



## PUBLIC HEARING

**Date:** November 19, 2019

**Subject:** Consideration and possible action to certify the updated Final Environmental Impact Report (Final EIR) for the Zone 2 Landslide Moratorium Ordinance Revisions and to introduce an ordinance revising the City's Landslide Moratorium Ordinance to allow for the residential development of 31 undeveloped lots in Zone 2

**Recommendation:** (1)Adopt Resolution No. 2019-\_\_\_\_, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES CERTIFYING AN ENVIRONMENTAL IMPACT REPORT; MAKING CERTAIN ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR PLANNING CASE NO. PLCA2018-0004 (CODE AMENDMENT) FOR AMENDMENTS TO CHAPTER 15.20 (MORATORIUM ON LAND USE PERMITS) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE RANCHO PALOS VERDES MUNICIPAL AMENDING EXCEPTION CATEGORY 'P' TO ALLOW FOR THE FUTURE DEVELOPMENT OF 31 UNDEVELOPED LOTS IN ZONE 2 OF THE CITY'S LANDSLIDE MORATORIUM AREA;

(2)Introduce Ordinance No. \_\_\_\_, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES AMENDING CHAPTER 15.20 (MORATORIUM ON LAND USE PERMITS) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE RANCHO PALOS VERDES MUNICIPAL CODE TO AMEND EXCEPTION CATEGORY 'P' TO ALLOW FOR THE FUTURE DEVELOPMENT OF 31 UNDEVELOPED LOTS IN ZONE 2 OF THE CITY'S LANDSLIDE MORATORIUM AREA.

**Subject Property/Location:** Citywide

- 1. Report of Notice Given:** City Clerk
- 2. Declare Public Hearing Open:** Mayor Duhovic
- 3. Request for Staff Report:** Mayor Duhovic
- 4. Staff Report & Recommendation:** Octavio Silva, Senior Planner
- 5. Council Questions of Staff (*factual and without bias*):**

**6. Testimony from members of the public:**

*The normal time limit for each speaker is three (3) minutes. The Presiding Officer may grant additional time to a representative speaking for an entire group. The Mayor also may adjust the time limit for individual speakers depending upon the number of speakers who intend to speak.*

- 7. Declare Hearing Closed/or Continue the Public Hearing to a later date:** Mayor Duhovic

**8. Council Deliberation:**

*The Council may ask staff to address questions raised by the testimony, or to clarify matters. Staff and/or Council may also answer questions posed by speakers during their testimony. The Council will then debate and/or make motions on the matter.*

**9. Council Action:**

*The Council may: vote on the item; offer amendments or substitute motions to decide the matter; reopen the hearing for additional testimony; continue the matter to a later date for a decision.*

**AGENDA DESCRIPTION:**

Consideration and possible action to certify the updated Final Environmental Impact Report (Final EIR) for the Zone 2 Landslide Moratorium Ordinance Revisions and to introduce an ordinance revising the City's Landslide Moratorium Ordinance to allow for the residential development of 31 undeveloped lots in Zone 2

**RECOMMENDED COUNCIL ACTION:**

- (1) Adopt Resolution No. 2019-\_\_\_\_, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES CERTIFYING AN ENVIRONMENTAL IMPACT REPORT; MAKING CERTAIN ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR PLANNING CASE NO. PLCA2018-0004 (CODE AMENDMENT) FOR AMENDMENTS TO CHAPTER 15.20 (MORATORIUM ON LAND USE PERMITS) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE RANCHO PALOS VERDES MUNICIPAL AMENDING EXCEPTION CATEGORY 'P' TO ALLOW FOR THE FUTURE DEVELOPMENT OF 31 UNDEVELOPED LOTS IN ZONE 2 OF THE CITY'S LANDSLIDE MORATORIUM AREA;
- (2) Introduce Ordinance No. \_\_\_\_, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES AMENDING CHAPTER 15.20 (MORATORIUM ON LAND USE PERMITS) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE RANCHO PALOS VERDES MUNICIPAL CODE TO AMEND EXCEPTION CATEGORY 'P' TO ALLOW FOR THE FUTURE DEVELOPMENT OF 31 UNDEVELOPED LOTS IN ZONE 2 OF THE CITY'S LANDSLIDE MORATORIUM AREA.

**FISCAL IMPACT:** There is no fiscal impact as a result of certifying the updated Final EIR or enacting the proposed code amendment as the costs associated with the processing applications for new residential development projects in Zone 2 will be offset by permit processing fees. The cost of \$121,017 associated with the preparation of the Final EIR was budgeted in Fiscal Year 2019-20.

<b>Amount Budgeted:</b>	N/A
<b>Additional Appropriation:</b>	N/A
<b>Account Number(s):</b>	N/A

**ORIGINATED BY:** Octavio Silva, Senior Planner *O.S.*

**REVIEWED BY:** Ara Mihranian, AICP, Director of Community Development *A.M.*

**APPROVED BY:** Doug Willmore, City Manager *D.W.*

## ATTACHED SUPPORTING DOCUMENTS:

- A. Resolution No. 2019-\_\_ (page A-1)
  - Exhibit "A"- Statement of Facts and Findings and Statement of Overriding Considerations Regarding the Environmental Effects of the Zone 2 Landslide Moratorium Revisions
  - Exhibit "B"- Mitigation Monitoring and Reporting Program
- B. Ordinance No. \_\_ (page B-1)
- C. Public Comments on the Final EIR (page C-1)
- D. Public Comments on Draft EIR received prior to the City Council meeting on September 17, 2019 (page D-1)

The updated Final EIR, which was released to the public on November 1, 2019, is available on the City's website at the following link: <https://www.rpvca.gov/1140/Zone-2-Non-Monks-Lots>. A hard copy can be provided to the City Council by contacting Staff. Hard copies are also available for review at:

- City Hall, Community Development Department
- Miraleste Branch Library
- Peninsula Center Library
- Fred Hesse, Jr. Community Park

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## BACKGROUND AND DISCUSSION:

On August 22, 2019, the updated Draft Environmental Impact Report (Draft EIR) for the Zone 2 Landslide Moratorium Ordinance Revisions was made available to the public for a 45-day public comment period. During the Draft EIR comment period, a public hearing was conducted with the City Council on September 17, 2019, to provide the public with an additional venue to provide verbal comments on the Draft EIR. The staff report presented that evening provided comprehensive background and overview of development within Zone 2 of the Landslide Moratorium Area (LMA). A copy of the report is available for review [here](#). The Staff report also provided background on the preparation and availability of the updated Draft EIR, including those factors that were analyzed and determined to have potentially significant environmental impacts.

On October 7, 2019, the Draft EIR public comment period ended. During the public comment period Staff received 65 comment letters, including three comment letters from state and county agencies. The issues listed below reflect the general topics raised by various commenters on the Draft EIR:

- Geology, including slope stability, factor of safety, landslide movement, impacts to Zone 5 and soils issues;
- Hydrology, including flooding, storm drain and drainage problems, water runoff and lot infiltration;

- Traffic, including emergency access, impacts to local roadways, and roadway design;
- Utility and service systems, including sewer capacity and design;
- Subdivision of larger lots; and,
- Construction impacts

Section 8 (Responses to Comments) of the Final EIR (page 8-1) provides specific responses to these topics and others listed in the 65 comment letters, as well as responses to the issues raised verbally by the public speakers during the September 17, 2019 City Council Meeting.

On October 31, 2019, the Community Development Department issued a public notice that the Final EIR would be available for review on November 1, 2019, and that a public hearing for the City Council to consider the Final EIR and related code amendment would be held on November 19, 2019. The notice was mailed to property owners in and within a 500-foot radius of Zone 2 and was published in the Peninsula News on October 31, 2019. A notice of tonight's meeting was also provided by email to interested parties through the City's listserv message system for this project and posted citywide on the City's Nextdoor social media page. Links to the Final EIR were posted on the City's website on November 1, 2019, at <http://www.rpvca.gov/1140/Zone-2-Non-Monks-Lots>, and hard copies of the documents were also made available to the public at the locations specified in the notice, including but not limited to, City Hall and the Hesse Park Community Building. Prior to the date that this report was completed, Staff had received 13 additional public comments regarding the Final EIR after it was released to the public (Attachment C).

### Proposed Code Amendment

The Final EIR supports the proposed code amendment that would amend Exception Category 'P' of Section 15.20.040 (Exceptions) of the City's Landslide Moratorium Ordinance to allow for the future submittal of Landslide Moratorium Exception Permit (LME) applications for 31 undeveloped lots within Zone 2 of the LMA. Based on the analysis of the Final EIR and partially the architectural standards of the Portuguese Bend Community Association, the development criteria for these lots would include the following:

- Single-story, ranch-style residences with attached or detached three-car garages, with minimum living area of 1,500 square feet and maximum living area of 4,000 square feet or 15% of gross lot area, whichever is less;
- Less than 1,000 cubic yards of grading (cut and fill combined) per lot, with no more than 50 cubic yards of imported fill and up to 1,000 cubic yards of export per lot;
- Maximum 25% net lot coverage for RS-1 (residential single lot greater than 1 acre) and RS-2 (residential single lot greater than 20,000 square feet) zoned properties;

- Maximum building height of 16 feet for residences and 12 feet for detached accessory structures;
- Minimum front setbacks of 20 feet, minimum rear setbacks of 15 feet, minimum street-side setbacks of 10 feet, and minimum interior side setbacks of 5 feet, with setbacks along private street rights-of-way measured from the edge of easement line rather than the property line; and,
- No subdivision of existing lots within Zone 2.

The proposed amendment to Exception Category 'P' is provided below (new text is identified in **bold/underline**).

P. **1. The construction of residential buildings, accessory structures, and grading totaling less than 1,000 cubic yards of combined cut and fill and including no more than 50 cubic yards of imported fill material on the 16 undeveloped lots in Zone 2 of the "landslide moratorium area" as outlined in green on the landslide moratorium map on file in the director's office, identified as belonging to the plaintiffs in the case "Monks v. City of Rancho Palos Verdes, 167 Cal. App. 4th 263, 84 Cal. Rptr. 3d 75 (Cal. App. 2 Dist., 2008)"**; provided, that a landslide moratorium exception permit is approved by the director, and provided that the project complies with the criteria set forth in Section 15.20.050 (Landslide Mitigation Measures Required) of this chapter. Such projects shall qualify for a landslide moratorium exception permit only if all applicable requirements of this code are satisfied, and the parcel is served by a sanitary sewer system. Prior to the issuance of a landslide moratorium exception permit, the applicant shall submit to the director any geological or geotechnical studies reasonably required by the city to demonstrate to the satisfaction of the city geotechnical staff that the proposed project will not aggravate the existing situation.

**2. The construction of single-story residential buildings with a maximum height of 16', as measured pursuant to Section 17.02.040(B)(1)(c) of the Rancho Palos Verdes Municipal Code, and accessory structures with a maximum height of 12', as measured pursuant to Section 17.48.050(D) of the Rancho Palos Verdes Municipal Code with a maximum lot coverage of 25% for RS-1 and RS-2 zoned lots and grading totaling less than 1,000 cubic yards of combined cut and fill and including no more than 50 cubic yards of imported fill material on the 31 undeveloped lots in Zone 2 of the "landslide moratorium area" as outlined in green on the landslide moratorium map on file in the director's office, and which are not within the scope of subparagraph (1) above; provided that a landslide moratorium exception permit is approved by the director, provided that the project complies with the criteria set forth in Section 15.20.050 (Landslide Mitigation Measures Required) of this chapter and the Mitigation Monitoring and Reporting Program**

**approved for the Environmental Impact Report related to the Zone 2 Code Amendments for the non-Monks lots (Case No. PLCA2018-0004). Such projects shall qualify for a landslide moratorium exception permit only if all applicable requirements of this code are satisfied, and the parcel is served by a sanitary sewer system. Prior to the issuance of a landslide moratorium exception permit, the applicant shall submit to the director any geological or geotechnical studies reasonably required by the city to demonstrate to the satisfaction of the city geotechnical staff that the proposed project will not aggravate the existing situation.**

The proposed code amendment would revise Exception Category 'P' to establish two subparagraphs to allow for further residential development in Zone 2 of the LMA. More specifically, Subparagraph (1) continues to allow for the filing of LME applications for the residential development of the 16 *Monks* plaintiffs' lots without any revisions to the code. Subparagraph (2) affords the owners of the other 31 undeveloped lots in Zone 2 the opportunity to also file LME applications for the development of their lots. With the approval of a LME, the owners of the 31 undeveloped "non-Monks" lots would be allowed to apply for the necessary planning entitlements and building permits to build new, permanent structures on the undeveloped lots. Such structures would be subject to City's development review process, which includes, but is not limited to, review of an approved geology report, grading and drainage plan review, and neighborhood compatibility analysis. Furthermore, future development of these lots would be subject to the architectural standards cited in the Mitigation Monitoring and Reporting Program, as noted above.

### Environmental Assessment

#### *Final EIR*

The City, through its environmental consultant (Rincon Consultants), evaluated the proposed project's impacts on the environment through the preparation of an EIR. With regard to the scope of the document and what is assessed, the scope is mandated by the California Environmental Quality Act (CEQA) environmental checklist. The checklist identifies various environmental factors that were reviewed as part of this process, which include but are not limited to, aesthetics, biological resources, traffic and geology. In the course of this evaluation, certain impacts of the project were found to be less than significant. Other impacts were found to be potentially significant, but could be mitigated to a less-than-significant level. Three impacts were found to be significant and unavoidable, even after mitigation.

The EIR concluded that the proposed project could result in potentially-significant impacts to several issue areas, which were studied further in the EIR. These included:

- Aesthetics;
- Air Quality;

- Biological Resources;
- Cultural Resources;
- Fire Protection;
- Geology;
- Hydrology and Water Quality;
- Noise;
- Traffic and Circulation;
- Utilities and Service Systems; and,
- Tribal Cultural Resources

However, based on the EIR analysis, it was concluded that nearly all of the issues identified above could be mitigated to a less-than-significant level through the imposition of mitigation measures. It is important to note that, as required by CEQA, the mitigation measures included in this EIR were designed to mitigate the specific impacts of the proposed project and were not intended to mitigate existing conditions in the area except to the extent the development of lots in Zone 2 exacerbates such conditions. As part of the preparation of the Final EIR, Staff augmented proposed mitigation measures including further expanding drainage plan submittal requirements and certifications. It should be noted that the proposed mitigation measure HQW-3(a) includes a provision establishing a maximum lot coverage of 25% for the 31 undeveloped Zone 2 lots subject to this code amendment. This mitigation measure would reduce the lot coverage of those RS-2 properties from 40% to 25%. This change would serve to minimize impervious surface coverage and further reduce water runoff from developed properties. City Staff also proposed a new mitigation measure to track construction activity associated with the future development of the 31 undeveloped lots in order to provide City Staff and area residents with a geographic information systems (GIS) development-monitoring resource. The potential impacts and the appropriate mitigation measures related to these environmental factors are summarized in the Executive Summary included in the Final EIR, a copy of which is available for review [here](#). The proposed mitigation measures would also become part of the Mitigation Monitoring and Reporting Program for the project that is included in the Appendices of the Final EIR, a copy of which is available for review [here](#).

The Final EIR identifies potentially-significant environmental impacts with respect to Traffic and Circulation that cannot be fully mitigated and are, therefore, considered significant and unavoidable. Specifically, the impacts are based on an assessment of a complete build out of the project area and are associated with 1) increased traffic levels at intersections in the vicinity of the project site; 2) increased traffic levels along roadways in the vicinity of the project area; and 3) temporary construction traffic levels. To the extent that these impacts remain significant and unavoidable, the City Council must adopt a Statement of Overriding Considerations determining that such impacts are acceptable in light of the economic, legal, social, technological or other benefits.

The Final EIR mirrors the Draft EIR in format. The key difference is that the Final EIR includes a “Response to Comments” section (available [here](#)), which provides responses to the 65 comment letters received during the Draft EIR comment period, and

responses to the issues raised verbally by public speakers at the September 17, 2019 City Council hearing. In accordance with CEQA requirements, the responses to comments focus on those comments that pertain to environmental issues. The Final EIR also includes minor modifications to the text of the document for clarification or edits as a result of the comments received from the public during the 45-day comment period. As a result of the responses to comments on the Draft EIR, modifications were made to the document, which are identified in underline for added text and in ~~strikethrough~~ for deleted text.

### *EIR Errata*

The City received 15 letters regarding the Landslide Moratorium Ordinance prior to the September 17, 2019 City Council hearing that were inadvertently omitted from the Final EIR (Attachment D). Of these 15 letters, 13 support the proposed Zone 2 Landslide Moratorium Ordinance revisions and EIR and, therefore, do not require a response. Another letter, from Dennis Gardner, requested rescheduling of the hearing until after the October 7, 2019 deadline for submitting comments on the Draft EIR. The hearing was scheduled, but the City Council will be considering the Final EIR at tonight's meeting. The final letter, from Ellen Wright, raises certain questions about future Zone 2 development, but does not directly address the EIR. Nevertheless, the questions raised by Ms. Wright are listed below, followed by responses to those questions.

#### ***1. How does the City look at fire safety and the ability to fight fires?***

Fire safety procedures are described in Section 4.7, Fire Hazards, of the Draft and Final EIRs. As discussed in Section 4.7, the proposed project would not create any impacts related to fire safety that cannot be mitigated to below a level of significance. Emergency evacuation is further discussed in Response 10.18 in Section 8.0, Responses to Comments on the Draft EIR, of the Final EIR.

#### ***2. Will Mr. York's road be used to get equipment into place to fight fires?***

The York property is private property so the City cannot compel the property owner to provide specific access to the project area. That said, in case of emergency, response personnel would be expected to use whatever means of access is necessary to address the emergency, including the use of private property.

#### ***3. Will neighborhood rules be monitored and policed?***

The Portuguese Bend Community Association will be responsible for policing of its rules. The City will enforce applicable Municipal Code requirements, as well as mitigation measures adopted as part of the Final EIR based on permits issued.

#### ***4. Will Zone 2 open at once or will there be a lottery regarding who builds first and the timeframe for construction?***

Individual property owners would be able to submit development applications at any time once the new provisions of Exception Category P(2) are in effect. There is no lottery or specific timeframe for submittal and approval of individual development applications. Based upon past experience with *Monks* plaintiffs' lots in Zone 2, construction of individual homes would be expected to take a year or more. Although the analyses in the EIR assessed project impacts at full build-out of the 31 undeveloped lots, City Staff is of the opinion that not all of the lots will be developed at once.

### **5. *What is the timeframe in which construction of new homes will start?***

The timeframe for new construction cannot be predicted with certainty. Individual property owners would be able to submit development applications at any time after the ordinance amending Chapter 15.20 becomes effective. The approval process for any individual home would likely take at least several months and then construction would typically take a year or more to complete. It is anticipated that full buildout of the remaining vacant Zone 2 lots would occur over a period of several years at least.

#### *EIR Findings*

Pursuant to CEQA requirements, the City is required to adopt two sets of findings prior to approving a project that will generate a significant impact on the environment, which include 1) a Statement of Facts and Findings, and 2) a Statement of Overriding Considerations and are further discussed below:

#### Statement of Facts and Findings:

The Statement of Facts and Findings identifies the significant impacts, presents facts supporting the conclusions reached in the analysis, makes one or more of the following three findings for each impact, and explains the reasoning behind the City's findings. The possible findings are as follows:

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

In summary, Staff believes that Finding No.1 can be adopted with respect to most project impacts since changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR. Based on the development parameters in the proposed amendment to Chapter 15.20 and mitigation measures identified in the Final EIR, this finding can be made and adopted.

Statement of Overriding Considerations:

The Statement of Overriding Considerations is required when a project will cause unavoidable significant impacts that cannot be mitigated to less-than-significant levels. Although mitigation measures for potential project impacts have been included where feasible, the following project impact cannot be fully mitigated:

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

Details of these significant unavoidable adverse impacts are discussed in the Final EIR and are summarized in Section VI, *Environmental Effects That Remain Significant and Unavoidable after Mitigation, and Findings*, in the Statement of Facts and Findings and Statement of Overriding Considerations, a copy of which is available for review [here](#). Staff believes that, to the extent that significant Traffic and Circulation impacts would remain as identified in the Statement of Facts and Findings, these impacts are acceptable and are outweighed by economic, legal, social, and other benefits of the project. Furthermore, the alternatives that were identified in the Final EIR would not provide the project benefits to the same extent as the proposed project. Staff offers the following findings as a basis for adopting the Statement of Overriding Considerations:

1. The City of Rancho Palos Verdes finds that all feasible mitigation measures have been imposed to lessen project impacts to a less-than-significant level and that alternatives to the project are infeasible because, while they have similar or fewer/reduced environmental impacts, they do not provide all of the benefits of the project, or are otherwise socially or economically infeasible when compared to the project, as described in the Statement of Facts and Findings.
2. The City of Rancho Palos Verdes finds that the City could be exposed to legal challenge from the owners of the 31 developable non-*Monks* parcels if the Zone 2 Landslide Moratorium Ordinance Revisions are not adopted. The identified significant impacts would not be severe enough to outweigh the potential adverse impact to the City of a successful legal challenge, which could result in an outcome similar to the proposed ordinance revisions.
3. The City of Rancho Palos Verdes finds that it is in the best interest of the City and the Zone 2 property owners to allow all Zone 2 landowners the opportunity to apply to build single-family residences on their parcels, a

condition that already exists for other Zone 2 parcels, and that has existed in the past when the existing single-family residences and associated features were constructed.

