



Appendix A

Initial Study
Notice of Preparation
NOP Comment Letters

City of Rancho Palos Verdes

Zone 2 Landslide Moratorium Ordinance Revisions

Initial Study



December 2010

Environmental Scientists Planners Engineers

Initial Study

Zone 2 Landslide Moratorium Ordinance Revisions

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December 2010

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TABLE OF CONTENTS

	Page
Initial Study	
Project Title	1
Lead Agency	1
Contact Person.....	1
Project Location	1
Project Sponsor's Name and Address	1
General Plan Designations.....	1
Zoning.....	1
Overlay Control Districts.....	1
Current Land Use.....	4
Surrounding Land Uses	4
Description of Project	4
Other Agencies Whose Approval is Required	9
Environmental Factors Potentially Affected	9
Determination.....	10
Environmental Checklist.....	11
I. Aesthetics	11
II. Agricultural and Forestry Resources	12
III. Air Quality	13
IV. Biological Resources	14
V. Cultural Resources.....	16
VI. Geology and Soils	17
VII. Greenhouse Gas Emissions	20
VIII. Hazards and Hazardous Materials	21
IX. Hydrology and Water Quality	23
X. Land Use and Planning.....	25
XI. Mineral Resources	29
XII. Noise	30
XIII. Population and Housing.....	31
XIV. Public Services.....	32
XV. Recreation	34
XVI. Transportation/Traffic.....	35
XVII. Utilities and Service Systems	36
XVIII. Mandatory Findings of Significance	40
References	42
List of Tables	
Table 1 Current and Projected WBMWD Water Supply and Demand.....	38



Table 2	Solid Waste Disposal Facilities.....	39
Table 3	Solid Waste Generated	40

List of Figures

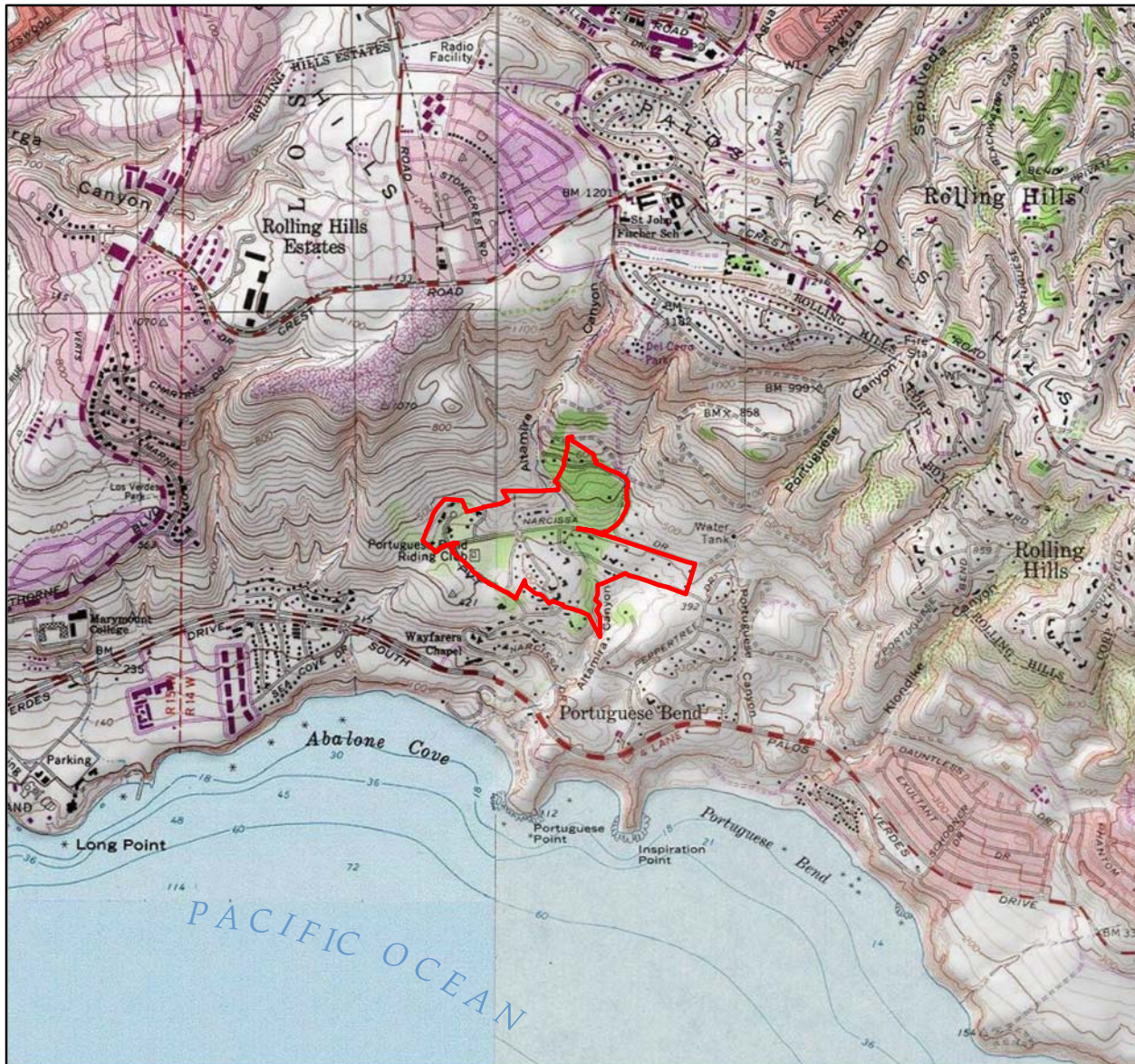
Figure 1	Regional Location.....	2
Figure 2	Site Location.....	3
Figure 3	Existing Conditions.....	5
Figure 4	Existing Conditions.....	6
Figure 5	Existing Conditions.....	7



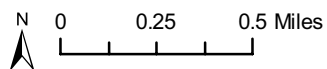
INITIAL STUDY

Project Title:	Zone 2 Landslide Moratorium Ordinance Revisions
Lead Agency:	City of Rancho Palos Verdes Department of Planning, Building and Code Enforcement 30940 Hawthorne Boulevard Rancho Palos Verdes, CA 90275
Contact Person:	Kit Fox, AICP Associate Planner (310) 544-5228 kitf@rpv.com
Project Location:	The proposed ordinance revisions would apply to the approximately 112-acre “Zone 2 Landslide Moratorium Ordinance” area (also referred to in this Initial Study as the “project 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 within the City’s larger (approximately 1,200-acre) Landslide Moratorium Area (LMA). Zone 2 consists of 111 individual lots. Of these, 64 are developed with residences and accessory structures and 47 are either undeveloped or underdeveloped (i.e. structures may be present, but only accessory structures, not residences). These latter 47 are the focus of this Initial Study. Figure 1 shows the regional vicinity of the Zone 2 area within Los Angeles County. Figure 2 shows the site’s location in the City of Rancho Palos Verdes and also shows the 47 undeveloped lots within the Portuguese Bend community.
Project Sponsor’s Name and Address:	City of Rancho Palos Verdes 30940 Hawthorne Boulevard Rancho Palos Verdes, CA 90275
General Plan Designations:	Residential, 1 Dwelling Unit/acre and Residential, 1-2 Dwelling Units/acre
Zoning:	RS-1 (Residential, minimum lot size of one acre) and RS-2 (Residential, minimum lot size of two acres)
Overlay Control Districts:	Natural and Socio/Cultural





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Assessor, August, 2010.



★ Project Location



Project Location Map

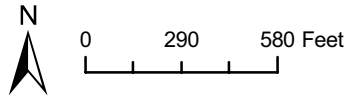
Figure 1



Legend

-  Project Boundary
-  Monks Plaintiff Lot
-  Vacant or Underdeveloped, Potentially Developable under Proposed Ordinance Revisions

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Additional data layer from Los Angeles County Assessor, August, 2010.



Project Area and Affected Parcels

Figure 2

Current Land Use:

Of the 111 lots in the 112-acre project area, the vast majority of the developed lots are improved with single-family residences, most dating from the 1950s, and related accessory structures and uses. The largest developed lot in Zone 2 is occupied by the Portuguese Bend Riding Club, a nonconforming commercial stable that was established prior to the City's incorporation in 1973. Private streets within Zone 2 are maintained by the Portuguese Bend Community Association. The majority of the undeveloped lots contain non-native vegetation and some have small, non-habitable structures (e.g., sheds, stables, fences, etc.) for equestrian or horticultural uses. The lots are generally between ¼-acre and one acre or more in size. Figures 3 through 5 show existing conditions in the project area.

In 2002, a group of Portuguese Bend property owners filed applications to exclude their undeveloped lots within the area known as “Zone 2” from the LMA. Shortly after this application was deemed incomplete for processing, the applicants filed suit against the City. As part of the decision on the case (*Monks v. City of Rancho Palos Verdes*), the City has been ordered to remove regulatory impediments in its Municipal Code that prevent the development of the 16 *Monks* plaintiffs’ lots. The City began this process with an Ordinance to allow the *Monks* plaintiffs to apply for Landslide Moratorium Exceptions (LMEs) for their lots. As of December 2010, seven (7) *Monks* plaintiffs have obtained Planning entitlements to develop their lots, while the remaining *Monks* plaintiffs are at various stages in obtaining Planning entitlements for the balance of nine (9) lots.

Surrounding Land Uses:

The approximately 112-acre Zone 2 area is primarily surrounded by open space and semi-rural residential development. To the northeast of the project area are developed residential lots in the Portuguese Bend community as well as City-owned open space in the Portuguese Bend Reserve of the Palos Verdes Nature Preserve, both of which are within Zone 1 of the Landslide Moratorium Area. To the northwest and west of the project area are developed residential lots in the Portuguese Bend community and vacant, residentially-zoned land (Upper and Lower Filiorum), which are located in Zone 1 of the Landslide Moratorium Area. To the south, southeast and east of the project area are developed and undeveloped residential lots in the Portuguese Bend community. These lots are located in Zone 5 (the area affected by the 1978 Abalone Cove landslide), Zone 6 (the active Portuguese Bend landslide area) and Zone 3 (located between Altamira Canyon and the westerly edge of the Portuguese Bend landslide area). Individual lots that would gain development potential as a result of the proposed project are located throughout Zone 2 and are, therefore, surrounded by the uses described above as well as other lots, both developed and undeveloped, in Zone 2.

Description of Project:

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,





Photo 1 - View of undeveloped lots in the eastern portion of the Zone 2 area, looking northeast from Sweetbay Road.



Photo 2 - View of undeveloped lot in the northern-central portion of the Zone 2 area, looking northwest from Cinammon Lane/Narcissa Drive.





Photo 1 - View of undeveloped lot in the northern-central portion of the Zone 2 area, looking west from Cinammon Lane.



Photo 2 - View of undeveloped lot in the northern-central portion of the Zone 2 area, looking northwest from Cinammon Lane.





Photo 1 - View of Undeveloped lot in the northwestern portion of the Zone 2 area, looking northeast from Plumtree Road/Narcissa Drive.



Photo 2 - View of undeveloped lots in the southern-central portion of the Zone 2 area, looking north from Cinnamon Lane.



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 47 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 of these undeveloped lots. It should be noted, however, that the granting of an LME does not constitute approval of a specific project request. Rather, it simply grants the property owner the ability to submit the appropriate application(s) for consideration of a specific project request.

Future Development Potential. The potential granting of up to 47 LME requests under the proposed ordinance revisions would permit individual property owners to then apply for individual entitlements to develop their lots. 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:

- Forty-seven 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 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 five 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.

As noted above, the City has been ordered to remove regulatory impediments in its Municipal Code that prevent the development of the 16 *Monks* plaintiffs' lots. This was accomplished by the 2009 addition to the moratorium exceptions, cited above. As of December 2010, seven (7) *Monks* plaintiffs have obtained Planning entitlements to develop their lots, while the remaining *Monks* plaintiffs are at various stages in obtaining Planning entitlements for the balance of nine (9) lots. However, to provide a conservative analysis, this document considers the potential environmental impacts of buildout of all 47 undeveloped and underdeveloped lots (16 *Monks* lots plus 31 additional lots) under the parameters listed above.

Other Agencies Whose Approval is Required:

None. Depending on the location of proposed improvements on properties adjacent to Altamira Canyon within the project area, California department of Fish and Game approval may be required for specific development that could be facilitated by adoption of the proposed ordinance revisions.

Environmental Factors Potentially Affected:

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

☒ Aesthetics	☐ Agriculture and Forestry Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☒ Geology/Soils
☒ Greenhouse Gas Emissions	☒ Hazards & Hazardous Materials	☒ Hydrology/Water Quality
☐ Land Use/Planning	☐ Mineral Resources	☒ Noise
☐ Population/Housing	☐ Public Services	☐ Recreation
☒ Transportation/Traffic	☒ Utilities/Service Systems	☒ Mandatory Findings of Significance



DETERMINATION:

On the basis of this initial evaluation:

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

Kit Fox, AICP
Associate Planner
City of Rancho Palos Verdes

Date



Environmental Checklist

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
I. <u>AESTHETICS</u> – Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☒	☐	☐	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☒	☐	☐	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☒	☐	☐	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☒	☐	☐	☐

a-b. The project area encompasses approximately 112 acres of highly variable topography, with relatively flat areas as well as moderately to steeply sloping land that is bordered by residential land uses and open space. Of the 111 lots on the 112 acre project area, the vast majority of the developed lots are improved with single-family residences, most dating from the 1950s, and related accessory structures and uses. The largest developed lot in Zone 2 is occupied by the Portuguese Bend Riding Club, a nonconforming commercial stable that was established prior to the City's incorporation in 1973. Private streets within Zone 2 are maintained by the Portuguese Bend Community Association. The majority of the undeveloped lots contain non-native vegetation, and some have small, non-habitable structures (e.g., sheds, stables, fences, etc.) for equestrian or horticultural uses. The proposed project would involve revisions to the Landslide Moratorium Ordinance that would allow for the processing of applications for 47 residences on undeveloped or underdeveloped lots throughout Zone 2. Adding up to 47 residences to the project area could potentially have an adverse effect on scenic views from public and private viewpoints, and could involve removal of trees or other scenic resources. **Impacts are potentially significant and these issues will be studied further in an EIR.**

c. The proposed project involves revisions to the Landslide Moratorium Ordinance that would allow for the processing of applications for 47 residences in Zone 2. Adding 47 residences to the project area would increase the development intensity in Zone 2 and would incrementally alter the existing visual character of the site. **Impacts are potentially significant and this issue will be studied further in an EIR.**

d. The project could result in the construction of up to 47 new residences in an existing residential area, which would increase night lighting in the area. This potential development



could also increase glare on the sites. Increased lighting and glare would have the potential to result in adverse aesthetic impacts that **would be potentially significant, and will be further analyzed in the EIR.**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
II. <u>AGRICULTURE AND FORESTRY RESOURCES</u> -- Would the project:				
a) 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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) 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))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

a-c. The project area is located within a residential zone (RS-1 and RS-2) and, therefore, is not zoned for agricultural uses, nor is the site subject to a Williamson Act contract (California Department of Conservation-Los Angeles County Williamson Act Map, 2006). Moreover, the project area is not located in an area designated as Prime or Unique Farmland, or within Farmland of Statewide Importance (California Department of Conservation FMMP, 2008). The project site is not located adjacent to agricultural operations, and currently contains no significant agricultural operations. As such, no impact would occur with respect to Prime or Unique farmland, or Farmland of Statewide Importance, or conflicts with a Williamson Act contract or existing zoning for agricultural use. **This impact would be less than significant and further discussion in an EIR is not warranted.**

d. The project area is located in a residential neighborhood that is designated for residential uses by the General Plan and the Municipal Code. The project would not involve conversion of



forest land to non-forest uses. **No impacts would occur and further discussion in an EIR is not warranted.**

e. The proposed project would not involve other changes that could result in conversion of Farmland to non-agricultural uses. **No impact would occur and further discussion in an EIR is not warranted.**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
III. <u>AIR QUALITY</u> -- Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☒	☐	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☒	☐	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☒	☐	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☒	☐	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

a-d. The project area is located within the South Coast Air Basin (Basin). The additional development that would be facilitated in the Portuguese Bend area would incrementally increase the population of Rancho Palos Verdes, with a corresponding increase in air pollutant emissions. Increased emissions would occur on temporary basis due to construction activity and in the long-term due to increased motor vehicular activity and energy use. The increased air pollutant emissions could expose new and existing residents in the area to unhealthy air quality. Emissions and localized air pollutant concentrations could also potentially exceed locally adopted thresholds of significance. **Therefore, air quality impacts would be potentially significant and these issues will be studied further in an EIR.**

e. The proposed revisions to the Landslide Moratorium Ordinance would allow for potential development of up to 47 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, it is unlikely that the proposed project would

generate objectionable odors affecting a substantial number of people. **No impact would occur and further analysis is not warranted.**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
IV. <u>BIOLOGICAL RESOURCES</u> -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☒	☐	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☒	☐	☐	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☒	☐	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☒	☐	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☒	☐	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☒	☐	☐	☐

a, b, d. The project area consists of 111 lots on 112 acres. The majority of the project area has been highly modified by road construction, ornamental landscaping and structural development. The majority of the approximately 47 undeveloped lots contain non-native



vegetation, and some have small, non-habitable structures (i.e., sheds, stables, fences, etc.) for horse-keeping or horticultural uses.

Altamira Canyon contains natural vegetation and lots that are adjacent to this drainage are subject to the development standards and performance criteria established in the City's Urban Appearance Overlay Control District; nonetheless, development on these lots may have a significant effect on sensitive biological resources. Some lots in the northern end of the project area, such as those north of Cinnamon Lane, contain native vegetation and abut the City's Natural Communities Conservation Plan (NCCP) Preserve, which contains sensitive plants and animals, most notably the federally listed California gnatcatcher and the habitat of the endangered Palos Verde blue butterfly. While most of the developed portions of the project area have been excluded from designated critical habitat for the California gnatcatcher, portions of the project area are potentially within this designation and patches of suitable habitat are present. In addition, although the Palos Verde blue butterfly is potentially extirpated from this specific location, patches of suitable habitat may be present on individual lots. As such, development of up to 47 residential units in the project area has the potential to impact special-status species, species of local importance, and migration corridors present on or adjacent to the project area. **Impacts related to these issues are potentially significant and will be further discussed in an EIR.**

c. The proposed revisions to the Landslide Moratorium would facilitate the potential for development of residences on approximately 47 lots; construction activity associated with this development has the potential to cause increased erosion with subsequent downstream sedimentary effects on the Abalone Cove Ecological Reserve. Therefore, **the proposed project could result in a potentially significant impact to coastal resources and this potential impact will be further analyzed in an EIR.**

e. The City has not adopted a tree preservation ordinance. The City has established the Natural Overlay Control District (OC-1) to "Maintain and enhance land and water areas necessary for the survival of valuable land and marine-based wildlife and vegetation" and "Enhance watershed management, control storm drainage and erosion, and control the water quality of both urban runoff and natural water bodies within the City" (Rancho Palos Verdes Municipal Code Section 17.40.040). According to the City's General Plan Natural Environment Element, portions of the project area are located within Resource Management (RM) District 9 - Natural Vegetation and RM District 4 - Active Landslide. **The project's consistency with these policies will be further analyzed in an EIR.**

f. The Rancho Palos Verdes City Council conceptually approved the Citywide Natural Communities Conservation Planning (NCCP) Subarea Plan in 2004. That plan identifies Biological Resource Areas and establishes the Palos Verdes Nature Preserve primarily for habitat preservation purposes. The Rancho Palos Verdes NCCP provides for conservation and protection of the Palos Verdes blue butterfly and other special-status species through conservation of potential habitat, while permitting limited impacts from development to potential habitat for the covered species, including Coastal Sage Scrub habitat. Several of the undeveloped lots in the project area abut the City-owned Portuguese Bend Reserve or the privately-owned Plumtree property, both of which contain more substantial and cohesive patches of coastal sage scrub habitat. The Portuguese Bend Preserve is currently a part of the



City's larger Palos Verdes Nature Reserve, and the City has recently completed the acquisition of a portion of the Upper Filiorum property for inclusion in the Reserve. As such, construction of residential units within the project area could potentially impact sensitive 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 in the Palos Verdes Nature Reserve. **Impacts related to conflicts with the NCCP Subarea Plan will be further analyzed in an EIR.**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
V. <u>CULTURAL RESOURCES</u> -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☒	☐	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☒	☐	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☒	☐	☐	☐

a. Historic designation may be given to a property by National, State, or local authorities. In order for a building to qualify for listing in the National Register of Historic Places, the California Register of Historical Resources, or as a locally significant property in the City of Rancho Palos Verdes, it must meet one or more identified criteria of significance. The property must also retain sufficient architectural integrity to continue to evoke the sense of place and time with which it is historically associated.

