P.C. RESOLUTION NO. 2019-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES AMENDING CONDITION NOS. 24, 45, AND 47 TO REFLECT THE UPDATED LANDSCAPE PLAN AND TO CLARIFY CERTAIN CONDITIONS FOR CONDITIONAL USE PERMIT NO. 172 REVISION "C" FOR CAL WATER SERVICE ON PROPERTY LOCATED AT 5837 CREST ROAD (CASE NO. PLCU2018-0014).

WHEREAS, On October 13, 1992, the Planning Commission adopted P.C. Resolution No. 92-60 approving Conditional Use Permit No. 172 to legalize the nonconforming use of the property at 5837 Crest Road by California Water Service (CWS), and approve an 1,800ft² addition (never constructed) to the existing 3,840ft² office building and a new 4,000ft² carport (constructed as 3,200ft²); and,

WHEREAS, on August 24, 1993, the Planning Commission adopted P.C. Resolution No. 1993-21, approving Conditional Use Permit No. 172 Revision 'A' for a 2,684 square foot addition to the existing 3,840 square foot office building. On April 22, 1994, a building permit was issued for a slightly larger 2,734 square foot addition; and,

WHEREAS, on January 14, 1997, the Planning Commission adopted P.C. Resolution No. 97-8, approving Conditional Use Permit No. 172 Revision 'B' to remove an existing underground gasoline storage tank and replace it with an above-ground gasoline storage tank; and,

WHEREAS, on May 5, 2015, CWS submitted an application for Conditional Use Permit Revision 'C' (ZON2015-00230) requesting to install a 1,000 gallon above-ground diesel fuel tank to fuel CWS trucks and equipment; and,

WHEREAS, on November 10, 2015, the Planning Commission held a duly noticed public hearing, at which time CWS's application was continued to December 8, 2015 to provide an opportunity for CWS to address the project and operational concerns raised by the public during the public comment period and during the public hearing; and,

WHEREAS, at the December 8, 2015 Planning Commission meeting, the public continued to raise concerns with the proposed diesel fuel tank and the overall use of the site, and as a result, the Planning Commission continued the public hearing to an unspecified date to allow CWS additional time to respond to the concerns raised at the public hearing; and,

WHEREAS, at the January 24, 2017 Planning Commission meeting, Staff provided a status report for the project, and the Commission continued the public hearing to the April 25, 2017 meeting to allow CWS additional time for their legal staff to review and compile the information required for Staff's review of the project; and,

WHEREAS, at the April 25, 2017 meeting, Staff provided a status report for the project, and the Planning Commission, as recommended by Staff, continued the public hearing to September 12, 2017, and directed Staff to come back with a status report regarding the installation of landscaping and fencing at its July 11, 2017 meeting; and,

WHEREAS, on June 22, 2017, a public notice for the July 11, 2017 Planning Commission meeting was mailed to all property owners within a 500' radius. Since the required landscape and fencing plan could not be completed in time to allow the neighbors to review the plan prior to the July 11th meeting, the Commission continued the public hearing to the September 12, 2017 meeting, based on CWS and the neighbors' request for additional time, and directed Staff to come back with a status report at the July 25, 2017 meeting; and,

WHEREAS, at the July 25, 2017 meeting, Staff presented a status report to the Planning Commission regarding the landscape and fence plan, and the Commission received and filed the status report and continued the public hearing to the September 12, 2017 meeting; and,

WHEREAS, at the September 12, 2017 meeting, Staff informed the Commission that additional time was needed to assess a recently submitted revised scope of work for the overall operations on the site. Based on Staff's recommendation, the Commission continued the public hearing to the December 12, 2017 meeting; and,

WHEREAS, the public notice announcing the availability of the Initial Study and draft Mitigated Negative Declaration, and the proposed Conditional Use Permit No. 172 Revision "C" and Grading Permit was published in the *Peninsula News* and sent to all property owners within 500' of the subject site, those who requested notice, interested parties, and appropriate public agencies for a comment period of more than 20-days, commencing on November 16, 2017, and concluding on December 12, 2017; and,

WHEREAS, on December 12, 2017, the Planning Commission held a duly noticed public hearing, considered public testimony, and directed Staff to bring a revised resolution based on the Commission's input and continued the public hearing to the January 9, 2018 meeting; and,

WHEREAS, on January 9, 2018, the Planning Commission held a duly noticed public hearing, considered public testimony, and adopted P.C. Resolution Nos. 2018-01 and 2018-02, adopting a Mitigated negative Declaration and approving Conditional Use Permit (CUP) No. 172 Revision "C" and Minor Grading Permit to memorialize the on-site facilities and operations, and to allow the installation of a 1,000 gallon above-ground diesel fuel tank and 20 cubic yards of grading; and,

WHEREAS, on February 7, 2019, a public notice of the Annual Compliance Review was mailed to owners of property within a 500' radius of the project site, to persons requesting notice, to all affected homeowners associations, and the property owner, in accordance with Rancho Palos Verdes Municipal Code Section 17.80.090, and

published in the *Peninsula News* pursuant to the requirements of the Rancho Palos Verdes Development Code; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on February 26, 2019, at which time all interested parties were given an opportunity to be heard and present evidence.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

Section 1: 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), this decision by the Planning Commission (i) constitutes a minor modification/revision to the existing Conditions of Approval of Conditional Use Permit No. 172, Revision "C" to reduce the impacts of the site on adjacent properties; and (ii) will not have a significant effect on the environment. Therefore, this decision is not subject to CEQA pursuant to California Code of Regulations Sections 15601(b)(2), 15301, and 15061(b)(3) as the existing mitigation measures for the project's Mitigated Negative Declaration adopted under P.C. Resolution No. 2018-01 remain in full force and effect.

