

P.C. RESOLUTION NO. 2014-31

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES, CERTIFYING A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR PLANNING CASE NO. ZON2014-00332 (COASTAL PERMIT AND CONDITIONAL USE PERMIT) FOR THE CONVERSION OF A PORTION OF THE HARDEN ESTATE GATEHOUSE INTO THE "HERITAGE CASTLE MUSEUM," LOCATED AT 5500 PALOS VERDES DRIVE SOUTH

WHEREAS, on August 21, 2014, applications for a Coastal Permit, Conditional Use Permit and Environmental Assessment (Planning Case No. ZON2014-00332) were submitted to the Community Development Department by the applicants, Dr. Allan and Mrs. Charlotte Ginsburg, to allow the conversion of a portion of the Harden Estate Gatehouse on a 2.06-acre site at 5500 Palos Verdes Drive South into the "Heritage Castle Museum"; and,

WHEREAS, on September 10, 2014, the application for Planning Case No. ZON2014-00332 was deemed complete by Staff; and,

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Section 21000 *et. seq.* ("CEQA"), the State's CEQA Guidelines, California Code of Regulation, Title 14, Section 15000 *et. seq.*, the City's Local CEQA Guidelines, and Government Code Section 65962.5(F) (Hazardous Waste and Substances Statement), the City of Rancho Palos Verdes prepared an Initial Study and determined that, by incorporating mitigation measures into the Negative Declaration, there is no substantial evidence that the approval of Planning Case No. ZON2014-00332 would result in a significant adverse effect on the environment. Accordingly, a Draft Mitigated Negative Declaration was prepared and circulated for public review for thirty (30) days between October 9, 2014, and November 10, 2014, and notice of that fact was given in the manner required by law; and,

WHEREAS, after issuing notices pursuant to the requirements of the Rancho Palos Verdes Development Code and the State CEQA Guidelines, the Planning Commission held a duly-noticed public hearing on October 28, 2014, November 11, 2014, and December 9, 2014 at which time all interested parties were given the 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: The Planning Commission has independently reviewed and considered the proposed Mitigated Negative Declaration, the public comments upon it, and other evidence before the Commission prior to taking action on the proposed project

and finds that the Mitigated Negative Declaration was prepared in the manner required by law and that there is no substantial evidence that, with appropriate mitigation measures, the approval of Planning Case No. ZON2014-00332 (Coastal Permit and Conditional Use Permit) would result in a significant adverse effect upon the environment.

Section 2: Planning Case No. ZON2014-00332 for a Coastal Permit and Conditional Use Permit is consistent with the Rancho Palos Verdes General Plan and with the underlying Residential, ≤ 1 DU/Acre land use designation, which will not be changed as a result of the approval of the proposed project.

Section 3: Planning Case No. ZON2014-00332 for a Coastal Permit and Conditional Use Permit is consistent with the Rancho Palos Verdes Coastal Specific Plan and with the underlying Residential, ≤ 1 DU/Acre land use designation, which will not be changed as a result of the approval of the proposed project.

Section 4: There are no sensitive natural habitat areas on the subject site. Thus, site disturbance or alteration resulting from the approval of Planning Case No. ZON2014-00332 for a Coastal Permit and Conditional Use Permit will have no significant impact upon protected habitat. Therefore, the project will have no individual or cumulative adverse impacts upon resources, as defined in Section 711.2 of the State Fish and Game Code.

Section 5: With the appropriate mitigation measures, which impose limitations on exterior illumination and amplified sound for special events; require that any existing encroachments onto the abutting City park and nature preserve be cured within one (1) year of the commencement of use; require the designation of the property and structures as a local historic site; require final approvals from the City's Building Official and geotechnical and NPDES consultants prior to building permit issuance; limit the hours of nighttime special events on the property; require Fire Department approval for any modifications to the property and structures; and require the provision of additional off-site parking and shuttle service for special events, if needed; the proposed project will not have a significant impact on the environment.

Section 6: Based upon the foregoing findings, the adoption of the proposed Mitigated Negative Declaration is in the public interest.

Section 7: For the foregoing reasons and based on the information and findings included in the Staff Report, Environmental Assessment and other components of the legislative record, in the proposed Mitigated Negative Declaration, and in the public comments received by the Commission, the Planning Commission of the City of Rancho Palos Verdes hereby certifies that the Mitigated Negative Declaration has been prepared in compliance with CEQA and adopts the attached Mitigation Monitoring Program (Exhibit 'A') associated with Planning Case No. ZON2014-00332 (Coastal Permit and Conditional Use Permit) for the proposed "Heritage Castle Museum," thereby approving the

conversion of a portion of the Harden Estate Gatehouse at 5500 Palos Verdes Drive South to non-residential use.

