.gov>
Subject: I am commenting on The Draft PB EIR

Good afternoon,

The EIR study shows increased traffic delays and impacts to the Via Rivera intersection and therefore I would like to see a new traffic signal installed, not a simple Statement of Overriding Considerations which might result in no traffic signal. Various traffic studies have shown that a smart signal at that intersection is necessary.

I participated at the meeting in the summer, and witnessed the very large majority of those present as well as those who wrote sent their preference in were in favor of a smart signal. I am very surprised that our representatives seem to not be eager to call a public meeting about this issue to inform us of the progress in this regard. It was very obvious at the meeting that the Point Vicente neighborhood feels strongly that we are less and less safe at that intersection. I personally know the people who have had accidents at that intersection.

I do not want a "Statement of Overriding Conditions" waiver on the intersection.

I would like :

- to return to the original recommendation of a new traffic signal at Via Rivera since this would satisfy the traffic report study and allow the City to move ahead with approval of the EIR without simply "saying there is a problem, but it is best for the City if we ignore it."

Best regards,
Lola Fantappiè

Letter 52

COMMENTER: Lola Fantappie

DATE: October 4, 2019

The commenter notes concerns about traffic safety at the Via Rivera/Hawthorne Boulevard intersection and requests the addition of a traffic signal at that location.

Please see the response to letter 44.



Letter 53

From: Thayer Chew <[REDACTED]>
Sent: Friday, October 4, 2019 6:26 PM
To: CC <CC@rpvca.gov>; Jerry Duhovic <Jerry.Duhovic@rpvca.gov>; John Cruikshank <John.Cruikshank@rpvca.gov>; Eric Alegria <Eric.Alegria@rpvca.gov>; Susan Brooks <SusanB@rpvca.gov>; Ken Dyda <Ken.Dyda@rpvca.gov>; steve@electperestam.com; mrsrpv@aol.com; Dave Emehiser <emehiser@aol.com> <emehiser@aol.com>; David Bradley <david.bradley@rpvca.gov>; Ara Mihranian <AraM@rpvca.gov>; Elias Sassoon <esassoon@rpvca.gov>; Emily Colville <emily.colville@rpvca.gov>; James Guerin <James.Guerin@rpvca.gov>; Julie Hamill <Julie.Hamill@rpvca.gov>; Larry Liu <Larry.Liu@rpvca.gov>; John Tye <John.Tye@rpvca.gov>
Subject: Portuguese Bend Draft EIR (and Pending Traffic Signal at Hawthorne Blvd & Via Rivera)

To: City Council
Community Development
Public Works
Traffic Safety Committee

Hello, please allow me to introduce myself. My name is Thayer Chew and I have been a homeowner in the Point Vicente neighborhood for the past 15 years. My two daughters have grown up in our neighborhood, attending Palos Verdes schools from Kindergarten through 12th Grade. Palos Verdes is a wonderful place to live and I consider myself very fortunate.

I am writing to you in regards to the Portuguese Bend Draft EIR. It is my understanding that the Draft EIR, if approved as currently proposed, would have the extended effect of ruling out a traffic signal at the intersection of Hawthorne Blvd and Via Rivera. As a resident, I am very concerned regarding the traffic situation at this intersection, and believe this issue should be decided as a separate official matter. I have personally seen several accidents occur at this intersection over the past few years, and I believe the situation is getting worse.

As I believe the recent Traffic Impact Study indicates, the traffic delays on Via Rivera are projected to increase dramatically (200%+) within the next 10 years. Per the EIR, the **EXISTING** "Level of Service (LOS)" has already been rated an "F" ("Severe Congestion") at 2 of the 3 time periods sampled. The LOS rating for the third time period is "E" ("Very Long Traffic Delays"). A traffic signal at this intersection is desperately needed, and would mitigate this issue.

As a local resident, I drive to and from my home several times per day, including driving my children to and from school during heavily congested traffic periods. I have personally experienced increasing traffic and associated delays, I am deeply concerned over the possibility that the RPV City Council would even consider a "Statement of Overriding Considerations (SOC)" instead of installing a synchronized traffic signal at this intersection. I am confounded by the thinking and rationale behind this idea, and can only conclude that this would be considered for expediency purposes.

