



CITY OF RANCHO PALOS VERDES

PUBLIC HEARING

Date: November 14, 2023

Subject: Consideration and possible action to conduct a public hearing on the greater Portuguese Bend Landslide Complex.

Recommendation:

1. Receive and file the “10-day report” that pursuant to California Government Code § 65858(d) is required to be issued 10 days prior to the expiration of the initial 45-day moratorium;
2. Adopt Urgency Ordinance No. __U AN INTERIM URGENCY ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, CALIFORNIA, EXTENDING THE MORATORIUM ON THE ACCEPTANCE OR PROCESSING OF APPLICATIONS, ISSUANCE OF PERMITS, AND CONSTRUCTION OF ALL STRUCTURES WITHIN THE PORTUGUESE BEND LANDSLIDE COMPLEX ADOPTED BY ORDINANCE 647U FOR AN ADDITIONAL 10 MONTHS AND 15 DAYS, EXPIRING OCTOBER 2, 2024;
3. Review and ratify granted Exceptions to the building moratorium, as deemed necessary and consistent by the City Manager, pursuant to Section 2(D) of Ordinance No. 674U;
4. Adopt Resolution No. 2023-__ thereby continuing the local emergency declaration as established by Resolution No. 2023-47 adopted on October 3, 2023 for an additional 60 day period; and,
5. Receive and file report of the project activity in the Portuguese Bend Landslide Complex related to the local emergency declaration established by Resolution No. 2023-47 adopted on October 3, 2023.

1. Report of Notice Given: City Clerk

2. Declare Public Hearing Open: Mayor Pro Tem Cruikshank

3. Request for Staff Report: Mayor Pro Tem Cruikshank

4. Staff Report & Recommendation: Amy Seeraty, Senior Planner; Katie Lazano, Senior Analyst; and Jesse Villapando, Senior Analyst

5. Council Questions of Staff (*factual and without bias*):

6. Public Testimony:

Principal Parties 10 Minutes Each. The appellant or their representative speaks first and will generally be allowed ten minutes. If the applicant is different from the appellant, the applicant or their representative will speak following the appellant and will also be allowed ten minutes to make a presentation.

Applicant: City of Rancho Palos Verdes

A. Testimony from members of the public:

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



7. Rebuttal:

Normally, the applicants and appellants will be limited to a three (3) minute rebuttal, if requested after all other interested persons have spoken.

8. Council Questions of Appellant (factual and without bias):

9. Declare Hearing Closed/or Continue the Public Hearing to a later date: Mayor Pro Tem Cruikshank

10. Council Deliberation:

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

11. Council Action:

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



CITY OF RANCHO PALOS VERDES

**CITY COUNCIL
AGENDA REPORT**

MEETING DATE: 11/14/2023
AGENDA HEADING: Public Hearing

AGENDA TITLE:

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RECOMMENDED COUNCIL ACTION:

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5. Receive and file report of the project activity in the Portuguese Bend Landslide Complex related to the local emergency declaration established by Resolution No. 2023-47 adopted on October 3, 2023.

FISCAL IMPACT: Unknown.

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

ORIGINATED BY: Amy Seeraty, Senior Planner
Katie Lozano, Senior Analyst
Jesse Villapando, Senior Analyst

REVIEWED BY: Elena Gerli, Assistant City Attorney
Brandy Forbes, AICP, Director of Community Development
Ramzi Awwad, Director of Public Works *RA*

APPROVED BY: Ara Mihranian, AICP, City Manager ⁴

ATTACHED SUPPORTING DOCUMENTS:

- A. Interim Urgency Ordinance No. ___U extending the prohibition on new construction within the greater Portuguese Bend Landslide Complex until October 2, 2024 with Exhibits (Page A-1)
 - B. Resolution No. 2023-__ extending the Local Emergency Declaration (Page B-1) – forthcoming as late correspondence.
 - C. 10-day Report on Interim Urgency Ordinance No.674U (Page C-1)
 - D. Resolution No. 2023-47 declaring a state of local emergency within the greater Portuguese Bend Landslide Complex, adopted October 3, 2023 (Page D-1)
 - E. Interim Urgency Ordinance No. 674U prohibiting new construction within the greater Portuguese Bend Landslide Complex, adopted October 3, 2023 (Page E-1)
 - F. Map of the greater Portuguese Bend Landslide Complex including ACLAD and KCLAD boundary limits (Page F-1)
 - G. Water restriction notice mailed to property owners in the Landslide Complex (Page G-1)
 - H. Landslide GPS Monitoring Point Locations (Page H-1)
 - I. Comments from public related to public hearing notice (Page I-1)
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BACKGROUND:

On September 19, 2023, the City Council received a presentation from Cal Water and Southern California Gas Company on their responsiveness to recurring breaks in their respective systems and their proposed short- and long-term mitigation efforts to minimize impacts to land movement that has increased in recent months.

