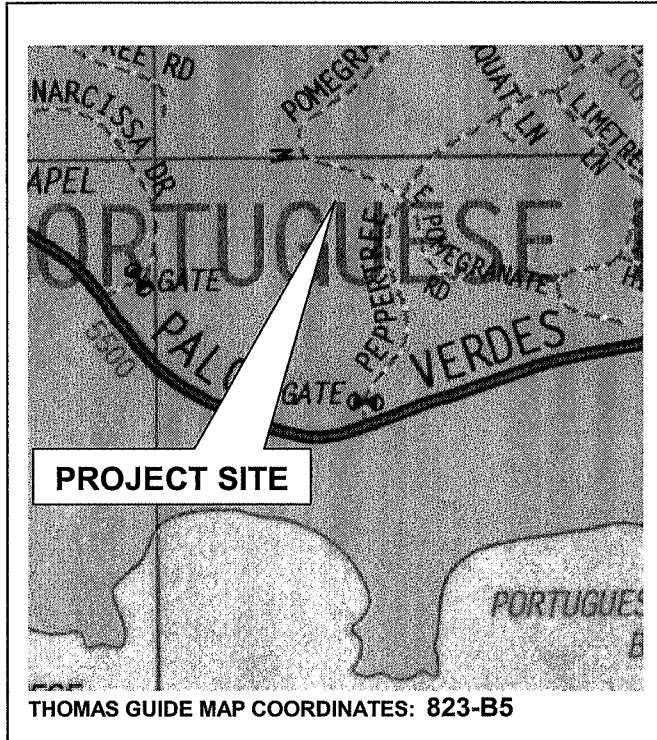


STAFF REPORT



RANCHO PALOS VERDES

DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT



STAFF COORDINATOR: KIT FOX, AICP, ASSOCIATE PLANNER

REQUESTED ACTION: AFTER-THE-FACT APPROVAL OF A REVISION TO A REMEDIAL GRADING PERMIT FOR THE IMPORTATION OF EIGHT HUNDRED CUBIC YARDS (800 CY) OF FILL FOR RIDING ARENAS AT THE PORTUGUESE BEND PONY CLUB

RECOMMENDATION: ADOPT P.C. RESOLUTION NO. 2007-__, CONDITIONALLY APPROVING THE REQUESTED REMEDIAL GRADING PERMIT REVISION (CASE NO. ZON2007-00506)

REFERENCES:

- ZONING: RS-1/OC-3 & OH
- LAND USE: PORTUGUESE BEND PONY CLUB
- CODE SECTIONS: 15.20.040(F), 17.76.040(F)
- GENERAL PLAN: RESIDENTIAL 1-2 DU/ACRE & HAZARD AREA
- TRAILS PLAN: SECTION 3, SEGMENT K1 (CHARLOTTE'S HILL TRAIL)
- SPECIFIC PLAN: N/A

30940 Hawthorne Boulevard / Rancho Palos Verdes, CA 90275-5391
Planning & Code Enforcement Divisions: (310) 544-5228 / Building Division: (310) 265-7800 / Department FAX: (310) 544-5293
www.palosverdes.com/rpv

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TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: DIRECTOR OF PLANNING, BUILDING & CODE ENFORCEMENT

DATE: DECEMBER 11, 2007

SUBJECT: CASE NO. ZON2007-00506 (REMEDIAL GRADING PERMIT REVISION)

PROJECT ADDRESS: 2 WEST POMEGRANATE ROAD

APPLICANT: ROBERT DOUGLAS
33 SWEETBAY RD.
RPV, CA 90275
PHONE: (310) 544-2291

LANDOWNER: BROWN FAMILY TRUST
PO BOX 89
BONSALL, CA 92003
PHONE: (760) 723-5383

**Staff Report: Planning Case No. ZON2007-00506 (ACLAD-Brown)
December 11, 2007**

CEQA STATUS: CATEGORICALLY EXEMPT (SECTION 15304)

ACTION DEADLINE: DECEMBER 30, 2007

PLANNING COMMISSIONERS WITHIN 500-FOOT NOTIFICATION RADIUS: NONE

BACKGROUND

On November 30, 2006, the City received an application for a remedial grading permit (Planning Case No. ZON2006-00633) from the Abalone Cove Landslide Abatement District (ACLAD) on behalf of the Brown Family Trust, the owner of the property located at 2 West Pomegranate Road. The request was for remedial grading to fill a depression on the site of the Portuguese Bend Pony Club facilities. The initial application exceeded five thousand cubic yards (5,000 CY) of combined cut and fill, which would have required Planning Commission review. Therefore, ACLAD revised the proposal to fall below this threshold. ACLAD and the property owner also requested a waiver of the application fee, which was granted by the City Council on December 19, 2006. The Director subsequently approved the remedial grading permit for four thousand eight hundred forty-four cubic yards (4,844 CY) of remedial grading on December 20, 2006. This approval included no provision of any importation of fill to the subject property since none was proposed by the applicant. The applicant completed the approved grading in early 2007.

On September 10, 2007, the Code Enforcement Division received a complaint about the importation of a substantial amount of fill to the subject property. The grading contractor, who apparently believed that he had permission to import fill pursuant to Planning Case No. ZON2006-00633, was advised to cease importing fill. ACLAD and the property owner were subsequently advised that they needed to obtain the approval of a revision to Planning Case No. ZON2006-00633 to allow the importation of fill on September 18, 2007.

On October 16, 2007, ACLAD and the property owner applied for a revision to the previously-approved remedial grading permit (Planning Case No. ZON2007-00506). The request was for after-the-fact approval of the importation of eight hundred cubic yards (800 CY) of fill. The application was deemed complete for processing on October 31, 2007.

SITE AND PROJECT DESCRIPTION

The subject property is an irregularly-shaped 13.78-acre parcel that is improved with the Portuguese Bend Pony Club facility in the *Portuguese Bend* community. The site is surrounded by detached, single-family residences and vacant residential lots on all sides. The site's General Plan land use and zoning designations are Residential 1-2 DU/acre and Hazard Area and RS-1/OH, respectively. The portion of the property that is zoned RS-1 also falls within the Urban Appearance (OC-3) Overlay Control District. Furthermore, the entire property falls within the City's Landslide Moratorium Area.

The proposed project requests after-the-fact approval of eight hundred cubic yards (800 CY) of fill. The purpose of this fill is to "recondition" the compacted soil within the Pony Club's riding arenas to make them suitable again for equestrian use. The fill will be spread at a depth of six inches (6") over the area of the arenas for this purpose.

CODE CONSIDERATIONS AND ANALYSIS

Pursuant to Section 17.76.040(D)(4) of the Rancho Palos Verdes Development Code (RPVDC), an application involving five thousand cubic yards (5,000 CY) or more of remedial grading within any 2-year period requires Planning Commission approval. As discussed above, the original approval of Planning Case No. ZON2006-00633 fell below this threshold. However, with the additional eight hundred cubic yards (800 CY) of remedial grading now proposed, Planning Commission review and approval is now required.