I implore all of you to deeply consider the needs and wants of the residents in this neighborhood, who will be severely impacted by your decision.

Thank you for your thoughtful consideration.

Best regards,

Thayer Chew

Letter 53

COMMENTER: Thayer Chew

DATE: October 4, 2019

The commenter notes concerns about traffic congestion at the Via Rivera/Hawthorne Boulevard intersection and requests the addition of a traffic signal at that location.

Please see the response to letter 44.



Letter 54

From: Joyce Alley <[REDACTED]>
Sent: Saturday, October 5, 2019 11:36 AM
To: CC <CC@rpvca.gov>; Jerry Duhovic <Jerry.Duhovic@rpvca.gov>; John Cruikshank <John.Cruikshank@rpvca.gov>; Eric Alegria <Eric.Alegria@rpvca.gov>; Susan Brooks <SusanB@rpvca.gov>; Ken Dyda <Ken.Dyda@rpvca.gov>; steve@electperestam.com; mrsrpv@aol.com; Dave Emehiser <emenhiser@aol.com> <emenhiser@aol.com>; David Bradley <david.bradley@rpvca.gov>; Ara Mihranian <AraM@rpvca.gov>; Elias Sassoon <esassoon@rpvca.gov>
Subject: Draft PB EIR

Members of the RPV City Council, Community Development and Public Works,

I am writing to you as a resident of the Point Vicente neighborhood in Rancho Palos Verdes. We have been following the progress of the much needed traffic signal at the Via Rivera/Hawthorne intersection. It is disturbing to me to hear that if the Council and Staff choose to adopt the Statement of Overriding Considerations (SOC), you may not approve a traffic signal later on. I request that you do NOT adopt the SOC.

Specifically, I feel that a new Smart traffic signal should be installed at the Via Rivera/Hawthorne location as recommended by your Traffic Safety Committee and traffic engineers. It is a very busy and dangerous intersection. This intersection is especially dangerous during school drop off and pick up times as well as during the morning and evening times. A Smart traffic signal is clearly the safest and most efficient way to handle this dangerous intersection, which will only become more congested and dangerous over time, as documented by the city's recent *Traffic Impact Study* and *Environmental Impact Report*.

Once again, I urge the City Council and Staff to NOT adopt the SOC but rather address the real need for a traffic signal at Via Rivera/Hawthorne. I do not wish to see this SOC policy used in later discussions as a reason for RPV not needing a smart traffic signal at Via Rivera/Hawthorne.

Thank you for the work you do on behalf of the residents of Rancho Palos Verdes.

Joyce Alley
[REDACTED]

Rancho Palos Verdes CA, 90275

Letter 54

COMMENTER: Joyce Alley

DATE: October 5, 2019

The commenter notes concerns about traffic safety at the Via Rivera/Hawthorne Boulevard intersection and requests the addition of a traffic signal at that location.

Please see the response to letter 44.



Letter 55

From: Bonnie Oseas <[REDACTED]>
Sent: Saturday, October 5, 2019 1:03 PM
To: Ara Mihranian <AraM@rpvca.gov>
Subject: DRAFT PB EIR

Hi -

Please count my family among the many who do not want a simple “Statement of Overriding Conditions” waiver at the intersection of Hawthorne and Via Rivera. It is unconscionable that you would even consider such action given that the various Traffic Studies have clearly shown that the Traffic Signal is the clear and necessary choice. The EIR shows increased traffic delays and impacts to the Via Rivera intersection and we need a signal and not a statement. This is not the first time this issue has come up or that my family has been involved with the City Council regarding the need for a traffic signal. About 18 years ago we witnessed a serious accident as one of our Point Vicente friends pulled out to make a left turn at that traffic signal during school hours and was hit by someone going downhill towards PV South. We were appalled that the decision not to place a traffic signal was made then. It is imperative given the greater traffic that it needs to be done now. There is no other right option. Thank you for your consideration.

Sincerely,
Bonnie Oseas

Letter 55

COMMENTER: Bonnie Oseas

DATE: October 5, 2019

The commenter notes concerns about traffic congestion at the Via Rivera/Hawthorne Boulevard intersection and requests the addition of a traffic signal at that location.

Please see the response to letter 44.



