



# RANCHO PALOS VERDES

## PUBLIC HEARING

**Date:** December 2, 2008

**Subject:** Resolution Requesting That The Local Agency Formation Commission Initiate Proceedings For The Reorganization Of Territory Related To The Highridge Condominiums Project, Located At 28220 Highridge Road

**Subject Property:** 28220 Highridge Road

1. **Declare the Hearing Open:** Mayor
2. **Report of Notice Given:** City Clerk Morreale
3. **Staff Report & Recommendation:** Associate Planner Fox
4. **Public Testimony:**

**Appellants:** N/A

**Applicants:** REC Development, Inc.

5. **Council Questions:**
6. **Rebuttal:** N/A
7. **Declare Hearing Closed:** Mayor
8. **Council Deliberation:**
9. **Council Action:**

**MEMORANDUM**

**TO:** HONORABLE MAYOR & CITY COUNCIL MEMBERS  
**FROM:** JOEL ROJAS, AICP, DIRECTOR OF PLANNING,  
BUILDING AND CODE ENFORCEMENT  
**DATE:** DECEMBER 2, 2008  
**SUBJECT:** RESOLUTION REQUESTING THAT THE LOCAL AGENCY  
FORMATION COMMISSION INITIATE PROCEEDINGS  
FOR THE REORGANIZATION OF TERRITORY RELATED  
TO THE HIGHRIDGE CONDOMINIUMS PROJECT,  
LOCATED AT 28220 HIGHRIDGE ROAD  
**REVIEWED:** CAROLYN LEHR, CITY MANAGER  
Project Manager: Kit Fox, AICP, Associate Planner

**RECOMMENDATION**

Adopt Resolution No. 2008-\_\_\_, thereby requesting that the Local Agency Formation Commission initiate proceedings for the reorganization of territory related to the Highridge Condominiums project.

**EXECUTIVE SUMMARY**

On October 21, 2008, the City Council conditionally approved the 28-unit Highridge Condominiums project (Planning Case Nos. SUB2007-00003 and ZON2007-00072). Since a small portion of the project is located within a 440-square-foot area that is within the City of Rolling Hills Estates, it is necessary for this area to be detached from the City of Rolling Hills Estates and annexed by the City of Rancho Palos Verdes. The adoption of the attached Resolution is the first step in the detachment/annexation process with the Los Angeles County Local Agency Formation Commission (LAFCO).

**BACKGROUND**

On October 21, 2008, the City Council adopted Resolution Nos. 2008-101 and 2008-102 by a 3-1 vote (with Councilman Long dissenting and Councilman Gardiner absent), thereby certifying the Mitigated Negative Declaration and conditionally approving the proposed 28-unit condominium project, respectively. The approved project did not include the revised design requested by the City Council on September 16, 2008, because the City Council

found that the project revisions did not significantly reduce the view impacts of the project upon the residence at 7 Via La Cima when compared to the Planning Commission-recommended proposal, and actually exacerbated view impacts upon other *La Cima* residences that were previously found to be less-than-significant by the Planning Commission.

The next step in the processing of this application is the annexation of the 440-square-foot portion of the 1.25-acre site that is currently in the City of Rolling Hills Estates. This annexation must occur before the final tract map is recorded and/or grading permits are issued. The first step in the LAFCO process is for the City Council to adopt a resolution asking LAFCO to initiate the reorganization of territory. Therefore, a draft resolution to this effect has been prepared for the City Council's adoption.

## **DISCUSSION**

The detachment and annexation of territory from one agency's jurisdiction to another's falls within the purview of LAFCO. The mission of LAFCO is to encourage the orderly development and reorganization of local governmental agencies, essential to the social, fiscal, and economic well-being of the State. To achieve this mission, LAFCO operates under the authority of the Cortese-Knox-Hertzberg Act of 2000 (California Government Code Section 56000, *et seq.*).