Section 2: Attached hereto as Exhibit 'A' are conditions governing this use, both existing, new, and modified conditions, all incorporated herein. In accordance to Condition No. 3 of P.C. Resolution No. 2018-02, this determination includes adding new conditions, and amending the existing Conditions of Approval based on the Planning Commission's compliance assessment, public comments, and discussions at the meeting with CWS and the neighbors. The amendments to the conditions are summarized as follows (deleted text shown in ~~strikethrough~~ and new text shown in underline):

A. Condition No. 24.k is amended to address the as-built changes to the approved Landscape Plan that were made due to issues with plant availability, space, and topography.

k. Landscape Improvements: No later than March ~~10~~28, 201~~8~~9, CWS shall install the following per the amended Landscape Plan reviewed by the Planning Commission on ~~December 12, 2017~~February 26, 2019:

ii. Re-compact the earthen berm, cover with six inches (6") of topsoil so the berm can support plant growth, ~~cover with jute netting~~ and hydroseed with Stover Hillside Grass Mix.

iv. Install ninety seven ~~seventy four~~ (~~74~~97) new plants along the entire periphery of the reservoir, and on the north, east and south sides of the maintenance yard including: Strawberry Tree, Ray Hartman California Lilac,

Red Trumpet Vine, Hopseed Bush, Japanese Privet, Cape Plumbago, New Zealand Christmas tree, Gold Medallion tree~~ Silk Tassel Bush~~, Pink Melaleuca, ~~Yellow Bells,~~ and Fern Pine ~~African boxwood~~.

B. Condition No. 24.k.iii is amended to change the fence color from "green" to the Homeland-brand greenish-brown, wood-patterned, vinyl fence to comply with the actual fence that was mutually agreed to by the neighbors and CWS.

iii. Install a six foot, eight inch (6'-8") tall, ~~green~~wood-pattern, greenish-brown vinyl fence on top of the entire length of the two connected earthen berms.

C. Condition No. 24.k.v is amended to address neighborhood concerns about the currently brown and dormant Buffalo Grass lawn. The amendments require a one-time painting of the lawn and adding a cool-season grass during the cooler months to maintain a green-looking lawn throughout the year.

v. Hydroseed the lawn area above the reservoir with Buffalo Grass. The lawn shall be overseeded with a cool-season grass seed such as Ryegrass in the fall and shall be maintained per the 2019 updated Landscape Maintenance Plan. If a perennial cool-season grass seed is planted, it shall be supplemented as needed with an additional seed mix in the fall to maintain coverage over the dormant Buffalo Grass.

vii. CWS shall paint the dormant Buffalo Grass green with a non-toxic lawn paint by March 28, 2019 and shall reapply the paint as deemed necessary by the Director until the Buffalo Grass is substantially green. This painting condition shall only apply until July 2019.

D. Condition No. 24.l.ii is deleted as it was determined that installation of the short walls was not feasible due to the thin layer of soil over the reservoir.

~~24.l.ii Installation of two five foot, five inch (5'-5") long, four foot (4') tall CMU walls (external face painted green) at right angles at each of the six existing reservoir vents.~~

E. Condition No. 47 is amended to add language that requires an updated maintenance plan be submitted by March 28, 2019, since new plants (Ryegrass or other similar cool-season grass) were added to landscape plan.

47.a The Landscape Maintenance Plan shall be updated and submitted to the Director for approval by March 28, 2019 to include maintenance guidelines for the Ryegrass or other cool-season grass that has been added to the landscape plan.

F. Condition No. 45 is amended to clarify when the trimming of the foliage on the CWS site shall be completed, and what the subsequent trimming schedule should

be.

45. All existing and proposed foliage shall be trimmed on an annual basis as determined by the Director of Community Development pursuant to Section 17.02 of the RPVMC in order to minimize any significant view impairment as seen from the adjacent residential properties. The first trimming shall occur by April 27, 2019. Each subsequent annual trimming shall occur on or before April of each year. The first, and all subsequent trimming levels shall be based on the trimming diagrams provided by Staff.

G. Condition No. 24.c is amended to require a Spill Prevention Control and Countermeasure Plan after installation of the tank, instead of before, to ensure the updates to the Plan are accurate.

24.c Spill Prevention Control and Countermeasure Plan: ~~Prior to any permit~~ issuanceWithin 60 days of installation of the diesel fuel tank, CWS shall prepare and submit a Spill Prevention Control and Countermeasure Plan for review and approval by the Director of Community Development for both the existing 2,000 gallon gasoline tank and the 1,000 gallon diesel fuel tank.

Section 3: Any interested person aggrieved by this decision or any portion of this decision may appeal to the City Council. Pursuant to Sections 17.02.040(C)(1)(g) 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 appeal fee, to the extent one is required by the Municipal Code, no later than fifteen (15) days following February 26, 2019, the date of the Planning Commission's final action.

Section 4: For the foregoing reasons and based on the information and findings included in the Staff Report, the Planning Commission of the City of Rancho Palos Verdes adopts P.C. Resolution No. 2019-__, amending Condition Nos. 24, 45, and 47 to reflect the updated landscape plan and to clarify certain conditions for Conditional Use Permit No. 172 Revision "C" for the California Water Service Company on property located at 5837 Crest Road (Case No. PLCU2018-0014).

