

<i>COMMENTS</i>	<i>RESPONSES</i>
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Subject: Response to the DEIR of the proposed Rancho Palos Verdes NCCP
 To: joelr@RPV.com

The introduction to the section on safety in the General Plan reads as follows:

It shall be a goal of the city to provide for the protection of life and property from both natural and man-made hazards within the community.

It shall be a goal of the city to provide for the protection of the public through effective law enforcement and fire protection programs.

It shall be a goal of the city to develop and enforce health and sanitation, emergency communications, and disaster preparedness programs to ensure the overall health and safety of all residents.

It shall be a goal of the city to protect life and property and reduce adverse economic, environmental, and social impacts resulting from any geologic activity.

To address these objectives, the Rancho Palos Verdes Redevelopment Agency (the "Agency") was formed in 1984 with the purpose of financing long-term capital improvements designed to eliminate physical and economic blight in Project Area No. 1 through stabilization of hazardous landslides. The Agency's Project Area No. 1 was divided into two geographical areas: Abalone Cove and Portuguese Bend. The geographical areas are accounted for in separate funds of the Agency.

The agency is funded in part by incremental tax money. This money is that portion of property taxes collected over and above the base amount paid in 1987 by the property owners located in the moratorium area. This amount, however, is reduced by 17% for the Fire Department and 20% for the low to moderate income housing reserve before any money is paid to the RDA.

The Abalone Cove landslide abatement project of the Agency was initially financed by the issuance of \$10 million of County Improvement District Bonds (the "Bonds") in 1991. The Bonds were issued as part of the Reimbursement and Settlement ("Horan") Agreement entered into between the County, City, Agency and the Horan litigants in 1987. After payment of amounts previously owed the County and the City, approximately \$6.7 million of net bond proceeds were transferred to the Agency's Abalone Cove fund in 1991 to finance landslide abatement projects.

By 1997 the compound interest accrual had increased the agency's indebtedness to over \$13 million. At that time an agreement was reached with the county to pay off the \$10 million bond and freeze the \$3 million-plus accrued interest debt. This was done by obtaining a \$4-1/2 million bond, depleting the funds reserve of \$1 million, turning over the \$2 million accrued tax increment money, and a loan of \$1-1/2 million from the city. The agreement included the impounding of all future tax incremental income to pay off the second bond and the \$3 million in deferred interest owed on the original \$10 million bond. This restructuring has taken care of the Abalone Cove portion of the RDA indebtedness. However, monies will continue to accrue out of the tax increment to the low to moderate income housing account. The county also requires that the city pay a fee for debt service.

In addition to the monies owed to the city by the Abalone Cove section of the RDA, over

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\$9 million in principal and interest is owed the city by the Portuguese Bend fund. Since the city and the RDA are basically one and the same, this debt is considered to be an accounting function rather than an actual indebtedness. Inasmuch as the RDA's incremental tax income has been impounded for what appears to be forevermore, the agency is basically broke. This fact, however, does not relieve the agency and the city of its commitment and responsibility to stabilize the slide area and return the land to productive use. The point is the money needed to meet this requirement would have to come from sources other than incremental tax income.

Wild Land Fire Hazards

Beginning on page 139, the General Plan addresses the potential hazards of wild land fires in Rancho Palos Verdes.

The density and distribution of vegetation profile can define both the overall hazard of fire in a particular area and the intensity of fire which ensues. The vegetation of an area determines the fuel and spreading potential and can decide the recurrence intervals one can anticipate between outbreaks of fire. In the Palos Verdes area, four major plant communities determine the various fuel potentials of the area:

Chamise Chaparral, Coastal Chaparral, Coastal Sage Scrub, and Woodland-grass Type.

Another major factor is slope. In this usage, slope relates to the presence of steep canyons and hillsides which characteristically demonstrate propensities for fire. Local topography can funnel winds and create significant drafts that greatly add to the uncontrollability of wildfire. Entire canyons have literally exploded into flame from the superheated condition resulting from the combination of fire and wind drafts.

The fire hazards map, Figure 23 on page 141 of the General Plan, designates the entire proposed NCCP area as being a high fire hazard zone. As evidence of this fact, three significant fires have occurred in this area. In the late summer of 1973 a major fire swept across the back side of the hill, burning 11 homes in its path. In July of 1978, a similar fire burned a large section of the slide area. The most recent fire occurred in December of 2003 shortly after the city denied the property owner's request to do weed abatement on the site. The cool temperature and high humidity at that time of year helped control the spread of the fire to four acres.

Connecting Habitat Corridors

The insistence on the part of NCCP proponents that connecting corridors of habitat between larger sections of vegetation are required to provide passageways for the migration of wildlife has all the earmarks of the old "spotty owl" scheme to remove land from productive use. Being a product of Northern Wisconsin, which is a land of many lakes, streams, woods, golf courses, farm land, Indian reservations, and an abundance of wildlife, I can honestly say I have never known any of these wildlife creatures to be intimidated by the open space of a field or golf course fairway. Crossing open areas in search of food and shelter is standard procedure in animal's hope for survival.