LAFCO has developed a model resolution for the initiation of the reorganization of territory; the draft Resolution presented with this report is based upon that model. As discussed in the draft Resolution, the principal reasons for the proposed reorganization are:

- To allow the development of the approved residential condominium project to occur wholly within the corporate boundaries of the City of Rancho Palos Verdes so as to simplify and maximize the efficiency of providing public services to the future residents of the project;
- To facilitate the timely development of two (2) new dwelling units that will be affordable to very-low-income families, which are required as a part of the approved residential condominium project; and,
- To correct an apparent error in the logical placement of a portion of the corporate boundary between the City of Rancho Palos Verdes and the City of Rolling Hills Estates.

With the adoption of the draft Resolution and the submittal of a complete application, LAFCO and the County will begin the review process for the proposed detachment and annexation. This process will include the reapportionment of property tax and other revenues for both cities and any other affected public agencies. Given that the property in question measures only 0.010 acre, the proportional fiscal impacts are expected to be negligible. Nevertheless, once the County determines the reapportionment formula, it will need to be presented to and formally approved by the city councils of both cities. LAFCO will also conduct a duly-noticed public hearing before taking action on the detachment/annexation request, at which time written protests may be filed with LAFCO. LAFCO Staff estimates that the detachment and annexation process may take up to a year.

## ADDITIONAL INFORMATION

### Concurrence of the City of Rolling Hills Estates

On October 29, 2008, Staff and the applicant met with Planning Director David Wahba and Principal Planner Niki Cutler of the City of Rolling Hills Estates to discuss the detachment/annexation process. Early in the review of this project, Staff had consulted with Mr. Wahba and Ms. Cutler regarding the proposed annexation, receiving in response the attached letter of March 29, 2007, indicating that they believed that the City of Rolling Hills Estates would not object to the proposed annexation. Although not required by LAFCO as a part of the detachment/annexation application, the Rolling Hills Estates City Council will be asked to adopt a similar resolution on December 9, 2008.

### Public Notification

On November 5, 2008, public notices were mailed to the applicant/property owner, one hundred eighty-four (184) other property owners within a 500-foot radius of the project site, seventeen (17) other interested parties, and the City of Rolling Hills Estates. The public hearing notice was posted on the City's website and a listserve message was sent to Highridge Condominiums listserve subscribers on November 6, 2008. On November 8, 2008, public notice of the December 2, 2008, public hearing for this application was published in the Palos Verdes Peninsula News. As of the date that this report was completed, Staff had received no comments from any notified parties.

### CEQA Compliance

On October 21, 2008, the City Council adopted Resolution No. 2008-101, certifying the Mitigated Negative Declaration (MND) prepared for the Highridge Condominiums project and adopting a Mitigation Monitoring Program. The proposed detachment/annexation was discussed in the MND, and a mitigation measure related to it was imposed, to wit:

*Land Use and Planning Mitigation Measure No. 1 [LUP-1] - Prior to final tract map recordation, the 440-square-foot (0.010 acre) portion of the project site that is located in the City of Rolling Hills Estates (Assessor's Parcel No. 7589-007-802) shall be annexed to the City of Rancho Palos Verdes, in accordance with the procedures established by the Los Angeles County Local Agency Formation Commission (LAFCO). The applicant shall be responsible for all City costs associated with processing the annexation request.*

As such, the adoption of the draft Resolution is consistent with and within the scope of the City Council's previous action taken to approve the MND for this project.

### Further Review of Development Plans

While the LAFCO is processing the detachment/annexation application, Staff will allow the developer to submit plans to the Building and Safety Division to begin plan check, but only with written acknowledgement that the developer does so at his own risk in the event that the detachment/annexation is not approved and the project has to be re-designed. Staff will not issue grading and/or building permits for the approved project until the detachment/annexation process and related re-zoning is complete. However, Staff will issue a demolition permit for the existing structure on the site, subject to the satisfaction of

all applicable requirements of the City's Building & Safety Division, and those of any other City department or other governmental agency with jurisdiction over such matters.

In the meantime, the developer will presumably be preparing for the submittal of the final tract map, which will require City Council approval. Pursuant to the project's conditions of approval, the final tract map cannot be approved until the detachment/annexation process is complete. At the time that the final tract map is presented for the City Council's approval, Staff will also present an Ordinance that will re-zone the annexed portion of the site to match the rest of the property (i.e., RM-22). With the detachment/annexation, re-zoning and plan check complete, the developer will then be able to proceed with the construction of the approved project. The project's entitlements are valid until October 21, 2010.