PASSED, APPROVED, AND ADOPTED this 9th day of December 2014 by the following vote:

AYES: Commissioners Cruikshank, Emenhiser, James and Tomblin,
Vice Chair Nelson and Chair Leon

NOES: None

ABSTENTIONS: None

ABSENT: Commissioner Gerstner

RECUSALS: None



Gordon Leon
Chairman



Joel Rojas, AICP
Director of Community Development; and,
Secretary to the Planning Commission

Exhibit 'A'

Mitigation Monitoring Program

Project: Case No. ZON2014-00332 (Coastal Permit, Conditional Use Permit & Environmental Assessment)

Location: 5500 Palos Verdes Drive South
Rancho Palos Verdes, CA 90275

Applicant: Dr. Allan Ginsburg & Mrs. Charlotte Ginsburg (Heritage Castle Museum)

Landowner: Same as Applicant

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I. INTRODUCTION

PURPOSE

This Mitigation Monitoring Program (MMP) is to allow the following project:

The proposed "Heritage Castle Museum" would occupy a 2,690-square-foot portion of the existing Harden Estate gatehouse, located at 5500 Palos Verdes Drive South. The museum would feature interactive, state-of-the-art exhibits telling the history of the Palos Verdes Peninsula. Tours of the facility would be docent-led and by appointment only. The museum and grounds would also be made available for up to twelve (12) events each year for local non-profit organizations, with a maximum occupancy of forty-nine (49) persons. Thirty-three (33) off-street parking spaces will be provided on the grounds of the museum. An existing barn will be removed from the grounds, an existing 96-square-foot, 8½-foot tall pergola will be legalized and the existing swimming pool will be modified into a reflecting pond by reducing its depth to less than eighteen inches (18"). All other alternations to the structure and site are proposed to occur inside of the existing gatehouse building.

The MMP responds to Section 21081.6 of the Public Resources Code, which requires a lead or responsible agency that approves or carries out a project where a Mitigated Negative Declaration has identified significant environmental effects, to adopt a "reporting or monitoring program for adopted or required changes to mitigate or avoid significant environmental effects." The City of Rancho Palos Verdes is acting as lead agency for the project.

An Initial Study/Mitigated Negative Declaration was prepared to address the potential environmental impacts of the project. Where appropriate, this environmental document recommended mitigation measures to mitigate or avoid impacts identified. Consistent with Section 21080 (2)(c) of the Public Resources Code, a mitigation reporting or monitoring program is required to ensure that the adopted mitigation measures under the jurisdiction of the City are implemented. The City will adopt this MMP when adopting the Mitigated Negative Declaration.

ENVIRONMENTAL PROCEDURES

This MMP has been prepared in accordance with the California Environmental Quality Act of 1970 (CEQA), as amended (Public Resources Code Section 21000 et seq.) and the State Guidelines for Implementation of CEQA (CEQA Guidelines), as amended (California Administrative Code Section 15000 et seq.). This MMP complies with the rules, regulations, and procedures adopted by the City of Rancho Palos Verdes for implementation of CEQA.

MITIGATION MONITORING PROGRAM REQUIREMENTS

Section 21081.6 of the Public Resources Code states: "When making the findings required by subdivision (a) of Section 21081 or when adopting a negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21081, the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of an agency having jurisdiction by law over natural resources affected by the project, that

agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program."

II. MANAGEMENT OF THE MITIGATION MONITORING PROGRAM

ROLES AND RESPONSIBILITIES

The MMP for the project will be in place through all phases of the project including final design, pre-grading, construction, and operation. The City will have the primary enforcement role for the mitigation measures.

MITIGATION MONITORING PROGRAM PROCEDURES

The mitigation monitoring procedures for this MMP consists of, filing requirements, and compliance verification. The Mitigation Monitoring Checklist and procedures for its use are outlined below.

Mitigation Monitoring Program Checklist

The MMP Checklist provides a comprehensive list of the required mitigation measures. In addition, the Mitigation Monitoring Checklist includes: the implementing action when the mitigation measure will occur; the method of verification of compliance; the timing of verification; the department or agency responsible for implementing the mitigation measures; and compliance verification. Section III provides the MMP Checklist.

Mitigation Monitoring Program Files

Files shall be established to document and retain the records of this MMP. The files shall be established, organized, and retained by the City of Rancho Palos Verdes department of Planning, Building, and Code Enforcement.

Compliance Verification

The MMP Checklist shall be signed when compliance of the mitigation measure is met according to the City of Rancho Palos Verdes Director of Community Development. The compliance verification section of the MMP Checklist shall be signed, for mitigation measures requiring ongoing monitoring, and when the monitoring of a mitigation measure is completed.

MITIGATION MONITORING OPERATIONS

The following steps shall be followed for implementation, monitoring, and verification of each mitigation measure:

1. The City of Rancho Palos Verdes, Director of Community Development shall designate a party responsible for monitoring of the mitigation measures.
2. The City of Rancho Palos Verdes, Director of Community Development shall provide to the party responsible for the monitoring of a given mitigation measure, a copy of the MMP Checklist indicating the mitigation measures for which the person is responsible and other pertinent information.

3. The party responsible for monitoring shall then verify compliance and sign the Compliance Verification column of the MMP Checklist for the appropriate mitigation measures.