In considering a remedial grading permit application, RPVDC Section 17.76.040(F) requires the Planning Commission to evaluate the project against up to eleven (11) criteria (RPVDC language is **boldface**, followed by Staff's analysis in normal type):

- 1. The maximum vertical height of cut or fill should not exceed that which is necessary to enhance soil stability and reduce geotechnical hazards due to natural land movement or the presence of natural hazards, except that fissures of any depth may be filled to the level of the adjacent ground surface. Such grading should be designed to reduce the local topographic relief and in no case should fill be placed on a slope steeper than thirty-five percent such that it might cause a soil slip or mud-flow.**

The proposed maximum depth of fill is six inches (6"). The fill will be placed within existing, flat riding arenas on the subject property. Staff believes that this grading will be consistent with existing site topography and will not contribute to soil-slip or mud-flow. Therefore, Staff believes that this criterion has been met by the proposed project.

- 2. Where remedial grading on a residential lot involves importation of fill material from a source outside of the lot, no more than that which is necessary to enhance soil stability and reduce geotechnical hazards due to natural land movement or the presence of natural hazards should be permitted.**

The subject property is not developed with a residence, although a portion of it is zoned for such purpose. Nevertheless, the proposed grading involves the placement of roughly six inches (6") of fill on less than an acre of the 13.78-acre parcel. Staff believes that this is no more grading than necessary to enhance soil stability and quality. Furthermore, the City Geologist will need to review and approve the placement of this fill. Therefore, Staff believes that this criterion has been met by the proposed project.

- 3. Remedial grading along private roads should be restricted to maintaining the roads in a safe and usable condition and to improving surface drainage so that runoff water does not flow into closed depressions or fissures. In areas adjacent to scarps, the crests of the scarps should be periodically lowered so as to reduce the volume of imported fill needed to maintain the proper road grade on the down-thrown sides of the scarps. In no event shall remedial grading bring the road surface higher than the original grade. Such remedial grading should be the responsibility of the appropriate homeowners association or the adjacent property owners.**

The proposed project does not involve grading on private roads. Therefore, this criterion is not applicable to the proposed project.

- 4. Stockpiling will be allowed for road repair and remedial grading; providing, the stockpiles in any given area do not exceed two hundred cubic yards (200 CY), are not in yard areas visible from any right-of-way and are not stockpiled for more than six (6) months.**

The proposed project does not involve stockpiling of soil. Therefore, this criterion is not applicable to the proposed project.

- 5. Remedial grading shall be designed to improve surface drainage and in no case cause ponding or surface runoff so as to increase the likelihood of surface water infiltration.**

The placement of additional fill in the arena areas is intended to "recondition" the compacted soil to make it suitable for equestrian use. This fill will be placed and spread in a manner so as to avoid ponding or surface runoff. Therefore, Staff believes that this criterion has been met by the proposed project.

- 6. The nature of the grading shall minimize disturbance to the natural contours and finished contours should remain reasonably natural.**

The additional fill will add roughly six inches (6") of soil to less than an acre of the 13.78-acre property. The fill will be placed within existing flat arena areas, while the remaining hilly topography of the site will not be altered. Therefore, Staff believes that this criterion has been met by the proposed project.

- 7. The grading shall take into account the preservation of natural topographic features and appearances by means of land sculpturing so as to blend any man-made or manufactured slope into the natural topography.**

As mentioned above, the proposed fill will be placed in flat areas of the property. The sloping portions of the site will not be altered as a result of the additional fill. Therefore, Staff believes that this criterion has been met by the proposed project.

- 8. The grading shall avoid or minimize disturbance to coastal sage scrub habitat. If disturbances or impacts to coastal sage scrub are unavoidable, all impacts shall be mitigated to the satisfaction of the City.**

There is coastal sage scrub habitat on some areas of the subject property. However, there is no habitat in the portion of the property where the placement of additional fill is proposed. Therefore, Staff believes that this criterion has been met by the proposed project.

- 9. Where appropriate, the grading shall include provisions for the preservation and introduction of plant materials so as to protect slopes from soil erosion and slippage and minimize the visual effects of grading and construction on hillside areas.**

The previously-approved remedial grading permit involved alteration of slopes surrounding one of the riding arenas, and included a condition of approval requiring appropriate revegetation of slopes. This condition remains in effect. The proposed fill, however, will be placed on the "floor" of the riding arenas, so the planting of these areas would not be appropriate. Therefore, Staff believes that this criterion has been met by the proposed project.

- 10. Where appropriate, the grading should utilize street designs and improvements which serve to minimize grading alternatives and harmonize with the natural contours and character of the hillside.**

The proposed project does not involve modifications to streets or other public infrastructure. Therefore, this criterion is not applicable to the proposed project.

- 11. The grading should not cause excessive and unnecessary scarring of the natural landscape through removal of vegetation.**

The proposed project does not involve removal of vegetation. Therefore, this criterion is not applicable to the proposed project.

For all of the above-mentioned reasons, Staff recommends conditional approval of the requested remedial grading permit revision.

ADDITIONAL INFORMATION

Landslide Moratorium Consistency

The subject property is located in the City's Landslide Moratorium Area (LMA). Section 15.20.040(F) of the Rancho Palos Verdes Municipal Code (RPVMC) permits remedial grading in the LMA without the approval of a landslide moratorium exception permit, so long as a remedial grading permit is issued.

Conceptual Trails Plan Consistency

The Conceptual Trails Plan (CTP) describes the *Charlotte's Hill* trail (Section 3, Segment K1) as "[following] the eastern side of Altamira Canyon to a vista point on the top of Charlotte's Hill," which is located near the southwesterly corner of the subject property. The trail has not been fully developed or dedicated for public use. However, the proposed remedial grading would not conflict the possible future implementation of this trail segment.

Overlay Control District Consistency

As mentioned above, a portion of the property falls within the Urban Appearance (OC-3) Overlay Control District. However, since no grading is proposed within this portion of the property, Staff believes that the approval of the requested remedial grading permit revision will not conflict with any of the OC-3 performance criteria.

Conditional Large Domestic Animal Permit Consistency

On August 1, 2006, the City Council granted a 5-year extension of the conditional large domestic animal permit (Planning Case No. ZON2005-00523) for the continued operation of the Portuguese Bend Pony Club on the subject property. The proposed remedial grading facilitates the Pony Club's continued use of the site, in compliance with the conditional large domestic animal permit.

Public Notification

On November 21, 2007, notices were mailed to the applicant, the property owner, thirty-two (32) property owners within a 500-foot radius of the project site, the Portuguese Bend Pony Club and the Portuguese Bend Community Association. Public notice of this application was published in the Palos Verdes *Peninsula News* on November 24, 2007. As of the date that this report was completed, Staff had received one (1) e-mail comment from a notified party in support of the requested remedial grading (see attachments).

**Staff Report: Planning Case No. ZON2007-00506 (ACLAD-Brown)
December 11, 2007**

CEQA Compliance

The proposed project involves the placement of fill in a disturbed area of a property that is already improved with facilities for the Portuguese Bend Pony Club. As such, Staff determined that this project is categorically exempt (Class 4 – Minor Alterations to Land) from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15304(c) of the CEQA Guidelines.