PASSED, APPROVED AND ADOPTED this 26th day of February 2019, by the following vote:

AYES:

NOES:

ABSTENTIONS:

RECUSALS:

ABSENT:

_____
William J. James
Chairman

_____
Ara Mihranian, AICP
Director of Community Development; and,
Secretary of the Planning Commission

Exhibit "A"
Conditions of Approval
Conditional Use Permit No. 172 Revision "C"
(PLCU2018-0014)
5837 Crest Road

General Conditions:

1. Prior to the submittal of plans into Building and Safety plan check, CWS 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 the written statement within ninety (90) days following the date of this approval shall render this approval null and void.

2. CWS shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures) (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project.

3. The Planning Commission shall conduct an annual review one year after the approval of this Conditional Use Permit Revision No. "C", to review the Conditions of Approval contained herein at a duly noticed public hearing. As part of the review, the Planning Commission shall assess CWS's compliance with the conditions of approval and the adequacy of the conditions imposed. At that time, the Planning Commission may add, delete, or modify any conditions of approval as evidence presented at the hearing demonstrates are necessary and appropriate to address impacts resulting from operation of the project. Notice of said review hearing shall be published and provided to owners of property within a five hundred foot (500') radius of the site, to persons requesting notice, to all affected homeowners associations, and to CWS in accordance with the Rancho Palos Verdes Municipal Code (RPVMC). As part of the annual review, the Planning Commission shall consider, among other things, air quality, lighting, landscaping, and noise. The Planning Commission may require such subsequent additional reviews, as the Planning Commission deems appropriate. This provision shall not be construed as a limitation on the City's ability to enforce any provision of the RPVMC regarding this project.

4. CWS shall pay for all costs, including Staff and City Attorney costs, associated with annual reviews.

5. Prior to scheduling the annual review hearing with the Planning Commission, Staff shall schedule a meeting between the neighbors and CWS, to review and provide input on the current operations and the effectiveness of the Conditions of Approval to be considered by the Planning Commission.

6. The delivery and pickup of spoils and fill material shall be allowed to occur at this site for a period not to exceed 6 months from the date of the adoption of P.C. Resolution No. 2018-02, or July 9, 2018, whichever is later. The Planning Commission may grant one extension of up to 6 months at a duly noticed public hearing based on two findings: 1) CWS demonstrates that the spoils operation could not be located to an off-site location by this deadline, despite CWS's good faith efforts, and, 2) CWS shall submit written progress reports to the City every 90 days from the date of adoption of this Resolution outlining its efforts and accomplishments related to acquisition and construction of the new materials and spoils storage facility.

7. If the Planning Commission determines that the activity must cease, CWS shall have 2 weeks from the date of the Commission's decision to relocate these operations.

8. 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.

9. Pursuant to Section 17.78.040, the Director of Community Development 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. Substantial changes to the project shall be considered a revision and require approval by the final body that approved the original project, which may require new and separate environmental review and public notification.

10. The project development on the site shall conform to the specific standards contained in these Conditions of Approval or, if not addressed herein, shall conform to the City's Municipal Code.

11. The project development on the site shall conform to the Commission-approved plans and to the specific standards contained in these Conditions of Approval or, if not addressed herein, shall conform to the RS-4 residential development standards.

12. Failure to comply with and adhere to all of these Conditions of Approval may be

cause to revoke the approval of the project pursuant to the revocation procedures contained in Section 17.86.060 of the City's Municipal Code or administrative citations as described in Section 1.16 of the City's Municipal Code.

13. The life of the Conditional Use Permit shall run with the current California Water Services use, or any future water utility company use of the property.

14. If CWS has not submitted an application for a grading and/or building permit for the approved project or not commenced the approved project as described in Section 17.86.070 of the City's Municipal Code within one year of the final effective date of this Resolution, 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 Community Development Department and approved by the Director.

15. In the event that any of these Conditions of Approval are in conflict with the recommendations and/or requirements of another permitting agency or City department, the stricter standard shall apply.

16. Unless otherwise designated in these Conditions of Approval, all construction shall be completed in substantial conformance with the plans stamped APPROVED by the City with the effective date of this Resolution.

17. 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.

18. All construction sites shall be maintained in a secure, safe, neat and orderly manner, to the satisfaction of the City's Building Official. All construction waste and debris resulting from a construction, alteration or repair project shall be removed on a weekly basis by the contractor or property owner. Existing or temporary portable bathrooms shall be provided during construction. Portable bathrooms shall be placed in a location that will minimize disturbance to the surrounding property owners, to the satisfaction of the City's Building Official.

19. Prior to conducting any work in the public right of way, such as for curb cuts, dumpsters, temporary improvements and/or permanent improvements, CWS shall obtain an encroachment permit from the Director of Public Works.

20. Permitted hours and days for construction activity are 7:00 a.m. to 6:00 p.m., Monday through Friday, 9:00 a.m. to 5:00 p.m. on 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. During demolition, construction and/or grading operations, trucks shall not park, queue and/or idle at

the project site or in the adjoining street rights-of-way before 7:00 a.m. Monday through Friday and before 9:00 a.m. on Saturday, in accordance with the permitted hours of construction stated in this condition. When feasible to do so, the construction contractor shall provide staging areas on-site to minimize off-site transportation of heavy construction equipment. These areas shall be located to maximize the distance between staging activities and neighboring properties, subject to approval by the building official.