MATHYS 1

The connection of highly flammable fuel between larger sections of so-called habitat can actually accelerate the rate of a burn to the point where it is completely out of control. We have seen the devastation caused by the wildfires that occurred in the San

MATHYS 2

Comment 1

Sufficient continuity of habitats is a key requirement of successful Reserve designs. Wildlife movement between large habitat areas allows for demographic and genetic exchange between subunits that maintains the overall sustainability of regional populations.

Comment 2

Fuel management areas adjacent to development are the key method of fire protection by providing sufficient defensible space for fire fighters to protect structures. The Reserve will be managed in complete accordance with the recommendations of the Fire Department.

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Comment 3

Comment noted.

Comment 4

Comment noted.

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Diego and Lake Arrowhead areas this past year as the result of disregarding sound forestry management procedures. This corridor theory places in question the credibility of the whole NCCP objective.

MATHYS 2 (cont'd)

Active Slide Area

The Portuguese Bend slide began in 1956, taking with it over 150 homes that were in its path. Approximately 130 of these homes were located between P.V. Drive South and the Portuguese Bend shoreline. This group of houses were an extension of the Portuguese Bend Club. Even having moved P.V. Drive South back to its original geographic location in 1987 at a cost of \$900,000, the distance today between the road and the shoreline is dangerously narrow.

Although much emphasis has been placed on geology in the slide area, hydrology is the real culprit that keeps the land moving. It is said that the key to stabilizing the slide is to keep the water from entering the ground water table and keep the dirt from slipping into the ocean. These are the two basic objectives that need to be vigorously addressed in order to prevent the destruction that is sure to follow should the problem not be taken seriously. Time is not on the city's side. Placing the area in a restrictive reserve would only increase the potential for disaster.

Comparing past rainfall records with the resulting land movement in the slide area is evidence of the fact that water is the problem. For instance, in 1983, the Portuguese Bend landslide moved 50 feet as a result of the heavy rainfall from 1978 to 1983. The recorded rainfall for this period was as follows: '78-'84"; '79-'20"; '80-'27"; '81-'9"; '82-'11"; '83-'31." In 1992, 6 inches fell in 10 days during the month of February, with a total of 21 inches for the season. That year the slide moved 14 feet and the road subsided 5 feet. A look at the rainfall tables over the past 125 years clearly indicates we can expect a repetition of these same weather conditions. It should be noted that the rainfall of 4.42 inches recorded for the 2001-02 season is the lowest ever recorded. The 2002-03 season, which ends June 30, will probably show similar results.

MATHYS 3

Much has been done in an attempt to stabilize the slide area. The 15 dewatering wells in the Abalone Cove section pump out approximately 160,000 gallons of water per day during the dry season. They are capable of pumping much more during the rainy season. In addition, approximately 60 septic tanks were replaced with sanitary sewers in the Abalone Cove area. These two improvements have greatly reduced the land movement in this location. The Portuguese Bend area has not fared as well. The non-permeable soil condition in the area below the septic tanks in the City of Rolling Hills drastically reduces the amount of water to 20,000 gallons per day that the 17 dewatering wells pump from the subsurface in the area. On average, over 50 million gallons a year of domestic water is provided to the residents of Rolling Hills located between Crest Road and the upper perimeter of the slide area. Much of this water finds its way into their septic tanks. In addition, a considerable amount of runoff water enters the slide area from Paint Brush Canyon. This water, along with the remaining septic tanks in the Portuguese Bend area, keeps the slide's slip plane lubricated during the off rainy season.

Canyons

Runoff water from the following six major canyons finds its way into the slide area with varying effects: Barkentine, Vanderlip, Alta Mira, Portuguese Bend, Klondike, and Paint

MATHYS 4

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Brush. In the year 2000, the city hired a team of geologists from USC to conduct a study of the ground water entering and leaving the two slide areas. What they learned was that large fissures existed in the expansive soil that allow storm water to enter the ground water table. The fissures in Alta Mira Canyon swallow up the storm runoff before it can reach the bottom of the canyon. With the fissures and the steep canyon walls, the problem can be difficult to solve. However, there is a minimal invasive procedure called ECOFLEX that has been researched extensively by the city's Public Works Department. This system is believed to be a viable solution to the problem of canyon runoff water entering the ground water table through the many expansive soil fissures that evolve each year with the soil drying out during the summer months. In addition, the system would prevent further erosion of the bottom of the canyon.

MATHYS 4 (cont'd)

Shoreline Bluff Erosion

In the past, a number of efforts have been made to keep the Portuguese Bend land from sliding into the ocean, only to be turned into silt and carried out to sea. Over time, this silt has covered an estimated 2,000 acres of ocean floor, destroying its plant life. Among these efforts have been plans to build a revetment to hold back the moving embankment. In addition, a breakwater was proposed by the Corps of Engineers to be located approximately 400 feet offshore.