At that meeting, numerous residents provided public testimony regarding accelerating land movement within the Portuguese Bend, Abalone Cove, and Klondike Canyon Landslides (Greater Portuguese Bend Landslide Complex) characterizing the same as requiring an immediate response. Many residents testified that in the Portuguese Bend Community, Seaview, and Portuguese Beach Club neighborhoods, they believe that recent water line breaks or leaks have resulted in significant land movement which were characterized as resulting in an emergency requiring immediate remediation or mitigation work.

Councilmember Alegria suggested it might be time to for the City Council to consider declaring a state of emergency based on the accelerated rate of land movement in Greater Portuguese Bend Landslide Complex (Landslide Complex) in the recent past and particularly since May of this year. In response, the City Council directed Staff and the City Attorney to provide a report to the community on the authority of the City to declare a state of local emergency and to further consider under which circumstances the California Environmental Quality Act (CEQA) will permit emergency action to address this land movement.

On October 3, 2023, City Council conducted a discussion item regarding the circumstances of the landslide areas. After considering information presented that evening, including public testimony, the City Council unanimously adopted Resolution No.

2023-47 declaring the existence of a local emergency within the geographic boundaries of the Landslide Complex and adopted Urgency Ordinance No. 674U, an interim urgency ordinance to establish a temporary 45-day moratorium on the acceptance or processing of applications, issuance of permits, and construction of all structures within the Landslide Complex.

At the October 3 meeting, the City Council also requested Staff return in a few weeks with an update on immediate measures being taken to address the accelerated land movement. This evening, the City Council, among other action items, will receive a status report on the measures underway by the various responsible entities.

DISCUSSION:

Receive and File 10-Day Report on the Interim Urgency Ordinance

As an urgent action, Interim Urgency Ordinance No. 674U was adopted by the City Council on October 3, 2023 for a 45-day timeframe. Per Government Code § 65858, after notice pursuant to Section 65090 and a public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one additional year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted.

Ten days prior to the expiration of that interim ordinance or any extension, the legislative body shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance. Attached is said written report (Attachment C). The report was issued on November 7, 2023, ten days prior to the expiration of Interim Urgency Ordinance 674U.

The City Council is being asked to receive and file the attached 10-day report.

Extension of Interim Urgency Ordinance

The Council-adopted Interim Urgency Ordinance No. 674U is set to expire on November 17, 2023 unless extended. Due to the on-going accelerated land movement and the anticipated El Nino winter forecast, the City Council is being asked to extend the interim urgency ordinance to continue the building moratorium for an additional 10 months and 15 days through October 2, 2024.

Government Code requires the City refrain from enforcing the ordinance until it has been submitted to, and approved by, the California Department of Housing and Community Development (HCD). Government Code § 66300(b)(1) provides that “with respect to land where housing is an allowable use, . . . an affected city shall not enact a development policy, standard, or condition that would have [the effect of . . .] imposing a moratorium or similar restriction or limitation on housing development, including mixed-use development, within all or a portion of the jurisdiction of the affected . . . city, other than to specifically protect against an imminent threat to the health and safety of persons residing in, or within the immediate vicinity of, the area subject to the moratorium”.

The statute further provides that the City may not enforce such a moratorium on housing until the ordinance has been submitted to, and the City has received approval from HCD.

The City submitted the urgency ordinance to HCD on October 5, 2023. The ordinance did go into immediate effect for non-housing related projects, while the City awaited HCD's review.

On November 6, 2023, the City received HCD's written approval of Ordinance No. 674U, including any extensions thereof as permitted by Government Code Section 65858. HCD's letter is attached to the ordinance extension as Exhibit "J" (Attachment A).

In response to the building moratorium, the City has received public correspondence requesting that the urgency ordinance not apply across the entire boundary limits of the Landslide Complex because the rate of movement varies upon the geographic location (Attachment I). At this time, Staff believes it is premature to lessen the applicability of the interim building moratorium as the City is still assessing and monitoring the breadth and scope of the land movement. However, the building moratorium includes a provision (Section 2(D)) that allows the City Manager to exempt certain projects, on a case-by-case basis, that is to be ratified by the City Council at its next regular scheduled meeting.