21. All grading, landscaping, and construction activities shall be conducted using effective dust control techniques, either through screening and/or watering.

22. This Conditional Use Permit including the Conditions of Approval shall supersede the Conditions of Approval of P.C. Resolution Nos. 92-60 (CUP No. 172), 93-21 (Revision “A”), and 97-8 (Revision “B”), provided that the following conditions from CUP No. 172, and Revisions “A” and “B” are incorporated herein:

    a. <u>California Water Service Use (Conditional Use Permit No. 172):</u>

        i. Maximum height of the office/storage addition shall not exceed 10'-3" (or an elevation of 1200.25' as measured from the northeast corner of the addition).

        ii. Maximum height of the storage shed shall not exceed 16'-0" (or an elevation of 1202.6' as measured from the southwest corner of the structure).

        iii. The storage shed shall be located at least five feet (5'-0") from the westerly property line.

        iv. The applicant shall maintain the landscaping in the area between the storage shed and the existing chain link fence. The intent of this condition is to screen only those areas that may not be screened by the existing vegetation on the transitional slope.

        v. The existing fence along the west property line adjacent to the storage structure shall be maintained or replaced in kind if it must be removed during construction.

        vi. The west wall of the shed shall be constructed of decorative/split face block material. Any changes to this material shall be reviewed and approved by the Director of Community Development.

    b. <u>Administrative Building and Storage Shed (Conditional Use Permit No. 172 Revision “A”):</u>

        i. The maximum encroachment for the addition shall not exceed fifteen

feet (15') into the required twenty foot front yard setback.

ii. The minimum 5'- 0" side yard setback shall be maintained.

iii. The maximum height of the addition shall not exceed sixteen feet (16') or a ridge elevation of one thousand, two hundred feet (1200.0'), as measured from pad elevation one thousand, one hundred and eighty four (1184. 0').

iv. The maximum eave projections into the required setbacks shall not exceed four inches (4") for each one foot (1'- 0") of required setback.

v. The addition shall substantially conform to the set of plans that were submitted to and stamped as received by the Environmental Services Department on June 21, 1993.

vi. This approval is for the proposed office/storage addition only two thousand, six hundred and eighty four square feet (2,684ft^2)

c. <u>2,000 Gallon Gasoline Storage Tank (Conditional Use Permit No. 172 Revision "B"):</u>

i. Within thirty (30) days following adoption of this Resolution, 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 shall render this approval null and void.

ii. This approval is for the placement of a 2,000-gallon above-ground gasoline storage tank to be located on the site of California Water Service Company at 5837 Crest Road. The maximum height of the tank is twelve feet (12'0") although the required vent pipes may exceed this height limit if required for health and safety purposes. The minimum setback from the side property line is five feet (5'0"). Any change shall require approval of a further revision to Conditional Use Permit No. 172 by the Planning Commission and shall require a new and separate environmental review.

i. Unless otherwise designated in these conditions, all construction shall be completed in substantial conformance with the plans submitted to the City on August 27, 1996.

ii. The applicant shall obtain a grading permit prior to the removal of the existing underground gasoline storage tank.

i. The refueling of vehicles and the refilling of the tank shall be permitted only during regular business hours (8:00 a.m. to 4:30 p.m.

Monday through Friday), except in case of emergency. The tank shall only be used for the refueling of California Water Service Company's fleet vehicles and equipment, and not for vehicles or equipment belonging to or operated by members of the general public.

ii. The applicant shall be required to obtain the following permits and/or approvals:
    1. Approval from the Waste Management Division of the Los Angeles County Department of Public Works for dispensing fuel and management of motor fuel waste products.
    2. Approval from the Petroleum Chemical Unit of the Los Angeles County Fire Department for the installation of the new tank and pump.
    3. Approval from the South Coast Air Quality Management District for the pump nozzle vapor recovery system and any soil contamination. Additional permits and/or requirements may be imposed by other agencies or City departments.

iii. Notwithstanding the plans submitted to the City on August 27, 1996:
    a) The containment basin beneath the tank shall be enlarged and/or deepened as necessary to provide a storage capacity equal to one hundred twenty-five percent (125%) of the capacity of the tank, or 2,500 gallons (334 cubic feet).The maximum height of the tank is twelve feet (12'0") although the required vent pipes may exceed this height limit if required for health and safety purposes.

23. 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.

<u>Project Specific Conditions (Conditional Use Permit No 172 Revision “C”):</u>

24. This approval shall allow for the following as-built and proposed improvements and uses:

    a. **Diesel Fuel Tank:** Installation of a one thousand (1,000) gallon above-ground, solar-powered, diesel fuel tank measuring eleven feet, one inch (11’-1”) in length, five feet, eight inches (5’-8”) in width and five feet, three inches (5’-3”) in height with a six foot, nine inch (6’-9”) tall vent on top of the fuel tank resulting in an overall height that shall not exceed twelve feet (12’) as measured from adjacent grade. The diesel fuel tank shall only be allowed to fuel CWS vehicles and equipment on-site, except in emergency situations, the diesel fuel tank may be used by offsite CWS vehicles and/or other entities.

    The diesel fuel tank shall be placed on a concrete pad measuring

approximately fourteen feet (14') in length and eight feet (8') in depth located north of the Cal Water office building, next to existing generators, as depicted on the site plan reviewed by the Planning Commission at its December 12, 2017 meeting. Protective bollards measuring four feet (4') in height shall be placed around the proposed fuel tank area and shall match the color and material of the bollards surrounding the existing generators.

