

**CALIFORNIA COASTAL COMMISSION**

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Commission Action:

**RECORD PACKET COPY****STAFF REPORT: APPEAL**  
**SUBSTANTIAL ISSUE**

**LOCAL GOVERNMENT:** City of Rancho Palos Verdes

**LOCAL DECISION:** Approval with Conditions

**APPEAL NUMBER:** A-5-RPV-00-296

**APPLICANT:** City of Rancho Palos Verdes

**APPELLANTS:** James Knight, Bill and Maureen Griffin, Lois Knight Larue, Muriel Titler, William Swank, Commissioners Wan and Estolano

**PROJECT LOCATION:** Abalone Cove Park, Palos Verdes Drive, Rancho Palos Verdes, CA

**PROJECT DESCRIPTION:** Regrading, reconstruction and installation of amenities at public beach and bluff edge park, Abalone Cove Beach, including: widening access road, new 15 car parking lot, construction of 1,300 sq. ft. restroom structure, 150 sq. ft. gate house, two 625 sq. ft. shade structures, four 81 sq. ft. Palapa structures, life guard station, rehabilitate cabana, repair trails, second beach staircase, picnic shelters, outdoor showers, drinking fountains, picnic tables, and other on-site amenities; warning signs and educational kiosks at tidepools, remove protruding steel, relocate playground, sand replenishment on beach and land stabilization efforts. Total grading proposed: 5,300 cubic yards cut and 4,770 cubic yards fill.

**SUMMARY OF STAFF RECOMMENDATION**

The staff recommends that the Commission **find Substantial Issue with the City's approval** of the project because it involves substantial grading on an unstable landform includes removal of environmentally sensitive habitat; may not protect tide pools and does not provide maximum access at a public beach park.

## **SUBSTANTIVE FILE DOCUMENTS**

1. City of Rancho Palos Verdes, Coastal Specific Plan, 1978.
2. Robert Stone And Associates; Final Report, Geotechnical investigation of Abalone Cove Landslide, Rancho Palos Verdes, Los Angeles County, California, Job No. 1372-00; Log No. 4089, Perry L. Ehlig, Kathleen A Ehlig, Keith W. Ehlert, Juan Vidal; February 18, 1979.
3. Perry Ehlig, Status Report and Need for Proposed Remedial Measures Abalone Cove landslide, November 1990.
4. Perry Ehlig, City Geologist, Engineering Geologic Review of Proposed Plan for Abalone Cove Beach Improvement, November 30, 1998.
5. Perry Ehlig, Annual Update and Recommendations on the Abalone Cove Landslide, January 28, 1999.
6. City of Rancho Palos Verdes CP 156, Mitigated Negative Declaration ; Variance No 448

### **I. APPELLANTS' CONTENTIONS**

The Appellants Bill and Maureen Griffin and Muriel Titzler contend:

1. The RPV Coastal Specific Plan lists the Abalone Cove area as Section SR5 the proposed improvements in an area now landsliding at 4-6 inches per year ( less than a factor of safety of 1.0)
  - a) is risky,
  - b) may result in increased landsliding,
  - c) could have a cumulative effect on the fragile hillside,
  - d) and could result in reduced public access.

Appellant William Swank contends that the project could impact tidepools and result in the take of marine animals.

Appellant James Knight contends that the project:

1. Does not protect a sensitive ecological preserve.
2. Includes inaccurate facts in Mitigated Negative Declaration and mitigation of the impacts.
3. Does not comply with the stated goals of the RPV Specific Coastal Plan including numerous policies in the Natural Environment Element.
4. Inadequate geology studies of the inland landslide areas.

Appellant, Lois Larue, contends that the grading of the landslide is inconsistent with the certified LCP

Appellants, Commissioners Sara Wan and Pedro Nava contend

1. Permit decision limits operation of Beach Park such that the Beach Park is required to close a 4:00 PM, limiting public access.
2. Project allows grading, improvements and stabilization work on the bluff face that is not adequately described, quantified and analyzed in the permit.
3. The geological safety of the proposed project is not adequately analyzed.
4. The conformance of the proposed project with the Corridors Element of the LCP is not adequately analyzed; the Corridors Element limits permanent structures on the bluff face and requires careful analysis of geologic stability and impacts on habitat.
5. The revegetation remediation does not adequately address the impacts on coastal bluff scrub, and its obligate species.
6. There is inadequate information concerning the proposed remedial grading and the methods proposed for erosion control to prevent siltation into the tidepools located below the bluff.
7. The relationship of the completed project to the tidepools habitat is referred to but not adequately analyzed.
8. The project proposes beach level structures, which may impede public access.

## **II. LOCAL GOVERNMENT ACTION**

The City of Rancho Palos Verdes approved Local Coastal Development Permit No. CP# 156 on July 5, 2000. The permit allowed the City to construct multiple improvements that would allow it to re-open the beach to vehicular access on a limited basis. The project includes:

- 1) Widen and improve the access road,
- 2) Construct a new beach parking area consisting of 15 spaces, located on a flat area elevated about 20 feet above the beach
- 3) Construct a gatehouse, parking fee entry structure at the entrance to the new parking lot.
- 4) Rehabilitate the existing cabana structure,
- 5) Construct two shade structures of approximately 613 sq. ft.
- 6) Install beach amenities including improving existing concrete walkways surrounding buildings, improve the existing beach staircase, construct a second beach staircase, install three picnic shelters, drinking fountains, outdoor showers and sand volleyball court, install signs and educational kiosk related to the tide pools and sensitive habitat, and relocate play ground equipment
- 7) Enhance the existing foot trails from upper abalone cove shoreline park to the beach
- 8) Beach improvements including approximately 20-30 cubic yards of sand replenishment, removing of protruding steel in concrete rip rap and general cleanup

- 9) Grading to widen and improve the existing access road, the proposed parking lot, guard station and vehicle turn around areas, to improve vehicular access to the recreation building and to be used as a land stabilization effort. This amount of grading includes approximately 5,300 cubic yards of cut and approximately 4,770 cubic yards of fill, and 820 cubic yards of export for a total movement of approximately 10,890 cubic yards.

### Conditions of approval

The City Council found that the project was consistent with the limitations of a landslide moratorium applying to the Abalone Cove Landslide, and (1) approved a variance allowing construction seaward of the Coastal Setback Line (the Coastal Setback Line is a feature of the LCP,) (2) granted a coastal development permit, and (3) adopted a mitigated negative declaration. During the lengthy discussions and several hearings, the City revised its project in response to issues raised by the public, incorporated mitigation measures and required certain refinements to the project. The conditions and mitigation measures are attached( Exhibit 4 and 5). The principal requirements of the City's approval were the following :

1. Limiting the parking lot to 15 spaces (reduced from 45.)
2. Reducing the grading by 3,300 cubic yards, from the originally estimated 14,182 cubic yards (the City, like the Commission, calculates grading quantities as the sum of cut and fill,)
3. Require a section 4d interim take permit
4. Restoration as may be required by the Resource Agencies for loss of 0.24 acres of Coastal Sage Scrub and some Southern Coastal Bluff Scrub;
5. Require all grading to take place outside of gnatcatcher nesting season, (February 15-August 31.)
6. Employ a guard to monitor the public's visit to the tidepools,
7. Adopt siltation management , Water Quality best management practices, and sound and air quality management measures,
8. Employ archaeology and paleontology monitor,
9. Require a detailed soils engineering report prior to grading, ,
10. Require advance review by City geologist of any habitat mitigation site to determine if irrigation of such site would destabilize the site.
11. Limitation of eventual use to late morning and early afternoons; the regular hours would be 9:00AM-4:00PM weekends and summer; noon to 4:00PM weekdays in the fall and winter (Labor Day to Memorial Day.) See exhibit for full text of the conditions and mitigation measures.

### III. APPEAL PROCEDURES

After certification of Local Coastal Programs, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the

mapped appealable areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not designated "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the City or County [Coastal Act Section 30603(a)].

The proposed project site is located in an appealable area: It is located less than three hundred feet of the inland extent of the beach.

Section 30603(a)(1) of the Coastal Act states:

- (a) After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:
  - (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greatest distance.

The grounds for appeal of an approved local coastal development permit in the appealable area are stated in Section 30603(b)(1), which states:

- (b)(1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" raised by the appeal of the local approval of the proposed project. Section 30625(b)(2) of the Coastal Act requires a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

If Commission staff recommends a finding of substantial issue, and there is no motion from the Commission to find no substantial issue, the substantial issue question will be considered moot, and the Commission will schedule a de novo public hearing on the merits of the project. The de novo hearing will be scheduled at a subsequent Commission hearing. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the subject project.

#### **IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE**

The staff recommends that the Commission determine that a **substantial issue** does exist with respect to the conformity of the project with the City of Rancho Palos Verdes certified Local Coastal Program and the public access policies of the Coastal Act, pursuant to Public Resources Code Section 30625(b)(2).

**MOTION:**     *I move that the Commission determine that Appeal No. A-5-RPV-00-296 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

#### **STAFF RECOMMENDATION:**

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

#### **RESOLUTION TO FIND SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. **A-5-RPV-00-296** presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

**V. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

**A. PROJECT DESCRIPTION AND HISTORY**

The City proposes to widen of an existing asphalt access road that descends from Palos Verdes Drive South down a 130 foot high bluff to a parking lot and public beach recreation complex, consisting of a 75 year of "beach cabana", a restroom, a lifeguard tower and a perched sand beach supported by a wooden bulkhead. Near the end of the road, the City proposes to pave a small area on a flat bench about 20 feet above the tide line to accommodate a 15 car parking area, refurbish the cabana, replace chemical toilets with a small restroom, install a connection to the sanitary sewer and necessary pumps, and install a guard kiosk and two "shade structures" on a filled sand area above the beach. The actual beach in this area is broken rock and cobbles. However, the perched sand area is used for sunbathing and volleyball, and commonly termed "the beach." The City has stated that it intends to periodically replace the sand on this beach. Tidepools are found at the base of the headland that marks the southeastern end of the site, and impacts on the tidepools as a result of increased accessibility of this beach, is one of the concerns of the appellants.

The present project would open up the park on a limited basis. There is an existing 147-car bluff-top parking lot accessible from Palos Verdes Drive South. This lot provides access via four fairly primitive trails that descend about 120 feet to the beach complex below. There is an existing road from the park gate to the beach, but deposits of slide debris significantly narrow the road. The road is gated and only open to public safety officers and the parents and employees of a nursery school that presently occupies the beach cabana. The City proposes to remove a hump from the road and widen it so that emergency vehicles can be accommodated and add a lower level parking lot which would replace a former parking lot the slide completely covered. The City proposes to limit hours of operation for 9:00 AM-4:00 PM and to post a guard, who could monitor both the parking lot and the tide pools.

As part of the mitigation for potential impacts on tide pools the City proposes to require the parking lot attendant to monitor incursions into the tide pools and call the sheriff when necessary, and to control storm water runoff during construction. As mitigation for the Coastal Sage Scrub (CSS) (0.24 acres) lost due to grading, the City proposes to apply for a section 4(d) interim take permit, replace the CSS during construction as required by the resource agencies and refrain from grading during Gnatcatcher nesting season (February 15-August 31.) The road and the parking lot are located on an active landslide, the Abalone Cove slide. The beach cabana, though located, on an ancient slide, is not located on the part of the slide that is currently moving. The creep of the slide has been slowed to about 1.30 inches a year by aggressive dewatering.

Appellants have expressed concern that grading to accomplish the project might reactivate the slide. The proposed grading is attributable to road widening and leveling, and a few

cuts to accommodate the parking lot. The City scaled back the amount of grading by almost 30% in response to comments from the USFWS and Fish and Game concerning removal of habitat. The City states that the road widening is a necessary part of the plan to open the beach facilities, because it will allow the road to accommodate emergency vehicles, which would allow lifeguards to return to the beach.

The project would moderately enhance access and public use in a park that is located on a landslide. Since 1979, the general public has been prohibited from driving down the park access road to beach level. The park and beach are in fact not presently closed. There is a parking lot at the top of the bluff, and several trails meander down the 120-foot bluff to the beach. The City notes however, that the trails are difficult for many people, especially the elderly.

Los Angeles County acquired Abalone Cove Park in 1973 from a private estate. The "Cabana" had been a private recreation area and a private club. The area was opened to the public in 1975<sup>1</sup>. About 1974, a landslide began. This slide, Abalone Cove Slide was part of an ancient mapped landslide that also included the Portuguese Bend slide. The Abalone Cove Slide was moving slowly enough that the geologists did not confirm the existence of the slide until 1976. By that time the slide had propagated north and damaged about twenty homes that were located inland of Palos Verdes Drive.

## **B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS**

Section 30625 of the Coastal Act states that the Commission shall hear an appeal of a local government action unless it finds that no substantial issue exists with respect to the grounds on which the appeal has been filed. The term "*substantial issue*" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulations simply indicates that the Commission will hear an appeal unless it "finds that the appellant raises no significant questions". In previous decisions on appeals, the Commission has been guided by the following factors.

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

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<sup>1</sup> Source: Rancho Palos Verdes Coastal specific Plan, 1978



Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that a **substantial issue** does exist for the reasons set forth below.

### C. PUBLIC SHORELINE ACCESS

In analyzing an appeal of a permit granted under a certified LCP, the Commission must find substantial issue if a project raises issue of consistency with either the public access policies of the Coastal Act or with the public access policies of a certified LCP.

Coastal Act Section 30210 requires:

#### **Section 30210.**

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

The Rancho Palos Verdes LUP establishes an access corridor along the coastal bluffs. Other than this policy to increase onshore trails, the plan does not encourage the development of new public access facilities.

In addition to policies requiring bluff top access corridors as a condition of private subdivision in undeveloped coastal areas, the plan includes the following recreation policies:

4. Require all parks to provide adequate parking within their boundaries to meet their projected carrying capacities.
5. Encourage provisions for recreational amenities and facilities (where feasible) at existing and proposed sites for the use of the handicapped.
6. Strive to establish marine reserves in areas of critical concern and encourage strict enforcement of accompanying regulations.
7. Investigate methods and recommend such action as necessary to ensure enforcement of marine reserves.
8. Strongly encourage Los Angeles County to master plan its parks. Such plan should be integrated with plans for Marineland and the trail system and should consider all appropriate uses.

Noting that the Los Angeles County (at the time) owned 171 acres of shoreline parkland, the plan allows for expansion of those parks and discusses three topics associated with park expansion. The topics are: (1) control of impacts on tidepools resulting from unsupervised public access, (2) spill over of public parking from park areas into neighborhoods, and (3) the need for integrating the parks with the bicycle and trail system. In addition the Natural Environment Element notes limitations on public access: some areas of the City's coastline, due to the landslides and steep cliffs, are unsuited to human passage.

In its Urban Environment (development) Element, the LCP identifies Abalone Cove as a publicly owned beach park. The LCP noted on page U62 that the park currently had 147 parking spaces, more "should be added" to reach 280, established by Los Angeles County as the park's carrying capacity. In a brief history of the park the LCP notes that when the park first opened it was over used. Visitors parked their cars in adjacent residential neighborhoods and the facilities until the City restricted parking. The LCP also states that the presence of tide pools presents a management problem---suggesting, but not concluding that the park may not be able to be used as intensively as other county facilities due to the tidepools.

In approving this project the City found that the project it would enhance access, and found that with a limitation on parking, the tidepool/parking attendant and the limitation on hours, impacts on natural areas and on adjacent neighbors would be minimized. In its analysis of the consistency of the project with the certified LCP, the City found that increasing parking was consistent with the LCP. The City noted that the sum of the 147 existing parking spaces and the 15 proposed parking spaces would result in a total number of parking spaces considerably below the 280 parking spaces contemplated for this park in the LCP.

The City also investigated and attempted to carry out its policies regarding marine reserves, by pledging to install informational kiosks and signs and to instruct the attendant to take action if tide pool animals were threatened by the actions of the public.

The City asserted that the project would improve public access for persons with mobility problems. the opponents have pointed out that the difference in elevation between the parking lot and the sand "beach" and the "beach" and the water preclude the cobbles prevents the improvements for being characterized a handicapped accessible as required under LCP policy 5.

In response to concerns about noise and b each parties, the City limited the hours of operation to so that the park would close at 4:00 PM. The beach parking lot above closes at 4:00. iota staff states that this means that the public cannot enter after 4:00, although the City staff does not actively seek out people who are already present to leave.

The Commission notes, however, that a limitation on public access to the hours in which a large part of the population is at work limits beach attendance for working families and their younger children. This limitation seems to have been imposed to prevent nighttime

parties, but closes the park long before dark. The Commission finds that this limitation raises a substantial issue concerning this project's consistency with Section 30210 of the Coastal Act because it does not provide maximum access to the shoreline.

## **B. CONFORMITY WITH THE CERTIFIED LCP.**

The Rancho Palos Verdes LCP includes a Natural Environment Element, an Urban Environment Element and finally, a Corridors Element in which the City attempts to combine the environmental and physical constraints and the City's objectives concerning coastal development in the its coastal zone

### **1. NATURAL ENVIRONMENT ELEMENT--GEOLOGIC HAZARDS.**

The Rancho Palos Verdes coastal zone is located on a slope that terminates in 100-120 foot high cliffs. Massive landslides occur in the area. According to local geologists, Altamira shales and Monterey sandstones are the most commonly found bedrock in the area. Frequently these rocks are weak, and also frequently, bedding planes dip out and down to the coastline.

Perry Ehlig, formerly City geologist, described the geology of the Abalone cove: <sup>2</sup> (quoted in part):

The site is on the southwest flank of the Palos Verdes hills .....The uplift of the Palos Verdes hills occurred while the hills were still below sea level. Sometime during the early to middle Pleistocene, about a million years ago, the hills began to emerge above sea level. ...As a result of fluctuations in sea level, wave erosion cut a series of benches and cliffs arranged in a stair step fashion across the flanks of the Palos Verdes hills. ...

Potentially unstable conditions are created by wave erosion in areas where strata of the Monterey formation are inclined seaward. In such areas, erosion has removed support from strata [above], leaving beds dipping out of the sea cliff in an unsupported manner. This has led to the formation of large landslides on the south flank of the Palos Verdes Hills, where wave erosion has exposed soft waxy bentonite beds. (Bentonite is volcanic ash which has been altered to a highly expansive clay mineral ... the greatest concentration of bentonite is within a sequence of beds as much as 70 feet thick referred to as the Portuguese tuff. The Portuguese tuff is the host for the deepest slide planes within the large landslide complex of the Portuguese Bend- Abalone Cove area and is exposed at the toe of the active landslides in the upper surf zone of Portuguese Bend, Harden Cove and Abalone Cove.

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<sup>2</sup> Final Report, Geotechnical Investigation of Abalone Cove Landslide, 1979 (cited in substantive file documents above)

Elsewhere in the same report Ehlig explains that water on the bentonite increases its ability to lubricate slides, and can trigger slides. He also notes that a slide or wave erosion of a slide debris deposit at the toe of a bluff can remove support, triggering additional slides. (He recommends that to slow down the Abalone Cove slide the City should drill dewatering wells to lower the ground water. The City installed wells, and the slide has subsequently slowed.)

In response to the near-vertical cliffs and the presence of landslides, the City's LCP includes a generalized delineation of hazard zones within the City. Each zone includes limitations on use, requirements for studies, and limitations on the location of development reflecting the degree to which it is anticipated that the land may be safely developed.

The zones are:

ZONE	ZONE DESCRIPTION	RESTRICTIONS/POLICY
CRM-1	Extreme slope	1) Allow only low intensity activities within coastal resource management districts of extreme slopes CRM 1
CRM-2	High slope	2) Require any development within the coastal resource management districts of high slopes and insufficient information to perform at least one and preferably two independent engineering studies concerning the geotechnical soils and other stability factors affecting the site
CRM-3	Hazard	3) Allow no new permanent structures within coastal resource management district of extreme hazard and be cautious of allowing human passage.(3A) The same structural limitation applies to areas of high hazard (CRM3b) but human passage may be more readily allowed.
CRM-4	Marginally stable	4) Allow nonresidential structure not requiring significant excavation or grading within CRM 4 and 5
CRM-5	Insufficient information	5) Allow nonresidential structure not requiring significant excavation or grading within CRM 4 and 5

In addition to the Coastal Resource Management zones, the City established geologic hazard zones. These zones are similar to but not identical to the above categories. The Zones were established before the abalone cove slide moved. They include

CATEGORY	Development Standard
Category 1	Areas unsuited to permanent structure
1 a	Unsafe for human passage
1b	In general safe for human passage
Category 2	Areas suitable for non residential structures not requiring significant

	amount of grading
Category 3	Areas in which existing geologic information is not sufficiently detailed to establish suitable for construction purposes
Category 4	Areas suitable for a permanent tract type residential structures and supporting facilities in light of existing geologic information

Abalone Cove is identified as 1b hazard near the top of its bluff, and 1a on the cliff face between the point and the Altamira Canyon, and marginally stable and insufficient data on the remaining slopes (exhibits). In general, either nothing new should be constructed here, or if demonstrated stable through investigation (a possibility on part of the site, only non-residential structures should be constructed. After adoption of these zones, the slide was identified.

Abalone Cove is located on an ancient landslide (exhibit) part of this slide moved in 1956 (the Portuguese bend slide) part of this slide moved in 1974, the Abalone Cove slide. The slide is currently moving. The City staff estimate is about one inch a year south of Palos Verdes drive south. The City staff states:

The best figure is based in our global positioning system (GPS) monitoring. Based on the latest GPS measurements - the most active portion of the Abalone Cove is located near the proposed parking lot and has moved .5 foot horizontally from 10/04/1994 to 8/2/2000 a span of 5.83 years, which corresponds to movement of 1.03 inches per year.

Perry Ehlig ... shows GPS monument locations and the cumulative displacement (in feet) from 8/14/94 to 1/99 - approximately 4.3 years. The range is .46 feet to .26 feet in active slide which corresponds movement of 1.28 inches per year and .73 inches per year, respectively. The 1.28 inches per year is the same monument AB04 and they have approximately the same cumulative movement from 4.3 year (.46 feet) to 5.82 years (.5 feet).

I use the figure of 1" per year for the portion from the ocean to PVDS and .75 of inch per year for the rest of the active slide. (David McBride, Senior City Engineer).

The City acknowledges that the road improvements that it is proposing are on an active slide. The Abalone Cove landslide is designated CRM 3b extreme hazard and marginal stability CRM 4. It is identified as having a hazard category 2—an area in which only minor additions to non-residential structures can occur, and in which the principal development should be trails and picnic areas. The City found that the development was consistent with LCP because the road and the parking lot, the improvements located seaward of the in the CRM 3 zone were not habitable structures.

In order to locate development cautiously, the City also adopted a coastal setback line with its LCP. No development except for low intensity recreational facilities such as trails were to be located seaward of the coastal setback line. The City granted a variance to allow the construction of restrooms seaward of the coastal setback line in this area. It did so, noting that the restrooms were minor additions to an existing non-residential structure and noting that they were not located on a landslide.

In analyzing the effect of grading the road and parking lot, the City found the proposed grading would not "speed up" the slide, because the soil that is being moved is being moved "down the slide" from a higher part of the slide. The grading that is proposed is to remove part of a little hump, which is unconsolidated slide debris, to widen the road.

In their original plan the City proposed 14,387 cubic yards of grading, and justified it by arguing that their grading would not change the slide balance for the worse, and might even slow it down by relocating uphill dirt to the toe of the slide (adding to the resistance of the slide). The outside consultant did not agree that the relocation of earth would have any slowing effect on the slide motion but did agree that the grading was unlikely to accelerate the slide.

The opponents to this project contend that the project is dangerous to the land that lies above it on other parts of the slide. They contend that the City has done no borings and nothing but a theoretical analysis of the slide in this location. This is a slide with multiple small slide stair stepped up the hills, creating multiple grabens. They argue that the City work could activate the slide, which will trigger additional slides up the hill, as each slide removes the support of the slide above it. If a lower slide moves, a slide higher on the hill could lose its support and move too. The City does not disagree with this analysis of the slide. Instead the City contends that the removal of a hump of slide debris is too small a disturbance to not trigger a slide.

The applicable LCP policies on natural hazards limit development seaward of coastal setback line, require demonstration of stability, limit development within CRM3 areas and require investigation in all questionable areas. The City has conducted a theoretical investigation, granted a variance to its own setback policies. In addition, the City found that the project could improve matters by limiting the infusion of the slide with water by improving drainage. The applicable LCP policies require investigation, judgement and care, and no development in the areas seaward of the coastal setback line. The project includes investigation but does not include borings as part of that investigation. It allows structures--restrooms and kiosks, which are not major structures and not residential structures-- seaward of the coastal setback line. For those reasons the project raises substantial issue of consistency with the policies of the certified LUP that address geologic safety.

## 2. NATURAL ENVIRONMENT ELEMENT-VEGETATION

In the Natural Environment element, the LCP requires areas of sensitive vegetation be protected, and requires an analyses of impacts on natural vegetation in advance of development. This area is not mapped in the LCP as containing or potentially containing sensitive vegetation. Most areas of mapped sensitive vegetation in the LCP are located on the faces of coastal bluffs, and in canyons.

The LCP requires

8. Require development within or adjacent to wildlife habitats to describe the nature of their impact upon the wildlife habitat and to provide mitigation measures to fully offset the impact.
9. Encourage developments within coastal resource management districts containing natural vegetation CRM 10 to revegetate with native material wherever clearing of vegetation is required.