Letter 56

From: Robert Chapkis <[REDACTED]>

Sent: Saturday, October 5, 2019 2:50 PM

To: CC <CC@rpvca.gov>; jerry.duhovic@rpvca.gov; john.cruikshank@rpvca.gov; Eric Alegria <Eric.Alegria@rpvca.gov>; susan.brooks@rpvca.gov; Ken Dyda <Ken.Dyda@rpvca.gov>; steve@electperestam.com; mrsrpv@aol.com; emenhiser@aol.com; david.bradley@rpvca.gov; aram@rpvca.gov; Elias Sassoon <esassoon@rpvca.gov>

Subject: Comment on Draft PB EIR

I have lived on Via Victoria for over 50 years and have had to negotiate the Via Rivera-Hawthorne Blvd intersection thousands of times. I am strongly in favor of a traffic signal at that intersection and I am opposed to a simple Statement of Overriding Considerations which might result in no traffic signal. Your decision will strongly influence on how I vote for council members in the future.

Letter 56

COMMENTER: Robert Chapkis

DATE: October 5, 2019

The commenter notes concerns about traffic congestion at the Via Rivera/Hawthorne Boulevard intersection and requests the addition of a traffic signal at that location.

Please see the response to letter 44.



Letter 57

From: Doug Willmore <[REDACTED]>
Sent: Saturday, October 5, 2019 3:28 PM
To: Ara Mihranian <AraM@rpvca.gov>; Elias Sassoon <esassoon@rpvca.gov>
Subject: Fwd: NO "SOC" ON VIA RIVERA TRAFFIC LIGHT

Sent from my iPhone

Begin forwarded message:

From: Janette Crisfield <[REDACTED]>
Date: October 5, 2019 at 3:12:17 PM PDT
To: cc@rpvca.gov
Subject: NO "SOC" ON VIA RIVERA TRAFFIC LIGHT

NO STATEMENT OF OVERRIDING CONSIDERATION ON TRAFFIC LIGHT DILEMMA
AT VIA RIVERA!

Letter 57

COMMENTS: Janette Crisfield

DATE: October 5, 2019

The commenter requests the addition of a traffic signal at the Via Rivera/Hawthorne Boulevard intersection.

Please see the response to letter 44.



Letter 58

From: Dave Milam <[REDACTED]>
Date: October 5, 2019 at 3:07:11 PM PDT
To: cc@rpvca.gov
Subject: Via Rivera and Hawthorne stop light

Dear Leaders,

I have resided at 7259 rue la fluer for nearly 4 1/2 decades. I observed more near misses in recent years and more delays. Please lead through the potential traffic light decisions openly, fact based, and with good judgment. The safety and unintended consequences of a right turn only decision seems imprudent. And like kicking of the decision down the road until facts in plain sight today are accepted.

Please LEAD with YES on the traffic light.

Thank you for all you give of yourselves to our community.

Dave Milam. [REDACTED]

Letter 58

COMMENTER: Dave Milam

DATE: October 5, 2019

The commenter notes concerns about traffic congestion at the Via Rivera/Hawthorne Boulevard intersection and requests the addition of a traffic signal at that location.

Please see the response to letter 44.



Letter 59

From: Nathan Dunn <[REDACTED]>
Sent: Saturday, October 5, 2019 5:45 PM
To: CC <CC@rpvca.gov>; Jerry Duhovic <Jerry.Duhovic@rpvca.gov>; John Cruikshank <John.Cruikshank@rpvca.gov>; Eric Alegria <Eric.Alegria@rpvca.gov>; Susan Brooks <SusanB@rpvca.gov>; Ken Dyda <Ken.Dyda@rpvca.gov>; steve@electperestam.com; mrsrpv@aol.com; Dave Emehiser <emenhiser@aol.com> <emenhiser@aol.com>; David Bradley <david.bradley@rpvca.gov>; Ara Mihranian <AraM@rpvca.gov>; Elias Sassoon <esassoon@rpvca.gov>
Subject: The Draft Portuguese Bend EIR and Statement of Overriding Considerations

Hello RPV City Council, City Council Candidates, Director of Community Development and Director of Public Works,

I am writing to

1. Comment on the Draft Portuguese Bend Environmental Impact Report

From the report, the traffic delays at Hawthorne-Via Rivera intersection are expected to substantially increase. As a long time resident of the Point Vicente/Via Rivera neighborhood for over 20 years, I have personally experienced and can attest to the increasing delays at this intersection. The prospects of worsening traffic and more delays are not acceptable. I believe a traffic signal placed at this intersection as proposed by Traffic Studies to be the solution. I strongly support the RPV Council taking immediate action to resolve this matter.