4. The City of Rancho Palos Verdes finds that, while Mitigation Measure T-2 may not be feasible, the benefit of preserving the value of the semi-rural character of the proposed intersection area outweighs the significant impact on traffic and circulation in the area. It is in the best interest of the City and the Rancho Palos Verdes community to maintain the bike lanes rather than convert the bike lanes to additional motor vehicle lanes.
5. The City of Rancho Palos Verdes finds that installation of a traffic signal at Via Rivera/Hawthorne Boulevard may be feasible and may be implemented at some point if consistent with the City of Rancho Palos Verdes General Plan. City Staff will continue to study the overall traffic patterns for that portion of the City to determine the best overall solutions. Therefore, implementation of a signal is not warranted at this time, particularly in light of the relatively small contribution of project-generated traffic at that location.

It should be noted that the text of Finding No. 4, listed above, was updated to provide additional clarity from the version of the Final EIR and in the Statement of Facts and Findings and Statement of Overriding Considerations that was initially made available to the public on November 1, 2019. Specifically, the clarification was made with respect to City's intent to maintain bike lanes rather than convert those lanes to motor vehicle lanes.

Therefore, having reviewed and considered the information contained in the Final EIR, Technical Appendices and the public record, City Staff believes that the benefits of the proposed project to the City, Zone 2 property owners and the general public have been balanced against the unavoidable adverse environmental impacts in reaching a decision on this project, and that a Statement of Overriding Considerations can be adopted.

#### **ADDITIONAL INFORMATION:**

##### Public Notice

As a result of the public hearing notice that was published in the Peninsula News on October 31, 2019, Staff received 13 public comments prior to the date that this report was completed. Of the comments that were received, eight expressed support for the proposed Zone 2 Landslide Moratorium Ordinance revisions and Final EIR. The remaining five comment letters expressed concerns with the general issues listed below:

- Traffic issues
- Roadway design
- Emergency access
- Landslide activity

- Neighborhood compatibility concerns

In reviewing the comments that were received in response to the Final EIR notice, Staff determined that the issues and topics raised are similar to those raised in other comments on the Draft EIR. Accordingly, Staff believes that no new impacts have been identified that warrant recirculation of the Final EIR or significant amendments to the analysis contained therein.

#### Undeveloped *Monks* Plaintiffs' Lots

As of August 2019, eight *Monks* plaintiffs' lots have been developed with residences and ancillary site improvements, with three additional lots currently in construction. In addition, the owner of one lot is currently pursuing building permit issuance. Four *Monks* plaintiffs' lots remain vacant, with the owners having previously obtained LMEs, but which have subsequently expired. The proposed development criteria and mitigation measures associated with this code amendment request currently do not apply to the four undeveloped *Monks* plaintiffs' lots. This is because the Final EIR and code amendment before the Council this evening did not include environmental review for the remaining *Monks* plaintiffs' lots. To apply these standards, it would require assessing the potential impacts of imposing these new regulations on those lots. In the coming months, after completing the additional environmental review necessary, Staff will return to the City Council with a proposal to impose these same standards on currently undeveloped *Monks* plaintiffs' lots in Zone 2. In the meantime, these lots can proceed with permitting based on the current code requirements.

#### Future Revisions to Language of Landslide Moratorium Ordinance

Since its adoption, Chapter 15.20 of the Municipal Code has been referred to as the "landslide moratorium ordinance." Under California law, however, a moratorium may not last longer than two years. Furthermore, as Chapter 15.20 has been amended repeatedly over the years, it has become less a prohibition on development in the landslide area and more a means of allowing development and conditioning it so as not to exacerbate land movement and to protect the public health and safety. Accordingly, Staff recommends the title and language of Chapter 15.20 be changed to better reflect the objectives of the chapter. In the coming months, Staff will return to the City Council with a proposed revision of Chapter 15.20 that will eliminate the use of the word "moratorium," but otherwise preserve the development limitations and conditions currently in effect.

### **CONCLUSION:**

For the reasons described throughout this report, based on the discussion and analyses contained in the Final EIR and the conditions that have been included to mitigate adverse environmental impacts, City Staff recommends that the City Council 1) adopt Resolution No. 2019-\_\_\_\_, certifying the Environmental Impact Report, making certain environmental findings pursuant to CEQA, adopting a Statement of Overriding

Considerations, and adopting a Mitigation Monitoring and Reporting Program; and 2) introduce Ordinance No. \_\_\_, amending Municipal Code Chapter 15.20.040 (Exceptions) of Title 15 (Buildings and Construction) to amend Exception Category 'P' allowing for the residential development of an additional 31 undeveloped lots in Zone 2 of the City's Landslide Moratorium Area.

## **ALTERNATIVES:**

In addition to the City Staff recommendations, the following alternative actions are available for consideration by the City Council:

1. Continue the public hearing to a date certain to allow additional time for the public to review the Final EIR and the responses to the comments received on the Draft EIR; or,
2. Identify any issues of concern and provide Staff with direction in addressing such issues; or,
3. Take no action and table this item, thereby not adopting any amendments to the City's Landslide Moratorium Ordinance and not establishing an exception category to allow the development of 31 undeveloped non-Monks lots in Zone 2.

**RESOLUTION NO. 2019-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES CERTIFYING AN ENVIRONMENTAL IMPACT REPORT; MAKING CERTAIN ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR PLANNING CASE NO. PLCA2018-0004 (CODE AMENDMENT) FOR AMENDMENTS TO CHAPTER 15.20 (MORATORIUM ON LAND USE PERMITS) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE RANCHO PALOS VERDES MUNICIPAL AMENDING EXCEPTION CATEGORY 'P' TO ALLOW FOR THE FUTURE DEVELOPMENT OF 31 UNDEVELOPED LOTS IN ZONE 2 OF THE CITY'S LANDSLIDE MORATORIUM AREA.**

WHEREAS, on October 14, 2009, the City commenced the processing of a Code Amendment to Chapter 15.20 (Moratorium on Land Use Permits) of Title 15 (Buildings and Construction) of the Rancho Palos Verdes Municipal Code to allow for the future residential development of 31 undeveloped lots in Zone 2 of the City's Landslide Moratorium Area (LMA) ("Project"); and,

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 2100 *et seq.* ("CEQA"), the State's CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 *et seq.*, the City's Local CEQA Guidelines, and Government Code Section 65962.5(f) (Hazardous Waste and Substances Statement), the City of Rancho Palos Verdes prepared an Environmental Impact Report (EIR); and,

WHEREAS, on January 3, 2011, the City prepared an Initial Study (IS) and a Notice of Preparation (NOP) for the proposed project, which were released to the public and public agencies for review; and,

WHEREAS, on February 1, 2011, the City Council conducted a public scoping meeting to provide a forum for agencies and members of the community to provide verbal comments on the IS and NOP; and,

WHEREAS, on September 21, 2012, the Draft EIR was made available to the public for review and subsequently the City Council conducted a public hearing on November 7, 2012 in order to provide the public an opportunity to provide verbal comments on the Draft EIR; and,

WHEREAS, on March 6, 2014, the Final EIR was completed and released to the public for review. The City Council conducted public hearing on April 15, 2014, May 6,

2014 and June 17, 2014 to allow additional time for the public to submit comments related to the EIR and proposed project, as well as to allow staff and the City's consultants to address additional comments made by the public and any issues raised by the City Council; and,

WHEREAS, on August 5, 2014, the City Council conducted a public hearing on the Final EIR and after considering evidence introduced into the record, tabled the certification of the Final EIR and the adoption of the proposed Zone 2 Landslide Moratorium Ordinance Revisions; and,

WHEREAS, on November 8, 2018, the City re-initiated the environmental review process for the proposed Zone 2 Landslide Moratorium Ordinance Revisions with the circulation of an NOP, which provided for a 30-day public scoping period. The City re-initiated the process to amend the City's Landslide Moratorium to allow for the future development of 31 undeveloped lots in Zone 2 of the City's LMA. Several properties in the Zone 2 had been residentially developed or were in the process of being developed and the City sought to assess how changed conditions affect the surrounding environment. The City also re-initiated the process in response to litigation filed by a group of property owners in Zone 2 seeking to develop their properties; and,

WHEREAS, after the NOP comment period ended, the Updated Draft EIR was prepared taking into account comments that were submitted during the public scoping period and a Notice of Availability (NOA) was issued by the City on August 22, 2019, which informed State and local agencies, interested parties and the public that the updated Draft EIR was available for review, and providing for a 45-day public comment period, which ended on October 7, 2019; and,

WHEREAS, the IS included in the Updated Draft EIR that was prepared in 2011 as part of the original environmental review for the Zone 2 Landslide Moratorium Ordinance Revisions. The IS project description reflected the 47 lots that were undeveloped at that time. It also reflected the CEQA Guidelines environmental checklist that was in place at that time. Although the IS was not updated when the new NOP was released in 2018, the recirculated Draft EIR reflects both the current number of undeveloped and unentitled lots (31) and new relevant issues (such as Tribal Cultural Resources) that are included in the current CEQA Guidelines; and,

WHEREAS, on September 17, 2019, the City Council conducted a public hearing in order for the City to receive public oral comments regarding the Updated Draft EIR; and,

WHEREAS, on October 31, 2019, the Community Development Department issued a notice informing the public that the Final EIR would be available for review on November 1, 2019. The notice was provided via mail to property owners in and within a 500-foot radius of Zone 2 and was published in the *Peninsula News* on October 31, 2019. A notice of the meeting was also provided by email to interested parties through the City's listserv message system for this project, and posted citywide on the City's Nextdoor social

media page. The notice also informed the public that a public hearing was scheduled with the City Council on November 19, 2019, to consider certification of the Final EIR and approval of the proposed code amendment; and,

WHEREAS, on November 1, 2019, the Final EIR was made available on the City's website and hard copies of the documents were also made available to the public at the locations specified in the notice, including but not limited to, City Hall and the Hesse Park Community Building; and,

WHEREAS, at its November 19, 2019, meeting, the City Council held a duly-noticed public hearing, at which time all interested parties were given an opportunity to be heard and further present evidence regarding the proposed Code Amendment, the Final EIR and the responses to the comments received regarding the Draft EIR.

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

**Section 1:** The City Council has independently reviewed and considered the content of the Final EIR, the public comments on it, and other evidence before the City Council on the proposed Ordinance Revisions. The City finds that the Final EIR reflects the independent judgment of the City Council as to the proposed project. The City Council further finds that the additional information provided in the staff reports, in the Final EIR and the evidence presented in written and oral testimony at the City Council hearing do not constitute new information requiring further re-circulation of the EIR under CEQA. None of the information presented to the City Council deprived the public of a meaningful opportunity to comment upon a substantial environmental impact of the Project or a feasible mitigation measure or alternative that the City has declined to implement.

**Section 2:** The City Council finds that the comments regarding the Draft EIR and the responses to those comments were received by the City Council; that the City Council received documents and public testimony regarding the adequacy of the EIR; and that the City Council reviewed and considered all such documents and testimony, and the Final EIR. In accordance with Guidelines Section 15090, the City Council hereby certifies that the Final EIR has been completed in compliance with CEQA, as to the Project.

**Section 3:** Based upon the Final EIR and the record before the City Council, the City Council finds that the Project will create significant and unavoidable impacts to Traffic and Circulation (specifically, with respect to Intersections, Roadway Segments, and Temporary Construction Impacts). These significant impacts are further described in the attached Exhibit "A", entitled "titled Statement of Facts and Findings and Statement of Overriding Considerations Regarding the Environmental Effects of the Zone 2 Landslide Moratorium Revisions," which is attached hereto and incorporated herein by this reference, and in the Final EIR. The findings in Exhibit "A" explain that all feasible mitigation has incorporated to reduce the level of these impacts to the level of

insignificance to the degree feasible, but that even after mitigation, these impacts remain significant.

**Section 4:** The EIR describes, and the City Council has fully considered, a reasonable range of alternatives to the Project. With respect to each of the alternatives analyzed in the EIR, the Council hereby makes the findings, set forth in Exhibit "A" which is attached hereto and incorporated by reference. On the whole, the Project is environmentally superior to other feasible alternatives. As such, the City Council finds that all other alternatives and variations are infeasible or are not environmentally preferable for the reasons set forth in Exhibit "A".

**Section 5:** With the appropriate mitigation measures, which include, but not limited to, the requirement for Neighborhood Compatibility Analysis for new residences; limitations on exterior illumination; imposition of City and regional restrictions upon fugitive dust control and construction vehicle emissions; preparation of biological surveys for properties identified as containing sensitive vegetation communities; protection of cultural and tribal cultural resources during grading operations; completion of geotechnical analysis of any proposed grading and construction prior to building permit issuance; imposition of fire protection requirements upon construction of new structures in accordance with the City's most recently-adopted Building Code; control and treatment of site run-off both during and after construction; limitations on construction hours and haul routes; the tracking of construction activity; adherence to traffic and access requirements established by the local Homeowners Association; and connection of all new structures to the Abalone Cove Sewer System, the proposed project will not have a significant impact on the environment.

**Section 6:** For the significant and unavoidable impact related to Traffic and Circulation (specifically, with respect to Intersections, Roadway Segments, and Temporary Construction Impacts), as identified in the Final EIR as "significant and unavoidable," the City Council hereby adopts the "Statement of Overriding Considerations" that is set forth in Exhibit "A", which is attached hereto and incorporated herein by reference. The City Council finds that each of the overriding benefits, by themselves, would justify proceeding with the Project despite any significant and unavoidable impacts identified in the Final EIR.

**Section 7:** The City Council hereby adopts the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit "B" and incorporated herein by this reference, and imposes each mitigation measure as a condition of the Project's approval. City Staff shall be responsible for the enforcement and monitoring of the mitigation measures as described in Exhibit "B".

**Section 8:** Planning Case No. PLCA2018-0004 for the Zone 2 Landslide Moratorium Revisions is consistent with the City's General Plan and with the underlying residential designations, which will not be changed as a result of the approval of the proposed Project.

**Section 9:** For the foregoing reasons and based on the information and findings included in the Staff Reports, Environmental Assessment and other components of the legislative record, in the Final EIR, and in the attached Exhibit "A", entitled "Statement of Facts and Findings and Statement of Overriding Considerations Regarding the Environmental Effects for the Zone 2 Landslide Moratorium Ordinance Revisions," the City Council of the City of Rancho Palos Verdes hereby certifies the Final EIR and adopts the attached Exhibit "A", entitled "Statement of Facts and Findings and Statement of Overriding Considerations Regarding the Environmental Effects for the Zone 2 Landslide Moratorium Ordinance Revisions" and adopts the attached Mitigation Monitoring and Reporting Program (Exhibit "B") associated with Planning Case No. PLCA2018-0004, thereby amending Chapter 15.20 (Moratorium on Land Use Permits) of Title 15 (Building and Construction) of the Rancho Palos Verdes Municipal Code to amend Exception Category 'P' to allow for the future development of 31 undeveloped lots in Zone 2 of the City's Landslide Moratorium Area.

**Section 10:** The City Clerk shall certify to the passage, approval, and adoption of this Resolution, and shall cause this Resolution and her certification to be entered in the Book of Resolutions of the City Council.

PASSED, APPROVED, AND ADOPTED this 19<sup>th</sup> day of November 2019.

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Mayor

ATTEST:

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City Clerk

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

I, EMILY COLBORN, City Clerk of the City of Rancho Palos Verdes, do hereby certify that the above Resolution No. 2019-\_\_, was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on November 19, 2019.

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City Clerk

CITY OF RANCHO PALOS VERDES CITY COUNCIL RESOLUTION NO. \_\_\_\_

**EXHIBIT "A"**

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

**SCH # 2010121073**

Lead Agency:  
**City of Rancho Palos Verdes**  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, California 90275  
Contact: Octavio Silva, Senior Planner  
(310) 544-5234

November 2019

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## STATEMENT OF FACTS AND FINDINGS

### I INTRODUCTION

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

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

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

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

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

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

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



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

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

The Final EIR is comprised of the following elements:

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

The remainder of this document is organized as follows:

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



## II DESCRIPTION OF PROJECT PROPOSED FOR APPROVAL

The proposed Zone 2 Landslide Moratorium Ordinance Revisions project applies to the approximately 112-acre “Zone 2 Landslide Moratorium Ordinance”<sup>1</sup> area, located north of the intersection of Palos Verdes Drive South and Narcissa Drive in the Portuguese Bend area of the Palos Verdes Peninsula, within the City of Rancho Palos Verdes, County of Los Angeles, California. This area, located on the hills above the south-central coastline of the City, is in the City’s larger (approximately 1,200-acre) Landslide Moratorium Area (LMA). Zone 2 consists of 111 individual lots. Of these, 72 lots are developed with residences and accessory structures (including 8 Monks Plaintiffs’ lots), 3 additional lots are currently in construction, the owner of 1 lot is currently pursuing building permit issuance, owners of 4 lots have obtained Landslide Moratorium Exception (LME) permits that have subsequently expired, and 31 are undeveloped lots with no entitlements. These latter 31 are the focus of the EIR.

Landslide Moratorium Ordinance Revisions. Section 15.20.040 of the Rancho Palos Verdes Municipal Code establishes the process for requesting exceptions from the City’s landslide moratorium regulations. The current (amended in 2009) Municipal Code Section 15.20.040(P) includes the following category of exception to the moratorium on “the filing, processing, approval or issuance of building, grading or other permits” within the existing landslide moratorium area:

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

*...P. The construction of residential buildings, accessory structures, and grading totaling less than one thousand cubic yards of combined cut and fill and including no more than fifty cubic yards of imported fill material on the sixteen undeveloped lots in Zone 2 of the “Landslide Moratorium Area” as outlined in green on the landslide moratorium map on file in the Director’s office, identified as belonging to the plaintiffs in the case “Monks v. City of Rancho Palos Verdes, 167 Cal. App. 4th 263, 84 Cal. Rptr. 3d 75 (Cal. App. 2 Dist., 2008)”; provided, that a landslide moratorium exception permit is approved by the Director, and provided that the project complies with the criteria set forth in Section 15.20.050 of this Chapter. Such projects shall qualify for a landslide moratorium exception permit only if all applicable requirements of this Code are satisfied, and the parcel is served by a sanitary sewer system. Prior to the issuance of a landslide moratorium exception permit, the applicant shall submit to the Director any geological or geotechnical studies reasonably required by the City to demonstrate to the satisfaction of the City geotechnical staff that the proposed project will not aggravate the existing situation.*

The proposed landslide moratorium ordinance revisions would revise the language of this section to encompass all 31 undeveloped lots in Zone 2, rather than restricting it to only the Monks plaintiffs’ lots. This would allow for the future submittal of LMEs for all undeveloped

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<sup>1</sup> According to the June 1, 1993 “[Dr. Perry] Ehlig memo”, Zone 2 includes “Subdivided land unaffected by large historic landslides”. And, “Zone 2 includes about 130 acres within existing Tract 14195 and Tract 14500 (except lots 1, 2, 3 and 4 which are in the Portuguese Bend landslide), and the subdivided land served by Vanderlip Drive. It is an area of subdued topography within the central part of the large ancient landslide. Slopes of 5:1 and less prevail over most of the central and downhill parts of Zone 2. Slopes generally range between 5:1 and 3:1 in the uphill part”.



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

Future Development Potential. The potential granting of up to 31 LME requests under the proposed ordinance revisions would permit individual property owners to apply for individual entitlements to develop their lots. The undeveloped lots within Zone 2 are held in multiple private ownerships so the timing and scope of future development is not known. For the purposes of this EIR, it is assumed that development would occur over a period of at least 10 years from adoption of the ordinance revisions in a manner consistent with the private architectural standards adopted by the Portuguese Bend Community Association and the City's underlying RS-1 and RS-2 zoning regulations. Therefore, the future development assumptions for Zone 2 include the following:

- 31 one-story, ranch-style residences with attached or detached three-car garages, with minimum living area of 1,500 square feet and an approximate maximum living area of 4,000 square feet or 15% of gross lot area, whichever is less;
- Up to 1,000 cubic yards of grading (cut and fill combined) per lot, with no more than 50 cubic yards of imported fill and up to 1,000 cubic yards of export per lot;
- Maximum 25% (RS-1) or 40% (RS-2) net lot coverage;<sup>2</sup>
- Maximum building height of 16 feet for residences and 12 feet for detached accessory structures, based on the City's "building pad" height requirements;
- Minimum front setbacks of 20 feet, minimum rear setbacks of 15 feet, minimum street-side setbacks of 10 feet, and minimum interior side setbacks of 5 feet, with setbacks along private street rights-of-way measured from the easement line rather than the property line; and,
- No subdivision of existing lots within Zone 2.