After the certification of the LCP, the City embarked on the preparation of an NCCP (Natural communities conservation plan). Its participation was driven by the discovery of a threatened bird in many of the mapped sensitive vegetation areas. The City has prepared a draft NCCP, that maps existing areas of sensitive vegetation much more accurately than the maps the LCP. Since policy 8 does not restrict its operation to mapped areas, it can mean that to be consistent with the LCP, existing sensitive vegetation needs to be protected.

This area is identified in draft NCCP as supporting some ruderal vegetation but also a significant amount of coastal sage scrub and coastal bluff scrub. In a letter sent to the City in response to the Notice of Preparation of the EIR, the California Department of Fish and Game (DFG) and the United States Fish and Wildlife Service (USFWS) noted that a thorough survey of animals and plants was necessary. The agencies cited the coastal sage scrub and southern coastal bluff scrub found on the site, and the sighting of a gnatcatcher the previous spring (Exhibits.) The agencies anticipated that various rare plant and animals could be on the site. They noted that the vegetation found on the seabluff, the southern coastal bluff scrub, is a habitat found only in a very narrow band along the shoreline. The inland portions of the site, they said, are also identified as areas of high habitat restoration potential. The site, they concluded, "is an important habitat area as well as part of a planned linkage area, linking core resource areas in the proposed NCCP." Finally they stated that all clearing and construction activities should be undertaken outside of the breeding season (February 15-August 31.)

Because the project will result in the removal of 0.24 acres of CSS, a section 4d interim take permit is necessary. However, a detailed mitigation plan is not yet developed and will be deferred until the agencies can determine a site for restoration. One such site is outside the coastal zone in upper Forrestal Canyon. Upper Forrestal Canyon is just a few

hundred yards outside the coastal zone and drains south through the Ocean Trails project. (A-5-RPV-93-005)

This area includes a streambed (Altamira Canyon), although it is not a mapped natural vegetation area, it is mapped as a natural control district. However, its designation as sensitive habitat by Fish and Wildlife and Fish and Game has required the City to redefine it as a sensitive area.

The LCP requires

8. Require development within or adjacent to wildlife habitats to describe the nature of their impact upon the wildlife habitat and to provide mitigation measures to fully offset the impact.
9. Encourage developments within coastal resource management districts containing natural vegetation CRM 10 to revegetate with native material wherever clearing of vegetation is required.

However, the mitigation measures are indefinite. They require plans to prepare plans for revegetation and restoration of as yet unidentified areas. Because of the sensitivity of the land and the magnitude of the potential impact, this development raises substantial issue with regard its conformity with the LCP.

### **3. NATURAL ENVIRONMENT – MARINE RESOURCES**

This area is identified as a marine reserve in the LCP and in City ordinances. There are tidepools immediately offshore of Inspiration Point, which marks the southerly boundary of the Cove.

Several issues came to light during the City's investigation: These issues were 1) septic discharge, 2) prevention of siltation during grading, and 3) prevention of the discharge of grease and oil from automobiles and leaky equipment and 4) impacts on the tide pools due to uncontrolled visitors. The project mitigation and monitoring program had a standard discussion of storm water monitoring and run off control during construction and included standard provisions. (exhibits) The document acknowledged that grading immediately upslope of a tidepool habitat can cause serious damage to the tidepools and the remnant offshore kelp habitat. Best management Practices were required, but spelled out. It was unclear whether the parking lot runoff was being filtered in any way after construction even though the RWQCB allows increased measures in environmentally sensitive resource areas. The City did not note that methods to control infiltration of water into the landslide actually increased runoff into the cove waters. .

LCP policies 7, 10, 11, 13 and 15 require:

7. Prohibit activities which create excessive silt, pollutant runoff, increase canyon wall erosion or potential for landslide within or affecting coastal



resource management districts coning hydrologic factors.

10. Protect enhance and encourage restoration of marine resources of the City through marine resource management and cooperation with other public agencies and private organizations.
11. Encourage establishment of certain designated intertidal areas as marine reserves and apply strict enforcement of the regulations of ht reserve.
13. Encourage and support programs policies an actions of other agencies designed to maintain manage and restorer the ocean water quality .
16. Encourage increased activity by the department of fish and game with regard to enforcement of fish and game laws and possible regulations that may come to pass as a result of marine life resource designations.
17. Explore alternate means of enforcement to supplement the enforcement task of protecting the marine environment.

The protection of marine resources and water quality . the City noted that currently the cabana that houses a nursery school now has a septic tank. Part of the project was to replace the septic tank with a sewer line.

There were however no long-term prevention of Parking lot runoff , which considering the sensitivity of the offshore and tide pool resources should occur.

The most frequently raised issue among opponents is the anticipated problems with impacts on the tidepools. The City proposes to place signs explaining tidepools and noting that animals should not be disturbed and explaining why they should not be disturbed. The parking lot attendant would be instructed to monitor behavior at the tide pools and to inform people of the laws protecting tidepool animals. If a person persisted the attendant would have a telephone and could call the sheriff. Testimony at the City from a docent (Rancho Palos Verdes has a volunteer group that provides nature tours of the City's resource areas) , noted that it was difficult to prevent someone collecting for food or an aquarium form continuing to collect unless the challenger has legal authority. Citizens questioned whether a parking lot attendant would have the proper authority to protect the tidepools, noting that 1) people who use tidepools have not been easily deterred by well meaning citizens, 2) turning over little animals, which is a popular activity with caretakers of small children, can injure the animal even if the animal is replaced. A strong number of opponents felt that any increase vehicular traffic increases the impact on the tide pools exponentially. The City responded that the tidepools are accessible now by foot trail, that a trained attendant with a telephone could summon the sheriff to enforce the law, and that some supervision, as proposed, is an improvement over the current situation which affords no supervision.

The Commission finds that the potential for impacts is great and that the project may not protect marine resources as required in policy 10 of the LCP, which requires the City to: "protect, enhance and encourage restoration of marine resources of the City through marine resource management and cooperation with other public agencies and private organizations." It is not clear how this project will be compatible with strict enforcement of the regulations of the marine reserve. It is not clear that the City has managed the long and short-term impacts on water quality of the area.

The Commission finds the project raises a substantial issue with respect to the policies of the Natural Environment Element of the certified Rancho Palos Verdes Specific Plan that protect marine resources..

### **C. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

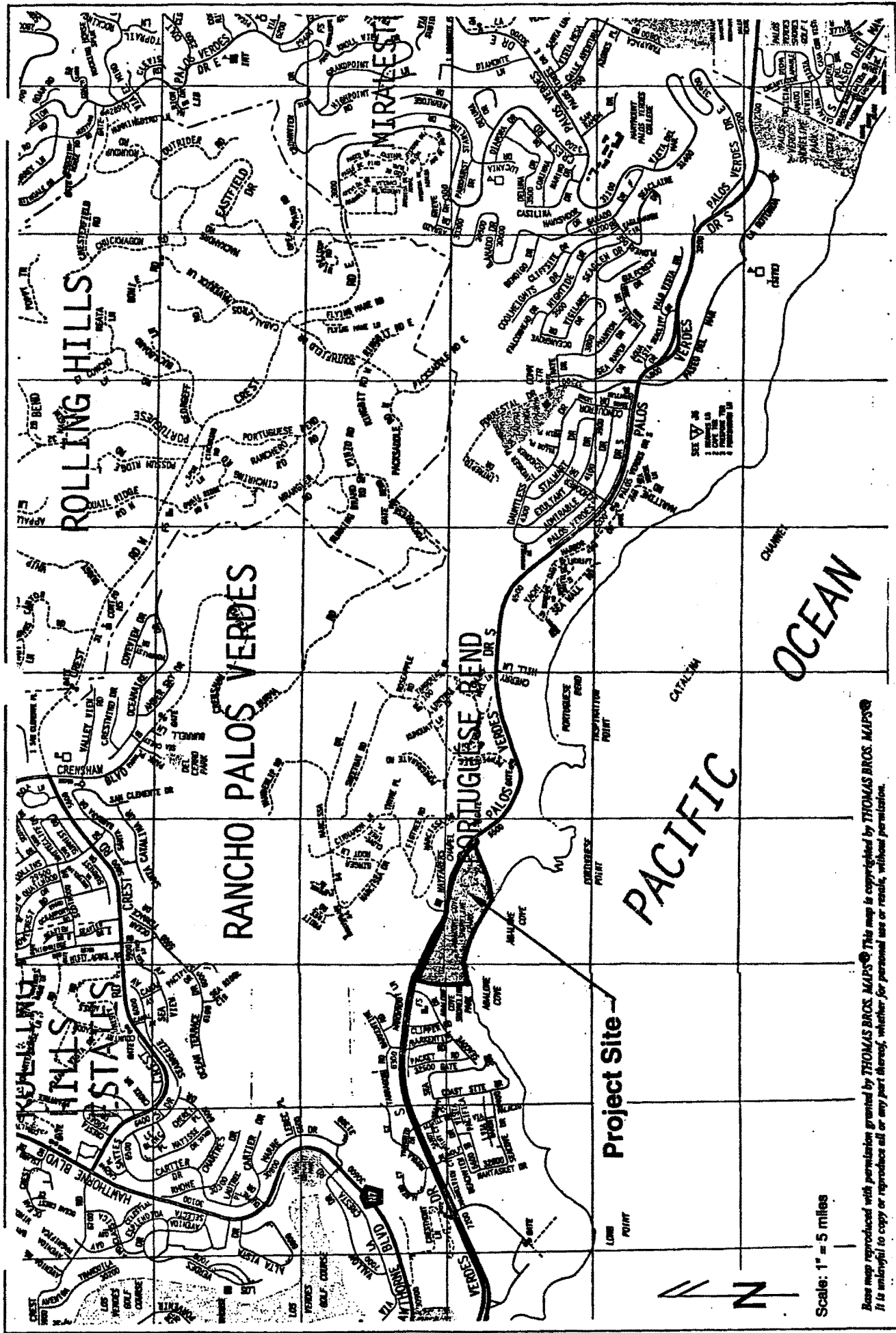
The City, in its review of the project adopted a mitigated negative declaration. The mitigation measures included restrictions on the time of year during which grading could occur in order to protect the California coastal gnatcatcher. Other mitigation measures and conditions reduce the amount of grading from 14,000 c.y. to 10,000 cubic yards in order to protect habitat, required replacement of disturbed habitat at a 3:1 ratio, although the location of the replacement site was not established. The City, in its mitigated negative declaration, adopted methods to protect air and water quality and to reduce noise during construction and noise impacts on neighboring homes after opening of the park.

The City also considered a no project alternatives and rejected this because such a project would not allow the park to be reopened, and would in the City's view provide less protection of the tide pools that are under its care because it would not allow the placement of instructional material, would not allow a trained monitor onsite and would not allow the extension of a telephone line to the site.. The City also required monitors to assure the protection of paleontological and archaeological resources.

However, the extent of protection of these resources may not be the maximum feasible protection. In addition the City is proposing grading on an active landslide. Although it is relying on a careful analysis of the slide in order to be assured that the slide will not reactivate, the reactivation of the slide could pose serious consequences to homeowners on the upper portion of the slide. As noted elsewhere the abalone cove slide is essentially eight or nine slides that stair step up the hill. Movement on a lower slide could increase the rate that an upper slide is moving. For that reason the Commission finds that the project

raises a substantial issue with respect to conformity with the natural environment element of the certified LCP with respect to geologic hazards.

There may be other feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project raises with CEQA and the access policies of the Coastal Act and the policies of the certified LCP.



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Scale: 1" = 5 miles

# Project Vicinity

ABALONE COVE BEACH IMPROVEMENTS

A-5-RPV 00-296 (City of RPV)  
EXHIBIT 2. Location

HELIX

MND

120

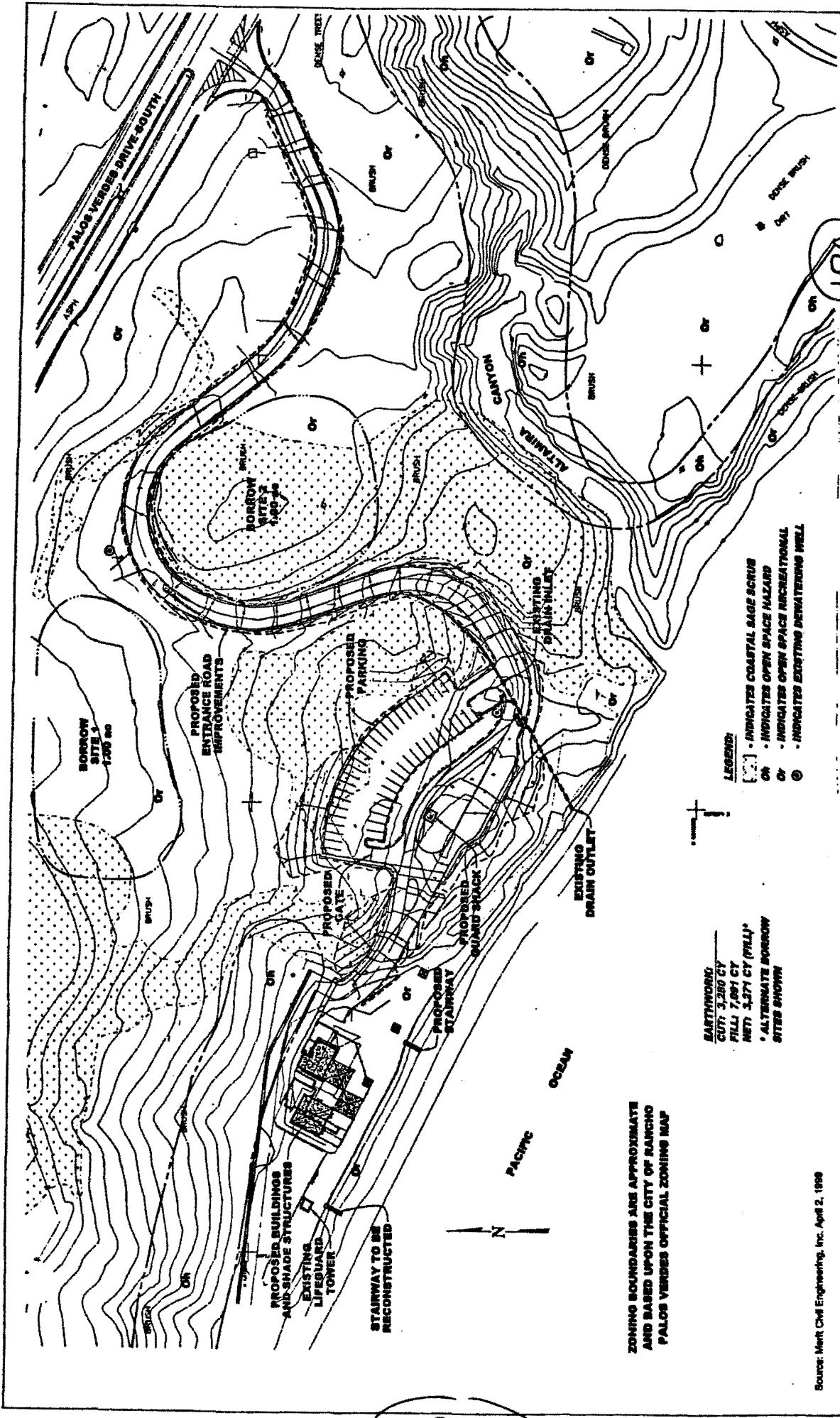


1952

OCT 16 2000

A-5-RPV 00-296 (City of RPV)  
EXHIBIT 3 1952 Aerial

CALIFORNIA  
COASTAL COMMISSION



Source: Merit Civil Engineering, Inc. April 2, 1999

HELIX

Site Layout and Grading Plan  
ABALONE COVE BEACH IMPROVEMENTS

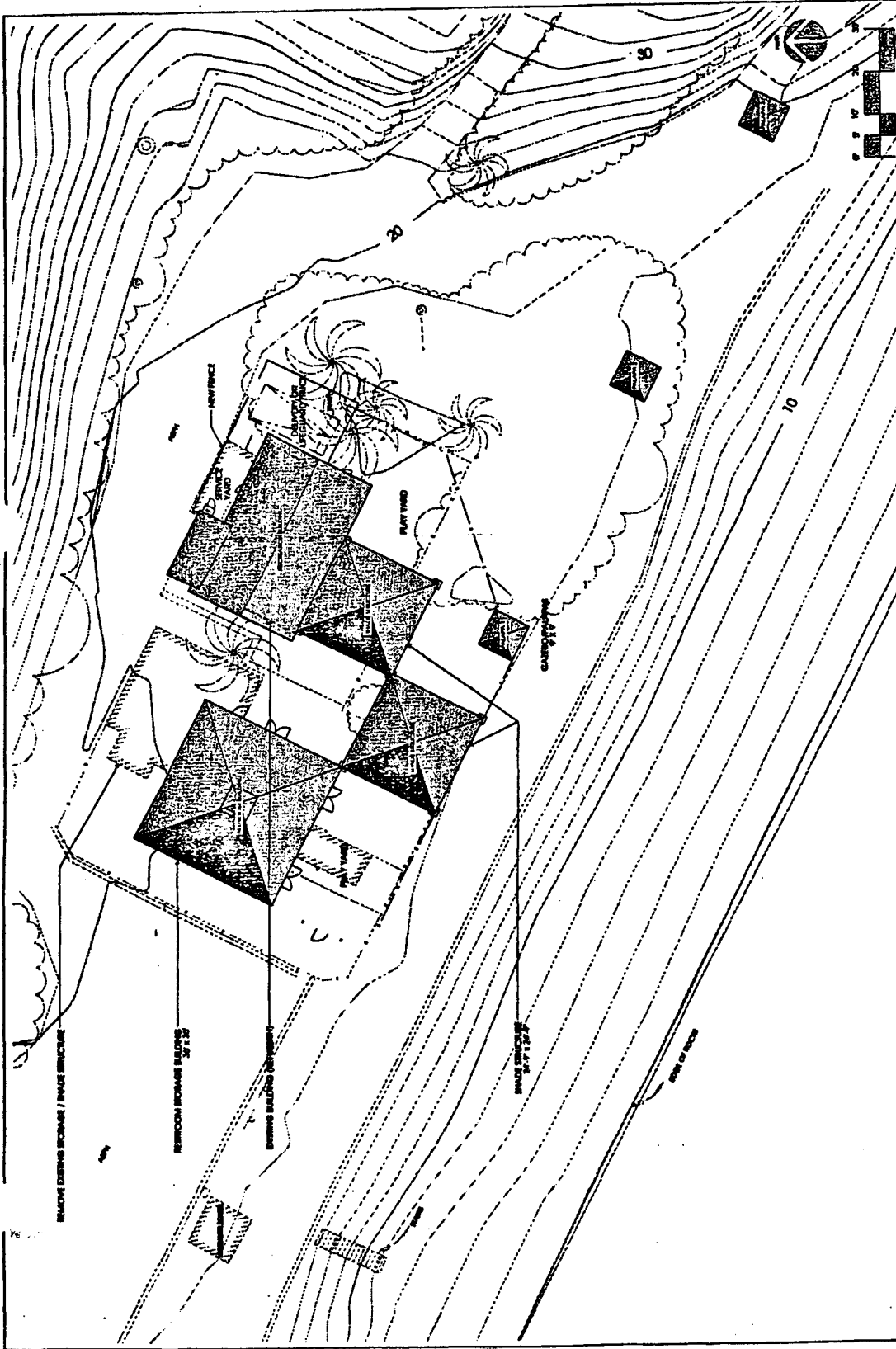
CP 156/17448

Figure 3

A-5-RPV 00-296 (City of RPV)  
EXHIBIT 4 *proj*

190

$|b|$



**Plan View: Beach Area Improvements**  
ABALONE COVE BEACH IMPROVEMENTS

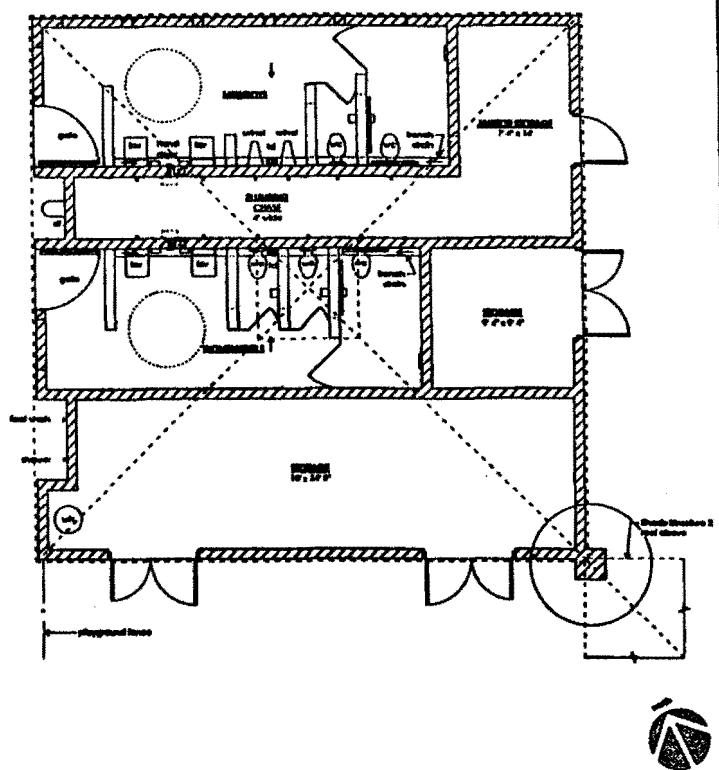
XIII

**A-5-RPV 00-296 (City of RPV)  
EXHIBIT**

## 4b site plan

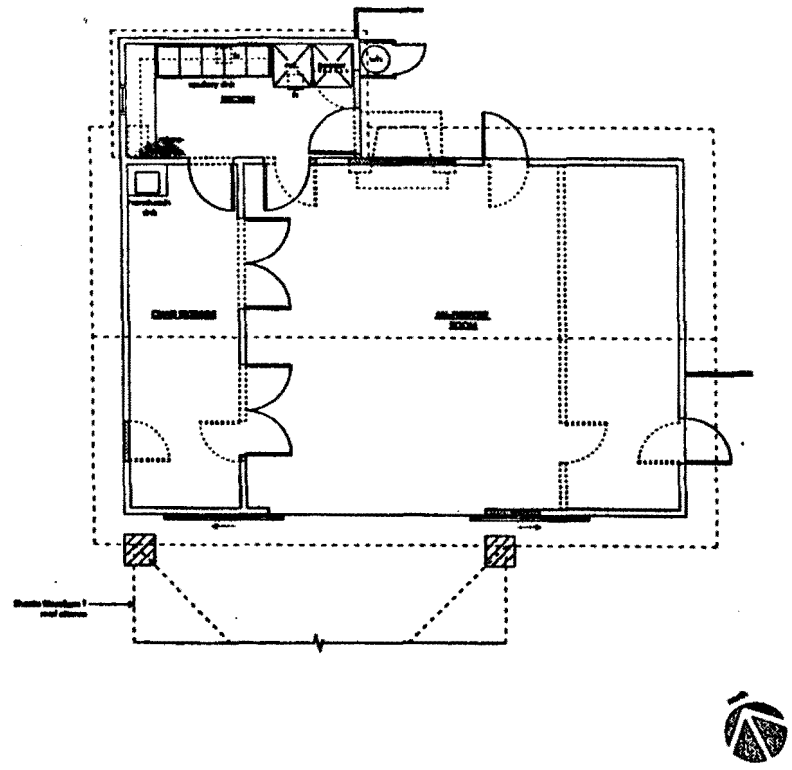


197



RESTROOM BUILDING FLOOR PLAN

Scale: 1/4" = 1'-0"



RECREATION BUILDING FLOOR PLAN

Scale: 1/4" = 1'-0"

