



## HEIGHT VARIATION PERMIT

By vote of the citizens of Rancho Palos Verdes on November 7, 1989, procedures and decision criteria for evaluating new residences or additions to existing residences which exceed the established height limits were adopted. As part of the adopted procedures, a **Height Variation Permit** process was created to allow the construction of new residences or additions to existing residences to exceed sixteen (16) feet in height, up to a maximum of twenty-six (26) feet.

### Height Measurement

Section 17.02.040(B)(1) of the City's Development Code defines the following methods for measuring height for various lot types:

(a) For **sloping lots which slope uphill** from the street of access or in the same direction as the street of access and for which no building pad exists, the height shall be measured from the preconstruction (existing) grade at the highest point on the lot to be covered by the structure to the ridgeline or the highest point of the structure, as illustrated in figure 1 below.

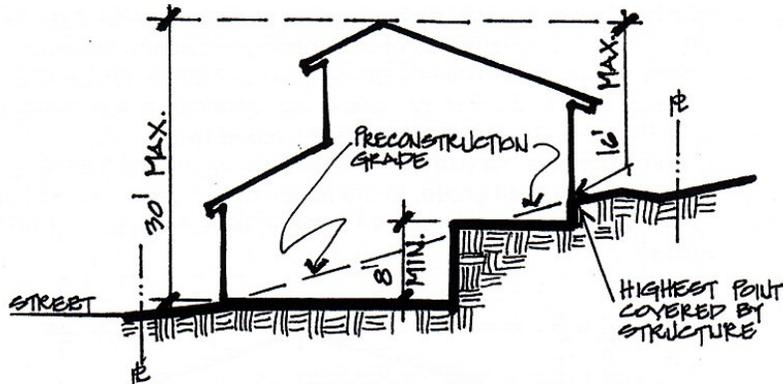


FIGURE 1

(b) For **sloping lots which slope downhill** from the street of access and for which no building pad exists, the height shall be measured from the average elevation of the setback line abutting the street of access to the ridge line or the highest point of the structure, as illustrated in figure 2 below.

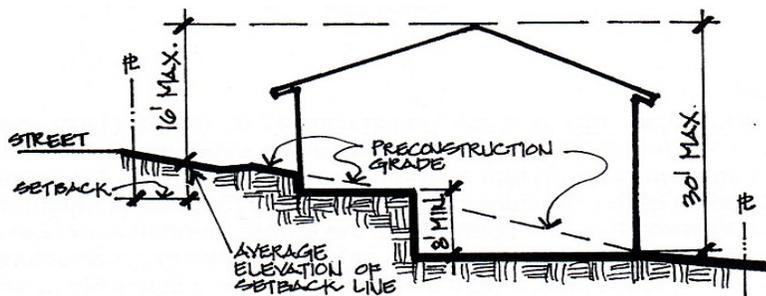
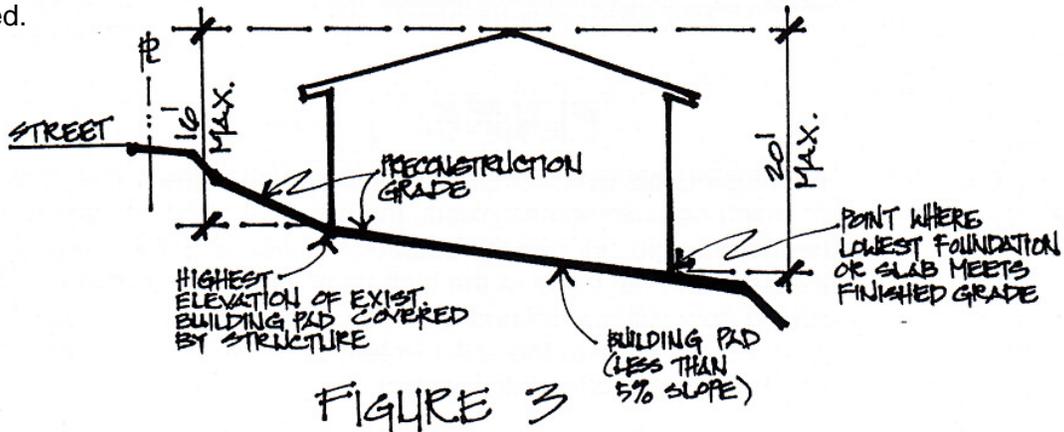