Permit Streamlining Act Compliance

The application for Planning Case No. ZON2007-00506 was deemed complete for processing on October 31, 2007. Since the project has been determined to be exempt from the provisions of CEQA (see discussion above), the Permit Streamlining Act requires a decision in this matter to be rendered within sixty (60) days of the date that the application was deemed complete. As such, the decision deadline for this application is December 30, 2007.

CONCLUSION

Based upon the discussion above, Staff recommends conditional approval of the requested remedial grading permit revision (Planning Case No. ZON2007-00506).

ALTERNATIVES

In addition to the Staff recommendation, the following alternatives are available for the Planning Commission's consideration:

1. Approve the remedial grading permit revision with modifications, and direct Staff to prepare an appropriate P.C. Resolution and conditions of approval for Planning Commission consideration at the next meeting.
2. Deny the remedial grading permit revision without prejudice, and direct Staff to prepare an appropriate P.C. Resolution for Planning Commission consideration at the next meeting.
3. Identify any issues of concern with the proposed project, provide Staff and/or the applicant with direction in modifying the project, and continue the public hearing to a date certain.

Please note that it will be necessary to obtain an extension of the action deadline from the project applicant if this project is continued beyond the current December 30, 2007, action deadline.

Staff Report: Planning Case No. ZON2007-00506 (ACLAD-Brown)
December 11, 2007

Attachments:

Draft PC Resolution No. 2007-____
Description of revised grading proposal
Planning Clearance and approved plans for Planning Case No. ZON2006-00633
Public correspondence

P.C. RESOLUTION NO. 2007-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES CONDITIONALLY APPROVING A REMEDIAL GRADING PERMIT REVISION (PLANNING CASE NO. ZON2007-00506) FOR AFTER-THE-FACT APPROVAL OF EIGHT HUNDRED CUBIC YARDS (800 CY) OF FILL ON THE SITE OF THE PORTUGUESE BEND PONY CLUB, LOCATED AT 2 WEST POMEGRANATE ROAD

WHEREAS, on December 20, 2006, the Director of Planning, Building and Code Enforcement approved a remedial grading permit (Planning Case No. ZON2006-00633) for 4,844 cubic yards of remedial grading on the 13.78-acre Pony Club site to fill a depression and reduce the infiltration of water, but with no provision of the importation of fill; and the approved remedial grading was completed in early 2007; and,

WHEREAS, on September 10, 2007, the City's Code Enforcement Division received a complaint about the importation of fill to the Pony Club site; and,

WHEREAS, on October 16, 2007, the applicant and the property owner, the Abalone Cove Landslide Abatement District (ACLAD) and the Brown Family Trust, respectively, submitted an application for Planning Case No. ZON2007-00506 for a revision to the previously-approved remedial grading permit for after-the-fact approval of the importation of 800 cubic yards of fill; and,

WHEREAS, on October 31, 2007, the application for Planning Case No. ZON2007-00506 was deemed complete by Staff; and,

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 *et. seq.* ("CEQA"), the State's CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 *et. seq.*, the City's Local CEQA Guidelines, and Government Code Section 65962.5(f) (Hazardous Waste and Substances Statement), Staff found no evidence that the approval of the requested remedial grading permit revision would have a significant effect on the environment and, therefore, the proposed project has been found to be categorically exempt (Section 15304); and,

WHEREAS, after notice issued pursuant to the requirements of the Rancho Palos Verdes Development Code, the Planning Commission held a duly-noticed public hearing on December 11, 2007, at which time all interested parties were given an opportunity to be heard and present evidence.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

Section 1: The Planning Commission makes the following findings of fact with respect to the application for a remedial grading permit revision for after-the-fact approval of the importation of 800 cubic yards of fill to the subject property:

- A. The maximum vertical height of cut or fill should not exceed that which is necessary to enhance soil stability and reduce geotechnical hazards due to natural land movement or the presence of natural hazards, except that fissures of any depth may be filled to the level of the adjacent ground surface. Such grading should be designed to reduce the local topographic relief and in no case should fill be placed on a slope steeper than thirty-five percent (35%) such that it might cause a soil slip or mud-flow. The proposed maximum depth of fill is six inches (6"). The fill will be placed within existing, flat riding arenas on the subject property. This grading will be consistent with existing site topography and will not contribute to soil-slip or mud-flow.
- B. Where remedial grading on a residential lot involves importation of fill material from a source outside of the lot, no more than that which is necessary to enhance soil stability and reduce geotechnical hazards due to natural land movement or the presence of natural hazards should be permitted. The subject property is not developed with a residence. Nevertheless, the proposed grading involves the placement of roughly six inches (6") of fill on less than an acre of the 13.78-acre parcel. This is no more grading than necessary to enhance soil stability and quality.
- C. Remedial grading shall be designed to improve surface drainage and in no case cause ponding or surface runoff so as to increase the likelihood of surface water infiltration. The placement of additional fill in the arena areas is intended to "recondition" the compacted soil to make it suitable for equestrian use. This fill will be placed and spread in a manner so as to avoid ponding or surface runoff.
- D. The nature of the grading shall minimize disturbance to the natural contours and finished contours should remain reasonably natural. The additional fill will add roughly six inches (6") of soil to less than an acre of the 13.78-acre property. The fill will be placed within existing flat arena areas, while the remaining hilly topography of the site will not be altered.
- E. The grading shall take into account the preservation of natural topographic features and appearances by means of land sculpturing so as to blend any man-made or manufactured slope into the natural topography. As mentioned above, the proposed fill will be placed in flat areas of the property. The sloping portions of the site will not be altered as a result of the additional fill.
- F. The grading shall avoid or minimize disturbance to coastal sage scrub habitat. If disturbances or impacts to coastal sage scrub are unavoidable, all impacts shall be mitigated to the satisfaction of the City. There is coastal sage scrub habitat on some areas of the subject property. However, there is no habitat in the portion of the property where the placement of additional fill is proposed.

- G. Where appropriate, the grading shall include provisions for the preservation and introduction of plant materials so as to protect slopes from soil erosion and slippage and minimize the visual effects of grading and construction on hillside areas. The previously-approved remedial grading permit involved alteration of slopes surrounding one of the riding arenas, and included a condition of approval requiring appropriate revegetation of slopes. This condition remains in effect. The proposed fill, however, will be placed on the "floor" of the riding arenas, so the planting of these areas would not be appropriate.

Section 2: Any interested person aggrieved by this decision or by any portion of this decision may appeal to the City Council. Pursuant to Section 17.76.040(H) of the Rancho Palos Verdes Municipal Code, any such appeal must be filed with the City, in writing, setting forth the grounds of the appeal and any specific actions requested by the appellant, and accompanied by the appropriate fee, no later than fifteen (15) days following December 11, 2007, the date of the Planning Commission's final action. Due to the closure of City Hall from December 24, 2007, through January 1, 2008, the appeal period shall end on January 4, 2008.