2. Objection to consideration of "Statement of Overriding Conditions"

I understand the Council is also considering a "Statement of Overriding Conditions" in lieu of installing the traffic signal at Hawthorne-Via Rivera to mitigate the traffic problem. I strongly object to this approach toward our neighborhood or toward other city issues. If approved, effectively the RPV Council is saying, "Point Vicente residents will have to live with the increased traffic as this is what is best for the overall city." I believe the RPV Council is then relegating Pointe Vicente neighborhood interests to no importance and ignoring current issues. That if view from a cynical eye, the RPV City Council is effectively practicing "elitism" government.

Thank you for your attention.

Nathaniel C. Dunn

[REDACTED]
RPV, CA. 90275

Letter 59

COMMENTER: Nathan Dunn

DATE: October 5, 2019

The commenter notes concerns about traffic congestion at the Via Rivera/Hawthorne Boulevard intersection and requests the addition of a traffic signal at that location.

Please see the response to letter 44.



Letter 60

-----Original Message-----

From: Steven Goldstein <[REDACTED]>
Sent: Sunday, October 6, 2019 9:07 AM
To: CC <CC@rpvca.gov>; Jerry Duhovic <Jerry.Duhovic@rpvca.gov>; john.cruikshank@rpvca; Eric Alegria <Eric.Alegria@rpvca.gov>; Susan Brooks <SusanB@rpvca.gov>; Ken Dyda <Ken.Dyda@rpvca.gov>; steve@electperestam.com; mrsrpv@aol.com; emenhiser@aol.co; David Bradley <david.bradley@rpvca.gov>; Ara Mhrianian <AraM@rpvca.gov>; Elias Sassoon <esassoon@rpvca.gov>
Subject: SOC and EIR Regarding Traffic Signal at Hawthorne/Via Rivera Intersection

Ladies and Gentlemen,

It's very a straightforward solution that the residents living on Via Rivera, Via Victoria, Rue de la Pierre and the other streets comprising our West PV Estates neighborhood want regarding the traffic light proposal at Hawthorne Blvd and Via Rivera. It's the installation of a traffic light at the intersection to allow safe, controlled ingress and egress to the above mentioned streets.

No SOC, no compromise, no accelerated City Council vote, no ignoring the EIR, no postponing the inevitable. Approve the light, provide safe streets and driving conditions and avoid the possible loss of life, property and potential lawsuits in the future. Act on it now and do the right thing for your constituents and your neighbors.

Steven Goldstein
[REDACTED]

Letter 60

COMMENTER: Steven Goldstein

DATE: October 6, 2019

The commenter notes concerns about traffic congestion at the Via Rivera/Hawthorne Boulevard intersection and requests the addition of a traffic signal at that location.

Please see the response to letter 44.



Letter 61

From: Larry <[REDACTED]>
Sent: Sunday, October 6, 2019 9:09 AM
Subject: Public comments in regard to the Portuguese Bend Draft EIR

Public comments in regard to the Portuguese Bend Draft EIR

While I am in support of the end goal to allow additional property owners to develop their Portuguese Bend lots, I do not agree with the city resolving the traffic impacts by simply writing up a Statement of Overriding Conditions (SOC) to get around the worsening traffic and safety problems at Via Rivera and Hawthorne Blvd.

This can be viewed as a lazy way of acknowledging a major traffic issue, which impacts hundreds of residents daily, instead of mitigating the actual problem with a traffic signal as has been recommended by traffic engineers, City staff, Traffic Safety Committee, and the most affected group of people - the Point Vicente neighborhood residents.

Please do not use the SOC easy out. Do what is the most effective solution of installing a traffic signal at Via Rivera and Hawthorne Blvd. This would allow the city to approve the EIR and solve a major traffic problem at the same time.