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



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

The City of Rancho Palos Verdes conducted an Initial Study to determine the potentially significant effects of the project. The Initial Study was prepared in 2011 as part of the original environmental review for the Zone 2 Landslide Moratorium Ordinance Revisions. The Initial Study analysis reflects the 47 lots that were either undeveloped or had no development entitlement at that time. It also reflects the CEQA Guidelines environmental checklist that was in place at that time. Although the Initial Study was not updated when the new NOP was released in 2018, the recirculated Draft EIR reflects both the current number of undeveloped/unentitled lots (31) and new relevant issues (such as tribal cultural resources) that are included in the current CEQA Guidelines. In the course of the Initial Study evaluation, certain impacts of the project were found to be less than significant due to the inability of a project of this scope to create such impacts or the absence of project characteristics producing effects of this type. The effects determined not to be significant are not included in primary analysis sections of the Final EIR (refer to Appendix A, *Initial Study and Notice of Preparation*, of the Final EIR).

#### **AGRICULTURAL RESOURCES**

*Will the Project:*

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

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

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

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

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

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



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

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

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

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

## **AIR QUALITY**

*Will the Project:*

*Create objectionable odors affecting a substantial number of people?*

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

## **CULTURAL RESOURCES**

*Will the Project:*

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

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

## **Geology and Soils**

*Will the Project:*

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



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

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

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

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

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

## **HAZARDS AND HAZARDOUS MATERIALS**

*Will the project:*

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

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

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



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

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

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

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

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

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

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

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

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

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

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



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

## **HYDROLOGY AND WATER QUALITY**

*Will the Project:*

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

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

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

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

## **LAND USE AND PLANNING**

*Would the Project:*

*Physically divide an established community?*

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

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

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



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

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

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

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

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

## MINERAL RESOURCES

*Would the Project:*



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

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

## NOISE

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

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

## POPULATION AND HOUSING

*Will the project:*

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

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

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

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

## PUBLIC SERVICES

*Would the project:*



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

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

## RECREATION

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

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

## TRANSPORTATION/TRAFFIC

*Will the Project:*

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

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

## UTILITIES AND SERVICE SYSTEMS

*Will the Project:*

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

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

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



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



## **IV EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT IN THE EIR**

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

### **AIR QUALITY**

**Operation of the Project.** Operation of new residences that could be built as a result of the proposed ordinance revisions would generate air pollutant emissions. However, emissions would not exceed SCAQMD operational significance thresholds for ROG, NOX, CO, PM<sub>10</sub> and PM<sub>2.5</sub>. Therefore, operational air quality impacts would be less than significant.

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

**Carbon Monoxide Concentrations from Increased Traffic.** Traffic that could be generated by new residences constructed as a result of adoption of the proposed ordinance revisions, together with cumulative traffic growth in the area, would not create carbon monoxide concentrations exceeding state or federal standards. Localized air quality impacts would therefore be less than significant.

### **BIOLOGICAL RESOURCES**

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

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

### **CULTURAL RESOURCES**

**Paleontological Resources.** Grading for development that could be facilitated by the proposed ordinance revisions has low potential to disturb any paleontological resources. Impacts to paleontological resources would be less than significant.



**Disturbance of Human Remains.** Grading for development that could be facilitated by the proposed ordinance revisions has the potential to disturb human remains, including those interred outside of formal cemeteries. With adherence to existing regulations that address discovery of human remains during grading and construction, impacts would be less than significant.

## GEOLOGY

**Seismically-Induced Ground Shaking.** Seismically-induced ground shaking could result in the exposure of people and structures that could be introduced to the area as a result of the proposed ordinance revisions to adverse effects. However, mandatory compliance with applicable California Building Code requirements would reduce impacts to a less than significant level.

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

## GREENHOUSE GAS EMISSIONS

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

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

## HYDROLOGY AND WATER QUALITY

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

## NOISE

**Construction Noise.** Construction facilitated by the proposed ordinance revisions could generate intermittent levels of groundborne vibration affecting residences and other buildings near the project area. However, these impacts are temporary in nature and would not exceed existing thresholds. Therefore, impacts would be less than significant.



**Traffic Noise.** Traffic generated by the potential development of up to 31 new residences in Zone 2 would incrementally increase noise levels on area roadways. However, the increase in noise would not exceed significance thresholds and would therefore be less than significant.

## TRAFFIC AND CIRCULATION

**CMP Arterial Monitoring Intersections.** Based on Los Angeles County CMP criteria, impacts to CMP identified freeway monitoring segments and arterial intersections as a result of buildout under the proposed project would be less than significant

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



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

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

### **AESTHETICS**

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

**Changes to Scenic Vistas.** The project area is located in a scenic public viewshed of the Pacific Ocean and the Palos Verdes hillsides and coastline. Individual lots and some private roads in the project area also have views of the ocean, hillsides and open space. However, with compliance with applicable standards of the RPVMC, the potential development of up to 31 new single-family residences would not have a substantial adverse effect on a scenic vista. This impact would be less than significant with mitigation incorporated.

#### **Finding**

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

#### **Facts in Support of Finding**

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

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

**Removal of Trees.** Parcels in Zone 2 contain vegetation of varying types and densities, and the development of residences on up to 31 undeveloped and underdeveloped private lots within the project area would likely result in the removal of mature trees and vegetation. Because tree



groupings in the project area have been identified as scenic resources in the General Plan, impacts would be less than significant with mitigation incorporated.

## Finding

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

### Facts in Support of Finding

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

**AES-2 Avoidance of Tree Removal.** As part of approvals for development on the individual subject lots, the City shall require that future development on the affected lots avoid removal of or substantial damage to existing trees to the extent feasible and provided that such trees do not obstruct views in accordance with Section 17.02.040 of the RPVMC. Where tree removal or substantial damage cannot be feasibly avoided during development, tree replacement shall be required using a ratio, stock, species and monitoring requirements sufficient to ensure a minimum 1:1 replacement five or more years after removal. When selecting replacement tree species, consideration should be given to species that, as they grow to full stature, would be less likely to result in obstruction of views for adjacent properties.

**Changes in Project Area Character.** The potential development of additional residences in the Zone 2 project area would introduce new structures and new landscaping and hardscape on up to 31 open and mostly undeveloped sites throughout the Portuguese Bend community. This would incrementally increase the density of development throughout the 112-acre project area. Although the general land use pattern and scale and type of development would be maintained, impacts to the existing visual character and quality of the project area and its surroundings would be less than significant with mitigation incorporated.

## Finding

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

### Facts in Support of Finding

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

**AES-3 Consistency with RPVMC Section 17.02.030.** All new residences shall be consistent with the standards contained in Section 17.02.030 of the RPVMC or will be subject to the requirements of Section 17.02.040 of the RPVMC. Prior to



any grading or building permit issuance, all new residences shall be subject to neighborhood compatibility analysis under the provisions of Section 17.02.030.B (Neighborhood Compatibility) of the Rancho Palos Verdes Municipal Code to verify consistency.

**Light and Glare.** The proposed ordinance revisions would result in new sources of light and glare within the project area due to introduction of up to 31 new residences and associated lighting. Some of the new light and glare would be visible from public and private viewpoints. This impact would be less than significant with mitigation incorporated.

## **Finding**

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

## **Facts in Support of Finding**

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

**AES-4      Exterior Illumination.** Exterior illumination for new residences shall be subject to the provisions of Section 17.56.030 (Outdoor Lighting for Residential Uses) of the Rancho Palos Verdes Municipal Code. Key standards that must be adhered to include the following:

- No outdoor lighting shall be permitted where the light source is directed toward or results in direct illumination of a parcel of property or properties other than that upon which such light source is physically located. Individual, nonreflector, incandescent light bulbs, not exceeding 150 watts each, or an aggregate of one thousand watts for each lot or parcel shall be permitted. On lots exceeding 15,000 square feet, an additional 100 watts in the aggregate shall be permitted for each 1,500 square feet of area or major fraction thereof, by which the lot or parcel exceeds 15,000 square feet; provided, that in no event shall the aggregate exceed 2,000 watts. As used herein, the term "watts" is irrespective of the voltage.
- No outdoor lighting shall be permitted where the light source or fixture, if located on a building, above the line of the eaves, or if located on a standard or pole, more than 10 feet above grade.

## **AIR QUALITY**

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



**Construction-Related Air Emissions.** Project area construction activity would generate temporary air pollutant emissions. However, emissions would not exceed SCAQMD regional or LST construction thresholds for ROC, NOX, CO, PM<sub>10</sub> and PM<sub>2.5</sub>. Nevertheless, mitigation has been proposed to further reduce emissions.

## Finding

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

## Facts in Support of Finding

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

**AQ-1(a) Fugitive Dust Control Measures.** The following shall be implemented during construction to minimize fugitive dust emissions:

- *Soil with 5% or greater silt content that is stockpiled for more than two days must be covered and treated with soil binders to prevent dust generation.*
- *Trucks transporting material must be tarped from the point of origin or must maintain at least two feet of freeboard.*
- *Soil stabilizers must be applied to unpaved roads to prevent excess amounts of dust.*
- *All material excavated or graded must be treated with soil binders preferably in the morning, midday and after work is done for the day.*
- *Ground cover must be replaced in disturbed areas as quickly as possible.*
- *All clearing, grading, earth moving, or excavation activities must cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) so as to prevent excessive amounts of dust.*
- *The contractor must provide adequate loading/unloading areas that limit track-out onto adjacent roadways through the utilization of wheel washing, rumble plates, or another method achieving the same intent.*
- *All material transported off-site must be securely covered to prevent excessive amounts of dust.*
- *Face masks must be used by all employees involved in grading or excavation operations during dry periods to reduce inhalation of dust which may contain the fungus which causes San Joaquin Valley Fever.*
- *All residential units located within 500' of the construction site must be sent a notice regarding the construction schedule of the proposed project. A sign legible at a distance of 50' must also be posted in a prominent and visible location at the construction site and must be maintained throughout the construction process. All notices and the signs must indicate the dates and duration of construction activities, as well as*



*provide a telephone number where residents can inquire about the construction process and register complaints.*

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

**AQ-1(b) Construction Vehicles.** Trucks and other construction vehicles shall not park, queue and/or idle at the construction sites or in the adjoining public or private rights-of-way before 7:00 AM Monday through Friday and before 9:00 AM on Saturday, in accordance with the permitted hours of construction stated in Section 17.56.020.B of the RPVMC.

## BIOLOGICAL RESOURCES

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

**Sensitive Plant Communities.** Development of some of the undeveloped lots in Zone 2 has the potential to significantly impact existing or regrown Coastal Sage Scrub habitat, either through the direct removal of habitat during construction or as a result of Fire Department-mandated fuel modification on- and/or off-site (i.e., in the Reserves) after construction of new residences. This impact would be less than significant with mitigation incorporated.

### Finding

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

### Facts in Support of Finding

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

**BIO-2 Habitat Mitigation.** For lots identified as containing sensitive habitat on the City's most-recent vegetation maps and/or that abut any portion of the current or proposed future boundary of the Palos Verdes Nature Preserve, each applicant shall be required to prepare a biological survey as part of a complete application for the development of the lot. Said survey shall identify the presence or absence of sensitive plant and animal species identified in the City's adopted NCCP/HCP on the subject property, and shall quantify the direct and indirect impacts of construction of the



residence upon such species, including off-site habitat impacts as a result of Fire Department-mandated fuel modification. The applicant and/or any successors in interest to the subject property shall be required to mitigate such habitat loss through the payment of a mitigation fee to the City's Habitat Restoration Fund in compliance with the NCCP/HCP Section 8.2.1.1 prior to issuance of any grading or building permit.

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

### **Finding**

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

### **Facts in Support of Finding**

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

**BIO-3(a) Agency Coordination.** The City shall review each application for construction and determine if proposed development is within the drainage channel in Altamira Canyon. If so, the applicant shall be required to obtain permits, agreements, and/or water quality certifications or correspondence indicating that none are necessary from applicable state and federal agencies regarding compliance with state and federal laws governing work within jurisdictional waters. Such agencies would include the California Department of Fish and Wildlife, the United States Army Corps of Engineers, and the Los Angeles Regional Water Quality Control Board. The applicant shall provide such permits and/or agreements to the City prior to issuance of any grading or building permit.

**BIO-3(b) Habitat Restoration.** In the event that an application for construction would result in the loss of riparian or wetland vegetation, the applicant shall restore such habitat at a minimum ratio of 2:1 for temporary loss and 3:1 for permanent loss. Such restoration can occur either on-site or in disturbed areas of the Palos Verdes Nature Preserve as determined and approved by the City.

**Wildlife Movement.** No significant impacts are anticipated with respect to night lighting and noise given the existing residential use of the area. Although the regionally important habitat area (RIHA) is protected by the policies of the Natural Overlay Control District (OC-1), tree removal associated with development facilitated by the



proposed project could affect birds, including the California gnatcatcher. This impact would be less than significant with mitigation incorporated.

### **Finding**

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

### **Facts in Support of Finding**

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

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

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

### **Finding**



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

## Facts in Support of Finding

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

**BIO-6(a) Structure Location.** To avoid the need for continued fuel management within the Filiorum Reserve, the City shall require that all structures for those lots abutting the Palos Verdes Nature Preserve property boundary are located at least 100 feet from that boundary.

**BIO-6(b) Perimeter Fences.** As part of approvals for development on the individual subject lots, the City shall require that lots adjoining the Palos Verdes Nature Preserve are fenced sufficiently to prevent the ready egress of domestic animals into the Preserve. In addition, no gates or other means of ingress into the Preserve shall be permitted.

**BIO-6(c) Construction Best Management Practices.** The following measures shall be required for those lots that abut the Palos Verdes Nature Preserve as part of construction monitoring for the site:

- *Contractors shall be educated regarding the off-site Preserve and the need to keep equipment and personnel on the construction site prior to the initiation of construction.*
- *Temporary construction fencing shall be placed at the planned limits of disturbance adjacent to the Preserve.*
- *Construction should be scheduled to avoid the bird nesting season (see Mitigation Measure BIO-4 above).*
- *Construction grading adjacent to drainages shall be scheduled for the dry season whenever feasible.*

**BIO-6(d) Construction Staging and Stockpiling Areas.** Grading and building plans submitted for City review and approval for those lots abutting the Palos Verdes Nature Preserve shall identify areas for construction staging, fueling and stockpiling if needed. These areas shall be located as far as practical from the Palos Verdes Nature Preserve and not closer than 50 feet from the Preserve boundary.

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



## CULTURAL RESOURCES

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

**Potential to Disturb Undiscovered Archaeological Resources.** Potential development that the proposed ordinance revisions could facilitate on the undeveloped lots, which could include up to 1,000 cubic yards of grading per lot, has the potential to disturb as-yet undetected areas of prehistoric archaeological and/or tribal cultural significance. This impact would be less than significant with mitigation incorporated.

### Finding

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

### Facts in Support of Finding

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

**CR-1 Cultural Resources Monitoring and Avoidance.** Prior to the issuance of any grading permit, each applicant shall retain and pay for a City-approved qualified archaeologist to monitor all ground disturbance activities associated with the project including, but not limited to, grading, excavating, clearing, leveling and backfilling. The evaluation shall be conducted by an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for prehistoric archaeology (National Park Service 1983) and that is qualified to identify subsurface tribal cultural resources. The archaeologist shall observe all ground disturbing activities on construction sites at times that ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations in the project area, an archaeologist shall be required to monitor each location where the ground disturbance activities are occurring.

Prior to the commencement of any ground disturbance activities at a construction site, the applicant, or its successor, shall notify any California Native American tribes that have informed the City that they are traditionally and culturally affiliated with the geographic area of the proposed project that ground disturbance activities are about to commence and invite the tribes to observe the ground disturbance activities, if the tribes wish to monitor.



In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of the ground disturbance activities, all such activities shall temporarily cease in the area of discovery, the radius of which shall be determined by the qualified archaeologist, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

1. *Upon a discovery of a potential tribal cultural resource, an applicant, or its successor, shall immediately stop all ground disturbance activities, and contact the following: (1) all California Native American Tribes that have informed the City that they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the City's Community Development Department, Planning Division.*
2. *If the City determines, pursuant to Public Records Code Section 21704 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.*
3. *The applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the applicant, or its successor, reasonably concludes that the tribe's recommendations are reasonable and feasible.*
4. *In addition to any recommendations from the applicable tribe(s), the applicant's City-approved qualified archaeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state, or local law, rule or regulation.*
5. *If the applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the applicant, or its successor, may request mediation by the City's mediator. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may: (1) require the recommendation be implemented as originally proposed by the archaeologist; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation to be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate any significant impacts to tribal cultural resources.*



*The applicant, or its successor, shall pay all costs and fees associated with the mediation.*

6. *The applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by a qualified archaeologist and determined to be reasonable and appropriate.*
7. *The applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has compiled with all the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 5 above.*
8. *Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Scared Lands File.*
9. *Notwithstanding paragraph 8 above, any information determined to be confidential in nature, by the City Attorney's Office, shall be excluded from submission to the SCCIC or the general public under the provisions of the California Public Records Act, California Public Resources Code.*

## GEOLOGY

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

**Erosion.** Construction on individual lots in Zone 2 facilitated by the proposed ordinance revisions could cause or accelerate erosion, such that slope failure could occur. Operation of the project, which would allow for 31 single-family homes to be developed in the project area, could potentially cause or accelerate downstream erosion. This impact would be less than significant with mitigation incorporated.

### Finding

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

### Facts in Support of Finding

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



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

**Slope Stability.** The project area is located on a geologic unit that could be unstable or could potentially become unstable as a result of development facilitated by the proposed ordinance revisions. This impact would be less than significant with mitigation incorporated.

## Finding

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

## Facts in Support of Finding

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

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

- *Conform to applicable requirements of the City of Rancho Palos Verdes Landslide Moratorium Ordinance (Rancho Palos Verdes Municipal Code Chapter 15.20.050), some of which are outlined below.*
- *Limit grading to less than 1,000 cubic yards (cut and fill combined including export and import) per lot, with no more than 50 cubic yards of imported fill per lot and 1,000 cubic yards of export.*
- *Agree to participate in the Abalone Cove Landslide Abatement District and/or other recognized or approved districts whose purpose is to maintain the land in a geologically stable condition. No proposed building activity may cause lessening of stability in the zone.*
- *Submit a geotechnical report to the City indicating what, if any, lot-local and immediately adjacent geologic hazards must be addressed and/or corrected prior to, or during construction. Said report shall specify foundation designs based on field and laboratory studies and must be approved by the City's geotechnical reviewers.*
- *Limit post-construction lot infiltration and runoff rates and volume to pre-construction levels through use of appropriate low impact development principles such as, but not limited to, detaining peak flows and use of cisterns, holding tanks, detention basins, bio-retention areas, green roofs, and permeable hardscape.*



- *Connect all houses to a public sanitary sewer system and maintained at the property owner's expense. Any necessary easements shall be provided.*
- *Correct all lot drainage deficiencies, if any, identified by the Director of Public Works.*
- *Collect runoff from all buildings and paved areas not infiltrated or retained/detained on-site to match existing pre-construction conditions and direct runoff to the street or to an approved drainage course as approved by the Director of Public Works.*
- *Comply with all other relevant building code requirements.*

**GEO-3(b) Covenant.** Individual project applicants shall submit for recordation a covenant agreeing to construct the project strictly in accordance with the approved plans and agreeing to prohibit further development on the subject site without first filing an application with the Director pursuant to the terms of Chapter 15.20 of the RPVMC. Such covenant shall be submitted to the Director for recordation prior to the issuance of any grading or building permit.

**Landslides.** The project area is in a Seismic Hazard Zone for earthquake-induced landslides. Therefore, project area development would inherently be subject to risks associated with seismically-induced landslides. This impact would be less than significant with mitigation incorporated.

## Finding

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

## Facts in Support of Finding

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

Mitigation measures GEO-3(a) and GEO-3(b) above would be required to reduce impacts to a less than significant level. In particular, Mitigation Measure GEO-3(a) would require each applicant to submit a geotechnical report for review and approval by the City's geotechnical reviewers indicating any geologic hazards that need to be addressed and/or corrected prior to construction. In addition, Mitigation Measure GEO-3(b) would require each individual project applicant to record a covenant agreeing to construct the project strictly in accordance with the approved plans.

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



## **Finding**

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

### **Facts in Support of Finding**

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

Mitigation measures GEO-3(a) and GEO-3(b) would be required to reduce impacts related to expansive soils. Mitigation Measure GEO-3(a), as described above, requires that the project conform to the City of Rancho Palos Verdes Landslide Moratorium Ordinance, grade up to 1,000 cubic yards per lot, participate in ACLAD and/or other recognized or approved districts whose purpose is to maintain the land in a geologically stable condition, and submit a geotechnical report to the City's geotechnical reviewers prior to construction. Further, Mitigation Measure GEO-3(b) would ensure that these geotechnical report recommendations are actually implemented into the project by requiring individual project applicants to record a covenant agreeing to construct the project strictly in accordance with the approved plans.

## **FIRE PROTECTION**

**Wildland Fires.** The project area is located in a Very High Fire Hazard Severity Zone and is adjacent to the Portuguese Bend and Filiorum Reserves subareas of the Palos Verdes Nature Preserve on the north, east and west. New residences constructed as a result of adoption of the proposed ordinance revisions could expose people or structures to risks associated with wildland fires. This impact would be less than significant with mitigation incorporated.