For this reason, Staff recommends that the City Council adopt the attached Interim Urgency Ordinance extending the building moratorium until October 2, 2024 (Attachment A).

Ratification of Exceptions to Moratorium

The building moratorium implemented by Ordinance No. 674U states that no application for permit will be accepted, no consideration of any application for any permit will be made, and no permit will be issued by the City for any construction on any property within the Landslide Complex until this Ordinance has expired or has been repealed according to applicable law. This Moratorium also applies to any pending applications, and any permits or entitlements that have been issued, and construction not commenced (e.g., it does not apply to projects that are currently under construction.) For the purpose of the moratorium, "Permit" means any City planning land use approvals, and any building, grading, plumbing, electrical, or mechanical permit, whether the approval or issuance is discretionary or ministerial.

The City has notified applicants of pending or potential applications regarding the enacted moratorium on properties within the Landslide Complex. Specifically, City Staff sent letters informing these applicants that the City has temporarily suspended processing applications of development projects that are not already under construction. For those applicants who have already received an approval but have not started construction, those approvals have been put on hold so that they will not expire during the moratorium period.

The exception categories are described in Section 2 of Ordinance No. 674U as follows:

- A. *Construction necessary for repair or maintenance of existing structures, roadways, and any infrastructure such as water lines, sewer lines, electrical or traffic installations, etc.*
- B. *Construction necessary for the implementation, establishment, repair, or maintenance of any landslide mitigation measures.*

- C. *Construction necessary for the immediate preservation of the public health and safety.*
- D. *Construction that the City Manager deems necessary and consistent with the purposes of this interim urgency ordinance. Any such exception shall require written findings by the City Manager, and must be ratified by the City Council at the regular meeting following the City Manager’s determination.*

Specifically, the City Manager has determined that there are two projects to which Category “D” applies, and therefore require ratification by the City Council. These proposed projects involve primarily operational details, and are described in further detail below Table No. 1, which lists the pertinent project and property information.

Table No. 1 – Proposed Exceptions to Current Moratorium

Address	Parcel Number	Case Number	Applicant	Project Name(s)	Landslide Zone
6001 Palos Verdes Drive South	7572-012-031	PLCU2021-0007	York Point View Properties, LLC	Compliance Review of the Point View Master Use Plan Conditional Use Permit (CUP); Revise Conditions of Approval	1
50 Narcissa Drive	7572-013-002	PLDC2023-0002	Ride-To-Fly Therapeutic Riding	Conditional Large Domestic Animal Permit (CLDAP) Renewal	2

- a. Point View Property – The City Manager is requesting that the City Council ratify an exception to the aforementioned Interim Urgency Ordinance No. 674U to allow the ninth annual Compliance Review of the Point View Master Use Plan Conditional Use Permit to proceed, as the compliance review is an administrative process with no physical impact on the landslide. The City Manager is also requesting that the York Point View property also be allowed to proceed with several proposed revisions to their Conditional Use Permit, which include revisions related to existing on-site uses, agricultural best management practices, soil moisture monitoring, and administrative and ministerial actions.

The residential component of the application would not fall under the exception category and would still be subject to the moratorium.

- b. Ride-to-Fly CLDAP – The City Manager is requesting that the City Council ratify an exception to the aforementioned Interim Urgency Ordinance No. 674U to allow renewal of the CLDAP for the Ride-To-Fly Therapeutic Riding program, as the renewal would simply allow the program to continue at its existing location, which is already improved with several equestrian structures. The renewal is to extend the operation with no physical impact on the landslide.

If deemed acceptable, per Ordinance No. 674U, the City Council must ratify these exceptions at the regular meeting following the City Manager's determination.

Additionally, it should be noted that Staff had processed a remedial grading permit earlier this year for a stream bed restoration project in an area of the Altamira Canyon Creek. The City Geologist (Cotton, Shires and Associates, Inc.) has stated that the proposed project appears to comply with the exception to the moratorium defined in Section 2 C. of Ordinance No. 674U, and therefore may proceed. This does not require City Council to ratify.

Extension of the Local Emergency Declaration

To proceed expeditiously with solutions to the land movement, particularly in anticipation of heavy rains as part of an El Niño winter, the City Council declared a local emergency on October 3, 2023 and asked staff to return with an update on the progress on the implementation of immediate measures.