This is not just an issue of someone's inconvenience of long wait times at the intersection. This is equally an issue of public safety. Don't wait until another accident occurs, with life changing results, to prompt the City into doing something that we know could be done today.

Instead be the person who says we are not going to allow another accident to happen. Be the person who prevents a future tragedy by moving forward with the new traffic signal.

Larry Maizlish
CERT
City of Rancho Palos Verdes Emergency Preparedness Committee
[REDACTED]

Please do not Reply All to this message.

The views or opinions expressed in this email are intended to be interpreted as the individual work product of the author. They do not necessarily reflect an official position of the City of RPV, City Council, staff or other entities.

Letter 61

COMMENTER: Larry Maizlish

DATE: October 6, 2019

The commenter notes concerns about traffic congestion and safety at the Via Rivera/Hawthorne Boulevard intersection and requests the addition of a traffic signal at that location.

Please see the response to letter 44.



Letter 62

From: Randy Persinger <[REDACTED]>
Sent: Sunday, October 6, 2019 4:08 PM
To: CC <CC@rpvca.gov>; Jerry Duhovic <Jerry.Duhovic@rpvca.gov>; John Cruikshank <John.Cruikshank@rpvca.gov>; Eric Alegria <Eric.Alegria@rpvca.gov>; Susan Brooks <SusanB@rpvca.gov>; Ken Dyda <Ken.Dyda@rpvca.gov>; steve@electperestam.com; mrsrpv@aol.com; Dave Emehiser <emehiser@aol.com> <emehiser@aol.com>; David Bradley <david.bradley@rpvca.gov>; Ara Mihranian <AraM@rpvca.gov>; Elias Sassooun <esassooun@rpvca.gov>
Cc: Russell R Persinger <[REDACTED]>
Subject: "No" on "Statement of Overriding Conditions" Waiver (DRAFT PB EIR) on Via Rivera/Hawthorne Intersection

To: City Council of RPV

It has come to my attention that the City Council is considering the adoption of a Waiver, THE DRAFT PB EIR, although the EIR clearly shows increased future traffic delays and the impacts to the Via Rivera intersection.

At a recent meeting at City Hall of the Traffic Committee, where over 50 residents living on, or near, Via Rivera attended, it was made clear that the RPV City Council would directly hear from the community regarding a new traffic signal at Via Rivera. The new traffic signal has overwhelming support from RPV residents as the traffic at this intersection continues to worsen, especially when parents drop off, or pick up, their children at Pt. Vicente School.

The option for a new traffic signal should be properly addressed, by hearing directly from the community, in what I believe is a meeting scheduled in December. It has been clear that all studies performed have indicated traffic issues with the Via Rivera intersection and that a smart traffic signal should be installed. Voting for a simple "Statement of Overriding Conditions" strongly suggests that the City Council is NOT taking this issue seriously.

My wife and I have lived on Via Rivera since 1985 and believe strongly that a simple "Statement of Overriding Conditions" is inappropriate. We support the installation of a new smart traffic signal. The City Council should hear directly from the community and strongly consider installation of a new smart traffic signal.

Best regards,

Russell (Randy) Persinger
DeLayne S. Harthorn
[REDACTED]
RPV, CA 90275

Letter 62

COMMENTER: Randy Persinger

DATE: October 6, 2019

The commenter notes concerns about traffic congestion at the Via Rivera/Hawthorne Boulevard intersection and requests the addition of a traffic signal at that location.

Please see the response to letter 44.



Letter 63

William and Marianne Hunter
[REDACTED]

We wish to add our names and support to this letter.

10/6/2019

City Council,

Re: Draft EIR Zone 2

This letter provides commentary and asks questions regarding the content of the DEIR. Excerpts for reference from the DEIR are in quotation marks, my comments and questions in italics.

There are three main areas of concern under the headings of Geology, Hydrology and Traffic.
Geology

“Zone 2 is geologically interconnected to the rest of the LMA.”

This means zone 2 is interconnected to the adjacent zones, 5 and 6 in particular. It is those zones that currently experience the most land movement through which all residents must travel to reach any destination in zone 2. The EIR attempts to carve out a total of 47 lots from zone 2 from the greater landslide complex, segregating or segmenting the project into such tiny pieces that the big picture of the end result, that of the safety and wisdom of building homes in a landslide complex, is lost.