## **Finding**

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

### **Facts in Support of Finding**

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

**FIRE-1(a) Fuel-Load Vegetation Management.** Each applicant shall be required to prepare a fuel modification plan pursuant to the requirements of LACFD. The City will verify that the LACFD has reviewed and approved the plan prior to issuance of any grading or building permit. The fuel modification plan shall at a minimum include the following:



- Vegetation clearance requirements around all new structures with a minimum 100' buffer, or greater, as determined by LACFD;
- A landscaping plan using plants recommended for the Rancho Palos Verdes area and selected from the desirable plant list for setback, irrigated, or thinning zone; and
- A regularly scheduled brush clearance of vegetation on and adjacent to all applicable access roads, power lines, and structures.

**FIRE-1(b) Fire Protection Requirements.** Prior to any grading or building permit issuance, new single-family residences and related accessory structures shall be designed to incorporate all fire protection requirements of the City's most recently adopted Building Code, to the satisfaction of the Building Official.

## HYDROLOGY AND WATER QUALITY

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

**Sediment and Pollutant Discharge.** During construction of the proposed project, the soil surface would be subject to erosion and the downstream watershed, including the Pacific Ocean, could be subject to temporary sedimentation and discharges of various pollutants. This impact would be less than significant with mitigation incorporated.

### Finding

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

### Facts in Support of Finding

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

**HWQ-1 Construction pollution, sediment and erosion control.** Prior to issuance of any Grading Permit or Building Permit, each applicant shall prepare a Low Impact Development (LID) plan for the review and approval of the Building Official. The applicant shall be responsible for continuous and effective implementation of the plan during construction of each residence. The LID plan shall include Best Management Practices that may include, but not be limited to, the following:

- *Erosion Control. Eroded sediments from areas disturbed by construction*



*and from stockpiles of soil shall be retained on-site to minimize sediment transport from the site to streets, drainage facilities or adjacent properties via runoff, vehicle tracking or wind. Utilize erosion control techniques, such as soil stabilizers, covering soil during construction, wind blocking devices, cease grading during high winds, use of soil binders (watering graded soils should be avoided), filtration devices, and stabilizing ingress/egress points. Reduce fugitive dust to the maximum extent practicable.*

- *BMPs. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs (as approved in Regional Board Resolution No. 99-03), such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.*
- *Pollutant Detainment Methods. Protect downstream drainages from escaping pollutants by capturing materials carried in runoff and preventing transport from the site. Examples of detainment methods that retard movement of water and separate sediment and other contaminants are silt fences, hay bales, sand bags, berms, silt and debris basins.*
- *Construction Materials Control. Construction-related materials, wastes, spills or residues shall be retained on-site to minimize transport from the site to streets, drainage facilities or adjoining properties by wind or runoff. Runoff from equipment and vehicle washing shall be contained at construction sites unless treated to remove sediment and pollutants. Non-stormwater runoff from equipment and vehicle washing and any other activity shall be contained at the construction site.*
- *Recycling/Disposal. Maintain a clean site. This includes proper recycling of construction-related materials and equipment fluids.*
- *Construction Waste Disposal. Clean up and dispose of small construction wastes (i.e., dry concrete) in accordance with applicable regulations and requirements.*

**Surface Water Quality.** Development facilitated by the proposed ordinance revisions would incrementally increase the amount of impermeable surfaces in the project area, and potential new development would also generate various urban pollutants such as oil, herbicides and pesticides, which could adversely affect surface water quality. This impact would be less than significant with mitigation incorporated.

## **Finding**

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

## **Facts in Support of Finding**

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



**HWQ-2 NPDES Review.** Any development proposal located within, adjacent to or draining into a designated Environmentally Sensitive Area (ESA) and involving the creation of two thousand five hundred square feet or more ( $\geq 2,500$  SF) of impervious surface shall require review and approval by the City's NPDES consultant for compliance with applicable NPDES requirements prior to any building or grading permit issuance. Construction must comply with any required NPDES General Construction Permit requirements.

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

### **Finding**

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

### **Facts in Support of Finding**

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

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

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



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

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

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

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



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

### **Finding**

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

### **Facts in Support of Finding**

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

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

**Flood Hazards.** Adoption of the proposed ordinance revisions would allow for the construction of up to 31 single-family homes in the project area. Several of the single-family homes could be constructed in an area in which there is a potential for flood hazards. This impact would be less than significant with mitigation incorporated.

### **Finding**

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

### **Facts in Support of Finding**

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

**HWQ-5 Standards of Construction in a Flood Zone D Area.** Prior to issuance of any grading permit or building permit, the applicant for any construction project located in an area designated as Zone D by FEMA shall comply with the following, pursuant to Section 15.42.120 of the RPVMC. Plans shall be reviewed and approved accordingly by the City Building Official prior to issuance of any grading or building permit:

- *All new construction shall be designed to be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy*
- *All new construction shall be constructed with materials and utility equipment resistant to flood damage*



- *All new construction shall be constructed using methods and practices that minimize flood damage*
- *All new construction shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding*

## NOISE

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

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

## Finding

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

## Facts in Support of Finding

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

**N-1(a) Construction Schedule.** Permitted hours and days of construction activity are 7:00 AM to 6:00 PM, Monday through Friday and 9:00 AM to 5:00 PM Saturday, with no construction activity permitted on Sundays or on the legal holidays specified in Section 17.56.020 of the Rancho Palos Verdes Municipal Code without a special construction permit.

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

- *Large truck deliveries must enter and exit from the Peppertree Gate. Semi-trucks allowed for heavy equipment delivery only. All other deliveries limited to 3 axle or smaller trucks.*
- *Concrete Deliveries: Only one truck on-site at a time. Second and third trucks can stay on Narcissa or Sweetbay. No more than three trucks in PBCA at a time. All trucks must enter and exit through the Peppertree Gate.*
- *Noise from radios or other amplified sound devices shall not be audible beyond the property.*



## UTILITIES AND SERVICE SYSTEMS

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

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

### Finding

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

### Facts in Support of Finding

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

**U-1(a) Participation in Geotechnical Hazard Abatement.** Future project area applicants shall participate in existing or future geological and geotechnical hazard abatement requirements of the City, including but not limited to any easement required by the City to mitigate landslide conditions and the items listed in Measures GEO-3(a) and GEO-3(b) in Section 4.5, *Geology*. Compliance with such measures shall be verified by the Director of Community Development or his/her designee, prior to the issuance of any grading or building permit.

**U-1(b) Review and, as Necessary, Upgrade of Project Area Sewer System.** The City shall update the Abalone Cove Sewer Capacity Report biennially. If deficiencies in the project area sewer system are identified as part of the biennial update, such deficiencies shall be corrected to the satisfaction of the City prior to or in conjunction with any future project area development that would add to or be affected by such deficiencies.

## TRIBAL CULTURAL RESOURCES

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

**Tribal Cultural Resources.** Potential development that the proposed ordinance revisions could facilitate on the undeveloped lots, which could include up to 1,000 cubic yards of grading per



lot, has the potential to disturb as-yet undetected areas of tribal cultural significance. This impact would be less than significant with mitigation incorporated.

### **Finding**

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

### **Facts in Support of Finding**

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

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



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

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

### **TRAFFIC AND CIRCULATION**

**Intersections.** The potential increase in vehicles traveling on the surrounding roadway network from buildout under the proposed ordinance revisions would result in significant impacts at four of the study area intersections under existing plus project conditions. In addition, the increase in vehicle trips under cumulative conditions would result in significant impacts at five of the study area intersections. Mitigation Measures T-1(a) through T-1(d) would reduce impacts to a less than significant level at four of the five intersections that would experience significant impacts. However, because feasible mitigation is not available at the Via Rivera/Hawthorne Boulevard intersection, the impact at that location would be significant and unavoidable.

#### **Findings**

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

#### **Facts in Support of Findings**

The increase in vehicle trips would result in significant impacts at five study area intersections. The mitigation measures listed below would mitigate the impacts at four of these intersections to a less than significant level. Installation of a traffic signal at the Via Rivera/Hawthorne Boulevard intersection could also reduce the impact at that location to a less than significant level. This potential improvement is listed in the City of Rancho Palos Verdes General Plan Update. However, further study would be required to determine when a signal would be needed, how it would be funded, and whether it may have secondary effects that make it undesirable. Consequently, requiring a signal at the Via Rivera/Hawthorne Boulevard intersection is not considered feasible at this time.



**T-1(a) Seahill Drive-Tramonto Drive/Palos Verdes Drive South.** The City shall monitor the level of service at this intersection annually and shall provide a two-way left-turn lane on Palos Verdes Drive South when the improvement is determined to be needed to better facilitate the northbound left-turn movement (i.e., from Seahill Drive) onto westbound Palos Verdes Drive South. *(Note that this improvement is listed in the City of Rancho Palos Verdes General Plan Update).*

**T-1(b) Narcissa Drive/Palos Verdes Drive South.** The City shall monitor the level of service at this intersection annually and shall provide a two-way left-turn lane on Palos Verdes Drive South, east of Narcissa Drive, when the improvement is determined to be needed to better facilitate the southbound left-turn movement (i.e., exiting from Narcissa Drive) onto eastbound Palos Verdes Drive South. The existing westbound left-turn lane at Narcissa Drive (which serves one single family home) shall also be converted to a two-way left-turn lane in order to provide a refuge area for exiting Narcissa Drive motorists to turn into and wait prior to accelerating to merge with the eastbound Palos Verdes Drive South traffic flow.

**T-1(c) Forrestal Drive/Palos Verdes Drive South.** The City shall monitor the level of service at this intersection annually and shall provide a two-way left-turn lane on Palos Verdes Drive South when the improvement is determined to be needed to provide a deceleration and storage area for left-turn vehicles traveling in either direction. *(Note that this improvement is listed in the City of Rancho Palos Verdes General Plan Update).*

**T-1(d) Palos Verdes Drive East/Palos Verdes Drive South.** The City shall monitor the level of service at this location annually and shall provide a two-way left-turn lane on Palos Verdes Drive South when the improvement is determined to be needed to provide a deceleration and storage area for left-turn vehicles traveling in either direction. *(Note that this improvement is listed in the City of Rancho Palos Verdes General Plan Update).*

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

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

#### **Findings**



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

### **Facts in Support of Findings**

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

**T-2 Palos Verdes Drive South east of Narcissa Drive.** Palos Verdes Drive South shall be converted from a 2-lane divided arterial to a 4-lane divided arterial. (*Note that this improvement is listed in the City of Rancho Palos Verdes General Plan Update*).

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

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

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

### **Findings**

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

### **Facts in Support of Findings**

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



**T-4(a) Maintain Access.** Maintain existing access for land uses in proximity to the project area.

**T-4(b) Lane Closure Restrictions.** Limit any potential lane closures to off-peak travel periods.

**T-4(c) Material Deliveries.** Schedule receipt of construction materials during non-peak travel periods and coordinate deliveries to reduce the potential of trucks waiting to unload for extended periods of time.

**T-4(d) Parking Restrictions.** Prohibit parking by construction workers on adjacent streets and direct construction workers to available parking as determined in conjunction with City staff.

**T-4 (e) Portuguese Bend Community Association (PBCA) Building Regulations and Architectural Standards.** Construction activities shall adhere to the following PBCA regulations and standards:

1. *All construction vehicles must be parked on-site and may not be parked on the streets within PBCA. The entrance gate parking area may be used if requested in advance and vehicles will be required to display parking passes.*
2. *Contractor shall not track mud on to the streets from construction vehicles*
3. *Large truck deliveries must enter and exit from the Peppertree Gate. Semi-trucks allowed for heavy equipment delivery only. All other deliveries limited to 3 axle or smaller trucks.*
4. *Concrete Deliveries: Only one truck on-site at a time. Second and third trucks can stay on Narcissa or Sweetbay. No more than three trucks in PBCA at a time. All trucks must enter and exit through the Peppertree Gate.*

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

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



## **VII ALTERNATIVES TO THE PROPOSED PROJECT**

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

### **A NO PROJECT ALTERNATIVE**

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

#### **Finding**

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

#### **Facts in Support of Finding**

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

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

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

### **B REDUCED BUILDING AREA ALTERNATIVE**

Similar to the proposed project, this alternative assumes that the proposed ordinance revisions would potentially allow up to 31 LME requests, which would permit individual property owners to then apply for individual entitlements to develop their lots. However, under this



alternative, the ordinance revisions would further restrict allowable development on each lot so that the overall building area would be reduced by approximately 38%. Development assumptions for this alternative would include the following:

- *Thirty-one single-story, ranch-style residences with attached or detached three-car garages, with minimum living area of 1,500 square feet and maximum living area of 2,500 square feet or 15% of gross lot area, whichever is less;*
- *Less than 500 cubic yards of grading (cut and fill combined) per lot, with no more than 50 cubic yards of imported fill and up to 1,000 cubic yards of export per lot;*
- *Maximum 25% (RS-1) or 40% (RS-2) net lot coverage;*
- *Maximum building height of 16 feet for residences and 12 feet for detached accessory structures;*
- *Minimum front setbacks of 20 feet, minimum rear setbacks of 15 feet, minimum street-side setbacks of 10 feet, and minimum interior side setbacks of 5 feet, with setbacks along private street rights-of-way measured from the easement line rather than the property line; and,*
- *No subdivision of existing lots within Zone 2.*

## Finding

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

## Facts in Support of Finding

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

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



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



## **VIII STATEMENT OF OVERRIDING CONSIDERATIONS**

### **A INTRODUCTION**

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

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

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

### **B SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS**

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

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

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



## C    **OVERRIDING CONSIDERATIONS**

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

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

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

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



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

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



**EXHIBIT "B"**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

CEQA requires adoption of a reporting or monitoring program for the changes made to the project or conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). The mitigation monitoring and reporting program is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the EIR, specifications are made herein that identify the action required and the monitoring that must occur. In addition, an agency responsible for verifying compliance with individual conditions of approval contained in the Mitigation Monitoring and Reporting Program (MMRP) is identified.

To implement this MMRP, the City of Rancho Palos Verdes will designate a Project Mitigation Monitoring and Reporting Coordinator ("Coordinator"). The coordinator will be responsible for ensuring that the mitigation measures incorporated into the project are complied with during project implementation. The coordinator will also distribute copies of the MMRP to those agencies identified in the MMRP, which have partial or full responsibility for implementing certain measures. Failure of a responsible agency to implement a mitigation measure will not in any way prevent the lead agency from implementing the proposed project.

The following table will be used as the coordinator's checklist to determine compliance with required mitigation measures.



Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
<b>AESTHETICS</b>						
<b>AES-2 - Avoidance of Tree Removal.</b> As part of approvals for development on the individual subject lots, the City shall require that future development on the affected lots avoid removal of or substantial damage to existing trees to the extent feasible and provided that such trees do not obstruct views in accordance with Section 17.02.040 of the RPVMC. Where tree removal or substantial damage cannot be feasibly avoided during development, tree replacement shall be required using a ratio, stock, species and monitoring requirements sufficient to ensure a minimum 1:1 replacement five or more years after removal. When selecting replacement tree species, consideration should be given to species that, as they grow to full stature, would be less likely to result in obstruction of views for adjacent properties.	Review of landscape and/or tree replacement plans for individual lots to verify compliance; verify tree survival on-site after five years	Landscape and/or tree replacement plan review once prior to issuance of building permits for individual lots; tree survival verification once after five years	Community Development Department – Planning Division			
<b>AES-3 - Consistency with RPVMC Section 17.02.030.</b> All new residences shall be consistent with the standards contained in Section 17.02.030 of the RPVMC or will be subject to the requirements of RPVMC Section 17.02.040. Prior to any grading or building permit issuance, all new residences shall be subject to neighborhood compatibility analysis under the provisions of Section 17.02.030.B (Neighborhood Compatibility) of the Rancho Palos Verdes Municipal Code to verify consistency.	Review of landscape and development plan for compliance; field inspection to verify compliance	Plan review once prior to issuance of building permits for individual lots; field inspection once prior to issuance of occupancy permits	Community Development Department – Planning Division			
<b>AES-4 - Exterior Illumination.</b> Exterior illumination for new residences shall be subject to the provisions of Section 17.56.030 (Outdoor Lighting for Residential Uses) of the Rancho Palos Verdes Municipal Code. Key standards that must be adhered to include the following: <ul style="list-style-type: none"> <li>• <i>No outdoor lighting shall be permitted where the light source is directed toward or results in direct illumination of</i></li> </ul>	Review of lighting plans for individual lots; field inspection to verify compliance	Lighting plan review once prior to issuance of building permits for individual lots; field inspection once before issuance of occupancy permits	Community Development Department – Planning Division			

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
<p><i>a parcel of property or properties other than that upon which such light source is physically located. Individual, nonreflector, incandescent light bulbs, not exceeding 150 watts each, or an aggregate of 1,000 watts for each lot or parcel shall be permitted. On lots exceeding 15,000 square feet, an additional 100 watts in the aggregate shall be permitted for each 1,500 square feet of area or major fraction thereof, by which the lot or parcel exceeds 15,000; provided, that in no event shall the aggregate exceed 2,000 watts. As used herein, the term "watts" is irrespective of the voltage.</i></p> <ul style="list-style-type: none"> <li>• <i>No outdoor lighting shall be permitted where the light source or fixture, if located on a building, above the line of the eaves, or if located on a standard or pole, more than ten feet above grade.</i></li> </ul>						
<b>AIR QUALITY</b>						
<b>AQ-1(a) - Fugitive Dust Control Measures.</b> The following shall be implemented during construction to minimize fugitive dust emissions: <ul style="list-style-type: none"> <li>• <i>Soil with 5% or greater silt content that is stockpiled for more than two days must be covered and treated with soil binders to prevent dust generation.</i></li> <li>• <i>Trucks transporting material must be tarped from the point of origin or must maintain at least two feet of freeboard.</i></li> <li>• <i>Soil stabilizers must be applied to unpaved roads to prevent excess amounts of dust.</i></li> <li>• <i>All material excavated or graded must be treated with soil binders preferably in the morning, midday and after work is done for the day.</i></li> <li>• <i>Ground cover must be replaced in disturbed areas as quickly as possible.</i></li> </ul>	Verify in the field during grading and construction on individual lots	Periodically throughout grading and construction on individual lots	Onsite construction manager, Community Development Department – Building and Safety Division			

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/ Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
<ul style="list-style-type: none"> <li><i>All clearing, grading, earth moving, or excavation activities must cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) so as to prevent excessive amounts of dust.</i></li> <li><i>The contractor must provide adequate loading/unloading areas that limit track-out onto adjacent roadways through the utilization of wheel washing, rumble plates, or another method achieving the same intent.</i></li> <li><i>All material transported off-site must be securely covered to prevent excessive amounts of dust.</i></li> <li><i>Face masks must be used by all employees involved in grading or excavation operations during dry periods to reduce inhalation of dust which may contain the fungus which causes San Joaquin Valley Fever.</i></li> <li><i>All residential units located within 500' of the construction site must be sent a notice regarding the construction schedule of the proposed project. A sign legible at a distance of 50' must also be posted in a prominent and visible location at the construction site and must be maintained throughout the construction process. All notices and the signs must indicate the dates and duration of construction activities, as well as provide a telephone number where residents can inquire about the construction process and register complaints.</i></li> <li><i>Visible dust beyond the property line emanating from the project must be prevented to the maximum extent feasible.</i></li> <li><i>These control techniques must be indicated in project specifications. Compliance with the measure shall be</i></li> </ul>						

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
<i>subject to periodic site inspections by the City.</i>						
<b>AQ-1(b) - Construction Vehicles.</b> Trucks and other construction vehicles shall not park, queue and/or idle at the construction sites or in the adjoining public or private rights-of-way before 7:00 AM Monday through Friday and before 9:00 AM on Saturday, in accordance with the permitted hours of construction stated in Section 17.56.020.B of the RPVMC.	Verify in the field during grading and construction on individual lots	Periodically throughout grading and construction on individual lots	Onsite construction manager, Community Development Department – Building and Safety Division			
<b>BIOLOGICAL RESOURCES</b>						
<b>BIO-2 - Habitat Mitigation.</b> For lots identified as containing sensitive habitat on the City's most-recent vegetation maps and/or that abut any portion of the current or proposed future boundary of the Palos Verdes Nature Preserve, each applicant shall be required to prepare a biological survey as part of a complete application for the development of the lot. Said survey shall identify the presence or absence of sensitive plant and animal species identified in the City's adopted NCCP/HCP on the subject property, and shall quantify the direct and indirect impacts of construction of the residence upon such species, including off-site habitat impacts as a result of Fire Department-mandated fuel modification. The applicant and/or any successors in interest to the subject property shall be required to mitigate such habitat loss through the payment of a mitigation fee to the City's Habitat Restoration Fund in compliance with the NCCP/HCP Section 8.2.1.1 prior to issuance of any grading or building permit.	Verify completed surveys for individual lots, if applicable; verify that prescribed measures are undertaken if species observed	Review of surveys once prior to issuance of grading permits for individual lots; verification that mitigation performed/fee paid once prior to issuance of occupancy permits	Community Development Department – Planning Division			