Section 3: For the foregoing reasons and based on the information and findings included in the Staff Report, Minutes and other records of proceedings, the Planning Commission of the City of Rancho Palos Verdes hereby conditionally approves a remedial grading permit revision (Planning Case No. ZON2007-00506) for after-the-fact approval of eight hundred cubic yards (800 cy) of fill on the site of the Portuguese Bend Pony Club, located at 2 West Pomegranate Road, subject to the conditions of approval in the attached Exhibit 'A'.

PASSED, APPROVED, AND ADOPTED this ___th day of December 2007, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

RECUSALS:

Bill Gerstner
Chairman

Joel Rojas, AICP
Director of Planning, Building
and Code Enforcement; and,
Secretary to the Planning Commission

EXHIBIT 'A'
CONDITIONS OF APPROVAL FOR
PLANNING CASE NO. ZON2007-00506
(ACLAD-Brown, 2 West Pomegranate Road)

General Conditions:

1. Prior to the submittal of plans into Building and Safety plan check, the applicant and the property owner shall submit to the City a statement, in writing, that they have read, understand, and agree to all conditions of approval contained in this Resolution. Failure to provide said written statement within ninety (90) days following date of this approval shall render this approval null and void.
2. Approval of this permit shall not be construed as a waiver of applicable and appropriate zoning regulations, or any Federal, State, County and/or City laws and regulations. Unless otherwise expressly specified, all other requirements of the City of Rancho Palos Verdes Municipal Code shall apply.
3. This approval is for after-the-fact approval of the importation of fill to existing riding arenas on the Portuguese Bend Pony Club site. The Director of Planning, Building and Code Enforcement is authorized to make minor modifications to the approved plans and any of the conditions of approval if such modifications will achieve substantially the same results as would strict compliance with the approved plans and conditions. Otherwise, any substantive change to the project shall require approval of a revision to the remedial grading permit revision by the Planning Commission and shall require new and separate environmental review.
4. All project development on the site shall conform to the specific standards contained in these conditions of approval or, if not addressed herein, in the RS-1 and OH district development standards of the City's Municipal Code.
5. Failure to comply with and adhere to all of these conditions of approval may be cause to revoke the approval of the project by the Planning Commission after conducting a public hearing on the matter.
6. If the project has not been established (i.e., building permits obtained) within one year of the final effective date of this Resolution, or if construction has not commenced within one hundred eighty (180) days of the issuance of building permits, approval of the project shall expire and be of no further effect unless, prior to expiration, a written request for extension is filed with the Department of Planning, Building and Code Enforcement and approved by the Director. Otherwise, a remedial grading permit revision must be approved prior to further development.

7. In the event that any of these conditions conflict with the recommendations and/or requirements of another permitting agency or City department, the stricter standard shall apply.
8. Unless otherwise designated in these conditions, all construction shall be completed in substantial conformance with the plans stamped APPROVED by the City with the effective date of this Resolution.
9. The construction site and adjacent public and private properties and streets shall be kept free of all loose materials resembling trash and debris in excess of that material used for immediate construction purposes. Such excess material may include, but not be limited to: the accumulation of debris, garbage, lumber, scrap metal, concrete asphalt, piles of earth, salvage materials, abandoned or discarded furniture, appliances or other household fixtures.
10. Permitted hours and days for construction activity are 7:00 AM to 7:00 PM, Monday through Saturday, with no construction activity permitted on Sundays or on the legal holidays specified in Section 17.96.920 of the Rancho Palos Verdes Development Code. Trucks and other construction vehicles shall not park, queue and/or idle at the project site or in the adjoining public rights-of-way before 7:00 AM, Monday through Saturday, in accordance with the permitted hours of construction stated above.

Grading Permit Conditions:

11. This approval is for 800 cubic yard of fill to be placed and spread in two (2) existing riding arenas on the Portuguese Bend Pony Club site. The maximum depth of fill shall be six inches (6").
12. The applicant shall obtain after-the-fact approval of the placement of the approved fill from the City Geologist and Building Official.
13. Notwithstanding the additional fill permitted by this approval, all conditions of approval for Planning Case No. ZON2006-00633, as originally approved on December 20, 2006, and incorporated herein by this reference, remain valid and in full force and effect.

**AMENDMENT TO GRADING PERMIT FOR LANDSLIDE
STABILIZATION:**

PERMIT NO. ZON2006-0063

ISSUED 12/20/06

OWNER/APPLICANT: Patricia M. Brown, PO Box 89, Bonsall, CA 92003

PRIMARY CONTACT: Robert Douglas, 33 Sweetbay Road, RPV, CA 90275

Background:

On December 20, 2006 a remedial grading permit for landslide stabilization was issued by the City of Rancho Palos Verdes to P. Brown for on-site grading to fill a depression that was collecting runoff rainwater and contributing to instability of the Portuguese Bend Landslide. Approximately 4844 cubic yards of cut (2444 c.y.) and fill (2400 c.y) material was approved to fill the depression, a small graben bounded by active fracture zones that facilitate infiltration of rainwater. The work was initiated in January, 2007, by Mr. Mike Cooper, a licensed excavation contractor, and completed this summer.

Fig. 1 illustrates the location of the area covered by the original permit within the Brown Trust Property. This area has been occupied and used by the Portuguese Bend Pony Club, a member of the Pony Club of America, for many years. The proposed work (Fig. 2) was to excavate two small ridges (pressure ridges) and move the resultant material into the depression (graben) to bring it to grade and prevent it from acting as a collecting basin. Because the depression is the site of the main dressage and jumping arena used by the Pony Club, the Club requested that the arena be returned to a usable condition.

Work Completed:

Fig. 3 illustrates the completed work and the resulting surface topography. The on site lithology (Altamira Shale) is a sequence of thinly interbedded silty clay-rich shale, siliceous shale (porcelanite) and chert with dolomitic layers or concretions. Because of their large size and hardness, the dolomitic concretions were removed to use as decorative stone along the roadway while the porcelanite/chert was crushed and

mixed with the shale for fill. However, the highly fractured porcelanite/chert tended to break into small, blocky fragments with very sharp edges.

The upper ridge site was reduced in elevation by about 12 feet, leveled, and is now an expanded parking area. The larger, lower ridge on the opposite side of the depression was leveled, the graded rock mixed with material from the upper ridge and used to bring the graben to grade so that it no longer acts as a catchment basin. The fill material was properly compacted so that it forms a clay-rich barrier to impede water infiltration. About 8-9 feet of fill was placed in the depression. All slopes were graded to 2:1 or less and compacted and the surface of the arena contoured with a slight drop to the east to permit drainage (Fig. 3).

Imported Soil:

Despite efforts to crush the porcelanite/chert and remove fragments larger than 2-3 inches, as the grading neared completion it was clear that the resulting mix of clay/silt and porcelanite/chert fragments was unsuitable as a surface layer in the arenas and areas used by Pony Club riders. As the surface layer wets and dries, the expansive clays cause the sharp rock fragments to migrate to the surface which creates a hazard for the horses. To overcome this problem and return the arena to a useable state, suitable silty fine-grained sand with a 15-20% clay content (San Pedro Sand) was located and imported to cover the arenas to an average depth of about 8 inches. About 800 c.y. was spread as a thin layer on the two arena areas (Fig. 4). It is important to note that the additional sand layer will not adversely affect the stability of the area and because of its higher permeability, will allow for rapid evaporation of infiltrated rainwater.