“Landslides in the South Shore occurred approximately 16,200 years ago, and historical landsliding of the Portuguese Bend Landslide (PBL) and Abalone Cove Landslide (ACL) indicate that mass movements still occur in the area today. Thus, it is reasonable to conclude that landsliding occurs nearly continuously, at least in geologic terms, throughout the APBL complex and that landsliding will continue into the future.”

This is a reasonable conclusion. It is part of the reason that the factor of safety in zone 2 is about 1.25. DOWNSLOPE FAILURES are of concern by residents and should be of concern by the City.

“From 1994 to 2006, movement of the ACL indicated the magnitude of displacement at the toe of the ACL to be approximately 1.9 feet, the mid-portion 0.8 feet, and the head area approximately 0.6 feet (LGC Valley, Inc. 2011). This movement roughly correlates to a yearly slip of 1.9 inches, 0.8 inches and 0.6 inches, respectively, though the movement is not steady on a year-to-year basis. Instead, the data appears to indicate that movement occurs in pulses typically regulated by rainfall. This movement is not considered to be a hazard to life and limb as long as the abatement activities (groundwater dewatering and monitoring) within the ACL continue. Monuments within Zone 2 indicate average movement of approximately 0.3 inches

Letter 63

COMMENTER: Bill and Marianne Hunter

DATE: October 6, 2019

The commenters state support for Letter 38 and include letter 38 for reference.

The support for letter 38 is noted. Please see responses 38.1 through 38.30.



Letter 64

From: Richard & Shirley Hook <[REDACTED]>
Sent: Sunday, October 6, 2019 9:48 PM
To: CC <CC@rpvca.gov>; duhovic@rpvca.gov; John Cruikshank <John.Cruikshank@rpvca.gov>; Eric Alegria <Eric.Alegria@rpvca.gov>; Susan Brooks <SusanB@rpvca.gov>; ken.dvda@rpvca.gov; Ara Mihranian <AraM@rpvca.gov>; Elias Sassoon <esassoon@rpvca.gov>; 'Stephen Perestam' <steve@electperestam.com>; 'Barbara Ferraro' <mrsrpv@aol.com>; Dave Emehiser <emenhiser@aol.com> <emenhiser@aol.com>; David Bradley <david.bradley@rpvca.gov>
Subject: COMMENTS ON THE DRAFT PB EIR

Please do not take the underhanded approach of using a STATEMENT OF OVERRIDING CONDITIONS.

As a resident of Via Rivera I am convinced that the installation of the recommended traffic signal is the best solution. If you are not also convinced we need a formal meeting to hash it out.

DO NOT TAKE THE UNDERHANDED WAY OUT.

RICHARD HOOK [REDACTED]
[REDACTED]

Letter 64

COMMENTER: Richard Hook

DATE: October 6, 2019

The commenter states support for installation of a traffic signal at the Via Rivera/Hawthorne Boulevard intersection.

Please see the response to Letter 44.



Letter 65

From: **Corinne Gerrard** <[REDACTED]>
Date: Sun, Oct 6, 2019 at 12:18 PM
Subject: Safety Issue; Narcissa Ingress Restriction Signs Required
To: <publicworks@rpv.ca.com>, Corinne Gerrard <[REDACTED]>

October 06, 2019

PLEASE CONFIRM RECEIPT OF THIS E-MAIL

Notification ONE

4 photos attached

To: Nasser Razepoor Associate Engineer & Elias Sassoon Director of Public Works,
As guided by Nasser Razepoor during the telephone conversation Friday October 04, 2019

Nasser, Thank you for spending the time to go over the concerning safety issues that have plagued the community of Portuguese Bend since the approval of new construction of residential housing has taken place.

The narrow roads within the boundaries of Portuguese Bend were constructed to the 1954 Engineering standards. Currently, Truck & Trailers, concrete trucks, construction materials loads, Heavy machinery, tractors, weight loads of 30,000 tons plus and width and length that exceed the ability to stay within the lane boundaries on Narcissa Drive are continually exposing safety issues within the community. This condition created by heavy loads on Narcissa Drive as well has the vibration caused by such loads, has created damaged to structures, roads, surrounding landscape, rock walls, and hazards to residents walking at roadside. Residential members in their vehicles have had to back up on the narrow street in order to allow passage of Trucks.