The proposed revisions to the Landslide Moratorium Ordinance would facilitate potential development of up to 47 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 47 lots, mostly small sheds or equestrian accessory buildings, impacts to historical resources are not expected. **No impact would occur and further discussion in an EIR is not warranted.**

b-c. According to the City's General Plan (1975), portions of the project area located north and east of Narcissa Drive in upper Portuguese Bend are located within a possible area of archaeological resources. Although the likelihood of finding intact significant cultural resources is low due to historic grading and development on many properties, construction activity for the residential units that could be allowed under the proposed revisions to the Landslide



Moratorium Ordinance would involve earthwork such as grading and trenching which has the potential to unearth yet to be discovered archaeological and paleontological resources. **The potential to damage previously unknown archeological and/or paleontological resources during construction and grading activities would be a potentially significant impact and will be further discussed in the EIR.** The EIR analysis will include a records search performed by Historical Environmental Archaeological Research Team (H.E.A.R.T.) as well an analysis to determine the likelihood of finding intact paleontological resources within the project area.

d. The likelihood of finding intact significant cultural resources, including any human remains, is low. No known burial sites have been identified within the project area or in the vicinity. In addition, Health and Safety Code § 7050.5, Public Resources Code § 5097.98 and § 15064.5 of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the County coroner or medical examiner can determine whether the remains are those of a Native American. Note that § 7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony. Nevertheless, **the potential to disturb human remains during construction and grading activities would be a potentially significant impact and will be further discussed in the EIR.**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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VI. GEOLOGY and SOILS – Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☒	☐	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☒	☐	☐	☐
b) Result in substantial soil erosion or the loss of topsoil?	☒	☐	☐	☐
c) Be located on a geologic unit or soil that is unstable as a result of the project, and potentially result in on- or off-site				



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
VI. GEOLOGY and SOILS – Would the project:				
landslide, lateral spreading, subsidence, liquefaction, or collapse?	☒	☐	☐	☐
d) Be located on expansive soil, as defined in Table 1-B of the Uniform Building Code, creating substantial risks to life or property?	☒	☐	☐	☐
e) 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?	☐	☐	☒	☐

a(i). There are no Alquist-Priolo Earthquake Fault Zones within the City (Ranch Palos Verdes General Plan, 1975). The project area is located approximately five miles southeast of the Palos Verdes Fault, and approximately 1.5 miles southwest of the inactive Cabrillo Fault (Southern California Earthquake Data Center, November 2010). As the nearest active fault is located approximately six miles from the project area, the potential for surface rupture at the project area is considered low. **The potential impact from fault rupture within the project area would be less than significant and further discussion in an EIR is not warranted.**

a(ii). Although the nearest active fault is located approximately five miles from the project area, as with any site in the southern California region, the project area is susceptible to strong seismic ground shaking in the event of a major earthquake. Future onsite structures would need to be constructed to withstand potential peak accelerations as defined by the California Building Code (CBC). In addition, the design of individual structures would be subject to review by the City's Building and Safety division, including review by the City Geologist and City Engineer. **Nevertheless, ground shaking may result in potentially significant impacts to proposed habitable structures and this issue will be further examined in the EIR.**

a(iii). Liquefaction describes the phenomenon in which groundshaking works cohesionless soil particles into a tighter packing which induces excess pore pressure. These soils may acquire a high degree of mobility and lead to structurally damaging deformations. Liquefaction begins below the water table, but after liquefaction has developed, the groundwater table will rise and cause the overlying soil to mobilize. Liquefaction typically occurs in areas where the groundwater is less than 30 feet from the surface and where the soils are composed of poorly consolidated fine to medium sand.

According to the Department of Conservation Seismic Hazard Zones Map, Zone 2 is located within an area that has low to no potential for liquefaction (DOC, 1999). In addition, the Rancho



Palos Verdes General Plan Safety Element shows that Zone 2 is located in an area that has low to no potential for liquefaction (City of Rancho Palos Verdes, 1975). **Therefore impacts related to liquefaction would be less than significant and further discussion in an EIR is not warranted.**

a(iv). The geologic character of an area determines its potential for landslides. Steep slopes, the extent of erosion, and the rock composition of a hillside all contribute to the potential for slope failure and landslide events. In order to fail, unstable slopes need to be disturbed; common triggering mechanisms of slope failure include undercutting slopes by erosion or grading, saturation of marginally stable slopes by rainfall or irrigation; and, shaking of marginally stable slopes during earthquakes.

The project area is located within an area that is subject to the City of Rancho Palos Verdes Landslide Moratorium Ordinance. The Rancho Palos Verdes General Plan Safety Element shows that Zone 2 is located in an area that has potential for active landslides (Figure 14, City of Rancho Palos Verdes, 1975). In addition, according to the Department of Conservation Seismic Hazard Zones Map, portions of the project area are located within an area that has potential for seismically induced landslides (DOC, 1999). The proposed project involves revisions to the Landslide Moratorium Area that would facilitate potential development of up to 47 undeveloped lots to be developed with residential units. **The impact related to seismically induced landslides is potentially significant and will be further analyzed in the EIR.**

b. The proposed project involves revisions to the City's Landslide Moratorium Ordinance that would facilitate potential development of up to 47 residential units on the undeveloped lots in the project area. Site preparation would involve grading and drainage improvement that could alter the existing drainage pattern of the area, which has the potential to increase the amount of surface runoff and may have the potential to cause substantial erosion or the loss of topsoil on the undeveloped lots. **This impact would be potentially significant and will be further analyzed in the EIR.**

c. According to the California Department of Conservation Seismic Hazard Zones Map, Zone 2 is not located in an area that is subject to settlement due to seismic shaking, liquefaction, or lateral spreading (DOC, 1999). However, Zone 2 is located in an area that has the potential for earthquake-induced landslides as a result of the steep topography (DOC, 1999). The proposed project involves revisions to the City's Landslide Moratorium Ordinance that would facilitate potential development of up to 47 residential units on the undeveloped lots in the project area. **Since there is the potential for landslide hazards in the project area, impacts are potentially significant and will be further analyzed in the EIR.**

d. The soils of the Palos Verdes Peninsula are known to be expansive and occasionally unstable (City of Rancho Palos Verdes, 1975). Because soils on the approximately 64 developed lots have been previously disturbed and compacted to accommodate existing development, the potential for expansive soils is considered low in these areas. However, the 47 undeveloped lots to accommodate up to 47 residential units may contain soils that have the potential for expansion. **Impacts are potentially significant and will be further analyzed within the EIR.**

e. 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 goal 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 shall be removed and a connection would be made to the sanitary sewer system. **With these requirements, any impacts related to septic systems would be less than significant. No further analysis of this issue in an EIR is warranted.**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS - Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☒	☐	☐	☐
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☒	☐	☐	☐

a-b) The accumulation of greenhouse gases (GHG) in the atmosphere regulates the earth's temperature. However, it is believed that emissions from human activities, particularly the consumption of fossil fuels for electricity production and transportation, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations. In response to an increase in man-made GHG concentrations over the past 150 years, California has implemented AB 32, the "California Global Warming Solutions Act of 2006." AB 32 requires achievement by 2020 of a statewide GHG emissions limit equivalent to 1990 emissions (essentially a 25% reduction below 2005 emission levels) and the adoption of rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emissions reductions.

The proposed project involves revisions to the City's Landslide Moratorium Ordinance that would facilitate potential development of up to 47 residential units on the undeveloped lots in the project area. The proposed project would increase the intensity of development in the project area compared to existing conditions and as described above, the proposed project would also increase the amount of vehicle trips associated with residents in the project area. As such, the project could potentially contribute to cumulative impacts relating to global climate change. **The proposed project's potential contribution to cumulative impacts related to global climate change will be further discussed in an EIR.**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
VIII. <u>HAZARDS and HAZARDOUS MATERIALS</u> - Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?	☐	☐	☒	☐
d) 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?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☒	☐	☐	☐

a. The proposed project involves revisions to the City's Landslide Moratorium Ordinance that would facilitate potential development of up to 47 residential units on the undeveloped lots in the project area. By their nature, the proposed use residential uses 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. **Therefore, impacts would be less than significant and further analysis of this issue in an EIR is not warranted.**

b - d. The following databases (pursuant to Government Code Section 65962.5) were checked (November 8, 2010) for known hazardous materials contamination within the project area:

- Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database;
- Geotracker search for leaking underground fuel tanks;
- Investigations- Cleanups (SLIC) and Landfill sites, Cortese list of Hazardous Waste and Substances Sites; and
- The Department of Toxic Substances Control's (DTSC's) Site Mitigation and Brownfields (Envirostor) Database.

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. The nearest school in the vicinity of the project area is the Portuguese Bend Nursery School at Abalone Cove Shoreline Park, approximately one-third of a mile from the project area. However, the project would not emit hazardous emissions or involve handling of hazardous or acutely hazardous materials, substances, or waste within $\frac{1}{4}$ mile of an existing or proposed school.

Development of the 47 lots over time may increase water runoff and increase the potential for water quality impacts which could affect resources downstream including the Pacific Ocean, which is located $\frac{1}{4}$ mile from the Portuguese Bend Nursery School. The proposed project would increase the number of onsite visitors and vehicular activity over current conditions. Proposed 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. During storms, these deposits would be washed into and through the drainage systems and to the Pacific Ocean within $\frac{1}{4}$ mile of the Portuguese Bend Nursery School. Urban runoff can have a variety of deleterious effects. Oil and grease contain a number of hydrocarbon compounds, some of which are toxic to aquatic organisms at low concentrations. Heavy metals such as lead, cadmium, and copper are the most common metals found in urban storm water runoff. These metals can be toxic to aquatic organisms, and have the potential to contaminate drinking water supplies. Nutrients from fertilizers, including nitrogen and phosphorous, can result in excessive or accelerated growth of vegetation or algae, resulting in oxygen depletion and additional impaired uses of water. Therefore, the increased impervious surface area, vehicular activity and use of fertilizers onsite could incrementally increase the amount of pollutants in onsite runoff, which could adversely affect the water quality of receiving waters including the Pacific Ocean. However, due to the dispersed locations of the subject lots and the opportunity for infiltration of runoff from the initial flows as part of a rain event, the incremental increase in impervious surfaces would not be expected to result in significant concentrations of hazardous substances, near the nursery school or elsewhere.

Because the project would not be located in an area with known soil or groundwater contamination and would not emit hazardous emissions or involve handling of hazardous materials, **the proposed project's impact related to release of hazardous materials would be less than significant and further discussion in an EIR is not warranted.**

e, f. The project area is located approximately 14 miles from both the Los Angeles International Airport and the Long Beach Airport, and more than 2 miles from Torrance Municipal Airport, and is not included within an airport land use plan. Therefore, significant airport safety hazards are not anticipated. **No impact would occur and further discussion in an EIR is not warranted.**

g. The proposed project involves revisions to the City's Landslide Moratorium Ordinance that would facilitate potential development of up to 47 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. **No impact would occur and further discussion in an EIR is not warranted.** As discussed below under Section XVI *Transportation/Traffic*, however, the capacity of these roads to handle additional project-generated traffic will be studied in the EIR

h. According to the Los Angeles County Fire Department, the City of Rancho Palos Verdes, including the project area, is identified as a High Fire Hazard Area. The proposed project involves revisions to the City's Landslide Moratorium Ordinance that would allow up to 47 residential units on the undeveloped lots in the project area. Development of the proposed residential units may expose people or structures to risk involving wildland fires. **Risk due to wildland fires is considered potentially significant and will be further discussed in an EIR.**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
IX. <u>HYDROLOGY and WATER QUALITY</u> – Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☒	☐	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☒	☐	☐	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
IX. <u>HYDROLOGY and WATER QUALITY</u> – Would the project:				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☒	☐	☐	☐
d) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☒	☐	☐	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☒	☐	☐	☐
f) Otherwise substantially degrade water quality?	☒	☐	☐	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☒	☐	☐	☐
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☒	☐	☐	☐
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☒	☐

a - f. Of the 111 lots in the Zone 2 area, 64 are developed with residences and accessory structures and 47 lots are undeveloped or underdeveloped. The majority of the undeveloped lots contain non-native vegetation, and some have small, non-habitable structures (e.g., sheds, stables, fences, etc.) for equestrian or horticultural uses. The proposed project would involve revisions to the Landslide Moratorium Ordinance that would facilitate potential development of up to 47 residences on the approximately 112-acre project area.



The proposed project would intensify the overall development in Zone 2, and would increase impermeable surface area on the subject lots, potentially introducing new residences and driveways. This may incrementally reduce groundwater recharge. Additionally, the proposed project would allow for grading and drainage improvements that may alter the existing drainage pattern of individual lots, which has the potential to increase the amount of surface runoff within Zone 2. Construction activities such as grading may generate additional pollutants that could adversely affect the quality of surface runoff. Additionally operational impacts typically associated with residential uses, such as pollutants from vehicles and landscaping, may generate additional pollutants that could adversely affect the quality of surface runoff. Therefore, buildout of the project area has the potential to ~~adversely~~ affect groundwater ~~supplies~~recharge, and the amount and quality of surface runoff. **Impacts are potentially significant and this issue will be further analyzed in an EIR.**

g, h. The Federal Emergency Management Agency (FEMA) has defined the 100-year flood hazard areas through the publication of Flood Insurance Rate Maps (FIRM). The FIRM for Zone 2 and the surrounding area (Map ID 06037C2026F) indicates that the site and surrounding area are contained within Zone X and Zone D. Zone X designates an area with a minimal risk of flooding (not within the 100-year flood zone) and Zone D designates an area with areas in which flood hazards are undetermined, but possible. The proposed project involves potential construction of 47 single family housing units. Because flood hazards are undetermined, but possible in portions of Zone 2, **impacts are potentially significant and will be analyzed in an EIR.**

i. No dams or levees are located in the vicinity of the project area. In addition, the project area does not lay within any known dam inundation zones (City of Rancho Palos Verdes General Plan Safety Element, 1975). **Thus, the potential for flooding due to dam failure is low. No impact would occur and further discussion in an EIR is not warranted.**

j. 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, March 2009). **Therefore, risks from inundation from a tsunami wave or seiche would be less than significant and further discussion in an EIR is not warranted.**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
X. <u>LAND USE AND PLANNING</u> - Would the proposal:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan,	☐	☐	☒	☐



Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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X. LAND USE AND PLANNING - Would the proposal:

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?

- c) Conflict with an applicable habitat conservation plan or natural community conservation plan?

☐
☐
☒
☐

a. The project would facilitate potential development of 47 existing residential lots within 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. **No impacts would occur and further analysis in an EIR is not warranted.**

b. 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 following selected policies of the Residential 1 Dwelling Unit per Acre and Residential 1-2 Dwelling Units per Acre Land Use designations from the Urban Environment Element of the City of Rancho Palos Verdes General Plan (1975) would apply to any new construction that would be facilitated by adoption of the proposed Landslide Moratorium Ordinance revisions, as well as the revisions themselves:

- 1 - Retain the present predominance of single-family residences found throughout the community, while continuing to maintain the existing variety of housing types.



- 2 - *Require all new housing developed to include suitable and adequate landscaping, open space, and other design amenities to meet the community standards of environmental quality.*
- 3 - *Encourage and assist in the maintenance and improvement of all existing residential neighborhoods so as to maintain optimum local standards of housing quality and design.*
- 10 - *Require all developments which propose open space to be held in private ownership to provide legal guarantees to protect these areas from further development.*
- 11 - *Control the alteration of natural terrain.*
- 12 - *Encourage energy conservation in housing design.*
- 13 - *Require proposals for development of areas which impact corridor related views to analyze the site conditions and address the preservation of such views.*
- 14 - *Prohibit encroachment on existing scenic views reasonably expected by neighboring residents.*
- 15 - *Enforce height controls to further lessen the possibility for view obstructions.*
- 16 - *Require proposed housing to show how it ensures the existence of neighboring site privacy, while simultaneously providing privacy to the occupants of the proposed units.*
- 17 - *Make an effort through zoning, cooperation with other governmental entities, and acquisition to preserve the rural and open character of the City.*
- 18 - *Allow no further development involving any human occupancy within the active landslide area.*

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.

As listed in the Rancho Palos Verdes Municipal Code (Section 17.02), the following uses may be constructed or conducted in residential districts:

- A. *Single-family residential buildings, mobile homes on city approved foundations, as provided in California Government Code Sections 65852.3 and 65852.4 and associated accessory structures for the residential use and occupancy of not more than one family and not more than one dwelling unit per lot, with the exception of second units approved pursuant to Chapter 17.10 (Second Unit Development Standards);*
- B. *Home occupations pursuant to Chapter 17.08 (Home Occupations);*
- C. *Private outdoor recreational uses, such as tennis courts, swimming pools and basketball courts, which are incidental to the residential use of the property;*
- D. *Residential planned development (RPD), pursuant to Chapter 17.42 (Residential Planned Development);*
- E. *The keeping of animals customarily referred to as household pets and small domestic animals for noncommercial purposes;*



- F. *The keeping of large domestic animals, pursuant to Chapter 17.46 (Equestrian Overlay (Q) District);*
- G. *The keeping of a maximum of five bee hives for noncommercial purposes, except for the RS-A-5 residential zoning district, where a maximum of ten bee hives may be kept upon approval by the director of a site plan review application, which shall be appealable to the planning commission pursuant to Chapter 17.80 (Hearing Notice and Appeal Procedures);*
- H. *The growing of crops and/or fruits on one acre or less for noncommercial purposes;*
- I. *Small family day care;*
- J. *Temporary special uses and developments, if a special use permit is first obtained, pursuant to Chapter 17.62 (Special Use Permits);*
- K. *Commercial filming or photography, if a city film permit is first obtained, pursuant to Chapter 9.16 (Still Photography, Motion Picture and Television Productions) of this code;*
- L. *Any other use which specifically is required to be permitted in a single family residential district by state or federal law; and*
- M. *Other uses as provided in any applicable overlay or special district.*

The following uses are allowed in the residential districts with approval of a Conditional Use Permit:

- A. *The growing of crops and/or fruits on more than one acre or for commercial purposes;*
- B. *Flower and produce stands, wholesale plant nurseries, horse stables and similar commercial/agricultural uses;*
- C. *Bed and breakfast inns;*
- D. *Residential care facilities involving seven or more patients;*
- E. *Large family day care, pursuant to Section 17.76.070 (Miscellaneous Permits and Standards);*
- F. *Commercial antennas, pursuant to Section 17.76.020 (Miscellaneous Permits and Standards);*
- G. *Golf courses, driving ranges and related ancillary uses;*
- H. *Government facilities;*
- I. *Private educational uses, not including nursery schools and day nurseries;*
- J. *Public utility structures;*
- K. *Outdoor active recreational uses and facilities; and*
- L. *Such other uses as the director deems to be similar and no more intensive. Such a determination may be appealed to the planning commission and the planning commission's decision may be appealed to the city council pursuant to Section 17.80.050 (Hearing Notice and Appeal Procedure). If a proposed use or development is located in the coastal specific plan district, the city's final decision regarding such other use may be appealed to the California Coastal Commission for a determination that the uses are similar and compatible with the local coastal program.*

The project would involve revisions to the landslide Moratorium Ordinance that would facilitate potential development of 47 new residences in Zone 2. As noted above, 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.

Any development potentially facilitated by adoption of the proposed ordinance revisions would be also be required to adhere to the provisions of two overlay control districts as set forth



in the Rancho Palos Verdes Municipal Code. Municipal Code Chapter 17.40 introduces these districts as providing “criteria which further reduce potential impacts which could be directly created or indirectly induced by proposed and existing developments in sensitive areas of the city.” The overlay districts that are applicable to the project area include the following:

- **Natural Overlay Control District (OC-1).** The purposes of the Natural Overlay Control District are to “Maintain and enhance land and water areas necessary for the survival of valuable land and marine-based wildlife and vegetation,” and “Enhance watershed management, control storm drainage and erosion, and control the water quality of both urban runoff and natural water bodies within the city.”
- **Socio-Cultural Overlay Control District (OC-2).** The purposes of the OC-2 District are to “Preserve, protect and maintain land and water areas, structures and other improvements which have significant historical, archaeological or cultural importance,” and to “Provide for the designation, protection and maintenance of land and water areas and improvements which may be of unique scientific or educational value.”