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
<b>BIO-3(a) - Agency Coordination.</b> The City shall review each application for construction and determine if proposed development is within the drainage channel in Altamira Canyon. If so, the applicant shall be required to obtain permits, agreements, and/or water quality certifications or correspondence indicating that none are necessary from applicable state and federal agencies regarding compliance with state and federal laws governing work within jurisdictional waters. Such agencies would include the California Department of Fish and Wildlife, the United States Army Corps of Engineers, and the Los Angeles Regional Water Quality Control Board. The applicant shall provide such permits and/or agreements to the City prior to issuance of any grading or building permit.	Review of plans for individual lots to verify compliance with, as necessary, any permit, agreement, certification, or correspondence	Once prior to issuance of grading permits for individual lots	Community Development Department – Planning and Building and Safety Divisions			
<b>BIO 3(b) - Habitat Restoration.</b> In the event that an application for construction would result in the loss of riparian or wetland vegetation, the applicant shall restore such habitat at a minimum ratio of 2:1 for temporary loss and 3:1 for permanent loss. Such restoration can occur either on-site or in disturbed areas of the Palos Verdes Nature Preserve as determined and approved by the City.	Review of landscape or other plans for individual lots to verify compliance	Once prior to issuance of grading permits for individual lots	Community Development Department – Planning Division			
<b>BIO-4 - Nesting Bird Surveys and Avoidance.</b> The City shall require that tree pruning and removal be conducted outside of the bird breeding season (generally January 31 through September 30). If vegetation clearing (including tree pruning and removal) or other project construction is to be initiated during the bird breeding season, pre-construction nesting bird surveys shall be conducted by a City-approved biologist. To avoid the destruction of active nests and to protect the reproductive success of birds protected by MBTA and the Fish and Game Code of	Verify completed surveys, if applicable; verify that prescribed measures taken if species observed	Once prior to issuance of grading permits for individual lots; if work is planned during nesting season, periodically during grading and construction	Community Development Department – Planning Division			

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
California, the nesting bird surveys shall be performed twice per week during the three weeks prior to the scheduled felling of the trees on the site. If any active non-raptor bird nests are found, the tree(s) or vegetation shall not be cut down; a suitable buffer area (varying from 100-300 feet), depending on the particular species found, shall be established around the nest and avoided until the nest becomes inactive (vacated). If any active raptor bird nests are found, a suitable buffer area (at least 500 feet from the nest) depending upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site, shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the City-approved biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting birds surveys are not required for construction activities occurring from October 1 to January 30.						
<b>BIO-6(a) - Structure Location.</b> To avoid the need for continued fuel management within the Filiorum Reserve, the City shall require that all structures for those lots abutting the Palos Verdes Nature Preserve property boundary are located at least 100 feet from that boundary.	Review of site plans for individual lots to verify compliance	Site plan review once prior to issuance of building permits for individual lots	Community Development Department – Planning and Building and Safety Divisions			

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
<b>BIO-6(b) - Perimeter Fences.</b> As part of approvals for development on the individual subject lots, the City shall require that lots adjoining the Palos Verdes Nature Preserve are fenced sufficiently to prevent the ready egress of domestic animals into the Preserve. In addition, no gates or other means of ingress into the Preserve shall be permitted.	Review of site plans for individual lots; field inspection to verify compliance	Site plan review once prior to issuance of grading and building permits for each lot; field inspection once prior to issuance of occupancy permits	Onsite construction manager, Community Development Department; Building and Safety Division			
<b>BIO-6(c) - Construction Best Management Practices.</b> The following measures shall be required for those lots that abut the Palos Verdes Nature Preserve lands as part of construction monitoring for the site: <ul style="list-style-type: none"> <li>• <i>Contractors shall be educated regarding the off-site Preserve and the need to keep equipment and personnel on the construction site prior to the initiation of construction.</i></li> <li>• <i>Temporary construction fencing shall be placed at the planned limits of disturbance adjacent to the Preserve.</i></li> <li>• <i>Construction should be scheduled to avoid the bird nesting season (see Mitigation Measure BIO-4 above).</i></li> <li>• <i>Construction grading adjacent to drainages shall be scheduled for the dry season whenever feasible.</i></li> </ul>	Review of construction specifications; field inspection to verify compliance	Review of construction specifications once prior to issuance of grading permits for individual lots; field inspection periodically throughout grading and construction	Onsite construction manager, Community Development Department; Building and Safety Division			
<b>BIO-6(d) - Construction Staging and Stockpiling Areas.</b> Grading and building plans submitted for City review and approval for those lots abutting the Palos Verdes Nature Preserve shall identify areas for construction staging, fueling and stockpiling if needed. These areas shall be located as far as practical from the Palos Verdes Nature Preserve and not closer than 50 feet from the Preserve boundary.	Review of grading and building plans; field inspection to verify compliance	Plan review once prior to issuance of grading and building permits for individual lots; field inspection periodically throughout grading and construction	Onsite construction manager, Community Development Department – Building and Safety Division			

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
<b>BIO-6(e) - Landscaping.</b> 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).	Review landscaping plans to ensure the measures listed are complied with; field inspection to verify compliance	Plan review once prior to issuance of construction permits for individual lots adjacent to the Preserve; field inspection periodically throughout grading and construction	Onsite construction manager, Community Development Department – Planning and Building and Safety Divisions			
<b>CULTURAL RESOURCES</b>						
<b>CR-1 - Cultural Resource Monitoring and Avoidance.</b> Prior to the issuance of any grading permit, each applicant shall retain and pay for a City-approved qualified archaeologist to monitor all ground disturbance activities associated with the project including, but not limited to, grading, excavating, clearing, leveling and backfilling. The evaluation shall be conducted by an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for prehistoric archaeology (National Park Service 1983) and that is qualified to identify subsurface tribal cultural resources. The archaeologist shall observe all ground disturbing activities on construction sites at times that ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations in the project area, an archaeologist shall be required to monitor each location where the ground disturbance activities are occurring.	Verify that a qualified archaeologist is retained and on site during all ground disturbing activities and if resources are discovered, verify the implementation of the procedures outlined in the mitigation measure.  Verify the applicant has notified any tribes affiliated in the area	Verification of a qualified archaeologist and notification of tribes once prior to issuance of a grading permit. Field inspection periodically during site preparation and grading for individual projects. If resources are found, verification throughout the discovery process.	Onsite construction manager, Community Development Department – Planning and Building and Safety Divisions			
Prior to the commencement of any ground disturbance activities at a construction site, the applicant, or its successor, shall notify any California Native American tribes that have informed the City that they are traditionally and culturally affiliated with the geographic area of the proposed project that						

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
<p>ground disturbance activities are about to commence and invite the tribes to observe the ground disturbance activities, if the tribes wish to monitor.</p> <p>In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of the ground disturbance activities, all such activities shall temporarily cease in the area of discovery, the radius of which shall be determined by the qualified archaeologist, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:</p> <ol style="list-style-type: none"> <li><i>Upon a discovery of a potential tribal cultural resource, an applicant, or its successor, shall immediately stop all ground disturbance activities, and contact the following: (1) all California Native American Tribes that have informed the City that they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the City's Community Development Department, Planning Division.</i></li> <li><i>If the City determines, pursuant to Public Records Code Section 21704 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.</i></li> <li><i>The applicant, or its successor, shall</i></li> </ol>						

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/ Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
<p><i>implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the applicant, or its successor, reasonably concludes that the tribe's recommendations are reasonable and feasible.</i></p> <p>4. <i>In addition to any recommendations from the applicable tribe(s), the applicant's City-approved qualified archaeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state, or local law, rule or regulation.</i></p> <p>5. <i>If the applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the applicant, or its successor, may request mediation by the City's mediator. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may: (1) require the recommendation be implemented as originally proposed by the archaeologist; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation to be implemented that is at least as equally effective to mitigate a potentially</i></p>						

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/ Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
<p><i>significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate any significant impacts to tribal cultural resources. The applicant, or its successor, shall pay all costs and fees associated with the mediation.</i></p> <p>6. <i>The applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by a qualified archaeologist and determined to be reasonable and appropriate.</i></p> <p>7. <i>The applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has compiled with all the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 5 above.</i></p> <p>8. <i>Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Scared Lands File.</i></p> <p>9. <i>Notwithstanding paragraph 8 above, any information determined to be confidential in nature, by the City Attorney's Office, shall be excluded from submission to the SCCIC or the general public under the provisions of the California Public Records Act, California Public Resources Code.</i></p>						

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
<b>GEOLOGY</b>						
<b>GEO-3(a) - Geotechnical Recommendations.</b> Prior to issuance of any grading permit or building permit, individual project applicants shall comply with all recommendations contained in the Geotechnical Study prepared by LGC Valley, Inc., dated March 29, 2011, including the following, which shall be reflected in the geotechnical/soils reports for individual projects: <ul style="list-style-type: none"> <li>• <i>Conform to applicable requirements of the City of Rancho Palos Verdes Landslide Moratorium Ordinance (Rancho Palos Verdes Municipal Code Chapter 15.20.050), some of which are outlined below.</i></li> <li>• <i>Limit grading to less than 1,000 cubic yards (cut and fill combined including export and import) per lot, with no more than 50 cubic yards of imported fill per lot and 1,000 cubic yards of export.</i></li> <li>• <i>Agree to participate in the Abalone Cove Landslide Abatement District and/or other recognized or approved districts whose purpose is to maintain the land in a geologically stable condition. No proposed building activity may cause lessening of stability in the zone.</i></li> <li>• <i>Submit a geotechnical report to the City indicating what, if any, lot-local and immediately adjacent geologic hazards must be addressed and/or corrected prior to, or during construction. Said report shall specify foundation designs based on field and laboratory studies and must be approved by the City's geotechnical reviewers.</i></li> <li>• <i>Limit post-construction lot infiltration and runoff rates and volume to pre-</i></li> </ul>	Review project plans and individual geotechnical/soils reports for compliance with the geotechnical recommendations	Plan review once prior to issuance of grading and building permits for individual lots	Community Development Department – Building and Safety Division			

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
<p><i>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.</i></p> <ul style="list-style-type: none"> <li>• <i>Connect all houses to a public sanitary sewer system and maintained at the property owner's expense. Any necessary easements shall be provided.</i></li> <li>• <i>Correct all lot drainage deficiencies, if any, identified by the Director of Public Works.</i></li> <li>• <i>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.</i></li> <li>• <i>Comply with all other relevant building code requirements.</i></li> </ul>						
<b>GEO-3(b) - Covenant.</b> Individual project applicants shall submit for recordation a covenant agreeing to construct the project strictly in accordance with the approved plans and agreeing to prohibit further development on the subject site without first filing an application with the Director pursuant to the terms of Chapter 15.20 of the RPVMC. Such covenant shall be submitted to the Director for recordation prior to the issuance of any grading or building permit.	Verify recordation of covenant for individual lots	Once prior to issuance of a grading permit for individual lots	Community Development Department – Planning Division			
<b>FIRE PROTECTION</b>						
<b>FIRE-1(a) - Fuel-Load Vegetation Management.</b> Each applicant shall be required to prepare a fuel modification plan pursuant to the requirements of LACFD. The City will verify that the LACFD has reviewed and approved the plan prior to issuance of	Verify the applicant has submitted a fuel modification plan to LACFD for review and approval of individual lots; verify that LACFD has	Once prior to issuance of a grading permit; verify once in the field to ensure compliance	Individual project applicant; LACFD; Community Development Department – Building and Safety			

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
any grading or building permit. The fuel modification plan shall at a minimum include the following: <ul style="list-style-type: none"> <li>• <i>Vegetation clearance requirements around all new structures with a minimum 100' buffer, or greater, as determined by LACFD;</i></li> <li>• <i>A landscaping plan using plants recommended for the Rancho Palos Verdes area and selected from the desirable plant list for setback, irrigated, or thinning zone; and</i></li> <li>• <i>A regularly scheduled brush clearance of vegetation on and adjacent to all applicable access roads, power lines, and structures.</i></li> </ul>	approved the modification plan		Division			
<b>FIRE-1(b) - Fire Protection Requirements.</b> Prior to any grading or building permit issuance, new single-family residences and related accessory structures shall be designed to incorporate all fire protection requirements of the City's most recently adopted Building Code, to the satisfaction of the Building Official.	Verify building and design plans for compliance with the measure; verify in the field for completeness	Once prior to issuance of a building permit; verify once in the field to ensure compliance prior to issuance of a occupancy permit	Community Development Department – Building and Safety Division			
<b>HYDROLOGY AND WATER QUALITY</b>						
<b>HWQ-1 - Construction pollution, sediment and erosion control.</b> Prior to issuance of any Grading Permit or Building Permit, each applicant shall prepare a Low Impact Development (LID) plan for the review and approval of the Building Official. The applicant shall be responsible for continuous and effective implementation of the plan during construction of each residence. The LID plan shall include Best Management Practices that may include, but not be limited to, the following: <ul style="list-style-type: none"> <li>• <i>Erosion Control. Eroded sediments from areas disturbed by construction and from stockpiles of soil shall be retained on-site to minimize sediment transport</i></li> </ul>	Verify submittal and approve Low Impact Development Plan for individual lots; verify implementation of the plan in the field	Approval of the plan once prior to issuance of a grading permit; field verification periodically during grading and construction to ensure compliance	Community Development Department – Building and Safety Division			

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
<p>from the site to streets, drainage facilities or adjacent properties via runoff, vehicle tracking or wind. Utilize erosion control techniques, such as soil stabilizers, covering soil during construction, wind blocking devices, cease grading during high winds, use of soil binders (watering graded soils should be avoided), filtration devices, and stabilizing ingress/egress points. Reduce fugitive dust to the maximum extent practicable.</p> <ul style="list-style-type: none"> <li>• <b>BMPs.</b> Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs (as approved in Regional Board Resolution No. 99-03), such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.</li> <li>• <b>Pollutant Detainment Methods.</b> Protect downstream drainages from escaping pollutants by capturing materials carried in runoff and preventing transport from the site. Examples of detention methods that retard movement of water and separate sediment and other contaminants are silt fences, hay bales, sand bags, berms, silt and debris basins.</li> <li>• <b>Construction Materials Control.</b> Construction-related materials, wastes, spills or residues shall be retained on-site to minimize transport from the site to streets, drainage facilities or adjoining properties by wind or runoff. Runoff from equipment and vehicle washing shall be contained at construction sites unless treated to remove sediment and</li> </ul>						

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
<p>pollutants. Non-stormwater runoff from equipment and vehicle washing and any other activity shall be contained at the construction site.</p> <ul style="list-style-type: none"> <li>• <u>Recycling/Disposal</u>. Maintain a clean site. This includes proper recycling of construction related materials and equipment fluids.</li> <li>• <u>Construction Waste Disposal</u>. Clean up and dispose of small construction wastes (i.e., dry concrete) in accordance with applicable regulations and requirements.</li> </ul>						
<b>HWQ-2 - NPDES Review.</b> Any development proposal located within, adjacent to or draining into a designated Environmentally Sensitive Area (ESA) and involving the creation of two thousand five hundred square feet or more ( $\geq 2,500$ SF) of impervious surface shall require review and approval by the City's NPDES consultant for compliance with applicable NPDES requirements prior to any building or grading permit issuance. Construction must comply with any required NPDES General Construction Permit requirements.	Review and approve individual projects for NPDES compliance	Once prior to issuance of a grading permit	Community Development Department – Building and Safety Division			
<b>HWQ-3(a) – Drainage Plan.</b> 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 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	Review and approve Hydrology Study and Drainage Plan for individual lots; verify compliance in the field	Plan review once prior to issuance of a grading permit; field verification once to ensure compliance	Public Works Department			

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/ Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
<p>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:</p> <ul style="list-style-type: none"> <li><i>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.</i></li> <li><i>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.</i></li> <li><i>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</i></li> </ul>						

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
<p><i>onto adjacent properties or streets.</i></p> <ul style="list-style-type: none"> <li>• <i>"Dry Weather" infiltration that could add to the total infiltration from the project is minimized.</i></li> <li>• <i>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.</i></li> <li>• <i>Maximum 25 percent net coverage for RS-1 and RS-2 zoned properties.</i></li> <li>• <i>Transpiration through landscaping is maximized.</i></li> <li>• <i>For developments on sloped sites, driveways shall incorporate a serpentine design to the extent possible to minimize the possibility of flooding onto adjacent properties.</i></li> </ul> <p>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.</p>						
<b>HWQ-3(b) - Certification.</b> 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	Verify submittal of a Hydrology Study that is in accordance with the mitigation measure	As needed if drainage improvements are installed and when reports are submitted	Public Works Department			

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
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.						
<b>HWQ-5 - Standards of Construction in a Flood Zone D Area.</b> Prior to issuance of any grading permit or building permit, the applicant for any construction project located in an area designated as Zone D by FEMA shall comply with the following, pursuant to Section 15.42.120 of the RPVMC. Plans shall be reviewed and approved accordingly by the City Building Official prior to issuance of any grading or building permit: <ul style="list-style-type: none"> <li><i>All new construction shall be designed to be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy</i></li> <li><i>All new construction shall be constructed with materials and utility equipment resistant to flood damage</i></li> <li><i>All new construction shall be constructed using methods and practices that minimize flood damage</i></li> <li><i>All new construction shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding</i></li> </ul>	Review and approve construction design plans for individual lots; verify compliance in the field	Plan review once prior to issuance of a grading permit; field verification once to ensure compliance	Community Development Department – Building and Safety Division			

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
<b>NOISE</b>						
<b>N-1(a) - Construction Schedule.</b> Permitted hours and days of construction activity are 7:00 AM to 6:00 PM, Monday through Friday and 9:00 AM to 5:00 PM Saturday, with no construction activity permitted on Sundays or on the legal holidays specified in Section 17.56.020 of the Rancho Palos Verdes Municipal Code without a special construction permit.	Review construction plans and notes to ensure construction hours are limited to those in the measure. Verify compliance in the field	Once prior to grading and construction; field verification periodically during project grading and construction	Onsite construction manager, Community Development Department – Building and Safety Division			
<b>N-1(b) - PBCA Conditions of Approval.</b> All project area construction contractors shall comply with the following standard Portuguese Bend Community Association conditions: <ul style="list-style-type: none"> <li><i>Large truck deliveries must enter and exit from the Peppertree Gate. Semi-trucks allowed for heavy equipment delivery only. All other deliveries limited to 3 axle or smaller trucks.</i></li> <li><i>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.</i></li> <li><i>Noise from radios or other amplified sound devices shall not be audible beyond the property.</i></li> </ul>	Review construction plans and notes for compliance with the measure. Verify compliance in the field	Plan review once prior to grading and construction; field verification periodically during project grading and construction	Onsite construction manager, Community Development Department – Building and Safety Division			
<b>TRAFFIC AND CIRCULATION</b>						
<b>T-1(a) - Seahill Drive-Tramonto Drive/Palos Verdes Drive South.</b> The City shall monitor the level of service at this intersection annually and shall provide a two-way left-turn lane on Palos Verdes Drive South when the improvement is determined to be needed to better facilitate the northbound left-turn movement (i.e., from Seahill Drive) onto westbound Palos Verdes Drive South. (Note that this improvement is listed in the City of Rancho Palos Verdes General Plan Update).	Monitor levels of service of the intersection annually and verify completion of the improvement if necessary	Review annually	Public Works and Community Development Departments; Planning Division			

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
<b>T-1(b) - Narcissa Drive/Palos Verdes Drive South.</b> The City shall monitor the level of service at this intersection annually and shall provide a two-way left-turn lane on Palos Verdes Drive South, east of Narcissa Drive, when the improvement is determined to be needed to better facilitate the southbound left-turn movement (i.e., exiting from Narcissa Drive) onto eastbound Palos Verdes Drive South. The existing westbound left-turn lane at Narcissa Drive (which serves one single family home) shall also be converted to a two-way left-turn lane in order to provide a refuge area for exiting Narcissa Drive motorists to turn into and wait prior to accelerating to merge with the eastbound Palos Verdes Drive South traffic flow.	Monitor levels of service of the intersection annually and verify completion of the improvement if necessary	Review annually	Public Works and Community Development Departments; Planning Division			
<b>T-1(c) - Forrestal Drive/Palos Verdes Drive South.</b> The City shall monitor the level of service at this intersection annually and shall provide a two-way left-turn lane on Palos Verdes Drive South when the improvement is determined to be needed to provide a deceleration and storage area for left-turn vehicles traveling in either direction. <i>(Note that this improvement is listed in the City of Rancho Palos Verdes General Plan Update).</i>	Monitor levels of service of the intersection annually and verify completion of the improvement if necessary	Review annually	Public Works and Community Development Departments; Planning Division			
<b>T-1(d) - Palos Verdes Drive East/Palos Verdes Drive South.</b> The City shall monitor the level of service at this location annually and shall provide a two-way left-turn lane on Palos Verdes Drive South when the improvement is determined to be needed to provide a deceleration and storage area for left-turn vehicles traveling in either direction. <i>(Note that this improvement is listed in the City of Rancho Palos Verdes General Plan Update).</i>	Monitor levels of service of the intersection annually and verify completion of the improvement if necessary	Review annually	Public Works and Community Development Departments; Planning Division			