**Floor Plans: Recreation and Restroom Building**  
**ABALONE COVE BEACH IMPROVEMENTS**

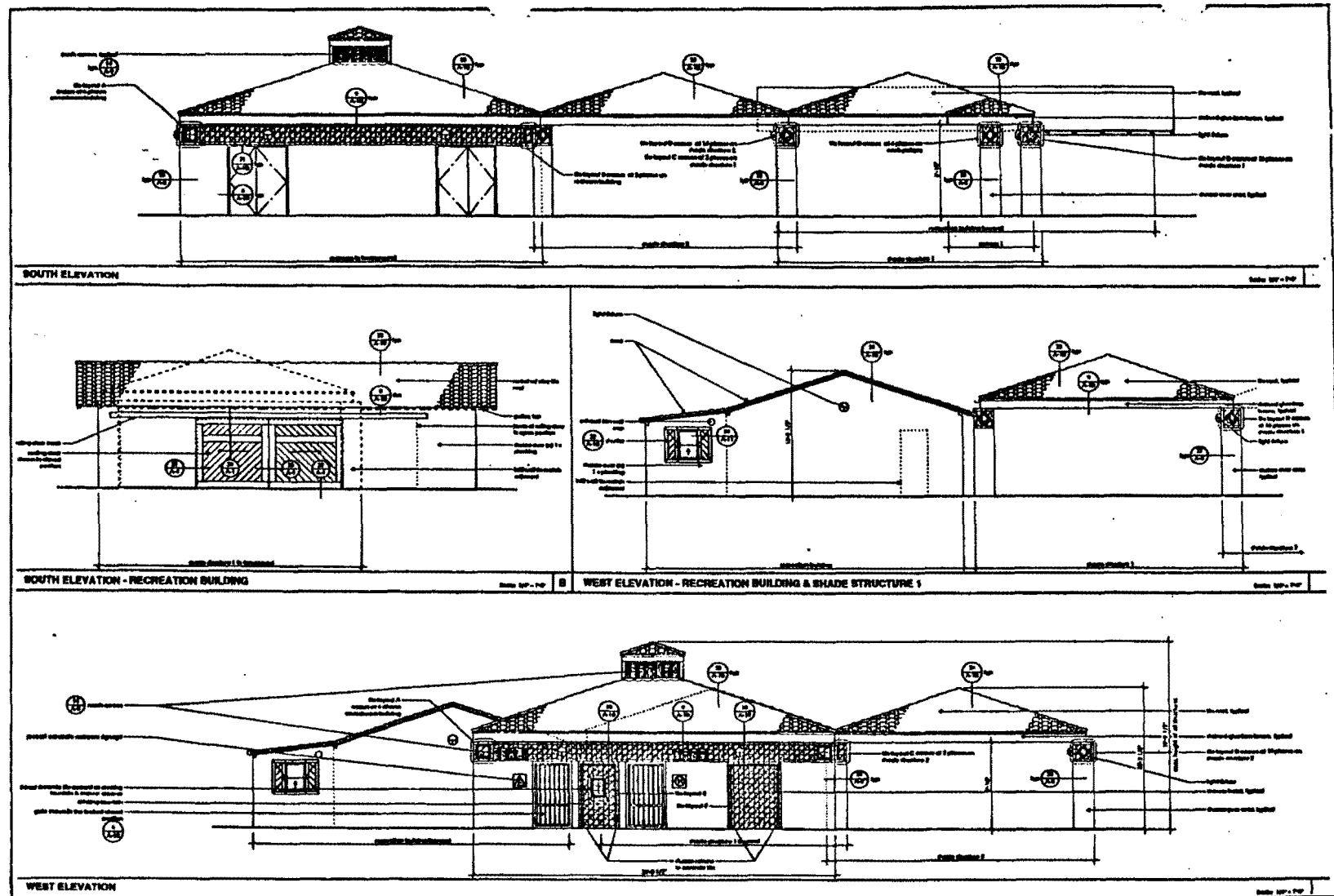
**HELIX**

192  
Figure 1

A-5-RPV 00-296 (City of RPV)  
EXHIBIT 4 e structure



193



HELIX

Elevations: Recreation Building  
ABALONE COVE BEACH IMPROVEMENTS

193

Figure 5

A-5-RPV 00-296 (City of RPV)  
EXHIBIT 4 d elevations

February 28, 1979

Job No.  
Page 1

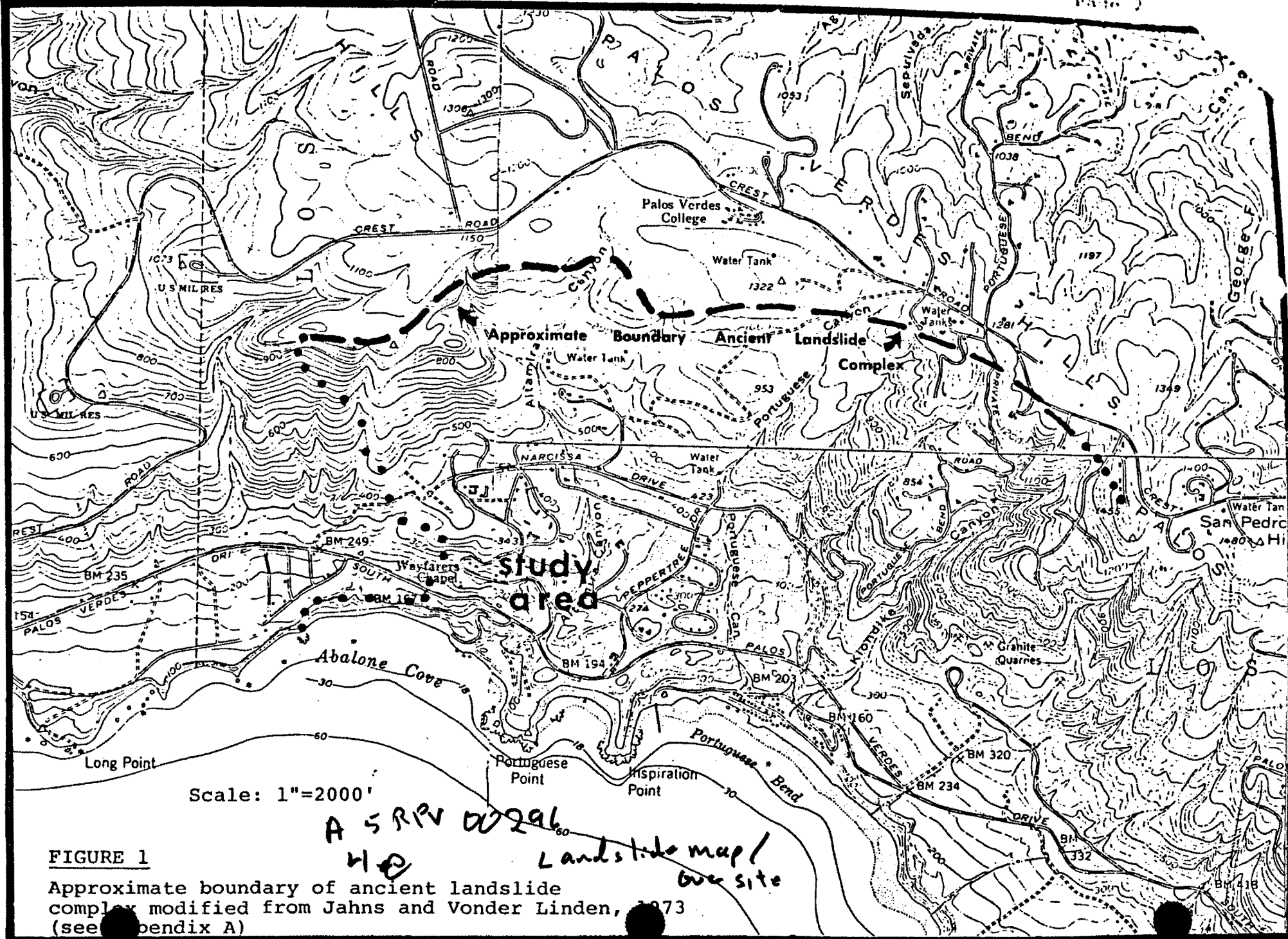


FIGURE 1

Approximate boundary of ancient landslide complex modified from Jahns and Vonder Linden, 1973 (see Appendix A)

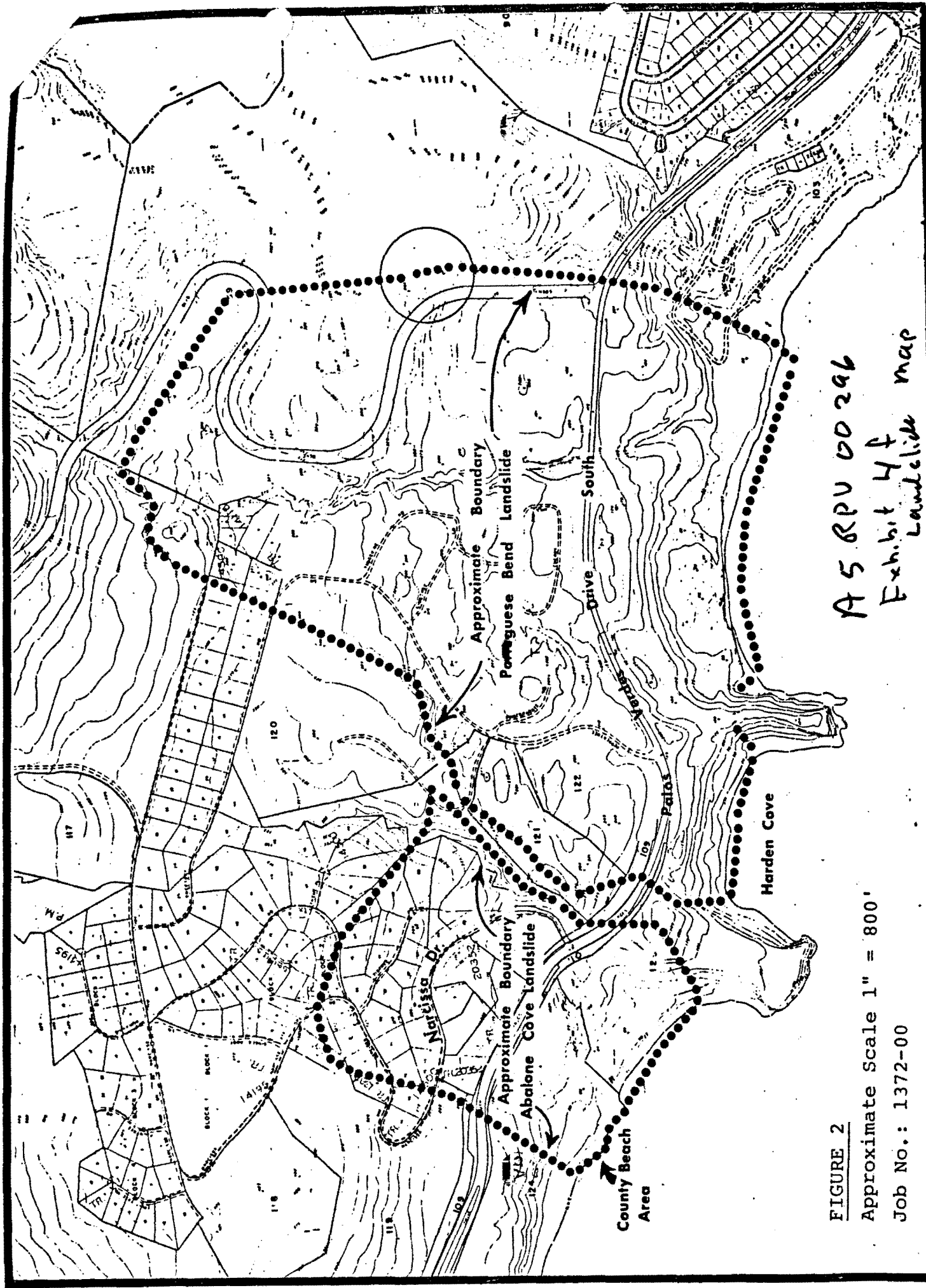


FIGURE 2

Approximate Scale 1" = 800'

Job No.: 1372-00

March 14, 1999

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JUL 21 2000

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AUG 09 1999  
PLANNING, BUILDING  
& CODE ENF.

CALIFORNIA  
COASTAL COMMISSION

Rancho Palos Verdes City Council  
30940 Hawthorne Boulevard  
Rancho Palos Verdes CA 90275

Honorable Members:

It is my expert opinion as a geologist not registered in California, but with over 25 years of experience concerning Palos Verdes Peninsula landslide-related geologic problems, that the Abalone Cove landslide complex is marginally active. This conclusion is based on observing several inches of slip and accompanying deformation on the west margin of the complex in 1998. Such small yet *demonstrable* slip and deformation may not be recorded by surveying or by a positioning system owing to small and heterogeneous displacement. However, these observations should be regarded as *substantiating proof* of landslide activity by experienced geologists who are concerned with adequately characterizing risk. Any grading, redistributing of mass or construction on, within, or adjacent to the Abalone Cove landslide complex should be avoided. Instead, efforts should be made to further stabilize the complex against further slippage.

It is also my opinion that grading within the Abalone Cove landslide for the sole purpose of mitigating landsliding is also not advisable, based on experience with what was done in the Portuguese Bend landslide complex, which was expensive and did not produce anticipated results.

Potential for lawsuits by local homeowners accompanying reactivation of the landslide should be treated seriously by the Rancho Palos Verdes City Council.

Respectfully,

D. K. Larue, Ph.D.  
20062 Bayfront Lane, #204  
Huntington Beach, California 92646

Exhibit 5  
Attached to  
appeal of  
Lois Larue

87

WILLIAM K. SWANK  
8 SEA COVE DRIVE  
RANCHO PALOS VERDES  
CALIFORNIA 90274  
TELEPHONE: (310) 377-1256  
FACSIMILE: (310) 377-3046

July 25, 2000

RECEIVED  
JUL 26 2000

CALIFORNIA  
COASTAL COMMISSION

**Via Federal Express**

California Coastal Commission  
200 Ocean Gate  
10th Floor  
Long Beach, CA 90802

To whom it may concern:

This letter constitutes an appeal from the approval by the City Council of the City of Rancho Palos Verdes ("City") of Coastal Permit No. 156 and Variance No. 448 (hereinafter collectively referred to as the "Development").

Notice of the City's final decision was sent on July 10, 2000, and a copy of that Notice is attached.

The appellant is an aggrieved person as that term is defined under Public Resource Code Section 30801. The appeal is timely. The Commission received the City's notice on July 14, 2000 and this appeal is submitted within 10 working days from that date. See 14 Cal. Code Regulations Sections 1311(b), 13571(a).

The ground for appeal is that the City's approval of the Development is inconsistent with the coastal specific plan. In particular, that plan contemplates the continuation and enhancement of the Abalone Cove Marine Reserve (the Reserve) which prohibits the taking or disturbing of marine plants or animals. The Development's purpose is to increase use of the Reserve. The Development's approval was based upon a Mitigated Negative Declaration filed by the City that fails to examine the impact of the increased usage of the Reserve and the tidepools situated therein. Whether the increased use of the Reserve will cause a significant impact on the marine plants and animals protected by law presents a substantial issue which the Commission should consider *de novo*.

This appellant by reference also incorporates the appeals filed by other aggrieved parties with respect to the Development.

A5 RPV00296  
Exh. bit 6  
appeal of  
William Swank  
PI

The shoreline and adjacent water and land area, from Abalone Cove east to Inspiration Point, have been designated by the State Fish & Game Commission as an ecological reserve, pursuant to Section 1580 of the California Fish & Game Code. The intent of the designation is to "protect threatened or endangered native plants, wildlife, or aquatic organisms or specialized habitat types, both terrestrial and aquatic, for large heterogeneous natural marine gene pools for the future use of mankind ...."

The Mitigated Negative Declaration prepared by the City recognizes that Abalone Cove is an Ecological Reserve. It also recognizes that prohibited activities within the Reserve include: "taking or disturbing any bird or nest or eggs thereof, or any plant, mammal, fish, mollusk, crustacean, amphibian, reptile, or any other form of plant or animal life except those limited fishing activities identified above." The Mitigated Negative Declaration ignores the likely substantial effects that additional people will have on the resources protected within the Reserve. Instead, it summarily concludes that "no significant impacts to the marine resources within the Abalone Cove Reserve are expected as a result of the proposed project. None of the prohibited activities would be allowed or facilitated by this project." Given the record before the City, this was an error because a "fair argument" can be made that increased use will "facilitate" the "taking or disturbing ... of ... plant, mammal, fish, mollusk, crustacean ... or other form of plant or animal life," and that such impacts are significant. Therefore, the City should have required a full environmental impact report.<sup>1</sup>

---

<sup>1</sup> The Mitigated Negative Declaration does argue that certain physical changes which will be made by the project will aid in the control of the additional use of the Reserve (although it refuses to identify the impact on the tidepools as a potentially significant environmental event). Those measures consist of additional signage around the tidepools and the construction of a parking lot "kiosk" from which an attendant can view the tidepools. Because these are not proposed as mitigation measures, there is no analysis of whether these measures will successfully prevent the destruction of the tidepools within the Reserve. While the staff has asserted that this will be the case, there is much in the record to suggest that this is not true: first, there is no analysis that the tidepools can be seen from the proposed kiosk and, indeed, there is evidence in the public record, that this is not the case. See topographical map at 133 of the Appeal from the Planning Commission decision. The City also proposes that docents or others might be available to actually police the tidepools. However, there is evidence in the record that the docents will refuse to do so on any regular or consistent basis. See letter from John Nieto, Point Vicente Docents, at 104 of the Appeal from the Planning Commission decision. Finally, there is some evidence in the record that County lifeguards may be asked to police the tidepools in addition to their other duties. However, such a mitigation is entirely dependent upon the availability of County lifeguards (and funding for such a position) and it is unacceptable for the City to rely on other agencies to dispense its obligation to mitigate environmental harm. See Public Resources Code § 21081.6.

Exhibit 6  
p 2

A5 RPV 00 296

It is quite clear that the Development will cause increased use of the Reserve:

"The proposed improvements would provide better vehicular access to the beach, more convenient parking, and additional recreational amenities that presently do not exist. More visitation to the beach by greater numbers of people, therefore, are anticipated."

See Mitigated Negative Declaration at 48.

An estimate of that increased usage can be made from the City's estimate of increased traffic. See Mitigated Negative Declaration at 52-53. According to the City, the peak usage in the Reserve now is 138 cars. Assuming 3 persons per car, the highest daily usage has been 415 people. Using the City's traffic projection of an additional 385 cars and using the same number of people, the highest daily usage would be 1,564 people. Nowhere does the Mitigated Negative Declaration discuss or analyze how this increased use would impact the Reserve – it simply assumes that it would not. It is quite clear from the record before the City, however, that increased use poses the danger of increased degradation of the tidepools. See, e.g., Letter of Earl T. Kassler, Jr., at 108-09 of the Appeal from the Planing Commission decision; Letter of John E. Nieto, Vice President, Los Sirenos Descente Docents at 104.

This conclusion need not be the subject of expert opinion. It is based on the actual observations of those who have spent substantial time in the Reserve. *Id.* Moreover, simple common sense leads to the conclusion that increased use of the Reserve will contribute to increased illegal harvesting of the marine life contained therein unless measures are specifically adopted to prevent it. The Letter of Earl T. Kassler makes it plain that he has observed such violations in the Marine Reserve, that increased use will result in increased degradation, and that docents are not in a position to protect the tidepools.

As presently presented, the draft Mitigated Negative Declaration does not address the substantial arguments relating to the impact on the Reserve which will result from increased use. For this reason, the undersigned requests that the Coastal Commission conduct a *de novo* review of this project and the impact it will have on the Reserve.

Sincerely,



William K. Swank

Exhibit 6  
P 3  
AS RPV 00 296

March 14, 1999

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JUL 21 2000

Rancho Palos Verdes City Council  
30940 Hawthorne Boulevard  
Rancho Palos Verdes CA 90275

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PLANNING, BUILDING  
& CODE ENF.

CALIFORNIA  
COASTAL COMMISSION

Honorable Members:

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It is also my opinion that grading within the Abalone Cove landslide for the sole purpose of mitigating landsliding is also not advisable, based on experience with what was done in the Portuguese Bend landslide complex, which was expensive and did not produce anticipated results.

Potential for lawsuits by local homeowners accompanying reactivation of the landslide should be treated seriously by the Rancho Palos Verdes City Council.

Respectfully,

D. K. Larue, Ph.D.  
20062 Bayfront Lane, #204  
Huntington Beach, California 92646

Exhibit 5  
Attached to  
appeal of  
Lois Larue

87



**APPEAL OF COASTAL PERMIT # 156**

BY:

James Knight  
5 Cinnamon Ln.  
Rancho Palos Verdes, CA 90275

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JUL 24 2000

CALIFORNIA  
COASTAL COMMISSION

**ABALONE COVE**

First and foremost, Abalone Cove beach is currently a public beach and is available to anyone to enjoy. It is a truly unique beach experience unlike the typical stretch of common beaches along the Santa Monica Bay. Native vegetation, rare Tidepools, coves and sea caves set below rocky cliffs provide a rare opportunity for anyone to experience a rustic, natural coastline setting. As we see our coastline subdivided, bulldozed, and built up, it is even more imperative to preserve this "old California" not only for its biological heritage but for its aesthetic sense of connection with our past. Abalone Cove is a gift for generations to come.

I would think that the Coastal Commission could take pride in this mission. The Commission's primary goal should be to preserve this rare, picturesque setting as it is. It is irreplaceable.

It has been designated a Significant Ecological Area by Los Angeles County, and set aside as a preserve by Fish and Game and Fish and Wildlife. Resource agencies are sending us a message. This area is rare and needs the utmost protection from over use and abuse.

On circle page 182, the project MND expressly states that "this project could result in adverse impacts on rare or endangered wildlife habitat, to the local marine environment and to archaeological and paleontological resources." The mitigations proposed in that MND are inadequate and Coastal Permit #156 should be denied for the following reasons:

**INACCURATE PARKING STATED**

The new proposed parking lot is adding 15 spaces to the already existing approximately 20 spaces at beach's edge making the final parking total more like 35. (See maps Exhibit 1B and 2B and photo exhibit 1 A).

This fact is not mentioned anywhere in their documents, nor is not in their drawings and as a result is not included their assessment of environmental impact and therefore has not been mitigated.

This existing parking lot has only been open to nursery school members 3 hours 3 days a week on special permission basis, and lifeguards. Opening the gates to the public to this lower existing parking lot will significantly change the nature of this lower lot's current use. As a result we are really talking about opening 35 spaces for public use (15 new and 20 existing), not 15 plus 6 handicapped at beach edge as this MND has stated.

The 15 space proposed parking lot above cannot provide handicapped access to the beach edge as the slope leading to the beach from this proposed lot is too steep. If you will notice the topographical lines in the drawing indicate a very steep incline between the proposed parking lot and the existing lower lot.

Handicapped parking should be provided at the existing lower parking lot near water's edge as is proposed on circle page 6. (See "Alternatives" below for alternatives to this plan). The new parking proposed is unnecessary and unusable for handicapped access. It is not needed and should be eliminated. This would eliminate much of the earth movement and geology concerns, and eliminate added road pollution and other habitat related impacts.

Please note that the project drawings do not show this existing lot nor is the existing parking capacity beachside ever mentioned in this MND.

Subsequently, all of the MND impact statements are inaccurate and a full EIR must be required.

### USE INTENSITY AND HABITAT AREAS

The city's quote of page U-62 concerning parking capacity does not give the full picture of the Coastal Specific Plan's (CSP) desire for the restriction of intensity of use in Abalone Cove park.

On p.S5-9, the CSP states that the parking study that came up with the 280 space capacity may alter, based upon further study for the Abalone Cove master plan. The CSP goes on to say *"It is pertinent to point out that the study did not associate a patronage use with habitat areas. It is clear that its validity can only be determined through the eventual Master Plan, for which funding is currently discontinued."*

See exhibits M and N for articles about human impact to tidepools.

Throughout the CSP the relation of tidepool health and intensity of human contact is of prime concern:

-P. N-32 discusses tidepools that are high quality and very diverse are that way as a result of *"long periods of time in the absence of continued, direct human disturbance."*

-P. N-44 it states that all developments must be reviewed with regard to the *"...intensified use of the habitats by induced population..."*

-In the Corridors element, the CSP on p. C-15 clearly states that Protection/Preservation corridors are basically "avoidance" corridors that require *"human activities/presence be excluded or stringently controlled due the need to preserve valuable/sensitive natural habitats..."*

-On p.U27, it is stated *"Unfortunately shoreline visitation by the public has taken its toll with regard to the environment."*

It goes on to say that *"In order to combat the increasing disturbance to the shoreline, the city has taken steps to establish marine reserves in areas of critical concern and encourage strict enforcement of the regulations..."* Policy 6 and 7 (page U-28) summarizes the intent.

-On p. S5-4, the CSP is clear in describing that historical limitations on the amount of human interface with the tidepools is directly related to the health, richness and diversity of those pools. It goes on to say that the Abalone Cove tidepools were designated a marine preserve *"...based on the good quality of the marine habitat along with habitat degradation experienced through uncontrolled exposure of the public to sensitive marine environments."*

-On p. S5-2, the CSP states *"the easy access provided to Abalone Cove induces a greater amount of collectors and beachcombers into the area."* At low tides *"the susceptibility of established marine organisms is of critical concern."*

### ADEQUATE PROTECTION OF TIDEPOOLS

P.N-38 of the CSP *"The inter-tidal marine resource is one of the most significant resources within Rancho Palos Verdes and is dependent upon proper management of the land environment and how it interacts with the ocean."*

Page S5-16 of the CSP, *"...Past experience has shown that uncontrolled human access to the valuable and vulnerable marine intertidal region causes severe degradation of intertidal and near shore habitats....If adequate manpower is not available to police the entire shoreline in this area, then key access points and supportive path and trail networks should not be implemented."*

To date, the only "policing" the city has done is post signs at the gate and ask the lifeguard to watch over the tidepools while he is busy watching over swimmers.

The project MND does not adequately mitigate the impact of additional persons to this ecological preserve nor adequately fulfill CSP policy 6 in enforcement of rules.

On p.S5-2, the CSP states that, even with a group working with the Peninsula Oceanographic Society patrolling the beach and informing authorities, their presence deterred poaches to only some extent.

The project MND mitigation mentioned on circle page 138 is to put up "signs and information kiosks" and a "parking attendant" to enforce the rules. The plan calls for the attendant below to collect parking fees and "monitor" the tidepools. Based upon common sense, and past experience stated in the CSP, this seem to be inadequate mitigation and monitoring.