It should also be noted that any proposed residences on the lots that would become potentially developable under the ordinance revisions would also have to adhere to the specific regulations proposed under the revisions themselves to address safety and other concerns. These include requirements that a landslide moratorium exception permit be approved by the City; that the parcel is served by a sanitary sewer system; and that the applicant shall submit geological or geotechnical studies to demonstrate safety in relation to landslide hazards, among other standards. **Impacts would be less than significant and further discussion in an EIR is not warranted.**

c. In 2004 the Rancho Palos Verdes City Council conceptually approved the Citywide Natural Communities Conservation Planning (NCCP) Subarea Plan, which identifies Biological Resource Areas and establishes habitat preserves. The Rancho Palos Verdes NCCP provides for conservation and protection of the Palos Verdes blue butterfly and other 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 within Coastal Sage Scrub habitat, Exotic Woodland, Disturbed, and Grassland areas. **Consistency with the NCCP will be discussed in the biological resources section of an EIR.**

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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XI. MINERAL RESOURCES -- Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

☐
☐
☐
☒


	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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XI. MINERAL RESOURCES -- Would the project:

- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

☐	☐	☐	☒
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a-b. According to the Natural Environment section of the Ranchos Palos Verdes General Plan (1975), from 1948 to 1958 specific areas in Rancho Palos Verdes were quarried for basalt, diatomaceous earth, and Palos Verdes stone. The General Plan states that there are no mineral resources present within the community that would be economically feasible for extraction (Rancho Palos Verdes General Plan, 1975). Potential buildout of 47 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). **There would be no impact and further discussion in an EIR is not warranted.**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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XII. NOISE – Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- c) A substantial permanent increase in ambient noise levels above levels existing without the project?
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the

☒	☐	☐	☐
☒	☐	☐	☐
☒	☐	☐	☐
☒	☐	☐	☐



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XII. NOISE – Would the project result in:				
project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise?	☐	☐	☐	☒

a-d. The project area currently contains residential uses and vacant land. Current noise sources in Zone 2 include traffic on the streets within the area and noise from residential and equestrian uses. The proposed project would include the potential for 47 homes to be constructed. Construction of these residences could temporarily increase noise levels for nearby residents. Operation of the project would increase ambient noise due to an increase in traffic and residential activities. Therefore, noise impacts during construction and operation of the project are **potentially significant and will be analyzed further in an EIR.**

e, f. The project area is not included within an airport land use plan, and is approximately 14 miles from the Los Angeles and Long Beach airports, and more than 2 miles from Torrance Municipal Airport. The project is also not within the vicinity of a private airstrip. **Thus, no impact related to aircraft noise would occur and further discussion in an EIR is not warranted.**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XIII. POPULATION AND HOUSING — Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒



a. The proposed project involves revisions to the landslide moratorium ordinance, which would facilitate potential development of up to 47 new residences within Zone 2. The anticipated population increase due to the project would be 130 new residents, based upon the 2010 California Department of Finance's Population and Housing estimates (2,751 persons per household in Rancho Palos Verdes x 47 housing units). Currently, the estimated population of the City is 42,893 (Department of Finance, January 2010). Therefore, with implementation of the proposed project, the population in the City would total 43,023. The population projections for Rancho Palos Verdes anticipate a population of 43,246 in 2015 and 43,251 in 2020 (Southern California Association of Governments, Integrated Growth Forecast, 2008). Therefore, the increase in residents would not exceed planned growth forecasts in the City. **Impacts are less than significant and further analysis of this issue is not warranted.**

b,c. The proposed project would involve revisions to the landslide moratorium ordinance that could permit up to 47 new residences within Zone 2. Existing residences in Zone 2 would remain and the project would not displace existing housing or people. **No impacts would occur and further analysis of these issues is not warranted.**

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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XIV. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i) Fire protection?	☐	☐	☒	☐
ii) Police protection?	☐	☐	☒	☐
iii) Schools?	☐	☐	☒	☐
iv) Parks?	☐	☐	☒	☐
v) Other public facilities?	☐	☐	☒	☐

a (i.). The City of Rancho Palos Verdes is served by the Los Angeles County Fire Department (LACFD). There are six County fire stations serving the City, including three stations located within City limits. In the event of major fires, the County has "mutual aid agreements" with cities and counties so that additional personnel and firefighting equipment can augment the County Fire Department. The fire station nearest to the project area is Fire Station #53, located



at 6124 Palos Verdes Drive South, approximately 0.5 miles east of the project area (LA County Fire Department Website). Station #53 operates three shifts per day and currently utilizes a “three-man crew” with at least three staff members on duty per shift (nine total staff) (Captain Avila, LA County Fire Station #53, December 2009). Station #53 services an area that extends from San Pedro to below the Trump National Golf Club.

Zone 2 is within a developed area currently served by the LACFD and residential development accommodated by the proposed revision to the landslide moratorium would not substantially increase the population in the City. As discussed above in Section VIII, *Hazards and Hazardous Material*, the site is located in High Fire Hazard Area and those issues will be discussed further in an EIR. However, the addition of 47 residences in Zone 2 would not require new or expanded fire facilities (Captain Avila, November 17, 2010). In addition, the project area’s close proximity to Fire Station #53 would ensure an adequate response time by the Fire Department in emergency situations. Buildings constructed would also be required to comply with the Fire Code and LACFD standards, including specific construction specifications and design requirements. Therefore, residential development accommodated by the project would not significantly affect community fire protection service and would not result in the need for construction or expansion of fire protection facilities. **Impacts would be less than significant and further discussion of this issue in an EIR is not warranted.**

a (ii.). The City of Rancho Palos Verdes contracts with the Los Angeles County Sheriff’s Department (LACSD) to provide law enforcement services to the City. The Lomita Station, located at 26123 Narbonne Avenue in Lomita, provides service to the areas within the city limits of Rancho Palos Verdes, Lomita, Rolling Hills and Rolling Hills Estates as well as unincorporated Los Angeles County areas around Rancho Palos Verdes (LACSD Homepage). The Lomita Station is located approximately 3.75 miles from the project area. The Lomita Station currently has 95 sworn officers on staff. During the daytime shift, approximately 8-10 officers are on duty in the vicinity of the Palos Verdes Peninsula and approximately 3-4 are on duty within the City of Rancho Palos Verdes. During the night shift approximately 6-8 total officers are on duty in the vicinity and approximately 2-3 officers are on duty in Rancho Palos Verdes. The proposed project is not anticipated to require additional police services, as the project area is within a developed area currently served by the LACSD. Although the project would increase the number of residents in the project area, it is not expected to adversely affect police services. The LACSD has sufficient resources to accommodate the proposed project. Therefore, the project would not significantly affect police protection services and would not result in the need for construction or expansion of new police facilities. **Impacts would be less than significant and further discussion of this issue in an EIR is not warranted.**

a (iii). The proposed ordinance revisions could result in the construction of 47 residences, which would increase the population in the City by 130. Therefore, additional school children would likely be introduced into the student population as a result of implementation of the project. In accordance with State law, the developer(s) of the project would be required to pay school impact fees. Pursuant to Section 65995 (3)(h) of the California Government Code (Senate Bill 50, chaptered August 27, 1998), the payment of statutory fees “...is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization.” Thus, payment of the development fees is

considered full mitigation for the project's impacts under CEQA and no additional mitigation is required. **Impacts to public schools would be less than significant with payment of mandatory fees and further analysis of this issue in an EIR is not warranted.**

a (iv-v). The Rancho Palos Verdes Recreation and Parks Department is responsible for maintaining and planning for parkland in the City of Rancho Palos Verdes. The City currently maintains approximately 334 acres of parklands and 1,400 acres of open space (City of Rancho Palos Verdes Recreation and Parks Department Staff, December 2010). The public park closest to the project area is the Abalone Cove Shoreline Park, a 53-acre park located approximately 0.35 miles southwest of the project area. Based on the City's current population of 42,893 (Department of Finance, January 2010), there is approximately 7.79 acres of parkland per 1,000 residents. With the addition of approximately 130 new residents (as described above in Section XVIII, *Population and Housing*), the City's parkland to population ratio would be approximately 7.76. The addition of new residents as a result of the proposed project would not significantly decrease the parkland to population ratio and would not result in the need for additional recreation facilities. Therefore, **impacts to parks would be less than significant and additional analysis in an EIR is not warranted.**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XV. RECREATION —				
a) Would 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?	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

a-b. The proposed project involves revisions to the landslide moratorium ordinance that would potentially facilitate development of up to 47 new residences within Zone 2. These residences would increase the City's population by approximately 130 people, which could increase the use of recreational facilities in the project vicinity. However, as described above in Section XIV, *Public Facilities*, the population increase would not cause substantial physical deterioration of recreational facilities. As discussed above under Item XIV *Public Services*, 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. **Impacts to recreational facilities would be less than significant and additional analysis in an EIR is not warranted.**



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XVI. TRANSPORTATION / TRAFFIC — Would the project:				
a) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☒	☐	☐	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☒	☐	☐	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?	☒	☐	☐	☐
e) Result in inadequate emergency access?	☒	☐	☐	☐
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☒	☐	☐	☐

a-b, d-f. The proposed project would involve revisions to the Landslide Moratorium Ordinance that would potentially add an additional 47 residences to the Zone 2 area. As no new or reconfigured roads are proposed, and as the land uses in the project area would not change, the project would not increase hazards due to a design feature or incompatible use. Because the proposed project would intensify the use of the project area compared to the existing conditions, traffic to and from the project area would increase. The additional residential traffic could adversely affect emergency access by adding volume to the private road network in the Portuguese Bend area. **These impacts are potentially significant and will be further evaluated in the EIR.** A traffic study will be conducted to analyze and evaluate the project's potential impacts to traffic, circulation, parking and hazards due to design features, and site access.



c. The proposed project involves revisions to the Landslide Moratorium Ordinance, which would facilitate development of up to 47 new residences within Zone 2. The project by its nature would not result in a change in air traffic patterns by increasing traffic levels or a change in location that results in substantial safety risks. **No impact would occur and further discussion in an EIR is not warranted.**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS — Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☒	☐	☐	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☒	☐	☐	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☒	☐	☐	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☒	☐	☐	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

a, b, e. The City has constructed the Abalone Cove Sewer System, which serves the Portuguese Bend community including the 47 undeveloped lots in Zone 2 that could become developable with implementation of the proposed ordinance amendments. The Abalone Cove system is intended to reduce the amount of groundwater within the Landslide Moratorium Area by eliminating the use of private septic systems, with the ultimate goal of slowing or stopping land



movement. The Abalone Cove system was originally intended to serve the 110 developed and the 47 undeveloped lots in the Abalone Cove area or the Portuguese Bend community, which includes the undeveloped lots in Zone 2 (City of Rancho Palos Verdes, "Monks Lots MND", August 2009). As such, the potential future development of up to 47 new residences in Zone 2 would be consistent with the planned sewer system capacity, although the approval of the proposed project would not directly grant any entitlement to develop these lots. The City's Public Works Department has recently confirmed, as a part of the update to the City's Sewer Master Plan, that the Abalone Cove system does have adequate capacity to serve the undeveloped lots. Therefore, the proposed project may significantly affect the existing wastewater conveyance or treatment system and therefore new or expanded facilities may be required. **Impacts are potentially significant and this issue will be further discussed in an EIR.**

c. As discussed in Section VIII, *Hydrology and Water Quality*, currently, the project area contains 111 lots. Of these, 64 are developed with residences and accessory structures and 47 lots are undeveloped or underdeveloped. The majority of the undeveloped lots contain non-native vegetation, and some have small, non-habitable structures (e.g., sheds, stables, fences, etc.) for equestrian or horticultural uses. The proposed project would involve revisions to the Landslide Moratorium Ordinance that would allow up to 47 residences on the approximately 112-acre project area.

The proposed project would represent a more intense use of the project area as compared to the current use, and would increase impermeable surface area onsite, including residences, driveways, and access roads. This may incrementally reduce groundwater recharge. Additionally, the proposed project would allow for grading and drainage improvements that would alter the existing drainage pattern of the Zone 2 area, which has the potential to increase the amount of surface runoff. In addition, construction activities, such as grading, and operational impacts typically associated with residential uses, such as pollutants from vehicles and landscaping pesticides, which may generate additional pollutants that could adversely affect the quality of surface runoff. Therefore, potential buildout of the project has the potential to adversely affect ~~groundwater supplies, and~~ the amount and quality of surface runoff.

Impacts are potentially significant and this issue will be further analyzed in an EIR.

d. The Rancho Dominguez District of the California Water Service Company (CWSC) is the local purveyor of domestic water. CWSC serves domestic customers in Rancho Palos Verdes, Palos Verdes Estates, Rolling Hills, Rolling Hills Estates, and a portion of Lomita. The Rancho Dominguez District's water supply for the City of Rancho Palos Verdes is 100% reliant on imported water supplies (Colorado River and State Water Project) from the Metropolitan Water District (MWD) of Southern California, which are purchased through the West Basin Municipal Water District (WBMWD). There is no local groundwater extraction for use by the CWSC on the Palos Verdes Peninsula and there are no local supplies currently available to the WBMWD (CWSC Homepage). As a result, the availability of water is dependent on the supply conditions of the MWD. The Rancho Dominguez District's Palos Verdes water system includes 350 miles of pipeline, 18 storage tanks, and 31 booster pumps. CWSC proactively maintains and upgrades its facilities to ensure a reliable, high-quality supply (CWSC Homepage).

The potable water supply for the proposed project would be delivered by the Rancho Dominguez District of CWSC, which in turn purchases all of its supply from WBMWD via MWD sources (the Colorado River and State Water Project). Assuming that water demand is approximately 120% of wastewater generation, the proposed project would require approximately 10,998 gpd, or 12.3 AFY (based on the estimated wastewater generated as shown in Table 1). As shown in Table 1, WBMWD's total water supply currently has an estimated 14,500 AFY greater than the current demand (WBMWD, 2005). In addition, the projected water supply is anticipated to be 260,297 AFY in 2030, which is approximately 42,800 AFY greater than the projected demand for retail, municipal and industrial uses (217,497 AFY) (WBMWD, 2005). As such, the proposed project's demand of approximately 12.3 AFY would represent approximately 0.085% of the current available supply (approximately 14,500 AFY) and approximately 0.029% of the projected available supply in 2030 (approximately 42,800 AFY).

Table 1
Current and Projected WBMWD Water Supply and Demand (AFY)

Water Sources	Current Supply	Current Demand	2030 Supply	2030 Demand
Imported – MWD	129,315	129,315	101,747	101,747
Groundwater	41,535	41,535	52,000	52,000
Recycled Water	13,065	13,065	43,750	43,750
Ocean Desalination	-	-	20,000	20,000
Conservation	14,500	-	42,800	-
Total Water Supply	198,416	183,916	260,297	217,497

Source: 2005 Urban Water Management Plan, WBMWD, 2005.

Since the City of Rancho Palos Verdes's water supply via the Rancho Dominguez District is reliant on imported water supplies from MWD, it is important to note that MWD's estimated water supply is expected to meet the demands of its member agencies such as WBMWD. MWD has engaged in substantial water supply projection and planning efforts. In its 2003 Blueprint Report and 2005 Regional Urban Water Management Plan, MWD has consistently found that its existing water supplies, when managed according to its water resource plans, such as the Water Surplus and Drought Management Plan and Integrated Resources Plan, are and will be 100% reliable for at least a 20-year planning period. Since publication of those reports, MWD has continued to implement its water supply programs, as reported in its annual Implementation Reports, the most recent of which was published in February 2009. Although water supply conditions are always subject to uncertainties, MWD has maintained its supply reliability in the face of such uncertainties in the past, and is actively managing its supplies to ensure the same 100% reliability for the future (MWD, February 2009).

It is anticipated that sufficient water will be available to meet demand associated with the proposed project. Impacts related to water supply would be less than significant and further discussion in an EIR is not warranted.



f, g. Solid waste collection service in Rancho Palos Verdes is provided by various haulers who have exclusive agreements with the City to provide disposal service for solid waste generated within the City. Residential solid waste collection within the project area is provided exclusively by Universal Waste Systems (UWS). In addition, for construction waste there are ten authorized commercial haulers who provide dumpster and roll-off service throughout the City. Solid waste generated in the City of Rancho Palos Verdes could be taken to four different landfills; however, Puente Hills Landfill is the primary landfill used by the City. This landfill is operated by the County Sanitation Districts of Los Angeles County within which an independent special district provides water pollution control and solid waste management services under the authorization of the Sanitation Act of 1923. Table 2 summarizes the permitted throughput, estimated capacity, and estimated closure date for these facilities.

Table 2
Solid Waste Disposal Facilities

Facility	Permitted Daily Throughput (tons/day)	Estimated Remaining Capacity (CY)	Estimated Closure Date
Puente Hills Landfill	13,200	35,200,000	10/31/2013
Downey Area Recycling and Transfer Facility ^a	5,000	N/A	N/A
South Gate Transfer Station ^a	2,200	N/A	N/A
Commerce Refuse-to-Energy Facility ^a	1,000	N/A	N/A

Source: California Integrated Waste Management Board Website, <http://www.calrecycle.ca.gov/SWFacilities/Directory/search.aspx>, accessed on 11/15/2010.
cy=cubic yards

Note: ^a The estimated remaining capacity/estimated closure date is not applicable to this Transfer/Refuse-to-Energy facility

As shown in Table 2, the Puente Hills Landfill has a maximum permitted capacity of 13,200 tons/day and receives on average 9,000 tons/day. There is approximately 4,200 tons of available capacity at the Puente Hills Landfill. Solid waste from Rancho Palos Verdes may also be disposed of at the following facilities: City of Commerce's Waste to Energy Incinerator, the Downey Area Recycling and Transfer Facility, and the South Gate Transfer Station.

The City has completed a comprehensive waste reduction and recycling plan in compliance with State Law AB 939, which required every city in California to reduce the waste it sends to landfills by 50% by the year 2000. The City's Source Reduction and Recycling Element (SRRE) is the solid waste reduction planning document for the City of Rancho Palos Verdes, and establishes goals and policies for the City regarding source reduction, recycling and composting and environmentally safe solid waste management alternatives to land disposal. The SRRE also helps the City in maintaining the 50% diversion rate requirement specified by AB 939. As of 2002 (the last verified date by the CIWMB), the City was recycling 51% of its solid waste, thereby complying with the standards established by AB 939 (CIWMB Waste Stream Profile).



As shown in Table 3, development that could occur within the project area would generate an estimated 575 pounds of solid waste per day or 209,875 pounds of solid waste per year. In keeping with the City's recycling program, approximately 49% of this waste, or 282 pounds per day would be deposited in landfills. The Puente Hills Landfill has a maximum permitted capacity of 13,200 tons/day and receives on average 9,000 tons/day. Therefore, the 282 pounds per day is within the available capacity (4,200 tons per day) at the Puente Hills Landfill and the project impact to solid waste disposal would be less than significant.

Table 3
Solid Waste Generated

Land Use	Size	Generation Rate	Total (lbs/day)	Total (lbs/year)
Residential	47 Residential Units	12.23 lbs/household/day *	575	209,875
Total Project Solid Waste Generation Increase			575	209,875

Notes: SF = square feet

** Source: CalRecycle, 2010

Although the project would incrementally increase solid waste generation, project area development would be required to comply with local regulations regarding solid waste reduction. **Impacts to the City's solid waste collection and disposal system would be less than significant and further discussion in an EIR is not warranted.**

	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Impact	Less than Significant Impact	No Impact
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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE —

a) Does the project have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?



b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?



Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE —

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

☒
☐
☐
☐

a. As discussed in Section IV, *Biological Resources*, the project's impacts on biological resources are potentially significant. As discussed in Section V, *Cultural Resources*, although no known cultural resources are located in the project area, the proposed project has the potential to disturb previously unknown subsurface archaeological and paleontological resources. Therefore, the project could potentially affect or eliminate important examples of California history or prehistory. **These potentially significant impacts will be further discussed in the EIR.**

b. The project has potential impacts to aesthetics, biological resources, cultural resources, geology, hydrology and water quality, noise, and traffic impacts that could be significant and cumulatively considerable. **These potentially adverse cumulative impacts will be explored and discussed in more detail in the EIR.**

c. The proposed project has potential for adverse effects on human beings due to potential impacts related to aesthetics, geology, hydrology and water quality, noise, and traffic. **The potential for adverse effects on human beings will be explored and discussed in more detail in the EIR.**

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RANCHO PALOS VERDES

NOTICE OF PREPARATION

To: Interested Persons

From: City of Rancho Palos Verdes
Community Development Department
30940 Hawthorne Blvd.
Rancho Palos Verdes, California 90275-5391
310-544-5228 or planning@rpv.com

Subject: **Notice of Preparation of an Environmental Impact Report (EIR) pursuant to the Requirements of the California Environmental Quality Act (CEQA) for proposed Zone 2 Landslide Moratorium Ordinance Revisions.**

The City of Rancho Palos Verdes will be the CEQA Lead Agency and will prepare an Environmental Impact Report (EIR) for the project identified below. We need to know the views of you or your agency as to the scope and content of the environmental information which is germane to you or your agency's statutory responsibilities in connection with the proposed project.

Project Title: Zone 2 Landslide Moratorium Ordinance Revisions

Location: The proposed ordinance revisions would apply to the approximately 112-acre "Zone 2 Landslide Moratorium Ordinance" 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. The Zone 2 area, located on the hills above the south-central coastline of the City, is within the City's larger (approximately 1,200-acre) Landslide Moratorium Area (LMA). Zone 2 consists of 111 individual lots. Of these, 64 are developed with residences and accessory structures and 47 are undeveloped or underdeveloped. These latter 47 will be the focus of the EIR.

Project Description:

Landslide Moratorium Ordinance Revisions. Section 15.20.040 of the Rancho Palos Verdes Municipal Code establishes the process for requesting exceptions to the existing moratorium on "the filing, processing, approval or issuance of building, grading or other permits" within the existing landslide moratorium area. The proposed landslide moratorium ordinance revisions would augment the existing exceptions to allow for the future submittal of Landslide Moratorium Exception (LME) applications for 47 undeveloped or underdeveloped lots within Zone 2. It should be noted that the granting of an LME does not constitute approval of a specific project request, but simply grants the property owner the ability to submit the appropriate application(s) for consideration of a specific project request.

Future Development Potential. The potential granting of up to 47 LME requests under the proposed ordinance revisions would permit individual property owners to then apply for individual entitlements to develop their lots. 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 the EIR, it will be 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:



RANCHO PALOS VERDES

- Forty-seven 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 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 five 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.

The detailed project description, location, and potential environmental effects are contained in an Initial Study that, if not attached to this notice, is on file with the Community Development Department at City Hall, 30940 Hawthorne Boulevard, Rancho Palos Verdes, and is available for review between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday, and 7:30 a.m. and 4:30 p.m., on Friday. Furthermore, the Notice of Preparation of an EIR / Initial Study is available for public review at the Planning Department at City Hall, the Miraleste Library, the Palos Verdes Main Library, and the City's website. To access the Initial Study on the City's Website or other information regarding the proposed project, log on to www.palosverdes.com/rpv and click on City Departments; then click on Community Development Department; then click on Planning and Zoning on the right side of the page. The link to the Zone 2 Landslide Moratorium Ordinance Revisions Project is under the "Information on Major Proposed Development Projects" links in the center of the page.

You are receiving this notice since City records indicate that you are an interested person or agency, or own property within a 500-foot radius of the project area. If you wish to provide comments on the scope and content of the Initial Study, please submit your comments to:

Kit Fox, AICP, Associate Planner
City of Rancho Palos Verdes, Planning Division
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275
Fax: (310) 544-5293
Email: kitf@rpv.com

Due to the time limits mandated by State law, written comments on the scope and content of the EIR must be sent no later than 30 days after receipt of this notice, or by February 2, 2011. Responsible agencies are requested to indicate their statutory responsibilities in connection with this project when responding.

In addition to written comments, in order to provide ample opportunity for public input, the City will hold a public scoping meeting at **7:00 p.m. on Tuesday, February 1, 2010**, at Hesse Park Community Building, 29301 Hawthorne Blvd., Rancho Palos Verdes, CA 90275.

Please contact Mr. Kit Fox at 310-544-5228 or via e-mail at kitf@rpv.com for further information.

Date: January 3, 2011

Signature _____
Name and Title: Joel Rojas, Planning Director

6 Fruit Tree Road
Rancho Palos Verdes, CA 90275

February 1, 2011

Re: Zone 2 Moratorium Issues

Honorable Councilmen, ladies, and gentlemen,

My name is Tim Kelly and I am President of the Portuguese Bend Community Association. I am here on behalf of all members of the association, not only those of us that live in the Zone 2 area of our community.

The Community Association represents everyone who owns property in the community including home owners, lot owners, Monk's Litigants, and even the City of Rancho Palos Verdes. Our duty is to respect and protect the interests of all members of the association. To isolate Zone 2 and study the effects of building on this area without considering the cumulative effects that this would have on the remainder of the community would be foolish at best and negligent in the extreme. Any runoff water that is collected in Zone 2 ends up in Altamira Canyon which weaves through other zones in the downstream area of our community. The effects of this water flow in past years prior to development have been devastating for some residents whose properties abut Altamira Canyon. A number of property owners have had to undertake major remedial repairs to their properties in recent years. The community has attempted to mitigate some of the canyon drainage problems through volunteer efforts, but we have neither the expertise nor the resources to accomplish this task.

We urge you to ensure that the scope of the EIR be expanded to look at the effects that this mass development will have on the entire community and not limit it to the narrow scope that is called for today.

Thank you for your time and consideration,

Timothy P. Kelly


Kit Fox

From: SunshineRPV@aol.com
Sent: Thursday, February 03, 2011 8:08 AM
To: kitf@rpv.com
Subject: Fwd: EIR Scoping Meeting
Attachments: EIR Scoping Meeting (77.9 KB)

Hi Kit,

I trust the EIR Consultant has been shown the RPV Conceptual Trails Plan. ...S

2/4/2011

Kit Fox

From: ksnell0001@aol.com
Sent: Monday, January 31, 2011 3:49 PM
To: kitf@rpv.com; planning@rpv.com
Subject: Scope of EIR for proposed Zone 2 Landslide Moratorium Ordinance Revisions

The EIR is inadequate because it purposely is not including potential development in Zone 2 for those parcels at 8, 10, 20 & 98 Vanderlip Drive that would be entitled to lot splits in the future. By eliminating parcels in Zone 2 that will be split into one acre lots in the future from the scope of the EIR, the EIR is incomplete and does not properly represent the potential true impact of the future building in Zone 2. These parcels have much more stable land than all of the 47 lots that are being allowed to build homes.

A lot split was recorded in 1989 for John Vanderlip AFTER the moratorium was placed 4 years prior.

-**Staff's Response 7 on page 10-76** that parcel map creating the 2 parcels was recorded in 1982 is incorrect.

Staff commented that Mr. Vanderlip was granted his lot split after the moratorium because he submitted his paper prior to the moratorium. Since William Roberts, 10 Vanderlip, submitted his request for lot splits prior to the moratorium, why wasn't Mr. Roberts allowed the same courtesy to complete his lot splits as was Mr. Vanderlip?

Why is RPV RDA receiving tax increment monies to "...clear the blight..." but won't allow lot splits to 1 acre minimum so the property owners can build on stable land (Vanderlip Drive)? The justification of RDA was to stabilize the property and open up building. Roads, utilities and sewer laterals are in place for the 15 new building sites on Vanderlip Dr. in anticipation of granting lot splits so these parcels need to be included in the EIR impact. Why can't the owners of the more stable property on Vanderlip Drive be allowed to apply for lot splits as outlined in the Community Redevelopment Plan?

The area above upper Narcissa (Vanderlip Dr.) had no land movement and has not moved in modern times.

This EIR is incomplete without evaluating all of the potential home sites in Zone 2 based on RPV zoning. By not including the potential home sites in the EIR, the true impact in the EIR can not be evaluated.

Response 9 page 10-78 from Staff

- "In addition, the system was not designed to accommodate the subdivision of existing lots."

The sewer system was designed to accommodate the subdivision of existing parcels within the ACLAD boundaries except for Zone 1. That is why additional sewer laterals were physically installed for 8, 10 and 20 for future development. Those laterals are still in place on the property and can be viewed if your records are incomplete. The parcel at the end East end of Narcissa was also figured into the sewer capacity based on 1 acre per building site.

Sincerely,

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



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Cathleen Cox
Acting Director

RECEIVED

JAN 03 2011

PLANNING, BUILDING AND
CODE ENFORCEMENT.

Notice of Preparation

December 30, 2010

To: Reviewing Agencies

Re: Zone 2 Landslide Moratorium Ordinance Revisions
SCH# 2010121073

Attached for your review and comment is the Notice of Preparation (NOP) for the Zone 2 Landslide Moratorium Ordinance Revisions draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Kit Fox
City of Rancho Palos Verdes
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2010121073
Project Title Zone 2 Landslide Moratorium Ordinance Revisions
Lead Agency Rancho Palos Verdes, City of

Type NOP Notice of Preparation

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

Lead Agency Contact

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

Project Location

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

Proximity to:

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

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

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

Document Details Report
State Clearinghouse Data Base

Date Received 12/30/2010 *Start of Review* 12/30/2010 *End of Review* 01/28/2011

NOP Distribution List

County: LOS ANGELES

SCH# 6111111111

Resources Agency

- ☒ Resources Agency
Nadell Gayou
- ☐ Dept. of Boating & Waterways
Mike Sotelo
- ☐ California Coastal
Commission
Elizabeth A. Fuchs
- ☐ Colorado River Board
Gerald R. Zimmerman
- ☐ Dept. of Conservation
Jonathan Martis
- ☐ California Energy
Commission
Eric Knight
- ☒ Cal Fire
Allen Robertson
- ☒ Central Valley Flood
Protection Board
James Herota
- ☒ Office of Historic
Preservation
Ron Parsons
- ☒ Dept of Parks & Recreation
Environmental Stewardship
Section
- ☐ California Department of
Resources, Recycling &
Recovery
Sue O'Leary
- ☐ S.F. Bay Conservation &
Dev't. Comm.
Steve McAdam
- ☒ Dept. of Water Resources
Resources Agency
Nadell Gayou

☐ _____
Conservancy

Fish and Game

- ☐ Depart. of Fish & Game
Scott Flint
Environmental Services Division
- ☐ Fish & Game Region 1
Donald Koch

- ☐ Fish & Game Region 1E
Laurie Harnsberger
- ☐ Fish & Game Region 2
Jeff Drongesen
- ☐ Fish & Game Region 3
Charles Armor
- ☐ Fish & Game Region 4
Julie Vance
- ☒ Fish & Game Region 5
Don Chadwick
Habitat Conservation Program
- ☐ Fish & Game Region 6
Gabrina Gatchel
Habitat Conservation Program
- ☐ Fish & Game Region 6 I/M
Brad Henderson
Inyo/Mono, Habitat Conservation
Program
- ☐ Dept. of Fish & Game M
George Isaac
Marine Region

Other Departments

- ☐ Food & Agriculture
Steve Shaffer
Dept. of Food and Agriculture
- ☐ Depart. of General Services
Public School Construction
- ☐ Dept. of General Services
Anna Garbeff
Environmental Services Section
- ☐ Dept. of Public Health
Bridgette Binning
Dept. of Health/Drinking Water

Independent

Commissions, Boards

- ☐ Delta Protection Commission
Linda Flack
- ☒ Cal EMA (Emergency
Management Agency)
Dennis Castrillo
- ☐ Governor's Office of Planning
& Research
State Clearinghouse

- ☒ Native American Heritage
Comm.
Debbie Treadway
- ☐ Public Utilities Commission
Leo Wong
- ☐ Santa Monica Bay Restoration
Guangyu Wang
- ☐ State Lands Commission
Marina Brand
- ☐ Tahoe Regional Planning
Agency (TRPA)
Cherry Jacques

Business, Trans & Housing

- ☐ Caltrans - Division of
Aeronautics
Sandy Hesnard
- ☐ Caltrans - Planning
Terri Pencovic
- ☒ California Highway Patrol
Scott Loetscher
Office of Special Projects
- ☐ Housing & Community
Development
CEQA Coordinator
Housing Policy Division

Dept. of Transportation

- ☐ Caltrans, District 1
Rex Jackman
- ☐ Caltrans, District 2
Marcelino Gonzalez
- ☐ Caltrans, District 3
Bruce de Terra
- ☐ Caltrans, District 4
Lisa Carboni
- ☐ Caltrans, District 5
David Murray
- ☐ Caltrans, District 6
Michael Navarro
- ☒ Caltrans, District 7
Elmer Alvarez

- ☐ Caltrans, District 8
Dan Kopulsky
- ☐ Caltrans, District 9
Gayle Rosander
- ☐ Caltrans, District 10
Tom Dumas
- ☐ Caltrans, District 11
Jacob Armstrong
- ☐ Caltrans, District 12
Chris Herre

Cal EPA

Air Resources Board

- ☐ Airport Projects
Jim Lerner
- ☐ Transportation Projects
Douglas Ilo
- ☐ Industrial Projects
Mike Tollstrup

- ☐ State Water Resources Control
Board
Regional Programs Unit
Division of Financial Assistance

- ☐ State Water Resources Control
Board
Student Intern, 401 Water Quality
Certification Unit
Division of Water Quality

- ☐ State Water Resources Control Board
Steven Herrera
Division of Water Rights

- ☐ Dept. of Toxic Substances Control
CEQA Tracking Center

- ☐ Department of Pesticide Regulation
CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- ☐ RWQCB 1
Cathleen Hudson
North Coast Region (1)
- ☐ RWQCB 2
Environmental Document
Coordinator
San Francisco Bay Region (2)
- ☐ RWQCB 3
Central Coast Region (3)
- ☒ RWQCB 4
Teresa Rodgers
Los Angeles Region (4)
- ☐ RWQCB 5S
Central Valley Region (5)
- ☐ RWQCB 5F
Central Valley Region (5)
Fresno Branch Office
- ☐ RWQCB 5R
Central Valley Region (5)
Redding Branch Office
- ☐ RWQCB 6
Lahontan Region (6)
- ☐ RWQCB 6V
Lahontan Region (6)
Victorville Branch Office
- ☐ RWQCB 7
Colorado River Basin Region (7)
- ☐ RWQCB 8
Santa Ana Region (8)
- ☐ RWQCB 9
San Diego Region (9)

☐ Other _____

Last Updated 12/27/2010

PLUMTREE P.V. ASSOCIATES, LLC
c/o Buss-Shelger Associates
865 S. Figueroa, Suite 3338
Los Angeles, California 90017

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JAN 18 2011

PLANNING, BUILDING AND
CODE ENFORCEMENT

January 14, 2011

City of Rancho Palos Verdes,
Planning Division
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

Attention: Mr. Kit Fox, AICP
Associate Planner

Reference: Environmental Impact Report
47 Lots – Zone 2 Landslide
Moratorium Ordinance Revisions

Ladies & Gentlemen:

The ownership appreciates and encourages the EIR identified above, and remains willing to participate in its cost in the event the remaining 30 acres in Zone 1 currently being investigated by Plumtree P.V. Associates could be included. In assuming this is not practical at this time, our comments concerning the Draft EIR guidelines are limited to several basic items as set forth below.

- The history of the Landslide Moratorium, nor the origin of the Zone 2 designation is not discussed. It is our understanding that the Zone 2 designation was originally suggested by the City Geologist in 1993, but was never officially adopted as part of the Landslide Moratorium Ordinance or any other ordinance, resolution, policy, nor Council order. The authority designating "Moratorium Zones" should be identified.
- The NOP/IS provides no reference to any "*Responsible Agencies, Trustee Agencies, or involved federal agencies*". Please identify any and all such agencies, as required in the CEQA Guidelines.
- The DEIR should convey to the reader whether or not the Monks plaintiff's properties (16) will have the same development standards proposed applied.
- Limiting the minimum and maximum size of a residence to 1,500 and 4,000 square feet respectively, appears arbitrary and in conflict with the City's Development Code. It is our understanding that the City normally relies on neighborhood compatibility and lot coverage to control structure size. It is noted that a previous version of the City's Development Code would have permitted maximum structure sizes of 11,000 and 8,000 square feet in the RS-1 and RS-2 districts, respectively.

- The DEIR (and ordinance) should clearly define the term "*single-story, ranch-style residence*" and provide rationale why this design genre is the only style appropriate for the Zone 2 area. Several lots in Zone 2 have a slope that would be conducive to a two-story residence rather than a single level with more grading.
- The NOP/IS provides no background or references regarding the basis for the proposed limitation on the amount of grading (<1,000 c.y., cut/fill) and import (50 c.y. maximum) per lot. The technical rationale for the proposed limitations should be set forth and referenced in the DEIR.
- Under the proposed ordinance, no existing lots in the Zone 2 area would be permitted to re-parcelize. Some existing legal lots in Zone 2 substantially exceed the minimum lot size that was established as far back as 1975 (Ordinance 75-78); a provision could be made in the ordinance to allow for subdivision, subject to the underlying zoning.

The subject ownership remains available to assist with any internal studies in our possession; we respectfully request the above items be included or addressed at a minimum. The intent is to avoid reader confusion and ownership constraints as the process unfolds.

Respectfully,

Plumtree P.V. Associates

A handwritten signature in black ink, appearing to read "Ronald L. Buss".

Ronald L. Buss

Co-Managing Member

cc: Richard Riordan
Co-Managing Member

**RICHARDSON & HARMAN, PC**

234 E. Colorado Blvd., Suite 800
Pasadena, California 91101
Telephone: 626.449.5577
Facsimile: 626.449.5572
Toll Free: 877.446.2529

Author E-mail: krichardson@rh4law.com

February 1, 2011

VIA FACSIMILE AND U.S. MAIL

Mr. Kit Fox, Associate Planner
City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

**Re: Rancho Palos Verdes City Zone 2 Draft Environmental
Impact Report Initial Study**

Dear Mr. Fox:

This office represents the Portuguese Bend Community Association, an Association comprised of the owners of over 200 improved and unimproved lots in Portuguese Bend. The purpose of this letter is to urge the City to expand the scope of the Environmental Impact Study prior to allowing development to proceed on the 16 "Monk Lots", or the 31 additional lots. Moreover, as the City is well aware, surrounding property owners have as well made their intention known to add additional single family detached homes to the land in the adjacent vicinity.

The Association has a number of deep concerns regarding the scope of the environmental inquiry. Perhaps the greatest concern is the addressing of water runoff from these 47 lots. As you know, the Portuguese Bend community was constructed without storm drains and with extremely minimal ability in the private streets to handle any runoff of surface water. The Association streets are all private, through easements granted on private lots for street purposes. There are no easements provided for drainage devices. Traditionally, the lots were required therefore to be constructed in a way which would handle all surface water without draining it onto adjacent properties. A significant inquiry should be made regarding the impact of water not only from these 47 lots which will in the near future be developed, but also in the adjacent uphill properties which are also certain to add additional water burden to the Portuguese Bend properties. Further, the potential exists not only for overloading the private streets which are clearly not intended to handle any significant water runoff, but also the Altamira Canyon will be burdened if surface runoff is directed away from the new lots. The consequences of further burdening Altamira Canyon in this fashion are quite negative, as I suspect most would agree.

Respectfully, the scope of the Environmental Impact Study should also more realistically address the probability not only that the 47 subject lots will be developed with single family homes, but also the adjacent uphill properties. These additional properties must be considered, because of the possible eventuality that they will also be built, further burdening Altamira Canyon and the Portuguese Bend private streets.

Mr. Kit Fox, Associate Planner
Re: Rancho Palos Verdes City Zone 2 Draft
Environmental Impact Report Initial Study
February 1, 2011
Page 2

The prospect of proceeding into a future without this major issue being addressed leaves my client with two alternate nightmare scenarios. The first scenario is erosion, flooding, and further major soil movement in Altamira Canyon and in many of the improved and unimproved lots. In that scenario, the probability of homeowners suing other homeowners for trespass and nuisance from water flooding is a virtual certainty. This has happened on at least one previous occasion. Alternatively, is the City's action going to as a practical matter result in an enforced installation of a massive storm drain system in the Portuguese Bend community? This second scenario is truly shocking to the homeowners of Portuguese Bend, as the cost of installing a comprehensive storm drain system in the community is so massive (along with the additional environmental consequences) so as to be unthinkable.