In importing the soil, Mr. Cooper failed to obtain City clearance and also erred in believing that the amount imported was within the City's threshold of 5000 c.y. on site grading total. He was under the impression that the permit was for a total of 4000 c.y., not 4844 c.y., and therefore the imported soil (800 c.y.) when combined with the approved grading amount would not exceed 5000 c.y. In fact with the imported soil, a total of 5500-5600 c.y. was moved on site.

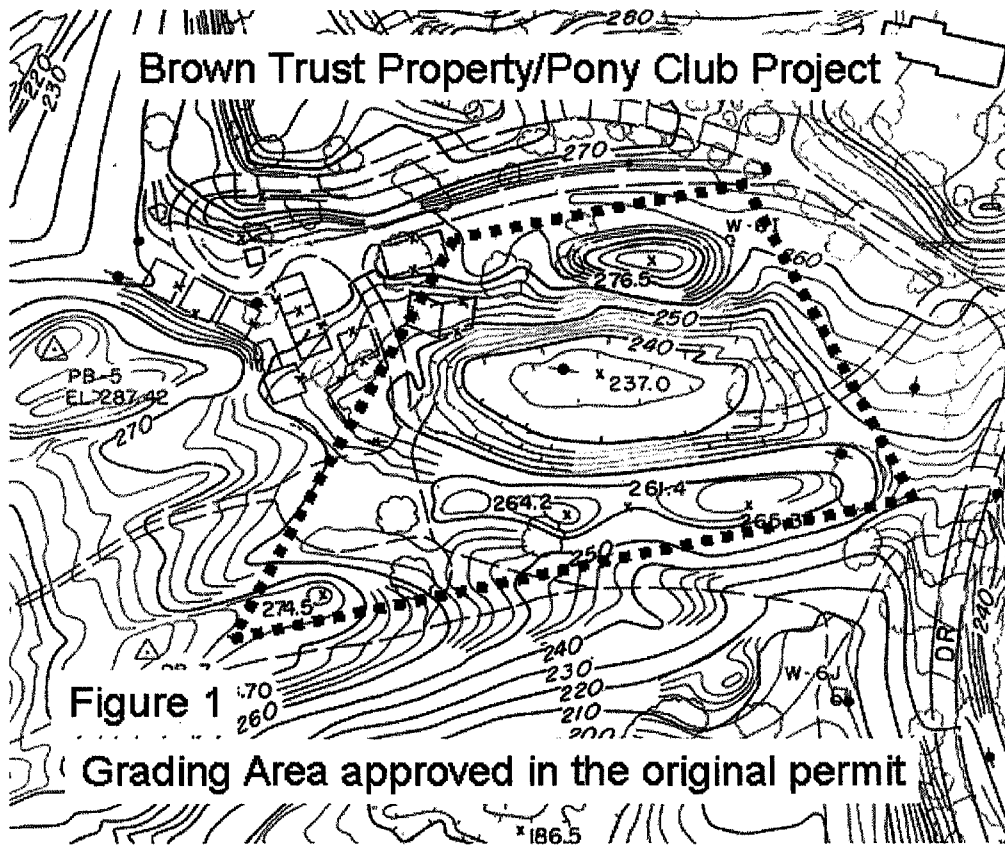
Final Note:

It is very unfortunate that the mistake by Mr. Cooper has caused a problem with the City. The project has become a significant win-win situation for everyone: landslide stability, the property owner, the Pony Club, the neighborhood and the community.

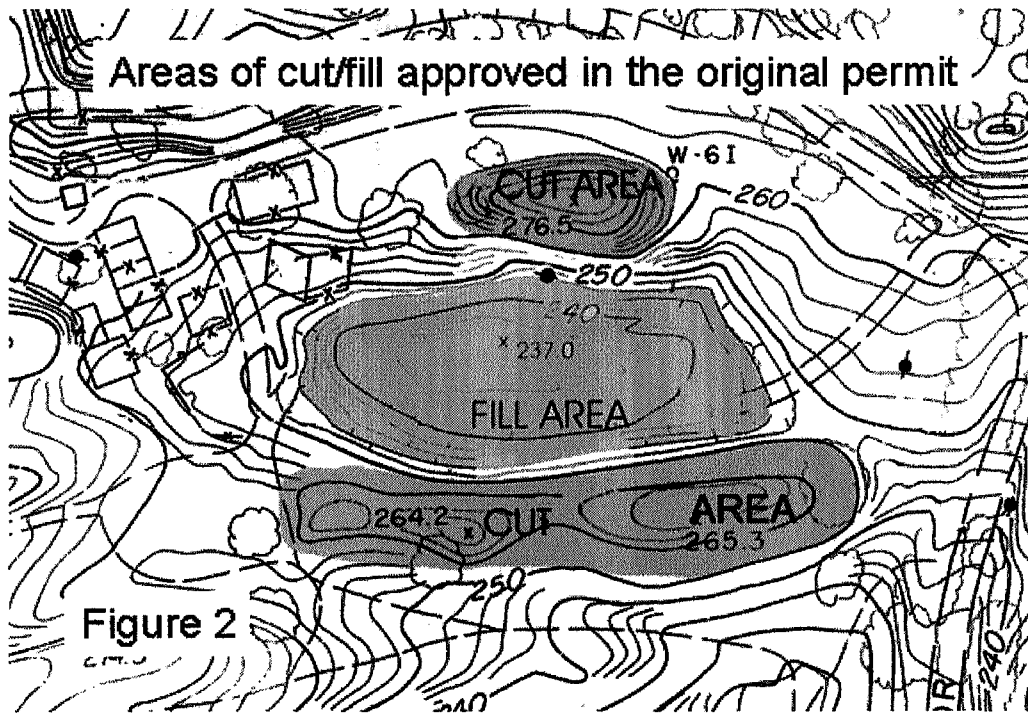
The depression at the Pony Club had become a catch basin for rainwater runoff in the area, including drainage from Pomegranate Lane and adjacent hillsides. During the 2004 and 2005 rainy seasons, water nearly four inches deep collected in the depression. The fracture zone on the north side of the graben acted as a conduit for this water to enter the slide plane and contribute to the rapid movement of the western subslide of the Portuguese Bend landslide.

Prior to initiating the project, discussions with the neighbors in the vicinity of the Pony Club revealed a deep concern about the site, its unsightly nature and, based on prior efforts to improve it, skepticism about the proposed remediation. As the grading progressed, the neighbor's skepticism turn to support and several volunteered to aid in the clean-up and beautification of the area. The Pony Club, long an important activity in the area and community, was experiencing increasing problems with the old arenas and a declining membership in part related to the poor condition of the facilities and area. The completed project has contributed to solving these problems and the Club now has an excellent facility.