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/Frequency	Responsible Agency or Party	Compliance Verification		
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<b>T-2 - Palos Verdes Drive South east of Narcissa Drive.</b> Palos Verdes Drive South shall be converted from a 2-lane divided arterial to a 4-lane divided arterial. (Note that this improvement is listed in the City of Rancho Palos Verdes General Plan Update).	Monitor levels of service of the intersection annually and verify completion of the improvement if necessary	Review annually	Public Works and Community Development Departments; Planning Division			
<b>T-4(a) - Maintain Access.</b> Maintain existing access for land uses in proximity to the project area.	Verify in the field that access is maintained during grading and construction	Periodically throughout grading and construction	Onsite construction manager and Community Development Department; Building and Safety Division			
<b>T-4(b) - Lane Closure Restrictions.</b> Limit any potential lane closures to off-peak travel periods.	Verify plans and notes that potential lane closures are limited to off-peak travel times	Once prior to issuance of grading and construction permits.	Community Development Department; Building and Safety Division			
<b>T-4(c) - Material Deliveries.</b> Schedule receipt of construction materials during non-peak travel periods and coordinate deliveries to reduce the potential of trucks waiting to unload for extended periods of time.	Verify plans and notes that material deliveries are limited to off-peak travel times and that deliveries are coordinated	Once prior to issuance of grading and construction permits.	Community Development Department; Building and Safety Division			
<b>T-4(d) - Parking Restrictions.</b> Prohibit parking by construction workers on adjacent streets and direct construction workers to available parking as determined in conjunction with City staff.	Verify plans and notes are in compliance with the measure; verify compliance in the field	Once prior to issuance of grading and construction permits; field verify periodically for compliance with the measure	Onsite construction manager and Community Development Department; Building & Safety Division			
<b>T-4(e) - Portuguese Bend Community Association (PBCA) Building Regulations and Architectural Standards.</b> Construction activities shall adhere to the following PBCA regulations and standards:  1. <i>All construction vehicles must be parked on-site and may not be parked on the streets within PBCA. The entrance gate parking area may be used if requested in advance and vehicles will be required to display parking passes.</i> 2. <i>Contractor shall not track mud on to the streets from construction vehicles</i>	Verify construction plans and notes are in compliance with the measure; verify compliance in the field	Once prior to issuance of grading and construction permits; field verify periodically for compliance with the measure	Onsite construction manager and Community Development Department; Building & Safety Division			

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/ Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
3. <i>Large truck deliveries must enter and exit from the Peppertree Gate. Semi-trucks allowed for heavy equipment delivery only. All other deliveries limited to 3 axle or smaller trucks.</i> 4. <i>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.</i>						
<b>T-4(f) - Construction Activity Tracking.</b> 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.	Create and monitor a database in compliance with the measure	Ongoing throughout the lifespan of the project	Community Development Department – Planning Division			
<b>UTILITIES AND SERVICE SYSTEMS</b>						
<b>U-1(a) - Participation in Geotechnical Hazard Abatement.</b> Future project area applicants shall participate in existing or future geological and geotechnical hazard abatement requirements of the City, including but not limited to any easement required by the City to mitigate landslide conditions and the items listed in Measures GEO-3(a) and GEO-3(b) above. Compliance with such measures shall be verified by the Director of Community Development or his/her designee, prior to the issuance of any grading or building permit.	Verify individual applicants participate in geological and geotechnical hazard abatement requirements.	Once prior to issuance of any grading permits	Public Works Department			

Mitigation Measure/Condition of Approval	Action Indicating Compliance	Monitoring Milestone/Frequency	Responsible Agency or Party	Compliance Verification		
				Initials	Date	Comments
<b>U-1(b) - Review and, as Necessary, Upgrade of Project Area Sewer System.</b> The City shall update the Abalone Cove Sewer Capacity Report biennially. If deficiencies in the project area sewer system are identified as part of the biennial update, such deficiencies shall be corrected to the satisfaction of the City prior to or in conjunction with any future project area development that would add to or be affected by such deficiencies.	Review report and update if necessary	Biennially	Public Works Department			

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**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES AMENDING CHAPTER 15.20 (MORATORIUM ON LAND USE PERMITS) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE RANCHO PALOS VERDES MUNICIPAL CODE TO AMEND EXCEPTION CATEGORY 'P' TO ALLOW FOR THE FUTURE DEVELOPMENT 31 UNDEVELOPED LOTS IN ZONE 2 OF THE CITY'S LANDSLIDE MORATORIUM AREA.**

WHEREAS, on October 14, 2009, the City commenced the processing of a Code Amendment to Chapter 15.20 (Moratorium on Land Use Permits) of Title 15 (Buildings and Construction) of the Rancho Palos Verdes Municipal Code to allow for the future residential development of 31 undeveloped lots in Zone 2 of the City's Landslide Moratorium Area (LMA) ("Project"); and,

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 2100 et. seq. ("CEQA"), the State's CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et. seq., the City's Local CEQA Guidelines, and Government Code Section 65962.5(f) (Hazardous Waste and Substances Statement), the City of Rancho Palos Verdes prepared an Environmental Impact Report (EIR); and,

WHEREAS, on January 3, 2011, the City prepared an Initial Study (IS) and a Notice of Preparation (NOP) for the proposed project, which were released to the public and public agencies for review; and,

WHEREAS, on February 1, 2011, the City Council conducted a public scoping meeting to provide a forum for agencies and members of the community to provide verbal comments on the IS and NOP; and,

WHEREAS, on September 21, 2012, the Draft EIR was made available to the public for review and subsequently the City Council conducted a public hearing on November 7, 2012, in order to provide the public an opportunity to provide verbal comments on the Draft EIR; and,

WHEREAS, on March 6, 2014, the Final EIR was completed and released to the public for review. The City Council conducted public hearing on April 15, 2014, May 6, 2014 and June 17, 2014, to allow additional time for the public to submit comments related to the EIR and proposed project, as well as, to allow staff and its consultants to address additional comments made by the public and any issues raised by the City Council; and,

WHEREAS, on August 5, 2014, the City Council conducted a public hearing on the Final EIR and after considering evidence introduced into the record, tabled the

certification of the Final EIR and the adoption of the proposed Zone 2 Landslide Moratorium Ordinance Revisions; and,

WHEREAS, on November 8, 2018, the City re-initiated the environmental review process for the proposed Zone 2 Landslide Moratorium Ordinance Revisions with the circulation of an NOP, which provided for a 30-day public scoping period. The City re-initiated the process to amend the City's Landslide Moratorium to allow for the future development of 31 undeveloped lots in Zone 2 of the City's LMA. Several properties in the Zone 2 had been residentially developed or were in the process of being developed and the City sought to assess how changed conditions affect the surrounding environment. The City also re-initiated the process in response to litigation filed by a group of property owners in Zone 2 seeking to develop their properties; and,

WHEREAS, after the NOP comment period ended, the Updated Draft EIR was prepared taking into account comments that were submitted during the public scoping period and a Notice of Availability (NOA) was issued by the City on August 22, 2019, which informed State and local agencies, interested parties and the public that the updated Draft EIR was available for review, and providing for a 45-day public comment period, which ended on October 7, 2019; and,

WHEREAS, the IS included in the Updated Draft EIR that was prepared in 2011 as part of the original environmental review for the Zone 2 Landslide Moratorium Ordinance Revisions. The IS project description reflected the 47 lots that were undeveloped at that time. It also reflected the CEQA Guidelines environmental checklist that was in place at that time. Although the IS was not updated when the new NOP was released in 2018, the recirculated Draft EIR reflects both the current number of undeveloped and unentitled lots (31) and new relevant issues (such as Tribal Cultural Resources) that are included in the current CEQA Guidelines; and,

WHEREAS, on September 17, 2019, the City Council conducted a public hearing in order for the City to receive public oral comments regarding the Updated Draft EIR; and

WHEREAS, on October 31, 2019, the Community Development Department issued a notice informing the public that the Final EIR would be available for review on November 1, 2019. The notice was provided via mail to property owners in and within a 500-foot radius of Zone 2 and was published in the *Peninsula News* on October 31, 2019. A notice of the meeting was also provided by email to interested parties through the City's list-serve message system for this project, and posted citywide on the City's Nextdoor social media page. The notice also informed the public that a public hearing was scheduled with the City Council on November 19, 2019 to consider certification of the Final EIR and approval of the proposed code amendment; and,

WHEREAS, on November 1, 2019, the Final EIR was made available on the City's website and hardcopies of the documents were also made available to the public at the

locations specified in the notice, including but not limited to, City Hall and the Hesse Park Community Center; and,

WHEREAS, at its November 19, 2019, meeting, the City Council held a duly-noticed public hearing, at which time all interested parties were given an opportunity to be heard and further present evidence regarding the proposed Code Amendment, the Final EIR and the responses to the comments received regarding the Draft EIR; and,

WHEREAS, all legal prerequisites to the adoption of the Ordinance have been met.

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

**Section 1:** The City Council has reviewed and considered the amendments to Chapter 15.20 (Moratorium on Land Use Permits) of Title 15 (Buildings and Construction) of the Rancho Palos Verdes Municipal Code.

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

**Section 3:** The City Council further finds that the amendments to Chapter 15.20 (Moratorium on Land Use Permits) of Title 15 (Buildings and Construction) of the Rancho Palos Verdes Municipal Code are comparable, with added development criterion and mitigation measures, to the development potential that has been afforded to the 16 *Monks* Plaintiffs' Lots located in Zone 2 of the City's Landslide Moratorium Area in that they will allow for the future development of 31 undeveloped lots in Zone 2 of the City's Landslide Moratorium Area with new, single-family residences and ancillary site improvements. Thus, the City Council finds that the amendment achieves parity with the rights enjoyed by the owners of the developed lots in Zone 2 of the City's Landslide Moratorium Area and achieves parity with the rights enjoyed by the property owners of the 16 *Monks* Plaintiffs' Lots in Zone 2 of the Landslide Moratorium Area.

**Section 4:** The City Council further finds that there is no substantial evidence that the amendments to Chapter 15.20 (Moratorium on Land Use Permits) of Title 15 (Buildings and Construction) of the Rancho Palos Verdes Municipal Code would result in significant environmental effects or a substantial increase in the severity of such effects, with the exception of significant and unavoidable impacts related to Traffic and Circulation (specifically, with respect to Intersections, Roadway Segments, and Temporary

Construction Impacts). The City Council certified the Environmental Impact Report, made certain findings related to the requirements of the California Environmental Quality Act, adopted a Statement of Overriding Considerations, and adopted a Mitigation Monitoring Program for Planning Case No. PLCA2018-0004 prior to making its decision regarding the code amendments contemplated herein, as evidenced in Resolution No. 2019-\_\_\_\_, adopted by the City Council on November 19, 2019.

**Section 5:** The City Council further finds that the amendments to Chapter 15.20 (Moratorium on Land Use Permits) of Title 15 (Buildings and Construction) of the Rancho Palos Verdes Municipal Code are necessary to protect the public health, safety and general welfare in the area.

**Section 6:** Based upon the foregoing, Section 15.20.040 (Exceptions) of Chapter 15.20 (Moratorium on Land Use Permits) of Title 15 (Buildings and Construction) of the Rancho Palos Verdes Municipal Code is amended to read as follows (added text identified in **bold/underline**):

P. **1. The construction of residential buildings, accessory structures, and grading totaling less than 1,000 cubic yards of combined cut and fill and including no more than 50 cubic yards of imported fill material on the 16 undeveloped lots in Zone 2 of the "landslide moratorium area" as outlined in green on the landslide moratorium map on file in the director's office, identified as belonging to the plaintiffs in the case "Monks v. City of Rancho Palos Verdes, 167 Cal. App. 4th 263, 84 Cal. Rptr. 3d 75 (Cal. App. 2 Dist., 2008)"**; provided, that a landslide moratorium exception permit is approved by the director, and provided that the project complies with the criteria set forth in Section 15.20.050 (Landslide Mitigation Measures Required) of this chapter. Such projects shall qualify for a landslide moratorium exception permit only if all applicable requirements of this code are satisfied, and the parcel is served by a sanitary sewer system. Prior to the issuance of a landslide moratorium exception permit, the applicant shall submit to the director any geological or geotechnical studies reasonably required by the city to demonstrate to the satisfaction of the city geotechnical staff that the proposed project will not aggravate the existing situation.

**2. The construction of single-story residential buildings with a maximum height of 16', as measured pursuant to Section 17.02.040(B)(1)(c) of the Rancho Palos Verdes Municipal Code, and accessory structures with a maximum height of 12', as measured pursuant to Section 17.48.050(D) of the Rancho Palos Verdes Municipal Code with a maximum lot coverage of 25% for RS-1 and RS-2 zoned lots and grading totaling less than 1,000 cubic yards of combined cut and fill and including no more than 50 cubic yards of imported fill material on the 31 undeveloped lots in Zone 2 of the**

**"landslide moratorium area" as outlined in green on the landslide moratorium map on file in the director's office, and which are not within the scope of subparagraph (1) above; provided that a landslide moratorium exception permit is approved by the director, provided that the project complies with the criteria set forth in Section 15.20.050 (Landslide Mitigation Measures Required) of this chapter and the Mitigation Monitoring and Reporting Program approved for the Environmental Impact Report related to the Zone 2 Code Amendments for the non-monks lots (Case No. PLCA2018-0004). Such projects shall qualify for a landslide moratorium exception permit only if all applicable requirements of this code are satisfied, and the parcel is served by a sanitary sewer system. Prior to the issuance of a landslide moratorium exception permit, the applicant shall submit to the director any geological or geotechnical studies reasonably required by the city to demonstrate to the satisfaction of the city geotechnical staff that the proposed project will not aggravate the existing situation.**

**Section 7:** Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, and phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Section 8:** Certification and Posting. The City Clerk shall cause this Ordinance to be posted in three (3) public places in the City within fifteen (15) days after its passage, in accordance with the provisions of Section 36933 of the Government Code. The City Clerk shall further certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of the Council of this City.

**Section 9:** Effective Date. This Ordinance shall go into effect at 12:01AM on the 31<sup>st</sup> day after its passage.

**Section 10:** After the effective date of this Ordinance, it shall apply to all Landslide Moratorium Exception permits and any subsequent development applications for the 31 non-Monks lots in Zone 2 submitted on or after the effective date of this Ordinance.

PASSED, APPROVED and ADOPTED this 3<sup>rd</sup> day December 2019.

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Mayor

ATTEST:

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City Clerk

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

I, EMILY COLBORN, City Clerk of the City of Rancho Palos Verdes, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. \_\_\_\_\_ passed first reading on November 19, 2019, was duly and regularly adopted by the City Council of said City at a regular meeting thereof held on \_\_\_\_\_, 2019, and that the same was passed and adopted by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

City Clerk

## Octavio Silva

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**From:** Meg Vaughn <chezbacons@gmail.com>  
**Sent:** Thursday, November 07, 2019 7:02 PM  
**To:** Octavio Silva  
**Subject:** Zone 2 Landslide Moratorium Ordinance

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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 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.

We look forward to attending the hearing on November 19.

Thank you for your consideration.

Sincerely,

Margaret Vaughn

chezbacons@gmail.com

## Octavio Silva

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**From:** Robert Bacon <southroof@yahoo.com>  
**Sent:** Thursday, November 07, 2019 6:49 PM  
**To:** Octavio Silva  
**Subject:** Supporting the revised EIR and proposed changes to the City Landslide Moratorium Ordinance.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear RPV Council Members,

My wife and I have owned a lot on Cinnamon 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. Over the years which included expensive court cases, houses have and are being built in Zone 2 in Portuguese Bend. Judging from the findings of the completed FEIR that the City commissioned these latest questions of traffic, drainage, noise, etc. have been studied/document and deemed "not significant with mitigation." I feel the time is now to certify the FEIR and amend the City Landslide Moratorium Ordinance and to allow building in Zone 2.

Thank you,  
Robert Bacon

## Octavio Silva

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**From:** Michael Nopper <mikenopper@aol.com>  
**Sent:** Thursday, November 07, 2019 1:30 PM  
**To:** Octavio Silva  
**Subject:** Letter in support of FEIR >> Revised submission

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Please replace my previous letter submitted on Nov. 6th, with this more detailed letter.

=====

Dear RPV City Council,

I write in strong support of having the Rancho Palos Verdes City Council approve / certify the final Environmental Impact Report (EIR) as currently proposed, and also of having the Rancho Palos Verdes City Council approve the change to City landslide moratorium ordinance (15.20.040) so as to allow all of the currently-undeveloped lots within "Zone 2" to be able to apply for development under the same rules and procedures as are currently in force for the "Monks lots" within that same Zone 2.

***I support the primary recommendations, and disapprove of the two alternatives described in the Executive Summary ES-3.***

In the executive summary, Table ES-1 notes that every item has been mitigated to a level of "less than significant", except for traffic at one intersection that is several miles distant from Zone 2, and one other place where mitigation would involve conversion of a section of Palos Verdes Drive South from 2 lanes to 4 lanes. As it happens, according to this same Table ES-1, the identified mitigations for both of these items are already listed in the City of Rancho Palos Verdes General Plan Update, and therefore remain "on the table" for future consideration. Based on this progress, I believe that the City is now ready to proceed with the approval / certification of the final EIR, and the adoption of the proposed change to the City landslide moratorium ordinance.

I urge that the City Council complete both of these actions at the 19 November 2019 City Council meeting.

I thank you for your efforts in this matter. I believe that you and the staff have reached a proposed outcome that is fair to both the lot owners and the owners of existing housing in the Zone 2 area.

Thank you,

Michael Nopper

## Octavio Silva

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**From:** Jim York <theyorkproperties@gmail.com>  
**Sent:** Wednesday, November 06, 2019 4:33 PM  
**To:** Octavio Silva  
**Subject:** 11/19/19 City Council Meeting Zone 2 EIR

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Octavio

We own a vacant lot on Cinnamon Lane where homes have recently been built on either side of our lot. We support the certification of the Final EIR and Code Amendment related to Zone 2.

Jim York

## Octavio Silva

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**From:** Jerry Johnson <jjmountainman01@aol.com>  
**Sent:** Wednesday, November 06, 2019 11:24 AM  
**To:** Octavio Silva

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Re: DEIR comments -Zone 2 Landslide Moratorium Area.

Please note my UNQUALIFIED support for certification of the updated FEIR and the Code Amendment related to residential development in Zone 2 of the Landslide Moratorium Area, as proposed and recommended by City staff. The City Council is to be commended for their hard work in resolving an issue that has confounded other Councils in the past. Passage of this proposal will result in this City Council being remembered as the one who finalized an appropriate answer to the dilemma. Thank You for your diligent efforts in considering everyone's interests.

Jerry Johnson property owner Zone 2

## Octavio Silva

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**From:** cassiej@aol.com  
**Sent:** Tuesday, November 05, 2019 5:40 PM  
**To:** Octavio Silva  
**Subject:** Re: Zone 2 Final EIR

By the way, No Alternative is ALWAYS an alternative in an EIR.

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

From: cassiej <cassiej@aol.com>  
To: octavios <octavios@rpvca.gov>  
Sent: Tue, Nov 5, 2019 3:16 pm  
Subject: Zone 2 Final EIR

11/5/2019  
City of Rancho Palos Verdes  
Octavio Silva

Re: Zone 2 Final EIR

Dear Sir,

I spent time reading the final EIR today and have to say the language used in the document shows that the City only wants to allow building to preserve the property values of vacant lots and to avoid litigation. Safety concerns, including that of traffic issues, are not of concern. The interrelationship between Zone 2 and Zones 5 & 6 are ignored. It would be wholly appropriate to step in with legal representation and say, wait, fix the access and drainage issues before you add more homes and put more properties at risk.

Many of the traffic issues, instead of being dealt with, are repeatedly brushed off and are relegated to merely monitoring annually with improvements made "when the improvement is determined to be needed," (isn't it already?) with absolutely no indication as to what the criteria are for that determination. The document should specifically commit to the level at which the City will call for the improvement.

Reduction in home size would achieve some of the objectives of the proposed project, "but not to the extent desired by the City". The impact reductions would be "not be substantial enough to outweigh the loss of property value" for Zone 2 landowners. Nowhere are the property values of existing homes, being placed at further risk of denied or impaired access through Zones 5 & 6, even acknowledged.

Throughout the document the City excuses appropriate mitigation citing:  
"Specific economic, legal, social, technological, or other considerations..." " but never describe these "other considerations."

Most outrageous of all is the admittance and conclusion that this EIR was done  
"...to provide the opportunity for Zone 2 landowners to apply to develop their parcels.... the objective of the proposed project, which is to establish an exception category to allow for the future development of 31 undeveloped or underdeveloped lots located in Zone 2." It is then concluded that the No Project Alternative is infeasible because it does not accomplish their goal, although building in a landslide area without first addressing the infrastructure deficiencies could mean that the project actually is not feasible after all. The drainage, traffic and other infrastructure problems certainly and logically have to take precedence over building. Once they are addressed, we will ALL be happy to have a safe place to build and live.

I had hoped the City would take a stance favorable to the welfare of the homes already here as well as any in the future.

Apparently, not.