First, the proposed kiosk is not high enough for the attendant to see the tidepools to accomplish that monitoring. (See exhibit C)

Second, the plan does not adequately address how an attendant will enforce protection of the tidepools, nor coastal sage scrub, coastal cactus wren, or gnatcatcher habitat.

Since the attendant in reality will have to rely on police enforcement, the "no impact" conclusion of item XIII "Public Services" as inaccurate.

In reality, how will this work? Someone decides that sea stars are a delicacy, collects a bag full, then, with car conveniently beach side, drives home. Or someone decides to veer off the trail and trample gnatcatcher or cactus wren breeding grounds. Even if the "attendant" is not collecting parking fees at the time and happens to wander out of the kiosk so that he or she could see the activity, by the time he calls the police, and the police get there, the perpetrator is gone. Building additional lower beach parking exacerbates the problem.

Where is it stated in the report what priority the police will give such a call? It is not clear what, if any, regulations the sheriffs dept. has to enforce for the tidepools. And how many officers are available. Where is it specified what the procedure is to monitor and at what point stop devastation to the fragile ecology of the tidepools or CSS habitat? Will it result in the closure of the beach to all citizens?

Please refer to Earl Casler Jr.'s letter, circle p. 108, where he indicates that, as a docent for this area, people did not tend to listen to his instructions as to the protection of the tidepools. So who will listen to parking lot attendants?

In addition, the MND does not take in account the loss of the tidepools at Ocean Trails and the subsequent accumulate region-wide effect of reduction of tidepool habitats in Ventura. Los Angeles, Orange, San Diego counties.

### WATER QUALITY

P. N-28 of the CSP *"The coastal region's drainage courses are at the end of the route before surface runoff enters the ocean...The quality of water entering the ocean....will to a large extent, be determined by upstream practices."*

P. N-10 *"Water quality is vital to marine organisms. Unfortunately, the peninsula waters have suffered from pollution of various types and origins over the past few decades...pollutants may enter the marine environment through the process of surface runoff..."*

On circle page 161 of the MND it is stated no significant impacts to the marine environment. Expanded roads and new parking lot will be both paved and unpaved. Both scenarios will increase the amount of pollutants to this marine environment with increased use.

It is unclear whether "grease traps" will stop all of the complex, toxic chemicals associated new paving. The impervious paved roads are a rapid conduit under heavy rains and can carry a strong dose of toxic chemicals straight into sensitive tidepools only several hundred feet away.

There are erroneous conclusions that dirt would in perpetuity trap toxins from vehicular use or hydroseeding fertilizers and enzymes or any other toxin introduced to the soil. Toxins can accumulate over time and, with heavy winter rains, would undoubtedly leach out to change what is now A+ rated water by Heal the Bay to lower grades and could adversely effect sensitive tidepools and human use.

There is no mention of a water quality monitoring for the possible impact of these enzymes, fertilizers, oils and other toxins.

With new landscaping proposed, what will be the effect of watering on land stability? And what effect will fertilizers have on marine habitat?

The MND does not address these concerns.

### WATER QUALITY AND SOIL EROSION FROM CONSTRUCTION

On circle page 169 of the MND it is stated that significant amounts of pollution runoff could end up in the ocean during construction. Since construction is mandated to be outside the endangered species breeding season (Feb.15-Aug.30), it highly likely that construction and grading will be in the middle of our heaviest rainy season. The use of sand bags to retain any runoff will not be enough to hold back sediment from saturating the tidepools if the area is hit with a heavy downpour which could very well happen during this period of the season.

The map on p. N-29 of the CSP designates this project area as a "flood hazard". I am not sure how a development project, let alone the construction phase, would be allowed in an area with this designation. The MND mitigations for soil erosion are inadequate for the above reasons.

## TRAFFIC IMPACT

On CSP S5-15, the plan confirms the limitations and dangers as to ingress and egress to this park when it states "...there is little stacking space and limited sight distance".

In exhibit D one can see that ingress and egress from opening this lower lot gate creates some hazards. There is a tight, blind curve in both directions from this lower lot entrance.

As one approaches northbound from the Portuguese Bend side to enter this gate, there is a center median to turn from, but it is short. (See exhibit     ) It is about 3 car lengths long. Cars could stack up quickly trying to turn into the road while waiting for opposing traffic to clear. As they stack up, they would have to spill out onto the highway lane creating traffic hazards.

It also could affect safety for the residents existing from Narcissa Dr. onto P.V. Drive South. Currently there is a safe, northbound entrance lane to merge with other northbound traffic. But if northbound traffic veers to this right merger lane to avoid cars stacking up trying to turn left into this lower road, that merger lane could become dangerous.

As a car egress in either direction, they must negotiate their exit amongst other cars coming south very fast around the curve.

As a parent dropping off and picking up my child from the nursery school, I can tell you from experience that one must be very careful in both directions. And my experience is during off peak summer season traffic. Heavier summer traffic on P.V. South exacerbates the problem significantly. This, combined with the proposed increase of car trips in and out of this gate, will have a significant increase of risk to the public.

In addition, in exhibit E, one can see that the distance between the center of the lower park road exit to the median divider strip is too short to allow a car, heading north on P.V. Dr. South, to be completely parallel with the highway within the median lane. This forces the exiting car to straddle onto the highway at an angle creating a dangerous situation.

Imagine, if you will, the following typical scenario for any car exiting the north on P.V. Dr. South from this lower lot road. They have to negotiate speeding cars around two blind curves and incoming cars turning in their exit path. If they are lucky enough to get to the center median, they have to remained straddled onto the highway while they wait for a clearing of speeding cars heading northbound. See exhibit F for a diagram.

On S5-7, it is stated "Abalone Cove Park...is generating parking impacts on local streets surrounding the park." The negative impact the park has on the surrounding community is repeated again on S5-14 & 15. And this was acknowledged 22 years ago.

The city has not addressed its beach goers using the Narcissa road entrance for parking. Dan and Vicki Pinkham can testify that it has already created problems at their home, which is at the gate of the Narcissa entrance, even without the proposed increase in use. These roads are private and are being used by the public for beach parking. Some even maneuver their way beyond the private gate into an interior parking area to park.

The city has not analyzed in their traffic study the impact to private property owners of this problem with the existing conditions, let alone additional capacity at the beach.

The city has not analyzed in their traffic study the impact to private property owners of this problem with the existing conditions, let alone additional capacity at the beach.

Please also note the letter from the Wayfarers Chapel. They indicate that some beach goers use their lot across the busy P.V. Dr. South, creating a dangerous situation. Increased traffic use could make things worse.

There are no traffic studies in the MND the adequately addresses these concerns.

### REVEGETATION

The plan is flawed in the mitigation of CSS loss. Fish and Game and Fish and Wildlife require a 3:1 revegetation for taking of CSS. On circle page 159, the plan calls for the hydroseeding and container planting of CSS re-vegetation to comply.

If hydroseeding is done with no irrigation and relies on natural rainfall, most landscaping experts agree that there would be little chance of producing any surviving plants. This scenario renders this mitigation as ineffective and inadequate. See exhibit O.

If irrigation is used in conjunction with fiber binders support for seedlings, then success rates increase. But this raises a very serious question of how much will that irrigation exacerbate the Abalone Cove Landslide. Clearly the potential geological hazards presented with this scenario requires a full hydro-geologic study.

And of course, container planting will not succeed without irrigation.

A City Geologist reviewed and approved the irrigation plans for the Ocean Trails Shoreline revegetation. Then the P.V. Dr. South began to slip and form cracks. The subsequent geology report by Zieser Kling clearly stated that the revegetation watering plans was shown to be a known factor in the slippage along P.V. Dr. south near Southshores. (See Exhibit P-report from Zieser Kling).

A City Geologist reviewed and approved the Ocean Trails golf plan. We all know what a catastrophe that was.

The homes and safety of numerous residents living above the Abalone Cove Landslide, including myself, depend upon stabilizing this slide. We are assessed to pay for pumping water out of the water table to achieve that goal. We don't need irrigation water percolating down to the toe of this slide and spelling disaster for all of us.

In addition, on circle page 193 of the letter from Group Delta, they recommend planting drought resistant plants along an exposed cut to inhibit erosion. No mention of impacts to irrigate this recommended mitigation.

The CSP on p. N-42 expresses concerns over the introduction of irrigation water that could destabilize marginally stable areas.

The MND does not address this issue and is therefore not mitigated.

### NEED FOR A FULL GEOLOGY STUDY

The CSP on p. U67 sets policy # 7, "restrict coastal access points which pose a safety hazard." And on p. U-42 recommends minimal, if any, excavation and grading in unstable areas.

On circle page 190, Keiser Kling acknowledge this proposed project area has "sustained average movement of about 5-6 inches per year. The continued movement would require on-going maintenance to maintain the proposed as-graded conditions."

There are further caveats of cuts and grade along the toe of the slide in the Delta report on circle page 193 item 1 "Therefore, there are concerns regarding both the superficial and shallow stability of the planned cut." And in item 3 on the same page "In addition, if a small landslide is present, the proposed cut will create a less stable condition and could trigger slope movement."

Despite these ominous warnings signs, the City Geologist says that they have reviewed previous data by Dr. Ehlig and have given their approval. Need we be reminded of the fiasco at Ocean Trails with City Geologist assurances of review.

The similarities between Ocean Trails and the proposed Abalone Cove Project are striking.

At Ocean Trails, the area of which the landslide occurred was geologically designated in the 1991 EIR as "Extreme Hazard". In the Abalone Cove Project, areas within the project description is geologically designated as "Open Space Hazard".

Differences of opinion amongst geologists existed with Ocean Trails and the same applies to Abalone Cove. Geotechnician Dale Hinkle was hired to review the geology at Ocean Trails. He was fired by the City of RPV when his opinion of that development was a "landslide waiting to happen". And his warnings were dismissed by all city regulatory agencies.

Please see exhibit G, item 2 or a discussion of proposed project cuts and differences of opinion as to slip plane elevation a ACL-7B. There is a discrepancy as to location of the toe of the Abalone Cove Landslide, making a verification of a full geology report imperative.

We all saw what happened at Ocean Trails. Luckily Tony Baker was not seriously hurt or killed. Had it been several weeks later, it could have taken several lives on the 18th hole. Do we really want to take that chance again?

It seems prudent not to repeat that scenario of detrimental environmental damage, tidepool loss, with the added possibility of citizens homes damaged, or people using the beach being injured. It is time to stop pushing the "geological envelope" and move more cautiously with land that is clearly recognized to be unstable. The Ocean Trails landslide occurred since the Abalone Cove MND was prepared, and, in all fairness to the people who live above this proposed project, a full geological study should be done before moving forward with this process.

On circle page 143 and circle page 164 (VI, a) v)) of the MND, landslides are listed as "less than significant" impact. This designation is inaccurate.

On circle page 130 and circle page 164 of the report it is stated "The combination of adverse dip and inherent weakness result in conditions that are favorable for landsliding, particularly where existing slopes are undercut by erosion or by construction activities." On circle page 164 it continues "The proposed parking lot and much of the access road are within the least stable part of the (Abalone Cove) landslide."

The Group Delta Consultants on circle page 15 note that, at one point of grading, they recommend additional study and Geotechnical measures to stabilize it. And, they continue, that the new lot and roadway will require a substantial maintenance effort.



And the scariest part of this is on circle page 15 where staff assures the Planning Commission, which rightfully expressed they did not have the ability to analyze and comment on the project geology, that the "City council has reviewed Dr. Ehlig's report" and "the Council determined that the geology information presented by Dr. Ehlig was sufficient for this project."

This was the basis for this Lead Agency to grant itself a Landslide Moratorium Permit.

The CSP clearly states on p.N-45 that development within districts of high slopes (CRM 2) and insufficient information (CRM 5), to perform at least one, and preferably two, independent engineering studies (not a review), by a licensed engineer. This CSP policy is for high slopes and insufficient information. The Abalone Cove project is in a known landslide.

This project site is at the toe of the Abalone Cove Landslide and many homes were seriously damaged in the late 70's and early 80's. If this coastal permit is granted as presented to you, it could spell disaster to the many citizens who have their life savings in their homes just above the toe of this very slide.

A complete independent hydro-geologic study must be attached and become a part of a full EIR to assess any potential danger to these residents as a result of grading and/or irrigation for a revegetation plan.

No coastal access issue or CSP should ever supersede the rights of a homeowner's right to protection of their home investment and safety.

### KNOWN LAND MOVEMENT AND SEWER DESIGN

On pages S8-5 and U-38 of the CSP there is a discussion of sewer lines and problems in this landslide area.

The MND for this project has not addressed the relation of acknowledged land displacement to increased sewage capacity carried from the new restrooms. The only mention of wastewater is on circle page 181 in reference to impact of additional capacity to the wastewater treatment provider. On circle page 154 a "low pressure sewer line" is isolated as a separate project and is not investigated in this report. Subsequently, it is concluded the sewer system has no impact.

But there is no analysis of:

- how the sewage will be carried from underground to the above ground lines (i.e. what type of pipe; brittle clay ?),
- how ground displacement will effect those underground pipes
- how much would be above ground and how much be below ground,
- what type of monitoring for leaks, how frequent.
- what material the underground storage tank would be and what the effect of ground movement would have to its capacity to hold wastewater and how long it will be in place before being able to hook up with a sewer system
- how often will sewage disposal trucks be need, what will be their weight when loaded and what effect they will have on road stability, what hours in relation to public use (Circle p. 114)
- where the above ground sewer route will go in relation to the areas designated Open Space Hazard,
- How will there be protection from accident or vandalism.
- if a sewage leak were to occur, such as with Ocean Trails, what the effect it would have to the stability of the landslide and the impact to landowners



above as well as impact to the environment both terrestrial and water quality for marine.

The new restrooms are right below "Open Space Hazard" and one could only summarize that the underground sewer line and holding tank would be subject to cracking and leaking being in an active slide area. Neither this report nor the Geotechnical Review by Zeiser Kling addresses these concerns.

Above ground sewer lines are subject to damage as well. A major break right above Abalone Cove occurred this year when a car ran over one of the connectors, breaking it, and spilling sewage into the terrestrial habitat and into the waters of the cove. No analysis, mitigation or prevention of this kind of above ground pipeline spillage is mentioned in the MND.

The CSP address the unsightliness of sewer systems on p. U-38. Within the described landslide areas of Abalone Cove, it is stated *"In addition, throughout the entire width of the Portuguese Bend Landslide (Subregion 5) the trunk line is, of necessity, above grade, manifesting itself as one of the more adverse visual conditions in the coastal region"*. This impact has not been addressed for the project MND with the above ground sewer lines proposed.

### 1.5 SAFETY FACTOR

The Coastal Commission is requiring a 1.5 safety factor on the reconstruction of walking trails for the Ocean Trails development.

The entire Abalone Cove Beach project description comprises of structures and trails whose use is for the general public. Yet there is no mention of a 1.5 safety factor for portions of the project that are in the active slide zoned "Open Space Hazard". In fact trails and a majority of the proposed parking lot are within the Abalone Cove Landslide with a 1.0 safety factor or less.

I don't see how the Coastal Commission can apply one standard of safety to Ocean Trails and another to the Abalone Cove project.

Even the city of Rancho Palos Verdes has expressed their concern for people occupying areas with less than 1.5 safety factor. RPV city ordinance No. 352U specifically states that "...that all geological hazards be eliminated prior to use or occupancy of the **land** or structure, by modification of topography, reduction of subsurface water, buttresses, or by other means of combination of means sufficient to provided a factor of safety of not less than 1.5."

I see no designation of a 1.5 safety factor on unstable areas of this proposed project in any geology reports used.

I can see, however, how the city of Rancho Palos Verdes could allow different standards for their citizens and their own Abalone Cove project. Since they are the Lead Agency, the granting of a Moratorium Exception Permit and other permits is a direct result of their own internal bias and has no "checks and balances",

This is precisely why the Coastal Commission must step in with a level head and provide the environment and the public with that objective, rational protection from such indigenous authority. See "Veering from the Original Goal" below.

A5 RPV 00296  
Exh. b. 7  
p 9

## SPECIAL USE PERMITS

There is no impact study as to the open ended city policy of issuing "Special Permit" use of this beach. With the expansion of Wayfarers Chapel next door, and this beach area as a logistical preference, this could be significant. In addition, there are no standards set for additional noise as result of special events, including live bands, additional trucks needed for catering, rentals, etc..

External lighting is still in the plan and they assure that the City shall ensure that there will be no significant adverse impact due to lighting. If there is no nighttime use, why are external lights necessary? What design, intensity and hours of use will the lights be? How will that effect native habitat in the area?

Both the additional traffic and use of nighttime lights could impact endangered species.

Again, the CSP is clear, as stated above, with its intent to limit intensity of use in the sensitive cove yet there is no indication in this project proposal that the use of Special Permits will comply with that intent.

## EXISTING STRUCTURES

As you can see in exhibit H, the existing nursery school looks fine. As a matter of fact, all of the parents of the children who attend this nursery school volunteer to keep up the structures. I know because I am one of those parents. The beautiful mural of dolphins you see was painted, free, by one of the parents. The city plans to tear it down to build their new structures.

The only restriction to making structural improvements to this area is the city itself. Any number of parents have expressed their willingness to improve any of the structures for free because we all take great pride in the school. The city has instructed us not to make those improvements, then, in public meetings, bemoan how dilapidated they are.

We also clean up the school of trash after public weekend uses. The Measure 'A' money saved by allowing the volunteer workers do their job could be used to improve the existing upper lot picnic area so that even more people can enjoy this beautiful cove. This would further fulfill the coastal commission's goal.

The school also provides more than 9 hours a week of observation of the tidepools by parents and one qualified teacher/docent. This occurs during months in which no one, not even lifeguards, are present.

There is no mention of the impact construction activities will have on the children when this much loved school will have to be closed.

## UPPER LOT IMPROVEMENTS

It seems any moneys directed to Abalone Cove would be better spent on improving the existing upper lot. Currently the picnic benches are in need of repair and I challenge anyone to sit at the benches more than 30 minutes without melting in the summer sun. There is a desperate need of shade structures. This could greatly enhance the enjoyment of the spectacular view the upper lot affords. It would also eliminate the geology issues of development below.

## ALTERNATIVES

No analysis was given as to alternatives to the proposed project. The city responds that no alternative analysis is required under a MND. This is one of the inherent pitfalls of a MND. It deletes other plans that might be preferred and better serve the Coastal Commission's guidelines and better serve the people.

One viable alternative that would lessen the impact to the area would be to provide only 3 to 4 handicapped parking spaces on the lower existing lot. The kiosk would remain in its present location above and, upon showing qualification to the attendant on the upper lot, handicapped and senior citizens could exchange their driver's license for a card pass to an automated gate on the existing lower parking. Or even lower impact, would be to just patch the existing road, and have a shuttle service. This would elevate many of the issues raised in this and other appeals.

Another alternative would be to improve the current trail, which is quite wide, to allow access for handicapped to the lower lot. Again, upon showing handicapped status, the upper lot attendant could allow the handicapped person access to the lower existing lot by the Beachside. See exhibit I.

## BIOLOGICAL RESOURCES

The Palos Verdes Peninsula supports a small population of 26-56 pairs of California gnatcatcher that are considered isolated from the remainder of the rest of the U.S.. The primary cause of this species' decline is the cumulative loss of coastal sage scrub vegetation to development. This species is probably extirpated from Ventura, San Bernardino counties and is declining proportionately with the continuous and accumulative loss of CSS habitat in the four remaining southern California counties located within the coastal plain.

In addition, the cactus wren are seriously endangered throughout the coastal plain from Ventura to the Mexican border. Again, an accumulative loss of CSS habitat dominated by prickly pear or cholla cacti due to development.

Although no sightings of either the cactus wren or gnatcatcher were made at the time of survey for the Abalone Cove MND, the NCCP surveys indicated numerous sightings right in the location of this project, Inspiration point, the Portuguese bend coastal area around the corner, and the lower Filiorum property right across P.V. Dr. south.

The NCCP also delineated the entire Abalone Cove area as "high habitat restoration potential" and "priority 2" for habitat restoration for the endangered Palos Verdes Blue butterfly. In addition it categorizes Abalone Cove as "regionally important habitat areas with linkage planning".

In a letter from Jess Morton of the Endangered Habitats League (exhibit J) addressing NCCP alternatives, he strongly indicates that there must be a habitat corridor connecting the Abalone Cove bluffs to a preserve above.

In a letter from Anelika Brinkmann-Busi, Conservation Chair of the South Coast Chapter of the California Native Plant Society addressing NCCP alternatives, she says "Therefore we feel it is especially important to have an adequate connection from Abalone Cove to the Upper Filiorum area." SEE EXHIBIT Q

In a letter from U.S. Fish and Wildlife and CA Dept. of Fish & Game (exhibit K), Jim Bartel and Bill Tippets said they were concerned that the Abalone Cove improvement project is within the reserve alternatives of the NCCP.

On circle page 159, the MND states that impacts to both the gnatcatcher and the cactus wren would occur with the loss of CSS habitat. Yet the MND states that the impact will be less than significant with mitigation measures. As stated throughout this appeal, those mitigations are not adequate.

### CURRENT HABITAT WATER RESOURCE

In CSP page N-44, it is stated "Existing wildlife habitats can be retained with...natural drainage patterns maintained to provide water.."

Currently there is a half culvert that channels water out of a dewatering well down to the shoreline. The project plan calls to replace this with a covered pipe. Yet the MND has not studied whether or not the insects, birds of other animals, including endangered species, utilize this open channel for a water source. It is currently a year-round source of water so it would seem reasonable that it could be an important negative environmental impact to cover this source of water. SEE EXHIBIT L

### VEERING FROM ORIGINAL GOAL

The County, 30 years ago, recognized the sensitivity of this area when, in the EIR in conjunction with an acquisition proposal, said "The proposed beach will be a nature study area rather than a high density bathing beach." On p. S5-7, the CSP adds "*However, the actual use of this facility has veered from this intent. Since opening of this facility...severe degradation of the tidepool environment*" has occurred.

The entire City of Rancho Palos Verdes, from Lead Agent, to Planning Commission, to the Planning Dept. have lost sight of the original intentions has indeed veer from the original goal of the CSP for Abalone Cove.

The proposed volleyball court is a glaring example. It is not only inappropriate, but would destroy the rare, natural serenity found nowhere else. From Redondo beach to Hermosa Beach to the capital of volleyball, Manhattan Beach, one has plenty of opportunity for volleyball. In this cove it is only misplaced. This cove must be preserved in its natural state as intended by the CSP.

Circle page 139 of the MND states the inherent problem of how this wayward project came about. "*The City has the primary discretionary authority with regard to project approval or disapproval...*"

On p. S/C-4 of the CSP, it is stated the "*intent of the Coastal Specific Plan is not to inventory all of the (nongovernmental) groups...but to be cognizant of their concerns...*" There is a video tape available of the RPV City Council meeting July 5, 2000 in which this project was approved. You can see yourself the disregard this Lead Agency had for many serious concerns of the impact this project would have to the integrity of Abalone Cove. Every comment from the public was in agreement with the intent of the RPV CSP, yet none of the issues were addressed. The project was unanimously approved (except Doug Stern).

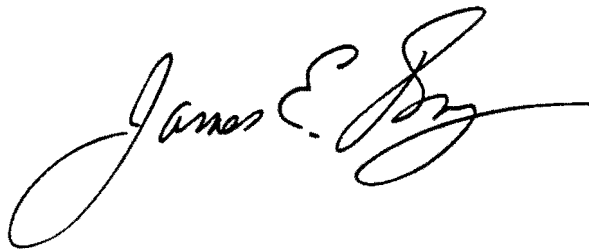
Given the autocratic authority of a misguided Lead Agency, it is imperative that the Coastal Commission be the "check and balance" for this loss of the original intent of the CSP.

**FULL EIR NEEDED**

See CSP S5-13 which states that an EIR is expected to precede a development plan for the Abalone Cove park.

Under subsection 15070 (a) and (b) of Article 6 of the Public Resource Code, if there is any substantial evidence before the Lead Agency that the project as proposed or revised may have any significant effect, an EIR must be prepared. I think not only is that shown, but the MND for this project has not adequately addressed many issues that could be concluded to have significant impact.