It is my observation that Signage is needed both from the South and North indicating Narcissa Drive Ingress Restrictions. Oversized & Heavy load moving vehicles will have the Peppertree Drive gate access available for Ingress & Egress. As engineers you will know the distance and appropriate placement of signs to be installed on Palos Verdes Drive South that will allow ample notification to vehicles of height and weight restrictions.

Your rapid response to communicate and to correct this safety concern is appreciated.

A binder with hard copies of this E-mail along with additional photos for your file has been provided to your department

Corinne Gerrard,
Chair for Beautification & Safety Portuguese Bend
[REDACTED]

Letter 65

COMMENTER: Corinne Gerrard

DATE: October 6, 2019

The commenter suggests that signage is needed both from the south and north indicating Narcissa Drive ingress restrictions for oversized and heavy load moving vehicles, directing the drivers of such vehicles to the Peppertree Drive gate access.

Please see responses 10.11, 10.12, 42.4, and 42.5 for a full discussion regarding the internal Portuguese Bend Community Association (PBCA) roadways, pavement integrity, truck access limitations, and the provisions of the Covenants, Conditions and Restrictions (CC&Rs) for the PBCA as it relates to the purposes, memberships and maintenance charges. The Association has the right and power to purchase, construct, improve, repair, maintain, among others, and hold easements for or the fee to improve, light and maintain streets, roads, alleys, trails, bridle paths, walks, gateways, among others. The owners of lots in the PBCA must therefore pay and fund the appropriate general charges, assessments and liens in this regard. With respect to the comment pertaining to residents needing to back-up their vehicles in order to allow the passage of trucks, refer to response 42.5 for additional discussion. As is common in instances of more narrow and/or winding hillside roadways, during times of material deliveries with large trucks it is expected that the drivers of trucks and/or residents in their vehicles may need to temporarily utilize an area beyond the edge of pavement or back-up and yield the right-of-way to each other so as to continue to traverse the roadways. Further, Mitigation Measure N-1(b) requires project area construction contractors to observe PBCA large truck and concrete truck delivery requirements.



Public Comments Received at the September 17, 2019 City Council Hearing

Twelve individuals made comments regarding the Draft EIR at the September 17, 2019 Rancho Palos Verdes City Council hearing. Comments made and responses to those comments are provided below.

1 - Robert Crockett

Comments

Mr. Crockett stated that he represents 8 Zone 2 property owners and commended the EIR. He also stated that he believes the construction-related traffic impacts are overstated.

Response

The support for the EIR is noted. It is acknowledged that the Draft EIR conclusion regarding construction traffic is conservative insofar as it is unlikely that all 31 undeveloped lots would be under construction concurrently.

2 - Neil Siegel

Comments

Mr. Siegel stated support for the EIR and the proposed ordinance amendment and noted that geologists have concluded that construction on undeveloped Zone 2 lots can take place without creating additional geologic hazards.

Response

The support is noted. The statements about geologic hazards associated with the project are consistent with the Draft EIR conclusions.

3 - Maria Gutierrez

Comments

Ms. Gutierrez stated support for approval of the EIR and noted that that owners of other lots in the vicinity of her lot have been allowed to build.

Response

The support is noted. It is true that construction has occurred on other lots in Zone 2 that have similar geologic and hydrologic conditions.

4 - Judith King

Comments

Ms. King notes that she is a Zone 2 property owner, wants to be able to build, and believes that traffic and runoff issues can be worked out.



Response

The desire to build is noted. The Draft EIR concludes that drainage impacts can be reduced to a less than significant level with proposed mitigation measures. Traffic impacts are identified as significant and unavoidable due to the uncertainty regarding the feasibility of some proposed mitigation measures, but this finding does not render adoption and implementation of the project infeasible.

5 - Leanne Tidwell

Comments

Ms. Tidwell stated that she had nothing to add beyond what had been stated by previous commenters.

Response

No response is necessary.

6 - Peter Nopper

Comments

Mr. Nopper noted that his father owned a lot in Zone 2 and that he supports the EIR.

Response

The support is noted.