Cassie Jones

## Octavio Silva

---

**From:** cassiej@aol.com  
**Sent:** Tuesday, November 05, 2019 3:16 PM  
**To:** Octavio Silva  
**Subject:** Zone 2 Final EIR

11/5/2019  
City of Rancho Palos Verdes  
Octavio Silva

Re: Zone 2 Final EIR

Dear Sir,

I spent time reading the final EIR today and have to say the language used in the document shows that the City only wants to allow building to preserve the property values of vacant lots and to avoid litigation. Safety concerns, including that of traffic issues, are not of concern. The interrelationship between Zone 2 and Zones 5 & 6 are ignored. It would be wholly appropriate to step in with legal representation and say, wait, fix the access and drainage issues before you add more homes and put more properties at risk.

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I had hoped the City would take a stance favorable to the welfare of the homes already here as well as any in the future.

Apparently, not.

Cassie Jones

## Octavio Silva

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**From:** David Leeper <davidleeper2@hotmail.com>  
**Sent:** Tuesday, November 05, 2019 10:34 AM  
**To:** Octavio Silva  
**Subject:** Re: Zone 2 Landslide Moratorium Ordinance Revisions Final Environmental Impact Report

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello Octavio,

The roads to the proposed projects are not shown to be safe by any engineering, and the roads are not safe. Narcissa has too sharp a turn above Wayfaer's Chapel, and Narcissa is in a slide area, and Peppertree is in a worse slide area. There is no assurance that weight and vibrations from cement trucks will not aggravate the slide in these two areas, which are the only access.

David Leeper

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**From:** Octavio Silva <OctavioS@rpvca.gov>  
**Sent:** Friday, November 1, 2019 10:40 AM  
**To:** David Leeper <davidleeper2@hotmail.com>  
**Subject:** Re: Zone 2 Landslide Moratorium Ordinance Revisions Final Environmental Impact Report

Hello Mr. Leeper,

Section 8 of the Final EIR, provides responses to the comments that were submitted as part of the Draft EIR, including the comments you provided.

That said, you are also welcome to submit comments as part of the Final EIR as indicated in the notice.

Thank you,

Octavio

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**From:** David Leeper <davidleeper2@hotmail.com>  
**Sent:** Friday, November 1, 2019 8:59:04 AM  
**To:** Octavio Silva  
**Subject:** Re: Zone 2 Landslide Moratorium Ordinance Revisions Final Environmental Impact Report

Hello,

One question is:

Are the previous communications submitted in response to the Draft going to be considered, or do those previous comments need to be sent to you again?

Thanks,  
david leeper

## Octavio Silva

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**From:** Peter Nopper <pnipper@outlook.com>  
**Sent:** Tuesday, November 05, 2019 7:23 AM  
**To:** Octavio Silva  
**Subject:** Letter in support of FEIR  
**Attachments:** Crockett letter on FEIR.pdf

Dear City Council,

I am writing in support of passing the FEIR as it stands with the primary recommendations.

Could you please add the following attached letter from Bob Crockett to the FEIR staff report that will go out on the November 19<sup>th</sup> city council meeting. I helped pay for his letter and there is no need for me to repeat the points he made.

Also, the temporary building moratorium did not strip the 31 legal lots of their road easement rights that have been in place since the 1940's. It was just a temporary building halt. Therefore, a traffic study should not apply to the 31 zone 2 lots and should only be used for the benefit of the city's understanding of traffic flows.

Thank you,

Peter Nopper

# Crockett & Associates

Robert D. Crockett  
23929 Valencia Blvd., Suite 303  
Valencia, California 91355  
323-487-1101 | 323-843-9711 fax  
bob@bobcrockettlaw.com  
www.bobcrockettlaw.com

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**

**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.

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**

**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

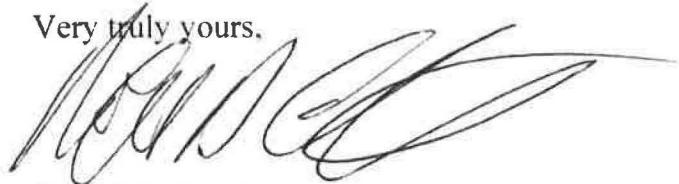
Palos Verdes Drive South). On the small scale (e.g., within the Portuguese Bend gated community), we again point out that the long-ago decision to zone these 31 lots for residential development carried with it a determination that the roads for ingress and egress are adequate for both routine and emergency 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.

**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.

**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.

**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.

Very truly yours,



Robert D. Crockett  
Crockett & Associates

Page 5  
September 30, 2019

bcc: Neil Siegel

4845-1409-0408, v. 1

Dear Mr. Silva,

I am writing in response to the notice I received on 10/31/19. My family have been long time residence

In Portuguese Bend dating back to 1957 when they built their house and the moratorium was established

due to landslide concerns. As we fast forward to the current times and the pressure to build out the existing

lots, one can only be concerned on what this will do to the existing area and current neighborhood. Currently

there are homes in the neighborhood that have issues with home movement. Will our infrastructure be able to

support and maintain the added traffic. What about emergency vehicles and the abilities for the community to

move during times of emergency? What about crime and the added pressure of these additional homes to the

surrounding areas? Will these additional homes cause increased landslide activity, and who will be responsible

if it does?

If this amendment is passed, how will it be implemented? Are the doors just flung open and its open season to

build? Will the new builders be held responsible on the known potential consequences?

I attended one of the last city council meetings where a video was shown referencing water run off from one of

the new houses located off of upper Cinnamon. What has been constructed to make change to that possibility?

I understand the want for lot owners to build but I am greatly concerned on the outcome of what pressures it will

bare upon this neighborhood and the potential outcome it will provide for the current residence and safety of all that

it encompasses.

I ask that the amendment not be passed.

Respectfully,

Joan and Ellen Wright

## Octavio Silva

---

**From:** June Horton <JHorton@WMEAAgency.com>  
**Sent:** Monday, November 04, 2019 11:11 AM  
**To:** Octavio Silva  
**Cc:** June Horton  
**Subject:** CASE Bo. PLCA2018-0004

Dear Mr. Silva:

I am a longtime homeowner, living at 85 Vanderlip Drive in Portuguese Bend, and I am writing in response to the 10/31/19 Notice that I received.

My family has resided in our Vanderlip Drive house for 50+ years. During that time, we experienced the major landslide which gave rise to the Moratorium. In fact, my late father, Edward Horton (a world acclaimed scientist) was very involved with the studies that were done at the time that resulted in the Moratorium. To give further context to my comments, I am a lawyer, so I followed the Monks lawsuit, and the events that have transpired since then.

I understand why owners of vacant lots in Portuguese Bend would want to build homes, HOWEVER their desire doesn't outweigh the demonstrable concerns that were established decades ago. First and foremost, there is the potential that building 30+ residences will cause increased landslide activity (and we already have ongoing landslide activity). Will these homeowners and the city of RPV indemnify the rest of us if that happens? The decision to approve the Amendment must hold the city and the new homeowners liable for the known potential consequences, because I certainly will.

Furthermore, aside from the very real geographical concerns, I believe I speak for most members of the community when I say that not only will the character of Portuguese Bend be negatively impacted by having such a massive numbers of homes and residents added, but there will without a doubt be traffic and safety problems. The added congestion to the narrow streets has already occurred over the last 15 years, and adding dozens of cars will make it even more dangerous throughout the Bend, but particularly in the entrances/exits.

I would like to point out that the current citizens moved to Portuguese Bend because of the open space and lack of residential density. Conversely, those who purchased vacant lots were well aware of this, and well aware of the Moratorium. The prices of the homes, and of the vacant lots reflect both of these considerations. To approve the Amendment would result in a substantial windfall to the lot owners and an incalculable detriment to everyone else.

Please do not pass the Amendment.

Sincerely,

June Horton

June Horton | WME  
[JHorton@WMEAAgency.com](mailto:JHorton@WMEAAgency.com)  
310.859.4512

**Neil Siegel, Ph.D.**  
Lot owner at 7 Thyme Place  
Rancho Palos Verdes, CA 90275  
(please direct correspondence to [siegel.neil@gmail.com](mailto:siegel.neil@gmail.com))  
310-375-9907

2 November 2019

**Subject:** Letter in *support* of the final EIR, and in support of the proposed change to the City landslide moratorium ordinance

Dear members of the City Council of Rancho Palos Verdes:

I write in strong support of having the Rancho Palos Verdes City Council *approve / certify the final Environmental Impact Report (EIR) as currently proposed*, and also of having the Rancho Palos Verdes City Council *approve the change to City landslide moratorium ordinance* (15.20.040) so as to allow all of the currently-undeveloped lots within “Zone 2” to be able to apply for development under the same rules and procedures as are currently in force for the “Monks lots” within that same Zone 2.

I support the *primary* recommendations, rather than either of the two alternatives.

I have been both the president of the Portuguese Bend Community Association, and a long-term member of the Abalone Cove Landslide Abatement District board of directors. These experiences have provided me with some knowledge of the matter at issue.

Having read the final EIR, I commend you and the City staff on a careful and thorough evaluation and analysis. I note that in the executive summary, Table ES-1 notes that every item has been mitigated to a level of “less than significant”, except for traffic at one intersection that is several miles distant from Zone 2, and one other place where mitigation would involve conversion of a section of Palos Verdes Drive South from 2 lanes to 4 lanes. As it happens, according to this same Table ES-1, the identified mitigations for both of these items are already listed in the City of Rancho Palos Verdes General Plan Update, and therefore remain “on the table” for future consideration. Based on this progress, *I believe that the City is now ready to proceed with the approval / certification of the final EIR, and the adoption of the proposed change to the City landslide moratorium ordinance*.

*I urge that the City Council complete both of these actions at the 19 November 2019 City Council meeting.*

I thank you for your efforts in this matter. This matter has been controversial, but I believe that you and the staff have reached a proposed outcome that is fair to both the lot owners and the owners of existing housing in the Zone 2 area.

Thank you for listening to my opinion on this matter.

Yours truly,



Neil Siegel, Ph.D.  
(contact information: [siegel.neil@gmail.com](mailto:siegel.neil@gmail.com))

Robyn Friend, Ph.D.  
19 Golden Spar Place  
Rolling Hills Estates, CA 90274  
(please use this address for correspondence, or [robyn@robynfriend.com](mailto:robyn@robynfriend.com))  
310-375-9907

2 November 2019

Subject: Letter in *support* of the final EIR, and in support of the proposed change to the City landslide moratorium ordinance

Dear members of the City Council of Rancho Palos Verdes:

I write in strong support of having the Rancho Palos Verdes City Council *approve / certify the final Environmental Impact Report (EIR) as currently proposed*, and also of having the Rancho Palos Verdes City Council *approve the change to City landslide moratorium ordinance* (15.20.040) so as to allow all of the currently-undeveloped lots within "Zone 2" to be able to apply for development under the same rules and procedures as are currently in force for the "Monks lots" within that same Zone 2.

I support the *primary* recommendations, rather than either of the two alternatives.

My husband and I own a lot within Zone 2 of the Portuguese Bend community, and previously lived in that community for many years.

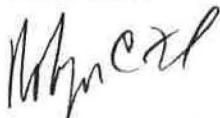
Having read the final EIR, I commend you and the City staff on a careful and thorough evaluation and analysis. I note that in the executive summary, Table ES-1 notes that every item has been mitigated to a level of "less than significant", except for traffic at one intersection that is several miles distant from Zone 2, and one other place where mitigation would involve conversion of a section of Palos Verdes Drive South from 2 lanes to 4 lanes. As it happens, according to this same Table ES-1, the identified mitigations for both of these items are already listed in the City of Rancho Palos Verdes General Plan Update, and therefore remain "on the table" for future consideration. Based on this progress, *I believe that the City is now ready to proceed with the approval / certification of the final EIR, and the adoption of the proposed change to the City landslide moratorium ordinance.*

*I urge that the City Council complete both of these actions at the 19 November 2019 City Council meeting.*

I thank you for your efforts in this matter. This matter has been controversial, but I believe that you and the staff have reached a proposed outcome that is fair to both the lot owners and the owners of existing housing in the Zone 2 area.

Thank you for listening to my opinion on this matter.

Yours truly,



Robyn Friend, Ph.D.  
(contact information: [robyn@robynfriend.com](mailto:robyn@robynfriend.com))

**From:** [Dennis Gardner](#)  
**To:** [Octavio Silva](#)  
**Cc:** [Jeremy & Pippa Davies](#); [Gordon & Claire Leon](#); [Jim Knight <knightjim33@gmail.com>](#)  
**Subject:** September Council Meeting DEIR  
**Date:** Thursday, August 29, 2019 12:03:12 PM

---

Octavio,

Because of the length of the document and the short time to review and comment it seems that the timing for public comments at the September meeting is inadequate.

Written comments are due on October 7th. After that time it may be appropriate to discuss at a public meeting.

Please consider an extension of the public meeting till after the October deadline.

Thank you,

Dennis Gardner

## Octavio Silva

---

**From:** Andrea Joannou <[andrearpv@gmail.com](mailto:andrearpv@gmail.com)>  
**Sent:** Saturday, August 24, 2019 3:54 PM  
**To:** Octavio Silva  
**Subject:** Fwd: Zone 2 Landslide Moratorium Ordinance Revisions

----- Forwarded message -----

From: Andrea Joannou <[andrearpv@gmail.com](mailto:andrearpv@gmail.com)>  
Date: Sat, Aug 24, 2019 at 3:49 PM  
Subject: Zone 2 Landslide Moratorium Ordinance Revisions  
To: <[octavious@rpvca.gov](mailto:octavious@rpvca.gov)>, Ara Mihranian <[AraM@rpv.com](mailto:AraM@rpv.com)>, <[cc@rpv.com](mailto:cc@rpv.com)>

Dear Octavious and Ara,

I am writing this email in reference to a notice I received for the Zone 2 Landslide Mortatorium Ordinance Revision.

Let me say this. I commend the City of Rancho Palos Verdes for putting this item on the agenda and I fully support the Ordinance Revision which will hopefully take place to allow all of the remaining 31 Zone 2 lots to be built sooner than later.

It's about time.

These folk who own the lots have suffered years of abuse from other property owners in our community who have tried to stop the ordinance change which have prevented them from moving forward and building. It's been a political battle and I am glad it will now change. These folk have been paying their property taxes for years and years for their lots in which they have had no enjoyment from or use. It's been so unfair to them. Ara, I am so thankful to you especially for pushing this through quickly as you realize it's the right thing to do. I look forward to more new homes in our neighbourhood in which the City will prosper in the future with property taxes etc.

I am looking forward to helping any Zone 2 lot owner who needs help with any questions about the building process.

Thank you again all and let's get this done.

Andrea Joannou

Tel: (310) 941-0777 | [andrearpv@gmail.com](mailto:andrearpv@gmail.com) |

***"People don't care what you know, until they know that you care"***

--  
Andrea Joannou

Tel: (310) 941-0777 | [andrearpv@gmail.com](mailto:andrearpv@gmail.com) |

***"People don't care what you know, until they know that you care"***

Neil Siegel, Ph.D.  
Lot owner at 7 Thyme Place  
Rancho Palos Verdes, CA 90275  
(please direct correspondence to [siegel.neil@gmail.com](mailto:siegel.neil@gmail.com))  
310-375-9907

26 August 2019

Subject: Letter in *support* of the revised EIR, and in support of the proposed change to the City landslide moratorium ordinance

Dear members of the City Council of Rancho Palos Verdes:

I write in strong support of having the Rancho Palos Verdes City Council *approve the revised Environmental Impact Report (EIR) as currently proposed*, and also of having the Rancho Palos Verdes City Council *approve the change to City landslide moratorium ordinance* (15.20.040) so as to allow all of the currently-undeveloped lots within “Zone 2” to be able to apply for development under the same rules and procedures as are currently in force for the “Monks lots” within that same Zone 2.

I have been both the president of the Portuguese Bend Community Association, and a long-term member of the Abalone Cove Landslide Abatement District board of directors. These experiences have provided me with some knowledge of the matter at issue.

The original (1993) document that divided the Portuguese Bend area into geologic zones – written by geologist Dr. Perry Ehlig – titled Zone 2 as “Subdivided land *unaffected* by large historic landslides”, and stated that “The undeveloped lots . . . could be developed *without adversely affecting* the stability of the large ancient landslide” (emphasis added).

Bear in mind that all of these undeveloped lots within Zone 2 are *already* zoned for single-family residences. Many of the normal considerations of development – density, traffic, and so forth – ought therefore to be considered as having been resolved by that previous zoning action.

Given the undeniable fact that these lots are already zoned for single-family residences, the only reasonable and proper basis for denying the owners of these properties the right to develop their properties would be proof that it would be unsafe. A court, however, found that it was safe to develop lots within Zone 2 – the so-called “Monks decision” – and the City Council at the time showed that it *agreed* with that decision (as memorialized by the City Council’s change to the City code – section 15.20.040 – that allowed such development). Since Dr. Ehlig – the geologist who divided the Portuguese Bend area into geologic zones – stated that the area-wide geology *within* each single zone is similar (that was his basis for defining the zones), this makes it clear that the other undeveloped zone-2 lots can also safely be developed. That was most definitely Dr. Ehlig’s written opinion (as cited above) – I knew him personally and professionally. It was also the professional opinion of Dr. Robert Douglas, a professor of geology at USC who studied the landslide and Zone 2 for decades, and was the chairman of the Abalone Cove Landslide Abatement District board of directors for the entire decade that I served on that board.

Dr. Ehlig and Dr. Douglas are the world’s foremost experts on the Portuguese Bend landslides; they each spent *decades* studying the geology of that area. No other geologist in the world has knowledge of these landslides that remotely approaches theirs on this matter; their professional opinions on this subject merit the deepest respect and consideration.

Neil Siegel, Ph.D.  
Lot owner at 7 Thyme Place  
Rancho Palos Verdes, CA 90275  
(please direct correspondence to [siegel.neil@gmail.com](mailto:siegel.neil@gmail.com))  
310-375-9907

Of course, additional proof that such development is safe is provided by the fact that since the Monks decision (and the change to the City landslide moratorium ordinance that allowed their development), a number of those lots have in fact been developed, and no adverse consequences have ensued. This indicates that *the rules that the City of Rancho Palos Verdes have established for the Monks lots are adequate to ensure safe development within Zone 2*, and therefore, I believe that it is fair and equitable that the City allow development under those same rules for the *remaining* undeveloped lots within Zone 2.

Therefore, I strongly believe that the Rancho Palos Verdes City Council ought at this time to approve the revised EIR as currently proposed, and also ought at this time to *approve the change to the City landslide moratorium ordinance* (15.20.040) so as to allow all of the currently-undeveloped lots within "Zone 2" to be developed under the same rules and procedures as are currently in force for the "Monks lots" within that same Zone 2.

I anticipate that you will receive a lot of highly-emotional inputs, both written and verbal, against these recommendations. Having listened to similar inputs for years in my capacity both as the president of the Portuguese Bend Community Association, and a long-term member of the Abalone Cove Landslide Abatement District board of directors, I can tell you that if you strip off the emotions, and consider the *facts* presented by those who oppose development on the remaining Zone 2 lots, their concerns are for preservation of open space; they actually have no facts in support of their opinion that are based on geologic safety. The best action, however, for anyone in the neighborhood who wishes to preserve the open space near their house is to buy the empty lot in question from the current owner. A number of Portuguese Bend residents have already done exactly that.

Thank you for listening to my opinion on this matter.

Yours truly,



Neil Siegel, Ph.D.  
(contact information: [siegel.neil@gmail.com](mailto:siegel.neil@gmail.com))

Robyn Friend, Ph.D.  
19 Golden Spar Place  
Rolling Hills Estates, CA 90274  
(please use this address for correspondence, or [robyn@robynfriend.com](mailto:robyn@robynfriend.com))  
310-375-9907

27 August 2019

Subject: Letter in **support** of the revised EIR, and in support of the proposed change to the City landslide moratorium ordinance

To the members of the City Council of Rancho Palos Verdes:

I write in strong support of having the Rancho Palos Verdes City Council **approve the revised Environmental Impact Report (EIR) as currently proposed**, and also of having the Rancho Palos Verdes City Council **approve the change to the City's landslide moratorium ordinance** (15.20.040) so as to allow all of the currently-undeveloped lots within "Zone 2" to be able to apply for development under the same rules and procedures as are currently in force for the "Monks lots" within that same Zone 2.

My husband and I own a lot within Zone 2 of the Portuguese Bend community, and previously lived in that community for many years.

The original (1993) document that divided the Portuguese Bend area into geologic zones – written by geologist Dr. Perry Ehlig – titled Zone 2 as "Subdivided land **unaffected** by large historic landslides", and stated that "The undeveloped lots . . . could be developed **without adversely affecting** the stability of the large ancient landslide" (emphasis added).

Bear in mind that all of these undeveloped lots within Zone 2 are **already** zoned for single-family residences. Many of the normal considerations of development – density, traffic, and so forth – ought therefore to be considered as having been resolved by that previous zoning action.

Given the undeniable fact that these lots are already zoned for single-family residences, the only reasonable and proper basis for denying the owners of these properties the right to develop their properties would be proof that it would be unsafe. A court, however, found that it was safe to develop lots within Zone 2 – the so-called "Monks decision" – and the City Council at the time showed that it **agreed** with that decision (as memorialized by the City Council's change to the City code – section 15.20.040 – that allowed such development). Since Dr. Ehlig – the geologist who divided the Portuguese Bend area into geologic zones – stated that the area-wide geology **within** each single zone is similar (that was his basis for defining the zones), this makes it clear that the other undeveloped zone-2 lots can also safely be developed. That was most definitely Dr. Ehlig's written opinion (as cited above).