**For the above reasons the Coastal Permit No. 156 for Abalone Cove Project should be denied in its present state and the MND should not be approved until further study can be done under a full EIR and other options explored.**

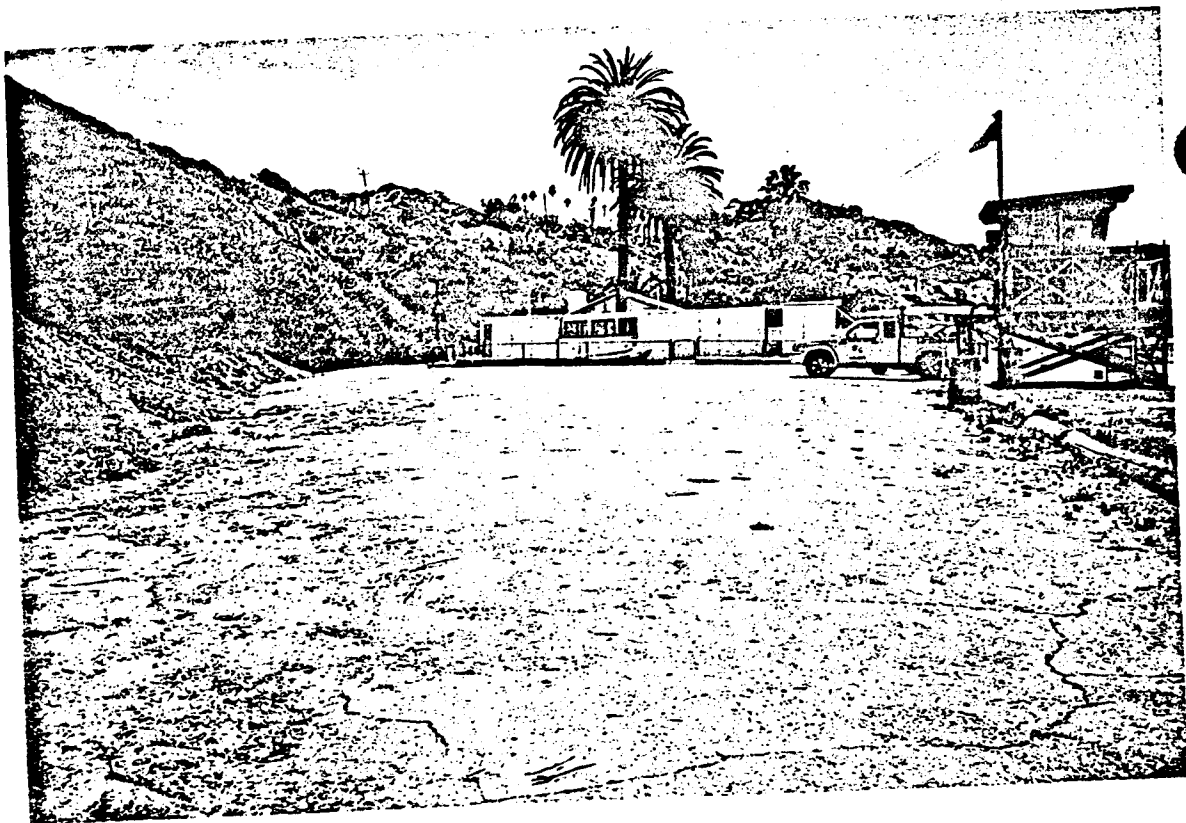
A handwritten signature in black ink, appearing to read "James E. By". The signature is fluid and cursive, with a long horizontal stroke extending to the right.





"A"

LOWER  
PARKING  
LOT



"B"

INCLINE  
FROM UPPER  
PROPOSED  
LOT TO LOWER



RECEIVED  
JUL 24 2000

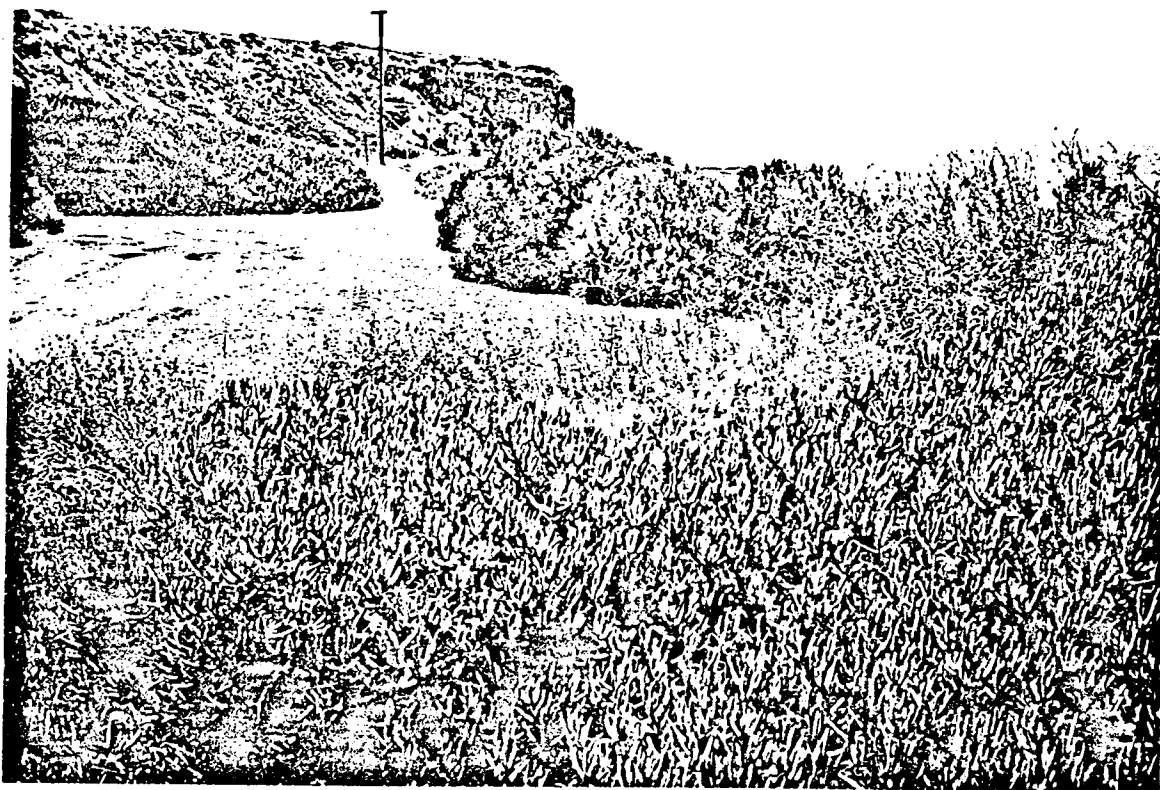
CALIFORNIA  
COASTAL COMMISSION

A 5 RPU 60 296  
Exhibit 7  
p 141



"C"

PROPOSED  
UPPER LOT  
(KIOSH WOULD  
BE LOWER  
& NO VIEW  
OF TIDEPOOLS



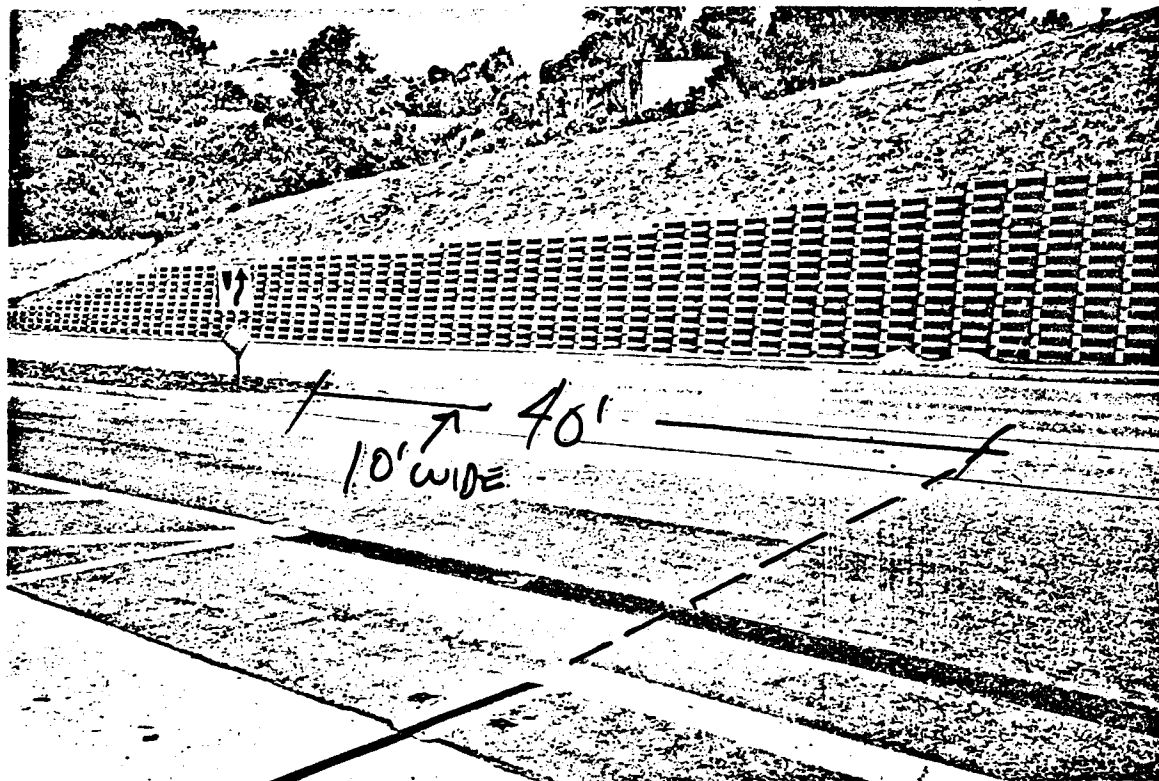
"D"

LOOKING  
TOWARD  
EAST ON  
P.V. DR. S...  
FROM GATE  
TO LOWER  
LOT



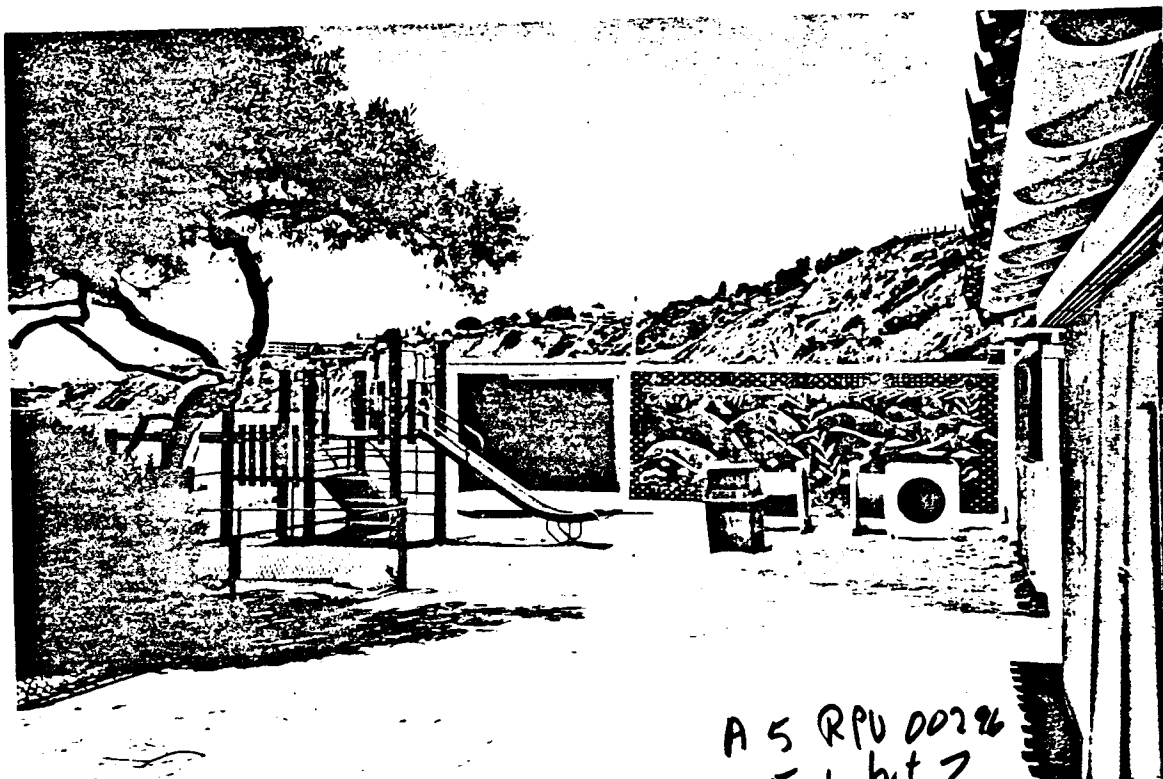
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Exhib. t 7  
p 14

"E"



"H"

CURRENT  
BEACH  
SCHOOL

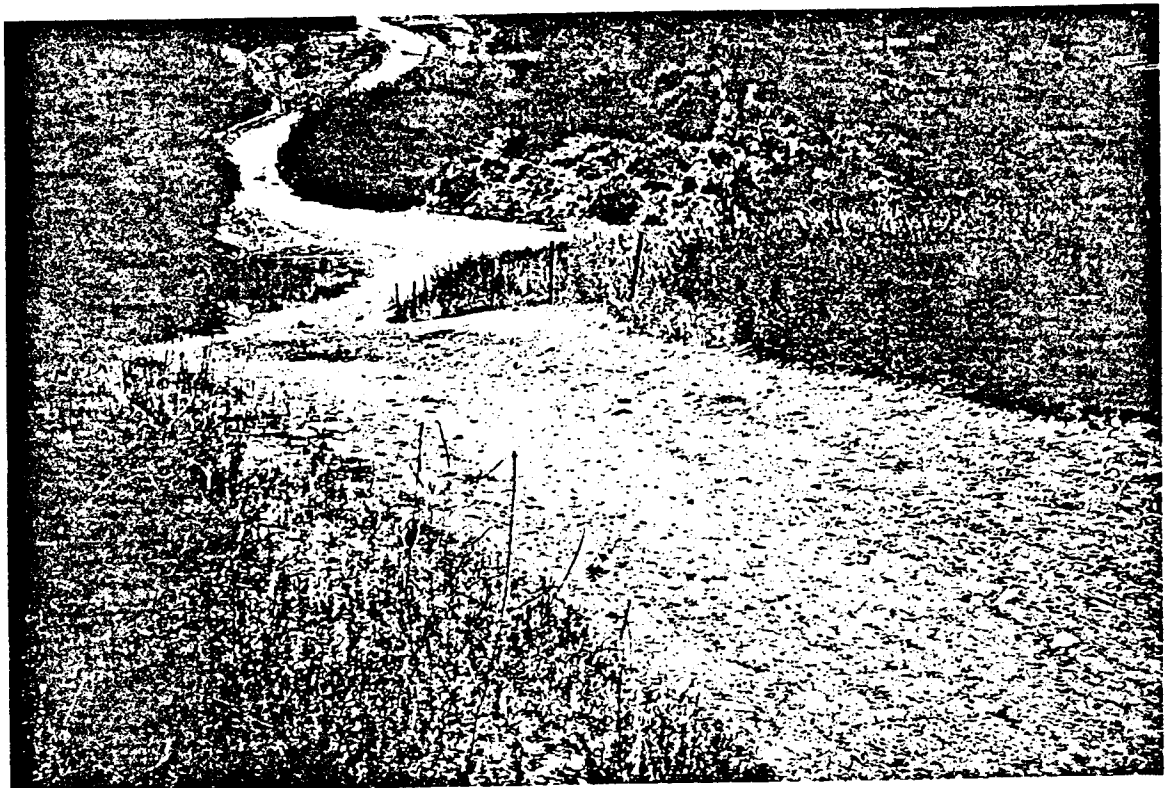


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Exhibit 7  
p 16

"L"  
OPEN 1/2  
CULVERT



"I"



ASRPU246  
Exhibit 7  
p17

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

The RPV Coastal 'Specific Plan, Dec. '78 lists the Abalone Cove area as Section SR5 covered in 16 pages. The proposed improvements in an area now landsliding at 6 inches per year (now less than Factor of Safety of 1.0) is risky and may result in increased landsliding and much reduced public access.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request. MORE TO FOLLOW.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Bill Griffin  
Maureen Griffin

Signature of Appellant(s) or  
Authorized Agent

Date July 21, 2000

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date

AS RPV 20296  
Exhibit 8  
Appeal of Bill & Maureen  
Griffin

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

RPV COASTAL SPECIFIC PLAN DEC '78 LISTS THE  
ABALONE COVE AREA AS SECTION SR 5 COVERED IN 16  
PAGES. THE PLANNED ~~DE~~ IMPROVEMENTS ARE SUCH  
THAT CURRENT MOVEMENT STATED AS 4"-6" PER  
YR COULD<sup>BE</sup> INCREASED DRAMATICALLY. MOVING  
THE EARTH REQUIRED WOULD BE AT THE  
TOE OF THE PRESENT SLIDE AND COULD  
HAVE A CUMULATIVE EFFECT ON THE FRAGILE HILLSIDE.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Muriel S. Tizler

Signature of Appellant(s) or  
Authorized Agent

Date July 21, 2000

NOTE: If signed by agent, appellant(s)  
must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_

A-5-RPV 00-296 (City of I  
EXHIBIT 9 Append of T

July 10, 2000

JUL 14 2000



RANCHO PALOS VERDES

DEPARTMENT OF PLANNING, BUILDING, AND CODE ENFORCEMENT

## NOTICE OF FINAL DECISION

NOTICE IS HEREBY GIVEN THAT on July 5, 2000, the City Council of the City of Rancho Palos Verdes upheld, with modifications, the Planning Commission's approval of Coastal Permit No. 156 in conjunction with adoption of a Mitigated Negative Declaration and approval of Variance No. 448. Conditions of approval and Mitigation Measures were included with the City Council's approval. The City's decision is now final.

**Applicant:** City of Rancho Palos Verdes

**Landowner:** City of Rancho Palos Verdes

**Location:** Abalone Cove Beach, City of Rancho Palos Verdes

Said decision is for the construction of the following improvements, which lie within the Coastal District:

- Widen/improve the existing access road to allow general public and fire department access to a new parking lot and buildings.
- Construct a new beach area parking lot consisting of 15 parking spaces.
- Construct a gate house/parking fee entry structure at the entrance to the new parking lot.
- Rehabilitate the existing cabana structure.
- Construct two shade structures of approximately 613 sq. ft. (24'-9" x 24'-9") each.
- Beach amenities, including: improving existing concrete walkways surrounding the buildings, improve the existing beach staircase, construct a second beach staircase, install three picnic shelters, drinking fountains, outdoor showers, and sand volleyball court, install warning signs and educational kiosks related to the tide pools and sensitive habitat, and relocate playground equipment.
- Enhance the existing foot trails from upper Abalone Cove Shoreline Park to the beach.
- Beach improvements, including approximately 20-30 cubic yards of sand replenishment, removal of protruding steel in concrete riprap and general clean up.
- Grading to widen and improve the existing access road, to create the proposed parking lot, guard station and vehicle turnaround areas, to improve vehicular access to the recreation building, and to be used as a land stabilization effort. This amount of grading includes approximately 5,300 cubic yards of cut and approximately 4,770 cubic yards of fill, and 820 cubic yards of export for a total movement of approximately 10,890 cubic yards.

A-5-RPV 00-296 (City of RPV)  
EXHIBIT 10 Local Action

July 10, 2000

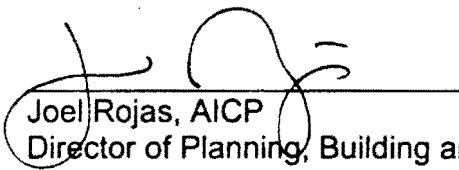
Page 2 of 2

In granting the Coastal Permit, the following findings were made:

- 1) That the proposed development is in conformance with the coastal specific plan;
- 2) That the proposed development, when located between the sea and the first public road, is in conformance with applicable public access and recreation policies of the Coastal Act.

Since the project is located in an Appealable Area of the City's Coastal District, this decision may be appealed, in writing, to the California Coastal Commission within 10 working days of the receipt of this notice in the Coastal Commission's Long Beach Office.

If you have any questions concerning this matter, please contact Mr. Gregory Pfost, Senior Planner, at (310) 544-5228.



Joel Rojas, AICP  
Director of Planning, Building and  
Code Enforcement

Enclosure: Resolutions of Approval

cc: Appellants  
Coastal Commission (Certified Mail)

ASRPV 00296  
Exh. h. t 10 p 2

RESOLUTION NO. 2000-42

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DENYING AN APPEAL AND REVISING THE PLANNING COMMISSION'S DECISION TO ADOPT A MITIGATED NEGATIVE DECLARATION AND MAKING CERTAIN ENVIRONMENTAL FINDINGS IN ASSOCIATION WITH COASTAL PERMIT NO. 156 AND VARIANCE NO. 448, TO ALLOW THE CONSTRUCTION OF VARIOUS IMPROVEMENTS TO THE ABALONE COVE BEACH PARK.**

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WHEREAS, on March 1, 1999, the City of Rancho Palos Verdes submitted an application for Coastal Permit No. 156 and Variance No. 448, to allow the construction of various improvements to the Abalone Cove Beach Park, including a new parking lot, shade structures, restroom/storage structure, gate/guard structure, grading of approximately 14,182 cubic yards and other amenities to the existing Abalone Cove Beach Park located south of Palos Verdes Drive South; and,

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 et. seq. ("CEQA"), the State CEQA Guidelines, California Code of Regulations, Title 14, Sections 15000 et. seq., the City's Local CEQA Guidelines, and Government Code Section 65952.5(e) (Hazardous Waste and Substances Statement), the City of Rancho Palos Verdes prepared an Initial Study and determined that, there is no substantial evidence that the approval of Coastal Permit No. 156 and Variance No. 448 would result in a significant adverse effect on the environment that can not be mitigated. Accordingly, a Draft Mitigated Negative Declaration has been prepared and notice of that fact was given in the manner required by law; and,

WHEREAS, the Initial Study was prepared in May 1999 and distributed for circulation and review from May 15, 1999 through June 14, 1999; and,

WHEREAS, after issuing notice pursuant to the requirements of the City's Development Code and the State CEQA Guidelines, the Planning Commission of the City of Rancho Palos Verdes held a public hearing on August 24, 1999 and September 28, 1999, at which time all interested parties were given an opportunity to be heard and present evidence; and,

WHEREAS, on September 28, 1999, the Planning Commission adopted Resolution No. 99-32 approving the Mitigated Negative Declaration for the project, and adopted Resolution No. 99-33 approving Coastal Permit No. 156 and Variance No. 448, subject to conditions; and,

WHEREAS, on October 13, 1999, certain residents of the City of Rancho Palos Verdes filed an appeal of the Planning Commission's decision.

A-5-RPV 00-296 (City of RPV)  
EXHIBIT 10 p 3



WHEREAS, after issuing notice pursuant to the requirements of the City's Development Code and the State CEQA Guidelines, the City Council of the City of Rancho Palos Verdes held a public hearing on November 16, 1999 and July 5, 2000, at which time all interested parties were given an opportunity to be heard and present evidence.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

**Section 1:** This application would permit the construction of the following items: widen/improve the existing access road to allow general public and fire department access to a new parking lot and buildings; construct a new beach area parking lot at a level higher than sea level and consisting of 15 parking spaces; construct a gate house/parking fee entry structure at the entrance to the new parking lot; rehabilitate the existing cabana structure; construct two shade structures of approximately 613 sq. ft. (24'-9" x 24'-9") each; beach amenities, including improving existing concrete walkways surrounding the buildings, improve the existing beach staircase, construct a second beach staircase, install three picnic shelters, drinking fountains, outdoor showers, and a sand volleyball court, install warning signs and educational kiosks related to the tide pools and sensitive habitat, and relocate playground equipment; enhance the existing foot trails from upper Abalone Cove Shoreline Park to the beach; beach improvements, including approximately 20-30 cubic yards of sand replenishment, removal of protruding steel in concrete riprap and general clean up; and grading to widen and improve the existing access road, to create the proposed parking lot, guard station and vehicle turnaround areas, to improve vehicular access to the recreation building, and to be used as a land stabilization effort (amount of grading includes approximately 5,300 cubic yards of cut and approximately 4,770 cubic yards of fill and export of 820 cubic yards for a total earth movement of approximately 10,890 cubic yards), to the existing Abalone Cove Beach Park located south of Palos Verdes Drive South. The City Council, based upon its independent review of the evidence, finds that the proposed project would not result in any new significant adverse environmental impacts in addition to or beyond those already associated with the existing Open Space Recreational public use of the site. In making this finding, the City Council considered the project's mitigation measures that address the issue of Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Land Use and Planning, and Noise.

**Section 2:** The subject property is currently zoned for Open Space Recreational purposes, and is also designated on the City's General Plan maps for Recreational purposes. Since the site will continue to be used for these purposes the proposed additions and site amenities will not significantly impact the existing Land Use and will be consistent with the General Plan.

**Section 3:** Although the proposed project will include additional interior and exterior lighting at the two main structures (restroom/storage building and multi-purpose building), the exterior lighting will be low intensity to provide sufficient illumination levels for security and safety purposes and as mitigated will be shielded to prevent illumination on or towards other properties with no spill-over onto residential properties. The proposed project will not

Resolution No. 2000-42

Page 2 of 6

A5 RPU 00296  
Exh. h. + 10 p4

have any substantial adverse effect on a scenic vista, substantially damage scenic resources, or substantially degrade the existing visual character or quality of the site and its surroundings, as the proposed improvements are relatively minor and are located at or near the ocean surface level – at a much lower elevation than Palos Verdes Drive South or neighboring residential properties.