The proposed fuel tank shall be located in an area that has two dumpsters, which shall be relocated to the south-west corner of the generator area.

b. **Diesel Fuel Tank Inspections:**
   i. The 1,000 gallon diesel fuel tank and solar-powered pump shall be inspected on an annual basis by the Los Angeles County Fire Department Health Hazardous Materials Division. CWS shall provide the Director of Community Development with the inspection report no later than thirty (30) days after the inspection has occurred.

   ii. The 1,000 gallon diesel fuel tank and solar-powered pump shall be inspected regularly, as required by the CAL FIRE-Office of the State Fire Marshal and shall comply with the reporting and fee requirements of the Aboveground Petroleum Storage Act.

c. **Spill Prevention Control and Countermeasure Plan:** Within 60 days of installation of the diesel fuel tank, CWS shall prepare and submit a Spill Prevention Control and Countermeasure Plan for review and approval by the Director of Community Development for both the existing 2,000 gallon gasoline tank and the 1,000 gallon diesel fuel tank.

   AMENDED PER P.C. RESOLUTION NO. 2019-__ ON FEBRUARY 26, 2019.

d. **Diesel Fuel Tank**: Prior to any permit issuance, CWS shall demonstrate to the satisfaction of the Director of Community Development that the diesel fuel tank includes following safety measures:

   a. Fill limiter valves which will shut off at 95% capacity,
   b. Emergency safety equipment including an emergency shut-off switch and a properly rated fire extinguisher that will be located near the tank system,
   c. Static warning decal and fueling instructions posted,
   d. Training of all employees in the proper and safe operation of the tank.

e. **Existing Structures:** A 6,574ft^2 water quality lab and administrative operations center, a 720 ft^2 storage building, a 190ft^2 open rack structure for parts and supplies, and a 3,200ft^2 carport.

f. **Maintenance Yard:** The site shall be allowed to be used as a maintenance yard to support the operations for Cal Water only. The maintenance yard shall be limited to the area shown on the site plan reviewed by the Planning Commission on December 12, 2017, and shall consist of the following improvements:

   i. Trash bins;
   ii. Emergency generators with internal diesel fuel supply;
   iii. Storage of parts and materials for maintenance and repairs to the water system within the storage building, the open rack structure, the five storage containers onsite, and within the previous location of the fill material bins at the north side of the site;
   iv. Three storage containers measuring 20' long x 8.5' wide x 8' tall, and two storage containers measuring 10' long x 8.5' wide x 8' tall, all with circular rooftop vents, shall be used for storage of parts and materials;
   v. Dumpsters for trash and recycling; and,
   vi. Storage of traffic control signs and equipment within an enclosure structure, or if stored within an open area, shall be screened from view from neighboring properties.
   vii. An above-ground 2,000 gallon gasoline storage tank originally permitted under CUP No. 172 Revision “B”.

   Any future revisions to the layout of the Maintenance Yard shall be reviewed by the Planning Commission as a Conditional Use Permit revision at a duly noticed public hearing.

g. **Temporary Storage of Spoils:** Spoils consisting of soil and fill materials (i.e. asphalt, road base, and sand) shall be allowed to be temporarily stored on site in three as-built bins, two measuring 20’ long x 20’ wide (for sand and base) and one measuring 20’ long and 10’ wide (for asphalt). The bins shall be located in the existing parking lot, south of the reservoir, as shown on the site plan reviewed by the Planning Commission on December 12, 2017. See Condition No. 6 above for additional details regarding the time frame for these bins.

h. **Permanent Spoils Storage:** When the temporary storage of spoils is relocated to an offsite location, this approval shall allow up to 5 cubic yards of spoils to be kept on site in a closed container to enable Cal Water to perform small, routine maintenance. As needed, the container shall be picked up by a waste company who shall remove the entire container. When a crew member is not emptying a container of spoils, the dumpster lid shall be kept closed to prevent the escape of any dust. No construction

machinery (such as a front loader) shall be used to dump spoils into the dumpster.

i. **Permanent Fill Materials Storage:** When the temporary storage of fill materials is relocated to an offsite location, this approval shall allow a small amount of sand (1yd^3), road base (1yd^3), and asphalt (2yd^3) to be kept on site in covered containers to enable Cal Water to perform small, routine maintenance. When a crew member is not utilizing the fill materials, the container lids shall be kept closed to prevent the escape of any dust. No construction machinery (such as a front loader) shall be used to dump and/or retrieve materials into the containers.

j. **Reservoir/Pumping Facilities:** The operation of a water storage facility with corollary facilities consisting of pumps, control valves, vents, and hatches. The reservoir surface shall be landscaped and maintained by CWS to the satisfaction of the Director of Community Development per Condition No. 24.k.

k. **Landscape Improvements:** No later than March 28, 2019, CWS shall install the following per the amended Landscape Plan reviewed by the Planning Commission on February 26, 2019:

   i. Placement of fill to connect the existing two earthen berms along the lower eastern property line (total length of 142 feet (142')).
   ii. Re-compact the earthen berm, cover with six inches (6") of topsoil so the berm can support plant growth, and hydroseed with Stover Hillside Grass Mix.
   iii. Install a six foot, eight inch (6'-8") tall, wood-pattern, greenish-brown vinyl fence on top of the entire length of the two connected earthen berms.
   iv. Install ninety seven (97) new plants along the entire periphery of the reservoir, and on the north, east and south sides of the maintenance yard including: Strawberry Tree, Ray Hartman California Lilac, Red Trumpet Vine, Hopseed Bush, Japanese Privet, Cape Plumbago, New Zealand Christmas tree, Gold Medallion tree, Pink Melaleuca, and Fern Pine.
   v. Hydroseed the lawn area above the reservoir with Buffalo Grass. The lawn shall be overseeded with a cool-season grass seed such as Ryegrass in the fall and shall be maintained per the 2019 updated Landscape Maintenance Plan. If a perennial cool-season grass seed is planted, it shall be supplemented as needed with additional seed mix in the fall to maintain coverage over the dormant Buffalo Grass.
   vi. Install new irrigation lines for the new plants.
   vii. CWS shall paint the dormant Buffalo Grass green with a non-toxic lawn paint by March 28, 2019 and shall reapply the paint as deemed necessary by the Director until the Buffalo Grass is substantially green.