### **CONCLUSION**

In conclusion, Staff recommends that the City Council adopt the draft Resolution requesting the Local Agency Formation Commission to initiate proceedings for the reorganization of territory related to the Highridge Condominiums project.

### **ALTERNATIVES**

In addition to the Staff recommendation, the following alternative action is available for the City Council's consideration:

1. Do not adopt the draft Resolution to initiate proceedings for the reorganization of territory related to the Highridge Condominiums project. This alternative will require the applicant to re-design the approved project so as not to encroach upon the portion of the project site that currently falls within the City of Rolling Hills Estates.

### **FISCAL IMPACT**

The costs associated with the proposed detachment and annexation will be wholly borne by the project applicant. If successfully annexed, the additional 0.010-acre of territory is expected to have a negligible fiscal impact upon the City of Rancho Palos Verdes.

#### **Attachments:**

- Draft Resolution No. 2008-\_\_
- Letter from Rolling Hills Estates (dated March 29, 2007)

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**RESOLUTION NO. 2008-\_\_**

**A RESOLUTION OF APPLICATION BY THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR THE REORGANIZATION OF TERRITORY**

WHEREAS, on October 21, 2008, the City Council of the City of Rancho Palos Verdes conditionally approved an application for a 28-unit residential condominium project on an undeveloped 1.25-acre site, of which a 440-square-foot portion lies within the corporate boundaries of the City of Rolling Hills Estates, a municipal corporation; and,

WHEREAS, the City of Rancho Palos Verdes desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for a reorganization which would concurrently annex territory to the City of Rancho Palos Verdes and detach territory from the City of Rolling Hills Estates; and,

WHEREAS, notice of intent to adopt this Resolution of application has been given in accordance with the provisions of Section 56157 of the California Government Code, and this City Council has conducted a public hearing on December 2, 2008 based upon this notification; and,

WHEREAS, the principal reasons for the proposed reorganization are as follows: to allow the development of the approved residential condominium project to occur wholly within the corporate boundaries of the City of Rancho Palos Verdes so as to simplify and maximize the efficiency of providing public services to the future residents of the project; to facilitate the timely development of two (2) new dwelling units that will be affordable to very-low-income families, which are required as a part of the approved residential condominium project; and to correct an apparent error in the logical placement of a portion of the corporate boundary between the City of Rancho Palos Verdes and the City of Rolling Hills Estates; and,

WHEREAS, the following agency or agencies would be affected by the proposed jurisdictional changes:

<b>Agency</b>	<b>Nature of Change</b>
City of Rancho Palos Verdes	Annexation of 0.010 acre
City of Rolling Hills Estates	Detachment of 0.010 acre

and,

WHEREAS, the territory proposed to be reorganized is uninhabited, and a map and description of the boundaries of the territory are attached hereto as Exhibits 'A' and 'B', respectively, and by this reference incorporated herein; and,

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions: all mitigation measures adopted in conjunction with the certification of the Mitigated Negative Declaration approved by the City Council of the City of Rancho Palos Verdes pursuant to Resolution No. 2008-101 on October 21, 2008; and all conditions of approval for Vesting Tentative Tract Map No. 68796, General Plan Amendment, Zone Change, Conditional Use Permit, Grading Permit and Density Bonus (Planning Case Nos. SUB2007-00003 and ZON2007-00072) approved by the City Council of the City of Rancho Palos Verdes pursuant to Resolution No. 2008-102 on October 21, 2008; and,

WHEREAS, this proposal is not consistent with the adopted spheres of influence for all of the agencies which would be affected by reorganization, so this request also includes amendments to the spheres of influence of the cities of Rancho Palos Verdes and Rolling Hills Estates; and,