Therefore, the Association urges the City to broaden the scope of the Environmental Impact Study to address not only the 47 subject lots but the additional adjacent properties, both inside and outside Portuguese Bend and that it also include a substantial study on the handling of surface runoff water throughout the entire Portuguese Bend community.

Thank you for your consideration of this request.

Very truly yours,

RICHARDSON & HARMAN, PC



Kelly G. Richardson

KGR:pjb

cc: Board of Directors

TO RPU City Council 1 Feb 2011 Mtg

BCA Mtg 10 Jan 2011

re RPU's Zone 2 EIR

for Zone 2 Landslide Moratorium Ordinance Revisions

The Initial Study - preparation for "Scoping Session"

RPU City Council Mtg 1 Feb 2011

• Mtg w/ Ron Drago - RPU Public Works

List of possible BCA concerns:

1. Altamira Canyon slope - (form a GHAD?)
2. 1978 Abalone Cove Landslide re-occurrence
3. Soils of PVP known to be expansive & occasionally unstable
4. Del Cerro Canyon water run off
5. Future funds for ACLAD-type remedies (and the Carrell Canyon drain) reduced because of Calif State budget cut backs
6. our zone a High Fire Hazard Area (p. 33) hence increased problems w/ water run off
7. Zone 6 - the active Portuguese Bend landslide area
8. Constant expenses for PO Drive Road repairs
9. De Watering wells in Zone 6 broken
10. ACLAD's wells are functioning in times of heavy rains to prevent ground water build up?
11. Legal liability for future (inevitable) slide damage to Monks' developed properties

NATIVE AMERICAN HERITAGE COMMISSION

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

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JAN 13 2011

PLANNING, BUILDING AND
CODE ENFORCEMENT

January 10, 2011

Ms. Kit Fox, Planner

City of Rancho Palos Verdes

30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

Re: SCH#2010121073; CEQA Notice of Preparation (NOP); draft Environmental Assessment/Finding of No Significant Impact (EA/FONSI) draft Environmental Impact Report (DEIR) for the: **"Zone 2 Landslide Moratorium Ordinance Revisions Project;"** located in the City of Rancho Palos Verdes; Los Angeles County, California

Dear Ms. Fox:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources. The NAHC wishes to comment on the above-referenced proposed Project.

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

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. The NAHC Sacred Lands File (SLF) search resulted in; **Native American cultural resources were not identified** within ½ mile of the areas of potential effect (e.g. APE). The NAHC 'Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254.10. The absence of evidence of archaeological items does not indicate that they do not exist at the subsurface and/or when groundbreaking activity occurs.

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American

contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy a Native American cultural resources.

Furthermore we recommend, also, that you contact the California Historic Resources Information System (CHRIS) for pertinent archaeological data within or near the APE, at (916) 445-7000 for the nearest Information Center in order to learn what archaeological fixtures may have been recorded in the APE.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation.

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

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

The response to this search for Native American cultural resources is conducted in the NAHC Sacred Lands Inventory, established by the California Legislature (CA Public Resources Code 5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code 6254.10) although Native Americans on the attached contact list may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of the NHA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibility threatened by proposed project activity.

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

Sincerely,
Dave Singleton, Program Analyst

Attachment: Native American Contact List

Native American Contacts
Los Angeles County
January 10, 2011

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

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
6515 E. Seaside Walk, #C Gabrielino
Long Beach , CA 90803
calvitre@yahoo.com
(714) 504-2468 Cell

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Gabrielino Tongva
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This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed SCH#2010121073; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Zone 2 Landslide Moratorium Ordinance Revisions; City of Rancho Palos Verdes; Los Angeles County, California.

Native American Contacts
Los Angeles County
January 10, 2011

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Kit Fox

From: Stuart Miller [stuartmiller@earthlink.net]
Sent: Thursday, February 03, 2011 3:39 PM
To: Kit Fox
Cc: Scott Wellman
Subject: CEQA study
Importance: High

Dear Kit:

On Tuesday evening, Tim Kelly of the Portuguese Bend Community Association addressed the City Council regarding the CEQA Initial Study, purporting to speak on behalf of the *Monks* plaintiffs as well as the other members of the PBCA. I have just learned that the PBCA's attorneys have written a letter about the Initial Study to the City as well.

I am writing to inform you that the PBCA does not represent the views of the *Monks* plaintiffs and that we do not endorse any statements by the PBCA or its attorneys.

Please include this message in the record of proceedings regarding the Initial Study and transmit it to whoever needs to know about it.

Thank you very much.

Regards,

Stuart Miller

stuartmiller@earthlink.net

January 20, 2011

To: Kit Fox

Zone 2 Landslide Moratorium Ordinance Revision EIR Project Planner

From: Gordon Leon

38 Narcissa Dr, RPV Gordon.Leon@gmail.com

RECEIVED

JAN 20 2011

Scoping for Zone 2 Landslide Moratorium Ordinance Revision EIR

PLANNING, BUILDING AND
CODE ENFORCEMENT

The initial study uses the standard EIR checklist and does not specifically address the issues associated with the Portuguese Bend Landslide Complex. The study questions hydrology from the point-of-view of increasing ground water when the Abalone Cove Landslide Abatement District (ACLAD) pumps 300,000 gallons a day out of the ground water to reduce the risk of land movement. It mentions landslides under Geology and Soil, but from the viewpoint of possible landslides rather than existing landslides. The following are areas that need to be assessed in the EIR.

IX Hydrology and Water Quality

(New) Increase in run off water can exacerbate land slide.

- Need to limit impervious surfaces
- Need to keep rainwater on site and release slowly

e. Storm drains

- PBCA rainwater drains into Altamira Canyon and only 40% of it makes it to the ocean. The remaining 60% drops through fissures into the slip plane of the landslide. Additional uncontrolled run-off will exacerbate the landslide.
 - Need to limit storm drainage from lots
 - Need to improve Altamira Canyon drainage from Narcissa Drive to the Ocean

VI Geology and Soils

a) iv) Landslide

Zone 2 is within the active Portuguese Bend Landslide Complex (PBLC).

Extreme care must be taken in the development of new houses to protect against destabilizing the land within the PBLC.

- Limit major grading
- Reduce vibration from compaction, earthmovers, and trucks, etc
- Reduce water into the slip plane (see Hydrology)
- Protect large mature trees that reduce ground water.

To: Kit Fox, Associate Planner for the City of Rancho Palos Verdes
From: Jim Knight
Dated Jan. 29, 2010

Comments on Zone 2 Landslide Moratorium Ordinance Revisions Initial Study dated Dec. 2010

GENERAL COMMENTS

PROJECT DESCRIPTION

The project description of this Initial Study (IS) is an approximately 112 acre “Zone 2 Landslide Moratorium Ordinance” area consisting of 111 individual lots. The EIR must explain how 16 of those 111 lots within this project description (labeled “Monks plaintiffs” in figure 2) already have a certified MND, have been issued Planning entitlements to construct structures and hardscape and how they will subject to any mitigations that may be set forth in this EIR. The EIR must explain how these 16 lots are to be included in this EIR without creating a segmentation of this project and explain how this project requires an EIR and why an EIR was not required of the 16 “Monks plaintiffs” lots under the same CEQA guidelines.

This IS has taken the assumption that there will be no subdivision of these 111 lots. (page 9) A project description must include all relevant aspects of a project, including reasonably foreseeable future activities that are part of the project. The EIR must analyze the impacts of the potential subdivision of some of the 111 lots of the project description thereby potentially increasing the scope and resulting impacts of this project.

OTHER AGENCY APPROVAL

The EIR must explain why this project does not require consultation and/or approval of the RPV Redevelopment Agency, Improvement Authority or the Abalone Cove Landslide Abatement District (ACLAD).

SCOPE OF PROJECT

The EIR must include a description of the environment in the vicinity of the project, as it exists before the commencement of the project, both from a local and regional perspective. The project is within and contiguous to interrelated landslide areas of which have very complex dynamics influencing each other both geologically and hydrological. The EIR must include an analysis of these regional dynamics and address the impacts of the project with respect to areas outside of the project description and must address regional land stability.

The “Zone 2” project area is contiguous with an area designated by the city as “Zone 5”. Zone 5 is approximately the boundary of the Abalone Cove Landslide area that became active in the late 1970s and into the early 1980s. This landslide damaged many homes in that time period and caused lending and insurance companies to seize services to these residents. Concern of future movement forced water, gas and sewer to be placed above ground in Zone 5.

The contribution of additional storm water runoff into the landslide prone Zone 5 area as a result of this project poses a potentially significant impact directly to Zone 5 and indirectly to Zone 2. (Any loss of stability in Zone 5 will migrate into the contiguous Zone 2 area). The Abalone Cove storm drain system concentrates the runoff from both Zone 2 and Zone 5 into Altamira Canyon. The City’s has administrative records from several decades that have documented Altamira Canyon’s deficiency in handling storm water runoff and the potential of land instability from the infusion of water into the canyon floor. Also in that documentation was a plan for the City to fix this inadequacy. That Plan was never implemented.

Aside from the decades of documentation, more recently there is video documentation available for consultant review showing flooding problems and loss of property in lower Altamira Cyn. caused by storm water runoff.

The Abalone Cove Landslide District (ACLAD) has been monitoring dewatering well production for years. Their records are also available for consultant review. The most recent records of water well (WW) 18 located within the city owned area near the toe of the Abalone Cove Landslide seaward of PV Dr. South) showed a tremendous increase of well production after the December 2010 rains. It went from 4.91Kgals/day at the beginning of Dec. 2010 to an unprecedented 29.82 Kgals/day by Jan. 13, 2011. Normally, with most other wells within ACLAD, response to rain events occurs with approximately a 6 month delay. These well production numbers for WW18 seem to indicate that water is infusing directly into lower aquifers through fissures in this lower canyon area seaward of PV Dr. South. This phenomenon can lead to land instability in Zone 5 which can migrate into Zone 2.

Storm water in Altamira canyon can also create severe beach side erosion causing the shoreline to retreat. This loss of revetment compromises land stability as well.

As a part of the CEQA review of the Marymount Project, it was concluded that the project could not contribute any more storm water flow rate to a deficient storm drain system offsite than before the implementation of the project. The scope of this project must include the same analysis for these areas of outside the boundary of the project area and address what mitigation(s) would appropriately reduce this impact to less than significant.

COMMENTS BY SECTION

IV BIOLOGICAL RESOURCES

The IS has not discussed the impact of an increase of fuel modification setbacks created by the addition of habitable structures on the lots which would mandate additional vegetation clearance, especially in the northernmost sections of the project which interface with the NCCP preserve. As such, this could impact biological resources under an NCCP Plan.

VI. GEOLOGY and SOILS

By the IS not including Zone 5 into the scope of this EIR, it has missed the fact that the Dept. of Conservation Seismic Hazard Zone Map shows an area seaward of PV Drive South within Zone 5 (and the Abalone Cove Landslide) which has historic occurrence of liquefaction with local geological, geotechnical and groundwater conditions that indicate a potential for permanent ground displacements such that mitigations would be required. Additional storm water runoff from this project could impact this area and, as mentioned above, there is a geologically and hydrological contiguous interrelationship between what the city calls Zone 2 and Zone 5.

VIII. HAZARDS AND HAZARDOUS MATERIALS

The IS fails to address the impacts of storm water runoff to the sensitive intertidal zone of the State Abalone Cove Ecological Reserve.

IX. HYDROLOGY and WATER QUALITY

The IS must address the impacts of storm water runoff from this project to the entire storm water drainage system including areas outside of Zone 2 as discussed above in SCOPE OF PROJECT. The IS fails to address the impacts of storm water runoff to the sensitive intertidal zone of the State Abalone Cove Ecological Reserve.

X LAND USE/PLANNING

The IS does not include the General Plan's list of Geologic Safety Policies. This project is also subject to Public Resources Code Sec. 2699 which directs cities to "take into account the information provided in available seismic hazard maps when it adopts or revises the safety element of any land-use planning or permitting ordinances." Zone 2 is subject to the Geologic Hazards Mapping Act. Both Zone 2 and Zone 5 are identified on these Geologic Hazard Maps. The Dept of Conservation, Division of Mines and Geology Special Publication 117 sets forth guidelines under that Act for evaluating and mitigating seismic hazards within mapped areas such as this project.

The scope of this project should include the land use policies as set forth in the General Plan, State Ecological Reserve and Geologic Hazards Mapping Act.

XIV PUBLIC SERVICES

The IS does not address the physical change the project creates that could adversely affect fire protection access. Currently fire protection services can access the northerly open space directly over an unobstructed vacant lot from a paved street such as upper Cinnamon Ln. There are numerous lots in the project that back up to natural open space and there needs to be adequate fire protection access between any new homes to the open space in back in order to provide the same level of fire protection to the entire community.

The IS only addresses the number and location of Fire Stations and not whether or not the hydrant service to the project area is adequate. It is my understanding that the Fire Dept. has stated hydrant service is inadequate for this project.

XVI TRANSPORTATION

There are only two emergency access roads for the entire Portuguese Bend community to exit onto P.V. Dr. South. We are surrounded by a large open space which has had fires recently. Persons, as well as a large equestrian community, need these roads for emergency access. Existing roads within the Portuguese Bend community are very old, not compacted well and could be significantly deteriorated by heavy construction equipment, especially accumulatively for the entire project. Additionally, there are some very dangerous curves in which it has already been shown to be a safety issue with large trucks.

The IS must analyze the potential significant impacts to the roads servicing the project.

XVII UTILITIES AND SERVICES SYSTEMS

Some lots within the project do not have direct access to the existing utility service distribution system. For instance, homes on upper Cinnamon Ln. currently access the water distribution system from Narcissa Dr. via easements over other properties. The IS must discuss how utilities will be accessed to the project, what easements would be required if any and what will utility services have to provide in terms of additional main supply lines to some of the lots in this project. Without this disclosure, it is unknown what impact the project will have on utility/services systems.

The IS states that the Public Works Department has confirmed that there is adequate sewer capacity to serve the project. Please clarify how the recent failures of the sewer system, without the addition of the project, were taken into account as a part of this analysis.

The IS must clarify how the goal of preventing adverse impacts to incremental reduction of ground water does not conflict with ACLADs opposite goal of trying to pump as much water as possible out of the ground to mitigate landslides.

Thank you for the opportunity to comment on the Initial Study and I am in hopes that this EIR will fully and adequately address all issues related to the project.

Jim Knight

Kit Fox

From: cassiej@aol.com**Sent:** Sunday, January 30, 2011 1:08 PM**To:** kitf@rpv.com**Subject:** Comments on Zone 2 Landslide Moratorium Ordinance Revisions Initial Study Dec. 2010

To: Kit Fox, Associate Planner City of Rancho Palos Verdes

From: Cassie Jones & Lewis Enstedt, Rancho Palos Verdes

Re: Comments on Zone 2 Landslide Moratorium Ordinance Revisions Initial Study Dec. 2010

<!--[if !supportEmptyParas]--> <!--[endif]-->

Comments regarding this Initial Study:

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Surrounding Land Uses

The description of the surrounding properties is incomplete. The properties to the NE, E, SE, S, W and NW are described. However, the property to the north of the project has been glaringly omitted and it is of utmost importance. We believe the Plumtree property, as it is known, is residentially zoned and completely landlocked except for access through the Portuguese Bend Community. It is immediately adjacent to at least 7 of the 47 vacant lots. The City has received information regarding the desire to subdivide and develop this property and it is reasonably foreseeable that the cumulative impacts from the project at hand and the development of the Plumtree property are intimately intertwined so as to be one. Any and all aesthetic, drainage, water, fire, safety, ecological and environmental impacts from developing one are virtually the same for developing both, only on a larger scale. The scope of this project is not complete unless it includes this very reasonably foreseeable development. Additionally, the subject property is accessed only through Zones 5 and 6 and all storm water from the project drains into Altamira Canyon. Eight of the subject properties drain or abut directly to the canyon. The canyon is also the source of ground water recharge and of runoff in to the ocean. It is reasonably foreseeable that some impacts to Zone 2 will have bearing on Zone 5 and potentially Zone 6. Therefore the effects on these Zones should be considered.

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Description of Project

The project description improperly incorporates project design criteria, such as minimum and maximum square footage, building height, lot coverage, setbacks, and grading. To the extent these criteria are considered project objectives, the Initial Study improperly gives the City the ability to reject feasible mitigation measures that set lower square footage, building height, lot coverage, setback, and grading requirements. The EIR must make clear that these are the very criteria for which feasible mitigation measures will require revision.

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In addition, the description of the project itself is still in question. The revision allowing an exception to the landslide moratorium for the construction of residential buildings with less than 1000 CY grading was part of an emergency ordinance increasing the grading from 50 CY to 1000 CY. The 50 CY was mitigation from the Mitigated Negative Declaration passed by the City due to the sensitive geology in the area. This amount was greatly increased to 1000 CY (a 2000% increase) without any study or justification.

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Further, the Initial Study includes the potential impacts from the "16 Monks lots plus 31 additional lots" in order "to provide a conservative analysis" (page 9). However, the Initial Study also indicates that 7 Monks Plaintiffs lots have obtained Planning entitlements and the remaining 9 Monks Plaintiffs lots are

in the process of obtaining such entitlements. Further study must explain how mitigation measures developed and approved in the EIR will be applied to projects that have already received their entitlements or have even been constructed. For example, if lower square footage or height maximums are adopted, will already-constructed homes be required to be demolished and reconstructed to applicable standards, as the law requires? Will already-approved plans be required to be modified and resubmitted, as the law requires? If so, why is the City granting entitlements to the Monks Plaintiffs' lots? If not, why are the Monks Plaintiffs' lots included in this analysis, and wouldn't their inclusion make this analysis a sham?

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Finally, the Project Description incorporates the Monks Plaintiffs' lots but makes no mention of the current CEQA challenge that has been brought against the Monks Plaintiffs and the City, and that the Monks Plaintiffs' applications for planning entitlements have been submitted and processed entirely at their own risk.

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Future Development Potential

The statement that it is assumed that development would occur over at least a period of 10 years is unsubstantiated and speculative. Truthfully, it is unknown. The reality is that of 16 lots already allowed to begin the process, nearly half have already taken significant steps and all have at least started the process. It is also assumed that they would proceed in a manner consistent with the private architectural standards of the PBCA. The conclusion reached in the Initial Study is "Therefore, the future development assumptions for Zone 2 include the following:" Here the document proceeds to list items that have not or cannot be met or be consistent with the above assumption. The Community standards require side or interior set backs to be significantly greater than the 5 feet declared here by the City. Additionally, the 1000 CY of grading is subject to litigation and the community does not allow ANY import or export of dirt for construction. This document seeks to circumvent community standards in favor of an unsupported and arbitrary standard.

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Environmental Factors Potentially Affected

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Aesthetics

As a general point, the Initial Study should make factual statements supported by evidence and should not pre-judge the significance of impacts. All points have potentially significant impact and should be studied further in an EIR. Statements such as "Adding 47 residences to the project area would.... incrementally alter the visual character of the site" prejudice the reader. As there are only 64 residences in the project area currently, adding 47 more is certainly more than an "incremental" increase! It would be better stated that it would alter the existing visual character of the site by a factor of nearly 75%. Also given the fact that the Plumtree property is indistinguishable from the subject property, the impacts of an additional approximately 20 homes, maybe more, should be considered.

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Air Quality

All points have potentially significant impact and should be studied further in an EIR.

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Biological Resources

All points have potentially significant impact and should be studied further in an EIR. There are some incorrect assumptions in this section that are of significance, however, and should be addressed. It is true that, as the Initial Study states at page 15, some of the subject properties contain sensitive plants and animals. But the Initial Study incorrectly states, "Some lots in the northern end of the project area ... abut the City's [NCCP Property]." (Page 15) However, only *one* of the lots on upper Cinnamon Lane and a fraction of a second lot abut the NCCP Preserve area. Many more actually abut the Plumtree property, which then abuts the NCCP Preserve area to the north. This is again an example of how the Plumtree property is intimately associated with and even mistaken by the Initial Study for these lots in

Zone 2. It is further evidence that they should be considered together in the study of their cumulative impacts, as these impacts would be inseparable.