This painting condition shall only apply until July 2019.

AMENDED PER P.C. RESOLUTION NO. 2019-XX ON FEBRUARY 26, 2019.

l. **Fencing Improvements:** No later than sixty (60) days from the date of the adoption of this Resolution, or March 10, 2018, CWS shall install the following fencing to provide screening between the site and the neighboring properties to the north and south

i. Installation of a six foot (6') tall fence with wires attached to the east side of the fence, to allow foliage to climb up and cover the fence, on top of the berm along its entire length.

MODIFIED PER P.C. RESOLUTION NO. 2019-__ ON FEBRUARY 26, 2019.

Hours of Operations

25. Daily facility operations shall occur Monday through Friday between 8:00 a.m. and 4:30 p.m.

26. Other than in emergency situations, fill materials (sand, road base, asphalt) and spoils drop-off and pickup shall only occur within the hours of 8:00 a.m. and 7:00 p.m., Monday through Friday, and 9:00 a.m. and 4:30 p.m. on Saturday, with none occurring on Sunday and/or Federal Holidays.

27. Not including spoils and materials pickup and delivery, deliveries involving commercial vehicles weighing in excess of 6,000 pounds shall be allowed only between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, and between 9:00 a.m. and 4:30 p.m. on Saturday, with none occurring on Sunday and/or Federal Holidays.

28. The refueling of vehicles and the refilling of the tank shall be permitted only during regular business hours (8:00 a.m. to 4:30 p.m., Monday through Friday, with no deliveries or refueling on Saturdays, Sundays or federal Holidays.), except in case of emergency. The tank shall only be used for the refueling of California Water Service Company's fleet vehicles and equipment, and not for vehicles or equipment belonging to or operated by members of the general public.

29. Maintenance of the reservoir, including inspecting the reservoir pumps, shall occur Monday through Friday between 2:00 p.m. and 10:00 p.m., and Saturday and Sunday between 8:00 a.m. and 4:30 p.m.

30. In the event of an emergency, the site may be utilized at any hour or day to respond to the specific emergency, and shall be staffed according to need. An emergency

is considered a threat to life, property or public health and safety.

31. The construction of the concrete pad and the installation of the tank will be subject to standard hours of construction activity, which are 7:00 a.m. to 6:00 p.m., Monday through Friday, 9:00 a.m to 5:00 p.m. on Saturday, with no construction activity permitted on Sundays or on the legal holidays as specified in Section 17.96.920 of the Rancho Palos Verdes Development Code.

Noise

32. There shall be no idling of vehicles or delivery trucks allowed during the refueling of the tanks. Engines shall be turned off during refueling.

33. No modifications shall be made to the fuel tank such that the noise levels created by utilization of the tank and pump exceed the 65 dBA as measured from the closest property line.

34. Within 90 days of the adoption of this Resolution, or by April 9, 2018, CWS shall install metal insulated sound attenuating structures around the water pumps and sound-attenuating blankets on the control valves on the southern end of the site and shall use a metal material that is greenish-brown ("Grouse Tan") color as deemed acceptable by the Director of Community Development.

35. Unless safety provisions require otherwise, the construction contractor shall adjust all audible back-up alarms to the lowest volume appropriate for safety purposes (i.e. still maintaining adequate signal-to-noise ratio for alarm effectiveness). The contractor shall consider signal persons, strobe lights, or alternative safety equipment and/or processes as allowed for reducing reliance on high-amplitude sonic alarms.

36. If noise attenuation features are required to be installed per Mitigation Measure N-6, a follow up noise analysis shall be completed within 30 days from the date of installation of these noise attenuation features to determine their effectiveness and thus whether additional measures need to be put in place. If required, these additional measures shall be installed within 30 days from the submittal to the City of the follow-up noise analysis.

Grading Permit

37. This permit allows for 20yd^3 of imported material to cover the reservoir area and fill the gap between the existing two earthen berms.

38. **PRIOR TO ISSUANCE OF ANY GRADING OR BUILDING PERMITS**, haul routes to transport soil shall be approved by the Public Works Department.

39. All movement of spoils and/or imported soil shall cease when winds gusts (as

instantaneous gusts) exceed 25 mph.

Spoils and Soil Testing

40. Until the spoils storage is permanently moved offsite, the spoils stored at the site shall be tested prior to each spoils bin pickup (emptying) by a certified soil testing lab utilizing the following tests:

a. Metals method 6020 (which tests for over 20 types of metals)
b. Mercury method 7471A (a technique which tests for mercury in solid or semisolid form.)
c. Volatiles method 8260B (which tests for over 100 types of volatile compounds)
d. Fish Bioassay (measures aquatic toxicity)
e. Asbestos

The resulting report for the tests required in this condition shall be forwarded to the City within one week of being completed and shall be made available to the public on the City's website and sent to interested parties via listserv within two business days of the City's receipt of the report.