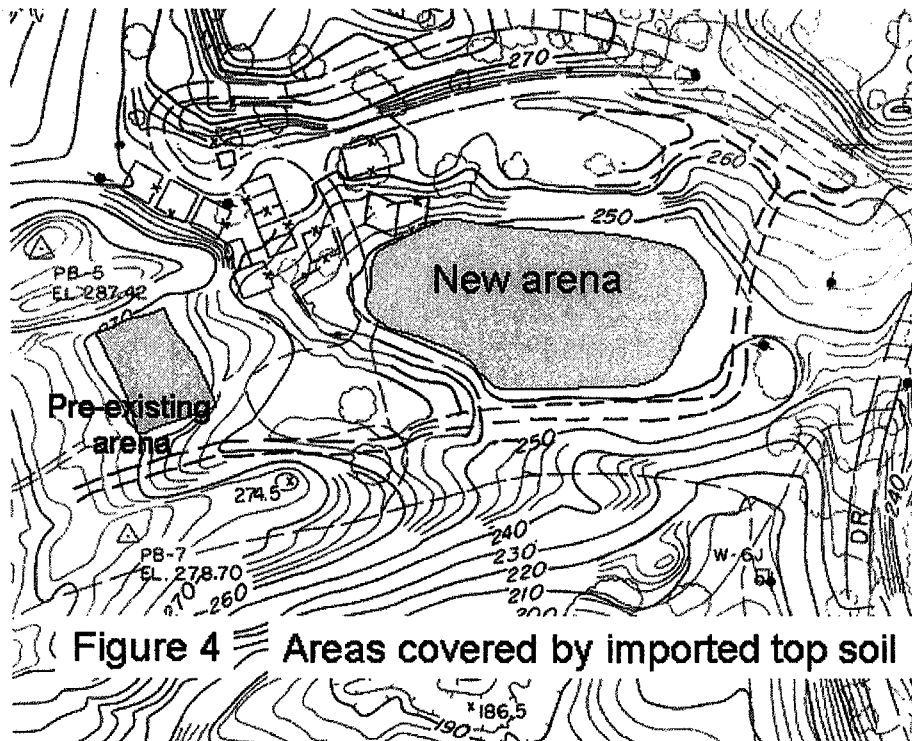
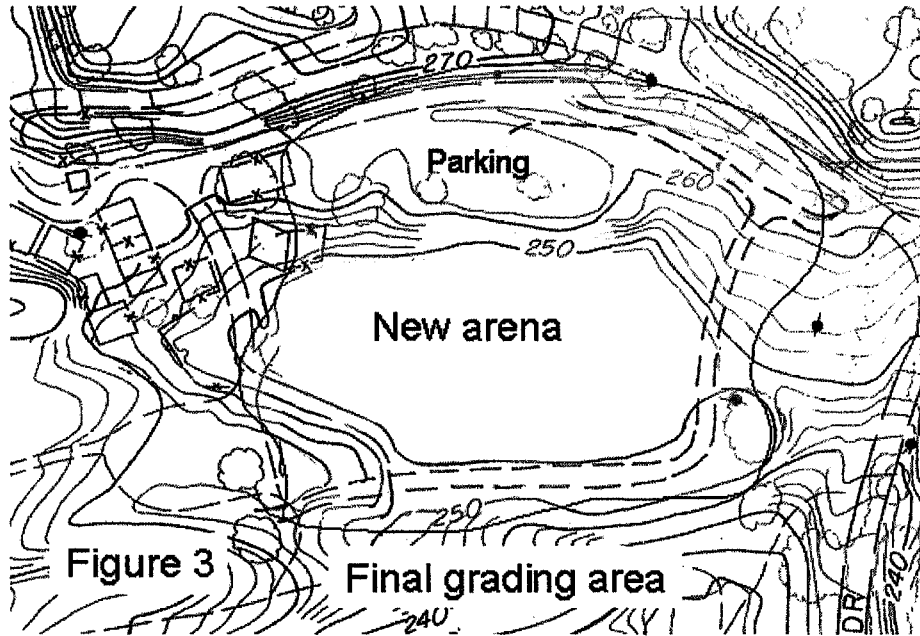
Brown Trust Property/Pony Club Project



Areas of cut/fill approved in the original permit



Brown Trust Property/Pony Club Project





CITY OF RANCHO PALOS VERDES
PLANNING CLEARANCE

Planning, Building and Code Enforcement Department
Planning Division
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
(310) 544-5228 FAX: (310) 544-5293 E-mail: planning@rpv.com

PERMIT NO.: ZON2006-00633
APPLIED: 11/30/2006
ISSUED: 12/20/2006
EXPIRES: 6/18/2007

SITE ADDRESS: 2 W POMEGRANATE RD

ASSESSOR'S PARCEL NO.: 7572017035

PROJECT DESCRIPTION: 4,844 CY of remedial grading for landslide stabilization

<u>OWNER/APPLICANT</u> PATRICIA M BROWN PO BOX 89 BONSALL CA 92003	<u>PRIMARY CONTACT</u> ROBERT DOUGLAS 33 SWEETBAY RD RANCHO PALOS VERDES CA 90275
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TYPE OF USE: Other Use and/or Structure APPLICATION TYPE(S): Grading Approval	ZONING: OH-Open Space Hazard
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FEES			
Type	By	Date	Amount
Total:			

NOTES:

CONDITIONS OF APPROVAL

This approval is for 4,844 cubic yards of remedial grading to fill a depression on the Pony Club ((Brown Trust) property.

A total of 4,844 cubic yards of grading is permitted by this approval, consisting of 2,444 cubic yards of cut and 2,400 cubic yards of fill. The maximum depth of cut shall be 12 feet and the maximum depth of fill shall be 8 feet.

Construction of the approved project shall substantially comply with the plans originally stamped APPROVED on December 20, 2006 and with the OH district and site development standards of the Rancho Palos Verdes Development Code.

In the event that a Planning Division and a Building Division requirement are in conflict, the stricter standard shall apply.

The construction site and adjacent public and private properties and streets shall be kept free of all loose materials resembling trash and debris in excess of that material used for immediate construction purposes. Such excess material may include, but not be limited to: the accumulation of debris, garbage, lumber, scrap metal, concrete asphalt, piles of earth, salvage materials, abandoned or discarded furniture, appliances or other household fixtures.

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CITY OF RANCHO PALOS VERDES PLANNING CLEARANCE

Planning, Building and Code Enforcement Department
Planning Division
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(310) 544-5228 FAX: (310) 544-5293 E-mail: planning@rpv.com

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Permitted hours and days for construction activity are 7:00 AM to 7:00 PM, Monday through Saturday, with no construction activity permitted on Sundays or on the legal holidays specified in Section 17.96.920 of the Rancho Palos Verdes Development Code.

The approved remedial grading shall be monitored by Robert Douglas or another equally-qualified representative of the Abalone Cove Landslide Abatement District (ACLAD).

The City shall be notified at least two (2) business days prior to the commencement of remedial grading, and shall be advised again once the grading is complete.

The applicant shall take all necessary steps to control soil erosion by wind or water during grading operations.

Only native plant species shall be used for revegetation of graded slopes, if necessary. The applicant shall consult with the Palos Verdes Peninsula Land Conservancy regarding appropriate plant species for revegetation.