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A number of these properties include Altamira Canyon as part of their legal description. The City has established the Natural Overlay Control District to “Enhance watershed management, control storm drainage and erosion, and control water quality of both urban runoff and natural bodies within the City.” As vast amounts of water enter the storm water system in this area and the amount is proposed to increase substantially, this will certainly need to be studied further in an EIR. The Horan Settlement mitigation measures which improve the drainage in Altamira Canyon have yet to be implemented.

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Cultural Resources

Points b), c) and d) have potentially significant impact and should be studied further in an EIR. At a minimum, a paleontologist should be employed during grading in this area for each project.

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Geology and Soils

Points a) ii), a) iv), b), c), d) and e) have potentially significant impact and should be studied further in an EIR. The remaining points may have some impact. Point e) is of concern because the soils above in the Plumtree property currently do not have sewer hookups and there really is no other way for water to leave that property than for it to either come down Altamira Canyon and back in to the landslide or the open ocean or to come down through the subject property, on to the streets, into Altamira Canyon and back in to the landslide or the open ocean. The sewer system currently does not function properly and is showing signs of obsolescence and disrepair, and will be further impacted by further development. A holding tank system is a completely inadequate and impractical alternative.

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Greenhouse Gas Emissions

All points have potentially significant impact and should be studied further in an EIR.

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Hazards and Hazardous Materials

Point c) is of concern and should be further studied in an EIR because the assumption made in the document is that “...due to the dispersed locations of the subject lots and the opportunity for infiltration of runoff from the initial flows as part of a rain event, the incremental increase in impervious surfaces would not be expected to result in significant concentrations of hazardous substances near the nursery school or else where.” The “incremental increase” here is substantial. Homes in the area average 2500 SF currently and there are 64 of them. The new homes are permitted to be 4000 SF and many of the proposed homes approach that size and there will be 47 of them. You can do the math, too, but adding that amount of impervious surface area pretty much doubles the amount in the area currently from homes and related hardscape. That is actually a huge increase and is even greater when the roads are expanded and the Plumtree property is built out. The development of more homes and road surfaces is a reasonably foreseeable event and should be studied in this EIR. Additionally, we are seeing that the new homes are being required to hold some water back in a holding tank only to later release it on to the roads. Infiltration of runoff is not being allowed to happen yet here it is being used as mitigation for increasing the impervious surfaces. You can’t have it both ways. Regardless of when the water is released from the holding tanks, it and any toxins in it still go into the Canyon eventually and either back in to the landslide or in to the ocean by the nursery school.

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Point g) is perhaps of greatest concern and should be studied in an EIR. Evacuation routes to and from the area traverse unstable lands in Zones 5 and 6. These roads have already been overwhelmed in emergency evacuation situations and emergency response is already impaired and they are in active landslide areas.

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Hydrology and Water Quality

All points except j) have potentially significant impact and should be studied further in an EIR.

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Any study of impacts from increased surface runoff includes areas outside of Zone 2 because that is where the runoff water ends up. History has shown a correlation between groundwater levels in Zone 5 and its decrease in stability. History has also shown that removing this water, via dewatering wells, dramatically slowed the movement in Zone 5. It is fact that the vast majority of surface runoff in the western portion of the community ultimately ends up in Altamira Canyon, with a potential to increase groundwater levels and to befoul the shore at Abalone Cove. This potentially devastating impact must be thoroughly analyzed and mitigated.

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Land Use and Planning

Point c) does conflict with the NCCP and should be marked as significant here and further studied in an EIR.

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Noise

Points a) – d) have potentially significant impact and should be studied further in an EIR.

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Population and Housing

Point a) does have potentially significant impact and should be further studied in an EIR. The impacts will be very significant locally. With respect to zone 2, the proposed project represents a 73% increase in the number of homes.

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Public Services

Points a) i) and ii) are of concern and should be further studied in an EIR. Especially with respect to fire safety. The document states, "...the project area's close proximity to Fire Station #53 would ensure an adequate response time by the Fire Department in emergency situations." However in reality this was not the case when, almost exactly 1 year ago, a house at Peppertree and Kumquat burned to the ground and there was a very inadequate response to the fire. The fire hydrants in the community are not up to today's standards. In this incident, the fire department had trouble finding the hydrant in front of this house, and when they finally found it, there was a problem with their ability to connect to the hydrant due to it's older design/smaller diameter. Also, the lack of adequate water pressure could be an issue. It is known that a recent remodel/improvement project on Thyme Place was scaled back by the city after it was discovered that the local water pressure was inadequate to support the original size of this remodel. There is no water supply or fire hydrant availability on upper Cinnamon yet there are a number of properties in this project located on that street. The most recent fires in the area have been attributed to Edison power lines. There are power lines running up Altamira Canyon. There is a gas main that crosses the eroding canyon under these power lines through two subject lots on Cinnamon and Vanderlip and there is not a fire hydrant or water service available on Upper Cinnamon. The roads to this project are inadequate to support large fire fighting equipment. The fire situation at the very least warrants some study.

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Transportation and Traffic

All points except c) have potentially significant impact and should be studied further in an EIR.

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Utilities and Service Systems

All points except f) and g) have potentially significant impact and should be studied further in an EIR.

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Point c) is of special concern because here, again, the increase in impervious surfaces is being credited with reducing groundwater recharge, yet holding tanks are also being required to hold water so it does not go back in to the ground (yet it actually does go back there after it is dumped back on the streets). This just does not seem to add up. You can't have your cake and eat it, too. Truthfully, the rain that

falls on the vegetated, undisturbed properties soaks in a few inches, doesn't run off, and eventually evaporates. The vast majority of the run off comes from impervious surfaces and denuded vacant land, such as horse corrals.

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Point d) may mean that the service provider has adequate water to supply the area, but the delivery of it is potentially inadequate. As mentioned above, some remodel projects have been scaled back due to lack of water service or pressure, not lack of water itself. The development of the Plumtree property will require adequate water delivery as well. The water supply will have to come up from this area, one would assume. It is better to study it now and know, than to be inadequately prepared in the future.

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Mandatory Findings of Significance

All points have potentially significant impact and should be studied further in an EIR.

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Thanks for your attention and the opportunity to comment.

<!--[if !supportEmptyParas]--> <!--[endif]-->

Cassie Jones

Lewis Enstedt

Kit Fox

From: cassiej@aol.com
Sent: Wednesday, February 02, 2011 8:31 AM
To: kitf@rpv.com; CC@rpv.com
Subject: Short video along Narcissa

To: Kit Fox
Re: Zone 2 EIR Initial Study

I was not certain if a copy of Jim Knight's short video of the magnitude of the drainage issue was left with you. The link below shows three short segments of video during more recent rains in Portuguese Bend. The video is about 4 minutes long but there is over an hour available if needed by the consultant for most other streets. All of this footage is of Narcissa Road.

The first part was taken driving up lower Narcissa after several days and 5 inches of rain, as you can hear right at the beginning on the radio. (Otherwise turn the sound off because my chatter is annoying) It shows that even with max saturation of the ground, there is very little runoff from the planted steeply sloping areas and that runoff comes primarily from driveways and impervious surfaces. The homes you see there are older ones, not a whole lot of runoff, actually.

The next bit is during heavy rain showing the road at upper Narcissa. It takes the runoff from impervious surfaces that have been required to put their water on the road because of remodeling or rebuilding the home or because of disturbed ground, like stables. What you can't see on this short segment is that this water immediately goes directly into Altamira Canyon. The first home here is more along the lines of what is being approved to be built on the vacant lots now. You can see that a holding tank of 1000 gallons would fill up in no time.

The last segment shows how much water runs off and directly into Altamira Canyon at middle Narcissa near the horse stables. It shows foul, muddy water from and large amounts of water from developed properties that drain directly on to the road. The water at the end that goes into what looks like a storm drain actually just goes directly under the road, empties on to Figtree, runs down that road and in to Altamira canyon. My little car can't drive down that road safely when it is running like that so I didn't go there on that day.

I did video into the canyon at some points and that is interesting to watch, too, if anyone is interested.

http://www.youtube.com/watch?v=pttNxj368kg&feature=youtube_gdata_player

Thanks for your time last night.

Cassie Jones

2/4/2011

Kit Fox

From: cassiej@aol.com
Sent: Tuesday, February 01, 2011 7:01 AM
To: kitf@rpv.com; pc@rpv.com
Subject: Zone 2 EIR Initial Study Comments- addendum

Mr. Fox,

Sorry for the very late correspondence but it was neglected in my previous comments to mention that the IS states that the "Private streets within Zone 2 are maintained by the Portuguese Bend Community Association." This is true for the majority of the streets but not for all of them. Several, maybe 4?, of the vacant parcels in Zone 2 are accessed by a road or roads not maintained by the PBCA. I honestly don't know who or what entity maintains them but the PBCA does not.

Cassie Jones

2/1/2011

Kit Fox

From: katelinkelly@aol.com
Sent: Wednesday, February 02, 2011 11:20 AM
To: kitf@rpv.com
Subject: Drafr EIR zone 2 initial report

Mr Kit Fox

My concern is Narcissa Drive. This is our only access in and out of our homes. I would ask that this issue is included in the EIR study concerning developement in the zone 2 area. Every vehicle coming and going will be accessing up and down Narcissa Drive. It is extremely subject to cracking and movement. We have noticed a lot of cracks especially in the last few years. Will there be room for emergency vehicles such as fire trucks? What about water run off? These factors and more need to be fully studied. Our home is the only home we own. It is everything we have. We know the city of Ranch Palos Verdes will do everything to protect its residents. Thank you

Joan Kelly

Kit Fox

From: Carla Morreale [carlam@rpv.com]
Sent: Wednesday, February 02, 2011 2:46 PM
To: 'Kit Fox'
Subject: FW: EIR Scope
Importance: High

Kit,

I am forwarding this email to you since I did not see your name as a recipient.

Carla

From: William Hunter [mailto:bill_hunter@cox.net]
Sent: Wednesday, February 02, 2011 1:07 PM
To: City Council
Cc: Marianne Hunter
Subject: EIR Scope
Importance: High

Dear Councilmen, City Staff and Study Director,

Thank you for the presentation last at last nights meeting.

Although we heard last night that the scope will be widely inclusive, the first document that we were able to read on the projects scope left many people very concerned that issues may be ignored or treated more lightly than is in the best interests (other than short term monetarily) of: 1.residents of Portuguese Bend, 2.homeowners above and below the landslide, 3.drivers using PV Dr. South, 4.tax payers responsible for repair of that road and lawsuits against the City, 5.City owned property at Shoreline Park, 6. the nature preserves above and in the ocean below, 7.the Wayfarers Chapel, 8. both Terranea and Trumps and all other businesses relying on PV DR South.

One particular aspect that wasn't mentioned is the ongoing problem with the Edison power lines running through the slide areas. Edison has said that it will not replace the current poles as a remedial project, but only individual poles as they fail. The poles **are** falling over. Edison has started (correct me if I'm wrong) all but one of the fires in the area. We have power lines hanging over a canyon that is a natural water course. What happens when during runoff, those hot power lines fall into the water? How dangerous is that to anyone down stream working on flood issues? The lines and poles **are** going to continue to fail and fall, starting brush fires into the future. *How does the expansion of electrical demand affect the dilapidated Edison equipment?*

The issue of fire and emergency vehicles coming to the aid of the community is currently is realistically problematic. Ingress, egress to large vehicles through the gates is difficult. We do NOT have adequate water service for fighting fires (as the Himelwright family has tragically experienced). We don't have much capacity for emergency vehicles comig in while residents evacuate. *How will more homes and people who need to be protected, who might need to evacuate (who are building much larger homes) affect fire danger and fire fighting and evacuation?*

To further complicate safety issues in emergencies of all kinds (and day to day convenience) Narcissa Dr is

known to have a major fissure running across it (near or at) the very vulnerable hair pin turn above the Wayfarers Chapel. Without some major form of bolstering, it IS going to fail eventually and we don't know when. Maybe the *next* big storm or earthquake, maybe not in our lifetime. Here is a scenario: A brush fire occurs and fire equipment is moving up Narcissa Dr and residents are both coming home and going downhill to evacuate. The fissure causes the road to become impassable. The fire trucks can not go forward, there is **no** room to turn around, cars are stacked up behind them so they can't back down. Cars trying to leave are in the same position with no room to maneuver. The fire is burning. **Now what?** Now it is more than a brush fire, now homes are in far more danger and the possiblity of people being trapped exists.

That there is real danger of road failure on both Narcissa and PV Dr South is beyond question. We have all been very lucky in the past 2 decades. *How much damage does the stress of large, heavy vehicles do to these delicate lifelines? This question was asked before construction began for Terranea. How much more has the City had to do in the past 2 years to keep PV Dr from falling to ruin*, taking sewer and power lines with it? More than it has in the 13 years we've lived here.

These are only a couple of the really huge threats to the immediate safety and long term stability of this community and it's affect on the City.

We cannot stress enough how critical the water runoff problem already is and how much new construction and hardscaping can exacerbate that problem.

We live in a community that respects the fragility of our land. That is all about to change. Deveolpers, specualtors and the uninformed do not have the long term concerns, experiences or knowledge to tread lightly here. The science has revealed a new picture since reports done long ago. This area is not one plate, sealed from infiltrarion, cruising smoothly towards the sea; it is a series of fissured blocks bumping and grinding, affecting one another, on the way to the sea.

We believe it is the height of folly to increase the density in an area infamously known for it's instability. When the next slide occurs, there will be much head shaking and finger pointing about "who let this development go forward?" But, it development seems, imminent so we remind you that your positions of trust and authority *require* you to scrutinize *every aspect* of this project and it's potential impacts on the surrounding areas and do what is then required to protect the public safety.

Sincerely,

William and Marianne Hunter
1 Cinnamon Lane
Portuguese Bend, RPV, Ca
310-377-1871
2hunter@cox.net

Kit Fox

From: tom hoffman [comptonhoffman@yahoo.com]
Sent: Wednesday, February 02, 2011 10:22 AM
To: kitf@rpv.com
Subject: storm runoff in Portuguese Bend

Dear Sir, I have lived at 5 Plumtree Road for 13 years. For 9 of those years I lived without any incidence of flooding. When my current neighbor moved next door (#7) and acquired property from Jim York my problems began. My neighbor cleared all of her property of underbrush while Mr. York was doing the same to create a riding ring above her house. The following two winters were a disaster for my house and my back yard. Storms washed mud and debris up against my house and buried my patio. Despite her efforts to divert water, my neighbor was unsuccessful for two years. This winter we have seen no flooding.

My point to you is; be aware of the very real flooding danger downstream of any significant land clearing in the Portuguese bend area. I have pictures to prove my assertions.

Tom Hoffman
310 265 0200

Kit Fox

From: Corinne Gerrard [corinne.gerrard@gmail.com]
Sent: Wednesday, February 02, 2011 2:39 PM
To: kitt@rpv.com
Subject: EIR

Request the Eir scope be expanded to include the compaction of the roads to the current engineer standards to help in vibration that will occur from truck and tractor loads.

RECEIVED

JAN 18 2011

PLANNING, BUILDING AND
CODE ENFORCEMENT

To: City of RPV, Community Development Dept.

Subject: Zone 2 Landslide Moratorium Ordinance Revisions

Reference the specific effects of the Ordinance as presented on the property identifiable as:

Assessor's Parcel Number: 7572 002 024.

I am the owner of the subject property which is over 6.9 acres and has been zoned for one unit per acre for the entire time of my ownership commencing prior to the City's formation. All Governmental actions, to my knowledge, have been consistent with the potential of the subdivision of the parcel. In particular, the lot split of the contiguous parcel, 7572-002-029, owned by the John Vanderlip family in November, 1989 and its subsequent inclusion in the "Monks" litigation and settlement. Another City action was the inclusion of sewer laterals at locations other than the current improvements. The various taxes and fees that continue to be levied against the property have also been consistent with its 6.9 acres and the probability of future subdividing.

None of this would have any effect on the validity of the EIR per se, since the added number would be small in proportion. I do however request the City to make the necessary changes to the Ordinance, and to include reference to my property in the numbers of underdeveloped properties.

Date: January 18, 2011.

Signed: Jack Downhill

Property Owner

20 Vanderlip Dr. Rancho Palos Verdes

Kit Fox

From: Jeremy Davies [jdavies@kubooa.com]
Sent: Monday, January 31, 2011 10:51 AM
To: Kit Fox
Cc: planning@rpv.com; Kelly Richardson
Subject: Zone 2 CEQA EIR for Proposed Landslide Moratorium Ordinance Revisions
Attachments: ZONE 2 DRAFT EIR.doc

Dear Mr Fox

Firstly, thank you for the opportunity to submit concerns and recommendations regarding the scoping of the EIR on Zone 2 contained in the Initial Study dated December 2010.

I attach a memorandum containing input on the scope of the environmental issues contained in the Initial Study Document dated December 2010 prepared by the City with the Assistance of Rincon Consultants Inc.

My overall concerns are:

1) The scope of the EIR is limited in a narrow manner to a block of land designated as Zone 2 as though this land mass is independent of all surrounding areas. Two of these surrounding areas provide the only access to Zone 2 which is abutted by two active landslides (Abalone Cove and Portuguese Bend-Zones 5 & 6) through which all traffic, including heavy construction vehicles, will have to pass. These access roads are some 60 years old and were not designed for additional development and have recently required significant asphalt infill to compensate sinking land due to landslide movement and traffic. In addition, in the case of Peppertree (Zone 6) , a fissure and sink hole appeared during the recent heavy rains and after the infill. The traffic conditions section of the EIR should spell out the fact that access is through roads in active landslide zones and should evaluate the impact of increased traffic including heavy construction equipment and detail the mitigating actions necessary. In addition, it should also be noted that multiple attempts to reduce land movement and fissures with dewatering wells, other measures and a recent (July 2010) \$215,000 grading and planting project on PV Drive South in part of the Portuguese Bend landslide was completed. Despite this latest project to reduce fissures, significant repairs have again been necessary in January 2010 to keep the road drivable and the annual costs of repairs are increasing (City data). In October 2009 The Peninsula News reported that the City has spent more than \$10 million in repairs to this road since City incorporation as a result of constant land movement.

2) Storm water run off from additional structures will end up entering Altamira Canyon, together with existing run off from above Portuguese Bend and existing residences, and will enter into the the land in Zones 5 and 6 referred to above. There is extensive documented discussion of the concerns surrounding Altamira Canyon over the years, of mitigation actions needed to reduce the land destabilization from water run off entering the canyon and which have not taken place. The scope of the hydrology section of the EIR requires to include the Altamira Canyon matter, including the gross impact of all possible future developments (see below) and the mitigating actions needed. The impact on the existing dewatering wells requires addressing and determination whether additional wells are needed and if not why not.

3) The City is aware of and has supporting evidence that there are several additional probable or possible housing development requests in areas surrounding Zone 2 (Plumtree, York, Downhill, Vanderlip, Yamaguchi), including possible rezoning requests to facilitate further development (the LA Times estimates more than an additional 130 lots on which owners would like to build) . The draft EIR is largely silent on these matters and concentrates only on the future development potential of the 47 lots in Zone 2. There is an indirect reference to "any new development" on page 28 of the Initial Study. However, the gross cumulative impact of such additional probable and possible new developments is required under CEQA. The City needs to explain why such additional possible developments are excluded from this EIR and why the cumulative impact of these developments is not significant. The alternative is to include them in this EIR, detail the assumptions used and consider the gross environmental impact and mitigation actions necessary.

4) The City is the CEQA lead Agency in this EIR. It is important that the public understands the degree and detailed scope of EIR topics in which the "independent" consultants are to be used (Rincon?) and their role versus the City's role. If independent consultants are to be used what restrictions is the City placing on them? If independent

consultants are not to be used the City needs to explain why in the interests of transparency.

5) The Initial Study identifies a number of "Potentially Significant" impacts in the Transportation, Geology and Hydrology sections. Because of the unique geological and soil conditions and their inter relationship, a subset of scope considerations need to be developed with input from organizations such as ACLAD and specialist geological experts and soil experts. These scope considerations should be included in the next iteration of the EIR for the public to provide input during the next phase of review.

Detailed comments and requests for additional scope considerations are attached.

Yours sincerely,

Jeremy Davies

**RPV CITY ZONE 2 DRAFT EIR
INITIAL STUDY
JANUARY 2011**

Requests for scope clarification, modification and additions to the above submitted by Jeremy Davies of 36 Cinnamon Lane, RPV, CA 90275. Page references are stated at left.