CWS shall notify City Staff in advance of removing any spoil material to allow the City to issue a list-serve announcement to subscribers at least 24 hours in advance of removal.

41. Should any contaminants be found beyond the acceptable levels stipulated by the EPA, CWS shall be responsible for the appropriate disposal of the contaminated soil within one week of the forwarding of the resultant report to the City.

42. All storage bins containing dust-producing materials will be tarped when not loading or unloading.

43. When in use, the spoils and materials area be continuously watered, or watered as often as needed to reduce the release of dust.

44. Within 30 days of the adoption of this Resolution, or by February 8, 2018, signage requiring that the spoils and materials area be continuously watered, or watered as often as needed to reduce the release of fugitive dust when disturbed, shall be posted in a visible location at both the spoils bin and the temporary materials bins. Sand, road base and asphalt shall be shipped directly to job sites where practicable.

Views

45. All existing and proposed foliage shall be trimmed on an annual basis as determined by the Director of Community Development pursuant to Section 17.02

of the RPVMC in order to minimize any significant view impairment as seen from the adjacent residential properties. The first trimming shall occur by April 27, 2019. Each subsequent annual trimming shall occur on or before April of each year. The first, and all subsequent trimming levels shall be based on the trimming diagrams provided by Staff.

AMENDED PER P.C. RESOLUTION NO. 2019-__ ON FEBRUARY 26, 2019.

Lighting

46. Any temporary lighting used for emergencies shall be no taller than 10' in height and shall be pointed down to not cause excessive glare or light trespass onto any adjacent residential property or public street.

Landscape Maintenance

47. Prior to the installation of any landscaping approved in these Conditions of Approval, CWS shall submit a Landscape Maintenance Plan for review and approval by the Director of Community Development. At a minimum, the Landscape Plan shall be consistent with the following requirements:

- That landscape maintenance activities, including lawn mowing, are prohibited between the hours of 7:00 p.m. and 7:00 a.m. Monday through Saturday, and on Sundays and Federal holidays.

- That the use of weed and debris blowers and parking lot sweeping shall be prohibited before 8:00 a.m. or after 5:00 p.m., Monday through Friday, or before 9:00 a.m. or after 4:00 p.m. on Saturday or at any time on Sundays and Federal holidays.

- General identification of the irrigation hours.

- General tree pruning and trimming schedule.

The implementation of the Landscape Maintenance Plan shall be reviewed by the Director of Community Development 3 months after the installation of the landscaping, and shall be subsequently reviewed by the Planning Commission at the annual review required in Condition No. 3. At either review, the Director and/or the Planning Commission may determine that the Landscape Maintenance Plan needs to be revised to address confirmed noise impacts.

If the City receives any justified noise complaints that are caused by the maintenance of the landscape and lawn areas, as verified by the Director of Community Development, upon receipt of notice from the City, CWS shall respond to the verified complaint by notifying the City of the implementing corrective measures within 24 hours from the time of said notice.

Notice of the Director's decision resulting from the 3-month review of Landscape Maintenance Plan shall be provided to all interested parties and may be appealed to the Planning Commission by any interested party.

47.a The Landscape Maintenance Plan shall be updated and submitted to the Director for approval by March 28, 2019 to include maintenance guidelines for the Ryegrass or other cool-season grass that has been added to the landscape plan.

ADDED PER P.C. RESOLUTION NO. 2019-XX ON FEBRUARY 26, 2019.

48. Per the "Maintenance Guidelines" listed on sheet L-2 of the approved landscape plans, the newly planted shrubs, grass and irrigation shall be inspected weekly for 90 days after installation, and then monthly up to one year after installation. A written summary of this inspection shall be submitted (via email) to City Staff and shall be provided to the public via listserv email and posted on the City's website within two business days from receipt.

49. Dead plants shall be replaced as needed, with the same type of plant, or another type listed on the approved landscape plan, within two weeks of notification to CWS. Any alternative replacement plants shall be approved by the Director of Community Development.

<u>Mitigation Measures</u>

50. AES-1: The proposed landscaping and fencing shall be installed per the Plan approved by the Director of Community Development within 60 days from the date of the Planning Commission's approval of Conditional Use Permit No. 172 Revision "C". Within 30 days from installation, the Director of Community Development shall determine whether additional screening is needed to adequately screen the existing and proposed uses and structures on the site from the neighboring residences.

51. AES-2: All existing and proposed foliage shall be trimmed on an annual basis as determined by the Director of Community Development in order to minimize any significant view impairment as seen from the adjacent residential properties.

52. AES-3: Any temporary lighting used for emergencies shall be no taller than 10' in height and shall be pointed down to not cause excessive glare or light trespass onto any adjacent residential property or public street.

53. AQ-1: Any maintenance areas at the site which are not located on existing paved areas shall be treated with an environmentally-friendly sealant or shall be watered down as often as needed in order to prevent the release of dust caused by the movement of heavy equipment such as skip loaders, dump trucks, etc.

54. AQ-2: All trucks hauling soil, sand, and other loose materials shall be covered (e.g.,

with tarps or other enclosures that would reduce fugitive dust emissions), and shall have adequate freeboard to avoid spillage around the edges of the cover.

55. AQ-4: Prior to the final building inspection, the diesel fuel tank and associated equipment shall contain mechanisms to prevent the escape of vapors consistent with the City's adopted Uniform Building Code.