The emergency declaration is deemed to continue to exist until its termination is proclaimed by the City Council in accordance with law. Government Code § 8630 requires the City Council to review of the need for continuing the local emergency at least once every 60 days until the City Council determines the local emergency within the geographic boundaries of the Landslide Complex has been abated or mitigated to insignificance. At this time, the City Council is being asked to extend the local emergency declaration an additional 60 days, which does not require a public hearing but has been included with the public hearing for the urgency ordinance since the matters are related to the same topic. It should be noted that due to the upcoming holiday break and the anticipated cancellation of the first meeting January 2024, staff will bring back a continuation request of the local emergency declaration at the December 19, 2023 meeting, which is slightly earlier than 60 days.

The City Council is being asked to adopt Resolution No. 2023-__ thereby extending the Declaration of Local Emergency by 60 days (Attachment B).

Project Activity in the Portuguese Bend Landslide Complex

To respond to the increased movement, Staff formed a working group that meets weekly (virtually) every Wednesday at 3:00pm and posts meeting minutes to the City's website. The purpose of the working group is to develop and implement actions to minimize land movement and its impact on private property as well as public infrastructure. Although many of the measures are the responsibility of other parties, the City is proactively supporting and facilitating various measures. The working group is comprised of the following:

- Abalone Cove and Klondike Canyon Landslide Abatement Districts (ACLAD and KCLAD) and their geologist;
- California Water Service (Cal Water)
- Southern California Gas Company (SoCalGas)
- Southern California Edison (SCE)
- Seaview Residential Association
- Portuguese Bend Community Association

- Portuguese Beach Club Homeowners Association
- Los Angeles County Public Works Sanitary Sewer Maintenance (LACPW)
- Los Angeles County Sanitation Districts (LACSD)
- City of Rolling Hills
- Rolling Hills Community Association
- Area residents
- Staff and consultant program manager, geologists, and civil engineers.

Table 2 on the following page shows a summary of key activities and measures since the emergency declaration.

Table No. 2 – Report on Activity to Abate or Mitigate Landslide Movement

Activity	Responsible Entity	Current Status	Estimated Completion
Conduct GPS Surveys of Landslide Movement	City	<ul style="list-style-type: none"> • 12 new monitoring points installed to fill gaps in landslide monitoring (locations shown in Attachment H) • GPS surveying of all monitoring points conducted in October, draft report prepared and being reviewed • Staff may seek future Council authorization for additional monitoring points. 	Ongoing
Fill Cracks in Seaview Neighborhood to Minimize Water Infiltration	City	<ul style="list-style-type: none"> • Crack filling repairs regularly performed and continue to be scheduled. 	Nov 10 & Ongoing
Install Guardrail to Protect Above-Ground Sewer Trunk Lines on Palos Verdes Drive South	LACSD	<ul style="list-style-type: none"> • Los Angeles County Sanitation District guardrail plans under review by City. 	December 2023
Inspect and Repair Underground Sewer Lines in the Seaview Neighborhood	LACPW: Mains Homeowners: Laterals	<ul style="list-style-type: none"> • Repairs to sewer mains under Admirable Dr are complete. • Sewer lines under Exultant Dr and Dauntless Dr inspected; no leaks or damage. • Sewer lateral (home to sewer) inspections being scheduled at some locations by homeowners. 	Ongoing
Repair Leaning SCE Power Poles	SCE	<ul style="list-style-type: none"> • Power lines in Preserve deactivated. • Coordination with SCE and other utilities ongoing for repair date. • Includes power poles in residential neighborhoods 	Ongoing
Relocate Water Main Temporarily Above Ground at Select Locations on Dauntless Dr, Admirable Dr, and Exultant Dr	Cal Water	<ul style="list-style-type: none"> • Plans prepared and vetted with Working Group and area residents. • Neighborhood Meeting occurred on November 1, 2023. • Materials have been ordered and construction is being scheduled. 	December 2023