Page 1 Project Location: The project location description and accompanying maps should include the location of the active landslide areas which abut Zone 2. Without this additional information the EIR implies that Zone 2 is a discrete land mass in isolation from surrounding environmental, geological, structural and soil conditions and therefore misleading to any reader/user of the EIR.

Page 4 Surrounding Land Uses This section is silent on probable or possible additional development requests that are well known and documented by the City (Plumtree, York, Downhill, Vanderlip, Yamaguchi). To ignore this information and its cumulative gross impact together with the current project will invalidate the EIR in accordance with CEQA requirements and appropriate environmental mitigation requirements. The City needs to modify the scope of the EIR to include all these possible developments and specify the assumptions used for estimating the gross impact, including the impacts on sewer, water supply and fire protection requirements, of these additional possible developments.

Page 8 The City believed that the Monks building applications would be spread out over a long period of time. In fact the 16 applications have taken a very short period of time to materialize. The build out development period of at least 10 years for the 47 properties may take a lot less based on the timing of the Monks building permit application and approval process. A sensitivity analysis in the scope of the EIR using a range of timelines should be used for determining the cumulative environmental impacts.

Page 8 refers to “ranch style” residences. Recently, however, the City has been approving Mediterranean styles for certain of the “Monks” lot owners. I would hope that the EIR will reconfirm the preference for ranch style residences rather than Mediterranean style to ensure that the integrity/integration of new development with existing homes is retained.

Page 9 reference to set backs must acknowledge that the PBCA Architectural Standards establish their criteria for setbacks to maintain the harmonious nature of the community. For example minimum interior side set backs are 20ft not 5ft.

Page 9 mentions that the “City has been ordered to remove regulatory impediments in its Municipal Code that prevent development of the 16 Monks Plaintiffs lots”. However, the City

has not been ordered to ignore CEQA requirements and has included the Monks lots in this EIR to provide a conservative analysis. However, all other probable/possible developments should be included to provide a “conservative” impact analysis and without these other developments , among others matters, there is no “conservative” analysis.

Page 9 Taking into consideration all other possible developments that could impact Altamira Canyon and run off into the ocean through increased storm water runoff volumes and contaminates the EIR should reassess whether other agencies will require to be involved.

Page 9 The Initial Study identifies a number of "Potentially Significant" impacts in the Transportation, Geology and Hydrology sections. Because of the unique geological and soil conditions and their inter relationship, a subset of scope considerations need to be developed with input from organizations such as ACLAD and specialist geological experts and soil experts. These scope considerations should be included in the next iteration of the EIR for the public to provide input during the next phase of review.

Page 18 item e) is considered a less than significant impact. However, a sewer system was put into the area in 2002 as part of the landslide abatement program and homes were removed from septic tanks and fields. There is evidence that the sewer system is currently inadequate to support the existing homes volume (see letters to the Public Works Department from residents after a pumping station failed more than once). Therefore this issue requires more extensive evaluation through the EIR process with hard data based on existing flows as well as the project and all other possible developments taken into account. This is a “potentially significant impact” not “less than significant impact”.

Pages 18 and 19 require a more extensive discussion of the fact that Zone 2 is abutted by existing active landslides, one of which has migrated upwards above Palos Verdes Drive South.

Page 23 item h) the EIR scope should include an assessment of the requirements for new developments required by the Los Angeles County Fire Department, for example the code requirement for hydrant spacing, the adequacy of required water flows through the existing hydrant infrastructure, fire hydrant code for pipe sizes. For example there are cul de sacs that are more than the required distance from hydrants that will contain new residences. Water flow calculations for fire protection should be based upon the existing infrastructure in the PBCA and not generalized City wide water supply and demand calculations used in page 38. Also see comments on page 33 regarding Captain Avila’s conclusion and the need for the EIR to spell out the assumptions used by Captain Avila in arriving at his conclusion.

Page 24 The scope should include the mitigating actions to minimize the chance of flooding existing residences as a result of large driveways runoff, particularly those locations for new residences on steep slopes such as upper Cinnamon Lane.

Storm water run off from additional structures will end up entering Altamira Canyon together with existing run off from above Portuguese Bend and existing residences and will enter into the land in Zones 5 and 6 referred to above. There is extensive documented discussion of the concerns surrounding Altamira Canyon over the years (e.g. Horan Settlement), of mitigation actions needed to reduce the land destabilization from water run off entering the Canyon and which have not taken place. The scope of the hydrology section of the EIR should include the gross impact of all possible future developments (see below) on Altamira Canyon, Zones 5 and 6, and on the existing dewatering wells operated by ACLAD, and determination of mitigation actions.

Calculations of run off in heavy storm conditions should be factored into the EIR on the basis of all possible developments and its impact on Altamira Canyon and the residences adjacent to the Canyon as well as the capability of the Canyon to withstand significant additional run off which currently goes directly into the soils of the undeveloped lots.

Page 25 b) should be considered potentially significant impact as it conflicts with the current land use and planning category which is designated under a building moratorium.

Page 27 would be further strengthened by inserting reference to compliance with the PBCA Architectural Standards as referred to in the City's Notice of Preparation.

Page 28 refers to "any new development" which reinforces the need for all possible "new developments" to be included in the scope of the EIR for determining "gross environmental impact" and for determining mitigation actions.

Page 29 refers to the parcel being served by a sanitary sewer system and concludes that impacts would be less than significant and "that further discussion in an EIR is not warranted". I respectfully disagree and believe that there is not adequate detailed evidence that the existing sanitary sewer system can support additional development, particularly given repeated reported failures, that the grinder pump company has openly stated that were they involved again from the outset that the existing technology would not be used etc. The sewer system was put in as a mitigating element to reduce ground water from septic fields etc. entering the land and contributing to landslide movement.

Page 31 refers to noise but is silent on the potential impact of potential damaging compaction processes being adopted. The EIR should address earlier comments from residents regarding the

use of very heavy compaction equipment and introduce mitigating processes to avoid unnecessary damage to existing and approved new residences through inappropriate compaction processes for the soil conditions in Zone 2.

Page 32 item a). Please see earlier comments on page 23 regarding fire protection. I believe that item a) should be “potentially significant impact” requiring deeper analysis in the EIR and if necessary mitigating actions to be spelt out.

Page 33 refers to a conclusion made by Captain Avila on November 17, 2010 that “the addition of 47 residences in Zone 2 would not require new or expanded fire facilities”. In the interests of transparency, Captain Avila’s letter, report (?) and assumptions used to come to this conclusion should be included in the EIR for the public to understand and assess the adequacy of the scope of his study in arriving at this conclusion.

Page 37 item d) should be “potentially significant impact” and address the specific flow characteristics of the PBCA development and not be based upon generalized WBMWD City information. The water delivery infrastructure was built some 50/60 years ago and both the water supply for general use and fire protection purposes, including hydrant size and spacing should be demonstrated to be adequate for the project and specifically for this high fire hazard area. The City in commenting on a recent request for planning permission by a resident on Thyme Place raised concerns about the current water delivery system not being capable of delivering adequate pressure for the requested bathrooms.

Page 41 b) is limited to the project and ignores other known current developments and potential developments (e.g. Plumtree, York, Downhill, Vanderlip, Yamguchi). The potentially cumulative impacts of these together with the project require analysis.



State of California – The Natural Resources Agency

DEPARTMENT OF FISH AND GAME

South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201
www.dfg.ca.gov

Edmund G. Brown, Jr., Governor

John McCamman, Director



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JAN 28 2011

PLANNING, BUILDING AND
CODE ENFORCEMENT

January 28, 2011

Mr. Kit Fox
City of Rancho Palos Verdes
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275
Fax #: (310) 544/5293

**Subject: Notice of Preparation for the City of Rancho Palos Verdes Zone 2
Landslide Moratorium Ordinance Revisions Environment Impact Report
(SCH# 2010121073), Los Angeles County**

Dear Mr. Fox:

The Department has received the Notice of Preparation (NOP) for the Environment Impact Report (EIR) for the proposed revisions to the City of Rancho Palos Verdes Zone 2 Landslide Moratorium Ordinance. The revisions would allow the submittal of landslide moratorium exceptions for 47 undeveloped or underdeveloped lots on 114 acres in an area located north of the intersection of Palos Verdes Drive South and Narcissa Drive within City limits. Approval of the moratorium would potentially allow development of the lots, many of which are covered by ornamental landscaping, roads and structural development. However, some of the lots are adjacent to Altamira Canyon, which supports native vegetation, and some contain native vegetation that abut conserved areas that are included in the City's Natural Community Conservation Plan and Habitat Conservation Plan (NCCP-HCP). These NCCP-HCP reserve lands are known to support special status species such as the federal threatened coastal California gnatcatcher (*Poliophtila californica californica*/CAGN), the federal endangered Palos Verde blue butterfly (*Glaucopsyche lygdamus palosverdesensis*/PVB), and the state species of special concern coastal cactus wren (*Campylorhynchus brunneicapillus*/CACW).

The Department is California's trustee agency for fish and wildlife resources, holding these resources in trust for the People of State pursuant to various provisions of the California Fish and Game Code [Fish & Game Code, §§ 711.7, subd. (a), 1802]. The following comments have been prepared pursuant to the Department's authority as Trustee Agency with respect to natural resources affected by the project [California Environmental Quality Act (CEQA) Guidelines §15386 and generally Public Resources Code (PRC) §§ 21070; 21080.4] and pursuant to our authority as a Responsible Agency under CEQA Guidelines §15381 and PRC §21069 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code §2050 *et. seq.*) and Fish and Game Code §1600 *et. seq.* The Department also administers the NCCP Program (Fish and Game Code §2800 *et. seq.*). The City of Rancho Palos Verdes participates in the NCCP Program through its draft NCCP-HCP, which is anticipated to be completed in 2011.

To ensure the project is consistent with the City's NCCP-HCP, 1600 requirements and other applicable provisions of the Fish and Game Code (e.g., §3503), we recommend that the following information be included in the draft EIR and/or technical appendices, and included as CEQA mitigation and/or project permit conditions for future development that would be allowed under the proposed Zone 2 Landslide Moratorium Ordinance Revisions (where applicable):

Conserving California's Wildlife Since 1870

Mr. Kit Fox
January 28, 2011
Page 2 of 6

A. NCCP-HCP Consistency

1. The project area appears to be located outside of, but immediately adjacent to areas that are to be included in the City's approximately 1,400 reserve system for the NCCP-HCP (See Section 4.2 of the City's Draft NCCP-HCP (Plan)). Specifically, the project would be located adjacent and to the south of the Portuguese Bend reserve (398-acres), portions of the Upper Filiorum reserve (190-acres), and other areas expected to be included as part of the reserve, such as the 40-acre conservation area (with a 300-foot functional corridor connecting to the Abalone Cove reserve) associated with development on the Lower Filiorum site (See Section 5.3.1 of the Plan) and the 30-acres of land to be conserved as part of the future Plumtree development (See Section 5.3.5 of the Plan). This area of the 1,400-acre City reserve system contains known populations of CAGN, PVB and CACW, as well several sensitive plant species. In addition, a portion of the core area within the Portuguese Bend reserve that supports important populations of sensitive fauna species burned in August 2009. Subsequently, some of these existing populations may have shifted to remnant patches of suitable habitat on the perimeter of the reserve that did not burn. It is expected that these populations could recover within Portuguese Bend with adequate restoration of habitat; however, this will take time as the habitat needs to mature.

2. Due to the location of the project adjacent to existing and planned areas of the City's NCCP-HCP reserve system, we recommend that a complete, recent assessment of flora and fauna within and adjacent to the project area be conducted and the results included in the EIR, with particular emphasis upon identifying potential impacts to federal and state endangered, threatened, and locally unique species and sensitive habitats as outlined in the City's NCCP-HCP. These species include, but are not limited to, the following which are anticipated to receive coverage under the City's NCCP-HCP:

- *Aphanisma*, *Aphanisma blitoides*, CNPS List 1B
- South Coast Saltscale, *Atriplex pacifica*, CNPS List 1B
- Catalina Crossosoma, *Crossosoma californicum*, CNPS List 1B
- Island Green Dudleya, *Dudleya virens* ssp. *insularis*, CNPS List 1B
- Santa Catalina Island Desert-thorn, *Lycium brevipes* var. *hassei*, CNPS List 1B
- Woolly Seablite, *Suaeda taxifolia*, CNPS List 4
- Palos Verdes Blue Butterfly, *Glaucopsyche lygdamus palosverdesensis*, FE
- El Segundo Blue Butterfly, *Euphilotes battoides allyni*, FE
- Coastal Cactus Wren, *Campylorhynchus brunneicapillus*, NCCP Focal Species, Species of Special Concern, and
- Coastal California Gnatcatcher, *Polioptila californica californica*, FT, NCCP Focal Species, Species of Special Concern.

3. To assess the full range of potential impacts to sensitive flora and fauna from the project, seasonal variations in use within and adjacent to the project area should also be analyzed in the EIR. CEQA Guidelines, §15125(a), direct that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region. All surveys should be recent, focused, and for sensitive species, conducted in suitable habitat at the appropriate time of year and time of day when the species are active or otherwise identifiable. Guidance on conducting these surveys can be found in the following resources:

Mr. Kit Fox
January 28, 2011
Page 3 of 6

- a) The City's draft NCCP-HCP (Section 5.0 and 7.0 of the Plan);
- b) The Department's Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities (Attachment 1, Plant Survey Protocol).
- c) Endangered, rare, and threatened species which meet the related definition under the CEQA Guidelines (See Cal. Code Regs., Title 14, §15380).
- d) The Department's Biogeographic Data Branch in Sacramento should be contacted at (916) 322-2493 (www.dfg.ca.gov/biogeodata) to obtain current information on any previously reported sensitive species and habitats, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.

4. To ensure the project would be consistent with, and would not result in direct or indirect impacts that are beyond the scope of the City's NCCP-HCP, the following should be analyzed and disclosed in the EIR:

- a) The project's consistency with Sections 5.2.15 (Fuel Modification); 5.6 (Restrictions and Requirements for Projects/Activities Abutting and Adjacent to the Preserve); 5.7 (Habitat Impact Avoidance and Minimization Measures); and, 6.3.3 (Interim Resource Protection), of the City's NCCP-HCP;
- b) The Zone 2 Landslide Moratorium Ordinance Revisions are not identified as a specific covered project in Section 5.0 (Covered Activities) of the City's NCCP-HCP. However, Section 5.2.20 (Other Miscellaneous City Projects) of the Plan notes that there could be unidentified City projects in the future that could be covered provided that they comply with the Plan and impacts do not exceed certain limits. The EIR should provide an analysis disclosing how the project would be consistent with this section and other provisions of the City's NCCP-HCP.

B. Impact Analysis

1. A thorough discussion of direct, indirect, and cumulative impacts to biological resources, including the City's NCCP-HCP preserve system and jurisdictional 1600 areas, should be provided in the EIR, including specific mitigation measures/permit conditions to offset such impacts [See CEQA Guidelines §15125(a) and §15130]. This discussion should focus on maximizing avoidance, and minimizing impacts and cover the following topics (See also Comment A4).

- a) Analysis should address the potential cumulative impact from other areas within or adjacent to the City's NCCP-HCP reserve being removed from the Zone 2 landslide areas in the future;
- b) Project impacts should also be analyzed relative to their effects on off-site habitats, plant and animal populations, and conserved lands. Specifically, this should include potential direct and indirect impacts to nearby public and private lands to be included in the City's NCCP-HCP (See Comment A1), designated open space, adjacent natural habitats, and riparian ecosystems. Impacts to and maintenance of wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas, should also be assessed. The analysis should also cover potential impacts resulting from such effects as increased vehicle traffic, outdoor artificial lighting, noise, and vibration (e.g., during construction).

Mr. Kit Fox
January 28, 2011
Page 4 of 6

c) The proposed project includes areas located adjacent to lands that are to be included in the City's NCCP-HCP preserve as either baseline public lands or lands to be dedicated in the future as part of private development. These areas include the Portuguese Bend reserve, Upper Filiorum reserve, 40-acres on the Lower Filiorum site, and 30-acres (with a 300-foot-wide corridor) on the Plumtree development site (See also Comment A1). The DEIR should analyze potential direct and indirect impacts to these lands and provide mitigation measures and/or permit conditions to ensure that the proposed Zone 2 Landslide Moratorium Ordinance Revisions and subsequent development allowed through the revisions do not impact these reserve lands. Specifically, the EIR should evaluate potential direct and indirect impacts to: a) terrestrial, aquatic and avian wildlife corridors; b) cowbird parasitism; c) fuel/brush clearing; d) public access, including new/unplanned trail connections and increased use on designated trails; e) non-native species and domestic animals; f) drainage, lighting and noise sources; g) manufactured/engineered slopes, grading and erosion; and, h) facility operation and maintenance (See Also Comment A4).

d) Impacts to migratory wildlife affected by the project should be fully evaluated including proposals to remove/disturb native habitat (e.g., coastal sage scrub, chaparral, non-native grassland and riparian areas) and ornamental landscaping (e.g., eucalyptus trees) and other potential nesting habitat for native birds. The impact analysis should also address any migratory butterfly roost sites and neo-tropical bird and waterfowl stop-over and staging sites. All migratory non-game native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Also, §§3503, 3503.5 and 3513 of the Fish and Game Code prohibit take of birds and their active nests, including raptors and other migratory nongame birds as listed under the MBTA.

e) To minimize the potential for direct and indirect impacts to avian species, we recommend that the project include as a mitigation measure that proposed project activities (including subsequent disturbances to vegetation on individual lots covered under the ordinance revisions) should take place outside of the breeding bird season (January 31-September 30) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). If project activities cannot avoid the breeding bird season, nest surveys should be conducted and active nests should be avoided and provided with a minimum buffer as determined by a biological monitor (the Department recommends a minimum 500-foot buffer for all active raptor nests). Although not considered a sensitive habitat per se, there are a number of eucalyptus and other trees in and adjacent to the project site that may provide nesting, perching and other functions for raptors and other avian species. (See also Comment A4).

f) To minimize potential conflicts with the City's NCCP-HCP, including the fuel modification activities that are currently anticipated as a covered activity [see Sections 5.2.15 (Fuel Modification) and 5.3.3 (Fuel Modification for Private Projects throughout the City) of the Plan], we recommend that all required City and County fuel clearing areas be included in the lots covered under the project so they do not encroach onto public or private lands that are to be included in the City's NCCP-HCP preserve. Moreover, where stands of native cacti exist, we recommend they be retained and incorporated into any required fuel clearing areas to provide as much habitat as possible for the cactus wren, as a substantial amount of its cactus scrub habitat in the area burned in the August 2009 Portuguese Bend fire.

Mr. Kit Fox
January 28, 2011
Page 5 of 6

g) Future development allowed through the proposed Zone 2 Landslide Moratorium Ordinance Revisions should not result in redundant/duplicate access to Portuguese Bend, Upper Filiorum or other lands that are to be included in the City's NCCP-HCP.

C. Project Alternatives

1. The EIR should adequately analyze a reasonable range of alternatives which avoid or otherwise minimize impacts to sensitive biological resources, including wetlands/riparian habitats, alluvial scrub, cactus scrub, coastal sage scrub, non-native grassland and wildlife movement (both terrestrial and avian). Specific alternative locations should also be evaluated in areas with lower resource sensitivity, where appropriate (See CEQA Guidelines §15126.6).

2. An Incidental Take Permit from the Department may be required if the project (and associated activities during the life of the project) would result in "take" as defined by the Fish and Game Code of any species protected by CESA [Fish & G. Code, §§86, 2080, 2081, subd. (b), (c)] and plants listed as rare under the Native Plant Protection Act of 1977 (Fish and Game Code §§1900-1913). The draft EIR should include a thorough analysis of potentially significant impacts to endangered, rare, and threatened species, and their habitat, that may occur as a result of the proposed project guided by the City's NCCP-HCP.