None of the plans proved feasible, for one reason or another. To begin with, there was too much uncertainty as to where the toe of the slope was actually located. If it was under water, how far did it extend? A sea wall built on an unstable footing would soon disappear under water. However, the indications today are that any part of the slope that may have been under water has since dissolved and washed out to sea, leaving the toe at the water's edge. Assuming this to be the case, the slide could now be used to build its own buttress. By extending the shoreline from zero to a foot or so above high tide and at about a 3% upward slope in incremental distances out from the shore, the dirt that is currently falling into the ocean could be kept out of the water as it moved out over the raised ocean floor. In time, the growing buttress would build up the back pressure required to stop the forward motion. Large boulders could be placed at the outer edge of the rock extension to serve as a breakwater. This would reduce the risk of wave action washing over the rock floor and eroding the base of the buttress. The initial distance the shoreline should be built out can be calculated by a competent engineer experienced in land movement. The building of the buttress can be expedited with export soil from any nearby excavation.

MATHYS 5

Since the project would work to restore the habitat for fish and wildlife and improve the quality of the water out in the channel, there might be some Prop. 12 money to help finance the work. In the past, the Corps of Engineers has shown concern for the destruction of the ocean vegetation; they might be encouraged to assist in this matter.

Ground Water Control

Stabilizing the slide is dependent upon preventing water from entering the ground water table and lubricating the slip plane. One inch of rainfall over 1,000 acres of land will result in 27 million gallons of water covering the ground. Multiplying this amount by the number of inches of rainfall in any one season over the number of acres involved can demonstrate the extent of the potential slide problem that needs to be mitigated. Under present conditions, this water enters the ground water table primarily through the

MATHYS 6

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fissures in the expansive soil. According to the geologists who have studied the area, these fissures are many and as deep in some places as 25 feet. The fissures provide a direct flow access to the ground water table.

The hydrology problems experienced in the slide area are similar to those faced when constructing golf courses in desert areas. The land must be graded to manage the runoff. In addition, moisture barrier underlayments must be installed to prevent irrigation water from percolating through the topsoil and disappearing into the sand below. Following these same procedures of grading to control runoff and installing moisture barriers with an overlay of non-expansive topsoil will prevent water from entering the ground water table. Stabilizing the slide area in this manner would prepare the land for the recreational purposes so badly needed.

Summary

Stabilizing the slide area by preventing runoff water from entering the ground water table and allowing the slide to build its own buttress at the Portuguese Bend coastline would, first of all, result in the city finally meeting its RDA commitment to restore the land to productive use. Providing the active recreational facilities of playing fields and a golf course using desert construction techniques to control the hydrology problems would be a major step forward in upgrading this community. For instance, in a South Bay Multiple Listing report of the total homes in the 2,000 to 3,000 square foot category sold over the past three years in the nine beach communities from Manhattan Beach to San Pedro, only the homes sold in Redondo Beach listed for less money per square foot than those sold within the original boundaries of RPV. Property values are a measure of a desire to live in a particular community. To be second from the bottom is a sad commentary. The time has certainly come to begin reversing this trend.

Utilizing this land for active recreational purposes will ensure its being maintained as permanent open space. Playing fields provide the venues required to engage in the healthy social/recreational activities that work so well to build strong family and community ties. A golf course in the slide area will provide the valuable amenity that will be required to make the development of a destination hotel at Long Point a viable entity. It is completely unrealistic to expect Ocean Trails to provide the number of tee times at an acceptable price to attract investors to build the hotel facility and encourage a host of guests to provide the income the city desperately needs to reduce its heavy dependency on Sacramento for money. A golf course in the slide area will provide the competitive independence required to keep Ocean Trails from getting greedy and provide Long Point the operational security it will need to be successful. Worrying about the developer is unproductive. It is the city's financial welfare that must be foremost in our thinking.

Since stabilizing the slide is a mandate and not an option, and use of the land for active recreational purposes is absolutely essential for the welfare of this community, I would suggest that any further expenditures on the NCCP program be suspended until such time as the engineering for the stabilization of the slide has been completed and the required recreational facilities have been designed and laid out. At that point, a more realistic conservancy plan based on the availability of land can be considered. The current plan has the cart before the horse. In spite of the special interests involved, the needs of the community must come first.

RAY MATHYS

Printed for Joel Rojas <joelr@rpv.com>

4/20/2004

Comment 7

Portuguese Bend is considered a regionally important habitat area that is key to a successful Reserve design. Alternative B included more development in this area, but this alternative was considered less desirable due to impacts to biological resources and the configuration of the Reserve design.

Comment 8

Landslide abatement activities are a compatible land use activity within the Reserve.

MATHYS 6 (cont'd)

MATHYS 7

MATHYS 8