7 - Jennifer Mendonca

Comments

Ms. Mendonca stated that she is the owner of a lot in Zone 2 and supports the findings of the EIR

Response

The support is noted.

8 - Larry Maizlish

Comments

Mr. Maizlish stated support for implementing mitigation at the Via Rivera/Hawthorne Boulevard intersection.

Response

Section 4.10, *Traffic and Circulation*, of the Draft EIR identifies a potential mitigation measure at that location involving the installation of a traffic signal. Installation of a traffic signal at the Via Rivera/Hawthorne Blvd. intersection could reduce the (traffic) impact(s) at that location to a less than significant level, as indicated in the Traffic Impact Study in Appendix G. This potential improvement is listed in the City of Rancho Palos Verdes General Plan



Update. However, further study would be required to determine when a signal would be needed, how it would be funded, and whether it may have secondary effects that make it undesirable. Consequently, requiring a signal at the Via Rivera/ Hawthorne Blvd. intersection is not considered feasible at this time.

9 – Cassie Jones

Comments

Ms. Jones stated the following concerns about the project:

- Geology – other nearby zones and the Wilmington Blind Thrust fault need to be considered; the EIR should address the “big picture” and the fact that some lots do not meet a 1.5 factor of safety
- Hydrology – mitigation for Altamira Canyon is inadequate
- Traffic – mitigation is needed rather than a statement of overriding considerations

Response

Ms. Jones’ comments are similar to issues she raises in letter 38. Please see the response to that letter. Also, “big picture” geology issues are addressed in responses 38.4 and 38.15. The Wilmington Blind Thrust fault is addressed in responses 6.4 and 38.5. The factor of safety in the project area is addressed in responses 6.6, 6.7, and 10.14. Altamira Canyon impacts and mitigation are addressed in responses 5.2, 6.9, 10.3, 10.4, 10.7, 10.10, 38.14, 39.1, and 39.2 as well as in the response to letter 8.

Please see the above response to Larry Maizlish regarding traffic mitigation.

10 – Suzanne Griffith

Comments

Ms. Griffith noted that not all lots will be developed and that owners have a legal right to build, stated that proposed methods would mitigate drainage impacts, asks why Via Rivera/Hawthorne Boulevard is an issue, and recommended approval of the staff recommendation.

Response

This comment, including the support for the staff recommendation, is noted. The Draft EIR concludes that impacts related to drainage/hydrology can be mitigated to a less than significant level. The impact at the Via Rivera/Hawthorne Boulevard is discussed in Response 40.2.

11 – Jim Knight

Comments

Mr. Knight stated concerns about such issues as runoff from the Monks lots, use of cisterns as mitigation, erosion in Altamira Canyon, the need to fix fissures in Altamira Canyon, and



the Wilmington Blind Thrust fault. Mr. Knight also presented video recordings of water run-off in the immediate Zone 2 area during a rain event that occurred in early 2019.

Response

Mr. Knight's comments are similar to the comments he raises in letter 6. Please see the response to that letter. Also, Altamira Canyon impacts and mitigation are addressed in responses 5.2, 6.9, 10.3, 10.4, 10.7, 10.10, 38.14, 39.1, and 39.2 as well as in the response to letter 8, while the Wilmington Blind Thrust fault is addressed in responses 6.4 and 38.5.

12 - Gordon Leon

Comments

Mr. Leon stated that the EIR is an improvement on the 2014 version, that additional mitigation for runoff could include detaining water and limiting impermeable surfaces, that left turns out of the project area are difficult, and that limitations on on-street parking and large trucks on Narcissa should be considered.

Response

The comment about the EIR is noted. Additional mitigation related to drainage/runoff similar to what was suggested is discussed in the response to letter 8. Section 4.10, *Traffic and Circulation*, of the Draft EIR identifies mitigation measures for the intersections connecting the project area to Rancho Palos Verdes Boulevard. Mitigation Measure T-4(c) in Section 4.10 would limit receipt of construction materials to non-peak travel periods and require coordinated deliveries to reduce the potential of trucks waiting to unload for extended periods of time. In addition, a city-approved haul route permit is required for haul trucks and loaded haul trucks are prohibited through the landslide on Palos Verdes Drive South. Additional mitigation is added in the response to letter 9.