WHEREAS, this City Council of the City of Rancho Palos Verdes certifies that, 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 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), the City of Rancho Palos Verdes revised the Initial Study and determined that, by incorporating mitigation measures into the Negative Declaration, there is no substantial evidence that the approval of Planning Case Nos. SUB2007-00003 and ZON2007-00072—as revised—would result in a significant adverse effect on the environment. Accordingly, a Revised Draft Mitigated Negative Declaration was prepared and circulated for public review for twenty (20) days between July 2, 2008 and July 22, 2008, and notice of that fact was given in the manner required by law; and,

NOW, THEREFORE, this Resolution of Application is hereby adopted and approved by the City Council of the City of Rancho Palos Verdes, and the Local Agency Formation Commission of Los Angeles County is hereby requested to take proceedings for the annexation of territory as authorized and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

PASSED, APPROVED, AND ADOPTED this \_\_\_<sup>nd</sup> day of December 2008.

\_\_\_\_\_  
Mayor

Attest:

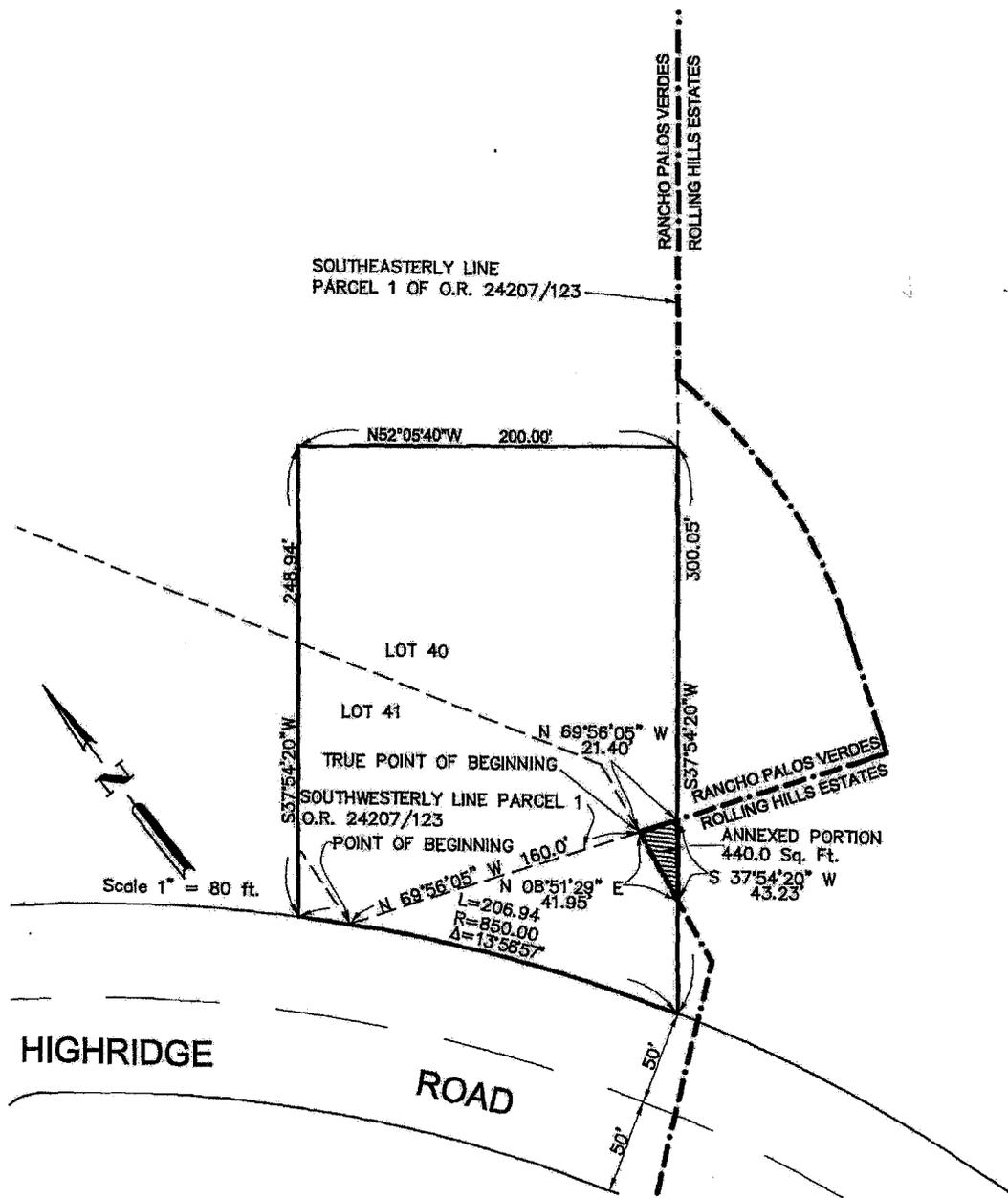
\_\_\_\_\_  
City Clerk

State of California                    )  
County of Los Angeles                ) ss  
City of Rancho Palos Verdes         )

I, Carla Morreale, City Clerk of the City of Rancho Palos Verdes, hereby certify that the above Resolution No. 2008-\_\_ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on \_\_\_\_\_, 2008.

\_\_\_\_\_  
City Clerk

**EXHIBIT 'A'**  
**Annexation No. 2008-20**  
**Map**



**EXHIBIT 'B'**  
**Annexation No. 2008-20**  
**Legal Description**

That portion of Lot 40 of Los Angeles County Assessor's Map No. 51, in the City of Rolling Hills Estates, in the County of Los Angeles, State of California, as per map recorded in Book 1 Page 1 of Assessor's Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the most Westerly corner of the land described as Parcel 1, in the Deed recorded as Document No. 122, on February 3, 1947, in Book 23207 Page 123 of Official Records of said County; thence along the Southwesterly line of said Parcel 1, South 69°56'05" East, 160.00 feet