The approved remedial grading is exempt from the restrictions imposed by the City's landslide moratorium pursuant to Section 15.20.040(F) of the Rancho Palos Verdes Municipal Code.

Within sixty (60) days of the completion of grading, the applicant shall file with the City a covenant, in a form acceptable to the City Attorney, documenting the nature and scope of remedial grading conducted on the property to enhance soil stability and reduce geologic hazards.

The City strongly urges the applicant for this project to contact the Homeowners' Association or local Art Jury, if any, to gain any additional approvals that may be required before applying for a building permit. A list of Homeowners' Associations is on file with the Planning, Building and Code Enforcement Department of Rancho Palos Verdes.

For Director of Planning, Building and Code Enforcement

Date

THIS APPROVAL SHALL BE NULL AND VOID AFTER June 18, 2007 UNLESS THE APPROVED PLANS ARE SUBMITTED TO BUILDING AND SAFETY TO INITIATE THE "PLAN CHECK" REVIEW PROCESS. THIS APPROVAL SHALL ALSO BECOME NULL AND VOID IF AFTER INITIATING THE "PLAN CHECK" REVIEW PROCESS OR RECEIVING A BUILDING PERMIT TO BEGIN CONSTRUCTION, SAID PERMIT OR "PLAN CHECK" IS ALLOWED TO EXPIRE OR IS WITHDRAWN BY THE APPLICANT.

MODIFIED GRADING (CUT/FILL) PLAN

1 CUT MATERIALS (see Grading map)

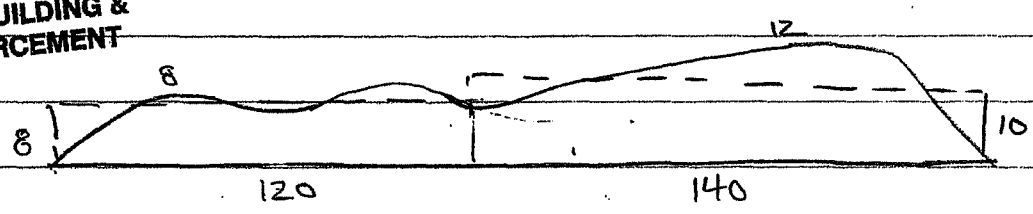
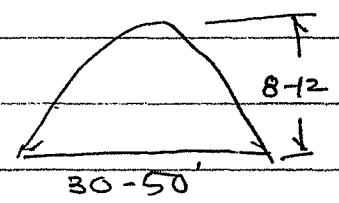
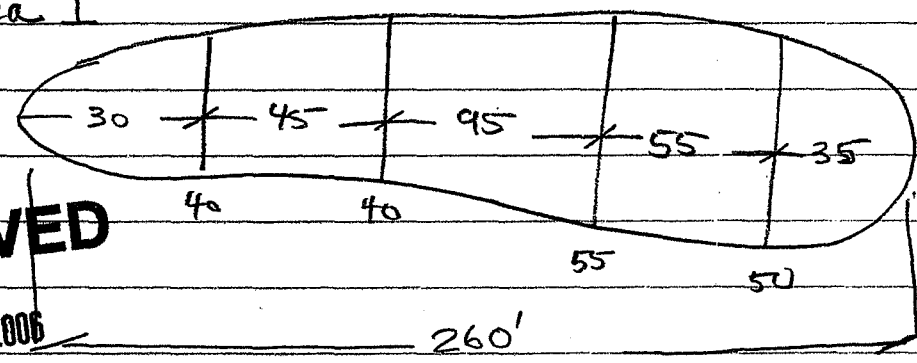
a) Area 1

NOT TO SCALE

RECEIVED

DEC 15 2006

PLANNING, BUILDING & CODE ENFORCEMENT

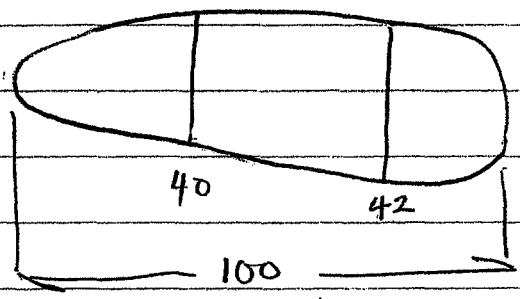


$$120 \times 20 \times 8 = \frac{19,200}{27} = 711 \text{ c.y.}$$

$$140 \times 23 \times 10 = \frac{32,200}{27} = 1193 \text{ c.y.}$$

SUBTOTAL 1904 c.y

2 Area 2

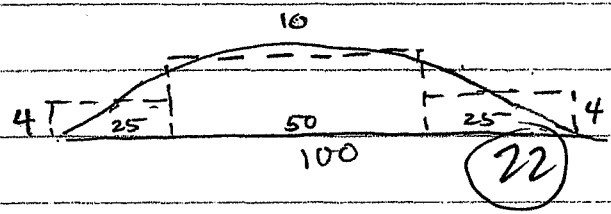


$$25 \times 20 \times 4 = \frac{2000}{27} = 74 \text{ c.y.}$$

$$25 \times 21 \times 4 = \frac{2100}{27} = 78$$

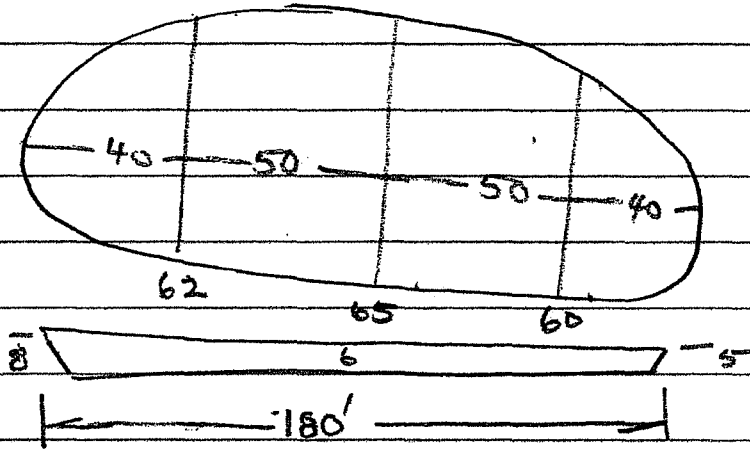
$$50 \times 21 \times 10 = \frac{10500}{27} = 389$$

SUBTOTAL 541 cy



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2. FILL MATERIALS (see Grading map)



$$180 \times 60 \times 6 = \frac{64800}{27} = 2400 \text{ c.y.}$$

TOTAL MATERIALS CUT + FILL

CUT: 1903

541

SUBTOTAL 2444 c.y.

FILL: 2400

TOTAL 4844 c.y.