Mitigation measures shall be implemented as specified by the MMP Checklist. During any project phase, unanticipated circumstances may arise requiring the refinement or addition of mitigation measures. The City of Rancho Palos Verdes, Director of Community Development with advice from Staff or another City department, is responsible for recommending changes to the mitigation measures, if needed. If mitigation measures are refined, the Director of Community Development would document the change and shall notify the appropriate design, construction, or operations personnel about refined requirements.

III. MITIGATION MONITORING PROGRAM CHECKLIST

INTRODUCTION

This section provides the MMP Checklist for the project as approved by the Planning Commission of the City of Rancho Palos Verdes on November 11, 2003. Mitigation measures are listed in the order in which they appear in the Initial Study.

- * **Types** of measures are *project design, construction, operational, or cumulative*.
- * **Time of Implementation** indicates **when** the measure is to be implemented.
- * **Responsible Entity** indicates **who** is responsible for implementation.
- * **Compliance Verification** provides space for future reference and notation that compliance has been monitored, verified, and is consistent with these mitigation measures.

MITIGATION MEASURES	TYPE	TIME OF IMPLEMENTATION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
1. AESTHETICS				
<p>AES-1: Temporary, exterior illumination for events on the premises shall be installed in such a manner that lights are directed toward the subject property and away from surrounding residences and Abalone Cove Shoreline Park.</p>	Operational	On-Going	Property owner	Department of Community Development
2. BIOLOGICAL RESOURCES				
<p>BIO-1: Within one (1) year of the City's approval of the proposed project, the applicant and the City shall reach and execute an agreement to eliminate any existing encroachment(s) of private improvements upon Abalone Cove Shoreline Park and the Palos Verdes Nature Preserve. The applicant shall conduct a property survey to determine the extent of such existing encroachment(s). The means to alleviate the encroachment(s) may include but not be limited to a lot line adjustment, an easement and/or a license agreement between the City and the applicant. Said agreement shall be subject to the review of the State Resources Agencies, the Palos Verdes Peninsula Land Conservancy, the Successor Agency to the Rancho Palos Verdes Redevelopment Agency, and the Rancho Palos Verdes Successor Agency Oversight Board.</p>	Project Design	Within one (1) year of final City approval	City and property owner	Department of Community Development
3. CULTURAL RESOURCES				
<p>CUL-1: Prior to the issuance of a building permit for any modifications to the building, the City and the applicant shall agree to designate the property and structures as a historic site for the purposes of utilizing the State Historic Building Code (SHBC). The means to accomplish said designation shall be determined and approved by the City Council.</p>	Project design	Prior to Building Permit issuance	City and property owner	Department of Community Development

4. GEOLOGY AND SOILS					
<u>GEO-1:</u> If required by the City geotechnical staff, the applicant shall submit a soils report, and/or a geotechnical report, for the review and approval of the City geotechnical staff.	Construction	Prior to Building Permit issuance	Property owner	Department of Community Development	
<u>GEO-2:</u> All other necessary permits and approvals required pursuant to the Rancho Palos Verdes Municipal Code or any other applicable statute, law or ordinance shall be obtained.	Construction	Prior to Building Permit issuance	Property owner	Department of Community Development	
5. HYDROLOGY/WATER QUALITY					
<u>HYD-1:</u> Any development proposal located within, adjacent to or draining into a designated Environmentally Sensitive Area (ESA) and involving the creation of two thousand five hundred square feet or more ($\geq 2,500$ SF) of impervious surface shall require the review and approval by the City's National Pollutant Discharge Elimination System (NPDES) consultant prior to building permit issuance.	Project Design	Prior to Building Permit issuance	Property owner	Department of Community Development	
<u>HYD-2:</u> All landscaping irrigation systems shall be part of a water management system approved by the Director of Public Works. Irrigation for landscaping shall be permitted only as necessary to maintain the yard and garden.	Post-Construction	Prior to issuance of Certificate of Occupancy	Property owner	Department of Public Works	
6. NOISE					
<u>NOI-1:</u> Temporary, amplified sound and/or music for events on the premises shall be installed in such a manner that speakers are directed toward the subject property and away from surrounding residences and Abalone Cove Shoreline Park.	Operational	On-Going	Property owner	Department of Community Development	
<u>NOI-2:</u> Evening events on the premises shall cease no later than 10:00 PM.	Operational	On-Going	Property owner	Department of Community Development	

7. TRANSPORTATION/TRAFFIC				
	Construction	Prior to Building Permit issuance	Property owner	Department of Community Development
<p><u>TRA-1:</u> Prior to the issuance of a building permit for any modifications to the building, the applicant shall receive approval from the Los Angeles County Fire Department.</p> <p><u>TRA-2:</u> In the event that additional off-street parking is need for special events on the premises, attendees may be shuttled to the site from a remote location, with the advance approval of the Director of Community Development and the Director of Public Works.</p>	Operational	On-Going	Property owner	Department of Community Development and Department of Public Works