**Section 4:** After the comment period was closed on the Draft Mitigated Negative Declaration, the City met with representatives of the U.S. Fish and Wildlife Service and the California Department of Fish and Game to discuss the proposed project's impacts upon Coastal Sage Scrub (CSS), the California Gnatcatcher, and the Cactus Wren. In response to these resource agencies' comments, the project has been revised. Specifically, the Eastern Borrow Site has been removed from the proposed project. This will reduce the amount of CSS to be removed by approximately .4-.8 acres. Additionally, upon direction by the City Council at their November 16, 1999 City Council meeting, Staff has eliminated the need for the proposed Western Borrow site, which will reduce the amount of CSS removed by approximately .15 acres. Subsequently, the total CSS to be removed will be reduced from approximately .64-1.19 acres to approximately .24 acres. Additionally, Mitigation Measure No. 4 has been revised as follows (bold text for new language and strikethrough text for language to be removed):

4. Subject to review and approval by the Director of Planning, Building and Code Enforcement, and prior to issuance of any permits, conduct a pre-construction presence/absence survey for the gnatcatcher and cactus wren, to determine presence and distribution at the time of project construction. If either of these species is determined to be present, **then no construction shall occur during their breeding season (February 15 to August 30).** ~~and construction occurs during their breeding seasons (February 15 to August 30), then biological monitoring will be conducted to determine the location of any nests within 300 feet of construction activity. If nests are found within 300 feet, construction will be postponed until the nests have fledged young birds. Both of these species may nest multiple times during a breeding season, therefore, monitoring will be conducted until nesting is determined to be ended for the year.~~

The revised Mitigation Measure will ensure that there will be no take of the California Gnatcatcher or Cactus Wren, or other endangered or threatened species. Additionally, there will be no significant adverse impacts to biological resources, as mitigation measure No. 3 will ensure that the amount of CSS to be removed will be revegetated at a ratio of 3:1, with appropriate monitoring to ensure its success.

Additionally, the CSS areas that would be impacted would not appreciably reduce the likelihood of the survival and recovery of the gnatcatcher or the cactus wren, because these CSS patches do not connect to large blocks of "core" habitat that have high conservation value. Furthermore, restoration of CSS in the grading impact areas or off-site as determined most feasible, could also be extended to adjoining or off-site ruderal areas. Project impacts on the integrity and viability of the NCCP reserve concepts under

consideration therefore, can be reduced to below a level of significance, with the mitigation measures noted within the Mitigation Monitoring Program.

**Section 5:** The shoreline and adjacent water and land area have been designated by the State Fish and Game Commission as an ecological reserve. There will be no significant impacts to the marine resources within the Abalone Cove Reserve as a result of the proposed project as there will be no construction equipment, materials or storage placed within the surf area or anywhere below the sandy beach. Additionally, all work to build the new concrete stairway will be performed by hand tools. Beach sand replenishment would be accomplished in one day with all work occurring above the existing rocky riprap, well above the waters edge. There will be no dredging or filling of marine waters. The biological resources found within the tidepools of Abalone Cove will be enhanced by the new guard that will be posted at the parking lot who will be trained to monitor activities occurring at the tidepools and report any disturbance to the tidepools to the Sheriff's Department.

**Section 6:** Although all of the coastal zone that contains the project site and the Abalone Cove area is considered highly sensitive with respect to archaeological resources, to reduce potential impacts to archaeological resources and human remains to below a level of significance, the Mitigation Monitoring Program includes a mitigation measure that requires grading activities to be monitored by a qualified professional archeologist to identify potentially significant resources that may be uncovered and to halt work to recover such resources.

**Section 7:** Although the proposed project is located within the most recently active, southern portion of the Abalone Cove Landslide, the proposed grading concept will marginally improve gross landslide stability. The grading concept was developed in consultation with the City's Consulting Geologist to provide a means of increasing landslide stability by changing the distribution of soil mass resulting from the proposed grading operations. With the adoption of the Mitigation Monitoring Program and related implementation of mitigation measures associated with the preparation of an erosion and sediment control plan, there will be no significant geologic impacts to the site or adjacent areas.

**Section 8:** Although the total number of vehicle trips to the site may increase with the increase in building area and the addition of only 15 more parking spaces which will be convenient to the public, the number of additional vehicle trips will not substantially exceed that which currently exists, and therefore there will not be any significant adverse impacts to circulation patterns, parking capacity, or traffic congestion. Because the increase number of vehicle trips per day will not be significant, as related to existing vehicle trip levels, the project will not result in an impact to local air quality standards, or expose sensitive receptors to pollutants.

**Section 9:** Grading of the site may cause some impacts to air quality as a result of air-borne dust particles. However, to ensure that there will be no significant environmental impacts, mitigation measures have been added that will require the

contractor to take certain actions to control air-borne dust particles.

**Section 10:** The proposed project will result in the additional discharge of run-off water into surface waters as a result of the increased paving related to the road widening and new parking lot. However, the new storm drain system will have an oil/water separator to filter the discharge prior to its being discharged into surface waters, which will reduce environmental impacts to an insignificant level.

**Section 11:** The proposed project is an improvement to an existing recreational facility. It will be an enhancement to the site by improving existing structures and providing access to all those who wish to visit Abalone Cove, including the physically challenged who at this time do not have access to the valuable public resource. The proposed project will not alter the location, distribution, density, or growth rate of the human population in the area above what is forecasted in adopted City plans and policies, nor will the project affect existing housing, or create a demand for additional housing. The project will not create a significant additional demand for fire or police protection, maintenance of public facilities (including roads), or other governmental services. The project will not result in a significant need for new systems, or substantial alterations to utilities, including power or natural gas, communication systems, water, sewer or septic tanks, storm water drainage, or solid waste disposal. Additionally, until the main sewer line is installed, a holding tank will be installed to ensure that sewage waste is disposed of properly. Further, the project will not result in the demand for new recreational facilities because the project site already is an improvement to the use of the existing recreational facility of the Abalone Cove Beach Park.

**Section 12:** For reasons discussed in the Initial Study, which is incorporated herein by reference, the project would not have any potential to achieve short-term, to the disadvantage of long-term, environmental goals, nor would the project have impacts which are individually limited, but cumulatively considerable.

**Section 13:** The Lead Agency has consulted the lists compiled pursuant to Section 65962.5 of the Government Code, and has certified that the development project and any alternatives proposed in this application are not included in these lists of known Hazardous Waste and Substances Sites as compiled by the California Environmental Protection Agency.

**Section 14:** In addition, the mitigation measures set forth in the Mitigation Monitoring Program, Exhibit "A", attached hereto, are incorporated into the project. These measures will reduce those potential significant impacts identified in the Mitigated Negative Declaration to an insignificant level.

**Section 15:** Prior to taking action on the proposed project, in compliance with the California Environmental Quality Act (CEQA), the City Council independently reviewed and considered the information and findings contained in the Mitigated Negative Declaration. For the foregoing reasons and based on its independent review and evaluation of the information and findings contained in the Initial Study, Staff Reports, minutes, and records of the proceedings, the City Council has determined that the project as conditioned and

mitigated will not result in a significant adverse impact on the environment and also finds that the preparation of the Mitigated Negative Declaration complies with CEQA. Therefore, the City Council hereby denies the appeal, revises the Planning Commission's decision and adopts the Mitigated Negative Declaration making certain environmental findings to allow improvements to the Abalone Cove Beach Park, located south of Palos Verdes Drive South.

PASSED, APPROVED, and ADOPTED this 5th day of July 2000.

/S/ LEE BYRD

MAYOR

ATTEST:

/S/ JO PURCELL

CITY CLERK

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

I, Jo Purcell, City Clerk of the City of Rancho Palos Verdes, hereby certify that the above Resolution No. 2000-42 was duly and regularly passed and adopted by the said City Council at a regular meeting held on July 5, 2000.

Jo Purcell, City Clerk  
City of Rancho Palos Verdes

**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**  
**for**  
**COASTAL PERMIT NO. 156**  
**VARIANCE NO. 448**  
**ABALONE COVE BEACH IMPROVEMENTS**

1. All construction shall be completed in substantial conformance to the plans approved by the City Council on July 5, 2000.
2. This approval is for the following Abalone Cove Beach improvements: widen/improve the existing access road to allow general public and fire department access to a new parking lot; construct a new beach area parking lot consisting of 15 parking spaces; construct a gate house/parking fee entry structure at the entrance to the new parking lot; rehabilitate the existing cabana structure; construct two shade structures of approximately 613 sq. ft. (24'-9" x 24'-9") each; beach amenities, including: improving existing concrete walkways surrounding the buildings, improve the existing beach staircase, construct a second beach staircase, install three picnic shelters, drinking fountains, outdoor showers, and sand volleyball court, install warning signs and educational kiosks related to the tide pools and sensitive habitat, and relocate playground equipment; enhance the existing foot trails from upper Abalone Cove Shoreline Park to the beach; beach improvements, including approximately 20-30 cubic yards of sand replenishment, removal of protruding steel in concrete riprap and general clean up; and grading to widen and improve the existing access road, to create the proposed parking lot, guard station and vehicle turnaround areas, to improve vehicular access to the recreation building, and to be used as a land stabilization effort. This amount of grading includes approximately 5,300 cubic yards of cut and approximately 4,770 cubic yards of fill, and 820 cubic yards of export for a total earth movement of approximately 10,890 cubic yards.
3. The Director of Planning, Building and Code Enforcement is authorized to make minor modifications to the approved plans or any of the conditions if such modifications achieve substantially the same results as would strict compliance with said plans and conditions. For any substantial modification, as determined by the Director of Planning, Building and Code Enforcement, an Amendment to the Coastal Permit and/or Variance shall require review and approval from the Planning Commission through a public hearing.
4. These approvals shall expire one year from the date of this action unless application for building permits is made. Extensions of up to one year may be granted by the City Council if requested prior to expiration.

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*Exhibit II*  
*local conditions*  
*P1*

5. The development shall comply with all mitigation measures found in the Mitigated Monitoring Program as adopted through Resolution No. 2000-\_\_.
6. An as-graded soils and geologic report, complete with geologic map, will be submitted and reviewed prior to issuance of a building permit.
7. All grading shall be monitored by a licensed engineering geologist and/or soils engineer in accordance with applicable provisions of the Municipal Code and the recommendations of the Director of Public Works and/or City Engineer.
8. Grading activity on the site shall occur in accordance with all applicable City safety standards.
9. All manufactured slopes shall be contour graded.
10. The use of a rock crusher is not permitted on the site.
11. All drainage swales and any other on-grade drainage facilities, including gunite, shall be of an earth tone color, as deemed necessary by the Director of Planning, Building and Code Enforcement.
12. The contractor shall be responsible for repairs to any neighboring streets, which may be damaged during development of the site. Prior to issuance of grading permits, the contractor shall post a bond, cash deposit or combination thereof, in an amount sufficient to cover the costs to repair any damage to streets and appurtenant structures as a result of this development.
13. Prior to the issuance of grading permits, the developer shall submit a Storm Water Pollution Prevention Plan. The Storm Water Pollution Plan shall be reviewed and approved by the Director of Public Works. The Storm Water Pollution Prevention Plan shall incorporate by detail or reference appropriate post-construction Best Management Practices (BMPs) to:
  - a. Implement, to the maximum extent practicable, requirements established by appropriate governmental agencies under CEQA, Section 404 of the Clean Water Act, local ordinances and other legal authorities intended to minimize impacts from storm water runoff on the biological integrity of natural drainage systems and water bodies;
  - b. Minimize, to the maximum extent practicable, parking lot pollution through the use of appropriate BMPs, such as retention, infiltration and good housekeeping.

A5 RPU 00296  
Exhibit 11 p2

- c. Establish reasonable limits on the clearing of vegetation from the project site including, but not limited to, regulation of the length of time during which soil may be exposed and, in certain sensitive cases, the prohibition of bare soil; and,
- d. Provide for appropriate permanent controls to reduce storm water pollutant load produced by the development site to the maximum extent practicable.

Further, the Storm Water Pollution Prevention Plan shall contain requirements to be adhered to during project construction. These practices should:

- (a. Include erosion and sediment control practices;
  - (b. Address multiple construction activity related pollutants;
  - (c. Focus on BMPs such as source minimization, education, good housekeeping, good waste management, and good site planning;
  - (d. Target construction areas and activities with the potential to generate significant pollutant loads;
  - (e. Require retention on the site, to the maximum extent practicable, of sediment, construction waste, and other pollutants from construction activity;
  - (f. Require, to the maximum extent practicable, management of excavated soil on site to minimize the amount of sediment that escapes to streets, drainage facilities, or adjoining properties;
  - (g. Require, to the maximum extent practicable, use of structural drainage controls to minimize the escape of sediment and other pollutants from the site;
  - (h. Require, to the maximum extent practicable, containment of runoff from equipment and vehicle washing at the construction sites, unless treated to remove sediments and pollutants.
14. The hours of operation for construction and grading activities shall be limited from Monday to Saturday, 7:00 a.m. to 7:00 p.m. No work on-site, equipment or vehicles shall be permitted before or after the hours indicated. No truck queuing or warming up of equipment or vehicles shall occur before 7:00 a.m.; flagmen shall be used during all construction activities as required by the Director of Public Works.
15. Prior to the issuance of a grading permit, a final grading plan shall be approved by the Director of Public Works and City Geologist. This grading plan shall be based on a detailed engineering, geology and/or soils engineering report and shall specifically be approved by the geologist and/or soils engineer and show all recommendations submitted by them.

Resolution No. 2000-43

Page 7 of 8

A-5-RPV 00-296 (City of RPV)

EXHIBIT 1 6 3

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16. A note shall be placed on the approved grading plan that requires the Director of Planning, Building and Code Enforcement approval of rough grading prior to final clearance. The Director (or a designated staff member) shall inspect the graded sites for accuracy of pad elevations and created slope gradients. The developer or their designee shall provide certification for all grading related matters.
17. All of the recommendations made by the Director of Public Works and the City Geologist during their on-going review of the project shall be incorporated into the approved grading plans.
18. Prior to approval of the 4d permit, the City shall obtain approval from the City Geologist for any irrigation needed to restore habitat at the subject site. Further, the City Geologist shall review and approve of all other irrigation proposed for the site that may be used to establish non-habitat type landscaping.
19. Operating Hours for the Abalone Cove Shoreline Park shall be as follows:

Season:

Weekdays, Memorial Day to Labor Day

Weekdays, Labor Day to Memorial Day

Weekend and School Holidays, throughout the year

Open Hours:

9am to 4pm

Noon to 4pm

9am to 4pm

On-site Staff shall have the ability to close the lower beach parking lot whenever they believe the beach is becoming overcrowded or any problems occur which make additional vehicles and people inadvisable.

The City of Rancho Palos Verdes may allow occasional special events at other times of the day (except evening hours after dusk), subject to approval of a Special Use Permit. No evening use of this facility shall occur. Any Special Use Permit shall be noticed to all property owners within a 500' radius of the subject site. When reviewing any Special Use Permit to allow use outside of the Open Hours noted within this condition, the City shall ensure that there will be no significant adverse impacts to nearby property owners related to lighting or noise.

A 5 RPU 00296  
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**MITIGATION MEASURES  
(Resolution No. 2000-42)**

**Abalone Cove Beach Improvement Project  
City of Rancho Palos Verdes**

Abbreviations appearing in the table below include:

**CE** = City Engineer  
**CBI** = City Building Inspector  
**CDPBCE** = City Department of Planning, Building and Code Enforcement

Mitigation Measure	Monitoring Responsibility and Timing	Mitigation Responsibility and Timing	Verification (Name and Date)
1. Parking and security lighting shall be kept to minimum safety standards and shall conform to all applicable City requirements. Fixtures shall be shielded to prevent lighting from illumination on or towards other properties; there shall be no spillover onto residential properties.	<b>CDPBCE</b> to check final plans. <b>CBI</b> to test lighting controls prior to issuance of Certificate of Occupancy.	Contractor to install lighting controls prior to issuance of Certificate of Occupancy.	
2. Contractor specifications shall include provisions for the development and implementation of a dust control plan. The plan shall be reviewed and approved by the Director of Planning, Building and Code Enforcement and Director of Public Works, prior to commencement of any grading, and/or prior to the issuance of a building permit. The specific measures which will constitute the plan shall include, but are not limited to, the following methods recommended by the SCAQMD: <ul style="list-style-type: none"> <li>• Apply approved non-toxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for four days or more).</li> </ul>	<b>CE</b> to check bid documents. <b>CBI</b> to monitor grading.	Contractor to include dust control plan in bid documents. Implement during grading.	

Mitigation Measure	Monitoring Responsibility and Timing	Mitigation Responsibility and Timing	Verification (Name and Date)
<ul style="list-style-type: none"> <li>• Replace ground cover in disturbed areas as quickly as possible.</li> <li>• Enclose, cover, or apply approved soil binders to exposed piles (i.e. gravel, sand, dirt) according to manufacturers' specifications.</li> <li>• Water active grading sites at least twice daily. The application of water shall occur under the direction of the City of Rancho Palos Verdes and/or their consulting geologist.</li> <li>• Suspend all excavating operations when wind speeds (as instantaneous gusts) exceed 25 mph.</li> <li>• All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (i.e. minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.</li> <li>• Sweep streets at the end of the day if visible soil material is carried over to adjacent roads.</li> <li>• Erect fabric-covered wind screens during excavation at the borrow area and around the sandy beach, if the sand replenishment work occurs on a windy day.</li> <li>• Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip. Wheel washing shall occur under the direction of the City of Rancho Palos Verdes and/or their consulting geologist.</li> <li>• Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces. The application of water shall occur under the direction of the City of Rancho Palos Verdes and/or their consulting geologist.</li> <li>• Enforce traffic speed limits of 15 mph or less on all unpaved roads.</li> <li>• Prohibit clearing and grading activities until a firm construction schedule has been set.</li> </ul>	<p>CE to check bid documents. CBI to monitor grading.</p>	<p>Contractor to include dust control plan in bid documents. Implement during grading.</p>	

Mitigation Measure	Monitoring Responsibility and Timing	Mitigation Responsibility and Timing	Verification (Name and Date)
<ul style="list-style-type: none"> <li>Use secure tarpaulin covers to protect soil, vegetation and debris stockpiles from wind and rain.</li> </ul>			
<p>3. Obtain an interim habitat loss permit from the Rancho Palos Verdes City Council, pursuant to the Federal Endangered Species Act Special 4(d) Rule. The permit shall be based on a mitigation plan consistent with the Natural Communities Conservation Program Conservation and Process Guidelines. The objective of the plan will be to restore habitat removed at borrow sites and any other graded areas containing coastal sage scrub (CSS) vegetation with a combination of CSS hydroseeding, container planting, and suitable topsoil, as determined by a qualified biologist. CSS revegetation shall occur within affected portions of the project site and at additional contiguous areas, such as the grassland in the upper level of Abalone Cove Shoreline Park. Total revegetation shall achieve a 3:1 ratio of revegetation area to CSS impact area. Monitor revegetation areas for a period of five years to ensure success.</p>	<p><b>CDPBCE</b> to retain qualified biologist to develop mitigation plan and prepare findings for Special 4(d) Rule Permit. Permit to be obtained prior to commencement of any grading.</p> <p><b>CDPBCE</b> to retain qualified biologist to monitor revegetation areas for five years.</p>	<p>City of Rancho Palos Verdes to implement mitigation plan prior to issuance of a Certificate of Occupancy. City to maintain revegetation areas to ensure successful re-establishment of CSS.</p>	
<p>4. Subject to review and approval by the Director of Planning, Building and Code Enforcement, and prior to issuance of any permits, conduct a pre-construction presence/absence survey for the gnatcatcher and cactus wren, to determine presence and distribution at the time of project construction. If either of these species is determined to be present, then no construction shall occur during their breeding season (February 15 to August 30).</p>	<p><b>CE</b> to check bid documents. <b>CDPBCE</b> to receive and approve biological monitor reports, provide compliance status to <b>CE</b>.</p>	<p>Contractor to include this measure in bid documents. Contractor to retain qualified biologist to perform bird surveys, provide guidance on avoiding impacts during construction.</p>	
<p>5. Grading activities will be preceded by a field walkover by a properly qualified professional archaeologist, to be selected by and who will provide a written report of findings to the Director of Planning, Building and Code Enforcement. The purpose of the field walkover is to examine the proposed project site for surficial evidence of archaeological remains prior to any earth movement,</p>	<p><b>CE</b> to check bid documents. <b>CDPBCE</b> to receive and approve archaeological monitor reports, submit compliance status to <b>CE</b>.</p>	<p>Contractor to include this measure in bid documents. <b>CDPBCE</b> to retain qualified archaeologist to conduct grading monitoring.</p>	

Mitigation Measure	Monitoring Responsibility and Timing	Mitigation Responsibility and Timing	Verification (Name and Date)
and to properly evaluate and record any artifacts that may be found. The archeologist shall then monitor all site grading to identify potentially significant resources that may be uncovered. If potentially significant remains are observed by the archaeologist, work shall be immediately halted and the find shall be examined to determine its nature, origin and significance for scientific purposes. Work may be resumed after a determination has been made that the find is insignificant, or that further excavation would not endanger important archaeological resources as defined by Section 15064.5 of the CEQA Guidelines.			
<p>6. An erosion and sediment control plan will be prepared and approved by the City of Rancho Palos Verdes Building Official, prior to commencement of any grading activities. Contractor specifications will include implementation of the approved plan. The plan shall provide a variety of soil stabilization and erosion control measures such as but not limited to:</p> <ul style="list-style-type: none"> <li>• Suspend excavation activities during periods of high winds and/or heavy rains.</li> <li>• Minimize exposed surfaces in area and time.</li> <li>• Re-seed and/or compact erodible areas as soon as possible.</li> <li>• Retain existing vegetation where possible.</li> <li>• Prohibit clearing and grading activities until a firm construction schedule has been set.</li> <li>• Utilize sandbags to prevent excessive run-off.</li> <li>• Use tarpaulin covers to protect soil stockpiles from wind and rain.</li> <li>• Sweep hardscape surfaces to remove loose soils and place them into stockpiles.</li> <li>• Use of erosion blankets or filter fabrics, stabilizing stakes or other suitable soil stabilization techniques</li> </ul>	<p>CE to check bid documents. CBI to monitor construction activities.</p>	<p>Contractor to include erosion and sedimentation control plan in bid documents, and implement throughout construction.</p>	

Mitigation Measure	Monitoring Responsibility and Timing	Mitigation Responsibility and Timing	Verification (Name and Date)
<ul style="list-style-type: none"> <li>Place sandbags to prevent run-off.</li> <li>Apply good housekeeping practices to reduce and contain construction wastes and fuel spillage</li> </ul>			
<p>A paleontological resources mitigation program will be developed and implemented by a qualified vertebrate paleontologist. The program shall be submitted for review and approval by the Director of Planning, Building and Code Enforcement, prior to the issuance of grading permits. This program will include the following elements:</p> <ul style="list-style-type: none"> <li>Full-time monitoring of excavation in area identified as likely to contain paleontologic resources by a qualified paleontologic monitor. The monitor should be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor will be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens.</li> <li>Preparation of recovered specimens to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates.</li> <li>Identification and curation of specimens into a museum repository with permanent retrievable storage.</li> <li>Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the Director of Planning, Building and Code Enforcement, would signify completion of the paleontologic resource mitigation program.</li> </ul>	<p>CE to check bid documents. CDPBCE to review and approve mitigation program prior to issuance of a grading permit. DPBCE to receive and approve archaeological monitor reports, submit compliance status to CE.</p>	<p>Contractor to include paleontological monitoring requirement in bid documents.</p> <p>CDPBCE to retain qualified paleontologist to prepare mitigation program and to monitor grading.</p>	
<p>8. Contractor specifications shall include noise reduction measures including, but not limited to, the following:</p>	<p>CE to check bid documents. CBI to monitor construction activities.</p>	<p>Contractor to include these noise controls in bid documents, and implement throughout</p>	

Mitigation Measure	Monitoring Responsibility and Timing	Mitigation Responsibility and Timing	Verification (Name and Date)
<ul style="list-style-type: none"> <li>Construction equipment shall be equipped with mufflers and/or other effective noise reduction devices. All equipment and noise muffling devices shall be properly maintained throughout construction.</li> <li>Construction activities shall be limited to weekdays, between the hours of 7:00 AM and 4:00 PM. Vehicles and equipment shall not be started before 7:00 AM.</li> </ul>		construction.	



U.S. Fish and Wildlife Service  
Carlsbad Fish and Wildlife Office  
2730 Loker Avenue, West  
Carlsbad, California 92008  
(760) 431-9440  
FAX (760) 431-5902 + 9618



CA Dept. of Fish & Game  
4949 Viewridge Avenue  
San Diego, California 92123  
(619) 467-4201  
FAX (619) 467-4239

June 14, 1999

Greg Pfost  
Planning Department  
City of Rancho Palos Verdes  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, California 90275

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JUN 15 1999

PLANNING, BUILDING  
& CODE ENF.

Comments on the Draft Mitigated Negative Declaration for the Abalone Cove Beach  
Improvement Project, City of Rancho Palos Verdes, Los Angeles County  
(SCH#99051037)

Dear Mr. Pfost:

The Department of Fish and Game (Department) and the U.S. Fish and Wildlife Service (Service) have reviewed the above-referenced draft Mitigated Negative Declaration (MND). The project site lies along the shoreline and coastal terrace of Abalone Cove, west of Portuguese Point in the City of Rancho Palos Verdes (City). The City signed a Natural Community Conservation Program (NCCP) planning agreement with the Service and Department on February 26, 1996. Accordingly, the three signatories are required to ensure that approval of proposed projects during the interim planning period are consistent with NCCP guidelines. The site is part of a proposed reserve in the draft Rancho Palos Verdes NCCP Subarea Plan.

The project proposes improvements to the Abalone Cove shoreline area including: construction of a restroom/storage area, a gate house, parking lot, and shade structures, and widen and improve the existing access road, improve the cabana structure, enhance foot trails, and various beach amenities. Grading will be necessary and a total earth movement of approximately 10,371 cubic yards is proposed. All of the grading and site improvements are proposed to be completed within 50 working days.