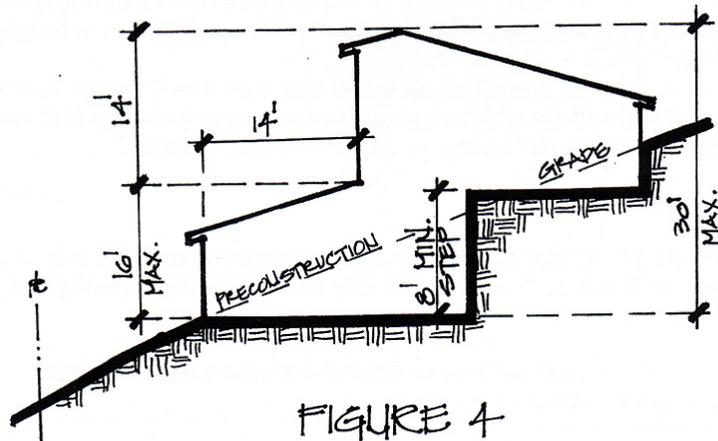
FIGURE 2

(c) For lots with a "building pad" at street level or at a different level than the street or lot configurations not previously discussed, the height shall be measured from the preconstruction (existing) grade at the highest elevation of the existing building pad area covered by the structure to the ridge line or highest point of the structure, as illustrated in figure 3 below. Portions of a structure which extend beyond the "building pad" area of a lot shall not qualify as the highest elevation covered by the structure, for the purposes of determining maximum building height. Structures allowed pursuant to this subsection shall not exceed twenty (20) feet in height, as measured from the point where the lowest foundation or slab meets finished grade, to the ridgeline or highest point of the structure. Otherwise, a Height Variation permit shall be required.



On **sloping lots** described above, the foundation of the structure shall contain a minimum eight (8) foot step with the slope of the lot, as illustrated in Figure 4 below. However, no portion of the structure shall exceed thirty (30) feet in height, when measured from the point where the lowest foundation or slab meets finished grade to the ridge line or highest point of the structure. The thirty (30) foot height shall not exceed a horizontally projected sixteen (16) foot height line (from the high point of the uphill step of the structure).

Furthermore, on **lots which slope uphill** from the street of access and where the height of a structure is in excess of sixteen (16) feet above the point where the lowest foundation or slab meets the ground, areas in excess of the sixteen (16) foot height limit shall be set back one (1) foot from the exterior building facade of the first story, most parallel and closest to the front property line, for every foot of height in excess of sixteen (16) feet, as measured from the point where the lowest foundation or slab meets the ground, as illustrated in Figure 4 below.



### When an application is reviewed by the Planning Commission

A determination on a Height Variation Permit Application shall be made by the Community Development Director, in accordance with the findings described in section 17.02.040(C)(1)(e) of the City's Development Code (summarized under "Decision Criteria"). However, the Director shall refer a Height Variation Permit Application directly to the City's Planning Commission for consideration under the same findings, as part of a public hearing, if any of the following is proposed:

1. Any portion of a structure which exceeds sixteen (16) feet in height extends closer than twenty-five (25) feet from the front or street-side property line; or
2. The area of the structure which exceeds sixteen (16) feet in height (the second story footprint) exceeds seventy-five percent (75%) of the first story footprint area (residence and attached garage); or
3. Sixty percent (60%) or more of a garage footprint is covered by a structure which exceeds sixteen (16) feet in height (a second story); or
4. The portion of the structure which exceeds sixteen (16) feet in height is being developed as part of a new single-family residence; or
5. Based on an initial site visit, the director determines that any portion of a structure which is proposed to exceed sixteen (16) feet in height may significantly impair a view.