56. AQ-5: Minimize idling time by requiring that equipment be shut down after 5 minutes when not in use (as required by the State airborne toxics control measure [Title 13, Section 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site and provide a plan for the enforcement of this requirement.

57. AQ-6: Maintain all construction equipment in proper working condition and perform all preventative maintenance. Required maintenance includes compliance with all manufacturer's recommendations, proper upkeep and replacement of filters and mufflers, and maintenance of all engine and emissions systems in proper operating condition.

58. GEO-1: Building permits shall be obtained for all water system facilities, maintenance and operational uses, including any ancillary structures, if required.

59. HAZ-1: Prior to issuance of any permits from the Building & Safety Division CWS shall satisfy the criteria from the following agencies by obtaining appropriate approvals: 1) Waste Management Division of the Los Angeles; 2) County Department of Public Works for dispensing fuel and management of motor fuel waste products. 3) Approval from the Los Angeles County Fire Department for the installation of the new tank and pump.

60. HAZ-2: Prior to issuance of any permits from the Building & Safety Division, CWS shall demonstrate that the proposed 1,000 gallon diesel fuel storage tank complies with Underwriters Laboratories (UL) Standard 142 for "Steel Aboveground Tanks for Flammable and Combustible Liquids" and UL Standard 2085 for "Protected Aboveground Tanks for Flammable and Combustible Liquids", by incorporating design features that create a barrier to prevent fuel leaks.

61. HAZ-3: The spoils stored at the site shall be tested just prior to CWS's off-site disposal of the spoils and the results obtained before the material in the spoils bin is disposed of off-site. Testing shall include typical contaminants. The resulting report for these tests shall be forwarded to the City within one week of completion. Should any contaminants be found beyond the acceptable levels set by the United States Environmental Protection Agency, CWS shall be responsible for the appropriate disposal of the contaminated soil in a manner which complies with applicable state and federal law. This mitigation measure shall no longer be applicable after Cal Water relocates the spoils bin to a new site.

62. HAZ-4: Diesel fuel and oil will be used, stored and disposed in accordance with standard protocols for handling of hazardous materials. All personnel involved in use of hazardous materials will be trained in emergency response and spill control. Written evidence of this training shall be provided to City Staff within 15 days from the date the diesel fuel tank is put into service on the site.

63. HWQ-1: Prior to any permit issuance by the City's Building and Safety Division, CWS shall submit for review and approval a drainage plan that complies with the National Pollutant Discharge Elimination System permits for storm water discharges.

64. HWQ-2: Prior to any permit issuance by the City's Building and Safety Division, the project shall apply Best Management Practices (BMPs) for run-off control during construction activities to prevent pollutants from entering the City's storm drains.

65. HWQ-3: Prior to issuance of any permits from the City's Building & Safety Division, CWS shall demonstrate that the proposed 1,000 gallon diesel fuel storage tank complies with Underwriters Laboratories (UL) Standard 142 for "Steel Aboveground Tanks for Flammable and Combustible Liquids" and UL Standard 2085 for "Protected Aboveground Tanks for Flammable and Combustible Liquids", by incorporating design features that create a barrier to prevent fuel leaks.

66. LUP-1: Conditions of approval from Conditional Use Permit No. 172 and Revisions "A" and "B" shall remain in full force and effect as reflected in Condition No. 22. In cases where contradictions exist between conditions, the stricter condition shall govern.

67. N-1: Permitted hours and days for construction activity are 7:00 a.m. to 6:00 p.m., Monday through Friday, 9:00 a.m. to 5:00 p.m. on 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. During demolition, construction and/or grading operations, trucks shall not park, queue and/or idle at the project site or in the adjoining street rights-of-way before 7:00 a.m. Monday through Friday and before 9:00 a.m. on Saturday, in accordance with the permitted hours of construction stated in this condition. When feasible to do so, the construction contractor shall provide staging areas on-site to minimize off-site transportation of heavy construction equipment. These areas shall be located to maximize the distance between staging activities and neighboring properties, subject to approval by the building official.

68. N-2: Noise generated by the daily operations, including the proposed fuel tank and pump and any other associated equipment, shall not exceed 65 dBA as measured from the closest property line.

69. N-3: Not including spoils and materials pickup and delivery, deliveries involving

commercial vehicles weighing in excess of 6,000 pounds shall be allowed only between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, and between 9:00 a.m. and 4:30 p.m. on Saturday, with none occurring on Sunday and/or Federal Holidays.

70. N-4: There shall be no use of the spoils or storage bins between the hours of 7:00 p.m. and 8:00 a.m., Monday through Friday, nor before 9:00 a.m. or after 4:30 p.m. on Saturday, with none occurring on Sunday and/or Federal Holidays.

71. N-5: Unless safety provisions require otherwise, the construction contractor shall adjust all audible back-up alarms to the lowest volume appropriate for safety purposes (i.e. still maintaining adequate signal-to-noise ratio for alarm effectiveness). The contractor shall consider signal persons, strobe lights, or alternative safety equipment and/or processes as allowed for reducing reliance on high-amplitude sonic alarms.

72. N-6: A noise study shall be completed within 30 days of the Planning Commission's approval of the CUP to assess the noise levels of a typical spoils pickup and a typical fill materials delivery at the closest property line. If it determined that the noise levels exceed 65dBA at any property line, CWS shall be required to install noise attenuation features, such as, but not limited to, portable noise barriers to reduce these decibel levels to less than 65dBA at the adjacent property lines.