Activity	Responsible Entity	Current Status	Estimated Completion
Install Water Leak Detection Equipment	Cal Water	<ul style="list-style-type: none"> • 65 leak detection sensors have been installed at various locations. • 6 pressure monitors have been installed. • Field technicians are still performing daily leak detection surveys, including in Rolling Hills (Flying Triangle). • Water repair technician deployed in Seaview 24/7 – respond to water leaks within Landslide Complex including Preserve and PBCA • Cal Water indicated that detection equipment successfully detected recent leaks. 	Ongoing
Repair Klondike Canyon Culvert and Pipe	KCLAD & City	<ul style="list-style-type: none"> • Video inspection of culvert and pipe complete- no leaks detected. • Pipe cleaning being scheduled. 	TBD
Seaview Dewatering Well(s)	KCLAD	<ul style="list-style-type: none"> • Specifications for dewatering well in public-right-of-way between 4362 Dauntless Dr and 4380 Dauntless prepared. • City reviewed and provided comments. • Bids being solicited and contractor selected. 	Nov 2023
Maintenance of Existing Dewatering Wells	ACLAD & KCLAD	<ul style="list-style-type: none"> • Regular well maintenance and repairs being performed. • ACLAD: 150,000 gallons per day pumped in October. 	Ongoing
Reactivation of City Dewatering Wells South of PVDS	ACLAD	<ul style="list-style-type: none"> • Bid received and contract awarded. • Contract award in process. • City Council's additional funding requested on November 14. 	December 2023
PVDS Culvert Repair at Altamira Canyon	ACLAD & City	<ul style="list-style-type: none"> • Specifications prepared and reviewed by City. • City Council authorization requested on Nov 14. 	December 2023
Altamira Canyon Improvements to Prevent Water Infiltration Into Landslide	ACLAD	<ul style="list-style-type: none"> • Draft report prepared and under review by City. • ACLAD and City Staff met with Supervisor Janice Hahn, LACPW Director Mark Pestrella, and Flood Control District staff. 	TBD
Gas Line Enhancements in Portuguese Bend Community	SoCalGas	<ul style="list-style-type: none"> • Gas lines being reviewed and plans for enhancements, including above-ground lines, being prepared. 	TBD
Filling Fissures in Preserve	City	<ul style="list-style-type: none"> • Fissures being filled using local soil in Preserve areas approved by City geologists. 	Ongoing
Portuguese Bend Landslide Remediation Project	City	<ul style="list-style-type: none"> • Preparing for survey work needed to complete final engineering and final environmental impact report scope of work. 	October 2025

Additionally, Staff have met with the Los Angeles County Public Works Director and his

staff as well as the Los Angeles County Flood Control District staff to discuss any assistance that can be provided. Further meetings and discussions are being planned.

Staff is also considering some short-term measures that would include work within the footprint of the City's Portuguese Bend Landslide Remediation Project, for which the City was recently selected as a grant recipient from Federal Emergency Management Agency (FEMA) in the amount of \$23.33 million. According to the terms of the grant, proceeding with any work within the footprint of the project is prohibited until final approvals are issued by FEMA. Staff is continuing discussions with Cal OES and FEMA on any possible way to implement routine maintenance and immediate measures within the project footprint to minimize land movement from impacting public and private property including roads and utilities without jeopardizing the grant.

Additionally, the City issued a Mandatory Water Restrictions Notice to the property owners within the bounds of the Landslide Complex. This included a clarifying cover letter noting that these restrictions are geared toward residential uses and explaining what level of hand watering would be allowed. The notice and cover letter are attached to this staff report (Attachment G).

On October 27, 2023, a meeting convened between City Manager Ara Mhrianian, Emergency Services Coordinator Jesse Villalpando, and Disaster Management Area Coordinator (DMAC) Brandy Villanueva. The DMAC position, with origins in the Civil Defense program from World War II, has evolved to address the management of responses to natural disasters and other emergency situations. This session proved to be highly productive, with thorough discussions on essential topics such as providing aid to residents in emergencies, critical elements of emergency contingency planning, and strategies for effective resource management in collaboration with relevant state and county authorities. The collective efforts at this meeting resulted in a multifaceted strategy to safeguard the community and manage resources effectively.

City staff, is spearheading strategic contingency planning with utility companies to ensure the resilience of infrastructure, incorporating essential updates to the Working Group, and seeking information on property tax relief from the LA County Assessor's Office to support residents financially. These efforts are crucial in maintaining the continuity of essential services and providing economic relief, thereby establishing a robust foundation for the City's recovery initiatives. Contingency planning efforts are intended to position the City to respond efficiently and effectively if matters progressively intensify.

DMAC Brandy Villanueva is diligently working to secure potential reimbursements for expenses related to emergencies. She is liaising with the LA County OEM Recovery Team to investigate the various funding and assistance options made available under the federal declaration for the California Severe Winter Storms (DR-4699-CA) disaster. Her role involves identifying and applying for federal aid programs that could offer financial relief to both the city, ACLAD, KCLAD, and its residents.