D. 1600/Lake and Streambed Alteration Agreement

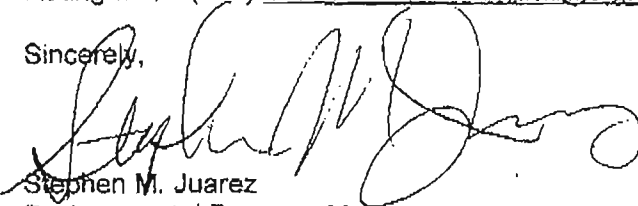
1. The Department recommends the avoidance of all jurisdictional watercourses (including concrete channels, blue line streams and other watercourses not designated as blue line streams on USGS maps) and/or the channelization of natural and manmade drainages or conversion to subsurface drains. All wetlands and watercourses, whether intermittent, ephemeral, or perennial, should be retained and provided with substantial setbacks which preserve the riparian and aquatic habitat values and maintain their value to on-site and off-site wildlife populations. The Department recommends a minimum natural buffer of 100-feet from the outside edge of the riparian zone on each side of drainage.

2. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) or a river or stream or use material from a streambed, the project applicant (or "entity") must provide written notification to the Department pursuant to Section 1602 of the Fish and Game Code. Based on this notification and other information, the Department then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. The Department's issuance of an LSA is a project subject to CEQA. To facilitate issuance of an Agreement, if necessary, the EIR should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the Agreement. Early consultation is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. Failure to include this analysis in the Project environmental impact report could preclude the Department from relying on the City's analysis to issue an Agreement without the Department first conducting its own, separate lead agency subsequent or supplemental analysis for the Project.

Mr. Kit Fox
January 28, 2011
Page 6 of 6

Thank you for the opportunity to provide comments on the NOP for the proposed Zone 2 Landslide Moratorium Ordinance Revisions. For questions regarding CEQA/1600 issues raised in this letter, please contact Mr. Scott Harris, Environmental Scientist, at (626) 797-3170 SPHarris@dfg.ca.gov. For questions related to the NCCP program, please contact Randy F. Rodriguez at (858) 437-2751/RFRodriguez@dfg.ca.gov.

Sincerely,



Stephen M. Juarez
Environmental Program Manager
South Coast Region

Attachment

cc: Ms. Helen Birss, Los Alamitos
Ms. Terri Dickerson, Laguna Niguel
Ms. Kelly Schmoker, Pasadena
Mr. Randy Rodriguez/NCCP
Mr. Scott Harris, Pasadena
Mr. Rick Mayfield, Oxnard
HabCon-Chron, Department/SCR
State Clearinghouse, Sacramento

Kit Fox

From: suzannejoyblack@yahoo.com
Sent: Wednesday, February 02, 2011 1:56 PM
To: kitf@rpv.com
Subject: EIR Scope

I am in complete agreement with the letter submitted by the PBCA Board dated February 1, 2011 regarding the Zone 2 EIR. Thank you.

Thank you.

Suzanne Black Griffith
Suzanne

KIT

LAW OFFICES
MICHAEL A. BARTH
A PROFESSIONAL CORPORATION
31 MALAGA COVE PLAZA
PALOS VERDES ESTATES, CALIFORNIA 90274
TELEPHONE (310) 375-3855
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FEB 08 2011

PLANNING, BUILDING AND
CODE ENFORCEMENT

February 2, 2011

TWO PAGES VIA FAX TO 310-544-5292

Ron Dragoo
Senior Engineer
City of Rancho Palos Verdes, CA
30940 Hawthorne Blvd
Rancho Palos Verdes, CA 90275-5391

Re: Betty Strauss
10 West Pomegranate Road
Portuguese Bend
Rancho Palos Verdes, CA 90275

Dear Mr. Dragoo:

My office represents Betty Strauss. Ms. Strauss lives at 10 West Pomegranate Road in Portuguese Bend. The purpose of this letter is to voice her, and my, concerns about future development in Zone 2 of the Landslide Moratorium area of Portuguese Bend. Specifically I note three major concerns of Ms. Strauss:

1. **Landslide Activity.** Any development in Zone 2 must take into consideration the storm water discharge in Altamira Canyon ("Canyon"). This is the major source of addition to the groundwater system in the area. In reviewing the comments to the proposed Environmental Impact Report by the Abalone Cove Landslide Abatement District I noticed their comment that "Measurements made by Hill and Douglas during major storms in 1998 indicate that less than 20% of the storm discharge in the Canyon at upper Narcissa Drive actually reached the ocean; the rest infiltrated into the Canyon bottom, mostly through major fractures associated with landslides that cross the Canyon. As new houses are added, the additional hardscape will shorten the timing and increase the volume of runoff water entering Altamira Canyon. As groundwater build-up is a key variable in the geological stability of the area, especially in the active Abalone Cove Landslide, it is important that as much of the additional storm runoff as possible be directed to enter the canyon low in its course."

Ron Dragoo
Senior Engineer
City of Rancho Palos Verdes
February 2, 2011
Page 2

2. **Erosion in Alta Mira Canyon.** Storm Discharge into the Canyon has resulted in erosion occurring along the walls and floor of the Canyon. Water flow continues to reshape the Canyon. Over the last few years the bank of the Canyon contiguous to Ms. Strauss' residence has substantially eroded causing the foundation of her residence to be compromised. Her home is literally splitting apart as a result of this erosion. As noted above, as new houses are added there will be increased runoff water into the Canyon resulting in more erosion and more damage to Ms. Strauss's home as well as all of the residents who's residences abut the Canyon.

3. **Factor of Safety.** Currently the Department of Engineering of the City utilized a Factor of Safety of 2 for assessing a new project's storm water management plans. In establishing the Safety Factor the City will apply to future development in Zone 2 I ask that they consider the potential impact on the Canyon, and on the residents' homes which abut the Canyon.

Thank you for your consideration of these issues.

Yours truly,

A handwritten signature in black ink, appearing to read "Michael A. Barth", with a stylized flourish at the end.

Michael A. Barth

cc: Betty Strauss

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JAN 19 2011

PLANNING, BUILDING AND
CODE ENFORCEMENT

ARIZONA LAND ASSOCIATES, L.P.

A California Limited Partnership

January 19, 2011

Kit Fox, AICP, Associate Planner
City of Rancho Palos Verdes, Planning Division
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

RE : ZONE 2 LANDSLIDE MORATORIUM ORDINANCE REVISIONS

Dear Mr. Fox:

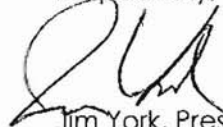
In response to the City's Notice of Preparation for the Environmental Impact Report (EIR) for the Zone 2 Landslide Moratorium Ordinance Revisions, we offer the following comments:

- The Notice of Preparation/Initial Study (NOP/IS) generally refers to the Zone 2 lots as being "added" to the area. However, since the Zone 2 lots existed in 1975 when the City's enduring General Plan/Environmental Impact Report were adopted and were part of the land use analysis and environmental impact analysis, they are not additive. To the extent that state and regional regulations have changed, we understand that certain impacts (e.g., Greenhouse Gases, Air Quality, etc.) must be analyzed, however, it is not necessary to revisit factors such as Transportation/Traffic, Utilities/Service Systems, Noise, etc., which have already been subject to CEQA review.
- The concept of "Moratorium Zones" was recommended in a memo to the Public Works Director in 1993 by Dr. Perry Ehlig (City Geologist) as "suggested guidelines for permitting development in the Moratorium area". It is our understanding, however, that the Moratorium Zone concept has never been adopted as part of the Landslide Moratorium Ordinance or any other formal City Council action. The DEIR should discuss the background and authority regarding the "Moratorium Zones" concept.
- Limiting the maximum size of a residence to 4,000 square feet appears subjective and is inconsistent with the City's Development Code. This proposed standard should be eliminated and each development proposal should be evaluated on a case-by-case basis, pursuant to the existing Development Code. Moreover, the Moratorium Ordinance should not dictate any architectural style (e.g., "single-story, ranch-style residence"). The design of each proposed residence should be evaluated on a case-by-case basis. To the extent that a Community Association may have design standards that conflict with City standards should not be enforced by the Ordinance.

- An assumption stated in the NOP/IS would limit a future residence to 16 feet, maximum. We assume that the method of measuring the building height will be consistent with the existing Development Code (Section 17.02.040). The Ordinance and DEIR must clarify this standard, particularly for lots with a slope.
- Under the proposed ordinance, no existing lots in the Zone 2 area would be permitted to subdivide. We understand that some existing legal lots in Zone 2 exceed the minimum lot size that was established as far back as 1975 (Ordinance 75-78). Therefore, a provision should be made in the ordinance to allow for subdivision, subject to the underlying zoning and development standards.
- The NOP/IS is correct that the 2004 NCCP depicted certain lots in the Zone 2 area with sensitive habitat (coastal sage scrub), including our lot at 37 Cinnamon Lane (Lot 15, Block 3, Tract 14195). However, we remind the City that a site-specific Biological Resource Study (Natural Resource Consultants, August 2007) concluded that no sensitive habitat was present on the lot. The City, and its biologist, reviewed and approved the study. It is our belief that the site characteristics have not changed since 2007. The DEIR should consider all available data when evaluating the impacts of developing single family homes.

As a direct stakeholder in this process, we are available to assist in any way we can. Please contact Gary Weber if you have questions or wish assistance.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jim York', is written over a horizontal line.

Jim York, President
York Capital Group
General Partner

CC: Gary Weber

Abalone Cove Landslide Abatement District,
A State of California Geohazards District

To: **Kit Fox**, Assoc. Planner, City of Rancho Palos Verdes

From: **Robert Douglas**, Chairman, Board of Directors, **Abalone Cove Landslide Abatement District (ACLAD)**

Date: Jan. 28, 2011

Comments on: Initial Study, Zone 2 Landslide Moratorium Ordinance
Revisions, Dec. 2010

Project Scope

Zone 2, the proposed area for the EIR, is bounded to the north and west by mostly open space, to the south by the active Abalone Cove Landslide (ACL) and to the east by the active Portuguese Bend Landslide (PBL). Each of these areas has a direct influence on Zone 2 and, at the minimum the scope of the EIR should be expanded to include contiguous portions of each area. For example, the hillside areas to the north have moderate to steep slopes which drain storm water into Zone 2 and no analysis of the storm drain capacity within zone 2 would be complete without a hydrologic study of these upslope hillsides. In turn, storm waters generated to the north and within Zone 2 flow directly into the ACL and affect its stability. The scope of the proposed EIR is too limited.

Geology and Soils

The Initial Study (IS) concludes that there would be a less than significant impact from seismic-related ground failure. The comments (a(iii)) focus on liquefaction and rightly conclude that this is not a major issue in the area. However, of major concern is slope failure (slumps, landslides) generated by ground acceleration during an earthquake (a(iv)). The entire area to the north of Zone 2 is an ancient landslide complex, composed on numerous landslide masses of varying size, the stability of which is essentially unknown. Except for the fact that these landslides have not moved in historical time, there is no information available which would indicate how these ancient landslide masses would respond to ground shaking. This is a major concern and appropriate and experienced experts in the effects of seismically induced slope failure must be contracted for this portion of the EIR.

The IS concludes that because the soils on the 64 developed lots have previously been disturbed and compacted, the potential for expansive soils is low in these areas. Observations in the developed part of zone 2 suggest that the soils remain expansive and are the source of continued damage in the older houses. As concluded in d, the impact of expansive soils is a major problem and needs to be investigated both within Zone 2 and the adjacent area to better understand how to deal with this problem.

Abalone Cove Landslide Abatement District,

A State of California Geohazards District

Hydrology and Water Quality

The single biggest problem generated by the addition of new homes in Zone 2 will be the rainwater runoff generated by increased hardscape. This creates two related issues of major importance: adequacy of the storm drain system and the addition of water to the subsurface.

The existing roads are the storm drain system although they were not designed for this task. Over the years, the addition of road-side berms, culverts and drains have made the current system “adequate” under normal rainfall conditions. During greater than 1 inch/hour rainfall the streets tend to flood. During the 1990s a study of storm runoff in the community using hydrological calculations made by the LA County Flood Control cited changes and improvements that should be made to the system to accommodate 50 year and 100 year storm events. Few of these recommendations were implemented. To understand the existing system and its capacity to accommodate the addition of new homes, several steps should be taken, including:

- a. An analysis of the existing storm drain system to determine its current capacity under different rainfall conditions. Currently we only have “qualitative” information based on observation during rain storms.
- b. A hydrological analysis of the runoff generated by normal as well as extreme rainfall conditions originating from the hillside slopes to the north and west of Zone 2. This should include the developed area within the upper reaches of the Altamira Canyon drainage basin. It is important to identify the volume at each location where this runoff enters the road-storm drain system. This analysis also needs to identify where the runoff enters the Altamira Canyon drainage system and the amounts at each location. This is important both for the road-storm drain system as well for ACLAD’s efforts in recovering groundwater.
- c. A proposal of how the storm runoff can be modified in the case that the potential 47 new homes will produce more runoff than the road-drain system can accommodate, even with improvements.

The storm water discharge in Altamira Canyon is the major source of recharge to the groundwater system in the area. Measurements made by Hill and Douglas during major storms in 1998 indicate that less than 20% of the storm discharge in the canyon at upper Narcissa Drive actually reached the ocean, the rest infiltrated into the canyon bottom, mostly through major fractures associated with landslides that cross the canyon. As new houses are added, the additional hardscape will shorten the timing and increase the volume of runoff water entering Altamira Canyon. As groundwater build-up is a key variable in the geological stability of the area, especially in the active ACL, it is important that as much of the additional storm runoff as possible be directed to enter the canyon low in its course.

Abalone Cove Landslide Abatement District,
A State of California Geohazards District

Cinnamon Lane, between lower and upper Narcissa Drive is approximately the drainage divide in Zone 2 and water which collects west of Cinnamon flows south and enters Altamira Canyon near the end of Figtree Road, in the lower part of the canyon. This is desirable as this route enters the canyon closer to its terminus and bypasses several major fractures. However, storm water which collects to the east of Cinnamon flows south and east and enters the canyon at several locations, all above the fracture zones that cross the canyon. Any investigation of the storm water drainage in zone 2 and adjacent areas needs to pay special attention to this problem. Ultimately, any suggested design changes to the road-storm drain system must minimize this problem. It is much simpler and cheaper to prevent storm water from entering the ground water than it is to pump it out of the ground.

Thank you for the opportunity to comment on the IS and ACLAD stands ready to provide any assistance or information that may help in the preparation of the EIR.

Robert Douglas

Chairman, Board of Directors, ACLAD

COMMENT ON SCOPE AND CONTENT OF ENVIRONMENTAL IMPACT
REPORT FOR PROPOSED ZONE 2 LANDSLIDE MORATORIUM ORDINANCE
REVISIONS (PLANNING CASE ZON2009-00409)

The proposed Environmental Impact Report (“EIR”) addresses the “other 31 undeveloped lots” in Zone 2 as distinguished from the 16 “Monks” lots.

This comment points out both the need for and the legal appropriateness of additional, modern, scientific evidence to address geology and hydrology issues in this EIR. There now exist geophysical testing and analytical procedures which could scientifically address, at a very reasonable cost, some critical uncertainties in the evidence that was before the California Court of Appeal in *Monks*. The same scientific uncertainties that controlled the legal result in *Monks* also loom large in this EIR.

Modern science can significantly reduce, or even eliminate, some of these legally critical uncertainties. Acoustic profiling of subsurface formations by a geophysicist holds the potential to either confirm or negate, in whole or in part, the “block glide” theory on which the California Court of Appeal based its decision in *Monks*. Such acoustic profiling can be accomplished, or at least validated for critical areas, for a few tens of thousands of dollars. This cost is competitive with, and could substantially reduce, the legal fees and costs and the expenditures of City Staff resources that inevitably will be expended in sterile arguments over the currently-existing scientific uncertainties in Zone 2.

The *Monks* appellate court stated as follows:

“This case involves block glides -- large blocks of earth that move slowly along a single plane. According to Foster, whose testimony on this issue was not challenged, a block glide generally presents no risk of harm to people. The city does not contend that if construction is allowed, one of plaintiff’s lots might slide onto an adjacent lot or that one of plaintiffs’ homes might slide into the ocean. This case is not comparable to the sudden breakaway of the 18th hole at the Ocean Trails Golf Course. Rather, the gist of the City’s nuisance theory is that, if an undeveloped lot is moving at all or might move at some time, the property owner -- for his or her own good-- should not be allowed to build a home that could suffer damage in the distant future, notwithstanding that the potential damage could be repaired. Nor does the city argue that construction on plaintiffs’ lots is likely to damage the property of others or to cause a block glide by weakening Zone 2.” (bold, italic emphasis added) *Monks, et al v. City of Rancho Palos Verdes* (Oct 1, 2008), 167 Cal. App. 4th 263, 307 - 308.

The California Court of Appeal in *Monks* quoted the U.S. Supreme Court in material part as follows:

“Third, in examining the factors that would resolve the takings claim, the court relied on common law principles. “The ‘total taking’ inquiry we require today will ordinarily entail (as the application of state nuisance law ordinarily entails) analysis of, among other things, the degree of harm to public lands and resources,

or adjacent private property, posed by the claimant's proposed activities, ... the social value of the claimant's activities and their suitability to the locality in question ... and the relative ease with which the alleged harm can be avoided through measures taken by the claimant and the government (or adjacent landowners) alike The fact that a particular use has long been engaged in by similarly situated owners ordinarily imports a lack of any common-law prohibition (***though changed circumstances or new knowledge may make what was previously permissible no longer so ... []***) .” *Monks, supra*, 167 Cal. App. 4th at 298 - 299. (bold, italic emphasis added).

Thus, evidence to show “changed circumstances or new knowledge” plainly is both admissible and appropriate on the issues raised in this EIR.

Please note that the original delineation of the boundaries of Zones 1 - 5 occurred decades ago and was based upon the very coarse and limited geologic data that was available at the time. In addition, significant soil movements have occurred in the intervening decades, especially at the margins. The historic boundaries of Zones 1 - 5 were in significant degree arbitrary when drawn. At that time the City lacked scientific evidence that was as precise as the precision with which the zone boundaries were drawn. Equally importantly, there plainly has been movement at the margins

Modern geophysical and other evidence, collected with scientifically meaningful precision, therefore appropriate on the following critical issues in this Zone 2 EIR:

1. Does scientific evidence establish that one or more “blocks” exist and are “gliding” in Zone 2, or in immediately adjacent zones?
2. Is there a single slide plane or are there multiple slide planes in Zone 2? (See the “block glide” definition adopted by the Court of Appeal, “large blocks of earth that move slowly along a single plane”. *Monks*, 167 Cal. App. 4th at 307.)
3. Does a purported “block” possess internal tensile strength or cohesion that mechanically maintains integrity of the “block”? Or is the purported “block” an aggregated mass that lacks internal cohesion or tensile strength?
4. Does a purported “block” exist only because there is some mechanical support external to the “block”? If so, is that external support softening, weakening, or failing? If such external support is necessary to the continued existence of a “block” within Zone 2, then is the geographic area that provides such external support to a “block” also included within the scope of this EIR?
5. Have geographic boundaries been scientifically established for any such “block”? If so, what is the scientific precision, or range of error, in the boundaries of a “block”?
6. Does a “block” have sharply defined margins, or is there some sort of transition zone at the margins where the block is crumbling, collapsing, softening, disintegrating or

otherwise failing? What is the scientific precision with which any margins or transition zones have been established for a purported “block”?

7. Are nearby slide areas encroaching on the purported “block”? If so, at what rate are slide scarps advancing towards or into the “block”? Are transition zones advancing into the purported “block”?

8. Are substantial sections likely to cave or calve off what historically may have been treated as a “block” when defining Zone 2?

9. Are there significant fluctuations of water levels, or of water saturation, in soils within or adjacent to a purported “block” that affect continuing existence of the “block”?

10. Should the historic boundaries of Zone 2 and adjacent zones be re-defined in accord with modern geologic evidence? Should this re-definition of zone boundaries be accomplished as part of the proposed revision of the Zone 2 moratorium?

11. Concerning mitigation measures: Who should pay to assemble the scientific evidence necessary to rationally re-define zone boundaries? How should the cost of scientific re-evaluation be allocated among the interested parties? How much of this cost is properly a public function of the City? How much should be allocated to owners of the “remaining 31 lots” for which development permissions will become available? How much should be allocated to neighbors of the “remaining 31 lots”?

12. Concerning mitigation measures: Will it be more cost effective for the City and other interested parties to pay some or all of the costs of scientific re-evaluation to reduce or eliminate uncertainties, rather than spend the money in expensive, protracted litigation over who should bear the burden of proof with respect to scientific uncertainties?

Lowell R. Wedemeyer