The initial study states that a staff biologist from Helix Environmental Planning conducted reconnaissance surveys of the site in October 1998. Habitat onsite consisted of coastal bluff scrub that contains elements of coastal sage scrub and ruderal vegetation. The grading would remove five patches (approximately 0.24 acres total) of coastal sage scrub for construction of the access road and parking lot. Additional coastal sage scrub will be removed from two borrow areas whose placement and size are still under consideration. The initial study estimates that an additional 0.4 to 0.3 acres of coastal sage scrub could be removed from the eastern

A-5-RPV 00-296 (City of RPV)  
EXHIBIT 13

✓ USFWS / DFG letter



Greg Pfost  
Page 2  
June 14, 1999

borrow site. Impacts from the western borrow area vary from 0.0 to 0.15 acres of coastal sage scrub removed. Total impacts in the worst-case scenario would amount to 1.19 acres of coastal sage scrub removed.

The Federally threatened coastal California gnatcatcher (*Poliophtila californica californica*) was observed onsite during these surveys. Other sensitive species potentially occurring onsite include the Pacific pocket mouse (*Perognathus longimembris pacificus*), cactus wren (*Campylorhynchus brunneicapillus*), Palos Verdes Blue (*Glaucopsyche lygdamus palosverdesensis*) and El Segundo Blue (*Euphilotes battoides allyni*) butterflies, beach spectaclepod (*Dithyrea maritima*) and Lyon's pentachaeta (*Pentachaeta lyonii*).

The initial study proposes the applicant mitigate for impacts by revegetating the borrow sites and any other graded areas previously containing coastal sage scrub. Additionally, restoration of coastal sage scrub vegetation cover would occur in contiguous areas in the upper level of Abalone Cove Shoreline Park to achieve a 3:1 ratio of revegetation to impact area. A restoration plan should be prepared and approved by the resource agencies. The revegetated areas would be monitored for a period of five (5) years to ensure success.

We offer the following comments:

Prior to project approval, we request that the City submit a draft interim habitat loss permit to the Service and Department, addressing consistency with the 4(d) Conservation and Process Guidelines before the resource agencies can concur that the proposed project meets the criteria under NCCP and mitigation measures provided herein are acceptable.

The Department and Service are concerned with the further loss of coastal sage scrub and listed and sensitive species. Upon review of the Rancho Palos Verdes NCCP Subarea Plan Phase I Summary Report (Report), it was determined that the proposed Abalone Cove Beach Improvement project would impact an area containing high quality coastal sage scrub and southern coastal bluff scrub, a habitat that is found only in a very narrow band along the shoreline. Inland parts of the site are also identified as areas of high habitat restoration potential. The site is an important habitat area as well as part of a planned linkage area linking core resource areas in the proposed NCCP. The resource agencies recommend the placing of the borrow sites in areas that minimize impacts to the coastal sage scrub and coastal bluff scrub habitat or the utilization of offsite borrow areas. Restoration efforts as a result of mitigation could then be directed toward areas of ruderal vegetation onsite, thereby enhancing the wildlife corridor by augmenting the existing native habitat. All clearing and construction activities should be undertaken outside of the breeding season (February 15-August 31).

Flora and fauna surveys conducted during the fall are generally inadequate for assessing impacts to annual plants as stated in the MND. In addition to the potential sensitive species

A 5 RPU 002.6  
Exhibit 13  
p2

96

Greg Pfost

Page 3

June 14, 1999

listed in the initial study, the Report identifies the area as having suitable habitat for the San Diego horned lizard (*Phrynosoma coronatum blainvillisi*), aphanisma (*Aphanisma blitoides*), south coast saltscale (*Atriplex pacifica*), Catalina crossosoma (*Crossosoma californicum*), Santa Catalina Island desert thorn (*Lycium brevipes* var. *hasseri*), bright green dudleya (*Dudleya viridis*), seaside calandrinia (*Calandrinia maritima*), western dichondra (*Dichondra occidentalis*) and wooly seablite (*Suaeda torrifolia*). Coast buckwheat (*Eriogonum parvifolium*), the larval host plant of the Federally endangered El Segundo Blue butterfly, has been known to occur in Southern Coastal Bluff Scrub in the region and the area was found to have moderate habitat restoration potential for the ocean milk-vetch, larval host plant for the Federally endangered Palos Verdes Blue butterfly. The high number of sensitive plant species, including host species for endangered butterflies, suggests that a spring survey for these plants is warranted. Most of these plant species could still be surveyed for this spring, and we recommend that a resurvey be conducted soon.

The revised MND should include results of the surveys, locations where sensitive species are found, and a discussion of projected impacts and the viability of the site as habitat for any sensitive species present.

We request that the City withhold its decision on the MND until the resource agencies and the City have had an opportunity to conduct a site visit and ensure that the project is consistent with the draft reserve design alternatives proposed for the NCCP. The resource agencies expect that these issues will be addressed and that the City's findings for issuance of an interim Habitat Loss Permit will be submitted to the Service for final concurrence. The Department and the Service appreciate the opportunity to comment the MND. We are available to work with the City and their consultants to obtain the necessary permits for the proposed project and that any interim project is consistent with the City's NCCP. Please contact Warren Wong at (619) 467-4223, of the Department or Mary Beth Woulfe at (760) 431-9440, of the Service, if you have any questions or comments concerning this letter.

Sincerely,

  
Jim A. Bartel  
Assistant Field Supervisor

  
William E. Tippetts  
Habitat Conservation Supervisor

cc: Department of Fish and Game  
William E. Tippetts

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Exhibit 13 p 3

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Greg Pfost  
Page 4  
June 14, 1999

U.S. Fish and Wildlife Service  
Mary Beth Woulfe

U.S. Army Corps of Engineers

California Coastal Commission  
Pam Emerson

State Clearinghouse

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98

AS 2PV  
00 296  
Exhibit 13  
84



ABALONE COVE

#### PUBLIC RECREATIONAL ACTIVITY AREAS

WITHIN THE COASTAL REGION, PUBLIC RECREATIONAL FACILITIES ARE PROVIDED FOR BY LOS ANGELES COUNTY. THESE FACILITIES ARE PLANNED, DEVELOPED, AND OPERATED BY EITHER THE DEPARTMENT OF BEACHES OR THE DEPARTMENT OF PARKS AND RECREATION. FROM TIME TO TIME PROBLEMS OVER THE COORDINATION AND USE OF RECREATIONAL FACILITIES ARISE DUE TO THE JURISDICTIONAL SEPARATION OF THEIR CONTROL BY THE COUNTY RATHER THAN THE CITY. REGARDLESS OF THESE PROBLEMS, LOS ANGELES COUNTY

IS CURRENTLY THE SOLE SOURCE OF SUPPORTING AND MAINTAINING OPEN SPACE LANDS FOR THE PUBLIC'S USE.

LOS ANGELES COUNTY CURRENTLY EITHER OPERATES AND/OR OWNS 171 ACRES OF PARK LAND WITHIN THE COASTAL REGION (SEE FIGURE 17). THIS ACREAGE INCLUDES FOUR SEPARATE PARK SITES WHICH ACCOUNT FOR 17.3% OF THE ENTIRE COASTAL REGION. ONLY ONE PARK, POINT VICENTE FISHERY ACCESS, IS COMPLETELY DEVELOPED WITH BOTH ABALONE COVE BEACH AND THE POINT VICENTE BEACH SITES BEING PARTIALLY DEVELOPED BUT IN CURRENT OPERATION. SHORELINE PARK, THE FOURTH SITE, IS UNDEVELOPED WITH NO FORMAL PLANS FOR ITS DEVELOPMENT AT THIS TIME. WHEN AND IF SHORELINE PARK IS DEVELOPED, THE UTILIZATION OF THE SITE WILL BE CONSTRAINED BY THE COMPLEX GEOLOGIC PROBLEMS THAT ENCOMPASS MOST OF THIS SITE (REFER TO SUBREGION 8).

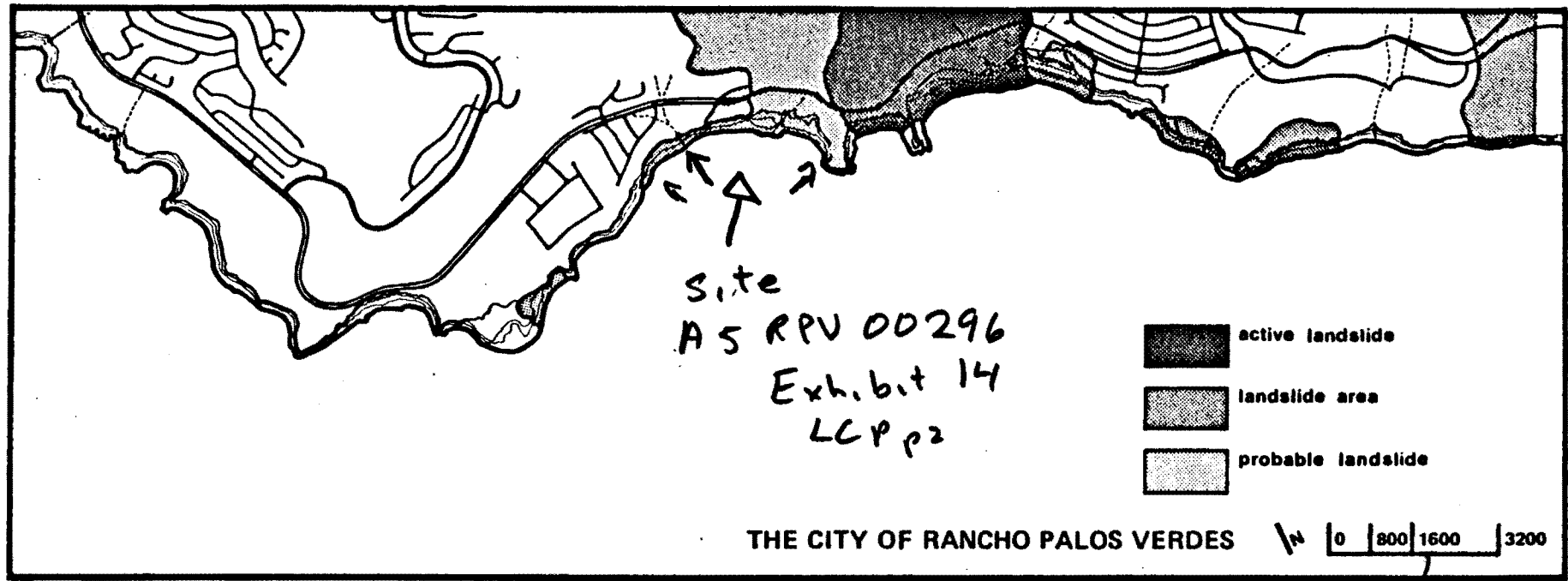
#### ADDITIONAL RECREATIONAL FACILITIES

ALTHOUGH THIS PLAN DOES NOT DIRECTLY DELINEATE SPECIFIC ADDITIONAL RECREATIONAL AREAS IT IS RECOGNIZED THAT FACILITIES MAY BE ADDED IF PROPOSALS BELOW ARE CARRIED OUT. DUE TO THE UNCERTAINTY AND FINANCIAL COMMITMENT ACCOMPANYING SUCH PROPOSALS, THIS PLAN HAS DESIGNATED NON-RECREATIONAL USES FOR AFFECTED SITES ON THE LAND USE PLAN. THE PRIMARY LAND USES (THE NON-RECREATIONAL USES) REFLECT THE CITY'S CONCLUSION AS TO WHAT ARE PHYSICALLY AND FINANCIALLY SOUND LAND USE DECISIONS AT THIS TIME FOR THIS JURISDICTION, WHICH HAS PRIMARY RESPONSIBILITY FOR THEIR PLANNING.

A5 RPV 00 296

F. I. J. 141 (LLP)

figure 7 landslides



RESPECT TO THE DISTANCE FROM THE FAULT AND GEOLOGIC MAKEUP IN A SPECIFIC AREA. IN GENERAL, MORE SEVERE WAVE PATTERNS WILL BE INCURRED BY LANDS IN THE SOUTHERN PORTION OF THE COASTAL REGION AND PROGRESSIVELY DIMINISH TOWARDS THE WEST. WHEN THE DISTANCE FACTOR IS COUPLED WITH SURFACE FACTORS (MONTEREY FORMATION OR TERRACE DEPOSIT), THE AMPLIFICATION SPECTRA USED IN TABLE 4 CAN BE EXPECTED FOR THE RESPECTIVE MAGNITUDES.

CONCLUSIONS DRAWN FROM DATA INDICATE THAT EARTHQUAKES WITH A MAGNITUDE OF 5.6 OR GREATER WILL INDUCE GROUND SHAKING WHICH EXCEEDS UNIFORM BUILDING CODE REQUIREMENTS. THE EXPECTED RECURRENCE INTERVAL FOR SUCH

EARTHQUAKES IS 150 YEARS FOR A MAGNITUDE OF 5.6 AND 300 YEARS FOR A MAGNITUDE OF 6.5.

THE "MAXIMUM CREDIBLE" EARTHQUAKE FOR THIS FAULT IS A 7.7 MAGNITUDE. SINCE THE RECURRENCE INTERVAL FOR AN EVENT OF THIS MAGNITUDE IS APPROXIMATELY 1000 YEARS AND THE SOUTHERN SEGMENT MOVED ONLY 40 YEARS AGO, THIS POTENTIAL EVENT IS NOT CONSIDERED AS TO HAVE A SUFFICIENTLY HIGH PROBABILITY OF OCCURRENCE TO WARRANT ANALYSIS (SEE PAGE 155 OF THE GENERAL PLAN).

#### SAN ANDREAS FAULT

THE COASTAL REGION LIES APPROXIMATELY 55 MILES FROM THE SAN ANDREAS FAULT. BECAUSE

Exh 14 p2 LCP

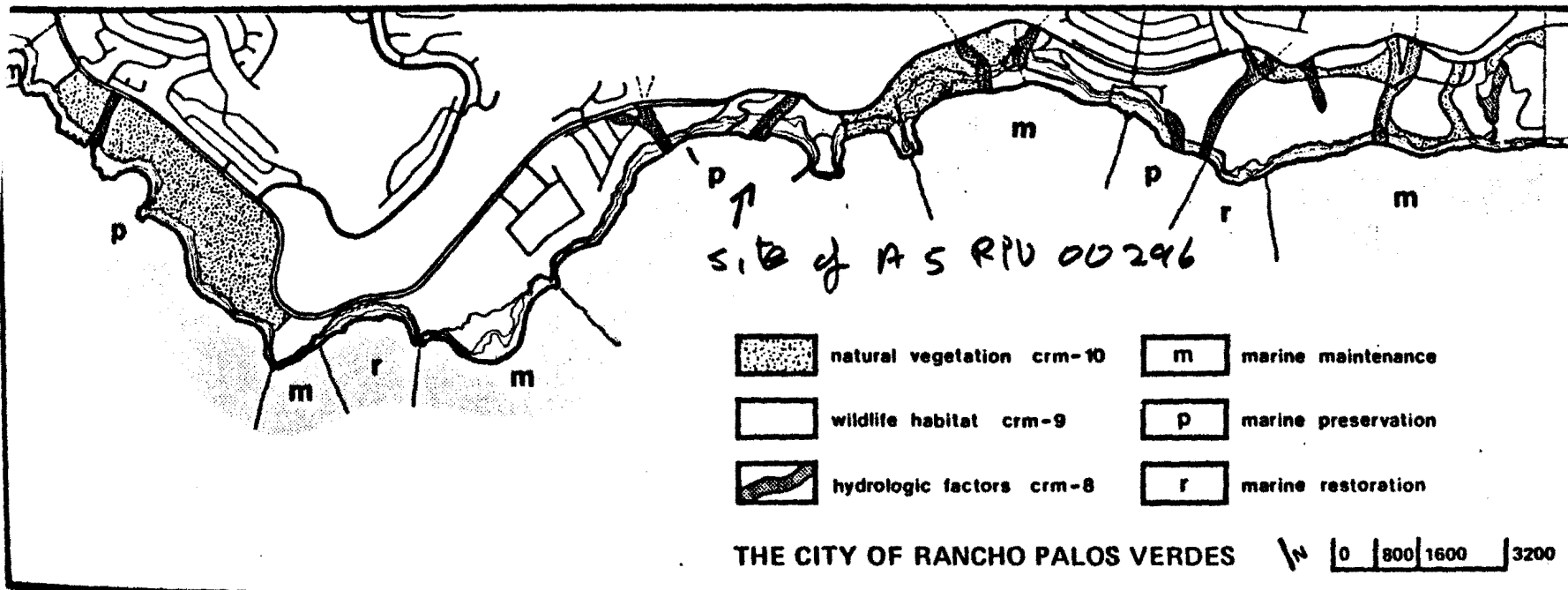
CH ARE DIRECTLY ASSOCIATED WITH VEGETATION COMMUNITIES. THESE ARE GENERALLY FOUND ON BLUFF FACES AND NATURAL CANYONS WHERE WILDLIFE THRIVES DUE TO THE PROTECTION AND FOOD FOUND FROM THE NATURAL VEGETATION. THOUGH THERE ARE NO FORMALLY COGNIZED ENDANGERED OR RARE SPECIES OF WILDLIFE OR VEGETATION, THESE WILDLIFE HABITATS ARE SIGNIFICANT BECAUSE OF THE DIVERSITY AND NUMBERS OF WILDLIFE WHICH ARE ASSOCIATED WITH THEM. ADDITIONALLY, THE NATURAL VEGETATION OF MOUNTAINS AND WILD FLOWERS FOUND ON THE HILLSIDES AND CANYONS GIVES A UNIQUE

ENVIRONMENTAL CHARACTER TO THE CITY WHICH, IF TO BE PRESERVED, REQUIRES CONSIDERATION OF THE NATURAL DRAINAGE SYSTEM AND TOPOGRAPHY.

THE AREAS FOR PRESERVATION OF NATURAL RESOURCES MAP (FIGURE 12) IDENTIFIES CRITICAL NATURAL RESOURCES. THESE ARE CALLED OUT ON THE MAP AS FOLLOWS:

HYDROLOGIC FACTORS	8
WILDLIFE HABITATS	9
OTHER NATURAL VEGETATION AREAS	10

Figure 12 areas for preservation of natural resources



A 5 RPV 00296 LLP  
Exhibit 14 p 3

## AREAS FOR PRESERVATION OF NATURAL RESOURCES

THE COMPONENT ELEMENTS AND THEIR NUMERIC  
CODE ARE AS FOLLOWS:

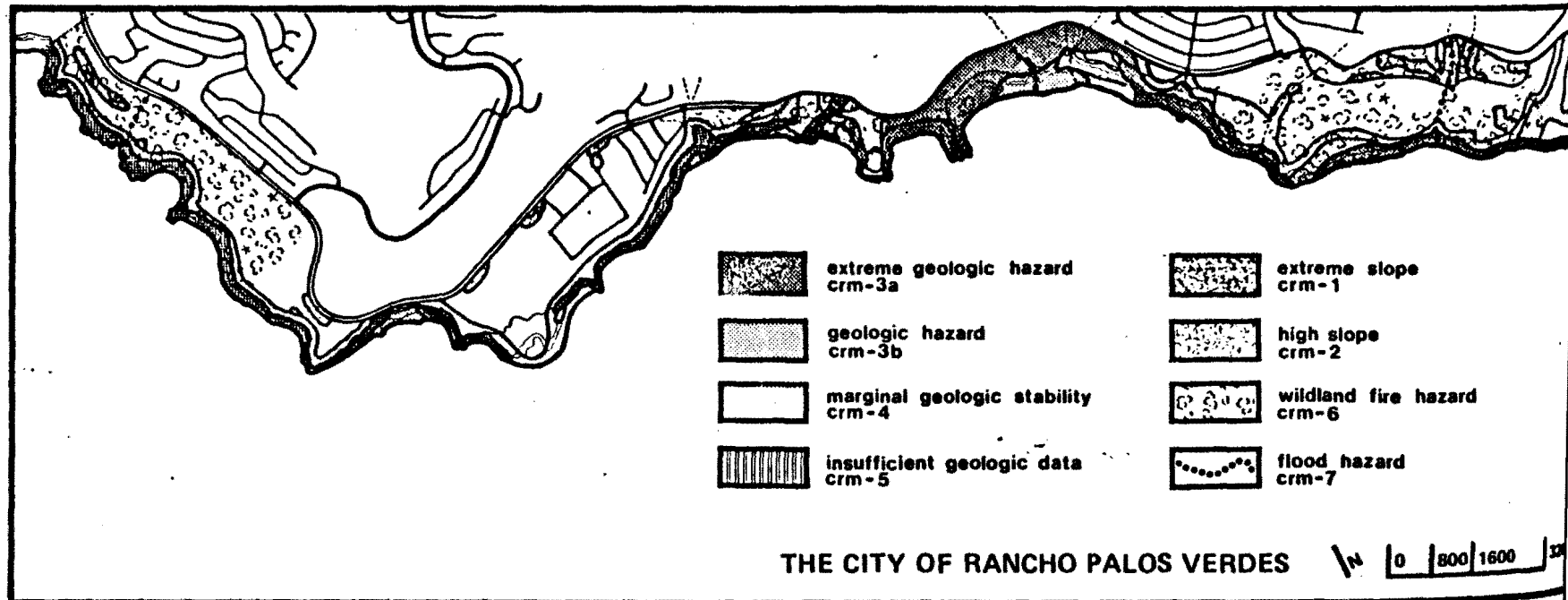
EXTREME SLOPE	1
HIGH SLOPE	2
HAZARD	3
A EXTREME	
B HIGH	
MARGINALLY STABLE	4
INSUFFICIENT INFORMATION	5
WILDLAND FIRE HAZARD	6
FLOOD/INUNDATION	7

THESE AREAS ARE FOR CONSERVATION OF PLANT  
AND ANIMAL LIFE, HABITATS FOR MARINE  
ORGANISMS AND WILDLIFE SPECIES, AREAS FOR  
ECOLOGICAL AND OTHER SCIENTIFIC STUDIES,  
AND ANY OTHER UNIQUE NATURAL RESOURCES  
WITHIN THE CITY.

THE INTERTIDAL MARINE RESOURCE IS ONE OF  
THE MOST SIGNIFICANT RESOURCES WITHIN  
RANCHO PALOS VERDES AND IS DEPENDENT UPON  
PROPER MANAGEMENT OF THE LAND ENVIRONMENT  
AS IT INTERACTS WITH THE OCEAN.

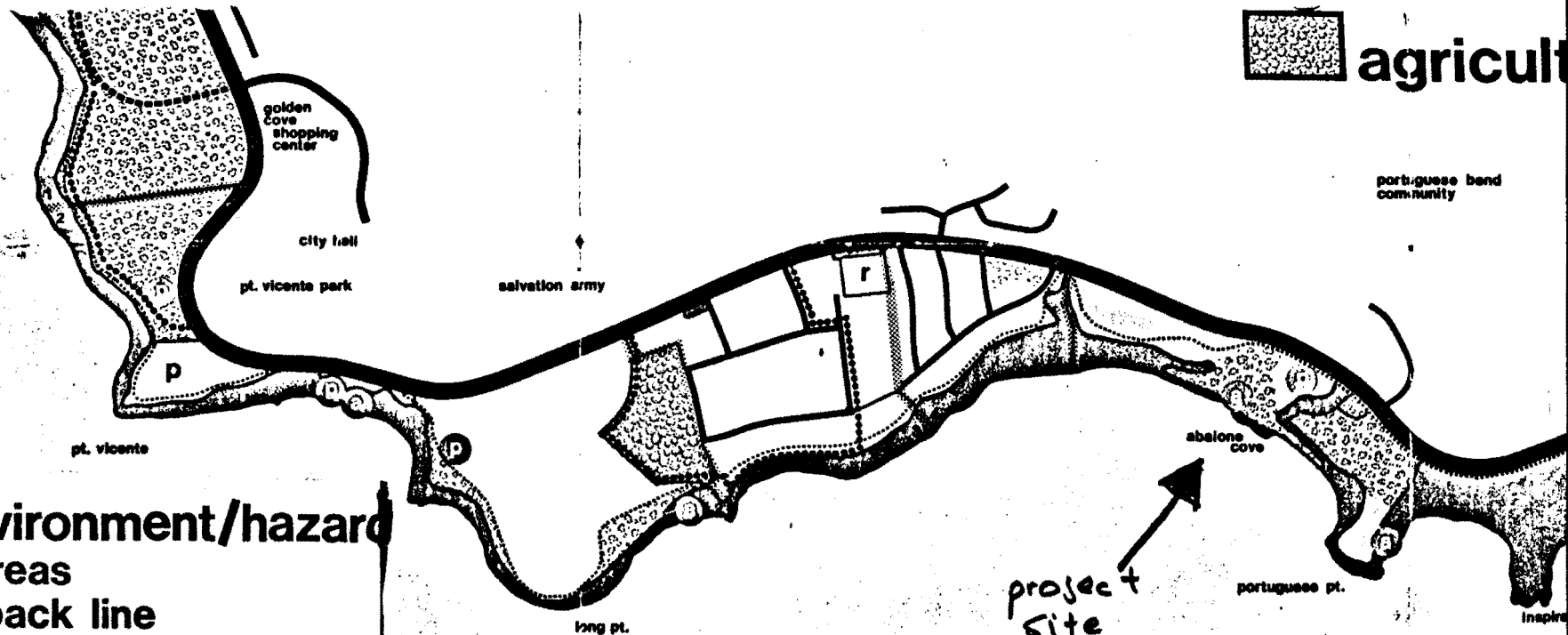
THERE ALSO EXIST IN THE COASTAL REGION A  
NUMBER OF SIGNIFICANT WILDLIFE HABITATS

figure 11 areas for consideration of public health and safety





agricult



### natural environment/hazard

- hazard areas
- bluff setback line

### recreation

- parkland
- bluff access
- parking

### agricultural

- agriculture



subregion boundary  
control districts



natural

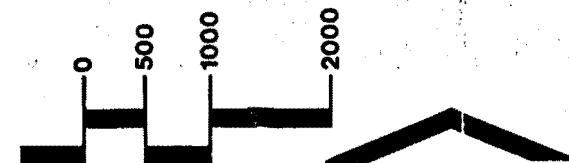
- \* urban
- \* socio/cultural
- \* the entire coastal area is designated with the above two districts

# land use map

## coastal specific plan

## rancho palos verdes

adopted december 19, 1978



A-5-RPV 00-296 (City of RPV)  
EXHIBIT 14 P 7

A 5 R P V 00 296



**MEMORANDUM**

**TO:** David McBride, Engineer, RPV **DATE:** November 30, 1998  
**FROM:** Perry Ehlig, City Geologist  
**COPIES:** Dean Allison, Les Evans, Robert Merrell  
**SUBJECT:** Engineering Geologic Review of Proposed Plan for  
Abalone Cove Beach Improvement

**INTRODUCTION**

At your request, I have reviewed the proposed plan for improvements at Abalone Cove Beach in order to evaluate their effect on the Abalone Cove landslide. The undated Site Plan has a scale of 1 inch equals 40 feet and was prepared by Robert Merrell, a registered civil engineer. As I understand the proposed plan, the existing road that extends from Palos Verdes Drive South to the beach facilities west of the Abalone Cove landslide will be widened to two lanes and paved. A parking lot with 45 parking spaces will be constructed in the area once occupied by tennis courts. An entrance booth will be installed on an island in the road on the seaward side of the parking lot. New facilities will be constructed in the area west of the existing beach buildings. These will be west of the Abalone Cove landslide and will have no effects on its stability or the stability of the surrounding area providing it is connected to the public sewer and does not have on site sewage disposal.