to a point on the Westerly boundary of said Lot 40, said point being the True Point of Beginning; thence continuing along said Southwesterly line of Lot 40, South 69°56'05" East, 21.40 feet to the Southwesterly prolongation of the Southeasterly line of said Parcel 1; thence along said prolongation South 37°54'20" West, 43.23 feet to the Easterly boundary of Lot 41 of said Assessor's Map; thence along said boundary North 8°51'29" East, 41.95 feet to the True Point of Beginning.

Contains an area of 440 square feet.

SUSAN SEAMANS  
*Mayor*  
FRANK V. ZERUNYAN  
*Mayor Pro Tem*  
JOHN C. ADDLEMAN  
*Council Member*  
JUDY MITCHELL  
*Council Member*  
STEVEN ZUCKERMAN  
*Council Member*  
DOUGLAS R. PRICHARD  
*City Manager*



THE CITY OF  
**ROLLING HILLS ESTATES**  
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[www.ci.Rolling-Hills-Estates.ca.us](http://www.ci.Rolling-Hills-Estates.ca.us)

March 29, 2007

Mr. Kit Fox

City of Rancho Palos Verdes  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275-5391

Dear Mr. Fox,

The City of Rolling Hills Estates is in receipt of your letter dated March 12, 2007 and plans for the proposed condominium project at 28220 Highridge Road. While the majority of the 1.24-acre project site is within the City of Rancho Palos Verdes, a 440 square foot parcel is located within the City of Rolling Hills Estates.

After consideration of project plans, staff believes that a deannexation/annexation of the 440 square foot parcel from the City of Rolling Hills Estates into the City of Rancho Palos Verdes would be appropriate. This would allow permanent consolidation of the project site under one jurisdiction. Staff would also suggest that the City of Rancho Palos Verdes serve as the lead agency for this boundary change before the Local Agency Formation Commission with Rolling Hills Estates staff assisting with this effort in any way necessary.

If you have any questions, please feel free to call me at (310) 377-1577 x115, or email me at [nikic@ci.rolling-hills-estates.ca.us](mailto:nikic@ci.rolling-hills-estates.ca.us).

Sincerely,

A handwritten signature in cursive script that reads 'Niki Cutler'.

Niki Cutler  
Senior Planner

**RECEIVED**

MAR 30 2007

**PLANNING, BUILDING &  
CODE ENFORCEMENT**