That these lots could safely be developed was also the professional opinion of Dr. Robert Douglas, a professor of geology at USC who studied the landslide and Zone 2 for decades, and was the chairman of the Abalone Cove Landslide Abatement District board of directors for many years.

Dr. Ehlig and Dr. Douglas are the world's foremost experts on the Portuguese Bend landslides; they each spent **decades** studying the geology of that area. No other geologist in the world has knowledge of these landslides that remotely approaches theirs on this matter; their professional opinions on this subject merit the deepest respect and consideration.

Robyn Friend, Ph.D.  
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310-375-9907

Of course, additional proof that such development is safe is provided by the fact that since the Monks decision (and the change to the City landslide moratorium ordinance that allowed their development), a number of those lots have in fact been developed, and no adverse consequences have ensued. This indicates that *the rules that the City of Rancho Palos Verdes have established for the Monks lots are adequate to ensure safe development within Zone 2*, and therefore, I believe that it is fair and equitable that the City allow development under those same rules for the *remaining* undeveloped lots within Zone 2.

Therefore, I strongly believe that the Rancho Palos Verdes City Council ought at this time to approve the revised EIR as currently proposed, and also ought at this time to *approve the change to the City landslide moratorium ordinance* (15.20.040) so as to allow all of the currently-undeveloped lots within "Zone 2" to be developed under the same rules and procedures as are currently in force for the "Monks lots" within that same Zone 2.

I anticipate that you will receive a lot of highly-emotional inputs, both written and verbal, against these recommendations. Having listened to similar inputs for years while living in the Portuguese Bend community, I can tell you that if you strip off the emotions, and consider the *facts* presented by those who oppose development on the remaining Zone 2 lots, their concerns are for preservation of open space; they actually have no facts in support of their opinion that are based on geologic safety. The best action, however, for anyone in the neighborhood who wishes to preserve the open space near their house is to buy the empty lot in question from the current owner. A number of Portuguese Bend residents have already done exactly that.

Thank you for listening to my opinion on this matter.

Yours truly,



Robyn Friend, Ph.D.  
(contact information: [robyn@robynfriend.com](mailto:robyn@robynfriend.com))

Michael E Nopper  
3802 Rosecrans St #365  
San Diego, CA 92110  
619-761-3172  
mikenopper@aol.com

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

September 1, 2019

**Subject:** Letter in support of the revised EIR, and in support of the proposed change to the City landslide moratorium ordinance

Dear members of the City Council of Rancho Palos Verdes,

I write in strong support of having the Rancho Palos Verdes City Council **approve the Environmental Impact Report (EIR) as currently written**, and also of having the RPV City Council **approve the change to the City ordinance** so as to allow all of the currently-undeveloped lots within "Zone 2" to be developed under the same rules as are currently in force for the "Monks lots" within that same Zone 2.

My brother and I are the proud heirs of a lot on the corner of Cinnamon and Narcissa in Zone 2 of Portuguese Bend. The lot has been our family for nearly 40 years, and my father always intended to build on it. Sadly he passed away 2 years ago, before he was able to realize his dream. We are also trustee-beneficiaries of a home in the PBC beach club.

The original (1993) document that divided the Portuguese Bend area into geologic zones – written by geologist Dr. Perry Ehlig – titled Zone 2 as "Subdivided land **unaffected** by large historic landslides", and stated that "The undeveloped lots . . . could be developed **without adversely affecting** the stability of the large ancient landslide" (emphasis added).

All of these "Zone 2" properties are already zoned for single-family residences. Normal considerations of development – density, traffic, and so forth would have been resolved by that previous zoning action.

The fact is that these lots are already zoned for single-family residences. The only justifiable basis for denying the owners of Zone 2 the right to develop their properties would be proof that it would be unsafe. However, a court found that it was safe to develop lots within Zone 2 – (the so-called Monks properties, and the City **agreed**; as memorialized in the City's change to the City code that allowed such development); because Dr. Ehlig – the geologist who divided the Portuguese Bend area into geologic zones – stated that the area-wide geology **within** each single zone is similar (that was his basis for defining the zones), this makes it clear that the other undeveloped zone-2 lots can also safely be developed. That was most definitely Dr. Ehlig's written opinion (as cited above). It was also the professional opinion of Dr. Robert Douglas, a

professor of geology at USC who studied the landslide and Zone 2 for decades, and was the chairman of the Abalone Cove Landslide Abatement District board of directors for over a decade.

Dr. Ehlig and Dr. Douglas are the world's foremost experts on the Portuguese Bend landslides; they each spent *decades* studying the geology of that area. No other geologist has knowledge of these landslides that remotely approaches theirs on this matter; their professional opinions on this subject merit the deepest respect and consideration.

Additional proof that "Zone 2" development is safe is proven by the empirical fact that since the Monks decision (and the change to the City code that allowed their development), a number of those lots have been fully developed with no adverse consequences since then. This indicates that *the rules that the City of Rancho Palos Verdes have established for the Monks lots are adequate to ensure safe development within Zone 2*, and therefore, I believe that it is fair and equitable that the City allow development under those same rules for the remaining undeveloped lots within Zone 2.

Therefore, I strongly believe that the RPV City Council should approve the EIR as currently written, and also to *approve the change to the City ordinance* so as to allow all of the currently-undeveloped lots within "Zone 2" to be developed under the same rules as are currently in force for the "Monks lots" within that same Zone 2.

It is expected that there will be great outcry from dozens of PBCA members who will employ highly charged and irrational arguments, both written and verbal, against adopting the EIR recommendations (based upon prior attempts to adopt the EIR). However, if you strip off the emotions, and consider the *facts* presented by those who oppose development on the remaining Zone 2 lots, their concerns are for preservation of open space in their neighborhood, while denying the lot owners their rightful ability to develop the lots, without economic compensation. All of those who call for open space preservation have no evidence to support their opinion of geologic danger, because it does not exist. And a smaller number of development deniers have actually used the extended building moratorium as an opportunity to buy vacant lots from aging or distressed lot owners for pennies on the dollar.

Thank you for considering my opinion on this matter.

*Michael E Nopper*

Rudolf Pfannerer  
4232 Admirable Drive  
Rolfgpfannerer@cox.net

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

September 2, 2019

**Subject:** Letter in support of the revised EIR, and in support of the proposed change to the City landslide moratorium ordinance

Dear members of the City Council of Rancho Palos Verdes,

I write in strong support of having the Rancho Palos Verdes City Council **approve the Environmental Impact Report (EIR) as currently written**, and also of having the RPV City Council **approve the change to the City ordinance** so as to allow all of the currently-undeveloped lots within "Zone 2" to be developed under the same rules as are currently in force for the "Monks lots" within that same Zone 2.

I am a resident of RPV. I am a concerned friend of a PBC lot owner.

The original (1993) document that divided the Portuguese Bend area into geologic zones – written by geologist Dr. Perry Ehlig – titled Zone 2 as "Subdivided land **unaffected** by large historic landslides", and stated that "The undeveloped lots . . . could be developed **without adversely affecting** the stability of the large ancient landslide" (emphasis added).

All of these "Zone 2" properties are already zoned for single-family residences. Normal considerations of development – density, traffic, and so forth would have been resolved by that previous zoning action.

Additional proof that "Zone 2" development is safe is proven by the empirical fact that since the Monks decision (and the change to the City code that allowed their development), a number of those lots have been fully developed with no adverse consequences since then. This indicates that **the rules that the City of Rancho Palos Verdes have established for the Monks lots are adequate to ensure safe development within**

**Zone 2**, and therefore, I believe that it is fair and equitable that the City allow development under those same rules for the remaining undeveloped lots within Zone 2.

Therefore, I strongly believe that the RPV City Council should approve the EIR as currently written, and also to *approve the change to the City ordinance* so as to allow all of the currently-undeveloped lots within “Zone 2” to be developed under the same rules as are currently in force for the “Monks lots” within that same Zone 2.

Thank you for considering my opinion on this matter.

Rolf Pfannerer

To The City Council of The City of Rancho Palos Verdes,

Subject : Support for amending the City Landslide Moratorium Ordinance and acceptance of the proposed revised Environmental Impact Report.

The Portuguese Bend earth movement has been studied, analyzed, and researched for decades.

The proposed updated EIR is an exceptionally detailed history of its beginning and the affect it has had on property in RPV. An in-depth reading of the experts opinions and consideration of the facts determined by nationally recognized geologists reveal a consensus of opinion. Without exception, the scientists and the FACTS show that construction of single family residences in Zone 2 would present less than significant concern,

As a proponent of construction and a property owner in Zone 2, I am convinced by both the passage of time and the FACTS as they exist. Those individuals opposed to building appear to base their conclusion on emotions, conjecture, and not a little bit of self-interest. They claim passage of the proposed revised EIR forebodes ecological disaster, dire consequences , future chaos.

NONE of these predictions are supported by facts.

NONE of these catastrophes have taken place and scientists have opined they will not.

NONE of these things occurred when the Monks lots were allowed to build homes.

A misquoted but popular phrase from Hamlet aptly strengthens my point. "Me thinks thou dost protest too much." Suspiciously its beginning to seem that the residents who already have homes in Zone 2 want to preserve open space for themselves at the expense of their neighbors' property rights.

You, as members of RPV's Council have the opportunity to right a long standing injustice, however well intended when enacted. Cooler heads, wiser minds should see clearly that the passage of the proposed, revised EIR and amending the Landslide Moratorium Ordinance puts to rest this controversy.

Thank you,

Jerry Johnson,  
Property Owner Zone 2

## Octavio Silva

---

**From:** Jim York <theyorkproperties@gmail.com>  
**Sent:** Wednesday, September 04, 2019 5:14 PM  
**To:** Octavio Silva; Doug Willmore; Ara Mihranian; CC; PC  
**Subject:** Re: Notice of Availability of Draft Environmental Impact Report\_ Landslide Moratorium Revisions

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Octavio

Thanks for forwarding the Draft EIR for the proposed Zone 2 Landslide Moritorium Revisions. We strongly support allowing all legal lots in Zone 2 to have single family residences constructed.

We own a lot on Cinnamon Lane where homes have recently been constructed on either side of us. The geological and other conditions for these lots are identical to ours.

Many of the Zone 2 lot owners have been working for years trying to build homes. Now is the time to revise the Landslide Moritorium to allow construction. Please complete and approve the EIR

Jim York  
President, York Capital Group  
General Partner, Arizona Land Associates

> On Aug 22, 2019, at 4:30 PM, Octavio Silva <OctavioS@rpvca.gov> wrote:  
>  
> Hello,  
>  
> The Notice of Availability (NOA) of Draft Environmental Impact Report regarding the proposed Zone 2 Landslide Moratorium Revisions is now available. As an interested party, I have attached a copy of the NOA for your records.  
>  
> Please feel free to contact me at the information listed below for any further questions.  
>  
> 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<http://www.rpvca.gov>  
> octavios@rpvca.gov<mailto:octavios@rpvca.gov>  
> (310) 544-5234  
>  
> <Zone 2\_DEIR NOA.pdf>

## Octavio Silva

---

**From:** mnopperrpv@aol.com  
**Sent:** Thursday, September 05, 2019 11:28 AM  
**To:** Octavio Silva  
**Subject:** Letter in support of the revised EIR, and in support of the proposed change to the City landslide moratorium ordinance

Magdalena Nopper  
4109 Sea Horse Lane  
Rancho Palos Verdes, CA 90275-6058  
[mnopperrpv@aol.com](mailto:mnopperrpv@aol.com)

To:  
Octavia Silva, Senior Planner  
City of Rancho Palos Verdes  
Community Development Department  
30940 Hawthorne Blvd.  
Rancho Palos Verdes, CA 90275  
[octavios@rpvca.gov](mailto:octavios@rpvca.gov)  
(310) 544-5234

September 5, 2019

**Subject:** Letter in support of the revised EIR, and in support of the proposed change to the City landslide moratorium ordinance

Dear members of the City Council of Rancho Palos Verdes,

I write in strong support of having the Rancho Palos Verdes City Council **approve the Environmental Impact Report (EIR) as currently written**, and also of having the RPV City Council **approve the change to the City ordinance** so as to allow all of the currently undeveloped lots within Zone 2 to be developed under the same rules as are currently in force for the "Monks lots" within that same Zone 2.

I am a resident of RPV, and the Stepmother of Michael and Peter Nopper, who are PBC lot owners.

The original (1993 document that divided the Portuguese Bend area into geologic zones - written by geologist Dr. Perry Ehlig - titled Zone 2 as "Subdivided land **unaffected** by large historic landslides", and stated that "The undeveloped lots . . . could be developed **without adversely affecting** the stability of the large ancient landslide" (emphasis added).

All of these Zone 2 properties are already zoned for single-family residences. Normal considerations of development - density, traffic, and so forth, would have been resolved by that previous zoning action.

Additional proof that Zone 2 development is safe, is proven by the empirical fact, that since the Monks decision (and the change to the City code that allowed their development), a number of those lots have been fully developed with no adverse consequences since then. This indicates that the rules that the City of Rancho Palos Verdes has established for the Monks lots are adequate to ensure safe development within Zone 2, and therefore I believe, that it is fair and equitable that

**the City allow development under those same rules for the remaining undeveloped lots within Zone 2.**

Therefore, I strongly believe that the RPV City Council should approve the EIR as currently written, and also to approve the change to the City ordinance so as to allow all of the currently undeveloped lots within "Zone 2" to be developed under the same rules as are currently in force for the "Monks lots" within that same Zone 2.

Thank you for considering my opinion on this matter.

*Magdalena Nopper*

## Octavio Silva

---

**From:** Peter Nopper <pnopper@outlook.com>  
**Sent:** Sunday, September 08, 2019 11:01 AM  
**To:** Octavio Silva  
**Subject:** Pass the Draft Environmental Impact Report and expansion of exception P

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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

**Octavio Silva**

---

**From:** suzanne black <suzannejoyblack@yahoo.com>  
**Sent:** Monday, September 09, 2019 12:41 PM  
**To:** Octavio Silva  
**Cc:** Suzanne Griffth  
**Subject:** Revision of Landslide Moratorium Ordinance - Non-Monks Lots

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Octavio Silva  
Senior Planner  
City of Rancho Palos Verdes, Community Development Department  
30940 Hawthorne Blvd.  
Rancho Palos Verdes, CA 90275  
[octavios@rpvca.gov](mailto:octavios@rpvca.gov)

Dear Octavio,

I am a resident and owner of a home located at 13 Fruit Tree Road in Portuguese Bend. I am also an Owner of a Zone 2 Lot located at 11 Fruit Tree Road.

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.

Since the Monk's Appellate decision in 2009, the City has had numerous meetings, reports, EIRs, and lawsuits. This is the SECOND EIR that was commissioned by the City of RPV, with the same conclusion: The development of the remaining undeveloped lots in Zone 2 should be allowed.

The Monks Plaintiffs have the right to build on their Zone 2 Lots. The Monk's lots are interspersed among the remaining undeveloped Zone 2

Lots -- so what is the difference? It is my understanding that not all Zone 2 Lot Owners want to build. Some Lot owners want to preserve the open land and not have any development – that is their right as property owners. All Lot owners should have the right to develop or not develop their property as they wish within the confines of the law and this second DEIR supports that conclusion.

There will be many people who are opposed to this proposed revision. Please look beyond the emotional outcry and focus on the facts, take the advice of your experts/consultants, and follow the law.

Please move forward with the revision to allow the Landslide Moratorium Ordinance to apply to all undeveloped lots in Zone 2.

Thank you for your attention. Please confirm your receipt of this email.

Sincerely,

Suzanne Black Griffith, Esq.

Dear Octavio,

It is with great sadness that I write this letter concerning the DEIR as it is with great sadness to learn the potential of developing further zone 2.

As you know we have been the most impacted by Mr. York's property but it will be the whole neighborhood on this project.

I can carry on with my woes but will be more direct with my questions. This neighborhood is an old neighborhood going forward with new homes, infrastructures, and ideas. We basically have one way in, one way out. How does the city look at safety and the abilities to fight fires? Does Mr. York's road come into effect of being able to get equipment into place should a fire or some kind of emergency take place? Will rules of the neighborhood be monitored and policed?

Example, people park on the streets and on side areas that are just space? With Portuguese Bend people have been very relaxed with living amongst each other but with more people and development comes congestion, traffic, issues. Will zone 2 just open at once or will there be like a lottery on who gets to build first and time frame in which to complete their building?

What is the expected time frame on when this will start?

Your time on this subject is greatly appreciated.

Respectfully,

Ellen Wright 9/9/2019

## Octavio Silva

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**From:** Mike Griffith <mikegrif@aol.com>  
**Sent:** Monday, September 09, 2019 5:32 PM  
**To:** Octavio Silva  
**Subject:** Zone 2 Lots Approval; Section 15.20.040 (P) Letter of Support to Revise

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

Dear Octavio,

I am a resident, with my wife, at 13 Fruit Tree Road in Portuguese Bend. I am also an Owner of a Zone 2 Lot located at 11 Fruit Tree Road next door to our home.

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.

Since the Monk's Appellate decision in 2009, the City has undertaken numerous meetings, reports, EIRs, and lawsuits regarding this issue. This is the SECOND EIR that was commissioned by the City of RPV, with the same conclusion: The development of the remaining undeveloped lots in Zone 2 should be allowed.

The Monks Plaintiffs have the right to build on their Zone 2 Lots. The Monk's lots are interspersed among the remaining undeveloped Zone 2 Lots -- so little argument can be made for a different ruling. I understand that not all Zone 2 Lot Owners want to build. Some Lot owners wish to preserve the open land and not have any development -- that is their right as property owners, but not a consensus of all property owners. All Lot owners deserve the right to develop or not develop their private property as they wish within the confines of the law and this second DEIR paid for by the city and it supports this conclusion.

While there may be other residents with differing opinion, please look beyond the emotional outcry and focus on the facts. I urge you and the appropriate governmental bodies to take the advice of your own paid experts/consultants, and follow the law to approve the ability to develop the above referenced lots at each owner's choosing.

Please move forward with the revision to allow the Landslide Moratorium Ordinance to apply to all undeveloped lots in Zone 2.

Thank you for your attention. Please confirm your receipt of this email.

Sincerely,

Mike Griffith

13 Fruit Tree Road  
Rancho Palos Verdes, CA 90275

## Octavio Silva

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**From:** Marlene Black <marlenecblack@gmail.com>  
**Sent:** Tuesday, September 10, 2019 12:29 AM  
**To:** Octavio Silva  
**Subject:** Proposed Revisions to Landslide Moratorium Ordinance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Octavio Silva  
Senior Planner  
City of Rancho Palos Verdes, Community Development Department  
30940 Hawthorne Blvd.  
Rancho Palos Verdes, CA 90275  
[octavios@rpvca.gov](mailto:octavios@rpvca.gov)

Mr. Silva,

I am a homeowner at 13 Fruit Tree Road in Rancho Palos Verdes.

I am in favor of moving forward with the proposed DEIR recommendations. Given the Monks ruling, it is only fair and just to revise the ordinance so that it applies to all undeveloped lots in Zone 2. They are all surrounded by each other so its unclear as to why one is being treated differently from the other.

Please move forward with the revision to allow the Landslide Moratorium Ordinance to apply to all undeveloped lots in Zone 2.

Thank you.

Marlene C. Black

Judith A. King  
645 Old Topanga Canyon Road  
Topanga, CA 90290

Lot owner of vacant lot between 30 Sweetbay and 28 Sweetbay  
310-346-3902

September 9, 2019

Re: Letter **in support of the revised EIR**, and in support of proposed changes to the City landslide moratorium ordinance

Dear members of Rancho Palos Verdes City Council,

I write to urge the members of the City Council to approve the revised EIR as currently proposed. I am a long-time property owner in Portuguese Bend, owning a residence since 1974. My vacant lot sits next to our residence at 30 Sweetbay Road and we have enjoyed using it since my two children were little. We purchased it from the previous owner several decades ago, after trying for many years. Although we have moved away, I still own these properties and hope to move back soon. My children always urge me not to sell either of them!

I plan to leave the vacant lot to my children and am hoping they have the choice to develop it or not, which my ex-husband and I never had. We always supported the Landslide Abatement District and welcomed having a de-watering well on our property! I think the past few years the geologic opinion in favor of building out the remaining Zone 2 lots has become more certain which is thrilling for us.

I understand there are other issues, traffic and storm drains are major on the list! These are fixable problems, and traffic shouldn't be increased enough to cause major problems. When we moved into the area in 1974, there was only one stop sign and that **was** a problem! In consultation with the county traffic engineers we were able to add stop signs and resolve a

dangerous situation. I'm sure, working with traffic experts, changes can again be made that will resolve any dangerous traffic situations.

Drainage was a problem in Portuguese Bend from long before we bought our house and although improvements have been made, it remains a problem. Runoff is good for the groundwater table, when it is carefully channeled to the ocean. I trust the City of Rancho Palos Verdes, Los Angeles County Flood Control and the Abalone Cove Landslide Abatement District are looking carefully about this issue not just for Area 2 but for the slide region in general.

Thank you for reading this!

Sincerely,

Judith A. King

dendrochick@aol.com