### Decision Criteria

Section 17.02.040(C)(1)(e) of the Development Code sets forth nine (9) findings which form the basis for review of Height Variation Permit Applications. The nine findings are summarized below. Please be aware that all of the findings must be made for a Height Variation Permit to be granted by the Director of Planning, Building and Code Enforcement or Planning Commission.

1. The applicant has complied with the early neighbor consultation process established by the City.
2. The proposed structure does not significantly impair a view from public property (parks, major thoroughfares, bike ways, walkways, equestrian trails).
3. The proposed structure is not located on a ridge or a promontory.
4. The proposed structure is designed and situated in such a manner as to minimize impairment of a view.
5. There is no significant cumulative view impairment caused by granting the application.
6. The proposed structure, when considered exclusive of foliage, does not significantly impair a view from the viewing area of another parcel.
7. The proposed structure complies with all other code requirements.
8. The proposed structure is compatible with the immediate neighborhood character.
9. The proposed structure does not result in an unreasonable infringement of the privacy of the occupants of abutting residences.

### Early Neighbor Consultation:

As noted in the first "Decision Criteria" finding, proof of meeting the City's "Early Neighbor Consultation" requirement may be deemed adequate if the applicant submits the following:

- 1) Signed "Acknowledgement of Early Neighbor Consultation" forms (attached) with either:
  - a. The signatures of at least 60% of the property owners within 500 feet of the applicant's lot (excluding the applicant); **OR**

- b. The signatures of at least 25% of the property owners located within 500 feet of the applicant's lot (excluding the applicant) AND the signatures of at least 70% of the property owners located within 100 feet of the applicant's lot.

- 2) If a local Homeowner's Association exists, the applicant shall mail a letter to the Association requesting their position on the application. A copy of this letter and any responses from the association received within 30 days of the applicants mailing must be submitted

How to Obtain Signatures for "Early Neighbor Consultation"

In order for signatures to count towards the necessary percentages, the property owner signing the form must review the plans for the proposed addition. Acceptable efforts for obtaining the necessary signatures include:

- A. Door-to-door contact with neighbors, describing the proposed project while showing and explaining the plans; and/or
- B. Holding an "Open House" to show and explain the proposed plans, with proof of written or oral invitations to the potentially affected property owners.

Any deviations from these two methods or from using the provided forms must be approved in advance by the Community Development Director. Please refer to the City's "Guidelines and Procedures for Preservation of Views Where Structures are Involved" manual for a complete description of the Early Neighbor Consultation procedure, including an optional method for satisfying the "Early Neighbor Consultation" requirement.

**IMPORTANT**

- ❖ If unsure of any of the City's requirements in areas relating to the proposed development, it is suggested that the planning department be contacted before going to the expense of having plans drawn. Preliminary discussions with the City's Planning staff may reveal potential conflicts with the City's Development Code.
- ❖ When filing your application, make certain the entire planning application is completed and that all the required submittal materials are included, OTHERWISE THE APPLICATION MAY NOT BE ACCEPTED FOR FILING.
- ❖ Pursuant to Section 17.86.050 of the RPVMC, THE CITY WILL NOT ACCEPT ANY DEVELOPMENT APPLICATION(S) FOR A LOT OR PARCEL THAT IS IN VIOLATION OF THE CITY'S MUNICIPAL CODE, UNLESS AN APPLICATION IS SUBMITTED TO CORRECT A VIOLATION.
- ❖ CC&R's are private restrictions or agreements. Therefore the City is not responsible for a property owner's compliance with any CC&R's that may govern their property and the City does not enforce private CC&R's. The City recommends that property owners review their title report to see if any CC&R's govern their property, and if so, consult such CC&R's prior to submittal of their application. Additionally, property owners should review their title report for any other private property restrictions (Deed Restriction, Private Easement, etc.) that may govern their property.

**FILING FEES:**

Director Review	\$2,800.00
Planning Commission Review	\$4,658.00
Neighborhood Compatibility Analysis	\$1,727.00
Foliage Analysis	\$198.00
Data Entry Processing Fee	\$4.00

*\$18.00 Historic Data Entry Fee (one time fee per property) may also be required.*