Project No. *201206-0033*

APPROVED BY THE PLANNING DIVISION OF THE CITY OF RANCHO PALOS VERDES

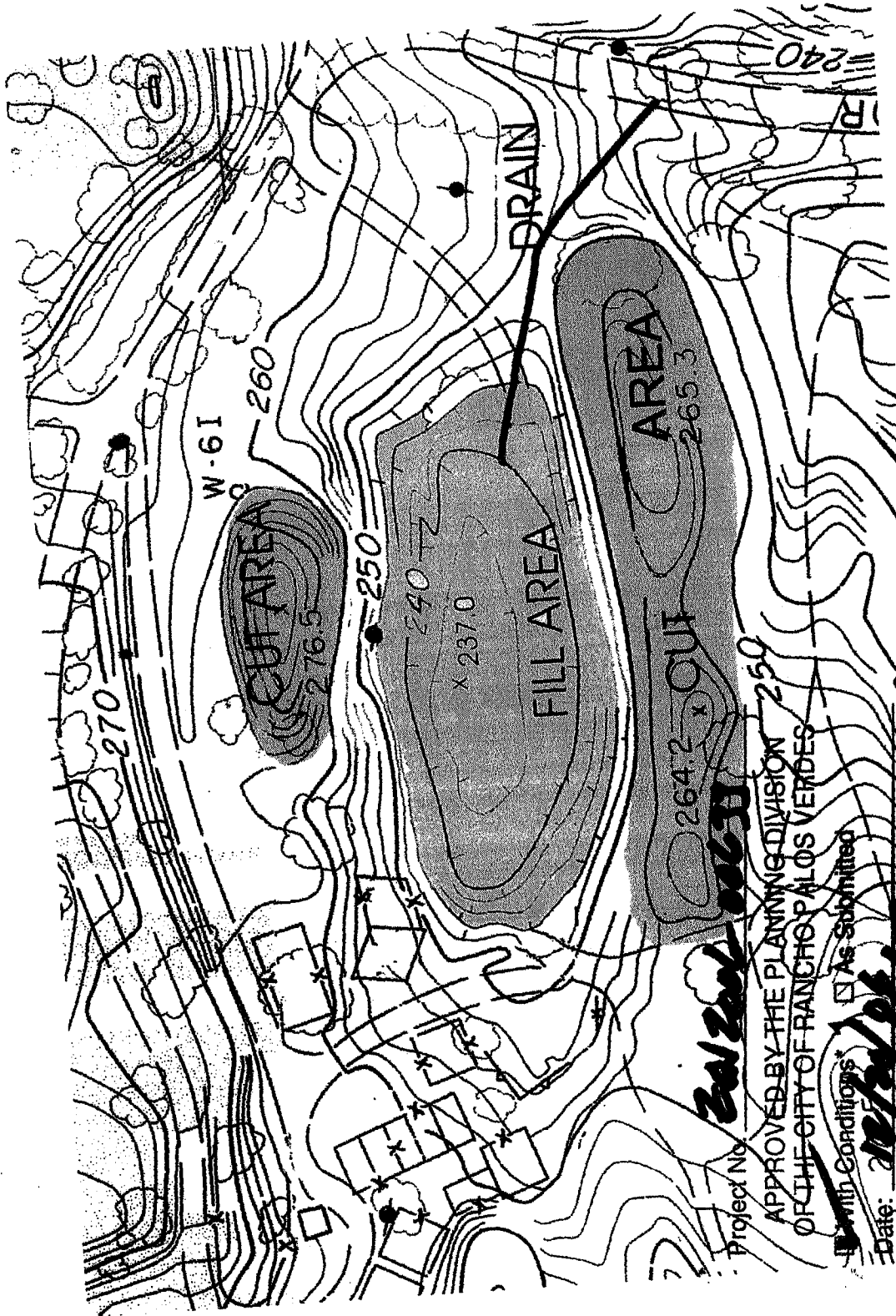
With Conditions As Submitted

Date: *12/24/06*

By: *[Signature]*

It is unlawful to make any changes or alterations on this set of plans without written permission from the Planning Division. Approval is VOID after 180 days, unless otherwise specified in the conditions of approval.

*Not valid unless accompanied by a completed clearance form.



Project No. **201202-0063**

APPROVED BY THE PLANNING DIVISION
OF THE CITY OF RANCHO PALOS VERDES

With Conditions As Submitted

Date: **2/27/12**

By: **[Signature]**

It is unlawful to make any changes or alterations on this set of plans without written permission from the Planning Division. Approval is VOID after 180 days, unless otherwise specified in the conditions of approval.
*Not valid unless accompanied by a completed clearance form.

**Modified Grading Plan
Brown Trust Property/Pony Club Project**

Kit Fox

From: Joel Rojas [joelr@rpv.com]
Sent: Monday, November 26, 2007 3:24 PM
To: 'Kit Fox'
Subject: FW: Case No. ZON2007-00506, Portuguese Bend Pony Club.

From: SunshineRPV@aol.com [mailto:SunshineRPV@aol.com]
Sent: Saturday, November 24, 2007 9:35 PM
To: joelr@rpv.com
Subject: Case No. ZON2007-00506, Portuguese Bend Pony Club.

Sunshine
6 Limetree Lane
Rancho Palos Verdes, CA 90275

November 24, 2007

Joel Rojas, AICP, Director of Planning, Building and Code Enforcement
City of Rancho Palos Verdes

RE: Case No. ZON2007-00506, Portuguese Bend Pony Club.

Dear Mr. Rojas:

The Portuguese Bend Landslide Moratorium Zone is understandably a nightmare for a Professional AICP.

AICP Exam Secrets Study Guide

"How to Ace the American Institute of Certified Planners (AICP) Exam, using my easy step-by-step AICP exam study guide, without weeks and months of endless studying..."

What the City of Rancho Palos Verdes needs is people who can actually consider the health, safety and welfare of the residents. It is time that Staff threw up their hands and admitted they have neither training nor precedent as to how to enforce "normal" Development Codes in this situation.

Anything the City can do to mitigate the landslide's impacts on the services the City provides (as in importing fill to keep PV Drive South open to the public), should be equally available to the residents. On the City Geologist's advice, the City moved a million cubic yards of dirt. His prediction of only 400 feet of PV Drive South still being unstable didn't come true. Palos Verdes Drive south is still pulling apart at the same place at the west end and humping up at the same place at the east end of the Portuguese Bend Landslide.

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The issue at hand is how the City deals with code enforcement. If rearranging a million cubic yards of dirt had no impact on the landslide, the City imports dirt on a regular basis to "fix" the western ski jump and the Portuguese Bend Community Association is permitted to import dirt "willy nilly" to keep our private roads open, how come an anonymous call to Code Enforcement has instigated a hearing before the Planning Commission?

Easy answer. That is all a person with AICP after his name knows how to do. And legally, without risking his/her "certification", that is all he/she may recommend.

Given the fact that the Applicant is represented by a Geologist and involves a grading contractor both of whom live where their homes will be at risk if this work exacerbates the landslide, **I suggest that Staff and the Planning Commission figure out a way let the Pony Club import enough whatever to provide a "proper footing" in their riding arenas.**

So, who is paying attention to the fact that there are no adequate storm drains for this wonderful, children oriented facility to direct their runoff toward?

Most sincerely,

Sunshine

Check out AOL Money & Finance's list of the [hottest products](#) and [top money wasters](#) of 2007.

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