The proposed plan will have only a minor effect on the stability of the Abalone Cove landslide providing the recommendations presented below are followed. However, the plans need to be integrated with long-term plans to improve the stability of the portion of the Abalone cove landslide that is seaward of Palos Verdes Drive South as discussed below.

**COMMENTS ON PROPOSED ROAD**

The proposed road will improve the existing road. If widening is by a local balance of cut and fill, the widening will not effect the mass balance in the landslide and it will have no effect on stability. However, it is important to conduct road runoff to the ocean without permitting runoff to permeate into the landslide. A paved drainage ditch should be constructed along the west (downhill) side of the road to transport runoff from the road and adjacent unimproved areas to the ocean. If the existing half-round culvert is retained, the culvert can be used to remove runoff from the uphill part of the proposed drainage ditch. The existing entrance to the half-round culvert is at the edge of the proposed road near elevation 101 feet. It will have to be moved several feet northwest. The lower part of the road and parking lot can be drained into the existing culvert that extends beneath this area to the beach. Drainage improvements will reduce the rise in the water table during periods of high rainfall, thereby improving stability.

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(178)

A5 RPV 00 296  
Exhibit 15  
pl geo review

A mound of uplifted earth currently exists in the vicinity of the proposed Entrance Booth seaward of the proposed parking lot. The plan requires as much as 5 feet of earth to be cut from this mound. The mound formed in a previously level parking lot as a result of compression during sliding. It duplicates a mound that was removed during construction of the parking lot prior to modern sliding. This suggests that the mound offers resistance to sliding and its removal will decrease resistance to sliding. Therefore, it would be wise to raise the level of the road a few feet in the vicinity of the mound. Also, stability would be improved by raising the elevation of the road to the southeast of the Entrance Booth. Of course, road drainage should be directed to an inlet directly above the existing storm drain.

### COMMENTS ON PARKING LOT

The western and central parts of the proposed parking lot require a few feet of cut and the southeast corner requires several feet of fill. This will slightly improve stability. Since good drainage is important to stability, it would be beneficial to level the area between the parking lot and the road so as to create good drainage. Any excess cut should be placed as fill on the seaward side of the road southeast of the entrance booth.

The existing well near the southeast edge of the parking lot should be preserved. Casing can be added to raise it to the level of the proposed ground surface and the existing case can be placed over it.

### LONG-TERM PLANS

The planned beach improvement should be integrated into long-term plans to improve the stability of the beach area. The proposed beach parking lot and much of the road are within the least stable part of the Abalone Cove landslide. This is the area where movement began in 1974 and the area of greatest total displacement. Its movement removes support from the area further uphill. Therefore, ACLAD needs to improve the stability of this area.

Several things can be done to improve the stability of this area. The recommended drainage improvements will increase the factor of safety a few percent. But more is needed to produce a significant increase in the factor of safety. Two valuable improvements would be the construction of a non-erosive berm along the seaward edge of the slide and removal of slide material from the area between the proposed parking area and Palos Verdes Drive South. The combination could be performed as a balanced cut and fill. Of course, rock would have to be imported to protective the seaward side of the berm. A combination of the latter two actions could raise the factor of safety of the seaward part of the slide from about 1.05 with improved drainage to about 1.40.

The attached cross section AA' (Fig. 1) extends through the center of the proposed parking lot parallel to the direction of slide movement. (Note that end coordinates are shown on the cross section.) The cross section shows the part of the Abalone Cove landslide that began moving in 1974, four years prior to movement uphill from Palos

A 5 RPV 00 296  
Exhibit 15  
p2

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17A

Verdes Drive. The top cross section shows the slide as it exists today under high ground water conditions. A tentative stability analysis is shown in Table 1. (The analysis would have to be reviewed by a licensed geotechnical engineer to be official since analyzing stability is within their purview). A cohesion (C) of 150 psf was assigned in the analysis and the angle of internal friction ( $\phi$ ) was calculated for a factor of safety of 1.00. The calculated angle of internal friction is 9 degrees under these conditions, as shown in Table 1.

The bottom cross section shows the water table lowered from 0 to 6 feet across the area and the effect of the lowering is shown in Table 1. The cross section would tentatively have a factor of safety of 1.04 after the water table was lowered.

Table 1. Stability analyses of cross section AA' (Fig. 1) used to determine angle of internal friction when factor of safety is 1.00. A density of 114 pcf is used above the water table and a density of 120 pcf is used below the water table.

Element	Volume in Cubic feet	Mass in KIPS	Dip of slide base	Driving force DF = M sin(dip)	Cohesion (150 psf)	Resisting mass RM = Mcos(dip)
I below water	396	47.5	- 10	- 8.2	10.0	22.5
I above water 0	0	0	- 10			
II below water	2,600	312.0	0	0	21.0	149.8
II above water	1,800	205.2	0	0		205.2
III below water	3,600	432.0	7	52.6	27.2	97.8
III above water	4,500	513.0	7	62.5		509.0
IV below water	1,700	204.0	12	42.4	26.1	95.8
IV above water	6,120	697.7	12	145.1		682.5
V below water	40	4.8	35	2.8	3.7	1.9
V above water	880	100.3	35	57.5		82.2
VI above water	290	33.1	70	11.3	4.4	11.3
				385.8 kips	92.4 kips	1858.0 kips

$$\frac{385.8 - 92.4}{1858} = \frac{293.4}{1858} = 0.1579117 = \tan 9.0$$

$$\text{When angle of internal friction equals } 9.0, \text{ factor of safety} = \frac{386.7}{385.8} = 1.00$$

Factor of safety when water table lowered as much as 6 feet, as shown in lower cross section.

Change in resisting force 13.3 kips      Change in driving force -1.0 kips

$$\text{Factor of safety} = \frac{400.0}{384.8} = 1.04$$

Factor of safety with lowered water table (as above) and with shoreline protection and berm added and uphill cut performed as shown in lower cross section. Rock (or concrete) added in element I is assigned a bulk density of 125 pcf.

Change in resisting force 31.8 kips      Change in driving force -73.7 kips

$$\text{Factor of safety} = \frac{431.8}{311.1} = 1.39$$

The bottom cross section also shows the combined cut and fill grading proposed. Calculations presented in Table 1 tentatively indicate the proposed lowering of the water table and grading would increase the factor of safety to 1.39.

In the area immediately uphill from cross section AA', the factor of safety could be increased further by installing shear pins through the slide base. The slide base is shallower in this area than elsewhere and the recommended cut would make the slide only 50 to 60 feet thick over a large area. Shear pins would prevent creep that affects Palos Verdes Drive South in the vicinity of Wayfarers Chapel.

Cost is a major factor that has prevented construction of a berm with shoreline protection. The use of scrap concrete would reduce the cost of the shoreline protection. Scrap

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P3

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Figure 1. Cross section through proposed beach parking lot showing profile of seaward segment of Abalone Cove landslide used in tentative stability analyses presented in Table 1.

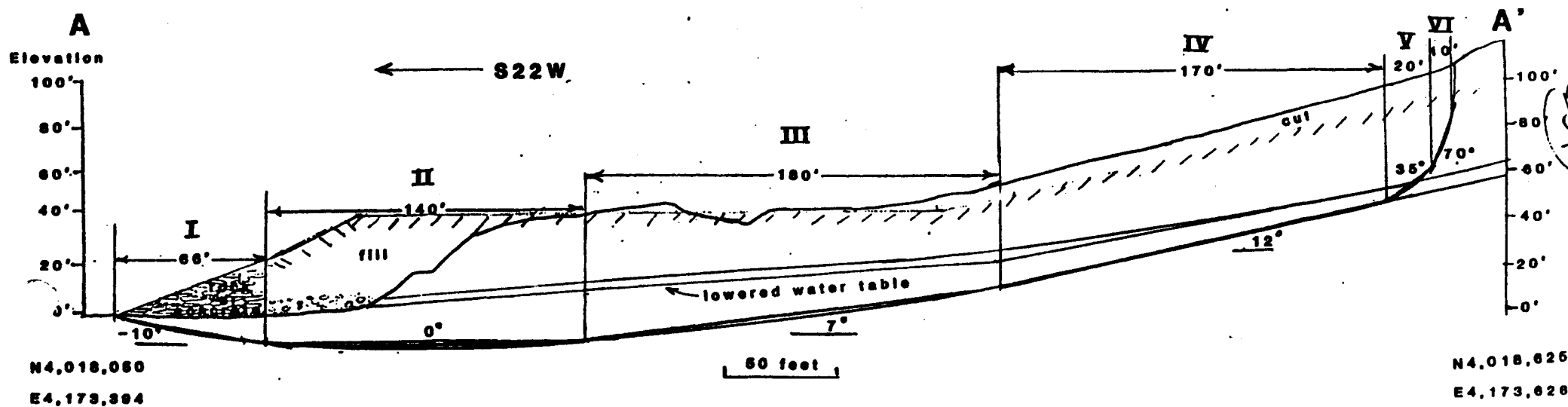
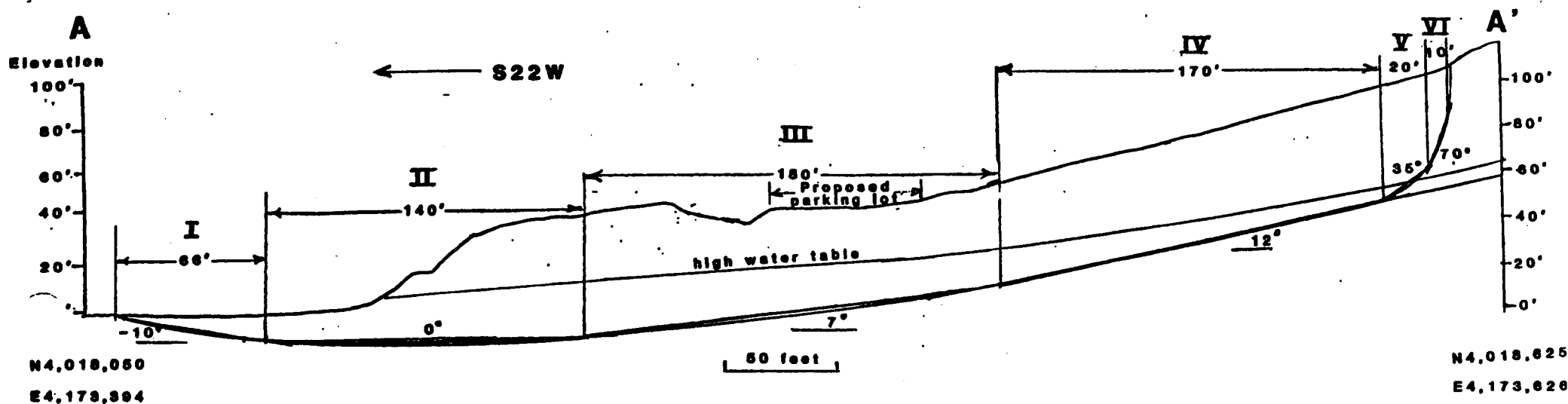


Exhibit "A"

A 5 QPV 022  
Exh. 44  
84

concrete is currently in use to prevent wave erosion in front of the existing beach buildings. Although much of this concrete is unattractive, greater selectivity and more careful placement of concrete could create an attractive shoreline. Concrete slabs from sidewalks, curbs, driveways and floor slabs could be placed to produce a stable 3:1 slope that extends 20 feet above sea level. Concrete rubble could be used to form a drained base beneath the facing material. Concrete or gunite, tinted to resemble natural bedrock, could be used to coat the surface so as to increase its resistance to wave action and improve its appearance.

### CONCLUSIONS AND RECOMMENDATIONS

1. The proposed beach improvement project will have a slightly beneficial effect on the stability of the subject part of the Abalone Cove landslide providing drainage improvements are made. The proposed construction of facilities west of the Abalone Cove landslide will have no effect on the stability of the area providing that the facilities are attached to the public sewer system.
2. Proposed beach improvements should be integrated with long-term plans to improve the stability of the beach area. A suggested plan could increase the factor of safety to about 1.40.

AS RPU 00296  
Exh. 6 + 15 A 5

0.10' = 1.2"  
 0.20' = 2.4"  
 0.30' = 3.6"  
 0.40' = 4.8"  
 0.50' = 6.0"

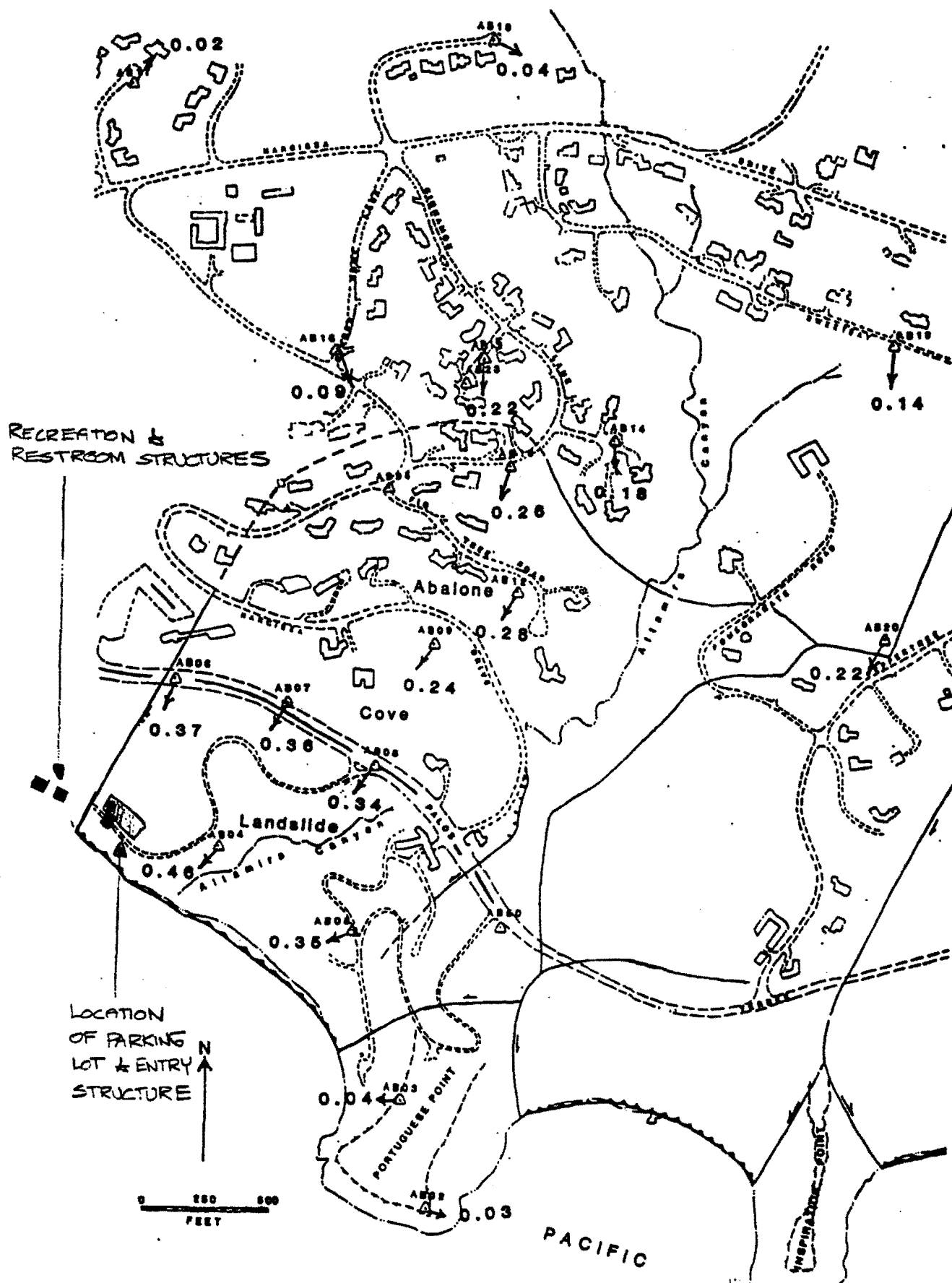
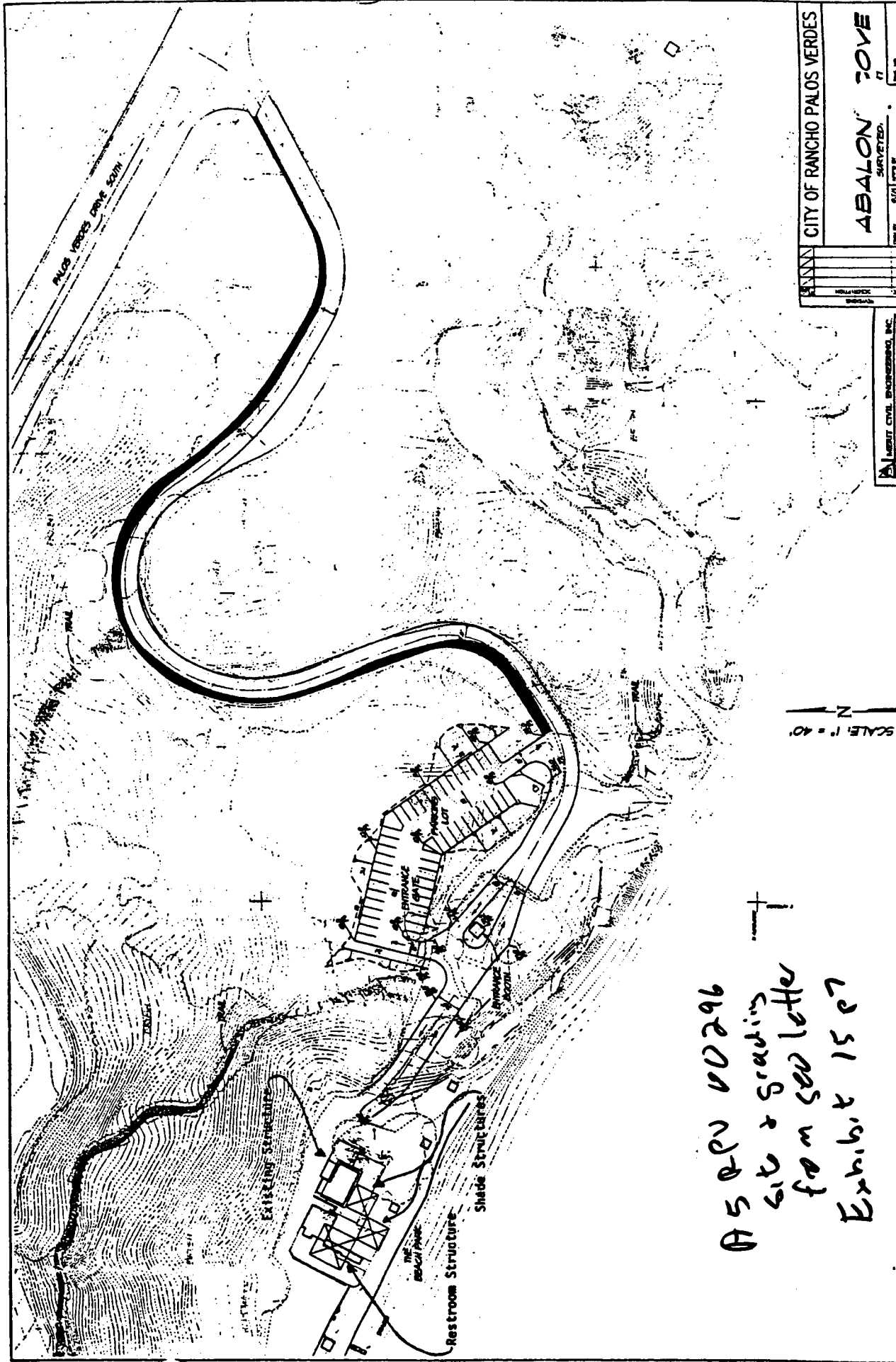


Figure 1. Map of Abalone Cove area showing location of GPS monuments and the direction and amount of horizontal displacement measured during the 4.4 year period from 8/14/94 to 1/8-12/99.

A5RRV00296  
 Exhibit 15 pb

184



AS PER 00296  
site & grading  
from sep letter  
Exhibit 1507

Exhibit "C"



March 4, 1999

P.N. 97082-195

Mr. David McBride, Senior Engineer  
CITY OF RANCHO PALOS VERDES  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275-5391

Subject: Geologic Review and Comments in regards to "Engineering Geologic Review of Proposed Plan for Abalone Cove Beach Improvement, by Perry Ehlig, dated November 30, 1998," Rancho Palos Verdes, California.

Reference: Perry Ehlig, Memorandum: Engineering Geologic Review of Proposed Plan for Abalone Cove Beach Improvement, dated November 30, 1998, Rancho Palos Verdes, California

Account Number: 330-930-560-35

Dear Mr. McBride:

In accordance with your request, Zeiser Kling Consultants, Inc. has completed a review of the above referenced report by Perry Ehlig in regards to the Proposed Plan for Abalone Cove Beach Improvements.

This firm is in concurrence with the report by Perry Ehlig and agrees with the conclusions presented in the report. It is this firm's opinion that the above referenced memorandum is sufficient to demonstrate that the proposed project will not aggravate the existing landslide. However, it is recommended that further studies by an engineering geologist and a geotechnical engineer be accomplished prior to implementing any long term plans to improve stability.

Staff has recommended that 3,300 cubic yards of material be moved from the slope above the proposed parking lot to the area between the proposed parking lot and the ocean. Discussions with Dr. Ehlig have confirmed that he has proposed this option to the City with the recommendation that only the amount of material that may be placed without the need for shoreline protection may be moved. It has been estimated by the City that 3,500 cubic yards can be moved without shoreline protection. This figure should be verified and grading plans amended prior to grading. Grading, foundation and erosion plans, when finalized, should be reviewed by the consultant.

Re-analysis of report data and/or calculations, preparation of amended construction or design recommendations and field inspection are specifically not included within our scope of services as a third party reviewer.

ASR 00296  
Exhibit 16  
Peer Review

1221 E. Dyer Road • Suite 105 • Santa Ana, CA 92705 • (714) 755-1355 • Fax (714) 755-1366

Geotechnical Engineering • Engineering Geology • Materials Testing and Inspection



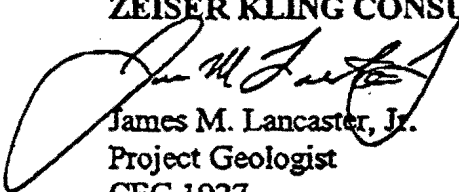
CITY OF RANCHO PALOS VERDES  
March 4, 1999

PN 97082-195

We appreciate this opportunity to be of continued service to the City of Rancho Palos Verdes.  
Please do not hesitate to call if you have any questions regarding the content of this letter.

Sincerely,

ZEISER KLING CONSULTANTS, INC.



James M. Lancaster, Jr.  
Project Geologist  
CEG 1927  
Expires 6/30/00

JL:lw

Dist.: (2) Addressee

A5 RPU 00296  
Exhibit 16  
p2  
Peer Review

(186)

1995 Aerial AS QPU 00296  
Exhibit 17