DMAC Brandy Villanueva is also engaging with the CALOES Recovery Team alongside Emergency Services Coordinator Villalpando to evaluate the suitability of various funding avenues and to manage the intricacies of the California Disaster Assistance Act (CDAA) reimbursement process. Importantly, she is tasked with confirming the eligibility of emergency expenses for Special Districts, including the City's Geological Hazard

Abatement Districts (GHADs), under the City of Rancho Palos Verdes Declaration. Brandy's proactive measures are focused on maximizing the recovery of the City's emergency expenditures. Furthermore, she has been asked to provide City staff with information on essential resources for residents that may be potentially displaced by the geological emergency.

Based on the above, the City Council is being asked to receive and file a report of the project activity in the Portuguese Bend Landslide Complex

ADDITIONAL INFORMATION:

Public Notice

Public hearing notice was published in the *Palos Verdes Peninsula News* on October 26, 2023. Notices were also mailed on October 25, 2023 to the residents within the greater Portuguese Bend Landslide Complex. Information about the public hearing was distributed through the City's Listserv and posted on the City's website.

In response to the public notice, the City has received comments from concerned residents that vary from supporting the ongoing efforts, to extend the building moratorium and the local emergency declaration, to scaling back the building moratorium as discussed in the body of this staff report (Attachment H).

Emergency Exceptions to the Requirements of CEQA

CEQA exempts specific actions necessary to prevent or mitigate an emergency. Pub. Res. Code § 21080(b)(4); 14 Cal. Code Regs. § 15269(c). Under Pub. Res. Code § 21060.3, an emergency is a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. "Emergency" is defined to include occurrences such as fire, flood, earthquake, landslide, riot, accident, or sabotage. Pub. Res. Code § 21060.3.

This exemption has therefore been limited in the CEQA Guidelines and in case law to events that involve clear and immediate danger and demand immediate action. It does not extend to correction of a hazardous ongoing condition when immediate action in response to imminent danger from a specific event is not involved, even if corrections might prevent significant harm. *Western Mun. Water Dist. v Superior Court* (1986) 187 CL.App.3d 1104, 1111 (plan to reduce groundwater levels to prevent liquefaction in event of earthquake not exempt from CEQA, because no substantial evidence of emergency); *Castaic Lake Water Agency v City of Santa Clarita* (1995) 41 Cal.App.4th 1257 (adoption of community recovery plan not exempt from CEQA because plan focused predominantly on economic development rather than repair of earthquake-damaged property). See also *Los Osos Valley Ass'n v City of San Luis Obispo* (1994) 30 Cal.App.4th 1670, 1682.

Based on this case law, the Guidelines specify that this exemption does not include long-term projects to prevent or mitigate a situation that ***has a low probability of occurring in the short term. 14 Cal. Code Regs. § 15269(c). The fact that a condition has existed for some time, however, does not defeat the use of the emergency exemption if immediate action is required. CalBeach Advocates v City of Solana***

Beach (2002) 103 Cal.App.4th 529 (emergency exemption properly applied to seawall permit when seawall was necessary to prevent collapse of bluff on which homes were located, even though bluff fracture began to occur months before).

The exclusion for projects that would address a situation that has a low probability of occurring in the short term does not apply if the expected time to conduct CEQA review would create a risk to public health, safety, or welfare, or if activities such as risk mitigation or facility integrity improvements are proposed in response to an emergency at a similar existing facility. 14 Cal. Code Regs. § 15269(c)

CEQA includes a separate exemption for emergency repairs to public service facilities necessary to maintain service. Pub. Res. Code § 21080(b)(2). Under 14 Cal. Code Regs. § 15269(b), this exemption applies to repairs to publicly or privately owned facilities necessary to maintain service essential to the public health, safety, or welfare, including repairs that require a reasonable amount of planning in order to address an anticipated emergency.

As previously reported, Public Resources Code § 26601 specifies that improvements undertaken under the **geologic hazard abatement law**, and all activities in furtherance of such improvements, **are exempt from CEQA** as specific actions to prevent or mitigate an emergency under Pub. Res. Code § 21080(b)(4). *County of Ventura v City of Moorpark* (2018) 24 Cal.App.5th 377 (upholding beach restoration project by geologic hazard abatement district as exempt under this section). The following emergency projects have been deemed exempt from the requirements of CEQA:

- Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028 (b) of Public Resources Code.
- Emergency repairs to publicly or privately-owned service facilities necessary to maintain service essential to the public health, safety or welfare. Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency.
- Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short term, but this exclusion does not apply (i) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare, or (ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.

